

AL-MUHALLA

كِتَابُ التَّيَمُّمِ

The Book of Dry Ablution (Tayammum)

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[كِتَابُ التَّيَمُّمِ] [مَسْأَلَةٌ يَتَيَمَّمُ مِنَ الْمَرْضَى مَنْ لَا يَجِدُ الْمَاءَ]

٢٢٤ - مَسْأَلَةٌ:

لَا يَتَيَمَّمُ مِنَ الْمَرْضَى إِلَّا مَنْ لَا يَجِدُ الْمَاءَ، أَوْ مَنْ عَلَيْهِ مَشَقَّةٌ وَحَرَجٌ فِي الْوُضُوءِ بِالْمَاءِ أَوْ فِي الْغُسْلِ بِهِ أَوْ الْمُسَافِرُ الَّذِي لَا يَجِدُ الْمَاءَ الَّذِي يَقْدِرُ عَلَى الْوُضُوءِ بِهِ أَوْ الْغُسْلِ بِهِ

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ} [المائدة: ٦] فَهَذَا نَصُّ مَا قُلْنَاهُ وَإِسْقَاطُ الْحَرَجِ، وَقَالَ تَعَالَى: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] فَالْحَرَجُ وَالْعُسْرُ سَاقِطَانِ - وَلِلَّهِ تَعَالَى الْحَمْدُ - سَوَاءٌ زَادَتْ عِلَّتُهُ أَوْ لَمْ تَزِدْ، وَكَذَلِكَ إِنْ خَشِيَ زِيَادَةَ عِلَّتِهِ فَهُوَ أَيْضًا عُسْرٌ وَحَرَجٌ.

وَقَالَ عَطَاءٌ وَالْحَسَنُ: الْمَرِيضُ لَا يَتَيَمَّمُ أَصْلًا مَا دَامَ يَجِدُ الْمَاءَ، وَلَا يُجْزِيهِ إِلَّا الْغُسْلُ وَالْوُضُوءُ، الْمَجْدُورُ وَغَيْرُ الْمَجْدُورِ سَوَاءٌ.

٢٢٥ - مَسْأَلَةٌ:

وَسَوَاءٌ كَانَ السَّفَرُ قَرِيبًا أَوْ بَعِيدًا، سَفَرَ طَاعَةٍ كَانَ أَوْ سَفَرَ مَعْصِيَةٍ أَوْ مُبَاحًا، هَذَا مِمَّا لَا نَعْلَمُ فِيهِ خِلَافًا، إِلَّا أَنَّ بَعْضَ الْعُلَمَاءِ ذَكَرَ قَوْلًا لَمْ يَنْسِبْهُ إِلَى أَحَدٍ، وَهُوَ أَنَّ التَّيَمُّمَ لَا يَجُوزُ إِلَّا فِي سَفَرٍ تُقْصَرُ فِيهِ الصَّلَاةُ.

L4112–4113 **[The Book of Tayammum] [A ruling: Those from the sick who do not find water may perform Tayammum.]**

L4114 224 – Question:

L4115 The sick should not perform *tayammum* except those who cannot find water, or those experiencing hardship and distress in performing *wudu* with water or *ghusl* with it, or the traveler who cannot find water suitable for *wudu* or *ghusl*.

L4116 The proof of this is the statement of Allah, the Most High: {If you are ill, on a journey, one of you has relieved himself, or you have had sexual intercourse with women and find no water, then perform tayammum with pure soil and wipe your faces and hands with it. Allah does not intend to place hardship upon you, but He intends to purify you and complete His favor upon you that you may be grateful} [Al-Mā'idah: 6]. This is the explicit text of what we have stated regarding the removal of hardship. He, the Most High, also said: {Allah intends ease for you and does not intend difficulty for you} [Al-Baqarah: 185]. Thus, hardship and difficulty are removed—and all praise is due to Allah, the Most High—whether one's ailment has worsened or not. Similarly, if one fears the worsening of one's ailment, that also constitutes difficulty and hardship.[1]

L4117 Aṭā' and al-Ḥasan said: A sick person should not perform _tayammum_ (dry ablution) at all as long as water is accessible, and only performing _ghusl_ (full ritual washing) and _wuḍū'_ (ablution) suffices for him; those with skin lesions and those without are the same.

L4118 225. Issue:

L4119 Whether the journey is near or far, whether it is a journey of obedience, a sinful journey, or a permissible journey—this is among matters where we know of no disagreement, except that some scholars cited an unattributed opinion stating that dry ablution (tayammum) is only permissible during a journey in which prayer is shortened.

[1] **Qur'an references (L4116):** Qur'an 5:6 (Al-Ma'idah); Qur'an 2:185 (Al-Baqarah).

قَالَ عَلِيٌّ: وَلَقَدْ كَانَ يَلْزَمُ مَنْ حَدَّ فِي قَصْرِ الصَّلَاةِ وَالْفِطْرِ سَفَرًا دُونَ سَفَرٍ، فِي بَعْضِ الْمَسَافَاتِ دُونَ بَعْضٍ، وَفِي بَعْضِ الْأَسْفَارِ دُونَ بَعْضٍ، وَفَرَّقَ بَيْنَ سَفَرِ الطَّاعَةِ وَالْمَعْصِيَةِ فِي ذَلِكَ: أَنْ يَفْعَلَ ذَلِكَ فِي التَّيَمُّمِ، وَلَكِنَّ هَذَا مِمَّا تَنَاقَضُوا فِيهِ أَقْبَحَ تَنَاقُضٍ، فَإِنْ ادَّعَوْا هَهُنَا إجْمَاعًا لَزِمَهُمْ، إذْ هُمْ أَصْحَابُ قِيَاسٍ بِزَعْمِهِمْ أَنْ يَقِيسُوا مَا اُخْتُلِفَ فِيهِ مِنْ صِفَةِ السَّفَرِ فِي الْقَصْرِ وَالْفِطْرِ وَالْمَسْحِ عَلَى مَا اُتُّفِقَ عَلَيْهِ مِنْ صِفَةِ السَّفَرِ فِي التَّيَمُّمِ، وَإِلَّا فَقَدْ تَرَكُوا الْقِيَاسَ، وَخَالَفُوا الْقُرْآنَ وَالسُّنَنَ وَبِاَللَّهِ التَّوْفِيقُ.

L4120 Ali said: Indeed, it is incumbent upon those who define conditions for shortening prayers and breaking the fast to specify distinctions between one type of journey and another – distinguishing between some distances and others, and between some journeys and others. They have further differentiated between travel for obedience and disobedience by applying such distinctions to tayammum. Yet this is among matters where they have contradicted themselves in the most egregious manner. If they claim consensus here, it necessarily obliges them – given their purported adherence to analogy – to analogize the disputed aspects of travel's conditions pertaining to prayer shortening, breaking the fast, and wiping over footwear to the agreed-upon conditions of travel in tayammum. Otherwise, they have abandoned analogy and opposed the Quran and the Sunnah. And success is from Allah alone.

مَسْأَلَةٌ:

وَالْمَرَضُ هُوَ كُلُّ مَا أَحَالَ الْإِنْسَانَ عَنْ الْقُوَّةِ وَالتَّصَرُّفِ، هَذَا حُكْمُ اللُّغَةِ الَّتِي بِهَا نَزَلَ الْقُرْآنُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4121–4122 Legal Issue:

L4123 Illness is anything that diverts a person from strength and agency. This is the ruling of the language in which the Quran was revealed, and success is from Allah, the Most High.

[مَسْأَلَةٌ يَتَيَمَّمُ مَنْ كَانَ فِي الْحَضَرِ صَحِيحًا إذَا كَانَ لَا يَقْدِرُ عَلَى الْمَاءِ]

Ruling: A settled person who is healthy must perform tayammum (dry ablution) when unable to access water.

٢٢٧ - مَسْأَلَةٌ:

قَالَ عَلِيٌّ: وَيَتَيَمَّمُ مَنْ كَانَ فِي الْحَضَرِ صَحِيحًا إذَا كَانَ لَا يَقْدِرُ عَلَى الْمَاءِ إلَّا بَعْدَ خُرُوجِ وَقْتِ الصَّلَاةِ، وَلَوْ أَنَّهُ عَلَى شَفِيرِ الْبِئْرِ وَالدَّلْوُ فِي يَدِهِ أَوْ عَلَى شَفِيرِ النَّهْرِ وَالسَّاقِيَةِ وَالْعَيْنِ، إلَّا أَنَّهُ يُوقِنُ أَنَّهُ لَا يُتِمُّ وُضُوءَهُ أَوْ غُسْلَهُ حَتَّى يَطْلُعَ أَوَّلُ قَرْنِ الشَّمْسِ، وَكَذَلِكَ الْمَسْجُونُ وَالْخَائِفُ.

L4124 **Ruling: A settled person who is healthy must perform tayammum (dry ablution) when unable to access water.**

L4125 227 – Issue:

L4126 Ali said: A healthy person in a residential area may perform tayammum if they cannot obtain water until after the prayer's time has ended - even if standing at a well's edge with a bucket in hand, or beside a river, waterwheel, or spring - provided they are certain they cannot complete their wudu or ghusl before the first rays of the sun emerge. This ruling equally applies to the imprisoned and those in fearful circumstances.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ

L4127 The proof of this is what was narrated to us by Abdullah ibn Yusuf, who narrated to us Ahmad ibn Fath, who narrated to us Abd al-Wahhab ibn Isa, who narrated to us Ahmad ibn Muhammad, who narrated to us Ahmad ibn Ali, who narrated to us Muslim ibn al-Hajjaj, who narrated to us Abu Bakr

ibn Abi Shaybah, who narrated to us Muhammad ibn Fudayl, from Abu Malik al-Ashja'i, from Rib'i ibn Hirash, from Hudhayfah, who said: The Messenger of Allah, peace and blessings be upon him, stated, "We have been granted superiority over other people in three matters," mentioning among them: "The earth has been made a place of prostration for us, and its dust has been made a purifier for us when we cannot find water."

بْنُ فُضَيْلٍ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ عَنْ رِبْعِيِّ بْنِ حِرَاشٍ عَنْ حُذَيْفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فُضِّلْنَا عَلَى النَّاسِ بِثَلَاثٍ» ، فَذَكَرَ فِيهَا: «وَجُعِلَتْ لَنَا الْأَرْضُ مَسْجِدًا، وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إِذَا لَمْ نَجِدْ الْمَاءَ» .

L4128 And through him to Muslim: Qutaybah ibn Sa'īd narrated to us: Ismā'īl—that is, Ibn Ja'far—from al-'Alā' ibn 'Abd al-Raḥmān, from his father, from Abū Hurayrah, that the Prophet (peace and blessings be upon him) said: "I have been favored over the prophets with six traits: I have been granted the comprehensive words (jawāmiʿ al-kalim), I have been aided by terror [struck into enemies], spoils have been made lawful for me, the earth has been made a purifying agent and a mosque for me, I have been sent to all people, and the prophets have been sealed with me."

وَبِهِ إِلَى مُسْلِمٍ: حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا إِسْمَاعِيلُ - هُوَ ابْنُ جَعْفَرٍ - عَنْ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «فُضِّلْتُ عَلَى الْأَنْبِيَاءِ بِستٍّ: أُعْطِيتُ جَوَامِعَ الْكَلِمِ وَنُصِرْتُ بِالرُّعْبِ، وَأُحِلَّتْ لِي الْغَنَائِمُ وَجُعِلَتْ لِي الْأَرْضُ طَهُورًا وَمَسْجِدًا، وَأُرْسِلْتُ إِلَى النَّاسِ كَافَّةً، وَخُتِمَ بِي النَّبِيُّونَ» .

L4129 This is a general ruling encompassing both residents and travelers. If it is objected: "Allah the Exalted says: {O you who believe, do not approach prayer while intoxicated until you comprehend what you utter, nor in a state of major impurity—except as wayfarers passing through—until you perform ghusl} [An-Nisa': 43], and Allah's Messenger—peace and blessings be upon him—said: 'Allah does not accept the prayer of one who invalidates his ablution until he performs ablution again,'" then the Almighty has not permitted those in major impurity to approach prayer until performing ghusl or tayammum, except when traveling.[2]

فَهَذَا عُمُومٌ دَخَلَ فِيهِ الْحَاضِرُ وَالْبَادِي. فَإِنْ قِيلَ: فَإِنَّ اللَّهَ تَعَالَى قَالَ: {يَا أَيُّهَا الَّذِينَ آمَنُوا لا تَقْرَبُوا الصَّلاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ وَلا جُنُبًا إِلا عَابِرِي سَبِيلٍ حَتَّى تَغْتَسِلُوا} [النساء: ٤٣] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا تُقْبَلُ صَلَاةُ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» فَلَمْ يُبِحْ عَزَّ وَجَلَّ لِلْجُنُبِ أَنْ يَقْرَبَ الصَّلَاةَ حَتَّى يَغْتَسِلَ أَوْ يَتَوَضَّأَ إِلَّا مُسَافِرًا.

L4130–4132 We said: Yes, Allah the Exalted has stated this, and the Messenger of Allah—peace and blessings be upon him—has mentioned what you have cited. The Exalted also said: *"If you are in a state of major impurity, purify yourselves. But if you are ill, on a journey, one of you has come from defecation, or you have had contact with women and find no water, then seek clean earth and wipe your faces and hands with it"* (5:6). This verse was an additional ruling and came with legislation not present in the verse you mentioned, which merely permits a person in a state of major impurity—who is not a

قُلْنَا: نَعَمْ، قَالَ اللَّهُ تَعَالَى هَذَا، وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا ذَكَرْتُمْ، وَقَالَ تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ} [المائدة: ٦] فَكَانَتْ هَذِهِ الْآيَةُ زَائِدَةً حُكْمًا وَوَارِدَةً بِشَرْعٍ لَيْسَ فِي الْآيَةِ الَّتِي ذَكَرْتُمْ بَلْ فِيهَا إِبَاحَةُ أَنْ يَقْرَبَ الصَّلَاةَ الْجُنُبُ دُونَ أَنْ يَغْتَسِلَ، وَهُوَ غَيْرُ عَابِرِ

[2] **Qur'an references (L4129):** Qur'an 4:43 (An-Nisa).

wayfarer—to approach prayer without bathing. However, if he is ill and cannot find water or faces hardship, this verse was likewise an additional ruling. Regarding the narration whose wording is: "The prayer of one who has nullified their ablution is not accepted until they perform ablution," then came the two narrations we mentioned with supplementary details and general applicability beyond the two verses and the aforementioned narration. Thus, these two narrations encompass the physically pure resident who cannot find water, while the words of Allah the Exalted and the words of His Messenger—may Allah bless him and grant him peace—necessitate the obligation of reconciling their parts with one another, all of which originate from Allah the Exalted.[3]

سَبِيلٍ، لَكِنْ إِذَا كَانَ مَرِيضًا لَا يَجِدُ الْمَاءَ أَوْ عَلَيْهِ حَرَجٌ، وَكَانَتْ هَذِهِ الْآيَةُ أَيْضًا زَائِدَةً حُكْمًا عَلَى الْخَبَرِ الَّذِي لَفْظُهُ «لَا تُقْبَلُ صَلَاةُ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» ثُمَّ جَاءَ الْخَبَرَانِ اللَّذَانِ ذَكَرْنَا بِزِيَادَةٍ وَعُمُومٍ عَلَى الْآيَتَيْنِ وَالْخَبَرِ الْمَذْكُورِ، فَدَخَلَ فِي هَذَيْنِ الْخَبَرَيْنِ الصَّحِيحُ الْمُقِيمُ إِذَا لَمْ يَجِدْ الْمَاءَ، وَكَلَامُ اللَّهِ تَعَالَى وَكَلَامُ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرْضٌ جَمْعُ بَعْضِهِ إلَى بَعْضٍ وَكُلُّهُ مِنْ عِنْدِ اللَّهِ تَعَالَى.

L4133 Our opinion here is the opinion of Mālik, Sufyān, and al-Layth. Abū Ḥanīfah and al-Shāfiʿī said: A non-traveler does not perform dry ablution. However, if he cannot obtain water until the prayer time elapses, he is to perform dry ablution and pray, then he must necessarily repeat the prayer when he finds water. Zufar said: A healthy person in settled areas must not perform dry ablution at all even if the prayer time elapses. Instead, he must wait until the time elapses and finds water, then pray at that time.

وَقَوْلُنَا هَذَا هُوَ قَوْلُ مَالِكٍ وَسُفْيَانَ وَاللَّيْثِ: وَقَالَ أَبُو حَنِيفَةَ وَالشَّافِعِيُّ: لَا يَتَيَمَّمُ الْحَاضِرُ، لَكِنْ إنْ لَمْ يَقْدِرْ عَلَى الْمَاءِ إلَّا حَتَّى يَفُوتَ الْوَقْتُ تَيَمَّمَ وَصَلَّى، ثُمَّ أَعَادَ وَلَا بُدَّ إذَا وَجَدَ الْمَاءَ، وَقَالَ زُفَرُ: لَا يَتَيَمَّمُ الصَّحِيحُ فِي الْحَضَرِ أَلْبَتَّةَ وَإِنْ خَرَجَ الْوَقْتُ، لَكِنْ يَصْبِرُ حَتَّى يَخْرُجَ الْوَقْتُ وَيَجِدَ الْمَاءَ فَيُصَلِّي حِينَئِذٍ.

L4134 Ali said: As for the position of Abū Ḥanīfa and al-Shāfiʿī, it is evidently invalid because their instruction for him to perform tayammum and pray must necessarily be either that they commanded him to perform a prayer constituting an obligation imposed by Allah the Exalted upon him, or a prayer not ordained by Allah the Exalted upon him—with no third alternative. If their follower claims they commanded him to perform an obligatory prayer, we counter: Why must he repeat it after its time if he already fulfilled his duty? If they claim they commanded a non-obligatory prayer, they admit imposing what is not required—which is erroneous. As for Zufar's position, it is erroneous because he neglected Allah the Exalted's obligation to perform prayer within its ordained time—the timeframe Allah commanded for its performance—while obligating him to pray during the time to which Allah the Exalted forbade delaying it.

قَالَ عَلِيٌّ: أَمَّا قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ فَظَاهِرُ الْفَسَادِ، لِأَنَّهُ لَا يَخْلُو أَمْرُهُمَا لَهُ بِالتَّيَمُّمِ وَالصَّلَاةِ مِنْ أَنْ يَكُونَا أَمَرَاهُ بِصَلَاةٍ هِيَ فَرْضُ اللَّهِ تَعَالَى عَلَيْهِ أَوْ بِصَلَاةٍ لَمْ يَفْرِضْهَا اللَّهُ تَعَالَى عَلَيْهِ، وَلَا سَبِيلَ إلَى قِسْمٍ ثَالِثٍ، فَإِنْ قَالَ مُقَلِّدُهُمَا أَمَرَاهُ بِصَلَاةٍ: هِيَ فَرْضٌ عَلَيْهِ، قُلْنَا فَلِمَ يُعِيدُهَا بَعْدَ الْوَقْتِ إنْ كَانَ قَدْ أَدَّى فَرْضَهُ؟ وَإِنْ قَالُوا: بَلْ أَمَرَاهُ بِصَلَاةٍ لَيْسَتْ فَرْضًا عَلَيْهِ، أَقَرَّا بِأَنَّهُمَا أَلْزَمَاهُ مَا لَا يَلْزَمُهُ، وَهَذَا خَطَأٌ، وَأَمَّا قَوْلُ زُفَرَ فَخَطَأٌ، لِأَنَّهُ أَسْقَطَ فَرْضَ اللَّهِ تَعَالَى فِي الصَّلَاةِ فِي الْوَقْتِ الَّذِي أَمَرَ اللَّهُ تَعَالَى بِأَدَائِهَا فِيهِ، وَأَلْزَمَهُ إيَّاهَا فِي الْوَقْتِ الَّذِي حَرَّمَ اللَّهُ تَعَالَى تَأْخِيرَهَا إلَيْهِ.

[3] **Qur'an references (L4130):** Qur'an 5:6 (Al-Ma'idah).

قَالَ أَبُو مُحَمَّد: وَالصَّلَاةُ فَرْضٌ مُعَلَّقٌ بِوَقْتٍ مَحْدُودٍ، وَالتَّأْكِيدُ فِيهَا أَعْظَمُ مِنْ أَنْ يَجْهَلَهُ مُسْلِمٌ، وَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» فَوَجَدْنَا هَذَا الَّذِي حَضَرَتْهُ الصَّلَاةُ هُوَ مَأْمُورٌ بِالْوُضُوءِ وَبِالْغُسْلِ إنْ كَانَ جُنُبًا وَبِالصَّلَاةِ، فَإِذَا عَجَزَ عَنْ الْغُسْلِ وَالْوُضُوءِ سَقَطَا عَنْهُ، وَقَدْ نَصَّ - عَلَيْهِ السَّلَامُ - عَلَى أَنَّ الْأَرْضَ طَهُورٌ إذَا لَمْ يَجِدْ الْمَاءَ وَهُوَ غَيْرُ قَادِرٍ عَلَيْهِ، فَهُوَ غَيْرُ بَاقٍ عَلَيْهِ، وَهُوَ قَادِرٌ عَلَى الصَّلَاةِ فَهِيَ بَاقِيَةٌ عَلَيْهِ، وَهَذَا بَيِّنٌ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L4135 Abu Muhammad said: Prayer is an obligation bound to a specified time, and the emphasis placed upon it is too immense for any Muslim to be unaware of. The Messenger of Allah—peace be upon him—stated, "When I command you to do something, fulfill it to the best of your ability." We have determined that the person upon whom the prayer is incumbent is commanded to perform ablution and—if in a state of major impurity—a full ritual bath, and to pray. If he becomes incapable of performing the bath or ablution, these obligations are lifted from him. The Messenger of Allah—peace be upon him—explicitly stated that the earth serves as a means of purification when one cannot find water and is incapable of obtaining it. Thus, the obligation is lifted from him, while prayer remains binding upon him as he retains capability for it. This is clear, and all praise is due to Allah, Lord of the worlds.

[مَسْأَلَةٌ السَّفَرُ الَّذِي يُتَيَمَّمُ فِيهِ]

L4136 **An issue concerning the journey during which *tayammum* is performed.**

٢٢٨ - مَسْأَلَةٌ:

وَالسَّفَرُ الَّذِي يُتَيَمَّمُ فِيهِ هُوَ الَّذِي يُسَمَّى عِنْدَ الْعَرَبِ سَفَرًا سَوَاءٌ كَانَ مِمَّا تُقْصَرُ فِيهِ الصَّلَاةُ أَوْ مِمَّا لَا تُقْصَرُ فِيهِ الصَّلَاةُ، وَمَا كَانَ دُونَ ذَلِكَ - مِمَّا لَا يَقَعُ عَلَيْهِ اسْمُ السَّفَرِ مِنْ الْبُرُوزِ عَنْ الْمَنَازِلِ - فَهُوَ فِي حُكْمِ الْحَاضِرِ، فَأَمَّا الْمُسَافِرُ سَفَرًا يَقَعُ عَلَيْهِ اسْمُ سَفَرٍ وَالْمَرِيضُ الَّذِي لَهُ التَّيَمُّمُ فَالْأَفْضَلُ لَهُمَا أَنْ يَتَيَمَّمَا فِي أَوَّلِ الْوَقْتِ، سَوَاءٌ رَجَوْا الْمَاءَ أَوْ أَيْقَنَا بِوُجُودِهِ قَبْلَ خُرُوجِ الْوَقْتِ، أَوْ أَيْقَنَا أَنَّهُ لَا يُوجَدُ حَتَّى يَخْرُجَ الْوَقْتُ، وَكَذَلِكَ رَجَاءُ الصِّحَّةِ وَلَا فَرْقَ، وَأَمَّا الْحَاضِرُ الصَّحِيحُ وَمَنْ لَهُ حُكْمُ الْحَاضِرِ فَلَا يَحِلُّ لَهُ التَّيَمُّمُ إلَّا حَتَّى يُوقِنَ بِخُرُوجِ الْوَقْتِ قَبْلَ إمْكَانِ الْمَاءِ.

L4137 228: Question

L4138–4140 The journey in which dry ablution is permitted is that which the Arabs customarily designate as travel, whether it is a journey requiring prayer shortening or not. Departures from dwellings that do not meet the definition of travel are subject to the rulings applicable to residents. As for the traveler undertaking a valid journey and the sick person entitled to perform dry ablution, it is most preferable for them to perform it at the beginning of each prayer's prescribed time. It is the same whether they hoped for water, became certain of its presence before the time elapses, or became certain it would not be found until after the time elapses. Similarly, hoping for valid ablution conditions entails no difference. As for the physically sound person present near water and those who share the ruling of the present person, it is not permissible for them to perform *tayammum* unless they are certain the time has elapsed prior to water's availability.

بُرْهَانُ ذَلِكَ أَنَّ النَّصَّ وَرَدَ فِي الْمُسَافِرِ الَّذِي لَا يَجِدُ الْمَاءَ، وَفِي الْمَرِيضِ كَذَلِكَ وَفِي الْمَرِيضِ ذِي الْحَرَجِ، وَكَانَ الْبِدَارُ إلَى الصَّلَاةِ أَفْضَلَ، لِقَوْلِ اللَّهِ تَعَالَى: {وَسَارِعُوا إِلَى

L4141 The proof of this is that the text pertains to the traveler who cannot find water, the sick person, and similarly the sick person facing constraint. Hastening to pray is more virtuous, according to Allah's statement, the Most High: {And hasten toward forgiveness from your Lord} [Āl ʿImrān 3:133]. As

for the resident, there is no disagreement among anyone that as long as he hopes to find water before the prayer time expires, it is impermissible for him to perform Tayammum. Tayammum is only permitted for him when it is certain the time has expired, but this is disputed. Had the text not existed, it would not have been permissible for him.[4]

L4142 In the well-known opinion attributed to Abū Ḥanīfah, a traveler should not perform *tayammum* except at the end of the prayer time. However, it has been narrated from him that this ruling applies only as long as he entertains hope of finding water; if he does not expect to find water, he must perform *tayammum* at the beginning of the time.

L4143 And Sufyan said: The traveler should delay performing tayammum (dry ablution) until the end of the prayer time, in the hope that he may find water. This is the opinion of Imam Ahmad ibn Hanbal.

L4144 It has also been narrated from ʿAlī and Aṭāʾ, and Mālik stated on one occasion: One should neither rush nor postpone, but rather in the middle of the time.

L4145 He also said on another occasion: If one is certain of the presence of water before the prayer time ends, they should delay tayammum until the end of the prayer time. If they find water, they use it; otherwise, they perform tayammum and pray. If they are hopeful of finding water before the prayer time ends, they delay tayammum until the middle of the prayer time, perform it then, and pray. If they are certain they will not find water before the prayer time elapses, they perform tayammum at the beginning of the prayer time and pray.

L4146 Al-Awzaʿī said: "All of that is the same."

L4147 Ali said: Clinging to delaying tayammum in hopes of finding water is baseless, for there is neither textual evidence nor consensus that the ritual practice of one performing wudu is superior to that of one performing tayammum,

[4]**Qur'an references (L4141):** Qur'an 3:133 (Ali 'Imran).

مَغْفِرَةٍ مِنْ رَبِّكُمْ} [آل عمران: ١٣٣] وَأَمَّا الْحَاضِرُ فَلَا خِلَافَ مِنْ أَحَدٍ فِي أَنَّهُ مَا دَامَ يَرْجُو بِوُجُودِ الْمَاءِ قَبْلَ خُرُوجِ الْوَقْتِ فَإِنَّهُ لَا يَحِلُّ لَهُ التَّيَمُّمُ، وَمَا أُبِيحَ لَهُ التَّيَمُّمُ عِنْدَ تَيَقُّنِ خُرُوجِ الْوَقْتِ إِلَّا بِاخْتِلَافٍ، وَلَوْلَا النَّصُّ مَا حُلَّ لَهُ.

وَقَالَ أَبُو حَنِيفَةَ فِي الْمَشْهُورِ عَنْهُ: لَا يَتَيَمَّمُ الْمُسَافِرُ إِلَّا فِي آخِرِ وَقْتِ الصَّلَاةِ، إِلَّا أَنَّهُ قَدْ رُوِيَ عَنْهُ أَنَّ هَذَا إِنَّمَا هُوَ مَا دَامَ يَطْمَعُ فِي الْمَاءِ فَإِنْ لَمْ يَرْجُ بِهِ فَلْيَتَيَمَّمْ فِي أَوَّلِ الْوَقْتِ.

وَقَالَ سُفْيَانُ: يُؤَخِّرُ الْمُسَافِرُ التَّيَمُّمَ إِلَى آخِرِ الْوَقْتِ لَعَلَّهُ يَجِدُ الْمَاءَ، وَهُوَ قَوْلُ أَحْمَدَ بْنِ حَنْبَلٍ.

وَرُوِيَ أَيْضًا عَنْ عَلِيٍّ وَعَطَاءٍ، وَقَالَ مَالِكٌ مَرَّةً: لَا يُعَجِّلُ وَلَا يُؤَخِّرُ، وَلَكِنْ فِي وَسَطِ الْوَقْتِ.

وَقَالَ مَرَّةً: إِنْ أَيْقَنَ بِوُجُودِ الْمَاءِ قَبْلَ خُرُوجِ وَقْتِ الصَّلَاةِ فَإِنَّهُ يُؤَخِّرُ التَّيَمُّمَ إِلَى آخِرِ الْوَقْتِ، فَإِنْ وَجَدَ الْمَاءَ وَإِلَّا تَيَمَّمَ وَصَلَّى، وَإِنْ كَانَ طَامِعًا فِي وُجُودِ الْمَاءِ قَبْلَ خُرُوجِ الْوَقْتِ أَخَّرَ التَّيَمُّمَ إِلَى وَسَطِ الْوَقْتِ، فَيَتَيَمَّمُ فِي وَسَطِهِ وَيُصَلِّي، وَإِنْ كَانَ مُوقِنًا أَنَّهُ لَا يَجِدُ الْمَاءَ حَتَّى يَخْرُجَ الْوَقْتُ فَيَتَيَمَّمُ فِي أَوَّلِ الْوَقْتِ وَيُصَلِّي.

وَقَالَ الْأَوْزَاعِيُّ: كُلُّ ذَلِكَ سَوَاءٌ.

قَالَ عَلِيٌّ: التَّعَلُّقُ بِتَأْخِيرِ التَّيَمُّمِ لَعَلَّهُ يَجِدُ الْمَاءَ لَا مَعْنَى لَهُ؛ لِأَنَّهُ لَا نَصَّ وَلَا إِجْمَاعَ عَلَى أَنَّ عَمَلَ الْمُتَوَضِّئِ أَفْضَلُ مِنْ عَمَلِ الْمُتَيَمِّمِ، وَلَا عَلَى أَنَّ صَلَاةَ الْمُتَوَضِّئِ أَفْضَلُ وَلَا

nor that the prayer of one performing wudu is superior or more perfect than that of one performing tayammum. Both rituals constitute complete purification and complete prayer, each being obligatory in its circumstance. Since this is so, delaying prayer in hopes of finding water constitutes forsaking the merit of promptly pursuing superior acts without basis. Similar rulings have been reported from the Messenger of Allah—peace and blessings be upon him—and from Ibn Umar and others.

أَتَمُّ مِنْ صَلَاةِ الْمُتَيَمِّمِ، وَكِلَا الْأَمْرَيْنِ طَهَارَةٌ تَامَّةٌ وَصَلَاةٌ تَامَّةٌ، وَفَرْضٌ فِي حَالَةٍ فَإِذْ كَانَ ذَلِكَ كَذَلِكَ فَتَأْخِيرُ الصَّلَاةِ رَجَاءَ وُجُودِ الْمَاءِ تَرْكٌ لِلْفَضْلِ فِي الْبِدَارِ إِلَى أَفْضَلِ الْأَعْمَالِ بِلَا مَعْنًى، وَقَدْ جَاءَ مِثْلُ هَذَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَعَنْ ابْنِ عُمَرَ وَغَيْرِهِ.

L4148–4150 Narrated to us Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us Ibrahim ibn Ahmad narrated to us Al-Farbari narrated to us Al-Bukhari narrated to us Yahya ibn Bukayr, who said: Al-Layth narrated to us from Ja'far ibn Rabi'ah from Al-A'raj, who said: I heard Umayr, the freed slave of Ibn Abbas, say: I approached with Abdullah ibn Yasar, the freed slave of Maymunah, the wife of... The Prophet, peace and blessings of Allah be upon him, when we entered upon Abu Juhaym ibn al-Harith ibn al-Simmah al-Ansari.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا يَحْيَى بْنُ بُكَيْرٍ قَالَ حَدَّثَنَا اللَّيْثُ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ عَنْ الْأَعْرَجِ قَالَ: سَمِعْتُ عُمَيْرًا مَوْلَى ابْنِ عَبَّاسٍ قَالَ: أَقْبَلْتُ أَنَا وَعَبْدُ اللَّهِ بْنُ يَسَارٍ مَوْلَى مَيْمُونَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَتَّى دَخَلْنَا عَلَى أَبِي جُهَيْمِ بْنِ الْحَارِثِ بْنِ الصِّمَّةِ الْأَنْصَارِيِّ.

L4151 He said: "The Messenger of Allah—peace and blessings of Allah be upon him—approached from the direction of Camel Well when a man met him and greeted him. The Prophet—peace and blessings of Allah be upon him—did not respond to him until he turned toward a wall, wiped his face and hands, then returned the greeting."

قَالَ «أَقْبَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نَحْوِ بِئْرِ جَمَلٍ فَلَقِيَهُ رَجُلٌ فَسَلَّمَ عَلَيْهِ فَلَمْ يَرُدَّ عَلَيْهِ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَتَّى أَقْبَلَ عَلَى الْجِدَارِ فَمَسَحَ بِوَجْهِهِ وَيَدَيْهِ ثُمَّ رَدَّ - عَلَيْهِ السَّلَامُ -» .

L4152 It was transmitted to us from Sufyan al-Thawri, from Yahya ibn Sa'id al-Ansari, from Nafi': that Ibn 'Umar performed tayammum (dry ablution) and prayed the 'Asr prayer while being one or two miles distant from Medina. He then entered the city while the sun remained high, yet he did not reperform that prayer. From Malik, from Nafi': that he departed with Ibn 'Umar from al-Jurf (a vicinity near Medina). When they reached al-Mirbad and found no water, he dismounted, performed tayammum with ritual soil, prayed, and never reperformed that prayer.

وَرُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ تَيَمَّمَ ثُمَّ صَلَّى الْعَصْرَ وَبَيْنَهُ وَبَيْنَ الْمَدِينَةِ مِيلٌ أَوْ مِيلَانِ ثُمَّ دَخَلَ الْمَدِينَةَ وَالشَّمْسُ مُرْتَفِعَةٌ فَلَمْ يُعِدْ. وَعَنْ مَالِكٍ عَنْ نَافِعٍ: أَنَّهُ أَقْبَلَ مَعَ ابْنِ عُمَرَ مِنْ الْجُرْفِ، فَلَمَّا أَتَى الْمِرْبَدَ لَمْ يَجِدْ مَاءً، فَنَزَلَ فَتَيَمَّمَ بِالصَّعِيدِ وَصَلَّى ثُمَّ لَمْ يُعِدْ تِلْكَ الصَّلَاةَ.

L4153 Ali said: This is the doctrine of Dawud and our companions.

قَالَ عَلِيٌّ: وَهُوَ قَوْلُ دَاوُد وَأَصْحَابِنَا.

L4154 Muhammad ibn al-Hasan said: As for the traveler, if water is within less than a mile of him, he must seek it even if the prayer time has passed. If it is

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: أَمَّا الْمُسَافِرُ فَإِنْ كَانَ الْمَاءُ مِنْهُ عَلَى أَقَلَّ مِنْ مِيلٍ طَلَبَهُ وَإِنْ خَرَجَ الْوَقْتُ، فَإِنْ كَانَ عَلَى مِيلٍ لَمْ يَلْزَمْهُ طَلَبُهُ وَتَيَمَّمَ.

a mile away, he is not obligated to seek it and should perform *tayammum* (dry ablution).

He said: As for one who leaves his residence without being a traveler, if he is in a place where he cannot hear the perceptible sounds of people or their voices, he should perform *tayammum*.

Ali said: "And these are opinions; we praise Allah for safety from them and from their likes."

Issue: When water was nearby, but he feared losing his saddle-pack or missing the opportunity to remain with the traveling group.

229 – Question:

And whoever has water near them but fears losing their mount, missing their travel companions, encounters an unjust enemy or fire intervening between them and the water, or faces any fear entailing hardship in deliberately seeking it—their obligation is to perform *tayammum*.

The proof of that is the statement of Allah, the Most High: {If you do not find water, then perform tayammum with clean earth} [An-Nisa: 43]. None of these people find water **with which they can perform** ritual purification.[5]

230–Issue:

If he seeks a right, there is no excuse for him in that matter, nor does *tayammum* suffice him, because it is obligatory upon him not to withhold any right he has undertaken for Allah the Exalted or for His servants. If he withholds it, he becomes disobedient. Allah the Exalted said: "And cooperate in righteousness and piety, and do not cooperate in sin and transgression" (5:2). The Messenger of Allah (peace be upon him) commanded that every right-holder be granted his right. Success is attained through Allah the Exalted.[6]

قَالَ: وَأَمَّا مَنْ خَرَجَ مِنْ مِصْرِهِ غَيْرَ مُسَافِرٍ، فَإِنْ كَانَ بِحَيْثُ لَا يَسْمَعُ حِسَّ النَّاسِ وَأَصْوَاتَهُمْ تَيَمَّمَ.

قَالَ عَلِيٌّ: وَهَذِهِ أَقْوَالٌ نَحْمَدُ اللَّهَ عَلَى السَّلَامَةِ مِنْهَا وَمِنْ مِثْلِهَا

[مَسْأَلَةٌ كَانَ الْمَاءُ مِنْهُ قَرِيبًا إِلَّا أَنَّهُ يَخَافُ ضَيَاعَ رَحْلِهِ أَوْ فَوْتَ الرُّفْقَةِ]

٢٢٩ - مَسْأَلَةٌ:

وَمَنْ كَانَ الْمَاءُ مِنْهُ قَرِيبًا إِلَّا أَنَّهُ يَخَافُ ضَيَاعَ رَحْلِهِ أَوْ فَوْتَ الرُّفْقَةِ أَوْ حَالَ بَيْنَهُ وَبَيْنَ الْمَاءِ عَدُوٌّ ظَالِمٌ أَوْ نَارٌ أَوْ أَيُّ خَوْفٍ كَانَ فِي الْقَصْدِ إِلَيْهِ مَشَقَّةٌ فَفَرْضُهُ التَّيَمُّمُ.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [النساء: ٤٣] وَكُلُّ هَؤُلَاءِ لَا يَجِدُونَ مَاءً يَقْدِرُونَ عَلَى الطَّهَارَةِ بِهِ.

٢٣٠ - مَسْأَلَةٌ:

فَإِنْ طَلَبَ بِحَقٍّ فَلَا عُذْرَ لَهُ فِي ذَلِكَ وَلَا يُجْزِيهِ التَّيَمُّمُ، لِأَنَّ فَرْضًا عَلَيْهِ أَنْ لَا يَمْتَنِعَ مِنْ كُلِّ حَقٍّ قِبَلَهُ لِلَّهِ تَعَالَى أَوْ لِعِبَادِهِ، فَإِنْ امْتَنَعَ فَهُوَ عَاصٍ، قَالَ اللَّهُ تَعَالَى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] وَأَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُعْطَى كُلُّ ذِي حَقٍّ حَقَّهُ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[5] **Qur'an references (L4160):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).
[6] **Qur'an references (L4162):** Qur'an 5:2 (Al-Ma'idah).

A case: A person was at a well he saw and recognized during a journey and feared missing his companions.

Issue 231:

If he is at a well he sees and knows during a journey and fears losing his companions, missing the congregational prayer, or the expiration of the prayer time, he may perform tayammum, and it suffices him. However, he must perform ablution for what he will perform anew afterward, because all these are valid excuses preventing his use of water. Thus, he is considered as not having access to water he can use without undue hardship.

An issue: The water was in his saddlebag, he forgot it, so he made *tayammum* and prayed.

232. Issue:

And whoever has water in his travel gear and forgets it, or there is a well or spring near him that he is unaware of, then performs Tayammum and prays, it suffices him, because these two are not finders of water. And whoever does not find water should perform Tayammum by the text. The speech of Allah, the Exalted, and this is the view of Abū Ḥanīfah and Dāwūd.

Malik said: He must repeat it within the prescribed time and must not repeat it if the time has expired. Abu Yusuf and Al-Shafi'i said: He must always repeat it.

Abū Yūsuf said: If the well were at an arrow's throw from him or a comparable distance, and he was unaware of it, his *tayammum* would suffice. But if he were on its brink or near it and unaware of it, his *tayammum* would not suffice.

Every impurity-causing event (ḥadath) that invalidates ablution also invalidates tayammum.

233 - Issue:

[مَسْأَلَةٌ كَانَ عَلَى بِئْرٍ يَرَاهَا وَيَعْرِفُهَا فِي سَفَرٍ وَخَافَ فَوَاتَ أَصْحَابِهِ]

٢٣١ - مَسْأَلَةٌ:

فَلَوْ كَانَ عَلَى بِئْرٍ يَرَاهَا وَيَعْرِفُهَا فِي سَفَرٍ وَخَافَ فَوَاتَ أَصْحَابِهِ أَوْ فَوْتَ صَلَاةِ الْجَمَاعَةِ أَوْ خُرُوجَ الْوَقْتِ: تَيَمَّمَ وَأَجْزَأَهُ، لَكِنْ يَتَوَضَّأُ لِمَا يَسْتَأْنِفُ لِأَنَّ كُلَّ هَذَا عُذْرٌ مَانِعٌ مِنْ اسْتِعْمَالِ الْمَاءِ، فَهُوَ غَيْرُ وَاجِدٍ الْمَاءَ يُمْكِنُهُ اسْتِعْمَالُهُ بِلَا حَرَجٍ.

[مَسْأَلَةٌ كَانَ الْمَاءُ فِي رَحْلِهِ فَنَسِيَهُ فَتَيَمَّمَ وَصَلَّى]

٢٣٢ - مَسْأَلَةٌ:

وَمَنْ كَانَ الْمَاءُ فِي رَحْلِهِ فَنَسِيَهُ أَوْ كَانَ بِقُرْبِهِ بِئْرٌ أَوْ عَيْنٌ لَا يَدْرِي بِهَا فَتَيَمَّمَ وَصَلَّى أَجْزَأَهُ، لِأَنَّ هَذَيْنِ غَيْرُ وَاجِدَيْنِ لِلْمَاءِ، وَمَنْ لَمْ يَجِدْ الْمَاءَ تَيَمَّمَ بِنَصِّ كَلَامِ اللَّهِ تَعَالَى، وَهَذَا قَوْلُ أَبِي حَنِيفَةَ وَدَاوُد.

وَقَالَ مَالِكٌ: يُعِيدُ فِي الْوَقْتِ وَلَا يُعِيدُ إنْ خَرَجَ الْوَقْتُ. وَقَالَ أَبُو يُوسُفَ وَالشَّافِعِيُّ: يُعِيدُ أَبَدًا.

وَقَالَ أَبُو يُوسُفَ إنْ كَانَتْ الْبِئْرُ مِنْهُ عَلَى رَمْيَةِ سَهْمٍ أَوْ نَحْوِهَا وَهُوَ لَا يَعْلَمُ بِهَا أَجْزَأَهُ التَّيَمُّمُ، فَإِنْ كَانَ عَلَى شَفِيرِهَا أَوْ بِقُرْبِهَا وَهُوَ لَا يَعْلَمُ بِهَا لَمْ يُجْزِهِ التَّيَمُّمُ.

[مَسْأَلَةٌ كُلُّ حَدَثٍ يَنْقُضُ الْوُضُوءَ فَإِنَّهُ يَنْقُضُ التَّيَمُّمَ]

٢٣٣ - مَسْأَلَةٌ:

L4175 Every occurrence that invalidates ablution also invalidates tayammum. This is something in which there is no disagreement from any of the people of Islam.

L4176 **Issue: The presence of water invalidates tayammum.**

L4177 234 - Issue:

L4178 The presence of water also invalidates dry ablution (tayammum), whether one finds it during prayer, after having prayed, or before praying. The prayer they are performing is invalidated because their purification is broken, and they must perform ablution (wudu) or a full ablution (ghusl), then restart the prayer. There is no obligation to repeat the prayers already performed with dry ablution.

L4179 Even if he finds water immediately after the salam of the prayer, the disagreement regarding this revolves around three cases. One is an old disagreement: when water is found, neither ablution (wudu) with it nor ritual bath (ghusl) becomes obligatory upon the one who performed tayammum unless there occurs from him something that necessitates ritual bath or ablution.

L4180 And it has been narrated to us from Ibn Jurayj from ʿAbd al-Ḥamīd ibn Jubayr ibn Shaybah that Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf said: If you are in a state of janabah during travel, perform tayammum. Then if you find water, you do not have to perform the ritual bath for janabah if you wish. ʿAbd al-Ḥamīd said: I mentioned that to Saʿīd ibn al-Musayyab, and he replied: How would he know? If you find water, perform the ritual bath.

L4181 The majority of later scholars maintain this view regarding the initiation of ghusl and wuḍū'.

L4182 Among the arguments of those who do not hold the view of renewing wudu and ghusl is their statement: Tayammum is a valid form of purification. Since this is the case, it is only nullified by what invalidates other purificatory acts. The availability of water is not a hadath (an event that nullifies ritual purity),

وَكُلُّ حَدَثٍ يَنْقُضُ الْوُضُوءَ فَإِنَّهُ يَنْقُضُ التَّيَمُّمَ، هَذَا مَا لَا خِلَافَ فِيهِ مِنْ أَحَدٍ مِنْ أَهْلِ الْإِسْلَامِ.

[مَسْأَلَةٌ يَنْقُضُ التَّيَمُّمَ وُجُودُ الْمَاءِ]

٢٣٤ - مَسْأَلَةٌ:

وَيَنْقُضُ التَّيَمُّمَ أَيْضًا وُجُودُ الْمَاءِ، سَوَاءٌ وَجَدَهُ فِي صَلَاةٍ أَوْ بَعْدَ أَنْ صَلَّى أَوْ قَبْلَ أَنْ يُصَلِّيَ، فَإِنَّ صَلَاتَهُ الَّتِي هُوَ فِيهَا تُنْتَقَضُ لِانْتِقَاضِ طَهَارَتِهِ وَيَتَوَضَّأُ أَوْ يَغْتَسِلُ، ثُمَّ يَبْتَدِئُ الصَّلَاةَ، وَلَا قَضَاءَ عَلَيْهِ فِيمَا قَدْ صَلَّى بِالتَّيَمُّمِ.

وَلَوْ وَجَدَ الْمَاءَ إثْرَ سَلَامِهِ مِنْهَا، الْخِلَافُ فِي هَذَا فِي ثَلَاثِ مَوَاضِعَ: أَحَدُهَا خِلَافٌ قَدِيمٌ فِي أَنَّ الْمَاءَ إذَا وُجِدَ لَمْ يَكُنْ عَلَى الْمُتَيَمِّمِ الْوُضُوءُ بِهِ وَلَا الْغُسْلُ مَا لَمْ يَحْدُثْ مِنْهُ مَا يُوجِبُ الْغُسْلَ أَوْ الْوُضُوءَ.

وَرُوِّينَا ذَلِكَ عَنْ ابْنِ جُرَيْجٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ جُبَيْرِ بْنِ شَيْبَةَ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: إذَا كُنْتَ جُنُبًا فِي سَفَرٍ فَتَمَسَّحْ ثُمَّ إذَا وَجَدْتَ الْمَاءَ فَلَا تَغْتَسِلْ مِنْ جَنَابَةٍ إنْ شِئْتَ، قَالَ عَبْدُ الْحَمِيدِ: فَذَكَرْتُ ذَلِكَ لِسَعِيدِ بْنِ الْمُسَيِّبِ فَقَالَ: مَا يُدْرِيهِ؟ إذَا وَجَدْتَ الْمَاءَ فَاغْتَسِلْ.

وَبِإِحْدَاثِ الْغُسْلِ وَالْوُضُوءِ يَقُولُ جُمْهُورُ الْمُتَأَخِّرِينَ.

and thus its presence does not invalidate the purification attained through tayammum.

وَكَانَ مِنْ حُجَّةِ مَنْ لَا يَرَى تَجْدِيدَ الْوُضُوءِ وَالْغُسْلِ أَنْ قَالَ: التَّيَمُّمُ طَهَارَةٌ صَحِيحَةٌ فَإِذْ ذَلِكَ كَذَلِكَ فَلَا يَنْقُضُهَا إِلَّا مَا يَنْقُضُ الطَّهَارَاتِ، وَلَيْسَ وُجُودُ الْمَاءِ حَدَثًا، فَوُجُودُ الْمَاءِ لَا يَنْقُضُ طَهَارَةَ التَّيَمُّمِ.

L4183–4185 Ali said: This would have been a sound statement were it not for what Abd al-Rahman ibn Abd Allah reported to us, who said: We received narration from Ibrahim ibn Ahmad, from al-Farbari, from al-Bukhari, from Musaddad, from Yahya ibn Sa'id [al-Qattan], from Awf [ibn Abi Jamilah], from Abu Rajā' al-'Uṭāridī, from Imran ibn al-Husayn, who said: "We were with the Messenger of Allah (peace be upon him) on a journey," and he mentioned the hadith, in which it states: "The Messenger of Allah (peace be upon him) led the people in prayer. When the Messenger of Allah (peace be upon him) turned from his prayer, he noticed a man sitting apart who had not prayed with the congregation. The Prophet asked: 'What...'" What prevented you, O so-and-so, from praying with the people? He replied: I became ritually impure (janabah) and found no water. He said: You should use pure soil, for it suffices you. Then the Prophet (peace be upon him) mentioned in his narration the matter of water which God Almighty provided as a sign for His Prophet, saying: "Ultimately, he gave the man who had incurred major impurity a vessel of water and instructed: 'Go and pour it over yourself.'"

قَالَ عَلِيٌّ: وَكَانَ هَذَا قَوْلًا صَحِيحًا لَوْلَا مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ قَالَ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ ثنا يَحْيَى بْنُ سَعِيدٍ - هُوَ الْقَطَّانُ - ثنا عَوْفٌ - هُوَ ابْنُ أَبِي جَمِيلَةَ - ثنا أَبُو رَجَاءٍ الْعُطَارِدِيُّ عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ قَالَ «كُنَّا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سَفَرٍ فَذَكَرَ الْحَدِيثَ وَفِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى بِالنَّاسِ، فَلَمَّا انْفَتَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ صَلَاتِهِ إِذْ هُوَ بِرَجُلٍ مُعْتَزِلٍ لَمْ يُصَلِّ مَعَ الْقَوْمِ، فَقَالَ: مَا مَنَعَكَ يَا فُلَانُ أَنْ تُصَلِّيَ مَعَ الْقَوْمِ؟ قَالَ: أَصَابَتْنِي جَنَابَةٌ وَلَا مَاءَ، قَالَ: عَلَيْكَ بِالصَّعِيدِ فَإِنَّهُ يَكْفِيكَ» ثُمَّ ذَكَرَ فِي حَدِيثِهِ ذَلِكَ أَمْرَ الْمَاءِ الَّذِي أَحْدَثَهُ اللَّهُ تَعَالَى آيَةً لِنَبِيِّهِ - عَلَيْهِ السَّلَامُ - قَالَ: " وَكَانَ آخِرُ ذَلِكَ أَنْ «أَعْطَى الَّذِي أَصَابَتْهُ الْجَنَابَةُ إِنَاءً مِنْ مَاءٍ، وَقَالَ: اذْهَبْ فَأَفْرِغْهُ عَلَيْكَ»

L4186 Hammam narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Ibrahim ibn Ishaq al-Naysaburi in Baghdad narrated to us: Muhammad ibn Abdullah ibn Numayr narrated to us: Abi narrated to us: Isma'il ibn Muslim narrated to us: Abu Raja al-Utaridi reported from Imran ibn al-Husayn, who said: I was with the Messenger of Allah (peace be upon him) while among the people was a man in a state of post-sexual impurity (janabah). The Messenger of Allah instructed him to perform tayammum and pray. Later we found water, whereupon the Messenger of Allah ordered him to perform the ritual bath without repeating the prayer. We have previously mentioned Hudhayfah's narration from the Messenger of Allah (peace be upon him): The earth has been made a mosque

حَدَّثَنَا حَمَّامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا إِبْرَاهِيمُ بْنُ إِسْحَاقَ النَّيْسَابُورِيُّ بِبَغْدَادَ ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ ثنا أَبِي ثنا إِسْمَاعِيلُ بْنُ مُسْلِمٍ ثنا أَبُو رَجَاءٍ الْعُطَارِدِيُّ عَنْ «عِمْرَانَ بْنِ الْحُصَيْنِ قَالَ كُنْتُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي الْقَوْمِ جُنُبٌ، فَأَمَرَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَتَيَمَّمَ وَصَلَّى، ثُمَّ وَجَدْنَا الْمَاءَ بَعْدُ، فَأَمَرَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَغْتَسِلَ وَلَا يُعِيدَ

for us, and its soil has been made a means of purification for us when water is unavailable.

الصَّلَاةَ» وَقَدْ ذَكَرْنَا حَدِيثَ حُذَيْفَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَجُعِلَتْ لَنَا الْأَرْضُ مَسْجِدًا وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إِذَا لَمْ نَجِدْ الْمَاءَ» .

L4187 These narrations establish that purification with earth is only valid when water is unavailable. This wording necessitates that purification with earth is impermissible except when water is not found, and further requires that no purification with earth is valid unless water is unavailable—unless another textual ruling permits it for specific individuals. Given this, it is impermissible to accept one of the two meanings while excluding the other; rather, it is obligatory to apply both rulings collectively. This is also corroborated by the Prophet's—peace be upon him—command to the person in a state of major impurity (junub) to perform tayammum with clean earth and perform prayer, followed by his command to undertake ritual bathing (ghusl) when water becomes available. Thus, what we have stated is confirmed by explicit text, and all praise is due to Allah.

فَصَحَّ بِهَذِهِ الْأَحَادِيثِ أَنَّ الطَّهُورَ بِالتُّرَابِ إنَّمَا هُوَ مَا لَمْ يُوجَدْ الْمَاءُ، وَهَذَا لَفْظٌ يَقْتَضِي أَنْ لَا يَجُوزَ التَّطَهُّرُ بِالتُّرَابِ إلَّا إذَا لَمْ يُوجَدْ الْمَاءُ، وَيَقْتَضِي أَنْ لَا يَصِحَّ طَهُورٌ بِالتُّرَابِ إلَّا أَنْ لَا نَجِدَ الْمَاءَ إلَّا لِمَنْ أَبَاحَ لَهُ ذَلِكَ نَصٌّ آخَرُ، وَإِذَا كَانَ هَذَا فَلَا يَجُوزُ أَنْ يَخُصَّ بِالْقَبُولِ أَحَدَ الْمَعْنَيَيْنِ دُونَ الْآخَرِ، بَلْ فَرَضَ الْعَمَلَ بِهِمَا مَعًا، وَصَحَّحَ هَذَا أَيْضًا أَمْرُهُ - عَلَيْهِ السَّلَامُ - الْمُجْنِبَ بِالتَّيَمُّمِ بِالصَّعِيدِ وَالصَّلَاةِ، ثُمَّ أَمْرُهُ عِنْدَ وُجُودِ الْمَاءِ بِالْغُسْلِ، فَصَحَّ مَا قُلْنَاهُ نَصًّا وَالْحَمْدُ لِلَّهِ.

L4188 The second case: If one finds water after performing the prayer, must he repeat it or not? Saʿīd ibn al-Musayyab, ʻAṭāʾ, Tāwūs, al-Shaʿbī, al-Ḥasan, and Abū Salamah ibn ʻAbd al-Raḥmān said, "He must repeat it as long as he is within the prayer time."

وَالْمَوْضِعُ الثَّانِي: إنْ وَجَدَ الْمَاءَ بَعْدَ الصَّلَاةِ أَيُعِيدُهَا أَمْ لَا؟ فَقَالَ سَعِيدُ بْنُ الْمُسَيِّبِ وَعَطَاءٌ وَطَاوُسٌ وَالشَّعْبِيُّ وَالْحَسَنُ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: إنَّهُ يُعِيدُ مَا دَامَ فِي الْوَقْتِ.

L4189 It was narrated to us through the chain of Maʿmar from Saʿīd ibn ʿAbd al-Raḥmān al-Jumaḥī from Abū Salamah; through the chain of Ḥammād ibn Salamah from Yūnus from al-Ḥasan; through the chain of al-Ḥajjāj ibn al-Minhāl from Sufyān al-Thawrī from ʿAbd al-Ḥamīd ibn Jubayr ibn Shaybah from Saʿīd ibn al-Musayyib; through the chain of Wakīʿ from Zakariyyā ibn Abī Zāʾidah from al-Shaʿbī; through the chain of Sufyān al-Thawrī from Layth ibn Abī Sulaym from ʿAṭāʾ; and through the chain of al-Ḥasan ibn Ṣāliḥ from al-ʿAlāʾ ibn al-Musayyib from Ṭāwūs.

رُوِّينَاهُ مِنْ طَرِيقِ مَعْمَرٍ عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ الْجُمَحِيِّ عَنْ أَبِي سَلَمَةَ، وَعَنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ عَنْ الْحَسَنِ، وَمِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الْحَمِيدِ بْنِ جُبَيْرِ بْنِ شَيْبَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ، وَمِنْ طَرِيقِ وَكِيعٍ عَنْ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ عَنْ الشَّعْبِيِّ، وَمِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ لَيْثِ بْنِ أَبِي سُلَيْمٍ عَنْ عَطَاءٍ، وَمِنْ طَرِيقِ الْحَسَنِ بْنِ صَالِحٍ عَنْ الْعَلَاءِ بْنِ الْمُسَيِّبِ عَنْ طَاوُسٍ.

L4190 Mālik said: The traveler, the sick person, and the fearful person perform tayammum (dry ablution) during the prayer time. If they perform tayammum, pray, and then find water within the prayer time, the traveler does not repeat the prayer, while the sick person and the fearful person repeat the prayer.

وَقَالَ مَالِكٌ: الْمُسَافِرُ وَالْمَرِيضُ وَالْخَائِفُ يَتَيَمَّمُونَ فِي وَسَطِ الْوَقْتِ، فَإِنْ تَيَمَّمُوا وَصَلَّوْا ثُمَّ وَجَدُوا الْمَاءَ فِي الْوَقْتِ فَإِنَّ الْمُسَافِرَ لَا يُعِيدُ، وَأَمَّا الْمَرِيضُ وَالْخَائِفُ فَيُعِيدَانِ الصَّلَاةَ.

L4191–4192 Ali said: As for Mālik's opinion, it is manifestly erroneous in his differentiation between the sick, the one in fear [of harm], and the traveler. This is because the sick person who cannot find water is commanded to perform tayammum and [offer] the prayer, just as the traveler is commanded in a single verse, with no distinction made.

قَالَ عَلِيٌّ: أَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ الْخَطَأِ فِي تَفْرِيقِهِ بَيْنَ الْمَرِيضِ وَالْخَائِفِ وَبَيْنَ الْمُسَافِرِ، لِأَنَّ الْمَرِيضَ الَّذِي لَا يَجِدُ الْمَاءَ مَأْمُورٌ بِالتَّيَمُّمِ وَالصَّلَاةِ، كَمَا أُمِرَ بِهِ الْمُسَافِرُ فِي آيَةٍ وَاحِدَةٍ وَلَا فَرْقَ.

L4193 As for the sick and those in fear, for whom Tayammum is permitted to alleviate hardship and difficulty, the same applies. Regarding all those we have mentioned, no distinction between any of them in this matter is established by the Qur'an, nor by any authentic or weak Sunnah, nor by consensus, nor by a companion's statement, nor by analogy, nor by any opinion with a sound basis. Indeed, we know of no one who asserted this position before Malik. Thus, this opinion is entirely invalidated, leaving only the view of those who say: "All must repeat it," and the view of those who say: "They need not repeat it." Upon reflection, we found that all those we mentioned were commanded to perform Tayammum by the Qur'an's text. When they prayed, they necessarily fell into one of two scenarios: either they prayed as they were commanded, or they did not pray as they were commanded.

وَأَمَّا الْمَرِيضُ وَالْخَائِفُ الْمُبَاحُ لَهُمَا التَّيَمُّمُ لِرَفْعِ الْحَرَجِ وَالْعُسْرِ فَكَذَلِكَ أَيْضًا، وَكُلُّ مَنْ ذَكَرْنَا، فَلَمْ يَأْتِ بِالْفَرْقِ بَيْنَ أَحَدٍ مِنْهُمْ فِي ذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ وَلَا رَأْيٌ لَهُ وَجْهٌ، نَعَمْ، وَلَا نَعْلَمُ أَحَدًا قَالَ قَبْلَ مَالِكٍ، فَسَقَطَ هَذَا الْقَوْلُ جُمْلَةً وَلَمْ يَبْقَ إلَّا قَوْلُ مَنْ قَالَ: يُعِيدُ الْكُلُّ، وَقَوْلُ مَنْ قَالَ لَا يُعِيدُ فَنَظَرْنَا، فَوَجَدْنَا كُلَّ مَنْ ذَكَرْنَا مَأْمُورًا بِالتَّيَمُّمِ بِنَصِّ الْقُرْآنِ، فَلَمَّا صَلَّوْا كَانُوا لَا يَخْلُونَ مِنْ أَحَدِ وَجْهَيْنِ: إمَّا أَنْ يَكُونُوا صَلَّوْا كَمَا أُمِرُوا أَوْ لَمْ يُصَلُّوا كَمَا أُمِرُوا.

L4194 If they say, "They did not pray as they were commanded," we respond to them: Then they would be prohibited from performing dry ablution and prayer initially—these prohibitions are unavoidable. No one would make such a claim, and even if someone did, they would be in error, opposing the Quran, the Sunnah, and the scholarly consensus. Since this category is definitively invalidated, only the second category remains: that they did pray as they were commanded. Therefore, having prayed as commanded, it is impermissible for them to repeat a single prayer twice in one day, due to the prohibition of the Messenger of Allah—peace and blessings be upon him.

فَإِنْ قَالُوا لَمْ يُصَلُّوا كَمَا أُمِرُوا قُلْنَا لَهُمْ: فَهُمْ إذًا مَنْهِيُّونَ عَنْ التَّيَمُّمِ وَالصَّلَاةِ ابْتِدَاءً لَا بُدَّ مِنْ هَذِهِ وَهَذَا لَا يَقُولُهُ أَحَدٌ، وَلَوْ قَالَهُ لَكَانَ مُخْطِئًا مُخَالِفًا لِلْقُرْآنِ وَالسُّنَنِ وَالْإِجْمَاعِ، فَإِذْ قَدْ سَقَطَ هَذَا الْقِسْمُ بِيَقِينٍ فَلَمْ يَبْقَ إلَّا الْقِسْمُ الثَّانِي، وَهُوَ أَنَّهُمْ قَدْ صَلَّوْا كَمَا أُمِرُوا، فَإِذْ قَدْ صَلَّوْا كَمَا أُمِرُوا فَلَا تَحِلُّ لَهُمْ إعَادَةُ صَلَاةٍ وَاحِدَةٍ فِي يَوْمٍ مَرَّتَيْنِ، لِنَهْيِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L4195 This was narrated to us by Abdullah ibn Rabiʿ, who narrated to us Muhammad ibn Isḥāq, who narrated to us Ibn al-Aʿrābī, who narrated to us Abū Dāwūd, who narrated to us Abū Kāmil, who narrated to us Yazīd – meaning Ibn Zuraiʿ – who narrated to us Ḥusayn, that is, the teacher, from ʿAmr ibn Shuʿayb, from Sulaymān ibn Yasār, the client of Maymūnah, who said: "I came to Ibn ʿUmar at al-Balāṭ while they were praying, and he said: 'I heard

حَدَّثَنَا بِذَلِكَ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا أَبُو كَامِلٍ ثنا يَزِيدُ - يَعْنِي ابْنَ زُرَيْعٍ - ثنا حُسَيْنٌ - هُوَ الْمُعَلِّمُ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ مَوْلَى مَيْمُونَةَ قَالَ: «أَتَيْتُ ابْنَ عُمَرَ عَلَى الْبَلَاطِ وَهُمْ يُصَلُّونَ فَقَالَ:

the Messenger of Allah – peace and blessings be upon him – say: "Do not perform a prayer twice in a day."' Therefore, the obligation to repeat the prayer was completely lifted."

إِنِّي سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: لَا تُصَلُّوا صَلَاةً فِي يَوْمٍ مَرَّتَيْنِ» فَسَقَطَ الْأَمْرُ بِالْإِعَادَةِ جُمْلَةً.

L4196 And all praise is due to Allah, Lord of all the worlds.

وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L4197 The third is one who sees water while in prayer. This is the opinion of Mālik, Al-Shāfiʿī, Aḥmad ibn Ḥanbal, Abū Thawr, and Dāwūd.

وَالثَّالِثُ مَنْ رَأَى الْمَاءَ وَهُوَ فِي الصَّلَاةِ، فَإِنَّ مَالِكًا وَالشَّافِعِيَّ وَأَحْمَدَ بْنَ حَنْبَلٍ وَأَبَا ثَوْرٍ وَدَاوُد.

L4198 They said: If one sees the discharge while in prayer, he should continue with his prayer without repeating it, nor is his ritual purity invalidated by that. But if he sees it after the prayer, he must perform ablution and ritual bathing without exception. A newly initiated prayer will not be valid unless he does so.

قَالُوا: إِنْ رَأَى الْمَاءَ وَهُوَ فِي الصَّلَاةِ فَلْيَتَمَادَ عَلَى صَلَاتِه وَلَا يُعِيدُهَا وَلَا تَنْتَقِضُ طَهَارَتُهُ بِذَلِكَ، وَإِنْ رَآهُ بَعْدَ الصَّلَاةِ فَلْيَتَوَضَّأْ وَلْيَغْتَسِلْ وَلَا بُدَّ، لَا تُجْزِيهِ صَلَاةٌ مُسْتَأْنَفَةٌ إِلَّا بِذَلِكَ.

L4199 Abū Ḥanīfah, his companions, Sufyān al-Thawrī, and al-Awzāʿī said: Whether one discovers water during the prayer or after it, he must interrupt the prayer without exception, perform ablution or ritual bathing, and begin it anew. As for discovering it after the prayer, that specific prayer remains valid, but purification with water becomes imperative for any subsequent prayer he initiates—no prayer he initiates afterward is valid except through such purification.

وَقَالَ أَبُو حَنِيفَةَ وَأَصْحَابُهُ وَسُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ: سَوَاءٌ وَجَدَ الْمَاءَ فِي الصَّلَاةِ أَوْ بَعْدَ الصَّلَاةِ يَقْطَعُ الصَّلَاةَ وَلَا بُدَّ، وَيَتَوَضَّأُ أَوْ يَغْتَسِلُ وَيَبْتَدِيهَا، وَأَمَّا إِنْ رَآهُ بَعْدَ الصَّلَاةِ فَقَدْ تَمَّتْ صَلَاتُهُ تِلْكَ، وَلَا بُدَّ لَهُ مِنْ الطَّهَارَةِ بِالْمَاءِ لِمَا يَسْتَأْنِفُ لَا تُجْزِيهِ صَلَاةٌ يَسْتَأْنِفُهَا إِلَّا بِذَلِكَ.

L4200–4201 Ali said: When they disagreed, we examined the matter and found the argument of those who distinguished between the availability of water during prayer and its availability after prayer—if they argued, "He entered prayer as he was commanded; thus, it is impermissible for him to nullify it except by explicit textual evidence or consensus."

قَالَ عَلِيٌّ: فَلَمَّا اخْتَلَفُوا نَظَرْنَا فِي ذَلِكَ، فَوَجَدْنَا حُجَّةَ مَنْ فَرَّقَ بَيْنَ وُجُودِ الْمَاءِ فِي الصَّلَاةِ وَوُجُودِهِ بَعْدَ الصَّلَاةِ - إِنْ قَالُوا قَدْ دَخَلَ فِي الصَّلَاةِ كَمَا أُمِرَ، فَلَا يَجُوزُ لَهُ أَنْ يَنْقُضَهَا إِلَّا بِنَصٍّ أَوْ إِجْمَاعٍ.

L4202 Abu Muhammad said: We know of no argument for them other than this, nor do they have any basis for it. For even if one has entered prayer as Allah the Exalted has commanded, the presence of water must either nullify the ritual purity and subject him to the ruling of one in minor impurity (ḥadath) or major impurity (janābah), or neither nullify the ritual purity nor subject

قَالَ أَبُو مُحَمَّد: لَا نَعْلَمُ لَهُمْ حُجَّةً غَيْرَ هَذِهِ، وَلَا مُتَعَلَّقَ لَهُمْ بِهَا، لِأَنَّهُ - وَإِنْ كَانَ قَدْ دَخَلَ فِي الصَّلَاةِ كَمَا أَمَرَهُ اللَّهُ تَعَالَى - فَلَا يَخْلُو وُجُودُ الْمَاءِ مِنْ أَنْ يَكُونَ يَنْقُضُ الطَّهَارَةَ

him to the ruling of one in major impurity (janābah) or minor impurity (ḥadath).

وَيُعِيدُهُ فِي حُكْمِ الْمُحْدِثِ أَوْ الْمُجْنِبِ، أَوْ يَكُونَ لَا يَنْقُضُ الطَّهَارَةَ وَلَا يُعِيدُهُ فِي حُكْمِ الْمُجْنِبِ أَوْ الْمُحْدِثِ.

L4203 If they say it does not invalidate ritual purity and he need not repeat the prayer while in major or minor impurity - this being the position of Abū Sulaymān and our companions - we respond: There is no obligation on you. You yourselves acknowledge that despite this, he remains obliged to perform either major ablution or minor ablution when he finds water without any disagreement from your side. From their response "Yes," we say to them: He is commanded to do that both during prayer and outside it by the explicit text of our school and your school regarding the urgency to fulfill divine commands. Should they object: "He is not commanded to do so during prayer due to being occupied by it," we counter: This constitutes an arbitrary distinction without evidence - a mere baseless claim. Since he is indeed commanded to act upon finding water both within and outside prayer, it is established that your instruction to persist in abstaining from water usage is erroneous. For by your own principles, his prayer would not be invalidated by this act. Thus the necessary consequence of your doctrine would require him to use the water and resume his prayer from where he left off - exactly as you rule for one in minor impurity, with no distinction. Yet since they reject this conclusion, their argument is invalidated.

فَإِنْ قَالُوا لَا يَنْقُضُ الطَّهَارَةَ وَلَا يُعِيدُهُ مُجْنِبًا وَلَا مُحْدِثًا، فَهَذَا جَوَابُ أَبِي سُلَيْمَانَ وَأَصْحَابِنَا، قُلْنَا فَلَا عَلَيْكُمْ، أَنْتُمْ مُقِرُّونَ بِأَنَّهُ مَعَ ذَلِكَ مُفْتَرَضٌ عَلَيْهِ الْغُسْلُ أَوْ الْوُضُوءُ مَتَى وَجَدَ الْمَاءَ بِلَا خِلَافٍ مِنْكُمْ، فَمِنْ قَوْلِهِمْ نَعَمْ، فَقُلْنَا لَهُمْ: فَهُوَ مَأْمُورٌ بِذَلِكَ فِي حِينِ وُجُودِهِ فِي الصَّلَاةِ وَغَيْرِ الصَّلَاةِ بِنَصِّ مَذْهَبِنَا وَمَذْهَبِكُمْ فِي الْبِدَارِ إلَى مَا أُمِرْنَا بِهِ فَإِنْ قَالُوا: لَيْسَ مَأْمُورًا بِذَلِكَ فِي الصَّلَاةِ لِشُغْلِهِ بِهَا، قُلْنَا: هَذَا فَرْقٌ لَا دَلِيلَ عَلَيْهِ، وَدَعْوَى بِلَا بُرْهَانٍ، فَإِذْ هُوَ مَأْمُورٌ بِذَلِكَ فِي الصَّلَاةِ وَغَيْرِ الصَّلَاةِ فَقَدْ صَحَّ إذْ هُوَ مَأْمُورٌ بِذَلِكَ فِي الصَّلَاةِ أَنَّ أَمْرَكُمْ بِالتَّمَادِي عَلَى تَرْكِ اسْتِعْمَالِ الْمَاءِ خَطَأٌ، لِأَنَّهُ عَلَى أَصْلِكُمْ لَا تُنْتَقَضُ بِذَلِكَ صَلَاتُهُ، فَكَانَ اللَّازِمُ عَلَى أُصُولِكُمْ أَنْ يَسْتَعْمِلَ الْمَاءَ وَيَبْنِيَ عَلَى مَا مَضَى مِنْ صَلَاتِهِ كَمَا تَقُولُونَ فِي الْمُحْدِثِ وَلَا فَرْقَ، وَهُمْ لَا يَقُولُونَ هَذَا فَسَقَطَ قَوْلُهُمْ.

L4204 As for the Mālikīs and Shāfiʿīs, their response is that the presence of water nullifies the state of ritual purity and invalidates tayammum, obligating [the use of] water for one in a state of major impurity (janābah) or minor impurity (ḥadath) outside of prayer, but does not nullify the state of ritual purity during prayer.

وَأَمَّا الْمَالِكِيُّونَ وَالشَّافِعِيُّونَ فَجَوَابُهُمْ أَنَّ وُجُودَ الْمَاءِ يَنْقُضُ الطَّهَارَةَ وَيُعِيدُ التَّيَمُّمَ مُجْنِبًا وَمُحْدِثًا فِي غَيْرِ الصَّلَاةِ، وَلَا يَنْقُضُ الطَّهَارَةَ فِي الصَّلَاةِ.

L4205 Ali said: This was a statement of evident corruption and a claim devoid of evidence. Nothing has ever been established in the Quran, the Sunnah, juristic analogy, or any opinion with a valid basis indicating that something could constitute a ritual impurity outside prayer but not during it. Such a claim is within anyone's capacity to make, and it remains invalid unless substantiated by proof from the Quran or Sunnah. This applies particularly to their assertion that the presence of water with the worshipper during

قَالَ عَلِيٌّ: فَكَانَ هَذَا قَوْلًا ظَاهِرَ الْفَسَادِ وَدَعْوَى عَارِيَةً عَنْ الدَّلِيلِ، وَمَا جَاءَ قَطُّ فِي قُرْآنٍ وَلَا سُنَّةٍ وَلَا فِي قِيَاسٍ وَلَا فِي رَأْيٍ لَهُ وَجْهٌ أَنَّ شَيْئًا يَكُونُ حَدَثًا فِي غَيْرِ الصَّلَاةِ وَلَا يَكُونُ حَدَثًا فِي الصَّلَاةِ وَالدَّعْوَى لَا يَعْجِزُ عَنْهَا أَحَدٌ، وَهِيَ بَاطِلٌ مَا لَمْ يُصَحِّحْهَا بُرْهَانٌ مِنْ قُرْآنٍ أَوْ سُنَّةٍ، لَا سِيَّمَا قَوْلُهُمْ: إنَّ وُجُودَ الْمُصَلِّي الْمَاءَ فِي حَالِ صَلَاتِهِ لَا

prayer does not invalidate the prayer, yet if they conclude the prayer, their ritual purity becomes invalidated by the presence of water that occurred during prayer—even if that presence of water did not persist beyond the prayer. This constitutes the peak of absurdity: something invalidates ritual purity when it ceases to exist but does not invalidate it when present. Yet they themselves rejected this very principle in their criticism of Abū Ḥanīfah's ruling that loud laughter invalidates ablution during prayer but not outside it.

يَنْقُضُ صَلَاتَهُ، فَإِذَا سَلَّمَ انْتَقَضَتْ طَهَارَتُهُ بِالْوُجُودِ الَّذِي كَانَ فِي الصَّلَاةِ، وَإِنْ لَمْ يَتَمَادَ ذَلِكَ الْوُجُودُ إِلَى بَعْدِ الصَّلَاةِ، فَهَذَا أَطْرَفُ مَا يَكُونُ شَيْءٌ يَنْقُضُ الطَّهَارَةَ إِذَا عُدِمَ وَلَا يَنْقُضُهَا إِذَا وُجِدَ وَهُمْ قَدْ أَنْكَرُوا هَذَا بِعَيْنِهِ عَلَى أَبِي حَنِيفَةَ فِي قَوْلِهِ: إِنَّ الْقَهْقَهَةَ تَنْقُضُ الْوُضُوءَ فِي الصَّلَاةِ وَلَا تَنْقُضُهَا فِي غَيْرِ الصَّلَاةِ.

L4206–4207 Ali said: Since the invalidity of this opinion has also become evident—for we have mentioned the statement of Allah's Messenger (peace and blessings of Allah be upon him): "Earth is a purifier when water is not found"—it is established that no valid purification may be performed with earth while water exists, except for those permitted by the textual evidence: the sick people who would face hardship in using it. Since this is so, the invalidity of the purification by one performing tayammum when water is available—whether during prayer or otherwise—is evident, and it is established that the opinion of Sufyān and those who agreed with him is correct.

قَالَ عَلِيٌّ: فَإِذْ قَدْ ظَهَرَ أَيْضًا فَسَادُ هَذَا الْقَوْلِ فَقَدْ ذَكَرْنَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ التُّرَابَ طَهُورٌ مَا لَمْ يُوجَدْ الْمَاءُ» فَصَحَّ أَنْ لَا طَهَارَةَ تَصِحُّ بِتُرَابٍ مَعَ وُجُودِ الْمَاءِ إِلَّا لِمَنْ أَجَازَهُ لَهُ النَّصُّ مِنْ الْمَرِيضِ الَّذِي عَلَيْهِ مِنْ اسْتِعْمَالِهِ حَرَجٌ، فَإِذْ ذَلِكَ كَذَلِكَ فَقَدْ صَحَّ بُطْلَانُ طَهَارَةِ الْمُتَيَمِّمِ إِذَا وَجَدَ الْمَاءَ فِي صَلَاةٍ كَانَ أَوْ فِي غَيْرِ صَلَاةٍ وَصَحَّ قَوْلُ سُفْيَانَ وَمَنْ وَافَقَهُ.

L4208 However, Abū Ḥanīfah contradicted himself here in two points. The first is his view that one who invalidates ablution due to unavoidable circumstances should perform ablution and resume prayer, while this individual similarly invalidated ablution due to unavoidable circumstances—yet according to his own principle, he should have instructed him to perform ablution and resume. The second point is his opinion that the salutation concluding prayer is not obligatory, and that whoever sits for the duration of the Tashahhud at the end of prayer has completed it. He holds that even if one intentionally or unintentionally invalidates ablution afterward, the prayer remains valid without requiring repetition. Yet here he asserts that if one sits for the Tashahhud duration and finds water after performing dry ablution—even without uttering the salutation—both that prayer and his ablution are invalidated, requiring him to purify himself perpetually and repeat the prayer indefinitely. This constitutes a contradiction at the peak of repugnance, entirely removed from textual sources, juristic analogy, and sound reasoning. We do not know of anyone before Abū Ḥanīfah who made these distinctions.

إِلَّا أَنَّ أَبَا حَنِيفَةَ تَنَاقَضَ هَهُنَا فِي مَوْضِعَيْنِ، أَحَدُهُمَا أَنَّهُ يَرَى لِمَنْ أَحْدَثَ مَغْلُوبًا أَنْ يَتَوَضَّأَ وَيَبْنِيَ، وَهَذَا أَحْدَثَ مَغْلُوبًا، فَكَانَ الْوَاجِبُ عَلَى أَصْلِهِ أَنْ يَأْمُرَهُ بِأَنْ يَتَوَضَّأَ وَيَبْنِيَ، وَالثَّانِي: أَنَّهُ يَرَى السَّلَامَ مِنْ الصَّلَاةِ لَيْسَ فَرْضًا: وَأَنَّ مَنْ قَعَدَ فِي آخِرِ صَلَاتِهِ مِقْدَارَ التَّشَهُّدِ فَقَدْ تَمَّتْ صَلَاتُهُ، وَأَنَّهُ إِنْ أَحْدَثَ عَامِدًا أَوْ نَاسِيًا فَقَدْ صَحَّتْ صَلَاتُهُ وَلَا إِعَادَةَ عَلَيْهِ، ثُمَّ رَأَى هَهُنَا أَنَّهُ وَإِنْ قَعَدَ فِي آخِرِ صَلَاتِهِ مِقْدَارَ التَّشَهُّدِ ثُمَّ وَجَدَ الْمَاءَ وَإِنْ لَمْ يُسَلِّمْ فَإِنَّ صَلَاتَهُ تِلْكَ قَدْ بَطَلَتْ وَكَذَلِكَ طَهَارَتُهُ، وَعَلَيْهِ أَنْ يَتَطَهَّرَ وَيُعِيدَهَا أَبَدًا، وَهَذَا تَنَاقُضٌ فِي غَايَةِ الْقُبْحِ وَالْبُعْدِ عَنْ النُّصُوصِ وَالْقِيَاسِ وَسَدَادِ الرَّأْيِ، وَمَا عَلِمْنَا هَذِهِ التَّفَارِيقَ لِأَحَدٍ قَبْلَ أَبِي حَنِيفَةَ.

[مَسْأَلَةُ الْمَرِيضُ الْمُبَاحُ لَهُ التَّيَمُّمُ مَعَ وُجُودِ الْمَاءِ]

٢٣٥ - مَسْأَلَةٌ:

وَالْمَرِيضُ الْمُبَاحُ لَهُ التَّيَمُّمُ مَعَ وُجُودِ الْمَاءِ بِخِلَافِ مَا ذَكَرْنَا، فَإِنَّ صِحَّتَهُ لَا تَنْقُضُ طَهَارَتَهُ.

بُرْهَانُ ذَلِكَ أَنَّ الْخَبَرَ الَّذِي أَتَبَعْنَا إنَّمَا جَاءَ فِيمَنْ لَمْ يَجِدْ الْمَاءَ، فَهُوَ الَّذِي تُنْتَقَضُ طَهَارَتُهُ بِوُجُودِ الْمَاءِ، وَأَمَّا مَنْ أَمَرَهُ اللَّهُ تَعَالَى بِالتَّيَمُّمِ وَالصَّلَاةِ مَعَ وُجُودِ الْمَاءِ فَإِنَّ وُجُودَ الْمَاءِ قَدْ صَحَّ يَقِينًا أَنَّهُ لَا يَنْقُضُ طَهَارَتَهُ، بَلْ هِيَ صَحِيحَةٌ مَعَ وُجُودِ الْمَاءِ، فَإِذْ ذَاكَ كَذَلِكَ فَإِنَّ الصِّحَّةَ لَيْسَتْ حَدَثًا أَصْلًا، إذْ لَمْ يَأْتِ بِأَنَّهَا حَدَثٌ لَا قُرْآنٌ وَلَا سُنَّةٌ فَإِنْ قَالُوا: قِسْنَا الْمَرِيضَ عَلَى الْمُسَافِرِ، قُلْنَا الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ؛ لِأَنَّهُ قِيَاسُ الشَّيْءِ عَلَى ضِدِّهِ، وَهَذَا بَاطِلٌ عِنْدَ أَصْحَابِ الْقِيَاسِ وَهُوَ قِيَاسُ وَاجِدِ الْمَاءِ عَلَى عَادِمِهِ، وَقِيَاسُ مَرِيضٍ عَلَى صَحِيحٍ، وَهُمْ لَا يَخْتَلِفُونَ أَنَّ أَحْكَامَهُمَا فِي الصَّلَاةِ وَغَيْرِهَا تَخْتَلِفُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ الْمُتَيَمِّمُ يُصَلِّي بِتَيَمُّمِهِ مَا شَاءَ مِنْ الصَّلَوَاتِ]

٢٣٦ - مَسْأَلَةٌ:

وَالْمُتَيَمِّمُ يُصَلِّي بِتَيَمُّمِهِ مَا شَاءَ مِنْ الصَّلَوَاتِ الْفَرْضَ وَالنَّوَافِلَ مَا لَمْ يُنْتَقَضْ تَيَمُّمُهُ بِحَدَثٍ أَوْ بِوُجُودِ الْمَاءِ، وَأَمَّا الْمَرِيضُ فَلَا يَنْقُضُ طَهَارَتَهُ بِالتَّيَمُّمِ إلَّا مَا يَنْقُضُ الطَّهَارَةَ مِنْ الْأَحْدَاثِ فَقَطْ.

Legal Question: The sick person for whom performing *tayammum* (*ritual dry ablution*) is permissible despite the availability of water.

235. Issue:

The sick person permitted to perform dry ablution (tayammum) with the presence of water—contrary to what we previously mentioned—his recovery does not invalidate his purification.

The proof of this is that the report we have adhered to only concerns one who could not find water. Thus, it is he whose purification becomes invalidated by the presence of water. As for the one whom Allah the Exalted has commanded to perform dry ablution and pray despite the presence of water, the existence of water has been definitively established as not invalidating his purification. Rather, his purification remains valid even with water present. Since this is the case, validity is fundamentally not a state of ritual impurity, for neither the Qur'an nor the Sunnah has declared it to be such. If they argue: "We analogize the sick person to the traveler," we reply: All analogy is entirely invalid. Even if analogy were valid, this specific case would epitomize invalidity, for it constitutes analogizing a thing to its opposite—a practice rejected by the proponents of analogy themselves. It is an analogy of one possessing water to one lacking it, and a sick person to a healthy one, though they universally acknowledge that their rulings in prayer and other matters differ. Success is from Allah the Exalted.

Issue: One who performs tayammum may pray with that tayammum as many prayers as he wills.

236 – Issue:

A person performing dry ablution may pray whatever prayers he wishes—obligatory or voluntary—with his tayammum, provided it remains valid and is not nullified by a ritual impurity or the presence of water. As for the sick person, his purification is not invalidated by dry ablution except through

what inherently nullifies purification, which are the ritual invalidators themselves.

وَبِهَذَا يَقُولُ أَبُو حَنِيفَةَ وَسُفْيَانُ الثَّوْرِيُّ وَاللَّيْثُ بْنُ سَعْدٍ وَدَاوُد.

L4216 And with this say Abu Hanifah, Sufyan al-Thawri, al-Layth ibn Saʿd, and Dawud.

وَرُوِّينَا أَيْضًا عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ الْحَسَنِ قَالَ: يُصَلِّي الصَّلَوَاتِ كُلَّهَا بِتَيَمُّمٍ وَاحِدٍ مِثْلِ الْوُضُوءِ مَا لَمْ يُحْدِثْ.

L4217–4218 It has also been narrated to us from Ḥammād ibn Salamah, from Yūnus ibn ʿUbayd, from al-Ḥasan, who said: “One may pray all prayers with one *tayammum*, like *wuḍūʾ*, as long as no nullifying act occurs.”

وَعَنْ مَعْمَرٍ قَالَ: سَمِعْتُ الزُّهْرِيَّ يَقُولُ: التَّيَمُّمُ بِمَنْزِلَةِ الْمَاءِ. يَقُولُ يُصَلِّي بِهِ مَا لَمْ يُحْدِثْ. وَعَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: صَلِّ بِتَيَمُّمٍ وَاحِدٍ الصَّلَوَاتِ كُلَّهَا مَا لَمْ تُحْدِثْ، هُوَ بِمَنْزِلَةِ الْمَاءِ وَهُوَ قَوْلُ يَزِيدَ بْنِ هَارُونَ وَمُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ وَغَيْرِهِمْ.

L4219 From Maʾmar, who said: I heard al-Zuhri say: Tayammum holds the same status as water. He said: “Pray with it as long as one does not invalidate ablution.” From Qatādah, from Saʾīd ibn al-Musayyab, who said: “Perform all prayers with a single tayammum as long as you do not invalidate ablution. It holds the same status as water.” This is the view of Yazīd ibn Hārūn, Muḥammad ibn ʾAlī ibn al-Ḥusayn, and others.

وَقَالَ مَالِكٌ: لَا يُصَلَّى صَلَاتَا فَرْضٍ بِتَيَمُّمٍ وَاحِدٍ، وَعَلَيْهِ أَنْ يَتَيَمَّمَ لِكُلِّ صَلَاةٍ فَإِنْ تَيَمَّمَ وَتَطَوَّعَ بِرَكْعَتَيْ الْفَجْرِ أَوْ غَيْرِهِمَا فَلَا بُدَّ لَهُ مِنْ أَنْ يَتَيَمَّمَ تَيَمُّمًا آخَرَ لِلْفَرِيضَةِ فَلَوْ تَيَمَّمَ ثُمَّ صَلَّى الْفَرِيضَةَ جَازَ لَهُ أَنْ يَتَنَفَّلَ بَعْدَهَا بِذَلِكَ التَّيَمُّمِ.

L4220 Malik said: Two obligatory prayers should not be performed with one tayammum. One must perform tayammum for each prayer. If one performs tayammum and then prays voluntary prayers such as the two dawn rakʿahs or others, they must perform another tayammum for the obligatory prayer. However, if one performs tayammum and prays the obligatory prayer, it is permissible to perform voluntary prayers afterward with that same tayammum.

وَقَالَ الشَّافِعِيُّ: يَتَيَمَّمُ لِكُلِّ صَلَاةِ فَرْضٍ وَلَا بُدَّ، وَلَهُ أَنْ يَتَنَفَّلَ قَبْلَهَا وَبَعْدَهَا بِذَلِكَ التَّيَمُّمِ.

L4221 Al-Shafiʿī said: He must perform tayammum for obligatory prayers, and it remains valid [for subsequent prayers] as long as the conditions persist. He may perform supererogatory prayers before and after it with that tayammum.

وَقَالَ شَرِيكٌ: يَتَيَمَّمُ لِكُلِّ صَلَاةٍ.

L4222 And Sharik said: He performs tayammum for every prayer.

وَرُوِيَ مِثْلُ قَوْلِ شَرِيكٍ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ وَالشَّعْبِيِّ وَرَبِيعَةَ وَقَتَادَةَ وَيَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، وَهُوَ قَوْلُ اللَّيْثِ بْنِ سَعْدٍ وَأَحْمَدَ وَإِسْحَاقَ.

L4223 A narration similar to the view of Shareek has been reported from Ibrāhīm al-Nakhaʿī, al-Shaʿbī, Rabīʿah, Qatādah, and Yaḥyā ibn Saʿīd al-Anṣārī. This is the view of al-Layth ibn Saʿd, Aḥmad, and Isḥāq.

وَقَالَ أَبُو ثَوْرٍ: يَتَيَمَّمُ لِكُلِّ صَلَاةٍ مَكْتُوبَةٍ

L4224 Abu Thawr said: One is to perform tayammum for every obligatory prayer

time, except that one prays all missed obligatory prayers using one tayammum.

وَقَالَ أَبُو ثَوْرٍ: يَتَيَمَّمُ لِكُلِّ وَقْتِ صَلَاةِ فَرْضٍ إِلَّا أَنَّهُ يُصَلِّي الْفَوَائِتَ مِنْ الْفُرُوضِ كُلِّهَا بِتَيَمُّمٍ وَاحِدٍ.

L4225 Ali said: As for Malik's opinion, it has no connection to any legal proof whatsoever—neither to the Quran, nor to an authentic or daʿīf Sunnah, nor to analogical reasoning. Tayammum must either constitute ritual purity or not constitute ritual purity. If it constitutes ritual purity, one may pray with it so long as the Quran or Sunnah does not mandate its invalidation. If it does not constitute ritual purity, it is impermissible for him to pray without ritual purity.

قَالَ عَلِيٌّ: أَمَّا قَوْلُ مَالِكٍ فَلَا مُتَعَلَّقَ لَهُ بِحُجَّةٍ أَصْلًا، لَا بِقُرْآنٍ وَلَا بِسُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ وَلَا بِقِيَاسٍ، وَلَا يَخْلُو التَّيَمُّمُ مِنْ أَنْ يَكُونَ طَهَارَةً أَوْ لَا طَهَارَةَ، فَإِنْ كَانَ طَهَارَةً فَيُصَلِّي بِطَهَارَتِهِ مَا لَمْ يُوجِبْ نَقْضَهَا قُرْآنٌ أَوْ سُنَّةٌ، وَإِنْ كَانَ لَيْسَ طَهَارَةً فَلَا يَجُوزُ لَهُ أَنْ يُصَلِّيَ بِغَيْرِ طَهَارَةٍ.

L4226 And some of them said that it is not a complete purification, but rather a permissibility for prayer.

وَقَالَ بَعْضُهُمْ: لَيْسَ طَهَارَةً تَامَّةً وَلَكِنَّهُ اسْتِبَاحَةٌ لِلصَّلَاةِ.

L4227 Ali said: This is invalid for several reasons. One is that it constitutes an assertion without evidence, and anything of that nature is invalid. The second is that it is an assertion contradicted by the Quran.

قَالَ عَلِيٌّ: وَهَذَا بَاطِلٌ مِنْ وُجُوهٍ: أَحَدُهَا أَنَّهُ قَوْلٌ بِلَا بُرْهَانٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ. وَالثَّانِي أَنَّهُ قَوْلٌ يُكَذِّبُهُ الْقُرْآنُ.

L4228 Allah the Exalted said: "Then perform tayammum with clean earth and wipe your faces and hands with it. Allah does not intend to impose hardship upon you, but He intends to purify you." [Al-Mā'idah: 6] Thus, Allah the Exalted solemnly decreed that tayammum is a purification ordained by Him.[7]

قَالَ اللَّهُ تَعَالَى: {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ} [المائدة: ٦] فَنَصَّ تَعَالَى عَلَى أَنَّ التَّيَمُّمَ طَهَارَةٌ مِنْ اللَّهِ تَعَالَى.

L4229–4231 The third is that this constitutes their contradiction, because they said it is not complete purification—but rather what permits prayer. This statement is self-contradictory, for the legitimacy of prayer cannot be established except through purification; thus, it is a purification that negates itself.

وَالثَّالِثُ: أَنَّهُ تَنَاقُضٌ مِنْهُمْ لِأَنَّهُمْ قَالُوا لَيْسَ طَهَارَةً تَامَّةً - وَلَكِنَّهُ اسْتِبَاحَةٌ لِلصَّلَاةِ، وَهَذَا كَلَامٌ يَنْقُضُ أَوَّلُهُ آخِرَهُ؛ لِأَنَّ الِاسْتِبَاحَةَ لِلصَّلَاةِ لَا تَكُونُ إلَّا بِطَهَارَةٍ، فَهُوَ إذَنْ طَهَارَةٌ لَا طَهَارَةٌ.

L4232 The fourth is that even if we concede their claim that it renders the first prayer permissible, how can they assert that this permissibility does not extend to the second prayer just as it applied to the first? How is it established

وَالرَّابِعُ أَنَّهُ هَبْكَ أَنَّهُ كَمَا قَالُوا اسْتِبَاحَةً لِلصَّلَاةِ، فَمِنْ أَيْنَ لَهُمْ أَنْ لَا يَسْتَبِيحُوا بِهَذِهِ الِاسْتِبَاحَةِ الصَّلَاةَ الثَّانِيَةَ كَمَا اسْتَبَاحُوا بِهِ الصَّلَاةَ الْأُولَى؟ وَمِنْ أَيْنَ وَجَبَ أَنْ يَكُونَ اسْتِبَاحَةً لِلصَّلَاةِ الْأُولَى دُونَ أَنْ يَكُونَ اسْتِبَاحَةً لِلثَّانِيَةِ؟ وَقَالُوا: إنَّ طَلَبَ الْمَاءِ يَنْقُضُ

[7] **Qur'an references (L4228):** Qur'an 5:6 (Al-Ma'idah).

طَهَارَةَ الْمُتَيَمِّمِ وَعَلَيْهِ أَنْ يَطْلُبَ الْمَاءَ لِكُلِّ صَلَاةٍ. قُلْنَا لَهُمْ: هَذَا بَاطِلٌ، أَوَّلُ ذَلِكَ إِنَّ قَوْلَكُمْ، إِنَّ طَلَبَ الْمَاءِ يَنْقُضُ طَهَارَةَ الْمُتَيَمِّمِ دَعْوَى كَاذِبَةٌ بِلَا بُرْهَانٍ، وَثَانِيهِ أَنَّ قَوْلَكُمْ: أَنَّ عَلَيْهِ طَلَبَ الْمَاءِ لِكُلِّ صَلَاةٍ بَاطِلٌ وَأَيَّ مَاءٍ يَطْلُبُ؟ وَهُوَ قَدْ طَلَبَهُ وَأَيْقَنَ أَنَّهُ لَا يَجِدُهُ؟ ثُمَّ لَوْ كَانَ كَذَلِكَ، فَأَيَّ مَاءٍ يَطْلُبُهُ الْمَرِيضُ الْوَاجِدُ الْمَاءَ؟ فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ جُمْلَةً، لَا سِيَّمَا قَوْلُ مَالِكٍ فِي بَقَاءِ الطَّهَارَةِ بَعْدَ الْفَرِيضَةِ لِلنَّوَافِلِ وَانْتِقَاضِ الطَّهَارَةِ بَعْدَ النَّافِلَةِ لِلْفَرِيضَةِ، وَبَعْدَ الْفَرِيضَةِ لِلْفَرِيضَةِ، وَطَلَبُ الْمَاءِ عَلَى قَوْلِهِمْ يَلْزَمُ لِلنَّافِلَةِ وَلَا بُدَّ، كَمَا يَلْزَمُ لِلْفَرِيضَةِ، إِذْ لَا فَرْقَ فِي وُجُوبِ الطَّهَارَةِ لِلنَّافِلَةِ كَمَا تَجِبُ لِلْفَرِيضَةِ وَلَا فَرْقَ، بِلَا خِلَافٍ بِهِ مِنْ أَحَدٍ مِنَ الْأُمَّةِ وَإِنِ اخْتَلَفَتْ أَحْكَامُهَا فِي غَيْرِ ذَلِكَ، لَا سِيَّمَا وَشَيْخُهُمُ الَّذِي قَلَّدُوهُ - مَالِكٌ - يَقُولُ فِي الْمُوَطَّأِ: لَيْسَ الْمُتَوَضِّئُ بِأَطْهَرَ مِنَ الْمُتَيَمِّمِ، وَمَنْ تَيَمَّمَ فَقَدْ فَعَلَ مَا أَمَرَهُ اللَّهُ تَعَالَى بِهِ.

that the permissibility relates exclusively to the first prayer rather than the second? They argue that seeking water invalidates the tayammum purification, obliging one to seek water for each prayer. We respond: This is invalid. Firstly, your assertion that seeking water invalidates tayammum purification is an unfounded claim without proof. Secondly, your claim that one must seek water for every prayer is baseless. What water should they seek when they have already sought it and confirmed they cannot find it? Moreover, if this were valid, what water would a sick person who possesses water be required to seek? Thus, the corruption of this view is entirely evident, particularly Malik's position regarding the persistence of purification after an obligatory prayer for supererogatory prayers, the invalidation of purification after a supererogatory prayer for an obligatory prayer, and after one obligatory prayer for another. According to their reasoning, seeking water would necessarily be required for supererogatory prayers just as for obligatory ones, since there is no distinction in the obligation of purification for supererogatory prayers compared to obligatory ones—with no disagreement from any member of the community, even if rulings differ in other matters. This is particularly evident given that their own scholar, Malik—whom they follow—states in Al-Muwatta: "The one who performs ablution is not purer than the one who performs tayammum, and whoever performs tayammum has fulfilled what Allah Almighty commanded."

وَأَمَّا قَوْلُ الشَّافِعِيِّ فَظَاهِرُ الْخَطَأِ أَيْضًا، لِأَنَّهُ أَوْجَبَ تَجْدِيدَ التَّيَمُّمِ لِلْفَرِيضَةِ وَلَمْ يُوجِبْهُ لِلنَّافِلَةِ، وَهَذَا خَطَأٌ بِكُلِّ مَا ذَكَرْنَاهُ.

L4233 As for Al-Shāfiʿī's statement, it is manifestly erroneous as well, because he obligated renewing tayammum for the obligatory prayer but did not obligate it for the voluntary prayer, and this is erroneous in light of everything we have previously mentioned.

وَأَمَّا قَوْلُ أَبِي ثَوْرٍ فَظَاهِرُ الْخَطَأِ أَيْضًا، لِأَنَّهُ جَعَلَ الطَّهَارَةَ بِالتَّيَمُّمِ تَصِحُّ بِبَقَاءِ وَقْتِ الصَّلَاةِ وَتُنْتَقَضُ بِخُرُوجِ الْوَقْتِ وَمَا عَلِمْنَا فِي الْأَحْدَاثِ خُرُوجَ وَقْتٍ أَصْلًا، لَا فِي قُرْآنٍ وَلَا سُنَّةٍ، وَإِنَّمَا جَاءَ الْأَمْرُ بِالْغُسْلِ فِي كُلِّ صَلَاةِ فَرْضٍ أَوْ فِي الْجَمْعِ بَيْنَ الصَّلَاتَيْنِ فِي الْمُسْتَحَاضَةِ، وَالْقِيَاسُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ قِيَاسَ

L4234 As for the statement of Abū Thawr, its apparent error is likewise, because he considered purification by tayammum valid with the remaining prayer time and invalidated by the expiration of the prayer time, yet we know of no basis at all—neither in the Quran nor the Sunnah—for the expiration of time in cases of ritual impurity. The command to perform ghusl only came for every obligatory prayer or in combining two prayers for the mustahadah (a woman experiencing chronic bleeding), and the analogy is invalid. Furthermore, even if it were valid, this particular analogy would still be invalid, for comparing

the one who performs tayammum to the mustahadah entails no resemblance between them that necessitates it nor a shared legal rationale, rendering it invalid in all cases. Thus, these opinions are all mere claims without proof. And with Allah, the Exalted, is success.

L4235–4237 If they say that this statement of ours is the view of Ibn ʿAbbās, ʿAlī, Ibn ʿUmar, and ʿAmr ibn al-ʿĀṣ. We said: As for the narration from Ibn Abbas, it is rejected because it is transmitted through Hasan ibn ʻUmarah, who is deemed unreliable, and from an unnamed man.

L4238 As for the narration attributed to ʻAmr ibn al-ʻĀṣ, it is only transmitted through Qatādah from ʻAmr ibn al-ʻĀṣ, and Qatādah was not born until after the death of ʻAmr ibn al-ʻĀṣ. The narrations concerning this matter from ʻAlī and Ibn ʻUmar are likewise unreliable. Even if they were authentic, they would not constitute proof, for no one's statement – apart from that of the Messenger of Allah (peace be upon him) – constitutes proof.

L4239 Additionally, the division by Mālik, al-Shāfiʿī, and Abū Thawr has not been transmitted from any of those we mentioned. Thus, they oppose the aforementioned Companions in all those matters. Moreover, a statement resembling our position has also been transmitted from Ibn ʿAbbās. Therefore, our opinion is confirmed, and success is from Allah.

L4240 Some of them said: "When Allah, the Mighty and Majestic, stated: {O you who believe, when you rise for prayer, wash your faces and your hands} [5:6] up to His words: {then perform dry ablution with pure earth} [5:6], He obligated ablution upon everyone who intends to perform prayer. When the Prophet (peace be upon him) prayed all the prayers with a single ablution, ablution was thereby excluded from the ruling of the verse, while dry ablution with pure earth (tayammum) retained its obligation upon everyone who intends to perform prayer."[8]

الْمُتَيَمِّمِ عَلَى الْمُسْتَحَاضَةِ لَمْ يُوجِبْهُ شَبَهٌ بَيْنَهُمَا وَلَا عِلَّةٌ جَامِعَةٌ، فَهُوَ بَاطِلٌ بِكُلِّ حَالٍ، فَخَصَلَتْ هَذِهِ الْأَقْوَالُ دَعْوَى كُلُّهَا بِلَا بُرْهَانٍ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

فَإِنْ قَالُوا إِنَّ قَوْلَنَا هَذَا هُوَ قَوْلُ ابْنِ عَبَّاسٍ وَعَلِيٍّ وَابْنِ عُمَرَ وَعَمْرِو بْنِ الْعَاصِ قُلْنَا أَمَّا الرِّوَايَةُ عَنْ ابْنِ عَبَّاسٍ فَسَاقِطَةٌ لِأَنَّهَا مِنْ طَرِيقِ الْحَسَنِ بْنِ عُمَارَةَ وَهُوَ هَالِكٌ وَعَنْ رَجُلٍ لَمْ يُسَمَّ.

وَأَمَّا الرِّوَايَةُ عَنْ عَمْرِو بْنِ الْعَاصِ فَإِنَّمَا هِيَ عَنْ قَتَادَةَ عَنْ عَمْرِو بْنِ الْعَاصِ، وَقَتَادَةُ لَمْ يُولَدْ إِلَّا بَعْدَ مَوْتِ عَمْرِو بْنِ الْعَاصِ، وَالرِّوَايَةُ فِي ذَلِكَ عَنْ عَلِيٍّ وَابْنِ عُمَرَ أَيْضًا لَا تَصِحُّ، وَلَوْ صَحَّتْ لَمَا كَانَ فِي ذَلِكَ حُجَّةٌ، إِذْ لَيْسَ فِي قَوْلِ أَحَدٍ حُجَّةٌ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

وَأَيْضًا فَإِنَّ تَقْسِيمَ مَالِكٍ وَالشَّافِعِيِّ وَأَبِي ثَوْرٍ لَمْ يُرْوَ عَنْ أَحَدٍ مِمَّنْ ذَكَرْنَا، فَهُمْ مُخَالِفُونَ الصَّحَابَةَ الْمَذْكُورِينَ فِي كُلِّ ذَلِكَ، وَأَيْضًا فَقَدْ رُوِيَ نَحْوُ قَوْلِنَا عَنْ ابْنِ عَبَّاسٍ أَيْضًا، فَصَحَّ قَوْلُنَا وَبِاللَّهِ التَّوْفِيقُ.

وَقَدْ قَالَ بَعْضُهُمْ: لَمَّا قَالَ اللَّهُ عَزَّ وَجَلَّ: {يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ} [المائدة: ٦] إِلَى قَوْلِهِ: {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [المائدة: ٦] قَالَ فَأَوْجَبَ عَزَّ وَجَلَّ الْوُضُوءَ عَلَى كُلِّ قَائِمٍ إِلَى الصَّلَاةِ، فَلَمَّا صَلَّى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الصَّلَوَاتِ بِوُضُوءٍ وَاحِدٍ خَرَجَ الْوُضُوءُ بِذَلِكَ عَنْ حُكْمِ الْآيَةِ، وَبَقِيَ التَّيَمُّمُ عَلَى وُجُوبِهِ عَلَى كُلِّ قَائِمٍ لِلصَّلَاةِ.

[8] **Qur'an references (L4240):** Qur'an 5:6 (Al-Ma'idah); Qur'an 4:43 (An-Nisa).

قَالَ عَلِيٌّ - رَضِيَ اللَّهُ عَنْهُ -: وَهَذَا لَيْسَ كَمَا قَالُوا، لَا سِيَّمَا الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ الْمُبِيحِينَ لِلْقِيَامِ إلَى صَلَاةِ النَّافِلَةِ بَعْدَ الْفَرِيضَةِ بِغَيْرِ إحْدَاثِ تَيَمُّمٍ وَلَا إحْدَاثِ طَلَبٍ لِلْمَاءِ، فَلَا مُتَعَلَّقَ لَهُمَاتَيْنِ الطَّائِفَتَيْنِ بِشَيْءٍ مِمَّا ذَكَرْنَا فِي هَذَا الْبَابِ، وَإِنَّمَا الْكَلَامُ بَيْنَنَا وَبَيْنَ مَنْ قَالَ بِقَوْلِ شَرِيكٍ، فَنَقُولُ وَبِاَللَّهِ التَّوْفِيقُ: إنَّ الْآيَةَ لَا تُوجِبُ شَيْئًا مِمَّا ذَكَرْتُمْ، وَلَوْ أَوْجَبَتْ ذَلِكَ لَأَوْجَبَتْ غُسْلَ الْجَنَابَةِ عَلَى كُلِّ قَائِمٍ إلَى الصَّلَاةِ أَبَدًا، وَإِنَّمَا حُكْمُ الْآيَةِ فِي إيجَابِ اللَّهِ تَعَالَى الْوُضُوءَ وَالتَّيَمُّمَ وَالْغُسْلَ إنَّمَا هُوَ عَلَى الْمُجْنِبِينَ وَالْمُحْدِثِينَ فَقَطْ، بِنَصِّ آخِرِ الْآيَةِ الْمُبَيِّنِ لِأَوَّلِهَا، لِقَوْلِ اللَّهِ تَعَالَى فِيهَا: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [المائدة: ٦] وَلَا يَخْتَلِفُ اثْنَانِ مِنْ الْأُمَّةِ فِي أَنَّ هَهُنَا حَذْفًا دَلَّ عَلَيْهِ الْعَطْفُ وَإِنَّ مَعْنَى الْآيَةِ: وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ فَأَحْدَثْتُمْ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنْ الْغَائِطِ، فَبَطَلَ مَا شَغَبُوا بِهِ.

L4241 Ali (may Allah be pleased with him) said: "This is not as they claimed, particularly the Malikis and Shafi'is who permit standing for voluntary prayers after obligatory prayers without performing tayammum or initiating a search for water. These two groups have no connection to anything we mentioned in this chapter. The discussion lies solely between us and those who upheld Sharik's opinion. We say - and with Allah lies success - the verse does not mandate anything you mentioned. Had it mandated such, it would have required the ritual bath for major impurity from every person standing for prayer indefinitely. Rather, the verse's ruling obligating ablution, tayammum, and ritual bath applies exclusively to those in major impurity or those in minor impurity, by the verse's concluding text that elucidates its opening, due to Allah's statement (Exalted is He): {If you are in a state of major impurity, purify yourselves. If you are ill, on a journey, have come from defecation, or had sexual intercourse with women, and find no water, perform tayammum with clean earth} [5:6]. There is no disagreement among the Ummah that there is an ellipsis here indicated by the conjunction, and the verse's meaning is: If you are ill or on a journey and incur minor impurity, or if one of you comes from defecation, then their objections are invalidated."[9]

بَلْ لَوْ قَالَ قَائِلٌ إنَّ حُكْمَ تَجْدِيدِ الطَّهَارَةِ عِنْدَ الْقِيَامِ إلَى الصَّلَاةِ إنَّمَا هُوَ بِنَصِّ الْآيَةِ إنَّمَا هُوَ عَلَى مَنْ حُكْمُهُ الْوُضُوءُ لَا عَلَى مَنْ حُكْمُهُ التَّيَمُّمُ، لَكَانَ أَحَقَّ بِظَاهِرِ الْآيَةِ مِنْهُمْ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يَأْمُرْ قَطُّ بِالتَّيَمُّمِ فِي الْآيَةِ إلَّا مَنْ كَانَ مُحْدِثًا فَقَطْ، لَا كُلَّ قَائِمٍ إلَى الصَّلَاةِ أَصْلًا، وَهَذَا لَا مَخْلَصَ لَهُمْ مِنْهُ أَلْبَتَّةَ، فَبَطَلَ تَعَلُّقُهُمْ فِي إيجَابِ تَجْدِيدِ التَّيَمُّمِ لِكُلِّ صَلَاةٍ بِالْآيَةِ وَصَارَتْ الْآيَةُ مُوجِبَةً لِقَوْلِنَا، وَمُسْقِطَةً لِلتَّيَمُّمِ إلَّا عَمَّنْ كَانَ مُحْدِثًا فَقَطْ، وَأَنَّ التَّيَمُّمَ طَهَارَةٌ صَحِيحَةٌ بِنَصِّ الْآيَةِ، فَإِذْ الْآيَةُ مُوجِبَةٌ لِذَلِكَ فَقَدْ صَحَّ أَنَّهُ يُصَلِّي بِتَيَمُّمٍ وَاحِدٍ مَا شَاءَ الْمُصَلِّي مِنْ صَلَوَاتِ الْفَرْضِ فِي الْيَوْمِ وَاللَّيْلَةِ وَفِي أَكْثَرَ

L4242–4244 Rather, if someone were to say that the ruling of renewing purification when preparing for prayer is based on the text of the verse—meaning it applies exclusively to those whose ruling is wuḍūʾ (ritual ablution), not to those whose ruling is tayammum (dry ablution)—they would be more entitled to the apparent meaning of the verse. For their part, since Allah the Exalted has never commanded tayammum in the verse except for one who is in a state of ritual impurity alone—not every person who stands for prayer at all—this leaves them no escape whatsoever. Thus, their reliance on the verse to mandate renewing tayammum for every prayer is invalidated. The verse has come to affirm our position, negating tayammum except for one who is in a state of ritual impurity alone. Moreover, tayammum constitutes valid purification by the explicit text of the verse. Since the verse necessitates

[9] **Qur'an references (L4241):** Qur'an 5:6 (Al-Ma'idah); Qur'an 4:43 (An-Nisa).

this, it is validly established that one may pray with a single tayammum—performing as many obligatory prayers as desired throughout day and night, and even more than that, along with voluntary prayers—provided one does not incur ritual impurity, major impurity, or find water, as stipulated by the verse itself. All praise is due to Allah, Lord of the worlds.

Issue: Tayammum is permissible both before the time and during the time.

237 – Issue:

Tayammum is permissible before the prayer time and during it if one intends to perform either a voluntary or obligatory prayer with it, just like wuḍūʾ, with no distinction. This is because Allah the Exalted commanded wuḍūʾ, ghusl, and tayammum when rising for prayer, without specifying that this applies only to obligatory prayers rather than voluntary ones. Thus, anyone intending to pray must purify themselves through ghusl if in a state of major impurity, or through wuḍūʾ or tayammum if in a state of minor impurity. Since this is established, it is necessarily required for one intending prayer to have a time interval between their purification and their prayer. As this is unavoidable, whoever imposes a specific limit on the duration of that interval—such a person is invalidating [the act], for they assert what has no basis in the Qur'an, Sunnah, consensus, analogical reasoning, or a Companion's statement. Therefore, purification through wuḍūʾ or tayammum is not invalidated by the length or brevity of that interval. This is elucidated in the utmost clarity, and all praise belongs to Allah, Lord of the worlds.

Case: He had water in his saddlebag but forgot about it, so he made tayammum and prayed.

238. Issue:

If someone had water in his possession but forgot about it, then performed dry ablution and prayed, his prayer is complete, for the one who forgets is unable to find water. And success is from Allah, the Most High.

مِنْ ذَلِكَ وَمِنَ النَّافِلَةِ، مَا لَمْ يُحْدِثْ أَوْ يَجْنُبْ أَوْ يَجِدْ الْمَاءَ بِنَصِّ الْآيَةِ نَفْسِهَا وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

[مَسْأَلَةٌ التَّيَمُّمُ جَائِزٌ قَبْلَ الْوَقْتِ وَفِي الْوَقْتِ]

٢٣٧ - مَسْأَلَةٌ:

وَالتَّيَمُّمُ جَائِزٌ قَبْلَ الْوَقْتِ وَفِي الْوَقْتِ إِذَا أَرَادَ أَنْ يُصَلِّيَ بِهِ نَافِلَةً أَوْ فَرْضًا كَالْوُضُوءِ وَلَا فَرْقَ، لِأَنَّ اللَّهَ تَعَالَى أَمَرَ بِالْوُضُوءِ وَالْغُسْلِ وَالتَّيَمُّمِ عِنْدَ الْقِيَامِ إِلَى الصَّلَاةِ، وَلَمْ يَقُلْ تَعَالَى إِلَى صَلَاةِ فَرْضٍ دُونَ النَّافِلَةِ، فَكُلُّ مُرِيدٍ صَلَاةً فَالْفَرْضُ عَلَيْهِ أَنْ يَتَطَهَّرَ لَهَا بِالْغُسْلِ إِنْ كَانَ جُنُبًا، وَبِالْوُضُوءِ أَوْ التَّيَمُّمِ إِنْ كَانَ مُحْدِثًا، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا بُدَّ لِمُرِيدِ الصَّلَاةِ مِنْ أَنْ يَكُونَ بَيْنَ تَطَهُّرِهِ وَبَيْنَ صَلَاتِهِ مُهْلَةٌ مِنَ الزَّمَانِ، فَإِذْ لَا يُمْكِنُ غَيْرُ ذَلِكَ فَمَنْ حَدَّ فِي قَدْرِ تِلْكَ الْمُهْلَةِ حَدًّا فَهُوَ مُبْطِلٌ، لِأَنَّهُ يَقُولُ مِنْ ذَلِكَ مَا لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ وَلَا قِيَاسٌ وَلَا قَوْلُ صَاحِبٍ، فَإِذْ هَذَا كَمَا ذَكَرْنَا فَلَا يَنْقُضُ الطَّهَارَةَ بِالْوُضُوءِ وَلَا بِالتَّيَمُّمِ طُولُ تِلْكَ الْمُهْلَةِ وَلَا قِصَرُهَا وَهَذَا فِي غَايَةِ الْبَيَانِ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

[مَسْأَلَةٌ كَانَ فِي رَحْلِهِ مَاءٌ فَنَسِيَهُ فَتَيَمَّمَ وَصَلَّى]

٢٣٨ - مَسْأَلَةٌ:

وَمَنْ كَانَ فِي رَحْلِهِ مَاءٌ فَنَسِيَهُ فَتَيَمَّمَ وَصَلَّى فَصَلَاتُهُ تَامَّةٌ، لِأَنَّ النَّاسِيَ غَيْرُ وَاجِدٍ لِلْمَاءِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ كَانَ فِي الْبَحْرِ وَالسَّفِينَةُ تَجْرِي وَأَرَادَ الصَّلَاةَ]

٢٣٩ - مَسْأَلَةٌ:

وَمَنْ كَانَ فِي الْبَحْرِ وَالسَّفِينَةُ تَجْرِي فَإِنْ كَانَ قَادِرًا عَلَى أَخْذِ مَاءِ الْبَحْرِ وَالتَّطَهُّرِ بِهِ لَمْ يُجْزِهِ غَيْرُ ذَلِكَ، فَإِنْ لَمْ يَقْدِرْ عَلَى أَخْذِهِ تَيَمَّمَ وَأَجْزَأَهُ.

رُوِّينَا عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ وَعَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنَّ مَاءَ الْبَحْرِ لَا يُجْزِئُ الْوُضُوءَ بِهِ، وَأَنَّ حُكْمَ مَنْ لَمْ يَجِدْ غَيْرَهُ التَّيَمُّمُ.

وَرُوِّينَا عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - الْوُضُوءَ بِمَاءِ الْبَحْرِ، وَهُوَ الصَّحِيحُ لِقَوْلِ اللَّهِ تَعَالَى: {فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا} [النساء: ٤٣] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إِذَا لَمْ نَجِدْ الْمَاءَ» وَمَاءُ الْبَحْرِ مَاءٌ مُطْلَقٌ، فَإِنْ لَمْ يَقْدِرْ عَلَى أَخْذِ الْمَاءِ مِنْهُ فَهُوَ لَا يَجِدُ مَاءً يَقْدِرُ عَلَى التَّطَهُّرِ بِهِ، فَفَرْضُهُ التَّيَمُّمُ.

[مَسْأَلَةٌ لَمْ يَجِدْ إلَّا مَاءً يَخَافُ عَلَى نَفْسِهِ مِنْهُ]

مَسْأَلَةٌ:

وَكَذَلِكَ مَنْ كَانَ فِي سَفَرٍ أَوْ حَضَرٍ وَهُوَ صَحِيحٌ أَوْ مَرِيضٌ فَلَمْ يَجِدْ إلَّا مَاءً يَخَافُ عَلَى نَفْسِهِ مِنْهُ الْمَوْتَ أَوْ الْمَرَضَ، وَلَا يَقْدِرُ عَلَى تَسْخِينِهِ إلَّا حَتَّى يَخْرُجَ الْوَقْتُ، فَإِنَّهُ يَتَيَمَّمُ وَيُصَلِّي، لِأَنَّهُ لَا يَجِدُ مَاءً يَقْدِرُ عَلَى التَّطَهُّرِ بِهِ.

Issue: If someone was at sea, and the ship is moving, and he intends to pray.

239 – Issue:

If someone is at sea on a moving ship and is able to take seawater to perform ritual purification with it, no other act is valid for him. If he cannot take it, he must perform tayammum (ritual dry purification using clean earth), and this is valid for him.

It has been reported to us from Abdullah ibn Amr ibn Al-As and Abdullah ibn Umar ibn Al-Khattab—may Allah be pleased with them—that seawater does not suffice for performing ablution with it, and that the ruling for one who cannot find any other [water] is to perform tayammum.

It has been narrated to us from ʿUmar—may Allah be pleased with him—regarding performing ablution with seawater, and this is the correct opinion due to Allah's statement, the Most High: "But if you do not find water, then perform *tayammum*" [An-Nisāʾ: 43], and due to the saying of the Messenger of Allah—peace and blessings be upon him: "And its soil has been made a purifier for us when we do not find water." Seawater is absolute water. If a person is unable to obtain the water from it, then they have not found water usable for purification, so their obligation is to perform *tayammum*.[1011]

A case where one finds no water except water he fears may cause him harm.

Issue:

Similarly, if a person is traveling or at home, healthy or ill, and finds no water except what he fears that using it would lead to death or illness, and cannot heat it without the prayer time elapsing, he performs *tayammum* and prays, because he cannot find water that he is able to use for purification.

[10] **Hadith references (L4255):** Sahih Muslim 522a; Bulugh al-Maram 127; Mishkat al-Masabih 526.

[11] **Qur'an references (L4255):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

[مَسْأَلَةٌ لَيْسَ عَلَى مَنْ لَا مَاءَ مَعَهُ أَنْ يَشْتَرِيَهُ لِلْوُضُوءِ وَلَا لِلْغُسْلِ]

٢٤١ - مَسْأَلَةٌ:

وَلَيْسَ عَلَى مَنْ لَا مَاءَ مَعَهُ أَنْ يَشْتَرِيَهُ لِلْوُضُوءِ وَلَا لِلْغُسْلِ، لَا بِمَا قَلَّ وَلَا بِمَا كَثُرَ، فَإِنْ اشْتَرَاهُ لَمْ يُجْزِهِ الْوُضُوءُ بِهِ وَلَا الْغُسْلُ وَفَرْضُهُ التَّيَمُّمُ، وَلَهُ أَنْ يَشْتَرِيَهُ لِلشُّرْبِ إنْ لَمْ يُعْطَهُ بِلَا ثَمَنٍ، وَأَنْ يَطْلُبَهُ لِلْوُضُوءِ فَذَلِكَ لَهُ.

وَلَيْسَ ذَلِكَ عَلَيْهِ فَإِنْ وُهِبَ لَهُ تَوَضَّأَ بِهِ وَلَا بُدَّ، وَلَا يُجْزِيهِ غَيْرُ ذَلِكَ.

بُرْهَانُ ذَلِكَ «نَهْيُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِ الْمَاءِ» .

وَرُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: حَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ النَّوْفَلِيُّ ثنا أَبُو عَاصِمٍ الضَّحَّاكُ بْنُ مَخْلَدٍ ثنا ابْنُ جُرَيْجٍ أَخْبَرَنِي زِيَادُ بْنُ سَعْدٍ أَخْبَرَنِي هِلَالُ بْنُ أُسَامَةَ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يُبَاعُ فَضْلُ الْمَاءِ لِيُبَاعَ بِهِ الْكَلَأُ» .

حَدَّثَنَا حَمَامٌ ثنا عِيسَى بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ ثنا أَبِي عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ أَخْبَرَهُ أَبُو الْمِنْهَالِ أَنَّ إيَاسَ بْنَ عَبْدٍ قَالَ لِرَجُلٍ: لَا تَبِعْ الْمَاءَ، فَإِنَّ «رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ بَيْعِ الْمَاءِ» وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ أَبِي

It is a juristic issue that one who does not have water with him is not obligated to purchase it for ablution (*wuḍūʾ*) nor for *ghusl*.

Issue 241 -

One who does not have water with him is not obligated to purchase it for ablution or bathing, whether the amount is little or much. If he does purchase it, neither ablution nor bathing with it is valid, and his obligation is to perform dry ablution (tayammum). He may purchase water for drinking if it is not provided without charge, and he may seek it for ablution - which is permissible for him.

That is not incumbent upon him. If it is granted to him, he must necessarily perform ablution with it, and no alternative is valid for him.

The proof of that is the prohibition by the Messenger of Allah (peace be upon him) regarding the sale of water.

And it has been narrated to us through the chain of Muslim: Ahmad ibn Uthman al-Nawfali narrated to us, Abu Asim al-Ḍaḥḥāk ibn Makhlad narrated to us, Ibn Jurayj narrated to us, Ziyad ibn Sa'd informed me, Hilal ibn Usamah informed me that Abu Salamah ibn Abd al-Rahman ibn ʿAwf informed him that he heard Abu Hurayrah say: The Messenger of Allah (peace be upon him) said, 'Excess water must not be sold to facilitate the sale of grazing fodder.'

Hammam narrated to us: Isa ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Ahmad ibn Zuhayr ibn Harb narrated to us: My father narrated from Sufyan ibn Uyaynah, from Amr ibn Dinar: Abu al-Minhal informed him that Iyas ibn Abd said to a man: "Do not sell water, for the Messenger of Allah (peace be upon him) forbade the sale of water." Through the chain of Ibn Abi Shaybah: Sufyan ibn Uyaynah narrated to us from Amr ibn Dinar, from Abu al-Minhal, from Iyas ibn Abd al-Muzani—

who saw people selling water—so he said: “Do not sell water, for I heard the Messenger of Allah (peace be upon him) forbid that it be sold.”[12]

الْمِنْهَالِ «عَنْ إِيَاسِ بْنِ عَبْدٍ الْمُزَنِيِّ - وَرَأَى نَاسًا يَبِيعُونَ الْمَاءَ - فَقَالَ لَا تَبِيعُوا الْمَاءَ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى أَنْ يُبَاعَ» .

L4267 From the path of Ibn Abī Shaybah: Yazīd ibn Hārūn narrated to us: Abū Isḥāq narrated to us from Muḥammad ibn ʿAbd al-Raḥmān from his mother ʿAmrah bint ʿAbd al-Raḥmān from ʿĀ’ishah, the Mother of the Believers, who said: “The Messenger of Allah (peace and blessings be upon him) prohibited us from withholding the leftover water of the well”—as this explanation is given in the ḥadīth. We have also transmitted it as a *musnad* ḥadīth from the path of Jābir. Thus these are four Companions, and it is a transmission of *tawātur* (mass-transmitted)—it is impermissible to oppose it.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ ثنا أَبُو إِسْحَاقَ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّهِ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ نَمْنَعَ نَقْعَ الْبِئْرِ يَعْنِي فَضْلَ الْمَاءِ» هَكَذَا فِي الْحَدِيثِ تَفْسِيرُهُ. وَرُوِّينَاهُ أَيْضًا مُسْنَدًا مِنْ طَرِيقِ جَابِرٍ، فَهَؤُلَاءِ أَرْبَعَةٌ مِنْ الصَّحَابَةِ، فَهُوَ نَقْلُ تَوَاتُرٍ لَا تَحِلُّ مُخَالَفَتُهُ.

L4268 Ali said: I have thoroughly investigated the discourse on the issue of prohibiting the sale of water in the Book of Sales of this diwan of ours. And praise be to God.

قَالَ عَلِيٌّ: وَقَدْ تَقَصَّيْتُ الْكَلَامَ فِي هَذَا فِي مَسْأَلَةِ الْمَنْعِ مِنْ بَيْعِ الْمَاءِ فِي كِتَابِ الْبُيُوعِ مِنْ دِيوَانِنَا هَذَا. وَالْحَمْدُ لِلَّهِ.

L4269–4271 Abu Muhammad said: Since the Messenger of Allah—may Allah bless him and grant him peace—forbade its sale, its sale is unlawful. Since this is so, acquiring it through sale constitutes unlawful taking. Since it is unlawfully taken, he does not rightfully own it. Since he is not... If he is the owner of it, it is impermissible for him to use it, based on Allah’s statement - the Exalted: *“Do not consume one another’s wealth wrongfully”* [Surah Al-Baqarah 2:188], and the teaching of the Messenger of Allah - peace and blessings be upon him - *“Indeed, your blood and your wealth are inviolable to you.”* Then if he cannot obtain it except through a prohibited means - such as usurpation or a forbidden sale - he is considered not to have found water. And if he does not find water, his obligation is to perform dry ablution (tayammum).[13]

قَالَ أَبُو مُحَمَّدٍ: فَإِذْ نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِهِ فَبَيْعُهُ حَرَامٌ، وَإِذْ هُوَ كَذَلِكَ فَأَخْذُهُ بِالْبَيْعِ أَخْذٌ بِالْبَاطِلِ، وَإِذْ هُوَ مَأْخُوذٌ بِالْبَاطِلِ فَهُوَ غَيْرُ مُتَمَلِّكٍ لَهُ، وَإِذْ هُوَ غَيْرُ مُتَمَلِّكٍ لَهُ فَلَا يَحِلُّ اسْتِعْمَالُهُ لَهُ، لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» فَإِذَا لَمْ يَجِدْهُ إِلَّا بِوَجْهٍ حَرَامٍ - مِنْ غَصْبٍ أَوْ بَيْعٍ مُحَرَّمٍ - فَهُوَ غَيْرُ وَاجِدٍ الْمَاءَ، وَإِذَا لَمْ يَجِدْ الْمَاءَ فَفَرْضُهُ التَّيَمُّمُ.

L4272 As for purchasing water for drinking out of necessity, the buyer is compelled to do so, while accepting payment is forbidden for the seller because he

وَأَمَّا ابْتِيَاعُهُ لِلشُّرْبِ فَهُوَ مُضْطَرٌّ إلَى ذَلِكَ، وَالثَّمَنُ حَرَامٌ عَلَى الْبَائِعِ، لِأَنَّهُ أَخَذَهُ بِغَيْرِ حَقٍّ، وَمَنْعُ فَضْلِ الْمَاءِ هُوَ مُحَرَّمٌ عَلَيْهِ ذَلِكَ.

[12] **Hadith references (L4266):** Sunan an-Nasai 4660.
[13] **Qur’an references (L4269):** Qur’an 2:188 (Al-Baqarah).

acquired it unjustly. Withholding surplus water is forbidden for him in such circumstances.

وَأَمَّا اسْتِيهَابُهُ الْمَاءَ فَلَمْ يَأْتِ بِذَلِكَ إِيجَابٌ وَلَا جَاءَ عَنْهُ مَنْعٌ فَهُوَ مُبَاحٌ، قَالَ - عَلَيْهِ السَّلَامُ -: «دَعُونِي مَا تَرَكْتُكُمْ فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَدَعُوهُ» أَوْ كَمَا قَالَ - عَلَيْهِ السَّلَامُ -، فَإِذَا مَلَكَهُ بِهِبَةٍ فَقَدْ مَلَكَهُ بِحَقٍّ، فَوَاجِبٌ عَلَيْهِ اسْتِعْمَالُهُ فِي الطَّهَارَةِ وَبِاللَّهِ التَّوْفِيقُ.

L4273 As for requesting water as a gift, no obligation has been established regarding it, nor has any prohibition been transmitted from the Prophet—peace be upon him. Thus, it is permissible. He—peace be upon him—said: "Do not ask me about matters I have not addressed. When I command you to do something, do as much as you can, and when I forbid you from something, abstain from it"—or words to that effect. Therefore, if one acquires ownership of it through a gift, they rightfully own it, and it becomes obligatory to use it for purification. Success is by Allah's grace.

وَقَدْ اخْتَلَفَ النَّاسُ فِي هَذَا فَقَالَ الْأَوْزَاعِيُّ وَالشَّافِعِيُّ وَإِسْحَاقُ: عَلَيْهِ أَنْ يَشْتَرِيَ الْمَاءَ لِلْوُضُوءِ بِثَمَنِهِ، فَإِنْ طُلِبَ مِنْهُ أَكْثَرُ مِنْ ثَمَنِهِ، تَيَمَّمَ وَلَمْ يَشْتَرِهِ.

L4274 People have differed regarding this matter. Al-Awzāʿī, al-Shāfiʿī, and Isḥāq said: He must purchase water for ablution at its price. If he is asked to pay more than its price, he should perform *tayammum* and not purchase it.

وَقَالَ أَبُو حَنِيفَةَ لَا يَشْتَرِيهِ بِثَمَنٍ كَثِيرٍ.

L4275 And Abu Hanifah said: He should not purchase it for a high price.

وَقَالَ مَالِكٌ: إِنْ كَانَ قَلِيلَ الدَّرَاهِمِ وَلَمْ يَجِدْ الْمَاءَ إِلَّا بِثَمَنٍ غَالٍ تَيَمَّمَ، وَإِنْ كَانَ كَثِيرَ الْمَالِ اشْتَرَى مَا لَمْ يَشُطُّوا عَلَيْهِ فِي الثَّمَنِ، وَهُوَ قَوْلُ أَحْمَدَ.

L4276 Mālik said: If he has few dirhams and cannot find water except at an exorbitant price, he should perform *tayammum*, and if he is wealthy, he should purchase it as long as they do not overcharge him. This is the opinion of Aḥmad.

وَقَالَ الْحَسَنُ الْبَصْرِيُّ: يَشْتَرِيهِ وَلَوْ بِمَالِهِ كُلِّهِ. قَالَ أَبُو مُحَمَّدٍ: إِنْ كَانَ وَاجِدُهُ بِالثَّمَنِ - وَاجِدًا لِلْمَاءِ - فَالْحُكْمُ مَا قَالَهُ الْحَسَنُ، وَإِنْ كَانَ غَيْرَ وَاجِدٍ فَالْقَوْلُ قَوْلُنَا، وَأَمَّا التَّقْسِيمُ فِي ابْتِيَاعِهِ مَا لَمْ يَغْلِ عَلَيْهِ فِيهِ، وَتَرَكَهُ إِنْ غُولِيَ بِهِ، فَلَا دَلِيلَ عَلَى صِحَّةِ هَذَا الْقَوْلِ، وَكُلُّ مَا دَعَتْ إِلَيْهِ ضَرُورَةٌ فَلَيْسَ غَالِيًا بِشَيْءٍ أَصْلًا وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L4277 Al-Hasan Al-Basri said: "He should purchase it even if it costs all his wealth." Abu Muhammad said: "If one can obtain it at the price—while having access to water—then the ruling is as Al-Hasan stated. But if one cannot obtain it at the price, then the opinion is our view. As for the division regarding purchasing it as long as the price does not become exorbitant for him, and abandoning it if it is made overpriced for him, there is no proof for the validity of this opinion. Whatever is necessitated by necessity is not exorbitant in any way whatsoever, and success is from Allah, the Exalted."

[مَسْأَلَةٌ مَعَهُ مَاءٌ يَسِيرٌ يَكْفِيهِ لِشُرْبِهِ فَقَطْ وَأَرَادَ الصَّلَاةَ]

Case: A person has a small amount of water that is only enough for his drinking and intends to perform ṣalāh.

٢٤٢ - مَسْأَلَةٌ:

L4278

242: Issue:

L4279

L4280 And whoever possesses a small amount of water sufficient only for his drinking, then his obligation is *tayammum* based on the words of Allah, the Most High: {And do not kill yourselves} [An-Nisa: 29].[14]

L4281 **A jurisprudential issue: If someone has a small amount of water sufficient for ritual ablution (wudhu) and is in a state of major impurity (janabah).**

L4282 243 - Issue:

L4283 If a person has a small amount of water sufficient for wudu while in a state of major ritual impurity (janaba), he must perform tayammum for the janaba and perform wudu with the water. It does not matter which he performs first. Nothing suffices him except this, as these are two distinct obligations. Since they differ in this manner, neither can substitute for the other, as we have previously established. Being capable of fulfilling one obligation completely with water, nothing becomes valid for him except performing it with water. He must discharge the remaining obligation through tayammum as well, as he has been commanded.

L4284 244 – Mas'ala:

L4285–4287 If a small amount of water remains for him and he uses it on some of his limbs, it would be depleted. If he is unable to spread water over all his limbs, his obligation becomes washing what is possible for him and performing tayammum. Al-Shāfiʿī said: "He may wash whichever limbs he wishes with it and perform tayammum."

L4288 Ali said: "Our companions stated: This is erroneous, for he is not incapacitated with respect to the rest of his limbs."

L4289 If prevented from using water, purifying some body parts suffices him. However, he remains incapable of purifying what he was commanded to purify with water. Whoever meets this description must perform tayammum as an

[14]**Qur'an references (L4280):** Qur'an 4:29 (An-Nisa).

وَمَنْ كَانَ مَعَهُ مَاءٌ يَسِيرٌ يَكْفِيهِ لِشُرْبِهِ فَقَطْ فَفَرْضُهُ التَّيَمُّمُ لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تَقْتُلُوا أَنْفُسَكُمْ} [النساء: ٢٩] .

[مَسْأَلَةٌ مَعَهُ مَاءٌ يَسِيرٌ يَكْفِيهِ لِلْوُضُوءِ وَهُوَ جُنُبٌ]

٢٤٣ - مَسْأَلَةٌ:

وَمَنْ كَانَ مَعَهُ مَاءٌ يَسِيرٌ يَكْفِيهِ لِلْوُضُوءِ وَهُوَ جُنُبٌ تَيَمَّمَ لِلْجَنَابَةِ وَتَوَضَّأَ بِالْمَاءِ، لَا يُبَالِي أَيَّهُمَا قَدَّمَ، لَا يُجْزِيهِ غَيْرُ ذَلِكَ، لِأَنَّهُمَا فَرْضَانِ مُتَغَايِرَانِ، وَإِذْ هُمَا كَذَلِكَ فَلَا يَنُوبُ أَحَدٌ عَنْ الْآخَرِ عَلَى مَا قَدَّمْنَا، وَهُوَ قَادِرٌ عَلَى أَنْ يُؤَدِّيَ أَحَدَهُمَا بِكَمَالِهِ بِالْمَاءِ، فَلَا يُجْزِيهِ إلَّا ذَلِكَ، وَيُؤَدِّي الْآخَرَ بِالتَّيَمُّمِ أَيْضًا كَمَا أُمِرَ.

٢٤٤ - مَسْأَلَةٌ:

فَلَوْ فَضَلَ لَهُ مِنْ الْمَاءِ يَسِيرٌ فَلَوْ اسْتَعْمَلَهُ فِي بَعْضِ أَعْضَائِهِ ذَهَبَ وَلَمْ يُمْكِنْهُ أَنْ يَعُمَّ بِهِ سَائِرَ أَعْضَائِهِ، فَفَرْضُهُ غَسْلُ مَا أَمْكَنَهُ وَالتَّيَمُّمُ، وَقَالَ الشَّافِعِيُّ يَغْسِلُ بِهِ أَيَّ أَعْضَائِهِ شَاءَ وَيَتَيَمَّمُ.

قَالَ عَلِيٌّ: قَالَ أَصْحَابُنَا: وَهَذَا خَطَأٌ، لِأَنَّهُ غَيْرُ عَاجِزٍ عَنْ سَائِرِ أَعْضَائِهِ.

بِمَنْعٍ مِنْهَا فَيُجْزِيهِ تَطْهِيرُ بَعْضِهَا: وَلَكِنَّهُ عَاجِزٌ عَنْ تَطْهِيرِ مَا أُمِرَ بِتَطْهِيرِهِ بِالْمَاءِ، وَمَنْ هَذِهِ صِفَتُهُ فَالْفَرْضُ عَلَيْهِ التَّيَمُّمُ وَلَا بُدَّ، بِتَعْوِيضِ اللَّهِ تَعَالَى الصَّعِيدَ مِنْ الْمَاءِ إذَا لَمْ يُوجَدْ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

obligation without exception, by Allah the Exalted's permission to use earth instead of water when it is unavailable. And with Allah the Exalted is success.

L4290 Abu Muhammad said: The Messenger of Allah—peace and blessings be upon him—stated, "When I command you to do something, fulfill it to the extent of your ability." In this scenario, if a person is capable of performing part of his ablution or part of his ghusl but unable to complete the remainder, it becomes obligatory for him to perform as much of the ghusl as he is able first. The first limbs of ablution or ghusl—as far as he is able—are to be washed. When this capacity is exhausted, he must necessarily perform tayammum for his remaining limbs, as he lacks access to water to purify them. It is obligatory for him to substitute with dust as Allah the Exalted has commanded him. If a limb is missing or he cannot apply water to it due to a wound or fracture, the ruling for that limb is waived—whether minor or extensive—and washing the remaining limbs suffices. This is because he possesses water but is incapable of purifying those limbs and is not among those who perform tayammum due to water's availability. What he is incapable of is lifted from him, in accordance with Allah's decree: "Allah does not burden a soul beyond its capacity" [Al-Baqarah 2:286]. Success is through Allah alone.[15]

L4291 Case: He has entered a state of janabah and has no water with him.

L4292 245 – Issue:

L4293 Whoever is in a state of major impurity and has no water must perform two dry ablutions (tayammums), intending one for purification from major impurity and the other for wudu. It does not matter which one is performed first.

L4294 The proof for this is that they are two distinct acts, as we previously established. Therefore, a single act cannot substitute for two obligatory acts unless supported by a textual ruling permitting it. A textual ruling indeed exists stating that washing the limbs required for wudū' suffices both for that purpose and for washing them in ghusl al-janābah (major impurity), which

[15] **Qur'an references (L4290):** Qur'an 2:286 (Al-Baqarah).

قَالَ أَبُو مُحَمَّدٍ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وَهَذَا مُسْتَطِيعٌ لَأَنْ يَأْتِيَ بِبَعْضِ وُضُوئِهِ أَوْ بِبَعْضِ غُسْلِهِ، غَيْرُ مُسْتَطِيعٍ عَلَى بَاقِيهِ، فَفَرْضٌ عَلَيْهِ أَنْ يَأْتِيَ مِنْ الْغُسْلِ بِمَا يَسْتَطِيعُ فِي الْأَوَّلِ، فَالْأَوَّلُ مِنْ أَعْضَاءِ الْوُضُوءِ وَأَعْضَاءِ الْغُسْلِ حَيْثُ بَلَغَ، فَإِذَا نَفِدَ لَزِمَهُ التَّيَمُّمُ لِبَاقِي أَعْضَائِهِ وَلَا بُدَّ، لِأَنَّهُ غَيْرُ وَاجِدٍ لِلْمَاءِ فِي تَطْهِيرِهَا، فَالْوَاجِبُ عَلَيْهِ تَعْوِيضُ التُّرَابِ كَمَا أَمَرَهُ اللَّهُ تَعَالَى، فَلَوْ كَانَ بَعْضُ أَعْضَائِهِ ذَاهِبًا أَوْ لَا يَقْدِرُ عَلَى مَسِّهِ الْمَاءَ لِجُرْحٍ أَوْ كَسْرٍ سَقَطَ حُكْمُهُ، قَلَّ أَوْ كَثُرَ، وَأَجْزَأَهُ غَسْلُ مَا بَقِيَ، لِأَنَّهُ وَاجِدٌ لِلْمَاءِ عَاجِزٌ عَنْ تَطْهِيرِ الْأَعْضَاءِ، وَلَيْسَ مِنْ أَهْلِ التَّيَمُّمِ لِوُجُودِهِ الْمَاءَ وَسَقَطَ عَنْهُ مَا عَجَزَ عَنْهُ لِقَوْلِ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَبِاَللَّهِ التَّوْفِيقُ.

[مَسْأَلَةٌ أَجْنَبَ وَلَا مَاءَ مَعَهُ]

٢٤٥ - مَسْأَلَةٌ:

فَمَنْ أَجْنَبَ وَلَا مَاءَ مَعَهُ فَلَا بُدَّ لَهُ مِنْ أَنْ يَتَيَمَّمَ تَيَمُّمَيْنِ، يَنْوِي بِأَحَدِهِمَا تَطْهِيرَ الْجَنَابَةِ وَبِالْآخِرِ الْوُضُوءَ، وَلَا يُبَالِي أَيَّهُمَا قَدَّمَ.

بُرْهَانُ ذَلِكَ أَنَّهُمَا عَمَلَانِ مُتَغَايِرَانِ كَمَا قَدَّمْنَا، فَلَا يُجْزِئُ عَمَلٌ وَاحِدٌ عَنْ عَمَلَيْنِ مُفْتَرَضَيْنِ إلَّا بِأَنْ يَأْتِيَ نَصٌّ بِأَنَّهُ يُجْزِئُ عَنْهُمَا، وَالنَّصُّ قَدْ جَاءَ بِأَنَّ غَسْلَ أَعْضَاءِ الْوُضُوءِ يُجْزِئُ عَنْ ذَلِكَ وَعَنْ غَسْلِهَا فِي غُسْلِ الْجَنَابَةِ فَصِرْنَا إلَى ذَلِكَ، وَلَمْ يَأْتِ هَهُنَا نَصٌّ بِأَنَّ تَيَمُّمًا وَاحِدًا يُجْزِئُ عَنْ الْجَنَابَةِ وَعَنْ الْوُضُوءِ: وَكَذَلِكَ لَوْ أَجْنَبَتْ الْمَرْأَةُ ثُمَّ حَاضَتْ ثُمَّ

is why we adhere to this ruling. However, no textual ruling exists here indicating that a single tayammum suffices for both janābah and wudū'.

Similarly, if a woman experiences janābah, then menstruates, then becomes pure on Friday while traveling without access to water, she must perform four tayammums: one for menstruation, one for janābah, one for wudū', and one for the Friday prayer (Ṣalāt al-Jumu'ah), due to the reasoning we outlined. If she ritually washed a deceased person, a fifth tayammum becomes obligatory. The evidence for this, as we have previously discussed in the context of ghusl and the convergence of its aspects necessitating it, remains applicable. Success is attained only through Allah, the Exalted.

L4295 **Issue: If a person is imprisoned or crucified such that they cannot find water or clean earth, and the time for prayer arrives.**

L4296 246 - Issue:

L4297–4299 And whoever is confined in a settled area or during a journey where they cannot find clean earth or water or... If he was crucified and the prayer time commenced, he should pray in his current state, and his prayer is complete; he need not repeat it—regardless of whether he had access to water during the prescribed time or only after it.

L4300 The proof of that is the statement of Allah the Exalted: "So fear Allah as much as you are able" [At-Taghabun 64:16], His statement the Exalted: "Allah does not burden a soul beyond its capacity" [Al-Baqarah 2:286], the statement of the Messenger of Allah—peace and blessings of Allah be upon him—"When I command you with a matter, do of it what you can," and His statement the Exalted: "He has already detailed for you what He has forbidden to you, except that to which you are compelled" [Al-An'ām 6:119]. It is established by these texts that nothing is binding upon us from the revealed laws except what we are capable of, that whatever we are incapable of is lifted from us, and that Allah the Exalted has forbidden us from abandoning ablution or tayammum for prayer except when compelled. One prevented from water or clean earth is compelled to what is forbidden—abandoning purification

طَهُرَتْ يَوْمَ جُمُعَةٍ وَهِيَ مُسَافِرَةٌ وَلَا مَاءَ مَعَهَا فَلَا بُدَّ لَهَا مِنْ أَرْبَعِ تَيَمُّمَاتٍ: تَيَمُّمٌ لِلْحَيْضِ وَتَيَمُّمٌ لِلْجَنَابَةِ وَتَيَمُّمٌ لِلْوُضُوءِ وَتَيَمُّمٌ لِلْجُمُعَةِ لِمَا ذَكَرْنَاهُ، فَإِنْ كَانَتْ قَدْ غَسَّلَتْ مَيِّتًا فَتَيَمُّمٌ خَامِسٌ، وَالْبُرْهَانُ فِي ذَلِكَ قَدْ ذَكَرْنَاهُ فِي الْغُسْلِ وَاجْتِمَاعِ وُجُوهِهِ الْمُوجِبَةِ لَهُ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ كَانَ مَحْبُوسًا أَوْ مَصْلُوبًا بِحَيْثُ لَا يَجِدُ تُرَابًا وَلَا مَاءً وَجَاءَتْ الصَّلَاةُ]

٢٤٦ - مَسْأَلَةٌ:

وَمَنْ كَانَ مَحْبُوسًا فِي حَضَرٍ أَوْ سَفَرٍ بِحَيْثُ لَا يَجِدُ تُرَابًا وَلَا مَاءً أَوْ كَانَ مَصْلُوبًا وَجَاءَتْ الصَّلَاةُ فَلْيُصَلِّ كَمَا هُوَ وَصَلَاتُهُ تَامَّةٌ وَلَا يُعِيدُهَا، سَوَاءٌ وَجَدَ الْمَاءَ فِي الْوَقْتِ أَوْ لَمْ يَجِدْهُ إلَّا بَعْدَ الْوَقْتِ.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ} [التغابن: ١٦] وقَوْله تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وقَوْله تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] فَصَحَّ بِهَذِهِ النُّصُوصِ أَنَّهُ لَا يَلْزَمُنَا مِنْ الشَّرَائِعِ إلَّا مَا اسْتَطَعْنَا، وَأَنَّ مَا لَمْ نَسْتَطِعْهُ فَسَاقِطٌ عَنَّا، وَصَحَّ أَنَّ اللَّهَ تَعَالَى حَرَّمَ عَلَيْنَا تَرْكَ الْوُضُوءِ أَوْ التَّيَمُّمِ لِلصَّلَاةِ إلَّا أَنْ نُضْطَرَّ إلَيْهِ، وَالْمَمْنُوعُ مِنْ الْمَاءِ وَالتُّرَابِ

with water or clean earth—thus the prohibition of that is lifted from us regarding him. He is capable of prayer by fulfilling its rulings and through faith. What remains obligatory upon him is only what he can perform. If he prays as we have described, he has prayed as Allah the Exalted commanded him. Whoever prays as Allah the Exalted commanded him bears no blame. Hastening to pray at the beginning of its time is more virtuous for the reason we mentioned earlier.[16]

مُضْطَرٌّ إِلَى مَا حُرِّمَ عَلَيْهِ مِنْ تَرْكِ التَّطَهُّرِ بِالْمَاءِ أَوْ التُّرَابِ، فَسَقَطَ عَنَّا تَحْرِيمُ ذَلِكَ عَلَيْهِ، وَهُوَ قَادِرٌ عَلَى الصَّلَاةِ بِتَوْفِيَتِهَا أَحْكَامَهَا وَبِالْإِيمَانِ، فَبَقِيَ عَلَيْهِ مَا قَدَرَ عَلَيْهِ، فَإِذَا صَلَّى كَمَا ذَكَرْنَا فَقَدْ صَلَّى كَمَا أَمَرَهُ اللَّهُ تَعَالَى، وَمَنْ صَلَّى كَمَا أَمَرَهُ اللَّهُ تَعَالَى فَلَا شَيْءَ عَلَيْهِ، وَالْمُبَادَرَةُ إِلَى الصَّلَاةِ فِي أَوَّلِ الْوَقْتِ أَفْضَلُ لِمَا ذَكَرْنَا قَبْلُ.

L4301 Abu Hanifah, Sufyan al-Thawri, and al-Awza'i said regarding one in such a condition: He may not pray until he finds water, and when he finds it, he must use it.

وَقَالَ أَبُو حَنِيفَةَ وَسُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ فِيمَنْ هَذِهِ صِفَتُهُ: لَا يُصَلِّي حَتَّى يَجِدَ الْمَاءَ مَتَى وَجَدَهُ.

L4302 Abu Hanifah said: If one is able to perform tayammum, he should perform tayammum and pray. Then if he finds water, he must absolutely reperform the prayer whenever he finds it. If he fears death from the cold, he should perform tayammum and pray, and this is valid for him.

قَالَ أَبُو حَنِيفَةَ: فَإِنْ قَدَرَ عَلَى التَّيَمُّمِ تَيَمَّمَ وَصَلَّى، ثُمَّ إِذَا وَجَدَ الْمَاءَ أَعَادَ وَلَا بُدَّ مَتَى وَجَدَهُ، وَإِنْ خَشِيَ الْمَوْتَ مِنْ الْبَرْدِ تَيَمَّمَ وَصَلَّى وَأَجْزَأَهُ.

L4303 Abu Yusuf, Muhammad ibn al-Hasan, and al-Shafi'i said: He should pray as he is. When he finds water, he must repeat the prayer **whenever he finds it**. If he is in a town and is able to **find** dust, he should perform ***tayammum*** and pray; he must **also** repeat the prayer **without fail** whenever he finds water.

وَقَالَ أَبُو يُوسُفَ وَمُحَمَّدُ بْنُ الْحَسَنِ وَالشَّافِعِيُّ: يُصَلِّي كَمَا هُوَ، فَإِذَا وَجَدَ الْمَاءَ أَعَادَ مَتَى وَجَدَهُ، فَإِنْ قَدَرَ فِي الْمِصْرِ عَلَى التُّرَابِ تَيَمَّمَ وَصَلَّى، وَأَعَادَ أَيْضًا وَلَا بُدَّ إِذَا وَجَدَ الْمَاءَ.

L4304 Zufar said regarding someone imprisoned in a city where he finds neither water nor soil, or where he does find soil: "He must not pray at all until he finds water - neither with tayammum nor without it. When he finds water, he should perform wuḍūʾ and pray those prayers." Some of our companions said: "He neither prays nor repeats them." Abū Thawr said: "He prays as he is and does not repeat the prayers."

وَقَالَ زُفَرُ فِي الْمَحْبُوسِ فِي الْمِصْرِ بِحَيْثُ لَا يَجِدُ مَاءً وَلَا تُرَابًا أَوْ بِحَيْثُ يَجِدُ التُّرَابَ: إنَّهُ لَا يُصَلِّي أَصْلًا حَتَّى يَجِدَ الْمَاءَ، لَا بِتَيَمُّمٍ وَلَا بِلَا تَيَمُّمٍ، فَإِذَا وَجَدَ الْمَاءَ تَوَضَّأَ وَصَلَّى تِلْكَ الصَّلَوَاتِ، وَقَالَ بَعْضُ أَصْحَابِنَا: لَا يُصَلِّي وَلَا يُعِيدُ، وَقَالَ أَبُو ثَوْرٍ: يُصَلِّي كَمَا هُوَ وَلَا يُعِيدُ.

L4305–4307 Ali said: As for the statement of Abū Ḥanīfa, it is evidently contradictory, because he does not permit prayer with tayammum in settled areas for those other than the sick and those in fear of death, just as he does not permit them to pray without wudu or tayammum - and there is no distinction. Then he

قَالَ عَلِيٌّ: أَمَّا قَوْلُ أَبِي حَنِيفَةَ فَظَاهِرُ التَّنَاقُضِ، لِأَنَّهُ لَا يُجِيزُ الصَّلَاةَ بِالتَّيَمُّمِ فِي الْمِصْرِ لِغَيْرِ الْمَرِيضِ وَخَائِفِ الْمَوْتِ، كَمَا لَا يُجِيزُ لَهُ الصَّلَاةَ بِغَيْرِ الْوُضُوءِ وَالتَّيَمُّمِ وَلَا فَرْقَ، ثُمَّ فَرَّقَ بَيْنَهُمَا - وَكِلَاهُمَا عِنْدَهُ لَا تُجْزِيهِ صَلَاتُهُ - فَأَمَرَ أَحَدَهُمَا بِأَنْ يُصَلِّيَ صَلَاةً لَا

[16] **Qur'an references (L4300):** Qur'an 64:16 (At-Taghabun); Qur'an 2:286 (Al-Baqarah); Qur'an 6:119 (Al-An'am).

differentiated between the two cases - though both, in his view, render their prayer invalid - and ruled that one of the two cases should perform the prayer [anyway]. The prayer is not valid for him, and he instructed the other not to perform it. This constitutes an unmistakable error. Therefore, this opinion is utterly and unmistakably invalidated, and he possesses no evidence whatsoever that could be relied upon.

تُجْزِيهِ، وَأَمَرَ الْآخَرَ بِأَنْ لَا يُصَلِّيَهَا، وَهَذَا خَطَأٌ لَا خَفَاءَ بِهِ، فَسَقَطَ هَذَا الْقَوْلُ سُقُوطًا لَا خَفَاءَ بِهِ، وَمَا لَهُ حُجَّةٌ أَصْلًا يُمْكِنُ أَنْ يَتَعَلَّقَ بِهَا.

L4308 As for the statement of Abū Yūsuf and Muḥammad, it is an error because they instructed him to perform a prayer that neither suffices him nor holds any meaning, so it is invalid. Allah the Exalted has said: "Do not nullify your deeds" [Muḥammad: 33].[17]

وَأَمَّا قَوْلُ أَبِي يُوسُفَ وَمُحَمَّدٍ فَخَطَأٌ، لِأَنَّهُمَا أَمَرَاهُ بِصَلَاةٍ لَا تُجْزِيهِ وَلَا لَهَا مَعْنًى، فَهِيَ بَاطِلٌ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {وَلا تُبْطِلُوا أَعْمَالَكُمْ} [محمد: ٣٣]

L4309 As for the statement of Zufar, it is also erroneous because he ruled that one should not pray during the time in which Allah the Exalted has ordained prayer, and he commanded prayer during the time until which Allah has prohibited delaying prayer. Allah the Exalted has enjoined prayer in its time with the most emphatic and stringent command. Allah the Exalted said: {But if they repent, establish prayer, and give Zakat, then let them go free} [At-Tawbah: 5]. Thus, the Exalted did not command the release of the disbeliever until he repents from disbelief, establishes prayer, and gives Zakat. Therefore, it is impermissible to neglect an obligation possessing these attributes beyond the time for which the Exalted has not allowed postponement. Thus, the incorrectness of Zufar's statement—and that of anyone who commands others to delay prayer beyond its time—becomes evident.[18]

وَأَمَّا قَوْلُ زُفَرَ فَخَطَأٌ أَيْضًا، لِأَنَّهُ أَمَرَهُ بِأَنْ لَا يُصَلِّيَ فِي الْوَقْتِ الَّذِي أَمَرَ اللَّهُ تَعَالَى بِالصَّلَاةِ فِيهِ، وَأَمَرَهُ أَنْ يُصَلِّيَ فِي الْوَقْتِ الَّذِي نَهَاهُ اللَّهُ تَعَالَى عَنْ تَأْخِيرِهِ الصَّلَاةَ إِلَيْهِ، وَقَدْ أَمَرَهُ اللَّهُ تَعَالَى بِالصَّلَاةِ فِي وَقْتِهَا أَوْكَدَ أَمْرٍ وَأَشَدَّهُ، قَالَ اللَّهُ تَعَالَى: {فَإِنْ تَابُوا وَأَقَامُوا الصَّلاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ} [التوبة: ٥] فَلَمْ يَأْمُرْ تَعَالَى بِتَخْلِيَةِ سَبِيلِ الْكَافِرِ حَتَّى يَتُوبَ مِنَ الْكُفْرِ وَيُقِيمَ الصَّلَاةَ وَيُؤْتِيَ الزَّكَاةَ، فَلَا يَحِلُّ تَرْكُ مَا هَذِهِ صِفَتُهُ عَنِ الْوَقْتِ الَّذِي لَمْ يُفْسِحْ تَعَالَى فِي تَأْخِيرِهِ عَنْهُ، فَظَهَرَ فَسَادُ قَوْلِ زُفَرَ وَكُلِّ مَنْ أَمَرَهُ بِتَأْخِيرِ الصَّلَاةِ عَنْ وَقْتِهَا.

L4310 As for those who say that one should not pray at all, they argued based on the statement of Allah's Messenger—peace and blessings be upon him—"The prayer of one who nullifies his ablution is not accepted until he renews it," and his statement—peace be upon him—"Allah does not accept prayer without purification." They reasoned: Therefore, we do not command him to perform what Allah the Exalted does not accept from him, for during the prayer's prescribed time he is neither in ablution nor purified, and after its

وَأَمَّا مَنْ قَالَ: لَا يُصَلِّي أَصْلًا فَإِنَّهُمُ احْتَجُّوا بِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا تُقْبَلُ صَلَاةُ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» وَقَالَ - عَلَيْهِ السَّلَامُ - «لَا يَقْبَلُ اللَّهُ صَلَاةً بِغَيْرِ طَهُورٍ» قَالُوا: فَلَا نَأْمُرُهُ بِمَا لَمْ يَقْبَلْهُ اللَّهُ تَعَالَى مِنْهُ، لِأَنَّهُ فِي وَقْتِهَا غَيْرُ مُتَوَضِّئٍ وَلَا مُتَطَهِّرٍ، وَهُوَ بَعْدَ الْوَقْتِ مُحَرَّمٌ عَلَيْهِ تَأْخِيرُ الصَّلَاةِ عَنْ وَقْتِهَا.

[17] **Qur'an references (L4308):** Qur'an 47:33 (Muhammad).
[18] **Qur'an references (L4309):** Qur'an 9:5 (At-Tawbah).

time elapses, he is prohibited from delaying the prayer beyond its prescribed time.

L4311 Ali said: This was the most correct of opinions, were it not for what we mentioned - that the Prophet (peace be upon him) relieved us of what we cannot perform from what he commanded us, and maintained upon us what we can perform; and that Allah the Exalted relieved us of what we cannot manage, and preserved for us what we can manage, through His words: "So fear Allah to the best of your ability" (64:16). Thus it is established that his statement (peace be upon him): "The prayer of one who breaks his ablution is not accepted until he renews it" and "Allah does not accept prayer without purification" only obligates those capable of performing ablution or tayammum through available water or soil - not those incapable of both ablution and tayammum. This is the explicit text of the Quran and the Sunnah. Since this is confirmed, the obligation of what we cannot bear in this matter is lifted from us, while the obligation of what we can bear remains upon us - namely the prayer. Therefore, when this is the case, the worshipper fulfilling these conditions has performed what he was commanded, and whoever fulfills his obligation has no requirement for making it up. Success comes only from Allah, the Most High.[19]

L4312–4314 How could it be otherwise, when a definitive text has come regarding this—as narrated to us by ʻAbdullāh ibn Rabīʻ, narrated to us by Ibn as-Salīm, narrated to us by Ibn al-Aʻrābī, narrated to us by Abū Dāwūd, narrated to us by an-Nufaylī, narrated to us by Abū Muʻāwiyah, from Hishām ibn ʻUrwah, from his father, from ʻĀ'ishah. Aisha said: "The Messenger of Allah (peace and blessings be upon him) sent Usayd ibn al-Hudayr and some men with him to search for a necklace she had lost. When prayer time arrived, they prayed without ablution. They came to the Prophet (peace and blessings be upon him) and mentioned this to him, so the verse of tayammum (dry ablution) was revealed."

L4315 Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: al-Bukhari narrated to us:

[19]**Qur'an references (L4311):** Qur'an 64:16 (At-Taghabun).

قَالَ عَلِيٌّ: هَذَا كَانَ أَصَحَّ الْأَقْوَالِ، لَوْلَا مَا ذَكَرْنَا مِنْ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَسْقَطَ عَنَّا مَا لَا نَسْتَطِيعُ مِمَّا أَمَرَنَا بِهِ، وَأَبْقَى عَلَيْنَا مَا نَسْتَطِيعُ، وَأَنَّ اللَّهَ تَعَالَى أَسْقَطَ عَنَّا مَا لَا نَقْدِرُ عَلَيْهِ، وَأَبْقَى عَلَيْنَا مَا نَقْدِرُ عَلَيْهِ، بِقَوْلِهِ تَعَالَى {فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ} [التغابن: ١٦] فَصَحَّ أَنَّ قَوْلَهُ - عَلَيْهِ السَّلَامُ -: «لَا تُقْبَلُ صَلَاةُ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» وَ «لَا يَقْبَلُ اللَّهُ صَلَاةً إلَّا بِطَهُورٍ» إنَّمَا كَلَّفَ ذَلِكَ مَنْ يَقْدِرُ عَلَى الْوُضُوءِ أَوْ الطَّهُورِ بِوُجُودِ الْمَاءِ أَوْ التُّرَابِ، لَا مَنْ لَا يَقْدِرُ عَلَى وُضُوءٍ وَلَا تَيَمُّمٍ، هَذَا هُوَ نَصُّ الْقُرْآنِ وَالسُّنَنِ، فَلَمَّا صَحَّ ذَلِكَ سَقَطَ عَنَّا تَكْلِيفُ مَا لَا نُطِيقُ مِنْ ذَلِكَ، وَبَقِيَ عَلَيْنَا تَكْلِيفُ مَا نُطِيقُهُ، وَهُوَ الصَّلَاةُ فَإِذْ ذَلِكَ كَذَلِكَ فَالْمُصَلِّي كَذَلِكَ مُؤَدٍّ مَا أُمِرَ بِهِ، وَمَنْ أَدَّى مَا أُمِرَ بِهِ فَلَا قَضَاءَ عَلَيْهِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

فَكَيْفَ وَقَدْ جَاءَ فِي هَذَا نَصٌّ كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ السَّلِيمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا النُّفَيْلِيُّ ثنا أَبُو مُعَاوِيَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ: «بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُسَيْدَ بْنَ الْحُضَيْرِ وَأُنَاسًا مَعَهُ فِي طَلَبِ قِلَادَةٍ أَضَلَّتْهَا عَائِشَةُ، فَحَضَرَتْ الصَّلَاةُ فَصَلَّوْا بِغَيْرِ وُضُوءٍ، فَأَتَوْا النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرُوا ذَلِكَ لَهُ، فَأُنْزِلَتْ آيَةُ التَّيَمُّمِ» .

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا زَكَرِيَّا بْنُ يَحْيَى ثنا ابْنُ نُمَيْرٍ - هُوَ عَبْدُ اللَّهِ - ثنا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ «عَنْ عَائِشَةَ أَنَّهَا

Zakariyya ibn Yahya narrated to us: Ibn Numayr—he is Abd Allah—narrated to us: Hisham ibn Urwah narrated from his father, from Aishah, that she borrowed a necklace from Asma and it was lost. The Messenger of Allah—peace and blessings be upon him—sent a man, and he found it. Then the time for prayer came upon them, and they had no water with them, so they prayed. They complained about this to the Messenger of Allah—peace and blessings be upon him—so Allah the Exalted revealed the verse of tayammum. Thus, Usayd and a group of the Companions adhered to Allah's decree and the approval of His Prophet—peace and blessings be upon him. And with Allah the Exalted is success.

اسْتَعَارَتْ مِنْ أَسْمَاءَ قِلَادَةً فَهَلَكَتْ، فَبَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَجُلًا فَوَجَدَهَا، فَأَدْرَكَتْهُمْ الصَّلَاةُ وَلَيْسَ مَعَهُمْ مَاءٌ فَصَلَّوْا، فَشَكَوْا ذَلِكَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَنْزَلَ اللَّهُ تَعَالَى آيَةَ التَّيَمُّمِ» فَهَذَا أُسَيْدٌ وَطَائِفَةٌ مِنْ الصَّحَابَةِ مَعَ حُكْمِ اللَّهِ تَعَالَى وَرِضَاءِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ كَانَ فِي سَفَرٍ وَلَا مَاءَ مَعَهُ أَوْ كَانَ مَرِيضًا]

L4316 **A case where one was on a journey and had no water with him or was sick.**

L4317 247 – Issue:

٢٤٧ - مَسْأَلَةٌ:

L4318 Whoever is traveling and has no water with him, or is ill and finds it difficult to use water, may kiss his wife and engage in marital relations with her. This is the opinion of Ibn ʿAbbās, Jābir ibn Zayd, al-Ḥasan al-Baṣrī, Saʿīd ibn al-Musayyib, Qatādah, Sufyān al-Thawrī, al-Awzāʿī, Abū Ḥanīfah, al-Shāfiʿī, Aḥmad ibn Ḥanbal, Isḥāq, Dāwūd, and the majority of Hadith scholars.

وَمَنْ كَانَ فِي سَفَرٍ وَلَا مَاءَ مَعَهُ أَوْ كَانَ مَرِيضًا يَشُقُّ عَلَيْهِ اسْتِعْمَالُ الْمَاءِ فَلَهُ أَنْ يُقَبِّلَ زَوْجَتَهُ وَأَنْ يَطَأَهَا، وَهُوَ قَوْلُ ابْنِ عَبَّاسٍ وَجَابِرِ بْنِ زَيْدٍ وَالْحَسَنِ الْبَصْرِيِّ وَسَعِيدِ بْنِ الْمُسَيِّبِ وَقَتَادَةَ وَسُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَأَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ وَدَاوُد، وَجُمْهُورِ أَصْحَابِ الْحَدِيثِ.

L4319 It has been reported from ʿAlī, Ibn Masʿūd, Ibn ʿAwf, and Ibn ʿUmar that they prohibited this. ʿAṭāʾ said: "If the distance between him and water is three nights' travel or less, he must not have sexual relations with her. But if the distance is four nights' travel, he may have sexual relations with her." Al-Zuhrī said: "If he is a traveler, he must not have sexual relations with her. If he is a seasoned western traveler, he may have sexual relations with her. And if he has no water with him, he may do so." Mālik said: "If he is a traveler, he must not have sexual relations with her nor kiss her even if he is in a state of ablution. If he has wounds that require him to perform tayammum instead, he may have sexual relations with her and kiss her, for such a person's circumstance involves prolonged hardship."

وَرُوِيَ عَنْ عَلِيٍّ وَابْنِ مَسْعُودٍ وَابْنِ عَوْفٍ وَابْنِ عُمَرَ النَّهْيُ عَنْ ذَلِكَ، وَقَالَ عَطَاءٌ إنْ كَانَ بَيْنَهُ وَبَيْنَ الْمَاءِ ثَلَاثُ لَيَالٍ فَأَقَلَّ فَلَا يَطَؤُهَا، وَإِنْ كَانَ بَيْنَهُ وَبَيْنَ الْمَاءِ أَرْبَعُ لَيَالٍ فَلَهُ أَنْ يَطَأَهَا وَقَالَ الزُّهْرِيُّ إنْ كَانَ مُسَافِرًا فَلَا يَطَؤُهَا لَهُ وَإِنْ كَانَ مَغْرِبًا رَحَّالًا فَلَهُ أَنْ يَطَأَهَا، وَإِنْ كَانَ لَا مَاءَ مَعَهُ. وَقَالَ مَالِكٌ: إنْ كَانَ مُسَافِرًا فَلَا يَطَؤُهَا وَلَا يُقَبِّلُهَا إنْ كَانَ عَلَى وُضُوءٍ، فَإِنْ كَانَ بِهِ جِرَاحٌ يَكُونُ حُكْمُهُ مَعَهَا التَّيَمُّمَ فَلَهُ أَنْ يَطَأَهَا وَيُقَبِّلَهَا، لِأَنَّ أَمْرَ هَذَا يَطُولُ.

قَالَ: فَإِنْ كَانَتْ حَائِضًا فَطَهُرَتْ فَتَيَمَّمَتْ وَصَلَّتْ فَلَيْسَ لِزَوْجِهَا أَنْ يَطَأَهَا. قَالَ: وَكَذَلِكَ لَا يَطَؤُهَا وَإِنْ كَانَتْ طَاهِرًا مُتَيَمِّمَةً.

L4320 He said: If she was menstruating, then her menstruation ended [but] she performed dry ablution (tayammum) and prayed, her husband is not permitted to have intercourse with her. He said: Likewise, he is not permitted to do so even if she is no longer menstruating but has only performed tayammum.

قَالَ عَلِيٌّ: أَمَّا تَقْسِيمُ عَطَاءٍ فَلَا وَجْهَ لَهُ، لِأَنَّهُ لَمْ يُوجِبْ ذَلِكَ الْحَدَّ قُرْآنٌ وَلَا سُنَّةٌ وَكَذَلِكَ تَقْسِيمُ الزُّهْرِيِّ، وَأَمَّا قَوْلُ مَالِكٍ فَكَذَلِكَ أَيْضًا، لِأَنَّهُ تَفْرِيقٌ لَمْ يُوجِبْهُ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ لَمْ يُخَالَفْ وَلَا قِيَاسٌ وَلَا احْتِيَاطٌ، لِأَنَّ اللَّهَ تَعَالَى سَمَّى التَّيَمُّمَ طُهْرًا، وَالصَّلَاةُ بِهِ جَائِزَةٌ، وَقَدْ حَضَّ اللَّهُ تَعَالَى عَلَى مُبَاضَعَةِ الرَّجُلِ امْرَأَتَهُ، وَصَحَّ أَنَّهُ مَأْجُورٌ فِي ذَلِكَ، وَمَا خَصَّ اللَّهُ تَعَالَى بِذَلِكَ مَنْ حُكْمُهُ التَّيَمُّمُ مِمَّنْ حُكْمُهُ الْغُسْلُ أَوْ الْوُضُوءُ.

L4321–4323 Ali said: As for the division of the stipend, there is no basis for it, as neither the Quran nor the Sunnah has obligated this ruling. The same applies to al-Zuhri's division. As for Mālik's opinion, it is likewise, because it is a division not mandated by the Quran, nor by a Sunnah of sound or weak authenticity, nor by consensus, nor by an uncontradicted statement of a Companion, nor by analogy, nor by precaution. This is because Allah the Exalted has designated tayammum as purification, and prayer performed with it is permissible. Moreover, Allah the Exalted has enjoined... A man's sexual intercourse with his wife is permissible, and it is valid that he is rewarded for it. Allah the Exalted has not specified this ruling to those whose obligation is Tayammum over those whose obligation is Ghusl or Wudu.

قَالَ أَبُو مُحَمَّدٍ: وَالْعَجَبُ أَنَّهُ يَرَى أَنَّهُ يُجْزِئُ لِلْجَنَابَةِ وَلِلْوُضُوءِ وَلِلْحَيْضِ تَيَمُّمٌ وَاحِدٌ، ثُمَّ يَمْنَعُ الْمُحْدِثَةَ وَالْمُتَطَهِّرَةَ مِنْ الْحَيْضِ بِالتَّيَمُّمِ وَالْمُحْدِثَ أَنْ يَطَأَ امْرَأَتَهُ فَقَدْ أَوْجَبَ أَنَّهُمَا عَمَلَانِ مُتَغَايِرَانِ، فَكَيْفَ يُجْزِئُ عِنْدَهُ عَنْهُمَا عَمَلٌ وَاحِدٌ قَالَ عَلِيٌّ: وَلَا حُجَّةَ لِلْمَانِعِ مِنْ ذَلِكَ أَصْلًا، لِأَنَّ اللَّهَ تَعَالَى جَعَلَ نِسَاءَنَا حَرْثًا لَنَا وَلِبَاسًا لَنَا، وَأَمَرَنَا بِالْوَطْءِ فِي الزَّوْجَاتِ وَذَوَاتِ الْأَيْمَانِ، حَتَّى أَوْجَبَ تَعَالَى عَلَى الْحَالِفِ أَنْ يَطَأَ امْرَأَتَهُ أَجَلًا مَحْدُودًا - إمَّا أَنْ يَطَأَ وَإِمَّا أَنْ يُطَلِّقَ، وَجَعَلَ حُكْمَ الْوَاطِئِ وَالْمُحْدِثِ الْغُسْلَ وَالْوُضُوءَ إنْ وَجَدَ الْمَاءَ، وَالتَّيَمُّمَ إنْ لَمْ يَجِدْ الْمَاءَ، لَا فَضْلَ لِأَحَدِ الْعَمَلَيْنِ عَلَى الْآخَرِ، وَلَيْسَ أَحَدُهُمَا بِأَطْهَرَ مِنْ الْآخَرِ وَلَا بِأَتَمَّ صَلَاةً، فَصَحَّ أَنَّ لِكُلِّ وَاحِدٍ حُكْمَهُ، فَلَا مَعْنَى لِمَنْعِ مَنْ حُكْمُهُ التَّيَمُّمُ مِنْ الْوَطْءِ، كَمَا لَا مَعْنَى لِمَنْعِ مَنْ حُكْمُهُ الْغُسْلُ مِنْ الْوَطْءِ، وَكُلُّ ذَلِكَ

L4324 Abu Muhammad said: It is astonishing that he considers a single tayammum sufficient for major impurity, ablution, and menstruation, yet prohibits the woman in minor impurity and the one purified from menstruation via tayammum, as well as the man in minor impurity, from having intercourse with his wife. This necessitates that these are two distinct acts. How then can a single act suffice for both according to him? Ali said: The prohibitor has no valid argument whatsoever, for Allah the Exalted made our wives a tilth for us and a garment for us, commanding intercourse with spouses and bondwomen—even obligating the oath-taker to have intercourse with his wife within a fixed term: either to do so or to divorce. He ordained that the one who has intercourse or is in minor impurity must perform ghusl or wudu if water is available, and tayammum if not. Neither act holds superiority over the other, nor is one purer than the other or more complete in prayer. Thus it is established that each has its own ruling. There is no sense in prohibiting one obligated to tayammum from intercourse, just as none exists for prohibiting one obligated to ghusl. All this stands equal in the text—neither being foundational nor derivative, but equal in the Quran. And success is from Allah, the Exalted.

فِي النَّصِّ سَوَاءٌ، لَيْسَ أَحَدُهُمَا أَصْلًا وَالثَّانِي فَرْعًا، بَلْ هُمَا فِي الْقُرْآنِ سَوَاءٌ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ يَؤُمُّ الْمُتَيَمِّمُ الْمُتَوَضِّئِينَ وَالْمُتَوَضِّئُ الْمُتَيَمِّمِينَ]

Issue: May a person who has performed tayammum lead those who have performed wudu, and may a person who has performed wudu lead those who have performed tayammum?

٢٤٨ - مَسْأَلَةٌ:

248. Question:

وَجَائِزٌ أَنْ يَؤُمَّ الْمُتَيَمِّمُ الْمُتَوَضِّئِينَ، وَالْمُتَوَضِّئُ الْمُتَيَمِّمِينَ، وَالْمَاسِحُ الْغَاسِلِينَ وَالْغَاسِلُ الْمَاسِحِينَ، لِأَنَّ كُلَّ وَاحِدٍ مِمَّنْ ذَكَرْنَا قَدْ أَدَّى فَرْضَهُ، وَلَيْسَ أَحَدُهُمَا بِأَطْهَرَ مِنَ الْآخَرِ، وَلَا أَحَدُهُمَا أَتَمَّ صَلَاةً مِنَ الْآخَرِ، وَقَدْ أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذَا حَضَرَتْ الصَّلَاةُ أَنْ يَؤُمَّهُمْ أَقْرَؤُهُمْ، وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - غَيْرَ ذَلِكَ، وَلَوْ كَانَ هَهُنَا وَاجِبٌ غَيْرُ مَا ذَكَرَهُ - عَلَيْهِ السَّلَامُ - لَبَيَّنَهُ وَلَا أَهْمَلَهُ، حَاشَا لِلَّهِ مِنْ ذَلِكَ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَأَبِي يُوسُفَ وَزُفَرَ وَسُفْيَانَ وَالشَّافِعِيِّ وَدَاوُد وَأَحْمَدَ وَإِسْحَاقَ وَأَبِي ثَوْرٍ، وَرُوِيَ ذَلِكَ عَنْ ابْنِ عَبَّاسٍ وَعَمَّارِ بْنِ يَاسِرٍ وَجَمَاعَةٍ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَهُوَ قَوْلُ سَعِيدِ بْنِ الْمُسَيِّبِ وَالْحَسَنِ وَعَطَاءٍ وَالزُّهْرِيِّ وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ.

It is permissible for one who performed dry ablution (tayammum) to lead in prayer those who performed ritual washing (wudu), and for one who performed ritual washing to lead those who performed dry ablution. Likewise, one performing wiping (masah) may lead those performing full bathing (ghusl), and one performing full bathing may lead those performing wiping. This is because each of those we mentioned has fulfilled his obligatory duty. Neither is ritually purer than the other, nor does either pray more completely than the other. The Messenger of Allah (peace be upon him) commanded that when prayer time arrives, the most proficient in Quran recitation among them should lead them. He (peace be upon him) did not specify any other condition. Had there been an obligation beyond what he mentioned (peace be upon him), he would have clarified it and not neglected it—far is Allah from such neglect. This is the opinion of Abū Ḥanīfah, Abū Yūsuf, Zufar, Sufyān, al-Shāfiʿī, Dāwūd, Aḥmad, Isḥāq, Abū Thawr, and it is reported from Ibn ʿAbbās, ʿAmmār ibn Yāsir, and a group of the Companions (may Allah be pleased with them). It is also the view of Saʿīd ibn al-Musayyab, al-Ḥasan, ʿAṭāʾ, al-Zuhrī, and Ḥammād ibn Abī Sulaymān.

وَرُوِيَ الْمَنْعُ فِي ذَلِكَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، قَالَ: لَا يَؤُمُّ الْمُتَيَمِّمُ الْمُتَوَضِّئِينَ وَلَا الْمُقَيَّدُ الْمُطْلَقِينَ، وَقَالَ رَبِيعَةُ: لَا يَؤُمُّ الْمُتَيَمِّمُ مِنْ جَنَابَةٍ إِلَّا مَنْ هُوَ مِثْلُهُ، وَبِهِ يَقُولُ يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ.

It has been reported that the prohibition regarding this is from ʿAli ibn Abi Talib, who said: "One who performs dry ablution should not lead in prayer those who have performed ablution with water, nor should a person under restrictions lead those who are not restricted." Rabiʿah said: "One who performs dry ablution due to major impurity (janabah) should not lead [in

prayer] except someone in the same state as him." Yahya ibn Sa'id al-Ansari also holds this view.

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ وَالْحَسَنُ بْنُ حَيٍّ: لَا يَؤُمُّهُمْ.

L4329 Muhammad ibn al-Ḥasan and al-Ḥasan ibn Ḥayyin said: He should not lead them in prayer.

Key refinements: 1. Corrected transliteration of "حَيٍّ" to **Ḥayyin** (reflecting the genitive *tanwīn*). 2. Used singular verb "said" to mirror Arabic grammatical structure (قَالَ with compound subject). 3. Retained implied pronoun "he" (from يَؤُمُّهُمْ) without expansion for strict literalness.

وَكَرِهَ مَالِكٌ وَعُبَيْدُ اللَّهِ بْنُ الْحَسَنِ أَنْ يَؤُمَّهُمْ، فَإِنْ فَعَلَ أَجْزَأَهُ. وَقَالَ الْأَوْزَاعِيُّ: لَا يَؤُمُّهُمْ إِلَّا إِنْ كَانَ أَمِيرًا.

L4330 Mālik and 'Ubayd Allāh ibn al-Ḥasan disliked that someone lead them in prayer. If he does so, it suffices him. Al-Awzā'ī said: He should not lead them unless he is a leader.

قَالَ عَلِيٌّ: النَّهْيُ عَنْ ذَلِكَ أَوْ كَرَاهَتُهُ لَا دَلِيلَ عَلَيْهِ مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا مِنْ إِجْمَاعٍ وَلَا مِنْ قِيَاسٍ، وَكَذَلِكَ تَقْسِيمُ مَنْ قَسَّمَ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L4331–4332 Ali said: There is no evidence from the Quran, the Sunnah, consensus, or analogy to support prohibiting that matter or deeming it disliked. Similarly, the arbitrary classifications of those who categorize are baseless. And success comes only from Allah, the Most High.

[مَسْأَلَةٌ يَتَيَمَّمُ الْجُنُبُ وَالْحَائِضُ وَكُلُّ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ]

[Issue:] A person in a state of major impurity (*junub*), a menstruating woman, and anyone required to perform the obligatory ritual bath (*ghusl*) must perform *tayammum* (dry ablution).

٢٤٩ - مَسْأَلَةٌ:

L4334 249. Legal Question:

وَيَتَيَمَّمُ الْجُنُبُ وَالْحَائِضُ وَكُلُّ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ كَمَا يَتَيَمَّمُ الْمُحْدِثُ وَلَا فَرْقَ.

L4335 The *junub* (person in major impurity), the menstruating woman, and everyone required to perform ghusl perform *tayammum* [dry ablution] just as one in a state of minor impurity (*ḥadath*) does, with no distinction.

وَرُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ وَابْنِ مَسْعُودٍ - رَضِيَ اللَّهُ عَنْهُمَا -: أَنَّ الْجُنُبَ لَا يَتَيَمَّمُ حَتَّى يَجِدَ الْمَاءَ، وَعَنْ الْأَسْوَدِ وَإِبْرَاهِيمَ مِثْلُ ذَلِكَ. كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ

L4336 It has been narrated to us from 'Umar ibn al-Khaṭṭāb and Ibn Mas'ūd – may Allah be pleased with them both – that a person in major ritual impurity (*junub*) must not perform dry ablution until he finds water. A similar ruling has been transmitted from al-Aswad and Ibrāhīm. As narrated to us by Muḥammad ibn Sa'īd ibn Nabāt, narrated to us by Aḥmad ibn 'Abd al-

Baṣīr, narrated to us by Qāsim ibn Aṣbagh, narrated to us by Muḥammad ibn ʻAbd al-Salām al-Khushanī, narrated to us by Muḥammad ibn Bashshār, narrated to us by Muḥammad ibn Jaʻfar, narrated to us by Shuʻbah, from Wāṣil al-Aḥdab and al-Ḥakam ibn ʻUtaybah. Wāṣil said: I heard Abū Wāʼil report: ʻUmar ibn al-Khaṭṭāb and ʻAbdullāh ibn Masʻūd – and they are superior to me – would state: "If he does not find water, he must not pray," referring to the *junub* (i.e., the person in major impurity). He added: "But if I did not find water, I would perform dry ablution and pray."

حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا مُحَمَّدُ بْنُ جَعْفَرٍ ثنا شُعْبَةُ عَنْ وَاصِلٍ الْأَحْدَبِ وَالْحَكَمِ بْنِ عُتَيْبَةَ، قَالَ وَاصِلٌ: سَمِعْتُ أَبَا وَائِلٍ قَالَ: كَانَ عُمَرُ بْنُ الْخَطَّابِ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ - وَهُمَا خَيْرٌ مِنِّي - يَقُولَانِ: إِنْ لَمْ يَجِدْ الْمَاءَ لَمْ يُصَلِّ - يَعْنِي الْجُنُبَ - قَالَ: وَأَنَا لَوْ لَمْ أَجِدْ الْمَاءَ تَيَمَّمْتُ وَصَلَّيْتُ.

L4337 Al-Hakam said: I asked Ibrāhīm al-Nakhaʻī, "If you do not find water while in a state of major impurity?" He replied, "I would not pray." Shuʻbah said: I asked Abū Isḥāq, "Did Ibn Masʻūd say, 'If I do not find water for a month, I would not pray'—referring to someone in major impurity?" Abū Isḥāq answered, "Yes, and al-Aswad [also said so]."

وَقَالَ الْحَكَمُ: سَأَلْتُ إِبْرَاهِيمَ النَّخَعِيَّ إِذَا لَمْ تَجِدْ الْمَاءَ وَأَنْتَ جُنُبٌ؟ قَالَ لَا أُصَلِّي قَالَ شُعْبَةُ: وَقُلْتُ لِأَبِي إِسْحَاقَ: أَقَالَ ابْنُ مَسْعُودٍ إِنْ لَمْ أَجِدْ الْمَاءَ شَهْرًا لَمْ أُصَلِّ؟ - يَعْنِي الْجُنُبَ - فَقَالَ أَبُو إِسْحَاقَ: قَالَ نَعَمْ وَالْأَسْوَدُ.

L4338 Other Companions besides those two said that a person in a state of major impurity should perform dry ablution. Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us; Ibrahim ibn Ahmad narrated to us; al-Farbari narrated to us; al-Bukhari narrated to us; Musaddad narrated to us; Yahya ibn Sa'id al-Qattan narrated to us; Awf—the son of Abi Jamilah—narrated to us; Abu Raja' al-Utaridi narrated to us from Imran ibn al-Husayn, who said: "We were with the Messenger of Allah (peace and blessings be upon him). He mentioned the Hadith and that he (peace be upon him) led the people in prayer. When he (peace be upon him) turned away after concluding his prayer, he noticed a man isolated who had not prayed with the congregation. He asked: 'What prevented you from praying with the people?' The man replied: 'I was in a state of major impurity and there is no water.' He said: 'You should use clean earth, for it suffices you.'"

وَقَالَ غَيْرُهُمَا مِنْ الصَّحَابَةِ يَتَيَمَّمُ الْجُنُبُ. حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا عَوْفٌ - هُوَ ابْنُ أَبِي جَمِيلَةَ - ثنا أَبُو رَجَاءٍ - هُوَ الْعُطَارِدِيُّ - عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ قَالَ «كُنَّا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ الْحَدِيثَ وَأَنَّهُ - عَلَيْهِ السَّلَامُ - صَلَّى بِالنَّاسِ فَلَمَّا انْفَتَلَ - عَلَيْهِ السَّلَامُ - مِنْ صَلَاتِهِ إِذَا هُوَ بِرَجُلٍ مُعْتَزِلٍ لَمْ يُصَلِّ مَعَ الْقَوْمِ فَقَالَ مَا مَنَعَكَ أَنْ تُصَلِّيَ مَعَ الْقَوْمِ؟ قَالَ أَصَابَتْنِي جَنَابَةٌ وَلَا مَاءَ، قَالَ عَلَيْكَ بِالصَّعِيدِ فَإِنَّهُ يَكْفِيكَ» .

L4339 Those who adhered to the opinion of Ibn Mas'ud argued by citing the words of the Almighty: "And if you are in a state of major impurity, then purify yourselves" [Al-Ma'idah: 6]. He said: "He did not prescribe for the sexually impure except the ritual bath (ghusl)." We replied to him: "Indeed, the Messenger of Allah—peace be upon him—is the one who clarifies from Allah, the Mighty and Majestic." Allah, the Exalted, said: "To make clear

وَاحْتَجَّ مَنْ ذَهَبَ إِلَى قَوْلِ ابْنِ مَسْعُودٍ بِقَوْلِهِ تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] قَالَ فَلَمْ يَجْعَلْ لِلْجُنُبِ إِلَّا الْغُسْلَ، قُلْنَا لَهُ: إِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - هُوَ الْمُبَيِّنُ عَنْ اللَّهِ عَزَّ وَجَلَّ، قَالَ اللَّهُ تَعَالَى: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤]

to the people what was sent down to them" [An-Nahl: 44], and He said: "Whoever obeys the Messenger has obeyed Allah" [An-Nisa: 80], and He said: "Nor does he speak from [his own] inclination" [An-Najm: 3], "It is nothing but a revelation sent down" [An-Najm: 4]. And he—peace be upon him—has clarified that the ruling for the sexually impure is tayammum (dry ablution) in the absence of water.[20]

وَقَالَ تَعَالَى: {مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ} [النساء: ٨٠] وَقَالَ تَعَالَى: {وَمَا يَنْطِقُ عَنِ الْهَوَى} [النجم: ٣] {إِنْ هُوَ إِلا وَحْيٌ يُوحَى} [النجم: ٤] وَهُوَ - عَلَيْهِ السَّلَامُ - قَدْ بَيَّنَ أَنَّ الْجُنُبَ حُكْمُهُ التَّيَمُّمُ عِنْدَ عَدَمِ الْمَاءِ.

L4340–4341 If they mention what Muḥammad ibn Saʿīd ibn Nabāt narrated to us: Aḥmad ibn ʿAwn Allāh narrated to us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us: Muḥammad ibn Bashshār narrated to us: Muḥammad ibn Abī ʿAdiyy narrated to us: Shuʿbah narrated from al-Mukhāriq ibn ʿAbd Allāh from Ṭāriq ibn Shihāb, who said: "A man came to the Messenger of Allāh—peace and blessings be upon him—and said: 'O Messenger of Allāh, I entered a state of major impurity (janābah) and did not pray.' He replied: 'You did well.' Another man came to him and said: 'I entered a state of major impurity (janābah) and performed dry ablution (tayammum) using clean earth, then prayed.' He said: 'You did well.'" We said: This is a sound report. Al-Mukhāriq is trustworthy, a Successor (Tābiʿī), and Ṭāriq is a Companion with authentic status, well-known. Based on this report, we state: The one who entered major impurity and did not pray was not obligated to perform tayammum, so he acted correctly by not praying because he was unaware of the ruling. Religious laws are only binding after reaching puberty.

فَإِنْ ذَكَرُوا مَا حَدَّثَنَاهُ مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَوْنِ اللَّهِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ ثنا شُعْبَةُ عَنْ الْمُخَارِقِ بْنِ عَبْدِ اللَّهِ عَنْ طَارِقِ بْنِ شِهَابٍ قَالَ: «جَاءَ رَجُلٌ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: يَا رَسُولَ اللَّهِ إنِّي أَجْنَبْتُ فَلَمْ أُصَلِّ، فَقَالَ أَحْسَنْتَ. وَجَاءَهُ آخَرُ فَقَالَ: إنِّي أَجْنَبْتُ فَتَيَمَّمْتُ فَصَلَّيْتُ، قَالَ أَحْسَنْتَ» قُلْنَا: هَذَا خَبَرٌ صَحِيحٌ، وَالْمُخَارِقُ ثِقَةٌ، تَابِعٌ، وَطَارِقٌ صَاحِبٌ، صَحِيحُ الصُّحْبَةِ مَشْهُورٌ وَالْخَبَرُ بِهِ نَقُولُ، وَهَذَا الَّذِي أَجْنَبَ فَلَمْ يُصَلِّ لَمْ يَكُنْ عَلَيْهِ حُكْمُ التَّيَمُّمِ، فَأَصَابَ إذْ لَمْ يُصَلِّ بِمَا لَا يَدْرِي، وَإِنَّمَا تَلْزَمُ الشَّرَائِعُ بَعْدَ الْبُلُوغِ.

L4342 Allah the Exalted said: {To warn you thereby and whoever it reaches} [Al-An'ām 6:19]. Whoever performs dry ablution (tayammum) while knowing its obligation and acts upon it - it is absolutely impermissible for this matter to be otherwise. Either tayammum constitutes an obligation for the sexually impure (junub) when water is unavailable, making those upon whom it is incumbent who neglect it erroneous; or tayammum does not constitute an obligation for the aforementioned sexually impure person, making those who perform it erroneous. It has been confirmed through what we mentioned in the narration of 'Imrān ibn Ḥuṣayn that tayammum is indeed his obligation.

قَالَ اللَّهُ تَعَالَى: {لأُنْذِرَكُمْ بِهِ وَمَنْ بَلَغَ} [الأنعام: ١٩] وَالَّذِي تَيَمَّمَ عَلِمَ فَرْضَ التَّيَمُّمِ فَفَعَلَهُ، لَا يَجُوزُ أَلْبَتَّةَ أَنْ يَكُونَ غَيْرُ هَذَا، فَإِمَّا أَنْ يَكُونَ التَّيَمُّمُ فَرْضَ الْمُجْنِبِ إذَا لَمْ يَجِدْ الْمَاءَ، فَيُخْطِئُ مَنْ تَرَكَ الْفَرْضَ مِمَّنْ عَلَيْهِ، أَوْ يَكُونَ التَّيَمُّمُ لَيْسَ فَرْضَ الْمُجْنِبِ الْمَذْكُورِ فَيُخْطِئُ مَنْ فَعَلَهُ، وَقَدْ صَحَّ أَنَّهُ فَرْضُهُ بِمَا ذَكَرْنَا فِي خَبَرِ عِمْرَانَ بْنِ الْحُصَيْنِ فَصَحَّ مَا قُلْنَاهُ مِنْ أَنَّ أَحَدَهُمَا لَمْ يَعْلَمْهُ وَالْآخَرَ عَلِمَهُ، فَأَتَى بِهِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[20] **Qur'an references (L4339):** Qur'an 5:6 (Al-Ma'idah); Qur'an 16:44 (An-Nahl); Qur'an 4:80 (An-Nisa); Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm).

Thus our statement stands verified: that one of the two parties remained unaware of the obligation while the other knew it and fulfilled it. And with Allah alone is success.[21]

L4343 As for the menstruating woman and everyone obligated to perform an obligatory ghusl, we have mentioned the statement of Allah's Messenger (peace and blessings be upon him): "The earth has been made a masjid and its soil a purification for us when we do not find water." Every individual commanded to perform ritual purification, if they do not find water, then the soil is to be used by the explicit generality of this report. And success is from Allah, the Exalted.

L4344 **Issue: The description of dry ablution (tayammum) for major ritual impurity (janābah), menstruation (ḥayḍ), every obligatory ritual bath (ghusl), and in place of minor ablution (wuḍūʾ) is performed in the same way.**

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L4346 The description of tayammum for major impurity, menstruation, every obligatory bath, and ablution follows a single method of action. What is obligatory in all these cases is to intend the specific purpose for which tayammum is performed—whether purification for prayer, major impurity, insertion into the vagina, purification from menstruation, postpartum bleeding, for Friday prayer, or washing the deceased. One must then strike the ground with both palms while maintaining this intention, blow into them, and wipe the face and the backs of the hands up to the wrists with a single strike. It is not required to cover the entire face or hands, nor to wipe the arms, head, feet, or any part of the body during tayammum. As for intention, we have previously affirmed its obligation. Abū Ḥanīfah held that ablution and the major ritual bath are valid without intention, but tayammum in their place is only valid with intention. Al-Ḥasan ibn Ḥayy stated that all these acts are valid without intention. The validity of tayammum's procedure for major impurity, menstruation, postpartum bleeding, and all other mentioned cases,

[21] **Qur'an references (L4342):** Qur'an 6:19 (Al-An'am).

وَأَمَّا الْحَائِضُ وَكُلُّ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ، فَقَدْ ذَكَرْنَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «جُعِلَتْ لَنَا الْأَرْضُ مَسْجِدًا وَتُرْبَتُهَا طَهُورًا إِذَا لَمْ نَجِدْ الْمَاءَ» وَكُلُّ مَأْمُورٍ بِالطَّهُورِ إِذَا لَمْ يَجِدْ الْمَاءَ فَالتُّرَابُ بِنَصِّ عُمُومِ هَذَا الْخَبَرِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ صِفَةُ التَّيَمُّمِ لِلْجَنَابَةِ وَلِلْحَيْضِ وَلِكُلِّ غُسْلٍ وَاجِبٍ وَلِلْوُضُوءِ صِفَةُ عَمَلٍ وَاحِدٍ]

٢٥٠ - مَسْأَلَةٌ:

وَصِفَةُ التَّيَمُّمِ لِلْجَنَابَةِ وَلِلْحَيْضِ وَلِكُلِّ غُسْلٍ وَاجِبٍ وَلِلْوُضُوءِ صِفَةُ عَمَلٍ وَاحِدٍ، إنَّمَا يَجِبُ فِي كُلِّ ذَلِكَ أَنْ يَنْوِيَ بِهِ الْوَجْهَ الَّذِي تَيَمَّمَ لَهُ، مِنْ طَهَارَةٍ لِلصَّلَاةِ أَوْ جَنَابَةٍ أَوْ إيلَاجٍ فِي الْفَرْجِ أَوْ طَهَارَةٍ مِنْ حَيْضٍ أَوْ مِنْ نِفَاسٍ أَوْ لِيَوْمِ الْجُمُعَةِ أَوْ مِنْ غَسْلِ الْمَيِّتِ، ثُمَّ يَضْرِبُ الْأَرْضَ بِكَفَّيْهِ مُتَّصِلًا بِهَذِهِ النِّيَّةِ ثُمَّ يَنْفُخُ فِيهِمَا وَيَمْسَحُ وَجْهَهُ وَظَهْرَ كَفَّيْهِ إلَى الْكُوعَيْنِ بِضَرْبَةٍ وَاحِدَةٍ فَقَطْ، وَلَيْسَ عَلَيْهِ اسْتِيعَابُ الْوَجْهِ وَلَا الْكَفَّيْنِ وَلَا يَمْسَحُ فِي شَيْءٍ مِنْ التَّيَمُّمِ ذِرَاعَيْهِ وَلَا رَأْسَهُ وَلَا رِجْلَيْهِ وَلَا شَيْئًا مِنْ جِسْمِهِ. أَمَّا النِّيَّةُ فَقَدْ ذَكَرْنَا وُجُوبَهَا قَبْلُ، وَقَالَ أَبُو حَنِيفَةَ يُجْزِئُ الْوُضُوءُ وَغُسْلُ الْجَنَابَةِ بِلَا نِيَّةٍ، وَلَا يُجْزِئُ التَّيَمُّمُ فِيهِمَا إلَّا بِنِيَّةٍ، وَقَالَ الْحَسَنُ بْنُ حَيٍّ: كُلُّ ذَلِكَ يُجْزِئُ بِلَا نِيَّةٍ، وَأَمَّا كَوْنُ عَمَلِ

in the same manner as its procedure for removing ritual impurity, is established by unanimous consensus among all who uphold these ritual baths and tayammum for them.

L4347–4348 As for the omission of wiping the head, feet, and the rest of the body in tayammum, there is a definitely established consensus—except for an act performed by ʾAmmār ibn Yāsir (may Allah be pleased with him) during the lifetime of Allah's Messenger (peace and blessings be upon him), which the Prophet (peace and blessings be upon him) prohibited him from. Regarding other aspects, there is disagreement: some hold that tayammum necessarily requires two taps (of the hands on earth); a group maintains it entails full coverage of the face and hands (up to the wrists); another group argues for covering the arms up to the armpits; while others say up to the elbows.

L4349 As for those who maintained that tayammum consists of two strikes—one for the face and another for the hands and forearms up to the elbows—they substantiated their position through a narration transmitted via Abū Umāmah al-Bāhilī from the Messenger of Allah (peace be upon him), who stated regarding tayammum: "Two strikes: one for the face and another for the forearms." They further cited a narration through ʿAmmār that the Messenger of Allah (peace be upon him) specified: "Up to the elbows," and another narration through Ibn ʿUmar (peace be upon him) who recounted: "A man offered salām to the Messenger of Allah (peace be upon him) on a path, but he did not respond. He (peace be upon him) then struck his hands against the wall, wiped his face with them, performed another strike, wiped his forearms up to the elbows, and subsequently responded to the man's greeting. He (peace be upon him) explained: ʾNothing prevented me from returning your salām except that I was not in a state of ritual purity.'"[22]

L4350 Then the report of Al-Asla' - a man from Banu Al-A'raj ibn Ka'b - who said: "I said: ʾO Messenger of Allah, I have incurred major impurity.' He remained silent until Gabriel came to him with clean earth. He said: ʾArise, O Asla', and proceed.'" He said: "Then Allah's Messenger (peace be upon him) taught

[22]**Hadith references (L4349):** Sunan Abi Dawud 330; Mishkat al-Masabih 466.

التَّيَمُّمِ لِلْجَنَابَةِ وَلِلْحَيْضِ وَلِلنِّفَاسِ وَلِسَائِرِ مَا ذَكَرْنَا - كَصِفَتِهِ لِرَفْعِ الْحَدَثِ فَإِجْمَاعٌ لَا خِلَافَ فِيهِ مِنْ كُلِّ مَنْ يَقُولُ بِشَيْءٍ مِنْ هَذِهِ الْأَغْسَالِ وَبِالتَّيَمُّمِ لَهَا.

وَأَمَّا سُقُوطُ مَسْحِ الرَّأْسِ وَالرِّجْلَيْنِ وَسَائِرِ الْجَسَدِ فِي التَّيَمُّمِ فَإِجْمَاعٌ مُتَيَقَّنٌ، إِلَّا شَيْئًا فَعَلَهُ عَمَّارُ بْنُ يَاسِرٍ - رَضِيَ اللَّهُ عَنْهُ - فِي حَيَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَاهُ عَنْهُ - عَلَيْهِ السَّلَامُ -، وَفِي سَائِرِ ذَلِكَ اخْتِلَافٌ، وَهُوَ أَنَّ قَوْمًا قَالُوا بِأَنَّ التَّيَمُّمَ ضَرْبَتَانِ وَلَا بُدَّ، وَقَالَتْ طَائِفَةٌ عَلَيْهِ اسْتِيعَابُ الْوَجْهِ وَالْكَفَّيْنِ، وَقَالَتْ طَائِفَةٌ عَلَيْهِ اسْتِيعَابُ ذِرَاعَيْهِ إِلَى الْآبَاطِ، وَقَالَ آخَرُونَ إِلَى الْمَرَافِقِ.

فَأَمَّا الَّذِينَ قَالُوا: إِنَّ التَّيَمُّمَ ضَرْبَتَانِ وَاحِدَةٌ لِلْوَجْهِ وَالْأُخْرَى لِلْيَدَيْنِ وَالذِّرَاعَيْنِ إِلَى الْمَرَافِقِ، فَإِنَّهُ احْتَجُّوا بِحَدِيثٍ مِنْ طَرِيقِ أَبِي أُمَامَةَ الْبَاهِلِيِّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ فِي التَّيَمُّمِ «ضَرْبَتَانِ ضَرْبَةٌ لِلْوَجْهِ وَأُخْرَى لِلذِّرَاعَيْنِ» وَبِحَدِيثٍ مِنْ طَرِيقِ عَمَّارٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: " إِلَى الْمِرْفَقَيْنِ " وَبِحَدِيثٍ مِنْ طَرِيقِ ابْنِ عُمَرَ قَالَ «سَلَّمَ رَجُلٌ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سِكَّةٍ مِنْ السِّكَكِ فَلَمْ يَرُدَّ عَلَيْهِ ثُمَّ ضَرَبَ بِيَدَيْهِ - عَلَيْهِ السَّلَامُ - عَلَى الْحَائِطِ وَمَسَحَ بِهِمَا وَجْهَهُ، ثُمَّ ضَرَبَ ضَرْبَةً أُخْرَى فَمَسَحَ ذِرَاعَيْهِ ثُمَّ رَدَّ عَلَى الرَّجُلِ، وَقَالَ - عَلَيْهِ السَّلَامُ -: إِنَّهُ لَمْ يَمْنَعْنِي أَنْ أَرُدَّ عَلَيْكَ السَّلَامَ إِلَّا أَنِّي لَمْ أَكُنْ عَلَى طُهْرٍ» .

ثُمَّ بِحَدِيثِ الْأَسْلَعِ رَجُلٍ مِنْ بَنِي الْأَعْرَجِ بْنِ كَعْبٍ قَالَ «قُلْتُ يَا رَسُولَ اللَّهِ أَصَابَتْنِي جَنَابَةٌ. فَسَكَتَ - عَلَيْهِ السَّلَامُ - حَتَّى جَاءَهُ جِبْرِيلُ بِالصَّعِيدِ، فَقَالَ: قُمْ يَا أَسْلَعُ فَارْحَلْ، قَالَ: ثُمَّ عَلَّمَنِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - التَّيَمُّمَ، فَضَرَبَ بِكَفَّيْهِ

me tayammum. He struck the earth with his palms, shook them, then wiped his face with them until he wiped over his beard. Then he returned them to the earth, struck his palms on the earth, rubbed one against the other, shook them, then wiped his forearms - their outer and inner surfaces."

الْأَرْضَ ثُمَّ نَفَضَهُمَا ثُمَّ مَسَحَ بِهِمَا وَجْهَهُ حَتَّى أَمَرَّ عَلَى لِحْيَتِهِ، ثُمَّ أَعَادَهَا إِلَى الْأَرْضِ فَمَسَحَ كَفَّيْهِ الْأَرْضَ فَدَلَّكَ إِحْدَاهُمَا بِالْأُخْرَى ثُمَّ نَفَضَهُمَا ثُمَّ مَسَحَ ذِرَاعَيْهِ ظَاهِرَهُمَا وَبَاطِنَهُمَا» .

L4351 And a narration from Abu Dharr who said: "The Messenger of Allah (peace and blessings be upon him) placed his hands on the ground, shook off the dust, then wiped his face and his arms up to the elbows." This narration mentions only one strike. Another narration from Ibn Umar from the Prophet (peace and blessings be upon him) regarding tayammum states: "One strike for the face and one strike for the arms up to the elbows." Additionally, a narration from al-Waqidi reports that the Messenger of Allah (peace and blessings be upon him) said: "Tayammum is one strike for the face and one strike for the arms up to the elbows."

وَبِحَدِيثٍ عَنْ أَبِي ذَرٍّ قَالَ «وَضَعَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَدَيْهِ عَلَى الْأَرْضِ ثُمَّ نَفَضَهُمَا، ثُمَّ مسح وَجْهَهُ وَيَدَيْهِ إِلَى الْمِرْفَقَيْنِ» لَيْسَ فِي هَذَا الْخَبَرِ إِلَّا ضَرْبَةٌ وَاحِدَةٌ وَبِحَدِيثٍ عَنْ ابْنِ عُمَرَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي التَّيَمُّمِ «ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلْيَدَيْنِ إِلَى الْمِرْفَقَيْنِ» وَبِحَدِيثٍ عَنْ الْوَاقِدِيِّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «التَّيَمُّمُ ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلْيَدَيْنِ إِلَى الْمِرْفَقَيْنِ» .

L4352–4353 They said: It has been authentically reported from 'Umar ibn al-Khaṭṭāb, Jābir ibn 'Abdillāh, and Ibn 'Umar—from their legal verdicts and practices—that tayammum consists of two strikes: one strike for the face and one strike for the forearms and hands. They said: Since tayammum substitutes for ablution, and given that one renews the water for the face and another application for the forearms in ablution, it becomes obligatory for tayammum to follow the same manner. As ablution extends to the elbows, the tayammum that replaces it must likewise extend to the elbows.

وَقَالُوا: قَدْ صَحَّ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ وَعَنْ ابْنِ عُمَرَ، مِنْ فُتْيَاهُمْ وَفِعْلِهِمْ أَنَّ التَّيَمُّمَ ضَرْبَتَانِ، ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلذِّرَاعَيْنِ وَالْيَدَيْنِ، قَالُوا وَالتَّيَمُّمُ بَدَلٌ مِنْ الْوُضُوءِ، فَلَمَّا كَانَ يُجَدِّدُ الْمَاءَ لِلْوَجْهِ وَمَاءً آخَرَ لِلذِّرَاعَيْنِ وَجَبَ كَذَلِكَ فِي التَّيَمُّمِ، وَلَمَّا كَانَ الْوُضُوءُ إِلَى الْمِرْفَقَيْنِ وَجَبَ أَنْ يَكُونَ التَّيَمُّمُ الَّذِي هُوَ بَدَلُهُ كَذَلِكَ.

L4354 This is all they have clamored about, and none of it provides valid proof for their position.

هَذَا كُلُّ مَا شَغَبُوا بِهِ، وَكُلُّهُ لَا حُجَّةَ لَهُمْ فِيهِ.

L4355 As for the narrations, all of them are invalid; it is impermissible to cite anything from them as evidence.

أَمَّا الْأَخْبَارُ فَكُلُّهَا سَاقِطَةٌ، لَا يَجُوزُ الِاحْتِجَاجُ بِشَيْءٍ مِنْهَا.

L4356 As for the ḥadīth of Abū Umāmah, we have narrated it through the chain of Ibn Wahb from Muḥammad ibn ʿAmr al-Yāfiʿī from a man who narrated to him from Jaʿfar ibn al-Zubayr from al-Qāsim ibn ʿAbd al-Raḥmān from Abū Umāmah. It contains two defects: the first is al-Qāsim, for he is weak, and the second is that Muḥammad ibn ʿAmr did not name the one who informed him from Jaʿfar ibn al-Zubayr. Some people concealed the defect by stating:

أَمَّا حَدِيثُ أَبِي أُمَامَةَ فَإِنَّنَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو الْيَافِعِيِّ عَنْ رَجُلٍ حَدَّثَهُ عَنْ جَعْفَرِ بْنِ الزُّبَيْرِ عَنْ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي أُمَامَةَ، فَفِيهِ عِلَّتَانِ: إِحْدَاهُمَا الْقَاسِمُ وَهُوَ ضَعِيفٌ، وَالثَّانِيَةُ أَنَّ مُحَمَّدَ بْنَ عَمْرٍو لَمْ يُسَمِّ مَنْ أَخْبَرَهُ بِهِ

"From Muḥammad ibn ʿAmr from Jaʿfar." Muḥammad never met Jaʿfar ibn al-Zubayr, thus this report is invalidated. As for the ḥadīth of ʿAmmār, we have narrated it through the chain of Abān ibn Yazīd al-ʿAṭṭār from Qatādah, who said: "A narrator informed me from al-Shaʿbī from ʿAbd al-Raḥmān ibn Abzā from ʿAmmār." Qatādah did not name the one who narrated to him. All established reports from ʿAmmār contradict this, thus this report is likewise invalidated.

عَنْ جَعْفَرِ بْنِ الزُّبَيْرِ وَقَدْ دَلَّسَهُ بَعْضُ النَّاسِ فَقَالَ: عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ جَعْفَرٍ. وَمُحَمَّدٌ لَمْ يُدْرِكْ جَعْفَرَ بْنَ الزُّبَيْرِ فَسَقَطَ هَذَا الْخَبَرُ. وَأَمَّا حَدِيثُ عَمَّارٍ فَإِنَّنَا رُوِّينَاهُ مِنْ طَرِيقِ أَبَانَ بْنِ يَزِيدَ الْعَطَّارِ عَنْ قَتَادَةَ قَالَ: حَدَّثَنِي مُحَدِّثٌ عَنْ الشَّعْبِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى عَنْ عَمَّارٍ، فَلَمْ يُسَمِّ قَتَادَةَ مَنْ حَدَّثَهُ. وَالْأَخْبَارُ الثَّابِتَةُ كُلُّهَا عَنْ عَمَّارٍ بِخِلَافِ هَذَا، فَسَقَطَ هَذَا الْخَبَرُ أَيْضًا.

L4357 As for the ḥadīth of Ibn ʿUmar, we have transmitted it through the chain of Muḥammad ibn Ibrāhīm al-Mawṣilī, from Muḥammad ibn Thābit al-ʿAbdī, from Nāfiʿ, from Ibn ʿUmar. Muḥammad ibn Thābit al-ʿAbdī is weak; his ḥadīth cannot be invoked as authoritative proof. Even if it were authentic, it would constitute evidence against them, for it mentions performing tayammum while in a settled state for a physically healthy person, performing tayammum to respond to the salutation of peace, and refraining from returning the salutation without purification - none of which they endorse. It is detestable for someone to cite as evidence something neither they nor their opponent accept as valid proof, or to cite a matter they themselves are the first to oppose. If this report serves as evidence for performing tayammum up to the elbows, then it equally serves as evidence for abstaining from returning the salutation except in a state of purity, and for performing tayammum indoors within the city to respond to the salutation. If it is not valid evidence for these matters, then it cannot be valid evidence for what they have cited.

وَأَمَّا حَدِيثُ ابْنِ عُمَرَ فَإِنَّنَا رُوِّينَاهُ مِنْ طَرِيقِ مُحَمَّدِ بْنِ إِبْرَاهِيمَ الْمَوْصِلِيِّ عَنْ مُحَمَّدِ بْنِ ثَابِتٍ الْعَبْدِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ، وَمُحَمَّدُ بْنِ ثَابِتٍ الْعَبْدِيُّ ضَعِيفٌ لَا يُحْتَجُّ بِحَدِيثِهِ، ثُمَّ لَوْ صَحَّ لَكَانَ حُجَّةً عَلَيْهِمْ، لِأَنَّ فِيهِ التَّيَمُّمَ فِي الْحَضَرِ لِلصَّحِيحِ، وَالتَّيَمُّمَ لِرَدِّ السَّلَامِ، وَتَرْكَ رَدِّ السَّلَامِ عَلَى غَيْرِ طَهَارَةٍ، وَهُمْ لَا يَقُولُونَ بِشَيْءٍ مِنْ هَذَا كُلِّهِ، وَمِنْ الْمَقْتِ احْتِجَاجُ امْرِئٍ بِمَا لَا يَرَاهُ لَا هُوَ وَلَا خَصْمُهُ حُجَّةً وَاحْتِجَاجُهُ بِشَيْءٍ هُوَ أَوَّلُ مُخَالِفٍ لَهُ، فَإِنْ كَانَ هَذَا الْخَبَرُ حُجَّةً فِي التَّيَمُّمِ إلَى الْمِرْفَقَيْنِ، فَهُوَ حُجَّةٌ فِي تَرْكِ رَدِّ السَّلَامِ إلَّا عَلَى طُهْرٍ، وَفِي التَّيَمُّمِ بَيْنَ الْحِيطَانِ فِي الْمَدِينَةِ لِرَدِّ السَّلَامِ، وَإِنْ لَمْ يَكُنْ حُجَّةً فِي هَذَا فَلَيْسَ حُجَّةً فِيمَا احْتَجُّوا بِهِ.

L4358 If they say: "It is recommended," we respond: Similarly, you must affirm regarding the method of dry ablution—performing it twice and reaching the elbows—that this too is merely recommended, with no substantive difference. Consequently, this textual evidence is likewise discarded.

فَإِنْ قَالُوا: هُوَ عَلَى النَّدْبِ، قُلْنَا: وَكَذَلِكَ قُولُوا فِي صِفَةِ التَّيَمُّمِ فِيهِ مَرَّتَيْنِ وَإِلَى الْمِرْفَقَيْنِ أَنَّهُ عَلَى النَّدْبِ وَلَا فَرْقَ، فَسَقَطَ هَذَا الْخَبَرُ أَيْضًا.

L4359–4361 As for the hadith of al-Aslaʿ, it is utterly baseless; for we have narrated it via the chain of... Yahya ibn ʿAbd al-Ḥamīd al-Ḥimānī narrated from ʿAlīlah (who is al-Rabīʿ), from his [al-Rabīʿ's] father, from his grandfather, from al-Aslaʿ.

All those we have mentioned are insignificant, and their narrations are not admissible as evidence.

وَأَمَّا حَدِيثُ الْأَسْلَعِ فَفِي غَايَةِ السُّقُوطِ، لِأَنَّنَا رُوِّينَاهُ مِنْ طَرِيقِ يَحْيَى بْنُ عَبْدِ الْحَمِيدِ الْحِمَّانِيِّ عَنْ عَلِيلَةَ - هُوَ الرَّبِيعُ - عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ الْأَسْلَعِ، وَكُلُّ مَنْ ذَكَرْنَا فَلَيْسُوا بِشَيْءٍ وَلَا يُحْتَجُّ بِهِمْ.

L4362 As for the ḥadīth of Abū Dharr, we have transmitted it through the chain of Ibn Jurayj from ʻAṭā': "A man narrated to me that Abū Dharr"—and this, as you see, we do not know who that man is. Thus, this report is also rejected.

وَأَمَّا حَدِيثُ أَبِي ذَرٍّ فَإِنَّا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: حَدَّثَنِي رَجُلٌ أَنَّ أَبَا ذَرٍّ، وَهَذَا كَمَا تَرَى، لَا نَدْرِي مَنْ ذَلِكَ الرَّجُلُ، فَسَقَطَ هَذَا الْخَبَرُ أَيْضًا.

L4363 As for the second ḥadīth of Ibn ʿUmar, we have narrated it via the chain of Shabābat ibn Sawwār from Sulaymān ibn Dāwūd al-Ḥarrānī, from Sālim and Nāfiʿ, from Ibn ʿUmar. Sulaymān ibn Dāwūd al-Ḥarrānī is ḍaʿīf (weak), and his narrations are not used as proof.

وَأَمَّا حَدِيثُ ابْنِ عُمَرَ الثَّانِي فَرُوِّينَاهُ مِنْ طَرِيقِ شَبَابَةَ بْنِ سَوَّارٍ عَنْ سُلَيْمَانَ بْنِ دَاوُد الْحَرَّانِيِّ عَنْ سَالِمٍ وَنَافِعٍ عَنْ ابْنِ عُمَرَ، وَسُلَيْمَانُ بْنِ دَاوُد الْحَرَّانِيُّ ضَعِيفٌ لَا يُحْتَجُّ بِهِ.

L4364 As for the narration of Al-Wāqidī, it is too weak to warrant engagement because it originates from him—a transmitter criticized for dishonesty—and is itself a *mursal* narration (with a broken chain) transmitted directly by him. Thus, all the reports they have deceptively embellished are invalidated.

وَأَمَّا حَدِيثُ الْوَاقِدِيِّ فَأَسْقَطُ مِنْ أَنْ يُشْتَغَلَ بِهِ، لِأَنَّهُ عَنْ الْوَاقِدِيِّ وَهُوَ مَذْكُورٌ بِالْكَذِبِ ثُمَّ مُرْسَلٌ مِنْ عِنْدِهِ، فَسَقَطَ كُلُّ مَا مَوَّهُوا بِهِ مِنْ الْآثَارِ

L4365 As for their argument citing what is authentically established from ʿUmar, Ibn ʿUmar, and Jābir, it is likewise authentically established from ʿUmar and Ibn Masʿūd that one in a state of major ritual impurity may not perform dry ablution even if deprived of water for a month. It is also authentically established from Abū Bakr, ʿUmar, Ibn Masʿūd, Umm Salamah, and others that wiping over the turban is permissible. Yet they disregarded these positions. What makes them a proof when they wish, yet dismisses them as proof when they do not? This necessitates the Fire in the Hereafter and disgrace in this world. Moreover, in this very matter, ʿAlī ibn Abī Ṭālib, Ibn Masʿūd, ʿAmmār, and Ibn ʿAbbās contradicted ʿUmar, his son, and Jābir—as we shall later clarify, God willing. Thus, their reliance on the Companions—may God be pleased with them—is invalidated.

وَأَمَّا احْتِجَاجُهُمْ بِمَا صَحَّ مِنْ ذَلِكَ عَنْ عُمَرَ وَابْنِ عُمَرَ وَجَابِرٍ، فَقَدْ صَحَّ عَنْ عُمَرَ وَابْنِ مَسْعُودٍ: لَا يَتَيَمَّمُ الْجُنُبُ وَإِنْ لَمْ يَجِدْ الْمَاءَ شَهْرًا، وَقَدْ صَحَّ عَنْ أَبِي بَكْرٍ وَعُمَرَ وَابْنِ مَسْعُودٍ وَأُمِّ سَلَمَةَ وَغَيْرِهِمْ الْمَسْحُ عَلَى الْعِمَامَةِ، فَلَمْ يَلْتَفِتُوا إلَى ذَلِكَ، فَمَا الَّذِي جَعَلَهُمْ حُجَّةً حَيْثُ يَشْتَهِي هَؤُلَاءِ، وَلَمْ يَجْعَلْهُمْ حُجَّةً حَيْثُ لَا يَشْتَهُونَ؟ هَذَا مُوجِبٌ لِلنَّارِ فِي الْآخِرَةِ وَلِلْعَارِ فِي الدُّنْيَا، فَكَيْفَ وَقَدْ خَالَفَ فِي هَذِهِ الْمَسْأَلَةِ عُمَرُ وَابْنُهُ وَجَابِرًا عَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ مَسْعُودٍ وَعَمَّارٌ وَابْنُ عَبَّاسٍ، عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى، فَسَقَطَ تَعَلُّقُهُمْ بِالصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L4366–4368 As for their assertion that dry ablution (tayammum) serves as a substitute for ritual ablution (wudu), it should be said to them: What is the implication of

this claim? From what source is it established that a substitute must conform to the attributes of the original obligation? If this principle were valid, you would be the first to contradict this ruling you yourselves deemed correct - having omitted the head and feet in tayammum though they are obligatory in wudu, neglected the entire body in tayammum for major impurity (janabah) though it is obligatory in full ablution (ghusl), mandated water application to limbs in wudu while not requiring dust application to the face and forearms in tayammum. Abū Ḥanīfah among you abolished the obligation of intention (niyyah) for wudu and ghusl yet imposed it for tayammum. Where then did you find in the Qur'an, the Sunnah, or scholarly consensus (ijmāʿ) that a substitute cannot exist except by mirroring the attributes of the original? Is this not an invalid and baseless claim? We observe that slave emancipation is obligatory for expiation (kaffārah) in cases of dhihār, broken oaths, accidental homicide, and deliberate intercourse intentionally during daytime in Ramadan while fasting. Yet the Exalted Allah substituted three days of fasting for a single slave in oath expiation, and fasting for multiple slaves in cases of homicide, intercourse, dhihār, and other expiations. Two consecutive months. Compensation is made by feeding the poor in cases of ẓihār and sexual intercourse, but no compensation is required for killing. This applies to all matters.

وَأَمَّا قَوْلُهُمْ إِنَّ التَّيَمُّمَ بَدَلٌ مِنْ الْوُضُوءِ، فَيُقَالُ لَهُمْ: فَكَانَ مَاذَا؟ وَمِنْ أَيْنَ وَجَبَ أَنْ يَكُونَ الْبَدَلُ عَلَى صِفَةِ الْمُبْدَلِ مِنْهُ؟ وَإِنْ كَانَ هَذَا فَأَنْتُمْ أَوَّلُ مُخَالِفٍ لِهَذَا الْحُكْمِ الَّذِي قَضَيْتُمْ أَنَّهُ حَقٌّ، فَأَسْقَطْتُمْ فِي التَّيَمُّمِ الرَّأْسَ وَالرِّجْلَيْنِ، وَهُمَا فَرْضَانِ فِي الْوُضُوءِ وَأَسْقَطْتُمْ جَمِيعَ الْجَسَدِ فِي التَّيَمُّمِ لِلْجَنَابَةِ وَهُوَ فَرْضٌ فِي الْغُسْلِ، وَأَوْجَبْتُمْ أَنْ يُحْمَلَ الْمَاءُ إلَى الْأَعْضَاءِ فِي الْوُضُوءِ، وَلَمْ تُوجِبُوا حَمْلَ شَيْءٍ مِنْ التُّرَابِ إلَى الْوَجْهِ وَالذِّرَاعَيْنِ فِي التَّيَمُّمِ، وَأَسْقَطَ أَبُو حَنِيفَةَ مِنْهُمْ النِّيَّةَ فِي الْوُضُوءِ وَالْغُسْلِ وَأَوْجَبَهَا فِي التَّيَمُّمِ، ثُمَّ أَيْنَ وَجَدْتُمْ فِي الْقُرْآنِ أَوْ السُّنَّةِ أَوْ الْإِجْمَاعِ أَنَّ الْبَدَلَ لَا يَكُونُ إلَّا عَلَى صِفَةِ الْمُبْدَلِ مِنْهُ؟ وَهَلْ هَذَا إلَّا دَعْوَى فَاسِدَةٌ كَاذِبَةٌ؟ وَقَدْ وَجَدْنَا الرَّقَبَةَ وَاجِبَةً فِي الظِّهَارِ وَفِي كَفَّارَةِ الْيَمِينِ وَكَفَّارَةِ قَتْلِ الْخَطَأِ وَكَفَّارَةِ الْمُجَامِعِ عَمْدًا نَهَارًا فِي رَمَضَانَ وَهُوَ صَائِمٌ، ثُمَّ عَوَّضَهَا اللَّهُ تَعَالَى وَأَبْدَلَ مِنْ رَقَبَةِ الْكَفَّارَةِ صِيَامَ ثَلَاثَةِ أَيَّامٍ وَمِنْ رِقَابِ الْقَتْلِ وَالْجِمَاعِ وَالظِّهَارِ صِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ، وَعَوَّضَ مِنْ ذَلِكَ إطْعَامًا فِي الظِّهَارِ وَالْجِمَاعِ، وَلَمْ يُعَوِّضْهُ فِي الْقَتْلِ، وَهَكَذَا فِي كُلِّ شَيْءٍ.

L4369 If they say: "We have analogized *tayammum* to *wudu*," we respond: "All *qiyas* is invalid. Even if *qiyas* were valid, this analogy would itself be invalid. Why did you not analogize what is wiped of the hands in *tayammum* to what is amputated of the hands in theft, just as you refrained from analogizing what makes lawful the private part of a free woman in marriage to what makes lawful the private part of a female slave in sale? Instead, you analogized it to the grounds for amputating a thief's hand—particularly when you have distinguished through textual proof and consensus between *tayammum* and *wudu* regarding the omission of the head and feet in *tayammum* unlike *wudu*, and the omission of the entire body in *tayammum* unlike *ghusl*."

فَإِنْ قَالُوا: قِسْنَا التَّيَمُّمَ عَلَى الْوُضُوءِ، قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، وَهَلَّا قِسْتُمْ مَا يُتَيَمَّمُ مِنْ الْيَدَيْنِ عَلَى مَا يُقْطَعُ مِنْ الْيَدَيْنِ فِي السَّرِقَةِ كَمَا تَرَكْتُمْ أَنْ تَقِيسُوا مَا يُسْتَبَاحُ بِهِ فَرْجُ الْحُرَّةِ فِي النِّكَاحِ عَلَى مَا يُسْتَبَاحُ بِهِ فَرْجُ الْأَمَةِ فِي الْبَيْعِ، وَقِسْتُمُوهُ عَلَى مَا تُقْطَعُ فِيهِ يَدُ السَّارِقِ لَا سِيَّمَا وَقَدْ فَرَّقْتُمْ بِالنَّصِّ وَالْإِجْمَاعِ بَيْنَ حُكْمِ التَّيَمُّمِ وَبَيْنَ الْوُضُوءِ فِي سُقُوطِ الرَّأْسِ وَالرِّجْلَيْنِ فِي التَّيَمُّمِ دُونَ الْوُضُوءِ، وَسُقُوطِ الْجَسَدِ كُلِّهِ فِي التَّيَمُّمِ دُونَ الْغُسْلِ.

L4370 They are told: Just as you considered Allah's silence [in revelation] regarding

the mention of the head and feet in tayammum as evidence for the waiver of that obligation, and did not apply analogy (qiyās) to wuḍū', why do you not treat His silence regarding specifying up to the elbows in tayammum as evidence for its waiver, instead of analogizing it to wuḍū'? This mirrors the reasoning of Abū Ḥanīfa and his followers concerning Allah's silence regarding the obligation to manumit a slave as expiation in ẓihār, where they did not apply analogy to the manumission explicitly stipulated for expiation in cases of killing. If you analogize tayammum substituting for wuḍū' to wuḍū', then analogize tayammum substituting for janābah (major impurity) to janābah, thereby requiring the entire body to be covered with dust—a conclusion from which there is no escape.

وَيُقَالُ لَهُمْ كَمَا جَعَلْتُمْ سُكُوتَ اللَّهِ تَعَالَى عَنْ ذِكْرِ الرَّأْسِ وَالرِّجْلَيْنِ فِي التَّيَمُّمِ دَلِيلًا عَلَى سُقُوطِ ذَلِكَ فِيهِ وَلَمْ تَقِيسُوهُ عَلَى الْوُضُوءِ، فَهَلَّا جَعَلْتُمْ سُكُوتَهُ تَعَالَى عَنْ ذِكْرِ التَّحْدِيدِ إِلَى الْمَرَافِقِ فِي التَّيَمُّمِ دَلِيلًا عَلَى سُقُوطِ ذَلِكَ، وَلَا تَقِيسُوهُ عَلَى الْوُضُوءِ؟ كَمَا فَعَلَ أَبُو حَنِيفَةَ وَأَصْحَابُهُ فِي سُكُوتِ اللَّهِ تَعَالَى عَنْ دَيْنِ الرَّقَبَةِ فِي الظِّهَارِ، وَلَمْ يَقِيسُوهَا عَلَى الْمَنْصُوصِ عَلَيْهَا فِي رَقَبَةِ الْقَتْلِ، وَإِذَا قِسْتُمْ التَّيَمُّمَ لِلْوُضُوءِ عَلَى الْوُضُوءِ فَقِيسُوا التَّيَمُّمَ لِلْجَنَابَةِ عَلَى الْجَنَابَةِ، فَعُمُّوا بِهِ الْجَسَدَ وَهَذَا مَا لَا مَخْلَصَ مِنْهُ.

L4371 Divine enablement is with Allah, the Exalted.

وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L4372 Abu Muhammad said: Some people held the view that tayammum requires two strikes - one strike for the face and one strike for the palms only. They cited as evidence a ḥadīth we transmitted through the chain of Haramī ibn 'Umarah, who narrated to us from al-Ḥarīsh ibn al-Khirrīt (the brother of al-Zubayr ibn al-Khirrīt), who related to us from 'Abdullāh ibn Abī Mulaykah, from 'Ā'ishah, the Mother of the Believers: "When the verse of tayammum was revealed, the Messenger of Allah—peace be upon him—struck the ground once and wiped his face with it. Then he struck another strike upon the ground and wiped his palms with it."

قَالَ أَبُو مُحَمَّدٍ: وَقَدْ رَأَى قَوْمٌ أَنَّ التَّيَمُّمَ ضَرْبَتَانِ، ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلْكَفَّيْنِ فَقَطْ، وَاحْتَجُّوا بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ حَرَمِيِّ بْنِ عُمَارَةَ ثنا الْحَرِيشُ بْنُ الْخِرِّيتِ أَخُو الزُّبَيْرِ بْنِ الْخِرِّيتِ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي مُلَيْكَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «نَزَلَتْ آيَةُ التَّيَمُّمِ فَضَرَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ضَرْبَةً وَمَسَحَ بِهَا وَجْهَهُ، ثُمَّ ضَرَبَ عَلَى الْأَرْضِ أُخْرَى فَمَسَحَ بِهَا كَفَّيْهِ» .

L4373 And with a hadith we have narrated via the chain of Shababah ibn Sawwar from Sulaymān ibn Dāwūd al-Ḥarrānī from Sālim and Nāfiʿ from Ibn ʿUmar from the Messenger of Allah (ﷺ), who said regarding tayammum: "One strike for the face and one for the palms."

وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ شَبَابَةَ بْنِ سَوَّارٍ عَنْ سُلَيْمَانَ بْنِ دَاوُد الْحَرَّانِيِّ عَنْ سَالِمٍ وَنَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ فِي التَّيَمُّمِ «ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلْكَفَّيْنِ» .

L4374 Ali said: This is invalid, because one of them is through the chain of Al-Harish ibn Al-Khirrit, who is weak, and the second is through the chain of Sulayman ibn Dawud Al-Harrani, who is weak.

قَالَ عَلِيٌّ: وَهَذَا لَا شَيْءَ؛ لِأَنَّ أَحَدَهُمَا مِنْ طَرِيقِ الْحَرِيشِ بْنِ الْخِرِّيتِ وَهُوَ ضَعِيفٌ، وَالثَّانِي مِنْ طَرِيقِ سُلَيْمَانَ بْنِ دَاوُد الْحَرَّانِيِّ وَهُوَ ضَعِيفٌ.

L4375–4377 Among those who held the opinion that tayammum consists of two strikes

- one for the face and the other for the hands and forearms up to... The two schools: al-Ḥasan al-Baṣrī, Abū Ḥanīfah and his companions, Sufyān al-Thawrī, Ibn Abī Laylā, and al-Ḥasan ibn Ḥayy.

وَمِمَّنْ رَأَى أَنَّ التَّيَمُّمَ ضَرْبَتَانِ ضَرْبَةٌ لِلْوَجْهِ وَالْأُخْرَى لِلْيَدَيْنِ وَالذِّرَاعَيْنِ إِلَى الْمِرْفَقَيْنِ: الْحَسَنُ الْبَصْرِيُّ وَأَبُو حَنِيفَةَ وَأَصْحَابُهُ، وَسُفْيَانُ الثَّوْرِيُّ وَابْنُ أَبِي لَيْلَى وَالْحَسَنُ بْنُ حَيٍّ.

L4378 Al-Shafi'i and Abu Thawr said: "Unless there is an authentic report from the Messenger of Allah—peace and blessings be upon him—to the contrary, in which case we would follow that." Differing opinions on this matter have been reported from Al-Sha'bi. Ibrahim said: "It is more beloved to me that it extend to the elbows." For this reason, Malik said: "He did not require those who performed tayammum up to the wrists to repeat the prayer except within the prescribed time."

وَالشَّافِعِيُّ وَأَبُو ثَوْرٍ قَالَا: إِلَّا أَنْ يَصِحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غَيْرُ ذَلِكَ فَنَقُولَ بِهِ، وَاخْتُلِفَ فِي ذَلِكَ عَنْ الشَّعْبِيِّ. وَقَالَ إِبْرَاهِيمُ: أَحَبُّ إِلَيَّ أَنْ يَكُونَ إِلَى الْمِرْفَقَيْنِ، وَلِهَذَا قَالَ مَالِكٌ، وَلَمْ يُرَ عَلَى مَنْ تَيَمَّمَ إِلَى الْكُوعَيْنِ أَنْ يُعِيدَ الصَّلَاةَ إِلَّا فِي الْوَقْتِ.

L4379 A group of people maintained that tayammum extends to the shoulders, citing as evidence the narration we transmitted through the chain of Al-Abbas ibn Abd al-Azim: from Abdullah ibn Muhammad ibn Asma ibn Ubayd, from his uncle Juwayriyya ibn Asma, from Malik ibn Anas, from al-Zuhri, who said: "Ubayd Allah ibn Abdullah ibn Utbah informed me from his father, from Ammar ibn Yasir, who said: 'We performed tayammum with Allah's Messenger—peace and blessings be upon him—wiping our faces and arms up to the shoulders.'"

We also transmitted this through Yaqub ibn Ibrahim ibn Sa'd's chain: "My father narrated to us from Salih ibn Kaysan, from al-Zuhri: 'Ubayd Allah ibn Abdullah ibn Utbah ibn Mas'ud informed me from Ibn Abbas, from Ammar ibn Yasir—who mentioned the revelation of the tayammum verse—saying: 'The Muslims rose with Allah's Messenger—peace and blessings be upon him—struck their hands upon the ground, then raised them without taking any dust. They wiped their faces, their arms up to the shoulders, and from the palms of their hands to the armpits.'"

وَقَدْ ذَهَبَ قَوْمٌ إِلَى أَنَّ التَّيَمُّمَ إِلَى الْمَنَاكِبِ، وَاحْتَجُّوا بِمَا رُوِّينَاهُ مِنْ طَرِيقِ الْعَبَّاسِ بْنِ عَبْدِ الْعَظِيمِ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ أَسْمَاءَ بْنِ عُبَيْدٍ عَنْ عَمِّهِ جُوَيْرِيَةَ بْنِ أَسْمَاءَ عَنْ مَالِكِ بْنِ أَنَسٍ عَنْ الزُّهْرِيِّ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَنْ أَبِيهِ عَنْ عَمَّارِ بْنِ يَاسِرٍ قَالَ: «تَيَمَّمْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَمَسَحْنَا بِوُجُوهِنَا وَأَيْدِينَا إِلَى الْمَنَاكِبِ» وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ يَعْقُوبَ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ: ثنا أَبِي عَنْ صَالِحِ بْنِ كَيْسَانَ عَنْ الزُّهْرِيِّ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ عَنْ ابْنِ عَبَّاسٍ «عَنْ عَمَّارِ بْنِ يَاسِرٍ - فَذَكَرَ نُزُولَ آيَةِ التَّيَمُّمِ قَالَ: فَقَامَ الْمُسْلِمُونَ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَضَرَبُوا أَيْدِيَهُمْ إِلَى الْأَرْضِ ثُمَّ رَفَعُوا أَيْدِيَهُمْ وَلَمْ يَقْبِضُوا مِنْ التُّرَابِ شَيْئًا، فَمَسَحُوا وُجُوهَهُمْ وَأَيْدِيَهُمْ إِلَى الْمَنَاكِبِ، وَمِنْ بُطُونِ أَيْدِيهِمْ إِلَى الْآبَاطِ» .

L4380 It was narrated to us through the chain of Sufyān ibn ʻUyaynah from al-Zuhrī: ʻUbayd Allāh ibn ʻAbd Allāh ibn ʻUtbah narrated to me from his father, from ʻAmmār—and by it, ʻAmmār and al-Zuhrī used to speak. It was narrated to us through the chain of Sulaymān ibn Ḥarb al-Wāshiḥī: Ḥammād

وَرُوِّينَا مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ الزُّهْرِيِّ: حَدَّثَنِي عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَنْ أَبِيهِ عَنْ عَمَّارٍ، وَبِهِ كَانَ يَقُولُ عَمَّارٌ وَالزُّهْرِيُّ، رُوِّينَا مِنْ طَرِيقِ سُلَيْمَانَ بْنِ حَرْبٍ

ibn Zayd narrated to us from Ayyūb al-Sikhtiyānī, who said: I heard al-Zuhrī say: Tayammum extends to the shoulders.

الْوَاشِحِيّ، ثنا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ قَالَ: سَمِعْتُ الزُّهْرِيَّ يَقُولُ: التَّيَمُّمُ إِلَى الْمَنْكِبَيْنِ.

L4381–4383

Ali said: This is an authentic narration, except it contains no explicit text indicating that the Messenger of Allah—peace and blessings be upon him—commanded this action to establish it as the obligatory ruling for dry ablution. Nor does it contain an explicit clarification that he—peace be upon him—knew of it and endorsed it, which would render it a recommended act. No valid proof exists in the action of anyone other than the Messenger of Allah—peace and blessings be upon him. Indeed, prolonged astonishment is warranted toward those who deem credible Umar's censure of Uthman for not praying after performing the ritual bath at Rawāḥ time [...] The Friday prayer in the presence of the Companions—may Allah be pleased with them—is cited as evidence to invalidate the obligation of ritual bathing (ghusl). However, this report confirms the obligation and denies its abandonment. Moreover, the practice of Muslims performing dry ablution (tayammum) up to the shoulders during the time of the Messenger of Allah—peace be upon him—is not regarded as proof of its obligation. Ali said: Since none of these narrations serves as decisive evidence—and people have differed as we mentioned—it is obligatory to return to what Allah has obligated us to refer to in disputes: the Quran and the Sunnah. We did so and discovered that Allah Almighty states: "Then perform tayammum with clean earth and wipe your faces and hands with it" (5:6). Allah specified only the hands, and we are certain that if He had intended to include the elbows, head, or feet, He would have clarified it explicitly, as He did for wudu. Similarly, if He had intended the entire body, He would have specified it, as in ghusl. Since He, Exalted and Majestic, did not mention beyond the face and hands, no one may add to this what Allah did not specify: the forearms, head, feet, or any other body parts. Thus, only the face and the hands up to the wrists—the minimal [portion] to which the term "hands" applies—are obligatory in tayammum. We find the authentic Sunnah affirming this, not the fabricated falsehoods.[23]

قَالَ عَلِيٌّ: هَذَا أَثَرٌ صَحِيحٌ إِلَّا أَنَّهُ لَيْسَ فِيهِ نَصٌّ بِبَيَانِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بِذَلِكَ فَيَكُونُ ذَلِكَ حُكْمَ التَّيَمُّمِ وَفَرْضَهُ، وَلَا نَصٌّ بَيَانٍ بِأَنَّهُ - عَلَيْهِ السَّلَامُ - عَلِمَ بِذَلِكَ فَأَقَرَّهُ، فَيَكُونُ ذَلِكَ نَدْبًا مُسْتَحَبًّا، وَلَا حُجَّةَ فِي فِعْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِنَّ الْعَجَبَ لَيَطُولُ مِمَّنْ يَرَى إِنْكَارَ عُمَرَ عَلَى عُثْمَانَ إِنْ لَمْ يُصَلِّ الْغُسْلَ بِالرَّوَاحِ إِلَى الْجُمُعَةِ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: حُجَّةً فِي إِبْطَالِ وُجُوبِ الْغُسْلِ، وَهَذَا الْخَبَرُ مُؤَكِّدٌ لِوُجُوبِهِ مُنْكِرٌ لِتَرْكِهِ، ثُمَّ لَا يَرَى عَمَلَ الْمُسْلِمِينَ فِي التَّيَمُّمِ إِلَى الْمَنَاكِبِ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حُجَّةً فِي وُجُوبِ ذَلِكَ قَالَ عَلِيٌّ: فَإِذْ لَا حُجَّةَ فِي شَيْءٍ مِنْ هَذِهِ الْآثَارِ - وَقَدْ اخْتَلَفَ النَّاسُ كَمَا ذَكَرْنَا - فَالْوَاجِبُ الرُّجُوعُ إِلَى مَا افْتَرَضَ اللَّهُ الرُّجُوعَ إِلَيْهِ مِنَ الْقُرْآنِ وَالسُّنَّةِ عِنْدَ التَّنَازُعِ، فَفَعَلْنَا فَوَجَدْنَا اللَّهَ تَعَالَى يَقُولُ: {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ} [المائدة: ٦] فَلَمْ يَحُدَّ اللَّهُ تَعَالَى غَيْرَ الْيَدَيْنِ، وَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ اللَّهَ تَعَالَى لَوْ أَرَادَ إِلَى الْمَرَافِقِ وَالرَّأْسِ وَالرِّجْلَيْنِ لَبَيَّنَهُ وَنَصَّ عَلَيْهِ كَمَا فَعَلَ فِي الْوُضُوءِ، وَلَوْ أَرَادَ جَمِيعَ الْجَسَدِ لَبَيَّنَهُ كَمَا فَعَلَ فِي الْغُسْلِ، فَإِذْ لَمْ يُرِدْ عَزَّ وَجَلَّ عَلَى ذِكْرِ الْوَجْهِ وَالْيَدَيْنِ، فَلَا يَجُوزُ لِأَحَدٍ أَنْ يَزِيدَ فِي ذَلِكَ مَا لَمْ يَذْكُرْهُ اللَّهُ تَعَالَى. مِنَ الذِّرَاعَيْنِ وَالرَّأْسِ وَالرِّجْلَيْنِ وَسَائِرِ الْجَسَدِ، وَلَمْ يَلْزَمْ فِي التَّيَمُّمِ إِلَّا الْوَجْهُ وَالْكَفَّانِ، وَهُمَا أَقَلُّ مَا يَقَعُ عَلَيْهِ اسْمُ يَدَيْنِ، وَوَجَدْنَا السُّنَّةَ الثَّابِتَةَ قَدْ جَاءَتْ بِذَلِكَ لَا الْأَكَاذِيبَ الْمُلَفَّقَةَ.

[23] **Qur'an references (L4381):** Qur'an 5:6 (Al-Ma'idah).

L4384 As narrated to us by Abd al-Rahman ibn Abdullah ibn Khalid, he narrated to us Ibrahim ibn Ahmad al-Balkhi, who narrated to us al-Farabrī, who narrated to us al-Bukhari, who narrated to us Muhammad ibn Kathir, who informed us from Shu'bah from al-Hakam ibn Utaybah from Dharr - he is Ibn Abdullah al-Marhabiyy - from Ibn Abd al-Rahman ibn Abza - he is Sa'īd - from his father, who said: Ammar ibn Yasir said to Umar ibn al-Khattab, "I performed Tayammum, so I came to the Messenger of Allah (peace and blessings be upon him) and he said: 'The face and the two hands are sufficient for you.'"

كَمَا حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ الْبَلْخِيُّ حَدَّثَنَا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ كَثِيرٍ أَخْبَرَنَا شُعْبَةُ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ ذَرٍّ - هُوَ ابْنُ عَبْدِ اللَّهِ الْمَرْهَبِيُّ - عَنِ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى - هُوَ سَعِيدٌ - عَنْ أَبِيهِ قَالَ: قَالَ عَمَّارُ بْنُ يَاسِرٍ لِعُمَرَ بْنِ الْخَطَّابِ " تَمَعَّكْتُ فَأَتَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: «يَكْفِيكَ الْوَجْهُ وَالْكَفَّانِ» .

L4385 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Yahya ibn Yahya, Abu Bakr ibn Abi Shaybah, and Muhammad ibn Abdullah ibn Numayr—all of them narrated from Abu Muawiyah, from al-A'mash, from Shaqiq ibn Salamah, who said: I was sitting with Abdullah ibn Mas'ud and Abu Musa al-Ash'ari when he mentioned the Hadith. In it, Abu Musa said to Ibn Mas'ud: "Did you not hear the statement of Ammar? The Messenger of Allah, peace and blessings be upon him, sent me on an errand, and I became ritually impure but could not find water. So I rolled in the clean earth like an animal, then came to the Messenger of Allah, peace and blessings be upon him, and mentioned that to him. He said: 'It would have sufficed you to strike with your hands like this.' Then he struck the ground with his hands once, wiped his left hand over his right hand, then the back of his hands, and his face."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ كُلُّهُمْ عَنْ أَبِي مُعَاوِيَةَ عَنِ الْأَعْمَشِ عَنْ شَقِيقِ بْنِ سَلَمَةَ قَالَ: كُنْتُ جَالِسًا مَعَ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَأَبِي مُوسَى الْأَشْعَرِيِّ - فَذَكَرَ الْحَدِيثَ، وَفِيهِ - فَقَالَ أَبُو مُوسَى لِابْنِ مَسْعُودٍ " أَلَمْ تَسْمَعْ قَوْلَ عَمَّارٍ: «بَعَثَنِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي حَاجَةٍ فَأَجْنَبْتُ فَلَمْ أَجِدْ الْمَاءَ، فَتَمَرَّغْتُ فِي الصَّعِيدِ كَمَا تَتَمَرَّغُ الدَّابَّةُ، ثُمَّ أَتَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ إِنَّمَا كَانَ يَكْفِيكَ أَنْ تَقُولَ بِيَدَيْكَ هَكَذَا، ثُمَّ ضَرَبَ بِيَدَيْهِ الْأَرْضَ ضَرْبَةً وَاحِدَةً، ثُمَّ مَسَحَ الشِّمَالَ عَلَى الْيَمِينِ وَظَاهِرَ كَفَّيْهِ وَوَجْهَهُ؟»

L4386–4387 And through him to Muslim: Abdullah ibn Hashim al-Abdi narrated to us, Yahya ibn Sa'id al-Qattan narrated to us from Shu'bah, who narrated from al-Hakam from Dharr—who is Ibn Abdullah—from Sa'id ibn Abd al-Rahman ibn Abza from his father that a man came to Umar ibn al-Khattab and said: "I became ritually impure and did not find water." Umar said: "Do not pray." Then Ammar said: "Do you not remember, O Commander of the Faithful, when you and I were in a military expedition, and we became ritually impure and did not find water? As for you, you did not pray, but as for me, I rolled in the dust and prayed. Then the Messenger of Allah (peace be upon him)

وَبِهِ إِلَى مُسْلِمٍ ثنا عَبْدُ اللَّهِ بْنُ هَاشِمٍ الْعَبْدِيُّ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ شُعْبَةَ ثنا الْحَكَمُ عَنْ ذَرٍّ - هُوَ ابْنُ عَبْدِ اللَّهِ - عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى عَنْ أَبِيهِ أَنَّ رَجُلًا أَتَى عُمَرَ بْنَ الْخَطَّابِ فَقَالَ: إِنِّي أَجْنَبْتُ فَلَمْ أَجِدْ مَاءً، قَالَ عُمَرُ لَا تُصَلِّ، فَقَالَ عَمَّارٌ: أَمَا تَذْكُرُ يَا أَمِيرَ الْمُؤْمِنِينَ إِذَا أَنَا وَأَنْتَ فِي سَرِيَّةٍ فَأَجْنَبْنَا فَلَمْ نَجِدْ مَاءً، فَأَمَّا أَنْتَ فَلَمْ تُصَلِّ، وَأَمَّا أَنَا فَتَمَعَّكْتُ فِي التُّرَابِ وَصَلَّيْتُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ

said: 'It would have sufficed you to strike the earth with your hands, then blow into them, then wipe your face and hands with them.'" He mentioned the rest of the hadith. Ali said: "This hadith invalidates analogical reasoning, for Ammar assumed that the unmentioned aspect of tayammum for major impurity would have the same ruling as the full ablution for major impurity, since it is a substitute for it. But the Messenger of Allah (peace be upon him) invalidated that and made it known that everything has its own ruling specified in the texts. It also indicates that a companion may err or forget, and it contains the explicit ruling on tayammum."

L4388 Narrated to us by Abd al-Rahman ibn Abd Allah ibn Khalid, narrated to us by Ibrahim ibn Ahmad, narrated to us by al-Farbari, narrated to us by al-Bukhari, narrated to us by Yahya ibn Bukayr, narrated to us by al-Layth ibn Sa'id, from Ja'far ibn Rabi'ah, from Abd al-Rahman al-A'raj, who said: I heard 'Umayr, the client of Ibn 'Abbas, say: "I came with 'Abd Allah ibn Yasar, the client of Maymunah, the wife of the Prophet (peace be upon him), until we entered the presence of Abu Juhaym ibn al-Harith ibn al-Simmah al-Ansari. Abu Juhaym said: 'The Messenger of Allah (peace be upon him) came from the direction of the Well of the Camel, and a man met him and greeted him. He did not return the greeting until he turned toward a wall and wiped his face and hands, then he returned the greeting.'"

L4389 Abu Muhammad said: This is the established position, not the hadith of Muhammad ibn Thabit. This is a recommended act meaning tayammum for responding to the Islamic greeting while resident.

L4390 And according to this, a group of the early predecessors held the view, as we have been narrated from ʿAṭāʾ ibn al-Sāʾib from Abū al-Bakhtarī, from ʿAlī ibn Abī Ṭālib, who said: "Tayammum entails one stroke for the face and one stroke for the hands up to the wrists."

L4391–4393 It has been transmitted to us from Ahmad ibn Hanbal: Yahya ibn Sa'id al-Qattan → Shubah → Husayn ibn 'Abd al-Rahman → Abu Malik al-Ashja'i, who said: "I heard 'Ammar ibn Yasir say: 'Tayammum is one wiping for the

عَلَيْهِ وَسَلَّمَ - «إِنَّمَا كَانَ يَكْفِيكَ أَنْ تَضْرِبَ الْأَرْضَ بِيَدَيْكَ ثُمَّ تَنْفُخَ ثُمَّ تَمْسَحَ بِهِمَا وَجْهَكَ وَكَفَّيْكَ» وَذَكَرَ بَاقِيَ الْحَدِيثِ. قَالَ عَلِيٌّ: فِي هَذَا الْحَدِيثِ إِبْطَالُ الْقِيَاسِ، لِأَنَّ عَمَّارًا قَدَّرَ أَنَّ الْمَسْكُوتَ عَنْهُ مِنَ التَّيَمُّمِ لِلْجَنَابَةِ حُكْمُهُ حُكْمُ الْغُسْلِ لِلْجَنَابَةِ، إِذْ هُوَ بَدَلٌ مِنْهُ، فَأَبْطَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ذَلِكَ، وَأَعْلَمَهُ أَنَّ لِكُلِّ شَيْءٍ حُكْمَهُ الْمَنْصُوصَ عَلَيْهِ فَقَطْ، وَفِيهِ أَنَّ الصَّاحِبَ قَدْ يَهِمُ وَيَنْسَى، وَفِيهِ نَصُّ حُكْمِ التَّيَمُّمِ.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا يَحْيَى بْنُ بُكَيْرٍ ثنا اللَّيْثُ بْنُ سَعِيدٍ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ عَنْ عَبْدِ الرَّحْمَنِ الْأَعْرَجِ قَالَ سَمِعْتُ عُمَيْرًا مَوْلَى ابْنِ عَبَّاسٍ قَالَ: أَقْبَلْتُ أَنَا وَعَبْدُ اللَّهِ بْنُ يَسَارٍ مَوْلَى مَيْمُونَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَتَّى دَخَلْنَا عَلَى أَبِي جُهَيْمِ بْنِ الْحَارِثِ بْنِ الصِّمَّةِ الْأَنْصَارِيِّ، فَقَالَ أَبُو جُهَيْمٍ «أَقْبَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نَحْوِ بِئْرِ جَمَلٍ فَلَقِيَهُ رَجُلٌ فَسَلَّمَ عَلَيْهِ فَلَمْ يَرُدَّ عَلَيْهِ السَّلَامَ، حَتَّى أَقْبَلَ عَلَى الْجِدَارِ فَمَسَحَ بِوَجْهِهِ وَيَدَيْهِ ثُمَّ رَدَّ السَّلَامَ» .

قَالَ أَبُو مُحَمَّدٍ: هَذَا هُوَ الثَّابِتُ لَا حَدِيثُ مُحَمَّدِ بْنِ ثَابِتٍ. وَهَذَا فِعْلٌ مُسْتَحَبٌّ يَعْنِي التَّيَمُّمَ لِرَدِّ السَّلَامِ فِي الْحَضَرِ.

وَبِهَذَا يَقُولُ جَمَاعَةٌ مِنَ السَّلَفِ، كَمَا رُوِّينَا عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ أَبِي الْبَخْتَرِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: التَّيَمُّمُ ضَرْبَةٌ لِلْوَجْهِ وَضَرْبَةٌ لِلْيَدَيْنِ إِلَى الرُّسْغَيْنِ.

وَرُوِّينَا عَنْ أَحْمَدَ بْنِ حَنْبَلٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا شُعْبَةُ ثنا حُصَيْنُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ قَالَ: سَمِعْتُ عَمَّارَ بْنَ يَاسِرٍ يَقُولُ: التَّيَمُّمُ ضَرْبَةٌ لِلْوَجْهِ

face and the hands.'" It has also been transmitted to us from Muhammad ibn Abi ʻAdiyy → Shubah from... Husayn ibn Abd al-Rahman reported from Abu Malik that he heard Ammar ibn Yasir say in his sermon: "Tayammum is performed like this," and he struck once [to apply dust] to the face and palms.

وَالْكَفَّيْنِ، وَرُوِّينَا عَنْ مُحَمَّدِ بْنِ أَبِي عَدِيٍّ حَدَّثَنَا شُعْبَةُ عَنْ حُصَيْنِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي مَالِكٍ أَنَّهُ سَمِعَ عَمَّارَ بْنَ يَاسِرٍ يَقُولُ فِي خُطْبَتِهِ: التَّيَمُّمُ هَكَذَا وَضَرَبَ ضَرْبَةً لِلْوَجْهِ وَالْكَفَّيْنِ.

L4394 Abu Muhammad said: This occurred in the presence of the Companions during the sermon, and not a single one of those present opposed him.

قَالَ أَبُو مُحَمَّدٍ: هَذَا بِحَضْرَةِ الصَّحَابَةِ فِي الْخُطْبَةِ، فَلَمْ يُخَالِفْهُ مِمَّنْ حَضَرَ أَحَدٌ.

L4395 From Ahmad ibn Hanbal: Miskin ibn Bukayr narrated to me, who narrated from Al-Awzaʻī, from ʻAṭāʾ, that Ibn ʻAbbās and Ibn Masʻūd used to say: "Tayammum is for the hands and the face."

وَعَنْ أَحْمَدَ بْنِ حَنْبَلٍ حَدَّثَنِي مِسْكِينُ بْنُ بُكَيْرٍ ثنا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ أَنَّ ابْنَ عَبَّاسٍ وَابْنَ مَسْعُودٍ كَانَا يَقُولَانِ: التَّيَمُّمُ لِلْكَفَّيْنِ وَالْوَجْهِ.

L4396 Al-Awzaʻī said—and ʻAṭāʾ and Makhūl also held this opinion—and it is authentically reported from Ash-Shaʻbī, Qatādah, Saʻīd ibn al-Musayyib, and ʻUrwah ibn az-Zubayr. This is likewise the position of Al-Awzaʻī, Aḥmad ibn Ḥanbal, Isḥāq, and Dāwūd.

قَالَ الْأَوْزَاعِيُّ وَبِهَذَا كَانَ يَقُولُ عَطَاءٌ وَمَكْحُولٌ، وَهُوَ الثَّابِتُ عَنْ الشَّعْبِيِّ وَقَتَادَةَ وَسَعِيدِ بْنِ الْمُسَيِّبِ وَعُرْوَةَ بْنِ الزُّبَيْرِ وَبِهِ يَقُولُ الْأَوْزَاعِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ وَدَاوُد.

L4397 Ali said: As for the obligation to fully cover the face and hands, we know of no proof for those who consider it obligatory except an analogy to thoroughly washing them with water.

قَالَ عَلِيٌّ: وَأَمَّا اسْتِيعَابُ الْوَجْهِ وَالْكَفَّيْنِ فَمَا نَعْلَمُ فِي ذَلِكَ لِمَنْ أَوْجَبَهُ حُجَّةً إلَّا قِيَاسَ ذَلِكَ عَلَى اسْتِيعَابِهِمَا بِالْمَاءِ.

L4398 Abu Muhammad said: Analogy is invalid. Furthermore, even if analogy were valid, this case derived from it would still be invalid. For in our ruling and theirs, the obligation for the feet in ablution is ritual washing. When wiping over the khuffs was substituted for this, the requirement of complete coverage became nullified according to them. Thus they are obliged—if they understand what analogy truly is—to accept that since the ruling for the face and hands in ablution is ritual washing, and wiping in tayammum substitutes for it, complete coverage should likewise be nullified as it was nullified in wiping over khuffs. This is especially so since among the foundational principles of analogy's proponents is that the thing resembling another does not possess the same inherent legal force as the original itself.

قَالَ أَبُو مُحَمَّدٍ: وَالْقِيَاسُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ حُكْمَ الرِّجْلَيْنِ عِنْدَنَا وَعِنْدَهُمْ فِي الْوُضُوءِ الْغُسْلُ، فَلَمَّا عَوَّضَ مِنْهُ الْمَسْحَ عَلَى الْخُفَّيْنِ سَقَطَ الِاسْتِيعَابُ عِنْدَهُمْ، فَيَلْزَمُهُمْ - إنْ كَانُوا يَدْرُونَ مَا الْقِيَاسُ - أَنَّ كَذَلِكَ لَمَّا كَانَ حُكْمُ الْوَجْهِ وَالْيَدَيْنِ فِي الْوُضُوءِ الْغُسْلَ، ثُمَّ عَوَّضَ مِنْهُ الْمَسْحَ فِي التَّيَمُّمِ، أَنْ يَسْقُطَ الِاسْتِيعَابُ كَمَا سَقَطَ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ، لَا سِيَّمَا وَمِنْ أُصُولِ أَصْحَابِ الْقِيَاسِ أَنَّ الْمُشَبَّهَ بِالشَّيْءِ لَا يَقْوَى قُوَّةَ الشَّيْءِ بِعَيْنِهِ

L4399 Abu Muhammad said: All of this is baseless. We only cite it to demon-

strate their contradictions, the corruption of their foundational principles, and their mutual destruction of one another—just as we refute every sect, doctrine, and opinion by citing their own mutually conflicting assertions, since they themselves validate all these claims. This is not because we consider any of them valid, but our primary argument here is that Allah the Exalted said: *"In a clear Arabic tongue"* (26:195), and He said: *"We have not sent any messenger except in the language of his people to clarify for them"* (14:4). Linguistically, "ritual wiping" does not necessitate complete coverage. We must therefore adhere to this linguistic meaning, as no Quranic verse, Sunnah, scholarly consensus, Companion's statement, indeed, not even analogical reasoning has stipulated complete coverage in tayammum. Thus, this claim is invalid. Among those who upheld our position—that only what linguistically constitutes "wiping" is required—were Abu Ayyūb Sulaymān ibn Dāwūd al-Hāshimī and others.[24]

L4400–4402 Abu Muhammad said: What is astonishing is that the term *masḥ* (wiping) has not been mentioned in the revealed law except in four instances. The specific areas and no more: wiping the head; wiping the face and hands in dry ablution (tayammum); wiping over the leather socks, turban, and khimar; and wiping the Black Stone during circumambulation. None of our opponents who disagree with us have disputed that wiping the leather socks and wiping the Black Stone do not require full wiping. Similarly, those among them who advocated wiping over the turban and khimar contradicted this in dry ablution, imposing full wiping without evidence through arbitrariness. They contradicted themselves regarding the head, for neither Abū Ḥanīfah nor al-Shāfiʿī required full wiping of it, while Mālik was inclined to mandate it but stopped short. From what basis, then, did they restrict wiping in dry ablution to requiring full wiping—without any proof from the Quran, a sound or weak Sunnah, linguistic precedent, consensus, a companion's opinion, or analogy? Success comes solely from Allah.

L4403 **A juristic issue: If the deceased lacks water.**

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّهُ لَا شَيْءَ، وَإِنَّمَا نُورِدُهُ لِنُرِيَهُمْ تَنَاقُضَهُمْ وَفَسَادَ أُصُولِهِمْ، وَهَدْمَ بَعْضِهَا لِبَعْضٍ، كَمَا نَحْتَجُّ عَلَى كُلِّ مِلَّةٍ وَكُلِّ نِحْلَةٍ وَكُلِّ قَوْلَةٍ بِأَقْوَالِهَا الْهَادِمِ بَعْضُهَا لِبَعْضٍ، لِأَنَّهُمْ يُصَحِّحُونَهَا كُلَّهَا، لَا عَلَى أَنَّنَا نُصَحِّحُ مِنْهَا شَيْئًا، وَإِنَّمَا عُمْدَتُنَا هَهُنَا أَنَّ اللَّهَ تَعَالَى قَالَ: {بِلِسَانٍ عَرَبِيٍّ مُبِينٍ} [الشعراء: ١٩٥] وَقَالَ تَعَالَى: {وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلا بِلِسَانِ قَوْمِهِ لِيُبَيِّنَ لَهُمْ} [إبراهيم: ٤] وَالْمَسْحُ فِي اللُّغَةِ لَا يَقْتَضِي الِاسْتِيعَابَ، فَوَجَبَ الْوُقُوفُ عِنْدَ ذَلِكَ، وَلَمْ يَأْتِ بِالِاسْتِيعَابِ فِي التَّيَمُّمِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ، نَعَمْ وَلَا قِيَاسٌ، فَبَطَلَ الْقَوْلُ بِهِ، وَمِمَّنْ قَالَ بِقَوْلِنَا فِي هَذَا، وَأَنَّهُ إِنَّمَا هُوَ مَا وَقَعَ عَلَيْهِ اسْمُ مَسْحٍ فَقَطْ: أَبُو أَيُّوبَ سُلَيْمَانُ بْنُ دَاوُد الْهَاشِمِيُّ وَغَيْرُهُ.

قَالَ أَبُو مُحَمَّدٍ: وَالْعَجَبُ أَنَّ لَفْظَةَ الْمَسْحِ لَمْ تَأْتِ فِي الشَّرِيعَةِ إِلَّا فِي أَرْبَعَةِ مَوَاضِعَ وَلَا مَزِيدَ: مَسْحُ الرَّأْسِ وَمَسْحُ الْوَجْهِ وَالْيَدَيْنِ فِي التَّيَمُّمِ وَمَسْحٌ عَلَى الْخُفَّيْنِ وَالْعِمَامَةِ وَالْخِمَارِ، وَمَسْحُ الْحَجَرِ الْأَسْوَدِ فِي الطَّوَافِ، وَلَمْ يَخْتَلِفْ أَحَدٌ مِنْ خُصُومِنَا الْمُخَالِفِينَ لَنَا فِي أَنَّ مَسْحَ الْخُفَّيْنِ وَمَسْحَ الْحَجَرِ الْأَسْوَدِ لَا يَقْتَضِي الِاسْتِيعَابَ، وَكَذَلِكَ مَنْ قَالَ مِنْهُمْ بِالْمَسْحِ عَلَى الْعِمَامَةِ وَالْخِمَارِ، ثُمَّ نَقَضُوا ذَلِكَ فِي التَّيَمُّمِ، فَأَوْجَبُوا فِيهِ الِاسْتِيعَابَ تَحَكُّمًا بِلَا بُرْهَانٍ، وَاضْطَرَبُوا فِي الرَّأْسِ، فَلَمْ يُوجِبْ أَبُو حَنِيفَةَ وَلَا الشَّافِعِيُّ فِيهِ الِاسْتِيعَابَ، وَهَمَّ مَالِكٌ بِأَنْ يُوجِبَهُ، وَكَادَ فَلَمْ يَفْعَلْ، فَمِنْ أَيْنَ وَقَعَ لَهُمْ تَخْصِيصُ الْمَسْحِ فِي التَّيَمُّمِ بِالِاسْتِيعَابِ بِلَا حُجَّةٍ، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ وَلَا مِنْ لُغَةٍ وَلَا مِنْ إِجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ؟ وَبِاللَّهِ التَّوْفِيقُ.

[مَسْأَلَةٌ لَوْ عَدِمَ الْمَيِّتُ الْمَاءَ]

[24] **Qur'an references (L4399):** Qur'an 26:195 (Ash-Shu'ara); Qur'an 14:4 (Ibrahim).

251: Issue

٢٥١ - مَسْأَلَةٌ:

If the deceased lacks water, tayammum should be performed for him as the living perform tayammum, because washing him is an obligation. We have mentioned the Prophet's teaching—peace and blessings of Allah be upon him—that dust is a purifier when water is not found. This applies universally to all obligatory purification, and there is no disagreement that every washing (ghusl) is a purifier.

وَإِنْ عَدِمَ الْمَيِّتُ الْمَاءَ يُمِّمَ كَمَا يَتَيَمَّمُ الْحَيُّ؛ لِأَنَّ غُسْلَهُ فَرْضٌ، وَقَدْ ذَكَرْنَا عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ التُّرَابَ طَهُورٌ إِذَا لَمْ نَجِدْ الْمَاءَ، فَهَذَا عُمُومٌ لِكُلِّ طَهُورٍ وَاجِبٍ، وَلَا خِلَافَ فِي أَنَّ كُلَّ غُسْلٍ طَهُورٌ.

Issue: Tayammum is not permissible except with the soil.

[مَسْأَلَةٌ لَا يَجُوزُ التَّيَمُّمُ إِلَّا بِالْأَرْضِ]

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Tayammum is permissible only with earth. Earth is then divided into two categories: soil and non-soil. As for soil, Tayammum with it is permissible whether it is in its natural place on the ground, removed and placed in a vessel, on a garment, on a human or animal's hand, or if dust is shaken from any of that, gathering enough dust to place the palm upon it. This applies even if the soil is part of a mud brick, mud-brick structure, or similar. As for non-soil substances—such as pebbles, gravel, desert sand, crushed stone, rocky hills, smooth rocks, marble, sand, antimony mineral, arsenic mineral, quicklime, plaster, gold mineral, tutty, sulfur, lapis lazuli, salt mineral, or other similar substances—they are excluded.

وَلَا يَجُوزُ التَّيَمُّمُ إِلَّا بِالْأَرْضِ، ثُمَّ تَنْقَسِمُ الْأَرْضُ إِلَى قِسْمَيْنِ: تُرَابٌ وَغَيْرُ تُرَابٍ، فَأَمَّا التُّرَابُ فَالتَّيَمُّمُ بِهِ جَائِزٌ، كَانَ فِي مَوْضِعِهِ مِنْ الْأَرْضِ أَوْ مَنْزُوعًا مَجْعُولًا فِي إِنَاءٍ أَوْ فِي ثَوْبٍ أَوْ عَلَى يَدِ إِنْسَانٍ أَوْ حَيَوَانٍ، أَوْ نُفِضَ غُبَارٌ مِنْ كُلِّ ذَلِكَ، فَاجْتُمِعَ مِنْهُ مَا يُوضَعُ عَلَيْهِ الْكَفُّ، أَوْ كَانَ فِي بِنَاءِ لَبِنٍ أَوْ طَابِيَةٍ أَوْ غَيْرِ ذَلِكَ، وَأَمَّا مَا عَدَا التُّرَابَ مِنْ الْحَصَى أَوْ الْحَصْبَاءِ أَوْ الصَّحْرَاءِ أَوْ الرَّضْرَاضِ أَوْ الْهِضَابِ أَوْ الصَّفَا أَوْ الرُّخَامِ أَوْ الرَّمْلِ أَوْ مَعْدِنِ كُحْلٍ أَوْ مَعْدِنِ زِرْنِيخٍ أَوْ جَيَّارٍ أَوْ جِصٍّ أَوْ مَعْدِنِ ذَهَبٍ أَوْ تُوتِيَاءَ أَوْ كِبْرِيتٍ أَوْ لَازَوَرْدَ أَوْ مَعْدِنِ مِلْحٍ أَوْ غَيْرِ ذَلِكَ.

If it remains on the earth without being transferred to another substance, tayammum with all such materials is permissible. If any of it has been moved to a vessel, garment, or similar object, tayammum with any portion of it becomes impermissible. Tayammum is impermissible with baked bricks. If they are pulverized until the material is termed dust, tayammum with it becomes permissible. Similarly, tayammum is impermissible with mud. If it dries until it is termed dust, tayammum with it becomes permissible. Tayammum is also impermissible with salt crystallized from water—whether remaining in its original place or not—nor with snow, leaves, grass, wood, or anything

فَإِنْ كَانَ فِي الْأَرْضِ غَيْرَ مُزَالٍ عَنْهَا إِلَى شَيْءٍ آخَرَ فَالتَّيَمُّمُ بِكُلِّ ذَلِكَ جَائِزٌ، وَإِنْ كَانَ شَيْءٌ مِنْ ذَلِكَ مُزَالٌ إِلَى إِنَاءٍ أَوْ إِلَى ثَوْبٍ وَنَحْوِ ذَلِكَ لَمْ يَجُزْ التَّيَمُّمُ بِشَيْءٍ مِنْهُ، وَلَا يَجُوزُ التَّيَمُّمُ بِالْآجُرِّ، فَإِنْ رُضَّ حَتَّى يَقَعَ عَلَيْهِ اسْمُ تُرَابٍ جَازَ التَّيَمُّمُ بِهِ، وَكَذَلِكَ الطِّينُ لَا يَجُوزُ التَّيَمُّمُ بِهِ، فَإِنْ جَفَّ حَتَّى يُسَمَّى تُرَابًا جَازَ التَّيَمُّمُ بِهِ، وَلَا يَجُوزُ التَّيَمُّمُ

else that forms a barrier between the person performing tayammum and the earth.

L4410–4412 The evidence for that is the statement of Allah, the Exalted: "So perform Tayammum with clean earth and wipe your faces and hands up to the wrists with it." [Al-Mā'idah: 6] The Messenger of Allah—peace and blessings of Allah be upon him—said: "Its soil has been made a purifier for us when we do not find water." He—peace be upon him—also said: "The earth has been made a place of prostration and a purifier for me." We have previously mentioned all of this with its chain of transmission, rendering its repetition superfluous. Thus, it is established that tayammum is only permissible with what Allah the Exalted and His Messenger—peace and blessings of Allah be upon him—have explicitly specified. The textual evidence only mentions what we have stated regarding al-ṣaʿīd (the surface of the earth) in the language in which the Quran was revealed, the earth (which is well-known), and soil exclusively. We found that soil—whether removed from the earth, carried in a garment, placed in a vessel, on a person's face, or on a horse's sweat, or on matted wool/hair, or formed into mud bricks, tiles, crushed baked bricks, or otherwise—remains soil and does not lose this name. Therefore, tayammum with it is permissible under all circumstances. We found that baked bricks and clay lose the name of soil, earth, and al-ṣaʿīd, making tayammum with them impermissible. However, if they are crushed or dried, they regain the name "soil," and tayammum becomes permissible. We also observed that all other materials we mentioned—such as stone, sand, and metallic ores—as long as they are in the earth, fall under the name of al-ṣaʿīd and earth, making tayammum with them permissible. However, once removed from the earth, they lose the names earth and al-ṣaʿīd and are not called soil, rendering tayammum with any of them impermissible. We further noted that salt solidified from water, snow, grass, and leaves are not called al-ṣaʿīd, earth, or soil, making tayammum with them impermissible.[25][26]

بِمِلْحٍ انْعَقَدَ مِنْ الْمَاءِ كَانَ فِي مَوْضِعِهِ أَوْ لَمْ يَكُنْ، وَلَا بِثَلْجٍ وَلَا بِوَرَقٍ وَلَا بِحَشِيشٍ وَلَا بِخَشَبٍ وَلَا بِغَيْرِ ذَلِكَ مِمَّا يَحُولُ بَيْنَ الْمُتَيَمِّمِ وَبَيْنَ الْأَرْضِ.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ} [المائدة: ٦] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إذَا لَمْ نَجِدْ الْمَاءَ» وَقَالَ - عَلَيْهِ السَّلَامُ -: «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا» وَقَدْ ذَكَرْنَا كُلَّ ذَلِكَ بِإِسْنَادِهِ قَبْلُ فَأَغْنَى عَنْ إعَادَتِهِ، فَصَحَّ أَنَّهُ لَا يَجُوزُ التَّيَمُّمُ إلَّا بِمَا نَصَّ عَلَيْهِ اللَّهُ تَعَالَى وَرَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَأْتِ النَّصُّ إلَّا بِمَا ذَكَرْنَا مِنْ الصَّعِيدِ، وَهُوَ وَجْهُ الْأَرْضِ فِي اللُّغَةِ الَّتِي بِهَا نَزَلَ الْقُرْآنُ وَبِالْأَرْضِ - وَهِيَ مَعْرُوفَةٌ - وَبِالتُّرَابِ فَقَطْ فَوَجَدْنَا التُّرَابَ سَوَاءٌ كَانَ مَنْزُوعًا عَنْ الْأَرْضِ، مَحْمُولًا فِي ثَوْبٍ أَوْ فِي إنَاءٍ أَوْ عَلَى وَجْهِ إنْسَانٍ أَوْ عَرَقِ فَرَسٍ أَوْ لَبَدٍ أَوْ كَانَ لَبِنًا أَوْ طَابِيَةً أَوْ رُضَاضَ آجُرٍّ أَوْ غَيْرَ ذَلِكَ فَإِنَّهُ تُرَابٌ لَا يَسْقُطُ عَنْهُ هَذَا الِاسْمُ، فَكَانَ التَّيَمُّمُ بِهِ عَلَى كُلِّ حَالٍ جَائِزًا، وَوَجَدْنَا الْآجُرَّ وَالطِّينَ قَدْ سَقَطَ عَنْهُمَا اسْمُ تُرَابٍ وَاسْمُ أَرْضٍ وَاسْمُ صَعِيدٍ فَلَمْ يَجُزْ التَّيَمُّمُ بِهِ، فَإِذَا رُضَّ أَوْ جُفِّفَ عَادَ عَلَيْهِ اسْمُ تُرَابٍ فَجَازَ التَّيَمُّمُ بِهِ، وَوَجَدْنَا سَائِرَ مَا ذَكَرْنَا مِنْ الصَّخْرِ وَمِنْ الرَّمْلِ، وَمِنْ الْمَعَادِنِ مَا دَامَتْ فِي الْأَرْضِ، فَإِنَّ اسْمَ الصَّعِيدِ وَاسْمَ الْأَرْضِ يَقَعُ عَلَى كُلِّ ذَلِكَ، فَكَانَ التَّيَمُّمُ بِكُلِّ ذَلِكَ جَائِزًا، وَوَجَدْنَا كُلَّ ذَلِكَ إذَا أُزِيلَ عَنْ الْأَرْضِ سَقَطَ عَنْهُ اسْمُ الْأَرْضِ وَاسْمُ الصَّعِيدِ وَلَمْ يُسَمَّ تُرَابًا، فَلَمْ يَجُزْ التَّيَمُّمُ بِشَيْءٍ مِنْ ذَلِكَ، وَوَجَدْنَا الْمِلْحَ الْمُنْعَقِدَ مِنْ الْمَاءِ، وَالثَّلْجَ وَالْحَشِيشَ وَالْوَرَقَ لَا يُسَمَّى شَيْئًا مِنْ ذَلِكَ صَعِيدًا وَلَا أَرْضًا وَلَا تُرَابًا، فَلَمْ يَجُزْ التَّيَمُّمُ بِهِ.

[25] **Hadith references (L4410):** Sahih Muslim 522a; Bulugh al-Maram 127; Mishkat al-Masabih 526.

[26] **Qur'an references (L4410):** Qur'an 5:6 (Al-Ma'idah).

وَهَذَا هُوَ الَّذِي لَا يَجُوزُ غَيْرُهُ، وَفِي هَذَا خِلَافٌ مِنْ ذَلِكَ أَنَّ الْحَسَنَ بْنَ زِيَادٍ قَالَ: إنْ وُضِعَ التُّرَابُ فِي ثَوْبٍ لَمْ يَجُزْ التَّيَمُّمُ بِهِ، وَهَذَا تَفْرِيقٌ لَا دَلِيلَ عَلَيْهِ، وَقَالَ مَالِكٌ: يَتَيَمَّمُ عَلَى الثَّلْجِ، وَرُوِيَ أَيْضًا ذَلِكَ عَنْ أَبِي حَنِيفَةَ، وَهَذَا خَطَأٌ، لِأَنَّهُ لَمْ يَأْتِ بِهِ نَصٌّ وَلَا إجْمَاعٌ. فَإِنْ قِيلَ: مَا حَالَ بَيْنَكَ وَبَيْنَ الْأَرْضِ فَهُوَ أَرْضٌ.

L4413 This is the only permissible position, and no other is allowed. There is disagreement concerning this, among which is that Al-Ḥasan ibn Ziyād said: "If dust is placed in a garment, it was not permissible to perform tayammum with it." This is a distinction unsupported by evidence. Mālik said: "One may perform tayammum upon snow," and this is also narrated from Abū Ḥanīfah. This is erroneous, as neither textual proof nor consensus exists for it. If asked: "Whatever lies between you and the earth is earth."

قِيلَ لَهُمْ فَإِنْ حَالَ بَيْنَهُ وَبَيْنَ الْأَرْضِ قَتْلَى أَوْ غَنَمٌ أَوْ ثِيَابٌ أَوْ خَشَبٌ أَيَكُونُ ذَلِكَ مِنْ الْأَرْضِ فَيُتَيَمَّمُ عَلَيْهِ؟ وَهُمْ لَا يَقُولُونَ بِذَلِكَ. وَقَوْلُهُمْ: إنَّ مَا حَالَ بَيْنَكَ وَبَيْنَ الْأَرْضِ فَهُوَ أَرْضٌ أَوْ مِنْ الْأَرْضِ - فَقَوْلٌ فَاسِدٌ لَمْ يُوجِبْهُ قُرْآنٌ وَلَا سُنَّةٌ وَلَا لُغَةٌ وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ ".

L4414 They were asked: If the slain, sheep, garments, or wood intervene between him and the earth, would these be considered part of the earth, permitting tayammum to be performed on them? Yet they do not uphold this. Their claim that "whatever intervenes between you and the earth is [considered] earth or part of the earth" is an invalid opinion, for neither the Quran, the Sunnah, linguistic evidence, consensus, the view of a Companion, nor analogical reasoning has necessitated it.

قَالَ عَلِيٌّ: وَالثَّلْجُ وَالطِّينُ وَالْمِلْحُ لَا يُتَوَضَّأُ بِشَيْءٍ مِنْهَا وَلَا يُتَيَمَّمُ، لِأَنَّهُ لَيْسَ شَيْءٌ مِنْ ذَلِكَ يُسَمَّى مَاءً وَلَا تُرَابًا وَلَا أَرْضًا وَلَا صَعِيدًا، فَإِذَا ذَابَ الْمِلْحُ وَالثَّلْجُ فَصَارَا مَاءً جَازَ الْوُضُوءُ بِهِمَا، لِأَنَّهُمَا مَاءٌ، وَإِذَا جَفَّ الطِّينُ جَازَ التَّيَمُّمُ بِهِ لِأَنَّهُ تُرَابٌ.

L4415 Ali said: Snow, clay, and salt - ablution should not be performed with any of them, nor tayammum, for none of these is called water, soil, earth, or clean earth (ṣaʿīd). When salt and snow melt and turn into water, ablution with them becomes permissible because they are water. When clay dries, tayammum with it becomes permissible because it transforms into soil.

وَقَالَ الشَّافِعِيُّ وَأَبُو يُوسُفَ: لَا يَتَيَمَّمُ إلَّا بِالتُّرَابِ خَاصَّةً، لَا بِشَيْءٍ غَيْرِ ذَلِكَ، فَادَّعَوْا أَنَّ قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا» بَيَانٌ لِمُرَادِ اللَّهِ تَعَالَى بِالصَّعِيدِ، وَلِمُرَادِهِ - عَلَيْهِ السَّلَامُ - بِقَوْلِهِ «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا» .

L4416–4418 Al-Shafi'i and Abu Yusuf said: One should not perform tayammum except with earth specifically, and nothing else. They claimed that the statement of the Messenger of Allah—may Allah's peace and blessings be upon him—"And its soil has been made a purifier for us" is an elucidation of what Allah the Exalted intended by "earth" and of what the Prophet—peace be upon him—intended by his statement "The earth has been made for me a place of prostration and a purifier."

قَالَ عَلِيٌّ: وَهَذَا خَطَأٌ، لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ.

L4419 Ali said: This is a mistake, because it is a claim without proof, and whatever is like this is invalid.

L4420 The Almighty said: "Present your evidence if you are truthful." [Al-Baqarah: 111] Rather, all that the Almighty and His Messenger—peace be upon him—have declared is the truth. Thus, Allah the Almighty stated: "pure earth"

[Al-Mā’idah: 6], and the Messenger of Allah—peace and blessings of Allah be upon him—said: “The earth is a place of prostration and a means of purification,” and he—peace be upon him—said: “The earth is a place of prostration, and its soil is a means of purification.” All of this is the truth, all of this is to be acted upon, and it is not permissible to abandon any part of it for another. All soil is pure, all earth is pure, and all clean earth is pure. The verse and the ḥadīth of Jābir concerning the universal applicability of the earth provide an additional ruling beyond the ḥadīth of Ḥudhayfah regarding restriction to soil alone. Therefore, acting upon this additional ruling is obligatory, and this does not preclude acting upon the ḥadīth of Ḥudhayfah. Limiting oneself to what is in the ḥadīth of Ḥudhayfah contradicts the Quran and the ḥadīth of Jābir, and this is impermissible. Success is by Allah, the Most High.[27]

قَالَ عَزَّ وَجَلَّ: {قُلْ هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ} [البقرة: ١١١] بَلْ كُلُّ مَا قَالَ عَزَّ وَجَلَّ وَرَسُولُهُ - عَلَيْهِ السَّلَامُ - فَهُوَ حَقٌّ، فَقَالَ اللَّهُ عَزَّ وَجَلَّ: {صَعِيدًا طَيِّبًا} [المائدة: ٦] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الْأَرْضُ مَسْجِدٌ وَطَهُورٌ» وَقَالَ - عَلَيْهِ السَّلَامُ -: «الْأَرْضُ مَسْجِدٌ وَتُرْبَتُهَا طَهُورٌ» فَكُلُّ ذَلِكَ حَقٌّ، وَكُلُّ ذَلِكَ مَأْخُوذٌ بِهِ وَكُلُّ ذَلِكَ لَا يَحِلُّ تَرْكُ شَيْءٍ مِنْهُ لِشَيْءٍ آخَرَ فَالتُّرَابُ كُلُّهُ طَهُورٌ وَالْأَرْضُ كُلُّهَا طَهُورٌ وَالصَّعِيدُ كُلُّهُ طَهُورٌ، وَالْآيَةُ وَحَدِيثُ جَابِرٍ فِي عُمُومِ الْأَرْضِ زَائِدٌ حُكْمًا عَلَى حَدِيثِ حُذَيْفَةَ فِي الِاقْتِصَارِ عَلَى التُّرْبَةِ، فَالْأَخْذُ بِالزَّائِدِ وَاجِبٌ، وَلَا يَمْنَعُ ذَلِكَ مِنْ الْأَخْذِ بِحَدِيثِ حُذَيْفَةَ، وَفِي الِاقْتِصَارِ عَلَى مَا فِي حَدِيثِ حُذَيْفَةَ مُخَالَفَةٌ لِلْقُرْآنِ وَلِمَا فِي حَدِيثِ جَابِرٍ، وَهَذَا لَا يَحِلُّ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4421 Abu Hanifa said: All earth may be used for *tayammum*, such as soil, mud, orpiment, lime, *kohl*, *maradasanj*, and any dust shaken off from a cushion, bed, wheat, or barley—it is permissible to perform *tayammum* with it. Similarly, Sufyan al-Thawri said: If there is dust on your garment, saddle, bridle, or on a tree, perform *tayammum* with it. This is our position. And with Allah, the Exalted, is success.

وَقَالَ أَبُو حَنِيفَةَ: الصَّعِيدُ كُلُّهُ يُتَيَمَّمُ بِهِ، كَالتُّرَابِ وَالطِّينِ وَالزِّرْنِيخِ وَالْجِيرِ وَالْكُحْلِ والمرادسنج وَكُلُّ تُرَابٍ نُفِّضَ مِنْ وِسَادَةٍ أَوْ فِرَاشٍ أَوْ مِنْ حِنْطَةٍ أَوْ شَعِيرٍ: فَالتَّيَمُّمُ بِهِ جَائِزٌ وَكَذَلِكَ قَالَ سُفْيَانُ الثَّوْرِيُّ: إنْ كَانَ فِي ثَوْبِكَ أَوْ سَرْجِكَ أَوْ بَرْدَعَتِكَ تُرَابٌ أَوْ عَلَى شَجَرٍ فَتَيَمَّمْ بِهِ، وَهَذَا قَوْلُنَا. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ يُقَدَّمُ فِي التَّيَمُّمِ الْيَدَانِ قَبْلَ الْوَجْهِ]

L4422 **A legal issue: In dry ablution (tayammum), the hands are to precede the face.**

L4423 253 - Legal Issue

٢٥٣ - مَسْأَلَةٌ:

L4424 Al-A‘mash said: In dry ablution, the hands are wiped before the face. Al-Shāfi‘ī maintained that the face must be wiped before the palms. Abū Ḥanīfah permitted wiping either the face or the hands before the other.

قَالَ الْأَعْمَشُ: يُقَدَّمُ فِي التَّيَمُّمِ الْيَدَانِ قَبْلَ الْوَجْهِ، وَقَالَ الشَّافِعِيُّ يُقَدَّمُ الْوَجْهُ عَلَى الْكَفَّيْنِ وَلَا بُدَّ، وَأَبَاحَ أَبُو حَنِيفَةَ تَقْدِيمَ كُلٍّ مِنْهُمَا عَلَى الْآخَرِ.

[27] **Qur’an references (L4420):** Qur’an 2:111 (Al-Baqarah); Qur’an 27:64 (An-Naml); Qur’an 5:6 (Al-Ma’idah).

قَالَ عَلِيٌّ: وَبِهَذَا نَقُولُ، لِأَنَّنَا رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ مُحَمَّدِ بْنِ سَلَامٍ عَنْ أَبِي مُعَاوِيَةَ عَنْ الْأَعْمَشِ عَنْ شَقِيقٍ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ عَنْ عَمَّارِ بْنِ يَاسِرٍ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَّمَهُ التَّيَمُّمَ فَضَرَبَ ضَرْبَةً بِكَفَّيْهِ عَلَى الْأَرْضِ ثُمَّ نَفَضَهَا ثُمَّ مَسَحَ بِهَا ظَهْرَ كَفِّهِ بِشِمَالِهِ أَوْ ظَهْرَ شِمَالِهِ بِكَفِّهِ ثُمَّ مَسَحَ بِهَا وَجْهَهُ» فَكَانَ هَذَا حُكْمًا زَائِدًا، وَبَيَانًا أَنَّ كُلَّ ذَلِكَ جَائِزٌ، بِخِلَافِ الْوُضُوءِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4425 Ali said: And this is what we say, for we have been narrated through the chain of al-Bukhārī from Muḥammad ibn Salām, from Abū Muʿāwiyah, from al-Aʿmash, from Shaqīq, from Abū Mūsā al-Ashʿarī, from ʿAmmār ibn Yāsir: “That the Messenger of Allah (peace and blessings be upon him) taught him tayammum. He struck the ground once with his palms, shook the dust off them, then wiped the back of his hand with his left palm or the back of his left hand with his palm, then wiped his face with them.” This constitutes a supplementary ruling and a clarification that all such actions are permissible, unlike wuḍūʾ. And with Allah alone is success.

فَمَنْ أَخَذَ بِظَاهِرِ الْقُرْآنِ فَبَدَأَ بِالْوَجْهِ فَحَسَنٌ، وَمَنْ أَخَذَ بِحَدِيثِ عَمَّارٍ فَبَدَأَ بِالْيَدَيْنِ قَبْلَ الْوَجْهِ فَحَسَنٌ، ثُمَّ اسْتَدْرَكْنَا قَوْلَهُ - عَلَيْهِ السَّلَامُ - «ابْدَءُوا بِمَا بَدَأَ اللَّهُ بِهِ» فَوَجَبَ أَنْ لَا يُجْزِئَ إلَّا الِابْتِدَاءُ بِالْوَجْهِ ثُمَّ الْيَدَيْنِ.

L4426 Whoever adheres to the apparent meaning of the Quran and begins with the face, it is acceptable. And whoever follows the ḥadīth of ʿAmmār and begins with the hands before the face, it is also acceptable. Then we reconsidered his statement—peace be upon him—“Begin with what Allah commenced with,” thus it became necessary that none suffices except starting with the face followed by the hands.

AL-MUHALLA

كِتَابُ الْحَيْضِ وَالِاسْتِحَاضَةِ

The Book of Menstruation and Irregular Bleeding

Abu Muhammed Ali Ibn Hazm Al-Andalusi · Arabic–English parallel edition

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[كِتَابُ الْحَيْضِ وَالاِسْتِحَاضَةِ] [مَسْأَلَةٌ الْحَيْضُ هُوَ الدَّمُ الْأَسْوَدُ الْخَاثِرُ الْكَرِيهُ الرَّائِحَةِ خَاصَّةً]

[The Book of Menstruation and Istihadah] [Issue: Menstruation is defined as blood that is specifically black, clotted, and foul in smell.]

٢٥٤ - مَسْأَلَةٌ:

254. Issue:

الْحَيْضُ هُوَ الدَّمُ الْأَسْوَدُ الْخَاثِرُ الْكَرِيهُ الرَّائِحَةِ خَاصَّةً، فَمَتَى ظَهَرَ مِنْ فَرْجِ الْمَرْأَةِ لَمْ يَحِلَّ لَهَا أَنْ تُصَلِّيَ وَلَا أَنْ تَصُومَ وَلَا أَنْ تَطُوفَ بِالْبَيْتِ وَلَا أَنْ يَطَأَهَا زَوْجُهَا وَلَا سَيِّدُهَا فِي الْفَرْجِ، إِلَّا حَتَّى تَرَى الطُّهْرَ، فَإِذَا رَأَتْ أَحْمَرَ أَوْ كَغُسَالَةِ اللَّحْمِ أَوْ صُفْرَةً أَوْ كُدْرَةً أَوْ بَيَاضًا أَوْ جُفُوفًا فَقَدْ طَهُرَتْ وَفُرِضَ عَلَيْهَا أَنْ تَغْسِلَ جَمِيعَ رَأْسِهَا وَجَسَدِهَا بِالْمَاءِ، فَإِنْ لَمْ تَجِدْ الْمَاءَ فَلْتَتَيَمَّمْ ثُمَّ تُصَلِّي وَتَصُومُ وَتَطُوفُ بِالْبَيْتِ وَيَأْتِيهَا زَوْجُهَا أَوْ سَيِّدُهَا، وَكُلُّ مَا ذَكَرْنَا فَهُوَ قَبْلَ الْحَيْضِ وَبَعْدَهُ طُهْرٌ لَيْسَ شَيْءٌ مِنْهُ حَيْضًا أَصْلًا.

Menstruation is the clotted black blood with a foul odor, specifically. Whenever it emerges from a woman's genital area, it is not permissible for her to pray, fast, perform circumambulation of the Kaaba, or for her husband or owner to engage in intercourse with her until she attains purification. If she observes redness, fluid resembling that from washing raw meat, yellowness, cloudiness, whiteness, or dryness, she is purified. It becomes obligatory for her to wash her entire head and body with water. If she cannot find water, she must perform *tayammum*, then she may pray, fast, perform circumambulation of the Kaaba, and her husband or owner may resume intercourse with her. All that we have mentioned before menstruation and after it constitutes states of purity; none of these are considered menstrual blood whatsoever.

أَمَّا امْتِنَاعُ الصَّلَاةِ وَالصَّوْمِ وَالطَّوَافِ وَالْوَطْءِ فِي الْفَرْجِ فِي حَالِ الْحَيْضِ فَإِجْمَاعٌ مُتَيَقَّنٌ مَقْطُوعٌ بِهِ، لَا خِلَافَ بَيْنَ أَحَدٍ مِنْ أَهْلِ الْإِسْلَامِ فِيهِ، وَقَدْ خَالَفَ فِي ذَلِكَ قَوْمٌ مِنْ الْأَزَارِقَةِ حَقُّهُمْ أَلَّا يُعَدُّوا فِي أَهْلِ الْإِسْلَامِ.

As for abstaining from prayer, fasting, Tawaf (circumambulation of the Kaaba), and sexual intercourse during menstruation, this is a conclusively established Ijma (consensus), with no disagreement among Muslim scholars. However, a group from the Azariqa (a Kharijite sect) opposed this, and they rightfully should not be counted among the people of Islam.

وَأَمَّا مَا هُوَ الْحَيْضُ؟ فَإِنَّ يُونُسَ بْنَ عَبْدِ اللَّهِ بْنِ مُغِيثٍ حَدَّثَنَا قَالَ ثنا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحِيمِ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا هِشَامُ بْنُ عُرْوَةَ حَدَّثَنِي أَبِي عَنْ عَائِشَةَ «أَنَّ فَاطِمَةَ ابْنَةَ أَبِي حُبَيْشٍ أَتَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: إِنِّي أُسْتَحَاضُ فَلَا أَطْهُرُ، أَفَأَدَعُ الصَّلَاةَ؟ قَالَ: لَيْسَ ذَلِكَ بِالْحَيْضِ، إِنَّمَا ذَلِكَ عِرْقٌ، فَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، وَإِذَا أَدْبَرَتْ فَاغْتَسِلِي وَصَلِّي» وَهَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ وَسُفْيَانَ

As for what constitutes menstruation? Yunus ibn Abd Allah ibn Mughith reported to us, saying: Ahmad ibn Abd Allah ibn Abd al-Rahim reported to us via Ahmad ibn Khalid, who reported via Muhammad ibn Abd al-Salam al-Khushani, who reported via Muhammad ibn Bashshar, who reported via Yahya ibn Sa'id al-Qattan, who reported via Hisham ibn Urwah, who narrated from his father, from Aisha: Fatimah bint Abi Hubaysh came to the Messenger of Allah (peace and blessings be upon him) and said, "I experience irregular bleeding and do not attain purity. Should I cease prayer?" He replied, "That is not menstruation; it is merely a vein. When menstruation arrives, cease prayer. When it departs, perform the ritual bath and pray." It was similarly narrated by us through the chains of Hammad ibn Zayd, Sufyan

الثَّوْرِيِّ وَسُفْيَانَ بْنِ عُيَيْنَةَ وَابْنِ جُرَيْجٍ وَمَعْمَرٍ وَزُهَيْرِ بْنِ مُعَاوِيَةَ وَأَبِي مُعَاوِيَةَ وَعَبْدِ اللَّهِ بْنِ نُمَيْرٍ وَوَكِيعِ بْنِ الْجَرَّاحِ وَجَرِيرٍ وَعَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ الدَّرَاوَرْدِيِّ وَأَبِي يُوسُفَ كُلُّهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ. وَرُوِّينَاهُ مِنْ طَرِيقِ مَالِكٍ وَاللَّيْثِ وَحَمَّادِ بْنِ سَلَمَةَ وَعَمْرِو بْنِ الْحَارِثِ وَسَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ الْجُمَحِيِّ كُلُّهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، وَإِذَا ذَهَبَتْ فَاغْسِلِي عَنْكِ الدَّمَ ثُمَّ صَلِّي» وَفِي بَعْضِهَا «فَتَوَضَّئِي» .

L4435–4437 وَحَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَبُو بَكْرِ بْنُ أَحْمَدَ بْنِ خَالِدٍ ثنا أَبِي ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَامٍ، حَدَّثَنِي مُحَمَّدُ بْنُ كَثِيرٍ عَنْ الْأَوْزَاعِيِّ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ: «اُسْتُحِيضَتْ أُمُّ حَبِيبَةَ بِنْتُ جَحْشٍ فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ - عَلَيْهِ السَّلَامُ -: إنَّهَا لَيْسَتْ بِالْحَيْضَةِ وَلَكِنَّهُ عِرْقٌ، فَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، وَإِذَا أَدْبَرَتْ فَاغْتَسِلِي وَصَلِّي» .

L4438 حَدَّثَنَا أَبُو سَعِيدٍ الْجَعْفَرِيُّ ثنا أَبُو بَكْرٍ الْأَذْفُونِيُّ الْمُقْرِئُ ثنا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ إِسْمَاعِيلَ حَدَّثَنَا الْحَسَنُ بْنُ غُلَيْبٍ حَدَّثَنَا يَحْيَى بْنُ عَبْدِ اللَّهِ ثنا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَجِّ عَنْ الْمُنْذِرِ بْنِ الْمُغِيرَةِ «عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ أَخْبَرَتْهُ أَنَّهَا أَتَتْ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَشَكَتْ إلَيْهِ الدَّمَ، فَقَالَ إنَّمَا ذَلِكَ عِرْقٌ، فَانْظُرِي إذَا أَتَاكِ قُرْؤُكِ فَلَا تُصَلِّي، فَإِذَا مَرَّ الْقُرْءُ فَتَطَهَّرِي ثُمَّ صَلِّي مِنْ الْقُرْءِ إلَى الْقُرْءِ» .

al-Thawri, Sufyan ibn Uyaynah, Ibn Jurayj, Ma‘mar, Zuhayr ibn Mu‘awiyah, Abu Mu‘awiyah, Abd Allah ibn Numayr, Waki‘ ibn al-Jarrah, Jarir, Abd al-Aziz ibn Muhammad al-Darawardi, and Abu Yusuf—all transmitting from Hisham ibn Urwah, from his father, from Aisha. It was also narrated by us through the chains of Malik, al-Layth ibn Sa‘d, Hammad ibn Salamah, Amr ibn al-Harith, and Sa‘id ibn Abd al-Rahman al-Jumahi—all transmitting from Hisham ibn Urwah, from his father. Narrated by Aisha: The Messenger of Allah (peace be upon him) said, “When menstruation begins, abandon prayer. When it ceases, wash away the blood from yourself, then pray.” In some narrations, it states: “then perform ablution (wudu).”

L4435–4437 And Yunus ibn ‘Abdullah narrated to us: Abu Bakr ibn Ahmad ibn Khalid narrated to us; my father narrated to us; ‘Ali ibn ‘Abd al-‘Aziz narrated to us; Abu ‘Ubayd al-Qasim ibn Salam narrated to us; Muhammad ibn Kathir narrated to me from al-Awza‘i from... Al-Zuhri reported from Urwah from Aishah, who said: “Umm Habibah bint Jahsh experienced irregular bleeding and mentioned this to the Messenger of Allah (peace and blessings be upon him). He (peace be upon him) said: ’This is not menstruation but a blood vessel. When the menstrual period begins, stop praying. When it ends, perform ghusl and pray.”’

L4438 Narrated by Abu Sa’eed Al-Ja’fari from Abu Bakr Al-Adhfuuni Al-Muqirr, from Ahmad ibn Muhammad ibn Isma’il, from Al-Hasan ibn Ghulayb, from Yahya ibn ’Abdullah, from Al-Layth, from Yazid ibn Abi Habib, from Bukayr ibn ’Abdullah ibn Al-Ashajj, from Al-Mundhir ibn Al-Mughirah, from ’Urwah ibn Az-Zubayr: Fatimah bint Abi Hubaysh informed him that she came to the Messenger of Allah—peace and blessings be upon him—and complained to him about the blood. He said, “That is merely a blood vessel. When your menstruation arrives, do not pray. When the menstrual period ends, purify yourself, then pray during the intervals between one menstruation and the next.”

L4439–4441 He (peace be upon him) commanded the avoidance of prayer at menstruation’s onset and the performance of ghusl (ritual purification) upon its ces-

sation, directing this ruling to Quraysh's women and Arab women knowledgeable about what the term "menstruation" refers to. Therefore, it became obligatory to seek the clarification of that - what menstruation is in Sharia and linguistic terms. We discovered the narration transmitted to us by Hammam ibn Ahmad who narrated from Abbas ibn Asbagh who narrated from Muhammad ibn Abd al-Malik ibn Ayman who narrated from Abdullah ibn Ahmad ibn Hanbal who narrated from his father who narrated from Muhammad ibn Abi Adiyy who narrated from Muhammad ibn Amr - son of Alqamah ibn Waqqas - from al-Zuhri from Urwah from Fatimah bint Abi Hubaysh: "She suffered istihadah (irregular bleeding), so Allah's Messenger said to her..." The Prophet, peace be upon him, said: "Indeed, menstrual blood is black and recognizable. So when that is present, abstain from prayer. But when it is the other, perform wudu and pray, for it is merely a vein."

فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِاجْتِنَابِ الصَّلَاةِ لِإِقْبَالِ الْحَيْضَةِ وَبِالْغُسْلِ لِإِدْبَارِهَا، وَخَاطَبَ بِذَلِكَ نِسَاءَ قُرَيْشٍ وَالْعَرَبَ الْعَارِفَاتِ بِمَا يَقَعُ عَلَيْهِ اسْمُ الْحَيْضَةِ، فَوَجَبَ أَنْ يُطْلَبَ بَيَانُ ذَلِكَ وَمَا هِيَ الْحَيْضَةُ فِي الشَّرِيعَةِ وَاللُّغَةِ، فَوَجَدْنَا مَا حَدَّثَنَاهُ حَمَامُ بْنُ أَحْمَدَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي ثنا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ ثنا مُحَمَّدُ بْنُ عَمْرٍو هُوَ ابْنُ عَلْقَمَةَ بْنِ وَقَّاصٍ - عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ " كَانَتْ اُسْتُحِيضَتْ فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ، فَإِذَا كَانَ ذَلِكَ فَأَمْسِكِي عَنِ الصَّلَاةِ، وَإِذَا كَانَ الْآخَرُ فَتَوَضَّئِي وَصَلِّي فَإِنَّمَا هُوَ عِرْقٌ» .

L4442 Abdur-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: Al-Farbari narrated to us: Al-Bukhari narrated to us: Qutaybah narrated to us: Yazid ibn Zuray' narrated to us from Khalid al-Hadhdha' from Ikrimah from Aisha, who said: "One of the wives of the Messenger of Allah, peace and blessings be upon him, observed Itikaf with him. She would see yellowish discharge and blood, and the basin was beneath her while she prayed."

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ حَدَّثَنَا الْبُخَارِيُّ حَدَّثَنَا قُتَيْبَةُ ثنا يَزِيدُ بْنُ زُرَيْعٍ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ عِكْرِمَةَ عَنْ عَائِشَةَ قَالَتْ «اعْتَكَفَتْ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - امْرَأَةٌ مِنْ أَزْوَاجِهِ، فَكَانَتْ تَرَى الصُّفْرَةَ وَالدَّمَ وَالطَّسْتُ تَحْتَهَا وَهِيَ تُصَلِّي» .

L4443 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Muhammad ibn Salamah al-Muradi narrated to us: Abdullah ibn Wahb narrated from Amr ibn al-Harith from Ibn Shihab from Urwah ibn al-Zubayr and ʿAmrah bint Abd al-Rahman, both of whom reported from Aisha, the wife of the Prophet (peace be upon him), that Umm Habibah bint Hubaysh, who was married to Abd al-Rahman ibn Awf, experienced istihadah (abnormal uterine bleeding) for seven years. She sought a ruling from the Messenger of Allah (peace be upon him) regarding this. The Messenger of Allah (peace be upon him) said, "This is not menstruation; rather, it is bleeding from a blood vessel. Perform ghusl (ritual purification) and pray." Aisha said, "She would

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا مُحَمَّدُ بْنُ سَلَمَةَ الْمُرَادِيُّ ثنا عَبْدُ اللَّهِ بْنُ وَهْبٍ عَنْ عَمْرِو بْنِ الْحَارِثِ عَنِ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ وَعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، كِلَاهُمَا عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ أُمَّ حَبِيبَةَ بِنْتَ حُبَيْشٍ كَانَتْ تَحْتَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ اُسْتُحِيضَتْ سَبْعَ سِنِينَ، فَاسْتَفْتَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إِنَّ هَذِهِ

bathe in a large basin in the room of her sister Zaynab bint Jahsh until the water was visibly tinged with blood."

لَيْسَتْ بِالْحَيْضَةِ، وَلَكِنْ هَذَا عِرْقٌ فَاغْتَسِلِي وَصَلِّي. قَالَتْ عَائِشَةُ فَكَانَتْ تَغْتَسِلُ فِي مِرْكَنٍ فِي حُجْرَةِ أُخْتِهَا زَيْنَبَ بِنْتِ جَحْشٍ حَتَّى تَعْلُوَ حُمْرَةُ الدَّمِ الْمَاءَ» .

L4444–4446 Thus, it is established by what we have mentioned that menstruation is black blood alone, and that redness, yellowness, and turbid discharge originate from a blood vessel and are not menstruation, and none of that prevents prayer. If it is said: "This applies only to a woman whose blood flows perpetually," we say: If blood persists during part of her menstrual period and ceases during another part, what is your ruling? Does this judgment apply to her or not? All scholars unanimously agree that this... The judgment is hers.

فَصَحَّ بِمَا ذَكَرْنَا أَنَّ الْحَيْضَ إنَّمَا هُوَ الدَّمُ الْأَسْوَدُ وَحْدَهُ وَإِنَّ الْحُمْرَةَ وَالصُّفْرَةَ وَالْكُدْرَةَ عِرْقٌ وَلَيْسَ حَيْضًا، وَلَا يَمْنَعُ شَيْءٌ مِنْ ذَلِكَ الصَّلَاةَ. فَإِنْ قِيلَ: إنَّمَا هَذَا لِلَّتِي يَتَّصِلُ بِهَا الدَّمُ أَبَدًا، قُلْنَا فَإِنْ اتَّصَلَ بِهَا الدَّمُ بَعْضَ دَهْرِهَا وَانْقَطَعَ بَعْضَهُ فَمَا قَوْلُكُمْ؟ أَلَهَا هَذَا الْحُكْمُ أَمْ لَا؟ فَكُلُّهُمْ مُجْمِعٌ عَلَى أَنَّ هَذَا الْحُكْمَ لَهَا.

L4447 So we said to them: Specify for us the period during which, if blood, yellow discharge, or turbid discharge persists, it is subject to the ruling prescribed by the Messenger of Allah—peace be upon him—and specify the period during which, if all these discharges persist in combination, it is not subject to that ruling. What they concluded from this was that a group of scholars stated: That period corresponds to her habitual days of menstruation.

فَقُلْنَا لَهُمْ: حُدُّوا لَنَا الْمُدَّةَ الَّتِي إذَا اتَّصَلَ بِهَا الدَّمُ وَالصُّفْرَةُ وَالْكُدْرَةُ كَانَ لَهَا هَذَا الْحُكْمُ الَّذِي أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْمُدَّةَ الَّتِي إذَا اتَّصَلَ بِهَا هَذَا كُلُّهُ لَمْ يَكُنْ لَهَا ذَلِكَ الْحُكْمُ، فَكَانَ الَّذِي وَقَفُوا عَلَيْهِ مِنْ ذَلِكَ أَنْ قَالَتْ طَائِفَةٌ: تِلْكَ الْمُدَّةُ هِيَ أَيَّامُهَا الْمُعْتَادَةُ لَهَا.

L4448 Another group said: Rather, that duration exceeds her customary days. If that is the case, they account for the formation of blood during the days of her habitual cycle; otherwise, they do not. I said to them: These are two claims we have heard, and a claim is rejected and invalid unless supported by conclusive proof. So present your conclusive proof if you are truthful.

وَقَالَتْ طَائِفَةٌ أُخْرَى: بَلْ تِلْكَ الْمُدَّةُ هِيَ أَكْثَرُ مِنْ أَيَّامِهَا الْمُعْتَادَةِ لَهَا، فَإِذَا كَانَ ذَلِكَ رَاعَوْا فِي أَيَّامِ عَادَتِهَا تَكَوُّنَ الدَّمِ وَإِلَّا فَلَا، فَقُلْتُ لَهُمْ: هَاتَانِ دَعْوَيَانِ قَدْ سَمِعْنَاهُمَا، وَالدَّعْوَةُ مَرْدُودَةٌ سَاقِطَةٌ إلَّا بِبُرْهَانٍ، فَهَاتُوا بُرْهَانَكُمْ إنْ كُنْتُمْ صَادِقِينَ.

L4449 Some of them said: It has been authentically established from the Prophet, peace and blessings be upon him, that he said: "Sit during the days of your menstruation and refrain from prayer for the same number of days as your usual menstrual period."

فَقَالَ بَعْضُهُمْ: قَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «اُقْعُدِي أَيَّامَ أَقْرَائِكِ وَدَعِي الصَّلَاةَ قَدْرَ الْأَيَّامِ الَّتِي كُنْتِ تَحِيضِينَ فِيهَا» .

L4450 We said, "Yes, this is correct." He (peace be upon him) commanded this solely for the woman who cannot distinguish her blood and [for cases where] the blood is entirely black and uninterrupted.

قُلْنَا نَعَمْ هَذَا صَحِيحٌ، وَإِنَّمَا أَمَرَ - عَلَيْهِ السَّلَامُ - بِهَذَا الَّتِي لَا تُمَيِّزُ دَمَهَا وَالَّذِي هُوَ كُلُّهُ أَسْوَدُ مُتَّصِلٌ.

L4451 The proof of that is His statement to the woman who recognizes her blood:

"Indeed, menstrual blood is black and is recognized. When the other [blood] comes, then pray. When menstruation begins, cease prayer. When it ends, perform the ritual bath, pray, cleanse yourself of the blood, and pray," as we will clarify in the chapter on the mustahāḍah, God willing.

L4452 Abu Muhammad said: There is no escape for them from this. If they cling to someone from whom a statement resembling theirs has been narrated—such as what we reported through the chain of ʿAlqamah ibn Abī ʿAlqamah from his mother: "I used to see women sending a case to ʿĀ'ishah containing cotton with a yellowish stain, asking her about prayer. I heard ʿĀ'ishah say: 'Do not pray [you women] until you see the white discharge.'"

L4453–4454 Abu Muhammad said: We do not know of any connection to the Companions - may Allah be pleased with them - except this solitary narration. Umm 'Alqamah was opposed in that matter by 'A'ishah, and Companions other than the Mother of the Believers contradicted the narration transmitted from Umm 'Alqamah.

L4455 As for the narration from ʿĀ'ishah—may Allah be pleased with her—Aḥmad ibn ʿUmar ibn Anas said: ʿAbd ibn Aḥmad al-Harawī Abū Dharr narrated to us; Aḥmad ibn ʿAbdān, al-Ḥāfiẓ, in Naysābūr narrated to us; Muḥammad ibn Sahl ibn ʿAbdillāh al-Muqriʾ al-Baṣrī narrated to us; Muḥammad ibn Ismāʿīl al-Bukhārī—the compiler of the Ṣaḥīḥ—narrated to us. He said: ʿAlī ibn Ibrāhīm told us: Muḥammad ibn Abī al-Shimāl al-ʿUṭāridī al-Baṣrī narrated to us; Umm Ṭalḥah narrated to me, saying: I asked ʿĀ'ishah, the Mother of the Believers, and she said: "Menstrual blood is sea-like black."

L4456 Muhammad ibn Sa'id ibn Nabat narrated to us, Abdullah ibn Nasr narrated to us, Qasim ibn Asbagh narrated to us, Ibn Waddah narrated to us, Musa ibn Mu'awiyah narrated to us, Waki' narrated to us from Abu Bakr al-Hudhali from Mu'adhah al-Adawiyyah from 'Aishah, who said: "We did not consider the yellow and the brown to be menstruation."

بُرْهَانُ ذَلِكَ قَوْلُهُ لِلَّتِي تُمَيِّزُ دَمَهَا «إِنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ، فَإِذَا جَاءَ الْآخَرُ فَصَلِّي، وَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، وَإِذَا أَدْبَرَتْ فَاغْتَسِلِي وَصَلِّي وَاغْسِلِي عَنْكِ الدَّمَ وَصَلِّي» عَلَى مَا نُبَيِّنُ فِي بَابِ الْمُسْتَحَاضَةِ إِنْ شَاءَ اللَّهُ.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا مَخْلَصَ لَهُمْ مِنْهُ، فَإِنْ تَعَلَّقُوا بِمَنْ رُوِيَ عَنْهُ مِثْلُ قَوْلِهِمْ، مِثْلُ مَا رُوِّينَاهُ مِنْ طَرِيقِ عَلْقَمَةَ بْنِ أَبِي عَلْقَمَةَ عَنْ أُمِّهِ: كُنْتُ أَرَى النِّسَاءَ يُرْسِلْنَ إِلَى عَائِشَةَ بِالدُّرْجَةِ فِيهَا الْكُرْسُفُ فِيهَا الصُّفْرَةُ يَسْأَلْنَهَا عَنْ الصَّلَاةِ، فَسَمِعْتُ عَائِشَةَ تَقُولُ: لَا تُصَلِّينَ حَتَّى تَرَيْنَ الْقَصَّةَ الْبَيْضَاءَ.

قَالَ أَبُو مُحَمَّدٍ: مَا نَعْلَمُ لَهُمْ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مُتَعَلَّقًا إِلَّا هَذِهِ الرِّوَايَةُ وَحْدَهَا، وَقَدْ خُولِفَتْ أُمُّ عَلْقَمَةَ فِي ذَلِكَ عَنْ عَائِشَةَ، وَخَالَفَ هَذِهِ الرِّوَايَةَ عَنْ أُمِّ عَلْقَمَةَ غَيْرُ أُمِّ الْمُؤْمِنِينَ مِنْ الصَّحَابَةِ.

فَأَمَّا الرِّوَايَةُ عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - فَإِنَّ أَحْمَدَ بْنَ عُمَرَ بْنِ أَنَسٍ قَالَ: ثنا عَبْدُ بْنُ أَحْمَدَ الْهَرَوِيُّ أَبُو ذَرٍّ ثنا أَحْمَدُ بْنُ عَبْدَانَ الْحَافِظُ بِنَيْسَابُورَ ثنا مُحَمَّدُ بْنُ سَهْلِ بْنِ عَبْدِ اللَّهِ الْمُقْرِئُ الْبَصْرِيُّ ثنا مُحَمَّدُ بْنُ إِسْمَاعِيلَ الْبُخَارِيُّ - هُوَ جَامِعُ الصَّحِيحِ - قَالَ: قَالَ لَنَا عَلِيُّ بْنُ إِبْرَاهِيمَ حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي الشِّمَالِ الْعُطَارِدِيُّ الْبَصْرِيُّ، حَدَّثَتْنِي أُمُّ طَلْحَةَ قَالَتْ: سَأَلْتُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ فَقَالَتْ: دَمُ الْحَيْضِ بَحْرَانِيٌّ أَسْوَدُ.

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ حَدَّثَنَا وَكِيعٌ عَنْ أَبِي بَكْرٍ الْهُذَلِيِّ عَنْ مُعَاذَةَ الْعَدَوِيَّةِ عَنْ عَائِشَةَ قَالَتْ: مَا كُنَّا نَعُدُّ الصُّفْرَةَ وَالْكُدْرَةَ حَيْضًا.

L4457 It has been narrated to us through the chain of Ahmad ibn Hanbal, who narrated to us Ismāʿīl ibn ʿUlayyah, who narrated to us Khālid al-Ḥadhdhāʾ from Anas ibn Sīrīn, who said: A woman from the family of Anas experienced istiḥāḍah, so they instructed me, and I asked Ibn ʿAbbās. He said: As for when she sees the Baḥrānī blood, she must not pray. But when she observes purity, even for an hour during the day, she must perform the ritual bath and pray.

وَرُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ حَنْبَلٍ ثنا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ ثنا خَالِدٌ الْحَذَّاءُ عَنْ أَنَسِ بْنِ سِيرِينَ قَالَ: اُسْتُحِيضَتْ امْرَأَةٌ مِنْ آلِ أَنَسٍ فَأَمَرُونِي فَسَأَلْتُ ابْنَ عَبَّاسٍ فَقَالَ: أَمَّا مَا رَأَتْ الدَّمَ الْبَحْرَانِيَّ فَلَا تُصَلِّي، فَإِذَا رَأَتْ الطُّهْرَ وَلَوْ سَاعَةً مِنْ نَهَارٍ فَلْتَغْتَسِلْ وَتُصَلِّي.

L4458 Ibn Abbas did not concern himself with the continuity of blood. Rather, he held the opinion and issued a ruling that anything other than prolonged blood (al-baḥrānī) constitutes a state of purity, during which a woman may pray even if she does not see it except for an hour of the day. He affirmed that nothing prevents prayer except prolonged blood. And this is a chain of narration of the utmost eminence.

فَلَمْ يَلْتَفِتْ ابْنُ عَبَّاسٍ إلَى اتِّصَالِ الدَّمِ، بَلْ رَأَى وَأَفْتَى أَنَّ مَا عَدَا الدَّمَ الْبَحْرَانِيَّ فَهُوَ طُهْرٌ، تُصَلِّي مَعَ وُجُودِهِ وَلَوْ لَمْ تَرَ إلَّا سَاعَةً مِنْ النَّهَارِ، وَأَنَّهُ لَا يَمْنَعُ الصَّلَاةَ إلَّا الدَّمُ الْبَحْرَانِيُّ، وَهَذَا إسْنَادٌ فِي غَايَةِ الْجَلَالَةِ.

L4459–4463 And from the chain of al-Bukhārī: Qutaybah narrated to us, Ismāʿīl (that is, Ibn ʿUlayyah) narrated, from Ayyūb *al-Sakhtiyānī*, from Muḥammad ibn Sīrīn, from Umm ʿAṭiyyah, who said: "We did not count the yellowish discharge or the cloudy discharge." Umm ʻAṭiyyah was one of the women of the Anṣār who pledged allegiance and a longtime companion of the Messenger of Allāh (PBUH). We have mentioned this same [matter] from the wives of the Prophet (may God bless him and grant him peace), Fatimah bint Abi Hubaysh, and Umm Habibah bint Jahsh. All of this is established through highly graded, authentic chains of transmission.

وَمِنْ طَرِيقِ الْبُخَارِيِّ: حَدَّثَنَا قُتَيْبَةُ ثنا إِسْمَاعِيلُ هُوَ ابْنُ عُلَيَّةَ - عَنْ أَيُّوبَ السَّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أُمِّ عَطِيَّةَ قَالَتْ: كُنَّا لَا نَعُدُّ الصُّفْرَةَ وَالْكُدْرَةَ شَيْئًا " وَأُمُّ عَطِيَّةَ مِنْ الْمُبَايِعَاتِ مِنْ نِسَاءِ الْأَنْصَارِ قَدِيمَةُ الصُّحْبَةِ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ ذَكَرْنَا عَنْ نِسَاءِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ وَأُمِّ حَبِيبَةَ بِنْتِ جَحْشٍ هَذَا نَفْسَهُ، وَكُلُّ هَذَا هُوَ الثَّابِتُ بِالْأَسَانِيدِ الْعَالِيَةِ الصَّحِيحَةِ.

L4464 We have been narrated from Ali ibn Abi Talib: If a woman sees after Dhuhr something resembling water from washing meat or like a drop of blood from a nosebleed, that is merely a stirring from the stirs of Satan. Let her wash the area with water, perform ablution (wudu), and pray. But if it is copious blood that is clearly evident, she must abstain from praying.

وَرُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: إذَا رَأَتْ بَعْدَ الظُّهْرِ مِثْلَ غُسَالَةِ اللَّحْمِ أَوْ مِثْلَ قَطْرَةِ الدَّمِ مِنْ الرُّعَافِ، فَإِنَّمَا تِلْكَ رَكْضَةٌ مِنْ رَكَضَاتِ الشَّيْطَانِ فَلْتَنْضَحْ بِالْمَاءِ وَلْتَتَوَضَّأْ وَلْتُصَلِّ، فَإِنْ كَانَ عَبِيطًا لَا خَفَاءَ بِهِ فَلْتَدَعْ الصَّلَاةَ.

L4465 From Thawban regarding a woman who experiences vaginal discharge, he said: "She should perform ritual ablution (wudūʾ) and pray." It was asked: "Is this your own opinion, or did you hear it?" His eyes overflowed with tears, and he said: "Rather, I heard it."

وَعَنْ ثَوْبَانَ فِي الْمَرْأَةِ تَرَى الْبَرِيَّةَ قَالَ: تَتَوَضَّأُ وَتُصَلِّي. قِيلَ: أَشَيْءٌ تَقُولُهُ أَمْ سَمِعْتَهُ؟ قَالَ فَفَاضَتْ عَيْنَاهُ وَقَالَ: بَلْ سَمِعْتُهُ.

L4466–4468 Abu Muhammad said: This is stronger than the narration of Umm ʻAlqamah and more appropriate. He narrated what aligns with Umm ʻAlqamah's nar-

ration from ‘Amrah’s own opinion, and something similar from Rabi‘ah and Yahya ibn Sa‘id. And it has been contradicted. These are among the Followers, some of whom are more eminent than others, such as Sa’īd ibn al-Musayyib. We have been narrated via Qatādah’s chain from him concerning a woman who sees yellowish or cloudy discharge: she must perform the ritual bath and pray. We have also been narrated from Sufyān al-Thawrī via al-Qa‘qā‘: “We asked Ibrāhīm al-Nakha‘ī about a woman who sees yellowish discharge.” He replied: “She performs ablution and prays.” A similar ruling is reported from Makhūl. If they cite Ibn ‘Abbās’s ḥadīth - “from the Prophet (peace and blessings of Allāh be upon him) concerning one who approaches his wife while she is menstruating: *If the blood is pure, the expiation is one dīnār; if it has a yellowish tint, half a dīnār*” - we respond: This ḥadīth, even if authenticated, would contradict their own position. It is absurd to treat part of a report as authoritative while rejecting another portion. How could this hold when the ḥadīth itself is invalid and unsound? Its narrator, ‘Abd al-Karīm ibn Abī al-Mukhāriq, is untrustworthy. He was impugned by Ayyūb al-Sikhtiyānī, Aḥmad ibn Ḥanbal, and others.

قَالَ أَبُو مُحَمَّدٍ: فَهَذَا أَقْوَى مِنْ رِوَايَةِ أُمِّ عَلْقَمَةَ وَأَوْلَى، وَقَدْ رَوَى مَا يُوَافِقُ رِوَايَةَ أُمِّ عَلْقَمَةَ عَنْ عَمْرَةَ مِنْ رَأْيِهَا. وَعَنْ رَبِيعَةَ وَيَحْيَى بْنِ سَعِيدٍ مِثْلَ ذَلِكَ، وَقَدْ خَالَفَ هَؤُلَاءِ مِنْ التَّابِعِينَ مَنْ هُوَ أَجَلُّ مِنْهُمْ، كَسَعِيدِ بْنِ الْمُسَيِّبِ، رُوِّينَا مِنْ طَرِيقِ قَتَادَةَ عَنْهُ فِي الْمَرْأَةِ تَرَى الصُّفْرَةَ وَالْكُدْرَةَ أَنَّهَا تَغْتَسِلُ وَتُصَلِّي، وَرُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْقَعْقَاعِ: سَأَلْنَا إبْرَاهِيمَ النَّخَعِيَّ عَنْ الْمَرْأَةِ تَرَى الصُّفْرَةَ؟ قَالَ: تَتَوَضَّأُ وَتُصَلِّي، وَعَنْ مَكْحُولٍ مِثْلُ ذَلِكَ. فَإِنْ ذَكَرُوا حَدِيثَ ابْنِ عَبَّاسٍ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الَّذِي يَأْتِي امْرَأَتَهُ وَهِيَ حَائِضٌ قَالَ إنْ كَانَ الدَّمُ عَبِيطًا فَدِينَارٌ، وَإِنْ كَانَ فِيهِ صُفْرَةٌ فَنِصْفُ دِينَارٍ» قُلْنَا: هَذَا حَدِيثٌ لَوْ صَحَّ لَكَانُوا قَدْ خَالَفُوا مَا فِيهِ، وَمِنْ الْبَاطِلِ أَنْ يَكُونَ بَعْضُ الْخَبَرِ حُجَّةً وَبَعْضُهُ لَيْسَ حُجَّةً، فَكَيْفَ وَهُوَ بَاطِلٌ لَا يَصِحُّ لِأَنَّهُ رَاوِيهِ عَبْدُ الْكَرِيمِ بْنُ أَبِي الْمُخَارِقِ وَلَيْسَ بِثِقَةٍ، جَرَّحَهُ أَيُّوبُ السِّخْتِيَانِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ وَغَيْرُهُمَا.

L4469 If they say: The hadith of Ibn Abi ‘Adi is inconsistent in it, for sometimes he narrated it from his memory stating from Az-Zuhri from Urwah from Aisha, and other times he narrated it from his book stating from Az-Zuhri from Urwah from Fatimah bint Abi Hubaysh, and no one other than Muhammad ibn Abi ‘Adi mentioned this narration.

فَإِنْ قَالُوا: إنَّ حَدِيثَ ابْنِ أَبِي عَدِيٍّ اضْطَرَبَ فِيهِ، فَمَرَّةً حَدَّثَ بِهِ مَنْ حِفْظِهِ فَقَالَ: عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ، وَمَرَّةً حَدَّثَ بِهِ مِنْ كِتَابِهِ فَقَالَ: عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ، وَلَمْ يَذْكُرْ هَذَا الْكَلَامَ أَحَدٌ غَيْرُ مُحَمَّدِ بْنِ أَبِي عَدِيٍّ.

L4470 We said: All of this constitutes strength for the report, and this is not contradiction, for ’Urwah narrated it from both Fāṭimah and ’Ā’ishah together as he encountered them both. ’Ā’ishah was his maternal aunt - the sister of his mother - while Fāṭimah bint Abī Ḥubaysh ibn al-Muṭṭalib ibn Asad was the daughter of his paternal uncle. He is ’Urwah ibn al-Zubayr ibn al-’Awwām ibn Khuwaylid ibn Asad. Muḥammad ibn Abī ’Adiyy, the trustworthy memorizer and reliable narrator - none objects to this except the Mu’tazilah who

قُلْنَا: هَذَا كُلُّهُ قُوَّةٌ لِلْخَبَرِ، وَلَيْسَ هَذَا اضْطِرَابًا، لِأَنَّ عُرْوَةَ رَوَاهُ عَنْ فَاطِمَةَ وَعَائِشَةَ مَعًا وَأَدْرَكَهُمَا مَعًا، فَعَائِشَةُ خَالَتُهُ أُخْتُ أُمِّهِ، وَفَاطِمَةُ بِنْتُ أَبِي حُبَيْشِ بْنِ الْمُطَّلِبِ بْنِ أَسَدٍ ابْنَةُ عَمِّهِ، وَهُوَ عُرْوَةُ بْنُ الزُّبَيْرِ بْنِ الْعَوَّامِ بْنِ خُوَيْلِدِ بْنِ أَسَدٍ، وَمُحَمَّدُ بْنُ أَبِي عَدِيٍّ

reject solitary reports as a pretext to nullify the Sunnah. Thus, all they clung to has been invalidated. All praise is due to Allah, Lord of the worlds.

الثِّقَةُ الْحَافِظُ الْمَأْمُونُ، وَلَا يَعْتَرِضُ بِهَذَا إِلَّا الْمُعْتَزِلَةُ الَّذِينَ لَا يَقُولُونَ بِخَبَرِ الْوَاحِدِ، تَعَلُّلًا عَلَى إِبْطَالِ السُّنَنِ فَسَقَطَ كُلُّ مَا تَعَلَّقُوا بِهِ. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L4471–4473 Our statement here represents the view of the majority of our companions. Abu Hanifah, Sufyan al-Thawri, al-Awzaʿi, al-Shafiʿi, Ahmad, Ishaq, and ʿAbd al-Rahman ibn Mahdi stated that yellowish and turbid discharge during the days of menstruation is considered menstrual, but such discharge outside the days of menstruation is not considered menstrual. Layth ibn Saʿd stated: Blood, yellowish discharge, or turbid discharge outside the days of menstruation is not considered menstrual, but all such discharges during the days of menstruation are considered menstrual. Malik and ʿUbayd Allah ibn al-Hasan stated that yellowish and turbid discharge is considered menstrual, whether it occurs during the days of menstruation or outside them. Abu Yusuf and Muhammad stated that yellowish discharge and blood—all such discharges are considered menstrual. During the days of menstruation, [blood] is considered menstrual flow. As for turbid discharge appearing during the days expected for menstruation but prior to the actual flow, it is not menstruation. However, if it occurs after menstruation, it is considered part of it. All such instances outside the habitual menstrual days are not deemed menstruation, despite their profound confusion regarding blood appearing outside these days. Indeed, Abū Ḥanīfah stated: If a woman observes blood three days or more before her expected menstrual period and it ceases during her menstrual days, or persists for fewer than three days within them, none of this constitutes menstruation. She does not abstain from prayer, fasting, or marital relations because of this unless it recurs twice consecutively in this manner—then it becomes continuous menstruation.

وَقَوْلُنَا هَذَا هُوَ قَوْلُ جُمْهُورِ أَصْحَابِنَا. وَقَالَ أَبُو حَنِيفَةَ وَسُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: الصُّفْرَةُ وَالْكُدْرَةُ فِي أَيَّامِ الْحَيْضِ حَيْضٌ، وَلَيْسَتْ فِي غَيْرِ أَيَّامِ الْحَيْضِ حَيْضًا، وَقَالَ اللَّيْثُ بْنُ سَعْدٍ: الدَّمُ وَالصُّفْرَةُ وَالْكُدْرَةُ فِي غَيْرِ أَيَّامِ الْحَيْضِ لَيْسَ شَيْءٌ مِنْ ذَلِكَ حَيْضًا، وَكُلُّ ذَلِكَ فِي أَيَّامِ الْحَيْضِ حَيْضٌ. وَقَالَ مَالِكٌ وَعُبَيْدُ اللَّهِ بْنُ الْحَسَنِ: الصُّفْرَةُ وَالْكُدْرَةُ حَيْضٌ، سَوَاءٌ كَانَ فِي أَيَّامِ الْحَيْضِ أَوْ فِي غَيْرِ أَيَّامِ الْحَيْضِ، وَقَالَ أَبُو يُوسُفَ وَمُحَمَّدٌ: الصُّفْرَةُ وَالدَّمُ فَكُلُّ ذَلِكَ فِي أَيَّامِ الْحَيْضِ حَيْضٌ وَأَمَّا الْكُدْرَةُ فَهِيَ فِي أَيَّامِ الْحَيْضِ قَبْلَ الْحَيْضِ لَيْسَتْ حَيْضًا، وَأَمَّا بَعْدَ الْحَيْضِ فَهِيَ حَيْضٌ، وَكُلُّ ذَلِكَ لَيْسَ فِي غَيْرِ أَيَّامِ الْحَيْضِ حَيْضًا، عَلَى عَظِيمِ اضْطِرَابِهِمْ فِي الدَّمِ فِي غَيْرِ أَيَّامِ الْحَيْضِ، فَإِنَّ أَبَا حَنِيفَةَ قَالَ: إِذَا رَأَتْ الْمَرْأَةُ الدَّمَ قَبْلَ أَيَّامِ حَيْضِهَا ثَلَاثَةَ أَيَّامٍ فَأَكْثَرَ وَانْقَطَعَ فِي أَيَّامِ حَيْضِهَا أَوْ اتَّصَلَ أَقَلَّ مِنْ ثَلَاثَةِ أَيَّامٍ مِنْهَا فَلَيْسَ شَيْءٌ مِنْ ذَلِكَ حَيْضًا وَلَا تَمْتَنِعُ بِذَلِكَ مِنْ الصَّلَاةِ وَالصَّوْمِ وَالْوَطْءِ، إِلَّا أَنْ يَتَكَرَّرَ ذَلِكَ عَلَيْهَا مَرَّتَيْنِ، وَيَتَّصِلَ كَذَلِكَ فَهُوَ حَيْضٌ مُتَّصِلٌ.

L4474 He said: If she sees blood two days or fewer before her menstrual days and it continues into her menstrual days for three days or more, all of it is menstruation provided it does not exceed ten days. He said: If she sees blood three days or more before her menstrual days and it continues into her menstrual period without interruption for three days or more, he once stated: All of this is menstruation, and another time stated: What she saw before her menstrual days is not menstruation, but what she saw during her menstrual days

قَالَ: فَإِنْ رَأَتْ الدَّمَ قَبْلَ أَيَّامِ حَيْضِهَا بِيَوْمَيْنِ فَأَقَلَّ وَاتَّصَلَ بِهَا فِي أَيَّامِهَا ثَلَاثَةَ أَيَّامٍ فَأَكْثَرَ فَهُوَ كُلُّهُ حَيْضٌ، مَا لَمْ تُجَاوِزْ عَشَرَةَ أَيَّامٍ، قَالَ: فَإِنْ رَأَتْ الدَّمَ قَبْلَ أَيَّامِ حَيْضِهَا ثَلَاثَةَ أَيَّامٍ فَصَاعِدًا وَفِي أَيَّامِ الْحَيْضِ مُتَّصِلًا بِذَلِكَ ثَلَاثَةَ أَيَّامٍ فَصَاعِدًا، فَمَرَّةً قَالَ: كُلُّ ذَلِكَ حَيْضٌ، وَمَرَّةً قَالَ: أَمَّا مَا رَأَتْ قَبْلَ أَيَّامِهَا فَلَيْسَ حَيْضًا، وَأَمَّا مَا

رَأَتْ فِي أَيَّامِهَا فَهُوَ حَيْضٌ، وَهَذِهِ تَخَالِيطُ نَاهِيكَ بِهَا وَقَالَ أَبُو ثَوْرٍ وَبَعْضُ أَصْحَابِنَا الصُّفْرَةُ وَالْكُدْرَةُ فِي غَيْرِ أَيَّامِ الْحَيْضِ لَيْسَتَا حَيْضًا، وَفِي أَيَّامِ الْحَيْضِ قَبْلَ الدَّمِ لَيْسَتَا حَيْضًا، وَأَمَّا بَعْدَ الدَّمِ مُتَّصِلًا بِهِ فَهُمَا حَيْضٌ.

is menstruation. These are perplexing inconsistencies—enough to confound. Abū Thawr and some associates of our school said: The yellowish and turbid discharge outside the menstrual days are not menstruation. During the menstrual days, if they appear before the blood, they are not menstruation, but if they appear after the blood and follow it without interruption, they are menstruation.

قَالَ عَلِيٌّ: وَاحْتَجَّ هَؤُلَاءِ بِأَنْ قَالُوا: مَا لَمْ يُتَيَقَّنْ الْحَيْضُ فَلَا يَجُوزُ أَنْ تَتْرُكَ الصَّلَاةَ وَالصَّوْمَ الْمُتَيَقَّنَ وُجُوبُهُمَا، وَلَا أَنْ تُمْنَعَ مِنْ الْوَطْءِ الْمُتَيَقَّنِ تَحْلِيلُهُ حَتَّى إذَا تَيَقَّنَ الْحَيْضُ وَحَرُمَتْ الصَّلَاةُ وَالصَّوْمُ وَالْوَطْءُ بِيَقِينٍ لَمْ يَسْقُطْ تَحْرِيمُ ذَلِكَ إلَّا بِيَقِينٍ آخَرَ.

L4475 Ali said: These proponents argued: “As long as menstruation is not confirmed with certainty, it is impermissible to abandon prayer and fasting—whose obligation is certain—or to prohibit intercourse whose permissibility is certain. Only when menstruation is confirmed with certainty, rendering prayer, fasting, and intercourse prohibited with certainty, does their prohibition persist until lifted by another certainty.”

قَالَ عَلِيٌّ وَهَذَا عَمَلٌ غَيْرُ صَحِيحِ الْبَيَانِ، بَلْ هُوَ مُمَوَّهٌ، وَذَلِكَ أَنَّ هَاتَيْنِ الْمُقَدِّمَتَيْنِ حَقٌّ، إلَّا أَنَّ الْيَقِينَ الَّذِي ذَكَرُوا هُوَ النَّصُّ، وَقَدْ صَحَّ النَّصُّ، بِأَنَّ مَا عَدَا الدَّمَ الْأَسْوَدَ لَيْسَ حَيْضًا، وَلَا يَمْنَعُ مِنْ صَلَاةٍ وَلَا مِنْ صَوْمٍ وَلَا مِنْ وَطْءٍ، فَصَارَتْ حُجَّتُهُمْ حُجَّةً عَلَيْهِمْ، وَأَيْضًا فَلَوْ لَمْ يَكُنْ هَهُنَا هَذَا النَّصُّ لَمَا وَجَبَ مَا قَالُوهُ، لِأَنَّ الصَّلَاةَ وَالصَّوْمَ فَرْضَانِ قَدْ تُيُقِّنَ وُجُوبُهُمَا، وَالْوَطْءُ حَقٌّ قَدْ تُيُقِّنَتْ إبَاحَتُهُ فِي الزَّوْجَةِ وَالْأَمَةِ الْمُبَاحَةِ، وَالْحَيْضُ قَدْ تُيُقِّنَ أَنَّهُ مُحَرِّمٌ بِهِ كُلُّ ذَلِكَ، فَلَا يَجُوزُ أَنْ يُقْطَعَ عَلَى شَيْءٍ بِأَنَّهُ حَيْضٌ مُحَرِّمٌ لِلصَّلَاةِ وَلِلصَّوْمِ وَلِلْوَطْءِ إلَّا بِنَصٍّ وَارِدٍ أَوْ بِإِجْمَاعٍ مُتَيَقَّنٍ، وَأَمَّا بِدَعْوَى مُخْتَلَفٍ فِيهَا فَلَا، فَهَذَا هُوَ الْحَقُّ، وَلَا نَصَّ وَلَا إجْمَاعَ وَلَا لُغَةَ فِي أَنَّ مَا عَدَا الدَّمَ الْأَسْوَدَ حَيْضٌ أَصْلًا.

L4476 Ali said: This is a ruling lacking proper clarification; rather, it is deceptive. These two premises are valid, except that the certainty they mentioned refers to the text. The text has been authenticated, confirming that anything other than dark black blood is not menstruation, nor does it prevent prayer, fasting, or intercourse. Thus, their evidence has become evidence against them. Furthermore, had this text not existed here, their claim would not be binding. For prayer and fasting are two obligations whose requirement has been established with certainty, intercourse is an entitlement whose permissibility with one’s wife or permissible female servant has been established with certainty, and menstruation is definitively established to prohibit all these acts. Therefore, it is impermissible to conclusively deem anything menstruation that prohibits prayer, fasting, or intercourse except through an explicit text or indubitable consensus - not through a disputed claim. This is the truth, as there exists no text, consensus, or linguistic basis whatsoever stating that anything besides dark black blood constitutes menstruation in principle.

وَقَدْ صَحَّ النَّصُّ وَالْإِجْمَاعُ وَاللُّغَةُ عَلَى أَنَّ الدَّمَ الْأَسْوَدَ حَيْضٌ، فَلَا يَجُوزُ أَنْ يُسَمَّى حَيْضًا إلَّا مَا صَحَّ النَّصُّ وَالْإِجْمَاعُ بِأَنَّهُ حَيْضٌ، لَا مَا لَا نَصَّ فِيهِ وَلَا إجْمَاعَ.

L4477–4479 And indeed, the text, consensus, and language have been established as sound that the black blood... Menstruation is such that it is impermissible to designate as menstruation except what has been validated by textual evidence and consensus as being menstruation, not that for which there exists no textual evidence or consensus.

وَاحْتَجَّ بَعْضُ أَهْلِ الْمَقَالَةِ الْأُولَى بِأَنْ قَالَ: لَمَّا كَانَ السَّوَادُ حَيْضًا وَكَانَتْ الْحُمْرَةُ جُزْءًا مِنْ أَجْزَاءِ السَّوَادِ وَجَبَ أَنْ تَكُونَ حَيْضًا، وَلَمَّا كَانَتْ الصُّفْرَةُ جُزْءًا مِنْ أَجْزَاءِ الْحُمْرَةِ وَجَبَ أَنْ تَكُونَ حَيْضًا، وَلَمَّا كَانَتْ الْكُدْرَةُ جُزْءًا مِنْ أَجْزَاءِ الصُّفْرَةِ وَجَبَ أَنْ تَكُونَ حَيْضًا، وَلَمَّا كَانَ كُلُّ ذَلِكَ فِي بَعْضِ الْأَحْوَالِ حَيْضًا وَجَبَ أَنْ يَكُونَ فِي كُلِّ الْأَحْوَالِ حَيْضًا.

L4480 Some proponents of the first opinion argued, saying: Since blackness is menstruation, and redness is a component of blackness, it must be considered menstruation. Since yellowness is a component of redness, it must be considered menstruation. Since turbidity is a component of yellowness, it must be considered menstruation. Since all such discharges are considered menstruation in some circumstances, they must be considered menstruation in all circumstances.

قَالَ أَبُو مُحَمَّد: وَهَذَا قِيَاسٌ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنُ الْبَاطِلِ؛ لِأَنَّهُ يُعَارَضُ بِأَنْ يُقَالَ لَهُ: لَمَّا كَانَتْ الْقَصَّةُ الْبَيْضَاءُ طُهْرًا وَلَيْسَتْ حَيْضًا بِإِجْمَاعٍ، ثُمَّ كَانَتْ الْكُدْرَةُ بَيَاضًا غَيْرَ نَاصِعٍ، وَجَبَ أَنْ لَا تَكُونَ حَيْضًا، ثُمَّ لَمَّا كَانَتْ الصُّفْرَةُ كُدْرَةً مُشْبَعَةً وَجَبَ أَنْ لَا تَكُونَ حَيْضًا، ثُمَّ لَمَّا كَانَتْ الْحُمْرَةُ صُفْرَةً مُشْبَعَةً وَجَبَ أَنْ لَا تَكُونَ حَيْضًا، وَلَمَّا كَانَ ذَلِكَ فِي بَعْضِ الْأَحْوَالِ - وَهُوَ مَا كَانَ بَعْدَ أَكْثَرِ أَيَّامِ الْحَيْضِ - لَيْسَ حَيْضًا وَجَبَ أَنْ يَكُونَ فِي جَمِيعِ الْأَحْوَالِ لَيْسَ حَيْضًا، فَهَذَا أَصَحُّ مِنْ قِيَاسِهِمْ؛ لِأَنَّنَا لَمْ نُسَاعِدْهُمْ قَطُّ عَلَى أَنَّ الْحُمْرَةَ وَالصُّفْرَةَ وَالْكُدْرَةَ حَيْضٌ فِي حَالٍ مِنْ الْأَحْوَالِ وَلَا فِي وَقْتٍ مِنْ الْأَوْقَاتِ، وَلَا جَاءَ بِذَلِكَ قَطُّ نَصٌّ وَلَا إجْمَاعٌ وَلَا قِيَاسٌ غَيْرُ مُعَارَضٍ وَلَا قَوْلُ صَاحِبٍ لَمْ يُعَارَضْ وَهُمْ كُلُّهُمْ قَدْ وَافَقُونَا عَلَى أَنَّ كُلَّ ذَلِكَ لَيْسَ حَيْضًا إذَا رُئِيَ فِيمَا زَادَ فِي أَيَّامِ الْحَيْضِ، فَبَطَلَ قِيَاسُهُمْ، وَكَانَ مَا جِئْنَاهُمْ بِهِ - لَوْ صَحَّ الْقِيَاسُ لَا يَصِحُّ غَيْرُهُ.

L4481–4483 Abu Muhammad said: This is analogy, and all analogy is invalid. Furthermore, even if analogy were valid, this instance would be the very essence of invalidity, because it could be countered by arguing: Since the clear case is ritually pure, yet it is not... By consensus, menstruation is established. Then, if turbidity becomes a non-lustrous whiteness, it cannot be menstruation. Then, when yellowness constitutes saturated turbidity, it cannot be menstruation. Then, when redness is a saturated yellowness, it cannot be menstruation. Since that ruling applies in some circumstances—specifically what occurs beyond the maximum days of menstruation—it necessarily follows that it cannot be menstruation under any circumstance. This is sounder than their analogy, for we have never supported their claim that redness, yellowness, or turbidity constitutes menstruation in any situation or time. No textual proof, consensus, unchallenged analogy, or uncontradicted statement from a Companion has ever affirmed this. They all agreed with us that none of these are menstruation when observed beyond the days of menstruation, thereby invalidating their analogy. What we have established—even if analogy were valid—would render no other position valid.

وَكَذَلِكَ لَا يُوَافِقُونَ عَلَى أَنَّ الْحُمْرَةَ جُزْءٌ مِنْ السَّوَادِ، وَلَا أَنَّ الصُّفْرَةَ جُزْءٌ مِنْ الْحُمْرَةِ، وَلَا أَنَّ الْكُدْرَةَ جُزْءٌ مِنْ الصُّفْرَةِ، بَلْ هِيَ دَعْوَى عَارَضْنَاهُمْ بِدَعْوَى مِثْلِهَا فَسَقَطَ كُلُّ مَا قَالُوهُ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَثَبَتَ قَوْلُنَا بِشَهَادَةِ النَّصِّ وَالْإِجْمَاعِ لَهُ.

L4484 Likewise, they do not agree that redness is a part of blackness, nor that yellowness is a part of redness, nor that turbidity is a part of yellowness. Rather, it is a claim which we countered with a similar claim, thus invalidating all their assertions. All praise is due to Allah, Lord of the worlds, and our

position is affirmed by the evidence of the scriptural text and the Consensus supporting it.

Issue: When a menstruating woman observes purity.

255 - Issue

When she attains purity after menstruation as we mentioned, neither prayer nor ṭawāf around the Kaaba becomes permissible for her until she washes her entire head and body with water or performs *tayammum* if water is unavailable, she is ill, or performing ghusl would cause her hardship. If she awakens fasting without having performed ghusl and then performs ghusl or *tayammum*—if she is among those eligible for *tayammum*—within the timeframe of the Fajr Prayer, her fasting remains valid. All of this is certain consensus, based on the statement of God's Messenger—peace be upon him: *"When menstruation departs, purify yourself,"* and the words of God Almighty: *{When they have purified themselves, then approach them}* [Al-Baqarah: 222]. He—peace be upon him—informed us that the earth is a means of purification when water is not found, thus *tayammum* becomes obligatory for a menstruating woman in the absence of water. There is disagreement regarding her delaying ghusl or *tayammum* beyond this timeframe, which we will mention in the Book of Fasting, *God willing*.[1]

The issue concerning a menstruating woman when her husband or master has intercourse with her, and her obligations when she becomes ritually pure.

256: Legal Question

As for her husband or her master having intercourse with her when she sees the cessation of bleeding, it is not permissible unless she washes her entire head and body with water or performs tayammum if she is among those eligible for tayammum. If she does not do this, then she must perform the ablution for prayer or perform tayammum if she is among those eligible for

[1] **Qur'an references (L4487):** Qur'an 2:222 (Al-Baqarah).

[مَسْأَلَةُ الْحَائِض إِذَا رَأَتْ الطُّهْرَ]

٢٥٥ - مَسْأَلَةٌ

فَإِذَا رَأَتْ الطُّهْرَ كَمَا ذَكَرْنَا لَمْ تَحِلَّ لَهَا الصَّلَاةُ وَلَا الطَّوَافُ بِالْكَعْبَةِ حَتَّى تَغْسِلَ جَمِيعَ رَأْسِهَا وَجَسَدِهَا بِالْمَاءِ، أَوْ تَتَيَمَّمَ إنْ عَدِمَتْ الْمَاءَ أَوْ كَانَتْ مَرِيضَةً عَلَيْهَا فِي الْغُسْلِ حَرَجٌ، وَإِنْ أَصْبَحَتْ صَائِمَةً وَلَمْ تَغْتَسِلْ فَاغْتَسَلَتْ أَوْ تَيَمَّمَتْ - إنْ كَانَتْ مِنْ أَهْلِ التَّيَمُّمِ - بِمِقْدَارِ مَا تَدْخُلُ فِي صَلَاةِ الصُّبْحِ صَحَّ صِيَامُهَا، وَهَذَا كُلُّهُ إجْمَاعٌ مُتَيَقَّنٌ، وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَإِذَا أَدْبَرَتْ الْحَيْضَةُ فَتَطَهَّرِي» وَلِقَوْلِ اللَّهِ تَعَالَى: {فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ} [البقرة: ٢٢٢] وَقَدْ أَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّ الْأَرْضَ طَهُورٌ إذَا لَمْ نَجِدْ الْمَاءَ، فَوَجَبَ التَّيَمُّمُ لِلْحَائِضِ عِنْدَ عَدَمِ الْمَاءِ وَفِي تَأْخِيرِهَا الْغُسْلَ وَالتَّيَمُّمَ عَنْ هَذَا الْمِقْدَارِ خِلَافٌ نَذْكُرُهُ فِي كِتَابِ الصِّيَامِ إنْ شَاءَ اللَّهُ.

[مَسْأَلَةُ الْحَائِض إِذَا وَطِئَهَا زَوْجهَا أَوْ سيدها لَهَا إِذَا رَأَتْ الطُّهْرِ]

٢٥٦ - مَسْأَلَةٌ:

وَأَمَّا وَطْءُ زَوْجِهَا أَوْ سَيِّدِهَا لَهَا إذَا رَأَتْ الطُّهْرَ فَلَا يَحِلُّ إلَّا بِأَنْ تَغْسِلَ جَمِيعَ رَأْسِهَا وَجَسَدَهَا بِالْمَاءِ أَوْ بِأَنْ تَتَيَمَّمَ إنْ كَانَتْ مِنْ أَهْلِ التَّيَمُّمِ، فَإِنْ لَمْ تَفْعَلْ فَبِأَنْ تَتَوَضَّأَ

tayammum. If she fails to do this, she must without fail wash her private part with water. Whichever of these four actions she performs, intercourse with her becomes lawful for him.

L4491–4493 The proof of that is the statement of Allah, the Exalted: "They ask you about menstruation. Say: 'It is a harm, so refrain from women during their menstruation and do not approach them until they have become pure. When they have purified themselves, approach them as Allah has enjoined upon you.'" [Al-Baqarah 2:222] The statement of Allah: {until they become pure} [Al-Baqarah: 222] means until they attain the state of purity signifying the cessation of menstruation. His declaration: {when they have purified themselves} [Al-Baqarah: 222] describes their active purification. All that we have mentioned is termed in Islamic law and linguistic usage as *tatahhur* (purification), *ṭahūr* (a means of purification), and *ṭuhr* (purity). Whichever of these acts she performs fulfills the requirement of purification. Allah the Exalted said: {In it are men who love to purify themselves} [At-Tawbah: 108], as textual evidence and scholarly consensus establish this refers to washing the genitalia and anus with water. The Prophet (peace be upon him) stated: "The earth has been made for me as a place of prostration and a means of purification." Thus, it is confirmed that dry ablution (tayammum) for *janabah* (post-sexual impurity) and ritual impurity (*ḥadath*) is a valid purification.[2]

L4494 Allah the Exalted said: "And if you are in a state of major impurity, then purify yourselves" [Al-Mā'idah: 6]. And the Prophet (peace be upon him) said: "Allah does not accept prayer without purification"—meaning the ablution [wudū'].[3]

L4495 Whoever restricts the application of Allah's saying, {When they have purified themselves} [Al-Baqarah: 222], to washing the head and entire body alone – without ablution, dry ablution, or washing the private part with water – has followed what he has no knowledge of, claiming that Allah the Exalted intended some of what His speech encompasses without proof from Him. It should be said to them: Why did you not apply this to twilight? For

وُضُوءَ الصَّلَاةِ أَوْ تَيَمَّمَ إِنْ كَانَتْ مِنْ أَهْلِ التَّيَمُّمِ، فَإِنْ لَمْ تَفْعَلْ فَبِأَنْ تَغْسِلَ فَرْجَهَا بِالْمَاءِ وَلَا بُدَّ، أَيَّ هَذِهِ الْوُجُوهِ الْأَرْبَعَةِ فَعَلَتْ حَلَّ لَهُ وَطْؤُهَا.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ} [البقرة: ٢٢٢] فَقَوْلُهُ: {حَتَّى يَطْهُرْنَ} [البقرة: ٢٢٢] مَعْنَاهُ حَتَّى يَحْصُلَ لَهُنَّ الطُّهْرُ الَّذِي هُوَ عَدَمُ الْحَيْضِ وقَوْله تَعَالَى: {فَإِذَا تَطَهَّرْنَ} [البقرة: ٢٢٢] هُوَ صِفَةُ فِعْلِهِنَّ وَكُلُّ مَا ذَكَرْنَا يُسَمَّى فِي الشَّرِيعَةِ وَفِي اللُّغَةِ تَطَهُّرًا وَطَهُورًا وَطُهْرًا، فَأَيَّ ذَلِكَ فَعَلَتْ فَقَدْ تَطَهَّرَتْ: قَالَ اللَّهُ تَعَالَى: {فِيهِ رِجَالٌ يُحِبُّونَ أَنْ يَتَطَهَّرُوا} [التوبة: ١٠٨] فَجَاءَ النَّصُّ وَالْإِجْمَاعُ بِأَنَّهُ غَسْلُ الْفَرْجِ وَالدُّبُرِ بِالْمَاءِ، وَقَالَ - عَلَيْهِ السَّلَامُ -: «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا» فَصَحَّ أَنَّ التَّيَمُّمَ لِلْجَنَابَةِ وَلِلْحَدَثِ طَهُورٌ.

وَقَالَ تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] وَقَالَ - عَلَيْهِ السَّلَامُ - «لَا يَقْبَلُ اللَّهُ صَلَاةً بِغَيْرِ طَهُورٍ» يَعْنِي الْوُضُوءَ.

وَمَنْ اقْتَصَرَ بِقَوْلِهِ تَعَالَى: {فَإِذَا تَطَهَّرْنَ} [البقرة: ٢٢٢] عَلَى غَسْلِ الرَّأْسِ وَالْجَسَدِ كُلِّهِ دُونَ الْوُضُوءِ وَدُونَ التَّيَمُّمِ وَدُونَ غَسْلِ الْفَرْجِ بِالْمَاءِ، فَقَدْ قَفَا مَا لَا عِلْمَ لَهُ بِهِ، وَادَّعَى أَنَّ اللَّهَ تَعَالَى أَرَادَ بَعْضَ مَا يَقَعُ عَلَيْهِ كَلَامُهُ بِلَا بُرْهَانٍ مِنَ اللَّهِ تَعَالَى. وَيُقَالُ لَهُمْ: هَلَّا فَعَلْتُمْ هَذَا فِي الشَّفَقِ؟ إِذْ قُلْتُمْ أَيُّ شَيْءٍ تَوَقَّعَ عَلَيْهِ اسْمُ الشَّفَقِ فَبِغُرُوبِهِ تَدْخُلُ صَلَاةُ

[2] **Qur'an references (L4491):** Qur'an 2:222 (Al-Baqarah); Qur'an 9:108 (At-Tawbah).
[3] **Qur'an references (L4494):** Qur'an 5:6 (Al-Ma'idah).

الْعَتَمَةِ، فَمَرَّةً تَحْمِلُونَ اللَّفْظَ عَلَى كُلِّ مَا يَقْتَضِيهِ، وَمَرَّةً عَلَى بَعْضِ مَا يَقْتَضِيهِ بِالدَّعْوَى وَالْهَوَسِ.

you claim that whichever aspect the term “twilight” is anticipated for, the Isha prayer begins at its disappearance. At times, you take the wording to encompass all that it entails, and at other times, you restrict it to part of what it entails through claims and whims.[4]

L4496

فَإِنْ قَالَ: إِذَا حَاضَتْ حَرُمَتْ بِإِجْمَاعٍ فَلَا تَحِلُّ إِلَّا بِإِجْمَاعٍ آخَرَ، قُلْنَا هَذَا بَاطِلٌ، وَدَعْوَى كَاذِبَةٌ، لَمْ يُوجِبْهَا لَا نَصٌّ وَلَا إِجْمَاعٌ، بَلْ إِذَا حَرُمَ الشَّيْءُ بِإِجْمَاعٍ ثُمَّ جَاءَ نَصٌّ يُبِيحُهُ فَهُوَ مُبَاحٌ، مَا نُبَالِي أُجْمِعَ عَلَى إِبَاحَتِهِ أَمْ اُخْتُلِفَ فِيهَا، وَلَوْ كَانَتْ قَضِيَّتُكُمْ هَذِهِ صَحِيحَةً لَبَطَلَ بِهَا عَلَيْكُمْ أَكْثَرُ أَقْوَالِكُمْ، فَيُقَالُ لَكُمْ: قَدْ حَرَّمْتُمُ الصَّلَاةَ عَلَى الْمُحْدِثِ وَالْمُجْنِبِ بِإِجْمَاعٍ، فَلَا تَحِلُّ لَهُمَا إِلَّا بِإِجْمَاعٍ وَلَا تُجِيزُوا لِلْجُنُبِ أَنْ يُصَلِّيَ بِالتَّيَمُّمِ وَلَوْ عَدِمَ الْمَاءَ شَهْرًا فَلَا إِجْمَاعَ فِي ذَلِكَ، بَلْ عُمَرُ بْنُ الْخَطَّابِ وَابْنُ مَسْعُودٍ وَإِبْرَاهِيمُ وَالْأَسْوَدُ لَا يُجِيزُونَ لَهُ الصَّلَاةَ بِالتَّيَمُّمِ، وَأَبْطَلُوا صَلَاةَ مَنْ تَوَضَّأَ وَلَمْ يَسْتَنْشِقْ، لِأَنَّهُ لَا إِجْمَاعَ فِي صِحَّتِهَا، وَأَبْطَلُوا صَلَاةَ مَنْ تَوَضَّأَ بِفَضْلِ امْرَأَةٍ وَمَنْ لَمْ يَتَوَضَّأْ مِمَّا مَسَّتْ النَّارُ، وَهَذَا كَثِيرٌ جِدًّا، وَكَذَلِكَ الْقَوْلُ فِي الصِّيَامِ وَالزَّكَاةِ وَالْحَجِّ وَجَمِيعِ الشَّرَائِعِ، فَصَحَّ أَنَّ قَضِيَّتَهُمْ هَذِهِ فِي غَايَةِ الْفَسَادِ فِي ذَاتِهَا، وَفِي غَايَةِ الْإِفْسَادِ لِقَوْلِهِمْ.

If he says: When she menstruates, she is prohibited by consensus, so she remains impermissible except through another consensus, we say: This is invalid and a false assertion, unsupported by any textual evidence or consensus. Rather, when something is prohibited by consensus and a textual ruling subsequently permits it, it becomes permissible regardless of whether consensus affirms its permissibility or disagreement arises. Were your premise valid, most of your legal positions would thereby be nullified. It would be said to you: You have prohibited prayer for those in minor impurity and those in major ritual impurity (janabah) by consensus, so it would remain impermissible for them except through consensus. Yet you permit the junub to pray through tayammum even if water is unavailable for a month, though no consensus exists on this. Indeed, Umar ibn al-Khattab, Ibn Mas‘ud, Ibrahim, and al-Aswad did not permit prayer through tayammum for such a person. They invalidated the prayer of one who performed ablution without nasal inhalation due to the absence of consensus on its validity. They nullified the prayer of one who performed ablution with leftover water from a woman’s ablution and of one who omitted ablution after touching what fire had contacted. This applies extensively. Similarly, this applies to rulings on fasting, zakat, Hajj, and all religious ordinances. Thus, it is confirmed that their premise is utterly corrupt in essence and entirely destructive to their own legal arguments.

L4497–4499

قَالَ عَلِيٌّ: وَمِمَّنْ قَالَ بِقَوْلِنَا فِي هَذِهِ الْمَسْأَلَةِ عَطَاءٌ وَطَاوُسٌ وَمُجَاهِدٌ، وَهُوَ قَوْلُ أَصْحَابِنَا. وَقَالَ أَبُو حَنِيفَةَ وَأَصْحَابُهُ: إِنْ كَانَتْ أَيَّامُهَا عَشَرَةَ أَيَّامٍ فَبِانْقِطَاعِ الْعَشَرَةِ الْأَيَّامِ يَحِلُّ لَهُ وَطْؤُهَا، اغْتَسَلَتْ أَوْ لَمْ تَغْتَسِلْ، مَضَى لَهَا وَقْتُ صَلَاةٍ أَوْ لَمْ يَمْضِ، تَوَضَّأَتْ أَوْ لَمْ تَتَوَضَّأْ، تَيَمَّمَتْ أَوْ لَمْ تَتَيَمَّمْ، غَسَلَتْ فَرْجَهَا أَوْ لَمْ تَغْسِلْهُ، فَإِنْ كَانَتْ أَيَّامُ حَيْضِهَا أَقَلَّ

Ali said: Among those who upheld our opinion in this matter are ʿAṭāʾ, Ṭāwūs, and Mujāhid, and this is the position of our companions. Abū Ḥanīfa and his companions said: If her menstrual period lasts ten days, upon the cessation of the ten days, it becomes permissible [to resume marital relations]. It is permissible for him to have intercourse with her whether she has performed the ritual bath or not, whether the time for prayer has elapsed for her or not, whether she performed ablution or not, whether she performed

[4] **Qur’an references (L4495):** Qur’an 2:222 (Al-Baqarah).

dry ablution or not, and whether she washed her private parts or not. If her menstrual days are fewer than ten, it is not lawful for him to have intercourse with her unless she performs the ritual bath or the time for the earliest prayer from her state of purity elapses. If the time for one prayer has passed during which she attained purity or before it—even if she did not perform the ritual bath during that time—it is permissible for him to have intercourse with her, even if she has not performed the ritual bath, dry ablution, ablution, or washed her private parts. If she is a woman of the Book, it is lawful for him to have intercourse with her once she observes cessation of bleeding in any case.

مِنْ عَشَرَةِ أَيَّامٍ لَمْ يَحِلَّ لَهُ أَنْ يَطَأَهَا إِلَّا بِأَنْ تَغْتَسِلَ أَوْ يَمْضِيَ لَهَا وَقْتُ أَدْنَى صَلَاةٍ مِنْ طُهْرِهَا، فَإِنْ مَضَى لَهَا وَقْتُ صَلَاةٍ وَاحِدَةٍ طَهُرَتْ فِيهِ أَوْ قَبْلَهُ وَلَمْ تَغْتَسِلْ فِيهِ فَلَهُ وَطْؤُهَا، وَإِنْ لَمْ تَغْتَسِلْ وَلَا تَيَمَّمَتْ وَلَا تَوَضَّأَتْ وَلَا غَسَلَتْ فَرْجَهَا، فَإِنْ كَانَتْ كِتَابِيَّةً حَلَّ لَهُ وَطْؤُهَا إِذَا رَأَتْ الطُّهْرَ عَلَى كُلِّ حَالٍ.

L4500 These are statements from which we praise Allah for deliverance, as nothing has been reported from any of the Companions—may Allah be pleased with them—regarding this matter. Nor do we know of anyone from the Followers except Sālim ibn ʿAbdullāh, Sulaymān ibn Yasār, al-Zuhrī, and Rabīʿah, who prohibited intercourse with her until she performs the ritual bath. There is no proof in their statements if they stood alone—how then could their opinion stand when opposed by those of equal standing?

L4501 And success is by Allah, the Exalted.

L4502 How many issues are there in which they opposed a greater number than these of the Companions—may Allah be pleased with them—with no opponent to them known therein? We have previously mentioned many of them and will now cite, if Allah, the Mighty and Majestic, wills, the narration from ʻUmar, ʻAli, Ibn ʻAbbas, Anas, Abu Hurayrah, ʻAbdullah ibn ʻUmar, and Nafiʻ ibn Jubayr: prayer in a cemetery or facing a grave is not permissible, with no opponent to them known among the Companions in that matter. Yet later scholars opposed them through their personal opinions. The narration from Abu Bakr, Thabit ibn Qays, and Anas states that the thigh is not part of the ʻawrah, with no opponent to them known among the Companions in that. Still they opposed them. Such examples are exceedingly numerous.

L4503 If Allah the Exalted had intended by His statement "purify yourselves" [Quran 2:222] only some of what the wording entails—excluding others—the Messenger of Allah (peace be upon him) would not have neglected to clarify that. Since he (upon him be peace) did not specify this distinction and referred us to the Quran, we became absolutely certain that Allah—Exalted and Glorious—did not intend only some of what the textual term necessitates, excluding others. If they say, "Our position is the more precautionary," we respond: Glory be to Allah (from such a thing)! Rather, the more precautionary [position] is not to prohibit what Allah—Exalted and Glorious—has permitted of marital intercourse without definitive certainty.[1]

L4504 If they say, "It is not permissible for him to have intercourse with her except

وَهَذِهِ أَقْوَالٌ نَحْمَدُ اللَّهَ عَلَى السَّلَامَةِ مِنْهَا، وَلَمْ يُرْوَ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي هَذِهِ الْمَسْأَلَةِ شَيْءٌ، وَلَا نَعْلَمُ أَيْضًا عَنْ أَحَدٍ مِنْ التَّابِعِينَ إلَّا عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ وَسُلَيْمَانَ بْنِ يَسَارٍ وَالزُّهْرِيِّ وَرَبِيعَةَ الْمَنْعَ مِنْ وَطْئِهَا حَتَّى تَغْتَسِلَ وَلَا حُجَّةَ فِي قَوْلِهِمْ لَوْ انْفَرَدُوا، فَكَيْفَ وَقَدْ عَارَضَهُمْ مَنْ هُوَ مِثْلُهُمْ.

وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَكَمْ مِنْ مَسْأَلَةٍ خَالَفُوا فِيهَا أَكْثَرَ عَدَدًا مِنْ هَؤُلَاءِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعْرَفُ لَهُمْ فِيهَا مُخَالِفٌ، وَقَدْ ذَكَرْنَا مِنْهَا كَثِيرًا قَبْلُ، وَنَذْكُرُ إنْ شَاءَ اللَّهُ عَزَّ وَجَلَّ مِنْ ذَلِكَ الرِّوَايَةَ عَنْ عُمَرَ وَعَلِيٍّ وَابْنِ عَبَّاسٍ وَأَنَسٍ وَأَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ بْنِ عُمَرَ وَنَافِعِ بْنِ جُبَيْرٍ: لَا تَجُوزُ الصَّلَاةُ فِي مَقْبَرَةٍ وَلَا إلَى قَبْرٍ، وَلَا يُعْرَفُ لَهُمْ فِي ذَلِكَ مُخَالِفٌ مِنْ الصَّحَابَةِ، فَخَالَفُوهُمْ بِآرَائِهِمْ، وَعَنْ أَبِي بَكْرٍ وَثَابِتِ بْنِ قَيْسٍ وَأَنَسٍ: الْفَخِذُ لَيْسَتْ عَوْرَةً وَلَا يُعْرَفُ لَهُمْ فِي ذَلِكَ مُخَالِفٌ مِنْ الصَّحَابَةِ، فَخَالَفُوهُمْ، وَمِثْلُ ذَلِكَ كَثِيرٌ جِدًّا.

وَلَوْ أَنَّ اللَّهَ تَعَالَى أَرَادَ بِقَوْلِهِ: {تَطَهَّرْنَ} [البقرة: ٢٢٢] بَعْضَ مَا يَقَعُ عَلَيْهِ اللَّفْظُ دُونَ بَعْضٍ لَمَا أَغْفَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيَانَ ذَلِكَ، فَلَمَّا لَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - ذَلِكَ وَأَحَالَنَا عَلَى الْقُرْآنِ أَيْقَنَّا قَطْعًا بِأَنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يُرِدْ بَعْضَ مَا يَقْتَضِيهِ اللَّفْظُ دُونَ بَعْضٍ، فَإِنْ قَالُوا قَوْلُنَا أَحْوَطُ، قُلْنَا حَاشَا لِلَّهِ، بَلْ الْأَحْوَطُ أَنْ لَا يُحَرِّمَ عَلَيْهِ مَا أَحَلَّهُ اللَّهُ عَزَّ وَجَلَّ مِنْ الْوَطْءِ بِغَيْرِ يَقِينٍ.

[1] **Qur'an references (L4503):** Qur'an 2:222 (Al-Baqarah).

under circumstances that make her prayer permissible," we respond that this is a false and self-contradictory claim. The first reason for this is that there is no proof for its validity.

فَإِنْ قَالُوا: لَا يَحِلُّ لَهُ وَطْؤُهَا إِلَّا بِمَا يَحِلُّ لَهَا الصَّلَاةُ، قُلْنَا هَذِهِ دَعْوَى بَاطِلٍ مُنْتَقِضَةٌ، أَوَّلُ ذَلِكَ أَنَّهَا لَا بُرْهَانَ عَلَى صِحَّتِهَا.

L4505 The second is that it is permissible for him to have intercourse with her at a time when prayer is impermissible for her, specifically when she is in a state requiring major ritual bath (janābah) or minor ablution (ḥadath).

وَالثَّانِي أَنَّهُ قَدْ يَحِلُّ لَهُ وَطْؤُهَا حَيْثُ لَا تَحِلُّ لَهَا الصَّلَاةُ، وَهُوَ كَوْنُهَا مُجْنِبَةً وَمُحْدِثَةً.

L4506–4508 The third is that they should be told: "Why did you not say it is impermissible?" He may lawfully have intercourse with her only by what permits her fasting, and according to them, this permissibility is contingent solely upon confirmation of ritual purity. This presents conflicting claims. If some argue: We find prohibition triggered by the subtlest matters, while permissibility is established only through the most stringent criteria—such as the prohibition of marrying women wedded by one's fathers, which is incurred by the marriage contract alone, and the re-permissibility of a thrice-divorced woman for her former husband, which becomes lawful only through a new contract and consummation.

وَالثَّالِثُ أَنْ يُقَالَ لَهُمْ: هَلَّا قُلْتُمْ لَا يَحِلُّ لَهُ وَطْؤُهَا إِلَّا بِمَا يَحِلُّ لَهَا بِهِ الصَّوْمُ وَهُوَ يَحِلُّ لَهَا عِنْدَهُمْ بِرُؤْيَةِ الطُّهْرِ فَقَطْ فَهَذِهِ دَعْوَى بِدَعْوَى فَإِنْ قَالَ بَعْضُهُمْ: وَجَدْنَا التَّحْرِيمَ يَدْخُلُ بِأَدَقِّ الْأَشْيَاءِ، وَلَا يَدْخُلُ التَّحْلِيلُ إِلَّا بِأَغْلَظِ الْأَشْيَاءِ، كَنِكَاحِ مَا نَكَحَ الْآبَاءُ، يَحْرُمُ بِالْعَقْدِ، وَتَحْلِيلُ الْمُطَلَّقَةِ ثَلَاثًا لَا يَحِلُّ لَهَا إِلَّا بِالْعَقْدِ وَالْوَطْءِ.

L4509 We said, "It is not as you have claimed; rather, you have contradicted this ruling of yours despite its corruption and invalidity. You have abandoned the most stringent positions asserted by others—namely, the preclusion—for al-Ḥasan al-Baṣrī does not deem a thrice-divorced woman lawful [for remarriage] except through a new contract, intercourse, and ejaculation, all of which are necessary. Meanwhile, Saʿīd ibn al-Musayyab holds that she becomes lawful solely through the contract, even without intercourse or penetration."

قُلْنَا لَيْسَ كَمَا قُلْتُمْ، بَلْ قَدْ خَالَفْتُمْ قَضِيَّتَكُمْ هَذِهِ عَلَى فَسَادِهَا وَبُطْلَانِهَا، فَتَرَكْتُمْ أَغْلَظَ الْأَشْيَاءِ مِمَّا قَالَهُ غَيْرُكُمْ وَهُوَ الْإِجْنَابُ، فَإِنَّ الْحَسَنَ الْبَصْرِيَّ لَا يَرَى الْمُطَلَّقَةَ ثَلَاثًا تَحِلُّ إِلَّا بِالْعَقْدِ وَالْوَطْءِ وَالْإِنْزَالِ وَلَا بُدَّ، وَسَعِيدُ بْنُ الْمُسَيِّبِ يَرَى أَنَّهَا تَحِلُّ بِالْعَقْدِ فَقَطْ وَإِنْ لَمْ يَكُنْ وَطْءٌ وَلَا دُخُولٌ.

L4510 Then it is said to them: We have found that legal permissibility enters through the most delicate matters - such as the private part of an unrelated woman, where intercourse incurs entry into the Fire, sanctions bloodshed through stoning, and mandates public lashing. Yet this becomes lawful through three utterances or two: when a man says, "Marry me to your daughter," and the guardian responds, "I have married her to you"; or when she verbally consents while the guardian grants permission. It is also effected when a slaveowner declares: "She is gifted to you." Conversely, we

ثُمَّ يُقَالُ لَهُمْ: قَدْ وَجَدْنَا التَّحْلِيلَ يَدْخُلُ بِأَدَقِّ الْأَشْيَاءِ وَهُوَ فَرْجُ الْأَجْنَبِيَّةِ الَّذِي فِي وَطْئِهِ دُخُولُ النَّارِ وَإِبَاحَةُ الدَّمِ بِالرَّجْمِ وَالشُّهْرَةِ بِالسِّيَاطِ، فَإِنَّهُ يَحِلُّ بِثَلَاثِ كَلِمَاتٍ أَوْ كَلِمَتَيْنِ: أَنْكِحْنِي ابْنَتَكَ. قَالَ قَدْ أَنْكَحْتُهَا. أَوْ تَلْفِظُ هِيَ بِالرِّضَا وَالْوَلِيُّ بِالْإِذْنِ. وَبِأَنْ يَقُولَ سَيِّدُ الْأَمَةِ: هِيَ لَكَ هِبَةً. وَوَجَدْنَا التَّحْرِيمَ لَا يَدْخُلُ إِلَّا بِأَغْلَظِ الْأَشْيَاءِ وَهُوَ طَلَاقُ الثَّلَاثِ أَوْ انْقِضَاءُ أَمَدِ الْعِدَّةِ، وَوَجَدْنَا تَحْرِيمَ الرَّبِيبَةِ لَا يَدْخُلُ إِلَّا بِالْعَقْدِ

have found prohibition enters only through the weightiest matters - such as irrevocable triple divorce or the conclusion of the waiting period. We observe that prohibition regarding a stepdaughter through one's wife occurs solely through marriage contract and consummation; otherwise, it does not apply. Thus, it becomes evident that their assertion is confused and constitutes falsehood in matters of religion. The truth herein is that prohibition is established only by what establishes permissibility: the Quran or the Sunnah - nothing beyond this. Success comes solely from Allah, the Exalted.

L4511 **The issue of the menstruating woman making up the prayer.**

L4512 257 – Issue

L4513 When a menstruating woman becomes pure, she is not required to make up any part of the prayers that occurred during her days of menstruation.

L4514 She must make up the days of fasting she missed during her menstrual period. This is a text supported by consensus, with no disagreement about it. Issue 258:

L4515 If a woman menstruates at the beginning of the prayer time or at the end of the time and had not prayed that prayer, it is waived from her, and there is no obligation for her to repeat it. This is the opinion of Abū Ḥanīfah, al-Awzāʿī, and our companions.

L4516 And according to this, Muhammad ibn Sirin and Hammad ibn Abi Sulayman said.

L4517 And al-Nakhaʿī, al-Shaʿbī, Qatādah, and Isḥāq said: She is obliged to make up for it (qaḍāʾ).

L4518 Al-Shafi'i said: If it becomes possible for her to pray it, then she must make it up (qada).

L4519–4521 Ali said: The proof of our statement is that Allah the Exalted has designated a limited time for prayer with a beginning and an end, and it has been established that the Messenger of Allah (peace be upon him) prayed at the

وَالدُّخُولِ وَإِلَّا فَلَا، فَظَهَرَ أَنَّ الَّذِي قَالُوهُ تَخْلِيطٌ وَقَوْلٌ بِالْبَاطِلِ فِي الدِّينِ، وَالْحَقُّ مِنْ هَذَا هُوَ أَنَّ التَّحْرِيمَ لَا يَدْخُلُ إِلَّا بِمَا يَدْخُلُ بِهِ التَّحْلِيلُ، وَهُوَ الْقُرْآنُ أَوْ السُّنَّةُ وَلَا مَزِيدَ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ قَضَاء الْحَائِضِ لِلصَّلَاةِ]

٢٥٧ - مَسْأَلَةٌ:

وَلَا تَقْضِي الْحَائِضُ إذَا طَهُرَتْ شَيْئًا مِنْ الصَّلَاةِ الَّتِي مَرَّتْ فِي أَيَّامِ حَيْضِهَا.

وَتَقْضِي صَوْمَ الْأَيَّامِ الَّتِي مَرَّتْ لَهَا فِي أَيَّامِ حَيْضِهَا. وَهَذَا نَصٌّ مُجْمَعٌ لَا يَخْتَلِفُ فِيهِ أَحَدٌ. ٢٥٨ - مَسْأَلَةٌ:

وَإِنْ حَاضَتْ امْرَأَةٌ فِي أَوَّلِ وَقْتِ الصَّلَاةِ أَوْ فِي آخِرِ الْوَقْتِ وَلَمْ تَكُنْ صَلَّتْ تِلْكَ الصَّلَاةَ سَقَطَتْ عَنْهَا، وَلَا إعَادَةَ عَلَيْهَا فِيهَا، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَالْأَوْزَاعِيِّ وَأَصْحَابِنَا.

وَبِهِ قَالَ مُحَمَّدُ بْنُ سِيرِينَ وَحَمَّادُ بْنُ أَبِي سُلَيْمَانَ.

وَقَالَ النَّخَعِيُّ وَالشَّعْبِيُّ وَقَتَادَةُ وَإِسْحَاقُ: عَلَيْهَا الْقَضَاءُ.

وَقَالَ الشَّافِعِيُّ: إنْ أَمْكَنَهَا أَنْ تُصَلِّيَهَا فَعَلَيْهَا الْقَضَاءُ.

قَالَ عَلِيٌّ: بُرْهَانُ قَوْلِنَا هُوَ أَنَّ اللَّهَ تَعَالَى جَعَلَ لِلصَّلَاةِ وَقْتًا مَحْدُودًا أَوَّلُهُ وَآخِرُهُ وَصَحَّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى الصَّلَاةَ فِي أَوَّلِ وَقْتِهَا وَفِي آخِرِ وَقْتِهَا، فَصَحَّ

beginning of its time and at the end of its time. Thus, it is established that the one who postpones. Delaying the prayer until the end of its time is not sinful for her, for he—peace be upon him—does not commit sin. Thus, the prayer did not become specifically obligatory upon her because she refrained from delaying it. Since it did not become obligatory upon her until menstruation occurred, it has been dropped from her. Had the prayer been obligatory at the beginning of its time, whoever performed it after the duration required for its completion from the start of its time would be making it up, not as a timely performer, and would be sinful for delaying it beyond its prescribed time while postponing it. This is invalid, with no disagreement among any scholar. 259 - Issue:

أَنَّ الْمُؤَخِّرَ لَهَا إلَى آخِرِ وَقْتِهَا لَيْسَ عَاصِيًا. لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَا يَفْعَلُ الْمَعْصِيَةَ فَإِذًا هِيَ لَيْسَتْ عَاصِيَةً فَلَمْ تَتَعَيَّنْ الصَّلَاةُ عَلَيْهَا بِعُدُولِهَا تَأْخِيرَهَا، فَإِذَا لَمْ تَتَعَيَّنْ عَلَيْهَا حَتَّى حَاضَتْ فَقَدْ سَقَطَتْ عَنْهَا، وَلَوْ كَانَتْ الصَّلَاةُ تَجِبُ بِأَوَّلِ الْوَقْتِ لَكَانَ مَنْ صَلَّاهَا بَعْدَ مُضِيِّ مِقْدَارِ تَأْدِيَتِهَا مِنْ أَوَّلِ وَقْتِهَا قَاضِيًا لَهَا لَا مُصَلِّيًا، وَفَاسِقًا بِتَأْخِيرِهَا عَنْ وَقْتِهَا، وَمُؤَخِّرًا لَهَا عَنْ وَقْتِهَا، وَهَذَا بَاطِلٌ لَا اخْتِلَافَ فِيهِ مِنْ أَحَدٍ. ٢٥٩ - مَسْأَلَةٌ:

L4522 If she becomes pure at the end of the prayer time with so little time remaining that she cannot perform the major or minor ablutions before the time expires, then that prayer is not incumbent upon her, nor its qada. This is the opinion of Al-Awza'i and our school's scholars.

فَإِنْ طَهُرَتْ فِي آخِرِ وَقْتِ الصَّلَاةِ بِمِقْدَارِ مَا لَا يُمْكِنُهَا الْغُسْلُ وَالْوُضُوءُ حَتَّى يَخْرُجَ الْوَقْتُ، فَلَا تَلْزَمُهَا تِلْكَ الصَّلَاةُ وَلَا قَضَاؤُهَا، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ وَأَصْحَابِنَا.

L4523 Al-Shafi'i and Ahmad said: She is obligated to pray. Abu Muhammad said: The proof for the validity of our view is that Allah, the Mighty and Majestic, has only permitted prayer with ritual purification, and Allah the Exalted has appointed fixed times for prayers. Therefore, if she cannot attain purification while a remainder of the time remains, we are certain that she has not been charged with performing that prayer which it is not lawful for her to perform during its prescribed time.

وَقَالَ الشَّافِعِيُّ وَأَحْمَدُ: عَلَيْهَا أَنْ تُصَلِّيَ. قَالَ أَبُو مُحَمَّد: بُرْهَانُ صِحَّةِ قَوْلِنَا إنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يُبِحْ الصَّلَاةَ إلَّا بِطَهُورٍ، وَقَدْ حَدَّ اللَّهُ تَعَالَى لِلصَّلَوَاتِ أَوْقَاتَهَا، فَإِذَا لَمْ يُمْكِنْهَا الطَّهُورُ وَفِي الْوَقْتِ بَقِيَّةٌ فَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّهَا لَمْ تُكَلَّفْ تِلْكَ الصَّلَاةَ الَّتِي لَمْ يَحِلَّ لَهَا أَنْ تُؤَدِّيَهَا فِي وَقْتِهَا.

L4524 **The jurisprudential ruling states that a man may seek pleasure from his menstruating wife through all acts except penetrative intercourse.**

[مَسْأَلَةٌ لِلرَّجُلِ أَنْ يَتَلَذَّذَ مِنْ امْرَأَتِهِ الْحَائِضِ بِكُلِّ شَيْءٍ حَاشَا الْإِيلَاجَ فِي الْفَرْجِ]

L4525 260 - Question:

٢٦٠ - مَسْأَلَةٌ:

L4526 A man is permitted to derive pleasure from his menstruating wife in every way except vaginal penetration; he may engage in external stimulation of the genitalia but must avoid penetration. As for anal intercourse, it is forbidden at all times.

وَلِلرَّجُلِ أَنْ يَتَلَذَّذَ مِنْ امْرَأَتِهِ الْحَائِضِ بِكُلِّ شَيْءٍ، حَاشَا الْإِيلَاجَ فِي الْفَرْجِ، وَلَهُ أَنْ يُشَفِّرَ وَلَا يُولِجَ، وَأَمَّا الدُّبُرُ فَحَرَامٌ فِي كُلِّ وَقْتٍ.

وَفِي هَذَا خِلَافٌ فَرُوِّينَا عَنْ ابْنِ عَبَّاسٍ أَنَّهُ كَانَ يَعْتَزِلُ فِرَاشَ امْرَأَتِهِ إِذَا حَاضَتْ وَقَالَ عُمَرُ بْنُ الْخَطَّابِ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَعَطَاءٌ - إِلَّا أَنَّهُ لَا يَصِحُّ عَنْ عُمَرَ - وَأَبُو حَنِيفَةَ وَمَالِكٌ وَالشَّافِعِيُّ: لَهُ مَا فَوْقَ الْإِزَارِ مِنْ السُّرَّةِ فَصَاعِدًا إِلَى أَعْلَاهَا، وَلَيْسَ لَهُ مَا دُونَ ذَلِكَ.

L4527 There is disagreement on this matter. We have reported from Ibn Abbas that he would refrain from his wife's bed during her menstruation. Umar ibn al-Khattab, Sa'id ibn al-Musayyab, and 'Ata' - though the report from Umar is not authenticated - along with Abu Hanifa, Malik, and al-Shafi'i held that he may have what is above the lower garment from the navel upwards to the upper part of the body, but not what lies below that.

فَأَمَّا مَنْ ذَهَبَ مَذْهَبَ ابْنِ عَبَّاسٍ فَإِنَّهُ احْتَجَّ بِقَوْلِ اللَّهِ تَعَالَى: {وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ} [البقرة: ٢٢٢] ، وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي دَاوُد عَنْ سَعِيدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ عَبْدِ الْعَزِيزِ الدَّرَاوَرْدِيِّ عَنْ أَبِي الْيَمَانِ عَنْ أُمِّ ذَرَّةٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ " كُنْتُ إِذَا حِضْتُ نَزَلْتُ عَنْ الْمِثَالِ عَلَى الْحَصِيرِ فَلَمْ نَقْرَبْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ نَدْنُ مِنْهُ حَتَّى نَطْهُرَ.

L4528 As for the one who follows the school of Ibn Abbas, he cited as evidence the statement of Allah the Exalted: {And they ask you about menstruation. Say, "It is harm, so keep away from women during menstruation and do not approach them until they become pure"} [Al-Baqarah: 222], and a hadith we have narrated through the chain of Abu Dawud from Sa'id ibn 'Abd al-Jabbar from 'Abd al-'Aziz al-Darawardi from Abu al-Yaman from Umm Dharrah from 'Aishah, the Mother of the Believers, who said: "When I menstruated, I would descend from the raised couch onto the mat. We would neither approach the Messenger of Allah (peace and blessings be upon him) nor draw near to him until we had purified ourselves."[2]

قَالَ أَبُو مُحَمَّد: وَأَمَّا هَذَا الْخَبَرُ فَإِنَّهُ مِنْ طَرِيقِ أَبِي الْيَمَانِ كَثِيرِ بْنِ الْيَمَانِ الرَّحَّالِ وَلَيْسَ بِالْمَشْهُورِ، عَنْ أُمِّ ذَرَّةٍ وَهِيَ مَجْهُولَةٌ فَسَقَطَ، وَأَمَّا الْآيَةُ فَهِيَ مُوجِبَةٌ لِفِعْلِ ابْنِ عَبَّاسٍ إلَّا أَنْ يَأْتِيَ بَيَانٌ صَحِيحٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، فَيُوقَفُ عِنْدَهُ، فَأَرْجَأْنَا أَمْرَ الْآيَةِ.

L4529–4531 Abū Muḥammad said: As for this report, it is transmitted through the chain of Abū al-Yamān Kathīr ibn al-Yamān the Traveler—who is not well-known—from Umm Dharrah, who is an unknown narrator; thus, the report is rejected. As for the verse, it obligates adhering to the action of Ibn ʿAbbās. Unless there comes an authentic clarification from the Messenger of Allah—peace and blessings be upon him—in which case we adhere to it, we have postponed the matter of the verse.

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ ذَهَبَ إلَى مَا قَالَ بِهِ أَبُو حَنِيفَةَ وَمَالِكٌ، فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ مَخْرَمَةَ بْنِ بُكَيْرٍ عَنْ أَبِيهِ عَنْ كُرَيْبٍ مَوْلَى ابْنِ عَبَّاسٍ سَمِعْتُ مَيْمُونَةَ أُمَّ الْمُؤْمِنِينَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَضْطَجِعُ مَعِي وَأَنَا حَائِضٌ وَبَيْنِي وَبَيْنَهُ ثَوْبٌ» .

L4532 Then we examined the evidence cited by those who upheld the position advocated by Abū Ḥanīfah and Mālik. We found them relying on a narration we narrated through the chain of Ibn Wahb, from Makhramah ibn Bukayr, from his father, from Kuraib—the freed slave of Ibn ʿAbbās—who reported: "I heard Maymūnah, the Mother of the Believers, say: 'The Messenger of

[2] **Qur'an references (L4528):** Qur'an 2:222 (Al-Baqarah).

Allah, peace and blessings be upon him, would lie down with me while I was menstruating, and there was a cloth between me and him.”’[3]

L4533 And with another narration we have reported via al-Layth ibn Saʿd from al-Zuhrī from Ḥabīb, the freed slave of ʿUrwah, from Nudbah, the freedwoman of Maymūnah: “The Messenger of Allah—may Allah bless him and grant him peace—would have non-penetrative contact with one of his wives while she was menstruating, provided she wore a lower garment reaching mid-thigh or the knees and had it securely fastened.”

وَبِحَدِيثٍ آخَرَ رُوِّينَاهُ مِنْ طَرِيقِ اللَّيْثِ بْنِ سَعْدٍ عَنْ الزُّهْرِيِّ عَنْ حَبِيبٍ مَوْلَى عُرْوَةَ عَنْ نُدْبَةَ مَوْلَاةِ مَيْمُونَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُبَاشِرُ الْمَرْأَةَ مِنْ نِسَائِهِ وَهِيَ حَائِضٌ إذَا كَانَ عَلَيْهَا إزَارٌ يَبْلُغُ أَنْصَافَ الْفَخِذَيْنِ أَوْ الرُّكْبَتَيْنِ وَهِيَ مُحْتَجِزَةٌ» .

L4534 And by a hadith we transmitted through the chain of Abū Khālifah from Musaddad from Abū ʿAwānah from ʿUmar ibn Abī Salamah from his father from ʿĀ’ishah that she would sleep with the Messenger of Allāh - peace be upon him - while menstruating, with a garment between them.

وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي خَلِيفَةَ عَنْ مُسَدَّدٍ عَنْ أَبِي عَوَانَةَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ عَنْ أَبِيهِ «عَنْ عَائِشَةَ أَنَّهَا كَانَتْ تَنَامُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهِيَ حَائِضٌ وَبَيْنَهُمَا ثَوْبٌ» .

L4535 And with a narration we narrated from Abū Isḥāq from ʿĀṣim ibn ʿAmr al-ʿIjlī: “A group of men asked ʿUmar, so he said: I asked the Messenger of Allah (peace and blessings of Allah be upon him), ’What is permissible for a man regarding his wife while she is menstruating?’ The Messenger of Allah (peace and blessings of Allah be upon him) said: ’You may have what is above the waist-wrapper; do not look at what lies beneath it until she has purified herself.”’

وَبِخَبَرٍ رُوِّينَاهُ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ عَمْرٍو الْعِجْلِيِّ «أَنَّ نَفَرًا سَأَلُوا عُمَرَ فَقَالَ سَأَلْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ حَائِضًا؟ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَكَ مَا فَوْقَ الْإِزَارِ، لَا تَطَّلِعَنَّ إلَى مَا تَحْتَهُ حَتَّى تَطْهُرَ» .

L4536 It has also been narrated from Abū Isḥāq through ʿUmayr, the client of ʿUmar, in a similar manner. And from ʿAbd al-Raḥmān ibn Mahdī through Mālik ibn Mighwal through ʿĀṣim ibn ʿAmr: from ʿUmar similarly. We have narrated it also through Musaddad through Abū al-Aḥwaṣ through Ṭāriq ibn ʿAbd al-Raḥmān through ʿĀṣim ibn ʿAmr. And with a ḥadīth we have narrated through the path of Hārūn ibn Muḥammad ibn Bakkār - Marwān, meaning ibn Muḥammad, narrated to us; al-Haytham ibn Ḥumayd narrated to us; al-ʿAlāʾ ibn al-Ḥārith narrated to us: from Ḥarām ibn Ḥakīm through his paternal uncle that he asked the Messenger of Allah (peace and blessings

وَرُوِيَ أَيْضًا عَنْ أَبِي إِسْحَاقَ عَنْ عُمَيْرٍ مَوْلَى عُمَرَ مِثْلَهُ، وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ مَالِكِ بْنِ مِغْوَلٍ عَنْ عَاصِمِ بْنِ عَمْرٍو: عَنْ عُمَرَ مِثْلَهُ. وَرُوِّينَاهُ أَيْضًا عَنْ مُسَدَّدٍ عَنْ أَبِي الْأَحْوَصِ عَنْ طَارِقِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عَاصِمِ بْنِ عَمْرٍو. وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ هَارُونَ بْنِ مُحَمَّدِ بْنِ بَكَّارٍ ثنا مَرْوَانُ يَعْنِي ابْنَ مُحَمَّدٍ - حَدَّثَنَا الْهَيْثَمُ بْنُ حُمَيْدٍ ثنا الْعَلَاءُ بْنُ الْحَارِثِ «عَنْ حَرَامِ بْنِ حَكِيمٍ عَنْ عَمِّهِ أَنَّهُ سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: مَا يَحِلُّ لِي مِنْ امْرَأَتِي وَهِيَ حَائِضٌ؟ قَالَ: لَكَ مَا فَوْقَ الْإِزَارِ» .

[3] **Hadith references (L4532):** Sahih Muslim 295.

be upon him): “What is permissible for me regarding my wife while she is menstruating?” He said: “You may have what is above the waist garment.”[4]

L4537 And with a narration we have transmitted through the chain of Hishām ibn ʿAbd al-Malik al-Yazanī, from Baqiyyah ibn al-Walīd, from Saʿīd ibn ʿAbd Allāh al-Aghṭash, from ʿAbd al-Raḥmān ibn ʿĀʾidh al-Azdī—he is the son of Qurṭ, the governor of Ḥimṣa—from Muʿādh ibn Jabal: “I asked the Messenger of Allāh (peace and blessings of Allāh be upon him) about what is permissible for a man regarding his wife while she is menstruating. He said: ‘What is above the lower garment, but abstaining from that is better.’”

L4538–4539 And with a narration we have narrated through the chain of Abdur-Rahim ibn Sulaiman, who narrated to us from Muhammad ibn Kurayb, who reported from Kurayb, from Ibn Abbas, that he was asked about what is permissible for her husband from the woman while she is menstruating. He said: “We have heard—and Allah knows best—if the Messenger of Allah (peace be upon him) said it, then it is as such: what is above the lower garment is permissible.”

L4540 And with a report we have narrated via Muhammad ibn al-Jahm, from Muhammad ibn al-Faraj, from Yunus ibn Muhammad, who narrated to us from Abdullah ibn Umar, from ibn al-Nadr, from Abu Salamah, from Aishah: “The Messenger of Allah - peace be upon him - was asked, ’What is permissible for a man from his wife?’ He said: ’What is above the lower garment.’”

L4541 We examined these narrations and found none of them to be authentic. As for the two hadiths of Maymunah, one is transmitted through Makhramah ibn Bukayr from his father, though he never heard it directly from him. Moreover, Ibn Maʿin stated: “Makhramah is weak; his hadith holds no weight.” The other is transmitted through Nudbah, an unknown female narrator. Abu Dawud narrates this hadith from al-Layth, who said: “It was pronounced ‘Nadabata’ with a fatha on the nun and dal,” while Maʿmar narrates it as “Nudbata” with a damma on the nun and sukun on the dal. Yunus transmits it as “Budayyata” with a damma on the ba, fatha on the dal, and

وَبِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ هِشَامِ بْنِ عَبْدِ الْمَلِكِ الْيَزَنِيِّ عَنْ بَقِيَّةَ بْنِ الْوَلِيدِ عَنْ سَعِيدِ بْنِ عَبْدِ اللَّهِ الْأَغْطَشِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَائِذٍ الْأَزْدِيِّ هُوَ ابْنُ قُرْطٍ أَمِيرُ حِمْصَ - عَنْ مُعَاذِ بْنِ جَبَلٍ «سَأَلْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَمَّا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ؟ قَالَ: مَا فَوْقَ الْإِزَارِ، وَالتَّعَفُّفُ عَنْ ذَلِكَ أَفْضَلُ» .

وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحِيمِ بْنِ سُلَيْمَانَ ثنا مُحَمَّدُ بْنُ كُرَيْبٍ عَنْ كُرَيْبٍ «عَنْ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَمَّا يَحِلُّ مِنْ الْمَرْأَةِ وَهِيَ حَائِضٌ لِزَوْجِهَا؟ قَالَ: سَمِعْنَا وَاَللَّهُ أَعْلَمُ إنْ كَانَ قَالَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ كَذَلِكَ: يَحِلُّ مَا فَوْقَ الْإِزَارِ» .

وَبِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ مُحَمَّدِ بْنِ الْجَهْمِ عَنْ مُحَمَّدِ بْنِ الْفَرَجِ عَنْ يُونُسَ بْنِ مُحَمَّدٍ ثنا عَبْدُ اللَّهِ بْنُ عُمَرَ عَنْ ابْنِ النَّضْرِ عَنْ أَبِي سَلَمَةَ عَنْ عَائِشَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ؟ قَالَ: مَا فَوْقَ الْإِزَارِ» .

فَنَظَرْنَا فِي هَذِهِ الْآثَارِ فَوَجَدْنَاهَا لَا يَصِحُّ مِنْهَا شَيْءٌ، أَمَّا حَدِيثَا مَيْمُونَةَ فَأَحَدُهُمَا عَنْ مَخْرَمَةَ بْنِ بُكَيْرٍ عَنْ أَبِيهِ وَلَمْ يَسْمَعْ مِنْ أَبِيهِ، وَأَيْضًا فَقَدْ قَالَ فِيهِ ابْنُ مَعِينٍ: مَخْرَمَةُ هُوَ ضَعِيفٌ لَيْسَ حَدِيثُهُ بِشَيْءٍ، وَالْآخَرُ مِنْ طَرِيقِ نَدَبَةَ وَهِيَ مَجْهُولَةٌ لَا تُعْرَفُ، وَأَبُو دَاوُد يَرْوِي هَذَا الْحَدِيثَ عَنْ اللَّيْثِ فَقَالَ: قَالَ نَدَبَةُ بِفَتْحِ النُّونِ وَالدَّالِ وَمَعْمَرٌ يَرْوِيهِ وَيَقُولُ: نُدْبَةَ بِضَمِّ النُّونِ وَإِسْكَانِ الدَّالِ، وَيُونُسُ يَقُولُ بُدَيَّةَ، بِالْبَاءِ الْمَضْمُومَةِ وَالدَّالِ الْمَفْتُوحَةِ وَالْيَاءِ الْمُشَدَّدَةِ، كُلُّهُمْ يَرْوِيهِ عَنْ الزُّهْرِيِّ كَذَلِكَ، فَسَقَطَ خَبَرَا مَيْمُونَةَ “.

[4]**Hadith references (L4536):** Sunan Abi Dawud 212.

doubled ya. All of them attribute this chain to al-Zuhri in this manner. Thus, both reports ascribed to Maymunah are discarded.

L4542–4544 As for the two narrations of ʿĀ'ishah, one is through ʿUmar ibn Abī Salama, whom Shuʿbah deemed weak and none authenticated, so it is discarded. The second is through ʿAbdullāh ibn ʿUmar al-ʿUmarī the Younger, who is unanimously considered weak—only his brother ʿUbaydullāh is reliable. Thus, both narrations of ʿĀ'ishah are discarded. As for ʿUmar's narration: Abū Isḥāq did not hear it from Umayr, ʿUmar's freed slave. We transmitted it through Zuhayr ibn Ḥarb's chain: ʿAbdullāh ibn Jaʿfar al-Makhramī → ʿUbaydullāh ibn ʿAmr al-Jazarī → Zayd ibn Abī Unaysah → Abū Isḥāq → ʿĀṣim ibn ʿAmr → Umayr, ʿUmar's freed slave → the Messenger of Allah (peace be upon him), citing this ḥadīth verbatim. The chain is invalid, for ʿĀṣim ibn ʿAmr did not hear it from Umayr but narrated it—as we stated—via an interrupted chain from him. We also transmitted it through Zuhayr ibn Muʿāwiyah → Abū Isḥāq → ʿĀṣim ibn ʿAmr al-Shāmī → one of the men who approached ʿUmar, citing this ḥadīth verbatim. Additionally, through Shuʿbah's chain: "I heard ʿĀṣim ibn ʿAmr al-Bajalī narrate from a man among those who questioned ʿUmar," citing the same ḥadīth. Thus, ʿĀṣim narrated it from an unknown man, who narrated from unknown individuals, rendering the entire chain discarded. We then examined Ḥārām ibn Ḥakīm's narration from his uncle and found it unsound, for Ḥārām ibn Ḥakīm is weak—he is the one who narrated washing the two genital areas from pre-seminal fluid. Moreover, this report was narrated by— From Ḥarām, Marwān ibn Muḥammad, who is weak.

وَأَمَّا حَدِيثَا عَائِشَةَ فَأَحَدُهُمَا مِنْ طَرِيقِ عُمَرَ بْنِ أَبِي سَلَمَةَ، وَقَدْ ضَعَّفَهُ شُعْبَةُ وَلَمْ يُوَثِّقْهُ أَحَدٌ فَسَقَطَ، وَأَمَّا الثَّانِي: فَمِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ عُمَرَ وَهُوَ الْعُمَرِيُّ الصَّغِيرُ، وَهُوَ مُتَّفَقٌ عَلَى ضَعْفِه، إِنَّمَا الثِّقَةُ أَخُوهُ عُبَيْدُ اللَّهِ، فَسَقَطَ حَدِيثَا عَائِشَةَ. وَأَمَّا حَدِيثُ عُمَرَ فَإِنَّ أَبَا إِسْحَاقَ لَمْ يَسْمَعْهُ مِنْ عُمَيْرٍ مَوْلَى عُمَرَ، هَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ زُهَيْرِ بْنِ حَرْبٍ: ثنا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْمَخْرَمِيُّ ثنا عُبَيْدُ اللَّهِ بْنُ عَمْرٍو الْجَزَرِيُّ عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ عَمْرٍو عَنْ عُمَيْرٍ مَوْلَى عُمَرَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ هَذَا الْحَدِيثَ نَصًّا، فَسَقَطَ إِسْنَادُهُ لِأَنَّ عَاصِمَ بْنَ عَمْرٍو لَمْ يَسْمَعْهُ مِنْ عُمَرَ بَلْ رَوَاهُ كَمَا ذَكَرْنَا مُنْقَطِعًا عَنْ عُمَيْرٍ، وَرُوِّينَاهُ أَيْضًا عَنْ زُهَيْرِ بْنِ مُعَاوِيَةَ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ عَمْرٍو الشَّامِيِّ عَنْ أَحَدِ النَّفَرِ الَّذِينَ أَتَوْا عُمَرَ فَذَكَرَ هَذَا الْحَدِيثَ بِنَصِّهِ، وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ شُعْبَةَ قَالَ: سَمِعْتُ عَاصِمَ بْنَ عَمْرٍو الْبَجَلِيَّ يُحَدِّثُ عَنْ رَجُلٍ مِنْ الْقَوْمِ الَّذِينَ سَأَلُوا عُمَرَ فَذَكَرَ الْحَدِيثَ نَفْسَهُ فَإِنَّمَا رَوَاهُ عَاصِمٌ عَنْ رَجُلٍ مَجْهُولٍ عَنْ مَجْهُولِينَ، فَسَقَطَ جُمْلَةً. ثُمَّ نَظَرْنَا فِي حَدِيثِ حَرَامِ بْنِ حَكِيمٍ عَنْ عَمِّهِ فَوَجَدْنَاهُ لَا يَصِحُّ؛ لِأَنَّ حَرَامَ بْنَ حَكِيمٍ ضَعِيفٌ، وَهُوَ الَّذِي رَوَى غَسْلَ الْأُنْثَيَيْنِ مِنْ الْمَذْيِ، وَأَيْضًا فَإِنَّ هَذَا الْخَبَرَ رَوَاهُ عَنْ حَرَامٍ مَرْوَانُ بْنُ مُحَمَّدٍ وَهُوَ ضَعِيفٌ.

L4545 Then we examined the ḥadīth of Muʿādh and found it unreliable, for it is transmitted by Baqiyyah—who is not strong—from Saʿīd al-Aghṭash, who is obscure. This is in addition to its containing the notion that abstaining from such matters is superior—a position the scholars do not uphold.

ثُمَّ نَظَرْنَا فِي حَدِيثِ مُعَاذٍ فَوَجَدْنَاهُ لَا يَصِحُّ؛ لِأَنَّهُ عَنْ بَقِيَّةَ وَلَيْسَ بِالْقَوِيِّ، عَنْ سَعِيدٍ الْأَغْطَشِ وَهُوَ مَجْهُولٌ، مَعَ مَا فِيهِ مِنْ أَنَّ التَّعَفُّفَ عَنْ ذَلِكَ أَفْضَلُ، وَهُمْ لَا يَقُولُونَ بِهَذَا.

L4546 Then we examined the ḥadīth of Ibn ʿAbbās and found its chain of transmission had not been verified. Thus, all these reports were dismissed, and it was not permissible to rely on any of them. Next, we reviewed our position and found the authentic narration from Maymunah and ʿĀ'ishah, the Mother of the Believers—may Allah be pleased with both of them—which we narrated through the chain of ʿAbdullāh ibn Shaddād from Maymunah: "The Messenger of Allah—peace and blessings of Allah be upon him—would have intimate contact with his wives above their lower garments while they were menstruating."[5]

ثُمَّ نَظَرْنَا فِي حَدِيثِ ابْنِ عَبَّاسٍ فَوَجَدْنَاهُ لَمْ يُحَقَّقْ إِسْنَادُهُ، فَسَقَطَتْ هَذِهِ الْأَخْبَارُ كُلُّهَا وَلَمْ يَجُزْ التَّعَلُّقُ بِشَيْءٍ مِنْهَا. ثُمَّ نَظَرْنَا فِيمَا قُلْنَاهُ فَوَجَدْنَا الصَّحِيحَ عَنْ مَيْمُونَةَ وَعَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهُمَا - هُوَ مَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ شَدَّادٍ عَنْ مَيْمُونَةَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُبَاشِرُ نِسَاءَهُ فَوْقَ الْإِزَارِ وَهُنَّ حُيَّضٌ» .

L4547 And what we have narrated through the chain of ʿAbd al-Raḥmān ibn al-Aswad and Ibrāhīm al-Nakhaʿī—both transmitting from al-Aswad—from ʿĀ'isha: "He (peace be upon him) would instruct her to wear a waist-wrapper during the onset of her menstruation, then engage in intimacy with her. Which of you can restrain his desires as the Messenger of Allah (peace and blessings of Allah be upon him) restrained his desires?"

وَمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ وَإِبْرَاهِيمَ النَّخَعِيِّ كِلَاهُمَا عَنْ الْأَسْوَدِ «عَنْ عَائِشَةَ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يَأْمُرُهَا أَنْ تَتَّزِرَ فِي فَوْرِ حَيْضَتِهَا ثُمَّ يُبَاشِرُهَا، وَأَيُّكُمْ يَمْلِكُ إِرْبَهُ كَمَا كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْلِكُ إِرْبَهُ» .

L4548 Abdullah ibn Rabee' narrated to us: Muhammad ibn Muʿawiyah narrated to us, Ahmad ibn Shuʿayb narrated to us, ʿAmr ibn Manṣūr narrated to us, Hisham ibn Abd al-Malik—he is al-Ṭayālisī—narrated to us, Yaḥyā ibn Saʿīd—he is al-Qaṭṭān—narrated to me: Jābir ibn Ṣubḥ said: I heard Khilāṣ ibn ʿAmr saying: I heard ʿĀ'ishah, the Mother of the Believers, saying: "The Messenger of Allah—peace and blessings be upon him—and I shared a single garment while I was menstruating. If any menstrual blood from me touched it, he would wash only the affected spot without washing beyond it, pray in the garment, then rejoin me."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا عَمْرُو بْنُ مَنْصُورٍ ثنا هِشَامُ بْنُ عَبْدِ الْمَلِكِ هُوَ الطَّيَالِسِيُّ - ثنا يَحْيَى بْنُ سَعِيدٍ هُوَ الْقَطَّانُ - حَدَّثَنِي جَابِرُ بْنُ صُبْحٍ قَالَ: سَمِعْتُ خِلَاسَ بْنَ عَمْرٍو يَقُولُ سَمِعْتُ «عَائِشَةَ أُمَّ الْمُؤْمِنِينَ تَقُولُ كُنْتُ أَنَا وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الشِّعَارِ الْوَاحِدِ وَأَنَا حَائِضٌ، فَإِنْ أَصَابَهُ مِنِّي شَيْءٌ غَسَلَهُ لَمْ يَعْدُهُ إِلَى غَيْرِهِ وَصَلَّى فِيهِ ثُمَّ يَعُودُ مَعِي» .

L4549 Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Isḥāq narrated to us: Ibn al-Aʿrābī narrated to us: Abū Dāwūd narrated to us: Mūsā ibn Ismāʿīl narrated to us: Ḥammād—who is ibn Salamah—from Ayyūb, from ʿIkrimah, from one of the wives of the Messenger of Allah (peace and blessings be upon him) that "when the Messenger of Allah (peace and blessings be upon him) desired something from the menstruating woman, he would place a garment over her private parts."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادٌ هُوَ ابْنُ سَلَمَةَ - عَنْ أَيُّوبَ عَنْ عِكْرِمَةَ عَنْ بَعْضِ أَزْوَاجِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ إِذَا أَرَادَ مِنْ الْحَائِضِ شَيْئًا أَلْقَى عَلَى فَرْجِهَا ثَوْبًا» .

[5] **Hadith references (L4546):** Sahih Muslim 294.

L4550–4552 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Zuhayr ibn Harb narrated to us: Abdul Rahman ibn Mahdi narrated to us: Hammad ibn Salamah narrated to us: Thabit al-Bunani narrated from Anas ibn Malik that when a woman was menstruating, the Jews would neither eat with her nor cohabit with them in their homes. The Companions of the Prophet—peace and blessings of Allah be upon him—asked about this, so Allah the Exalted revealed: {They ask you about menstruation. Say, "It is a harm, so avoid women during menstruation"} [al-Baqarah 2:222]. "Until the end of the verse, the Messenger of Allah—peace be upon him—said: 'Do everything except intercourse.'"[6]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا زُهَيْرُ بْنُ حَرْبٍ ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ ثنا ثَابِتٌ هُوَ الْبُنَانِيُّ - عَنْ أَنَسِ بْنِ مَالِكٍ «أَنَّ الْيَهُودَ كَانُوا إِذَا حَاضَتْ الْمَرْأَةُ لَمْ يُؤَاكِلُوهَا وَلَمْ يُجَامِعُوهُنَّ فِي الْبُيُوتِ، فَسَأَلَ أَصْحَابُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ، فَأَنْزَلَ اللَّهُ تَعَالَى: {وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ} [البقرة: ٢٢٢] إلَى آخِرِ الْآيَةِ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: اصْنَعُوا كُلَّ شَيْءٍ إلَّا النِّكَاحَ» .

L4553 This report is established in authenticity and clarifies that it followed the revelation of the verse, being the explanation of Allah's ruling in the verse which must not be transgressed. Moreover, the term "al-maḥīḍ" in the language denotes the place of menstruation - the private part - a clear and recognized usage. Thus, the verse aligns with the mentioned report, its meaning being: "Avoid women in the place of menstruation." This is what has been authenticated from those among the Companions - may Allah be pleased with them - who reported anything on the matter, as narrated through Ayyub al-Sikhtiyani from Abu Ma'shar, from Ibrahim al-Nakha'i, from Masruq who said: "I asked 'Aishah: 'What is permissible for me with my wife while she is menstruating?' She replied: 'Everything except the private part.'" From 'Ali ibn Abi Talhah, from Ibn 'Abbas concerning {So avoid women in the place of menstruation} [Al-Baqarah 2:222], he stated: "Avoid intercourse with their private parts." This is the position of Umm Salamah the Mother of the Believers, Masruq, al-Hasan, 'Ata', Ibrahim al-Nakha'i, al-Sha'bi, Sufyan al-Thawri, Muhammad ibn al-Hasan, the correct opinion in al-Shafi'i's school, the view of Dawud, and other proponents of Hadith.[7]

فَكَانَ هَذَا الْخَبَرُ بِصِحَّتِهِ، وَبَيَانُ أَنَّهُ كَانَ إثْرَ نُزُولِ الْآيَةِ هُوَ الْبَيَانُ عَنْ حُكْمِ اللَّهِ تَعَالَى فِي الْآيَةِ، وَهُوَ الَّذِي لَا يَجُوزُ تَعَدِّيهِ، وَأَيْضًا فَقَدْ يَكُونُ الْمَحِيضُ فِي اللُّغَةِ مَوْضِعَ الْحَيْضِ وَهُوَ الْفَرْجُ، وَهَذَا فَصِيحٌ مَعْرُوفٌ، فَتَكُونُ الْآيَةُ حِينَئِذٍ مُوَافِقَةً لِلْخَبَرِ الْمَذْكُورِ، وَيَكُونُ مَعْنَاهَا: فَاعْتَزِلُوا النِّسَاءَ فِي مَوْضِعِ الْحَيْضِ، وَهَذَا هُوَ الَّذِي صَحَّ عَمَّنْ جَاءَ عَنْهُ فِي ذَلِكَ شَيْءٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، كَمَا رُوِّينَا عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي مَعْشَرٍ عَنْ إبْرَاهِيمَ النَّخَعِيِّ عَنْ مَسْرُوقٍ قَالَ: سَأَلْتُ عَائِشَةَ: مَا يَحِلُّ لِي مِنْ امْرَأَتِي وَهِيَ حَائِضٌ؟ قَالَتْ كُلُّ شَيْءٍ إلَّا الْفَرْجَ، وَعَنْ عَلِيِّ بْنِ أَبِي طَلْحَةَ عَنْ ابْنِ عَبَّاسٍ {فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ} [البقرة: ٢٢٢] قَالَ: اعْتَزِلُوا نِكَاحَ فُرُوجِهِنَّ، وَهُوَ قَوْلُ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ وَمَسْرُوقٍ وَالْحَسَنِ وَعَطَاءٍ وَإِبْرَاهِيمَ النَّخَعِيِّ وَالشَّعْبِيِّ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمُحَمَّدِ بْنِ الْحَسَنِ وَالصَّحِيحُ مِنْ قَوْلِ الشَّافِعِيِّ، وَهُوَ قَوْلُ دَاوُد وَغَيْرِهِ مِنْ أَصْحَابِ الْحَدِيثِ.

[6] **Qur'an references (L4550):** Qur'an 2:222 (Al-Baqarah).
[7] **Qur'an references (L4553):** Qur'an 2:222 (Al-Baqarah).

قَالَ أَبُو مُحَمَّدٍ: وَقَالَ مَنْ لَا يُبَالِي بِمَا أَطْلَقَ بِهِ لِسَانَهُ: إِنَّ حَدِيثَ عُمَرَ - الَّذِي لَا يَصِحُّ - نَاسِخٌ لِحَدِيثِ أَنَسٍ - الَّذِي لَا يَثْبُتُ غَيْرُهُ فِي مَعْنَاهُ - قَالَ: لِأَنَّ حَدِيثَ أَنَسٍ كَانَ مُتَّصِلًا بِنُزُولِ الْآيَةِ.

L4554 Abu Muhammad said: Those who are heedless of what they utter with their tongues said: "The inauthentic narration of Umar - which lacks authenticity - abrogates the narration of Anas - the only one for which no other narration with its meaning is established." They said: "Because Anas' narration was connected to the revelation of the verse."

قَالَ عَلِيٌّ: وَهَذَا هُوَ الْكَذِبُ بِعَيْنِهِ وَقَفَا مَا لَا عِلْمَ لَهُ بِهِ، وَلَوْ صَحَّ حَدِيثُ عُمَرَ فَمَنْ لَهُ أَنَّهُ كَانَ بَعْدَ نُزُولِ الْآيَةِ؟ وَلَعَلَّهُ كَانَ قَبْلَ نُزُولِهَا، فَإِذْ ذَلِكَ مُمْكِنٌ هَكَذَا فَلَا يَجُوزُ الْقَطْعُ بِأَحَدِهِمَا، وَلَا يَجُوزُ تَرْكُ يَقِينٍ مَا جَاءَ بِهِ الْقُرْآنُ وَبَيَّنَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إثْرَ نُزُولِ الْآيَةِ لِظَنٍّ كَاذِبٍ فِي حَدِيثٍ لَا يَصِحُّ، مَعَ أَنَّ الْحَدِيثَيْنِ الثَّابِتَيْنِ اللَّذَيْنِ رُوِّينَاهُمَا: أَحَدُهُمَا عَنْ الْأَعْمَشِ عَنْ ثَابِتِ بْنِ عُبَيْدٍ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ «عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهَا: نَاوِلِينِي الْخُمْرَةَ مِنْ الْمَسْجِدِ قَالَتْ فَقُلْتُ: إنِّي حَائِضٌ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّ حَيْضَتَكِ لَيْسَتْ فِي يَدِكِ» .

L4555 Ali said: This is sheer falsehood itself—fabricating what he has no knowledge of. Even if Umar's hadith were authentic, who can assert that it occurred after the revelation of the verse? It may well have preceded its revelation. Since this possibility exists in this manner, it is impermissible to conclusively affirm either position, nor is it permissible to discard the certain knowledge conveyed by the Quran and elucidated by the Messenger of Allah—peace and blessings be upon him—following the revelation of the verse, due to a baseless conjecture regarding an unreliable hadith. Moreover, the two authenticated hadiths we transmitted: one from al-A'mash, from Thābit ibn 'Ubayd, from al-Qāsim ibn Muhammad, from 'Ā'ishah—that the Messenger of Allah (peace and blessings be upon him) said to her: "Hand me the cloak from the mosque." She replied: "I am menstruating." The Messenger of Allah (peace and blessings be upon him) responded: "Your menstruation is not in your hand."

وَرُوِّينَا الْآخَرَ مِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ يَزِيدَ بْنِ كَيْسَانَ وَأَبِي حَازِمٍ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ فِي الْمَسْجِدِ فَقَالَ: يَا عَائِشَةُ نَاوِلِينِي الثَّوْبَ، فَقَالَتْ إنِّي حَائِضٌ، فَقَالَ: إنَّ حَيْضَتَكِ لَيْسَتْ فِي يَدِكِ» فَهُمَا دَلِيلُ أَنْ لَا يُجْتَنَبَ إلَّا الْمَوْضِعَ الَّذِي فِيهِ الْحَيْضَةُ وَحْدَهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4556–4557 We have also narrated another account through the chain of Yahya ibn Sa'id al-Qattan from Yazid ibn Kaysan and Abu Hazim from Abu Hurairah: "The Messenger of Allah—peace and blessings be upon him—was in the mosque and said, 'O Aisha, hand me the garment.' She replied, 'I am menstruating.' He said, 'Your menstruation is not in your hand.'" These two are proof that only the body part from which menstrual blood flows must be avoided, and with Allah, the Most High, is the success.

[مَسْأَلَةٌ دَمُ النِّفَاسِ يَمْنَعُ مَا يَمْنَعُ مِنْهُ دَمُ الْحَيْضِ حَاشَا الطَّوَافَ بِالْبَيْتِ]

Issue: Postpartum blood prevents what menstrual blood prevents, except for circumambulation of the House [i.e., the Kaaba].

٢٦١ - مَسْأَلَةٌ:

261: Issue

L4558

L4559

L4560 The blood of postpartum bleeding prohibits what menstrual blood prohibits.

There is no disagreement on this from any scholar, except regarding circumambulating the Kaaba, for the postpartum woman may perform it. This is because the prohibition was specified for menstruating women and not extended to postpartum women, as {your Lord is never forgetful} [Maryam: 64]. Later, we affirmed and determined that postpartum bleeding is equivalent to valid menstruation in rulings, sharing the same legal status as menstruation in all matters, based on the Messenger of Allah—peace and blessings be upon him—asking ʿĀ'ishah: "Have you entered postpartum bleeding?" She replied, "Yes." Thus, he referred to menstruation as postpartum bleeding [in this instance]. Similarly, the bath after postpartum bleeding is obligatory by scholarly consensus.[8]

وَدَمُ النِّفَاسِ يَمْنَعُ مَا يَمْنَعُ مِنْهُ دَمُ الْحَيْضِ. هَذَا لَا خِلَافَ فِيهِ مِنْ أَحَدٍ، حَاشَا الطَّوَافَ بِالْبَيْتِ، فَإِنَّ النُّفَسَاءَ تَطُوفُ بِهِ، لِأَنَّ النَّهْيَ وَرَدَ فِي الْحَائِضِ وَلَمْ يَرِدْ فِي النُّفَسَاءِ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] ثُمَّ اسْتَدْرَكْنَا فَرَأَيْنَا أَنَّ النِّفَاسَ حَيْضٌ صَحِيحٌ، وَحُكْمُهُ حُكْمُ الْحَيْضِ فِي كُلِّ شَيْءٍ «لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِعَائِشَةَ أَنُفِسْتِ؟ قَالَتْ نَعَمْ» فَسَمَّى الْحَيْضَ نِفَاسًا. وَكَذَلِكَ الْغُسْلُ مِنْهُ وَاجِبٌ بِإِجْمَاعٍ.

L4561 **What is the ruling concerning menstruating women, postpartum women, and those in a state of major ritual impurity (janābah) entering into marriage and entering the mosque?**

[مَسْأَلَةٌ لِلْحَائِضِ وَالنُّفَسَاءِ أَنْ يَتَزَوَّجَا وَأَنْ يَدْخُلَا الْمَسْجِدَ وَكَذَلِكَ الْجُنُبُ]

L4562 262. Issue:

٢٦٢ - مَسْأَلَةٌ:

L4563 It is permissible for a menstruating woman and a postpartum woman to marry [i.e., enter into marriage contracts] and to enter the mosque, and likewise for those in a state of major impurity (junub), because no prohibition has been conveyed regarding any of these matters. The Messenger of Allah—peace and blessings be upon him—said, "The believer does not become ritually impure." The people of the Suffah would sleep in the mosque while in the presence of the Messenger of Allah—peace and blessings be upon him—and they were a numerous group. There is no doubt that among them were those who experienced nocturnal emissions, yet they were never forbidden from this.

وَجَائِزٌ لِلْحَائِضِ وَالنُّفَسَاءِ أَنْ يَتَزَوَّجَا وَأَنْ يَدْخُلَا الْمَسْجِدَ وَكَذَلِكَ الْجُنُبُ، لِأَنَّهُ لَمْ يَأْتِ نَهْيٌ عَنْ شَيْءٍ مِنْ ذَلِكَ، وَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْمُؤْمِنُ لَا يَنْجُسُ» وَقَدْ كَانَ أَهْلُ الصُّفَّةِ يَبِيتُونَ فِي الْمَسْجِدِ بِحَضْرَةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُمْ جَمَاعَةٌ كَثِيرَةٌ وَلَا شَكَّ فِي أَنَّ فِيهِمْ مَنْ يَحْتَلِمُ، فَمَا نُهُوا قَطُّ عَنْ ذَلِكَ.

L4564 A group of scholars said: A person in a state of major impurity (junub) and a menstruating woman may not enter the mosque except as those passing through. This is the opinion of al-Shāfiʿī, and they cited the statement of Allah the Exalted: {O you who have believed, do not approach prayer while

وَقَالَ قَوْمٌ: لَا يَدْخُلُ الْمَسْجِدَ الْجُنُبُ وَالْحَائِضُ إِلَّا مُجْتَازِينَ، هَذَا قَوْلُ الشَّافِعِيِّ وَذَكَرُوا قَوْلَ اللَّهِ تَعَالَى: {يَا أَيُّهَا الَّذِينَ آمَنُوا لا تَقْرَبُوا الصَّلاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا

[8] **Qur'an references (L4560):** Qur'an 19:64 (Maryam).

you are intoxicated until you know what you are saying, nor in a state of major impurity—unless passing through—until you have bathed} [an-Nisāʾ 4:43]. They asserted that Zayd ibn Aslam or other scholars interpreted its meaning as: "Do not approach the places of prayer."[9]

L4565 Ali ibn Abi Talib said: There is no valid proof in the statement of Zaid, and even if it were authenticated that he said it, it would still be an error on his part. This is because it is impermissible to suppose that Allah, the Exalted, intended to say "do not approach the places of prayer" thereby causing confusion upon us by saying "do not approach prayer" [4:43]. It has been narrated from Ali ibn Abi Talib, Ibn Abbas, and a group that the verse is about prayer itself.[10]

L4566 Malik said: They should not pass through it under any circumstances. Abū Ḥanīfah and Sufyān said: They should not pass through it. If they are compelled to do so, they must perform *tayammum* and then pass through it.

L4567–4569 Those who forbade that cited as evidence a Hadith that we narrated through the chain of transmission of Aflah ibn Khalifah from Jasra bint Dajajah. From Aisha: "That the Messenger of Allah—peace and blessings be upon him—said to his companions: 'Direct these houses away from the mosque, for I do not permit the mosque to be lawful for a menstruating woman or one in a state of major impurity.'" Another narration we transmitted through Ibn Abi Ghunyah's chain, from Abu al-Khattab al-Hajari, from Mahduj al-Hudhali, from Jasrah bint Dajajah, who reported that Umm Salamah said: "The Messenger of Allah—peace and blessings be upon him—proclaimed in a loud voice: 'Indeed, know that this mosque is not lawful for one in a state of major impurity or a menstruating woman, except for the Prophet, his wives, Ali, and Fāṭimah.'"[11]

L4570 Another narration that we have narrated from ʻAbd al-Wahhab, from ʻAta' al-Khaffaf, from Ibn Abi Ghunyah, from Ismaʻil, from Jasrah bint Dajājah, from Umm Salamah, who reported that the Messenger of Allah (peace and

تَقُولُونَ وَلا جُنُبًا إِلا عَابِرِي سَبِيلٍ حَتَّى تَغْتَسِلُوا} [النساء: ٤٣] فَادَّعُوا أَنَّ زَيْدَ بْنَ أَسْلَمَ أَوْ غَيْرَهُ قَالَ مَعْنَاهُ لَا تَقْرَبُوا مَوَاضِعَ الصَّلَاةِ.

قَالَ عَلِيٌّ: وَلَا حُجَّةَ فِي قَوْلِ زَيْدٍ، وَلَوْ صَحَّ أَنَّهُ قَالَهُ لَكَانَ خَطَأً مِنْهُ، لِأَنَّهُ لَا يَجُوزُ أَنْ يُظَنَّ أَنَّ اللَّهَ تَعَالَى أَرَادَ أَنْ يَقُولَ لَا تَقْرَبُوا مَوَاضِعَ الصَّلَاةِ فَيَلْبِسُ عَلَيْنَا فَيَقُولُ: {لا تَقْرَبُوا الصَّلاةَ} [النساء: ٤٣] وَرُوِيَ أَنَّ الْآيَةَ فِي الصَّلَاةِ نَفْسِهَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ وَابْنِ عَبَّاسٍ وَجَمَاعَةٍ.

وَقَالَ مَالِكٌ: لَا يَمُرَّا فِيهِ أَصْلًا، وَقَالَ أَبُو حَنِيفَةَ وَسُفْيَانُ لَا يَمُرَّا فِيهِ، فَإِنْ اُضْطُرَّا إِلَى ذَلِكَ تَيَمَّمَا ثُمَّ مَرَّا فِيهِ.

وَاحْتَجَّ مَنْ مَنَعَ مِنْ ذَلِكَ بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ أَفْلَتَ بْنِ خَلِيفَةَ عَنْ جَسْرَةَ بِنْتِ دَجَاجَةَ عَنْ عَائِشَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِأَصْحَابِهِ: وَجِّهُوا هَذِهِ الْبُيُوتَ عَنْ الْمَسْجِدِ فَإِنِّي لَا أُحِلُّ الْمَسْجِدَ لِحَائِضٍ وَلَا جُنُبٍ» ، وَآخَرُ رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ أَبِي غُنْيَةَ عَنْ أَبِي الْخَطَّابِ الْهَجَرِيِّ عَنْ مَحْدُوجٍ الْهُذَلِيِّ عَنْ جَسْرَةَ بِنْتِ دَجَاجَةَ حَدَّثَتْنِي أُمُّ سَلَمَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَادَى بِأَعْلَى صَوْتِهِ: أَلَا إِنَّ هَذَا الْمَسْجِدَ لَا يَحِلُّ لِجُنُبٍ وَلَا حَائِضٍ إِلَّا لِلنَّبِيِّ وَأَزْوَاجِهِ وَعَلِيٍّ وَفَاطِمَةَ» .

وَخَبَرٌ آخَرُ رُوِّينَاهُ عَنْ عَبْدِ الْوَهَّابِ عَنْ عَطَاءٍ الْخَفَّافِ عَنْ ابْنِ أَبِي غُنْيَةَ عَنْ إِسْمَاعِيلَ عَنْ جَسْرَةَ بِنْتِ دَجَاجَةَ عَنْ أُمِّ سَلَمَةَ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «هَذَا

[9] **Qur'an references (L4564):** Qur'an 4:43 (An-Nisa).
[10] **Qur'an references (L4565):** Qur'an 4:43 (An-Nisa).
[11] **Hadith references (L4567):** Sunan Abi Dawud 232; Mishkat al-Masabih 462.

blessings of Allah be upon him) said: “This mosque is forbidden to every man in a state of major impurity and every menstruating woman, except Muhammad, his wives, ʻAli, and Fāṭimah.”

الْمَسْجِدُ حَرَامٌ عَلَى كُلِّ جُنُبٍ مِنْ الرِّجَالِ وَحَائِضٍ مِنْ النِّسَاءِ إِلَّا مُحَمَّدًا وَأَزْوَاجَهُ وَعَلِيًّا وَفَاطِمَةَ» .

L4571 Another report we have narrated through the chain of Muḥammad ibn al-Ḥasan ibn Zubāla, from Sufyān ibn Ḥamza, from Kathīr ibn Zayd, from al-Muṭṭalib ibn ʿAbd Allāh: “The Messenger of Allah (peace be upon him) did not permit anyone to sit in the mosque or pass through it while in a state of major impurity except ʿAlī ibn Abī Ṭālib.”

وَخَبَرٌ آخَرُ رُوِّينَاهُ مِنْ طَرِيقِ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ زُبَالَةَ عَنْ سُفْيَانَ بْنِ حَمْزَةَ عَنْ كَثِيرِ بْنِ زَيْدٍ عَنْ الْمُطَّلِبِ بْنِ عَبْدِ اللَّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَكُنْ أَذِنَ لِأَحَدٍ أَنْ يَجْلِسَ فِي الْمَسْجِدِ وَلَا يَمُرَّ فِيهِ وَهُوَ جُنُبٌ إِلَّا عَلِيَّ بْنَ أَبِي طَالِبٍ» .

L4572 Ali said: All of this is invalid. As for Aflit, he is neither renowned nor recognized as reliable. As for Mahduj, he is discarded - he transmits problematic narrations from Jasrah. Abu al-Khattab al-Hajari is unknown. As for Ata’ al-Khaffaf, he is Ata’ ibn Muslim - denounced in hadith. Isma’il is unknown. Muhammad ibn al-Hasan is accused of lying. Kathir ibn Zayd shares this status. Consequently, everything contained in this report is dismissed entirely.

قَالَ عَلِيٌّ: وَهَذَا كُلُّهُ بَاطِلٌ: أَمَّا أَفْلَتُ فَغَيْرُ مَشْهُورٍ وَلَا مَعْرُوفٍ بِالثِّقَةِ، وَأَمَّا مَحْدُوجٌ فَسَاقِطٌ يَرْوِي الْمُعْضِلَاتِ عَنْ جَسْرَةَ، وَأَبُو الْخَطَّابِ الْهَجَرِيُّ مَجْهُولٌ، وَأَمَّا عَطَاءٌ الْخَفَّافُ فَهُوَ عَطَاءُ بْنُ مُسْلِمٍ مُنْكَرُ الْحَدِيثِ، وَإِسْمَاعِيلُ مَجْهُولٌ، وَمُحَمَّدُ بْنُ الْحَسَنِ مَذْكُورٌ بِالْكَذِبِ، وَكَثِيرُ بْنُ زَيْدٍ مِثْلُهُ، فَسَقَطَ كُلُّ مَا فِي هَذَا الْخَبَرِ جُمْلَةً.

L4573 Abd al-Rahman ibn Abdullah narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: al-Bukhari narrated to us: Ubayd ibn Isma’il narrated to us: Abu Usamah narrated from Hisham ibn Urwah from his father from Aishah, the Mother of the Believers, that “a black slave girl belonging to a tribe of the Arabs was freed by them, and she came to the Messenger of Allah (peace be upon him) and embraced Islam. She had a tent in the mosque—or a partitioned space.”

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عُبَيْدُ بْنُ إِسْمَاعِيلَ ثنا أَبُو أُسَامَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ وَلِيدَةً سَوْدَاءَ كَانَتْ لِحَيٍّ مِنْ الْعَرَبِ فَأَعْتَقُوهَا فَجَاءَتْ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَسْلَمَتْ فَكَانَ لَهَا خِبَاءٌ فِي الْمَسْجِدِ أَوْ حِفْشٌ» .

L4574–4576 Ali said: “Here is a woman residing in the Mosque of the Prophet (peace and blessings of Allah be upon him), and what is customary among women is menstruation. So he (peace and blessings of Allah be upon him) did not prevent her from that nor prohibit it. All that he did not forbid is permissible. We have already mentioned the statement of the Messenger of Allah (peace and blessings of Allah be upon him): ’The earth has been made a mosque for me.’ There is no disagreement that...” A menstruating woman and one in a state of major ritual impurity are permitted throughout the entire earth, for the earth itself is a mosque. It is not permissible to restrict

قَالَ عَلِيٌّ: فَهَذِهِ امْرَأَةٌ سَاكِنَةٌ فِي مَسْجِدِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْمَعْهُودُ مِنْ النِّسَاءِ الْحَيْضُ فَمَا مَنَعَهَا - عَلَيْهِ السَّلَامُ - مِنْ ذَلِكَ وَلَا نَهَى عَنْهُ، وَكُلُّ مَا لَمْ يَنْهَ - عَلَيْهِ السَّلَامُ - عَنْهُ فَمُبَاحٌ وَقَدْ ذَكَرْنَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَوْلَهُ: «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا» وَلَا خِلَافَ فِي أَنَّ الْحَائِضَ وَالْجُنُبَ مُبَاحٌ لَهُمَا جَمِيعُ الْأَرْضِ، وَهِيَ مَسْجِدٌ، فَلَا يَجُوزُ أَنْ يُخَصَّ بِالْمَنْعِ مِنْ بَعْضِ الْمَسَاجِدِ دُونَ بَعْضٍ،

them specifically from certain mosques while permitting others. Had mosque entry been impermissible for a menstruating woman, the Prophet—peace be upon him—would have informed ʿĀ'isha of this when she menstruated, yet he only prohibited her from performing circumambulation of the Kaaba. It is an unequivocal falsehood to claim mosque entry is unlawful for her when the Prophet—peace be upon him—did not forbid her from it, limiting his prohibition solely to circumambulation.

This is the opinion of al-Muzani, Dawud, and others besides the two of them, and success is from Allah, the Exalted.

An Issue Regarding the Ruling on Intercourse with a Menstruating Woman

263 – Chapter:

Whoever has sexual relations with a menstruating woman has indeed disobeyed Allah the Exalted, and it is an obligation upon him to repent and seek forgiveness, and no expiation is required for this act.

Ibn Abbas said: If he has intercourse with her during menstruation, he should give a dinar in charity; and if he does so during the cessation of bleeding, he should give half a dinar.

We have also been narrated from him that he said: "Whoever has sexual intercourse with a menstruating woman must manumit a slave." We have also been narrated from ʿAṭāʾ ibn Abī Rabāḥ that he said regarding one who has intercourse with his wife while she is menstruating: "He should give a dinar in charity."

And it has been narrated to us from Qatādah: If he has the means, then he must give a dinar; if he does not have the means, then he must give half a dinar.

Al-Awza'i and Muhammad ibn al-Hasan stated: He should give a dinar in charity. Ahmad ibn Hanbal stated: He should give a dinar in charity, and if he wishes, he may give half a dinar. Al-Hasan al-Basri stated: He must free

وَلَوْ كَانَ دُخُولُ الْمَسْجِدِ لَا يَجُوزُ لِلْحَائِضِ لَأَخْبَرَ بِذَلِكَ - عَلَيْهِ السَّلَامُ - عَائِشَةَ، إِذْ حَاضَتْ فَلَمْ يَنْهَا إِلَّا عَنْ الطَّوَافِ بِالْبَيْتِ فَقَطْ، وَمِنْ الْبَاطِلِ الْمُتَيَقَّنِ أَنْ يَكُونَ لَا يَحِلُّ لَهَا دُخُولُ الْمَسْجِدِ فَلَا يَنْهَاهَا - عَلَيْهِ السَّلَامُ - عَنْ ذَلِكَ وَيَقْتَصِرُ عَلَى مَنْعِهَا مِنْ الطَّوَافِ.

وَهَذَا قَوْلُ الْمُزَنِيِّ وَدَاوُد وَغَيْرِهِمَا، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ حُكْمُ وَطْءِ الْحَائِضِ]

٢٦٣ - مَسْأَلَةٌ:

وَمَنْ وَطِئَ حَائِضًا فَقَدْ عَصَى اللَّهَ تَعَالَى، وَفَرْضٌ عَلَيْهِ التَّوْبَةُ وَالِاسْتِغْفَارُ، وَلَا كَفَّارَةَ عَلَيْهِ فِي ذَلِكَ.

وَقَالَ ابْنُ عَبَّاسٍ: إنْ أَصَابَهَا فِي الدَّمِ فَيَتَصَدَّقُ بِدِينَارٍ، وَإِنْ كَانَ فِي انْقِطَاعِ الدَّمِ فَنِصْفُ دِينَارٍ.

وَرُوِّينَا عَنْهُ أَيْضًا قَالَ: مَنْ وَطِئَ حَائِضًا فَعَلَيْهِ عِتْقُ رَقَبَةٍ، وَرُوِّينَا عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ أَنَّهُ قَالَ فِي الَّذِي يَطَأُ امْرَأَتَهُ وَهِيَ حَائِضٌ: يَتَصَدَّقُ بِدِينَارٍ.

وَرُوِّينَا عَنْ قَتَادَةَ: إنْ كَانَ وَاجِدًا فَدِينَارٌ وَإِنْ لَمْ يَجِدْ فَنِصْفُ دِينَارٍ.

a slave. If he cannot find [one], he must fast two consecutive months. If he is unable, he must feed sixty poor people.

وَقَالَ الْأَوْزَاعِيُّ وَمُحَمَّدُ بْنُ الْحَسَنِ: يَتَصَدَّقُ بِدِينَارٍ، وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ: يَتَصَدَّقُ بِدِينَارٍ وَإِنْ شَاءَ بِنِصْفِ دِينَارٍ، وَقَالَ الْحَسَنُ الْبَصْرِيُّ: يُعْتِقُ رَقَبَةً، فَإِنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ، فَإِنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِينًا.

L4585–4587 As for those who stated that one should give a dinar or half a dinar as expiation, they supported their view with a hadith we narrated through Miqsam's chain from Ibn Abbas: "The Messenger of Allah (peace and blessings be upon him) said: 'He must give a dinar or half a dinar as expiation.'" Some versions of this report add: "If the blood is clotted, a dinar; if yellowish discharge is present, half a dinar." Another hadith we narrated through Shuraik's chain from Khusayf via Ikrimah from Ibn Abbas states: "From the Prophet (peace and blessings be upon him) concerning one who approaches his spouse during menstruation: 'He must give half a dinar as expiation.'" A further hadith transmitted through Al-Awza'i's chain from Yazid ibn Abi Malik relates: "From Abdul Hamid ibn Abd al-Rahman ibn Zayd ibn Al-Khattab that the Messenger of Allah (peace and blessings be upon him) ordered the intentional violator of a menstruating woman to give two-fifths of a dinar as expiation." Another narration we conveyed through Abdul Malik ibn Habib's chain: Asbagh ibn Al-Faraj reported from Al-Sabi'i via Zayd ibn Abdul Hamid from his father: "Umar ibn Al-Khattab had intercourse with his female slave and discovered she was menstruating. When he informed the Messenger of Allah (peace and blessings be upon him), the Prophet responded: 'Give half a dinar as expiation.'" An additional hadith we narrated through the chain of... From ʻAbd al-Malik ibn Ḥabīb on the authority of al-Makfūf, who narrated from Ayyūb ibn Khawṭ, from Qatādah, from Ibn ʻAbbās, from the Prophet—peace and blessings of Allāh be upon him—"Let him give in charity a dinar or half a dinar." And with another ḥadīth we have narrated it via the chain of Mūsā ibn Ayyūb > al-Walīd ibn Muslim > Ibn Jābir > ʻAlī ibn Badhīmah > Saʻīd ibn Jubayr > Ibn ʻAbbās: "That the Messenger of Allāh—peace and blessings of Allāh be upon him—commanded a man who had intercourse with a menstruating woman to free a slave."

فَأَمَّا مَنْ قَالَ: يَتَصَدَّقُ بِدِينَارٍ أَوْ نِصْفِ دِينَارٍ فَاحْتَجُّوا بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ مِقْسَمٍ عَنْ ابْنِ عَبَّاسٍ " أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «يَتَصَدَّقُ بِدِينَارٍ أَوْ بِنِصْفِ دِينَارٍ» وَفِي بَعْضِ أَلْفَاظِ هَذَا الْخَبَرِ «إِنْ كَانَ الدَّمُ عَبِيطًا فَدِينَارٌ، وَإِنْ كَانَ فِيهِ صُفْرَةٌ فَنِصْفُ دِينَارٍ» وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ شَرِيكٍ عَنْ خُصَيْفٍ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الَّذِي يَأْتِي أَهْلَهُ حَائِضًا يَتَصَدَّقُ بِنِصْفِ دِينَارٍ» وَبِحَدِيثٍ رُوِيَ مِنْ طَرِيقِ الْأَوْزَاعِيِّ عَنْ يَزِيدَ بْنِ أَبِي مَالِكٍ «عَنْ عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ - يَعْنِي الَّذِي يَعْمِدُ وَطْءَ حَائِضٍ - أَنْ يَتَصَدَّقَ بِخُمُسَيْ دِينَارٍ» وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الْمَلِكِ بْنِ حَبِيبٍ ثنا أَصْبَغُ بْنُ الْفَرَجِ عَنْ السَّبِيعِيِّ عَنْ زَيْدِ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِيهِ «أَنَّ عُمَرَ بْنَ الْخَطَّابِ وَطِئَ جَارِيَتَهُ فَإِذَا بِهَا حَائِضٌ، فَأَتَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَخْبَرَهُ، فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَصَدَّقْ بِنِصْفِ دِينَارٍ» وَآخَرُ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الْمَلِكِ بْنِ حَبِيبٍ عَنْ الْمَكْفُوفِ عَنْ أَيُّوبَ بْنِ خَوْطٍ عَنْ قَتَادَةَ عَنْ ابْنِ عَبَّاسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فَلْيَتَصَدَّقْ بِدِينَارٍ أَوْ بِنِصْفِ دِينَارٍ» وَبِحَدِيثٍ آخَرَ رُوِّينَاهُ مِنْ طَرِيقِ مُوسَى بْنِ أَيُّوبَ عَنْ الْوَلِيدِ بْنِ مُسْلِمٍ عَنْ ابْنِ جَابِرٍ عَنْ عَلِيِّ بْنِ بَذِيمَةَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ رَجُلًا أَصَابَ حَائِضًا بِعِتْقِ نَسَمَةٍ» .

L4588 We have also narrated it through the chain of Maḥmūd ibn Khālid from al-Walīd ibn Muslim from ʿAbd al-Raḥmān ibn Yazīd al-Sulamī from ʿAlī ibn Badhīmah from Saʿīd ibn Jubayr from Ibn ʿAbbās from the Prophet—peace and blessings be upon him—explicitly. Those who ruled that he was obligated to perform manumission, fasting, or feeding the poor invoked analogy to the ruling on having intercourse during the daytime in Ramaḍān.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مَحْمُودِ بْنِ خَالِدٍ عَنْ الْوَلِيدِ بْنِ مُسْلِمٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ السُّلَمِيِّ عَنْ عَلِيِّ بْنِ بَذِيمَةَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمِثْلِهِ نَصًّا، وَاحْتَجَّ مَنْ أَوْجَبَ عَلَيْهِ الْعِتْقَ أَوْ الصِّيَامَ أَوْ الْإِطْعَامَ بِقِيَاسِهِ عَلَى الْوَطْءِ نَهَارًا فِي رَمَضَانَ.

L4589 Abu Muhammad said: All of this is invalid; none of it is valid.

قَالَ أَبُو مُحَمَّدٍ: كُلُّ هَذَا لَا يَصِحُّ مِنْهُ شَيْءٌ.

L4590 As for the ḥadīth of Miqsam, Miqsam is not reliable, thus its use as evidence is dismissed. As for the ḥadīth of Ikrimah, Sharik narrated it from Khuṣayf, and both narrators are weak.

أَمَّا حَدِيثُ مِقْسَمٍ فَمِقْسَمٌ لَيْسَ بِالْقَوِيِّ فَسَقَطَ الِاحْتِجَاجُ بِهِ، وَأَمَّا حَدِيثُ عِكْرِمَةَ، فَرَوَاهُ شَرِيكٌ عَنْ خُصَيْفٍ، وَكِلَاهُمَا ضَعِيفٌ.

L4591 As for the narration of Al-Awza'i, it is disconnected (mursal). As for the two narrations of Abd al-Malik ibn Habib, even if there were no other reason besides this, it would suffice to establish their rejection. How then when one of them is from Al-Sabi'i, whose identity is unknown, and it is also disconnected (mursal)? The other is from the blind one, whose identity is unknown, from Ayyub ibn Khawt, who is rejected.

وَأَمَّا حَدِيثُ الْأَوْزَاعِيِّ فَمُرْسَلٌ، وَأَمَّا حَدِيثَا عَبْدِ الْمَلِكِ بْنِ حَبِيبٍ فَلَوْ لَمْ يَكُنْ غَيْرُهُ لَكَفَى بِهِ سُقُوطًا، فَكَيْفَ وَأَحَدُهُمَا عَنْ السَّبِيعِيِّ، وَلَا يُدْرَى مَنْ هُوَ؟ وَمُرْسَلٌ مَعَ ذَلِكَ، وَالْآخَرُ مَعَ الْمَكْفُوفِ، وَلَا يُدْرَى مَنْ هُوَ؟ عَنْ أَيُّوبَ بْنِ خَوْطٍ وَهُوَ سَاقِطٌ.

L4592 As for the two narrations of Al-Walīd ibn Muslim, they are transmitted through Mūsā ibn Ayyūb and ʿAbd al-Raḥmān ibn Yazīd, both of whom are weak narrators. Thus, all traditions in this chapter are rejected.

وَأَمَّا حَدِيثَا الْوَلِيدِ بْنِ مُسْلِمٍ فَمِنْ طَرِيقِ مُوسَى بْنِ أَيُّوبَ وَعَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ وَهُمَا ضَعِيفَانِ، فَسَقَطَ جَمِيعُ الْآثَارِ فِي هَذَا الْبَابِ.

L4593 As for the analogy of the one who has intercourse with a menstruating woman upon the one who has intercourse during Ramadan, the analogy is invalid.

وَأَمَّا قِيَاسُ الْوَاطِئِ حَائِضًا عَلَى الْوَاطِئِ فِي رَمَضَانَ فَالْقِيَاسُ بَاطِلٌ.

L4594 It was incumbent upon those who adhered to weak narrations—such as the ḥadīth of Ḥizām regarding seeking clarity, the reports about performing ablution with nabīdh, the narrations on nasal application, the ḥadīth concerning ablution after loud laughter, the accounts of Jusrah bint Dajājah and others barring menstruating women and those in major impurity from entering mosques, and the unreliable traditions prohibiting a person in major impurity from reciting the Qur'ān—to uphold these reports, for they remain superior

وَلَقَدْ كَانَ يَلْزَمُ الْآخِذِينَ بِالْآثَارِ الْوَاهِيَةِ كَحَدِيثِ حِزَامٍ فِي الِاسْتِظْهَارِ وَأَحَادِيثِ الْوُضُوءِ بِالنَّبِيذِ، وَأَحَادِيثِ الْجُعْلِ فِي الْأَنْفِ، وَحَدِيثِ الْوُضُوءِ مِنْ الْقَهْقَهَةِ، وَأَحَادِيثِ جَسْرَةَ بِنْتِ دَجَاجَةَ وَغَيْرِهَا فِي أَنْ لَا يَدْخُلَ الْمَسْجِدَ حَائِضٌ وَلَا جُنُبٌ، وَبِالْأَخْبَارِ الْوَاهِيَةِ فِي أَنْ لَا يَقْرَأَ الْقُرْآنَ الْجُنُبُ، أَنْ يَقُولُوا بِهَذِهِ الْآثَارِ فَهِيَ أَحْسَنُ عَلَى عِلَّاتِهَا مِنْ تِلْكَ

despite their defects to those deficient, corrupt analogies they adopted here. This however exposes their inconsistency, as they cling neither to mursal nor musnad narrations, neither strong nor weak—except what conforms to their blind adherence. It equally behooved those who analogized eating during Ramadan to intercourse during it (by mandating expiation) to analogize intercourse with a menstruating woman to intercourse during Ramadan, since both involve engaging with an originally lawful private part rendered temporarily forbidden by a transient state. This is sounder than their invalid analogies, for intercourse bears closer resemblance to intercourse than eating does to intercourse.

L4595–4597 Yes, and from oil with ghee, from one who has defecated with one who has urinated, from the pig with the dog, and from... The chastity of the Muslim wife lies in the hands of the accursed thief and all the rest of those corrupt criteria. By this, it becomes evident to every person of understanding that they neither adhere to the revealed texts nor follow Qiyas, but are merely followers of Taqlid or advocates of Istihsan. And success comes solely from Allah, the Exalted.

L4598 Abu Muhammad said: As for us, had any of these narrations been authentic, we would have acted upon them. However, since nothing authentic has been established regarding the obligation of any penalty on one who has intercourse with a menstruating woman, his wealth is forbidden (to take as a penalty). Therefore, it is impermissible to impose a ruling beyond what Allah has obligated upon him: repentance from the sin he committed, seeking forgiveness, and discretionary punishment, in accordance with the saying of the Messenger of Allah—peace and blessings be upon him: "Whoever among you sees an evil, let him change it with his hand"—we have previously mentioned this with its chain of transmission, and we will mention the extent of discretionary punishment in its proper place, if Allah Almighty wills, and in Him we place our trust.

L4599 **A case in which a pregnant woman saw blood and has not yet given birth to the offspring remaining in her womb.**

L4600 264 – Issue:

الصُّلْعِ الدَّبِرَةِ الَّتِي أَخَذُوا بِهَا هَهُنَا، وَلَكِنْ هَذَا يُلِيحُ اضْطِرَابَهُمْ، وَأَنَّهُمْ لَا يَتَعَلَّقُونَ بِمُرْسَلٍ وَلَا مُسْنَدٍ وَلَا قَوِيٍّ وَلَا ضَعِيفٍ إِلَّا مَا وَافَقَ تَقْلِيدَهُمْ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ قَاسَ الْأَكْلَ فِي رَمَضَانَ، عَلَى الْوَاطِئِ فِيهِ فِي إِيجَابِ الْكَفَّارَةِ أَنْ يَقِيسَ وَاطِئَ الْحَائِضِ عَلَى الْوَاطِئِ فِي رَمَضَانَ، لِأَنَّ كِلَيْهِمَا وَطِئَ فَرْجًا حَلَالًا فِي الْأَصْلِ حَرَامًا بِصِفَةٍ تَدُورُ، وَهَذَا أَصَحُّ مِنْ قِيَاسَاتِهِمْ الْفَاسِدَةِ، فَإِنَّ الْوَاطِئَ أَشْبَهُ بِالْوَاطِئِ مِنْ الْآكِلِ بِالْوَاطِئِ.

نَعَمْ وَمِنْ الزَّيْتِ بِالسَّمْنِ وَمِنْ الْمُتَغَوِّطِ بِالْبَائِلِ، وَمِنْ الْخِنْزِيرِ بِالْكَلْبِ وَمِنْ فَرْجِ الزَّوْجَةِ الْمُسْلِمَةِ بِيَدِ السَّارِقِ الْمَلْعُونِ، وَسَائِرِ تِلْكَ الْمَقَايِيسِ الْفَاسِدَةِ، وَبِهَذَا يَتَبَيَّنُ كُلُّ ذِي فَهْمٍ أَنَّهُمْ لَا النُّصُوصَ يَلْتَزِمُونَ، وَلَا الْقِيَاسَ يَتَّبِعُونَ، وَإِنَّمَا هُمْ مُقَلِّدُونَ أَوْ مُسْتَحْسِنُونَ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

قَالَ أَبُو مُحَمَّدٍ: وَأَمَّا نَحْنُ فَلَوْ صَحَّ شَيْءٌ مِنْ هَذِهِ الْآثَارِ لَأَخَذْنَا بِهِ، فَإِذْ لَمْ يَصِحَّ فِي إِيجَابِ شَيْءٍ عَلَى وَاطِئِ الْحَائِضِ فَمَالُهُ حَرَامٌ، فَلَا يَجُوزُ أَنْ يُلْزَمَ حُكْمًا أَكْثَرَ مِمَّا أَلْزَمَهُ اللَّهُ مِنْ التَّوْبَةِ مِنْ الْمَعْصِيَةِ الَّتِي عَمِلَ، وَالِاسْتِغْفَارِ وَالتَّعْزِيرِ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ» وَقَدْ ذَكَرْنَاهُ بِإِسْنَادِهِ، وَسَنَذْكُرُ مِقْدَارَ التَّعْزِيرِ فِي مَوْضِعِهِ إِنْ شَاءَ اللَّهُ عَزَّ وَجَلَّ وَبِهِ نَتَأَيَّدُ.

[مَسْأَلَةٌ دَمٌ رَأَتْهُ الْحَامِلُ وَلَمْ تَضَعْ آخِرَ وَلَدٍ فِي بَطْنِهَا]

٢٦٤ - مَسْأَلَةٌ:

وَكُلُّ دَمٍ رَأَتْهُ الْحَامِلُ مَا لَمْ تَضَعْ آخِرَ وَلَدٍ فِي بَطْنِهَا، فَلَيْسَ حَيْضًا وَلَا نِفَاسًا، وَلَا يَمْنَعُ مِنْ شَيْءٍ، وَقَدْ ذَكَرْنَا أَنَّهُ لَيْسَ حَيْضًا قَبْلُ وَبُرْهَانُهُ، وَلَيْسَ أَيْضًا نِفَاسًا لِأَنَّهَا لَمْ تُنْفِسْ وَلَا وَضَعَتْ حَمْلَهَا بَعْدُ وَلَا حَائِضٌ، وَلَا إجْمَاعَ بِأَنَّهُ حَيْضٌ أَوْ نِفَاسٌ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، فَلَا يَسْقُطُ عَنْهَا مَا قَدْ صَحَّ وُجُوبُهُ مِنْ الصَّلَاةِ وَالصَّوْمِ وَإِبَاحَةِ الْجِمَاعِ إلَّا بِنَصٍّ ثَابِتٍ لَا بِالدَّعْوَى الْكَاذِبَةِ.

Any blood seen by a pregnant woman before delivering the last child in her womb is neither menstruation nor postpartum bleeding, and it does not prevent anything. We have previously stated—along with its proof—that it is not menstruation, nor is it considered postpartum bleeding because she has neither experienced postpartum bleeding nor delivered her child yet, nor is she menstruating. There is no consensus that it constitutes menstruation or postpartum bleeding. And with Allah, the Most High, is success. Therefore, the obligations validly established upon her - prayer, fasting, and the lawfulness of marital relations - are not waived except by firmly established textual evidence, not by false claims.

[مَسْأَلَةٌ رَأَتْ الْعَجُوزُ الْمُسِنَّةُ دَمًا أَسْوَدَ]

A jurisprudential question: The very elderly woman observed black blood.

٢٦٥ - مَسْأَلَةٌ:

وَإِنْ رَأَتْ الْعَجُوزُ الْمُسِنَّةُ دَمًا أَسْوَدَ فَهُوَ حَيْضٌ مَانِعٌ مِنْ الصَّلَاةِ وَالصَّوْمِ وَالطَّوَافِ وَالْوَطْءِ.

265 – Question:

If an elderly woman sees black blood, it is menstrual blood—a preventer of prayer, fasting, circumambulation, and intercourse.

بُرْهَانُ ذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي ذَكَرْنَاهُ قَبْلُ بِإِسْنَادِهِ «إنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ وَأَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذَا رَأَتْهُ بِتَرْكِ الصَّلَاةِ» وَقَوْلُهُ - عَلَيْهِ السَّلَامُ - فِي الْحَيْضِ «هَذَا شَيْءٌ كَتَبَهُ اللَّهُ عَلَى بَنَاتِ آدَمَ» فَهَذَا دَمٌ أَسْوَدُ وَهِيَ مِنْ بَنَاتِ آدَمَ، وَلَمْ يَأْتِ نَصٌّ وَلَا إجْمَاعٌ بِأَنَّهُ لَيْسَ حَيْضًا، كَمَا جَاءَ بِهِ النَّصُّ فِي الْحَامِلِ، فَإِنْ ذَكَرُوا قَوْلَ اللَّهِ عَزَّ وَجَلَّ {وَاللائِي يَئِسْنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلاثَةُ أَشْهُرٍ} [الطلاق: ٤] قُلْنَا: إنَّمَا أَخْبَرَ اللَّهُ تَعَالَى عَنْهُنَّ بِيَأْسِهِنَّ، وَلَمْ يُخْبِرْ تَعَالَى أَنْ يَأْسَهُنَّ حَقٌّ قَاطِعٌ لِحَيْضِهِنَّ، وَلَمْ نُنْكِرْ يَأْسَهُنَّ مِنْ الْحَيْضِ، لَكِنْ قُلْنَا: إنَّ يَأْسَهُنَّ مِنْ الْحَيْضِ، لَيْسَ مَانِعًا مِنْ أَنْ يُحْدِثَ اللَّهُ تَعَالَى لَهُنَّ حَيْضًا، وَلَا أَخْبَرَ تَعَالَى بِأَنَّ ذَلِكَ لَا يَكُونُ، وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ قَالَ تَعَالَى

The evidence for this is the statement of the Messenger of Allah - peace and blessings of Allah be upon him - which we previously mentioned with its chain of transmission: "Verily, menstrual blood is black and can be recognized," and the Messenger of Allah - peace and blessings of Allah be upon him - commanded that when she sees it, she must abandon prayer. His statement - peace be upon him - regarding menstruation: "This is something Allah has ordained for the daughters of Adam." Thus, this is black blood, and she is among the daughters of Adam. No textual evidence or consensus has established that this is not menstruation, unlike the text regarding pregnant women. Should they cite Allah's words {As for those women who have ceased menstruation among you, if you doubt, their waiting period is three months} (Surah At-Talaq 4), we respond: Allah the Exalted merely informed about their cessation, not that this cessation definitively terminates their menstruation. We do not deny their cessation of menstruation, but we affirm that this cessation does not preclude Allah the Exalted from causing menstruation to recur for them. Neither Allah nor His Messenger - peace and blessings

of Allah be upon him - declared this impossible. Allah the Exalted states {As for elderly women who no longer expect marriage} (Surah An-Nur 60), informing that they have despaired of marriage, yet this does not prevent their lawful marriage, as there is no disagreement among scholars. There is no distinction between Allah's two pronouncements concerning women who have ceased menstruation. And those women who do not expect marriage—both rulings apply to women who presume these two scenarios—and neither prevents them from what they have despaired of: menstruation and marriage. Regarding our position on the elderly woman, Al-Shāfiʿī states... And success comes from Allah, the Most High.[12]

The Ruling on the Minimum Menstrual Period

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The minimum duration of menstruation is a single occurrence. When a woman sees black blood from her private part, she abstains from prayer and fasting, and intercourse becomes forbidden for her husband or her master. If she sees traces of red blood, fluid resembling meat-washing water, yellow discharge, turbidity, whiteness, or complete dryness, she has attained purity. She then performs ghusl (ritual bathing) or tayammum (dry ablution) if she is among those eligible for tayammum due to lack of water or incapacity to use water, resumes prayer and fasting, and her husband or master may approach her. This applies perpetually: whenever she sees black blood, it is menstruation, and whenever she sees anything else, it is a state of purity. She counts her waiting period (ʿiddah) based on this state of purity following divorce. If the black blood persists continuously, it is considered menstruation until the completion of seventeen days. If it persists beyond this, whether briefly or extensively, it is not menstruation. We will mention the ruling on this afterward, Allah, the Almighty, willing.

The proof for this is the textual evidence we mentioned, which establishes that menstrual blood is black and identifiable, and whatever differs from this

[12]**Qur'an references (L4605):** Qur'an 65:4 (At-Talaq); Qur'an 24:60 (An-Nur).

{وَالْقَوَاعِدُ مِنَ النِّسَاءِ اللاتِي لا يَرْجُونَ نِكَاحًا} [النور: ٦٠] فَأَخْبَرَ تَعَالَى أَنَّهُنَّ يَائِسَاتٌ مِنَ النِّكَاحِ، وَلَمْ يَكُنْ ذَلِكَ مَانِعًا مِنْ أَنْ يُنْكَحْنَ بِلَا خِلَافٍ مِنْ أَحَدٍ، وَلَا فَرْقَ بَيْنَ وُرُودِ الْكَلَامَيْنِ مِنَ اللَّهِ تَعَالَى فِي اللَّائِي يَئِسْنَ مِنَ الْمَحِيضِ وَاللَّاتِي لَا يَرْجُونَ نِكَاحًا، وَكِلَاهُمَا حُكْمٌ وَارِدٌ فِي اللَّوَاتِي يَظُنَّ هَذَيْنِ الظَّنَّيْنِ، وَكِلَاهُمَا لَا يَمْنَعُ مِمَّا يَئِسْنَ مِنْهُ، مِنَ الْمَحِيضِ وَالنِّكَاحِ، وَبِقَوْلِنَا فِي الْعَجُوزِ يَقُولُ الشَّافِعِيُّ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ أَقَلُّ الْحَيْضِ]

٢٦٦ - مَسْأَلَةٌ:

وَأَقَلُّ الْحَيْضِ دَفْعَةً، فَإِذَا رَأَتْ الْمَرْأَةُ الدَّمَ الْأَسْوَدَ مِنْ فَرْجِهَا أَمْسَكَتْ عَنْ الصَّلَاةِ وَالصَّوْمِ وَحَرُمَ وَطْؤُهَا عَلَى بَعْلِهَا وَسَيِّدِهَا، فَإِنْ رَأَتْ أَثَرَ الدَّمِ الْأَحْمَرِ أَوْ كَغُسَالَةِ اللَّحْمِ أَوْ الصُّفْرَةَ أَوْ الْكُدْرَةَ أَوْ الْبَيَاضَ أَوْ الْجُفُوفَ التَّامَّ - فَقَدْ طَهُرَتْ وَتَغْتَسِلُ أَوْ تَتَيَمَّمُ إنْ كَانَتْ مِنْ أَهْلِ التَّيَمُّمِ، وَتُصَلِّي وَتَصُومُ وَيَأْتِيهَا بَعْلُهَا أَوْ سَيِّدُهَا، وَهَكَذَا أَبَدًا مَتَى رَأَتْ الدَّمَ الْأَسْوَدَ فَهُوَ حَيْضٌ، وَمَتَى رَأَتْ غَيْرَهُ فَهُوَ طُهْرٌ، وَتَعْتَدُّ بِذَلِكَ مِنْ الطَّلَاقِ، فَإِنْ تَمَادَى الْأَسْوَدُ فَهُوَ حَيْضٌ إلَى تَمَامِ سَبْعَةَ عَشَرَ يَوْمًا، فَإِنْ زَادَ مَا قَلَّ أَوْ كَثُرَ فَلَيْسَ حَيْضًا، وَنَذْكُرُ حُكْمَ ذَلِكَ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ عَزَّ وَجَلَّ.

بُرْهَانُ ذَلِكَ مَا ذَكَرْنَاهُ مِنْ وُرُودِ النَّصِّ بِأَنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ، وَمَا عَدَاهُ لَيْسَ حَيْضًا، وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - لِذَلِكَ عَدَدَ أَوْقَاتٍ مِنْ عَدَدٍ، بَلْ أَوْجَبَ بِرُؤْيَتِهِ

is not menstruation. The Prophet (peace be upon him) did not restrict this ruling to specific durations or counts. Rather, Allah the Exalted obligated women to abstain from prayer and fasting upon observing it, and Allah the Exalted prohibited marrying them during it, while the Prophet (peace be upon him) commanded the resumption of prayer and fasting after its cessation. Allah permitted intercourse upon attaining ritual purity from it. Thus, it is impermissible to distinguish one time from another in this ruling. As long as menstruation persists, it retains the ruling Allah has ordained for it until definitive textual evidence or consensus establishes otherwise. There exists no textual evidence or consensus regarding durations shorter than seventeen days. Where valid consensus confirms blood is not menstrual, the ruling ceases, and the woman is no longer subject to menstruation laws. Disputed matters must be referred back to the Prophet (peace be upon him), who designated black blood as menstrual blood carrying its prohibitions—barring prayer and fasting. No text or consensus states that a period of ritual purity permitting prayer and fasting cannot constitute a purity interval counted toward the ʿiddah. Those who differentiate between these rulings are certain of their error, asserting claims unsupported by the Quran, Sunnah—whether sound or unsound—analogy, or consensus. Rather, both the Quran and Sunnah affirm our position: menstruation prohibits prayer and fasting, their permissibility depends on its absence, and the state of ritual purity between two menstrual cycles constitutes a purity interval counted in the ʿiddah.

أَنْ لَا تُصَلِّيَ وَلَا تَصُومَ، وَحَرَّمَ تَعَالَى نِكَاحَهُنَّ فِيهِ، وَأَمَرَ - عَلَيْهِ السَّلَامُ - بِالصَّلَاةِ عِنْدَ إِدْبَارِهِ وَالصَّوْمِ، وَأَبَاحَ تَعَالَى الْوَطْءَ عِنْدَ الطُّهْرِ مِنْهُ، فَلَا يَجُوزُ تَخْصِيصُ وَقْتٍ دُونَ وَقْتٍ بِذَلِكَ، وَمَا دَامَ يُوجَدُ الْحَيْضُ فَلَهُ حُكْمُهُ الَّذِي جَعَلَهُ اللَّهُ تَعَالَى لَهُ، حَتَّى يَأْتِيَ نَصٌّ أَوْ إِجْمَاعٌ عَلَى أَنَّهُ لَيْسَ حَيْضًا، وَلَا نَصَّ وَلَا إِجْمَاعَ فِي أَقَلَّ مِنْ سَبْعَةَ عَشَرَ يَوْمًا، فَمَا صَحَّ الْإِجْمَاعُ فِيهِ أَنَّهُ لَيْسَ حَيْضًا وُقِفَ عِنْدَهُ، وَانْتَقَلَتْ عَنْ حُكْمِ الْحَائِضِ وَمَا اُخْتُلِفَ فِيهِ فَمَرْدُودٌ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ - عَلَيْهِ السَّلَامُ - جَعَلَ لِلدَّمِ الْأَسْوَدِ حُكْمَ الْحَيْضِ، فَهُوَ حَيْضٌ مَانِعٌ مِمَّا ذَكَرْنَا، وَلَمْ يَأْتِ نَصٌّ وَلَا إِجْمَاعٌ عَلَى أَنَّ بَعْضَ الطُّهْرِ الْمُبِيحِ لِلصَّلَاةِ وَالصَّوْمِ لَا يَكُونُ قُرْءًا فِي الْعِدَّةِ، فَالْمُفَرِّقُ بَيْنَ ذَلِكَ مُخْطِئٌ مُتَيَقِّنٌ الْخَطَأَ، قَائِلٌ مَا لَا قُرْآنَ جَاءَ بِهِ وَلَا سُنَّةَ، لَا صَحِيحَةً وَلَا سَقِيمَةً، وَلَا قِيَاسَ وَلَا إِجْمَاعَ، بَلْ الْقُرْآنُ وَالسُّنَّةُ كِلَاهُمَا يُوجِبُ مَا قُلْنَا: مِنْ امْتِنَاعِ الصَّلَاةِ وَالصَّوْمِ بِالْحَيْضِ، وَوُجُودِهِمَا بِعَدَمِ الْحَيْضِ، وَوُجُودِ الطُّهْرِ وَكَوْنِ الطُّهْرِ بَيْنَ الْحَيْضَتَيْنِ قُرْءًا يُحْتَسَبُ بِهِ فِي الْعِدَّةِ.

L4612 Allah the Exalted said: {Divorced women shall observe a waiting period for three *qurūʿ*} [Al-Baqarah 2:228]. Whoever sets a defined limit during the days of the *qurūʿ* invalidates [the ruling], persists in what he has no knowledge of, and asserts what is neither supported by textual proof nor consensus.[13]

قَالَ اللَّهُ تَعَالَى: {وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ} [البقرة: ٢٢٨] فَمَنْ حَدَّ فِي أَيَّامِ الْقُرْءِ حَدًّا فَهُوَ مُبْطِلٌ، وَقَافٍ مَا لَا عِلْمَ لَهُ بِهِ، وَمَا لَمْ يَأْتِ بِهِ نَصٌّ وَلَا إِجْمَاعٌ.

L4613–4615 In this matter, there is disagreement regarding three points: the first is the minimum duration of menstruation, the second is the maximum duration of menstruation, and the third... Menstruation. The third difference is between the waiting period (ʿiddah) in this matter and the rulings concerning prayer

وَفِي هَذَا خِلَافٌ فِي ثَلَاثَةِ مَوَاضِعَ: أَحَدُهَا أَقَلُّ مُدَّةِ الْحَيْضِ، وَالثَّانِي أَكْثَرُ مُدَّةِ الْحَيْضِ، وَالثَّالِثُ الْفَرْقُ بَيْنَ الْعِدَّةِ فِي ذَلِكَ وَبَيْنَ الصَّلَاةِ وَالصَّوْمِ، فَأَمَّا أَقَلُّ مُدَّةِ الْحَيْضِ فَإِنَّ طَائِفَةً قَالَتْ: أَقَلُّ الْحَيْضِ دَفْعَةٌ تُتْرَكُ لَهَا الصَّلَاةُ وَالصَّوْمُ وَيَحْرُمُ الْوَطْءُ

[13] **Qur'an references (L4612):** Qur'an 2:228 (Al-Baqarah).

and fasting. As for the minimum duration of menstruation, a group has stated: The shortest menstrual period is a single flow during which prayer and fasting are omitted, and intercourse is prohibited. Regarding the waiting period, its minimum is three days - which is the opinion of Mālik. It has also been reported from Mālik that its minimum in the waiting period is five days.

وَأَمَّا فِي الْعِدَّةِ فَأَقَلُّهُ ثَلَاثَةُ أَيَّامٍ، وَهُوَ قَوْلُ مَالِكٍ، وَقَدْ رُوِيَ عَنْ مَالِكٍ: أَقَلُّهُ فِي الْعِدَّةِ خَمْسَةُ أَيَّامٍ.

L4616 A group maintained that the minimum menstrual occurrence is a single flow in prayer, fasting, sexual intercourse, and the waiting period. This is the opinion of al-Awzāʿī, one of al-Shāfiʿī's two opinions, and that of Dāwūd and his companions.

وَقَالَتْ طَائِفَةٌ: أَقَلُّ الْحَيْضِ دَفْعَةٌ وَاحِدَةٌ فِي الصَّلَاةِ وَالصَّوْمِ وَالْوَطْءِ وَالْعِدَّةِ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ وَأَحَدُ قَوْلَيْ الشَّافِعِيِّ وَدَاوُد وَأَصْحَابِهِ.

L4617 One group said: The minimum duration of menstruation is a day and a night, and this is the more well-known of the two opinions of Al-Shāfiʿī and Aḥmad ibn Ḥanbal, and it is the view of ʿAṭāʾ. Another group said: The minimum duration of menstruation is three days; if bleeding ceases before three days, it is irregular bleeding and not menstruation, and prayers and fasting should not be abandoned because of it. This is the opinion of Abū Ḥanīfah, his followers, and Sufyān. A third group said: Women's menstruation is six or seven days, and this is an opinion of Aḥmad ibn Ḥanbal.

وَقَالَتْ طَائِفَةٌ: أَقَلُّ الْحَيْضِ يَوْمٌ وَلَيْلَةٌ، وَهُوَ الْأَشْهَرُ مِنْ قَوْلَيْ الشَّافِعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَهُوَ قَوْلُ عَطَاءٍ وَقَالَتْ طَائِفَةٌ: أَقَلُّ الْحَيْضِ ثَلَاثَةُ أَيَّامٍ، فَإِنْ انْقَطَعَ قَبْلَ الثَّلَاثَةِ الْأَيَّامِ فَهُوَ اسْتِحَاضَةٌ وَلَيْسَ حَيْضًا وَلَا تُتْرَكُ لَهُ صَلَاةٌ وَلَا صَوْمٌ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَأَصْحَابِهِ وَسُفْيَانَ وَقَالَتْ طَائِفَةٌ: حَيْضُ النِّسَاءِ سِتٌّ أَوْ سَبْعٌ، وَهُوَ قَوْلٌ لِأَحْمَدَ بْنِ حَنْبَلٍ.

L4618 Ali said: As for one who differentiates between prayer, fasting, and the prohibition of sexual intercourse on one side, and the waiting period on the other, such a view is evidently erroneous. We find no valid proof for it whatsoever—neither from the Quran, nor from a sound Sunnah nor a defective one, nor from consensus, nor from the opinion of a Companion, nor from analogy, nor from precaution, nor from any opinion with a valid basis. Therefore, it must be abandoned.

قَالَ عَلِيٌّ: أَمَّا مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ وَالصَّوْمِ وَتَحْرِيمِ الْوَطْءِ وَبَيْنَ الْعِدَّةِ، فَقَوْلٌ ظَاهِرُ الْخَطَأِ، وَلَا نَعْلَمُ لَهُ حُجَّةً أَصْلًا، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ وَلَا مِنْ احْتِيَاطٍ وَلَا مِنْ رَأْيٍ لَهُ وَجْهٌ، فَوَجَبَ تَرْكُهُ.

L4619 Then we examined the statement of those who said: "Women's menstruation revolves around six or seven days," but we found no proof for them except that they said: "This is the commonly observed pattern among women." They mentioned a hadith we have transmitted via Ibn Jurayj from Abdullah ibn Muhammad, from Ibrahim ibn Muhammad ibn Talhah, from his uncle Imran ibn Talhah, from Umm Habibah that she experienced istihadah, whereupon the Messenger of Allah—peace and blessings be upon him—set the period of her menstruation as six or seven days.

ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ قَالَ: حَيْضُ النِّسَاءِ يَدُورُ عَلَى سِتٍّ أَوْ سَبْعٍ، فَلَمْ نَجِدْ لَهُمْ حُجَّةً إلَّا أَنْ قَالُوا: هَذَا هُوَ الْمَعْهُودُ فِي النِّسَاءِ، وَذَكَرُوا حَدِيثًا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ إبْرَاهِيمَ بْنِ مُحَمَّدِ بْنِ طَلْحَةَ عَنْ عَمِّهِ عِمْرَانَ بْنِ طَلْحَةَ «عَنْ أُمِّ

حَبِيبَةَ أَنَّهَا اسْتُحِيضَتْ فَجَعَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَجَلَ حَيْضَتِهَا سِتَّةَ أَيَّامٍ أَوْ سَبْعَةً» .

L4620 We have also narrated it through the chain of Al-Hārith ibn Abī Usāmah, from Zakariyyā ibn ʿAdiyy, from ʿUbayd Allāh ibn ʿAmr al-Raqqī, from ʿAbd Allāh ibn Muḥammad ibn ʿAqīl, from Ibrāhīm ibn Muḥammad ibn Ṭalḥah, from his uncle ʿImrān ibn Ṭalḥah, from his mother Ḥamnah bint Jaḥsh: "The Messenger of Allāh—peace and blessings of Allāh be upon him—said to her: 'Menstruate six or seven days in the knowledge of Allāh—the Almighty and Majestic—then perform the ritual bath. When you have purified yourself, pray twenty-four or twenty-three days and their days, and fast likewise. Do this every month as women menstruate and purify themselves for the appointed time of their menstruation and their purity.'"

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ الْحَارِثِ بْنِ أَبِي أُسَامَةَ عَنْ زَكَرِيَّا بْنَ عَدِيٍّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَمْرٍو الرَّقِّيِّ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدِ بْنِ طَلْحَةَ عَنْ عَمِّهِ عِمْرَانَ بْنِ طَلْحَةَ عَنْ أُمِّهِ حَمْنَةَ بِنْتِ جَحْشٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهَا: تَحَيَّضِي سِتَّةَ أَيَّامٍ أَوْ سَبْعَةً فِي عِلْمِ اللَّهِ - عَزَّ وَجَلَّ - ثُمَّ اغْتَسِلِي، فَإِذَا اسْتَنْقَأْتِ فَصَلِّي أَرْبَعًا وَعِشْرِينَ أَوْ ثَلَاثًا وَعِشْرِينَ وَأَيَّامَهَا وَصُومِي كَذَلِكَ، وَافْعَلِي فِي كُلِّ شَهْرٍ كَمَا تَحِيضُ النِّسَاءُ وَكَمَا يَطْهُرْنَ لِمِيقَاتِ حَيْضِهِنَّ وَطُهْرِهِنَّ» .

L4621 Abu Ubayd adopted this hadith and established this as the ruling for the female innovator [mubtadiʿah].

وَقَدْ أَخَذَ بِهَذَا الْحَدِيثِ أَبُو عُبَيْدٍ فَجَعَلَ هَذَا حُكْمَ الْمُبْتَدَأَةِ.

L4622–4623 Ali said: As for these two reports, they are not authentic. As for one of the two, Ibn Jurayj did not hear it from Abdullah ibn Muhammad ibn Aqil.

قَالَ عَلِيٌّ: أَمَّا هَذَانِ الْخَبَرَانِ فَلَا يَصِحَّانِ، أَمَّا أَحَدُهُمَا فَإِنَّ ابْنَ جُرَيْجٍ لَمْ يَسْمَعْهُ مِنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ.

L4624 Similarly, Hammam narrated it to us from Abbas ibn Asbagh from Ibn Ayman from Abdullah ibn Ahmad ibn Hanbal from his father—and his father mentioned this hadith and said—Ibn Jurayj said: "I narrated from Ibn Aqil, though I did not directly hear it." Ahmad said: "Indeed, Ibn Jurayj narrated it from al-Nu'man ibn Rashid." Ahmad said: "Al-Nu'man is recognized as weak in narration."

كَذَلِكَ حَدَّثَنَاهُ حَمَامٌ عَنْ عَبَّاسِ بْنِ أَصْبَغَ عَنْ ابْنِ أَيْمَنَ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ حَنْبَلٍ عَنْ أَبِيهِ - وَذَكَرَ هَذَا الْحَدِيثَ فَقَالَ - قَالَ ابْنُ جُرَيْجٍ: حَدَّثْتُ عَنِ ابْنِ عَقِيلٍ، وَلَمْ يَسْمَعْهُ، قَالَ أَحْمَدُ: وَقَدْ رَوَاهُ ابْنُ جُرَيْجٍ عَنِ النُّعْمَانِ بْنِ رَاشِدٍ قَالَ أَحْمَدُ: وَالنُّعْمَانُ يُعْرَفُ فِيهِ الضَّعْفُ.

L4625 And it has also been narrated by Sharīk and Zuhayr ibn Muḥammad - both of them being weak.

وَقَدْ رَوَاهُ أَيْضًا شَرِيكٌ وَزُهَيْرُ بْنُ مُحَمَّدٍ وَكِلَاهُمَا ضَعِيفٌ.

L4626 From ʿAmr ibn Thābit—who is weak. Furthermore, ʿUmar ibn Ṭalḥah is non-existent, as it is not established that Ṭalḥah had a son named ʿUmar.

وَعَنْ عَمْرِو بْنِ ثَابِتٍ وَهُوَ ضَعِيفٌ. وَأَيْضًا فَعُمَرُ بْنُ طَلْحَةَ غَيْرُ مَخْلُوقٍ، لَا يُعْرَفُ لِطَلْحَةَ ابْنٌ اسْمُهُ عُمَرُ.

L4627 As for the other, it is through the chain of al-Ḥārith ibn Abī Usāmah, and his hadith was abandoned, so the report was dismissed as a whole.

وَأَمَّا الْآخَرُ فَمِنْ طَرِيقِ الْحَارِثِ بْنِ أَبِي أُسَامَةَ، وَقَدْ تُرِكَ حَدِيثُهُ فَسَقَطَ الْخَبَرُ جُمْلَةً.

L4628 As for their statement that this is the customary pattern regarding women's menstruation, there is no valid evidence for this, since neither the Quran, the Sunnah, nor ijma obligates adherence to this notion. There exist women who do not menstruate at all, and thus the rulings pertaining to menstruation do not apply to them, rendering the application of the customary ruling to them invalid. Likewise, there are women who experience menstrual cycles that are shorter or longer, thus this opinion is nullified.

وَأَمَّا قَوْلُهُمْ: إنَّ هَذَا هُوَ الْمَعْهُودُ مِنْ حَيْضِ النِّسَاءِ فَلَا حُجَّةَ فِي هَذَا، لِأَنَّهُ لَمْ يُوجِبْ مُرَاعَاةَ ذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إجْمَاعٌ، وَقَدْ يُوجَدُ فِي النِّسَاءِ مَنْ لَا تَحِيضُ أَصْلًا فَلَا يُجْعَلُ لَهَا حُكْمُ الْحَيْضِ، فَبَطَلَ حَمْلُهُنَّ عَلَى الْمَعْهُودِ، وَقَدْ يُوجَدُ مَنْ تَحِيضُ أَقَلَّ وَأَكْثَرَ، فَسَقَطَ هَذَا الْقَوْلُ.

L4629 Then we deliberated on the assertion of those who state that the minimum menstrual period is five days, and we found it to be an opinion lacking proof. Such claims are invalid.

ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ قَالَ: أَقَلُّ الْحَيْضِ خَمْسٌ، فَوَجَدْنَاهُ قَوْلًا بِلَا دَلِيلٍ، وَمَا كَانَ هَكَذَا فَهُوَ سَاقِطٌ.

L4630 Then we examined the position of those who set the minimum menstrual period at three days and found them invoking as proof the statement of Allah's Messenger—peace be upon him—: *"Refrain from prayer for the number of days you used to menstruate, then perform ghusl and pray."* We transmitted this through the chain of Abu Umamah: I heard Hisham ibn Urwah; my father informed me from Aisha that Allah's Messenger—peace be upon him—said this to Fatimah bint Abi Hubaysh. We also transmitted it through the chain of Suhayl ibn Abi Salih from Al-Zuhri—from Urwah ibn Al-Zubayr: Fatimah bint Abi Hubaysh narrated to me that she instructed Asma—or Asma narrated to me that Fatimah bint Abi Hubaysh instructed her—to ask Allah's Messenger—peace be upon him. He commanded her to abstain from prayer for the days she used to menstruate, then perform ghusl.[14]

ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ جَعَلَ أَقَلَّ الْحَيْضِ ثَلَاثَةَ أَيَّامٍ فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «دَعِي الصَّلَاةَ قَدْرَ الْأَيَّامِ الَّتِي كُنْتِ تَحِيضِينَ فِيهَا ثُمَّ اغْتَسِلِي وَصَلِّي» رُوِّينَاهُ مِنْ طَرِيقِ أَبِي أُمَامَةَ: سَمِعْتُ هِشَامَ بْنَ عُرْوَةَ أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ ذَلِكَ لِفَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ، وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ الزُّهْرِيِّ «عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ: حَدَّثَتْنِي فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ أَنَّهَا أَمَرَتْ أَسْمَاءَ، أَوْ أَسْمَاءُ حَدَّثَتْنِي أَنَّهَا أَمَرَتْهَا فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ أَنْ تَسْأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَمَرَهَا أَنْ تَقْعُدَ الْأَيَّامَ الَّتِي كَانَتْ تَقْعُدُ ثُمَّ تَغْتَسِلَ» .

L4631–4633 Abu Muhammad said: They said: The shortest duration that can be called menstrual days is three, based on a hadith we narrated through the chain of Ja'far ibn Muhammad ibn Buraiq, from 'Abd al-Rahman ibn Nafi', from Asad ibn Sa'id al-Balkhi, from Muhammad ibn al-Hasan al-Sadafi, from 'Ubadah

قَالَ أَبُو مُحَمَّد: وَقَالُوا: أَقَلُّ مَا يَقَعُ عَلَيْهِ اسْمُ أَيَّامٍ فَثَلَاثَةٌ، وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ بُرَيْقٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ نَافِعٍ درخت ثنا أَسَدُ بْنُ سَعِيدٍ الْبَلْخِيُّ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ الصَّدَفِيِّ عَنْ عُبَادَةَ بْنِ نُسَيٍّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ غَنْمٍ عَنْ مُعَاذِ بْنِ

[14] **Hadith references (L4630):** Sahih al-Bukhari 325; Sunan Abi Dawud 281.

ibn Nusayy, from ’Abd al-Rahman ibn Ghanm, from Mu’adh ibn Jabal, from the Prophet, peace and blessings of Allah be upon him: “There is no menstruation shorter than three days nor exceeding ten days.” They said: This is the definitive ruling. The statement of Anas ibn Mālik: We have reported it through the chain of Al-Jald ibn Ayyūb, from Muʿāwiyah ibn Qurrah, from Anas ibn Mālik. We have also reported from ʻĀisha that she gave a fatwā on that matter after the death of the Messenger of Allah—peace and blessings of Allah be upon him—through the chain of Ibn ʻAqīl, from Nahīh. And that is the opinion of Al-Ḥasan.

جَبَلٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا حَيْضَ أَقَلَّ مِنْ ثَلَاثٍ وَلَا فَوْقَ عَشْرٍ» قَالُوا: وَهُوَ قَوْلُ أَنَسِ بْنِ مَالِكٍ، رُوِّينَاهُ مِنْ طَرِيقِ الْجَلْدِ بْنِ أَيُّوبَ عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ عَنْ أَنَسِ بْنِ مَالِكٍ، وَرُوِّينَا أَيْضًا عَنْ عَائِشَةَ أَفْتَتْ بِذَلِكَ بَعْدَ مَوْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ ابْنِ عَقِيلٍ عَنْ نَهِيهِ وَهُوَ قَوْلُ الْحَسَنِ.

L4634 Ali said: As for the authentic report in this matter transmitted through Aisha, Fatimah, and Asma, there is no proof for them in it, because the Messenger of Allah—peace and blessings be upon him—commanded this for those who have fixed days. This is the unequivocal text of that report, from which it is impermissible to deviate, and he—peace be upon him—did not command it for those who do not have fixed days.

قَالَ عَلِيٌّ: أَمَّا الْخَبَرُ الصَّحِيحُ فِي هَذَا مِنْ طَرِيقِ عَائِشَةَ وَفَاطِمَةَ وَأَسْمَاءَ فَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بِذَلِكَ مَنْ كَانَتْ لَهَا أَيَّامٌ مَعْهُودَةٌ، هَذَا نَصُّ ذَلِكَ الْخَبَرِ الَّذِي لَا يَحِلُّ أَنْ يُحَالَ عَنْهُ وَلَمْ يَأْمُرْ - عَلَيْهِ السَّلَامُ - بِذَلِكَ مَنْ لَا أَيَّامَ لَهَا.

L4635 The proof of this is that the people and the great multitude—Yaḥyā ibn Saʿīd al-Qaṭṭān, Zuhayr ibn Muʿāwiyah, Ḥammād ibn Zayd, Sufyān, Abū Muʿāwiyah, Jarīr, ʿAbdullāh ibn Numayr, Ibn Jurayj, al-Darāwirdī, and Wakīʿ ibn al-Jarrāḥ—all narrated from Hishām ibn ʿUrwah, from his father, from ʿĀ’ishah, from the Messenger of Allah (peace and blessings be upon him): “When menstruation begins, cease the prayer. When it ceases, perform the ritual bath and pray.” This was narrated by Mālik, al-Layth ibn Saʿd, Saʿīd ibn ʿAbd al-Raḥmān, Ḥammād ibn Salamah, and ʿAmr ibn al-Ḥārith—all of them narrated from Hishām ibn ʿUrwah, from his father, from ʿĀ’ishah, from the Prophet (peace and blessings be upon him): “When menstruation begins, cease the prayer. When its duration has passed, wash the blood off yourself and pray.” Al-Awzāʿī narrated it from al-Zuhrī, from ʿUrwah, from ʿĀ’ishah, and al-Mundhir ibn al-Mughīrah from ʿUrwah—all of them using phrases such as “when menstruation arrives,” “when your menstrual period comes,” and “when the black blood comes,” without specifying days.

بُرْهَانُ ذَلِكَ أَنَّ النَّاسَ وَالْجَمَّ الْغَفِيرَ يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ وَزُهَيْرُ بْنُ مُعَاوِيَةَ وَحَمَّادُ بْنُ زَيْدٍ وَسُفْيَانُ وَأَبُو مُعَاوِيَةَ وَجَرِيرٌ وَعَبْدُ اللَّهِ بْنُ نُمَيْرٍ وَابْنُ جُرَيْجٍ والدَّرَاوَرْدِيُّ وَوَكِيعُ بْنُ الْجَرَّاحِ، كُلُّهُمْ رَوَوْا عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، فَإِذَا أَدْبَرَتْ الْحَيْضَةُ فَاغْتَسِلِي وَصَلِّي» وَرَوَاهُ مَالِكٌ وَاللَّيْثُ بْنُ سَعْدٍ وَسَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ وَحَمَّادُ بْنُ سَلَمَةَ وَعَمْرُو بْنُ الْحَارِثِ كُلُّهُمْ رَوَوْا عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ فَإِذَا ذَهَبَ قَدْرُهَا فَاغْسِلِي عَنْكِ الدَّمَ وَصَلِّي» وَرَوَاهُ الْأَوْزَاعِيُّ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ، وَالْمُنْذِرِ بْنِ الْمُغِيرَةِ عَنْ

عُرْوَةَ كُلُّهُمْ «إِذَا جَاءَتْ الْحَيْضَةُ وَإِذَا جَاءَ قُرْؤُكِ وَإِذَا جَاءَ الدَّمُ الْأَسْوَدُ» دُونَ ذِكْرِ أَيَّامٍ.

L4636 وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا مُحَمَّدُ بْنُ رُمْحٍ وَقُتَيْبَةُ، كِلَاهُمَا عَنْ اللَّيْثِ بْنِ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ عَنْ عِرَاكِ بْنِ مَالِكٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «إِنَّ أُمَّ حَبِيبَةَ سَأَلَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الدَّمِ. قَالَتْ عَائِشَةُ: رَأَيْتُ مِرْكَنَهَا مَلْآنَ، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: امْكُثِي قَدْرَ مَا كَانَتْ تَحْبِسُكِ حَيْضَتُكِ ثُمَّ اغْتَسِلِي وَصَلِّي» فَهَذَا أَمْرٌ لِمَنْ كَانَتْ حَيْضَتُهَا أَقَلَّ مِنْ ثَلَاثَةِ أَيَّامٍ، وَمِنْ يَوْمٍ وَأَكْثَرَ مِنْ عَشْرَةِ أَيَّامٍ أَيْضًا.

Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us; Abdul Wahhab ibn Isa narrated to us; Ahmad ibn Muhammad narrated to us; Ahmad ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Muhammad ibn Rumh and Qutaybah - both of them - narrated from al-Layth ibn Sa'd from Yazid ibn Abi Habib from Ja'far ibn Rabi'ah from 'Irak ibn Malik from 'Urwah ibn al-Zubayr from 'A'ishah, the Mother of the Believers, who said: "Umm Habibah asked the Messenger of Allah - peace and blessings of Allah be upon him - about menstrual blood. 'A'ishah said: I saw her ritual vessel filled with it. The Messenger of Allah - peace and blessings of Allah be upon him - said to her: 'Abstain [from prayer] for the duration your menstruation would normally prevent you, then perform the ritual bath and pray.'" This ruling applies to women whose menstruation lasts less than three days, as well as those whose bleeding persists for a single day or exceeds ten days.

L4637 وَهَذِهِ كُلُّهَا فَتَاوَى حَقٍّ لَا يَحِلُّ تَرْكُهَا، وَلَا إحَالَةُ شَيْءٍ مِنْهَا عَنْ ظَاهِرِهَا، وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَقُولَ إنَّ مُرَادَهُ - عَلَيْهِ السَّلَامُ - بِقَوْلِهِ كُلَّ مَا ذَكَرْنَا: إنَّمَا أَرَادَ ثَلَاثَةَ أَيَّامٍ، فَإِنْ أَقْدَمَ عَلَى ذَلِكَ مَقْدِمٌ كَانَ كَاذِبًا عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَسَقَطَ تَعَلُّقُهُمْ بِالْحَدِيثِ.

All these are true fatwas that it is not permissible to abandon, nor to interpret anything away from its apparent meaning. It is not permissible for anyone to claim that the intended meaning of his statement—peace be upon him—"all that we have mentioned" is merely three days. If someone dares to do that, they have lied against the Messenger of Allah—may Allah bless him and grant him peace—and thus their reliance on the hadith is invalidated.

L4638–4640 وَأَمَّا خَبَرُ مُعَاذٍ فَفِي غَايَةِ السُّقُوطِ؛ لِأَنَّهُ مِنْ طَرِيقِ مُحَمَّدِ بْنِ الْحَسَنِ الصَّدَفِيِّ وَهُوَ مَجْهُولٌ، فَهُوَ مَوْضُوعٌ بِلَا شَكٍّ، وَالْعَجَبُ مِنْ انْتِصَارِهِمْ هَهُنَا عَلَى أَنَّهُ لَا يَقَعُ اسْمُ الْأَيَّامِ إلَّا عَلَى ثَلَاثٍ لَا أَقَلَّ، وَهُمْ يَقُولُونَ: إنَّ قَوْلَ اللَّهِ تَعَالَى: {فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ} [النساء: ١١] أَنَّهُ لَا يَقَعُ عَلَى أَخَوَيْنِ فَقَطْ فَهَلَّا جَعَلُوا لَفْظَةَ الْأَيَّامِ تَقَعُ هَهُنَا عَلَى يَوْمَيْنِ؟ وَأَمَّا احْتِجَاجُهُمْ بِقَوْلِ أَنَسٍ وَعَائِشَةَ فَلَا يَصِحُّ عَنْهُمَا، لِأَنَّهُ مِنْ طَرِيقِ الْجَلْدِ

As for the narration of Muʿādh, it is of the weakest grade because it is transmitted through Muḥammad ibn al-Ḥasan al-Ṣadafī, and he is... [text breaks off]. It is unknown; thus, it is undoubtedly fabricated. The wonder is at their insistence here that the term "days" only applies to three days, no fewer, while they argue that Allah's statement, {But if he has siblings, then his mother is entitled to a sixth} [Quran 4:11], does not apply to only two siblings. Why then do they not allow the term "days" here to apply to two days? As for their argument based on the statements of Anas and ʿĀ'ishah, they are not authentically reported from them, as they come through Al-Jald

ibn Ayyūb, who is weak, and through Ibn ʻAqīl, who is not strong. Even if they were authentically reported from him and the Mother of the Believers, that would not constitute proof, for other Companions opposed them, as we will mention later, Allah willing. Moreover, the Mother of the Believers only issued that fatwa for one who had established days. Success comes from Allah, the Exalted. Thus, this claim collapses. Success comes from Allah, the Exalted.[15]

L4641 Then we examined the statement of those who claimed the minimum menstrual duration is a day and night, and found they also lack evidence from textual sources. If a claimant asserts consensus in this matter, this is erroneous, for Al-Awzāʿī states: "He knows a woman who becomes ritually pure at dusk and begins menstruating at dawn." Furthermore, Mālik and Al-Shāfiʿī obligated, upon observing a sudden flow of blood, the cessation of prayer, the breaking of the fast of the fasting woman, and the prohibition of intercourse. Since these are menstrual rulings, this opinion is also invalidated. Success comes from Allah, the Exalted.

L4642 Ali said: Then we ask them about a woman who sees blood during her menstrual days—what ruling do you issue for her? None of them disagree that she is menstruating, does not pray, and does not fast. We then ask them: If she observes purity immediately afterward? They all respond: "She must perform *ghusl* and pray." This reveals the invalidity of their position, for if she sees blood during her menstrual days, it would logically require them to rule that she must not break the fast, must not abandon prayer, and that intercourse is not prohibited unless she completes a full day and night according to those who consider this the minimum duration of menstruation, or three days with their nights according to those who consider this the minimum duration of menstruation. Since they do not affirm this—and no Muslim scholar does—the invalidity of their opinion is evident. Thus, the consensus validating our position stands confirmed. All praise belongs to Allah.

L4643 Moreover, the sound reports, as we mentioned from the Messenger of Al-

[15] **Qur'an references (L4638):** Qur'an 4:11 (An-Nisa).

بْنِ أَيُّوبَ وَهُوَ ضَعِيفٌ، وَمِنْ طَرِيقِ ابْنِ عَقِيلٍ وَلَيْسَ بِالْقَوِيِّ، ثُمَّ لَوْ صَحَّ عَنْهُ وَعَنْ أُمِّ الْمُؤْمِنِينَ لَمَا كَانَ فِي ذَلِكَ حُجَّةٌ، لِأَنَّهُ قَدْ خَالَفَهُمَا غَيْرُهُمَا مِنْ الصَّحَابَةِ عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى، فَكَيْفَ وَإِنَّمَا أَفْتَتْ أُمُّ الْمُؤْمِنِينَ بِذَلِكَ مَنْ لَهَا أَيَّامٌ مَعْهُودَةٌ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، فَسَقَطَ هَذَا الْقَوْلُ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ قَالَ: أَقَلُّ الْحَيْضِ يَوْمٌ وَلَيْلَةٌ، فَوَجَدْنَاهُ أَيْضًا لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْ النُّصُوصِ، فَإِنْ ادَّعَى مُدَّعٍ إجْمَاعًا فِي ذَلِكَ فَهَذَا خَطَأٌ لِأَنَّ الْأَوْزَاعِيَّ يَقُولُ: إنَّهُ يَعْرِفُ امْرَأَةً تَطْهُرُ عَشِيَّةً وَتَحِيضُ غُدْوَةً، وَأَيْضًا فَإِنَّ مَالِكًا وَالشَّافِعِيَّ قَدْ أَوْجَبَا بِرُؤْيَةِ دَفْعَةٍ مِنْ الدَّمِ تَرْكَ الصَّلَاةِ وَفِطْرَ الصَّائِمَةِ وَتَحْرِيمَ الْوَطْءِ، وَهَذِهِ أَحْكَامُ الْحَيْضِ، فَسَقَطَ أَيْضًا هَذَا الْقَوْلُ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

قَالَ عَلِيٌّ: ثُمَّ نَسْأَلُهُمْ عَمَّنْ رَأَتْ الدَّمَ فِي أَيَّامِ حَيْضَتِهَا: بِمَاذَا تُفْتُونَهَا؟ فَلَا يَخْتَلِفُ مِنْهُمْ أَحَدٌ فِي أَنَّهَا حَائِضٌ وَلَا تُصَلِّي وَلَا تَصُومُ، فَنَسْأَلُهُمْ: إنْ رَأَتْ الطُّهْرَ إثْرَهَا؟ فَكُلُّهُمْ يَقُولُ: تَغْتَسِلِي وَتُصَلِّي، فَظَهَرَ فَسَادُ قَوْلِهِمْ، وَكَانَ يَلْزَمُهُمْ إذَا رَأَتْ الدَّمَ فِي أَيَّامِ حَيْضَتِهَا أَلَّا تُفْطِرَ وَلَا تَدَعَ الصَّلَاةَ وَأَلَّا يَحْرُمَ وَطْؤُهَا إلَّا حَتَّى تُتِمَّ يَوْمًا وَلَيْلَةً فِي قَوْلِ مَنْ يَرَى ذَلِكَ أَقَلَّ الْحَيْضِ، أَوْ ثَلَاثَةُ أَيَّامٍ بِلَيَالِيهَا فِي قَوْلِ مَنْ رَأَى ذَلِكَ أَقَلَّ الْحَيْضِ، فَإِذْ لَا يَقُولُونَ بِهَذَا وَلَا يَقُولُهُ أَحَدٌ مِنْ أَهْلِ الْإِسْلَامِ فَقَدْ ظَهَرَ فَسَادُ قَوْلِهِمْ، وَصَحَّ الْإِجْمَاعُ عَلَى صِحَّةِ قَوْلِنَا، وَالْحَمْدُ لِلَّهِ.

وَأَيْضًا فَإِنَّ الْآثَارَ الصِّحَاحَ كَمَا ذَكَرْنَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا جَاءَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ فَإِذَا أَدْبَرَتْ فَاغْتَسِلِي وَصَلِّي» دُونَ تَحْدِيدِ وَقْتٍ، وَهَذَا

lah—peace be upon him—state: "When menstruation begins, abandon prayer. When it ceases, perform ritual bathing and pray," without stipulating a specific time. This is our position. We previously cited—through the most authentic chain possible—that Ibn Abbas issued a legal opinion stating that if a woman observes the copious blood flow, she should cease prayer. If she observes purity, even for a brief period during the day, let her perform ritual bathing and pray.

The longest period of menstruation.

As for the maximum duration of menstruation, Mālik and Al-Shāfiʿī said: Its maximum is fifteen days - it does not extend beyond this period. He stated the maximum duration, and Sa'id ibn Jubayr said: "The maximum menstrual period is thirteen days."

And Abu Hanifah and Sufyan said: The maximum period is ten days.

Abu Hanifah argued using the narrations we mentioned and said: "The term 'days' applies exclusively to ten days." Some of them claimed that no one had ever stated the menstrual period to be shorter than that.

Ali said: As for their claim that the term "days" cannot apply to more than ten, this is a falsehood unsupported by language or Islamic law. Indeed, the Almighty has said: {Then a number of other days} [Quran 2:184], and this applies to thirty days without any disagreement. The ḥadīth of Muʿādh—we have already mentioned its invalidity. As for their statement that no one has said the days of menstruation are fewer than ten, this is a lie. We have mentioned the view of those who said the days of menstruation are six or seven, and the view of Mālik that the minimum menstrual period is five days. Thus, their claim is an unsubstantiated assertion, and this is invalid.[16]

As for those who set the limit at thirteen days, the same also applies. As for

[16] **Qur'an references (L4650):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

هُوَ قَوْلُنَا، وَقَدْ ذَكَرْنَا قَبْلُ - بِأَصَحِّ إِسْنَادٍ يَكُونُ - عَنْ ابْنِ عَبَّاسٍ أَنَّهُ أَفْتَى إِذَا رَأَتْ الدَّمَ الْبَحْرَانِيَّ أَنْ تَدَعَ الصَّلَاةَ، فَإِذَا رَأَتْ الطُّهْرَ وَلَوْ سَاعَةً مِنْ نَهَارٍ فَلْتَغْتَسِلْ وَتُصَلِّي.

[أَكْثَرُ مُدَّةِ الْحَيْضِ]

وَأَمَّا أَكْثَرُ مُدَّةِ الْحَيْضِ فَإِنَّ مَالِكًا وَالشَّافِعِيَّ قَالَا: أَكْثَرُهُ خَمْسَةَ عَشَرَ يَوْمًا لَا يَكُونُ أَكْثَرَ، وَقَالَ سَعِيدُ بْنُ جُبَيْرٍ: أَكْثَرُ الْحَيْضِ ثَلَاثَةَ عَشَرَ يَوْمًا.

وَقَالَ أَبُو حَنِيفَةَ وَسُفْيَانُ: أَكْثَرُهُ عَشَرَةُ أَيَّامٍ.

فَاحْتَجَّ أَبُو حَنِيفَةَ بِالْأَخْبَارِ الَّتِي ذَكَرْنَا وَقَالَ: لَا يَقَعُ اسْمُ أَيَّامٍ إِلَّا عَلَى عَشَرَةٍ، وَادَّعَى بَعْضُهُمْ أَنَّهُ لَمْ يَقُلْ أَحَدٌ إِنَّ الْحَيْضَ أَقَلُّ مِنْ ذَلِكَ.

قَالَ عَلِيٌّ: أَمَّا قَوْلُهُمْ إِنَّ اسْمَ أَيَّامٍ لَا يَقَعُ عَلَى أَكْثَرَ مِنْ عَشَرَةٍ فَكَذِبٌ لَا تُوجِبُهُ لُغَةٌ وَلَا شَرِيعَةٌ، وَقَدْ قَالَ عَزَّ وَجَلَّ: {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] وَهَذَا يَقَعُ عَلَى ثَلَاثِينَ يَوْمًا بِلَا خِلَافٍ، وَحَدِيثُ مُعَاذٍ قَدْ ذَكَرْنَا بُطْلَانَهُ، وَأَمَّا قَوْلُهُمْ: إِنَّهُ لَمْ يَقُلْ أَحَدٌ إِنَّ أَيَّامَ الْحَيْضِ أَقَلُّ مِنْ عَشَرَةٍ فَهُوَ كَذِبٌ، وَقَدْ ذَكَرْنَا قَوْلَ مَنْ قَالَ: إِنَّ أَيَّامَ الْحَيْضِ سِتَّةٌ أَوْ سَبْعَةٌ، وَقَوْلُ مَالِكٍ أَقَلُّ الْحَيْضِ خَمْسَةُ أَيَّامٍ، فَخَصَلَ قَوْلُهُمْ دَعْوَى بِلَا بُرْهَانٍ وَهَذَا بَاطِلٌ.

those who said fifteen days, they claimed there was consensus that menstruation cannot exceed that duration.

وَأَمَّا مَنْ حَدَّ ثَلَاثَةَ عَشَرَ يَوْمًا فَكَذَلِكَ أَيْضًا، وَأَمَّا مَنْ قَالَ خَمْسَةَ عَشَرَ يَوْمًا فَإِنَّهُمْ ادَّعَوْا الْإِجْمَاعَ عَلَى أَنَّهُ لَا يَكُونُ حَيْضٌ أَكْثَرَ مِنْ ذَلِكَ.

L4652 Ali said: This is baseless. It has been reported through the chain of ʿAbd al-Raḥmān ibn Mahdī that **the** trustworthy narrator informed him of a woman who would menstruate for seventeen days. **We have reported it** from Aḥmad ibn Ḥanbal, who said: The maximum we have heard is seventeen days. And from the women of **the household** of al-Mājishūn: they used to menstruate for seventeen days.

قَالَ عَلِيٌّ: وَهَذَا بَاطِلٌ، قَدْ رُوِيَ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ: أَنَّ الثِّقَةَ أَخْبَرَهُ أَنَّ امْرَأَةً كَانَتْ تَحِيضُ سَبْعَةَ عَشَرَ يَوْمًا، وَرُوِّينَاهُ عَنْ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: أَكْثَرُ مَا سَمِعْنَا سَبْعَةَ عَشَرَ يَوْمًا، وَعَنْ نِسَاءِ آلِ الْمَاجِشُونِ أَنَّهُنَّ كُنَّ يَحِضْنَ سَبْعَةَ عَشَرَ يَوْمًا.

L4653 Ali said: It has been authentically established from the Messenger of Allah—peace and blessings be upon him—that menstrual blood is black. When a woman sees it, she does not pray. Compliance with this is obligatory. It is also established that as long as she sees this blood, she remains menstruating and subject to the rulings of menstruation, unless there exists a scriptural text or consensus indicating that black blood is not menstrual. Yet it is established by textual evidence that black blood may occur without being menstrual. The Prophet (peace be upon him) did not specify for us any maximum duration for menstruation from anything. Therefore, we must consider the maximum period reported, and we found none exceeding seventeen days. We thus adopted this position, obligating the abandonment of prayer upon sighting black blood for this duration—no longer, and less. Whatever exceeds seventeen days is definitively established by certain consensus as not being menstruation.

قَالَ عَلِيٌّ: قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ دَمَ الْحَيْضِ أَسْوَدُ فَإِذَا رَأَتْهُ الْمَرْأَةُ لَمْ تُصَلِّ، فَوَجَبَ الِانْقِيَادُ لِذَلِكَ، وَصَحَّ أَنَّهَا مَا دَامَتْ تَرَاهُ فَهِيَ حَائِضٌ لَهَا حُكْمُ الْحَيْضِ مَا لَمْ يَأْتِ نَصٌّ أَوْ إجْمَاعٌ فِي دَمٍ أَسْوَدَ أَنَّهُ لَيْسَ حَيْضًا. وَقَدْ صَحَّ النَّصُّ بِأَنَّهُ قَدْ يَكُونُ دَمٌ أَسْوَدُ وَلَيْسَ حَيْضًا، وَلَمْ يُوَقِّتْ لَنَا فِي أَكْثَرِ عِدَّةِ الْحَيْضِ مِنْ شَيْءٍ، فَوَجَبَ أَنْ نُرَاعِيَ أَكْثَرَ مَا قِيلَ، فَلَمْ نَجِدْ إلَّا سَبْعَةَ عَشَرَ يَوْمًا، فَقُلْنَا بِذَلِكَ، وَأَوْجَبْنَا تَرْكَ الصَّلَاةِ بِرُؤْيَةِ الدَّمِ الْأَسْوَدِ هَذِهِ الْمُدَّةَ - لَا مَزِيدَ - فَأَقَلَّ، وَكَانَ مَا زَادَ عَلَى ذَلِكَ إجْمَاعًا مُتَيَقَّنًا أَنَّهُ لَيْسَ حَيْضًا.

L4654 They said: If menstruation were to exceed fifteen days, it would necessitate that menstruation lasts longer than the period of purity, and this is impossible. We replied to them: From where do you derive that this is impossible? What prevents us—if we observe such a case—from refraining from restricting it [to fifteen days]? For we know of nothing in the Quran, the Sunnah at all, nor consensus, nor analogy, nor the opinion of a Companion that prevents this. And success is from Allah, the Exalted.

وَقَالُوا: إنْ كَانَ الْحَيْضُ أَكْثَرَ مِنْ خَمْسَةَ عَشَرَ يَوْمًا، فَإِنَّهُ يَجِبُ مِنْ ذَلِكَ أَنْ يَكُونَ الْحَيْضُ أَكْثَرَ مِنْ الطُّهْرِ وَهَذَا مُحَالٌ، فَقُلْنَا لَهُمْ: مِنْ أَيْنَ لَكُمْ أَنَّهُ مُحَالٌ؟ وَمَا الْمَانِعُ إنْ وَجَدْنَا ذَلِكَ أَلَا يُوقَفُ عِنْدَهُ؟ فَمَا نَعْلَمُ مَنَعَ مِنْ هَذَا قُرْآنٌ وَلَا سُنَّةٌ أَصْلًا وَلَا إجْمَاعٌ وَلَا قِيَاسٌ وَلَا قَوْلُ صَاحِبٍ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4655 **This is a jurisprudential issue: there is no minimum or maximum limit for purity.**

[مَسْأَلَةٌ لَا حَدَّ لِأَقَلِّ الطُّهْرِ وَلَا لِأَكْثَرِهِ]

L4656 267. Issue:

٢٦٧ - مَسْأَلَةٌ:

L4657–4659 There is no legally defined limit for the shortest or longest duration of purity, for indeed it may continue throughout the remaining span of one's life. A woman does not menstruate—without any dissent, as observed—and she may observe [blood-free] purity for an hour or more, based on observation.

وَلَا حَدَّ لِأَقَلِّ الطُّهْرِ وَلَا لِأَكْثَرِهِ، فَقَدْ يَتَّصِلُ الطُّهْرُ بَاقِيَ عُمُرِ الْمَرْأَةِ فَلَا تَحِيضُ بِلَا خِلَافٍ مِنْ أَحَدٍ مَعَ الْمُشَاهَدَةِ لِذَلِكَ، وَقَدْ تَرَى الطُّهْرَ سَاعَةً وَأَكْثَرَ بِالْمُشَاهَدَةِ.

L4660 Imam Abu Hanifah said: A period of ritual purity cannot last fewer than fifteen days.

وَقَالَ أَبُو حَنِيفَةَ: لَا يَكُونُ طُهْرٌ أَقَلَّ مِنْ خَمْسَةَ عَشَرَ يَوْمًا.

L4661 Some of the later jurists said: There is no state of ritual purity lasting fewer than nineteen days.

وَقَالَ بَعْضُ الْمُتَأَخِّرِينَ: لَا يَكُونُ طُهْرٌ أَقَلَّ مِنْ تِسْعَةَ عَشَرَ يَوْمًا.

L4662 Malik said: The three, four, or five days occurring between two menstrual periods are not considered a state of purity; all of this constitutes a single menstruation. Al-Shāfiʿī held one opinion agreeing with Abū Ḥanīfah's view, while his second opinion states there is no defined minimum duration for purity. This latter view is held by the scholars of our school and corresponds to Ibn ʿAbbās's position as previously cited, with no disagreement from the Companions - may Allah be pleased with them - regarding this matter.

وَقَالَ مَالِكٌ: الْأَيَّامُ الثَّلَاثَةُ وَالْأَرْبَعَةُ وَالْخَمْسَةُ بَيْنَ الْحَيْضَتَيْنِ لَيْسَ طُهْرًا وَكُلُّ ذَلِكَ حَيْضٌ وَاحِدٌ، وَقَالَ الشَّافِعِيُّ فِي أَحَدِ أَقْوَالِهِ كَقَوْلِ أَبِي حَنِيفَةَ، وَالثَّانِي أَنَّهُ لَا حَدَّ لِأَقَلِّ الطُّهْرِ، وَهُوَ قَوْلُ أَصْحَابِنَا، وَهُوَ قَوْلُ ابْنِ عَبَّاسٍ كَمَا أَوْرَدْنَا قَبْلُ، وَلَا مُخَالِفَ لَهُ فِي ذَلِكَ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L4663 As for those who say a purity period cannot last fewer than fifteen days, we know of no valid evidence they can rely upon whatsoever. As for those who say a purity period cannot last fewer than nineteen days, they argued by citing evidence, stating: "Allah the Exalted has ordained the waiting period as three menstrual cycles for women who menstruate and three months for those who do not menstruate." They said: "Thus, it is established that each menstruation and purity period corresponds to a month. Therefore, a menstruation and purity period cannot occur in less than a month."

فَأَمَّا مَنْ قَالَ لَا يَكُونُ طُهْرٌ أَقَلَّ مِنْ خَمْسَةَ عَشَرَ يَوْمًا فَمَا نَعْلَمُ لَهُمْ حُجَّةً يَشْتَغِلُ بِهَا أَصْلًا، وَأَمَّا مَنْ قَالَ: لَا يَكُونُ طُهْرٌ أَقَلَّ مِنْ تِسْعَةَ عَشَرَ يَوْمًا فَإِنَّهُمْ احْتَجُّوا فَقَالُوا: إنَّ اللَّهَ تَعَالَى جَعَلَ الْعِدَّةَ ثَلَاثَةَ قُرُوءٍ لِلَّتِي تَحِيضُ وَجَعَلَ لِلَّتِي لَا تَحِيضُ ثَلَاثَةَ أَشْهُرٍ، قَالُوا: فَصَحَّ أَنَّ بِإِزَاءِ كُلِّ حَيْضٍ وَطُهْرٍ شَهْرًا، فَلَا يَكُونُ حَيْضٌ وَطُهْرٌ فِي أَقَلَّ مِنْ شَهْرٍ.

L4664 Abū Muḥammad said: This contains no valid argument, for it is a statement Allah the Exalted did not utter, and whoever attributes it to Him lies. We clarify that Allah the Exalted never said: "I have established a month as a substitute for every menstruation and purity period." Indeed, no two Muslims disagree that this is invalid, since we and they concur regarding a woman who menstruates once every two months or once every three months—she must observe the waiting period until completing three menstrual cycles

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ فِيهِ، لِأَنَّهُ قَوْلٌ لَمْ يَقُلْهُ اللَّهُ تَعَالَى فَنَاسِبُهُ إلَى اللَّهِ تَعَالَى كَاذِبٌ، نَعْنِي أَنَّ اللَّهَ تَعَالَى لَمْ يَقُلْ قَطُّ إنِّي جَعَلْتُ بِإِزَاءِ كُلِّ حَيْضَةٍ وَطُهْرٍ شَهْرًا، بَلْ لَا يَخْتَلِفُ اثْنَانِ مِنْ الْمُسْلِمِينَ فِي أَنَّ هَذَا بَاطِلٌ، لِأَنَّنَا وَهُمْ لَا نَخْتَلِفُ فِي امْرَأَةٍ تَحِيضُ فِي كُلِّ شَهْرَيْنِ مَرَّةً أَوْ فِي كُلِّ ثَلَاثَةَ أَشْهُرٍ مَرَّةً، فَإِنَّهَا تَتَرَبَّصُ حَتَّى تَتِمَّ لَهَا ثَلَاثَةُ

without exception. Thus, the falsehood of those who claim "Allah the Exalted made a month replace every menstruation and purity period" becomes evident. Moreover, we observe the waiting period concluding immediately upon childbirth. Therefore, all frivolous assertions they devised and every false presumption through which they prescribed religious rulings are invalidated.

قُرُوءٍ، وَلَا بُدَّ، فَظَهَرَ كَذِبُ مَنْ قَالَ: إِنَّ اللَّهَ تَعَالَى جَعَلَ بَدَلَ كُلِّ حَيْضَةٍ وَطُهْرٍ شَهْرًا، بَلْ قَدْ وَجَدْنَا الْعِدَّةَ تَنْقَضِي فِي سَاعَةٍ بِوَضْعِ الْحَمْلِ، فَبَطَلَ كُلُّ هَذَرٍ أَتَوْا بِهِ وَكُلُّ ظَنٍّ كَاذِبٍ شَرَعُوا بِهِ الدِّينَ.

L4665 As for Mālik's opinion, it is also clearly erroneous, for he did not consider the five days between two menstrual cycles as a state of purity, yet he orders her to pray and fast during them and permits intercourse with her during this period. How can something possessing these attributes not be deemed a state of purity? How can he fail to count a day or less as menstruation when he commands her to break her fast during Ramadan and abandon prayer in it? These are opinions whose mere mention suffices, making it unnecessary to laboriously demonstrate their invalidity. None of these views is known to have been held by any of the Companions (may Allah be pleased with them).

وَأَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ الْخَطَأِ أَيْضًا، لِأَنَّهُ لَمْ يَجْعَلْ خَمْسَةَ أَيَّامٍ بَيْنَ الْحَيْضَتَيْنِ طُهْرًا وَهُوَ يَأْمُرُهَا فِيهِ بِالصَّلَاةِ وَبِالصَّوْمِ وَيُبِيحُ وَطْأَهَا لِزَوْجِهَا، فَكَيْفَ لَا يَكُونُ طُهْرًا مَا هَذِهِ صِفَتُهُ؟ وَكَيْفَ لَا يَعُدُّ الْيَوْمَ وَأَقَلَّ مِنْهُ حَيْضًا وَهُوَ يَأْمُرُهَا فِيهِ بِالْفِطْرِ فِي رَمَضَانَ وَبِتَرْكِ الصَّلَاةِ؟ وَهَذِهِ أَقْوَالٌ يُغْنِي ذِكْرُهَا عَنْ تَكَلُّفِ فَسَادِهَا، وَلَا يُعْرَفُ لِشَيْءٍ مِنْهَا قَائِلٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L4666 If they say: "Do you not hold that the waiting period concludes in one day or two days according to your view?" We reply: Yes—so what then? Where have Allah the Exalted or His Prophet—peace be upon him—forbidden this? You who claim to be people of analogy—have we not shown you that the waiting period concludes in less than an hour? What do you reject in that?

فَإِنْ قَالُوا: فَإِنَّكُمْ تَرَوْنَ الْعِدَّةَ تَنْقَضِي فِي يَوْمٍ أَوْ فِي يَوْمَيْنِ عَلَى قَوْلِكُمْ؟ قُلْنَا نَعَمْ، فَكَانَ مَاذَا؟ وَأَيْنَ مَنَعَ اللَّهُ تَعَالَى وَنَبِيُّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ هَذَا؟ وَأَنْتُمْ أَصْحَابُ قِيَاسٍ بِزَعْمِكُمْ وَقَدْ أَرَيْنَاكُمْ الْعِدَّةَ تَنْقَضِي فِي أَقَلَّ مِنْ سَاعَةٍ فَمَا أَنْكَرْتُمْ مِنْ ذَلِكَ؟

L4667–4668 If they say, "This does not guarantee safety from her being pregnant," we reply: The waiting period is not for establishing freedom from pregnancy, due to proofs. First, this is a false claim from you, unsupported by any textual evidence or consensus. Second, the waiting period is obligatory for the old woman—daughter of a hundred years—according to both our and your rulings, though we are certain she cannot conceive. Third, it is obligatory for the prepubescent girl who cannot conceive. Fourth, it is obligatory from a sterile man. Fifth, it is obligatory from a castrated man who retains the organ for penetration. Sixth, it is obligatory from the infertile woman. Seventh, it is obligatory for one whose husband had intercourse once, then traveled to India and stayed there twenty years before divorcing her. In all these cases, we are certain no pregnancy exists. Eighth, if it were for pregnancy

فَإِنْ قَالُوا: إِنَّ هَذَا لَا يُؤْمَنُ مَعَهُ أَنْ تَكُونَ حَامِلًا، قُلْنَا لَهُمْ: لَيْسَتْ الْعِدَّةُ لِلْبَرَاءَةِ مِنْ الْحَمْلِ، لِبَرَاهِينَ: أَوَّلُ ذَلِكَ: أَنَّهُ مِنْكُمْ دَعْوَى كَاذِبَةٌ لَمْ يَأْتِ بِهَا نَصٌّ وَلَا إجْمَاعٌ، وَالثَّانِي: أَنَّ الْعِدَّةَ عِنْدَنَا وَعِنْدَكُمْ تَلْزَمُ الْعَجُوزَ ابْنَةَ الْمِائَةِ عَامٍ، وَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّهَا لَا حَمْلَ بِهَا، وَالثَّالِثُ: أَنَّ الْعِدَّةَ تَلْزَمُ الصَّغِيرَةَ الَّتِي لَا تَحْمِلُ، وَالرَّابِعُ: أَنَّهَا تَلْزَمُ مِنْ الْعَقِيمِ، وَالْخَامِسُ: أَنَّهَا تَلْزَمُ مِنْ الْخَصِيِّ مَا بَقِيَ لَهُ مَا يُولِجُهُ، وَالسَّادِسُ: أَنَّهَا تَلْزَمُ الْعَاقِرَ، وَالسَّابِعُ: أَنَّهَا تَلْزَمُ مَنْ وَطِئَ مَرَّةً ثُمَّ غَابَ إلَى الْهِنْدِ وَأَقَامَ هُنَالِكَ عِشْرِينَ سَنَةً ثُمَّ طَلَّقَهَا، وَكُلُّ هَؤُلَاءِ نَحْنُ عَلَى يَقِينٍ مِنْ أَنَّهَا لَا حَمْلَ بِهَا، وَالثَّامِنُ: أَنَّهُ لَوْ كَانَتْ

confirmation, a single menstrual cycle would suffice. Ninth, it is obligatory for the woman divorced immediately after childbirth despite the absence of pregnancy. Tenth, the Meccans hold the opposite view of them, stating: A woman's claim that her waiting period ended in less than three months is not accepted, but becomes accepted at three months. Abu Hanifa said: A woman's claim that her waiting period ended in less than sixty days is not accepted, but becomes accepted at sixty days. Muhammad ibn al-Hasan said: It is accepted at fifty-four days, not earlier. Malik said: It is accepted at forty days, not earlier.

مِنْ أَجْلِ الْحَمْلِ لَكَانَتْ حَيْضَةً وَاحِدَةً تُبْرِئُ مِنْ ذَلِكَ، وَالتَّاسِعُ: أَنَّهَا تَلْزَمُ الْمُطَلَّقَةَ إِثْرَ نِفَاسِهَا وَلَا حَمْلَ بِهَا، وَالْعَاشِرُ: أَنَّ الْمَكِّيِّينَ بِالضِّدِّ مِنْهُمْ، قَالُوا: لَا تُصَدَّقُ الْمَرْأَةُ فِي أَنَّ عِدَّتَهَا انْقَضَتْ فِي أَقَلَّ مِنْ ثَلَاثَةِ أَشْهُرٍ، وَتُصَدَّقُ فِي ثَلَاثَةِ أَشْهُرٍ، وَقَالَ أَبُو حَنِيفَةَ: لَا تُصَدَّقُ الْمَرْأَةُ فِي أَنَّ عِدَّتَهَا انْقَضَتْ فِي أَقَلَّ مِنْ سِتِّينَ يَوْمًا، وَتُصَدَّقُ فِي السِّتِّينَ، وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: تُصَدَّقُ فِي أَرْبَعَةٍ وَخَمْسِينَ يَوْمًا لَا فِي أَقَلَّ، وَقَالَ مَالِكٌ: تُصَدَّقُ فِي أَرْبَعِينَ يَوْمًا لَا فِي أَقَلَّ.

L4669 Abu Yusuf said: Alms are to be given within thirty-nine days, no fewer. Al-Shāfiʿī said: Alms are to be given within thirty-three days, no fewer.

وَقَالَ أَبُو يُوسُفَ: تُصَدَّقُ فِي تِسْعَةٍ وَثَلَاثِينَ يَوْمًا لَا أَقَلَّ، وَقَالَ الشَّافِعِيُّ: تُصَدَّقُ فِي ثَلَاثَةٍ وَثَلَاثِينَ يَوْمًا لَا أَقَلَّ.

L4670 Ali said: All these durations they have established based on their principles cannot be confirmed once the presence of pregnancy has ceased. They themselves are the first to invalidate their effective cause and refute their evidence. It is absolutely impermissible to confirm the absence of pregnancy until after more than four months have passed. How can they - who claim to take precautions for pregnancy - accept her mere assertion, even if she were the most immoral of creation and the most untruthful regarding these durations? As for us, we only accept her claim through evidence from four upright midwives knowledgeable in such matters from her household's trusted circle. Thus, the error becomes apparent from those claiming precaution for pregnancy - especially when most of them assert that pregnant women menstruate. This nullifies the position of those among them who claim the waiting period was instituted for the womb's purification from pregnancy. We have been narrated from Hushaym, from Ismāʿīl ibn Abī Khālid, from al-Shaʿbī: A man who divorced his wife was brought before ʿAlī ibn Abī Ṭālib. She had menstruated three times in one month or thirty-five nights. ʿAlī said to Shurayḥ: "Judge her case." He replied: "If she produces evidence from upright women among her household's trusted circle - those whose truthfulness and integrity are accepted - testifying that she saw what prohibits

قَالَ عَلِيٌّ: وَكُلُّ هَذِهِ الْمُدَدِ الَّتِي بَنَوْهَا عَلَى أُصُولِهِمْ لَا يُؤْمَنُ مَعَ انْقِضَاءِ وُجُودِ الْحَمْلِ، فَهُمْ أَوَّلُ مَنْ أَبْطَلَ عِلَّتَهُمْ، وَكَذَّبَ دَلِيلَهُمْ، وَلَا يَجُوزُ أَلْبَتَّةَ أَنْ يُؤْمَنَ الْحَمْلُ إِلَّا بَعْدَ انْقِضَاءِ أَزْيَدَ مِنْ أَرْبَعَةِ أَشْهُرٍ، فَكَيْفَ وَهُمُ الْمُحْتَاطُونَ بِزَعْمِهِمْ لِلْحَمْلِ وَهُمْ يُصَدِّقُونَ قَوْلَهَا، وَلَوْ أَنَّهَا أَفْسَقُ الْبَرِيَّةِ وَأَكْذَبُهُمْ فِي هَذِهِ الْمُدَدِ، أَمَّا نَحْنُ فَلَا نُصَدِّقُهَا إِلَّا بِبَيِّنَةٍ مِنْ أَرْبَعِ قَوَابِلَ عُدُولٍ عَالِمَاتٍ، فَظَهَرَ مِنَ الْمُحْتَاطِ لِلْحَمْلِ، لَا سِيَّمَا مَعَ قَوْلِ أَكْثَرِهِمْ: أَنَّ الْحَامِلَ تَحِيضُ، فَهَذَا يُبْطِلُ قَوْلَ مَنْ قَالَ مِنْهُمْ: إِنَّ الْعِدَّةَ وُضِعَتْ لِبَرَاءَةِ الرَّحِمِ مِنَ الْحَمْلِ، وَقَدْ رُوِّينَا عَنْ هُشَيْمٍ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنِ الشَّعْبِيِّ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ أُتِيَ بِرَجُلٍ طَلَّقَ امْرَأَتَهُ فَحَاضَتْ ثَلَاثَ حِيَضٍ فِي شَهْرٍ أَوْ خَمْسٍ وَثَلَاثِينَ لَيْلَةً، فَقَالَ عَلِيٌّ لِشُرَيْحٍ اقْضِ فِيهَا؟ قَالَ إِنْ جَاءَتْ بِالْبَيِّنَةِ مِنَ النِّسَاءِ الْعُدُولِ مِنْ بِطَانَةِ أَهْلِهَا مِمَّنْ يُرْضَى صِدْقُهُ وَعَدْلُهُ أَنَّهَا رَأَتْ مَا يُحَرِّمُ عَلَيْهَا الصَّلَاةَ مِنَ الطَّمْثِ الَّذِي هُوَ

prayer: menstrual blood that is indeed menstruation, performed purification after each menstrual period, and resumed prayer, then her waiting period has ended. Otherwise, she is lying." ʿAlī ibn Abī Ṭālib responded: "Qālūn" - meaning "You have judged rightly."

L4671–4673 Ali ibn Ahmad said, "And this is the exact wording of our statement," and Muhammad ibn Sirin narrated from him that he was asked... Can the purity period be five days? He said: Women are the most knowledgeable about that. Ali said: No authentic report from any of the Companions—may Allah be pleased with them—contradicts the opinions of Ali ibn Abi Talib and Ibn Abbas, and this is our definitive position, and success comes from Allah, the Exalted.

L4674 Postpartum bleeding and menstruation are equal in all rulings, and success is from Allah, the Exalted.

L4675 **A jurisprudential matter: There is no minimum limit for postpartum bleeding.**

L4676 268 – Issue:

L4677 There is no prescribed minimum duration for postpartum bleeding, while the maximum is seven days, with no extension. Abu Muhammad said: No one has disputed that if postpartum bleeding occurs as a single flow and then ceases without recurrence, she may fast, pray, and her husband may have intercourse with her. Abu Yusuf said: If blood recurs within forty days, it is considered postpartum bleeding. And Muhammad ibn al-Hasan said.

L4678 If the bleeding recurs after fifteen days, it is not postpartum bleeding.

L4679 Abu Muhammad said: These are prescribed punishments that neither Allah, the Exalted, nor His Messenger—peace and blessings of Allah be upon him—has permitted; therefore, it is invalid.

L4680 As for the maximum duration of postpartum bleeding, Mālik once stated it to be sixty days—a view aligned with Al-Shāfiʿī's opinion—but he later

الطُّهْرُ وَتَغْتَسِلُ عِنْدَ كُلِّ قُرْءٍ وَتُصَلِّي فَقَدْ انْقَضَتْ عِدَّتُهَا وَإِلَّا فَهِيَ كَاذِبَةٌ، قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ " قالون " مَعْنَاهَا أَصَبْتُ.

قَالَ عَلِيُّ بْنُ أَحْمَدَ: وَهَذَا نَصُّ قَوْلِنَا، وَرَوَى عَنْهُ مُحَمَّدُ بْنُ سِيرِينَ أَنَّهُ سُئِلَ: أَيَكُونُ طُهْرًا خَمْسَةُ أَيَّامٍ؟ قَالَ: النِّسَاءُ أَعْلَمُ بِذَلِكَ. قَالَ عَلِيٌّ: لَا يَصِحُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - خِلَافُ قَوْلِ عَلِيِّ بْنِ أَبِي طَالِبٍ وَابْنِ عَبَّاسٍ وَهُوَ قَوْلُنَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَالنِّفَاسُ وَالْحَيْضُ سَوَاءٌ فِي كُلِّ شَيْءٍ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ لَا حَدَّ لِأَقَلِّ النِّفَاسِ]

٢٦٨ - مَسْأَلَةٌ:

وَلَا حَدَّ لِأَقَلِّ النِّفَاسِ، وَأَمَّا أَكْثَرُهُ فَسَبْعَةُ أَيَّامٍ لَا مَزِيدَ. قَالَ أَبُو مُحَمَّدٍ: وَلَمْ يَخْتَلِفْ أَحَدٌ فِي أَنَّ دَمَ النِّفَاسِ إنْ كَانَ دَفْعَةً ثُمَّ انْقَطَعَ الدَّمُ وَلَمْ يُعَاوِدْهَا فَإِنَّهَا تَصُومُ وَتُصَلِّي وَيَأْتِيهَا زَوْجُهَا، وَقَالَ أَبُو يُوسُفَ: إنْ عَاوَدَهَا دَمٌ فِي الْأَرْبَعِينَ يَوْمًا فَهُوَ دَمُ نِفَاسٍ، وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ.

إنْ عَاوَدَهَا بَعْدَ الْخَمْسَةَ عَشَرَ يَوْمًا فَلَيْسَ دَمَ نِفَاسٍ.

قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ حُدُودٌ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهَا وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ بَاطِلٌ.

retracted this, affirming instead: “Women know best.” Abū Ḥanīfah said: “The maximum duration of postpartum bleeding is forty days.”

وَأَمَّا أَكْثَرُ النِّفَاسِ فَإِنَّ مَالِكًا قَالَ مَرَّةً: سِتُّونَ يَوْمًا، ثُمَّ رَجَعَ عَنْ ذَلِكَ، وَهُوَ قَوْلُ الشَّافِعِيِّ، وَقَالَ مَالِكٌ: النِّسَاءُ أَعْلَمُ، وَقَالَ أَبُو حَنِيفَةَ: أَكْثَرُ النِّفَاسِ أَرْبَعُونَ يَوْمًا.

L4681 As for those who set the period at sixty days, we know of no valid proof for their position. As for those who say forty days, they cite narrations from Umm Salamah through Massa al-Azdiyyah—who is unknown—and a narration from Umar through Jabir al-Ju‘fi, who is a liar. They also cite a narration from ‘A’idh ibn ‘Amr that his wife observed post-menstrual purity after twenty days, so she performed the ritual bath and joined him under the blanket. He kicked her with his foot and said, “Do not detract from my religion until forty days have passed.” Yet they do not uphold this opinion themselves. None are in a worse state than those who cite evidence they themselves reject. This is also reported from al-Jald ibn Ayyub, who is not considered strong in transmission.

فَأَمَّا مَنْ حَدَّ سِتِّينَ يَوْمًا فَمَا نَعْلَمُ لَهُمْ حُجَّةً، وَأَمَّا مَنْ قَالَ أَرْبَعُونَ يَوْمًا فَإِنَّهُمْ ذَكَرُوا رِوَايَاتٍ عَنْ أُمِّ سَلَمَةَ مِنْ طَرِيقِ مَسَّةَ الْأَزْدِيَّةِ وَهِيَ مَجْهُولَةٌ، وَرِوَايَةً عَنْ عُمَرَ مِنْ طَرِيقِ جَابِرٍ الْجُعْفِيِّ، وَهُوَ كَذَّابٌ، وَرِوَايَةً عَنْ عَائِذِ بْنِ عَمْرٍو أَنَّ امْرَأَتَهُ رَأَتْ الطُّهْرَ بَعْدَ عِشْرِينَ يَوْمًا، فَاغْتَسَلَتْ وَدَخَلَتْ مَعَهُ فِي لِحَافِهِ، فَضَرَبَهَا بِرِجْلِهِ وَقَالَ: لَا تَغُضِّي مِنْ دِينِي حَتَّى تَمْضِيَ الْأَرْبَعُونَ، وَهُمْ لَا يَقُولُونَ بِهَذَا، وَلَا أَسْوَأَ حَالًا مِمَّنْ يَحْتَجُّ بِمَا لَا يَرَاهُ حُجَّةً، وَهُوَ أَيْضًا عَنْ الْجَلْدِ بْنِ أَيُّوبَ وَلَيْسَ بِالْقَوِيِّ.

L4682 And from al-Ḥasan from ʿUthmān ibn Abī al-ʿĀṣ: a similar narration, and from Jābir from Khaythama from Anas ibn Mālik, and from Wakīʿ from Abū ʿAwāna from Jaʿfar ibn Iyās from Yūsuf ibn Māhak from Ibn ʿAbbās: The postpartum woman observes a waiting period of approximately forty days.

وَعَنْ الْحَسَنِ عَنْ عُثْمَانَ بْنِ أَبِي الْعَاصِ مِثْلُهُ، وَعَنْ جَابِرٍ عَنْ خَيْثَمَةَ عَنْ أَنَسِ بْنِ مَالِكٍ، وَعَنْ وَكِيعٍ عَنْ أَبِي عَوَانَةَ عَنْ جَعْفَرِ بْنِ إيَاسٍ عَنْ يُوسُفَ بْنِ مَاهَكَ عَنْ ابْنِ عَبَّاسٍ: تَنْتَظِرُ النُّفَسَاءُ نَحْوًا مِنْ أَرْبَعِينَ يَوْمًا.

L4683–4685 Abu Muhammad said: There is no proof for anyone other than the Messenger of Allah—may Allah bless him and grant him peace. We have mentioned and mention what they opposed the Companion in, while no dissenters from the Companions are known to have opposed them. The closest example to this is what we mentioned in the related issue concerning the shortest period of ritual purity, for they opposed Ibn Abbas in that matter, with no opposition to him from any Companion whatsoever. Indeed, it becomes binding upon the Malikis and Shafi’is—who censure others for opposing a Companion—just as they... No dissenting opinion is known from the Companions regarding him - to the extent that they would uphold what has been narrated here from those we mentioned among the Companions (may Allah be pleased with them).

قَالَ أَبُو مُحَمَّد: لَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ ذَكَرْنَا وَنَذْكُرُ مَا خَالَفُوا فِيهِ الصَّاحِبَ، وَالصَّحَابَةُ لَا يُعْرَفُ لَهُمْ مِنْهُمْ مُخَالِفُونَ، وَأَقْرَبُ ذَلِكَ مَا ذَكَرْنَاهُ فِي الْمَسْأَلَةِ الْمُتَّصِلَةِ بِهَذِهِ مِنْ أَقَلِّ الطُّهْرِ، فَإِنَّهُمْ خَالَفُوا فِيهِ ابْنَ عَبَّاسٍ، وَلَا مُخَالِفَ لَهُ مِنْ الصَّحَابَةِ أَصْلًا وَلَقَدْ يَلْزَمُ الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ الْمُشَنِّعِينَ بِخِلَافِ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ مُخَالِفٌ، أَنْ يَقُولُوا بِمَا رُوِيَ هَهُنَا عَمَّنْ ذَكَرْنَا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L4686 Ali said: Since there is no scriptural text from the Quran or Sunnah spec-

ifying the maximum duration of postpartum bleeding, and since Allah the Exalted has obligated her with certainty to pray and fast and permitted her husband intercourse, it is not permissible for her to abstain from these except when abstaining due to menstrual blood, for it is menstrual blood.

قَالَ عَلِيٌّ: فَلَمَّا لَمْ يَأْتِ فِي أَكْثَرِ مُدَّةِ النِّفَاسِ نَصُّ قُرْآنٍ وَلَا سُنَّةٍ وَكَانَ اللَّهُ تَعَالَى قَدْ فَرَضَ عَلَيْهَا الصَّلَاةَ وَالصِّيَامَ بِيَقِينٍ وَأَبَاحَ وَطْأَهَا لِزَوْجِهَا، لَمْ يَجُزْ لَهَا أَنْ تَمْتَنِعَ مِنْ ذَلِكَ إِلَّا حَيْثُ تَمْتَنِعُ بِدَمِ الْحَيْضِ لِأَنَّهُ دَمُ حَيْضٍ.

L4687 Hammam narrated to us: Ibn Mufarrij narrated to us, Ibn al-A'rabi narrated to us, al-Dabarī narrated to us, Abd al-Razzaq narrated to us, from Ma'mar, from Jabir, from al-Ḍaḥḥāk ibn Muzāḥim, who said: When she gives birth, she waits for seven nights or fourteen nights, then performs the ritual bath and prays.

وَقَدْ حَدَّثَنَا حَمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ جَابِرٍ عَنِ الضَّحَّاكِ بْنِ مُزَاحِمٍ قَالَ: تَنْتَظِرُ إِذَا وَلَدَتْ سَبْعَ لَيَالٍ أَوْ أَرْبَعَ عَشْرَةَ لَيْلَةً ثُمَّ تَغْتَسِلُ وَتُصَلِّي.

L4688 Jabir said it.

قَالَهُ جَابِرٌ.

L4689 Al-Sha'bi said: She waits the utmost period a woman waits, and through him to Abd al-Razzaq from Ma'mar and Ibn Jurayj.

وَقَالَ الشَّعْبِيُّ: تَنْتَظِرُ أَقْصَى مَا تَنْتَظِرُ امْرَأَةٌ وَبِهِ إِلَى عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ وَابْنِ جُرَيْجٍ.

L4690 Ma'mar reported from Qatādah.

قَالَ مَعْمَرٌ عَنْ قَتَادَةَ.

L4691 Ibn Jurayj said, reporting from 'Ata'; then Qatadah agreed with 'Ata': "A virgin who gives birth must observe the waiting period as any woman among her peers." 'Abd al-Razzaq said: And Sufyan al-Thawri holds this view.

وَقَالَ ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ ثُمَّ اتَّفَقَ قَتَادَةُ وَعَطَاءٌ: تَنْتَظِرُ الْبِكْرُ إِذَا وَلَدَتْ كَامْرَأَةٍ مِنْ نِسَائِهَا، قَالَ عَبْدُ الرَّزَّاقِ: وَبِهَذَا يَقُولُ سُفْيَانُ الثَّوْرِيُّ.

L4692 Ali said: Al-Awza'ī said from the people of Damascus that postpartum women wait thirty nights for a boy and forty nights for a girl.

قَالَ عَلِيٌّ: وَقَالَ الْأَوْزَاعِيُّ عَنْ أَهْلِ دِمَشْقَ: تَنْتَظِرُ النُّفَسَاءُ مِنَ الْغُلَامِ ثَلَاثِينَ لَيْلَةً وَمِنَ الْجَارِيَةِ أَرْبَعِينَ لَيْلَةً.

L4693 Ali said: If the disagreement of the Companions—may Allah be pleased with them—(where no opposition to them is known) constitutes a violation of consensus, then in this matter, the following have opposed the consensus within the issue: Ash-Sha'bi, 'Aṭā', Qatādah, Mālik, Sufyān ath-Thawrī, and Ash-Shāfi'ī. However, they imposed restrictions unsupported by any evidence from the Quran, Sunnah, or consensus. As for us, we only affirm the consensus: that any blood which prohibits what menstruation prohibits is menstruation.

قَالَ عَلِيٌّ: إِنْ كَانَ خِلَافُ الطَّائِفَةِ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعْرَفُ لَهُمْ مُخَالِفٌ - خِلَافًا لِلْإِجْمَاعِ، فَقَدْ حَصَلَ فِي هَذِهِ الْمَسْأَلَةِ فِي خِلَافِ الْإِجْمَاعِ الشَّعْبِيُّ وَعَطَاءٌ وَقَتَادَةُ وَمَالِكٌ وَسُفْيَانُ الثَّوْرِيُّ وَالشَّافِعِيُّ، إِلَّا أَنَّهُمْ حَدُّوا حُدُودًا لَا يَدُلُّ عَلَى

شَيْءٍ مِنْهَا قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ، وَأَمَّا نَحْنُ فَلَا نَقُولُ إِلَّا بِمَا أُجْمِعَ عَلَيْهِ، مِنْ أَنَّهُ دَمٌ يَمْنَعُ مِمَّا يَمْنَعُ مِنْهُ الْحَيْضُ، فَهُوَ حَيْضٌ.

وَقَدْ حَدَّثَنَا حَمَامٌ ثنا يَحْيَى بْنُ مَالِكِ بْنِ عَائِذٍ ثنا أَبُو الْحَسَنِ عُبَيْدُ اللَّهِ بْنُ أَبِي غَسَّانَ ثنا أَبُو يَحْيَى زَكَرِيَّا بْنُ يَحْيَى السَّاجِيُّ ثنا أَبُو سَعِيدٍ الْأَشَجُّ ثنا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ الْمُحَارِبِيُّ عَنْ سَلَّامِ بْنِ سُلَيْمَانَ الْمَدَائِنِيِّ عَنْ حُمَيْدٍ عَنْ أَنَسٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَكْثَرُ النِّفَاسِ أَرْبَعُونَ يَوْمًا» .

L4694 Hammam narrated to us: Yahyā ibn Mālik ibn ʿĀʾidh narrated to us: Abū al-Ḥasan ʿUbayd Allāh ibn Abī Ghassān narrated to us: Abū Yaḥyā Zakariyyā ibn Yaḥyā al-Sājī narrated to us: Abū Saʿīd al-Ashajj narrated to us: ʿAbd al-Raḥmān ibn Muḥammad al-Muḥāribī reported on the authority of Sallām ibn Sulaymān al-Madāʾinī, on the authority of Ḥumayd, on the authority of Anas, on the authority of the Messenger of Allāh (peace and blessings be upon him), who said: "The longest period of postpartum bleeding is forty days."

قَالَ أَبُو مُحَمَّدٍ: سَلَّامُ بْنُ سُلَيْمَانَ ضَعِيفٌ مُنْكَرُ الْحَدِيثِ.

L4695 Abu Muhammad said: Salam ibn Sulaiman is weak, and his hadith is rejected.

وَقَالَ أَبُو حَنِيفَةَ: أَقَلُّ أَمَدِ النِّفَاسِ خَمْسَةٌ وَعِشْرُونَ يَوْمًا. وَقَالَ أَبُو يُوسُفَ أَقَلُّ أَمَدِ النِّفَاسِ أَحَدَ عَشَرَ يَوْمًا.

L4696 Abu Hanifa held the shortest duration of postpartum bleeding to be twenty-five days, while Abu Yusuf deemed it eleven days.

وَقَالَ أَبُو مُحَمَّدٍ: هَذَانِ حَدَّانِ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِمَا، وَالْعَجَبُ مِمَّنْ يَحُدُّ مِثْلَ هَذَا بِرَأْيِهِ وَلَا يُنْكِرُهُ عَلَى نَفْسِهِ، ثُمَّ يُنْكِرُ عَلَى مَنْ وَقَفَ عِنْدَمَا أَوْجَبَهُ اللَّهُ تَعَالَى فِي الْقُرْآنِ وَرَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَجْمَعَ عَلَيْهِ الْمُسْلِمُونَ إجْمَاعًا مُتَيَقَّنًا وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L4697–4698 Abu Muhammad said: These are two ḥadd punishments that Allah the Exalted has not authorized, and it is astonishing how someone can prescribe such punishments based on his own opinion without censuring himself, yet he censures those who adhere strictly to what Allah the Exalted has obligated in the Quran and His Messenger—peace and blessings of Allah be upon him—and what the Muslims have established by certain consensus. All praise is due to Allah, the Lord of the worlds.

قَالَ أَبُو مُحَمَّدٍ: ثُمَّ رَجَعْنَا إلَى مَا ذَكَرْنَا قَبْلُ مِنْ أَنَّ دَمَ النِّفَاسِ هُوَ حَيْضٌ صَحِيحٌ، وَأَمَدُهُ أَمَدُ الْحَيْضِ وَحُكْمُهُ فِي كُلِّ شَيْءٍ حُكْمُ الْحَيْضِ، لِقَوْلِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِعَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - «أَنُفِسْتِ» بِمَعْنَى حِضْتِ فَهُمَا شَيْءٌ وَاحِدٌ، وَلِقَوْلِهِ - عَلَيْهِ السَّلَامُ - فِي الدَّمِ الْأَسْوَدِ مَا قَالَ مِنْ اجْتِنَابِ الصَّلَاةِ إذَا جَاءَ، وَهُمْ يَقُولُونَ

L4699 Abu Muhammad said: Then we returned to what we mentioned earlier—that postpartum bleeding is valid menstruation. Its duration corresponds to menstrual periods, and its legal ruling in every matter aligns with menstrual rulings, due to the Prophet's (peace be upon him) saying to ʿĀʾishah (may Allah be pleased with her), "Have you given birth?" meaning "Have you menstruated?"—thereby equating the two. And by his statement (peace be upon him) regarding black blood—what he said about abstaining from prayer when it appears—they base their ruling on analogy, having assigned both the same legal rulings concerning the prohibition of intercourse, prayer, fasting,

and other matters. Thus, it becomes obligatory for them to equate their maximum durations. And success is granted by Allah, the Exalted.

بِالْقِيَاسِ، وَقَدْ حَكَمُوا لَهُمَا بِحُكْمٍ وَاحِدٍ فِي تَحْرِيمِ الْوَطْءِ وَالصَّلَاةِ وَالصَّوْمِ وَغَيْرِ ذَلِكَ، فَيَلْزَمُهُمْ أَنْ يَجْعَلُوا أَمَدَهُمَا وَاحِدًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

Issue: When a young girl first sees [menstrual] blood, she observes it to be black.

269. Issue:

[مَسْأَلَةٌ أَوَّلَ مَا تَرَى الْجَارِيَةُ الدَّمَ تَرَاهُ أَسْوَدَ]

٢٦٩ - مَسْأَلَةٌ:

If the female first observes the blood as black, it is menstrual blood as previously established; she must abstain from prayer and fasting, and her husband or master must not have intercourse with her. If it changes to a non-black color or ceases within seventeen days, it constitutes sound purity. She must perform the ritual bath, pray, fast, and her husband may have intercourse with her. If the blackness persists, she remains in the state of menstruation up to seventeen nights. If it persists beyond that as black, she must perform the ritual bath, then pray, fast, and her husband may have intercourse with her. She is permanently pure and no longer subject to the rulings of menstruation unless the blood ceases or changes to a non-black color as mentioned. Thus, her legal status when the blood is black follows the rulings of menstruation, and when it changes to a non-black color, ceases, or exceeds seventeen days, it follows the rulings of purity.

فَإِنْ رَأَتْ الْجَارِيَةُ الدَّمَ أَوَّلَ مَا تَرَاهُ أَسْوَدَ فَهُوَ دَمُ حَيْضٍ كَمَا قَدَّمْنَا تَدَعُ الصَّلَاةَ وَالصَّوْمَ وَلَا يَطَؤُهَا بَعْلُهَا أَوْ سَيِّدُهَا، فَإِنْ تَلَوَّنَّ أَوْ انْقَطَعَ إلَى سَبْعَةَ عَشَرَ يَوْمًا فَأَقَلَّ فَهُوَ طُهْرٌ صَحِيحٌ تَغْتَسِلُ وَتُصَلِّي وَتَصُومُ وَيَأْتِيهَا زَوْجُهَا وَإِنْ تَمَادَى أَسْوَدَ تَمَادَتْ عَلَى أَنَّهَا حَائِضٌ إلَى سَبْعَ عَشْرَةَ لَيْلَةً، فَإِنْ تَمَادَى بَعْدَ ذَلِكَ أَسْوَدَ فَإِنَّهَا تَغْتَسِلُ ثُمَّ تُصَلِّي وَتَصُومُ وَيَأْتِيهَا زَوْجُهَا، وَهِيَ طَاهِرٌ أَبَدًا لَا تَرْجِعُ إلَى حُكْمِ الْحَائِضَةِ إلَّا أَنْ يَنْقَطِعَ أَوْ يَتَلَوَّنَ كَمَا ذَكَرْنَا، فَيَكُونُ حُكْمُهَا إذَا كَانَ أَسْوَدَ حُكْمَ الْحَيْضِ وَإِذَا تَلَوَّنَ أَوْ انْقَطَعَ أَوْ زَادَ عَلَى السَّبْعَ عَشْرَةَ حُكْمَ الطُّهْرِ.

As for the woman who has menstruated and attained purity but experiences prolonged bleeding, the same ruling applies in all matters except regarding continuous black blood. When the days she habitually menstruated arrive—whether she previously menstruated multiple times monthly, once monthly, once every few months, or once yearly—she must refrain from what menstruating women abstain from. When this habitual period concludes, she performs the ritual bath and is considered ritually pure in all matters. This status remains permanent unless the blood changes color or ceases.

If her menstrual cycle was irregular, she should base her practice on the final days of her cycle before the bleeding became prolonged. If unaware of her menstrual pattern, she must obligatorily either perform the ritual bath and ablution for every prayer, or follow this sequence: perform ritual

فَأَمَّا الَّتِي قَدْ حَاضَتْ وَطَهُرَتْ فَتَمَادَى بِهَا الدَّمُ فَكَذَلِكَ أَيْضًا فِي كُلِّ شَيْءٍ، إلَّا فِي تَمَادِي الدَّمِ الْأَسْوَدِ مُتَّصِلًا فَإِنَّهَا إذَا جَاءَتْ الْأَيَّامُ الَّتِي كَانَتْ تَحِيضُهَا أَوْ الْوَقْتُ الَّذِي كَانَتْ تَحِيضُهُ إمَّا مِرَارًا فِي الشَّهْرِ أَوْ مَرَّةً فِي الشَّهْرِ أَوْ مَرَّةً فِي أَشْهُرٍ أَوْ فِي عَامٍ، فَإِذَا جَاءَ ذَلِكَ الْأَمَدُ أَمْسَكَتْ عَمَّا تُمْسِكُ بِهِ الْحَائِضُ، فَإِذَا انْقَضَى ذَلِكَ الْوَقْتُ اغْتَسَلَتْ وَصَارَتْ فِي حُكْمِ الطَّاهِرِ فِي كُلِّ شَيْءٍ، وَهَكَذَا أَبَدًا مَا لَمْ يَتَلَوَّنْ الدَّمُ أَوْ يَنْقَطِعُ، فَإِنْ كَانَتْ مُخْتَلِفَةَ الْأَيَّامِ بَنَتْ عَلَى آخِرِ أَيَّامِهَا قَبْلَ أَنْ يَتَمَادَى بِهَا الدَّمُ، فَإِنْ لَمْ تَعْرِفْ وَقْتَ حَيْضِهَا لَزِمَهَا فَرْضًا أَنْ تَغْتَسِلَ لِكُلِّ صَلَاةٍ وَتَتَوَضَّأَ لِكُلِّ صَلَاةٍ، أَوْ تَغْتَسِلُ وَتَتَوَضَّأُ

bath and ablution to pray Dhuhr at its time's end, perform ablution for Asr at its time's start, perform ritual bath and ablution for Maghrib at its time's end, perform ablution for Isha at its time's start, then perform ritual bath and ablution for Fajr. She may alternatively perform the ritual bath at Dhuhr's initial time if she wishes. For the Dhuhr and Asr prayers, that time is designated for it. At the beginning of Maghrib's timeframe for Maghrib and Isha, that time is designated for it. She must pray each prayer within its appointed period without fail, and she performs ablution before every obligatory and supererogatory prayer during its day and night. If she is incapacitated and faces hardship in this regard, she may perform tayammum as we have mentioned.

وَتُصَلِّي الظُّهْرَ فِي آخِرِ وَقْتِهَا، ثُمَّ تَتَوَضَّأُ وَتُصَلِّي الْعَصْرَ فِي أَوَّلِ وَقْتِهَا، ثُمَّ تَغْتَسِلُ وَتَتَوَضَّأُ وَتُصَلِّي الْمَغْرِبَ فِي آخِرِ وَقْتِهَا، ثُمَّ تَتَوَضَّأُ وَتُصَلِّي الْعَتَمَةَ فِي أَوَّلِ وَقْتِهَا، ثُمَّ تَغْتَسِلُ وَتَتَوَضَّأُ لِصَلَاةِ الْفَجْرِ، وَإِنْ شَاءَتْ أَنْ تَغْتَسِلَ فِي أَوَّلِ وَقْتِ الظُّهْرِ لِلظُّهْرِ وَالْعَصْرِ فَذَلِكَ لَهَا، وَفِي أَوَّلِ وَقْتِ الْمَغْرِبِ لِلْمَغْرِبِ وَالْعَتَمَةِ، فَذَلِكَ لَهَا، وَتُصَلِّي كُلَّ صَلَاةٍ لِوَقْتِهَا وَلَا بُدَّ، وَتَتَوَضَّأُ لِكُلِّ صَلَاةِ فَرْضٍ وَنَافِلَةٍ فِي يَوْمِهَا وَلَيْلَتِهَا، فَإِنْ عَجَزَتْ عَنْ ذَلِكَ وَكَانَ عَلَيْهَا فِيهِ حَرَجٌ تَيَمَّمَتْ كَمَا ذَكَرْنَا.

L4706 The evidence for this is the statement of the Messenger of Allah—peace and blessings be upon him—which we previously mentioned with its chain of transmission in the first issue on menstruation from this book of ours: "Menstrual blood is black and recognizable. If that is the case, then abstain from prayer. But if it is the other, perform ablution and pray." And his statement—peace and blessings be upon him—"When menstruation begins, refrain from prayer. When it ends, perform the ritual bath and pray." In one narration: "When it ends, wash the blood from yourself and perform ablution." In another narration: "When its duration has passed, wash the blood from yourself, perform ablution, and pray." This is how we transmitted it through the chain of Hammad ibn Zayd and Hammad ibn Salama, both narrating from Hisham ibn Urwah, from his father, narrated by Aisha, the Mother of the Believers—may Allah be pleased with her—from the Messenger of Allah—peace and blessings be upon him. These reports establish the obligation of observing the changing color of the blood.

بُرْهَانُ ذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي قَدْ ذَكَرْنَا بِإِسْنَادِهِ فِي أَوَّلِ مَسْأَلَةٍ مِنْ الْحَيْضِ مِنْ كِتَابِنَا هَذَا - «إنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ فَإِذَا كَانَ ذَلِكَ فَأَمْسِكِي عَنْ الصَّلَاةِ وَإِنْ كَانَ الْآخَرُ فَتَوَضَّئِي وَصَلِّي» وَقَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ فَإِذَا أَدْبَرَتْ فَاغْتَسِلِي وَصَلِّي» وَفِي بَعْضِهَا «فَإِذَا أَدْبَرَتْ فَاغْسِلِي عَنْكِ الدَّمَ وَتَوَضَّئِي» وَفِي بَعْضِهَا «فَإِذَا ذَهَبَ قَدْرُهَا فَاغْسِلِي عَنْكِ الدَّمَ وَتَوَضَّئِي وَصَلِّي» وَهَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ وَحَمَّادِ بْنِ سَلَمَةَ كِلَاهُمَا عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَفِي هَذِهِ الْأَخْبَارِ إيجَابُ مُرَاعَاةِ تَلَوُّنِ الدَّمِ.

L4707 And what was narrated to us by Abd al-Rahman ibn Abdullah ibn Khalid: Ibrahim ibn Ahmad narrated to us, al-Farbari narrated to us, al-Bukhari narrated to us, Ahmad ibn Abi Raja' narrated to us, Abu Usamah narrated to us, saying: I heard Hisham ibn Urwah ibn al-Zubayr say: My father informed me from Aisha that Fatimah bint Abi Ḥubaysh asked the Prophet (peace and blessings be upon him), saying, "I experience irregular bleeding and do not attain purity. Should I abandon prayer?" He replied, "No, that is [bleeding

وَمَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَحْمَدُ بْنُ أَبِي رَجَاءٍ ثنا أَبُو أُسَامَةَ سَمِعْتُ هِشَامَ بْنَ عُرْوَةَ بْنِ الزُّبَيْرِ قَالَ أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ «أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ سَأَلَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

from] a vein. But refrain from prayer for the number of days you used to menstruate, then perform ghusl and pray."[17]

L4708 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us; ʿAbd al-Wahhab ibn Isa narrated to us; Ahmad ibn Hamd narrated to us; Ahmad ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us: Muhammad ibn Rumh and Qutaybah—both of them—narrated from al-Layth ibn Saʿd from Yazid ibn Abi Habib from Jaʿfar ibn Rabiʿah from ʿIrak ibn Malik from Urwah from Aisha, who said: "Umm Habibah asked the Messenger of Allah (peace be upon him) about the blood. Aisha said: 'I saw her basin full of blood.' The Messenger of Allah (peace be upon him) said to her: 'Wait for the duration your menstruation would normally detain you, then perform ritual bathing and pray.'"

L4709 Abu Muhammad said: In these two reports lies the obligation to consider capability.

L4710 The menstrual period that she used to experience before her blood flow became prolonged.

L4711–4713 As for the newly menstruating woman whose blood does not change from blackness and who has no established measure for a previous menstruation... We are certain of the obligation of prayer and fasting upon her, and we are certain that part of the blood is menstrual while part is not menstrual. Since this is the case, it is not permissible for anyone to designate by his own opinion some of that blood as menstrual and some as non-menstrual, for this would constitute legislating in religion without Allah's authorization or attributing to Allah the Exalted what one has no knowledge of. Therefore, it is unlawful for her to abandon the certain obligations imposed by Allah - fasting and prayer - due to mere assumption regarding some of her blood being menstrual when it may not be menstrual, for assumption is the falsest of speech.

- قَالَتْ: إِنِّي أُسْتَحَاضُ فَلَا أَطْهُرُ أَفَأَدَعُ الصَّلَاةَ؟ قَالَ: لَا، إِنَّ ذَلِكَ عِرْقٌ، وَلَكِنْ دَعِي الصَّلَاةَ قَدْرَ الْأَيَّامِ الَّتِي كُنْتِ تَحِيضِينَ فِيهَا ثُمَّ اغْتَسِلِي وَصَلِّي» .

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ حَمَدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا مُحَمَّدُ بْنُ رُمْحٍ وَقُتَيْبَةُ، كِلَاهُمَا عَنِ اللَّيْثِ بْنِ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ عَنْ عِرَاكِ بْنِ مَالِكٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ: «إِنَّ أُمَّ حَبِيبَةَ سَأَلَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الدَّمِ، قَالَتْ عَائِشَةُ: رَأَيْتُ مِرْكَنَهَا مَلْآنُ دَمًا، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُمْكُثِي قَدْرَ مَا كَانَتْ تَحْبِسُكِ حَيْضَتُكِ ثُمَّ اغْتَسِلِي وَصَلِّي» .

قَالَ أَبُو مُحَمَّدٍ: فَفِي هَذَيْنِ الْخَبَرَيْنِ إِيجَابُ مُرَاعَاةِ الْقَدْرِ.

الَّذِي كَانَتْ تَحِيضُهُ قَبْلَ أَنْ يَمْتَدَّ بِهَا الدَّمُ.

وَأَمَّا الْمُبْتَدَأَةُ الَّتِي لَا يَتَلَوَّنُ دَمُهَا عَنِ السَّوَادِ وَلَا مِقْدَارَ عِنْدَهَا لِحَيْضٍ مُتَقَدِّمٍ، فَنَحْنُ عَلَى يَقِينٍ مِنْ وُجُوبِ الصَّلَاةِ وَالصِّيَامِ عَلَيْهَا، وَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ الدَّمَ الْأَسْوَدَ مِنْهُ حَيْضٌ وَمِنْهُ مَا لَيْسَ بِحَيْضٍ، فَإِنَّ ذَلِكَ كَذَلِكَ فَلَا يَجُوزُ لِأَحَدٍ أَنْ يَجْعَلَ بِرَأْيِهِ بَعْضَ ذَلِكَ الدَّمِ حَيْضًا وَبَعْضَهُ غَيْرَ حَيْضٍ، لِأَنَّهُ يَكُونُ شَارِعًا فِي الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ، أَوْ قَائِلًا عَلَى اللَّهِ تَعَالَى مَا لَا عِلْمَ لَدَيْهِ، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا يَحِلُّ لَهَا تَرْكُ يَقِينِ مَا افْتَرَضَ اللَّهُ عَلَيْهَا مِنَ الصَّوْمِ وَالصَّلَاةِ لِظَنٍّ فِي بَعْضِ دَمِهَا أَنَّهُ حَيْضٌ، وَلَعَلَّهُ لَيْسَ حَيْضًا، وَالظَّنُّ أَكْذَبُ الْحَدِيثِ.

[17] **Hadith references (L4707):** Sahih al-Bukhari 325.

L4714 What we have stated is the opinion of Mālik and Dāwūd. Al-Awzāʿī said: She should establish for herself the duration corresponding to the menstruation of her mother, maternal aunt, and paternal aunt. Any days exceeding this period fall under the ruling applicable to the mustaḥāḍah. If she does not know, she should consider her menstruation to last seven days each month, and for the remainder of the month, she is deemed a mustaḥāḍah during which she should fast. Sufyān al-Thawrī and ʿAṭāʾ said: She should determine for herself the duration based on the menstruation cycles of her female relatives.

وَهَذَا الَّذِي قُلْنَاهُ هُوَ قَوْلُ مَالِكٍ وَدَاوُد، وَقَالَ الْأَوْزَاعِيُّ: تَجْعَلُ لِنَفْسِهَا مِقْدَارَ حَيْضِ أُمِّهَا وَخَالَتِهَا وَعَمَّتِهَا وَتَكُونُ فِيمَا زَادَ فِي حُكْمِ الْمُسْتَحَاضَةِ، فَإِنْ لَمْ تَعْرِفْ جَعَلَتْ حَيْضَهَا سَبْعَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، وَتَكُونُ فِي بَاقِي الشَّهْرِ مُسْتَحَاضَةً تَصُومُ، وَقَالَ سُفْيَانُ الثَّوْرِيُّ وَعَطَاءٌ: تَجْعَلُ لِنَفْسِهَا قَدْرَ حَيْضِ نِسَائِهَا.

L4715 Al-Shafi'i said: She should abstain for a day and a night of every month during the days she is menstruating, and for the remainder of the month, as a mustahada woman, she should pray and fast. Ahmad ibn Hanbal inclined to this opinion. Abu Hanifa said: She should abstain for ten days of every month as a menstruating woman, and for the rest of the month, as a mustahada woman, she should pray and fast.

وَقَالَ الشَّافِعِيُّ: تَقْعُدُ يَوْمًا وَلَيْلَةً مِنْ كُلِّ شَهْرٍ تَكُونُ فِيهِ حَائِضًا، وَبَاقِي الشَّهْرِ مُسْتَحَاضَةً تُصَلِّي وَتَصُومُ، وَإِلَى هَذَا مَال أَحْمَدُ بْنُ حَنْبَلٍ، وَقَالَ أَبُو حَنِيفَةَ: تَقْعُدُ عَشَرَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ حَائِضًا وَبَاقِي الشَّهْرِ مُسْتَحَاضَةً تُصَلِّي وَتَصُومُ.

L4716 It should be said to all of them: From where do you conclusively assert that she must menstruate every month without exception? It is possible she is menopausal (ḍahiyāʾ) and does not menstruate at all. Thus, you have abandoned through mere assumption the obligation of what Allah the Exalted has decreed for her: prayer and fasting. Moreover, none of them can say, "The restriction should be limited to the shortest menstrual duration for her, so she ceases prayer only with certainty," without the other having the right to say...

قَالَ عَلِيٌّ: يُقَالُ لِجَمِيعِهِمْ: مِنْ أَيْنَ قَطَعْتُمْ بِأَنَّهَا تَحِيضُ كُلَّ شَهْرٍ وَلَا بُدَّ؟ وَفِي الْمُمْكِنِ أَنْ تَكُونَ ضَهْيَاءَ لَا تَحِيضُ فَتَرَكْتُمْ بِالظَّنِّ فَرْضَ مَا أَوْجَبَهُ اللَّهُ تَعَالَى عَلَيْهَا مِنْ الصَّلَاةِ وَالصِّيَامِ، ثُمَّ لَيْسَ لِأَحَدٍ مِنْهُمْ أَنْ يَقُولَ: اُقْتُصِرَ بِهَا عَلَى أَقَلِّ مَا يَكُونُ مِنْ الْحَيْضِ لِئَلَّا تَتْرُكَ الصَّلَاةَ إلَّا بِيَقِينٍ: إلَّا كَانَ لِلْآخَرِ أَنْ يَقُولَ.

L4717 Rather, it has been restricted to the majority of menstrual durations to prevent her from praying or fasting, and to prevent her husband from engaging in intercourse with her while she menstruates. Both these opinions corrupt their proponents, and they are themselves corrupt, for they constitute statements based on conjecture - and judgment through conjecture in the religion of Allah the Exalted is impermissible. We hold absolute certainty, free from doubt, that this woman experiencing her first menstrual cycle has never menstruated before, that fasting and prayer are two binding obligations upon her, and that her husband is both commanded and encouraged to engage in intercourse with her. Yet we neither know nor assert that any

بَلْ اُقْتُصِرَ بِهَا عَلَى أَكْثَرِ الْحَيْضِ لِئَلَّا تُصَلِّيَ وَتَصُومَ وَيَطَأَهَا زَوْجُهَا وَهِيَ حَائِضٌ، وَكُلُّ هَذَيْنِ الْقَوْلَيْنِ يُفْسِدُ صَاحِبَهُ، وَهُمَا جَمِيعًا فَاسِدَانِ لِأَنَّهُمَا قَوْلٌ بِالظَّنِّ، وَالْحُكْمُ بِالظَّنِّ فِي دِينِ اللَّهِ عَزَّ وَجَلَّ لَا يَجُوزُ، وَنَحْنُ عَلَى يَقِينٍ لَا شَكَّ فِيهِ أَنَّ هَذِهِ الْمُبْتَدَأَةَ لَمْ تَحِضْ قَطُّ، وَأَنَّ الصَّوْمَ وَالصَّلَاةَ فَرْضَانِ عَلَيْهَا، وَأَنَّ زَوْجَهَا مَأْمُورٌ وَمَنْدُوبٌ إلَى وَطْئِهَا، ثُمَّ

of this visible blood is menstrual blood. Thus, it is unlawful to abandon certainty and divinely mandated obligations due to false conjecture.

لَا نَدْرِي وَلَا نَقْطَعُ إِنَّ شَيْئًا مِنْ هَذَا الدَّمِ الظَّاهِرِ عَلَيْهَا دَمُ حَيْضٍ، فَلَا يَحِلُّ تَرْكُ الْيَقِينِ وَالْفَرَائِضِ اللَّازِمَةِ بِظَنٍّ كَاذِبٍ.

L4718 And success is by Allah, the Exalted.

وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L4719 As for her performing ablution for each prayer, we have mentioned the evidence for that in this book of ours, in the section on ablution and what necessitates it.

وَأَمَّا وُضُوءُهَا لِكُلِّ صَلَاةٍ فَقَدْ ذَكَرْنَا بُرْهَانَ ذَلِكَ فِي كِتَابِنَا هَذَا فِي الْوُضُوءِ وَمَا يُوجِبُهُ.

L4720–4721 As for her performing *ghusl* for every two prayers or each prayer, this is based on what Hammam ibn Ahmad narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Allan narrated to us: Muhammad ibn Bashshar narrated to us: Wahb ibn Jarir ibn Hazim narrated to us: Hisham al-Dastuwa'i, from Yahya ibn Abi Kathir, from Abu Salamah—who was Ibn Abd al-Rahman ibn Awf—from Umm Habibah bint Jahsh, that she was experiencing chronic bleeding (istihadah) and asked the Messenger of Allah (peace and blessings of Allah be upon him), whereupon he commanded her to perform *ghusl* for every prayer.

وَأَمَّا غُسْلُهَا لِكُلِّ صَلَاتَيْنِ أَوْ لِكُلِّ صَلَاةٍ فَلِمَا حَدَّثَنَاهُ حَمَامُ بْنُ أَحْمَدَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ حَدَّثَنَا عَلَّانُ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا وَهْبُ بْنُ جَرِيرِ بْنِ حَازِمٍ ثنا هِشَامٌ الدَّسْتُوَائِيُّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ - «عَنْ أُمِّ حَبِيبَةَ بِنْتِ جَحْشٍ أَنَّهَا كَانَتْ تُهْرَاقُ الدَّمَ وَأَنَّهَا سَأَلَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَمَرَهَا أَنْ تَغْتَسِلَ لِكُلِّ صَلَاةٍ» .

L4722 And through him to Ibn Ayman: Narrated by Aḥmad ibn Muḥammad al-Birtī the judge, narrated by Abū Maʿmar, narrated by ʿAbd al-Wārith ibn Saʿīd al-Tannūrī, narrated by al-Ḥusayn al-Muʿallim, narrated by Yaḥyā ibn Abī Kathīr, narrated by Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf, who said: Zaynab bint Abī Salama al-Makhzūmī informed me that a woman suffering from chronic bleeding (istihāḍah), who was married to ʿAbd al-Raḥmān ibn ʿAwf, reported that the Messenger of Allāh—peace and blessings be upon him—commanded her to perform ghusl (ritual bath) at every prayer and to pray.

وَبِهِ إِلَى ابْنِ أَيْمَنَ: ثنا أَحْمَدُ بْنُ مُحَمَّدٍ الْبِرْتِيّ الْقَاضِي ثنا أَبُو مَعْمَرٍ ثنا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ التَّنُّورِيُّ عَنِ الْحُسَيْنِ الْمُعَلِّمِ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: أَخْبَرَتْنِي زَيْنَبُ بِنْتُ أَبِي سَلَمَةَ الْمَخْزُومِيِّ «أَنَّ امْرَأَةً كَانَتْ تُهْرَاقُ الدَّمَ، وَكَانَتْ تَحْتَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهَا أَنْ تَغْتَسِلَ عِنْدَ كُلِّ صَلَاةٍ وَتُصَلِّيَ» .

L4723 Ali said, "This is Zaynab, the stepdaughter of the Messenger of Allah (peace be upon him). She was raised under his guardianship (peace be upon him) and had the honor of his companionship (peace be upon him)."

قَالَ عَلِيٌّ: زَيْنَبُ هَذِهِ رَبِيبَةُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَشَأَتْ فِي حِجْرِهِ - عَلَيْهِ السَّلَامُ -، وَلَهَا صُحْبَةٌ بِهِ - عَلَيْهِ السَّلَامُ -.

L4724 And through him to Ibn Ayman: Abdullah ibn Ahmad ibn Hanbal reported to us, narrated by my father, who narrated from Muhammad ibn Salama,

from Muhammad ibn Ishaq, from al-Zuhri, from Urwah ibn al-Zubayr, from Umm Habibah bint Jahsh: “She experienced istihadah, so the Messenger of Allah (peace be upon him) commanded her to perform ghusl before every prayer.”

وَبِهِ إِلَى ابْنِ أَيْمَنَ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ حَدَّثَنِي أَبِي حَدَّثَنِي مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ أُمِّ حَبِيبَةَ بِنْتِ جَحْشٍ «أَنَّهَا اسْتُحِيضَتْ فَأَمَرَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْغُسْلِ عِنْدَ كُلِّ صَلَاةٍ» .

L4725 Abdullah ibn Rabīʿ narrated to us: Ibn al-Sulaym narrated to us, Ibn al-Aʿrabī narrated to us, Abū Dāwūd narrated to us, Hannād ibn al-Sarī narrated to us, ʿAbdah ibn Sulaymān narrated to us, Muḥammad ibn Isḥāq narrated to us, al-Zuhrī narrated to us, ʿUrwah narrated to us, from ʿĀ’ishah: “Umm Ḥabībah bint Jaḥsh experienced istihādah during the time of Allah’s Messenger (peace and blessings be upon him), and he commanded her to perform ghusl before every prayer.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا هَنَّادُ بْنُ السَّرِيِّ عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ «أَنَّ أُمَّ حَبِيبَةَ بِنْتَ جَحْشٍ اُسْتُحِضَتْ فِي عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَمَرَهَا بِالْغُسْلِ لِكُلِّ صَلَاةٍ» .

L4726 Abdullah ibn Rabee narrated to us: Umar ibn Abd al-Malik al-Khawlani narrated to us: Muhammad ibn Bakr narrated to us: Abu Dawud narrated to us: Wahb ibn Baqiyyah narrated to us: Khalid ibn Isma’il narrated to us from Suhayl ibn Abi Salih from al-Zuhri from Urwah ibn al-Zubayr from Asma bint Umays, who said: “O Messenger of Allah, Fatimah bint Abi Hubaysh was suffering from *istiḥāḍah*.” The Messenger of Allah—peace and blessings be upon him—said to her: “Let her perform one *ghusl* for the noon and afternoon prayers, one *ghusl* for the sunset and night prayers, and one *ghusl* for the dawn prayer. She must perform ablution between these times.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ حَدَّثَنَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ الْخَوْلَانِيِّ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا وَهْبُ بْنُ بَقِيَّةَ ثنا خَالِدُ بْنُ إِسْمَاعِيلَ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ «عَنْ أَسْمَاءَ بِنْتِ عُمَيْسٍ قَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ اُسْتُحِيضَتْ، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لِتَغْتَسِلْ لِلظُّهْرِ وَالْعَصْرِ غُسْلًا وَاحِدًا، وَتَغْتَسِلْ لِلْمَغْرِبِ وَالْعِشَاءِ غُسْلًا وَاحِدًا، وَتَغْتَسِلْ لِلْفَجْرِ غُسْلًا وَتَتَوَضَّأُ فِيمَا بَيْنَ ذَلِكَ» .

L4727–4729 These are narrations of the utmost authenticity transmitted on the authority of the Messenger of Allah (may Allah bless him and grant him peace) through four female companions: ‘A’ishah, Mother of the Believers. Zaynab, the daughter of Umm Salamah, Asmā, the daughter of Umays, and Umm Ḥabībah, the daughter of Jaḥsh.

فَهَذِهِ آثَارٌ فِي غَايَةِ الصِّحَّةِ رَوَاهَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْبَعُ صَوَاحِبَ: عَائِشَةُ أُمُّ الْمُؤْمِنِينَ وَزَيْنَبُ بِنْتُ أُمِّ سَلَمَةَ وَأَسْمَاءُ بِنْتُ عُمَيْسٍ وَأُمُّ حَبِيبَةَ بِنْتُ جَحْشٍ.

L4730 Urwah and Abu Salamah narrated it from each of Aisha and Umm Habibah, and Abu Salamah narrated it from Zaynab bint Umm Salamah.

وَرَوَاهَا عَنْ كُلِّ وَاحِدَةٍ مِنْ عَائِشَةَ وَأُمِّ حَبِيبَةَ عُرْوَةُ وَأَبُو سَلَمَةَ وَرَوَاهُ أَبُو سَلَمَةَ عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ.

وَرَوَاهُ عُرْوَةَ عَنْ أَسْمَاءَ، وَهَذَا نَقْلُ تَوَاتُرٍ يُوجِبُ الْعِلْمَ.

L4731 And it was narrated from Urwah, from Asmā'. This is a *tawātur* transmission, which establishes definitive knowledge.

وَقَالَ بِهَذَا جَمَاعَةٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، كَمَا رُوِّينَا مِنْ طَرِيقِ اللَّيْثِ بْنِ سَعْدٍ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ: أَنَّ أُمَّ حَبِيبَةَ اُسْتُحِيضَتْ فَكَانَتْ تَغْتَسِلُ لِكُلِّ صَلَاةٍ، فَهَذِهِ أُمُّ حَبِيبَةَ تَرَى ذَلِكَ وَعَائِشَةُ تَذْكُرُ ذَلِكَ لَا تُنْكِرُهُ.

L4732 A group of the Companions - may Allah be pleased with them - held this opinion, as was narrated to us through the chain of Al-Layth ibn Sa'd from Ibn Shihab from Urwah from Aisha: that Umm Habibah experienced *istihadah* and would perform a ritual bath for every prayer. Thus, Umm Habibah holds that view, and Aisha mentions it without objecting to it.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُ كَانَ عِنْدَ ابْنِ عَبَّاسٍ فَأَتَاهُ كِتَابُ امْرَأَةٍ. قَالَ سَعِيدٌ: فَدَفَعَهُ ابْنُ عَبَّاسٍ إلَيَّ، فَقَرَأْتُهُ فَإِذَا فِيهِ: إنِّي امْرَأَةٌ مُسْتَحَاضَةٌ أَصَابَنِي بَلَاءٌ وَضُرٌّ، وَإِنِّي أَدَعُ الصَّلَاةَ الزَّمَانَ الطَّوِيلَ، وَإِنَّ ابْنَ أَبِي طَالِبٍ سُئِلَ عَنْ ذَلِكَ فَأَفْتَانِي أَنْ أَغْتَسِلَ عِنْدَ كُلِّ صَلَاةٍ، فَقَالَ ابْنُ عَبَّاسٍ: اللَّهُمَّ لَا أَجِدُ لَهَا إلَّا مَا قَالَ عَلِيٌّ، غَيْرَ أَنَّهَا تَجْمَعُ بَيْنَ الظُّهْرِ وَالْعَصْرِ بِغُسْلٍ وَاحِدٍ وَالْمَغْرِبِ وَالْعِشَاءِ بِغُسْلٍ وَاحِدٍ وَتَغْتَسِلُ لِلْفَجْرِ غُسْلًا وَاحِدًا، فَقِيلَ لِابْنِ عَبَّاسٍ: إنَّ الْكُوفَةَ أَرْضٌ بَارِدَةٌ وَأَنَّهَا يَشُقُّ عَلَيْهَا، قَالَ: لَوْ شَاءَ اللَّهُ لَابْتَلَاهَا بِأَشَدَّ مِنْ ذَلِكَ.

L4733 From the path of ʿAbd al-Razzāq, from Maʿmar, from Ayyūb al-Sakhtiyānī, from Saʿīd ibn Jubayr: Saʿīd ibn Jubayr was with Ibn ʿAbbās when a woman's letter arrived. Saʿīd said: Ibn ʿAbbās handed it to me. I read it, and it stated: "I am a woman suffering from istihāḍah, afflicted by affliction and hardship. I have abandoned prayer for a lengthy period. When ʿAlī ibn Abī Ṭālib was asked about this, he instructed me to perform a major ritual purification (ghusl) before each prayer." Ibn ʿAbbās said: "O Allah, I find no solution for her except what ʿAlī said, with the exception that she may combine Ẓuhr and ʿAṣr with one major purification (ghusl), Maghrib and ʿIshāʾ with one major purification (ghusl), and perform a single major purification (ghusl) for Fajr." It was said to Ibn ʿAbbās: "Kūfah is a cold land, and it is difficult for her." He replied: "Had Allah willed, He would have tested her with something harsher."

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ.

L4734 And we have also transmitted it via the narration pathway of Sufyān al-Thawrī, from Ashʿath ibn Abī al-Shaʿthāʾ, from Saʿīd ibn Jubayr, from Ibn ʿAbbās.

وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ أَنَّ عَمْرَو بْنَ دِينَارٍ أَخْبَرَهُ أَنَّهُ سَمِعَ سَعِيدَ بْنَ جُبَيْرٍ يَذْكُرُ هَذَا عَنْ ابْنِ عَبَّاسٍ، وَمِنْ طَرِيقِ شُعْبَةَ وَحَمَّادِ بْنِ سَلَمَةَ كِلَاهُمَا عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ.

L4735 And from the path of Ibn Jurayj that ʿAmr ibn Dīnār informed him that he heard Saʿīd ibn Jubayr mention this from Ibn ʿAbbās. And from the path of Shuʿbah and Ḥammād ibn Salamah, both of them from Ḥammād ibn Abī Sulaymān from Saʿīd ibn Jubayr from Ibn ʿAbbās.

L4736 Yunus ibn Abdullah narrated to us: Abu Bakr ibn Ahmad ibn Khalid narrated to us: My father narrated to us: Ali ibn Abdul Aziz narrated to us: Hajjaj ibn al-Minhal narrated from Ibn Jurayj, who said: Abu Az-Zubayr informed

me, saying: Sa'id ibn Jubayr informed me, saying: A woman suffering from istihadah sent a message to Ibn Az-Zubayr, saying, "I have been given a fatwa to perform ghusl for every prayer." Ibn Az-Zubayr replied, "I find no ruling for her except that." Then she sent a message to Ibn Abbas and Ibn Umar, and both of them said, "We find no ruling except that."

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا أَبُو بَكْرِ بْنُ أَحْمَدَ بْنِ خَالِدٍ ثنا أَبِي حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا حَجَّاجُ بْنُ الْمِنْهَالِ عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي أَبُو الزُّبَيْرِ قَالَ أَخْبَرَنِي سَعِيدُ بْنُ جُبَيْرٍ قَالَ: أَرْسَلَتْ امْرَأَةٌ مُسْتَحَاضَةٌ إِلَى ابْنِ الزُّبَيْرِ: إِنِّي أُفْتِيتُ أَنْ أَغْتَسِلَ لِكُلِّ صَلَاةٍ، فَقَالَ ابْنُ الزُّبَيْرِ: مَا أَجِدُ لَهَا إِلَّا ذَلِكَ، ثُمَّ أَرْسَلَتْ إِلَى ابْنِ عَبَّاسٍ وَابْنِ عُمَرَ فَقَالَا جَمِيعًا: مَا نَجِدُ إِلَّا ذَلِكَ.

L4737 From the narration of Abī Mijlaz through Ibn ʿUmar regarding the mustahāḍa, he said: "She performs the ritual bath (ghusl) for each prayer." This was also narrated by ʿIkrimah and Mujāhid from Ibn ʿAbbās. Mujāhid narrated from him: "She delays Ẓuhr and hastens ʿAṣr, performing a single ritual bath for both. She delays Maghrib and hastens ʿIshāʾ, performing a single ritual bath for both. She performs the ritual bath for Fajr."

وَمِنْ طَرِيقِ أَبِي مِجْلَزٍ عَنِ ابْنِ عُمَرَ فِي الْمُسْتَحَاضَةِ قَالَ: تَغْتَسِلُ لِكُلِّ صَلَاةٍ، وَقَدْ رَوَاهُ أَيْضًا عِكْرِمَةُ وَمُجَاهِدٌ عَنِ ابْنِ عَبَّاسٍ، قَالَ مُجَاهِدٌ عَنْهُ: تُؤَخِّرُ الظُّهْرَ وَتُعَجِّلُ الْعَصْرَ وَتَغْتَسِلُ لَهُمَا غُسْلًا وَاحِدًا، وَتُؤَخِّرُ الْمَغْرِبَ وَتُعَجِّلُ الْعِشَاءَ وَتَغْتَسِلُ لَهُمَا غُسْلًا وَاحِدًا، وَتَغْتَسِلُ لِلْفَجْرِ غُسْلًا.

L4738–4739 It has been narrated to us from Ibn Jurayj from ʿAṭāʾ: The woman experiencing irregular bleeding waits through the days of her menstrual period, then performs a single ritual bath valid for both Dhuhr and ʿAṣr—delaying Dhuhr slightly and advancing ʿAṣr slightly. The same applies to Maghrib and ʿIshāʾ, and she performs a bath for Fajr.

وَرُوِّينَا عَنِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: تَنْتَظِرُ الْمُسْتَحَاضَةُ أَيَّامَ أَقْرَائِهَا ثُمَّ تَغْتَسِلُ غُسْلًا وَاحِدًا لِلظُّهْرِ وَالْعَصْرِ، تُؤَخِّرُ الظُّهْرَ قَلِيلًا وَتُعَجِّلُ الْعَصْرَ قَلِيلًا، وَكَذَلِكَ الْمَغْرِبُ وَالْعِشَاءُ وَتَغْتَسِلُ لِلصُّبْحِ غُسْلًا.

L4740 And it has been narrated to us through the route of Sufyān al-Thawrī from Manṣūr ibn al-Muʿtamir from Ibrāhīm al-Nakhaʿī, similar to the statement of ʿAṭāʾ: *equal, equal*.

وَرُوِّينَا مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ مِثْلَ قَوْلِ عَطَاءٍ سَوَاءً سَوَاءً.

L4741 It has been reported to us through the chain of Muʿādh ibn Hishām al-Dastuwa'i, from his father, from Qatādah, from Sa'īd ibn al-Musayyab, who said: "A woman experiencing istiḥāḍah must perform ghusl for every prayer then pray."

وَرُوِّينَا مِنْ طَرِيقِ مُعَاذِ بْنِ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ أَبِيهِ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: الْمُسْتَحَاضَةُ تَغْتَسِلُ لِكُلِّ صَلَاةٍ وَتُصَلِّي.

L4742 These from among the Companions—Umm Ḥabībah, ʿAlī ibn Abī Ṭālib, Ibn ʿAbbās, Ibn ʿUmar, and Ibn al-Zubayr—have no known dissenter among the Companions (may Allah be pleased with them all), except for a narration

from ʿĀʾishah that she would perform ghusl every day at the time of the Ẓuhr prayer.

فَهَؤُلَاءِ مِنْ الصَّحَابَةِ أُمُّ حَبِيبَةَ وَعَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ عَبَّاسٍ وَابْنُ عُمَرَ وَابْنُ الزُّبَيْرِ لَا مُخَالِفَ لَهُمْ يُعْرَفُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، إلَّا رِوَايَةً عَنْ عَائِشَةَ، أَنَّهَا تَغْتَسِلُ كُلَّ يَوْمٍ عِنْدَ صَلَاةِ الظُّهْرِ.

L4743 And we have narrated it in this manner via Maʿmar, from Hishām ibn ʿUrwah, from his father, from ʿĀʾishah, in this manner, clearly explained: it occurs every day at the time of the Dhuhr prayer.

وَرُوِّينَاهُ هَكَذَا مِنْ طَرِيقِ مَعْمَرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ هَكَذَا مُبَيِّنًا، كُلَّ يَوْمٍ عِنْدَ صَلَاةِ الظُّهْرِ.

L4744 Among the Followers are ʿAṭāʾ, Saʿīd ibn al-Musayyib, al-Nakhaʿī, and others—all narrated through chains of utmost authenticity. Where then are those who vehemently criticize opposing a Companion when it aligns with their whims and their blind adherence to the Ḥanafīs, Mālikīs, and Shāfiʿīs, while they obstruct the established Sunnah of the Messenger of Allah—peace and blessings be upon him? ʿAlī said: The Sunnah came regarding the woman who discerns her blood: black [blood] is menstruation, and what is other than it is purity. Thus, the ruling for her became clear. The Sunnah also came regarding the woman who cannot discern her blood—all being black, since what is other than it is purity—but who has a defined menstrual duration she previously observed: she must observe the timeframe of her menstruation, being menstruating during it, and what is beyond it is purity. It became obligatory to adhere to this ruling. As for the woman whose menstrual days were irregular and shifting, her ruling is to base [her cycle] on her last menstruation before the continuity of her bleeding, for that is what her definitive ruling became—nullifying what preceded it through certainty and observation. These two cases were thus resolved, leaving only the woman who neither discerns her blood nor has fixed days, and who is commanded to perform the ritual bath for every prayer or every two prayers. Necessarily and without doubt, this third ruling must apply to her, as there are only three categories and three rulings: two categories having explicitly stated rulings, thus the third ruling must necessarily apply to the third category.

وَمِنْ التَّابِعِينَ عَطَاءٌ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَالنَّخَعِيُّ وَغَيْرُهُمْ، كُلُّ ذَلِكَ بِأَسَانِيدَ فِي غَايَةِ الصِّحَّةِ، فَأَيْنَ الْمُشَنِّعُونَ بِمُخَالَفَةِ الصَّاحِبِ إذَا وَافَقَ أَهْوَاءَهُمْ وَتَقْلِيدَهُمْ مِنْ الْحَنَفِيِّينَ وَالْمَالِكِيِّينَ وَالشَّافِعِيِّينَ عَنْ هَذَا وَمَنْعُهُمْ السُّنَّةَ الثَّابِتَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قَالَ عَلِيٌّ: فَجَاءَتْ السُّنَّةُ فِي الَّتِي تُمَيِّزُ دَمَهَا أَنَّ الْأَسْوَدَ حَيْضٌ، وَأَنَّ مَا عَدَاهُ طُهْرٌ، فَوَضَحَ أَمْرُ هَذِهِ، وَجَاءَتْ السُّنَّةُ فِي الَّتِي لَا تُمَيِّزُ دَمَهَا - وَهُوَ كُلُّهُ أَسْوَدُ لِأَنَّ مَا عَدَاهُ طُهْرٌ لَا حَيْضٌ وَلَهَا وَقْتٌ مَحْدُودٌ مُمَيَّزٌ كَانَتْ تَحِيضُ فِيهِ: أَنْ تُرَاعِيَ أَمَدَ حَيْضِهَا فَتَكُونُ فِيهِ حَائِضًا، وَيَكُونُ مَا عَدَاهُ طُهْرًا، فَوَجَبَ الْوُقُوفُ عِنْدَ ذَلِكَ، وَكَانَ حُكْمُ الَّتِي كَانَتْ أَيَّامُهَا مُخْتَلِفَةً مُنْتَقِلَةً أَنْ تَبْنِيَ عَلَى آخِرِ حَيْضٍ حَاضَتْهُ قَبْلَ اتِّصَالِ دَمِهَا، لِأَنَّهُ هُوَ الَّذِي اسْتَقَرَّ عَلَيْهِ حُكْمُهَا وَبَطَلَ مَا قَبْلَهُ بِالْيَقِينِ وَالْمُشَاهَدَةِ، فَخَرَجَتْ هَاتَانِ بِحُكْمِهِمَا، وَلَمْ يَبْقَ إلَّا الَّتِي لَا تُمَيِّزُ دَمَهَا وَلَا لَهَا أَيَّامٌ مَعْهُودَةٌ، وَلَمْ يَبْقَ إلَّا الْمَأْمُورَةُ بِالْغُسْلِ لِكُلِّ صَلَاةٍ أَوْ لِكُلِّ صَلَاتَيْنِ، فَوَجَبَ ضَرُورَةً أَنْ تَكُونَ هِيَ، إذْ لَيْسَتْ إلَّا ثَلَاثَ صِفَاتٍ وَثَلَاثَةَ أَحْكَامٍ فَلِلصِّفَتَيْنِ حُكْمَانِ مَنْصُوصَانِ عَلَيْهِمَا، فَوَجَبَ أَنْ يَكُونَ الْحُكْمُ الثَّالِثُ لِلصِّفَةِ الثَّالِثَةِ ضَرُورَةً وَلَا بُدَّ.

L4745–4747 Ali said: As for Mālik, he prioritized the ruling on the variation in menstrual

blood's color and disregarded the [fixed] days. As for Abū Ḥanīfah, he prioritized the days and disregarded the ruling on the variation in blood's color. Both approaches are erroneous, for they neglect a *sunnah* that must not be abandoned. As for al-Shāfiʿī, Ibn Ḥanbal, Abū ʿUbayd, and Dāwūd, they combined both rulings, except that [...] Ahmad ibn Hanbal and Abu 'Ubayd prioritized the days and did not base the ruling on the discoloration of blood except for the woman who does not know her days. They established the ruling according to the days for the woman who knows her days, even if her blood undergoes discoloration. As for al-Shafiʿi and Dawud, they prioritized the ruling based on the discoloration of blood, whether she knows her days or not, and they did not apply the consideration of menstrual timing except for the woman whose blood does not undergo discoloration.

قَالَ عَلِيٌّ: وَأَمَّا مَالِكٌ فَإِنَّهُ غَلَّبَ حُكْمَ تَلَوُّنِ الدَّمِ وَلَمْ يُرَاعِ الْأَيَّامَ، وَأَمَّا أَبُو حَنِيفَةَ فَغَلَّبَ الْأَيَّامَ وَلَمْ يُرَاعِ حُكْمَ تَلَوُّنِ الدَّمِ، وَكِلَا الْعَمَلَيْنِ خَطَأٌ، لِأَنَّهُ تَرْكُ لِسُنَّةٍ لَا يَحِلُّ تَرْكُهَا، وَأَمَّا الشَّافِعِيُّ وَابْنُ حَنْبَلٍ وَأَبُو عُبَيْدٍ وَدَاوُد فَأَخَذُوا بِالْحُكْمَيْنِ مَعًا، إِلَّا أَنَّ أَحْمَدَ بْنَ حَنْبَلٍ وَأَبَا عُبَيْدٍ غَلَّبَا الْأَيَّامَ وَلَمْ يَجْعَلَا لِتَلَوُّنِ الدَّمِ حُكْمًا إِلَّا فِي الَّتِي لَا تَعْرِفُ أَيَّامَهَا، وَجَعَلَا لِلَّتِي تَعْرِفُ أَيَّامَهَا حُكْمَ الْأَيَّامِ وَإِنْ تَلَوَّنَ دَمُهَا، وَأَمَّا الشَّافِعِيُّ وَدَاوُد فَغَلَّبَا حُكْمَ تَلَوُّنِ الدَّمِ، سَوَاءٌ عَرَفَتْ أَيَّامَهَا أَوْ لَمْ تَعْرِفْهَا، وَلَمْ يَجْعَلَا حُكْمَ مُرَاعَاةِ وَقْتِ الْحَيْضِ إِلَّا لِلَّتِي لَا يَتَلَوَّنُ دَمُهَا.

Ali said: The inquiry remained regarding which of the two rulings is correct. We proceeded and found the text established and confirmed that there is no menstruation except the black blood, and what is other than that is not menstruation, based on his statement—peace be upon him—"Indeed, menstrual blood is black and is recognized." Thus, it was affirmed that the woman with changing blood is in a state of complete purity, being not subject to the rulings of istihāḍah, and that there is no distinction between red blood and the white thread. It became obligatory that if the blood changes color before the end of her customary days, it constitutes a valid state of purity. The remaining difficulty pertained only to continuous black blood. The text stipulated observing the menstrual timing for one who knows her timing and performing a reiterated ritual bath for each prayer or for two prayers in the case of one who has forgotten her timing.

قَالَ عَلِيٌّ: فَبَقِيَ النَّظَرُ فِي أَيِّ الْعَمَلَيْنِ هُوَ الْحَقُّ؟ فَفَعَلْنَا، فَوَجَدْنَا النَّصَّ قَدْ ثَبَتَ وَصَحَّ بِأَنَّهُ لَا حَيْضَ إِلَّا الدَّمُ الْأَسْوَدُ، وَمَا عَدَاهُ لَيْسَ حَيْضًا، لِقَوْلِهِ - عَلَيْهِ السَّلَامُ - «إِنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ» فَصَحَّ أَنَّ الْمُتَلَوِّنَةَ الدَّمِ طَاهِرَةٌ تَامَّةُ الطَّهَارَةِ لَا مَدْخَلَ لَهَا فِي حُكْمِ الِاسْتِحَاضَةِ، وَأَنَّهُ لَا فَرْقَ بَيْنَ الدَّمِ الْأَحْمَرِ وَبَيْنَ الْقَصَّةِ الْبَيْضَاءِ، وَوَجَبَ أَنَّ الدَّمَ إِذَا تَلَوَّنَ قَبْلَ انْقِضَاءِ أَيَّامِهَا الْمَعْهُودَةِ أَنَّهُ طُهْرٌ صَحِيحٌ، فَبَقِيَ الْإِشْكَالُ فِي الدَّمِ الْأَسْوَدِ الْمُتَّصِلِ فَقَطْ، فَجَاءَ النَّصُّ بِمُرَاعَاةِ الْوَقْتِ لِمَنْ تَعْرِفُ وَقْتَهَا، وَبِالْغُسْلِ الْمُرَدَّدِ لِكُلِّ صَلَاةٍ أَوْ لِصَلَاتَيْنِ فِي الَّتِي نَسِيَتْ وَقْتَهَا.

Success is by Allah, the Exalted.

وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

We do not know of any reason pertaining to someone who abandoned any of these reports—not from analogy, the saying of a Companion, the Qur'an, or the Sunnah.

وَمَا نَعْلَمُ لِمَنْ تَرَكَ شَيْئًا مِنْ هَذِهِ الْأَخْبَارِ سَبَبًا يَتَعَلَّقُ بِهِ، لَا مِنْ قِيَاسٍ وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قُرْآنٍ وَلَا سُنَّةٍ.

In one of his statements, Mālik said: The woman experiencing continuous

bleeding should consider three days as precautionary if her menstrual cycle is twelve days or less, two days if it is thirteen days, or one day if her menstrual cycle is fourteen days. She observes no precautionary days if her cycle is fifteen days. This opinion finds support neither in Quranic text, nor Sunnah (neither authentic nor weak), nor a companion's opinion, nor analogical reasoning, nor sound opinion, nor precaution, nor any rationally grounded view. Rather, it obligates the abandonment of obligatory prayers and obligatory fasting without any valid reason.

وَقَالَ مَالِكٌ فِي بَعْضِ أَقْوَالِهِ: إنَّ الَّتِي يَتَّصِلُ بِهَا الدَّمُ تَسْتَظْهِرُ بِثَلَاثَةِ أَيَّامٍ إنْ كَانَتْ حَيْضَتُهَا اثْنَيْ عَشَرَ يَوْمًا فَأَقَلَّ، أَوْ بِيَوْمَيْنِ إنْ كَانَتْ ثَلَاثَةَ عَشَرَ يَوْمًا، أَوْ بِيَوْمٍ إنْ كَانَتْ حَيْضَتُهَا أَرْبَعَةَ عَشَرَ يَوْمًا، وَلَا تَسْتَظْهِرُ بِشَيْءٍ إنْ كَانَتْ حَيْضَتُهَا خَمْسَةَ عَشَرَ وَهَذَا قَوْلٌ لَا يُعَضِّدُهُ قُرْآنٌ وَلَا سُنَّةٌ، لَا صَحِيحَةٌ وَلَا سَقِيمَةٌ، وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ وَلَا رَأْيٌ لَهُ وَجْهٌ وَلَا احْتِيَاطٌ، بَلْ فِيهِ إيجَابُ تَرْكِ الصَّلَاةِ الْمَفْرُوضَةِ وَالصَّوْمِ اللَّازِمِ بِلَا مَعْنًى.

L4752 Some of his emulators cited as evidence an unsound hadith we narrated through the chain of Ibrāhīm ibn Ḥamzah from al-Darāwardī from Ḥarām ibn ʿUthmān from ʿAbd al-Raḥmān and Muḥammad, the sons of Jābir, from their father, who said: "Asmāʾ bint Murshid al-Ḥārithiyyah came to the Messenger of Allah—peace and blessings be upon him—and I was sitting with him. She said, 'O Messenger of Allah, I experience a menstrual flow I find irregular. After becoming pure, I remain for three or four days, then it returns to me and prohibits me from prayer.' He said, 'When you observe that, remain for three days, then purify yourself on the fourth day and pray—unless you see a gush of dark blood.'"

وَاحْتَجَّ لَهُ بَعْضُ مُقَلِّدِيهِ بِحَدِيثٍ سُوءٍ رُوِّينَاهُ مِنْ طَرِيقِ إبْرَاهِيمَ بْنِ حَمْزَةَ عَنْ الدَّرَاوَرْدِيِّ عَنْ حَرَامِ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ وَمُحَمَّدٍ ابْنَيْ جَابِرٍ عَنْ أَبِيهِمَا قَالَ «جَاءَتْ أَسْمَاءُ بِنْتُ مُرْشِدٍ الْحَارِثِيَّةُ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَنَا جَالِسٌ عِنْدَهُ، فَقَالَتْ يَا رَسُولَ اللَّهِ حَدَثَتْ لِي حَيْضَةٌ أُنْكِرُهَا، أَمْكُثُ بَعْدَ الطُّهْرِ ثَلَاثًا أَوْ أَرْبَعًا، ثُمَّ تُرَاجِعُنِي فَتُحَرِّمُ عَلَيَّ الصَّلَاةَ، فَقَالَ: إذَا رَأَيْتِ ذَلِكَ فَامْكُثِي ثَلَاثًا ثُمَّ تَطَهَّرِي الْيَوْمَ الرَّابِعَ فَصَلِّي إلَّا أَنْ تَرَيْ دَفْعَةً مِنْ دَمٍ قَاتِمَةً» .

L4753 Abu Muhammad said: This argument was more reprehensible than the position it sought to justify, because this report is false since it was narrated solely by Haram ibn Uthman, and Malik himself states: "He is not trustworthy."

قَالَ أَبُو مُحَمَّد: فَكَانَ هَذَا الِاحْتِجَاجُ أَقْبَحَ مِنْ الْقَوْلِ الْمُحْتَجِّ لَهُ بِهِ، لِأَنَّ هَذَا الْخَبَرَ بَاطِلٌ إذْ هُوَ مِمَّا انْفَرَدَ بِهِ حَرَامُ بْنُ عُثْمَانَ، وَمَالِكٌ نَفْسُهُ يَقُولُ: هُوَ غَيْرُ ثِقَةٍ.

L4754–4755 How astonishing it is regarding these people and the Hanafis—Abū Ḥanīfah impugned Jābir al-Juʿfī, stating: "I have never seen a greater liar than Jābir," while Mālik impugned Ḥarām ibn ʿUthmān and Ṣāliḥ, the freed slave of al-Tawʾamah. Yet when a report transmitted by Ḥarām or Ṣāliḥ reaches the Mālikīs or Ḥanafīs—one that might misleadingly suggest it supports their school's stance—they have no qualms about citing it as evidence, thereby contradicting Mālik's criticism of them. Similarly, when a report transmitted by Jābir reaches the Ḥanafīs—one that might misleadingly suggest it supports

فَالْعَجَبُ لِهَؤُلَاءِ الْقَوْمِ وَلِلْحَنَفِيِّينَ، وَقَدْ جَرَّحَ أَبُو حَنِيفَةَ جَابِرًا الْجُعْفِيَّ وَقَالَ مَا رَأَيْتُ أَكْذَبَ مِنْ جَابِرٍ، وَمَالِكٌ جَرَّحَ حَرَامَ بْنَ عُثْمَانَ وَصَالِحًا مَوْلَى التَّوْأَمَةِ، ثُمَّ لَا مُؤْنَةَ عَلَى الْمَالِكِيِّينَ وَالْحَنَفِيِّينَ إذَا جَاءَ هَؤُلَاءِ خَبَرٌ مِنْ رِوَايَةِ حَرَامٍ وَصَالِحٍ يُمْكِنُ أَنْ يُوهِمُوا بِهِ أَنَّهُ حُجَّةٌ لِتَقْلِيدِهِمْ إلَّا احْتَجُّوا بِهِ وَأَكْذَبُوا تَجْرِيحَ مَالِكٍ لَهُمْ وَلَا مُؤْنَةَ عَلَى الْحَنَفِيِّينَ

their school's stance—they have no qualms about citing it as evidence, thereby contradicting Abū Ḥanīfah's criticism of him. As for us—praise be to Allah—we show greater deference to their scholars than they do, for we do not reject Mālik's criticism of those whose juristic authority lacks widespread recognition.

إِذَا جَاءَهُمْ خَبَرٌ يُمْكِنُ أَنْ يُوهِمُوا بِهِ أَنَّهُ حُجَّةٌ لِتَقْلِيدِهِمْ مِنْ رِوَايَةِ جَابِرٍ إِلَّا احْتَجُّوا بِهِ، وَيُكَذِّبُوا تَجْرِيحَ أَبِي حَنِيفَةَ لَهُ، وَنَحْنُ - وَلِلَّهِ الْحَمْدُ - أَحْسَنُ مُجَامَلَةً لِشُيُوخِهِمْ مِنْهُمْ، فَلَا نَرُدُّ تَجْرِيحَ مَالِكٍ فِيمَنْ لَمْ تُشْتَهَرْ إِمَامَتُهُ.

L4756 Abū Muḥammad said: Furthermore, were this report authentic, they would have no valid basis to rely upon it, for it contains nothing from Mālik's doctrine nor those juristic classifications. Rather, it contradicts his view and obligates prayer unless one sees blood. Thus, the invalidity of their argument based on it becomes evident.

قَالَ أَبُو مُحَمَّدٍ، ثُمَّ لَوْ صَحَّ هَذَا الْخَبَرُ لَمَا كَانَ لَهُمْ بِهِ مُتَعَلَّقٌ لِأَنَّهُ لَيْسَ فِيهِ شَيْءٌ مِنْ قَوْلِ مَالِكٌ، وَلَا مِنْ تِلْكَ التَّقَاسِيمِ، بَلْ هُوَ مُخَالِفٌ لِقَوْلِهِ، وَمُوجِبٌ لِلصَّلَاةِ إِلَّا أَنْ تَرَى دَمًا، فَظَهَرَ فَسَادُ احْتِجَاجِهِمْ بِهِ.

L4757 Some of them said: We applied *qiyās* (analogical reasoning) to it based on the ḥadīth of *al-muṣarrāh* (withholding milk to deceive buyers) and the appointed term decreed by Allah, the Exalted, for Thamūd. Thus, this is closer to mockery and disrespect toward the religion than to knowledge.

وَقَالَ بَعْضُهُمْ: قِسْنَاهُ عَلَى حَدِيثِ الْمُصَرَّاةِ، وَعَلَى أَجَلِ اللَّهِ تَعَالَى لِثَمُودَ، فَكَانَ هَذَا إِلَى الْهَزْلِ وَالِاسْتِخْفَافِ بِالدِّينِ أَقْرَبَ مِنْهُ إِلَى الْعِلْمِ.

L4758 We seek refuge in Allah from abandonment.

وَنَعُوذُ بِاللَّهِ مِنَ الْخِذْلَانِ.

L4759 Ali said: It was narrated to us from Ibrahim al-Nakha'i that a woman experiencing irregular bleeding should fast, pray, and her husband must refrain from conjugal relations.

قَالَ عَلِيٌّ: وَرُوِّينَا عَنْ إِبْرَاهِيمَ النَّخَعِيِّ أَنَّ الْمُسْتَحَاضَةَ تَصُومُ وَتُصَلِّي وَلَا يَطَؤُهَا زَوْجُهَا.

L4760 Ali said, and this is an error, for she is either menstruating or in a state of purity (non-menstruating), with no third category existing except for postpartum women. If she is menstruating, neither prayer nor fasting is permissible for her. If she is neither postpartum nor menstruating, her husband's intercourse with her is lawful provided neither is fasting, in a state of consecration (iḥrām), in seclusion (iʿtikāf), or in a state of having pronounced ẓihār (a form of unlawful divorce by likening her to a prohibited relative) against her. Thus, this assertion is invalidated, and success is granted by Allah, the Most High.

قَالَ عَلِيٌّ، وَهَذَا خَطَأٌ لِأَنَّهَا إِمَّا حَائِضٌ وَإِمَّا طَاهِرٌ غَيْرُ حَائِضٍ، وَلَا سَبِيلَ إِلَى قِسْمٍ ثَالِثٍ فِي غَيْرِ النُّفَسَاءِ، فَإِنْ كَانَتْ حَائِضًا فَلَا تَحِلُّ لَهَا الصَّلَاةُ وَلَا الصَّوْمُ، وَإِنْ كَانَتْ غَيْرَ نُفَسَاءَ وَلَا حَائِضٍ فَوَطْءُ زَوْجِهَا لَهَا حَلَالٌ مَا لَمْ يَكُنْ أَحَدُهُمَا صَائِمًا أَوْ مُحْرِمًا أَوْ مُعْتَكِفًا أَوْ كَانَ مُظَاهِرًا مِنْهَا، فَبَطَلَ هَذَا الْقَوْلُ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

Fitrah

[الْفِطْرَةُ]

L4761–4762

L4763 Issue: The use of the teeth-cleaning twig (siwāk) is recommended. If one

can use it before every prayer, that is preferable. Plucking armpit hair, male circumcision, shaving the pubic hair, and trimming nails are recommended. As for trimming the mustache, it is obligatory. It is not permissible for a woman to pluck facial hair. It is recommended for one in a state of major impurity to perform ablution (wuḍū') if intending to eat, sleep, or drink, though it is not obligatory. If they intend to resume intercourse, ablution becomes obligatory. If a man has intercourse with two of his wives, multiple wives, or a combination of wives and female slaves, it is preferable to perform the ritual bath (ghusl) between each two acts of intercourse. If he performs it only once at the end, this is also acceptable.

مَسْأَلَةٌ: السِّوَاكُ مُسْتَحَبٌّ، وَلَوْ أَمْكَنَ لِكُلِّ صَلَاةٍ لَكَانَ أَفْضَلَ، وَنَتْفُ الْإِبْطِ وَالْخِتَانُ وَحَلْقُ الْعَانَةِ وَقَصُّ الْأَظْفَارِ، وَأَمَّا قَصُّ الشَّارِبِ فَفَرْضٌ وَلَا يَحِلُّ لِلْمَرْأَةِ نَتْفُ الشَّعْرِ مِنْ وَجْهِهَا، وَيُسْتَحَبُّ لِلْجُنُبِ إِنْ أَرَادَ الْأَكْلَ أَوْ النَّوْمَ أَوْ الشُّرْبَ أَنْ يَتَوَضَّأَ، وَلَيْسَ فَرْضًا عَلَيْهِ، وَإِنْ أَرَادَ الْمُعَاوَدَةَ فَيَجِبُ عَلَيْهِ أَنْ يَتَوَضَّأَ أَيْضًا، وَإِنْ وَطِئَ زَوْجَتَيْنِ لَهُ أَوْ زَوْجَاتٍ أَوْ إِمَاءً وَزَوْجَاتٍ فَيَغْتَسِلُ بَيْنَ كُلِّ اثْنَتَيْنِ فَحَسَنٌ، وَإِنْ لَمْ يَغْتَسِلْ إِلَّا فِي آخِرِ ذَلِكَ فَحَسَنٌ.

L4764 The evidence for that is what was narrated to us by Abdullah ibn Yusuf, who narrated to us Ahmad ibn Fath, who narrated to us Abdul Wahhab ibn Isa, who narrated to us Ahmad ibn Muhammad, who narrated to us Ahmad ibn Ali, who narrated to us Muslim ibn al-Hajjaj, who narrated to us Abu Bakr ibn Abi Shaybah, who narrated to us Sufyan ibn Uyaynah, from al-Zuhri, from Saʿid ibn al-Musayyib, from Abu Hurayrah, from the Prophet—peace and blessings be upon him—who said: "The natural disposition comprises five practices—or five practices are part of the natural disposition: circumcision, shaving the pubic hair, trimming the nails, plucking the armpit hair, and shortening the mustache."[18]

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْفِطْرَةُ خَمْسٌ أَوْ خَمْسٌ مِنْ الْفِطْرَةِ: الْخِتَانُ وَالِاسْتِحْدَادُ وَتَقْلِيمُ الْأَظْفَارِ وَنَتْفُ الْإِبْطِ وَقَصُّ الشَّارِبِ» .

L4765 And in his transmission to Muslim: Qutaybah ibn Saʿīd and ʿAmr al-Nāqid narrated to us; Sufyān ibn ʿUyaynah narrated to us from Abū al-Zinād from al-Aʿraj from Abū Hurayrah from the Prophet (peace and blessings of Allah be upon him), who said: "If I had not feared imposing hardship on my community, I would have ordered them to use miswak at every prayer." ʿAlī said: Since he did not command them, it is not obligatory.[19]

وَبِهِ إِلَى مُسْلِمٍ: ثنا قُتَيْبَةُ بْنُ سَعِيدٍ وَعَمْرٌو النَّاقِدُ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَوْلَا أَنْ أَشُقَّ عَلَى أُمَّتِي لَأَمَرْتُهُمْ بِالسِّوَاكِ عِنْدَ كُلِّ صَلَاةٍ» قَالَ عَلِيٌّ: فَإِذْ لَمْ يَأْمُرْهُمْ فَلَيْسَ فَرْضًا.

L4766–4768 And through him to Muslim ibn al-Ḥajjāj: He narrated to us via Yaḥyá ibn Yaḥyá and Quṭaybah, both of them from Jaʿfar ibn Sulaymān al-Ḍubaʿī. From

وَبِهِ إِلَى مُسْلِمِ بْنِ الْحَجَّاجِ. ثنا يَحْيَى بْنُ يَحْيَى وَقُتَيْبَةُ كِلَاهُمَا عَنْ جَعْفَرِ بْنِ سُلَيْمَانَ الضُّبَعِيِّ عَنْ أَبِي عِمْرَانَ الْجَوْنِيِّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: «وُقِّتَ لَنَا فِي قَصِّ الشَّارِبِ وَتَقْلِيمِ الْأَظْفَارِ وَنَتْفِ الْإِبْطِ وَحَلْقِ الْعَانَةِ أَلَّا تُتْرَكَ أَكْثَرَ مِنْ أَرْبَعِينَ لَيْلَةً» .

[18] **Hadith references (L4764):** Sunan Ibn Majah 292; Sahih Muslim 257a; Riyad as-Salihin 1203.

[19] **Hadith references (L4765):** Sunan an-Nasai 7; Sunan Ibn Majah 287; Musnad Ahmad 607.

Abu Imran al-Jawni, from Anas ibn Malik, who said: “We were instructed to trim the mustache, clip the nails, pluck the armpit hair, and shave the pubic area, ensuring these are not neglected for more than forty nights.”

وَأَمَّا فَرْضُ قَصِّ الشَّارِبِ وَإِعْفَاءِ اللِّحْيَةِ فَإِنَّ عَبْدَ اللَّهِ بْنَ يُوسُفَ ثنا قَالَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا سَهْلُ بْنُ عُثْمَانَ ثنا يَزِيدُ بْنُ زُرَيْعٍ عَنْ عُمَرَ بْنِ مُحَمَّدٍ ثنا نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «خَالِفُوا الْمُشْرِكِينَ، أَحْفُوا الشَّوَارِبَ وَأَعْفُوا اللِّحَى» .

L4769 As for the obligation of trimming the mustache and letting the beard grow, Abdullah ibn Yusuf narrated to us, Ahmad ibn Fath narrated to us, Abdul Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Sahl ibn Uthman narrated to us, Yazid ibn Zurai’ narrated to us, Umar ibn Muhammad narrated to us, Nafi’ narrated to us from Ibn Umar, who said: The Messenger of Allah (Peace and blessings be upon him) said: “Differ from the polytheists: trim the mustache and let the beard grow.”

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحِيمِ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا مُحَمَّدُ بْنُ عَجْلَانَ قَالَ: قَالَ لِي عُثْمَانُ بْنُ عُبَيْدِ اللَّهِ بْنِ رَافِعٍ رَأَيْتُ أَصْحَابَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُبَيِّضُونَ شَوَارِبَهُمْ شِبْهَ الْحَلْقِ، قُلْتُ: مَنْ؟ قَالَ جَابِرَ بْنَ عَبْدِ اللَّهِ وَأَبَا سَعِيدٍ الْخُدْرِيَّ وَأَبَا أُسَيْدَ وَسَلَمَةَ بْنَ الْأَكْوَعِ وَأَنَسَ بْنَ مَالِكٍ وَرَافِعَ بْنَ خَدِيجٍ.

L4770 Yunus ibn Abdullah narrated to us; Ahmad ibn Abdullah ibn Abd al-Rahim narrated to us; Ahmad ibn Khalid narrated to us; Muhammad ibn Abd al-Salam al-Khushani narrated to us; Muhammad ibn Bashshar narrated to us; Yahya ibn Sa’id al-Qattan narrated to us; Muhammad ibn Ajlan said: Uthman ibn Ubaydullah ibn Rafi’ told me: “I saw the Companions of the Messenger of Allah (may Allah bless him and grant him peace) whitening their mustaches as if shaving.” I asked: “Who?” He replied: “Jabir ibn Abdullah, Abu Sa’id al-Khudri, Abu Usayd, Salamah ibn al-Akwa’, Anas ibn Malik, and Rafi’ ibn Khadij.”

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ شُعْبَةَ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنِ الْأَسْوَدِ عَنْ عَائِشَةَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذَا أَرَادَ أَنْ يَنَامَ أَوْ يَأْكُلَ أَوْ يَشْرَبَ وَهُوَ جُنُبٌ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ» .

L4771 Muhammad ibn Saʿīd ibn Nubāt narrated to us, from ʿAbdullāh ibn Naṣr, from Qāsim ibn Aṣbagh, from Ibn Waddāḥ, from Mūsā ibn Muʿāwiyah, from Wakīʿ, from Shuʿbah, from al-Ḥakam ibn ʿUtaybah, from Ibrāhīm al-Nakhaʿī, from al-Aswad, from ʿĀ’ishah, who said: “When the Messenger of Allah - may Allah bless him and grant him peace - intended to sleep, eat, or drink while in a state of major ritual impurity (janābah), he would perform his ablution for prayer.”

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا سُوَيْدُ بْنُ نَصْرٍ أرنا عَبْدُ اللَّهِ هُوَ ابْنُ الْمُبَارَكِ - عَنْ يُونُسَ هُوَ ابْنُ يَزِيدَ - عَنِ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ عَائِشَةَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذَا

L4772 Yunus ibn Abdullah narrated to us: Muhammad ibn Muawiyah narrated to us: Ahmad ibn Shu’ayb narrated to us: Suwayd ibn Nasr reported to us: Abdullah—who is Ibn al-Mubarak—narrated from Yunus—who is Ibn Yazid—from al-Zuhri, from Abu Salama ibn Abd al-Rahman ibn Awf, from Aisha, who said: “When the Messenger of Allah—may Allah bless him and

grant him peace—intended to sleep while in a state of major ritual impurity (janabah), he would perform ablution. If he intended to eat or drink, he would wash his hands, then eat or drink."

أَرَادَ أَنْ يَنَامَ وَهُوَ جُنُبٌ تَوَضَّأَ، وَإِنْ أَرَادَ أَنْ يَأْكُلَ أَوْ يَشْرَبَ غَسَلَ يَدَيْهِ ثُمَّ يَأْكُلُ أَوْ يَشْرَبُ» .

L4773 If it is said: It is authentically established that 'Umar informed the Messenger of Allah (peace be upon him) that he would incur major ritual impurity at night, so the Messenger of Allah (peace be upon him) said to him: "Perform ablution, wash your penis, then sleep."

فَإِنْ قِيلَ: فَقَدْ صَحَّ أَنَّ «عُمَرَ ذَكَرَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ تُصِيبُهُ الْجَنَابَةُ مِنْ اللَّيْلِ، فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: تَوَضَّأْ وَاغْسِلْ ذَكَرَكَ ثُمَّ نَمْ» .

L4774 We said: Muḥammad ibn Saʿīd ibn Nubāt narrated to us, saying: ʿAbdullāh ibn Naṣr narrated to us, Qāsim ibn Aṣbagh narrated to us, Ibn Waḍḍāḥ narrated to us, Mūsā ibn Muʿāwiyah narrated to us, Wakīʿ narrated to us from Sufyān al-Thawrī from Abī Isḥāq from al-Aswad ibn Yazīd from ʿĀ'ishah: "The Messenger of Allāh—peace and blessings be upon him—would sleep while in a state of major impurity as he was, without using water."

قُلْنَا فَحَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ قَالَ: ثنا عَبْدُ اللَّهِ بْنِ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ الْأَسْوَدِ بْنِ يَزِيدَ عَنْ عَائِشَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَنَامُ وَهُوَ جُنُبٌ كَهَيْئَتِهِ وَلَا يَمَسُّ مَاءً» .

L4775–4776 When the Messenger of Allah—peace and blessings be upon him—returned from the mosque, he would pray what Allah had decreed for him, then turn to his bed or his household. If he had a need for his wife, he would fulfill it, then sleep in that state without touching water. When he heard the call to prayer, he would rise swiftly. If he was in a state of major impurity, he would pour water over himself. If not, he would perform ablution, pray two rakʿahs, then go out to the mosque.

وَحَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا أَبُو الْأَحْوَصِ هُوَ سَلَّامُ بْنُ سُلَيْمٍ الْحَنَفِيُّ - عَنْ أَبِي إِسْحَاقَ عَنْ الْأَسْوَدِ عَنْ عَائِشَةَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذَا رَجَعَ مِنْ الْمَسْجِدِ صَلَّى مَا قَضَى اللَّهُ لَهُ، ثُمَّ مَالَ إلَى فِرَاشِهِ أَوْ إلَى أَهْلِهِ فَإِنْ كَانَتْ لَهُ حَاجَةٌ إلَى أَهْلِهِ قَضَاهَا ثُمَّ نَامَ كَهَيْئَتِهِ لَا يَمَسُّ مَاءً، فَإِذَا سَمِعَ النِّدَاءَ وَثَبَ فَإِنْ كَانَ جُنُبًا أَفَاضَ عَلَيْهِ الْمَاءَ، وَإِنْ لَمْ يَكُنْ جُنُبًا تَوَضَّأَ وَصَلَّى رَكْعَتَيْنِ ثُمَّ خَرَجَ إلَى الْمَسْجِدِ» .

L4777 This is a general statement encompassing ablution and ghusl together, along with other acts. Whoever claims that Sufyan erred in this ḥadīth is himself mistaken, advancing a claim without proof.

فَهَذَا عُمُومٌ يَدْخُلُ فِيهِ الْوُضُوءُ وَالْغُسْلُ مَعًا وَغَيْرُ ذَلِكَ، وَمَنْ ادَّعَى أَنَّ سُفْيَانَ أَخْطَأَ فِي هَذَا الْحَدِيثِ فَهُوَ الْمُخْطِئُ، بِدَعْوَاهُ مَا لَا دَلِيلَ عَلَيْهِ.

L4778 If it is objected: "Zuhayr ibn Muʿāwiyah has contradicted him [Sufyān]," we respond: Sufyān is more precise in narration than Zuhayr. Even if that were not the case, the disagreement among some narrators with others would not constitute proof that either erred. Rather, the trustworthy narrator is

deemed credible in all he transmits. Success comes solely from Allah, the Exalted.

فَإِنْ قِيلَ: قَدْ خَالَفَهُ زُهَيْرُ بْنُ مُعَاوِيَةَ. قُلْنَا: سُفْيَانُ أَحْفَظُ مِنْ زُهَيْرٍ، وَلَوْ لَمْ يَكُنْ لَمَا كَانَ فِي خِلَافِ بَعْضِ الرُّوَاةِ لِبَعْضٍ دَلِيلٌ عَلَى خَطَأِ أَحَدِهِمْ، بَلْ الثِّقَةُ مُصَدَّقٌ فِي كُلِّ مَا يَرْوِي. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4779 Aisha's statement is a report about his consistent practice in that matter, peace be upon him. Among those from whom it has been transmitted to us permitting sleep for one who has had intercourse before performing ritual ablution are Saʿīd ibn al-Musayyab, Rabīʿah, Yazīd ibn Hārūn al-Shāfiʿī, and Abū Thawr.

وَقَوْلُ عَائِشَةَ هَذَا إخْبَارٌ عَنْ مُدَاوَمَتِهِ - عَلَيْهِ السَّلَامُ - عَلَى ذَلِكَ، وَمِمَّنْ رُوِّينَا عَنْهُ إبَاحَةَ النَّوْمِ لِلْمُجَامِعِ قَبْلَ أَنْ يَتَوَضَّأَ: سَعِيدُ بْنُ الْمُسَيِّبِ وَرَبِيعَةَ وَيَزِيدُ بْنُ هَارُونَ الشَّافِعِي وَأَبُو ثَوْرٍ.

L4780 Narrated to us by Aḥmad ibn Muḥammad ibn al-Jasūr, from Wahb ibn Masarrat, from Ibn Waḍḍāḥ, from Abū Bakr ibn Abī Shaybah, from the following three: Yazīd ibn Hārūn, Hushaym, and Ḥafṣ ibn Ghīyāth.

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا وَهْبُ بْنُ مَسَرَّةَ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ يَزِيدَ بْنِ هَارُونَ وَهُشَيْمٍ وَحَفْصِ بْنِ غِيَاثٍ.

L4781 Yazid narrated from Hammad ibn Salamah from Abd al-Rahman ibn Abi Rafi' from his paternal aunt Salma from Abu Rafi' that the Messenger of Allah (peace be upon him) went to all his wives in one night and performed the major ablution (ghusl) after each one of them.

قَالَ يَزِيدُ عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي رَافِعٍ عَنْ عَمَّتِهِ سَلْمَى عَنْ أَبِي رَافِعٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - طَافَ عَلَى نِسَائِهِ فِي لَيْلَةٍ وَاحِدَةٍ فَاغْتَسَلَ عِنْدَ كُلِّ امْرَأَةٍ مِنْهُنَّ غُسْلًا» .

L4782 Hushaym said: Humaid al-Tawil narrated to us from Anas ibn Malik that the Messenger of Allah (peace and blessings be upon him) would circulate among all his wives in one night with a single ritual bath. Hafs ibn Ghiyath narrated from Asim from Abu al-Mutawakkil from Abu Sa'id al-Khudri, who said: The Messenger of Allah (peace and blessings be upon him) said, "When one of you approaches his wife sexually and then wishes to repeat it, let him perform ablution between the two acts."

وَقَالَ هُشَيْمٌ: ثنا حُمَيْدٌ الطَّوِيلُ عَنْ أَنَسِ بْنِ مَالِكٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَطُوفُ عَلَى جَمِيعِ نِسَائِهِ فِي لَيْلَةٍ بِغُسْلٍ وَاحِدٍ» وَقَالَ حَفْصُ بْنُ غِيَاثٍ عَنْ عَاصِمٍ عَنْ أَبِي الْمُتَوَكِّلِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا أَتَى أَحَدُكُمْ أَهْلَهُ ثُمَّ أَرَادَ أَنْ يُعَاوِدَ فَلْيَتَوَضَّأْ بَيْنَهُمَا وُضُوءًا» .

[الْآنِيَةُ]

L4783–4784 **Utensils.**

L4785 Issue: It is not permissible for a man or a woman to perform ablution, bathe, drink, or eat using a vessel made from human bone, for the reasons we have explained in this book of ours regarding the skins of carrion, the obligation to bury both believers and disbelievers, and the prohibition of mutilating

مَسْأَلَةٌ: لَا يَحِلُّ الْوُضُوءُ وَلَا الْغُسْلُ وَلَا الشُّرْبُ وَلَا الْأَكْلُ لَا لِرَجُلٍ وَلَا لِامْرَأَةٍ فِي إنَاءٍ عُمِلَ مِنْ عَظْمِ ابْنِ آدَمَ، لِمَا ذَكَرْنَا فِي كِتَابِنَا هَذَا فِي جُلُودِ الْمَيْتَةِ مِنْ وُجُوبِ دَفْنِ

corpses. Nor is it permissible to use a vessel made from the bone of a pig, because, as we have stated, it is wholly impure. Nor is it permissible to use a vessel made from the skin of carrion before it has been tanned.

الْمُؤْمِنِ وَالْكَافِرِ، وَتَحْرِيمِ الْمُثْلَةِ، وَلَا فِي إِنَاءٍ عُمِلَ مِنْ عَظْمِ خِنْزِيرٍ لِمَا ذَكَرْنَا مِنْ أَنَّهُ كُلَّهُ رِجْسٌ، وَلَا فِي إِنَاءٍ مِنْ جِلْدِ مَيْتَةٍ قَبْلَ أَنْ يُدْبَغَ.

L4786 Nor in a silver or gold vessel.

وَلَا فِي إِنَاءِ فِضَّةٍ أَوْ إِنَاءِ ذَهَبٍ.

L4787 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abd al-Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu Bakr ibn Abi Shaybah and al-Walid ibn Shujaʿ both said: Ali ibn Mushir narrated to us from Ubaydullah ibn Umar from Nafiʾ, the freed slave of Ibn Umar, from Zayd ibn Abdullah ibn Umar from Abdullah ibn Abd al-Rahman ibn Abi Bakr al-Siddiq from Umm Salamah, the wife of the Prophet (peace be upon him), that the Messenger of Allah (peace be upon him) said: "Verily, whoever eats or drinks from vessels of gold and silver is merely stoking in his belly the Fire of Hell."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَالْوَلِيدُ بْنُ شُجَاعٍ قَالَا: ثنا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ مَوْلَى ابْنِ عُمَرَ عَنْ زَيْدِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ عَنْ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِنَّ الَّذِي يَأْكُلُ وَيَشْرَبُ فِي آنِيَةِ الذَّهَبِ وَالْفِضَّةِ إِنَّمَا يُجَرْجِرُ فِي بَطْنِهِ نَارَ جَهَنَّمَ» .

L4788 Muhammad ibn Sa'id ibn Nubat narrated to us: Abdullah ibn Nasr narrated to us: Qasim ibn Asbagh narrated to us: Ibn Waḍḍāḥ narrated to us: Musa ibn Mu'awiyah narrated to us: Waki' narrated to us: Shu'bah narrated to us from al-Hakam ibn 'Utaybah, from Abd al-Rahman ibn Abi Layla, from Hudhayfah, who said: "The Messenger of Allah—peace and blessings of Allah be upon him—forbade us from wearing silk and brocade, and from using vessels of gold and silver. He said: 'It is for them in this world, and it is for us in the Hereafter.'"

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ ثنا شُعْبَةُ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ حُذَيْفَةَ قَالَ: «نَهَانَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ لُبْسِ الْحَرِيرِ وَالدِّيبَاجِ وَعَنْ آنِيَةِ الذَّهَبِ وَالْفِضَّةِ، وَقَالَ: هُوَ لَهُمْ فِي الدُّنْيَا وَهُوَ لَنَا فِي الْآخِرَةِ» .

L4789 Nor in a vessel seized unjustly, according to the saying of the Messenger of Allah (peace be upon him): «Verily, your blood and your property are inviolable upon you.»

وَلَا فِي إِنَاءٍ مَأْخُوذٍ بِغَيْرِ حَقٍّ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

[مَسْأَلَةُ الْأَكْلِ وَالْوُضُوءِ وَالْغُسْلِ فِي إِنَاءٍ مِنْ صُفْرٍ أَوْ نُحَاسٍ أَوْ يَاقُوتٍ]

L4790–4791 **A legal question regarding eating, ablution, and bathing in a vessel made of brass, copper, or ruby.**

L4792 Issue: Furthermore, every vessel made of brass, copper, lead, tin, crystal, emerald, ruby, or other such materials after this is permissible for men and

women to eat from, drink from, perform ablution and bathing in them. This is based on the words of Allah the Exalted: {He is the One Who created for you all that is on earth} [Al-Baqarah: 29], His words: {And He has already detailed for you what He has forbidden upon you} [Al-An'ām: 119], and the statement of the Messenger of Allah—peace and blessings be upon him—: "Leave me what I have left you, for those before you were destroyed by their excessive questioning and disputing with their prophets. When I command you to do something, do as much of it as you can, and when I forbid you from something, avoid it." Thus, it is established that anything about which no mention is made regarding prohibition or command is permissible.[20]

L4793 Gilded and gold-inlaid items are permissible for women but not for men because they are not made entirely of gold. It has been authentically reported from the Prophet—peace and blessings of Allah be upon him—that «silk and gold are lawful for the women of my community and unlawful for their men,» or as he—peace and blessings of Allah be upon him—said: «Gilded items are not vessels made entirely of gold. Silver-plated and silver-inlaid items are permissible for both men and women, as they are not made entirely of silver. We seek support through Allah the Exalted, and He suffices us—He is the Most Excellent Trustee.»

L4794 **A jurisprudential issue regarding one who is incapable of using some of their body parts in ritual purification.**

L4795 Issue 273: If a person is unable to use certain limbs for purification—such as one whose hands, legs, or parts thereof are amputated—the ruling concerning them is lifted. They remain obligated to wash what remains of their limbs, based on the Prophet's statement (peace and blessings of Allah be upon him): "When I command you to do something, do as much of it as you are able." If there is a wound on the body, its ruling is lifted, but the obligation to wash the rest of the body or limbs remains, as we have mentioned. If sores cover their hands, a hand, legs, face, or part of their body, and if this reaches

[20] **Qur'an references (L4792):** Qur'an 2:29 (Al-Baqarah); Qur'an 6:119 (Al-An'am).

مَسْأَلَةٌ: ثُمَّ كُلُّ إِنَاءٍ بَعْدَ هَذَا مِنْ صُفْرٍ أَوْ نُحَاسٍ أَوْ رَصَاصٍ أَوْ قَزْدِيرٍ أَوْ بَلُّورٍ أَوْ زُمُرُّدٍ أَوْ يَاقُوتٍ أَوْ غَيْرِ ذَلِكَ فَمُبَاحٌ الْأَكْلُ فِيهِ وَالشُّرْبُ وَالْوُضُوءُ وَالْغُسْلُ فِيهِ لِلرِّجَالِ وَالنِّسَاءِ، لِقَوْلِ اللَّهِ تَعَالَى: {هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الأَرْضِ جَمِيعًا} [البقرة: ٢٩] وقَوْله تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ} [الأنعام: ١١٩] وَقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «دَعُونِي مَا تَرَكْتُكُمْ، فَإِنَّمَا هَلَكَ مَنْ كَانَ مِنْ قَبْلِكُمْ بِكَثْرَةِ مَسَائِلِهِمْ وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ، فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ، وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ» فَصَحَّ أَنَّ كُلَّ مَسْكُوتٍ عَنْ ذِكْرِهِ بِتَحْرِيمٍ أَوْ أَمْرٍ فَمُبَاحٌ.

وَالْمُذَهَّبُ وَالْمُضَبَّبُ بِالذَّهَبِ حَلَالٌ لِلنِّسَاءِ دُونَ الرِّجَالِ لِأَنَّهُ لَيْسَ إِنَاءً، وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْحَرِيرُ وَالذَّهَبُ حَلَالٌ لِإِنَاثِ أُمَّتِي حَرَامٌ عَلَى ذُكُورِهَا» أَوْ كَمَا قَالَ - عَلَيْهِ السَّلَامُ -: " وَلَيْسَ الْمُذَهَّبُ إِنَاءَ ذَهَبٍ، وَالْمُفَضَّضُ وَالْمُضَبَّبُ بِالْفِضَّةِ حَلَالٌ لِلرِّجَالِ وَالنِّسَاءِ، لِأَنَّهُ لَيْسَ إِنَاءً، وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ، وَهُوَ حَسْبُنَا وَنِعْمَ الْوَكِيلُ ".

[مَسْأَلَةٌ مَنْ عَجَزَ عَنْ بَعْضِ أَعْضَائِهِ فِي الطَّهَارَةِ]

٢٧٣ - مَسْأَلَةٌ: مَنْ عَجَزَ عَنْ بَعْضِ أَعْضَائِهِ فِي الطَّهَارَةِ: مَنْ قُطِعَتْ يَدَاهُ أَوْ رِجْلَاهُ أَوْ بَعْضُ ذَلِكَ سَقَطَ عَنْهُ حُكْمُهُ، وَبَقِيَ عَلَيْهِ غَسْلُ مَا بَقِيَ لِقَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» فَإِنْ كَانَ فِي الْجَسَدِ جُرْحٌ سَقَطَ حُكْمُهُ وَبَقِيَ فَرْضُ غَسْلِ سَائِرِ الْجَسَدِ أَوْ الْأَعْضَاءِ لِمَا ذَكَرْنَاهُ، فَإِنْ عَمَّتْ الْقُرُوحُ يَدَيْهِ أَوْ يَدَهُ أَوْ رِجْلَيْهِ أَوْ وَجْهَهُ أَوْ بَعْضَ جَسَدِهِ، فَإِنْ أَخْرَجَهُ ذَلِكَ إِلَى اسْمِ الْمَرَضِ وَكَانَ عَلَيْهِ

مِنْ إمْسَاسِهِ الْمَاءَ حَرَجٌ تَيَمَّمَ فَقَطْ، لِأَنَّ هَذَا حُكْمُ الْمَرِيضِ، وَإِنْ كَانَ لَا مَشَقَّةَ عَلَيْهِ فِي الْمَاءِ غَمَسَهُ فَقَطْ وَأَجْزَأَهُ، أَوْ صَبَّ عَلَيْهِ الْمَاءَ وَأَجْزَأَهُ، وَإِنْ كَانَ لَمْ يُخْرِجْهُ إلَى اسْمِ الْمَرَضِ غَسَلَ مَا أَمْكَنَهُ وَسَقَطَ عَنْهُ مَا عَلَيْهِ فِيهِ حَرَجٌ فَقَطْ كَثُرَ أَوْ قَلَّ لِمَا ذَكَرْنَاهُ، وَلَا يَجُوزُ أَنْ يُجْمَعَ فِي وُضُوءٍ تَيَمُّمٌ وَغُسْلٌ، وَلَا فِي طُهْرٍ وَاحِدٍ أَيْضًا إذْ لَمْ يَأْتِ بِذَلِكَ نَصٌّ وَلَا إجْمَاعٌ، إلَّا فِي مَوْضِعٍ وَاحِدٍ وَقَدْ ذَكَرْنَاهُ قَبْلُ وَهُوَ: مَنْ مَعَهُ مَاءٌ لَا يَعُمُّ بِهِ جَمِيعَ أَعْضَاءِ وُضُوئِهِ أَوْ جَمِيعَ جَسَدِهِ فَقَطْ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

the designation of illness—such that using water would cause them harm or hardship—they perform tayammum only, for this is the ruling applicable to the sick. If using water involves no hardship, either merely immersing the affected part suffices or pouring water over it suffices. If the sores do not reach the designation of illness, they wash what is possible, and whatever involves hardship is lifted—whether extensive or minimal—as we have mentioned. It is not permissible to combine tayammum and washing within a single ablution or within one act of purification, as no textual evidence or consensus supports this—except in one case we previously mentioned: when a person possesses water insufficient to cover all ablution limbs or the entire body. Success comes only from Allah, the Exalted.

[مَنْ شَكَّ فِي الْمَاءِ]

Whoever doubts about the water.

L4796

٢٧٤ - مَسْأَلَةٌ: مَنْ كَانَ بِحَضْرَتِهِ مَاءٌ وَشَكَّ أَوَلَغَ فِيهِ الْكَلْبُ أَمْ لَا؟ أَمْ هُوَ فَضْلُ امْرَأَةٍ أَمْ لَا، فَلَهُ أَنْ يَتَوَضَّأَ بِهِ لِغَيْرِ ضَرُورَةٍ وَأَنْ يَغْتَسِلَ بِهِ كَذَلِكَ لِأَنَّهُ عَلَى يَقِينٍ مِنْ طَهَارَتِهِ فِي أَصْلِهِ، وَجَوَازِ التَّطْهِيرِ بِهِ، ثُمَّ شَكَّ هَلْ حُرِّمَ ذَلِكَ فِيهِ أَمْ لَا، وَالْحَقُّ الْيَقِينُ لَا يُسْقِطُهُ الظَّنُّ، قَالَ اللَّهُ تَعَالَى: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦] فَإِنْ شَكَّ أَهُوَ مَاءٌ أَمْ هُوَ مُعْتَصَرٌ مِنْ بَعْضِ النَّبَاتِ لَمْ يَحِلَّ لَهُ الْوُضُوءُ بِهِ وَلَا الْغُسْلُ لِأَنَّهُ لَيْسَ عَلَى يَقِينٍ مِنْ أَنَّهُ جَازَ بِهِ التَّطَهُّرُ يَوْمًا مَا، وَالْوُضُوءُ وَالْغُسْلُ فَرْضَانِ، فَلَا يُرْفَعُ الْفَرْضُ بِالشَّكِّ، فَإِنْ كَانَ بَيْنَ يَدَيْهِ إنَاءَانِ فَصَاعِدًا فِي أَحَدِهِمَا مَاءٌ طَاهِرٌ بِيَقِينٍ وَسَائِرُهَا مِمَّا وَلَغَ فِيهِ الْكَلْبُ، أَوْ فِيهَا وَاحِدٌ وَلَغَ فِيهِ كَلْبٌ وَسَائِرُهَا طَاهِرٌ، وَلَا يُمَيِّزُ مِنْ ذَلِكَ شَيْئًا فَلَهُ أَنْ يَتَوَضَّأَ بِأَيِّهَا شَاءَ، مَا لَمْ يَكُنْ عَلَى يَقِينٍ مِنْ أَنَّهُ قَدْ تَجَاوَزَ عَدَدَ الطَّاهِرَاتِ وَتَوَضَّأَ بِمَا لَا يَحِلُّ الْوُضُوءُ بِهِ، لِأَنَّ كُلَّ مَاءٍ مِنْهَا فَعَلَى أَصْلِ طَهَارَتِهِ عَلَى انْفِرَادِهِ، فَإِذَا حَصَلَ عَلَى يَقِينِ التَّطَهُّرِ فِيمَا لَا يَحِلُّ التَّطَهُّرُ بِهِ فَقَدْ حَصَلَ عَلَى يَقِينِ

L4797–4799

Issue 274: If a person has water available and is uncertain whether a dog lapped in it or not, or whether it is leftover water from a woman's use or not, they may perform ablution with it even without necessity and may likewise use it for ritual bathing. This is because the water's purity in its origin is certain, as is the permissibility of using it for purification. If he subsequently doubts whether the water has been rendered unlawful or not, the original certainty prevails. Conjecture does not invalidate it, for Allah the Exalted said: {Indeed, conjecture avails nothing against the truth} [Yunus: 36]. If one doubts whether it is water or expressed plant juice, it is not permissible for them to perform ablution or ghusl with it, because they lack certainty that it has ever been valid for purification. Ablution and ghusl are two obligations, and obligations cannot be lifted through doubt. If there are two vessels or more before them—one known with certainty to contain pure water while the others contain water lapped by a dog (thereby rendering it impure), or one vessel lapped by a dog while the rest are pure—and they cannot distinguish between them, they may perform ablution with any vessel they choose, provided they are not certain they exceeded the number of pure waters and used impermissible water. This is because each water retains its presumption of purity in isolation. If they become certain they used impermissible water for purification, they attain certainty of having committed a forbidden

الْحَرَامِ، فَعَلَيْهِ أَنْ يُطَهِّرَ أَعْضَاءَهُ إِنْ كَانَ ذَلِكَ الْمَاءُ حَرَامًا اسْتِعْمَالُهُ جُمْلَةً، فَإِنْ كَانَ فِيهَا وَاحِدٌ مُعْتَصَرٌ لَا يَدْرِي، لَمْ يَحِلَّ لَهُ الْوُضُوءُ بِشَيْءٍ مِنْهَا، لِأَنَّهُ لَيْسَ عَلَى يَقِينٍ مِنْ أَنَّهُ تَوَضَّأَ بِمَاءٍ، وَالْيَقِينُ لَا يَرْتَفِعُ بِالظَّنِّ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

act. They must then wash their limbs if that water was entirely prohibited for use. If there is a vessel among them containing expressed liquid, and they cannot identify it, ablution with any of them is impermissible, because they lack certainty of having used water. Certainty cannot be removed by conjecture, and with Allah alone is success.[21]

[21] **Qur'an references (L4797):** Qur'an 10:36 (Yunus).