

AL-MUHALLA

كِتَابُ الطَّهَارَةِ

The Book of Purification

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[Book of Purification] [Chapter: Wuḍūʾ for the Prayer]

In the name of Allah, the Most Gracious, the Most Merciful, and may Allah send blessings upon our Master Muhammad and his family and grant them peace. The Book of Purification 110 - Issue: Wudu for prayer is obligatory, and the prayer is not valid except with it for whoever has access to water. This is a consensus with no disagreement from anyone, and its basis is the statement of Allah, the Exalted: "O you who believe, when you rise to prayer, wash your faces and your arms up to the elbows, and wipe over your heads and your feet to the ankles." [al-Māʾidah 5:6].[1]

A legal issue: Ablution is not valid except with the intention of purification for prayer.

111 - Issue: Wuḍūʾ is only valid with the intention of purification for prayer – whether obligatory or supererogatory – as neither prayer type suffices without the other, nor can one prayer substitute for another. The proof for this is the aforementioned verse, for Allah the Exalted only commanded wuḍūʾ therein for prayer in its general sense without specifying any particular prayer. Thus, it is impermissible to restrict it, and it is not valid for anything beyond what Allah the Exalted ordained. Abū Ḥanīfa said: Wuḍūʾ and ghusl are valid without intention, even with the intention of cooling oneself or cleanliness. Their argument was that they said: He was only commanded to wash his body or these limbs, and he has fulfilled what he was commanded. They analogized this to removing impurities, which is valid without intention. Among their statements is that tayammum is only valid with intention. Al-Ḥasan ibn Ḥayy said: Wuḍūʾ, ghusl, and tayammum are all valid without intention. Abū Yūsuf said: If a person in major impurity immerses himself in a well to draw a bucket from it, this does not count toward his ghusl for major impurity. Muḥammad ibn al-Ḥasan said: It counts toward his ghusl for major impurity. ʿAlī said: As for their argument that he was only commanded to wash his body or these limbs and has thereby fulfilled the command – this is false; rather, he was only commanded to wash

[1] **Qur'an references (L2597):** Qur'an 5:6 (Al-Ma'idah).

[كِتَابُ الطَّهَارَةِ] [مَسْأَلَةٌ الْوُضُوءُ لِلصَّلَاةِ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَسَلَّمَ كِتَابُ الطَّهَارَةِ ١١٠ - مَسْأَلَةٌ: الْوُضُوءُ لِلصَّلَاةِ فَرْضٌ لَا تُجْزِئُ الصَّلَاةُ إِلَّا بِهِ لِمَنْ وَجَدَ الْمَاءَ. هَذَا إِجْمَاعٌ لَا خِلَافَ فِيهِ مِنْ أَحَدٍ، وَأَصْلُهُ قَوْلُ اللَّهِ تَعَالَى: {يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ} [المائدة: ٦] .

[مَسْأَلَةٌ لَا يُجْزِئُ الْوُضُوءُ إِلَّا بِنِيَّةِ الطَّهَارَةِ لِلصَّلَاةِ]

١١١ - مَسْأَلَةٌ: وَلَا يُجْزِئُ الْوُضُوءُ إِلَّا بِنِيَّةِ الطَّهَارَةِ لِلصَّلَاةِ فَرْضًا وَتَطَوُّعًا لَا يُجْزِئُ أَحَدُهُمَا دُونَ الْآخَرِ وَلَا صَلَاةٌ دُونَ صَلَاةٍ. بُرْهَانُ ذَلِكَ الْآيَةُ الْمَذْكُورَةُ. لِأَنَّ اللَّهَ تَعَالَى لَمْ يَأْمُرْ فِيهَا بِالْوُضُوءِ إِلَّا لِلصَّلَاةِ عَلَى عُمُومِهَا، لَمْ يَخُصَّ تَعَالَى صَلَاةً مِنْ صَلَاةٍ فَلَا يَجُوزُ تَخْصِيصُهَا، وَلَا يُجْزِئُ لِغَيْرِ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ. وَقَالَ أَبُو حَنِيفَةَ: يُجْزِئُ الْوُضُوءُ وَالْغُسْلُ بِلَا نِيَّةٍ وَبِنِيَّةِ التَّبَرُّدِ وَالتَّنَظُّفِ. كَانَ حُجَّتُهُمْ أَنْ قَالُوا: إِنَّمَا أُمِرَ بِغَسْلِ جِسْمِهِ أَوْ هَذِهِ الْأَعْضَاءِ فَقَدْ فَعَلَ مَا أُمِرَ بِهِ، وَقَالُوا: قِسْنَا ذَلِكَ عَلَى إِزَالَةِ النَّجَاسَةِ فَإِنَّهَا تُجْزِئُ بِلَا نِيَّةٍ، وَمِنْ قَوْلِهِمْ: إِنَّ التَّيَمُّمَ لَا يُجْزِئُ إِلَّا بِنِيَّةٍ. وَقَالَ الْحَسَنُ بْنُ حَيٍّ: الْوُضُوءُ وَالْغُسْلُ وَالتَّيَمُّمُ يُجْزِئُ كُلُّ ذَلِكَ بِلَا نِيَّةٍ، وَقَالَ أَبُو يُوسُفَ: إِنْ انْغَمَسَ جُنُبٌ فِي بِئْرٍ لِيُخْرِجَ دَلْوًا مِنْهَا لَمْ يَجْزِهِ ذَلِكَ مِنْ غُسْلِ الْجَنَابَةِ، وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: يَجْزِيهِ مِنْ غُسْلِ الْجَنَابَةِ. قَالَ عَلِيٌّ: أَمَّا احْتِجَاجُهُمْ بِأَنَّهُ إِنَّمَا أُمِرَ بِغَسْلِ جِسْمِهِ أَوْ هَذِهِ الْأَعْضَاءِ وَقَدْ فَعَلَ مَا أُمِرَ بِهِ، فَكَذَّبَ بَلْ مَا أُمِرَ إِلَّا بِغَسْلِهَا بِنِيَّةِ الْقَصْدِ إِلَى الْعَمَلِ الَّذِي أَمَرَهُ اللَّهُ

them with the intention of directing himself toward the act Allah the Exalted ordained him to perform in that context. Allah the Exalted said: "They were commanded only to worship Allah, devoting religion sincerely to Him" (Surah al-Bayyinah 5:5). He, the Almighty, negated that He commanded us with anything except to worship Him alone, devoting our intentions solely to Him in His religion which He has enjoined upon us. This encompasses all acts of the Sharia in their entirety. Hammam ibn Ahmad narrated to us: Abdullah ibn Ibrahim narrated to us: Abu Zayd al-Marwazi narrated to us: al-Farbari narrated to us: al-Bukhari narrated to us: al-Humaydi narrated to us: Sufyan ibn Uyaynah narrated to us: Yahya ibn Sa'id al-Ansari informed me: Muhammad ibn Ibrahim al-Taymi reported to me that he heard Alqamah ibn Waqqas al-Laythi say: I heard Umar ibn al-Khattab declare upon the pulpit: I heard Allah's Messenger - peace and blessings be upon him - say: "Deeds are but by intentions, and every person shall have only what they intended." This constitutes a general principle applying to every action, and it is impermissible to restrict it to certain deeds while excluding others through unsubstantiated claim. As for their qiyas equating this with the removal of impurity, it is invalid because qiyas is entirely invalid. Even if qiyas were valid, this particular instance would remain fundamentally flawed for several reasons: Among these is that one may argue against them - your qiyas equating ablution and ritual bath to impurity removal holds no greater validity than equating it to tayammum, which constitutes ablution under specific circumstances. Just as you applied qiyas to tayammum and ablution regarding certain rulings - such as extending the wiping to the elbows - why did you not apply qiyas to ablution and tayammum concerning the necessity of intention for validity, given that both constitute purification for prayer? Should they respond: "Allah the Exalted stated {So seek clean earth} [4:43] without specifying this for ablution," we reply: Indeed - what does that demonstrate? Similarly, Allah the Exalted declared {When you rise

تَعَالَى بِهِ فِي ذَلِكَ الْوَجْهِ، قَالَ اللَّهُ تَعَالَى: {وَمَا أُمِرُوا إِلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] فَنَفَى عَزَّ وَجَلَّ أَنْ يَكُونَ أَمَرَنَا بِشَيْءٍ إِلَّا بِعِبَادَتِهِ مُفْرِدِينَ لَهُ نِيَّاتِنَا بِدِينِهِ الَّذِي أَمَرَنَا بِهِ فَعَمَّ بِهَذَا جَمِيعَ أَعْمَالِ الشَّرِيعَةِ كُلِّهَا. حَدَّثَنَا حَمَامُ بْنُ أَحْمَدَ ثنا عَبْدُ اللَّهِ بْنُ إِبْرَاهِيمَ ثنا أَبُو زَيْدٍ الْمَرْوِيُّ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا الْحُمَيْدِيُّ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ ثنا يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ أَخْبَرَنِي مُحَمَّدُ بْنُ إِبْرَاهِيمَ التَّيْمِيُّ أَنَّهُ سَمِعَ عَلْقَمَةَ بْنَ وَقَّاصٍ اللَّيْثِيَّ يَقُولُ، سَمِعْت عُمَرَ بْنَ الْخَطَّابِ يَقُولُ عَلَى الْمِنْبَرِ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ «إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى» فَهَذَا أَيْضًا عُمُومٌ لِكُلِّ عَمَلٍ، وَلَا يَجُوزُ أَنْ يُخَصَّ بِهِ بَعْضُ الْأَعْمَالِ دُونَ بَعْضٍ بِالدَّعْوَى. وَأَمَّا قِيَاسُهُمْ ذَلِكَ عَلَى إزَالَةِ النَّجَاسَةِ فَبَاطِلٌ لِأَنَّهُ قِيَاسٌ، وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِوُجُوهٍ: مِنْهَا أَنْ يُقَالَ لَهُمْ: لَيْسَ قِيَاسُكُمْ الْوُضُوءَ وَالْغُسْلَ عَلَى إزَالَةِ النَّجَاسَةِ بِأَوْلَى مِنْ قِيَاسِكُمْ ذَلِكَ عَلَى التَّيَمُّمِ الَّذِي هُوَ وُضُوءٌ فِي بَعْضِ الْأَحْوَالِ أَيْضًا، وَكَمَا قِسْتُمْ التَّيَمُّمَ عَلَى الْوُضُوءِ فِي بَعْضِ الْأَحْوَالِ وَهُوَ بُلُوغُ الْمَسْحِ إلَى الْمِرْفَقَيْنِ، فَهَلَّا قِسْتُمْ الْوُضُوءَ عَلَى التَّيَمُّمِ فِي أَنَّهُ لَا يُجْزِئُ كُلَّ وَاحِدٍ مِنْهُمَا إلَّا بِنِيَّةٍ، لِأَنَّ كِلَيْهِمَا طُهْرٌ لِلصَّلَاةِ. فَإِنْ قَالُوا: إنَّ اللَّهَ تَعَالَى قَالَ: {فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [النساء: ٤٣] وَلَمْ يَقُلْ ذَلِكَ فِي الْوُضُوءِ قُلْنَا نَعَمْ فَكَانَ مَاذَا؟ وَكَذَلِكَ قَالَ اللَّهُ تَعَالَى: {إِذَا قُمْتُمْ إِلَى الصَّلاةِ فَاغْسِلُوا} [المائدة: ٦] فَصَحَّ أَنَّهُ لَا يُجْزِئُ ذَلِكَ الْغُسْلُ إلَّا لِلصَّلَاةِ بِنَصِّ الْآيَةِ.

to pray, wash} [5:6], thereby establishing through the verse's explicit text that such washing only suffices for prayer.[2][3]

L2602–2604 The second point is that their claim—that washing impurities suffices without intention—is invalid and not as they claimed. Rather, every purification from impurities that Allah the Exalted has commanded in a specific manner is only valid with intention and performed in that manner, based on the statement of the Messenger of Allah (peace be upon him): "Whoever does a deed not in accordance with our way, it is rejected." We have previously mentioned this with its chain of transmission. As for every impurity for which there is no command stipulating a specific manner, people are required to pray without impurities on their bodies, clothes, or in their place of prayer. If they pray in such a state, They have done what they were commanded, thus making apparent the invalidity of their argument and the enormity of their contradiction in distinguishing between ablution and ritual bath, and between tayammum and prayer along with other acts without proof, as well as their disagreement concerning a person in major impurity submerging in the well - as we mentioned - without evidence. Some of them said: "If ablution required intention, then intention would require another intention ad infinitum." We replied to them: "This reasoning necessarily applies to your position regarding the obligation of intention for tayammum and prayer, which is impossible, for the commanded intention is required for itself, being the resolve to comply solely with what is ordained." As for Al-Hasan ibn Ḥayy, his claim is refuted by the verse and hadith we cited. Our position in this matter aligns with Mālik, Al-Shāfiʿī, Aḥmad ibn Ḥanbal, Isḥāq, Dāwūd, and others. And with Allah, the Exalted, is success.[4]

L2605 **An Issue Regarding Ablution Before and After Its Pre-**

وَالْوَجْهُ الثَّانِي أَنَّ دَعْوَاهُمْ أَنَّ غَسْلَ النَّجَاسَةِ يُجْزِئُ بِلَا نِيَّةٍ بَاطِلٌ لَيْسَ كَمَا قَالُوا، بَلْ كُلُّ تَطْهِيرٍ لِنَجَاسَةٍ أَمَرَ اللَّهُ تَعَالَى بِهِ عَلَى صِفَةٍ مَا فَإِنَّهُ لَا يُجْزِئُ إلَّا بِنِيَّةٍ وَعَلَى تِلْكَ الصِّفَةِ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» وَقَدْ ذَكَرْنَاهُ بِإِسْنَادِهِ قَبْلُ، وَكُلُّ نَجَاسَةٍ لَيْسَ فِيهَا أَمْرٌ بِصِفَةٍ مَا فَإِنَّمَا عَلَى النَّاسِ أَنْ يُصَلُّوا بِغَيْرِ نَجَاسَةٍ فِي أَجْسَامِهِمْ وَلَا فِي ثِيَابِهِمْ وَلَا فِي مَوْضِعِ صَلَاتِهِمْ، فَإِذَا صَلَّوْا كَذَلِكَ فَقَدْ فَعَلُوا مَا أُمِرُوا بِهِ، فَظَهَرَ فَسَادُ احْتِجَاجِهِمْ وَعِظَمُ تَنَاقُضِهِمْ فِي الْفَرْقِ بَيْنَ الْوُضُوءِ وَالْغُسْلِ وَبَيْنَ التَّيَمُّمِ وَالصَّلَاةِ وَغَيْرِ ذَلِكَ مِنْ الْأَعْمَالِ بِلَا بُرْهَانٍ، وَاخْتِلَافُهُمْ فِي الْجُنُبِ يَنْغَمِسُ فِي الْبِئْرِ كَمَا ذَكَرْنَا بِلَا دَلِيلٍ. وَقَالَ بَعْضُهُمْ: لَوْ احْتَاجَ الْوُضُوءُ إلَى نِيَّةٍ لَاحْتَاجَتْ النِّيَّةُ إلَى نِيَّةٍ وَهَكَذَا أَبَدًا، قُلْنَا لَهُمْ: هَذَا لَازِمٌ لَكُمْ فِيمَا أَوْجَبْتُمْ مِنْ النِّيَّةِ لِلتَّيَمُّمِ وَلِلصَّلَاةِ وَهَذَا مُحَالٌ، لِأَنَّ النِّيَّةَ الْمَأْمُورَ بِهَا هِيَ مَأْمُورٌ بِهَا لِنَفْسِهَا، لِأَنَّهَا الْقَصْدُ إلَى مَا أُمِرَ بِهِ فَقَطْ، وَأَمَّا الْحَسَنُ بْنُ حَيٍّ فَإِنَّهُ يَنْقُضُ قَوْلَهُ بِالْآيَةِ الَّتِي ذَكَرْنَا وَالْحَدِيثِ الَّذِي أَوْرَدْنَاهُ، وَقَوْلُنَا فِي هَذَا قَوْلُ مَالِكٍ وَالشَّافِعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ وَدَاوُد وَغَيْرِهِمْ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. .

[مَسْأَلَةٌ الْوُضُوءُ قَبْلَ الْوَقْتِ وَبَعْدَهُ]

[2] **Hadith references (L2599):** Sahih al-Bukhari 1; Sunan Abi Dawud 2201; Mishkat al-Masabih 1.

[3] **Qur'an references (L2599):** Qur'an 98:5 (Al-Bayyinah); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

[4] **Hadith references (L2602):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

scribed Time

L2606 112 - Issue: Ablution is valid before the time and after it. Some people said: Neither ablution nor tayammum are valid unless after the entry of the time. Others said: Ablution is valid before the time, but tayammum is only valid after the time. Others said: Both ablution and tayammum are valid before the time.

١١٢ - مَسْأَلَةٌ: وَيُجْزِئُ الْوُضُوءُ قَبْلَ الْوَقْتِ وَبَعْدَهُ، وَقَالَ بَعْضُ النَّاسِ، لَا يُجْزِئُ الْوُضُوءُ وَلَا التَّيَمُّمُ إِلَّا بَعْدَ دُخُولِ وَقْتِ الصَّلَاةِ، وَقَالَ آخَرُونَ: يُجْزِئُ الْوُضُوءُ قَبْلَ الْوَقْتِ وَلَا يُجْزِئُ التَّيَمُّمُ إِلَّا بَعْدَ الْوَقْتِ، وَقَالَ آخَرُونَ: الْوُضُوءُ وَالتَّيَمُّمُ يَجْزِيَانِ قَبْلَ الْوَقْتِ.

L2607 Those who held the view that none of that suffices except after the entry of the prayer time argued by citing the statement of Allah, exalted is He: {When you stand up for prayer, wash your faces and your arms up to the elbows, and wipe your heads and your feet up to the ankle bones. If you are in a state of major impurity, perform a full ablution (ghusl). But if you are ill, on a journey, have relieved yourselves, or touched women and find no water, then perform *tayammum* with clean earth, wiping your faces and hands from it.} [Al-Ma'idah: 6][5]

وَاحْتَجَّ مَنْ رَأَى كُلَّ ذَلِكَ لَا يُجْزِئُ إِلَّا بَعْدَ دُخُولِ الْوَقْتِ بِقَوْلِ اللَّهِ تَعَالَى: {إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ} [المائدة: ٦]

L2608 Ali said: This is no proof for them; rather, it is a sufficient proof against them. For Allah the Exalted did not say, "When you rise for an obligatory prayer," nor "When the time of an obligatory prayer begins and you rise for it." Rather, He Almighty said, *When you rise for prayer* [5:6], thus making it general without specifying. Prayer can be obligatory or voluntary without dispute. All Muslims throughout the earth have unanimously agreed that voluntary prayer is not valid except with purification through ablution, tayammum, or ghusl necessarily. Therefore, the explicit text of the verse necessitates that when a person intends to perform an obligatory or voluntary prayer and rises for it, they must perform ablution, take a ritual bath if in a state of major impurity, or perform tayammum if they are eligible for it, then pray. This is the unequivocal text of the verse. When a person completes their ghusl, ablution, or tayammum, they are undoubtedly purified. Since their purification is valid, it is permissible for them to allow an interval between

قَالَ عَلِيٌّ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ، بَلْ هُوَ حُجَّةٌ عَلَيْهِمْ كَافِيَةٌ؛ لِأَنَّ اللَّهَ تَعَالَى لَمْ يَقُلْ: إِذَا قُمْتُمْ إِلَى صَلَاةِ فَرْضٍ، وَلَا إِذَا دَخَلَ وَقْتُ صَلَاةِ فَرْضٍ فَقُمْتُمْ إِلَيْهَا، بَلْ قَالَ عَزَّ وَجَلَّ: {إِذَا قُمْتُمْ إِلَى الصَّلَاةِ} [المائدة: ٦] فَعَمَّ تَعَالَى وَلَمْ يَخُصَّ، وَالصَّلَاةُ تَكُونُ فَرْضًا وَتَكُونُ تَطَوُّعًا بِلَا خِلَافٍ، وَقَدْ أَجْمَعَ أَهْلُ الْأَرْضِ قَاطِبَةً مِنَ الْمُسْلِمِينَ عَلَى أَنَّ صَلَاةَ التَّطَوُّعِ لَا تُجْزِئُ إِلَّا بِطَهَارَةٍ مِنْ وُضُوءٍ أَوْ تَيَمُّمٍ أَوْ غُسْلٍ وَلَا بُدَّ، فَوَجَبَ بِنَصِّ الْآيَةِ ضَرُورَةُ أَنَّ الْمَرْءَ إِذَا أَرَادَ صَلَاةَ فَرْضٍ أَوْ تَطَوُّعٍ وَقَامَ إِلَيْهَا أَنْ يَتَوَضَّأَ أَوْ يَغْتَسِلَ إِنْ كَانَ جُنُبًا أَوْ يَتَيَمَّمَ إِنْ كَانَ مِنْ أَهْلِ التَّيَمُّمِ ثُمَّ لِيُصَلِّ، فَإِنَّ ذَلِكَ نَصُّ الْآيَةِ بِيَقِينٍ فَإِذَا أَتَمَّ الْمَرْءُ غُسْلَهُ أَوْ وُضُوءَهُ أَوْ تَيَمُّمَهُ فَقَدْ طَهُرَ بِلَا شَكٍّ. وَإِذْ قَدْ صَحَّتْ طَهَارَتُهُ فَجَائِزٌ لَهُ أَنْ يَجْعَلَ بَيْنَ طَهَارَتِهِ وَبَيْنَ الصَّلَاةِ الَّتِي قَامَ إِلَيْهَا مُهْلَةً مِنْ مَشْيٍ أَوْ حَدِيثٍ أَوْ عَمَلٍ.

[5] **Qur'an references (L2607):** Qur'an 5:6 (Al-Ma'idah).

their purification and the prayer they rose for, such as walking, conversation, or work.[6]

L2609–2610 Because the verse did not mandate the connection of prayer with purification, neither through its explicit text nor by any indication within it. If it is permissible for an interval to exist between one's purification and prayer, then it is permissible for this interval to extend as long as no Quran or Sunnah prevents its continuation. This extension persists until the end of the obligatory prayers' designated times. As for voluntary prayers, one may act as one wishes. Thus, the permissibility of purifying oneself through ritual bathing, ablution, or dry ablution before the time of the obligatory prayer is established by the verse's explicit text. The verse obligates that none of these acts should be performed except with the sole intention of purification for prayer, and nothing beyond that.

L2611 Another proof is that prayer is undoubtedly permissible at the beginning of its time. If this is so, it cannot be valid at all unless proper purification for it had been attained before that. This necessarily leads to the permissibility of attaining purification through all such means prior to the commencement of the time.

L2612 Another proof is what was narrated to us by Abdullah ibn Rabee'ah, who narrated to us from Muhammad ibn Mu'awiyah, who narrated to us from Ahmad ibn Shu'ayb, who narrated to us from Qutaybah ibn Sa'eed, from Malik, from Sumayy, from Abu Salih, from Abu Hurayrah that the Messenger of Allah—peace and blessings be upon him—said: "Whoever performs the major ablution (ghusl) on Friday like the ablution for sexual impurity and goes to attend [the prayer], it is as if he offered a sacrificial camel. Whoever goes in the second hour, it is as if he offered a cow. Whoever goes in the third hour, it is as if he offered a ram. Whoever goes in the fourth hour, it is as if he offered a chicken. Whoever goes in the fifth hour, it is as if he offered an egg. When the Imam emerges, the angels attend to listen to the sermon." This is an explicit text affirming the permissibility of performing ablution (wudu) for prayer and dry ablution (tayammum) before its prescribed time commences,

[6] **Qur'an references (L2608):** Qur'an 5:6 (Al-Ma'idah).

لِأَنَّ الْآيَةَ لَمْ تُوجِبْ اتِّصَالَ الصَّلَاةِ بِالطَّهَارَةِ لَا بِنَصِّهَا وَلَا بِدَلِيلٍ فِيهَا. وَإِذَا جَازَ أَنْ يَكُونَ بَيْنَ طَهَارَتِهِ وَبَيْنَ صَلَاتِهِ مُهْلَةٌ فَجَائِزٌ أَنْ تَمْتَدَّ الْمُهْلَةُ مَا لَمْ يَمْنَعْ مِنْ تَمَادِيهَا قُرْآنٌ أَوْ سُنَّةٌ. وَذَلِكَ يَمْتَدُّ إِلَى آخِرِ أَوْقَاتِ الْفَرْضِ. وَأَمَّا فِي التَّطَوُّعِ فَمَا شَاءَ. فَصَحَّ بِنَصِّ الْآيَةِ جَوَازُ التَّطَهُّرِ بِالْغُسْلِ وَبِالْوُضُوءِ وَبِالتَّيَمُّمِ قَبْلَ وَقْتِ صَلَاةِ الْفَرْضِ، وَإِنَّمَا وَجَبَ بِنَصِّ الْآيَةِ أَنْ لَا يَكُونَ شَيْءٌ مِنْ ذَلِكَ إِلَّا بِنِيَّةِ التَّطَهُّرِ لِلصَّلَاةِ فَقَطْ وَلَا مَزِيدَ.

وَدَلِيلٌ آخَرُ: وَهُوَ أَنَّ الصَّلَاةَ جَائِزَةٌ بِلَا خِلَافٍ فِي أَوَّلِ وَقْتِهَا، فَإِذَا ذَلِكَ كَذَلِكَ فَلَا يَكُونُ ذَلِكَ أَلْبَتَّةَ إِلَّا وَقَدْ صَحَّتْ الطَّهَارَةُ لَهَا قَبْلَ ذَلِكَ، وَهَذَا يُنْتِجُ وَلَا بُدَّ جَوَازَ التَّطَهُّرِ بِكُلِّ ذَلِكَ قَبْلَ أَوَّلِ الْوَقْتِ.

بُرْهَانٌ آخَرُ، وَهُوَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ عَنْ مَالِكٍ عَنْ سُمَيٍّ عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «مَنْ اغْتَسَلَ يَوْمَ الْجُمُعَةِ غُسْلَ الْجَنَابَةِ وَرَاحَ فَكَأَنَّمَا قَدَّمَ بَدَنَةً. وَمَنْ رَاحَ فِي السَّاعَةِ الثَّانِيَةِ فَكَأَنَّمَا قَرَّبَ بَقَرَةً، وَمَنْ رَاحَ فِي السَّاعَةِ الثَّالِثَةِ فَكَأَنَّمَا قَرَّبَ كَبْشًا، وَمَنْ رَاحَ فِي السَّاعَةِ الرَّابِعَةِ فَكَأَنَّمَا قَرَّبَ دَجَاجَةً وَمَنْ رَاحَ فِي السَّاعَةِ الْخَامِسَةِ فَكَأَنَّمَا قَرَّبَ بَيْضَةً، فَإِذَا خَرَجَ الْإِمَامُ حَضَرَتْ الْمَلَائِكَةُ يَسْتَمِعُونَ الذِّكْرَ» . فَهَذَا نَصٌّ جَلِيٌّ عَلَى جَوَازِ الْوُضُوءِ لِلصَّلَاةِ وَالتَّيَمُّمِ لَهَا قَبْلَ دُخُولِ وَقْتِهَا، لِأَنَّ الْإِمَامَ يَوْمَ الْجُمُعَةِ لَا بُدَّ ضَرُورَةً مِنْ أَنْ يَخْرُجَ قَبْلَ الْوَقْتِ أَوْ بَعْدَ دُخُولِ الْوَقْتِ، وَأَيُّ الْأَمْرَيْنِ كَانَ فَتَطَهُّرُ

because the Friday Imam inevitably must emerge either before the prayer time begins or after it has begun. In either case, the purification performed by this attendee from the beginning of the day undoubtedly occurred before the time of Friday prayer. The Messenger of Allah—peace and blessings be upon him—knew that among those going to attend Friday prayer were travelers performing dry ablution and others performing ablution. As for those who differentiate between permitting ablution before the time and prohibiting dry ablution before the time, they claim the verse's ruling necessitates all such acts to occur after the time. They further allege that ablution is exempted due to the Prophet's—peace and blessings be upon him—prayer on the Day of the Conquest of Mecca, performing all prayers with a single ablution. This holds no proof, for the narration does not state that the Messenger of Allah—peace and blessings be upon him—performed ablution before the prayer time began. It is plausible he performed ablution after the time had begun and continued praying while his purification remained intact. Since this is possible, this narration contains no evidence for permitting ablution before the time begins. And success is from Allah, the Most High.

L2613–2614 **The ruling on mixing the intention for ritual purification with the intention of cooling.**

L2615 Issue: If one mixes the intention of purification for prayer with an intention for cooling down or any other purpose, the prayer is not rendered valid through that ablution. The proof for this is Allah's statement: {They were not commanded except to worship Allah, sincere to Him in religion as devoutly monotheistic} [Al-Bayyinah: 5]. Whoever mixes, with the intention they were commanded, an intention they were not commanded has not sincerely devoted that act of worship to Allah in that devotion. If they are not sincere, they have not performed the ablution Allah commanded them to perform. If one intends, while performing ablution for prayer, to teach ablution to those present, the prayer is rendered valid through it, because teaching people the religion is commanded. And success is from Allah, the Exalted.[7]

L2616 **The intention is not valid unless formed before beginning**

[7] **Qur'an references (L2615):** Qur'an 98:5 (Al-Bayyinah).

هَذَا الرَّائِحِ مِنْ أَوَّلِ النَّهَارِ كَانَ قَبْلَ وَقْتِ الْجُمُعَةِ بِلَا شَكٍّ، وَقَدْ عَلِمَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ فِي الرَّائِحِينَ إِلَى الْجُمُعَةِ الْمُتَيَمِّمَ فِي السَّفَرِ وَالْمُتَوَضِّئَ. وَأَمَّا مَنْ فَرَّقَ بَيْنَ جَوَازِ الْوُضُوءِ قَبْلَ الْوَقْتِ وَجَوَازِ التَّيَمُّمِ قَبْلَ الْوَقْتِ فَمَنَعَ مِنْهُ، فَإِنَّهُمْ ادَّعَوْا أَنَّ حُكْمَ الْآيَةِ يُوجِبُ أَنْ يَكُونَ كُلُّ ذَلِكَ بَعْدَ الْوَقْتِ، وَادَّعَوْا أَنَّ الْوُضُوءَ خَرَجَ بِصَلَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الْفَتْحِ الصَّلَوَاتِ كُلَّهَا بِوُضُوءٍ وَاحِدٍ، وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ قَبْلَ دُخُولِ وَقْتِ الصَّلَاةِ، وَلَعَلَّهُ تَوَضَّأَ بَعْدَ دُخُولِ الْوَقْتِ ثُمَّ بَقِيَ يُصَلِّي بِطَهَارَتِهِ مَا لَمْ تُنْتَقَضْ، فَإِذَا هَذَا مُمْكِنٌ فَلَا دَلِيلَ فِي هَذَا الْخَبَرِ عَلَى جَوَازِ الْوُضُوءِ قَبْلَ دُخُولِ الْوَقْتِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[حُكْم خلط نِيَّة الطَّهَارَة بِنْيَة التبرد]

مَسْأَلَةٌ: فَإِنْ خَلَطَ بِنِيَّةِ الطَّهَارَةِ لِلصَّلَاةِ نِيَّةً لِتَبَرُّدٍ أَوْ لِغَيْرِ ذَلِكَ لَمْ تُجْزِهِ الصَّلَاةُ بِذَلِكَ الْوُضُوءِ. بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {وَمَا أُمِرُوا إِلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ حُنَفَاءَ} [البينة: ٥] فَمَنْ مَزَجَ بِالنِّيَّةِ الَّتِي أُمِرَ بِهَا نِيَّةً لَمْ يُؤْمَرْ بِهَا، فَلَمْ يُخْلِصْ لِلَّهِ تَعَالَى الْعِبَادَةَ بِدِينِهِ ذَلِكَ، وَإِذَا لَمْ يُخْلِصْ فَلَمْ يَأْتِ بِالْوُضُوءِ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِهِ، فَلَوْ نَوَى مَعَ وُضُوئِهِ لِلصَّلَاةِ أَنْ يُعَلِّمَ الْوُضُوءَ مَنْ بِحَضْرَتِهِ أَجْزَأَتْهُ الصَّلَاةُ بِهِ، لِأَنَّ تَعْلِيمَ النَّاسِ الدِّينَ مَأْمُورٌ بِهِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[لَا تُجْزِئُ النِّيَّة إِلَّا قَبْل الابتداء بالوضوء أَوْ غَيْره]

wudu or other acts.

L2617 Issue 114: The intention for wudu or any other act of worship is not valid unless formed before commencing the act, connected to its initiation without any interval (however brief or prolonged). The proof lies in the established obligation of intention for acts of worship, requiring that no part of the act lacks it. If the intention fails this condition, it must entail one of two scenarios: either an interval separates it from the act - rendering the entire act devoid of intention - or the intention coincides with the act, leaving its initial portion devoid of the intention that should initiate it. This is because intention constitutes the deliberate intent and volition to perform the act in fulfillment of what Allah has ordained for it. Such intention must be firmly established before commencing the act and maintained throughout it, as we have explained. Moreover, if permitting a minute's interval between intention and act were valid, this would logically extend to two minutes, three, four, and incrementally to tens of years. Success comes solely from Allah, the Exalted.

L2618 **A legal issue regarding one who immersed the limbs of ablution in water and intended.**

L2619 Issue 115: If someone immerses the limbs of ablution in water while intending ablution (wudu) for prayer, or stands under a water spout until the water covers them completely while intending ablution for prayer, or pours water over the limbs of ablution for prayer, or has another person pour water over them while he himself intends ablution for prayer, this suffices him. The proof lies in the fact that the term "washing (ghusl)" in the language of the Quran's revelation encompasses all these acts. Whoever claims this term applies exclusively to scrubbing with the hands asserts without evidence. This opinion of ours aligns with the positions of Abu Hanifah, Al-Shafi'i, and Dawud. And success is from Allah, the Exalted.

L2620 **Issue: Recitation of the Quran, Prostration in Recitation, and Touching the Mus'haf**

١١٤ - مَسْأَلَةٌ: وَلَا تُجْزِئُ النِّيَّةُ فِي ذَلِكَ وَلَا فِي غَيْرِهِ مِنْ الْأَعْمَالِ إلَّا قَبْلَ الِابْتِدَاءِ بِالْوُضُوءِ أَوْ بِأَيِّ عَمَلٍ كَانَ مُتَّصِلَةً بِالِابْتِدَاءِ بِهِ لَا يَحُولُ بَيْنَهُمَا وَقْتٌ قَلَّ أَمْ كَثُرَ. بُرْهَانُ ذَلِكَ أَنَّ النِّيَّةَ لَمَّا صَحَّ أَنَّهَا فَرْضٌ فِي الْعَمَلِ وَجَبَ أَنْ تَكُونَ لَا يَخْلُو مِنْهَا شَيْءٌ مِنْ الْعَمَلِ، وَإِذَا لَمْ تَكُنْ كَمَا ذَكَرْنَا فَهِيَ إمَّا أَنْ يَحُولَ بَيْنَهَا وَبَيْنَ الْعَمَلِ زَمَانٌ فَيَصِيرُ الْعَمَلُ بِلَا نِيَّةٍ، وَأَيْضًا فَإِنَّهُ لَوْ جَازَ أَنْ يَحُولَ بَيْنَ النِّيَّةِ وَبَيْنَ الْعَمَلِ دَقِيقَةٌ لَجَازَ أَنْ يَحُولَ بَيْنَهُمَا دَقِيقَتَانِ وَثَلَاثٌ وَأَرْبَعٌ، وَمَا زَادَ إلَى أَنْ يَبْلُغَ الْأَمْرُ إلَى عَشَرَاتِ أَعْوَامٍ، وَإِمَّا أَنْ يَكُونَ مُقَارِنًا لِلنِّيَّةِ فَيَكُونُ أَوَّلُ الْعَمَلِ خَالِيًا مِنْ نِيَّةٍ دَخَلَ فِيهِ بِهَا، لِأَنَّ النِّيَّةَ هِيَ الْقَصْدُ بِالْعَمَلِ وَالْإِرَادَةُ بِهِ مَا افْتَرَضَ اللَّهُ تَعَالَى فِي ذَلِكَ الْعَمَلِ، وَهَذَا لَا يَكُونُ إلَّا مُعْتَقَدًا قَبْلَ الْعَمَلِ وَمَعَهُ كَمَا ذَكَرْنَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مِنْ غَمَسَ أَعْضَاءَ الْوُضُوءِ فِي الْمَاءِ وَنَوَى]

١١٥ - مَسْأَلَةٌ: وَمَنْ غَمَسَ أَعْضَاءَ الْوُضُوءِ فِي الْمَاءِ وَنَوَى بِهِ الْوُضُوءَ لِلصَّلَاةِ، أَوْ وَقَفَ تَحْتَ مِيزَابٍ حَتَّى عَمَّهَا الْمَاءُ وَنَوَى بِذَلِكَ الْوُضُوءَ لِلصَّلَاةِ، أَوْ صَبَّ الْمَاءَ عَلَى أَعْضَاءِ الْوُضُوءِ لِلصَّلَاةِ، أَوْ صَبَّ الْمَاءَ عَلَى أَعْضَاءِ الْوُضُوءِ لِلصَّلَاةِ، أَوْ صَبَّ الْمَاءَ عَلَى أَعْضَاءِ الْوُضُوءِ غَيْرُهُ وَنَوَى هُوَ بِذَلِكَ الْوُضُوءَ لِلصَّلَاةِ أَجْزَأَهُ. بُرْهَانُ ذَلِكَ أَنَّ اسْمَ " غُسْلٌ " يَقَعُ عَلَى ذَلِكَ كُلِّهِ فِي اللُّغَةِ الَّتِي بِهَا نَزَلَ الْقُرْآنُ، وَمَنْ ادَّعَى أَنَّ اسْمَ الْغُسْلِ لَا يَقَعُ إلَّا عَلَى التَّدَلُّكِ بِالْيَدِ فَقَدْ ادَّعَى مَا لَا بُرْهَانَ لَهُ بِهِ وَقَوْلُنَا هَذَا قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَدَاوُد. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. .

[مَسْأَلَةٌ قِرَاءَةُ الْقُرْآنِ وَالسُّجُودُ فِيهِ وَمَسُّ الْمُصْحَفِ]

L2621–2623 Issue 116: Reciting the Quran, performing prostration in it, touching the Quranic codex, and remembering Allah the Exalted are permissible—all of these acts are allowed both with ablution and without ablution, and for the one in major impurity and the menstruating woman. The evidence for this is that reciting the Quran, performing prostration in it, touching the Quranic codex, and remembering Allah the Exalted... Acts of goodness are exhorted to perform them, and their doer is rewarded. Whoever claims their prohibition in certain circumstances must furnish proof. As for reciting the Qur'an, contemporary opposing scholars concur with us regarding one not in a state of ablution, but they differ concerning the one in a state of major impurity (junub) and the menstruating woman. One group asserts that neither the menstruating woman nor the junub may recite any part of the Qur'an—a view transmitted from ʻUmar ibn al-Khaṭṭāb and ʻAlī ibn Abī Ṭālib (may Allah be pleased with both of them), as well as others such as al-Ḥasan al-Baṣrī, Qatādah, al-Nakhaʿī, and more. Another group maintains that the menstruating woman may recite whatever she wishes of the Qur'an, while the junub may recite two verses or the like: this is the opinion of Mālik. Some held that the junub should not recite a full verse, which is the view of Abū Ḥanīfah. Those who prohibit the junub from reciting any Qur'an cite the narration from ʻAbdullāh ibn Salamah, from ʻAlī ibn Abī Ṭālib (may Allah be pleased with him): "Nothing prevented the Messenger of Allah (peace be upon him) from reciting the Qur'an except major impurity." This offers no valid proof, for it contains no explicit prohibition against the junub reciting the Qur'an. It merely denotes an action of the Prophet (peace be upon him), which is not binding, nor did he clarify that his abstention was specifically due to major impurity.

L2624 It is acknowledged for him—peace be upon him—that his abstention from recitation in that state was not due to major impurity. He—peace be upon him—never fasted an entire month apart from Ramadan, never exceeded thirteen units in his nightly prayers, never ate upon a dining spread, and never ate while reclining. Would it then be prohibited to fast an entire month outside Ramadan, to perform voluntary night prayers exceeding thirteen units, to eat upon a dining spread, or to eat while reclining? This is something

١١٦ - مَسْأَلَةٌ: وَقِرَاءَةُ الْقُرْآنِ وَالسُّجُودُ فِيهِ وَمَسُّ الْمُصْحَفِ وَذِكْرُ اللَّهِ تَعَالَى جَائِزٌ، كُلُّ ذَلِكَ بِوُضُوءٍ وَبِغَيْرِ وُضُوءٍ وَلِلْجُنُبِ وَالْحَائِضِ. بُرْهَانُ ذَلِكَ أَنَّ قِرَاءَةَ الْقُرْآنِ وَالسُّجُودَ فِيهِ وَمَسَّ الْمُصْحَفِ وَذِكْرَ اللَّهِ تَعَالَى أَفْعَالُ خَيْرٍ مَنْدُوبٌ إلَيْهَا مَأْجُورٌ فَاعِلُهَا، فَمَنْ ادَّعَى الْمَنْعَ فِيهَا فِي بَعْضِ الْأَحْوَالِ كُلِّفَ أَنْ يَأْتِيَ بِالْبُرْهَانِ. فَأَمَّا قِرَاءَةُ الْقُرْآنِ فَإِنَّ الْحَاضِرِينَ مِنْ الْمُخَالِفِينَ مُوَافِقُونَ لَنَا فِي هَذَا لِمَنْ كَانَ عَلَى غَيْرِ وُضُوءٍ، وَاخْتَلَفُوا فِي الْجُنُبِ وَالْحَائِضِ. فَقَالَتْ طَائِفَةٌ: لَا تَقْرَأُ الْحَائِضُ وَلَا الْجُنُبُ شَيْئًا مِنْ الْقُرْآنِ، وَهُوَ قَوْلٌ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَعَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُمَا - وَعَنْ غَيْرِهِمَا رُوِيَ أَيْضًا كَالْحَسَنِ الْبَصْرِيِّ وَقَتَادَةَ وَالنَّخَعِيِّ وَغَيْرِهِمْ وَقَالَتْ طَائِفَةٌ: أَمَّا الْحَائِضُ فَتَقْرَأُ مَا شَاءَتْ مِنْ الْقُرْآنِ. وَأَمَّا الْجُنُبُ فَيَقْرَأُ الْآيَتَيْنِ وَنَحْوَهُمَا، وَهُوَ قَوْلُ مَالِكٍ، وَقَالَ بَعْضُهُمْ: لَا يُتِمُّ الْآيَةَ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ. فَأَمَّا مَنْ مَنَعَ الْجُنُبَ مِنْ قِرَاءَةِ شَيْءٍ مِنْ الْقُرْآنِ، فَاحْتَجُّوا بِمَا رَوَاهُ عَبْدُ اللَّهِ بْنُ سَلَمَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَكُنْ يَحْجُزُهُ عَنْ الْقُرْآنِ شَيْءٌ لَيْسَ الْجَنَابَةُ» وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّهُ لَيْسَ فِيهِ نَهْيٌ عَنْ أَنْ يَقْرَأَ الْجُنُبُ الْقُرْآنَ، وَإِنَّمَا هُوَ فِعْلٌ مِنْهُ - عَلَيْهِ السَّلَامُ - لَا يُلْزِمُ، وَلَا بَيَّنَ - عَلَيْهِ السَّلَامُ - أَنَّهُ إنَّمَا يَمْتَنِعُ مِنْ قِرَاءَةِ الْقُرْآنِ مِنْ أَجْلِ الْجَنَابَةِ.

وَقَدْ يُتَّفَقُ لَهُ - عَلَيْهِ السَّلَامُ - تَرْكُ الْقِرَاءَةِ فِي تِلْكَ الْحَالِ لَيْسَ مِنْ أَجْلِ الْجَنَابَةِ، وَهُوَ - عَلَيْهِ السَّلَامُ - لَمْ يَصُمْ قَطُّ شَهْرًا كَامِلًا غَيْرَ رَمَضَانَ، وَلَمْ يَزِدْ قَطُّ فِي قِيَامِهِ عَلَى ثَلَاثَ عَشْرَةَ رَكْعَةً، وَلَا أَكَلَ قَطُّ عَلَى خِوَانٍ، وَلَا أَكَلَ مُتَّكِئًا. أَفَيَحْرُمُ أَنْ يُصَامَ شَهْرٌ كَامِلٌ غَيْرُ رَمَضَانَ أَوْ أَنْ يَتَهَجَّدَ الْمَرْءُ بِأَكْثَرَ مِنْ ثَلَاثَ عَشْرَةَ رَكْعَةً، أَوْ أَنْ يَأْكُلَ

they would never assert, and such examples are exceedingly numerous. Narrations have been transmitted prohibiting those in a state of major impurity and those not ritually pure from reciting any portion of the Quran, yet none of them are authentic. We have demonstrated the weakness of their chains of transmission in other works. Even if they were authentic, they would serve as evidence against those who permit the recitation of a complete verse or part of a verse by one in major impurity, for all these narrations categorically forbid such individuals from reciting the Quran in any form. As for those who claim that one in major impurity may recite a verse or similar, or prohibit completing a verse, or permit menstruating women while forbidding those in major impurity—these are corrupt opinions, being mere assertions unsupported by evidence from the Quran, authentic Sunnah, or even weak traditions.

عَلَى خِوَانٍ، أَوْ أَنْ يَأْكُلَ مُتَّكِئًا؟ هَذَا لَا يَقُولُونَهُ، وَمِثْلُ هَذَا كَثِيرٌ جِدًّا. وَقَدْ جَاءَتْ آثَارٌ فِي نَهْيِ الْجُنُبِ وَمَنْ لَيْسَ عَلَى طُهْرٍ عَنْ أَنْ يَقْرَأَ شَيْئًا مِنَ الْقُرْآنِ، وَلَا يَصِحُّ مِنْهَا شَيْءٌ، وَقَدْ بَيَّنَّا ضَعْفَ أَسَانِيدِهَا فِي غَيْرِ مَوْضِعٍ، وَلَوْ صَحَّتْ لَكَانَتْ حُجَّةً عَلَى مَنْ يُبِيحُ لَهُ قِرَاءَةَ الْآيَةِ التَّامَّةِ أَوْ بَعْضِ الْآيَةِ؛ لِأَنَّهَا كُلَّهَا نَهْيٌ عَنْ قِرَاءَةِ الْقُرْآنِ لِلْجُنُبِ جُمْلَةً. وَأَمَّا مَنْ قَالَ يَقْرَأُ الْجُنُبُ الْآيَةَ أَوْ نَحْوَهَا، أَوْ قَالَ لَا يُتِمُّ الْآيَةَ، أَوْ أَبَاحَ لِلْحَائِضِ وَمَنَعَ الْجُنُبَ فَأَقْوَالٌ فَاسِدَةٌ؛ لِأَنَّهَا دَعَاوَى لَا يُعَضِّدُهَا دَلِيلٌ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ.

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nor from consensus, nor from the statement of a Companion, nor from analogy, nor from sound opinion, because part of the verse and the verse are the Quran, without a doubt, and there is no difference between a verse being permitted to him or another, or between being prohibited from a verse or another. The proponents of these opinions They condemn opposing the Companion for whom no opponent is known, yet here they themselves opposed ʻUmar ibn al-Khaṭṭāb, ʻAlī ibn Abī Ṭālib, and Salmān al-Fārisī—though no opponent from the Companions is known for them, may Allah be pleased with them. Furthermore, some Quranic verses consist of a single word, such as {By the morning brightness} [Al-Ḍuḥā: 1], {dark green} [Al-Raḥmān: 64], {By time} [Al-ʻAṣr: 1], and {By the dawn} [Al-Fajr: 1], while others have many words, like the Verse of Debt. This is beyond dispute. How astonishing it is that they declare it permissible for him to recite the Verse of Debt and the verse following it, or the Verse of the Throne or part of it without completing it, yet forbid him from reciting {By the dawn} [Al-Fajr: 1], {And [by] ten nights} [Al-Fajr: 2], {And [by] the even and the odd} [Al-Fajr: 3], or prevent him from completing the verse containing {dark green} [Al-Raḥmān: 64]. Similarly, their distinction between a menstruating woman and a junub (one in major ritual impurity) by claiming her period is prolonged is invalid. If reciting the Quran is forbidden for her, its prolonged duration

وَلَا مِنْ إِجْمَاعٍ وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ وَلَا مِنْ رَأْيٍ سَدِيدٍ، لِأَنَّ بَعْضَ الْآيَةِ وَالْآيَةَ قُرْآنٌ بِلَا شَكٍّ، وَلَا فَرْقَ بَيْنَ أَنْ يُبَاحَ لَهُ آيَةٌ أَوْ أَنْ يُبَاحَ لَهُ أُخْرَى، أَوْ بَيْنَ أَنْ يُمْنَعَ مِنْ آيَةٍ أَوْ يُمْنَعَ مِنْ أُخْرَى، وَأَهْلُ هَذِهِ الْأَقْوَالِ يُشَنِّعُونَ مُخَالَفَةَ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مُخَالِفٌ، وَهُمْ قَدْ خَالَفُوا هَهُنَا عُمَرَ بْنَ الْخَطَّابِ وَعَلِيَّ بْنَ أَبِي طَالِبٍ وَسَلْمَانَ الْفَارِسِيَّ، وَلَا يُعْرَفُ لَهُمْ مُخَالِفٌ مِنَ الصَّحَابَةِ. - رَضِيَ اللَّهُ عَنْهُمْ - وَأَيْضًا فَإِنَّ مِنَ الْآيَاتِ مَا هُوَ كَلِمَةٌ وَاحِدَةٌ مِثْلُ {وَالضُّحَى} [الضحى: ١] وَ {مُدْهَامَّتَانِ} [الرحمن: ٦٤] وَ {وَالْعَصْرِ} [العصر: ١] وَ {وَالْفَجْرِ} [الفجر: ١] وَمِنْهَا كَلِمَاتٌ كَثِيرَةٌ كَآيَةِ الدَّيْنِ، فَإِذْ لَا شَكَّ فِي هَذَا. فَإِنَّ فِي إِبَاحَتِهِمْ لَهُ قِرَاءَةَ آيَةِ الدَّيْنِ وَالَّتِي بَعْدَهَا أَوْ آيَةَ الْكُرْسِيِّ أَوْ بَعْضَهَا وَلَا يُتِمُّهَا، وَمَنْعِهِمْ إِيَّاهُ مِنْ قِرَاءَةِ {وَالْفَجْرِ} [الفجر: ١] {وَلَيَالٍ عَشْرٍ} [الفجر: ٢] {وَالشَّفْعِ وَالْوَتْرِ} [الفجر: ٣] أَوْ مَنْعِهِمْ لَهُ مِنْ إِتْمَامِ (مُدْهَامَّتَانِ) لَعَجَبًا. وَكَذَلِكَ تَفْرِيقُهُمْ بَيْنَ الْحَائِضِ وَالْجُنُبِ بِأَنَّ أَمَدَ الْحَائِضِ يَطُولُ، فَهُوَ مُحَالٌ،

does not make it permissible; and if it is permissible, citing the prolonged duration is meaningless. Muḥammad ibn Saʿīd ibn Nabāt narrated to us: ʿAbdullāh ibn Naṣr narrated to us via Qāsim ibn Aṣbagh via Muḥammad ibn Waḍḍāḥ via Mūsā ibn Muʿāwiyah. Ibn Wahb narrated to us via Yūnus ibn Yazīd via Rabīʿah, who said, "There is no harm in a junub reciting the Quran." And via him to Mūsā ibn Muʿāwiyah: Yūsuf ibn Khālid al-Samtī narrated to us via Idrīs via Ḥammād, who said, "I asked Saʿīd ibn al-Musayyib about a junub: Can he recite the Quran?" He replied, "How could he not recite it when it resides within him?" And via Yūsuf al-Samtī via Naṣr al-Bāhilī.[8]

لِأَنَّهُ إِنْ كَانَتْ قِرَاءَتُهَا لِلْقُرْآنِ حَرَامًا فَلَا يُبِيحُهُ لَهَا طُولُ أَمَدِهَا، وَإِنْ كَانَ ذَلِكَ لَهَا حَلَالًا فَلَا مَعْنَى لِلِاحْتِجَاجِ بِطُولِ أَمَدِهَا. حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ عَنْ قَاسِمِ بْنِ أَصْبَغَ عَنْ مُحَمَّدِ بْنِ وَضَّاحٍ عَنْ مُوسَى بْنِ مُعَاوِيَةَ ثنا ابْنُ وَهْبٍ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ رَبِيعَةَ قَالَ: لَا بَأْسَ أَنْ يَقْرَأَ الْجُنُبُ الْقُرْآنَ وَبِهِ إِلَى مُوسَى بْنِ مُعَاوِيَةَ ثنا يُوسُفُ بْنُ خَالِدٍ السَّمْتِيُّ ثنا إِدْرِيسُ عَنْ حَمَّادٍ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيِّبِ عَنْ الْجُنُبِ هَلْ يَقْرَأُ الْقُرْآنَ؟ فَقَالَ: وَكَيْفَ لَا يَقْرَؤُهُ وَهُوَ فِي جَوْفِهِ وَبِهِ إِلَى يُوسُفَ السَّمْتِيِّ عَنْ نَصْرٍ الْبَاهِلِيِّ.

L2628 He said: Ibn Abbas would recite Al-Baqarah while junub. Muhammad ibn Saʿid ibn Nabat informed us: Ahmad ibn ʿAwn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammad ibn ʿAbd al-Salam al-Khushaniyy narrated to us: Muhammad ibn Bashshar narrated to us: Ghundar narrated to us: Shuʿbah reported from Hammad ibn Abi Sulayman, who said: I asked Saʿid ibn Jubayr about a junub reciting, and he saw no harm in it. He said: "Is not the Quran within him?" This is the view of Dawud and all our associates.

قَالَ: كَانَ ابْنُ عَبَّاسٍ يَقْرَأُ الْبَقَرَةَ وَهُوَ جُنُبٌ. أَخْبَرَنِي 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 غُنْدَرٌ ثنا شُعْبَةُ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ قَالَ: سَأَلْت سَعِيدَ بْنَ جُبَيْرٍ عَنْ الْجُنُبِ يَقْرَأُ فَلَمْ يَرَ بِهِ بَأْسًا وَقَالَ: أَلَيْسَ فِي جَوْفِهِ الْقُرْآنُ؟ وَهُوَ قَوْلُ دَاوُد وَجَمِيعِ أَصْحَابِنَا.

L2629–2631 As for the prostration during Quranic recitation, it is not a prayer at all. This is based on the narration transmitted by Abdullah ibn Rabiʿ from Muḥammad ibn Muʿāwiyah, from Aḥmad ibn Shuʿayb, from Muḥammad ibn Bishār, from ʿAbd al-Raḥmān ibn Mahdī and Muḥammad ibn Jaʿfar, who both stated: Shuʿbah narrated to us from Yaʿlā ibn ʿAṭāʾ, who heard ʿAlī al-Azdī (ʿAlī ibn ʿAbd Allāh al-Bāriqī, a trustworthy narrator) report that he heard Ibn ʿUmar relate from Allah's Messenger (peace be upon him): "Night and daytime prayers are performed in pairs of two." It has been authentically established from the Prophet (peace be upon him) that he said: "Witr consists of one *rakʿah* performed at the night's end." It is validly concluded that what is not a full Rak'ah, two Rak'ahs, or more cannot be considered prayer.

وَأَمَّا سُجُودُ الْقُرْآنِ فَإِنَّهُ لَيْسَ صَلَاةً أَصْلًا، لِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ وَمُحَمَّدُ بْنُ جَعْفَرٍ قَالَا ثنا شُعْبَةُ عَنْ يَعْلَى بْنِ عَطَاءٍ أَنَّهُ سَمِعَ عَلِيًّا الْأَزْدِيَّ - وَهُوَ عَلِيُّ بْنُ عَبْدِ اللَّهِ الْبَارِقِيُّ ثِقَةٌ - أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «صَلَاةُ اللَّيْلِ وَالنَّهَارِ مَثْنَى مَثْنَى» وَقَدْ صَحَّ عَنْهُ - عَلَيْهِ السَّلَامُ - أَنَّهُ قَالَ «الْوِتْرُ رَكْعَةٌ مِنْ آخِرِ اللَّيْلِ» فَصَحَّ أَنَّ مَا لَمْ يَكُنْ رَكْعَةً تَامَّةً أَوْ رَكْعَتَيْنِ فَصَاعِدًا فَلَيْسَ صَلَاةً.

[8] **Qur'an references (L2625):** Qur'an 89:2 (Al-Fajr); Qur'an 89:3 (Al-Fajr); Qur'an 93:1 (Ad-Duhaa); Qur'an 55:64 (Ar-Rahman); Qur'an 103:1 (Al-'Asr); Qur'an 89:1 (Al-Fajr).

L2632 Prostration during Quranic recitation is neither one prayer unit nor two units, hence it does not qualify as prayer. Since it is not prayer, it remains permissible without ablution – whether for one in major impurity, a menstruating woman, or facing a direction other than the qiblah – like all other forms of remembrance, with no distinction. This is because ablution is only obligatory for prayer specifically, as neither the Qur'an, prophetic tradition, scholarly consensus, nor analogical reasoning mandates it for non-prayer acts. If one argues that prostration is part of prayer and that any prayer component constitutes prayer itself, we respond – and with Allah, the Exalted, is success – this is invalid. A prayer component only becomes prayer when the entire prayer is completed as commanded. If a person utters the opening takbīr, bows, then intentionally abandons the prayer, no Muslim scholar would say they performed any prayer. All would agree they did not pray. However, if one completes a single unit in Witr or two units in Friday prayer (Jumuʿah), dawn prayer (Fajr), travel prayers, or voluntary prayers, they have undoubtedly prayed without dispute. We further counter: Standing is part of prayer, the takbīr is part of prayer, reciting the Opening, Sūrah al-Fātiḥah, is part of prayer, sitting is part of prayer, and the salutations are part of prayer. By this logic, you must prohibit saying the takbīr, reciting the Opening, sitting, or giving salutations except with ablution – a position none of you holds. Thus your argument is void, and with Allah, the Exalted, is success. If they claim consensus supports their view, we reply: You have already affirmed the validity of consensus in refuting your argument and invalidating your rationale – and with Allah, the Exalted, is success.

وَالسُّجُودُ فِي قِرَاءَةِ الْقُرْآنِ لَيْسَ رَكْعَةً وَلَا رَكْعَتَيْنِ فَلَيْسَ صَلَاةً، وَإِذْ لَيْسَ هُوَ صَلَاةً فَهُوَ جَائِزٌ بِلَا وُضُوءٍ، وَلِلْجُنُبِ وَلِلْحَائِضِ وَإِلَى غَيْرِ الْقِبْلَةِ كَسَائِرِ الذِّكْرِ وَلَا فَرْقَ، إِذْ لَا يَلْزَمُ الْوُضُوءُ إِلَّا لِلصَّلَاةِ فَقَطْ، إِذْ لَمْ يَأْتِ بِإِيجَابِهِ لِغَيْرِ الصَّلَاةِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ وَلَا قِيَاسٌ. فَإِنْ قِيلَ: إِنَّ السُّجُودَ مِنَ الصَّلَاةِ، وَبَعْضَ الصَّلَاةِ صَلَاةٌ. قُلْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ: هَذَا بَاطِلٌ، لِأَنَّهُ لَا يَكُونُ بَعْضُ الصَّلَاةِ صَلَاةً إِلَّا إِذَا تَمَّتْ كَمَا أُمِرَ بِهَا الْمُصَلِّي، وَلَوْ أَنَّ امْرَأً كَبَّرَ وَرَكَعَ ثُمَّ قَطَعَ عَمْدًا لَمَا قَالَ أَحَدٌ مِنْ أَهْلِ الْإِسْلَامِ إِنَّهُ صَلَّى شَيْئًا، بَلْ يَقُولُونَ كُلُّهُمْ إِنَّهُ لَمْ يُصَلِّ، فَلَوْ أَتَمَّهَا رَكْعَةً فِي الْوِتْرِ أَوْ رَكْعَتَيْنِ فِي الْجُمُعَةِ وَالصُّبْحِ وَالسَّفَرِ وَالتَّطَوُّعِ لَكَانَ قَدْ صَلَّى بِلَا خِلَافٍ. ثُمَّ نَقُولُ لَهُمْ: إِنَّ الْقِيَامَ بَعْضُ الصَّلَاةِ وَالتَّكْبِيرَ بَعْضُ الصَّلَاةِ وَقِرَاءَةَ أُمِّ الْقُرْآنِ بَعْضُ الصَّلَاةِ وَالْجُلُوسَ بَعْضُ الصَّلَاةِ، وَالسَّلَامَ بَعْضُ الصَّلَاةِ، فَيَلْزَمُكُمْ عَلَى هَذَا أَنْ لَا تُجِيزُوا لِأَحَدٍ أَنْ يَقُولَ وَلَا أَنْ يُكَبِّرَ وَلَا أَنْ يَقْرَأَ أُمَّ الْقُرْآنِ وَلَا يَجْلِسَ وَلَا يُسَلِّمَ إِلَّا عَلَى وُضُوءٍ، فَهَذَا مَا لَا يَقُولُونَهُ، فَبَطَلَ احْتِجَاجُهُمْ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. فَإِنْ قَالُوا هَذَا إِجْمَاعٌ، قُلْنَا لَهُمْ: قَدْ أَقْرَرْتُمْ بِصِحَّةِ الْإِجْمَاعِ عَلَى بُطْلَانِ حُجَّتِكُمْ وَإِفْسَادِ عِلَّتِكُمْ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2633 As for touching the Mus'haf, the narrations cited by those who prohibit a person in major impurity from touching it are invalid, as none of them are sound. They are either disconnected transmissions, written records without chains of narration, narrations from unknown individuals, or narrations from weak transmitters. We have scrutinized them in detail elsewhere in our works.

وَأَمَّا مَسُّ الْمُصْحَفِ فَإِنَّ الْآثَارَ الَّتِي احْتَجَّ بِهَا مَنْ لَمْ يُجِزْ لِلْجُنُبِ مَسَّهُ فَإِنَّهُ لَا يَصِحُّ مِنْهَا شَيْءٌ، لِأَنَّهَا إِمَّا مُرْسَلَةٌ وَإِمَّا صَحِيفَةٌ لَا تُسْنَدُ وَإِمَّا عَنْ مَجْهُولٍ وَإِمَّا عَنْ ضَعِيفٍ، وَقَدْ تَقَصَّيْنَاهَا فِي غَيْرِ هَذَا الْمَكَانِ.

L2634–2636 The authentic narration is that which ʿAbdullāh ibn Rabīʿ informed us, saying: Muḥammad ibn Aḥmad ibn Mufarrij narrated to us, Saʿīd ibn al-Sakan narrated to us, al-Firabrī narrated to us, al-Bukhārī narrated to us, al-Ḥakam

وَإِنَّمَا الصَّحِيحُ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ ثنا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ مُفَرِّجٍ نا سَعِيدُ بْنُ السَّكَنِ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا الْحَكَمُ بْنُ نَافِعٍ ثنا شُعَيْبٌ عَنِ الزُّهْرِيِّ أَخْبَرَنِي

ibn Nāfiʿ narrated to us, Shuʿayb narrated from al-Zuhrī: ʿUbaydullāh ibn ʿAbdillāh ibn ʿUtbah informed me that Ibn ʿAbbās informed him that Abū Sufyān informed him that he was with Heraclius when Heraclius called for the letter of the Messenger of Allah—may the peace and blessings of Allah be upon him—which he had sent with Diḥyah to the ruler of Buṣrā. He delivered it to Heraclius, who read it. In it was: "In the name of Allah, the Most Gracious, the Most Merciful. From Muḥammad, the servant of Allah and His Messenger, to Heraclius, emperor of the Romans: Peace be upon whoever follows guidance. To proceed: I invite you to the call of Islam. Accept Islam, and you will be safe. Allah will grant you your reward twice over. But if you turn away, then upon you is the sin of the tillers, and" "O People of the Scripture, come to a word equitable between us and you: that we worship none but Allah and associate nothing with Him, and that none of us take others as lords besides Allah. Then if they (the People of the Scripture) turn away, say, 'Bear witness that we are Muslims.'" [Āl ʿImrān: 64]. Thus, the Messenger of Allah, peace be upon him, sent a letter containing this verse to the Nazarenes, and he was certain that they would handle that letter.[9]

عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ أَنَّ أَبَا سُفْيَانَ أَخْبَرَهُ أَنَّهُ كَانَ عِنْدَ هِرَقْلَ فَدَعَا هِرَقْلُ بِكِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي بَعَثَ بِهِ دِحْيَةَ إِلَى عَظِيمِ بُصْرَى، فَدَفَعَهُ إِلَى هِرَقْلَ فَقَرَأَهُ، فَإِذَا فِيهِ " بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، مِنْ مُحَمَّدٍ عَبْدِ اللَّهِ وَرَسُولِهِ إِلَى هِرَقْلَ عَظِيمِ الرُّومِ سَلَامٌ عَلَى مَنْ اتَّبَعَ الْهُدَى (أَمَّا بَعْدُ) فَإِنِّي أَدْعُوكَ بِدِعَايَةِ الْإِسْلَامِ، أَسْلِمْ تَسْلَمْ يُؤْتِكَ اللَّهُ أَجْرَكَ مَرَّتَيْنِ فَإِنْ تَوَلَّيْتَ فَإِنَّ عَلَيْكَ إِثْمَ الْأَرِيسِيِّينَ وَ {يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلا نَعْبُدَ إِلا اللَّهَ وَلا نُشْرِكَ بِهِ شَيْئًا وَلا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ} [آل عمران: ٦٤] . فَهَذَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ بَعَثَ كِتَابًا وَفِيهِ هَذِهِ الْآيَةُ إِلَى النَّصَارَى وَقَدْ أَيْقَنَ أَنَّهُمْ يَمَسُّونَ ذَلِكَ الْكِتَابَ.

L2637–2639 If they mention what ʿAbdullāh ibn Rabīʿ narrated to us—Muḥammad ibn Muʿāwiyah narrated to us—Aḥmad ibn Shuʿayb narrated to us—Quṭaybah ibn Saʿīd narrated to us—al-Layth narrated to us—from Nāfiʿ—from Ibn ʿUmar—who said: "The Prophet (peace be upon him) prohibited traveling with the Quran to enemy lands, fearing the enemy might seize it." This is an established truth necessitating compliance, but it does not entail that a person in major impurity or a disbeliever may not touch the Quran. It solely prohibits the people of hostile territories from acquiring the Quran. If they argue: "The Messenger of Allah (peace be upon him) sent only a single verse to Heraclius," respond: He (peace be upon him) did not prohibit sending other verses, and you are proponents of analogy. If you do not apply analogy to matters more extensive than this verse, then do not analogize other rulings to it. If they cite Allah's words: {In a guarded Book} [56:78] {which none touch except the purified} [56:79], this offers no proof, for it is a factual statement, not a command. Allah—the Mighty and Majestic—speaks only truth, and a factual

فَإِنْ ذَكَرُوا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا اللَّيْثُ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ «كَانَ يَنْهَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُسَافَرَ بِالْقُرْآنِ إِلَى أَرْضِ الْعَدُوِّ يَخَافُ أَنْ يَنَالَهُ الْعَدُوُّ» فَهَذَا حَقٌّ يَلْزَمُ اتِّبَاعُهُ وَلَيْسَ فِيهِ أَنْ لَا يَمَسَّ الْمُصْحَفَ جُنُبٌ وَلَا كَافِرٌ. وَإِنَّمَا فِيهِ أَنْ لَا يَنَالَ أَهْلُ أَرْضِ الْحَرْبِ الْقُرْآنَ فَقَطْ. فَإِنْ قَالُوا: إِنَّمَا بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَى هِرَقْلَ آيَةً وَاحِدَةً. قِيلَ لَهُمْ: وَلَمْ يَمْنَعْ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ غَيْرِهَا وَأَنْتُمْ أَهْلُ قِيَاسٍ فَإِنْ لَمْ تَقِيسُوا عَلَى الْآيَةِ مَا هُوَ أَكْثَرُ مِنْهَا فَلَا تَقِيسُوا عَلَى هَذِهِ الْآيَةِ غَيْرَهَا. فَإِنْ ذَكَرُوا قَوْلَ اللَّهِ تَعَالَى: {فِي كِتَابٍ مَكْنُونٍ} [الواقعة: ٧٨] {لا يَمَسُّهُ إِلا الْمُطَهَّرُونَ} [الواقعة: ٧٩] فَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ لِأَنَّهُ لَيْسَ أَمْرًا وَإِنَّمَا هُوَ خَبَرٌ. وَاَللَّهُ تَعَالَى لَا يَقُولُ إِلَّا حَقًّا.

[9] **Qur'an references (L2634):** Qur'an 3:64 (Ali 'Imran).

statement cannot be interpreted as a command absent explicit textual evidence or indubitable consensus. Since we observe both the pure and the impure touching the Quran, we know He—the Mighty and Majestic—referred not to the physical Quran but to another Book. As Muḥammad ibn Saʿīd ibn Nabāt narrated to us—Aḥmad ibn ʿAbd al-Baṣīr narrated to us—Qāsim ibn Aṣbagh narrated to us—Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us—Muḥammad ibn al-Muthannā narrated to us—ʿAbd al-Raḥmān ibn Mahdī narrated to us—Sufyān al-Thawrī narrated to us—from Jāmiʿ ibn Abī Rāshid—from Saʿīd ibn Jubayr—who said regarding {None touch it except the purified}: "It refers to the angels in heaven." Ḥammām ibn Aḥmad narrated to us—Ibn Mufarrij narrated to us—Ibn al-Aʿrābī narrated to us—al-Dabarī narrated to us—ʿAbd al-Razzāq narrated to us—Yaḥyā ibn al-ʿAlāʾ narrated to us—from al-Aʿmash—from Ibrāhīm al-Nakhaʿī—from ʿAlqamah—who said: We came to Salman al-Farisi, and he came out to us from his latrine. We said to him: "Would you perform ablution, O Abu 'Abd Allah, and then recite to us a specific surah?" Salman responded: "Allah the Almighty said, 'In a well-protected Book' [Al-Waqi'ah: 78], 'None touch it except the purified' [Al-Waqi'ah: 79]. That is the Reminder which is in heaven; none touch it except the angels."[10]

L2640 Muhammad ibn Sa'id ibn Nabat narrated to us, from Ahmad ibn Abd al-Basir, from Qasim ibn Asbagh, from Muhammad ibn Abd al-Salam al-Khushani, from Muhammad ibn Bashshar, from Muhammad ibn Ja'far, from Shu'bah, from Mansur ibn al-Mu'tamir, from Ibrahim al-Nakha'i, from Alqamah ibn Qays: When he wished to commission a codex, he would order a Christian to transcribe it for him. Abu Hanifah said: There is no objection to a person in major ritual impurity carrying the codex by its strap, but he must not carry it without a strap. The ruling for one without ablution, according to their school, is the same. Malik said: Neither a person in major impurity nor one without ablution may carry the codex—whether by a strap, upon a cushion, or otherwise. However, if it is placed within a saddlebag or a chest, there is no objection to a Jew, Christian, person in major impurity, or

[10]**Qur'an references (L2637):** Qur'an 56:78 (Al-Waqi'ah); Qur'an 56:79 (Al-Waqi'ah).

وَلَا يَجُوزُ أَنْ يُصْرَفَ لَفْظُ الْخَبَرِ إِلَى مَعْنَى الْأَمْرِ إِلَّا بِنَصٍّ جَلِيٍّ أَوْ إِجْمَاعٍ مُتَيَقَّنٍ. فَلَمَّا رَأَيْنَا الْمُصْحَفَ يَمَسُّهُ الطَّاهِرُ وَغَيْرُ الطَّاهِرِ عَلِمْنَا أَنَّهُ عَزَّ وَجَلَّ لَمْ يَعْنِ الْمُصْحَفَ وَإِنَّمَا عَنَى كِتَابًا آخَرَ. كَمَا أَخْبَرَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيِّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ جَامِعِ بْنِ أَبِي رَاشِدٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ فِي قَوْلِ اللَّهِ تَعَالَى: {لا يَمَسُّهُ إِلا الْمُطَهَّرُونَ} [الواقعة: ٧٩] قَالَ: الْمَلَائِكَةُ الَّذِينَ فِي السَّمَاءِ حَدَّثَنَا حَمَامُ بْنُ أَحْمَدَ حَدَّثَنَا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ حَدَّثَنَا عَبْدُ الرَّزَّاقِ ثنا يَحْيَى بْنُ الْعَلَاءِ عَنْ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلْقَمَةَ قَالَ: أَتَيْنَا سَلْمَانَ الْفَارِسِيَّ فَخَرَجَ عَلَيْنَا مِنْ كَنِيفٍ لَهُ فَقُلْنَا لَهُ: لَوْ تَوَضَّأْتَ يَا أَبَا عَبْدِ اللَّهِ ثُمَّ قَرَأْتَ عَلَيْنَا سُورَةً كَذَا؟ فَقَالَ سَلْمَانُ: إِنَّمَا قَالَ اللَّهُ عَزَّ وَجَلَّ: {فِي كِتَابٍ مَكْنُونٍ} [الواقعة: ٧٨] {لا يَمَسُّهُ إِلا الْمُطَهَّرُونَ} [الواقعة: ٧٩] وَهُوَ الذِّكْرُ الَّذِي فِي السَّمَاءِ لَا يَمَسُّهُ إِلَّا الْمَلَائِكَةُ.

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا مُحَمَّدُ بْنُ جَعْفَرٍ ثنا شُعْبَةُ ثنا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلْقَمَةَ بْنِ قَيْسٍ: إِنَّهُ كَانَ إِذَا أَرَادَ أَنْ يَتَّخِذَ مُصْحَفًا أَمَرَ نَصْرَانِيًّا فَنَسَخَهُ لَهُ. وَقَالَ أَبُو حَنِيفَةَ: لَا بَأْسَ أَنْ يَحْمِلَ الْجُنُبُ الْمُصْحَفَ بِعِلَاقَتِهِ وَلَا يَحْمِلُهُ بِغَيْرِ عِلَاقَةٍ. وَغَيْرُ الْمُتَوَضِّئِ عِنْدَهُمْ كَذَلِكَ. وَقَالَ مَالِكٌ: لَا يَحْمِلُ الْجُنُبُ وَلَا غَيْرُ الْمُتَوَضِّئِ الْمُصْحَفَ لَا بِعِلَاقَةٍ وَلَا عَلَى وِسَادَةٍ. فَإِنْ كَانَ فِي خُرْجٍ أَوْ تَابُوتٍ فَلَا بَأْسَ أَنْ يَحْمِلَهُ الْيَهُودِيُّ وَالنَّصْرَانِيُّ وَالْجُنُبُ وَغَيْرُ الطَّاهِرِ. قَالَ عَلِيٌّ: هَذِهِ تَفَارِيقُ لَا دَلِيلَ عَلَى صِحَّتِهَا لَا

ritually impure individual carrying it. Ali remarked: These distinctions lack any substantiating evidence—neither from the Quran nor the Sunnah (be it sound or weak), nor from consensus, analogy, or a Companion's opinion. If the saddlebag constitutes a barrier between the carrier and the codex, then the writing board and the page's reverse likewise form a barrier between the one making direct contact and the codex—there being no distinction between these cases. And success is from Allah, the Exalted.

L2641 **Issue: The validity of the adhan (call to prayer) and iqamah without [minor] ritual purification and during a state of major impurity (janabah).**

L2642 117. Issue: Similarly, the adhān and iqāmah are also valid without ablution and in the state of major impurity (janābah). This is the opinion of Abū Ḥanīfah and his companions, and the view of Abū Sulaymān and our companions. Al-Shāfiʿī said: This is disliked but valid if done. ʿAṭāʾ said: The muʾadhdhin may not call the adhān except in a state of ablution. Mālik said: One may call the adhān without ablution but may not perform the iqāmah unless in a state of ablution. ʿAlī said: This distinction lacks any evidence for its validity—neither from the Quran, the Sunnah, consensus, a Companion's opinion, nor analogy. If they argue that the iqāmah is connected to the prayer, it is countered: It may not be connected, as there could be an interval between them during which bathing or ablution is possible, such as when the imam begins conversing with someone. Moreover, the adhān may be connected to the iqāmah and the prayer, as in Maghrib and other prayers, with no distinction. Since no text obligates that the adhān and iqāmah be performed only with purification from janābah or otherwise, the opinion of those who mandate this is erroneous, for it constitutes introducing a ruling into the Sharīʿah without basis in the Quran, Sunnah, or consensus—and this is null and void.

L2643–2644 If it is said: It has been authentically reported from the Prophet—peace and blessings of Allah be upon him—that he stated, "I disliked mentioning Allah except in a state of purity," the response to them is: This denotes dislike, not

مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ - لَا صَحِيحَةٍ وَلَا سَقِيمَةٍ - وَلَا مِنْ إجْمَاعٍ وَلَا مِنْ قِيَاسٍ وَلَا مِنْ قَوْلِ صَاحِبٍ. وَلَئِنْ كَانَ الْخُرْجُ حَاجِزًا بَيْنَ الْحَامِلِ وَبَيْنَ الْقُرْآنِ فَإِنَّ اللَّوْحَ وَظَهْرَ الْوَرَقَةِ حَاجِزٌ أَيْضًا بَيْنَ الْمَاسِّ وَبَيْنَ الْقُرْآنِ وَلَا فَرْقَ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة يُجْزِئ الآذان وَالْإِقَامَة بِلَا طَهَارَة وَفِي حَال الْجَنَابَة]

١١٧ - مَسْأَلَةٌ: وَكَذَلِكَ الْآذَانُ وَالْإِقَامَةُ يُجْزِئَانِ أَيْضًا بِلَا طَهَارَةٍ وَفِي حَالِ الْجَنَابَةِ. وَهَذَا قَوْلُ أَبِي حَنِيفَةَ وَأَصْحَابِهِ وَقَوْلُ أَبِي سُلَيْمَانَ وَأَصْحَابِنَا. وَقَالَ الشَّافِعِيُّ: يُكْرَهُ ذَلِكَ وَيُجْزِئُ إنْ وَقَعَ. وَقَالَ عَطَاءٌ: لَا يُؤَذِّنُ الْمُؤَذِّنُ إلَّا مُتَوَضِّئًا. وَقَالَ مَالِكٌ: يُؤَذِّنُ مَنْ لَيْسَ عَلَى وُضُوءٍ وَلَا يُقِيمُ إلَّا مُتَوَضِّئٌ. قَالَ عَلِيٌّ: هَذَا فَرْقٌ لَا دَلِيلَ عَلَى صِحَّتِهِ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا إجْمَاعٍ وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، فَإِنْ قَالُوا إنَّ الْإِقَامَةَ مُتَّصِلَةٌ بِالصَّلَاةِ، قِيلَ لَهُمْ: وَقَدْ لَا تَتَّصِلُ وَيَكُونُ بَيْنَهُمَا مُهْلَةٌ مِنْ حَدِيثٍ بَدَأَ فِيهِ الْإِمَامُ مَعَ إنْسَانٍ يُمْكِنُ فِيهِ الْغُسْلُ وَالْوُضُوءُ، وَقَدْ يَكُونُ الْآذَانُ مُتَّصِلًا بِالْإِقَامَةِ وَالصَّلَاةِ، كَصَلَاةِ الْمَغْرِبِ وَغَيْرِهَا وَلَا فَرْقَ وَإِذَا لَمْ يَأْتِ نَصٌّ بِإِيجَابِ أَنْ لَا يَكُونَ الْآذَانُ وَالْإِقَامَةُ إلَّا بِطَهَارَةٍ مِنْ الْجَنَابَةِ وَغَيْرِهَا، فَقَوْلُ مَنْ أَوْجَبَ ذَلِكَ خَطَأٌ، لِأَنَّهُ إحْدَاثُ شَرْعٍ مِنْ غَيْرِ قُرْآنٍ وَلَا سُنَّةٍ وَلَا إجْمَاعٍ وَهَذَا بَاطِلٌ.

فَإِنْ قِيلَ: قَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ «كَرِهْتُ أَنْ أَذْكُرَ اللَّهَ إلَّا عَلَى طُهْرٍ» قِيلَ لَهُمْ: هَذِهِ كَرَاهَةٌ لَا مَنْعٌ، وَهُوَ عَلَيْكُمْ لَا لَكُمْ لِأَنَّكُمْ تُجِيزُونَ الْآذَانَ

prohibition, and it is against you, not for you. For you permit the *adhan*, recitation of the Qur'an, and remembrance of Allah the Exalted without ritual purity. This is precisely what the ḥadīth explicitly declares as disliked, yet you do not deem it disliked at all. Thus, this ḥadīth constitutes the greatest proof against you. As for us, it aligns with our position. All that we have mentioned is better with purity according to our view, yet we do not deem it disliked without ritual purity, for this dislike has been abrogated—as we shall clarify hereafter, if Allah the Exalted wills.

L2645 **Issue: It is recommended for one in a state of *janabah* (major ritual impurity) to perform minor ablution (wudu) if they intend to eat and sleep.**

L2646 Issue 118: It is recommended for a junub person to perform ablution when intending to eat, sleep, return the Salām greeting, or engage in remembrance of Allah the Exalted, though this is not obligatory. If it is asked: "Why have you not made all of this obligatory, considering the Messenger of Allah's (peace be upon him) statement: 'I dislike mentioning Allah except in a state of purity,' his instruction to Umar ibn al-Khaṭṭāb (may Allah be pleased with him) when he mentioned that he had been afflicted by janābah during the night—'Perform ablution and wash your genital organ, then sleep'—and what ʿĀ'ishah (may Allah be pleased with him) reported: 'The Messenger of Allah (peace be upon him) would perform ablution as for prayer when he wished to eat or sleep while junub'"?

L2647–2649 We said, and success is by Allah the Exalted: As for the ḥadīth concerning the reprehensibility of mentioning Allah the Exalted except in a state of purity, it is abrogated by what was transmitted to us through ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid, from Ibrāhīm ibn Aḥmad, from al-Farbarī, from al-Bukhārī, from Ṣadaqah, from al-Walīd ibn Muslim, from al-Awzāʿī, from ʿUmayr ibn Hāniʾ, from Junādah ibn Abī Umayyah, from ʿUbādah ibn al-Ṣāmit, who reported from the Prophet (peace and blessings of Allah be upon him): "Whoever is awakened during the night" He said: "There is no god but Allah alone, with no partner to Him. To Him belongs the dominion and

وَقِرَاءَةَ الْقُرْآنِ وَذِكْرَ اللَّهِ تَعَالَى عَلَى غَيْرِ طُهْرٍ. وَهَذَا هُوَ الَّذِي نَصَّ عَلَى كَرَاهَتِهِ فِي الْخَبَرِ وَأَنْتُمْ لَا تَكْرَهُونَهُ أَصْلًا، فَهَذَا الْخَبَرُ أَعْظَمُ حُجَّةً عَلَيْكُمْ، وَأَمَّا نَحْنُ فَهُوَ قَوْلُنَا، وَكُلُّ مَا ذَكَرْنَا فَهُوَ عِنْدَنَا عَلَى طَهَارَةٍ أَفْضَلُ وَلَا نَكْرَهُهُ عَلَى غَيْرِ طَهَارَةٍ، لِأَنَّ هَذِهِ الْكَرَاهَةَ مَنْسُوخَةٌ عَلَى مَا نَذْكُرُهُ بَعْدُ إِنْ شَاءَ اللَّهُ تَعَالَى.

[مَسْأَلَة يُسْتَحَبّ الْوُضُوء لِلْجُنُبِ إِذَا أَرَادَ الْأَكْل والنوم]

١١٨ - مَسْأَلَةٌ: وَيُسْتَحَبُّ الْوُضُوءُ لِلْجُنُبِ إِذَا أَرَادَ الْأَكْلَ أَوْ النَّوْمَ وَلِرَدِّ السَّلَامِ وَلِذِكْرِ اللَّهِ تَعَالَى، وَلَيْسَ ذَلِكَ بِوَاجِبٍ. فَإِنْ قِيلَ: فَهَلَّا أَوْجَبْتُمْ ذَلِكَ كُلَّهُ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إنِّي كَرِهْتُ أَنْ أَذْكُرَ اللَّهَ إلَّا عَلَى طُهْرٍ» وَلِقَوْلِهِ «- صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِعُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - إذْ ذَكَرَ لَهُ أَنَّهُ تُصِيبُهُ الْجَنَابَةُ مِنْ اللَّيْلِ - فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: تَوَضَّأْ وَاغْسِلْ ذَكَرَكَ ثُمَّ نَمْ» وَلِمَا رَوَتْهُ عَائِشَةُ - رَضِيَ اللَّهُ عَنْهُ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ إذَا أَرَادَ أَنْ يَأْكُلَ أَوْ يَنَامَ وَهُوَ جُنُبٌ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ» .

قُلْنَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ: أَمَّا الْحَدِيثُ فِي كَرَاهَةِ ذِكْرِ اللَّهِ تَعَالَى إلَّا عَلَى طُهْرٍ فَإِنَّهُ مَنْسُوخٌ بِمَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا صَدَقَةُ ثنا الْوَلِيدُ بْنُ مُسْلِمٍ ثنا الْأَوْزَاعِيُّ حَدَّثَنِي عُمَيْرُ بْنُ هَانِئٍ حَدَّثَنِي جُنَادَةُ بْنُ أَبِي أُمَيَّةَ ثنا عُبَادَةُ بْنُ الصَّامِتِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ تَعَارَّ مِنْ اللَّيْلِ فَقَالَ: لَا إلَهَ إلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ

قَدِيرٌ، الْحَمْدُ لِلَّهِ وَسُبْحَانَ اللَّهِ وَلَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ، ثُمَّ قَالَ: اللَّهُمَّ اغْفِرْ لِي، أَوْ دَعَا اُسْتُجِيبَ لَهُ، فَإِنْ تَوَضَّأَ وَصَلَّى قُبِلَتْ صَلَاتُهُ» قَالَ عَلِيٌّ: فَهَذِهِ إِبَاحَةٌ لِذِكْرِ اللَّهِ تَعَالَى بَعْدَ الِانْتِبَاهِ مِنْ النَّوْمِ فِي اللَّيْلِ وَقَبْلَ الْوُضُوءِ نَصًّا، وَهِيَ فَضِيلَةٌ، وَالْفَضَائِلُ لَا تُنْسَخُ لِأَنَّهَا مِنْ نِعَمِ اللَّهِ عَلَيْنَا، قَالَ اللَّهُ تَعَالَى: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي} [المائدة: ٣] وَهَذَا أَمْرٌ بَاقٍ غَيْرُ مَنْسُوخٍ بِلَا خِلَافٍ مِنْ أَحَدٍ. وَقَالَ تَعَالَى: {إِنَّ اللَّهَ لا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ} [الرعد: ١١] فَهَذَا عُمُومُ ضَمَانٍ لَا يَخِيسُ قَالَ اللَّهُ تَعَالَى: {إِنَّ اللَّهَ لا يُخْلِفُ الْمِيعَادَ} [آل عمران: ٩] وَقَدْ أَيْقَنَّا بِمَا ذَكَرْنَا قَبْلُ مِنْ إخْبَارِهِ - عَلَيْهِ السَّلَامُ - أَنَّهُ قَالَ: «لَا تَزَالُ طَائِفَةٌ مِنْ أُمَّتِي عَلَى الْحَقِّ» أَنَّ جَمِيعَ الْأُمَّةِ لَا تُغَيِّرُ أَصْلًا. وَإِذَا صَحَّ أَنَّ الْأُمَّةَ كُلَّهَا لَا تُغَيِّرُ أَبَدًا، فَقَدْ أَيْقَنَّا أَنَّ اللَّهَ تَعَالَى لَا يُغَيِّرُ نِعَمَهُ عِنْدَ الْأُمَّةِ أَبَدًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

to Him belongs all praise, and He is All-Powerful over all things. Praise be to Allah, glory be to Allah, there is no god but Allah, Allah is the Greatest, and there is no power nor strength except by Allah." Then he said: "O Allah, forgive me," or if he supplicates, it will be answered. If he performs ablution and prays, his prayer will be accepted." Ali said: "This constitutes textually explicit permissibility for the remembrance of Allah the Exalted after awakening from sleep at night and before ablution, and it is a virtue. Virtues are not subject to abrogation, as they are part of Allah's blessings upon us. Allah the Exalted said: 'This day I have perfected for you your religion and completed My favor upon you' (al-Ma'idah 5:3). This is an enduring matter, not abrogated without any disagreement from anyone. He the Exalted said: 'Indeed, Allah does not change the condition of a people until they change what is in themselves' (al-Ra'd 13:11). This is a universal guarantee that does not diminish. Allah the Exalted said: 'Indeed, Allah does not fail in His promise' (Aal Imran 3:9). We are certain, based on the aforementioned report from him (peace be upon him) – that he said: 'A group from my Ummah will steadfastly uphold the truth' – that the entire Ummah does not alter its foundation. If it is confirmed that the whole Ummah will never change, we are certain that Allah the Exalted will never change His blessings bestowed upon the Ummah. And success is attained through Allah, the Most High."[1][1][1][2]

وَأَمَّا أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِالْوُضُوءِ فَهُوَ نَدْبٌ، لِمَا حَدَّثَنَاهُ حَمَامٌ قَالَ: ثنا عُمَرُ بْنُ مُفَرِّجٍ قَالَ ثنا ابْنُ الْأَعْرَابِيِّ قَالَ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ الْأَسْوَدِ بْنِ يَزِيدَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنَامُ جُنُبًا وَلَا يَمَسُّ مَاءً» وَهَذَا لَفْظٌ يَدُلُّ عَلَى مُدَاوَمَتِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِذَلِكَ وَهِيَ - رَضِيَ اللَّهُ عَنْهَا - أَحْدَثُ النَّاسِ عَهْدًا بِمَبِيتِهِ وَنَوْمِهِ جُنُبًا وَطَاهِرًا. فَإِنْ قِيلَ: إنَّ هَذَا الْحَدِيثَ أَخْطَأَ فِيهِ سُفْيَانُ، لِأَنَّ زُهَيْرَ بْنَ مُعَاوِيَةَ خَالَفَهُ فِيهِ قُلْنَا: بَلْ

L2650 As for his instruction—peace be upon him—regarding ablution, it is a recommended act. This is based on what Hammām narrated to us, stating: 'Umar ibn Mufarrij narrated to us, stating: Ibn al-A'rabī narrated to us, stating: al-Dabarī narrated to us, stating: 'Abd al-Razzāq narrated to us from Sufyān al-Thawrī from Abū Isḥāq from al-Aswad ibn Yazīd from 'Ā'ishah, the Mother of the Believers, who said: "The Messenger of Allah (peace be upon him) would sleep in a state of major impurity without touching water." This wording indicates his consistent practice (peace be upon him) of this, and she (may Allah be pleased with her) was the closest among people to

[1][1] **Hadith references (L2647):** Sahih Muslim 2723c; Sunan an-Nasai 1343; Sunan an-Nasai 2961.

[1][2] **Qur'an references (L2647):** Qur'an 64:1 (At-Taghabun); Qur'an 5:3 (Al-Ma'idah); Qur'an 13:11 (Ar-Ra'd); Qur'an 3:9 (Ali 'Imran); Qur'an 13:31 (Ar-Ra'd).

witness his bedtime and sleeping while in states of major impurity and ritual purity. If it is said: "Sufyān erred in this ḥadīth, for Zuhayr ibn Muʿāwiyah contradicted him in it," we respond: Rather, the error is undoubtedly in the claim of Sufyān's mistake—without evidence—and Sufyān is unquestionably more reliable in memorization than Zuhayr. And success comes solely from Allah, the Exalted.

أَخْطَأَ بِلَا شَكٍّ مِنْ خَطَأِ سُفْيَانَ بِالدَّعْوَى بِلَا دَلِيلٍ، وَسُفْيَانُ أَحْفَظُ مِنْ زُهَيْرٍ بِلَا شَكٍّ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2651–2653 Ali said: It was incumbent upon the proponents of qiyas to say, "Since prayer was, and it is Dhikr..." It is not valid except with ablution, that the rest of the remembrance must likewise be performed while purified. However, this is among the matters they contradicted each other about, and they cannot claim consensus here due to what was narrated to us via the chain of ʿAbd Allāh ibn Rabīʿ → ʿAbd Allāh ibn Muḥammad ibn ʿUthmān → Aḥmad ibn Khālid → ʿAlī ibn ʿAbd al-ʿAzīz → al-Ḥajjāj ibn al-Minhāl → Ḥammād ibn Salamah → Ayyūb → Nāfiʿ → Ibn ʿUmar: "He would not recite the Quran, nor respond to the greeting of peace, nor mention Allah except while in a state of purity." Except in the case of a sexually impure person repeating intercourse—here ablution becomes obligatory between the two acts, based on the narration we transmitted through Ḥafṣ ibn Ghiyāth and Ibn ʿUyaynah, both from ʿĀṣim al-Aḥwal → Abū al-Mutawakkil → Abū Saʿīd al-Khudrī → the Prophet (peace and blessings of Allah be upon him). Ḥafṣ's wording states: "When one of you approaches his wife then wishes to repeat, let him perform ablution between the two acts." Ibn ʿUyaynah's wording states: "If he wishes to repeat, he must not do so until he performs ablution." We found nothing specifying this ruling or downgrading it to a recommended act except a weak narration from Yaḥyā ibn Ayyūb. ʿUmar ibn al-Khaṭṭāb, ʿAṭāʾ, ʿIkrimah, Ibrāhīm, al-Ḥasan, and Ibn Sīrīn affirmed the obligation of ablution in this matter.

قَالَ عَلِيٌّ: وَكَانَ اللَّازِمُ لِلْقَائِلِينَ بِالْقِيَاسِ أَنْ يَقُولُوا: لَمَّا كَانَتْ الصَّلَاةُ وَهِيَ ذِكْرٌ لَا تُجْزِئُ إلَّا بِوُضُوءٍ، أَنْ يَكُونَ سَائِرُ الذِّكْرِ كَذَلِكَ، وَلَكِنَّ هَذَا مِمَّا تَنَاقَضُوا فِيهِ، وَلَا يُمْكِنُهُمْ هَهُنَا دَعْوَى الْإِجْمَاعِ، لِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ أَيُّوبَ عَنْ نَافِعٍ عَنْ «ابْنِ عُمَرَ: أَنَّهُ كَانَ لَا يَقْرَأُ الْقُرْآنَ وَلَا يَرُدُّ السَّلَامَ وَلَا يَذْكُرُ اللَّهَ إلَّا وَهُوَ طَاهِرٌ.» إلَّا مُعَاوَدَةَ الْجُنُبِ لِلْجِمَاعِ فَالْوُضُوءُ عَلَيْهِ فَرْضٌ بَيْنَهُمَا. لِلْخَبَرِ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ حَفْصِ بْنِ غِيَاثٍ وَابْنِ عُيَيْنَةَ كِلَاهُمَا عَنْ عَاصِمٍ الْأَحْوَلِ عَنْ أَبِي الْمُتَوَكِّلِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَتَى أَحَدُكُمْ أَهْلَهُ ثُمَّ أَرَادَ أَنْ يُعَاوِدَ فَلْيَتَوَضَّأْ بَيْنَهُمَا وُضُوءًا» هَذَا لَفْظُ حَفْصِ بْنِ غِيَاثٍ وَلَفْظُ ابْنِ عُيَيْنَةَ «إذَا أَرَادَ أَنْ يَعُودَ فَلَا يَعُودُ حَتَّى يَتَوَضَّأَ» وَلَمْ نَجِدْ لِهَذَا الْخَبَرِ مَا يُخَصِّصُهُ وَلَا مَا يُخْرِجُهُ إلَى النَّدْبِ إلَّا خَبَرًا ضَعِيفًا مِنْ رِوَايَةِ يَحْيَى بْنِ أَيُّوبَ، وَبِإِيجَابِ الْوُضُوءِ فِي ذَلِكَ يَقُولُ عُمَرُ بْنُ الْخَطَّابِ وَعَطَاءٌ وَعِكْرِمَةُ وَإِبْرَاهِيمُ وَالْحَسَنُ وَابْنُ سِيرِينَ.

[مَسْأَلَة الشرائع لَا تلزم إلَّا بالاحتلام أَوْ بالإنبات لِلرِّجَالِ وَالْمَرْأَةِ]

L2654 **Religious obligations only become binding after nocturnal emission for males or the growth of pubic hair for both men and women.**

L2655–2657 119. Issue: Sharia rulings only become incumbent upon an individual by one of the following: experiencing a wet dream, the growth of pubic hair

for both men and women, the emission of semen from which a child is conceived even without a wet dream, completing nineteen years of age, or menstruation for women. All these conditions apply to both men and women. The definitive evidence for this is what ʻAbdullāh ibn Rabīʻ narrated to us: Muḥammad ibn Muʻāwiyah narrated to us, Aḥmad ibn Shuʻayb narrated to us, Aḥmad ibn ʻAmr ibn al-Sarḥ narrated from Ibn Wahb, who informed me that Jarīr ibn Ḥāzim narrated from Sulaymān—known as al-Aʻmash—from Abū Zabyān, from ʻAbdullāh ibn ʻAbbās, that ʻAlī ibn Abī Ṭālib said to ʻUmar ibn al-Khaṭṭāb: "Do you not recall that the Messenger of Allāh—peace and blessings of Allāh be upon him—said: ʻAccountability is lifted for three: the insane person whose mind is overwhelmed until they regain sanity, the sleeper until they awaken, and the child until they experience a wet dream'?" The term "child" in the Arabic language with which we are addressed comprehensively includes both male and female. Ḥammām ibn Aḥmad narrated to us: ʻAbbās ibn Aṣbagh narrated to us, Muḥammad ibn ʻAbd al-Malik ibn Ayman narrated to us, ʻAbdullāh ibn Rawḥ narrated. Yazid ibn Harun narrated to us that Hammād ibn Salamah narrated from Abd al-Malik ibn Umayr from Atiyyah al-Quraẓī, who said: "On the day of Qurayẓah, the Messenger of Allah (peace be upon him) decreed that whoever had grown pubic hair be executed by striking the neck. I was among those who had not grown pubic hair, so I was brought before the Messenger of Allah (peace be upon him), and he spared me."

١١٩ - مَسْأَلَةٌ: وَالشَّرَائِعُ لَا تَلْزَمُ إِلَّا بِالِاحْتِلَامِ أَوْ بِالْإِنْبَاتِ لِلرَّجُلِ وَالْمَرْأَةِ أَوْ بِإِنْزَالِ الْمَاءِ الَّذِي يَكُونُ مِنْهُ الْوَلَدُ، وَإِنْ لَمْ يَكُنْ احْتِلَامٌ، أَوْ بِتَمَامِ تِسْعَةَ عَشَرَ عَامًا، كُلُّ ذَلِكَ لِلرَّجُلِ وَالْمَرْأَةِ أَوْ بِالْحَيْضِ لِلْمَرْأَةِ. بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا أَحْمَدُ بْنُ عَمْرِو بْنِ السَّرْحِ عَنْ ابْنِ وَهْبٍ أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ عَنْ سُلَيْمَانَ - هُوَ الْأَعْمَشُ - عَنْ أَبِي ظَبْيَانَ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ قَالَ لِعُمَرَ بْنِ الْخَطَّابِ: أَوَمَا تَذْكُرُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ، عَنْ الْمَجْنُونِ الْمَغْلُوبِ عَلَى عَقْلِهِ، وَعَنْ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنْ الصَّبِيِّ حَتَّى يَحْتَلِمَ» وَالصَّبِيُّ لَفْظٌ يَعُمُّ الصِّنْفَ كُلَّهُ الذَّكَرَ وَالْأُنْثَى فِي اللُّغَةِ الَّتِي بِهَا خُوطِبْنَا. حَدَّثَنَا حَمَامُ بْنُ أَحْمَدَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ رَوْحٍ ثنا يَزِيدُ بْنُ هَارُونَ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ عَنْ عَطِيَّةَ الْقُرَظِيِّ قَالَ «لَمَّا كَانَ يَوْمُ قُرَيْظَةَ جَعَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنْ أَنْبَتَ ضُرِبَ عُنُقُهُ، فَكُنْتُ فِيمَنْ لَمْ يُنْبِتْ فَعُرِضْتُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَخَلَّى عَنِّي» .

Ali said: There is no meaning to the position of one who differentiates between the rulings of growth, permitting bloodshed through it specifically for captives—considering it attainment of maturity in that instance while not considering it maturity otherwise. For it is impossible that the Messenger of Allah (peace be upon him) would deem lawful the blood of those who have not reached the stage of manhood, excluding children whom the Prophet (peace be upon him) explicitly prohibited killing. It is absolutely impossible for a single human being to simultaneously be a mature man and neither a man nor mature in one moment.

L2658

قَالَ عَلِيٌّ: لَا مَعْنَى لِمَنْ فَرَّقَ بَيْنَ أَحْكَامِ الْإِنْبَاتِ، فَأَبَاحَ سَفْكَ الدَّمِ بِهِ فِي الْأُسَارَى خَاصَّةً، جَعَلَهُ هُنَالِكَ بُلُوغًا، وَلَمْ يَجْعَلْهُ بُلُوغًا فِي غَيْرِ ذَلِكَ، لِأَنَّ مِنْ الْمُحَالِ أَنْ يَكُونَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَسْتَحِلُّ دَمَ مَنْ لَمْ يَبْلُغْ مَبْلَغَ الرِّجَالِ، وَيَخْرُجُ عَنْ الصِّبْيَانِ الَّذِينَ قَدْ صَحَّ نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ قَتْلِهِمْ. وَمِنْ الْمُمْتَنِعِ الْمُحَالِ أَنْ يَكُونَ إنْسَانٌ وَاحِدٌ رَجُلًا بَالِغًا غَيْرَ رَجُلٍ وَلَا بَالِغٍ مَعًا فِي وَقْتٍ وَاحِدٍ.

As for the emission of water during wakefulness resulting in pregnancy—

L2659–2663

through which the male becomes a father and the female a mother—this constitutes definitive puberty without disagreement from any scholar. Regarding the completion of nineteen years, this rests upon indisputable consensus. Its basis lies in the Messenger of Allah—peace and blessings be upon him—entering Medina where children, youths, and elders resided. He imposed legal responsibilities on those who had left childhood and attained manhood, while exempting children. He did not physically examine any man among those around him by asking: "Have you experienced nocturnal emission, O so-and-so? Have you developed pubic hair? Have you ejaculated? Have you menstruated, O so-and-so?" This matter is decisively certain beyond doubt. Thus it is firmly established that there exists an age—when reached by a man or woman—where they become capable of seminal emission, hair growth, or menstruation, unless possessing a defect preventing these signs, like a defect preventing beard growth in a smooth-faced man; without such defect, he would unquestionably belong to bearded men. This reality is recognized through the cessation of childhood we mentioned and the prevailing natural disposition governing all earthly beings. Undoubtedly, whoever completes nineteen years and enters the twentieth year has departed childhood and joined manhood—no two adherents of any religion or inhabitants of any land dispute this—even if he has an impediment preventing seminal emission during sleep or wakefulness, hair growth, or menstruation. Concerning menstruation: Abdullah ibn Rabi‘ narrated to us, Muhammad ibn Ishaq ibn As-Sulaym narrated to us, Abu Sa‘id ibn Al-A‘rabi narrated to us, Muhammad ibn Al-Jarud Al-Qattan narrated to us, Affan ibn Muslim narrated to us, Hammad ibn Zayd narrated to us. Qatadah narrated from Muḥammad ibn Sīrīn from Ṣafiyyah bint al-Ḥārith from ‘Ā’ishah, the Mother of the Believers, that the Messenger of Allāh (peace be upon him) said: "Allāh does not accept the prayer of a menstruating woman except with a head covering." He (peace be upon him) informed that the menstruating woman is bound by the rulings and that her prayer is accepted only in a specific form, not otherwise. Al-Shāfi‘ī said: Whoever completes fifteen years attains puberty. He argued by noting that the Messenger of Allāh (peace be upon him) was presented with Ibn ‘Umar during the Battle of Uḥud when he was fourteen years old and did not approve him, but during the Battle of the Trench, he and Rāfi‘ ibn Khadīj

وَأَمَّا ظُهُورُ الْمَاءِ فِي الْيَقَظَةِ الَّذِي يَكُونُ مِنْهُ الْحَمْلُ فَيَصِيرُ بِهِ الذَّكَرُ أَبًا وَالْأُنْثَى أُمًّا فَبُلُوغٌ لَا خِلَافَ فِيهِ مِنْ أَحَدٍ. وَأَمَّا اسْتِكْمَالُ التِّسْعَةَ عَشَرَ عَامًا فَإِجْمَاعٌ مُتَيَقَّنٌ، وَأَصْلُهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَرَدَ الْمَدِينَةَ وَفِيهَا صِبْيَانٌ وَشُبَّانٌ وَكُهُولٌ، فَأَلْزَمَ الْأَحْكَامَ مَنْ خَرَجَ عَنْ الصِّبَا إلَى الرُّجُولَةِ، وَلَمْ يُلْزِمْهَا الصِّبْيَانَ، وَلَمْ يَكْشِفْ أَحَدًا مِنْ كُلِّ مَنْ حَوَالَيْهِ مِنْ الرِّجَالِ: هَلْ احْتَلَمْتَ يَا فُلَانُ؟ وَهَلْ أَشْعَرْتَ؟ وَهَلْ أَنْزَلْتَ؟ وَهَلْ حِضْتِ يَا فُلَانَةُ؟ هَذَا أَمْرٌ مُتَيَقَّنٌ لَا شَكَّ فِيهِ، فَصَحَّ يَقِينًا أَنَّ هَهُنَا سِنًّا إذَا بَلَغَهَا الرَّجُلُ أَوْ الْمَرْأَةُ فَهُمَا مِمَّنْ يُنْزِلُ أَوْ يُنْبِتُ أَوْ يَحِيضُ، إلَّا أَنْ يَكُونَ فِيهِمَا آفَةٌ تَمْنَعُ مِنْ ذَلِكَ، كَمَا بِالْأَطْلَسِ آفَةٌ مَنَعَتْهُ مِنْ اللِّحْيَةِ، لَوْلَاهَا لَكَانَ مِنْ أَهْلِ اللِّحَى بِلَا شَكٍّ، هَذَا أَمْرٌ يُعْرَفُ بِمَا ذَكَرْنَا مِنْ التَّوَقُّفِ وَبِضَرُورَةِ الطَّبِيعَةِ الْجَارِيَةِ فِي جَمِيعِ أَهْلِ الْأَرْضِ، وَلَا شَكَّ فِي أَنَّ مَنْ أَكْمَلَ تِسْعَ عَشْرَةَ سَنَةً وَدَخَلَ فِي عِشْرِينَ سَنَةً فَقَدْ فَارَقَ الصِّبَا وَلَحِقَ بِالرِّجَالِ - لَا يَخْتَلِفُ اثْنَانِ مِنْ أَهْلِ كُلِّ مِلَّةٍ وَبَلْدَةٍ فِي ذَلِكَ - وَإِنْ كَانَتْ بِهِ آفَةٌ مَنَعَتْهُ مِنْ إنْزَالِ الْمَنِيِّ فِي نَوْمٍ أَوْ يَقَظَةٍ، وَمِنْ إنْبَاتِ الشَّعْرِ وَمِنْ الْحَيْضِ. وَأَمَّا الْحَيْضُ فَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا أَبُو سَعِيدِ بْنُ الْأَعْرَابِيِّ حَدَّثَنَا مُحَمَّدُ بْنُ الْجَارُودِ الْقَطَّانُ ثنا عَفَّانُ بْنُ مُسْلِمٍ ثنا حَمَّادُ بْنُ زَيْدٍ ثنا قَتَادَةُ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ صَفِيَّةَ بِنْتِ الْحَارِثِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا يَقْبَلُ اللَّهُ صَلَاةَ حَائِضٍ إلَّا بِخِمَارٍ» فَأَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّ الْحَائِضَ تَلْزَمُهَا الْأَحْكَامُ وَأَنَّ صَلَاتَهَا تُقْبَلُ عَلَى صِفَةٍ مَا وَلَا تُقْبَلُ عَلَى غَيْرِهَا. وَقَالَ الشَّافِعِيُّ: مَنْ اسْتَكْمَلَ خَمْسَ عَشْرَةَ سَنَةً فَهُوَ بَالِغٌ، وَاحْتَجَّ بِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عُرِضَ عَلَيْهِ ابْنُ عُمَرَ يَوْمَ أُحُدٍ وَهُوَ ابْنُ أَرْبَعَ عَشْرَةَ سَنَةً فَلَمْ يُجِزْهُ

were presented when they were fifteen years old, and he approved them. ʻAlī said: This does not... The argument in his favor on this matter is based on two aspects. The first is that the Messenger of Allah—peace and blessings be upon him—did not say, "I permitted them because they were two sons of fifteen years." Since this is so, it is impermissible for anyone to attribute to him—peace and blessings be upon him—what he did not state about himself. It is plausible that he permitted them on the day of the Trench because it was a day of siege within Medina itself, where they could benefit from the boys in throwing stones and similar tasks, whereas he did not permit it on the day of Uhud because it involved combat far from Medina, where none attended except those possessing strength and endurance. The second aspect is that this report contains no explicit text or evidence indicating they both completed fifteen years together at that specific time, as Al-Shāfiʻī stated. There is no disagreement that linguistically, he who lacks a month or two to complete sixteen years is called "a son of fifteen years." Thus, reliance on this report is entirely invalid. And with Allah, the Exalted, is the divine guidance.

وَعُرِضَ عَلَيْهِ يَوْمَ الْخَنْدَقِ هُوَ وَرَافِعُ بْنُ خَدِيجٍ وَهُمَا ابْنَا خَمْسَ عَشْرَةَ سَنَةً فَأَجَازَهُمَا قَالَ عَلِيٌّ: وَهَذَا لَا حُجَّةَ لَهُ فِيهِ لِوَجْهَيْنِ: أَحَدُهُمَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَقُلْ إنِّي أَجَزْتهمَا مِنْ أَجْلِ أَنَّهُمَا ابْنَا خَمْسَ عَشْرَةَ سَنَةً، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا يَجُوزُ لِأَحَدٍ أَنْ يُضِيفَ إلَيْهِ - عَلَيْهِ السَّلَامُ - مَا لَمْ يُخْبِرْ بِهِ عَنْ نَفْسِهِ، وَقَدْ يُمْكِنُ أَنْ يُجِيزَهُمَا يَوْمَ الْخَنْدَقِ، لِأَنَّهُ كَانَ يَوْمَ حِصَارٍ فِي الْمَدِينَةِ نَفْسِهَا، يَنْتَفِعُ فِيهِ بِالصِّبْيَانِ فِي رَمْيِ الْحِجَارَةِ وَغَيْرِ ذَلِكَ، وَلَمْ يُجِزْهُ يَوْمَ أُحُدٍ لِأَنَّهُ كَانَ يَوْمَ قِتَالٍ بَعُدُوا فِيهِ عَنْ الْمَدِينَةِ فَلَا يَحْضُرُهُ إلَّا أَهْلُ الْقُوَّةِ وَالْجَلَدِ. وَالْوَجْهُ الثَّانِي أَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ أَنَّهُمَا فِي تِلْكَ السَّاعَةِ أَكْمَلَا مَعًا خَمْسَةَ عَشَرَ عَامًا لَا بِنَصٍّ وَلَا بِدَلِيلٍ كَمَا قَالَ الشَّافِعِيُّ، وَلَا خِلَافَ فِي أَنَّهُ يُقَالُ فِي اللُّغَةِ لِمَنْ بَقِيَ عَلَيْهِ مِنْ سِتَّةَ عَشَرَ عَامًا الشَّهْرُ وَالشَّهْرَانِ: هَذَا ابْنُ خَمْسَةَ عَشَرَ عَامًا، فَبَطَلَ التَّعَلُّقُ بِهَذَا الْخَبَرِ جُمْلَةً. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

The removal of impurity and everything Allah, the Exalted, has commanded to remove are obligations.

[مَسْأَلَة إزَالَة النَّجَاسَة وكل مَا أَمَرَ الله تَعَالَى بإزالته فرض]

L2664

120 - Issue: The removal of ritual impurities and everything Allah the Exalted has commanded to be removed is obligatory. This issue divides into numerous categories, summarized by the principle that anything Allah the Exalted has commanded through His Messenger (peace and blessings of Allah be upon him) to avoid, or for which a textual prohibition exists, or which He has similarly commanded to wash or wipe—all such matters are obligatory. Whoever contravenes them is guilty of disobedience, due to what we previously mentioned: that obedience to Him, the Exalted, and obedience to His Messenger (peace and blessings of Allah be upon him) is obligatory. And success is granted by Allah, the Exalted.

١٢٠ - مَسْأَلَةٌ: وَإِزَالَةُ النَّجَاسَةِ وَكُلِّ مَا أَمَرَ اللَّهُ تَعَالَى بِإِزَالَتِهِ فَهُوَ فَرْضٌ. هَذِهِ الْمَسْأَلَةُ تَنْقَسِمُ أَقْسَامًا كَثِيرَةً، يَجْمَعُهَا أَنَّ كُلَّ شَيْءٍ أَمَرَ اللَّهُ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِاجْتِنَابِهِ أَوْ جَاءَ نَصٌّ بِتَحْرِيمِهِ، أَوْ أَمَرَ كَذَلِكَ بِغَسْلِهِ أَوْ مَسْحِهِ، فَكُلُّ ذَلِكَ فَرْضٌ يَعْصِي مَنْ خَالَفَهُ، لِمَا ذَكَرْنَا قَبْلُ مِنْ أَنَّ طَاعَتَهُ تَعَالَى وَطَاعَةَ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرْضٌ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Question on the method of purifying an impurity present in the khuff (leather sock) or sandal.

[مَسْأَلَة كَيْفِيَّة تَطْهِير النَّجَاسَة الَّتِي فِي الْخُفّ أَوْ النَّعْل]

L2666

L2667–2669

121 - Issue: If there is blood, wine, impurities, urine, or any other filth on khuffs or shoes, their purification is achieved by wiping them with soil until the trace is removed, then one may pray in them. If one washes them, it suffices as long as he first applies soil to them. The evidence for this is that all the mentioned substances—blood, wine, impurities, and urine—are forbidden, and avoiding the forbidden is obligatory, with no disagreement on this. Narrated by Hammam from Abbas ibn Asbagh from Muhammad ibn Abd al-Malik ibn Ayman from Muhammad ibn Ismail al-Sa'igh from Sulayman ibn Harb al-Wāshiḥī from Hammad ibn Salama from Abu Na'ama from Abu Nadhra from Abu Sa'id al-Khudri, who said: "The Prophet—peace and blessings be upon him—prayed with his companions and removed his shoes, placing them to his left. The people then removed their shoes. When he concluded the prayer, he asked: 'Why did you remove your shoes?' They replied: 'We saw you remove yours, so we did the same.' He said: 'Gabriel came to me and informed me there was impurity in them.'" He—peace be upon him—said: "When one of you comes to pray, let him examine his shoes. If there is impurity in them or..." If there is harm, let him wipe it and pray in them both. Abu Na'amah is 'Abd Rabbihi al-Sa'di, and Abu Nadrah is al-Mundhir ibn Malik al-'Abdi. Both of them are trustworthy.

١٢١ - مَسْأَلَةٌ: فَمَا كَانَ فِي الْخُفِّ أَوْ النَّعْلِ مِنْ دَمٍ أَوْ خَمْرٍ أَوْ عَذِرَةٍ أَوْ بَوْلٍ أَوْ غَيْرِ ذَلِكَ، فَتَطْهِيرُهُمَا بِأَنْ يُمْسَحَا بِالتُّرَابِ حَتَّى يَزُولَ الْأَثَرُ ثُمَّ يُصَلَّى فِيهِمَا، فَإِنْ غَسَلَهُمَا أَجْزَأَهُ إذَا مَسَّهُمَا بِالتُّرَابِ قَبْلَ ذَلِكَ. بُرْهَانُ ذَلِكَ أَنَّ كُلَّ مَا ذَكَرْنَا مِنْ الدَّمِ وَالْخَمْرِ وَالْعَذِرَةِ وَالْبَوْلِ حَرَامٌ، وَالْحَرَامُ فَرْضٌ اجْتِنَابُهُ لَا خِلَافَ فِي ذَلِكَ. حَدَّثَنَا حَمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ إِسْمَاعِيلَ الصَّائِغُ ثنا سُلَيْمَانُ بْنُ حَرْبٍ الْوَاشِحِيُّ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ أَبِي نَعَامَةَ عَنْ أَبِي نَضْرَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي بِأَصْحَابِهِ فَخَلَعَ نَعْلَيْهِ فَوَضَعَهُمَا عَنْ يَسَارِهِ، فَخَلَعَ الْقَوْمُ نِعَالَهُمْ، فَلَمَّا سَلَّمَ قَالَ: لِمَ خَلَعْتُمْ نِعَالَكُمْ؟ قَالُوا: رَأَيْنَاكَ خَلَعْتَ فَخَلَعْنَا، فَقَالَ: إنَّ جِبْرِيلَ أَتَانِي فَأَخْبَرَنِي أَنَّ فِيهِمَا قَذَرًا» قَالَ - عَلَيْهِ السَّلَامُ -: «إذَا جَاءَ أَحَدُكُمْ إلَى الصَّلَاةِ فَلْيَنْظُرْ إلَى نَعْلَيْهِ، فَإِنْ كَانَ فِيهِمَا قَذَرٌ أَوْ أَذًى فَلْيَمْسَحْهُ وَلْيُصَلِّ فِيهِمَا» أَبُو نَعَامَةَ هُوَ عَبْدُ رَبِّهِ السَّعْدِيُّ، وَأَبُو نَضْرَةَ هُوَ الْمُنْذِرُ بْنُ مَالِكٍ الْعَبْدِيُّ، كِلَاهُمَا ثِقَةٌ.

L2670–2672

Abdullah ibn al-Rabi narrated to us: Muhammad ibn Ishaq ibn al-Sulaym narrated to us: Ibn al-A'rabi narrated to us: Abu Dawud narrated to us: Ahmad ibn Ibrahim narrated to us: Muhammad ibn Kathir narrated to me from al-Awza'i from Muhammad ibn Ajlan from Sa'id ibn Abi Sa'id al-Maqburi from his father from Abu Hurayrah from the Prophet - peace and blessings of Allah be upon him - who said: "Whoever treads upon impurity with his khuffs, their purification is soil."

Ali said: It was transmitted to us from Urwah ibn al-Zubayr regarding one whose sandals contact dung - he said: "He should wipe them and pray in them." From al-Hasan al-Basri: he would wipe his sandals vigorously and pray in them. This is the view of al-Awza'i, Abu Thawr, Abu Sulayman, and our companions.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الرَّبِيعِ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا أَحْمَدُ بْنُ إِبْرَاهِيمَ حَدَّثَنِي مُحَمَّدُ بْنُ كَثِيرٍ عَنْ الْأَوْزَاعِيِّ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «فَمَنْ وَطِئَ الْأَذَى بِخُفَّيْهِ فَطَهُورُهُمَا التُّرَابُ» قَالَ عَلِيٌّ: وَرُوِّينَا عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ فِيمَنْ أَصَابَ نَعْلَيْهِ الرَّوْثُ، قَالَ يَمْسَحُهُمَا وَلْيُصَلِّ فِيهِمَا وَعَنْ الْحَسَنِ الْبَصْرِيِّ أَنَّهُ كَانَ يَمْسَحُ نَعْلَيْهِ مَسْحًا شَدِيدًا وَيُصَلِّي فِيهِمَا وَهُوَ قَوْلُ الْأَوْزَاعِيِّ وَأَبِي ثَوْرٍ وَأَبِي

سُلَيْمَانَ وَأَصْحَابِنَا. قَالَ عَلِيٌّ: الْغَسْلُ بِالْمَاءِ وَغَيْرِهِ يَقَعُ عَلَيْهِ اسْمُ مَسْحٍ، تَقُولُ: مَسَحْتُ الشَّيْءَ بِالْمَاءِ وَبِالدُّهْنِ، فَكُلُّ غُسْلٍ مَسْحٌ وَلَيْسَ كُلُّ مَسْحٍ غُسْلًا، وَلَكِنَّ الْخَبَرَ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ أَبِي دَاوُد ثنا أَحْمَدُ بْنُ إبْرَاهِيمَ ثنا مُحَمَّدُ بْنُ كَثِيرٍ عَنْ الْأَوْزَاعِيِّ عَنْ ابْنِ عَجْلَانَ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا وَطِئَ أَحَدُكُمْ الْأَذَى بِخُفِّهِ أَوْ نَعْلِهِ فَلْيُمِسَّهُمَا التُّرَابَ» وَهَذَا زَائِدٌ عَلَى حَدِيثِ أَبِي سَعِيدٍ الْخُدْرِيِّ فِي الْمَسْحِ بَيَانًا وَحُكْمًا، فَوَاجِبٌ أَنْ يُضَافَ الزَّائِدُ إلَى الْأَنْقَصِ حُكْمًا، فَيَكُونُ ذَلِكَ اسْتِعْمَالًا لِجَمِيعِ الْآثَارِ؛ لِأَنَّ مَنْ اسْتَعْمَلَ حَدِيثَ أَبِي هُرَيْرَةَ لَمْ يُخَالِفْ خَبَرَ أَبِي سَعِيدٍ، وَمَنْ اسْتَعْمَلَ خَبَرَ أَبِي سَعِيدٍ خَالَفَ خَبَرَ أَبِي هُرَيْرَةَ. وَقَالَ مَالِكٌ وَالشَّافِعِيُّ: لَا تُجْزِئُ إزَالَةُ النَّجَاسَةِ حَيْثُ كَانَتْ إلَّا بِالْمَاءِ حَاشَا الْعَذِرَةِ فِي الْمَقْعَدَةِ خَاصَّةً، وَالْبَوْلِ فِي الْإِحْلِيلِ خَاصَّةً فَيُزَالَانِ بِغَيْرِ الْمَاءِ. وَهَذَا مَكَانٌ تَرَكُوا فِي أَكْثَرِهِ النُّصُوصَ، كَمَا ذَكَرْنَا فِي هَذَا الْبَابِ وَغَيْرِهِ، وَلَمْ يَقِيسُوا سَائِرَ النَّجَاسَاتِ عَلَى النَّجَاسَةِ فِي الْمَقْعَدَةِ وَالْإِحْلِيلِ وَهُمَا أَصْلُ النَّجَاسَاتِ. قَالَ عَلِيٌّ: وَهَذَا خِلَافٌ لِهَذِهِ النُّصُوصِ الْمَذْكُورَةِ وَلِلْقِيَاسِ.

Ali said: Washing with water or other substances falls under the term 'wiping'. You say: "I wiped a thing with water or oil." Thus every washing is a wiping, but not every wiping is a washing. However, the report we transmitted through Abu Dawud: Ahmad ibn Ibrahim narrated to us: Muhammad ibn Kathir narrated to us from al-Awza'i from Ibn Ajlan from Sa'id ibn Abi Sa'id al-Maqburi from his father from Abu Hurayrah from the Prophet - peace and blessings of Allah be upon him - "If any of you treads upon impurity with his khuff or sandal, let him rub them with soil." This constitutes an addition to the hadith of Abu Sa'id al-Khudri. In the act of wiping, there is explanation and legal ruling. It is obligatory to append the additional ruling to the deficient one, thereby applying all narrations, for whoever applies the ḥadīth of Abū Hurayrah does not contradict the report of Abū Sa'īd, whereas whoever applies the report of Abū Sa'īd contradicts the report of Abū Hurayrah. Mālik and al-Shāfi'ī said: "The removal of impurity – wherever it is located – does not suffice except with water, except for fecal residue on the anus specifically and urine on the urethra specifically, which may be removed without water." This is a case in which they largely abandoned the textual rulings, as we have mentioned in this chapter and others, and they did not analogize other impurities to the impurity of the anus and urethra, even though these two are the origin of impurities. 'Alī said: "This contradicts these mentioned textual rulings and the principles of analogy."

وَقَالَ أَبُو حَنِيفَةَ: إذَا أَصَابَ الْخُفَّ أَوْ النَّعْلَ رَوْثُ فَرَسٍ أَوْ حِمَارٍ أَوْ أَيُّ رَوْثٍ كَانَ، فَإِنْ كَانَ أَكْثَرَ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ لَمْ يَجُزْ أَنْ يُصَلَّى بِهِ، وَكَذَلِكَ إنْ أَصَابَهُمَا عَذِرَةُ إنْسَانٍ أَوْ دَمٌ أَوْ مَنِيٌّ، فَإِنْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ أَجْزَأَتْ الصَّلَاةُ بِهِ، فَإِنْ كَانَ كُلُّ مَا ذَكَرْنَا يَابِسًا أَجْزَأَهُ أَنْ يَحُكَّهُ فَقَطْ ثُمَّ يُصَلِّيَ بِهِ، وَإِنْ كَانَ شَيْءٌ مِنْ ذَلِكَ رَطْبًا لَمْ تُجْزِهِ الصَّلَاةُ بِهِ إلَّا أَنْ يَغْسِلَهُ بِالْمَاءِ، فَإِنْ أَصَابَ الْخُفَّ بَوْلُ إنْسَانٍ أَوْ حِمَارٍ

L2673–2675 Abu Hanifah said: If a leather sock or shoe is soiled with horse dung, donkey dung, or any dung, and the amount exceeds the measure of a Baghdadi dirham, it is not permissible to pray while wearing them. Similarly, if they are soiled with human excrement, blood, or semen - then if the amount is equal to or less than the measure of a Baghdadi dirham, the prayer is valid. If all that we have mentioned is dry, it suffices him to merely scrub it and then pray with it. If any of that is moist, prayer is not valid with it unless he washes it with water. If the leather sock is soiled with the urine of a human, a donkey, or an animal whose meat is not eaten, and if it exceeds the amount of a Baghlī dirham, prayer is not valid with it, and wiping is not

permissible at all; washing with water is necessary whether it is dry or moist. If it is the amount of a Baghlī dirham or less, it is permissible to pray with it without washing or wiping. He said: As for the urine of a horse, prayer with it is permissible as long as it is not excessively abundant. Similarly, the urine of animals whose meat is eaten is treated the same way, and no specific limit is set for what constitutes excessive abundance in that. If there is excrement from birds whose meat is not eaten, or from those whose meat is eaten among them, and it exceeds the amount of a dirham, prayer with it is permissible as long as it is not excessively abundant. If all of that is on the body, it is not permissible to remove it except with water. As for what is on the garment, removing it with water or all other liquids suffices. These are rulings for which praise is due to Allah, the Exalted, for soundness upon their transmission. And success is from Allah, the Exalted.

أَوْ مَا لَا يُؤْكَلُ لَحْمُهُ، فَإِنْ كَانَ أَكْثَرَ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ لَمْ تُجْزِهِ الصَّلَاةُ بِهِ وَلَمْ يُجْزِهِ فِيهِ مَسْحٌ أَصْلًا، وَلَا بُدَّ مِنْ الْغَسْلِ بِالْمَاءِ كَانَ يَابِسًا أَوْ رَطْبًا، فَإِنْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ جَازَ أَنْ يُصَلِّيَ بِهِ وَإِنْ لَمْ يَغْسِلْهُ وَلَا مَسَحَهُ. قَالَ: وَأَمَّا بَوْلُ الْفَرَسِ فَالصَّلَاةُ بِهِ جَائِزَةٌ مَا لَمْ يَكُنْ كَثِيرًا فَاحِشًا. وَكَذَلِكَ بَوْلُ مَا يُؤْكَلُ لَحْمُهُ، وَلَمْ يَحُدَّ فِي الْكَثِيرِ الْفَاحِشِ مِنْ ذَلِكَ حَدًّا، فَإِنْ كَانَ فِيهِمَا خُرْءُ مَا لَا يُؤْكَلُ لَحْمُهُ مِنْ الطَّيْرِ، أَوْ مَا يُؤْكَلُ لَحْمُهُ مِنْهَا وَكَانَ أَكْثَرَ مِنْ قَدْرِ الدِّرْهَمِ، فَالصَّلَاةُ بِهِ جَائِزَةٌ مَا لَمْ يَكُنْ كَثِيرًا فَاحِشًا، فَإِنْ كَانَ كُلُّ ذَلِكَ فِي الْجَسَدِ لَمْ تَجُزْ إزَالَتُهُ إلَّا بِالْمَاءِ، وَأَمَّا مَا كَانَ مِنْ ذَلِكَ فِي الثَّوْبِ فَتُجْزِئُ إزَالَتُهُ بِالْمَاءِ وَغَيْرِهِ مِنْ الْمَائِعَاتِ كُلِّهَا وَهَذِهِ أَقْوَالٌ يَنْبَغِي حَمْدُ اللَّهِ تَعَالَى عَلَى السَّلَامَةِ عِنْدَ سَمَاعِهَا. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L2676 What is even more astonishing is that they did not base themselves on the texts pertaining to this matter at all, nor did they analogize anything from the textual rulings concerning it. They neither compared impurity on the body—being fecal matter at the exit point or urine in the urethra—to impurity on the body, nor did they analogize impurity on garments to impurity on the body. They did not ground their statements in this matter on any opinion from the predecessors of this community. They are to be asked before everything else: Where did they find the intensification regarding some impurities and the leniency toward others? Is this in the Quran, the Sunnah, or analogical reasoning? Except that they contradicted what has been established regarding the intensification prescribed for removing impurities—such as the vessel licked by a dog, and fecal matter specifically in what is used for istinjāʾ.

وَأَعْجَبُ مِنْ ذَلِكَ أَنَّهُمْ لَمْ يَتَعَلَّقُوا بِالنُّصُوصِ الْوَارِدَةِ فِي ذَلِكَ أَلْبَتَّةَ، وَلَا قَاسُوا عَلَى شَيْءٍ مِنْ النُّصُوصِ فِي ذَلِكَ، وَلَا قَاسُوا النَّجَاسَةَ فِي الْجَسَدِ عَلَى النَّجَاسَةِ فِي الْجَسَدِ وَهِيَ الْعَذِرَةُ فِي الْمَخْرَجِ وَالْبَوْلُ فِي الْإِحْلِيلِ، وَلَا قَاسُوا النَّجَاسَةَ فِي الثِّيَابِ عَلَى الْجَسَدِ وَلَا تَعَلَّقُوا فِي أَقْوَالِهِمْ فِي ذَلِكَ بِقَوْلِ أَحَدٍ مِنْ الْأُمَّةِ قَبْلَهُمْ وَيُسْأَلُونَ قَبْلَ كُلِّ شَيْءٍ أَيْنَ وَجَدُوا تَغْلِيظَ بَعْضِ النَّجَاسَاتِ وَتَخْفِيفَ بَعْضِهَا؟ أَفِي قُرْآنٍ أَوْ سُنَّةٍ أَوْ قِيَاسٍ؟ اللَّهُمَّ إلَّا إنَّ الَّذِي قَدْ جَاءَ فِي إزَالَتِهِ التَّغْلِيظُ قَدْ خَالَفُوهُ، كَالْإِنَاءِ يَلَغُ فِيهِ الْكَلْبُ، وَكَالْعَذِرَةِ فِيمَا يُسْتَنْجَى فِيهِ فَقَطْ. .

The ruling on cleansing the genital and anal area from urine, stool, and blood.

[مَسْأَلَة تَطْهِير القبل والدبر مِنْ الْبَوْل والغائط وَالدَّم]

L2677

L2678 122. Issue: Purification of the front and back private parts from urine, feces, and blood - for both men and women - is valid only with water until all traces are removed, or with three distinct stones. If purification is not achieved,

one must use an odd number indefinitely, continuing to add odd numbers (three, five, seven, etc.) until purification is attained. None of the stones may bear any trace of feces. Purification may also be performed with earth or sand without a fixed count, provided it removes all traces while strictly using an odd number. It is invalid for anyone to cleanse with the right hand or while facing the Qiblah. If one begins with the urine exit, those very stones suffice for the feces exit. But if one begins with the feces exit, those stones are invalid for the urine exit unless they have no fecal residue at all.

١٢٢ - مَسْأَلَةٌ: وَتَطْهِيرُ الْقُبُلِ وَالدُّبُرِ مِنْ الْبَوْلِ وَالْغَائِطِ وَالدَّمِ مِنْ الرَّجُلِ وَالْمَرْأَةِ لَا يَكُونُ إِلَّا بِالْمَاءِ حَتَّى يَزُولَ الْأَثَرُ أَوْ بِثَلَاثَةِ أَحْجَارٍ مُتَغَايِرَةٍ - فَإِنْ لَمْ يُنَقَّ فَعَلَى الْوِتْرِ أَبَدًا يَزِيدُ كَذَلِكَ حَتَّى يُنَقَّى، لَا أَقَلَّ مِنْ ذَلِكَ، وَلَا يَكُونُ فِي شَيْءٍ مِنْهَا غَائِطٌ - أَوْ بِالتُّرَابِ أَوْ الرَّمْلِ بِلَا عَدَدٍ، وَلَكِنْ مَا أَزَالَ الْأَثَرَ فَقَطْ عَلَى الْوِتْرِ وَلَا بُدَّ وَلَا يُجْزِئُ أَحَدًا أَنْ يَسْتَنْجِيَ بِيَمِينِهِ وَلَا وَهُوَ مُسْتَقْبِلُ الْقِبْلَةَ، فَإِنْ بَدَأَ بِمَخْرَجِ الْبَوْلِ أَجْزَأَتْ تِلْكَ الْأَحْجَارُ بِأَعْيَانِهَا لِمَخْرَجِ الْغَائِطِ، وَإِنْ بَدَأَ بِمَخْرَجِ الْغَائِطِ لَمْ يُجْزِهِ مِنْ تِلْكَ الْأَحْجَارِ لِمَخْرَجِ الْبَوْلِ إِلَّا مَا كَانَ لَا رَجِيعَ عَلَيْهِ فَقَطْ.

L2679–2683 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. Aḥmad ibn ʿAlī narrated to us: Muslim ibn al-Ḥajjāj narrated to us: Muḥammad ibn al-Muthannā narrated to us: ʿAbd al-Raḥmān ibn Mahdī narrated to us: Sufyān al-Thawrī narrated from al-Aʿmash and Manṣūr ibn al-Muʿtamir – both of whom narrated from Ibrāhīm al-Nakhaʿī from ʿAbd al-Raḥmān ibn Yazīd from Salmān al-Fārisī, who said: "The polytheists said to us: 'I see your companion teaches you everything, even excretion.' Salmān replied: 'Yes, he forbade us to cleanse ourselves with our right hand or face the Qiblah, forbade us from using dung or bones, and said: "Let none of you perform istinjā without three stones."'"

Muḥammad ibn Saʿīd ibn Nabāt narrated to us: ʿAbdullāh ibn Naṣr narrated to us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn Waḍḍāḥ narrated to us: Mūsā ibn Muʿāwiyah narrated to us: Wakīʿ ibn al-Jarrāḥ narrated from al-Aʿmash from Ibrāhīm al-Nakhaʿī from ʿAbd al-Raḥmān ibn Yazīd from Salmān al-Fārisī: "A polytheist said to him: 'I see your companion teaches you even excretion.' He replied: 'Yes, we were commanded not to face the Qiblah, not to cleanse ourselves with our right hands, and not to suffice with fewer than three stones – neither dung nor bones.'"

ʿAbdullāh ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Isḥāq ibn Ibrāhīm – that is, Ibn Rāh-

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 الْمُثَنَّى ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ الْأَعْمَشِ وَمَنْصُورِ بْنِ الْمُعْتَمِرِ، كِلَاهُمَا عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ عَنْ سَلْمَانَ الْفَارِسِيِّ قَالَ «قَالَ لَنَا الْمُشْرِكُونَ: إِنِّي أَرَى صَاحِبَكُمْ يُعَلِّمُكُمْ كُلَّ شَيْءٍ حَتَّى يُعَلِّمَكُمْ الْخِرَاءَةَ، فَقَالَ سَلْمَانُ: أَجَلْ، إِنَّهُ نَهَانَا أَنْ يَسْتَنْجِيَ أَحَدُنَا بِيَمِينِهِ أَوْ يَسْتَقْبِلَ الْقِبْلَةَ، وَنَهَانَا عَنْ الرَّوْثِ وَالْعِظَامِ، وَقَالَ: لَا يَسْتَنْجِي أَحَدُكُمْ بِدُونِ ثَلَاثَةِ أَحْجَارٍ» حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعُ بْنُ الْجَرَّاحِ عَنْ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ عَنْ سَلْمَانَ الْفَارِسِيِّ «أَنَّ بَعْضَ الْمُشْرِكِينَ قَالَ لَهُ: إِنِّي لَأَرَى صَاحِبَكُمْ يُعَلِّمُكُمْ حَتَّى الْخِرَاءَةَ قَالَ: أَجَلْ، أُمِرْنَا أَنْ لَا نَسْتَقْبِلَ الْقِبْلَةَ وَلَا نَسْتَنْجِيَ بِأَيْمَانِنَا، وَلَا نَكْتَفِي بِدُونِ ثَلَاثَةِ أَحْجَارٍ لَيْسَ فِيهِنَّ رَجِيعٌ وَلَا عَظْمٌ» حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا إِسْحَاقُ بْنُ إِبْرَاهِيمَ - هُوَ

awayh – narrated to us: Abū Muʿāwiyah narrated to us: al-Aʿmash narrated from Ibrāhīm from ʿAbd al-Raḥmān ibn Yazīd from Salmān al-Fārisī, who said: "The Messenger of Allāh – peace and blessings of Allāh be upon him – forbade us from facing the Qiblah during defecation or urination, from cleansing ourselves with our right hands, or from using fewer than three stones."

Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Aḥmad ibn Saʿīd narrated to us: ʿUbaydullāh ibn Yaḥyā ibn Yaḥyā narrated to us: My father narrated to us: Mālik narrated from Ibn Shihāb from Abū Idrīs al-Khawlānī from Abū Hurayrah that the Messenger of Allāh – peace and blessings of Allāh be upon him – said: "When using stones for istinjā, use an odd number." Abd al-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: al-Bukhari narrated to us: Muhammad ibn Bashshar narrated to us: Muhammad ibn Ja'far narrated to us: Shu'bah narrated from 'Ata' ibn Abi Maymunah, who heard Anas ibn Malik say: "Allah's Messenger — peace and blessings be upon him — would enter the lavatory, so I and a servant boy would carry a water vessel and a staff for him to perform istinjā' (ritual cleansing)." 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: Qutaybah ibn Sa'id narrated to us: Isma'il — meaning Ibn Ja'far — narrated from al-'Ala' ibn 'Abd al-Rahman, from his father, from Abu Hurayrah that Allah's Messenger — peace and blessings be upon him — said: "The earth has been made for me a purifying agent and a place of prostration." We also narrated it through Jabir's chain as a connected report.

Abu Hanifah and Malik said: "Whatever one uses for istinjā' without a specified number [of items], if it achieves thorough purification, suffices him." This contradicts what Allah's Messenger — peace and blessings be upon him — commanded, for he prohibited anyone from relying on fewer than three stones and instructed to use an odd number in istijmār (dry cleansing). We find no basis for their position except their citation of a report stating that 'Umar — may Allah be pleased with him — used a bone or stone for istinjā', then performed ablution and prayed. This cannot serve as evidence due to its

ابْنُ رَاهْوَيْهِ - ثنا أَبُو مُعَاوِيَةَ ثنا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ عَنْ سَلْمَانَ الْفَارِسِيِّ قَالَ «إِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَانَا أَنْ نَسْتَقْبِلَ الْقِبْلَةَ لِغَائِطٍ أَوْ بَوْلٍ أَوْ نَسْتَنْجِيَ بِأَيْمَانِنَا أَوْ نَكْتَفِيَ بِأَقَلَّ مِنْ ثَلَاثَةِ أَحْجَارٍ» حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا أَحْمَدُ بْنُ سَعِيدٍ ثنا عُبَيْدُ اللَّهِ بْنُ يَحْيَى بْنِ يَحْيَى ثنا أَبِي ثنا مَالِكٌ عَنِ ابْنِ شِهَابٍ عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «وَإِذَا اسْتَجْمَرْتَ فَأَوْتِرْ» حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا مُحَمَّدُ بْنُ جَعْفَرٍ ثنا شُعْبَةُ عَنْ عَطَاءِ بْنِ أَبِي مَيْمُونَةَ سَمِعَ أَنَسَ بْنَ مَالِكٍ قَالَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَدْخُلُ الْخَلَاءَ فَأَحْمِلُ أَنَا وَغُلَامٌ إِدَاوَةً مِنْ مَاءٍ وَعَنَزَةً يَسْتَنْجِي» ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا إِسْمَاعِيلُ - هُوَ ابْنُ جَعْفَرٍ - عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «وَجُعِلَتْ لِي الْأَرْضُ طَهُورًا وَمَسْجِدًا» وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ جَابِرٍ مُسْنَدًا. وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ: بِأَيِّ شَيْءٍ اسْتَنْجَى دُونَ عَدَدٍ فَأَنْقَى أَجْزَأَهُ، وَهَذَا خِلَافُ مَا أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِأَنَّهُ نَهَى أَنْ يَكْتَفِيَ أَحَدٌ بِدُونِ ثَلَاثَةِ أَحْجَارٍ وَأَمَرَ بِالْوِتْرِ فِي الِاسْتِجْمَارِ وَمَا نَعْلَمُ لَهُمْ مُتَعَلَّقًا إِلَّا أَنَّهُمْ ذَكَرُوا أَثَرًا فِيهِ: أَنَّ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - كَانَ لَهُ عَظْمٌ أَوْ حَجَرٌ يَسْتَنْجِي بِهِ ثُمَّ يَتَوَضَّأُ وَيُصَلِّي، وَهَذَا لَا حُجَّةَ فِيهِ؛ لِأَنَّهُ شَكٌّ. إِمَّا حَجَرٌ وَإِمَّا عَظْمٌ، وَقَدْ خَالَفُوا عُمَرَ فِي الْمَسْحِ عَلَى الْعِمَامَةِ وَغَيْرِ ذَلِكَ، وَلَوْ صَحَّ لَكَانَ لَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا سِيَّمَا وَقَدْ خَالَفَهُ سَلْمَانُ وَغَيْرُهُ مِنَ الصَّحَابَةِ -

uncertainty — whether it was a stone or bone — particularly as they opposed ‘Umar’s practice regarding wiping over turbans and other matters. Even if authentic, no one’s practice holds authority over Allah’s Messenger — peace and blessings be upon him — especially when Salman and other Companions — may Allah be pleased with them — opposed it, affirming that the ruling of istinjā’ is what the Prophet taught them: not to suffice with fewer than three stones.

Should someone argue: “His command — peace be upon him — for three stones applies to combined defecation and urination, thus each individually would require fewer than three,” we respond: This is invalid, for the textual ruling explicitly prohibits istinjā’ with fewer than three stones. Moreover, merely wiping urine is not termed istinjā’. Thus, the text establishes that fewer than three stones do not suffice for istinjā’ after defecation, while generally prohibiting fewer than three for urine itself. Hence our position stands confirmed.

Wiping urine with the right hand is permissible, as is facing the qiblah during urination, for the prohibition applies solely to istinjā’ (ritual cleansing after defecation), not urination itself.[13]

L2684–2685 Al-Shafi‘i said: Three wipes with a single stone. He permitted ritual cleansing after defecation with anything except bones, animal droppings, soot, reeds, and untanned skins. This also contradicts the command of the Messenger of Allah—peace and blessings be upon him—not to suffice with fewer than three stones. If they say: “We analogize to stones,” we say to them: “Then apply the same analogy to dust in dry ablution (tayammum), for there is no difference.” If they cite a hadith narrated by Ibn Akhi al-Zuhri (the nephew of al-Zuhri) with a chain that the Messenger of Allah—peace and blessings be upon him—said: “When one of you defecates, let him wipe three times,” it is said: Ibn Akhi al-Zuhri is weak, and the one who narrated it from him, Muhammad ibn Yahya al-Kinani, is unknown. Even if it were authentic, it would not constitute evidence, for it does not specify that those wipes are with a single stone. This addition is impermissible. As

[13] **Hadith references (L2679):** Mishkat al-Masabih 342.

رَضِيَ اللَّهُ عَنْهُمْ -، فَأَخْبَرُوا أَنَّ حُكْمَ الِاسْتِنْجَاءِ هُوَ مَا عَلَّمَهُمْ إيَّاهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ أَلَّا يُكْتَفَى بِدُونِ ثَلَاثَةِ أَحْجَارٍ " فَإِنْ قِيلَ: أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِثَلَاثَةِ أَحْجَارٍ هُوَ لِلْغَائِطِ وَالْبَوْلِ مَعًا، فَوَقَعَ لِكُلِّ وَاحِدٍ مِنْهُمَا أَقَلُّ مِنْ ثَلَاثَةِ أَحْجَارٍ. قُلْنَا: هَذَا بَاطِلٌ لِأَنَّ النَّصَّ قَدْ وَرَدَ بِأَنْ لَا نَسْتَنْجِيَ بِأَقَلَّ مِنْ ثَلَاثَةِ أَحْجَارٍ، وَمَسْحُ الْبَوْلِ لَا يُسَمَّى اسْتِنْجَاءً، فَحَصَلَ النَّصُّ فِي الِاسْتِنْجَاءِ وَالْخِرَاءَةِ أَنْ لَا يُجْزِئَ أَقَلُّ مِنْ ثَلَاثَةِ أَحْجَارٍ، وَحَصَلَ النَّصُّ مُجْمَلًا فِي أَنْ لَا يُجْزِئَ أَقَلُّ مِنْ ثَلَاثَةِ أَحْجَارٍ عَلَى الْبَوْلِ نَفْسِهِ وَعَلَى النَّجْوِ فَصَحَّ مَا قُلْنَاهُ. وَمَسْحُ الْبَوْلِ بِالْيَمِينِ جَائِزٌ، وَكَذَلِكَ مُسْتَقْبِلُ الْقِبْلَةِ؛ لِأَنَّهُ لَمْ يَنْهَ عَنْ ذَلِكَ فِي الْبَوْلِ وَإِنَّمَا نَهَى فِي الِاسْتِنْجَاءِ فَقَطْ.

وَقَالَ الشَّافِعِيُّ: ثَلَاثُ مَسَحَاتٍ بِحَجَرٍ وَاحِدٍ، وَأَجَازَ الِاسْتِنْجَاءَ بِكُلِّ شَيْءٍ حَاشَا الْعَظْمِ وَالرَّوْثِ وَالْحُمَمَةِ وَالْقَصَبِ وَالْجُلُودِ الَّتِي لَمْ تُدْبَغْ، وَهَذَا أَيْضًا خِلَافٌ لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَلَّا يُكْتَفَى بِأَقَلَّ مِنْ ثَلَاثَةِ أَحْجَارٍ. فَإِنْ قَالُوا: قِسْنَا عَلَى الْأَحْجَارِ، قُلْنَا لَهُمْ: فَقِيسُوا عَلَى التُّرَابِ فِي التَّيَمُّمِ وَلَا فَرْقَ فَإِنْ ذَكَرُوا حَدِيثًا رَوَاهُ ابْنُ أَخِي الزُّهْرِيِّ مُسْنَدًا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا تَغَوَّطَ أَحَدُكُمْ فَلْيَتَمَسَّحْ ثَلَاثَ مَرَّاتٍ» قِيلَ: ابْنُ أَخِي الزُّهْرِيِّ ضَعِيفٌ، وَالَّذِي رَوَاهُ عَنْهُ مُحَمَّدُ بْنُ يَحْيَى الْكِنَانِيُّ وَهُوَ مَجْهُولٌ، وَلَوْ صَحَّ لَمَا كَانَتْ فِيهِ حُجَّةٌ؛ لِأَنَّهُ لَيْسَ فِيهَا أَنَّ تِلْكَ الْمَسَحَاتِ تَكُونُ بِحَجَرٍ وَاحِدٍ، فَزِيَادَةُ هَذَا لَا تَحِلُّ. وَأَمَّا مَنْ قَالَ إنَّ حَدِيثَ «مَنْ اسْتَجْمَرَ فَلْيُوتِرْ» مُعَارِضٌ

for those who claim that the hadith “Whoever uses stones to clean should use an odd number” contradicts the hadith of three stones, we say this is a mistake. Rather, each hadith stands independently. Thus, three stones that are free of feces are required. An odd number suffices with dust, and nothing not termed ‘earth’ suffices except water. If a stone has impurity other than feces, it suffices unless there is a prohibition against it. Among those who stated that nothing suffices except three stones are Sa‘id ibn al-Musayyab, al-Hasan, and others. If someone mentions a hadith we narrated through Ibn al-Husayn al-Hubrani from Abu Sa‘id or Abu Sa‘d al-Khayr (the Good) from Abu Hurayra with a chain: “Whoever uses stones to clean should use an odd number; whoever does so has done well, and there is no blame on one who does not,” then Ibn al-Husayn is unknown, and Abu Sa‘id or Abu Sa‘d al-Khayr is likewise unknown.

L2686–2689 If they cite the ḥadīth of Ibn Mas‘ūd that the Prophet—peace and blessings of Allah be upon him—said to him: “Bring me stones,” whereupon he brought him two stones and a dung pellet. The Prophet took the two stones and discarded the dung pellet, saying: “It is impure.” This does not constitute valid evidence. In this matter, because the hadith does not state that he (peace be upon him) sufficed with two stones, while his command (peace be upon him) to bring stones has been authenticated. Thus, the command persists as a binding obligation that must be preserved. Regarding this hadith, it has been said that Abū Isḥāq practiced narrational concealment (tadlis) in its transmission, though we have transmitted it through Abū Isḥāq’s chain from ʿAlqamah, containing the phrase “get me a third one.” If one argues: “He only prohibited bones and dung because they are the provisions of our jinn brethren,” we respond: Yes, what then? Rather, this necessitates that one who cleans himself with either commits sin twice: first by contradicting the explicit textual injunction, and second by defiling the provisions of those whose provisions we were forbidden to soil. Disobedience cannot substitute for obedience. Among those who ruled that neither bones nor the right hand suffice are al-Shāfi‘ī, Abū Sulaymān, and others.

L2690 **The issue of purifying the urine of a male infant by sprinkling water upon it.**

لِحَدِيثِ الثَّلَاثَةِ الْأَحْجَارِ قُلْنَا هَذَا خَطَأٌ، بَلْ كُلُّ حَدِيثٍ مِنْهَا قَائِمٌ بِنَفْسِهِ، فَلَا يُجْزِئُ مِنْ الْأَحْجَارِ إلَّا ثَلَاثَةٌ لَا رَجِيعَ فِيهَا، وَيُجْزِئُ مِنْ التُّرَابِ الْوِتْرُ، وَلَا يُجْزِئُ غَيْرُ ذَلِكَ مِنْ كُلِّ مَا لَا يُسَمَّى أَرْضًا إلَّا الْمَاءُ. فَإِنْ كَانَ عَلَى حَجَرٍ نَجَاسَةٌ غَيْرُ الرَّجِيعِ أَجْزَأَ مَا لَمْ يَأْتِ عَنْهُ نَهْيٌ. وَمِمَّنْ جَاءَ عَنْهُ أَلَّا يُجْزِئَ إلَّا ثَلَاثَةُ أَحْجَارٍ سَعِيدُ بْنُ الْمُسَيِّبِ وَالْحَسَنُ وَغَيْرُهُمَا. فَإِنْ ذَكَرَ ذَاكِرٌ حَدِيثًا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ الْحُصَيْنِ الْحُبْرَانِيِّ عَنْ أَبِي سَعِيدٍ أَوْ أَبِي سَعْدٍ عَنْ أَبِي هُرَيْرَةَ مُسْنَدًا «مَنْ اسْتَجْمَرَ فَلْيُوتِرْ مَنْ فَعَلَ فَقَدْ أَحْسَنَ وَمَنْ لَا فَلَا حَرَجَ» فَإِنَّ ابْنَ الْحُصَيْنِ مَجْهُولٌ وَأَبُو سَعِيدٍ أَوْ أَبُو سَعْدٍ الْخَيْرُ كَذَلِكَ.

فَإِنْ ذَكَرُوا حَدِيثَ ابْنِ مَسْعُودٍ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ: «ابْغِنِي أَحْجَارًا، فَأَتَيْته بِحَجَرَيْنِ وَرَوْثَةٍ، فَأَخَذَ الْحَجَرَيْنِ وَأَلْقَى الرَّوْثَةَ وَقَالَ: إنَّهَا رِكْسٌ» فَهَذَا لَا حُجَّةَ فِيهِ، لِأَنَّهُ لَيْسَ فِي الْحَدِيثِ أَنَّهُ - عَلَيْهِ السَّلَامُ - اكْتَفَى بِالْحَجَرَيْنِ، وَقَدْ صَحَّ أَمْرُهُ - عَلَيْهِ السَّلَامُ - لَهُ بِأَنْ يَأْتِيَهُ بِأَحْجَارٍ، فَالْأَمْرُ بَاقٍ لَازِمٌ لَا بُدَّ مِنْ إبْقَائِهِ، وَعَلَى أَنَّ هَذَا الْحَدِيثَ قَدْ قِيلَ فِيهِ: إنَّ أَبَا إسْحَاقَ دَلَّسَهُ، وَقَدْ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي إسْحَاقَ عَنْ عَلْقَمَةَ وَفِيهِ " أَبْغِنِي ثَالِثًا " فَإِنْ قِيلَ: إنَّمَا نَهَى عَنْ الْعَظْمِ وَالرَّوْثِ لِأَنَّهُمَا زَادُ إخْوَانِنَا مِنْ الْجِنِّ. قُلْنَا: نَعَمْ فَكَانَ مَاذَا؟ بَلْ هَذَا مُوجِبٌ أَنَّ الْمُسْتَنْجِيَ بِأَحَدِهِمَا عَاصٍ مَرَّتَيْنِ: إحْدَاهُمَا خِلَافُهُ نَصَّ الْخَبَرِ، وَالثَّانِي تَقْذِيرُهُ زَادَ مَنْ نُهِيَ عَنْ تَقْذِيرِ زَادِهِ، وَالْمَعْصِيَةُ لَا تُجْزِئُ بَدَلَ الطَّاعَةِ، وَمِمَّنْ قَالَ لَا يُجْزِئُ بِالْعَظْمِ وَلَا بِالْيَمِينِ الشَّافِعِيُّ وَأَبُو سُلَيْمَانَ وَغَيْرُهُمَا.

[مَسْأَلَة تَطْهِير بَوْل الذَّكَر برش الْمَاء عَلَيْهِ رشا]

L2691 123. Issue: The purification of male urine—from any male in any thing—is purified by sprinkling water over it to remove its traces. Female urine requires washing. If the urine is on the ground—regardless of its type—it is purified by pouring water over it to eliminate its traces only.

١٢٣ - مَسْأَلَةٌ: وَتَطْهِيرُ بَوْلِ الذَّكَرِ - أَيِّ ذَكَرٍ كَانَ فِي أَيِّ شَيْءٍ كَانَ - فَبِأَنْ يَرُشَّ الْمَاءَ عَلَيْهِ رَشًّا يُزِيلُ أَثَرَهُ، وَبَوْلُ الْأُنْثَى يُغْسَلُ، فَإِنْ كَانَ الْبَوْلُ فِي الْأَرْضِ - أَيُّ بَوْلٍ كَانَ - فَبِأَنْ يَصُبَّ الْمَاءَ عَلَيْهِ صَبًّا يُزِيلُ أَثَرَهُ فَقَطْ.

L2692–2696 Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Aḥmad ibn al-Faḍl al-Dīnawarī narrated to us: Muḥammad ibn Jarīr narrated to us: ʿAmr ibn ʿAlī narrated to us: ʿAbd al-Raḥmān ibn Mahdī narrated to us: Yaḥyā ibn al-Walīd narrated to us from Muḥallī ibn Khalīfah al-Ṭāʾī: Abū al-Samḥ said, “I used to serve the Messenger of Allāh (peace and blessings be upon him) when Ḥasan or Ḥusayn was brought to him, and he urinated.” Upon his chest, so he called for water and sprinkled it upon it, then he said—peace and blessings be upon him—: “This is how it is done: sprinkle [water] from the male and wash from the female.” Narrated to us by Abdur-Rahman ibn Abdullah ibn Khalid, who narrated from Ibrahim ibn Ahmad, who narrated from Al-Farbari, who narrated from Al-Bukhari, who narrated from Abdullah ibn Yusuf, who narrated from Malik, from Ibn Shihab, from Ubaydullah ibn Abdullah ibn Utbah, from Umm Qays bint Mihsan: “She came with her young son who had not yet eaten food, and the Messenger of Allah—peace and blessings be upon him—seated him on his lap. The child urinated on the garment of the Messenger of Allah—peace and blessings be upon him—so he called for water and sprinkled water on it but did not wash it.” Narrated to us by Abdur-Rahman ibn Abdullah ibn Khalid, who narrated from Ibrahim ibn Ahmad, who narrated from Al-Farbari, who narrated from Al-Bukhari, who narrated from Musa ibn Ismail, who narrated from Hammam—the son of Yahya—who narrated from Ishaq—the son of Abdullah ibn Abi Talhah—from Anas ibn Malik: “The Messenger of Allah—peace and blessings be upon him—saw a Bedouin urinating in the mosque, so he called for water and poured it over the urine.” Ali said: “The specification regarding the child’s eating food is not from the words of the Messenger of Allah—peace and blessings be upon him.” Among those who distinguished between the urine of a boy and that of a girl are Umm Salamah, the Mother of the Believers, and Ali ibn Abi Talib, with no opposition to them from the Companions—

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا أَحْمَدُ بْنُ الْفَضْلِ الدِّينَوَرِيُّ ثنا مُحَمَّدُ بْنُ جَرِيرٍ ثنا عَمْرُو بْنُ عَلِيٍّ ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا يَحْيَى بْنُ الْوَلِيدِ عَنْ مُحِلِّ بْنِ خَلِيفَةَ الطَّائِيِّ ثنا أَبُو السَّمْحِ قَالَ «كُنْتُ أَخْدُمُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأُتِيَ بِحَسَنٍ أَوْ حُسَيْنٍ فَبَالَ عَلَى صَدْرِهِ فَدَعَا بِمَاءٍ فَرَشَّهُ عَلَيْهِ ثُمَّ قَالَ - عَلَيْهِ السَّلَامُ -: هَكَذَا يُصْنَعُ، يُرَشُّ مِنْ الذَّكَرِ وَيُغْسَلُ مِنْ الْأُنْثَى» . حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا مَالِكٌ عَنْ ابْنِ شِهَابٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَنْ أُمِّ قَيْسٍ بِنْتِ مِحْصَنٍ «أَنَّهَا أَتَتْ بِابْنٍ لَهَا صَغِيرٍ لَمْ يَأْكُلْ الطَّعَامَ فَأَجْلَسَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى حِجْرِهِ، فَبَالَ عَلَى ثَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَدَعَا - عَلَيْهِ السَّلَامُ - بِمَاءٍ فَنَضَحَهُ وَلَمْ يَغْسِلْهُ» حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا هَمَّامٌ - هُوَ ابْنُ يَحْيَى - ثنا إِسْحَاقُ - هُوَ ابْنُ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ - عَنْ أَنَسِ بْنِ مَالِكٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَأَى أَعْرَابِيًّا يَبُولُ فِي الْمَسْجِدِ، فَدَعَا بِمَاءٍ فَصَبَّهُ عَلَيْهِ» قَالَ عَلِيٌّ: لَيْسَ تَحْدِيدُ ذَلِكَ بِأَكْلِ الصَّبِيِّ الطَّعَامَ مِنْ كَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَمِمَّنْ فَرَّقَ بَيْنَ بَوْلِ الْغُلَامِ وَبَوْلِ الْجَارِيَةِ أُمُّ سَلَمَةَ أُمُّ الْمُؤْمِنِينَ وَعَلِيُّ بْنُ أَبِي طَالِبٍ، وَلَا مُخَالِفَ لَهُمَا مِنْ الصَّحَابَةِ

- رَضِيَ اللَّهُ عَنْهُمْ -، وَبِهِ يَقُولُ قَتَادَةُ وَالزُّهْرِيُّ وَقَالَ: مَضَتْ السُّنَّةُ بِذَلِكَ، وَعَطَاءُ بْنُ أَبِي رَبَاحٍ وَالْحَسَنُ الْبَصْرِيُّ وَإِبْرَاهِيمُ النَّخَعِيُّ وَسُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ وَالشَّافِعِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ رَاهْوَيْهِ وَأَبُو ثَوْرٍ وَدَاوُد بْنُ عَلِيٍّ وَابْنُ وَهْبٍ وَغَيْرُهُمْ، إلَّا أَنَّهُ قَدْ رُوِيَ عَنْ الْحَسَنِ وَسُفْيَانَ التَّسْوِيَةُ بَيْنَ بَوْلِ الْغُلَامِ وَالْجَارِيَةِ فِي الرَّشِّ عَلَيْهِمَا جَمِيعًا.

may Allah be pleased with them. This is also the view of Qatadah, Al-Zuhri—who said, "The Sunnah has established this"—Atā ibn Abi Rabāh, Al-Hasan Al-Basri, Ibrahim Al-Nakhaʿi, Sufyan Al-Thawri, Al-Awzaʿi, Al-Shafiʿi, Ahmad ibn Hanbal, Ishaq ibn Rāhwayh, Abu Thawr, Dawud ibn Ali, and Ibn Wahb. And others, except that it has been reported from al-Ḥasan and Sufyān that the urine of a boy and a girl are to be treated equally by sprinkling water on both of them.

وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ وَالْحَسَنُ بْنُ حَيٍّ: يُغْسَلُ بَوْلُ الصَّبِيِّ كَبَوْلِ الصَّبِيَّةِ، وَمَا نَعْلَمُ لَهُمْ مُتَعَلَّقًا لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا مِنْ قَوْلِ صَاحِبٍ. نَعَمْ - وَلَا عَنْ أَحَدٍ مِنْ التَّابِعِينَ، إلَّا أَنَّ بَعْضَ الْمُتَأَخِّرِينَ ذَكَرَ ذَلِكَ عَنْ النَّخَعِيِّ، وَالْمَشْهُورُ عَنْهُ خِلَافُ ذَلِكَ. وَقَوْلُهُ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: الرَّشُّ مِنْ الرَّشِّ وَالصَّبُّ مِنْ الصَّبِّ مِنْ الْأَبْوَالِ كُلِّهَا، وَهَذَا نَصٌّ خِلَافُ قَوْلِهِمْ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L2697 Abu Hanifah, Malik, and al-Ḥasan ibn Ḥayyin said: The urine of a male child is washed like the urine of a female child, and we find no supporting evidence for their position—neither from the Quran, nor the Sunnah, nor any statement of a Companion. Yes—nor from any Successor, except that some later jurists attributed this view to al-Nakhaʿī, though the well-established opinion from him contradicts it. As for Saʿīd ibn al-Musayyab's statement: "Light washing suffices for light impurities, and thorough washing for heavy impurities among all types of urine"—this constitutes explicit textual proof opposing their view. And success comes only from Allah, the Exalted.

[مَسْأَلَةٌ تَطْهِيرُ دَمِ الْحَيْضِ أَوْ أَيِّ دَمٍ كَانَ]

An issue concerning ritual purification from menstrual blood or any blood whatsoever.

١٢٤ - مَسْأَلَةٌ: وَتَطْهِيرُ دَمِ الْحَيْضِ أَوْ أَيِّ دَمٍ كَانَ، سَوَاءٌ دَمَ سَمَكٍ كَانَ أَوْ غَيْرَهُ إذَا كَانَ فِي الثَّوْبِ أَوْ الْجَسَدِ فَلَا يَكُونُ إلَّا بِالْمَاءِ، حَاشَا دَمَ الْبَرَاغِيثِ وَدَمَ الْجَسَدِ فَلَا يَلْزَمُ تَطْهِيرُهُمَا إلَّا مَا لَا حَرَجَ فِي غَسْلِهِ عَلَى الْإِنْسَانِ، فَيُطَهِّرُ الْمَرْءُ ذَلِكَ حَسَبَ مَا لَا مَشَقَّةَ عَلَيْهِ فِيهِ. 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 وَأَبُو كُرَيْبٍ قَالَا جَمِيعًا: ثنا وَكِيعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ: «جَاءَتْ فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ إلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: يَا رَسُولَ اللَّهِ إنِّي امْرَأَةٌ

124. Issue: Purifying menstrual blood or any blood—whether from a fish or other sources—on a garment or body requires water. Excepted are flea blood and bodily blood, which need not be purified except when there is no harm in washing it. One should purify such blood in whichever way is easiest for them. Abdullah ibn Yusuf narrated to us, from Ahmad ibn Fath, from Abdul Wahhab ibn Isa, from Ahmad ibn Muhammad, from Ahmad ibn Ali, from Muslim ibn Al-Hajjaj, from Abu Bakr ibn Abi Shaybah and Abu Kurayb, who both said: Waki' narrated to us from Hisham ibn Urwah, from his father, from Aishah, who said: "Fatimah bint Abi Hubaysh came to the Prophet (peace be upon him) and asked, 'O Messenger of Allah, I am a woman with irregular bleeding and never attain purity. Should I stop praying?' He replied, 'No, that is merely a vein and not menstruation. When menstruation begins, cease prayer. When it ends, wash off the blood and pray.'" This constitutes a

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L2699

general ruling from him (ﷺ) regarding types of blood. We do not concern ourselves with the [specific] question asked, as his answer is self-sufficient and not linked back to the question via pronouns.

أُسْتَحَاضُ فَلَا أَطْهُرُ أَفَأَدَعُ الصَّلَاةَ؟ قَالَ لَا، إِنَّمَا ذَلِكِ عِرْقٌ وَلَيْسَتْ بِالْحَيْضَةِ، فَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ، فَإِذَا أَدْبَرَتْ فَاغْسِلِي عَنْكِ الدَّمَ وَصَلِّي» وَهَذَا عُمُومٌ مِنْهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِنَوْعِ الدَّمِ وَلَا نُبَالِي بِالسُّؤَالِ إِذَا كَانَ جَوَابُهُ - عَلَيْهِ السَّلَامُ - قَائِمًا بِنَفْسِهِ غَيْرَ مَرْدُودٍ بِضَمِيرٍ إِلَى السُّؤَالِ.

L2700–2702 Abd al-Rahman ibn Abd Allah ibn Khalid reported to us: Ibrahim ibn Ahmad reported: al-Farbari reported: al-Bukhari reported: Muhammad ibn al-Muthanna reported: Yahya ibn Sa'id al-Qattan reported from Hisham ibn Urwah: Fatimah bint al-Mundhir ibn al-Zubayr reported to me from Asma' bint Abi Bakr al-Siddiq, who said: "A woman came to the Prophet (peace be upon him) and asked: 'What should one of us do if she menstruates in a garment?' He replied: 'She should scrape it, then scrub it with water, pour water over it, and pray in it.'" It is recommended to use musk in the menstrual purification bath. It was narrated to us by ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid from Ibrāhīm ibn Aḥmad from al-Farbariyy from al-Bukhārī from Yaḥyā from Ibn ʿUyaynah from Manṣūr ibn Ṣafiyyah from his mother from ʿĀ'ishah: "A woman asked the Prophet—peace and blessings of Allah be upon him—about her purification bath after menstruation. He instructed her how to wash, saying, 'Take a portion of musk and purify yourself with it.' She asked, 'How should I purify myself with it?' He replied, 'Glory be to Allah! Purify yourself!' I drew her toward me and said, 'Trace with it over the remnants of blood.'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا يَحْيَى - هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - عَنْ هِشَامِ بْنِ عُرْوَةَ حَدَّثَتْنِي فَاطِمَةُ - هِيَ بِنْتُ الْمُنْذِرِ بْنِ الزُّبَيْرِ - عَنْ أَسْمَاءَ - هِيَ ابْنَةُ أَبِي بَكْرٍ الصِّدِّيقِ - قَالَتْ «أَتَتْ امْرَأَةُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: أَرَأَيْت إِحْدَانَا تَحِيضُ فِي الثَّوْبِ كَيْفَ تَصْنَعُ؟ قَالَ: تَحُتُّهُ ثُمَّ تَقْرُصُهُ بِالْمَاءِ وَتَنْضَحُهُ وَتُصَلِّي فِيهِ» وَيُسْتَحَبُّ أَنْ تَسْتَعْمِلَ فِي غُسْلِ الْمَحِيضِ شَيْئًا مِنْ مِسْكٍ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا يَحْيَى ثنا بْنُ عُيَيْنَةَ عَنْ مَنْصُورِ بْنِ صَفِيَّةَ عَنْ أُمِّهِ عَنْ عَائِشَةَ «أَنَّ امْرَأَةً سَأَلَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ غُسْلِهَا مِنْ الْمَحِيضِ فَأَمَرَهَا كَيْفَ تَغْتَسِلُ. قَالَ: خُذِي فِرْصَةً مِنْ مِسْكٍ فَتَطَهَّرِي بِهَا، قَالَتْ: كَيْفَ أَتَطَهَّرُ بِهَا؟ قَالَ: سُبْحَانَ اللَّهِ، تَطَهَّرِي فَاجْتَبَذْتُهَا إِلَيَّ فَقُلْتُ: تَتَّبِعِي بِهَا أَثَرَ الدَّمِ» .

L2703–2707 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: Ahmad ibn Sa'id Al-Darimi narrated to us: Hibban — who is Ibn Hilal — narrated to us: Wuhaib narrated to us: Mansur — who is Ibn Safiyyah — from his mother, from Aishah: "A woman asked the Prophet — peace and blessings be upon him — how she should perform the ritual bath after menstruation. He said: 'Take a musk-perfumed piece of cloth and perform ablution with

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 أَحْمَدُ بْنُ سَعِيدٍ الدَّارِمِيُّ ثنا حِبَّانُ - هُوَ ابْنُ هِلَالٍ - ثنا وُهَيْبٌ ثنا مَنْصُورٌ - هُوَ ابْنُ صَفِيَّةَ - عَنْ أُمِّهِ عَنْ عَائِشَةَ «أَنَّ امْرَأَةً سَأَلَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَيْفَ أَغْتَسِلُ عِنْدَ الطُّهْرِ؟ فَقَالَ: خُذِي فِرْصَةً مُمَسَّكَةً فَتَوَضَّئِي

it.'" Then he mentioned a narration similar to that of Sufyan. Ali said: "The Messenger of Allah — peace and blessings be upon him — commanded her to purify herself with the mentioned piece of cloth — which is a fragment — and to perform ablution with it. Allah the Exalted sent him as a clarifier and teacher, so if that were obligatory, he — peace be upon him — would have taught her how to perform ablution with it or how to purify herself. Since he did not do so, it was not obligatory, despite the sound consensus generation after generation that this is not obligatory. Women in every household since his time — peace and blessings be upon him — until today have purified themselves from menstruation, yet no one has ever said this is obligatory. Moreover, this wording is only narrated through Ibrahim ibn Muhajir, who is weak, and through Mansur ibn Safiyyah, who was weakened and is not considered a reliable narrator. Thus, this ruling collapses entirely, and praise be to Allah, Lord of the worlds. All that Allah the Exalted or His Messenger — peace and blessings be upon him — command regarding purification or ritual bath must be done with water, or with dust if water is unavailable, unless a text explicitly states otherwise, in which case we adhere to it, as narrated to us." 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, Abu Bakr ibn Abi Shaybah and Abu Kurayb narrated to us. Abu Bakr said: Muhammad ibn Fudayl narrated to us from Abu Malik al-Ashja'i, and Abu Kurayb said: Ibn Abi Za'idah—who is Yahya ibn Zakariyya—narrated to us from Abu Malik—who is Sa'd ibn Tarik—from Rib'i ibn Hiraash from Hudhayfah, who said: The Messenger of Allah—peace and blessings be upon him—said, "We have been favored over people with three things," and among them he mentioned, "The entire earth has been made a place of prostration for us, and its dust has been made a purification for us when we do not find water." There is no doubt that every ghusl commanded in the religion constitutes purification, but not every purification is ghusl. Thus, it is established that purity is attained only with water or with dust in the absence of water.

Abu Hanifah said: The blood of fish, whether abundant or scant, does not defile clothing, the body, or water. The same ruling applies to the blood of fleas

بِهَا» ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ سُفْيَانَ. قَالَ عَلِيٌّ: أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَنْ تَتَطَهَّرَ بِالْفِرْصَةِ الْمَذْكُورَةِ - وَهِيَ الْقِطْعَةُ - وَأَنْ تَتَوَضَّأَ بِهَا، وَإِنَّمَا بَعَثَهُ اللَّهُ تَعَالَى مُبَيِّنًا وَمُعَلِّمًا، فَلَوْ كَانَ ذَلِكَ فَرْضًا لَعَلَّمَهَا - عَلَيْهِ السَّلَامُ - كَيْفَ تَتَوَضَّأُ بِهَا أَوْ كَيْفَ تَتَطَهَّرُ، فَلَمَّا لَمْ يَفْعَلْ كَانَ ذَلِكَ غَيْرَ وَاجِبٍ مَعَ صِحَّةِ الْإِجْمَاعِ جِيلًا بَعْدَ جِيلٍ، عَلَى أَنَّ ذَلِكَ لَيْسَ وَاجِبًا، فَلَمْ تَزَلْ النِّسَاءُ فِي كُلِّ بَيْتٍ وَدَارٍ عَلَى عَهْدِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى يَوْمِنَا هَذَا يَتَطَهَّرْنَ مِنْ الْحَيْضِ، فَمَا قَالَ أَحَدٌ إنَّ هَذَا فَرْضٌ، وَيَكْفِي مِنْ هَذَا كُلِّهِ أَنَّهُ لَمْ تُسْنَدْ هَذِهِ اللَّفْظَةُ إلَّا مِنْ طَرِيقِ إبْرَاهِيمَ بْنِ مُهَاجِرٍ وَهُوَ ضَعِيفٌ، وَمِنْ طَرِيقِ مَنْصُورِ بْنِ صَفِيَّةَ وَقَدْ ضُعِّفَ، وَلَيْسَ مِمَّنْ يُحْتَجُّ بِرِوَايَتِهِ، فَسَقَطَ هَذَا الْحُكْمُ جُمْلَةً، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. وَكُلُّ مَا أَمَرَنَا اللَّهُ تَعَالَى أَوْ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهِ بِالتَّطْهِيرِ أَوْ الْغُسْلِ فَلَا يَكُونُ إلَّا بِالْمَاءِ، أَوْ بِالتُّرَابِ إنْ عُدِمَ الْمَاءُ، إلَّا أَنْ يَأْتِيَ نَصٌّ بِأَنَّهُ بِغَيْرِ الْمَاءِ فَنَقِفُ عِنْدَهُ، لِمَا 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 وَأَبُو كُرَيْبٍ قَالَ أَبُو بَكْرٍ ثنا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ، وَقَالَ أَبُو كُرَيْبٍ ثنا ابْنُ أَبِي زَائِدَةَ - هُوَ يَحْيَى بْنُ زَكَرِيَّا - عَنْ أَبِي مَالِكٍ - هُوَ سَعْدُ بْنُ طَارِقٍ - عَنْ رِبْعِيِّ بْنِ حِرَاشٍ عَنْ حُذَيْفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فُضِّلْنَا عَلَى النَّاسِ بِثَلَاثٍ» فَذَكَرَ فِيهَا - «وَجُعِلَتْ لَنَا الْأَرْضُ كُلُّهَا مَسْجِدًا، وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إذَا لَمْ نَجِدْ الْمَاءَ» وَلَا شَكَّ فِي أَنَّ كُلَّ غُسْلٍ مَأْمُورٍ بِهِ فِي الدِّينِ فَهُوَ تَطَهُّرٌ وَلَيْسَ كُلُّ تَطَهُّرٍ غُسْلًا، فَصَحَّ أَنَّهُ لَا طُهْرَ إلَّا بِالْمَاءِ أَوْ بِالتُّرَابِ عِنْدَ عَدَمِ الْمَاءِ. وَقَالَ أَبُو حَنِيفَةَ: دَمُ السَّمَكِ كَثُرَ أَوْ قَلَّ لَا يُنَجِّسُ الثَّوْبَ وَلَا الْجَسَدَ وَلَا الْمَاءَ وَدَمُ

and lice. As for all other blood, whether scant or abundant, it contaminates water. Regarding clothing and the body: If the amount present on either is less than a Baghdadi dirham (a specific coin), it does not defile, and prayer is valid with it. If it exceeds the amount of a Baghdadi dirham, it defiles and invalidates the prayer. If on the body, it is removed only with water. If on clothing, it is removed with water or by any means that removes it, even without water. If on a sock or shoe: When dry, scraping alone suffices; when moist, only washing with whatever removes it is valid.

Malik said: Removing all such blood is not obligatory, and it is removed only with water. Al-Shafi'i said: Its removal is obligatory and is done only with water.

Ali said: Allah the Exalted said, "He has not placed upon you in the religion any hardship" [al-Hajj 22:78], and He said, "Allah does not burden a soul beyond its capacity" [al-Baqarah 2:286], and He said, "Allah intends ease for you and does not intend hardship for you" [al-Baqarah 2:185]. We necessarily know that avoiding the blood of fleas or bodily blood is impossible. Therefore, washing is only required for what is feasible without hardship or difficulty.

Some differentiated between the blood of creatures with flowing blood (vertebrates) and those without, but this is erroneous, as it is a view unsupported by the Quran, Sunnah, consensus, a companion's opinion, or analogy. Others distinguished between flowing blood and non-flowing blood, citing His saying, "or flowing blood" [al-An'am 6:145], while He also said, "Forbidden to you are carrion, blood, and the flesh of swine" [al-Ma'idah 5:3]. The Almighty has prohibited all blood and all carrion, and this constitutes a supplementary ruling to the other verse. And the Almighty did not exempt from the prohibition of carrion those with circulating blood as opposed to those without circulating blood.[14][15]

الْبَرَاغِيثِ وَالْبَقِّ كَذَلِكَ، وَأَمَّا سَائِرُ الدِّمَاءِ كُلِّهَا فَإِنَّ قَلِيلَهَا وَكَثِيرَهَا يُفْسِدُ الْمَاءَ، وَأَمَّا فِي الثَّوْبِ وَالْجَسَدِ: فَإِنْ كَانَ فِي أَحَدِهِمَا مِنْهُ مِقْدَارُ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلُّ فَلَا يُنَجِّسُ وَيُصَلَّى بِهِ، وَمَا كَانَ مِنْهُ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ فَإِنَّهُ يُنَجِّسُ وَتَبْطُلُ بِهِ الصَّلَاةُ، فَإِنْ كَانَ فِي الْجَسَدِ فَلَا يُزَالُ إِلَّا بِالْمَاءِ، وَإِذَا كَانَ فِي الثَّوْبِ فَإِنَّهُ يُزَالُ بِالْمَاءِ وَبِأَيِّ شَيْءٍ أَزَالَهُ مِنْ غَيْرِ الْمَاءِ، فَإِنْ كَانَ فِي خُفٍّ أَوْ نَعْلٍ، فَإِنْ كَانَ يَابِسًا أَجْزَأَ فِيهِ الْحَكُّ فَقَطْ، وَإِنْ كَانَ رَطْبًا لَمْ يُجْزِئْ إِلَّا الْغَسْلُ بِأَيِّ شَيْءٍ غُسِلَ. وَقَالَ مَالِكٌ: إِزَالَةُ ذَلِكَ كُلِّهِ لَيْسَ فَرْضًا، وَلَا يُزَالُ إِلَّا بِالْمَاءِ. وَقَالَ الشَّافِعِيُّ إِزَالَتُهُ فَرْضٌ وَلَا يُزَالُ إِلَّا بِالْمَاءِ.

قَالَ عَلِيٌّ: قَالَ اللَّهُ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] وَقَالَ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَقَالَ تَعَالَى: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] وَبِالضَّرُورَةِ نَدْرِي أَنَّهُ لَا يُمْكِنُ الانْفِكَاكُ مِنْ دَمِ الْبَرَاغِيثِ وَلَا مِنْ دَمِ الْجَسَدِ، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا يَلْزَمُ مِنْ غُسْلِهِ إِلَّا مَا لَا حَرَجَ فِيهِ وَلَا عُسْرَ مِمَّا هُوَ فِي الْوُسْعِ. وَفَرَّقَ بَعْضُهُمْ بَيْنَ دَمٍ مَا لَهُ نَفْسٌ سَائِلَةٌ وَدَمٍ مَا لَيْسَ لَهُ نَفْسٌ سَائِلَةٌ، وَهَذَا خَطَأٌ لِأَنَّهُ قَوْلٌ لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ. وَفَرَّقَ بَعْضُهُمْ بَيْنَ الدَّمِ الْمَسْفُوحِ وَغَيْرِ الْمَسْفُوحِ، وَتَعَلَّقُوا بِقَوْلِهِ تَعَالَى: {أَوْ دَمًا مَسْفُوحًا} [الأنعام: ١٤٥] وَقَدْ قَالَ تَعَالَى: {حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنْزِيرِ} [المائدة: ٣] فَعَمَّ تَعَالَى كُلَّ دَمٍ وَكُلَّ مَيْتَةٍ، فَكَانَ هَذَا شَرْعًا زَائِدًا عَلَى الْآيَةِ الْأُخْرَى، وَلَمْ يَخُصَّ تَعَالَى مِنْ تَحْرِيمِ الْمَيْتَةِ مَا لَهَا نَفْسٌ سَائِلَةٌ مِمَّا لَا نَفْسَ لَهَا.

[14] **Hadith references (L2703):** Sahih Muslim 332b; Sahih Muslim 522a; Mishkat al-Masabih 526.

[15] **Qur'an references (L2703):** Qur'an 22:78 (Al-Hajj); Qur'an 2:286 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah); Qur'an 6:145 (Al-An'am); Qur'an 5:3 (Al-Ma'idah).

وَتَعَلَّقَ بَعْضُهُمْ فِي الدِّرْهَمِ الْبَغْلِيِّ بِحَدِيثٍ سَاقِطٍ، ثُمَّ لَوْ صَحَّ لَكَانَ عَلَيْهِمْ؛ لِأَنَّ فِيهِ الْإِعَادَةَ مِنْ قَدْرِ الدِّرْهَمِ، بِخِلَافِ قَوْلِهِمْ، وَقَالَ بَعْضُهُمْ: قِيسَ عَلَى الدُّبُرِ، فَقِيلَ لَهُمْ فَهَلَّا قِسْتُمُوهُ عَلَى حَرْفِ الْإِحْلِيلِ وَمَخْرَجِ الْبَوْلِ، وَحُكْمُهُمَا فِي الِاسْتِنْجَاءِ سَوَاءٌ، وَقَدْ تَرَكُوا قِيَاسَهُمْ هَذَا إِذْ لَمْ يَرَوْا إِزَالَةَ ذَلِكَ مِنْ الْجَسَدِ بِمَا يُزَالُ بِهِ مِنْ الدُّبُرِ. وَأَمَّا مَنْ لَمْ يَرَ غُسْلَ ذَلِكَ فَرْضًا، فَالسُّنَنُ الَّتِي أَوْرَدْنَاهَا مُخَالِفَةٌ لِقَوْلِهِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Some of them relied on a rejected *ḥadīth* regarding the Baghlī dirham. Even if it were authentic, it would have contradicted their position, for it stipulates repetition equivalent to the dirham's measure—contrary to their doctrine. Others said: "It was analogized to the anus." It was said to them: "Why did you not analogize it to the tip of the urethra and the urinary outlet, given their identical ruling in *istinjā'*?" They abandoned this analogy when they saw no obligation to remove that from the body using the same means as for the anus. As for those who did not consider *ghusl* for that obligatory, the *Sunnah* texts we have cited contradict their view. Success is through Allāh, the Exalted.

[مَسْأَلَةُ تَطْهِيرُ الْمَذْيِ بِالْمَاءِ]

The Issue Regarding the Purification of Madhy (Pre-Ejaculate Fluid) with Water.

١٢٥ - مَسْأَلَةٌ: وَالْمَذْيُ تَطْهِيرُهُ بِالْمَاءِ، يُغْسَلُ مَخْرَجُهُ مِنْ الذَّكَرِ وَيُنْضَحُ بِالْمَاءِ مَا مَسَّ مِنْهُ الثَّوْبَ. قَالَ مَالِكٌ يُغْسَلُ الذَّكَرُ كُلُّهُ.

Issue 125: The purification of the madhy is with water. The exit point from the penis is washed, and the part of the madhy that has touched the garment is sprinkled with water. Mālik said: "The entire penis is washed."

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي دُلَيْمٍ ثنا ابْنُ وَضَّاحٍ ثنا يَحْيَى بْنُ يَحْيَى ثنا مَالِكٌ عَنْ أَبِي النَّضْرِ مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ عَنْ الْمِقْدَادِ بْنِ الْأَسْوَدِ " أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ أَمَرَهُ أَنْ يَسْأَلَ لَهُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الرَّجُلِ إِذَا دَنَا مِنْ امْرَأَتِهِ فَخَرَجَ مِنْهُ الْمَذْيُ، قَالَ فَسَأَلْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ فَقَالَ «إِذَا وَجَدَ أَحَدُكُمْ ذَلِكَ فَلْيَنْضَحْ فَرْجَهُ بِالْمَاءِ وَلْيَتَوَضَّأْ وُضُوءَهُ لِلصَّلَاةِ» حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ السَّكَنِ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَبُو الْوَلِيدِ هُوَ الطَّيَالِسِيُّ - ثنا زَائِدَةُ عَنْ أَبِي حُصَيْنٍ عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ «كُنْتُ رَجُلًا مَذَّاءً فَأَمَرْتُ رَجُلًا يَسْأَلُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِمَكَانِ ابْنَتِهِ، فَسَأَلَ فَقَالَ: تَوَضَّأْ وَاغْسِلْ ذَكَرَكَ»

Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Muḥammad ibn ʿAbd Allāh ibn Abī Dulaym narrated to us: Ibn Waḍḍāḥ narrated to us: Yaḥyā ibn Yaḥyā narrated to us: Mālik narrated from Abī al-Naḍr, the freed slave of ʿUmar ibn ʿUbayd Allāh, from Sulaymān ibn Yasār, from al-Miqdād ibn al-Aswad: "'Alī ibn Abī Ṭālib instructed him to ask the Messenger of Allāh (peace and blessings be upon him) on his behalf about a man who emits madhy when approaching his wife. He said: 'I asked the Messenger of Allāh (peace and blessings be upon him) about that, and he replied: "If any of you experiences this, let him sprinkle water on his private parts and perform ablution as for prayer."'"

ʿAbd Allāh ibn Rabīʿ narrated to us: Ibn Mufarrij narrated to us: Ibn al-Sakan narrated to us: al-Farbarī narrated to us: al-Bukhārī narrated to us: Abū al-Walīd—who is al-Ṭayālisī—narrated to us: Zā'idah narrated from Abī Ḥuṣayn from Abī ʿAbd al-Raḥmān al-Sulamī from ʿAlī ibn Abī Ṭālib, who said: "I was a man who frequently emitted madhy, so I instructed a man to ask the Prophet (peace and blessings be upon him) because of my daughter's

status. He asked, and the Prophet said: 'Perform ablution and wash your private parts.'"

L2712–2714 Ḥammām ibn Aḥmad narrated to us: ʿAbbās ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us: Bakr ibn Ḥammād and Muḥammad ibn Waḍḍāḥ narrated to us. Bakr said, "Musaddad narrated to us: Ḥammād ibn Zayd narrated to us," and Ibn Waḍḍāḥ said. Narrated by Abu Bakr ibn Abi Shaybah: He said—Isma'il ibn Ulayyah and Yazid ibn Harun narrated, then they concurred. Hammad, Isma'il, and Yazid—all of them—narrated from Muhammad ibn Ishaq, who narrated from Sa'id ibn Ubayd ibn al-Sabbaq, from his father, from Sahl ibn Hunayf. Hammad said in his narration: "I experienced severe hardship from [mady], so I would frequently wash because of it." Then they all concurred: "I asked Allah's Messenger (peace be upon him) about [mady]. He said: 'Ablution suffices you for it.' I said: 'What if it touches my garment?' He replied: 'Take a handful of water and sprinkle the part of your garment where you see that it has touched.'" Ali said: "Washing the exit of [mady] from the penis is termed 'washing the penis,' just as one might say after washing it: 'I washed my penis from urine.' Therefore, imposing the obligation of complete washing is a legal ruling without evidence. Some argued for reducing this obligation, so it was said to them: 'If you treated that with astringent substances from medicines, it would be more effective.'" This report refutes Abu Hanifah's statement: "Impurities cannot be removed from the body except with water, but can be removed from garments without water." If they cite Aisha's (may Allah be pleased with her) approval of removing menstrual blood from garments with saliva, respond: "Ibn Umar permitted wiping cupping blood with a pebble without washing. No valid proof exists except in what the Prophet (peace be upon him) brought."

حَدَّثَنَا حَمَامُ بْنُ أَحْمَدَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ حَدَّثَنَا بَكْرُ بْنُ حَمَّادٍ وَمُحَمَّدُ بْنُ وَضَّاحٍ قَالَ بَكْرٌ ثنا مُسَدَّدٌ ثنا حَمَّادُ بْنُ زَيْدٍ، وَقَالَ ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَ ثنا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ وَيَزِيدُ بْنُ هَارُونَ، ثُمَّ اتَّفَقَ حَمَّادٌ وَإِسْمَاعِيلُ وَيَزِيدُ كُلُّهُمْ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ ثنا سَعِيدُ بْنُ عُبَيْدِ بْنِ السَّبَّاقِ عَنْ أَبِيهِ عَنْ سَهْلِ بْنِ حُنَيْفٍ قَالَ حَمَّادٌ فِي حَدِيثِهِ «كُنْتُ أَلْقَى مِنْ الْمَذْيِ شِدَّةً فَكُنْتُ أُكْثِرُ الْغُسْلَ مِنْهُ ثُمَّ اتَّفَقُوا كُلُّهُمْ قَالَ سَأَلْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْمَذْيِ فَقَالَ: يَكْفِيكَ مِنْهُ الْوُضُوءُ، قُلْتُ: أَرَأَيْتَ مَا يُصِيبُ ثَوْبِي مِنْهُ؟ قَالَ: تَأْخُذُ كَفًّا مِنْ مَاءٍ فَتَنْضَحُ ثَوْبَكَ حَيْثُ تَرَى أَنَّهُ أَصَابَهُ» قَالَ عَلِيٌّ: غَسْلُ مَخْرَجِ الْمَذْيِ مِنْ الذَّكَرِ يَقَعُ عَلَيْهِ اسْمُ غُسْلِ الذَّكَرِ، كَمَا يَقُولُ الْقَائِلُ إذَا غَسَلَهُ: غَسَلْتُ ذَكَرِي مِنْ الْبَوْلِ، فَزِيَادَةُ إيجَابِ غُسْلٍ كُلُّهُ شَرْعٌ لَا دَلِيلَ عَلَيْهِ، وَقَالَ بَعْضُهُمْ فِي ذَلِكَ تَقْلِيصٌ فَيُقَالُ لَهُ: فَعَانُوا ذَلِكَ بِالْقَوَابِضِ مِنْ الْعَقَاقِيرِ إذَنْ فَهُوَ أَبْلَغُ. وَهَذَا الْخَبَرُ يَرُدُّ عَلَى أَبِي حَنِيفَةَ قَوْلَهُ: إنَّ النَّجَاسَاتِ لَا تُزَالُ مِنْ الْجَسَدِ إلَّا بِالْمَاءِ وَتُزَالُ مِنْ الثِّيَابِ بِغَيْرِ الْمَاءِ. فَإِنْ تَعَلَّقُوا بِأَنَّ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - كَانَتْ تُجِيزُ إزَالَةَ دَمِ الْحَيْضِ مِنْ الثَّوْبِ بِالرِّيقِ، قِيلَ لَهُمْ فَإِنَّ ابْنَ عُمَرَ كَانَ يُجِيزُ مَسْحَ الدَّمِ مِنْ الْمَحَاجِمِ بِالْحَصَاةِ دُونَ غُسْلٍ، وَلَا حُجَّةَ إلَّا فِيمَا جَاءَ بِهِ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَةٌ تَطْهِيرُ الْإِنَاءِ إذَا كَانَ لِكِتَابِيٍّ]

An Issue Regarding the Purification of a Vessel Belonging to a Person of the Book.

L2715

L2716 126. Issue: Purifying a vessel belonging to a People of the Book from all that necessitates purification must be done with water under all circumstances if

no alternative exists—regardless of whether impurity is known or unknown. If it is a Muslim's vessel, it is pure. If one becomes certain of the presence of something requiring avoidance, it may be removed with any pure substance except the meat of a domestic donkey, its tallow, fat, or any part thereof—these may only be purified with water, and it is necessary. Yunus ibn 'Abdullah ibn Mughith narrated to us: Abu 'Isa ibn Abi 'Isa narrated to us: Ahmad ibn Khalid narrated to us: Ibn Waddah narrated to us: Abu Bakr ibn Abi Shaybah narrated to us from Muhammad ibn Bishr from Sa'id ibn Abi 'Arubah from Ayyub al-Sakhtiyani from Abu Qilabah from Abu Tha'labah al-Khushani that he said: "O Prophet of Allah, we dwell in a land whose people are People of the Book, and we need their pots and vessels." The Prophet—peace and blessings be upon him—said: "Do not go near them as long as you can avoid it. When you cannot avoid it, wash them with water, then cook in them and drink from them."

١٢٦ - مَسْأَلَةٌ: وَتَطْهِيرُ الْإِنَاءِ إِذَا كَانَ لِكِتَابِيٍّ مِنْ كُلِّ مَا يَجِبُ تَطْهِيرُهُ مِنْهُ بِالْمَاءِ وَعَلَى كُلِّ حَالٍ إِذَا لَمْ يَجِدْ غَيْرَهَا - سَوَاءٌ عَلِمْنَا فِيهِ نَجَاسَةً أَوْ لَمْ نَعْلَمْ - بِالْمَاءِ، فَإِنْ كَانَ إِنَاءَ مُسْلِمٍ فَهُوَ طَاهِرٌ، فَإِنْ تَيَقَّنَ فِيهِ مَا يَلْزَمُ اجْتِنَابُهُ فَبِأَيِّ شَيْءٍ أَزَالَهُ كَائِنًا مَا كَانَ مِنْ الطَّاهِرَاتِ إِلَّا أَنْ يَكُونَ لَحْمَ حِمَارٍ أَهْلِيٍّ أَوْ وَدَكَهُ أَوْ شَحْمَهُ أَوْ شَيْئًا مِنْهُ فَلَا يَجُوزُ أَنْ يُطَهَّرَ إِلَّا بِالْمَاءِ وَلَا بُدَّ. حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ بْنِ مُغِيثٍ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ مُحَمَّدِ بْنِ بِشْرٍ ثنا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ أَيُّوبَ السَّخْتِيَانِيِّ عَنْ أَبِي قِلَابَةَ عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ أَنَّهُ قَالَ «يَا نَبِيَّ اللَّهِ إِنَّا بِأَرْضٍ أَهْلُهَا أَهْلُ كِتَابٍ نَحْتَاجُ فِيهَا إِلَى قُدُورِهِمْ وَآنِيَتِهِمْ، فَقَالَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: لَا تَقْرَبُوهَا مَا وَجَدْتُمْ بُدًّا، فَإِذَا لَمْ تَجِدُوا بُدًّا فَاغْسِلُوهَا بِالْمَاءِ وَاطْبُخُوا وَاشْرَبُوا» .

L2717–2718

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 Abbad and Qutaybah both said: Hatim—who is ibn Isma'il—narrated to us from Yazid ibn Abi Ubayd from Salamah ibn al-Akwa' who said: "We marched with the Messenger of Allah—peace be upon him—toward Khaybar. Then Allah the Exalted granted them victory over it. When evening fell on the day of its conquest, people kindled numerous fires. The Messenger of Allah—peace be upon him—asked: 'What are these fires? For what purpose are you lighting them?' They replied: 'Meat.' He inquired: 'What meat?' They said: 'The meat of domesticated donkeys.' The Messenger of Allah—peace be upon him—commanded: 'Spill them and break the pots!' A man suggested: 'O Messenger of Allah, shall we spill them and wash the pots?' He responded: 'That is acceptable.'" Ali remarked: "We have previously established that every act of washing ordained in the religion constitutes purification, and all

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 عَبَّادٍ وَقُتَيْبَةُ قَالَا ثنا حَاتِمٌ - هُوَ ابْنُ إِسْمَاعِيلَ - عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ «خَرَجْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَى خَيْبَرَ، ثُمَّ إِنَّ اللَّهَ تَعَالَى فَتَحَهَا عَلَيْهِمْ، فَلَمَّا أَمْسَى النَّاسُ مَسَاءَ الْيَوْمِ الَّذِي فُتِحَتْ عَلَيْهِمْ أَوْقَدُوا نِيرَانًا كَثِيرَةً، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: مَا هَذِهِ النِّيرَانُ، عَلَى أَيِّ شَيْءٍ تُوقِدُونَ؟ قَالُوا: عَلَى لَحْمٍ، قَالَ: عَلَى أَيِّ لَحْمٍ؟ قَالُوا: عَلَى لَحْمِ الْحُمُرِ الْإِنْسِيَّةِ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَهْرِيقُوهَا وَاكْسِرُوهَا، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ أَوْ نُهَرِيقُهَا وَنَغْسِلُهَا؟ قَالَ: أَوْ ذَاكَ» قَالَ عَلِيٌّ:

purification is achieved solely through water. Success comes from Allah, the Exalted."

قَدْ قَدَّمْنَا أَنَّ كُلَّ غُسْلٍ أُمِرَ بِهِ فِي الدِّينِ فَهُوَ تَطْهِيرٌ، وَكُلُّ تَطْهِيرٍ فَلَا يَكُونُ إلَّا بِالْمَاءِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L2719 It is not permissible to analogize the purification of a vessel from substances other than what we mentioned among domestic donkeys to its purification from donkey meat, for the scriptural texts differ regarding purifying vessels from dogs and from donkey meat. Thus, analogizing to some texts is no more valid than analogizing to others—even if analogy were legitimate. Nor is it permissible to append to what the Messenger of Allah—peace and blessings be upon him—ruled upon what he did not rule upon, as this would constitute attributing to him statements he did not make or prescribing in the religion what Allah the Exalted has not permitted. Adhering to his commandments—peace be upon him—takes precedence over adhering to the mule-related dirham dispute and those corrupt distinctions. Success is with Allah the Exalted.

وَلَا يَجُوزُ أَنْ يُقَاسَ تَطْهِيرُ الْإِنَاءِ مِنْ غَيْرِ مَا ذَكَرْنَا مِنْ الْحُمُرِ الْأَهْلِيَّةِ عَلَى تَطْهِيرِهِ مِنْ لُحُومِ الْحُمُرِ، لِأَنَّ النُّصُوصَ اخْتَلَفَتْ فِي تَطْهِيرِ الْآنِيَةِ مِنْ الْكَلْبِ وَمِنْ لَحْمِ الْحِمَارِ فَلَيْسَ الْقِيَاسُ عَلَى بَعْضِهَا أَوْلَى مِنْ الْقِيَاسِ عَلَى بَعْضٍ، لَوْ كَانَ الْقِيَاسُ حَقًّا، وَلَا يَجُوزُ أَنْ يُضَافَ إلَى مَا حَكَمَ فِيهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَحْكُمْ، لِأَنَّهُ يَكُونُ قَوْلًا عَلَيْهِ مَا لَمْ يَقُلْ، أَوْ شَرْعًا فِي الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى. وَالْوُقُوفُ عِنْدَ أَوَامِرِهِ - عَلَيْهِ السَّلَامُ - أَوْلَى مِنْ الْوُقُوفِ عِنْدَ الدِّرْهَمِ الْبَغْلِيِّ، وَتِلْكَ الْفُرُوقِ الْفَاسِدَةِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

A legal issue regarding a dog lapping in a vessel.

[مَسْأَلَةُ وُلُوغِ الْكَلْبِ فِي الْإِنَاءِ]

L2720

L2721 127 - Issue: If a dog licks a vessel—regardless of the vessel's type or the dog's category (whether a hunting dog or other, small or large)—it is obligatory to pour out the vessel's contents, whatever they may be, then wash it with water seven times. The first washing must necessarily—necessarily—be with soil and water. The water used to purify the vessel is ritually pure and lawful. If the dog eats from the vessel without licking it, puts its paw or tail into it, or falls completely into it, neither washing the vessel nor pouring out its contents is required at all—it remains entirely lawful and ritually pure as before. Similarly, if the dog licks a spot on the ground, a human's hand, or something not deemed a vessel, washing any of these or pouring out whatever is present is not required.

١٢٧ - مَسْأَلَةٌ: فَإِنْ وَلَغَ فِي الْإِنَاءِ كَلْبٌ، أَيَّ إنَاءٍ كَانَ وَأَيَّ كَلْبٍ كَانَ - كَلْبَ صَيْدٍ أَوْ غَيْرَهُ، صَغِيرًا أَوْ كَبِيرًا - فَالْفَرْضُ إهْرَاقُ مَا فِي ذَلِكَ الْإِنَاءِ كَائِنًا مَا كَانَ ثُمَّ يُغْسَلُ بِالْمَاءِ سَبْعَ مَرَّاتٍ، وَلَا بُدَّ أُولَاهُنَّ بِالتُّرَابِ مَعَ الْمَاءِ وَلَا بُدَّ، وَذَلِكَ الْمَاءُ الَّذِي يُطَهَّرُ بِهِ الْإِنَاءُ طَاهِرٌ حَلَالٌ، فَإِنْ أَكَلَ الْكَلْبُ فِي الْإِنَاءِ وَلَمْ يَلَغْ فِيهِ أَوْ أَدْخَلَ رِجْلَهُ أَوْ ذَنَبَهُ أَوْ وَقَعَ بِكُلِّهِ فِيهِ لَمْ يَلْزَمْ غَسْلُ الْإِنَاءِ وَلَا هَرْقُ مَا فِيهِ أَلْبَتَّةَ وَهُوَ حَلَالٌ طَاهِرٌ كُلُّهُ كَمَا كَانَ، وَكَذَلِكَ لَوْ وَلَغَ الْكَلْبُ فِي بُقْعَةٍ فِي الْأَرْضِ أَوْ فِي يَدِ إنْسَانٍ أَوْ فِي مَا لَا يُسَمَّى إنَاءً فَلَا يَلْزَمُ غَسْلُ شَيْءٍ مِنْ ذَلِكَ وَلَا هَرْقُ مَا فِيهِ.

L2722–2724 Wulūgh refers specifically to the act of a dog drinking: if its saliva or sweat touches the body, garment, vessel, any possession, or hunted animal, it be-

comes obligatory to remove. That is because of what was removed, whether by water or otherwise. All that we have mentioned must be addressed, except for the garment, whose impurity cannot be removed except with water.

وَالْوُلُوغُ هُوَ الشُّرْبُ فَقَطْ، فَلَوْ مَسَّ لُعَابُ الْكَلْبِ أَوْ عَرَقُهُ الْجَسَدَ أَوْ الثَّوْبَ أَوْ الْإِنَاءَ أَوْ مَتَاعًا مَا أَوْ الصَّيْدَ، فَفَرْضٌ إزَالَةُ ذَلِكَ بِمَا أَزَالَهُ مَاءً كَانَ أَوْ غَيْرَهُ، وَلَا بُدَّ مِنْ كُلِّ مَا ذَكَرْنَا إلَّا مِنْ الثَّوْبِ فَلَا يُزَالُ إلَّا بِالْمَاءِ.

L2725 Abdullah ibn Yusuf narrated to us on the authority of Ahmad ibn Fath, on the authority of Abdul Wahhab ibn Isa, on the authority of Ahmad ibn Muhammad, on the authority of Ahmad ibn Ali, on the authority of Muslim ibn al-Hajjaj, on the authority of Ali ibn Hajar al-Sa'di, on the authority of Ali ibn Mushir, who reported: I heard from al-A'mash, from Abu Razeen and Abu Salih, from Abu Hurairah, who said: The Messenger of Allah (peace be upon him) said, "If a dog laps from the vessel of one of you, let him pour it out and then wash it seven times".[16]

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 عَلِيُّ بْنُ حَجَرٍ السَّعْدِيُّ ثنا عَلِيُّ بْنُ مُسْهِرٍ أَنَا الْأَعْمَشُ عَنْ أَبِي رَزِينٍ وَأَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا وَلَغَ الْكَلْبُ فِي إنَاءِ أَحَدِكُمْ فَلْيُرِقْهُ ثُمَّ لِيَغْسِلْهُ سَبْعَ مَرَّاتٍ» .

L2726 And through his chain to [Imam] Muslim: Zuhayr ibn Harb narrated to us, from Isma'il ibn Ibrahim, from Hisham ibn Hassan, from Muhammad ibn Sirin, from Abu Hurairah, who said: The Messenger of Allah (peace be upon him) said, "If a dog laps from one of your vessels, purify it by washing seven times, the first of which should be with dust."[17]

وَبِهِ إلَى مُسْلِمٍ ثنا زُهَيْرُ بْنُ حَرْبٍ ثنا إسْمَاعِيلُ بْنُ إبْرَاهِيمَ عَنْ هِشَامِ بْنِ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «طَهُورُ إنَاءِ أَحَدِكُمْ إذَا وَلَغَ فِيهِ الْكَلْبُ أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ أُولَاهُنَّ بِالتُّرَابِ» .

L2727 Abdullah ibn Rabee' narrated to us, Muhammad ibn Ishaq ibn Al-Salim narrated to us, Ibn Al-A'rabi narrated to us, Abu Dawud narrated to us, Ahmad ibn Hanbal narrated to us, Yahya ibn Sa'eed Al-Qattan narrated to us, Shu'bah narrated to us, Abu Al-Tayyah narrated from Mutarrif ibn Abdullah ibn Al-Shikhkhir from Ibn Mughaffal, who said: "The Messenger of Allah (peace be upon him) ordered the killing of dogs, then said: 'What is the matter with them and the dogs?' He then permitted the hunting dog and the sheepdog." He (peace be upon him) also said: "If a dog laps in a vessel, wash it seven times, and the eighth time, scrub it with soil." Ali said: "He (peace be upon him) ordered the pouring out of what is in the vessel if a dog laps in it, without specifying any particular case, nor did he (peace be upon him) command avoiding what a dog lapped from in non-vessels; rather, he prohibited wasting wealth."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إسْحَاقَ بْنِ السَّلِيمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا أَحْمَدُ بْنُ حَنْبَلٍ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا شُعْبَةُ ثنا أَبُو التَّيَّاحِ عَنْ مُطَرِّفِ بْنِ عَبْدِ اللَّهِ بْنِ الشِّخِّيرِ عَنْ ابْنِ مُغَفَّلٍ قَالَ «أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِقَتْلِ الْكِلَابِ ثُمَّ قَالَ: مَا لَهُمْ وَلَهَا؟ فَرَخَّصَ فِي كَلْبِ الصَّيْدِ وَفِي كَلْبِ الْغَنَمِ» . وَقَالَ - عَلَيْهِ السَّلَامُ -: «إذَا وَلَغَ الْكَلْبُ فِي الْإِنَاءِ فَاغْسِلُوهُ سَبْعَ مَرَّاتٍ وَالثَّامِنَةُ عَفِّرُوهُ بِالتُّرَابِ» . قَالَ عَلِيٌّ: فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِهَرْقِ مَا فِي الْإِنَاءِ إذَا وَلَغَ فِيهِ الْكَلْبُ، وَلَمْ يَخُصَّ شَيْئًا مِنْ شَيْءٍ، وَلَمْ يَأْمُرْ - عَلَيْهِ السَّلَامُ - بِاجْتِنَابِ مَا وَلَغَ فِيهِ فِي غَيْرِ الْإِنَاءِ، بَلْ نَهَى عَنْ إضَاعَةِ الْمَالِ.

[16] **Hadith references (L2725):** Sunan an-Nasai 335; Sunan an-Nasai 66.
[17] **Hadith references (L2726):** Sahih Muslim 279d; Mishkat al-Masabih 490.

وَقَدْ جَاءَ هَذَا الْخَبَرُ بِرِوَايَاتٍ شَتَّى، فِي بَعْضِهَا «وَالسَّابِعَةُ بِالتُّرَابِ» وَفِي بَعْضِهَا «إِحْدَاهُنَّ بِالتُّرَابِ» وَكُلُّ ذَلِكَ لَا يَخْتَلِفُ مَعْنَاهُ، لِأَنَّ الْأُولَى هِيَ بِلَا شَكٍّ إِحْدَى الْغَسَلَاتِ. وَفِي لَفْظَةِ " الْأُولَى " بَيَانُ أَيَّتِهِنَّ هِيَ، فَمَنْ جَعَلَ التُّرَابَ فِي أُولَاهُنَّ فَقَدْ جَعَلَهُ فِي إِحْدَاهُنَّ بِلَا شَكٍّ وَاسْتَعْمَلَ اللَّفْظَتَيْنِ مَعًا، وَمَنْ جَعَلَهُ فِي غَيْرِ أُولَاهُنَّ فَقَدْ خَالَفَ أَمْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي أَنْ يَكُونَ ذَلِكَ فِي أُولَاهُنَّ، وَهَذَا لَا يَحِلُّ، وَلَا شَكَّ نَدْرِي أَنَّ تَعْفِيرَهُ بِالتُّرَابِ فِي أُولَاهُنَّ تَطْهِيرٌ ثَامِنٌ إِلَى السَّبْعِ غَسَلَاتٍ، وَأَنَّ تِلْكَ الْغَسْلَةَ سَابِقَةٌ لِسَائِرِهِنَّ إِذَا جُمِعْنَ، وَبِهَذَا تَصِحُّ الطَّاعَةُ لِجَمِيعِ أَلْفَاظِهِ - عَلَيْهِ السَّلَامُ - الْمَأْثُورَةِ فِي هَذَا الْخَبَرِ، وَلَا يُجْزِئُ بَدَلَ التُّرَابِ غَيْرُهُ، لِأَنَّهُ تَعَدٍّ لِحَدِّ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L2728–2730 This report has been transmitted through various narrations. In some versions it states “the seventh is with dust,” while in others it states “one of them is with dust.” All these versions are not contradictory in meaning, as the first washing is undoubtedly one of the ritual washings. The term “the first” specifies which of these it is. Thus, whoever considers the dust to be in the first of them has... He placed it in one of them without doubt and used both expressions together. Whoever places it in other than the first of them has opposed the command of Allah’s Messenger - peace be upon him - that this should be in the first of them, and this is impermissible. We undoubtedly know that applying dust to oneself in the first of them constitutes an eighth purification in addition to the seven washings, and that this washing precedes all others when combined. Through this, obedience to all his transmitted wordings - peace be upon him - in this report becomes valid. Nothing else suffices as a substitute for dust, for it transgresses the boundary set by Allah’s Messenger - peace be upon him.

وَالْمَاءُ الَّذِي يُغْسَلُ بِهِ الْإِنَاءُ طَاهِرٌ، لِأَنَّهُ لَمْ يَأْتِ نَصٌّ بِاجْتِنَابِهِ، وَلَا شَرِيعَةَ إِلَّا مَا أَخْبَرَنَا بِهَا - عَلَيْهِ السَّلَامُ -، وَمَا عَدَا ذَلِكَ فَهُوَ مِمَّا لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِ، وَالْمَاءُ حَلَالٌ شُرْبُهُ طَاهِرٌ، فَلَا يَحْرُمُ إِلَّا بِأَمْرٍ مِنْهُ - عَلَيْهِ السَّلَامُ -.

L2731 The water used to wash a vessel is pure, for there exists no definitive text requiring its avoidance, nor any divine law except what he (peace be upon him) has informed us of. Whatever lies beyond this is from what Allah the Exalted has not permitted. The water is permissible, and its drinking is pure; thus it does not become unlawful except by his command (peace be upon him).

وَأَمَّا مَا أَكَلَ فِيهِ الْكَلْبُ أَوْ وَقَعَ فِيهِ أَوْ دَخَلَ فِيهِ بَعْضُ أَعْضَائِهِ فَلَا غَسْلَ فِي ذَلِكَ وَلَا هَرْقَ، لِأَنَّهُ حَلَالٌ طَاهِرٌ قَبْلَ ذَلِكَ بِيَقِينٍ - إِنْ كَانَ مِمَّا أَبَاحَهُ اللَّهُ تَعَالَى مِنْ الْمَطَاعِمِ وَالْمَشَارِبِ وَسَائِرِ الْمُبَاحَاتِ - فَلَا يَنْتَقِلُ إِلَى التَّحْرِيمِ وَالتَّنْجِيسِ إِلَّا بِنَصٍّ لَا بِدَعْوَى.

L2732 As for that which a dog has eaten from, fallen into, or had any part of its body enter into it, there is no obligation for ritual washing nor discarding it, because it was certainly lawful and pure before that [interaction]—if it belongs to what Allah the Exalted has permitted among foods, drinks, and all other permissible things—for it does not transition to being prohibited or impure except by explicit textual proof, not by mere assertion.

وَأَمَّا وُجُوبُ إِزَالَةِ لُعَابِ الْكَلْبِ وَعَرَقِهِ فِي أَيِّ شَيْءٍ كَانَ فَلِأَنَّ اللَّهَ تَعَالَى حَرَّمَ كُلَّ ذِي نَابٍ مِنْ السِّبَاعِ، وَالْكَلْبُ ذُو نَابٍ مِنْ السِّبَاعِ، فَهُوَ حَرَامٌ، وَبَعْضُ الْحَرَامِ حَرَامٌ

L2733 As for the obligation to remove a dog’s saliva and bodily fluids from any item it contacts, this is because Allah the Exalted has prohibited every predatory animal possessing fangs. The dog is a predatory animal with fangs, and thus it is prohibited. Some of what is prohibited is prohibited without doubt, and

its saliva and bodily fluids constitute part of it, hence they are prohibited. The prohibited must be removed and avoided. It is not permissible to remove it from clothing except with water, in accordance with Allah the Exalted's command: *And purify your garments* [74:4]. We have stated that purification is only valid with water, or with dust when water is unavailable.[18]

بِلَا شَكٍّ، وَلُعَابُهُ وَعَرَقُهُ بَعْضُهُ فَهُمَا حَرَامٌ، وَالْحَرَامُ فُرِضَ إِزَالَتُهُ وَاجْتِنَابُهُ، وَلَمْ يُجْزِ أَنْ يُزَالَ مِنْ الثَّوْبِ إِلَّا بِالْمَاءِ لِقَوْلِ اللَّهِ تَعَالَى: {وَثِيَابَكَ فَطَهِّرْ} [المدثر: ٤] وَقَدْ قُلْنَا إِنَّ التَّطْهِيرَ لَا يَكُونُ إِلَّا بِالْمَاءِ، وَبِالتُّرَابِ عِنْدَ عَدَمِ الْمَاءِ.

L2734 Among those who held our opinion regarding washing a vessel in which a dog has lapped seven times is Abū Hurayrah, as narrated by Yūnus ibn ʿAbd Allāh: Abū Bakr ibn Aḥmad ibn Khālid narrated to us via his father via ʿAlī ibn ʿAbd al-ʿAzīz via Abū ʿUbayd al-Qāsim ibn Sallām via Ismāʿīl—that is, Ibn ʿUlayyah—via Ayyūb al-Sakhtiyānī via Muḥammad ibn Sīrīn via Abū Hurayrah, who said: "If a dog laps in the vessel, it is to be washed seven times, the first of them, or one of them, with earth, and the cat once."

وَمِمَّنْ قَالَ بِقَوْلِنَا فِي غَسْلِ مَا وَلَغَ فِيهِ الْكَلْبُ سَبْعًا أَبُو هُرَيْرَةَ، كَمَا حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَبُو بَكْرِ بْنُ أَحْمَدَ بْنِ خَالِدٍ ثنا أَبِي ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا إِسْمَاعِيلُ هُوَ ابْنُ عُلَيَّةَ - عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ " إِذَا وَلَغَ الْكَلْبُ فِي الْإِنَاءِ غُسِلَ سَبْعَ مَرَّاتٍ، أُولَاهُنَّ أَوْ إِحْدَاهُنَّ بِالتُّرَابِ، وَالْهِرُّ مَرَّةً.

L2735 It has been narrated to us from Al-Ḥasan al-Baṣrī: "If a dog laps in a vessel, pour out its contents and wash it seven times." This is also the opinion of Ibn ʿAbbās, ʿUrwah ibn al-Zubayr, Ṭāwus, and ʿAmr ibn Dīnār. Al-Awzāʿī said: "If a dog laps in a vessel containing ten equal portions of milk, all of it must be poured out, and the vessel washed seven times - one of them with soil. If it laps in a small quantity of water equivalent to what a person uses for ablution, the water remains pure. Ablution is permissible with that water, and the dog's saliva is to be washed from clothing and hunted game."

وَرُوِّينَا عَنْ الْحَسَنِ الْبَصْرِيِّ " إِذَا وَلَغَ الْكَلْبُ فِي الْإِنَاءِ أَهْرِقْهُ وَاغْسِلْهُ سَبْعَ مَرَّاتٍ، وَبِهِ يَقُولُ ابْنُ عَبَّاسٍ وَعُرْوَةُ بْنُ الزُّبَيْرِ وَطَاوُسٌ وَعَمْرُو بْنُ دِينَارٍ. وَقَالَ الْأَوْزَاعِيُّ " إِنْ وَلَغَ الْكَلْبُ فِي إِنَاءٍ فِيهِ عَشَرَةُ أَقْسَاطٍ لَبَنٍ يُهْرَقُ كُلُّهُ وَيُغْسَلُ الْإِنَاءُ سَبْعَ مَرَّاتٍ إِحْدَاهُنَّ بِالتُّرَابِ، فَإِنْ وَلَغَ فِي مَاءٍ فِي بُقْعَةٍ صَغِيرَةٍ مِقْدَارِ مَا يَتَوَضَّأُ بِهِ إِنْسَانٌ فَهُوَ طَاهِرٌ، وَيُتَوَضَّأُ بِذَلِكَ الْمَاءِ وَيُغْسَلُ لُعَابُ الْكَلْبِ مِنْ الثَّوْبِ وَمِنْ الصَّيْدِ.

L2736–2737 Ali said: The opinion of al-Awzāʿī is the same as ours. This is the view (referring to washing the vessel seven times, one of which with soil, after a dog has licked it) held by Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhawayhi, Abū ʿUbayd, Abū Thawr, Dāwūd al-Ẓāhirī, and the proponents of ḥadīth.

قَالَ عَلِيٌّ: قَوْلُ الْأَوْزَاعِيِّ هُوَ نَفْسُ قَوْلِنَا، وَبِهَذَا يَقُولُ - يَعْنِي غَسْلَ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا إِحْدَاهُنَّ بِالتُّرَابِ - أَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ رَاهْوَيْهِ وَأَبُو عُبَيْدٍ وَأَبُو ثَوْرٍ وَدَاوُد وَجُمْلَةُ أَصْحَابِ الْحَدِيثِ.

L2738 Al-Shafi'i similarly held this view, except he stated: "If the water in the vessel reaches five hundred ratls, it should not be poured out due to a dog lapping

وَقَالَ الشَّافِعِيُّ كَذَلِكَ إِلَّا أَنَّهُ قَالَ " إِنْ كَانَ الْمَاءُ فِي الْإِنَاءِ خَمْسَمِائَةِ رَطْلٍ لَمْ يُهْرَقْ لِوُلُوغِ الْكَلْبِ فِيهِ، وَرَأَى هَرْقَ مَا عَدَا الْمَاءَ وَإِنْ كَثُرَ، وَرَأَى أَنْ يُغْسَلَ مِنْ وُلُوغِ

[18] **Qur'an references (L2733):** Qur'an 74:4 (Al-Muddaththir).

in it." He held that other liquids besides water must be poured out even if abundant, and he mandated washing the vessel seven times if a pig laps from it, just as washing is required for a dog. He did not apply this ruling at all to the lapping of any predatory animal or anything other than the pig.

L2739 Ali said: This is an error, because the general directive of Allah's Messenger - peace and blessings be upon him - commanding the pouring out of such liquid is more worthy of adherence. As for analogizing the pig to the dog, this constitutes an evident error (even if analogy were valid), since the dog belongs to the category of predators whose prohibition stems solely from the general prohibition against consuming predator meat. Thus, analogizing predators and what they lap from to the dog - which is a subset of predators whose hunted prey becomes permissible when known - is more valid than analogizing the pig to the dog. Just as it is impermissible to analogize the pig to the dog regarding the permissibility of domesticating it or consuming its hunted prey, so too is it invalid to analogize them concerning the prescribed number of vessel washings after its lapping. How much more so when analogy itself is entirely invalid!

L2740 Malik stated in some of his statements: One may perform ablution with that water, and he vacillated regarding washing the vessel seven times—at one time not deeming it necessary and at another deeming it necessary. In another of his statements, he said: The water is to be poured out and the vessel washed seven times. If it is milk, it is not to be poured out; rather, the vessel is washed seven times and what is in it is consumed. In another instance, he stated: All of that is to be poured out and the vessel washed seven times.

L2741 Ali said: These are discrepancies that are clearly erroneous; neither was the text followed in some of them, nor did analogy apply consistently in them, nor was the opinion of any of the Companions or the Followers (may Allah be pleased with them) followed in them.

L2742 It has been reported from him that he said: "I consider it gravely wrong that sustenance from Allah's provisions is deliberately taken, only to be poured out because a dog lapped in it."

الْخِنْزِيرِ فِي الْإِنَاءِ سَبْعًا كَمَا يُغْسَلُ مِنْ الْكَلْبِ، وَلَمْ يَرَ ذَلِكَ فِي وُلُوغِ شَيْءٍ مِنْ السِّبَاعِ وَلَا غَيْرِ الْخِنْزِيرِ أَصْلًا.

قَالَ عَلِيٌّ: وَهَذَا خَطَأٌ، لِأَنَّ عُمُومَ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْأَمْرِ بِهَرْقِهِ أَوْلَى أَنْ يُتَّبَعَ وَأَمَّا قِيَاسُ الْخِنْزِيرِ عَلَى الْكَلْبِ فَخَطَأٌ ظَاهِرٌ - لَوْ كَانَ الْقِيَاسُ حَقًّا - لِأَنَّ الْكَلْبَ بَعْضَ السِّبَاعِ لَمْ يُحَرَّمْ إلَّا بِعُمُومِ تَحْرِيمِ لُحُومِ السِّبَاعِ فَقَطْ، فَكَانَ قِيَاسُ السِّبَاعِ وَمَا وَلَغَتْ فِيهِ عَلَى الْكَلْبِ الَّذِي هُوَ بَعْضُهَا وَالَّتِي يَجُوزُ أَكْلُ صَيْدِهَا إذَا عُلِمَتْ أَوْلَى مِنْ قِيَاسِ الْخِنْزِيرِ عَلَى الْكَلْبِ، وَكَمَا لَمْ يَجُزْ أَنْ يُقَاسَ الْخِنْزِيرُ عَلَى الْكَلْبِ فِي جَوَازِ اتِّخَاذِهِ وَأَكْلِ صَيْدِهِ فَكَذَلِكَ لَا يَجُوزُ أَنْ يُقَاسَ الْخِنْزِيرُ عَلَى الْكَلْبِ فِي عَدَدِ غَسْلِ الْإِنَاءِ مِنْ وُلُوغِهِ، فَكَيْفَ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ.

وَقَالَ مَالِكٌ فِي بَعْضِ أَقْوَالِهِ: يُتَوَضَّأُ بِذَلِكَ الْمَاءِ وَتَرَدَّدَ فِي غَسْلِ الْإِنَاءِ سَبْعَ مَرَّاتٍ فَمَرَّةً لَمْ يَرَهُ وَمَرَّةً رَآهُ، وَقَالَ فِي قَوْلٍ لَهُ آخَرَ: يُهْرَقُ الْمَاءُ وَيُغْسَلُ الْإِنَاءُ سَبْعَ مَرَّاتٍ فَإِنْ كَانَ لَبَنًا لَمْ يُهْرَقْ وَلَكِنْ يُغْسَلُ الْإِنَاءُ سَبْعَ مَرَّاتٍ وَيُؤْكَلُ مَا فِيهِ، وَمَرَّةً قَالَ: يُهْرَقُ كُلُّ ذَلِكَ وَيُغْسَلُ الْإِنَاءُ سَبْعَ مَرَّاتٍ.

قَالَ عَلِيٌّ: هَذِهِ تَفَارِيقُ ظَاهِرَةُ الْخَطَإِ، لَا النَّصُّ اُتُّبِعَ فِي بَعْضِهَا، وَلَا الْقِيَاسُ اطَّرَدَ فِيهَا، وَلَا قَوْلُ أَحَدٍ مِنْ الصَّحَابَةِ أَوْ التَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ - قُلِّدَ فِيهَا.

وَرُوِيَ عَنْهُ أَنَّهُ قَالَ: إنِّي لَأَرَاهُ عَظِيمًا أَنْ يُعْمَدَ إلَى رِزْقٍ مِنْ رِزْقِ اللَّهِ فَيُهْرَقَ مِنْ أَجْلِ كَلْبٍ وَلَغَ فِيهِ.

قَالَ عَلِيٌّ: فَيُقَالُ لِمَنْ احْتَجَّ بِهَذَا الْقَوْلِ: أَعْظَمُ مِنْ ذَلِكَ أَنْ تُخَالِفَ أَمْرَ اللَّهِ عَلَى لِسَانِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِهَرْقِهِ. وَأَعْظَمُ مِمَّا اسْتَعْظَمْتُمُوهُ أَنْ يُعْمَدَ إلَى رِزْقٍ مِنْ رِزْقِ اللَّهِ فَيُهْرَقَ مِنْ أَجْلِ عُصْفُورٍ مَاتَ فِيهِ بِغَيْرِ أَمْرٍ مِنْ اللَّهِ بِهَرْقِهِ. فَإِنْ قَالُوا: الْعُصْفُورُ الْمَيِّتُ حَرَامٌ، قُلْنَا: نَعَمْ لَمْ نُخَالِفْكُمْ فِي هَذَا، وَلَكِنَّ الْمَائِعَ الَّذِي مَاتَ فِيهِ حَلَالٌ، فَتَحْرِيمُكُمْ الْحَلَالَ مِنْ أَجْلِ مُمَاسَّتِهِ الْحَرَامَ هُوَ الْبَاطِلُ، إلَّا أَنْ يَأْمُرَ بِذَلِكَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَيُطَاعُ أَمْرُهُ، وَلَا يُتَعَدَّى حَدُّهُ، وَلَا يُضَافُ إلَيْهِ مَا لَمْ يَقُلْ.

L2743–2745 Ali said: It will be said to those who cite this statement as proof: Greater than that is your contradiction of Allah's command as conveyed by His Prophet—peace and blessings be upon him—by spilling it. And greater than what you deem grave is that one would deliberately take a provision from Allah's provision and it is spilled for the sake of a sparrow that died in it, without any command from Allah to spill it. If they say: "The dead sparrow is unlawful," We said: Yes, we did not differ with you in this matter. However, the liquid in which death occurred is lawful. Thus, your prohibition of what is lawful merely because it came into contact with what is unlawful is invalid—unless the Messenger of Allah (peace be upon him) commands it, in which case his command must be obeyed. The boundaries he set must not be overstepped, nor must anything he did not declare be added to his rulings.

وَقَالَ أَبُو حَنِيفَةَ: يُهْرَقُ كُلُّ مَا وَلَغَ فِيهِ الْكَلْبُ أَيَّ شَيْءٍ كَانَ كَثُرَ أَمْ قَلَّ، وَمَنْ تَوَضَّأَ بِذَلِكَ الْمَاءِ أَعَادَ الْوُضُوءَ وَالصَّلَوَاتِ أَبَدًا، وَلَا يَغْسِلُ الْإِنَاءَ مِنْهُ إلَّا مَرَّةً.

L2746 Abu Hanifah said: Any liquid a dog has lapped must be entirely poured out, whether the quantity is great or small. Whoever performs ablution with such water must repeat the ablution and all prayers [performed with it]. The vessel need only be washed once [to purify it] after the dog's lapping.

قَالَ عَلِيٌّ: وَهَذَا قَوْلٌ لَا يُحْفَظُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ وَلَا مِنْ التَّابِعِينَ - إلَّا أَنَّنَا رُوِّينَا عَنْ إبْرَاهِيمَ أَنَّهُ قَالَ فِيمَا وَلَغَ فِيهِ الْكَلْبُ " اغْسِلْهُ " وَقَالَ مَرَّةً " اغْسِلْهُ حَتَّى تُنْقِيَهُ " وَلَمْ يَذْكُرْ تَحْدِيدًا. وَهُوَ قَوْلٌ مُخَالِفٌ لِسُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّتِي أَوْرَدْنَا. وَكَفَى بِهَذَا خَطَأً.

L2747 Ali said: "This is an opinion not attributed to any of the Companions nor the Successors, except that we have narrated from Ibrāhīm al-Nakhaʿī that he said regarding what a dog has lapped in: 'Wash it,' and he once said: 'Wash it until you purify it,' without specifying a number. This is a view contradicting the Sunnah of the Messenger of Allah—peace and blessings of Allah be upon him—which we have mentioned. This alone is sufficient to deem it erroneous."

وَاحْتَجَّ لَهُ بَعْضُ مُقَلِّدِيهِ بِأَنْ قَالَ " إنَّ أَبَا هُرَيْرَةَ - وَهُوَ أَحَدُ مَنْ رَوَى هَذَا الْخَبَرَ - قَدْ رُوِيَ عَنْهُ أَنَّهُ خَالَفَهُ.

L2748 Some of his followers argued as evidence by stating that Abu Hurairah - one of those who narrated this report - had reports transmitted from him indicating he opposed it.

قَالَ عَلِيٌّ: فَيُقَالُ لَهُ هَذَا بَاطِلٌ مِنْ وُجُوهٍ:

L2749 Ali said: Then it is said to him, "This is invalid on several grounds."

أَحَدُهَا أَنَّهُ إنَّمَا رَوَى ذَلِكَ الْخَبَرَ السَّاقِطَ عَبْدُ السَّلَامِ بْنُ حَرْبٍ وَهُوَ ضَعِيفٌ، وَلَا مُجَاهَرَةَ أَقْبَحُ مِنْ الِاعْتِرَاضِ عَلَى مَا رَوَاهُ عَنْ أَبِي هُرَيْرَةَ ابْنُ عُلَيَّةَ عَنْ أَيُّوبَ عَنْ ابْنِ

L2750 The first is that only ʻAbd al-Salām ibn Ḥarb - who is weak - narrated this rejected report. There is no uglier brazenness than objecting to what Ibn ʻUlayyah narrated from Ayyūb, from Ibn Sīrīn, from Abū Hurayrah in *al-Nujūm al-Thawāqib* with a narration resembling that of ʻAbd al-Salām

ibn Ḥarb. The second is that even if ‘Abd al-Salām’s narration is graded as ḥasan, it merely states the vessel is washed three times. Thus, they achieved nothing but opposition to the Sunnah and contradiction of the very report they cited from Abū Hurayrah. They neither followed the Prophet - peace and blessings of Allah be upon him - nor properly emulated Abū Hurayrah, whom they invoked as evidence. The third is that even if such a narration were authentic from Abū Hurayrah, it would be impermissible to use it to challenge what is narrated from the Prophet - peace and blessings of Allah be upon him - for decisive proof lies solely in the statements of Allah’s Messenger - peace and blessings of Allah be upon him - not in anyone else’s words. A companion might forget his narration or interpret it differently. In such cases, it is obligatory to weaken what is narrated from the companion’s own statements and give precedence to what is narrated from the Prophet - peace and blessings of Allah be upon him - rather than weakening the Prophet’s narrations and favoring the companion’s. This is the falsehood that is religiously invalid. The fourth is that even if Abū Hurayrah’s narration - God forbid - contradicted his report, other companions besides Abū Hurayrah narrated it, such as the companion Ibn Mughaffal, who did not contradict what he narrated.

سِيرِينَ - النُّجُوم الثَّوَاقِب - بِمِثْلِ رِوَايَةِ عَبْدِ السَّلَامِ بْنِ حَرْبٍ. وَثَانِيهَا أَنَّ رِوَايَةَ عَبْدِ السَّلَامِ - عَلَى تَحْسِينِهَا إِنَّمَا فِيهَا أَنَّهُ يُغْسَلُ الْإِنَاءُ ثَلَاثَ مَرَّاتٍ، فَلَمْ يَحْصُلُوا إِلَّا عَلَى خِلَافِ السُّنَّةِ وَخِلَافِ مَا اعْتَرَضُوا بِهِ عَنْ أَبِي هُرَيْرَةَ، فَلَا النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اتَّبَعُوا وَلَا أَبَا هُرَيْرَةَ الَّذِي احْتَجُّوا بِهِ قَلَّدُوا. وَثَالِثُهَا أَنَّهُ لَوْ صَحَّ ذَلِكَ عَنْ أَبِي هُرَيْرَةَ لَمَا حَلَّ أَنْ يُعْتَرَضَ بِذَلِكَ عَلَى مَا رَوَاهُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؛ لِأَنَّ الْحُجَّةَ إِنَّمَا هِيَ فِي قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا فِي قَوْلِ أَحَدٍ سِوَاهُ، لِأَنَّ الصَّاحِبَ قَدْ يَنْسَى مَا رَوَى وَقَدْ يَتَأَوَّلُ فِيهِ، وَالْوَاجِبُ إذَا وُجِدَ مِثْلُ هَذَا أَنْ يُضَعَّفَ مَا رُوِيَ عَنْ الصَّاحِبِ مِنْ قَوْلِهِ، وَأَنْ يُغَلَّبَ عَلَيْهِ مَا رُوِيَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا أَنْ نُضَعِّفَ مَا رُوِيَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَنُغَلِّبَ عَلَيْهِ مَا رُوِيَ عَنْ الصَّاحِبِ، فَهَذَا هُوَ الْبَاطِلُ الَّذِي لَا يَحِلُّ. وَرَابِعُهَا أَنَّهُ حَتَّى لَوْ صَحَّ عَنْ أَبِي هُرَيْرَةَ خِلَافُ مَا رَوَى - وَمَعَاذَ اللَّهِ مِنْ ذَلِكَ - فَقَدْ رَوَاهُ مِنْ الصَّحَابَةِ غَيْرُ أَبِي هُرَيْرَةَ وَهُوَ ابْنُ مُغَفَّلٍ، وَلَمْ يُخَالِفْ مَا رَوَى.

L2751 And some of them said: This was only [valid] when he commanded the killing of dogs, but when he prohibited their killing, that was abrogated.

وَقَالَ بَعْضُهُمْ: إنَّمَا كَانَ هَذَا إذْ أَمَرَ بِقَتْلِ الْكِلَابِ، فَلَمَّا نَهَى عَنْ قَتْلِهَا نُسِخَ ذَلِكَ.

L2752 Ali said, “This is a sheer lie for two reasons.”

قَالَ عَلِيٌّ: وَهَذَا كَذِبٌ بَحْتٌ لِوَجْهَيْنِ.

L2753–2755 One of them; because it is a manifestly false legal claim without evidence, Adopting matters about which the speaker has no knowledge—this is ḥarām.

أَحَدُهُمَا، لِأَنَّهُ دَعْوَى فَاضِحَةٌ بِلَا دَلِيلٍ، وَقَفْو مَا لَا عِلْمَ لِقَائِلِهِ بِهِ، هَذَا حَرَامٌ.

L2756 The second is that Ibn Mughaffal transmitted the prohibition against killing dogs and the injunction to wash the vessel seven times from them within a single ḥadīth—as we previously mentioned. Furthermore, the command to kill dogs was prescribed during the early Hijri period, whereas the report mandating washing the vessel seven times due to them was narrated by Abū Hurayra and Ibn Mughaffal, whose conversion to Islam occurred later.

وَالثَّانِي أَنَّ ابْنَ مُغَفَّلٍ رَوَى النَّهْيَ عَنْ قَتْلِ الْكِلَابِ وَالْأَمْرَ بِغَسْلِ الْإِنَاءِ مِنْهَا سَبْعًا فِي خَبَرٍ وَاحِدٍ مَعًا، وَقَدْ ذَكَرْنَاهُ قَبْلُ. وَأَيْضًا فَإِنَّ الْأَمْرَ بِقَتْلِ الْكِلَابِ كَانَ فِي أَوَّلِ الْهِجْرَةِ، وَإِنَّمَا رَوَى غَسْلَ الْإِنَاءِ مِنْهَا سَبْعًا أَبُو هُرَيْرَةَ وَابْنُ مُغَفَّلٍ، وَإِسْلَامُهُمَا مُتَأَخِّرٌ.

L2757 And some of them said: The command to wash the vessel seven times was intended as a form of stringency.

وَقَالَ بَعْضُهُمْ: كَانَ الْأَمْرُ بِغَسْلِ الْإِنَاءِ سَبْعًا عَلَى وَجْهِ التَّغْلِيظِ.

L2758 Ali said: They are asked, "Was the Prophet's command—peace and blessings be upon him—in that matter based on truth, thereby making obedience to him obligatory in it? Or did he command falsehood, such that disobeying him in it entails no hardship?" If they respond that he commanded truth, thereby making obedience to him obligatory in it, then they have nullified their own argument by citing the severity [of his ruling].

قَالَ عَلِيٌّ: يُقَالُ لَهُمْ أَبِحَقٍّ أَمَرَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ وَبِمَا تَلْزَمُ طَاعَتُهُ فِيهِ؟ أَمْ أَمَرَ بِبَاطِلٍ وَبِمَا لَا مَئُونَةَ فِي مَعْصِيَتِهِ فِي ذَلِكَ؟ فَإِنْ قَالُوا بِحَقٍّ وَبِمَا تَلْزَمُ طَاعَتُهُ فِيهِ، فَقَدْ أَسْقَطُوا شَغَبَهُمْ بِذِكْرِ التَّغْلِيظِ.

L2759 As for the other statement, holding it is pure disbelief; no Muslim would profess it.

وَأَمَّا الْقَوْلُ الْآخَرُ فَالْقَوْلُ بِهِ كُفْرٌ مُجَرَّدٌ لَا يَقُولُهُ مُسْلِمٌ.

L2760 Some of them said: A narration has been transmitted that he commanded that she be killed only because she used to frighten the believers.

وَقَالَ بَعْضُهُمْ: قَدْ جَاءَ أَثَرٌ بِأَنَّهُ إِنَّمَا أَمَرَ بِقَتْلِهَا، لِأَنَّهَا كَانَتْ تُرَوِّعُ الْمُؤْمِنِينَ

L2761 He was told: "We are not addressing her killing but the washing of the vessel from her lapping, even though that report mentions nothing except her killing alone. Furthermore, it is fabricated, as it is from the narration of al-Ḥusayn ibn ʿUbayd Allāh al-ʿIjlī, who is a discredited narrator."

قِيلَ لَهُ: لَسْنَا فِي قَتْلِهَا، إِنَّمَا نَحْنُ فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِهَا، مَعَ أَنَّ ذَلِكَ الْأَثَرَ لَيْسَ فِيهِ إِلَّا ذِكْرُ قَتْلِهَا فَقَطْ، وَهُوَ أَيْضًا مَوْضُوعٌ، لِأَنَّهُ مِنْ رِوَايَةِ الْحُسَيْنِ بْنِ عُبَيْدِ اللَّهِ الْعِجْلِيِّ وَهُوَ سَاقِطٌ.

L2762 Some of them protested and cited the hadith containing the forgiveness granted to the transgressor who gave water to a dog using her leather shoe. Ali remarked: "This is highly astonishing, for that report concerns others besides us, and the Sharia of those before us does not bind us. Moreover, who can confirm that anything was subsequently drunk from that shoe, that it remained unwashed, and that this transgressor was even aware of the established practice of washing vessels after a dog's lapping? She was not a prophet whose actions could be cited as proof. All of this amounts to dismissive rejection and haphazard argumentation that merits being disavowed."

وَشَغَبَ بَعْضُهُمْ فَذَكَرَ الْحَدِيثَ الَّذِي فِيهِ الْمَغْفِرَةُ لِلْبَغِيِّ الَّتِي سَقَتْ الْكَلْبَ بِخُفِّهَا. قَالَ عَلِيٌّ: وَهَذَا عَجَبٌ جِدًّا، لِأَنَّ ذَلِكَ الْخَبَرَ كَانَ فِي غَيْرِنَا، وَلَا تَلْزَمُنَا شَرِيعَةُ مَنْ قَبْلَنَا. وَأَيْضًا فَمَنْ لَهُمْ أَنَّ ذَلِكَ الْخُفَّ شُرِبَ فِيهِ مَا بَعْدَ ذَلِكَ، وَأَنَّهُ لَمْ يُغْسَلْ، وَأَنَّ تِلْكَ الْبَغِيَّ عَرَفَتْ سُنَّةَ غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ؟ وَلَمْ تَكُنْ تِلْكَ الْبَغِيُّ نَبِيَّةً فَيُحْتَجَّ بِفِعْلِهَا، وَهَذَا كُلُّهُ دَفْعٌ بِالرَّاحِ وَخَبْطٌ يَجِبُ أَنْ يُسْتَحَى مِنْهُ.

L2763 The washing done by whoever washes him is sufficient, even if the washer is not his companion, based on the Prophet's (peace be upon him) statement "Wash him," for it constitutes a general command.

وَيُجْزِئُ غَسْلُ مَنْ غَسَلَهُ وَإِنْ كَانَ غَيْرَ صَاحِبِهِ، لِقَوْلِهِ - عَلَيْهِ السَّلَامُ - «فَاغْسِلُوهُ» فَهُوَ أَمْرٌ عَامٌّ.

L2764 Ali said: If they reject our distinction between what a dog has lapped in,

what it has eaten from, what it has fallen into, or what it has inserted a body part other than its tongue into.

قَالَ عَلِيٌّ: فَإِنْ أَنْكَرُوا عَلَيْنَا التَّفْرِيقَ بَيْنَ مَا وَلَغَ الْكَلْبُ فِيهِ وَبَيْنَ مَا أَكَلَ فِيهِ أَوْ وَقَعَ فِيهِ أَوْ أَدْخَلَ فِيهِ عُضْوًا مِنْ أَعْضَائِهِ غَيْرَ لِسَانِهِ.

L2765–2767 We said to them: There is no blame upon one who states what the Messenger of Allah (PBUH) stated, refrains from attributing to him what he did not say, does not oppose his commands, nor legislates in religion what he did not legislate. Rather, blame lies upon one who invalidates prayer due to chicken blood on garments that exceeds the measure of the Baghlī dirham (a standardized silver coin), thereby invalidating the prayer with it, and did not... The prayer is invalidated by a garment soaked in fish blood. Invalidating the prayer applies to chicken droppings or horse dung on the garment equivalent to a Baghli dirham in quantity. However, the prayer is not invalidated if less than a quarter of the garment is affected by horse urine or crow droppings.

قُلْنَا لَهُمْ: لَا نَكَرَةَ عَلَى مَنْ قَالَ مَا قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَقُلْ مَا لَمْ يَقُلْ - عَلَيْهِ السَّلَامُ -، وَلَمْ يُخَالِفْ مَا أَمَرَهُ بِهِ نَبِيُّهُ - عَلَيْهِ السَّلَامُ -، وَلَا شَرَعَ مَا لَمْ يُشَرِّعْهُ - عَلَيْهِ السَّلَامُ - فِي الدِّينِ، وَإِنَّمَا النَّكَرَةُ عَلَى مَنْ أَبْطَلَ الصَّلَاةَ بِمَا زَادَ عَلَى الدِّرْهَمِ الْبَغْلِيِّ فِي الثَّوْبِ مِنْ دَمِ الدَّجَاجِ فَأَبْطَلَ بِهِ الصَّلَاةَ، وَلَمْ يُبْطِلْ الصَّلَاةَ بِثَوْبٍ غُمِسَ فِي دَمِ السَّمَكِ، وَمَنْ أَبْطَلَ الصَّلَاةَ بِقَدْرِ الدِّرْهَمِ الْبَغْلِيِّ فِي الثَّوْبِ مِنْ خُرْءِ الدَّجَاجِ وَرَوْثِ الْخَيْلِ، وَلَمْ يُبْطِلْهَا بِأَقَلَّ مِنْ رُبُعِ الثَّوْبِ مِنْ بَوْلِ الْخَيْلِ وَخُرْءِ الْغُرَابِ.

L2768 Upon the one who discarded water lapped by a dog, but did not discard milk lapped by a dog. And upon the one ordered to pour out five hundred *ratls* excluding one *awqiyyah* of water into which a *dirham* of dog's saliva has fallen. If it is five hundred *ratls* and a *ratl* of dog's saliva falls into it, it remains pure - nothing needs to be poured out from it. These are the true impurities, not what we previously stated. And in Allah alone do we place our trust.

وَعَلَى مَنْ أَرَاقَ الْمَاءَ يَلَغُ فِيهِ الْكَلْبُ، وَلَمْ يُرِقْ اللَّبَنَ إذَا وَلَغَ فِيهِ الْكَلْبُ، وَعَلَى مَنْ أَمَرَ بِهَرْقِ خَمْسِمِائَةِ رَطْلٍ غَيْرَ أُوقِيَّةٍ مِنْ مَاءٍ وَقَعَ فِيهِ دِرْهَمٌ مِنْ لُعَابِ كَلْبٍ، فَإِنْ كَانَ خَمْسِمِائَةِ رَطْلٍ وَوَقَعَ فِيهِ رَطْلٌ مِنْ لُعَابِ الْكَلْبِ كَانَ طَاهِرًا لَا يُرَاقُ مِنْهُ شَيْءٌ، فَهَذِهِ هِيَ النَّكَرَاتُ حَقًّا لَا مَا قُلْنَا. وَبِاَللَّهِ نَتَأَيَّدُ.

L2769 **The issue of the ruling pertaining to the container when a cat laps into it.**

[مَسْأَلَة حُكْم الْإِنَاء إذَا وَلَغَ فِيهِ الْهِرّ]

L2770 Issue 128: If a cat drinks from a vessel, its contents need not be discarded. They may be eaten, drunk, or used. The vessel must then be washed with water once only. There is no obligation to remove the cat's saliva from items other than vessels and the garment by using water - any effective means suffices. However, from the garment, saliva must be removed with water alone.

١٢٨ - مَسْأَلَةٌ: فَإِنْ وَلَغَ فِي الْإِنَاءِ الْهِرُّ لَمْ يُهْرَقْ مَا فِيهِ، لَكِنْ يُؤْكَلُ أَوْ يُشْرَبُ أَوْ يُسْتَعْمَلُ، ثُمَّ يُغْسَلُ الْإِنَاءُ بِالْمَاءِ مَرَّةً وَاحِدَةً فَقَطْ، وَلَا يَلْزَمُ إزَالَةُ لُعَابِهِ مِمَّا عَدَا الْإِنَاءَ وَالثَّوْبَ بِالْمَاءِ لَكِنْ بِمَا أَزَالَهُ وَمِنْ الثَّوْبِ بِالْمَاءِ فَقَطْ.

L2771 Aḥmad ibn Muḥammad ibn ʿAbd Allāh al-Ṭalamankī narrated to us: Ibn

Mufarrij narrated to us: Muḥammad ibn Ayyūb al-Ṣamūt narrated to us: Aḥmad ibn ʿAmr al-Bazzār narrated to us: ʿAmr ibn ʿAlī al-Ṣayrafī narrated to us: Abū ʿĀṣim al-Ḍaḥḥāk ibn Makhlad narrated to us: Qurrah ibn Khālid narrated to us from Muḥammad ibn Sīrīn from Abū Hurayrah from the Prophet (peace be upon him) who said: "If a dog laps into a vessel, wash it seven times, and once for the cat."

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الطَّلْمَنْكِيُّ ثنا ابْنُ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الصَّمُوتُ ثنا أَحْمَدُ بْنُ عَمْرٍو الْبَزَّارُ ثنا عَمْرُو بْنُ عَلِيٍّ الصَّيْرَفِيُّ ثنا أَبُو عَاصِمٍ الضَّحَّاكُ بْنُ مَخْلَدٍ ثنا قُرَّةُ بْنُ خَالِدٍ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا وَلَغَ الْكَلْبُ فِي الْإِنَاءِ فَاغْسِلْهُ سَبْعَ مَرَّاتٍ وَالْهِرُّ مَرَّةً» .

L2772–2773 Ahmad ibn Muhammad ibn al-Jasur narrated to us: Wahb ibn Masarrat narrated to us: Ibn Waddah narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Zayd ibn al-Hubab narrated to us: Malik ibn Anas informed me: Ishaq ibn Abdullah ibn Abi Talhah al-Ansari informed me from Humaydah bint Ubayd ibn Rafi, from Kabshah bint Ka'b ibn Malik—who was married to the son of Abu Qatadah—that she poured water for Abu Qatadah to perform ablution. A female cat came to drink, so he tilted the vessel for it. I began to watch, and he said: "Are you surprised, O my niece? The Messenger of Allah (peace and blessings be upon him) said: 'It is not impure. Indeed, she is one of those [creatures] that frequent your surroundings—whether males or females.'"

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا وَهْبُ بْنُ مَسَرَّةَ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا زَيْدُ بْنُ الْحُبَابِ ثنا مَالِكُ بْنُ أَنَسٍ أَخْبَرَنِي إِسْحَاقُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ الْأَنْصَارِيُّ عَنْ حُمَيْدَةَ بِنْتِ عُبَيْدِ بْنِ رَافِعٍ «عَنْ كَبْشَةَ بِنْتِ كَعْبِ بْنِ مَالِكٍ وَكَانَتْ تَحْتَ وَلَدِ أَبِي قَتَادَةَ أَنَّهَا صَبَّتْ لِأَبِي قَتَادَةَ مَاءً يَتَوَضَّأُ بِهِ، فَجَاءَتْ هِرَّةٌ تَشْرَبُ فَأَصْغَى لَهَا الْإِنَاءَ فَجَعَلْتُ أَنْظُرُ، فَقَالَ: أَتَعْجَبِينَ يَا ابْنَةَ أَخِي قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنَّهَا لَيْسَتْ بِنَجَسٍ، إِنَّمَا هِيَ مِنَ الطَّوَّافِينَ عَلَيْكُمْ أَوِ الطَّوَّافَاتِ» .

L2774 Ali said: Washing the vessel is obligatory, but spilling its contents is not required because it has not been contaminated. Washing the cat's saliva from the garment is obligatory, for the cat is a predator with fangs and is thus unlawful. Some unlawful things are categorically unlawful, though not every unlawful thing is impure. Nothing is impure except what Allah the Exalted or His Messenger has named impure. Silk and gold are unlawful for men, yet they are not impure.

قَالَ عَلِيٌّ: فَوَجَبَ غَسْلُ الْإِنَاءِ وَلَمْ يَجِبْ إِهْرَاقُ مَا فِيهِ، لِأَنَّهُ لَمْ يُنَجَّسْ، وَوَجَبَ غَسْلُ لُعَابِهِ مِنَ الثَّوْبِ، لِأَنَّ الْهِرَّ ذُو نَابٍ مِنَ السِّبَاعِ فَهُوَ حَرَامٌ، وَبَعْضُ الْحَرَامِ حَرَامٌ، وَلَيْسَ كُلُّ حَرَامٍ نَجِسًا، وَلَا نَجِسَ إِلَّا مَا سَمَّاهُ اللَّهُ تَعَالَى أَوْ رَسُولُهُ نَجِسًا، وَالْحَرِيرُ وَالذَّهَبُ حَرَامٌ عَلَى الرِّجَالِ وَلَيْسَا بِنَجِسَيْنِ.

L2775 And Allah, the Exalted, said: {And keep your garments pure} [Al-Muddaththir: 4].[19]

وَقَالَ اللَّهُ تَعَالَى: {وَثِيَابَكَ فَطَهِّرْ} [المدثر: ٤] .

L2776 Abu Ḥanīfah said: What the cat has lapped should be poured out, it does not suffice for wuḍū', and the vessel should be washed once. This contradicts the statement of the Messenger of Allah—peace and blessings be upon him—as narrated by Abū Qatādah.

وَقَالَ أَبُو حَنِيفَةَ: يُهْرَقُ مَا وَلَغَ فِيهِ الْهِرُّ وَلَا يُجْزِئُ الْوُضُوءُ بِهِ، وَيُغْسَلُ الْإِنَاءُ مَرَّةً. وَهَذَا خِلَافُ كَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ رِوَايَةِ أَبِي قَتَادَةَ.

[19] **Qur'an references (L2775):** Qur'an 74:4 (Al-Muddaththir).

L2777–2779 Malik and al-Shāfiʿī said: One may perform wuḍūʾ with [water] from which a cat has lapped, and there is no obligation to wash the vessel because of it. This contradicts the instruction of the Messenger of Allah (peace be upon him) as narrated by... Abū Hurayrah.

وَقَالَ مَالِكٌ وَالشَّافِعِيُّ: يَتَوَضَّأُ بِمَا وَلَغَ فِيهِ الْهِرُّ وَلَا يَغْسِلُ مِنْهُ الْإِنَاءَ، وَهَذَا خِلَافُ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ رِوَايَةِ أَبِي هُرَيْرَةَ.

L2780 Among those who commanded that vessels be washed after a cat's lapping (drinking) are Abū Hurayrah, Saʿīd ibn al-Musayyib, al-Ḥasan al-Baṣrī, Tāwus, and ʿAṭā.

وَمِمَّنْ أَمَرَ بِغَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْهِرِّ أَبُو هُرَيْرَةَ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَالْحَسَنُ الْبَصْرِيُّ وَطَاوُسٌ وَعَطَاءٌ.

L2781 However, Tāwus and 'Aṭā' considered it equivalent in status to the vessel in which a dog has lapped.

إِلَّا أَنَّ طَاوُسًا وَعَطَاءً جَعَلَاهُ بِمَنْزِلَةِ مَا وَلَغَ فِيهِ الْكَلْبُ.

L2782 Among those who permitted using what a cat has lapped from are Abū Qatādah, Ibn ʿAbbās, Abū Hurayrah, Umm Salamah, ʿAlī, and Ibn ʿUmar—though a differing opinion is attributed to him. The validity of Abū Hurayrah's ruling aligns with the explicit textual position of our school. All praise is due to Allah, Lord of the worlds.

وَمِمَّنْ أَبَاحَ أَنْ يُسْتَعْمَلَ مَا وَلَغَ فِيهِ الْهِرُّ أَبُو قَتَادَةَ وَابْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ وَأُمُّ سَلَمَةَ وَعَلِيٌّ وَابْنُ عُمَرَ - بِاخْتِلَافٍ عَنْهُ - فَصَحَّ قَوْلُ أَبِي هُرَيْرَةَ كَقَوْلِنَا نَصًّا. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

[مَسْأَلَةُ تَطْهِيرُ جِلْدِ الْمَيْتَةِ]

L2783 The issue of the ritual purification of the hide of a maytah, an animal carcass not slaughtered according to Islamic law.

L2784 Issue 129: The purification of the skin of any dead animal - even if it is the skin of a pig, dog, predator, or other - is achieved through tanning with any substance. Once tanned, it becomes pure; its sale and prayer upon it are permitted. It becomes equivalent to the skin of a ritually slaughtered animal from those whose meat is lawful to eat. However, the skin of such a dead animal remains impermissible to consume under any circumstance. Excluding human skin: it is impermissible to tan or flay it, and burial is obligatory even if the deceased was a disbeliever.

١٢٩ - مَسْأَلَةٌ: وَتَطْهِيرُ جِلْدِ الْمَيْتَةِ، أَيِّ مَيْتَةٍ كَانَتْ - وَلَوْ أَنَّهَا جِلْدُ خِنْزِيرٍ أَوْ كَلْبٍ أَوْ سَبُعٍ أَوْ غَيْرِ ذَلِكَ - فَإِنَّهُ بِالدِّبَاغِ - بِأَيِّ شَيْءٍ دُبِغَ - طَاهِرٌ، فَإِذَا دُبِغَ حَلَّ بَيْعُهُ وَالصَّلَاةُ عَلَيْهِ، وَكَانَ كَجِلْدِ مَا ذُكِّيَ مِمَّا يَحِلُّ أَكْلُهُ، إِلَّا أَنَّ جِلْدَ الْمَيْتَةِ الْمَذْكُورَ لَا يَحِلُّ أَكْلُهُ بِحَالٍ، حَاشَا جِلْدَ الْإِنْسَانِ، فَإِنَّهُ لَا يَحِلُّ أَنْ يُدْبَغَ وَلَا أَنْ يُسْلَخَ، وَلَا بُدَّ مِنْ دَفْنِهِ وَإِنْ كَانَ كَافِرًا.

L2785 The wool, hair, feathers, and fur of a dead animal are prohibited before tanning and permissible afterward. Its bones and horns are entirely permissible; consuming them is not permissible. It is not permissible to sell the dead animal or to benefit from its sinews or fat.

وَصُوفُ الْمَيْتَةِ وَشَعْرُهَا وَرِيشُهَا وَوَبَرُهَا حَرَامٌ قَبْلَ الدِّبَاغِ حَلَالٌ بَعْدَهُ، وَعَظْمُهَا وَقَرْنُهَا مُبَاحٌ كُلُّهُ لَا يَحِلُّ أَكْلُهُ وَلَا يَحِلُّ بَيْعُ الْمَيْتَةِ وَلَا الِانْتِفَاعُ بِعَصَبِهَا وَلَا شَحْمِهَا.

L2786 Ahmad ibn Qasim narrated to me: My father Qasim ibn Muhammad ibn Qasim narrated to us: My grandfather Qasim ibn Aṣbagh narrated to us:

Muhammad ibn Ismaʿil al-Tirmidhī narrated to us: al-Ḥumaydī narrated to us: Sufyan (that is, Ibn ʿUyaynah) narrated to us: Zayd ibn Aslam narrated that he heard ʿAbd al-Raḥmān ibn Waʿlah al-Miṣrī say: I heard Ibn ʿAbbās say: I heard the Messenger of Allah—peace and blessings be upon him—say: "Any hide that is tanned becomes pure."

حَدَّثَنِي أَحْمَدُ بْنُ قَاسِمٍ ثنا أَبِي قَاسِمِ بْنِ مُحَمَّدِ بْنِ قَاسِمٍ ثنا جَدِّي قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ إِسْمَاعِيلَ التِّرْمِذِيُّ ثنا الْحُمَيْدِيُّ ثنا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - ثنا زَيْدُ بْنُ أَسْلَمَ أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنِ بْنَ وَعْلَةَ الْمِصْرِيَّ يَقُولُ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «أَيُّمَا إِهَابٍ دُبِغَ فَقَدْ طَهُرَ» .

L2787 Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-A'rabi narrated to us: ad-Dabari narrated to us: Abd al-Razzaq narrated to us from Ma'mar from al-Zuhri from Ubayd Allah ibn Abd Allah ibn Utbah ibn Mas'ud from Ibn Abbas, who said: "The Messenger of Allah - peace and blessings be upon him - passed by a dead sheep belonging to a freed slave of Maimunah and said: 'Why did you not benefit from its hide?' They said: 'How could we, when it is dead, O Messenger of Allah?' He replied: 'Only its flesh is forbidden.'"

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ عَنْ ابْنِ عَبَّاسٍ قَالَ «مَرَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى شَاةٍ لِمَوْلَاةٍ لِمَيْمُونَةَ مَيْتَةٍ فَقَالَ: أَفَلَا انْتَفَعْتُمْ بِإِهَابِهَا قَالُوا: وَكَيْفَ وَهِيَ مَيْتَةٌ يَا رَسُولَ اللَّهِ؟ قَالَ: إِنَّمَا حُرِّمَ لَحْمُهَا» .

L2788 Abdullah ibn Rabeeʿ narrated to us: Muhammad ibn Muʿawiyah narrated to us: Ahmad ibn Shuʿayb narrated to us: Qutaybah ibn Saʿeed narrated to us: Sufyan ibn ʿUyaynah narrated to us: Al-Zuhri narrated to us: ʿUbaydullah ibn ʿAbdullah narrated to us: Ibn ʿAbbas narrated to us: Maymunah reported that the Messenger of Allah (peace be upon him) passed by a discarded sheep and said, "Whose is this?" They replied, "It belongs to Maymunah." He said, "Why did she not benefit from its hide?" They said, "It is carrion." He said, "Allah has only forbidden eating it."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ عَنْ ابْنِ عَبَّاسٍ عَنْ مَيْمُونَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرَّ عَلَى شَاةٍ مُلْقَاةٍ، فَقَالَ لِمَنْ هَذِهِ، قَالُوا لِمَيْمُونَةَ، قَالَ: مَا عَلَيْهَا لَوْ انْتَفَعَتْ بِإِهَابِهَا قَالُوا إِنَّهَا مَيْتَةٌ. قَالَ: إِنَّمَا حَرَّمَ اللَّهُ أَكْلَهَا» .

L2789–2790 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, Amr an-Naqid, and Ibn Abi Umar—all of them narrated from Sufyan ibn Uyaynah from al-Zuhri from Ubaydullah ibn Abdullah from Ibn Abbas, who said: "Charity was given in the form of a sheep to a freed slave woman of Maymunah, then the sheep died. The Messenger of Allah—peace and blessings be upon him—passed by it and

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 وَعَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ، كُلُّهُمْ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ عَنْ ابْنِ عَبَّاسٍ قَالَ «تُصُدِّقَ عَلَى مَوْلَاةٍ لِمَيْمُونَةَ بِشَاةٍ فَمَاتَتْ: فَمَرَّ بِهَا رَسُولُ اللَّهِ -

said: 'Why did you not take its hide, tan it, and then benefit from it?' They replied: 'It is maytah.' He responded: 'Only consuming it is forbidden.'"[20]

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: هَلَّا أَخَذْتُمْ إِهَابَهَا فَدَبَغْتُمُوهُ فَانْتَفَعْتُمْ بِهِ؟ فَقَالُوا: إِنَّهَا مَيْتَةٌ فَقَالَ: إِنَّمَا حُرِّمَ أَكْلُهَا» .

L2791 Ḥammām reported to us, [who] reported from Ibn Mufarrij, [who] reported from Ibn al-Aʿrabī, [who] reported from al-Dabarī, [who] reported from ʿAbd al-Razzāq: Ibn Jurayj reported to me, from ʿAṭāʾ, from Ibn ʿAbbās: "Maymūnah informed me that a sheep died, and the Messenger of Allah (peace and blessings be upon him) said: 'Why did you not tan its hide?'"

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيِّ ثنا عَبْدُ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ عَنِ ابْنِ عَبَّاسٍ «أَخْبَرَتْنِي مَيْمُونَةُ أَنَّ شَاةً مَاتَتْ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَلَا دَبَغْتُمْ إِهَابَهَا» .

L2792 Abdullah ibn Rabiʿ narrated to us: Muhammad ibn Muʿawiyah narrated to us: Ahmad ibn Shuʿayb narrated to us: 'Ubaydullah ibn Saʿid narrated to us: Muʿadh ibn Hisham al-Dastuwa'i narrated to me from his father from Qatadah from al-Hasan from al-Jawn ibn Qatadah from Salamah ibn al-Muḥabbaqi: "During the expedition of Tabuk, the Messenger of Allah (peace and blessings be upon him) requested water from a woman. She said, 'I have none except in a waterskin made from the hide of a maytah (unslaughtered carcass).' He asked, 'Did you not tan it?' She replied, 'Yes.' He said, 'Indeed, tanning it suffices as its purification [for use].'"

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا عُبَيْدُ اللَّهِ بْنُ سَعِيدٍ ثنا مُعَاذُ بْنُ هِشَامٍ الدَّسْتُوَائِيُّ حَدَّثَنِي أَبِي عَنْ قَتَادَةَ عَنِ الْحَسَنِ عَنِ الْجَوْنِ بْنِ قَتَادَةَ عَنْ سَلَمَةَ بْنِ الْمُحَبَّقِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي غَزْوَةِ تَبُوكَ دَعَا بِمَاءٍ مِنْ عِنْدِ امْرَأَةٍ فَقَالَتْ: مَا عِنْدِي إِلَّا فِي قِرْبَةٍ لِي مَيْتَةٍ. قَالَ: أَلَيْسَ قَدْ دَبَغْتِهَا؟ قَالَتْ: بَلَى. قَالَ: فَإِنَّ دِبَاغَهَا ذَكَاتُهَا» .

L2793–2795 Aḥmad ibn Muḥammad al-Jasūrī narrated to us via Aḥmad ibn al-Faḍl al-Dīnawarī via Muḥammad ibn Jarīr al-Ṭabarī via Muḥammad ibn Ḥātim via Hushaym, from Manṣūr ibn Zādhān, from al-Ḥasan, from Jawn ibn Qatādah al-Tamīmī, who said: "We were with the Messenger of Allah (peace and blessings be upon him) when he stated in a ḥadīth he mentioned: 'Verily, the tanning of...'" "The purification [using] a dead animal..." 'Alī said: "Jawn and Salama are recognized as Companions [of the Prophet]."

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْجَسُورِيُّ ثنا أَحْمَدُ بْنُ الْفَضْلِ الدِّينَوَرِيُّ ثنا مُحَمَّدُ بْنُ جَرِيرٍ الطَّبَرِيُّ ثنا مُحَمَّدُ بْنُ حَاتِمٍ ثنا هُشَيْمٌ عَنْ مَنْصُورِ بْنِ زَاذَانَ عَنِ الْحَسَنِ ثنا جَوْنُ بْنُ قَتَادَةَ التَّمِيمِيُّ قَالَ " كُنَّا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ فِي حَدِيثٍ ذَكَرَهُ - فَإِنَّ «دِبَاغَ الْمَيْتَةِ طَهُورُهَا» قَالَ عَلِيٌّ: جَوْنٌ وَسَلَمَةُ لَهُمَا صُحْبَةٌ.

L2796 Abdullah ibn Rabiʿ narrated to us, Muhammad ibn Muʿawiyah narrated to us, Ahmad ibn Shuʿayb narrated to us, Qutaybah ibn Saʿeed narrated to us, Layth ibn Saʿd narrated from Yazid ibn Abi Habib, from ʿAta ibn Abi Rabah, from Jabir ibn Abdullah that he heard the Messenger of Allah (peace and blessings of Allah be upon him) say during the year of the conquest while he was in Mecca: "Allah and His Messenger have prohibited the sale of wine,

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا اللَّيْثُ بْنُ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ «عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ عَامَ الْفَتْحِ وَهُوَ بِمَكَّةَ إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْخِنْزِيرِ وَالْأَصْنَامِ، فَقِيلَ يَا رَسُولَ اللَّهِ: أَرَأَيْتَ شُحُومَ

[20]**Hadith references (L2790):** Sahih Muslim 363a; Mishkat al-Masabih 499.

carrion, pork, and idols." It was said: "O Messenger of Allah, what do you think about the fat of carrion? It is used to coat ships, grease leather, and provide lighting." He said: "No, it is prohibited." Then the Messenger of Allah (peace and blessings of Allah be upon him) said at that time: "May Allah fight the Jews. When Allah prohibited them from consuming fat, they rendered it, then sold it and consumed its proceeds.""

الْمَيْتَةِ فَإِنَّهُ يُطْلَى بِهَا السُّفُنُ وَتُدْهَنُ بِهَا الْجُلُودُ وَيَسْتَصْبِحُ بِهَا النَّاسُ؟ قَالَ لَا. هُوَ حَرَامٌ. فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عِنْدَ ذَلِكَ: قَاتَلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ لَمَّا حَرَّمَ عَلَيْهِمْ الشُّحُومَ جَمَلُوهُ ثُمَّ بَاعُوهُ فَأَكَلُوا ثَمَنَهُ» .

L2797 Ali said: Ahmad ibn Hanbal held the view that it is impermissible to utilize the skin of a dead animal even if tanned. He cited the narration reported by Abdullah ibn Rabi' from Muhammad ibn Mu'awiyah, from Ahmad ibn Shu'ayb, from Muhammad ibn Qudamah, from Jarir, from Mansur, from al-Hakam ibn Utaybah, from Abd al-Rahman ibn Abi Layla, from Abdullah ibn Ukaym, who said: "The Messenger of Allah—peace and blessings be upon him—wrote to us: 'Do not derive benefit from a dead animal through its untanned hide, sinews, tendons, or ligaments.'" Ali said: This is an authentic report, and it does not contradict what precedes it.

قَالَ عَلِيٌّ: ذَهَبَ أَحْمَدُ بْنُ حَنْبَلٍ إِلَى أَنَّهُ لَا يَحِلُّ اسْتِعْمَالُ جِلْدِ الْمَيْتَةِ وَإِنْ دُبِغَ، وَذَكَرَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا مُحَمَّدُ بْنُ قُدَامَةَ ثنا جَرِيرٌ عَنْ مَنْصُورٍ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ عَبْدِ اللَّهِ بْنِ عُكَيْمٍ قَالَ «كَتَبَ إلَيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَلَّا تَسْتَنْفِعُوا مِنْ الْمَيْتَةِ بِإِهَابٍ وَلَا عَصَبٍ» . قَالَ عَلِيٌّ: هَذَا خَبَرٌ صَحِيحٌ وَلَا يُخَالِفُ مَا قَبْلَهُ.

L2798 Rather, it is an established ruling. It is impermissible to derive benefit from the hide of a dead animal unless it is tanned, as stated in the other hadiths. Since reconciling his statements (peace be upon him) with one another is obligatory, and it is impermissible to contradict some of them with others, because they are all valid rulings from Allah, Azza wa Jall (the Mighty and Majestic).

بَلْ هُوَ حَقٌّ، لَا يَحِلُّ أَنْ يُنْتَفَعَ مِنْ الْمَيْتَةِ بِإِهَابٍ إلَّا حَتَّى يُدْبَغَ، كَمَا جَاءَ فِي الْأَحَادِيثِ الْأُخَرِ، إذْ ضَمُّ أَقْوَالِهِ - عَلَيْهِ السَّلَامُ - بَعْضِهَا لِبَعْضٍ فَرْضٌ، وَلَا يَحِلُّ ضَرْبُ بَعْضِهَا بِبَعْضٍ، لِأَنَّهَا كُلَّهَا حَقٌّ مِنْ عِنْدِ اللَّهِ عَزَّ وَجَلَّ.

L2799 Allah the Exalted said: "Nor does he speak from [his] own desire; it is nothing but a revelation that is revealed" [An-Najm:3-4]. And He the Exalted said: "If it had been from other than Allah, they would have found in it many contradictions" [An-Nisā:82].[21]

قَالَ اللَّهُ تَعَالَى: {وَمَا يَنْطِقُ عَنِ الْهَوَى} [النجم: ٣] {إِنْ هُوَ إِلا وَحْيٌ يُوحَى} [النجم: ٤] وَقَالَ تَعَالَى: {وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلافًا كَثِيرًا} [النساء: ٨٢]

L2800 It has been narrated from Aisha, the Mother of the Believers, via a rigorously authenticated chain: "The tanning of the hide is its ritual slaughter," and this constitutes a general ruling applicable to all hides.

وَرُوِيَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ بِإِسْنَادٍ فِي غَايَةِ الصِّحَّةِ «دِبَاغُ الْأَدِيمِ ذَكَاتُهُ» وَهَذَا عُمُومٌ لِكُلِّ أَدِيمٍ.

L2801–2803 From Ibn Abbas, from the Mother of the Believers Maymunah: that she

وَعَنْ ابْنِ عَبَّاسٍ عَنْ أُمِّ الْمُؤْمِنِينَ مَيْمُونَةَ: أَنَّهَا دَبَغَتْ جِلْدَ شَاةٍ مَيِّتَةٍ فَلَمْ تَزَلْ تَنْبِذُ فِيهِ حَتَّى بَلِيَ، وَعَنْ عُمَرَ بْنِ الْخَطَّابِ: دِبَاغُ الْأَدِيمِ ذَكَاتُهُ.

[21] **Qur'an references (L2799):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm); Qur'an 4:82 (An-Nisa).

tanned. The skin of a dead sheep [carrion] was continuously processed until it deteriorated. From Umar ibn al-Khattab: Tanning the hide is its purification.

وَقَالَ إِبْرَاهِيمُ النَّخَعِيُّ - فِي جُلُودِ الْبَقَرِ وَالْغَنَمِ تَمُوتُ فَتُدْبَغُ: إِنَّهَا تُبَاعُ وَتُلْبَسُ. وَعَنْ الْأَوْزَاعِيِّ إِبَاحَةُ بَيْعِهَا. وَعَنْ سُفْيَانَ الثَّوْرِيِّ إِبَاحَةُ الصَّلَاةِ فِيهَا. وَعَنْ اللَّيْثِ بْنِ سَعْدٍ إِبَاحَةُ بَيْعِهَا. وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ فِي الْمَيْتَةِ: دِبَاغُهَا ذَكَاتُهَا، وَأَبَاحَ الزُّهْرِيُّ جُلُودَ النُّمُورِ، وَاحْتَجَّ بِمَا جَاءَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي جِلْدِ الْمَيْتَةِ، وَعَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَعُرْوَةَ بْنِ الزُّبَيْرِ وَابْنِ سِيرِينَ مِثْلُ ذَلِكَ. وَقَالَ أَبُو حَنِيفَةَ: جِلْدُ الْمَيْتَةِ إذَا دُبِغَ وَعِظَامُهَا وَعَصَبُهَا وَعَقِبُهَا وَصُوفُهَا وَشَعْرُهَا وَوَبَرُهَا وَقَرْنُهَا لَا بَأْسَ بِالِانْتِفَاعِ بِكُلِّ ذَلِكَ، وَبَيْعُهُ جَائِزٌ، وَالصَّلَاةُ فِي جِلْدِهَا إذَا دُبِغَ جَائِزٌ، أَيَّ جِلْدٍ كَانَ حَاشَا جِلْدَ الْخِنْزِيرِ.

L2804 Ibrahim al-Nakha'ī said regarding the hides of cows and sheep that die and are then tanned: "They may be sold and worn." It is reported from al-Awzā'ī that he permitted their sale. Sufyān al-Thawrī permitted prayer in such hides. Al-Layth ibn Sa'd permitted their sale. Sa'īd ibn Jubayr stated concerning dead animals: "Tanning is its purification [substitute for slaughter]." Al-Zuhrī permitted leopard hides, citing as evidence the narration from the Prophet (peace and blessings be upon him) regarding dead animal hides. 'Umar ibn 'Abd al-'Azīz, 'Urwah ibn al-Zubayr, and Ibn Sīrīn held similar views. Abū Hanīfah said: "There is no harm in using the hide of a dead animal after tanning, nor in using its bones, sinews, hooves, wool, hair, camel hair, horns, or any such parts. Their sale is permissible, and prayer in tanned hides is permitted, whatever the hide may be, except pigskin."

وَقَالَ مَالِكٌ: لَا خَيْرَ فِي عِظَامِ الْمَيْتَةِ وَهِيَ مَيْتَةٌ، وَلَا يُصَلَّى فِي شَيْءٍ مِنْ جُلُودِ الْمَيْتَةِ وَإِنْ دُبِغَتْ، وَلَا يَحِلُّ بَيْعُهَا، أَيَّ جِلْدٍ كَانَ، وَلَا يُسْتَقَى فِيهَا، لَكِنَّ جُلُودَ مَا يُؤْكَلُ لَحْمُهُ إذَا دُبِغَتْ جَازَ الْقُعُودُ عَلَيْهَا وَأَنْ يُغَرْبَلَ عَلَيْهَا، وَكَرِهَ الِاسْتِقَاءَ فِيهَا بِآخِرَةٍ لِنَفْسِهِ، وَلَمْ يَمْنَعْ عَنْ ذَلِكَ غَيْرَهُ. وَرَأَى جُلُودَ السِّبَاعِ إذَا دُبِغَتْ مُبَاحَةً لِلْجُلُوسِ وَالْغَرْبَلَةِ. وَلَمْ يَرَ جِلْدَ الْحِمَارِ وَإِنْ دُبِغَ يَجُوزُ اسْتِعْمَالُهُ، وَلَمْ يَرَ اسْتِعْمَالَ قَرْنِ الْمَيْتَةِ وَلَا سِنِّهَا وَلَا ظِلْفِهَا وَلَا رِيشِهَا. وَأَبَاحَ صُوفَ الْمَيْتَةِ وَشَعْرَهَا وَوَبَرَهَا. وَكَذَلِكَ إنْ أُخِذَتْ مِنْ حَيٍّ.

L2805 Malik said: There is no good in the bones of a dead animal, for it is a dead animal. One must not pray in anything made from the hides of dead animals, even if tanned. Selling them is impermissible, regardless of the type of hide. Do not draw water with them. However, the hides of animals whose meat is lawful to eat, once tanned, may be used for sitting upon or sifting on them. He later disliked using them to draw water for himself but did not prohibit others from doing so. He deemed the hides of predatory animals permissible for sitting and sifting when tanned. He did not permit the use of a donkey's hide even if tanned. He did not permit using the horn, tooth, hoof, or feathers of a dead animal. He permitted the wool, hair, and coarse hair of a dead animal, as well as those taken from a living one.

وَقَالَ الشَّافِعِيُّ: يُتَوَضَّأُ فِي جُلُودِ الْمَيْتَةِ إذَا دُبِغَتْ أَيَّ جِلْدٍ كَانَ. إلَّا جِلْدَ كَلْبٍ أَوْ خِنْزِيرٍ.

L2806 Al-Shafi'i said: Ablution is permissible with the skins of dead animals if they are tanned—any skin at all—except for the skin of a dog or a pig.

وَلَا يَطْهُرُ بِالدِّبَاغِ لَا صُوفٌ وَلَا شَعْرٌ وَلَا وَبَرٌ وَلَا عَظْمٌ وَلَا قَرْنٌ وَلَا - سِنٌّ وَلَا رِيشٌ. إلَّا الْجِلْدَ وَحْدَهُ فَقَطْ.

L2807 Neither wool, hair, fur, bone, horn, tooth, nor feather is purified by tanning. Only the skin alone is purified.

L2808 Ali said: As for Abu Hanifah's permissibility of bones and the sinew of the heel from carcasses, this is erroneous, for it contradicts the authentic narration we cited: "that we should not benefit from the carcass through its untanned hide or sinew." The narration came permitting the hide when tanned, leaving the sinew prohibited. The sinew in the heel is undoubtedly prohibited. Similarly, his distinction between the skins of predators, carcasses, and pigskin is incorrect, for all these constitute prohibited carcasses. We know of neither these distinctions nor this opinion from anyone before him.

قَالَ عَلِيٌّ: أَمَّا إبَاحَةُ أَبِي حَنِيفَةَ الْعَظْمَ وَالْعَقِبَ مِنْ الْمَيْتَةِ فَخَطَأٌ، لِأَنَّهُ خِلَافُ الْأَثَرِ الصَّحِيحِ الَّذِي أَوْرَدْنَا «أَلَّا نَنْتَفِعَ مِنْ الْمَيْتَةِ بِإِهَابٍ وَلَا عَصَبٍ» وَجَاءَ الْخَبَرُ بِإِبَاحَةِ الْإِهَابِ إذَا دُبِغَ، فَبَقِيَ الْعَصَبُ عَلَى التَّحْرِيمِ، وَالْعَقِبُ عَصَبٌ بِلَا شَكٍّ، وَكَذَلِكَ تَفْرِيقُهُ بَيْنَ جُلُودِ السِّبَاعِ وَالْمَيْتَاتِ وَجِلْدِ الْخِنْزِيرِ خَطَأٌ، لِأَنَّ كُلَّ ذَلِكَ مَيْتَةٌ مُحَرَّمٌ، وَلَا نَعْلَمُ هَذِهِ التَّفَارِيقَ وَلَا هَذَا الْقَوْلَ عَنْ أَحَدٍ قَبْلَهُ.

L2809–2811 As for Mālik's differentiation between the skin of animals whose meat is edible and those whose meat is not, it is mistaken, because Allah the Exalted prohibited carrion just as He prohibited swine, and there is no distinction. Allah the Exalted said: "Forbidden to you are carrion, blood, and the flesh of swine" [Al-Mā'idah: 3]. There is no distinction between a dead ram and a dead pig in his view, nor in our view, nor in the view of any Muslim concerning the prohibition. Similarly, his differentiation between the skin of a donkey and the skin of predatory animals is erroneous, for the prohibition applies to predatory animals just as it does to donkeys, with no distinction. What is astonishing is that his followers do not permit the use of a horse's skin if it is tanned, even though its meat is lawful by explicit text when ritually slaughtered, yet they permit the use of a predatory animal's skin if it is tanned, even though it is inherently unlawful, as ritual slaughter is not applied to it by explicit text. Likewise, his prohibition of using them for prayer if they are tanned is erroneous, for it arbitrarily distinguishes between different forms of use without any textual basis from the Quran, the Sunnah, the statements of the Companions, the Successors, or analogical reasoning. We know of no one before him who made such a distinction.[22]

وَأَمَّا تَفْرِيقُ مَالِكٍ بَيْنَ جِلْدِ مَا يُؤْكَلُ لَحْمُهُ وَبَيْنَ جِلْدِ مَا لَا يُؤْكَلُ لَحْمُهُ خَطَأٌ، لِأَنَّ اللَّهَ تَعَالَى حَرَّمَ الْمَيْتَةَ كَمَا حَرَّمَ الْخِنْزِيرَ وَلَا فَرْقَ. قَالَ اللَّهُ تَعَالَى: {حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنْزِيرِ} [المائدة: ٣] وَلَا فَرْقَ بَيْنَ كَبْشٍ مَيِّتٍ وَبَيْنَ خِنْزِيرٍ مَيِّتٍ عِنْدَهُ وَلَا عِنْدَنَا وَلَا عِنْدَ مُسْلِمٍ فِي التَّحْرِيمِ. وَكَذَلِكَ فَرْقُهُ بَيْنَ جِلْدِ الْحِمَارِ وَجِلْدِ السَّبَاعِ خَطَأٌ، لِأَنَّ التَّحْرِيمَ جَاءَ فِي السِّبَاعِ كَمَا جَاءَ فِي الْحُمُرِ وَلَا فَرْقَ، وَالْعَجَبُ أَنَّ أَصْحَابَهُ لَا يُجِيزُونَ الِانْتِفَاعَ بِجِلْدِ الْفَرَسِ إذَا دُبِغَ، وَلَحْمُهُ إذَا ذُكِّيَ حَلَالٌ بِالنَّصِّ، وَيُجِيزُونَ الِانْتِفَاعَ بِجِلْدِ السَّبُعِ إذَا دُبِغَ، وَهُوَ حَرَامٌ لَا تُعْمَلُ فِيهِ الذَّكَاةُ بِالنَّصِّ، وَكَذَلِكَ مَنْعُهُ مِنْ الصَّلَاةِ عَلَيْهَا إذَا دُبِغَتْ خَطَأٌ، لِأَنَّهُ تَفْرِيقٌ بَيْنَ وُجُوهِ الِانْتِفَاعِ بِلَا نَصِّ قُرْآنٍ وَلَا سُنَّةٍ وَلَا قَوْلِ صَاحِبٍ وَلَا تَابِعٍ وَلَا قِيَاسٍ، وَلَا نَعْلَمُ هَذَا التَّفْرِيقَ عَنْ أَحَدٍ قَبْلَهُ.

L2812 As for Al-Shafi'i's distinction between the hides of predatory animals and the hide of the dog and pig, this is erroneous, for all such are carrion - equally unlawful. His claim that the meaning of the Prophet's statement - peace be upon him - "When the hide is tanned, it has become purified" implies

وَأَمَّا تَفْرِيقُ الشَّافِعِيِّ بَيْنَ جُلُودِ السِّبَاعِ وَجِلْدِ الْكَلْبِ وَالْخِنْزِيرِ فَخَطَأٌ، لِأَنَّ كُلَّ ذَلِكَ مَيْتَةٌ حَرَامٌ سَوَاءٌ، وَدَعْوَاهُ أَنَّ مَعْنَى قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إذَا دُبِغَ الْإِهَابُ فَقَدْ

[22] **Qur'an references (L2809):** Qur'an 5:3 (Al-Ma'idah).

it returned to its purity is mistaken - an assertion without proof. Rather, the statement is understood according to its apparent meaning: that at that point it has become purified. We know of no precedent for this distinction from any scholar before him.

طَهُرَ» أَنَّ مَعْنَاهُ عَادَ إِلَى طَهَارَتِهِ خَطَأٌ، وَقَوْلٌ بِلَا بُرْهَانٍ، بَلْ هُوَ عَلَى ظَاهِرِهِ أَنَّهُ حِينَئِذٍ طَهُرَ، وَلَا نَعْلَمُ هَذَا التَّفْرِيقَ عَنْ أَحَدٍ قَبْلَهُ.

L2813 Ali said: As for everything on the skin—whether wool, hair, or fur—all of it is pure after tanning, not before. This is because the Prophet—peace and blessings of Allah be upon him—knew that the skins of dead animals bear hair, feathers, fur, and wool, yet he neither commanded the removal of these nor permitted the use of anything from them before tanning. All such elements before tanning are part of the dead animal and are forbidden. After tanning, all becomes pure and ceases to be a dead animal, rendering it lawful—excluding its consumption. Since it is lawful, wearing it in prayer or otherwise and selling such items fall within the permissible benefit enjoined by the Messenger of Allah—peace and blessings of Allah be upon him. If removed before tanning, none of it may be used; it remains forbidden, as tanning does not affect it. If removed after tanning, it has been purified and becomes lawful after that, like the rest of permissible things—excluding consumption.

قَالَ عَلِيٌّ: أَمَّا كُلُّ مَا كَانَ عَلَى الْجِلْدِ مِنْ صُوفٍ أَوْ شَعْرٍ أَوْ وَبَرٍ فَهُوَ بَعْدَ الدِّبَاغِ طَاهِرٌ كُلُّهُ لَا قَبْلَ الدِّبَاغِ؛ لِأَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ عَلِمَ أَنَّ عَلَى جُلُودِ الْمَيْتَةِ الشَّعْرَ وَالرِّيشَ وَالْوَبَرَ وَالصُّوفَ، فَلَمْ يَأْمُرْ بِإِزَالَةِ ذَلِكَ وَلَا أَبَاحَ اسْتِعْمَالَ شَيْءٍ مِنْ ذَلِكَ قَبْلَ الدِّبَاغِ، وَكُلُّ ذَلِكَ قَبْلَ الدِّبَاغِ بَعْضُ الْمَيْتَةِ حَرَامٌ، وَكُلُّ ذَلِكَ بَعْدَ الدِّبَاغِ طَاهِرٌ لَيْسَ مَيْتَةً، فَهُوَ حَلَالٌ حَاشَا أَكْلَهُ، وَإِذْ هُوَ حَلَالٌ فَلِبَاسُهُ فِي الصَّلَاةِ وَغَيْرِهَا وَبَيْعُ كُلِّ ذَلِكَ دَاخِلٌ فِي الِانْتِفَاعِ الَّذِي أَمَرَ بِهِ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِنْ أُزِيلَ ذَلِكَ عَنْ الْجِلْدِ قَبْلَ الدِّبَاغِ لَمْ يَجُزْ الِانْتِفَاعُ بِشَيْءٍ مِنْهُ، وَهُوَ حَرَامٌ، إذْ لَا يَدْخُلُ الدِّبَاغُ فِيهِ، وَإِنْ أُزِيلَ بَعْدَ الدِّبَاغِ فَقَدْ طَهُرَ، فَهُوَ حَلَالٌ بَعْدُ كَسَائِرِ الْمُبَاحَاتِ حَاشَا أَكْلَهُ فَقَطْ.

L2814 As for bones, feathers, and horns—all these are parts of a living animal. The ownership and sale of a living animal are permissible unless restricted by an explicit text. All such parts from a dead animal are considered dead, and the Prophet (peace be upon him) authentically prohibited the sale of dead animals. Any part of a dead animal is subject to the same rulings as the dead animal itself; thus, selling any of these parts is impermissible. Yet benefiting from all such parts is permissible, based on his statement—peace be upon him—"Only its consumption has been forbidden," thus permitting all other uses except what is explicitly named as prohibited, such as selling them, using their fats for greasing, and using their tendons and meat.

وَأَمَّا الْعَظْمُ وَالرِّيشُ وَالْقَرْنُ فَكُلُّ ذَلِكَ مِنْ الْحَيِّ بَعْضُ الْحَيِّ، وَالْحَيُّ مُبَاحٌ مِلْكُهُ وَبَيْعُهُ إلَّا مَا مَنَعَ مِنْ ذَلِكَ نَصٌّ، وَكُلُّ ذَلِكَ مِنْ الْمَيْتَةِ مَيْتَةٌ، وَقَدْ صَحَّ تَحْرِيمُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيْعَ الْمَيْتَةِ، وَبَعْضُ الْمَيْتَةِ مَيْتَةٌ، فَلَا يَحِلُّ بَيْعُ شَيْءٍ مِنْ ذَلِكَ، وَالِانْتِفَاعُ بِكُلِّ ذَلِكَ جَائِزٌ، لِقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إنَّمَا حُرِّمَ أَكْلُهَا» فَأَبَاحَ مَا عَدَا ذَلِكَ إلَّا مَا حُرِّمَ بِاسْمِهِ مِنْ بَيْعِهَا وَالِادِّهَانِ بِشُحُومِهَا، وَمِنْ عَصَبِهَا وَلَحْمِهَا.

L2815–2817 As for the hair and bones of swine, all of it is unlawful. It is unlawful to possess or derive benefit from any part of it, because Allah the Exalted said: "or the flesh of swine, for indeed, it is unclean" [Al-An'am 6:145]. The

pronoun refers back. As for the nearest mentioned [ruling], the entire pig is an abomination, and the abomination must be avoided, by the statement of the Most High: "An abomination from the work of Satan, so avoid it" [Al-Mā'idah: 90]. Excepted is the skin, for it becomes pure through tanning based on the universal applicability of his statement – peace be upon him – "Any hide that is tanned has been purified." Ali said: As for human skin, the prohibition of the Messenger of Allah – peace and blessings be upon him – against mutilation has been established, and skinning is the gravest form of mutilation. Thus, it is impermissible to mutilate a disbeliever or a believer. His command – peace be upon him – to cast the slain disbelievers of Badr into the well has been established, thus it is obligatory to bury every deceased person, disbeliever or believer. And success is from Allah, the Exalted.[23]

وَأَمَّا شَعْرُ الْخِنْزِيرِ وَعَظْمُهُ فَحَرَامٌ كُلُّهُ، لَا يَحِلُّ أَنْ يُتَمَلَّكَ وَلَا أَنْ يُنْتَفَعَ بِشَيْءٍ مِنْهُ، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {أَوْ لَحْمَ خِنْزِيرٍ فَإِنَّهُ رِجْسٌ} [الأنعام: ١٤٥] وَالضَّمِيرُ رَاجِعٌ إِلَى أَقْرَبِ مَذْكُورٍ، فَالْخِنْزِيرُ كُلُّهُ رِجْسٌ، وَالرِّجْسُ وَاجِبٌ اجْتِنَابُهُ، بِقَوْلِهِ تَعَالَى: {رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ} [المائدة: ٩٠] حَاشَا الْجِلْدَ فَإِنَّهُ بِالدِّبَاغِ طَاهِرٌ بِعُمُومِ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «وَأَيُّمَا إِهَابٍ دُبِغَ فَقَدْ طَهُرَ» قَالَ عَلِيٌّ: وَأَمَّا جِلْدُ الْإِنْسَانِ فَقَدْ صَحَّ «نَهْيُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْمُثْلَةِ» ، وَالسَّلْخُ أَعْظَمُ الْمُثْلَةِ، فَلَا يَحِلُّ التَّمْثِيلُ بِكَافِرٍ وَلَا مُؤْمِنٍ، وَصَحَّ أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِإِلْقَاءِ قَتْلَى كُفَّارِ بَدْرٍ فِي الْقَلِيبِ، فَوَجَبَ دَفْنُ كُلِّ مَيِّتٍ كَافِرٍ وَمُؤْمِنٍ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Issue: A vessel [used for] wine if the wine in it has turned into vinegar.

[مَسْأَلَةٌ إنَاءُ الْخَمْرِ إنْ تَخَلَّلَتْ الْخَمْرُ فِيهِ]

130 – Issue: If wine in a vessel turns into vinegar, the vessel becomes ritually pure. It is permissible to perform ablution with it and drink from it without washing. If the wine is spilled, the trace of wine must necessarily be removed with any pure substance, whereupon the vessel becomes pure – whether it is earthenware, a wooden utensil, plain wood, copper, stone, or any other material.

١٣٠ - مَسْأَلَةٌ: وَإِنَاءُ الْخَمْرِ إنْ تَخَلَّلَتْ الْخَمْرُ فِيهِ فَقَدْ صَارَ طَاهِرًا يُتَوَضَّأُ فِيهِ وَيُشْرَبُ وَإِنْ لَمْ يُغْسَلْ، فَإِنْ أُهْرِقَتْ أُزِيلَ أَثَرُ الْخَمْرِ - وَلَا بُدَّ - بِأَيِّ شَيْءٍ مِنْ الطَّاهِرَاتِ أُزِيلَ، وَيَطْهُرُ الْإِنَاءُ حِينَئِذٍ سَوَاءٌ كَانَ فَخَّارًا أَوْ عُودًا أَوْ خَشَبًا أَوْ نُحَاسًا أَوْ حَجَرًا أَوْ غَيْرَ ذَلِكَ.

As for wine, it is prohibited by the explicit text and certain consensus; thus, avoiding it is obligatory. Allah the Exalted said: _"Indeed, wine, gambling, idols, and divining arrows are an abomination of Satan's handiwork—so avoid it"_ [Al-Mā'idah 5:90]. If wine naturally turns into vinegar or is deliberately converted to vinegar, then vinegar is lawful by explicit text and ritually pure. Abdullah ibn Rabee', Muhammad ibn Ishaq, Ibn Al-A'rabi, Abu Dawud, Uthman ibn Abi Shaybah, Mu'awiyah ibn Hisham, Sufyan—that is, Al-Thawri—from Muharib ibn Dithar from Jabir ibn Abdullah, who said:

أَمَّا الْخَمْرُ فَمُحَرَّمَةٌ بِالنَّصِّ وَالْإِجْمَاعِ الْمُتَيَقَّنِ، فَوَاجِبٌ اجْتِنَابُهَا. قَالَ تَعَالَى: {إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالأَنْصَابُ وَالأَزْلامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ} [المائدة: ٩٠] فَإِذَا تَخَلَّلَتْ الْخَمْرُ أَوْ خُلِّلَتْ فَالْخَلُّ حَلَالٌ بِالنَّصِّ طَاهِرٌ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا عُثْمَانُ بْنُ أَبِي شَيْبَةَ ثنا مُعَاوِيَةُ بْنُ هِشَامٍ ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ - عَنْ مُحَارِبِ بْنِ دِثَارٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ

L2818 L2819 L2820–2822

[23] **Qur'an references (L2815):** Qur'an 6:145 (Al-An'am); Qur'an 5:90 (Al-Ma'idah).

The Messenger of Allah—peace be upon him—said, _"Vinegar is an excellent condiment."_ He generalized—peace be upon him—and did not specify. Vinegar is not wine, for the lawful ritually pure is distinct from the unlawful impure without doubt. Therefore, there is no... If the wine had been originally present, and no trace of it remains in the vessel, then there is nothing present that must be avoided and removed. However, if the trace of wine becomes apparent in the vessel, then it is undoubtedly present. Removing it and avoiding it are obligations. There is no explicit text or consensus specifying any particular means by which it must be removed. Thus, it is valid that any means by which it is removed fulfills our obligation regarding its removal. Praise be to Allah, Lord of the Worlds. When it is removed, the vessel becomes pure, because there is nothing present that must be avoided on its account.[24]

L2823 **Issue: Semen is ritually pure.**

L2824 Issue 131: Semen is pure whether found in water, on the body, or on garments, and its removal is not obligatory. Saliva shares the same ruling, with no legal distinction between them.

L2825 Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-A'rabi narrated to us: al-Dabari narrated to us: Abd al-Razzaq narrated to us from Sufyan al-Thawri and Sufyan ibn Uyaynah—both of them—from Mansur ibn al-Mu'tamir from Ibrahim al-Nakha'i from Hammam ibn al-Harith, who said: "Aisha, the Mother of the Believers, sent to a guest of hers to invite him. They said: 'He is performing ghusl for major ritual impurity in his garment.' She said: 'Why is he washing [the semen]? I used to scrub it from the garment of the Messenger of Allah (peace be upon him).'" Thus, she (may Allah be pleased with her) disapproved of washing semen.

L2826 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: Ahmad ibn Jawwas al-Hanafi, Abu Asim, narrated to us: Abu al-Ahwash narrated

[24] **Qur'an references (L2820):** Qur'an 5:90 (Al-Ma'idah).

اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «نِعْمَ الْإِدَامُ الْخَلُّ» فَعَمَّ - عَلَيْهِ السَّلَامُ - وَلَمْ يَخُصَّ، وَالْخَلُّ لَيْسَ خَمْرًا، لِأَنَّ الْحَلَالَ الطَّاهِرَ غَيْرُ الْحَرَامِ الرِّجْسِ بِلَا شَكٍّ، فَإِذَنْ لَا خَمْرَ هُنَالِكَ أَصْلًا، وَلَا أَثَرَ لَهَا فِي الْإِنَاءِ، فَلَيْسَ هُنَالِكَ شَيْءٌ يَجِبُ اجْتِنَابُهُ وَإِزَالَتُهُ. وَأَمَّا إِذَا ظَهَرَ أَثَرُ الْخَمْرِ فِي الْإِنَاءِ فَهِيَ هُنَالِكَ بِلَا شَكٍّ. وَإِزَالَتُهَا وَاجْتِنَابُهَا فَرْضٌ. وَلَا نَصَّ وَلَا إِجْمَاعَ فِي شَيْءٍ مَا بِعَيْنِهِ تُزَالُ بِهِ. فَصَحَّ أَنَّ كُلَّ شَيْءٍ أُزِيلَتْ بِهِ فَقَدْ أَدَّيْنَا مَا عَلَيْنَا مِنْ وَاجِبِ إِزَالَتِهَا. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. وَإِذَا أُزِيلَتْ فَالْإِنَاءُ طَاهِرٌ، لِأَنَّهُ لَيْسَ هُنَالِكَ شَيْءٌ يَجِبُ اجْتِنَابُهُ مِنْ أَجْلِهِ.

[مَسْأَلَةٌ الْمَنِيُّ طَاهِرٌ]

١٣١ - مَسْأَلَةٌ: وَالْمَنِيُّ طَاهِرٌ فِي الْمَاءِ كَانَ أَوْ فِي الْجَسَدِ أَوْ فِي الثَّوْبِ وَلَا تَجِبُ إِزَالَتُهُ، وَالْبُصَاقُ مِثْلُهُ وَلَا فَرْقَ.

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ وَسُفْيَانَ بْنِ عُيَيْنَةَ كِلَاهُمَا عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ هَمَّامِ بْنِ الْحَارِثِ قَالَ «أَرْسَلَتْ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ إِلَى ضَيْفٍ لَهَا تَدْعُوهُ فَقَالُوا: هُوَ يَغْسِلُ جَنَابَةً فِي ثَوْبِهِ، قَالَتْ وَلِمَ يَغْسِلُهُ؟ لَقَدْ كُنْتُ أَفْرُكُهُ مِنْ ثَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» فَأَنْكَرَتْ - رَضِيَ اللَّهُ عَنْهَا - غَسْلَ الْمَنِيِّ.

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 أَحْمَدُ بْنُ جَوَّاسٍ الْحَنَفِيُّ أَبُو عَاصِمٍ ثنا أَبُو الْأَحْوَصِ عَنْ شَبِيبِ بْنِ غَرْقَدَةَ عَنْ عَبْدِ اللَّهِ بْنِ شِهَابٍ الْخَوْلَانِيِّ قَالَ «كُنْتُ

نَازِلًا عَلَى عَائِشَةَ فَاحْتَلَمْتُ فِي ثَوْبَيَّ فَغَمَسْتُهُمَا فِي الْمَاءِ، فَرَأَتْنِي جَارِيَةٌ لِعَائِشَةَ فَأَخْبَرَتْهَا، فَبَعَثَتْ إِلَيَّ عَائِشَةُ: مَا حَمَلَكَ عَلَى مَا صَنَعْتَ بِثَوْبَيْكَ؟ قُلْتُ: رَأَيْتُ مَا يَرَى النَّائِمُ فِي مَنَامِهِ: قَالَتْ: هَلْ رَأَيْتَ فِيهِمَا شَيْئًا؟ قُلْتُ لَا، قَالَتْ: فَلَوْ رَأَيْتَ شَيْئًا غَسَلْتَهُ لَقَدْ رَأَيْتُنِي وَإِنِّي لَأَحُكُّهُ مِنْ ثَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَابِسًا بِظُفُرِي» فَهَذِهِ الرِّوَايَةُ تُبَيِّنُ كَذِبَ مَنْ تَخَرَّصَ بِلَا عِلْمٍ وَقَالَ: كَانَتْ تَفْرُكُهُ بِالْمَاءِ.

from Shabib ibn Gharqadah from Abdullah ibn Shihab al-Khawlani, who said: “I was staying with Aisha, and I had a nocturnal emission in my two garments, so I immersed them in water. A servant of Aisha saw me and informed her. Aisha then sent me a message: ’What prompted you to treat your garments thus?’ I replied: ’I saw what a sleeper sees in his sleep.’ She asked: ’Did you perceive anything in them?’ I said: ’No.’ She said: ’Had you perceived anything, you would have washed the garment. I indeed saw myself scraping it off the garment of the Messenger of Allah—peace and blessings be upon him—while it was dry, using my fingernail.’” This narration clarifies the falsehood of those who falsely assert without knowledge and say: “She would scrub it with water.”

L2827–2829

حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادُ بْنُ سَلَمَةَ ثنا حَمَّادُ بْنُ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ عَنِ الْأَسْوَدِ بْنِ يَزِيدَ «أَنَّ عَائِشَةَ قَالَتْ كُنْتُ أَفْرُكُ الْمَنِيَّ مِنْ ثَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَيُصَلِّي فِيهِ» وَقَدْ رَوَاهُ أَيْضًا عَلْقَمَةُ بْنُ قَيْسٍ وَالْحَارِثُ بْنُ نَوْفَلٍ عَنْ عَائِشَةَ مُسْنَدًا، وَهَذَا تَوَاتُرٌ، وَصَحَّ عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ أَنَّهُ كَانَ يَفْرُكُ الْمَنِيَّ مِنْ ثَوْبِهِ، وَصَحَّ عَنِ ابْنِ عَبَّاسٍ فِي الْمَنِيِّ يُصِيبُ الثَّوْبَ، هُوَ بِمَنْزِلَةِ النُّخَامِ وَالْبُزَاقِ امْسَحْهُ بِإِذْخِرَةٍ أَوْ بِخِرْقَةٍ، وَلَا تَغْسِلْهُ إِنْ شِئْتَ إِلَّا أَنْ تُقَذِّرَهُ أَوْ تَكْرَهَ أَنْ يُرَى فِي ثَوْبِكَ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَبِي ثَوْرٍ وَأَحْمَدَ بْنِ حَنْبَلٍ وَأَبِي سُلَيْمَانَ وَجَمِيعِ أَصْحَابِهِمْ. وَقَالَ مَالِكٌ: هُوَ نَجِسٌ وَلَا يُجْزِئُ إِلَّا غَسْلُهُ بِالْمَاءِ. وَرُوِّينَا غَسْلَهُ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَأَبِي هُرَيْرَةَ وَأَنَسٍ وَسَعِيدِ بْنِ الْمُسَيِّبِ. وَقَالَ أَبُو حَنِيفَةَ: هُوَ نَجِسٌ، فَإِنْ كَانَ فِي الْجَسَدِ مِنْهُ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ لَمْ يُجْزِئْ فِي إِزَالَتِهِ غَيْرُ الْمَاءِ، فَإِنْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ أَجْزَأَتْ إِزَالَتُهُ بِغَيْرِ الْمَاءِ، فَإِنْ كَانَ فِي الثَّوْبِ أَوِ النَّعْلِ أَوِ الْخُفِّ مِنْهُ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ، فَإِنْ كَانَ رَطْبًا لَمْ يَجُزْ إِلَّا غَسْلُهُ بِأَيِّ مَائِعٍ كَانَ، فَإِنْ كَانَ

Hammam narrated to us → Abbas ibn Asbagh → Muhammad ibn Abd al-Malik ibn Ayman → Ahmad ibn Zuhayr ibn Harb → Musa ibn Ismail → Hammad ibn Salamah → Hammad ibn Abi Sulayman → Ibrahim → Al-Aswad ibn Yazid, that Aisha said: “I used to scrub semen from the garment of Allah’s Messenger (peace be upon him), and he would pray in it.” This was also narrated by Alqamah ibn Qays and Al-Harith ibn Nawfal via connected chains from Aisha, and this constitutes a mass-transmitted (mutawatir) narration. It is authentically established from Sa’d ibn Abi Waqqas that he would scrub semen from his garment. Regarding semen touching a garment, Ibn Abbas authentically ruled: “It is treated like nasal mucus and saliva; wipe it with idhkhir, an aromatic grass, or a piece of cloth.” And do not wash it if you wish unless you deem it impure or dislike its visibility on your garment. This is the position of Sufyan al-Thawri, al-Shafi’i, Abu Thawr, Ahmad ibn Hanbal, Abu Sulayman, and all their companions. Malik said: “It is impure, and nothing suffices except washing it with water.” We have narrated the washing of it from Umar ibn al-Khattab, Abu Hurayrah, Anas, and Sa’id ibn al-Musayyib. Abu Hanifa said: “It is impure. If the amount on the body exceeds the weight of a mule dirham, only water suffices for its removal. If it equals or is less than a mule dirham, removal with other than water suffices. If the amount on a garment, sandal, or khuff exceeds a mule dirham and is wet, only washing with any liquid suffices. If dry, or if equal to or less than a mule dirham even when wet, mere wiping suffices.” We have

narrated from Ibn Umar that he said: “If wet, wash it; if dry, scrape it.” Ali said: “Those who deem semen impure cited as evidence a hadith we narrated through Sulayman ibn Yasar from Aisha: ’Allah’s Messenger (peace be upon him) used to wash semen, and I would wash it from the garment of Allah’s Messenger (peace be upon him).”’ They argued: “It exits through the urinary passage, thus becoming impure,” citing a hadith we narrated through Abu Hudhayfa from Sufyan al-Thawri – once via al-A’mash and once via Mansur – then through Ibrahim from Hammam ibn al-Harith from Aisha regarding semen: “Allah’s Messenger (peace be upon him) would order scraping it.” Ali responded: “This contains no proof for them. As for the Companions (may Allah be pleased with them), we have narrations from Aisha, Sa’d, and Ibn Abbas aligning with our view. When Companions (may Allah be pleased with them) disagree, none holds precedence; rather, referral to the Quran and Sunnah becomes obligatory.”

يَابِسًا أَوْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ وَإِنْ كَانَ رَطْبًا أَجْزَأَ مَسْحُهُ فَقَطْ، وَرُوِّينَا عَنْ ابْنِ عُمَرَ أَنَّهُ قَالَ: إنْ كَانَ رَطْبًا فَاغْسِلْهُ وَإِنْ كَانَ يَابِسًا فَحُتَّهُ. قَالَ عَلِيٌّ: وَاحْتَجَّ مَنْ رَأَى نَجَاسَةَ الْمَنِيِّ بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ سُلَيْمَانَ بْنِ يَسَارٍ عَنْ عَائِشَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَغْسِلُ الْمَنِيَّ وَكُنْتُ أَغْسِلُهُ مِنْ ثَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» . وَقَالُوا: هُوَ خَارِجٌ مِنْ مَخْرَجِ الْبَوْلِ فَيَنْجَسُ لِذَلِكَ وَذَكَرُوا حَدِيثًا رُوِّينَاهُ مِنْ طَرِيقِ أَبِي حُذَيْفَةَ عَنْ سُفْيَانَ الثَّوْرِيِّ مَرَّةً قَالَ: عَنْ الْأَعْمَشِ، وَمَرَّةً قَالَ: عَنْ مَنْصُورٍ، ثُمَّ اسْتَمَرَّ، عَنْ إبْرَاهِيمَ عَنْ هَمَّامِ بْنِ الْحَارِثِ عَنْ عَائِشَةَ فِي الْمَنِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُ بِحَتِّهِ» . قَالَ عَلِيٌّ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ. أَمَّا الصَّحَابَةُ - رَضِيَ اللَّهُ عَنْهُمْ - فَقَدْ رُوِّينَا عَنْ عَائِشَةَ وَسَعْدٍ وَابْنِ عَبَّاسٍ مِثْلَ قَوْلِنَا، وَإِذَا تَنَازَعَ الصَّحَابَةُ - رَضِيَ اللَّهُ عَنْهُمْ - فَلَيْسَ بَعْضُهُمْ أَوْلَى مِنْ بَعْضٍ، بَلْ الرَّدُّ حِينَئِذٍ وَاجِبٌ إلَى الْقُرْآنِ وَالسُّنَّةِ.

L2830–2832 As for the narration of Sulayman ibn Yasar, it contains no command from the Messenger of Allah—peace and blessings be upon him—to wash it, eradicate it, or declare it impure. It merely states that he—peace and blessings be upon him—would wash it, and that Aisha would wash it. The Prophet’s actions—peace and blessings be upon him—are not binding obligations. Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: Imam al-Bukhari narrated to us: Malik ibn Ismail narrated to us: Zuhayr—meaning ibn Muawiyah—narrated to us: Humaid narrated from Anas ibn Malik: “The Messenger of Allah—peace and blessings be upon him—saw phlegm in the prayer direction and scraped it off with his hand, and his dislike for it was observed.” Yet this does not constitute evidence for our opponents regarding the impurity of phlegm, for one may wash their garment of something that is not impure. As for Sufyan’s narration, it was solely transmitted by Abu Hudhayfah Musa

وَأَمَّا حَدِيثُ سُلَيْمَانَ بْنِ يَسَارٍ فَلَيْسَ فِيهِ أَمْرٌ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِغَسْلِهِ وَلَا بِإِزَالَتِهِ وَلَا بِأَنَّهُ نَجِسٌ. وَإِنَّمَا فِيهِ أَنَّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَغْسِلُهُ. وَأَنَّ عَائِشَةَ تَغْسِلُهُ، وَأَفْعَالُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَيْسَتْ عَلَى الْوُجُوبِ، وَقَدْ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مَالِكُ بْنُ إسْمَاعِيلَ ثنا زُهَيْرٌ هُوَ ابْنُ مُعَاوِيَةَ - ثنا حُمَيْدٌ عَنْ أَنَسِ بْنِ مَالِكٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَأَى نُخَامَةً فِي الْقِبْلَةِ فَحَكَّهَا بِيَدِهِ وَرُئِيَ كَرَاهِيَتُهُ لِذَلِكَ» فَلَمْ يَكُنْ هَذَا دَلِيلًا عِنْدَ خُصُومِنَا عَلَى نَجَاسَةِ النُّخَامَةِ، وَقَدْ يَغْسِلُ الْمَرْءُ ثَوْبَهُ مِمَّا لَيْسَ نَجِسًا. وَأَمَّا حَدِيثُ سُفْيَانَ فَإِنَّمَا انْفَرَدَ بِهِ أَبُو حُذَيْفَةَ مُوسَى بْنُ مَسْعُودٍ النَّهْدِيُّ، بَصْرِيٌّ

ضَعِيفٌ مُصَحِّفٌ كَثِيرُ الْخَطَإِ، رَوَى عَنْ سُفْيَانَ الْبَوَاطِلَ، قَالَ أَحْمَدُ بْنُ حَنْبَلٍ فِيهِ: هُوَ شِبْهُ لَا شَيْءَ، كَأَنَّ سُفْيَانَ الَّذِي يُحَدِّثُ عَنْهُ أَبُو حُذَيْفَةَ لَيْسَ سُفْيَانَ الَّذِي يُحَدِّثُ عَنْهُ النَّاسَ.

ibn Masud al-Nahdi, a Basran narrator who is weak and prone to scribal errors. He is prone to many errors and narrated falsehoods from Sufyan. Ahmad ibn Hanbal said about him: "He is akin to nothing. It is as though the Sufyan from whom Abu Hudhayfah narrates is not the same Sufyan from whom others narrate."

وَأَمَّا قَوْلُهُمْ: إِنَّهُ يَخْرُجُ مِنْ مَخْرَجِ الْبَوْلِ، فَلَا حُجَّةَ فِي هَذَا، لِأَنَّهُ لَا حُكْمَ لِلْبَوْلِ مَا لَمْ يَظْهَرْ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {مِنْ بَيْنِ فَرْثٍ وَدَمٍ لَبَنًا خَالِصًا} [النحل: ٦٦] فَلَمْ يَكُنْ خُرُوجُ اللَّبَنِ مِنْ بَيْنِ الْفَرْثِ وَالدَّمِ مُنَجِّسًا لَهُ، فَسَقَطَ كُلُّ مَا تَعَلَّقُوا بِهِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2833 As for their statement that it exits through the urinary passage, there is no proof in this, for urine has no legal ruling until it is discharged. Allah the Exalted said: "From between excrement and blood, pure milk" [16:66]. Thus, the emergence of milk from between excrement and blood does not render the milk impure. Therefore, all that they based their argument on collapses. And success is from Allah, the Exalted.[25]

وَقَالَ بَعْضُهُمْ: يَغْسِلُهُ رَطْبًا عَلَى حَدِيثِ سُلَيْمَانَ بْنِ يَسَارٍ، وَيَحُكُّهُ يَابِسًا عَلَى سَائِرِ الْأَحَادِيثِ. قَالَ عَلِيٌّ: وَهَذَا بَاطِلٌ، لِأَنَّهُ لَيْسَ فِي حَدِيثِ سُلَيْمَانَ أَنَّهُ كَانَ رَطْبًا، وَلَا فِي سَائِرِ الْأَحَادِيثِ أَنَّهُ كَانَ يَابِسًا، إِلَّا فِي حَدِيثِ الْخَوْلَانِيِّ وَحْدَهُ، فَفَصَلَ هَذَا الْقَائِلُ عَلَى الْكَذِبِ وَالتَّحَكُّمِ، إِذْ زَادَ فِي الْأَخْبَارِ مَا لَيْسَ فِيهَا. قَالَ عَلِيٌّ: وَقَدْ قَالَ بَعْضُهُمْ: مَعْنَى «كُنْتُ أَفْرُكُهُ» أَيْ بِالْمَاءِ. قَالَ عَلِيٌّ: وَهَذَا كَذِبٌ آخَرُ وَزِيَادَةٌ فِي الْخَبَرِ، فَكَيْفَ وَفِي بَعْضِ الْأَخْبَارِ - كَمَا أَوْرَدْنَا - «يَابِسًا بِظُفُرِي.» قَالَ عَلِيٌّ: وَلَوْ كَانَ نَجِسًا لَمَا تَرَكَ اللَّهُ تَعَالَى رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي بِهِ، وَلَأَخْبَرَهُ كَمَا أَخْبَرَهُ إِذْ صَلَّى بِنَعْلَيْهِ وَفِيهِمَا قَذَرٌ فَخَلَعَهُمَا، وَقَدْ ذَكَرْنَاهُ قَبْلَ هَذَا بِإِسْنَادِهِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2834 Some of them said: He washes it when moist according to the hadith of Sulayman ibn Yasar, and scrubs it dry according to the other hadiths. Ali said: This is invalid, for neither does Sulayman's hadith mention it being moist, nor do the other hadiths specify dryness except in Al-Khawlani's hadith alone. Thus, this individual has engaged in falsehood and presumption by adding to the reports what they do not contain. Ali said: Some of them also said the phrase "I used to scrub it" means "with water." Ali said: This is another lie and an addition to the report. How can this be, when some reports—as we have cited—state "dry with my nail"? Ali said: Had it been impure, Allah the Exalted would not have left His Messenger, peace and blessings of Allah be upon him, to pray with it, and would have informed him just as He informed him when he prayed wearing sandals containing filth, so he removed them. We have previously mentioned this with its chain of transmission. And success is from Allah, the Exalted.

[مَسْأَلَةٌ إِذَا أُحْرِقَتْ الْعَذِرَةُ أَوْ الْمَيْتَةُ أَوْ تَغَيَّرَتْ فَصَارَتْ رَمَادًا أَوْ تُرَابًا]

Issue: If excrement or a dead animal is burned, or if it is transformed into ashes or dust.

١٣٢ - مَسْأَلَةٌ: وَإِذَا أُحْرِقَتْ الْعَذِرَةُ أَوْ الْمَيْتَةُ أَوْ تَغَيَّرَتْ فَصَارَتْ رَمَادًا أَوْ تُرَابًا، فَكُلُّ ذَلِكَ طَاهِرٌ، وَيُتَيَمَّمُ بِذَلِكَ التُّرَابِ، بُرْهَانُ ذَلِكَ أَنَّ الْأَحْكَامَ إِنَّمَا هِيَ عَلَى مَا حَكَمَ اللَّهُ

132. Issue: If excrement or carrion is burned or transformed into ashes or dust, all of that becomes ritually pure, and tayammum may be performed

[25] **Qur'an references (L2833):** Qur'an 16:66 (An-Nahl).

with the dust. The proof lies in the fact that rulings apply only to what Allah, the Exalted, has decreed regarding matters to which that name applies—the name by which He has addressed us. When that name ceases to apply, the ruling ceases, for it is no longer the subject upon which Allah has ruled. Excrement is distinct from dust and ashes, just as wine differs from vinegar, a human differs from the blood from which he was created, and carrion differs from dust.

L2837 **A jurisprudential issue concerning the saliva of believers among men and women.**

L2838 133 – Issue: The saliva of believing men and women—including those in a state of major ritual impurity (junub), menstruating women, and others besides these two—the saliva of horses and any animal whose meat is lawful to eat, the sweat and tears of all the aforementioned, and the leftover of any animal whose meat is lawful to eat are pure and valid for prayer.

L2839–2841 Narrated to us ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid, who narrated to us Ibrāhīm ibn Aḥmad, who narrated to us al-Farbarī, who narrated to us al-Bukhārī, who narrated to us ʿAlī ibn ʿAbd Allāh, who narrated to us Yaḥyā ibn Saʿīd al-Qaṭṭān, who narrated to us Ḥumayd, who narrated to us Bakr, from Abī Rāfiʿ. From Abu Hurairah that the Prophet - peace and blessings of Allah be upon him - met him on one of the roads of Medina while Abu Hurairah was in a state of major impurity. He said: "I withdrew from him, went to perform ritual bathing, then returned. He said: 'Where were you, O Abu Hurairah?' I said: 'I was in a state of major impurity and disliked sitting with you without purification.' He said: 'Glory be to Allah! The believer is not impure.'" Ali said: "Every animal whose flesh is eaten is indisputably pure, for Allah the Exalted said: {He makes lawful for them the pure things and prohibits for them the impure things} [Al-A'raf: 157]. Thus, everything lawful is pure, and the pure cannot be impure; rather, it remains pure. Some of the pure is undoubtedly pure, for the whole is nothing but its parts until a textual proof comes prohibiting a portion of the pure, at which point it is adhered to, such as blood, urine, and excrement. These become

تَعَالَى بِهَا فِيهِ مِمَّا يَقَعُ عَلَيْهِ ذَلِكَ الِاسْمُ الَّذِي بِهِ خَاطَبَنَا اللَّهُ عَزَّ وَجَلَّ، فَإِذَا سَقَطَ ذَلِكَ الِاسْمُ فَقَدْ سَقَطَ ذَلِكَ الْحُكْمُ، وَأَنَّهُ غَيْرُ الَّذِي حَكَمَ اللَّهُ تَعَالَى فِيهِ. وَالْعَذِرَةُ غَيْرُ التُّرَابِ وَغَيْرُ الرَّمَادِ، وَكَذَلِكَ الْخَمْرُ غَيْرُ الْخَلِّ، وَالْإِنْسَانُ غَيْرُ الدَّمِ الَّذِي مِنْهُ خُلِقَ، وَالْمَيْتَةُ غَيْرُ التُّرَابِ.

[مَسْأَلَةٌ لُعَابُ الْمُؤْمِنِينَ مِنْ الرِّجَالِ وَالنِّسَاءِ]

١٣٣ - مَسْأَلَةٌ: وَلُعَابُ الْمُؤْمِنِينَ مِنْ الرِّجَالِ وَالنِّسَاءِ - الْجُنُبِ مِنْهُمْ وَالْحَائِضِ وَغَيْرِهِمَا - وَلُعَابُ الْخَيْلِ وَكُلِّ مَا يُؤْكَلُ لَحْمُهُ، وَعَرَقُ كُلِّ ذَلِكَ وَدَمْعُهُ، وَسُؤْرُ كُلِّ مَا يُؤْكَلُ لَحْمُهُ - طَاهِرٌ مُبَاحٌ الصَّلَاةُ بِهِ.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَلِيُّ بْنُ عَبْدِ اللَّهِ ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - ثنا حُمَيْدٌ ثنا بَكْرٌ عَنْ أَبِي رَافِعٍ «عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَقِيَهُ فِي بَعْضِ طُرُقِ الْمَدِينَةِ وَأَبُو هُرَيْرَةَ جُنُبٌ، قَالَ: فَانْخَنَسْتُ مِنْهُ فَذَهَبْتُ فَاغْتَسَلْتُ ثُمَّ جِئْتُ، فَقَالَ: أَيْنَ كُنْت يَا أَبَا هُرَيْرَةَ؟ قَالَ: كُنْت جُنُبًا فَكَرِهْتُ أَنْ أُجَالِسَكَ وَأَنَا عَلَى غَيْرِ طَهَارَةٍ قَالَ: سُبْحَانَ اللَّهِ إنَّ الْمُؤْمِنَ لَا يَنْجُسُ» . قَالَ عَلِيٌّ: وَكُلُّ مَا يُؤْكَلُ لَحْمُهُ فَلَا خِلَافَ فِي أَنَّهُ طَاهِرٌ، قَالَ اللَّهُ تَعَالَى: {وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ} [الأعراف: ١٥٧] فَكُلُّ حَلَالٍ هُوَ طَيِّبٌ، وَالطَّيِّبُ لَا يَكُونُ نَجِسًا بَلْ هُوَ طَاهِرٌ، وَبَعْضُ الطَّاهِرِ طَاهِرٌ بِلَا شَكٍّ، لِأَنَّ الْكُلَّ لَيْسَ هُوَ شَيْئًا غَيْرَ أَبْعَاضِهِ إلَى أَنْ يَأْتِيَ نَصٌّ بِتَحْرِيمِ بَعْضِ الطَّاهِرِ فَيُوقَفُ عِنْدَهُ،

exceptions from the category of pure things, while the remainder retains its purity. Success is attained through Allah the Exalted."[26]

L2842 **A legal issue regarding the saliva of disbelievers from among men and women—the People of the Book and others besides them.**

L2843–2845 134. Issue: The saliva of disbelievers—both men and women, including the People of the Book and others—is entirely impure. Similarly, their sweat, tears, and everything that originates from them is impure. The saliva of every animal whose flesh is impermissible to eat, whether birds or others such as pigs, dogs, cats, predators, or mice, is also impure, except for the hyena alone. The sweat and tears of all these mentioned animals are forbidden and must be avoided. The proof for this is Allah's statement, Exalted is He: "Indeed, the polytheists are impure" (Quran 9:28). It is certain that a part of an impure whole is impure, since the whole is nothing but its constituent parts. If it is argued that the meaning here refers to impurity in religious status, we respond: Suppose we grant this interpretation for argument's sake. Would it then necessitate that polytheists are ritually pure? Allah is far above such a claim! Never has it been understood from Allah's words "Indeed, the polytheists are impure" (Quran 9:28), combined with His Prophet's (peace be upon him) statement, "The believer does not become impure," that polytheists are pure. There is no greater wonder in this world than those who declare as pure those whom Allah explicitly states are impure, yet claim semen—for which no textual evidence establishes impurity—to be impure. Merely hearing such claims suffices to refute them, and we praise Allah for preservation from error. If it is argued: "We are permitted to marry and have intercourse with the women of the People of the Book," we respond: Yes, but what evidence does this provide that their saliva, sweat, or tears are pure? If it is said: "One cannot avoid such contact," we reply: This is incorrect. Rather, one must treat contact with their saliva or sweat as one would treat contact with their urine, blood, or vaginal fluid—there is no

[26] **Qur'an references (L2839):** Qur'an 7:157 (Al-A'raf).

كَالدَّمِ وَالْبَوْلِ وَالرَّجِيعِ، وَيَكُونُ مُسْتَثْنًى مِنْ جُمْلَةِ الطَّاهِرِ، وَيَبْقَى سَائِرُهَا عَلَى الطَّهَارَةِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ لُعَابُ الْكُفَّارِ مِنْ الرِّجَالِ وَالنِّسَاءِ الْكِتَابِيِّينَ وَغَيْرِهِمْ]

١٣٤ - مَسْأَلَةٌ: وَلُعَابُ الْكُفَّارِ مِنْ الرِّجَالِ وَالنِّسَاءِ - الْكِتَابِيِّينَ وَغَيْرِهِمْ - نَجِسٌ كُلُّهُ، وَكَذَلِكَ الْعَرَقُ مِنْهُمْ وَالدَّمْعُ، وَكُلُّ مَا كَانَ مِنْهُمْ، وَلُعَابُ كُلِّ مَا لَا يَحِلُّ أَكْلُ لَحْمِهِ مِنْ طَائِرٍ أَوْ غَيْرِهِ، مِنْ خِنْزِيرٍ أَوْ كَلْبٍ أَوْ هِرٍّ أَوْ سَبُعٍ أَوْ فَأْرٍ، حَاشَا الضَّبُعَ فَقَطْ، وَعَرَقُ كُلِّ مَا ذَكَرْنَا وَدَمْعُهُ - حَرَامٌ وَاجِبٌ اجْتِنَابُهُ. بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {إِنَّمَا الْمُشْرِكُونَ نَجَسٌ} [التوبة: ٢٨] وَبِيَقِينٍ يَجِبُ أَنَّ بَعْضَ النَّجَسِ نَجَسٌ؛ لِأَنَّ الْكُلَّ لَيْسَ هُوَ شَيْئًا غَيْرَ أَبْعَاضِهِ، فَإِنْ قِيلَ: إنَّ مَعْنَاهُ نَجَسُ الدِّينِ، قِيلَ: هَبْكُمْ أَنَّ ذَلِكَ كَذَلِكَ. أَيَجِبُ مِنْ ذَلِكَ أَنَّ الْمُشْرِكِينَ طَاهِرُونَ؟ حَاشَا لِلَّهِ مِنْ هَذَا وَمَا فُهِمَ قَطُّ مِنْ قَوْلِ اللَّهِ تَعَالَى: {إِنَّمَا الْمُشْرِكُونَ نَجَسٌ} [التوبة: ٢٨] مَعَ قَوْلِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ الْمُؤْمِنَ لَا يَنْجُسُ» أَنَّ الْمُشْرِكِينَ طَاهِرُونَ، وَلَا عَجَبَ فِي الدُّنْيَا أَعْجَبُ مِمَّنْ يَقُولُ فِيمَنْ نَصَّ اللَّهُ تَعَالَى أَنَّهُمْ نَجَسٌ إنَّهُمْ طَاهِرُونَ، ثُمَّ يَقُولُ فِي الْمَنِيِّ الَّذِي لَمْ يَأْتِ قَطُّ بِنَجَاسَتِهِ نَصٌّ إنَّهُ نَجِسٌ، وَيَكْفِي مِنْ هَذَا الْقَوْلِ سَمَاعُهُ. وَنَحْمَدُ اللَّهَ عَلَى السَّلَامَةِ. فَإِنْ قِيلَ: قَدْ أُبِيحَ لَنَا نِكَاحُ الْكِتَابِيَّاتِ وَوَطْؤُهُنَّ، قُلْنَا نَعَمْ، فَأَيُّ دَلِيلٍ فِي هَذَا عَلَى أَنَّ لُعَابَهَا وَعَرَقَهَا وَدَمْعَهَا طَاهِرٌ؟ فَإِنْ قِيلَ: إنَّهُ لَا يَقْدِرُ عَلَى التَّحَفُّظِ مِنْ ذَلِكَ. قُلْنَا: هَذَا خَطَأٌ، بَلْ يَفْعَلُ فِيمَا مَسَّهُ مِنْ لُعَابِهَا وَعَرَقِهَا مِثْلَ الَّذِي يَفْعَلُ إذَا مَسَّهُ بَوْلُهَا أَوْ دَمُهَا أَوْ مَائِيَّةُ فَرْجِهَا وَلَا فَرْقَ، وَلَا حَرَجَ فِي ذَلِكَ، ثُمَّ هَبْكَ أَنَّهُ لَوْ صَحَّ لَهُمْ ذَلِكَ فِي

distinction, and no sin in taking due precautions. Then, even if we were to hypothetically accept their claim in... Regarding the women of the People of the Book: What is the basis for their assertion about the ritual purity of their men, or the ritual purity of non-Ahl al-Kitab women and men? If they reply: "We established this through analogy to the People of the Book," we respond: "All analogical reasoning is entirely invalid. Furthermore, even if analogy were valid, this specific case would constitute the very essence of invalidity. The primary flaw lies in their legal cause for deeming the women of the Book ritually pure - the permissibility of marrying them - while this same legal cause is nonexistent according to their own acknowledgment regarding non-Ahl al-Kitab women. By their principles, analogy is only permissible when based on a unifying legal cause connecting both rulings, whereas here the cause serves differentiation rather than unification." And success comes only from Allah, the Exalted.[27]

نِسَاءِ أَهْلِ الْكِتَابِ، مِنْ أَيْنَ لَهُمْ طَهَارَةُ رِجَالِهِمْ أَوْ طَهَارَةُ النِّسَاءِ وَالرِّجَالِ مِنْ غَيْرِ أَهْلِ الْكِتَابِ؟ فَإِنْ قَالُوا: قُلْنَا ذَلِكَ قِيَاسًا عَلَى أَهْلِ الْكِتَابِ. قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّ أَوَّلَ بُطْلَانِهِ أَنَّ عِلَّتَهُمْ فِي طَهَارَةِ الْكِتَابِيَّاتِ جَوَازُ نِكَاحِهِنَّ، وَهَذِهِ الْعِلَّةُ مَعْدُومَةٌ بِإِقْرَارِهِمْ فِي غَيْرِ الْكِتَابِيَّاتِ. وَالْقِيَاسُ عِنْدَهُمْ لَا يَجُوزُ إِلَّا بِعِلَّةٍ جَامِعَةٍ بَيْنَ الْحُكْمَيْنِ، وَهَذِهِ عِلَّةٌ مُفَرِّقَةٌ لَا جَامِعَةٌ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2846 As for all that is not permissible to eat, it is prohibited by explicit text, and the prohibited must be avoided. Some prohibited matters are inherently prohibited, and some obligations to avoid are binding obligations. We were narrated through Shu'bah's chain from Qatādah from Abū al-Ṭufayl, who said: I heard Ḥudhayfah ibn Usayd state regarding the False Messiah: "No riding animals are subdued for him except the donkey, for it is impurity upon impurity." Aḥmad ibn Ḥanbal said: A donkey's sweat is ritually impure. As for the exception of the hyena, it is due to what was narrated to us by 'Abdullāh ibn Rabī': Muḥammad ibn Isḥāq narrated to us: Ibn al-A'rābī narrated to us: Abū Dāwūd narrated to us: Musaddad narrated to us: Abū 'Awānah narrated to us from Abī Bishr from Maymūn ibn Mihrān from Ibn 'Abbās, who said: "Allah's Messenger—peace and blessings be upon him—forbade every predatory beast with fangs and every bird with talons." Via the same chain up to Abū Dāwūd: Muḥammad ibn 'Abdillāh al-Khuzā'ī narrated to us: Jarīr ibn Ḥāzim narrated to us from 'Abdullāh ibn 'Ubayd ibn 'Umayr from 'Abd al-Raḥmān ibn Abī 'Ammār from Jābir ibn 'Abdillāh, who said: "I asked Allah's Messenger—peace and blessings be upon him—about the hyena,

وَأَمَّا كُلُّ مَا لَا يَحِلُّ أَكْلُهُ فَهُوَ حَرَامٌ بِالنَّصِّ، وَالْحَرَامُ وَاجِبٌ اجْتِنَابُهُ، وَبَعْضُ الْحَرَامِ حَرَامٌ. وَبَعْضُ الْوَاجِبِ اجْتِنَابُهُ وَاجِبٌ اجْتِنَابُهُ، وَرُوِّينَا مِنْ طَرِيقِ شُعْبَةَ عَنْ قَتَادَةَ عَنْ أَبِي الطُّفَيْلِ قَالَ سَمِعْت حُذَيْفَةَ بْنَ أُسَيْدٍ يَقُولُ عَنْ الدَّجَّالِ " وَلَا يُسَخَّرُ لَهُ مِنْ الْمَطَايَا إِلَّا الْحِمَارُ فَهُوَ رِجْسٌ عَلَى رِجْسٍ " وَقَدْ قَالَ أَحْمَدُ بْنُ حَنْبَلٍ: عَرَقُ الْحِمَارِ نَجِسٌ. وَأَمَّا اسْتِثْنَاءُ الضَّبُعِ فَلِمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُسَدَّدٌ ثنا أَبُو عَوَانَةَ عَنْ أَبِي بِشْرٍ عَنْ مَيْمُونِ بْنِ مِهْرَانَ عَنْ ابْنِ عَبَّاسٍ قَالَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ كُلِّ ذِي نَابٍ مِنْ السِّبَاعِ وَعَنْ كُلِّ ذِي مِخْلَبٍ مِنْ الطَّيْرِ» . وَبِهِ إلَى أَبِي دَاوُد ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْخُزَاعِيُّ ثنا جَرِيرُ بْنُ حَازِمٍ عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمَّارٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ «سَأَلْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الضَّبُعِ، فَقَالَ: هُوَ صَيْدٌ وَيُجْعَلُ فِيهِ كَبْشٌ إذَا صَادَهُ الْمُحْرِمُ» .

[27] **Qur'an references (L2843):** Qur'an 9:28 (At-Tawbah).

and he replied: 'It is lawful game, and a ram is required if a consecrated pilgrim hunts it.'"[28]

L2847 **A question regarding the residual liquid of every disbeliever - male or female - and the residual liquid of every creature whose flesh is consumed or not consumed.**

L2848–2850 135. Issue: The leftover of every non-Muslim man or woman, and the leftover of all animals—whether their meat is eaten or not, including pigs, predatory beasts, domestic donkeys, or chickens (fattened or otherwise)—provided no visible trace of saliva from an animal whose meat is not eaten appears therein—is pure and lawful, except that which a dog has lapped. There is no obligation to wash the vessel from any of these, except only that which a dog or cat has lapped. The proof for this is that Allah the Exalted has decreed the purity of what is pure, the impurity of what is impure, the prohibition of what is forbidden, and the lawfulness of what is lawful. He forbids overstepping His limits. Thus, whatever Allah the Exalted has decreed to be pure is pure. It is not valid for a pure thing to become impure through contact with an impure thing touching it, for neither Allah the Exalted nor His Messenger (peace be upon him) has prescribed this. Whatever Allah the Exalted has ruled to be impure does not become pure through contact with a pure thing touching it, for neither Allah the Exalted nor His Messenger (peace be upon him) has prescribed this. Whatever Allah the Exalted has made permissible does not become prohibited through contact with a prohibited thing touching it, for neither Allah the Exalted nor His Messenger (peace be upon him) has prescribed this. Whatever Allah the Exalted has prohibited does not become permissible through contact with a permissible thing touching it, for neither Allah the Exalted nor His Messenger (peace be upon him) has prescribed this. There is no difference between one who claims that the pure becomes impure through contact with the impure, or that the permissible becomes prohibited through contact with the prohibited, and one who reverses the matter by saying: "Rather, the impure becomes pure through contact with the pure, and the prohibited becomes

[28] **Hadith references (L2846):** Sahih Muslim 1934a; Sunan Abi Dawud 3801.

[مَسْأَلَةٌ سُؤْرُ كُلِّ كَافِرٍ أَوْ كَافِرَةٍ وَسُؤْرُ كُلِّ مَا يُؤْكَلُ لَحْمُهُ أَوْ لَا يُؤْكَلُ لَحْمُهُ]

١٣٥ - مَسْأَلَةٌ: وَسُؤْرُ كُلِّ كَافِرٍ أَوْ كَافِرَةٍ وَسُؤْرُ كُلِّ مَا يُؤْكَلُ لَحْمُهُ أَوْ لَا يُؤْكَلُ لَحْمُهُ مِنْ خِنْزِيرٍ أَوْ سَبُعٍ أَوْ حِمَارٍ أَهْلِيٍّ أَوْ دَجَاجٍ مُخَلًّى أَوْ غَيْرِ مُخَلًّى - إذَا لَمْ يَظْهَرْ هُنَالِكَ لِلُّعَابِ مَا لَا يُؤْكَلُ لَحْمُهُ أَثَرٌ - فَهُوَ طَاهِرٌ حَلَالٌ، حَاشَا مَا وَلَغَ فِيهِ الْكَلْبُ فَقَطْ، وَلَا يَجِبُ غَسْلُ الْإِنَاءِ مِنْ شَيْءٍ مِنْهُ، حَاشَا مَا وَلَغَ فِيهِ الْكَلْبُ وَالْهِرُّ فَقَطْ. بُرْهَانُ ذَلِكَ: أَنَّ اللَّهَ تَعَالَى حَكَمَ بِطَهَارَةِ الطَّاهِرِ وَتَنَجُّسِ النَّجِسِ وَتَحْرِيمِ الْحَرَامِ وَتَحْلِيلِ الْحَلَالِ، وَذَمَّ أَنْ تُتَعَدَّى حُدُودُهُ، فَكُلُّ مَا حَكَمَ اللَّهُ تَعَالَى أَنَّهُ طَاهِرٌ فَهُوَ طَاهِرٌ، وَلَا يَجُوزُ أَنْ يَتَنَجَّسَ بِمُلَاقَاةِ النَّجِسِ لَهُ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ ذَلِكَ وَلَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكُلُّ مَا حَكَمَ اللَّهُ تَعَالَى أَنَّهُ نَجِسٌ فَإِنَّهُ لَا يَطْهُرُ بِمُلَاقَاةِ الطَّاهِرِ لَهُ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ ذَلِكَ وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَكُلُّ مَا أَحَلَّهُ اللَّهُ تَعَالَى فَإِنَّهُ لَا يَحْرُمُ بِمُلَاقَاةِ الْحَرَامِ لَهُ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ ذَلِكَ، وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَكُلُّ مَا حَرَّمَهُ اللَّهُ تَعَالَى فَإِنَّهُ لَا يَحِلُّ بِمُلَاقَاةِ الْحَلَالِ لَهُ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ ذَلِكَ وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَلَا فَرْقَ بَيْنَ مَنْ ادَّعَى أَنَّ الطَّاهِرَ يَتَنَجَّسُ بِمُلَاقَاةِ النَّجِسِ. وَأَنَّ الْحَلَالَ يَحْرُمُ بِمُلَاقَاةِ الْحَرَامِ، وَبَيْنَ مَنْ عَكَسَ الْأَمْرَ فَقَالَ: بَلْ النَّجِسُ يَطْهُرُ بِمُلَاقَاةِ الطَّاهِرِ، وَالْحَرَامُ يَحِلُّ بِمُلَاقَاةِ الْحَلَالِ، كِلَا الْقَوْلَيْنِ بَاطِلٌ، بَلْ كُلُّ ذَلِكَ بَاقٍ عَلَى حُكْمِ اللَّهِ عَزَّ وَجَلَّ فِيهِ، إلَّا أَنْ يَأْتِيَ نَصٌّ بِخِلَافِ هَذَا فِي شَيْءٍ

permissible through contact with the permissible." Both statements are false. Rather, all such matters remain subject to Allah's ruling concerning them unless a textual proof arises contradicting this in any specific case, in which case one must adhere to it without extending it to other matters. If any of what we have mentioned drinks from a vessel, eats from it, inserts a body part into it, or falls into it, its leftover remains permissible and pure. It does not become impure through anything unlawful or impure that touches it, unless some unlawful substance manifests within it - for some prohibited things are prohibited as we previously established. Excepted are the dog and cat, regarding which we have mentioned the ruling of Allah's Messenger (peace be upon him). All praise belongs to Allah, Lord of the worlds.

مَا فَيُوقَفُ عِنْدَهُ وَلَا يَتَعَدَّى إِلَى غَيْرِهِ. فَإِذَا شَرِبَ كُلُّ مَا ذَكَرْنَا فِي إِنَاءٍ أَوْ أَكَلَ أَوْ أَدْخَلَ فِيهِ عُضْوًا مِنْهُ أَوْ وَقَعَ فِيهِ فَسُؤْرُهُ حَلَالٌ طَاهِرٌ وَلَا يَتَنَجَّسُ بِشَيْءٍ مِمَّا مَاسَّهُ مِنْ الْحَرَامِ أَوْ النَّجَسِ، إِلَّا أَنْ يَظْهَرَ بَعْضُ الْحَرَامِ فِي ذَلِكَ الشَّيْءِ، وَبَعْضُ الْحَرَامِ حَرَامٌ كَمَا قَدَّمْنَا. حَاشَا الْكَلْبَ وَالْهِرَّ، فَقَدْ ذَكَرْنَا حُكْمَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L2851 Abū Ḥanīfah said: If an animal whose meat is eaten drank from a vessel, the water remains pure, and ablution with that water is valid. This applies equally to horses, cattle, sheep, and others. Similarly, the leftovers of all birds—whether their meat is eaten or not among them, including free-roaming chickens and others—permit ablution, though I dislike it. Consuming their leftovers is permissible. He said: If an animal whose meat is not eaten—such as a mule, donkey, dog, cat, predatory animal, or pig—drank from a vessel, the water becomes impure. Ablution with it is invalid, and whoever performs ablution with it must repeat it forever. The same applies if any of their saliva falls into water or elsewhere. He said: This ruling and that of birds whose meat is not eaten are equivalent by analogy, but I abandon analogy and apply juristic preference.

وَقَالَ أَبُو حَنِيفَةَ: إِنْ شَرِبَ فِي الْإِنَاءِ شَيْءٌ مِنْ الْحَيَوَانِ الَّذِي يُؤْكَلُ لَحْمُهُ فَهُوَ طَاهِرٌ، وَالْوُضُوءُ بِذَلِكَ الْمَاءِ جَائِزٌ: الْفَرَسُ وَالْبَقَرُ وَالضَّأْنُ وَغَيْرُ ذَلِكَ سَوَاءٌ، وَكَذَلِكَ أَسْآرُ جَمِيعِ الطَّيْرِ، وَمَا أُكِلَ لَحْمُهُ وَمَا لَمْ يُؤْكَلْ لَحْمُهُ مِنْهَا، وَالدَّجَاجِ الْمُخَلَّى وَغَيْرِهِ، فَإِنَّ الْوُضُوءَ بِذَلِكَ الْمَاءِ جَائِزٌ وَأَكْرَهُهُ، وَأَكْلُ أَسْآرِهَا حَلَالٌ، قَالَ فَإِنْ شَرِبَ فِي الْإِنَاءِ مَا لَا يُؤْكَلُ لَحْمُهُ مِنْ بَغْلٍ أَوْ حِمَارٍ أَوْ كَلْبٍ أَوْ هِرٍّ أَوْ سَبُعٍ أَوْ خِنْزِيرٍ فَهُوَ نَجِسٌ: وَلَا يُجْزِئُ الْوُضُوءُ بِهِ، وَمَنْ تَوَضَّأَ بِهِ أَعَادَ أَبَدًا. وَكَذَلِكَ إِنْ وَقَعَ شَيْءٌ مِنْ لُعَابِهَا فِي مَاءٍ أَوْ غَيْرِهِ، قَالَ: وَهَذَا وَمَا لَا يُؤْكَلُ لَحْمُهُ مِنْ الطَّيْرِ سَوَاءٌ فِي الْقِيَاسِ، وَلَكِنِّي أَدَعُ الْقِيَاسَ وَأَسْتَحْسِنُ.

L2852 Ali said: This is a corrupt distinction. We know of none before him who made this distinction. If analogy is valid, he has indeed erred in abandoning the truth and in deeming good, through juristic preference (istihsān), what contradicts it. If analogy is invalid, he has erred in employing what is invalid where he applied it and in adhering to it. Some proponents said: The legal status of the liquid is the same as that of the meat it comes into contact with.

قَالَ عَلِيٌّ: هَذَا فَرْقٌ فَاسِدٌ. وَلَا نَعْلَمُ أَحَدًا قَبْلَهُ فَرَّقَ هَذَا الْفَرْقَ: وَلَئِنْ كَانَ الْقِيَاسُ حَقًّا فَلَقَدْ أَخْطَأَ فِي تَرْكِهِ الْحَقَّ، وَفِي اسْتِحْسَانِ خِلَافِ الْحَقِّ، وَلَئِنْ كَانَ الْقِيَاسُ بَاطِلًا، فَلَقَدْ أَخْطَأَ فِي اسْتِعْمَالِ الْبَاطِلِ حَيْثُ اسْتَعْمَلَهُ وَدَانَ بِهِ. وَقَالَ بَعْضُ الْقَائِلِينَ: حُكْمُ الْمَائِعِ حُكْمُ اللَّحْمِ الْمُمَاسِّ لَهُ.

L2853–2855 Ali said: This is a claim without evidence, and whatever is thus constituted is invalid. Moreover, if he intended that... If someone claims the prohibition applies equally to both, he has lied, for human flesh is forbidden, yet they

do not prohibit what is drunk from vessels into which one has inserted his tongue. If he intended [to equate them] regarding impurity and purity, who determines the impurity of an animal whose flesh is not eaten while alive? There is no evidence for this, and nothing becomes impure except what is explicitly declared impure by scriptural text. Otherwise, if every forbidden thing were impure, humans would be impure. Mālik said: The drinking remnants of donkeys, mules, and any animal whose flesh is not eaten are pure like the remnants of others, with no distinction. He said: As for carrion-eating birds and predators—if they drink water, one does not perform ablution with it. Similarly, chickens that consume putrid matter: if one performs ablution with such water, they need not repeat it except within the prayer time. If such an animal drinks milk and filth becomes apparent in its beak, it is not consumed. If no filth is seen in its beak, there is no harm. His companion Ibn al-Qāsim said: One performs ablution with it if no other water is found and performs tayammum when aware that the animal eats putrid matter. Mālik said: There is no harm in a dog's saliva. ʿAlī said: Requiring prayer repetition within its time contradicts his own principles, for the person either fulfilled purification and prayer as commanded or failed to do so. If he fulfilled them as commanded, it is impermissible to pray two noon prayers in one day within the same period—and likewise for other prayers. If he failed to fulfill them as commanded, the prayer remains an ongoing obligation for him and must be performed after its time according to his view. When some biased adherents of his were asked this question, they replied: "He prayed and did not pray." When challenged, he cited Allah's verse: "You did not throw when you threw, but Allah threw" [8:17]. Abū Muḥammad ʿAlī said: Using this verse as proof here is more objectionable than the ambiguous claim it supports, for Allah affirmed that His Messenger—peace be upon him—did not throw when he threw, but Allah threw. As for this confused individual who "prayed and did not pray," who executed the prayer on his behalf? If the prayer exists from him, it must have a performer, just as the thrown act had a thrower—the Creator, exalted is He. For an act to exist without an actor is impossible and deviant, alien to monotheistic

قَالَ عَلِيٌّ: هَذِهِ دَعْوَى بِلَا دَلِيلٍ وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ، وَأَيْضًا فَإِنْ كَانَ أَرَادَ أَنَّ الْحُكْمَ لَهُمَا وَاحِدٌ فِي التَّحْرِيمِ فَقَدْ كَذَبَ، لِأَنَّ لَحْمَ ابْنِ آدَمَ حَرَامٌ، وَهُمْ لَا يُحَرِّمُونَ مَا شَرِبَ فِيهِ أَوْ أَدْخَلَ فِيهِ لِسَانَهُ، وَإِنْ كَانَ أَرَادَ فِي النَّجَاسَةِ وَالطَّهَارَةِ، فَمَنْ لَهُ بِنَجَاسَةِ الْحَيَوَانِ الَّذِي لَا يُؤْكَلُ لَحْمُهُ مَا دَامَ حَيًّا؟ وَلَا دَلِيلَ لَهُ عَلَى ذَلِكَ، وَلَا يَكُونُ نَجِسًا إِلَّا مَا جَاءَ النَّصُّ بِأَنَّهُ نَجِسٌ، وَإِلَّا فَلَوْ كَانَ كُلُّ حَرَامٍ نَجِسًا لَكَانَ ابْنُ آدَمَ نَجِسًا. وَقَالَ مَالِكٌ: سُؤْرُ الْحِمَارِ وَالْبَغْلِ وَكُلِّ مَا لَا يُؤْكَلُ لَحْمُهُ طَاهِرٌ كَسُؤْرِ غَيْرِهِ وَلَا فَرْقَ. قَالَ: وَأَمَّا مَا أَكَلَ الْجِيَفَ - مِنْ الطَّيْرِ وَالسِّبَاعِ - فَإِنْ شَرِبَ مِنْ مَاءٍ لَمْ يُتَوَضَّأْ بِهِ وَكَذَلِكَ الدَّجَاجُ الَّتِي تَأْكُلُ النَّتَنَ، فَإِنْ تَوَضَّأَ بِهِ لَمْ يُعِدْ إِلَّا فِي الْوَقْتِ، فَإِنْ شَرِبَ شَيْءٌ مِنْ ذَلِكَ فِي لَبَنٍ، فَإِنْ تَبَيَّنَ فِي مِنْقَارِهِ قَذَرٌ لَمْ يُؤْكَلْ، وَأَمَّا مَا لَمْ يُرَ فِي مِنْقَارِهِ فَلَا بَأْسَ قَالَ ابْنُ الْقَاسِمِ صَاحِبُهُ: يَتَوَضَّأُ بِهِ إِنْ لَمْ يَجِدْ غَيْرَهُ وَيَتَيَمَّمُ، إِذَا عَلِمَ أَنَّهَا تَأْكُلُ النَّتَنَ. وَقَالَ مَالِكٌ: لَا بَأْسَ بِلُعَابِ الْكَلْبِ. قَالَ عَلِيٌّ: إِيجَابُهُ الْإِعَادَةَ فِي الْوَقْتِ خَطَأٌ عَلَى أَصْلِهِ، لِأَنَّهُ لَا يَخْلُو مِنْ أَنْ يَكُونَ أَدَّى الطَّهَارَةَ وَالصَّلَاةَ كَمَا أُمِرَ، أَوْ لَمْ يُؤَدِّهِمَا كَمَا أُمِرَ، فَإِنْ كَانَ أَدَّى الصَّلَاةَ وَالطَّهَارَةَ كَمَا أُمِرَ فَلَا يَحِلُّ لَهُ أَنْ يُصَلِّيَ ظُهْرَيْنِ لِيَوْمٍ وَاحِدٍ فِي وَقْتٍ وَاحِدٍ، وَكَذَلِكَ سَائِرُ الصَّلَوَاتِ، وَإِنْ كَانَ لَمْ يُؤَدِّهِمَا كَمَا أُمِرَ فَالصَّلَاةُ عَلَيْهِ أَبَدًا، وَهِيَ تُؤَدَّى عِنْدَهُ بَعْدَ الْوَقْتِ. وَقَدْ قَالَ بَعْضُ الْمُتَعَصِّبِينَ لَهُ - إِذْ سُئِلَ بِهَذَا السُّؤَالِ - فَقَالَ: صَلَّى وَلَمْ يُصَلِّ، فَلَمَّا أُنْكِرَ عَلَيْهِ هَذَا ذَكَرَ قَوْلَ اللَّهِ تَعَالَى: {وَمَا رَمَيْتَ إِذْ رَمَيْتَ وَلَكِنَّ اللَّهَ رَمَى} [الأنفال: ١٧] قَالَ أَبُو مُحَمَّدٍ عَلِيٌّ: وَهَذَا الِاحْتِجَاجُ بِالْآيَةِ فِي غَيْرِ مَوْضِعِهَا أَقْبَحُ مِنْ الْقَوْلِ الْمُمَوَّهِ لَهُ بِذَلِكَ؛ لِأَنَّ اللَّهَ أَخْبَرَ أَنَّ رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ

doctrine. If the prayer he was commanded to perform did not exist from him, then by their principles he must pray it perpetually.[29]

يَرْمِ إِذْ رَمَى، وَلَكِنَّهُ تَعَالَى هُوَ رَمَاهَا. فَهَذَا الْبَائِسُ الَّذِي صَلَّى وَلَمْ يُصَلِّ، مَنْ صَلَّاهَا عَنْهُ؟ فَلَا بُدَّ لِلصَّلَاةِ - إِنْ كَانَتْ مَوْجُودَةً مِنْهُ - مِنْ أَنْ يَكُونَ لَهَا فَاعِلٌ، كَمَا كَانَ لِلرَّمْيَةِ رَامٍ، وَهُوَ الْخَلَّاقُ عَزَّ وَجَلَّ إِذْ وُجُودُ فِعْلٍ لَا فَاعِلَ لَهُ مُحَالٌ وَضَلَالٌ، وَلَيْسَ مِنْ أَقْوَالِ أَهْلِ التَّوْحِيدِ، وَإِنْ كَانَتْ الصَّلَاةُ الَّتِي أُمِرَ بِهَا غَيْرَ مَوْجُودَةٍ مِنْهُ فَلْيُصَلِّهَا عَلَى أَصْلِهِمْ أَبَدًا.

L2856–2858 As for the statement of Ibn al-Qasim: If one finds no other water, he performs ablution with it and resorts to dry ablution when knowing it is contaminated with filth—this is contradictory. For it must either be water or not water. If it is water, then if ablution with it suffices when no other is found, it must suffice even when other water exists—because it is water. But if it does not suffice when... If he finds something else, it does not suffice if what he finds is not water, for nothing substitutes for water except earth. Including dry ablution (tayammum) in such a case is a manifest error, as tayammum is not permissible while there exists water sufficient for performing ritual purification (wudhu).

وَأَمَّا قَوْلُ ابْنِ الْقَاسِمِ: إنَّهُ إنْ لَمْ يَجِدْ غَيْرَهُ يَتَوَضَّأُ بِهِ وَيَتَيَمَّمُ إذَا عَلِمَ أَنَّهَا تَأْكُلُ النَّتِنَ فَمُتَنَاقِضٌ، لِأَنَّهُ إمَّا مَاءٌ وَإِمَّا لَيْسَ مَاءً، فَإِنْ كَانَ مَاءً فَإِنَّهُ لَئِنْ كَانَ يُجْزِئُ الْوُضُوءُ بِهِ إذَا لَمْ يَجِدْ غَيْرَهُ، فَإِنَّهُ يُجْزِئُ وَإِنْ وَجَدَ غَيْرَهُ، لِأَنَّهُ مَاءٌ، وَإِنْ كَانَ لَا يُجْزِئُ إذَا وَجَدَ غَيْرَهُ، فَإِنَّهُ لَا يُجْزِئُ إذَا لَمْ يَجِدْ غَيْرَهُ إنْ كَانَ لَيْسَ مَاءً، لِأَنَّهُ لَا يُعَوَّضُ مِنْ الْمَاءِ إلَّا التُّرَابُ، وَإِدْخَالُ التَّيَمُّمِ فِي ذَلِكَ خَطَأٌ ظَاهِرٌ، لِأَنَّ التَّيَمُّمَ لَا يَحِلُّ مَا دَامَ يُوجَدُ مَاءٌ يُجْزِئُ بِهِ الْوُضُوءُ.

L2859 Al-Shāfiʿī said: The leftover of any animal—whether permissible or forbidden to eat—is pure, as is its saliva, except for the dog and the pig. He supported this opinion by citing some of his evidences, arguing that he analogized this to the leftovers of the children of Adam and their saliva, for though their flesh is forbidden, their saliva and leftovers are entirely pure. ʿAlī said: All analogy is invalid. Even if analogy were valid, this instance would epitomize its invalidity, because analogizing other predators to the dog—which was prohibited only by virtue of being part of the general category of predators under Allah's universal prohibition, conveyed through His Messenger (peace and blessings be upon him), against consuming the flesh of every predatory animal with fangs exclusively—thereby including the dog in this category through this explicit text, for without it the dog would have been

وَقَالَ الشَّافِعِيُّ: سُؤْرُ كُلِّ شَيْءٍ مِنْ الْحَيَوَانِ - الْحَلَالِ أَكْلُهُ وَالْحَرَامِ أَكْلُهُ - طَاهِرٌ، وَكَذَلِكَ لُعَابُهُ حَاشَا الْكَلْبَ وَالْخِنْزِيرَ، وَاحْتَجَّ لِقَوْلِهِ هَذَا بَعْضُ أَحْكَامِهِ بِأَنَّهُ قَاسَ ذَلِكَ عَلَى أَسْآرِ بَنِي آدَمَ وَلُعَابِهِمْ، فَإِنَّ لُحُومَهُمْ حَرَامٌ، وَلُعَابَهُمْ وَأَسْآرَهُمْ كُلَّ ذَلِكَ طَاهِرٌ. قَالَ عَلِيٌّ: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّ قِيَاسَ سَائِرِ السِّبَاعِ عَلَى الْكَلْبِ - الَّذِي لَمْ يُحَرَّمْ إلَّا أَنَّهُ مِنْ جُمْلَتِهَا، وَبِعُمُومِ تَحْرِيمِ اللَّهِ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَحْمَ كُلِّ ذِي نَابٍ مِنْ السِّبَاعِ فَقَطْ، فَدَخَلَ الْكَلْبُ فِي جُمْلَتِهَا بِهَذَا النَّصِّ، وَلَوْلَاهُ لَكَانَ حَلَالًا - أَوْلَى مِنْ قِيَاسِهَا عَلَى ابْنِ آدَمَ الَّذِي لَا عِلَّةَ تَجْمَعُ بَيْنَهُ وَبَيْنَهَا، لِأَنَّ بَنِي آدَمَ مُتَعَبَّدُونَ، وَالسِّبَاعُ وَسَائِرُ الْحَيَوَانِ غَيْرُ

[29] **Qur'an references (L2853):** Qur'an 8:17 (Al-Anfal).

permissible—is more appropriate than analogizing them to the children of Adam, with whom they share no common legal cause. The children of Adam are bound by religious obligations, whereas predators and other animals are not. The females of the children of Adam are lawful to their males through permissible marriage or lawful ownership enabling intercourse, unlike the females of other animals. The milk of human women is permissible, unlike the milk of female predators and donkeys. Thus, the error of this analogy is conclusively evident.

L2860 If they say, "We applied qiyās based on the cat," it is said to them: "What obligates you to apply qiyās based on the cat rather than the dog? Especially when you applied qiyās to the pig based on the dog and did not apply it to the cat, just as you applied qiyās to carnivorous animals based on the cat. This would hold if we conceded to you the matter of the cat. How then, when the established text—more authoritative than the ḥadīth of Ḥumaydah from Kabsha—explicitly clarifies the obligation to wash a vessel from a cat's lapping?" These are the analogies of the practitioners of qiyās, as you see. Praise be to Allah, Lord of the worlds, for His immense blessings.

L2861 **The legal ruling concerning the liquid when an impurity falls into it.**

L2862–2864 136. Issue: Every liquid—whether water, oil, ghee, milk, rose water, honey, broth, aromatic substance, or any other—if an impurity, a forbidden thing requiring avoidance, or carrion falls into it, then if this alters the liquid's color, taste, or odor, the entire liquid is spoiled. It is forbidden to consume it, and neither its use nor its sale is permitted. If no alteration occurs to its color, taste, or odor, the liquid remains lawful for consumption, drinking, and use, provided it was permissible prior to [the impurity's contact]. Ablution (wudu) with such water is lawful, and purification through the ritual bath (ghusl) with it is likewise permitted. The sale of what was... [text ends abruptly in the original]. Its sale before that is permissible and lawful, with no need to ascertain its condition. It holds the same status as water containing mucus or spit. However, it is forbidden for one who urinates in stagnant water to perform ablution or ritual bathing with that water – whether for

مُتَعَبِّدَةٍ، وَإِنَاثُ بَنِي آدَمَ حَلَالٌ لِذُكُورِهِمْ بِالتَّزْوِيجِ الْمُبَاحِ وَبِمِلْكِ الْيَمِينِ الْمُبِيحِ لِلْوَطْءِ، وَلَيْسَ كَذَلِكَ إِنَاثُ سَائِرِ الْحَيَوَانِ، وَأَلْبَانُ نِسَاءِ بَنِي آدَمَ حَلَالٌ، وَلَيْسَ كَذَلِكَ أَلْبَانُ إِنَاثِ السِّبَاعِ وَالْأُتُنِ، فَظَهَرَ خَطَأُ هَذَا الْقِيَاسِ بِيَقِينٍ.

فَإِنْ قَالُوا: قِسْنَاهَا عَلَى الْهِرِّ، قِيلَ لَهُمْ: وَمَا الَّذِي أَوْجَبَ أَنْ تَقِيسُوهَا عَلَى الْهِرِّ دُونَ أَنْ تَقِيسُوهَا عَلَى الْكَلْبِ؟ لَا سِيَّمَا وَقَدْ قِسْتُمُ الْخِنْزِيرَ عَلَى الْكَلْبِ وَلَمْ تَقِيسُوهُ عَلَى الْهِرِّ، كَمَا قِسْتُمُ السِّبَاعَ عَلَى الْهِرِّ، هَذَا لَوْ سُلِّمَ لَكُمْ أَمْرُ الْهِرِّ، فَكَيْفَ وَالنَّصُّ الثَّابِتُ - الَّذِي هُوَ أَثْبَتُ مِنْ حَدِيثِ حُمَيْدَةَ عَنْ كَبْشَةَ - وَقَدْ وَرَدَ مُبَيِّنًا لِوُجُوبِ غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْهِرِّ، فَهَذِهِ مَقَايِيسُ أَصْحَابِ الْقِيَاسِ كَمَا تَرَى. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ عَلَى عَظِيمِ نِعَمِهِ.

[مَسْأَلَة حُكْم الْمَائِع إِذَا وقعت فِيهِ نَجَاسَة]

١٣٦ - مَسْأَلَةٌ: وَكُلُّ شَيْءٍ مَائِعٍ - مِنْ مَاءٍ أَوْ زَيْتٍ أَوْ سَمْنٍ أَوْ لَبَنٍ أَوْ مَاءِ وَرْدٍ أَوْ عَسَلٍ أَوْ مَرَقٍ أَوْ طِيبٍ أَوْ غَيْرِ ذَلِكَ، أَيِّ شَيْءٍ كَانَ، إِذَا وَقَعَتْ فِيهِ نَجَاسَةٌ أَوْ شَيْءٌ حَرَامٌ يَجِبُ اجْتِنَابُهُ أَوْ مَيْتَةٌ، فَإِنْ غَيَّرَ ذَلِكَ لَوْنَ مَا وَقَعَ فِيهِ أَوْ طَعْمَهُ أَوْ رِيحَهُ فَقَدْ فَسَدَ كُلُّهُ وَحُرِّمَ أَكْلُهُ، وَلَمْ يَجُزْ اسْتِعْمَالُهُ وَلَا بَيْعُهُ، فَإِنْ لَمْ يُغَيِّرْ شَيْئًا مِنْ لَوْنِ مَا وَقَعَ فِيهِ وَلَا مِنْ طَعْمِهِ وَلَا مِنْ رِيحِهِ، فَذَلِكَ الْمَائِعُ حَلَالٌ أَكْلُهُ وَشُرْبُهُ وَاسْتِعْمَالُهُ - إِنْ كَانَ قَبْلَ ذَلِكَ كَذَلِكَ - وَالْوُضُوءُ حَلَالٌ بِذَلِكَ الْمَاءِ، وَالتَّطَهُّرُ بِهِ فِي الْغُسْلِ أَيْضًا كَذَلِكَ، وَبَيْعُ مَا كَانَ جَائِزًا بَيْعُهُ قَبْلَ ذَلِكَ حَلَالٌ، وَلَا مَعْنَى لِتَبَيُّنِ أَمْرِهِ، وَهُوَ بِمَنْزِلَةِ مَا وَقَعَ

obligatory or non-obligatory acts – and the ruling in such a case is dry ablution (tayammum) if no other water is found. This water remains pure and lawful for him and others to drink, provided the urine does not alter any of its inherent properties. Others may lawfully use it for ablution and bathing. If one passes wind in the water or urinates outside it, after which the urine flows into it, the water remains pure and permissible for ablution and bathing by him and others – unless the urine or ritual impurity alters any of the water's properties, in which case its use becomes entirely invalid for him or anyone else.

Excepted is water lapped by a dog, which must necessarily be discarded as we previously stated in its chapter. Also excepted is clarified butter into which a mouse falls dead, dies, or emerges alive – whether the mouse is male or female, small or large. If the clarified butter was liquid when the mouse died in it, fell dead into it, or emerged alive from it, all of it must be discarded – even if it amounts to a million qintars or more – and its use remains prohibited whether it solidifies afterward or not. But if it was solid when the mouse died in it or fell dead into it, and its solid state remained continuous, only the mouse and its surrounding portion are discarded. The remainder is lawful for consumption, sale, or use as ointment – whether small or large in quantity.

Water is another exception, as its sale is unlawful due to the Prophet's prohibition (peace be upon him), as we shall elaborate in the chapter on commercial transactions, God Almighty willing.

L2865 The proof of this is what we mentioned earlier: that whatever Allah the Exalted has permitted and ruled to be pure remains so forever unless another text comes prohibiting it or declaring it impure. And whatever Allah the Exalted has prohibited or declared impure remains so forever unless another text comes permitting it or purifying it. Whatever exceeds this constitutes transgression against the boundaries set by Allah the Exalted, for He said: "These are the boundaries of Allah, so do not transgress them" [Al-Baqarah: 229]. He also said: "Do not falsely assert with your tongues, 'This is lawful and that is forbidden'" [An-Nahl: 116]. And He said: "Say, 'Have you con-

فِيهِ مُخَاطٌ أَوْ بُصَاقٌ إِلَّا أَنَّ الْبَائِلَ فِي الْمَاءِ الرَّاكِدِ الَّذِي لَا يَجْرِي حَرَامٌ عَلَيْهِ الْوُضُوءُ بِذَلِكَ الْمَاءِ وَالِاغْتِسَالُ بِهِ لِفَرْضٍ أَوْ لِغَيْرِهِ، وَحُكْمُهُ التَّيَمُّمُ إِنْ لَمْ يَجِدْ غَيْرَهُ. وَذَلِكَ الْمَاءُ طَاهِرٌ حَلَالٌ شُرْبُهُ لَهُ وَلِغَيْرِهِ، إِنْ لَمْ يُغَيِّرِ الْبَوْلُ شَيْئًا مِنْ أَوْصَافِهِ. وَحَلَالٌ الْوُضُوءُ بِهِ وَالْغُسْلُ بِهِ لِغَيْرِهِ. فَلَوْ أَحْدَثَ فِي الْمَاءِ أَوْ بَالَ خَارِجًا مِنْهُ ثُمَّ جَرَى الْبَوْلُ فِيهِ فَهُوَ طَاهِرٌ، يَجُوزُ الْوُضُوءُ مِنْهُ وَالْغُسْلُ لَهُ وَلِغَيْرِهِ، إِلَّا أَنْ يُغَيِّرَ ذَلِكَ الْبَوْلُ أَوِ الْحَدَثُ شَيْئًا مِنْ أَوْصَافِ الْمَاءِ، فَلَا يُجْزِئُ حِينَئِذٍ اسْتِعْمَالُهُ أَصْلًا لَهُ وَلَا لِغَيْرِهِ. وَحَاشَا مَا وَلَغَ فِيهِ الْكَلْبُ فَإِنَّهُ يُهْرَقُ وَلَا بُدَّ كَمَا قَدَّمْنَا فِي بَابِهِ، وَحَاشَا السَّمْنَ يَقَعُ فِيهِ الْفَأْرُ مَيِّتًا أَوْ يَمُوتُ فِيهِ أَوْ يَخْرُجُ مِنْهُ حَيًّا ذَكَرًا كَانَ الْفَأْرُ أَوْ أُنْثَى صَغِيرًا أَوْ كَبِيرًا - فَإِنَّهُ إِنْ كَانَ ذَائِبًا حِينَ مَوْتِ الْفَأْرِ فِيهِ، أَوْ حِينَ وُقُوعِهِ فِيهِ مَيِّتًا أَوْ خَرَجَ مِنْهُ حَيًّا أُهْرِقَ كُلُّهُ - وَلَوْ أَنَّهُ أَلْفُ أَلْفِ قِنْطَارٍ أَوْ أَقَلُّ أَوْ أَكْثَرُ - وَلَمْ يَحِلَّ الِانْتِفَاعُ بِهِ جَمَدَ بَعْدَ ذَلِكَ أَوْ لَمْ يَجْمُدْ وَإِنْ كَانَ حِينَ مَوْتِ الْفَأْرِ فِيهِ أَوْ وُقُوعِهِ فِيهِ مَيِّتًا جَامِدًا وَاتَّصَلَ جُمُودُهُ، فَإِنَّ الْفَأْرَ يُؤْخَذُ مِنْهُ وَمَا حَوْلَهُ وَيُرْمَى، وَالْبَاقِي حَلَالٌ أَكْلُهُ وَبَيْعُهُ وَالِادِّهَانُ بِهِ قَلَّ أَوْ كَثُرَ، وَحَاشَا الْمَاءَ فَلَا يَحِلُّ بَيْعُهُ لِنَهْيِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ عَلَى مَا نَذْكُرُ فِي الْبُيُوعِ إِنْ شَاءَ اللَّهُ تَعَالَى.

بُرْهَانُ ذَلِكَ: مَا ذَكَرْنَا قَبْلُ مِنْ أَنَّ كُلَّ مَا أَحَلَّ اللَّهُ تَعَالَى وَحَكَمَ فِيهِ بِأَنَّهُ طَاهِرٌ فَهُوَ كَذَلِكَ أَبَدًا مَا لَمْ يَأْتِ نَصٌّ آخَرُ بِتَحْرِيمِهِ أَوْ نَجَاسَتِهِ. وَكُلُّ مَا حَرَّمَ اللَّهُ تَعَالَى أَوْ نَجَّسَهُ فَهُوَ كَذَلِكَ أَبَدًا مَا لَمْ يَأْتِ نَصٌّ آخَرُ بِإِبَاحَتِهِ أَوْ تَطْهِيرِهِ، وَمَا عَدَا هَذَا فَهُوَ تَعَدٍّ لِحُدُودِ اللَّهِ تَعَالَى، وَقَالَ تَعَالَى: {تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا} [البقرة: ٢٢٩] وَقَالَ تَعَالَى: {وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ} [النحل: ١١٦] وَقَالَ

sidered what Allah has sent down to you of provision, of which you have made some lawful and some forbidden?' Say, 'Has Allah permitted you, or do you fabricate lies against Allah?'" [Yunus: 59]. Through this, it is conclusively established that the pure does not become impure through contact with the impure, nor does the impure become pure through contact with the pure. Similarly, the lawful does not become prohibited through contact with the unlawful, nor does the unlawful become lawful through contact with the lawful. Rather, the lawful remains lawful as it was, the unlawful remains unlawful as it was, the pure remains pure as it was, and the impure remains impure as it was—unless a text comes altering any of these rulings. Then we hear and obey. Otherwise, it remains as it was.[30]

تَعَالَى: {قُلْ أَرَأَيْتُمْ مَا أَنْزَلَ اللَّهُ لَكُمْ مِنْ رِزْقٍ فَجَعَلْتُمْ مِنْهُ حَرَامًا وَحَلالا قُلْ آللَّهُ أَذِنَ لَكُمْ أَمْ عَلَى اللَّهِ تَفْتَرُونَ} [يونس: ٥٩] وَصَحَّ بِهَذَا يَقِينًا أَنَّ الطَّاهِرَ لَا يَنْجَسُ بِمُلَاقَاةِ النَّجِسِ، وَأَنَّ النَّجِسَ لَا يَطْهُرُ بِمُلَاقَاةِ الطَّاهِرِ. وَأَنَّ الْحَلَالَ لَا يُحَرَّمُ بِمُلَاقَاةِ الْحَرَامِ وَالْحَرَامَ لَا يَحِلُّ بِمُلَاقَاةِ الْحَلَالِ بَلْ الْحَلَالُ حَلَالٌ كَمَا كَانَ وَالْحَرَامُ حَرَامٌ كَمَا كَانَ، وَالطَّاهِرُ طَاهِرٌ كَمَا كَانَ وَالنَّجِسُ نَجِسٌ كَمَا كَانَ، إلَّا أَنْ يَرِدَ نَصٌّ بِإِحَالَةِ حُكْمٍ مِنْ ذَلِكَ فَسَمْعًا وَطَاعَةً. وَإِلَّا فَلَا.

L2866–2868 If the water were to become impure through contact with impurities, nothing would ever be purified, because according to their statement, whenever it is poured over an impurity to wash it away, it necessarily becomes impure. When it becomes impure, its purification becomes obligatory, and thus it would continue. If that were the case perpetually, the sea and all flowing rivers would become impure, for when water mixed with impurity becomes contaminated, it necessarily follows that the adjacent water also becomes impure. This would then require whatever touches it to likewise become impure endlessly, leaving no escape from this chain. Should they claim any part of this process does not cause impurity, they would abandon their own argument, contradict themselves, and tacitly affirm the truth. Their consensus with us regarding the invalidity of such reasoning - and their agreement on the purification of bodily discharges, blood from the mouth, clothing, and the body - confirms that impurity exists only where the visible trace of contamination is present, and prohibition applies solely to substances explicitly forbidden by textual evidence. The remainder of their position is invalid.

وَلَوْ تَنَجَّسَ الْمَاءُ بِمَا يُلَاقِيهِ مِنْ النَّجَاسَاتِ مَا طَهُرَ شَيْءٌ أَبَدًا، لِأَنَّهُ كَانَ إذَا صُبَّ عَلَى النَّجَاسَةِ لِغَسْلِهَا يَنْجَسُ عَلَى قَوْلِهِمْ وَلَا بُدَّ، وَإِذَا تَنَجَّسَ وَجَبَ تَطْهِيرُهُ، وَهَكَذَا أَبَدًا، وَلَوْ كَانَ كَذَلِكَ لَتَنَجَّسَ الْبَحْرُ وَالْأَنْهَارُ الْجَارِيَةُ كُلُّهَا، لِأَنَّهُ إذَا تَنَجَّسَ الْمَاءُ الَّذِي خَالَطَتْهُ النَّجَاسَةُ وَجَبَ أَنْ يَتَنَجَّسَ الْمَاءُ الَّذِي يُمَاسُّهُ أَيْضًا، ثُمَّ يَجِبُ أَنْ يَتَنَجَّسَ مَا مَسَّهُ أَيْضًا كَذَلِكَ أَبَدًا، وَهَذَا لَا مَخْلَصَ مِنْهُ. فَإِنْ قَالُوا فِي شَيْءٍ مِنْ ذَلِكَ: لَا يَتَنَجَّسُ. تَرَكُوا قَوْلَهُمْ وَرَجَعُوا إلَى الْحَقِّ وَتَنَاقَضُوا، وَفِي إجْمَاعِهِمْ مَعَنَا عَلَى بُطْلَانِ ذَلِكَ وَعَلَى تَطْهِيرِ الْمَخْرَجِ وَالدَّمِ فِي الْفَمِ وَالثَّوْبِ وَالْجِسْمِ إقْرَارٌ بِأَنَّهُ لَا نَجَاسَةَ إلَّا مَا ظَهَرَتْ فِيهِ عَيْنُ النَّجَاسَةِ، وَلَا يُحَرَّمُ إلَّا مَا ظَهَرَ فِيهِ عَيْنُ الْمَنْصُوصِ عَلَى تَحْرِيمِهِ فَقَطْ، وَسَائِرُ قَوْلِهِمْ فَاسِدٌ.

L2869 If they arbitrarily differentiate between flowing water and water contaminated by impurity, they have introduced confusion without valid textual proof.

فَإِنْ فَرَّقُوا بَيْنَ الْمَاءِ الْوَارِدِ وَبَيْنَ الَّذِي تَرِدُهُ النَّجَاسَةُ. زَادُوا فِي التَّخْلِيطِ بِلَا دَلِيلٍ.

L2870 As for when the color of the permissible pure substance changes due to

[30] **Qur'an references (L2865):** Qur'an 2:229 (Al-Baqarah); Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus).

mixing with impure or prohibited substances, or its taste or smell changes due to that, we are then unable to use the permissible except by using the prohibited. The use of the prohibited in eating, drinking, and prayer is prohibited as we stated. Therefore, it becomes obligatory to abstain from it—not because the permissible pure has been prohibited or its essence has become impure. If we could separate the permissible pure from the prohibited and impure substances, it would inherently remain permissible.

وَأَمَّا إِذَا تَغَيَّرَ لَوْنُ الْحَلَالِ الطَّاهِرِ - بِمَا مَازَجَهُ مِنْ نَجِسٍ أَوْ حَرَامٍ - أَوْ تَغَيَّرَ طَعْمُهُ بِذَلِكَ، أَوْ تَغَيَّرَ - رِيحُهُ بِذَلِكَ، فَإِنَّنَا حِينَئِذٍ لَا نَقْدِرُ عَلَى اسْتِعْمَالِ الْحَلَالِ إِلَّا بِاسْتِعْمَالِ الْحَرَامِ، وَاسْتِعْمَالُ الْحَرَامِ فِي الْأَكْلِ وَالشُّرْبِ وَفِي الصَّلَاةِ حَرَامٌ كَمَا قُلْنَا، وَلِذَلِكَ وَجَبَ الِامْتِنَاعُ مِنْهُ، لَا لِأَنَّ الْحَلَالَ الطَّاهِرَ حُرِّمَ وَلَا تَنَجَّسَتْ عَيْنُهُ، وَلَوْ قَدَرْنَا عَلَى تَخْلِيصِ الْحَلَالِ الطَّاهِرِ مِنْ الْحَرَامِ وَالنَّجَسِ، لَكَانَ حَلَالًا بِحَسَبِهِ.

L2871 Similarly, if impurity or the prohibited exists on a pure object and we remove them, the impure has not become pure nor has the prohibited become lawful. Rather, the impurity or prohibited has separated from the lawful pure object, enabling us to use it at that time as lawful and pure as it was.

وَكَذَلِكَ إِذَا كَانَتْ النَّجَاسَةُ أَوْ الْحَرَامُ عَلَى جِرْمٍ طَاهِرٍ فَأَزَلْنَاهَا، فَإِنَّ النَّجِسَ لَمْ يَطْهُرْ وَالْحَرَامُ لَمْ يَحِلَّ، لَكِنَّهُ زَايَلَ الْحَلَالَ الطَّاهِرَ، فَقَدَرْنَا عَلَى أَنْ نَسْتَعْمِلَهُ حِينَئِذٍ حَلَالًا طَاهِرًا كَمَا كَانَ.

L2872 Similarly, if the intrinsic properties of an impure or unlawful entity undergo a complete transformation—such that the name warranting its original ruling no longer applies—and it assumes a name recognized for pure and lawful things, it ceases to be that impure or unlawful entity. Rather, it becomes a different entity subject to a new legal ruling.

وَكَذَلِكَ إِذَا اسْتَحَالَتْ صِفَاتُ عَيْنِ النَّجِسِ أَوْ الْحَرَامِ، فَبَطَلَ عَنْهُ الِاسْمُ الَّذِي بِهِ وَرَدَ ذَلِكَ الْحُكْمُ فِيهِ، وَانْتَقَلَ إلَى اسْمٍ آخَرَ وَارِدٍ عَلَى حَلَالٍ طَاهِرٍ، فَلَيْسَ هُوَ ذَلِكَ النَّجِسَ وَلَا الْحَرَامَ، بَلْ قَدْ صَارَ شَيْئًا آخَرَ ذَا حُكْمٍ آخَرَ.

L2873–2875 Similarly, if the attributes of the substance of a pure, permissible item are transformed—nullifying the name by which its ruling was established and shifting to another designation associated with what is unlawful or impure—it ceases to be that pure, permissible item. Rather, it becomes a distinct substance with a different ruling. Examples include grape juice turning into wine, wine turning into vinegar, pork meat consumed by a chicken and transformed into lawful chicken meat within it, water turning into urine, food turning into excrement, or excrement and urine being used to fertilize the land, thereby producing lawful fruit. Such cases are numerous. Likewise, if a drop of water falls into wine or a drop of wine falls into water, and no trace of either becomes apparent. Among these is a trace, and similarly for all things. Rulings are based on names, and names are subordinate to attributes, which define what they pertain to and differentiate between their categories.

وَكَذَلِكَ إِذَا اسْتَحَالَتْ صِفَاتُ عَيْنِ الْحَلَالِ الطَّاهِرِ، فَبَطَلَ عَنْهُ الِاسْمُ الَّذِي بِهِ وَرَدَ ذَلِكَ الْحُكْمُ فِيهِ، وَانْتَقَلَ إلَى اسْمٍ آخَرَ وَارِدٍ عَلَى حَرَامٍ أَوْ نَجِسٍ، فَلَيْسَ هُوَ ذَلِكَ الْحَلَالَ الطَّاهِرَ، بَلْ قَدْ صَارَ شَيْئًا آخَرَ ذَا حُكْمٍ آخَرَ كَالْعَصِيرِ يَصِيرُ خَمْرًا، أَوْ الْخَمْرِ يَصِيرُ خَلًّا، أَوْ لَحْمِ الْخِنْزِيرِ تَأْكُلُهُ دَجَاجَةٌ يَسْتَحِيلُ فِيهَا لَحْمَ دَجَاجٍ حَلَالًا وَكَالْمَاءِ يَصِيرُ بَوْلًا، وَالطَّعَامِ يَصِيرُ عَذِرَةً، وَالْعَذِرَةُ وَالْبَوْلُ تُدْهَنُ بِهِمَا الْأَرْضُ فَيَعُودَانِ ثَمَرَةً حَلَالًا، وَمِثْلُ هَذَا كَثِيرٌ، وَكَنُقْطَةِ مَاءٍ تَقَعُ فِي خَمْرٍ أَوْ نُقْطَةِ خَمْرٍ تَقَعُ فِي مَاءٍ، فَلَا يَظْهَرُ لِشَيْءٍ مِنْ ذَلِكَ أَثَرٌ، وَهَكَذَا كُلُّ شَيْءٍ، وَالْأَحْكَامُ لِلْأَسْمَاءِ وَالْأَسْمَاءُ تَابِعَةٌ لِلصِّفَاتِ الَّتِي هِيَ حَدُّ مَا هِيَ فِيهِ الْمُفَرِّقُ بَيْنَ أَنْوَاعِهِ.

وَأَمَّا إِبَاحَةُ بَيْعِهِ وَالِاسْتِصْبَاحِ بِهِ، فَإِنَّمَا بَيْعُ الْجِرْمِ الْحَلَالِ لَا مَا مَازَجَهُ مِنْ الْحَرَامِ، وَبَيْعُ الْحَلَالِ حَلَالٌ كَمَا كَانَ قَبْلُ. وَمَنْ ادَّعَى خِلَافَ ذَلِكَ فَعَلَيْهِ الدَّلِيلُ. وَمِمَّنْ أَجَازَ بَيْعَ الْمَائِعَاتِ تَقَعُ فِيهَا النَّجَاسَةُ وَالِانْتِفَاعَ بِهَا: عَلِيٌّ وَابْنُ مَسْعُودٍ وَابْنُ عَبَّاسٍ وَابْنُ عُمَرَ وَأَبُو مُوسَى الْأَشْعَرِيُّ وَأَبُو سَعِيدٍ الْخُدْرِيُّ وَالْقَاسِمُ وَسَالِمٌ وَعَطَاءٌ وَاللَّيْثُ وَأَبُو حَنِيفَةَ وَسُفْيَانُ وَإِسْحَاقُ وَغَيْرُهُمْ.

L2876 As for the permissibility of selling it and using it as fuel for lighting, the sale pertains to the lawful substance, not the unlawful [substance] mixed with it. The sale of lawful items remains permissible as it was previously. Whoever claims otherwise must provide evidence. Among those who permitted both the sale of liquids into which impurities have fallen and their beneficial use are Ali, Ibn Masʿud, Ibn Abbas, Ibn Umar, Abu Musa al-Ashʿari, Abu Saʿid al-Khudri, al-Qasim, Salim, ʿAta', al-Laith, Abu Hanifah, Sufyan, Ishaq, and others.

فَإِنْ قِيلَ: فَإِنَّ فِي النَّاسِ مَنْ يُحَرِّمُ ذَلِكَ وَلَا يَسْتَجِيزُ أَنْ يَأْخُذَهُ وَلَوْ أُعْطِيَهُ بِلَا ثَمَنٍ، فَكِتْمَانُهُ ذَلِكَ غِشٌّ، وَالْغِشُّ حَرَامٌ، وَالدِّينُ النَّصِيحَةُ. قُلْنَا نَعَمْ، كَمَا أَنَّ أَكْثَرَ النَّاسِ لَا يَسْتَسْهِلُ أَنْ يَأْخُذَ مَائِعًا وَقَعَتْ فِيهِ مَخْطَةُ مَجْذُومٍ، أَوْ أَدْخَلَ فِيهِ يَدَهُ، وَلَوْ أُعْطِيَهُ بِلَا ثَمَنٍ، وَهَذَا عِنْدَ الْجَامِدِينَ مِنْ خُصُومِنَا لَا مَعْنَى لَهُ، وَلَيْسَ شَيْءٌ مِنْ هَذَا غِشًّا، إِنَّمَا الْغِشُّ مَا كَانَ فِي الدِّينِ، وَالنَّصِيحَةُ كَذَلِكَ، لَا فِي الظُّنُونِ الْكَاذِبَةِ الْمُخَالِفَةِ لِأَمْرِ اللَّهِ تَعَالَى.

L2877 If it is said: "Indeed, among people are those who forbid this and do not permit taking it even if offered without payment, thus concealing it constitutes deceit. Deceit is forbidden, and religion is sincerity." We reply: Certainly, just as most people do not consider it easy to accept a liquid touched by a trace of a leper's hand or into which he dipped his hand, even if offered without payment. Yet according to the rigid adherents among our opponents, this holds no significance. None of this constitutes deceit, for deceit pertains solely to matters of religion, and sincerity is likewise—not to false suspicions contradicting God Almighty's command.

عَلَى أَنَّ فِي الْقَائِلِينَ مَنْ يَقُولُ بِأَنَّ الْبُصَاقَ نَجِسٌ مِمَّنْ هُوَ أَفْضَلُ مِنْ الْأَرْضِ مَمْلُوءَةً مِنْ مِثْلِ مَنْ قَلَّدَهُ هَؤُلَاءِ الْمُتَأَخِّرُونَ، كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ نَا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا أَبُو عَامِرٍ الْعَقَدِيُّ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ رِبْعِيِّ بْنِ حِرَاشٍ عَنْ سَلْمَانَ هُوَ الْفَارِسِيُّ صَاحِبُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: " إِذَا بَصَقْتَ عَلَى جِلْدِكَ وَأَنْتَ مُتَوَضِّئٌ فَإِنَّ الْبُصَاقَ لَيْسَ بِطَاهِرٍ فَلَا تُصَلِّ حَتَّى تَغْسِلَهُ ". قَالَ ابْنُ الْمُثَنَّى: وَحَدَّثَنَا مَخْلَدُ بْنُ يَزِيدَ الْحَرَّانِيُّ عَنْ التَّيْمِيِّ عَنْ الْمُغِيرَةِ بْنِ مِقْسَمٍ عَنْ إِبْرَاهِيمَ

L2878–2880 Among those who hold that spittle is impure are individuals superior to the earth—which is filled with people resembling those whom these later generations emulate. As narrated to us by Muḥammad ibn Saʿīd ibn Nabāt: Aḥmad ibn ʿAbd al-Baṣīr narrated to us, from Qāsim ibn Aṣbagh, from Muḥammad ibn ʿAbd al-Salām al-Khushanī, from Muḥammad ibn al-Muthannā, from Abū ʿĀmir al-ʿAqadī, from Sufyān al-Thawrī, from Ḥammād ibn Abī Sulaymān, from Ribʿī ibn Ḥirāsh, from Salmān al-Fārisī—the Companion of the Messenger of Allah, peace and blessings be upon him—who said: "If you spit on your skin during ablution, the spittle is not pure. Do not pray until you wash it." Ibn al-Muthannā said: Makhlad ibn Yazīd al-Ḥarrānī narrated to us, from al-Taymī, from al-Mughīrah ibn Miqsam, from Ibrāhīm al-Nakhaʿī, who said: "Spittle is equivalent to excrement, but no one's opinion holds as proof alongside the Messenger of Allah, peace and blessings be upon him."

As for the ruling on urine, it is based on what Aḥmad ibn al-Qāsim narrated to us: My father narrated to me, Qāsim ibn Muḥammad ibn Qāsim, from my grandfather Qāsim ibn Aṣbagh, from Muḥammad ibn Waḍḍāḥ, from Ḥāmid ibn Yaḥyā al-Balkhī, from Sufyān ibn ʿUyaynah, from Ayyūb al-Sakhtiyānī, from Muḥammad ibn Sīrīn, from Abū Hurayrah. The Messenger of Allah—peace and blessings be upon him—said: "Do not urinate in stagnant water that does not flow and then perform ghusl from it."[31]

L2881 Yahya ibn Abd al-Rahman ibn Mas'ud narrated to us, Ahmad ibn Sa'id ibn Hazm narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Abdullah ibn Ahmad ibn Hanbal narrated to us, my father narrated to us, Abd al-Razzaq narrated to us, Ma'mar narrated from Ayyub from Muhammad ibn Sirin from Abu Hurairah, who said: The Messenger of Allah - peace and blessings be upon him - said: "Let none of you urinate in stagnant water that does not flow, then bathe in it." Yahya ibn Abd al-Rahman ibn Mas'ud narrated to us, Ahmad ibn Sa'id ibn Hazm narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Abdullah ibn Ahmad ibn Hanbal narrated to us, my father narrated to us, Abd al-Razzaq narrated to us, Ma'mar narrated from Ayyub from Muhammad ibn Sirin from Abu Hurairah, who said: The Messenger of Allah - peace and blessings be upon him - said: "Let none of you urinate in stagnant water, then perform ablution with it." If he - peace and blessings be upon him - had intended to prohibit others besides the one urinating, he would not have remained silent about that out of inability, forgetfulness, or to burden us by obliging us to know what he did not disclose to us from the unseen. As for the matter of the dog, this topic has been previously discussed.[32]

L2882–2884 As for clarified butter (samn), Ḥumām ibn Aḥmad said: Ibn Mufarrij narrated to us; Ibn al-Aʿrābī narrated to us; al-Dabarī narrated to us; ʿAbd al-Razzāq

النَّخَعِيِّ قَالَ: الْبُصَاقُ بِمَنْزِلَةِ الْعَذِرَةِ، وَلَكِنْ لَا حُجَّةَ فِي أَحَدٍ مِنَ النَّاسِ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. فَأَمَّا حُكْمُ الْبَائِلِ فَلِمَا حَدَّثَنَا أَحْمَدُ بْنُ الْقَاسِمِ حَدَّثَنِي أَبِي قَاسِمُ بْنُ مُحَمَّدِ بْنِ قَاسِمٍ ثنا جَدِّي قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا حَامِدُ بْنُ يَحْيَى الْبَلْخِيُّ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ هُوَ السِّخْتِيَانِيُّ - عَنْ مُحَمَّدٍ هُوَ ابْنُ سِيرِينَ - عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا يَبُولَنَّ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ الَّذِي لَا يَجْرِي ثُمَّ يَغْتَسِلُ مِنْهُ» .

حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ أَيُّوبَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يَبُولَنَّ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ الَّذِي لَا يَجْرِي ثُمَّ يَغْتَسِلُ مِنْهُ» . حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ أَيُّوبَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يَبُولَنَّ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ ثُمَّ يَتَوَضَّأُ مِنْهُ» . فَلَوْ أَرَادَ - عَلَيْهِ السَّلَامُ - أَنْ يَنْهَى عَنْ ذَلِكَ غَيْرَ الْبَائِلِ لَمَا سَكَتَ عَنْ ذَلِكَ عَجْزًا وَلَا نِسْيَانًا وَلَا تَعْنِيتًا لَنَا بِأَنْ يُكَلِّفَنَا عِلْمَ مَا لَمْ يُبْدِهِ لَنَا مِنَ الْغَيْبِ، فَأَمَّا أَمْرُ الْكَلْبِ فَقَدْ مَضَى الْكَلَامُ فِيهِ.

وَأَمَّا السَّمْنُ فَإِنَّ حُمَامَ بْنَ أَحْمَدَ قَالَ: ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ قَالَ «سُئِلَ

[31] **Hadith references (L2878):** Sunan an-Nasai 400.

[32] **Hadith references (L2881):** Sunan an-Nasai 400; Jami at-Tirmidhi 68; Sunan an-Nasai 57.

narrated to us from Maʿmar from al-Zuhrī from Saʿīd ibn al-Musayyib from Abū Hurayrah, who said: “The Messenger of Allah—peace and blessings be upon him—was asked about a mouse that falls into clarified butter. He said: ’If it is solid, throw it away and what surrounds it. But if it is melted, do not go near it.”’ ʿAbd al-Razzāq said: “Maʿmar also used to mention it from al-Zuhrī from... [the chain ends here].” Ubaid Allah ibn Abdullah ibn Utbah narrated from Ibn Abbas, who narrated from Maimunah. Ubaid Allah said: Similarly, Ibn Uyaynah narrated it to us. Ali said: The mouse, the snake, the hen, the dove, and the ermine are terms in Arabic that apply to males just as they apply to females. In the Prophet’s statement—peace and blessings of Allah be upon him—“Discard it and what surrounds it,” there is proof that impurity occurs only if it is dead, for this ruling cannot pertain to a living snake.

L2885 If it is said: Indeed, Abd al-Wahid ibn Ziyad narrated this report from Ma’mar, from al-Zuhri, from Ibn al-Musayyib, from Abu Hurayrah, stating: “And if it was melted or liquid, then use it for lighting,” or he said: “Benefit from it”—we say, and with Allah, the Exalted, is success: It became evident that Abd al-Wahid doubted the wording of the hadith, thus he did not preserve it accurately. There is no doubt that Abd al-Razzaq is more precise in memorizing Ma’mar’s narrations. Moreover, the chain from Ma’mar through al-Zuhri, Ubayd Allah, Ibn Abbas, to Maymunah has no conflicting narrations. A narrator whose reports are consistent is more deserving of being considered precise than one whose narrations are disputed.

L2886 As for what we rely upon in this matter, it is that both narrations are valid. As for the narration of Abd al-Wahid, it aligns with the position we would have maintained had no part of this narration been transmitted, because the foundational principle is the permissibility of benefiting from ghee and other substances, based on the words of Allah the Exalted: *“He created for you all that is on the earth”* [Al-Baqarah: 29].[33]

L2887 As for the narration of ʿAbd al-Razzāq, it represents an established divine law and an additional ruling that abrogates the prior ruling of permissibility

[33] **Qur’an references (L2886):** Qur’an 2:29 (Al-Baqarah).

رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْفَأْرَةِ تَقَعُ فِي السَّمْنِ قَالَ: إذَا كَانَ جَامِدًا فَأَلْقُوهَا وَمَا حَوْلَهَا وَإِنْ كَانَ مَائِعًا فَلَا تَقْرَبُوهُ» قَالَ عَبْدُ الرَّزَّاقِ: وَقَدْ كَانَ مَعْمَرٌ يَذْكُرُهُ أَيْضًا عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَنْ ابْنِ عَبَّاسٍ عَنْ مَيْمُونَةَ قَالَ: وَكَذَلِكَ حَدَّثَنَاهُ ابْنُ عُيَيْنَةَ. قَالَ عَلِيٌّ: الْفَأْرَةُ وَالْحَيَّةُ وَالدَّجَاجَةُ وَالْحَمَامَةُ وَالْعِرْسُ أَسْمَاءٌ كُلُّ وَاحِدٍ مِنْهَا يَقَعُ عَلَى الذَّكَرِ فِي لُغَةِ الْعَرَبِ وُقُوعَهُ عَلَى الْأُنْثَى، وَفِي قَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أَلْقُوهَا وَمَا حَوْلَهَا» . بُرْهَانٌ بِأَنَّهَا لَا تَكُونُ إلَّا مَيِّتَةً، إذْ لَا يُمْكِنُ ذَلِكَ مِنْ الْحَيَّةِ.

فَإِنْ قِيلَ: فَإِنَّ عَبْدَ الْوَاحِدِ بْنَ زِيَادٍ رَوَى عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ ابْنِ الْمُسَيِّبِ عَنْ أَبِي هُرَيْرَةَ هَذَا الْخَبَرَ فَقَالَ: «وَإِنْ كَانَ ذَائِبًا أَوْ مَائِعًا فَاسْتَصْبِحُوا بِهِ أَوْ قَالَ: انْتَفِعُوا بِهِ» قُلْنَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ: عَبْدُ الْوَاحِدِ قَدْ شَكَّ فِي لَفْظَةِ الْحَدِيثِ فَصَحَّ أَنَّهُ لَمْ يَضْبِطْهُ وَلَا شَكَّ فِي أَنَّ عَبْدَ الرَّزَّاقِ أَحْفَظُ لِحَدِيثِ مَعْمَرٍ. وَأَيْضًا فَلَمْ يُخْتَلَفْ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ عَنْ ابْنِ عَبَّاسٍ عَنْ مَيْمُونَةَ. وَمَنْ لَمْ يُخْتَلَفْ عَلَيْهِ أَحَقُّ بِالضَّبْطِ مِمَّنْ اُخْتُلِفَ عَلَيْهِ.

وَأَمَّا الَّذِي نَعْتَمِدُ عَلَيْهِ فِي هَذَا فَهُوَ أَنَّ كِلَا الرِّوَايَتَيْنِ حَقٌّ، فَأَمَّا رِوَايَةُ عَبْدِ الْوَاحِدِ فَمُوَافِقَةٌ لِمَا كُنَّا نَكُونُ عَلَيْهِ لَوْ لَمْ يَرِدْ شَيْءٌ مِنْ هَذِهِ الرِّوَايَةِ، لِأَنَّ الْأَصْلَ إبَاحَةُ الِانْتِفَاعِ بِالسَّمْنِ وَغَيْرِهِ، لِقَوْلِ اللَّهِ تَعَالَى: {خَلَقَ لَكُمْ مَا فِي الأَرْضِ جَمِيعًا} [البقرة: ٢٩] .

وَأَمَّا رِوَايَةُ عَبْدِ الرَّزَّاقِ فَشَرْعٌ وَارِدٌ وَحُكْمٌ زَائِدٌ نَاسِخٌ لِلْإِبَاحَةِ الْمُتَقَدِّمَةِ بِيَقِينٍ لَا شَكَّ فِيهِ، وَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ اللَّهَ تَعَالَى لَوْ أَعَادَ حُكْمَ الْمَنْسُوخِ وَأَبْطَلَ حُكْمَ النَّاسِخِ لَبَيَّنَ

with absolute certainty without any doubt. We are certain that if Allah the Exalted were to reinstate the abrogated ruling and nullify the abrogating ruling, He would have clarified it in a manner that removes the difficulty. Allah the Exalted said: "To clarify for people what has been sent down to them" [16:44]. Thus, the ruling of ʿAbd al-Wāḥid's narration is invalidated with absolute certainty without any doubt, and success comes only from Allah, the Exalted.[34]

ذَلِكَ بَيَانًا يَرْفَعُ بِهِ الْإِشْكَالَ، قَالَ اللَّهُ تَعَالَى: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] فَبَطَلَ حُكْمُ رِوَايَةِ عَبْدِ الْوَاحِدِ بِيَقِينٍ لَا شَكَّ فِيهِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2888 Muhammad ibn Sa'id ibn Nabat narrated to us: Ahmad ibn Abd al-Basir narrated to us: Qasim ibn Asbagh narrated to us: Muhammad ibn Abd al-Salam al-Khushani narrated to us: Muhammad ibn al-Muthanna narrated to us: Muhammad ibn Fudayl narrated to us: Ata ibn al-Sa'ib narrated from Maysarah al-Nahdi from Ali ibn Abi Talib - may Allah be pleased with him - concerning a mouse that falls into clarified butter (ghee) and dies in it. He said: "If the ghee is solid, remove the mouse and the surrounding area, then consume the remainder. If it is melted, pour it out." Ali added: "The portion to be taken from around it is the smallest possible amount and the thinnest in thickness, for this is what the term 'surrounding it' signifies. As for what exceeds that quantity, it is part of what is commanded to be consumed and prohibited from being wasted."

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ فُضَيْلٍ ثنا عَطَاءُ بْنُ السَّائِبِ عَنْ مَيْسَرَةَ النَّهْدِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - فِي الْفَأْرَةِ إِذَا وَقَعَتْ فِي السَّمْنِ فَمَاتَتْ فِيهِ - قَالَ: إِنْ كَانَ جَامِدًا فَاطْرَحْهَا وَمَا حَوْلَهَا وَكُلْ بَقِيَّتَهُ، وَإِنْ كَانَ ذَائِبًا فَأَهْرِقْهُ. قَالَ عَلِيٌّ: وَالْمَأْخُوذُ مِمَّا حَوْلَهَا هُوَ أَقَلُّ مَا يُمْكِنُ أَنْ يُؤْخَذَ وَأَرَقُّهُ غِلَظًا، لِأَنَّ هَذَا هُوَ الَّذِي يَقَعُ عَلَيْهِ اسْمُ مَا حَوْلَهَا، وَأَمَّا مَا زَادَ عَلَى ذَلِكَ فَمِنْ الْمَأْمُورِ بِأَكْلِهِ وَالْمَنْهِيِّ عَنْ تَضْيِيعِهِ.

L2889–2890 If it is said: It has been narrated, "Take an amount equivalent to a handful from around it," it is answered: This only came as a *mursal* report through the narration of Abū Jābir al-Bayāḍī - who is a fabricator - exclusively from Ibn al-Musayyab, and through the narration of Sharīk ibn Abī Namir - who is weak - from ʿAṭāʾ ibn Yasār. Sharīk is weak, and there is no valid proof in a *mursal* report even if transmitted by trustworthy narrators - how then could it be acceptable when transmitted by weak narrators?

فَإِنْ قِيلَ: فَقَدْ رُوِيَ: «خُذُوا مِمَّا حَوْلَهَا قَدْرَ الْكَفِّ.» قِيلَ: هَذَا إِنَّمَا جَاءَ مُرْسَلًا مِنْ رِوَايَةِ أَبِي جَابِرٍ الْبَيَاضِيِّ - وَهُوَ كَذَّابٌ - عَنْ ابْنِ الْمُسَيِّبِ فَقَطْ، وَمِنْ رِوَايَةِ شَرِيكِ بْنِ أَبِي نَمِرٍ - وَهُوَ ضَعِيفٌ - عَنْ عَطَاءِ بْنِ يَسَارٍ، وَشَرِيكٌ ضَعِيفٌ، وَلَا حُجَّةَ فِي مُرْسَلٍ وَلَوْ رَوَاهُ الثِّقَاتُ، فَكَيْفَ مِنْ رِوَايَةِ الضُّعَفَاءِ.

L2891 It is not permissible to apply the ruling established for the mouse in clarified butter to other creatures in substances other than clarified butter, nor to a mouse in substances other than clarified butter, nor to creatures other than the female mouse in clarified butter. This is because no explicit textual evidence exists regarding cases beyond the mouse in clarified butter. It is utterly

وَلَا يَجُوزُ أَنْ يُحْكَمَ لِغَيْرِ الْفَأْرِ فِي غَيْرِ السَّمْنِ، وَلَا لِلْفَأْرِ فِي غَيْرِ السَّمْنِ وَلَا لِغَيْرِ الْفَأْرَةِ فِي السَّمْنِ بِحُكْمِ الْفَأْرِ فِي السَّمْنِ، لِأَنَّهُ لَا نَصَّ فِي غَيْرِ الْفَأْرِ فِي السَّمْنِ، وَمِنْ الْمُحَالِ أَنْ يُرِيدَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حُكْمًا فِي غَيْرِ الْفَأْرِ فِي غَيْرِ السَّمْنِ ثُمَّ يَسْكُتَ

[34] **Qur'an references (L2887):** Qur'an 16:44 (An-Nahl).

عَنْهُ وَلَا يُخْبِرَنَا بِهِ، وَيَكِلَنَا إِلَى عِلْمِ الْغَيْبِ وَالْقَوْلِ بِمَا لَا نَعْلَمُ عَلَى اللَّهِ تَعَالَى، وَمَا يَعْجَزُ - عَلَيْهِ السَّلَامُ - قَطُّ عَنْ أَنْ يَقُولَ لَوْ أَرَادَ: إِذَا وَقَعَ النَّجِسُ أَوْ الْحَرَامُ فِي الْمَائِعِ فَافْعَلُوا كَذَا، حَاشَا لِلَّهِ مِنْ أَنْ يَدَعَ - عَلَيْهِ السَّلَامُ - بَيَانَ مَا أَمَرَهُ رَبُّهُ تَعَالَى بِتَبْلِيغِهِ. هَذَا هُوَ الْبَاطِلُ الْمَقْطُوعُ عَلَى بُطْلَانِهِ بِلَا شَكٍّ.

inconceivable that Allah's Messenger—peace be upon him—would intend a ruling for other creatures in substances besides clarified butter, then remain silent about it without informing us, leaving us dependent on knowledge of the unseen or requiring us to assert about Allah the Exalted what we do not know. The Prophet—peace be upon him—could never lack the ability to state clearly, had he intended: "If an impure or prohibited substance falls into a liquid, then follow such a procedure." Far be it from Allah! It is unthinkable that he—peace be upon him—would neglect to clarify what his Lord, the Exalted, commanded him to convey. This is falsehood decisively judged to be invalid, beyond any doubt.

L2892–2894

فَإِنْ قِيلَ: فَإِنَّهُ قَدْ رُوِيَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ عَنْ فَأْرَةٍ وَقَعَتْ فِي وَدَكٍ فَقَالَ - عَلَيْهِ السَّلَامُ -: اطْرَحُوهَا وَمَا حَوْلَهَا إِنْ كَانَ جَامِدًا، قِيلَ: وَإِنْ كَانَ مَائِعًا؟ قَالَ: فَانْتَفِعُوا بِهِ وَلَا تَأْكُلُوهُ» . قُلْنَا: هَذَا لَمْ يَرْوِهِ أَحَدٌ إلَّا عَبْدُ الْجَبَّارِ بْنُ عُمَرَ، وَهُوَ لَا شَيْءَ، ضَعَّفَهُ ابْنُ مَعِينٍ وَالْبُخَارِيُّ وَأَبُو دَاوُد وَالنَّسَائِيُّ وَغَيْرُهُمْ، وَأَيْضًا فَلَيْسَ فِيهِ إلَّا الْفَأْرُ فِي الْوَدَكِ فَقَطْ، وَقَدْ قِيلَ: إنَّ الْوَدَكَ فِي اللُّغَةِ لِلسَّمْنِ وَالْمَرَقِ خَاصَّةً وَالدَّسَمَ لِلشَّحْمِ. وَقَالَ أَبُو حَنِيفَةَ: إنْ وَقَعَتْ خَمْرٌ أَوْ مَيْتَةٌ أَوْ بَوْلٌ أَوْ عَذِرَةٌ أَوْ نَجَاسَةٌ فِي مَاءٍ رَاكِدٍ نُجِّسَ كُلُّهُ قَلَّتْ النَّجَاسَةُ أَوْ كَثُرَتْ، وَوَجَبَ هَرْقُهُ كُلِّهِ وَلَمْ تَجُزْ صَلَاةُ مَنْ تَوَضَّأَ مِنْهُ أَوْ اغْتَسَلَ مِنْهُ، وَلَمْ يَحِلَّ شُرْبُهُ كَثُرَ ذَلِكَ الْمَاءُ أَوْ قَلَّ، إلَّا أَنْ يَكُونَ إذَا حَرَّكَ أَحَدُ طَرَفَيْهِ لَمْ يَتَحَرَّكْ الْآخَرُ، فَإِنَّهُ طَاهِرٌ حِينَئِذٍ، وَجَائِزٌ التَّطَهُّرُ بِهِ وَشُرْبُهُ، فَإِنْ وَقَعَتْ كَذَلِكَ فِي مَائِعٍ غَيْرِ الْمَاءِ حُرِّمَ أَكْلُهُ وَشُرْبُهُ وَجَازَ الِاسْتِصْبَاحُ بِهِ وَالِانْتِفَاعُ بِهِ وَبَيْعُهُ، فَإِنْ وَقَعَتْ النَّجَاسَةُ أَوْ الْحَرَامُ فِي بِئْرٍ، فَإِنْ كَانَ ذَلِكَ عُصْفُورًا فَمَاتَ، أَوْ فَأْرَةً فَمَاتَتْ، فَأُخْرِجَا، فَإِنَّ الْبِئْرَ قَدْ تَنَجَّسَتْ، وَطَهُورُهَا أَنْ يُسْتَقَى مِنْهَا عِشْرُونَ دَلْوًا وَالْبَاقِي طَاهِرٌ. فَإِنْ كَانَتْ دَجَاجَةً أَوْ سِنَّوْرًا فَأُخْرِجَا حِينَ مَاتَا فَطَهُورُهَا أَرْبَعُونَ دَلْوًا وَالْبَاقِي

If it is said: It has been narrated that the Messenger of Allah—peace and blessings be upon him—was asked about a mouse that fell into ghee or broth, and he—peace be upon him—said: "Discard it and what surrounds it if it is solid." It was asked: "What if it is liquid?" He replied: "Make use of it but do not eat it." We respond: This was narrated only by Abd al-Jabbar ibn Umar—and he is deemed unreliable. Ibn Ma'in, al-Bukhari, Abu Dawud, al-Nasa'i, and others weakened him. Furthermore, this narration pertains solely to a mouse in ghee or broth. It has been stated that "al-wadak" linguistically denotes ghee and broth specifically, while "al-dasam" refers to solid animal fat. Abu Hanifa said: If wine, carrion, urine, feces, or impurity falls into stagnant water, all of it becomes impure—whether the impurity is little or abundant—and the entire quantity must be poured out. It is invalid for one who performs ablution or bathes with it to pray, and drinking it is unlawful regardless of the water's volume, unless stirring one part does not cause movement in the other, in which case it remains pure, and purification with it or drinking it becomes permissible. If such impurity or unlawful substance falls into a liquid other than water, consuming or drinking it is forbidden, but using it for illumination, benefit, or sale is permitted. If impurity or unlawful matter falls into a well—such as a sparrow that dies, or a mouse that dies and is removed—the well becomes impure. Its purification is achieved by drawing twenty buckets [of water], after which the remainder is pure. If it is a chicken or cat removed after death, its purification requires forty buckets, with the remainder pure. If it is a sheep removed after death—

whether following bloating or putrefaction—or if the mouse or sparrow is not removed... The chicken or the cat does not pollute the well except after bloating or putrefaction. The purification of the well is achieved by draining it. The extent of drainage according to Abū Ḥanīfa and Abū Yūsuf is when the water overpowers them [the contaminants], while according to Muḥammad ibn al-Ḥasan it is two hundred buckets. If a cat, mouse, or snake falls into the well and is extracted while alive, the water remains pure for ablution, though it is recommended to drain twenty buckets. If a dog or donkey falls into it and both are removed alive, it is obligatory to drain the well until the water overpowers them. If a sheep urinates in the well, it becomes obligatory to drain it until the water overpowers it [the urine], whether the urine is little or abundant. Similarly, if a camel urinates in it according to the Hanafi school. If two dung pellets from camels or sheep fall into the well, this does not harm its purity.

طَاهِرٌ، فَإِنْ كَانَتْ شَاةً فَأُخْرِجَتْ حِينَ مَاتَتْ أَوْ بَعْدَمَا انْتَفَخَتْ أَوْ تَفَسَّخَتْ، أَوْ لَمْ تُخْرَجْ الْفَأْرَةُ وَلَا الْعُصْفُورُ وَلَا الدَّجَاجَةُ أَوْ السِّنَّوْرُ إلَّا بَعْدَ الِانْتِفَاخِ أَوْ الِانْفِسَاخِ، فَطَهُورُ الْبِئْرِ أَنْ تُنْزَحَ، وَحَدُّ النَّزْحِ عِنْدَ أَبِي حَنِيفَةَ وَأَبِي يُوسُفَ أَنْ يَغْلِبَهُ الْمَاءُ، وَعِنْدَ مُحَمَّدِ بْنِ الْحَسَنِ مِائَتَا دَلْوٍ، فَلَوْ وَقَعَ فِي الْبِئْرِ سِنَّوْرٌ أَوْ فَأْرٌ أَوْ حَنَشٌ فَأُخْرِجَ ذَلِكَ وَهِيَ أَحْيَاءٌ، فَالْمَاءُ طَاهِرٌ يُتَوَضَّأُ بِهِ، وَيُسْتَحَبُّ أَنْ يُنْزَحَ مِنْهَا عِشْرُونَ دَلْوًا، فَلَوْ وَقَعَ فِيهَا كَلْبٌ أَوْ حِمَارٌ فَأُخْرِجَا حَيَّيْنِ فَلَا بُدَّ مِنْ نَزْحِ الْبِئْرِ حَتَّى يَغْلِبَهُمْ الْمَاءُ، فَلَوْ بَالَتْ شَاةٌ فِي الْبِئْرِ وَجَبَ نَزْحُهَا حَتَّى يَغْلِبَهُمْ، قَلَّ الْبَوْلُ أَوْ كَثُرَ. وَكَذَلِكَ لَوْ بَالَ فِيهَا بَعِيرٌ عِنْدَهُمْ، فَلَوْ وَقَعَ فِيهَا بَعْرَتَانِ مِنْ بَعْرِ الْإِبِلِ أَوْ بَعْرِ الْغَنَمِ لَمْ يَضُرَّهَا ذَلِكَ.

L2895 Similarly, if pigeon droppings or sparrow droppings fall into water, it does not render the water impure. Abū Ḥanīfah said: If one performs ablution from a well and then removes a dead animal from it - such as a mouse, chicken, or similar - if it had not decomposed, one must repeat the prayers performed during a day and night. If it had decomposed, one must repeat the prayers performed during three days with their nights. If it was a bird observed falling into the well, and it is removed undecomposed, one need not repeat anything. But if it is removed decomposed, one must repeat the prayers performed during three days with their nights.

وَكَذَلِكَ لَوْ وَقَعَ فِي الْمَاءِ خُرْءُ حَمَامٍ أَوْ خُرْءُ عُصْفُورٍ لَمْ يَضُرَّهُ. قَالَ أَبُو حَنِيفَةَ: مَنْ تَوَضَّأَ مِنْ بِئْرٍ ثُمَّ أَخْرَجَ مِنْهَا مَيْتَةً: فَأْرَةً أَوْ دَجَاجَةً أَوْ نَحْوَ ذَلِكَ فَإِنْ كَانَتْ لَمْ تَنْفَسِخْ أَعَادَ صَلَاةَ يَوْمٍ وَلَيْلَةٍ، وَإِنْ كَانَتْ قَدْ انْفَسَخَتْ أَعَادَ صَلَاةَ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا، فَإِنْ كَانَ طَائِرًا رَأَوْهُ وَقَعَ فِي الْبِئْرِ، فَإِنْ أُخْرِجَ وَلَمْ يَتَفَسَّخْ لَمْ يُعِيدُوا شَيْئًا وَإِنْ أُخْرِجَ مُتَفَسِّخًا أَعَادُوا صَلَاةَ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا.

L2896 If any amount of wine or blood is thrown into a well that had been fully drained, [the ruling applies]. If a bone of carrion is thrown into a well: should there be flesh or blood upon it, the entire well becomes impure and it becomes obligatory to drain it. If there is no blood or flesh upon it, the well does not become impure - except if it is a pig's bone or a single pig's hair, for then the entire well becomes impure and it becomes obligatory to drain it, irrespective of whether there was flesh or fat upon either of them.

فَإِنْ رُمِيَ شَيْءٌ مِنْ خَمْرٍ أَوْ دَمٍ فِي بِئْرٍ نُزِحَتْ كُلُّهَا، فَلَوْ رُمِيَ فِي بِئْرٍ عَظْمُ مَيْتَةٍ، فَإِنْ كَانَ عَلَيْهِ لَحْمٌ أَوْ دَمٌ تَنَجَّسَتْ الْبِئْرُ كُلُّهَا وَوَجَبَ نَزْحُهَا، فَإِنْ لَمْ يَكُنْ عَلَيْهِ دَمٌ أَوْ لَحْمٌ لَمْ تَتَنَجَّسْ الْبِئْرُ، إلَّا أَنْ يَكُونَ عَظْمُ خِنْزِيرٍ أَوْ شَعْرَةٌ وَاحِدَةٌ مِنْ خِنْزِيرٍ، فَإِنَّ الْبِئْرَ كُلَّهَا تَتَنَجَّسُ وَيَجِبُ نَزْحُهَا، كَانَ عَلَيْهِمَا لَحْمٌ أَوْ دَسَمٌ أَوْ لَمْ يَكُنْ.

L2897 Abū Yūsuf and Muḥammad said: If a mouse dies in water within a basin and that water is poured into a well, only twenty buckets must be drawn out from

it. If a Muslim man in a state of ritual purity performed ablution in a pure basin with pure water and poured that water into the well, Abū Yūsuf said: The well becomes impure and all its water must be drained. Muḥammad ibn al-Ḥasan said: Twenty buckets must be drawn out from it, just as would be done for a dead mouse. If a mouse falls into a clay cistern of water and dies, then that water is poured into a well, Abū Yūsuf said: Only an amount equal to the water poured into it must be drawn out from the well. Muḥammad ibn al-Ḥasan said: The greater amount—either the quantity of that water or twenty buckets—must be drawn out. Abū Yūsuf said: If a mouse dies in a cistern and the mouse is thrown into one well while the water is thrown into another well, the mouse must be removed along with exactly twenty buckets from the first well, and from the second well, only an amount equal to the water thrown into it plus twenty additional buckets must be removed. If a mouse falls into a well, is removed with twenty buckets, and then the mouse along with those twenty buckets is thrown into another well, only the mouse and twenty buckets must be removed from the second well.

وَقَالَ أَبُو يُوسُفَ وَمُحَمَّدٌ: لَوْ مَاتَتْ فَأْرَةٌ فِي مَاءٍ فِي طَسْتٍ وَصُبَّ ذَلِكَ الْمَاءُ فِي بِئْرٍ فَإِنَّهُ يُنْزَحُ مِنْهَا عِشْرُونَ دَلْوًا فَقَطْ، فَلَوْ تَوَضَّأَ رَجُلٌ مُسْلِمٌ طَاهِرٌ فِي طَسْتٍ طَاهِرٍ بِمَاءٍ طَاهِرٍ وَصَبَّ ذَلِكَ الْمَاءَ فِي الْبِئْرِ، قَالَ أَبُو يُوسُفَ: قَدْ تَنَجَّسَتْ الْبِئْرُ وَتُنْزَحُ كُلُّهَا، وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: يُنْزَحُ مِنْهَا عِشْرُونَ دَلْوًا كَمَا يُنْزَحُ مِنْ الْفَأْرَةِ الْمَيِّتَةِ، فَلَوْ وَقَعَتْ فَأْرَةٌ فِي خَابِيَةِ مَاءٍ فَمَاتَتْ، فَصُبَّ ذَلِكَ الْمَاءُ فِي بِئْرٍ، فَإِنَّ أَبَا يُوسُفَ قَالَ: يُنْزَحُ مِنْهَا مِثْلُ الْمَاءِ الَّذِي رُمِيَ فِيهَا فَقَطْ. وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: يُنْزَحُ الْأَكْثَرُ مِنْ ذَلِكَ الْمَاءِ أَوْ مِنْ عِشْرِينَ دَلْوًا، وَقَالَ أَبُو يُوسُفَ: لَوْ مَاتَتْ فَأْرَةٌ فِي خَابِيَةٍ فَرُمِيَتْ الْفَأْرَةُ فِي بِئْرٍ وَرُمِيَ الْمَاءُ فِي بِئْرٍ أُخْرَى، فَإِنَّ الْفَأْرَةَ تُخْرَجُ وَيُخْرَجُ مَعَهَا عِشْرُونَ دَلْوًا فَقَطْ وَيُخْرَجُ مِنْ الْمَاءِ مِنْ الْبِئْرِ الْأُخْرَى مِثْلُ الْمَاءِ الَّذِي رُمِيَ فِيهَا وَعِشْرُونَ دَلْوًا زِيَادَةً فَقَطْ، فَلَوْ أَنَّ فَأْرَةً وَقَعَتْ فِي بِئْرٍ فَأُخْرِجَتْ وَأُخْرِجَ مَعَهَا عِشْرُونَ دَلْوًا، ثُمَّ رُمِيَتْ الْفَأْرَةُ وَتِلْكَ الْعِشْرُونَ دَلْوًا مَعَهَا فِي بِئْرٍ أُخْرَى فَإِنَّهُ يُخْرَجُ الْفَأْرَةُ وَعِشْرُونَ دَلْوًا فَقَطْ.

L2898–2900 They said: Then if a frog, a fly, a wasp, or [another creature] died in the water... A scorpion, beetle, locust, ant, cricket, a fish that has floated, or any creature without blood [falling into water] – the water remains pure and permissible for ablution and bathing. As for the floating fish, according to their school of thought, its consumption is unlawful.

قَالُوا: فَلَوْ مَاتَ فِي الْمَاءِ ضُفْدَعٌ أَوْ ذُبَابٌ أَوْ زُنْبُورٌ أَوْ عَقْرَبٌ أَوْ خُنْفُسَاءُ أَوْ جَرَادٌ أَوْ نَمْلٌ أَوْ صَرَّارٌ أَوْ سَمَكٌ فَطَفَا أَوْ كُلُّ مَا لَا دَمَ لَهُ، فَإِنَّ الْمَاءَ طَاهِرٌ جَائِزٌ الْوُضُوءُ بِهِ وَالْغُسْلُ، وَالسَّمَكُ الطَّافِي عِنْدَهُمْ لَا يَحِلُّ أَكْلُهُ.

L2901 Similarly, if all those animals die in a liquid other than water, the liquid is pure and its consumption is lawful. They said: If a snake dies in water or in another liquid, that water or liquid becomes impure because the snake has blood. If a dog, donkey, or wild beast is slaughtered and then all those carcasses are thrown into still water, the water does not become impure, though that meat is unlawful to eat. This ruling applies to all things except the pig and the human being, for even if slaughtered, they render the water impure.

وَكَذَلِكَ إِنْ مَاتَ كُلُّ ذَلِكَ فِي مَائِعٍ غَيْرِ الْمَاءِ فَهُوَ طَاهِرٌ حَلَالٌ أَكْلُهُ، قَالُوا: فَإِنْ مَاتَتْ فِي الْمَاءِ أَوْ فِي مَائِعٍ غَيْرِهِ حَيَّةٌ فَقَدْ تَنَجَّسَ ذَلِكَ الْمَاءُ وَذَلِكَ الْمَائِعُ، لِأَنَّ لَهَا دَمًا، فَإِنْ ذُبِحَ كَلْبٌ أَوْ حِمَارٌ أَوْ سَبُعٌ ثُمَّ رُمِيَ كُلُّ ذَلِكَ فِي رَاكِدٍ لَمْ يَتَنَجَّسْ ذَلِكَ

الْمَاءُ، وَإِنَّ ذَلِكَ اللَّحْمَ حَرَامٌ لَا يَحِلُّ أَكْلُهُ، وَهَكَذَا كُلُّ شَيْءٍ إِلَّا الْخِنْزِيرَ وَابْنَ آدَمَ، فَإِنَّهُمَا وَإِنْ ذُبِحَا يُنَجِّسَانِ الْمَاءَ.

L2902 Ali said: Whoever utters these statements—for much of what the rigid literalists bring forth resembles them more—should he not feel ashamed to censure those who follow the commands of Allah's Messenger (peace and blessings be upon him) and the obligations dictated by sound intellects in comprehending what Allah the Exalted has ordained through His Prophet's tongue (peace and blessings be upon him), without transgressing the boundaries set by Allah the Exalted? Yet we have not witnessed an exaggerated Sunnah except that it is accompanied by a widely spread innovation. These statements, were their inherent confusion to be thoroughly examined, would necessitate a voluminous book to elucidate them, for every section contains a calamity of arbitrary rulings, corruption, and contradiction. These are statements no one before them ever uttered, having no share in the Quran, nor any authentic or weak Sunnah, nor any rationally valid analogy, nor any sound opinion, nor any consistently applied falsehood. Rather, they stem from mutually contradictory falsehood steeped in the utmost triviality.

قَالَ عَلِيٌّ: فَمَنْ يَقُولُ هَذِهِ الْأَقْوَالَ - الَّتِي كَثِيرٌ مِمَّا يَأْتِي بِهِ الْمُبَرْسَمُ أَشْبَهُ مِنْهَا - أَلَا يَسْتَحِي مِنْ أَنْ يُنْكِرَ عَلَى مَنْ اتَّبَعَ أَوَامِرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمُوجِبَاتِ الْعُقُولِ فِي فَهْمِ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ عَلَى لِسَانِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَتَعَدَّ حُدُودَ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ وَلَكِنْ مَا رَأَيْنَا سُنَّةً مُضَاعَةً، إِلَّا وَمَعَهَا بِدْعَةٌ مُذَاعَةٌ. وَهَذِهِ أَقْوَالٌ لَوْ تُتُبِّعَ مَا فِيهَا مِنْ التَّخْلِيطِ لَقَامَ فِي بَيَانِ ذَلِكَ سِفْرٌ ضَخْمٌ، إِذْ كُلُّ فَصْلٍ مِنْهَا مُصِيبَةٌ فِي التَّحَكُّمِ وَالْفَسَادِ وَالتَّنَاقُضِ، وَإِنَّهَا أَقْوَالٌ لَمْ يَقُلْهَا قَطُّ أَحَدٌ قَبْلَهُمْ، وَلَا لَهَا حَظٌّ مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا مِنْ قِيَاسٍ يُعْقَلُ، وَلَا مِنْ رَأْيٍ سَدِيدٍ، وَلَا مِنْ بَاطِلٍ مُطَّرِدٍ، وَلَكِنْ مِنْ بَاطِلٍ مُتَخَاذِلٍ فِي غَايَةِ السَّخَافَةِ.

L2903 It is astonishing that they justified their claim with a narration attributed to Ibn Abbas and Ibn al-Zubayr: that they drew large amounts of water from Zamzam because a Zinji (an East African man) had died in it, along with narrations from Ali ibn Abi Talib—may Allah be pleased with him—and from Ibrahim al-Nakha'i, 'Ata', al-Sha'bi, al-Hasan, Hammad ibn Abi Sulayman, and Salama ibn Kuhayl.

وَالْعَجَبُ أَنَّهُمْ مَوَّهُوا بِرِوَايَةٍ عَنْ ابْنِ عَبَّاسٍ وَابْنِ الزُّبَيْرِ: أَنَّهُمَا نَزَحَا زَمْزَمَ مِنْ زِنْجِيٍّ مَاتَ فِيهَا، وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ وَعَطَاءٍ وَالشَّعْبِيِّ وَالْحَسَنِ وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ وَسَلَمَةَ بْنِ كُهَيْلٍ.

L2904 And all that has been narrated from the Companions and the Followers—may Allah be pleased with them—is contrary to the opinions of Abu Hanifah and his followers.

قَالَ عَلِيُّ بْنُ أَحْمَدَ: وَكُلُّ مَا رُوِيَ عَنْ هَؤُلَاءِ الصَّحَابَةِ وَهَؤُلَاءِ التَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ - فَمُخَالِفٌ لِأَقْوَالِ أَبِي حَنِيفَةَ وَأَصْحَابِهِ.

L2905 As for Ali, we have narrated from him that he said regarding a mouse that fell into a well and died: "Its water is to be drawn out." And he said regarding a mouse that fell into a well and was cut into pieces: "Seven buckets are to be bailed from it. If the mouse was in its original state, not having been cut into pieces, one or two buckets are to be bailed from the well. If it was

أَمَّا عَلِيٌّ فَإِنَّنَا رُوِّينَا عَنْهُ أَنَّهُ قَالَ فِي فَأْرَةٍ وَقَعَتْ فِي بِئْرٍ فَمَاتَتْ: إنَّهُ يُنْزَحُ مَاؤُهَا، وَأَنَّهُ قَالَ فِي فَأْرَةٍ وَقَعَتْ فِي بِئْرٍ فَقُطِّعَتْ: يُخْرَجُ مِنْهَا سَبْعُ دِلَاءٍ، فَإِنْ كَانَتْ الْفَأْرَةُ كَهَيْئَتِهَا

rotten, enough water is to be bailed from the well to remove the foul odor." These two narrations are not representative of Abu Hanifah's opinion in any respect.

L2906–2908 As for the narration from Ibn Abbas and Ibn al-Zubayr—may Allah be pleased with them—if that had been authentically established from the Prophet—peace and blessings of Allah be upon him—it would not have made draining the well obligatory from the impurities that fall into it. How then could it apply to those below him—peace be upon him—since it does not state that they deemed its draining obligatory or commanded it? Rather, it is merely an action they performed, which they may have done out of their own volition, not on the basis of it being obligatory. Thus, their reliance on Ibn Abbas's action is invalidated. And Ibn al-Zubayr—furthermore, the narration itself indicates that Ibn Abbas was told: "A spring near the Stone overwhelmed us," so he gave them a silk cloth which they stuffed into it until they drained it. This contradicts the position of Abū Ḥanīfah and his disciples, for the threshold of draining according to Abū Ḥanīfah is solely when the water overpowers them, whereas Muḥammad stipulates merely two hundred buckets, and Abū Yūsuf aligns with Abū Ḥanīfah's view. Who is more misguided than one who cites a narration—deeming it proof against those who reject it—yet becomes the first to contravene the very evidence he cited? Even if it were authentically established that they both—may Allah be pleased with both of them—ordered its drainage, the Ḥanafīs would have no valid argument here, for it is impermissible to speculate such a notion about them except that Zamzam's water became altered due to the death of the Zanjī. This is our school's position. This is corroborated by the sound narration from Ibn Abbas—which we transmitted through Wakīʿ, from Zakariyyā ibn Abī Zāʾidah, from al-Shaʿbī, from Ibn Abbas: "Four things are not defiled: water, garment, humans, and the earth." We have also transmitted from ʿUmar ibn al-Khaṭṭāb that Allah made water a purifier.

L2909 As for the Successors mentioned, Ibrāhīm al-Nakhaʿī stated: Forty buckets for a mouse and forty buckets for a cat. Al-Shaʿbī said: Seventy buckets for a chicken. Ḥammād ibn Abī Sulaymān ruled: Thirty buckets for a cat and thirty buckets for a chicken. Salamah ibn Kuhayl declared: Forty buckets

لَمْ تَتَقَطَّعْ يُنْزَحُ مِنْهَا دَلْوٌ أَوْ دَلْوَانِ، فَإِنْ كَانَتْ مُنْتِنَةً يُنْزَحُ مِنَ الْبِئْرِ مَا يُذْهِبُ الرِّيحَ، وَهَاتَانِ الرِّوَايَتَانِ لَيْسَتْ وَاحِدَةٌ مِنْهُمَا قَوْلَ أَبِي حَنِيفَةَ أَصْلًا.

وَأَمَّا الرِّوَايَةُ عَنِ ابْنِ عَبَّاسٍ وَابْنِ الزُّبَيْرِ - رَضِيَ اللَّهُ عَنْهُمَا -، فَلَوْ صَحَّ ذَلِكَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَجِبْ بِذَلِكَ فَرْضُ نَزْحِ الْبِئْرِ مِمَّا يَقَعُ فِيهَا مِنَ النَّجَاسَاتِ، فَكَيْفَ عَمَّنْ دُونَهُ - عَلَيْهِ السَّلَامُ -، لِأَنَّهُ لَيْسَ فِيهِ أَنَّهُمَا أَوْجَبَا نَزْحَهَا وَلَا أَمَرَا بِهِ، وَإِنَّمَا هُوَ فِعْلٌ مِنْهُمَا قَدْ يَفْعَلَانِهِ عَنْ طِيبِ النَّفْسِ، لَا عَلَى أَنَّ ذَلِكَ وَاجِبٌ، فَبَطَلَ تَعَلُّقُهُمْ بِفِعْلِ ابْنِ عَبَّاسٍ وَابْنِ الزُّبَيْرِ، وَأَيْضًا فَإِنَّ فِي الْخَبَرِ نَفْسِهِ أَنَّهُ قِيلَ لِابْنِ عَبَّاسٍ: قَدْ غَلَبَتْنَا عَيْنٌ مِنْ جِهَةِ الْحَجَرِ، فَأَعْطَاهُمْ كِسَاءَ خَزٍّ فَحَشَوْهُ فِيهَا حَتَّى نَزَحُوهَا، وَلَيْسَ هَذَا قَوْلَ أَبِي حَنِيفَةَ وَأَصْحَابِهِ، لِأَنَّ حَدَّ النَّزْحِ عِنْدَ أَبِي حَنِيفَةَ أَنْ يَغْلِبَهُمُ الْمَاءُ فَقَطْ، وَعِنْدَ مُحَمَّدٍ مِائَتَا دَلْوٍ فَقَطْ، وَعِنْدَ أَبِي يُوسُفَ كَقَوْلِ أَبِي حَنِيفَةَ، فَمَنْ أَضَلُّ مِمَّنْ يَحْتَجُّ بِخَبَرٍ - يَقْضِي بِأَنَّهُ حُجَّةٌ عَلَى مَنْ لَا يَرَاهُ حُجَّةً - ثُمَّ يَكُونُ الْمُحْتَجُّ بِهِ أَوَّلَ مُخَالِفٍ لِمَا احْتَجَّ فَكَيْفَ وَلَوْ صَحَّ أَنَّهُمَا - رَضِيَ اللَّهُ عَنْهُمَا - أَمَرَا بِنَزْحِهَا لَمَا كَانَ لِلْحَنَفِيِّينَ فِي ذَلِكَ حُجَّةٌ، لِأَنَّهُ لَا يَجُوزُ أَنْ يُظَنَّ بِهِمْ، إِلَّا أَنَّ زَمْزَمَ تَغَيَّرَتْ بِمَوْتِ الزِّنْجِيِّ. وَهَذَا قَوْلُنَا، وَيُؤَيِّدُ هَذَا صِحَّةُ الْخَبَرِ عَنِ ابْنِ عَبَّاسٍ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ وَكِيعٍ عَنْ زَكَرِيَّاءَ بْنِ أَبِي زَائِدَةَ عَنِ الشَّعْبِيِّ عَنِ ابْنِ عَبَّاسٍ: أَرْبَعٌ لَا تُنَجَّسُ، الْمَاءُ وَالثَّوْبُ وَالْإِنْسَانُ وَالْأَرْضُ. وَقَدْ رُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّ اللَّهَ جَعَلَ الْمَاءَ طَهُورًا.

وَأَمَّا التَّابِعُونَ الْمَذْكُورُونَ، فَإِنَّ إِبْرَاهِيمَ النَّخَعِيَّ قَالَ: فِي الْفَأْرَةِ أَرْبَعُونَ دَلْوًا وَفِي السِّنَّوْرِ أَرْبَعُونَ دَلْوًا، وَقَالَ الشَّعْبِيُّ فِي الدَّجَاجَةِ سَبْعُونَ دَلْوًا، وَقَالَ حَمَّادُ بْنُ أَبِي سُلَيْمَانَ فِي

for a chicken. Al-Ḥasan judged: Forty buckets for a mouse. ʿAṭāʾ opined: Twenty buckets for a mouse, and forty buckets for a ewe that dies in the well. If it disintegrates, one hundred buckets must be drawn or the water entirely drained. Regarding a dog falling into the well: if extracted alive, twenty buckets; if removed dead, sixty buckets; and if decomposed, one hundred buckets or complete drainage. Is there any opinion among these that aligns with the positions of Abū Ḥanīfah and his companions except ʿAṭāʾ's ruling on the mouse – without applying Abū Ḥanīfah's detailed classification – and Ibrāhīm's verdict on the cat – likewise without adopting his categorical framework? Thus they achieved nothing but contradiction with all the Companions and Successors, having no basis in any aspect of the Sunnah or legal standards. Among the remarkable assertions we have cited from them is their claim in some rulings: "The water used for ablution by a pure, clean Muslim is more ritually impure than a dead mouse." Had we rightfully condemned them, we would oblige them to apply this to the ablution of Allah's Messenger – peace and blessings of Allah be upon him – compelling them to either abandon their view or depart from Islam, or [similarly] concerning the ablution of Abū Bakr, ʿUmar, ʿUthmān, and ʿAlī – may Allah be pleased with them all.

السِّنَّوْرِ ثَلَاثُونَ دَلْوًا، وَفِي الدَّجَاجَةِ ثَلَاثُونَ دَلْوًا. وَقَالَ سَلَمَةُ بْنُ كُهَيْلٍ فِي الدَّجَاجَةِ أَرْبَعُونَ دَلْوًا، وَقَالَ الْحَسَنُ فِي الْفَأْرَةِ أَرْبَعُونَ دَلْوًا، وَقَالَ عَطَاءٌ فِي الْفَأْرَةِ عِشْرُونَ دَلْوًا، وَفِي الشَّاةِ تَمُوتُ فِي الْبِئْرِ أَرْبَعُونَ دَلْوًا، فَإِنْ تَفَسَّخَتْ فَمِائَةُ دَلْوٍ أَوْ تُنْزَحُ، وَفِي الْكَلْبِ يَقَعُ فِي الْبِئْرِ، إِنْ أُخْرِجَ مِنْهَا حَيًّا عِشْرُونَ دَلْوًا، فَإِنْ مَاتَ فَأُخْرِجَ حِينَ مَوْتِهِ فَسِتُّونَ دَلْوًا، فَإِنْ تَفَسَّخَ فَمِائَةُ دَلْوٍ أَوْ تُنْزَحُ، فَهَلْ مِنْ هَذِهِ الْأَقْوَالِ قَوْلٌ يُوَافِقُ أَقْوَالَ أَبِي حَنِيفَةَ وَأَصْحَابِهِ إِلَّا قَوْلَ عَطَاءٍ فِي الْفَأْرَةِ دُونَ أَنْ يُقَسِّمَ تَقْسِيمَ أَبِي حَنِيفَةَ، وَقَوْلَ إِبْرَاهِيمَ فِي السِّنَّوْرِ دُونَ أَنْ يُقَسِّمَ أَيْضًا تَقْسِيمَ أَبِي حَنِيفَةَ، فَلَمْ يَحْصُلُوا إِلَّا عَلَى خِلَافِ الصَّحَابَةِ وَالتَّابِعِينَ كُلِّهِمْ فَلَا تَعَلُّقَ بِشَيْءٍ مِنَ السُّنَنِ أَوِ الْمَقَايِيسِ. وَمِنْ عَجِيبِ مَا أَوْرَدْنَا عَنْهُمْ قَوْلُهُمْ فِي بَعْضِ أَقْوَالِهِمْ: إِنَّ مَاءَ وُضُوءِ الْمُسْلِمِ الطَّاهِرِ النَّظِيفِ أَنْجَسُ مِنَ الْفَأْرَةِ الْمَيِّتَةِ وَلَوْ أَوْرَدْنَا التَّشْنِيعَ عَلَيْهِمْ بِالْحَقِّ لَأَلْزَمْنَاهُمْ ذَلِكَ فِي وُضُوءِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِمَّا أَنْ يَتْرُكُوا قَوْلَهُمْ، وَإِمَّا أَنْ يَخْرُجُوا عَنِ الْإِسْلَامِ أَوْ فِي وُضُوءِ أَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ وَعَلِيٍّ - رَضِيَ اللَّهُ عَنْهُمْ -.

L2910–2912 And their claim: "If one end is moved, the other end does not move." If only I knew! By what would this movement occur - by a child's finger, a straw, a spindle's rod, the swimming of a swimmer, an elephant's fall, a small pebble, a catapult stone, or the collapse of a riverbank? We praise Allah for safety from these incoherencies, particularly their differentiation between... Regarding water and all other liquids: If they claim consensus on this matter, we say to them: You have lied. This Ibn al-Mājishūn states: Any water affected by impurity has indeed become impure, unless it is a stagnant pool such that if its middle is stirred, its edges have not moved.

وَقَوْلُهُمْ: إِنْ حُرِّكَ طَرَفُهُ لَمْ يَتَحَرَّكْ الطَّرَفُ الْآخَرُ، فَلَيْتَ شِعْرِي هَذِهِ الْحَرَكَةُ بِمَاذَا تَكُونُ أَبِإِصْبَعِ طِفْلٍ، أَمْ بِتِبْنَةٍ، أَوْ بِعُودِ مِغْزَلٍ، أَوْ بِعَوْمِ عَائِمٍ، أَوْ بِوُقُوعِ فِيلٍ، أَوْ بِحَصَاةٍ صَغِيرَةٍ أَوْ بِحَجَرِ مَنْجَنِيقٍ، أَوْ بِانْهِدَامِ جُرُفٍ؟ نَحْمَدُ اللَّهَ عَلَى السَّلَامَةِ مِنْ هَذِهِ التَّخَالِيطِ، لَا سِيَّمَا فَرْقُهُمْ فِي ذَلِكَ بَيْنَ الْمَاءِ وَسَائِرِ الْمَائِعَاتِ، فَإِنْ ادَّعَوْا فِيهِ إِجْمَاعًا، قُلْنَا لَهُمْ: كَذَبْتُمْ، هَذَا ابْنُ الْمَاجِشُونِ يَقُولُ: إِنَّ كُلَّ مَاءٍ أَصَابَتْهُ نَجَاسَةٌ فَقَدْ تَنَجَّسَ، إِلَّا أَنْ يَكُونَ غَدِيرًا إِذَا حُرِّكَ وَسَطُهُ لَمْ تَتَحَرَّكْ أَطْرَافُهُ.

L2913 Malik said regarding a well into which a chicken falls and dies: the water

must be drained unless its abundance nullifies the impurity. Food kneaded with such water must not be eaten, garments washed with it must be rewashed, and whoever performed ablution or ritual bath with that water must repeat every prayer performed within its prescribed time. He stated that if a gecko or mouse falls into the well and dies, water must be drawn from it until purified by draining as much as possible. Should wine fall into water, those who perform ablution with it must repeat prayers only within their designated time. If any such impurity falls into a liquid other than water, consuming it becomes impermissible regardless of alteration. If bread is moistened with such water, ablution with it becomes invalid, and those who used it for ablution must always repeat their prayers. If water becomes altered by the aforementioned impurity or by a pure substance, those who performed ablution and prayed with it must always repeat their prayers. When any small land vermin—such as wasps, scorpions, crickets, beetles, crabs, frogs, or similar creatures—dies in water, food, drink, or other substances, it causes no harm; such items remain permissible for consumption. Ibn al-Qāsim, his companion, said: a small quantity of impurity contaminates a small quantity of water. Those who find no alternative must perform dry ablution (tayammum). If one prays after ablution with such water, repetition is required only within the prayer's prescribed time.

وَقَالَ مَالِكٌ فِي الْبِئْرِ تَقَعُ فِيهَا الدَّجَاجَةُ فَتَمُوتُ فِيهَا: إِنَّهُ يُنْزَفُ إِلَّا أَنْ تَغْلِبَهُمْ كَثْرَةُ الْمَاءِ، وَلَا يُؤْكَلُ طَعَامٌ عُجِنَ بِهِ، وَيُغْسَلُ مِنْ الثِّيَابِ مَا غُسِلَ بِهِ، وَيُعِيدُ كُلُّ مَنْ تَوَضَّأَ بِذَلِكَ الْمَاءِ أَوْ اغْتَسَلَ بِهِ صَلَاةً صَلَّاهَا مَا كَانَ فِي الْوَقْتِ. قَالَ فَإِنْ وَقَعَتْ فِي الْبِئْرِ الْوَزَغَةُ أَوْ الْفَأْرَةُ فَمَاتَتَا إِنَّهُ يُسْتَقَى مِنْهَا حَتَّى تَطِيبَ، يَنْزِفُونَ مِنْهَا مَا اسْتَطَاعُوا، فَلَوْ وَقَعَ خَمْرٌ فِي مَاءٍ فَإِنَّ مَنْ يَتَوَضَّأُ مِنْهُ يُعِيدُ فِي الْوَقْتِ فَقَطْ، فَلَوْ وَقَعَ شَيْءٌ مِنْ ذَلِكَ فِي مَائِعٍ غَيْرِ الْمَاءِ لَمْ يَحِلَّ أَكْلُهُ، تَغَيَّرَ أَوْ لَمْ يَتَغَيَّرْ، فَإِنْ بُلَّ فِي الْمَاءِ خُبْزٌ لَمْ يَجُزْ الْوُضُوءُ مِنْهُ، وَأَعَادَ مَنْ تَوَضَّأَ بِهِ أَبَدًا، فَلَوْ تَغَيَّرَ الْمَاءُ مِنْ النَّجَاسَةِ الْمَذْكُورَةِ أَوْ مِنْ شَيْءٍ طَاهِرٍ، أَعَادَ مَنْ تَوَضَّأَ بِهِ وَصَلَّى أَبَدًا، فَلَوْ مَاتَ شَيْءٌ مِنْ خَشَاشِ الْأَرْضِ فِي مَاءٍ أَوْ فِي طَعَامٍ أَوْ شَرَابٍ أَوْ غَيْرِ ذَلِكَ لَمْ يَضُرَّهُ، وَيُؤْكَلُ كُلُّ ذَلِكَ وَيُشْرَبُ، وَذَلِكَ نَحْوُ الزُّنْبُورِ وَالْعَقْرَبِ وَالصَّرَارِ وَالْخُنْفُسَاءِ وَالسَّرَطَانِ وَالضُّفْدَعِ وَمَا أَشْبَهَ ذَلِكَ. وَقَالَ ابْنُ الْقَاسِمِ صَاحِبُهُ: قَلِيلُ الْمَاءِ يُفْسِدُهُ قَلِيلُ النَّجَاسَةِ، وَيَتَيَمَّمُ مَنْ لَمْ يَجِدْ سِوَاهُ، فَإِنْ تَوَضَّأَ وَصَلَّى بِهِ لَمْ يُعِدْ إِلَّا فِي الْوَقْتِ.

L2914 Ali said: If he differentiates through this statement between the container in which the gecko and mouse died and the container in which the chicken died, he is mistaken, for this constitutes an assertion without proof. If he equates all these cases, his statement becomes self-contradictory - since he prohibits eating food prepared with such water and orders the washing of garments touched by it, yet only instructs repeating prayers within their original timeframe as a recommended act rather than an obligation. If the prayer he commands to perform within the timeframe is considered voluntary according to his view, what purpose does voluntary prayer serve in rectifying an invalidated obligatory prayer? Should he claim there is a purpose, one must ask: What nullifies this purpose when the timeframe ends? What rationale leads you to encourage voluntary prayer during the timeframe but not after it? If the prayer he commands within the timeframe is deemed

قَالَ عَلِيٌّ: إِنْ كَانَ فَرَّقَ بِهَذَا الْقَوْلِ بَيْنَ مَا مَاتَتْ فِيهِ الْوَزَغَةُ وَالْفَأْرَةُ وَبَيْنَ مَا مَاتَتْ فِيهِ الدَّجَاجَةُ فَهُوَ خَطَأٌ، لِأَنَّهُ قَوْلٌ بِلَا بُرْهَانٍ، وَإِنْ كَانَ سَاوَى بَيْنَ كُلِّ ذَلِكَ فَقَدْ تَنَاقَضَ قَوْلُهُ، إِذْ مَنَعَ مِنْ أَكْلِ الطَّعَامِ الْمَعْمُولِ بِذَلِكَ الْمَاءِ، وَإِذْ أَمَرَ بِغَسْلِ مَا مَسَّهُ مِنْ الثِّيَابِ، ثُمَّ لَمْ يَأْمُرْ بِإِعَادَةِ الصَّلَاةِ إِلَّا فِي الْوَقْتِ، وَهَذَا عِنْدَهُ اخْتِيَارٌ لَا إِيجَابٌ، فَإِنْ كَانَتْ الصَّلَاةُ الَّتِي يَأْمُرُهُ بِأَنْ يَأْتِيَ بِهَا فِي الْوَقْتِ تَطَوُّعًا عِنْدَهُ، فَأَيُّ مَعْنًى لِلتَّطَوُّعِ فِي إِصْلَاحِ مَا فَسَدَ مِنْ صَلَاةِ الْفَرِيضَةِ؟ فَإِنْ قَالَ إِنَّ لِذَلِكَ مَعْنًى، قِيلَ لَهُ: فَمَا الَّذِي يُفْسِدُ ذَلِكَ الْمَعْنَى إِذَا خَرَجَ الْوَقْتُ؟ وَمَا الْوَجْهُ الَّذِي رَغَّبْتُمُوهُ مِنْ أَجْلِهِ فِي أَنْ يَتَطَوَّعَ

obligatory, how is it permissible to pray two noon prayers on the same day within the same timeframe? What absolves one from this obligation when the timeframe ends, given his position that obligatory prayers must necessarily be performed by those who omitted them - even after the timeframe's expiration?

فِي الْوَقْتِ، وَلَمْ تُرَغِّبُوهُ فِي التَّطَوُّعِ بَعْدَ الْوَقْتِ؟ وَإِنْ كَانَتْ الصَّلَاةُ الَّتِي يَأْمُرُهُ أَنْ يَأْتِيَ بِهَا فِي الْوَقْتِ فَرْضًا، فَكَيْفَ يَجُوزُ أَنْ يُصَلِّيَ ظُهْرَيْنِ لِيَوْمٍ وَاحِدٍ فِي وَقْتٍ وَاحِدٍ؟ وَمَا الَّذِي أَسْقَطَهَا عَنْهُ إذَا خَرَجَ الْوَقْتُ؟ وَهُوَ يَرَى أَنَّ الصَّلَاةَ الْفَرْضَ يُؤَدِّيهَا التَّارِكُ لَهَا فَرْضًا وَلَا بُدَّ وَإِنْ خَرَجَ الْوَقْتُ.

L2915–2918 Then the astonishment is at Abū Ḥanīfah and Mālik's differentiation between creatures without blood that die in water and in liquids, and those with blood that die therein. This is a distinction never brought by the Qur'ān, any authentic or weak Sunnah, a Companion's statement, analogy, or reasoned opinion. The astonishment lies in their restriction to creatures with blood, while we visibly know that fleas have blood and flies have blood. If they say, "We meant creatures with flowing blood," it is replied: This adds to the astonishment. From where did you derive this division between blood in dead creatures? You unanimously agree with us and all Muslims that every dead creature is prohibited, as the Qur'ān states. The dead flea, fly, scorpion, and beetle are prohibited without any disagreement. So from where did this differentiation between categories of prohibited dead creatures arise? Some argued: "Muslims have unanimously agreed to eat cooked broad beans containing dead weevils, honey containing dead bees, vinegar containing dead worms, and cheese and figs likewise. The Messenger of Allah—peace and blessings be upon him—instructed to dip the fly in food." It is said to them, with Allah's aid: If the consensus is valid as you claim, and the cited ḥadīth indicates the permissibility of eating food in which a fly dies as you assert, then the valid method is one of two: either restrict yourselves to what the consensus and specific report confirm—treating other cases contrary to this, since your principle deems impurities contacting pure substances defiling, and you hold analogy beyond the original case impermissible—or analogize all winged creatures to the fly, all legged animals to the weevil, and all crawling creatures to the worm. From where did you derive applying analogy to creatures without blood? You erred twice: first, the fly has blood; second, you confined analogy to bloodless creatures instead of analogizing all winged beings or all ensouled creatures to the fly. If they say: "We analogized other

ثُمَّ الْعَجَبُ مِنْ تَفْرِيقِ أَبِي حَنِيفَةَ وَمَالِكٍ بَيْنَ مَا لَا دَمَ لَهُ يَمُوتُ فِي الْمَاءِ وَفِي. الْمَائِعَاتِ وَبَيْنَ مَا لَهُ دَمٌ يَمُوتُ فِيهَا وَهَذَا فَرْقٌ لَمْ يَأْتِ بِهِ قَطُّ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ، وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ وَلَا مَعْقُولٌ، وَالْعَجَبُ مِنْ تَحْدِيدِهِمْ ذَلِكَ بِمَا لَهُ دَمٌ وَبِالْعِيَانِ نَدْرِي أَنَّ الْبُرْغُوثَ لَهُ دَمٌ وَالذُّبَابَ لَهُ دَمٌ. فَإِنْ قَالُوا: أَرَدْنَا مَا لَهُ دَمٌ سَائِلٌ، قِيلَ: وَهَذَا زَائِدٌ فِي الْعَجَبِ وَمِنْ أَيْنَ لَكُمْ هَذَا التَّقْسِيمُ بَيْنَ الدِّمَاءِ فِي الْمَيْتَاتِ؟ وَأَنْتُمْ مُجْمِعُونَ مَعَنَا وَمَعَ جَمِيعِ أَهْلِ الْإِسْلَامِ عَلَى أَنَّ كُلَّ مَيْتَةٍ فَهِيَ حَرَامٌ، وَبِذَلِكَ جَاءَ الْقُرْآنُ، وَالْبُرْغُوثُ الْمَيِّتُ وَالذُّبَابُ الْمَيِّتُ وَالْعَقْرَبُ الْمَيِّتُ وَالْخُنْفُسَاءُ الْمَيِّتُ حَرَامٌ بِلَا خِلَافٍ مِنْ أَحَدٍ، فَمِنْ أَيْنَ وَقَعَ لَكُمْ هَذَا التَّفْرِيقُ بَيْنَ أَصْنَافِ الْمَيْتَاتِ الْمُحَرَّمَاتِ؟ فَقَالَ بَعْضُهُمْ: قَدْ أَجْمَعَ الْمُسْلِمُونَ عَلَى أَكْلِ الْبَاقِلَاءِ الْمَطْبُوخِ وَفِيهِ الدَّقْشُ الْمَيِّتُ، وَعَلَى أَكْلِ الْعَسَلِ وَفِيهِ النَّحْلُ الْمَيِّتُ وَعَلَى أَكْلِ الْخَلِّ وَفِيهِ الدُّودُ الْمَيِّتُ، وَعَلَى أَكْلِ الْجُبْنِ وَالتِّينِ كَذَلِكَ، وَقَدْ أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمَقْلِ الذُّبَابِ فِي الطَّعَامِ. قِيلَ لَهُمْ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ: إنْ كَانَ الْإِجْمَاعُ صَحَّ بِذَلِكَ كَمَا ادَّعَيْتُمْ، وَكَانَ فِي الْحَدِيثِ الْمَذْكُورِ دَلِيلٌ عَلَى جَوَازِ أَكْلِ الطَّعَامِ يَمُوتُ فِيهِ الذُّبَابُ كَمَا زَعَمْتُمْ، فَإِنَّ وَجْهَ الْعَمَلِ فِي ذَلِكَ أَحَدُ وَجْهَيْنِ: إمَّا أَنْ تَقْتَصِرُوا عَلَى مَا صَحَّ بِهِ الْإِجْمَاعُ مِنْ ذَلِكَ وَجَاءَ بِهِ الْخَبَرُ خَاصَّةً. وَيَكُونُ مَا عَدَا ذَلِكَ بِخِلَافِهِ، إذْ أَصْلُكُمْ أَنَّ مَا لَاقَى الطَّاهِرَاتِ مِنْ

cases to the ḥadīth of the mouse in ghee," it is replied: From where do you generalize analogy based on that report? Why did you not analogize every long-tailed creature to the mouse, or every... An insect not among predatory animals—something from which they cannot be separated at all. The most astonishing aspect of their ruling is their claim that whatever has flowing blood is ritually impure. Thus it is said to them: What distinction exists between Allah the Exalted's prohibition of carrion and His prohibition of blood? On what basis then have you ascribed impurity to blood but not to carrion? Stranger still is that carrion has no blood after death, thus exposing the flaw in their argument in every aspect.

الْأَنْجَاسِ فَإِنَّهُ يُنَجِّسُهَا، وَمَا خَرَجَ عَنْ أَصْلِهِ عِنْدَكُمْ فَإِنَّكُمْ لَا تَرَوْنَ الْقِيَاسَ عَلَيْهِ سَائِغًا أَوْ تَقِيسُوا عَلَى الذُّبَابِ كُلَّ طَائِرٍ، وَعَلَى الدَّقْشِ كُلَّ حَيَوَانٍ ذِي أَرْجُلٍ، وَعَلَى الدُّودِ كُلَّ مُنْسَابٍ. وَمِنْ أَيْنَ وَقَعَ لَكُمْ أَنْ تَقِيسُوا عَلَى ذَلِكَ مَا لَا دَمَ لَهُ؟ فَأَخْطَأْتُمْ مَرَّتَيْنِ: إِحْدَاهُمَا أَنَّ الذُّبَابَ لَهُ دَمٌ، وَالثَّانِيَةُ اقْتِصَارُكُمْ بِالْقِيَاسِ عَلَى مَا لَا دَمَ لَهُ، دُونَ أَنْ تَقِيسُوا عَلَى الذُّبَابِ كُلَّ ذِي جَنَاحَيْنِ أَوْ كُلَّ ذِي رُوحٍ. فَإِنْ قَالُوا: قِسْنَا مَا عَدَا ذَلِكَ عَلَى حَدِيثِ الْفَأْرِ فِي السَّمْنِ. قِيلَ لَهُمْ: وَمِنْ أَيْنَ لَكُمْ عُمُومُ الْقِيَاسِ عَلَى ذَلِكَ الْخَبَرِ؟ فَهَلَّا قِسْتُمْ عَلَى الْفَأْرِ كُلَّ ذِي ذَنَبٍ طَوِيلٍ، أَوْ كُلَّ حَشَرَةٍ مِنْ غَيْرِ السِّبَاعِ وَهَذَا مَا لَا انْفِصَالَ لَهُمْ مِنْهُ أَصْلًا وَالْعَجَبُ كُلُّهُ مِنْ حُكْمِهِمْ أَنَّ مَا كَانَ لَهُ دَمٌ سَائِلٌ فَهُوَ النَّجَسُ، فَيُقَالُ لَهُمْ: فَأَيُّ فَرْقٍ بَيْنَ تَحْرِيمِ اللَّهِ تَعَالَى الْمَيْتَةَ وَبَيْنَ تَحْرِيمِ اللَّهِ تَعَالَى الدَّمَ؟ فَمِنْ أَيْنَ جَعَلْتُمُ النَّجَاسَةَ لِلدَّمِ دُونَ الْمَيْتَةِ؟ وَأَغْرَبُ ذَلِكَ أَنَّ الْمَيْتَةَ لَا دَمَ لَهَا بَعْدَ الْمَوْتِ فَظَهَرَ فَسَادُ قَوْلِهِمْ بِكُلِّ وَجْهٍ.

L2919 As for Ibn al-Qāsim's statement, its apparent error stems from his view that dry ablution (tayammum) is preferable to using impure water. This necessitates that the user is not in a state of ablution, yet he did not require prayer repetition for one who prayed in such a condition except within the prayer timeframe – though according to his principles, this constitutes praying without valid ablution. Al-Shāfiʿī stated: When water is non-flowing – whether in a well, vessel, pond, or other container – if its quantity is less than five hundred Baghdadi ratls (regardless of amount), any impurity or carrion falling into it renders the water impure. This applies to animals with flowing blood and those without, for all carrion is impure and impurifies whatever it contacts. If the water reaches five hundred ratls, nothing impurifies it except what alters its color, taste, or odor. If such alteration occurs in a non-aqueous liquid, the entire liquid becomes impure and prohibited for use, regardless of quantity. His companion Abū Thawr said: All

وَأَمَّا قَوْلُ ابْنِ الْقَاسِمِ فَظَاهِرُ الْخَطَأِ، لِأَنَّهُ رَأَى التَّيَمُّمَ أَوْلَى مِنَ الْمَاءِ النَّجِسِ. فَوَجَبَ أَنَّ الْمُسْتَعْمِلَ لَهُ لَيْسَ مُتَوَضِّئًا، ثُمَّ لَمْ يَرَ الْإِعَادَةَ عَلَى مَنْ صَلَّى كَذَلِكَ إِلَّا فِي الْوَقْتِ، وَهُوَ عِنْدَهُ مُصَلٍّ بِغَيْرِ وُضُوءٍ. وَقَالَ الشَّافِعِيُّ: إِذَا كَانَ الْمَاءُ غَيْرَ جَارٍ، فَسَوَاءٌ الْبِئْرُ وَالْإِنَاءُ وَالْبُقْعَةُ وَغَيْرُ ذَلِكَ إِذَا كَانَ أَقَلَّ مِنْ خَمْسِمِائَةِ رَطْلٍ بِالْبَغْدَادِيِّ، بِمَا قَلَّ أَوْ كَثُرَ، فَإِنَّهُ يُنَجِّسُهُ كُلُّ نَجَسٍ وَقَعَ فِيهِ وَكُلُّ مَيْتَةٍ، سَوَاءٌ مَا لَهُ دَمٌ سَائِلٌ وَمَا لَيْسَ لَهُ دَمٌ سَائِلٌ، كُلُّ ذَلِكَ مَيْتَةٌ نَجِسٌ يُفْسِدُ مَا وَقَعَ فِيهِ، فَإِنْ كَانَ خَمْسِمِائَةِ رَطْلٍ لَمْ يُنَجِّسْهُ شَيْءٌ مِمَّا وَقَعَ فِيهِ إِلَّا مَا غَيَّرَ لَوْنَهُ أَوْ طَعْمَهُ أَوْ رِيحَهُ فَإِنْ كَانَ ذَلِكَ فِي مَائِعٍ غَيْرِ الْمَاءِ

liquids are equivalent to water. If a liquid measures five hundred ratls, nothing impurifies it except what changes its properties, while lesser quantities become impure. Al-Shāfiʿī's adherents, affirming the necessary conclusion from his principles, unanimously ruled that a vessel containing five hundred ratls of water (excluding an ūqiyyah) into which a drop of urine, wine, or any impurity falls becomes entirely impure and unlawful, invalidating ablution performed with it even if no alteration is visible. However, if a ratl of urine, wine, or any impurity falls into it without detectable change, the water remains pure, valid for ablution, and permissible to drink.

نُجِّسَ كُلُّهُ وَحُرِّمَ اسْتِعْمَالُهُ، كَثِيرًا كَانَ أَوْ قَلِيلًا. وَقَالَ أَبُو ثَوْرٍ صَاحِبُهُ: جَمِيعُ الْمَائِعَاتِ بِمَنْزِلَةِ الْمَاءِ، إِذَا كَانَ الْمَائِعُ خَمْسَمِائَةِ رَطْلٍ لَمْ يُنَجِّسْهُ شَيْءٌ مِمَّا وَقَعَ فِيهِ، إِلَّا أَنْ يُغَيِّرَ لَوْنَهُ أَوْ طَعْمَهُ أَوْ رِيحَهُ، فَإِنْ كَانَ أَقَلَّ مِنْ خَمْسِمِائَةِ رَطْلٍ يُنَجَّسُ. وَلَمْ يَخْتَلِفْ أَصْحَابُ الشَّافِعِيِّ - وَهُوَ الْوَاجِبُ وَلَا بُدَّ عَلَى أَصْلِهِ - فِي أَنَّ إِنَاءً فِيهِ خَمْسُمِائَةِ رَطْلٍ مِنْ مَاءٍ غَيْرَ أُوقِيَّةٍ فَوَقَعَ فِيهِ نُقْطَةُ بَوْلٍ أَوْ خَمْرٍ أَوْ نَجَاسَةٍ مَا فَإِنَّهُ كُلَّهُ نَجِسٌ حَرَامٌ وَلَا يَجُوزُ الْوُضُوءُ فِيهِ، وَإِنْ لَمْ يَظْهَرْ لِذَلِكَ فِيهِ أَثَرٌ، فَلَوْ وَقَعَ فِيهِ رَطْلُ بَوْلٍ أَوْ خَمْرٍ أَوْ نَجَاسَةٍ مَا فَلَمْ يَظْهَرْ لَهَا فِيهِ أَثَرٌ، فَالْمَاءُ طَاهِرٌ يُجْزِئُ الْوُضُوءُ بِهِ وَيَجُوزُ شُرْبُهُ.

L2920 The followers of Al-Shafi'i cited as evidence for this position the narrated hadith from the Messenger of Allah—peace and blessings be upon him—regarding "washing a vessel licked by a dog and discarding its contents," his instruction that "whoever wakes from sleep should wash his hand three times before immersing it in the water for ablution, for he does not know where his hand rested during the night," his command to "the one who urinates in water not to perform ablution from it nor bathe with it," and his statement: "When water reaches two qullahs, nothing pollutes it, nor does it retain impurities."

وَاحْتَجَّ أَصْحَابُ الشَّافِعِيِّ لِقَوْلِهِمْ هَذَا بِالْحَدِيثِ الْمَأْثُورِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي «غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ وَهَرْقِهِ» ، «وَبِأَمْرِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنْ اسْتَيْقَظَ مِنْ نَوْمِهِ بِغَسْلِ يَدِهِ ثَلَاثًا قَبْلَ أَنْ يُدْخِلَهَا فِي وَضُوئِهِ فَإِنَّهُ لَا يَدْرِي أَيْنَ بَاتَتْ يَدُهُ» ، «وَبِأَمْرِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْبَائِلَ فِي الْمَاءِ أَلَّا يَتَوَضَّأَ مِنْهُ وَلَا يَغْتَسِلَ» ، وَبِقَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا بَلَغَ الْمَاءُ قُلَّتَيْنِ لَمْ يُنَجِّسْهُ شَيْءٌ وَلَمْ يَقْبَلْ الْخَبَثَ» .

L2921–2922 They said: These hadiths indicate that water accepts impurity unless it reaches a certain measure. They said the two qullahs constituted a textually specified limit for water that does not accept impurity from contaminants, and the followers of Abu Hanifah also cited this as proof for their position. They then differed in determining the measure of two qullahs. Some followers of Abu Hanifah said: A qullah refers to the uppermost part of a vessel, thus the meaning of two qullahs here is two vertical measures. Al-Shafi'i said—as he narrated from Ibn Jurayj—that the two qullahs correspond to the jars of Hajar, with a single jar of Hajar equaling two water-skins or two water-skins plus a small addition. Al-Shafi'i stated: A water-skin is one hundred ratls. Ahmad ibn Hanbal upheld this view but did not fix a precise

قَالُوا: فَدَلَّتْ هَذِهِ الْأَحَادِيثُ عَلَى أَنَّ الْمَاءَ يَقْبَلُ النَّجَاسَةَ مَا لَمْ يَبْلُغْ حَدًّا مَا. قَالُوا فَكَانَتْ الْقُلَّتَانِ حَدًّا مَنْصُوصًا عَلَيْهِ فِيمَا لَا يَقْبَلُ النَّجَاسَةَ مِنْهُ، وَاحْتَجَّ بِهَذَا أَيْضًا أَصْحَابُ أَبِي حَنِيفَةَ فِي قَوْلِهِمْ. ثُمَّ اخْتَلَفُوا فِي تَحْدِيدِ الْقُلَّتَيْنِ، فَقَالَ بَعْضُ أَصْحَابِ أَبِي حَنِيفَةَ: الْقُلَّةُ أَعْلَى الشَّيْءِ فَمَعْنَى الْقُلَّتَيْنِ هَهُنَا الْقَامَتَانِ، وَقَالَ الشَّافِعِيُّ - بِمَا رَوَى عَنْ ابْنِ جُرَيْجٍ: إِنَّ الْقُلَّتَيْنِ مِنْ قِلَالِ هَجَرَ، وَإِنَّ قِلَالَ هَجَرَ الْقُلَّةُ الْوَاحِدَةُ قِرْبَتَانِ أَوْ قِرْبَتَانِ وَشَيْءٌ، قَالَ الشَّافِعِيُّ: الْقِرْبَةُ مِائَةُ رَطْلٍ، وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ بِذَلِكَ، وَلَمْ يَحُدَّ فِي الْقُلَّتَيْنِ حَدًّا أَكْثَرَ

مِنْ أَنَّهُ قَالَ مَرَّةً: الْقُلَّتَانِ أَرْبَعُ قِرَبٍ، وَمَرَّةً قَالَ: خَمْسُ قِرَبٍ، وَلَمْ يَحُدَّهَا بِأَرْطَالٍ. وَقَالَ إِسْحَاقُ: الْقُلَّتَانِ سِتُّ قِرَبٍ، وَقَالَ وَكِيعٌ وَيَحْيَى بْنُ آدَمَ: الْقُلَّةُ الْجَرَّةُ وَهُوَ قَوْلُ الْحَسَنِ الْبَصْرِيِّ، أَيَّ جَرَّةٍ كَانَتْ فَهِيَ قُلَّةٌ، وَهُوَ قَوْلُ مُجَاهِدٍ وَأَبِي عُبَيْدٍ، قَالَ مُجَاهِدٌ الْقُلَّةُ الْجَرَّةُ، وَلَمْ يَحُدَّ أَبُو عُبَيْدٍ فِي الْقُلَّةِ حَدًّا.

measure for the two qullahs beyond stating on one occasion that they are four water-skins and on another five water-skins, without defining them in terms of ratls. Ishaq said: The two qullahs are six water-skins. Waki‘ and Yahya ibn Adam said: A qullah is a jar, which was the opinion of al-Hasan al-Basri—meaning whatever jar it may be, it is a qullah. This is also the view of Mujahid and Abu Ubayd. Mujahid said: A qullah is a jar. Abu Ubayd did not define a specific measure for the qullah.

وَأَظْرَفُ شَيْءٍ تَفْرِيقُهُمْ بَيْنَ الْمَاءِ الْجَارِي وَغَيْرِ الْجَارِي فَإِنْ احْتَجُّوا فِي ذَلِكَ بِأَنَّ الْمَاءَ الْجَارِيَ إِذَا خَالَطَتْهُ النَّجَاسَةُ مَضَى وَخَلْفَهُ طَاهِرٌ: فَقَدْ عَلِمُوا يَقِينًا أَنَّ الَّذِي خَالَطَتْهُ النَّجَاسَةُ إِذَا انْحَدَرَ فَإِنَّمَا يَنْحَدِرُ كَمَا هُوَ، وَهُمْ يُبِيحُونَ لِمَنْ تَنَاوَلَهُ فِي انْحِدَارِهِ فَتَطَهَّرَ بِهِ أَنْ يَتَوَضَّأَ مِنْهُ وَيَغْتَسِلَ وَيَشْرَبَ، وَالنَّجَاسَةُ قَدْ خَالَطَتْهُ بِلَا شَكٍّ، فَوَقَعُوا فِي نَفْسِ مَا شَنَّعُوا وَأَنْكَرُوا. فَإِنْ قَالُوا: لَمْ نَحْتَجَّ فِي الْفَرْقِ بَيْنَ الْمَاءِ الْجَارِي وَغَيْرِ الْجَارِي إِلَّا بِأَنَّ النَّهْيَ إِنَّمَا وَرَدَ عَنْ الْمَاءِ الرَّاكِدِ الَّذِي يُبَالُ فِيهِ. قُلْنَا: صَدَقْتُمْ، وَهَذَا هُوَ الْحَقُّ وَبِذَلِكَ الْأَمْرِ نَفْسِهِ فِي ذَلِكَ الْخَبَرِ نَفْسِهِ فَرَّقْنَا نَحْنُ بَيْنَ مَنْ وَرَدَ عَلَيْهِ النَّهْيُ وَهُوَ الْبَائِلُ وَبَيْنَ مَنْ لَمْ يَرِدْ عَلَيْهِ النَّهْيُ وَهُوَ غَيْرُ الْبَائِلِ، وَلَا سَبِيلَ إِلَى دَلِيلٍ يُفَرِّقُ بَيْنَ مَا أَخَذُوا بِهِ مِنْ ذَلِكَ الْخَبَرِ وَبَيْنَ مَا تَرَكُوا مِنْهُ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2923 The most absurd thing is their differentiation between flowing water and stagnant water. If they argue in this regard that when flowing water becomes mixed with impurity, it passes onward while leaving pure water behind: they certainly know that the water which was mixed with impurity flows downward exactly as it is, yet they permit one who collects it during its flow and purifies himself with it to perform ablution, bathe, and drink from it, despite its undoubted impurity. Thus they have fallen into the very practice they condemned and rejected. If they say: “We only distinguished between flowing water and stagnant water based on the prohibition being specifically directed at stagnant water in which one urinates,” we respond: “You are correct—this is the truth. By that same principle in the same narration, we ourselves distinguish between the one addressed by the prohibition—the one who urinates—and the one not addressed—the non-urinator. There is no valid basis for distinguishing between the portion of this narration they adopt and the portion they abandon.” And with Allah alone is success.

وَاحْتَجُّوا بِحَدِيثِ الْفَأْرَةِ فِي السَّمْنِ فِيمَا ادَّعَوْهُ مِنْ قَبُولِ مَا عَدَا الْمَاءَ لِلنَّجَاسَةِ قَالَ عَلِيٌّ: هَذَا كُلُّ مَا احْتَجُّوا بِهِ، مَا لَهُمْ حُجَّةٌ أَصْلًا غَيْرُ مَا ذَكَرْنَا، وَكُلُّ هَذِهِ الْأَحَادِيثِ صِحَاحٌ ثَابِتَةٌ لَا مَغْمَزَ فِيهَا. وَكُلُّهَا لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهَا. وَكُلُّهَا حُجَّةٌ عَلَيْهِمْ لَنَا، عَلَى مَا نُبَيِّنُ إِنْ شَاءَ اللَّهُ عَزَّ وَجَلَّ وَبِهِ تَعَالَى نَسْتَعِينُ.

L2924–2926 They cited as evidence the hadith about the mouse in ghee regarding their assertion that substances other than water can contract impurity. Ali said: “This is all they have adduced as proof; they have no argument at all beyond what we have mentioned. All these ḥadīths are authentic and firmly established, with no flaw in them. None of them contains any proof for them whatsoever. All of them constitute proof against them for us, as we will clarify – by the will of Allah, the Almighty and Exalted – and in Him, the Exalted, we seek assistance.”

L2927 The first of that is that all of them—their statements contradict what is in these reports, and we affirm them all, and praise be to Allah for that.

فَأَوَّلُ ذَلِكَ أَنَّهُمْ كُلَّهُمْ أَقْوَالُهُمْ مُخَالِفَةٌ لِمَا فِي هَذِهِ الْأَخْبَارِ، وَنَحْنُ نَقُولُ بِهَا كُلِّهَا وَالْحَمْدُ لِلَّهِ عَلَى ذَلِكَ.

L2928 As for the ḥadīth regarding a dog lapping in a vessel, Abū Ḥanīfah and his companions openly defied it. The Messenger of Allah—peace and blessings be upon him—commanded washing it seven times, the first of which with soil, yet they said: "No, rather only once is sufficient." Thus, their attachment to a saying was invalidated, for they were the first to disobey and oppose the Prophet. They abandoned what it contained, claimed about it what was not in it, and they erred twice.

أَمَّا حَدِيثُ وُلُوغِ الْكَلْبِ فِي الْإِنَاءِ فَإِنَّ أَبَا حَنِيفَةَ وَأَصْحَابَهُ خَالَفُوهُ جِهَارًا، فَأَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِغَسْلِهِ سَبْعَ مَرَّاتٍ أُولَاهُنَّ بِالتُّرَابِ، فَقَالُوا هُمْ: لَا بَلْ مَرَّةً وَاحِدَةً فَقَطْ. فَسَقَطَ تَعَلُّقُهُمْ بِقَوْلٍ هُمْ أَوَّلُ مَنْ عَصَاهُ وَخَالَفَهُ فَتَرَكُوا مَا فِيهِ وَادَّعَوْا فِيهِ مَا لَيْسَ فِيهِ وَأَخْطَئُوا مَرَّتَيْنِ.

L2929 As for Mālik, he said: "It should not be discarded unless it is water"—thus openly contradicting the ḥadīth—while he and his followers agree with us that this report cannot be extended to other cases and that no other impurities can be analogized to a dog's licking. They are correct in this, for whoever claims otherwise has added to the words of Allah's Messenger (peace and blessings be upon him) what he (peace be upon him) never said at all.

أَمَّا مَالِكٌ فَقَالَ: لَا يُهْرَقُ إِلَّا أَنْ يَكُونَ مَاءً - فَخَالَفَ الْحَدِيثَ أَيْضًا عَلَانِيَةً - وَهُوَ وَأَصْحَابُهُ مُوَافِقُونَ لَنَا عَلَى أَنَّ هَذَا الْخَبَرَ لَا يُتَعَدَّى بِهِ إِلَى سِوَاهُ وَأَنَّهُ لَا يُقَاسُ شَيْءٌ مِنْ النَّجَاسَاتِ بِوُلُوغِ الْكَلْبِ، وَصَدَقُوا فِي ذَلِكَ إِذْ مَنْ ادَّعَى خِلَافَ هَذَا فَقَدْ زَادَ فِي كَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْهُ - عَلَيْهِ السَّلَامُ - قَطُّ.

L2930 As for al-Shāfiʿī, he said: If the water in the vessel amounts to five hundred *ratls*, it is not discarded nor is the vessel washed. But if it contains anything other than water, it is discarded regardless of quantity. This has no basis in the ḥadīth whatsoever—neither by explicit text nor indication—for he contradicted this report and added to it what is absent, such as claiming that if a dog inserts its paw, foot, or tail into the vessel, the water must be discarded and the vessel washed seven times, one of which is with soil. This addition has no origin in his speech (peace be upon him). He said: If a pig laps from the vessel, it is treated like a dog lapping from it—the vessel must be washed seven times, one with soil. He said: If a wild beast laps from it, the vessel is not washed at all nor is the water discarded. Thus, he analogized the pig to the dog but did not analogize wild beasts to the dog—and it is part of them. The dog was prohibited due to the general prohibition against consuming any predatory animal with fangs. Indeed, the contradiction of their statements with this report is evident, while our position aligns with its content. Thus, it is a proof against them, and abundant praise is due

وَأَمَّا الشَّافِعِيُّ فَإِنَّهُ قَالَ: إِنْ كَانَ مَا فِي الْإِنَاءِ مِنْ الْمَاءِ خَمْسَمِائَةِ رَطْلٍ فَلَا يُهْرَقُ وَلَا يُغْسَلُ الْإِنَاءُ. وَإِنْ كَانَ فِيهِ غَيْرَ الْمَاءِ أُهْرِقَ بَالِغًا مَا بَلَغَ. هَذَا لَيْسَ فِي الْحَدِيثِ أَصْلًا لَا بِنَصٍّ وَلَا بِدَلِيلٍ، فَقَدْ خَالَفَ هَذَا الْخَبَرَ وَزَادَ فِيهِ مَا لَيْسَ فِيهِ مِنْ أَنَّهُ إِنْ أَدْخَلَ فِيهِ يَدَهُ أَوْ رِجْلَهُ أَوْ ذَنَبَهُ أُهْرِقَ وَغُسِلَ سَبْعَ مَرَّاتٍ إِحْدَاهُنَّ بِالتُّرَابِ، وَهَذِهِ زِيَادَةٌ لَيْسَتْ فِي كَلَامِهِ - عَلَيْهِ السَّلَامُ - أَصْلًا، وَقَالَ: إِنْ وَلَغَ فِي الْإِنَاءِ خِنْزِيرٌ كَانَ فِي حُكْمِهِ حُكْمَ مَا وَلَغَ فِيهِ الْكَلْبُ: يُغْسَلُ سَبْعًا إِحْدَاهُنَّ بِالتُّرَابِ. قَالَ فَإِنْ وَلَغَ فِيهِ سَبُعٌ لَمْ يُغْسَلْ أَصْلًا وَلَا أُهْرِقَ. فَقَاسَ الْخِنْزِيرَ عَلَى الْكَلْبِ، وَلَمْ يَقِسْ السِّبَاعَ عَلَى الْكَلْبِ - وَهُوَ بَعْضُهَا - وَإِنَّمَا حُرِّمَ الْكَلْبُ بِعُمُومِ النَّهْيِ عَنْ أَكْلِ كُلِّ ذِي نَابٍ مِنْ السِّبَاعِ.

to Allah, Lord of the worlds. The invalidity and falsity of their analogy is manifest, for these are mere claims without any evidence.

فَقَدْ ظَهَرَ خِلَافُ أَقْوَالِهِمْ لِهَذَا الْخَبَرِ وَمُوَافَقَتُنَا نَحْنُ لِمَا فِيهِ، فَهُوَ حُجَّةٌ لَنَا عَلَيْهِمْ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ كَثِيرًا، وَظَهَرَ فَسَادُ قِيَاسِهِمْ وَبُطْلَانُهُ، وَأَنَّهُ دَعَاوَى لَا دَلِيلَ عَلَى شَيْءٍ مِنْهَا.

L2931–2933 As for the narration concerning one who "wakes from his sleep and washes his hand three times before inserting it into his ablution water, for indeed one of you does not know where his hand spent the night," all of them oppose this narration and say this is not obligatory upon one who wakes from sleep. But we hold that it is, rather, obligatory upon him. All of them said that impurities... Those who cited these reports as evidence for the water's capacity to neutralize impurities used them to differentiate between impurities coming into contact with water and water coming into contact with impurities, claiming the latter is removed with one washing. This openly contradicts what is stated in these two reports, for one of them prescribes purifying vessels through seven washings - the first of them [the washings] with soil - while the other specifies purifying the hand through three washings. Yet they do not apply this to impurities. Had these two reports been evidence for water's capacity to neutralize impurities, their rulings would necessarily be applied in the removal of impurities. Thus their entire argument based on these two reports collapses completely, and all praise belongs to Allah.

وَأَمَّا الْخَبَرُ فِيمَنْ «اسْتَيْقَظَ مِنْ نَوْمِهِ فَيَغْسِلُ يَدَهُ ثَلَاثًا قَبْلَ أَنْ يُدْخِلَهَا فِي وَضُوئِهِ فَإِنَّ أَحَدَكُمْ لَا يَدْرِي أَيْنَ بَاتَتْ» ، فَإِنَّهُمْ كُلَّهُمْ مُخَالِفُونَ لَهُ، وَقَائِلُونَ إِنَّ هَذَا لَا يَجِبُ عَلَى الْمُسْتَيْقِظِ مِنْ نَوْمِهِ. وَقُلْنَا نَحْنُ بَلْ هُوَ وَاجِبٌ عَلَيْهِ. وَقَالُوا كُلُّهُمْ إِنَّ النَّجَاسَاتِ الَّتِي احْتَجُّوا بِهَذِهِ الْأَخْبَارِ فِي قَبُولِ الْمَاءِ لَهَا وَفَرَّقُوا بِهَا بَيْنَ وُرُودِ النَّجَاسَةِ عَلَى الْمَاءِ وَبَيْنَ وُرُودِ الْمَاءِ عَلَى النَّجَاسَةِ فَإِنَّهَا تُزَالُ بِغَسْلَةٍ وَاحِدَةٍ. وَهَذَا خِلَافُ مَا فِي هَذَيْنِ الْخَبَرَيْنِ جِهَارًا، لِأَنَّ فِي أَحَدِهِمَا تَطْهِيرَ الْإِنَاءِ بِسَبْعِ غَسَلَاتٍ أُولَاهُنَّ بِالتُّرَابِ وَفِي الْآخَرِ تَطْهِيرَ الْيَدِ بِثَلَاثِ غَسَلَاتٍ، وَهُمْ لَا يَقُولُونَ بِهَذَا فِي النَّجَاسَاتِ، وَلَوْ كَانَ هَذَانِ الْخَبَرَانِ دَلِيلَيْنِ عَلَى قَبُولِ الْمَاءِ لِلنَّجَاسَةِ لَوَجَبَ أَنْ يَكُونَ حُكْمُهُمَا مُسْتَعْمَلًا فِي إِزَالَةِ النَّجَاسَاتِ، فَبَطَلَ احْتِجَاجُهُمْ بِهَذَيْنِ الْخَبَرَيْنِ جُمْلَةً، وَالْحَمْدُ لِلَّهِ.

L2934 Among the certain falsehoods is the notion that what is suspected of impurity on the hand cannot be purified except by three washings, yet when impurity is confirmed therein, a single washing suffices for its removal. This is their statement—there is no abomination more abhorrent than this. They claim to apply the dictates of reason in their analogies, yet no ruling is more contrary to reason than this. Had the Messenger of Allah—peace be upon him—uttered it, we would have listened, obeyed, and declared: "It is the truth." But since the Messenger of Allah—peace be upon him—did not say it, it must be rejected and shunned, and we must affirm it as falsehood. It is likewise impossible that the command for the cautious person to wash his hand three times arises from fear of coming into contact with impurity, for if this were so, his foot would be treated like his hand in that regard, and

وَمِنْ الْبَاطِلِ الْمُتَيَقَّنِ أَنْ يَكُونَ مَا ظُنَّتْ بِهِ النَّجَاسَةُ مِنْ الْيَدِ لَا يَطْهُرُ إِلَّا بِثَلَاثِ غَسَلَاتٍ، وَإِذَا تُيُقِّنَتْ النَّجَاسَةُ فِيهَا اُكْتُفِيَ فِي إِزَالَتِهَا بِغَسْلَةٍ وَاحِدَةٍ، فَهَذَا قَوْلُهُمْ الَّذِي لَا شُنْعَةَ أَشْنَعُ مِنْهُ، وَهُمْ يَدَّعُونَ إنْفَاذَ حُكْمِ الْعُقُولِ فِي قِيَاسَاتِهِمْ، وَلَا حُكْمَ أَشَدُّ مُنَافَرَةً لِلْعَقْلِ مِنْ هَذَا الْحُكْمِ، وَلَوْ قَالَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَسَمِعْنَا وَأَطَعْنَا وَقُلْنَا: هُوَ الْحَقُّ، لَكِنْ لَمَّا لَمْ يَقُلْهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَجَبَ إطْرَاحُهُ وَالرَّغْبَةُ عَنْهُ، وَأَنْ نُوقِنَ بِأَنَّهُ الْبَاطِلُ وَمِنْ الْمُحَالِ أَيْضًا أَنْ يَكُونَ الْأَمْرُ لِلْمُتَنَبِّهِ بِغَسْلِ

the inner parts of his thighs and buttocks would be more entitled to such treatment than his hand.

L2935–2937 As for Mālik, he concurs with us regarding the report that it does not constitute evidence for water accepting impurity. Thus, their entire reliance on this report is invalidated, and it is confirmed to be a proof for us against them. Praise be to Allah, Lord of the worlds. It is therefore established that all scholars unanimously agree these two reports cannot serve as foundational principles for other impurities, nor can other impurities be analogically judged by their rulings—thereby nullifying their dependence on them.

Concerning the ḥadīth prohibiting one who urinates in stagnant water from performing ablution or ghusl with it: all these scholars contradict it. As for Abū Ḥanīfah, he stated: "If the water constitutes a pond—where stirring one end does not disturb the other—even if one urinates in it as much as he wishes, it remains permissible for him to perform ablution and ghusl with it. If less than this quantity, neither he nor others may use it for ablution or bathing." Here, he introduced into the ḥadīth an unsupported prohibition for others besides the urinator, while contradicting the ḥadīth's explicit permission—in some cases of water's abundance or scarcity—for the urinator himself to use it.

Similarly, al-Shāfiʿī's ruling regarding water measuring five hundred raṭls or less contradicts the ḥadīth, paralleling Abū Ḥanīfah's contradiction, while adding unsupported stipulations as Abū Ḥanīfah did. As for Mālik, he contradicted the ḥadīth. All of it. He said: If the water is not altered by his urine, he may perform ablution from it and bathe. He mentioned in some of his statements: if it is abundant. Thus their reliance on this narration is entirely invalidated due to their contradiction of it. As for us, we have adhered to it as transmitted. And much praise is due to Allah abundantly.

L2938 As for the hadith concerning the mouse in the ghee, all of them opposed it. For Abū Ḥanīfah, Mālik, and Al-Shāfiʿī permitted using it for lighting, while the hadith states, "Do not approach it," and Abū Ḥanīfah permitted selling it. Thus, their reliance on all these narrations is invalidated, their opposition

الْيَدِ ثَلَاثًا خَوْفَ أَنْ تَقَعَ عَلَى نَجَاسَةٍ، إِذْ لَوْ كَانَ كَذَلِكَ لَكَانَتْ رِجْلُهُ فِي ذَلِكَ كَيَدِهِ وَلَكَانَ بَاطِنُ فَخْذَيْهِ وَبَاطِنُ أَلْيَتَيْهِ أَحَقَّ بِذَلِكَ مِنْ يَدِهِ.

وَأَمَّا مَالِكٌ فَمُوَافِقٌ لَنَا فِي الْخَبَرِ أَنَّهُ لَيْسَ دَلِيلًا عَلَى قَبُولِ الْمَاءِ لِلنَّجَاسَةِ، فَبَطَلَ تَعَلُّقُهُمْ أَيْضًا بِهَذَا الْخَبَرِ جُمْلَةً، وَصَحَّ أَنَّهُ حُجَّةٌ لَنَا عَلَيْهِمْ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، فَصَحَّ اتِّفَاقُ جَمِيعِهِمْ عَلَى أَنَّ هَذَيْنِ الْخَبَرَيْنِ لَا يُجْعَلَانِ أَصْلًا لِسَائِرِ النَّجَاسَاتِ، وَأَلَّا يُقَاسَ سَائِرُ النَّجَاسَاتِ عَلَى حُكْمِهِمَا، فَبَطَلَ تَعَلُّقُهُمْ بِهِمَا. وَأَمَّا حَدِيثُ نَهْيِ الْبَائِلِ فِي الْمَاءِ الرَّاكِدِ عَنْ أَنْ يَتَوَضَّأَ مِنْهُ أَوْ يَغْتَسِلَ، فَإِنَّهُمْ كُلَّهُمْ مُخَالِفُونَ لَهُ أَيْضًا. أَمَّا أَبُو حَنِيفَةَ فَإِنَّهُ قَالَ: إِنْ كَانَ الْمَاءُ بِرْكَةً إِذَا حُرِّكَ طَرَفُهَا الْوَاحِدُ لَمْ يَتَحَرَّكْ طَرَفُهَا الْآخَرُ. فَإِنَّهُ لَوْ بَالَ فِيهَا مَا شَاءَ أَنْ يَبُولَ فَلَهُ أَنْ يَتَوَضَّأَ مِنْهَا وَيَغْتَسِلَ، فَإِنْ كَانَتْ أَقَلَّ مِنْ ذَلِكَ لَمْ يَكُنْ لَهُ وَلَا لِغَيْرِهِ أَنْ يَتَوَضَّأَ مِنْهَا وَلَا أَنْ يَغْتَسِلَ فَزَادَ فِي الْحَدِيثِ مَا لَيْسَ فِيهِ مِنْ تَحْرِيمِ ذَلِكَ عَلَى غَيْرِ الْبَائِلِ، وَخَالَفَ الْحَدِيثَ فِيمَا فِيهِ بِإِبَاحَتِهِ - فِي بَعْضِ أَحْوَالِ كَثْرَةِ الْمَاءِ وَقِلَّتِهِ - لِلْبَائِلِ فِيهِ أَنْ يَتَوَضَّأَ مِنْهُ وَيَغْتَسِلَ وَكَذَلِكَ قَوْلُ الشَّافِعِيِّ فِي الْمَاءِ إِذَا كَانَ خَمْسَمِائَةِ رَطْلٍ أَوْ أَقَلَّ مِنْ خَمْسِمِائَةِ رَطْلٍ فَخَالَفَ الْحَدِيثَ كَمَا خَالَفَهُ أَبُو حَنِيفَةَ، وَزَادَ فِيهِ كَمَا زَادَ أَبُو حَنِيفَةَ، وَأَمَّا مَالِكٌ فَخَالَفَهُ كُلَّهُ. قَالَ: إِذَا لَمْ يَتَغَيَّرِ الْمَاءُ بِبَوْلِهِ فَلَهُ أَنْ يَتَوَضَّأَ مِنْهُ وَيَغْتَسِلَ، وَقَالَ فِي بَعْضِ أَقْوَالِهِ إِذَا كَانَ كَثِيرًا. فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ جُمْلَةً لِمُخَالَفَتِهِمْ لَهُ. وَأَمَّا نَحْنُ فَأَخَذْنَا بِهِ كَمَا وَرَدَ، وَلِلَّهِ الْحَمْدُ كَثِيرًا.

to them is confirmed, and these narrations are proof for us against their arguments.

وَأَمَّا حَدِيثُ الْفَأْرِ فِي السَّمْنِ فَإِنَّهُمْ كُلَّهُمْ خَالَفُوهُ، لِأَنَّ أَبَا حَنِيفَةَ وَمَالِكًا وَالشَّافِعِيَّ أَبَاحُوا الِاسْتِصْبَاحَ بِهِ، وَفِي الْحَدِيثِ «لَا تَقْرَبُوهُ» وَأَبَاحَ أَبُو حَنِيفَةَ بَيْعَهُ، فَبَطَلَ تَعَلُّقُهُمْ بِجَمِيعِ هَذِهِ الْآثَارِ وَصَحَّ خِلَافُهُمْ لَهَا، وَأَنَّهَا حُجَّةٌ لَنَا عَلَيْهِمْ.

L2939 If it is said: What is the meaning of these narrations if they do not indicate the water's acceptance of impurity, and what is their purpose? We respond: Their meaning is what their wording inherently entails. It is impermissible for anyone to attribute to a person words that their speech does not imply—how then the Messenger of Allah (peace and blessings be upon him), when severe warning has been issued against those who attribute to him what he did not say. As for their purpose, it is the greatest purpose: entry into Paradise through adherence to them, and so that it may distinguish who follows the Messenger from those who turn back.[35]

فَإِنْ قِيلَ: فَمَا مَعْنَى هَذِهِ الْآثَارِ إِنْ كَانَتْ لَا تَدُلُّ عَلَى قَبُولِ الْمَاءِ النَّجَاسَةَ وَمَا فَائِدَتُهَا؟ قُلْنَا: مَعْنَاهَا مَا اقْتَضَاهُ لَفْظُهَا، لَا يَحِلُّ لِأَحَدٍ أَنْ يُقَوِّلَ إِنْسَانًا مِنَ النَّاسِ مَا لَا يَقْتَضِيهِ كَلَامُهُ، فَكَيْفَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي جَاءَ الْوَعِيدُ الشَّدِيدُ عَلَى مَنْ قَوَّلَهُ مَا لَمْ يَقُلْ. وَأَمَّا فَائِدَتُهَا فَهِيَ أَعْظَمُ فَائِدَةٍ، وَهِيَ دُخُولُ الْجَنَّةِ بِالطَّاعَةِ لَهَا، وَلِيَعْلَمَ مَنْ يَتَّبِعُ الرَّسُولَ مِمَّنْ يَنْقَلِبُ عَلَى عَقِبَيْهِ.

L2940–2942 As for the ḥadīth concerning the two qullahs, they have no basis for their argument in it whatsoever. This is interpreted to mean that the Messenger of Allāh—peace and blessings be upon him—did not define the measure of the two qullahs. There is no doubt that if he—peace be upon him—had intended them to serve as a criterion distinguishing between water that retains impurity and that which does not, he would have defined them for us with a clear, unchanging measure. This is not a matter imposed upon a person nor left to their discretion, for if it were, any two qullahs—whether small or large—would constitute such a criterion. As for Abū Ḥanīfah and his followers, they claimed: "A qullah is a container's height." Yet even if we concede their invalid interpretation, they contradict this report, since according to them, a well containing two or three measures in height would still be declared ritually impure. As for al-Shāfiʿī, his definition of the two qullahs holds no greater validity than the definitions of others who interpreted "two qullahs" contrary to his explanation. Any opinion lacking proof is invalid. As for us, we affirm the truth of this report and assert: When water reaches two qullahs, it neither becomes impure nor retains filth. The two qullahs are whatever the linguistic convention designates as "two qullahs," whether small

وَأَمَّا حَدِيثُ الْقُلَّتَيْنِ فَلَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا. أُوِّلَ ذَلِكَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَحُدَّ مِقْدَارَ الْقُلَّتَيْنِ، وَلَا شَكَّ فِي أَنَّهُ - عَلَيْهِ السَّلَامُ - لَوْ أَرَادَ أَنْ يَجْعَلَهُمَا - حَدًّا بَيْنَ مَا يَقْبَلُ النَّجَاسَةَ وَبَيْنَ مَا لَا يَقْبَلُهَا لَمَا أَهْمَلَ أَنْ يَحُدَّهَا لَنَا بِحَدٍّ ظَاهِرٍ لَا يُحِيلُ، وَلَيْسَ هَذَا مِمَّا يُوجِبُ عَلَى الْمَرْءِ وَيُوَكَّلُ فِيهِ إِلَى اخْتِيَارِهِ، وَلَوْ كَانَ ذَلِكَ لَكَانَتْ كُلُّ قُلَّتَيْنِ - صَغُرَتَا أَوْ كَبِرَتَا - حَدًّا فِي ذَلِكَ. فَأَمَّا أَبُو حَنِيفَةَ وَأَصْحَابُهُ فَقَالُوا: الْقُلَّةُ الْقَامَةُ، وَمَعَ ذَلِكَ فَقَدْ خَالَفُوا هَذَا الْخَبَرَ - عَلَى أَنْ نُسَلِّمَ لَهُمْ تَأْوِيلَهُمُ الْفَاسِدَ - لِأَنَّ الْبِئْرَ وَإِنْ كَانَ فِيهَا قَامَتَانِ أَوْ ثَلَاثٌ فَإِنَّهَا عِنْدَهُمْ تُنَجَّسُ. وَأَمَّا الشَّافِعِيُّ فَلَيْسَ حَدُّهُ فِي الْقُلَّتَيْنِ بِأَوْلَى مِنْ حَدِّ غَيْرِهِ مِمَّنْ فَسَّرَ الْقُلَّتَيْنِ بِغَيْرِ تَفْسِيرِهِ وَكُلُّ قَوْلٍ لَا بُرْهَانَ لَهُ فَهُوَ بَاطِلٌ. وَأَمَّا نَحْنُ فَنَقُولُ بِهَذَا الْخَبَرِ حَقًّا وَنَقُولُ: إِنَّ الْمَاءَ إِذَا بَلَغَ قُلَّتَيْنِ لَمْ يُنَجَّسْ وَلَمْ يَقْبَلِ الْخَبَثَ وَالْقُلَّتَانِ مَا وَقَعَ عَلَيْهِ فِي اللُّغَةِ اسْمُ قُلَّتَيْنِ، صَغُرَتَا أَوْ كَبِرَتَا، وَلَا خِلَافَ

[35] **Qur'an references (L2939):** Qur'an 2:143 (Al-Baqarah).

or large. There is no dispute that a qullah containing nineteen ratls of water is termed a qullah in Arabic. This report makes no mention whatsoever of the jars from Hajar, though Hajar undoubtedly has small and large jars. If it is argued that the Prophet—peace and blessings be upon him—mentioned the jars of Hajar in the ḥadīth of the Night Journey, we respond: True, but this does not necessitate that whenever he—peace and blessings be upon him—mentioned a qullah, he exclusively referred to those from Hajar. As for Ibn Jurayj's interpretation... The interpretation regarding the two *qullahs* holds greater priority than Mujāhid's explanation, who stated: "They are two jars," and Al-Ḥasan's similar interpretation: "It refers to any jar." There is no indication or explicit text in the statement of the Prophet (peace be upon him) proving that water less than two *qullahs* becomes impure or retains filth. Whoever adds this to the ḥadīth has falsely attributed to the Prophet (peace be upon him) what he did not say. Therefore, it is obligatory to seek the ruling for water less than two *qullahs* from sources other than this ḥadīth. Upon examination, we found the narration relayed by Ḥammām, who said: ʿAbbās ibn Aṣbagh narrated to us, from Muḥammad ibn ʿAbd al-Malik ibn Ayman, from Muḥammad ibn Waḍḍāḥ, from Abū ʿAlī ʿAbd al-Ṣamad ibn Abī Sukaynah—a trustworthy narrator—from ʿAbd al-ʿAzīz ibn Abī Ḥāzim Abū Tamām, from his father, from Sahl ibn Saʿd al-Sāʿidī, who said: "They asked, 'O Messenger of Allah, we perform ablution from the Well of Buḍāʿah, which contains what people discard, menstrual cloths, and carcasses.' The Messenger of Allah (peace be upon him) replied: 'Nothing impurifies water.'"

L2943–2945 Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Wahab ibn Masara informed us; Ibn Waḍḍāḥ narrated to us; Abū Bakr ibn Abī Shaybah narrated to us; Muḥammad ibn Fuḍayl narrated from Abū Mālik al-Ashjaʿī from Ḥudhayfah, who said: The Messenger of Allah (peace be upon him) said: "We have been favored over people with three things"—and he (peace be upon him) mentioned among them—"the entire earth has been made a mosque for us, and its soil has been made a means of purification for us when we do not find water." Thus, he (peace be upon him) generalized all water without specifying any particular type. They objected: "Yet you claim that water becomes impure if filth appears in it, altering its color, taste, or smell—thus contra-

فِي أَنَّ الْقُلَّةَ الَّتِي تَسَعُ عَشَرَةَ أَرْطَالِ مَاءٍ تُسَمَّى عِنْدَ الْعَرَبِ قُلَّةً. وَلَيْسَ فِي هَذَا الْخَبَرِ ذِكْرٌ لِقِلَالِ هَجَرَ أَصْلًا، وَلَا شَكَّ فِي أَنَّ بِهَجَرَ قِلَالًا صِغَارًا وَكِبَارًا. فَإِنْ قِيلَ إِنَّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ ذَكَرَ قِلَالَ هَجَرَ فِي حَدِيثِ الْإِسْرَاءِ. قُلْنَا: نَعَمْ، وَلَيْسَ ذَلِكَ يُوجِبُ أَنَّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَتَى مَا ذَكَرَ قُلَّةً فَإِنَّمَا أَرَادَ مِنْ قِلَالِ هَجَرَ، وَلَيْسَ تَفْسِيرُ ابْنِ جُرَيْجٍ لِلْقُلَّتَيْنِ بِأَوْلَى مِنْ تَفْسِيرِ مُجَاهِدٍ الَّذِي قَالَ: هُمَا جَرَّتَانِ، وَتَفْسِيرُ الْحَسَنِ كَذَلِكَ: إنَّهَا أَيُّ جَرَّةٍ كَانَتْ. وَلَيْسَ فِي قَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - هَذَا دَلِيلٌ وَلَا نَصٌّ عَلَى أَنَّ مَا دُونَ الْقُلَّتَيْنِ يُنَجَّسُ وَيَحْمِلُ الْخُبْثَ وَمَنْ زَادَ هَذَا فِي الْخَبَرِ فَقَدْ قَوَّلَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْ فَوَجَبَ طَلَبُ حُكْمِ مَا دُونَ الْقُلَّتَيْنِ مِنْ غَيْرِ هَذَا الْخَبَرِ، فَنَظَرْنَا فَوَجَدْنَا مَا حَدَّثَنَا حُمَامٌ قَالَ: ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا أَبُو عَلِيٍّ عَبْدُ الصَّمَدِ بْنُ أَبِي سُكَيْنَةَ - وَهُوَ ثِقَةٌ - ثنا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ أَبُو تَمَّامٍ عَنْ أَبِيهِ عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ قَالَ «قَالُوا يَا رَسُولَ اللَّهِ إنَّا نَتَوَضَّأُ مِنْ بِئْرِ بُضَاعَةَ وَفِيهَا مَا يُنْجِي النَّاسُ وَالْحَائِضُ وَالْجِيَفُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: الْمَاءُ لَا يُنَجِّسُهُ شَيْءٌ» .

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ أَخْبَرَنَا وَهْبُ بْنُ مَسَرَّةَ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ عَنْ حُذَيْفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فُضِّلْنَا عَلَى النَّاسِ بِثَلَاثٍ - وَذَكَرَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهَا - وَجُعِلَتْ لَنَا الْأَرْضُ كُلُّهَا مَسْجِدًا وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إذَا لَمْ نَجِدْ الْمَاءَ» فَعَمَّ - عَلَيْهِ السَّلَامُ - كُلَّ مَاءٍ وَلَمْ يَخُصَّ مَاءً مِنْ مَاءٍ. فَقَالُوا: فَإِنَّكُمْ تَقُولُونَ إنَّ الْمَاءَ إذَا ظَهَرَتْ فِيهِ النَّجَاسَةُ فَغَيَّرَتْ لَوْنَهُ وَطَعْمَهُ وَرِيحَهُ فَإِنَّهُ يُنَجَّسُ، فَقَدْ خَالَفْتُمْ هَذَيْنِ

dicting these two reports." We replied: "Allah forbid that we say such a thing! Rather, water is fundamentally pure in its state. If we could completely remove prohibited impurities from it, we would use it. However, since we are unable to use it as we were commanded to, its ruling is lifted from us. Similarly, if a pure garment is splashed with wine, blood, or urine, the garment remains pure as it was. If we can remove the impurity from it, we pray in it. If praying in it is only possible by using the prohibited impurity, its ruling is lifted from us, and the prayer is not invalidated by wearing that garment itself, but by the use of the impurity within it. Likewise, bread greased with pig fat, and so on for all things—except what has been mentioned." The text specifies the prohibition of these exact matters, and obedience to it is obligatory: such as liquid in a vessel lapped by a dog, stagnant water contaminated by urine, melted clarified butter (ghee) into which a dead mouse falls—with nothing further. We have received a narration through Qatādah that Ibn Mas'ūd said: "If water were to mix with blood, the water would be purifying." And success is from Allah, the Most High.

الْخَبَرَيْنِ. قُلْنَا: مَعَاذَ اللَّهِ مِنْ هَذَا أَنْ نَقُولَهُ، بَلْ الْمَاءُ لَا يُنَجَّسُ أَصْلًا، وَلَكِنَّهُ طَاهِرٌ بِحَسَبِهِ، لَوْ أَمْكَنَنَا تَخْلِيصُهُ مِنْ جُمْلَةِ الْمُحَرَّمِ عَلَيْنَا لَاسْتَعْمَلْنَاهُ، وَلَكِنَّا لَمَّا لَمْ نَقْدِرْ عَلَى الْوُصُولِ إلَى اسْتِعْمَالِهِ كَمَا أُمِرْنَا سَقَطَ عَنَّا حُكْمُهُ، وَهَكَذَا كُلُّ شَيْءٍ كَثَوْبٍ طَاهِرٍ صُبَّ عَلَيْهِ خَمْرٌ أَوْ دَمٌ أَوْ بَوْلٌ، فَالثَّوْبُ طَاهِرٌ كَمَا كَانَ، إنْ أَمْكَنَنَا إزَالَةُ النَّجَسِ عَنْهُ صَلَّيْنَا فِيهِ، وَإِنْ لَمْ يُمْكِنَّا الصَّلَاةُ فِيهِ إلَّا بِاسْتِعْمَالِ النَّجَسِ الْمُحَرَّمِ سَقَطَ عَنَّا حُكْمُهُ، وَلَمْ تَبْطُلْ الصَّلَاةُ لِلِبَاسِ ذَلِكَ الثَّوْبِ، لَكِنْ لِاسْتِعْمَالِ النَّجَاسَةِ الَّتِي فِيهِ، وَكَذَلِكَ خُبْزٌ دُهِنَ بِوَدَكِ خِنْزِيرٍ، وَهَكَذَا كُلُّ شَيْءٍ حَاشَا مَا جَاءَ النَّصُّ بِتَحْرِيمِهِ بِعَيْنِهِ فَتَجِبُ الطَّاعَةُ لَهُ، كَالْمَائِعِ يَلَغُ فِيهِ الْكَلْبُ فِي الْإِنَاءِ، وَكَالْمَاءِ الرَّاكِدِ لِلْبَائِلِ، وَكَالسَّمْنِ الذَّائِبِ يَقَعُ فِيهِ الْفَأْرُ الْمَيِّتُ، وَلَا مَزِيدَ. وَقَدْ رُوِّينَا مِنْ طَرِيقِ قَتَادَةَ أَنَّ ابْنَ مَسْعُودٍ قَالَ: لَوْ اخْتَلَطَ الْمَاءُ بِالدَّمِ لَكَانَ الْمَاءُ طَهُورًا، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L2946 If water were to become impure by mere contact with impurities, it would necessarily follow that if a person urinated in a water channel, it would not become permissible for anyone to perform ablution with the water downstream from the urination site. This is because the water containing his urine or excrement would undoubtedly be used for ablution, and no one's mouth would ever have been purified of blood or vomit present in it, since water entering an impure mouth would become impure, and this would continue indefinitely. Those who distinguish between water and other liquids in this matter are invalidators acting arbitrarily, making unsubstantiated claims. This is untenable.

وَلَوْ كَانَ الْمَاءُ يَنْجَسُ بِمُلَاقَاةِ النَّجَاسَةِ لَلَزِمَ إذَا بَالَ إنْسَانٌ فِي سَاقِيَةٍ مَا أَلَّا يَحِلَّ لِأَحَدٍ أَنْ يَتَوَضَّأَ بِمَا هُوَ أَسْفَلُ مِنْ مَوْضِعِ الْبَائِلِ، لِأَنَّ ذَلِكَ الْمَاءَ الَّذِي فِيهِ الْبَوْلُ أَوْ الْعَذِرَةُ مِنْهُ يَتَوَضَّأُ بِلَا شَكٍّ، وَلَمَا تَطَهَّرَ فَمُ أَحَدٍ مِنْ دَمٍ أَوْ قَيْءٍ فِيهِ، لِأَنَّ الْمَاءَ إذَا دَخَلَ فِي الْفَمِ النَّجِسِ تَنَجَّسَ وَهَكَذَا أَبَدًا، وَالْمُفَرِّقُ بَيْنَ الْمَاءِ وَسَائِرِ الْمَائِعَاتِ فِي ذَلِكَ مُبْطِلٌ مُتَحَكِّمٌ قَائِلٌ بِلَا بُرْهَانٍ. وَهَذَا بَاطِلٌ.

L2947 Abu Muhammad Ali said: As for their censure against us regarding the distinction between the urinator explicitly mentioned in the hadith and the non-urinator not mentioned therein, and between a mouse falling into the clarified butter specified in the hadith versus its falling into oil or the falling of something unlawful into the clarified butter—since none of these scenarios are mentioned in the hadith—this is invalid criticism that recoils upon

قَالَ أَبُو مُحَمَّدٍ عَلِيٌّ: وَأَمَّا تَشْنِيعُهُمْ عَلَيْنَا بِالْفَرْقِ بَيْنَ الْبَائِلِ الْمَذْكُورِ فِي الْحَدِيثِ وَغَيْرِ الْبَائِلِ الَّذِي لَمْ يُذْكَرْ فِيهِ، وَبَيْنَ الْفَأْرِ يَقَعُ فِي السَّمْنِ الْمَذْكُورِ فِي الْحَدِيثِ وَبَيْنَ وُقُوعِهِ فِي الزَّيْتِ أَوْ وُقُوعِ حَرَامٍ مَا فِي السَّمْنِ إذْ لَمْ يُذْكَرْ شَيْءٌ مِنْ ذَلِكَ فِي الْحَدِيثِ فَتَشَنُّعٌ فَاسِدٌ

them. Had they contemplated their own arguments, they would have recognized their error in equating the urinator about whom textual evidence exists with those about whom no such evidence exists. Is our distinction between the urinator and non-urinator not akin to their distinction with us between stagnant water cited in the hadith and non-stagnant water not cited therein? If not, let them explain to us: What necessitates differentiating between stagnant and non-stagnant water, yet does not necessitate differentiating between the urinator and non-urinator? For rulings pertaining to what is explicitly mentioned in the hadith cannot be extended to unmentioned cases without explicit text—just as their own distinction between one who unlawfully withholds water (making its consumption and use forbidden for him) and others for whom it remains lawful is valid. Are the urinator and non-urinator not analogous to the adulterer and non-adulterer, the thief and non-thief, the worshiper and non-worshiper? Each named category carries its distinct ruling. Is the scandalous criticism and manifest error not in applying a textual ruling specific to the urinator to other cases? Is this not equivalent to applying the thief's ruling to non-thieves, the adulterer's ruling to non-adulterers, the worshiper's ruling to non-worshipers—and so forth across the entire Sharia? We seek refuge in Allah from this.

L2948–2950

If they were fair to themselves, the Malikis and Shafiis should reject their own distinction between touching the penis with the palm (which invalidates ablution) and touching it with the back of the hand (which does not invalidate ablution). Likewise, the Malikis should reject their own distinction between the rulings concerning a noble woman and a lowly woman in marriage. Allah the Exalted did not differentiate between their private parts regarding permissibility, prohibition, dowry, or prescribed penalties. The Malikis and Shafi'is rejected their distinction between the ruling on ripe dates and unripe dates in 'araya transactions. Yet these Malikis differentiate with us between what a dog licks with its tongue and what it inserts its wet tail from the water into. They differentiate between cow urine and horse urine without any foundational text—but even more egregiously—they differentiate between the droppings of a free-roaming chicken and those of a confined chicken, and between the urine of a sheep that drank impure water and that of one

عَائِدٌ عَلَيْهِمْ، وَلَوْ تَدَبَّرُوا كَلَامَهُمْ لَعَلِمُوا أَنَّهُمْ مُخْطِئُونَ فِي التَّسْوِيَةِ بَيْنَ الْبَائِلِ الَّذِي وَرَدَ فِيهِ النَّصُّ وَغَيْرِ الْبَائِلِ الَّذِي لَا نَصَّ فِيهِ، وَهَلْ فَرْقُنَا بَيْنَ الْبَائِلِ وَغَيْرِ الْبَائِلِ إِلَّا كَفَرْقِهِمْ مَعْنَا بَيْنَ الْمَاءِ الرَّاكِدِ الْمَذْكُورِ فِي الْحَدِيثِ وَغَيْرِ الرَّاكِدِ الَّذِي لَمْ يُذْكَرْ فِيهِ؟ وَإِلَّا فَلْيَقُولُوا لَنَا مَا الَّذِي أَوْجَبَ الْفَرْقَ بَيْنَ الْمَاءِ الرَّاكِدِ وَغَيْرِ الرَّاكِدِ وَلَمْ يُوجِبْ الْفَرْقَ بَيْنَ الْبَائِلِ وَغَيْرِ الْبَائِلِ؟ إِلَّا أَنَّ مَا ذُكِرَ فِي الْحَدِيثِ لَا يَتَعَدَّى بِحُكْمِهِ إِلَى مَا لَمْ يُذْكَرْ فِيهِ بِغَيْرِ نَصٍّ، وَكَفَرْقِهِمْ بَيْنَ الْغَاصِبِ لِلْمَاءِ فَيَحْرُمُ عَلَيْهِ شُرْبُهُ وَاسْتِعْمَالُهُ، وَهُوَ حَلَالٌ لِغَيْرِ الْغَاصِبِ لَهُ، وَهَلْ الْبَائِلُ وَغَيْرُ الْبَائِلِ إِلَّا كَالزَّانِي وَغَيْرِ الزَّانِي وَالسَّارِقِ وَغَيْرِ السَّارِقِ وَالْمُصَلِّي وَغَيْرِ الْمُصَلِّي؟ لِكُلِّ ذِي اسْمٍ مِنْهَا حُكْمُهُ، وَهَلْ الشُّنْعَةُ وَالْخَطَأُ الظَّاهِرُ إِلَّا أَنْ يَرِدَ نَصٌّ فِي الْبَائِلِ فَيُحْمَلُ ذَلِكَ الْحُكْمُ عَلَى غَيْرِ الْبَائِلِ وَهَلْ هَذَا إِلَّا كَمَنْ حَمَلَ حُكْمَ السَّارِقِ عَلَى غَيْرِ السَّارِقِ، وَحُكْمَ الزَّانِي عَلَى غَيْرِ الزَّانِي، وَحُكْمَ الْمُصَلِّي عَلَى غَيْرِ الْمُصَلِّي، وَهَكَذَا فِي جَمِيعِ الشَّرِيعَةِ وَنَعُوذُ بِاَللَّهِ مِنْ هَذَا.

وَلَوْ أَنْصَفُوا أَنْفُسَهُمْ لَأَنْكَرَ الْمَالِكِيُّونَ وَالشَّافِعِيُّونَ عَلَى أَنْفُسِهِمْ تَفْرِيقَهُمْ بَيْنَ مَسِّ الذَّكَرِ بِبَاطِنِ الْكَفِّ فَيَنْقُضُ الْوُضُوءَ، وَبَيْنَ مَسٍّ بِظَاهِرِ الْكَفِّ فَلَا يَنْقُضُ الْوُضُوءَ، وَلَأَنْكَرَ الْمَالِكِيُّونَ عَلَى أَنْفُسِهِمْ تَفْرِيقَهُمْ بَيْنَ حُكْمِ الشَّرِيفَةِ وَحُكْمِ الدَّنِيَّةِ فِي النِّكَاحِ، وَمَا فَرَّقَ اللَّهُ تَعَالَى بَيْنَ فَرْجَيْهِمَا فِي التَّحْلِيلِ وَالتَّحْرِيمِ وَالصَّدَاقِ وَالْحَدِّ، وَلَأَنْكَرَ الْمَالِكِيُّونَ وَالشَّافِعِيُّونَ تَفْرِيقَهُمْ بَيْنَ حُكْمِ التَّمْرِ وَحُكْمِ الْبُسْرِ فِي الْعَرَايَا. وَهَؤُلَاءِ الْمَالِكِيُّونَ يُفَرِّقُونَ مَعَنَا بَيْنَ مَا أَدْخَلَ فِيهِ الْكَلْبُ لِسَانَهُ وَبَيْنَ مَا أَدْخَلَ فِيهِ ذَنَبَهُ الْمَبْلُولَ مِنْ الْمَاءِ، وَيُفَرِّقُونَ بَيْنَ بَوْلِ الْبَقَرَةِ وَبَوْلِ الْفَرَسِ، وَلَا نَصَّ فِي ذَلِكَ، بَلْ أَشْنَعُ مِنْ ذَلِكَ تَفْرِيقُهُمْ بَيْنَ خُرْءِ الدَّجَاجَةِ الْمُخَلَّاةِ وَخُرْئِهَا إِذَا كَانَتْ مَقْصُورَةً وَبَيْنَ بَوْلِ الشَّاةِ إِذَا شَرِبَتْ مَاءً نَجِسًا

which drank pure water. They distinguish between fava beans and their own kind, treating them in zakāh alongside lupins as a single category while classifying them as two distinct types in sales. Every rational person knows the distinction between one who urinates and one who defecates—based on a text addressing one but not the other—is clearer than distinguishing between today's fava beans and yesterday's, or between fava beans and their own kind, without any textual basis or evidence whatsoever.

L2951 The Shafiʿis distinguished between urine exiting from the urethra—deeming it purifiable with stones—and that same urine from the same person if it reaches the upper part of the glans penis, which they ruled unpurifiable except with water. They differentiated between an infant's urine and feces concerning pouring and washing. This is exactly what they criticized us for here. The Hanafis distinguished between a sheep's urine in a well—which invalidates the water—and the same quantity of its urine on a garment, which does not invalidate it. They differentiated between a camel's urine in a well, which contaminates it even if a single drop, whereas if two camel dung pellets from that same camel fall into the well's water, the water remains pure—this is the very distinction they condemned in us. They differentiated between horse dung on a garment exceeding the size of a mule dirham—invalidating prayer—and the urine of that same horse on the garment, which does not invalidate prayer unless it covers a quarter of the garment according to Abū Ḥanīfa or a span by a span according to Abū Yūsuf, in which case it does. Ẓufar among them said: "The urine of any animal whose meat is permissible is entirely pure, but its excrement is impure"—this is precisely what they criticized us for. They differentiated between vomit that fills the mouth and vomit that does not fill it, and between urine on the body—removable only with water—and urine on a garment—removable without water. Were we to compile their inconsistencies, it would fill a book.

L2952–2954 If they say, "Whoever adheres to this statement of yours regarding the distinction between the one who urinates and the one who defecates in standing water..." Before you? We said: The Messenger of Allah (peace be upon him)

وَبَيْنَ بَوْلِهَا إِذَا شَرِبَتْ مَاءً طَاهِرًا، وَفَرَّقُوا بَيْنَ الْفُولِ وَبَيْنَ نَفْسِهِ، فَجَعَلُوهُ فِي الزَّكَاةِ مَعَ الْجُلُّبَانِ صِنْفًا وَاحِدًا، وَجَعَلُوهُمَا فِي الْبُيُوعِ صِنْفَيْنِ، وَكُلُّ ذِي عَقْلٍ يَدْرِي أَنَّ الْفَرْقَ بَيْنَ الْبَائِلِ وَالْمُتَغَوِّطِ بِنَصٍّ جَاءَ فِي أَحَدِهِمَا دُونَ الْآخَرِ أَوْضَحُ مِنْ الْفَرْقِ بَيْنَ الْفُولِ أَمْسِ وَالْفُولِ الْيَوْمَ، وَبَيْنَ الْفُولِ وَنَفْسِهِ بِغَيْرِ نَصٍّ وَلَا دَلِيلٍ أَصْلًا.

وَهَؤُلَاءِ الشَّافِعِيُّونَ فَرَّقُوا بَيْنَ الْبَوْلِ فِي مَخْرَجِهِ مِنْ الْإِحْلِيلِ، فَجَعَلُوهُ يَطْهُرُ بِالْحِجَارَةِ، وَبَيْنَ ذَلِكَ الْبَوْلِ نَفْسِهِ مِنْ ذَلِكَ الْإِنْسَانِ نَفْسِهِ إذَا بَلَغَ أَعْلَى الْحَشَفَةِ - فَجَعَلُوهُ لَا يَطْهُرُ إلَّا بِالْمَاءِ، وَفَرَّقُوا بَيْنَ بَوْلِ الرَّضِيعِ وَبَيْنَ غَائِطِهِ فِي الصَّبِّ وَالْغَسْلِ وَهَذَا هُوَ الَّذِي أَنْكَرُوا عَلَيْنَا هَهُنَا بِعَيْنِهِ. وَهَؤُلَاءِ الْحَنَفِيُّونَ فَرَّقُوا بَيْنَ بَوْلِ الشَّاةِ فِي الْبِئْرِ فَيُفْسِدُهَا، وَبَيْنَ ذَلِكَ الْمِقْدَارِ نَفْسِهِ مِنْ بَوْلِهَا بِعَيْنِهَا فِي الثَّوْبِ فَلَا يُفْسِدُهُ، وَفَرَّقُوا بَيْنَ بَوْلِ الْبَعِيرِ فِي الْبِئْرِ فَيُفْسِدُهُ وَلَوْ أَنَّهُ نُقْطَةٌ، فَإِنْ وَقَعَتْ بَعْرَتَانِ مِنْ بَعْرِ ذَلِكَ الْجَمَلِ فِي مَاءِ الْبِئْرِ لَمْ يُفْسِدْ الْمَاءُ، وَهَذَا نَفْسُ مَا أَنْكَرُوهُ عَلَيْنَا، وَفَرَّقُوا بَيْنَ رَوْثِ الْفَرَسِ يَكُونُ فِي الثَّوْبِ مِنْهُ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ فَيُفْسِدُ الصَّلَاةَ، وَبَيْنَ بَوْلِ ذَلِكَ الْفَرَسِ نَفْسِهِ يَكُونُ فِي الثَّوْبِ فَلَا يُفْسِدُ الصَّلَاةَ، إلَّا أَنْ يَكُونَ رُبُعَ الثَّوْبِ عِنْدَ أَبِي حَنِيفَةَ، وَشِبْرًا فِي شِبْرٍ عِنْدَ أَبِي يُوسُفَ فَيُفْسِدُهَا حِينَئِذٍ، وَزُفَرُ مِنْهُمْ يَقُولُ: بَوْلُ مَا يُؤْكَلُ لَحْمُهُ طَاهِرٌ كُلُّهُ وَرَجِيعُهُ نَجِسٌ، وَهَذَا هُوَ الَّذِي أَنْكَرُوا عَلَيْنَا. وَفَرَّقُوا بَيْنَ مَا يَمْلَأُ الْفَمَ مِنْ الْقَلْسِ وَبَيْنَ مَا لَا يَمْلَأُ الْفَمَ مِنْهُ، وَفَرَّقُوا بَيْنَ الْبَوْلِ فِي الْجَسَدِ فَلَا يُزِيلُهُ إلَّا الْمَاءُ، وَبَيْنَ الْبَوْلِ فِي الثَّوْبِ فَيُزِيلُهُ غَيْرُ الْمَاءِ. وَلَوْ تَتَبَّعْنَا سَقَطَاتِهِمْ لَقَامَ مِنْهَا دِيوَانٌ.

فَإِنْ قَالُوا: مَنْ قَالَ بِقَوْلِكُمْ هَذَا فِي الْفَرْقِ بَيْنَ الْبَائِلِ وَالْمُتَغَوِّطِ فِي الْمَاءِ الرَّاكِدِ قَبْلَكُمْ؟ قُلْنَا: قَالَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي لَا يَأْتِيهِ الْبَاطِلُ مِنْ بَيْنِ يَدَيْهِ وَلَا

– to whom falsehood cannot approach from before or behind – stated it, for he clarified to us the ruling regarding one who urinates but remained silent about one who defecates, sniffs mucus, or blows their nose. But tell us: Who among Adam's descendants ever spoke of these distinctions before you? Such as differentiating between a sheep's urine in a well and its urine on a garment; between its urine on the body and its urine on clothing; between the urine of a sheep that drinks impure water and its urine when drinking pure water; and between urine at the tip of the glans versus urine above it? This is what no one ever articulated before them. If only they had expressed it initially in an intelligible or rational manner. Similarly, all their other mentioned distinctions follow this pattern. All praise belongs to Allah, Lord of the worlds.[36]

مِنْ خَلْفِهِ - إِذْ بَيَّنَ لَنَا حُكْمَ الْبَائِلِ وَسَكَتَ عَنْ الْمُتَغَوِّطِ وَالْمُتَنَخِّمِ وَالْمُتَمَخِّطِ، وَلَكِنْ أَخْبِرُونَا: مَنْ قَالَ مِنْ وَلَدِ آدَمَ بِفُرُوقِكُمْ هَذِهِ قَبْلَكُمْ؟ مِنْ الْفَرْقِ بَيْنَ بَوْلِ الشَّاةِ فِي الْبِئْرِ وَبَوْلِهَا فِي الثَّوْبِ، وَبَيْنَ بَوْلِهَا فِي الْجَسَدِ وَبَوْلِهَا فِي الثَّوْبِ؟ وَبَيْنَ بَوْلِ الشَّاةِ تَشْرَبُ مَاءً نَجِسًا وَبَوْلِهَا إِذَا شَرِبَتْ مَاءً طَاهِرًا؟ وَبَيْنَ الْبَوْلِ فِي رَأْسِ الْحَشَفَةِ وَبَيْنَهُ فَوْقَ ذَلِكَ؟ فَهَذَا هُوَ الَّذِي لَمْ يَقُلْهُ أَحَدٌ قَطُّ قَبْلَهُمْ وَلَيْتَهُمْ إِذْ قَالُوهُ مُبْتَدِئِينَ قَالُوهُ بِوَجْهٍ يُفْهَمُ أَوْ يُعْقَلُ، وَكَذَلِكَ سَائِرُ فُرُوقِهِمْ الْمَذْكُورَةِ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L2955 We do not reject statements conveyed by the Quran and Sunnah—even if we have not identified a specifically named speaker—while they deny these yet act accordingly. Thus, reproaches necessarily bind them, not us. What we utterly reject is speaking about Allah's religion and attributing to Him—Exalted is He—what neither He nor His Messenger (peace and blessings be upon him) has ever uttered. By Allah, this is the true wrong, even if all people on earth were to assert it.

وَنَحْنُ لَا نُنْكِرُ الْقَوْلَ بِمَا جَاءَ بِهِ الْقُرْآنُ وَالسُّنَّةُ، وَإِنْ لَمْ نَعْرِفْ قَائِلًا مُسَمًّى بِهِ وَهُمْ يُنْكِرُونَ ذَلِكَ وَيَفْعَلُونَهُ، فَاللَّوَائِمُ لَهُمْ لَازِمَةٌ لَا لَنَا، وَإِنَّمَا نُنْكِرُ غَايَةَ الْإِنْكَارِ الْقَوْلَ فِي دِينِ اللَّهِ تَعَالَى وَعَلَى اللَّهِ مَا لَمْ يَقُلْهُ تَعَالَى قَطُّ وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهَذَا وَاَللَّهِ هُوَ الْمُنْكَرُ حَقًّا، وَلَوْ قَالَ أَهْلُ الْأَرْضِ.

L2956 Similarly, if they ask us: "Who among those before you distinguished between clarified butter in which a mouse has fallen and non-clarified butter?" Our answer is precisely what we have already mentioned. Moreover, we have been transmitted the distinction between them from Ibn Umar, as narrated to us by Ahmad ibn Muhammad ibn al-Jasur: narrated to us Muhammad ibn Isa ibn Rifa'ah, narrated to us Ali ibn Abdul Aziz, narrated to us Abu Ubayd al-Qasim ibn Sallam, narrated to us Hushaym from Ma'mar from Aban from Rashid, the freedman of Quraysh, from Ibn Umar - when he was asked about a mouse that fell into clarified butter, he said: "If it was liquid, discard all of it. If it was solid, discard the mouse and what surrounds it, and consume what remains."

وَكَذَلِكَ إِنْ قَالُوا لَنَا: مَنْ فَرَّقَ قَبْلَكُمْ بَيْنَ السَّمْنِ يَقَعُ فِيهِ الْفَأْرُ وَبَيْنَ غَيْرِ السَّمْنِ فَجَوَابُنَا هُوَ الَّذِي ذَكَرْنَا بِعَيْنِهِ، فَكَيْفَ وَقَدْ رُوِّينَا الْفَرْقَ بَيْنَهُمَا عَنْ ابْنِ عُمَرَ، كَمَا حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا هُشَيْمٌ عَنْ مَعْمَرٍ عَنْ أَبَانَ عَنْ رَاشِدٍ مَوْلَى قُرَيْشٍ عَنْ ابْنِ عُمَرَ أَنَّهُ سُئِلَ عَنْ فَأْرَةٍ وَقَعَتْ فِي سَمْنٍ فَقَالَ: إِنْ كَانَ مَائِعًا فَأَلْقِهِ كُلَّهُ، وَإِنْ كَانَ جَامِدًا فَأَلْقِ الْفَأْرَةَ وَمَا حَوْلَهَا وَكُلَّ مَا بَقِيَ.

L2957 Hummam 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

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ وَسُفْيَانَ الثَّوْرِيِّ كِلَاهُمَا عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ مَوْلَى ابْنِ عُمَرَ عَنْ ابْنِ عُمَرَ

[36] **Qur'an references (L2952):** Qur'an 41:42 (Fussilat).

and Sufyan al-Thawri, both of whom narrated from Ayyub al-Sikhtiyani from Nafi', the client of Ibn Umar, from Ibn Umar that he was asked about a mouse that fell into twenty farqs of oil. Ibn Umar said: "Use the oil for lamps and anoint the leather with it." Through the same chain to Abd al-Razzaq from Ibn Jurayj, who said: I asked Ata': "A mouse falls into melted butter or oil and dies in it. It is taken out having decomposed or it dies while intact without decomposing?" He replied: "It is the same if it dies in it. As for the oil, strain it and use it for anointing if it has not become putrid." I asked: "What about the butter? Is it strained and then eaten?" He said: "No, it is not to be eaten. It is like the state of something used to anoint the head."

أَنَّهُ سُئِلَ عَنْ فَأْرَةٍ وَقَعَتْ فِي عِشْرِينَ فَرْقًا مِنْ زَيْتٍ، فَقَالَ ابْنُ عُمَرَ: اسْتَسْرِجُوا بِهِ وَادْهُنُوا بِهِ الْأُدْمَ. وَبِهِ إِلَى عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ قَالَ: قُلْت لِعَطَاءٍ: الْفَأْرَةُ تَقَعُ فِي السَّمْنِ الذَّائِبِ فَتَمُوتُ فِيهِ أَوْ فِي الدُّهْنِ، فَتُؤْخَذُ قَدْ تَسَلَّخَتْ أَوْ قَدْ مَاتَتْ وَهِيَ شَدِيدَةٌ لَمْ تَتَسَلَّخْ؟ فَقَالَ سَوَاءٌ إذَا مَاتَتْ فِيهِ، فَأَمَّا الدُّهْنُ فَيُنَشُّ فَيُدْهَنُ بِهِ إنْ لَمْ تُقَذِّرْهُ، قُلْت: فَالسَّمْنُ أَيُنَشُّ فَيُؤْكَلُ؟ قَالَ لَا، لَيْسَ مَا يُؤْكَلُ، كَهَيْئَةِ شَيْءٍ فِي الرَّأْسِ يُدْهَنُ بِهِ.

L2958–2959 Abu Muhammad said: Olive oil is oil by the explicit text of the Quran. Allah the Exalted said: "And a tree that springs forth from Mount Sinai, producing oil and seasoning for those who eat." [Al-Mu'minun: 20] Malik maintained washing olive oil when impurity falls into it, then it is eaten. Ibn al-Qasim narrated from Malik concerning a drop of wine that falls into water or food: that none of it is invalidated, and that such water may be drunk and such food may be eaten.[37]

قَالَ أَبُو مُحَمَّدٍ: وَالزَّيْتُ دُهْنٌ بِنَصِّ الْقُرْآنِ: قَالَ تَعَالَى: {وَشَجَرَةً تَخْرُجُ مِنْ طُورِ سَيْنَاءَ تَنْبُتُ بِالدُّهْنِ وَصِبْغٍ لِلْآكِلِينَ} [المؤمنون: ٢٠] وَقَدْ رَأَى مَالِكٌ غَسْلَ الزَّيْتِ تَقَعُ فِيهِ النَّجَاسَةُ، ثُمَّ يُؤْكَلُ. وَقَدْ رَوَى ابْنُ الْقَاسِمِ عَنْ مَالِكٍ فِي النُّقْطَةِ مِنْ الْخَمْرِ تَقَعُ فِي الْمَاءِ وَالطَّعَامِ: أَنَّهُ لَا يَفْسُدُ شَيْءٌ مِنْ ذَلِكَ، وَأَنَّ ذَلِكَ الْمَاءَ يُشْرَبُ وَذَلِكَ الطَّعَامَ يُؤْكَلُ.

L2960 Ali said: It is said to the Ḥanafīs: You inconsistently differentiate between rulings on impurities in terms of severity and leniency through your opinions without any textual basis from Allah the Exalted, nor from His Messenger—may Allah's peace and blessings be upon him—nor from consensus or analogy. Some impurities, according to you, do not defile the garment, body, leather sock, or sandal unless the amount from it exceeds the Baghlī dirham—and perhaps even less. Others do not defile these things unless they cover a quarter of the garment, yet we do not know your ruling regarding the body, sandal, leather sock, or the ground. You distinguish between the ruling of the same impurity when on garments or bodies and its ruling in wells, asserting that a drop of wine or urine defiles a well but does not defile a garment or body unless it exceeds the Baghlī dirham. Inform us about a pond: if one end is stirred while the other remains still, and a drop of dog's urine, a drop of sheep's urine, a dead nipple, or a putrefying dead ele-

قَالَ عَلِيٌّ: وَيُقَالُ لِلْحَنَفِيِّينَ: أَنْتُمْ تُخَالِفُونَ بَيْنَ أَحْكَامِ النَّجَاسَاتِ فِي الشِّدَّةِ وَالْخِفَّةِ بِآرَائِكُمْ بِغَيْرِ نَصٍّ مِنْ اللَّهِ تَعَالَى وَلَا مِنْ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا مِنْ إجْمَاعٍ وَلَا قِيَاسٍ، فَبَعْضُهَا عِنْدَكُمْ لَا يُنَجِّسُ الثَّوْبَ وَالْبَدَنَ وَالْخُفَّ وَالنَّعْلَ مِنْهُ إلَّا مِقْدَارٌ أَكْبَرُ مِنْ الدِّرْهَمِ الْبَغْلِيِّ وَرُبَّمَا قَلَّ، وَبَعْضُهَا لَا يُنَجِّسُ هَذِهِ الْأَشْيَاءَ إلَّا مَا كَانَ رُبُعَ الثَّوْبِ، وَلَا نَدْرِي مَا قَوْلُكُمْ فِي الْجَسَدِ وَالنَّعْلِ وَالْخُفِّ وَالْأَرْضِ، وَبَعْضُهَا تُفَرِّقُونَ بَيْنَ حُكْمِهَا فِي نَفْسِهَا فِي الثَّوْبِ وَالْجَسَدِ وَبَيْنَ حُكْمِهَا فِي نَفْسِهَا فِي الْبِئْرِ، فَتَقُولُونَ: إنَّ قَطْرَةَ خَمْرٍ أَوْ بَوْلٍ تُنَجِّسُ الْبِئْرَ وَلَا تُنَجِّسُ الثَّوْبَ وَلَا الْجَسَدَ حَتَّى يَكُونَ ذَلِكَ أَكْثَرَ مِنْ الدِّرْهَمِ الْبَغْلِيِّ، فَأَخْبِرُونَا عَنْ غَدِيرٍ إذَا حُرِّكَ طَرَفُهُ الْوَاحِدُ لَمْ يَتَحَرَّكْ الْآخَرُ وَقَعَتْ فِيهِ نُقْطَةُ بَوْلٍ

[37] **Qur'an references (L2959):** Qur'an 23:20 (Al-Mu'minun).

phant falls into it—are all these equal? If they equate them, they invalidate their principle of intensifying rulings for certain impurities over others and abandon their claim that two camel dung pellets or two sheep dung pellets do not defile a well. If they differentiate between all these cases, we will demand their detailed explanation, which would only increase mockery and confusion.

كَلْبٍ أَوْ نُقْطَةُ بَوْلِ شَاةٍ أَوْ حَلَمَةٌ مَيِّتَةٌ أَوْ فِيلٌ مَيِّتٌ مُتَفَسِّخٌ، هَلْ كُلُّ هَذَا سَوَاءٌ أَمْ لَا؟ فَإِنْ سَاوَوْا بَيْنَ ذَلِكَ كُلِّهِ نَقَضُوا أَصْلَهُمْ فِي تَغْلِيظِ بَعْضِ النَّجَاسَاتِ دُونَ بَعْضٍ، وَتَرَكُوا قَوْلَهُمْ إِنَّ بَعْرَتَيْنِ مِنْ بَعْرِ الْإِبِلِ أَوْ بَعْرَتَيْنِ مِنْ بَعْرِ الْغَنَمِ لَا تُنَجِّسُ الْبِئْرَ، وَإِنْ فَرَّقُوا بَيْنَ كُلِّ ذَلِكَ سَأَلْنَاهُمْ تَفْصِيلَ ذَلِكَ لِيَكُونَ ذَلِكَ زِيَادَةً فِي السُّخْرِيَةِ وَالتَّخْلِيطِ.

L2961 Ali said: They asked us, "What is your ruling regarding wine, urine, or blood that falls into water such that none of those substances manifests any taste, color, or odor in the water? Does the wine, urine, and blood turn into water, or does each substance remain in its inherent state? If all of them have become water, how is this possible? But if each remains in its inherent state, then you have permitted wine, urine, and blood—a grave matter contrary to Islam?"

قَالَ عَلِيٌّ: وَقَالُوا لَنَا: مَا قَوْلُكُمْ فِي خَمْرٍ أَوْ دَمٍ أَوْ بَوْلٍ وَقَعَ ذَلِكَ فِي الْمَاءِ فَلَمْ يَظْهَرْ لِشَيْءٍ مِنْ ذَلِكَ فِي الْمَاءِ طَعْمٌ وَلَا لَوْنٌ وَلَا رِيحٌ، هَلْ صَارَ الْخَمْرُ وَالْبَوْلُ وَالدَّمُ مَاءً؟ أَمْ بَقِيَ كُلُّ ذَلِكَ بِحَسَبِهِ؟ فَإِنْ كَانَ صَارَ كُلُّ ذَلِكَ مَاءً فَكَيْفَ هَذَا؟ وَإِنْ كَانَ بَقِيَ كُلُّ ذَلِكَ بِحَسَبِهِ فَقَدْ أَبَحْتُمُ الْخَمْرَ وَالْبَوْلَ وَالدَّمَ، وَهَذَا عَظِيمٌ وَخِلَافٌ لِلْإِسْلَامِ؟

L2962–2963 Abū Muḥammad said: Our answer—and with Allah, the Exalted, is success—is that the entire world constitutes a single substance whose parts differ solely in their accidents and attributes. According to how each part of the world differs in attributes, the names of those parts—upon which Allah Almighty's rulings in Islamic law are applied—also differ. These names form the basis for communication and mutual understanding among all people in all languages. Thus, grapes are grapes, not raisins; raisins are not grapes; grape juice is neither fresh grape nor wine; wine is not grape juice; vinegar is not wine. The religious rulings for each differ, though the underlying essence remains one. Each possesses attributes that establish its definition. As long as those attributes remain present in that essence, it is water and retains water's ruling.

قَالَ أَبُو مُحَمَّدٍ: جَوَابُنَا وَبِاللَّهِ تَعَالَى التَّوْفِيقُ: إِنَّ الْعَالَمَ كُلَّهُ جَوْهَرَةٌ وَاحِدَةٌ تَخْتَلِفُ أَبْعَاضُهَا بِأَعْرَاضِهَا وَبِصِفَاتِهَا فَقَطْ. وَبِحَسَبِ اخْتِلَافِ صِفَاتِ كُلِّ جُزْءٍ مِنْ الْعَالَمِ تَخْتَلِفُ أَسْمَاءُ تِلْكَ الْأَجْزَاءِ الَّتِي عَلَيْهَا تَقَعُ أَحْكَامُ اللَّهِ عَزَّ وَجَلَّ فِي الدِّيَانَةِ. وَعَلَيْهَا يَقَعُ التَّخَاطُبُ وَالتَّفَاهُمُ مِنْ جَمِيعِ النَّاسِ بِجَمِيعِ اللُّغَاتِ، فَالْعِنَبُ عِنَبٌ وَلَيْسَ زَبِيبًا، وَالزَّبِيبُ لَيْسَ عِنَبًا، وَعَصِيرُ الْعِنَبِ لَيْسَ عِنَبًا وَلَا خَمْرًا، وَالْخَمْرُ لَيْسَ عَصِيرًا، وَالْخَلُّ لَيْسَ خَمْرًا، وَأَحْكَامُ كُلِّ ذَلِكَ فِي الدِّيَانَةِ تَخْتَلِفُ وَالْعَيْنُ الْحَامِلَةُ وَاحِدَةٌ، وَكُلُّ ذَلِكَ لَهُ صِفَاتٌ، مِنْهَا يَقُومُ حَدُّهُ، فَمَا دَامَتْ تِلْكَ الصِّفَاتُ فِي تِلْكَ الْعَيْنِ فَهِيَ مَاءٌ وَلَهُ حُكْمُ الْمَاءِ.

L2964 When those attributes cease to exist in that substance, it is no longer water and does not retain the ruling of water. Similarly, blood, wine, urine, and all things in the world—each category possesses defining attributes as long as they remain inherent to it. Thus, it is wine subject to the ruling of wine, blood subject to the ruling of blood, urine subject to the ruling of urine, or other such matters. When these attributes are removed, the substance ceases

فَإِذَا زَالَتْ تِلْكَ الصِّفَاتُ عَنْ تِلْكَ الْعَيْنِ لَمْ تَكُنْ مَاءً وَلَمْ يَكُنْ لَهَا حُكْمُ الْمَاءِ وَكَذَلِكَ الدَّمُ وَالْخَمْرُ وَالْبَوْلُ وَكُلُّ مَا فِي الْعَالَمِ لِكُلِّ نَوْعٍ مِنْهُ صِفَاتٌ مَا دَامَتْ فِيهِ فَهُوَ خَمْرٌ لَهُ حُكْمُ الْخَمْرِ، أَوْ دَمٌ لَهُ حُكْمُ الدَّمِ، أَوْ بَوْلٌ لَهُ حُكْمُ الْبَوْلِ أَوْ غَيْرُ ذَلِكَ، فَإِذَا زَالَتْ عَنْهُ

to be wine, water, blood, urine, or the thing previously named due to those attributes. If the wine, urine, or blood you mentioned is introduced into water, vinegar, milk, or another substance, and the attributes that define blood as blood, wine as wine, or urine as urine are nullified—while the attributes of the receiving substance remain according to their inherent nature—then that intruding matter is not classified as wine, blood, or urine. Rather, it becomes water in essence, milk in essence, and so forth. If the intruding substance (e.g., blood, wine, or urine) prevails, retaining its defining attributes and overriding those of the water, milk, or vinegar, it is no longer water, vinegar, or milk. Instead, it becomes urine in essence, wine in essence, or blood in essence. If the attributes of the intruding substance persist without nullifying those of the receiving substance, it becomes a combination of water and wine, water and urine, water and blood, milk and urine, blood and vinegar, and so on for all things. We are not forbidden from using the permissible portion of such mixtures if we can isolate it from the impermissible. However, we are unable to utilize it except by using the impermissible portion, and our inability arises only because doing so would require this. Otherwise, it remains ritually pure, a purifying agent, and lawful according to its inherent state. This principle applies universally. Blood undergoes chemical transformation (istihalah) to become flesh—thus being flesh, not blood, even though the physical substance remains unchanged. Flesh undergoes chemical transformation (istihalah) to become fat—ceasing to be flesh and becoming fat, even though the physical substance remains one.

لَمْ تَكُنْ تِلْكَ الْعَيْنُ خَمْرًا وَلَا مَاءً وَلَا دَمًا وَلَا بَوْلًا وَلَا الشَّيْءَ الَّذِي كَانَ ذَلِكَ الِاسْمُ وَاقِعًا مِنْ أَجْلِ تِلْكَ الصِّفَاتِ عَلَيْهِ، فَإِذَا سَقَطَ مَا ذَكَرْتُمْ مِنْ الْخَمْرِ أَوْ الْبَوْلِ أَوْ الدَّمِ فِي الْمَاءِ أَوْ فِي الْخَلِّ أَوْ فِي اللَّبَنِ أَوْ فِي غَيْرِ ذَلِكَ، فَإِنْ بَطَلَتْ الصِّفَاتُ الَّتِي مِنْ أَجْلِهَا سُمِّيَ الدَّمُ دَمًا وَالْخَمْرُ خَمْرًا وَالْبَوْلُ بَوْلًا، وَبَقِيَتْ صِفَاتُ الشَّيْءِ الَّذِي وَقَعَ فِيهِ مَا ذَكَرْنَا بِحَسَبِهَا، فَلَيْسَ ذَلِكَ الْجِرْمُ الْوَاقِعُ يُعَدُّ خَمْرًا وَلَا دَمًا وَلَا بَوْلًا، بَلْ هُوَ مَاءٌ عَلَى الْحَقِيقَةِ أَوْ لَبَنٌ عَلَى الْحَقِيقَةِ، وَهَكَذَا فِي كُلِّ شَيْءٍ. فَإِنْ غَلَبَ الْوَاقِعُ مِمَّا ذَكَرْنَا وَبَقِيَتْ صِفَاتُهُ بِحَسَبِهَا وَبَطَلَتْ صِفَاتُ الْمَاءِ أَوْ اللَّبَنِ أَوْ الْخَلِّ، فَلَيْسَ هُوَ مَاءً بَعْدُ وَلَا خَلًّا وَلَا لَبَنًا، بَلْ هُوَ بَوْلٌ عَلَى الْحَقِيقَةِ أَوْ خَمْرٌ عَلَى الْحَقِيقَةِ أَوْ دَمٌ عَلَى الْحَقِيقَةِ، فَإِنْ بَقِيَتْ صِفَاتُ الْوَاقِعِ وَلَمْ تَبْطُلْ صِفَاتُ مَا وَقَعَ فَهُوَ فِيهِ مَاءٌ وَخَمْرٌ، أَوْ مَاءٌ وَبَوْلٌ، أَوْ مَاءٌ وَدَمٌ، أَوْ لَبَنٌ وَبَوْلٌ، أَوْ دَمٌ وَخَلٌّ، وَهَكَذَا فِي كُلِّ شَيْءٍ. وَلَمْ يُحَرَّمْ عَلَيْنَا اسْتِعْمَالُ الْحَلَالِ مِنْ ذَلِكَ لَوْ أَمْكَنَنَا تَخْلِيصُهُ مِنْ الْحَرَامِ، لَكِنَّا لَا نَقْدِرُ عَلَى اسْتِعْمَالِهِ إلَّا بِاسْتِعْمَالِ الْحَرَامِ فَعَجَزْنَا عَنْهُ فَقَطْ، وَإِلَّا فَهُوَ طَاهِرٌ مُطَهِّرٌ حَلَالٌ بِحَسَبِهِ كَمَا كَانَ. وَهَكَذَا كُلُّ شَيْءٍ فِي الْعَالَمِ فَالدَّمُ يَسْتَحِيلُ لَحْمًا، فَهُوَ حِينَئِذٍ لَحْمٌ وَلَيْسَ دَمًا، وَالْعَيْنُ وَاحِدَةٌ، وَاللَّحْمُ يَسْتَحِيلُ شَحْمًا فَلَيْسَ لَحْمًا بَعْدُ بَلْ هُوَ شَحْمٌ وَالْعَيْنُ وَاحِدَةٌ.

L2965–2967 Dung, feces, urine, water, and soil - all these substances are transformed by the date palm into leaves and fresh dates. At that stage, none of these substances remain as dung, soil, or water; rather, they become lawful, wholesome fresh dates. The substance remains one, and likewise for all vegetation. Water transforms into ascending air and solidified salt, so it is no longer water—nor is ablution valid with it—while the substance remains one. Then that air and salt revert to water. At that point, it is neither air nor salt but permissible water with which ablution and ritual bathing are valid. If you reject this and argue: “Even if its attributes vanish, it remains the same substance,” you

وَالزِّبْلُ وَالْبِرَازُ وَالْبَوْلُ وَالْمَاءُ وَالتُّرَابُ يَسْتَحِيلُ كُلُّ ذَلِكَ فِي النَّخْلَةِ وَرَقًا وَرُطَبًا، فَلَيْسَ شَيْءٌ مِنْ ذَلِكَ حِينَئِذٍ زِبْلًا وَلَا تُرَابًا وَلَا مَاءً، بَلْ هُوَ رُطَبٌ حَلَالٌ طَيِّبٌ، وَالْعَيْنُ وَاحِدَةٌ، وَهَكَذَا فِي سَائِرِ النَّبَاتِ كُلِّهِ، وَالْمَاءُ يَسْتَحِيلُ هَوَاءً مُتَصَعِّدًا وَمِلْحًا جَامِدًا، فَلَيْسَ هُوَ مَاءً بَلْ وَلَا يَجُوزُ الْوُضُوءُ بِهِ وَالْعَيْنُ وَاحِدَةٌ، ثُمَّ يَعُودُ ذَلِكَ الْهَوَاءُ وَذَلِكَ الْمِلْحُ مَاءً. فَلَيْسَ حِينَئِذٍ هَوَاءً وَلَا مِلْحًا، بَلْ هُوَ مَاءٌ حَلَالٌ يَجُوزُ الْوُضُوءُ بِهِ وَالْغُسْلُ

must inevitably permit ablution with urine—since it is transformed water without doubt—and with sweat, as it too is transformed water. You would also be obliged to prohibit fruits nourished with dung or excrement, and to forbid chicken meat because they are transformed from unlawful substances. Should they object: "We observe blood, wine, or urine cast into water without altering its color, smell, or taste, but when repeatedly added, their attributes manifest. Why does the second instance not become water like the first?" We respond: This question is not ours to answer. You persist in your detestable habit of challenging Allah the Exalted and seeking to amend His rulings and actions. Direct this question to Him—not us—for He permitted the first and not the second by His will, not ours. His answer to this query will confront you on the Day of Resurrection with which the questioner's remorse will be prolonged. Allah has forbidden such questioning, as He declares: *He is not questioned about what He does, but they will be questioned* [21:23]. Yet we answer you in compliance with Allah's command: *Stand firm in justice for Allah* [5:8]. We affirm: This is Allah's creation. He fashioned all things as He willed—none revises His decree, nor is He questioned about His acts. We observe air elevating water through desiccation until it becomes ascending vapor, ceasing entirely to be water.[38]

فَإِنْ أَنْكَرْتُمْ هَذَا وَقُلْتُمْ: إِنَّهُ وَإِنْ ذَهَبَتْ صِفَاتُهُ فَهُوَ الَّذِي كَانَ نَفْسَهُ لَزِمَكُمْ وَلَا بُدَّ إِبَاحَةُ الْوُضُوءِ بِالْبَوْلِ، لِأَنَّهُ مَاءٌ مُسْتَحِيلٌ، بِلَا شَكٍّ، وَبِالْعَرَقِ، لِأَنَّهُ مَاءٌ مُسْتَحِيلٌ. وَلَزِمَكُمْ تَحْرِيمُ الثِّمَارِ الْمُغَذَّاةِ بِالزِّبْلِ وَبِالْعَذِرَةِ، وَتَحْرِيمُ لُحُومِ الدَّجَاجِ، لِأَنَّهَا مُسْتَحِيلَةٌ عَنِ الْمُحَرَّمَاتِ. فَإِنْ قَالُوا: فَنَحْنُ نَجِدُ الدَّمَ يُلْقَى فِي الْمَاءِ أَوِ الْخَمْرِ أَوِ الْبَوْلِ فَلَا يَظْهَرُ لَهُ لَوْنٌ وَلَا رِيحٌ وَلَا طَعْمٌ فَيُوَاتِرُ طَرْحُهُ فَتَظْهَرُ صِفَاتُهُ فِيهِ. فَهَلَّا صَارَ الثَّانِي مَاءً كَمَا صَارَ الْأَوَّلُ؟ قُلْنَا لَهُمْ: هَذَا السُّؤَالُ لَسْنَا نَحْنُ الْمَسْئُولِينَ بِهِ لَكِنْ جَرِيتُمْ فِيهِ عَلَى عَادَتِكُمُ الذَّمِيمَةِ فِي التَّعَقُّبِ عَلَى اللَّهِ تَعَالَى وَالِاسْتِدْرَاكِ عَلَيْهِ فِي أَحْكَامِهِ تَعَالَى وَأَفْعَالِهِ، وَإِيَّاهُ تَعَالَى تَسْأَلُونَ عَنْ هَذَا لَا نَحْنُ، لِأَنَّهُ هُوَ الَّذِي أَحَلَّ الْأَوَّلَ وَلَمْ يُحِلَّ الثَّانِيَ كَمَا شَاءَ لَا نَحْنُ وَجَوَابُهُ عَزَّ وَجَلَّ لَكُمْ عَلَى هَذَا السُّؤَالِ يَأْتِيكُمْ يَوْمَ الْقِيَامَةِ بِمَا تَطُولُ عَلَيْهِ نَدَامَةُ السَّائِلِ، لِأَنَّ اللَّهَ تَعَالَى حَرَّمَ هَذَا السُّؤَالَ إِذْ يَقُولُ تَعَالَى: {لا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ} [الأنبياء: ٢٣] ثُمَّ نَحْنُ نُجِيبُكُمْ قَائِمِينَ لِلَّهِ تَعَالَى كَمَا افْتَرَضَ عَزَّ وَجَلَّ عَلَيْنَا إِذْ يَقُولُ: {كُونُوا قَوَّامِينَ لِلَّهِ} [المائدة: ٨] فَنَقُولُ لَكُمْ: هَذَا خَلْقُ اللَّهِ تَعَالَى مَا خَلَقَ كُلَّهُ مِنْ ذَلِكَ كُلِّهِ كَمَا شَاءَ لَا مُعَقِّبَ لِحُكْمِهِ وَلَا يُسْأَلُ عَمَّا يَفْعَلُ. وَنَحْنُ نَجِدُ الْمَاءَ يُصَعِّدُهُ الْهَوَاءُ بِالتَّجْفِيفِ فَيَصِيرُ الْمَاءُ هَوَاءً مُصَعَّدًا وَلَيْسَ مَاءً أَصْلًا.

L2968 When the water transformed into vapor becomes abundant in the atmosphere, it returns to its original state as water, and Allah the Exalted sends it down from the clouds as rain. This is the very argument you cited against us: that blood is concealed in water and silver is dissolved in copper. When they are traced, they become evident.

حَتَّى إِذَا كَثُرَ الْمَاءُ الْمُسْتَحِيلُ هَوَاءً فِي الْجَوِّ عَادَ مَاءً كَمَا كَانَ وَأَنْزَلَهُ اللَّهُ تَعَالَى مِنَ السَّحَابِ مَاءً. وَهَذَا نَفْسُ مَا احْتَجَجْتُمْ بِهِ عَلَيْنَا مِنْ أَنَّ الدَّمَ يَخْفَى فِي الْمَاءِ وَالْفِضَّةَ تَخْفَى فِي النُّحَاسِ. فَإِذَا تُوبِعَ بِهِمَا ظَهَرَا.

L2969–2971 There is no difference between this foolish question and that of someone who asks: Why did Allah create water used for ablution and not make rose

وَلَا فَرْقَ بَيْنَ هَذَا السُّؤَالِ الْأَحْمَقِ وَبَيْنَ مَنْ سَأَلَ: لِمَ خَلَقَ اللَّهُ الْمَاءَ يُتَوَضَّأُ بِهِ وَلَمْ يَجْعَلْ مَاءَ الْوَرْدِ يُتَوَضَّأُ بِهِ؟ وَلِمَ جَعَلَ الصَّلَاةَ إِلَى الْكَعْبَةِ وَالْحَجَّ وَلَمْ يَجْعَلْهُمَا إِلَى

[38] **Qur'an references (L2965):** Qur'an 21:23 (Al-Anbya); Qur'an 5:8 (Al-Ma'idah).

water used for it? And why did He ordain prayer toward the Kaaba and Hajj, and not ordain them toward... Why [are rulings applied to] Kaskar, Farama, or al-Ṭūr? Why did He establish Maghrib as three rak'ahs, Fajr as two rak'ahs under all circumstances, and Dhuhr as four rak'ahs in a settled state? Why did He create the donkey with long ears, the camel with small ones, the mouse with a long tail, the fox likewise with a long tail, the goat with a short tail, and the rabbit similarly? Why does a person pass wind from below, obligating them to wash their face and arms, wipe their head, and wash their feet, yet not wash the orifice of that wind? None of these questions belong to rational Muslims nor resemble the objections of faithful scholars. Rather, they are the queries of foolish atheists and confused, ignorant materialists. If We place you and all our opponents before observable evidence and sensory perception regarding the transference of names through shifting attributes that define legal boundaries, then show you the invalidity of attributes that do not necessitate those names—according to your view, ours, and all people on earth, past and present—except through their existence, and then present you with rationally necessary proofs that Allah the Exalted created all things as He willed, then your entire objection becomes an obsession and falsehood leading to atheism.

كَسْكَرَ أَوْ إِلَى الْفَرَمَا أَوْ الطُّورِ؟ وَلِمَ جَعَلَ الْمَغْرِبَ ثَلَاثًا وَالصُّبْحَ رَكْعَتَيْنِ بِكُلِّ حَالٍ. وَالظُّهْرَ فِي الْحَضَرِ أَرْبَعًا؟ وَلِمَ جَعَلَ الْحِمَارَ طَوِيلَ الْأُذُنَيْنِ وَالْجَمَلَ صَغِيرَهُمَا وَالْفَأْرَ طَوِيلَ الذَّنَبِ وَالثَّعْلَبَ كَذَلِكَ وَالْمَعْزَى قَصِيرَةَ الذَّنَبِ وَالْأَرْنَبَ كَذَلِكَ؟ وَلِمَ صَارَ الْإِنْسَانُ يُحْدِثُ مِنْ أَسْفَلُ رِيحًا فَيَلْزَمُهُ غَسْلُ وَجْهِهِ وَذِرَاعَيْهِ وَمَسْحُ رَأْسِهِ وَغَسْلُ رِجْلَيْهِ، وَلَا يَغْسِلُ مَخْرَجَ تِلْكَ الرِّيحِ؟ وَهَذَا كُلُّهُ لَيْسَ مِنْ سُؤَالِ الْعُقَلَاءِ الْمُسْلِمِينَ، وَلَا يُشْبِهُ اعْتِرَاضَاتِ الْعُلَمَاءِ الْمُؤْمِنِينَ، بَلْ هُوَ سُؤَالُ نَوْكَى الْمُلْحِدِينَ وَحَمْقَى الدَّهْرِيِّينَ الْمُتَحَيِّرِينَ الْجُهَّالِ. وَإِذَا أَحْلَنَاكُمْ وَسَائِرَ خُصُومِنَا عَلَى الْعِيَانِ وَمُشَاهَدَةِ الْحَوَاسِّ فِي انْتِقَالِ الْأَسْمَاءِ بِانْتِقَالِ الصِّفَاتِ الَّتِي فِيهَا تَقُومُ الْحُدُودُ، ثُمَّ أَرَيْنَاكُمْ بُطْلَانَ الصِّفَاتِ الَّتِي لَا تَجِبُ تِلْكَ الْأَسْمَاءُ - عِنْدَكُمْ وَعِنْدَنَا وَعِنْدَ كُلِّ مَنْ عَلَى أَدِيمِ الْأَرْضِ قَدِيمًا وَحَدِيثًا - عَلَى تِلْكَ الْأَعْيَانِ إِلَّا بِوُجُودِهَا، ثُمَّ أَحْلَنَاكُمْ عَلَى الْبَرَاهِينِ الضَّرُورِيَّةِ الْعَقْلِيَّةِ عَلَى أَنَّ اللَّهَ تَعَالَى خَالِقُ كُلِّ ذَلِكَ عَلَى مَا هُوَ عَلَيْهِ كَمَا شَاءَ، فَاعْتِرَاضُكُمْ كُلُّهُ هَوَسٌ وَبَاطِلٌ يُؤَدِّي إِلَى الْإِلْحَادِ.

L2972–2974

They said: "What do you say regarding silver mixed with copper where no trace of the copper or anything else is apparent? Should it be subject to zakah according to its weight and sold as pure silver by weight, or not?" We replied—and success is by Allah, the Exalted—the ruling here parallels that of water, identical in ruling, with no distinction. If the inherent properties of silver remain in accordance with their nature and no trace of copper becomes apparent, then it is subject to zakah by its weight and sold by weight as pure silver—neither less nor more—and not on credit. If the properties of copper dominate until no trace of silver remains, then it becomes wholly pure copper with no zakah due at all, regardless of whether the transmuted silver within it was abundant or scarce. It is permissible to exchange it for pure silver through immediate or deferred payment—whether for less than, equal to, or more than the quantity of silver originally mixed with it. If the properties of

فَقَالُوا: فَمَا تَقُولُونَ فِي فِضَّةٍ خَالَطَهَا نُحَاسٌ فَلَمْ يَظْهَرْ لَهُ فِيهَا أَثَرٌ وَلَا غَيْرِهَا، أَتُزَكَّى بِوَزْنِهَا وَتُبَاعُ بِوَزْنِهَا فِضَّةً مَحْضَةً أَمْ لَا؟ قُلْنَا وَبِاللَّهِ تَعَالَى التَّوْفِيقُ: الْقَوْلُ فِي هَذَا كَالْقَوْلِ فِي الْمَاءِ سَوَاءٌ وَلَا فَرْقَ، إِنْ بَقِيَتْ صِفَاتُ الْفِضَّةِ بِحَسَبِهَا وَلَمْ يَظْهَرْ لِلنُّحَاسِ فِيهَا أَثَرٌ، فَإِنَّهَا تُزَكَّى بِوَزْنِهَا وَتُبَاعُ بِوَزْنِهَا مِنْ الْفِضَّةِ، لَا بِأَقَلَّ وَلَا بِأَكْثَرَ وَلَا نَسِيئَةً، وَإِنْ غَلَبَتْ صِفَاتُ النُّحَاسِ حَتَّى لَا يَبْقَى لِلْفِضَّةِ أَثَرٌ، فَهُوَ كُلُّهُ نُحَاسٌ مَحْضٌ لَا زَكَاةَ فِيهِ أَصْلًا سَوَاءٌ كَثُرَتْ تِلْكَ الْفِضَّةُ الَّتِي اسْتَحَالَتْ فِيهِ أَوْ لَمْ تَكْثُرْ، وَجَائِزٌ بَيْعُهُ بِالْفِضَّةِ نَقْدًا وَنَسِيئَةً بِأَقَلَّ مِمَّا خَالَطَهُ مِنْ الْفِضَّةِ وَبِمِثْلِ ذَلِكَ وَبِأَكْثَرَ، وَإِنْ ظَهَرَتْ صِفَاتُ النُّحَاسِ

both copper and silver remain apparent, it constitutes a blend of copper and silver. Zakah becomes obligatory solely on the silver portion if it reaches five awāq (plural of ūqiyyah, a weight measure); otherwise not—as if the silver portion were isolated. It is impermissible to sell this combined alloy as pure silver. As a principle, it is not valued by the quantity of silver it contains, nor less nor more, and it is not permissible to trade it in cash or credit, because we cannot achieve equivalence by weight in such cases. That total amount is sold in exchange for gold, payable in cash, not on credit.

وَصِفَاتُ الْفِضَّةِ مَعًا فَهُوَ نُحَاسٌ وَفِضَّةٌ، تَجِبُ الزَّكَاةُ فِيمَا فِيهِ مِنْ الْفِضَّةِ، خَاصَّةً إِنْ بَلَغَتْ خَمْسَ أَوَاقٍ وَإِلَّا فَلَا، كَمَا لَوْ انْفَرَدَتْ، وَلَا يَحِلُّ بَيْعُ تِلْكَ الْجُمْلَةِ بِفِضَّةٍ مَحْضَةٍ أَصْلًا لَا بِمِقْدَارِ مَا فِيهَا مِنْ الْفِضَّةِ وَلَا بِأَقَلَّ وَلَا بِأَكْثَرَ، لَا نَقْدًا وَلَا نَسِيئَةً، لِأَنَّنَا لَا نَقْدِرُ فِيهَا عَلَى الْمُمَاثَلَةِ بِالْوَزْنِ، وَتُبَاعُ تِلْكَ الْجُمْلَةُ بِالذَّهَبِ نَقْدًا لَا نَسِيئَةً.

L2975 They asked about a pot cooked with wine or into which urine, blood, or excrement was thrown—with none of that leaving any trace there whatsoever. We responded: Whoever intentionally throws any such substance into the pot is a transgressor and disobedient to Allah, the Mighty and Majestic, for he has used what is forbidden, the avoidance of which is obligatory. As for when all such impurities are nullified, the contents of the pot become lawful to consume, as they contain nothing forbidden whatsoever. Allah the Exalted has nullified those prohibitions and transformed them into what is lawful. We then reversed the question to them regarding a vinegar vat into which wine was thrown without leaving any trace. Their claim that everything in the vat is lawful makes this a contradiction on their part—a stance they condemned others for, thereby binding themselves to the same condemnation. For they regarded it as significant and accepted it as proof—a position that does not bind us, since we neither regarded it as significant nor accepted it as proof. And to Allah belongs all praise.

فَسَأَلُوا عَنْ قِدْرٍ طُبِخَتْ بِالْخَمْرِ أَوْ طُرِحَ فِيهَا بَوْلٌ أَوْ دَمٌ أَوْ عَذِرَةٌ وَلَمْ يَظْهَرْ مِنْ ذَلِكَ كُلِّهِ هُنَالِكَ أَثَرٌ أَصْلًا، فَقُلْنَا: مَنْ طَرَحَ فِي الْقِدْرِ شَيْئًا مِنْ ذَلِكَ عَمْدًا فَهُوَ فَاسِقٌ عَاصٍ لِلَّهِ عَزَّ وَجَلَّ، لِأَنَّهُ اسْتَعْمَلَ الْحَرَامَ الْمُفْتَرَضَ اجْتِنَابُهُ، وَأَمَّا إِذَا بَطَلَ كُلُّ ذَلِكَ فَمَا فِي الْقِدْرِ حَلَالٌ أَكْلُهُ، لِأَنَّهُ لَيْسَ فِيهِ شَيْءٌ مِنْ الْمُحَرَّمَاتِ أَصْلًا، وَقَدْ أَبْطَلَ اللَّهُ تَعَالَى تِلْكَ الْمُحَرَّمَاتِ وَأَحَالَهَا إِلَى الْحَلَالِ. ثُمَّ نَقْلِبُ عَلَيْهِمْ هَذَا السُّؤَالَ فِي دَنِّ خَلٍّ رُمِيَ فِيهِ خَمْرٌ فَلَمْ يَظْهَرْ لِلْخَمْرِ أَثَرٌ، فَقَوْلُهُمْ إِنَّ ذَلِكَ الَّذِي فِي الدَّنِّ كُلَّهُ حَلَالٌ فَهَذَا تَنَاقُضٌ مِنْهُمْ وَقَوْلٌ مِنْهُمْ بِالَّذِي شَنَّعُوا بِهِ فَلَزِمَهُمْ التَّشْنِيعُ، لِأَنَّهُمْ عَظَّمُوهُ وَرَأَوْهُ حُجَّةً، وَلَمْ يَلْزَمْنَا، لِأَنَّنَا لَمْ نُعَظِّمْهُ وَلَا رَأَيْنَاهُ حُجَّةً. وَلِلَّهِ الْحَمْدُ.

L2976 Ali said: As for their later adherents, when they realized they were incapable of upholding this school due to its corruption and absurdity, they resorted to declaring: "We do not differentiate between a large pond, the sea, or anything else. Rather, the ruling is based on the preponderance of presumption and juristic opinion concerning water used for ablution and bathing. If we attain certainty, or if the presumption prevails in our judgments that impurity has mixed with it, its use becomes prohibited—even if it were seawater. But if we neither attain certainty nor find a prevailing presumption in our judgments that impurity has mixed with it, we perform ablution with it."

قَالَ عَلِيٌّ: وَأَمَّا مُتَأَخِّرُوهُمْ فَإِنَّهُمْ لَمَّا رَأَوْا أَنَّهُمْ لَا يَقْدِرُونَ عَلَى ضَبْطِ هَذَا الْمَذْهَبِ لِفَسَادِهِ وَسَخَافَتِهِ فَرُّوا إِلَى أَنْ قَالُوا: إِنَّنَا لَا نُفَرِّقُ بَيْنَ غَدِيرٍ كَبِيرٍ وَلَا بَحْرٍ وَلَا غَيْرِ ذَلِكَ، لَكِنَّ الْحُكْمَ لِغَلَبَةِ الظَّنِّ وَالرَّأْيِ فِي الْمَاءِ الَّذِي يُتَوَضَّأُ مِنْهُ وَيُغْتَسَلُ مِنْهُ، فَإِنْ تَيَقَّنَّا أَوْ غَلَبَ فِي ظُنُونِنَا أَنَّ النَّجَاسَةَ خَالَطَتْهُ حُرِّمَ اسْتِعْمَالُهُ وَلَوْ أَنَّهُ مَاءُ الْبَحْرِ، وَإِنْ لَمْ نَتَيَقَّنْ وَلَا غَلَبَ فِي ظُنُونِنَا أَنْ خَالَطَتْهُ نَجَاسَةٌ تَوَضَّأْنَا بِهِ.

L2977 Ali said: This doctrine is more corrupt than the one they rejected, for

قَالَ عَلِيٌّ: وَهَذَا الْمَذْهَبُ أَشَدُّ فَسَادًا مِنَ الَّذِي رَغِبُوا عَنْهُ لِوُجُوهٍ أَوَّلُهَا: أَنَّهُمْ مُقِرُّونَ بِأَنَّهُ حُكْمٌ بِالظَّنِّ، وَهَذَا لَا يَحِلُّ، لِأَنَّ اللَّهَ تَعَالَى يَقُولُ: {إِنْ يَتَّبِعُونَ إِلا الظَّنَّ وَإِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [النجم: ٢٨] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» . وَلَا أَسْوَأُ حَالًا مِمَّنْ يَحْكُمُ فِي دِينِ اللَّهِ تَعَالَى الَّذِي هُوَ الْحَقُّ الْمَحْضُ بِالظَّنِّ الَّذِي هُوَ مُقِرٌّ بِأَنَّهُ لَا يُحَقِّقُهُ.

وَالثَّانِي: أَنْ يُقَالَ لَهُمْ: كَمَا تَظُنُّونَ أَنَّ النَّجَاسَةَ لَمْ تُخَالِطْهُ فَظُنُّوا أَنَّهَا خَالَطَتْهُ فَاجْتَنِبُوهُ، لِأَنَّ الْحُكْمَ بِالظَّنِّ أَصْلٌ مِنْ أُصُولِكُمْ، فَمَا الَّذِي جَعَلَ إِحْدَى جَنْبَتَيِ الظَّنِّ أَوْلَى مِنَ الْأُخْرَى؟

وَالثَّالِثُ: أَنَّ قَوْلَكُمْ هَذَا تَحَكُّمٌ مِنْكُمْ بِلَا دَلِيلٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ.

وَالرَّابِعُ: أَنْ نَقُولَ لَهُمْ: عَرِّفُونَا مَا مَعْنَى هَذِهِ الْمُخَالَطَةِ مِنَ النَّجَاسَةِ لِلْمَاءِ؟ فَلَسْنَا نَفْهَمُهَا وَلَا أَنْتُمْ وَلَا أَحَدٌ فِي الْعَالَمِ وَلِلَّهِ الْحَمْدُ، فَإِنْ كُنْتُمْ تُرِيدُونَ أَنَّ كُلَّ جُزْءٍ مِنْ أَجْزَاءِ الْمَاءِ قَدْ جَاوَرَ جُزْءًا مِنْ أَجْزَاءِ النَّجَاسَةِ فَهَذِهِ مُجَاوَرَةٌ لَا مُخَالَطَةٌ، وَهَذَا لَا يُمْكِنُ أَلْبَتَّةَ إِلَّا بِأَنْ يَكُونَ مِقْدَارُ النَّجَاسَةِ كَمِقْدَارِ الْمَاءِ سَوَاءً سَوَاءً وَإِلَّا فَقَدْ فُضِّلَتْ أَجْزَاءٌ مِنَ الْمَاءِ لَمْ يُجَاوِرْهَا شَيْءٌ مِنَ النَّجَاسَةِ. فَإِنْ قَالُوا: فَقَدْ تَنَجَّسَ كُلُّ ذَلِكَ وَإِنْ كَانَ لَمْ يُجَاوِرْهُ مِنَ النَّجَاسَةِ شَيْءٌ، قُلْنَا لَهُمْ: هَذَا لَازِمٌ لَكُمْ فِي الْبَحْرِ بِنُقْطَةِ بَوْلٍ تَقَعُ فِيهِ وَلَا فَرْقَ، فَإِنْ أَبَوْا مِنْ هَذَا قُلْنَا لَهُمْ: فَعَرِّفُونَا بِالْمِقْدَارِ مِنَ النَّجَاسَةِ الَّذِي إِذَا جَاوَزَ مِقْدَارًا مَحْدُودًا أَيْضًا مِنَ الْمَاءِ وَلَا بُدَّ نَجَّسَهُ، فَإِنْ أَقْدَمُوا عَلَى تَحْدِيدِ ذَلِكَ زَادُوا فِي الضَّلَالِ وَالْهَوَسِ،

several reasons. The first is that they acknowledge it is a ruling based on conjecture, and this is impermissible, because Allah the Exalted says: "They follow nothing but conjecture, and indeed conjecture avails nothing against the truth" [An-Najm: 28]. The Messenger of Allah - peace and blessings of Allah be upon him - said: "Beware of conjecture, for conjecture is the most false of speech." No one is in a worse state than he who judges in the religion of Allah the Exalted, which is pure truth, based on conjecture, which he himself acknowledges does not attain the truth.[39]

L2978 The second [argument] is to say to them: Just as you presume that impurity has not mixed with it, you should equally presume that it has mixed with it and thus avoid it. For ruling based on presumption is one of your foundational principles. What makes one side of presumption more valid than the other?

L2979 Third: Your statement is an unfounded imposition without evidence, and anything of this nature is null and void.

L2980–2982 The fourth is that we say to them: Clarify for us the meaning of this contact of impurity with water. We do not understand it—nor do you, nor anyone in the world—and all praise belongs to Allah. If you mean that every part of the water has neighbored a part of... Regarding impurity, this is adjacency rather than mixing, and this is utterly impossible unless the impurity's quantity becomes exactly equal to the water's quantity. Otherwise, portions of water set apart that were not adjacent to any impurity would remain. If they argue: "All of that becomes impure even though no impurity was adjacent to it," we reply to them: This would necessarily follow for you in the case of the sea if a drop of urine fell into it, with no distinction. If they reject this, we say: Then define for us the quantity of impurity that – when exceeding a limited quantity of water (which must be specified) – inevitably renders it impure. If they presume to define this, they only increase their error and delusion. If they refrain, they abandon their claim – corrupt and obscure like carrion (maytah) – which it is religiously impermissible to assert.

[39] **Qur'an references (L2977):** Qur'an 53:28 (An-Najm).

وَإِنْ لَمْ يُقْدِمُوا عَلَى ذَلِكَ تَرَكُوا قَوْلَهُمْ، كَالْمَيْتَةِ فَسَادًا وَمَجْهُولًا لَا يَحِلُّ الْقَوْلُ بِهِ فِي الدِّينِ.

L2983–2985

Moreover, if your ruling is based on predominant presumption, then you must affirm that if a cup containing two ounces of water has a droplet of dog urine fall into it, only the amount of water that could be mixed with that impurity becomes impure, and this is limited strictly to the quantity of the impurity itself. The remainder of the water in the cup remains pure, lawful to drink, and valid for ablution. Similarly, in a well containing a karr of water into which an ounce of urine falls, your principle dictates that only the amount mixed with that ounce is impure, while the rest remains pure, valid for purification, and lawful. We are certain, as are you, that the impurity did not mingle with a tenth of the karr nor a tenth of its tenth. If you adhere to this, you have diverged from all your ancient and modern doctrines—corrupt ideas that harm the intellect. If you revert to claiming that proximity to impurity causes contamination, this would obligate you—as we compelled regarding the Nile, Jayhun (the Amu Darya), and all running water—because its interconnected parts render all water impure due to the tainted portion. The same applies to the sea if a drop of urine enters it. Choose your stance. If they say, "We are not certain that a great river or the sea becomes impure, nor that one performing ablution with it uses water mixed with impurity," we reply: This very uncertainty exists in deep wells, standard wells, water vessels, a cup with ten ratls of water, and in a small amount of water—if no trace of impurity appears in any of That, and there is no distinction, nor certainty that all water we have mentioned has become impure, nor that one who performs ablution with it or drinks from it has performed ablution with impure water or consumed impure water. Furthermore, even if it were as they stated, it would not necessitate that pure, permissible water or liquid becomes impure due to proximity to the impure or the prohibited for it, provided it does not acquire the attributes of the prohibited or the impure. And success is from Allah, the Most High.

وَأَيْضًا فَإِنْ كَانَ الْحُكْمُ عِنْدَكُمْ لِغَالِبِ الظَّنِّ فَإِنَّهُ يَلْزَمُكُمْ أَنْ تَقُولُوا فِي قَدَحٍ فِيهِ أُوقِيَّتَانِ مِنْ مَاءٍ فَوَقَعَتْ فِيهِ مِقْدَارُ الصُّآبَةِ مِنْ بَوْلِ كَلْبٍ، إِنَّهُ لَمْ يَنْجَسْ مِنَ الْمَاءِ إِلَّا مِقْدَارُ مَا يُمْكِنُ أَنْ تُخَالِطَهُ تِلْكَ النَّجَاسَةُ، وَلَيْسَ ذَلِكَ إِلَّا لِمِقْدَارِهَا مِنَ الْمَاءِ فَقَطْ وَيَبْقَى سَائِرُ مَاءِ الْقَدَحِ طَاهِرًا حَلَالًا شُرْبُهُ وَالْوُضُوءُ بِهِ. وَهَكَذَا فِي جُبٍّ فِيهِ كَرٌّ مَاءٍ وَقَعَتْ فِيهِ أُوقِيَّةُ بَوْلٍ، فَإِنَّهُ عَلَى أَصْلِكُمْ لَا يَنْجَسُ إِلَّا مِقْدَارُ مَا مَازَجَتْهُ تِلْكَ الْأُوقِيَّةُ، وَبَقِيَ سَائِرُ ذَلِكَ طَاهِرًا مُطَهِّرًا حَلَالًا، نَحْنُ مُوقِنُونَ وَأَنْتُمْ أَنَّهَا لَمْ تُمَازِجْ عُشْرَ الْكَرِّ وَلَا عُشْرَ عُشْرِهِ، فَإِنْ الْتَزَمْتُمْ هَذَا فَارَقْتُمْ جَمِيعَ مَذَاهِبِكُمْ الْقَدِيمَةِ وَالْحَدِيثَةِ الَّتِي هِيَ أَفْكَارُ سُوءٍ مُفْسِدَةٌ لِلدِّمَاغِ، فَإِنْ رَجَعْتُمْ إِلَى أَنَّ مَا قَرُبَ مِنَ النَّجَاسَةِ يَنْجَسُ، لَزِمَكُمْ ذَلِكَ كَمَا قَدْ أَلْزَمْنَاكُمْ فِي النِّيلِ وَالْجَيْحُونِ، وَفِي كُلِّ مَاءٍ جَارٍ، لِأَنَّهُ يَتَّصِلُ بَعْضُهُ بِبَعْضٍ فَيَنْجَسُ جَمِيعُهُ لِمُلَاقَاتِهِ الَّذِي قَدْ تَنَجَّسَ وَلَا بُدَّ - نَعَمْ - وَفِي الْبَحْرِ مِنْ نُقْطَةِ بَوْلٍ تَقَعُ فِي كُلِّ ذَلِكَ، فَاخْتَارُوا مَا شِئْتُمْ فَإِنْ قَالُوا: لَسْنَا عَلَى يَقِينٍ مِنْ أَنَّ النَّهْرَ الْكَبِيرَ أَوْ الْبَحْرَ تَنَجَّسَ، وَلَا مِنْ أَنَّ الْمُتَوَضِّئَ بِهِ تَوَضَّأَ بِمَاءٍ خَالَطَتْهُ النَّجَاسَةُ مِنْهُ. قُلْنَا لَهُمْ: هَذَا نَفْسُهُ مَوْجُودٌ فِي الْجُبِّ وَالْبِئْرِ وَفِي الْقُلَّةِ وَفِي قَدَحٍ فِيهِ عَشَرَةُ أَرْطَالِ مَاءٍ إِذَا لَمْ يَظْهَرْ أَثَرُ النَّجَاسَةِ فِي شَيْءٍ مِنْ ذَلِكَ وَلَا فَرْقَ، وَلَا يَقِينَ فِي أَنَّ كُلَّ مَاءٍ فِيمَا ذَكَرْنَا تَنَجَّسَ، وَلَا فِي أَنَّ الْمُتَوَضِّئَ مِنْ ذَلِكَ وَالشَّارِبَ تَوَضَّأَ بِنَجِسٍ أَوْ شَرِبَ نَجِسًا، ثُمَّ حَتَّى لَوْ كَانَ كَمَا ذَكَرُوا لَمَا وَجَبَ أَنْ يَتَنَجَّسَ الْمَاءُ الطَّاهِرُ الْحَلَالُ أَوْ الْمَائِعُ لِذَلِكَ لِمُجَاوَرَةِ النَّجِسِ أَوْ الْحَرَامِ لَهُ، مَا لَمْ يَحْمِلْ صِفَاتِ الْحَرَامِ أَوْ النَّجِسِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L2986 Ali said: I observed some of those who discourse on jurisprudence and lean toward analytical reasoning state: Any water into which an impurity falls without showing any visible trace - whether small or large in quantity - has a single ruling. Specifically, whoever performs ablution with all that water or drinks it - excluding the amount of impurity that fell into it - their ablution is valid, their prayer complete, their drinking lawful, and likewise their ritual bath with it. This is because they lack certainty of having used impurity or consumed unlawful matter. If they use up all of that water entirely, their ablution becomes invalid, there is no purification, and they sin by drinking it, for we are certain they used impurity and consumed unlawful matter. He said: This ruling applies equally to the sea and smaller quantities of water without distinction. He added: If two or more people perform ablution with that water and use it up entirely through bathing, ablution, or drinking, then apparently each one's ablution remains valid, as does their bathing or drinking. However, among them is someone whose ablution or bathing is invalid, though I cannot specifically identify who. Therefore, I do not obligate any of them to repeat ablution or prayers based on conjecture.

قَالَ عَلِيٌّ: رَأَيْت بَعْض مَنْ تَكَلَّمَ فِي الْفِقْهِ وَيَمِيلُ إلَى النَّظَرِ يَقُولُ: إنَّ كُلَّ مَاءٍ وَقَعَتْ فِيهِ نَجَاسَةٌ فَلَمْ يَظْهَرْ لَهَا فِيهِ أَثَرٌ فَسَوَاءٌ كَانَ قَلِيلًا أَوْ كَثِيرًا، الْحُكْمُ وَاحِدٌ، وَهُوَ أَنَّ مَنْ تَوَضَّأَ بِذَلِكَ الْمَاءِ كُلِّهِ أَوْ شَرِبَهُ حَاشَا مِقْدَارَ مَا وَقَعَ فِيهِ مِنْ النَّجَاسَةِ، فَوُضُوءُهُ جَائِزٌ وَصَلَاتُهُ تَامَّةٌ وَشُرْبُهُ حَلَالٌ، وَكَذَلِكَ غُسْلُهُ مِنْهُ، إذْ لَيْسَ عَلَى يَقِينٍ مِنْ أَنَّهُ اسْتَعْمَلَ نَجَاسَةً وَلَا أَنَّهُ شَرِبَ حَرَامًا، فَإِنْ اسْتَوْعَبَ ذَلِكَ الْمَاءَ كُلَّهُ فَلَا وُضُوءَ لَهُ وَلَا طُهْرَ وَهُوَ عَاصٍ فِي شُرْبِهِ؛ لِأَنَّنَا عَلَى يَقِينٍ مِنْ أَنَّهُ اسْتَعْمَلَ نَجَاسَةً وَشَرِبَ حَرَامًا قَالَ: وَهَكَذَا الْقَوْلُ فِي الْبَحْرِ فَمَا دُونَهُ وَلَا فَرْقَ، قَالَ: فَإِنْ تَوَضَّأَ بِذَلِكَ الْمَاءِ اثْنَانِ فَصَاعِدًا فَاسْتَوْعَبَاهُ أَوْ اسْتَوْعَبُوهُ كُلَّهُ بِالْغُسْلِ أَوْ الْوُضُوءِ أَوْ الشُّرْبِ فَكُلُّ وَاحِدٍ مِنْهُمَا أَوْ مِنْهُمْ وُضُوءُهُ جَائِزٌ فِي الظَّاهِرِ، وَكَذَلِكَ غُسْلُهُ أَوْ شُرْبُهُ، إلَّا أَنَّ فِيهِمَا أَوْ فِيهِمْ مَنْ لَا وُضُوءَ لَهُ وَلَا غُسْلَ، وَلَا أَعْرِفُ بِعَيْنِهِ، فَلَا أُلْزِمُ أَحَدًا مِنْهُمْ إعَادَةَ وُضُوءٍ وَلَا إعَادَةَ صَلَاةٍ بِالظَّنِّ.

L2987 Ali said: I debated the proponent of this view—may Allah have mercy on him—regarding this issue and compelled him based on another principle he himself upheld: that he must require all of them to redo ablution and prayer, since each of them lacks certainty about purity and doubts impurity. Rather, according to our principle and the principle of every Muslim, each of them is certain of impurity and doubts purity. Thus, he is obligated to act upon certainty of purity. I also demonstrated to him the invalidity of the first opinion through our prior argument about the logical impossibility of rulings due to the incoherence of names, and how the incoherence of names stems from the incoherence of attributes upon which legal boundaries are established. I said to him: Distinguish between what you permitted here and the case of two vessels—one containing water and the other sap from a tree; between two cuts of meat—one from a pig and the other from a ram; and between two sheep—one properly slaughtered and the other torn by a beast, making it carrion. Yet he remains utterly incapable of differentiating between any of these.

قَالَ عَلِيٌّ: وَقَدْ نَاظَرْت صَاحِبَ هَذَا الْقَوْلِ - رَحِمَهُ اللَّهُ - فِي هَذِهِ الْمَسْأَلَةِ، وَأَلْزَمْته عَلَى أَصْلٍ آخَرَ لَهُ كَانَ يَذْهَبُ إلَيْهِ، أَنْ يَكُونَ يَأْمُرُ جَمِيعَهُمْ بِإِعَادَةِ الْوُضُوءِ وَالصَّلَاةِ، لِأَنَّ كُلَّ وَاحِدٍ مِنْهُمْ لَيْسَ عَلَى يَقِينٍ مِنْ الطَّهَارَةِ وَشَكَّ فِي الْحَدَثِ، بَلْ عَلَى أَصْلِنَا وَأَصْلِ كُلِّ مُسْلِمٍ مِنْ أَنَّ كُلَّ وَاحِدٍ مِنْهُمْ عَلَى يَقِينٍ مِنْ الْحَدَثِ وَعَلَى شَكٍّ مِنْ الطَّهَارَةِ، فَالْوَاجِبُ عَلَيْهِ أَنْ يَأْتِيَ بِيَقِينِ الطَّهَارَةِ، وَأَرَيْته أَيْضًا بُطْلَانَ الْقَوْلِ الْأَوَّلِ بِمَا قَدَّمْنَا مِنْ اسْتِحَالَةِ الْأَحْكَامِ بِاسْتِحَالَةِ الْأَسْمَاءِ، وَأَنَّ اسْتِحَالَةَ الْأَسْمَاءِ بِاسْتِحَالَةِ الصِّفَاتِ الَّتِي مِنْهَا تَقُومُ الْحُدُودُ، وَقُلْت لَهُ: فَرِّقْ بَيْنَ مَا أَجَزْت مِنْ هَذَا وَبَيْنَ إنَاءَيْنِ فِي أَحَدِهِمَا مَاءٌ وَفِي الْآخَرِ عَصِيرُ بَعْضِ الشَّجَرِ، وَبَيْنَ بِضْعَتَيْ لَحْمٍ إحْدَاهُمَا مِنْ خِنْزِيرٍ وَالثَّانِيَةُ مِنْ كَبْشٍ،

وَبَيْنَ شَاتَيْنِ إِحْدَاهُمَا مُذَكَّاةٌ وَالْأُخْرَى عَقِيرَةُ سَبُعٍ مَيْتَةٌ، وَلَا يَقْدِرُ عَلَى الْفَرْقِ بَيْنَ شَيْءٍ مِنْ ذَلِكَ أَصْلًا.

L2988–2990 قَالَ عَلِيٌّ: وَمِمَّنْ رَوَى عَنْهُ هَذَا الْقَوْلَ بِمِثْلِ قَوْلِنَا - إِنَّ الْمَاءَ لَا يُنَجِّسُهُ شَيْءٌ - عَائِشَةُ أُمُّ الْمُؤْمِنِينَ وَعُمَرُ بْنُ الْخَطَّابِ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَعَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَالْحُسَيْنُ بْنُ عَلِيِّ بْنِ أَبِي طَالِبٍ وَمَيْمُونَةُ أُمُّ الْمُؤْمِنِينَ وَأَبُو هُرَيْرَةَ وَحُذَيْفَةُ بْنُ الْيَمَانِ رَضِيَ اللَّهُ عَنْ جَمِيعِهِمْ، وَالْأَسْوَدُ بْنُ يَزِيدَ وَعَبْدُ الرَّحْمَنِ أَخُوهُ، وَعَبْدُ الرَّحْمَنِ بْنُ أَبِي لَيْلَى وَسَعِيدُ بْنُ جُبَيْرٍ وَمُجَاهِدٌ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَالْقَاسِمُ بْنُ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، وَالْحَسَنُ الْبَصْرِيُّ وَعِكْرِمَةُ وَجَابِرُ بْنُ زَيْدٍ وَعُثْمَانُ الْبَتِّيُّ وَغَيْرُهُمْ، فَإِنْ كَانَ التَّقْلِيدُ جَائِزًا، فَتَقْلِيدُ مَنْ ذَكَرْنَا مِنْ الصَّحَابَةِ وَالتَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ - أَوْلَى مِنْ تَقْلِيدِ أَبِي حَنِيفَةَ وَمَالِكٍ وَالشَّافِعِيِّ.

[مَسْأَلَة الْبَوْل كله مِنْ كُلّ حَيَوَان حرام أَكْله]

L2991 **The ruling is that all urine from every animal whose consumption is unlawful is prohibited.**

١٣٧ - مَسْأَلَةٌ: وَالْبَوْلُ كُلُّهُ مِنْ كُلِّ حَيَوَانٍ - إِنْسَانٍ أَوْ غَيْرِ إِنْسَانٍ، مِمَّا يُؤْكَلُ لَحْمُهُ أَوْ لَا يُؤْكَلُ لَحْمُهُ نَحْوُ مَا ذَكَرْنَا كَذَلِكَ، أَوْ مِنْ طَائِرٍ يُؤْكَلُ لَحْمُهُ أَوْ لَا يُؤْكَلُ لَحْمُهُ، فَكُلُّ ذَلِكَ حَرَامٌ أَكْلُهُ وَشُرْبُهُ إِلَّا لِضَرُورَةِ تَدَاوٍ أَوْ إِكْرَاهٍ أَوْ جُوعٍ أَوْ عَطَشٍ فَقَطْ وَفُرِضَ اجْتِنَابُهُ فِي الطَّهَارَةِ وَالصَّلَاةِ إِلَّا مَا لَا يُمْكِنُ التَّحَفُّظُ مِنْهُ إِلَّا بِحَرَجٍ فَهُوَ مَعْفُوٌّ عَنْهُ كَنَوَى الذُّبَابِ وَنَحْوِ الْبَرَاغِيثِ. وَقَالَ أَبُو حَنِيفَةَ: أَمَّا الْبَوْلُ فَكُلُّهُ نَجِسٌ، سَوَاءٌ كَانَ مِمَّا يُؤْكَلُ لَحْمُهُ أَوْ مِمَّا لَا يُؤْكَلُ لَحْمُهُ، إِلَّا أَنَّ بَعْضَهُ أَغْلَظُ نَجَاسَةً مِنْ بَعْضٍ، فَبَوْلُ كُلِّ مَا يُؤْكَلُ لَحْمُهُ - مِنْ فَرَسٍ أَوْ شَاةٍ أَوْ بَعِيرٍ أَوْ بَقَرَةٍ أَوْ غَيْرِ ذَلِكَ - لَا يُنَجِّسُ الثَّوْبَ وَلَا تُعَادُ

L2992 137 - Issue: All urine from every living being—whether human or non-human, from animals whose meat is religiously permissible to eat or not (as we previously mentioned), or from birds whose meat is permissible or impermissible—is forbidden to consume or drink except only in cases of therapeutic necessity, coercion, hunger, or thirst. One must avoid contact with it in matters of ritual purity and prayer, except for what cannot be guarded against without undue hardship, such as fly larvae and flea droppings. Abu Hanifah said: As for urine, all of it is impure regardless of whether it comes from an animal whose meat is permissible to eat or not, though some types are more severely impure than others. The urine of any animal whose meat is religiously permissible to eat—such as horses, sheep, camels, cows, or similar—does not render garments impure, nor does it necessitate repeating

prayers, unless it occurs in an excessive and offensive quantity. In such cases, it becomes impure and prayers must always be repeated. However, Abu Hanifah—in his well-known opinion—did not define a specific quantitative limit for what constitutes "excessive."

L2993–2995

Abū Yūsuf defined its limit as a span by span area. He said: If a sheep urinates in a well, it becomes impure and all its water must be drained. They stated: As for human urine and urine from animals whose flesh is not eaten, this does not invalidate prayers nor pollute garments unless exceeding the measure of a mule dirham. If it exceeds this measure, it pollutes the garment and perpetually necessitates repeating the prayer. If it measures a mule dirham or less, it neither pollutes the garment nor necessitates repeating the prayer. All rulings we have mentioned—earlier and later—apply equally to intentional acts and forgetfulness in all such matters according to their school. He said: Regarding dung—whether from animals whose flesh is eaten like cattle or not eaten like horses, donkeys, or others—if found on garments, shoes, socks, or bodies exceeding a mule dirham's measure, the prayer becomes invalid and must always be repeated. If measuring a mule dirham or less, it causes no harm. If two dung pellets—or fewer than camel dung pellets—fall into a well... If there is dung of sheep or goats, it does not invalidate the prayer. If the amount of the aforementioned dung inside the khuff or sandal exceeds the size of a dirham, then if it is dry, scraping suffices, but if it is moist, only washing is valid. If there is urine instead of dung, washing is required regardless of whether it is dry or moist. He said: If one prays with bird excrement on their garment—whether from a bird whose meat is eaten or not—exceeding the size of a dirham, it does not affect the prayer, and the prayer need not be repeated, except if it is excessively abundant, in which case the prayer must be repeated—except if it is chicken excrement. For whoever prays with more than a dirham's size of chicken excrement on their garment must always repeat the prayer. If pigeon or sparrow excrement falls into water, it does not invalidate it at all. Zufar said: The urine of any animal whose meat is eaten is pure, whether much or little. As for the urine of animals whose meat is not eaten, their

مِنْهُ الصَّلَاةُ، إِلَّا أَنْ يَكُونَ كَثِيرًا فَاحِشًا فَيُنَجِّسُ حِينَئِذٍ وَتُعَادُ مِنْهُ الصَّلَاةُ أَبَدًا. وَلَمْ يَحُدَّ أَبُو حَنِيفَةَ فِي الْمَشْهُورِ عَنْهُ فِي الْكَثِيرِ حَدًّا.

وَحَدَّهُ أَبُو يُوسُفَ بِأَنْ يَكُونَ شِبْرًا فِي شِبْرٍ. قَالَ: فَلَوْ بَالَتْ شَاةٌ فِي بِئْرٍ فَقَدْ تَنَجَّسَتْ وَتُنْزَحُ كُلُّهَا. قَالُوا: وَأَمَّا بَوْلُ الْإِنْسَانِ وَمَا لَا يُؤْكَلُ لَحْمُهُ فَلَا تُعَادُ مِنْهُ الصَّلَاةُ وَلَا يُنَجِّسُ الثَّوْبَ، إِلَّا أَنْ يَكُونَ أَكْثَرَ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ، فَإِنْ كَانَ كَذَلِكَ نَجَّسَ الثَّوْبَ وَأُعِيدَتْ مِنْهُ الصَّلَاةُ أَبَدًا - فَإِنْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ لَمْ يُنَجِّسْ الثَّوْبَ وَلَمْ تُعَدْ مِنْهُ الصَّلَاةُ، وَكُلُّ مَا ذَكَرْنَا - قَبْلُ وَبَعْدُ - فَالْعَمْدُ عِنْدَهُمْ وَالنِّسْيَانُ سَوَاءٌ فِي كُلِّ ذَلِكَ. قَالَ: وَأَمَّا الرَّوْثُ فَإِنَّهُ سَوَاءٌ كُلُّهُ كَانَ مِمَّا يُؤْكَلُ لَحْمُهُ أَوْ مِمَّا لَا يُؤْكَلُ لَحْمُهُ مِنْ بَقَرٍ كَانَ أَوْ مِنْ فَرَسٍ أَوْ مِنْ حِمَارٍ أَوْ غَيْرِ ذَلِكَ، إِنْ كَانَ فِي الثَّوْبِ مِنْهُ أَوْ النَّعْلِ أَوْ الْخُفِّ أَوْ الْجَسَدِ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ: بَطَلَتْ الصَّلَاةُ وَأَعَادَهَا أَبَدًا. وَإِنْ كَانَ قَدْرَ الدِّرْهَمِ الْبَغْلِيِّ فَأَقَلَّ لَمْ يَضُرَّ شَيْئًا، فَإِنْ وَقَعَ فِي الْبِئْرِ بَعْرَتَانِ فَأَقَلُّ مِنْ أَبْعَارِ الْإِبِلِ أَوْ الْغَنَمِ لَمْ يَضُرَّ شَيْئًا، فَإِنْ كَانَ مِنْ الرَّوْثِ الْمَذْكُورِ فِي الْخُفِّ وَالنَّعْلِ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ، فَإِنْ كَانَ يَابِسًا أَجْزَأَ فِيهِ الْحَكُّ، وَإِنْ كَانَ رَطْبًا لَمْ يُجْزِ فِيهِ إِلَّا الْغَسْلُ، فَإِنْ كَانَ مَكَانَ الرَّوْثِ بَوْلٌ لَمْ يُجْزِ فِيهِ إِلَّا الْغَسْلُ يَبِسَ أَوْ لَمْ يَيْبَسْ. قَالَ فَإِنْ صَلَّى وَفِي ثَوْبِهِ مِنْ خُرْءِ الطَّيْرِ الَّذِي يُؤْكَلُ لَحْمُهُ أَوْ لَا يُؤْكَلُ لَحْمُهُ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ لَمْ يَضُرَّ شَيْئًا وَلَا أُعِيدَتْ مِنْهُ الصَّلَاةُ، إِلَّا أَنْ يَكُونَ كَثِيرًا فَاحِشًا فَتُعَادُ مِنْهُ الصَّلَاةُ إِلَّا أَنْ يَكُونَ خُرْءَ دَجَاجٍ، فَإِنَّهُ مَنْ صَلَّى وَفِي ثَوْبِهِ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ أَعَادَ الصَّلَاةَ أَبَدًا، فَلَوْ وَقَعَ فِي الْمَاءِ خُرْءُ حَمَامٍ أَوْ عُصْفُورٍ لَمْ يَضُرَّهُ شَيْئًا. وَقَالَ زُفَرُ: بَوْلُ كُلِّ مَا يُؤْكَلُ

excrement, and the excrement of animals whose meat is eaten, all of that is impure.

لَحْمُهُ طَاهِرٌ كَثُرَ أَمْ قَلَّ. وَأَمَّا بَوْلُ مَا لَا يُؤْكَلُ لَحْمُهُ وَنَجْوُهُ وَنَجْوُ مَا يُؤْكَلُ لَحْمُهُ فَكُلُّ ذَلِكَ نَجَسٌ.

L2996 Malik said: The urine and excrement of animals whose meat is not eaten are impure, while the urine and excrement of animals whose meat is eaten are both pure—unless it drinks impure water, in which case its urine becomes impure. Similarly, if chickens consume impurities, their excrement is impure. Dawud said: The urine and excrement of every animal—whether its meat is eaten or not—are both pure, except for human urine and excrement alone, for they are both impure. Al-Shāfiʿī held the same view as the position we presented earlier.

وَقَالَ مَالِكٌ: بَوْلُ مَا لَا يُؤْكَلُ لَحْمُهُ وَنَجْوُهُ نَجِسٌ، وَبَوْلُ مَا يُؤْكَلُ لَحْمُهُ وَنَجْوُهُ طَاهِرَانِ إِلَّا أَنْ يَشْرَبَ مَاءً نَجِسًا فَبَوْلُهُ حِينَئِذٍ نَجِسٌ، وَكَذَلِكَ مَا يَأْكُلُ الدَّجَاجُ مِنْ نَجَاسَاتٍ فَخُرْؤُهَا نَجِسٌ. وَقَالَ دَاوُد: بَوْلُ كُلِّ حَيَوَانٍ وَنَجْوُهُ - أُكِلَ لَحْمُهُ أَوْ لَمْ يُؤْكَلْ - فَهُوَ طَاهِرٌ، حَاشَا بَوْلَ الْإِنْسَانِ وَنَجْوَهُ فَقَطْ فَهُمَا نَجَسَانِ. وَقَالَ الشَّافِعِيُّ مِثْلَ قَوْلِنَا الَّذِي صَدَّرْنَا بِهِ.

L2997 Ali said: As for the statement of Abū Ḥanīfa, it stands at the peak of confusion, contradiction, and corruption. It has no connection to any Sunnah—neither sound nor weak—nor to the Quran, analogy, evidence of consensus, the opinion of a Companion, or valid reasoning. We know of no one who categorized impurities with this specific classification before Abū Ḥanīfa; rather, we categorically assert that none before him adopted this sequential arrangement regarding them. Thus, this view must be categorically rejected.

As for the position of our companions, they stated: All substances are presumed pure until a scriptural text emerges prohibiting something or declaring it impure, at which point one must adhere strictly to it. They said: There exists no text or consensus concerning the impurity of urine or feces from any animal except humans. Therefore, it is obligatory not to deem any such substances impure. They cited what we have narrated through Anas: "A group from Ukl and Uraynah came to the Messenger of Allah—peace and blessings be upon him—professed Islam, and said: O Messenger of Allah, we were people of livestock, not cultivation, and they found Medina's climate harsh. The Messenger of Allah—peace and blessings be upon him—ordered that they be given a herd of camels and a herdsman, instructing them to go out with them and drink from their milk and urine." He mentioned the hadith.

قَالَ عَلِيٌّ: أَمَّا قَوْلُ أَبِي حَنِيفَةَ فَفِي غَايَةِ التَّخْلِيطِ وَالتَّنَاقُضِ وَالْفَسَادِ، لَا تَعَلُّقَ لَهُ بِسُنَّةٍ لَا صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا بِقُرْآنٍ وَلَا بِقِيَاسٍ وَلَا بِدَلِيلِ إجْمَاعٍ وَلَا بِقَوْلِ صَاحِبٍ وَلَا بِرَأْيٍ سَدِيدٍ، وَمَا نَعْلَمُ أَحَدًا قَسَّمَ النَّجَاسَاتِ قَبْلَ أَبِي حَنِيفَةَ هَذَا التَّقْسِيمَ بَلْ نَقْطَعُ عَلَى أَنَّهُ لَمْ يَقُلْ بِهَذَا التَّرْتِيبِ فِيهَا أَحَدٌ قَبْلَهُ، فَوَجَبَ إطْرَاحُ هَذَا الْقَوْلِ بِيَقِينٍ. وَأَمَّا قَوْلُ أَصْحَابِنَا فَإِنَّهُمْ قَالُوا: الْأَشْيَاءُ عَلَى الطَّهَارَةِ حَتَّى يَأْتِيَ نَصٌّ بِتَحْرِيمِ شَيْءٍ أَوْ تَنْجِيسِهِ فَيُوقَفُ عِنْدَهُ. قَالُوا: وَلَا نَصَّ وَلَا إجْمَاعَ فِي تَنْجِيسِ بَوْلِ شَيْءٍ مِنْ الْحَيَوَانِ وَنَجْوِهِ، حَاشَا بَوْلَ الْإِنْسَانِ وَنَجْوَهُ، فَوَجَبَ أَنْ لَا يُقَالَ بِتَنْجِيسِ شَيْءٍ مِنْ ذَلِكَ، وَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ أَنَسٍ «أَنَّ قَوْمًا مِنْ عُكْلٍ وَعُرَيْنَةَ قَدِمُوا عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَتَكَلَّمُوا بِالْإِسْلَامِ فَقَالُوا: يَا رَسُولَ اللَّهِ إنَّا كُنَّا أَهْلَ ضَرْعٍ وَلَمْ نَكُنْ أَهْلَ رِيفٍ، وَاسْتَوْخَمُوا الْمَدِينَةَ، فَأَمَرَ لَهُمْ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِذَوْدٍ وَرَاعٍ، وَأَمَرَهُمْ أَنْ يَخْرُجُوا فِيهَا فَيَشْرَبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا» وَذَكَرَ الْحَدِيثَ.

L2998–3000 A hadith has also been narrated to us through the chain of transmission from Anas that the Messenger of Allah - peace and blessings be upon him - used to pray in Medina. Wherever prayer overtook him and in sheep pens," and with a hadith we narrated through Ibn Mas'ud's chain: "Allah's Messenger—peace be upon him—was praying near the Kaaba while chieftains of Quraysh sat nearby after slaughtering a camel. Some said: 'Which of you will take these entrails with their blood and wait until he places his face in prostration, then put them on his back?' Abdullah said: The most wretched among them rose, took the entrails, and waited. When the Prophet prostrated, the man placed them on his back. Fatimah, daughter of the Messenger of Allah—who was a young girl—was informed. She came running and removed them from his back. When he concluded his prayer, he said: 'O Allah, judge Quraysh!'" And he mentioned the hadith.

وَبِحَدِيثٍ رُوِّينَا أَيْضًا مِنْ طَرِيقِ أَنَسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصَلِّي فِي الْمَدِينَةِ حَيْثُ أَدْرَكَتْهُ الصَّلَاةُ وَفِي مَرَابِضِ الْغَنَمِ» وَبِحَدِيثٍ رُوِّيَنَاهُ مِنْ طَرِيقِ ابْنِ مَسْعُودٍ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي عِنْدَ الْبَيْتِ وَمَلَأٌ مِنْ قُرَيْشٍ جُلُوسٌ وَقَدْ نَحَرُوا جَزُورًا لَهُمْ، فَقَالَ بَعْضُهُمْ: أَيُّكُمْ يَأْخُذُ هَذَا الْفَرْثَ بِدَمِهِ ثُمَّ يُمْهِلُهُ حَتَّى يَضَعَ وَجْهَهُ سَاجِدًا فَيَضَعُهُ عَلَى ظَهْرِهِ، قَالَ عَبْدُ اللَّهِ: فَانْبَعَثَ أَشْقَاهَا فَأَخَذَ الْفَرْثَ، فَأَمْهَلَهُ، فَلَمَّا خَرَّ سَاجِدًا وَضَعَهُ عَلَى ظَهْرِهِ، فَأُخْبِرَتْ فَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهِيَ جَارِيَةٌ فَجَاءَتْ تَسْعَى فَأَخَذَتْهُ مِنْ ظَهْرِهِ، فَلَمَّا فَرَغَ مِنْ صَلَاتِهِ قَالَ: اللَّهُمَّ عَلَيْكَ بِقُرَيْشٍ» وَذَكَرَ الْحَدِيثَ.

L3001 And with a narration we have reported through the chain of Ibn Umar: “I used to spend the night in the mosque during the time of the Messenger of Allah—peace and blessings be upon him—while I was an unmarried youth. Dogs would urinate and move about freely in the mosque, yet they did not sprinkle water on any of that.” They cited regarding this matter from the Companions—may Allah be pleased with them—and subsequent generations what we have reported through the chains of Shu‘bah and Sufyan, both narrating from Al-A‘mash, from Malik ibn Al-Harith, from his father, who said: “Abu Musa Al-Ash‘ari led us in prayer on ground containing dung”—this being Sufyan’s wording, whereas Shu‘bah said: “livestock dung.” We have also reported through other narrators: “The desert lay before him,” and he stated: “Here and there are the same.” From Anas: “There is no harm in the urine of any cud-chewing animal.” From Ibrahim An-Nakha‘i: Mansur said, “I asked him about dung touching a person’s leather socks, sandals, or bare foot.” He replied: “There is no harm.” From Ibrahim: He observed a man stepping aside from a urinating mule and said to him: “What’s the issue if it gets on you?” It is authentically established that he prohibited eating mule meat. From Al-Hasan Al-Basri: “There is no harm in sheep’s urine.” From Muhammad ibn Ali ibn Al-Husayn and Nafi‘, client of Ibn Umar, concerning one whose turban is soiled by camel urine: Both said: “He does not wash it.” From Abdullah ibn Mughaffal: He prayed with traces of dung on his feet. From Ubaid ibn Umayr: “I have a young she-camel that passes dung in my mosque.”

وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ «ابْنِ عُمَرَ كُنْتُ أَبِيتُ فِي الْمَسْجِدِ فِي عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكُنْتُ شَابًّا عَزَبًا، وَكَانَتْ الْكِلَابُ تَبُولُ وَتُقْبِلُ وَتُدْبِرُ فِي الْمَسْجِدِ فَلَمْ يَكُونُوا يَرُشُّونَ شَيْئًا مِنْ ذَلِكَ» . ذَكَرُوا فِي ذَلِكَ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَمَنْ بَعْدَهُمْ مَا رُوِّينَاهُ مِنْ طَرِيقِ شُعْبَةَ وَسُفْيَانَ، كِلَاهُمَا عَنْ الْأَعْمَشِ عَنْ مَالِكِ بْنِ الْحَارِثِ عَنْ أَبِيهِ قَالَ " صَلَّى بِنَا أَبُو مُوسَى الْأَشْعَرِيُّ عَلَى مَكَانٍ فِيهِ سِرْقِينٌ هَذَا لَفْظُ سُفْيَانَ، وَقَالَ شُعْبَةُ " رَوْثُ الدَّوَابِّ " وَرُوِّينَا مِنْ طَرِيقِ غَيْرِهِمَا " وَالصَّحْرَاءُ أَمَامَهُ، وَقَالَ: هُنَا وَهُنَاكَ سَوَاءٌ " وَعَنْ أَنَسٍ " لَا بَأْسَ بِبَوْلِ كُلِّ ذَاتِ كِرْشٍ " وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ. قَالَ مَنْصُورٌ: سَأَلْته عَنْ السِّرْقِينِ يُصِيبُ خُفَّ الْإِنْسَانِ أَوْ نَعْلَهُ أَوْ قَدَمَهُ؟ قَالَ لَا بَأْسَ. وَعَنْ إبْرَاهِيمَ أَنَّهُ رَأَى رَجُلًا قَدْ تَنَحَّى عَنْ بَغْلٍ يَبُولُ، فَقَالَ لَهُ إبْرَاهِيمُ: مَا عَلَيْك لَوْ أَصَابَك. وَقَدْ صَحَّ عَنْهُ أَنَّهُ كَانَ لَا يُجِيزُ أَكْلَ الْبَغْلِ. وَعَنْ الْحَسَنِ الْبَصْرِيِّ: لَا بَأْسَ بِأَبْوَالِ الْغَنَمِ. وَعَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ وَنَافِعٍ مَوْلَى ابْنِ عُمَرَ فِيمَنْ أَصَابَ عِمَامَتَهُ بَوْلُ بَعِيرٍ قَالَا جَمِيعًا: لَا يَغْسِلُهُ. وَعَنْ عَبْدِ اللَّهِ بْنِ مُغَفَّلٍ أَنَّهُ كَانَ يُصَلِّي وَعَلَى رِجْلَيْهِ أَثَرُ السِّرْقِينِ. وَعَنْ عُبَيْدِ بْنِ عُمَيْرٍ قَالَ: إنَّ لِي عُنَيْقًا تَبْعَرُ فِي مَسْجِدِي.

L3002–3004 Abu Muhammad said: As for the reports we have mentioned, all are authentic. Nevertheless, they provide no valid proof for their position on any of these points. As for the narration of Ibn ‘Umar, it is not supported by a chain of transmission because it does not state that the Messenger of Allah—peace and blessings be upon him—became aware of the dog’s urination in the mosque and approved it. Since this is not mentioned in the report, there is no evidence in it, as evidence is only valid in his—peace be upon him—statements, his actions, or in what is authentically established that he acknowledged and approved. Thus, the use of this report as evidence is

قَالَ أَبُو مُحَمَّد: أَمَّا الْآثَارُ الَّتِي ذَكَرْنَا فَكُلُّهَا صَحِيحٌ، إلَّا أَنَّهَا لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهَا: أَمَّا حَدِيثُ ابْنِ عُمَرَ فَغَيْرُ مُسْنَدٍ، لِأَنَّهُ لَيْسَ فِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَرَفَ بِبَوْلِ الْكِلَابِ فِي الْمَسْجِدِ فَأَقَرَّهُ، وَإِذْ لَيْسَ هَذَا فِي الْخَبَرِ فَلَا حُجَّةَ فِيهِ، إذْ لَا حُجَّةَ إلَّا فِي قَوْلِهِ - عَلَيْهِ السَّلَامُ - أَوْ فِي عَمَلِهِ أَوْ فِيمَا صَحَّ أَنَّهُ عَرَفَهُ فَأَقَرَّهُ، فَسَقَطَ هَذَا الِاحْتِجَاجُ بِهَذَا الْخَبَرِ، لَكِنْ يَلْزَمُ مَنْ احْتَجَّ بِحَدِيثِ أَبِي سَعِيدٍ «كُنَّا نُخْرِجُ عَلَى

invalidated with this report. However, those who cite the ḥadīth of Abū Sa‘īd—“We used to give Sadaqat al-Fiṭr as a Ṣā‘ of food during the time of the Messenger of Allah—peace and blessings be upon him”—are obliged to cite this report, as it is more likely that the Messenger of Allah—peace and blessings be upon him—would have been aware of it than of the practice of Banī Khudrah in one part of Madīnah. Likewise, those who criticize the practice of the Companions—may Allah be pleased with them—are obliged to adopt this narration of Ibn ‘Umar, thereby not considering the urine of dogs or other animals impure. Yet, this is among the matters in which they contradict themselves. As for the narration of Ibn Mas‘ūd, there is no evidence for them in it, because it mentions that the chyme was accompanied by blood, and this is not proof according to them for the purity of blood. It is invalid to claim it as evidence for the purity of chyme without the purity of blood, as both are mentioned together. Moreover, Shu‘bah, Sufyān, and Zakariyyā ibn Abī Zā’idah all narrated this report from the one from whom ‘Alī ibn Ṣāliḥ narrated—namely Abū Isḥāq, from ‘Amr ibn Maymūn, from Ibn Mas‘ūd—and they mentioned that this was the afterbirth of a camel. They are more reliable and precise in memorization than ‘Alī ibn Ṣāliḥ, and their narration includes additional details not found in his. Since the chyme and blood were in the afterbirth, both are impure, and thus they hold no legal relevance. The decisive factor here is that this report pertains to Makkah before the ruling prohibiting excrement and blood was established, so it is abrogated without doubt, and citing it as evidence is invalid in any case.

L3005 As for the ḥadīth of Anas concerning prayer in sheep enclosures, they argued that sheep enclosures are not free from their urine nor their dung. We responded to them: As for your claim that they are not free from their urine nor their dung, the shepherd also urinates among the sheep, and this does not serve as valid proof for the purification of human urine.

L3006 Additionally, ‘Abdullah ibn Rabi‘ narrated to us, saying: ‘Umar ibn ‘Abd al-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawud al-Sijistani narrated to us, Muhammad ibn Kurayb narrated to us, al-Husayn ibn ‘Ali al-Ju‘fi narrated to us, from Za’idah, from Hisham ibn ‘Urwah, from his father, from ‘Aishah, who said: “The Messenger of Allah, peace and blessings

عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَدَقَةَ الْفِطْرِ صَاعًا مِنْ طَعَامٍ» أَنْ يَحْتَجَّ بِهَذَا الْخَبَرِ، لِأَنَّهُ أَقْرَبُ إِلَى أَنْ يَعْرِفَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْهُ إِلَى أَنْ يَعْرِفَ عَمَلَ بَنِي خُدْرَةَ فِي جِهَةٍ مِنْ جِهَاتِ الْمَدِينَةِ، وَيَلْزَمُ مَنْ شَنَّعَ لِعَمَلِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنْ يَأْخُذَ بِحَدِيثِ ابْنِ عُمَرَ هَذَا، فَلَا يَرَى أَبْوَالَ الْكِلَابِ وَلَا غَيْرَهَا نَجَسًا، وَلَكِنَّ هَذَا مِمَّا تَنَاقَضُوا فِيهِ. وَأَمَّا حَدِيثُ ابْنِ مَسْعُودٍ فَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّ فِيهِ أَنَّ الْفَرْثَ كَانَ مَعَهُ دَمٌ، وَلَيْسَ هَذَا دَلِيلًا عِنْدَهُمْ، عَلَى طَهَارَةِ الدَّمِ، فَمِنَ الْبَاطِلِ أَنْ يَكُونَ دَلِيلًا عَلَى طَهَارَةِ الْفَرْثِ دُونَ طَهَارَةِ الدَّمِ، وَكِلَاهُمَا مَذْكُورَانِ مَعًا. وَأَيْضًا فَإِنَّ شُعْبَةَ وَسُفْيَانَ وَزَكَرِيَّا بْنَ أَبِي زَائِدَةَ رَوَوْا كُلُّهُمْ هَذَا الْخَبَرَ عَنِ الَّذِي رَوَاهُ عَنْهُ عَلِيُّ بْنُ صَالِحٍ وَهُوَ أَبُو إِسْحَاقَ عَنْ عَمْرِو بْنِ مَيْمُونٍ عَنِ ابْنِ مَسْعُودٍ، فَذَكَرُوا أَنَّ ذَلِكَ كَانَ سَلَى جَزُورٍ، وَهُمْ أَوْثَقُ وَأَحْفَظُ مِنْ عَلِيِّ بْنِ صَالِحٍ، وَرِوَايَتُهُمْ زَائِدَةٌ عَلَى رِوَايَتِهِ، فَإِذَا كَانَ الْفَرْثُ وَالدَّمُ فِي السَّلَى فَهُمَا غَيْرُ طَاهِرَيْنِ، فَلَا حُكْمَ لَهُمَا، وَالْقَاطِعُ هَهُنَا أَنَّ هَذَا الْخَبَرَ كَانَ بِمَكَّةَ قَبْلَ وُرُودِ الْحُكْمِ بِتَحْرِيمِ النَّجْوِ وَالدَّمِ، فَصَارَ مَنْسُوخًا بِلَا شَكٍّ وَبَطَلَ الِاحْتِجَاجُ بِهِ بِكُلِّ حَالٍ.

وَأَمَّا حَدِيثُ أَنَسٍ فِي الصَّلَاةِ فِي مَرَابِضِ الْغَنَمِ، فَإِنَّهُمْ قَالُوا: إِنَّ مَرَابِضَ الْغَنَمِ لَا تَخْلُو مِنْ أَبْوَالِهَا وَلَا مِنْ أَبْعَارِهَا. فَقُلْنَا لَهُمْ: أَمَّا قَوْلُكُمْ إِنَّهَا لَا تَخْلُو مِنْ أَبْوَالِهَا وَلَا مِنْ أَبْعَارِهَا فَقَدْ يَبُولُ الرَّاعِي أَيْضًا بَيْنَهَا، وَلَيْسَ ذَلِكَ دَلِيلًا عَلَى طَهَارَةِ بَوْلِ الْإِنْسَانِ.

وَأَيْضًا فَإِنَّ عَبْدَ اللَّهِ بْنَ رَبِيعٍ حَدَّثَنَا قَالَ: ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد السِّجِسْتَانِيُّ ثنا مُحَمَّدُ بْنُ كُرَيْبٍ ثنا الْحُسَيْنُ بْنُ عَلِيٍّ الْجُعْفِيُّ عَنْ زَائِدَةَ عَنْ هِشَامٍ

be upon him, commanded the building of mosques in residential areas, their perfuming, and their upkeep."

L3007–3008 Ali said: "The dwellings are the houses of residence, and they also refer to the districts. You say: 'Dar Banu Sāʿidah,' 'Dar Banu al-Najjār,' 'Dar Banu ʿAbd al-Ashhal.' This is how the Messenger of Allah—peace and blessings be upon him—spoke, and this is also the usage in the Arabic language. Indeed, his command—peace be upon him—to clean the mosques and perfume them has been firmly established, and this necessitates sweeping them to remove all urine, dung, and other things."

L3009 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: Shayban ibn Farrukh and Abu al-Rabiʿ al-Zahrani both narrated to us from Abdul Warith from Abu al-Tayyah from Anas ibn Malik, who said: "The Messenger of Allah—peace and blessings of Allah be upon him—was the most virtuous of people in character. Sometimes I would see him when prayer time arrived, and he would order the rug beneath him to be swept and sprinkled with water. Then the Messenger of Allah—peace and blessings of Allah be upon him—would lead us in prayer, and we would stand behind him as he prayed with us." This indicates his instruction—peace and blessings of Allah be upon him—to sweep and sprinkle with water the place where prayer is performed.

Ahmad ibn Muhammad ibn al-Jasur narrated to us; Wahb ibn Masarrah narrated to us; Ibn Waddah narrated to us; Abu Bakr ibn Abi Shaybah narrated to us; Isma'il ibn Ulayyah narrated to us from Ibn Awn—who is Abdullah—from Anas ibn Sirin from Abdul Hamid ibn al-Mundhir ibn al-Jarud from Anas ibn Malik, who said: "One of my uncles prepared a meal for the Prophet—peace and blessings of Allah be upon him—and said: 'I would love for you to eat in my house and pray in it.' He came to him, and in the house was a strong mat (ḥaṣīr) referred to as *faḥl*. The Prophet—peace be upon him—ordered a part of it to be swept and sprinkled with water. He prayed, and we prayed with him." This indicates his instruction—peace and

بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ «أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِبِنَاءِ الْمَسَاجِدِ فِي الدُّورِ وَأَنْ تُطَيَّبَ وَتُنَظَّفَ» .

قَالَ عَلِيٌّ: الدُّورُ هِيَ دُورُ السُّكْنَى وَهِيَ أَيْضًا الْمَحَلَّاتِ. تَقُولُ: دَارُ بَنِي سَاعِدَةَ، وَدَارُ بَنِي النَّجَّارِ، دَارُ بَنِي عَبْدِ الْأَشْهَلِ. هَكَذَا قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ كَذَلِكَ فِي لُغَةِ الْعَرَبِ، فَقَدْ صَحَّ أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِتَنْظِيفِ الْمَسَاجِدِ وَتَطْيِيبِهَا، وَهَذَا يُوجِبُ الْكَنْسَ لَهَا مِنْ كُلِّ بَوْلٍ وَبَعْرٍ وَغَيْرِهِ.

وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ حَدَّثَنَا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا شَيْبَانُ بْنُ فَرُّوخَ وَأَبُو الرَّبِيعِ الزَّهْرَانِيُّ، كِلَاهُمَا عَنْ عَبْدِ الْوَارِثِ عَنْ أَبِي التَّيَّاحِ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَحْسَنَ النَّاسِ خُلُقًا، فَرُبَّمَا رَأَيْته تَحْضُرُ الصَّلَاةُ فَيَأْمُرُ بِالْبِسَاطِ الَّذِي تَحْتَهُ فَيُكْنَسُ وَيُنْضَحُ ثُمَّ يَؤُمُّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَنَقُومُ خَلْفَهُ فَيُصَلِّي بِنَا» فَهَذَا أَمْرٌ مِنْهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِكَنْسِ مَا يُصَلَّى عَلَيْهِ وَنَضْحِهِ. حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا وَهْبُ بْنُ مَسَرَّةَ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا إسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنْ ابْنِ عَوْنٍ هُوَ عَبْدُ اللَّهِ - عَنْ أَنَسِ بْنِ سِيرِينَ عَنْ عَبْدِ الْحَمِيدِ بْنِ الْمُنْذِرِ بْنِ الْجَارُودِ عَنْ «أَنَسِ بْنِ مَالِكٍ قَالَ صَنَعَ بَعْضُ عُمُومَتِي لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - طَعَامًا وَقَالَ: إنِّي أُحِبُّ أَنْ تَأْكُلَ فِي بَيْتِي وَتُصَلِّيَ فِيهِ فَأَتَاهُ وَفِي الْبَيْتِ خَفْلٌ مِنْ تِلْكَ الْفُحُولِ - يَعْنِي حَصِيرًا - فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِجَانِبٍ مِنْهُ فَكُنِسَ وَرُشَّ فَصَلَّى وَصَلَّيْنَا مَعَهُ» فَهَذَا أَمْرٌ مِنْهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - بِكَنْسِ مَا يُصَلَّى عَلَيْهِ وَرَشِّهِ بِالْمَاءِ، فَدَخَلَ فِي ذَلِكَ مَرَابِضُ الْغَنَمِ وَغَيْرُهَا. وَأَيْضًا فَإِنَّ هَذَا الْحَدِيثَ نَفْسَهُ

blessings of Allah be upon him—to sweep and sprinkle with water the place where prayer is performed, including sheep pens and similar areas.

Furthermore, this very Hadith was narrated to us through the chain of Abdul Warith from Abu al-Tayyah from Anas. We also narrated it through the chain of al-Bukhari from Sulayman ibn Harb from Shu'bah from Abu al-Tayyah from Anas: "The Messenger of Allah—peace and blessings of Allah be upon him—used to pray in sheep pens before the mosque was built." This confirms that this occurred early after the Hijrah, before the arrival of the narrations requiring avoidance of all animal dung and urine.

L3010–3011 Also, Yunus ibn ʿAbdullāh said: Abū ʿĪsā ibn Abī ʿĪsā narrated to us, Aḥmad ibn Khālid narrated to us, Ibn Waḍḍāḥ narrated to us, Abū Bakr ibn Abī Shaybah narrated to us, from Yazīd ibn Hārūn, from Hishām ibn Ḥassān, from Muḥammad ibn Sīrīn, from Abū Hurayrah, who said: The Messenger of Allah (peace and blessings be upon him) said: "If you have no option but sheep pens and camel kneeling grounds, then pray in the sheep pens, and do not pray in camel resting grounds."

L3012 Narrated to us Hammam, who narrated to us Ibn Mufarrij, who narrated to us Ibn al-A'rabi, who narrated to us al-Dabari, who narrated to us 'Abd al-Razzaq from Sufyan al-Thawri from al-A'mash from 'Abdullah from 'Abd al-Rahman ibn Abi Layla from al-Bara' ibn 'Azib: "The Messenger of Allah—may Allah bless him and grant him peace—was asked: 'Shall we pray in the resting places of camels?' He said: 'No.' He said: 'Shall we pray in the sheep pens?' He said: 'Yes.'" Ali Abdullah said: "This 'Abdullah is 'Abdullah ibn 'Abdullah, a trustworthy Kufan narrator who served as a judge in al-Rayy."

L3013 Hammam narrated to us, Abbas ibn Asbagh narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Ahmad ibn Muhammad al-Birti narrated to us, Abu Ma'mar narrated to us, Abd al-Warith ibn Sa'id narrated to us, Yunus narrated from al-Hasan from Abdullah ibn Mughaffal, who said: "The Messenger of Allah (peace and blessings be upon him) said: 'When you come upon sheep pens, pray in them, and when you come upon camel resting places, do not pray in them, for they were created from the devils.'"

إِنَّمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الْوَارِثِ عَنْ أَبِي التَّيَّاحِ عَنْ أَنَسٍ، وَقَدْ رُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ سُلَيْمَانَ بْنِ حَرْبٍ عَنْ شُعْبَةَ عَنْ أَبِي التَّيَّاحِ عَنْ أَنَسٍ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي فِي مَرَابِضِ الْغَنَمِ قَبْلَ أَنْ يُبْنَى الْمَسْجِدُ» فَصَحَّ أَنَّ هَذَا كَانَ فِي أَوَّلِ الْهِجْرَةِ قَبْلَ وُرُودِ الْأَخْبَارِ بِاجْتِنَابِ كُلِّ نَجْوٍ وَبَوْلٍ.

وَأَيْضًا فَإِنَّ يُونُسَ بْنَ عَبْدِ اللَّهِ قَالَ: ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ يَزِيدَ بْنِ هَارُونَ عَنْ هِشَامِ بْنِ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا لَمْ تَجِدُوا إِلَّا مَرَابِضَ الْغَنَمِ وَأَعْطَانَ الْإِبِلِ، فَصَلُّوا فِي مَرَابِضِ الْغَنَمِ، وَلَا تُصَلُّوا فِي مَعَاطِنِ الْإِبِلِ» .

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْأَعْمَشِ عَنْ عَبْدِ اللَّهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ الْبَرَاءِ بْنِ عَازِبٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ: أَنُصَلِّي فِي أَعْطَانِ الْإِبِلِ؟ فَقَالَ لَا، قَالَ: أَنُصَلِّي فِي مَرَابِضِ الْغَنَمِ؟ قَالَ نَعَمْ» . قَالَ عَلِيٌّ عَبْدُ اللَّهِ هَذَا هُوَ عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ ثِقَةٌ كُوفِيٌّ وَلِيَ قَضَاءَ الرَّيِّ.

حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ مُحَمَّدٍ الْبِرْتِيُّ ثنا أَبُو مَعْمَرٍ ثنا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ ثنا يُونُسُ عَنْ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ مُغَفَّلٍ قَالَ: «قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إِذَا أَتَيْتُمْ عَلَى مَرَابِضِ الْغَنَمِ فَصَلُّوا فِيهَا، وَإِذَا أَتَيْتُمْ عَلَى مَبَارِكِ الْإِبِلِ فَلَا تُصَلُّوا فِيهَا، فَإِنَّهَا خُلِقَتْ مِنْ الشَّيَاطِينِ» .

قَالَ أَبُو مُحَمَّد: فَلَوْ كَانَ أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِالصَّلَاةِ فِي مَرَابِضِ الْغَنَمِ دَلِيلًا عَلَى طَهَارَةِ أَبْوَالِهَا وَأَبْعَارِهَا، كَانَ نَهْيُهُ - عَلَيْهِ السَّلَامُ - عَنْ الصَّلَاةِ فِي أَعْطَانِ الْإِبِلِ دَلِيلًا عَلَى نَجَاسَةِ أَبْوَالِهَا وَأَبْعَارِهَا، وَإِنْ كَانَ نَهْيُهُ - عَلَيْهِ السَّلَامُ - عَنْ الصَّلَاةِ فِي أَعْطَانِ الْإِبِلِ لَيْسَ دَلِيلًا عَلَى نَجَاسَةِ أَبْوَالِهَا، فَلَيْسَ أَمْرُهُ - عَلَيْهِ السَّلَامُ - بِالصَّلَاةِ فِي مَرَابِضِ الْغَنَمِ دَلِيلًا عَلَى طَهَارَةِ أَبْوَالِهَا وَأَبْعَارِهَا، وَالْمُفَرِّقُ بَيْنَ ذَلِكَ مُتَحَكِّمٌ بِالْبَاطِلِ، لَا يَعْجَزُ مَنْ لَا وَرَعَ لَهُ عَنْ أَنْ يَأْخُذَ بِالطَّرَفِ الثَّانِي بِدَعْوَى كَدَعْوَاهُ. فَإِنْ قَالَ: إنَّمَا نَهَى عَنْ الصَّلَاةِ فِي أَعْطَانِ الْإِبِلِ، لِأَنَّهَا خُلِقَتْ مِنْ الشَّيَاطِينِ كَمَا فِي الْحَدِيثِ قِيلَ لَهُ: وَإِنَّمَا أَمَرَ بِالصَّلَاةِ فِي مَرَابِضِ الْغَنَمِ لِأَنَّهَا مِنْ دَوَابِّ الْجَنَّةِ كَمَا قَدْ صَحَّ ذَلِكَ أَيْضًا فِي الْحَدِيثِ، فَخَرَجَتْ الطَّهَارَةُ وَالنَّجَاسَةُ مِنْ كِلَا الْخَبَرَيْنِ، فَسَقَطَ التَّعَلُّقُ بِهَذَا الْخَبَرِ جُمْلَةً. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3014 Abū Muḥammad said: If the command of the Prophet—peace be upon him—to pray in sheep enclosures were proof of the purity of their urine and dung, then his prohibition—peace be upon him—against praying in camel pens would likewise be proof of the impurity of their urine and dung. Yet if his prohibition—peace be upon him—against praying in camel pens is not proof of the impurity of their urine and dung, then his command—peace be upon him—to pray in sheep enclosures is not proof of the purity of their urine and dung. Whoever differentiates between the two is arbitrarily asserting falsehood, for one without scruples is not incapable of adopting the opposing argument with a claim akin to his own. If someone argues, "He prohibited prayer in camel pens solely because they were created from devils, as mentioned in the ḥadīth," it is replied: "He commanded prayer in sheep enclosures solely because they are among the creatures of Paradise, as likewise authentically established in the ḥadīth." Thus, the rulings on purity and impurity emerge from both narrations, rendering reliance on this ḥadīth entirely invalid. And by Allah's facilitation, the Most High, is success attained.

وَأَمَّا حَدِيثُ أَنَسٍ فِي أَبْوَالِ الْإِبِلِ وَأَلْبَانِهَا فَلَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّمَا أَبَاحَ لِلْعُرَنِيِّينَ شُرْبَ أَبْوَالِ الْإِبِلِ وَأَلْبَانِ الْإِبِلِ عَلَى سَبِيلِ التَّدَاوِي مِنْ الْمَرَضِ، كَمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا ابْنُ عُلَيَّةَ عَنْ حَجَّاجِ بْنِ أَبِي عُثْمَانَ حَدَّثَنِي أَبُو رَجَاءٍ مَوْلَى أَبِي قِلَابَةَ عَنْ أَبِي قِلَابَةَ حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ «أَنَّ نَفَرًا مِنْ عُكْلٍ ثَمَانِيَةً قَدِمُوا عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَبَايَعُوهُ عَلَى الْإِسْلَامِ، فَاسْتَوْخَمُوا الْأَرْضَ وَسَقِمَتْ أَجْسَامُهُمْ، فَشَكَوْا ذَلِكَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: أَلَا تَخْرُجُونَ مَعَ رَاعِينَا فِي إبِلِهِ فَتُصِيبُونَ مِنْ أَبْوَالِهَا وَأَلْبَانِهَا فَصَحُّوا، فَقَتَلُوا الرَّاعِيَ وَطَرَدُوا الْإِبِلَ» وَذَكَرَ الْحَدِيثَ فَصَحَّ يَقِينًا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُمْ بِذَلِكَ عَلَى سَبِيلِ الدَّوَاءِ مِنْ السَّقَمِ الَّذِي كَانَ أَصَابَهُمْ، وَأَنَّهُمْ

L3015–3018 As for the ḥadīth of Anas regarding camels' urine and their milk, it holds no proof for their position, because the Messenger of Allah—peace and blessings of Allah be upon him—only permitted the 'Uraynīyīn to drink camels' urine and milk as a therapeutic measure for their illness. As narrated through Muslim's chain: Abū Bakr ibn Abī Shaybah narrated to us, Ibn 'Ulayyah narrated to us from Ḥajjāj ibn Abī 'Uthmān, who said: Abū Rajā', the freed slave of Abī Qilābah, narrated to me from Abū Qilābah, who narrated to me from Anas ibn Mālik: "A group of eight from 'Ukl came to the Messenger of Allah—peace and blessings of Allah be upon him—pledging allegiance to him upon embracing Islam. The climate made them ill, and their bodies became diseased. They complained to the Messenger of Allah—peace and blessings of Allah be upon him—who said: 'Why not accompany our shepherd with his camels and partake of their urine and milk?' They did so and recovered, then killed the shepherd and drove away the camels"—and he related the ḥadīth. This confirms decisively that the Messenger of Allah—peace and blessings of Allah be upon him—instructed them to do so as a remedy for

the illness that afflicted them, and their bodies were restored through it. Medical treatment holds the status of necessity, as Allah the Exalted stated: {He has detailed for you what He forbade, except what necessity compels you to consume} [6:119]. Thus, what one is compelled by necessity to consume—whether food or drink—is not forbidden. If it is argued: The Messenger of Allah—peace and blessings of Allah be upon him—said, as reported through Shu'bah's chain from Simāk from 'Alqamah ibn Wā'il from his father: "Ṭāriq ibn Suwayd or Suwayd ibn Ṭāriq mentioned that he asked the Messenger of Allah—peace and blessings of Allah be upon him—about intoxicants, and he forbade him. When he asked again, he forbade him. He said: 'O Prophet of Allah, it is a medicine.' The Prophet—peace and blessings of Allah be upon him—responded: 'No, it is a disease.'" Similarly, the ḥadīth of Yūnus ibn Abī Isḥāq from Mujāhid from Abū Hurayrah states: "The Messenger of Allah—peace and blessings of Allah be upon him—prohibited evil medicine." And the narration through Jarīr from Sulaymān al-Shaybānī from Ḥassān ibn al-Mukhāriq from Umm Salamah from the Prophet—peace and blessings of Allah be upon him—: "Allah has not placed your cure in what He forbade you." None of this constitutes proof. The ḥadīth of 'Alqamah ibn Wā'il is transmitted through Simāk ibn Ḥarb, who is known to accept prompting, as attested by Shu'bah and others. Even if authentic, it offers no proof, as it merely states that intoxicants are not medicine. Since they are not medicine, we all agree that consuming forbidden non-medicinal substances is impermissible. Our disagreement concerns only medicinal use. All present scholars do not... They say this, but rather, our companions and the Mālikīs permit a person with a throat obstruction to drink wine if he finds nothing else to enable him to swallow his food besides it, while the Ḥanafīs and Shāfi'īs permit wine in cases of severe thirst. As for the *ḥadīth* about the vile medicine, indeed, what Allah the Exalted has permitted out of necessity is not vile in that state; rather, it is lawful and good, for what is lawful cannot be vile. Thus, it is established that the "vile medicine" refers to the lethal

صَحَّتْ أَجْسَامُهُمْ بِذَلِكَ، وَالتَّدَاوِي بِمَنْزِلَةِ ضَرُورَةٍ، وَقَدْ قَالَ تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] فَمَا اُضْطُرَّ الْمَرْءُ إِلَيْهِ فَهُوَ غَيْرُ مُحَرَّمٍ عَلَيْهِ مِنَ الْمَأْكَلِ وَالْمَشْرَبِ، فَإِنْ قِيلَ: قَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا رَوَيْتُمُوهُ مِنْ طَرِيقِ شُعْبَةَ عَنْ سِمَاكٍ عَنْ عَلْقَمَةَ بْنِ وَائِلٍ عَنْ أَبِيهِ قَالَ: «ذَكَرَ طَارِقُ بْنُ سُوَيْدٍ أَوْ سُوَيْدُ بْنُ طَارِقٍ أَنَّهُ سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الْخَمْرِ فَنَهَاهُ ثُمَّ سَأَلَهُ فَنَهَاهُ، فَقَالَ: يَا نَبِيَّ اللَّهِ إِنَّهَا دَوَاءٌ فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَا، وَلَكِنَّهَا دَاءٌ» وَحَدِيثُ يُونُسَ بْنِ أَبِي إِسْحَاقَ عَنْ مُجَاهِدٍ عَنْ أَبِي هُرَيْرَةَ قَالَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الدَّوَاءِ الْخَبِيثِ» . وَمَا رُوِيَ مِنْ طَرِيقِ جَرِيرٍ عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ عَنْ حَسَّانَ بْنِ الْمُخَارِقِ عَنْ أُمِّ سَلَمَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِنَّ اللَّهَ لَمْ يَجْعَلْ شِفَاءَكُمْ فِيمَا حَرَّمَ عَلَيْكُمْ» . فَهَذَا كُلُّهُ لَا حُجَّةَ فِيهِ؛ لِأَنَّ حَدِيثَ عَلْقَمَةَ بْنِ وَائِلٍ إِنَّمَا جَاءَ مِنْ طَرِيقِ سِمَاكِ بْنِ حَرْبٍ وَهُوَ يَقْبَلُ التَّلْقِينَ، شَهِدَ عَلَيْهِ بِذَلِكَ شُعْبَةُ وَغَيْرُهُ، ثُمَّ لَوْ صَحَّ لَمْ يَكُنْ فِيهِ حُجَّةٌ؛ لِأَنَّ فِيهِ أَنَّ الْخَمْرَ لَيْسَتْ دَوَاءً، وَإِذْ لَيْسَتْ دَوَاءً فَلَا خِلَافَ بَيْنَنَا فِي أَنَّ مَا لَيْسَ دَوَاءً فَلَا يَحِلُّ تَنَاوُلُهُ إِذَا كَانَ حَرَامًا، وَإِنَّمَا خَالَفْنَاهُمْ فِي الدَّوَاءِ، وَجَمِيعُ الْحَاضِرِينَ لَا يَقُولُونَ بِهَذَا، بَلْ أَصْحَابُنَا وَالْمَالِكِيُّونَ يُبِيحُونَ لِلْمُخْتَنِقِ شُرْبَ الْخَمْرِ إِذَا لَمْ يَجِدْ مَا يُسِيغُ أَكْلَهُ بِهِ غَيْرَهَا، وَالْحَنَفِيُّونَ وَالشَّافِعِيُّونَ يُبِيحُونَهَا عِنْدَ شِدَّةِ الْعَطَشِ. وَأَمَّا حَدِيثُ الدَّوَاءِ الْخَبِيثِ فَنَعَمْ وَمَا أَبَاحَهُ اللَّهُ تَعَالَى عِنْدَ الضَّرُورَةِ فَلَيْسَ فِي تِلْكَ الْحَالِ خَبِيثًا، بَلْ هُوَ حَلَالٌ طَيِّبٌ؛ لِأَنَّ الْحَلَالَ لَيْسَ خَبِيثًا، فَصَحَّ أَنَّ الدَّوَاءَ الْخَبِيثَ هُوَ الْقَتَّالُ الْمَخُوفُ، عَلَى أَنَّ يُونُسَ بْنَ أَبِي إِسْحَاقَ الَّذِي انْفَرَدَ بِهِ لَيْسَ بِالْقَوِيِّ.

and feared killer, although Yūnus ibn Abī Isḥāq, the sole narrator of this, is not considered reliable.[1][2]

L3019 As for the ḥadīth, "Allah has not placed your cure in what He forbade you," it is invalid because its narrator, Sulaymān al-Shaybānī, is unknown.

L3020 Certainty has been established regarding the permissibility of consuming carrion and pork when facing mortal danger from starvation, for the Almighty has made our cure from life-threatening hunger in what He prohibited us under normal circumstances. We affirm: As long as something remains forbidden to us, there is no cure for us in it. But when compelled by necessity, it ceases to be forbidden at that moment - rather it becomes permissible, thus serving as our cure. This is the apparent meaning of the report. Allah the Exalted states regarding His prohibitions: "But whoever is driven by necessity, neither craving nor transgressing, incurs no sin" [Al-Baqarah 2:173]. He further declares: "He has detailed what He forbade you, except what you are compelled to" [Al-An'ām 6:119]. It is authentically established that Allah's Messenger (peace be upon him) said: "Silk and gold are forbidden for the males of my community but permissible for their females," and stated: "Only those with no portion in the Hereafter wear silk in this world" - through reliable chains of transmission that constitute established evidence necessitating certain knowledge. The prohibition of silk was narrated by 'Umar, his son, Ibn al-Zubayr, Abū Mūsā, and others. Subsequently, it was conclusively established that the Prophet (peace be upon him) permitted 'Abd al-Raḥmān ibn 'Awf and al-Zubayr ibn al-'Awwām to wear silk garments for medical treatment of skin irritation, lice infestation, and physical pain, thus invalidating all arguments they relied upon.[3][4]

L3021–3023 As for their statement that all things are permissible by default based on

وَأَمَّا حَدِيثُ «لَمْ يَجْعَلْ اللَّهُ شِفَاءَكُمْ فِيمَا حَرَّمَ عَلَيْكُمْ» فَبَاطِلٌ لِأَنَّ رَاوِيَهُ سُلَيْمَانُ الشَّيْبَانِيُّ وَهُوَ مَجْهُولٌ.

وَقَدْ جَاءَ الْيَقِينُ بِإِبَاحَةِ الْمَيْتَةِ وَالْخِنْزِيرِ عِنْدَ خَوْفِ الْهَلَاكِ مِنْ الْجُوعِ فَقَدْ جَعَلَ تَعَالَى شِفَاءَنَا مِنْ الْجُوعِ الْمُهْلِكِ فِيمَا حَرَّمَ عَلَيْنَا فِي غَيْرِ تِلْكَ الْحَالِ وَنَقُولُ: نَعَمْ إنَّ الشَّيْءَ مَا دَامَ حَرَامًا عَلَيْنَا فَلَا شِفَاءَ لَنَا فِيهِ، فَإِذَا اُضْطُرِرْنَا إلَيْهِ فَلَمْ يُحَرَّمْ عَلَيْنَا حِينَئِذٍ بَلْ هُوَ حَلَالٌ، فَهُوَ لَنَا حِينَئِذٍ شِفَاءٌ، وَهَذَا ظَاهِرُ الْخَبَرِ. وَقَدْ قَالَ اللَّهُ تَعَالَى فِيمَا حَرَّمَ عَلَيْنَا: {فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ} [البقرة: ١٧٣] وَقَدْ قَالَ تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] وَصَحَّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْحَرِيرُ وَالذَّهَبُ حَرَامٌ عَلَى ذُكُورِ أُمَّتِي حَلَالٌ لِإِنَاثِهَا» وَقَالَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّمَا يَلْبَسُ الْحَرِيرَ فِي الدُّنْيَا مَنْ لَا خَلَاقَ لَهُ فِي الْآخِرَةِ» مِنْ الطُّرُقِ الثَّابِتَةِ الْمُوجِبَةِ لِلْعِلْمِ. رَوَى تَحْرِيمَ الْحَرِيرِ عُمَرُ وَابْنُهُ وَابْنُ الزُّبَيْرِ وَأَبُو مُوسَى وَغَيْرُهُمْ، ثُمَّ صَحَّ يَقِينًا «أَنَّهُ - عَلَيْهِ السَّلَامُ - أَبَاحَ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَالزُّبَيْرِ بْنِ الْعَوَّامِ لِبَاسَ الْحَرِيرِ عَلَى سَبِيلِ التَّدَاوِي مِنْ الْحَكَّةِ وَالْقَمْلِ وَالْوَجَعِ» ، فَسَقَطَ كُلُّ مَا تَعَلَّقُوا بِهِ.

وَأَمَّا قَوْلُهُمْ: إنَّ الْأَشْيَاءَ عَلَى الْإِبَاحَةِ بِقَوْلِهِ تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] وَبِقَوْلِهِ تَعَالَى: {خَلَقَ لَكُمْ مَا فِي الأَرْضِ جَمِيعًا} [البقرة: ٢٩] فَصَحِيحٌ، وَهَكَذَا نَقُولُ: إنَّنَا إنْ لَمْ نَجِدْ نَصًّا عَلَى تَحْرِيمِ الْأَبْوَالِ جُمْلَةً

[1] **Hadith references (L3016):** Sunan Abi Dawud 3870; Sunan Ibn Majah 3459; Jami at-Tirmidhi 2045.

[2] **Qur'an references (L3016):** Qur'an 6:119 (Al-An'am).

[3] **Hadith references (L3020):** Sahih al-Bukhari 5835; Sahih Muslim 2068c; Mishkat al-Masabih 4320.

[4] **Qur'an references (L3020):** Qur'an 2:173 (Al-Baqarah); Qur'an 6:119 (Al-An'am).

His saying, Exalted is He: “He has detailed for you what He prohibited to you except what you are compelled to” [Al-An‘am 6:119] and His saying: “He created for you all that is on the earth” [Al-Baqarah 2:29], this is correct. Thus we say: If we find no text comprehensively prohibiting all types of urine and feces, then nothing among them is forbidden except what is unanimously agreed upon concerning the urine of the son of Adam and his feces—as they stated. For if we find a text prohibiting all such matters and requiring its avoidance, asserting that becomes obligatory. We therefore examined this matter and found what ‘Abd al-Rahmān ibn ‘Abd Allāh ibn Khālid narrated to us: Ibrāhīm ibn Aḥmad al-Balkhī narrated to us; al-Farbarī narrated to us; al-Bukhārī narrated to us; Ibn Sallām narrated to us. ‘Ubaydah ibn Humaid Abu ‘Abd al-Rahman narrated to us from Mansur, from Mujahid, from Ibn ‘Abbas that the Messenger of Allah (peace be upon him) heard the voice of two men being punished in their graves. He (peace be upon him) said: “They are being punished, though not for a major sin, yet it is indeed major. One of them did not shield himself from urine, and the other would go about spreading slander.” And he related the hadith.[5]

وَالْأَنْجَاءِ جُمْلَةً، وَإِلَّا فَلَا يَحْرُمُ مِنْ ذَلِكَ شَيْءٌ إِلَّا مَا أُجْمِعَ عَلَيْهِ مِنْ بَوْلِ ابْنِ آدَمَ وَنَجْوِهِ. كَمَا قَالُوا: فَإِنْ وَجَدْنَا نَصًّا فِي تَحْرِيمِ كُلِّ ذَلِكَ وَوُجُوبِ اجْتِنَابِهِ، فَالْقَوْلُ بِذَلِكَ وَاجِبٌ، فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ الْبَلْخِيُّ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا ابْنُ سَلَّامٍ أَخْبَرَنَا عُبَيْدَةُ بْنُ حُمَيْدٍ أَبُو عَبْدِ الرَّحْمَنِ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ عَنِ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَمِعَ صَوْتَ إِنْسَانَيْنِ يُعَذَّبَانِ فِي قُبُورِهِمَا فَقَالَ - عَلَيْهِ السَّلَامُ -: يُعَذَّبَانِ وَمَا يُعَذَّبَانِ فِي كَبِيرٍ وَإِنَّهُ لَكَبِيرٌ، كَانَ أَحَدُهُمَا لَا يَسْتَتِرُ مِنَ الْبَوْلِ، وَكَانَ الْآخَرُ يَمْشِي بِالنَّمِيمَةِ» وَذَكَرَ الْحَدِيثَ.

L3024 Abu Muhammad said: Every major sin is minor in relation to what is greater than it among polytheism or murder. Through the chain of al-Bukhārī: Muḥammad ibn al-Muthannā narrated to us, on the authority of Abū Muʿāwiyah al-Ḍarīr—who is Muḥammad ibn Khāzim—who narrated to us, on the authority of al-Aʿmash, from Mujāhid, from Ṭāwūs, from Ibn ʿAbbās, who said: “The Messenger of Allah—peace and blessings be upon him—passed by two graves and said: ’They are indeed being punished, though not for a major sin. As for one of them, he did not cleanse himself properly from urine. As for the other, he used to spread slander.’” The remainder of the narration was mentioned. We also narrated it through the chain of Aḥmad ibn Ḥanbal, from Muḥammad ibn Jaʿfar, from Shuʿbah, from al-Aʿmash; through the chain of Wakīʿ, from al-Aʿmash; and through the chain of Jarīr and Shuʿbah, from Manṣūr ibn al-Muʿtamir, from Mujāhid.

قَالَ أَبُو مُحَمَّدٍ: كُلُّ كَبِيرٍ فَهُوَ صَغِيرٌ بِالْإِضَافَةِ إِلَى مَا هُوَ أَكْبَرُ مِنْهُ مِنَ الشِّرْكِ أَوِ الْقَتْلِ. وَمِنْ طَرِيقِ الْبُخَارِيِّ: حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا أَبُو مُعَاوِيَةَ الضَّرِيرُ هُوَ مُحَمَّدُ بْنُ خَازِمٍ ثنا الْأَعْمَشُ عَنْ مُجَاهِدٍ عَنْ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ قَالَ «مَرَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِقَبْرَيْنِ فَقَالَ: إِنَّهُمَا لَيُعَذَّبَانِ وَمَا يُعَذَّبَانِ فِي كَبِيرٍ، أَمَّا أَحَدُهُمَا فَكَانَ لَا يَسْتَتِرُ مِنَ الْبَوْلِ، وَأَمَّا الْآخَرُ فَكَانَ يَمْشِي بِالنَّمِيمَةِ» وَذَكَرَ بَاقِيَ الْخَبَرِ. وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ أَحْمَدَ بْنِ حَنْبَلٍ عَنْ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنِ الْأَعْمَشِ، وَمِنْ طَرِيقِ وَكِيعٍ عَنِ الْأَعْمَشِ، وَمِنْ طَرِيقِ جَرِيرٍ وَشُعْبَةَ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ مُجَاهِدٍ.

L3025 Yunus Abdullah ibn Mughith narrated to us; Abu Isa ibn Abi Isa narrated to us; Ahmad ibn Khalid narrated to us; Ibn Waddah narrated to us; Abu

حَدَّثَنَا يُونُسُ عَبْدُ اللَّهِ بْنُ مُغِيثٍ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ عَفَّانَ بْنِ مُسْلِمٍ ثنا أَبُو عَوَانَةَ عَنِ الْأَعْمَشِ عَنْ أَبِي

[5] **Qur’an references (L3021):** Qur’an 6:119 (Al-An’am); Qur’an 2:29 (Al-Baqarah).

Bakr ibn Abi Shaybah from Affan ibn Muslim; Abu Awanah from Al-A'mash; from Abu Salih; from Abu Hurairah; from the Prophet, peace and blessings be upon him, who said: "Most of the grave's punishment pertains to urine." We also transmitted it via the narration of Abu Mu'awiyah from Al-A'mash with its isnād.

صَالِحٍ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «أَكْثَرُ عَذَابِ الْقَبْرِ فِي الْبَوْلِ» وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ أَبِي مُعَاوِيَةَ عَنْ الْأَعْمَشِ بِإِسْنَادِهِ.

L3026–3028 Abdullah ibn Rabīʿ narrated to us: ʿUmar ibn ʿAbd al-Malik al-Khawlānī narrated to us: Muḥammad ibn Bakr narrated to us: Abū Dāwūd narrated to us: Aḥmad ibn Ḥanbal narrated to us: Yaḥyā ibn Saʿīd—he is al-Qaṭṭān—narrated from Abū Ḥazrah—he is Yaʿqūb ibn Mujāhid al-Qāṣṣ, the preacher—narrated to us: ʿAbdullāh ibn Muḥammad ibn Abī Bakr al-Ṣiddīq, the brother of al-Qāsim ibn Muḥammad, said: We were with ʿĀ'ishah, the Mother of the Believers, when she said: I heard the Messenger of Allah—peace and blessings be upon him—say: "No prayer is to be offered while food is present, nor while one is resisting the urge to relieve oneself of the two impurities"—that is, urine and feces. We also narrated it from. The chain of Musaddad from Yaḥyā ibn Saʿīd through his chain (isnād), and via the chain of Muslim: Muḥammad ibn ʿAbbād → Ḥātim ibn Ismāʿīl → Abū Ḥazrah.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ الْخَوْلَانِيُّ ثنا مُحَمَّدُ بْنُ بَكْرٍ حَدَّثَنَا أَبُو دَاوُد ثنا أَحْمَدُ بْنُ حَنْبَلٍ ثنا يَحْيَى بْنُ سَعِيدٍ هُوَ الْقَطَّانُ - عَنْ أَبِي حَزْرَةَ هُوَ يَعْقُوبُ بْنُ مُجَاهِدٍ الْقَاصُّ، ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ أَخُو الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: كُنَّا عِنْدَ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ فَقَالَتْ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «لَا يُصَلَّى بِحَضْرَةِ طَعَامٍ وَلَا وَهُوَ يُدَافِعُهُ الْأَخْبَثَانِ يَعْنِي الْبَوْلَ وَالنَّجْوَ» . وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مُسَدَّدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ بِإِسْنَادِهِ. وَمِنْ طَرِيقِ مُسْلِمٍ عَنْ مُحَمَّدِ بْنِ عَبَّادٍ عَنْ حَاتِمِ بْنِ إسْمَاعِيلَ عَنْ أَبِي حَزْرَةَ.

L3029 Abu Muhammad said: The Messenger of Allah—peace and blessings of Allah be upon him—imposed upon people the complete avoidance of urine and threatened punishment for it. This is a universal ruling from which no type of urine may be exempted except through a clear, established textual proof. To do otherwise would entail falsely ascribing claims to Allah the Exalted and His Messenger—peace and blessings of Allah be upon him—without knowledge. We find that the Prophet—peace and blessings of Allah be upon him—designated urine in its entirety and dung in its entirety as "the two impure things," and the impure is forbidden. Allah the Exalted said: "He makes lawful for them the good things and prohibits them from the impure" (7:157). Thus, it is confirmed that every most impure and impure thing is forbidden.[6]

قَالَ أَبُو مُحَمَّد: فَافْتَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى النَّاسِ اجْتِنَابَ الْبَوْلِ جُمْلَةً، وَتَوَعَّدَ عَلَى ذَلِكَ بِالْعَذَابِ، وَهَذَا عُمُومٌ لَا يَجُوزُ أَنْ يُخَصَّ مِنْهُ بَوْلٌ دُونَ بَوْلٍ، فَيَكُونُ فَاعِلُ ذَلِكَ مُدَّعِيًا عَلَى اللَّهِ تَعَالَى وَعَلَى رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَا عِلْمَ لَهُ بِهِ بِالْبَاطِلِ إلَّا بِنَصٍّ ثَابِتٍ جَلِيٍّ، وَوَجَدْنَاهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ سَمَّى الْبَوْلَ جُمْلَةً وَالنَّجْوَ جُمْلَةً " الْأَخْبَثَيْنِ " وَالْخَبِيثُ مُحَرَّمٌ، قَالَ اللَّهُ تَعَالَى: {وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ} [الأعراف: ١٥٧] فَصَحَّ أَنَّ كُلَّ أَخْبَثَ وَخَبِيثٍ فَهُوَ حَرَامٌ.

L3030 If it is said: He (peace be upon him) only addressed the people, intending specifically their private conversations and urine. We reply: Indeed, he

فَإِنْ قِيلَ: إنَّمَا خَاطَبَ - عَلَيْهِ السَّلَامُ - النَّاسَ فَإِنَّمَا أَرَادَ نَجْوَهُمْ وَبَوْلَهُمْ فَقَطْ. قُلْنَا: نَعَمْ إنَّمَا خَاطَبَ - عَلَيْهِ السَّلَامُ - النَّاسَ وَلَكِنْ أَتَى بِالِاسْمِ الْأَعَمِّ الَّذِي يَدْخُلُ تَحْتَهُ جِنْسُ

[6] **Qur'an references (L3029):** Qur'an 7:157 (Al-A'raf).

الْبَوْلِ وَالنَّجْوِ. وَلَا فَرْقَ بَيْنَ مَنْ قَالَ: إِنَّمَا أَرَادَ - عَلَيْهِ السَّلَامُ - نَجْوَ النَّاسِ خَاصَّةً وَبَوْلَهُمْ وَبَيْنَ مَنْ قَالَ: بَلْ إِنَّمَا أَرَادَ - عَلَيْهِ السَّلَامُ - بَوْلَ كُلِّ إِنْسَانٍ عَلَيْهِ خَاصَّةً لَا بَوْلَ غَيْرِهِ مِنَ النَّاسِ، وَكَذَلِكَ فِي النَّجْوِ فَصَحَّ أَنَّ الْوَاجِبَ حَمْلُ ذَلِكَ عَلَى مَا تَحْتَ الِاسْمِ الْجَامِعِ لِلْجِنْسِ كُلِّهِ. فَإِنْ قِيلَ: إِنَّ هَذَا الْخَبَرَ الَّذِي فِيهِ الْعَذَابُ فِي الْبَوْلِ إِنَّمَا هُوَ مِنْ رِوَايَةِ الْأَعْمَشِ عَنْ مُجَاهِدٍ، وَقَدْ تَكَلَّمَ فِيهَا، وَأَيْضًا فَإِنَّهُ مَرَّةً رَوَاهُ عَنْ مُجَاهِدٍ عَنِ ابْنِ عَبَّاسٍ، وَمَرَّةً عَنْ مُجَاهِدٍ عَنْ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ، وَأَيْضًا فَإِنَّ ابْنَ رَاهْوَيْهِ وَمُحَمَّدَ بْنَ الْعَلَاءِ وَيَحْيَى وَأَبَا سَعِيدٍ الْأَشَجَّ رَوَوْهُ عَنْ وَكِيعٍ عَنِ الْأَعْمَشِ فَقَالُوا فِيهِ «كَانَ لَا يَسْتَتِرُ مِنْ بَوْلِهِ» وَهَكَذَا رَوَاهُ عُثْمَانُ بْنُ أَبِي شَيْبَةَ عَنْ جَرِيرٍ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ.

(peace be upon him) addressed the people, but he employed the broader term encompassing the category of urine and private conversations. There is no difference between one who says: He (peace be upon him) specifically intended the people's private conversations and their urine, and one who says: Rather, he (peace be upon him) intended the urine of every individual specifically, not the urine of others among the people, and likewise regarding private conversations. Thus, it is established that the necessary approach is to interpret this according to what falls under the comprehensive term covering the entire category. If it is said: This report mentioning punishment for urine is only from the narration of Al-Aʿmash from Mujāhid, and it has been subject to criticism. Moreover, he sometimes narrated it from Mujāhid from Ibn ʿAbbās, and sometimes from Mujāhid from Ṭāwūs from Ibn ʿAbbās. Additionally, Ibn Rāhawayh, Muḥammad bin Al-ʿAlāʾ, Yaḥyā, and Abū Saʿīd Al-Ashajj narrated it from Wakīʿ from Al-Aʿmash, stating: "He did not cover himself while urinating." Similarly, ʿUthmān bin Abī Shaybah narrated it from Jarīr from Manṣūr from Mujāhid.

قَالَ أَبُو مُحَمَّد: هَذَا كُلُّهُ لَا شَيْءَ. أَمَّا رِوَايَةُ الْأَعْمَشِ عَنْ مُجَاهِدٍ فَإِنَّ الْإِمَامَيْنِ شُعْبَةَ وَوَكِيعًا ذَكَرَا فِي هَذَا الْحَدِيثِ سَمَاعَ الْأَعْمَشِ لَهُ مِنْ مُجَاهِدٍ فَسَقَطَ هَذَا الِاعْتِرَاضُ، وَأَيْضًا فَقَدْ رُوِّينَاهُ آنِفًا مِنْ غَيْرِ طَرِيقِ الْأَعْمَشِ لَكِنْ مِنْ طَرِيقِ مَنْصُورٍ عَنْ مُجَاهِدٍ عَنِ ابْنِ عَبَّاسٍ، فَسَقَطَ التَّعَلُّلُ جُمْلَةً. وَأَمَّا رِوَايَةُ هَذَا الْخَبَرِ مَرَّةً عَنْ مُجَاهِدٍ عَنِ ابْنِ عَبَّاسٍ وَمَرَّةً عَنْ مُجَاهِدٍ عَنْ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ فَهَذَا قُوَّةٌ لِلْحَدِيثِ، وَلَا يَتَعَلَّلُ بِهَذَا إِلَّا جَاهِلٌ مُكَابِرٌ لِلْحَقَائِقِ، لِأَنَّ كِلَيْهِمَا إِمَامٌ، وَكِلَاهُمَا صَحِبَ ابْنَ عَبَّاسٍ الصُّحْبَةَ الطَّوِيلَةَ، فَسَمِعَهُ مُجَاهِدٌ مِنِ ابْنِ عَبَّاسٍ.

Abu Muhammad said: All of this is baseless. As for the narration of al-Aʿmash from Mujāhid, the two eminent scholars Shuʿbah and Wakīʿ mentioned in this ḥadīth that al-Aʿmash heard it from Mujāhid. Thus, this [claim] is dismissed. The objection. Moreover, we have already narrated it earlier through a chain not involving Al-Aʿmash, but through Mansur's chain from Mujahid from Ibn Abbas, causing the pretext to collapse entirely. As for the narration of this report once through Mujahid from Ibn Abbas and another time through Mujahid from Tawus from Ibn Abbas, this strengthens the hadith. None would cling to objections here except an obstinate ignoramus denying facts, for both were imams who accompanied Ibn Abbas extensively. Thus, Mujahid heard it from Ibn Abbas.

L3031–3033

وَسَمِعَهُ أَيْضًا مِنْ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ فَرَوَاهُ كَذَلِكَ، وَإِلَّا فَأَيُّ شَيْءٍ فِي هَذَا مِمَّا يَقْدَحُ فِي الرِّوَايَةِ؟ وَوَدِدْنَا أَنْ تُبَيِّنُوا لَنَا ذَلِكَ وَلَا سَبِيلَ إِلَيْهِ إِلَّا بِدَعْوَى فَاسِدَةٍ لَهِجَ

He also heard it from Tāwūs via Ibn 'Abbās and narrated it in the same wording. Were it otherwise, what element in this could possibly impugn the narration? We would love for you to elucidate this for us, but there is no avenue to that except through a baseless assertion obsessively adhered to by

L3034

a faction among the traditionists - they being manifestly erroneous in the very essence of error, while those who imitate them are in a worse condition than them. As for the narration of those who reported “from his urine,” they were contradicted by narrators of superior standing. Hannād ibn al-Sarī, Zuhayr ibn Harb, Muḥammad ibn al-Muthannā, and Muḥammad ibn Bashshār - all narrated from Wakī’ using “from the urine.” Ibn ’Awn and Ibn Jarīr narrated it from his father via Manṣūr via Mujāhid, both stating: “from the urine.” Shu’bah and ’Ubaydah ibn Ḥumayd, both narrating from Manṣūr via Mujāhid, said: “from the urine.” Shu’bah, Abū Mu’āwiyah al-Ḍarīr, and ’Abd al-Wāḥid ibn Ziyād - all narrated from al-A’mash using “from the urine.” Thus both transmissions are valid, though the narration of these scholars supersedes others’ through the addition of an upright narrator - an addition that must necessarily be accepted. Thus all their pretexts are invalidated, and the categorical obligation to avoid all urine and excrement stands established. This position was upheld by numerous predecessors, as Ḥammām narrated to us: ’Abbās ibn Aṣbagh narrated to us: Muḥammad ibn ’Abd al-Malik ibn Ayman narrated to us: Aḥmad ibn Muḥammad al-Birtī the judge narrated to us: Abū Ma’mar narrated to us: ’Abd al-Wārith ibn Sa’īd narrated to us: ’Umārah ibn Abī Ḥafṣah reported to me: Abū Mijlaz said: “I asked Ibn ’Umar about my she-camel’s urine.” He replied: “Wash whatever part of you it touches.”

بِهَا قَوْمٌ مِنْ أَصْحَابِ الْحَدِيثِ، وَهُمْ فِيهَا مُخْطِئُونَ عَيْنَ الْخَطَأِ، وَمَنْ قَلَّدَهُمْ أَسْوَأُ حَالًا مِنْهُمْ. وَأَمَّا رِوَايَةُ مَنْ رَوَى " مِنْ بَوْلِهِ " فَقَدْ عَارَضَهُمْ مَنْ هُوَ فَوْقَهُمْ، فَرَوَى هَنَّادُ بْنُ السَّرِيِّ وَزُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى وَمُحَمَّدُ بْنُ بَشَّارٍ كُلُّهُمْ عَنْ وَكِيعٍ فَقَالُوا " مِنْ الْبَوْلِ " وَرَوَاهُ ابْنُ عَوْنٍ وَابْنُ جَرِيرٍ عَنْ أَبِيهِ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ فَقَالَا: " مِنْ الْبَوْلِ " وَرَوَاهُ شُعْبَةُ وَعُبَيْدَةُ بْنُ حُمَيْدٍ، كِلَاهُمَا عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ فَقَالَا: " مِنْ الْبَوْلِ " وَرَوَاهُ شُعْبَةُ وَأَبُو مُعَاوِيَةَ الضَّرِيرُ وَعَبْدُ الْوَاحِدِ بْنُ زِيَادٍ كُلُّهُمْ عَنْ الْأَعْمَشِ فَقَالُوا " مِنْ الْبَوْلِ " فَكِلَا الرِّوَايَتَيْنِ حَقٌّ، وَرِوَايَةُ هَؤُلَاءِ تَزِيدُ عَلَى رِوَايَةِ الْآخَرِينَ وَزِيَادَةُ الْعَدْلِ وَاجِبٌ قَبُولُهَا، فَسَقَطَ كُلُّ مَا تَعَلَّلُوا بِهِ، وَصَحَّ فَرْضًا وُجُوبُ اجْتِنَابِ كُلِّ بَوْلٍ وَنَجْوٍ. وَمِمَّنْ قَالَ بِهَذَا جُمْلَةٌ مِنْ السَّلَفِ، كَمَا حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ مُحَمَّدٍ الْبِرْتِيُّ الْقَاضِي ثنا أَبُو مَعْمَرٍ ثنا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ ثنا عُمَارَةُ بْنُ أَبِي حَفْصَةَ حَدَّثَنِي أَبُو مِجْلَزٍ قَالَ: - سَأَلْت ابْنَ عُمَرَ عَنْ بَوْلِ نَاقَتِي قَالَ اغْسِلْ مَا أَصَابَك مِنْهُ.

L3035 From Ahmad ibn Hanbal, from al-Muʿtamir ibn Sulaymān al-Taymī, from Salm ibn Abī al-Dhayyāl, from Ṣāliḥ al-Dahhān, from Jābir ibn Zayd, who said: “All urine is impure.” From Ḥammād ibn Salamah, from Yūnus ibn ʿUbayd, from al-Ḥasan, who said: “All urine must be washed.” From Qatādah, from Saʿīd ibn al-Musayyab, who said: “Sprinkling with sprinkling and pouring with pouring from all urine.” From Maʿmar, from al-Zuhrī regarding what befalls the herder from camel urine: “It should be sprinkled.” From Sufyān ibn ʿUyaynah, from Abū Mūsā Isrāʾīl, who said: “I was with Muḥammad ibn Sīrīn when bat urine fell on him. He sprinkled it and said: ’I did not consider sprinkling valid until it reached me from seven companions of the Messenger of Allah—peace and blessings be upon him.’” From Wakīʿ, from Shuʿbah, who said: “I asked Ḥammād ibn Abī Sulaymān about sheep urine.

وَعَنْ أَحْمَدَ بْنِ حَنْبَلٍ عَنْ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ عَنْ سَلْمِ بْنِ أَبِي الذَّيَّالِ عَنْ صَالِحٍ الدَّهَّانِ عَنْ جَابِرِ بْنِ زَيْدٍ قَالَ: الْأَبْوَالُ كُلُّهَا أَنْجَاسٌ. وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ الْحَسَنِ قَالَ " الْبَوْلُ كُلُّهُ يُغْسَلُ " وَعَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ " الرَّشُّ بِالرَّشِّ وَالصَّبُّ بِالصَّبِّ مِنْ الْأَبْوَالِ كُلِّهَا " وَعَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ فِيمَا يُصِيبُ الرَّاعِي مِنْ أَبْوَالِ الْإِبِلِ قَالَ " يُنْضَحُ " وَعَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ أَبِي مُوسَى إسْرَائِيلَ قَالَ " كُنْت مَعَ مُحَمَّدِ بْنِ سِيرِينَ فَسَقَطَ عَلَيْهِ بَوْلُ خُفَّاشٍ فَنَضَحَهُ، وَقَالَ مَا

He replied: 'Wash it.'" From Ḥammād ibn Abī Sulaymān also, regarding camel urine: the same ruling applies.

كُنْت أَرَى النَّضْحَ شَيْئًا حَتَّى بَلَغَنِي عَنْ سَبْعَةٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَعَنْ وَكِيعٍ عَنْ شُعْبَةَ قَالَ " سَأَلْت حَمَّادَ بْنَ أَبِي سُلَيْمَانَ عَنْ بَوْلِ الشَّاةِ، فَقَالَ اغْسِلْهُ. وَعَنْ حَمَّادٍ أَيْضًا فِي بَوْلِ الْبَعِيرِ مِثْلُ ذَلِكَ.

L3036–3037 Abu Muhammad said: "As for the statement of Zufar, it has no connection to any of these reports due to what we will mention in invalidating the opinion of Malik, if Allah the Exalted wills—however, those who follow his opinion base their stance on a hadith narrated by Isa ibn Musa ibn Abi Harb al-Saffar from Yahya ibn Bukayr from Sawwar ibn Mus'ab from Mutarrif from Abu al-Jahm from al-Bara' ibn Azib from the Messenger of Allah (peace and blessings be upon him), who said: 'There is no harm in the urine of that which is eaten its meat.'"

قَالَ أَبُو مُحَمَّدٍ " وَأَمَّا قَوْلُ زُفَرَ فَلَا مُتَعَلَّقَ لَهُ بِشَيْءٍ مِنْ هَذِهِ الْأَخْبَارِ، لِمَا نَذْكُرُهُ فِي إفْسَادِ قَوْلِ مَالِكٍ إنْ شَاءَ اللَّهُ تَعَالَى - لَكِنَّ تَعَلُّقَ مَنْ ذَهَبَ مَذْهَبَهُ بِحَدِيثٍ رَوَاهُ عِيسَى بْنُ مُوسَى بْنِ أَبِي حَرْبٍ الصَّفَّارُ عَنْ يَحْيَى بْنِ بُكَيْرٍ عَنْ سَوَّارِ بْنِ مُصْعَبٍ عَنْ مُطَرِّفٍ عَنْ أَبِي الْجَهْمِ عَنْ الْبَرَاءِ بْنِ عَازِبٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَا أُكِلَ لَحْمُهُ فَلَا بَأْسَ بِبَوْلِهِ» .

L3038 Ali said: This is a false and fabricated report, for Sawwār ibn Muṣʿab is unanimously rejected by all transmitters of tradition. There is consensus to abandon narrations from him, as he reports fabricated matters. If this is dismissed, then Zufar analogized some urines to others but did not extend analogy to camel dung in relation to urine. This is precisely why his companions criticized our distinction between the ruling of one urinating in stagnant water and one defecating in it. However, we articulated this position in adherence to the Messenger of Allah - peace and blessings be upon him - while Zufar spoke through his corrupt reasoning. As for Mālik's opinion, it is manifestly erroneous, for his evidence addresses only camel urine and inferred rulings regarding sheep urine and their dung exclusively. Yet he extended the ruling of purity to cow urine, cow excrement, camel dung, and the excrement and urine of every animal whose flesh is eaten.

قَالَ عَلِيٌّ: هَذَا خَبَرٌ بَاطِلٌ مَوْضُوعٌ، لِأَنَّ سَوَّارَ بْنَ مُصْعَبٍ مَتْرُوكٌ عِنْدَ جَمِيعِ أَهْلِ النَّقْلِ، مُتَّفَقٌ عَلَى تَرْكِ الرِّوَايَةِ عَنْهُ، يَرْوِي الْمَوْضُوعَاتِ. فَإِذَا سَقَطَ هَذَا فَإِنَّ زُفَرَ قَاسَ بَعْضَ الْأَبْوَالِ عَلَى بَعْضٍ، وَلَمْ يَقِسْ النَّجْوَ عَلَى الْبَوْلِ، وَهَذَا هُوَ الَّذِي أَنْكَرَهُ أَصْحَابُهُ عَلَيْنَا فِي تَفْرِيقِنَا بَيْنَ حُكْمِ الْبَائِلِ فِي الْمَاءِ الرَّاكِدِ وَبَيْنَ الْمُتَغَوِّطِ فِيهِ، إلَّا أَنَّا نَحْنُ قُلْنَاهُ اتِّبَاعًا لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَالَ زُفَرُ بِرَأْيِهِ الْفَاسِدِ. وَأَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ الْخَطَإِ، لِأَنَّهُ لَيْسَ فِيمَا احْتَجَّ بِهِ إلَّا أَبْوَالُ الْإِبِلِ فَقَطْ، وَاسْتِدْلَالٌ عَلَى بَوْلِ الْغَنَمِ وَبَعْرِهَا فَقَطْ، فَأَدْخَلَ هُوَ فِي حُكْمِ الطَّهَارَةِ أَبْوَالَ الْبَقَرِ وَأَخْثَاءَهَا وَأَبْعَارَ الْإِبِلِ وَبَعْرَ كُلِّ مَا يُؤْكَلُ لَحْمُهُ وَبَوْلُهُ.

L3039–3041 If they say, "We did that by analogy, comparing what is eaten to what is not eaten," we respond: Then why did you not analogize all four-legged creatures to camels and sheep, since they being four-legged and four-legged? Or all animals, since they being animal and animal? Or why did you not

فَإِنْ قَالُوا فَعَلْنَا ذَلِكَ قِيَاسًا لِمَا يُؤْكَلُ لَحْمُهُ عَلَى مَا لَا يُؤْكَلُ لَحْمُهُ، قُلْنَا لَهُمْ فَهَلَّا قِسْتُمْ عَلَى الْإِبِلِ وَالْغَنَمِ كُلَّ ذِي أَرْبَعٍ، لِأَنَّهَا ذَوَاتُ أَرْبَعٍ وَذَوَاتُ أَرْبَعٍ؟ أَوْ كُلَّ حَيَوَانٍ،

analogize everything beyond the camels and sheep mentioned in the report to human urine and excrement - both being prohibited? This constitutes a more general legal cause than yours, if you claim to follow generality in legal causes. If you resort here to specificity in legal causes, we counter: Then why did you not analogize the unspecified livestock to camels and sheep - such as cows valid solely as sacrificial offerings (as camels and sheep are), cows subject to zakat (as with camels and sheep), or cows specifically lawful for pilgrims to slaughter (like camels and sheep) - rather than analogizing to camels, sheep, game, and birds? This would be more specific than your legal cause, thus decisively exposing the corruption of their entire analogy.

If they argue, "We analogized the urine and excrement of all eaten animals to their milk," we reply: Then why did you not analogize their urine to their blood, thereby deeming all such impure? Moreover, males among them and birds yield no milk - their urine and excrement cannot be analogized to it. Furthermore, the Quran, Sunnah, and indubitable consensus explicitly invalidate this legal cause and nullify your analogy, as it is established that women's urine and excrement are not analogized to their milk regarding purity and permissibility. There is no escape from this conclusion. None of it whatsoever. Why did they not analogize every two-legged bird's excrement to human excrement, for he is two-legged? All these analogies are like your analogy or even clearer than yours. This is the view of one who sincerely seeks to invalidate analogy entirely, and it is confirmed that the opinion of Abū Ḥanīfa, Mālik, and the companions of Abū Ḥanīfa on this matter is undoubtedly void, for they followed none of the textual proofs, regulated none of the analogies, and adhered to no opinion of any predecessors—especially Mālik's distinction between the urine of that which drank impure water, which he deemed impure, and the urine of that which drank pure water, which he deemed pure, while he regards chicken meat as lawful and wholesome. This, while he considers it generated from dead animals and filth—a contradiction that is unmistakable. And success is from Allah, the Exalted.

لِأَنَّهُ حَيَوَانٌ وَحَيَوَانٌ؟ أَوْ هَلَّا قِسْتُمْ كُلَّ مَا عَدَا الْإِبِلَ وَالْغَنَمَ الْمَذْكُورَيْنِ فِي الْخَبَرِ عَلَى بَوْلِ الْإِنْسَانِ وَنَجْوِهِ الْمُحَرَّمَيْنِ؟ فَهَذِهِ عِلَّةٌ أَعَمُّ مِنْ عِلَّتِكُمْ إِنْ كُنْتُمْ تَقُولُونَ بِالْأَعَمِّ فِي الْعِلَلِ، فَإِنْ لَجَأْتُمْ هَهُنَا إِلَى الْقَوْلِ بِالْأَخَصِّ فِي الْعِلَلِ قُلْنَا لَكُمْ، فَهَلَّا قِسْتُمْ مِنَ الْأَنْعَامِ الْمَسْكُوتِ عَنْهَا عَلَى الْإِبِلِ وَالْغَنَمِ، وَهِيَ مَا تَكُونُ أُضْحِيَّةً مِنَ الْبَقَرِ فَقَطْ، كَمَا الْإِبِلُ وَالْغَنَمُ تَكُونُ أُضْحِيَّةً، أَوْ مَا يَكُونُ فِيهِ الزَّكَاةُ مِنَ الْبَقَرِ فَقَطْ، كَمَا يَكُونُ فِي الْإِبِلِ وَالْغَنَمِ، أَوْ مَا يَجُوزُ ذَبْحُهُ لِلْمُحْرِمِ مِنَ الْبَقَرِ خَاصَّةً، كَمَا يَجُوزُ ذَلِكَ فِي الْإِبِلِ وَالْغَنَمِ، دُونَ أَنْ تَقِيسُوا عَلَى الْإِبِلِ وَالْغَنَمِ وَالصَّيْدِ وَالطَّيْرِ فَهَذَا أَخَصُّ مِنْ عِلَّتِكُمْ، فَظَهَرَ فَسَادُ قِيَاسِهِمْ جُمْلَةً يَقِينًا. فَإِنْ قَالُوا: قِسْنَا أَبْوَالَ كُلِّ مَا يُؤْكَلُ لَحْمُهُ وَأَنْجَاءَهَا عَلَى أَلْبَانِهَا. قُلْنَا لَهُمْ: فَهَلَّا قِسْتُمْ أَبْوَالَهَا عَلَى دِمَائِهَا فَأَوْجَبْتُمْ نَجَاسَةَ كُلِّ ذَلِكَ؟ وَأَيْضًا فَلَيْسَ لِلذُّكُورِ مِنْهَا وَلَا لِلطَّيْرِ أَلْبَانٌ فَتُقَاسُ أَبْوَالُهَا وَأَنْجَاؤُهَا عَلَيْهَا. وَأَيْضًا فَقَدْ جَاءَ الْقُرْآنُ وَالسُّنَّةُ وَالْإِجْمَاعُ الْمُتَيَقَّنُ بِإِفْسَادِ عِلَّتِكُمْ هَذِهِ وَإِبْطَالِ قِيَاسِكُمْ هَذَا، لِصِحَّةِ كُلِّ ذَلِكَ بِأَنْ لَا تُقَاسَ أَبْوَالُ النِّسَاءِ وَنَجْوُهُنَّ عَلَى أَلْبَانِهِنَّ فِي الطَّهَارَةِ وَالِاسْتِحْلَالِ. وَهَذَا لَا مَخْلَصَ مِنْهُ أَلْبَتَّةَ. وَهَلَّا قَاسُوا كُلَّ ذِي رِجْلَيْنِ مِنَ الطَّيْرِ فِي نَجْوِهِ عَلَى نَجْوِ الْإِنْسَانِ فَهُوَ ذُو رِجْلَيْنِ؟ فَكُلُّ هَذِهِ قِيَاسَاتٌ كَقِيَاسِكُمْ أَوْ أَظْهَرُ، وَهَذَا يَرَى مَنْ نَصَحَ نَفْسَهُ إِبْطَالَ الْقِيَاسِ جُمْلَةً، وَصَحَّ أَنَّ قَوْلَ أَبِي حَنِيفَةَ وَمَالِكٍ وَأَصْحَابِ أَبِي حَنِيفَةَ فِي هَذِهِ الْمَسْأَلَةِ بَاطِلٌ بِيَقِينٍ، لِأَنَّهُمْ لَا شَيْئًا مِنَ النُّصُوصِ اتَّبَعُوا وَلَا شَيْئًا مِنَ الْقِيَاسِ ضَبَطُوا، وَلَا بِقَوْلِ أَحَدٍ مِنَ الْمُتَقَدِّمِينَ تَعَلَّقُوا، لَا سِيَّمَا تَفْرِيقُ مَالِكٍ بَيْنَ بَوْلِ مَا شَرِبَ مَاءً نَجِسًا فَقَالَ بِنَجَاسَةِ بَوْلِهِ، وَبَيْنَ بَوْلِ مَا شَرِبَ مَاءً طَاهِرًا فَقَالَ بِطَهَارَةِ بَوْلِهِ، وَهُوَ يَرَى لَحْمَ الدَّجَاجِ حَلَالًا طَيِّبًا، هَذَا وَهُوَ يَرَاهُ مُتَوَلِّدًا عَنِ الْمَيْتَاتِ وَالْعَذِرَةِ، وَهَذَا تَنَاقُضٌ لَا خَفَاءَ بِهِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ

Issue: The ruling concerning wool, undercoat, horns, and teeth taken from a living animal.

[مَسْأَلَةٌ حُكْمُ الصُّوفُ وَالْوَبَرُ وَالْقَرْنُ وَالسِّنُّ يُؤْخَذُ مِنْ حَيٍّ]

Issue 138: Wool, fur, horns, and teeth taken from a living being are ritually pure, but eating them is not permissible.

١٣٨ - مَسْأَلَةٌ: وَالصُّوفُ وَالْوَبَرُ وَالْقَرْنُ وَالسِّنُّ يُؤْخَذُ مِنْ حَيٍّ فَهُوَ طَاهِرٌ وَلَا يَحِلُّ أَكْلُهُ.

The proof of this is that a living being is pure, and a part of the pure is pure; yet it is impermissible to eat the living being, and a part of what is impermissible to eat is impermissible.

بُرْهَانُ ذَلِكَ أَنَّ الْحَيَّ طَاهِرٌ وَبَعْضُ الطَّاهِرِ طَاهِرٌ، وَالْحَيُّ لَا يَحِلُّ أَكْلُهُ، وَبَعْضُ مَا لَا يَحِلُّ أَكْلُهُ لَا يَحِلُّ أَكْلُهُ.

Issue 139: All such substances from a disbeliever are impure, while from a believer they are pure. The pus of a Muslim, their vomit, a strand of white hair, any body part severed from them - whether alive or dead - and the milk of a believing woman: all of these are pure. All such substances from male and female disbelievers are impure.

١٣٩ - مَسْأَلَةٌ: وَكُلُّ ذَلِكَ مِنْ الْكَافِرِ نَجِسٌ وَمِنْ الْمُؤْمِنِ طَاهِرٌ، وَالْقَيْحُ مِنْ الْمُسْلِمِ وَالْقَلْسُ وَالْقَصَّةُ الْبَيْضَاءُ وَكُلُّ مَا قُطِعَ مِنْهُ حَيًّا أَوْ مَيِّتًا وَلَبَنُ الْمُؤْمِنَةِ، كُلُّ ذَلِكَ طَاهِرٌ، وَكُلُّ ذَلِكَ مِنْ الْكَافِرِ وَالْكَافِرَةِ نَجِسٌ.

The proof of that is what we have mentioned from the statement of Allah, the Almighty: {Indeed, the polytheists are impure} [At-Tawbah: 28] and the statement of the Messenger of Allah (peace and blessings of Allah be upon him): “The believer does not become impure”—and we have previously cited this with its chain of transmission. Some impure substances are impure, and some pure substances are pure, because the whole is nothing but its parts. And all divine facilitation comes from Allah, the Most High.[7]

بُرْهَانُ ذَلِكَ مَا قَدْ ذَكَرْنَا مِنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: {إِنَّمَا الْمُشْرِكُونَ نَجَسٌ} [التوبة: ٢٨] وَقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الْمُؤْمِنُ لَا يَنْجُسُ» وَقَدْ ذَكَرْنَاهُ بِإِسْنَادِهِ قَبْلُ، وَبَعْضُ النَّجَسِ نَجَسٌ، وَبَعْضُ الطُّهْرِ طَاهِرٌ، لِأَنَّ الْكُلَّ لَيْسَ هُوَ شَيْئًا غَيْرَ أَبْعَاضِهِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Issue: Ruling on the Milks of al-Jallalah.

[مَسْأَلَةٌ حُكْمُ أَلْبَانُ الْجَلَّالَةِ]

Issue 140: The milk of jallālah animals is unlawful. These are camels that consume jullah—meaning human feces—and likewise cows and sheep. If they are prevented from eating it until the designation of jallālah ceases to apply to them, then their milk becomes lawful and pure.

١٤٠ - مَسْأَلَةٌ: وَأَلْبَانُ الْجَلَّالَةِ حَرَامٌ، وَهِيَ الْإِبِلُ الَّتِي تَأْكُلُ الْجُلَّةَ - وَهِيَ الْعَذِرَةُ - وَالْبَقَرُ وَالْغَنَمُ كَذَلِكَ، فَإِنْ مُنِعَتْ مِنْ أَكْلِهَا حَتَّى سَقَطَ عَنْهَا اسْمُ جَلَّالَةٍ، فَأَلْبَانُهَا حَلَالٌ طَاهِرَةٌ.

Abdullah ibn Rabīʿ narrated to us: ʿUmar ibn ʿAbd al-Malik al-Khawlānī narrated to us; Muḥammad ibn Bakr narrated to us; Abū Dāwūd narrated

[7] **Qur’an references (L3046):** Qur’an 9:28 (At-Tawbah).

to us; Muḥammad ibn al-Muthannā and ʿUthmān ibn Abī Shaybah [conveyed]. Ibn al-Muthannā said: Abū ʿĀmir al-ʿAqadī narrated to us: Hishām al-Dastawā'ī narrated to us from Qatādah from ʿIkrimah from Ibn ʿAbbās that the Messenger of Allah (peace be upon him) prohibited the milk of... Regarding the jallālah,' 'Uthmān ibn Abī Shaybah said: Abdah narrated to us from Muḥammad ibn Isḥāq from Ibn Abī Najīḥ from Mujāhid from Ibn 'Umar, who said: "The Messenger of Allāh—peace and blessings of Allah be upon him—prohibited consuming the jallālah and its milk."[8]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ الْخَوْلَانِيُّ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ الْمُثَنَّى وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ، قَالَ ابْنُ الْمُثَنَّى ثنا أَبُو عَامِرٍ الْعَقَدِيُّ ثنا هِشَامٌ الدَّسْتُوَائِيُّ عَنْ قَتَادَةَ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ لَبَنِ الْجَلَّالَةِ» وَقَالَ عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنِ ابْنِ أَبِي نَجِيحٍ عَنْ مُجَاهِدٍ عَنِ ابْنِ عُمَرَ قَالَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ أَكْلِ الْجَلَّالَةِ وَأَلْبَانِهَا» .

Issue: Ablution with Used Water

[مَسْأَلَةُ الْوُضُوءُ بِالْمَاءِ الْمُسْتَعْمَلِ]

141 - Issue: Performing ablution (wudu) with used water is permissible, and so is using it for the ritual bath (ghusl) for janabah, whether other water is found or not. This refers to the very same water used for ablution - whether for an obligatory or voluntary act - or the very same water used for bathing for janabah or other than it. It applies equally whether the one performing ablution with it is male or female.

١٤١ - مَسْأَلَةٌ: وَالْوُضُوءُ بِالْمَاءِ الْمُسْتَعْمَلِ جَائِزٌ، وَكَذَلِكَ الْغُسْلُ بِهِ لِلْجَنَابَةِ، وَسَوَاءٌ وُجِدَ مَاءٌ آخَرُ غَيْرُهُ أَوْ لَمْ يُوجَدْ، وَهُوَ الْمَاءُ الَّذِي تَوَضَّأَ بِهِ بِعَيْنِهِ لِفَرِيضَةٍ أَوْ نَافِلَةٍ أَوْ اغْتَسَلَ بِهِ بِعَيْنِهِ لِجَنَابَةٍ أَوْ غَيْرِهَا، وَسَوَاءٌ كَانَ الْمُتَوَضِّئُ بِهِ رَجُلًا أَوْ امْرَأَةً.

The proof of this is the statement of Allah, the Exalted: {If you are sick or on a journey, or one of you has answered the call of nature, or you have had contact with women, and you find no water, then perform tayammum} [An-Nisa: 43]. Thus, He, the Exalted, encompassed all water without specifying exceptions. Therefore, it is impermissible for anyone to abandon water in their ablution or obligatory bath when it is available, unless prohibited by an established text or a definitively established consensus whose authenticity is certain. The Messenger of Allah (peace be upon him) said: "The entire earth has been made a place of prostration for us, and its soil has been made a purifier for us if we do not find water." Here, he (peace be upon him) also applied the ruling universally without specifying exceptions. Hence, it

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى {وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا} [النساء: ٤٣] فَعَمَّ تَعَالَى كُلَّ مَاءٍ وَلَمْ يَخُصَّهُ، فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَتْرُكَ الْمَاءَ فِي وُضُوئِهِ وَغُسْلِهِ الْوَاجِبِ وَهُوَ يَجِدُهُ إِلَّا مَا مَنَعَهُ مِنْهُ نَصٌّ ثَابِتٌ أَوْ إِجْمَاعٌ مُتَيَقَّنٌ مَقْطُوعٌ بِصِحَّتِهِ. وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «وَجُعِلَتْ لَنَا الْأَرْضُ كُلُّهَا مَسْجِدًا وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إِذَا لَمْ نَجِدِ الْمَاءَ» فَعَمَّ أَيْضًا - عَلَيْهِ السَّلَامُ - وَلَمْ يَخُصَّ، فَلَا يَحِلُّ تَخْصِيصُ مَاءٍ بِالْمَنْعِ لَمْ يَخُصَّهُ نَصٌّ آخَرُ أَوْ إِجْمَاعٌ مُتَيَقَّنٌ.

[8] **Hadith references (L3049):** Sunan Abi Dawud 3785; Jami at-Tirmidhi 1824; Mishkat al-Masabih 4126.

is unlawful to restrict any water from being used unless another established text or a definitively established consensus specifies it.[9][10]

L3055 Abdullah ibn Rabīʿ narrated to us, Ibn al-Sulaym narrated to us, Ibn al-Aʿrābī narrated to us, Abū Dāwūd narrated to us, Musaddad narrated to us, ʿAbdullāh ibn Dāwūd—who is al-Khuraibī—narrated from Sufyān al-Thawrī, from ʿAbdullāh ibn Muḥammad ibn ʿAqīl, from al-Rubayyiʿ bint Muʿawwidh, who said: "The Messenger of Allah (peace and blessings be upon him) wiped his head with the excess water that was in his hand."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُسَدَّدٌ ثنا عَبْدُ اللَّهِ بْنُ دَاوُد وَهُوَ الْخُرَيْبِيُّ - عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ عَنْ الرُّبَيِّعِ بِنْتِ مُعَوِّذٍ قَالَتْ «إنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَسَحَ بِرَأْسِهِ مِنْ فَضْلِ مَاءٍ كَانَ بِيَدِهِ» .

L3056 As for consensus, no two scholars among Muslims disagree that every person performing ablution takes water and washes his arms with it from the fingertips to the elbows—and similarly every limb in ablution and the major ritual bath. By necessary reasoning and sensory perception, every observer knows this water has been used such that the hand has been purified through ablution, then the first part of the arm is washed with it, followed by its end. This is undeniably used water. He returns his hand—still dripping with the water that purified the limb—to the vessel, then takes new water for the next limb. By necessity, anyone with sound perception knows the second limb is purified only by new water mixed with other used water from purifying another limb, and this is an inescapable reality.

وَأَمَّا مِنْ الْإِجْمَاعِ فَلَا يَخْتَلِفُ اثْنَانِ مِنْ أَهْلِ الْإِسْلَامِ فِي أَنَّ كُلَّ مُتَوَضِّئٍ فَإِنَّهُ يَأْخُذُ الْمَاءَ فَيَغْسِلُ بِهِ ذِرَاعَيْهِ مِنْ أَطْرَافِ أَصَابِعِهِ إلَى مِرْفَقِهِ، وَهَكَذَا كُلُّ عُضْوٍ فِي الْوُضُوءِ وَفِي غُسْلِ الْجَنَابَةِ، وَبِالضَّرُورَةِ وَالْحِسِّ يَدْرِي كُلُّ مُشَاهِدٍ لِذَلِكَ أَنَّ ذَلِكَ الْمَاءَ قَدْ وُضِّئَتْ بِهِ الْكَفُّ وَغُسِلَتْ، ثُمَّ غُسِلَ بِهِ أَوَّلُ الذِّرَاعِ ثُمَّ آخِرُهُ، وَهَذَا مَاءٌ مُسْتَعْمَلٌ بِيَقِينٍ، ثُمَّ إنَّهُ يَرُدُّ يَدَهُ إلَى الْإِنَاءِ وَهِيَ تَقْطُرُ مِنْ الْمَاءِ الَّذِي طَهَّرَ بِهِ الْعُضْوَ، فَيَأْخُذُ مَاءً آخَرَ لِلْعُضْوِ الْآخَرِ، فَبِالضَّرُورَةِ يَدْرِي كُلُّ ذِي حِسٍّ سَلِيمٍ أَنَّهُ لَمْ يُطَهِّرْ الْعُضْوَ الثَّانِي إلَّا بِمَاءٍ جَدِيدٍ قَدْ مَازَجَهُ مَاءٌ آخَرُ مُسْتَعْمَلٌ فِي تَطْهِيرِ عُضْوٍ آخَرَ وَهَذَا مَا لَا مَخْلَصَ مِنْهُ.

L3057 And this is the opinion of al-Ḥasan al-Baṣrī, Ibrāhīm an-Nakhaʿī, and ʿAṭāʾ ibn Abī Rabāḥ, and it is also the opinion of Sufyān ath-Thawrī, Abū Thawr, Dāwūd, and all our companions.

وَهُوَ قَوْلُ الْحَسَنِ الْبَصْرِيِّ وَإِبْرَاهِيمَ النَّخَعِيِّ وَعَطَاءِ بْنِ أَبِي رَبَاحٍ، وَهُوَ أَيْضًا قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَبِي ثَوْرٍ وَدَاوُد وَجَمِيعِ أَصْحَابِنَا.

L3058–3059 Malik said: He must perform *wudu* with that water if he cannot find other water, and he must not perform *tayammum*.

وَقَالَ مَالِكٌ: يَتَوَضَّأُ بِهِ إنْ لَمْ يَجِدْ غَيْرَهُ وَلَا يَتَيَمَّمُ.

L3060 Abu Hanifa said: It is not permissible to perform ghusl or wudu with water

[9] **Hadith references (L3054):** Sahih Muslim 522a; Mishkat al-Masabih 526.
[10] **Qur'an references (L3054):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

used for wudu or ghusl, and drinking it is reprehensible. It is narrated from him that such water is pure, but the preponderant opinion from him is that it is impure, and this is what was explicitly narrated from him. It is also narrated from him that a garment does not become impure if touched by used water unless the water is excessively copious.

L3061 Abu Yusuf said: If the affected area of impurity on the garment measures a span by a span, it has rendered it impure, but if it is less, it does not render it impure. Abu Hanifah and Abu Yusuf stated: If a ritually pure man - whether he had performed ablution for prayer or not - performs ablution in a well, all its water becomes ritually impure and must be entirely drained. That ablution does not suffice him if he did not require ablution. If he bathes in it for purification, he has rendered all of it impure. Similarly, even if a ritually pure person (not in major impurity) were to bathe in seven wells, he would render all of them impure.

L3062 Abū Yūsuf said: It would render all of it impure even if there were twenty wells. Abū Yūsuf and Muḥammad ibn al-Ḥasan both stated: That ritual bath would not be valid for him. If he purifies his hand or foot in it, all of it becomes impure. If there were medical bandages on his forearms or toes and he dipped them in the well intending to wipe over the bandages, it would not be valid for him, and all its water would become impure. If there were medical bandages on the fingers of his hand and he dipped them in the well intending to wipe over them, it would suffice him and its water would not become impure - the hand being treated unlike the rest of the limbs. If he immersed [a limb] in it without intending ritual bath or ablution and did not rub himself in it, he would not render the water impure until he intended ritual bath or ablution. Abū Yūsuf said: He would not attain purity through that immersion. Muḥammad ibn al-Ḥasan said: He would attain purity through it. Abū Yūsuf said: If he dipped his head intending to wipe over the bandage, he would not render the water impure. Only the intention to purify a limb requiring ritual bath renders it impure. He said: If he washed part of his hand intending ablution or ritual bath, he would not render the water impure until he washes the limb completely. If he dipped his head or leather sock intending to wipe over the bandage, it would suffice

وَقَالَ أَبُو حَنِيفَةَ: لَا يَجُوزُ الْغُسْلُ وَلَا الْوُضُوءُ بِمَاءٍ قَدْ تَوَضَّأَ بِهِ أَوْ اغْتَسَلَ بِهِ، وَيُكْرَهُ شُرْبُهُ، وَرُوِيَ عَنْهُ أَنَّهُ طَاهِرٌ، وَالْأَظْهَرُ عَنْهُ أَنَّهُ نَجِسٌ، وَهُوَ الَّذِي رُوِيَ عَنْهُ نَصًّا، وَأَنَّهُ لَا يَنْجَسُ الثَّوْبُ إِذَا أَصَابَهُ الْمَاءُ الْمُسْتَعْمَلُ إِلَّا أَنْ يَكُونَ كَثِيرًا فَاحِشًا.

وَقَالَ أَبُو يُوسُفَ: إِنْ كَانَ الَّذِي أَصَابَ الثَّوْبَ مِنْهُ شِبْرٌ فِي شِبْرٍ فَقَدْ نَجَّسَهُ، وَإِنْ كَانَ أَقَلَّ لَمْ يُنَجِّسْهُ. وَقَالَ أَبُو حَنِيفَةَ وَأَبُو يُوسُفَ إِنْ كَانَ رَجُلٌ طَاهِرٌ قَدْ تَوَضَّأَ لِلصَّلَاةِ أَوْ لَمْ يَتَوَضَّأْ لَهَا فَتَوَضَّأَ فِي بِئْرٍ فَقَدْ تَنَجَّسَ مَاؤُهَا كُلُّهُ وَتُنْزَحُ كُلُّهَا، وَلَا يَجْزِيه ذَلِكَ الْوُضُوءُ إِنْ كَانَ غَيْرَ مُتَوَضِّئٍ، فَإِنْ اغْتَسَلَ فِيهَا أَرْضًا أَنْجَسَهَا كُلَّهَا. وَكَذَلِكَ لَوْ اغْتَسَلَ وَهُوَ طَاهِرٌ غَيْرُ جُنُبٍ فِي سَبْعَةِ آبَارٍ نَجَّسَهَا كُلَّهَا.

وَقَالَ أَبُو يُوسُفَ: يُنَجِّسُهَا كُلَّهَا وَلَوْ أَنَّهَا عِشْرُونَ بِئْرًا، وَقَالَا جَمِيعًا: لَا يَجْزِيه ذَلِكَ الْغُسْلُ، فَإِنْ طَهَّرَ فِيهَا يَدَهُ أَوْ رِجْلَهُ فَقَدْ تَنَجَّسَتْ كُلُّهَا، فَإِنْ كَانَ عَلَى ذِرَاعَيْهِ جَبَائِرُ أَوْ عَلَى أَصَابِعِ رِجْلَيْهِ جَبَائِرُ فَغَمَسَهَا فِي الْبِئْرِ يَنْوِي بِذَلِكَ الْمَسْحَ عَلَيْهَا لَمْ يُجْزِهُ وَتَنَجَّسَ مَاؤُهَا كُلُّهُ، فَلَوْ كَانَ عَلَى أَصَابِعِ يَدِهِ جَبَائِرُ فَغَمَسَهَا فِي الْبِئْرِ يَنْوِي بِذَلِكَ الْمَسْحَ عَلَيْهَا أَجْزَأَهُ وَلَمْ يُنَجِّسْ مَاؤُهَا الْيَدَ بِخِلَافِ سَائِرِ الْأَعْضَاءِ، فَلَوْ انْغَمَسَ فِيهَا وَلَمْ يَنْوِ غُسْلًا وَلَا وُضُوءًا وَلَا تَدَلَّكَ فِيهَا لَمْ يُنَجِّسْ الْمَاءَ حَتَّى يَنْوِيَ الْغُسْلَ أَوْ الْوُضُوءَ وَقَالَ أَبُو يُوسُفَ: لَا يَطْهُرُ بِذَلِكَ الِانْغِمَاسُ، وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: يَطْهُرُ بِهِ. قَالَ أَبُو يُوسُفَ: فَإِنْ غَمَسَ رَأْسَه يَنْوِي الْمَسْحَ عَلَيْهِ لَمْ يُنَجِّسْ الْمَاءَ، وَإِنَّمَا يُنَجِّسُه نِيَّةُ تَطْهِيرِ عُضْوٍ يَلْزَمُ فِيهِ الْغُسْلُ، قَالَ فَلَوْ غَسَلَ بَعْضَ يَدِهِ بِنِيَّةِ الْوُضُوءِ أَوْ الْغُسْلِ لَمْ يُنَجِّسْ الْمَاءَ حَتَّى يَغْسِلَ الْعُضْوَ بِكَمَالِه، فَلَوْ غَمَسَ رَأْسَهُ أَوْ خُفَّهُ يَنْوِي بِذَلِكَ الْمَسْحَ أَجْزَأَهُ وَلَمْ يُفْسِدْ الْمَاءَ، وَإِنَّمَا يُفْسِدُهُ نِيَّةُ الْغُسْلِ لَا نِيَّةُ الْمَسْحِ. وَهَذِهِ أَقُولُ هِيَ إلَى الْهَوَسِ أَقْرَبُ مِنْهَا إلَى مَا يُعْقَلُ.

him and would not render the water impure. Only the intention of ritual bath renders it impure, not the intention of wiping. These rulings are closer to delusion than to what is rationally comprehensible.

L3063–3065 Al-Shafiʿi said: Neither ablution nor major ablution is valid with water that a person has used for bathing or ablution while it remained wholly ritually pure. His companions unanimously agreed that if someone dipped his hand into the vessel to perform ablution and scooped the water... He rinsed his mouth, inhaled water into his nostrils, and washed his face. Then, when he inserts his hand into the vessel, ablution with that water becomes prohibited, because it has become used water (mustaʿmal). Instead, it is obligatory to pour some of it onto his hand. After performing ablution on his hand, he may then insert it into the vessel.

L3066 Abu Muhammad said: Those who prohibited that cited as evidence the authentic hadith from the Messenger of Allah (peace be upon him) in which he forbade the *junub* from bathing in stagnant water.

L3067 Abu Muhammad said: They said: The Messenger of Allah - peace and blessings of Allah be upon him - only prohibited that because the water becomes used (in purification). Some of those who disagreed with them said: Rather, he (peace be upon him) only prohibited that out of precaution that something which might defile the water could exit from the urethra.

L3068 Abu Muhammad said: Both statements are false—we seek refuge in Allah from the like of such conduct—and from ascribing to the Messenger of Allah (peace be upon him) what he did not say, or reporting about him what he neither declared concerning himself nor performed. This is lying against the Messenger of Allah (peace be upon him), and it is among the greatest of major sins for whoever asserts it definitively. If one does not assert it definitively, it is mere conjecture. Allah Almighty said: “Indeed, conjecture avails nothing against the truth” [Yūnus 10:36], and the Messenger of Allah (peace be upon him) said: “Beware of conjecture, for conjecture is the most deceitful speech.” Whoever adopts either of these two interpretations must

وَقَالَ الشَّافِعِيُّ: لَا يُجْزِئُ الْوُضُوءُ وَلَا الْغُسْلُ بِمَاءٍ قَدْ اغْتَسَلَ بِهِ أَوْ تَوَضَّأَ بِهِ وَهُوَ طَاهِرٌ كُلُّهُ، وَأَصْفَقَ أَصْحَابُهُ عَلَى أَنَّ مَنْ أَدْخَلَ يَدَهُ فِي الْإِنَاءِ لِيَتَوَضَّأَ فَأَخَذَ الْمَاءَ فَتَمَضْمَضَ وَاسْتَنْشَقَ وَغَسَلَ وَجْهَهُ ثُمَّ أَدْخَلَ يَدَهُ فِي الْإِنَاءِ فَقَدْ حَرُمَ الْوُضُوءُ بِذَلِكَ الْمَاءِ، لِأَنَّهُ قَدْ صَارَ مَاء مُسْتَعْمَلًا، وَإِنَّمَا يَجِبُ أَنْ يَصُبَّ مِنْهُ عَلَى يَدِهِ، فَإِذَا وَضَّأَهَا أَدْخَلَهَا حِينَئِذٍ فِي الْإِنَاءِ.

قَالَ أَبُو مُحَمَّد: وَاحْتَجَّ مَنْ مَنَعَ ذَلِكَ بِالْحَدِيثِ الثَّابِتِ عَنْ «رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نَهْيِهِ الْجُنُبَ أَنْ يَغْتَسِلَ فِي الْمَاءِ الدَّائِمِ» .

قَالَ أَبُو مُحَمَّد: وَقَالُوا: إنَّمَا نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ، لِأَنَّ الْمَاءَ يَصِيرُ مُسْتَعْمَلًا، وَقَالَ بَعْضُ مَنْ خَالَفَهُمْ: بَلْ مَا نَهَى عَنْ ذَلِكَ - عَلَيْهِ السَّلَامُ - إلَّا خَوْفَ أَنْ يَخْرُجَ مِنْ إحْلِيلِهِ شَيْءٌ يُنَجِّسُ الْمَاءَ.

قَالَ أَبُو مُحَمَّد: وَكِلَا الْقَوْلَيْنِ بَاطِلٌ نَعُوذُ بِاَللَّهِ مِنْ مِثْلِهِ، وَمِنْ أَنْ نَقُوّلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْ، وَأَنْ نُخْبِرَ عَنْهُ مَا لَمْ يُخْبِرْ بِهِ عَنْ نَفْسِهِ وَلَا فَعَلَهُ، فَهَذَا هُوَ الْكَذِبُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ مِنْ أَكْبَرِ الْكَبَائِرِ مِمَّنْ قَطَعَ بِهِ، فَإِنْ لَمْ يَقْطَعْ بِهِ فَإِنَّمَا هُوَ ظَنٌّ، وَقَدْ قَالَ عَزَّ وَجَلَّ: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» وَلَا بُدَّ لِمَنْ قَالَ بِأَحَدِ هَذَيْنِ التَّأْوِيلَيْنِ مِنْ إحْدَى هَاتَيْنِ الْمَنْزِلَتَيْنِ، فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ جُمْلَةً.

inevitably occupy one of these two positions. Thus, their reliance on this report is wholly invalidated.[11]

وَاحْتَجَّ بَعْضُهُمْ فَقَالَ: لَمْ يَقُلْ أَحَدٌ لِلْمُتَوَضِّئِ وَلَا لِلْمُغْتَسِلِ أَنْ يُرَدِّدَ ذَلِكَ الْمَاءَ عَلَى أَعْضَائِهِ، بَلْ أَوْجَبُوا عَلَيْهِ أَخْذُ مَاءٍ جَدِيدٍ، وَبِذَلِكَ جَاءَ عَمَلُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْوُضُوءِ وَالْغُسْلِ فَوَجَبَ أَنْ لَا يُجْزِئَ.

L3069 Some of them argued, stating: No one has instructed the person performing ablution or the one performing ghusl to reuse that water on their limbs. Rather, they have obligated such a person to take new water. And this is how the Prophet's practice—peace and blessings of Allah be upon him—in ablution and ghusl was established. It is therefore obligatory that it not suffice.

قَالَ أَبُو مُحَمَّد: وَهَذَا بَاطِلٌ، لِأَنَّهُ لَمْ يَنْهَ أَحَدٌ مِنْ السَّلَفِ عَنْ تَرْدِيدِ الْمَاءِ عَلَى الْأَعْضَاءِ فِي الْوُضُوءِ وَالْغُسْلِ، وَلَا نَهَى عَنْهُ - عَلَيْهِ السَّلَامُ - قَطُّ.

L3070 Abu Muhammad said: This is invalid, because none of the Salaf (pious predecessors) prohibited repeatedly pouring water over the limbs during ablution and ritual bathing, nor did the Prophet, peace be upon him, ever forbid it at all.

وَيُقَالُ لِلْحَنَفِيِّينَ: قَدْ أَجَزْتُمْ تَنْكِيسَ الْوُضُوءِ، وَلَمْ يَأْتِ قَطُّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ نَكَّسَ وُضُوءَهُ، وَلَا أَنَّ أَحَدًا مِنْ الْمُسْلِمِينَ فَعَلَ ذَلِكَ، فَأَخْذُهُ - عَلَيْهِ السَّلَامُ - مَاءً جَدِيدًا لِكُلِّ عُضْوٍ إنَّمَا هُوَ فِعْلٌ مِنْهُ - عَلَيْهِ السَّلَامُ -، وَأَفْعَالُهُ - عَلَيْهِ السَّلَامُ - لَا تُلْزَمُ. وَقَدْ صَحَّ عَنْهُ مَسْحُ رَأْسِهِ الْمُقَدَّسِ بِفَضْلِ مَاءٍ مُسْتَعْمَلٍ.

L3071 It is said to the Hanafis: You have permitted reversing the order of ablution, though it has never been reported from the Prophet (peace be upon him) that he inverted his ablution sequence, nor that any Muslim did so. His taking fresh water for each limb was merely an action from him, and his actions are not obligatory to follow. It has been authentically reported that he wiped his blessed head with water leftover from his ablution.

فَإِنْ قِيلَ: قَدْ رُوِيَ يُؤْخَذُ لِلرَّأْسِ مَاءٌ جَدِيدٌ. قُلْنَا: إنَّمَا رَوَاهُ دَهْثَمُ بْنُ قِرَانٍ - وَهُوَ سَاقِطٌ لَا يُحْتَجُّ بِهِ - عَنْ نِمْرَانَ بْنِ جَارِيَةَ وَهُوَ غَيْرُ مَعْرُوفٍ فَكَيْفَ وَقَدْ أَبَاحَ - عَلَيْهِ السَّلَامُ - غُسْلَ الْجَنَابَةِ بِغَيْرِ تَجْدِيدِ مَاءٍ. كَمَا 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 إسْحَاقُ بْنُ إبْرَاهِيمَ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ كُلُّهُمْ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ أَيُّوبَ بْنِ مُوسَى عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ مَوْلَى أُمِّ سَلَمَةَ عَنْ أُمِّ سَلَمَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهَا فِي غُسْلِ الْجَنَابَةِ

L3072–3073 If it is said: "It has been narrated that fresh water must be taken for the head," we respond: This was only narrated by Dahtham ibn Qirān—a discarded narrator whose narrations are inadmissible as evidence—from Nimrān ibn Jāriyah, who is unknown. How could this be valid, given that the Prophet—peace be upon him—permitted the ritual bath for major impurity without requiring new water? As transmitted by ʿAbdullāh ibn Yūsuf, narrated by Aḥmad ibn Fatḥ, narrated by ʿAbd al-Wahhāb ibn ʿĪsā, narrated by Aḥmad ibn Muḥammad, narrated by Aḥmad ibn ʿAlī, narrated by Muslim ibn al-Ḥajjāj, narrated by Isḥāq ibn Ibrāhīm, Abū Bakr ibn Abī Shaybah, ʿAmr al-Nāqid, and Ibn Abī ʿUmar—all of whom narrated from Sufyān ibn ʿUyaynah, from Ayyūb ibn Mūsā, from Saʿīd ibn Abī Saʿīd al-Maqburī, from ʿAbdullāh ibn Rāfiʿ, client of Umm Salamah, from Umm Salamah: "Allah's Messenger—

[11] **Qur'an references (L3068):** Qur'an 10:36 (Yunus).

peace and blessings be upon him—said to her regarding the ritual bath for major impurity: 'It suffices you to scoop three handfuls over your head, then you pour water over yourself, thus attaining purity.'"

إِنَّمَا يَكْفِيكِ أَنْ تَحْثِيَ عَلَى رَأْسِكِ ثَلَاثَ حَثَيَاتٍ ثُمَّ تُفِيضِينَ عَلَيْكِ الْمَاءَ فَتَطْهُرِينَ» .

Through another chain: ʿAbd al-Raḥmān ibn ʿAbdullāh ibn Khālid narrated from Ibrāhīm ibn Aḥmad, narrated by al-Farbarī, narrated by al-Bukhārī, narrated by Abū Nuʿaym (al-Faḍl ibn Dukayn), narrated by Maʿmar ibn Yaḥyā ibn Sām, narrated by Abū Jaʿfar Muḥammad ibn ʿAlī ibn al-Ḥusayn: "Jābir told me: 'Your cousin asked: "How does one perform the ritual bath for major impurity¿' I answered: "Allah's Messenger—peace and blessings be upon him—would take three handfuls, pour them over his head, then drench the rest of his body."'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَبُو نُعَيْمٍ هُوَ الْفَضْلُ بْنُ دُكَيْنٍ - ثنا مَعْمَرُ بْنُ يَحْيَى بْنِ سَامٍ حَدَّثَنِي أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيِّ بْنِ الْحُسَيْنِ «قَالَ لِي جَابِرٌ سَأَلَنِي ابْنُ عَمِّكَ فَقَالَ: كَيْفَ الْغُسْلُ مِنْ الْجَنَابَةِ؟ فَقُلْت: كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْخُذُ ثَلَاثَةَ أَكُفٍّ وَيُفِيضُهَا عَلَى رَأْسِهِ ثُمَّ يُفِيضُ عَلَى سَائِرِ جَسَدِهِ» .

L3074 Abū Muḥammad said: If the opinion held by the followers of Abū Ḥanīfah concerning the impurity of ritually used water (mustaʿmal) were valid, no one's ritual purity, ablution, or prayer would ever be acceptable. This is because the water poured by one performing ghusl over their body cleanses their shoulders and chest, then flows down to their back and stomach. Consequently, everyone would be bathing with impure water—God forbid such a thing! I seek refuge in Allah from this. Similarly, in ablution, when washing their forearm, face, and foot: one cannot wash the forearm except with the water that washed the palm, nor wash the lower part of the face except with the water that already washed the upper part, and likewise for [both] feet.

قَالَ أَبُو مُحَمَّدٍ وَلَوْ كَانَ مَا قَالَهُ أَصْحَابُ أَبِي حَنِيفَةَ مِنْ تَنَجُّسِ الْمَاءِ الْمُسْتَعْمَلِ لَمَا صَحَّ طُهْرٌ وَلَا وُضُوءٌ وَلَا صَلَاةٌ لِأَحَدٍ أَبَدًا، لِأَنَّ الْمَاءَ الَّذِي يُفِيضُهُ الْمُغْتَسِلُ عَلَى جَسَدِهِ يُطَهِّرُ مَنْكِبَيْهِ وَصَدْرَهُ، ثُمَّ يَنْحَدِرُ إلَى ظَهْرِهِ وَبَطْنِهِ، فَكَانَ يَكُونُ كُلُّ أَحَدٍ مُغْتَسِلًا بِمَاءٍ نَجِسٍ، وَمَعَاذَ اللَّهِ مِنْ هَذَا، وَهَكَذَا فِي غَسْلِهِ ذِرَاعَهُ وَوَجْهَهُ وَرِجْلَهُ فِي الْوُضُوءِ، لِأَنَّهُ لَا يَغْسِلُ ذِرَاعَهُ إلَّا بِالْمَاءِ الَّذِي غَسَلَ بِهِ كَفَّهُ، وَلَا يَغْسِلُ أَسْفَلَ وَجْهِهِ إلَّا بِالْمَاءِ الَّذِي قَدْ غَسَلَ بِهِ أَعْلَاهُ وَكَذَلِكَ رِجْلُهُ.

L3075 Some of them said: Used water necessarily contains traces of bodily sweat during ablution and full-body washing, thereby classifying it as mixed water.

وَقَالَ بَعْضُهُمْ: الْمَاءُ الْمُسْتَعْمَلُ لَا بُدَّ مِنْ أَنْ يَصْحَبَهُ مِنْ عَرَقِ الْجِسْمِ فِي الْغُسْلِ وَالْوُضُوءِ شَيْءٌ فَهُوَ مَاءٌ مُضَافٌ.

L3076–3077 Abu Muhammad said: This is extremely weak. Even if it were as they claim, what would that prove? Since when are wudu and ghusl prohibited with water containing a pure substance that leaves no visible trace? How then do they permit ablution with water that cooled after being heated - though this is more likely to contain sweat than used water? Some of them said: A tradition states that sins are washed away through cleansing the ablution limbs. We replied: Yes - praise be to Allah - but what does that demonstrate?

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا غَثٌّ جِدًّا، وَحَتَّى لَوْ كَانَ كَمَا قَالُوا فَكَانَ مَاذَا؟ وَمَتَى حَرُمَ الْوُضُوءُ وَالْغُسْلُ بِمَاءٍ فِيهِ شَيْءٌ طَاهِرٌ لَا يَظْهَرُ لَهُ فِي الْمَاءِ رَسْمٌ فَكَيْفَ وَهُمْ يُجِيزُونَ الْوُضُوءَ بِمَاءٍ قَدْ تَبَرَّدَ فِيهِ مِنْ الْحَرِّ وَهَذَا أَكْثَرُ فِي أَنْ يَكُونَ فِيهِ الْعَرَقُ مِنْ الْمَاءِ الْمُسْتَعْمَلِ. وَقَالَ بَعْضُهُمْ: قَدْ جَاءَ أَثَرٌ بِأَنَّ الْخَطَايَا تَخْرُجُ مَعَ غَسْلِ أَعْضَاءِ الْوُضُوءِ. قُلْنَا: نَعَمْ - وَلِلَّهِ الْحَمْدُ

- فَكَانَ مَاذَا؟ وَإِنَّ هَذَا لَمِمَّا يَغِيظُ بِاسْتِعْمَالِهِ مِرَارًا إِنْ أَمْكَنَ لِفَضْلِهِ، وَمَا عَلِمْنَا لِلْخَطَايَا أَجْرَامًا تَحِلُّ فِي الْمَاءِ.

Indeed, this is among matters that cause frustration through repeated use if possible due to its leftover status, for we know not of sins having corporeal bodies that dissolve in water.

L3078 وَقَالَ بَعْضُهُمْ: الْمَاءُ الْمُسْتَعْمَلُ كَحَصَى الْجِمَارِ الَّذِي رَمَى بِهِ لَا يَجُوزُ أَنْ يَرْمِيَ بِهِ ثَانِيَةً.

Some of them said: Used water is like the pebbles thrown during the Jamarat stoning ritual; it is not permissible to reuse it, just as one may not throw them again.

L3079 قَالَ أَبُو مُحَمَّدٍ: وَهَذَا بَاطِلٌ، بَلْ حَصَى الْجِمَارِ إِذَا رَمَى بِهَا فَجَائِزٌ أَخْذُهَا وَالرَّمْيُ بِهَا ثَانِيَةً، وَمَا نَدْرِي شَيْئًا يَمْنَعُ مِنْ ذَلِكَ، وَكَذَلِكَ التُّرَابُ الَّذِي تَيَمَّمَ بِهِ فَالتَّيَمُّمُ بِهِ جَائِزٌ وَالثَّوْبُ الَّذِي سُتِرَتْ بِهِ الْعَوْرَةُ فِي الصَّلَاةِ جَائِزٌ أَنْ تُسْتَرَ بِهِ أَيْضًا الْعَوْرَةُ فِي صَلَاةٍ أُخْرَى، فَإِنْ كَانُوا أَهْلَ قِيَاسٍ فَهَذَا كُلُّهُ بَابٌ وَاحِدٌ.

Abu Muhammad said: This is invalid. Rather, pebbles used for stoning the Jamarat pillars may be taken and thrown a second time. We know nothing that prohibits this. Similarly, the dust with which dry ablution was performed is permissible to use for dry ablution again. The garment that has been used to cover private parts in prayer is permissible to cover them again in another prayer. If they adhere to qiyas (legal analogy), all these matters fall under one legal principle.

L3080 وَقَالَ بَعْضُهُمْ: الْمَاءُ الْمُسْتَعْمَلُ بِمَنْزِلَةِ الْمَاءِ الَّذِي طُبِخَ فِيهِ فُولٌ أَوْ حِمَّصٌ.

Used water is equivalent to water in which broad beans or chickpeas have been cooked.

L3081 قَالَ عَلِيٌّ: وَهَذَا هَوَسٌ مَرْدُودٌ عَلَى قَائِلِهِ، وَمَا نَدْرِي شَيْئًا يَمْنَعُ مِنْ جَوَازِ الْوُضُوءِ وَالْغُسْلِ بِمَاءٍ طُبِخَ فِيهِ فُولٌ أَوْ حِمَّصٌ أَوْ تُرْمُسٌ أَوْ لُوبِيَا، مَا دَامَ يَقَعُ عَلَيْهِ اسْمُ مَاءٍ.

Ali said: This is a baseless claim rebutted against its proponent. We know of no factor whatsoever that would invalidate the permissibility of performing *wuḍū'* or *ghusl* with water in which beans, chickpeas, lupins, or cowpeas have been cooked, provided it retains the essential classification of water.

L3082 وَقَالَ بَعْضُهُمْ: لَمَّا لَمْ يُطْلَقْ عَلَى الْمَاءِ الْمُسْتَعْمَلِ اسْمُ الْمَاءِ مُفْرَدًا دُونَ أَنْ يُتْبَعَ بِاسْمٍ آخَرَ وَجَبَ أَنْ لَا يَكُونَ فِي حُكْمِ الْمَاءِ الْمُطْلَقِ.

Some scholars said: Since the designation "water" is not applied to used water independently without qualification, it is necessary that it not fall under the ruling of absolute water.

L3083 قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ حَمَاقَةٌ، بَلْ يُطْلَقُ عَلَيْهِ اسْمُ مَاءٍ فَقَطْ، ثُمَّ لَا فَرْقَ بَيْنَ قَوْلِنَا مَاءٌ مُسْتَعْمَلٌ فَيُوصَفُ بِذَلِكَ، وَبَيْنَ قَوْلِنَا مَاءٌ مُطْلَقٌ فَيُوصَفُ بِذَلِكَ، وَقَوْلِنَا مَاءٌ مِلْحٌ أَوْ مَاءٌ عَذْبٌ، أَوْ مَاءٌ مُرٌّ، أَوْ مَاءٌ سُخْنٌ أَوْ مَاءُ مَطَرٍ، وَكُلُّ ذَلِكَ لَا يَمْنَعُ مِنْ جَوَازِ الْوُضُوءِ بِهِ وَالْغُسْلِ.

Abū Muḥammad said: This is foolishness. Rather, it is merely referred to as *water*. There is no difference between our saying *used water* (i.e., previously utilized for ablution) and describing it as such, or our saying *pure water* and describing it as such—just as we say *saltwater*, *freshwater*, *bitter water*, *hot water*, or *rainwater*. None of these descriptions negate the permissibility of performing ablution or the ritual bath (ghusl) with it.

L3084 If the opinion of Abū Ḥanīfa regarding the impurity of water used for ablution and bathing were valid, most of the religion would be invalidated. For

it would entail that whenever a person bathes or performs ablution and then puts on his garment, he could only pray while wearing an entirely impure garment. Moreover, he would have to cleanse his limbs from it (i.e., the impure water) with other water.

وَلَوْ صَحَّ قَوْلُ أَبِي حَنِيفَةَ فِي نَجَاسَةِ الْمَاءِ الْمُتَوَضَّأِ بِهِ وَالْمُغْتَسَلِ بِهِ لَبَطَلَ أَكْثَرُ الدِّينِ؛ لِأَنَّهُ كَانَ الْإِنْسَانُ إذَا اغْتَسَلَ أَوْ تَوَضَّأَ ثُمَّ لَبِسَ ثَوْبَهُ لَا يُصَلِّي إلَّا بِثَوْبٍ نَجِسٍ كُلِّهِ، وَلَلَزِمَهُ أَنْ يُطَهِّرَ أَعْضَاءَهُ مِنْهُ بِمَاءٍ آخَرَ.

L3085 Some of them said: It is not impure unless it exits the body parts.

وَقَالَ بَعْضُهُمْ: لَا يَنْجَسُ إلَّا إذَا فَارَقَ الْأَعْضَاءَ.

L3086–3087 Abu Muhammad said: This is an audacity in proclaiming falsehood in religion through mere claims. It should be said to them: Did it become impure according to you except through use? They must inevitably answer yes. Thus, it is impossible for it not to be impure in the state that causes impurity, only to become impure afterward. There is no greater audacity than declaring: This is pure water with which obligatory acts of worship are performed, yet when one seeks closeness to Allah through it in the most excellent deeds like ablution and ritual bathing, it either becomes impure or is prohibited from being used to draw near to Allah the Exalted. We do not know from what source this confusion has occurred to them.

قَالَ أَبُو مُحَمَّد: وَهَذِهِ جُرْأَةٌ عَلَى الْقَوْلِ بِالْبَاطِلِ فِي الدِّينِ بِالدَّعْوَى، وَيُقَالُ لَهُمْ: هَلْ تَنَجَّسَ عِنْدَكُمْ إلَّا بِالِاسْتِعْمَالِ؟ فَلَا بُدَّ مِنْ نَعَمْ، فَمِنْ الْمُحَالِ أَنْ لَا يَنْجَسَ فِي الْحَالِ الْمُنَجَّسَةِ لَهُ ثُمَّ يَنْجَسَ بَعْدَ ذَلِكَ، وَلَا جُرْأَةَ أَعْظَمُ مِنْ أَنْ يُقَالَ: هَذَا مَاءٌ طَاهِرٌ تُؤَدَّى بِهِ الْفَرَائِضُ، فَإِذَا تَقَرَّبَ بِهِ إلَى اللَّهِ فِي أَفْضَلِ الْأَعْمَالِ مِنْ الْوُضُوءِ وَالْغُسْلِ تَنَجَّسَ أَوْ حَرُمَ أَنْ يَتَقَرَّبَ إلَى اللَّهِ تَعَالَى بِهِ، وَمَا نَدْرِي مِنْ أَيْنَ وَقَعَ لَهُمْ هَذَا التَّخْلِيطُ.

L3088 Some of them said: It has been narrated from Ibn Abbas that if a sexually impure person bathes in a reservoir, he corrupts its water. This is not authentic; in fact, it is outright fabricated. The early Ḥanafī jurists merely cited it through Ḥammād ibn Abī Sulaymān from Ibrāhīm [al-Nakhaʿī] from Ibn Abbas, but we have no knowledge of who [the transmitters] were before Ḥammād, nor do we find evidence that Ibrāhīm directly heard [this] from Ibn Abbas. The authentic narration from Ibn Abbas contradicts this.

وَقَالَ بَعْضُهُمْ: قَدْ جَاءَ عَنْ ابْنِ عَبَّاسٍ أَنَّ الْجُنُبَ إذَا اغْتَسَلَ فِي الْحَوْضِ أَفْسَدَ مَاءَهُ، وَهَذَا لَا يَصِحُّ، بَلْ هُوَ مَوْضُوعٌ، وَإِنَّمَا ذَكَرَهُ الْحَنَفِيُّونَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ عَنْ ابْنِ عَبَّاسٍ، وَلَا نَعْلَمُ مَنْ هُوَ قَبْلَ حَمَّادٍ، وَلَا نَعْرِفُ لِإِبْرَاهِيمَ سَمَاعًا مِنْ ابْنِ عَبَّاسٍ وَالصَّحِيحُ عَنْ ابْنِ عَبَّاسٍ خِلَافُ هَذَا.

L3089 Abu Muhammad said: We had previously cited from Ibn Abbas a disagreement with this very statement of his: “Four things do not become impure: water, earth, humans”—and he mentioned a fourth.

قَالَ أَبُو مُحَمَّد: وَقَدْ ذَكَرْنَا عَنْ ابْنِ عَبَّاسٍ قَبْلُ خِلَافَ هَذَا مِنْ قَوْلِهِ: أَرْبَعٌ لَا تَنْجَسُ الْمَاءُ وَالْأَرْضُ وَالْإِنْسَانُ، وَذَكَرَ رَابِعًا.

L3090 They narrated from the Messenger of Allah—may Allah bless him and grant him peace—regarding his prohibition against giving *sadaqah* to the family of Muḥammad: “It is but what is washed off people’s hands.” And from ʿUmar, a similar report.

وَذَكَرُوا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي تَحْرِيمِهِ الصَّدَقَةَ عَلَى آلِ مُحَمَّدٍ «إنَّمَا هِيَ غُسَالَةُ أَيْدِي النَّاسِ» . وَعَنْ عُمَرَ مِثْلُ ذَلِكَ.

L3091 Abu Muhammad said: There is no proof in this at all, because the necessary

قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ فِيهِ أَصْلًا، لِأَنَّ اللَّازِمَ لَهُمْ فِي احْتِجَاجِهِمْ بِهَذَا الْخَبَرِ أَنْ لَا يُحَرَّمَ ذَلِكَ إِلَّا عَلَى آلِ مُحَمَّدٍ خَاصَّةً، فَإِنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَكْرَهْ ذَلِكَ وَلَا مَنَعَهُ أَحَدًا غَيْرَهُمْ، بَلْ أَبَاحَهُ لِسَائِرِ النَّاسِ.

implication of their reliance on this narration in their argument is that such a thing is prohibited solely for the family of Muhammad. For the Prophet (peace be upon him) did not disapprove of it nor prohibit it for anyone other than them; rather, he permitted it for all others.

وَأَمَّا احْتِجَاجُهُمْ بِقَوْلِ عُمَرَ فَإِنَّهُمْ مُخَالِفُونَ لَهُ لِأَنَّهُمْ يُجِيزُونَ فِي أَصْلِ أَقْوَالِهِمْ شُرْبَ ذَلِكَ الْمَاءِ. وَأَيْضًا فَإِنَّ غُسَالَةَ أَيْدِي النَّاسِ غَيْرُ وُضُوئِهِمْ الَّذِي يَتَقَرَّبُونَ بِهِ إِلَى اللَّهِ تَعَالَى، وَلَا عَجَبَ أَكْثَرُ مِنْ إبَاحَتِهِمْ غُسَالَةَ أَيْدِي النَّاسِ وَفِيهَا جَاءَ مَا احْتَجُّوا بِهِ.

L3092 As for their argument based on ʿUmar's statement, they contradict him because they permit drinking that water on the basis of their rulings. Moreover, the wash water from people's hands differs from their ablution through which they seek closeness to Allah the Exalted. There is nothing more surprising than their permitting the use of people's hand wash water, whereas the evidence they cited pertains to it.

وَقَوْلُهُمْ إنَّهَا طَاهِرَةٌ، وَتَحْرِيمُهُمْ الْمَاءَ الَّذِي قَدْ تَوَضَّأَ بِهِ قُرْبَةٌ إلَى اللَّهِ تَعَالَى وَلَيْسَ فِي شَيْءٍ مِنْ هَذَيْنِ الْأَثَرَيْنِ نَهْيٌ عَنْهُ، وَنَعُوذُ بِاَللَّهِ مِنْ الضَّلَالِ وَتَحْرِيفِ الْكَلِمِ عَنْ مَوَاضِعِهِ.

L3093 Their assertion that it is pure, and their prohibition of the water used for ablution as an act of drawing near to Allah, the Exalted—there is no prohibition in either of these two narrations regarding it. We seek refuge in Allah from misguidance and distorting words from their rightful meanings.

وَنَسْأَلُ أَصْحَابَ الشَّافِعِيِّ عَمَّنْ وَضَّأَ عُضْوًا مِنْ أَعْضَاءِ وُضُوئِهِ فَقَطْ يَنْوِي بِهِ الْوُضُوءَ فِي مَاءٍ دَائِمٍ أَوْ غَسَلَهُ كَذَلِكَ وَهُوَ جُنُبٌ، أَوْ بَعْضَ عُضْوٍ أَوْ بَعْضَ أُصْبُعٍ أَوْ شَعْرَةً وَاحِدَةً أَوْ مَسَحَ شَعْرَةً مِنْ رَأْسِهِ أَوْ خُفِّهِ أَوْ بَعْضَ خُفِّهِ -: حَتَّى نَعْرِفَ أَقْوَالَهُمْ فِي ذَلِكَ.

L3094–3096 And we ask the followers of Al-Shāfiʿī about one who performed ablution on only a single limb of his ablution, intending it [for the ritual]. Performing ablution in still water, performing *ghusl* (major ritual washing) in such water while in a state of major impurity, washing part of a limb, part of a finger, a single hair, wiping a single hair from his head, wiping over his leather sock or part of his leather sock—so that we may ascertain the scholars' positions regarding these matters.

وَقَدْ صَحَّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ وَسَقَى إنْسَانًا ذَلِكَ الْوَضُوءَ» ، وَأَنَّهُ - عَلَيْهِ السَّلَامُ - «تَوَضَّأَ وَصَبَّ وَضُوءَهُ عَلَى جَابِرِ بْنِ عَبْدِ اللَّهِ» ، وَأَنَّهُ - عَلَيْهِ السَّلَامُ - «كَانَ إذَا تَوَضَّأَ تَمَسَّحَ النَّاسُ بِوَضُوئِهِ» ، فَقَالُوا بِآرَائِهِمْ الْمَلْعُونَةِ: إنَّ الْمُسْلِمَ الطَّاهِرَ النَّظِيفَ إذَا تَوَضَّأَ بِمَاءٍ طَاهِرٍ ثُمَّ صَبَّ ذَلِكَ الْمَاءَ فِي بِئْرٍ فَهِيَ بِمَنْزِلَةِ لَوْ صُبَّ فِيهَا فَأْرٌ مَيِّتٌ أَوْ نَجِسٌ، وَنَسْأَلُ اللَّهَ الْعَافِيَةَ مِنْ هَذَا الْقَوْلِ.

L3097 It has been authentically reported that "the Messenger of Allah—peace be upon him—performed ablution and gave someone his ablution water to drink," that he—peace be upon him—"performed ablution and poured his ablution water over Jābir ibn ʿAbdullāh," and that he—peace be upon him—"when he performed ablution, people would wipe themselves with his ablution water." Yet they asserted with their cursed opinions: "If a pure, clean Muslim performs ablution with pure water and then pours that ablution water into a well, it is equivalent to pouring a dead mouse or something impure into it." We ask Allah for protection from this statement.

L3098 **Issue: The ruling concerning the falling of flies, fleas, and**

bees, and the urine of bats.

L3099 142 – Issue: If it is impossible to avoid the vomit of flies, fleas, bees, or the urine of bats, and washing [the affected area] would cause hardship or difficulty, one is only required to wash [it] to the extent that it does not involve hardship or difficulty.

L3100 Abū Muḥammad said: We have previously cited the words of Allah, the Exalted: {He has not imposed any constraint upon you in religion} [Al-Ḥajj: 78] and His saying: {Allah desires ease for you, not hardship} [Al-Baqarah: 185]. Thus, constraint and hardship have been removed from us. Whatever can be washed without constraint or hardship must be washed, because it is urine and excrement.[12]

L3101 **Issue: The ruling on the vomit from every Muslim or disbeliever.**

L3102 143. Issue: Vomit from any Muslim or disbeliever is forbidden, and it is obligatory to avoid it, due to the statement of the Messenger of Allah (peace be upon him): "The one who retracts his gift is like the one who returns to his vomit." The Prophet (peace be upon him) said that to emphasize the prohibition of retracting gifts.

L3103 **Issue: The ruling on the purity of wine, gambling, idols, and divining arrows.**

L3104–3106 Issue 144: Intoxicants, gambling, idols, and divining arrows are impure and forbidden; it is obligatory to avoid them. Whoever prays while carrying any of them invalidates his prayer. Allah the Exalted said: "Indeed, intoxicants, gambling, idols, and divining arrows are an abomination from the work of Satan, so avoid them" [Al-Mā'idah: 90]. Thus, whoever does not... He should

[12] **Qur'an references (L3100):** Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah).

[مَسْأَلَةٌ حُكْمُ وَنِيمِ الذُّبَابِ وَالْبَرَاغِيثِ وَالنَّحْلِ وَبَوْلُ الْخُفَّاشِ]

١٤٢ - مَسْأَلَةٌ: وَوَنِيمُ الذُّبَابِ وَالْبَرَاغِيثِ وَالنَّحْلِ وَبَوْلُ الْخُفَّاشِ إِنْ كَانَ لَا يُمْكِنُ التَّحَفُّظُ مِنْهُ وَكَانَ فِي غَسْلِهِ حَرَجٌ أَوْ عُسْرٌ لَمْ يَلْزَمْ مِنْ غَسْلِهِ إِلَّا مَا لَا حَرَجَ فِيهِ وَلَا عُسْرَ.

قَالَ أَبُو مُحَمَّد: قَدْ قَدَّمْنَا قَوْلَ اللَّهِ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] وَقَوْلَهُ: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] فَالْحَرَجُ وَالْعُسْرُ مَرْفُوعَانِ عَنَّا، وَمَا كَانَ لَا حَرَجَ فِي غَسْلِهِ وَلَا عُسْرَ فَهُوَ لَازِمٌ غَسْلُهُ، لِأَنَّهُ بَوْلٌ وَرَجِيعٌ.

[مَسْأَلَةٌ حُكْمُ الْقَيْءِ مِنْ كُلِّ مُسْلِمٍ أَوْ كَافِرٍ]

١٤٣ - مَسْأَلَةٌ: وَالْقَيْءُ مِنْ كُلِّ مُسْلِمٍ أَوْ كَافِرٍ حَرَامٌ يَجِبُ اجْتِنَابُهُ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ» وَإِنَّمَا قَالَ - عَلَيْهِ السَّلَامُ - ذَلِكَ عَلَى مَنْعِ الْعَوْدَةِ فِي الْهِبَةِ.

[مَسْأَلَةٌ حُكْمُ طَهَارَةِ الْخَمْرِ وَالْمَيْسِرِ وَالْأَنْصَابِ وَالْأَزْلَامِ]

١٤٤ - مَسْأَلَةٌ: وَالْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ حَرَامٌ وَاجِبٌ اجْتِنَابُهُ، فَمَنْ صَلَّى حَامِلًا شَيْئًا مِنْهَا بَطَلَتْ صَلَاتُهُ. قَالَ اللَّهُ تَعَالَى: {إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ} [المائدة: ٩٠] فَمَنْ لَمْ يَجْتَنِبْ ذَلِكَ فِي صَلَاتِهِ فَلَمْ يُصَلِّ كَمَا أُمِرَ، وَمَنْ لَمْ يُصَلِّ كَمَا أُمِرَ فَلَمْ يُصَلِّ.

avoid that in his prayer; therefore, he did not pray as he was commanded. And whoever does not pray as he was commanded has not prayed.[13]

L3107 **[Issue: The nabīḍ of unripe dates, dried dates, half-ripe dates, soft ripe dates, and raisins when one batch of nabīḍ made from any of these ingredients is mixed with another batch made from a different ingredient.]**

L3108 Issue 145: If the nabīdh (fermented drink) of one of these - unripe dates, dried dates, fully ripe dates, fresh dates, or raisins - is mixed with the nabīdh of another type among them, it is forbidden and must be avoided.

L3109 Abdullah ibn Rabi' narrated to us: Muhammad ibn Ishaq narrated to us: Ibn al-A'rabi narrated to us: Abu Dawood narrated to us: Musa ibn Isma'il narrated to us: Aban—who is Ibn Yazid al-'Attar—narrated to us: Yahya—who is Ibn Abi Kathir—narrated from Abdullah ibn Abi Qatadah, from his father, that the Messenger of Allah (peace and blessings be upon him) said: "He prohibited mixing raisins with dates, unripe dates with dates, and half-dried dates with fresh dates. He said: 'Prepare each as nabidh separately.'" Mixtures not involving these five items are not prohibited; rather, it remains pure and lawful provided they do not cause intoxication, for he forbade only what we have listed.[14]

L3110 **An issue concerning the absolute prohibition against facing the *qiblah* while relieving oneself (of excrement or urine).**

L3111 Issue 146: It is impermissible to face or turn one's back to the qibla while defecating or urinating, whether in a built structure or an open area. Similarly, it is impermissible to merely face the qibla during istinjāʾ.

L3112 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

[13] **Qur'an references (L3104):** Qur'an 5:90 (Al-Ma'idah).

[14] **Hadith references (L3109):** Sunan Abi Dawud 3704.

[مَسْأَلَة نَبِيذُ الْبُسْرِ وَالتَّمْرِ وَالزَّهْوِ وَالرُّطَبِ وَالزَّبِيبِ إِذَا جُمِعَ نَبِيذُ وَاحِدٍ مِنْ هَذِهِ إِلَى نَبِيذِ غَيْرِهِ]

١٤٥ - مَسْأَلَةٌ: وَنَبِيذُ الْبُسْرِ وَالتَّمْرِ وَالزَّهْوِ وَالرُّطَبِ وَالزَّبِيبِ إِذَا جُمِعَ نَبِيذُ وَاحِدٍ مِنْ هَذِهِ إِلَى نَبِيذِ غَيْرِهِ فَهُوَ حَرَامٌ وَاجِبٌ اجْتِنَابُهُ.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا أَبَانُ هُوَ ابْنُ يَزِيدَ الْعَطَّارُ - ثنا يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ عَنْ أَبِيهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أَنَّهُ نَهَى عَنْ خَلِيطِ الزَّبِيبِ وَالتَّمْرِ، وَعَنْ خَلِيطِ الْبُسْرِ وَالتَّمْرِ، وَعَنْ خَلِيطِ الزَّهْوِ وَالرُّطَبِ، وَقَالَ: انْتَبِذُوا كُلَّ وَاحِدٍ عَلَى حِدَةٍ» وَلَيْسَ كَذَلِكَ الْخَلِيطَانِ مِنْ غَيْرِ هَذِهِ الْخَمْسَةِ بَلْ هُوَ طَاهِرٌ حَلَالٌ مَا لَمْ يُسْكِرْ، لِأَنَّهُ لَمْ يَنْهَ إِلَّا عَمَّا ذَكَرْنَا.

[مَسْأَلَةٌ تَحْرِيم اسْتِقْبَالِ الْقِبْلَةِ بالغائط والبول مُطْلَقًا]

١٤٦ - مَسْأَلَةٌ: وَلَا يَجُوزُ اسْتِقْبَالُ الْقِبْلَةِ وَاسْتِدْبَارُهَا لِلْغَائِطِ وَالْبَوْلِ، لَا فِي بُنْيَانٍ وَلَا فِي صَحْرَاءَ، وَلَا يَجُوزُ اسْتِقْبَالُ الْقِبْلَةِ فَقَطْ كَذَلِكَ فِي حَالِ الِاسْتِنْجَاءِ.

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 قَالَ قُلْت لِسُفْيَانَ بْنِ عُيَيْنَةَ:

ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Yahya ibn Yahya narrated to us, who said: I asked Sufyan ibn Uyaynah: "Did you hear al-Zuhri narrate from Ata ibn Yazid al-Laythī from Abu Ayyub that the Messenger of Allah—peace and blessings be upon him—said: 'When you relieve yourselves, do not face the Qiblah nor turn your back toward it with urine or feces, but face east or west'?" Sufyan replied: "Yes."[15]

سَمِعْت الزُّهْرِيَّ يَذْكُرُ عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ عَنْ أَبِي أَيُّوبَ " أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا أَتَيْتُمْ الْغَائِطَ فَلَا تَسْتَقْبِلُوا الْقِبْلَةَ وَلَا تَسْتَدْبِرُوهَا بِبَوْلٍ وَلَا غَائِطٍ وَلَكِنْ شَرِّقُوا أَوْ غَرِّبُوا» ؟ قَالَ سُفْيَانُ نَعَمْ.

L3113 Abu Hurairah and others also narrated the prohibition against this. We mentioned earlier the ḥadīth of Salman al-Farsi from the Prophet (may Allah's peace and blessings be upon him): "Let no one perform istinjāʾ while facing the Qiblah," in the chapter on istinjāʾ.

وَقَدْ رَوَى أَيْضًا النَّهْيَ عَنْ ذَلِكَ أَبُو هُرَيْرَةَ وَغَيْرُهُ، وَقَدْ ذَكَرْنَا قَبْلُ حَدِيثَ سَلْمَانَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أَلَّا يَسْتَنْجِيَ أَحَدٌ مُسْتَقْبِلَ الْقِبْلَةِ» ، فِي بَابِ الِاسْتِنْجَاءِ.

L3114–3116 And among those who denied that is Abu Ayyub al-Ansari—as we mentioned—in the houses, citing an explicit text from him, and likewise... Also, Abu Hurairah and Ibn Mas'ud, and from Suraqah ibn Malik that one should not face the Qiblah during such acts, and from the Salaf among the Companions and Followers collectively—may Allah be pleased with them—and from ʿAṭāʾ and Ibrahim al-Nakha'i. Sufyan al-Thawri, al-Awza'i, and Abu Thawr also affirm our opinion on this matter. Abu Hanifah prohibited facing the Qiblah for urination or defecation. None of these scholars distinguished between open deserts and built-up areas regarding this ruling. It has been narrated to us through the chain of Hammad ibn Salamah from Ayyub al-Sakhtiyani from Nafi' from Ibn Umar: that he disapproved of facing the two directions of prayer while exposing private parts, and this is the opinion of Mujahid.

وَمِمَّنْ أَنْكَرَ ذَلِكَ أَبُو أَيُّوبَ الْأَنْصَارِيُّ - كَمَا ذَكَرْنَا - فِي الْبُيُوتِ نَصًّا عَنْهُ، وَكَذَلِكَ أَيْضًا أَبُو هُرَيْرَةَ وَابْنُ مَسْعُودٍ، وَعَنْ سُرَاقَةَ بْنِ مَالِكٍ أَلَّا تَسْتَقْبِلَ الْقِبْلَةَ بِذَلِكَ، وَعَنْ السَّلَفِ مِنْ الصَّحَابَةِ وَالتَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ - جُمْلَةً، وَعَنْ عَطَاءٍ وَإِبْرَاهِيمَ النَّخَعِيِّ، وَبِقَوْلِنَا فِي ذَلِكَ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ وَأَبُو ثَوْرٍ وَمَنَعَ أَبُو حَنِيفَةَ مِنْ اسْتِقْبَالِهَا لِبَوْلٍ أَوْ غَائِطٍ، وَكُلُّ هَؤُلَاءِ لَمْ يُفَرِّقْ بَيْنَ الصَّحَارِي وَالْبِنَاءِ فِي ذَلِكَ، وَرُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَكْرَهُ أَنْ تُسْتَقْبَلَ الْقِبْلَتَانِ بِالْفُرُوجِ، وَهُوَ قَوْلُ مُجَاهِدٍ.

L3117 Abū Muḥammad said: We do not consider this valid in Bayt al-Maqdis (the Holy Sanctuary), because the prohibition against it has not been established as sound.

قَالَ أَبُو مُحَمَّدٍ: لَا نَرَى ذَلِكَ فِي بَيْتِ الْمَقْدِسِ، لِأَنَّ النَّهْيَ عَنْ ذَلِكَ لَمْ يَصِحَّ.

L3118 Urwah ibn al-Zubayr and Dawud ibn Ali said: It is permissible to face the Kaaba or turn one's back to it while urinating or defecating. That ruling was narrated to us from Ibn Umar via Shu'bah from Abd al-Rahman ibn al-Qasim ibn Muhammad from Nafi' from Ibn Umar. It was also narrated to us from Ibn Umar via Abu Dawud from Muhammad ibn Yahya ibn Faris

وَقَالَ عُرْوَةُ بْنُ الزُّبَيْرِ وَدَاوُد بْنُ عَلِيٍّ: يَجُوزُ اسْتِقْبَالُ الْكَعْبَةِ وَاسْتِدْبَارُهَا بِالْبَوْلِ وَالْغَائِطِ، وَرُوِّينَا ذَلِكَ عَنْ ابْنِ عُمَرَ مِنْ طَرِيقِ شُعْبَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ، وَرُوِّينَا عَنْ ابْنِ عُمَرَ مِنْ طَرِيقِ أَبِي دَاوُد عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ فَارِسٍ عَنْ صَفْوَانَ بْنِ عِيسَى عَنْ الْحَسَنِ بْنِ ذَكْوَانَ عَنْ مَرْوَانَ الْأَصْفَرِ عَنْ ابْنِ عُمَرَ

[15] **Hadith references (L3112):** Sahih Muslim 264.

from Safwan ibn Isa from al-Hasan ibn Dhakwan from Marwan al-Asfar from Ibn Umar, who said: “This prohibition applies only in open spaces. If there is something screening you from the qiblah, there is no blame.” This was likewise narrated to us from al-Sha‘bi, and it is the view of Malik and al-Shafi‘i.

أَنَّهُ قَالَ: إِنَّمَا نُهِيَ عَنْ ذَلِكَ فِي الْفَضَاءِ، وَأَمَّا إِذَا كَانَ بَيْنَك وَبَيْنَ الْقِبْلَةِ شَيْءٌ يَسْتُرُك فَلَا بَأْسَ، وَرُوِّينَا أَيْضًا هَذَا عَنْ الشَّعْبِيِّ، وَهُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ.

L3119 As for those who permitted that entirely, they cited as evidence a hadith that we narrated from Ibn Umar, in one of its wordings: “I went up to the roof of my sister Hafsa’s house and saw the Messenger of Allah—may Allah bless him and grant him peace—sitting to relieve himself while facing the Qiblah.” In another wording: “I saw the Messenger of Allah—may Allah bless him and grant him peace—urinating facing the Qiblah.” And in another: “One day, I peered over and saw the Messenger of Allah—may Allah bless him and grant him peace—on the rooftop of a house relieving himself in a space partitioned off around him with bricks, and noticed he was facing the Qiblah.”

فَأَمَّا مَنْ أَبَاحَ ذَلِكَ جُمْلَةً فَاحْتَجُّوا بِحَدِيثٍ رُوِّينَاهُ عَنْ ابْنِ عُمَرَ فِي بَعْضِ أَلْفَاظِهِ «رَقِيْتُ عَلَى بَيْتِ أُخْتِي حَفْصَةَ فَرَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَاعِدًا لِحَاجَتِهِ مُسْتَقْبِلَ الْقِبْلَةِ» وَفِي بَعْضِهَا «رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَبُولُ حِيَالَ الْقِبْلَةِ» وَفِي بَعْضِهَا: «اطَّلَعْتُ يَوْمًا وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى ظَهْرِ بَيْتٍ يَقْضِي حَاجَتَهُ مَحْجُورًا عَلَيْهِ بِلَبِنٍ فَرَأَيْتُهُ مُسْتَقْبِلَ الْقِبْلَةِ» .

L3120–3122 And with a ḥadīth narrated by Jābir: “The Messenger of Allah (peace and blessings be upon him) forbade us to face the qiblah while urinating. Then, a year before his passing, I saw him facing it.” And with a ḥadīth narrated by ʿĀ’ishah: “It was mentioned in the presence of the Messenger of Allah (peace and blessings be upon him) that...” People who disliked facing the Qiblah with their genitals—the Messenger of Allah (peace be upon him) said: “Have they actually done that [disliked act]? Face the Qiblah with your posteriors as they do!”[16]

وَبِحَدِيثٍ مِنْ طَرِيقِ جَابِرٍ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ نَسْتَقْبِلَ الْقِبْلَةَ بِبَوْلٍ فَرَأَيْتُهُ قَبْلَ أَنْ يُقْبَضَ بِعَامٍ يَسْتَقْبِلُهَا» وَبِحَدِيثٍ مِنْ طَرِيقِ عَائِشَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ذُكِرَ عِنْدَهُ أَنَّ نَاسًا يَكْرَهُونَ اسْتِقْبَالَ الْقِبْلَةِ بِفُرُوجِهِمْ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: قَدْ فَعَلُوهَا؟ اسْتَقْبِلُوا بِمَقْعَدَتِي الْقِبْلَةَ» .

L3123 Ali said: They have no argument except what we have mentioned, nor do they have any argument in anything of it.

قَالَ عَلِيٌّ: لَا حُجَّةَ لَهُمْ غَيْرَ مَا ذَكَرْنَا، وَلَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ.

L3124 As for the narration of Ibn Umar, it does not mention that this occurred after the prohibition. Since this is not stated within it, we are certain that what is in Ibn Umar’s narration aligns with what people practiced before the Prophet (peace and blessings of Allah be upon him) prohibited it. This is beyond doubt. Therefore, it is unquestionable that the ruling in Ibn Umar’s narration is definitively abrogated by the Prophet’s prohibition (peace and blessings of Allah be upon him). This is necessarily known, and it is false

أَمَّا حَدِيثُ ابْنِ عُمَرَ، فَلَيْسَ فِيهِ أَنَّ ذَلِكَ كَانَ بَعْدَ النَّهْيِ، وَإِذَا لَمْ يَكُنْ ذَلِكَ فِيهِ فَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ مَا فِي حَدِيثِ ابْنِ عُمَرَ مُوَافِقٌ لِمَا كَانَ النَّاسُ عَلَيْهِ قَبْلَ أَنْ يَنْهَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ، هَذَا مَا لَا شَكَّ فِيهِ، فَإِذًا لَا شَكَّ فِي ذَلِكَ فَحُكْمُ حَدِيثِ ابْنِ عُمَرَ مَنْسُوخٌ قَطْعًا بِنَهْيِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ، هَذَا يُعْلَمُ

[16] **Hadith references (L3120):** Sunan Ibn Majah 325.

and forbidden to abandon certainty in favor of conjectures—adopting what is certain to be abrogated while abandoning what is certain to be the abrogating text.

L3125–3127 We have clarified elsewhere that whenever a ruling is confirmed as abrogating another abrogated ruling, it is utterly impossible and false for Allah the Exalted to make the abrogating ruling abrogated and the abrogated ruling abrogating without clarifying this in a manner entirely free from ambiguity. For if this were so, the religion would become perplexing rather than clear, deficient rather than complete—and this is false. Allah the Exalted said: "This day I have perfected for you your religion" (Quran 5:3), and He said: "To make clear to mankind what has been sent down to them" (Quran 16:44). Moreover, the narration of Ibn ʻUmar only mentions facing the qiblah. Even if it were established that the narration abrogates a previous ruling, it would not entail the abrogation of the prohibition of facing away from it. Anyone who wrongfully inserts into this ruling the permissibility of facing away from it would be lying and nullifying an established Sharīʻah ruling, and this is forbidden. Thus, their reliance on the narration of Ibn ʻUmar is invalidated.[17]

L3128 As for the ḥadīth of ʿĀʾishah, it is rejected because it is a narration by Khālid al-Ḥadhdhāʾ—who is reliable—from Khālid ibn Abī al-Ṣalt, who is unknown (majhūl) and whose identity is undetermined. ʿAbd al-Razzāq erred in this by attributing it to Khālid al-Ḥadhdhāʾ from Kathīr ibn al-Ṣalt, which is more void and even more void, for Khālid al-Ḥadhdhāʾ never met Kathīr ibn al-Ṣalt. Even if it were authentic, it would not constitute proof for them, because its text clarifies that it was before the prohibition. It is an impossible absurdity that the Messenger of Allāh—peace and blessings of Allāh be upon him—would forbid them from facing the qiblah while urinating or defecating, then reprimand them for obeying him in that matter. This is inconceivable to any Muslim or rational being, and this report contains reprimanding them for that. Thus, even if it were authentic, it would undoubtedly be abrogated (mansūkh). Furthermore, even if authentic, it would only indicate the per-

ضَرُورَةً وَمِنْ الْبَاطِلِ الْمُحَرَّمِ تَرْكُ الْيَقِينِ بِالظُّنُونِ، وَأَخْذُ الْمُتَيَقَّنِ نَسْخُهُ وَتَرْكُ الْمُتَيَقَّنِ أَنَّهُ نَاسِخٌ.

وَقَدْ أَوْضَحْنَا فِي غَيْرِ هَذَا الْمَكَانِ أَنَّ كُلَّ مَا صَحَّ أَنَّهُ نَاسِخٌ لِحُكْمٍ مَنْسُوخٍ فَمِنْ الْمُحَالِ الْبَاطِلِ أَنْ يَكُونَ اللَّهُ تَعَالَى يُعِيدُ النَّاسِخَ مَنْسُوخًا وَالْمَنْسُوخَ نَاسِخًا وَلَا يُبَيِّنُ ذَلِكَ تِبْيَانًا لَا إشْكَالَ فِيهِ، إذْ لَوْ كَانَ هَذَا لَكَانَ الدِّينُ مُشْكِلًا غَيْرَ بَيِّنٍ، نَاقِصًا غَيْرَ كَامِلٍ، وَهَذَا بَاطِلٌ، قَالَ اللَّهُ تَعَالَى: {الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ} [المائدة: ٣] وَقَالَ تَعَالَى: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إلَيْهِمْ} [النحل: ٤٤] وَأَيْضًا فَإِنَّمَا فِي حَدِيثِ ابْنِ عُمَرَ ذِكْرُ اسْتِقْبَالِ الْقِبْلَةِ فَقَطْ، فَلَوْ صَحَّ أَنَّهُ نَاسِخٌ لَمَا كَانَ فِيهِ نَسْخُ تَحْرِيمِ اسْتِدْبَارِهَا، وَلَكَانَ مَنْ أَقْحَمَ فِي ذَلِكَ إبَاحَةَ اسْتِدْبَارِهَا كَاذِبًا مُبْطِلًا لِشَرِيعَةٍ ثَابِتَةٍ، وَهَذَا حَرَامٌ، فَبَطَلَ تَعَلُّقُهُمْ بِحَدِيثِ ابْنِ عُمَرَ.

وَأَمَّا حَدِيثُ عَائِشَةَ فَهُوَ سَاقِطٌ؛ لِأَنَّهُ رِوَايَةُ خَالِدٍ الْحَذَّاءِ - وَهُوَ ثِقَةٌ - عَنْ خَالِدِ بْنِ أَبِي الصَّلْتِ وَهُوَ مَجْهُولٌ لَا يُدْرَى مَنْ هُوَ، وَأَخْطَأَ فِيهِ عَبْدُ الرَّزَّاقِ فَرَوَاهُ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ كَثِيرِ بْنِ الصَّلْتِ، وَهَذَا أَبْطَلُ وَأَبْطَلُ؛ لِأَنَّ خَالِدًا الْحَذَّاءَ لَمْ يُدْرِكْ كَثِيرَ بْنَ الصَّلْتِ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّ نَصَّهُ يُبَيِّنُ أَنَّهُ إنَّمَا كَانَ قَبْلَ النَّهْيِ؛ لِأَنَّ مِنْ الْبَاطِلِ الْمُحَالِ أَنْ يَكُونَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْهَاهُمْ عَنْ اسْتِقْبَالِ الْقِبْلَةِ بِالْبَوْلِ وَالْغَائِطِ ثُمَّ يُنْكِرُ عَلَيْهِمْ طَاعَتَهُ فِي ذَلِكَ، هَذَا مَا لَا يَظُنُّهُ مُسْلِمٌ وَلَا ذُو عَقْلٍ، وَفِي هَذَا الْخَبَرِ إنْكَارُ ذَلِكَ عَلَيْهِمْ، فَلَوْ صَحَّ لَكَانَ مَنْسُوخًا بِلَا شَكٍّ، ثُمَّ لَوْ

[17] **Qur'an references (L3125):** Qur'an 5:3 (Al-Ma'idah); Qur'an 16:44 (An-Nahl).

missibility of facing it, not the permissibility of turning one's back to it in any respect. Therefore, their reliance on the ḥadīth of ʿĀ'ishah is entirely invalid.

L3129 As for the ḥadīth of Jābir, it is the narration of Abān ibn Ṣāliḥ and is not well-known. Additionally, it does not clarify that facing the Qiblah by the Prophet—peace be upon him—occurred after the Prophet's own prohibition. If that were the case, Jābir would have stated, "Then I saw the Prophet." Moreover, even if it were authentic, it would only indicate the abrogation of facing [the Qiblah] specifically, while turning away [from it] has no basis whatsoever. It is impermissible to add to the transmitted reports what is not contained within them, for doing so would make the one who does so a liar. Furthermore, if two matters are prohibited and one is abrogated, this does not necessitate the abrogation of the other. Thus, all their contentious arguments are nullified—and success comes solely from Allah, the Most High. Their claim is invalidated due to its complete lack of evidence.

L3130 As for those who differentiate between deserts and buildings in this matter, their position is entirely unsupported by evidence, since none of these narrations distinguish between desert and buildings. Such an assertion is mere conjecture, and conjecture is the most deceitful of statements, availing nothing against the truth. There is no difference between one who limits the prohibition to deserts rather than buildings, another who claims it applies specifically to Medina or Mecca, and another who restricts it to the days of Hajj. All such claims are baseless confusion.

L3131 "Some of them said, 'This ruling applied exclusively to deserts because there were people there who would pray and were harmed as a result of their prayers.'"

L3132–3134 Abū Muḥammad said: This is invalid because defecation, however it occurs in open land, so its place... It must necessarily be a qiblah for one direction and not for another. Thus, Mālik's opinion was entirely disconnected from any Sunnah or scriptural proof. This view contradicts all statements of the Companions – may Allah be pleased with them – except for a narration from

صَحَّ لَمَا كَانَ فِيهِ إِلَّا إِبَاحَةُ الِاسْتِقْبَالِ فَقَطْ، لَا إِبَاحَةُ الِاسْتِدْبَارِ أَصْلًا، فَبَطَلَ تَعَلُّقُهُمْ بِحَدِيثِ عَائِشَةَ جُمْلَةً.

وَأَمَّا حَدِيثُ جَابِرٍ فَإِنَّهُ رِوَايَةُ أَبَانَ بْنِ صَالِحٍ وَلَيْسَ بِالْمَشْهُورِ، وَأَيْضًا فَلَيْسَ فِيهِ بَيَانٌ أَنَّ اسْتِقْبَالَهُ الْقِبْلَةَ - عَلَيْهِ السَّلَامُ - كَانَ بَعْدَ نَهْيِهِ، وَلَوْ كَانَ ذَلِكَ لَقَالَ جَابِرٌ، ثُمَّ رَأَيْته، وَأَيْضًا فَلَوْ صَحَّ لَمَا كَانَ فِيهِ إِلَّا النَّسْخُ لِلِاسْتِقْبَالِ فَقَطْ، وَأَمَّا الِاسْتِدْبَارُ فَلَا أَصْلًا، وَلَا يَحِلُّ أَنْ يُزَادَ فِي الْأَخْبَارِ مَا لَيْسَ فِيهَا، فَيَكُونُ مَنْ فَعَلَ ذَلِكَ كَاذِبًا، وَلَيْسَ إذَا نَهَى عَنْ شَيْئَيْنِ ثُمَّ نُسِخَ أَحَدُهُمَا وَجَبَ نَسْخُ الْآخَرِ، فَبَطَلَ كُلُّ مَا شَغَبُوا بِهِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، وَسَقَطَ قَوْلُهُمْ لِتَعَرِّيهِ عَنْ الْبُرْهَانِ.

وَأَمَّا مَنْ فَرَّقَ بَيْنَ الصَّحَارِي وَالْبِنَاءِ فِي ذَلِكَ فَقَوْلٌ لَا يَقُومُ عَلَيْهِ دَلِيلٌ أَصْلًا، إذْ لَيْسَ فِي شَيْءٍ مِنْ هَذِهِ الْآثَارِ فَرْقٌ بَيْنَ صَحْرَاءَ وَبُنْيَانٍ، فَالْقَوْلُ بِذَلِكَ ظَنٌّ، وَالظَّنُّ أَكْذَبُ الْحَدِيثِ، وَلَا يُغْنِي عَنْ الْحَقِّ شَيْئًا، وَلَا فَرْقَ بَيْنَ مَنْ حَمَلَ النَّهْيَ عَلَى الصَّحَارِي دُونَ الْبُنْيَانِ، وَبَيْنَ آخَرَ قَالَ بَلْ النَّهْيُ عَنْ ذَلِكَ فِي الْمَدِينَةِ أَوْ مَكَّةَ خَاصَّةً، وَبَيْنَ آخَرَ قَالَ فِي أَيَّامِ الْحَجِّ خَاصَّةً، وَكُلُّ هَذَا تَخْلِيطٌ لَا وَجْهَ لَهُ.

وَقَالَ بَعْضُهُمْ: إنَّمَا كَانَ فِي الصَّحَارِي، لِأَنَّ هُنَالِكَ قَوْمًا يُصَلُّونَ فَيُؤْذَوْنَ بِذَلِكَ.

قَالَ أَبُو مُحَمَّدٍ: هَذَا بَاطِلٌ؛ لِأَنَّ وُقُوعَ الْغَائِطِ كَيْفَمَا وَقَعَ فِي الصَّحْرَاءِ فَمَوْضِعُهُ لَا بُدَّ أَنْ يَكُونَ قِبْلَةً لِجِهَةٍ مَا، وَغَيْرَ قِبْلَةٍ لِجِهَةٍ أُخْرَى، فَخَرَجَ قَوْلُ مَالِكٍ عَنْ أَنْ يَكُونَ لَهُ مُتَعَلِّقٌ

Ibn ʿUmar, though contradictory narrations have also been transmitted from him. Success lies with Allah, the Exalted.

The issue of the permissibility of ablution and the ritual bath for janabah (major ritual impurity) using water mixed with a ritually pure substance.

Issue 147: Any water that mixes with a pure, permissible substance such that its color, smell, and taste become apparent—provided it is still called water—is valid for ablution and for bathing due to major ritual impurity.

The proof of that is His statement, the Most High: "then you could not find water" [An-Nisā': 43], and this remains water regardless of whether musk, honey, saffron, or other such substances have been mixed into it.[18]

Humam narrated to us from Ibn Mufarrij from Ibn al-A'rabi from al-Dabari from Abd al-Razzaq from Ibn Jurayj, who informed me from Ata ibn Abi Rabah from Umm Hani' bint Abi Talib that she said: "I entered upon the Prophet (peace and blessings of Allah be upon him) on the Day of the Conquest while he was in his tent. I found that he had bathed with water that was in a shallow vessel, and I indeed saw traces of dough in it. Then I found him praying the Duha prayer."

And through him to Abd al-Razzaq, from Ma'mar, from Ibn Tawus, from al-Muttalib ibn Abdullah ibn Hantab, from Umm Hani, who said: "On the day of the Conquest, the Messenger of Allah (peace be upon him) camped in the upper part of Mecca. I brought him water in a kneading tray—I could see traces of dough in it. Abu Dharr screened him, and the Messenger of Allah (peace be upon him) performed a ritual bath. Then the Messenger (peace be upon him) screened Abu Dharr for him to perform a ritual bath. Then he prayed eight rak'ahs, and that was during the forenoon."

[18] **Qur'an references (L3137):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

بِسُنَّةٍ أَوْ بِدَلِيلٍ أَصْلًا، وَهُوَ قَوْلٌ خَالَفَ جَمِيعَ أَقْوَالِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - إِلَّا رِوَايَةً عَنْ ابْنِ عُمَرَ قَدْ رُوِيَ عَنْهُ خِلَافُهَا، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة جَوَازِ الْوُضُوء وَالْغُسْل للجنابة بِالْمَاءِ الَّذِي اخْتَلَطَ بطاهر]

١٤٧ - مَسْأَلَةٌ: وَكُلُّ مَاءٍ خَالَطَهُ شَيْءٌ طَاهِرٌ مُبَاحٌ فَظَهَرَ فِيهِ لَوْنُهُ وَرِيحُهُ وَطَعْمُهُ إِلَّا أَنَّهُ لَمْ يَزُلْ عَنْهُ اسْمُ الْمَاءِ، فَالْوُضُوءُ بِهِ جَائِزٌ وَالْغُسْلُ بِهِ لِلْجَنَابَةِ جَائِزٌ.

بُرْهَانُ ذَلِكَ قَوْله تَعَالَى: {فَلَمْ تَجِدُوا مَاءً} [النساء: ٤٣] وَهَذَا مَاءٌ، سَوَاءٌ كَانَ الْوَاقِعُ فِيهِ مِسْكًا أَوْ عَسَلًا أَوْ زَعْفَرَانًا أَوْ غَيْرَ ذَلِكَ.

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ ثنا ابْنُ جُرَيْجٍ أَخْبَرَنِي عَطَاءُ بْنُ أَبِي رَبَاحٍ عَنْ أُمِّ هَانِئٍ بِنْتِ أَبِي طَالِبٍ أَنَّهَا قَالَتْ: «دَخَلْتُ عَلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الْفَتْحِ وَهُوَ فِي قُبَّةٍ لَهُ، فَوَجَدْتُهُ قَدْ اغْتَسَلَ بِمَاءٍ كَانَ فِي صَحْفَةٍ، إِنِّي لَأَرَى فِيهَا أَثَرَ الْعَجِينِ، فَوَجَدْتُهُ يُصَلِّي الضُّحَى» .

وَبِهِ إِلَى عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ ابْنِ طَاوُسٍ عَنْ الْمُطَّلِبِ بْنِ عَبْدِ اللَّهِ بْنِ حَنْطَبٍ عَنْ أُمِّ هَانِئٍ قَالَتْ «نَزَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الْفَتْحِ بِأَعْلَى مَكَّةَ فَأَتَيْتُهُ بِمَاءٍ فِي جَفْنَةٍ إِنِّي لَأَرَى أَثَرَ الْعَجِينِ فِيهَا، فَسَتَرَهُ أَبُو ذَرٍّ فَاغْتَسَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثُمَّ سَتَرَ - عَلَيْهِ السَّلَامُ - أَبَا ذَرٍّ فَاغْتَسَلَ، ثُمَّ صَلَّى ثَمَانِيَ رَكَعَاتٍ وَذَلِكَ فِي الضُّحَى» .

L3140 Yunus ibn Abdullah narrated to us: Abu Isa ibn Abi Isa reported to us: Ahmad ibn Khalid reported to us: Ibn Waddah reported to us: Abu Bakr ibn Abi Shaybah reported from Zayd ibn al-Hubab al-Ukli from Ibrahim ibn Nafi' from Ibn Abi Najih from Mujahid from Umm Hani' that Maymunah, the Mother of the Believers, and the Messenger of Allah (peace and blessings be upon him) performed ritual bathing from a bowl containing remnants of dough.

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ زَيْدِ بْنِ الْحُبَابِ الْعُكْلِيِّ عَنْ إِبْرَاهِيمَ بْنِ نَافِعٍ عَنِ ابْنِ أَبِي نَجِيحٍ عَنْ مُجَاهِدٍ عَنْ أُمِّ هَانِئٍ «أَنَّ مَيْمُونَةَ أُمَّ الْمُؤْمِنِينَ وَرَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اغْتَسَلَا مِنْ قَصْعَةٍ فِيهَا أَثَرُ الْعَجِينِ» .

L3141 Ali stated: This is Thabit's narration from Ibn Mas'ud, who said: If a person in a state of major impurity washes his head with *khiṭmī*, it suffices him. Likewise, an explicit statement is similarly reported from Ibn Abbas.

قَالَ عَلِيٌّ: وَهَذَا قَوْلُ ثَابِتٍ عَنِ ابْنِ مَسْعُودٍ قَالَ: إِذَا غَسَلَ الْجُنُبُ رَأْسَهُ بِالْخِطْمِيِّ أَجْزَأَهُ، وَكَذَلِكَ نَصًّا عَنِ ابْنِ عَبَّاسٍ.

L3142–3144 This has also been narrated from Ali ibn Abi Talib and authenticated from Sa'id ibn al-Musayyib and Ibn Jurayj, as well as from the female Companions of the Prophet (peace be upon him) among the women of the Ansar and the female successors (Tābiʿāt) from them: that the woman in a state of major ritual impurity... As for the menstruating woman, if she combs her hair with thin henna, that suffices as a substitute for washing her head for menstruation and janabah (major ritual impurity), and she need not wash it again. It is established from Ibrahim al-Nakha'i, 'Ata' ibn Abi Rabah, Abu Salamah ibn 'Abd al-Rahman ibn 'Awf, and Sa'id ibn Jubayr that they said regarding the person in a state of janabah: He washes his head with lote tree and khitmī (marshmallow plant) - this suffices as a substitute for washing his head due to janabah.

وَرُوِيَ أَيْضًا هَذَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، وَثَبَتَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ وَابْنِ جُرَيْجٍ وَعَنْ صَوَاحِبِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نِسَاءِ الْأَنْصَارِ وَالتَّابِعَاتِ مِنْهُنَّ: أَنَّ الْمَرْأَةَ الْجُنُبَ وَالْحَائِضَ إِذَا امْتَشَطَتْ بِحِنَّاءٍ رَقِيقٍ أَنَّ ذَلِكَ يُجْزِئُهَا مِنْ غَسْلِ رَأْسِهَا لِلْحَيْضَةِ وَالْجَنَابَةِ وَلَا تُعِيدُ غَسْلَهُ، وَثَبَتَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ وَعَطَاءِ بْنِ أَبِي رَبَاحٍ وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَسَعِيدِ بْنِ جُبَيْرٍ أَنَّهُمْ قَالُوا فِي الْجُنُبِ: يَغْسِلُ رَأْسَهُ بِالسِّدْرِ وَالْخِطْمِيِّ: إِنَّهُ يُجْزِئُهُ ذَلِكَ مِنْ غَسْلِ رَأْسِهِ لِلْجَنَابَةِ.

L3145 Our opinion in this matter is the opinion of Abū Ḥanīfah, al-Shāfiʿī, and Dāwūd.

وَقَوْلُنَا فِي هَذَا هُوَ قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَدَاوُد.

L3146 A similar account was also narrated from Mālik. Saḥnūn reported from Ibn al-Qāsim that he asked Mālik about a pond frequented by livestock that urinate in it and camels defecate in it, until the water's color and smell change: "May one perform ablution with it for prayer?" Mālik replied: "I dislike it but do not prohibit it. Ibn ʿUmar used to say: 'I love to place a barrier of lawful acts between myself and the forbidden.'"

وَرُوِيَ عَنْ مَالِكٍ نَحْوُ هَذَا أَيْضًا. وَرَوَى سَحْنُونٌ عَنِ ابْنِ الْقَاسِمِ أَنَّهُ سَأَلَ مَالِكًا عَنِ الْغَدِيرِ تَرِدُهُ الْمَوَاشِي فَتَبُولُ فِيهِ وَتَبْعِرُ حَتَّى يَتَغَيَّرَ لَوْنُ الْمَاءِ وَرِيحُهُ: أَيُتَوَضَّأُ مِنْهُ لِلصَّلَاةِ؟ قَالَ مَالِكٌ: أَكْرَهُهُ وَلَا أُحَرِّمُهُ، كَانَ ابْنُ عُمَرَ يَقُولُ: إِنِّي لَأُحِبُّ أَنْ أَجْعَلَ بَيْنِي وَبَيْنَ الْحَرَامِ سُتْرَةً مِنَ الْحَلَالِ.

وَالَّذِي عَلَيْهِ أَصْحَابُهُ بِخِلَافِ هَذَا، وَهُوَ أَنَّهُ رُوِيَ عَنْهُ فِي الْمَاءِ يُبَلُّ فِيهِ الْخُبْزُ أَوْ يَقَعُ فِيهِ الدُّهْنُ: أَنَّهُ لَا يَجُوزُ الْوُضُوءُ بِهِ وَكَذَلِكَ الْمَاءُ يُنْقَعُ فِيهِ الْجِلْدُ، وَهَذَا خَطَأٌ مِنَ الْقَوْلِ، لِأَنَّهُ لَا دَلِيلَ عَلَيْهِ مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا إِجْمَاعٍ وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، بَلْ خَالَفُوا فِيهِ ثَلَاثَةً مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعْرَفُ لَهُمْ مِنْهُمْ مُخَالِفٌ، وَخَالَفُوا فِيهِ فُقَهَاءَ الْمَدِينَةِ كَمَا ذَكَرْنَا، وَمَا نَعْلَمُهُمْ احْتَجُّوا بِأَكْثَرَ مِنْ أَنْ قَالُوا: لَيْسَ هُوَ مَاءً مُطْلَقًا.

L3147 The position upheld by his school's adherents contradicts this, as it is reported from him concerning water in which bread is soaked or oils have fallen: that ablution is not permissible with it, and similarly water used for soaking hides. This is an erroneous view, for there is no evidence supporting it from the Qur'an, Sunnah, consensus, a Companion's ruling, or analogical reasoning. Rather, they opposed three Companions—may Allah be pleased with them—against whom no dissent is recorded from their contemporaries, and they contradicted the jurists of Medina as we mentioned. We are unaware of them advancing any evidence beyond their assertion: "It is not absolute water at all."

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ، بَلْ هُوَ مَاءٌ مُطْلَقٌ وَإِنْ كَانَ فِيهِ شَيْءٌ آخَرُ، وَلَا فَرْقَ بَيْنَ ذَلِكَ الَّذِي فِيهِ وَبَيْنَ حَجَرٍ يَكُونُ فِيهِ، وَهُمْ يُجِيزُونَ الْوُضُوءَ بِالْمَاءِ الَّذِي تَغَيَّرَ مِنْ طِينِ مَوْضِعِهِ، وَهَذَا تَنَاقُضٌ.

L3148 Abu Muhammad said: This is erroneous. Rather, it is unrestricted water even if something else is present. There is no distinction between that which is in it and a stone that may be within it. Yet they permit ablution with water altered by the mud of its location—and this is a contradiction.

وَمِنَ الْعَجَبِ أَنَّهُمْ لَمْ يَجْعَلُوا حُكْمَ الْمَاءِ لِلْمَاءِ الَّذِي مَازَجَهُ شَيْءٌ طَاهِرٌ لَمْ يُزِلْ عَنْهُ اسْمَ الْمَاءِ، وَجَعَلُوا لِلْفِضَّةِ الْمَخْلُوطَةِ بِالنُّحَاسِ - خَلْطًا يُغَيِّرُهَا - حُكْمَ الْفِضَّةِ الْمُحْضَةِ، وَكَذَلِكَ فِي الذَّهَبِ الْمَمْزُوجِ فَجَعَلُوهُ كَالذَّهَبِ الصِّرْفِ فِي الزَّكَاةِ وَالصَّرْفِ، وَهَذَا هُوَ الْخَطَأُ وَعَكْسُ الْحَقَائِقِ، لِأَنَّهُمْ أَوْجَبُوا الزَّكَاةَ فِي الصُّفْرِ الْمُمَازِجِ لِلْفِضَّةِ، وَهَذَا بَاطِلٌ وَأَبَاحُوا صَرْفَ فِضَّةٍ وَصُفْرٍ بِمِثْلِ وَزْنِ الْجَمِيعِ مِنْ فِضَّةٍ مَحْضَةٍ، وَهَذَا هُوَ الرِّبَا بِعَيْنِهِ وَأَمَّا الْوُضُوءُ بِمَاءٍ قَدْ مَازَجَهُ شَيْءٌ طَاهِرٌ فَإِنَّمَا يَتَوَضَّأُ وَيَغْتَسِلُ بِالْمَاءِ، وَلَا يَضُرُّهُ مُرُورُ شَيْءٍ طَاهِرٍ عَلَى أَعْضَائِهِ مَعَ الْمَاءِ.

L3149 It is astonishing that they did not assign the legal ruling of water to water mixed with a pure substance that does not negate its classification as water, yet they applied the ruling of pure silver to silver blended with copper - through mixing that alters its qualities - and similarly treated mixed gold as pure gold in matters of zakāh and currency exchange. This is erroneous and contrary to established principles, for they obligated zakāh on copper mixed with silver - which is invalid - and permitted exchanging mixed silver and copper for an equivalent weight of pure silver, which constitutes ribā itself. As for performing ablution with water mixed with a pure substance, one performs wuḍūʾ and ghusl using the water, and the presence of a pure substance on the limbs during ablution does not invalidate it.

وَقَالَ بَعْضُهُمْ: هُوَ كَمَاءِ الْوَرْدِ. قَالَ أَبُو مُحَمَّدٍ وَهَذَا بَاطِلٌ، لِأَنَّ مَاءَ الْوَرْدِ لَيْسَ مَاءً أَصْلًا، وَهَذَا مَاءٌ وَشَيْءٌ آخَرُ مَعَهُ فَقَطْ.

L3150–3151 Some of them said: It is like rose water. Abu Muhammad said: And this is incorrect, because rose water is not fundamentally water; rather, it is only water and another thing combined.

[مَسْأَلَة حُكْم الْوُضُوء وَالْغُسْل إِذَا لَمْ يُوجَد شَرْط الْجَوَاز وَهُوَ زَوَال اسْم الْمَاء عَنْهُ]

١٤٨ - مَسْأَلَةٌ: فَإِنْ سَقَطَ عَنْهُ اسْمُ الْمَاءِ جُمْلَةً، كَالنَّبِيذِ وَغَيْرِهِ، لَمْ يَجُزْ الْوُضُوءُ بِهِ وَلَا الْغُسْلُ، وَالْحُكْمُ حِينَئِذٍ التَّيَمُّمُ، وَسَوَاءٌ فِي هَذِهِ الْمَسْأَلَةِ وَالَّتِي قَبْلَهَا، وُجِدَ مَاءٌ آخَرُ أَمْ لَمْ يُوجَدْ.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [النساء: ٤٣] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَجُعِلَتْ تُرْبَتُهَا لَنَا طَهُورًا إِذَا لَمْ نَجِدِ الْمَاءَ» .

وَلَمَّا كَانَ اسْمُ الْمَاءِ لَا يَقَعُ عَلَى مَا غَلَبَ عَلَيْهِ غَيْرُ الْمَاءِ حَتَّى تَزُولَ عَنْهُ جَمِيعُ صِفَاتِ الْمَاءِ الَّتِي مِنْهَا يُؤْخَذُ حَدُّهُ، صَحَّ أَنَّهُ لَيْسَ مَاءً، وَلَا يَجُوزُ الْوُضُوءُ بِغَيْرِ الْمَاءِ، وَهَذَا قَوْلُ مَالِكٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَدَاوُد وَغَيْرِهِمْ، وَقَالَ بِهِ الْحَسَنُ وَعَطَاءُ بْنُ أَبِي رَبَاحٍ وَسُفْيَانُ الثَّوْرِيُّ وَأَبُو يُوسُفَ وَإِسْحَاقُ وَأَبُو ثَوْرٍ وَغَيْرُهُمْ.

وَرُوِيَ عَنْ عِكْرِمَةَ أَنَّ النَّبِيذَ وَضُوءٌ إِذَا لَمْ يُوجَدْ الْمَاءُ وَلَا يَتَيَمَّمُ مَعَ وُجُودِهِ.

وَقَالَ الْأَوْزَاعِيُّ: لَا يَتَيَمَّمُ إِذَا عَدِمَ الْمَاءَ مَا دَامَ يُوجَدُ نَبِيذٌ غَيْرُ مُسْكِرٍ، فَإِنْ كَانَ مُسْكِرًا فَلَا يَتَوَضَّأُ بِهِ.

وَقَالَ حُمَيْدٌ صَاحِبُ الْحَسَنِ بْنِ حَيٍّ: نَبِيذُ التَّمْرِ خَاصَّةً يَجُوزُ الْوُضُوءُ بِهِ وَالْغُسْلُ الْمُفْتَرَضُ فِي الْحَضَرِ وَالسَّفَرِ، وُجِدَ الْمَاءُ أَوْ لَمْ يُوجَدْ، وَلَا يَجُوزُ ذَلِكَ بِغَيْرِ نَبِيذِ التَّمْرِ، وُجِدَ الْمَاءُ أَوْ لَمْ يُوجَدْ.

The ruling on ablution (wudu) and major ablution (ghusl) when the condition for their permissibility—namely, the removal of water's classification from it (i.e., when it ceases to retain its inherent properties)—is absent.

148. Issue: If the name of water ceases to apply to a liquid entirely—such as nabīdh or other [liquids]—it is not permissible to perform wuḍū' or ghusl with it. The ruling at that time is tayammum. It makes no difference in this issue and the preceding one whether other water exists or not.

The evidence for this is the statement of Allah, the Most High: {If you did not find water, then perform tayammum with clean earth} [An-Nisa: 43], and the statement of the Messenger of Allah (peace be upon him): "Its dust has been made a purifier for us when we did not find water."[19][20]

Since the name "water" does not apply to that which is dominated by non-water until all attributes of water—from which its technical definition is derived—cease to exist within it, it is established that such a substance is not considered water, and ablution with anything other than water is impermissible. This is the position of Mālik, al-Shāfiʿī, Aḥmad, Dāwūd, and others. It was also held by al-Ḥasan, ʿAṭāʾ ibn Abī Rabāḥ, Sufyān al-Thawrī, Abū Yūsuf, Isḥāq, Abū Thawr, and other scholars.

It is narrated from Ikrimah that nabidh constitutes ablution when water is unavailable, and one must not resort to dry ablution if it is available.

Al-Awzaʿī said: One must not perform tayammum when water is unavailable as long as non-intoxicating nabīdh is available. If the nabīdh is intoxicating, one must not perform wudu with it.

Humaid, the companion of al-Ḥasan ibn Ḥayy, said: Date *nabīdh* specifically is permissible for ablution and the obligatory ghusl, whether in resi-

[19] **Hadith references (L3154):** Sahih Muslim 522a; Bulugh al-Maram 127; Mishkat al-Masabih 526.

[20] **Qur'an references (L3154):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

dence or during travel, whether water is found or not. This is not permissible with anything other than date *nabīdh*, whether water is found or not.

وَقَالَ أَبُو حَنِيفَةَ فِي أَشْهَرِ قَوْلَيْهِ: إِنَّ نَبِيذَ التَّمْرِ خَاصَّةً إِذَا لَمْ يُسْكِرْ فَإِنَّهُ يُتَوَضَّأُ بِهِ وَيُغْتَسَلُ - فِيمَا كَانَ خَارِجَ الْأَمْصَارِ وَالْقُرَى خَاصَّةً - عِنْدَ عَدَمِ الْمَاءِ، فَإِنْ أَسْكَرَ، فَإِنْ كَانَ مَطْبُوخًا جَازَ الْوُضُوءُ بِهِ وَالْغُسْلُ كَذَلِكَ، فَإِنْ كَانَ نِيئًا لَمْ يَجُزْ اسْتِعْمَالُهُ أَصْلًا فِي ذَلِكَ، وَلَا يَجُوزُ الْوُضُوءُ بِشَيْءٍ مِنْ ذَلِكَ، لَا عِنْدَ عَدَمِ الْمَاءِ وَلَا فِي الْأَمْصَارِ وَلَا فِي الْقُرَى أَصْلًا - وَإِنْ عَدِمَ الْمَاءَ - وَلَا بِشَيْءٍ مِنَ الْأَنْبِذَةِ غَيْرَ نَبِيذِ التَّمْرِ لَا فِي الْقُرَى وَلَا فِي غَيْرِ الْقُرَى، وَلَا عِنْدَ عَدَمِ الْمَاءِ، وَالرِّوَايَةُ الْأُخْرَى عَنْهُ أَنَّ جَمِيعَ الْأَنْبِذَةِ يُتَوَضَّأُ بِهَا وَيُغْتَسَلُ، كَمَا قَالَ فِي نَبِيذِ التَّمْرِ سَوَاءً سَوَاءً.

L3159 In the more well-known of his two opinions, Abū Ḥanīfah stated that date *nabīdh* specifically—if it does not cause intoxication—may be used for *wuḍūʾ* and *ghusl* when water is unavailable, specifically in areas outside cities and villages. If it causes intoxication, then if it is cooked, ablution and bathing with it are permissible in the same manner. But if it is raw, its use for such purposes is entirely impermissible. Ablution with any of these substances is not permissible at all—neither in cities nor villages under any circumstance, nor with any type of *nabīdh* other than date *nabīdh*, neither in villages nor elsewhere, nor during water scarcity—even if water is unavailable. The other report from him states that all types of *nabīdh* may be used for *wuḍūʾ* and *ghusl* without any distinction, just as he ruled regarding date *nabīdh*.

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: يُتَوَضَّأُ بِنَبِيذِ التَّمْرِ عِنْدَ عَدَمِ الْمَاءِ وَيُتَيَمَّمُ مَعًا.

L3160–3161 And Muhammad ibn al-Hasan said: When water is unavailable, one may perform wudu with date nabidh and tayammum together.

قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ عِكْرِمَةَ وَالْأَوْزَاعِيِّ وَالْحَسَنِ بْنِ حَيٍّ، فَإِنَّهُمُ احْتَجُّوا بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ مَسْعُودٍ مِنْ طُرُقٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ لَيْلَةَ الْجِنِّ: مَعَكَ مَاءٌ؟ قَالَ لَيْسَ مَعِي مَاءٌ، وَلَكِنْ مَعِي إِدَاوَةٌ فِيهَا نَبِيذٌ، فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: تَمْرَةٌ طَيِّبَةٌ وَمَاءٌ طَهُورٌ، فَتَوَضَّأَ ثُمَّ صَلَّى الصُّبْحَ» وَفِي بَعْضِ أَلْفَاظِهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ بِنَبِيذٍ وَقَالَ: تَمْرَةٌ طَيِّبَةٌ وَمَاءٌ طَهُورٌ» .

L3162 Abū Muḥammad said: As for the statement of ʿIkrimah, al-Awzāʿī, and al-Ḥasan ibn Ḥayy, they cited as evidence a ḥadīth we narrated through various chains from Ibn Masʿūd's narration: "That during the Night of the Jinn, the Messenger of Allāh—may Allah's peace and blessings be upon him—asked him: 'Do you have water?' He replied: 'I have no water, but I have a waterskin with nabīḍ.' The Prophet—may Allah's peace and blessings be upon him—said: 'A wholesome date and purifying water,' then performed ablution and prayed the dawn prayer." In some wordings of it: "The Messenger of Allāh—may Allah's peace and blessings be upon him—performed ablution with nabīḍ and said: 'A wholesome date and purifying water.'"

وَقَالَ بَعْضُهُمْ: إِنَّ جَمَاعَةً مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - رَكِبُوا الْبَحْرَ فَلَمْ يَجِدُوا إِلَّا مَاءَ الْبَحْرِ وَنَبِيذًا، فَتَوَضَّئُوا بِالنَّبِيذِ وَلَمْ يَتَوَضَّئُوا بِمَاءِ الْبَحْرِ. وَذَكَرُوا مَا حَدَّثَنَاهُ مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ قَالَ: ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ

L3163–3164 Some of them said: A group of the Companions—may Allah be pleased with them—traveled by sea and found nothing but seawater and *nabīdh*. They performed ablution with the *nabīdh* and did not perform ablution with seawater. They mentioned what Muḥammad ibn Saʿīd ibn Nabāt narrated to us, saying: Aḥmad ibn ʿAbd al-Baṣīr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us, Muḥammad ibn al-Muthannā narrated to us, Yazīd ibn Hārūn narrated to

us, ʿAbdullāh ibn Maysarah narrated to us from Mazīdah ibn Jābir from ʿAlī ibn Abī Ṭālib—may Allah be pleased with him—who said: "If you do not find water, perform ablution with *nabīdh*."

L3165–3167 Muhammad ibn al-Muthanna said: And Abu Muʿawiyah Muhammad ibn Khazim al-Ḍarīr (the Blind) narrated to us; he narrated to us: Al-Hajjāj ibn Arṭāh reported from Abū Isḥāq al-Sabīʿī from al-Ḥārith from ʿAlī ibn Abī Ṭālib—may Allah be pleased with him—who said: "There is no harm in performing ablution with *nabīdh*." It was noted: "No dissenting opinion is known from the Companions we have mentioned—may Allah be pleased with them—thus, this constitutes a consensus, even though some who disagree with us hold contrary views."

L3168 They said: Nabidh is undoubtedly water mixed with another substance. Since it is as such, ablution with it is permissible.

L3169 Abu Muhammad said: This is all they can raise objections to, and they have no valid proof for any of it. And all praise is due to Allah.

L3170 As for the mentioned report, it is not authentic because all its chains include unknown individuals or those of no merit. We have exhaustively discussed it in a book other than this one. Even if it were established by *tawātur*, it would not constitute evidence for their position, since the Night of the Jinn occurred in Mecca before the Hijrah, while the verse on ablution was only revealed in Medina in Sūrat al-Nisā' and in Sūrat al-Mā'idah. No report ever established that ablution was obligatory in Mecca. Given this, ablution with *nabīdh* is equivalent to no ablution. Thus, dependency on it as evidence becomes invalid even if it were authentic.

L3171 As for what they narrated concerning the practice of the Companions—may Allah be pleased with them—it stands against them, not in their favor. For al-Awzāʿī, al-Ḥasan ibn Ḥayyī, Abū Ḥanīfa, and his companions all oppose what was transmitted from the Companions in this matter—permitting ablution with seawater while prohibiting ablution with *nabīdh* as long as seawater exists. All of them—with the exclusion of Ḥumayd, the companion of al-Ḥasan ibn Ḥayyī—do not permit ablution with *nabīdh* at all when seawater is available. Ḥumayd, al-Ḥasan's companion, permits ablution with seawater

الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا يَزِيدُ بْنُ هَارُونَ ثنا عَبْدُ اللَّهِ بْنُ مَيْسَرَةَ عَنْ مَزِيدَةَ بْنِ جَابِرٍ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: إذَا لَمْ تَجِدْ الْمَاءَ فَلْتَتَوَضَّأْ بِالنَّبِيذِ.

قَالَ مُحَمَّدُ بْنُ الْمُثَنَّى: وَحَدَّثَنَا أَبُو مُعَاوِيَةَ مُحَمَّدُ بْنِ خَازِمٍ الضَّرِيرُ ثنا الْحَجَّاجُ بْنُ أَرْطَاةَ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ الْحَارِثِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: لَا بَأْسَ بِالْوُضُوءِ بِالنَّبِيذِ. قَالُوا: وَلَا مُخَالِفَ لِمَنْ ذَكَرْنَا يُعْرَفُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، فَهُوَ إجْمَاعٌ عَلَى قَوْلِ بَعْضِ مُخَالِفِينَا.

وَقَالُوا: النَّبِيذُ مَاءٌ بِلَا شَكٍّ خَالَطَهُ غَيْرُهُ، فَإِذْ هُوَ كَذَلِكَ فَالْوُضُوءُ بِهِ جَائِزٌ.

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّ مَا يُمْكِنُ أَنْ يَشْغَبُوا بِهِ، وَلَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ، وَلِلَّهِ الْحَمْدُ.

أَمَّا الْخَبَرُ الْمَذْكُورُ فَلَمْ يَصِحَّ؛ لِأَنَّ فِي جَمِيعِ طُرُقِهِ مَنْ لَا يُعْرَفُ أَوْ مَنْ لَا خَيْرَ فِيهِ، وَقَدْ تَكَلَّمْنَا عَلَيْهِ كَلَامًا مُسْتَقْصًى فِي غَيْرِ هَذَا الْكِتَابِ، ثُمَّ لَوْ صَحَّ بِنَقْلِ التَّوَاتُرِ لَمْ يَكُنْ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّ لَيْلَةَ الْجِنِّ كَانَتْ بِمَكَّةَ قَبْلَ الْهِجْرَةِ وَلَمْ تَنْزِلْ آيَةُ الْوُضُوءِ إلَّا بِالْمَدِينَةِ فِي سُورَةِ النِّسَاءِ وَفِي سُورَةِ الْمَائِدَةِ، وَلَمْ يَأْتِ قَطُّ أَثَرٌ بِأَنَّ الْوُضُوءَ كَانَ فَرْضًا بِمَكَّةَ، فَإِذْ ذَلِكَ كَذَلِكَ فَالْوُضُوءُ بِالنَّبِيذِ كَلَا وُضُوءٍ، فَسَقَطَ التَّعَلُّقُ بِهِ لَوْ صَحَّ.

وَأَمَّا الَّذِي رَوَوْهُ مِنْ فِعْلِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فَهُوَ عَلَيْهِمْ لَا لَهُمْ؛ لِأَنَّ الْأَوْزَاعِيَّ وَالْحَسَنَ بْنَ حَيٍّ وَأَبَا حَنِيفَةَ وَأَصْحَابَهُ كُلَّهُمْ مُخَالِفُونَ لِمَا رُوِيَ عَنْ الصَّحَابَةِ فِي ذَلِكَ، مُجِيزُونَ لِلْوُضُوءِ بِمَاءِ الْبَحْرِ، وَلَا يُجِيزُونَ الْوُضُوءَ بِالنَّبِيذِ، مَا دَامَ يُوجَدُ مَاءُ الْبَحْرِ، وَكُلُّهُمْ - حَاشَا حُمَيْدًا صَاحِبَ الْحَسَنِ بْنِ حَيٍّ - لَا يُجِيزُ الْوُضُوءَ أَلْبَتَّةَ بِالنَّبِيذِ

even when *nabīdh* is present. Thus, they all contradict the alleged practice of the Companions—may Allah be pleased with them—in this regard. It is sheer falsehood for a person to claim as proof against his opponent what he would not accept as proof against himself.

L3172 As for the report from Ali—may Allah be pleased with him—there is no proof in anyone other than the Messenger of Allah—peace and blessings be upon him. Moreover, Humaid, the companion of Al-Hasan ibn Ḥayy, contradicts the narration from Ali in that, for he holds ablution with date nabīdh to be permissible even when water is available, and this opposes Ali's view. He also maintains that all other nabīdh beverages are entirely impermissible for ablution, and this contradicts the narration from Ali.

L3173–3175 As for their claim that in *nabīdh* there is water that has something else mixed into it, this same reasoning applies to their position concerning milk that has been mixed with water. And concerning ink, because it is water mixed with gallnut and alum; and concerning liquid blends, because they are water combined with oil and vinegar, or water with oil, fish sauce, and similar substances—yet they do not accept any of this. Thus, their contradiction in every argument they advance has become apparent. All praise belongs to Allah.

L3176 As for the statement of Abū Ḥanīfah, he is the farthest removed among them from having any valid argument regarding what we have mentioned. As for the cited ḥadīth, it does not state that the Prophet—peace and blessings of Allāh be upon him—was outside Mecca when performing ablution with nabīdh. From where, then, does he derive his specification permitting ablution with nabīdh outside cities and villages? This contradicts the content of that report—especially since he does not permit dry ablution (tayammum) near the village, nor does he permit shortening prayers unless one stays for three days, and he requires a distance of at least twenty-one farsakhs. He has no valid proof for any of these positions, since his reasoning in that matter would apply to all these issues.

L3177 As for his second statement, in which he analogized all fermented beverages

مَا دَامَ يُوجَدُ مَاءُ الْبَحْرِ، وَحُمَيْدٌ صَاحِبُ الْحَسَنِ يُجِيزُ الْوُضُوءَ بِمَاءِ الْبَحْرِ مَعَ وُجُودِ النَّبِيذِ، فَكُلُّهُمْ مُخَالِفٌ لِمَا ادَّعَوْهُ مِنْ فِعْلِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي ذَلِكَ، وَمِنْ الْبَاطِلِ أَنْ يَرَى الْمَرْءُ حُجَّةً عَلَى خَصْمِهِ مَا لَا يَرَاهُ حُجَّةً عَلَيْهِ.

وَأَمَّا الْأَثَرُ عَنْ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - فَلَا حُجَّةَ فِي أَحَدٍ غَيْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَأَيْضًا فَإِنَّ حُمَيْدًا صَاحِبَ الْحَسَنِ بْنِ حَيٍّ يُخَالِفُ الرِّوَايَةَ عَنْ عَلِيٍّ فِي ذَلِكَ، لِأَنَّهُ يَرَى الْوُضُوءَ بِنَبِيذِ التَّمْرِ مَعَ وُجُودِ الْمَاءِ، وَهَذَا خِلَافُ قَوْلِ عَلِيٍّ، وَيَرَى أَنَّ سَائِرَ الْأَنْبِذَةِ لَا يَحِلُّ بِهَا الْوُضُوءُ أَصْلًا، وَهَذَا خِلَافُ الرِّوَايَةِ عَنْ عَلِيٍّ.

وَأَمَّا قَوْلُهُمْ: إنَّ فِي النَّبِيذِ مَاءً خَالَطَهُ غَيْرُهُ، فَهُوَ لَازِمٌ لَهُمْ فِي لَبَنٍ مُزِجَ بِمَاءٍ، وَفِي الْحِبْرِ؛ لِأَنَّهُ مَاءٌ مَعَ عَفْصٍ وَزَاجٍ، وَفِي الْأَمْرَاقِ؛ لِأَنَّهَا مَاءٌ وَزَيْتٌ وَخَلٌّ، أَوْ مَاءٌ وَزَيْتٌ وَمَرِيٌّ وَنَحْوُ ذَلِكَ، وَهُمْ لَا يَقُولُونَ بِشَيْءٍ مِنْ هَذَا، فَظَهَرَ تَنَاقُضُهُمْ فِي كُلِّ مَا احْتَجُّوا بِهِ. وَلِلَّهِ الْحَمْدُ.

وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ فَهُوَ أَبْعَدُهُمْ مِنْ أَنْ يَكُونَ لَهُ فِي شَيْءٍ مِمَّا ذَكَرْنَا حُجَّةٌ. أَمَّا الْحَدِيثُ الْمَذْكُورُ فَلَيْسَ فِيهِ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ حِينَ الْوُضُوءِ بِالنَّبِيذِ خَارِجَ مَكَّةَ، فَمِنْ أَيْنَ لَهُ بِتَخْصِيصِ جَوَازِ الْوُضُوءِ بِالنَّبِيذِ خَارِجَ الْأَمْصَارِ وَالْقُرَى؟ وَهَذَا خِلَافٌ لِمَا فِي ذَلِكَ الْخَبَرِ، لَا سِيَّمَا وَهُوَ لَا يَرَى التَّيَمُّمَ فِيمَا يَقْرُبُ مِنْ الْقَرْيَةِ، وَلَا قَصْرَ الصَّلَاةِ إلَّا فِي ثَلَاثَةِ أَيَّامٍ، أَحَدَ وَعِشْرِينَ فَرْسَخًا فَصَاعِدًا، وَلَا سَبِيلَ لَهُ إلَى دَلِيلٍ فِي شَيْءٍ مِنْ ذَلِكَ إلَّا وَدَلِيلُهُ فِي ذَلِكَ جَارٍ فِي جَمِيعِ هَذِهِ الْمَسَائِلِ.

to date wine, why did he not also analogize the interior of the village to its exterior? What justifies his application of one of the two analogies while barring him from the other? This is especially pertinent given the textual report mentioning his words: "a wholesome date and pure water." Since it is pure water, what prevents its use when other water exists, given that both are pure water? This conclusion is inescapable. If he does not permit it when water is available, then let him permit it for the sick in settled areas when water is unavailable.

L3178 As for the practice of the Companions—may Allah be pleased with them—and the statement of ʿAlī, it contradicts him, because he does not permit ablution with *nabīdh* when seawater is available, nor does he permit ablution with *nabīdh* even if water is unavailable in villages. This is not found in ʿAlī's statement, nor did ʿAlī specify date *nabīdh* over other types, whereas Abū Ḥanīfah specifies it in one of his two opinions. I do not hate, in this world or the Hereafter, those who criticize their opponents for abandoning an opinion they themselves were the first to abandon—especially since their opponent does not consider what he abandoned as a proof. Allah the Exalted said: "Why do you say what you do not do?" (61:2) "It is most detestable to Allah that you say what you do not do." (61:3)[21]

L3179 As for their assertion that nabidh is water and dates, this would obligate them to the same ruling we stated concerning liquids and other anbida—a position contrary to his statement. Thus, the invalidity of Abu Hanifah's two positions has become manifest. All praise belongs to Allah, Lord of the worlds.[22]

L3180–3182 As for the statement of Muḥammad ibn al-Ḥasan, it is invalid, because the matter must necessarily entail one of two scenarios: either ablution with nabīdh is permissible - thereby making dry ablution alongside it superfluous - or ablution with it is not permissible, rendering its use futile. This is especially evident when considering his own statement: If there is more than the measure of a Baghlī dirham of intoxicating nabīdh on a person's gar-

وَأَمَّا قَوْلُهُ الثَّانِي الَّذِي قَاسَ فِيهِ جَمِيعَ الْأَنْبِذَةِ عَلَى نَبِيذِ التَّمْرِ، فَهَلَّا قَاسَ أَيْضًا دَاخِلَ الْقَرْيَةِ عَلَى خَارِجِهَا وَمَا الْمُجِيزُ لَهُ أَحَدُ الْقِيَاسَيْنِ وَالْمَانِعُ لَهُ مِنَ الْآخَرِ؟ لَا سِيَّمَا مَعَ مَا فِي الْخَبَرِ مِنْ قَوْلِهِ «تَمْرَةٌ طَيِّبَةٌ وَمَاءٌ طَهُورٌ» فَإِذْ هُوَ مَاءٌ طَهُورٌ فَمَا الْمَانِعُ مِنْ اسْتِعْمَالِهِ مَعَ وُجُودِ مَاءٍ غَيْرِهِ، وَكِلَاهُمَا مَاءٌ طَهُورٌ؟ وَهَذَا مَا لَا انْفِكَاكَ مِنْهُ. وَإِنْ كَانَ لَا يُجِيزُهُ مَعَ وُجُودِ الْمَاءِ فَلْيُجِزْهُ لِلْمَرِيضِ فِي الْحَضَرِ مَعَ عَدَمِ الْمَاءِ.

وَأَمَّا فِعْلُ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَقَوْلُ عَلِيٍّ فَهُوَ مُخَالِفٌ لَهُ، لِأَنَّهُ لَا يُجِيزُ الْوُضُوءَ بِالنَّبِيذِ مَعَ وُجُودِ مَاءِ الْبَحْرِ، وَلَا يُجِيزُ الْوُضُوءَ بِالنَّبِيذِ وَإِنْ عَدِمَ الْمَاءَ فِي الْقُرَى، وَلَيْسَ هَذَا فِي قَوْلِ عَلِيٍّ، وَلَمْ يَخُصَّ عَلِيٌّ نَبِيذَ تَمْرٍ مِنْ غَيْرِهِ، وَأَبُو حَنِيفَةَ يَخُصُّهُ فِي أَحَدِ قَوْلَيْهِ، وَلَا أَمْقُتُ فِي الدُّنْيَا وَالْآخِرَةِ مِمَّنْ يُنْكِرُ عَلَى مُخَالِفِهِ تَرْكَ قَوْلٍ هُوَ أَوَّلُ تَارِكٍ لَهُ وَلَا سِيَّمَا وَمُخَالِفُهُ لَا يَرَى ذَلِكَ الَّذِي تَرَكَ حُجَّةً. قَالَ اللَّهُ تَعَالَى: {لِمَ تَقُولُونَ مَا لا تَفْعَلُونَ} [الصف: ٢] {كَبُرَ مَقْتًا عِنْدَ اللَّهِ أَنْ تَقُولُوا مَا لا تَفْعَلُونَ} [الصف: ٣] .

وَأَمَّا قَوْلُهُمْ: إِنَّ النَّبِيذَ مَاءٌ وَتَمْرٌ فَيَلْزَمُهُمْ هَذَا كَمَا قُلْنَا فِي الْأَمْرَاقِ وَغَيْرِهَا مِنَ الْأَنْبِذَةِ وَهُوَ خِلَافُ قَوْلِهِ. فَظَهَرَ فَسَادُ قَوْلَيْ أَبِي حَنِيفَةَ مَعًا. الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

وَأَمَّا قَوْلُ مُحَمَّدِ بْنِ الْحَسَنِ فَفَاسِدٌ، لِأَنَّهُ لَا يَخْلُو أَنْ يَكُونَ الْوُضُوءُ بِالنَّبِيذِ جَائِزًا فَالتَّيَمُّمُ مَعَهُ فُضُولٌ. أَوْ لَا يَكُونَ الْوُضُوءُ بِهِ جَائِزًا فَاسْتِعْمَالُهُ فُضُولٌ. لَا سِيَّمَا مَعَ قَوْلِهِ: إِنَّهُ إِذَا كَانَ فِي ثَوْبِ الْمَرْءِ أَكْثَرُ مِنْ قَدْرِ الدِّرْهَمِ الْبَغْلِيِّ مِنْ نَبِيذٍ مُسْكِرٍ بَطَلَتْ صَلَاتُهُ. وَلَا شَكَّ أَنَّ الْمُجْتَمِعَ عَلَى جَسَدِ الْمُتَوَضِّئِ بِالنَّبِيذِ أَوِ الْمُغْتَسِلِ بِهِ وَفِي ثَوْبِهِ أَكْثَرُ مِنْ دَرَاهِمَ بَغْلِيَّةٍ كَثِيرَةٍ. فَإِنْ قَالَ مَنْ يَنْتَصِرُ لَهُ: إِنَّا لَا نَدْرِي أَيَلْزَمُ الْوُضُوءُ بِهِ فَلَا يُجْزِئُ تَرْكُهُ أَوْ

[21] **Qur'an references (L3178):** Qur'an 61:2 (As-Saf); Qur'an 61:3 (As-Saf).
[22] **Qur'an references (L3179):** Qur'an 1:2 (Al-Fatihah).

ment, their prayer becomes invalid. There is no doubt that when nabīdh is accumulated on the body of one performing ablution or bathing with it, and their garment contains an amount exceeding many Baghlī dirhams, the same ruling applies. If a defender argues: "We do not know whether ablution with it is obligatory—so omitting it does not suffice—or whether ablution with it is impermissible—so performing it does not suffice," thus we have combined both scenarios, it is said to them: Ablution with water is a definitively established obligation when available; thus, it is impermissible to omit it. Ablution via tayammum in the absence of what suffices for ablution is a definitively established obligation. Ablution with nabīdh, according to your position, is not definitively established. What is not definitively established cannot be obligatory, and what is not obligatory has no justification for being performed. If you were to act on every matter about which you doubt the obligation, the situation would become too grave for you—especially since you are certain that its presence on the garment is impure and invalidates prayer, and you acknowledge that ablution with what is definitively established as impure is impermissible.

لَا يَحِلُّ الْوُضُوءُ بِهِ فَلَا يُجْزِئُ فِعْلُهُ. فَجَمَعْنَا الْأَمْرَيْنِ. قِيلَ لَهُمْ: الْوُضُوءُ بِالْمَاءِ فَرْضٌ مُتَيَقَّنٌ عِنْدَ وُجُودِهِ، فَلَا يَجُوزُ تَرْكُهُ، وَالْوُضُوءُ بِالتَّيَمُّمِ عِنْدَ عَدَمِ مَا يُجْزِئُ الْوُضُوءُ بِهِ فَرْضٌ مُتَيَقَّنٌ، وَالْوُضُوءُ بِالنَّبِيذِ عِنْدَكُمْ غَيْرُ مُتَيَقَّنٍ، وَمَا لَمْ يَكُنْ مُتَيَقَّنًا فَاسْتِعْمَالُهُ لَا يَلْزَمُ، وَمَا لَا يَلْزَمُ فَلَا مَعْنَى لِفِعْلِهِ، وَلَوْ جِئْتُمْ إِلَى اسْتِعْمَالِ كُلِّ مَا تَشُكُّونَ فِي وُجُوبِهِ لَعَظُمَ الْأَمْرُ عَلَيْكُمْ، لَا سِيَّمَا وَأَنْتُمْ عَلَى يَقِينٍ مِنْ أَنَّهُ نَجِسٌ يُفْسِدُ الصَّلَاةَ كَوْنُهُ فِي الثَّوْبِ، وَأَنْتُمْ مُقِرُّونَ أَنَّ الْوُضُوءَ بِالنَّجِسِ الْمُتَيَقَّنِ لَا يَحِلُّ.

L3183 As for the Mālikīs and Shāfiʿīs, they frequently state in their foundational principles and branches of jurisprudence: "The disagreement of a Companion for which no opposing individual is known among them is impermissible." Yet this is a case where they contradicted this very principle. And Allāh knows best.

وَأَمَّا الْمَالِكِيُّونَ وَالشَّافِعِيُّونَ فَإِنَّهُمْ كَثِيرًا مَا يَقُولُونَ فِي أُصُولِهِمْ وَفُرُوعِهِمْ: إِنَّ خِلَافَ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مُخَالِفٌ مِنْهُمْ لَا يَحِلُّ. وَهَذَا مَكَانٌ نَقَضُوا فِيهِ هَذَا الْأَصْلَ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3184 Abu Hanifah advocates the use of analogy (qiyas), yet he contradicted his own foundational principle in his application of it here, for he did not extend analogy to fermented beverages or other drinks by comparing them to date wine. He also opposed the statements of a group of the Companions—may Allah be pleased with them—as we mentioned, without any known opponent among them regarding that matter. This too undermines his foundational principle. Let those who wish to observe the contradictions in their statements and the subversion of their derived rulings in relation to their foundational principles take note of this. Success is from Allah, the Most High.

وَأَبُو حَنِيفَةَ يَقُولُ بِالْقِيَاسِ، وَقَدْ نَقَضَ هَهُنَا أَصْلَهُ فِي الْقَوْلِ بِهِ، فَلَمْ يَقِسْ الْأَمْرَاقَ وَلَا سَائِرَ الْأَنْبِذَةِ عَلَى نَبِيذِ التَّمْرِ، وَخَالَفَ أَيْضًا أَقْوَالَ طَائِفَةٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - كَمَا ذَكَرْنَا دُونَ مُخَالِفٍ يُعْرَفُ لَهُمْ فِي ذَلِكَ، وَهَذَا أَيْضًا هَادِمٌ لِأَصْلِهِ، فَلْيَقِفْ عَلَى ذَلِكَ مَنْ أَرَادَ الْوُقُوفَ عَلَى تَنَاقُضِ أَقْوَالِهِمْ، وَهَدْمِ فُرُوعِهِمْ لِأُصُولِهِمْ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة عدم جَوَازِ غمس المستيقظ يديه فِي وُضُوئِهِ]

١٤٩ - مَسْأَلَةٌ: وَفَرْضٌ عَلَى كُلِّ مُسْتَيْقِظٍ مِنْ نَوْمٍ - قَلَّ النَّوْمُ أَوْ كَثُرَ، نَهَارًا كَانَ أَوْ لَيْلًا، قَاعِدًا أَوْ مُضْطَجِعًا أَوْ قَائِمًا. فِي صَلَاةٍ أَوْ فِي غَيْرِ صَلَاةٍ، كَيْفَمَا نَامَ - أَلَا يُدْخِلَ يَدَهُ فِي وُضُوئِهِ - فِي إنَاءٍ كَانَ وُضُوءَهُ أَوْ مِنْ نَهْرٍ أَوْ غَيْرِ ذَلِكَ - حَتَّى يَغْسِلَهَا ثَلَاثَ مَرَّاتٍ وَيَسْتَنْشِقَ وَيَسْتَنْثِرَ ثَلَاثَ مَرَّاتٍ. فَإِنْ لَمْ يَفْعَلْ لَمْ يُجْزِهُ الْوُضُوءُ وَلَا تِلْكَ الصَّلَاةُ. نَاسِيًا تَرَكَ ذَلِكَ أَوْ عَامِدًا. وَعَلَيْهِ أَنْ يَغْسِلَهَا ثَلَاثَ مَرَّاتٍ وَيَسْتَنْشِقَ كَذَلِكَ ثُمَّ يَبْتَدِيَ الْوُضُوءَ وَالصَّلَاةَ، وَالْمَاءُ طَاهِرٌ بِحَسَبِهِ. فَإِنْ صَبَّ عَلَى يَدَيْهِ وَتَوَضَّأَ دُونَ أَنْ يَغْمِسَ يَدَيْهِ فَوُضُوءُهُ غَيْرُ تَامٍّ وَصَلَاتُهُ غَيْرُ تَامَّةٍ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ نَوْمِ فَلَا يَغْمِسُ - يَعْنِي يَدَهُ - حَتَّى يَغْسِلَهَا ثَلَاثًا، فَإِنَّهُ لَا يَدْرِي أَيْنَ بَاتَتْ يَدُهُ» . قَالَ أَبُو مُحَمَّدٍ: زَعَمَ قَوْمٌ أَنَّ هَذَا الْغُسْلَ خَوْفُ نَجَاسَةٍ تَكُونُ فِي الْيَدِ، وَهَذَا بَاطِلٌ لَا شَكَّ فِيهِ، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَوْ أَرَادَ ذَلِكَ لَمَا عَجَزَ عَنْ أَنْ يُبَيِّنَهُ، وَلَمَا كَتَمَهُ عَنْ أُمَّتِهِ، وَأَيْضًا فَلَوْ كَانَ ذَلِكَ خَوْفَ نَجَاسَةٍ لَكَانَتْ الرِّجْلُ كَالْيَدِ فِي ذَلِكَ، وَلَكَانَ بَاطِنُ الْفَخِذَيْنِ وَمَا بَيْنَ الْأَلْيَتَيْنِ أَوْلَى بِذَلِكَ.

وَمِنْ الْعَجَبِ عَلَى أُصُولِهِمْ أَنْ يَكُونَ ظَنُّ كَوْنِ النَّجَاسَةِ فِي الْيَدِ يُوجِبُ غَسْلَهَا ثَلَاثًا، فَإِذَا تَيَقَّنَ كَوْنَ النَّجَاسَةِ فِيهَا أَجْزَأَهُ إزَالَتُهَا بِغَسْلَةٍ وَاحِدَةٍ، وَإِنَّمَا السَّبَبُ الَّذِي مِنْ أَجْلِهِ

The issue of the prohibition against someone who has awakened submerging their hands during ablution.

149 - Question: It is obligatory upon every person who awakens from sleep—whether the sleep was brief or prolonged, during the day or night, whether they were sitting, reclining, standing, in prayer or otherwise, however they slept—to refrain from putting their hands into the water used for ablution (whether drawn from a vessel, a river, or other source) until they wash them three times, sniff water into the nose (istinshāq) and expel it (istinthār) three times. If they fail to do this, their ablution is invalid and that prayer is invalid—whether omitted forgetfully or intentionally. They must wash their hands three times, perform istinshāq and istinthār three times, then restart the ablution and prayer, while the water remains pure as per its original condition. If they pour water over their hands and perform ablution without submerging them, their ablution and prayer are both incomplete.

The evidence for this is what Yunus ibn Abdullah narrated to us: Abu Isa ibn Abi Isa narrated to us, Ahmad ibn Khalid narrated to us, Ibn Waddah narrated to us, Abu Bakr ibn Abi Shaybah narrated to us from Sufyan ibn Uyaynah from Al-Zuhri from Abu Salama ibn Abd al-Rahman ibn Awf from Abu Hurairah from the Prophet—peace and blessings of Allah be upon him—who said: “When one of you wakes from sleep, let him not immerse—meaning his hand—until he washes it three times, for he does not know where his hand has rested during the night.” Abu Muhammad said: Some people alleged that this washing is due to fear of impurity that might be on the hand, but this is undeniably false. For if the Prophet—peace and blessings of Allah be upon him—had intended that, he would not have been unable to clarify it, nor would he have concealed it from his community. Furthermore, if this were due to fear of impurity, the foot would have been like the hand in this ruling, and the inner thighs and the area between the buttocks would be more entitled to such washing.

It is perplexing according to their principles that mere suspicion of impurity on the hand necessitates washing it thrice, yet when certainty of its presence occurs, its removal through a single washing suffices. The sole reason man-

dating hand-washing stems from the Prophet's explicit ruling (peace be upon him) regarding the sleeper's unawareness of where their hand rested during sleep. Allah the Exalted establishes whatever He wills as a cause for whatever He wills, just as He made passing wind from below a cause requiring ablution: washing the face, wiping the head, washing the forearms, and washing the feet up to the ankles. Some claimed this applies exclusively to nocturnal sleep due to the phrase "where his hand spent the night," asserting that "spending the night" only occurs after dark. Abū Muḥammad refuted this, stating: This is erroneous, for people say "they stayed overnight deliberating such matters" even in daytime. ʿAbd al-Raḥmān ibn Khālid al-Hamadānī reported to us: Ibrāhīm ibn Aḥmad reported to us: al-Farbarī reported to us: al-Bukhārī reported from Ibrāhīm ibn Ḥamzah al-Zubayrī, from Ibn Abī Ḥāzim ʿAbd al-ʿAzīz, from Yazīd ibn ʿAbd Allāh ibn Usāmah ibn al-Hād, from Muḥammad ibn Ibrāhīm, who narrated it from ʿĪsā ibn Ṭalḥah. Narrated by Abu Hurairah that the Messenger of Allah (peace be upon him) said: "When one of you wakes from sleep and performs wuḍūʾ, let him sniff water into his nostrils and expel it three times, for Satan spends the night in his nostrils."[23]

وَجَبَ غَسْلُ الْيَدِ هُوَ مَا نَصَّ - عَلَيْهِ السَّلَامُ - مِنْ مَغِيبِ النَّائِمِ عَنْ دِرَايَتِهِ أَيْنَ بَاتَتْ يَدُهُ فَقَطْ، وَيَجْعَلُ اللَّهُ تَعَالَى مَا شَاءَ سَبَبًا لِمَا شَاءَ، كَمَا جَعَلَ تَعَالَى الرِّيحَ الْخَارِجَ مِنْ أَسْفَلَ سَبَبًا يُوجِبُ الْوُضُوءَ وَغَسْلَ الْوَجْهِ وَمَسْحَ الرَّأْسِ وَغَسْلَ الذِّرَاعَيْنِ وَالرِّجْلَيْنِ. وَادَّعَى قَوْمٌ أَنَّ هَذَا فِي نَوْمِ اللَّيْلِ خَاصَّةً لِقَوْلِهِ «أَيْنَ بَاتَتْ يَدُهُ» وَادَّعَوْا أَنَّ الْمَبِيتَ لَا يَكُونُ إِلَّا بِاللَّيْلِ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ، بَلْ يُقَالُ: بَاتَ الْقَوْمُ يُدَبِّرُونَ أَمْرَ كَذَا، وَإِنْ كَانَ نَهَارًا. وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ الْهَمْدَانِيُّ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ عَنْ إِبْرَاهِيمَ بْنِ حَمْزَةَ هُوَ الزُّبَيْرِيُّ - عَنِ ابْنِ أَبِي حَازِمٍ هُوَ عَبْدُ الْعَزِيزِ - عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ هُوَ ابْنُ أُسَامَةَ بْنِ الْهَادِ - عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ حَدَّثَهُ عَنْ عِيسَى بْنِ طَلْحَةَ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ مَنَامِهِ فَتَوَضَّأَ فَلْيَسْتَنْثِرْ ثَلَاثَ مَرَّاتٍ فَإِنَّ الشَّيْطَانَ يَبِيتُ عَلَى خَيْشُومِهِ» .

L3192 Salim ibn Ahmad ibn Fath wrote to me: Abdullah ibn Sa'id al-Shantajali narrated to us: Umar ibn Muhammad ibn Dawud al-Sijistani narrated to us: Muhammad ibn Isa ibn Amruwayhi al-Juludi narrated to us: Ibrahim ibn Muhammad narrated to us: Muslim ibn al-Hajjaj narrated to us: Bishr ibn al-Hakam narrated to me: Abdul Aziz ibn Muhammad al-Darawardi narrated to us from Ibn al-Hadi from Muhammad ibn Ibrahim from Isa ibn Talhah from Abu Hurairah that the Messenger of Allah (peace be upon him) said: "When one of you awakens from sleep, let him cleanse his nose three times, for Satan spends the night upon his nostrils."

كَتَبَ إِلَيَّ سَالِمُ بْنُ أَحْمَدَ بْنِ فَتْحٍ قَالَ: ثنا عَبْدُ اللَّهِ بْنُ سَعِيدٍ الشَّنْتَجَالِيُّ قَالَ: ثنا عُمَرُ بْنُ مُحَمَّدِ بْنِ دَاوُد السِّجِسْتَانِيّ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ عَمْرَوَيْهِ الْجَلُودِيُّ ثنا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ حَدَّثَنَا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي بِشْرُ بْنُ الْحَكَمِ ثنا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ عَنِ ابْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ عَنْ عِيسَى بْنِ طَلْحَةَ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ مَنَامِهِ فَلْيَسْتَنْثِرْ ثَلَاثَ مَرَّاتٍ فَإِنَّ الشَّيْطَانَ يَبِيتُ عَلَى خَيْشُومِهِ» .

L3193 Abdullah ibn Rabee' narrated to us: Muhammad ibn Mu'awiyah narrated to us, Abu Yahya Zakariyya ibn Yahya al-Saji narrated to us, Muhammad ibn Zunbur al-Makki narrated to us, Abdul-Aziz ibn Abi Hazim narrated to

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَبُو يَحْيَى زَكَرِيَّا بْنُ يَحْيَى السَّاجِيُّ ثنا مُحَمَّدُ بْنُ زُنْبُورٍ الْمَكِّيُّ ثنا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ ثنا يَزِيدُ بْنُ الْهَادِ أَنَّ مُحَمَّدَ بْنَ إِبْرَاهِيمَ حَدَّثَهُ

[23] **Hadith references (L3189):** Sunan an-Nasai 90.

us, Yazid ibn al-Had narrated that Muhammad ibn Ibrahim narrated to him from Isa ibn Talhah from Abu Hurairah, who said: The Messenger of Allah (peace and blessings of Allah be upon him) said: "When one of you wakes from sleep and performs wudu, let him inhale water into his nostrils three times, for Satan spends the night in his nasal passages." Abu Muhammad said: The command of the Messenger of Allah (peace and blessings of Allah be upon him) is obligatory. Allah the Exalted said: {Let those who oppose his command beware, lest a trial strike them or a painful punishment befall them} [24:63]. Whoever performs wudu without fulfilling what the Messenger of Allah (peace and blessings of Allah be upon him) commanded has not performed the wudu ordained by Allah the Exalted. Whoever does not perform wudu in this manner has no prayer—particularly given the expulsion of Satan from one's nasal passages. We know of no Muslim who would trivialize being comfortable with Satan's presence there.[24]

L3194–3196 The Malikis have made observing ablution obligatory, without which neither the ablution nor the prayer is valid. Al-Shafiʿi has made invoking blessings upon the Messenger of Allah (peace and blessings of Allah be upon him) during prayer obligatory, without which the prayer is not valid. Abu Hanifah has made ritual nasal inhalation and mouth rinsing in the major impurity bath obligatory, without which neither the bath nor the prayer is valid. None of this was commanded by Allah the Exalted nor His Messenger (peace be upon him). Therefore, this is what must be rejected—not the practice of those who obligate what the Messenger of Allah (peace and blessings of Allah be upon him) commanded. Nor did the Prophet (peace be upon him) ever say to him regarding what he conveyed: "Do such and such," whereupon he responded... He says, "I act only as I will," and a claim of consensus without certainty is a lie upon the entire Ummah. We seek refuge with Allah from that.

L3197 Ḥumām narrated to us: Ibn Mufarrij narrated to us, Ibn al-Aʿrābī narrated to us, al-Dabarī narrated to us, ʿAbd al-Razzāq narrated to us, from Ibn Jurayj, who said: I asked ʿAṭāʾ: "Is it obligatory for me to perform istinshāq?" He replied: "Yes." I asked: "How many times?" He said: "Three times [each instance]." I asked: "Who transmitted this?" He said: "From ʿUthmān."

عَنْ عِيسَى بْنِ طَلْحَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ مَنَامِهِ فَتَوَضَّأَ فَلْيَسْتَنْشِقْ ثَلَاثَ مَرَّاتٍ فَإِنَّ الشَّيْطَانَ يَبِيتُ عَلَى خَيْشُومِهِ» . قَالَ أَبُو مُحَمَّد: أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْفَرْضِ. قَالَ اللَّهُ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣] وَمَنْ تَوَضَّأَ بِغَيْرِ أَنْ يَفْعَلَ مَا أَمَرَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَفْعَلَهُ فَلَمْ يَتَوَضَّأْ الْوُضُوءَ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِهِ، وَمَنْ لَمْ يَتَوَضَّأْ كَذَلِكَ فَلَا صَلَاةَ لَهُ، لَا سِيَّمَا طَرْدُ الشَّيْطَانِ عَنْ خَيْشُومِ الْمَرْءِ، فَمَا نَعْلَمُ مُسْلِمًا يَسْتَسْهِلُ الْأُنْسَ بِكَوْنِ الشَّيْطَانِ هُنَاكَ.

وَقَدْ أَوْجَبَ الْمَالِكِيُّونَ مُتَابَعَةَ الْوُضُوءِ فَرْضًا لَا يَتِمُّ الْوُضُوءُ وَالصَّلَاةُ إلَّا بِهِ، وَأَوْجَبَ الشَّافِعِيُّ الصَّلَاةَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرْضًا لَا تَتِمُّ الصَّلَاةُ إلَّا بِهِ، وَأَوْجَبَ أَبُو حَنِيفَةَ الِاسْتِنْشَاقَ وَالْمَضْمَضَةَ فِي غُسْلِ الْجَنَابَةِ فَرْضًا لَا يَتِمُّ الْغُسْلُ وَالصَّلَاةُ إلَّا بِهِ. وَكُلُّ هَذَا لَمْ يَأْمُرْ اللَّهُ تَعَالَى بِهِ وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. فَهَذَا الَّذِي يَجِبُ أَنْ يُنْكَرَ لَا فِعْلَ مَنْ أَوْجَبَ مَا أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَلَمْ يَقُلْ فِيمَا قَالَ لَهُ نَبِيُّهُ - عَلَيْهِ السَّلَامُ -: افْعَلْ كَذَا، فَقَالَ هُوَ: لَا أَفْعَلُ إلَّا أَنْ أَشَاءَ، وَدَعْوَى الْإِجْمَاعِ بِغَيْرِ يَقِينٍ كَذِبٌ عَلَى الْأُمَّةِ كُلِّهَا. نَعُوذُ بِاَللَّهِ مِنْ ذَلِكَ.

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ: قُلْت لِعَطَاءٍ: أَحَقٌّ عَلَيَّ أَنْ أَسْتَنْشِقَ؟ قَالَ نَعَمْ، قُلْت كَمْ؟ قَالَ ثَلَاثًا، قُلْت عَمَّنْ؟ قَالَ عَنْ عُثْمَانَ.

[24] **Qur'an references (L3193):** Qur'an 24:63 (An-Nur).

L3198 Abd al-Razzaq said: Ma'mar narrated to us from Qatādah from Ma'bad al-Juhanī, who said regarding rinsing the mouth and sniffing water into the nose: If one is in a state of major ritual impurity (janabah), then three times; if after defecating, then twice; and if after urinating, then once. It is reported from al-Hasan that the repetition of ablution and prayer is required for one who did not wash his hands three times before inserting them into ablution. This is also the opinion of Dāwūd and our companions.

قَالَ عَبْدُ الرَّزَّاقِ: ثنا مَعْمَرٌ عَنْ قَتَادَةَ عَنْ مَعْبَدٍ الْجُهَنِيِّ قَالَ فِي الْمَضْمَضَةِ وَالِاسْتِنْشَاقِ: إِنْ كَانَ جُنُبًا فَثَلَاثًا، وَإِنْ كَانَ جَاءَ مِنَ الْغَائِطِ فَاثْنَتَيْنِ، وَإِنْ كَانَ جَاءَ مِنَ الْبَوْلِ فَوَاحِدَةً. وَرُوِيَ عَنِ الْحَسَنِ إِعَادَةُ الْوُضُوءِ وَالصَّلَاةِ عَلَى مَنْ لَمْ يَغْسِلْ يَدَهُ ثَلَاثًا قَبْلَ أَنْ يُدْخِلَهَا فِي الْوَضُوءِ، وَبِهِ يَقُولُ دَاوُد وَأَصْحَابُنَا.

[مَسْأَلَة عدم جَوَازِ الْغُسْل مِنْ الْمَاء الراكد لِلْجَنْبِ]

The issue of the impermissibility of using water from stagnant sources to perform *ghusl* for someone in a state of *janabah*.

L3199

L3200 150 - Issue: The ritual bath for major impurity (ghusl al-janabah) in stagnant water is not valid. If someone bathes in it, they have not performed the bath - though the water remains inherently pure - and they may repeat the bath from it. Similarly, a person in major impurity (junub) cannot validly perform any obligatory ritual bath, whether for janabah or other obligations, in stagnant water. If one is not junub, bathing in stagnant water suffices. Ablution is permissible in stagnant water. Therefore, if a junub bathes in a stagnant pool of a river while the river itself is stagnant, their bath remains invalid. As for the sea, it is perpetually flowing and turbulent, never stagnant - as this is empirically evident. Likewise, if someone urinates in stagnant water then releases it to flow, neither ablution nor bathing from it or in it becomes lawful for them, because the explicit textual ruling prohibits ablution and bathing using that specific water. If one urinates in flowing water which later becomes stagnant by stopping its flow, ablution from it and bathing in it become permissible, since they did not urinate in stagnant water. Performing the ritual bath for janabah or other obligations in flowing water is permissible. Even if one urinates therein, it does not prohibit ablution from it or in it, nor bathing from it or in it.

١٥٠ - مَسْأَلَةٌ: وَلَا يُجْزِئُ غُسْلُ الْجَنَابَةِ فِي مَاءٍ رَاكِدٍ، فَإِنْ اغْتَسَلَ فِيهِ فَلَمْ يَغْتَسِلْ، وَالْمَاءُ طَاهِرٌ بِحَسَبِهِ، وَلَهُ أَنْ يُعِيدَ الْغُسْلَ مِنْهُ، وَكَذَلِكَ لَا يُجْزِئُ الْجُنُبُ أَنْ يَغْتَسِلَ لِفَرْضٍ غَيْرِ الْجَنَابَةِ فِي مَاءٍ رَكَادٍ، فَإِنْ كَانَ غَيْرَ جُنُبٍ أَجْزَأَهُ الِاغْتِسَالُ فِي الْمَاءِ الرَّاكِدِ، وَالْوُضُوءُ جَائِزٌ فِي الْمَاءِ الرَّاكِدِ، فَمَنْ اغْتَسَلَ وَهُوَ جُنُبٌ فِي جَوْنٍ مِنْ أَجْوَانِ النَّهْرِ وَالنَّهْرُ رَاكِدٌ لَمْ يُجْزِهِ، وَأَمَّا الْبَحْرُ فَهُوَ جَارٍ أَبَدًا مُضْطَرِبٌ مُتَحَرِّكٌ غَيْرُ رَاكِدٍ، هَذَا أَمْرٌ مُشَاهَدٌ عِيَانًا، وَكَذَلِكَ مَنْ بَالَ فِي مَاءٍ رَاكِدٍ ثُمَّ سَرَحَ لِذَلِكَ الْمَاءِ فَجَرَى فَلَا يَحِلُّ لَهُ الْوُضُوءُ مِنْهُ وَلَا الِاغْتِسَالُ، لِأَنَّهُ قَدْ حُرِّمَ عَلَيْهِ الِاغْتِسَالُ وَالْوُضُوءُ مِنْ عَيْنِ ذَلِكَ الْمَاءِ بِالنَّصِّ، وَلَوْ بَالَ فِي مَاءٍ جَارٍ ثُمَّ أُغْلِقَ صَبَبُهُ فَرَكَدَ جَازَ لَهُ الْوُضُوءُ مِنْهُ وَالِاغْتِسَالُ مِنْهُ، لِأَنَّهُ لَمْ يَبُلْ فِي مَاءٍ رَاكِدٍ، وَالِاغْتِسَالُ لِلْجَنَابَةِ وَغَيْرِهَا فِي الْمَاءِ الْجَارِي مُبَاحٌ، وَإِنْ بَالَ فِيهِ لَمْ يَحْرُمْ عَلَيْهِ بِذَلِكَ الْوُضُوءُ مِنْهُ وَفِيهِ وَالْغُسْلُ مِنْهُ وَفِيهِ.

L3201 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 (compiler of Sahih Muslim) narrated to us; Abu't-Tahir and Harun ibn Sa'id al-Ayli narrated via Ibn

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 الطَّاهِرِ وَهَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ عَنْ

Wahb; Amr ibn al-Harith informed us from Bukayr ibn al-Ashajj that Abu as-Sa'ib, the freed slave of Hisham ibn Zuhrah, narrated that he heard Abu Hurayrah say: The Messenger of Allah (peace be upon him) said: "None of you should bathe in stagnant water while in a state of major impurity." He asked: "What should one do, O Abu Hurayrah?" He replied: "He should scoop it out incrementally."[25]

L3202–3203 This is Abū Hurayrah's position that a person in a state of major impurity should not bathe in stagnant water, which is also the opinion of Abū Ḥanīfah and Al-Shāfiʿī. However, Abū Ḥanīfah stated that if one does so, the water becomes impure, though we have previously clarified the invalidity of this opinion. Mālik disapproved of it but permitted his bathing in such water, yet this is mistaken as it contradicts the command of the Messenger of Allah—peace and blessings be upon him. It makes no difference whether the still water is small or vast in quantity; even if it spans vast distances, it does not suffice for a person in major impurity to bathe in it. This is because the Messenger of Allah—peace and blessings be upon him—did not specify any particular type of water nor prohibit ablution or bathing in it for those not in a state of major impurity; thus, it remains permissible. "And whoever transgresses the limits set by Allah has certainly wronged himself" (65:1).[26]

L3204 The ruling on the invalidity of a man's ablution and ritual bath if performed using leftover water from a menstruating woman.

L3205–3207 151. Issue: Any water from which a woman—whether menstruating or not—performed ablution or ritual bathing, leaving leftover water from it, it is not lawful for a man to use that leftover water for ablution or ritual bathing, whether they find other water or not. Their obligation in such a case is to perform dry ablution (tayammum). Drinking this leftover water is lawful for both men and women, and women may use it for ablution and

[25] **Hadith references (L3201):** Sunan an-Nasai 331; Sunan an-Nasai 396; Sunan an-Nasai 220.

[26] **Qur'an references (L3203):** Qur'an 65:1 (At-Talaq).

ابْنِ وَهْبٍ أَخْبَرَنَا عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشَجِّ أَنَّ أَبَا السَّائِبِ مَوْلَى هِشَامِ بْنِ زُهْرَةَ حَدَّثَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يَغْتَسِلُ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ وَهُوَ جُنُبٌ» ، فَقَالَ: كَيْفَ يَفْعَلُ يَا أَبَا هُرَيْرَةَ؟ قَالَ: يَتَنَاوَلُهُ تَنَاوُلًا ".

فَهَذَا أَبُو هُرَيْرَةَ لَا يَرَى أَنْ يَغْتَسِلَ الْجُنُبُ فِي الْمَاءِ الدَّائِمِ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ، إِلَّا أَنَّ أَبَا حَنِيفَةَ قَالَ: إِنْ فَعَلَ تَنَجَّسَ الْمَاءُ، وَقَدْ بَيَّنَّا فَسَادَ هَذَا الْقَوْلِ قَبْلُ، وَكَرِهَهُ مَالِكٌ، وَأَجَازَ غُسْلَهُ إِنْ اغْتَسَلَ كَذَلِكَ، وَهَذَا خَطَأٌ، لِخِلَافِهِ أَمْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَسَوَاءٌ كَانَ الْمَاءُ الرَّاكِدُ قَلِيلًا أَوْ كَثِيرًا، وَلَوْ أَنَّهُ فَرَاسِخُ فِي فَرَاسِخَ، لَا يُجْزِئُ الْجُنُبَ أَنْ يَغْتَسِلَ فِيهِ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَخُصَّ مَاءً مِنْ مَاءٍ، وَلَمْ يَنْهَ عَنْ الْوُضُوءِ فِيهِ وَلَا عَنْ الْغُسْلِ لِغَيْرِ الْجُنُبِ فِيهِ، فَهُوَ مُبَاحٌ {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] .

[مسالة عدم صِحَّة وضوء الرَّجُل وَغَسَلَهُ مِنْ فَضْل الْمَرْأَة الْحَائِض]

١٥١ - مَسْأَلَةٌ: وَكُلُّ مَاء تَوَضَّأَتْ مِنْهُ امْرَأَةٌ - حَائِضٌ أَوْ غَيْرُ حَائِضٍ - أَوْ اغْتَسَلَتْ مِنْهُ فَأَفْضَلَتْ مِنْهُ فَضْلًا، لَمْ يَحِلَّ لِرَجُلٍ الْوُضُوءُ مِنْ ذَلِكَ الْفَضْلِ وَلَا الْغُسْلُ مِنْهُ، سَوَاءٌ وَجَدُوا مَاءً آخَرَ أَوْ لَمْ يَجِدُوا غَيْرَهُ، وَفَرْضُهُمْ التَّيَمُّمُ حِينَئِذٍ، وَحَلَالٌ شُرْبُهُ لِلرِّجَالِ وَالنِّسَاءِ، وَجَائِزٌ الْوُضُوءُ بِهِ وَالْغُسْلُ لِلنِّسَاءِ عَلَى كُلِّ حَالٍ. وَلَا يَكُونُ فَضْلًا إِلَّا أَنْ يَكُونَ أَقَلَّ مِمَّا اسْتَعْمَلَتْهُ مِنْهُ، فَإِنْ كَانَ مِثْلَهُ أَوْ أَكْثَرَ فَلَيْسَ فَضْلًا، وَالْوُضُوءُ وَالْغُسْلُ

ritual bathing under all circumstances. Water is not considered "leftover" unless it is less than the amount she used. If it equals or exceeds what she used, it is not considered leftover, and ablution and ritual bathing with it are permissible for both men and women. As for men's leftover water, ablution and ritual bathing with it are permissible for both men and women, unless an authentic report prohibiting women from it emerges—in which case we would adhere to it—but we have not found such a report authentic. If a man and woman perform ablution or ritual bathing from a single vessel, scooping water simultaneously, this is permissible regardless of who initiated or completed first. The evidence for this is what ʿAbdullāh ibn Rabīʿ narrated to us, stating: Muḥammad ibn Isḥāq narrated to us, stating: Ibn al-Aʿrābī narrated to us, stating: Abū Dāwūd al-Sijistānī narrated to us, stating: Muḥammad ibn Bashshār narrated to us, stating: Abū Dāwūd al-Ṭayālisī narrated to us, stating: Shuʿbah narrated to us from ʿĀṣim ibn Sulaymān al-Aḥwal from Abū Ḥājib (Sawādah ibn ʿĀṣim) from al-Ḥakam ibn ʿAmr al-Ghifārī that Allah's Messenger—peace and blessings upon him—"forbade a man from performing ablution with leftover water from a woman's ablution." Asbagh informed me, saying: Ishaq ibn Ahmad narrated to us, on the authority of Muhammad ibn Umar al-ʿUqaylī, on the authority of Ali ibn Abd al-Aziz, on the authority of Maʿli ibn Asad, on the authority of Abd al-Aziz ibn al-Mukhtar, from Asim al-Ahwal, from Abdullah ibn Sarjis: "The Prophet—may Allah bless him and grant him peace—forbade a man from performing ghusl with the leftover water of a woman's *wudu*."

بِهِ جَائِزٌ لِلرِّجَالِ وَالنِّسَاءِ. وَأَمَّا فَضْلُ الرِّجَالِ فَالْوُضُوءُ بِهِ وَالْغُسْلُ جَائِزٌ لِلرَّجُلِ وَالْمَرْأَةِ، إِلَّا أَنْ يَصِحَّ خَبَرٌ فِي نَهْيِ الْمَرْأَةِ عَنْهُ فَنَقِفَ عِنْدَهُ، وَلَمْ نَجِدْهُ صَحِيحًا فَإِنْ تَوَضَّأَ الرَّجُلُ وَالْمَرْأَةُ مِنْ إِنَاءٍ وَاحِدٍ أَوْ اغْتَسَلَا مِنْ إِنَاءٍ وَاحِدٍ يَغْتَرِفَانِ مَعًا فَذَلِكَ جَائِزٌ، وَلَا نُبَالِي أَيُّهُمَا بَدَأَ قَبْلُ، أَوْ أَيُّهُمَا أَتَمَّ قَبْلُ. بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد هُوَ السِّجِسْتَانِيُّ - ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا أَبُو دَاوُد هُوَ الطَّيَالِسِيُّ - ثنا شُعْبَةُ عَنْ عَاصِمِ بْنِ سُلَيْمَانَ الْأَحْوَلِ عَنْ أَبِي حَاجِبٍ هُوَ سَوَادَةُ بْنُ عَاصِمٍ - عَنْ الْحَكَمِ بْنِ عَمْرٍو الْغِفَارِيِّ " أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «نَهَى أَنْ يَتَوَضَّأَ الرَّجُلُ بِفَضْلِ طَهُورِ الْمَرْأَةِ» أَخْبَرَنِي أَصْبَغُ قَالَ ثنا إِسْحَاقُ بْنُ أَحْمَدَ ثنا مُحَمَّدُ بْنُ عُمَرَ الْعُقَيْلِيِّ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا مَعْلِيُّ بْنُ أَسَدٍ ثنا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ عَنْ عَاصِمٍ الْأَحْوَلِ عَنْ عَبْدِ اللَّهِ بْنِ سَرْجِسَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى أَنْ يَغْتَسِلَ الرَّجُلُ بِفَضْلِ وَضُوءِ الْمَرْأَةِ» .

L3208 He (peace be upon him) did not report the water's impurity nor command others besides men to avoid it. This is the position of Abdullah ibn Sarjis and al-Hakam ibn Amr - both being Companions of Allah's Messenger (peace and blessings be upon him). This view is also held by Juwayriyyah, the Mother of the Believers; Umm Salama, the Mother of the Believers; and Umar ibn al-Khattab. It has been narrated that Umar struck with a whip those who opposed this opinion. Qatadah said: "I asked Sa'id ibn al-Musayyib and al-Hasan al-Basri about performing ablution with a woman's leftover water, and both prohibited me from it." Malik narrated from Nafi' from Ibn Umar that there is no issue with using a woman's leftover water unless she is

وَلَمْ يُخْبِرْ - عَلَيْهِ السَّلَامُ - بِنَجَاسَةِ الْمَاءِ، وَلَا أَمَرَ غَيْرَ الرِّجَالِ بِاجْتِنَابِهِ، وَبِهَذَا يَقُولُ عَبْدُ اللَّهِ بْنُ سَرْجِسَ وَالْحَكَمُ بْنُ عَمْرٍو، وَهُمَا صَاحِبَانِ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَبِهِ تَقُولُ جُوَيْرِيَةُ أُمُّ الْمُؤْمِنِينَ وَأُمُّ سَلَمَةَ أُمُّ الْمُؤْمِنِينَ وَعُمَرُ بْنُ الْخَطَّابِ، وَقَدْ رُوِيَ عَنْ عُمَرَ أَنَّهُ ضَرَبَ بِالدِّرَّةِ مَنْ خَالَفَ هَذَا الْقَوْلَ. وَقَالَ قَتَادَةُ: سَأَلْت سَعِيدَ بْنَ الْمُسَيِّبِ وَالْحَسَنَ الْبَصْرِيَّ عَنْ الْوُضُوءِ بِفَضْلِ الْمَرْأَةِ، فَكِلَاهُمَا نَهَانِي عَنْهُ. وَرَوَى مَالِكٌ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ لَا بَأْسَ بِفَضْلِ الْمَرْأَةِ مَا لَمْ تَكُنْ حَائِضًا أَوْ جُنُبًا.

menstruating or in major impurity. It has been authentically established that “the Prophet (peace and blessings be upon him) would bathe with Aisha (may Allah be pleased with her) from the same vessel, to the point he would say ’Save some for me’ and she would tell him ’Save some for me.’” This is correct, as none of this constitutes actual leftover water requiring abandonment. This ruling follows linguistic principles without dispute.

L3209–3211 Those who opposed this cited a narration that was narrated by us via the chain of ʿAbd al-Razzāq, from al-Thawrī, from Simāk ibn Ḥarb, from ʿIkrimah, from Ibn ʿAbbās: that one of the Prophet’s wives (peace be upon him) performed *ghusl* due to *janabah*. The Prophet (peace and blessings of Allah be upon him) came and performed ablution using her leftover water. She said to him: “I have performed the ritual bath.” He responded: “Nothing contaminates water.” Another hadith we narrated through the chain of al-Tahrani from Abd al-Razzaq: Ibn Jurayj informed me; Amr ibn Dinar informed me from Abu al-Sha’tha’ from Ibn Abbas: “The Messenger of Allah (peace and blessings of Allah be upon him) used to bathe with Maymunah’s leftover water - abridged.” Abu Muhammad said: “This is how it appears in the hadith itself - abridged.” Abu Muhammad said: These two hadiths are inauthentic. As for the first hadith, it is the narration of Simak ibn Harb who accepted prompting, as testified by Shu’bah and others - a manifest weakness. The second hadith contains a definite error by al-Tahrani, for this was narrated to us via Abdullah ibn Yusuf → Ahmad ibn Fath → Abdul Wahhab ibn Isa → Ahmad ibn Muhammad → Ahmad ibn Ali → Muslim ibn al-Hajjaj → Ishaq ibn Ibrahim (Ibn Rahawayh) and Muhammad ibn Hatim. Ishaq said: Muhammad ibn Bakr informed us. Ibn Hatim said: Muhammad ibn Bakr al-Bursani narrated to us → Ibn Jurayj → Amr ibn Dinar, who said: “The extent of my knowledge and what occurs to my mind is that Abu al-Sha’tha’ informed me from Ibn Abbas that he reported: ’The Messenger of Allah (peace and blessings of Allah be upon him) used to bathe with Maymunah’s leftover water.’” Abu Muhammad said: This confirms that Amr ibn Dinar expressed uncertainty about it and did not decisively establish its chain of transmission. These transmitters are undoubtedly more reliable and more precise in memorization than al-Tahrani. Even if these two reports were

وَقَدْ صَحَّ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ كَانَ يَغْتَسِلُ مَعَ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - مِنْ إنَاءٍ وَاحِدٍ مَعًا حَتَّى يَقُولَ أَبْقِي لِي وَتَقُولَ لَهُ أَبْقِ لِي» وَهَذَا حَقٌّ وَلَيْسَ شَيْءٌ مِنْ ذَلِكَ فَضْلًا حَتَّى يَتْرُكَهُ. هَذَا حُكْمُ اللُّغَةِ بِلَا خِلَافٍ.

وَاحْتَجَّ مَنْ خَالَفَ هَذَا بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ الثَّوْرِيِّ عَنْ سِمَاكِ بْنِ حَرْبٍ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ «أَنَّ امْرَأَةً مِنْ نِسَاءِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اسْتَحَمَّتْ مِنْ جَنَابَةٍ فَجَاءَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَتَوَضَّأَ مِنْ فَضْلِهَا فَقَالَتْ لَهُ: إنِّي اغْتَسَلْت فَقَالَ: إنَّ الْمَاءَ لَا يُنَجِّسُهُ شَيْءٌ» وَبِحَدِيثٍ آخَرَ رُوِّينَاهُ مِنْ طَرِيقِ الطَّهْرَانِيِّ عَنْ عَبْدِ الرَّزَّاقِ: أَخْبَرَنِي ابْنُ جُرَيْجٍ أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ عَنْ أَبِي الشَّعْثَاءِ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَغْتَسِلُ بِفَضْلِ مَيْمُونَةَ، مُخْتَصَرٌ» قَالَ أَبُو مُحَمَّد: هَكَذَا فِي نَفْسِ الْحَدِيثِ مُخْتَصَرٌ. قَالَ أَبُو مُحَمَّد: وَهَذَانِ حَدِيثَانِ لَا يَصِحَّانِ، فَأَمَّا الْحَدِيثُ الْأَوَّلُ فَرِوَايَةُ سِمَاكِ بْنِ حَرْبٍ، وَهُوَ يَقْبَلُ التَّلْقِينَ، شَهِدَ عَلَيْهِ بِذَلِكَ شُعْبَةُ وَغَيْرُهُ، وَهَذِهِ جُرْحَةٌ ظَاهِرَةٌ (وَالثَّانِي) أَخْطَأَ فِيهِ الطَّهْرَانِيُّ بِيَقِينٍ، لِأَنَّ هَذَا أَخْبَرَنَاهُ 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 إِسْحَاقُ بْنُ إبْرَاهِيمَ هُوَ ابْنُ رَاهْوَيْهِ - وَمُحَمَّدُ بْنُ حَاتِمٍ قَالَ إِسْحَاقُ أَخْبَرَنَا مُحَمَّدُ بْنُ بَكْرٍ وَقَالَ ابْنُ حَاتِمٍ حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ وَهُوَ الْبُرْسَانِيُّ ثنا ابْنُ جُرَيْجٍ ثنا عَمْرُو بْنُ دِينَارٍ قَالَ: أَكْبَرُ عِلْمِي وَالَّذِي يَخْطُرُ عَلَى بَالِي أَنَّ أَبَا الشَّعْثَاءِ أَخْبَرَنِي عَنْ ابْنِ عَبَّاسٍ أَنَّهُ أَخْبَرَهُ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَغْتَسِلُ بِفَضْلِ مَيْمُونَةَ» . قَالَ أَبُو مُحَمَّدٍ: فَصَحَّ أَنَّ عَمْرَو بْنَ دِينَارٍ شَكَّ فِيهِ وَلَمْ يَقْطَعْ بِإِسْنَادِهِ، وَهَؤُلَاءِ

authentic and flawless, they would not constitute evidence, for their ruling precedes the Prophet's prohibition (peace and blessings of Allah be upon him) against men using women's leftover purification water for ablution or bathing. We are certain that the rulings in these two hadiths are definitively abrogated by his explicit prohibition (peace be upon him). There is no doubt in this matter. Therefore, it is impermissible to adhere to the abrogated ruling while disregarding the abrogating text. Whoever claims that the abrogated ruling has been revived and the abrogating text nullified has spoken falsely and made an invalid claim. It is absolutely inconceivable that such a matter could occur without the Messenger of Allah (peace and blessings of Allah be upon him) clarifying it, given his obligation to provide explicit clarification. Success is attained only by the help of Allah, the Exalted.[27]

أَوْثَقُ مِنْ الطَّهْرَانِيِّ وَأَحْفَظُ بِلَا شَكٍّ. ثُمَّ لَوْ صَحَّ هَذَانِ الْخَبَرَانِ وَلَمْ يَكُنْ فِيهِمَا مَغْمَزٌ لَمَا كَانَتْ فِيهِمَا حُجَّةٌ، لِأَنَّ حُكْمَهُمَا هُوَ الَّذِي كَانَ قَبْلَ نَهْيِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ أَنْ يَتَوَضَّأَ الرَّجُلُ أَوْ أَنْ يَغْتَسِلَ بِفَضْلِ طَهُورِ الْمَرْأَةِ، بِلَا شَكٍّ فِي هَذَا، فَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ حُكْمَ هَذَيْنِ الْخَبَرَيْنِ مَنْسُوخٌ قَطْعًا، حِينَ نَطَقَ - عَلَيْهِ السَّلَامُ - بِالنَّهْيِ عَمَّا فِيهِمَا، لَا مِرْيَةَ فِي هَذَا، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا يَحِلُّ الْأَخْذُ بِالْمَنْسُوخِ وَتَرْكُ النَّاسِخِ، وَمَنْ ادَّعَى أَنَّ الْمَنْسُوخَ قَدْ عَادَ حُكْمُهُ، وَالنَّاسِخُ قَدْ بَطَلَ رَسْمُهُ، فَقَدْ أَبْطَلَ وَادَّعَى غَيْرَ الْحَقِّ، وَمِنْ الْمُحَالِ الْمُمْتَنِعِ أَنْ يَكُونَ ذَلِكَ وَلَا يُبَيِّنُهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ الْمُفْتَرَضُ عَلَيْهِ الْبَيَانُ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3212 However, Abu Hanifa and Al-Shafi'i—who cite these two narrations as evidence—contradict what is in one of them, namely the Prophet's statement—peace be upon him—"Water does not become impure." It is reprehensible for a group to cite as evidence what they themselves acknowledge to be evidence, then contradict it while denying their contradiction to those who do not consider it evidence. And with Allah, the Exalted, is success.

عَلَى أَنَّ أَبَا حَنِيفَةَ وَالشَّافِعِيَّ - الْمُحْتَجَّيْنِ بِهَذَيْنِ الْخَبَرَيْنِ - مُخَالِفَانِ لِمَا فِي أَحَدِهِمَا مِنْ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «الْمَاءُ لَا يَنْجُسُ» وَمِنْ الْقَبِيحِ احْتِجَاجُ قَوْمٍ بِمَا يُقِرُّونَ أَنَّهُ حُجَّةٌ ثُمَّ يُخَالِفُونَهُ وَيُنْكِرُونَ خِلَافَهُ عَلَى مَنْ لَا يَرَاهُ حُجَّةً. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3213–3214 It has been reported to us concerning the permissibility of a man performing ablution with the leftover water of a woman, through chains transmitted from 'Ā'ishah and 'Alī—except that it [the permissibility] is not authentic. As for the chain through 'Ā'ishah, it includes Al-'Arzamī, who is weak, and from Umm Kulthūm, who is an unknown [narrator], as her identity is undetermined. As for the chain through 'Alī, it is transmitted via Ibn Ḍumayrah from his father from his grandfather, and this is a fabricated, forged scroll—none but an ignorant person would rely on it as proof. What remains are the narrations reported from Ibn Sarjis and other Companions—may Allah be pleased with them—with none opposing him. These are fundamentally authentic, and with Allah alone is success.

وَرُوِّينَا إبَاحَةَ وُضُوءِ الرَّجُلِ مِنْ فَضْلِ الْمَرْأَةِ عَنْ عَائِشَةَ وَعَلِيٍّ، إلَّا أَنَّهُ لَا يَصِحُّ فَأَمَّا الطَّرِيقُ عَنْ عَائِشَةَ فَفِيهَا الْعَرْزَمِيُّ وَهُوَ ضَعِيفٌ، عَنْ أُمِّ كُلْثُومٍ وَهِيَ مَجْهُولَةٌ لَا يُدْرَى مَنْ هِيَ. وَأَمَّا الطَّرِيقُ عَنْ عَلِيٍّ فَمِنْ طَرِيقِ ابْنِ ضُمَيْرَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ، وَهِيَ صَحِيفَةٌ مَوْضُوعَةٌ مَكْذُوبَةٌ لَا يَحْتَجُّ بِهَا إلَّا جَاهِلٌ، فَبَقِيَ مَا رُوِيَ فِي ذَلِكَ عَنْ ابْنِ سَرْجِسَ وَغَيْرِهِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا مُخَالِفَ لَهُ مِنْهُمْ، يَصِحُّ ذَلِكَ عَنْهُ أَصْلًا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة عدم صِحَّة وضوء وَصَلَاة مِنْ تَوَضَّأَ بِمَاء لاحق لَهُ فِيهِ]

[27] **Hadith references (L3209):** Sahih Muslim 323.

A legal case on the invalidity of the ritual purification (wudu) and prayer of one who performs wudu with water they have no rightful claim to.

Issue 152: It is not permissible to perform ablution with wrongfully taken water, nor from a stolen vessel or one unlawfully seized. Nor is ghusl permitted - except by its owner or with the owner's explicit permission. Whoever does this invalidates their prayer and must repeat both the ablution and ghusl.

Abd al-Rahman ibn Abdullah 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: Bishr, who is Ibn Umar, narrated to us: Abdullah ibn Awn narrated from Muhammad ibn Sirin from Abd al-Rahman ibn Abi Bakrah from his father: "The Prophet—peace and blessings of Allah be upon him—sat upon a camel and said," and he mentioned the hadith containing: "Your blood, your wealth, and your honor are inviolable among you, like the sanctity of this day of yours in this month of yours in this land of yours. Let those present convey to those absent, for the one present may convey it to one who is more attentive to it than him." We have also narrated it through the chains of Jabir ibn Abdullah and Ibn Umar as an authenticated connected narration, and through the chain of Abu Hurairah from the Prophet—peace and blessings of Allah be upon him—: "Every Muslim's blood, honor, and wealth are inviolable to another Muslim." Thus, whoever performs ablution with usurped water, [water] taken without right, bathes with it, or uses a vessel acquired unlawfully—there is no disagreement among any Muslims that employing such water or vessel for bathing or ablution is forbidden. Necessarily, every person of sound intellect knows that what is forbidden and prohibited differs from what is obligatory and divinely ordained. Since there is no doubt in this, such a person has not performed the ablution Allah the Exalted commanded him to perform—the ablution without which prayer is invalid. Rather, it is a forbidden ablution through which he is thereby disobeying Allah the Exalted. Similarly, bathing [with such water or vessels]

١٥٢ - مَسْأَلَةٌ: وَلَا يَحِلُّ الْوُضُوءُ بِمَاءٍ أُخِذَ بِغَيْرِ حَقٍّ، وَلَا مِنْ إنَاءٍ مَغْصُوبٍ أَوْ مَأْخُوذٍ بِغَيْرِ حَقٍّ، وَلَا الْغُسْلُ، إلَّا لِصَاحِبِهِ أَوْ بِإِذْنِ صَاحِبِهِ، فَمَنْ فَعَلَ ذَلِكَ فَلَا صَلَاةَ لَهُ، وَعَلَيْهِ إعَادَةُ الْوُضُوءِ وَالْغُسْلِ.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ حَدَّثَنَا إبْرَاهِيمُ بْنُ أَحْمَدُ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ ثنا بِشْرٌ هُوَ ابْنُ عُمَرَ - ثنا عَبْدُ اللَّهِ بْنُ عَوْنٍ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ «قَعَدَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى بَعِيرٍ فَقَالَ - وَذَكَرَ الْحَدِيثَ وَفِيهِ -: إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ بَيْنَكُمْ حَرَامٌ، كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، لِيُبَلِّغَ الشَّاهِدُ الْغَائِبَ، فَإِنَّ الشَّاهِدَ عَسَى أَنْ يُبَلِّغَ مَنْ هُوَ أَوْعَى لَهُ مِنْهُ» . وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ جَابِرِ بْنِ عَبْدِ اللَّهِ وَابْنِ عُمَرَ مُسْنَدًا صَحِيحًا. وَمِنْ طَرِيقِ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ: دَمُهُ وَعِرْضُهُ وَمَالُهُ» . فَكَانَ مَنْ تَوَضَّأَ بِمَاءٍ مَغْصُوبٍ أَوْ أُخِذَ بِغَيْرِ حَقٍّ أَوْ اغْتَسَلَ بِهِ أَوْ مِنْ إنَاءٍ كَذَلِكَ فَلَا خِلَافَ بَيْنَ أَحَدٍ مِنْ أَهْلِ الْإِسْلَامِ أَنَّ اسْتِعْمَالَهُ ذَلِكَ الْمَاءَ وَذَلِكَ الْإِنَاءَ فِي غُسْلِهِ وَوُضُوئِهِ حَرَامٌ، وَبِضَرُورَةِ يَدْرِي كُلُّ ذِي حِسٍّ سَلِيمٍ أَنَّ الْحَرَامَ الْمَنْهِيَّ عَنْهُ هُوَ غَيْرُ الْوَاجِبِ الْمُفْتَرَضِ عَمَلُهُ، فَإِذْ لَا شَكَّ فِي هَذَا فَلَمْ يَتَوَضَّأْ الْوُضُوءَ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِهِ، وَالَّذِي لَا تُجْزِئُ الصَّلَاةُ إلَّا بِهِ، بَلْ هُوَ وُضُوءٌ

and prayer performed without the ablution or bath Allah the Exalted has ordained are invalid. This matter is beyond dispute.[28]

L3218–3220 We ask those who differ with us regarding one obligated to fulfill the expiation of feeding the poor - if he feeds them with another's property; or one obligated to fast specific days - if he fasts during the days of al-Fitr, al-Adha, and al-Tashreeq; or one obligated to free a slave - if he frees another's female slave: does this suffice him for what Allah has ordained? When they answer "no," it is said to them: "Then from where [could fulfillment come]?" You have prohibited this yet permitted ablution and bathing with usurped water and a usurped vessel? All these individuals are obligated to perform a specified action with their own property, while it is forbidden for them to do so with others' property by your own admission—alike, alike. They have no means of escaping this obligation. This is not analogy but a single ruling falling under the prohibition of usurped property and acting contrary to Allah's command. The Messenger of Allah (peace be upon him) said, "Whoever performs a deed not in accordance with our instruction, it is rejected." All these individuals have performed deeds opposing the command of Allah the Exalted and His Messenger (peace be upon him), rendering their acts invalidated per the Prophet's ruling. This applies equally to those who claim only wheat and dates are forbidden [as usurped property], while barley and raisins are not—a corrupt and arbitrary ruling. It is astonishing that Ḥanafīs invalidate ritual purity using used water, as do Shāfiʿīs, while Mālikīs nullify ritual purity with water used to soak bread—despite lacking any explicit textual prohibition or valid evidence, relying solely on specious reasoning they allege as a prophetic prohibition. Yet they permit ritual purity with water and vessels they unanimously acknowledge as definitively forbidden, with established prohibition against their use in ablution and bathing—a contradiction scarcely paralleled. Here they oppose both the explicit text and the definitively established consensus (they themselves being among those who originally prohibited it), while also contradicting legal analogy. They possess

مُحَرَّمٌ، هُوَ فِيهِ عَاصٍ لِلَّهِ تَعَالَى، وَكَذَلِكَ الْغُسْلُ، وَالصَّلَاةُ بِغَيْرِ الْوُضُوءِ الَّذِي أَمَرَ اللَّهُ تَعَالَى بِهِ وَبِغَيْرِ الْغُسْلِ الَّذِي أَمَرَ اللَّهُ تَعَالَى بِهِ لَا تُجْزِئُ، وَهَذَا أَمْرٌ لَا إشْكَالَ فِيهِ.

وَنَسْأَلُ الْمُخَالِفِينَ لَنَا عَمَّنْ عَلَيْهِ كَفَّارَةُ إطْعَامِ مَسَاكِينَ، فَأَطْعَمَهُمْ مَالَ غَيْرِهِ، أَوْ مَنْ عَلَيْهِ صِيَامُ أَيَّامٍ، فَصَامَ أَيَّامَ الْفِطْرِ وَالنَّحْرِ وَالتَّشْرِيقِ، وَمَنْ عَلَيْهِ عِتْقُ رَقَبَةٍ فَأَعْتَقَ أَمَةَ غَيْرِهِ: أَيُجْزِيهِ ذَلِكَ مِمَّا افْتَرَضَ اللَّهُ تَعَالَى عَلَيْهِ؟ فَمَنْ قَوْلُهُمْ: لَا، فَيُقَالُ لَهُمْ: فَمِنْ أَيْنَ مَنَعْتُمْ هَذَا وَأَجَزْتُمْ الْوُضُوءَ وَالْغُسْلَ بِمَاءٍ مَغْصُوبٍ وَإِنَاءٍ مَغْصُوبٍ؟ وَكُلُّ هَؤُلَاءِ مُفْتَرَضٌ عَلَيْهِ عَمَلٌ مَوْصُوفٌ فِي مَالِ نَفْسِهِ، مُحَرَّمٌ عَلَيْهِ ذَلِكَ مِنْ مَالِ غَيْرِهِ بِإِقْرَارِكُمْ سَوَاءً سَوَاءً. وَهَذَا لَا سَبِيلَ لَهُمْ إلَى الِانْفِكَاكِ مِنْهُ. وَلَيْسَ هَذَا قِيَاسًا بَلْ هُوَ حُكْمٌ وَاحِدٌ دَاخِلٌ تَحْتَ تَحْرِيمِ الْأَمْوَالِ، وَتَحْتَ الْعَمَلِ بِخِلَافِ أَمْرِ اللَّهِ تَعَالَى وَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» وَكُلُّ هَؤُلَاءِ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُ اللَّهِ تَعَالَى وَأَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ مَرْدُودٌ بِحُكْمِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُمْ فِي هَذَا وَمَنْ قَالَ إنَّمَا يَحْرُمُ مِنْ الْأَمْوَالِ الْبُرُّ وَالتَّمْرُ، وَأَمَّا الشَّعِيرُ وَالزَّبِيبُ فَلَا، وَهَذَا تَحَكُّمٌ فَاسِدٌ. وَالْعَجَبُ أَنَّ الْحَنَفِيِّينَ يُبْطِلُونَ طَهَارَةَ مَنْ تَطَهَّرَ بِمَاءٍ مُسْتَعْمَلٍ، وَكَذَلِكَ الشَّافِعِيُّونَ وَأَنَّ الْمَالِكِيِّينَ يُبْطِلُونَ طَهَارَةَ مَنْ تَطَهَّرَ بِمَاءٍ بُلَّ فِيهِ خُبْزٌ، دُونَ نَصٍّ فِي تَحْرِيمِ ذَلِكَ، وَلَا حُجَّةَ بِأَيْدِيهِمْ إلَّا تَشْغِيبٌ يَدَّعُونَ أَنَّهُ نَهَى عَنْ هَذَيْنِ الْمَاءَيْنِ ثُمَّ يُجِيزُونَ الطَّهَارَةَ بِمَاءٍ وَإِنَاءٍ، يُقِرُّونَ كُلُّهُمْ بِأَنَّهُ قَدْ صَحَّ النَّهْيُ عَنْهُ، وَثَبَتَ تَحْرِيمُهُ وَتَحْرِيمُ اسْتِعْمَالِهِ فِي الْوُضُوءِ وَالْغُسْلِ عَلَيْهِ، وَهَذَا عَجَبٌ لَا يَكَادُ يُوجَدُ مِثْلُهُ وَهَذَا مِمَّا خَالَفُوا فِيهِ النَّصَّ وَالْإِجْمَاعَ الْمُتَيَقَّنَ الَّذِينَ هُمْ مِنْ جُمْلَةِ الْمَانِعِينَ

[28] **Hadith references (L3217):** Riyad as-Salihin 1527; Riyad as-Salihin 1570.

no valid basis whatsoever for this permission. Success comes solely from Allah, the Most High.[29]

The ruling on the invalidity of performing ablution (wudu) and ghusl [ritual bath] using gold and silver vessels, applicable to both men and women.

Issue 153: It is impermissible to perform ablution or ritual bathing using a vessel of gold or silver, whether for a man or a woman.

Muhammad ibn Sa'id ibn Nabaat 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: Shu'bah narrated from al-Hakam ibn 'Utaybah from 'Abd al-Rahman ibn Abi Layla from Hudhayfah, who said: "The Messenger of Allah (peace be upon him) forbade us from silk, brocade, and vessels of gold and silver, stating: 'These are permissible for them [non-believers] in this worldly life but forbidden for you in the Hereafter.'" We have also received a narration from al-Bara' ibn 'Azib that "the Messenger of Allah (peace be upon him) prohibited the use of silver vessels." Should someone argue: "He only prohibited eating and drinking from them," we respond: "These two narrations constitute a comprehensive prohibition covering all uses of such vessels, thereby introducing supplementary rulings in legal and Sharia terms beyond those reports that mention restrictions limited to drinking or eating and drinking alone. It is impermissible to oppose these augmented rulings."

If it is said: It has been established that gold and silk are "forbidden for the males of my community and permissible for their females," we respond: Yes. However, the hadith prohibiting gold and silver vessels is an exception to the permissibility of gold for women. All narrations must be applied, and this is the only coherent method. Scholars have implemented this princi-

[29] **Hadith references (L3218):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

مِنْهُ فِي الْأَصْلِ، وَخَالَفُوا أَيْضًا الْقِيَاسَ وَمَا تَعَلَّقُوا فِي جَوَازِهِ بِشَيْءٍ أَصْلًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة عدم صِحَّة الْوُضُوء وَالْغسْل مِنْ آنِيَة الذَّهَب وَالْفِضَّة لِلرِّجَالِ وَالنِّسَاء]

١٥٣ - مَسْأَلَةٌ: وَلَا يَجُوزُ الْوُضُوءُ وَلَا الْغُسْلُ مِنْ إنَاءِ ذَهَبٍ وَلَا مِنْ إنَاءِ فِضَّةٍ لَا لِرَجُلٍ وَلَا لِامْرَأَةٍ.

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ 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 الْحَرِيرِ وَالدِّيبَاجِ وَآنِيَةِ الذَّهَبِ وَالْفِضَّةِ، وَقَالَ: هُوَ لَهُمْ فِي الدُّنْيَا وَهُوَ لَكُمْ فِي الْآخِرَةِ» وَقَدْ رُوِّينَا أَيْضًا عَنْ الْبَرَاءِ بْنِ عَازِبٍ «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - النَّهْيَ عَنْ آنِيَةِ الْفِضَّةِ» . فَإِنْ قِيلَ: إنَّمَا نَهَى عَنْ الْأَكْلِ فِيهَا وَالشُّرْبِ. قُلْنَا: هَذَانِ الْخَبَرَانِ نَهْيٌ عَامٌّ عَنْهُمَا جُمْلَةً، فَهُمَا زَائِدَانِ حُكْمًا وَشَرْعًا عَلَى الْأَخْبَارِ الَّتِي فِيهَا النَّهْيُ عَنْ الشُّرْبِ فَقَطْ أَوْ الْأَكْلِ وَالشُّرْبِ فَقَطْ، وَالزِّيَادَةُ فِي الْحُكْمِ لَا يَحِلُّ خِلَافُهَا.

فَإِنْ قِيلَ: فَقَدْ جَاءَ أَنَّ الذَّهَبَ وَالْحَرِيرَ «حَرَامٌ عَلَى ذُكُورِ أُمَّتِي حِلٌّ لِإِنَاثِهَا» قُلْنَا: نَعَمْ، وَحَدِيثُ النَّهْيِ عَنْ آنِيَةِ الذَّهَبِ وَالْفِضَّةِ مُسْتَثْنًى مِنْ إبَاحَةِ الذَّهَبِ لِلنِّسَاءِ، لِأَنَّهُ أَقَلُّ مِنْهُ، وَلَا بُدَّ مِنْ اسْتِعْمَالِ جَمِيعِ الْأَخْبَارِ، وَلَا يُوصَلُ إلَى اسْتِعْمَالِهَا إلَّا هَكَذَا، وَهُمْ قَدْ فَعَلُوا هَذَا فِي الشُّرْبِ فِي إنَاءِ الذَّهَبِ وَالْفِضَّةِ، فَإِنَّهُمْ مَنَعُوا النِّسَاءَ مِنْ ذَلِكَ وَاسْتَثْنَوْهُ

ple regarding drinking from gold and silver vessels by prohibiting women from their use, thereby making an exception to the general permissibility. If it is objected: The Prophet—peace and blessings of Allah be upon him—authentically stated that "a vessel does not render anything lawful or unlawful," we affirm this truth and uphold it. The water in gold and silver vessels is indeed lawful to drink and use for purification. What is forbidden is the act of using such vessels. Nevertheless, since drinking from them or purifying with them necessarily entails disobedience—by employing prohibited vessels—the one who does this is explicitly described as drawing into his belly the fire of Hell. Moreover, during ablution or ritual bath, he disobeys Allah Almighty through this very act of purification. It is false to claim that disobedience can substitute for obedience, or that an unlawful purification fulfills an obligatory one. We further challenge them: It is astonishing that you cite this hadith against us while we uphold it and you contradict it! Abū Ḥanīfa and Al-Shāfiʿī prohibit ablution and ritual bath with water from a vessel that once held wine—even absent any trace in the water—thus deeming the vessel to render the water unlawful, contrary to the authenticated hadith. As for Mālik, he prohibits date wine stored in gourds or pitch-coated vessels, thereby invalidating this report in which the hadith is mentioned. It is authentically transmitted from ʿĀ'isha—may Allah be pleased with her—that jewelry is permissible for women, while silver vessels or silver-plated ones are forbidden to them. This is our doctrine, and with Allah Almighty lies all success.

مِنْ إبَاحَةِ الذَّهَبِ لَهُنَّ. فَإِنْ قِيلَ: فَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ ظَرْفًا لَا يَحِلُّ شَيْئًا وَلَا يُحَرِّمُ شَيْئًا» قُلْنَا نَعَمْ، هَذَا حَقٌّ وَبِهِ نَقُولُ، وَالْمَاءُ الَّذِي فِي إنَاءِ الذَّهَبِ وَالْفِضَّةِ شُرْبُهُ حَلَالٌ، وَالتَّطَهُّرُ بِهِ حَلَالٌ، وَإِنَّمَا حَرُمَ اسْتِعْمَالُ الْإِنَاءِ، فَلَمَّا لَمْ يَكُنْ بُدٌّ فِي الشُّرْبِ مِنْهُ وَفِي التَّطَهُّرِ مِنْهُ مِنْ مَعْصِيَةِ اللَّهِ تَعَالَى - الَّتِي هِيَ اسْتِعْمَالُ الْإِنَاءِ الْمُحَرَّمِ - صَارَ فَاعِلُ ذَلِكَ مُجْرِجًا فِي بَطْنِهِ نَارَ جَهَنَّمَ بِالنَّصِّ، وَكَانَ فِي حَالِ وُضُوئِهِ وَغُسْلِهِ عَاصِيًا لِلَّهِ تَعَالَى بِذَلِكَ التَّطَهُّرِ نَفْسِهِ، وَمِنْ الْبَاطِلِ أَنْ تَنُوبَ الْمَعْصِيَةُ عَنْ الطَّاعَةِ، وَأَنْ يُجْزِئَ تَطْهِيرٌ مُحَرَّمٌ عَنْ تَطْهِيرٍ مُفْتَرَضٍ. ثُمَّ نَقُولُ لَهُمْ: إنَّ مِنْ الْعَجَبِ احْتِجَاجُكُمْ بِهَذَا الْخَبَرِ عَلَيْنَا، وَنَحْنُ نَقُولُ بِهِ وَأَنْتُمْ تُخَالِفُونَهُ، فَأَبُو حَنِيفَةَ وَالشَّافِعِيُّ يُحَرِّمُونَ الْوُضُوءَ وَالْغُسْلَ بِمَاءٍ فِي إنَاءٍ كَانَ فِيهِ خَمْرٌ لَمْ يَظْهَرْ مِنْهَا فِي الْمَاءِ أَثَرٌ، فَقَدْ جَعَلُوا هَذَا الْإِنَاءَ يُحَرِّمُ هَذَا الْمَاءَ، خِلَافًا لِلْخَبَرِ الثَّابِتِ وَأَمَّا مَالِكٌ فَإِنَّهُ يُحَرِّمُ النَّبِيذَ الَّذِي فِي الدُّبَّاءِ وَالْمُزَفَّتِ، وَهُوَ الَّذِي أَبْطَلَ هَذَا الْخَبَرَ وَفِيهِ وَرَدَ، وَقَدْ صَحَّ عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - إبَاحَةُ الْحُلِيِّ لِلنِّسَاءِ، وَتَحْرِيمُ الْإِنَاءِ مِنْ الْفِضَّةِ أَوْ الْإِنَاءِ الْمُفَضَّضِ عَلَيْهِنَّ. وَهُوَ قَوْلُنَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

The issue of the invalidity of performing wuḍūʾ and consuming the water in the land of Thamud.

[مَسْأَلَة عدم صِحَّة الْوُضُوء وَالشُّرْب مِنْ الْمَاء الَّذِي بِأَرْضِ ثَمُود]

154 - Issue: It is not permissible to perform ablution with water from the wells of Hegra - the land of Thamūd - nor to drink from them, except for the well of the she-camel, for all such uses are permissible from it.

١٥٤ - مَسْأَلَةٌ: وَلَا يَحِلُّ الْوُضُوءُ مِنْ مَاءِ بِئَارِ الْحِجْرِ - وَهِيَ أَرْضُ ثَمُودَ - وَلَا الشُّرْبُ، حَاشَا بِئْرَ النَّاقَةِ فَكُلُّ ذَلِكَ جَائِزٌ مِنْهَا.

Abdurrahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: Al-Farbari narrated to us: Al-Bukhari narrated to us: Muhammad ibn Miskin narrated to us: Yahya ibn Hassan ibn Hayyan narrated to us: Sulaiman narrated from Abdullah ibn Dinar from Ibn Umar,

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ حَدَّثَنَا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ مِسْكِينٍ ثنا يَحْيَى بْنُ حَسَّانَ بْنِ حَيَّانَ ثنا سُلَيْمَانُ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ

who said: “When the Messenger of Allah (peace be upon him) camped at Al-Hijr during the Expedition of Tabuk, he commanded them not to drink from its well nor draw water from it. They said: ’We have already kneaded dough from it and drawn water.’ The Prophet (peace be upon him) then commanded them to discard that dough and pour out that water.” And through another chain to Al-Bukhari: Ibrahim ibn Al-Mundhir Al-Hizami narrated to us: Anas ibn Iyad narrated to us from... ‘Ubayd Allāh ibn ‘Umar reported from Nāfi‘ from Ibn ‘Umar that he reported: “The people camped with the Messenger of Allah—peace be upon him—in the land of Thamūd at Al-Ḥijr, and they drew water from its well and kneaded dough. The Messenger of Allah—peace be upon him—commanded them to pour out what they had drawn from its wells, to feed the dough to the camels, and ordered them to draw water from the well that the she-camel frequented.” Abū Muḥammad said: It is well-known in Tabuk.

L3231 **The juridical ruling is that ablution (wuḍū’) and ritual bathing (ghusl) performed with juice are categorically invalid.**

L3232 155 - Issue: Any water extracted from a tree, such as rose water or others, is not permissible for performing ablution for prayer, nor for ritual bathing to fulfill any prescribed obligations. This is because it is not considered valid water, and purification is only achieved with water and soil - or pure earth when water is unavailable.

L3233 **Issue: Clarification of the waters permissible for purification therewith.**

L3234 Issue 156: Ablution for prayer and obligatory ritual baths are permissible with seawater, heated water, sun-warmed water, water melted from snow or hail or ice, or salt that originated as water and whose origin is not mineral. The proof lies in all that we mentioned being classified as “water,” for Allah the Exalted said: *“If you find no water, then use clean earth”* (4:43). Salt was originally water that solidified as snow solidifies. When the term “water” ceases to apply to any such substance, ablution for prayer and obligatory ritual baths become prohibited with it. But when it becomes water again,

عَنْ ابْنِ عُمَرَ قَالَ «لَمَّا نَزَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْحِجْرَ فِي غَزْوَةِ تَبُوكَ أَمَرَهُمْ أَنْ لَا يَشْرَبُوا مِنْ بِئْرِهَا وَلَا يَسْتَقُوا مِنْهَا، قَالُوا: قَدْ عَجَنَّا مِنْهَا وَاسْتَقَيْنَا فَأَمَرَهُمْ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَطْرَحُوا ذَلِكَ الْعَجِينَ وَيُهَرِيقُوا ذَلِكَ الْمَاءَ» . وَبِهِ إلَى الْبُخَارِيِّ: حَدَّثَنَا إبْرَاهِيمُ بْنُ الْمُنْذِرِ الْحِزَامِيُّ ثنا أَنَسُ بْنُ عِيَاضٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ أَخْبَرَهُ «أَنَّ النَّاسَ نَزَلُوا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْضَ ثَمُودَ الْحِجْرَ وَاسْتَقَوْا مِنْ بِئْرِهَا وَاعْتَجَنُوا، فَأَمَرَهُمْ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُهَرِيقُوا مَا اسْتَقَوْا مِنْ بِئَارِهَا، وَأَنْ يَعْلِفُوا الْإِبِلَ الْعَجِينَ، وَأَمَرَهُمْ أَنْ يَسْتَقُوا مِنْ الْبِئْرِ الَّتِي كَانَتْ تَرِدُهَا النَّاقَةُ» قَالَ أَبُو مُحَمَّدٍ: هِيَ مَعْرُوفَةٌ بِتَبُوكَ.

[مَسْأَلَة عدم صِحَّة الْوُضُوء وَالْغُسْل بِمَاء الْعَصِير مُطْلَقًا]

١٥٥ - مَسْأَلَةٌ: وَكُلُّ مَاءٍ اُعْتُصِرَ مِنْ شَجَرٍ، كَمَاءِ الْوَرْدِ وَغَيْرِهِ، فَلَا يَحِلُّ الْوُضُوءُ بِهِ لِلصَّلَاةِ، وَلَا الْغُسْلُ بِهِ لِشَيْءٍ مِنْ الْفَرَائِضِ، لِأَنَّهُ لَيْسَ مَاءً، وَلَا طَهَارَةَ إلَّا بِالْمَاءِ وَالتُّرَابِ أَوْ الصَّعِيدِ عِنْدَ عَدَمِهِ.

[مَسْأَلَة بَيَان الْمِيَاه الْجَائِز التَّطْهِير بِهَا]

١٥٦ - مَسْأَلَةٌ: وَالْوُضُوءُ لِلصَّلَاةِ وَالْغُسْلُ لِلْفُرُوضِ جَائِزٌ بِمَاءِ الْبَحْرِ وَبِالْمَاءِ الْمُسَخَّنِ وَالْمُشَمَّسِ وَبِمَاءٍ أُذِيبَ مِنْ الثَّلْجِ أَوْ الْبَرَدِ أَوْ الْجَلِيدِ أَوْ مِنْ الْمِلْحِ الَّذِي كَانَ أَصْلُهُ مَاءً وَلَمْ يَكُنْ أَصْلُهُ مَعْدِنًا. بُرْهَانُ ذَلِكَ أَنَّ كُلَّ مَا ذَكَرْنَا يَقَعُ عَلَيْهِ اسْمُ مَاءٍ، وَقَالَ تَعَالَى: {فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [النساء: ٤٣] وَالْمِلْحُ كَانَ مَاءً ثُمَّ جَمَدَ كَمَا يَجْمُدُ

the term “water” reapplies, thereby reinstating the rulings of ablution and ritual bathing as they were. This differs from mineral salt, which never at any time was water. And success is from Allah, the Exalted.[30]

L3235 There is some longstanding disagreement in part of this matter: We have been narrated from ʿAbdullāh ibn ʿUmar, ʿAbdullāh ibn ʿAmr, and Abū Hurayrah that ablution for prayer and bathing with seawater is neither permissible nor valid. Indeed, it would logically bind those who adhere to following the legal opinions of the Companions and say regarding any statement that aligns with a Companion’s view, “Such matters cannot be based on personal opinion,” to adopt their position here. Likewise, those who do not affirm the generality [of rulings], since the report stating “Its water is purifying; its dead [creatures] are lawful” is inauthentic. For this reason, we have not cited it as evidence. It has also been narrated from Mujāhid that there is juristic dislike for heated water, and from Al-Shāfiʿī that there is juristic dislike for sun-warmed water. All of this is baseless, with no evidence from the Qur’an, established Sunnah, or definitive consensus. Success is from Allah, the Exalted.

An issue among the factors necessitating ablution is the loss of consciousness or sanity.

L3236–3237

L3238 Issue: The things that necessitate ablution, with nothing else requiring ablution. A group stated: The loss of mental faculties through any cause - whether insanity, fainting, or intoxication from whatever cause it may be. They declared this to be a definitive consensus. The proof lies in the fact that whoever loses their mental faculties ceases to bear religious obligations. When this occurs, their previous state of ritual purity becomes invalid. Were it not for the validity of the consensus that the ruling of major impurity does not reapply to him, it would necessarily do so. And success comes from Allah alone, the Exalted.

[30] **Qur’an references (L3234):** Qur’an 4:43 (An-Nisa); Qur’an 5:6 (Al-Ma’idah).

الثَّلْجُ، فَسَقَطَ عَنْ كُلِّ ذَلِكَ اسْمُ الْمَاءِ، فَحَرُمَ الْوُضُوءُ لِلصَّلَاةِ بِهِ وَالْغُسْلُ لِلْفُرُوضِ، فَإِذَا صَارَ مَاءً عَادَ عَلَيْهِ اسْمُ الْمَاءِ، فَعَادَ حُكْمُ الْوُضُوءِ وَالْغُسْلِ بِهِ كَمَا كَانَ، وَلَيْسَ كَذَلِكَ الْمِلْحُ الْمَعْدِنِيُّ، لِأَنَّهُ لَمْ يَكُنْ قَطُّ مَاءً. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَفِي بَعْضِ هَذَا خِلَافٌ قَدِيمٌ: رُوِّينَا عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو وَأَبِي هُرَيْرَةَ أَنَّ الْوُضُوءَ لِلصَّلَاةِ وَالْغُسْلَ مِنْ مَاءِ الْبَحْرِ لَا يَجُوزُ وَلَا يُجْزِئُ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ يَقُولُ بِتَقْلِيدِ الصَّاحِبِ وَيَقُولُ إذَا وَافَقَهُ قَوْلُهُ: " مِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ " أَنْ يَقُولَ بِقَوْلِهِمْ هَهُنَا. وَكَذَلِكَ مَنْ لَمْ يَقُلْ بِالْعُمُومِ، لِأَنَّ الْخَبَرَ «هُوَ الطَّهُورُ مَاؤُهُ الْحِلُّ مَيْتَتُهُ» لَا يَصِحُّ. وَلِذَلِكَ لَمْ نَحْتَجَّ بِهِ. وَرُوِيَ عَنْ مُجَاهِدٍ الْكَرَاهَةُ لِلْمَاءِ الْمُسَخَّنِ وَعَنْ الشَّافِعِيِّ الْكَرَاهَةُ لِلْمَاءِ الْمُشَمَّسِ، وَكُلُّ هَذَا لَا مَعْنَى لَهُ، وَلَا حُجَّةَ لَا فِي قُرْآنٍ أَوْ سُنَّةٍ ثَابِتَةٍ أَوْ إجْمَاعٍ مُتَيَقَّنٍ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مِنْ مُوجِبَاتِ الْوُضُوءِ ذَهَابُ الْعَقْلِ]

مَسْأَلَةٌ: الْأَشْيَاءُ الْمُوجِبَةُ لِلْوُضُوءِ وَلَا يُوجِبُ الْوُضُوءَ غَيْرُهَا. قَالَ قَوْمٌ: ذَهَابُ الْعَقْلِ بِأَيِّ شَيْءٍ ذَهَبَ، مِنْ جُنُونٍ أَوْ إغْمَاءٍ أَوْ سُكْرٍ مِنْ أَيِّ شَيْءٍ سَكِرَ. وَقَالُوا هَذَا إجْمَاعٌ مُتَيَقَّنٌ. وَبُرْهَانُ ذَلِكَ أَنَّ مَنْ ذَهَبَ عَقْلُهُ سَقَطَ عَنْهُ الْخِطَابُ، وَإِذَا كَانَ كَذَلِكَ فَقَدْ بَطَلَتْ حَالُ طَهَارَتِهِ الَّتِي كَانَ فِيهَا، وَلَوْلَا صِحَّةُ الْإِجْمَاعِ أَنَّ حُكْمَ جَنَابَتِهِ لَا يَرْجِعُ عَلَيْهِ لَوَجَبَ أَنْ يَرْجِعَ عَلَيْهِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3239 Abū Muḥammad said: It is not as they claimed. As for the assertion of consensus, it is invalid. We have not found any statement from any of the Companions or any of the Successors on this matter, except from three individuals only: Ibrāhīm al-Nakhaʿī—though the chain of transmission to him is weak—Ḥammād, and al-Ḥasan. From two of them, ablution is reported, and from the third, the obligation of the full bath. It has been narrated to us from Saʿīd ibn Manṣūr, from Suwayd ibn Saʿīd al-Ḥadathānī and Hushaym. Suwayd said: Mughīrah informed us from Ibrāhīm regarding one afflicted by insanity who regains sanity: he performs ablution. Hushaym reported the same from some of his companions, from Ibrāhīm. From the chain of ʿAbd al-Razzāq, from Maʿmar, from Ḥammād ibn Abī Sulaymān, who said: When the insane person regains sanity, he performs ablution as for prayer. From the chain of ʿAbd al-Razzāq, from Hishām ibn Ḥassān, from al-Ḥasan al-Baṣrī, who said: When the insane person regains sanity, he bathes. So where is the consensus? Would that I knew! If they say: We analogized it to sleep, we say: The analogy is invalid. However, you have agreed with us that it does not necessitate one of the two purifications, which is the full bath, so analogize the omission of the other—ablution—to its omission. This is an analogy that contradicts your analogy. Sleep does not resemble fainting, insanity, or intoxication, so it cannot be analogized to them. They have agreed that his state of consecration, fasting, or any of his contracts are not invalidated. From where then do they derive the invalidation of his ablution without a textual proof for that? The well-established report from the Messenger of Allah—peace and blessings be upon him—through the chain of ʿĀ'ishah, the Mother of the Believers, states: "During his illness in which he passed away, he—peace be upon him—intended to go out for prayer but fainted. When he regained consciousness, he bathed. She did not mention ablution; his bathing was merely to regain strength for going out."

قَالَ أَبُو مُحَمَّد: وَلَيْسَ كَمَا قَالُوا، أَمَّا دَعْوَى الْإِجْمَاعِ فَبَاطِلٌ، وَمَا وَجَدْنَا فِي هَذَا عَنْ أَحَدٍ مِنْ الصَّحَابَةِ كَلِمَةً وَلَا عَنْ أَحَدٍ التَّابِعِينَ، إلَّا عَنْ ثَلَاثَةِ نَفَرٍ: إبْرَاهِيمُ النَّخَعِيُّ - عَلَى أَنَّ الطَّرِيقَ إلَيْهِ وَاهِيَةٌ وَحَمَّادٌ وَالْحَسَنُ فَقَطْ، عَنْ اثْنَيْنِ مِنْهُمْ الْوُضُوءُ وَعَنْ الثَّالِثِ إيجَابُ الْغُسْلِ، رُوِّينَا عَنْ سَعِيدِ بْنِ مَنْصُورٍ عَنْ سُوَيْدِ بْنِ سَعِيدٍ الْحَدَثَانِيِّ وَهُشَيْمٍ، قَالَ سُوَيْد أَخْبَرَنَا مُغِيرَةُ عَنْ إبْرَاهِيمَ فِي الْمَجْنُونِ إذَا أَفَاقَ: يَتَوَضَّأُ، وَقَالَ هُشَيْمٌ عَنْ بَعْضِ أَصْحَابِهِ عَنْ إبْرَاهِيمَ مِثْلَهُ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ قَالَ: إذَا أَفَاقَ الْمَجْنُونُ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ هِشَامِ بْنِ حَسَّانَ عَنْ الْحَسَنِ الْبَصْرِيِّ قَالَ: إذْ أَفَاقَ الْمَجْنُونُ اغْتَسَلَ. فَأَيْنَ الْإِجْمَاعُ؟ لَيْتَ شِعْرِي؟ فَإِنْ قَالُوا: قِسْنَاهُ عَلَى النَّوْمِ، قُلْنَا: الْقِيَاسُ بَاطِلٌ، لَكِنْ قَدْ وَافَقْتُمُونَا عَلَى أَنَّهُ لَا يُوجِبُ إحْدَى الطَّهَارَتَيْنِ وَهِيَ الْغُسْلُ، فَقِيسُوا عَلَى سُقُوطِهَا سُقُوطَ الْأُخْرَى وَهِيَ الْوُضُوءُ، فَهَذَا قِيَاسٌ، يُعَارِضُ قِيَاسَكُمْ، وَالنَّوْمُ لَا يُشْبِهُ الْإِغْمَاءَ وَلَا الْجُنُونَ وَلَا السُّكْرَ فَيُقَاسُ عَلَيْهِ، وَقَدْ اتَّفَقُوا عَلَى أَنَّهُ لَا يُبْطِلُ إحْرَامُهُ وَلَا صِيَامُهُ وَلَا شَيْءَ مِنْ عُقُودِهِ، فَمِنْ أَيْنَ لَهُمْ إبْطَالُ وُضُوئِهِ بِغَيْرِ نَصٍّ فِي ذَلِكَ؟ وَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْخَبَرُ الْمَشْهُورُ الثَّابِتُ مِنْ طَرِيقِ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، «أَنَّهُ - عَلَيْهِ السَّلَامُ - فِي عِلَّتِهِ الَّتِي مَاتَ فِيهَا أَرَادَ الْخُرُوجَ لِلصَّلَاةِ فَأُغْمِيَ عَلَيْهِ، فَلَمَّا أَفَاقَ اغْتَسَلَ، وَلَمْ تَذْكُرْ وُضُوءًا وَإِنَّمَا كَانَ غُسْلُهُ لِيَقْوَى عَلَى الْخُرُوجِ فَقَطْ» .

A matter among the nullifiers of ablution is sleep absolutely.

[مَسْأَلَة مِنْ مُوجِبَات الْوُضُوء النوم مُطْلَقًا]

L3240–3241

L3242 Issue: Sleep in itself is a ritual impurity that invalidates wudu, whether little or much, while sitting, standing, in prayer or otherwise, while bowing,

مَسْأَلَةٌ: وَالنَّوْمُ فِي ذَاتِهِ حَدَثٌ يَنْقُضُ الْوُضُوءَ سَوَاءٌ قَلَّ أَوْ كَثُرَ، قَاعِدًا أَوْ قَائِمًا، فِي صَلَاةٍ أَوْ غَيْرِهَا، أَوْ رَاكِعًا كَذَلِكَ أَوْ سَاجِدًا كَذَلِكَ أَوْ مُتَّكِئًا أَوْ مُضْطَجِعًا، أَيْقَنَ مَنْ حَوَالَيْهِ أَنَّهُ لَمْ يُحْدِثْ أَوْ لَمْ يُوقِنُوا. بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ يُونُسُ بْنُ عَبْدِ اللَّهِ وَعَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَا: ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى وَيَحْيَى بْنُ آدَمَ وَقُتَيْبَةُ بْنُ سَعِيدٍ قَالَ مُحَمَّدٌ ثنا شُعْبَةُ وَقَالَ قُتَيْبَةُ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ وَقَالَ يَحْيَى ثنا سُفْيَانُ الثَّوْرِيُّ وَزُهَيْرٌ هُوَ ابْنُ مُعَاوِيَةَ - وَمَالِكُ بْنُ مِغْوَلٍ وَسُفْيَانُ بْنُ عُيَيْنَةَ وَاللَّفْظُ لِيَحْيَى، ثُمَّ اتَّفَقَ شُعْبَةُ وَسُفْيَانُ وَزُهَيْرٌ وَابْنُ مِغْوَلٍ عَنْ عَاصِمِ بْنِ أَبِي النَّجُودِ عَنْ «زِرِّ بْنِ حُبَيْشٍ قَالَ: سَأَلْت صَفْوَانَ بْنَ عَسَّالٍ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ فَقَالَ كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُنَا إذَا كُنَّا مُسَافِرِينَ أَنْ نَمْسَحَ عَلَى خِفَافِنَا وَلَا نَنْزِعَهَا ثَلَاثَةَ أَيَّامٍ مِنْ غَائِطٍ وَبَوْلٍ وَنَوْمٍ إلَّا مِنْ جَنَابَةٍ» . وَلَفْظُ شُعْبَةَ فِي رِوَايَتِهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُنَا إذَا كُنَّا مُسَافِرِينَ أَلَا نَنْزِعَهُ ثَلَاثًا إلَّا مِنْ جَنَابَةٍ، لَكِنْ مِنْ غَائِطٍ وَبَوْلٍ وَنَوْمٍ» فَعَمَّ - عَلَيْهِ السَّلَامُ - كُلَّ نَوْمٍ، وَلَمْ يَخُصَّ قَلِيلَهُ مِنْ كَثِيرِهِ، وَلَا حَالًا مِنْ حَالٍ، وَسَوَّى بَيْنَهُ وَبَيْنَ الْغَائِطِ وَالْبَوْلِ، وَهَذَا قَوْلُ أَبِي هُرَيْرَةَ وَأَبِي رَافِعٍ وَعُرْوَةَ بْنِ الزُّبَيْرِ وَعَطَاءٍ وَالْحَسَنِ الْبَصْرِيِّ وَسَعِيدِ بْنِ الْمُسَيِّبِ وَعِكْرِمَةَ وَالزُّهْرِيِّ وَالْمُزَنِيِّ وَغَيْرِهِمْ كَثِيرٌ.

prostrating, reclining, or lying down—even if those around him are certain he did not incur impurity or did not attain certainty. The evidence for this is what Yunus ibn ʻAbdullāh and ʻAbdullāh ibn Rabīʻ narrated to us, stating: Muḥammad ibn Muʻāwiyah narrated to us; Aḥmad ibn Shuʻayb narrated to us; Muḥammad ibn ʻAbd al-Aʻlā, Yaḥyā ibn Ādam, and Quṭaybah ibn Saʻīd narrated to us. Muḥammad said: Shuʻbah narrated to us; Quṭaybah said: Sufyān ibn ʻUyaynah narrated to us; Yaḥyā said: Sufyān al-Thawrī and Zuhayr ibn Muʻāwiyah, Mālik ibn Mighwal, Sufyān ibn ʻUyaynah (the wording is Yaḥyā's)—then Shuʻbah, Sufyān, Zuhayr, and Ibn Mighwal concurred, narrating from ʻĀṣim ibn Abī al-Najūd from Zirr ibn Ḥubaysh, who said: "I asked Ṣafwān ibn ʻAssāl about wiping over leather socks. He replied: 'Allah's Messenger—peace and blessings be upon him—commanded us during travel to wipe over our leather socks for three days without removing them, for defecation, urination, and sleep, except in cases of major impurity.'" Shuʻbah's narration states: "Allah's Messenger—peace and blessings be upon him—commanded us during travel not to remove them for three days except due to major impurity, but for defecation, urination, and sleep." Thus, the Prophet—peace be upon him—generalized all sleep without distinguishing its small or large amount, nor any specific posture, equating it with defecation and urination. This is the view of Abū Hurayrah, Abū Rāfiʻ, ʻUrwah ibn al-Zubayr, ʻAṭāʼ, al-Ḥasan al-Baṣrī, Saʻīd ibn al-Musayyib, ʻIkrimah, al-Zuhrī, al-Muzanī, and many others.

وَذَهَبَ الْأَوْزَاعِيُّ إلَى أَنَّ النَّوْمَ لَا يَنْقُضُ الْوُضُوءَ كَيْف كَانَ. وَهُوَ قَوْلٌ صَحِيحٌ عَنْ جَمَاعَةٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَعَنْ ابْنِ عُمَرَ وَعَنْ مَكْحُولٍ وَعَبِيدَةَ السَّلْمَانِيِّ نَذْكُرُ بَعْضَ ذَلِكَ بِإِسْنَادِهِ؛ لِأَنَّ الْحَاضِرِينَ مِنْ خُصُومِنَا لَا يَعْرِفُونَهُ، وَلَقَدْ ادَّعَى بَعْضُهُمْ الْإِجْمَاعَ عَلَى خِلَافِهِ جَهْلًا وَجُرْأَةً.

L3243 Al-Awzāʻī maintained that sleep does not nullify ablution regardless of its manner. This is a sound position reported from a group of the Companions—may Allah be pleased with them—as well as from Ibn ʻUmar, Makhūl, and ʻUbaydah al-Salmānī. We shall mention some of this with its chain of transmission, for our contemporary adversaries remain unaware of it, though some of them have ignorantly and presumptuously claimed consensus opposing it.

L3244–3245 Muhammad ibn Sa’id ibn Nabaat narrated to us, Ahmad ibn ’Awnillāh narrated to us, Qasim ibn Asbagh 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, Shu’bah narrated from Qatadah from Anas ibn Malik, who said: “The Companions of the Messenger of Allah (peace be upon him) would wait for the prayer and lie down on their sides. Some of them would sleep, then they would stand for the prayer.”

حَدَّثَنَا 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 يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا شُعْبَةُ عَنْ قَتَادَةَ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ “ كَانَ أَصْحَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْتَظِرُونَ الصَّلَاةَ فَيَضَعُونَ جُنُوبَهُمْ فَمِنْهُمْ مَنْ يَنَامُ ثُمَّ يَقُومُونَ إِلَى الصَّلَاةِ ”.

L3246 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 Habib al-Harithi narrated to us; Khalid—that is, Ibn al-Harith—narrated to us; Shu‘bah narrated from Qatadah, who said: I heard Anas saying, “The Companions of Allah’s Messenger—peace and blessings be upon him—would sleep, then pray without renewing ablution.” I asked Qatadah: Did you hear this from Anas? He replied: Yes, by Allah. Abu Muhammad remarked: If it were permissible to definitively assert consensus on matters where universal agreement cannot be ascertained, this case would necessitate such an assertion—unlike those false claims where those without religious commitment indiscriminately allege consensus. Dawud ibn Ali held that sleep invalidates ablution only when lying down—a view attributed to ‘Umar ibn al-Khattab (may Allah be pleased with him) and Ibn Abbas, though unauthenticated. It is reliably transmitted from Ibn ‘Umar, Ibrahim al-Nakha‘i, ‘Ata’, al-Layth, Sufyan al-Thawri, and al-Hasan ibn Hayy. Abu Hanifah maintained that sleep invalidates ablution only when reclining, lying flat, or leaning on one buttock or thigh—not when prostrating, standing, sitting upright, or bowing, regardless of duration. Abu Yusuf stated: If one sleeps unintentionally while prostrating, ablution remains valid, but if done intentionally, it invalidates the ablution. This is despite his general position of not distinguishing between intentional and involuntary acts in matters that nullify ablution or prayer otherwise. This opinion has no known precedent among earlier scholars except some reports attributed to Hammad ibn Abi Sulayman and al-Hakam, though we do not know how they articulated it.

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 حَبِيبٍ الْحَارِثِيُّ ثنا خَالِدٌ هُوَ ابْنُ الْحَارِثِ - ثنا شُعْبَةُ عَنْ قَتَادَةَ قَالَ سَمِعْتُ أَنَسًا يَقُولُ “ كَانَ أَصْحَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنَامُونَ ثُمَّ يُصَلُّونَ وَلَا يَتَوَضَّئُونَ ” فَقُلْتُ لِقَتَادَةَ: سَمِعْتَه مِنْ أَنَسٍ؟ قَالَ إِي وَاَللَّهِ. قَالَ أَبُو مُحَمَّد: لَوْ جَازَ الْقَطْعُ بِالْإِجْمَاعِ فِيمَا لَا يُتَيَقَّنُ أَنَّهُ لَمْ يَشِذَّ عَنْهُ أَحَدٌ لَكَانَ هَذَا يَجِبُ أَنْ يُقْطَعَ فِيهِ بِأَنَّهُ إجْمَاعٌ، لَا لِتِلْكَ الْأَكَاذِيبِ الَّتِي لَا يُبَالِي مَنْ لَا دِينَ لَهُ بِإِطْلَاقِ دَعْوَى الْإِجْمَاعِ فِيهَا. وَذَهَبَ دَاوُد بْنُ عَلِيٍّ إلَى أَنَّ النَّوْمَ لَا يَنْقُضُ الْوُضُوءَ إلَّا نَوْمَ الْمُضْطَجِعِ فَقَطْ، وَهُوَ قَوْلٌ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - وَعَنْ ابْنِ عَبَّاسٍ، وَلَمْ يَصِحَّ عَنْهُمَا، وَعَنْ ابْنِ عُمَرَ صَحَّ عَنْهُ، وَصَحَّ عَنْ إبْرَاهِيمَ النَّخَعِيِّ وَعَنْ عَطَاءٍ وَاللَّيْثِ وَسُفْيَانَ الثَّوْرِيِّ وَالْحَسَنِ بْنِ حَيٍّ. وَذَهَبَ أَبُو حَنِيفَةَ إلَى أَنَّهُ لَا يَنْقُضُ النَّوْمُ الْوُضُوءَ إلَّا أَنْ يَضْطَجِعَ أَوْ يَتَّكِئَ أَوْ مُتَوَرِّكًا عَلَى إحْدَى أَلْيَتَيْهِ أَوْ إحْدَى وَرِكَيْهِ فَقَطْ، وَلَا يَنْقُضُهُ سَاجِدًا أَوْ قَائِمًا أَوْ قَاعِدًا أَوْ رَاكِعًا، طَالَ ذَلِكَ أَوْ قَصُرَ. وَقَالَ أَبُو يُوسُفَ: إنْ نَامَ سَاجِدًا غَيْرَ مُتَعَمِّدٍ فَوُضُوءُهُ بَاقٍ، وَإِنْ تَعَمَّدَ ذَلِكَ بَطَلَ وُضُوءُهُ، وَهُوَ لَا يُفَرِّقُ بَيْنَ الْعَمْدِ وَالْغَلَبَةِ فِيمَا يَنْقُضُ الْوُضُوءَ وَالصَّلَاةَ مِنْ غَيْرِ هَذَا،

وَهُوَ قَوْلٌ لَا نَعْلَمُهُ عَنْ أَحَدٍ مِنْ الْمُتَقَدِّمِينَ إلَّا أَنَّ بَعْضَهُمْ ذَكَرَ ذَلِكَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ وَالْحَكَمِ، وَلَا نَعْلَمُ كَيْفَ قَالَا.

L3247–3249 وَقَالَ مَالِكٌ وَأَحْمَدُ بْنُ حَنْبَلٍ: مَنْ نَامَ نَوْمًا يَسِيرًا وَهُوَ قَاعِدٌ لَمْ يَنْتَقِضْ وُضُوءُهُ وَكَذَلِكَ النَّوْمُ الْقَلِيلُ لِلرَّاكِبِ، وَقَدْ رُوِيَ عَنْهُ نَحْوَ ذَلِكَ فِي السُّجُودِ أَيْضًا، وَرَأْيٍ أَيْضًا فِيمَا عَدَا هَذِهِ الْأَحْوَالِ أَنَّ قَلِيلَ النَّوْمِ وَكَثِيرَهُ يَنْقُضُ الْوُضُوءَ، وَهُوَ قَوْلُ الزُّهْرِيِّ وَرَبِيعَةَ، وَذُكِرَ عَنْ ابْنِ عَبَّاسٍ وَلَمْ يَصِحَّ. وَقَالَ الشَّافِعِيُّ: جَمِيعُ النَّوْمِ يَنْقُضُ الْوُضُوءَ، قَلِيلُهُ وَكَثِيرُهُ إلَّا مِنْ نَامَ جَالِسًا غَيْرَ زَائِلٍ عَنْ مُسْتَوَى الْجُلُوسِ، فَهَذَا لَا يَنْتَقِضُ وُضُوءُهُ، طَالَ نَوْمُهُ أَوْ قَصُرَ، وَمَا نَعْلَمُ هَذَا التَّقْسِيمَ يَصِحُّ عَنْ أَحَدٍ مِنْ الْمُتَقَدِّمِينَ، إلَّا أَنَّ بَعْضَ النَّاسِ ذَكَرَ ذَلِكَ عَنْ طَاوُسٍ وَابْنِ سِيرِينَ وَلَا نُحَقِّقُهُ.

L3250 قَالَ أَبُو مُحَمَّد: احْتَجَّ مَنْ لَمْ يَرَ النَّوْمَ حَدَثًا بِالثَّابِتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ «أَنَّهُ كَانَ يَنَامُ وَلَا يُعِيدُ وُضُوءًا ثُمَّ يُصَلِّي» . قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ لَهُمْ، لِأَنَّ «عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - ذَكَرَتْ أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَتَنَامُ قَبْلَ أَنْ تُوتِرَ؟ قَالَ: إنَّ عَيْنَيَّ تَنَامَانِ وَلَا يَنَامُ قَلْبِي» فَصَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - بِخِلَافِ النَّاسِ فِي ذَلِكَ، وَصَحَّ أَنَّ نَوْمَ الْقَلْبِ الْمَوْجُودِ مِنْ كُلِّ مَنْ دُونَهُ هُوَ النَّوْمُ الْمُوجِبُ لِلْوُضُوءِ، فَسَقَطَ هَذَا الْقَوْلُ. وَلِلَّهِ الْحَمْدُ.

L3251 وَوَجَدْنَا مِنْ حُجَّةِ مَنْ لَا يَرَى الْوُضُوءَ مِنْ النَّوْمِ إلَّا مِنْ الِاضْطِجَاعِ حَدِيثًا رُوِيَ فِيهِ «إنَّمَا الْوُضُوءُ عَلَى مَنْ نَامَ مُضْطَجِعًا فَإِنَّهُ إذَا اضْطَجَعَ اسْتَرْخَتْ مَفَاصِلُهُ» وَحَدِيثًا آخَرَ فِيهِ «أَعَلَيَّ فِي هَذَا وُضُوءٌ يَا رَسُولَ اللَّهِ؟ قَالَ: لَا إلَّا أَنْ تَضَعَ جَنْبَك» وَحَدِيثًا آخَرَ

Malik and Ahmad ibn Hanbal said: Whoever sleeps a slight sleep while sitting does not invalidate his ablution, and similarly the slight sleep of a rider. A similar report is attributed to him regarding prostration as well. There is also an opinion concerning other circumstances besides these situations that both slight sleep and abundant sleep invalidate ablution. This is the statement of al-Zuhri and Rabiʿah, and it is mentioned from Ibn Abbas though it is not authenticated. Al-Shafiʿi said: All sleep invalidates ablution, whether little or much, except for one who sleeps while sitting... If one temporarily moves away from the sitting posture, his ablution is not invalidated, even if he sleeps, whether briefly or at length. We are unaware of this distinction being reliably transmitted from any of the early scholars, though certain narrators have attributed it to Ṭāwūs and Ibn Sīrīn, and we do not authenticate it.

Abu Muhammad said: Those who do not regard sleep as a ritual impurity cited as evidence what is established from the Messenger of Allah—peace and blessings be upon him—that "he would sleep and not repeat his wudu, then pray." Abu Muhammad said: This provides no proof for them, because Aisha—may Allah be pleased with her—narrated that she asked the Messenger of Allah—peace and blessings be upon him—"Do you sleep before praying Witr?" He replied: "My eyes sleep but my heart does not sleep." Thus, it is confirmed that he—peace and blessings be upon him—differed from other people in this matter, and it is confirmed that the sleep of the heart—which occurs in everyone besides him—is the sleep that obligates wudu. Therefore, this opinion is invalidated. All praise belongs to Allah.

We found among the arguments of those who deem ablution obligatory only after sleeping in a reclining position several narrations: one stating "Ablution is only incumbent upon those who sleep lying down, for when one reclines, his joints loosen;" another where a companion asked "Does this require ablution, O Messenger of God?" to which he replied "No, unless you lie on your side;" and a third stating "Whoever lies on his side must per-

فِيهِ «مَنْ وَضَعَ جَنْبَهُ فَلْيَتَوَضَّأْ» . قَالَ أَبُو مُحَمَّد: وَهَذَا كُلُّهُ لَا حُجَّةَ فِيهِ. أَمَّا الْحَدِيثُ الْأَوَّلُ فَإِنَّهُ مِنْ رِوَايَةِ عَبْدِ السَّلَامِ بْنِ حَرْبٍ عَنْ أَبِي خَالِدٍ الدَّالَانِيِّ عَنْ قَتَادَةَ عَنْ أَبِي الْعَالِيَةِ عَنْ ابْنِ عَبَّاسٍ، وَعَبْدُ السَّلَامِ ضَعِيفٌ لَا يُحْتَجُّ بِهِ، ضَعَّفَهُ ابْنُ الْمُبَارَكِ وَغَيْرُهُ، وَالدَّالَانِيُّ لَيْسَ بِالْقَوِيِّ، رُوِّينَا عَنْ شُعْبَةَ أَنَّهُ قَالَ: لَمْ يَسْمَعْ قَتَادَةُ مِنْ أَبِي الْعَالِيَةِ إِلَّا أَرْبَعَةَ أَحَادِيثَ، لَيْسَ هَذَا مِنْهَا، فَسَقَطَ جُمْلَةً وَلِلَّهِ الْحَمْدُ. وَالثَّانِي لَا تَحِلُّ رِوَايَتُهُ إِلَّا عَلَى بَيَانِ سُقُوطِهِ؛ لِأَنَّهُ رِوَايَةُ بَحْرِ بْنِ كُنَيْزٍ السَّقَّاءِ، وَهُوَ لَا خَيْرَ فِيهِ مُتَّفَقٌ عَلَى إِطْرَاحِهِ، فَسَقَطَ جُمْلَةً.

form ablution." Abu Muhammad responded: None of this constitutes valid evidence. Regarding the first narration, its chain includes Abd al-Salam ibn Harb from Abu Khalid al-Dalani from Qatada from Abu al-Aliya from Ibn Abbas. Abd al-Salam is weak and inadmissible as evidence - Ibn al-Mubarak and others weakened him. Al-Dalani lacks strength in transmission. It has been narrated to us from Shu'bah that he said: "Qatada only heard four narrations from Abu al-Aliya, and this is not among them." Thus the entire narration collapses, and all praise is due to Allah. The second narration cannot be transmitted except to demonstrate its invalidity, as its chain includes Bahr ibn Kunayz al-Saqqa - an unanimously rejected narrator of no merit - thereby rendering the entire narration invalid.

وَالثَّالِثُ رَوَاهُ مُعَاوِيَةُ بْنُ يَحْيَى وَهُوَ ضَعِيفٌ يُحَدِّثُ بِالْمَنَاكِيرِ فَسَقَطَ هَذَا الْبَابُ كُلُّهُ وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

L3252–3253 The third [narration] was reported by Mu'āwiyah ibn Yaḥyā, who is a weak narrator; he transmits objectionable narrations. Consequently, this entire chapter has been discarded, and by Allah, the Exalted, we are strengthened.

وَذَكَرُوا أَيْضًا حَدِيثًا فِيهِ «إذَا نَامَ الْعَبْدُ سَاجِدًا بَاهَى اللَّهُ بِهِ الْمَلَائِكَةَ» وَهَذَا لَا شَيْءَ؛ لِأَنَّهُ مُرْسَلٌ لَمْ يُخْبِرْ الْحَسَنَ مِمَّنْ سَمِعَهُ، ثُمَّ لَوْ صَحَّ لَمْ يَكُنْ فِيهِ إسْقَاطُ الْوُضُوءِ عَنْهُ. وَذَكَرُوا أَيْضًا حَدِيثَيْنِ صَحِيحَيْنِ أَحَدُهُمَا عَنْ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ، وَالْآخَرُ مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ فِيهِمَا: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَخَّرَ الصَّلَاةَ حَتَّى نَامَ النَّاسُ ثُمَّ اسْتَيْقَظُوا ثُمَّ نَامُوا، ثُمَّ اسْتَيْقَظُوا، فَجَاءَ عُمَرُ فَقَالَ: الصَّلَاةُ يَا رَسُولَ اللَّهِ فَصَلَّوْا، وَلَمْ يَذْكُرْ أَنَّهُمْ تَوَضَّئُوا» . قَالَ أَبُو مُحَمَّد: وَالثَّانِي مِنْ طَرِيقِ شُعْبَةَ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ عَنْ أَنَسٍ: «أُقِيمَتْ الصَّلَاةُ وَالنَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُنَاجِي رَجُلًا، فَلَمْ يَزَلْ يُنَاجِيه حَتَّى نَامَ أَصْحَابُهُ، ثُمَّ جَاءَ فَصَلَّى بِهِمْ» وَحَدِيثًا ثَابِتًا مِنْ طَرِيقِ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ: «أَعْتَمَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْعِشَاءِ، حَتَّى نَادَاهُ عُمَرُ: نَامَ النِّسَاءُ وَالصِّبْيَانُ، فَخَرَجَ - عَلَيْهِ السَّلَامُ -» .

L3254 They also mentioned a hadith containing: "When a servant sleeps while prostrating, Allah boasts of him to the angels." This is baseless, as it is a mursal narration since al-Ḥasan did not report from whom he heard it. Even if authentic, it would not indicate the invalidation of ablution. They also cited two authentic hadiths: one from 'Aṭā' on the authority of Ibn 'Abbās, and another through the chain of Ibn Jurayj from Nāfi' from Ibn 'Umar – both stating: "The Prophet (peace and blessings be upon him) delayed the prayer until people slept, then awoke, then slept again, then awoke. 'Umar came saying: 'The prayer, O Messenger of Allah!' So they prayed, without the narrator mentioning that they performed ablution."

Abū Muḥammad noted: The second hadith is transmitted through Shu'bah from 'Abd al-'Azīz ibn Ṣuhayb from Anas: "The iqāmah was proclaimed while the Prophet (peace and blessings be upon him) was whispering to a man. He continued whispering until his Companions fell asleep, then he came and led them in prayer." Additionally, there is an authentic hadith through 'Urwah from 'Ā'ishah, who said: "The Prophet (peace and blessings be upon him)

delayed the ‘Ishā’ prayer until ‘Umar called out to him: ‘The women and children have slept!’ So he emerged—peace and blessings be upon him—.”[31]

قَالَ أَبُو مُحَمَّد: وَكُلُّ هَذَا لَا حُجَّةَ فِيهِ أَلْبَتَّةَ لِمَنْ فَرَّقَ بَيْنَ أَحْوَالِ النَّائِمِ وَلَا بَيْنَ أَحْوَالِ النَّوْمِ، لِأَنَّهَا لَيْسَ فِي شَيْءٍ مِنْهَا ذِكْرُ حَالِ مَنْ نَامَ كَيْف نَامَ، مِنْ جُلُوسٍ أَوْ اضْطِجَاعٍ أَوْ اتِّكَاءٍ أَوْ تَوَرُّكٍ أَوْ اسْتِنَادٍ، وَإِنَّمَا يُمْكِنُ أَنْ يَحْتَجَّ بِهَا مَنْ لَا يَرَى الْوُضُوءَ مِنْ النَّوْمِ أَصْلًا، وَمَعَ ذَلِكَ فَلَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ؛ لِأَنَّهُ لَيْسَ فِي شَيْءٍ مِنْهَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلِمَ بِنَوْمِ مَنْ نَامَ، وَلَمْ يَأْمُرْهُ بِالْوُضُوءِ، وَلَا حُجَّةَ لَهُمْ إلَّا فِيمَا عَلِمَهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَقَرَّهُ، أَوْ فِيمَا أَمَرَ بِهِ، أَوْ فِيمَا فَعَلَهُ، فَكَيْفَ وَفِي حَدِيثِ ابْنِ عُمَرَ وَعَائِشَةَ «أَنَّهُ لَمْ يَكُنْ إسْلَامٌ يَوْمَئِذٍ إلَّا بِالْمَدِينَةِ» ، فَلَوْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - عَلِمَ ذَلِكَ مِنْهُمْ لَكَانَ حَدِيثُ صَفْوَانَ نَاسِخًا لَهُ؛ لِأَنَّ إسْلَامَ صَفْوَانَ مُتَأَخِّرٌ فَسَقَطَ التَّعَلُّقُ بِهَذِهِ الْأَخْبَارِ جُمْلَةً، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3255 Abu Muhammad said: All of this contains no evidence whatsoever for those who differentiate between the states of the sleeper or between the states of sleep, for none of these narrations mention the condition of one who slept—how he slept, whether sitting, lying down, reclining, sitting cross-legged, or leaning. These narrations could only be cited as evidence by those who reject the obligation of ritual washing after sleep entirely. Even so, they have no evidence in any of it, because none of these narrations state that the Messenger of Allah—peace be upon him—knew that someone had slept and did not order him to perform ablution. Their evidence is valid only in what the Prophet—peace be upon him—knew and approved, or in what he commanded, or in what he himself did. How could this be, when the hadith of Ibn Umar and Aisha states, “There were no conversions to Islam at that time except in Medina”? If it were established that the Prophet—peace be upon him—knew of their sleep, Safwan’s narration would abrogate the prior ruling, because Safwan’s conversion to Islam occurred later. Thus, reliance on these narrations is wholly invalidated. And success comes only from Allah, the Exalted.

وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَمَالِكٍ وَأَحْمَدَ فَلَا مُتَعَلَّقَ لِمَنْ ذَهَبَ إلَى شَيْءٍ مِنْهَا لَا بِقُرْآنٍ وَلَا بِسُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا بِعَمَلِ صَحَابَةٍ وَلَا بِقَوْلٍ صَحَّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَلَا بِقِيَاسٍ وَلَا بِاحْتِيَاطٍ، وَهِيَ أَقْوَالٌ مُخْتَلِفَةٌ كَمَا تَرَى لَيْسَ لِأَحَدٍ مِنْ مُقَلِّدِيهِمْ أَنْ يَدَّعِيَ عَمَلًا إلَّا كَانَ لِخُصُومِهِ أَنْ يَدَّعِيَ لِنَفْسِهِ مِثْلَ ذَلِكَ وَقَدْ لَاحَ أَنَّ كُلَّ مَا شَغَبُوا بِهِ مِنْ أَفْعَالِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فَإِنَّمَا هُوَ إيهَامٌ مُفْتَضَحٌ، لِأَنَّهُ لَيْسَ فِي شَيْءٍ مِنْ الرِّوَايَاتِ أَنَّهُمْ نَامُوا عَلَى الْحَالِ الَّتِي يُسْقِطُونَ الْوُضُوءَ عَمَّنْ نَامَ كَذَلِكَ، فَسَقَطَتْ الْأَقْوَالُ كُلُّهَا مِنْ طَرِيقِ السُّنَنِ إلَّا قَوْلَنَا. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L3256–3257 As for the statements of Abū Ḥanīfah, al-Shāfiʿī, Mālik, and Aḥmad, there is no basis for those who adhere to any of them—neither in the Qur’ān, nor in a sound or unsound Sunnah, nor in the practice of the Companions (may Allah be pleased with them), nor any authentically transmitted statement from a single Companion (may Allah be pleased with them), nor in analogical reasoning, nor precaution. These are conflicting opinions, as you observe, and no follower of theirs can claim a practice without their opponents making the same claim for themselves. It has become evident that whatever actions of the Companions (may Allah be pleased with them) they objected with are nothing but an exposed illusion, for none of the narrations indicate that the Companions slept in the state for which these scholars invalidate ablution for one who sleeps thus. Consequently, all these opinions are invalidated

[31] **Hadith references (L3254):** Sahih Muslim 376b.

through the Sunnah's sources except our own. All praise is due to Allah, Lord of the worlds.

L3258–3260

Abū Muḥammad said: As for the perspective of rational analysis, sleep cannot depart from one of two aspects with no third alternative existing for them: either sleep constitutes a ritual impurity state or it does not. If it is not a ritual impurity state, then whether minimal or extensive, in any condition, it does not invalidate ablution—and this opposes the opponents' position. If it constitutes a ritual impurity state, then whether minimal or extensive, in any condition, it invalidates ablution—and this is our doctrine. Thus, it is established that ruling to differentiate between sleep's various states is erroneous, an unfounded presumption without evidence, and a claim lacking proof. Should someone argue: "Sleep itself is not a ritual impurity state, but rather we fear one might experience a ritual impurity state during it," we respond: This has no basis in any aspect of the matter, for the occurrence of a ritual impurity state is possible during the slightest sleep, just as it is possible during heavy sleep. It may occur while sitting as readily as while reclining. Indeed, a ritual impurity state may even occur while awake. The ritual impurity state is not an act of duration, but occurs in the blink of an eye. It is conceivable that extensive sleep while reclining involves no ritual impurity state, while a ritual impurity state occurs during the slightest sleep of one sitting. Thus, this argument is entirely devoid of benefit. Moreover, the mere fear of a ritual impurity state does not constitute an actual ritual impurity state, nor does it invalidate ablution. Ablution is only invalidated by certainty of the ritual impurity state's occurrence. Success comes through Allah, the Exalted. Since the matter stands as we have clarified, there remains only one of two scenarios: either the fear of the occurrence of the ritual impurity state itself constitutes a ritual impurity state, thereby making both minimal and extensive sleep necessitate ablution's invalidation because the fear of impurity is ongoing within it; or... The fear of impurity that is not actual impurity—thus sleep, whether a little or a lot, does not invalidate ablution. The assertions of these individuals are invalidated in all circumstances with certain knowledge, free from doubt. Certain groups have mentioned hadiths—some authentic and others inauthentic—which we must clarify with

قَالَ أَبُو مُحَمَّد: وَأَمَّا مِنْ طَرِيقِ النَّظَرِ فَإِنَّهُ لَا يَخْلُو النَّوْمُ مِنْ أَحَدِ وَجْهَيْنِ لَا ثَالِثَ لَهُمَا: إِمَّا أَنْ يَكُونَ النَّوْمُ حَدَثًا وَإِمَّا أَنْ لَا يَكُونَ حَدَثًا، فَإِنْ كَانَ لَيْسَ حَدَثًا فَقَلِيلُهُ وَكَثِيرُهُ، كَيْفَ كَانَ لَا يَنْقُضُ الْوُضُوءَ، وَهَذَا خِلَافُ قَوْلِهِمْ، وَإِنْ كَانَ حَدَثًا فَقَلِيلُهُ وَكَثِيرُهُ - كَيْفَ كَانَ - يَنْقُضُ الْوُضُوءَ، وَهَذَا قَوْلُنَا فَصَحَّ أَنَّ الْحُكْمَ بِالتَّفْرِيقِ بَيْنَ أَحْوَالِ النَّوْمِ خَطَأٌ وَتَحَكُّمٌ بِلَا دَلِيلٍ، وَدَعْوَى لَا بُرْهَانَ عَلَيْهَا. فَإِنْ قَالَ قَائِلٌ: إِنَّ النَّوْمَ لَيْسَ حَدَثًا، وَإِنَّمَا يُخَافُ أَنْ يُحْدِثَ فِيهِ الْمَرْءُ، قُلْنَا لَهُمْ: هَذَا لَا مُتَعَلَّقَ لَكُمْ بِشَيْءٍ مِنْهُ، لِأَنَّ الْحَدَثَ مُمْكِنٌ كَوْنُهُ مِنَ الْمَرْءِ فِي أَخَفِّ مَا يَكُونُ مِنَ النَّوْمِ، كَمَا هُوَ مُمْكِنٌ أَنْ يَكُونَ مِنْهُ فِي النَّوْمِ الثَّقِيلِ وَمُمْكِنٌ أَنْ يَكُونَ مِنَ الْجَالِسِ كَمَا هُوَ مُمْكِنٌ أَنْ يَكُونَ مِنَ الْمُضْطَجِعِ، وَقَدْ يَكُونُ الْحَدَثُ مِنَ الْيَقْظَانِ، وَلَيْسَ الْحَدَثُ عَمَلًا يَطُولُ، بَلْ هُوَ كَلَمْحِ الْبَصَرِ، وَقَدْ يُمْكِنُ أَنْ يَكُونَ النَّوْمُ الْكَثِيرُ مِنَ الْمُضْطَجِعِ لَا حَدَثَ فِيهِ، وَيَكُونُ الْحَدَثُ فِي أَقَلِّ مَا يَكُونُ مِنْ نَوْمِ الْجَالِسِ، فَهَذَا لَا فَائِدَةَ لَهُمْ فِيهِ أَصْلًا، وَأَيْضًا فَإِنَّ خَوْفَ الْحَدَثِ لَيْسَ حَدَثًا وَلَا يَنْتَقِضُ بِهِ الْوُضُوءُ، وَإِنَّمَا يَنْقُضُ الْوُضُوءَ يَقِينُ الْحَدَثِ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. وَإِذِ الْأَمْرُ كَمَا ذَكَرْنَا فَلَيْسَ إِلَّا أَحَدُ أَمْرَيْنِ: إِمَّا أَنْ يَكُونَ خَوْفُ كَوْنِ الْحَدَثِ حَدَثًا، فَقَلِيلُ النَّوْمِ وَكَثِيرُهُ يُوجِبُ نَقْضَ الْوُضُوءِ، لِأَنَّ خَوْفَ الْحَدَثِ جَارٍ فِيهِ، وَإِمَّا أَنْ يَكُونَ خَوْفَ الْحَدَثِ لَيْسَ حَدَثًا، فَالنَّوْمُ قَلِيلُهُ وَكَثِيرُهُ لَا يَنْقُضُ الْوُضُوءَ وَبَطَلَتْ أَقْوَالُ هَؤُلَاءِ عَلَى كُلِّ حَالٍ بِيَقِينٍ لَا شَكَّ فِيهِ. وَقَدْ ذَكَرَ قَوْمٌ أَحَادِيثَ مِنْهَا مَا يَصِحُّ وَمِنْهَا مَا لَا يَصِحُّ، يَجِبُ أَنْ نُنَبِّهَ عَلَيْهَا بِعَوْنِ اللَّهِ تَعَالَى. مِنْهَا حَدِيثُ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا نَعَسَ أَحَدُكُمْ وَهُوَ يُصَلِّي

the help of Allah the Exalted. Among them is the hadith of ʻĀ'ishah (may Allah be pleased with her) from the Messenger of Allah (peace and blessings of Allah be upon him): "If one of you becomes drowsy during prayer, let him lie down until sleep leaves him, for when one of you prays while drowsy, he may seek forgiveness and end up cursing himself without realizing." In some versions: "He might curse himself unknowingly." Another hadith from Anas, from the Prophet (peace and blessings of Allah be upon him): "If one of you becomes drowsy during prayer, let him sleep until he becomes aware of what he recites." Abū Muḥammad said: These two are authentic and constitute evidence for our position, as they demonstrate that a drowsy person does not comprehend his recitation or speech. The prohibition against praying in such a state is absolute. Since the drowsy person is unaware of his speech, he is undeniably in a state of lost rationality. There is unanimous agreement that whoever loses rationality invalidates his ritual purity. Thus, they must logically concede that sleep similarly invalidates it. The other hadith is transmitted via Muʻāwiyah from the Prophet (peace and blessings of Allah be upon him): "The eyes are the ligature of the bowels. When the eyes sleep, the ligature is loosened." The second hadith, through ʻAlī from the Prophet (peace and blessings of Allah be upon him), states: "The eyes are the ligature of the bowels. Whoever sleeps must perform ablution."[32]

فَلْيَرْقُدْ حَتَّى يَذْهَبَ عَنْهُ النَّوْمُ، لِأَنَّ أَحَدَكُمْ إِذَا صَلَّى وَهُوَ نَاعِسٌ لَا يَدْرِي لَعَلَّهُ يَسْتَغْفِرُ فَيَسُبَّ نَفْسَهُ» ، وَفِي بَعْضِ أَلْفَاظِهِ «لَعَلَّهُ يَدْعُو عَلَى نَفْسِهِ وَهُوَ لَا يَدْرِي» وَحَدِيثُ أَنَسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِذَا نَعَسَ أَحَدُكُمْ فِي الصَّلَاةِ فَلْيَنَمْ حَتَّى يَدْرِيَ مَا يَقْرَأُ» . قَالَ أَبُو مُحَمَّد: هَذَانِ صَحِيحَانِ، وَهُمَا حُجَّةٌ لَنَا، لِأَنَّ فِيهِمَا أَنَّ النَّاعِسَ لَا يَدْرِي مَا يَقْرَأُ وَلَا مَا يَقُولُ، وَالنَّهْيُ عَنْ الصَّلَاةِ عَلَى تِلْكَ الْحَالِ جُمْلَةً، فَإِذْ النَّاعِسُ لَا يَدْرِي مَا يَقُولُ فَهُوَ فِي حَالِ ذَهَابِ الْعَقْلِ بِلَا شَكّ، وَلَا يَخْتَلِفُونَ أَنَّ مَنْ ذَهَبَ عَقْلُهُ بَطَلَتْ طَهَارَتُهُ، فَيَلْزَمُهُمْ أَنْ يَكُونَ النَّوْمُ كَذَلِكَ. وَالْآخَرُ مِنْ طَرِيقِ مُعَاوِيَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْعَيْنَانِ وِكَاءُ السَّهِ فَإِذَا نَامَتْ الْعَيْنُ اسْتَطْلَقَ الْوِكَاءُ» وَالثَّانِي مِنْ طَرِيقِ عَلِيٍّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْعَيْنَانِ وِكَاءُ السَّهِ فَمَنْ نَامَ فَلْيَتَوَضَّأْ» .

L3261–3263 Ali ibn Ahmad said: Had both [narrations] been sound, they would have constituted the strongest evidence for our position, because they establish an obligation. Ablution is required generally due to sleep, without specifying any particular condition, nor distinguishing much sleep from little of it—but rather, by textual proof for all sleep. However, we are not among those who cite impermissible evidence to defend his opinion, and we seek refuge in Allah from that.

قَالَ عَلِيُّ بْنُ أَحْمَدَ: لَوْ صَحَّا لَكَانَا أَعْظَمَ حُجَّةً لِقَوْلِنَا، لِأَنَّ فِيهِمَا إِيجَابَ الْوُضُوءِ مِنْ النَّوْمِ جُمْلَةً، دُونَ تَخْصِيصِ حَالٍ مِنْ حَالٍ، وَلَا كَثِيرَ نَوْمٍ مِنْ قَلِيلِهِ، بَلْ مِنْ كُلِّ نَوْمٍ نَصًّا، وَلَكِنَّا لَسْنَا مِمَّنْ يَحْتَجُّ بِمَا لَا يَحِلُّ الِاحْتِجَاجُ بِهِ نَصْرًا لِقَوْلِهِ، وَمَعَاذَ اللَّهِ مِنْ ذَلِكَ.

L3264 These two narrations are discarded and it is not permissible to cite them as evidence. As for the ḥadīth of Muʿāwiyah, it is transmitted through Baqiyyah (who is weak) from Abū Bakr ibn Abī Maryam (who is noted for lying) from ʿAṭiyyah ibn Qays (who is an unknown narrator). As for the ḥadīth of ʿAlī, its

وَهَذَانِ أَثَرَانِ سَاقِطَانِ لَا يَحِلُّ الِاحْتِجَاجُ بِهِمَا. أَمَّا حَدِيثُ مُعَاوِيَةَ فَمِنْ طَرِيقِ بَقِيَّةَ وَهُوَ ضَعِيفٌ، عَنْ أَبِي بَكْرِ بْنِ أَبِي مَرْيَمَ وَهُوَ مَذْكُورٌ بِالْكَذِبِ عَنْ عَطِيَّةَ بْنِ قَيْسٍ وَهُوَ

[32] **Hadith references (L3258):** Mishkat al-Masabih 315.

transmitter is also Baqiyyah from al-Waḍīn ibn ʿAṭāʾ, and both transmitters are weak. And with Allāh, the Exalted, is success.

The question regarding pre-ejaculate, urine, and feces: from which place do they exit - the urethral opening or the anus?

159. Issue: Madhy, urine, and feces - from whichever place they exit, whether from the anus, urethra, a wound in the bladder or abdomen, other parts of the body, or the mouth.

As for pre-seminal fluid (madhy), we have mentioned in the chapter on purifying madhy in this book of ours the statement of the Messenger of Allah—peace and blessings be upon him—regarding one who experiences it: "Let him perform the ablution required for prayer." As for urine and feces, there is a certain consensus. Our statement "from whichever place they exit" is due to the generality of his command—peace be upon him—to perform ablution from both, without specifying their exit solely from the two natural outlets. These two terms [urine and feces] linguistically denote them in the language with which he—peace be upon him—addressed us, regardless of their origin. Among those who uphold our opinion here are Abu Hanifah and his disciples. There is no valid proof for those who neglect ablution from both of them if they exit from other than the natural outlets—neither from the Quran, nor an authentic nor inauthentic Sunnah, nor consensus, nor a companion's view, nor legal analogy. Rather, the Quran affirms what we have asserted. Allah the Exalted states: {Or one of you comes from defecation, or you have touched women, and you find no water...} (4:43). Feces and urine may exit from places other than the two natural outlets, yet the Exalted did not specify ablution or dry ablution for one circumstance over another, nor exempt the two natural outlets [from the ruling] in favor of others. And with Allah lies all success.[33]

[33] **Qur'an references (L3267):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

مَجْهُولٌ. وَأَمَّا حَدِيثُ عَلِيٍّ فَرَاوِيهِ أَيْضًا بَقِيَّةُ عَنْ الْوَضِينِ بْنِ عَطَاءٍ، وَكِلَاهُمَا ضَعِيفٌ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة الْمَذْي والبول والغائط مِنْ أَيْ مَوْضِع خرجا مِنْ الدبر والأحليل]

١٥٩ - مَسْأَلَةٌ: وَالْمَذْيُ وَالْبَوْلُ وَالْغَائِطُ مِنْ أَيِّ مَوْضِعٍ خَرَجَ مِنْ الدُّبُرِ وَالْإِحْلِيلِ أَوْ مِنْ جُرْحٍ فِي الْمَثَانَةِ أَوْ الْبَطْنِ أَوْ غَيْرِ ذَلِكَ مِنْ الْجَسَدِ أَوْ مِنْ الْفَمِ.

فَأَمَّا الْمَذْيُ فَقَدْ ذَكَرْنَا فِي بَابِ تَطْهِيرِ الْمَذْيِ مِنْ كِتَابِنَا هَذَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيمَنْ وَجَدَهُ «وَلْيَتَوَضَّأْ وُضُوءَهُ لِلصَّلَاةِ» وَأَمَّا الْبَوْلُ وَالْغَائِطُ فَإِجْمَاعٌ مُتَيَقَّنٌ، وَأَمَّا قَوْلُنَا مِنْ أَيِّ مَوْضِعٍ خَرَجَ فَلِعُمُومِ أَمْرِهِ - عَلَيْهِ السَّلَامُ - بِالْوُضُوءِ مِنْهُمَا، وَلَمْ يَخُصَّ خُرُوجَهُمَا مِنْ الْمَخْرَجَيْنِ دُونَ غَيْرِهِمَا، وَهَذَانِ الِاسْمَانِ وَاقِعَانِ عَلَيْهِمَا فِي اللُّغَةِ الَّتِي بِهَا خَاطَبَنَا - عَلَيْهِ السَّلَامُ - مِنْ حَيْثُ مَا خَرَجَا، وَمِمَّنْ قَالَ بِقَوْلِنَا هَهُنَا أَبُو حَنِيفَةَ وَأَصْحَابُهُ، وَلَا حُجَّةَ لِمَنْ أَسْقَطَ الْوُضُوءَ مِنْهُمَا إذَا خَرَجَا مِنْ غَيْرِ الْمَخْرَجَيْنِ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا إجْمَاعٍ وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، بَلْ الْقُرْآنُ جَاءَ بِمَا قُلْنَاهُ، قَالَ اللَّهُ تَعَالَى {أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً} [النساء: ٤٣] وَقَدْ يَكُونُ خُرُوجُ الْغَائِطِ وَالْبَوْلِ مِنْ غَيْرِ الْمَخْرَجَيْنِ، فَلَمْ يَخُصَّ تَعَالَى بِالْأَمْرِ بِالْوُضُوءِ وَالتَّيَمُّمِ مِنْ ذَلِكَ حَالًا دُونَ حَالٍ، وَلَا الْمَخْرَجَيْنِ مِنْ غَيْرِهِمَا، وَبِاَللَّهِ التَّوْفِيقُ.

[مَسْأَلَة الرِّيح الخارجة مِنْ الدبر تَنْقَضِ الْوُضُوء]

The issue of wind exiting from the anus invalidating wudu.

160 - Issue: Wind that exits exclusively from the anus (not elsewhere), whether with sound or without. This is likewise definitively certain consensus, and there is no disagreement that ablution becomes required due to silent anal wind and audible anal wind. These two terms apply solely to wind when exiting from the anus. If it exits from elsewhere, it is only called belching or sneezing. And success comes from Allah, the Most High.

١٦٠ - مَسْأَلَةٌ: وَالرِّيحُ الْخَارِجَةُ مِنْ الدُّبُرِ - خَاصَّةً لَا مِنْ غَيْرِهِ - بِصَوْتٍ خَرَجَتْ أَمْ بِغَيْرِ صَوْتٍ. وَهَذَا أَيْضًا إجْمَاعٌ مُتَيَقَّنٌ، وَلَا خِلَافَ فِي أَنَّ الْوُضُوءَ مِنْ الْفَسْوِ وَالضُّرَاطِ، وَهَذَانِ الِاسْمَانِ لَا يَقَعَانِ عَلَى الرِّيحِ أَلْبَتَّةَ إلَّا إنْ خَرَجَتْ مِنْ الدُّبُرِ، وَإِلَّا فَإِنَّمَا يُسَمَّى جُشَاءً أَوْ عُطَاسًا فَقَطْ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

A ruling: Ablution is obligatory upon one who has engaged in any conjugal act for each prayer - whether obligatory or voluntary.

[مَسْأَلَة يَجِب الْوُضُوء عَلَى المستنكح بِشَيْءٍ لِكُلِّ صَلَاة فرضا أَوْ نافله]

Issue 161: Whoever has conjugal relations through any of the aforementioned means must perform ablution—without exception—for every ritual prayer, whether obligatory or supererogatory. Thereafter, no obligation rests upon him regarding anything resulting from that act which exits him during the prayer or during the period between his ablution and the prayer. His prayer is not valid unless ablution is performed at the closest possible time before performing it. One who has engaged in sexual intercourse must also wash what has exited from him of urine, feces, or pre-seminal fluid to the best of his ability, in a manner that does not entail hardship. He is exempt from whatever would cause him hardship in this regard.

١٦١ - مَسْأَلَةٌ: فَمَنْ كَانَ مُسْتَنْكِحًا بِشَيْءٍ مِمَّا ذَكَرْنَا تَوَضَّأَ - وَلَا بُدَّ - لِكُلِّ صَلَاةٍ فَرْضًا أَوْ نَافِلَةً، ثُمَّ لَا شَيْءَ عَلَيْهِ فِيمَا خَرَجَ مِنْهُ مِنْ ذَلِكَ فِي الصَّلَاةِ أَوْ فِيمَا بَيْنَ وُضُوئِهِ وَصَلَاتِهِ، وَلَا يُجْزِيهِ الْوُضُوءُ إلَّا فِي أَقْرَبِ مَا يُمْكِنُ أَنْ يَكُونَ وُضُوءُهُ مِنْ صَلَاتِهِ، وَلَا بُدَّ لِلْمُسْتَنْكِحِ أَيْضًا أَنْ يَغْسِلَ مَا خَرَجَ مِنْهُ مِنْ الْبَوْلِ وَالْغَائِطِ وَالْمَذْيِ حَسْبَ طَاقَتِهِ، مِمَّا لَا حَرَجَ عَلَيْهِ فِيهِ، وَيَسْقُطُ عَنْهُ مِنْ ذَلِكَ مَا فِيهِ عَلَيْهِ الْحَرَجُ مِنْهُ.

The proof of this is the statement of the Messenger of Allah (peace and blessings be upon him) which we previously mentioned in our discussion invalidating analogical reasoning at the beginning of this book: "When I command you with something, do from it what you are able," and the words of Allah the Exalted: "He has not placed upon you in religion any hardship" [al-Hajj:78], and His saying the Exalted: "Allah intends ease for you and does not intend hardship for you" [al-Baqarah:185]. Thus, it is confirmed that one is commanded to pray and perform ablution from minor ritual impurity, as all of this constitutes impurity. The obligation therefore requires performing what one is capable of from this - that which involves no hardship or difficulty. Since he is capable of praying and performing ablution for it

بُرْهَانُ ذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيمَا قَدْ ذَكَرْنَاهُ فِي مَسْأَلَةِ إبْطَالِ الْقِيَاسِ مِنْ صَدْرِ كِتَابِنَا هَذَا، مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وَقَوْلُ اللَّهِ تَعَالَى {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] وَقَوْله تَعَالَى {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] فَصَحَّ أَنَّهُ مَأْمُورٌ بِالصَّلَاةِ وَالْوُضُوءِ مِنْ الْحَدَثِ، وَهَذَا كُلُّهُ حَدَثٌ، فَالْوَاجِبُ أَنْ يَأْتِيَ مِنْ ذَلِكَ مَا يَسْتَطِيعُ، وَمَا لَا حَرَجَ عَلَيْهِ فِيهِ وَلَا عُسْرَ، وَهُوَ مُسْتَطِيعٌ عَلَى الصَّلَاةِ

without hardship, he must perform both. However, he cannot prevent what exits him of such discharge during prayer or between his ablution and his prayer - thus this is waived for him. The same ruling applies to washing what exits him of such discharge. Abu Muhammad said: This is the opinion of Sufyan al-Thawri and the adherents of the literalist school.[34]

وَعَلَى الْوُضُوءِ لَهَا، وَلَا حَرَجَ عَلَيْهِ فِي ذَلِكَ، فَعَلَيْهِ أَنْ يَأْتِيَ بِهِمَا، وَهُوَ غَيْرُ مُسْتَطِيعٍ لِلامْتِنَاعِ مِمَّا يَخْرُجُ عَنْهُ مِنْ ذَلِكَ فِي الصَّلَاةِ، وَفِيمَا بَيْنَ وُضُوئِهِ وَصَلَاتِهِ، فَسَقَطَ عَنْهُ، وَكَذَلِكَ الْقَوْلُ فِي غَسْلِ مَا خَرَجَ مِنْهُ مِنْ ذَلِكَ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَصْحَابِ الظَّاهِرِ.

L3275 Abū Ḥanīfah said: These people perform ablution for every prayer time, maintain their ablution until the beginning of the next prayer time, then perform ablution again. Mālik said: No ablution is required for that. Al-Shāfiʿī said: He performs ablution for every prescribed prayer and may pray with that ablution whatever voluntary prayers he wishes, specifically.

وَقَالَ أَبُو حَنِيفَةَ: يَتَوَضَّأُ هَؤُلَاءِ لِكُلِّ وَقْتِ صَلَاةٍ، وَيُبْقُونَ عَلَى وُضُوئِهِمْ إِلَى دُخُولِ وَقْتِ صَلَاةٍ آخَرَ فَيَتَوَضَّئُونَ. وَقَالَ مَالِكٌ: لَا وُضُوءَ عَلَيْهِ مِنْ ذَلِكَ. وَقَالَ الشَّافِعِيُّ: يَتَوَضَّأُ لِكُلِّ صَلَاةِ فَرْضٍ فَيُصَلِّي بِذَلِكَ الْوُضُوءِ مَا شَاءَ مِنَ النَّوَافِلِ خَاصَّةً.

L3276 Ali said: They only said all of this by analogy to the woman with chronic bleeding (mustahada) in accordance with each of their individual rulings regarding her, but the analogy is invalid. Even if it were valid, this [ruling] derived from it would be invalid, for what is established concerning the mustahada contradicts their claim. Rather—as we shall mention, God willing, in the chapter on the mustahada—the obligation is to perform ghusl for every obligatory prayer, or to combine Dhuhr with Asr, then Maghrib with ʻatama (Isha), and then [perform it] for Fajr. The onset of prayer time is undoubtedly not an invalidator (ḥadath). Since it is not an invalidator, it cannot nullify an established state of purity without explicit textual evidence. Malik's abandonment of the wudu that God Almighty obligated by Him and His Messenger (peace be upon him) through consensus and established texts is an impermissible error. Some have raised contentious objections by citing reports from Umar (may God be pleased with him) and Saʻid ibn al-Musayyab regarding pre-seminal fluid. Umar said: "I feel it trickling down my thigh while on the pulpit, but I do not mind it." Saʻid made a similar statement about himself during prayer. They implied that the two (may God be pleased with them) were thereby in a state of lawful wedlock.

قَالَ عَلِيٌّ: إِنَّمَا قَالُوا كُلَّ هَذَا قِيَاسًا عَلَى الْمُسْتَحَاضَةِ، عَلَى حَسْبِ قَوْلِ كُلِّ وَاحِدٍ مِنْهُمْ فِيهَا، وَالْقِيَاسُ بَاطِلٌ. ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ الثَّابِتَ فِي الْمُسْتَحَاضَةِ هُوَ غَيْرُ مَا قَالُوهُ لَكِنَّ مَا سَنَذْكُرُهُ إِنْ شَاءَ اللَّهُ فِي بَابِ الْمُسْتَحَاضَةِ، وَهُوَ وُجُوبُ الْغُسْلِ لِكُلِّ صَلَاةِ فَرْضٍ، أَوْ لِلْجَمْعِ بَيْنَ الظُّهْرِ وَالْعَصْرِ ثُمَّ بَيْنَ الْمَغْرِبِ وَالْعَتَمَةِ. ثُمَّ لِلصُّبْحِ. وَدُخُولُ وَقْتِ صَلَاةٍ مَا لَيْسَ حَدَثًا بِلَا شَكٍّ، وَإِذَا لَمْ يَكُنْ حَدَثًا فَلَا يَنْقُضُ طَهَارَةً قَدْ صَحَّتْ بِلَا نَصٍّ وَارِدٍ فِي ذَلِكَ، وَإِسْقَاطُ مَالِكٍ الْوُضُوءَ مِمَّا قَدْ أَوْجَبَهُ اللَّهُ تَعَالَى مِنْهُ وَرَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْهُ بِالْإِجْمَاعِ وَبِالنُّصُوصِ الثَّابِتَةِ خَطَأٌ لَا يَحِلُّ. وَقَدْ شَغَبَ بَعْضُهُمْ فِي هَذَا بِمَا رُوِّينَا عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - وَعَنْ سَعِيدِ بْنِ الْمُسَيِّبِ فِي الْمَذْيِ. قَالَ عُمَرُ: إِنِّي لَأَجِدُهُ يَنْحَدِرُ عَلَى فَخِذِي عَلَى الْمِنْبَرِ فَمَا أُبَالِيهِ وَقَالَ سَعِيدٌ مِثْلَ ذَلِكَ عَنْ نَفْسِهِ فِي الصَّلَاةِ: فَأَوْهَمُوا أَنَّهُمَا - رَضِيَ اللَّهُ عَنْهُمَا - كَانَا مُسْتَنْكِحَيْنِ بِذَلِكَ.

L3277–3278 Abu Muhammad said: This is pure falsehood; we do not know how one

[34] **Qur'an references (L3274):** Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah).

who so freely asserted it deemed it permissible, for no textual proof or evidence for this exists in any of these narrations or others. We seek refuge in Allah from boldly proceeding with such a claim. The truth in this matter is that ʻUmar did not consider ablution obligatory due to it, and similarly Ibn al-Musayyab, because the prophetic practice on this matter had not reached ʻUmar. Later, when it did reach him, he reverted to deeming ablution obligatory due to it.

L3279 Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Muḥammad ibn Abī Dulaym narrated to us: Ibn Waḍḍāḥ narrated to us: Abū Bakr ibn Abī Shaybah narrated to us: Muḥammad ibn Bishr al-ʿAbdī narrated to us: Misʿar ibn Kidām narrated to us from Muṣʿab ibn Shaybah from Abū Ḥabīb ibn Yaʿlā ibn Munyah from Ibn ʿAbbās that he, along with ʿUmar ibn al-Khaṭṭāb, came to Ubayy ibn Kaʿb. Ubayy came out to meet them and said: "I found madhy, so I washed my genital organ and performed wuḍūʾ." ʿUmar said to him: "Does that suffice?" He replied: "Yes." ʿUmar said: "Did you hear this from the Messenger of Allāh?" He replied: "Yes."

L3280 Hammam narrated to us: Ibn Mufarriḥ narrated to us, Ibn al-Aʿrabī narrated to us, al-Dabarī narrated to us, ʿAbd al-Razzāq narrated from Maʿmar, and Sufyān ibn ʿUyaynah from Zayd ibn Aslam from his father, who said: I heard ʿUmar ibn al-Khaṭṭāb say, "Indeed, something like a small pebble (referring to pre-seminal fluid) may emerge from one of us. If any of you experiences this, let him wash his penis and perform ablution." And through him to ʿAbd al-Razzāq from Sufyān al-Thawrī from Zayd ibn Aslam from his father from ʿUmar ibn al-Khaṭṭāb that he said regarding madhy: "He should wash his penis and perform the ablution required for prayer." This is the firmly established report from ʿUmar. Similarly, al-Shāfiʿī's opinion is manifestly erroneous, for it is evidently impossible that a person could be in a state of ablution and purity for a voluntary prayer they intend to perform, yet not in ablution or purity for an obligatory prayer they intend to perform. This is a position unsupported by any Quranic text, Sunnah, consensus, opinion of a Companion, or analogy. They have found no parallel for it in foundational principles, despite claiming to uphold critical analysis and analogy—yet this exemplifies the extent of their analysis. The positions of Abū Ḥanīfah, Mālik,

قَالَ أَبُو مُحَمَّد: وَهَذَا كَذِبٌ مُجَرَّدٌ، لَا نَدْرِي كَيْفَ اسْتَحَلَّهُ مَنْ أَطْلَقَ بِهِ لِسَانَهُ، لِأَنَّهُ لَمْ يَأْتِ فِي شَيْءٍ مِنْ هَذَا الْأَثَرِ وَلَا مِنْ غَيْرِهِ نَصٌّ وَلَا دَلِيلٌ بِذَلِكَ، وَنَعُوذُ بِاللَّهِ مِنْ الْإِقْدَامِ عَلَى مِثْلِ هَذَا، وَإِنَّمَا الْحَقُّ مِنْ ذَلِكَ أَنَّ عُمَرَ كَانَ لَا يَرَى الْوُضُوءَ مِنْهُ وَكَذَلِكَ ابْنُ الْمُسَيِّبِ، لِأَنَّ السُّنَّةَ فِي ذَلِكَ لَمْ تَبْلُغْ عُمَرَ ثُمَّ بَلَغَتْهُ فَرَجَعَ إلَى إيجَابِ الْوُضُوءِ مِنْهُ.

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ أَبِي دُلَيْمٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ بْنُ بِشْرٍ الْعَبْدِيُّ ثنا مِسْعَرُ بْنُ كِدَامٍ عَنْ مُصْعَبِ بْنِ شَيْبَةَ عَنْ أَبِي حَبِيبِ بْنِ يَعْلَى بْنِ مُنْيَةَ عَنْ «ابْنِ عَبَّاسٍ أَنَّهُ وَعُمَرَ بْنَ الْخَطَّابِ أَتَيَا إلَى أُبَيِّ بْنِ كَعْبٍ فَخَرَجَ إلَيْهِمَا أُبَيٌّ وَقَالَ: إنِّي وَجَدْت مَذْيًا فَغَسَلْت ذَكَرِي وَتَوَضَّأْت، فَقَالَ لَهُ عُمَرُ: أَوَ يُجْزِئُ ذَلِكَ؟ قَالَ نَعَمْ. قَالَ عُمَرُ: أَسَمِعْتَهُ مِنْ رَسُولِ اللَّهِ؟ قَالَ نَعَمْ» .

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ وَسُفْيَانُ بْنُ عُيَيْنَةَ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ قَالَ: سَمِعْت عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: إنَّهُ لَيَخْرُجُ مِنْ أَحَدِنَا مِثْلُ الْجُمَانَةِ فَإِذَا وَجَدَ أَحَدُكُمْ ذَلِكَ فَلْيَغْسِلْ ذَكَرَهُ وَلْيَتَوَضَّأْ، وَبِهِ إلَى عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ فِي الْمَذْيِ: يَغْسِلُ ذَكَرَهُ وَيَتَوَضَّأُ وُضُوءَهُ لِلصَّلَاةِ، فَهَذَا هُوَ الثَّابِتُ عَنْ عُمَرَ. وَكَذَلِكَ قَوْلُ الشَّافِعِيِّ أَيْضًا خَطَأٌ ظَاهِرٌ، لِأَنَّ مِنْ الْمُحَالِ الظَّاهِرِ أَنْ يَكُونَ إنْسَانٌ مُتَوَضِّئًا طَاهِرًا لِنَافِلَةٍ إنْ أَرَادَ أَنْ يُصَلِّيَهَا غَيْرَ مُتَوَضِّئٍ وَلَا طَاهِرٍ لِفَرِيضَةٍ إنْ أَرَادَ أَنْ يُصَلِّيَهَا، فَهَذَا قَوْلٌ لَمْ يَأْتِ بِهِ قَطُّ نَصُّ قُرْآنٍ وَلَا سُنَّةٍ وَلَا إجْمَاعٍ وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، وَلَا وَجَدُوا لَهُ فِي الْأُصُولِ نَظِيرًا، وَهُمْ يَدَّعُونَ أَنَّهُمْ أَصْحَابُ نَظَرٍ وَقِيَاسٍ،

and al-Shāfiʿī remain entirely stripped of any evidence from the Quran, sound or weak Sunnah, consensus, opinion of a Companion, or analogy.

Issue: These cases invalidate ablution whether done intentionally, forgetfully, or under compulsion. This is the consensus except for the disputed points we mentioned, and the proof for this is established as we outlined. And success is by Allah alone, the Exalted.

Issue: A man intentionally touching specifically his own penis.

Issue 163: When a man intentionally and specifically touches his own penis with any part - whether using the inner side of his hand, the back of his hand, or his forearm - excluding his touching it with his own thigh, shin, or foot, this does not necessitate. Ablution: If a woman intentionally touches her own private part, the ruling applies equally without exception. None of these actions invalidate ablution when done forgetfully. A man intentionally touching another's penis—whether of a minor or adult, dead or alive—with any part of his body, from a mahram by blood relation or otherwise; or a woman intentionally touching another's private part—the same ruling applies equally without exception. Pleasure holds no relevance in any such instances. If such contact occurs over a thin or thick garment, whether for pleasure or otherwise, using the hand or other than the hand, intentionally or unintentionally, it does not invalidate ablution. Likewise, if touching occurs under compulsion or forgetfulness, it does not invalidate ablution.

The proof of that is what Hammam ibn Ahmad narrated to us, saying: Ibn Mufarrij narrated to us; Ibn al-Aʿrabī narrated to us; al-Dabarī narrated to us; ʿAbd al-Razzāq narrated to us, from Maʿmar, from al-Zuhrī, from ʿUrwah ibn al-Zubayr, who said: "Urwah ibn al-Zubayr and Marwan discussed the ruling on ablution. Marwan said: Busrā bint Ṣafwān related to me that she heard the Messenger of Allah—may Allah bless him and grant him peace—command the performance of ablution due to touching the genitalia."

وَهَذَا مِقْدَارُ نَظَرِهِمْ وَقِيَاسِهِمْ، وَبَقِيَ قَوْلُ أَبِي حَنِيفَةَ وَمَالِكٍ وَالشَّافِعِيِّ عَارِيًا مِنْ أَنْ تَكُونَ لَهُ حُجَّةٌ مِنْ قُرْآنٍ أَوْ سُنَّةٍ صَحِيحَةٍ أَوْ سَقِيمَةٍ أَوْ مِنْ إجْمَاعٍ أَوْ مِنْ قَوْلِ صَاحِبٍ أَوْ مِنْ قِيَاسٍ أَصْلًا ١٦٢ - مَسْأَلَةٌ: فَهَذِهِ الْوُجُوهُ تَنْقُضُ الْوُضُوءَ عَمْدًا كَانَ أَوْ نِسْيَانًا أَوْ بِغَلَبَةٍ، وَهَذَا إجْمَاعٌ إلَّا مَا ذَكَرْنَا مِمَّا فِيهِ الْخِلَافُ، وَقَامَ الْبُرْهَانُ مِنْ ذَلِكَ عَلَى مَا ذَكَرْنَا. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَسُّ الرَّجُلِ ذَكَرَ نَفْسِهِ خَاصَّةً عَمْدًا]

١٦٣ - مَسْأَلَةٌ: وَمَسُّ الرَّجُلِ ذَكَرَ نَفْسِهِ خَاصَّةً عَمْدًا بِأَيِّ شَيْءٍ مَسَّهُ مِنْ بَاطِنِ يَدِهِ أَوْ مِنْ ظَاهِرِهَا أَوْ بِذِرَاعِهِ - حَاشَا مَسِّهِ بِالْفَخِذِ أَوْ السَّاقِ أَوْ الرِّجْلِ مِنْ نَفْسِهِ فَلَا يُوجِبُ وُضُوءًا - وَمَسُّ الْمَرْأَةِ فَرْجَهَا عَمْدًا كَذَلِكَ أَيْضًا سَوَاءً سَوَاءً، وَلَا يَنْقُضُ الْوُضُوءَ شَيْءٌ مِنْ ذَلِكَ بِالنِّسْيَانِ، وَمَسِّ الرَّجُلِ ذَكَرَ غَيْرِهِ مِنْ صَغِيرٍ أَوْ كَبِيرٍ مَيِّتٍ أَوْ حَيٍّ بِأَيِّ عُضْوٍ مَسَّهُ عَمْدًا مِنْ جَمِيعِ جَسَدِهِ مِنْ ذِي رَحِمٍ مَحْرَمَةٍ أَوْ مِنْ غَيْرِهِ، وَمَسُّ الْمَرْأَةِ فَرْجَ غَيْرِهَا عَمْدًا أَيْضًا كَذَلِكَ سَوَاءً سَوَاءً، لَا مَعْنَى لِلَّذَّةِ فِي شَيْءٍ مِنْ ذَلِكَ، فَإِنْ كَانَ كُلُّ ذَلِكَ عَلَى ثَوْبٍ رَقِيقٍ أَوْ كَثِيفٍ، لِلَذَّةٍ أَوْ لِغَيْرِ لَذَّةٍ، بِالْيَدِ أَوْ بِغَيْرِ الْيَدِ، عَمْدًا أَوْ غَيْرَ عَمْدٍ، لَمْ يَنْقُضْ الْوُضُوءَ، وَكَذَلِكَ إنْ مَسَّهُ بِغَلَبَةٍ أَوْ نِسْيَانٍ فَلَا يَنْقُضُ الْوُضُوءُ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ حَمَامُ بْنُ أَحْمَدَ قَالَ: ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ قَالَ «تَذَاكَرَ هُوَ وَمَرْوَانُ الْوُضُوءَ، فَقَالَ مَرْوَانُ حَدَّثَتْنِي بُسْرَةُ بِنْتُ صَفْوَانَ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُ بِالْوُضُوءِ مِنْ مَسِّ الْفَرْجِ» .

L3286 Abu Muḥammad said: If it is said, “This is a report transmitted by al-Zuhrī from ʿAbdullāh ibn Abī Bakr ibn ʿAmr ibn Ḥazm from ʿUrwah,” we respond: This is commendable! ʿAbdullāh is reliable, and there is no disagreement that al-Zuhrī heard from ʿUrwah and kept company with him, thus transmitting it from ʿUrwah. He also transmitted it via ʿAbdullāh ibn Abī Bakr from ʿUrwah. This strengthens the report, and all praise is to Allah, Lord of the Worlds. ʿAlī said: As for Marwān, we know of no criticism against him prior to his rebellion against the Commander of the Faithful ʿAbdullāh ibn al-Zubayr (may Allah be pleased with them both). ʿUrwah never met him except before his rebellion against the latter’s brother, not after his revolt—this is beyond doubt. Busrah is renowned among the female Companions of the Messenger of Allah (peace and blessings be upon him)—those who pledged allegiance and emigrated. She is Busrah bint Ṣafwān ibn Nawfal ibn Asad ibn ʿAbd al-ʿUzzā, daughter of the brother of Waraqah ibn Nawfal. Her father was the paternal cousin of Khadījah, the Mother of the Believers, by lineage.

قَالَ أَبُو مُحَمَّدٍ: فَإِنْ قِيلَ: إنَّ هَذَا خَبَرٌ رَوَاهُ الزُّهْرِيُّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ عُرْوَةَ، قُلْنَا: مَرْحَبًا بِهَذَا، وَعَبْدُ اللَّهِ ثِقَةٌ، وَالزُّهْرِيُّ لَا خِلَافَ فِي أَنَّهُ سَمِعَ مِنْ عُرْوَةَ وَجَالَسَهُ، فَرَوَاهُ عَنْ عُرْوَةَ وَرَوَاهُ أَيْضًا عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ عَنْ عُرْوَةَ، فَهَذَا قُوَّةٌ لِلْخَبَرِ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. قَالَ عَلِيٌّ: مَرْوَانُ مَا نَعْلَمُ لَهُ جُرْحَةً قَبْلَ خُرُوجِهِ عَلَى أَمِيرِ الْمُؤْمِنِينَ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ - رَضِيَ اللَّهُ عَنْهُمَا -، وَلَمْ يَلْقَهُ عُرْوَةُ قَطُّ إلَّا قَبْلَ خُرُوجِهِ عَلَى أَخِيهِ لَا بَعْدَ خُرُوجِهِ هَذَا مَا لَا شَكَّ فِيهِ، وَبُسْرَةُ مَشْهُورَةٌ مِنْ صَوَاحِبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُبَايِعَاتِ الْمُهَاجِرَاتِ - هِيَ بُسْرَةُ بِنْتُ صَفْوَانَ بْنِ نَوْفَلِ بْنِ أَسَدِ بْنِ عَبْدِ الْعُزَّى بِنْتُ أَخِي وَرَقَةَ بْنِ نَوْفَلٍ وَأَبُوهَا ابْنُ عَمِّ خَدِيجَةَ أُمِّ الْمُؤْمِنِينَ لَحًّا.

L3287 The wording of this hadith is general, encompassing all that we have mentioned. As for a man touching his private part with his shin, leg, or thigh, there is no disagreement that one is commanded to pray in a thick shirt and in a waist-wrapper and shirt. It is unavoidably necessary during prayer that his private part comes into contact with his shin, leg, or thigh. This [ruling] is exempted by the textually established consensus, thereby restricting the general applicability of this report.

وَلَفْظُ هَذَا الْحَدِيثِ عَامٌّ يَقْتَضِي كُلَّ مَا ذَكَرْنَاهُ، وَأَمَّا مَسُّ الرَّجُلِ فَرْجَ نَفْسِهِ بِسَاقِهِ وَرِجْلِهِ وَنَخِذِهِ فَلَا خِلَافَ فِي أَنَّ الْمَرْءَ مَأْمُورٌ بِالصَّلَاةِ فِي قَمِيصٍ كَثِيفٍ وَفِي مِئْزَرٍ وَقَمِيصٍ، وَلَا بُدَّ لَهُ ضَرُورَةً فِي صَلَاتِهِ كَذَلِكَ مِنْ وُقُوعِ فَرْجِهِ عَلَى سَاقِهِ وَرِجْلِهِ وَنَخِذِهِ، فَخَرَجَ هَذَا بِهَذَا الْإِجْمَاعُ الْمَنْصُوصُ عَلَيْهِ عَنْ جُمْلَةِ هَذَا الْخَبَرِ.

L3288–3289 Among those who held the view that ablution is required upon touching the private parts are Sa‘d ibn Abi Waqqas, Ibn ‘Umar—may Allah be pleased with both of them—‘Ata, ‘Urwah, Sa‘id ibn al-Musayyib, Jabir ibn Zayd, Aban ibn ‘Uthman, Ibn Jurayj, al-Awza‘i, al-Layth, al-Shafi‘i, Dawud, Ahmad ibn Hanbal, Ishaq ibn Rahwayh, and others. However, al-Awza‘i and al-Shafi‘i did not consider ablution invalidated by this except when touching with the inner palm only, not the back of the hand. ‘Ata ibn Abi Rabah said: Touching the private part with the thigh or shin does not invalidate ablution, but touching it with the forearm does. Malik said: A man’s touching his own private part (specifically the penis) with the inner palm (not the back of the

وَمِمَّنْ قَالَ بِالْوُضُوءِ مِنْ مَسِّ الْفَرْجِ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَابْنُ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - وَعَطَاءٌ وَعُرْوَةُ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَجَابِرُ بْنُ زَيْدٍ وَأَبَانُ بْنُ عُثْمَانَ وَابْنُ جُرَيْجٍ وَالْأَوْزَاعِيُّ وَاللَّيْثُ وَالشَّافِعِيُّ وَدَاوُد وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ رَاهْوَيْهِ وَغَيْرُهُمْ، إلَّا أَنَّ الْأَوْزَاعِيَّ وَالشَّافِعِيَّ لَمْ يَرَيَا الْوُضُوءَ يَنْقُضُ ذَلِكَ إلَّا بِمَسِّهِ بِبَاطِنِ الْكَفِّ فَقَطْ لَا بِظَاهِرِهَا. وَقَالَ عَطَاءُ بْنُ أَبِي رَبَاحٍ: لَا يَنْقُضُ الْوُضُوءَ مَسُّ الْفَرْجِ بِالْفَخِذِ وَالسَّاقِ

hand or the forearm) necessitates ablution. If he prays without performing ablution, he need not repeat the prayer except within its prescribed time. Abu Hanifah said: Touching the penis does not invalidate ablution in any case. Al-Shafi'i said: Touching the anus or a woman touching her own private part invalidates ablution. Malik said: Touching the anus or a woman touching her private part does not invalidate ablution unless she grasps and softens it—that is, inserts her finger between her two labia. Some of Malik's followers held that ablution is invalidated by touching the penis in a manner that induces pleasure.

وَيَنْقُضُ مَسُّهُ بِالذِّرَاعِ. وَقَالَ مَالِكٌ: مَسُّ الْفَرْجِ مِنْ الرَّجُلِ فَرْجَ نَفْسِهِ الذَّكَرِ فَقَطْ بِبَاطِنِ الْكَفِّ لَا بِظَاهِرِهَا وَلَا بِالذِّرَاعِ يُوجِبُ الْوُضُوءَ، فَإِنْ صَلَّى وَلَمْ يَتَوَضَّأْ لَمْ يُعِدْ الصَّلَاةَ إلَّا فِي الْوَقْتِ. وَقَالَ أَبُو حَنِيفَةَ: لَا يَنْقُضُ الْوُضُوءَ مَسُّ الذَّكَرِ كَيْفَ كَانَ وَقَالَ الشَّافِعِيُّ يَنْقُضُ الْوُضُوءَ مَسُّ الدُّبُرِ وَمَسُّ الْمَرْأَةِ فَرْجَهَا، وَقَالَ مَالِكٌ لَا يَنْقُضُ الْوُضُوءَ مَسُّ الدُّبُرِ وَلَا مَسُّ الْمَرْأَةِ فَرْجَهَا إلَّا أَنْ تَقْبِضَ وَتُلَطِّفَ، أَيْ تُدْخِلَ أُصْبُعَهَا بَيْنَ شَفْرَيْهَا، وَنَحَا بَعْضُ أَصْحَابِهِ بِنَقْضِ الْوُضُوءِ مِنْ مَسِّ الذَّكَرِ نَحْوَ اللَّذَّةِ.

L3290 As for the opinion of Al-Awza'i, Al-Shafi'i, and Malik regarding considering the inner surface of the palm while disregarding its outer surface, this is a view unsupported by any evidence—neither from the Quran, the Sunnah, consensus, a Companion's statement, analogy, nor sound reasoning. Some of them objected by citing narrations stating, "Whoever brings his hand in contact with his private part must perform ablution." Abu Muhammad said: This is entirely baseless, and even if authentic, it would not substantiate their claim, for contact with the hand occurs through its outer surface as much as its inner surface. Even if contact were specifically with the inner surface, this would not invalidate ablution beyond the act of contact itself, if a narration were to add to the wording of "contact." How could this be, when "contact" applies to the entire body? Allah the Exalted said: {And you have had intimate relations with one another} [4:21]. As for Malik's opinion that ablution becomes obligatory from such contact yet prayer repetition is only required within its original timeframe, this is a contradictory view. It necessitates either that the ablution was invalidated—in which case his principles would require perpetual repetition—or that it remained valid, making it impermissible to pray the same obligatory prayer twice in one day. Similarly, Malik's distinction between a man touching his private part and a woman touching hers is an opinion devoid of evidence, thus invalid.[35]

فَأَمَّا قَوْلُ الْأَوْزَاعِيِّ وَالشَّافِعِيِّ وَمَالِكٍ فِي مُرَاعَاةِ بَاطِنِ الْكَفِّ دُونَ ظَاهِرِهَا فَقَوْلٌ لَا دَلِيلَ عَلَيْهِ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا مِنْ إجْمَاعٍ وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ وَلَا مِنْ رَأْيٍ صَحِيحٍ. وَشَغَبَ بَعْضُهُمْ بِأَنْ قَالَ: فِي بَعْضِ الْآثَارِ «مَنْ أَفْضَى بِيَدِهِ إلَى فَرْجِهِ فَلْيَتَوَضَّأْ» قَالَ أَبُو مُحَمَّد: وَهَذَا لَا يَصِحُّ أَصْلًا، وَلَوْ صَحَّ لَمَا كَانَ فِيهِ دَلِيلٌ عَلَى مَا يَقُولُونَ؛ لِأَنَّ الْإِفْضَاءَ بِالْيَدِ يَكُونُ بِظَاهِرِ الْيَدِ كَمَا يَكُونُ بِبَاطِنِهَا، وَحَتَّى لَوْ كَانَ الْإِفْضَاءُ بِبَاطِنِ الْيَدِ لَمَا كَانَ فِي ذَلِكَ مَا يُسْقِطُ الْوُضُوءَ عَنْ غَيْرِ الْإِفْضَاءِ، إذَا جَاءَ أَثَرٌ بِزِيَادَةٍ عَلَى لَفْظِ الْإِفْضَاءِ، فَكَيْفَ وَالْإِفْضَاءُ يَكُونُ بِجَمِيعِ الْجَسَدِ، قَالَ اللَّهُ تَعَالَى {وَقَدْ أَفْضَى بَعْضُكُمْ إلَى بَعْضٍ} [النساء: ٢١] . وَأَمَّا قَوْلُ مَالِكٍ فِي إيجَابِ الْوُضُوءِ مِنْهُ ثُمَّ لَمْ يَرَ الْإِعَادَةَ إلَّا فِي الْوَقْتِ، فَقَوْلٌ مُتَنَاقِضٌ؛ لِأَنَّهُ لَا يَخْلُو أَنْ يَكُونَ انْتَقَضَ وُضُوءُهُ أَوْ لَمْ يَنْتَقِضْ، فَإِنْ كَانَ انْتَقَضَ فَعَلَى أَصْلِهِ يَلْزَمُهُ أَنْ يُعِيدَ أَبَدًا، وَإِنْ كَانَ لَمْ يَنْتَقِضْ فَلَا يَجُوزُ لَهُ أَنْ يُصَلِّيَ صَلَاةَ فَرْضٍ وَاحِدَةٍ فِي يَوْمٍ مَرَّتَيْنِ، وَكَذَلِكَ فَرَّقَ مَالِكٌ بَيْنَ مَسِّ الرَّجُلِ فَرْجَهُ وَبَيْنَ مَسِّ الْمَرْأَةِ فَرْجَهَا فَهُوَ قَوْلٌ لَا دَلِيلَ عَلَيْهِ فَهُوَ سَاقِطٌ.

[35] **Qur'an references (L3290):** Qur'an 4:21 (An-Nisa).

وَأَمَّا إِيجَابُ الشَّافِعِيِّ الْوُضُوءَ مِنْ مَسِّ الدُّبُرِ فَهُوَ خَطَأٌ لِأَنَّ الدُّبُرَ لَا يُسَمَّى فَرْجًا، فَإِنْ قَالَ: قِسْته عَلَى الذَّكَرِ قِيلَ لَهُ: الْقِيَاسُ عِنْدَ الْقَائِلِينَ بِهِ لَا يَكُونُ إلَّا عَلَى عِلَّةٍ جَامِعَةٍ بَيْنَ الْحُكْمَيْنِ، وَلَا عِلَّةَ جَامِعَةَ بَيْنَ مَسِّ الذَّكَرِ وَمَسِّ الدُّبُرِ، فَإِنْ قَالَ: كِلَاهُمَا مَخْرَجٌ لِلنَّجَاسَةِ، قِيلَ لَهُ: لَيْسَ كَوْنُ الذَّكَرِ مَخْرَجًا لِلنَّجَاسَةِ هُوَ عِلَّةُ انْتِقَاضِ الْوُضُوءِ مِنْ مَسِّهِ، وَمِنْ قَوْلِهِ إنَّ مَسَّ النَّجَاسَةِ لَا يَنْقُضُ الْوُضُوءَ، فَكَيْفَ مَسُّ مَخْرَجِهَا. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3291–3292 As for Al-Shafi'i's ruling that ablution is invalidated by touching the anus, this is erroneous because the anus is not termed a private part. If it is argued: "It was analogized to the penis," the response is: Analogy according to its proponents only applies when there exists a unifying rationale connecting both rulings, and there is no unifying rationale between touching the penis and touching the anus. If one contends: "Both are exits for ritual impurity," the reply is: The penis being an exit for ritual impurity is not the rationale for invalidating ablution through its touch, particularly given his own statement that touching ritual impurity does not nullify ablution - how then could touching its exit? And with Allah the Exalted lies success.

وَأَمَّا أَصْحَابُ أَبِي حَنِيفَةَ فَاحْتَجُّوا بِحَدِيثِ طَلْقِ بْنِ عَلِيٍّ «أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الرَّجُلِ يَمَسُّ ذَكَرَهُ بَعْدَ أَنْ يَتَوَضَّأَ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: هَلْ هُوَ إلَّا بِضْعَةٌ مِنْك» . قَالَ عَلِيٌّ: وَهَذَا خَبَرٌ صَحِيحٌ، إلَّا أَنَّهُمْ لَا حُجَّةَ لَهُمْ فِيهِ لِوُجُوهٍ: أَحَدُهَا أَنَّ هَذَا الْخَبَرَ مُوَافِقٌ لِمَا كَانَ النَّاسُ عَلَيْهِ قَبْلَ وُرُودِ الْأَمْرِ بِالْوُضُوءِ مِنْ مَسِّ الْفَرْجِ، هَذَا لَا شَكَّ فِيهِ، فَإِذْ هُوَ كَذَلِكَ فَحُكْمُهُ مَنْسُوخٌ يَقِينًا حِينَ أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْوُضُوءِ مِنْ مَسِّ الْفَرْجِ، وَلَا يَحِلُّ تَرْكُ مَا تُيُقِّنَ أَنَّهُ نَاسِخٌ وَالْأَخْذُ بِمَا تُيُقِّنَ أَنَّهُ مَنْسُوخٌ، وَثَانِيهَا أَنَّ كَلَامَهُ - عَلَيْهِ السَّلَامُ - «هَلْ هُوَ إلَّا بِضْعَةٌ مِنْك» دَلِيلٌ بَيِّنٌ عَلَى أَنَّهُ كَانَ قَبْلَ الْأَمْرِ بِالْوُضُوءِ مِنْهُ لِأَنَّهُ لَوْ كَانَ بَعْدَهُ لَمْ يَقُلْ - عَلَيْهِ السَّلَامُ - هَذَا الْكَلَامَ بَلْ كَانَ يُبَيِّنُ أَنَّ الْأَمْرَ بِذَلِكَ قَدْ نُسِخَ، وَقَوْلُهُ هَذَا يَدُلُّ عَلَى أَنَّهُ لَمْ يَكُنْ سَلَفَ فِيهِ حُكْمٌ أَصْلًا وَأَنَّهُ كَسَائِرِ الْأَعْضَاءِ. قَالَ أَبُو مُحَمَّدٍ: وَقَالَ بَعْضُهُمْ: يَكُونُ الْوُضُوءُ مِنْ ذَلِكَ غُسْلُ الْيَدِ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا بَاطِلٌ، لَمْ يَقُلْ أَحَدٌ إنَّ غُسْلَ الْيَدِ وَاجِبٌ أَوْ مُسْتَحَبٌّ مِنْ مَسِّ الْفَرْجِ، لَا الْمُتَأَوِّلُونَ لِهَذَا التَّأْوِيلِ الْفَاسِدِ وَلَا غَيْرُهُمْ، وَيُقَالُ لَهُمْ: إنْ كَانَ كَمَا تَقُولُونَ فَأَنْتُمْ مِنْ أَوَّلِ مَنْ خَالَفَ أَمْرَ

L3293–3295 As for the adherents of Abū Ḥanīfah, they argued using the ḥadīth of Ṭalq ibn ʿAlī: "A man asked the Messenger of Allāh (peace be upon him) about a man who touches his penis after performing ablution. The Messenger of Allāh (peace be upon him) said: 'Is it not but a piece of flesh from you?'" ʿAlī said: "This is an authentic report, but they have no valid evidence in it due to several aspects: The first is that this report conforms to what people practiced before the arrival of the command to perform ablution for touching the private parts—this is indisputable. Since this is the case, its ruling is certainly abrogated when the Messenger of Allāh (peace be upon him) commanded ablution for touching the private parts. It is invalid to abandon what is confirmed as the abrogating ruling and adhere to what is confirmed as abrogated. The second is that his statement (peace be upon him)—'Is it not but a piece of flesh from you?'—is clear evidence that this occurred before the command to perform ablution for it. Had it been after, he (peace be upon him) would not have said this; rather, he would have clarified that the previous command had been abrogated. His statement indicates there was originally no ruling for it and that it was equivalent to other limbs." Abū Muḥammad said: "Some of them claimed: 'The ablution required for that is the ritual washing of the hand.' Abū Muḥammad said: 'This is false. No one—neither those who advance this invalid interpretation nor others—has asserted that ritual washing of the hand is obligatory or recommended for touching the private parts.' It is said to them: 'If your claim were true, you would be among the first to oppose the command of the Messenger of Al-

lāh (peace be upon him) through your interpretation of his injunction. This constitutes clear contempt. Moreover, the term "ablution" in the Sharīʿah applies only to ablution for prayer. The Messenger of Allāh (peace be upon him) rejected applying this term to anything other than ablution for prayer, as narrated through Sufyān ibn ʿUyaynah from ʿAmr ibn Dīnār from Saʿīd ibn al-Ḥuwayrith from Ibn ʿAbbās, who said: 'We were with the Messenger of Allāh (peace be upon him) when he returned from relieving himself. Food was brought, and someone asked: "Will you not perform ablution¿' He (peace be upon him) replied..."' "I pray, then I perform ablution."»

رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمَا تَأَوَّلْتُمُوهُ فِي أَمْرِهِ، وَهَذَا اسْتِخْفَافٌ ظَاهِرٌ، وَأَيْضًا فَإِنَّهُ لَا يُطْلَقُ الْوُضُوءُ فِي الشَّرِيعَةِ إِلَّا لِوُضُوءِ الصَّلَاةِ فَقَطْ، وَقَدْ أَنْكَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِيقَاعَ هَذِهِ اللَّفْظَةِ عَلَى غَيْرِ الْوُضُوءِ لِلصَّلَاةِ، كَمَا رُوِّينَاهُ مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ سَعِيدِ بْنِ الْحُوَيْرِثِ عَنْ ابْنِ عَبَّاسٍ قَالَ «كُنَّا عِنْدَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَجَاءَ مِنَ الْغَائِطِ وَأُتِيَ بِطَعَامٍ فَقِيلَ: أَلَا تَتَوَضَّأُ فَقَالَ - عَلَيْهِ السَّلَامُ -: لَمْ أُصَلِّ فَأَتَوَضَّأَ»

L3296 How could it be otherwise when it has been narrated to us through Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm that he heard Urwah ibn al-Zubayr say: Marwan said to him, "Busrah bint Safwan informed me that she heard the Messenger of Allah—peace and blessings be upon him—say: 'If any of you touches his penis, he must perform his ablution for prayer.'" Others besides Malik have also narrated it from trustworthy narrators. Similarly, Yahya ibn Abd al-Rahman ibn Mas'ud narrated to us, Ahmad ibn Sa'id ibn Hazm narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Abdullah ibn Ahmad ibn Hanbal narrated to us, Abu Salih al-Hakam ibn Musa narrated to us, Shu'ayb ibn Ishaq narrated to us, Hisham ibn Urwah informed me from his father that Marwan ibn al-Hakam narrated to him from Busrah bint Safwan—who had accompanied the Messenger of Allah, peace and blessings be upon him—that the Messenger of Allah, peace and blessings be upon him, said: "If any of you touches his penis, he should not pray until he performs ablution." Urwah denied that, but when he asked Busrah, she confirmed what Marwan had said.

فَكَيْفَ وَقَدْ رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ أَنَّهُ سَمِعَ عُرْوَةَ بْنَ الزُّبَيْرِ يَقُولُ: إِنَّ مَرْوَانَ قَالَ لَهُ: أَخْبَرَتْنِي بُسْرَةُ بِنْتُ صَفْوَانَ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «إِذَا مَسَّ أَحَدُكُمْ ذَكَرَهُ فَلْيَتَوَضَّأْ وُضُوءَهُ لِلصَّلَاةِ» وَرَوَاهُ أَيْضًا غَيْرُ مَالِكٍ عَنِ الثِّقَاتِ كَذَلِكَ. كَمَا حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبُو صَالِحٍ الْحَكَمُ بْنُ مُوسَى ثنا شُعَيْبُ بْنُ إِسْحَاقَ أَخْبَرَنِي هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ حَدَّثَهُ عَنْ بُسْرَةَ بِنْتِ صَفْوَانَ - وَكَانَتْ قَدْ صَحِبَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «إِذَا مَسَّ أَحَدُكُمْ ذَكَرَهُ فَلَا يُصَلِّ حَتَّى يَتَوَضَّأَ» فَأَنْكَرَ ذَلِكَ عُرْوَةُ، وَسَأَلَ بُسْرَةَ فَصَدَّقَتْهُ بِمَا قَالَ.

L3297 Ali said: Abu Salih and Shu'ayb are two renowned trustworthy authorities, thus Marwan's pretext is invalidated, and it is established that Busrah is a well-known female Companion. They ought to have rejected for themselves the legitimization of debt and the annulment of the Sunnah through the narrations of Abu Nasr ibn Malik, 'Umayr, al-'Aliyah—the wife of Abu Ishaq—

قَالَ عَلِيٌّ: أَبُو صَالِحٍ وَشُعَيْبٌ ثِقَتَانِ مَشْهُورَانِ، فَبَطَلَ التَّعَلُّلُ بِمَرْوَانَ، وَصَحَّ أَنَّ بُسْرَةَ مَشْهُورَةٌ صَاحِبَةٌ، وَلَقَدْ كَانَ يَنْبَغِي لَهُمْ أَنْ يُنْكِرُوا عَلَى أَنْفُسِهِمْ شَرْعَ الدَّيْنِ وَإِبْطَالَ

السُّنَنِ بِرِوَايَةِ أَبِي نَصْرِ بْنِ مَالِكٍ وَعُمَيْرٍ وَالْعَالِيَةِ زَوْجَةِ أَبِي إِسْحَاقَ وَشَيْخٍ مِنْ بَنِي كِنَانَةَ، وَكُلُّ هَؤُلَاءِ لَا يَدْرِي أَحَدٌ مِنَ النَّاسِ مَنْ هُمْ؟

and a shaykh from Banu Kinanah. And all these individuals—does anyone know who they are?

وَقَالَ بَعْضُهُمْ: هَذَا مِمَّا تَعْظُمُ بِهِ الْبَلْوَى، فَلَوْ كَانَ لَمَا جَهِلَهُ ابْنُ مَسْعُودٍ وَلَا غَيْرُهُ مِنَ الْعُلَمَاءِ.

L3298–3299 And some of them said: This is among the matters that exacerbate the trial, for if it were [so], neither Ibn Mas'ūd nor other scholars would have been ignorant of it.

قَالَ أَبُو مُحَمَّدٍ وَهَذَا حَمَاقَةٌ، وَقَدْ غَابَ عَنْ جُمْهُورِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - الْغُسْلُ مِنَ الْإِيلَاجِ الَّذِي لَا إِنْزَالَ مَعَهُ، وَهُوَ مِمَّا تَكْثُرُ بِهِ الْبَلْوَى، وَرَأَى أَبُو حَنِيفَةَ الْوُضُوءَ مِنَ الرُّعَافِ وَهُوَ مِمَّا تَكْثُرُ بِهِ الْبَلْوَى وَلَمْ يَعْرِفْ ذَلِكَ جُمْهُورُ الْعُلَمَاءِ وَرَأَى الْوُضُوءَ مِنْ مِلْءِ الْفَمِ مِنَ الْقَلْسِ وَلَمْ يَرَهُ مِنْ أَقَلَّ مِنْ ذَلِكَ، وَهَذَا تَعْظُمُ بِهِ الْبَلْوَى، وَلَمْ يَعْرِفْ ذَلِكَ أَحَدٌ مِنْ وَلَدِ آدَمَ قَبْلَهُ، وَمِثْلُ هَذَا لَهُمْ كَثِيرٌ جِدًّا، وَمِثْلُ هَذَا مِنَ التَّخْلِيطِ لَا يُعَارِضُ بِهِ سُنَنَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَّا مَخْذُولٌ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3300 Abū Muḥammad said: This is folly, for the majority of the Companions — may Allah be pleased with them — overlooked the obligation of ghusl (ritual bath) due to penetration without ejaculation, though this is a matter of significant common occurrence. Abū Ḥanīfah held that ablution is required after nosebleeds — another frequent matter — yet the majority of scholars did not recognize this. He also deemed ablution obligatory after vomiting a mouthful's worth but not for less than that, this being a matter of great common occurrence. No one among the children of Adam before him had ever known such rulings. Similar rulings from him are exceedingly numerous. Such confused mixing does not oppose the Sunnah of the Messenger of Allah — peace and blessings be upon him — except by one deprived [of divine help]. And success is from Allah, the Most High.

قَالَ أَبُو مُحَمَّدٍ: وَالْمَاسُّ عَلَى الثَّوْبِ لَيْسَ مَاسًّا، وَلَا مَعْنَى لِلَّذَّةِ؛ لِأَنَّهُ لَمْ يَأْتِ بِهَا نَصٌّ وَلَا إِجْمَاعٌ، وَإِنَّمَا هِيَ دَعْوَى بِظَنٍّ كَاذِبٍ، وَأَمَّا النِّسْيَانُ فِي هَذَا فَقَدْ قَالَ اللَّهُ تَعَالَى {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] وَهَذَا قَوْلُ ابْنِ عَبَّاسٍ، وَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ خُصَيْفٍ عَنْ عِكْرِمَةَ عَنْهُ أَنَّهُ قَالَ: مَسُّ الذَّكَرِ عَمْدًا يَنْقُضُ الْوُضُوءَ وَلَا يَنْقُضُهُ بِالنِّسْيَانِ.

L3301 Abū Muḥammad said: Touching [the private part] over the garment does not invalidate ablution, nor does intentional pleasure hold any legal weight, as there is no textual evidence or consensus to support this. Rather, it is an assertion based on false conjecture. As for forgetfulness in this matter, Allah the Exalted has said: *"There is no blame on you for what you do by mistake, but only for what your hearts intend"* [Al-Aḥzāb: 5]. This is the opinion of Ibn ʿAbbās. It has been narrated to us through Wakīʿ, from Khuṣayf, from ʿIkrimah, from Ibn ʿAbbās, that he said: Deliberately touching the penis invalidates ablution, but doing so forgetfully does not.[36]

[مَسْأَلَة مِنْ نَوَاقِض الْوُضُوء أَكْل لحوم الأبل نيئه ومطبوخه]

A question regarding the nullifiers of ablution: Does eating camel meat—whether raw or cooked—invalidate it?

L3302

L3303 Issue 164: Consuming camel meat—whether raw, cooked, or roasted—

[36] **Qur'an references (L3301):** Qur'an 33:5 (Al-Ahzab).

intentionally while knowing it is the flesh of a male camel or she-camel invalidates ablution. Eating their pure fat or any part other than their meat does not invalidate ablution. If the term “meat” applies to their bellies, heads, or legs according to Arab linguistic convention, consuming these parts invalidates ablution; otherwise, it does not. Ablution is not invalidated by eating anything touched by fire other than camel meat. This is the position of Abū Mūsā al-Ashʿarī, Jābir ibn Samurah, and the jurists Abū Khaythamah Zuḥayr ibn Ḥarb, Yaḥyā ibn Yaḥyā, Aḥmad ibn Ḥanbal, and Isḥāq ibn Rāhwayh.

ʿAbdullāh ibn Yūsuf narrated to us; Aḥmad ibn Fatḥ narrated to us; ʿAbd al-Wahhāb ibn ʿĪsā narrated to us; Aḥmad ibn Muḥammad narrated to us; Aḥmad ibn ʿAlī narrated to us; Muslim ibn al-Ḥajjāj narrated to us; Abū Kāmil al-Fuḍayl ibn Ḥusayn al-Jaḥdarī and al-Qāsim ibn Zakariyyā narrated to us. Al-Fuḍayl said: Abū ʿAwānah narrated to us from ʿUthmān ibn ʿAbdillāh ibn Mawhab. Al-Qāsim said: ʿUbaydullāh ibn Mūsā narrated to us from Shaybān from both ʿUthmān ibn ʿAbdillāh ibn Mawhab and Ashʿath ibn Abī al-Shaʿthāʾ, each narrating from Jaʿfar ibn Abī Thawr from Jābir ibn Samurah, who said: “A man asked the Messenger of Allāh—peace and blessings be upon him—‘Should I perform ablution after eating the meat of sheep or goats?’ He replied: ‘If you wish, perform ablution; if you wish, do not.’ The man asked: ‘Should I perform ablution after eating camel meat?’ He answered: ‘Yes, perform ablution after eating camel meat.’”

L3304–3305 And it was narrated to us by Yaḥyā ibn ʿAbd al-Raḥmān, who narrated to us from Aḥmad ibn Saʿīd ibn Ḥazm, who narrated to us from Muḥammad ibn ʿAbd al-Malik ibn Ayman, who narrated to us from ʿAbdullāh ibn Aḥmad ibn Ḥanbal, who narrated to us from his father, who narrated to us from ʿAbd al-Razzāq, who informed us from Sufyān al-Thawrī, from al-Aʿmash, from ʿAbdullāh ibn ʿAbdullāh al-Rāzī, from ʿAbd al-Raḥmān ibn Abī Laylā, from al-Barāʾ ibn ʿĀzib, who said: “The Messenger of Allah - may Allah’s peace and blessings be upon him - was asked: ’Should one perform ablution due to camel meat?’ He said: ’Yes.’” Abū Muḥammad said: ʿAbdullāh ibn ʿAbdullāh al-Rāzī, Abū Jaʿfar, the judge of Rayy, is trustworthy.

١٦٤ - مَسْأَلَةٌ: وَأَكْلُ لُحُومِ الْإِبِلِ نِيئَةً وَمَطْبُوخَةً أَوْ مَشْوِيَّةً عَمْدًا وَهُوَ يَدْرِي أَنَّهُ لَحْمُ جَمَلٍ أَوْ نَاقَةٍ فَإِنَّهُ يَنْقُضُ الْوُضُوءَ، وَلَا يَنْقُضُ الْوُضُوءَ أَكْلُ شُحُومِهَا مَحْضَةً وَلَا أَكْلُ شَيْءٍ مِنْهَا غَيْرَ لَحْمِهَا، فَإِنْ كَانَ يَقَعُ عَلَى بُطُونِهَا أَوْ رُءُوسِهَا أَوْ أَرْجُلِهَا اسْمُ لَحْمٍ عِنْدَ الْعَرَبِ نَقَضَ أَكْلُهَا الْوُضُوءَ وَإِلَّا فَلَا، وَلَا يَنْقُضُ الْوُضُوءَ كُلُّ شَيْءٍ مَسَّتْهُ النَّارُ غَيْرَ ذَلِكَ، وَبِهَذَا يَقُولُ أَبُو مُوسَى الْأَشْعَرِيُّ وَجَابِرُ بْنُ سَمُرَةَ، وَمِنْ الْفُقَهَاءِ أَبُو خَيْثَمَةَ زُهَيْرُ بْنُ حَرْبٍ وَيَحْيَى بْنُ يَحْيَى وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ رَاهَوَيْهِ. 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 كَامِلٍ الْفُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ وَالْقَاسِمُ بْنُ زَكَرِيَّا، قَالَ الْفُضَيْلُ ثنا أَبُو عَوَانَةَ عَنْ عُثْمَانَ بْنِ عَبْدِ اللَّهِ بْنِ مَوْهَبٍ وَقَالَ الْقَاسِمُ حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى عَنْ شَيْبَانَ عَنْ عُثْمَانَ بْنِ عَبْدِ اللَّهِ بْنِ مَوْهَبٍ وَأَشْعَثُ بْنُ أَبِي الشَّعْثَاءِ كِلَاهُمَا عَنْ جَعْفَرِ بْنِ أَبِي ثَوْرٍ عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ «سَأَلَ رَجُلٌ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَأَتَوَضَّأُ مِنْ لُحُومِ الْغَنَمِ؟ قَالَ: إنْ شِئْت فَتَوَضَّأْ، وَإِنْ شِئْت فَلَا تَتَوَضَّأْ، قَالَ: أَتَوَضَّأُ مِنْ لُحُومِ الْإِبِلِ؟ قَالَ: نَعَمْ فَتَوَضَّأْ مِنْ لُحُومِ الْإِبِلِ» .

وَحَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي ثنا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ الْأَعْمَشِ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ الرَّازِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ الْبَرَاءِ بْنِ عَازِبٍ قَالَ «سُئِلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَنَتَوَضَّأُ مِنْ لُحُومِ الْإِبِلِ، قَالَ: نَعَمْ» . قَالَ أَبُو مُحَمَّدٍ: عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ الرَّازِيِّ أَبُو جَعْفَرٍ قَاضِي الرَّيِّ ثِقَةٌ.

L3306 Abū Muḥammad said: The discussion has already preceded in the previous section regarding invalidating the claims of those who made pretexts for rejecting the Sunnah by alleging this leads to increased trials, and refuting those who said: "Perhaps this ablution merely means washing the hands"—making it unnecessary to repeat it. If the objector using this argument were to deny for himself the ruling requiring ablution for audible laughter during prayer while not mandating it outside prayer, that would be more consistent for him. As for ablution from what fire has touched, authentic narrations have been established through ʻĀ'ishah, Umm Ḥabībah (the two Mothers of the Believers), Abū Ayyūb, Abū Ṭalḥah, Abū Hurayrah, and Zayd ibn Thābit (may Allah be pleased with them). This ruling was upheld by all those we mentioned, along with Ibn ʻUmar, Abū Mūsā al-Ashʻarī, Anas ibn Mālik, Abū Masʻūd, a group of Successors including the scholars of Medina as a whole, Saʻīd ibn al-Musayyab, Abū Maysarah, Abū Mijlaz, Yaḥyā ibn Yaʻmur, al-Zuhrī, six sons of the Nuqabā' from the Anṣār, al-Ḥasan al-Baṣrī, ʻUrwah ibn al-Zubayr, ʻUmar ibn ʻAbd al-ʻAzīz, Maʻmar, Abū Qilābah, and others. Had it not been abrogated, it would have been obligatory to uphold this opinion. As narrated to us by ʻAbdullāh ibn Rabīʻ, who narrated from Muḥammad ibn Muʻāwiyah, who narrated from Aḥmad ibn Shuʻayb, who narrated from ʻAmr ibn Manṣūr, who narrated from ʻAlī ibn ʻAyyāsh, who narrated from Shuʻayb ibn Abī Ḥamzah, who narrated from Muḥammad ibn al-Munkadir, who said: I heard Jābir ibn ʻAbdullāh state, "The final ruling from the Messenger of Allah (peace and blessings be upon him) was to abandon ablution from what fire had touched." Thus, the abrogation of those narrations is confirmed, and all praise is due to Allah.[37]

L3307–3309 Ali said: And indeed some people have claimed that this hadith is an abbreviated version of the hadith narrated to us by Abdullah ibn Rabīʻ, who narrated to us Muhammad ibn Isḥāq, who narrated to us Ibn al-Aʻrābī, who narrated to us Abū Dāwūd, who narrated to us Ibrāhīm ibn al-Ḥasan al-Khathʻamī, who narrated to us Ḥajjāj, who said: Ibn Jurayj stated: Muhammad ibn al-Munkadir reported to me: "I heard Jābir ibn ʿAbdullāh say: 'Bread and meat were brought to the Messenger of Allah (peace and blessings be upon him),

قَالَ أَبُو مُحَمَّد: وَقَدْ مَضَى الْكَلَامُ فِي الْفَصْلِ الَّذِي قَبْلَ هَذَا فِي إبْطَالِ قَوْلِ مَنْ تَعَلَّلَ فِي رَدِّ السُّنَنِ بِأَنَّ هَذَا مِمَّا تَعْظُمُ بِهِ الْبَلْوَى، وَإِبْطَالِ قَوْلِ مَنْ قَالَ: لَعَلَّ هَذَا الْوُضُوءَ غَسْلُ الْيَدِ، فَأَغْنَى عَنْ إعَادَتِهِ، وَلَوْ أَنَّ الْمُعْتَرِضَ بِهَذَا يُنْكِرُ عَلَى نَفْسِهِ الْقَوْلَ بِالْوُضُوءِ مِنْ الْقَهْقَهَةِ فِي الصَّلَاةِ وَلَا يَرَى فِيهَا الْوُضُوءَ فِي غَيْرِ الصَّلَاةِ -: لَكَانَ أَوْلَى بِهِ. وَأَمَّا الْوُضُوءُ مِمَّا مَسَّتْ النَّارُ، فَإِنَّهُ قَدْ صَحَّتْ فِي إيجَابِ الْوُضُوءِ مِنْهُ أَحَادِيثُ ثَابِتَةٌ مِنْ طَرِيقِ عَائِشَةَ وَأُمِّ حَبِيبَةَ أُمَّيْ الْمُؤْمِنِينَ وَأَبِي أَيُّوبَ وَأَبِي طَلْحَةَ وَأَبِي هُرَيْرَةَ وَزَيْدِ بْنِ ثَابِتٍ - رَضِيَ اللَّهُ عَنْهُمْ -، وَقَالَ بِهِ كُلُّ مَنْ ذَكَرْنَا وَابْنُ عُمَرَ وَأَبُو مُوسَى الْأَشْعَرِيُّ وَأَنَسُ بْنُ مَالِكٍ وَأَبُو مَسْعُودٍ، وَجَمَاعَةٌ مِنْ التَّابِعِينَ مِنْهُمْ أَهْلُ الْمَدِينَةِ جُمْلَةً وَسَعِيدُ بْنُ الْمُسَيِّبِ وَأَبُو مَيْسَرَةَ وَأَبُو مِجْلَزٍ وَيَحْيَى بْنُ يَعْمَرَ وَالزُّهْرِيُّ وَسِتَّةٌ مِنْ أَبْنَاءِ النُّقَبَاءِ مِنْ الْأَنْصَارِ وَالْحَسَنِ الْبَصْرِيِّ وَعُرْوَةُ بْنُ الزُّبَيْرِ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ وَمَعْمَرٌ وَأَبُو قِلَابَةَ وَغَيْرُهُمْ، وَلَوْلَا أَنَّهُ مَنْسُوخٌ لَوَجَبَ الْقَوْلُ بِهِ. كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا عَمْرُو بْنُ مَنْصُورٍ ثنا عَلِيُّ بْنُ عَيَّاشٍ ثنا شُعَيْبُ بْنُ أَبِي حَمْزَةَ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ قَالَ سَمِعْت جَابِرَ بْنَ عَبْدِ اللَّهِ قَالَ: «كَانَ آخِرُ الْأَمْرَيْنِ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَرْكَ الْوُضُوءِ مِمَّا مَسَّتْ النَّارُ» فَصَحَّ نَسْخُ تِلْكَ الْأَحَادِيثِ وَلِلَّهِ الْحَمْدُ.

قَالَ عَلِيٌّ: وَقَدْ ادَّعَى قَوْمٌ أَنَّ هَذَا الْحَدِيثَ مُخْتَصَرٌ مِنْ الْحَدِيثِ الَّذِي حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا إبْرَاهِيمُ بْنُ الْحَسَنِ الْخَثْعَمِيُّ ثنا حَجَّاجٌ قَالَ: قَالَ ابْنُ جُرَيْجٍ أَخْبَرَنِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ سَمِعْت جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ «قُرِّبَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خُبْزٌ وَلَحْمٌ فَأَكَلَ ثُمَّ دَعَا بِوَضُوءٍ فَتَوَضَّأَ بِهِ

[37] **Hadith references (L3306):** Sunan an-Nasai 185.

so he ate, then he called for water for ablution and performed wudu.”’ Then he prayed the noon prayer, then requested the remainder of his food and ate, then rose to pray without performing ablution.“ Abu Muhammad said: To definitively claim this hadith is abbreviated from the other is a statement based on conjecture, and conjecture is the falsest of hadith. Rather, they are two hadiths as they were transmitted.

ثُمَّ صَلَّى الظُّهْرَ ثُمَّ دَعَا بِفَضْلِ طَعَامِهِ فَأَكَلَ ثُمَّ قَامَ إلَى الصَّلَاةِ وَلَمْ يَتَوَضَّأْ» قَالَ أَبُو مُحَمَّد: الْقَطْعُ بِأَنَّ ذَلِكَ الْحَدِيثَ مُخْتَصَرٌ مِنْ هَذَا قَوْلٌ بِالظَّنِّ، وَالظَّنُّ أَكْذَبُ الْحَدِيثِ بَلْ هُمَا حَدِيثَانِ كَمَا وَرَدَا.

L3310 Ali said: As for every ḥadīth cited by those who do not require ablution for what fire has touched—such as “The Messenger of Allah (peace be upon him) ate a sheep’s shoulder and did not perform ablution” and similar reports—they have no valid argument. This is because the ḥadīths obligating ablution are those conveying supplementary rulings that extend beyond these reports, which merely align with what people practiced before the command to perform ablution for what fire has touched was revealed. Were it not for the ḥadīth of Shuʿayb ibn Abī Ḥamzah that we mentioned, it would not have been permissible for anyone to omit ablution after consuming what fire has touched.

قَالَ عَلِيٌّ: وَأَمَّا كُلُّ حَدِيثٍ احْتَجَّ بِهِ مَنْ لَا يَرَى الْوُضُوءَ مِمَّا مَسَّتْ النَّارُ مِنْ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَكَلَ كَتِفَ شَاةٍ وَلَمْ يَتَوَضَّأْ» وَنَحْوُ ذَلِكَ -: فَلَا حُجَّةَ لَهُمْ فِيهِ لِأَنَّ أَحَادِيثَ إيجَابِ الْوُضُوءِ هِيَ الْوَارِدَةُ بِالْحُكْمِ الزَّائِدَةِ عَلَى هَذِهِ الَّتِي هِيَ مُوَافِقَةٌ لِمَا كَانَ النَّاسُ عَلَيْهِ قَبْلَ وُرُودِ الْأَمْرِ بِالْوُضُوءِ مِمَّا مَسَّتْ النَّارُ، وَلَوْلَا حَدِيثُ شُعَيْبِ بْنِ أَبِي حَمْزَةَ الَّذِي ذَكَرْنَا لَمَا حَلَّ لِأَحَدٍ تَرْكُ الْوُضُوءِ مِمَّا مَسَّتْ النَّارُ. قَالَ أَبُو مُحَمَّد: فَإِنْ قِيلَ: لِمَ خَصَّصْتُمْ لُحُومَ الْإِبِلِ خَاصَّةً مِنْ جُمْلَةِ مَا نُسِخَ مِنْ الْوُضُوءِ مِمَّا مَسَّتْ النَّارُ؟ قُلْنَا: لِأَنَّ الْأَمْرَ الْوَارِدَ بِالْوُضُوءِ مِنْ لُحُومِ الْإِبِلِ إنَّمَا هُوَ حُكْمٌ فِيهَا خَاصَّةً، سَوَاءٌ مَسَّتْهَا النَّارُ أَوْ لَمْ تَمَسَّهَا النَّارُ، فَلَيْسَ مَسُّ النَّارِ إيَّاهَا - إنْ طُبِخَتْ - يُوجِبُ الْوُضُوءَ مِنْهَا، بَلْ الْوُضُوءُ وَاجِبٌ مِنْهَا كَمَا هِيَ، فَحُكْمُهَا خَارِجٌ عَنْ الْأَخْبَارِ الْوَارِدَةِ بِالْوُضُوءِ مِمَّا مَسَّتْ النَّارُ، وَبِنَسْخِ الْوُضُوءِ مِنْهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Abū Muḥammad said: If it is asked, “Why have you singled out camel meat from the total abrogation of ablution for what fire has touched?” We reply: Because the command requiring ablution after eating camel meat applies exclusively to it, regardless of whether fire touched it or not. Thus, if camel meat is cooked, the fire’s contact with it does not necessitate ablution; rather, ablution remains obligatory from it as it is. Therefore, its ruling is excluded from the scope of the ḥadīths mandating ablution for what fire has touched and from the abrogation of ablution for it. Success comes solely from Allah, the Exalted.

L3311 As for consuming it out of forgetfulness or without awareness that it is camel meat, we have mentioned Allah’s statement: {There is no blame upon you for what you do mistakenly} [Al-Ahzab: 5]. Therefore, whoever performs an act unintentionally, it is equivalent to not having performed it, unless there exists a textual injunction obligating consequences for forgetfulness, in which case

وَأَمَّا أَكْلُهَا بِنِسْيَانٍ أَوْ بِغَيْرِ عِلْمٍ أَنَّهُ مِنْ لُحُومِ الْإِبِلِ فَقَدْ ذَكَرْنَا قَوْلَ اللَّهِ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ} [الأحزاب: ٥] فَمَنْ فَعَلَ شَيْئًا عَنْ غَيْرِ قَصْدٍ فَسَوَاءٌ ذَلِكَ وَتَرْكُهُ إلَّا أَنْ يَأْتِيَ نَصٌّ فِي إيجَابِ حُكْمِ النِّسْيَانِ فَيُوقَفُ عِنْدَهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

adherence becomes binding. Divine enablement comes solely from Allah, the Most High.[38]

L3312 **One of the nullifiers of wuḍūʾ is the act of a man touching a woman or a woman touching a man, regardless of which limb is involved.**

L3313 Issue 165: If a man touches a woman or a woman touches a man with any limb - provided it is done intentionally without any garment or barrier between them - whether the woman is his mother or daughter, or she touches her son or father, with young and old being alike in ruling, pleasure has no bearing in any of these cases. Similarly, if he touches her on a garment for pleasure, his ablution remains intact. This is the position of Al-Shāfiʿī and the Ẓāhirī school adherents.

L3314–3316 The proof for this is the statement of Allah, Blessed and Exalted: {Or one of you comes from defecation, or you have touched women, and you find no water, then make tayammum with clean earth} [An-Nisa: 43]. Abu Muhammad said: Sexual contact is a mutual act between two parties, and we know with certainty that both men and women are addressed by this verse. There is no disagreement within the Ummah regarding this, for the beginning and end of the verse apply universally to all believers. Thus, it is confirmed that this ruling is binding upon men when they have sexual contact with women. Regarding women who touch men—since Allah the Exalted did not specify one woman over another, nor one pleasure over another—specifying such exceptions is impermissible. This is the position of Ibn Masʿūd and others. Some claimed that the touch mentioned in this verse refers specifically to sexual intercourse.[39]

L3317 Abu Muhammad said: This is a particularization with no proof for it, and it is false and inconceivable that Allah, the Mighty and Majestic, would intend a reason among reasons and not clarify it. We seek refuge in Allah from this.

L3318 Ali said: Those who held the opinion that the touching mentioned in this

[38] **Qur'an references (L3311):** Qur'an 33:5 (Al-Ahzab).

[39] **Qur'an references (L3314):** Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

[مَسْأَلَة مِنْ نَوَاقِض الْوُضُوء مس الرَّجُل الْمَرْأَة وَالْمَرْأَة الرَّجُل لأي عُضْو]

١٦٥ - مَسْأَلَةٌ: وَمَسُّ الرَّجُلِ الْمَرْأَةَ وَالْمَرْأَةِ الرَّجُلَ بِأَيِّ عُضْوٍ مَسَّ أَحَدُهُمَا الْآخَرَ، إِذَا كَانَ عَمْدًا، دُونَ أَنْ يَحُولَ بَيْنَهُمَا ثَوْبٌ أَوْ غَيْرُهُ، سَوَاءٌ أُمُّهُ كَانَتْ أَوْ ابْنَتُهُ، أَوْ مَسَّتْ ابْنَهَا أَوْ أَبَاهَا، الصَّغِيرَ وَالْكَبِيرَ سَوَاءٌ، لَا مَعْنَى لِلَّذَّةِ فِي شَيْءٍ مِنْ ذَلِكَ وَكَذَلِكَ لَوْ مَسَّهَا عَلَى ثَوْبٍ لِلَّذَّةِ لَمْ يَنْتَقِضْ وُضُوءُهُ، وَبِهَذَا يَقُولُ الشَّافِعِيُّ وَأَصْحَابُ الظَّاهِرِ.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَبَارَكَ وَتَعَالَى {أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا} [النساء: ٤٣] . قَالَ أَبُو مُحَمَّد: وَالْمُلَامَسَةُ فِعْلٌ مِنْ فَاعِلَيْنِ، وَبِيَقِينٍ نَدْرِي أَنَّ الرِّجَالَ وَالنِّسَاءَ مُخَاطَبُونَ بِهَذِهِ الْآيَةِ، لَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ فِي هَذَا لِأَنَّ أَوَّلَ الْآيَةِ وَآخِرَهَا عُمُومٌ لِلْجَمِيعِ مِنْ الَّذِينَ آمَنُوا، فَصَحَّ أَنَّ هَذَا الْحُكْمَ لَازِمٌ لِلرِّجَالِ إِذَا لَامَسُوا النِّسَاءَ، وَالنِّسَاءِ إِذَا لَامَسْنَ الرِّجَالَ، وَلَمْ يَخُصَّ اللَّهُ تَعَالَى امْرَأَةً مِنْ امْرَأَةٍ، وَلَا لَذَّةً مِنْ غَيْرِ لَذَّةٍ، فَتَخْصِيصُ ذَلِكَ لَا يَجُوزُ، وَهُوَ قَوْلُ ابْنِ مَسْعُودٍ وَغَيْرِهِ. وَادَّعَى قَوْمٌ أَنَّ اللَّمْسَ الْمَذْكُورَ فِي هَذِهِ الْآيَةِ هُوَ الْجِمَاعُ.

قَالَ أَبُو مُحَمَّد: وَهَذَا تَخْصِيصٌ لَا بُرْهَانَ عَلَيْهِ، وَمِنْ الْبَاطِلِ الْمُمْتَنِعِ أَنْ يُرِيدَ اللَّهُ عَزَّ وَجَلَّ لِمَاسًّا مِنْ لِمَاسٍ فَلَا يُبَيِّنُهُ. نَعُوذُ بِاللَّهِ مِنْ هَذَا.

verse refers to sexual intercourse argued using a hadith stating, “The Messenger of Allah (PBUH) used to kiss without performing ablution.” However, this hadith is unsound because its narrator, Abū Rawq, is weak, and it is transmitted through a man named ʿUrwah al-Muzanī, an unknown narrator. We narrated it via al-Aʿmash from unnamed companions of his, from ʿUrwah al-Muzanī - who is unidentified. Even if authentic, it would not constitute proof for them, for the meaning of this report is definitively abrogated. It corresponds to what people practiced before the verse’s revelation, while the verse instituted an additional ruling that cannot be disregarded nor restricted in application.

قَالَ عَلِيٌّ: وَاحْتَجَّ مَنْ رَأَى اللِّمَاسَ الْمَذْكُورَ فِي هَذِهِ الْآيَةِ هُوَ الْجِمَاعُ بِحَدِيثٍ فِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُقَبِّلُ وَلَا يَتَوَضَّأُ» وَهَذَا حَدِيثٌ لَا يَصِحُّ؛ لِأَنَّ رَاوِيَهُ أَبُو رَوْقٍ وَهُوَ ضَعِيفٌ، وَمِنْ طَرِيقِ رَجُلٍ اسْمُهُ عُرْوَةُ الْمُزَنِيّ، وَهُوَ مَجْهُولٌ، رُوِّينَاهُ مِنْ طَرِيقِ الْأَعْمَشِ عَنْ أَصْحَابٍ لَهُ لَمْ يُسَمِّهِمْ عَنْ عُرْوَةَ الْمُزَنِيِّ، وَهُوَ مَجْهُولٌ وَلَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ لِأَنَّ مَعْنَى هَذَا الْخَبَرِ مَنْسُوخٌ بِيَقِينٍ لِأَنَّهُ مُوَافِقٌ لِمَا كَانَ النَّاسُ عَلَيْهِ قَبْلَ نُزُولِ الْآيَةِ، وَوَرَدَتْ الْآيَةُ بِشَرْعٍ زَائِدٍ لَا يَجُوزُ تَرْكُهُ وَلَا تَخْصِيصُهُ.

L3319 They also mentioned two authentic hadiths: one of them is transmitted through Aisha, the Mother of the Believers, who said: “I sought the Messenger of Allah (peace be upon him) at night but did not find him. My two hands fell upon the sole of his foot while he was prostrating.”

وَذَكَرُوا أَيْضًا حَدِيثَيْنِ صَحِيحَيْنِ: أَحَدُهُمَا مِنْ طَرِيقِ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «الْتَمَسْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي اللَّيْلِ فَلَمْ أَجِدْهُ، فَوَقَعَتْ يَدَيْ عَلَى بَاطِنِ قَدَمِهِ وَهُوَ سَاجِدٌ» .

L3320–3322 Abu Muhammad said: There is no proof in this for them, because ablution is only required for the one intending to touch, not for the passively touched individual who did not himself intend to initiate contact—since no actual touching occurred. Another proof is that this report does not state he (peace be upon him) was in prayer, and he may have prostrated. A Muslim [performing prostration] outside prayer, since prostration is an act of virtue. Even if it were authentically established for them that he—peace be upon him—was in prayer—though this is itself unsubstantiated—the narration contains no evidence that his ablution remained intact, nor that he prayed a new prayer without renewing ablution. Since the narration includes none of these details, they have no legitimate basis for relying on it. Furthermore, even if it were soundly established that he—peace be upon him—was in prayer, and that he continued it or prayed another prayer without renewing ablution—all of which is entirely baseless—this narration would then align with the situation people were in prior to the verse’s revelation, a state undoubtedly abrogated by the verse’s revelation, which nullified its ruling. It is invalid to adhere to what is conclusively abrogated while disregarding the abrogating

قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ لِأَنَّ الْوُضُوءَ إنَّمَا هُوَ عَلَى الْقَاصِدِ إلَى اللَّمْسِ، لَا عَلَى الْمَلْمُوسِ دُونَ أَنْ يَقْصِدَ هُوَ إلَى فِعْلِ الْمُلَامَسَةِ؛ لِأَنَّهُ لَمْ يُلَامِسْ، وَدَلِيلٌ آخَرُ، وَهُوَ أَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ فِي صَلَاةٍ، وَقَدْ يَسْجُدُ الْمُسْلِمُ فِي غَيْرِ صَلَاةٍ، لِأَنَّ السُّجُودَ فِعْلُ خَيْرٍ، وَحَتَّى لَوْ صَحَّ لَهُمْ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ فِي صَلَاةٍ - وَهَذَا مَا لَا يَصِحُّ - فَلَيْسَ فِي الْخَبَرِ أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَنْتَقِضْ وُضُوءُهُ، وَلَا أَنَّهُ صَلَّى صَلَاةً مُسْتَأْنَفَةً دُونَ تَجْدِيدِ وُضُوءٍ، فَإِذًا لَيْسَ فِي الْخَبَرِ شَيْءٌ مِنْ هَذَا فَلَا مُتَعَلَّقَ لَهُمْ بِهِ أَصْلًا. ثُمَّ لَوْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ فِي صَلَاةٍ، وَصَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - تَمَادَى عَلَيْهَا أَوْ صَلَّى غَيْرَهَا دُونَ تَجْدِيدِ وُضُوءٍ - وَهَذَا كُلُّهُ لَا يَصِحُّ أَبَدًا - فَإِنَّهُ كَانَ يَكُونُ هَذَا الْخَبَرُ مُوَافِقًا لِلْحَالِ الَّتِي كَانَ النَّاسُ عَلَيْهَا قَبْلَ نُزُولِ الْآيَةِ بِلَا شَكٍّ، وَهِيَ

verse. Thus, their reliance on this narration is entirely void. Praise be to Allah, Lord of the Worlds.

حَالٌ لَا مِرْيَةَ فِي نَسْخِهَا وَارْتِفَاعِ حُكْمِهِ بِنُزُولِ الْآيَةِ، وَمِنْ الْبَاطِلِ الْأَخْذُ بِمَا قَدْ تُيُقِّنَ نَسْخُهُ وَتَرْكُ النَّاسِخِ، فَبَطَلَ أَنْ يَكُونَ لَهُمْ مُتَعَلَّقٌ بِهَذَا الْخَبَرِ. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L3323 The second narration through Abu Qatadah states: "The Messenger of Allah—peace and blessings be upon him—carried Umamah bint Abi al-'As—her mother being Zaynab bint Rasul Allah, peace and blessings be upon him—on his shoulder, placing her down when he prostrated and lifting her when he stood." Abu Muhammad said: This provides no evidence for them whatsoever, as there is no explicit text stating that her hands and feet touched any part of his skin—peace be upon him. For she might have been draped in a garment, wearing gloves and socks, or her garment could have been long enough to cover her hands and feet. It is more appropriate to assume this about someone like her in the presence of men. If what we mentioned is not specified in the hadith, it is impermissible for anyone to add to it what is not therein, thus becoming a liar. Since their assumption is absent from the narration and what we propose is possible—and there is no other possibility—their reliance on it becomes invalid. It is impermissible to abandon the verse whose ruling is definitively obligatory based on a false assumption. Allah the Exalted said: "Indeed, conjecture avails nothing against the truth" [Quran 10:36].[40]

وَالْخَبَرُ الثَّانِي مِنْ طَرِيقِ أَبِي قَتَادَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَمَلَ أُمَامَةَ بِنْتَ أَبِي الْعَاصِ - وَأُمُّهَا زَيْنَبُ بِنْتُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى عَاتِقِهِ يَضَعُهَا، إذَا سَجَدَ، وَيَرْفَعُهَا إذَا قَامَ» قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا لِأَنَّهُ لَيْسَ فِيهِ نَصٌّ أَنَّ يَدَيْهَا وَرِجْلَيْهَا لَمَسَتْ شَيْئًا مِنْ بَشَرَتِهِ - عَلَيْهِ السَّلَامُ -، إذْ قَدْ تَكُونُ مُوَشَّحَةً بِرِدَاءٍ أَوْ بِقُفَّازَيْنِ وَجَوْرَبَيْنِ، أَوْ يَكُونُ ثَوْبُهَا سَابِغًا يُوَارِي يَدَيْهَا وَرِجْلَيْهَا، وَهَذَا الْأَوْلَى أَنْ يُظَنَّ بِمِثْلِهَا بِحَضْرَةِ الرِّجَالِ، وَإِذَا لَمْ يَكُنْ مَا ذَكَرْنَا فِي الْحَدِيثِ فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَزِيدَ فِيهِ مَا لَيْسَ فِيهِ، فَيَكُونَ كَاذِبًا، وَإِذَا كَانَ مَا ظَنُّوا لَيْسَ فِي الْخَبَرِ وَمَا قُلْنَا مُمْكِنًا، وَالَّذِي لَا يُمْكِنُ غَيْرُهُ، فَقَدْ بَطَلَ تَعَلُّقُهُمْ بِهِ، وَلَمْ يَحِلَّ تَرْكُ الْآيَةِ الْمُتَيَقَّنِ وُجُوبُ حُكْمِهَا لِظَنٍّ كَاذِبٍ، وَقَالَ تَعَالَى: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦].

L3324 Furthermore, this report and the one preceding it do not indicate which of them occurred after the revelation of the verse, and the verse was revealed later. Even if it were established that the Prophet—peace be upon him—touched her hands and feet during prayer, it would align with the practice people followed before the verse was revealed. In any case, we are certain that the meaning of this report—if it were valid as they claim—is undoubtedly abrogated, and it is impermissible to revert to what is confirmed to be abrogated and abandon the abrogating text. Thus, it is clear that they are deluded by reports that have no connection to anything in them, seeking thereby to abandon the certainty of the Quran and the Sunnah.

وَأَيْضًا فَإِنَّ هَذَا الْخَبَرَ وَالَّذِي قَبْلَهُ لَيْسَ فِيهِمَا أَيُّهُمَا كَانَ بَعْدَ نُزُولِ الْآيَةِ، وَالْآيَةُ مُتَأَخِّرَةُ النُّزُولِ، فَلَوْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - مَسَّ يَدَيْهَا وَرِجْلَيْهَا فِي الصَّلَاةِ لَكَانَ مُوَافِقًا لِلْحَالِ الَّتِي كَانَ النَّاسُ عَلَيْهَا قَبْلَ نُزُولِ الْآيَةِ، وَعَلَى كُلِّ حَالٍ فَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّ مَعْنَى هَذَا الْخَبَرِ - لَوْ صَحَّ لَهُمْ كَمَا يُرِيدُونَ - فَإِنَّهُ مَنْسُوخٌ بِلَا شَكٍّ وَلَا يَحِلُّ الرُّجُوعُ إلَى الْمُتَيَقَّنِ أَنَّهُ مَنْسُوخٌ وَتَرْكُ النَّاسِخِ. فَصَحَّ أَنَّهُمْ يُوهِمُونَ بِأَخْبَارٍ لَا مُتَعَلَّقَ لَهُمْ بِشَيْءٍ مِنْهَا، يَرُومُونَ بِهَا تَرْكَ الْيَقِينِ مِنْ الْقُرْآنِ وَالسُّنَنِ.

[40] **Qur'an references (L3323):** Qur'an 10:36 (Yunus).

وَقَالَ أَبُو حَنِيفَةَ: لَا يَنْقُضُ الْوُضُوءَ قُبْلَةٌ وَلَا مُلَامَسَةٌ لِلَذَّةٍ كَانَتْ أَوْ لِغَيْرِ لَذَّةٍ، وَلَا أَنْ يَقْبِضَ بِيَدِهِ عَلَى فَرْجِهَا كَذَلِكَ، إِلَّا أَنْ يُبَاشِرَهَا بِجَسَدِهِ دُونَ حَائِلٍ وَيَنْعَظُ فَهَذَا وَحْدَهُ يَنْقُضُ الْوُضُوءَ. وَقَالَ مَالِكٌ: لَا وُضُوءَ مِنْ مُلَامَسَةِ الْمَرْأَةِ الرَّجُلَ، وَلَا الرَّجُلِ الْمَرْأَةَ، إِذَا كَانَتْ لِغَيْرِ شَهْوَةٍ، تَحْتَ الثِّيَابِ أَوْ فَوْقَهَا، فَإِنْ كَانَتْ الْمُلَامَسَةُ لِلَّذَّةِ فَعَلَى الْمُلْتَذِّ مِنْهُمَا الْوُضُوءُ سَوَاءٌ كَانَ فَوْقَ الثِّيَابِ أَوْ تَحْتَهَا، أَنْعَظَ أَوْ لَمْ يُنْعِظْ، وَالْقُبْلَةُ كَالْمُلَامَسَةِ فِي كُلِّ ذَلِكَ، وَهُوَ قَوْلُ أَحْمَدَ بْنِ حَنْبَلٍ. وَقَالَ الشَّافِعِيُّ كَقَوْلِنَا، إِلَّا أَنَّهُ رُوِيَ عَنْهُ أَنَّ مَسَّ شَعْرِ الْمَرْأَةِ خَاصَّةً لَا يَنْقُضُ الْوُضُوءَ.

L3325–3327 Abu Hanifah said: Ablution is not invalidated by kissing or intimate touching, whether for pleasure or not for pleasure, nor... That he grasps with his hand her private part similarly, except if he makes direct bodily contact with her without any barrier and experiences an erection—this combination alone invalidates ablution. Mālik said: Ablution is not invalidated by a woman's contact with a man or a man's contact with a woman when done without lust, whether beneath garments or over them. If the contact is for pleasure, whichever of them derives pleasure must perform ablution—regardless of whether it occurs over garments or beneath them, and whether erection occurs or not. Kissing is equivalent to contact in all these rulings. This is the opinion of Aḥmad ibn Ḥanbal. Al-Shāfiʿī held the same view as ours, though it is narrated from him that merely touching a woman's hair specifically does not invalidate ablution.

قَالَ أَبُو مُحَمَّدٍ أَمَّا قَوْلُ أَبِي حَنِيفَةَ فَظَاهِرُ التَّنَاقُضِ، وَلَا يُمْكِنُهُ التَّعَلُّقُ بِالتَّأْوِيلِ الَّذِي تَأَوَّلَهُ قَوْمٌ فِي الْآيَةِ: إنَّ الْمُلَامَسَةَ الْمَذْكُورَةَ فِيهَا هُوَ الْجِمَاعُ فَقَطْ لِأَنَّهُ أَوْجَبَ الْوُضُوءَ مِنْ الْمُبَاشَرَةِ إذَا كَانَ مَعَهَا إنْعَاظٌ، وَأَمَّا مُنَاقَضَتُهُ فَتَفْرِيقُهُ بَيْنَ الْقُبْلَةِ يَكُونُ مَعَهَا إنْعَاظٌ فَلَا يَنْقُضُ الْوُضُوءَ. وَبَيْنَ الْمُبَاشَرَةِ يَكُونُ مَعَهَا إنْعَاظٌ فَتَنْقُضُ الْوُضُوءَ، وَهَذَا فَرْقٌ لَمْ يُؤَيِّدْهُ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ، وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ، بَلْ هُوَ مُخَالِفٌ لِكُلِّ ذَلِكَ، وَمِنْ مُنَاقَضَاتِهِ أَيْضًا أَنَّهُ جَعَلَ الْقُبْلَةَ لِشَهْوَةٍ وَاللَّمْسَ لِشَهْوَةٍ بِمَنْزِلَةِ الْقُبْلَةِ لِغَيْرِ الشَّهْوَةِ، وَاللَّمْسِ لِغَيْرِ الشَّهْوَةِ لَا يَنْقُضُ الْوُضُوءَ شَيْءٌ مِنْ ذَلِكَ، ثُمَّ رَأَى أَنَّ الْقُبْلَةَ لِشَهْوَةٍ وَاللَّمْسَ لِشَهْوَةٍ رَجْعَةٌ فِي الطَّلَاقِ، بِخِلَافِ الْقُبْلَةِ لِغَيْرِ شَهْوَةٍ وَاللَّمْسِ لِغَيْرِ شَهْوَةٍ، وَهَذَا كَمَا تَرَى لَا اتِّبَاعَ الْقُرْآنِ، وَلَا التَّعَلُّقَ بِالسُّنَّةِ وَلَا طَرْدَ قِيَاسٍ وَلَا سَدَادَ رَأْيٍ وَلَا تَقْلِيدَ صَاحِبٍ، وَنَسْأَلُ اللَّهَ التَّوْفِيقَ.

L3328 Abu Muhammad said: As for Abu Hanifa's statement, its contradiction is manifest. He cannot rely on the interpretation proposed by some regarding the verse—that the "mulāmasah" mentioned therein refers solely to intercourse—because he obligated ablution for skin-to-skin contact (mubāsharah) when accompanied by arousal. His contradiction lies in distinguishing between a kiss accompanied by arousal, which he ruled does not invalidate ablution, and skin-to-skin contact accompanied by arousal, which he ruled does invalidate ablution. This distinction lacks support from the Quran, neither sound nor weak Sunnah, nor consensus, nor a Companion's opinion, nor analogy. Rather, it contradicts all these. Another contradiction is his equating a kiss for desire and touch for desire with a kiss or touch without desire—none of which invalidate ablution—while simultaneously ruling that a kiss or touch with desire constitutes a revocation right during the waiting period of divorce, unlike those without desire. This, as you observe, neither follows the Quran, nor connects to the Sunnah, nor applies analogy consistently, nor reflects sound judgment, nor blindly imitates a Companion's view. We ask Allah for divine facilitation.

L3329 As for Mālik's statement regarding the consideration of desire and pleasure, it is an assertion unsupported by evidence—neither from the Quran, nor from

any Sunnah (whether sound or weak), nor from a Companion's opinion, nor regulated analogy, nor precaution. Similarly, Al-Shāfiʿī's distinction between hair and other matters is a view unsupported by the Quran, the Sunnah, consensus, a Companion's opinion, or analogy. Rather, it contradicts all these foundations. These three opinions, as we have presented them, are not known to have been held by anyone before them. And success comes only through Allah, the Exalted.

وَأَمَّا قَوْلُ مَالِكٍ فِي مُرَاعَاةِ الشَّهْوَةِ وَاللَّذَّةِ، فَقَوْلٌ لَا دَلِيلَ عَلَيْهِ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا قَوْلِ صَاحِبٍ وَلَا ضَبْطِ قِيَاسٍ وَلَا احْتِيَاطٍ، وَكَذَلِكَ تَفْرِيقُ الشَّافِعِيِّ بَيْنَ الشَّعْرِ وَغَيْرِهِ، فَقَوْلٌ لَا يُعَضِّدُهُ أَيْضًا قُرْآنٌ وَلَا سُنَّةٌ وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ، بَلْ هُوَ خِلَافُ ذَلِكَ كُلِّهِ، وَهَذِهِ الْأَقْوَالُ الثَّلَاثَةُ كَمَا أَوْرَدْنَاهَا لَمْ نَعْرِفْ أَنَّهُ قَالَ بِهَا أَحَدٌ قَبْلَهُمْ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3330–3332 If it is said: You have narrated from Al-Nakhaʿī and Al-Shaʿbī that if one kisses or touches with desire, ablution is obligatory upon him. And from Ḥammād: If one spouse kisses the other while the latter does not desire that, ablution is not obligatory upon the one who does not desire it unless he feels pleasure, while ablution is obligatory upon the one who intended it. We respond: It has been authentically established from Al-Shaʿbī, Al-Nakhaʿī, and Ḥammād that the obligation of ablution due to kissing is incumbent upon the initiator under all circumstances, given that this is the case. Pleasure is encompassed within this opinion, and this is our position, but it is not the view of Mālik. It is astonishing that Mālik does not deem ablution necessary due to mere physical contact unless desire accompanies it, yet he does not consider ablution obligatory from desire alone without contact. Therefore, each of these two factors individually does not necessitate ablution—so from where does he derive the obligation of ablution when both are present?

فَإِنْ قِيلَ: قَدْ رَوَيْتُمْ عَنْ النَّخَعِيِّ وَالشَّعْبِيِّ: إذَا قَبَّلَ أَوْ لَمَسَ لِشَهْوَةٍ فَعَلَيْهِ الْوُضُوءُ وَعَنْ حَمَّادٍ: أَيُّ الزَّوْجَيْنِ قَبَّلَ صَاحِبَهُ وَالْآخَرُ لَا يُرِيدُ ذَلِكَ، فَلَا وُضُوءَ عَلَى الَّذِي لَا يُرِيدُ ذَلِكَ، إلَّا أَنْ يَجِدَ لَذَّةً، وَعَلَى الْقَاصِدِ لِذَلِكَ الْوُضُوءُ. قُلْنَا: قَدْ صَحَّ عَنْ الشَّعْبِيِّ وَالنَّخَعِيِّ وَحَمَّادٍ إيجَابُ الْوُضُوءِ مِنْ الْقُبْلَةِ عَلَى الْقَاصِدِ بِكُلِّ حَالٍ، وَإِذْ ذَلِكَ كَذَلِكَ فَاللَّذَّةُ دَاخِلَةٌ فِي هَذَا الْقَوْلِ، وَبِهِ نَقُولُ، وَلَيْسَ ذَلِكَ قَوْلَ مَالِكٍ. وَالْعَجَبُ أَنَّ مَالِكًا لَا يَرَى الْوُضُوءَ مِنْ الْمُلَامَسَةِ إلَّا حَتَّى يَكُونَ مَعَهَا شَهْوَةٌ، ثُمَّ لَا يَرَى الْوُضُوءَ يَجِبُ مِنْ الشَّهْوَةِ دُونَ مُلَامَسَةٍ فَكُلُّ وَاحِدٍ مِنْ الْمَعْنَيَيْنِ لَا يُوجِبُ الْوُضُوءَ عَلَى انْفِرَادِهِ فَمِنْ أَيْنَ لَهُ إيجَابُ الْوُضُوءِ عِنْدَ اجْتِمَاعِهِمَا؟

L3333 **The juristic issue is that penetration of the penis into the vagina, whether ejaculation occurs or not, necessitates wuḍū'.**

[مَسْأَلَةُ إيلَاجُ الذَّكَرِ فِي الْفَرْجِ أَنْزَلَ أَوْ لَمْ يُنْزِلْ يُوجِبُ الْوُضُوءَ]

L3334 Ruling 166: The insertion of the penis into the vagina necessitates the ablution (wuḍūʾ), whether ejaculation occurs or not.

١٦٦٠ - مَسْأَلَةٌ: وَإِيلَاجُ الذَّكَرِ فِي الْفَرْجِ يُوجِبُ الْوُضُوءَ، كَانَ مَعَهُ إنْزَالٌ أَوْ لَمْ يَكُنْ.

L3335 The proof of that is what was narrated to us by Abdullah ibn Yusuf: 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 Kuraib Muhammad ibn al-ʿAlāʾ narrated to us, Abu

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 كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ ثنا أَبُو

Muawiyah Muhammad ibn Khazim narrated to us, Hisham, who is Ibn Urwah, from his father, from Abu Ayyub al-Ansari, from Ubayy ibn Kaʿb, who said: “I asked Allah’s Messenger—peace and blessings of Allah be upon him—about a man who has sexual contact with a woman but does not ejaculate. He said: ’He should wash the part that touched the woman, then perform ablution and pray.”’ We also narrated it through Shuʿbah, from al-Hakam, from Abu Salih, from Dhakwan, from Abu Saʿid al-Khudri, from the Prophet—peace and blessings of Allah be upon him. Thus, ablution is obligatory along with the ritual bath according to what we will mention after this, Allah, the Most High, willing.

The issue of carrying the deceased in a bier or in other than it.

L3336

L3337–3339

Issue: Carrying the deceased in a bier or otherwise. Abdullah ibn Rabiʿ narrated to us: Abdullah ibn Muhammad ibn Uthman al-Asadi narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abdulaziz narrated to us: Al-Hajjaj ibn al-Minhāl narrated to us: Hammad ibn Salamah narrated from Muhammad ibn Amr from Abu Salamah ibn Abdulrahman ibn Awf from Abu Hurayrah from the Prophet—peace and blessings be upon him—who said: “Whoever washes a deceased person must perform ghusl (ritual bathing), and whoever carries the bier must perform ablution.” Abu Muhammad said: meaning the funeral bier. We have also narrated it via the route of Sufyan ibn Uyaynah from Suhayl ibn Abi Salih from his father from Ishaq, the freed slave of Zā’idah, from Abu Hurayrah from the Prophet—peace and blessings be upon him. Ishaq, the freed slave of Zā’idah, is a trustworthy Medinan follower, declared trustworthy by Ahmad ibn Salih al-Kufi and others. He narrated from Saʿd ibn Abi Waqqas and Abu Hurayrah. We have also narrated it. With the mentioned chain of transmission to Hammad ibn Salamah, from Ayyub al-Sikhtiyānī, from Muhammad ibn Sirin, who said: I was with Abdullah ibn Utbah ibn Mas’ud at a funeral. When we arrived, he entered the mosque. Abdullah entered his house to perform ablution, then came out to the mosque and said to me: “Have you not performed ablution?” I said: “No.” He said: “Umar ibn al-Khattab and those who succeeded him among

مُعَاوِيَةَ مُحَمَّدُ بْنُ خَازِمٍ ثنا هِشَامٌ هُوَ ابْنُ عُرْوَةَ - عَنْ أَبِيهِ عَنْ أَبِي أَيُّوبَ الْأَنْصَارِيِّ عَنْ أُبَيِّ بْنِ كَعْبٍ قَالَ: «سَأَلْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الرَّجُلِ يُصِيبُ مِنْ الْمَرْأَةِ ثُمَّ يَكْسَلُ، قَالَ: يَغْسِلُ مَا أَصَابَهُ مِنْ الْمَرْأَةِ ثُمَّ يَتَوَضَّأُ وَيُصَلِّي» . وَرُوِّينَاهُ أَيْضًا عَنْ شُعْبَةَ عَنْ الْحَكَمِ عَنْ أَبِي صَالِحٍ عَنْ ذَكْوَانَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَالْوُضُوءُ لَا بُدَّ مِنْهُ مَعَ الْغُسْلِ عَلَى مَا نَذْكُرُهُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى.

[مَسْأَلَة حمل الْمَيِّت فِي نعش أَوْ فِي غَيْره]

١٦٧٠ - مَسْأَلَةٌ: وَحَمْلُ الْمَيِّتِ فِي نَعْشٍ أَوْ فِي غَيْرِهِ. حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ الْأَسَدِيُّ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ غَسَّلَ مَيِّتًا فَلْيَغْتَسِلْ وَمَنْ حَمَلَهَا فَلْيَتَوَضَّأْ» قَالَ أَبُو مُحَمَّدٍ: يَعْنِي الْجِنَازَةَ. وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ إسْحَاقَ مَوْلَى زَائِدَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِسْحَاقُ مَوْلَى زَائِدَةَ ثِقَةٌ مَدَنِيٌّ وَتَابِعِيٌّ، وَثَّقَهُ أَحْمَدُ بْنُ صَالِحٍ الْكُوفِيُّ وَغَيْرُهُ، وَرَوَى عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ وَأَبِي هُرَيْرَةَ. وَرُوِّينَاهُ بِالسَّنَدِ الْمَذْكُورِ إلَى حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ قَالَ: كُنْت مَعَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ فِي جِنَازَةٍ، فَلَمَّا جِئْنَا دَخَلَ الْمَسْجِدَ، فَدَخَلَ عَبْدُ اللَّهِ بَيْتَهُ يَتَوَضَّأُ ثُمَّ خَرَجَ إلَى الْمَسْجِدِ فَقَالَ لِي: أَمَا تَوَضَّأْتَ؟ قُلْت: لَا، فَقَالَ: كَانَ عُمَرُ بْنُ الْخَطَّابِ

the caliphs—whenever one of them prayed over a funeral and then intended to pray the obligatory prayer—would perform ablution. To the extent that one of them would be in the mosque and request a basin to perform ablution in it."

L3340 Abū Muḥammad said: It is not permissible for their ablution—may Allah be pleased with them—to be valid, because the funeral prayer involves a state of ritual impurity (ḥadath), and it is not permissible to presume anything about them except adherence to the Sunnah we mentioned, and the Sunnah suffices. We have cited many of the opinions from Abū Ḥanīfah, Mālik, and Al-Shāfiʿī—which no one before them had asserted—such as the chapters two sections preceding this one, and rulings like invalidating ablution due to a mouthful of vomit but not less than that, along with all other statements we attributed to them. They did not base these opinions on the Quran, the Sunnah, analogy, or anyone's statement. And success is from Allah, the Most High.

L3341 **An Issue on the Appearance of *Istihadah* Blood or Flowing Blood from the Vaginal Vein.**

L3342 Issue 168: The emergence of chronic irregular bleeding (istihadah) or blood from a flowing vein in the genital area after menstruation ceases necessitates ablution (wudu) without exception for every prayer following the appearance of such discharge, regardless of whether the blood is distinguishable [as menstrual] or not, and whether she is aware of her [menstrual] cycle days or not.

L3343 The proof for that is what Yunus ibn Abdullah narrated to us: Muhammad ibn Muʿawiyah narrated to us: Ahmad ibn Shuʿayb narrated to us: Yahya ibn Habib ibn ʿArabi informed us from Hammad ibn Zayd from Hisham ibn ʿUrwah from his father from ʿA'ishah, who said: Fatimah bint Abi Hubaysh was experiencing irregular bleeding and asked the Prophet, peace and blessings of Allah be upon him, saying, "O Messenger of Allah, I am experiencing irregular bleeding and do not attain purity. Should I abandon prayer?" The Messenger of Allah, peace and blessings of Allah be upon him, replied, "That is merely a vein and not menstruation. When menstruation arrives, refrain

وَمَنْ دُونَهُ مِنْ الْخُلَفَاءِ إذَا صَلَّى أَحَدُهُمْ عَلَى الْجِنَازَةِ ثُمَّ أَرَادَ أَنْ يُصَلِّيَ الْمَكْتُوبَةَ تَوَضَّأَ، حَتَّى إنَّ أَحَدَهُمْ كَانَ يَكُونُ فِي الْمَسْجِدِ فَيَدْعُو بِالطَّشْتِ فَيَتَوَضَّأُ فِيهَا.

قَالَ أَبُو مُحَمَّد: لَا يَجُوزُ أَنْ يَكُونَ وُضُوءُهُمْ - رَضِيَ اللَّهُ عَنْهُمْ -، لِأَنَّ الصَّلَاةَ عَلَى الْجِنَازَةِ حَدَثٌ، وَلَا يَجُوزُ أَنْ يُظَنَّ بِهِمْ إلَّا إتْبَاعُ السُّنَّةِ الَّتِي ذَكَرْنَا، وَالسُّنَّةُ تَكْفِي. وَقَدْ ذَكَرْنَا مِنْ أَقْوَالِ أَبِي حَنِيفَةَ وَمَالِك وَالشَّافِعِيِّ الَّتِي لَمْ يَقُلْهَا أَحَدٌ قَبْلَهُمْ كَثِيرًا، كَالْأَبْوَابِ الَّتِي قَبْلَ هَذَا الْبَابِ بِبَابَيْنِ، وَكَنَقْضِ الْوُضُوءِ بِمِلْءِ الْفَمِ مِنْ الْقَلْسِ دُونَ مَا لَا يَمْلَؤُهُ مِنْهُ، وَسَائِرُ الْأَقْوَالِ الَّتِي ذَكَرْنَا عَنْهُمْ، لَمْ يَتَعَلَّقُوا فِيهَا بِقُرْآنٍ وَلَا سُنَّةٍ وَلَا بِقِيَاسٍ وَلَا بِقَوْلِ قَائِلٍ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ ظُهُورُ دَمِ الِاسْتِحَاضَةِ أَوْ الْعِرْقِ السَّائِلِ مِنْ الْفَرْجِ]

١٦٨ - مَسْأَلَةٌ: وَظُهُورُ دَمِ الِاسْتِحَاضَةِ أَوْ الْعِرْقِ السَّائِلِ مِنْ الْفَرْجِ إذَا كَانَ بَعْدَ انْقِطَاعِ الْحَيْضِ فَإِنَّهُ يُوجِبُ الْوُضُوءَ وَلَا بُدَّ لِكُلِّ صَلَاةٍ تَلِي ظُهُورَ ذَلِكَ الدَّمِ سَوَاءٌ تَمَيَّزَ دَمُهَا أَوْ لَمْ يَتَمَيَّزْ، عَرَفَتْ أَيَّامَهَا أَوْ لَمْ تَعْرِفْ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ عَنْ حَمَّادِ بْنِ زَيْدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ: «اُسْتُحِيضَتْ فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ فَسَأَلَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: قَالَتْ يَا رَسُولَ اللَّهِ: إنِّي أُسْتَحَاضُ فَلَا أَطْهُرُ، فَأَدَعُ الصَّلَاةَ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَتْ بِالْحَيْضَةِ، فَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِي الصَّلَاةَ

from prayer. When it recedes, wash away the traces of blood from yourself, perform ablution, and pray, for it is only a vein."

Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: Muhammad ibn al-Muthanna informed us: Muhammad ibn Abi 'Adiyy, citing his written work, narrated from Muhammad (the son of 'Amr ibn 'Alqamah ibn Waqqas) via Ibn Shihab from 'Urwah ibn al-Zubayr from Fatimah bint Abi Hubaysh that she was experiencing irregular bleeding. The Messenger of Allah, peace and blessings of Allah be upon him, said to her, "When menstrual blood comes, it is black blood that is recognized. Refrain from prayer during it. When it is the other type, perform ablution, for it is a vein."

L3344–3345 Ali, peace be upon him, ruled that all blood emerging from the vagina after menstrual blood—without specifying exceptions—necessitates ablution because it is venous blood.

L3346 Among those who held the obligation of ablution for every prayer for the woman experiencing prolonged bleeding from her private parts continuous with menstrual blood are 'Ā'ishah, the Mother of the Believers; 'Alī ibn Abī Ṭālib; Ibn 'Abbās; the jurists of Medina: 'Urwah ibn al-Zubayr, Sa'īd ibn al-Musayyib, al-Qāsim ibn Muḥammad, Sālim ibn 'Abdullāh, Muḥammad ibn 'Alī ibn al-Ḥusayn; 'Aṭā' ibn Abī Rabāḥ; al-Ḥasan al-Baṣrī; and this is the view of Sufyān al-Thawrī, Abū Ḥanīfah, al-Shāfi'ī, Aḥmad ibn Ḥanbal, Abū 'Ubayd, and others. 'Ā'ishah—may Allah have been pleased with her—said: "She performs the ritual bath and performs ablution for every prayer." It was narrated through the chain of Wakī' from Ismā'īl from Abū Khālid from al-Sha'bī from Masrūq's wife from 'Ā'ishah, and through the chain of 'Adī ibn Thābit from his father from 'Alī ibn Abī Ṭālib: "The woman with *istihāḍah* performs ablution for every prayer." From Shu'bah from 'Ammār ibn Abī 'Ammār from Ibn 'Abbās: "The woman with *istihāḍah* performs ablution for every prayer." From Qatādah from al-Ḥasan and Sa'īd ibn al-Musayyib: "The woman with *istihāḍah* performs ablution for every prayer." From 'Abd al-Razzāq from Ibn Jurayj from Hishām ibn 'Urwah regarding the woman with continuous bleeding: "She performs ablution for every prayer."

فَإِذَا أَدْبَرَتْ فَاغْسِلِي عَنْك أَثَرَ الدَّمِ وَتَوَضَّئِي وَصَلِّي فَإِنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَتْ بِالْحَيْضَةِ» . حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ مِنْ كِتَابِهِ عَنْ مُحَمَّدٍ هُوَ ابْنُ عَمْرِو بْنِ عَلْقَمَةَ بْنِ وَقَّاصٍ - عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ «عَنْ فَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ أَنَّهَا كَانَتْ تُسْتَحَاضُ فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إذَا كَانَ الْحَيْضُ فَإِنَّهُ دَمٌ أَسْوَدُ يُعْرَفُ، فَأَمْسِكِي عَنْ الصَّلَاةِ، وَإِذَا كَانَ الْآخَرُ فَتَوَضَّئِي فَإِنَّهُ عِرْقٌ» .

قَالَ عَلِيٌّ: فَعَمَّ - عَلَيْهِ السَّلَامُ - كُلَّ دَمٍ خَرَجَ مِنْ الْفَرْجِ بَعْدَ دَمِ الْحَيْضَةِ وَلَمْ يَخُصَّ وَأَوْجَبَ الْوُضُوءَ مِنْهُ، لِأَنَّهُ عِرْقٌ.

وَمِمَّنْ قَالَ بِإِيجَابِ الْوُضُوءِ لِكُلِّ صَلَاةٍ عَلَى الَّتِي يَتَمَادَى بِهَا الدَّمُ مِنْ فَرْجِهَا مُتَّصِلًا بِدَمِ الْمَحِيضِ: عَائِشَةُ أُمُّ الْمُؤْمِنِينَ وَعَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ عَبَّاسٍ وَفُقَهَاءُ الْمَدِينَةِ عُرْوَةُ بْنُ الزُّبَيْرِ وَسَعِيدُ بْنُ الْمُسَيِّبِ وَالْقَاسِمُ بْنُ مُحَمَّدٍ وَسَالِمُ بْنُ عَبْدِ اللَّهِ وَمُحَمَّدُ بْنُ عَلِيِّ بْنِ الْحُسَيْنِ وَعَطَاءُ بْنُ أَبِي رَبَاحٍ وَالْحَسَنُ الْبَصْرِيُّ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَأَبِي عُبَيْدٍ وَغَيْرِهِمْ. قَالَتْ عَائِشَةُ - رَضِيَ اللَّهُ عَنْهَا -: تَغْتَسِلُ وَتَتَوَضَّأُ لِكُلِّ صَلَاةٍ رُوِّينَاهُ مِنْ طَرِيقِ وَكِيعٍ عَنْ إسْمَاعِيلَ عَنْ أَبِي خَالِدٍ عَنْ الشَّعْبِيِّ عَنْ امْرَأَةِ مَسْرُوقٍ عَنْ عَائِشَةَ، وَمِنْ طَرِيقِ عَدِيِّ بْنِ ثَابِتٍ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: الْمُسْتَحَاضَةُ تَتَوَضَّأُ لِكُلِّ صَلَاةٍ، وَعَنْ شُعْبَةَ عَنْ عَمَّارِ بْنِ أَبِي عَمَّارٍ عَنْ ابْنِ عَبَّاسٍ: الْمُسْتَحَاضَةُ تَتَوَضَّأُ لِكُلِّ صَلَاةٍ، وَعَنْ قَتَادَةَ عَنْ الْحَسَنِ وَسَعِيدِ بْنِ الْمُسَيِّبِ: الْمُسْتَحَاضَةُ تَتَوَضَّأُ لِكُلِّ صَلَاةٍ. وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ هِشَامِ بْنِ عُرْوَةَ

From Shuʿbah from al-Ḥakam ibn ʿUtaybah from Muḥammad ibn ʿAlī ibn al-Ḥusayn: “The woman with *istihāḍah* performs ablution for every prayer.”

فِي الَّتِي يَتَمَادَى بِهَا الدَّمُ إِنَّهَا تَتَوَضَّأُ لِكُلِّ صَلَاةٍ، وَعَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ: الْمُسْتَحَاضَةُ تَتَوَضَّأُ لِكُلِّ صَلَاةٍ.

L3347 Abu Muhammad said: Abu Hanifah stated regarding the woman experiencing prolonged vaginal bleeding (istihadah), as we mentioned, that she must perform ritual ablution at the commencement of each prayer time. She remains ritually pure with that ablution until the next prayer time begins, at which point her ablution becomes invalidated, obligating her to perform ablution anew. It is narrated from Muhammad ibn al-Hasan, from Abu Yusuf, from Abu Hanifah concerning this matter: If she performs ablution immediately after sunrise for the prayer, she remains ritually pure until Dhuhr time ends. However, Abu Yusuf denied this attribution to him, reporting that he had not transmitted anything from Abu Hanifah except that she remains ritually pure until Dhuhr time begins. Some of Abu Hanifah’s companions gave precedence to Muhammad’s narration. Abu Muhammad said: This is not as he stated. Rather, Abu Yusuf’s position aligns more closely with Abu Hanifah’s established views. Malik said: She is not obligated to perform ablution due to this blood except as a recommended act, not a compulsory one. She remains ritually pure unless another ritual impurity occurs. Al-Shafi’i and Ahmad said: She is obligated to perform ritual ablution for every obligatory prayer. She may pray voluntary prayers as she wishes between those [obligatory prayers]—before the obligatory prayer and after it—using the same ablution.

قَالَ أَبُو مُحَمَّدٍ: وَقَالَ أَبُو حَنِيفَةَ فِي الْمُتَّصِلَةِ الدَّمِ كَمَا ذَكَرْنَا: إنَّهَا تَتَوَضَّأُ لِدُخُولِ كُلِّ وَقْتِ صَلَاةٍ، فَتَكُونُ طَاهِرًا بِذَلِكَ الْوُضُوءِ، حَتَّى يَدْخُلَ وَقْتُ صَلَاةٍ أُخْرَى فَيَنْتَقِضُ وُضُوءُهَا وَيَلْزَمُهَا أَنْ تَتَوَضَّأَ لَهَا. وَرَوَى عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ أَبِي يُوسُفَ عَنْ أَبِي حَنِيفَةَ فِي هَذِهِ: إذَا تَوَضَّأَتْ إثْرَ طُلُوعِ الشَّمْسِ لِلصَّلَاةِ أَنَّهَا تَكُونُ طَاهِرًا إلَى خُرُوجِ وَقْتِ الظُّهْرِ، وَأَنْكَرَ ذَلِكَ عَلَيْهِ أَبُو يُوسُفَ، وَحَكَى أَنَّهُ لَمْ يَرْوِ عَنْ أَبِي حَنِيفَةَ إلَّا أَنَّهَا تَكُونُ طَاهِرًا إلَى دُخُولِ وَقْتِ الظُّهْرِ. وَغَلَّبَ بَعْضُ أَصْحَابِهِ رِوَايَةَ مُحَمَّدٍ. قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ كَمَا قَالَ. بَلْ قَوْلُ أَبِي يُوسُفَ أَشْبَهُ بِأَقْوَالِ أَبِي حَنِيفَةَ. وَقَالَ مَالِكٌ: لَا وُضُوءَ عَلَيْهَا مِنْ هَذَا الدَّمِ إلَّا اسْتِحْبَابًا لَا إيجَابًا، وَهِيَ طَاهِرٌ مَا لَمْ تُحْدِثْ حَدَثًا آخَرَ. وَقَالَ الشَّافِعِيُّ وَأَحْمَدُ: عَلَيْهَا فَرْضًا أَنْ تَتَوَضَّأَ لِكُلِّ صَلَاةِ فَرْضٍ وَتُصَلِّي بَيْنَ ذَلِكَ مِنْ النَّوَافِلِ مَا أَحَبَّتْ، قَبْلَ الْفَرْضِ وَبَعْدَهُ بِذَلِكَ الْوُضُوءِ.

L3348–3349 Abu Muhammad said: As for Mālik’s statement, it is incorrect because it contradicts the hadith transmitted regarding this matter. It is remarkable that they accept interrupted-chain reports when these align with their views, yet here is an interrupted-chain narration better than all those they have relied upon. This is what we have narrated through the chain of Ibn Abī Shaybah and Mūsā ibn Muʿāwiyah from Wakīʿ from al-Aʿmash from Ḥabīb ibn Abī Thābit from ʿUrwah from ʿĀ’ishah, who said: Fāṭimah bint Abī Ḥubaysh came to the Messenger of Allah (peace be upon him) and said, “I experience irregular bleeding and do not attain ritual purity. Should I abandon prayer?”

قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ مَالِكٍ فَخَطَأٌ، لِأَنَّهُ خِلَافٌ لِلْحَدِيثِ الْوَارِدِ فِي ذَلِكَ، وَالْعَجَبُ أَنَّهُمْ يَقُولُونَ بِالْمُنْقَطِعِ مِنْ الْخَبَرِ إذَا وَافَقَهُمْ، وَهَهُنَا مُنْقَطِعٌ أَحْسَنُ مِنْ كُلِّ مَا أَخَذُوا بِهِ، وَهُوَ مَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ وَمُوسَى بْنُ مُعَاوِيَةَ عَنْ وَكِيعٍ عَنْ الْأَعْمَشِ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ «جَاءَتْ فَاطِمَةُ بِنْتُ أَبِي حُبَيْشٍ إلَى رَسُولِ اللَّهِ - عَلَيْهِ السَّلَامُ - فَقَالَتْ: إنِّي أُسْتَحَاضُ فَلَا أَطْهُرُ أَفَأَدَعُ الصَّلَاةَ؟ قَالَ

He replied, “No, that is merely a vein and not [a valid] menstrual period. Refrain from prayer during your menstrual days, then perform ghusl, perform wudūʾ for each prayer, and pray. Even if blood drips onto the mat.”

L3350–3352 He said: They stated this is a recommendation. It was said to them: Then everything you have obligated upon us for purification and other matters could perhaps be recommendations, with no distinction. This position leads to invalidating all religious injunctions while contradicting Allah’s command in His words: *“Let those who oppose His command beware lest a trial strike them or a painful punishment afflict them”* (24:63). We find no basis for their claim in this matter—neither in the Qur’an, the Sunnah, textual proof, a companion’s opinion, nor analogy. As for Abū Ḥanīfah’s opinion, it is also invalid because it contradicts the report he relies upon, opposes reason and analogy, and we have never found any purification invalidated by the expiration of its timeframe while remaining valid when the timeframe is current. Some of them obscured this by arguing: We observe that those performing *masḥ* (wiping over footwear) during travel or residence have their purification nullified when their specified period ends, so we analogize the *mustaḥāḍah* (woman with chronic bleeding) to them. Abū Muḥammad said: All analogy is invalid. Even if analogy were valid, this instance would epitomize falsehood, being a flawed analogy built on error. The purification of those performing *masḥ* is never nullified by the expiration of the stipulated period; rather, they remain pure as before and may pray unless their ablution is invalidated by an act nullifying it. The Sunnah only prohibits initiating *masḥ* after the timeframe expires, not invalidating their purification. Even if their claim about those performing *masḥ* were correct—which it is not—their analogy would still be invalid, for they equate the expiration of each prayer’s timeframe during travel or residence to the lapse of a day and night in residence or three days with their nights during travel. This is utterly absurd. Their analogy would only hold if they ruled that the *mustaḥāḍah* retains her ablution for a day and night in residence or three days during travel. Had they done so, they might have found precedent in the views of Saʿīd ibn al-Musayyib, Sālim ibn ʿAbdullāh, and al-Qāsim ibn Muḥammad—for it is authentically reported from them that she performs

لَا، إِنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَ بِالْحَيْضَةِ، فَاجْتَنِبِي الصَّلَاةَ أَيَّامَ مَحِيضِكِ ثُمَّ اغْتَسِلِي وَتَوَضَّئِي لِكُلِّ صَلَاةٍ وَصَلِّي، وَإِنْ قَطَرَ الدَّمُ عَلَى الْحَصِيرِ» .

قَالَ: قَالُوا هَذَا عَلَى النَّدْبِ، قِيلَ لَهُمْ: وَكُلُّ مَا أَوْجَبْتُمُوهُ مِنَّا لِاسْتِطْهَارٍ وَغَيْرِ ذَلِكَ لَعَلَّهُ نَدْبٌ، وَلَا فَرْقَ، وَهَذَا قَوْلٌ يُؤَدِّي إِلَى إِبْطَالِ الشَّرَائِعِ كُلِّهَا مَعَ خِلَافِهِ لِأَمْرِ اللَّهِ تَعَالَى فِي قَوْلِهِ: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣] وَمَا نَعْلَمُ لَهُمْ مُتَعَلَّقًا فِي قَوْلِهِمْ هَذَا، لَا بِقُرْآنٍ وَلَا بِسُنَّةٍ وَلَا بِدَلِيلٍ وَلَا بِقَوْلِ صَاحِبٍ وَلَا بِقِيَاسٍ. وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ فَفَاسِدٌ أَيْضًا لِأَنَّهُ مُخَالِفٌ لِلْخَبَرِ الَّذِي تَعَلَّقَ بِهِ، وَمُخَالِفٌ لِلْمَعْقُولِ وَلِلْقِيَاسِ، وَمَا وَجَدْنَا قَطُّ طَهَارَةً تَنْتَقِضُ بِخُرُوجِ وَقْتٍ وَتَصِحُّ بِكَوْنِ الْوَقْتِ قَائِمًا، وَمَوَّهَ بَعْضُهُمْ فِي هَذَا بِأَنْ قَالُوا: قَدْ وَجَدْنَا الْمَاسِحَ فِي السَّفَرِ وَالْحَضَرِ تَنْتَقِضُ طَهَارَتُهُمَا بِخُرُوجِ الْوَقْتِ الْمَحْدُودِ لَهُمَا فَنَقِيسُ عَلَيْهِمَا الْمُسْتَحَاضَةَ. قَالَ أَبُو مُحَمَّدٍ: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّهُ قِيَاسٌ خَطَأً وَعَلَى خَطَإٍ، وَمَا انْتَقَضَتْ قَطُّ طَهَارَةُ الْمَاسِحِ بِانْقِضَاءِ الْأَمَدِ الْمَذْكُورِ بَلْ هُوَ طَاهِرٌ كَمَا كَانَ، وَيُصَلِّي مَا لَمْ يَنْتَقِضْ وُضُوءُهُ بِحَدَثٍ مِنَ الْأَحْدَاثِ، وَإِنَّمَا جَاءَتِ السُّنَّةُ بِمَنْعِهِ مِنَ الِابْتِدَاءِ لِلْمَسْحِ فَقَطْ، لَا بِانْتِقَاضِ طَهَارَتِهِ، ثُمَّ لَوْ صَحَّ لَهُمْ مَا ذَكَرُوا فِي الْمَاسِحِ - وَهُوَ لَا يَصِحُّ - لَكَانَ قِيَاسُهُمْ هَذَا بَاطِلًا لِأَنَّهُمْ قَاسُوا خُرُوجَ وَقْتِ كُلِّ صَلَاةٍ فِي السَّفَرِ وَالْحَضَرِ عَلَى انْقِضَاءِ يَوْمٍ وَلَيْلَةٍ فِي الْحَضَرِ، وَعَلَى انْقِضَاءِ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهِنَّ فِي السَّفَرِ. وَهَذَا قِيَاسٌ سَخِيفٌ جِدًّا، وَإِنَّمَا كَانُوا يَكُونُونَ قَائِسِينَ عَلَى مَا ذَكَرُوا لَوْ جَعَلُوا الْمُسْتَحَاضَةَ تَبْقَى بِوُضُوئِهَا يَوْمًا وَلَيْلَةً فِي الْحَضَرِ، وَثَلَاثَةً فِي السَّفَرِ، وَلَوْ فَعَلُوا

هَذَا لَوَجَدُوا فِيمَا يُشْبِهُ بَعْضَ ذَلِكَ سَلَفًا، وَهُوَ سَعِيدُ بْنُ الْمُسَيِّبِ وَسَالِمُ بْنُ عَبْدِ اللَّهِ وَالْقَاسِمُ بْنُ مُحَمَّدٍ، فَقَدْ صَحَّ عَنْهُمْ أَنَّهَا تَغْتَسِلُ مِنَ الظُّهْرِ إِلَى الظُّهْرِ، وَأَمَّا قَوْلُهُمْ هَذَا فَعَارٍ مِنْ أَنْ يَكُونَ لَهُمْ فِيهِ سَلَفٌ، وَمَا نَعْلَمُ لِقَوْلِهِمْ حُجَّةً، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ وَلَا مِنْ مَعْقُولٍ.

a ritual bath from noon prayer to the next. As for their current assertion... Thus, it is devoid of any precedent in it from earlier scholars, and we know of no evidence for their claim—neither from the Quran, nor the Sunnah, nor the statement of a Companion, nor analogical reasoning, nor rational basis.[41]

L3353 وَأَمَّا الْمَسْأَلَةُ الَّتِي اُخْتُلِفَ فِيهَا عَنْ أَبِي حَنِيفَةَ فَإِنَّ قَوْلَ أَبِي يُوسُفَ أَشْبَهُ بِأُصُولِهِمْ؛ لِأَنَّ أَثَرَ طُلُوعِ الشَّمْسِ لَيْسَ هُوَ وَقْتُ صَلَاةِ فَرْضٍ مَارًّا إِلَى وَقْتِ الظُّهْرِ، وَهُوَ وَقْتُ تَطَوُّعٍ، فَالْمُتَوَضِّئَةُ فِيهِ لِلصَّلَاةِ كَالْمُتَوَضِّئَةِ لِصَلَاةِ الْعَصْرِ فِي وَقْتِ الظُّهْرِ، وَلَا يُجْزِيهَا ذَلِكَ عِنْدَهُمْ.

L3353 As for the issue concerning Abū Ḥanīfah's position where disagreement exists, Abū Yūsuf's statement aligns more closely with their principles. This is because the period after sunrise does not constitute a time for obligatory prayer extending into Ẓuhr, but rather a time for voluntary prayer. Thus, a woman performing ablution during this time for prayer resembles one performing ablution for ʿAṣr prayer during Ẓuhr's timeframe, and this does not suffice for her according to them.

L3354 وَأَمَّا قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ فَخَطَأٌ وَمِنَ الْمُحَالِ الْمُمْتَنِعِ فِي الدِّينِ الَّذِي لَمْ يَأْتِ بِهِ قَطُّ نَصٌّ وَلَا دَلِيلٌ أَنْ يَكُونَ إِنْسَانٌ طَاهِرًا إِنْ أَرَادَ أَنْ يُصَلِّيَ تَطَوُّعًا وَمُحْدِثًا غَيْرَ طَاهِرٍ فِي ذَلِكَ الْوَقْتِ بِعَيْنِهِ إِنْ أَرَادَ أَنْ يُصَلِّيَ فَرِيضَةً، هَذَا مَا لَا خَفَاءَ بِهِ وَلَيْسَ إِلَّا طَاهِرًا أَوْ مُحْدِثًا، فَإِنْ كَانَتْ طَاهِرًا فَإِنَّهَا تُصَلِّي مَا شَاءَتْ مِنَ الْفَرَائِضِ وَالنَّوَافِلِ، وَإِنْ كَانَتْ مُحْدِثَةً فَمَا يَحِلُّ لَهَا أَنْ تُصَلِّيَ لَا فَرْضًا وَلَا نَافِلَةً.

L3354 As for the statement of Al-Shafi'i and Ahmad, it is erroneous, for it constitutes an absolutely inconceivable claim in the religion—one never supported by any text or evidence—that a person could be pure when intending voluntary prayer yet simultaneously in a state of minor impurity when intending obligatory prayer at that very same moment. This matter leaves no room for doubt: one must either be pure or in a state of minor impurity. If she is pure, she may pray whatever she wishes of obligatory and supererogatory prayers. But if she is in a state of minor impurity, she is not permitted to pray at all—neither obligatory nor supererogatory prayers.

L3355 وَأَقْبَحُ مِنْ هَذَا يَدْخُلُ عَلَى الْمَالِكِيِّينَ فِي قَوْلِهِمْ: مَنْ تَيَمَّمَ لِفَرِيضَةٍ فَلَهُ أَنْ يُصَلِّيَ بِذَلِكَ التَّيَمُّمِ بَعْدَ أَنْ يُصَلِّيَ الْفَرِيضَةَ مَا شَاءَ مِنَ النَّوَافِلِ، وَلَيْسَ لَهُ أَنْ يُصَلِّيَ نَافِلَةً قَبْلَ تِلْكَ الْفَرِيضَةِ بِذَلِكَ التَّيَمُّمِ، وَلَا أَنْ يُصَلِّيَ بِهِ صَلَاتَيْ فَرْضٍ، فَهَذَا هُوَ نَظَرُهُمْ وَقِيَاسُهُمْ وَأَمَّا تَعَلُّقٌ بِأَثَرٍ، فَالْآثَارُ حَاضِرَةٌ وَأَقْوَالُهُ حَاضِرَةٌ.

L3355 More reprehensible than this applies to the Malikīs regarding their statement: "Whoever performs tayammum for an obligatory prayer may pray as many voluntary prayers as he wishes with that tayammum after performing the obligatory prayer, but he may not pray a voluntary prayer before that obligatory prayer with that tayammum, nor may he pray two obligatory prayers with it." This is their legal reasoning and analogy. As for reliance on textual reports, the narrations are present and his statements are present.

[41] **Qur'an references (L3350):** Qur'an 24:63 (An-Nur).

قَالَ أَبُو مُحَمَّدٍ، وَهُمْ كُلُّهُمْ يَشْغَبُونَ بِخِلَافِ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مُخَالِفٌ مِنْهُمْ وَجَمِيعُ الْحَنَفِيِّينَ وَالْمَالِكِيِّينَ وَالشَّافِعِيِّينَ قَدْ خَالَفُوا فِي هَذِهِ الْمَسْأَلَةِ عَائِشَةَ وَعَلِيًّا وَابْنَ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمْ -، وَلَا مُخَالِفَ لَهُمْ يُعْرَفُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي ذَلِكَ وَخَالَفَ الْمَالِكِيُّونَ فِي ذَلِكَ فُقَهَاءُ الْمَدِينَةِ كَمَا أَوْرَدْنَا، فَصَارَتْ أَقْوَالُهُمْ مُبْتَدَأَةً مِمَّنْ قَالَهَا بِلَا بُرْهَانٍ أَصْلًا. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Abu Muhammad said: All of them argue contentiously based on the disagreement of the Companion for whom no opponent is recognized among them. The Hanafis, Malikis, and Shafi'is have opposed, in this matter, Aisha, Ali, and Ibn Abbas (may Allah be pleased with them), and no opponent to them is known among the Companions (may Allah be pleased with them). Moreover, the Malikis opposed the jurists of Medina in this matter, as we have mentioned. Thus, their statements became baseless innovations introduced by those who asserted them without any proof at all. And success comes from Allah, the Most High.

[مَسْأَلَةُ الْوُضُوء لَا يُنْتَقَض بالرعاف وَلَا بَالدَّم السائل مِنْ الجسد]

The issue of ablution is not invalidated by nosebleed nor by blood flowing from the body.

١٦٩ - مَسْأَلَةٌ: قَالَ عَلِيٌّ: لَا يَنْقُضُ الْوُضُوءَ شَيْءٌ غَيْرَ مَا ذَكَرْنَا، لَا رُعَافٌ وَلَا دَمٌ سَائِلٌ مِنْ شَيْءٍ مِنْ الْجَسَدِ أَوْ مِنْ الْحَلْقِ أَوْ مِنْ الْأَسْنَانِ أَوْ مِنْ الْإِحْلِيلِ أَوْ مِنْ الدُّبُرِ، وَلَا حِجَامَةٌ وَلَا فَصْدٌ، وَلَا قَيْءٌ كَثُرَ أَوْ قَلَّ، وَلَا قَلْسٌ وَلَا قَيْحٌ وَلَا مَاءٌ وَلَا دَمٌ تَرَاهُ الْحَامِلُ مِنْ فَرْجِهَا، وَلَا أَذَى الْمُسْلِمِ وَلَا ظُلْمُهُ، وَلَا مَسُّ الصَّلِيبِ وَالْوَثَنِ وَلَا الرِّدَّةُ وَلَا الْإِنْعَاظُ لِلَذَّةٍ أَوْ لِغَيْرِ لَذَّةٍ، وَلَا الْمَعَاصِي مِنْ غَيْرِ مَا ذَكَرْنَا، وَلَا شَيْءَ يَخْرُجُ مِنْ الدُّبُرِ لَا عُذْرَةَ عَلَيْهِ، سَوَاءٌ فِي ذَلِكَ الدُّودُ وَالْحَجَرُ وَالْحَيَّاتُ، وَلَا حُقْنَةٌ وَلَا تَقْطِيرُ دَوَاءٍ فِي الْمَخْرَجَيْنِ وَلَا مَسُّ حَيَا بَهِيمَةٍ وَلَا قُبُلُهَا، وَلَا حَلْقُ الشَّعْرِ بَعْدَ الْوُضُوءِ، وَلَا قَصُّ الظُّفْرِ وَلَا شَيْءٌ يَخْرُجُ مِنْ فَرْجِ الْمَرْأَةِ مِنْ قَصَّةٍ بَيْضَاءَ أَوْ صُفْرَةٍ أَوْ كُدْرَةٍ أَوْ كَغُسَالَةِ اللَّحْمِ أَوْ دَمٍ أَحْمَرَ لَمْ يَتَقَدَّمْهُ حَيْضٌ، وَلَا الضَّحِكُ فِي الصَّلَاةِ، وَلَا شَيْءٌ غَيْرُ ذَلِكَ.

Issue 169: Ali said: Nothing invalidates ablution other than what we have mentioned: neither nosebleed nor flowing blood from any part of the body, throat, teeth, urethra, or anus; nor cupping nor bloodletting; nor vomiting whether copious or slight, nor regurgitation, pus, urine, nor blood observed by a pregnant woman from her genitals; nor causing harm to a Muslim (through speech or deed) nor oppressing them; nor touching a cross or idol; nor apostasy nor seminal discharge whether for pleasure or otherwise; nor sins other than those we have specified [as invalidators]; nor anything exiting the anus involuntarily, such as worms, stones, or snakes; nor enema nor medicinal drops administered to the two excretory orifices (anus and urethra). Nor touching a living animal or its genitalia, nor shaving hair that invalidates ablution, nor trimming nails that nullify it, nor anything exiting a woman's private part such as a white strand-like discharge, yellow discharge, turbid discharge, fluid resembling meat-washing water, or red blood not preceded by menstruation, nor laughing during prayer, nor anything else beyond these.

قَالَ أَبُو مُحَمَّدٍ: بُرْهَانُ إسْقَاطِنَا الْوُضُوءَ مِنْ كُلِّ مَا ذَكَرْنَا، هُوَ أَنَّهُ لَمْ يَأْتِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إجْمَاعٌ بِإِيجَابِ وُضُوءٍ فِي شَيْءٍ مِنْ ذَلِكَ، وَلَا شَرَّعَ اللَّهُ تَعَالَى عَلَى أَحَدٍ مِنْ الْإِنْسِ وَالْجِنِّ إلَّا مِنْ أَحَدِ هَذِهِ الْوُجُوهِ، وَمَا عَدَاهَا فَبَاطِلٌ، وَلَا شَرْعَ إلَّا مَا أَوْجَبَهُ

Abū Muḥammad said: The proof for our nullification of ablution from all that we have mentioned is that neither Quranic text, Prophetic tradition, nor scholarly consensus has established the obligation of ablution regarding any of these matters. Allah the Exalted has not legislated for any human or jinn except through one of these avenues. Whatever lies beyond them is invalid,

for there is no divine legislation except what Allah—Blessed and Exalted—has ordained and His Messenger (peace be upon him) has conveyed to us. Regarding everything we have mentioned, there is disagreement. We shall mention from it only what is currently debated by opposing scholars, and disregard views that have faded from practice except for a brief mention. And success comes only from Allah, the Most High.

اللَّهُ تَبَارَكَ وَتَعَالَى وَأَتَانَا بِهِ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي كُلِّ مَا ذَكَرْنَا خِلَافٌ نَذْكُرُ مِنْهُ مَا كَانَ الْمُخَالِفُونَ فِيهِ حَاضِرِينَ، وَنَضْرِبُ عَمَّا قَدْ دَرَسَ الْقَوْلَ بِهِ إِلَّا ذِكْرًا خَفِيفًا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3362 Ali reported that Abu Hanifah said: Every flowing blood, flowing pus, or flowing watery fluid that flows from any part of the body invalidates the ritual ablution. If it does not flow, it does not invalidate the ablution. However, if blood or pus exits from the nose or ear and reaches the area of the nose reached during istinshaq (sniffing water) or the part of the inner ear washed during ghusl (ritual bath), the ablution becomes invalid. If it does not reach these specified areas, the ablution remains valid. If mucus or watery fluid exits from the nose, it does not invalidate the ablution. Similarly, if watery fluid exits from the ear, it does not invalidate the ablution.

قَالَ عَلِيٌّ: قَالَ أَبُو حَنِيفَةَ: كُلُّ دَمٍ سَائِلٍ أَوْ قَيْحٍ سَائِلٍ أَوْ مَاءٍ سَائِلٍ مِنْ أَيِّ مَوْضِعٍ سَالَ مِنْ الْجَسَدِ فَإِنَّهُ يَنْقُضُ الْوُضُوءَ، فَإِنْ لَمْ يَسِلْ لَمْ يَنْقُضْ الْوُضُوءُ مِنْهُ، إِلَّا أَنْ يَكُونَ خَرَجَ ذَلِكَ مِنْ الْأَنْفِ أَوْ الْأُذُنِ، فَإِنْ خَرَجَ مِنْ الْأَنْفِ أَوْ الْأُذُنِ فَإِنْ كَانَ ذَلِكَ دَمًا أَوْ قَيْحًا فَبَلَغَ إلَى مَوْضِعِ الِاسْتِنْشَاقِ مِنْ الْأَنْفِ أَوْ إلَى مَا يَلْحَقُهُ الْغُسْلُ مِنْ دَاخِلِ الْأُذُنِ فَالْوُضُوءُ مُنْتَقِضٌ، وَإِنْ لَمْ يَبْلُغْ إلَى مَا ذَكَرْنَا لَمْ يَنْتَقِضْ الْوُضُوءُ، فَإِنْ خَرَجَ مِنْ الْأَنْفِ مُخَاطٌ أَوْ مَاءٌ فَلَا يَنْتَقِضُ الْوُضُوءُ، وَكَذَلِكَ إنْ خَرَجَ مِنْ الْأُذُنِ مَاءٌ فَلَا يَنْتَقِضُ الْوُضُوءُ.

L3363 He said: If blood exits from the stomach to the mouth or from the gums, and if it predominates over the saliva, ritual ablution (wudu) is required even if it does not fill the mouth. If it does not predominate over the saliva, ritual ablution is not required. If they are equal, it is recommended to perform ablution. If blood exits from a wound and becomes visible but does not flow, ablution is not required. If it flows, ablution is required. If worms or flesh exit from a wound, ablution is not required. If worms exit from the anus, ablution is required. If a wound is bound, consider: if the blood would flow when left unbound, ablution is required; if it would not flow when left unbound, ablution is not required. He said: As for vomiting, regurgitation, and anything that exits from the stomach to the mouth—if it fills the mouth, it invalidates the ablution; if it does not fill the mouth, it does not invalidate it. Some scholars quantified "filling the mouth" as equivalent to a morsel (though morsels vary), while others quantified it as what one cannot retain in the mouth. Abū Ḥanīfa said: Except phlegm—ablution is not required for

قَالَ: فَإِنْ خَرَجَ مِنْ الْجَوْفِ إلَى الْفَمِ أَوْ مِنْ اللِّثَاتِ دَمٌ فَإِنْ كَانَ غَالِبًا عَلَى الْبُزَاقِ فَفِيهِ الْوُضُوءُ وَإِنْ لَمْ يَمْلَأْ الْفَمَ، وَإِنْ لَمْ يَغْلِبْ عَلَى الْبُزَاقِ فَلَا وُضُوءَ فِيهِ، فَإِنْ تَسَاوَيَا فَيُسْتَحْسَنُ فَيَأْمُرُ فِيهِ بِالْوُضُوءِ، فَإِنْ خَرَجَ مِنْ الْجُرْحِ دَمٌ فَظَهَرَ وَلَمْ يَسِلْ فَلَا وُضُوءَ فِيهِ، فَإِنْ سَالَ فَفِيهِ الْوُضُوءُ، فَلَوْ خَرَجَ مِنْ الْجُرْحِ دُودٌ أَوْ لَحْمٌ فَلَا وُضُوءَ فِيهِ، فَإِنْ خَرَجَ الدُّودُ مِنْ الدُّبُرِ فَفِيهِ الْوُضُوءُ، فَإِنْ عَصَبَ الْجُرْحَ نَظَرَ، فَإِنْ كَانَ لَوْ تُرِكَ سَالَ فَفِيهِ الْوُضُوءُ، وَإِنْ كَانَ لَوْ تُرِكَ لَمْ يَسِلْ فَلَا وُضُوءَ. قَالَ وَأَمَّا الْقَيْءُ وَالْقَلْسُ وَكُلُّ شَيْءٍ خَرَجَ مِنْ الْجَوْفِ إلَى الْفَمِ، فَإِنْ مَلَأَ الْفَمَ نَقَضَ الْوُضُوءَ وَإِنْ لَمْ يَمْلَأْ الْفَمَ لَمْ يَنْقُضْ الْوُضُوءَ، وَحَدَّ بَعْضُهُمْ مَا يَمْلَأُ الْفَمَ بِمِقْدَارِ اللُّقْمَةِ - عَلَى أَنَّ اللُّقْمَةَ تَخْتَلِفُ -

it even if it fills the mouth abundantly. Abū Yūsuf said: Rather, ablution is required for it if it fills the mouth.

وَحَدَّ بَعْضُهُمْ مَا لَا يَقْدِرُ عَلَى إِمْسَاكِهِ فِي الْفَمِ قَالَ أَبُو حَنِيفَةَ حَاشَا الْبُلْغَمَ فَلَا وُضُوءَ فِيهِ وَإِنْ مَلَأَ الْفَمَ وَكَثُرَ جِدًّا، قَالَ أَبُو يُوسُفَ: بَلْ فِيهِ الْوُضُوءُ إِذَا مَلَأَ الْفَمَ.

L3364–3366 Muḥammad ibn al-Ḥasan stated, in accordance with Abū Ḥanīfah's opinion, [that the rulings apply] to all those matters except [those involving] bloodshed. As for his statement regarding this: "If it exits from the gums, originates within the body, or exits from the mouth," it aligns with Abū Ḥanīfah's opinion. If it exits from the internal cavity (e.g., stomach), it does not invalidate ablution unless it fills the mouth - in that case, it invalidates ablution. Zufar held the same position as Abū Ḥanīfah in all matters except in the case of vomiting, for he ruled that ablution is invalidated by vomiting whether the amount is small or large.

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ كَقَوْلِ أَبِي حَنِيفَةَ فِي كُلِّ ذَلِكَ إِلَّا الدَّمَ، فَإِنَّ قَوْلَهُ فِيهِ: إِنْ خَرَجَ مِنْ اللِّثَةِ أَوْ فِي الْجَسَدِ أَوْ مِنْ الْفَمِ كَقَوْلِ أَبِي حَنِيفَةَ، فَإِنْ خَرَجَ مِنْ الْجَوْفِ لَمْ يَنْقُضْ الْوُضُوءَ إِلَّا أَنْ يَمْلَأَ الْفَمَ فَيَنْقُضُ الْوُضُوءَ حِينَئِذٍ، وَقَالَ زُفَرُ كَقَوْلِ أَبِي حَنِيفَةَ فِي كُلِّ شَيْءٍ إِلَّا الْقَلْسَ، فَإِنَّهُ قَالَ يَنْقُضُ الْوُضُوءَ قَلِيلُهُ وَكَثِيرُهُ.

L3367 Ali said: Such a thing is not acceptable—nor is there honor—except from the Messenger of Allah (peace and blessings be upon him), the conveyor of our Creator and Sustainer's directives, Exalted are His commands and prohibitions. As for anyone besides him, it constitutes delirium and incoherence, like the confusion of one afflicted with barsām, and statements definitively known that no one had asserted them before Abū Ḥanīfah—utterances unsupported by rational proof, textual evidence, or analogical reasoning. How can one who propagates these whisperings [of falsehood] presume to condemn those who adhere to the Messenger of Allah's injunction (peace and blessings be upon him) concerning urination in stagnant water or a mouse dying in clarified butter? Verily, this is truly wondrous—a wonder, the like of which is itself wondrous.

قَالَ عَلِيٌّ: مِثْلُ هَذَا لَا يُقْبَلُ - وَلَا كَرَامَةَ - إِلَّا مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُبَلِّغِ عَنْ خَالِقِنَا وَرَازِقِنَا تَعَالَى أَمْرَهُ وَنَهْيَهُ، وَأَمَّا مِنْ أَحَدٍ دُونَهُ فَهُوَ هَذَيَانٌ وَتَخْلِيطٌ كَتَخْلِيطِ الْمُبَرْسَمِ وَأَقْوَالٍ مَقْطُوعٍ عَلَى أَنَّهُ لَمْ يَقُلْهَا أَحَدٌ قَبْلَ أَبِي حَنِيفَةَ، وَلَمْ يُؤَيِّدْهَا مَعْقُولٌ وَلَا نَصٌّ وَلَا قِيَاسٌ، أَفَيَسُوغُ لِمَنْ يَأْتِي بِهَذِهِ الْوَسَاوِسِ أَنْ يُنْكِرَ عَلَى مَنْ اتَّبَعَ أَمْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْبَائِلِ فِي الْمَاءِ الرَّاكِدِ وَفِي الْفَأْرَةِ تَمُوتُ فِي السَّمْنِ؟ إِنَّ هَذَا لَعَجَبٌ مَا مِثْلُهُ عَجَبٌ.

L3368 Abu Muhammad said: Some have cited a hadith we reported from 'Abd al-Razzāq, from Ibn Jurayj, from his father, elevating it to the Messenger of Allah—peace be upon him—who said: "Ablution is required due to vomiting, even if it is mere regurgitation. If someone suffers a nosebleed during prayer, is overcome by vomiting—and if it is regurgitation he regurgitates—or emits prostatic fluid, they should withdraw, perform ablution, then return to resume and complete their prayer without restarting it." Another hadith we reported through the chain of Ismā'īl ibn 'Ayyāsh, from Ibn Jurayj, from his father, and from Ibn Abī Mulaykah, from 'Ā'ishah—from the Messenger

قَالَ أَبُو مُحَمَّدٍ: وَمَوَّهَ بَعْضُهُمْ بِخَبَرٍ رُوِّينَاهُ عَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ أَبِيهِ يَرْفَعُهُ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «الْوُضُوءُ مِنْ الْقَيْءِ وَإِنْ كَانَ قَلْسًا يَقْلِسُهُ فَلْيَتَوَضَّأْ إِذَا رَعَفَ أَحَدٌ فِي الصَّلَاةِ أَوْ ذَرَعَهُ الْقَيْءُ، وَإِنْ كَانَ قَلْسًا يَقْلِسُهُ، أَوْ وَجَدَ مَذْيًا فَلْيَنْصَرِفْ وَلْيَتَوَضَّأْ ثُمَّ يَرْجِعْ فَيُتِمَّ مَا بَقِيَ مِنْ صَلَاتِهِ وَلَا يَسْتَقْبِلُهَا جَدِيدًا» وَخَبَرٌ آخَرُ رُوِّينَاهُ مِنْ طَرِيقِ إِسْمَاعِيلَ بْنِ عَيَّاشٍ عَنْ ابْنِ جُرَيْجٍ عَنْ أَبِيهِ وَعَنْ ابْنِ أَبِي مُلَيْكَةَ

of Allah, peace be upon him—states: “If any of you vomits or regurgitates, they must perform ablution and resume their prayer from where they left off, provided they have not spoken.”

L3369–3371 Abū Muḥammad said: These two narrations are rejected, for Ibn Jurayj’s father had no companionship [with the Prophet], rendering the chain interrupted. The other is from the narration of Ismāʿīl ibn ʿAyyāsh—who is discarded, particularly so in what he transmitted from the Hijazis. Even if they were authentic, they would serve as proof against the Ḥanafīs, since neither of these two reports distinguishes between a mouthful of vomit or regurgitation and less than a mouthful of vomit or regurgitation; nor between what emerges from a blister—invalidating ablution—and what flows from the nose—which does not invalidate ablution. They contain no mention of blood exiting the internal cavity, the body, the gums, or wounds. They refer only to vomiting, regurgitation, and nosebleeds. Thus, the Ḥanafīs should not have relied exclusively on these two reports, as they have done. By their claim in the report concerning ablution due to loud laughter and ablution with nabīdh, and since they did not analogize based on these two cases—thus rejecting their analogy—they instead mixed matters in a manner that led them to sheer frenzy alone. This constitutes a proof against them—if it were valid—yet they contradicted it. They also cited as evidence a ḥadīth we narrated through the chain of Al-Awzāʿī from Yaʿīsh ibn Al-Walīd from his father from Maʿdān ibn Abī Ṭalḥah from Abū Al-Dardāʾ, who said: “Allah’s Messenger—peace be upon him—vomited and performed ablution. I met Thawbān and mentioned this to him, whereupon he said: ’You have spoken truthfully. I was the one who poured his ablution water,’ meaning the Prophet—peace be upon him.” We also narrated it through the chain of ʿAbd Al-Razzāq from Maʿmar from Yaḥyā ibn Abī Kathīr from Yaʿīsh ibn Al-Walīd from Khālid ibn Maʿdān ibn Abī Ṭalḥah from Abū Al-Dardāʾ, who said: “Allah’s Messenger—peace be upon him—intentionally vomited, thereby breaking his fast. He then called for water and performed ablution.”

L3372 Abū Muḥammad said: In this first ḥadīth, Yaʿīsh ibn al-Walīd narrates from his father, and **these two** are not well-known. The second ḥadīth involves a narrator guilty of *tadlīs* (concealing a flaw in the chain), as Yaḥyā did not

عَنْ عَائِشَةَ «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ إِذَا قَاءَ أَحَدُكُمْ أَوْ قَلَسَ فَلْيَتَوَضَّأْ ثُمَّ لِيَبْنِ عَلَى مَا مَضَى مَا لَمْ يَتَكَلَّمْ» .

قَالَ أَبُو مُحَمَّد: وَهَذَانِ الْأَثَرَانِ سَاقِطَانِ، لِأَنَّ وَالِدَ ابْنِ جُرَيْجٍ لَا صُحْبَةَ لَهُ فَهُوَ مُنْقَطِعٌ، وَالْآخَرُ مِنْ رِوَايَةِ إِسْمَاعِيلَ بْنِ عَيَّاشٍ وَهُوَ سَاقِطٌ، لَا سِيَّمَا فِيمَا رُوِيَ عَنْ الْحِجَازِيِّينَ، ثُمَّ لَوْ صَحَّا لَكَانَا حُجَّةً عَلَى الْحَنَفِيِّينَ لِأَنَّهُ لَيْسَ شَيْءٌ مِنْ هَذَيْنِ الْخَبَرَيْنِ يُفَرِّقُ بَيْنَ مِلْءِ الْفَمِ مِنْ الْقَيْءِ وَالْقَلْسِ وَمَا دُونَ مِلْءِ الْفَمِ مِنْ الْقَيْءِ وَالْقَلْسِ، وَلَا بَيْنَ مَا يَخْرُجُ مِنْ نَفَّاطَةٍ فَيَنْقُضُ الْوُضُوءَ وَمَا يَسِيلُ مِنْ الْأَنْفِ فَلَا يَنْقُضُ الْوُضُوءَ وَلَا فِيهِ ذِكْرُ دَمٍ خَارِجٍ مِنْ الْجَوْفِ وَلَا مِنْ الْجَسَدِ وَلَا مِنْ اللِّثَةِ وَلَا مِنْ الْجُرْحِ، وَإِنَّمَا فِيهِمَا الْقَيْءُ وَالْقَلْسُ وَالرُّعَافُ فَقَطْ فَلَا عَلَى الْخَبَرَيْنِ اقْتَصَرُوا، كَمَا فَعَلُوا بِزَعْمِهِمْ فِي خَبَرِ الْوُضُوءِ مِنْ الْقَهْقَهَةِ وَالْوُضُوءِ بِالنَّبِيذِ، وَلَا قَاسُوا عَلَيْهِمَا فَطَرَدُوا قِيَاسَهُمْ، لَكِنْ خَلَّطُوا تَخْلِيطًا خَرَجُوا بِهِ إلَى الْهَوَسِ الْمَحْضِ فَقَطْ، فَهُوَ حُجَّةٌ عَلَيْهِمْ - لَوْ صَحَّ - وَقَدْ خَالَفُوهُ. وَاحْتَجُّوا أَيْضًا بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ الْأَوْزَاعِيِّ عَنْ يَعِيشَ بْنِ الْوَلِيدِ عَنْ أَبِيهِ عَنْ مَعْدَانَ بْنِ أَبِي طَلْحَةَ «عَنْ أَبِي الدَّرْدَاءِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَاءَ فَتَوَضَّأَ، فَلَقِيتُ ثَوْبَانَ فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: صَدَقْتَ، أَنَا صَبَبْتُ لَهُ وَضُوءَهُ يَعْنِي النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» وَرُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ يَعِيشَ بْنِ الْوَلِيدِ عَنْ خَالِدِ بْنِ مَعْدَانَ بْنِ أَبِي طَلْحَةَ عَنْ أَبِي الدَّرْدَاءِ قَالَ «اسْتَقَاءَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَفْطَرَ وَدَعَا بِمَاءٍ فَتَوَضَّأَ» .

قَالَ أَبُو مُحَمَّد: هَذَا الْحَدِيثُ الْأَوَّلُ فِيهِ يَعِيشُ بْنُ الْوَلِيدِ عَنْ أَبِيهِ وَلَيْسَا مَشْهُورَيْنِ وَالثَّانِي مُدَلِّسٌ لَمْ يَسْمَعْهُ يَحْيَى مِنْ يَعِيشَ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ مُتَعَلَّقٌ، لِأَنَّهُ لَيْسَ فِيهِ

hear it from Yaʿīsh. Even if these ḥadīths were authentic, they would not constitute evidence for their stance, for there is no indication in them that the Messenger of Allah—peace and blessings be upon him—said, "Whoever vomits must perform ablution," nor that his ablution—peace be upon him—was due to vomiting. It is authentically established that he—peace be upon him—performed *tayammum* **at the time of remembering Allah** (during prayer), yet they do not uphold that ruling. The two ḥadīths also make no distinction between vomit that fills the mouth and vomit that does not fill it, nor is there anything in **the two ḥadīths** besides the matter of vomiting. Thus, they did not restrict themselves to the content of the two ḥadīths, nor did they apply a universally applicable analogy to them. They also cited the **authentic** ḥadīth from the Messenger of Allah—peace and blessings be upon him—regarding Fāṭimah bint Abī Ḥubaysh (as cited previously in this work), where he—peace be upon him—said, "That is merely a vein and not menstruation," and he—peace be upon him—obligated ablution **for the bleeding**. They argued that this ruling applies to **every case of issuing blood**.

أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ مَنْ تَقَيَّأَ فَلْيَتَوَضَّأْ، وَلَا أَنَّ وُضُوءَهُ - عَلَيْهِ السَّلَامُ - كَانَ مِنْ أَجْلِ الْقَيْءِ، وَقَدْ صَحَّ عَنْهُ - عَلَيْهِ السَّلَامُ - التَّيَمُّمُ لِذِكْرِ اللَّهِ تَعَالَى، وَهُمْ لَا يَقُولُونَ بِذَلِكَ، وَلَيْسَ فِيهِ أَيْضًا فَرْقٌ بَيْنَ مَا يَمْلَأُ الْفَمَ مِنْ الْقَيْءِ وَبَيْنَ مَا لَا يَمْلَؤُهُ، وَلَا فِيهِمَا شَيْءٌ غَيْرَ الْقَيْءِ، فَلَا عَلَى مَا فِيهِمَا اقْتَصَرُوا، وَلَا قَاسُوا عَلَيْهِمَا قِيَاسًا مُطَّرِدًا. وَذَكَرُوا أَيْضًا الْحَدِيثَ الثَّابِتَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي فَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ - وَقَدْ ذَكَرْنَاهُ قَبْلُ - وَهُوَ قَوْلُهُ - عَلَيْهِ السَّلَامُ - «إنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَ بِالْحَيْضَةِ» وَأَوْجَبَ - عَلَيْهِ السَّلَامُ - فِيهِ الْوُضُوءَ، قَالُوا: فَوَجَبَ ذَلِكَ فِي كُلِّ عِرْقٍ سَائِلٍ.

L3373–3375 Ali said: This is analogy, and analogy is invalid. Furthermore, even if it were valid, this would constitute pure invalidity, because if it is impermissible to analogize the blood from a vein exiting the vagina to menstrual blood exiting the vagina—and both of them are blood exiting the vagina—while Allah the Exalted has differentiated their rulings, then it is invalid to analogize blood exiting from outside the vagina to blood exiting the vagina. More invalid than that is analogizing pus to blood, and they cannot assert consensus in this matter, for the distinction between blood and pus is authentically established from al-Ḥasan and Abu Mijlaz. Even more invalid than that is analogizing the fluid exiting a blister to blood and pus. Nor is the fluid exiting the nose or ear analogized to the fluid exiting a blister. More invalid than all this is that the blood from a vein exiting the vagina would be... Ablution is necessitated by urine and feces, whether in small or large quantities. The vomit subject to legal analogy does not invalidate ablution unless it fills the mouth. Yet they did not analogize worms emerging from a wound to worms exiting the anus, and this constitutes extreme confusion. If

قَالَ عَلِيٌّ: وَهَذَا قِيَاسٌ، وَالْقِيَاسُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ لِأَنَّهُ إذَا لَمْ يُجِزْ أَنْ يَقِيسُوا دَمَ الْعِرْقِ الْخَارِجِ مِنْ الْفَرْجِ عَلَى دَمِ الْحَيْضِ الْخَارِجِ مِنْ الْفَرْجِ، وَكِلَاهُمَا دَمٌ خَارِجٌ مِنْ الْفَرْجِ، وَكَانَ اللَّهُ تَعَالَى قَدْ فَرَّقَ بَيْنَ حُكْمَيْهِمَا فَمِنْ الْبَاطِلِ أَنْ يُقَاسَ دَمٌ خَارِجٌ مِنْ غَيْرِ الْفَرْجِ عَلَى دَمٍ خَارِجٍ مِنْ الْفَرْجِ، وَأَبْطَلُ مِنْ ذَلِكَ أَنْ يُقَاسَ الْقَيْحُ عَلَى الدَّمِ، وَلَا يَقْدِرُونَ عَلَى ادِّعَاءِ إجْمَاعٍ فِي ذَلِكَ، فَقَدْ صَحَّ عَنْ الْحَسَنِ وَأَبِي مِجْلَزٍ الْفَرْقُ بَيْنَ الدَّمِ وَالْقَيْحِ، وَأَبْطَلُ مِنْ ذَلِكَ أَنْ يُقَاسَ الْمَاءُ الْخَارِجُ مِنْ النَّفَّاطَةِ عَلَى الدَّمِ وَالْقَيْحِ، وَلَا يُقَاسُ الْمَاءُ الْخَارِجُ مِنْ الْأَنْفِ وَالْأُذُنِ عَلَى الْمَاءِ الْخَارِجِ مِنْ النَّفَّاطَةِ، وَأَبْطَلُ مِنْ ذَلِكَ أَنْ يَكُونَ دَمُ الْعِرْقِ الْخَارِجُ مِنْ الْفَرْجِ يُوجِبُ الْوُضُوءَ، قَلِيلُهُ وَكَثِيرُهُ، وَيَكُونَ الْقَيْءُ الْمَقِيسُ عَلَيْهِ لَا يَنْقُضُ الْوُضُوءَ إلَّا حَتَّى يَمْلَأَ

they argue: “We analogize all such matters to feces because they are impurities,” we respond: “We observe that flatulence invalidates ablution despite not being impure. Why then do you not analogize belching and sneezing to it, as they too are wind emerging from the cavity without distinction?” You have invalidated your analogy by nullifying ablution for minor and major instances of urine and feces, yet you refrain from nullifying ablution for pus, vomit, blood, or water unless it fills the mouth, flows freely, or predominates. This is arbitrary confusion and abandonment of analogy. If they contend: “Ablution after nosebleeds and flowing blood is narrated from ʿAṭā, Ibrāhīm, Mujāhid, Qatādah, Ibn Sīrīn, ʿUrwah ibn al-Zubayr, Saʿīd ibn al-Musayyib, al-Ḥasan al-Baṣrī, and specifically regarding nosebleeds from al-Zuhrī,” we affirm this. Likewise, ablution after regurgitation, vomiting, and pus is reported from ʿAlī, Ibn ʿUmar (may Allah be pleased with them), ʿAṭā (regarding regurgitation and vomiting), Qatādah (regarding pus), al-Ḥakam ibn ʿUtaybah (regarding regurgitation), and Ibn ʿUmar (regarding vomiting). We respond: True, yet none among them stipulated any measure such as “mouthful” for these matters. Even if they had, no one’s opinion can override the authority of the Messenger of Allah (peace be upon him). Moreover, their equivalents in scholarly rank opposed them: Abū Hurayrah inserted his finger into his nose, drew blood, dabbed it off with his finger, then prayed without renewing ablution. Ibn ʿUmar squeezed a pustule on his face, released blood, smeared it between his fingers, and prayed. Ṭāwūs held no ablution is required for nosebleeds. ʿAṭā deemed ablution unnecessary after nosebleeds, al-Ḥasan after regurgitation, and Mujāhid regarding regurgitation.

الْفَمَ، ثُمَّ لَمْ يَقِيسُوا الدُّودَ الْخَارِجَ مِنْ الْجُرْحِ عَلَى الدُّودِ الْخَارِجِ مِنْ الدُّبُرِ، وَهَذَا مِنْ التَّخْلِيطِ فِي الْغَايَةِ الْقُصْوَى. فَإِنْ قَالُوا: قِسْنَا كُلَّ ذَلِكَ عَلَى الْغَائِطِ لِأَنَّ كُلَّ ذَلِكَ نَجَاسَةٌ قُلْنَا لَهُمْ: قَدْ وَجَدْنَا الرِّيحَ تَخْرُجُ مِنْ الدُّبُرِ فَتَنْقُضُ الْوُضُوءَ وَلَيْسَتْ نَجَاسَةً، فَهَلَّا قِسْتُمْ عَلَيْهَا الْجُشْوَةَ وَالْعُطْسَةَ، لِأَنَّهَا رِيحٌ خَارِجَةٌ مِنْ الْجَوْفِ كَذَلِكَ وَلَا فَرْقَ؟ وَأَنْتُمْ قَدْ أَبْطَلْتُمْ قِيَاسَكُمْ هَذَا فَنَقَضْتُمْ الْوُضُوءَ بِقَلِيلِ الْبَوْلِ وَالْغَائِطِ وَكَثِيرِهِ، وَلَمْ تَنْقُضُوا الْوُضُوءَ مِنْ الْقَيْحِ وَالْقَيْءِ وَالدَّمِ وَالْمَاءِ إلَّا بِمِقْدَارِ مِلْءِ الْفَمِ أَوْ بِمَا سَالَ أَوْ بِمَا غَلَبَ، وَهَذَا تَخْلِيطٌ وَتَرْكٌ لِلْقِيَاسِ. فَإِنْ قَالُوا: قَدْ رُوِيَ الْوُضُوءُ مِنْ الرُّعَافِ وَمِنْ كُلِّ دَمٍ سَائِلٍ عَنْ عَطَاءٍ وَإِبْرَاهِيمَ وَمُجَاهِدٍ وَقَتَادَةَ وَابْنِ سِيرِينَ وَعُرْوَةَ بْنِ الزُّبَيْرِ وَسَعِيدِ بْنِ الْمُسَيِّبِ وَالْحَسَنِ الْبَصْرِيِّ وَفِي الرُّعَافِ عَنْ الزُّهْرِيِّ، نَعَمْ. وَعَنْ عَلِيٍّ وَابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمْ - وَعَنْ عَطَاءٍ الْوُضُوءُ مِنْ الْقَلْسِ وَالْقَيْءِ وَالْقَيْحِ، وَعَنْ قَتَادَةَ فِي الْقَيْحِ، وَعَنْ الْحَكَمِ بْنِ عُتَيْبَةَ فِي الْقَلْسِ، وَعَنْ ابْنِ عُمَرَ فِي الْقَيْءِ، قُلْنَا: نَعَمْ إلَّا أَنَّهُ لَيْسَ مِنْهُمْ أَحَدٌ حَدَّ شَيْئًا مِنْ ذَلِكَ بِمِلْءِ الْفَمِ، وَلَوْ كَانَ فَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ خَالَفَ هَؤُلَاءِ نُظَرَاؤُهُمْ، فَصَحَّ عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ أَدْخَلَ إصْبَعَهُ فِي أَنْفِهِ فَخَرَجَ فِيهَا دَمٌ فَفَتَّهُ بِأُصْبُعِهِ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ، وَعَنْ ابْنِ عُمَرَ: أَنَّهُ عَصَرَ بَثْرَةً بِوَجْهِهِ فَخَرَجَ مِنْهَا دَمٌ فَفَتَّهُ بَيْنَ إصْبَعَيْهِ وَقَامَ فَصَلَّى، وَعَنْ طَاوُسٍ أَنَّهُ كَانَ لَا يَرَى فِي الرُّعَافِ وُضُوءًا وَعَنْ عَطَاءٍ أَنَّهُ كَانَ لَا يَرَى فِي الرُّعَافِ وُضُوءًا، وَعَنْ الْحَسَنِ أَنَّهُ كَانَ لَا يَرَى فِي الْقَلْسِ وُضُوءًا، وَعَنْ مُجَاهِدٍ أَنَّهُ كَانَ لَا يَرَى فِي الْقَلْسِ وُضُوءًا.

L3376 What is utterly astonishing is that Abū Ḥanīfah and his followers do not consider the ritual bath obligatory for semen emitted from the male organ without sexual pleasure—though it is the very semen for which Allah

the Exalted and His Messenger, peace be upon him, mandated the bath—yet they require ablution for pus emerging from the face, analogizing it to blood exiting the private parts. What is utterly astonishing is that they heard the Prophet's statement, peace be upon him, prohibiting slaughtering with a bone: "For it is a bone," so they ruled that slaughtering is invalid with any bone. Yet they came to his statement, peace be upon him, regarding the ablution of the woman with chronic bleeding—"For it is a vein"—and analogized it to blood from nosebleeds, gum bleeding, and pus. Such is the extent of their knowledge in analogical reasoning, their adherence to transmitted narrations, and their emulation of past scholars.

وَالْعَجَبُ كُلُّهُ أَنَّ أَبَا حَنِيفَةَ وَأَصْحَابَهُ لَا يَرَوْنَ الْغُسْلَ مِنْ الْمَنِيِّ إذَا خَرَجَ مِنْ الذَّكَرِ لِغَيْرِ لَذَّةٍ، وَهُوَ الْمَنِيُّ نَفْسُهُ الَّذِي أَوْجَبَ اللَّهُ تَعَالَى وَرَسُولُهُ - عَلَيْهِ السَّلَامُ - فِيهِ الْغُسْلَ ثُمَّ يُوجِبُونَ الْوُضُوءَ مِنْ الْقَيْحِ يَخْرُجُ مِنْ الْوَجْهِ قِيَاسًا عَلَى الدَّمِ يَخْرُجُ مِنْ الْفَرْجِ وَالْعَجَبُ كُلُّهُ أَنَّهُمْ سَمِعُوا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي نَهْيِهِ عَنْ الذَّكِيَّةِ بِالسِّنِّ فَإِنَّهُ عَظْمٌ، فَرَأَوْا الذَّكَاةَ غَيْرَ جَائِزَةٍ بِكُلِّ عَظْمٍ، ثُمَّ أَتَوْا إلَى قَوْلِهِ - عَلَيْهِ السَّلَامُ - فِي وُضُوءِ الْمُسْتَحَاضَةِ «فَإِنَّهُ عِرْقٌ» فَقَاسُوا عَلَى دَمِ الرُّعَافِ وَاللَّثَاةِ وَالْقَيْحِ فَهَذَا مِقْدَارُ عِلْمِهِمْ بِالْقِيَاسِ، وَمِقْدَارُ اتِّبَاعِهِمْ لِلْآثَارِ، وَمِقْدَارُ تَقْلِيدِهِمْ مَنْ سَلَفَ.

L3377–3378 As for al-Shāfiʿī, he attributed the nullification of ablution to the exit point, while Abū Ḥanīfah ascribed it to the exiting substance. His contradiction in this matter became grave as we mentioned, for each man's determination of the legal cause directly opposes and contradicts the other's - both being erroneous, as they constitute assertions without proof and claims without evidence. Allah the Exalted said: "Say, 'Produce your proof if you are truthful'" (Al-Baqarah 2:111).[42]

وَأَمَّا الشَّافِعِيُّ فَإِنَّهُ جَعَلَ الْعِلَّةَ فِي نَقْضِ الْوُضُوءِ لِلْمَخْرَجِ وَجَعَلَهُ أَبُو حَنِيفَةَ لِلْخَارِجِ وَعَظُمَ تَنَاقُضُهُ فِي ذَلِكَ كَمَا ذَكَرْنَا، وَتَعْلِيلُ كِلَا الرَّجُلَيْنِ مُضَادٌّ لِتَعْلِيلِ الْآخَرِ وَمُعَارِضٌ لَهُ، وَكِلَاهُمَا خَطَأٌ، لِأَنَّهُ قَوْلٌ بِلَا بُرْهَانٍ، وَدَعْوَى لَا دَلِيلَ عَلَيْهَا، قَالَ اللَّهُ تَعَالَى {قُلْ هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ} [البقرة: ١١١] .

L3379 Abu Muhammad said: It is said to both the Shafiʿīs and Hanafīs collectively: We observe that what exits from the two bodily orifices differs in rulings. Among these discharges are those requiring ghusl (ritual bath), such as menstruation, semen, and postpartum bleeding; those requiring only wuḍūʾ (ablution), such as urine, feces, flatulence, and madhy (pre-ejaculate fluid); and those necessitating no ritual act, such as the white non-menstrual vaginal discharge. What justification permits you to arbitrarily analogize what suits your whims—imposing ablution by equating it to what requires ablution among these discharges—while neither imposing ghusl by equating it to what requires ghusl, nor exempting it entirely by equating it to what entails no obligation? Is this not ruling by desires—which Allah Almighty forbade as a basis for judgment—and by conjecture, which He declared utterly inad-

قَالَ أَبُو مُحَمَّد: وَيُقَالُ لِلشَّافِعِيِّينَ وَالْحَنَفِيِّينَ مَعًا: قَدْ وَجَدْنَا الْخَارِجَ مِنْ الْمَخْرَجَيْنِ مُخْتَلِفَ الْحُكْمِ، فَمِنْهُ مَا يُوجِبُ الْغُسْلَ كَالْحَيْضِ وَالْمَنِيِّ وَدَمِ النِّفَاسِ، وَمِنْهُ مَا يُوجِبُ الْوُضُوءَ فَقَطْ كَالْبَوْلِ وَالْغَائِطِ وَالرِّيحِ وَالْمَذْيِ، وَمِنْهُ مَا لَا يُوجِبُ شَيْئًا كَالْقَصَّةِ الْبَيْضَاءِ، فَمِنْ أَيْنَ لَكُمْ أَنْ تَقِيسُوا مَا اشْتَهَيْتُمْ فَأَوْجَبْتُمْ فِيهِ الْوُضُوءَ قِيَاسًا عَلَى مَا يُوجِبُ الْوُضُوءَ مِنْ ذَلِكَ، دُونَ أَنْ تُوجِبُوا فِيهِ الْغُسْلَ قِيَاسًا عَلَى مَا يُوجِبُ الْغُسْلَ مِنْ ذَلِكَ، أَوْ دُونَ أَنْ لَا تُوجِبُوا فِيهِ شَيْئًا قِيَاسًا عَلَى مَا لَا يَجِبُ فِيهِ شَيْءٌ مِنْ ذَلِكَ؟ وَهَلْ هَذَا إلَّا التَّحَكُّمُ

[42] **Qur'an references (L3378):** Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml).

equate for attaining truth? This occurs alongside the inherent invalidity of analogy and its internal contradictions.

بِالْهَوَى الَّذِي حَرَّمَ اللَّهُ تَعَالَى الْحُكْمَ بِهِ وَبِالظَّنِّ الَّذِي أَخْبَرَ تَعَالَى أَنَّهُ لَا يُغْنِي مِنْ الْحَقِّ شَيْئًا، وَمَعَ فَسَادِ الْقِيَاسِ وَمُعَارَضَةِ بَعْضِهِ بَعْضًا.

L3380 As for the Mālikīs, they did not apply analogy here and thus were correct. They did not base their reasoning here on external factors, extraneous factors, or impurity—and thus were correct. Had they done so in their legal reasoning for equating touch with desire, their rationale for prohibiting urination in stagnant water, and their ruling on a mouse dying in clarified butter, they would have been correct. However, they failed to apply their positions consistently. Praise be to God for the magnitude of His blessings upon us. They claim to adhere to mursal narrations, yet we have presented in this chapter mursal reports they did not adopt—this, too, is a contradiction.

وَأَمَّا الْمَالِكِيُّونَ فَلَمْ يَقِيسُوا هَهُنَا فَوُفِّقُوا، وَلَا عَلَّلُوا هَهُنَا بِخَارِجٍ وَلَا بِمَخْرَجٍ وَلَا بِنَجَاسَةٍ فَأَصَابُوا، وَلَوْ فَعَلُوا ذَلِكَ فِي تَعْلِيلِهِمْ الْمُلَامَسَةَ بِالشَّهْوَةِ، وَفِي تَعْلِيلِهِمْ النَّهْيَ عَنْ الْبَوْلِ فِي الْمَاءِ الرَّاكِدِ، وَالْفَأْرَةُ تَمُوتُ فِي السَّمْنِ، لَوُفِّقُوا وَلَكِنْ لَمْ يُطَرِّدُوا أَقْوَالَهُمْ. فَالْحَمْدُ لِلَّهِ عَلَى عِظَمِ نِعَمِهِ عَلَيْنَا. وَهُمْ يَدَّعُونَ أَنَّهُمْ يَقُولُونَ بِالْمُرْسَلِ، وَقَدْ أَوْرَدْنَا فِي هَذَا الْبَابِ مُرْسَلَاتٍ لَمْ يَأْخُذُوا بِهَا، وَهَذَا أَيْضًا تَنَاقُضٌ.

L3381 As for ablution from harming a Muslim, it has been narrated to us from ʻĀ'ishah—may Allah be pleased with her—who said: "One of you performs ablution from wholesome food, yet does not perform ablution from an improper word he utters to his brother." From Ibn Masʻūd—may Allah be pleased with him—: "To perform ablution from an evil word is more beloved to me than performing ablution from wholesome food." From Ibn ʻAbbās: "Ritual impurity is of two types: the impurity of the private parts and the impurity caused by the tongue, and the more severe of the two is the moral impurity from speech." From Ibrāhīm al-Nakhaʻī: "I pray Dhuhr, ʻAṣr, and Maghrib with one ablution unless I incur ritual impurity or utter something reprehensible. Ablution is required for ritual impurity and harming a Muslim." From ʻUbaydah al-Salmānī: "Ablution is obligatory for ritual impurity and harming a Muslim." It has been narrated to us through the chain of Dāwūd ibn al-Muḥabbar, from Shuʻbah, from Qatādah, from Anas: "The Prophet—peace and blessings be upon him—performed ablution from ritual impurity and harming a Muslim."

وَأَمَّا الْوُضُوءُ مِنْ أَذَى الْمُسْلِمِ فَقَدْ رُوِّينَا عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - قَالَتْ: يَتَوَضَّأُ أَحَدُكُمْ مِنْ الطَّعَامِ الطَّيِّبِ، وَلَا يَتَوَضَّأُ مِنْ الْكَلِمَةِ الْعَوْرَاءِ يَقُولُهَا لِأَخِيهِ وَعَنْ ابْنِ مَسْعُودٍ - رَضِيَ اللَّهُ عَنْهُ -: لَأَنْ أَتَوَضَّأَ مِنْ الْكَلِمَةِ الْخَبِيثَةِ أَحَبُّ إلَيَّ مِنْ أَنْ أَتَوَضَّأَ مِنْ الطَّعَامِ الطَّيِّبِ. وَعَنْ ابْنِ عَبَّاسٍ: الْحَدَثُ حَدَثَانِ، حَدَثُ الْفَرْجِ وَحَدَثُ اللِّسَانِ وَأَشَدُّهُمَا حَدَثُ اللِّسَانِ. وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ: إنِّي لَأُصَلِّي الظُّهْرَ وَالْعَصْرَ وَالْمَغْرِبَ بِوُضُوءٍ وَاحِدٍ، إلَّا أَنْ أُحْدِثَ أَوْ أَقُولَ مُنْكَرًا، الْوُضُوءُ مِنْ الْحَدَثِ وَأَذَى الْمُسْلِمِ. وَعَنْ عَبِيدَةَ السَّلْمَانِيِّ: الْوُضُوءُ يَجِبُ مِنْ الْحَدَثِ وَأَذَى الْمُسْلِمِ. وَرُوِّينَا مِنْ طَرِيقِ دَاوُد بْنِ الْمُحَبَّرِ عَنْ شُعْبَةَ عَنْ قَتَادَةَ عَنْ أَنَسٍ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَتَوَضَّأُ مِنْ الْحَدَثِ وَأَذَى الْمُسْلِمِ» .

L3382–3383 Ali said: Dawud ibn al-Muhabbar is a liar, notorious for fabricating hadith. However, there is no difference between following those we previously mentioned regarding ablution due to nosebleeds, vomiting, and vomiting while relying on that rejected narration, and following those we mention here re-

قَالَ عَلِيٌّ: دَاوُد بْنُ الْمُحَبَّرِ كَذَّابٌ، مَشْهُورٌ بِوَضْعِ الْحَدِيثِ، وَلَكِنْ لَا فَرْقَ بَيْنَ تَقْلِيدِ مَنْ ذَكَرْنَا قَبْلُ فِي الْوُضُوءِ مِنْ الرُّعَافِ وَالْقَيْءِ وَالْقَلْسِ، وَالْأَخْذِ بِذَلِكَ الْأَثَرِ السَّاقِطِ،

garding ablution due to harming a Muslim while relying on this rejected narration. Rather, according to their own principles, this [latter position] is even more firmly established, because disagreement existed among the Companions - may Allah be pleased with them - in that previous matter, whereas no known opposition exists here to the positions of Aisha, Ibn Mas'ud, and Ibn Abbas - may Allah be pleased with them. Yet they vehemently condemn such practices when it suits their positions.

وَبَيْنَ تَقْلِيدِ مَنْ ذَكَرْنَا هَهُنَا فِي الْوُضُوءِ مِنْ أَذَى الْمُسْلِمِ، وَالْأَخْذِ بِهَذَا الْأَثَرِ السَّاقِطِ، بَلْ هَذَا عَلَى أُصُولِهِمْ أَوْكَدُ لِأَنَّ الْخِلَافَ هُنَالِكَ بَيْنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مَوْجُودٌ، وَلَا مُخَالِفَ يُعْرَفُ هَهُنَا لِعَائِشَةَ وَابْنِ مَسْعُودٍ وَابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمْ -، وَهُمْ يُشَنِّعُونَ مِثْلَ هَذَا إِذَا وَافَقَهُمْ.

L3384 As for us, we accept no proof except what is authentically established from the Messenger of Allah (peace be upon him), whether it be the Quran or an authentic report.

وَأَمَّا نَحْنُ فَلَا حُجَّةَ عِنْدَنَا إِلَّا فِيمَا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ قُرْآنٍ أَوْ خَبَرٍ.

L3385 As for touching the cross and idol, we have narrated from ʿAbd al-Razzāq from Sufyān ibn ʿUyaynah from ʿAmmār al-Duhnī from Abī ʿAmr al-Shaybānī that ʿAlī ibn Abī Ṭālib—may Allah be pleased with him—called al-Mustawrid al-ʿIjlī to repentance. ʿAlī touched with his hand a cross that hung on al-Mustawrid's neck. When ʿAlī began the prayer, he delegated leadership to another man and stepped back. Later, he informed the people he had not done this due to any new impurity, but because he had touched these impurities and wished to renew his ablution. We have also narrated an account through Yaʿlā ibn ʿUbayd from Ṣāliḥ ibn Ḥayyān from Ibn Buraidah from his father: "The Messenger of Allah—peace and blessings be upon him—commanded Buraidah, after he had touched an idol, to perform ablution." ʿAlī remarked: "Ṣāliḥ ibn Ḥayyān is weak; his narration is not admissible as evidence. Yet this [position] obligates those who magnify disagreement with the Companions' views while adopting weak narrations like the one we cited earlier to logically adopt this account, for it is superior to many they rely on. We have mentioned it, and no opposition from the Companions—may Allah be pleased with them—is recorded against ʿAlī's action here. This is among the matters in which they contradicted themselves."

وَأَمَّا مَسُّ الصَّلِيبِ وَالْوَثَنِ فَإِنَّنَا رُوِّينَا عَنْ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمَّارٍ الدُّهْنِيِّ عَنْ أَبِي عَمْرٍو الشَّيْبَانِيِّ " أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - اسْتَتَابَ الْمُسْتَوْرِدَ الْعِجْلِيَّ، وَأَنَّ عَلِيًّا مَسَّ بِيَدِهِ صَلِيبًا كَانَتْ فِي عُنُقِ الْمُسْتَوْرِدِ فَلَمَّا دَخَلَ عَلِيٌّ فِي الصَّلَاةِ قَدَّمَ رَجُلًا وَذَهَبَ، ثُمَّ أَخْبَرَ النَّاسَ أَنَّهُ لَمْ يَفْعَلْ ذَلِكَ لِحَدَثٍ أَحْدَثَهُ، وَلَكِنَّهُ مَسَّ هَذِهِ الْأَنْجَاسَ فَأَحَبَّ أَنْ يُحْدِثَ مِنْهَا وُضُوءًا " وَرُوِّينَا أَثَرًا مِنْ طَرِيقِ يَعْلَى بْنِ عُبَيْدٍ عَنْ صَالِحِ بْنِ حَيَّانَ عَنِ ابْنِ بُرَيْدَةَ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بُرَيْدَةَ وَقَدْ مَسَّ صَنَمًا فَتَوَضَّأَ» . قَالَ عَلِيٌّ: صَالِحُ بْنُ حَيَّانَ ضَعِيفٌ لَا يُحْتَجُّ بِهِ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ يُعَظِّمُ خِلَافَ الصَّاحِبِ وَيَرَى الْأَخْذَ بِالْآثَارِ الْوَاهِيَةِ مِثْلَ الَّذِي قَدَّمْنَا أَنْ يَأْخُذَ بِهَذَا الْأَثَرِ، فَهُوَ أَحْسَنُ مِنْ كَثِيرٍ مِمَّا يَأْخُذُونَ بِهِ قَدْ ذَكَرْنَاهُ، وَلَا يُعْرَفُ لِعَلِيٍّ هَهُنَا مُخَالِفٌ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَهَذَا مِمَّا تَنَاقَضُوا فِيهِ.

L3386 As for us, we recognize no authoritative evidence except a firmly established report from the Messenger of Allah—peace and blessings be upon him—or the Qur'an. All praise is due to Allah, Lord of the worlds—this is especially evident given that ʿAlī, may Allah be pleased with him, interrupted the oblig-

وَأَمَّا نَحْنُ فَلَا حُجَّةَ عِنْدَنَا إِلَّا فِي خَبَرٍ ثَابِتٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ الْقُرْآنِ. وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. لَا سِيَّمَا وَعَلِيٌّ - رَضِيَ اللَّهُ عَنْهُ - قَدْ قَطَعَ صَلَاةَ الْفَرْضِ

atory congregational prayer on account of this matter, and he, may Allah be pleased with him, would never have interrupted it for something he did not consider obligatory. If they argue: "Perhaps this is merely recommended," we counter: "Then by the same logic, all rulings you deem obligatory—like ablution after nosebleeds and other instances, based on blind imitation of predecessors—might also be considered merely recommended, including rulings on pre-seminal fluid. All these assertions are meaningless, being baseless claims that contradict established realities. Success lies only with Allah, the Exalted."

بِالنَّاسِ مِنْ أَجْلِ ذَلِكَ، وَمَا كَانَ - رَضِيَ اللَّهُ عَنْهُ - لِيَقْطَعَهَا فِيمَا لَا يَرَاهُ وَاجِبًا. فَإِنْ قَالُوا: لَعَلَّ هَذَا اسْتِحْبَابٌ قُلْنَا: وَلَعَلَّ كُلَّ مَا أَوْجَبْتُمْ فِيهِ الْوُضُوءَ مِنْ الرُّعَافِ وَغَيْرِهِ تَقْلِيدًا لِمَنْ سَلَفَ إنَّمَا هُوَ اسْتِحْبَابٌ وَكَذَلِكَ الْمَذْيُ، وَهَذَا كُلُّهُ لَا مَعْنَى لَهُ وَإِنَّمَا هِيَ دَعَاوٍ مُخَالِفَةٌ لِلْحَقَائِقِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3387–3389

As for apostasy: If a Muslim performed ablution (wuḍūʾ) or ghusl for major ritual impurity (janābah), or if a woman performed ghusl after menstruation, then each of them apostatized and subsequently reverted to Islam without any new ritual impurity (ḥadath) arising from either of them, there is no Qur'anic verse or Sunnah that addresses whether they must renew their ablution or ritual bath. There is no sound evidence, unsound evidence, consensus, or analogy indicating that apostasy constitutes an occurrence that nullifies ritual purity. They unanimously agree with us that apostasy does not invalidate the major ablution for sexual impurity, the major ablution for menstruation, prior religious endowments, prior manumissions, or marital inviolability. Since they are proponents of analogy, how did it occur to them that apostasy invalidates the minor ablution? Why did they not analogize the minor ablution to the major ablutions in this matter? That would have been the most valid analogy—if any analogy were sound. If they cite Allah's statement, *"If you associate others with Allah, your deeds will surely be nullified, and you will be among the losers"* (39:65), we respond that this applies to one who dies in disbelief, not to one who returns to Islam. Allah's statement clarifies this: *"Whoever among you renounces their faith and dies in disbelief—their deeds are nullified"* (2:217). His words *"You will surely be among the losers"* (39:65) constitute sound and conclusive evidence for our position. There is no disagreement among the Ummah that one who apostatizes, then returns to Islam and dies as a Muslim, is not among the losers but rather among the successful and prosperous. The loser

وَأَمَّا الرِّدَّةُ فَإِنَّ الْمُسْلِمَ لَوْ تَوَضَّأَ وَاغْتَسَلَ لِلْجَنَابَةِ أَوْ كَانَتْ امْرَأَةً فَاغْتَسَلَتْ مِنْ الْحَيْضِ ثُمَّ ارْتَدَّا ثُمَّ رَاجَعَا - الْإِسْلَامَ دُونَ حَدَثٍ يَكُونُ مِنْهُمَا، فَإِنَّهُ لَمْ يَأْتِ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ وَلَا إجْمَاعٌ وَلَا قِيَاسٌ بِأَنَّ الرِّدَّةَ حَدَثٌ يَنْقُضُ الطَّهَارَةَ، وَهُمْ يُجْمِعُونَ مَعَنَا عَلَى أَنَّ الرِّدَّةَ لَا تَنْقُضُ غُسْلَ الْجَنَابَةِ وَلَا غُسْلَ الْحَيْضِ وَلَا أَحْبَاسَهُ السَّالِفَةَ وَلَا عِتْقَهُ السَّالِفَ وَلَا حُرْمَةَ الرَّجُلِ، فَمِنْ أَيْنَ وَقَعَ لَهُمْ أَنَّهَا تَنْقُضُ الْوُضُوءَ وَهُمْ أَصْحَابُ قِيَاسٍ، فَهَلَّا قَاسُوا الْوُضُوءَ عَلَى الْغُسْلِ فِي ذَلِكَ، فَكَانَ يَكُونُ أَصَحَّ قِيَاسٍ لَوْ كَانَ شَيْءٌ مِنْ الْقِيَاسِ صَحِيحًا، فَإِنْ ذَكَرُوا قَوْلَ اللَّهِ تَعَالَى {لَئِنْ أَشْرَكْتَ لَيَحْبَطَنَّ عَمَلُكَ وَلَتَكُونَنَّ مِنَ الْخَاسِرِينَ} [الزمر: ٦٥] قُلْنَا هَذَا عَلَى مَنْ مَاتَ كَافِرًا لَا عَلَى مَنْ رَاجَعَ الْإِسْلَامَ. يُبَيِّنُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى {وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنْ دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ أَعْمَالُهُمْ} [البقرة: ٢١٧] وَقَوْله تَعَالَى {وَلَتَكُونَنَّ مِنَ الْخَاسِرِينَ} [الزمر: ٦٥] شَهَادَةٌ صَحِيحَةٌ قَاطِعَةٌ لِقَوْلِنَا، لِأَنَّهُ لَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ فِي أَنَّ مَنْ ارْتَدَّ ثُمَّ رَاجَعَ الْإِسْلَامَ وَمَاتَ مُسْلِمًا فَإِنَّهُ لَيْسَ مِنْ الْخَاسِرِينَ، بَلْ مِنْ الرَّابِحِينَ الْمُفْلِحِينَ، وَإِنَّمَا الْخَاسِرُ مَنْ مَاتَ كَافِرًا، وَهَذَا بَيِّنٌ وَالْحَمْدُ لِلَّهِ.

is none but the one who dies in disbelief. This is clear, and all praise is due to Allah.[43]

L3390–3392

Regarding the visible blood from the vagina of a pregnant woman, scholars have differed concerning it. It has been narrated to us through the chain of Umm ʻAlqamah from ʻAishah, the Mother of the Believers, that a pregnant woman menstruates. This is one of the two opinions of al-Zuhri and the view of ʻIkrimah, Qatādah, Bakr ibn ʻAbdullāh al-Muzanī, Rabīʻah, Mālik, al-Layth, and al-Shāfiʻī. It has been narrated to us from Saʻīd ibn al-Musayyib, al-Hasan, and Hammād ibn Abī Sulaymān that she is a mustahādah (one experiencing irregular bleeding), not a menstruating woman. It was narrated from Mālik that he said regarding a pregnant woman who sees blood: "She does not pray unless the bleeding becomes prolonged for her, at which point she performs ghusl and prays," though he did not define a specific duration for what constitutes prolongation. He also stated: "The early stage of pregnancy is not like its later stage, and he exercises juristic judgment for her in this matter without any defined limit." It has been narrated to us through the chain of 'Aṭā' from ʻAishah, the Mother of the Believers: "Even if a pregnant woman sees blood, she performs wuḍū' and prays." This is the opinion of 'Aṭā', al-Ḥakam ibn ʻUtaybah, al-Nakhaʻī, al-Shaʻbī, Sulaymān ibn Yasār, Nāfiʻ the freed slave of Ibn ʻUmar, one of the two opinions of al-Zuhri, and the view of Sufyān al-Thawrī, al-Awzāʻī, Abū Ḥanīfah, Aḥmad ibn Ḥanbal, Abū Thawr, Abū ʻUbayd, Dāwūd, and their companions. Abū Muḥammad said: "It is authentically established that the Messenger of Allah—peace and blessings be upon him—prohibited divorcing a menstruating woman and commanded divorce during pregnancy." Since she is a non-pregnant woman, it is established that the legal status of a menstruating woman and a non-pregnant woman differs from that of a pregnant woman. Opposing scholars have agreed that the appearance of menstruation serves as a means of confirming freedom from pregnancy. If it were permissible for a pregnant woman to menstruate, menstruation would not indicate freedom from pregnancy—and this is very clear. Praise be to Allah. Since the blood is neither menstruation nor a cause of istiḥāḍah (irregular bleeding), it does

وَأَمَّا الدَّمُ الظَّاهِرُ مِنْ فَرْجِ الْمَرْأَةِ الْحَامِلِ فَقَدْ اخْتَلَفَ النَّاسُ فِيهِ، فَرُوِّينَا مِنْ طَرِيقِ أُمِّ عَلْقَمَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ الْحَامِلَ تَحِيضُ، وَهُوَ أَحَدُ قَوْلَيْ الزُّهْرِيِّ وَهُوَ قَوْلُ عِكْرِمَةَ وَقَتَادَةَ وَبَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ وَرَبِيعَةَ وَمَالِك وَاللَّيْثِ وَالشَّافِعِيِّ، وَرُوِّينَا عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ وَالْحَسَنِ وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ أَنَّهَا مُسْتَحَاضَةٌ لَا حَائِضٌ وَرُوِيَ عَنْ مَالِكٍ أَنَّهُ قَالَ فِي الْحَامِلِ تَرَى الدَّمَ أَنَّهَا لَا تُصَلِّي إلَّا أَنْ يَطُولَ ذَلِكَ بِهَا فَحِينَئِذٍ تَغْتَسِلُ وَتُصَلِّي، وَلَمْ يَحُدَّ فِي الطُّولِ حَدًّا، وَقَالَ أَيْضًا لَيْسَ أَوَّلُ الْحَمْلِ كَآخِرِهِ، وَيَجْتَهِدُ لَهَا وَلَا حَدَّ فِي ذَلِكَ. وَرُوِّينَا مِنْ طَرِيقِ عَطَاءٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّ الْحَامِلَ وَإِنْ رَأَتْ الدَّمَ فَإِنَّهَا تَتَوَضَّأُ وَتُصَلِّي، وَهُوَ قَوْلُ عَطَاءٍ وَالْحَكَمِ بْنِ عُتَيْبَةَ وَالنَّخَعِيِّ وَالشَّعْبِيِّ وَسُلَيْمَانَ بْنِ يَسَارٍ وَنَافِعٍ مَوْلَى ابْنِ عُمَرَ، وَأَحَدُ قَوْلَيْ الزُّهْرِيِّ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَأَبِي حَنِيفَةَ وَأَحْمَدَ بْنِ حَنْبَلٍ وَأَبِي ثَوْرٍ وَأَبِي عُبَيْدٍ وَدَاوُد وَأَصْحَابِهِمْ: قَالَ أَبُو مُحَمَّدٍ: صَحَّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ طَلَاقِ الْحَائِضِ وَأَمَرَ بِالطَّلَاقِ فِي حَالِ الْحَمْلِ» ، وَإِذَا كَانَتْ حَائِلًا فَصَحَّ أَنَّ حَالَ الْحَائِضِ وَالْحَائِلِ غَيْرُ حَالِ الْحَامِلِ وَقَدْ اتَّفَقَ الْمُخَالِفُونَ لَنَا عَلَى أَنَّ ظُهُورَ الْحَيْضِ اسْتِبْرَاءٌ وَبَرَاءَةٌ مِنْ الْحَمْلِ، فَلَوْ جَازَ أَنْ تَحِيضَ - الْحَامِلُ لَمَا كَانَ الْحَيْضُ بَرَاءَةً مِنْ الْحَمْلِ، وَهَذَا بَيِّنٌ جِدًّا وَالْحَمْدُ لِلَّهِ، وَإِذَا كَانَ لَيْسَ - حَيْضًا وَلَا عِرْقَ اسْتِحَاضَةٍ فَهُوَ غَيْرُ مُوجِبٍ لِلْغُسْلِ وَلَا لِلْوُضُوءِ إذْ لَمْ يُوجِبْ ذَلِكَ نَصٌّ وَلَا إجْمَاعٌ وَكَذَلِكَ دَمُ النِّفَاسِ فَإِنَّمَا يُوجِبُ الْغُسْلَ، لِأَنَّهُ دَمُ حَيْضٍ عَلَى مَا بَيَّنَّا بَعْدَ هَذَا وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

[43] **Qur'an references (L3387):** Qur'an 39:65 (Az-Zumar); Qur'an 2:217 (Al-Baqarah).

not necessitate ghusl or wuḍū’, as no textual evidence or consensus mandates this. Similarly, the blood of postpartum bleeding (*nifās*) obligates *ghusl* (major ritual ablution), because it is menstrual blood in ruling, as we have clarified after this—and all praise is due to Allah, the Lord of all worlds.

L3393 The same ruling applies to slaughtering and killing, even if sinful, as none of these actions invalidate ritual purity, since neither Qur’anic text nor Sunnah prescribes such invalidation. Similarly, if a man touches a woman over her garment, he has only touched the garment, not the woman herself. Likewise, a man touching another man without touching the private parts, or a woman touching another woman without touching the private parts, as well as experiencing an erection, sexual arousal, stomach rumbling during prayer, touching or plucking armpit hair, touching the genitalia or groin, cutting hair, or trimming nails: none of these necessitate ablution, as no textual evidence or consensus mandates it for any of these acts. However, certain juridical schools have prescribed ablution for some—indeed most, indeed even all—of these actions. For instance, Ibrahim al-Nakha‘i required ablution for stomach rumbling during prayer. Some later scholars mandated ablution for erection, sexual arousal, or touching over a garment with desire. It is transmitted that ‘Umar ibn al-Khattab and Mujahid required ablution for touching the armpit, while ‘Ali ibn Abi Talib and ‘Abdullah ibn ‘Amr prescribed ghusl (ritual bath) for plucking armpit hair. Mujahid also required ablution for cleaning the nose. From ‘Ali ibn Abi Talib, Mujahid, Dharr, father of ‘Umar ibn Dharr, we have reports mandating ablution after cutting nails or hair. As for worms or fecal stones exiting the anus, al-Shafi‘i deemed ablution obligatory for this, whereas Malik and our companions did not. A narration attributed to the Prophet (peace be upon him) states, “Whoever touches their genitalia or groin must perform ablution,” but it is a mursal (disconnected) narration lacking a reliable chain. Regarding yellow, dark, or red discharge, their ruling—that they are neither menstrual nor vascular blood—will be discussed in the section on menstruation, God willing. Since they are neither, ablution is not required, as no Qur’an, Sunnah, or consensus obligates it. As for laughing during prayer, weakly attested reports exist that prescribe ablution, but they are unreliable. These are either

وَكَذَلِكَ الْقَوْلُ فِي الذَّبْحِ وَالْقَتْلِ وَإِنْ كَانَ مَعْصِيَةً، فَإِنَّ كُلَّ ذَلِكَ لَا يَنْقُضُ الطَّهَارَةَ، لِأَنَّهُ لَمْ يَأْتِ بِذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ، وَكَذَلِكَ مَنْ مَسَّ الْمَرْأَةَ عَلَى ثَوْبٍ، لِأَنَّهُ إِنَّمَا لَامَسَ الثَّوْبَ لَا الْمَرْأَةَ، وَكَذَلِكَ مَسُّ الرَّجُلِ الرَّجُلَ بِغَيْرِ الْفَرْجِ وَمَسُّ الْمَرْأَةِ الْمَرْأَةَ وَبِغَيْرِ الْفَرْجِ وَالْإِنْعَاظُ وَالتَّذَكُّرُ وَقَرْقَرَةُ الْبَطْنِ فِي الصَّلَاةِ وَمَسُّ الْإِبْطِ وَنَتْفُهُ وَمَسُّ الْأُنْثَيَيْنِ وَالرُّفْغَيْنِ وَقَصُّ الشَّعْرِ وَالْأَظْفَارِ لِأَنَّ كُلَّ مَا ذَكَرْنَا لَمْ يَأْتِ نَصٌّ وَلَا إِجْمَاعٌ بِإِيجَابِ الْوُضُوءِ فِي شَيْءٍ مِنْهُ. وَقَدْ أَوْجَبَ الْوُضُوءَ فِي بَعْضِ مَا ذَكَرْنَا بَلْ فِي أَكْثَرِهِ بَلْ فِي كُلِّهِ، طَوَائِفُ مِنْ النَّاسِ، فَأَوْجَبَ الْوُضُوءَ مِنْ قَرْقَرَةِ الْبَطْنِ فِي الصَّلَاةِ إبْرَاهِيمُ النَّخَعِيُّ، وَأَوْجَبَ الْوُضُوءَ فِي الْإِنْعَاظِ وَالتَّذَكُّرِ وَالْمَسِّ عَلَى الثَّوْبِ لِشَهْوَةٍ بَعْضُ الْمُتَأَخِّرِينَ، وَرُوِّينَا إيجَابَ الْوُضُوءِ فِي مَسِّ الْإِبْطِ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَمُجَاهِدٍ، وَإِيجَابَ الْغُسْلِ مِنْ نَتْفِهِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو. وَعَنْ مُجَاهِدٍ الْوُضُوءُ مِنْ تَنْقِيَةِ الْأَنْفِ. وَرُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ وَمُجَاهِدٍ وَذَرٍّ وَالِدِ عُمَرَ بْنِ ذَرٍّ إيجَابَ الْوُضُوءِ مِنْ قَصِّ الْأَظْفَارِ وَقَصِّ الشَّعْرِ، وَأَمَّا الدُّودُ وَالْحَجَرُ يَخْرُجَانِ مِنْ الدُّبُرِ فَإِنَّ الشَّافِعِيَّ أَوْجَبَ الْوُضُوءَ مِنْ ذَلِكَ وَلَمْ يُوجِبْهُ مَالِكٌ وَلَا أَصْحَابُنَا، وَقَدْ رُوِّينَا «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنْ مَسَّ أُنْثَيَيْهِ أَوْ رُفْغَيْهِ فَلْيَتَوَضَّأْ» وَلَكِنَّهُ مُرْسَلٌ لَا يُسْنَدُ. وَأَمَّا الصُّفْرَةُ وَالْكُدْرَةُ وَالدَّمُ الْأَحْمَرُ فَسَيُذْكَرُ فِي الْكَلَامِ فِي الْحَيْضِ - إنْ شَاءَ اللَّهُ - حُكْمُهُ وَإِنَّهُ لَيْسَ - حَيْضًا وَلَا عِرْقًا، فَإِذَا لَيْسَ حَيْضًا وَلَا عِرْقًا فَلَا وُضُوءَ فِيهِ. إذْ

لَمْ يُوجِبْ فِي ذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ. وَأَمَّا الضَّحِكُ فِي الصَّلَاةِ فَإِنَّا رُوِّينَا فِي إِيجَابِ الْوُضُوءِ مِنْهُ أَثَرًا وَاهِيًا لَا يَصِحُّ لِأَنَّهُ إِمَّا مُرْسَلٌ مِنْ طَرِيقِ أَبِي الْعَالِيَةِ وَإِبْرَاهِيمَ النَّخَعِيِّ وَابْنِ سِيرِينَ وَالزُّهْرِيِّ وَعَنْ الْحَسَنِ عَنْ مَعْبَدِ بْنِ صُبَيْحٍ وَمَعْبَدِ الْجُهَنِيِّ، وَإِمَّا مُسْنَدٌ مِنْ طَرِيقِ أَنَسٍ وَأَبِي مُوسَى وَأَبِي هُرَيْرَةَ وَعِمْرَانَ بْنِ حُصَيْنٍ وَجَابِرٍ وَأَبِي الْمَلِيحِ، وَرُوِّينَا إِيجَابَ الْوُضُوءِ مِنْهُ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ وَإِبْرَاهِيمَ النَّخَعِيِّ وَالشَّعْبِيِّ وَسُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَالْحَسَنِ بْنِ حَيٍّ وَعُبَيْدِ اللَّهِ بْنِ الْحَسَنِ وَأَبِي حَنِيفَةَ وَأَصْحَابِهِ.

فَأَمَّا حَدِيثُ أَنَسٍ فَإِنَّهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ عَبْدِ اللَّهِ بْنِ زِيَادَةَ التَّتَرِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُمَرَ وَأَبِي حَيْلَةَ وَهُوَ مَجْهُولٌ، وَأَمَّا حَدِيثُ أَبِي مُوسَى فَفِيهِ مُحَمَّدُ بْنُ نُعَيْمٍ وَهُوَ مَجْهُولٌ، وَأَمَّا حَدِيثُ أَبِي هُرَيْرَةَ فَفِيهِ عَبْدُ الْكَرِيمِ بْنُ أَبِي الْمُخَارِقِ وَهُوَ غَيْرُ ثِقَةٍ وَأَمَّا حَدِيثُ عِمْرَانَ بْنِ حُصَيْنٍ فَفِيهِ إِسْمَاعِيلُ بْنُ عَيَّاشٍ وَعَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ وَهُمَا ضَعِيفَانِ، وَأَمَّا حَدِيثُ جَابِرٍ فَفِيهِ أَبُو سُفْيَانَ وَهُوَ ضَعِيفٌ، وَأَمَّا حَدِيثُ أَبِي الْمَلِيحِ فَفِيهِ الْحَسَنُ بْنُ دِينَارٍ وَهُوَ مَذْكُورٌ بِالْكَذِبِ. وَلَا حُجَّةَ إِلَّا فِي الْقُرْآنِ أَوْ - أَثَرٍ صَحِيحٍ مُسْنَدٍ. وَقَدْ كَانَ يَلْزَمُ الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ الْقَائِلِينَ بِالْمُتَوَاتِرِ مِنْ الْأَخْبَارِ حَتَّى ادَّعَوْا التَّوَاتُرَ لِحَدِيثِ مُعَاذٍ «أَجْتَهِدُ رَأْيِي» وَالْقَائِلِينَ بِمُرْسَلِ سَعِيدٍ وَطَاوُسٍ أَنْ يَقُولُوا بِهَذِهِ الْآثَارِ، فَإِنَّهَا أَشَدُّ تَوَاتُرًا مِمَّا ادَّعَوْا لَهُ التَّوَاتُرَ، وَأَكْثَرُ ظُهُورًا فِي عَدَدِ مَنْ أَرْسَلَهُ مِنْ النَّهْيِ عَنْ بَيْعِ اللَّحْمِ وَالْحَيَوَانِ بِالْحَيَوَانِ، وَسَائِرُ مَا قَالُوا بِهِ مِنْ الْمَرَاسِيلِ.

وَكَذَلِكَ كَانَ يَلْزَمُ أَبَا حَنِيفَةَ وَأَصْحَابَهُ الْمُخَالِفِينَ الْخَبَرُ الصَّحِيحَ - فِي الْمُصَرَّاةِ وَفِي حَجِّ الْمَرْأَةِ عَنْ الْهَرِمِ الْحَيِّ وَفِي سَائِرِ مَا تَرَكُوا فِيهِ السُّنَنَ الثَّابِتَةَ لِلْقِيَاسِ - أَنْ يَرْفُضُوا

mursal via Abu al-ʻAliyah, Ibrahim al-Nakhaʻi, Ibn Sirin, al-Zuhri, al-Hasan from Maʻbad ibn Subayh and Maʻbad al-Juhani, or attributed through chains involving Anas, Abu Musa, Abu Hurayrah, ʻImran ibn Husayn, Jabir, and Abu al-Malih. The obligation of ablution for laughter is reported from Abu Musa al-Ashʻari, Ibrahim al-Nakhaʻi, al-Shaʻbi, Sufyan al-Thawri, al-Awzaʻi, al-Hasan ibn Hayy, ʻUbaydullah ibn al-Hasan, Abu Hanifah, and his followers.

L3394–3395 As for the ḥadīth of Anas, it is transmitted through Aḥmad ibn ʿAbd Allāh ibn Ziyādah al-Tatarī from ʿAbd al-Raḥmān ibn ʿUmar and Abū Ḥaylah—who is unknown (majhūl). As for the ḥadīth of Abū Mūsā, it contains Muḥammad ibn Nuʿaym—who is unknown (majhūl). As for the ḥadīth of Abū Hurayrah, it contains ʿAbd al-Karīm ibn Abī al-Mukhāriq—who is untrustworthy. As for the ḥadīth of ʿImrān ibn Ḥuṣayn, it contains Ismāʿīl ibn ʿAyyāsh and ʿAbd al-Wahhāb ibn Najdah—both of whom are weak (ḍaʿīf). As for the ḥadīth of Jābir, it contains Abū Sufyān—who is weak (ḍaʿīf). As for the ḥadīth of Abū al-Malīḥ, it contains al-Ḥasan ibn Dīnār—who is noted for falsehood. There is no valid proof except in the Qur'ān or a sound, well-attributed report (athar ṣaḥīḥ musnad). It would have been incumbent upon the Mālikīs and Shāfiʿīs, who affirm mass-transmitted (mutawātir) reports—even claiming mass-transmission (tawātur) for Muʿādh's ḥadīth "I exercise my personal judgment"—and who rely on the mursal reports of Saʿīd and Ṭawūs, to uphold these narrations. For these rulings prohibiting the sale of meat and live animals for live animals are more strongly mass-transmitted and more evident in the number of transmitters than what they claimed to be mass-transmitted. Likewise, this applies to all that they have asserted from the mursal reports.

L3396 Similarly, it was incumbent upon Abū Ḥanīfah and his dissenting companions—regarding the authentic report on the milking animal with a tied udder, the woman's Ḥajj on behalf of an elderly living person, and all other matters where they abandoned established Sunnah in favor of analogy—to reject this

invalid report by analogy to what is unanimously agreed upon: that laughter does not invalidate ablution outside prayer, so likewise, it should not invalidate it during prayer. However, they neither apply analogy consistently, nor follow the Sunnah, nor adhere to what they deemed permissible regarding the acceptance of the *mursal* and *mutawātir* reports, unless it aligns with their opinions or their practice of *taqlīd*. Then they are the first to reject it when it contradicts their *taqlīd* and opinions. Allah is sufficient for us, and what an excellent Trustee He is.

L3397 They are asked: In which Quran, Sunnah, or analogy have you found the strict ruling that some ḥadaths invalidate ablution—whether minor or major—while for others, ablution is invalidated only when exceeding a specific measure you have stipulated? The textual evidence for all these matters is uniform, as the Messenger of Allah—peace and blessings be upon him—said: "The prayer of one who experiences ḥadath is not accepted until he performs ablution." No rational person is unaware that even a minor ḥadath constitutes ḥadath. If this is so, then its minor or major occurrence invalidates ritual purity, whereas what is not ḥadath—whether minor or major—does not invalidate purity. And success is from Allah, the Most High.

L3398 The matters that necessitate ghusl (washing the entire body).

L3399 An issue concerning the insertion of the glans penis or its measure into the woman's vagina.

L3400–3401 In the name of Allah, the Most Gracious, the Most Merciful. Things requiring the washing of the entire body.

L3402 Issue 170: The full insertion of the glans or an equivalent measure from a penis missing the glans or a portion exceeding the glans into the woman's vagina - which serves as the birth canal - through lawful or unlawful means, when performed intentionally, necessitates the major ritual bath regardless of ejaculation. If the woman also intentionally participates in this act, the same ruling applies to her whether she ejaculates or not. If either party is insane, intoxicated, asleep, unconscious, or coerced, only ablution is required

هَذَا الْخَبَرَ الْفَاسِدَ قِيَاسًا عَلَى مَا أُجْمِعَ عَلَيْهِ مِنْ أَنَّ الضَّحِكَ لَا يَنْقُضُ الْوُضُوءَ فِي غَيْرِ الصَّلَاةِ، فَكَذَلِكَ لَا يَجِبُ أَنْ يَنْقُضَهُ فِي الصَّلَاةِ، وَلَكِنَّهُمْ لَا يَطَّرِدُونَ الْقِيَاسَ وَلَا يَتَّبِعُونَ السُّنَنَ وَلَا يَلْتَزِمُونَ مَا أَحَلُّوا مِنْ قَبُولِ الْمُرْسَلِ وَالْمُتَوَاتِرِ، إِلَّا رَيْثَمَا يَأْتِي مُوَافِقًا لِآرَائِهِمْ أَوْ تَقْلِيدِهِمْ، ثُمَّ هُمْ أَوَّلُ رَافِضِينَ لَهُ إِذَا خَالَفَ تَقْلِيدَهُمْ وَآرَاءَهُمْ. وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ.

وَيُقَالُ لَهُمْ: فِي أَيِّ قُرْآنٍ أَوْ فِي أَيِّ سُنَّةٍ أَوْ فِي أَيِّ قِيَاسٍ وَجَدْتُمْ تَغْلِيظَ بَعْضِ الْأَحْدَاثِ فَيَنْقُضُ الْوُضُوءَ قَلِيلُهَا وَكَثِيرُهَا، وَتَخْفِيفُ بَعْضِهَا قَدْ يَنْقُضُ الْوُضُوءَ إِلَّا مِقْدَارًا حَدَّدْتُمُوهُ مِنْهَا؟ وَالنَّصُّ فِيهَا كُلِّهَا جَاءَ مَجِيئًا وَاحِدًا، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا تُقْبَلُ صَلَاةُ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» وَلَا يَخْفَى عَلَى ذِي عَقْلٍ أَنَّ بَعْضَ الْحَدَثِ حَدَثٌ، فَإِذَا هُوَ كَذَلِكَ فَقَلِيلُهُ وَكَثِيرُهُ يَنْقُضُ الطَّهَارَةَ، وَمَا لَمْ يَكُنْ حَدَثًا فَكَثِيرُهُ وَقَلِيلُهُ لَا يَنْقُضُ الطَّهَارَةَ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[الْأَشْيَاءُ الْمُوجِبَةُ غَسْلَ الْجَسَدِ كُلِّهِ]

[مَسْأَلَةٌ إِيلَاجُ الْحَشَفَةِ أَوْ مِقْدَارِهَا فِي فَرْجِ الْمَرْأَةِ] .

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْأَشْيَاءُ الْمُوجِبَةُ غَسْلَ الْجَسَدِ كُلِّهِ

١٧٠ - مَسْأَلَةٌ: إِيلَاجُ الْحَشَفَةِ أَوْ إِيلَاجُ مِقْدَارِهَا مِنْ الذَّكَرِ الذَّاهِبِ الْحَشَفَةِ وَالذَّاهِبِ أَكْثَرَ مِنْ الْحَشَفَةِ - فِي فَرْجِ الْمَرْأَةِ الَّذِي هُوَ مَخْرَجُ الْوَلَدِ مِنْهَا بِحَرَامٍ أَوْ حَلَالٍ، إِذَا كَانَ بِعَمْدٍ أَنْزَلَ أَوْ لَمْ يُنْزِلْ، فَإِنْ عَمَدَتْ هِيَ أَيْضًا لِذَلِكَ، فَكَذَلِكَ أَنْزَلَتْ أَوْ لَمْ تُنْزِلْ، فَإِنْ كَانَ أَحَدُهُمَا مَجْنُونًا أَوْ سَكْرَانًا أَوْ نَائِمًا أَوْ مُغْمًى عَلَيْهِ أَوْ مُكْرَهًا، فَلَيْسَ عَلَى مَنْ هَذِهِ

for the affected individual upon regaining consciousness or awakening, unless ejaculation occurs. If either party has not reached puberty, neither ritual bath nor ablution is obligatory. Upon reaching puberty, the major ritual bath and ablution become obligatory for subsequent acts, not for past occurrences.

L3403 The evidence for this is what was narrated to us by Aḥmad al-Ṭalmanakī, who narrated to us Muḥammad ibn Aḥmad ibn Mufarrij, who narrated to us Muḥammad ibn Ayyūb al-Ṣamūt, who narrated to us Aḥmad ibn ʿAmr ibn ʿAbd al-Khāliq al-Bazzār, who narrated to us Muḥammad ibn al-Muthannā, who narrated to us Muḥammad ibn ʿAbd Allāh al-Anṣārī, who narrated to us Hishām ibn Ḥassān, from Ḥumayd ibn Hilāl, from Abū Burdah ibn Abī Mūsā al-Ashʿarī, from his father, from ʿĀ'ishah, from the Prophet, who said: "When the two circumcised parts meet, ghusl is obligatory." And it was narrated to us by Ḥammām, who narrated to us ʿAbbās ibn Aṣbagh, who narrated to us Muḥammad ibn ʿAbd al-Malik ibn Ayman, who narrated to us Aḥmad ibn Zuhayr ibn Ḥarb, who narrated to us Muslim ibn Ibrāhīm, who narrated to us Shuʿbah and Hishām al-Dastuwā'ī, both from Qatādah, from al-Ḥasan al-Baṣrī, from Abū Rāfiʿ, from Abū Hurayrah, from the Prophet (peace and blessings be upon him), who said: "When he settles between her four limbs and presses the circumcised part against the circumcised part, ghusl is obligatory."[44]

L3404–3405 Ahmad ibn Zuhayr said: Affan ibn Muslim narrated to us: Hammam ibn Yahya and Aban ibn Yazid al-Attar narrated to us, and they both said together: Qatadah narrated to us from al-Hasan from Abu Rafi' from Abu Hurayrah from the Prophet - peace and blessings of Allah be upon him - who said: "When he positions himself between her four limbs and strives vigorously, the ritual bath has become obligatory upon him, whether he ejaculates or not."

L3406–3408 Abū Muḥammad said: This contains an established addition regarding the ḥadīths that omit the ritual bath, and the addition constitutes a legislated ruling that must not be abandoned. We specified this ruling in the context of childbirth because circumcision applies only there. Thus, it is equivalent

[44]**Hadith references (L3403):** Sunan Abi Dawud 216.

صِفَتُهُ مِنْهُمَا إِلَّا الْوُضُوءُ فَقَطْ إِذَا أَفَاقَ أَوْ اسْتَيْقَظَ إِلَّا أَنْ يُنْزِلَ، فَإِنْ كَانَ أَحَدُهُمَا غَيْرَ بَالِـغٍ فَلَا غُسْلَ عَلَيْهِ وَلَا وُضُوءَ، فَإِذَا بَلَغَ لَزِمَهُ الْغُسْلُ فِيمَا يَحْدُثُ لَا فِيمَا سَلَفَ لَهُ مِنْ ذَلِكَ وَالْوُضُوءُ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَا أَحْمَدُ الطَّلْمَنْكِيُّ ثنا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الصَّمُوتُ ثنا أَحْمَدُ بْنُ عَمْرِو بْنِ عَبْدِ الْخَالِقِ الْبَزَّارُ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ ثنا هِشَامُ بْنُ حَسَّانَ عَنْ حُمَيْدِ بْنِ هِلَالٍ عَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى الْأَشْعَرِيِّ عَنْ أَبِيهِ عَنْ عَائِشَةَ عَنِ النَّبِيِّ قَالَ: «إِذَا الْتَقَى الْخِتَانَانِ وَجَبَ الْغُسْلُ» . وَحَدَّثَنَا حَمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ ثنا مُسْلِمُ بْنُ إِبْرَاهِيمَ ثنا شُعْبَةُ وَهِشَامٌ الدَّسْتُوَائِيُّ كِلَاهُمَا عَنْ قَتَادَةَ عَنِ الْحَسَنِ الْبَصْرِيِّ عَنْ أَبِي رَافِعٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا قَعَدَ بَيْنَ شُعَبِهَا الْأَرْبَعِ وَأَلْزَقَ الْخِتَانَ بِالْخِتَانِ فَقَدْ وَجَبَ الْغُسْلُ» .

قَالَ أَحْمَدُ بْنُ زُهَيْرٍ: وَحَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ ثنا هَمَّامُ بْنُ يَحْيَى وَأَبَانُ بْنُ يَزِيدَ الْعَطَّارُ قَالَا جَمِيعًا ثنا قَتَادَةُ عَنِ الْحَسَنِ عَنْ أَبِي رَافِعٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا قَعَدَ بَيْنَ شُعَبِهَا الْأَرْبَعِ وَأَجْهَدَ نَفْسَهُ فَقَدْ وَجَبَ عَلَيْهِ الْغُسْلُ أَنْزَلَ أَوْ لَمْ يُنْزِلْ» .

قَالَ أَبُو مُحَمَّد: هَذَا فِيهِ زِيَادَةٌ ثَابِتَةٌ عَنِ الْأَحَادِيثِ الَّتِي فِيهَا إِسْقَاطُ الْغُسْلِ، وَالزِّيَادَةُ شَرِيعَةٌ وَارِدَةٌ لَا يَجُوزُ تَرْكُهَا. وَإِنَّمَا قُلْنَا فِي مَخْرَجِ الْوَلَدِ، لِأَنَّهُ لَا خِتَانَ إِلَّا هُنَالِكَ، فَسَوَاءٌ كَانَ مَخْتُونًا أَوْ غَيْرَ مَخْتُونٍ لِأَنَّ لَفْظَةَ «أَجْهَدَ نَفْسَهُ» تَقْتَضِي ذَلِكَ، وَلَمْ يَخُصَّ

- عَلَيْهِ السَّلَامُ - حَرَامًا مِنْ حَلَالٍ. وَإِنَّمَا قُلْنَا بِذَلِكَ فِي الْعَمْدِ دُونَ الْأَحْوَالِ الَّتِي ذَكَرْنَا لِأَنَّ قَوْلَهُ - عَلَيْهِ السَّلَامُ - «إذَا قَعَدَ ثُمَّ أَجْهَدَ» وَهَذَا الْإِطْلَاقُ لَيْسَ إلَّا لِلْمُخْتَارِ الْقَاصِدِ، وَلَا يُسَمَّى الْمَغْلُوبُ أَنَّهُ قَعَدَ وَلَا النَّائِمُ وَلَا الْمُغْمَى عَلَيْهِ. وَأَمَّا الْمَجْنُونُ فَقَدْ ذَكَرْنَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ» فَذَكَرَ - عَلَيْهِ السَّلَامُ - «الْمَجْنُونِ حَتَّى يُفِيقَ وَالصَّبِيِّ حَتَّى يَبْلُغَ» فَإِذَا زَالَتْ هَذِهِ الْأَحْوَالُ كُلُّهَا مِنْ الْجُنُونِ وَالْإِغْمَاءِ وَالنَّوْمِ وَالصِّبَا فَالْوُضُوءُ لَازِمٌ لَهُمْ فَقَطْ لِأَنَّهُمْ يَصِيرُونَ مُخَاطَبِينَ بِالصَّلَاةِ وَبِالْوُضُوءِ لَهَا جُمْلَةً، وَبِالْغُسْلِ إنْ كَانُوا مُجْنِبِينَ، وَهَؤُلَاءِ لَيْسُوا بِمُجْنِبِينَ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

whether he is circumcised or uncircumcised, as the phrase “exerted himself” necessitates this, and the Prophet (peace be upon him) did not differentiate between unlawful and lawful. We stated this regarding intentional acts, excluding the situations we mentioned, because his statement (peace be upon him) “when he assumes a position and then exerts himself”—this unrestricted wording applies only to a deliberate and intentional agent. One who is overpowered, asleep, or unconscious cannot be described as having “assumed a position.” As for the insane, we cited the statement of Allah’s Messenger (peace and blessings of Allah be upon him): “The pen is lifted from three”—and he mentioned—peace be upon him— “The insane person until he regains sanity and the child until he reaches puberty.” When all these states—insanity, unconsciousness, sleep, and childhood—cease, ablution becomes obligatory for them only, as they are now obligated to prayer, ablution in its entirety, and ghusl (ritual bath) if they had been in a state of major impurity. These individuals are not in a state requiring ghusl. And success is from Allah, the Most High.

فَإِنْ قِيلَ: فَهَلَّا أَوْجَبْتُمْ الْغُسْلَ بِقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إذَا الْتَقَى الْخِتَانَانِ وَجَبَ الْغُسْلُ» ؟ قُلْنَا: هَذَا الْخَبَرُ أَعَمُّ مِنْ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إذَا أَحْقَطْتَ أَوْ أَكْسَلْتَ فَلَا غُسْلَ عَلَيْكَ» . فَوَجَبَ أَنْ يُسْتَثْنَى الْأَقَلُّ مِنْ الْأَعَمِّ وَلَا بُدَّ، لِيُؤْخَذَ بِهِمَا مَعًا، ثُمَّ حَدِيثُ أَبِي هُرَيْرَةَ زَائِدٌ حُكْمًا عَلَى حَدِيثِ الْإِكْسَالِ فَوَجَبَ إعْمَالُهُ أَيْضًا.

L3409 If it is said: Why do you not obligate the ritual bath based on his statement—peace be upon him—“When the two circumcised parts meet, the ritual bath becomes obligatory”? We respond: This report is more general than his statement—peace be upon him—“If you ejaculate or refrain from ejaculating, there is no ritual bath required of you.” Thus, the specific ruling must necessarily be excepted from the general ruling to consider both together. Moreover, the narration of Abu Hurairah provides an additional legal ruling to the narration regarding refraining from ejaculation, so it must also be applied.

وَأَمَّا كُلُّ مَوْضِعٍ لَا خِتَانَ فِيهِ وَلَا يُمْكِنُ فِيهِ الْخِتَانُ فَلَمْ يَأْتِ نَصٌّ وَلَا سُنَّةٌ بِإِيجَابِ الْغُسْلِ مِنْ الْإِيلَاجِ فِيهِ، وَمِمَّنْ رَأَى أَنْ لَا غُسْلَ مِنْ الْإِيلَاجِ فِي الْفَرْجِ إنْ لَمْ يَكُنْ أَنْزَلَ: عُثْمَانُ بْنُ عَفَّانَ وَعَلِيُّ بْنُ أَبِي طَالِبٍ وَالزُّبَيْرُ بْنُ الْعَوَّامِ وَطَلْحَةُ بْنُ عُبَيْدِ اللَّهِ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ وَابْنُ مَسْعُودٍ وَرَافِعُ بْنُ خَدِيجٍ وَأَبُو سَعِيدٍ الْخُدْرِيُّ وَأُبَيُّ بْنُ كَعْبٍ وَأَبُو

L3410 As for any body part where circumcision is not applicable or where circumcision cannot occur, neither textual evidence nor Sunnah has established the obligation of ritual bath due to penetration therein. Among those who maintained that no ritual bath is required for penetration into the private parts without ejaculation are: ʿUthmān ibn ʿAffān, ʿAlī ibn Abī Ṭālib, al-Zubayr ibn al-ʿAwwām, Ṭalḥah ibn ʿUbayd Allāh, Saʿd ibn Abī Waqqāṣ, Ibn Masʿūd, Rāfiʿ ibn Khadīj, Abū Saʿīd al-Khudrī, Ubayy ibn Kaʿb, Abū Ayyūb al-Anṣārī, Ibn ʿAbbās, al-Nuʿmān ibn Bashīr, Zayd ibn Thābit, the majority of the Anṣār

(may Allah be pleased with them all), as well as ʿAṭāʾ ibn Abī Rabāḥ, Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, Hishām ibn ʿUrwah, al-Aʿmash, and some followers of the Ẓāhirī school. The practice of ritual bath in such cases has been narrated from ʿĀʾishah, Mother of the Believers, Abū Bakr al-Ṣiddīq, ʿUmar ibn al-Khaṭṭāb, ʿUthmān, ʿAlī, Ibn Masʿūd, Ibn ʿAbbās, Ibn ʿUmar, and the Muhājirūn (may Allah be pleased with them all), and this is held by Abū Ḥanīfah, Mālik, al-Shāfiʿī, and some adherents of the Ẓāhirī school.

أَيُّوبَ الْأَنْصَارِيُّ وَابْنُ عَبَّاسٍ وَالنُّعْمَانُ بْنُ بَشِيرٍ وَزَيْدُ بْنُ ثَابِتٍ وَجُمْهُورُ الْأَنْصَارِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَعَطَاءُ بْنُ أَبِي رَبَاحٍ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَهِشَامُ بْنُ عُرْوَةَ وَالْأَعْمَشُ وَبَعْضُ أَهْلِ الظَّاهِرِ. وَرُوِيَ الْغُسْلُ فِي ذَلِكَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ وَأَبِي بَكْرٍ الصِّدِّيقِ وَعُمَرَ بْنِ الْخَطَّابِ وَعُثْمَانَ وَعَلِيٍّ وَابْنِ مَسْعُودٍ وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ وَالْمُهَاجِرِينَ - رَضِيَ اللَّهُ عَنْهُمْ -، وَبِهِ يَقُولُ أَبُو حَنِيفَةَ وَمَالِكٌ وَالشَّافِعِيُّ وَبَعْضُ أَصْحَابِ الظَّاهِرِ.

[مَسْأَلَةٌ يَجِبُ عَلَى الْجُنُبِ غُسْلُ الرَّأْسِ وَجَمِيعِ الْجَسَدِ]

L3411 **Issue: One in a state of major ritual impurity must perform the ritual bath of the head and the entire body.**

١٧١ - مَسْأَلَةٌ: فَلَوْ أَجْنَبَ كُلُّ مَنْ ذَكَرْنَا وَجَبَ عَلَيْهِ غُسْلُ الرَّأْسِ وَجَمِيعِ الْجَسَدِ إِذَا أَفَاقَ الْمُغْمَى عَلَيْهِ وَالْمَجْنُونُ وَانْتَبَهَ النَّائِمُ وَصَحَا السَّكْرَانُ وَأَسْلَمَ الْكَافِرُ، وَبِالْإِجْنَابِ يَجِبُ الْغُسْلُ.

L3412–3414 Issue 171: If all those we have mentioned were to enter a state of Janabah, it would become obligatory upon them to ritually wash the head and the entire body. Ghusl becomes obligatory on the body when a person who fainted regains consciousness, when an insane person regains sanity, when a sleeper awakens, when an intoxicated person sobers up, and when a disbeliever embraces Islam. It is also obligatory due to sexual intercourse.

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] فَلَوْ اغْتَسَلَ الْكَافِرُ قَبْلَ أَنْ يُسْلِمَ وَالْمَجْنُونُ قَبْلَ أَنْ يُفِيقَ أَوْ غَسَلَ الْمُغْمَى عَلَيْهِ قَبْلَ أَنْ يُفِيقَ وَالسَّكْرَانُ لَمْ يُجْزِهِمْ ذَلِكَ مِنْ غُسْلِ الْجَنَابَةِ وَعَلَيْهِمْ إِعَادَةُ الْغُسْلِ، لِأَنَّهُمْ بِخُرُوجِ الْجَنَابَةِ مِنْهُمْ صَارُوا جُنُبًا وَوَجَبَ الْغُسْلُ بِهِ، وَلَا يَجْزِي الْفَرْضَ الْمَأْمُورَ بِهِ إِلَّا بِنِيَّةِ أَدَائِهِ قَصْدًا إِلَى تَأْدِيَةِ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ. قَالَ اللَّهُ تَعَالَى: {وَمَا أُمِرُوا إِلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] وَكَذَلِكَ لَوْ تَوَضَّئُوا فِي هَذِهِ الْأَحْوَالِ لِلْحَدَثِ لَمْ يُجْزِهِمْ وَلَا بُدَّ مِنْ إِعَادَتِهِ بَعْدَ زَوَالِهَا لِمَا ذَكَرْنَا.

L3415 The proof of this is the statement of Allah the Exalted: {And if you are in a state of major impurity (junub), then purify yourselves} [Al-Ma'idah: 6]. If a disbeliever performed ritual bathing before embracing Islam, a mentally incapacitated person before regaining sanity, if someone washed an unconscious person before regaining consciousness, or a drunkard bathed, this would not be valid for them regarding the ritual bath for major impurity. They must reperform the bath, because they entered the state of major impurity due to its occurrence from them, thus obligating the bath. The obligatory act commanded [by Allah] is only fulfilled with the intention to perform it, intending to fulfill what Allah the Exalted has ordained. Allah the Exalted said: {And they were not commanded except to worship Allah, devoting religion sincerely to Him} [Al-Bayyinah: 5]. Similarly, if they performed ablution in these states to remove minor ritual impurity, it would not suffice them, and

they must renew it after recovering from those states, for the reason we have mentioned.[45]

[مَسْأَلَة الْجَنَابَة هِيَ الْمَاء الَّذِي يَكُون مِنْ نَوْعه الْوَلَد]

L3416 **The issue of *janabah* (major ritual impurity) concerns the water [seminal fluid] that is of the type from which the child originates.**

١٧٢ - مَسْأَلَةٌ: وَالْجَنَابَةُ هِيَ الْمَاءُ الَّذِي يَكُونُ مِنْ نَوْعِهِ الْوَلَدُ، وَهُوَ مِنَ الرَّجُلِ أَبْيَضُ غَلِيظٌ رَائِحَتُهُ رَائِحَةُ الطَّلْعِ، وَهُوَ مِنَ الْمَرْأَةِ رَقِيقٌ أَصْفَرُ، وَمَاءُ الْعَقِيمِ وَالْعَاقِرِ يُوجِبُ الْغُسْلَ، وَمَاءُ الْخَصِيِّ لَا يُوجِبُ الْغُسْلَ، وَأَمَّا الْمَجْبُوبُ الذَّكَرِ السَّالِمُ الْأُنْثَيَيْنِ أَوْ إِحْدَاهُمَا فَمَاؤُهُ يُوجِبُ الْغُسْلَ.

L3417 Issue 172: Janabah refers to the fluid from which the child is produced. This fluid is emitted by the man as a white, thick substance with the scent of palm pollen, and by the woman as a thin, yellowish substance. The emission of a sterile man, al-'aqīm, or a barren woman, al-'āqir, necessitates ghusl, while the emission of a eunuch, al-khaṣī, does not necessitate ghusl. As for a male who has undergone penectomy while retaining healthy testicles - whether both or one of them - his emission does necessitate ghusl.

L3418 The evidence for this is what '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: 'Abbas ibn al-Walid narrated to us: Yazid ibn Rabi' narrated to us: Sa'id ibn Abi 'Arubah—from Qatadah—that Anas ibn Malik reported to them that Umm Sulaym narrated: "She asked the Prophet of Allah (peace be upon him) about a woman who sees in her sleep what a man sees. The Messenger of Allah (peace be upon him) said: 'When a woman experiences that, she must perform ghusl.' It was said: 'Does this occur?' The Messenger of Allah (peace be upon him) replied: 'Yes. From where does the resemblance come? Verily, the man's fluid is thick and white, while the woman's fluid is thin and yellow. Whichever of them prevails or comes first determines the resemblance.'"[46]

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 عَبَّاسُ بْنُ الْوَلِيدِ ثنا يَزِيدُ بْنُ رَبِيعٍ ثنا سَعِيدٌ هُوَ ابْنُ أَبِي عَرُوبَةَ - عَنْ قَتَادَةَ أَنَّ أَنَسَ بْنَ مَالِكٍ حَدَّثَهُمْ أَنَّ أُمَّ سُلَيْمٍ حَدَّثَتْ «أَنَّهَا سَأَلَتْ نَبِيَّ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الْمَرْأَةِ تَرَى فِي مَنَامِهَا مَا يَرَى الرَّجُلُ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إِذَا رَأَتْ الْمَرْأَةُ ذَلِكَ فَلْتَغْتَسِلْ، قِيلَ: وَهَلْ يَكُونُ هَذَا؟ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: نَعَمْ، فَمِنْ أَيْنَ يَكُونُ الشَّبَهُ إِنَّ مَاءَ الرَّجُلِ غَلِيظٌ أَبْيَضُ وَمَاءَ الْمَرْأَةِ رَقِيقٌ أَصْفَرُ، فَمِنْ أَيِّهِمَا عَلَا أَوْ سَبَقَ يَكُونُ مِنْهُ الشَّبَهُ» .

L3419–3422 Abu Muhammad said: This is the fluid that necessitates the ritual bath—the fluid of the infertile man, the sterile man, and the man with intact testicles, even if he is castrated. This is its description, and offspring may be born to such a man. As for the fluid of the eunuch, it is yellow and does not con-

قَالَ أَبُو مُحَمَّد: فَهَذَا هُوَ الْمَاءُ الَّذِي يُوجِبُ الْغُسْلَ وَمَاءُ الْعَقِيمِ وَالْعَاقِرِ وَالسَّالِمِ الْخُصْيَةِ، وَإِنْ كَانَ مَجْبُوبًا، فَهَذِهِ صِفَتُهُ وَقَدْ يُولَدُ لِهَذَا، وَأَمَّا مَاءُ الْخَصِيِّ فَإِنَّمَا هُوَ أَصْفَرُ، فَلَيْسَ هُوَ الْمَاءُ الَّذِي جَاءَ النَّصُّ بِإِيجَابِ الْغُسْلِ فِيهِ فَلَا غُسْلَ فِيهِ، وَلَوْ أَنَّ امْرَأَةً شُفِرَتْ

[45] **Qur'an references (L3415):** Qur'an 5:6 (Al-Ma'idah); Qur'an 98:5 (Al-Bayyinah).

[46] **Hadith references (L3418):** Sahih Muslim 311.

stitute the fluid specified in the textual ruling that obligates the ritual bath. Therefore, no ritual bath is required for it, even if a woman... If she had intercourse, whether she was pubescent or non-pubescent, and semen entered her vagina and she became pregnant, then the ritual bath is necessarily obligatory upon her, because semen has undoubtedly been emitted into her.

Case: When janabah occurs, ghusl is required.

L3423

L3424 *Issue:* However the aforementioned major impurity occurs—whether due to a blow, a medical condition, without experiencing pleasure, without being aware of it until afterward, or through lawful intercourse—*ghusl* is obligatory in all such cases.

L3425 The proof for this is the statement of Allah, the Exalted: {If you are in a state of major impurity, then purify yourselves} [5:6], and the Prophet's command—peace be upon him—to perform ghusl when semen is emitted. This applies generally to all who incur the state of major impurity, as neither Allah, the Exalted, nor His Messenger—peace be upon him—exempted any circumstance. Thus, it is impermissible for anyone to restrict the text's generality through personal opinion without another explicit text. This is the view of Al-Shāfiʿī and Dāwūd. Abū Ḥanīfah and Mālik said: If semen exits someone due to a cause (Abū Ḥanīfah added: or if one is struck on the posterior, causing semen to exit), only wuḍūʾ is required, not ghusl. This opinion contradicts the Quran, the established Sunnah, analogical reasoning, and we know of none among the Salaf who attributed it except Saʿīd ibn Jubayr alone, who reportedly stated there is no requirement for ghusl except due to sexual desire.[47]

L3426–3428 Abū Muḥammad said: As for their divergence from analogy, indeed feces, urine, and wind require ablution, and they do not differ that ablution is obligatory however these exit. Similarly, menstruation requires the ritual bath, and however it exits, the ritual bath is obligatory. Thus, the necessary ruling would have been to treat semen likewise. Yet they took neither from the Quran nor acted upon the Sunnah, nor did they apply analogy consis-

[47] **Qur'an references (L3425):** Qur'an 5:6 (Al-Ma'idah).

وَهِيَ بَالِـغٌ أَوْ غَيْرُ بَالِـغٍ، فَدَخَلَ الْمَنِيُّ فَرْجَهَا فَحَمَلَتْ فَالْغُسْلُ عَلَيْهَا وَلَا بُدَّ لِأَنَّهَا قَدْ أَنْزَلَتْ الْمَاءَ يَقِينًا.

[مَسْأَلَة إذَا خَرَجَتْ الْجَنَابَة وَجَبَ الْغُسْل]

١٧٣ . - مَسْأَلَةٌ: وَكَيْفَمَا خَرَجَتْ الْجَنَابَةُ الْمَذْكُورَةُ بِضَرْبَةٍ أَوْ عِلَّةٍ أَوْ لِغَيْرِ لَذَّةٍ أَوْ لَمْ يَشْعُرْ بِهِ حَتَّى وَجَدَهُ أَوْ بِاسْتِنْكَاحٍ فَالْغُسْلُ وَاجِبٌ فِي ذَلِكَ.

بُرْهَانُ ذَلِكَ قَوْله تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] وَأَمْرُهُ - عَلَيْهِ السَّلَامُ - إذَا فَضَخَ الْمَاءَ أَنْ يَغْتَسِلَ، وَهَذَا عُمُومٌ لِكُلِّ مَنْ خَرَجَتْ مِنْهُ الْجَنَابَةُ، وَلَمْ يَسْتَثْنِ عَزَّ وَجَلَّ وَلَا رَسُولُهُ - عَلَيْهِ السَّلَامُ - حَالًا مِنْ حَالٍ، فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَخُصَّ النَّصَّ بِرَأْيِهِ بِغَيْرِ نَصٍّ، وَهَذَا هُوَ قَوْلُ الشَّافِعِيِّ وَدَاوُد. وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ: مَنْ خَرَجَ مِنْهُ الْمَنِيُّ - لِعِلَّةٍ، قَالَ أَبُو حَنِيفَةَ: أَوْ ضُرِبَ عَلَى اسْتِهِ فَخَرَجَ مِنْهُ الْمَنِيُّ فَعَلَيْهِ الْوُضُوءُ وَلَا غُسْلَ عَلَيْهِ، وَهَذَا قَوْلٌ خِلَافٌ لِلْقُرْآنِ وَلِلسُّنَنِ الثَّابِتَةِ وَلِلْقِيَاسِ، وَمَا نَعْلَمُهُ عَنْ أَحَدٍ مِنْ السَّلَفِ إلَّا عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَحْدَهُ فَإِنَّهُ ذَكَرَ عَنْهُ لَا غُسْلَ إلَّا مِنْ شَهْوَةٍ.

قَالَ أَبُو مُحَمَّدٍ: أَمَّا خِلَافُهُمْ لِلْقِيَاسِ فَإِنَّ الْغَائِطَ وَالْبَوْلَ وَالرِّيحَ مُوجِبَةٌ لِلْوُضُوءِ وَلَا يَخْتَلِفُونَ أَنَّ كَيْفَمَا خَرَجَ ذَلِكَ فَالْوُضُوءُ فِيهِ، وَكَذَلِكَ الْحَيْضُ مُوجِبٌ لِلْغُسْلِ، وَكَيْفَمَا خَرَجَ فَالْغُسْلُ فِيهِ، فَكَانَ الْوَاجِبُ أَنْ يَكُونَ الْمَنِيُّ كَذَلِكَ، فَلَا بِالْقُرْآنِ أَخَذُوا وَلَا بِالسُّنَّةِ عَمِلُوا وَلَا الْقِيَاسُ طَرَدُوا. وَالْعَجَبُ أَنَّ بَعْضَهُمْ احْتَجَّ فِي ذَلِكَ بِأَنَّ الْغَائِطَ وَالْبَوْلَ لَيْسَ

tently. The wonder is that some of them argued in this matter by asserting there is no circumstantial factor in the expulsion of feces and urine. It alters the body's state. He said, "Semen emitted through desire eliminates the desire and produces an effect in the body. Therefore, it must be contrary to both of them."

فِي خُرُوجِهِمَا حَالٌ تُحِيلُ الْجَسَدَ. قَالَ: وَالْمَنِيُّ إذَا خَرَجَ لِشَهْوَةٍ أَذْهَبَ الشَّهْوَةَ وَأَحْدَثَ فِي الْجَسَدِ أَثَرًا فَوَجَبَ أَنْ يَكُونَ بِخِلَافِهِمَا.

L3429 Ali said: This is conflation. Rather, the pleasure in the expulsion of urine, feces, and wind when needing their expulsion is greater than the pleasure in the expulsion of semen. The harm from the pain of suppressing their expulsion also exceeds the harm of suppressing semen. Therefore, the ruling is equal in this matter, and with Allah, the Exalted, is success. If one who has had intercourse is harmed by performing ghusl, let him perform tayammum, for he lacks what he can perform ghusl with. His ruling is tayammum by the Quranic text. And with Allah, the Exalted, is success.

قَالَ عَلِيٌّ: وَهَذَا تَخْلِيطٌ، بَلْ اللَّذَّةُ فِي خُرُوجِ الْبَوْلِ وَالْغَائِطِ وَالرِّيحِ أَشَدُّ عِنْدَ الْحَاجَةِ إلَى خُرُوجِهَا مِنْهَا فِي خُرُوجِ الْمَنِيِّ، وَضَرَرُ أَلَمِ امْتِنَاعِ خُرُوجِهَا أَشَدُّ مِنْ ضَرَرِ امْتِنَاعِ خُرُوجِ الْمَنِيِّ فَقَدْ اسْتَوَى الْحُكْمُ فِي ذَلِكَ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، فَإِنْ تَأَذَّى الْمُسْتَنْكِحُ بِالْغُسْلِ فَلْيَتَيَمَّمْ؛ لِأَنَّهُ غَيْرُ وَاجِدٍ مَا يَقْدِرُ عَلَى الْغُسْلِ بِهِ، فَحُكْمُهُ التَّيَمُّمُ بِنَصِّ الْقُرْآنِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة امْرَأَة وطئت ثُمَّ اغْتَسَلَتْ ثُمَّ خَرَجَ مَاء الرَّجُل مِنْ فرجها]

A legal case involving a woman who had intercourse, then performed ghusl, the ritual bath, after which the man's semen came out from her vagina.

L3431 Issue 174: If a woman had intercourse performed upon her, then performed ghusl (major ablution), and afterward the man's semen was discharged from her vagina, she is not required to do anything - neither ghusl nor wudu (minor ablution). This is because ghusl is only obligatory upon her due to her own emission, not that of another, and wudu is only obligatory upon her due to her own minor impurity, not that of another. The discharge of the man's semen from her vagina is neither her emission nor a cause of impurity for her, thus she need not perform ghusl or wudu. It has been narrated from Al-Hasan that she should perform ghusl, and from Qatādah, Al-Awzāʿī, Ahmad, and Isḥāq that she should perform wudu. ʿAlī said: "No one's opinion constitutes authoritative evidence except that of the Messenger of Allah (peace and blessings be upon him)."

١٧٤ - مَسْأَلَةٌ: وَلَوْ أَنَّ امْرَأَةً وُطِئَتْ ثُمَّ اغْتَسَلَتْ ثُمَّ خَرَجَ مَاءُ الرَّجُلِ مِنْ فَرْجِهَا فَلَا شَيْءَ عَلَيْهَا، لَا غُسْلَ وَلَا وُضُوءَ، لِأَنَّ الْغُسْلَ إنَّمَا يَجِبُ عَلَيْهَا مِنْ إنْزَالِهَا لَا مِنْ إنْزَالِ غَيْرِهَا، وَالْوُضُوءُ إنَّمَا يَجِبُ عَلَيْهَا مِنْ حَدَثِهَا لَا مِنْ حَدَثِ غَيْرِهَا وَخُرُوجُ مَاءِ الرَّجُلِ مِنْ فَرْجِهَا لَيْسَ إنْزَالًا مِنْهَا وَلَا حَدَثًا مِنْهَا، فَلَا غُسْلَ عَلَيْهَا وَلَا وُضُوءَ. وَقَدْ رُوِيَ عَنْ الْحَسَنِ أَنَّهَا تَغْسِلُ، وَعَنْ قَتَادَةَ وَالْأَوْزَاعِيِّ وَأَحْمَدَ وَإِسْحَاقَ تَتَوَضَّأُ. قَالَ عَلِيٌّ: لَيْسَ قَوْلُ أَحَدٍ حُجَّةً دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَة امْرَأَة شفرها رَجُل فدخل ماؤه فرجها]

A juridical case: A man touched a woman's labia, and his semen reached her vagina.

L3433 Issue 175: If a man exposes a woman's labia and his semen enters her vagina, she is not obligated to perform *ghusl* unless she herself ejaculates. It has been narrated from ʿAṭāʾ, al-Zuhrī, and Qatādah that *ghusl* is incumbent upon her. ʿAlī said: The obligation of *ghusl* is only binding through an explicit Quranic text or an authentically transmitted Sunnah from the Messenger of Allah (peace be upon him).

١٧٥ - مَسْأَلَةٌ: فَلَوْ أَنَّ امْرَأَةً شَفَرَهَا رَجُلٌ فَدَخَلَ مَاؤُهُ فَرْجَهَا فَلَا غُسْلَ عَلَيْهَا إذَا لَمْ تُنْزِلْ هِيَ. وَقَدْ رُوِيَ عَنْ عَطَاءٍ وَالزُّهْرِيِّ وَقَتَادَةَ: عَلَيْهَا الْغُسْلُ. قَالَ عَلِيٌّ: إيجَابُ الْغُسْلِ لَا يَلْزَمُ إلَّا بِنَصِّ قُرْآنٍ أَوْ سُنَّةٍ ثَابِتَةٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

A legal issue concerning a man and a woman who are non-mahram and engaged in sexual intercourse without ejaculation.

[مَسْأَلَة رَجُل وَامْرَأَةٌ أجنبا وَكَانَ مِنْهُمَا وَطْء دُون إنْزَال]

L3435 Issue 176: If a man and a woman enter a state of major impurity (janabah) through intercourse between them without ejaculation, then they perform the ritual bath - whether they urinated or not - and afterward all or some of the aforementioned fluid exits them or one of them, the ritual bath becomes obligatory and necessary in that case. If they prayed before this occurrence, their prayer remains valid, then they must perform the ritual bath. If the fluid exits during the bath itself - whether a small portion or most of it remains - they (both) or the one from whom it exited must begin the ritual bath, and this is necessary.

١٧٦ - مَسْأَلَةٌ: وَلَوْ أَنَّ رَجُلًا أَوْ امْرَأَةً أَجْنَبَا وَكَانَ مِنْهُمَا وَطْءٌ دُونَ إنْزَالٍ فَاغْتَسَلَا وَبَالَا أَوْ لَمْ يَبُولَا ثُمَّ خَرَجَ مِنْهُمَا أَوْ مِنْ أَحَدِهِمَا بَقِيَّةٌ مِنْ الْمَاءِ الْمَذْكُورِ أَوْ كُلُّهُ فَالْغُسْلُ وَاجِبٌ فِي ذَلِكَ وَلَا بُدَّ، فَلَوْ صَلَّيَا قَبْلَ ذَلِكَ أَجْزَأَتْهُمَا صَلَاتُهُمَا، ثُمَّ لَا بُدَّ مِنْ الْغُسْلِ، فَلَوْ خَرَجَ فِي نَفْسِ الْغُسْلِ وَقَدْ بَقِيَ أَقَلُّهُ أَوْ أَكْثَرُهُ لَزِمَهُمَا أَوْ الَّذِي خَرَجَ ذَلِكَ مِنْهُ ابْتِدَاءَ الْغُسْلِ وَلَا بُدَّ.

L3436 The proof of that is the generality of the statement of the Exalted and Majestic: {And if you are junub, then purify yourselves} [Al-Ma'idah: 6]. The junub is the one from whom janabah has become apparent. And the Prophet's saying—peace be upon him—: "When semen is emitted, he must perform ghusl." It is not permissible to restrict this generality by personal opinion.[48]

بُرْهَانُ ذَلِكَ عُمُومُ قَوْلِهِ عَزَّ وَجَلَّ: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] وَالْجُنُبُ هُوَ مَنْ ظَهَرَتْ مِنْهُ الْجَنَابَةُ. وَقَوْلُهُ - عَلَيْهِ السَّلَامُ -: «إذَا فَضَخَ الْمَاءَ فَلْيَغْتَسِلْ» وَلَا يَجُوزُ تَخْصِيصُ هَذَا الْعُمُومِ بِالرَّأْيِ.

L3437–3438 Abu Hanifah said: If the one who emitted semen had urinated before that, then ghusl is obligatory upon him; but if he had not urinated, then ghusl is not obligatory upon him. Malik said: Ghusl is not obligatory upon him, whether he urinated or not. Al-Shafi'i held the same opinion as us.

وَقَالَ أَبُو حَنِيفَةَ: إنْ كَانَ الَّذِي خَرَجَ مِنْهُ الْمَنِيُّ قَدْ بَالَ قَبْلَ ذَلِكَ فَالْغُسْلُ عَلَيْهِ، وَإِنْ كَانَ لَمْ يَبُلْ فَلَا غُسْلَ عَلَيْهِ. وَقَالَ مَالِكٌ: لَا غُسْلَ عَلَيْهِ بَالَ أَوْ لَمْ يَبُلْ. وَقَالَ الشَّافِعِيُّ كَقَوْلِنَا.

L3439 Abu Muhammad said: Those who did not deem the ritual washing obligatory

[48] **Qur'an references (L3436):** Qur'an 5:6 (Al-Ma'idah).

argued that one had already performed the ritual washing, for the ritual washing is solely necessitated by the descent of major ritual impurity from the body, even if the impurity is not visibly apparent.

L3440 Ali said: "This is not as they claimed. Rather, the ritual bath is only required due to the emergence of janābah (major ritual impurity), based on his statement—peace be upon him—'When she sees the water [i.e., semen].' Even if a man were to derive pleasure through recollection until he becomes certain that semen has reached the bladder but the emission that obligates it has not appeared, no ritual bath would be required of him, for he is not yet in a state of janābah. Whoever asserts the obligation of ritual bath in such case must produce evidence from the Quran or the Sunnah. If it is argued: 'A view resembling Mālik's opinion has been transmitted from Ali, Ibn Abbas, and ʿAṭāʾ,' we respond: No one's opinion constitutes proof apart from the Messenger of Allah—peace and blessings be upon him. It is authentically established that Ali, Ibn Abbas, and Ibn al-Zubayr obligated a woman with chronic bleeding (mustahādah) to perform ritual bath for every prayer, yet neither Mālik nor Abū Ḥanīfah upheld this opinion. It would be absurd to consider Ali and Ibn Abbas—may Allah be pleased with them both—as authoritative in one matter but not in another. Success comes only from Allah, the Exalted."

L3441 **Issue: He inserted into the vagina and thereby entered a state of janāba.**

L3442 Issue 177: If someone inserts into the genitals and enters the state of janabah, he must form the intention in that ritual bath for both matters together. He must also necessarily perform ablution. A single washing of the ablution limbs suffices if he intends through it both the ablution and the ritual bath from penetration and janabah. If he intends some of these three obligations (ablution, ghusl for penetration, or ghusl for janabah) without intending the others, it suffices for what he intended, but he must repeat what he did not intend. If the janabah state resulted from a nocturnal emission or emission in a waking state without penetration, only a single intention for the ritual bath from janabah alone is required.

قَالَ أَبُو مُحَمَّد: وَاحْتَجَّ مَنْ لَمْ يَرَ الْغُسْلَ بِأَنَّهُ قَدْ اغْتَسَلَ وَالْغُسْلُ إِنَّمَا هُوَ لِنُزُولِ الْجَنَابَةِ مِنْ الْجَسَدِ وَإِنْ لَمْ تَظْهَرْ.

قَالَ عَلِيٌّ: وَهَذَا لَيْسَ كَمَا قَالُوا بَلْ مَا الْغُسْلُ إلَّا مِنْ ظُهُورِ الْجَنَابَةِ لِقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إذَا رَأَتْ الْمَاءَ» وَلَوْ أَنَّ امْرَأً الْتَذَّ بِالتَّذَكُّرِ حَتَّى أَيْقَنَ أَنَّ الْمَنِيَّ قَدْ صَارَ فِي الْمَثَانَةِ وَلَمْ يَظْهَرْ مَا وَجَبَ عَلَيْهِ غُسْلٌ، لِأَنَّهُ لَيْسَ جُنُبًا بَعْدُ، وَمَنْ ادَّعَى عَلَيْهِ وُجُوبَ الْغُسْلِ فَعَلَيْهِ الْبُرْهَانُ مِنْ الْقُرْآنِ أَوْ السُّنَّةِ. فَإِنْ قِيلَ: قَدْ رُوِيَ نَحْوُ قَوْلِ مَالِكٍ عَنْ عَلِيٍّ وَابْنِ عَبَّاسٍ وَعَطَاءٍ. قُلْنَا: لَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ صَحَّ عَنْ عَلِيٍّ وَابْنِ عَبَّاسٍ وَابْنِ الزُّبَيْرِ إيجَابُ الْغُسْلِ عَلَى الْمُسْتَحَاضَةِ لِكُلِّ صَلَاةٍ، فَلَمْ يَأْخُذْ بِذَلِكَ مَالِكٌ وَلَا أَبُو حَنِيفَةَ، وَمِنْ الْبَاطِلِ أَنْ يَكُونَ عَلِيٌّ وَابْنُ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - حُجَّةً فِي مَسْأَلَةٍ غَيْرَ حُجَّةٍ فِي أُخْرَى. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

[مَسْأَلَة أولج فِي الفرج وأجنب]

١٧٧ - مَسْأَلَةٌ: وَمَنْ أَوْلَجَ فِي الْفَرْجِ وَأَجْنَبَ فَعَلَيْهِ النِّيَّةُ فِي غُسْلِهِ ذَلِكَ لَهُمَا مَعًا، وَعَلَيْهِ أَيْضًا الْوُضُوءُ وَلَا بُدَّ، وَيُجْزِيهِ فِي أَعْضَاءِ الْوُضُوءِ غُسْلٌ وَاحِدٌ يَنْوِي بِهِ الْوُضُوءَ وَالْغُسْلَ مِنْ الْإِيلَاجِ وَمِنْ الْجَنَابَةِ، فَإِنْ نَوَى بَعْضَ هَذِهِ الثَّلَاثَةِ وَلَمْ يَنْوِ سَائِرَهَا أَجْزَأَهُ لِمَا نَوَى، وَعَلَيْهِ الْإِعَادَةُ لِمَا لَمْ يَنْوِ، فَإِنْ كَانَ مُجْنِبًا بِاحْتِلَامٍ أَوْ يَقِظَةٍ مِنْ غَيْرِ إيلَاجٍ فَلَيْسَ عَلَيْهِ إلَّا نِيَّةٌ وَاحِدَةٌ لِلْغُسْلِ مِنْ الْجَنَابَةِ فَقَطْ.

L3443–3445 The proof of that is that the Messenger of Allah (peace be upon him) obligated ritual bathing (ghusl) due to sexual penetration even without ejaculation, and due to ejaculation even without penetration, while obligating ablution (wudu) for penetration alone. These are distinct acts in their rulings, and he (peace be upon him) said: "Actions are judged by intentions, and each person will be rewarded according to what they intended." Thus, every ordained act of worship necessarily requires an intention. In it lies the aim to perform it as Allah the Exalted commanded him, and a single act suffices for all that. For it has been authentically reported from him - may Allah's peace and blessings be upon him - that he would perform a single ritual bath for all those instances. This suffices by explicit textual evidence, and intentions are made obligatory by the text. No textual proof has come indicating that an intention for part of that suffices for the intention covering the entirety of it, thus this is impermissible. And with Allah alone is success.[49]

L3446 Performing the ritual bath on Friday is a necessary obligation for every adult, as are maintaining pleasant cleanliness and using the miswak (tooth-stick).

L3447 Issue 178: The ritual bath on Friday is an obligatory duty incumbent upon every adult among men and women, as are applying perfume and using the miswak.

L3448–3450 The evidence for this is what was transmitted to us by ʿAbd al-Raḥmān ibn ʿAbd Allāh al-Hamadānī, who reported from Abū Isḥāq Ibrāhīm ibn Aḥmad, who reported from al-Farbarī, who reported from al-Bukhārī, who reported from ʿAlī—that is, Ibn al-Madīnī—who reported from Ḥaramī ibn ʿUmārah, who reported from Shuʿbah, from Abū Bakr ibn al-Munkadir, who reported to me from ʿAmr ibn Sulaym al-Anṣārī, who said: "I bear witness concerning Abū Saʿīd al-Khudrī, who said: 'I bear witness concerning the Messenger of Allāh—peace and blessings of Allāh be upon him—that he said: "The Friday bath is obligatory for every pubescent individual, along with using the *miswak* and applying perfume.""" ʿAmr ibn Sulaym said: "As for the bath, I

[49] **Hadith references (L3443):** Sahih al-Bukhari 1; Sunan Abi Dawud 2201; Mishkat al-Masabih 1.

بُرْهَانُ ذَلِكَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَ الْغُسْلَ مِنْ الْإِيلَاجِ وَإِنْ لَمْ يَكُنْ إنْزَالٌ وَمِنْ الْإِنْزَالِ وَإِنْ لَمْ يَكُنْ إيلَاجٌ، وَأَوْجَبَ الْوُضُوءَ مِنْ الْإِيلَاجِ» ، فَهِيَ أَعْمَالٌ مُتَغَايِرَةٌ وَقَدْ قَالَ - عَلَيْهِ السَّلَامُ -: «إنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى» فَلَا بُدَّ لِكُلِّ عَمَلٍ مَأْمُورٍ بِهِ مِنْ الْقَصْدِ إلَى تَأْدِيَتِهِ كَمَا أَمَرَهُ اللَّهُ تَعَالَى، وَيُجْزِئُ مِنْ كُلِّ ذَلِكَ عَمَلٌ وَاحِدٌ؛ لِأَنَّهُ قَدْ صَحَّ عَنْهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ كَانَ يَغْتَسِلُ غُسْلًا وَاحِدًا مِنْ كُلِّ ذَلِكَ، فَأَجْزَأَ ذَلِكَ بِالنَّصِّ، وَوَجَبَتْ النِّيَّاتُ بِالنَّصِّ، وَلَمْ يَأْتِ نَصٌّ بِأَنَّ نِيَّةً لِبَعْضِ ذَلِكَ تُجْزِئُ عَنْ نِيَّةِ الْجَمِيعِ، فَلَمْ يَجُزْ ذَلِكَ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة غَسَلَ يَوْم الْجُمُعَة فرض لَازِم لِكُلِّ بالغ وَكَذَلِكَ الطِّيب والسواك]

١٧٨ - مَسْأَلَةٌ: وَغُسْلُ يَوْمِ الْجُمُعَةِ فَرْضٌ لَازِمٌ لِكُلِّ بَالِغٍ مِنْ الرِّجَالِ وَالنِّسَاءِ وَكَذَلِكَ الطِّيبُ وَالسِّوَاكُ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ الْهَمْدَانِيُّ ثنا أَبُو إِسْحَاقَ إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَلِيٌّ هُوَ ابْنُ الْمَدِينِيِّ - ثنا حَرَمِيُّ بْنُ عُمَارَةَ ثنا شُعْبَةُ عَنْ أَبِي بَكْرِ بْنِ الْمُنْكَدِرِ حَدَّثَنِي عَمْرُو بْنُ سُلَيْمٍ الْأَنْصَارِيُّ قَالَ: أَشْهَدُ عَلَى أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: أَشْهَدُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْغُسْلُ يَوْمَ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ وَأَنْ يَسْتَنَّ وَأَنْ يَمَسَّ طِيبًا» قَالَ عَمْرُو بْنُ سُلَيْمٍ: أَمَّا الْغُسْلُ فَأَشْهَدُ أَنَّهُ وَاجِبٌ، وَأَمَّا الِاسْتِنَانُ وَالطِّيبُ فَاَللَّهُ أَعْلَمُ أَوَاجِبٌ هُوَ أَمْ لَا، وَلَكِنْ هَكَذَا فِي

testify that it" It is obligatory. As for using the siwāk and applying perfume—Allah knows best whether these are obligatory or not—it is mentioned thus in the Hadith. We have received transmitted reports affirming the obligation of the ritual bath (ghusl) through supported connected chains from ʻUmar ibn al-Khaṭṭāb, his son Ibn ʻUmar, Ibn ʻAbbās, and Abū Hurayrah—all of utmost authenticity. Thus it became a mutawātir report that necessitates definitive knowledge. Among those who ruled the Friday bath obligatory are ʻUmar ibn al-Khaṭṭāb—in the presence of the Companions (may Allah be pleased with them), none of whom opposed him—alongside Abū Hurayrah, Ibn ʻAbbās, Abū Saʻīd al-Khudrī, Saʻd ibn Abī Waqqāṣ, ʻAbdullāh ibn Masʻūd, ʻAmr ibn Sulaym, ʻAṭāʾ, Kaʻb, and al-Musayyib ibn Rāfiʻ.[50]

L3451 «As for Umar, he said to Uthman on the pulpit on Friday—when Uthman remarked, "I merely heard the first call to prayer, performed ablution, and came out"—Umar replied to him, «By Allah, you certainly know this is not about ablution, and [this is not limited to] ablution. You know the Messenger of Allah—peace and blessings be upon him—commanded the ritual bath.» It has been narrated to us from Abu Huraira that he said, «Allah holds it as a duty upon every Muslim to bathe once every seven days, washing every part of his body and applying perfume if he has a household. The ritual bath on Friday is obligatory, like the bath for major impurity.»»[51]

L3452 As for the first wording, it is transmitted through Abd al-Razzaq from Ibn Jurayj from Amr ibn Dinar from Tawus from Abu Hurayrah. The second wording is from Malik ibn Anas from Sa'id al-Maqbari from Abu Hurayrah. And from Sa'd ibn Abi Waqqas: "I never considered a Muslim would omit the Friday ghusl." Ibn Mas'ud said regarding something he presumed: "I would be more foolish than the person who does not perform the ghusl on Friday."

L3453 Abu Muhammad said: He who abandons what is not obligatory is not con-

الْحَدِيثِ. وَرُوِّينَا إِيجَابَ الْغُسْلِ أَيْضًا مُسْنَدًا مِنْ طَرِيقِ عُمَرَ بْنِ الْخَطَّابِ وَابْنِهِ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ كُلُّهَا فِي غَايَةِ الصِّحَّةِ، فَصَارَ خَبَرًا مُتَوَاتِرًا يُوجِبُ الْعِلْمَ، وَمِمَّنْ قَالَ بِوُجُوبِ فَرْضِ الْغُسْلِ يَوْمَ الْجُمُعَةِ عُمَرُ بْنُ الْخَطَّابِ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَمْ يُخَالِفْهُ فِيهِ أَحَدٌ مِنْهُمْ، وَأَبُو هُرَيْرَةَ وَابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ الْخُدْرِيُّ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَعَمْرُو بْنُ سُلَيْمٍ وَعَطَاءٌ وَكَعْبٌ وَالْمُسَيِّبُ بْنُ رَافِعٍ.

أَمَّا عُمَرُ فَإِنَّهُ قَالَ عَلَى الْمِنْبَرِ لِعُثْمَانَ يَوْمَ الْجُمُعَةِ - وَقَدْ قَالَ عُثْمَانُ: مَا هُوَ إِلَّا أَنْ سَمِعْت الْأَذَانَ الْأَوَّلَ فَتَوَضَّأْت وَخَرَجْت فَقَالَ لَهُ عُمَرُ: وَاَللَّهِ لَقَدْ عَلِمْت مَا هُوَ بِالْوُضُوءِ، وَالْوُضُوءُ أَيْضًا «وَقَدْ عَلِمْتَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُ بِالْغُسْلِ» . وَرُوِّينَا عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: لِلَّهِ عَلَى كُلِّ مُسْلِمٍ أَنْ يَغْتَسِلَ مِنْ كُلِّ سَبْعَةِ أَيَّامٍ يَوْمًا فَيَغْسِلُ كُلَّ شَيْءٍ مِنْهُ وَيَمَسُّ طِيبًا إنْ كَانَ لِأَهْلِهِ، وَالْغُسْلُ يَوْمَ الْجُمُعَةِ وَاجِبٌ كَغُسْلِ الْجَنَابَةِ.

فَأَمَّا اللَّفْظُ الْأَوَّلُ فَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ طَاوُسٍ عَنْ أَبِي هُرَيْرَةَ وَاللَّفْظُ الثَّانِي عَنْ مَالِكِ بْنِ أَنَسٍ عَنْ سَعِيدٍ الْمَقْبُرِيِّ عَنْ أَبِي هُرَيْرَةَ. وَعَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ: مَا كُنْت أَرَى مُسْلِمًا يَدَعُ الْغُسْلَ يَوْمَ الْجُمُعَةِ. وَقَالَ ابْنُ مَسْعُودٍ فِي شَيْءٍ ظَنَّ بِهِ: لَأَنَا أَحْمَقُ مِنْ الَّذِي لَا يَغْتَسِلُ يَوْمَ الْجُمُعَةِ.

[50] **Hadith references (L3448):** Sahih al-Bukhari 880.

[51] **Hadith references (L3451):** Sahih al-Bukhari 878; Sahih Muslim 845a; Musnad Ahmad 202.

sidered a fool, for the Messenger of Allah—peace and blessings be upon him—said concerning him: “He has succeeded if he is truthful. He will enter Paradise if he is truthful.” And the successful one, who is guaranteed Paradise, is not a fool.

قَالَ أَبُو مُحَمَّد: لَا يُحَمَّقُ مَنْ تَرَكَ مَا لَيْسَ فَرْضًا لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ فِيهِ: «أَفْلَحَ إِنْ صَدَقَ، دَخَلَ الْجَنَّةَ إِنْ صَدَقَ» وَالْمُفْلِحُ الْمَضْمُونُ لَهُ الْجَنَّةُ لَيْسَ أَحْمَقَ.

L3454–3455 From ʻAmmār ibn Yāsir concerning a matter he contemplated: “If not, I would resemble one who neglects the ritual bath (*ghusl*) on Friday.” From Abū Saʻīd al-Khudrī: “The Messenger of Allāh (peace be upon him) strongly enjoined the *ghusl* on Friday upon every pubescent individual.” From Ibn ʻUmar – when asked about the Friday *ghusl*, he replied: “The Messenger of Allāh (peace be upon him) commanded us to perform it.” From Kaʻb, who said: “Allāh has obligated every pubescent person to bathe once every seven days, washing his head and body, and this day is Friday.” Ibn ʻAbbās added: “I further hold that one should apply perfume from his family’s provisions if they possess any.” When Ibn ʻAbbās was asked about the Friday *ghusl*, he answered: “Perform the *ghusl*.” We have been narrated his instruction regarding perfume through the chain of Ḥammād ibn Salamah from Jaʻfar ibn Abī Waḥshiyyah from Mujāhid from Ibn ʻAbbās. His command to perform *ghusl* is transmitted via Ibn Jurayj from ʻAṭāʼ from him. Through ʻAbd al-Razzāq from Sufyān al-Thawrī, we are informed that the Friday *ghusl* is obligatory. Reported through ʻAbd al-Raḥmān ibn Mahdī from Sufyān ibn ʻUyaynah from Ibrāhīm ibn Maysarah from Ṭāwus, who said: “I heard Abū Hurayrah declare the use of perfume obligatory on Friday.” Transmitted via Yaḥyā ibn Abī Kathīr from Abū Salamah ibn ʻAbd al-Raḥmān ibn ʻAwf, who said: “I heard Abū Saʻīd al-Khudrī state: ‘Three acts are required of every Muslim on Friday: the *ghusl*, using the *siwak*, and applying perfume if accessible.’”[52]

وَعَنْ عَمَّارِ بْنِ يَاسِرٍ فِي شَيْءٍ ظَنَّ بِهِ: أَنَا إِذَنْ كَمَنْ لَا يَغْتَسِلُ يَوْمَ الْجُمُعَةِ. وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: «أَوْجَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْغُسْلَ يَوْمَ الْجُمُعَةِ عَلَى كُلِّ مُحْتَلِمٍ» . وَعَنْ ابْنِ عُمَرَ - وَسُئِلَ عَنْ الْغُسْلِ يَوْمَ الْجُمُعَةِ فَقَالَ: «أَمَرَنَا بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» . وَعَنْ كَعْبٍ أَنَّهُ قَالَ: لِلَّهِ عَلَى كُلِّ حَالِمٍ أَنْ يَغْتَسِلَ فِي كُلِّ سَبْعَةِ أَيَّامٍ مَرَّةً فَيَغْسِلُ رَأْسَهُ وَجَسَدَهُ، وَهُوَ يَوْمُ الْجُمُعَةِ فَقَالَ ابْنُ عَبَّاسٍ: وَأَنَا أَرَى أَنْ يَتَطَيَّبَ مِنْ طِيبِ أَهْلِهِ إِنْ كَانَ لَهُمْ. وَسُئِلَ ابْنُ عَبَّاسٍ عَنْ غُسْلِ يَوْمِ الْجُمُعَةِ فَقَالَ: اغْتَسِلْ. وَرُوِّينَا أَمْرَهُ بِالطِّيبِ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ جَعْفَرِ بْنِ أَبِي وَحْشِيَّةَ عَنْ مُجَاهِدٍ عَنْ ابْنِ عَبَّاسٍ. وَأَمْرَهُ بِالْغُسْلِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ عَنْهُ. وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ أَنَّ غُسْلَ يَوْمِ الْجُمُعَةِ وَاجِبٌ. وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ إبْرَاهِيمَ بْنِ مَيْسَرَةَ عَنْ طَاوُسٍ قَالَ: سَمِعْت أَبَا هُرَيْرَةَ يُوجِبُ الطِّيبَ يَوْمَ الْجُمُعَةِ. وَرُوِّينَا مِنْ طَرِيقِ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: سَمِعْت أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: ثَلَاثٌ هُنَّ عَلَى كُلِّ مُسْلِمٍ يَوْمَ الْجُمُعَةِ: الْغُسْلُ وَالسِّوَاكُ وَيَمَسُّ مِنْ طِيبٍ إنْ وَجَدَهُ.

L3456–3458 Abu Muhammad said: We do not know of any authentic report from any of the Companions (may Allah be pleased with them) negating the obligation of ghusl on Friday. A group of later scholars held that it is not obligatory, citing as evidence the hadith of Umar and Uthman (may Allah be pleased

قَالَ أَبُو مُحَمَّد: مَا نَعْلَمُ أَنَّهُ يَصِحُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - إسْقَاطُ فَرْضِ الْغُسْلِ يَوْمَ الْجُمُعَةِ. وَذَهَبَ جَمَاعَةٌ مِنْ الْمُتَأَخِّرِينَ إلَى أَنَّهُ لَيْسَ بِوَاجِبٍ، وَاحْتَجُّوا بِحَدِيثِ عُمَرَ وَعُثْمَانَ الَّذِي ذَكَرْنَاهُ وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا

[52] **Hadith references (L3455):** Sunan Ibn Majah 3706.

with them) that we mentioned, along with a hadith we reported through the narration of Aisha (may Allah be pleased with her): “People used to attend Friday prayer from their homes and distant settlements, wearing their cloaks while dust-covered and giving off an odor. A person from among them came to the Messenger of Allah (peace be upon him) while he was in my presence, and the Messenger of Allah (peace be upon him) said: ’If only you would perform ghusl for this day of yours.”’ Also from her: “People were workers and had no helpers, so they had perspiration. It was said to them: ’Why not bathe on Friday?”’ A narration from Al-Hasan: “He informed us that Allah’s Messenger—peace and blessings be upon him—used not to bathe on Friday, though his companions did bathe.” A narration via Ibn Abbas: “Allah’s Messenger—peace and blessings be upon him—would sometimes bathe and sometimes not bathe on Friday.” Another narration via Ibn Abbas regarding the Friday bath: “It is better for one who bathes, while for one who does not bathe, it is not obligatory. I will inform you how bathing began: People were exhausted, wearing wool and laboring strenuously. Their mosque was narrow with a low ceiling. Allah’s Messenger—peace and blessings be upon him—came out on a hot day while people were sweating in their woolen garments until foul odors arose, causing discomfort among them. When Allah’s Messenger—peace and blessings be upon him—noticed the odor, he said: ’O people! When this day comes, bathe and let each of you apply perfume—the best oil or scent he possesses.”’ Ibn Abbas said: “Then Allah brought prosperity. They wore garments other than wool, were relieved of strenuous work, expanded their mosque, and the sweat that once caused mutual annoyance disappeared.” A narration from Samurah states the Prophet—peace and blessings be upon him—said: “Whoever performs ablution on Friday, it suffices and is commendable. But whoever bathes fully—bathing is superior.”[53]

- «كَانَ النَّاسُ يَأْتُونَ الْجُمُعَةَ مِنْ مَنَازِلِهِمْ وَمِنَ الْعَوَالِي فَيَأْتُونَ فِي الْعَبَاءِ وَيُصِيبُهُمُ الْغُبَارُ فَيَخْرُجُ مِنْهُمُ الرِّيحُ فَأَتَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنْسَانٌ مِنْهُمْ وَهُوَ عِنْدِي، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَوْ أَنَّكُمْ تَطَهَّرْتُمْ لِيَوْمِكُمْ هَذَا» وَعَنْهَا أَيْضًا «كَانَ النَّاسُ أَهْلَ عَمَلٍ وَلَمْ يَكُنْ لَهُمْ كُفَاةٌ، فَكَانَ يَكُونُ لَهُمْ تَفَلٌ فَقِيلَ لَهُمْ لَوْ اغْتَسَلْتُمْ يَوْمَ الْجُمُعَةِ» ، وَبِحَدِيثٍ عَنِ الْحَسَنِ «أَنْبَأَنَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ لَا يَغْتَسِلُ يَوْمَ الْجُمُعَةِ، وَلَكِنْ كَانَ أَصْحَابُهُ يَغْتَسِلُونَ» . وَبِحَدِيثٍ مِنْ طَرِيقِ ابْنِ عَبَّاسٍ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رُبَّمَا اغْتَسَلَ وَرُبَّمَا لَمْ يَغْتَسِلْ يَوْمَ الْجُمُعَةِ» . وَبِحَدِيثٍ آخَرَ مِنْ طَرِيقِ ابْنِ عَبَّاسٍ فِي الْغُسْلِ يَوْمَ الْجُمُعَةِ «أَنَّهُ خَيْرٌ لِمَنْ اغْتَسَلَ، وَمَنْ لَمْ يَغْتَسِلْ فَلَيْسَ بِوَاجِبٍ، وَسَأُخْبِرُكُمْ كَيْفَ بَدَأَ الْغُسْلُ، كَانَ النَّاسُ مَجْهُودِينَ يَلْبَسُونَ الصُّوفَ وَيَعْمَلُونَ عَلَى ظُهُورِهِمْ، وَكَانَ مَسْجِدُهُمْ ضَيِّقًا مُقَارِبَ السَّقْفِ، فَخَرَجَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي يَوْمٍ حَارٍّ وَعَرِقَ النَّاسُ فِي الصُّوفِ حَتَّى ثَارَتْ مِنْهُمْ رِيَاحٌ آذَى بِذَلِكَ بَعْضُهُمْ بَعْضًا، فَلَمَّا وَجَدَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الرِّيحَ قَالَ: أَيُّهَا النَّاسُ إِذَا كَانَ هَذَا الْيَوْمُ فَاغْتَسِلُوا وَلْيَمَسَّ أَحَدُكُمْ طِيبًا، أَفْضَلَ مَا يَجِدُ مِنْ دُهْنِهِ وَطِيبِهِ» . قَالَ ابْنُ عَبَّاسٍ: ثُمَّ جَاءَ اللَّهُ بِالْخَيْرِ، وَلَبِسُوا غَيْرَ الصُّوفِ، وَكُفُوا الْعَمَلَ، وَوَسَّعُوا مَسْجِدَهُمْ، وَذَهَبَ بَعْضُ الَّذِي كَانَ يُؤْذِي بَعْضُهُمْ بَعْضًا مِنَ الْعَرَقِ ". وَبِحَدِيثٍ عَنْ سَمُرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ تَوَضَّأَ يَوْمَ الْجُمُعَةِ فَبِهَا وَنِعْمَتْ وَمَنِ اغْتَسَلَ فَالْغُسْلُ أَفْضَلُ» .

L3459–3460 Its equivalent is explicitly transmitted via the chain of Anas from him (peace

[53] **Hadith references (L3456):** Sunan an-Nasai 1380; Jami at-Tirmidhi 497; Bulugh al-Maram 115.

be upon him). Likewise, via the chain of al-Ḥasan and via the chain of Jābir from him (peace be upon him). Its equivalent is explicitly narrated from ʿAbd al-Raḥmān ibn Samura and Abū Hurayrah, and its equivalent is transmitted from Yazīd ibn ʿAbd Allāh, Abū al-ʿAlāʾ.

وَمِثْلُهُ مِنْ طَرِيقِ أَنَسٍ عَنْهُ - عَلَيْهِ السَّلَامُ - نَصًّا. وَكَذَلِكَ مِنْ طَرِيقِ الْحَسَنِ، وَمِنْ طَرِيقِ جَابِرٍ عَنْهُ - عَلَيْهِ السَّلَامُ -، وَمِثْلُهُ نَصًّا عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ وَأَبِي هُرَيْرَةَ، وَمِثْلُهُ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ أَبِي الْعَلَاءِ.

L3461–3464 This is all they have objected with, and none of it constitutes proof for them, for all these narrations lack validity—except the hadiths of ʾAisha and ʾUmar, both being authentic. Yet even these contain no proof for their position, as we shall demonstrate, God willing. As for the hadiths of al-Hasan and Yazid ibn ʾAbdullah, they are disconnected transmissions. How many disconnected reports from al-Hasan do they disregard, such as his mursal narration concerning ablution due to laughter during prayer—which Malikis and Shafiʿis do not adopt—or his mursal report stating "the earth does not become impure"—which Hanafis reject. The same applies to Yazid ibn ʾAbdullah. It incurs Allah's detestation that they treat disconnected transmissions as proof yet refuse to act upon them, or deny their probative value while citing them as evidence—they utter what they do not practice, "and how greatly detested it is by Allah" (Ghafir 40:35).

وَهَذَا كُلُّ مَا شَغَبُوا بِهِ، وَكُلُّهُ لَا حُجَّةَ لَهُمْ فِيهِ لِأَنَّ كُلَّ هَذِهِ الْآثَارِ لَا خَيْرَ فِيهَا، حَاشَا حَدِيثِ عَائِشَةَ وَعُمَرَ فَهُمَا صَحِيحَانِ، وَلَا حُجَّةَ لَهُمْ فِيهِمَا عَلَى مَا سَنُبَيِّنُ إِنْ شَاءَ اللَّهُ تَعَالَى. أَمَّا حَدِيثُ الْحَسَنِ وَيَزِيدَ بْنِ عَبْدِ اللَّهِ فَمُرْسَلَانِ، وَكَمْ مِنْ مُرْسَلٍ لِلْحَسَنِ لَا يَأْخُذُونَ بِهِ، كَمُرْسَلِهِ فِي الْوُضُوءِ مِنْ الضَّحِكِ فِي الصَّلَاةِ، لَا يَأْخُذُ بِهِ الْمَالِكِيُّونَ وَالشَّافِعِيُّونَ، وَكَمُرْسَلِهِ «إِنَّ الْأَرْضَ لَا تَنْجُسُ» لَا يَأْخُذُ بِهِ الْحَنَفِيُّونَ، وَكَذَلِكَ لِيَزِيدَ بْنِ عَبْدِ اللَّهِ، وَمِمَّا يُوجِبُ الْمَقْتَ مِنْ اللَّهِ تَعَالَى أَنْ يَجْعَلُوا الْمُرْسَلَ حُجَّةً، ثُمَّ لَا يَأْخُذُونَ بِهِ، أَوْ أَنْ لَا يَرَوْهُ حُجَّةً ثُمَّ يَحْتَجُّونَ بِهِ، فَيَقُولُونَ مَا لَا يَفْعَلُونَ {كَبُرَ مَقْتًا عِنْدَ اللَّهِ} [غافر: ٣٥] .

Regarding Ibn ʾAbbas's two hadiths: one comes through Muhammad ibn Muʾawiyah al-Naysaburi—a known fabricator and liar. The second is transmitted via ʾAmr ibn Abi ʾAmr from Ikrimah. We have also received through this very chain—ʾAmr ibn Abi ʾAmr—from Ikrimah, from Ibn ʾAbbas, from the Prophet (peace be upon him): "Whoever commits bestiality, kill him and kill the animal with him." If ʾAmr's narration constitutes proof, let them adopt this ruling. If not, they may not lawfully cite it to reject established sunnahs. As for ʾAmr, he is weak in transmission; we neither consider him a proof for us nor accept him as evidence against us. This is the undeniable truth, which none may lawfully oppose. Had we ever invoked him as proof in one matter, we would be obliged to accept his reports in all matters. Should they claim that an authentic narration from Ibn ʾAbbas contradicts what ʾAmr reported regarding killing the animal... To whoever comes to this position, we say to them: It has been authentically established from Ibn Abbas contrary to what ʾAmr reported from him regarding abolishing the obligation of the Friday

وَأَمَّا حَدِيثَا ابْنِ عَبَّاسٍ فَأَحَدُهُمَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ مُعَاوِيَةَ النَّيْسَابُورِيِّ، وَهُوَ مَعْرُوفٌ بِوَضْعِ الْأَحَادِيثِ وَالْكَذِبِ وَالثَّانِي مِنْ طَرِيقِ عَمْرِو بْنِ أَبِي عَمْرٍو عَنْ عِكْرِمَةَ وَقَدْ رُوِّينَا مِنْ طَرِيقِ عَمْرِو بْنِ أَبِي عَمْرٍو - هَذِهِ نَفْسَهَا - عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ أَتَى بَهِيمَةً فَاقْتُلُوهُ وَاقْتُلُوهَا مَعَهُ» فَإِنْ كَانَ خَبَرُ عَمْرٍو حُجَّةً فَلْيَأْخُذُوا بِهَذَا، وَإِنْ كَانَ لَيْسَ بِحُجَّةٍ فَلَا يَحِلُّ لَهُمْ الِاحْتِجَاجُ بِهِ فِي رَدِّ السُّنَنِ الثَّابِتَةِ، وَأَمَّا عَمْرٌو فَضَعِيفٌ لَا نَحْتَجُّ بِهِ لَنَا، وَلَا نَقْبَلُهُ حُجَّةً عَلَيْنَا، وَهَذَا هُوَ الْحَقُّ الَّذِي لَا يَحِلُّ خِلَافُهُ، وَلَوْ احْتَجَجْنَا بِهِ فِي مَوْضِعٍ وَاحِدٍ لَأَخَذْنَا بِخَبَرِهِ فِي كُلِّ مَوْضِعٍ. فَإِنْ قَالُوا: قَدْ صَحَّ عَنْ ابْنِ عَبَّاسٍ خِلَافُ مَا رَوَى عَنْهُ عَمْرٌو فِي قَتْلِ الْبَهِيمَةِ وَمَنْ أَتَاهَا، قُلْنَا لَهُمْ: وَقَدْ صَحَّ عَنْ ابْنِ عَبَّاسٍ خِلَافُ مَا رَوَى عَنْهُ عَمْرٌو فِي إِسْقَاطِ غُسْلِ الْجُمُعَةِ وَلَا فَرْقَ،

bath, with no difference. Even if this narration of ʾAmr were authentic, it would not constitute evidence for them—rather it would be evidence for us against them. For it contains nothing from the speech of the Prophet—peace and blessings be upon him—except the command to perform the bath and its obligation. As for all they rely upon concerning the abolition of the obligation, it stems not from his speech—peace be upon him—but rather from Ibn Abbas' own statement and assumption. No valid evidence can be taken from anyone other than him—peace be upon him.[54]

L3465 As for the ḥadīth of Samurah, it is transmitted solely through Al-Ḥasan from Samurah, and Al-Ḥasan has no validly established direct audition from Samurah except the ḥadīth of the ʻaqīqah alone. If they persist in citing it as proof, we say to them: It has been narrated to us through Al-Ḥasan from Samurah from the Prophet—peace and blessings of Allah be upon him—"Whoever kills his slave, we will kill him, and whoever mutilates him, we will mutilate him." Yet the Ḥanafīs, Mālikīs, and Shāfiʿīs do not adopt this. It has also been narrated to us through him from Samurah from the Prophet—peace and blessings of Allah be upon him—"The warranty period for slaves is four," and they do not adopt this either. And among the falsehood and disgrace is their citing narrations in religious matters when these align with their taqlīd, yet rejecting the very same narrations when they contradict their taqlīd. We perceive no religion remaining with such practice, for it constitutes following caprice in matters of faith.

L3466 As for the ḥadīth of Anas, it is from the narration of Yazīd al-Raqāshī, who is weak. It is authentically reported from Shuʻbah that he said: "I would rather commit highway robbery and adultery than narrate from Yazīd al-Raqāshī." Many a ḥadīth of Yazīd al-Raqāshī was abandoned, as they did not rely on it except due to his weakness alone. It is also narrated by al-Ḍaḥḥāk ibn Ḥamzah, who is rejected, from al-Ḥajjāj ibn Arṭāʾah, who is rejected, from Ibrāhīm ibn Muhājir, who is weak. Then, we examined the ḥadīth of Jābir and found it discarded because it is only narrated through chains: in one of them is a man whose name is omitted and who is unknown; in the second chain is Abū Sufyān from Jābir, who is weak, and Muḥammad ibn al-Ṣalt,

ثُمَّ لَوْ صَحَّ حَدِيثُ عَمْرٍو هَذَا لِمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، بَلْ لَكَانَ لَنَا حُجَّةً عَلَيْهِمْ؛ لِأَنَّهُ لَيْسَ فِيهِ مِنْ كَلَامِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَّا الْأَمْرَ بِالْغُسْلِ وَإِيجَابَهُ، وَأَمَّا كُلُّ مَا تَعَلَّقُوا بِهِ مِنْ إِسْقَاطِ وُجُوبِ الْغُسْلِ فَلَيْسَ مِنْ كَلَامِهِ - عَلَيْهِ السَّلَامُ -، وَإِنَّمَا هُوَ مِنْ كَلَامِ ابْنِ عَبَّاسٍ وَظَنِّهِ، وَلَا حُجَّةَ فِي أَحَدٍ دُونَهُ - عَلَيْهِ السَّلَامُ -.

وَأَمَّا حَدِيثُ سَمُرَةَ فَإِنَّمَا هُوَ مِنْ طَرِيقِ الْحَسَنِ عَنْ سَمُرَةَ، وَلَا يَصِحُّ لِلْحَسَنِ سَمَاعٌ مِنْ سَمُرَةَ إِلَّا حَدِيثُ الْعَقِيقَةِ وَحْدَهُ، فَإِنْ أَبَوْا إِلَّا الِاحْتِجَاجَ بِهِ، قُلْنَا لَهُمْ: قَدْ رُوِّينَا مِنْ طَرِيقِ الْحَسَنِ عَنْ سَمُرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ قَتَلَ عَبْدَهُ قَتَلْنَاهُ وَمَنْ جَدَعَهُ جَدَعْنَاهُ» وَالْحَنَفِيُّونَ وَالْمَالِكِيُّونَ وَالشَّافِعِيُّونَ لَا يَأْخُذُونَ بِهَذَا، وَرُوِّينَا أَيْضًا عَنْهُ عَنْ سَمُرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «عُهْدَةُ الرَّقِيقِ أَرْبَعٌ» وَهُمْ لَا يَأْخُذُونَ بِهَذَا. وَمِنَ الْبَاطِلِ وَالْعَارِ احْتِجَاجُهُمْ فِي الدِّينِ بِرِوَايَةٍ مَا إِذَا وَافَقَتْ تَقْلِيدَهُمْ، وَمُخَالَفَتُهُمْ لَهَا بِعَيْنِهَا إِذَا خَالَفَتْ تَقْلِيدَهُمْ، مَا نَرَى دِينًا يَبْقَى مَعَ هَذَا لِأَنَّهُ اتِّبَاعُ الْهَوَى فِي الدِّينِ.

وَأَمَّا حَدِيثُ أَنَسٍ فَهُوَ مِنْ رِوَايَةِ يَزِيدَ الرَّقَاشِيِّ وَهُوَ ضَعِيفٌ، صَحَّ عَنْ شُعْبَةَ أَنَّهُ قَالَ: لَأَنْ أَقْطَعَ الطَّرِيقَ وَأَزْنِيَ أَحَبُّ إِلَيَّ مِنْ أَنْ أَرْوِيَ عَنْ يَزِيدَ الرَّقَاشِيِّ، وَرُبَّ حَدِيثٍ لِيَزِيدَ الرَّقَاشِيِّ تَرَكُوهُ لَمْ يَحْتَجُّوا فِيهِ إِلَّا بِضَعْفِهِ فَقَطْ، وَمِنْ رِوَايَةِ الضَّحَّاكِ بْنِ حَمْزَةَ، وَهُوَ هَالِكٌ، عَنِ الْحَجَّاجِ بْنِ أَرْطَاةَ، وَهُوَ سَاقِطٌ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ وَهُوَ ضَعِيفٌ. ثُمَّ نَظَرْنَا فِي حَدِيثِ جَابِرٍ فَوَجَدْنَاهُ سَاقِطًا لِأَنَّهُ لَمْ يَرْوِ إِلَّا مِنْ طُرُقٍ فِي أَحَدِهَا رَجُلٌ مَسْكُوتٌ عَنِ اسْمِهِ لَا يُعْرَفُ مَنْ هُوَ، وَفِي ثَانِيهِمَا أَبُو سُفْيَانَ عَنْ جَابِرٍ وَهُوَ ضَعِيفٌ،

[54] **Qur'an references (L3462):** Qur'an 40:35 (Ghafir); Qur'an 61:3 (As-Saf).

who is unknown; and in the third chain is al-Ḥasan from Jābir, though it is not confirmed that al-Ḥasan heard from Jābir.

وَمُحَمَّدُ بْنُ الصَّلْتِ وَهُوَ مَجْهُولٌ، وَفِي الثَّالِثِ مِنْهَا الْحَسَنُ عَنْ جَابِرٍ وَلَا يَصِحُّ سَمَاعُ الْحَسَنِ مِنْ جَابِرٍ.

L3467–3469 As for the ḥadīth of ʾAbd al-Raḥmān ibn Samurah, it is transmitted via the chain of Salam ibn Sulaymān Abu Hishām al-Baṣrī, who is not strong. As for the ḥadīth of Abū Hurayrah, it is narrated through Abū Bakr al-Hudhali, who is very weak. All these narrations have been invalidated. Even if they were authentic, they contain no explicit text or evidence indicating that the Friday bath is not obligatory. They merely state that ablution is an excellent deed and that the bath is superior—this is beyond doubt. Allah the Exalted has said: {If only the People of the Scripture had believed, it would have been better for them} [Al-Imran: 110]. Does this wording indicate that faith and piety are not obligatory? Far be it from Allah! Furthermore, even if all these hadiths contained an explicit text stating that the Friday bath is not obligatory, this would not constitute proof, as it would align with the initial state prior to his statement (peace be upon him): "The Friday bath is obligatory for every pubescent individual and every Muslim." This statement of his (peace be upon him) is a newly introduced ruling and an additional decree that abrogates the initial state with absolute certainty. It is impermissible to abandon the abrogating ruling with certainty and adhere to what has been abrogated.[55]

وَأَمَّا حَدِيثُ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ فَهُوَ مِنْ طَرِيقِ سَلَمِ بْنِ سُلَيْمَانَ أَبِي هِشَامٍ الْبَصْرِيِّ وَلَيْسَ بِالْقَوِيِّ. وَأَمَّا حَدِيثُ أَبِي هُرَيْرَةَ فَهُوَ مِنْ رِوَايَةِ أَبِي بَكْرٍ الْهُذَلِيِّ، وَهُوَ ضَعِيفٌ جِدًّا فَسَقَطَتْ هَذِهِ الْآثَارُ كُلُّهَا، ثُمَّ لَوْ صَحَّتْ لَمْ يَكُنْ فِيهَا نَصٌّ وَلَا دَلِيلٌ عَلَى أَنَّ غُسْلَ الْجُمُعَةِ لَيْسَ بِوَاجِبٍ، وَإِنَّمَا فِيهَا أَنَّ الْوُضُوءَ نِعْمَ الْعَمَلُ، وَأَنَّ الْغُسْلَ أَفْضَلُ وَهَذَا لَا شَكَّ فِيهِ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {وَلَوْ آمَنَ أَهْلُ الْكِتَابِ لَكَانَ خَيْرًا لَهُمْ} [آل عمران: ١١٠] فَهَلْ دَلَّ هَذَا اللَّفْظُ عَلَى أَنَّ الْإِيمَانَ وَالتَّقْوَى لَيْسَ فَرْضًا؟ حَاشَا لِلَّهِ مِنْ هَذَا، ثُمَّ لَوْ كَانَ فِي جَمِيعِ هَذِهِ الْأَحَادِيثِ نَصٌّ عَلَى أَنَّ غُسْلَ الْجُمُعَةِ لَيْسَ فَرْضًا لَمَا كَانَ فِي ذَلِكَ حُجَّةٌ، لِأَنَّ ذَلِكَ كَانَ يَكُونُ مُوَافِقًا لِمَا كَانَ الْأَمْرُ عَلَيْهِ قَبْلَ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «غُسْلُ يَوْمِ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ وَعَلَى كُلِّ مُسْلِمٍ» وَهَذَا الْقَوْلُ مِنْهُ - عَلَيْهِ السَّلَامُ - شَرْعٌ وَارِدٌ وَحُكْمٌ زَائِدٌ نَاسِخٌ لِلْحَالَةِ الْأُولَى بِيَقِينٍ لَا شَكَّ فِيهِ، وَلَا يَحِلُّ تَرْكُ النَّاسِخِ بِيَقِينٍ، وَالْأَخْذُ بِالْمَنْسُوخِ.

L3470 As for the ḥadīth of ʿĀʾishah (may Allah be pleased with her): "They were laborers for themselves and would come from the elevated outskirts of Medina in cloaks covered with dust, emitting odors. The Messenger of Allah (peace be upon him) said: 'If only you had performed ghusl for this day!' or 'Why do you not bathe?'" This is an authentic report. However, it provides no valid evidence for their argument whatsoever, as this incident must either have occurred before the Prophet (peace be upon him) delivered sermons from the pulpit and commanded people to perform Friday ghusl, before he (peace

وَأَمَّا حَدِيثُ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - «كَانُوا عُمَّالَ أَنْفُسِهِمْ وَيَأْتُونَ فِي الْعَبَاءِ وَالْغُبَارِ مِنْ الْعَوَالِي فَتَثُورُ لَهُمْ رَوَائِحُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَوْ تَطَهَّرْتُمْ لِيَوْمِكُمْ هَذَا» أَوْ «أَوَلَا تَغْتَسِلُونَ» . فَهُوَ خَبَرٌ صَحِيحٌ، إلَّا أَنَّهُ لَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا، لِأَنَّهُ لَا يَخْلُو هَذَا مِنْ أَنْ يَكُونَ قَبْلَ أَنْ يَخْطُبَ - عَلَيْهِ السَّلَامُ - عَلَى الْمِنْبَرِ فَأَمَرَ النَّاسَ بِالْغُسْلِ يَوْمَ الْجُمُعَةِ، وَقَبْلَ أَنْ يُخْبِرَ - عَلَيْهِ السَّلَامُ - بِأَنَّ غُسْلَ يَوْمِ الْجُمُعَةِ وَاجِبٌ عَلَى

[55] **Qur'an references (L3467):** Qur'an 3:110 (Ali 'Imran).

be upon him) declared that Friday ghusl—along with perfume and miswāk—is obligatory upon every Muslim and every one who has experienced nocturnal emission, and before he (peace be upon him) affirmed it as a right due to Allah the Exalted upon every Muslim; or it occurred after all this. There is no third possibility. If ʿĀ'ishah's report preceded what was narrated by ʿUmar ibn al-Khaṭṭāb, his son, Abū Hurayrah, Ibn ʿAbbās, Abū Saʿīd al-Khudrī, and Jābir, no person of sound judgment would doubt that the later ruling supersedes the earlier one. If ʿĀ'ishah's report came after all we mentioned regarding the obligation of Friday ghusl, miswāk, perfume, and its status as a right due to Allah, there is neither explicit text nor evidence within it to abrogate the prior obligation or nullify Allah's explicitly affirmed right. It is merely a reproach for those who neglected the ghusl they were commanded to perform. This reinforces the established obligation rather than annulling it. Indeed, "the Messenger of Allah (peace be upon him) forbade continuous fasting (wiṣāl) without breaking at night, but they persisted, so he fasted continuously with them" as a disciplinary measure. Does this, in any sound judgment, constitute a revocation of the prohibition? Every injunction the Prophet (peace be upon him) declared obligatory for every Muslim—a right due to Allah over every person of sexual maturity—cannot be lawfully abandoned, nor claimed abrogated or reduced to a recommendation except through a subsequent explicit text conclusively established as clarifying its abrogation or recommendation—not through baseless assumptions that disregard certainty.

كُلِّ مُسْلِمٍ وَكُلِّ مُحْتَلِمٍ، وَالطِّيبَ وَالسِّوَاكَ، وَقَبْلَ أَنْ يُخْبِرَ - عَلَيْهِ السَّلَامُ - أَنَّهُ حَقٌّ لِلَّهِ تَعَالَى عَلَى كُلِّ مُسْلِمٍ، أَوْ يَكُونَ بَعْدَ كُلِّ مَا ذَكَرْنَا، وَلَا سَبِيلَ إلَى قِسْمٍ ثَالِثٍ، فَإِنْ كَانَ خَبَرُ عَائِشَةَ قَبْلَ مَا رَوَاهُ عُمَرُ بْنُ الْخَطَّابِ وَابْنُهُ وَأَبُو هُرَيْرَةَ وَابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ الْخُدْرِيُّ وَجَابِرٌ، فَلَا يَشُكُّ ذُو حِسٍّ سَلِيمٍ فِي أَنَّ الْحُكْمَ لِلْمُتَأَخِّرِ، وَإِنْ كَانَ خَبَرُ عَائِشَةَ بَعْدَ كُلِّ مَا ذَكَرْنَا مِنْ إيجَابِ الْغُسْلِ يَوْمَ الْجُمُعَةِ وَالسِّوَاكِ وَالطِّيبِ وَأَنَّهُ حَقُّ اللَّهِ تَعَالَى عَلَى كُلِّ مُسْلِمٍ، فَلَيْسَ فِيهِ نَصٌّ وَلَا دَلِيلٌ عَلَى نَسْخِ الْإِيجَابِ الْمُتَقَدِّمِ، وَلَا عَلَى إسْقَاطِ حَقِّ اللَّهِ تَعَالَى الْمَنْصُوصِ عَلَى إثْبَاتِهِ، وَإِنَّمَا هُوَ تَبْكِيتٌ لِمَنْ تَرَكَ الْغُسْلَ الْمَأْمُورَ بِهِ الْمُوجِبَ فَقَطْ، وَهَذَا تَأْكِيدٌ لِلْأَمْرِ الْمُتَيَقَّنِ لَا إسْقَاطٌ لَهُ، فَقَدْ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْوِصَالِ فَلَمْ يَنْتَهُوا فَوَاصَلَ بِهِمْ» تَنْكِيلًا لَهُمْ، أَفَيَسُوغُ فِي عَقْلِ أَحَدٍ أَنَّ ذَلِكَ نَسْخٌ لِلنَّهْيِ عَنْ الْوِصَالِ؟ وَكُلُّ مَا أَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّهُ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ، وَحَقُّ اللَّهِ تَعَالَى عَلَى كُلِّ مُحْتَلِمٍ، فَلَا يَحِلُّ تَرْكُهُ وَلَا الْقَوْلُ بِأَنَّهُ مَنْسُوخٌ أَوْ أَنَّهُ نَدْبٌ، إلَّا بِنَصٍّ جَلِيٍّ بِذَلِكَ، مَقْطُوعٍ عَلَى أَنَّهُ وَارِدٌ بَعْدَهُ، مُبَيِّنٌ أَنَّهُ - نَدْبٌ أَوْ أَنَّهُ قَدْ نُسِخَ، لَا بِالظُّنُونِ الْكَاذِبَةِ الْمَتْرُوكِ لَهَا الْيَقِينُ.

L3471–3472 This would hold if the narration of ʿĀ'ishah occurred after the enactment of the obligation for ghusl. This is categorically invalid, for her narration contains clear evidence that it preceded the enactment, as she mentioned that this occurred when people managed their own affairs during constrained circumstances and scarcity of wealth - an undoubted characteristic of the early Hijrah period. The narrator of the enactment of the obligation for ghusl is Abū Hurayrah and Ibn ʿAbbās, both of whom entered into Islam and companionship at a later time.

هَذَا لَوْ صَحَّ أَنَّ خَبَرَ عَائِشَةَ كَانَ بَعْدَ الْإِيجَابِ لِلْغُسْلِ. وَهَذَا لَا يَصِحُّ أَبَدًا، بَلْ فِي خَبَرِ عَائِشَةَ دَلِيلٌ بَيِّنٌ عَلَى أَنَّهُ كَانَ قَبْلَ الْإِيجَابِ لِأَنَّهَا ذَكَرَتْ أَنَّ ذَلِكَ كَانَ وَالنَّاسُ عُمَّالُ أَنْفُسِهِمْ، وَفِي ضِيقٍ مِنْ الْحَالِ وَقِلَّةٍ مِنْ الْمَالِ، وَهَذِهِ صِفَةُ أَوَّلِ الْهِجْرَةِ بِلَا شَكٍّ، وَالرَّاوِي لِإِيجَابِ الْغُسْلِ أَبُو هُرَيْرَةَ، وَابْنُ عَبَّاسٍ، وَكِلَاهُمَا مُتَأَخِّرُ الْإِسْلَامِ وَالصُّحْبَةِ.

L3473 As for Abu Hurairah, his conversion to Islam occurred after the conquest of

Khaybar, when the Muslims' circumstances had expanded, and exhaustion and adversity had been lifted from them. As for Ibn Abbas, it was after the conquest of Mecca—merely two years and a half before the death of the Messenger of Allah, peace and blessings be upon him. Hence, the ambiguity was fully resolved altogether, and all praise is due to Allah, Lord of the worlds.

أَمَّا أَبُو هُرَيْرَةَ فَإِسْلَامُهُ إثْرَ فَتْحِ خَيْبَرَ، حَيْثُ اتَّسَعَتْ أَحْوَالُ الْمُسْلِمِينَ، وَارْتَفَعَ الْجَهْدُ وَالضِّيقُ عَنْهُمْ. وَأَمَّا ابْنُ عَبَّاسٍ فَبَعْدَ فَتْحِ مَكَّةَ قَبْلَ مَوْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِعَامَيْنِ وَنِصْفٍ فَقَطْ، فَارْتَفَعَ الْإِشْكَالُ جُمْلَةً وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L3474 As for the ḥadīth concerning ʿUmar, they stated: If the Friday bath had been obligatory according to ʿUmar, ʿUthmān, and the Companions present—may Allah be pleased with them—ʿUthmān would not have abandoned it, nor would ʿUmar and the remaining Companions have approved ʿUthmān's abandonment of it. They said: This demonstrates that in their judgment, it was not an obligation.

وَأَمَّا حَدِيثُ عُمَرَ فَإِنَّهُمْ قَالُوا: لَوْ كَانَ غُسْلُ الْجُمُعَةِ وَاجِبًا عِنْدَ عُمَرَ وَعُثْمَانَ وَمَنْ حَضَرَ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَمَا تَرَكَهُ عُثْمَانُ وَلَا أَقَرَّ عُمَرُ وَسَائِرُ الصَّحَابَةِ عُثْمَانَ عَلَى تَرْكِهِ وَقَالُوا: فَدَلَّ هَذَا عَلَى أَنَّهُ عِنْدَهُمْ غَيْرُ فَرْضٍ.

L3475 Abu Muhammad said: This is a statement we do not know how their tongues became unrestrained in uttering it, for it entirely consists of claims unsupported by anything from the report - neither explicit text nor evidence. Rather, its explicit text and evidence contradict their assertions. The first rebuttal is to say to them: Who can provide you proof that Uthman did not perform the ritual bath at the beginning of that day? Who can provide you proof that Umar did not order him to return for the ritual bath? If they say: Who can provide you proof that Uthman did perform the ritual bath at the day's beginning? Who can provide you proof that Umar ordered him to return for the ritual bath? We respond: Suppose we concede to you that we have no evidence for this, just as you have no evidence against it. Why then should your claim about the report - your conjecture regarding what it does not contain, and your persisting in matters you have no knowledge of - be prioritized over similar claims from others? Since both your claim and ours are possible, the truth in this matter is that the report remains inconclusive - providing no proof for or against you, nor for or against us. This is an inescapable dilemma. How then, when we hold evidence supporting what we have stated?

قَالَ أَبُو مُحَمَّدٍ: هَذَا قَوْلٌ لَا نَدْرِي كَيْفَ اُسْتُطْلِقَتْ بِهِ أَلْسِنَتُهُمْ لِأَنَّهُ كُلَّهُ قَوْلٌ بِمَا لَيْسَ فِي الْخَبَرِ مِنْهُ شَيْءٌ لَا نَصٌّ وَلَا دَلِيلٌ، بَلْ نَصُّهُ وَدَلِيلُهُ بِخِلَافِ مَا قَالُوهُ. أَوَّلُ ذَلِكَ أَنْ يُقَالَ لَهُمْ: مَنْ لَكُمْ بِأَنَّ عُثْمَانَ لَمْ يَكُنْ اغْتَسَلَ فِي صَدْرِ يَوْمِهِ ذَلِكَ؟ وَمَنْ لَكُمْ بِأَنَّ عُمَرَ لَمْ يَأْمُرْهُ بِالرُّجُوعِ لِلْغُسْلِ؟ فَإِنْ قَالُوا: وَمَنْ لَكُمْ بِأَنَّ عُثْمَانَ كَانَ اغْتَسَلَ فِي صَدْرِ يَوْمِهِ؟ وَمَنْ لَكُمْ بِأَنَّ عُمَرَ أَمَرَهُ بِالرُّجُوعِ إلَى الْغُسْلِ قُلْنَا: هَبْكُمْ أَنَّهُ لَا دَلِيلَ عِنْدَنَا بِهَذَا، وَلَا دَلِيلَ عِنْدَكُمْ بِخِلَافِهِ. فَمَنْ جَعَلَ دَعْوَاكُمْ فِي الْخَبَرِ، وَتَكَهُّنَكُمْ مَا لَيْسَ فِيهِ، وَقَفْوُكُمْ مَا لَا عِلْمَ لَكُمْ بِهِ، أَوْلَى مِنْ مِثْلِ ذَلِكَ مِنْ غَيْرِكُمْ؟ وَإِنَّمَا الْحَقُّ فِي هَذَا - إذْ دَعْوَاكُمْ وَدَعْوَانَا مُمْكِنَةٌ - أَنْ يَبْقَى الْخَبَرُ لَا حُجَّةَ فِيهِ لَكُمْ وَلَا عَلَيْكُمْ، وَلَا لَنَا وَلَا عَلَيْنَا، هَذَا مَا لَا مَخْلَصَ مِنْهُ، فَكَيْفَ وَمَعَنَا الدَّلِيلُ عَلَى مَا قُلْنَاهُ؟ .

L3476–3478 As for Uthman (may Allah be pleased with him), Abdullah ibn Yusuf narrated to us, saying: 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,

وَأَمَّا عُثْمَانُ - رَضِيَ اللَّهُ عَنْهُ - فَإِنَّ عَبْدَ اللَّهِ بْنَ يُوسُفَ حَدَّثَنَا قَالَ: ثنا أَحْمَدُ بْنُ فَتْحٍ حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا

أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ هُوَ ابْنُ رَاهْوَيْهِ - كِلَاهُمَا عَنْ وَكِيعٍ عَنْ مِسْعَرِ بْنِ كِدَامٍ عَنْ جَامِعِ بْنِ شَدَّادٍ قَالَ: سَمِعْت حُمْرَانَ بْنَ أَبَانَ قَالَ: كُنْت أَضَعُ لِعُثْمَانَ طَهُورَهُ فَمَا أَتَى عَلَيْهِ يَوْمٌ إلَّا وَهُوَ يُفِيضُ عَلَيْهِ نُطْفَةً. فَقَدْ ثَبَتَ بِأَصَحِّ إسْنَادٍ أَنَّ عُثْمَانَ كَانَ يَغْتَسِلُ كُلَّ يَوْمٍ، فَيَوْمُ الْجُمُعَةِ يَوْمٌ مِنْ الْأَيَّامِ بِلَا شَكٍّ، وَلَوْ لَمْ يَكُنْ هَذَا الْخَبَرُ عِنْدَنَا، لَوَجَبَ أَنْ لَا يُظَنَّ بِمِثْلِهِ - رَضِيَ اللَّهُ عَنْهُ - خِلَافُ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَلْ لَا يُقْطَعُ عَلَيْهِ إلَّا بِطَاعَتِهِ، وَإِنْ لَمْ يُعَيِّنْ ذَلِكَ فِي خَبَرٍ، كَمَا يُقْطَعُ بِأَنَّهُ صَلَّى الصُّبْحَ فِي ذَلِكَ الْيَوْمِ وَسَائِرِ اللَّوَازِمِ لَهُ بِلَا شَكٍّ وَإِنْ لَمْ يُرْوَ لَنَا ذَلِكَ. وَأَمَّا عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - وَمَنْ مَعَهُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، فَهَذَا الْخَبَرُ عَنْهُمْ حُجَّةٌ لَنَا ظَاهِرَةٌ بِلَا شَكٍّ لِأَنَّ عُمَرَ قَطَعَ الْخُطْبَةَ مُنْكِرًا عَلَى عُثْمَانَ أَنْ لَمْ يَصِلْ الْغُسْلَ بِالرَّوَاحِ، فَلَوْ لَمْ يَكُنْ ذَلِكَ فَرْضًا عِنْدَهُ وَعِنْدَهُمْ لَمَا قَطَعَ لَهُ الْخُطْبَةَ، وَعُمَرُ قَدْ حَلَفَ " وَاَللَّهِ مَا هُوَ بِالْوُضُوءِ " فَلَوْ لَمْ يَكُنْ الْغُسْلُ عِنْدَهُ فَرْضًا لَمَا كَانَتْ - يَمِينُهُ صَادِقَةً وَالَّذِي حَصَلَ مِنْ عُمَرَ بْنِ الْخَطَّابِ وَمِنْ الصَّحَابَةِ بِلَا شَكٍّ فَهُوَ إنْكَارُ تَرْكِ الْغُسْلِ، وَالْإِعْلَانُ بِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُ بِالْغُسْلِ يَوْمَ الْجُمُعَةِ، وَلَا يَجُوزُ أَنْ نَظُنَّ بِأَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنْ يَسْتَجِيزَ خِلَافَ أَمْرِهِ - عَلَيْهِ السَّلَامُ -، مَعَ قَوْلِ اللَّهِ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣] فَصَحَّ ذَلِكَ الْخَبَرُ حُجَّةً لَنَا وَإِجْمَاعًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - إذْ لَمْ يَكُنْ فِيهِمْ آخَرُ يَقُولُ لِعُمَرَ: لَيْسَ ذَلِكَ عَلَيْهِ وَاجِبًا.

قَالَ أَبُو مُحَمَّد: وَبِيَقِينٍ نَدْرِي أَنَّ عُثْمَانَ قَدْ أَجَابَ عُمَرَ فِي إنْكَارِهِ عَلَيْهِ وَتَعْظِيمِهِ أَمْرَ الْغُسْلِ بِأَحَدِ أَجْوِبَةٍ لَا بُدَّ مِنْ أَحَدِهَا: إمَّا أَنْ يَقُولَ لَهُ قَدْ كُنْت اغْتَسَلْت قَبْلَ خُرُوجِي

Muslim ibn al-Hajjaj narrated to us, Abu Kurayb Muhammad ibn al-Ala and Ishaq ibn Ibrahim, he is Ibn Rāhawayh - both of them narrating from Waki', from Mis'ar ibn Kidam, from Jami' ibn Shaddad, who said: "I heard Humran ibn Aban say:" I used to prepare ʿUthmān's water for purification, and no day passed without him experiencing a nocturnal emission. It has been established through the most authentic chain that ʿUthmān performed ghusl daily, and Friday is undoubtedly a day [for ghusl]. Had we not possessed this narration, it would be impermissible to presume that one of his stature—may Allah be pleased with him—would contravene the command of Allah's Messenger—peace and blessings be upon him. Rather, nothing can be decisively asserted about him except his obedience, even if not explicitly mentioned in a narration—just as we affirm without doubt that he prayed Fajr that day and fulfilled all other obligations, even if unrecorded. As for ʿUmar—may Allah be pleased with him—and the Companions with him—may Allah be pleased with them—this narration constitutes clear proof for us. ʿUmar interrupted the sermon, censuring ʿUthmān for not linking ghusl to the time of departing for the mosque. Had this not been obligatory according to him and them, he would not have interrupted the sermon. ʿUmar swore, "By Allah, this is not wuḍūʾ!" If ghusl were not obligatory in his view, his oath could not have been truthful. The decisive stance of ʿUmar ibn al-Khaṭṭāb and the Companions—undoubtedly—was their condemnation of omitting ghusl and their public declaration that the Messenger of Allah—peace and blessings be upon him—commanded ghusl on Fridays. It is inconceivable to attribute to any Companion—may Allah be pleased with them—permission to oppose his command—peace be upon him—given Allah's decree: "Let those who defy his command beware lest affliction strike them or a painful punishment seize them" (24:63). Thus, this narration stands as valid proof and a consensus among the Companions—may Allah be pleased with them—for none among them countered ʿUmar by saying, "This is not obligatory upon him."[56]

L3479–3481 Abu Muhammad said: With certainty, we know that Uthman must have responded to Umar's censure and his emphasis on the matter of ritual bathing

[56] **Qur'an references (L3476):** Qur'an 24:63 (An-Nur).

with one of these unavoidable answers: Either he said, “I had already bathed before going to the market,” or “I have an impediment excusing me from bathing,” or “I forgot, but here I am returning to bathe”—his house being near the mosque’s gate, well-known to this day—or he said, “I will bathe, for the bathing is required for the day, not specifically for the prayer.” These are four answers, all conforming to our doctrine. Alternatively, he might have said, “This is a recommended act, not an obligation”—an answer aligning with our opponents’ view. Would that I knew who authorized them to cling to one answer among five possibilities, all plausible yet none substantiated by the narration at all, while neglecting the other responses that are more probable than their chosen one? For all these answers align with the command of Allah’s Messenger—peace and blessings be upon him—and with what Umar—may Allah be pleased with him—addressed him in the presence of the Companions—may Allah be pleased with them. The answer they adhere to is mere speculation contradicting the command of Allah’s Messenger—peace and blessings be upon him—and the Companions’ consensus. Even if their false claim—that Umar and those present regarded the command for bathing... It is recommended, and this is invalid; rather, the correct position is the opposite according to the explicit text of the ḥadīth. We have cited from Abū Hurayrah, Saʿd, Abū Saʿīd, and Ibn ʿAbbās the definitive ruling obligating the ritual bath on Friday long after ʿUmar’s death, thus confirming the existence of disagreement contrary to their false claim of consensus. When disagreement exists, the opinion of some is not more authoritative than others; rather, the obligation is to refer back to the Sunnah of Allah’s Messenger (peace and blessings be upon him). His Sunnah (peace be upon him) has established the obligation of the ritual bath, miswak, and perfume. Unless they claim that Abū Hurayrah, Saʿd, Abū Saʿīd, Ibn Masʿūd, and Ibn ʿAbbās opposed the consensus, this suffices them as misguidance. Then, even if they could validly claim that ʿUmar and ʿUthmān held the ritual bath on Friday to be recommended—Allah forbid that such a claim be authentically attributed to them—why would they elevate the disagreement of ʿUmar and ʿUthmān in this speculative conjecture? Yet they do not regard as significant the disagreement of ʿUmar and ʿUthmān in the presence of the Companions (may Allah be pleased with them) within this very ḥadīth: ʿUmar abandoning

إِلَى السُّوقِ، وَإِمَّا أَنْ يَقُولَ لَهُ: بِي عُذْرٌ مَانِعٌ مِنْ الْغُسْلِ، أَوْ يَقُولَ لَهُ: أُنْسِيتُ وَهَا أَنَا ذَا رَاجِعٌ فَأَغْتَسِلُ، فَدَارُهُ كَانَتْ عَلَى بَابِ الْمَسْجِدِ مَشْهُورَةٌ إِلَى الْآنِ أَوْ يَقُولُ لَهُ: سَأَغْتَسِلُ، فَإِنَّ الْغُسْلَ لِلْيَوْمِ لَا لِلصَّلَاةِ. فَهَذِهِ أَرْبَعَةُ أَجْوِبَةٍ كُلُّهَا مُوَافِقَةٌ لِقَوْلِنَا. أَوْ يَقُولُ لَهُ: هَذَا أَمْرُ نَدْبٍ وَلَيْسَ فَرْضًا، وَهَذَا الْجَوَابُ مُوَافِقٌ لِقَوْلِ خُصُومِنَا. فَلَيْتَ شِعْرِي مَنْ الَّذِي جَعَلَ لَهُمْ التَّعَلُّقَ بِجَوَابٍ وَاحِدٍ مِنْ جُمْلَةِ خَمْسَةِ أَجْوِبَةٍ كُلُّهَا مُمْكِنٌ، وَكُلُّهَا لَيْسَ فِي الْخَبَرِ شَيْءٌ مِنْهَا أَصْلًا؟ دُونَ أَنْ يُحَاسِبُوا أَنْفُسَهُمْ بِالْأَجْوِبَةِ الْأُخَرِ الَّتِي هِيَ أَدْخَلُ فِي الْإِمْكَانِ مِنْ الَّذِي تَعَلَّقُوا بِهِ، لِأَنَّهَا كُلُّهَا مُوَافِقَةٌ لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلِمَا خَاطَبَهُ بِهِ عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -. وَالَّذِي تَعَلَّقُوا هُمْ بِهِ تَكَهُّنٌ مُخَالِفٌ لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلِمَا أَجْمَعَ عَلَيْهِ الصَّحَابَةُ. ثُمَّ لَوْ صَحَّ لَهُمْ مَا يَدَّعُونَهُ مِنْ الْبَاطِلِ مِنْ أَنَّ عُمَرَ وَمَنْ بِحَضْرَتِهِ رَأَوْا الْأَمْرَ بِالْغُسْلِ نَدْبًا، وَهَذَا لَا يَصِحُّ، بَلْ الصَّحِيحُ خِلَافُهُ بِنَصِّ الْخَبَرِ، فَقَدْ أَوْرَدْنَا عَنْ أَبِي هُرَيْرَةَ وَسَعْدٍ وَأَبِي سَعِيدٍ وَابْنِ عَبَّاسٍ الْقَطْعَ بِإِيجَابِ الْغُسْلِ يَوْمَ الْجُمُعَةِ بَعْدَ مَوْتِ عُمَرَ بِدَهْرٍ فَصَحَّ وُجُودُ خِلَافِ مَا يَدَّعُونَهُ بِالدَّعْوَى الْكَاذِبَةِ إجْمَاعًا، وَإِذَا وُجِدَ التَّنَازُعُ فَلَيْسَ قَوْلُ بَعْضِهِمْ أَوْلَى مِنْ قَوْلِ بَعْضٍ بَلْ الْوَاجِبُ حِينَئِذٍ الرَّدُّ إلَى سُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَسُنَّتُهُ - عَلَيْهِ السَّلَامُ - قَدْ جَاءَتْ بِإِيجَابِ الْغُسْلِ وَالسِّوَاكِ وَالطِّيبِ، إلَّا أَنْ يَدَّعُوا أَنَّ أَبَا هُرَيْرَةَ وَسَعْدًا وَأَبَا سَعِيدٍ وَابْنَ مَسْعُودٍ وَابْنَ عَبَّاسٍ خَالَفُوا الْإِجْمَاعَ، فَحَسْبُهُمْ بِهَذَا ضَلَالًا. ثُمَّ لَوْ صَحَّ لَهُمْ أَنَّ عُمَرَ وَعُثْمَانَ قَالَا بِأَنَّ الْغُسْلَ يَوْمَ الْجُمُعَةِ نَدْبٌ - وَمَعَاذَ اللَّهِ مِنْ أَنْ يَصِحَّ هَذَا عَنْهُمَا - فَمِنْ أَيْنَ لَهُمْ تَعْظِيمُ خِلَافِ عُمَرَ وَعُثْمَانَ فِي هَذَا الْبَاطِلِ الْمُتَكَهَّنِ؟ وَلَمْ يُعَظِّمُوا عَلَى أَنْفُسِهِمْ خِلَافَ عُمَرَ

the sermon to converse with ʿUthmān, and ʿUthmān responding to him after ʿUmar had commenced the sermon—while they do not permit this.

وَعُثْمَانَ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي هَذَا الْخَبَرِ نَفْسِهِ، فِي تَرْكِ عُمَرَ الْخُطْبَةَ، وَأَخْذِهِ فِي الْكَلَامِ مَعَ عُثْمَانَ، وَمُجَاوَبَةِ عُثْمَانَ لَهُ بَعْدَ شُرُوعِ عُمَرَ فِي الْخُطْبَةِ، وَهُمْ لَا يُجِيزُونَ هَذَا.

L3482 Similarly, the authentic report transmitted through Malik from Hisham ibn Urwah from his father states: Umar recited Surah As-Sajdah on the pulpit on a Friday. He then descended and prostrated, and the people prostrated with him. Then he recited it again on another Friday, and when the people prepared to prostrate, Umar said to them: "Hold on. Indeed, Allah has not ordained this prostration upon us unless we so will." The Maliki jurists said: "The practice does not follow this," while the Hanafi jurists said: "The prostration is obligatory."

وَكَذَلِكَ الْخَبَرُ الثَّابِتُ مِنْ طَرِيقِ مَالِكٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ: أَنَّ عُمَرَ قَرَأَ السَّجْدَةَ عَلَى الْمِنْبَرِ يَوْمَ الْجُمُعَةِ فَنَزَلَ وَسَجَدَ وَسَجَدُوا مَعَهُ، ثُمَّ قَرَأَهَا فِي الْجُمُعَةِ الْأُخْرَى فَتَهَيَّئُوا لِلسُّجُودِ، فَقَالَ لَهُمْ عُمَرُ: عَلَى رِسْلِكُمْ، إِنَّ اللَّهَ لَمْ يَكْتُبْهَا عَلَيْنَا إِلَّا أَنْ نَشَاءَ. فَقَالَ الْمَالِكِيُّونَ: لَيْسَ الْعَمَلُ عَلَى هَذَا، وَقَالَ الْحَنَفِيُّونَ: السُّجُودُ وَاجِبٌ.

L3483 Abu Muhammad said: Could there be anything more astonishing than this, or deeper into fallacy, than their taking Umar's discourse with Uthman during the sermon regarding what they did not find in it - the omission of the obligatory Friday ritual bath - as proof in their view, yet they show no concern for contradicting Umar in his actions and statements made in the presence of the Companions (may Allah be pleased with them)? Such as his position that prostration is not obligatory upon us when reciting a prostration verse, and his practice of descending from the pulpit to prostrate when reciting such verses. Could there be greater amazement than this? This is nothing but frivolity masquerading as seriousness. How many instances have they contradicted Umar and Uthman by blindly following opinions of those whose correctness in all statements cannot be guaranteed? Such as the rulings of Uthman, Ali, Talha, Al-Zubayr and others that no ritual bath is required after penetration without ejaculation; or the statements of Umar and Ibn Mas'ud that a person in major impurity without water may neither perform dry ablution nor pray - even if remaining so for a month; or the rulings transmitted from Umar and Uthman decreeing that children born to women captured in military raids become slaves belonging to their master. Such examples are exceedingly numerous.

قَالَ أَبُو مُحَمَّدٍ: أَفَيَكُونُ أَعْجَبُ مِنْ هَذَا أَوْ أَدْخَلُ فِي الْبَاطِلِ مِنْهُ أَنْ يَكُونَ كَلَامُ عُمَرَ مَعَ عُثْمَانَ فِي الْخُطْبَةِ بِمَا لَا يَجِدُونَهُ فِيهِ مِنْ إِسْقَاطِ فَرْضِ غُسْلِ الْجُمُعَةِ حُجَّةً عِنْدَهُمْ، ثُمَّ لَا يُبَالُونَ مُخَالَفَةَ عُمَرَ فِي عَمَلِهِ وَقَوْلِهِ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنَّ السُّجُودَ لَيْسَ مَكْتُوبًا عَلَيْنَا عِنْدَ قِرَاءَةِ السَّجْدَةِ، وَفِي نُزُولِهِ عَنِ الْمِنْبَرِ لِلسُّجُودِ إِذَا قَرَأَ السَّجْدَةَ؟ أَفَيَكُونُ فِي الْعَجَبِ أَكْثَرُ مِنْ هَذَا؟ وَإِنْ هَذَا إِلَّا تَلَاعُبٌ أَقْرَبُ إِلَى الْجِدِّ. وَكَمْ قِصَّةٍ خَالَفُوا فِيهَا عُمَرَ وَعُثْمَانَ تَقْلِيدًا لِآرَاءِ مَنْ لَا يُضْمَنُ لَهُ الصَّوَابُ فِي كُلِّ أَقْوَالِهِ، كَقَوْلِ عُثْمَانَ وَعَلِيٍّ وَطَلْحَةَ وَالزُّبَيْرِ وَغَيْرِهِمْ: أَنْ لَا غُسْلَ مِنَ الْإِيلَاجِ إِذَا لَمْ يَكُنْ هُنَالِكَ إِمْنَاءٌ، وَكَقَوْلِ عُمَرَ وَابْنِ مَسْعُودٍ: مَنْ أَجْنَبَ وَلَمْ يَجِدِ الْمَاءَ فَلَا يَجُوزُ لَهُ التَّيَمُّمُ وَلَا الصَّلَاةُ، وَلَوْ بَقِيَ كَذَلِكَ شَهْرًا، وَكَمَا رُوِيَ عَنْ عُمَرَ وَعُثْمَانَ بِالْقَضَاءِ بِأَوْلَادِ الْغَارَّةِ رَقِيقًا لِسَيِّدِهَا، وَمِثْلُ هَذَا كَثِيرٌ جِدًّا.

L3484–3485 Some of them said: "This pertains to a matter involving great trial, for if

it were obligatory, it would not have been hidden from the scholars." We responded: "Indeed, it was not hidden - all the Companions (may Allah be pleased with them) recognized it and upheld it. These Hanafis have made ablution obligatory for any blood exiting the gums, body, or regurgitation - a matter involving widespread hardship unrecognized by others - yet they did not accept this as an argument against themselves. The Malikis consider vigorous scrubbing in ritual bathing and immediacy in ablution as obligatory requirements, invalidating purification and prayer if neglected - a matter involving great trial unrecognized beyond them - yet they did not accept this as an argument against themselves. The Shafi'is require ablution after touching the anus or a man touching his daughter or mother - a matter involving widespread difficulty unrecognized by others - yet they did not accept this as an argument against themselves. However, they deem it an argument when opposing their desires and blind adherence. We seek refuge with Allah from such practices in religion and from the scenario where Allah's Messenger (peace be upon him) declares something obligatory for every Muslim and every pubescent person - as Allah's rightful due upon every pubescent Muslim - yet we dare say: 'It is neither obligatory nor Allah's rightful due.' This is a matter that causes the skin to shudder. All praise belongs to Allah, Lord of the worlds, for His tremendous favor."

وَقَالَ بَعْضُهُمْ: هَذَا مِمَّا تَعْظُمُ بِهِ الْبَلْوَى، فَلَوْ كَانَ فَرْضًا لَمَا خَفِيَ عَلَى الْعُلَمَاءِ. قُلْنَا نَعَمْ مَا خَفِيَ، قَدْ عَرَفَهُ جَمِيعُ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَقَالُوا بِهِ. وَهَؤُلَاءِ الْحَنَفِيُّونَ قَدْ أَوْجَبُوا الْوُضُوءَ مِنْ كُلِّ دَمٍ خَارِجٍ مِنْ اللِّثَاتِ أَوْ الْجَسَدِ أَوْ مِنْ الْقَلْسِ، وَهُوَ أَمْرٌ تَعْظُمُ بِهِ الْبَلْوَى، وَلَا يَعْرِفُهُ غَيْرُهُمْ، فَلَمْ يَرَوْا ذَلِكَ حُجَّةً عَلَى أَنْفُسِهِمْ. وَالْمَالِكِيُّونَ يُوجِبُونَ التَّدَلُّكَ فِي الْغُسْلِ فَرْضًا، وَالْفَوْرُ فِي الْوُضُوءِ فَرْضًا، تَبْطُلُ الطَّهَارَةُ وَالصَّلَاةُ بِتَرْكِهِ، وَهَذَا أَمْرٌ تَعْظُمُ بِهِ الْبَلْوَى، وَلَا يَعْرِفُ ذَلِكَ غَيْرُهُمْ، فَلَمْ يَرَوْا ذَلِكَ حُجَّةً عَلَى أَنْفُسِهِمْ. وَالشَّافِعِيُّونَ يَرَوْنَ الْوُضُوءَ مِنْ مَسِّ الدُّبُرِ، وَمِنْ مَسِّ الرَّجُلِ ابْنَتَهُ وَأُمَّهُ، وَهُوَ أَمْرٌ تَعْظُمُ بِهِ الْبَلْوَى، وَلَا يَعْرِفُ ذَلِكَ غَيْرُهُمْ، فَلَمْ يَرَوْا ذَلِكَ حُجَّةً عَلَى أَنْفُسِهِمْ، ثُمَّ يَرَوْنَهُ حُجَّةً إذَا خَالَفَ أَهْوَاءَهُمْ وَتَقْلِيدَهُمْ، وَنَعُوذُ بِاَللَّهِ مِنْ مِثْلِ هَذَا الْعَمَلِ فِي الدِّينِ وَمِنْ أَنْ يَقُولَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي شَيْءٍ: إنَّهُ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ وَعَلَى كُلِّ مُحْتَلِمٍ، وَإِنَّهُ حَقُّ اللَّهِ تَعَالَى عَلَى كُلِّ مُسْلِمٍ مُحْتَلِمٍ. ثُمَّ نَقُولُ نَحْنُ: لَيْسَ هُوَ وَاجِبًا وَلَا هُوَ حَقُّ اللَّهِ تَعَالَى. هَذَا أَمْرٌ تَقْشَعِرُّ مِنْهُ الْجُلُودُ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ عَلَى عَظِيمِ نِعْمَتِهِ.

[مَسْأَلَة غَسْلَ يَوْم الْجُمُعَة إنَّمَا هُوَ لِلْيَوْمِ لَا لِلصَّلَاةِ]

The ruling concerning the Friday ritual bath is that it pertains exclusively to the day, not to the prayer.

١٧٩ - مَسْأَلَةٌ: وَغُسْلُ يَوْمِ الْجُمُعَةِ إنَّمَا هُوَ لِلْيَوْمِ لَا لِلصَّلَاةِ، فَإِنْ صَلَّى الْجُمُعَةَ وَالْعَصْرَ ثُمَّ اغْتَسَلَ أَجْزَأَهُ ذَلِكَ، وَأَوَّلُ أَوْقَاتِ الْغُسْلِ الْمَذْكُورِ إثْرَ طُلُوعِ الْفَجْرِ مِنْ يَوْمِ الْجُمُعَةِ، إلَى أَنْ يَبْقَى مِنْ قُرْصِ الشَّمْسِ مِقْدَارُ مَا يَتِمُّ غُسْلُهُ قَبْلَ غُرُوبِ آخِرِهِ، وَأَفْضَلُهُ أَنْ يَكُونَ مُتَّصِلًا بِالرَّوَاحِ إلَى الْجُمُعَةِ، وَهُوَ لَازِمٌ لِلْحَائِضِ وَالنُّفَسَاءِ كَلُزُومِهِ لِغَيْرِهِمَا.

Issue 179: The Friday bath pertains specifically to the day itself, not to the prayer. Thus, if one prays the Friday prayer and Asr prayer then performs the bath afterward, this suffices. The earliest time for this bath commences after dawn breaks on Friday, continuing until there remains from the sun's disk enough time to complete his bath before its final setting. Its most virtuous timing is when performed connected to the time of setting out for the Friday prayer. This bath is obligatory for menstruating women and postpartum women just as it is obligatory for others.

L3488 The evidence for that is what was narrated to us by ʻAbd al-Raḥmān ibn ʻAbd Allāh ibn Khālid, who reported to us Ibrāhīm ibn Aḥmad, who narrated to us al-Farabrī, who reported to us al-Bukhārī, who narrated to us Abū al-Yamān al-Ḥakam ibn Nāfiʻ, who reported to us Shuʻayb (he is Ibn Abī Ḥamzah) from al-Zuhrī, who said: Ṭāwūs said: I said to Ibn ʻAbbās: They mentioned that the Prophet—peace and blessings of Allah be upon him—said: "Perform *ghusl* on Friday even if you are not in a state of major impurity, and use some perfume." He said: As for the *ghusl*, yes; but as for the perfume, I do not know.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَبُو الْيَمَانِ الْحَكَمُ بْنِ نَافِعٍ ثنا شُعَيْبٌ هُوَ ابْنُ أَبِي حَمْزَةَ - عَنْ الزُّهْرِيِّ، قَالَ طَاوُسٌ: قُلْت لِابْنِ عَبَّاسٍ: ذَكَرُوا أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «اغْتَسِلُوا يَوْمَ الْجُمُعَةِ وَإِنْ لَمْ تَكُونُوا جُنُبًا وَأَصِيبُوا مِنْ الطِّيبِ» قَالَ: أَمَّا الْغُسْلُ فَنَعَمْ، وَأَمَّا الطِّيبُ فَلَا أَدْرِي.

L3489–3490 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 me: Muhammad ibn Hatim narrated to us, Bahz narrated to us, Wuhaib—son of Khalid—narrated to us. Abdullah ibn Tawus narrated to us from his father, from Abu Hurairah, from the Prophet—peace and blessings of Allah be upon him—who said: "Allah's right upon every Muslim is to perform ghusl every seven days, washing his head and body."

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 حَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ ثنا بَهْزٌ ثنا وُهَيْبٌ هُوَ ابْنُ خَالِدٍ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ طَاوُسٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «حَقُّ اللَّهِ عَلَى كُلِّ مُسْلِمٍ أَنْ يَغْتَسِلَ فِي كُلِّ سَبْعَةِ أَيَّامٍ، يَغْسِلُ رَأْسَهُ وَجَسَدَهُ» .

L3491 Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us: Muḥammad ibn Aḥmad ibn Mufarrij narrated to us: Muḥammad ibn Ayyūb al-Ṣamūt narrated to us: Aḥmad ibn ʿAmr ibn ʿAbd al-Khāliq al-Bazzār narrated to us: Yaḥyā ibn Ḥabīb ibn ʿArabī narrated to us: Rawḥ ibn ʿUbādah narrated to us: Shuʿbah narrated to us from ʿAmr ibn Dīnār from Ṭāwūs from Abū Hurayrah, who attributed it to the Prophet: "It is obligatory upon every Muslim to perform ritual bathing once every seven days - specifically Friday."

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيُّ حَدَّثَنَا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الصَّمُوتُ ثنا أَحْمَدُ بْنُ عَمْرِو بْنِ عَبْدِ الْخَالِقِ الْبَزَّارُ ثنا يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ ثنا رَوْحُ بْنُ عُبَادَةَ ثنا شُعْبَةُ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ طَاوُسٍ عَنْ أَبِي هُرَيْرَةَ رَفَعَهُ قَالَ «عَلَى كُلِّ مُسْلِمٍ فِي كُلِّ سَبْعَةِ أَيَّامٍ غُسْلٌ وَهُوَ يَوْمُ الْجُمُعَةِ» .

L3492–3494 And likewise, we have transmitted it through the chain of Jābir and al-Barā' as a musnad report, thereby confirming that [the ghusl] is for the day, not specifically for the prayer. We have transmitted from Nāfiʻ, from Ibn ʻUmar: that he performed the ritual bath after dawn's emergence on Friday and it sufficed him for the Friday ghusl. From Shuʻbah—via Manṣūr ibn al-Muʻtamir, from Mujāhid—who stated: "If a man performs the ritual bath after dawn's emergence, it suffices him." From al-Ḥasan: "If one performs the ritual bath on Friday after dawn's emergence, it suffices him for Friday."

وَهَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ جَابِرٍ وَالْبَرَاءِ مُسْنَدًا، فَصَحَّ بِهَذَا أَنَّهُ لِلْيَوْمِ لَا لِلصَّلَاةِ وَرُوِّينَا عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَغْتَسِلُ بَعْدَ طُلُوعِ الْفَجْرِ يَوْمَ الْجُمُعَةِ فَيَجْتَزِئُ بِهِ مِنْ غُسْلِ الْجُمُعَةِ، وَعَنْ شُعْبَةَ - عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ مُجَاهِدٍ قَالَ: إذَا اغْتَسَلَ الرَّجُلُ بَعْدَ طُلُوعِ الْفَجْرِ أَجْزَأَهُ. وَعَنْ الْحَسَنِ: إذَا اغْتَسَلَ يَوْمَ الْجُمُعَةِ بَعْدَ طُلُوعِ الْفَجْرِ أَجْزَأَهُ

لِلْجُمُعَةِ، فَإِذَنْ هُوَ لِلْيَوْمِ، فَفِي أَيِّ وَقْتٍ مِنْ الْيَوْمِ اغْتَسَلَ أَجْزَأَهُ، وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ كَذَلِكَ. فَإِنْ قَالَ قَائِلٌ: فَإِنَّكُمْ قَدْ رَوَيْتُمْ مِنْ طَرِيقِ شُعْبَةَ عَنْ الْحَكَمِ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا رَاحَ أَحَدُكُمْ إلَى الْجُمُعَةِ فَلْيَغْتَسِلْ» . وَرَوَيْتُمْ مِنْ طَرِيقِ اللَّيْثِ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا أَرَادَ أَحَدُكُمْ أَنْ يَأْتِيَ الْجُمُعَةَ فَلْيَغْتَسِلْ» وَعَنْ اللَّيْثِ عَنْ الزُّهْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ وَهُوَ قَائِمٌ عَلَى الْمِنْبَرِ مَنْ جَاءَ مِنْكُمْ الْجُمُعَةَ فَلْيَغْتَسِلْ» . قُلْنَا نَعَمْ، وَهَذِهِ - آثَارٌ صِحَاحٌ، وَكُلُّهَا لَا خِلَافَ فِيهَا لِمَا قُلْنَا.

أَمَّا قَوْلُهُ - عَلَيْهِ السَّلَامُ - «مَنْ جَاءَ مِنْكُمْ الْجُمُعَةَ فَلْيَغْتَسِلْ» فَهُوَ نَصُّ قَوْلِنَا، وَإِنَّمَا فِيهِ أَمْرٌ لِمَنْ جَاءَ الْجُمُعَةَ بِالْغُسْلِ، وَلَيْسَ فِيهِ أَيُّ وَقْتٍ يَغْتَسِلُ، لَا بِنَصٍّ وَلَا بِدَلِيلٍ، وَإِنَّمَا فِيهِ بَعْضُ مَا فِي الْأَحَادِيثِ الْأُخَرِ لِأَنَّ فِي هَذَا إيجَابَ الْغُسْلِ عَلَى كُلِّ مَنْ جَاءَ إلَى الْجُمُعَةِ، فَلَيْسَ فِيهِ إسْقَاطُ الْغُسْلِ عَمَّنْ لَا يَأْتِي الْجُمُعَةَ، وَفِي الْأَحَادِيثِ الْأُخَرِ الَّتِي مِنْ طَرِيقِ ابْنِ عُمَرَ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدٍ وَابْنِ عَبَّاسٍ وَغَيْرِهِمْ إيجَابُ الْغُسْلِ عَلَى كُلِّ مُسْلِمٍ وَعَلَى كُلِّ مُحْتَلِمٍ، فَهِيَ زَائِدَةٌ حُكْمًا عَلَى مَا فِي حَدِيثِ ابْنِ عُمَرَ، فَالْأَخْذُ بِهَا وَاجِبٌ.

وَأَمَّا قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «إذَا أَرَادَ أَحَدُكُمْ أَنْ يَأْتِيَ الْجُمُعَةَ فَلْيَغْتَسِلْ» فَكَذَلِكَ أَيْضًا سَوَاءً سَوَاءً، وَقَدْ يُرِيدُ الرَّجُلُ أَنْ يَأْتِيَ الْجُمُعَةَ مِنْ أَوَّلِ النَّهَارِ، وَلَيْسَ فِي هَذَا الْخَبَرِ وَلَا فِي غَيْرِهِ إلْزَامُهُ أَنْ يَكُونَ إتْيَانُهُ الْجُمُعَةَ لَا مِنْ أَوَّلِ النَّهَارِ، وَلَيْسَ فِي هَذَا الْخَبَرِ وَلَا فِي غَيْرِهِ إلْزَامُهُ أَنْ يَكُونَ أَتَى مُتَّصِلًا بِإِرَادَتِهِ لِإِتْيَانِهَا، بَلْ جَائِزٌ أَنْ يَكُونَ بَيْنَهُمَا سَاعَاتٌ، فَلَيْسَ فِي هَذَا اللَّفْظِ أَيْضًا دَلِيلٌ وَلَا نَصٌّ يُوجِبُ أَنْ يَكُونَ الْغُسْلُ مُتَّصِلًا بِالرَّوَاحِ.

Thus, it pertains to the day itself, so whenever one performs the bath during the day, it suffices. A similar position is reported from Ibrāhīm al-Nakha'ī. Should someone object: "You have transmitted through Shu'bah's chain—from al-Ḥakam, from Nāfi', from Ibn 'Umar—that the Messenger of Allah (peace be upon him) said: 'When any of you sets out for Friday prayer, let him perform the ritual bath.' You have also transmitted through al-Layth's chain—from Nāfi', from Ibn 'Umar—that the Prophet (peace be upon him) said: 'When any of you intends to attend Friday prayer, let him perform the ritual bath.'" And through al-Layth's chain—from al-Zuhrī, from 'Abdullāh ibn 'Abdullāh ibn 'Umar, from his father—"from the Messenger of Allah…" That he (peace and blessings of Allah be upon him) said while standing on the pulpit, "Whoever among you comes to the Friday Prayer should perform the ritual bath." We affirmed. These are sound reports, all of which are uncontested in supporting what we have stated.[57]

L3495 As for his statement—peace be upon him—"Whoever among you comes to Friday prayer, let him perform ghusl"—this constitutes the explicit text of our position. It contains only a command for those attending Friday prayer to perform ghusl, without specifying any time for performing it—neither through explicit text nor evidence. It includes some of what is present in other narrations, as this hadith obligates ghusl upon every attendee of Friday prayer without exempting non-attendees. Other narrations transmitted through Ibn Umar, Abu Huraira, Abu Sa'id, Ibn Abbas, and others obligate ghusl upon every Muslim and every pubescent individual. These introduce additional legal rulings beyond those in Ibn Umar's narration—thus, acting upon them is obligatory.

As for his statement—peace be upon him—"If any of you intends to attend Friday prayer, let him perform ghusl"—this is exactly the same, no difference at all. A man might form the intention to attend from daybreak, yet neither this report nor others obligate his attendance to not be from the day's beginning. Neither this report nor others require his attendance to follow immediately upon his intention; rather, it is permissible for hours to pass

[57] **Hadith references (L3492):** Sahih Muslim 844b; Sunan an-Nasai 1407.

between them. Thus, this wording also contains no evidence or explicit text requiring the ghusl to coincide with proceeding to attend the prayer.

L3496 As for his statement—peace be upon him—"When any of you sets out for Friday prayer, let him perform ghusl," the apparent meaning of this wording is that the ritual bath occurs after setting out, as God Almighty states: *"When you are secure, then establish prayer"* [4:103], or concurrent with setting out, as He—Exalted is He—says: *"When you divorce women, divorce them at the commencement of their waiting period"* [65:1], or prior to setting out, as He—Glory be to Him—declares: *"When you hold private counsel with the Messenger, offer charity before your consultation"* [58:12]. Since all these interpretations are plausible, and there exists neither categorical textual injunction nor evidence in this wording requiring the ghusl to immediately follow the act of setting out, our position is valid—and all praise belongs to Allah, Lord of all worlds.[58]

L3497–3499 Moreover, indeed when we ascertain the import of the terms of Ibn ʿUmar's ḥadīth, that would be indicative of our position. Because in it there is only: "When any of you sets out for Friday prayer, let him perform *ghusl*," "Or if any of you intends to attend Friday prayer, let him perform *ghusl*," "Whoever among you comes to Friday prayer, let him perform *ghusl*." These wordings convey nothing except that whoever is among those departing for Friday prayer, those coming to it, or those intending to attend it must perform *ghusl*—with no further stipulation. None of these texts specify the timing of the *ghusl*. Thus, the wording of Ibn 'Umar's report aligns with our position. Our experience with our opponents is that they assert: "The narrator of a *ḥadīth* is most knowledgeable of its interpretation." Yet Ibn 'Umar—the narrator of this report—has been authentically reported to have performed *ghusl* on Friday immediately after dawn breaks on its day. Mālik and Al-Awzāʿī said: "The *ghusl* for Friday is only valid if connected to departing for prayer." However, Al-Awzāʿī added: "If one performs *ghusl* before dawn and proceeds to Friday prayer, it suffices." Mālik said: "If one urinates or passes wind after *ghusl*, his *ghusl* is not invalidated; he need

[58] **Qur'an references (L3496):** Qur'an 4:103 (An-Nisa); Qur'an 65:1 (At-Talaq); Qur'an 58:12 (Al-Mujadila); Qur'an 37:182 (As-Saffat).

وَأَمَّا قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «إِذَا رَاحَ أَحَدُكُمْ إِلَى الْجُمُعَةِ فَلْيَغْتَسِلْ» فَظَاهِرُ هَذَا اللَّفْظِ أَنَّ الْغُسْلَ بَعْدَ الرَّوَاحِ، كَمَا قَالَ تَعَالَى: {فَإِذَا اطْمَأْنَنْتُمْ فَأَقِيمُوا الصَّلاةَ} [النساء: ١٠٣] وَمَعَ الرَّوَاحِ كَمَا قَالَ تَعَالَى: {إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ} [الطلاق: ١] أَوْ قَبْلَ الرَّوَاحِ كَمَا قَالَ تَعَالَى: {إِذَا نَاجَيْتُمُ الرَّسُولَ فَقَدِّمُوا بَيْنَ يَدَيْ نَجْوَاكُمْ صَدَقَةً} [المجادلة: ١٢] فَلَمَّا كَانَ كُلُّ ذَلِكَ مُمْكِنًا، وَلَمْ يَكُنْ فِي هَذَا اللَّفْظِ نَصٌّ وَلَا دَلِيلٌ عَلَى وُجُوبِ اتِّصَالِ الْغُسْلِ بِالرَّوَاحِ أَصْلًا صَحَّ قَوْلُنَا، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

وَأَيْضًا فَإِنَّا إِذَا حَقَّقْنَا مُقْتَضَى أَلْفَاظِ حَدِيثِ ابْنِ عُمَرَ كَانَ ذَلِكَ دَالًّا عَلَى قَوْلِنَا لِأَنَّهُ إِنَّمَا فِيهَا «إِذَا رَاحَ أَحَدُكُمْ إِلَى الْجُمُعَةِ فَلْيَغْتَسِلْ» «أَوْ أَرَادَ أَحَدُكُمْ أَنْ يَأْتِيَ إِلَى الْجُمُعَةِ فَلْيَغْتَسِلْ» . «مَنْ جَاءَ مِنْكُمْ الْجُمُعَةَ فَلْيَغْتَسِلْ» وَهَذِهِ أَلْفَاظٌ لَيْسَ يُفْهَمُ مِنْهَا إِلَّا أَنَّ مَنْ كَانَ مِنْ أَهْلِ الرَّوَاحِ إِلَى الْجُمُعَةِ، وَمِمَّنْ يَجِيءُ إِلَى الْجُمُعَةِ، وَمِنْ أَهْلِ الْإِرَادَةِ لِلْإِتْيَانِ إِلَى الْجُمُعَةِ فَعَلَيْهِ الْغُسْلُ، وَلَا مَزِيدَ، وَلَيْسَ فِي شَيْءٍ مِنْهَا وَقْتُ الْغُسْلِ، فَصَارَتْ أَلْفَاظُ خَبَرِ ابْنِ عُمَرَ مُوَافِقَةً لِقَوْلِنَا. وَعَهْدُنَا بِخُصُومِنَا يَقُولُونَ: إِنَّ مَنْ رَوَى حَدِيثًا فَهُوَ أَعْرَفُ بِتَأْوِيلِهِ، وَهَذَا ابْنُ عُمَرَ رَاوِي هَذَا الْخَبَرِ قَدْ رُوِّينَا عَنْهُ أَنَّهُ كَانَ يَغْتَسِلُ يَوْمَ الْجُمُعَةِ إِثْرَ طُلُوعِ الْفَجْرِ مِنْ يَوْمِهَا. وَقَالَ مَالِكٌ وَالْأَوْزَاعِيُّ: لَا يُجْزِئُ غُسْلُ يَوْمِ الْجُمُعَةِ إِلَّا مُتَّصِلًا بِالرَّوَاحِ، إِلَّا أَنَّ الْأَوْزَاعِيَّ قَالَ: إِنْ اغْتَسَلَ قَبْلَ الْفَجْرِ وَنَهَضَ إِلَى الْجُمُعَةِ أَجْزَأَهُ. وَقَالَ مَالِكٌ: إِنْ بَالَ أَوْ أَحْدَثَ بَعْدَ الْغُسْلِ لَمْ يَنْتَقِضْ غُسْلُهُ وَيَتَوَضَّأُ فَقَطْ، فَإِنْ أَكَلَ أَوْ نَامَ انْتَقَضَ غُسْلُهُ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا عَجَبٌ جِدًّا.

only perform ablution. But if he eats or sleeps, his *ghusl* is invalidated."
Abū Muḥammad said: "This is utterly perplexing."

Abū Ḥanīfah, al-Layth, Sufyān, ʿAbd al-ʿAzīz ibn Abī Salamah, al-Shāfiʿī, Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhwayh, and Dāwūd held the same opinion as we do. Ṭāwus, al-Zuhrī, Qatādah, and Yaḥyā ibn Abī Kathīr said: "Whoever performs ghusl for ṣalāt al-jumuʿah and then invalidates his ablution, it is recommended that he repeat the ghusl."

Ali said: We do not know of any statement similar to Mālik's from any of the Companions or the Followers, nor does he possess a valid argument from the Quran, the Sunnah, analogy, or the statement of a Companion. Often they speak in such matters with disparagement contrary to the statement of a Companion whose view has no known opposition from other Companions. This is a case in which they opposed Ibn ʿUmar in this matter, and no opposition from the Companions regarding that is known to exist.

If they say: "Who among those before you stated that the ghusl is for Friday?" We reply: Every Companion we have cited regarding this matter—may Allah be pleased with them—their statements clearly indicate their position. This is the explicit opinion of Abū Yūsuf and others. The most astonishing thing is that they permit the ghusl on Friday at any time and allow neglecting it throughout the entire day, yet they condemn those who advocate for the ghusl during a time they permit it. And success comes only from Allah, the Exalted.

The ruling is that washing every deceased Muslim is an obligatory duty (فَرْض).

Issue 180: The washing of every deceased Muslim is an indispensable obligation. If buried without being washed, he must unquestionably be exhumed - so long as any trace of him can be located - and washed, except for the martyr slain by polytheists in battle who perished therein, for washing him is not required.

The evidence for this is what was narrated to us by 'Abd al-Raḥmān ibn 'Abd Allāh ibn Khālid, who narrated to us from Ibrāhīm ibn Aḥmad, who narrated to us from al-Farbarī, who narrated to us from al-Bukhārī, who

وَقَالَ أَبُو حَنِيفَةَ وَاللَّيْثُ وَسُفْيَانُ وَعَبْدُ الْعَزِيزِ بْنُ أَبِي سَلَمَةَ وَالشَّافِعِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ رَاهْوَيْهِ وَدَاوُد كَقَوْلِنَا، وَقَالَ طَاوُسٌ وَالزُّهْرِيُّ وَقَتَادَةُ وَيَحْيَى بْنُ أَبِي كَثِيرٍ: مَنْ اغْتَسَلَ لِلْجُمُعَةِ ثُمَّ أَحْدَثَ فَيُسْتَحَبُّ أَنْ يُعِيدَ غُسْلَهُ.

قَالَ عَلِيٌّ: مَا نَعْلَمُ مِثْلَ قَوْلِ مَالِكٍ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ التَّابِعِينَ، وَلَا لَهُ حُجَّةٌ مِنْ قُرْآنٍ وَلَا سُنَّةٍ وَلَا قِيَاسٍ وَلَا قَوْلِ صَاحِبٍ، وَكَثِيرًا مَا يَقُولُونَ فِي مِثْلِ هَذَا بِتَشْنِيعِ خِلَافَ قَوْلِ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ مُخَالِفٌ، وَهَذَا مَكَانٌ خَالَفُوا فِيهِ ابْنُ عُمَرَ، وَمَا يُعْلَمُ لَهُ مِنْ الصَّحَابَةِ فِي ذَلِكَ مُخَالِفٌ.

فَإِنْ قَالُوا: مَنْ قَالَ قَبْلَكُمْ إنَّ الْغُسْلَ لِلْيَوْمِ؟ قُلْنَا: كُلُّ مَنْ ذَكَرْنَا عَنْهُ فِي ذَلِكَ قَوْلًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، فَهُوَ ظَاهِرُ قَوْلِهِمْ، وَهُوَ قَوْلُ أَبِي يُوسُفَ نَصًّا وَغَيْرِهِ، وَأَعْجَبُ شَيْءٍ أَنْ يَكُونُوا مُبِيحِينَ لِلْغُسْلِ يَوْمَ الْجُمُعَةِ فِي كُلِّ وَقْتٍ، وَمُبِيحِينَ لِتَرْكِهِ فِي الْيَوْمِ كُلِّهِ، ثُمَّ يُنْكِرُونَ عَلَى مَنْ قَالَ بِالْغُسْلِ فِي وَقْتٍ هُمْ يُبِيحُونَهُ فِيهِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

[مَسْأَلَة غَسَلَ كُلّ مَيِّت مِنْ الْمُسْلِمِينَ فرض]

١٨٠ - مَسْأَلَةٌ: وَغُسْلُ كُلِّ مَيِّتٍ مِنْ الْمُسْلِمِينَ فَرْضٌ وَلَا بُدَّ، فَإِنْ دُفِنَ بِغَيْرِ غُسْلٍ أُخْرِجَ وَلَا بُدَّ، مَا دَامَ يُمْكِنُ أَنْ يُوجَدَ مِنْهُ شَيْءٌ وَيُغَسَّلُ إلَّا الشَّهِيدَ الَّذِي قَتَلَهُ الْمُشْرِكُونَ فِي الْمَعْرَكَةِ فَمَاتَ فِيهَا، فَإِنَّهُ لَا يَلْزَمُ غُسْلُهُ.

narrated to us from Ismāʿīl ibn ʿAbd Allāh—who is the son of Abī Uwais—who said: "Mālik narrated to me from Ayyūb al-Sakhtiyānī from Muḥammad ibn Sīrīn from Umm ʿAṭiyyah al-Anṣāriyyah: 'When the Messenger of Allah—peace and blessings be upon him—came to them upon the death of his daughter, he said: "Wash her three times, five times, or more than that if you [women] deem it necessary."'" Thus, he—peace and blessings be upon him—commanded washing three times, and his command is obligatory, but it is better to perform more washes, in odd numbers. As for the martyr, it is mentioned in the chapter on funerals, if Allah the Almighty wills.

A jurisprudential question regarding washing a deceased person oneself by pouring [water] or scrubbing lightly.

Issue 181: Whoever washes a deceased person, undertaking the task himself—whether through pouring or rubbing—must perform a ritual bath (ghusl) as an obligation.

The evidence for this is what was narrated to us by Abdullah ibn Rabee', who narrated to us Muhammad ibn Ishaq ibn Sulaym, who narrated to us Ibn al-A'rabi, who narrated to us Abu Dawud, who narrated to us Ahmad ibn Salih, who narrated to us Ibn Abi Fudayk. Ibn Abi Dhi'b narrated to me from al-Qasim ibn Abbas from Amr ibn Umayr from Abu Hurairah that the Messenger of Allah—peace and blessings of Allah be upon him—said: "Whoever washes the deceased must perform ghusl, and whoever carries him must perform wudu." Abu Dawud said: Hamid ibn Yahya narrated to us from... Sufyān ibn ʿUyaynah narrated from Suhayl ibn Abī Ṣāliḥ from his father from Isḥāq, the freed slave of Zāʾidah, from Abū Hurayrah from the Prophet—peace and blessings of Allah be upon him—with the same meaning. ʿAbdullāh ibn Rabīʿ narrated to us from ʿAbdullāh ibn Muḥammad ibn ʿUthmān al-Asadī from Aḥmad ibn Khālid from ʿAlī ibn ʿAbd al-ʿAzīz from al-Ḥajjāj ibn al-Minhāl from Ḥammād ibn Salamah from Muḥammad ibn ʿAmr from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf from Abū Hurayrah from the Prophet—peace and blessings of Allah be upon him—who said: "Whoever washes a deceased

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ هُوَ ابْنُ أَبِي أُوَيْسٍ - حَدَّثَنِي مَالِكٌ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أُمِّ عَطِيَّةَ الْأَنْصَارِيَّةِ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - دَخَلَ عَلَيْهِنَّ حِينَ تُوُفِّيَتْ ابْنَتُهُ فَقَالَ: اغْسِلْنَهَا ثَلَاثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُنَّ ذَلِكَ» فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِالْغُسْلِ ثَلَاثًا، وَأَمْرُهُ فَرْضٌ وَخَيْرٌ فِي أَكْثَرَ عَلَى الْوِتْرِ، وَأَمَّا الشَّهِيدُ فَمَذْكُورٌ فِي الْجَنَائِزِ إِنْ شَاءَ اللَّهُ عَزَّ وَجَلَّ.

[مَسْأَلَة غَسَلَ ميتا متوليا ذَلِكَ بِنَفْسِهِ بصب أَوْ عرك]

١٨١ - مَسْأَلَةٌ: وَمَنْ غَسَّلَ مَيِّتًا مُتَوَلِّيًا ذَلِكَ بِنَفْسِهِ - بِصَبٍّ أَوْ عَرْكٍ - فَعَلَيْهِ أَنْ يَغْتَسِلَ فَرْضًا.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا أَحْمَدُ بْنُ صَالِحٍ ثنا ابْنُ أَبِي فُدَيْكٍ حَدَّثَنِي ابْنُ أَبِي ذِئْبٍ عَنْ الْقَاسِمِ بْنِ عَبَّاسٍ عَنْ عَمْرِو بْنِ عُمَيْرٍ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ غَسَّلَ الْمَيِّتَ فَلْيَغْتَسِلْ، وَمَنْ حَمَلَهُ فَلْيَتَوَضَّأْ» قَالَ أَبُو دَاوُد: وَحَدَّثَنَا حَامِدُ بْنُ يَحْيَى عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ إِسْحَاقَ مَوْلَى زَائِدَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمَعْنَاهُ. وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ الْأَسَدِيُّ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ

person should perform ghusl, and whoever carries the bier should perform wuḍū’.” Abū Muḥammad said: meaning whoever carries the funeral bier.

عَنْ أَبِي هُرَيْرَةَ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ مَنْ غَسَّلَ مَيِّتًا فَلْيَغْتَسِلْ وَمَنْ حَمَلَهَا فَلْيَتَوَضَّأْ» قَالَ أَبُو مُحَمَّدٍ: يَعْنِي مَنْ حَمَلَ الْجِنَازَةَ.

L3512 Among those who held this view are Ali ibn Abi Talib and others. This has been transmitted to us through the chain of Abd al-Rahman ibn Mahdi from Hisham al-Dastuwa’i from Hammad ibn Abi Sulayman from Ibrahim al-Nakha’i from Ali, who said: “Whoever washes a deceased person must perform ghusl.” Through the chain of Waki’ from Sa’id ibn Abd al-Aziz al-Tanukhi from Makhul: A man asked Hudhayfah about his deceased father, and Hudhayfah said: “Wash him. When you finish, perform ghusl.” From Abu Hurairah: “Whoever washes a deceased person must perform ghusl.” Through the chain of Hammad ibn Salamah from Hammad ibn Abi Sulayman from Ibrahim al-Nakha’i: “Ali’s companions would perform ghusl from it” - meaning from washing the deceased.

وَمِمَّنْ قَالَ بِهَذَا عَلِيُّ بْنُ أَبِي طَالِبٍ وَغَيْرُهُ، رُوِّينَا ذَلِكَ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلِيٍّ قَالَ: مَنْ غَسَّلَ مَيِّتًا فَلْيَغْتَسِلْ، وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ التَّنُوخِيِّ عَنْ مَكْحُولٍ أَنَّ حُذَيْفَةَ سَأَلَهُ رَجُلٌ مَاتَ أَبُوهُ، فَقَالَ حُذَيْفَةُ: اغْسِلْهُ فَإِذَا فَرَغْت فَاغْتَسِلْ وَعَنْ أَبِي هُرَيْرَةَ - مَنْ غَسَّلَ مَيِّتًا فَلْيَغْتَسِلْ، وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ كَانَ أَصْحَابُ عَلِيٍّ يَغْتَسِلُونَ مِنْهُ. يَعْنِي مِنْ غُسْلِ الْمَيِّتِ.

L3513 Ali said: Abu Hanifah, Malik, Al-Shafi’i, and Dawud held that the ritual bath is not obligatory due to washing the deceased. Our companions supported this ruling with the narration stating: “Water is only from water.”

قَالَ عَلِيٌّ: وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ وَالشَّافِعِيُّ وَدَاوُد: لَا يَجِبُ الْغُسْلُ مِنْ غُسْلِ الْمَيِّتِ، وَاحْتَجَّ أَصْحَابُنَا فِي ذَلِكَ بِالْأَثَرِ الَّذِي فِيهِ «إنَّمَا الْمَاءُ مِنْ الْمَاءِ» .

L3514 Ali said: And this contains no valid proof, because the command to perform ghusl in the case of washing the deceased and in the case of penetration (even if there was no emission) - these are two additional legal rulings beyond the narration “water is from water.” This addition comes from Allah the Exalted through the tongue of His Messenger - may Allah bless him and grant him peace - and accepting it is obligatory.

قَالَ عَلِيٌّ: وَهَذَا لَا حُجَّةَ فِيهِ لِأَنَّ الْأَمْرَ بِالْغُسْلِ مِنْ غُسْلِ الْمَيِّتِ وَمِنْ الْإِيلَاجِ وَإِنْ لَمْ يَكُنْ إنْزَالٌ - هُمَا شَرْعَانِ زَائِدَانِ عَلَى خَبَرِ «الْمَاءُ مِنْ الْمَاءِ» وَالزِّيَادَةُ وَارِدَةٌ مِنْ عِنْدِ اللَّهِ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرْضٌ الْأَخْذُ بِهَا.

L3515–3517 Others argued this point using a narration we transmitted through Ibn Wahb’s chain, who said: “Someone I trust informed me, attributing the hadith to Allah’s Messenger—peace and blessings be upon him—who said: ’Do not consider yourselves defiled by your dead,’” and he disliked that practice for them. From men of knowledge—Sa‘īd, Jābir, Ibn Mas‘ūd, Ibn ‘Abbās, and Ibn ‘Umar—it is related that no ritual bath is obligatory after washing the deceased. We also transmitted a hadith through Mālik’s chain from ‘Abdullāh ibn Abī Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm that Asmā’ bint ‘Umays washed Abū Bakr al-Ṣiddīq. When she finished, she asked the Muhajirun

وَاحْتَجَّ غَيْرُهُمْ فِي ذَلِكَ بِأَثَرٍ رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي مَنْ أَثِقُ بِهِ يَرْفَعُ الْحَدِيثَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تَنَجَّسُوا مِنْ مَوْتَاكُمْ» وَكَرِهَ ذَلِكَ لَهُمْ. وَعَنْ رِجَالٍ مِنْ أَهْلِ الْعِلْمِ عَنْ سَعِيدٍ وَجَابِرٍ وَابْنِ مَسْعُودٍ وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ أَنَّهُ لَا غُسْلَ مِنْ غُسْلِ الْمَيِّتِ، وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ أَنَّ أَسْمَاءَ بِنْتَ عُمَيْسٍ غَسَّلَتْ أَبَا بَكْرٍ الصِّدِّيقَ، فَلَمَّا

present with her, “I am fasting, and this is an intensely cold day. Is there any obligation for me to perform ghusl?” They replied, “No.” From Ibrāhīm al-Nakha‘ī: “Ibn Mas‘ūd and his companions did not perform ritual bathing after washing the deceased.” We further transmitted a hadith through Shu‘bah’s chain from Yazīd al-Rishk from Mu‘ādhah al-‘Adawiyyah: She was asked... Aisha—may Allah be pleased with her—was asked whether ghusl is required after washing the deceased. She replied, “No.”

فَرَغَتْ قَالَتْ لِمَنْ حَضَرَهَا مِنْ الْمُهَاجِرِينَ إنِّي صَائِمَةٌ وَإِنَّ هَذَا يَوْمٌ شَدِيدُ الْبُرْدِ فَهَلْ عَلَيَّ مِنْ غُسْلٍ؟ قَالُوا: لَا، وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ: كَانَ ابْنُ مَسْعُودٍ وَأَصْحَابُهُ لَا يَغْتَسِلُونَ مِنْ غُسْلِ الْمَيِّتِ، وَبِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ شُعْبَةَ عَنْ يَزِيدَ الرِّشْكِ عَنْ مُعَاذَةَ الْعَدَوِيَّةِ: سُئِلَتْ عَائِشَةُ - رَضِيَ اللَّهُ عَنْهَا -: أَيُغْتَسَلُ مِنْ غُسْلِ الْمُتَوَفَّيْنَ؟ قَالَتْ لَا.

L3518 Abu Muhammad said: All of this contains no evidence for them. As for the report attributed to the Messenger of Allah - peace and blessings of Allah be upon him - it is in a state of extreme weakness because Ibn Wahb did not name his informant, and the time gap between Ibn Wahb and the Messenger of Allah - peace and blessings of Allah be upon him - is exceedingly long. Even if it were authenticated through unanimous transmission, they would have no basis in it, for it contains nothing except that we do not become impure from our dead. This is the explicit statement of our position. Allah forbid that we should become impure from a deceased Muslim, or that a Muslim should be impure! Rather, he is pure both alive and dead. The obligatory washing of the deceased is not in any way due to impurity, just as the obligatory washing of the deceased according to us and them – as the Messenger of Allah - peace and blessings of Allah be upon him - was washed, he being the purest of Adam’s descendants alive and dead – and as his Companions - may Allah be pleased with them - were washed upon their deaths, they being the pure and good ones alive and dead. It is like the ritual bath for Friday, where no impurity exists. Thus, their attempt to obscure the matter with this report is invalidated.

قَالَ أَبُو مُحَمَّد: وَكُلُّ هَذَا لَا حُجَّةَ لَهُمْ فِيهِ، أَمَّا الْخَبَرُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَفِي غَايَةِ السُّقُوطِ لِأَنَّ ابْنَ وَهْبٍ لَمْ يُسَمِّ مَنْ أَخْبَرَهُ، وَالْمَسَافَةُ بَيْنَ ابْنِ وَهْبٍ وَبَيْنَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعِيدَةٌ جِدًّا، ثُمَّ لَوْ صَحَّ بِنَقْلِ الْكَافَّةِ مَا كَانَ لَهُمْ فِيهِ مُتَعَلَّقٌ، لِأَنَّهُ لَيْسَ فِيهِ إلَّا أَنْ لَا نَتَنَجَّسَ مِنْ مَوْتَانَا فَقَطْ، وَهَذَا نَصُّ قَوْلِنَا، وَمَعَاذَ اللَّهِ أَنْ نَكُونَ نَتَنَجَّسُ مِنْ مَيِّتٍ مُسْلِمٍ، أَوْ أَنْ يَكُونَ الْمُسْلِمُ نَجِسًا، بَلْ هُوَ طَاهِرٌ حَيًّا وَمَيِّتًا، وَلَيْسَ الْغُسْلُ الْوَاجِبُ مِنْ غُسْلِ الْمَيِّتِ لِنَجَاسَتِهِ أَصْلًا، لَكِنْ كَغُسْلِ الْمَيِّتِ الْوَاجِبِ عِنْدَنَا وَعِنْدَهُمْ، كَمَا غُسِّلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ أَطْهَرُ وَلَدِ آدَمَ حَيًّا وَمَيِّتًا، وَغُسِّلَ أَصْحَابُهُ - رَضِيَ اللَّهُ عَنْهُمْ - إذْ مَاتُوا، وَهُمْ الطَّاهِرُونَ الطَّيِّبُونَ أَحْيَاءً وَأَمْوَاتًا، وَكَغُسْلِ الْجُمُعَةِ، وَلَا نَجَاسَةَ هُنَالِكَ، فَبَطَلَ تَمْوِيهُهُمْ بِهَذَا الْخَبَرِ.

L3519 As for the narration of Asma’, Abdullah ibn Abi Bakr was indeed not born on the day Abu Bakr al-Siddiq died—nor was his father. Even if all they attributed to the Companions were authentic, it would still be contradicted by what we have transmitted from Ali, Hudhayfah, and Abu Hurayrah contradicting that. When disagreement occurs, it becomes obligatory to revert to what Allah Almighty has commanded to be referred to—His speech and the speech of His Messenger, peace and blessings be upon him. We have already cited the Sunnah with a sound chain of narration affirming the obligation of

وَأَمَّا حَدِيثُ أَسْمَاءَ فَإِنَّ عَبْدَ اللَّهِ بْنَ أَبِي بَكْرٍ لَمْ يَكُنْ وُلِدَ يَوْمَ مَاتَ أَبُو بَكْرٍ الصِّدِّيقُ نَعَمْ وَلَا أَبُوهُ أَيْضًا، ثُمَّ لَوْ صَحَّ كُلُّ مَا ذَكَرُوا عَنْ الصَّحَابَةِ لَكَانَ قَدْ عَارَضَهُ مَا رُوِّينَاهُ مِنْ خِلَافِ ذَلِكَ عَنْ عَلِيٍّ وَحُذَيْفَةَ وَأَبِي هُرَيْرَةَ، وَإِذَا وَقَعَ التَّنَازُعُ وَجَبَ الرَّدُّ إلَى مَا افْتَرَضَ اللَّهُ تَعَالَى الرَّدَّ إلَيْهِ، مِنْ كَلَامِهِ وَكَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالسُّنَّةُ

ghusl for washing the deceased. How many cases exist where they opposed the majority of the Companions, with no known dissenting opinion among them? We have dedicated a voluminous book to this matter. It is astonishing that they cite Aisha's opinion as evidence while opposing her regarding the obligation of ablution after touching food cooked by fire. They opposed Ali ibn Abi Talib, Ibn Abbas, and Ibn al-Zubayr concerning the obligation for a mustahadah to perform ghusl for every prayer or when combining two prayers, and opposed Aisha's statement that such a woman should perform ghusl daily at the noon prayer. No known dissent from the Companions—may Allah be pleased with them—exists against these positions. Such instances are exceedingly numerous.

Issue: I pour water over one performing ghusl, and that person performing ghusl intended to perform ghusl.

Issue 182: If someone pours water over a person performing ghusl, and the latter intended to perform the ghusl, it is valid for him.

The evidence for that is that the ritual bath is the application of water to the skin with the intention of fulfilling what Allah, the Exalted, has obligated thereby. Therefore, if one intends that for oneself, they have performed the ritual bath they were commanded to do. There is no text or consensus stating that one must personally undertake that. And success is from Allah, the Exalted.

Issue: Interruption of menstrual bleeding during the menstrual period.

Issue 183: The cessation of menstrual blood during the menstrual period - including postpartum blood - necessitates a ritual bath (ghusl) for the entire body and the head. And this is an indisputable consensus - whoever opposes it disbelieves contrary to the firmly established texts, and in Allah, the Exalted, we seek support.

We have mentioned that a pregnant woman does not menstruate. Postpartum blood is what exits following a woman's delivery of the last child in her womb, as this is the agreed-upon position. As for what exits before that,

قَدْ ذَكَرْنَاهَا بِالْإِسْنَادِ الثَّابِتِ بِإِيجَابِ الْغُسْلِ مِنْ غُسْلِ الْمَيِّتِ، وَكَمْ قِصَّةٍ خَالَفُوا فِيهَا الْجُمْهُورَ مِنْ الصَّحَابَةِ لَا يُعْرَفُ مِنْهُمْ مُخَالِفٌ، وَقَدْ أَفْرَدْنَا لِذَلِكَ كِتَابًا ضَخْمًا، وَالْعَجَبُ مِنْ احْتِجَاجِهِمْ بِقَوْلِ عَائِشَةَ وَهُمْ قَدْ خَالَفُوهَا فِي إيجَابِ الْوُضُوءِ مِمَّا مَسَّتْ النَّارُ وَخَالَفُوا عَلِيَّ بْنَ أَبِي طَالِبٍ وَابْنَ عَبَّاسٍ وَابْنَ الزُّبَيْرِ فِي إيجَابِ الْغُسْلِ عَلَى الْمُسْتَحَاضَةِ لِكُلِّ صَلَاةٍ أَوْ لِلْجَمْعِ بَيْنَ صَلَاتَيْنِ، وَعَائِشَةَ فِي قَوْلِهَا: تَغْتَسِلُ كُلَّ يَوْمٍ عِنْدَ صَلَاةِ الظُّهْرِ، وَلَا مُخَالِفَ يُعْرَفُ لِهَؤُلَاءِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَمِثْلُ هَذَا كَثِيرٌ جِدًّا

[مَسْأَلَة أصب عَلَى مغتسل وَنَوَى ذَلِكَ المغتسل الْغُسْل]

١٨٢ - مَسْأَلَةٌ: وَمَنْ صَبَّ عَلَى مُغْتَسِلٍ وَنَوَى ذَلِكَ الْمُغْتَسِلُ الْغُسْلَ أَجْزَأَهُ.

بُرْهَانُ ذَلِكَ أَنَّ الْغُسْلَ هُوَ إمْسَاسُ الْمَاءِ الْبَشَرَةَ بِالْقَصْدِ إلَى تَأْدِيَةِ مَا افْتَرَضَ اللَّهُ تَعَالَى مِنْ ذَلِكَ، فَإِذَا نَوَى ذَلِكَ لِمَرْءٍ فَقَدْ فَعَلَ الْغُسْلَ الَّذِي أُمِرَ بِهِ، وَلَمْ يَأْتِ نَصٌّ وَلَا إجْمَاعٌ بِأَنْ يَتَوَلَّى هُوَ ذَلِكَ بِيَدِهِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

[مَسْأَلَة انْقِطَاع دَم الْحَيْض فِي مُدَّة الْحَيْض]

١٨٣ - مَسْأَلَةٌ: وَانْقِطَاعُ دَمِ الْحَيْضِ فِي مُدَّةِ الْحَيْضِ - وَمِنْ جُمْلَتِهِ دَمُ النِّفَاسِ - يُوجِبُ الْغُسْلَ لِجَمِيعِ الْجَسَدِ وَالرَّأْسِ وَهَذَا إجْمَاعٌ مُتَيَقَّنٌ، مَنْ خَالَفَهُ كَفَرَ عَنْ نُصُوصٍ ثَابِتَةٍ، وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

she is not considered postpartum, nor is it postpartum blood. There is no textual evidence or consensus regarding it. We will mention the durations of menstruation and the postpartum period in the discussion on menstruation, Allah the Exalted willing.

وَقَدْ ذَكَرْنَا أَنَّ الْحَامِلَ لَا تَحِيضُ، وَدَمُ النِّفَاسِ هُوَ الْخَارِجُ إِثْرَ وَضْعِ الْمَرْأَةِ آخِرَ وَلَدٍ فِي بَطْنِهَا، لِأَنَّهُ الْمُتَّفَقُ عَلَيْهِ، وَأَمَّا الْخَارِجُ قَبْلَ ذَلِكَ فَلَيْسَتْ نُفَسَاءَ، وَلَيْسَ دَمَ نِفَاسٍ، وَلَا نَصَّ فِيهِ وَلَا إِجْمَاعَ، وَسَنَذْكُرُ فِي الْكَلَامِ فِي الْحَيْضِ مُدَّةَ الْحَيْضِ وَمُدَّةَ النِّفَاسِ إِنْ شَاءَ اللَّهُ تَعَالَى.

L3528 **Issue: Postpartum women and menstruating women are subject to the same rulings when they intend to perform Ḥajj or ʿUmrah.**

[مَسْأَلَةُ النُّفَسَاءُ وَالْحَائِضُ شَيْءٌ وَاحِدٌ إِذَا أَرَادَتَا الْحَجَّ أَوْ الْعُمْرَةَ]

L3529 Issue 184: Women experiencing postpartum bleeding (nifās) and menstruation (ḥayḍ) are subject to the same ruling. Whichever of them intends to perform Ḥajj or ʿUmrah is obligated to perform ghusl and then pronounce the talbiyah.

١٨٤ - مَسْأَلَةٌ: وَالنُّفَسَاءُ وَالْحَائِضُ شَيْءٌ وَاحِدٌ، فَأَيَّتُهُمَا أَرَادَتْ الْحَجَّ أَوْ الْعُمْرَةَ فَفُرِضَ عَلَيْهَا أَنْ تَغْتَسِلَ ثُمَّ تُهِلَّ.

L3530 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 reported to me from Hannad ibn al-Sarri, Zuhayr ibn Harb, and Uthman ibn Abi Shaybah—all transmitting from Abda ibn Sulayman, from Ubaydullah ibn Umar, from Abd al-Rahman ibn al-Qasim ibn Muhammad ibn Abi Bakr al-Siddiq, from his father, from Aishah, the Mother of the Believers, who said: "Asma bint Umays gave birth to Muhammad ibn Abi Bakr al-Siddiq at al-Shajara. The Messenger of Allah, peace and blessings of Allah be upon him, instructed Abu Bakr that she should perform the ritual bath and begin the talbiyah."

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 حَدَّثَنِي هَنَّادُ بْنُ السَّرِيِّ وَزُهَيْرُ بْنُ حَرْبٍ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ، كُلُّهُمْ عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «نُفِسَتْ أَسْمَاءُ بِنْتُ عُمَيْسٍ بِمُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ بِالشَّجَرَةِ، فَأَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَبَا بَكْرٍ أَنْ تَغْتَسِلَ وَتُهِلَّ» .

L3531 It is explicitly mentioned in the report: "Asmā' bint Umays was in postpartum bleeding at al-Shajara after giving birth to Muḥammad ibn Abī Bakr, and this was mentioned to the Messenger of Allah (may Allah bless him and grant him peace)." "'Ā'isha and Umm Salama, the mothers of the believers (may Allah be pleased with them both), menstruated, and the Messenger of Allah (may Allah bless him and grant him peace) said to each of them: 'Are you in postpartum bleeding?' They replied, 'Yes.'"

وَجَاءَ فِي الْخَبَرِ الصَّرِيحِ: «نُفِسَتْ أَسْمَاءُ بِنْتُ عُمَيْسٍ بِالشَّجَرَةِ بِمُحَمَّدِ بْنِ أَبِي بَكْرٍ فَذُكِرَ ذَلِكَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» «وَحَاضَتْ عَائِشَةُ وَأُمُّ سَلَمَةَ أُمَّا الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهُمَا -، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِكُلِّ وَاحِدَةٍ مِنْهُمَا: أَنُفِسْتِ؟ قَالَتْ نَعَمْ» .

L3532 Thus, it is established that menstruation may linguistically be termed postpartum bleeding. Consequently, it is established that they share a single ruling as one category, with no distinction between them.

فَصَحَّ أَنَّ الْحَيْضَ يُسَمَّى نِفَاسًا، فَصَحَّ أَنَّهُمَا شَيْءٌ وَاحِدٌ وَحُكْمٌ وَاحِدٌ وَلَا فَرْقَ.

L3533 He—peace be upon him—commanded the woman who sees black blood to abstain from prayer, ruling that it is menstruation, that she is menstruating, and that the other blood is not menstruation nor is she menstruating through it. He informed that menstruation is something Allah the Exalted has decreed upon the daughters of Adam. Therefore, any black blood that emerges from a woman's vagina from the birth canal is menstruation, except what the text has excluded from this general rule: the pregnant woman and the one whose blood is neither distinguishable nor ceases. And success is from Allah, the Exalted.

وَأَمَرَ - عَلَيْهِ السَّلَامُ - الَّتِي تَرَى الدَّمَ الْأَسْوَدَ بِتَرْكِ الصَّلَاةِ، وَحَكَمَ بِأَنَّهُ حَيْضٌ وَأَنَّهَا حَائِضٌ، وَأَنَّ الدَّمَ الْآخَرَ لَيْسَ حَيْضًا وَلَا هِيَ بِهِ حَائِضٌ، وَأَخْبَرَ أَنَّ الْحَيْضَ شَيْءٌ كَتَبَهُ اللَّهُ تَعَالَى عَلَى بَنَاتِ آدَمَ، فَكُلُّ دَمٍ أَسْوَدَ ظَهَرَ مِنْ فَرْجِ الْمَرْأَةِ مِنْ مَكَانِ خُرُوجِ الْوَلَدِ فَهُوَ حَيْضٌ، إلَّا مَا وَرَدَ النَّصُّ بِإِخْرَاجِهِ مِنْ هَذِهِ الْجُمْلَةِ وَهِيَ الْحَامِلُ وَالَّتِي لَا يَتَمَيَّزُ دَمُهَا وَلَا يَنْقَطِعُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة الْمَرْأَة تهل بِعُمْرَة ثُمَّ تَحِيض]

L3534–3535 The jurisprudential ruling concerning a woman who assumes the state of *ihrām* for *ʿUmrah* and subsequently menstruates.

L3536 Issue: If a woman enters the state of iḥrām for ʿUmrah and then menstruates, it becomes obligatory for her to perform ghusl (ritual purification) and proceed with her Hajj rites in the manner we will detail in the Hajj chapter, God Almighty willing.

مَسْأَلَةٌ: وَالْمَرْأَةُ تُهِلُّ بِعُمْرَةٍ ثُمَّ تَحِيضُ فَفُرِضَ عَلَيْهَا أَنْ تَغْتَسِلَ ثُمَّ تَعْمَلَ فِي حَجِّهَا، مَا سَنَذْكُرُهُ فِي الْحَجِّ إنْ شَاءَ اللَّهُ تَعَالَى.

L3537 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, Qutaybah ibn Sa'id narrated to us, Al-Layth—that is, Ibn Sa'd—narrated from Abu Az-Zubayr, from Jabir, who said: "We advanced with the Messenger of Allah—peace and blessings be upon him—uttering the Talbiyah for Ifrad Hajj, while Aisha advanced with the intention of Umrah. When we reached Sarif, she menstruated." Then he mentioned the rest of the hadith, which included: "The Messenger of Allah—peace and blessings be upon him—came to her, and she said, 'I have begun menstruating, while the people have exited the state of Ihram, but I have not exited it, nor have I performed Tawaf around the House. The people are proceeding to perform Hajj.' The Messenger of Allah—peace and blessings be upon him—said to her, 'Indeed, this is some-

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 قُتَيْبَةُ بْنُ سَعِيدٍ ثنا اللَّيْثُ هُوَ ابْنُ سَعْدٍ - عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: «أَقْبَلْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُهِلِّينَ بِحَجٍّ مُفْرَدًا وَأَقْبَلَتْ عَائِشَةُ بِعُمْرَةٍ حَتَّى إذَا كُنَّا بِسَرِفَ عَرَكَتْ» ثُمَّ ذَكَرَ الْحَدِيثَ وَفِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - دَخَلَ عَلَيْهَا فَقَالَتْ: قَدْ حِضْتُ وَحَلَّ النَّاسُ وَلَمْ أَحْلِلْ وَلَمْ أَطُفْ بِالْبَيْتِ، وَالنَّاسُ يَذْهَبُونَ إلَى الْحَجِّ، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إنَّ هَذَا كَتَبَهُ اللَّهُ عَلَى بَنَاتِ آدَمَ فَاغْتَسِلِي ثُمَّ أَهِلِّي بِالْحَجِّ ففَعَلَتْ» .

thing Allah has ordained for the daughters of Adam. Perform the ritual bath, then declare your entry into the state of Ihram for Hajj.' So she did so."

An issue concerning continuous black blood that is indistinguishable, and whose [menstrual] days the woman cannot recognize.

186. Issue: As for the woman experiencing continuous indistinct black blood whose menstrual cycle she cannot discern, it is obligatory for her—if she wishes to pray—to perform the ritual bath for every obligatory or voluntary prayer. If she chooses, near the end of *Dhuhr* time, she may perform the ritual bath and ablution, then pray *Dhuhr* such that part of it is completed after the commencement of *'Aṣr* time. She then performs ablution and prays *'Aṣr*. If she chooses near twilight's end, she may perform the ritual bath and ablution, then pray *Maghrib* such that part of it extends beyond twilight's disappearance. She then performs ablution and prays *'Ishā'*. She performs the ritual bath and ablution for *Fajr* prayer. If she wishes at that point to offer voluntary prayers with each obligatory prayer—performing ablution either before or after the obligatory prayer—she may do so. We will present the evidence for this in our discussion on menstruation, God willing.

The Issue of Performing Ritual Bath (Ghusl) Due to Burying a Non-Muslim

187 - Issue:

The ritual bath is not required by anything other than what we have mentioned at all, because no narration has been transmitted regarding anything beyond that which is absolutely authentic. A narration has indeed come concerning the ritual bath from burying a disbeliever, in which Nājiyah ibn Ka'b is mentioned—and he is an unknown narrator. Religious legislations are not derived except from the speech of Allah or from the speech of His Messenger—may Allah's peace and blessings be upon him.

And among those who do not consider *ghusl* obligatory as a result of

[مَسْأَلَةُ الْمُتَّصِلَةُ الدَّمُ الْأَسْوَدُ الَّذِي لَا يَتَمَيَّزُ وَلَا تَعْرِفُ أَيَّامَهَا]

١٨٦ - مَسْأَلَةٌ: وَالْمُتَّصِلَةُ الدَّمُ الْأَسْوَدُ الَّذِي لَا يَتَمَيَّزُ وَلَا تَعْرِفُ أَيَّامَهَا فَإِنَّ الْغُسْلَ فَرْضٌ عَلَيْهَا إِنْ شَاءَتْ لِكُلِّ صَلَاةِ فَرْضٍ أَوْ تَطَوُّعٍ، وَإِنْ شَاءَتْ إِذَا كَانَ قُرْبَ آخِرِ وَقْتَ الظُّهْرِ اغْتَسَلَتْ وَتَوَضَّأَتْ وَصَلَّتْ الظُّهْرَ بِقَدْرِ مَا تَسْلَمُ مِنْهَا بَعْدَ دُخُولِ وَقْتِ الْعَصْرِ، ثُمَّ تَتَوَضَّأُ وَتُصَلِّي الْعَصْرَ، ثُمَّ إِذَا كَانَ قَبْلَ غُرُوبِ الشَّفَقِ اغْتَسَلَتْ وَتَوَضَّأَتْ وَصَلَّتْ الْمَغْرِبَ بِقَدْرِ مَا تَفْرُغُ مِنْهَا بَعْدَ غُرُوبِ الشَّفَقِ، ثُمَّ تَتَوَضَّأُ وَتُصَلِّي الْعَتَمَةَ، ثُمَّ تَغْتَسِلُ وَتَتَوَضَّأُ لِصَلَاةِ الْفَجْرِ، وَإِنْ شَاءَتْ حِينَئِذٍ أَنْ تَتَنَفَّلَ عِنْدَ كُلِّ صَلَاةِ فَرْضٍ وَتَتَوَضَّأَ بَعْدَ الْفَرِيضَةِ أَوْ قَبْلَهَا فَلَهَا ذَلِكَ، وَسَنَذْكُرُ الْبُرْهَانَ عَلَى ذَلِكَ فِي كَلَامِنَا فِي الْحَيْضِ إِنْ شَاءَ اللَّهُ تَعَالَى.

[مَسْأَلَةُ الْغُسْلِ مِنْ مُوَارَةِ الْكَافِرِ]

١٨٧ - مَسْأَلَةٌ:

وَلَا يُوجِبُ الْغُسْلَ شَيْءٌ غَيْرُ مَا ذَكَرْنَا أَصْلًا لِأَنَّهُ لَمْ يَأْتِ فِي غَيْرِ ذَلِكَ أَثَرٌ يَصِحُّ أَلْبَتَّةَ، وَقَدْ جَاءَ أَثَرٌ فِي الْغُسْلِ مِنْ مُوَارَةِ الْكَافِرِ، فِيهِ نَاجِيَةُ بْنُ كَعْبٍ وَهُوَ مَجْهُولٌ، وَالشَّرَائِعُ لَا تُؤْخَذُ إِلَّا مِنْ كَلَامِ اللَّهِ أَوْ مِنْ كَلَامِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

penetration into the genital area of an animal without ejaculation (*inzal*) are Abū Ḥanīfa and al-Shāfiʿī.

وَمِمَّنْ لَا يَرَى الْغُسْلَ مِنَ الْإِيلَاجِ فِي حَيَاءِ الْبَهِيمَةِ إِنْ لَمْ يَكُنْ إِنْزَالُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ.

L3544 Malik said regarding anal intercourse: There is no ghusl for it if there is no ejaculation. As for those who analogize this to vaginal intercourse, it is said to them: Rather, it is a sin. It is more appropriate to analogize it to other sins like murder and abandoning prayer, for there is no ghusl for any of these by consensus. How, when the entire analogy is invalid?

وَقَالَ مَالِكٌ فِي الْوَطْءِ فِي الدُّبُرِ: لَا غُسْلَ فِيهِ إِنْ لَمْ يَكُنْ إِنْزَالٌ، فَمَنْ قَاسَ ذَلِكَ عَلَى الْوَطْءِ فِي الْفَرْجِ قِيلَ لَهُ: بَلْ هُوَ مَعْصِيَةٌ، فَقِيَاسُهَا عَلَى سَائِرِ الْمَعَاصِي مِنَ الْقَتْلِ وَتَرْكِ الصَّلَاةِ أَوْلَى، وَلَا غُسْلَ فِي شَيْءٍ مِنْ ذَلِكَ بِإِجْمَاعٍ، فَكَيْفَ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ.

[The Description of the Obligatory Ritual Bath] [A Legal Issue Regarding the Janabah Ritual Bath]

[صِفَةُ الْغُسْلِ الْوَاجِبِ] [مَسْأَلَةٌ غُسْلُ الْجَنَابَةِ]

L3545–3546

L3547 Issue 188: Regarding the ritual bath for major impurity (ghusl al-janabah), it is recommended—without being obligatory—to begin by washing the private parts if the impurity resulted from intercourse, and to wipe one's hand on a wall or the ground after washing it. Then one should rinse the mouth, draw water into the nostrils, and expel it three times each. Next, immerse the hand in the vessel after washing it three times—this hand washing being absolutely obligatory only if one has awoken from sleep. Thereafter, one should comb through the roots of the hair until certain the water has reached the scalp, then pour water over the head three times with the hand, beginning with the right side. As for the obligatory requirements: washing the hands three times before placing them in the water (if one has awoken from sleep), washing the private parts (if the impurity resulted from intercourse), then pouring water over the head followed by the entire body. This pouring must be thorough enough to leave no doubt that water has reached the scalp, all hair, and every part of the body.

فِي كُلِّ مَا ذَكَرْنَا ١٨٨ - مَسْأَلَةٌ: أَمَّا غُسْلُ الْجَنَابَةِ فَيُخْتَارُ - دُونَ أَنْ يَجِبَ ذَلِكَ فَرْضًا - أَنْ يَبْدَأَ بِغَسْلِ فَرْجِهِ إِنْ كَانَ مِنْ جِمَاعٍ، وَأَنْ يَمْسَحَ بِيَدِهِ الْجِدَارَ أَوْ فِي الْأَرْضِ بَعْدَ غَسْلِهِ ثُمَّ يُمَضْمِضَ وَيَسْتَنْشِقَ وَيَسْتَنْثِرَ ثَلَاثًا ثَلَاثًا ثُمَّ يَغْمِسَ يَدَهُ فِي الْإِنَاءِ بَعْدَ أَنْ يَغْسِلَهَا ثَلَاثًا فَرْضًا وَلَا بُدَّ، إِنْ قَامَ مِنْ نَوْمٍ وَإِلَّا فَلَا، فَيُخَلِّلُ أُصُولَ شَعْرِهِ حَتَّى يُوقِنَ أَنَّهُ قَدْ بَلَّ الْجِلْدَ، ثُمَّ يُفِيضَ الْمَاءَ عَلَى رَأْسِهِ ثَلَاثًا بِيَدِهِ وَأَنْ يَبْدَأَ بِمَيَامِنِهِ، وَأَمَّا الْفَرْضُ الَّذِي لَا بُدَّ مِنْهُ فَأَنْ يَغْسِلَ يَدَيْهِ ثَلَاثًا قَبْلَ أَنْ يُدْخِلَهَا فِي الْمَاءِ إِنْ كَانَ قَامَ مِنْ نَوْمٍ وَإِلَّا فَلَا، وَيَغْسِلَ فَرْجَهُ إِنْ كَانَ مِنْ جِمَاعٍ، ثُمَّ يُفِيضَ الْمَاءَ عَلَى رَأْسِهِ ثُمَّ جَسَدِهِ بَعْدَ رَأْسِهِ وَلَا بُدَّ إِفَاضَةً يُوقِنُ أَنَّهُ قَدْ وَصَلَ الْمَاءُ إِلَى بَشَرَةِ رَأْسِهِ وَجَمِيعِ شَعْرِهِ وَجَمِيعِ جَسَدِهِ.

L3548 The proof of that is His statement—the Almighty, the Majestic—: {And if you are in a state of major impurity, then purify yourselves} [Al-Māʾidah: 6]. However one performs the ritual purification, he has fulfilled what Allah, the Exalted, has obligated upon him.[1]

بُرْهَانُ ذَلِكَ قَوْلُهُ - عَزَّ وَجَلَّ -: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] فَكَيْفَمَا أَتَى بِالطُّهُورِ فَقَدْ أَدَّى مَا افْتَرَضَ اللَّهُ تَعَالَى عَلَيْهِ.

[1] **Qur'an references (L3548):** Qur'an 5:6 (Al-Ma'idah).

L3549 Abdur Rahman ibn Abdullah ibn Khalid narrated to us 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 Raja' who reported from Imran, who is Ibn Ḥuṣayn, who said: "We were with the Messenger of Allah—may the peace and blessings of Allah be upon him—on a journey." He narrated the hadith, stating: "The Messenger of Allah—may the peace and blessings of Allah be upon him—gave a vessel of water to the one who had been afflicted with major ritual impurity and said: 'Go and pour it over yourself.'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ، ثنا يَحْيَى بْنُ سَعِيدٍ هُوَ الْقَطَّانُ، ثنا عَوْفٌ هُوَ ابْنُ أَبِي جَمِيلَةَ، حَدَّثَنَا أَبُو رَجَاءٍ عَنْ عِمْرَانَ هُوَ ابْنُ حُصَيْنٍ قَالَ «كُنَّا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سَفَرٍ، فَذَكَرَ الْحَدِيثَ وَفِيهِ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْطَى الَّذِي أَصَابَتْهُ الْجَنَابَةُ إِنَاءً مِنْ مَاءٍ وَقَالَ: اذْهَبْ فَأَفْرِغْهُ عَلَيْكَ» .

L3550 We have recommended what we previously mentioned because of what we narrated through the aforementioned chain from Al-Bukhārī: Al-Ḥumaydī narrated to us, Sufyān narrated to us, Al-Aʿmash narrated to us from Sālim ibn Abī al-Jaʿd from Kurayb from Ibn ʿAbbās from Maymūnah: "The Prophet (peace and blessings of Allah be upon him) performed the ritual bath for post-sexual impurity. He washed his private part with his hand, then rubbed his hand against the wall, then washed it. Then he performed his ablution for prayer. Upon completing his bath, he washed his feet."[2]

وَإِنَّمَا اسْتَحْبَبْنَا مَا ذَكَرْنَا قَبْلُ لِمَا رُوِّينَاهُ بِالسَّنَدِ الْمَذْكُورِ إِلَى الْبُخَارِيِّ ثنا الْحُمَيْدِيُّ ثنا سُفْيَانُ ثنا الْأَعْمَشُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ كُرَيْبٍ عَنِ ابْنِ عَبَّاسٍ عَنْ مَيْمُونَةَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اغْتَسَلَ مِنَ الْجَنَابَةِ فَغَسَلَ فَرْجَهُ بِيَدِهِ ثُمَّ دَلَكَ بِهَا الْحَائِطَ ثُمَّ غَسَلَهَا ثُمَّ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ، فَلَمَّا فَرَغَ مِنْ غُسْلِهِ غَسَلَ رِجْلَيْهِ» .

L3551–3552 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: Ali ibn Hujr Al-Saʿdī narrated to us: Isa ibn Yunus narrated to us: Al-Aʿmash narrated from Salim ibn Abi Al-Jaʿd from Kuraib from Ibn Abbas: My maternal aunt Maymunah narrated to me, saying: "I brought water for Allah's Messenger - peace and blessings of Allah be upon him - for his ritual bath after major impurity. He washed his palms two or three times, then inserted his hand into the vessel. Then he poured water over his private parts and washed it with his left hand. Then he struck his left hand on the ground and rubbed it vigorously. Then he performed ablution as he would for prayer. Then he poured three full handfuls of water over his head. Then he washed the rest of his body. Then he moved away from where he was washing and washed his feet. Then I brought him a cloth, but he declined it." We have already mentioned his saying - peace be upon him - to Umm Salamah: "It is sufficient for you to pour three handfuls of water over your head. Then pour water over yourself. Then you are purified."

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 عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ ثنا عِيسَى بْنُ يُونُسَ ثنا الْأَعْمَشُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ كُرَيْبٍ عَنِ ابْنِ عَبَّاسٍ حَدَّثَتْنِي خَالَتِي مَيْمُونَةُ قَالَتْ: «أَدْنَيْتُ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غُسْلَهُ مِنَ الْجَنَابَةِ فَغَسَلَ كَفَّيْهِ مَرَّتَيْنِ أَوْ ثَلَاثًا، ثُمَّ أَدْخَلَ يَدَهُ فِي الْإِنَاءِ، ثُمَّ أَفْرَغَ عَلَى فَرْجِهِ وَغَسَلَهُ بِشِمَالِهِ، ثُمَّ ضَرَبَ بِشِمَالِهِ الْأَرْضَ فَدَلَكَهَا دَلْكًا شَدِيدًا، ثُمَّ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ، ثُمَّ أَفْرَغَ عَلَى رَأْسِهِ ثَلَاثَ حَفَنَاتٍ مِلْءَ كَفِّهِ، ثُمَّ غَسَلَ سَائِرَ جَسَدِهِ ثُمَّ تَنَحَّى عَنْ مَقَامِهِ فَغَسَلَ رِجْلَيْهِ، ثُمَّ أَتَيْتُهُ بِالْمِنْدِيلِ فَرَدَّهُ» وَقَدْ ذَكَرْنَا قَوْلَهُ - عَلَيْهِ السَّلَامُ - لِأُمِّ سَلَمَةَ: «إِنَّمَا يَكْفِيكِ أَنْ تَحْثِي عَلَى رَأْسِكِ ثُمَّ تُفِيضِي الْمَاءَ عَلَيْكِ فَإِذَا بِكِ قَدْ طَهُرْتِ» .

[2] **Hadith references (L3550):** Sahih al-Bukhari 260.

cient for you to scoop water over your head, then pour water over yourself, and you will be purified."

فَلَهُ أَنْ يُقَدِّمَ غَسْلَ فَرْجِهِ وَأَعْضَاءِ وُضُوئِهِ قَبْلَ رَأْسِهِ فَقَطْ إِنْ شَاءَ، فَإِنْ انْغَمَسَ فِي مَاءٍ جَارٍ فَعَلَيْهِ أَنْ يَنْوِيَ تَقْدِيمَ رَأْسِهِ عَلَى جَسَدِهِ، وَلَا يَلْزَمُهُ ذَلِكَ فِي سَائِرِ الْأَغْسَالِ الْوَاجِبَةِ إِذْ لَمْ يَأْتِ بِذَلِكَ نَصٌّ، إِلَّا أَنْ يَصِحَّ أَنَّ هَكَذَا عَلَّمَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْحَيْضِ فَنَقِفُ عِنْدَهُ وَإِلَّا فَلَا، وَلَمْ يَأْتِ ذَلِكَ فِي الْحَيْضِ إِلَّا مِنْ طَرِيقِ إِبْرَاهِيمَ بْنِ الْمُهَاجِرِ وَهُوَ ضَعِيفٌ، وَرُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ بْنِ حُمَيْدٍ عَنْ عَبْدِ الرَّزَّاقِ، وَلَيْسَ ذِكْرُ الْحَيْضِ مَحْفُوظًا عَنْ عَبْدِ الرَّزَّاقِ أَصْلًا فَإِنْ صَحَّ ذَلِكَ فِي الْحَيْضِ قُلْنَا بِهِ، وَلَمْ نَسْتَجِزْ مُخَالَفَتَهُ.

L3553 He may only wash his private parts and the limbs of ablution before his head if he so wishes. If he immerses himself in flowing water, he must intend to wash his head before his body. This is not required for other obligatory ghusls, as there is no explicit textual basis for it, unless it is reliably established that the Messenger of Allah—peace and blessings be upon him—instructed thus regarding menstruation, in which case we adhere to it; otherwise, we do not. This teaching regarding menstruation is only transmitted through Ibrāhīm ibn al-Muhājir, who is a weak narrator. We also narrated it through ʿAbd ibn Ḥumayd from ʿAbd al-Razzāq, but the mention of menstruation is entirely unpreserved in transmissions from ʿAbd al-Razzāq. If this is authenticated for menstruation, we would uphold it and do not permit opposing it.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا حَفْصُ بْنُ عُمَرَ ثنا شُعْبَةُ أَخْبَرَنِي أَشْعَثُ بْنُ سُلَيْمٍ قَالَ: سَمِعْتُ أَبِي عَنْ مَسْرُوقٍ عَنْ عَائِشَةَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُعْجِبُهُ التَّيَمُّنُ فِي تَنَعُّلِهِ وَتَرَجُّلِهِ وَطَهُورِهِ وَفِي شَأْنِهِ كُلِّهِ» .

L3554 Abd al-Rahman ibn Abdullah narrated to us: Ibrāhīm ibn Aḥmad narrated to us: al-Farbarī narrated to us: al-Bukhārī narrated to us: Ḥafṣ ibn ʿUmar narrated to us: Shuʿbah narrated to us: Ashʿath ibn Sulaym informed me, who said: I heard my father narrate from Masrūq, from ʿĀ'ishah, who said: "The Messenger of Allah (peace and blessings of Allah be upon him) favored beginning with the right side when donning his sandals, combing his hair, during purification, and in all his matters."

[مَسْأَلَةٌ لَيْسَ عَلَى المغتسل أَنْ يَتَدَلَّكَ]

L3555 The person performing *ghusl* is not required to rub [their body].

١٨٩ - مَسْأَلَةٌ: - وَلَيْسَ عَلَيْهِ أَنْ يَتَدَلَّكَ: وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَدَاوُد وَأَبِي حَنِيفَةَ وَالشَّافِعِيِّ، وَقَالَ مَالِكٌ بِوُجُوبِ التَّدَلُّكِ.

189 - Issue: He is not required to rub. This is the position of Sufyan al-Thawri, al-Awza'i, Ahmad ibn Hanbal, Dawud, Abu Hanifah, and al-Shafi'i. Malik held the opinion that there is an obligation to rub.

قَالَ أَبُو مُحَمَّد: 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

L3557–3559 Abu Muhammad said: The proof of this is what 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, Ishaq ibn Ibrahim, Amr al-Naqid, and ibn Abi Umar, all of them from Sufyan ibn Uyaynah,

from Ayyub ibn Musa, from Sa'id ibn Abi Sa'id al-Maqburi, from Abdullah ibn Rafi', the freed slave of Umm Salamah, from Umm Salamah, who said: "I said, 'O Messenger of Allah, I am a woman who tightens the braids of my hair. Should I undo them for the ghusl of major impurity?' He replied, 'No, it suffices for you to pour three handfuls of water over your head, then pour water abundantly over yourself, and you will be purified.'"

أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ، كُلُّهُمْ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ، عَنْ أَيُّوبَ بْنِ مُوسَى عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ مَوْلَى أُمِّ سَلَمَةَ عَنْ أُمِّ سَلَمَةَ قَالَتْ: «قُلْتُ يَا رَسُولَ اللَّهِ: إِنِّي امْرَأَةٌ أَشُدُّ ضَفْرَ رَأْسِي، أَفَأَنْقُضُهُ لِغُسْلِ الْجَنَابَةِ؟ فَقَالَ: لَا إِنَّمَا يَكْفِيكِ أَنْ تَحْثِيَ عَلَى رَأْسِكِ ثَلَاثَ حَثَيَاتٍ ثُمَّ تُفِيضِي عَلَيْكِ فَتَطْهُرِينَ» .

L3560 All the narrations describing the manner of his ritual washing—peace and blessings be upon him—are reported, with no mention of vigorous rubbing in any of them.

وَبِهَذَا جَاءَتْ الْآثَارُ كُلُّهَا فِي صِفَةِ غُسْلِهِ - عَلَيْهِ السَّلَامُ -، لَا ذِكْرَ لِلتَّدَلُّكِ فِي شَيْءٍ مِنْ ذَلِكَ.

L3561 It has been narrated to us from Umar ibn al-Khattab that he said regarding the ritual bath for major impurity: "Perform ablution as you would for prayer, then wash your head three times, then ensure water flows over your skin."

وَرُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ فِي الْغُسْلِ مِنْ الْجَنَابَةِ: فَتَوَضَّأْ وُضُوءَكَ لِلصَّلَاةِ ثُمَّ اغْسِلْ رَأْسَكَ ثَلَاثًا ثُمَّ أَفِضْ الْمَاءَ عَلَى جِلْدِكَ.

L3562 From al-Sha'bi, al-Nakha'i, and al-Hasan concerning the *junub* (one in major impurity) who immerses himself in water: verily, it suffices him for the *ghusl* (ritual bath).

وَعَنْ الشَّعْبِيِّ وَالنَّخَعِيِّ وَالْحَسَنِ فِي الْجُنُبِ يَنْغَمِسُ فِي الْمَاءِ إنَّهُ يَجْزِيهِ مِنْ الْغُسْلِ.

L3563 Those who deem scrubbing obligatory argued by stating: Consensus has been established that if one scrubs during the major ritual bath, it becomes valid. Disagreement exists about its validity when one does not scrub. Thus the obligation requires that the removal of major ritual impurity only becomes valid through consensus. They cited a ḥadīth where God's Messenger (PBUH) taught ʿĀ'ishah the major ritual bath for impurity, saying: "O ʿĀ'ishah, wash your hands." Then he instructed: "Rinse your mouth, sniff water into your nostrils and expel it, then wash your face." He said: "Wash your arms up to the elbows." Then he ordered: "Pour water over your head," followed by: "Pour water over your skin." He then commanded her to scrub and trace with her hand every part of her body untouched by water, concluding: "O ʿĀ'ishah, pour the remaining water over your head, then scrub your skin and ensure full coverage."

وَاحْتَجَّ مِنْ رَأَى التَّدَلُّكَ فَرْضًا بِأَنْ قَالَ: قَدْ صَحَّ الْإِجْمَاعُ عَلَى أَنَّ الْغُسْلَ إذَا تَدَلَّكَ فِيهِ فَإِنَّهُ قَدْ تَمَّ، وَاخْتُلِفَ فِيهِ إذَا لَمْ يَتَدَلَّكْ، فَالْوَاجِبُ أَنْ لَا يُجْزِئَ زَوَالُ الْجَنَابَةِ إلَّا بِالْإِجْمَاعِ. وَذَكَرُوا حَدِيثًا فِيهِ أَنَّ رَسُولَ اللَّهِ «- صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَّمَ عَائِشَةَ الْغُسْلَ مِنْ الْجَنَابَةِ فَقَالَ لَهَا - عَلَيْهِ السَّلَامُ -: يَا عَائِشَةُ اغْسِلِي يَدَيْكِ ثُمَّ قَالَ لَهَا تَمَضْمَضِي ثُمَّ اسْتَنْشِقِي وَانْتَثِرِي ثُمَّ اغْسِلِي وَجْهَكِ ثُمَّ قَالَ: اغْسِلِي يَدَيْكِ إلَى الْمِرْفَقَيْنِ ثُمَّ قَالَ: أَفْرِغِي عَلَى رَأْسِكِ ثُمَّ قَالَ: أَفْرِغِي عَلَى جِلْدِكِ ثُمَّ أَمَرَهَا تَدْلُكُ وَتَتَّبِعُ بِيَدِهَا كُلَّ شَيْءٍ لَمْ يَمَسَّهُ

الْمَاءُ مِنْ جَسَدِهَا ثُمَّ قَالَ: يَا عَائِشَةُ أَفْرِغِي عَلَى رَأْسِكِ الَّذِي بَقِيَ ثُمَّ اُدْلُكِي جِلْدَكِ وَتَتَّبِعِي» .

L3564 And in another narration, he (peace be upon him) said, "Under every hair is janabah, so wash the hair and purify the skin."

وَبِحَدِيثٍ آخَرَ فِيهِ أَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ «إِنَّ تَحْتَ كُلِّ شَعْرَةٍ جَنَابَةً فَاغْسِلُوا الشَّعْرَ وَأَنْقُوا الْبَشَرَ» .

L3565 And in another narration therein: "Run fingers through the roots of the hair and thoroughly cleanse the skin." And in another narration therein: "A woman asked him—peace be upon him—about the ritual bath for major impurity. He—peace be upon him—said: 'Let one of you take her water, purify herself, do the purification well or attain thoroughness in purification, then pour water over her head while scrubbing until it reaches her scalp, then rinse her head thoroughly.'" Some of them said: "We applied analogy to this based on washing off impurity, which is not valid except with scrubbing." Some of them said: "The statement of the Almighty: {So purify yourselves thoroughly} [5:6] indicates the emphasis on thorough purification."[3]

وَبِحَدِيثٍ آخَرَ فِيهِ: «خَلِّلْ أُصُولَ الشَّعْرِ وَأَنْقِ الْبَشَرَ» وَبِحَدِيثٍ آخَرَ فِيهِ: «أَنَّ امْرَأَةً سَأَلَتْهُ - عَلَيْهِ السَّلَامُ - عَنْ غُسْلِ الْجَنَابَةِ. فَقَالَ - عَلَيْهِ السَّلَامُ -: تَأْخُذُ إِحْدَاكُنَّ مَاءَهَا فَتَطَهَّرُ فَتُحْسِنُ الطُّهُورَ أَوْ تَبْلُغُ فِي الطَّهُورِ ثُمَّ تَصُبُّ الْمَاءَ عَلَى رَأْسِهَا فَتَدْلُكُ حَتَّى يَبْلُغَ شُئُونَ رَأْسِهَا ثُمَّ تُفِيضُ الْمَاءَ عَلَى رَأْسِهَا» وَقَالَ بَعْضُهُمْ: قِسْنَا ذَلِكَ عَلَى غَسْلِ النَّجَاسَةِ لَا يُجْزِئُ إِلَّا بِعَرْكٍ وَقَالَ بَعْضُهُمْ: قَوْله تَعَالَى: {فَاطَّهَّرُوا} [المائدة: ٦] دَلِيلٌ عَلَى الْمُبَالَغَةِ.

L3566 Abu Muhammad said: This is all they have raised in protest, and all of it is ambiguous and baseless.

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّ مَا شَغَبُوا بِهِ، وَكُلُّهُ إيهَامٌ وَبَاطِلٌ.

L3567–3568 As for their statement: "If the ritual bath involves rubbing, consensus affirms its completeness, but no consensus exists regarding its completeness without rubbing" – this is a corrupt assertion. The primary rebuttal is that this is not a matter requiring observance in religious practice, for Allah the Exalted only commanded us to adhere to consensus in matters where obligation has been established through consensus, prohibition has been established through consensus, or permissibility has been established through consensus. This constitutes the truth. As for the practice they mentioned, it merely imposes the obligation to adhere to differing opinions, not the obligation to adhere to consensus.

أَمَّا قَوْلُهُمْ: إنَّ الْغُسْلَ إذَا كَانَ بِتَدَلُّكٍ فَقَدْ أُجْمِعَ عَلَى تَمَامِهِ وَلَمْ يُجْمَعْ عَلَى تَمَامِهِ دُونَ تَدَلُّكٍ فَقَوْلٌ فَاسِدٌ، أَوَّلُ ذَلِكَ أَنَّهُ لَيْسَ ذَلِكَ مِمَّا يَجِبُ أَنْ يُرَاعَى فِي الدِّينِ لِأَنَّ اللَّهَ تَعَالَى إنَّمَا أَمَرَنَا بِاتِّبَاعِ الْإِجْمَاعِ فِيمَا صَحَّ وُجُوبُهُ مِنْ طَرِيقِ الْإِجْمَاعِ أَوْ صَحَّ تَحْرِيمُهُ مِنْ طَرِيقِ الْإِجْمَاعِ أَوْ صَحَّ تَحْلِيلُهُ مِنْ طَرِيقِ الْإِجْمَاعِ، فَهَذَا هُوَ الْحَقُّ: وَأَمَّا الْعَمَلُ الَّذِي ذَكَرُوا فَإِنَّمَا هُوَ إيجَابُ اتِّبَاعِ الِاخْتِلَافِ لَا وُجُوبُ اتِّبَاعِ الْإِجْمَاعِ.

L3569 This is invalid because there is no consensus on the obligation of ritual

وَهَذَا بَاطِلٌ لِأَنَّ التَّدَلُّكَ لَمْ يُتَّفَقْ عَلَى وُجُوبِهِ وَلَا جَاءَ بِهِ نَصٌّ. وَفِي الْعَمَلِ الَّذِي ذَكَرُوا إيجَابُ الْقَوْلِ بِمَا لَا نَصَّ فِيهِ وَلَا إجْمَاعَ، وَهَذَا بَاطِلٌ، ثُمَّ هُمْ أَوَّلُ مَنْ نَقَضَ

[3] **Qur'an references (L3565):** Qur'an 5:6 (Al-Ma'idah).

scrubbing, nor has any textual evidence come regarding it. The practice they mentioned entails imposing an obligation to assert rulings without textual proof or consensus, which is invalid. Moreover, they are the first to violate this principle. Were they to adhere to it, over nine-tenths of their school's doctrines would be invalidated. The first instance is that if one performs the ritual bath without rinsing the mouth or sniffing water into the nose, Abū Ḥanīfa rules that their ritual bath is invalid and prayer is impermissible with it. Thus, it would be said to them: "This necessitates obligating mouth rinsing and nose cleansing as compulsory acts in the ritual bath, for if the bather performs them, consensus is established that he has performed the ritual bath. If omitted, consensus is not established. Therefore, the legal ruling of major impurity cannot be lifted except by consensus." The same applies to one who bathes with water from a well into which a sheep urinated without leaving a trace, or to one who invalidated his ablution through its nullification. Such cases are too numerous to enumerate, permeating the majority of their legal issues. Scarcely any ruling of theirs—or others—escapes this inescapable implication. It suffices that this is an invalid ruling not mandated by Quran or Sunnah, for Allah Almighty commanded us to refer disputes solely to the Quran and Sunnah. The ruling on ritual scrubbing is a disputed matter; thus, consensus is not considered in it at all.

هَذَا الْأَصْلَ، وَإِنْ اتَّبَعُوهُ بَطَلَ عَلَيْهِمْ أَكْثَرُ مِنْ تِسْعَةِ أَعْشَارِ مَذَاهِبِهِمْ، أَوَّلُ ذَلِكَ أَنَّهُ يُقَالُ لَهُمْ إِنْ اغْتَسَلَ وَلَمْ يُمَضْمِضْ وَلَا اسْتَنْشَقَ فَأَبُو حَنِيفَةَ يَقُولُ لَا غُسْلَ لَهُ وَلَا تَحِلُّ لَهُ الصَّلَاةُ بِهَذَا الِاغْتِسَالِ، فَيُقَالُ لَهُمْ: فَيَلْزَمُكُمْ إِيجَابُ الْمَضْمَضَةِ وَالِاسْتِنْشَاقِ فِي الْغُسْلِ فَرْضًا لِأَنَّهُمَا إِنْ أَتَى بِهِمَا الْمُغْتَسِلُ فَقَدْ صَحَّ الْإِجْمَاعُ عَلَى أَنَّهُ قَدْ اغْتَسَلَ، وَإِنْ لَمْ يَأْتِ بِهِمَا فَلَمْ يَصِحَّ الْإِجْمَاعُ عَلَى أَنَّهُ قَدْ اغْتَسَلَ، فَالْوَاجِبُ أَنْ لَا يَزُولَ حُكْمُ الْجَنَابَةِ إِلَّا بِالْإِجْمَاعِ. وَهَكَذَا فِيمَنْ اغْتَسَلَ بِمَاءٍ مِنْ بِئْرٍ قَدْ بَالَتْ فِيهِ شَاةٌ فَلَمْ يَظْهَرْ فِيهَا لِلْبَوْلِ أَثَرٌ، وَهَكَذَا فِيمَنْ نَكَسَ وُضُوءَهُ، وَهَذَا أَكْثَرُ مِنْ أَنْ يُحْصَرَ، بَلْ هُوَ دَاخِلٌ فِي أَكْثَرِ مَسَائِلِهِمْ، وَمَا يَكَادُ يَخْلُصُ لَهُمْ وَلِغَيْرِهِمْ مَسْأَلَةٌ مِنْ هَذَا الْإِلْزَامِ، وَيَكْفِي مِنْ هَذَا أَنَّهُ حُكْمٌ فَاسِدٌ لَمْ يُوجِبْهُ قُرْآنٌ وَلَا سُنَّةٌ لِأَنَّ اللَّهَ تَعَالَى لَمْ يَأْمُرْنَا بِالرَّدِّ عِنْدَ التَّنَازُعِ إِلَّا إِلَى الْقُرْآنِ وَالسُّنَّةِ فَقَطْ، وَحُكْمُ التَّدَلُّكِ مَكَانُ تَنَازُعٍ فَلَا يُرَاعَى فِيهِ الْإِجْمَاعُ أَصْلًا.

L3570 As for the ḥadīth attributed to ʿĀ'ishah—may Allah be pleased with her—it is invalid, for its chain passes through ʿIkrimah ibn ʿAmmār—a rejected narrator—from ʿAbdullāh ibn ʿUbayd ibn ʿUmayr who claims it from ʿĀ'ishah. We have identified a fabricated narration in his transmissions concerning the Prophet's—peace and blessings be upon him—marriage to Umm Ḥabībah after the conquest of Mecca. Furthermore, this narration is mursal—a ḥadīth with an incomplete chain between the Successor and the Prophet—since ʿAbdullāh ibn ʿUbayd ibn ʿUmayr never met ʿĀ'ishah. The citation of Ibn ʿUmar's narration during Ibn al-Zubayr's era renders its attribution remote. Thus, this ḥadīth is entirely invalidated.

وَأَمَّا خَبَرُ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - فَسَاقِطٌ لِأَنَّهُ مِنْ طَرِيقِ عِكْرِمَةَ بْنِ عَمَّارٍ عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ أَنَّ عَائِشَةَ، وَعِكْرِمَةُ سَاقِطٌ، وَقَدْ وَجَدْنَا عَنْهُ حَدِيثًا مَوْضُوعًا فِي نِكَاحِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُمَّ حَبِيبَةَ بَعْدَ فَتْحِ مَكَّةَ، ثُمَّ هُوَ مُرْسَلٌ، لِأَنَّ عَبْدَ اللَّهِ بْنَ عُبَيْدِ بْنِ عُمَيْرٍ لَمْ يُدْرِكْ عَائِشَةَ، وَأَبْعَدَ ذِكْرُهُ رِوَايَةَ ابْنِ عُمَرَ أَيَّامَ ابْنِ الزُّبَيْرِ، فَسَقَطَ هَذَا الْخَبَرُ.

L3571 Moreover, if it were authentic, it would constitute a proof against them, because it contains the command to perform *tadluk* (rubbing during ablution), just as it contains the command to rinse the mouth, expel water from

ثُمَّ لَوْ صَحَّ لَكَانَ حُجَّةً عَلَيْهِمْ، لِأَنَّهُ جَاءَ فِيهِ الْأَمْرُ بِالتَّدَلُّكِ، كَمَا جَاءَ فِيهِ بِالْمَضْمَضَةِ وَالِاسْتِنْثَارِ وَالِاسْتِنْشَاقِ وَلَا فَرْقَ، وَهُمْ لَا يَرَوْنَ شَيْئًا مِنْ ذَلِكَ فَرْضًا، وَأَبُو حَنِيفَةَ

the nose, and inhale water into the nostrils—there being no distinction in rulings. Yet other scholars do not regard any of these acts as obligatory, while Abū Ḥanīfah considers all of them obligatory except *tadluk*. Thus, all of them, if they were to cite this ḥadīth as evidence, would have contradicted their own argument and invalidated it, disobeying what they themselves deemed impermissible to disobey. Neither of the two groups has any greater right to regard what aligns with their position as obligatory and what opposes it as recommended than what the other group holds in this regard. As for us, were it authentic, we would uphold everything in it. Since it is inauthentic, all of it is disregarded.

يَرَى كُلَّ ذَلِكَ فَرْضًا، وَلَا يَرَى التَّدَلُّكَ فَرْضًا، فَكُلُّهُمْ إِنْ احْتَجَّ بِهَذَا الْخَبَرِ فَقَدْ خَالَفُوا حُجَّتَهُمْ وَأَسْقَطُوهَا، وَعَصَوْا مَا أَقَرُّوا أَنَّهُ لَا يَحِلُّ عِصْيَانُهُ، وَلَيْسَ لِإِحْدَى الطَّائِفَتَيْنِ مِنْ أَنْ تَحْمِلَ مَا وَافَقَهَا عَلَى الْفَرْضِ وَمَا خَالَفَهَا عَلَى النَّدْبِ، إِلَّا مِثْلَ مَا لِلْأُخْرَى مِنْ ذَلِكَ، وَأَمَّا نَحْنُ فَإِنَّهُ لَوْ صَحَّ لَقُلْنَا بِكُلِّ مَا فِيهِ، فَإِذْ لَمْ يَصِحَّ فَكُلُّهُ مَتْرُوكٌ.

L3572–3573 As for the ḥadīth, “Under every hair lies a state of major ritual impurity, so wash the hair and purify the skin,” it is narrated by Al-Ḥārith ibn Wajīh, who is a weak narrator. Even if it were authentic, they could not use it as evidence, for it merely instructs washing the hair and purifying the skin. While this is sound, it contains no evidence that such purification can only be achieved through rubbing. Rather, the act is complete without any rubbing.

وَأَمَّا الْخَبَرُ «إِنَّ تَحْتَ كُلِّ شَعْرَةٍ جَنَابَةً فَاغْسِلُوا الشَّعْرَ وَأَنْقُوا الْبَشَرَ» فَإِنَّهُ مِنْ رِوَايَةِ الْحَارِثِ بْنِ وَجِيهٍ، وَهُوَ ضَعِيفٌ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ إِلَّا غَسْلُ الشَّعْرِ وَإِنْقَاءُ الْبَشَرِ، وَهَذَا صَحِيحٌ وَلَا دَلِيلَ عَلَى أَنَّ ذَلِكَ لَا يَكُونُ إِلَّا بِالتَّدَلُّكِ، بَلْ هُوَ تَامٌّ دُونَ تَدَلُّكٍ.

L3574 As for the report stating, “Part the roots of the hair and cleanse the skin,” it is narrated by Yaḥyā ibn ʿAnbasah from Ḥumayd from Anas. Yaḥyā ibn ʿAnbasah is notorious for transmitting falsehoods, thus it is dismissed. Even if authentic, it would only establish the obligation of parting the hair—not rubbing it—which contradicts their position, for they do not disagree that one who pours water over his head while using his hands without parting the hair fulfills the requirement. Therefore, their reliance on this report is invalidated, and all praise belongs to Allah.

وَأَمَّا الْخَبَرُ الَّذِي فِيهِ «خَلِّلْ أُصُولَ الشَّعْرِ وَأَنْقِ الْبَشَرَ» فَهُوَ مِنْ رِوَايَةِ يَحْيَى بْنِ عَنْبَسَةَ عَنْ حُمَيْدٍ عَنْ أَنَسٍ، وَيَحْيَى بْنِ عَنْبَسَةَ مَشْهُورٌ بِرِوَايَةِ الْكَذِبِ، فَسَقَطَ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ فِيهِ إِلَّا إِيجَابُ التَّخْلِيلِ فَقَطْ لَا التَّدَلُّكِ وَهَذَا خِلَافُ قَوْلِهِمْ، لِأَنَّهُمْ لَا يَخْتَلِفُونَ فِيمَنْ صَبَّ الْمَاءَ عَلَى رَأْسِهِ وَمَعَكَ بِيَدَيْهِ دُونَ أَنْ يُخَلِّلَهُ أَنْ يُجْزِيَهُ، فَسَقَطَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ وَلِلَّهِ الْحَمْدُ.

L3575–3576 As for the ḥadīth, “One of you takes her fluid,” it is transmitted through the chain of Ibrāhīm ibn Muhājir from Ṣafiyyah from ʿĀ’ishah. This Ibrāhīm is weak. Moreover, even if it were authentic, it would only undermine their position, not support it, for it contains nothing except the act of massaging the hair of her head, and this contradicts their claim. Thus, all the reports they relied upon have been invalidated.

وَأَمَّا حَدِيثُ «تَأْخُذُ إِحْدَاكُنَّ مَاءَهَا» فَإِنَّهُ مِنْ طَرِيقِ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ عَنْ صَفِيَّةَ عَنْ عَائِشَةَ، وَإِبْرَاهِيمُ هَذَا ضَعِيفٌ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ إِلَّا عَلَيْهِمْ لَا لَهُمْ، لِأَنَّهُ لَيْسَ فِيهِ إِلَّا دَلْكُ شُئُونِ رَأْسِهَا فَقَطْ، وَهَذَا خِلَافُ قَوْلِهِمْ، فَسَقَطَ كُلُّ مَا تَعَلَّقُوا بِهِ مِنَ الْأَخْبَارِ.

L3577 As for their statement that they analogized this to washing off impurity, this analogy is entirely invalid. Moreover, even were it valid, this would constitute the very essence of invalidity, because rulings on impurity differ—among them being what is removed with three stones without water.

L3578 Some [types] can be removed merely by pouring water over them, without rubbing.

L3579 Among them are those that absolutely require washing and removal of their substance. What then justifies applying analogy to the washing required for major ritual impurity in some cases but not others? How can this be valid when it is inherently invalid according to the foundational principles upheld by the proponents of analogy? For ritual impurity constitutes a physical substance that must be removed, whereas there is no physical substance on the skin of the person in a state of major ritual impurity requiring removal. Thus, the invalidity of their position becomes wholly evident, and success is attained only through Allah, the Exalted.

L3580 Moreover, if the visible impurity is removed by pouring water, it does not require rubbing or rubbing; pouring suffices. So why do they not analogize the ritual bath for *janābah* (major ritual impurity) to this type of impurity removal, as it is more akin to it? For in both cases, there is no visible impurity present to be removed. And success is from Allah, the Most High.

L3581 As for their assertion that His Exalted's words "so purify yourselves thoroughly" indicate intensive effort—this is incoherent confusion. We do not know under which religious law or in which language they found this. He, the Exalted, stated regarding dry ablution: "But He intends to purify you" (5:6), which is—by the consensus of both us and them—a light wiping. Thus, all their embellishments are invalidated, and it becomes evident that scrubbing holds no meaning in ritual bathing. Success comes solely through Allah, the Exalted. We know of no precedent among the Companions—may Allah be pleased with them—who affirmed this position.[4]

L3582 **An issue: There is no juristic basis for combing through**

[4] **Qur'an references (L3581):** Qur'an 5:6 (Al-Ma'idah).

وَأَمَّا قَوْلُهُمْ قِسْنَا ذَلِكَ عَلَى غَسْلِ النَّجَاسَةِ، فَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ صَحَّ لَكَانَ هَذَا مِنْهُ عَيْنُ الْبَاطِلِ؛ لِأَنَّ حُكْمَ النَّجَاسَةِ يَخْتَلِفُ، فَمِنْهَا مَا يُزَالُ بِثَلَاثَةِ أَحْجَارٍ دُونَ مَاءٍ.

وَمِنْهَا مَا يُزَالُ بِصَبِّ الْمَاءِ فَقَطْ دُونَ عَرْكٍ.

وَمِنْهَا مَا لَا بُدَّ مِنْ غَسْلِهِ وَإِزَالَةِ عَيْنِهِ فَمَا الَّذِي جَعَلَ غُسْلَ الْجَنَابَةِ أَنْ يُقَاسَ عَلَى بَعْضِ ذَلِكَ دُونَ بَعْضٍ؟ فَكَيْفَ وَهُوَ فَاسِدٌ عَلَى أُصُولِ أَصْحَابِ الْقِيَاسِ، لِأَنَّ النَّجَاسَةَ عَيْنٌ تَجِبُ إِزَالَتُهَا، وَلَيْسَ فِي جِلْدِ الْجُنُبِ عَيْنٌ تَجِبُ إِزَالَتُهَا، فَظَهَرَ فَسَادُ قَوْلِهِمْ جُمْلَةً، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَيْضًا فَإِنَّ عَيْنَ النَّجَاسَةِ إِذَا زَالَ بِصَبِّ الْمَاءِ فَإِنَّهُ لَا يَحْتَاجُ فِيهَا إِلَى عَرْكٍ وَلَا دَلْكٍ، بَلْ يُجْزِئُ الصَّبُّ، فَهَلَّا قَاسُوا غُسْلَ الْجَنَابَةِ عَلَى هَذَا النَّوْعِ مِنْ إِزَالَةِ النَّجَاسَةِ فَهُوَ أَشْبَهُ بِهِ؟ إِذْ كِلَاهُمَا لَا عَيْنَ هُنَاكَ تُزَالُ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا قَوْلُهُمْ: إِنَّ قَوْله تَعَالَى: (فَاطَّهَّرُوا) دَلِيلٌ عَلَى الْمُبَالَغَةِ، فَتَخْلِيطٌ لَا يُعْقَلُ، وَلَا نَدْرِي فِي أَيِّ شَرِيعَةٍ وَجَدُوا هَذَا، أَوْ فِي أَيِّ لُغَةٍ؟ وَقَدْ قَالَ تَعَالَى فِي التَّيَمُّمِ {وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ} [المائدة: ٦] وَهُوَ مَسْحٌ خَفِيفٌ بِإِجْمَاعٍ مِنَّا وَمِنْهُمْ، فَسَقَطَ كُلُّ مَا مَوَّهُوا بِهِ، وَوَضَحَ أَنَّ التَّدَلُّكَ لَا مَعْنَى لَهُ فِي الْغُسْلِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. وَمَا نَعْلَمُ لَهُمْ سَلَفًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي الْقَوْلِ بِذَلِكَ.

[مَسْأَلَةٌ لَا مَعْنَى لِتَخْلِيلِ اللِّحْيَةِ فِي الْغُسْلِ وَلَا فِي الْوُضُوءِ]

the beard during *ghusl* or *wudu*.

L3583 Issue 190: There is no basis for combing through the beard during major ritual bathing (ghusl) nor during ablution (wuḍūʾ). This is the view of Mālik, Abū Ḥanīfah, al-Shāfiʿī, and Dāwūd.

١٩٠ - مَسْأَلَةٌ: وَلَا مَعْنَى لِتَخْلِيلِ اللِّحْيَةِ فِي الْغُسْلِ وَلَا فِي الْوُضُوءِ، وَهُوَ قَوْلُ مَالِكٍ وَأَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَدَاوُد.

L3584 The proof for this is what was narrated to us by Abdullah ibn Rabee', narrated by Muhammad ibn Mu'awiyah, narrated by Ahmad ibn Shu'ayb, narrated by Muhammad ibn al-Muthanna, narrated by Yahya—who is Ibn Sa'id al-Qattan—from Sufyan al-Thawri, narrated by Zayd ibn Aslam, narrated by 'Ata ibn Yasar, narrated by Ibn Abbas, who said: "Shall I inform you about the ablution of the Messenger of Allah (may Allah bless him and grant him peace)?" He then performed ablution, washing each limb once.[5]

وَالْحُجَّةُ فِي ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - عَنْ سُفْيَانَ الثَّوْرِيِّ ثنا زَيْدُ بْنُ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ عَنِ ابْنِ عَبَّاسٍ قَالَ «أَلَا أُخْبِرُكُمْ بِوُضُوءِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ فَتَوَضَّأَ مَرَّةً مَرَّةً» .

L3585–3587 And washing the face once, it is not possible with it for the water to reach the roots of the hair, nor is it completed. That is only by repeating the washing and scrubbing. He - the Almighty and Exalted - said: {Wash your faces} [Al-Ma'idah: 6]. The face is what directly faces whatever is opposite its outward surface, for the underlying skin is not part of the face. A group of scholars held the obligation of finger-combing [the beard], as we have been narrated from Mus'ab ibn Sa'd that Umar ibn Al-Khattab saw people performing ablution and said: "Finger-comb [your beards]." From his son Abdullah also, a similar account is narrated. From Ibn Jurayj through Ata: "Wash the roots of the beard hair." Ibn Jurayj said: "I asked Ata: 'Am I obligated to moisten the root of every hair on the face?' He replied: 'Yes.' Ibn Jurayj continued: 'Including the two mustaches and the two eyebrows along with the beard?' He answered: 'Yes.'" Ibn Sabit, Abdur-Rahman ibn Abi Layla, and Sa'id ibn Jubayr affirmed the obligation of finger-combing the beard during ablution and ritual bathing. Narrations from others besides these mention their practice of finger-combing without them commanding others to do so, including accounts from Uthman ibn Affan who finger-combed his beard during ablution, and similar reports from Ammar ibn Yasir, Abdullah ibn Abi Awfa, Abu Ad-Darda, and Ali ibn Abi Talib. This position was adopted by Ahmad ibn Hanbal, being the view of Abu Al-Bakhtari, Abu

قَالَ عَلِيٌّ: وَغَسْلُ الْوَجْهِ مَرَّةً لَا يُمْكِنُ مَعَهُ بُلُوغُ الْمَاءِ إلَى أُصُولِ الشَّعْرِ، وَلَا يَتِمُّ ذَلِكَ إلَّا بِتَرْدَادِ الْغُسْلِ وَالْعَرْكِ، وَقَالَ - عَزَّ وَجَلَّ -: {فَاغْسِلُوا وُجُوهَكُمْ} [المائدة: ٦] وَالْوَجْهُ هُوَ مَا وَاجَهَ مَا قَابَلَهُ بِظَاهِرِهِ، وَلَيْسَ الْبَاطِنُ وَجْهًا وَذَهَبَ إلَى إيجَابِ التَّخْلِيلِ قَوْمٌ، كَمَا رُوِّينَا عَنْ مُصْعَبِ بْنِ سَعْدٍ أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَأَى قَوْمًا يَتَوَضَّئُونَ، فَقَالَ خَلِّلُوا وَعَنْ ابْنِهِ عَبْدِ اللَّهِ أَيْضًا مِثْلَ ذَلِكَ، وَعَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ أَنَّهُ قَالَ: اغْسِلْ أُصُولَ شَعْرِ اللِّحْيَةِ، قَالَ ابْنُ جُرَيْجٍ: قُلْتُ لِعَطَاءٍ أَيَحِقُّ عَلَيَّ أَنْ أَبُلَّ أَصْلَ كُلِّ شَعْرَةٍ فِي الْوَجْهِ؟ قَالَ نَعَمْ، قَالَ ابْنُ جُرَيْجٍ: وَأَنْ أَزِيدَ مَعَ اللِّحْيَةِ الشَّارِبَيْنِ وَالْحَاجِبَيْنِ؟ قَالَ: نَعَمْ، وَعَنْ ابْنِ سَابِطٍ وَعَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى وَسَعِيدِ بْنِ جُبَيْرٍ إيجَابُ تَخْلِيلِ اللِّحْيَةِ فِي الْوُضُوءِ وَالْغُسْلِ، وَرُوِّينَا عَنْ غَيْرِ هَؤُلَاءِ فِعْلَ التَّخْلِيلِ دُونَ أَنْ يَأْمُرُوا بِذَلِكَ، فَرُوِّينَا عَنْ عُثْمَانَ بْنِ عَفَّانَ أَنَّهُ تَوَضَّأَ فَخَلَّلَ لِحْيَتَهُ وَعَنْ عَمَّارِ بْنِ يَاسِرٍ مِثْلَ ذَلِكَ، وَعَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى وَعَنْ أَبِي الدَّرْدَاءِ وَعَلِيِّ بْنِ أَبِي طَالِبٍ مِثْلَ ذَلِكَ، وَإِلَى هَذَا كَانَ

[5] **Hadith references (L3584):** Sunan Abi Dawud 138; Sunan an-Nasai 80.

Maysarah, Ibn Sirin, Al-Hasan, Abu Ubaydah ibn Abdullah ibn Mas'ud, Abd al-Razzaq, and others.[6]

يَذْهَبُ أَحْمَدُ بْنُ حَنْبَلٍ، وَهُوَ قَوْلُ أَبِي الْبَخْتَرِيِّ وَأَبِي مَيْسَرَةَ وَابْنِ سِيرِينَ وَالْحَسَنِ وَأَبِي عُبَيْدَةَ بْنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَعَبْدِ الرَّزَّاقِ وَغَيْرِهِ.

L3588 Abu Muhammad said: Those who affirm the obligation of this practice argue using a hadith we narrated from Anas: "When the Messenger of Allah—peace and blessings be upon him—performed wuḍūʾ, he would take a handful of water, place it beneath his chin, run it through his beard, and say: 'This is what my Lord commanded me.'"

قَالَ أَبُو مُحَمَّدٍ: وَاحْتَجَّ مِنْ رَأَى إِيجَابَ ذَلِكَ بِحَدِيثٍ رُوِّينَاهُ عَنْ أَنَسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ إِذَا تَوَضَّأَ أَخَذَ كَفًّا مِنْ مَاءٍ فَأَدْخَلَهُ تَحْتَ حَنَكِهِ فَخَلَّلَ بِهِ لِحْيَتَهُ وَقَالَ: بِهَذَا أَمَرَنِي رَبِّي» .

L3589–3591 And in another narration from Anas, from the Messenger of Allah—peace and blessings be upon him—who said: "Jibril came to me and said: 'Your Lord commands you to wash the fanīk (a term referring to the chin)—and the fanīk is the chin—finger-comb your beard during ablution.'" And from Ibn Abbas. The Messenger of Allah - may the peace and blessings of Allah be upon him - would perform ablution, comb his beard, and say: "Thus has my Lord commanded me"; and through the narration of Wahab: "Thus has my Lord commanded me."

وَبِحَدِيثٍ آخَرَ عَنْ أَنَسٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «أَتَانِي جِبْرِيلُ فَقَالَ: إِنَّ رَبَّكَ يَأْمُرُكَ بِغَسْلِ الْفَنِيكِ وَالْفَنِيكُ الذَّقَنُ خَلِّلْ لِحْيَتَكَ عِنْدَ الطُّهُورِ» وَعَنْ ابْنِ عَبَّاسٍ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَتَطَهَّرُ وَيُخَلِّلُ لِحْيَتَهُ، وَيَقُولُ: هَكَذَا أَمَرَنِي رَبِّي وَمِنْ طَرِيقِ وَهْبٍ هَكَذَا أَمَرَنِي رَبِّي» .

L3592 Abu Muhammad said: All of this is invalid, and were it valid, we would have upheld it. As for the ḥadīth of Anas, it is transmitted through the chain of al-Walīd ibn Zawarān—who is unknown. The second chain includes ʿUmar ibn Dhuʾayb—who is unknown. The third chain is through Muqātil ibn Sulaymān—who is accused of lying. The fourth chain involves al-Haytham ibn Jammāz (who is weak) narrating from Yazīd al-Raqāshī (who is unreliable). Thus, all these chains are rejected.

قَالَ أَبُو مُحَمَّدٍ: وَكُلُّ هَذَا لَا يَصِحُّ، وَلَوْ صَحَّ لَقُلْنَا بِهِ: أَمَّا حَدِيثُ أَنَسٍ فَإِنَّهُ مِنْ طَرِيقِ الْوَلِيدِ بْنِ زَوَرَانَ وَهُوَ مَجْهُولٌ وَالطَّرِيقُ الْآخَرُ فِيهَا عُمَرُ بْنُ ذُؤَيْبٍ وَهُوَ مَجْهُولٌ وَالطَّرِيقُ الثَّالِثَةُ مِنْ طَرِيقِ مُقَاتِلِ بْنِ سُلَيْمَانَ وَهُوَ مَغْمُوزٌ بِالْكَذِبِ، وَالطَّرِيقُ الرَّابِعَةُ فِيهَا الْهَيْثَمُ بْنُ جَمَّازٍ وَهُوَ ضَعِيفٌ، عَنْ يَزِيدَ الرَّقَاشِيِّ وَهُوَ لَا شَيْءَ، فَسَقَطَتْ كُلُّهَا.

L3593 Then we examined the ḥadīth of Ibn ʿAbbās and found it transmitted through the chain of Nāfiʿ, the freed slave of Yūsuf—who is weak and denounced in ḥadīth. The other chain contains unknown, unrecognized narrators. The one transmitted through Ibn Wahb does not name anyone in the chain between Ibn Wahb and the Messenger of Allah (peace and blessings of Allah be upon him). Thus, all of that is invalidated.

ثُمَّ نَظَرْنَا فِي حَدِيثِ ابْنِ عَبَّاسٍ فَوَجَدْنَاهُ مِنْ طَرِيقِ نَافِعٍ مَوْلَى يُوسُفَ وَهُوَ ضَعِيفٌ مُنْكَرُ الْحَدِيثِ، وَالْأُخْرَى فِيهَا مَجْهُولُونَ لَا يُعْرَفُونَ، وَالَّذِي مِنْ طَرِيقِ ابْنِ وَهْبٍ لَمْ يُسَمَّ فِيهِ مِمَّنْ بَيْنَ ابْنِ وَهْبٍ وَرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَحَدٌ، فَسَقَطَ كُلُّ ذَلِكَ.

L3594 As for those who consider combing the beard recommended, they cite as

[6] **Qur'an references (L3585):** Qur'an 5:6 (Al-Ma'idah).

evidence a ḥadīth narrated by ʿUthmān ibn ʿAffān: “that the Messenger of Allah (peace and blessings be upon him) would groom his beard,” and the same is reported from ʿAmmār ibn Yāsir.

وَأَمَّا مَنْ اسْتَحَبَّ التَّخْلِيلَ فَاحْتَجُّوا بِحَدِيثٍ مِنْ طَرِيقِ عُثْمَانَ بْنِ عَفَّانَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُخَلِّلُ لِحْيَتَهُ» وَعَنْ عَمَّارِ بْنِ يَاسِرٍ مِثْلُ ذَلِكَ.

L3595 A similar ruling is narrated from ʿĀ’ishah.

وَعَنْ عَائِشَةَ مِثْلُ ذَلِكَ.

L3596–3597 The same ruling is reported from ʿAbd Allāh ibn Awfā. The same ruling is reported from al-Ḥasan. The same ruling is reported from Abū Ayyūb.

وَعَنْ عَبْدِ اللَّهِ بْنِ أَوْفَى مِثْلُ ذَلِكَ. وَعَنْ الْحَسَنِ مِثْلُ ذَلِكَ. وَعَنْ أَبِي أَيُّوبَ مِثْلُ ذَلِكَ.

L3598–3599 The same is narrated by Anas. The same is narrated by Umm Salama. The same is narrated by Jabir. The same is narrated by ʿAmr ibn al-Ḥārith.

وَعَنْ أَنَسٍ مِثْلُ ذَلِكَ. وَعَنْ أُمِّ سَلَمَةَ مِثْلُ ذَلِكَ، وَعَنْ جَابِرٍ مِثْلُ ذَلِكَ وَعَنْ عَمْرِو بْنِ الْحَارِثِ مِثْلُ ذَلِكَ.

L3600 Abu Muhammad said: None of this is valid whatsoever. As for the ḥadīth of Uthmān, it is transmitted via the route of Isrā’īl—who is not strong—from ʿĀmir ibn Shaqīq, who is not renowned for the strength of his transmission.

قَالَ أَبُو مُحَمَّد: وَهَذَا كُلُّهُ لَا يَصِحُّ مِنْهُ شَيْءٌ: أَمَّا حَدِيثُ عُثْمَانَ فَمِنْ طَرِيقِ إسْرَائِيلَ وَلَيْسَ بِالْقَوِيِّ، عَنْ عَامِرِ بْنِ شَقِيقٍ، وَلَيْسَ مَشْهُورًا بِقُوَّةِ النَّقْلِ.

L3601 As for the ḥadīth of ʿAmmār, it is transmitted through Ḥassān ibn Bilāl al-Muzanī—who is unknown—and also, no meeting with ʿAmmār is known for him. As for the ḥadīth of ʿĀ’ishah, it is transmitted through an unknown man—it is not known who he is—: Shuʿbah names him ʿAmr ibn Abī Wahb; Umayyah ibn Khālid names him ʿImrān ibn Abī Wahb.

وَأَمَّا حَدِيثُ عَمَّارٍ فَمِنْ طَرِيقِ حَسَّانَ بْنِ بِلَالٍ الْمُزَنِيِّ وَهُوَ مَجْهُولٌ، وَأَيْضًا فَلَا يُعْرَفُ لَهُ لِقَاءٌ لِعَمَّارٍ وَأَمَّا حَدِيثُ عَائِشَةَ فَإِنَّهُ مِنْ طَرِيقِ رَجُلٍ مَجْهُولٍ لَا يُعْرَفُ مَنْ هُوَ؟ شُعْبَةُ يُسَمِّيهِ عَمْرَو بْنَ أَبِي وَهْبٍ. وَأُمَيَّةُ بْنُ خَالِدٍ يُسَمِّيهِ عِمْرَانَ بْنَ أَبِي وَهْبٍ.

L3602 As for the ḥadīth of Ibn Abī Awfā, it is narrated through Abū al-Waraqā Fā’id ibn ʿAbd al-Raḥmān al-ʿAṭṭār. He is a weak transmitter discarded by Aḥmad, Yaḥyā, al-Bukhārī, and others.

وَأَمَّا حَدِيثُ ابْنِ أَبِي أَوْفَى فَهُوَ مِنْ طَرِيقِ أَبِي الْوَرْقَاءِ فَائِدِ بْنِ عَبْدِ الرَّحْمَنِ الْعَطَّارِ وَهُوَ ضَعِيفٌ أَسْقَطَهُ أَحْمَدُ وَيَحْيَى وَالْبُخَارِيُّ وَغَيْرُهُمْ.

L3603–3605 As for the ḥadīth of Abū Ayyūb, it is transmitted through the chain of Wāṣil ibn al-Sā’ib—who is weak. The Abū Ayyūb mentioned therein is not Abū Ayyūb al-Anṣārī, the Companion of the Prophet (peace be upon him), as stated by Ibn Maʿīn. As for the ḥadīth of Anas, it is transmitted through the chain of Ayyūb ibn ʿAbd Allāh—who is unknown. As for the ḥadīth of Umm Salamah, it is transmitted through the chain of Khālid ibn Ilyās al-Madīnī, a descendant of Abū al-Jaḥm ibn Ḥudhayfah al-ʿAdawī—who is discarded and deemed unreliable in ḥadīth. He is not Khālid ibn Ilyās narrated from by

وَأَمَّا حَدِيثُ أَبِي أَيُّوبَ فَمِنْ طَرِيقِ وَاصِلِ بْنِ السَّائِبِ وَهُوَ ضَعِيفٌ، وَأَبُو أَيُّوبَ الْمَذْكُورُ فِيهِ لَيْسَ هُوَ أَبَا أَيُّوبَ الْأَنْصَارِيَّ صَاحِبَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَهُ ابْنُ مَعِينٍ. وَأَمَّا حَدِيثُ أَنَسٍ فَهُوَ مِنْ طَرِيقِ أَيُّوبَ بْنِ عَبْدِ اللَّهِ وَهُوَ مَجْهُولٌ. وَأَمَّا حَدِيثُ أُمِّ سَلَمَةَ فَهُوَ مِنْ طَرِيقِ خَالِدِ بْنِ إلْيَاسَ الْمَدِينِيِّ، مِنْ وَلَدِ أَبِي الْجَهْمِ بْنِ حُذَيْفَةَ الْعَدَوِيِّ وَهُوَ

Shuʿbah—that one being a trustworthy Basran. As for the ḥadīth of Jābir, it is transmitted through the chain of Aṣram ibn Ghiyāth—who is wholly discarded and not to be relied upon. As for the ḥadīths of al-Ḥasan and ʿAmr ibn al-Ḥārith, they are both mursal. Thus, all that is in this chapter has been invalidated. Indeed, it is incumbent upon those who cite the ḥadīth of Muʿādh—"I exercise ijtihād (independent juristic reasoning)"—and make it a foundational principle in religion to uphold this obligation. And with the hadiths concerning ablution with nabīdh, ablution after laughter during prayer, and the hadith on selling meat in exchange for a live animal—wherein he claims textual clarity and recurrent transmission, arguing that these reports are used as evidence since they are clearer in clarity and more recurrently transmitted than those others. Yet the group was solely preoccupied with defending their current position at the time.

L3606 And he who held the view of intertwining fingers through the beard during ablution also argued by saying: We observed that washing the face remains obligatory without disagreement before beard growth. When the beard grew, some asserted the cessation of this obligation while others upheld it. Therefore, what we agreed upon must remain binding unless overruled by another explicit textual ruling or consensus. Abu Muhammad said: This is correct, and that obligation has ceased through textual evidence, for washing is only obligatory as long as it is termed a face. When the face became concealed by beard growth, the term "face" ceased to apply to it, and this designation transferred to the hair that became visible on the face. Since its name ceased, its ruling ceased, and success is by Allah, the Exalted.

L3607 **A legal inquiry into whether a woman is required to comb through the hair of her forelock or undo her plaits during the ritual bath for major impurity (janabah).**

L3608 Issue 191: A woman is not required to comb through the hair of her forelock or braids during the ritual bath following sexual defilement (janabah), due to what we mentioned two chapters earlier in the book within the chapter on scrubbing during the ritual bath. This is the opinion of the present-day opponents among those who disagree with us.

سَاقِطٌ مُنْكَرُ الْحَدِيثِ، وَلَيْسَ هُوَ خَالِدُ بْنُ إِلْيَاسٍ الَّذِي يَرْوِي عَنْهُ شُعْبَةُ، ذَا بَصْرِيٌّ ثِقَةٌ. وَأَمَّا حَدِيثُ جَابِرٍ فَهُوَ مِنْ طَرِيقِ أَصْرَمَ بْنِ غِيَاثٍ، وَهُوَ سَاقِطٌ أَلْبَتَّةَ لَا يُحْتَجُّ بِهِ. وَأَمَّا حَدِيثُ الْحَسَنِ وَعَمْرِو بْنِ الْحَارِثِ فَمُرْسَلَانِ، فَسَقَطَ كُلُّ مَا فِي هَذَا الْبَابِ وَلَقَدْ كَانَ يَلْزَمُ مَنْ يَحْتَجُّ بِحَدِيثِ مُعَاذٍ " أَجْتَهِدُ رَأْيِي " وَيَجْعَلُهُ أَصْلًا فِي الدِّينِ وَبِأَحَادِيثِ الْوُضُوءِ بِالنَّبِيذِ وَبِالْوُضُوءِ مِنْ الْقَهْقَهَةِ فِي الصَّلَاةِ، وَبِحَدِيثِ بَيْعِ اللَّحْمِ بِالْحَيَوَانِ، وَيَدَّعِي فِيهَا الظُّهُورَ وَالتَّوَاتُرَ - أَنْ يُحْتَجَّ بِهَذِهِ الْأَخْبَارِ فَهِيَ أَشَدُّ ظُهُورًا وَأَكْثَرُ تَوَاتُرًا - مِنْ تِلْكَ، وَلَكِنَّ الْقَوْمَ إنَّمَا هَمُّهُمْ نَصْرُ مَا هُمْ فِيهِ فِي الْوَقْتِ فَقَطْ.

وَاحْتَجَّ أَيْضًا مِنْ رَأَى التَّخْلِيلَ بِأَنْ قَالُوا: وَجَدْنَا الْوَجْهَ يَلْزَمُ غَسْلُهُ بِلَا خِلَافٍ قَبْلَ نَبَاتِ اللِّحْيَةِ، فَلَمَّا نَبَتَتْ ادَّعَى قَوْمٌ سُقُوطَ ذَلِكَ وَثَبَتَ عَلَيْهِ آخَرُونَ، فَوَاجِبٌ أَنْ لَا يَسْقُطَ مَا اتَّفَقْنَا عَلَيْهِ إلَّا بِنَصٍّ آخَرَ أَوْ إجْمَاعٍ قَالَ أَبُو مُحَمَّد: وَهَذَا حَقٌّ، وَقَدْ سَقَطَ ذَلِكَ بِالنَّصِّ، لِأَنَّهُ إنَّمَا يَلْزَمُ غَسْلُهُ مَا دَامَ يُسَمَّى وَجْهًا، فَلَمَّا خَفِيَ بِنَبَاتِ الشَّعْرِ سَقَطَ عَنْهُ اسْمُ الْوَجْهِ، وَانْتَقَلَ هَذَا الِاسْمُ إلَى مَا ظَهَرَ عَلَى الْوَجْهِ مِنْ الشَّعْرِ، وَإِذْ سَقَطَ اسْمُهُ سَقَطَ حُكْمُهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ تَخْلِيلِ الْمَرْأَةِ شَعْرِ نَاصِيَتِهَا أَوْ ضَفَائِرِهَا فِي غُسْلِ الْجَنَابَةِ]

١٩١ - مَسْأَلَةٌ: وَلَيْسَ عَلَى الْمَرْأَةِ أَنْ تُخَلِّلَ شَعْرَ نَاصِيَتِهَا أَوْ ضَفَائِرِهَا فِي غُسْلِ الْجَنَابَةِ فَقَطْ، لِمَا ذَكَرْنَاهُ قَبْلَ هَذَا بِبَابَيْنِ فِي بَابِ التَّدَلُّكِ وَهُوَ قَوْلُ الْحَاضِرِينَ مِنْ الْمُخَالِفِينَ لَنَا.

[مَسْأَلَةٌ حَلُّ ضَفَائِرِ الْمَرْأَةِ وَنَاصِيَتِهَا فِي الْغُسْلِ]

١٩٢ - مَسْأَلَةٌ: وَيَلْزَمُ الْمَرْأَةَ حَلُّ ضَفَائِرِهَا وَنَاصِيَتِهَا فِي غُسْلِ الْحَيْضِ وَغُسْلِ الْجُمُعَةِ وَالْغُسْلِ مِنْ غُسْلِ الْمَيِّتِ وَمِنْ النِّفَاسِ.

لِمَا حَدَّثَنَاهُ يُونُسُ بْنُ عَبْدِ اللَّهِ بْنِ مَغِيثٍ ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهَا فِي الْحَيْضِ «انْقُضِي رَأْسَكِ وَاغْتَسِلِي» .

قَالَ عَلِيٌّ: وَالْأَصْلُ فِي الْغُسْلِ الِاسْتِيعَابُ لِجَمِيعِ الشَّعْرِ، وَإِيصَالُ الْمَاءِ إلَى الْبَشَرَةِ بِيَقِينٍ، بِخِلَافِ الْمَسْحِ، فَلَا يَسْقُطُ ذَلِكَ إلَّا حَيْثُ أَسْقَطَهُ النَّصُّ، وَلَيْسَ ذَلِكَ إلَّا فِي الْجَنَابَةِ فَقَطْ، وَقَدْ صَحَّ الْإِجْمَاعُ بِأَنَّ غُسْلَ النِّفَاسِ كَغُسْلِ الْحَيْضِ.

فَإِنْ قِيلَ: فَإِنَّ عَبْدَ اللَّهِ بْنَ يُوسُفَ حَدَّثَكُمْ قَالَ: ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ عَنْ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَيُّوبَ بْنِ مُوسَى عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ عَنْ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «يَا رَسُولَ اللَّهِ إنِّي امْرَأَةٌ أَشُدُّ ضَفْرَ رَأْسِي أَفَأَنْقُضُهُ لِلْحَيْضَةِ وَالْجَنَابَةِ؟ قَالَ: لَا» .

قَالَ عَلِيٌّ: قَوْلُهُ هَهُنَا رَاجِعٌ إلَى الْجَنَابَةِ لَا غَيْرُ، وَأَمَّا النَّقْضُ فِي الْحَيْضِ فَالنَّصُّ قَدْ وَرَدَ بِهِ، وَلَوْ كَانَ كَذَلِكَ لَكَانَ الْأَخْذُ بِهِ وَاجِبٌ إلَّا أَنَّ حَدِيثَ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - نَسَخَ ذَلِكَ بِقَوْلِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَهَا فِي غُسْلِ الْحَيْضِ «انْقُضِي رَأْسَكِ وَاغْتَسِلِي» فَوَجَبَ الْأَخْذُ بِهَذَا الْحَدِيثِ.

Issue: Undoing the woman's braids and forelock during ghusl.

192 - Issue: A woman is obligated to undo her braids and forelock during the ritual bath for menstruation, the Friday ritual bath, the ritual bath required due to washing a deceased person, and the postpartum ritual bath.

Yunus ibn Abdullah ibn Maghith narrated to us from Abu Isa ibn Abi Isa, who narrated from Ahmad ibn Khalid, who narrated from Muhammad ibn Waddah, who narrated from Abu Bakr ibn Abi Shaybah, from Waki', from Hisham ibn Urwah, from his father, from Aisha that the Prophet (peace and blessings be upon him) said to her regarding menstruation: "Loosen your hair and perform the ritual bath." Ali said: The foundational principle of the ritual bath is complete coverage of all hair and ensuring water reaches the skin with certainty, unlike wiping. This obligation is not waived except where exempted by textual evidence, and that applies only to major ritual impurity (janabah). Consensus has been firmly established that the bath for postnatal bleeding is like the bath for menstruation.

If it is said, "Indeed, Abdullah ibn Yusuf has narrated to you," he said: Ahmad ibn Fath narrated to us, Abdul Wahhab ibn Isa, Ahmad ibn Muhammad, Ahmad ibn Ali, Muslim ibn al-Hajjaj, Abd[...] ibn Humaid from Abd al-Razzaq from Sufyan al-Thawrī from Ayyub ibn Musa from Sa'id ibn Abi Sa'id al-Maqburi. From Abdullah ibn Rafi', from Umm Salamah, the Mother of the Believers, who said: "O Messenger of Allah, I am a woman who tightly braids my hair. Should I undo it during menstruation and major ritual impurity?" He said: "No."

Ali said: His statement here refers solely to major impurity (janābah) and nothing else. As for undoing during menstruation, textual evidence has indeed been transmitted. If that were applicable, following it would be obligatory. However, the ḥadīth of ʿĀ'ishah (may Allah be pleased with her) abrogated that through the Prophet's (peace be upon him) instruction to her regarding the ritual bath after menstruation: "Undo your hair and perform ghusl." Thus, acting upon this ḥadīth became obligatory.

قَالَ عَلِيٌّ: قُلْنَا نَعَمْ، إِلَّا أَنَّ حَدِيثَ هِشَامِ بْنِ عُرْوَةَ عَنْ عَائِشَةَ الْوَارِدَ بِنَقْضِ ضَفْرِهَا فِي غُسْلِ الْحَيْضَةِ - هُوَ زَائِدٌ حُكْمًا وَمُثْبَتٌ شَرْعًا عَلَى حَدِيثِ أُمِّ سَلَمَةَ، وَالزِّيَادَةُ لَا يَجُوزُ تَرْكُهَا.

L3616 Ali said: We said, "Yes," except that the *ḥadīth* of Hishām ibn ʿUrwah from ʿĀ'ishah – which mentions her undoing her braids during the ritual bath following menstruation – constitutes an additional legal ruling and is legally established over the *ḥadīth* of Umm Salamah, for such additions may not be disregarded.

قَالَ أَبُو مُحَمَّدٍ: وَقَدْ رُوِّينَا حَدِيثًا سَاقِطًا عَنْ عَبْدِ الْمَلِكِ بْنِ حَبِيبٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الْحَكَمِ عَنْ ابْنِ لَهِيعَةَ عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْمَرْأَةِ تَغْتَسِلُ مِنْ حَيْضَةٍ أَوْ جَنَابَةٍ «لَا تَنْقُضُ شَعْرَهَا» وَهَذَا حَدِيثٌ لَوْ لَمْ يَكُنْ فِيهِ إِلَّا ابْنُ لَهِيعَةَ لَكَفَى سُقُوطًا، فَكَيْفَ وَفِيهِ عَبْدُ الْمَلِكِ بْنُ حَبِيبٍ وَحَسْبُكَ بِهِ، ثُمَّ لَمْ يَقُلْ فِيهِ أَبُو الزُّبَيْرِ " حَدَّثَنَا " وَهُوَ مُدَلِّسٌ فِي جَابِرٍ مَا لَمْ يَقُلْهُ.

L3617 Abū Muḥammad said: We have been transmitted a defective ḥadīth from ʿAbd al-Malik ibn Ḥabīb, from ʿAbd Allāh ibn ʿAbd al-Ḥakam, from Ibn Lahīʿah, from Abū al-Zubayr, from Jābir ibn ʿAbd Allāh, from the Messenger of Allāh - peace and blessings be upon him - regarding a woman performing ritual bathing after menstruation or major impurity: "She should not loosen her hair." This is a ḥadīth that, even if Ibn Lahīʿah were the only issue in it, would suffice for its rejection. How then when it includes ʿAbd al-Malik ibn Ḥabīb - and his inclusion alone should suffice for you - particularly since Abū al-Zubayr, who was a mudallis in transmissions from Jābir, did not state "he narrated to us" in this chain, thereby attributing to Jābir what he did not say.

فَإِنْ قِيلَ: قِسْنَا غُسْلَ الْحَيْضِ عَلَى غُسْلِ الْجَنَابَةِ، قُلْنَا الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّ الْأَصْلَ يَقِينُ إِيصَالِ الْمَاءِ إِلَى جَمِيعِ الشَّعْرِ، وَهُمْ يَقُولُونَ: إِنَّ مَا خَرَجَ عَنْ أَصْلِهِ لَمْ يُقَسْ عَلَيْهِ، وَأَكْثَرُهُمْ يَقُولُ: لَا يُؤْخَذُ بِهِ كَمَا فَعَلُوا فِي حَدِيثِ الْمُصَرَّاةِ، وَخَبَرِ جُعْلِ الْآبِقِ، وَغَيْرِ ذَلِكَ.

L3618 If it is said: "We analogize the ritual bath for menstruation to the ritual bath for major impurity," we respond: All *qiyas* is wholly invalid. Moreover, even if *qiyas* were valid, this would constitute the epitome of invalidity within it. This is because the foundational principle requires certainty that water reaches all body hair, whereas they assert that what diverges from its origin cannot be subjected to analogy. Most of them state: "It is not to be adopted," as they did with the *ḥadīth* about the fraudulently under-milked camel, the report concerning the reward for the runaway slave, and other similar cases.

فَإِنْ قِيلَ: فَإِنَّ عَائِشَةَ قَدْ أَنْكَرَتْ نَقْضَ الضَّفَائِرِ، كَمَا حَدَّثَكُمْ عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ 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 ثنا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي الزُّبَيْرِ عَنْ عُبَيْدِ بْنِ عُمَيْرٍ قَالَ «بَلَغَ عَائِشَةَ أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِ يَأْمُرُ النِّسَاءَ إِذَا

L3619–3621 If it is said: Indeed, 'Ā'ishah rejected the undoing of braids, as 'Abdullāh ibn Yūsuf narrated to you all; Aḥmad ibn Fatḥ narrated to us; 'Abd al-Wahhāb ibn 'Īsā narrated to us; Aḥmad ibn Muḥammad narrated to us; Aḥmad ibn 'Alī narrated to us; Muslim ibn al-Ḥajjāj narrated to us; Yaḥyā ibn Yaḥyā narrated to us; Ismā'īl ibn 'Ulayyah narrated from Ayyūb al-Sikhtiyānī, from Abū al-Zubayr, from 'Ubayd ibn 'Umayr, who said: "It came to the knowledge of 'Ā'ishah that 'Abdullāh ibn 'Amr ibn al-'Āṣ was instructing..." Women, when performing the ritual bath, are instructed to undo their hair. Aisha exclaimed:

اغْتَسَلْنَ أَنْ يَنْقُضْنَ رُءُوسَهُنَّ فَقَالَتْ: يَا عَجَبًا لِابْنِ عَمْرٍو هَذَا يَأْمُرُ النِّسَاءَ إِذَا اغْتَسَلْنَ أَنْ يَنْقُضْنَ رُءُوسَهُنَّ. أَوَلَا يَأْمُرُهُنَّ أَنْ يَحْلِقْنَ رُءُوسَهُنَّ؟ لَقَدْ كُنْتُ أَغْتَسِلُ أَنَا وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ إِنَاءٍ وَاحِدٍ، وَمَا أَزِيدُ عَلَى أَنْ أُفْرِغَ عَلَى رَأْسِي ثَلَاثَ إِفْرَاغَاتٍ» .

"How strange of Ibn Amr! He commands women, when performing the ritual bath, to undo their hair. Why does he not command them to shave their heads? Indeed, the Messenger of Allah—peace be upon him—and I used to perform the ritual bath from a single container, and I would do no more than pour water three times over my head."

L3622 قَالَ أَبُو مُحَمَّدٍ: هَذَا لَا حُجَّةَ عَلَيْنَا فِيهِ لِوُجُوهٍ:

L3622 Abu Muhammad said: There is no valid proof against us in this, due to multiple considerations:

L3623 أَحَدُهَا أَنَّ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - لَمْ تَعْنِ بِهَذَا إِلَّا غُسْلَ الْجَنَابَةِ فَقَطْ وَهَكَذَا نَقُولُ، وَبَيَانُ ذَلِكَ إحَالَتُهَا فِي آخِرِ الْحَدِيثِ عَلَى غُسْلِهَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ إِنَاءٍ وَاحِدٍ، وَهَذَا إنَّمَا هُوَ بِلَا شَكٍّ لِلْجَنَابَةِ لَا لِلْحَيْضِ، وَالثَّانِي أَنَّهُ لَوْ صَحَّ فِيهِ أَنَّهَا أَرَادَتْ الْحَيْضَ لَمَا كَانَ عَلَيْنَا فِيهِ حُجَّةٌ لِأَنَّنَا لَمْ نُؤْمَرْ بِقَبُولِ رَأْيِهَا، إنَّمَا أُمِرْنَا بِقَبُولِ رِوَايَتِهَا، فَهَذَا هُوَ الْفَرْضُ اللَّازِمُ، وَالثَّالِثُ أَنَّهُ قَدْ خَالَفَهَا عَبْدُ اللَّهِ بْنُ عَمْرٍو، وَهُوَ صَاحِبٌ، وَإِذَا وَقَعَ التَّنَازُعُ، وَجَبَ الرَّدُّ إلَى الْقُرْآنِ وَالسُّنَّةِ، لَا إلَى قَوْلِ أَحَدِ الْمُتَنَازِعَيْنِ دُونَ الْآخَرِ، وَفِي السُّنَّةِ مَا ذَكَرْنَا، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L3623 One is that 'Ā'ishah—may Allah be pleased with her—intended by this only the ritual bath for major impurity, and this is our position. The evidence for this is her reference at the end of the ḥadīth to her bathing with the Messenger of Allah—peace and blessings be upon him—from a single vessel, which unquestionably applies to major impurity, not menstruation. The second is that even if it were established that she intended menstruation, there would be no proof incumbent upon us, for we are not commanded to accept her opinion but rather to accept her narrations. This is the binding obligation. The third is that 'Abdullāh ibn 'Amr—a Companion—contradicted her. When disagreement occurs, it is obligatory to revert to the Quran and the Sunnah, not to the statement of one disputant to the exclusion of the other. The Sunnah contains what we have cited. All praise is due to Allah, Lord of the worlds.

[مَسْأَلَةٌ انْغَمَسَ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ فِي مَاءٍ جَارٍ]

L3624 Case: One upon whom an obligatory *ghusl* (ritual bath) is required immersed himself in flowing water.

١٩٣ - مَسْأَلَةٌ: فَلَوْ انْغَمَسَ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ - أَيُّ غُسْلٍ كَانَ - فِي مَاءٍ جَارٍ أَجْزَأَهُ إذَا نَوَى بِهِ ذَلِكَ الْغُسْلَ، وَكَذَلِكَ لَوْ وَقَفَ تَحْتَ مِيزَابٍ وَنَوَى بِهِ ذَلِكَ الْغُسْلَ أَجْزَأَهُ، إذَا عَمَّ جَمِيعَ جَسَدِهِ، لِمَا قَدْ ذَكَرْنَا مِنْ أَنَّ التَّدَلُّكَ لَا مَعْنًى لَهُ، وَهُوَ قَدْ تَطَهَّرَ

L3625 193. Issue: If someone obligated to perform an obligatory ghusl - regardless of its type - immerses themselves in flowing water while intending that specific ghusl, it suffices them. Similarly, if they stand under a drainpipe and intend that ghusl, it suffices them provided the water covers their entire body. This aligns with our earlier clarification that scrubbing has no ritual significance, for they have attained purity and performed the ghusl as commanded. This is the position of Abū Ḥanīfah, Sufyān al-Thawrī, al-Awzāʿī, al-Shāfiʿī, Aḥmad, Dāwūd, and others.

وَاغْتَسَلَ كَمَا أُمِرَ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَسُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَدَاوُد وَغَيْرِهِمْ.

[مَسْأَلَةٌ انْغَمَسَ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ فِي مَاءٍ رَاكِدٍ وَنَوَى الْغُسْلَ]

١٩٤ - مَسْأَلَةٌ: فَلَوْ انْغَمَسَ مَنْ عَلَيْهِ غُسْلٌ وَاجِبٌ فِي مَاءٍ رَاكِدٍ، وَنَوَى الْغُسْلَ أَجْزَأَهُ مِنْ الْحَيْضِ وَمِنْ النِّفَاسِ وَمِنْ غُسْلِ الْجُمُعَةِ وَمِنْ الْغُسْلِ مِنْ غُسْلِ الْمَيِّتِ وَلَمْ يُجْزِهِ لِلْجَنَابَةِ، فَإِنْ كَانَ جُنُبًا وَنَوَى بِانْغِمَاسِهِ فِي الْمَاءِ الرَّاكِدِ غُسْلًا مِنْ هَذِهِ الْأَغْسَالِ وَلَمْ يَنْوِ غُسْلَ الْجَنَابَةِ أَوْ نَوَاهُ، لَمْ يُجْزِهِ أَصْلًا لَا لِلْجَنَابَةِ وَلَا لِسَائِرِ الْأَغْسَالِ، وَالْمَاءُ فِي كُلِّ ذَلِكَ طَاهِرٌ بِحَسَبِهِ، قَلَّ أَوْ كَثُرَ، مُطَهِّرٌ لَهُ إذَا تَنَاوَلَهُ، وَلِغَيْرِهِ عَلَى كُلِّ حَالٍ، وَسَوَاءٌ فِي كُلِّ مَا ذَكَرْنَا كَانَ مَاءً قَلِيلًا فِي مَطْهَرَةٍ أَوْ جُبٍّ أَوْ بِئْرٍ، أَوْ كَانَ غَدِيرًا رَاكِدًا فَرَاسِخَ فِي فَرَاسِخَ، كُلُّ ذَلِكَ سَوَاءٌ.

L3626 ****Issue:** If someone upon whom an obligatory *ghusl* is required immerses themselves in stagnant water and intends the *ghusl*, what is the ruling?**

L3627 194. Issue: If someone obligated to perform a compulsory ritual bath immerses himself in stagnant water while intending the ritual bath (ghusl), it suffices for menstruation, postpartum bleeding, the Friday bath, and washing a deceased person, but does not suffice for major ritual impurity (janābah). If a person in a state of major impurity immerses himself in stagnant water intending one of these other baths - whether he did not intend the bath for major impurity or intended it - it remains entirely invalid, neither cleansing him of major impurity nor of the other obligations. In all such cases, the water retains its inherent purity regardless of quantity (small or large) and purifies him when he uses it. For others, it remains pure under all circumstances. This ruling applies equally whether the water is a small amount in a purification area, a cistern, a well, or a stagnant pond extending over several parasangs - all are treated identically.

L3628–3630 The proof of that is what ʿAbdullāh ibn Yūsuf narrated to us; Aḥmad ibn Fatḥ narrated to us; ʿAbd al-Wahhāb ibn ʿĪsā narrated to us. Ahmad ibn Muhammad narrated from Ahmad ibn Ali, who narrated from Muslim ibn al-Hajjaj, who narrated from Abu al-Tahir and Harun ibn Sa'id al-Ayli, via Ibn Wahb, from 'Amr ibn al-Harith, from Bukayr ibn al-Ashajj, that Abu al-Sa'ib – the freed slave of Hisham ibn Zuhrah – reported to him that he heard Abu Hurairah say: The Messenger of Allah (peace be upon him) said, "Let none of you bathe in stagnant water while in a state of major impurity." It was asked, "What should one do, O Abu Hurairah?" He replied, "Draw water from it by scooping."[7]

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 الطَّاهِرِ وَهَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ عَنْ ابْنِ وَهْبٍ ثنا عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشَجِّ أَنَّ أَبَا السَّائِبِ مَوْلَى هِشَامِ بْنِ زُهْرَةَ حَدَّثَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يَغْتَسِلُ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ وَهُوَ جُنُبٌ» فَقِيلَ: كَيْفَ يَفْعَلُ يَا أَبَا هُرَيْرَةَ؟ قَالَ يَتَنَاوَلُهُ تَنَاوُلًا ".

[7] **Hadith references (L3628):** Sunan an-Nasai 331; Sunan an-Nasai 396; Sunan an-Nasai 220.

L3631 Abdullah ibn Rabi‘ narrated to us: Muhammad ibn Ishaq; Ibn al-A‘rabi; Abu Dawud; Musaddad; Yahya—who is Ibn Sa‘id al-Qattan—from Muhammad ibn ‘Ajlan, who said: I heard my father narrate from Abu Hurairah, who said: The Messenger of Allah (peace be upon him) said, “Let none of you ever urinate in stagnant water, nor perform ghusl in it due to the state of janabah.”[8]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيُّ ثنا أَبُو دَاوُد ثنا مُسَدَّدٌ ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - عَنْ مُحَمَّدِ بْنِ عَجْلَانَ قَالَ: سَمِعْتُ أَبِي يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يَبُولَنَّ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ وَلَا يَغْتَسِلُ فِيهِ مِنْ الْجَنَابَةِ» .

L3632 Narrated to us by Ahmad ibn Muhammad ibn al-Jasur, narrated by Muhammad ibn Abi Dulaym, narrated by Ibn Waḍḍāḥ, narrated by Abu Bakr ibn Abi Shaybah, narrated by Ali ibn Hashim, from Ibn Abi Layla, from Abu al-Zubayr, from Jabir, who said: “We used to prefer taking water from the pond and bathing with it in a part of it.” Abu Muhammad said: Then the Messenger of Allah (peace and blessings of Allah be upon him) prohibited the person in a state of major impurity from bathing in still water – as per the narration of Abi al-Sa’ib from Abu Hurayrah. Therefore, it is conclusively established that anyone who bathes while in a state of major impurity in non-flowing water has disobeyed Allah the Exalted, if he was aware of the prohibition. This act does not suffice for any ritual bath he intended, because he has entirely contradicted the prohibition enjoined by the Messenger of Allah (peace and blessings of Allah be upon him).

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ أَبِي دُلَيْمٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَلِيُّ بْنُ هَاشِمٍ عَنْ ابْنِ أَبِي لَيْلَى عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرٍ قَالَ " كُنَّا نَسْتَحِبُّ أَنْ نَأْخُذَ مِنْ مَاءِ الْغَدِيرِ وَنَغْتَسِلَ بِهِ فِي نَاحِيَةٍ ". قَالَ أَبُو مُحَمَّدٍ، فَنَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْجُنُبَ عَنْ أَنْ يَغْتَسِلَ فِي الْمَاءِ الدَّائِمِ - فِي رِوَايَةِ أَبِي السَّائِبِ عَنْ أَبِي هُرَيْرَةَ - جُمْلَةً فَوَجَبَ مِنْهُ أَنَّ كُلَّ مَنْ اغْتَسَلَ وَهُوَ جُنُبٌ فِي مَاءٍ دَائِمٍ، فَقَدْ عَصَى اللَّهَ تَعَالَى إنْ كَانَ عَالِمًا بِالنَّهْيِ، وَلَا يُجْزِيهِ لِأَيِّ غُسْلٍ نَوَاهُ، لِأَنَّهُ خَالَفَ مَا أَمَرَهُ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - جُمْلَةً.

L3633 This hadith is more general than the hadith of Ibn ‘Ajlān from his father, because if only the hadith of Ibn ‘Ajlān existed, it would suffice for a person in a state of major impurity (junub) to perform ghusl in stagnant water not intended for janabah. However, the general principle and the corroborating report from a reliable narrator cannot be contradicted; it is impermissible to do so.

وَهَذَا الْحَدِيثُ أَعَمُّ مِنْ حَدِيثِ ابْنِ عَجْلَانَ عَنْ أَبِيهِ، لِأَنَّهُ لَوْ لَمْ يَكُنْ إلَّا حَدِيثُ ابْنِ عَجْلَانَ لَأَجْزَأَ الْجُنُبَ أَنْ يَغْتَسِلَ فِي الْمَاءِ الدَّائِمِ لِغَيْرِ الْجَنَابَةِ، لَكِنَّ الْعُمُومَ وَزِيَادَةَ الْعَدْلِ لَا يَحِلُّ خِلَافُهَا.

L3634–3636 Among those who held that a person in a state of major impurity performing ghusl in stagnant water does not fulfill the requirement is Abū Ḥanīfah. However, he generalized this ruling to all ritual baths and ablutions, restricting it to ponds of a size where disturbing one end leaves the other unaffected. He deemed such water ritually impure, thereby exceeding the directive of Allah’s Messenger—peace and blessings be upon him—in two aspects: the error lay

وَمِمَّنْ رَأَى أَنَّ اغْتِسَالَ الْجُنُبِ فِي الْمَاءِ الدَّائِمِ لَا يُجْزِيهِ أَبُو حَنِيفَةَ، إلَّا أَنَّهُ عَمَّ بِذَلِكَ كُلَّ غُسْلٍ وَكُلَّ وُضُوءٍ، وَخَصَّ بِذَلِكَ مَا كَانَ دُونَ الْغَدِيرِ الَّذِي إذَا حُرِّكَ طَرَفُهُ لَمْ يَتَحَرَّكْ الْآخَرُ، وَرَأَى الْمَاءَ يَفْسُدُ بِذَلِكَ، فَكَانَ مَا زَادَ بِذَلِكَ عَلَى أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ عُمُومِ كُلِّ غُسْلٍ - خَطَأً، وَمِنْ تَنْجِيسِ الْمَاءِ وَكَانَ مَا نَقَصَ بِذَلِكَ

[8] **Hadith references (L3631):** Sunan Abi Dawud 70.

in generalizing all ritual baths and in deeming the water impure. Conversely, his restriction fell short of the Prophet's command—peace be upon him—in this regard. His specification of some still waters while excluding others is erroneous, and what aligned with his ruling in the matter, peace be upon him, was correct. Al-Ḥasan ibn Ḥayy also stated this, except he restricted it to water of less than a kurr, thus making this specification erroneous.

مِنْ أَمْرِهِ - عَلَيْهِ السَّلَامُ - مِنْ تَخْصِيصِهِ بَعْضَ الْمِيَاهِ الرَّوَاكِدِ دُونَ بَعْضٍ - خَطَأٌ وَكَانَ مَا وَافَقَ فِيهِ أَمْرَهُ - عَلَيْهِ السَّلَامُ - صَوَابًا، وَقَالَهُ أَيْضًا الْحَسَنُ بْنُ حَيٍّ، إِلَّا أَنَّهُ خَصَّ بِهِ مَا دُونَ الْكُرِّ مِنْ الْمَاءِ، فَكَانَ هَذَا التَّخْصِيصُ خَطَأً.

L3637 Al-Shāfiʿī also held this opinion, except he restricted it to quantities below five hundred ritls. This restriction was an error. He then generalized it to all ritual washing, and this addition was an error. He maintained that water does not become impure, so he was correct, while Mālik held it to be reprehensible.

وَقَالَ بِهِ أَيْضًا الشَّافِعِيّ، إِلَّا أَنَّهُ خَصَّ بِهِ مَا دُونَ خَمْسِمِائَةِ رِطْلٍ، فَكَانَ هَذَا التَّخْصِيصُ خَطَأً، وَعَمَّ بِهِ كُلَّ غُسْلٍ، فَكَانَ هَذَا الَّذِي زَادَهُ خَطَأً، وَرَأَى الْمَاءَ لَا يَفْسُدُ، فَأَصَابَ، وَكَرِهَ مَالِكٌ ذَلِكَ.

L3638 And he deemed it permissible if it occurred. This constituted an error in his ruling, for the Messenger of Allah—peace be upon him—said: "Whoever performs an act not aligned with our teachings, it is rejected." It is inconceivable that a ritual bath prohibited by the Messenger of Allah—peace be upon him—could substitute for one he commanded. Allah refuses to let disobedience replace obedience, or for the prohibited to suffice in place of the obligatory.[9]

وَأَجَازَهُ إِذَا وَقَعَ، فَكَانَ هَذَا مِنْهُ خَطَأً، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» وَمِنْ الْمُحَالِ أَنْ يُجْزِئَ غُسْلٌ نَهَى عَنْهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ غُسْلٍ أَمَرَ بِهِ، أَبَى اللَّهُ أَنْ تَنُوبَ الْمَعْصِيَةُ عَنْ الطَّاعَةِ وَأَنْ يُجْزِئَ الْحَرَامُ مَكَانَ الْفَرْضِ.

L3639 Our statement is the statement of Abu Hurairah and Jabir—may Allah be pleased with them—from among the Companions, and we know of no dissenter among them regarding this matter.

وَقَوْلُنَا هُوَ قَوْلُ أَبِي هُرَيْرَةَ وَجَابِرٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَمَا نَعْلَمُ لَهُمَا فِي ذَلِكَ مُخَالِفًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L3640 Ali said: If a person in a state of major impurity (junub) were to wash even a single hair in standing water, it would not suffice for him, because washing any part [as part of] the ritual bath (ghusl) constitutes [an act of] ghusl. The Prophet (peace be upon him) did not prohibit those not in a state of major impurity from performing ghusl in standing water: "He does not speak from whim—it is but revelation inspired" [53:3–4]; "Your Lord is never forgetful" [19:64]. Thus, it is established that one not in a state of major impurity

قَالَ عَلِيٌّ: فَلَوْ غَسَلَ الْجُنُبُ شَيْئًا مِنْ جَسَدِهِ فِي الْمَاءِ الدَّائِمِ لَمْ يَجْزِهِ، وَلَوْ أَنَّهُ شَعْرَةً وَاحِدَةً، لِأَنَّ بَعْضَ الْغُسْلِ غُسْلٌ، وَلَمْ يَنْهَ - عَلَيْهِ السَّلَامُ - عَنْ أَنْ يَغْتَسِلَ غَيْرُ الْجُنُبِ فِي الْمَاءِ الدَّائِمِ {وَمَا يَنْطِقُ عَنِ الْهَوَى} [النجم: ٣] {إِنْ هُوَ إِلا وَحْيٌ يُوحَى} [النجم: ٤] {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] فَصَحَّ أَنَّ غَيْرَ الْجُنُبِ يُجْزِيهِ أَنْ يَغْتَسِلَ فِي الْمَاءِ الدَّائِمِ لِكُلِّ غُسْلٍ وَاجِبٍ أَوْ غَيْرِ وَاجِبٍ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[9] **Hadith references (L3638):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

may validly perform any ghusl—whether obligatory or non-obligatory—in standing water. And success is from Allah, the Exalted.[10]

L3641 **An issue concerning one who entered a state of major ritual impurity on Friday.**

L3642 195. Issue:

L3643–3645 Whoever enters a state of major impurity on Friday—whether man or woman—must perform two necessarily required ritual baths: one bath with the intention of purification from major impurity, and another bath specifically intending Friday's obligation. If one washes a deceased person, a third ritual bath intending the washing of the deceased becomes obligatory. Should a woman menstruate after intercourse, she may choose either to perform the ritual bath for major impurity immediately or delay it until her purification from menstruation. Upon purification, she must perform two ritual baths without exception: one intending major impurity and another intending purification from menstruation. If this coincides with Friday and she washes a deceased person, four ritual baths become obligatory as outlined.

If one combines two or more obligations in a single bath—whether from the aforementioned cases or beyond—neither becomes valid, and he must repeat both of them. Similarly, intending more than two ritual baths invalidates the act. When obligated to multiple ritual baths (two, three, or four), one must wash each body part twice, thrice, or four times respectively—while specifically intending with every washing the particular obligation for which it is performed. Otherwise, the act remains invalid.

For ablution, one must perform wudu separately with specific intention, entirely distinct from any of the aforementioned ritual baths. [text ends abruptly] The ritual bath for major impurity alone suffices. If one intends both the ritual bath for major impurity and ablution while washing the limbs of ablution, this suffices. If one intends only the ritual bath, it does not suffice for ablution. Even if one intended the washing solely for ablution, it would

[10] **Qur'an references (L3640):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm); Qur'an 19:64 (Maryam).

[مَسْأَلَةٌ أَجْنَبَ يَوْمَ الْجُمُعَةِ]

١٩٥ - مَسْأَلَةٌ:

وَمَنْ أَجْنَبَ يَوْمَ الْجُمُعَةِ مِنْ رَجُلٍ أَوْ امْرَأَةٍ - فَلَا يُجْزِيهِ إِلَّا غُسْلَانِ غُسْلٌ يَنْوِي بِهِ الْجَنَابَةَ وَلَا بُدَّ، وَغُسْلٌ آخَرُ يَنْوِي بِهِ الْجُمُعَةَ وَلَا بُدَّ، فَلَوْ غَسَّلَ مَيِّتًا أَيْضًا لَمْ يُجْزِهِ إِلَّا غُسْلٌ ثَالِثٌ يَنْوِي بِهِ وَلَا بُدَّ، فَلَوْ حَاضَتْ امْرَأَةٌ بَعْدَ أَنْ وُطِئَتْ فَهِيَ بِالْخِيَارِ إِنْ شَاءَتْ عَجَّلَتْ الْغُسْلَ لِلْجَنَابَةِ وَإِنْ شَاءَتْ أَخَّرَتْهُ حَتَّى تَطْهُرَ، فَإِذَا طَهُرَتْ لَمْ يُجْزِهَا إِلَّا غُسْلَانِ، غُسْلٌ تَنْوِي بِهِ الْجَنَابَةَ وَغُسْلٌ آخَرُ تَنْوِي بِهِ الْحَيْضَ، فَلَوْ صَادَفَتْ يَوْمَ جُمُعَةٍ وَغَسَّلَتْ مَيِّتًا لَمْ يُجْزِهَا إِلَّا أَرْبَعَةُ أَغْسَالٍ كَمَا ذَكَرْنَا فَلَوْ نَوَى بِغُسْلٍ وَاحِدٍ غُسْلَيْنِ مِمَّا ذَكَرْنَا فَأَكْثَرَ، لَمْ يُجْزِهِ وَلَا لِوَاحِدٍ مِنْهُمَا، وَعَلَيْهِ أَنْ يُعِيدَهُمَا، وَكَذَلِكَ إِنْ نَوَى أَكْثَرَ مِنْ غُسْلَيْنِ، وَلَوْ أَنَّ كُلَّ مَنْ ذَكَرْنَا يَغْسِلُ كُلَّ عُضْوٍ مِنْ أَعْضَائِهِ مَرَّتَيْنِ إِنْ كَانَ عَلَيْهِ غُسْلَانِ - أَوْ ثَلَاثًا - إِنْ كَانَ عَلَيْهِ ثَلَاثَةُ أَغْسَالٍ - أَوْ أَرْبَعًا - إِنْ كَانَ عَلَيْهِ أَرْبَعَةُ أَغْسَالٍ - وَنَوَى فِي كُلِّ غَسْلَةٍ الْوَجْهَ الَّذِي غَسَلَهُ لَهُ أَجْزَأَهُ ذَلِكَ وَإِلَّا فَلَا، فَلَوْ أَرَادَ مَنْ ذَكَرْنَا: الْوُضُوءَ لَمْ يُجْزِهِ إِلَّا الْمَجِيءُ بِالْوُضُوءِ بِنِيَّةِ الْوُضُوءِ مُفْرَدًا عَنْ كُلِّ غُسْلٍ ذَكَرْنَا، حَاشَا غُسْلَ الْجَنَابَةِ وَحْدَهُ فَقَطْ فَإِنَّهُ إِنْ نَوَى بِغَسْلِ أَعْضَاءِ الْوُضُوءِ غُسْلَ الْجَنَابَةِ وَالْوُضُوءِ مَعًا أَجْزَأَهُ ذَلِكَ، فَإِنْ لَمْ يَنْوِ إِلَّا الْغُسْلَ فَقَطْ لَمْ يُجْزِهِ لِلْوُضُوءِ وَلَوْ نَوَاهُ لِلْوُضُوءِ فَقَطْ لَمْ يُجْزِهِ لِلْغُسْلِ، وَلَا يُجْزِئُ لِلْوُضُوءِ مَا ذَكَرْنَا إِلَّا مُرَتَّبًا عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى.

not suffice for the ritual bath. Ablution is not valid unless performed in the prescribed sequence we will mention hereafter, if Allah wills.

L3646 The proof of this is Allah's statement, the Exalted: {And they were not commanded except to worship Allah, sincere to Him in religion} [Al-Bayyinah: 5], and the statement of the Messenger of Allah (peace and blessings of Allah be upon him): "Actions are but by intentions, and every person will have only what he intended." Thus, it is firmly established that one is commanded to perform each ritual bath among these ritual baths. Since this is established, it is invalid for a single act to suffice for two acts or more. It is also firmly established that if one intends one of the duties incumbent upon him from these obligations, then as the truthful Messenger of Allah (peace and blessings of Allah be upon him) attested, he receives only what he intended and not what he did not intend. If he intends two ritual baths or more with a single act, he has opposed what he was commanded, for he is commanded to perform a complete ritual bath for every aspect we mentioned, and he has not done so. Since a single ritual bath cannot be split to count for multiple purposes, his entire act is invalidated, due to the statement of the Messenger of Allah (peace and blessings of Allah be upon him): "Whoever performs an act not in accordance with our teachings, it is rejected." As for the ritual bath for major impurity and ablution, a single act with a single intention suffices for both, based on the established text regarding that. As narrated to us by 'Abdur-Rahman ibn 'Abdullah ibn Khalid, who narrated to us from Ibrahim ibn Ahmad, who narrated to us from Al-Farbari, who narrated to us from Al-Bukhari, who narrated to us from 'Abdullah ibn Yusuf, who narrated to us from Malik, from Hisham ibn 'Urwah, from his father, from 'Aishah, the wife of the Prophet (peace and blessings of Allah be upon him): "When he performed the ritual bath due to major impurity, he would begin by washing his hands, then perform ablution as he would for prayer. Then he would dip his fingers into the water and run them through the roots of his hair. Then

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {وَمَا أُمِرُوا إِلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَلِكُلِّ امْرِئٍ مَا نَوَى» فَصَحَّ يَقِينًا أَنَّهُ مَأْمُورٌ بِكُلِّ غُسْلٍ مِنْ هَذِهِ الْأَغْسَالِ، فَإِذْ قَدْ صَحَّ ذَلِكَ فَمِنَ الْبَاطِلِ أَنْ يُجْزِئَ عَمَلُ وَاحِدٍ عَنْ عَمَلَيْنِ أَوْ عَنْ أَكْثَرَ، وَصَحَّ يَقِينًا أَنَّهُ إِنْ نَوَى أَحَدَ مَا عَلَيْهِ مِنْ ذَلِكَ فَإِنَّمَا لَهُ - بِشَهَادَةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الصَّادِقَةِ - الَّذِي نَوَاهُ فَقَطْ وَلَيْسَ لَهُ مَا لَمْ يَنْوِهِ، فَإِنْ نَوَى بِعَمَلِهِ ذَلِكَ غُسْلَيْنِ فَصَاعِدًا فَقَدْ خَالَفَ مَا أُمِرَ بِهِ، لِأَنَّهُ مَأْمُورٌ بِغُسْلٍ تَامٍّ لِكُلِّ وَجْهٍ مِنَ الْوُجُوهِ الَّتِي ذَكَرْنَا، فَلَمْ يَفْعَلْ ذَلِكَ، وَالْغُسْلُ لَا يَنْقَسِمُ، فَبَطَلَ عَمَلُهُ كُلُّهُ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» وَأَمَّا غُسْلُ الْجَنَابَةِ وَالْوُضُوءِ فَإِنَّهُ أَجْزَأَ فِيهِمَا عَمَلٌ وَاحِدٌ بِنِيَّةٍ وَاحِدَةٍ لَهُمَا جَمِيعًا لِلنَّصِّ الْوَارِدِ فِي ذَلِكَ، كَمَا حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا مَالِكٌ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «كَانَ إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ بَدَأَ فَغَسَلَ يَدَيْهِ ثُمَّ تَوَضَّأَ كَمَا يَتَوَضَّأُ لِلصَّلَاةِ ثُمَّ يُدْخِلُ أَصَابِعَهُ فِي الْمَاءِ فَيُخَلِّلُ بِهَا أُصُولَ شَعْرِهِ ثُمَّ يَصُبُّ عَلَى رَأْسِهِ ثَلَاثَ غَرَفَاتٍ بِيَدِهِ، ثُمَّ يُفِيضُ الْمَاءَ عَلَى جِلْدِهِ كُلِّهِ» .

he would pour three handfuls of water over his head, and then pour water over his entire body."[1112]

L3647 And likewise it was narrated by Abū Muʿāwiyah, Ḥammād ibn Zayd, Sufyān ibn ʿUyaynah, and others, from Hishām, from his father, from ʿĀ'ishah.

وَهَكَذَا رَوَاهُ أَبُو مُعَاوِيَةَ وَحَمَّادُ بْنُ زَيْدٍ وَسُفْيَانُ بْنُ عُيَيْنَةَ وَغَيْرُهُمْ عَنْ هِشَامٍ عَنْ أَبِيهِ عَنْ عَائِشَةَ.

L3648–3650 Narrated to us Abdullah ibn Yusuf → 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: Ali ibn Hujr al-Sa'di narrated to us: Isa ibn Yunus narrated to us: al-A'mash narrated from Salim ibn Abi al-Ja'd from Kuraib from Ibn Abbas, who said: My maternal aunt Maymunah narrated to me, saying: "I brought water for the Messenger of Allah (ﷺ) to perform the ritual bath for major impurity (janābah). He washed his hands twice or thrice, then placed his hand into the vessel, poured water over his private parts, and washed them with his left hand. Then he rubbed his left hand against the ground and scrubbed it vigorously. Then he performed ritual ablution as he did for prayer, poured three handfuls of water over his head – each the full measure of his palms – washed his entire body, then washed his feet separately. Then I brought him a cloth, but he declined it." Thus, the Messenger of Allah (ﷺ) did not repeat the washing of limbs required in ablution during his bath for major impurity. We solemnly testify by Allah that the Messenger of Allah (ﷺ) never neglected the intention for any act Allah obligated upon him. Therefore, this became obligatory specifically for the ritual bath of major impurity, while all other baths remained governed by their original rulings. Abu Muhammad said: Abu Hanifah, Malik, and al-Shafi'i stated: A single bath suffices for both major impurity and menstruation.

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 عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ ثنا عِيسَى بْنُ يُونُسَ ثنا الْأَعْمَشُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ كُرَيْبٍ عَنِ ابْنِ عَبَّاسٍ قَالَ: حَدَّثَتْنِي خَالَتِي مَيْمُونَةُ قَالَتْ «أَدْنَيْتُ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غُسْلَهُ مِنَ الْجَنَابَةِ فَغَسَلَ كَفَّيْهِ مَرَّتَيْنِ أَوْ ثَلَاثًا، ثُمَّ أَدْخَلَ يَدَهُ فِي الْإِنَاءِ، ثُمَّ أَفْرَغَ عَلَى فَرْجِهِ وَغَسَلَهُ بِشِمَالِهِ، ثُمَّ ضَرَبَ بِشِمَالِهِ الْأَرْضَ فَدَلَكَهَا دَلْكًا شَدِيدًا، ثُمَّ تَوَضَّأَ وُضُوءَهُ لِلصَّلَاةِ، ثُمَّ أَفْرَغَ عَلَى رَأْسِهِ ثَلَاثَ حَفَنَاتٍ مِلْءَ كَفَّيْهِ، ثُمَّ غَسَلَ سَائِرَ جَسَدِهِ، ثُمَّ تَنَحَّى عَنْ مَقَامِهِ ذَلِكَ فَغَسَلَ رِجْلَيْهِ، ثُمَّ أَتَيْتُهُ بِالْمِنْدِيلِ فَرَدَّهُ» فَهَذَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُعِدَّ غَسْلَ أَعْضَاءِ الْوُضُوءِ فِي غُسْلِهِ لِلْجَنَابَةِ، وَنَحْنُ نُشْهِدُ اللَّهَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا ضَيَّعَ نِيَّةَ كُلِّ عَمَلٍ افْتَرَضَهُ اللَّهُ عَلَيْهِ، فَوَجَبَ ذَلِكَ فِي غُسْلِ الْجَنَابَةِ خَاصَّةً وَبَقِيَتْ سَائِرُ الْأَغْسَالِ عَلَى حُكْمِهَا قَالَ أَبُو مُحَمَّدٍ: وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ وَالشَّافِعِيُّ: يُجْزِئُ غُسْلٌ وَاحِدٌ لِلْجَنَابَةِ وَالْحَيْضِ.

L3651 Some of Mālik's companions said: A single bath suffices for both Friday prayer and major ritual impurity (janābah). Others said: If one intends the bath for janābah, it suffices for Friday prayer, and if one intends it for Friday prayer, it suffices for janābah. ʿAlī said: This is deeply flawed, for the Friday

وَقَالَ بَعْضُ أَصْحَابِ مَالِكٍ: يُجْزِئُ غُسْلٌ وَاحِدٌ لِلْجُمُعَةِ وَالْجَنَابَةِ، وَقَالَ بَعْضُهُمْ: إِنْ نَوَى الْجَنَابَةَ يُجْزِهِ مِنَ الْجُمُعَةِ، وَإِنْ نَوَى الْجُمُعَةَ أَجْزَأَهُ، مِنَ الْجَنَابَةِ قَالَ عَلِيٌّ: وَهَذَا فِي غَايَةِ الْفَسَادِ، لِأَنَّ غُسْلَ الْجُمُعَةِ عِنْدَهُمْ تَطَوُّعٌ، فَكَيْفَ يُجْزِئُ تَطَوُّعٌ عَنْ فَرْضٍ؟ أَمْ كَيْفَ

[11] **Hadith references (L3646):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

[12] **Qur'an references (L3646):** Qur'an 98:5 (Al-Bayyinah).

bath in their view is a recommended act. How can a recommended act suffice for an obligation? Or how can an intention for an obligation—if not purely for it—alongside an intention for a recommended act, be valid? This is indeed astonishing. ʿAlī said: They argued for this by stating: We find a single ablution and a single dry ablution (tayammum) suffice for all nullifiers of ablution, a single bath suffices for multiple instances of janābah, a single bath suffices for menstrual bleeding over days, and a single circumambulation suffices for both ʿUmrah and Ḥajj. Thus, it must be that every act requiring a bath follows this principle.

L3652–3654 Abu Muhammad said: This is analogy, and all analogy is invalid. Moreover, even if analogy were valid, this would be the epitome of invalidity stemming from it, for if analogy were valid, it would not be for analogy that a single ritual washing suffices for two ritual washings. It is more appropriate to analogize the ruling of one obligated with two ghusl obligations to one obligated with two days from the month of Ramadan, two slave emancipations for two acts of ẓihār, two expiations for two oaths, two sacrificial offerings for two instances of tamattuʿ, two noon prayers on two days, or two dirhams out of ten dirhams regarding two distinct types of wealth. This would require them to accept that fasting one day, emancipating one slave, performing one expiation, offering one sacrificial offering, praying one prayer, and paying one dirham suffice for all such obligations. The same would apply to every matter in Sharīʿa, but this is a view no one upholds. Thus, their corrupt analogy has been invalidated.

L3655 Then we say to them—and with Allah alone is success, the Exalted: As for ablution, the Messenger of Allah (peace be upon him) said: "Allah does not accept the prayer of one who has invalidated his ablution until he performs ablution again." We shall mention this, Allah willing, with its chain of transmission in the chapter on ritual impurity during prayer. Thus, this report confirms that ablution addresses ritual impurity as a whole, thereby encompassing every type of such impurity under this ruling.

L3656 And He, the Exalted, said: {And if you are in a state of major impurity,

تُجْزِئُ نِيَّةٌ فِي فَرْضٍ لَمْ تَخْلُصْ وَأُضِيفَ إِلَيْهَا نِيَّةُ تَطَوُّعٍ؟ إِنَّ هَذَا لَعَجَبٌ قَالَ عَلِيٌّ: وَاحْتَجُّوا فِي ذَلِكَ بِأَنْ قَالُوا: وَجَدْنَا وُضُوءًا وَاحِدًا وَتَيَمُّمًا وَاحِدًا يُجْزِئُ عَنْ جَمِيعِ الْأَحْدَاثِ النَّاقِضَةِ لِلْوُضُوءِ، وَغُسْلًا وَاحِدًا يُجْزِئُ عَنْ جَنَابَاتٍ كَثِيرَةٍ، وَغُسْلًا وَاحِدًا يُجْزِئُ عَنْ حَيْضِ أَيَّامٍ، وَطَوَافًا وَاحِدًا يُجْزِئُ عَنْ عُمْرَةٍ وَحَجٍّ فِي الْقُرْآنِ، فَوَجَبَ أَنْ يَكُونَ كَذَلِكَ كُلُّ مَا يُوجِبُ الْغُسْلَ.

قَالَ أَبُو مُحَمَّد: وَهَذَا قِيَاسٌ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ لِأَنَّهُ لَوْ صَحَّ الْقِيَاسُ لَمْ يَكُنْ الْقِيَاسُ لَأَنْ يُجْزِئَ غُسْلٌ وَاحِدٌ عَنْ غُسْلَيْنِ مَأْمُورٍ بِهِمَا عَلَى مَا ذَكَرُوا فِي الْوُضُوءِ: بِأَوْلَى مِنْ أَنْ يُقَاسَ حُكْمُ مَنْ عَلَيْهِ غُسْلَانِ عَلَى مَنْ عَلَيْهِ يَوْمَانِ مِنْ - شَهْرِ رَمَضَانَ، أَوْ رَقَبَتَانِ عَنْ ظِهَارَيْنِ، أَوْ كَفَّارَتَانِ عَنْ يَمِينَيْنِ، أَوْ هَدْيَانِ عَنْ مُتْعَتَيْنِ، أَوْ صَلَاتَا ظُهْرٍ مِنْ يَوْمَيْنِ، أَوْ دِرْهَمَانِ مِنْ عَشَرَةِ دَرَاهِمَ عَنْ مَالَيْنِ مُخْتَلِفَيْنِ، فَيَلْزَمُهُمْ أَنْ يُجْزِئَ فِي كُلِّ ذَلِكَ صِيَامُ يَوْمٍ وَاحِدٍ، وَرَقَبَةٌ وَاحِدَةٌ، وَكَفَّارَةٌ وَاحِدَةٌ، وَهَدْيٌ وَاحِدٌ، وَصَلَاةٌ وَاحِدَةٌ وَدِرْهَمٌ وَاحِدٌ، وَهَكَذَا فِي كُلِّ شَيْءٍ مِنْ الشَّرِيعَةِ وَهَذَا مَا لَا يَقُولُهُ أَحَدٌ، فَبَطَلَ قِيَاسُهُمْ الْفَاسِدُ.

ثُمَّ نَقُولُ لَهُمْ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ: أَمَّا الْوُضُوءُ فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا يَقْبَلُ اللَّهُ صَلَاةَ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ» وَسَنَذْكُرُهُ إِنْ شَاءَ اللَّهُ تَعَالَى بِإِسْنَادِهِ فِي بَابِ الْحَدَثِ فِي الصَّلَاةِ، فَصَحَّ بِهَذَا الْخَبَرِ أَنَّ الْوُضُوءَ مِنْ الْحَدَثِ جُمْلَةً، فَدَخَلَ فِي ذَلِكَ كُلُّ حَدَثٍ.

وَقَالَ تَعَالَى: {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: ٦] فَدَخَلَ فِي ذَلِكَ كُلُّ جَنَابَةٍ.

then purify yourselves} [Al-Mā'idah: 6]. This encompasses every instance of janabah.[13]

وَصَحَّ أَيْضًا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وُضُوءٌ وَاحِدٌ لِلصَّلَاةِ مِنْ كُلِّ حَدَثٍ سَلَفَ، مِنْ نَوْمٍ وَبَوْلٍ وَحَاجَةِ الْمَرْءِ وَمُلَامَسَةٍ، وَإِنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يَطُوفُ عَلَى نِسَائِهِ بِغُسْلٍ وَاحِدٍ كَمَا حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا ابْنُ أَبِي دُلَيْمٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا هُشَيْمٌ ثنا حُمَيْدٌ الطَّوِيلُ عَنْ أَنَسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَطُوفُ عَلَى نِسَائِهِ فِي لَيْلَةٍ بِغُسْلٍ وَاحِدٍ» .

L3657 It has also been authentically established from the Messenger of Allah—peace and blessings of Allah be upon him—that a single ablution suffices for prayers following any past impurity, whether arising from sleep, urination, defecation, or touch. Indeed, he—peace be upon him—would visit his wives with one ritual bath [ghusl], as narrated to us by Aḥmad ibn Muḥammad ibn al-Jasūr, narrated to us by Ibn Abī Dulaym, narrated to us by Ibn Waḍḍāḥ, narrated to us by Abū Bakr ibn Abī Shaybah, narrated to us by Hushaym, narrated to us by Ḥumayd al-Ṭawīl, from Anas: "The Messenger of Allah—peace and blessings of Allah be upon him—would visit his wives in one night with a single ritual bath [ghusl]."

وَأَمَّا - طَوَافٌ وَاحِدٌ وَسَعْيٌ وَاحِدٌ فِي الْقِرَانِ عَنْ الْحَجِّ وَالْعُمْرَةِ، فَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «طَوَافٌ وَاحِدٌ يَكْفِيكَ لِحَجِّكَ وَعُمْرَتِكَ» وَقَوْلُهُ - عَلَيْهِ السَّلَامُ -: «دَخَلَتْ الْعُمْرَةُ فِي الْحَجِّ إلَى يَوْمِ الْقِيَامَةِ» .

L3658 As for a single circumambulation (Tawaf) and a single ritual walk (Sa'i) in the combined pilgrimage (qirān, i.e., performing Ḥajj and ʿUmrah under a single ihrām) pertaining to Ḥajj and ʿUmrah, this ruling derives from the statement of the Messenger of Allah (peace and blessings be upon him): "A single circumambulation suffices for both your Ḥajj and ʿUmrah," and his statement (peace be upon him): "'Umrah has been incorporated into Ḥajj until the Day of Resurrection."

وَالْعَجَبُ كُلُّهُ مِنْ أَبِي حَنِيفَةَ إذْ يُجْزِئُ عِنْدَهُ غُسْلٌ وَاحِدٌ عَنْ الْحَيْضِ وَالْجَنَابَةِ وَالتَّبَرُّدِ، وَلَا يُجْزِئُ عِنْدَهُ لِلْحَجِّ وَالْعُمْرَةِ فِي الْقِرَانِ إلَّا طَوَافَانِ وَسَعْيَانِ.

L3659 All astonishment is directed at Abū Ḥanīfah, as he deems a single ritual bath sufficient for menstruation, major impurity (janābah), and cooling off, yet he requires two circumambulations (ṭawāf) and two instances of sa'y for Ḥajj and ʿUmrah in the combined pilgrimage (Qirān).

وَهَذَا عَكْسُ الْحَقَائِقِ وَإِبْطَالُ السُّنَنِ.

L3660 This is contrary to the truths and a nullification of the Sunnah.

قَالَ أَبُو مُحَمَّدٍ " وَمِمَّنْ قَالَ بِقَوْلِنَا جَمَاعَةٌ مِنْ السَّلَفِ كَمَا رُوِّينَا عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ قَالَ: ثنا حَبِيبٌ وَسُفْيَانُ الثَّوْرِيُّ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَعَبْدُ الْأَعْلَى وَبِشْرُ بْنُ مَنْصُورٍ.

L3661–3663 Abu Muhammad said, "And among those who held our opinion are a group from the Salaf, as has been narrated to us from..." Abd al-Rahman ibn Mahdi said: We narrated from Habib, Sufyan al-Thawri, Abdullah ibn al-Mubarak, Abd al-A'la, and Bishr ibn Mansur.

L3664 Habib said: 'Amr ibn Harim said: Jabir ibn Zayd – who is Abu al-Sha'tha' – was asked about a woman with whom intercourse is performed and then she

[13] **Qur'an references (L3656):** Qur'an 5:6 (Al-Ma'idah).

menstruates. He replied: “She must perform the ritual bath,” meaning the bath for janābah (major impurity). Sufyan narrated from Layth, al-Mughira ibn Maqsam, and Hisham ibn Hassān.

قَالَ حَبِيبٌ عَمْرُو بْنُ هَرِمٍ قَالَ: سُئِلَ جَابِرُ بْنُ زَيْدٍ هُوَ أَبُو الشَّعْثَاءِ - عَنْ الْمَرْأَةِ تُجَامَعُ ثُمَّ تَحِيضُ؟ قَالَ عَلَيْهَا أَنْ تَغْتَسِلَ - يَعْنِي لِلْجَنَابَةِ - وَقَالَ سُفْيَانُ عَنْ لَيْثٍ وَالْمُغِيرَةِ بْنِ مَقْسَمٍ وَهِشَامِ بْنِ حَسَّانَ.

L3665 Layth reported from Ṭāwūs, and al-Mughīrah reported from Ibrāhīm al-Nakhaʿī. Hishām reported from al-Ḥasan. All these scholars stated concerning a woman who enters a state of janabah and then menstruates that she must perform the ritual bath—referring to the bath for janabah. Ibn al-Mubārak reported from al-Ḥajjāj from Maymūn ibn Mihrān and ʿAmr ibn Shuʿayb regarding a woman who is in a state of janabah and then menstruates: they both said she must perform the ritual bath, meaning for janabah. He said: I asked al-Ḥakam ibn ʿUtaybah about her, and he replied, “Water should be poured over her—one washing instead of two.” ʿAbd al-Aʿlā transmitted to us [the reports of] Maʿmar, Yūnus ibn ʿUbayd, and Saʿīd ibn Abī ʿAmruwayh. Maʿmar reported from al-Zuhrī, Yūnus reported from al-Ḥasan, and Saʿīd reported from Qatādah. They all stated concerning a woman who engages in intercourse and then menstruates that she must perform the ritual bath for her janabah. Bishr ibn Manṣūr reported from Ibn Jurayj from ʿAṭāʾ ibn Abī Rabāḥ regarding a woman who engages in intercourse and then menstruates: she must perform the ritual bath. If she delays it, she must perform two washings upon attaining purity.

قَالَ لَيْثٌ: عَنْ طَاوُسٍ، وَقَالَ الْمُغِيرَةُ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ. وَقَالَ هِشَامٌ عَنْ الْحَسَنِ. قَالُوا كُلُّهُمْ فِي الْمَرْأَةِ تُجْنِبُ ثُمَّ تَحِيضُ أَنَّهَا تَغْتَسِلُ - يَعْنُونَ لِلْجَنَابَةِ - وَقَالَ ابْنُ الْمُبَارَكُ عَنْ الْحَجَّاجِ عَنْ مَيْمُونِ بْنِ مِهْرَانَ وَعَمْرِو بْنِ شُعَيْبٍ فِي الْمَرْأَةِ تَكُونُ جُنُبًا ثُمَّ تَحِيضُ، قَالَا جَمِيعًا: تَغْتَسِلُ، يَعْنِيَانِ لِلْجَنَابَةِ، قَالَ وَسَأَلْتُ عَنْهَا الْحَكَمَ بْنَ عُتَيْبَةَ قَالَ: تَصُبُّ عَلَيْهَا الْمَاءَ، غَسْلَةً دُونَ غَسْلَةٍ وَقَالَ عَبْدُ الْأَعْلَى ثنا مَعْمَرٌ وَيُونُسُ بْنُ عُبَيْدٍ وَسَعِيدُ بْنُ أَبِي عَمْرَوَيْهِ، قَالَ مَعْمَرٌ عَنْ الزُّهْرِيِّ، وَقَالَ يُونُسُ عَنْ الْحَسَنِ وَقَالَ سَعِيدٌ عَنْ قَتَادَةَ قَالُوا كُلُّهُمْ فِي الْمَرْأَةِ تُجَامَعُ ثُمَّ تَحِيضُ، أَنَّهَا تَغْتَسِلُ لِجَنَابَتِهَا، وَقَالَ بِشْرُ بْنُ مَنْصُورٍ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ فِي الْمَرْأَةِ تُجَامَعُ ثُمَّ تَحِيضُ أَنَّهَا تَغْتَسِلُ، فَإِنْ أَخَّرَتْ فَغُسْلَانِ عِنْدَ طُهْرِهَا.

L3666 The following: Jābir ibn Zayd, al-Ḥasan, Qatādah, Ibrāhīm al-Nakhaʿī, al-Ḥakam, Ṭāwūs, ʿAṭāʾ, ʿAmr ibn Shuʿayb, al-Zuhrī, and Maymūn ibn Mihrān; this is the opinion of Dāwūd and our companions.

فَهَؤُلَاءِ جَابِرُ بْنُ زَيْدٍ وَالْحَسَنُ وَقَتَادَةُ وَإِبْرَاهِيمُ النَّخَعِيُّ وَالْحَكَمُ وَطَاوُسٌ وَعَطَاءٌ وَعَمْرُو بْنُ شُعَيْبٍ وَالزُّهْرِيُّ وَمَيْمُونُ بْنُ مِهْرَانَ، وَهُوَ قَوْلُ دَاوُد وَأَصْحَابِنَا.

L3667 **Issue: It is disliked for one performing *ghusl* to dry himself with a garment other than the garment he is wearing.**

[مَسْأَلَةٌ يُكْرَهُ لِلْمُغْتَسِلِ أَنْ يَتَنَشَّفَ فِي ثَوْبٍ غَيْرِ ثَوْبِهِ الَّذِي يَلْبَسُ]

L3668 Issue 196: It is disliked for one performing ghusl (ritual bathing) to dry himself with a garment other than the one he is wearing. If he does so, there is no blame, but this is not disliked in wudu (ablution). Abdullah ibn Rabīʿ reported from Ibn Mufarrij from Ibn al-Sakan from al-Farbarī from al-

١٩٦ - مَسْأَلَةٌ: وَيُكْرَهُ لِلْمُغْتَسِلِ أَنَّ يَتَنَشَّفَ فِي ثَوْبٍ غَيْرِ ثَوْبِهِ الَّذِي يَلْبَسُ، فَإِنْ فَعَلَ فَلَا حَرَجَ، وَلَا يُكْرَهُ ذَلِكَ فِي الْوُضُوءِ. حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ

Bukhārī from Mūsā from Abū ʿAwānah from al-Aʿmash from Sālim ibn Abī al-Jaʿd from Kuraib from Ibn ʿAbbās from Maymūnah bint al-Ḥārith, who said: “I prepared a bath for the Messenger of Allah—peace and blessings be upon him—and screened him.” She then described the manner of his bathing—peace and blessings be upon him—saying: “He washed his head, then poured water over his body. He then moved aside and washed his feet. I handed him a cloth, but he gestured with his hand like this and did not take it.”

السَّكَنِ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُوسَى ثنا أَبُو عَوَانَةَ ثنا الْأَعْمَشُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ كُرَيْبٍ عَنِ ابْنِ عَبَّاسٍ عَنْ مَيْمُونَةَ بِنْتِ الْحَارِثِ قَالَتْ «وَضَعْتُ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غُسْلًا وَسَتَرْتُهُ - فَذَكَرْتُ صِفَةَ غُسْلِهِ - عَلَيْهِ السَّلَامُ - قَالَتْ - وَغَسَلَ رَأْسَهُ ثُمَّ صَبَّ عَلَى جَسَدِهِ، ثُمَّ تَنَحَّى فَغَسَلَ قَدَمَيْهِ، فَنَاوَلْتُهُ خِرْقَةً، فَقَالَ بِيَدِهِ هَكَذَا وَلَمْ يَرُدَّهَا» .

L3669–3671 Abdullah ibn Rabi’ narrated to us, Muhammad ibn Ishaq narrated to us, Ibn al-A’rabi narrated to us, Abu Dawud narrated to us, Hisham narrated to us, Abu Marwan and Muhammad ibn al-Muthanna both narrated to us: Al-Walid ibn Muslim narrated to us, Al-Awza’i narrated to us: I heard Yahya ibn Abi Kathir say: Muhammad ibn Abd al-Rahman ibn As’ad ibn Zurarah narrated to me from Qays ibn Sa’d, who said: “The Messenger of Allah (peace and blessings be upon him) visited us in our home.” He mentioned the hadith, which included that the Messenger of Allah (peace and blessings be upon him)... Saʿd ordered a ghusl prepared for him, so the Prophet bathed. Then he handed him a cloak dyed with saffron or wars, and the Messenger of Allah (peace be upon him) enveloped himself in it.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا هِشَامٌ ثنا أَبُو مَرْوَانَ وَمُحَمَّدُ بْنُ الْمُثَنَّى قَالَا حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ ثنا الْأَوْزَاعِيُّ سَمِعْتُ يَحْيَى بْنَ أَبِي كَثِيرٍ يَقُولُ: حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَسْعَدَ بْنِ زُرَارَةَ عَنْ قَيْسِ بْنِ سَعْدٍ قَالَ: «زَارَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي مَنْزِلِنَا - فَذَكَرَ الْحَدِيثَ وَفِيهِ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ لَهُ سَعْدٌ بِغُسْلٍ فَاغْتَسَلَ، ثُمَّ نَاوَلَهُ مِلْحَفَةً مَصْبُوغَةً بِزَعْفَرَانٍ أَوْ وَرْسٍ فَاشْتَمَلَ بِهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» .

L3672 Abu Muhammad said: This does not contradict the first statement, because he—peace be upon him—wrapped himself in them, thus they became his garment at that time. Some of the Salaf held this view, as reported to us from Abd al-Razzāq from Ibn Jurayj from Aṭāʾ: He was asked about the adorned handkerchief—does a man wipe water with it? He refused to permit it and said: “It is something that has been innovated.”

قَالَ أَبُو مُحَمَّد: هَذَا لَا يُضَادُّ الْأَوَّلَ، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - اشْتَمَلَ فِيهَا فَصَارَتْ لِبَاسُهُ حِينَئِذٍ، وَقَالَ بِهَذَا بَعْضُ السَّلَفِ، كَمَا رُوِّينَا عَنْ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: أَنَّهُ سُئِلَ عَنِ الْمِنْدِيلِ الْمُهَذَّبِ أَيَمْسَحُ بِهِ الرَّجُلُ الْمَاءَ؟ فَأَبَى أَنْ يُرَخِّصَ فِيهِ، وَقَالَ هُوَ شَيْءٌ أُحْدِثَ.

L3673 I said: “What do you think if I intend for the handkerchief to take away the water’s coldness from me?” He replied: “There is no harm in it therefore,” and he (peace be upon him) did not prohibit this during ablution, so it is permissible in it.

قُلْتُ: أَرَأَيْتَ إِنْ كُنْتُ أُرِيدُ أَنْ يُذْهِبَ عَنِّي الْمِنْدِيلُ بَرْدَ الْمَاءِ قَالَ فَلَا بَأْسَ بِهِ إِذَنْ، وَلَمْ يَنْهَ - عَلَيْهِ السَّلَامُ - عَنْ ذَلِكَ فِي الْوُضُوءِ فَهُوَ مُبَاحٌ فِيهِ.

L3674 **Issue: The one performing ghusl when he immerses him-**

[مَسْأَلَةٌ المغتسل إِذَا انْغَمِسْ فِي مَاءٍ]

self in water.

L3675 Issue 197: For every ablution we have mentioned, a person may begin with his feet or any limbs he wishes, except for the Friday ablution and the *ghusl* for major impurity (*janabah*). These two are only valid if one begins by washing the head first, followed by the body. If one fully submerges in water, he must intend to start with his head first, then his body, and this is obligatory.

L3676 The evidence for this is the statement of the Messenger of Allah (peace be upon him) which we have mentioned with its chain of transmission: "It is Allah's right upon every Muslim to bathe one day in every seven days: he must wash his head and body." It has been authentically established from the Messenger of Allah (peace be upon him) that he said: "Begin with what Allah began with." We will mention this in the order of ablution with its chain of transmission, if Allah the Most High wills.

L3677 He - peace be upon him - began with the head before the body, and He, the Exalted, said: _"He does not speak from [his own] inclination. It is not but a revelation revealed"_ [An-Najm: 3/4]. Thus, it is established that whatever the Messenger of Allah - peace and blessings be upon him - initiated in his speech came through revelation from Allah, the Exalted. Therefore, Allah, the Exalted, is the One who originated what the Messenger of Allah - peace and blessings be upon him - began.[14]

A Question on the Description of Ablution

L3678

L3679–3681 198. Issue: The description of ablution is that if one awakens from sleep, they must wash their hands three times, sniff water into the nose and expel it three times to drive Satan from their nasal passages as described. This applies equally whether they distanced themselves from their sleeping place before ablution or not. If they have already performed all this, they need not repeat the ablution for a ritual impurity unrelated to sleep. Should they pour water over their hands from a vessel without immersing his hand in it, they must wash their hands three times upon rising from sleep. We hold

[14] **Qur'an references (L3677):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm).

١٩٧ - مَسْأَلَةٌ: وَكُلُّ غُسْلٍ ذَكَرْنَا فَلِلْمَرْءِ أَنْ يَبْدَأَ بِهِ مِنْ رِجْلَيْهِ أَوْ مِنْ أَيِّ أَعْضَائِهِ شَاءَ، حَاشَا غُسْلَ الْجُمُعَةِ وَالْجَنَابَةِ، فَلَا يُجْزِئُ فِيهِمَا إِلَّا الْبُدَاءَةُ بِغَسْلِ الرَّأْسِ أَوَّلًا ثُمَّ الْجَسَدِ، فَإِنْ انْغَمَسَ فِي مَاءٍ فَعَلَيْهِ أَنْ يَنْوِيَ الْبُدَاءَةَ بِرَأْسِهِ ثُمَّ بِجَسَدِهِ وَلَا بُدَّ.

بُرْهَانُ ذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي قَدْ ذَكَرْنَاهُ بِإِسْنَادِهِ «حَقٌّ لِلَّهِ عَلَى كُلِّ مُسْلِمٍ أَنْ يَغْتَسِلَ فِي كُلِّ سَبْعَةِ أَيَّامٍ يَوْمًا، يَغْسِلُ رَأْسَهُ وَجَسَدَهُ» وَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ «ابْدَءُوا بِمَا بَدَأَ اللَّهُ بِهِ» وَسَنَذْكُرُهُ فِي تَرْتِيبِ الْوُضُوءِ بِإِسْنَادِهِ إِنْ شَاءَ اللَّهُ تَعَالَى.

وَقَدْ بَدَأَ - عَلَيْهِ السَّلَامُ - بِالرَّأْسِ قَبْلَ الْجَسَدِ، وَقَالَ تَعَالَى: {وَمَا يَنْطِقُ عَنِ الْهَوَى} [النجم: ٣] {إِنْ هُوَ إِلا وَحْيٌ يُوحَى} [النجم: ٤] فَصَحَّ أَنَّ مَا ابْتَدَأَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي نُطْقِهِ فَعَنْ وَحْيٍ أَتَاهُ مِنْ عِنْدِ اللَّهِ تَعَالَى، فَاللَّهُ تَعَالَى هُوَ الَّذِي بَدَأَ بِالَّذِي بَدَأَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَةٌ صِفَةُ الْوُضُوءِ]

١٩٨ - مَسْأَلَةٌ: وَصِفَةُ الْوُضُوءِ أَنَّهُ إِنْ كَانَ انْتَبَهَ مِنْ نَوْمٍ فَعَلَيْهِ أَنْ يَغْسِلَ يَدَيْهِ ثَلَاثًا كَمَا قَدْ ذَكَرْنَا قَبْلُ، وَأَنْ يَسْتَنْشِقَ وَأَنْ يَسْتَنْثِرَ ثَلَاثًا لِيَطْرُدَ الشَّيْطَانَ عَنْ خَيْشُومِهِ كَمَا قَدْ وَصَفْنَا، وَسَوَاءٌ تَبَاعَدَ مَا بَيْنَ نَوْمِهِ وَوُضُوئِهِ أَوْ لَمْ يَتَبَاعَدْ، فَإِنْ كَانَ قَدْ فَعَلَ كُلَّ ذَلِكَ فَلَيْسَ عَلَيْهِ أَنْ يُعِيدَ ذَلِكَ الْوُضُوءَ مِنْ حَدَثٍ غَيْرِ النَّوْمِ، فَلَوْ صَبَّ عَلَى يَدَيْهِ مِنْ إِنَاءٍ دُونَ أَنْ يُدْخِلَ يَدَهُ فِيهِ لَزِمَهُ غَسْلُ يَدِهِ أَيْضًا ثَلَاثًا إِنْ قَامَ مِنْ نَوْمِهِ، ثُمَّ نَخْتَارُ لَهُ أَنْ

it preferable for them to rinse the mouth three times, though rinsing is not obligatory. If omitted – whether intentionally or unintentionally – their ablution remains complete and their prayer remains complete. Forgetfully, then he intends his ablution for prayer as we previously outlined. He must place water in his nose and sniff it himself necessarily, then blow it out with his fingers once necessarily. If he performs it a second and third time, that is preferable. These two are obligatory - neither ablution nor prayer is valid without them, whether intentionally or forgetfully. Then he washes his face from the boundary of the hair's origin at the top of the forehead to the bases of both ears together, down to the end of the chin. It is recommended to wash this three times or twice, while once suffices. He is not required to wet what hangs down from his beard beneath his chin, nor to comb through his beard. Then he washes his forearms from the tips of the nails to the beginning of the elbows adjacent to the forearms. Washing three times is preferable, twice is preferable, and once suffices. He must necessarily ensure water reaches under the ring by moving it from its place with certainty. Then he wipes his head in any way - that suffices. Our preferred method is to cover his entire head with wiping. Whether he wipes with both hands, one hand, or a single finger, it suffices.

يَتَمَضْمَضَ ثَلَاثًا، وَلَيْسَتْ الْمَضْمَضَةُ فَرْضًا، وَإِنْ تَرَكَهَا فَوُضُوءُهُ تَامٌّ وَصَلَاتُهُ تَامَّةٌ، عَمْدًا تَرَكَهَا أَوْ نِسْيَانًا، ثُمَّ يَنْوِي وُضُوءَهُ لِلصَّلَاةِ كَمَا قَدَّمْنَا، ثُمَّ يَضَعُ الْمَاءَ فِي أَنْفِهِ وَيَجْبِذُهُ بِنَفْسِهِ وَلَا بُدَّ، ثُمَّ يَنْثُرُهُ بِأَصَابِعِهِ وَلَا بُدَّ مَرَّةً فَإِنْ فَعَلَ الثَّانِيَةَ وَالثَّالِثَةَ فَحَسَنٌ، وَهُمَا فَرْضَانِ لَا يُجْزِئُ الْوُضُوءُ وَلَا الصَّلَاةُ دُونَهُمَا، لَا عَمْدًا وَلَا نِسْيَانًا، ثُمَّ يَغْسِلُ وَجْهَهُ مِنْ حَدِّ مَنَابِتِ الشَّعْرِ فِي أَعْلَى الْجَبْهَةِ إلَى أُصُولِ الْأُذُنَيْنِ مَعًا إلَى مُنْقَطِعِ الذَّقَنِ وَيُسْتَحَبُّ أَنْ يَغْسِلَ ذَلِكَ ثَلَاثًا أَوْ ثِنْتَيْنِ وَتُجْزِئُ مَرَّةً، لَيْسَ عَلَيْهِ أَنْ يَمَسَّ الْمَاءَ مَا انْحَدَرَ مِنْ لِحْيَتِهِ تَحْتَ ذَقَنِهِ، وَلَا أَنْ يُخَلِّلَ لِحْيَتَهُ، ثُمَّ يَغْسِلَ ذِرَاعَيْهِ مِنْ مُنْقَطَعِ الْأَظْفَارِ إلَى أَوَّلِ الْمَرَافِقِ مِمَّا يَلِي الذِّرَاعَيْنِ، فَإِنْ غَسَلَ ذَلِكَ ثَلَاثًا فَحَسَنٌ، وَمَرَّتَيْنِ حَسَنٌ، وَتُجْزِئُ مَرَّةً، وَلَا بُدَّ ضَرُورَةً مِنْ إيصَالِ الْمَاءِ بِيَقِينٍ إلَى مَا تَحْتَ الْخَاتَمِ بِتَحْرِيكِهِ عَنْ مَكَانِهِ، ثُمَّ يَمْسَحُ رَأْسَهُ كَيْفَمَا مَسَحَهُ أَجْزَأَهُ، وَأَحَبُّ إلَيْنَا أَنْ يَعُمَّ رَأْسَهُ بِالْمَسْحِ، فَكَيْفَمَا مَسَحَهُ بِيَدَيْهِ أَوْ بِيَدٍ وَاحِدَةٍ أَوْ بِأُصْبُعٍ وَاحِدَةٍ أَجْزَأَهُ.

L3682 If one wipes even a small part of their head, it suffices them. It is recommended to wipe the head three times or twice, though a single wipe fulfills the obligation. There is no obligation for a woman or a man to touch hair that hangs down from the hair roots on the nape and forehead. It is then recommended to wipe the ears if one wishes, either with the water used for the head or with fresh water. It is also recommended to use fresh water for each limb. Next, one washes their feet from where the toenails end to the end of the ankles adjacent to the shin. Washing three times is good, twice is good, and once suffices. It is recommended to mention the name of Allah the Exalted during ablution. If omitted, the ablution remains valid.

فَلَوْ مَسَحَ بَعْضَ رَأْسِهِ أَجْزَأَهُ وَإِنْ قَلَّ، وَنَسْتَحِبُّ أَنْ يَمْسَحَ رَأْسَهُ ثَلَاثًا أَوْ مَرَّتَيْنِ وَوَاحِدَةٌ تُجْزِئُ، وَلَيْسَ عَلَى الْمَرْأَةِ وَالرَّجُلِ مَسُّ مَا انْحَدَرَ مِنْ الشَّعْرِ عَنْ مَنَابِتِ الشَّعْرِ عَلَى الْقَفَا وَالْجَبْهَةِ ثُمَّ يُسْتَحَبُّ لَهُ مَسْحُ أُذُنَيْهِ، إنْ شَاءَ بِمَا مَسَحَ بِهِ رَأْسَهُ وَإِنْ شَاءَ بِمَاءٍ جَدِيدٍ، وَيُسْتَحَبُّ تَجْدِيدُ الْمَاءِ لِكُلِّ عُضْوٍ، ثُمَّ يَغْسِلُ رِجْلَيْهِ مِنْ مُبْتَدَإِ مُنْقَطَعِ الْأَظْفَارِ إلَى آخِرِ الْكَعْبَيْنِ مِمَّا يَلِي السَّاقَ، فَإِنْ غَسَلَ ذَلِكَ ثَلَاثًا فَحَسَنٌ، وَمَرَّتَيْنِ حَسَنٌ وَمَرَّةً تُجْزِئُ، وَتُسْتَحَبُّ تَسْمِيَةُ اللَّهِ تَعَالَى عَلَى الْوُضُوءِ، وَإِنْ لَمْ يَفْعَلْ فَوُضُوءُهُ تَامٌّ.

L3683 As for our statement regarding rinsing the mouth, no authentic injunction from Allah's Messenger—peace and blessings be upon him—has been narrated concerning it. Rather, it is merely an action he—peace and blessings

be upon him—performed. We have previously established that his actions—peace and blessings be upon him—are not obligatory; rather, they entail recommended emulation of him—peace and blessings be upon him—because Allah the Exalted has commanded us to obey His Prophet's injunctions—peace and blessings be upon him—but has not commanded us to replicate his actions.

L3684–3686 Allah the Exalted said: "So let those who oppose his command beware lest a trial afflict them or a painful punishment strike them" [an-Nur 24:63]. And Allah the Exalted said: "There has certainly been for you in the Messenger of Allah an exemplary model" [al-Ahzab 33:21]. As for inhaling water into the nose and expelling it, ʻAbdullah ibn Rabīʻ reported to us, stating: Muḥammad ibn Muʻāwiyah reported to us, Aḥmad ibn Shuʻayb informed us, Muḥammad ibn Manṣūr reported to us, Sufyān - who is Ibn ʻUyaynah - from Abū az-Zināد from al-Aʻraj from Abū Hurayrah that the Messenger of Allah (peace and blessings be upon him) said: "When any of you performs ablution, let him place water into his nose then expel it." We have also transmitted it via the route of Hammām ibn Munabbih from... From Abu Hurairah through a connected chain, and through the narration of Salamah ibn Qays from the Messenger of Allah - peace and blessings be upon him - Ali reported: Malik and al-Shafiʻi said: Inhaling water into the nostrils and expelling it are not obligatory in ablution nor in the ritual bath for major impurity. Abu Hanifah said: Both are obligatory in the ritual bath for major impurity but not in ablution. Ahmad ibn Hanbal and Dawud said: Inhaling water into the nostrils and expelling it are two obligations in ablution but not in the ritual bath for major impurity. Rinsing the mouth is not obligatory, neither in ablution nor in the ritual bath for major impurity. This is the truth.[15][16]

L3687 Among those from whom the command [to do so] has been authentically established are a group of the Salaf. It has been reported to us from ʿAlī ibn Abī Ṭālib: "When you perform ablution, draw [water] into your nostrils

أَمَّا قَوْلُنَا فِي الْمَضْمَضَةِ فَلَمْ يَصِحَّ بِهَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمْرٌ، وَإِنَّمَا هِيَ فِعْلٌ فَعَلَهُ - عَلَيْهِ السَّلَامُ -، وَقَدْ قَدَّمْنَا أَنَّ أَفْعَالَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَيْسَتْ فَرْضًا، وَإِنَّمَا فِيهَا الْإِيتَارُ بِهِ - عَلَيْهِ السَّلَامُ -، لِأَنَّ اللَّهَ تَعَالَى إنَّمَا أَمَرَنَا بِطَاعَةِ أَمْرِ نَبِيِّهِ - عَلَيْهِ السَّلَامُ - وَلَمْ يَأْمُرْنَا بِأَنْ نَفْعَلَ أَفْعَالَهُ.

قَالَ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣] وَقَالَ تَعَالَى: {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ} [الأحزاب: ٢١] وَأَمَّا الِاسْتِنْشَاقُ وَالِاسْتِنْثَارُ فَإِنَّ عَبْدَ اللَّهِ بْنَ رَبِيعٍ حَدَّثَنَا قَالَ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ ثنا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا تَوَضَّأَ أَحَدُكُمْ فَلْيَجْعَلْ فِي أَنْفِهِ مَاءً ثُمَّ لِيَسْتَنْثِرْ» وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ هَمَّامِ بْنِ مُنَبِّهٍ عَنْ أَبِي هُرَيْرَةَ مُسْنَدًا، وَمِنْ طَرِيقِ سَلَمَةَ بْنِ قَيْسٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ عَلِيٌّ: قَالَ مَالِكٌ وَالشَّافِعِيُّ: لَيْسَ الِاسْتِنْشَاقُ وَالِاسْتِنْثَارُ فَرْضًا فِي الْوُضُوءِ وَلَا فِي الْغُسْلِ مِنْ الْجَنَابَةِ، وَقَالَ أَبُو حَنِيفَةَ: هُمَا فَرْضٌ فِي الْغُسْلِ مِنْ الْجَنَابَةِ وَلَيْسَا فَرْضًا فِي الْوُضُوءِ، وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ وَدَاوُد: الِاسْتِنْشَاقُ وَالِاسْتِنْثَارُ فَرْضَانِ فِي الْوُضُوءِ وَلَيْسَا فَرْضَيْنِ فِي الْغُسْلِ مِنْ الْجَنَابَةِ، وَلَيْسَتْ الْمَضْمَضَةُ فَرْضًا لَا فِي الْوُضُوءِ وَلَا فِي غُسْلِ الْجَنَابَةِ، وَهَذَا هُوَ الْحَقُّ.

وَمِمَّنْ صَحَّ عَنْهُ الْأَمْرُ بِذَلِكَ جَمَاعَةٌ مِنْ السَّلَفِ. رُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ إذَا تَوَضَّأْتَ فَانْثُرْ فَأَذْهِبْ مَا فِي الْمَنْخَرَيْنِ مِنْ الْخُبْثِ، وَعَنْ شُعْبَةَ: قَالَ حَمَّادُ بْنُ أَبِي سُلَيْمَانَ فِيمَنْ نَسِيَ أَنْ يُمَضْمِضَ وَيَسْتَنْشِقَ قَالَ: يَسْتَقْبِلُ.

[15] **Hadith references (L3684):** Sunan an-Nasai 86.
[16] **Qur'an references (L3684):** Qur'an 24:63 (An-Nur); Qur'an 33:21 (Al-Ahzab).

and remove whatever unclean matter is within them." From Shuʿbah, it is reported that Ḥammād ibn Abī Sulaymān said regarding one who forgot to rinse the mouth and nostrils: "He must start the ablution anew."

وَعَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ فِيمَنْ صَلَّى وَقَدْ نَسِيَ أَنْ يُمَضْمِضَ وَيَسْتَنْشِقَ قَالَ: أَحَبُّ إلَيَّ أَنْ يُعِيدَ يَعْنِي الصَّلَاةَ.

L3688 From Shuʿbah, from Al-Ḥakam ibn ʿUtaybah concerning one who prayed but forgot to rinse his mouth and sniff water into his nostrils: He said, "It is preferable that he repeat"—meaning the prayer.

وَعَنْ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مُجَاهِدٍ: الِاسْتِنْشَاقُ شَطْرُ الْوُضُوءِ وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ وَابْنِ أَبِي لَيْلَى قَالَا جَمِيعًا " إذَا نَسِيَ الْمَضْمَضَةَ وَالِاسْتِنْشَاقَ فِي الْوُضُوءِ أَعَادَ " يَعْنُونَ الصَّلَاةَ - وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ مَنْ نَسِيَ الْمَضْمَضَةَ وَالِاسْتِنْشَاقَ فِي الْوُضُوءِ أَعَادَ - يَعْنِي الصَّلَاةَ - وَعَنْ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي خَالِدٍ الْأَحْمَرِ عَنْ هِشَامٍ عَنْ الْحَسَنِ فِي الْمَضْمَضَةِ وَالِاسْتِنْشَاقِ وَالِاسْتِنْثَارِ وَغَسْلِ الْوَجْهِ وَالْيَدَيْنِ وَالرِّجْلَيْنِ: ثِنْتَانِ تَجْزِيَانِ وَثَلَاثٌ أَفْضَلُ.

L3689 From Waki', from Sufyan al-Thawri, from Mujahid: "Sniffing water into the nose constitutes a vital component of ablution." From Abd al-Razzaq, from Sufyan al-Thawri, from Hammad ibn Abi Sulayman and Ibn Abi Layla—both said: "If one forgets mouth rinsing and nasal inhalation during ablution, he must repeat"—meaning the prayer. From Abd al-Razzaq, from Ma'mar, from al-Zuhrī: "Whoever forgets mouth rinsing and nasal inhalation during ablution must repeat"—meaning the prayer. From Ibn Abi Shaybah, from Abu Khalid al-Ahmar, from Hisham, from al-Hasan regarding mouth rinsing, nasal inhalation, nasal expulsion, washing the face, both hands, and both feet: "Two times for each suffice, and three times is more virtuous."

قَالَ عَلِيٌّ وَشَغَبَ قَوْمٌ بِأَنَّ الِاسْتِنْشَاقَ وَالِاسْتِنْثَارَ لَيْسَا مَذْكُورَيْنِ فِي الْقُرْآنِ وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تَتِمُّ صَلَاةُ أَحَدِكُمْ حَتَّى يَتَوَضَّأَ كَمَا أَمَرَهُ اللَّهُ تَعَالَى» .

L3690 Ali said, and a group objected, arguing that sniffing water into the nose and expelling it are not mentioned in the Quran, and that the Messenger of Allah (peace be upon him) said: "No one's prayer is complete unless he performs ablution as Allah the Exalted has ordained."

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ: {مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ} [النساء: ٨٠] فَكُلُّ مَا أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَاَللَّهُ تَعَالَى أَمَرَ بِهِ.

L3691 Abu Muhammad said: This holds no valid evidence for them, for Allah the Exalted says: "Whoever obeys the Messenger has indeed obeyed Allah" [Surah al-Nisa' 4:80]. Thus, every command issued by the Messenger of Allah (peace be upon him) is what Allah the Exalted has commanded.[17]

وَأَمَّا قَوْلُنَا فِي الْوَجْهِ، فَإِنَّهُ لَا خِلَافَ فِي أَنَّ الَّذِي قُلْنَا فَرْضُ غَسْلِهِ قَبْلَ خُرُوجِ اللِّحْيَةِ، فَإِذَا خَرَجَتْ اللِّحْيَةُ فَهِيَ مَكَانُ مَا سَتَرَتْ، وَلَا يَسْقُطُ غَسْلُ شَيْءٍ يَقَعُ عَلَيْهِ اسْمُ الْوَجْهِ

L3692–3694 As for our statement regarding the face, there is no disagreement that what we have stated—the obligation to wash it—applies before the beard grows. When the beard grows, it occupies the place of what it covers, and the obligation to wash any part it covers is not waived. The definition of the face

[17] **Qur'an references (L3691):** Qur'an 4:80 (An-Nisa).

[in ablution] is established by juristic determination, and it is impermissible to base the distinction on personal opinion regarding the parts of their respective faces that the beardless, patchily bearded, and fully bearded must wash.

L3695 As for what descends below the chin of the beard and what hangs down from the hair roots at the back of the head and the forehead, Almighty God has indeed commanded us to wash the face and wipe the head. By necessity, everyone knows that a person's head does not include its back portion, that the forehead belongs to the washed face—having no portion in the wiped head—and that the face does not extend to the neck or chest. Therefore, nothing in all of that is obligatory, since neither the Quran nor the Sunnah has required it.

L3696 As for our statement regarding washing the forearms, what lies beneath the ring, and the elbows, Allah the Exalted said: {And your hands to the elbows} [Al-Mā'idah: 6]. Thus, whoever neglects anything—even a hair's worth—from what Allah commanded to be washed has not performed ablution as He commanded. Whoever fails to perform ablution as Allah the Exalted commanded has not performed it at all, and his prayer holds no validity. It is therefore obligatory to ensure water reaches with certainty the portion of the finger concealed by the ring. As for the elbows, the preposition "to" in the Arabic language of the Quran's revelation carries two valid meanings: it may denote an endpoint or mean "in addition to." Allah said: {And do not consume their wealth to your wealth} [An-Nisā': 2], meaning "in addition to your wealth." Since "to" applies equally to both meanings without textual preference, restricting it to one meaning without evidence is invalid. Consequently, washing the forearms up to the beginning of the elbows suffices under one valid interpretation of "to," rendering the ablution valid. If one washes the elbows themselves, it is likewise permissible.[18]

L3697 As for our statement regarding wiping the head, people have differed. Mālik affirmed the general practice of wiping the entire head during ablution. Abū

[18] **Qur'an references (L3696):** Qur'an 5:6 (Al-Ma'idah); Qur'an 4:2 (An-Nisa).

بِالدَّعْوَى، وَلَا يَجُوزُ أَنْ يُؤْخَذَ بِالرَّأْيِ فَرْقٌ بَيْنَ مَا يَغْسِلُ الْأَمْرَدُ مِنْ وَجْهِهِ وَالْكَوْسَجُ وَالْأَلْحَى.

وَأَمَّا مَا انْحَدَرَ عَنْ الذَّقَنِ مِنْ اللِّحْيَةِ وَمَا انْحَدَرَ عَنْ مَنَابِتِ الشَّعْرِ مِنْ الْقَفَا وَالْجَبْهَةِ، فَإِنَّمَا أَمَرَنَا عَزَّ وَجَلَّ بِغَسْلِ الْوَجْهِ وَمَسْحِ الرَّأْسِ وَبِالضَّرُورَةِ يَدْرِي كُلُّ أَحَدٍ أَنَّ رَأْسَ الْإِنْسَانِ لَيْسَ فِي قَفَاهُ، وَأَنَّ الْجَبْهَةَ مِنْ الْوَجْهِ الْمَغْسُولِ، لَا حَظَّ فِيهَا لِلرَّأْسِ الْمَمْسُوحِ، وَأَنَّ الْوَجْهَ لَيْسَ فِي الْعُنُقِ وَلَا فِي الصَّدْرِ فَلَا يَلْزَمُ فِي كُلِّ ذَلِكَ شَيْءٌ، إذْ لَمْ يُوجِبْهُ قُرْآنٌ وَلَا سُنَّةٌ.

وَأَمَّا قَوْلُنَا فِي غَسْلِ الذِّرَاعَيْنِ وَمَا تَحْتَ الْخَاتَمِ وَالْمِرْفَقَيْنِ، فَإِنَّ اللَّهَ تَعَالَى قَالَ: {وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ} [المائدة: ٦] فَمَنْ تَرَكَ شَيْئًا وَلَوْ قَدْرَ شَعْرَةٍ مِمَّا أَمَرَ اللَّهُ تَعَالَى بِغَسْلِهِ فَلَمْ يَتَوَضَّأْ كَمَا أَمَرَهُ اللَّهُ تَعَالَى، وَمَنْ لَمْ يَتَوَضَّأْ كَمَا أَمَرَهُ اللَّهُ تَعَالَى فَلَمْ يَتَوَضَّأْ أَصْلًا، وَلَا صَلَاةَ لَهُ فَوَجَبَ إيصَالُ الْمَاءِ بِيَقِينٍ إلَى مَا سَتَرَ الْخَاتَمَ مِنْ الْأُصْبُعِ، وَأَمَّا الْمَرَافِقُ فَإِنَّ " إلَى " فِي لُغَةِ الْعَرَبِ الَّتِي بِهَا نَزَلَ الْقُرْآنُ تَقَعُ عَلَى مَعْنَيَيْنِ، تَكُونُ بِمَعْنَى الْغَايَةِ، وَتَكُونُ بِمَعْنَى مَعَ، قَالَ اللَّهُ تَعَالَى: {وَلا تَأْكُلُوا أَمْوَالَهُمْ إِلَى أَمْوَالِكُمْ} [النساء: ٢] بِمَعْنَى مَعَ أَمْوَالِكُمْ، فَلَمَّا كَانَتْ تَقَعُ " إلَى " عَلَى هَذَيْنِ الْمَعْنَيَيْنِ وُقُوعًا صَحِيحًا مُسْتَوِيًا، لَمْ يَجُزْ أَنْ يَقْتَصِرَ بِهَا عَلَى أَحَدِهِمَا دُونَ الْآخَرِ، فَيَكُونُ ذَلِكَ تَخْصِيصًا لِمَا تَقَعُ عَلَيْهِ بِلَا بُرْهَانٍ، فَوَجَبَ أَنْ يُجْزِئَ غَسْلُ الذِّرَاعَيْنِ إلَى أَوَّلِ الْمِرْفَقَيْنِ بِأَحَدِ الْمَعْنَيَيْنِ، فَيُجْزِئُ، فَإِنْ غَسَلَ الْمَرَافِقَ فَلَا بَأْسَ أَيْضًا.

وَأَمَّا قَوْلُنَا فِي مَسْحِ الرَّأْسِ فَإِنَّ النَّاسَ اخْتَلَفُوا، فَقَالَ مَالِكٌ بِعُمُومِ مَسْحِ الرَّأْسِ فِي الْوُضُوءِ. وَقَالَ أَبُو حَنِيفَةَ يَمْسَحُ مِنْ الرَّأْسِ فَرْضًا مِقْدَارَ ثَلَاثِ أَصَابِعَ، وَذُكِرَ عَنْهُ

Ḥanīfah held that one must wipe, as an obligation, an amount equivalent to three fingers' breadth on the head. It was mentioned from him that he defined the obligatory portion of the head to be wiped as a quarter of the head, maintaining that if one wipes his head with two fingers or one finger, it does not suffice. But if he wipes with three fingers' breadth, it suffices.

تَحْدِيدُ الْفَرْضِ مِمَّا يُمْسَحُ مِنَ الرَّأْسِ بِأَنَّهُ رُبْعُ الرَّأْسِ، وَإِنَّهُ إِنْ مَسَحَ رَأْسَهُ بِأُصْبُعَيْنِ أَوْ بِأُصْبُعٍ لَمْ يُجْزِهِ ذَلِكَ، فَإِنْ مَسَحَ بِثَلَاثِ أَصَابِعَ أَجْزَأَهُ.

L3698 Sufyan al-Thawri said: Wiping part of the head suffices, even a single hair. It suffices to wipe it with a finger or part of a finger. The followers of al-Shafi'i set the limit for what suffices in wiping the head as two hairs, and similarly with a finger or part of a finger. What al-Shafi'i most favored was complete coverage by wiping three times.

وَقَالَ سُفْيَانُ الثَّوْرِيُّ: يُجْزِئُ مِنَ الرَّأْسِ مَسْحُ بَعْضِهِ وَلَوْ شَعْرَةً وَاحِدَةً، وَيُجْزِئُ مَسْحُهُ بِأُصْبُعٍ وَبِبَعْضِ أُصْبُعٍ، وَحَدَّ أَصْحَابُ الشَّافِعِيِّ مَا يُجْزِئُ مِنْ مَسْحِ الرَّأْسِ بِشَعْرَتَيْنِ، وَيُجْزِئُ بِأُصْبُعٍ وَبِبَعْضِ أُصْبُعٍ، وَأَحَبُّ ذَلِكَ إِلَى الشَّافِعِيِّ الْعُمُومُ بِثَلَاثِ مَرَّاتٍ.

L3699–3701 Ahmad ibn Hanbal said: It is sufficient for the woman to wipe over the front part of her head. Al-Awza'i and al-Layth said: Wiping over the front part of the head alone suffices, and similarly wiping part of it suffices. Dawud said: What suffices for this is whatever falls under the legal definition of wiping.

وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ: يُجْزِئُ الْمَرْأَةُ أَنْ تَمْسَحَ بِمُقَدَّمِ رَأْسِهَا، وَقَالَ الْأَوْزَاعِيُّ وَاللَّيْثُ: يُجْزِئُ مَسْحُ مُقَدَّمِ الرَّأْسِ فَقَطْ وَمَسْحُ بَعْضِهِ كَذَلِكَ، وَقَالَ دَاوُد: يُجْزِئُ مِنْ ذَلِكَ مَا وَقَعَ عَلَيْهِ اسْمُ مَسْحٍ.

L3702 Similarly, regarding what he wiped—whether a finger's breadth, less, or more—he [the scholar] prefers the general practice of three times, and this is the correct view. As for restricting oneself to part of the head, Allah the Exalted says: "And wipe over your heads" (5:6). The wiping in the language in which the Quran was revealed is clearly distinct from washing, for washing requires full coverage whereas wiping does not. Hammam ibn Ahmad narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Abdullah ibn Ahmad ibn Hanbal narrated to us: My father narrated to us: Yahya ibn Sa'id al-Qattan narrated to us: al-Taymi, who is Sulayman—narrated from Bakr ibn Abdullah al-Muzani, from al-Hasan, the Basran, from Ibn al-Mughirah ibn Shu'bah, who is Hamzah—from his father: "The Messenger of Allah (peace be upon him) performed ablution, wiped his forelock, and wiped over his leather socks and turban." Abdullah ibn Rabi' narrated to us: Muhammad ibn Ishaq narrated to us: Ibn al-A'rabi narrated to us: Abu Dawud narrated to us: Musaddad narrated from al-Mu'tamir ibn Sulayman al-Taymi, who said: I heard my father narrating from Bakr ibn Abdullah al-Muzani, from al-Hasan, from Ibn al-Mughirah

وَكَذَلِكَ بِمَا مَسَحَ مِنْ أُصْبُعٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ وَأَحَبُّ إِلَيْهِ الْعُمُومُ ثَلَاثًا، وَهَذَا هُوَ الصَّحِيحُ، وَأَمَّا الِاقْتِصَارُ عَلَى بَعْضِ الرَّأْسِ فَإِنَّ اللَّهَ تَعَالَى يَقُولُ: {وَامْسَحُوا بِرُءُوسِكُمْ} [المائدة: ٦] وَالْمَسْحُ فِي اللُّغَةِ الَّتِي نَزَلَ بِهَا الْقُرْآنُ هُوَ غَيْرُ الْغُسْلِ بِلَا خِلَافٍ، وَالْغُسْلُ يَقْتَضِي الِاسْتِيعَابَ وَالْمَسْحُ لَا يَقْتَضِيهِ حَدَّثَنَا حُمَامُ بْنُ أَحْمَدَ ثنا عَبَّاسُ بْنُ أَصْبَغَ حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا التَّيْمِيُّ هُوَ سُلَيْمَانُ - عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ عَنِ الْحَسَنِ هُوَ الْبَصْرِيُّ - عَنِ ابْنِ الْمُغِيرَةِ بْنِ شُعْبَةَ هُوَ حَمْزَةُ - عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ فَمَسَحَ بِنَاصِيَتِهِ وَمَسَحَ عَلَى الْخُفَّيْنِ وَالْعِمَامَةِ» حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ حَدَّثَنَا أَبُو دَاوُد ثنا مُسَدَّدٌ عَنِ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ

ibn Shu’bah, from his father: “The Messenger of Allah (peace be upon him) used to wipe over his leather socks, his forelock, and his turban.” Bakr said: I indeed heard this from Ibn al-Mughirah.[19][20]

قَالَ: سَمِعْتُ أَبِي يُحَدِّثُ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ عَنْ الْحَسَنِ عَنْ ابْنِ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَمْسَحُ عَلَى الْخُفَّيْنِ وَعَلَى نَاصِيَتِهِ وَعَلَى عِمَامَتِهِ» قَالَ بَكْرٌ: وَقَدْ سَمِعْتُهُ مِنْ ابْنِ الْمُغِيرَةِ.

L3703 And among those who held this view is a group of the Salaf.

وَمِمَّنْ قَالَ بِهَذَا جَمَاعَةٌ مِنْ السَّلَفِ.

L3704 It was narrated to us from Ma’mar, from Ayyub al-Sikhtiyani, from Nafi’, from Ibn Umar: That he would insert his hand into the ablution water and wipe with it a single wipe on the crown of his head only.

رُوِّينَا عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يُدْخِلُ يَدَهُ فِي الْوُضُوءِ فَيَمْسَحُ بِهِ مَسْحَةً وَاحِدَةً الْيَافُوخَ فَقَطْ.

L3705 We have also narrated it through the chain of ‘Ubayd Allāh ibn ‘Umar from Nāfi‘ from Ibn ‘Umar. And from Ḥammād ibn Salamah from Hishām ibn ‘Urwah from Fāṭimah bint al-Mundhir ibn al-Zubayr: that she would wipe her right cheek with her right hand and her left cheek with her left hand from under the veil. This Fāṭimah met her grandmother Asmā’ bint Abī Bakr—may Allāh be pleased with her—and narrated from her.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ. وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ بْنِ الزُّبَيْرِ: إنَّهَا كَانَتْ تَمْسَحُ عَارِضَهَا الْأَيْمَنَ بِيَدِهَا الْيُمْنَى، وَعَارِضَهَا الْأَيْسَرَ بِيَدِهَا الْيُسْرَى مِنْ تَحْتِ الْخِمَارِ وَفَاطِمَةُ هَذِهِ أَدْرَكَتْ جَدَّتَهَا أَسْمَاءَ بِنْتَ أَبِي بَكْرٍ - رَضِيَ اللَّهُ عَنْهَا - وَرَوَتْ عَنْهَا.

L3706–3707 From Waki‘ from Qays from Abu Hashim from al-Nakha‘i, who said: If he wipes this (meaning the front of his head and his temples), it suffices him (meaning in ablution). And from Waki‘ from Isma‘il al-Azraq from al-Sha‘bi, who said: If he wipes the side of his head, it suffices him. It was also narrated from ‘Ata’, Safiyya bint Abi ‘Ubayd, ‘Ikrimah, al-Hasan, Abi al-‘Aliya, ‘Abd al-Rahman ibn Abi Layla, and others.

وَعَنْ وَكِيعٍ عَنْ قَيْسٍ عَنْ أَبِي هَاشِمٍ عَنْ النَّخَعِيِّ قَالَ: إنْ أَصَابَ هَذَا - يَعْنِي مُقَدَّمَ رَأْسِهِ وَصُدْغَيْهِ - أَجْزَأَهُ - يَعْنِي فِي الْوُضُوءِ - وَعَنْ وَكِيعٍ عَنْ إسْمَاعِيلَ الْأَزْرَقِ عَنْ الشَّعْبِيِّ قَالَ: إنْ مَسَحَ جَانِبَ رَأْسِهِ أَجْزَأَهُ وَرُوِيَ أَيْضًا عَنْ عَطَاءٍ وَصَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ وَعِكْرِمَةَ وَالْحَسَنِ وَأَبِي الْعَالِيَةِ وَعَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى وَغَيْرِهِمْ.

L3708 Abu Muhammad said: No disagreement is known from any of the Companions—may Allah be pleased with them—regarding what we have narrated from Ibn Umar concerning that matter. Nor is there any proof for those who oppose us concerning those from whom it is narrated among the Companions and others that they wiped their entire head, for we do not deny that; rather, we deem it preferable. We merely demand that they identify someone

قَالَ أَبُو مُحَمَّدٍ: وَلَا يُعْرَفُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - خِلَافٌ لِمَا رُوِّينَاهُ عَنْ ابْنِ عُمَرَ فِي ذَلِكَ، وَلَا حُجَّةَ لِمَنْ خَالَفَنَا فِيمَنْ رَوَى عَنْهُ مِنْ الصَّحَابَةِ وَغَيْرِهِمْ مَسْحَ جَمِيعِ رَأْسِهِ؛ لِأَنَّنَا لَا نُنْكِرُ ذَلِكَ بَلْ نَسْتَحِبُّهُ، وَإِنَّمَا نُطَالِبُهُمْ بِمَنْ أَنْكَرَ الِاقْتِصَارَ عَلَى بَعْضِ الرَّأْسِ فِي الْوُضُوءِ فَلَا يَجِدُونَهُ.

[19] **Hadith references (L3702):** Sunan Abi Dawud 150.
[20] **Qur’an references (L3702):** Qur’an 5:6 (Al-Ma’idah).

who rejected limiting the wiping to part of the head in ablution, but they cannot find such a person.

قَالَ عَلِيٌّ: وَمَنْ خَالَفَنَا فِي هَذَا فَإِنَّهُمْ يَتَنَاقَضُونَ، فَيَقُولُونَ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ: إِنَّهُ خُطُوطٌ لَا يَعُمُّ الْخُفَّيْنِ، فَمَا الْفَرْقُ بَيْنَ مَسْحِ الْخُفَّيْنِ وَمَسْحِ الرَّأْسِ؟ وَأُخْرَى وَهِيَ أَنْ يُقَالَ لَهُمْ: إِنْ كَانَ الْمَسْحُ عِنْدَكُمْ يَقْتَضِي الْعُمُومَ فَهُوَ وَالْغُسْلُ سَوَاءٌ، وَمَا الْفَرْقُ بَيْنَهُ وَبَيْنَ الْغُسْلِ؟ وَإِنْ كَانَ كَذَلِكَ فَلِمَ تُنْكِرُونَ مَسْحَ الرِّجْلَيْنِ فِي الْوُضُوءِ وَتَأْبَوْنَ إِلَّا غُسْلَهُمَا إِنْ كَانَ كِلَاهُمَا يَقْتَضِي الْعُمُومَ؟ وَأَيْضًا فَإِنَّكُمْ لَا تَخْتَلِفُونَ فِي أَنَّ غُسْلَ الْجَنَابَةِ يَلْزَمُ تَقَصِّي الرَّأْسِ بِالْمَاءِ، وَأَنَّ ذَلِكَ لَا يَلْزَمُ فِي الْوُضُوءِ، فَقَدْ أَقْرَرْتُمْ بِأَنَّ الْمَسْحَ بِالرَّأْسِ خِلَافُ الْغُسْلِ، وَلَيْسَ هُنَا فَرْقٌ إِلَّا أَنَّ الْمَسْحَ لَا يَقْتَضِي الْعُمُومَ فَقَطْ، وَهَذَا تَرْكٌ لِقَوْلِكُمْ.

L3709 Ali said: Those who oppose us in this matter contradict themselves. They say regarding wiping over leather socks that it involves lines and does not cover the entire surface. What then differentiates wiping leather socks from wiping the head? Another point is to say to them: If wiping in your view necessitates full coverage, it would be equivalent to ghusl. What distinction then remains between wiping and ghusl? If this is so, why do you reject wiping the feet in wudu and insist on washing them when both actions supposedly require full coverage? Moreover, you do not disagree that ghusl for major impurity requires thorough wetting of the head with water, while this is not required in wudu. Thus you have acknowledged that wiping the head differs from ghusl. The distinction lies solely in the fact that wiping does not require full coverage, yet this constitutes an abandonment of your own claim.

وَأَيْضًا فَمَا تَقُولُونَ فِيمَنْ تَرَكَ بَعْضَ شَعْرَةٍ وَاحِدَةٍ فِي الْوُضُوءِ فَلَمْ يَمْسَحْ عَلَيْهَا؟ فَمِنْ قَوْلِهِمْ: إِنَّهُ يُجْزِيهِ، وَهَذَا تَرْكٌ مِنْهُمْ لِقَوْلِهِمْ.

L3710 And also, what do you say regarding one who leaves a portion of a single hair un-wiped while performing ablution? They claim it suffices for him, yet this constitutes an abandonment of their own stated position.

فَإِنْ قَالُوا: إِنَّمَا نَقُولُ بِالْأَغْلَبِ، قِيلَ لَهُمْ: فَتَرْكُ شَعْرَتَيْنِ أَوْ ثَلَاثًا؟ وَهَكَذَا أَبَدًا، فَإِنْ حَدُّوا حَدًّا قَالُوا بِبَاطِلٍ لَا دَلِيلَ عَلَيْهِ، وَإِنْ تَمَادَوْا صَارُوا إِلَى قَوْلِنَا، وَهُوَ الْحَقُّ.

L3711 If they say, “We only adhere to the majority opinion,” say to them: “Then leaving just two or three hairs?” And so on indefinitely. If they stipulate a specific number, they have asserted a baseless position without evidence, and if they persist, they will arrive at our position, which is the truth.

فَإِنْ قَالُوا: مَنْ عَمَّ رَأْسَهُ فَقَدْ صَحَّ أَنَّهُ تَوَضَّأَ، وَمَنْ لَمْ يَعُمَّهُ فَلَمْ يَتَّفِقْ عَلَى أَنَّهُ تَوَضَّأَ قُلْنَا لَهُمْ فَأَوْجِبُوا بِهَذَا الدَّلِيلِ نَفْسِهِ الِاسْتِنْشَاقَ فَرْضًا وَالتَّرْتِيبَ فَرْضًا، وَغَيْرَ ذَلِكَ مِمَّا فِيهِ تَرْكٌ لِجُمْهُورِ مَذْهَبِهِمْ.

L3712 If they say: “Whoever thoroughly wipes his entire head has validly performed ablution, but there is no consensus that one who does not wipe it entirely has performed ablution,” we would reply: “Then by this very evidence, you must deem nasal rinsing obligatory, the sequence obligatory, and other matters that disregard the majority opinion of their school.”

إِنْ قَالُوا: مَسْحُهُ - عَلَيْهِ السَّلَامُ - مَعَ نَاصِيَتِهِ عَلَى عِمَامَتِهِ يَدُلُّ عَلَى الْعُمُومِ، قُلْنَا: هَذَا أَعْجَبُ شَيْءٍ لِأَنَّكُمْ لَا تُجِيزُونَ ذَلِكَ مِنْ فِعْلِ مَنْ فَعَلَهُ، فَكَيْفَ تَحْتَجُّونَ بِمَا لَا يَجُوزُ

L3713 If they say: His wiping – peace be upon him – on his turban along with his forelock indicates generality, we respond: This is the most perplexing thing, for you do not permit such an act by one who performs it. How then

عِنْدَكُمْ وَأَيْضًا فَمَنْ لَكُمْ بِأَنَّهُ فِعْلٌ وَاحِدٌ؟ بَلْ هُمَا فِعْلَانِ مُتَغَايِرَانِ عَلَى ظَاهِرِ الْأَخْبَارِ فِي ذَلِكَ.

L3714–3715 وَأَمَّا تَخْصِيصُ أَبِي حَنِيفَةَ لِرُبْعِ الرَّأْسِ أَوْ لِمِقْدَارِ ثَلَاثَةِ أَصَابِعَ فَفَاسِدٌ، لِأَنَّهُ قَوْلٌ لَا دَلِيلَ عَلَيْهِ، فَإِنْ قَالُوا: هُوَ مِقْدَارُ النَّاصِيَةِ، قُلْنَا لَهُمْ: وَمَنْ لَكُمْ بِأَنَّ هَذَا هُوَ مِقْدَارُ النَّاصِيَةِ؟ وَالْأَصَابِعُ تَخْتَلِفُ، وَتَحْدِيدُ رُبْعِ الرَّأْسِ يَحْتَاجُ إِلَى تَكْسِيرٍ وَمِسَاحَةٍ وَهَذَا بَاطِلٌ، وَكَذَلِكَ قَوْلُهُمْ فِي مَنْعِ الْمَسْحِ بِأُصْبُعٍ أَوْ بِأُصْبُعَيْنِ.

L3716 فَإِنْ قَالُوا: إِنَّمَا أَرَدْنَا أَكْثَرَ الْيَدِ، قُلْنَا لَهُمْ: أَنْتُمْ لَا تُوجِبُونَ الْمَسْحَ بِالْيَدِ فَرْضًا، بَلْ تَقُولُونَ إِنَّهُ لَوْ وَقَفَ تَحْتَ مِيزَابٍ فَمَسَّ الْمَاءُ مِنْهُ مِقْدَارَ رُبْعِ رَأْسِهِ أَجْزَأَهُ، فَظَهَرَ فَسَادُ قَوْلِهِمْ.

L3717 وَيُسْأَلُونَ أَيْضًا عَنْ قَوْلِهِمْ بِأَكْثَرِ الْيَدِ؟ فَإِنَّهُمْ لَا يَجِدُونَ دَلِيلًا عَلَى تَصْحِيحِهِ، وَكَذَلِكَ يُسْأَلُونَ عَنْ اقْتِصَارِهِمْ عَلَى مِقْدَارِ النَّاصِيَةِ؟ فَإِنْ قَالُوا: اتِّبَاعًا لِلْخَبَرِ فِي ذَلِكَ، قِيلَ لَهُمْ: فَلِمَ تَعَدَّيْتُمُ النَّاصِيَةَ إِلَى مُؤَخَّرِ الرَّأْسِ؟ وَمَا الْفَرْقُ بَيْنَ تَعَدِّيكُمُ النَّاصِيَةَ إِلَى غَيْرِهَا وَبَيْنَ تَعَدِّي مِقْدَارِهَا إِلَى غَيْرِ مِقْدَارِهَا؟ وَأَمَّا قَوْلُ الشَّافِعِيِّ فَإِنَّ النَّصَّ لَمْ يَأْتِ بِمَسْحِ الشَّعْرِ فَيَكُونُ مَا قَالَ مِنْ مُرَاعَاةِ عَدَدِ الشَّعْرِ، وَإِنَّمَا جَاءَ الْقُرْآنُ بِمَسْحِ الرَّأْسِ، فَوَجَبَ أَنْ لَا يُرَاعَى إِلَّا مَا يُسَمَّى مَسْحَ الرَّأْسِ فَقَطْ، وَالْخَبَرُ الَّذِي ذَكَرْنَا عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ هُوَ بَعْضُ مَا جَاءَ بِهِ الْقُرْآنُ فَالْآيَةُ أَعَمُّ مِنْ ذَلِكَ الْخَبَرِ، وَلَيْسَ فِي الْخَبَرِ مَنْعٌ مِنْ اسْتِعْمَالِ الْآيَةِ، وَلَا دَلِيلَ عَلَى الِاقْتِصَارِ عَلَى النَّاصِيَةِ فَقَطْ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

can you cite as evidence what you deem impermissible? Furthermore, what proof do you have that this was a single act? Rather, these are two distinct acts according to the apparent meaning of the narrations on this matter.

L3714–3715 As for Abū Ḥanīfah's restriction to a quarter of the head or three fingers' breadth, this is corrupt because it is an opinion without proof. If they argue: "This is the measure of the forelock," we respond: What evidence do you have that this is the measure of the forelock? Fingers differ in size, and defining a quarter of the head would require dividing and measurement—which is invalid. Similarly baseless is their prohibition of wiping with one finger or two fingers.

L3716 If they say, "We only meant most of the hand," we respond to them: "You do not consider wiping with the hand obligatory; rather, you claim that if one were to stand under a drainpipe and water from it touches him an amount equivalent to a quarter of his head, it would suffice him." Thus, the invalidity of their statement is evident.

L3717 They are also questioned about their assertion concerning "most of the hand," for they find no evidence to substantiate it. Similarly, they are questioned about restricting themselves to the measure of the forelock. If they respond: "In adherence to the tradition concerning that," it is said to them: "Then why did you extend beyond the forelock to the back of the head? What distinguishes your extension of the forelock's area to other parts from exceeding its prescribed measure?" As for Al-Shafi'i's statement, the textual source did not prescribe wiping the hair, thus his consideration of the number of hairs is baseless. The Quran prescribed wiping the head, obligating adherence only to what constitutes "wiping the head." The Prophetic tradition we mentioned regarding this is part of what the Quran encompasses. The Quranic verse is more comprehensive than the aforementioned tradition, which neither prohibits applying the verse nor provides evidence for restricting wiping to the forelock alone. And success is from Allah, the Most High.

L3718 **The issue of wiping the two ears.**

[مَسْأَلَةُ مَسْحُ الْأُذُنَيْنِ]

L3719 ١٩٩ - مَسْأَلَةٌ: وَأَمَّا مَسْحُ الْأُذُنَيْنِ فَلَيْسَا فَرْضًا، وَلَا هُمَا مِنَ الرَّأْسِ لِأَنَّ الْآثَارَ فِي ذَلِكَ وَاهِيَةٌ كُلُّهَا، قَدْ ذَكَرْنَا فَسَادَهَا فِي غَيْرِ هَذَا الْمَكَانِ، وَلَا يَخْتَلِفُ أَحَدٌ فِي أَنَّ الْبَيَاضَ الَّذِي بَيْنَ مَنَابِتِ الشَّعْرِ مِنَ الرَّأْسِ وَبَيْنَ الْأُذُنَيْنِ لَيْسَ هُوَ مِنَ الرَّأْسِ فِي حُكْمِ الْوُضُوءِ، فَمِنَ الْمُحَالِ أَنْ يَكُونَ يَحُولُ بَيْنَ أَجْزَاءِ رَأْسِ الْحَيِّ عُضْوٌ لَيْسَ مِنَ الرَّأْسِ، وَأَنْ يَكُونَ بَعْضُ رَأْسِ الْحَيِّ مُبَايِنًا لِسَائِرِ رَأْسِهِ، وَأَيْضًا فَلَوْ كَانَ الْأُذُنَانِ مِنَ الرَّأْسِ لَوَجَبَ حَلْقُ شَعْرِهِمَا فِي الْحَجِّ، وَهُمْ لَا يَقُولُونَ هَذَا.

L3719 Issue 199: As for wiping the ears, it is not an obligation, nor are they considered part of the head, because all the narrations concerning this are weak. We have previously demonstrated their invalidity elsewhere. No one disputes that the white area between the hair roots of the head and the ears is not part of the head in the rulings of ablution. It is impossible for an organ not belonging to the head to separate portions of a person's head, or for part of a person's head to be distinct from the rest. Furthermore, if the ears were part of the head, shaving their hair during Hajj would be obligatory, yet the scholars do not uphold this position.

L3720 وَقَدْ ذَكَرْنَا الْبُرْهَانَ عَلَى صِحَّةِ الِاقْتِصَارِ عَلَى بَعْضِ الرَّأْسِ فِي الْوُضُوءِ، فَلَوْ كَانَ الْأُذُنَانِ مِنَ الرَّأْسِ لَأَجْزَأَ أَنْ يُمْسَحَا عَنْ مَسْحِ الرَّأْسِ. وَهَذَا لَا يَقُولُهُ أَحَدٌ، وَيُقَالُ لَهُمْ: إِنْ كَانَتَا مِنَ الرَّأْسِ فَمَا بَالُكُمْ تَأْخُذُونَ لَهُمَا مَاءً جَدِيدًا وَهُمَا بَعْضُ الرَّأْسِ؟ وَأَيْنَ رَأَيْتُمْ عُضْوًا يُجَدَّدُ لِبَعْضِهِ مَاءٌ غَيْرَ الْمَاءِ الَّذِي مَسَحَ بِهِ سَائِرَهُ. ثُمَّ لَوْ صَحَّ الْأَثَرُ أَنَّهُمَا مِنَ الرَّأْسِ لَمَا كَانَ عَلَيْنَا فِي ذَلِكَ نَقْضٌ لِشَيْءٍ مِنْ أَقْوَالِنَا. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3720 We have mentioned the proof for the validity of restricting ablution to part of the head. If the ears were part of the head, wiping them would suffice through the head's wiping. Yet no one holds this view. It is said to them: If they are part of the head, why do you take new water for them when they are a portion of the head? Where have you seen a body part requiring fresh water for one of its sections, separate from the water used for its remaining parts? Moreover, even if a valid textual precedent affirmed their inclusion in the head, this would not invalidate any of our positions. With Allah the Exalted alone lies all enablement to correctness.

[مَسْأَلَةُ الرِّجْلَانِ فِي الْوُضُوءِ]

L3721–3722 ## The Issue of the Two Feet in Wuḍū'

L3723 مَسْأَلَةٌ: وَأَمَّا قَوْلُنَا فِي الرِّجْلَيْنِ فَإِنَّ الْقُرْآنَ نَزَلَ بِالْمَسْحِ. قَالَ اللَّهُ تَعَالَى: {وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ} [المائدة: ٦] وَسَوَاءٌ قُرِئَ بِخَفْضِ اللَّامِ أَوْ بِفَتْحِهَا هِيَ عَلَى كُلِّ حَالٍ عَطْفٌ عَلَى الرُّءُوسِ: إِمَّا عَلَى اللَّفْظِ وَإِمَّا عَلَى الْمَوْضِعِ، لَا يَجُوزُ غَيْرُ ذَلِكَ. لِأَنَّهُ لَا يَجُوزُ أَنْ يُحَالَ بَيْنَ الْمَعْطُوفِ وَالْمَعْطُوفِ عَلَيْهِ بِقَضِيَّةٍ مُبْتَدَأَةٍ.

L3723 Issue: As for our statement concerning the feet, the Qur'an was revealed with wiping. Allah the Exalted said: "And wipe your heads and your feet" [Al-Mā'idah: 6]. Whether recited with the lām in the genitive case or the accusative, it is in all cases conjoined to "the heads" – either in wording or in position. No alternative interpretation is permissible, for it is invalid to interpose an extraneous interpolation between the conjoined element and the element to which it is conjoined.[21]

[21] **Qur'an references (L3723):** Qur'an 5:6 (Al-Ma'idah).

وَهَكَذَا جَاءَ عَنْ ابْنِ عَبَّاسٍ: نَزَلَ الْقُرْآنُ بِالْمَسْحِ - يَعْنِي فِي الرِّجْلَيْنِ فِي الْوُضُوءِ - وَقَدْ قَالَ بِالْمَسْحِ عَلَى الرِّجْلَيْنِ جَمَاعَةٌ مِنْ السَّلَفِ، مِنْهُمْ عَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ عَبَّاسٍ وَالْحَسَنُ وَعِكْرِمَةُ وَالشَّعْبِيُّ وَجَمَاعَةٌ غَيْرُهُمْ، وَهُوَ قَوْلُ الطَّبَرِيِّ، وَرُوِيَتْ فِي ذَلِكَ آثَارٌ.

L3724 Similarly, it has been reported from Ibn Abbas that the Quran was revealed with the ruling of wiping—meaning wiping the feet during ablution. A group of the Salaf held the opinion of wiping over the feet, among them Ali ibn Abi Talib, Ibn Abbas, al-Hasan, Ikrimah, al-Shaʿbi, and others besides them. This is the view of al-Tabari, and narrations (*athar*) have been reported regarding this matter.

مِنْهَا أَثَرٌ مِنْ طَرِيقِ هَمَّامٍ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ ثنا عَلِيُّ بْنُ يَحْيَى بْنُ خَلَّادٍ عَنْ أَبِيهِ عَنْ عَمِّهِ - هُوَ رِفَاعَةُ بْنُ رَافِعٍ - أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: إِنَّهَا «لَا تَجُوزُ صَلَاةُ أَحَدِكُمْ حَتَّى يُسْبِغَ الْوُضُوءَ كَمَا أَمَرَهُ اللَّهُ عَزَّ وَجَلَّ ثُمَّ يَغْسِلَ وَجْهَهُ وَيَدَيْهِ إِلَى الْمِرْفَقَيْنِ وَيَمْسَحَ رَأْسَهُ وَرِجْلَيْهِ إِلَى الْكَعْبَيْنِ» . وَعَنْ إِسْحَاقَ بْنِ رَاهْوَيْهِ ثنا عِيسَى بْنُ يُونُسَ عَنْ الْأَعْمَشِ عَنْ عَبْدِ خَيْرٍ عَنْ عَلِيٍّ " كُنْتُ أَرَى بَاطِنَ الْقَدَمَيْنِ أَحَقَّ بِالْمَسْحِ حَتَّى رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْسَحُ ظَاهِرَهُمَا ".

L3725 Among them is a narration through the chain of Hammām from Isḥāq ibn ʿAbd Allāh ibn Abī Ṭalḥah: ʿAlī ibn Yaḥyā ibn Khallād narrated to us from his father from his uncle—Rifāʿa ibn Rāfiʿ—that he heard the Messenger of Allah, peace and blessings be upon him, say: "The prayer of any of you will not be accepted until he performs ablution thoroughly as Allah, the Mighty and Majestic, has commanded him—then he washes his face and his hands up to the elbows, wipes his head, and he wipes his feet up to the ankles." From Isḥāq ibn Rāhawayh: ʿĪsā ibn Yūnus narrated to us from al-Aʿmash from ʿAbd Khayr from ʿAlī: "I used to consider the soles of the feet more deserving of wiping until I saw the Messenger of Allah, peace and blessings be upon him, wiping the tops of them."

قَالَ عَلِيُّ بْنُ أَحْمَدَ: وَإِنَّمَا قُلْنَا بِالْغُسْلِ فِيهِمَا لِمَا حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ ثنا أَبُو عَوَانَةَ، عَنْ أَبِي بِشْرٍ عَنْ يُوسُفَ بْنِ مَاهَكَ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ قَالَ «تَخَلَّفَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سَفَرٍ فَأَدْرَكَنَا وَقَدْ أَرْهَقَنَا الْعَصْرُ، فَجَعَلْنَا نَتَوَضَّأُ وَنَمْسَحُ عَلَى أَرْجُلِنَا، فَنَادَى بِأَعْلَى صَوْتِهِ وَيْلٌ لِلْأَعْقَابِ مِنْ النَّارِ، مَرَّتَيْنِ أَوْ ثَلَاثًا» .

L3726 Ali ibn Ahmad said: We ruled in favor of the obligation of ghusl in both cases based on what Abd al-Rahman ibn Abdullah narrated to us - from Ibrahim ibn Ahmad, from al-Farbari, from al-Bukhari, from Musaddad, from Abu Awanah, from Abu Bishr, from Yusuf ibn Mahak, from Abdullah ibn Amr ibn al-As, who said: "The Prophet - peace and blessings be upon him - stayed behind during a journey and joined us when the time for Asr prayer was becoming late. We began performing ablution while wiping our feet. He called out in his loudest voice: 'Woe to the heels from the Fire!' repeating it twice or three times."

كَتَبَ إِلَيَّ سَالِمُ بْنُ أَحْمَدَ قَالَ: ثنا عَبْدُ اللَّهِ بْنُ سَعِيدٍ الشَّنْتَجَالِيُّ ثنا عُمَرُ بْنُ مُحَمَّدٍ السِّجِسْتَانِيُّ ثنا مُحَمَّدُ بْنُ عِيسَى الْجُلُودِيُّ ثنا إِبْرَاهِيمُ بْنُ مُحَمَّدِ بْنِ سُفْيَانَ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا إِسْحَاقُ بْنُ رَاهْوَيْهِ ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ مَنْصُورٍ هُوَ ابْنُ الْمُعْتَمِرِ - عَنْ هِلَالِ بْنِ

L3727–3729 Salim ibn Aḥmad wrote to me, saying: 'Abdullāh ibn Saʿīd al-Shantajālī narrated to us, 'Umar ibn Muḥammad al-Sijistānī narrated to us.' Narrated by Muḥammad ibn ʿĪsā al-Julūdī, narrated by Ibrāhīm ibn Muḥammad ibn Sufyān, narrated by Muslim ibn al-Ḥajjāj, narrated by Isḥāq ibn Rāhwayh, narrated by Jarīr—who is Ibn ʿAbd al-Ḥamīd—from Manṣūr—who is Ibn al-Muʿtamir—from Hilāl ibn Isāf, from Abī Yaḥyā—who is Muṣaddiʿ al-Aʿraj—

إِسَافٍ عَنْ أَبِي يَحْيَى هُوَ مُصَدِّعُ الْأَعْرَجُ - عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ قَالَ «خَرَجْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ مَكَّةَ إِلَى الْمَدِينَةِ حَتَّى إِذَا كُنَّا بِمَاءٍ بِالطَّرِيقِ تَعَجَّلَ قَوْمٌ عِنْدَ الْعَصْرِ، فَتَوَضَّئُوا وَهُمْ عِجَالٌ، فَانْتَهَيْنَا إِلَيْهِمْ وَأَعْقَابُهُمْ تَلُوحُ لَمْ يَمَسَّهَا الْمَاءُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: وَيْلٌ لِلْأَعْقَابِ مِنْ النَّارِ، أَسْبِغُوا الْوُضُوءَ» فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِإِسْبَاغِ الْوُضُوءِ فِي الرِّجْلَيْنِ، وَتَوَعَّدَ بِالنَّارِ عَلَى تَرْكِ الْأَعْقَابِ. فَكَانَ هَذَا الْخَبَرُ زَائِدًا عَلَى مَا فِي الْآيَةِ، وَعَلَى الْأَخْبَارِ الَّتِي ذَكَرْنَا، وَنَاسِخًا لِمَا فِيهَا، وَلِمَا فِي الْآيَةِ وَالْأَخْذُ بِالزَّائِدِ وَاجِبٌ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ يَقُولُ بِتَرْكِ الْأَخْبَارِ لِلْقُرْآنِ أَنْ يَتْرُكَ هَذَا الْخَبَرَ لِلْآيَةِ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ يَتْرُكُ الْأَخْبَارَ الصِّحَاحَ لِلْقِيَاسِ أَنْ يَتْرُكَ هَذَا الْخَبَرَ: لِأَنَّا وَجَدْنَا الرِّجْلَيْنِ يَسْقُطُ حُكْمُهُمَا فِي التَّيَمُّمِ، كَمَا يَسْقُطُ الرَّأْسُ فَكَانَ حَمْلُهُمَا عَلَى مَا يَسْقُطَانِ بِسُقُوطِهِ وَيُثْبَتَانِ بِثَبَاتِهِ أَوْلَى مِنْ حَمْلِهِمَا عَلَى مَا لَا يُثْبَتَانِ بِثَبَاتِهِ.

وَأَيْضًا فَالرِّجْلَانِ مَذْكُورَانِ مَعَ الرَّأْسِ، فَكَانَ حَمْلُهُمَا عَلَى مَا ذُكِرَا مَعَهُ أَوْلَى مِنْ حَمْلِهِمَا عَلَى مَا لَمْ يُذْكَرَا مَعَهُ.

وَأَيْضًا فَالرَّأْسُ طَرَفٌ وَالرِّجْلَانِ طَرَفٌ، فَكَانَ قِيَاسُ الطَّرَفِ عَلَى الطَّرَفِ أَوْلَى مِنْ قِيَاسِ الطَّرَفِ عَلَى الْوَسَطِ، وَأَيْضًا فَإِنَّهُمْ يَقُولُونَ بِالْمَسْحِ عَلَى الْخُفَّيْنِ، فَكَانَ تَعْوِيضُ الْمَسْحِ مِنْ الْمَسْحِ أَوْلَى مِنْ تَعْوِيضِ الْمَسْحِ مِنْ الْغُسْلِ.

وَأَيْضًا فَإِنَّهُ لَمَّا جَازَ الْمَسْحُ عَلَى سَاتِرٍ لِلرِّجْلَيْنِ وَلَمْ يَجُزْ عَلَى سَاتِرٍ دُونَ الْوَجْهِ وَالذِّرَاعَيْنِ دَلَّ - عَلَى أُصُولِ أَصْحَابِ الْقِيَاسِ - أَنَّ أَمْرَ الرِّجْلَيْنِ أَخَفُّ مِنْ أَمْرِ الْوَجْهِ وَالذِّرَاعَيْنِ، فَإِذْ ذَلِكَ كَذَلِكَ فَلَيْسَ إِلَّا الْمَسْحُ وَلَا بُدَّ.

from ʿAbdullāh ibn ʿAmr ibn al-ʿĀṣ, who said: “We departed with the Messenger of Allah—peace and blessings of Allah be upon him—from Mecca to Medina. When we reached a water source along the path, some people hastened during the time of ʿAṣr. They performed ablution hastily, and when we reached them, their heels were visible, untouched by water. The Messenger of Allah—peace and blessings of Allah be upon him—said: ’Woe to the heels from the Fire! Perform ablution thoroughly.”’ Thus, he—peace and blessings of Allah be upon him—commanded thorough washing of the feet in ablution and warned of the Fire for neglecting the heels. This narration adds to what is in the Quranic verse and the narrations we mentioned earlier, abrogating what is in them and in the Quranic verse. Adhering to this addition is obligatory. Indeed, those who claim that narrations should be abandoned in favor of the Quran would be compelled to abandon this narration due to the verse, just as those who abandon sound narrations for analogy would be compelled to abandon this narration. For we find that the ruling on the feet is waived in tayammum, as is the head. Thus, interpreting them [the feet and head] in accordance with what is waived when they are waived and upheld when they are upheld is more valid than interpreting them contrary to their affirmed status.

L3730 Moreover, the two feet are mentioned along with the head. Therefore, applying them to the context [of the head] they were mentioned with is more appropriate than applying them to what they were not mentioned with.

L3731 Moreover, the head is an extremity, and the feet are extremities. Thus, applying legal analogy between extremities is more valid than analogizing extremities to the middle parts. Additionally, they permit wiping over leather socks. Therefore, substituting wiping (for washing) with another act of wiping is more appropriate than substituting wiping with a full wash.

L3732 Moreover, since it is permissible to wipe over a covering for the feet but impermissible over a covering for the face and arms, this indicates—according to the foundational principles of the proponents of qiyas—that the ruling for the feet is less stringent than that for the face and arms. Therefore, given this, there is no alternative but wiping, which is obligatory.

فَهَذَا أَصَحُّ قِيَاسٍ فِي الْأَرْضِ لَوْ كَانَ الْقِيَاسُ حَقًّا.

وَقَدْ قَالَ بَعْضُهُمْ: قَدْ سَقَطَ حُكْمُ الْجَسَدِ فِي التَّيَمُّمِ وَلَمْ يَدُلَّ ذَلِكَ عَلَى أَنَّ حُكْمَهُ الْمَسْحُ. قَالَ أَبُو مُحَمَّد: فَنَقُولُ صَدَقْتَ وَهَذَا يُبْطِلُ قَوْلَكُمْ بِالْقِيَاسِ، وَيُرِيكُمْ تَفَاسُدَهُ كُلَّهُ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَهَكَذَا كُلُّ مَا رُمْتُمْ الْجَمْعَ بَيْنَهُمَا بِالْقِيَاسِ، لِاجْتِمَاعِهِمَا فِي بَعْضِ الصِّفَاتِ، فَإِنَّهُ لَا بُدَّ فِيهِمَا مِنْ صِفَةٍ يَفْتَرِقَانِ فِيهَا.

قَالَ عَلِيٌّ: وَقَالَ بَعْضُهُمْ: لَمَّا قَالَ اللَّهُ تَعَالَى فِي الرِّجْلَيْنِ {إِلَى الْكَعْبَيْنِ} [المائدة: ٦] كَمَا قَالَ فِي الْأَيْدِي {إِلَى الْمَرَافِقِ} [المائدة: ٦] دَلَّ عَلَى أَنَّ حُكْمَ الرِّجْلَيْنِ حُكْمُ الذِّرَاعَيْنِ، قِيلَ لَهُ: لَيْسَ ذِكْرُ الْمِرْفَقَيْنِ وَالْكَعْبَيْنِ دَلِيلًا عَلَى وُجُوبِ غَسْلِ ذَلِكَ، لِأَنَّهُ تَعَالَى قَدْ ذَكَرَ الْوَجْهَ وَلَمْ يَذْكُرْ فِي مَبْلَغِهِ حَدًّا وَكَانَ حُكْمُهُ الْغَسْلَ، لَكِنْ لَمَّا أَمَرَ اللَّهُ تَعَالَى فِي الذِّرَاعَيْنِ بِالْغُسْلِ كَانَ حُكْمُهُمَا الْغُسْلَ، وَإِذَا لَمْ يَذْكُرْ ذَلِكَ فِي الرِّجْلَيْنِ وَجَبَ أَنْ لَا يَكُونَ حُكْمُهُمَا مَا لَمْ يَذْكُرْ فِيهِمَا إلَّا أَنْ يُوجِبَهُ نَصٌّ آخَرُ قَالَ عَلِيٌّ: وَالْحُكْمُ لِلنُّصُوصِ لَا لِلدَّعَاوَى وَالظُّنُونِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَا لُبِسَ عَلَى الرَّأْسِ مِنْ عِمَامَةٍ أَوْ خِمَارٍ أَجْزَأَ الْمَسْحُ عَلَيْهِ]

٢٠١ - مَسْأَلَةٌ: وَكُلُّ مَا لُبِسَ عَلَى الرَّأْسِ مِنْ عِمَامَةٍ أَوْ خِمَارٍ أَوْ قَلَنْسُوَةٍ أَوْ بَيْضَةٍ أَوْ مِغْفَرٍ أَوْ غَيْرِ ذَلِكَ: أَجْزَأَ الْمَسْحُ عَلَيْهَا، الْمَرْأَةُ وَالرَّجُلُ سَوَاءٌ فِي ذَلِكَ، لِعِلَّةٍ أَوْ غَيْرِ عِلَّةٍ.

L3733 Therefore, this is the soundest analogy on the earth, if analogy were truly legitimate.

L3734–3735 Some of them said: "The ruling concerning the body has been lifted in tayammum, and this does not indicate that its ruling is wiping." Abu Muhammad said: We respond: You are correct—this invalidates your argument based on *qiyas*, exposing its total invalidity. And success is from Allah, the Exalted.

L3736 And likewise, every time you seek to combine the two through juridical analogy due to their sharing of some characteristics, there must necessarily be a characteristic present in both in which they differ.

L3737 Ali said: Some of them stated: When Allah the Exalted specified regarding the feet {up to the ankles} [Al-Ma'idah: 6] just as He specified regarding the hands {up to the elbows} [Al-Ma'idah: 6], this indicated that the ruling concerning the feet corresponds to that concerning the forearms. He was told: Mentioning the elbows and ankles does not constitute proof for the obligation of washing them, for while He the Exalted mentioned the face without defining its limits, its ruling is washing. However, since Allah the Exalted commanded washing for the forearms, their ruling was to wash them. When He did not mention this for the feet, it is obligatory that their ruling not be established unless another explicit text prescribes it. Ali said: The ruling belongs to scriptural texts, not to claims and conjectures. And through Allah the Exalted comes divine success.[22]

L3738 **Issue: That which is worn on the head, such as a turban or a veil—it is sufficient to wipe over it.**

L3739 201 – Issue: Any head covering—such as a turban, headscarf, cap, rounded helmet, mail coif, or the like—suffices for wiping over it. This ruling applies equally to women and men, whether due to a valid excuse or otherwise.

L3740 The proof of that is the hadith of Al-Mughirah which we mentioned earlier:

[22] **Qur'an references (L3737):** Qur'an 5:6 (Al-Ma'idah).

Yaḥyā ibn ʿAbd al-Raḥmān ibn Masʿūd narrated to us, Aḥmad ibn Saʿīd ibn Ḥazm narrated to us, Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us, ʿAbdullāh ibn Aḥmad ibn Ḥanbal narrated to me, Al-Ḥakam ibn Mūsā narrated to me, Bishr ibn Ismāʿīl narrated **to us** from Al-Awzāʿī, Yaḥyā ibn Abī Kathīr narrated to me, Abū Salamah—who is Ibn ʿAbd al-Raḥmān ibn ʿAwf—narrated to me, ʿAmr ibn Umayyah al-Ḍamrī narrated to me: "That he saw the Messenger of Allah (may Allah bless him and grant him peace) wiping over the leather socks and the turban."

بُرْهَانُ ذَلِكَ حَدِيثُ الْمُغِيرَةِ الَّذِي ذَكَرْنَا آنِفًا، حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ حَدَّثَنِي الْحَكَمُ بْنُ مُوسَى ثنا بِشْرُ بْنُ إِسْمَاعِيلَ عَنِ الْأَوْزَاعِيِّ حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ حَدَّثَنِي أَبُو سَلَمَةَ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ - حَدَّثَنِي عَمْرُو بْنُ أُمَيَّةَ الضَّمْرِيُّ «أَنَّهُ رَأَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْسَحُ عَلَى الْخُفَّيْنِ وَالْعِمَامَةِ» .

L3741 It was narrated to us via the chain of al-Bukhārī from Abdan from Abdullāh ibn Dāwūd al-Khuraibī from al-Awzāʿī from Yaḥyā ibn Abī Kathīr from Abū Salamah ibn Abd al-Raḥmān from Jaʿfar ibn Amr ibn Umayyah al-Ḍamrī from his father.

وَرُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ عَبْدَانَ عَنْ عَبْدِ اللَّهِ بْنِ دَاوُد الْخُرَيْبِيِّ عَنِ الْأَوْزَاعِيِّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ جَعْفَرِ بْنِ عَمْرِو بْنِ أُمَيَّةَ الضَّمْرِيِّ عَنْ أَبِيهِ.

L3742–3744 This is a strength for the report because Abū Salama heard it from ʿAmr ibn Umayya al-Ḍamrī. He heard it by direct hearing, and his son likewise heard it from Jaʿfar, from him, just as Bakr ibn ʿAbd Allāh al-Muzanī similarly did, who heard the narration from al-Mughīrah via Ḥamzah ibn al-Mughīrah and also heard it from al-Ḥasan, transmitting from Ḥamzah.

وَهَذَا قُوَّةٌ لِلْخَبَرِ لِأَنَّ أَبَا سَلَمَةَ سَمِعَهُ مِنْ عَمْرِو بْنِ أُمَيَّةَ الضَّمْرِيِّ سَمَاعًا، وَسَمِعَهُ أَيْضًا مِنْ جَعْفَرٍ ابْنِهِ عَنْهُ كَمَا فَعَلَ بَكْرُ بْنُ عَبْدِ اللَّهِ الْمُزَنِيُّ الَّذِي سَمِعَ حَدِيثَ الْمُغِيرَةِ مِنْ حَمْزَةَ بْنِ الْمُغِيرَةِ وَسَمِعَهُ أَيْضًا مِنَ الْحَسَنِ عَنْ حَمْزَةَ.

L3745–3747 And 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: Abu Bakr ibn Abi Shaybah, Abu Kurayb Muhammad ibn al-Ala, and Ishaq ibn Ibrahim (Ibn Rahawayh) narrated to us. Abu Bakr and Abu Kurayb said: Muawiyah narrated to us. Ibn Rahawayh said: Isa ibn Yunus narrated to us. Then both Abu Muawiyah and Isa ibn Yunus concurred in their narration from al-Aʿmash, from al-Hakam ibn Utaybah, from Abd al-Rahman ibn Abi Layla, from Kaʿb ibn Ujrah, from Bilal: "That the Messenger of Allah (peace and blessings be upon him) wiped over his leather socks and head covering." It was also narrated to us through the chain of Abu… Idris al-Khawlānī reported from Bilāl: "He (peace be upon him) wiped over the turban and leather socks." We have also received narrations through the chain of Ayyūb al-Sikhtiyānī from Abū Qilābah from Salmān, and through the chain of Makhlad ibn al-

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 أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ هُوَ ابْنُ رَاهْوَيْهِ - قَالَ أَبُو بَكْرٍ وَأَبُو كُرَيْبٍ: ثنا مُعَاوِيَةُ وَقَالَ ابْنُ رَاهْوَيْهِ، ثنا عِيسَى بْنُ يُونُسَ، ثُمَّ اتَّفَقَ أَبُو مُعَاوِيَةَ وَعِيسَى كِلَاهُمَا عَنِ الْأَعْمَشِ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ كَعْبِ بْنِ عُجْرَةَ عَنْ بِلَالٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَسَحَ عَلَى الْخُفَّيْنِ وَالْخِمَارِ» وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ أَبِي إِدْرِيسَ الْخَوْلَانِيُّ عَنْ بِلَالٍ «أَنَّهُ - عَلَيْهِ السَّلَامُ - مَسَحَ عَلَى الْعِمَامَةِ وَالْمُوقَيْنِ» وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي قِلَابَةَ عَنْ سَلْمَانَ وَمِنْ طَرِيقِ مَخْلَدِ

Ḥusayn from Hishām ibn Ḥassān from Ḥumayd ibn Hilāl from ʿAbdullāh ibn al-Ṣāmit from Abū Dharr: “I saw the Messenger of Allah (may Allah bless him and grant him peace) perform ablution and wipe over the leather socks and veil.”[23]

بْنِ الْحُسَيْنِ عَنْ هِشَامِ بْنِ حَسَّانَ عَنْ حُمَيْدِ بْنِ هِلَالٍ عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ عَنْ أَبِي ذَرٍّ «رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ وَمَسَحَ عَلَى الْمُوقَيْنِ وَالْخِمَارِ»

L3748 So these six Companions—may Allah be pleased with them—are: Al-Mughīrah ibn Shuʿbah, Bilāl, Salmān, ʿAmr ibn Umayyah, Kaʿb ibn ʿUjrah, and Abū Dharr. All of them narrate this from the Messenger of Allah—peace and blessings of Allah be upon him—through chains of transmission that face no contradictions and are free from criticism.

فَهَؤُلَاءِ سِتَّةٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: الْمُغِيرَةُ بْنُ شُعْبَةَ وَبِلَالٌ وَسَلْمَانُ وَعَمْرُو بْنُ أُمَيَّةَ وَكَعْبُ بْنُ عُجْرَةَ وَأَبُو ذَرٍّ، كُلُّهُمْ يَرْوِي ذَلِكَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَسَانِيدَ لَا مُعَارِضَ لَهَا وَلَا مَطْعَنَ فِيهَا.

L3749 And the majority of the Companions and Successors held to this opinion, as narrated through the chain: Ibn Abī Shaybah → ʿAbdullāh ibn Numayr and Ismāʿīl ibn ʿUlayyah (both narrating) → Muḥammad ibn Isḥāq → Yazīd ibn Abī Ḥabīb → Abū al-Khayr Marthad ibn ʿAbdillāh al-Yazanī → ʿAbd al-Raḥmān ibn ʿUsaylah al-Ṣunābiḥī, who said: “I saw Abū Bakr al-Ṣiddīq wiping over the head covering (i.e., during ablution).”

وَبِهَذَا الْقَوْلِ يَقُولُ جُمْهُورُ الصَّحَابَةِ وَالتَّابِعِينَ، كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ وَإِسْمَاعِيلَ بْنِ عُلَيَّةَ كِلَاهُمَا عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ أَبِي الْخَيْرِ مَرْثَدِ بْنِ عَبْدِ اللَّهِ الْيَزَنِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُسَيْلَةَ الصُّنَابِحِيِّ قَالَ: رَأَيْتُ أَبَا بَكْرٍ الصِّدِّيقَ يَمْسَحُ عَلَى الْخِمَارِ، يَعْنِي فِي الْوُضُوءِ.

L3750 From Abd al-Rahman ibn Mahdi, from Sufyan al-Thawri, from Imran ibn Muslim, from Suwayd ibn Ghaflah, who said: Nubatah al-Ju’fi asked Umar ibn al-Khattab about wiping over the *imamah*. Umar ibn al-Khattab replied to him: “If you wish, wipe over the *imamah*; if you wish, do not.”

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عِمْرَانَ بْنَ مُسْلِمٍ عَنْ سُوَيْدِ بْنِ غَفَلَةَ قَالَ: سَأَلَ نُبَاتَةُ الْجُعْفِيُّ عُمَرَ بْنَ الْخَطَّابِ عَنْ الْمَسْحِ عَلَى الْعِمَامَةِ؟ فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ: إنْ شِئْتَ فَامْسَحْ عَلَى الْعِمَامَةِ وَإِنْ شِئْتَ فَدَعْ.

L3751 From Abd al-Rahman ibn Mahdi from Abu Ja’far Abdullah ibn Abdullah al-Razi from Zayd ibn Aslam, who said: Umar ibn al-Khattab said: “Whoever is not purified by wiping over the turban, then Allah will not purify him.”

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ أَبِي جَعْفَرٍ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ الرَّازِيِّ عَنْ زَيْدِ بْنِ أَسْلَمَ قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: مَنْ لَمْ يُطَهِّرْهُ الْمَسْحُ عَلَى الْعِمَامَةِ فَلَا طَهَّرَهُ اللَّهُ.

L3752 From Hammad ibn Salamah, from Thabit al-Bunani and Ubayd Allah ibn Abi Bakr ibn Anas—both of them from Anas ibn Malik: that he would wipe over the socks, leather socks, and turban. These chains of transmission are of the highest degree of soundness.

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ وَعُبَيْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ أَنَسٍ كِلَاهُمَا عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّهُ كَانَ يَمْسَحُ عَلَى الْجَوْرَبَيْنِ وَالْخُفَّيْنِ وَالْعِمَامَةِ، وَهَذِهِ أَسَانِيدُ فِي غَايَةِ الصِّحَّةِ.

[23] **Hadith references (L3745):** Sunan Ibn Majah 561; Sahih Muslim 275.

وَعَنْ الْحَسَنِ الْبَصْرِيِّ عَنْ أُمِّهِ: أَنَّ أُمَّ سَلَمَةَ أُمَّ الْمُؤْمِنِينَ كَانَتْ تَمْسَحُ عَلَى الْخِمَارِ وَعَنْ سَلْمَانَ الْفَارِسِيِّ: أَنَّهُ قَالَ لِرَجُلٍ: امْسَحْ عَلَى خُفَّيْكَ وَعَلَى خِمَارِكَ، وَامْسَحْ بِنَاصِيَتِكَ.

L3753–3754 And from Al-Hasan Al-Basri, from his mother: That Umm Salamah, the Mother of the Believers, used to wipe over her head covering. And from Salman Al-Farisi: That he said to a man: Wipe over your leather socks and your head covering, and wipe your forelock.

وَعَنْ أَبِي مُوسَى الْأَشْعَرِيِّ: أَنَّهُ خَرَجَ مِنْ حَدَثٍ فَمَسَحَ عَلَى خُفَّيْهِ وَقَلَنْسُوَتِهِ وَعَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ أَنَّهُ كَانَ يَمْسَحُ عَلَى الْجَوْرَبَيْنِ وَالْخُفَّيْنِ وَالْعِمَامَةِ وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّهُ سُئِلَ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ؟ فَقَالَ نَعَمْ، وَعَلَى النَّعْلَيْنِ وَالْخِمَارِ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، رُوِّينَاهُ عَنْ عَبْدِ الرَّزَّاقِ عَنْهُ قَالَ: الْقَلَنْسُوَةُ بِمَنْزِلَةِ الْعِمَامَةِ - يَعْنِي فِي جَوَازِ الْمَسْحِ عَلَيْهَا - وَهُوَ قَوْلُ الْأَوْزَاعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ بْنِ رَاهْوَيْهِ وَأَبِي ثَوْرٍ وَدَاوُد بْنِ عَلِيٍّ وَغَيْرِهِمْ.

L3755 And from Abū Mūsā al-Ashʿarī: that he exited a state of minor impurity and wiped over his khuffayn (leather socks) and his qalansuwa (tall cap). And from Abū Umāmah al-Bāhilī: that he used to wipe over the jawrabayn (socks), the khuffayn (leather socks), and the ʿimāmah (turban). And from ʿAlī ibn Abī Ṭālib: that he was asked about wiping over the khuffayn (leather socks), so he said: "Yes, and over the naʿlayn (sandals) and the khimār (headscarf)." This is the position of Sufyān al-Thawrī. We narrated it from ʿAbd al-Razzāq, who narrated from him, saying: "The qalansuwa (tall cap) holds the same status as the ʿimāmah (turban)" - meaning regarding the permissibility of wiping over it. This is the view of al-Awzāʿī, Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhawayh, Abū Thawr, Dāwūd ibn ʿAlī, and others.

وَقَالَ الشَّافِعِيُّ: إنْ صَحَّ الْخَبَرُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَبِهِ أَقُولُ. قَالَ عَلِيٌّ: وَالْخَبَرُ - وَلِلَّهِ الْحَمْدُ - قَدْ صَحَّ فَهُوَ قَوْلُهُ. وَقَالَ أَبُو حَنِيفَةَ وَمَالِكٌ: لَا يُمْسَحُ عَلَى عِمَامَةٍ وَلَا خِمَارٍ وَلَا غَيْرِ ذَلِكَ وَهُوَ قَوْلُ الشَّافِعِيِّ، قَالَ: إلَّا أَنْ يَصِحَّ الْخَبَرُ.

L3756 Al-Shāfiʿī said: "If the ḥadīth from the Messenger of Allah—peace be upon him—is authenticated, then that is my opinion." ʿAlī said: "And the ḥadīth—praise be to Allah—is indeed authenticated, so that is the ruling." Abū Ḥanīfah and Mālik said: "One should not perform masḥ over a turban, headscarf, or anything else," and this was also Al-Shāfiʿī's opinion, but he said: "unless the ḥadīth is authenticated."

قَالَ عَلِيٌّ: مَا نَعْلَمُ لِلْمَانِعِينَ مِنْ ذَلِكَ حُجَّةً أَصْلًا، فَإِنْ قَالُوا جَاءَ الْقُرْآنُ بِمَسْحِ الرُّءُوسِ، قُلْنَا نَعَمْ، وَبِالْمَسْحِ عَلَى الرِّجْلَيْنِ، فَأَجَزْتُمْ الْمَسْحَ عَلَى الْخُفَّيْنِ، وَلَيْسَ بِأَثْبَتَ مِنْ الْمَسْحِ عَلَى الْعِمَامَةِ، وَالْمَانِعُونَ مِنْ الْمَسْحِ عَلَى الْخُفَّيْنِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَكْثَرُ مِنْ الْمَانِعِينَ مِنْ الْمَسْحِ عَلَى الْعِمَامَةِ، فَمَا رُوِيَ الْمَنْعُ مِنْ الْمَسْحِ عَلَى الْعِمَامَةِ إلَّا عَنْ جَابِرٍ وَابْنِ عُمَرَ، وَقَدْ جَاءَ الْمَنْعُ مِنْ الْمَسْحِ عَلَى الْخُفَّيْنِ عَنْ عَائِشَةَ وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ، وَأَبْطَلْتُمْ مَسْحَ الرِّجْلَيْنِ - وَهُوَ نَصُّ الْقُرْآنِ - بِخَبَرٍ يَدَّعِي مُخَالِفُنَا وَمُخَالِفُكُمْ

L3757 Ali said: We do not know of any valid argument whatsoever for those who prohibit this. If they say the Quran came with wiping over the heads, we say yes—and with wiping over the feet. Yet you permit wiping over khuffs (leather socks), though it is not more established than wiping over the turban. Those among the Companions—may Allah be pleased with them—who prohibited wiping over khuffs are more numerous than those who prohibited wiping over the turban. The prohibition of wiping over the turban was only narrated from Jabir and Ibn Umar, while the prohibition of wiping over khuffs was narrated from Aisha, Abu Hurairah, and Ibn Abbas. You have invalidated wiping over the feet—which is the explicit text of the Quran—based on a report that our opponents and your opponents allege we excused ourselves and you excused yourselves in it, though it does not indicate pro-

hibiting wiping them. Indeed, a group of the Companions, the Successors, and those after them upheld wiping over them. You also endorse wiping over bandages despite there being no authentic report from the Messenger of Allah—peace be upon him—regarding it. And this is mixing up.

أَنَّنَا سَامَحْنَا أَنْفُسَنَا وَسَامَحْتُمْ أَنْفُسَكُمْ فِيهِ، وَأَنَّهُ لَا يَدُلُّ عَلَى الْمَنْعِ مِنْ مَسْحِهَا، وَقَدْ قَالَ بِمَسْحِهَا طَائِفَةٌ مِنْ الصَّحَابَةِ وَالتَّابِعِينَ وَمَنْ بَعْدَهُمْ، وَقُلْتُمْ بِالْمَسْحِ عَلَى الْجَبَائِرِ وَلَمْ يَصِحَّ فِيهِ أَثَرٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهَذَا تَخْلِيطٌ.

L3758 Some of them said: In the ḥadīth of al-Mughīrah ibn Shuʿbah, it states, "He wiped his forelock and his turban." As for those who do not deem wiping the forelock sufficient, they have brazenly defied Allah the Exalted and the people by citing this narration as evidence, thereby disobeying all it contains. As for those who deem wiping part of the head sufficient, they said: What sufficed him (peace be upon him) was wiping the forelock alone, while the wiping of the turban was a supererogatory act.

وَقَالَ بَعْضُهُمْ: حَدِيثُ الْمُغِيرَةِ بْنِ شُعْبَةَ فِيهِ «إنَّهُ مَسَحَ بِنَاصِيَتِهِ وَعَلَى عِمَامَتِهِ» فَأَمَّا مَنْ لَا يَرَى الْمَسْحَ عَلَى النَّاصِيَةِ يُجْزِئُ فَقَدْ جَاهَرَ اللَّهَ تَعَالَى وَالنَّاسَ فِي احْتِجَاجِهِ بِهَذَا الْخَبَرِ، وَهُوَ عَاصٍ لِكُلِّ مَا فِيهِ. وَأَمَّا مَنْ يَرَى الْمَسْحَ عَلَى بَعْضِ الرَّأْسِ يُجْزِئُ فَإِنَّهُمْ قَالُوا: إنَّ الَّذِي أَجْزَأَهُ - عَلَيْهِ السَّلَامُ - فَهُوَ مَسْحُ النَّاصِيَةِ فَقَطْ وَكَانَ مَسْحُ الْعِمَامَةِ فَضْلًا.

L3759–3760 Abu Muhammad said: These people sought to portray everything in the report of al-Mughira as a single account of ablution, but this is falsehood and audacity toward falsehood. Rather, it is a report about two distinct acts of worship—this is the apparent meaning of the hadith and its implication. And how is it that a group other than al-Mughira transmitted it? Some of them said: al-Awzāʿī erred in the hadith of ʿAmr ibn Umayya, for this is a report transmitted from Yaḥyā ibn Abī Kathīr by Shaybān, Ḥarb ibn Shaddād, Bakr ibn Naḍr, Abān al-ʿAṭṭār, and ʿAlī ibn al-Mubārak—yet none of them mentioned the ritual wiping over the turban in it.

قَالَ أَبُو مُحَمَّد: رَامَ هَؤُلَاءِ أَنْ يَجْعَلُوا كُلَّ مَا فِي خَبَرِ الْمُغِيرَةِ حِكَايَةً عَنْ وُضُوءٍ وَاحِدٍ وَهَذَا كَذِبٌ وَجُرْأَةٌ عَلَى الْبَاطِلِ، بَلْ هُوَ خَبَرٌ عَنْ عَمَلَيْنِ مُتَغَايِرَيْنِ، هَذَا ظَاهِرُ الْحَدِيثِ وَمُقْتَضَاهُ، وَكَيْفَ قَدْ رَوَاهُ جَمَاعَةٌ غَيْرُ الْمُغِيرَةِ: وَقَالَ بَعْضُهُمْ أَخْطَأَ الْأَوْزَاعِيُّ فِي حَدِيثِ عَمْرِو بْنِ أُمَيَّةَ، لِأَنَّ هَذَا خَبَرٌ رَوَاهُ - عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ شَيْبَانُ وَحَرْبُ بْنُ شَدَّادٍ وَبَكْرُ بْنُ نَضْرٍ وَأَبَانُ الْعَطَّارُ وَعَلِيُّ بْنُ الْمُبَارَكِ، فَلَمْ يَذْكُرُوا فِيهِ الْمَسْحَ عَلَى الْعِمَامَةِ.

L3761 Ali said: So we said to them, "What was the outcome?" Every scholar of ḥadīth knows that al-Awzāʿī had stronger retention than any of these individuals. He constitutes a decisive proof against them, while they do not constitute a proof against him. Al-Awzāʿī is a *thiqa* (reliable narrator), and it is impermissible to reject additions by reliable narrators. What difference is there between you and those who say regarding every report you advance as evidence: "Its narrator erred here, for such-and-such individuals did not transmit this report"?

قَالَ عَلِيٌّ: فَقُلْنَا لَهُمْ فَكَانَ مَاذَا؟ قَدْ عَلِمَ كُلُّ ذِي عِلْمٍ بِالْحَدِيثِ أَنَّ الْأَوْزَاعِيَّ أَحْفَظُ مِنْ كُلِّ وَاحِدٍ مِنْ هَؤُلَاءِ، وَهُوَ حُجَّةٌ عَلَيْهِمْ، وَلَيْسُوا حُجَّةً عَلَيْهِ، وَالْأَوْزَاعِيُّ ثِقَةٌ، وَزِيَادَةُ الثِّقَةِ لَا يَحِلُّ رَدُّهَا، وَمَا الْفَرْقُ بَيْنَكُمْ وَبَيْنَ مَنْ قَالَ فِي كُلِّ خَبَرٍ احْتَجَجْتُمْ بِهِ: إنَّ رَاوِيَهُ أَخْطَأَ فِيهِ، لِأَنَّ فُلَانًا وَفُلَانًا لَمْ يَرْوِ هَذَا الْخَبَرَ؟

L3762 Some of them said: It is not permissible to wipe over the turban, just as it is not permissible to wipe over gloves. Abū Muḥammad said: This is analogy,

and all analogy is null and void. Furthermore, even if it were valid, this would be the epitome of invalidity, because they are opposed in it. It would be said to them: If this analogy is sound according to you, then use it to invalidate wiping over the khuffs, for the feet bear greater resemblance to the hands than to the head. Therefore, say: Just as it is not permissible to wipe over gloves, likewise it is not permissible to wipe over the khuffs, and there is no difference.

وَقَالَ بَعْضُهُمْ: لَا يَجُوزُ الْمَسْحُ عَلَى الْعِمَامَةِ كَمَا لَا يَجُوزُ الْمَسْحُ عَلَى الْقُفَّازَيْنِ. قَالَ أَبُو مُحَمَّد: وَهَذَا قِيَاسٌ، وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّهُمْ يُعَارَضُونَ فِيهِ، فَيُقَالُ لَهُمْ إنْ كَانَ هَذَا الْقِيَاسُ عِنْدَكُمْ صَحِيحًا فَأَبْطِلُوا بِهِ الْمَسْحَ عَلَى الْخُفَّيْنِ؟ لِأَنَّ الرِّجْلَيْنِ بِالْيَدَيْنِ أَشْبَهُ مِنْهُمَا بِالرَّأْسِ، فَقُولُوا: كَمَا لَا يَجُوزُ الْمَسْحُ عَلَى الْقُفَّازَيْنِ كَذَلِكَ لَا يَجُوزُ الْمَسْحُ عَلَى الْخُفَّيْنِ وَلَا فَرْقَ.

L3763 If they say: "Wiping over leather socks has been authentically established from the Messenger of Allah (peace and blessings be upon him)," it is said to them: "Wiping over the turban has likewise been authentically established from the Messenger of Allah (peace and blessings be upon him)." They are further countered by stating: Allah the Exalted paired the head with the feet in ablution, yet you permit wiping over leather socks; so you must permit wiping over the turban. For both are limbs that are together excluded in tayammum. Since substituting wiping in place of washing the two feet is permissible according to your view, then substituting wiping over the turban for wiping the head should inherently be permissible, as the head is one extremity and the two feet are another extremity. Moreover, substituting wiping with dust has been established for all ablution limbs: it replaces washing the face and forearms, and wiping over leather socks replaces washing the two feet. It is thus obligatory that substituting wiping over the turban for wiping the head also be permissible, so that the rulings for all ablution limbs harmonize in this regard.

فَإِنْ قَالُوا: قَدْ صَحَّ الْمَسْحُ عَلَى الْخُفَّيْنِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، قِيلَ لَهُمْ: وَقَدْ صَحَّ الْمَسْحُ عَلَى الْعِمَامَةِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَيُعَارَضُونَ أَيْضًا بِأَنْ يُقَالَ لَهُمْ: إنَّ اللَّهَ تَعَالَى قَرَنَ الرُّءُوسَ بِالْأَرْجُلِ فِي الْوُضُوءِ وَأَنْتُمْ تُجِيزُونَ الْمَسْحَ عَلَى الْخُفَّيْنِ فَأَجِيزُوا الْمَسْحَ عَلَى الْعِمَامَةِ، لِأَنَّهُمَا جَمِيعًا عُضْوَانِ يَسْقُطَانِ فِي التَّيَمُّمِ، وَلِأَنَّهُ لَمَّا جَازَ تَعْوِيضُ الْمَسْحِ عِنْدَكُمْ مِنْ غَسْلِ الرِّجْلَيْنِ فَيَنْبَغِي أَنْ يَكُونَ يَجُوزُ تَعْوِيضُ الْمَسْحِ مِنْ الْمَسْحِ فِي الْعِمَامَةِ عَلَى الرَّأْسِ أَوْلَى، وَلِأَنَّ الرَّأْسَ طَرَفٌ، وَالرِّجْلَانِ طَرَفٌ، وَأَيْضًا فَقَدْ صَحَّ تَعْوِيضُ الْمَسْحِ مِنْ جَمِيعِ أَعْضَاءِ الْوُضُوءِ فَعُوِّضَ الْمَسْحُ بِالتُّرَابِ فِي الْوَجْهِ وَالذِّرَاعَيْنِ مِنْ غَسْلِ كُلِّ ذَلِكَ، وَعُوِّضَ الْمَسْحُ عَلَى الْخُفَّيْنِ مِنْ غَسْلِ الرِّجْلَيْنِ، فَوَجَبَ أَيْضًا أَنْ يَجُوزَ تَعْوِيضُ الْمَسْحِ عَلَى الْعِمَامَةِ مِنْ الْمَسْحِ عَلَى الرَّأْسِ، لِتَتَّفِقَ أَحْكَامُ جَمِيعِ أَعْضَاءِ الْوُضُوءِ فِي ذَلِكَ.

L3764–3765 Ali said: We have cited all this solely to oppose their invalid analogy, demonstrating that there is no ruling they established through analogy except that those who opposed them—by resorting to analogy—have an analogy equal to theirs or stronger. Thus, the falsity of analogy becomes evident to everyone Allah wills to guide. Some of them said: The Messenger of Allah (peace be upon him) only wiped over the turban and cap due to a wound he had on his head.

قَالَ عَلِيٌّ: كُلُّ هَذَا إنَّمَا أَوْرَدْنَاهُ مُعَارَضَةً لِقِيَاسِهِمْ الْفَاسِدِ وَأَنَّهُ لَا شَيْءَ مِنْ الْأَحْكَامِ قَالُوا فِيهِ بِالْقِيَاسِ إلَّا وَلِمَنْ خَالَفَهُمْ - مِنْ التَّعَلُّقِ بِالْقِيَاسِ - كَالَّذِي لَهُمْ أَوْ أَكْثَرَ فَيَظْهَرُ بِذَلِكَ بُطْلَانُ الْقِيَاسِ لِكُلِّ مَنْ أَرَادَ اللَّهُ تَوْفِيقَهُ وَقَالَ بَعْضُهُمْ: إنَّمَا مَسَحَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْعِمَامَةِ وَالْخِمَارِ لِمَرَضٍ كَانَ فِي رَأْسِهِ.

L3766 Ali said: This is the speech of one who lies without restraint, and whoever seeks Allah's forgiveness for conversing with his like - because he deliberately lies and slanders through statements he never produced, neither textual proof nor evidence - Allah has hastened the punishment for one of such description by the fact that he has taken his seat in the Fire, due to his falsehood against the Messenger of Allah, peace and blessings of Allah be upon him.

قَالَ عَلِيٌّ: هَذَا كَلَامُ مَنْ لَا مُؤْنَةَ عَلَيْهِ مِنْ الْكَذِبِ، وَمَنْ يَسْتَغْفِرْ اللَّهَ تَعَالَى مِنْ مُكَالَمَةِ مِثْلِهِ، لِأَنَّهُ مُتَعَمِّدٌ لِلْكَذِبِ وَالْإِفْكِ بِقَوْلٍ لَمْ يَأْتِ بِهِ قَطُّ لَا نَصٌّ وَلَا دَلِيلٌ، وَقَدْ عَجَّلَ اللَّهُ الْعُقُوبَةَ لِمَنْ هَذِهِ صِفَتُهُ، بِأَنْ تَبَوَّأَ مَقْعَدَهُ مِنْ النَّارِ، لِكَذِبِهِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L3767 Then it is said to them: Declare the same concerning wiping over khuffs — that it was due to an ailment in his feet — for there is no distinction in the fact that even if a person were to say this, he would be more excused than them. This is because it has been narrated to us from Ibn Abbas that he said regarding wiping over khuffs: "If you were to say this during severe cold or a long journey." Yet it has never been narrated from any Companion that they said this concerning wiping over turbans or headscarves. Thus, the claim of those who prohibit wiping over turbans and headscarves is invalidated, and the opposing position is validated by the established Sunnah, the stances of Abu Bakr, Umar, Ali, Anas, Umm Salamah, Abu Musa al-Ash'ari, Abu Umamah, and others, as well as by juridical analogy — if one is among its proponents. If someone argues: "It is not reported from the Prophet — peace and blessings be upon him — that he wiped over anything besides turbans and headscarves," it remains impermissible to abandon what the Quran prescribes regarding wiping the head for anything other than what the authentic text specifies. Analogy is invalid here, for his action — peace be upon him — does not constitute a general textual expression that can be universally applied.

ثُمَّ يُقَالُ لَهُمْ: قُولُوا مِثْلَ هَذَا فِي الْمَسْحِ عَلَى الْخُفَّيْنِ، إنَّهُ كَانَ لِعِلَّةٍ بِقَدَمَيْهِ وَلَا فَرْقَ عَلَى أَنَّ امْرَأً لَوْ قَالَ هَذَا لَكَانَ أَعْذَرَ مِنْهُمْ؛ لِأَنَّا قَدْ رُوِّينَا عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ: لَوْ قُلْتُمْ ذَلِكَ فِي الْبَرْدِ الشَّدِيدِ أَوْ السَّفَرِ الطَّوِيلِ، وَلَمْ يُرْوَ قَطُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ أَنَّهُ قَالَ ذَلِكَ فِي الْمَسْحِ عَلَى الْعِمَامَةِ وَالْخِمَارِ، فَبَطَلَ قَوْلُ مَنْ مَنَعَ الْمَسْحَ عَلَى الْعِمَامَةِ وَالْخِمَارِ، وَصَحَّ خِلَافُهُ لِلسُّنَنِ الثَّابِتَةِ، وَلِأَبِي بَكْرٍ وَعُمَرَ وَعَلِيٍّ وَأَنَسٍ وَأُمِّ سَلَمَةَ وَأَبِي مُوسَى الْأَشْعَرِيِّ وَأَبِي أُمَامَةَ وَغَيْرِهِمْ، وَلِلْقِيَاسِ إنْ كَانَ مِنْ أَهْلِ الْقِيَاسِ. فَإِنْ قَالَ قَائِلٌ: إنَّهُ لَمْ يَأْتِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ مَسَحَ عَلَى غَيْرِ الْعِمَامَةِ وَالْخِمَارِ، فَلَا يَجُوزُ تَرْكُ مَا جَاءَ فِي الْقُرْآنِ مِنْ مَسْحِ الرَّأْسِ لِغَيْرِ مَا صَحَّ النَّصُّ بِهِ، وَالْقِيَاسُ بَاطِلٌ، وَلَيْسَ فِعْلُهُ - عَلَيْهِ السَّلَامُ - عُمُومَ لَفْظٍ فَيُحْمَلُ عَلَى عُمُومِهِ.

L3768–3770 We said: This is incorrect because he (peace be upon him) did not state that wiping is permitted only over a turban or headscarf. Rather, we inferred from his wiping over them that direct water contact with the head is not obligatory. Since this is established, then anything worn upon the head may lawfully be wiped over. We then ask them: Suppose the narrator had reported that Allah's Messenger (peace and blessings of Allah be upon him) wiped over a yellow linen turban folded three folds – would wiping over a red cotton headcover wound ten times be permissible in your view or not? Similarly, if he had stated that he (peace be upon him) wiped over two black leather

قُلْنَا: هَذَا خَطَأٌ، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَقُلْ إنَّهُ لَا يَمْسَحُ إلَّا عَلَى عِمَامَةٍ أَوْ خِمَارٍ، لَكِنْ عَلِمْنَا بِمَسْحِهِ عَلَيْهَا أَنَّ مُبَاشَرَةَ الرَّأْسِ بِالْمَاءِ لَيْسَ فَرْضًا، فَإِذْ ذَلِكَ كَذَلِكَ، فَأَيُّ شَيْءٍ لُبِسَ عَلَى الرَّأْسِ جَازَ الْمَسْحُ عَلَيْهِ. ثُمَّ نَقُولُ لَهُمْ: قُولُوا لَنَا لَوْ أَنَّ الرَّاوِيَ قَالَ مَسَحَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى عِمَامَةٍ صَفْرَاءَ مِنْ كَتَّانٍ مَطْوِيَّةٍ ثَلَاثَ طَيَّاتٍ، أَكَانَ يَجُوزُ عِنْدَكُمْ الْمَسْحُ عَلَى حَمْرَاءَ مِنْ قُطْنٍ مَلْوِيَّةٍ عَشْرَ مَرَّاتٍ أَمْ لَا؟ وَكَذَلِكَ لَوْ

socks, would... Is it permissible regarding the two white substances or not? Therefore, if they adhere to the transmitter's opinion, they have introduced a new innovation; but if they disregard it, they revert to our ruling.

L3771 **Issue: One does not wipe over the turban and the headscarf except one who wore both while in a state of ṭahārah (ritual purity).**

L3772 202. Issue: Abu Muhammad said: It is the same whether what we mentioned is worn in a state of purity or not. Abu Thawr said: One may not wipe over the turban and head covering except someone who wore them in a state of purity, by analogy to the leather socks. Our companions held the same view as we said. Ali said: The analogy is invalid, as there is no unifying rationale between the ruling of wiping over the turban and head covering and the ruling of wiping over the leather socks. The Messenger of Allah—peace and blessings be upon him—specifically mentioned wearing in a state of purity for the leather socks, but he did not mention that for the turban and head covering. Allah the Exalted said: "To clarify to the people what has been sent down to them" [16:44] and "Your Lord is never forgetful" [19:64]. If this were obligatory for the turban and head covering, he—peace be upon him—would have clarified it, just as he clarified it for the leather socks. Whoever claims equivalence in this between the turban and head covering and the leather socks is making a baseless claim and is required to provide proof for the validity of their claim. Thus, it should be said to them: On what basis is this obligation derived, given that the Prophet—peace be upon him—specified for wiping over the leather socks that they were worn in a state of purity? There is absolutely no basis for applying this ruling to the turban and head covering beyond a matter of his own opinion, and this is meaningless [as a juristic argument]. Allah the Exalted said: "Say, 'Produce your proof if you are truthful'" [2:111].[24]

L3773 **A ruling permits wiping over the turban, headscarf, and**

[24] **Qur'an references (L3772):** Qur'an 16:44 (An-Nahl); Qur'an 19:64 (Maryam); Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml).

قَالَ مَسَحَ - عَلَيْهِ السَّلَامُ - عَلَى خُفَّيْنِ أَسْوَدَيْنِ، أَكَانَ يَجُوزُ عَلَى أَبْيَضَيْنِ أَمْ لَا؟ فَإِنْ لَزِمُوا قَوْلَ الرَّاوِي أَحْدَثُوا دِينًا جَدِيدًا، وَإِنْ لَمْ يُرَاعُوهُ رَجَعُوا إِلَى قَوْلِنَا.

[مَسْأَلَة لَا يَمْسَحُ عَلَى الْعِمَامَةِ وَالْخِمَارِ إِلَّا مَنْ لَبِسَهُمَا عَلَى طَهَارَةٍ]

٢٠٢ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّد: وَسَوَاءٌ لُبِسَ مَا ذَكَرْنَا عَلَى طَهَارَةٍ أَوْ غَيْرِ طَهَارَةٍ قَالَ أَبُو ثَوْرٍ: لَا يَمْسَحُ عَلَى الْعِمَامَةِ وَالْخِمَارِ إِلَّا مَنْ لَبِسَهُمَا عَلَى طَهَارَةٍ، قِيَاسًا عَلَى الْخُفَّيْنِ، وَقَالَ أَصْحَابُنَا كَمَا قُلْنَا قَالَ عَلِيٌّ: الْقِيَاسُ بَاطِلٌ، وَلَيْسَ هُنَا عِلَّةٌ جَامِعَةٌ بَيْنَ حُكْمِ الْمَسْحِ عَلَى الْعِمَامَةِ وَالْخِمَارِ وَالْمَسْحِ عَلَى الْخُفَّيْنِ، وَإِنَّمَا نَصَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي اللِّبَاسِ عَلَى الطَّهَارَةِ، عَلَى الْخُفَّيْنِ، وَلَمْ يَنُصَّ ذَلِكَ فِي الْعِمَامَةِ وَالْخِمَارِ، قَالَ اللَّهُ تَعَالَى: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] فَلَوْ وَجَبَ هَذَا فِي الْعِمَامَةِ وَالْخِمَارِ لَبَيَّنَهُ - عَلَيْهِ السَّلَامُ -، كَمَا بَيَّنَ ذَلِكَ فِي الْخُفَّيْنِ، وَمُدَّعِي الْمُسَاوَاةِ فِي ذَلِكَ بَيْنَ الْعِمَامَةِ وَالْخِمَارِ وَبَيْنَ الْخُفَّيْنِ، مُدَّعٍ بِلَا دَلِيلٍ، وَيُكَلَّفُ الْبُرْهَانَ عَلَى صِحَّةِ دَعْوَاهُ فِي ذَلِكَ، فَيُقَالُ لَهُ مِنْ أَيْنَ وَجَبَ، إِذْ نَصَّ - عَلَيْهِ السَّلَامُ - فِي الْمَسْحِ عَلَى الْخُفَّيْنِ أَنَّهُ لَبِسَهُمَا عَلَى طَهَارَةٍ، أَنْ يَجِبَ هَذَا الْحُكْمُ فِي الْعِمَامَةِ وَالْخِمَارِ وَلَا سَبِيلَ لَهُ إِلَيْهِ أَصْلًا بِأَكْثَرَ مِنْ قَضِيَّةٍ مِنْ رَأْيِهِ، وَهَذَا لَا مَعْنَى لَهُ قَالَ اللَّهُ تَعَالَى: {قُلْ هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ} [البقرة: ١١١] .

[مَسْأَلَةٌ يَمْسَحُ عَلَى الْعِمَامَة والخمار والخفين بِلَا تَوْقِيتٍ وَلَا تَحْدِيد]

khuffayn without any time limitation or specified conditions.

L3774 203 - Legal Point: One may wipe over all of that perpetually without time restriction or limitation. A time specification in this matter is firmly established from Umar ibn al-Khattab - may Allah be pleased with him - similar to wiping over leather socks. Abu Thawr held this opinion, while our scholarly companions maintained the view we stated. No argument exists in anyone's statement apart from the Messenger of Allah - peace and blessings be upon him. Analogical reasoning is invalid. The claim stating, "Since wiping over leather socks is time-restricted to a specified period during travel and another during residence, wiping over the turban must follow the same rule," is an unsubstantiated claim lacking proof of its validity - a statement unsupported by evidence. He may be asked: What is your evidence for validating what you mention - that wiping over the turban should be governed by the two periods explicitly stated for wiping over leather socks? This cannot be substantiated except as an unsupported assertion. The Messenger of Allah - peace and blessings be upon him - wiped over the turban and khimār (headcovering) without specifying any time limit, yet he specified a period for wiping over leather socks. We are obliged to uphold what he - peace and blessings be upon him - stated and not introduce into the religion what he did not say. Allah the Exalted said: "These are the boundaries set by Allah, so do not transgress them" [al-Baqarah 2:229].[25]

L3775–3776 **An issue where there was dye or medicine beneath what was worn on the head.**

L3777 Issue: If there is dye or medicine beneath what is worn on the head, it is permissible to wipe over them as we have stated, with no distinction. Similarly, if one intentionally wears such a covering to wipe over it, wiping is also permissible. However, the mentioned wiping applies specifically to ablution. As for every obligatory bath, it is not permissible; rather, all such coverings must be removed and the head washed. The proof for this is that "the Messenger of Allah—peace be upon him—wiped over the turban and

[25] **Qur'an references (L3774):** Qur'an 2:229 (Al-Baqarah).

٢٠٣ - مَسْأَلَةٌ: وَيَمْسَحُ عَلَى كُلِّ ذَلِكَ أَبَدًا بِلَا تَوْقِيتٍ وَلَا تَحْدِيدٍ، وَقَدْ جَاءَ عَنْ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - التَّوْقِيتُ فِي ذَلِكَ ثَابِتًا عَنْهُ، كَالْمَسْحِ عَلَى الْخُفَّيْنِ وَبِهِ قَالَ أَبُو ثَوْرٍ، وَقَالَ أَصْحَابُنَا كَمَا قُلْنَا. وَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَالْقِيَاسُ بَاطِلٌ، وَقَوْلُ الْقَائِلِ: لَمَّا كَانَ الْمَسْحُ عَلَى الْخُفَّيْنِ مُوَقَّتًا بِوَقْتٍ مَحْدُودٍ فِي السَّفَرِ وَوَقْتٍ فِي الْحَضَرِ وَجَبَ أَنْ يَكُونَ الْمَسْحُ عَلَى الْعِمَامَةِ كَذَلِكَ، دَعْوَى بِلَا بُرْهَانٍ عَلَى صِحَّتِهَا وَقَوْلٌ لَا دَلِيلَ عَلَى وُجُوبِهِ، وَيُقَالُ لَهُ مَا دَلِيلُكَ عَلَى صِحَّةِ مَا تَذْكُرُ مِنْ أَنْ يُحْكَمَ لِلْمَسْحِ عَلَى الْعِمَامَةِ بِمِثْلِ الْوَقْتَيْنِ الْمَنْصُوصَيْنِ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ؟ وَهَذَا لَا سَبِيلَ إلَى وُجُودِهِ بِأَكْثَرَ مِنْ الدَّعْوَى، وَقَدْ «مَسَحَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْعِمَامَةِ وَالْخِمَارِ، وَلَمْ يُوَقِّتْ فِي ذَلِكَ وَقْتًا وَوَقَّتَ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ» ، فَيَلْزَمُنَا أَنْ نَقُولَ مَا قَالَ - عَلَيْهِ السَّلَامُ - وَأَنْ لَا نَقُولَ فِي الدِّينِ مَا لَمْ يَقُلْهُ - عَلَيْهِ السَّلَامُ -، قَالَ اللَّهُ تَعَالَى: {تِلْكَ حُدُودُ اللَّهِ فَلا تَعْتَدُوهَا} [البقرة: ٢٢٩] .

[مَسْأَلَةٌ كَانَ تَحْتَ مَا لَبِسَ عَلَى الرَّأْسِ خِضَابٌ أَوْ دَوَاءٌ]

مَسْأَلَةٌ: فَلَوْ كَانَ تَحْتَ مَا لَبِسَ عَلَى الرَّأْسِ خِضَابٌ أَوْ دَوَاءٌ جَازَ الْمَسْحُ عَلَيْهِمَا كَمَا قُلْنَا وَلَا فَرْقَ، وَكَذَلِكَ لَوْ تَعَمَّدَ لِبَاسَ ذَلِكَ لِيَمْسَحَ عَلَيْهِ جَازَ الْمَسْحُ أَيْضًا، وَإِنَّمَا الْمَسْحُ الْمَذْكُورُ فِي الْوُضُوءِ خَاصَّةً، وَأَمَّا فِي كُلِّ غُسْلٍ وَاجِبٍ فَلَا، وَلَا بُدَّ مِنْ خَلْعِ كُلِّ ذَلِكَ وَغَسْلِ الرَّأْسِ. بُرْهَانُ ذَلِكَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَسَحَ عَلَى الْعِمَامَةِ وَعَلَى الْخِمَارِ» ، وَلَمْ يَخُصَّ لَنَا حَالًا مِنْ حَالٍ، فَلَا يَجُوزُ أَنْ يُخَصَّ بِالْمَسْحِ

the headscarf," without specifying any particular circumstance. Therefore, it is not permissible to restrict wiping to one circumstance over another. Since wiping is permissible, intending to do what is permissible is itself permissible. The Prophet—peace be upon him—only wiped during ablution specifically. Thus, it is not permissible to add to this what he did not practice—peace be upon him. It is not permissible to introduce into the Sunnah what is not established within it, nor to omit from it what the textual evidence necessitates. And with Allah, the Exalted, is success.

L3778 And thus our opponents say regarding wiping over the two khuffs [leather socks]—it is the same, the same.

L3779 **"An issue concerning the omission of body parts that are obligatory to wash during ablution (wuḍū') or ritual bath (ghusl)."**

L3780 Issue 205: If someone leaves any part he is required to wash in ablution or the obligatory bath - even the amount of a single hair - whether deliberately or out of forgetfulness, his prayer is not valid performed with that ablution or bath until he completes all of it. This is because he did not pray with the ritual purity he was commanded to perform. The Prophet (peace be upon him) said, "Whoever does a deed not in accordance with our command, it is rejected."

L3781 **Issue: If a person invalidates their ablution or precedes a limb over the one mentioned before it in the Quran.**

L3782 Issue 206: If someone reverses the sequence of their ablution by washing a limb before the one preceding it in the Quranic order—whether intentionally or forgetfully—their prayer is not valid at all. They must begin anew by washing the face first, then the arms up to the elbows, then the head, then the feet. When washing the arms and feet, it is obligatory to start with the right side before the left, as established in the Sunnah. If one performs sniffing water into the nose and expelling it at the end of their ablution or after washing any of the mentioned limbs, the ablution is invalid. If any such error occurs, the person must return to the limb they began with before the

حَالٌ دُونَ حَالٍ، وَإِذَا كَانَ الْمَسْحُ جَائِزًا فَالْقَصْدُ إِلَى الْجَائِزِ جَائِزٌ، وَإِنَّمَا مَسَحَ - عَلَيْهِ السَّلَامُ - فِي الْوُضُوءِ خَاصَّةً، فَلَا يَجُوزُ أَنْ يُضَافَ إِلَى ذَلِكَ مَا لَمْ يَفْعَلْهُ - عَلَيْهِ السَّلَامُ -، وَلَا يَجُوزُ أَنْ يُزَادَ فِي السُّنَنِ مَا لَمْ يَأْتِ فِيهَا، وَلَا أَنْ يُنْقَصَ مِنْهَا مَا اقْتَضَاهُ لَفْظُ الْخَبَرِ بِهَا، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَهَكَذَا يَقُولُ خُصُومُنَا فِي الْمَسْحِ عَلَى الْخُفَّيْنِ سَوَاءً سَوَاءً.

[مَسْأَلَةٌ تَرَكَ مِمَّا يَلْزَمُهُ غَسْلُهُ فِي الْوُضُوءِ أَوْ الْغُسْلِ]

٢٠٥ - مَسْأَلَةٌ: وَمَنْ تَرَكَ مِمَّا يَلْزَمُهُ غَسْلُهُ فِي الْوُضُوءِ أَوْ الْغُسْلِ الْوَاجِبِ وَلَوْ قَدْرَ شَعْرَةٍ عَمْدًا أَوْ نِسْيَانًا، لَمْ تُجْزِهِ الصَّلَاةُ بِذَلِكَ الْغُسْلِ وَالْوُضُوءِ حَتَّى يُوعِبَهُ كُلَّهُ، لِأَنَّهُ لَمْ يُصَلِّ بِالطَّهَارَةِ الَّتِي أُمِرَ بِهَا، وَقَالَ - عَلَيْهِ السَّلَامُ - «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» .

[مَسْأَلَةٌ نَكَسَ وُضُوءَهُ أَوْ قَدَّمَ عُضْوًا عَلَى الْمَذْكُورِ قَبْلَهُ فِي الْقُرْآنِ]

٢٠٦ - مَسْأَلَةٌ: وَمَنْ نَكَسَ وُضُوءَهُ أَوْ قَدَّمَ عُضْوًا عَلَى الْمَذْكُورِ قَبْلَهُ فِي الْقُرْآنِ عَمْدًا أَوْ نِسْيَانًا لَمْ تُجْزِهِ الصَّلَاةُ أَصْلًا، وَفُرِضَ عَلَيْهِ أَنْ يَبْدَأَ بِوَجْهِهِ ثُمَّ ذِرَاعَيْهِ ثُمَّ رَأْسِهِ ثُمَّ رِجْلَيْهِ، وَلَا بُدَّ فِي الذِّرَاعَيْنِ وَالرِّجْلَيْنِ مِنْ الِابْتِدَاءِ بِالْيَمِينِ قَبْلَ الْيَسَارِ كَمَا جَاءَ فِي السُّنَّةِ، فَإِنْ جَعَلَ الِاسْتِنْشَاقَ وَالِاسْتِنْثَارَ فِي آخِرِ وُضُوئِهِ أَوْ بَعْدَ عُضْوٍ مِنْ الْأَعْضَاءِ الْمَذْكُورَةِ لَمْ يُجْزِ ذَلِكَ، فَإِنْ فَعَلَ شَيْئًا مِمَّا ذَكَرْنَا لَزِمَهُ أَنْ يَعُودَ إِلَى الَّذِي بَدَأَ بِهِ قَبْلَ الَّذِي ذَكَرَهُ

one erroneously prioritized in the Quranic sequence, complete the remaining steps in order, and is not required to restart the entire ablution. This is the opinion of Al-Shafiʿi, Abu Thawr, Ahmad ibn Hanbal, and Ishaq. If a person in a state of major impurity immerses in flowing water while intending both the major ritual bath and minor ablution simultaneously, neither act is valid. They must perform the major ritual bath in its prescribed order. This is the view of Ishaq.

اللَّهُ تَعَالَى قَبْلَهُ فَيَعْمَلُهُ إِلَى أَنْ يُتِمَّ وُضُوءَهُ، وَلَيْسَ عَلَيْهِ أَنْ يَبْتَدِئَ مِنْ أَوَّلِ الْوُضُوءِ، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَبِي ثَوْرٍ وَأَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ، فَإِنْ انْغَمَسَ فِي مَاءٍ جَارٍ وَهُوَ جُنُبٌ وَنَوَى الْغُسْلَ وَالْوُضُوءَ مَعًا لَمْ يُجْزِهِ ذَلِكَ مِنْ الْوُضُوءِ وَلَا مِنْ الْغُسْلِ، وَعَلَيْهِ أَنْ يَأْتِيَ بِهِ مُرَتَّبًا، وَهُوَ قَوْلُ إِسْحَاقَ.

L3783–3785 The evidence for that is what ʿAbdullāh ibn Rabīʿ narrated to us, Muḥammad ibn Muʿāwiyah narrated to us, Aḥmad ibn Shuʿayb narrated to us, Ibrāhīm ibn Hārūn al-Balkhī narrated to us, Ḥātim ibn Ismāʿīl narrated to us, Jaʿfar ibn Muḥammad narrated to us from his father, who said: "We entered the presence of Jābir ibn ʿAbdullāh, and I said: 'Inform me about the Hajj of the Messenger of Allah (peace be upon him).' Jābir said: 'We departed...'" He narrated it in his presence—mentioning the ḥadīth which included that the Messenger of Allah—may Allah's blessings and peace be upon him—departed through the gate toward al-Ṣafā. When he drew near to al-Ṣafā, he said: {Indeed, al-Ṣafā and al-Marwāh are among the rites of Allah} [al-Baqarah: 158]. Begin with what Allah began with.[26]

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا إِبْرَاهِيمُ بْنُ هَارُونَ الْبَلْخِيُّ ثنا حَاتِمُ بْنُ إِسْمَاعِيلَ ثنا جَعْفَرُ بْنُ مُحَمَّدٍ عَنْ أَبِيهِ قَالَ: «دَخَلْنَا عَلَى جَابِرِ بْنِ عَبْدِ اللَّهِ فَقُلْتُ: أَخْبِرْنِي عَنْ حَجَّةِ رَسُولِ اللَّهِ - عَلَيْهِ السَّلَامُ - قَالَ جَابِرٌ خَرَجْنَا مَعَهُ - فَذَكَرَ الْحَدِيثَ وَفِيهِ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خَرَجَ مِنْ الْبَابِ إِلَى الصَّفَا، فَلَمَّا دَنَا إِلَى الصَّفَا قَالَ: {إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ} [البقرة: ١٥٨] ابْدَءُوا بِمَا بَدَأَ اللَّهُ بِهِ» .

L3786 Ali said: This is a general ruling from which nothing may be excluded. We hold that neither ritual ablution (wudu) nor ritual bath (ghusl) suffices for limbs washed together when one intends both acts through that washing. This is because he has not performed the ritual ablution as commanded, nor has he completed a valid ritual bath that would suffice. Rather, he has mixed it with a corrupt act, thus invalidating the ritual bath for those limbs as well, since he performed it contrary to what Allah the Exalted has ordained. As for sniffing water into the nose and expelling it, no sequence is specified for them in ablution. Therefore, whether one performs them during ablution, after ablution, before prayer, or even prior to commencing ablution - it suffices.

قَالَ عَلِيٌّ: وَهَذَا عُمُومٌ لَا يَجُوزُ أَنْ يُخَصَّ مِنْهُ شَيْءٌ، وَإِنَّمَا قُلْنَا: لَا يُجْزِئُ فِي الْأَعْضَاءِ الْمَغْمُوسَةِ مَعًا لَا الْوُضُوءُ وَلَا الْغُسْلُ إذَا نَوَى بِذَلِكَ الْغَمْسِ كِلَا الْأَمْرَيْنِ فَلِأَنَّهُ لَمْ يَأْتِ بِالْوُضُوءِ كَمَا أُمِرَ، وَلَمْ يَخْلُصْ الْغُسْلُ فَيُجْزِيه، لَكِنْ خَلَطَهُ بِعَمَلٍ فَاسِدٍ فَبَطَلَ أَيْضًا الْغُسْلُ فِي تِلْكَ الْأَعْضَاءِ، لِأَنَّهُ أَتَى بِهِ بِخِلَافِ مَا أَمَرَهُ اللَّهُ تَعَالَى بِهِ، وَأَمَّا الِاسْتِنْشَاقُ وَالِاسْتِنْثَارُ فَلَمْ يَأْتِ فِيهِمَا فِي الْوُضُوءِ ذِكْرٌ بِتَقْدِيمٍ وَلَا تَأْخِيرٍ، فَكَيْفَمَا أَتَى بِهِمَا فِي وُضُوئِهِ أَوْ بَعْدَ وُضُوئِهِ، وَقَبْلَ صَلَاتِهِ أَوْ قَبْلَ وُضُوئِهِ: أَجْزَأَهُ.

L3787 Ali said: Abu Hanifah said: "It is permissible to reverse the order of wudu, adhan, tawaf, sa'i, and iqamah."

قَالَ عَلِيٌّ: وَقَالَ أَبُو حَنِيفَةَ: جَائِزٌ تَنْكِيسُ الْوُضُوءِ وَالْأَذَانِ وَالطَّوَافِ وَالسَّعْيِ وَالْإِقَامَةِ.

[26] **Qur'an references (L3783):** Qur'an 2:158 (Al-Baqarah).

L3788 Malik said: It is permissible to perform ablution in reverse sequence, but impermissible for Tawāf, Saʿy, Adhān, or Iqāmah.

وَقَالَ مَالِكٌ: يَجُوزُ تَنْكِيسُ الْوُضُوءِ وَلَا يَجُوزُ تَنْكِيسُ الطَّوَافِ وَلَا السَّعْيِ وَلَا الْأَذَانِ وَلَا الْإِقَامَةِ.

L3789 Abū Muḥammad said: It is not permissible to reverse any part of all this, nor is anything reversed valid. As for Mālik's statement, it is evidently contradictory because he distinguished between matters where no distinction exists. As for Abū Ḥanīfah, his position is more consistent in reasoning but more erroneous, and these companions claim to follow analogical deduction—why did they not analogize this to the prohibition agreed upon regarding reversing the prayer order? Indeed, consensus has been established in some circumstances regarding reversing the prayer order, such as the case of someone who finds the Imam sitting or prostrating, for he begins with that action which is the prayer's conclusion. This is among the contradictions in their analogical reasoning.

قَالَ أَبُو مُحَمَّد: لَا يَجُوزُ تَنْكِيسُ شَيْءٍ مِنْ ذَلِكَ كُلِّهِ، وَلَا يُجْزِئُ شَيْءٌ مِنْهُ مُنَكَّسًا فَأَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ التَّنَاقُضِ، لِأَنَّهُ فَرَّقَ بَيْنَ مَا لَا فَرْقَ بَيْنَهُ، وَأَمَّا أَبُو حَنِيفَةَ فَإِنَّهُ أَطْرَدُ قَوْلًا، وَأَكْثَرُ خَطَأً، وَالْقَوْمُ أَصْحَابُ قِيَاسٍ بِزَعْمِهِمْ، فَهَلَّا قَاسُوا ذَلِكَ عَلَى مَا اتُّفِقَ عَلَيْهِ مِنْ الْمَنْعِ مِنْ تَنْكِيسِ الصَّلَاةِ؟ عَلَى أَنَّهُ قَدْ صَحَّ الْإِجْمَاعُ فِي بَعْضِ الْأَوْقَاتِ عَلَى تَنْكِيسِ الصَّلَاةِ، وَهِيَ حَالُ مَنْ وَجَدَ الْإِمَامَ جَالِسًا أَوْ سَاجِدًا، فَإِنَّهُ يَبْدَأُ بِذَلِكَ وَهُوَ آخِرُ الصَّلَاةِ، وَهَذَا مِمَّا تَنَاقَضُوا فِيهِ فِي قِيَاسِهِمْ.

L3790 It has been narrated to us from Ali ibn Abi Talib and Ibn Abbas that reversing the order of ablution is permissible. However, no one's argument holds authority against the Quran except regarding matters which the Messenger of Allah—peace be upon him—was commanded to clarify. This is an issue where the Shafiʿis contradicted themselves by abandoning the opinions of the two companions despite there being no opposition to their view known from the Companions.

وَقَدْ رُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ وَابْنِ عَبَّاسٍ جَوَازَ تَنْكِيسِ الْوُضُوءِ، وَلَكِنْ لَا حُجَّةَ فِي أَحَدٍ مَعَ الْقُرْآنِ إلَّا فِي الَّذِي أُمِرَ بِبَيَانِهِ وَهُوَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَهَذَا مِمَّا تَنَاقَضَ فِيهِ الشَّافِعِيُّونَ فَتَرَكُوا فِيهِ قَوْلَ صَاحِبَيْنِ لَا يُعْرَفُ لَهُمَا مِنْ الصَّحَابَةِ مُخَالِفٌ.

L3791 And success is by Allah, the Exalted.

وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3792–3794 It is utterly astonishing that the Mālikīs permitted reversing the order of ablution despite there being no textual evidence from Allah the Exalted or His Messenger (peace and blessings be upon him) regarding it, then they came to that which Allah the Exalted permitted its reversal and forbade from it. These are the stoning, shaving, sacrificing camels, slaughtering animals, and circumambulation. Indeed, the Messenger of Allah (peace and blessings be upon him) permitted performing some of these before others, as we will mention, God willing, in the Book of Hajj. The scholars said: "It is impermissible to perform circumambulation before stoning and shaving before stoning," and this is as you can see.

وَالْعَجَبُ كُلُّهُ أَنَّ الْمَالِكِيِّينَ أَجَازُوا تَنْكِيسَ الْوُضُوءِ الَّذِي لَمْ يَأْتِ نَصٌّ مِنْ اللَّهِ تَعَالَى وَلَا مِنْ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهِ، ثُمَّ أَتَوْا إلَى مَا أَجَازَ اللَّهُ تَعَالَى تَنْكِيسَهُ فَمَنَعُوا مِنْ ذَلِكَ، وَهُوَ الرَّمْيُ وَالْحَلْقُ وَالنَّحْرُ وَالذَّبْحُ وَالطَّوَافُ، فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَجَازَ تَقْدِيمَ بَعْضِ ذَلِكَ عَلَى بَعْضٍ، كَمَا سَنَذْكُرُ إنْ شَاءَ اللَّهُ تَعَالَى فِي كِتَابِ الْحَجِّ، فَقَالُوا: لَا يَجُوزُ تَقْدِيمُ الطَّوَافِ عَلَى الرَّمْيِ، وَلَا تَقْدِيمُ الْحَلْقِ عَلَى الرَّمْيِ، وَهَذَا كَمَا تَرَى.

L3795 Ahmad ibn Qasim narrated to us: My father narrated to us, my grandfather Qasim ibn Asbagh narrated to me: Muḥammad ibn Waḍḍāḥ narrated to us, Ahmad ibn Wāqid narrated to us, Zuhayr ibn Muʿāwiyah narrated to us from al-Aʿmash, from Abū Ṣāliḥ, from Abū Hurayrah, who said: The Messenger of Allah (peace be upon him) said, "When you perform ablution and don your garments, begin with your right limbs."

حَدَّثَنَا أَحْمَدُ بْنُ قَاسِمٍ ثنا أَبِي حَدَّثَنِي جَدِّي قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا أَحْمَدُ بْنُ وَاقِدٍ ثنا زُهَيْرُ بْنُ مُعَاوِيَةَ عَنْ الْأَعْمَشِ عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا تَوَضَّأْتُمْ وَلَبِسْتُمْ فَابْدَءُوا بِمَيَامِنِكُمْ» .

L3796 As for the obligation of prioritizing rinsing the nose (istinchaq) and expelling water from the nose (istinthar), this is established by the ḥadīth narrated by Rifāʿah ibn Rāfiʿ, in which the Messenger of Allah (peace and blessings of Allah be upon him) said: "The prayer of none of you is complete until he performs ablution thoroughly as Allah—the Almighty and Majestic—commanded: washing his face, his hands up to the elbows, wiping his head, and washing his feet up to the ankles." This confirms that the thoroughness [of ablution] here is linked with washing the face, and this thoroughness is none other than rinsing the nose and expelling water from the nose.

وَأَمَّا وُجُوبُ تَقْدِيمِ الِاسْتِنْشَاقِ وَالِاسْتِنْثَارِ وَلَا بُدَّ، فَلِحَدِيثِ رِفَاعَةَ بْنِ رَافِعٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تَتِمُّ صَلَاةُ أَحَدِكُمْ حَتَّى يُسْبِغَ الْوُضُوءَ كَمَا أَمَرَهُ اللَّهُ - عَزَّ وَجَلَّ - وَيَغْسِلَ وَجْهَهُ وَيَدَيْهِ إلَى الْمِرْفَقَيْنِ وَيَمْسَحَ بِرَأْسِهِ وَرِجْلَيْهِ إلَى الْكَعْبَيْنِ» فَصَحَّ أَنَّ هَهُنَا إسْبَاغًا عُطِفَ عَلَيْهِ غَسْلُ الْوَجْهِ، وَلَيْسَ إلَّا الِاسْتِنْشَاقَ وَالِاسْتِنْثَارَ.

[مَسْأَلَةٌ مَنْ فَرَّقَ وُضُوءَهُ أَوْ غُسْلَهُ]

L3797 Issue: One who interrupts his ablution (wudu) or ghusl (major ritual bath).

L3798 207. Issue: If someone spreads out his ablution or ghusl [ritual bath] over intervals, this suffices him, whether the duration taken to complete it is long or short, provided nothing that invalidates ablution occurs during his ablution, and nothing that invalidates ghusl occurs during his ghusl.

٢٠٧ - مَسْأَلَةٌ: وَمَنْ فَرَّقَ وُضُوءَهُ أَوْ غُسْلَهُ أَجْزَأَهُ ذَلِكَ، وَإِنْ طَالَتْ الْمُدَّةُ فِي خِلَالِ ذَلِكَ أَوْ قَصُرَتْ، مَا لَمْ يَحْدُثْ فِي خِلَالِ وُضُوئِهِ مَا يَنْقُضُ الْوُضُوءَ، وَمَا لَمْ يَحْدُثْ فِي خِلَالِ غُسْلِهِ مَا يَنْقُضُ الْغُسْلَ.

L3799 The proof of this is that Allah, Exalted and Majestic, has commanded purification from major impurity and menstruation, and ablution for minor impurities. He has not stipulated a specific sequence in these acts. Thus, however one performs them suffices, because the narrated requirements are fulfilled—that he has purified himself, washed his face and forearms, wiped his head, and washed his feet.

بُرْهَانُ ذَلِكَ أَنَّ اللَّهَ عَزَّ وَجَلَّ أَمَرَ بِالتَّطَهُّرِ مِنْ الْجَنَابَةِ وَالْحَيْضِ، وَبِالْوُضُوءِ مِنْ الْأَحْدَاثِ، وَلَمْ يَشْتَرِطْ عَزَّ وَجَلَّ فِي ذَلِكَ مُتَابَعَةً، فَكَيْفَمَا أَتَى بِهِ الْمَرْءُ أَجْزَأَهُ، لِأَنَّهُ قَدْ وَقَعَ عَلَيْهِ اسْمُ الْأَخْبَارِ بِأَنَّهُ تَطَهَّرَ، وَبِأَنَّهُ غَسَلَ وَجْهَهُ وَذِرَاعَيْهِ وَمَسَحَ رَأْسَهُ وَغَسَلَ رِجْلَيْهِ.

L3800–3802 Abdullāh ibn Rabīʿ narrated to us: from ʿAbdullāh ibn Muḥammad ibn ʿUthmān, from Aḥmad ibn Khālid, from ʿAlī ibn ʿAbd al-ʿAzīz, from al-Ḥajjāj ibn al-Minhāl, from Ḥammād ibn Salamah, from ʿAṭāʾ ibn al-Sāʾib, from Abū

Salamah—the son of ʿAbd al-Raḥmān ibn ʿAwf—from ʿĀʾishah, who said: "The Messenger of Allah (peace be upon him), when he..." When intending to perform the ritual bath for major impurity, one begins by washing both hands three times. Then, taking water with the right hand, one pours it onto the left hand and washes the private parts until thoroughly cleansed. Then one washes the hands properly. Next, one rinses the mouth three times, inhales water into the nostrils three times, and washes the face three times. After that, one washes both arms (up to the elbows) three times, pours water over the head three times, and washes the body completely. Upon completing the bath, one washes both feet.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ أَبِي سَلَمَةَ وَهُوَ ابْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ - عَنْ عَائِشَةَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذَا أَرَادَ أَنْ يَغْتَسِلَ مِنَ الْجَنَابَةِ بَدَأَ فَغَسَلَ يَدَيْهِ ثَلَاثًا، ثُمَّ يَأْخُذُ بِيَمِينِهِ فَيَصُبُّ عَلَى يَسَارِهِ فَيَغْسِلُ فَرْجَهُ حَتَّى يُنَقِّيَهُ، ثُمَّ يَغْسِلُ يَدَيْهِ غَسْلًا حَسَنًا، ثُمَّ يُمَضْمِضُ ثَلَاثًا، ثُمَّ يَسْتَنْشِقُ ثَلَاثًا وَيَغْسِلُ وَجْهَهُ ثَلَاثًا، وَيَغْسِلُ ذِرَاعَيْهِ ثَلَاثًا، ثُمَّ يَصُبُّ عَلَى رَأْسِهِ ثَلَاثًا ثُمَّ يَغْسِلُ جَسَدَهُ غَسْلًا، فَإِذَا خَرَجَ مِنْ مُغْتَسَلِهِ غَسَلَ رِجْلَيْهِ» .

L3803 Ali said: If it is permissible for the Messenger of Allah—peace and blessings of Allah be upon him—to equate the interval between his ablution and ritual bath and their completion with the time it takes to wash one's feet upon exiting the bathing place, then differentiating between the durations of ablution and ritual bath has neither textual basis nor proof. This is the position of the Salaf, as we have been narrated through Malik's chain from Nāfiʿ from Ibn ʿUmar: He urinated in the marketplace, performed ablution by washing his face and hands, wiped his head, then was called for a funeral prayer. When he entered the mosque to pray over it, he wiped over his khuffs and performed the prayer.

قَالَ عَلِيٌّ: إِذَا جَازَ أَنْ يَجْعَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيْنَ وُضُوئِهِ وَغُسْلِهِ وَبَيْنَ تَمَامِهِمَا بِغَسْلِ رِجْلَيْهِ مُهْلَةَ خُرُوجِهِ مِنْ مُغْتَسَلِهِ، فَالتَّفْرِيقُ بَيْنَ الْمُدَدِ لَا نَصَّ فِيهِ وَلَا بُرْهَانَ، وَهَذَا قَوْلُ السَّلَفِ كَمَا رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ: أَنَّهُ بَالَ بِالسُّوقِ ثُمَّ تَوَضَّأَ فَغَسَلَ وَجْهَهُ وَيَدَيْهِ وَمَسَحَ بِرَأْسِهِ ثُمَّ دُعِيَ لِجِنَازَةٍ حِينَ دَخَلَ الْمَسْجِدَ لِيُصَلِّيَ عَلَيْهَا فَمَسَحَ عَلَى خُفَّيْهِ ثُمَّ صَلَّى عَلَيْهَا.

L3804 It has been narrated to us from Sufyan al-Thawri through al-Mughirah through Ibrahim, who said: "One of them would wash his head due to major impurity (janabah) with lote tree leaves (sidr), then wait an hour, then wash the rest of his body." Ibrahim was a follower (Tābiʿī) who met the senior followers (Tābiʿūn) and the younger Companions—may Allah be pleased with them. Ibrahim said regarding a man who has a wife and a female slave and needs to perform ghusl after sexual intimacy with his wife: "There is no harm in him washing his head, then waiting, then washing the rest of his body afterward without washing his head again."

From Abd al-Razzaq through Ibn Jurayj through Ata', who said: "If a person in a state of major impurity (junub) washes his head with lote tree leaves

- وَرُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنِ الْمُغِيرَةِ عَنْ إِبْرَاهِيمَ قَالَ: كَانَ أَحَدُهُمْ يَغْسِلُ رَأْسَهُ مِنَ الْجَنَابَةِ بِالسِّدْرِ ثُمَّ يَمْكُثُ سَاعَةً ثُمَّ يَغْسِلُ سَائِرَ جَسَدِهِ، وَإِبْرَاهِيمُ تَابِعِيٌّ أَدْرَكَ أَكَابِرَ التَّابِعِينَ وَصِغَارَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، قَالَ إِبْرَاهِيمُ فِي الرَّجُلِ تَكُونُ لَهُ الْمَرْأَةُ وَالْجَارِيَةُ فَيُرَافِقُ امْرَأَتَهُ بِالْغُسْلِ أَنَّهُ لَا بَأْسَ بِأَنْ يَغْسِلَ رَأْسَهُ ثُمَّ يَمْكُثُ ثُمَّ يَغْسِلُ سَائِرَ جَسَدِهِ بَعْدُ وَلَا يَغْسِلُ رَأْسَهُ وَعَنْ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ قَالَ: إِنْ غَسَلَ الْجُنُبُ رَأْسَهُ بِالسِّدْرِ أَوْ بِالْخِطْمِيِّ ثُمَّ يَجْلِسُ حَتَّى يَجِفَّ رَأْسَهُ فَحَسْبُهُ ذَلِكَ.

(sidr) or marshmallow plant (khiṭmī), then waits until his head dries, that suffices him."

وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَسُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَالْحَسَنِ بْنِ حَيٍّ، وَقَدْ رُوِيَ نَحْوُ هَذَا عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَطَاوُسٍ.

L3805 This is the opinion of Abū Ḥanīfah, al-Shāfiʿī, Sufyān al-Thawrī, al-Awzāʿī, and al-Ḥasan ibn Ḥayy. A comparable view has been narrated from Saʿīd ibn al-Musayyib and Ṭāwūs.

وَقَالَ مَالِكٌ: إِنْ طَالَ الْأَمَدُ ابْتَدَأَ الْوُضُوءَ، وَإِنْ لَمْ يَطُلْ بَنَى عَلَى وُضُوئِهِ، وَقَدْ رُوِّينَا عَنْ قَتَادَةَ وَابْنِ أَبِي لَيْلَى وَغَيْرِهِمْ نَحْوُ هَذَا.

L3806 Mālik said: If a long period has elapsed, one should begin the ablution, and if it has not been long, one may build upon his ablution. We have received narrations from Qatādah, Ibn Abī Laylā, and others similar to this.

وَحَدَّ بَعْضُهُمْ ذَلِكَ بِالْجُفُوفِ، وَحَدَّ بَعْضُهُمْ ذَلِكَ بِأَنْ يَكُونَ فِي طَلَبِ الْمَاءِ فَيَبْنِيَ أَوْ يَتْرُكَ وُضُوءَهُ وَيَبْتَدِئَ.

L3807 Some of them defined that by dryness, and some of them defined that by being in search of water, in which case one either continues his existing ablution or abandons it and begins anew.

قَالَ أَبُو مُحَمَّدٍ: أَمَّا تَحْدِيدُ مَالِكٍ بِالطُّولِ فَإِنَّهُ يُكَلِّفُ الْمُنْتَصَرَ لَهُ بَيَانَ مَا ذَلِكَ الطُّولُ الَّذِي تَجِبُ بِهِ شَرِيعَةٌ ابْتِدَاءَ الْوُضُوءِ، وَالْقَصْرُ الَّذِي لَا تَجِبُ بِهِ هَذِهِ الشَّرِيعَةُ، فَلَا سَبِيلَ لَهُمْ إِلَى ذَلِكَ إِلَّا بِالدَّعْوَى الَّتِي لَا يَعْجِزُ عَنْهَا أَحَدٌ، وَمَا كَانَ مِنْ الْأَقْوَالِ لَا بُرْهَانَ عَلَى صِحَّتِهِ فَهُوَ بَاطِلٌ، إِذْ الشَّرَائِعُ غَيْرُ وَاجِبَةٍ عَلَى أَحَدٍ حَتَّى يُوجِبَهَا اللَّهُ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L3808–3810 Abu Muhammad said: As for Malik's stipulation regarding length, it obligates the claimant to clarify the precise length that necessitates initiating ablution as a sharia ruling, and the shorter length that does not necessitate this ruling. They have no means to this except through claims that no one is incapable of advancing. And whatever belongs to the statements that do not... If there is no proof of its validity, then it is invalid, since divinely revealed laws are not binding on anyone unless Allah, the Most High, obligates them through the tongue of His Messenger (peace be upon him).

وَأَمَّا مَنْ حَدَّ ذَلِكَ بِجُفُوفِ الْمَاءِ فَخَطَأٌ ظَاهِرٌ، لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ لِمَا ذَكَرْنَاهُ، وَأَيْضًا فَإِنَّ فِي الصَّيْفِ فِي الْبِلَادِ الْحَارَّةِ لَا يُتِمُّ أَحَدٌ وُضُوءَهُ حَتَّى يَجِفَّ وَجْهُهُ، وَلَا يَصِحُّ وُضُوءٌ عَلَى هَذَا. وَأَمَّا مَنْ حَدَّ فِي ذَلِكَ بِمَا دَامَ فِي طَلَبِ الْمَاءِ، فَقَوْلٌ أَيْضًا لَا دَلِيلَ عَلَى صِحَّتِهِ، وَالدَّعْوَى لَا يَعْجِزُ عَنْهَا أَحَدٌ، وَالْعَجَبُ أَنَّ مَالِكًا يُجِيزُ أَنْ يَجْعَلَ الْمَرْءُ إِذَا رَعَفَ بَيْنَ أَجْزَاءِ صَلَاتِهِ مُدَّةً وَعَمَلًا لَيْسَ مِنْ الصَّلَاةِ، ثُمَّ يَمْنَعُ مِنْ ذَلِكَ فِي الْوُضُوءِ.

L3811 As for those who define it by the dryings of water, this is a clear error, for it is a claim without proof. Whatever is as such is invalid due to our earlier reasoning. Moreover, in summer within hot regions, no one completes ablution until their face dries, and ablution is invalid under this condition. As for those who define the duration as being "as long as one is seeking water," this too is an assertion without evidence for its validity. Anyone can make such claims. Strangely, Mālik allows a person with nosebleeds occurring between parts of their prayer to allocate a period and perform actions not part of the prayer, yet prohibits this during ablution.

قَالَ عَلِيٌّ: فَإِنْ تَعَلَّقَ بَعْضُهُمْ بِخَبَرٍ رُوِّينَاهُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ بَقِيَّةَ عَنْ بَحِيرٍ عَنْ خَالِدٍ عَنْ بَعْضِ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَأَى رَجُلًا يُصَلِّي وَفِي قَدَمِهِ لُمْعَةٌ لَمْ يُصِبْهَا الْمَاءُ، فَأَمَرَهُ - عَلَيْهِ السَّلَامُ - أَنْ يُعِيدَ الْوُضُوءَ وَالصَّلَاةَ» فَإِنَّ هَذَا خَبَرٌ لَا يَصِحُّ لِأَنَّ رَاوِيَهُ بَقِيَّةُ، وَلَيْسَ بِالْقَوِيِّ، وَفِي السَّنَدِ مَنْ لَا يَدْرِي مَنْ هُوَ، وَرُوِّينَا أَيْضًا عَنْ خَالِدٍ الْحَذَّاءِ عَنْ أَبِي قِلَابَةَ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَعَنْ أَبِي سُفْيَانَ عَنْ جَابِرٍ عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّهُ رَأَى رَجُلًا يُصَلِّي وَقَدْ تَرَكَ مِنْ رِجْلِهِ مَوْضِعَ ظُفْرٍ فَأَمَرَهُ أَنْ يُعِيدَ الْوُضُوءَ وَالصَّلَاةَ.

L3812 Ali said: If some of them cling to a narration we transmitted from the Messenger of Allah - peace and blessings of Allah be upon him - through the chain of Baqiyyah from Buhayr from Khalid from some companions of the Messenger of Allah - peace and blessings of Allah be upon him - "that the Messenger of Allah - peace and blessings of Allah be upon him - saw a man praying while a spot on his foot remained untouched by water, so he - peace and blessings of Allah be upon him - commanded him to renew the ablution and repeat the prayer" - for indeed this narration is invalid. Its narrator is Baqiyyah, who is not considered reliable, and the chain contains unidentified individuals. We have also transmitted from Khalid al-Khadhdha' (the cobbler) from Abu Qilabah from Umar ibn al-Khattab, and from Abu Sufyan from Jabir from Umar ibn al-Khattab: that he saw a man praying who had left an area the size of a fingernail on his foot unwashed, so he ordered him to renew the ablution and repeat the prayer.

قَالَ عَلِيٌّ: أَمَّا الرِّوَايَةُ عَنْ عُمَرَ أَيْضًا فَلَا تَصِحُّ؛ لِأَنَّ أَبَا قِلَابَةَ لَمْ يُدْرِكْ عُمَرَ، وَأَبُو سُفْيَانَ ضَعِيفٌ.

L3813 Ali said: As for the narration from ʿUmar, it is also not authentic because Abū Qilābah did not meet ʿUmar, and Abū Sufyān is weak.

وَقَدْ جَاءَ أَثَرٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - هُوَ أَحْسَنُ مِنْ هَذَا، رُوِّينَاهُ مِنْ طَرِيقِ قَاسِمِ بْنِ أَصْبَغَ ثنا بَكْرُ بْنُ مُضَرَ عَنْ حَرْمَلَةَ بْنِ يَحْيَى ثنا ابْنُ وَهْبٍ عَنْ جَرِيرِ بْنِ حَازِمٍ عَنْ قَتَادَةَ عَنْ أَنَسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَتَاهُ وَقَدْ تَوَضَّأَ وَتَرَكَ مَوْضِعَ الظُّفْرِ لَمْ يُصِبْهُ الْمَاءُ، فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ارْجِعْ فَأَحْسِنْ وُضُوءَكَ» وَعَنْ ابْنِ وَهْبٍ عَنْ ابْنِ لَهِيعَةَ عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرٍ عَنْ عُمَرَ مِثْلُ هَذَا أَيْضًا.

L3814 A report from the Messenger of Allah—may Allah's peace and blessings be upon him—superior to this has been transmitted. We transmitted it via the chain of Qāsim ibn Aṣbagh, who narrated from Bakr ibn Muḍar, from Ḥarmala ibn Yaḥyā, from Ibn Wahb, from Jarīr ibn Ḥāzim, from Qatāda, from Anas: "The Messenger of Allah—may Allah's peace and blessings be upon him—came to him while he was performing ablution but left a spot beneath his nail untouched by water. The Messenger of Allah—may Allah's peace and blessings be upon him—said: 'Go back and perform your ablution properly.'" Another narration from Ibn Wahb, from Ibn Lahīʿa, from Abū al-Zubayr, from Jābir, from ʿUmar, also a similar one.

قَالَ عَلِيٌّ: لَا يَصِحُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ خِلَافُ فِعْلِ عُمَرَ هَذَا، فَقَدْ خَالَفُوا هَهُنَا صَاحِبًا لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ مُخَالِفٌ، وَبِيَقِينٍ يَدْرِي كُلُّ ذِي عِلْمٍ أَنَّ مُرُورَ الْأَوْقَاتِ

L3815–3817 Ali said: There is no authentic report from any of the Companions opposing this action of Umar, for they did oppose him. Here, there is a Companion for whom no opposing view is known among the Companions. With certainty, every person of understanding knows that the mere passage of time does not invalidate ablution. Yet Mālik contradicted himself in this matter by

ruling that if one forgets a limb during ablution and washes it afterward, it suffices. He also ruled that if someone performs ablution, wipes over his khuffs, remains in that state throughout his day, then removes his khuffs, the ablution of his feet is invalidated according to him – requiring only the washing of his feet. This constitutes the fragmentation of ablution, which is prohibited. Success comes solely from Allah, the Exalted.

لَيْسَ مِنَ الْأَحْدَاثِ النَّاقِضَةِ لِلْوُضُوءِ، وَقَدْ تَنَاقَضَ مَالِكٌ فِي هَذَا الْمَكَانِ فَرَأَى أَنَّ مَنْ نَسِيَ عُضْوًا مِنْ أَعْضَاءِ وُضُوئِهِ فَإِنْ غَسَلَهُ أَجْزَأَهُ، وَرَأَى فِيمَنْ تَوَضَّأَ وَمَسَحَ عَلَى خُفَّيْهِ وَبَقِيَ كَذَلِكَ نَهَارَهُ ثُمَّ خَلَعَ خُفَّيْهِ فَإِنَّ وُضُوءَ رِجْلَيْهِ عِنْدَهُ قَدْ انْتَقَضَ وَأَنَّهُ لَيْسَ عَلَيْهِ إِلَّا غَسْلُ رِجْلَيْهِ فَقَطْ، وَهَذَا تَبْعِيضُ الْوُضُوءِ الَّذِي مُنِعَ مِنْهُ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

Issue: The Excessive Use of Water in Ghusl (Ritual Bath) and Wudu (Ablution)

[مَسْأَلَةُ الْإِكْثَارِ مِنَ الْمَاءِ فِي الْغُسْلِ وَالْوُضُوءِ]

208 - Issue: It is disliked to use excessive water in performing the ritual bath (ghusl) and ablution (wudu'), to wash the parts of ablution more than three times, or to wipe the head more than three times. This is because nothing exceeding that has been reported from the Messenger of Allah (peace be upon him). It has been narrated to us through Sufyan al-Thawri's chain from Abu Ishaq, from Abu Hayyah ibn Qays, that Ali performed ablution thrice for each part and said: "This is how I saw the Messenger of Allah (peace be upon him)." From Ibn al-Mubarak, from al-Awza'i: Al-Muttalib ibn Abdullah ibn Hantab narrated to me that Abdullah ibn Umar performed ablution thrice, attributing this practice to the Messenger of Allah (peace be upon him). A similar practice is narrated from Uthman. These narrations do not single out the head from the other parts.

٢٠٨ - مَسْأَلَةٌ: وَيُكْرَهُ الْإِكْثَارُ مِنَ الْمَاءِ فِي الْغُسْلِ وَالْوُضُوءِ، وَالزِّيَادَةُ عَلَى الثَّلَاثِ فِي غَسْلِ أَعْضَاءِ الْوُضُوءِ وَمَسْحِ الرَّأْسِ؛ لِأَنَّهُ لَمْ يَأْتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَكْثَرُ مِنْ ذَلِكَ. وَرُوِّينَا مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ أَبِي حَيَّةَ بْنِ قَيْسٍ «أَنَّ عَلِيًّا تَوَضَّأَ ثَلَاثًا ثَلَاثًا، وَقَالَ هَكَذَا رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» وَعَنِ ابْنِ الْمُبَارَكِ عَنِ الْأَوْزَاعِيِّ حَدَّثَنِي الْمُطَّلِبُ بْنُ عَبْدِ اللَّهِ بْنِ حَنْطَبٍ «أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ تَوَضَّأَ ثَلَاثًا، يُسْنِدُ ذَلِكَ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» وَعَنْ عُثْمَانَ أَيْضًا مِثْلُ ذَلِكَ فَلَمْ يَخُصَّ فِي هَذِهِ الْآثَارِ رَأْسًا مِنْ غَيْرِهِ.

Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: Muhammad ibn Mansur narrated to us: Sufyan narrated from Amr ibn Yahya, from his father, from Abdullah ibn Zayd—who was shown the call to prayer in a vision—who said: "I saw the Messenger of Allah (peace and blessings be upon him) perform ablution. He washed his face three times, his hands twice, and wiped his head twice." We have also been narrated from Anas that he wiped his head during ablution three times and two times in different reports. From Abd al-Razzaq, from Ibn Jurayj, from Ata: "The maximum I perform the wiping of my head is three times. I do not add with a single handful; I neither add nor subtract [from the prescribed number]."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ ثنا سُفْيَانُ عَنْ عَمْرِو بْنِ يَحْيَى عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ الَّذِي أُرِيَ النِّدَاءَ قَالَ «رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ فَغَسَلَ وَجْهَهُ ثَلَاثًا وَيَدَيْهِ مَرَّتَيْنِ وَمَسَحَ بِرَأْسِهِ مَرَّتَيْنِ» . وَقَدْ رُوِّينَا عَنْ أَنَسٍ مَسْحَ رَأْسِهِ فِي الْوُضُوءِ ثَلَاثًا وَاثْنَتَيْنِ، وَعَنْ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: أَكْثَرُ مَا أَمْسَحُ بِرَأْسِي ثَلَاثُ مَرَّاتٍ لَا أَزِيدُ بِكَفٍّ وَاحِدَةٍ لَا أَزِيدُ وَلَا أَنْقُصُ.

From Hammad ibn Salamah, who narrated to us from Jarir ibn Hazim,

[who said]: “I saw Muhammad ibn Sirin perform ablution and wipe his head twice—once with the moisture from his hands and once with fresh water.” From Abu ʿUbayd, who narrated to us from Hushaym, who narrated to us from Al-Awwam: “That Ibrahim Al-Taymi would wipe his head three times,” and this is the position of Al-Shāfiʿī, Dāwūd, and others. As for excessive use of water, it is condemned by all.

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ ثنا جَرِيرُ بْنُ حَازِمٍ: رَأَيْتُ مُحَمَّدَ بْنَ سِيرِينَ تَوَضَّأَ فَمَسَحَ بِرَأْسِهِ مَسْحَتَيْنِ إِحْدَاهُمَا بِبَلَلِ يَدَيْهِ وَالْأُخْرَى بِمَاءٍ جَدِيدٍ، وَعَنْ أَبِي عُبَيْدٍ ثنا هُشَيْمٌ ثنا الْعَوَّامُ: أَنَّ إِبْرَاهِيمَ التَّيْمِيَّ كَانَ يَمْسَحُ رَأْسَهُ ثَلَاثًا، وَهُوَ قَوْلُ الشَّافِعِيِّ وَدَاوُد وَغَيْرِهِمْ، وَأَمَّا الْإِكْثَارُ مِنْ الْمَاءِ فَمَذْمُومٌ مِنْ الْجَمِيعِ.

L3822–3824 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 Nafiʿ narrated to us, Shababah narrated to us, Layth — he is Ibn Saʿd — narrated to us, from Yazid ibn Abi Habib, from ʿIrak ibn Malik, from Hafsah bint ʿAbd al-Rahman ibn Abi Bakr (who was married to al-Mundhir ibn al-Zubayr), who said: «Verily, ʿAishah, the mother [...]». The believers informed her that she and the Messenger of Allah (peace and blessings be upon him) used to perform *ghusl* in a single vessel that can hold three *mudds* or approximately that amount.“

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 نَافِعٍ ثنا شَبَابَةُ ثنا لَيْثٌ هُوَ ابْنُ سَعْدٍ - عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ عِرَاكِ بْنِ مَالِكٍ عَنْ حَفْصَةَ بِنْتِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ - وَكَانَتْ تَحْتَ الْمُنْذِرِ بْنِ الزُّبَيْرِ - قَالَتْ «إِنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ أَخْبَرَتْهَا أَنَّهَا كَانَتْ تَغْتَسِلُ هِيَ وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي إِنَاءٍ وَاحِدٍ يَسَعُ ثَلَاثَةَ أَمْدَادٍ أَوْ قَرِيبًا مِنْ ذَلِكَ» .

L3825 Abdullah ibn Rabeeʿ narrated to us: Muhammad ibn Ishaq, Ibn al-Aʿrabi, Abu Dawud, Muhammad ibn Bashshar, Muhammad ibn Jaʿfar, Shuʿbah narrated from Habib al-Anṣārī, who said: I heard ʿAbbad ibn Tamim narrate from my grandmother, who was Umm ʿUmārah—“The Prophet (peace be upon him) performed ablution and was brought a vessel containing two-thirds of a *mudd*.” Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath, ʿAbdul-Wahhab ibn ʿIsa, Ahmad ibn Muhammad, Ahmad ibn ʿAli, Muslim ibn al-Ḥajjaj, Muhammad ibn Salamah al-Muradi, Ibn Wahb narrated from ʿIyad ibn ʿAbdullah al-Fihri, from Makhramah ibn Sulayman al-Qurashi, from Kurayb—the freed slave of Ibn ʿAbbas—that Ibn ʿAbbas informed him: “He saw the Messenger of Allah (peace be upon him) rise from sleep, proceed to a water vessel, use the miswak, perform ablution thoroughly, and use only a small amount of water.” And he mentioned the hadith.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ ثنا شُعْبَةُ عَنْ حَبِيبٍ الْأَنْصَارِيِّ قَالَ: سَمِعْتُ عَبَّادَ بْنَ تَمِيمٍ عَنْ جَدَّتِي - وَهِيَ أُمُّ عُمَارَةَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ فَأُتِيَ بِإِنَاءٍ فِيهِ قَدْرُ ثُلُثَيْ الْمُدِّ» . 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 ابْنُ وَهْبٍ عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ الْفِهْرِيِّ عَنْ مَخْرَمَةَ بْنِ سُلَيْمَانَ الْقُرَشِيِّ عَنْ كُرَيْبٍ مَوْلَى ابْنِ عَبَّاسٍ أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ «أَنَّهُ رَأَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

قَامَ مِنْ النَّوْمِ فَعَمَدَ إلَى شَجْبٍ مِنْ مَاءٍ فَتَسَوَّكَ وَتَوَضَّأَ فَأَسْبَغَ الْوُضُوءَ وَلَمْ يُهْرِقْ مِنْ الْمَاءِ إلَّا قَلِيلًا» وَذَكَرَ الْحَدِيثَ.

L3826 Ali said: And there have come reports that he (peace be upon him) performed ablution with a mudd and bathed with a ṣāʿ, that he (peace be upon him) performed ablution with a makkūk and bathed with five makākī, and that he (peace be upon him) used to perform ablution from a vessel containing a mudd and a quarter. All of this is authentic with no discrepancy, for it constitutes only what is sufficient. Success is granted by Allah, the Exalted.

قَالَ عَلِيٌّ: وَقَدْ جَاءَتْ آثَارٌ أَنَّهُ «- عَلَيْهِ السَّلَامُ - تَوَضَّأَ بِالْمُدِّ وَاغْتَسَلَ بِالصَّاعِ» ، وَأَنَّهُ «- عَلَيْهِ السَّلَامُ - تَوَضَّأَ بِمَكُّوكٍ وَاغْتَسَلَ بِخَمْسِ مَكَاكِيَّ» ، وَأَنَّهُ «- عَلَيْهِ السَّلَامُ - كَانَ يَتَوَضَّأُ مِنْ إنَاءٍ فِيهِ مُدٌّ وَرُبْعٌ» ، وَكُلُّ هَذَا صَحِيحٌ لَا يَخْتَلِفُ، وَإِنَّمَا هُوَ مَا أَجْزَأَ فَقَطْ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3827 An issue regarding splints or adhesive bandages applied out of necessity on the arms, fingers, or legs.

[مَسْأَلَةٌ كَانَ عَلَى ذِرَاعَيْهِ أَوْ أَصَابِعِهِ أَوْ رِجْلَيْهِ جَبَائِرُ أَوْ دَوَاءٌ مُلْصَقٌ لِضَرُورَةٍ]

L3828 209 - Issue:

٢٠٩ - مَسْأَلَةٌ:

L3829 If someone has splints or adhesive medication on their forearms, fingers, or legs out of necessity, they are not required to wipe over those areas, and the ruling for those parts is lifted. If any of those [coverings] fall off after completing ablution, they do not need to wash that area with water, and their ablution remains valid as long as they do not break it.

وَمَنْ كَانَ عَلَى ذِرَاعَيْهِ أَوْ أَصَابِعِهِ أَوْ رِجْلَيْهِ جَبَائِرُ أَوْ دَوَاءٌ مُلْصَقٌ لِضَرُورَةٍ فَلَيْسَ عَلَيْهِ أَنْ يَمْسَحَ عَلَى شَيْءٍ مِنْ ذَلِكَ، وَقَدْ سَقَطَ حُكْمُ ذَلِكَ الْمَكَانِ، فَإِنْ سَقَطَ شَيْءٌ مِنْ ذَلِكَ بَعْدَ تَمَامِ الْوُضُوءِ فَلَيْسَ عَلَيْهِ إمْسَاسُ ذَلِكَ الْمَكَانِ بِالْمَاءِ، وَهُوَ عَلَى طَهَارَتِهِ مَا لَمْ يُحْدِثْ.

L3830–3832 The proof for this is the statement of Allah, the Exalted: {Allah does not burden any soul beyond its capacity} [Al-Baqarah: 286] and the statement of Allah's Messenger (peace be upon him): "When I command you with a matter, do as much of it as you are able." Thus, by the Quran and the Sunnah, every obligation a person is incapable of fulfilling ceases to be obligatory, and its substitute becomes legally prescribed. The Sharia is only binding through the Quran or the Sunnah, and neither the Quran nor the Sunnah has come with a ruling to substitute wiping over bandages and medicinal dressings for washing what one cannot wash. Therefore, this opinion is dismissed. If it

بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» فَسَقَطَ بِالْقُرْآنِ وَالسُّنَّةِ كُلُّ مَا عَجَزَ عَنْهُ الْمَرْءُ، وَكَانَ التَّعْوِيضُ مِنْهُ شَرْعًا، وَالشَّرْعُ لَا يَلْزَمُ إلَّا بِقُرْآنٍ أَوْ سُنَّةٍ، وَلَمْ يَأْتِ قُرْآنٌ وَلَا سُنَّةٌ بِتَعْوِيضِ الْمَسْحِ عَلَى الْجَبَائِرِ وَالدَّوَاءِ مِنْ غَسْلِ مَا لَا يَقْدِرُ عَلَى غَسْلِهِ، فَسَقَطَ الْقَوْلُ بِذَلِكَ فَإِنْ قِيلَ فَإِنَّهُ قَدْ رُوِيَ مِنْ طَرِيقِ زَيْدٍ عَنْ

is argued: "But it has been narrated through Zayd's chain from his father, from his grandfather, from Ali: 'I said: O Messenger of Allah, do I wipe over bandages? He replied: Yes, wipe over them,'" we respond: This is a narration that does not... Its narration is permissible only upon demonstrating its dismissal, because it was singularly narrated by Abū Khālid ʿAmr ibn Khālid al-Wāsiṭī, who is noted for lying.[27]

L3833 If it is said: "It has been reported that he—peace be upon him—commanded them to wipe over the turbans (al-ʿaṣāʾib) and felt headwear (al-tasākhīn)," we respond: This is not valid in terms of the chain of transmission. Even if it were, there would be no proof in it, for al-ʿaṣāʾib are the turbans (al-ʿamāʾim). Al-Farazdaq said: "Your forelocks beneath turbans are like stars guiding night travelers, while their faces shine like sunlit mirrors."

L3834 And riders, as though the wind itself is sought from their midst... A lingering trace remains from its forceful tugging at their turbans.

L3835 The ritual heating vessels are specifically the lightweight ones.

L3836 Those who mandated wiping over bandages did so by analogy to wiping over leather socks, yet this analogy is invalid. Even if analogy were valid, this case would remain invalid because wiping over leather socks has a specified time limit, while wiping over bandages has none. Moreover, the claim that "since wiping over leather socks is permissible, wiping over bandages becomes obligatory" is a baseless assertion and a ruling derived from their own opinion. Furthermore, it is also invalid in its formulation, as it imposes an obligatory duty by analogy to a ruling that is merely permissive and optional. This has no basis in analogical reasoning whatsoever.

L3837 A statement similar to ours has been narrated to us from some of the Salaf, as transmitted through Ibn al-Mubārak's chain from Sufyān al-Thawrī, from ʿAbd al-Malik ibn Abjar, from al-Shaʿbī, who said regarding a wound: "Wash around it." If it is objected: "You have reported from Ibn ʿUmar that he

أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ «قُلْتُ يَا رَسُولَ اللَّهِ أَمْسَحُ عَلَى الْجَبَائِرِ؟ قَالَ نَعَمْ امْسَحْ عَلَيْهَا» قُلْنَا: هَذَا خَبَرٌ لَا تَحِلُّ رِوَايَتُهُ إِلَّا عَلَى بَيَانِ سُقُوطِهِ، لِأَنَّهُ انْفَرَدَ بِهِ أَبُو خَالِدٍ عَمْرُو بْنُ خَالِدٍ الْوَاسِطِيُّ وَهُوَ مَذْكُورٌ بِالْكَذِبِ.

فَإِنْ قِيلَ: فَقَدْ جَاءَ أَنَّهُ «- عَلَيْهِ السَّلَامُ - أَمَرَهُمْ أَنْ يَمْسَحُوا عَلَى الْعَصَائِبِ وَالتَّسَاخِينِ» قُلْنَا: هَذَا لَا يَصِحُّ مِنْ طَرِيقِ الْإِسْنَادِ، وَلَوْ كَانَ لَمَا كَانَتْ فِيهِ حُجَّةٌ، لِأَنَّ الْعَصَائِبَ هِيَ الْعَمَائِمُ، قَالَ الْفَرَزْدَقُ:

وَرَكْبٍ كَأَنَّ الرِّيحَ تُطْلَبُ عِنْدَهُمْ ... لَهَا تِرَةٌ مِنْ جَذْبِهَا بِالْعَصَائِبِ

وَالتَّسَاخِينُ هِيَ الْخِفَافُ.

وَإِنَّمَا أَوْجَبَ مَنْ أَوْجَبَ الْمَسْحَ عَلَى الْجَبَائِرِ قِيَاسًا عَلَى الْمَسْحِ عَلَى الْخُفَّيْنِ، وَالْقِيَاسُ بَاطِلٌ، ثُمَّ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ الْمَسْحَ عَلَى الْخُفَّيْنِ فِيهِ تَوْقِيتٌ، وَلَا تَوْقِيتَ فِي الْمَسْحِ عَلَى الْجَبَائِرِ، مَعَ أَنَّ قَوْلَ الْقَائِلِ: لَمَّا جَازَ الْمَسْحُ عَلَى الْخُفَّيْنِ وَجَبَ الْمَسْحُ عَلَى الْجَبَائِرِ، دَعْوَى بِلَا دَلِيلٍ، وَقَضِيَّةٌ مِنْ عِنْدِهِ، ثُمَّ هِيَ أَيْضًا مَوْضُوعَةٌ وَضْعًا فَاسِدًا لِأَنَّهُ إِيجَابُ فَرْضٍ قِيسَ عَلَى إِبَاحَةٍ وَتَخْيِيرٍ، وَهَذَا لَيْسَ مِنَ الْقِيَاسِ فِي شَيْءٍ.

وَقَدْ رُوِّينَا مِثْلَ قَوْلِنَا عَنْ بَعْضِ السَّلَفِ، كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ الْمُبَارَكِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبْجَرَ عَنِ الشَّعْبِيِّ أَنَّهُ قَالَ فِي الْجِرَاحَةِ: اغْسِلْ مَا حَوْلَهَا، فَإِنْ قِيلَ: قَدْ رَوَيْتُمْ عَنِ ابْنِ عُمَرَ أَنَّهُ أَلْقَمَ أُصْبُعَ رِجْلِهِ مَرَارَةً فَكَانَ يَمْسَحُ عَلَيْهَا.

[27] **Qur'an references (L3830):** Qur'an 2:286 (Al-Baqarah).

applied his toe to colocynth (a bitter substance) and would perform wiping over it."

L3838–3840 We said: This is an action on his part, not an obligation for wiping over it, and it has been soundly narrated from him (may Allah be pleased with him). That he used to put water into the inner part of his eyes during ablution and the major ritual bath», while you do not even see this practice, let alone deem it obligatory. It is established that he permitted the sale of a pregnant animal while excluding what is in her womb, yet this is forbidden according to you. Among the matters most detested by Allah the Exalted is that you cite his rulings as evidence for matters you desire while discarding his rulings as evidence when you do not desire them - this is an extremely grave matter in the religion.

قُلْنَا: هَذَا فِعْلٌ مِنْهُ، وَلَيْسَ إيجَابًا لِلْمَسْحِ عَلَيْهَا، وَقَدْ صَحَّ عَنْهُ «- رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ كَانَ يُدْخِلُ الْمَاءَ فِي بَاطِنِ عَيْنَيْهِ فِي الْوُضُوءِ وَالْغُسْلِ» ، وَأَنْتُمْ لَا تَرَوْنَ ذَلِكَ، فَضْلًا عَنْ أَنْ تُوجِبُوهُ فَرْضًا، وَصَحَّ أَنْ كَانَ يُجِيزُ بَيْعَ الْحَامِلِ وَاسْتِثْنَاءَ مَا فِي بَطْنِهَا، وَهَذَا عِنْدَكُمْ حَرَامٌ، وَمِنْ الْمَقْتِ عِنْدَ اللَّهِ تَعَالَى أَنْ تَحْتَجُّوا بِهِ فِيمَا اشْتَهَيْتُمْ وَتُسْقِطُوا الْحُجَّةَ بِهِ حَيْثُ لَمْ تَشْتَهُوا، وَهَذَا عَظِيمٌ فِي الدِّينِ جِدًّا.

L3841 Since what we have mentioned is established, ablution—when completed and prayer with it becomes valid—is nullified only by an occurrence that breaks ablution or an explicit text declaring its nullification. The detachment of an adhesive plaster, splint, or bandage does not constitute such an occurrence, nor has any textual evidence been established requiring ablution for such cases. Divine laws are derived solely from Allah, the Exalted, through the words of His Messenger, peace and blessings be upon him. Among those who endorsed wiping over splints are Abu Hanifah, Malik, and Al-Shafi'i, whereas Dawud and our companions rejected this view. Success comes only from Allah, the Exalted.

وَإِذْ قَدْ صَحَّ مَا ذَكَرْنَا فَالْوُضُوءُ إذَا تَمَّ وَجَازَتْ بِهِ الصَّلَاةُ فَلَا يَنْقُضُهُ إلَّا حَدَثٌ أَوْ نَصٌّ جَلِيٌّ وَارِدٌ بِانْتِقَاضِهِ، وَلَيْسَ سُقُوطُ اللَّصْقَةِ أَوْ الْجَبِيرَةِ أَوْ الرِّبَاطِ حَدَثًا، وَلَا جَاءَ نَصٌّ بِإِيجَابِ الْوُضُوءِ مِنْ ذَلِكَ، وَالشَّرَائِعُ لَا تُؤْخَذُ إلَّا عَنْ اللَّهِ تَعَالَى عَلَى لِسَانِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمِمَّنْ رَأَى الْمَسْحَ عَلَى الْجَبَائِرِ أَبُو حَنِيفَةَ وَمَالِكٌ وَالشَّافِعِيُّ وَلَمْ يَرَ ذَلِكَ دَاوُد وَأَصْحَابُنَا، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L3842 **A legal issue: The ruling on touching the penis with the right hand.**

[مَسْأَلَةٌ حُكْمُ مَسِّ الذَّكَرِ بِالْيَمِينِ]

L3843 210 - Issue: It is not permissible for anyone to touch his penis with his right hand as a general rule, except in cases of necessity where no alternative exists. There is no harm in touching a garment covering his penis with his right hand. Touching the penis with the left hand is permissible. Wiping the rest of his limbs with his right or left hand is permissible. A man touching a male child's penis for medical treatment or similar righteous purposes, such as circumcision and the like, is permissible with the right or left hand. A woman may touch her private parts with her right or left hand. Similarly,

٢١٠ - مَسْأَلَةٌ: وَلَا يَجُوزُ لِأَحَدٍ مَسُّ ذَكَرِهِ بِيَمِينِهِ جُمْلَةً إلَّا عِنْدَ ضَرُورَةٍ لَا يُمْكِنُهُ غَيْرُ ذَلِكَ، وَلَا بَأْسَ بِأَنْ يَمَسَّ بِيَمِينِهِ ثَوْبًا عَلَى ذَكَرِهِ، وَمَسُّ الذَّكَرِ بِالشِّمَالِ مُبَاحٌ، وَمَسْحُ سَائِرِ أَعْضَائِهِ بِيَمِينِهِ وَبِشِمَالِهِ مُبَاحٌ، وَمَسُّ الرَّجُلِ ذَكَرَ صَغِيرٍ لِمُدَاوَاةٍ أَوْ نَحْوِ ذَلِكَ مِنْ

a woman may touch her husband's or master's penis with her right or left hand.

أَبْوَابِ الْخَيْرِ كَالْخِتَانِ وَنَحْوِهِ، جَائِزٌ بِالْيَمِينِ وَالشِّمَالِ، وَمَسُّ الْمَرْأَةِ فَرْجَهَا بِيَمِينِهَا وَشِمَالِهَا جَائِزٌ، وَكَذَلِكَ مَسُّهَا ذَكَرَ زَوْجِهَا أَوْ سَيِّدِهَا بِيَمِينِهَا أَوْ بِشِمَالِهَا جَائِزٌ.

L3844 The proof of this is that everything we have mentioned has no text prohibiting it, and whatever has no text declaring it prohibited is permissible by the saying of Allah the Exalted: "He has detailed for you what He has forbidden to you, except that which you are compelled to eat" (6:119), and the saying of the Messenger of Allah (peace and blessings of Allah be upon him): "Among the greatest people in sin within Islam is one who asks about something not prohibited, thereby causing it to be prohibited because of his questioning."[28]

بُرْهَانُ ذَلِكَ أَنَّ كُلَّ مَا ذَكَرْنَا فَلَا نَصَّ فِي النَّهْيِ عَنْهُ، وَكُلُّ مَا لَا نَصَّ فِي تَحْرِيمِهِ فَهُوَ مُبَاحٌ بِقَوْلِ اللَّهِ تَعَالَى: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] وَقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مِنْ أَعْظَمِ النَّاسِ جُرْمًا فِي الْإِسْلَامِ مَنْ سَأَلَ عَنْ شَيْءٍ لَمْ يُحَرَّمْ فَحُرِّمَ مِنْ أَجْلِ مَسْأَلَتِهِ» .

L3845 And his statement (peace be upon him): "Leave me as I have left you. When I command you to do something, do as much of it as you can, and when I forbid you from something, avoid it"—or as he said (peace be upon him). Thus, the Exalted has stated clearly that every prohibited matter has been explicitly detailed for us by name. Therefore, it is established that whatever has not had its prohibition explicitly detailed is not forbidden, and likewise through the two aforementioned narrations.

وَقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «دَعُونِي مَا تَرَكْتُكُمْ فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ» أَوْ كَمَا قَالَ - عَلَيْهِ السَّلَامُ -، فَنَصَّ تَعَالَى عَلَى أَنَّ كُلَّ مُحَرَّمٍ قَدْ فُصِّلَ لَنَا بِاسْمِهِ، فَصَحَّ أَنَّ مَا لَمْ يُفَصَّلْ تَحْرِيمُهُ فَلَمْ يُحَرَّمْ، وَكَذَلِكَ بِالْخَبَرَيْنِ الْمَذْكُورَيْنِ.

L3846–3848 The prohibition has been established against a man touching his genitals with his right hand, as narrated to us by Hammām and ʿAbdullāh ibn Yūsuf. ʿAbdullāh said: Narrated to us by Aḥmad ibn Fatḥ, narrated to us by ʿAbd al-Wahhāb ibn ʿĪsā, narrated to us by Aḥmad ibn Muḥammad... Aḥmad ibn ʿAlī narrated to us: Muslim ibn al-Ḥajjāj narrated to us: Ibn Abī ʿUmar narrated to us: al-Thaqafī (who is ʿAbd al-Wahhāb ibn ʿAbd al-Majīd) narrated from Ayyūb al-Sikhtiyānī. Ḥammām said: ʿAbbās ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us: Aḥmad ibn Muḥammad al-Birtī, the judge of Baghdad, narrated to us: Abū Nuʿaym (who is al-Faḍl ibn Dukayn) narrated to us: Sufyān (who is al-Thawrī) narrated from Maʿmar. Then the chains of Ayyūb al-Sikhtiyānī and Maʿmar meet, both narrating from Yaḥyā ibn Abī Kathīr, from ʿAbd Allāh ibn Abī Qatādah, from his father, who said: "The Messenger of Allāh—peace and blessings be

وَقَدْ جَاءَ النَّهْيُ عَنْ مَسِّ الرَّجُلِ ذَكَرَهُ بِيَمِينِهِ، كَمَا حَدَّثَنَا حَمَامٌ وَعَبْدُ اللَّهِ بْنُ يُوسُفَ، قَالَ عَبْدُ اللَّهِ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا ابْنُ أَبِي عُمَرَ ثنا الثَّقَفِيُّ هُوَ عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْمَجِيدِ - عَنْ أَيُّوبَ السِّخْتِيَانِيِّ، وَقَالَ حَمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ مُحَمَّدٍ الْبِرْتِيُّ قَاضِي بَغْدَادَ ثنا أَبُو نُعَيْمٍ هُوَ الْفَضْلُ بْنُ دُكَيْنٍ - ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ عَنْ مَعْمَرٍ، ثُمَّ اتَّفَقَ أَيُّوبُ السِّخْتِيَانِيُّ وَمَعْمَرٌ كِلَاهُمَا عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ عَنْ أَبِيهِ قَالَ: «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَمَسَّ الرَّجُلُ ذَكَرَهُ بِيَمِينِهِ» هَذَا لَفْظُ مَعْمَرٍ.

[28] **Qur'an references (L3844):** Qur'an 6:119 (Al-An'am).

upon him—prohibited a man from touching his penis with his right hand." These are the exact words of Maʿmar.

وَلَفْظُ أَيُّوبَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَتَنَفَّسَ فِي الْإِنَاءِ وَأَنْ يَمَسَّ ذَكَرَهُ بِيَمِينِهِ وَأَنْ يَسْتَطِيبَ بِيَمِينِهِ» .

L3849 The wording of Ayyub is: "The Messenger of Allah (peace and blessings be upon him) prohibited breathing into the vessel, touching one's male genitalia with one's right hand, and using the right hand to cleanse oneself after defecation."

وَبِهَذَا الْخَبَرِ حَرُمَ أَنْ يُزِيلَ أَحَدٌ أَثَرَ الْبَوْلِ بِيَمِينِهِ بِغَسْلٍ أَوْ مَسْحٍ، لِأَنَّهُ اسْتِطَابَةٌ.

L3850 According to this tradition, it is forbidden for anyone to use their right hand to remove traces of urine through washing or wiping, as this constitutes *istitābah* (post-relief cleansing).

قَالَ عَلِيٌّ: رِوَايَةُ مَعْمَرٍ وَأَيُّوبَ زَائِدَةٌ عَلَى كُلِّ مَا رَوَاهُ غَيْرُهُمَا عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ مِنَ الِاقْتِصَارِ بِالنَّهْيِ عَنْ مَسِّ الذَّكَرِ بِالْيَمِينِ فِي حَالِ الْبَوْلِ، وَعِنْدَ دُخُولِ الْخَلَاءِ، وَالزِّيَادَةُ مَقْبُولَةٌ لَا يَجُوزُ رَدُّهَا، لَا سِيَّمَا وَأَيُّوبُ وَمَعْمَرٌ أَحْفَظُ مِمَّنْ رَوَى بَعْضَ مَا رَوَيَاهُ، وَكُلُّ ذَلِكَ حَقٌّ، وَأَخْذُ كُلِّ ذَلِكَ فَرْضٌ لَا يَحِلُّ رَدُّ شَيْءٍ مِمَّا رَوَاهُ الثِّقَاتُ، فَمَنْ أَخَذَ بِرِوَايَةِ أَيُّوبَ وَمَعْمَرٍ فَقَدْ أَخَذَ بِرِوَايَةِ هَمَّامٍ وَهِشَامٍ الدَّسْتُوَائِيِّ وَالْأَوْزَاعِيِّ وَأَبِي إِسْمَاعِيلَ، وَمَنْ أَخَذَ بِرِوَايَةِ هَؤُلَاءِ وَخَالَفَ رِوَايَةَ أَيُّوبَ وَمَعْمَرٍ فَقَدْ عَصَى.

L3851 Ali said: The narration of Maʿmar and Ayyūb includes an addition beyond all that others narrated from Yaḥyā ibn Abī Kathīr regarding limiting the prohibition to touching the male organ with the right hand during urination and when entering the lavatory. The addition is acceptable and must not be rejected, especially since Ayyūb and Maʿmar are more reliable in memorization than those who transmitted some of what they narrated. All of this is true, and accepting it in full is obligatory. It is impermissible to reject anything narrated by trustworthy authorities. Whoever adopts the narration of Ayyūb and Maʿmar has thereby adopted the narration of Hammām, Hishām al-Dastawā'ī, al-Awzāʿī, and Abū Ismāʿīl. Whoever adopts the narration of these latter yet opposes the narration of Ayyūb and Maʿmar has indeed disobeyed.

وَقَدْ رُوِّينَا مِثْلَ قَوْلِنَا هَذَا عَنْ بَعْضِ السَّلَفِ، كَمَا رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنِ الصَّلْتِ بْنِ دِينَارٍ عَنْ عُقْبَةَ بْنِ صَهْبَانَ: سَمِعْتُ أَمِيرَ الْمُؤْمِنِينَ عُثْمَانَ - رَضِيَ اللَّهُ عَنْهُ - يَقُولُ: مَا مَسِسْتُ ذَكَرِي بِيَمِينِي مُذْ بَايَعْتُ بِهَا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L3852 A statement similar to this one of ours has been narrated to us from some of the Salaf, as reported through the chain of Waki' from al-Ṣalt ibn Dīnār from ʿUqbah ibn Ṣahbān: I heard the Commander of the Faithful, ʿUthmān—may Allah be pleased with him—say: "I have not touched my private part with my right hand since I pledged allegiance with it to the Messenger of Allah—peace and blessings be upon him."

وَبِهِ إِلَى وَكِيعٍ عَنْ خَالِدِ بْنِ دِينَارٍ سَمِعْتُ أَبَا الْعَالِيَةِ يَقُولُ: مَا مَسِسْتُ ذَكَرِي بِيَمِينِي مُذْ سِتِّينَ سَنَةً أَوْ سَبْعِينَ سَنَةً.

L3853 And by him to Waki', from Khalid ibn Dinar: I heard Abu al-'Aliyah say: I have not touched my penis with my right hand for sixty or seventy years.

L3854 And it has been narrated to us from Muslim ibn Yasar—who was among the best of the Successors—that he said: "I do not touch my private part with

my right hand, as I hope to take my Book of Deeds with it." And with Allah, the Exalted, is success.

A case where one was certain of having performed wudu and ghusl, then doubted their validity.

211 - Issue: Whoever is certain of having performed minor ablution (wudu) and major ablution (ghusl), then doubts whether he invalidated them or whether something occurred necessitating major ablution or not, he remains in his state of purity and is not required to renew either major ablution or minor ablution. If he performs major ablution and minor ablution, then becomes certain that he was in a state of minor ritual impurity (hadath) or major impurity (janābah), or that he had committed acts necessitating major ablution, the ablutions performed based on doubt do not suffice him. He must perform another major ablution and another minor ablution. Whoever is certain of ritual impurity but doubts whether he performed minor ablution or major ablution must perform whichever of the two he doubted. If he does not perform ablution or ghusl and prays while in doubt, then becomes certain that neither minor impurity existed nor was ghusl required, his prayer is not valid at all. The proof for this is Allah's statement: "They follow nothing but doubt, and indeed doubt avails nothing against the truth" (53:28). The Messenger of Allah (peace and blessings be upon him) said: "Avoid doubt, for doubt is the most deceitful of speech."[29]

Abdullah ibn Rabee' narrated to us: Muhammad ibn Ishaq narrated to us: Ibn al-A'rabi narrated to us: Abu Dawud narrated to us: Musa ibn Isma'il narrated to us: Hammad narrated to us: Suhayl ibn Abi Salih narrated from his father from Abu Hurayrah that the Messenger of Allah—peace and blessings be upon him—said: "If any of you is in prayer and senses movement in his anus, whether he has passed wind or not, and is uncertain, he should not leave the prayer until he hears a sound or detects an odor." This is the opinion of Abu Hanifah, al-Shafi'i, and Dawud. Malik said: "He must perform ablution in both situations of doubt." Some of his adherents argued

[29] **Qur'an references (L3856):** Qur'an 53:28 (An-Najm).

وَرُوِّينَا عَنْ مُسْلِمِ بْنِ يَسَارٍ - وَكَانَ مِنْ خِيَارِ التَّابِعِينَ - أَنَّهُ قَالَ: لَا أَمَسُّ ذَكَرِي بِيَمِينِي وَأَنَا أَرْجُو أَنْ آخُذَ بِهَا كِتَابِي. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ أَيْقَنَ بِالْوُضُوءِ وَالْغُسْلِ ثُمَّ شَكَّ]

٢١١ - مَسْأَلَةٌ: وَمَنْ أَيْقَنَ بِالْوُضُوءِ وَالْغُسْلِ ثُمَّ شَكَّ هَلْ أَحْدَثَ أَوْ كَانَ مِنْهُ مَا يُوجِبُ الْغُسْلَ أَمْ لَا فَهُوَ عَلَى طَهَارَتِهِ، وَلَيْسَ عَلَيْهِ أَنْ يُجَدِّدَ غُسْلًا وَلَا وُضُوءًا، فَلَوْ اغْتَسَلَ وَتَوَضَّأَ ثُمَّ أَيْقَنَ أَنَّهُ كَانَ مُحْدِثًا أَوْ مُجْنِبًا، أَوْ أَنَّهُ قَدْ أَتَى بِمَا يُوجِبُ الْغُسْلَ لَمْ يُجْزِهِ الْغُسْلُ وَلَا الْوُضُوءُ اللَّذَانِ أَحْدَثَا بِالشَّكِّ، وَعَلَيْهِ أَنْ يَأْتِيَ بِغُسْلٍ آخَرَ وَوُضُوءٍ آخَرَ، وَمَنْ أَيْقَنَ بِالْحَدَثِ وَشَكَّ فِي الْوُضُوءِ أَوْ الْغُسْلِ فَعَلَيْهِ أَنْ يَأْتِيَ بِمَا شَكَّ فِيهِ مِنْ ذَلِكَ، فَإِنْ لَمْ يَفْعَلْ وَصَلَّى بِشَكِّهِ ثُمَّ أَيْقَنَ أَنَّهُ لَمْ يَكُنْ حَدَثًا وَلَا كَانَ عَلَيْهِ غُسْلٌ لَمْ تُجْزِهِ صَلَاتُهُ تِلْكَ أَصْلًا. بُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {إِنْ يَتَّبِعُونَ إِلا الظَّنَّ وَإِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [النجم: ٢٨] ، وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» .

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادٌ ثنا سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا كَانَ أَحَدُكُمْ فِي الصَّلَاةِ فَوَجَدَ حَرَكَةً فِي دُبُرِهِ أَحْدَثَ أَوْ لَمْ يُحْدِثْ فَأَشْكَلَ عَلَيْهِ، فَلَا يَنْصَرِفْ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا» وَهَذَا قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَدَاوُد، وَقَالَ مَالِكٌ: يَتَوَضَّأُ فِي كِلَا الْوَجْهَيْنِ، وَاحْتَجَّ بَعْضُ مُقَلِّدِيهِ بِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَمَرَ مَنْ شَكَّ فَلَمْ يَدْرِ كَمْ صَلَّى بِأَنْ يَلْغِيَ

الشَّكَّ وَيَبْنِيَ عَلَى الْيَقِينِ» قَالَ أَبُو مُحَمَّد: وَهَذَا خَطَأٌ مِنْ وَجْهَيْنِ، أَحَدُهُمَا تَرْكُهُمْ لِلْخَبَرِ الْوَارِدِ فِي الْمَسْأَلَةِ بِعَيْنِهَا وَمُخَالَفَتُهُمْ لَهُ، وَأَنْ يَجْعَلُوا هَذَا الْأَمْرَ حَدَثًا يُوجِبُ الْوُضُوءَ فِي غَيْرِ الصَّلَاةِ وَلَا يُوجِبُهُ فِي الصَّلَاةِ، وَهَذَا تَنَاقُضٌ قَدْ أَنْكَرُوا مِثْلَهُ عَلَى أَبِي حَنِيفَةَ فِي الْوُضُوءِ مِنْ الْقَهْقَهَةِ فِي الصَّلَاةِ دُونَ غَيْرِهَا وَأَخَذُهُمْ بِخَبَرٍ جَاءَ فِي حُكْمٍ آخَرَ.

by citing that the Messenger of Allah—peace and blessings be upon him—"commanded one who doubted and did not know how much he had prayed to disregard the doubt and base his prayer on certainty." Abu Muhammad said: "This is erroneous for two reasons. First, they abandoned the specific report directly addressing the issue and contradicted it. Second, they deemed this occurrence to necessitate ablution outside prayer but not during prayer—a contradiction they themselves criticized in Abu Hanifah's ruling regarding ablution after laughing aloud in prayer but not outside it, while they relied on a report pertaining to a different ruling."[30]

وَالثَّانِي أَنَّهُمْ احْتَجُّوا بِخَبَرٍ هُوَ حُجَّةٌ عَلَيْهِمْ؛ لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَجْعَلْ لِلشَّكِّ حُكْمًا، وَأَبْقَاهُ عَلَى الْيَقِينِ عِنْدَهُ بِلَا شَكٍّ، وَإِنْ جَازَ أَنْ يَكُونَ الْأَمْرُ كَمَا ظَنَّ - هَذَا - إلَى تَنَاقُضِهِمْ، فَإِنَّهُمْ يَقُولُونَ: مَنْ شَكَّ أَطَلَّقَ أَمْ لَمْ يُطَلِّقْ، وَأَيْقَنَ بِصِحَّةِ النِّكَاحِ فَلَا يَلْزَمُهُ طَلَاقٌ، وَمَنْ أَيْقَنَ بِصِحَّةِ الْمِلْكِ فَشَكَّ أَنَّهُ أَعْتَقَ أَمْ لَمْ يُعْتِقْ فَلَا يَلْزَمُهُ عِتْقٌ، وَمَنْ تَيَقَّنَ حَيَاتَهُ وَشَكَّ فِي مَوْتِهِ فَهُوَ عَلَى الْحَيَاةِ، وَهَكَذَا فِي كُلِّ شَيْءٍ.

L3860 The second is that they cited a report which constitutes evidence against them, for the Prophet (peace be upon him) did not grant doubt any legal effect, preserving the certainty he held without doubt—even if it is permissible to assume the matter as one might presume. This leads to their contradiction, as they assert: one who doubts whether he pronounced divorce or not, while being certain of the marriage's validity, is not obligated to pronounce divorce. Similarly, one who is certain of the validity of his ownership but doubts whether he freed a slave or not is not obligated to free. Likewise, if someone's life is conclusively established but their death is doubted, he remains presumed alive. This principle applies universally to all matters.

قَالَ عَلِيٌّ: فَإِذَا هُوَ كَمَا ذَكَرْنَا فَإِنْ تَوَضَّأَ كَمَا ذَكَرْنَا وَهُوَ شَاكٌّ فِي الْحَدَثِ ثُمَّ أَيْقَنَ بِأَنَّهُ كَانَ أَحْدَثَ لَمْ يُجْزِهِ ذَلِكَ الْوُضُوءُ، لِأَنَّهُ لَمْ يَتَوَضَّأْ الْوُضُوءَ الْوَاجِبَ عَلَيْهِ، وَإِنَّمَا تَوَضَّأَ وُضُوءًا لَمْ يُؤْمَرْ بِهِ، وَلَا يَنُوبُ وُضُوءٌ لَمْ يَأْمُرْ اللَّهُ عَزَّ وَجَلَّ بِهِ عَنْ وُضُوءٍ أَمَرَ اللَّهُ تَعَالَى بِهِ.

L3861 Ali said: If the matter is as we described - that he performs ablution as mentioned while doubting ritual impurity, then becomes certain he had become ritually impure - this ablution does not suffice him. This is because he did not perform the obligatory ablution incumbent upon him. Rather, he performed an ablution he was not commanded to perform, and an ablution which Allah the Almighty and Majestic did not ordain cannot substitute for an ablution ordained by Allah the Most High.

وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

L3862 And with Allah, the Most High, alone is divine success.

[مَسْأَلَةٌ الْمَسْحُ عَلَى مَا لُبِسَ فِي الرِّجْلَيْنِ مِمَّا يَبْلُغُ فَوْقَ الْكَعْبَيْنِ]

L3863–3864 Jurisprudential Inquiry: The ruling regarding wiping over footwear that covers above the malleoli (ankle bones).

L3865 Issue: Wiping over anything worn on the feet—that is permissible to wear

[30] **Hadith references (L3859):** Sunan Abi Dawud 177.

and that covers above the ankles—is a Sunnah. This applies equally to khuffs made of leather, felt, wood, or esparto grass; socks of linen, wool, cotton, camel hair, or animal hair (whether they have soles or not); jurmūqayn; layered khuffs over khuffs; layered socks over socks; multiple layers of such footwear; or worn-out shoes.

مَسْأَلَةٌ: وَالْمَسْحُ عَلَى كُلِّ مَا لُبِسَ فِي الرِّجْلَيْنِ - مِمَّا يَحِلُّ لِبَاسُهُ مِمَّا يَبْلُغُ فَوْقَ الْكَعْبَيْنِ سُنَّةٌ، سَوَاءٌ كَانَا خُفَّيْنِ مِنْ جُلُودٍ أَوْ لُبُودٍ أَوْ عُودٍ أَوْ حَلْفَاءَ أَوْ جَوْرَبَيْنِ مِنْ كَتَّانٍ أَوْ صُوفٍ أَوْ قُطْنٍ أَوْ وَبَرٍ أَوْ شَعْرٍ - كَانَ عَلَيْهِمَا جِلْدٌ أَوْ لَمْ يَكُنْ - أَوْ جُرْمُوقَيْنِ أَوْ خُفَّيْنِ عَلَى خُفَّيْنِ أَوْ جَوْرَبَيْنِ عَلَى جَوْرَبَيْنِ أَوْ مَا كَثُرَ مِنْ ذَلِكَ أَوْ هَرَاكِسَ.

L3866 Similarly, if a woman wears the silk garments we mentioned, all that we have described—when worn while in a state of ablution—permits wiping over them for the resident for a day and a night, and for the traveler three days with their nights. After this duration, wiping becomes impermissible for him. When these two periods conclude—meaning whichever of the two applies—one may pray with that wiping as long as their purification remains intact. If their purification is invalidated, it is not permissible for him to wipe; rather, he must necessarily remove what is on his feet and perform ablution anew. If he incurs an obligation requiring a major ritual bath, he must necessarily remove both of them, after which he may wipe as we described if he wishes. And so on forever, as we have explained.

وَكَذَلِكَ إِنْ لَبِسَتْ الْمَرْأَةُ مَا ذَكَرْنَا مِنْ الْحَرِيرِ، فَكُلُّ مَا ذَكَرْنَا إذَا لُبِسَ عَلَى وُضُوءٍ جَازَ الْمَسْحُ عَلَيْهِ لِلْمُقِيمِ يَوْمًا وَلَيْلَةً وَلِلْمُسَافِرِ ثَلَاثَةَ أَيَّامٍ بِلَيَالِيهِنَّ، ثُمَّ لَا يَحِلُّ لَهُ الْمَسْحُ، فَإِذَا انْقَضَى هَذَانِ الْأَمَدَانِ - يَعْنِي أَحَدُهُمَا - لِمَنْ وُقِّتَ لَهُ صَلَّى بِذَلِكَ الْمَسْحِ مَا لَمْ تَنْتَقِضْ طَهَارَتُهُ، فَإِنْ انْتَقَضَتْ لَمْ يَحِلَّ لَهُ أَنْ يَمْسَحَ، لَكِنْ يَخْلَعُ مَا عَلَى رِجْلَيْهِ وَيَتَوَضَّأُ وَلَا بُدَّ، فَإِنْ أَصَابَهُ مَا يُوجِبُ الْغُسْلَ خَلَعَهُمَا وَلَا بُدَّ، ثُمَّ مَسَحَ كَمَا ذَكَرْنَا إنْ شَاءَ، وَهَكَذَا أَبَدًا كَمَا وَصَفْنَا.

L3867 The proof of that is what was narrated to us by Abdullah ibn Yusuf, narrated by Ahmad ibn Fath, narrated by Abd al-Wahhab ibn Isa, narrated by Ahmad ibn Muhammad, narrated by Ahmad ibn Ali, narrated by Muslim ibn al-Hajjaj, narrated by Muhammad ibn Abdullah ibn Numayr, narrated by my father, narrated by Zakariyya ibn Abi Za'idah, from Amir—that is Ash-Sha'bi—narrated by Urwah ibn al-Mughirah ibn Shu'bah, from his father, who said: "I was with the Messenger of Allah—peace and blessings be upon him—when he performed his ablution. Al-Mughirah said: 'I reached down to remove the two leather socks, but the Prophet (peace be upon him) said: Leave them, for I entered them while they were pure; and he wiped over them.'"

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 مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ ثنا أَبِي ثنا زَكَرِيَّا بْنُ أَبِي زَائِدَةَ عَنْ عَامِرٍ - هُوَ الشَّعْبِيُّ - ثنا عُرْوَةُ بْنُ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ أَبِيهِ قَالَ «كُنْتُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ وُضُوءَهُ - عَلَيْهِ السَّلَامُ -، قَالَ الْمُغِيرَةُ ثُمَّ أَهْوَيْتُ لِأَنْزِعَ الْخُفَّيْنِ فَقَالَ - عَلَيْهِ السَّلَامُ -: دَعْهُمَا فَإِنِّي أَدْخَلْتُهُمَا طَاهِرَتَيْنِ، وَمَسَحَ عَلَيْهِمَا» .

L3868 Aḥmad ibn Muḥammad al-Ṭalmankī narrated to us: Ibn Mufarrij narrated to us: Ibrāhīm ibn Aḥmad ibn ʿAlī ibn Aḥmad ibn Firās narrated to us: Muḥammad ibn ʿAlī ibn Zayd al-Ṣā'igh narrated to us: Saʿīd ibn Manṣūr narrated to us: Abū al-Aḥwaṣ narrated to us: al-Aʿmash narrated from Abū

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيُّ ثنا ابْنُ مُفَرِّجٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ بْنِ عَلِيِّ بْنِ أَحْمَدَ بْنِ فِرَاسٍ ثنا مُحَمَّدُ بْنُ عَلِيِّ بْنِ زَيْدٍ الصَّائِغُ ثنا سَعِيدُ بْنُ مَنْصُورٍ ثنا أَبُو الْأَحْوَصِ ثنا

Wā’il, from Ḥudhayfah, who said: “I was walking with the Messenger of Allah—peace be upon him—in al-Madinah when he approached a dung heap of some people. He urinated on it while standing, then performed ablution and wiped over his khuffs.”

الْأَعْمَشُ عَنْ أَبِي وَائِلٍ عَنْ «حُذَيْفَةَ قَالَ كُنْتُ أَمْشِي مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْمَدِينَةِ فَانْتَهَى إِلَى سُبَاطَةِ نَاسٍ فَبَالَ عَلَيْهَا قَائِمًا ثُمَّ تَوَضَّأَ وَمَسَحَ عَلَى خُفَّيْهِ» .

L3869–3871 ʿAbdullāh ibn Rabīʿ and Yaḥyā ibn ʿAbd al-Raḥmān ibn Masʿūd reported to us. ʿAbdullāh said—thana (he narrated):... Muhammad ibn Muʿāwiyah al-Qurashī al-Hishāmī narrated to us: Aḥmad ibn Shuʿayb narrated to us: Isḥāq ibn Ibrāhīm (Ibn Rāhawayh) narrated to us. Yaḥyā said: Aḥmad ibn Saʿīd ibn Ḥazm narrated to us, Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us, ʿAbdullāh ibn Aḥmad ibn Ḥanbal narrated to us: My father narrated to us. Then Aḥmad and Isḥāq concurred, with the wording being from Aḥmad, they both said: Wakīʿ narrated to us, Sufyān al-Thawrī narrated to us from Abū Qays ʿAbd al-Raḥmān ibn Tharwān from Huzayl ibn Shuraḥbīl from al-Mughīrah ibn Shuʿbah that the Messenger of Allah (peace and blessings be upon him) performed ablution and wiped over his khuffs and sandals.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ وَيَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ قَالَ عَبْدُ اللَّهِ - ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ الْقُرَشِيُّ الْهِشَامِيُّ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا إِسْحَاقُ بْنُ إِبْرَاهِيمَ - هُوَ ابْنُ رَاهْوَيْهِ - وَقَالَ يَحْيَى ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي، ثُمَّ اتَّفَقَ أَحْمَدُ وَإِسْحَاقُ وَاللَّفْظُ لِأَحْمَدَ قَالَا: ثنا وَكِيعٌ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي قَيْسٍ عَبْدِ الرَّحْمَنِ بْنِ ثَرْوَانَ عَنْ هُزَيْلِ بْنِ شُرَحْبِيلَ عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ " أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «تَوَضَّأَ وَمَسَحَ عَلَى الْجَوْرَبَيْنِ وَالنَّعْلَيْنِ» .

L3872 Yunus ibn Abdullah narrated to us; Muhammad ibn Muawiyah narrated to us; Ahmad ibn Shu‘ayb narrated to us; Hannad ibn al-Sari narrated to us from Abu Muawiyah, from al-A‘mash, from al-Hakam—who is Ibn Utaybah—from al-Qasim ibn Mukhaymirah, from Shuraih ibn Hani’ who said: I asked Aisha, the Mother of the Believers, about wiping over leather socks. She said: “Go to Ali ibn Abi Talib, for he is more knowledgeable about that than I am.” I went to Ali and asked him about wiping. He said: “The Messenger of Allah, peace and blessings be upon him, would command us that a resident should wipe for a day and a night, and a traveler for three days.” We also narrated this through the chain of Muslim ibn al-Hajjaj from Ishaq ibn Rahawayh, from Abd al-Razzaq and Zakariyya ibn ʿAdiyy. Abd al-Razzaq said: Sufyan al-Thawri, who would praise Amr ibn Qays al-Mula’i whenever he mentioned him, informed us from him. Zakariyya narrated from Ubaydullah ibn Amr al-Raqqi, from Zayd ibn Abi Unaysah. Then Zayd and Amr concurred from al-Hakam ibn Utaybah with a narration matching that of al-A‘mash from al-Hakam and its chain.

حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا هَنَّادُ بْنُ السَّرِيِّ عَنْ أَبِي مُعَاوِيَةَ عَنْ الْأَعْمَشِ عَنْ الْحَكَمِ - هُوَ ابْنُ عُتَيْبَةَ - عَنْ الْقَاسِمِ بْنِ مُخَيْمِرَةَ عَنْ «شُرَيْحِ بْنِ هَانِئٍ قَالَ: سَأَلْتُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ فَقَالَتْ: ائْتِ عَلِيَّ بْنَ أَبِي طَالِبٍ فَإِنَّهُ أَعْلَمُ بِذَلِكَ مِنِّي، فَأَتَيْتُ عَلِيًّا فَسَأَلْتُهُ عَنْ الْمَسْحِ؟ فَقَالَ: كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُنَا أَنْ يَمْسَحَ الْمُقِيمُ يَوْمًا وَلَيْلَةً وَالْمُسَافِرُ ثَلَاثًا» . وَرُوِّينَاهُ أَيْضًا كَذَلِكَ مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ عَنْ إِسْحَاقَ بْنِ رَاهْوَيْهِ عَنْ عَبْدِ الرَّزَّاقِ وَزَكَرِيَّا بْنِ عَدِيٍّ، قَالَ عَبْدُ الرَّزَّاقِ أَنْبَأَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ عَمْرِو بْنِ قَيْسٍ الْمُلَائِيِّ - وَكَانَ سُفْيَانُ إِذَا ذَكَرَهُ أَثْنَى عَلَيْهِ -. وَقَالَ زَكَرِيَّا عَنْ عُبَيْدِ اللَّهِ بْنِ عَمْرٍو الرَّقِّيِّ عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ، ثُمَّ اتَّفَقَ زَيْدٌ وَعَمْرٌو عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ بِمِثْلِ حَدِيثِ الْأَعْمَشِ

عَنْ الْحَكَمِ وَإِسْنَادُهُ. حَدَّثَنَا هِشَامُ بْنُ سَعِيدِ الْخَيْرِ ثنا عَبْدُ الْجَبَّارِ بْنُ أَحْمَدَ الْمُقْرِي ثنا الْحَسَنُ بْنُ الْحُسَيْنِ النَّجِيرَمِيُّ ثنا جَعْفَرُ بْنُ مُحَمَّدِ بْنِ الْحَسَنِ الْأَصْبَهَانِيُّ ثنا يُونُسُ بْنُ حَبِيبِ بْنِ عَبْدِ الْقَاهِرِ حَدَّثَنَا أَبُو دَاوُد الطَّيَالِسِيُّ ثنا حَمَّادُ بْنُ سَلَمَةَ وَحَمَّادُ بْنُ زَيْدٍ وَهَمَّامُ بْنُ يَحْيَى وَشُعْبَةُ بْنُ الْحَجَّاجِ كُلُّهُمْ عَنْ عَاصِمِ بْنِ أَبِي النَّجُودِ عَنْ «زِرِّ بْنِ حُبَيْشٍ قَالَ: أَتَيْتُ صَفْوَانَ بْنَ عَسَّالٍ فَقُلْتُ: إنَّهُ حَكَّ فِي نَفْسِي مِنْ الْمَسْحِ عَلَى الْخُفَّيْنِ شَيْءٌ، فَهَلْ سَمِعْتَ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ شَيْئًا؟ فَقَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سَفَرٍ فَأَمَرَنَا أَنْ نَمْسَحَ عَلَيْهِمَا ثَلَاثَةَ أَيَّامٍ وَلَيَالِيَهُنَّ مِنْ غَائِطٍ وَبَوْلٍ وَنَوْمٍ إلَّا مِنْ جَنَابَةٍ» . وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مَعْمَرٍ وَسُفْيَانَ الثَّوْرِيِّ وَسُفْيَانَ بْنِ عُيَيْنَةَ، كُلُّهُمْ عَنْ عَاصِمٍ عَنْ زِرٍّ عَنْ صَفْوَانَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمِثْلِهِ.

Hisham ibn Sa'id al-Khayr; Abd al-Jabbar ibn Ahmad al-Muqri; al-Hasan ibn al-Husayn al-Najrami; Ja'far ibn Muhammad ibn al-Hasan al-Asbahani; Yunus ibn Habib ibn Abd al-Qahir; Abu Dawud al-Tayalisi narrated to us: Hammad ibn Salamah, Hammad ibn Zayd, Hammam ibn Yahya, and Shu'bah ibn al-Hajjaj; all of them from Asim ibn Abi al-Najud, from Zirr ibn Hubaysh who said: I came to Safwan ibn Assal and said: "I had doubts regarding wiping over leather socks. Have you heard anything from the Messenger of Allah, peace and blessings be upon him, concerning that?" He replied: "We were with the Messenger of Allah, peace and blessings be upon him, on a journey, and he commanded us to wipe over them for three days and their nights for defecation, urination, and sleep—but not for janabah." We also narrated this through the chains of Ma'mar, Sufyan al-Thawri, and Sufyan ibn Uyaynah—all of them from Asim, from Zirr, from Safwan, from the Messenger of Allah, peace and blessings be upon him, with identical wording.

L3873–3875 وَهَذَا نَقْلُ تَوَاتُرٍ يُوجِبُ الْعِلْمَ، فَفِي حَدِيثِ الْمُغِيرَةِ أَنَّ الْمَسْحَ إنَّمَا هُوَ عَلَى مَنْ أَدْخَلَ الرِّجْلَيْنِ وَهُمَا طَاهِرَتَانِ.

And this is a mutawatir transmission that compels certainty, as established in the ḥadīth of Al-Mughīrah which states that wiping applies exclusively to those who [...] He inserted both legs while they were ritually pure.

L3876 وَفِي حَدِيثِ حُذَيْفَةَ الْمَسْحُ فِي الْحَضَرِ، وَفِي حَدِيثِ هُزَيْلٍ عَنْ الْمُغِيرَةِ الْمَسْحُ عَلَى الْجَوْرَبَيْنِ. وَفِي حَدِيثِ عَلِيٍّ عُمُومُ الْمَسْحِ عَلَى كُلِّ مَا لُبِسَ فِي الرِّجْلَيْنِ يَوْمًا وَلَيْلَةً لِلْمُقِيمِ وَثَلَاثًا لِلْمُسَافِرِ، وَأَنْ لَا يَخْلَعَ إلَّا لِغُسْلِ الْجَنَابَةِ فِي حَدِيثِ صَفْوَانَ.

In the ḥadīth of Ḥudhayfa: the wiping during residence. In the ḥadīth of Huzayl from al-Mughīra: the wiping over the pair of socks. In the ḥadīth of ʿAlī: the generality of wiping over anything worn on the feet for a day and a night for the resident and three for the traveler, and that one does not remove them except for the ritual bath due to sexual impurity in the ḥadīth of Ṣafwān.

L3877 وَأَمَّا قَوْلُنَا إنَّهُ إذَا انْقَضَى أَحَدُ الْأَمَدَيْنِ الْمَذْكُورَيْنِ صَلَّى الْمَاسِحُ بِذَلِكَ الْمَسْحِ مَا لَمْ يَنْتَقِضْ وُضُوءُهُ، وَلَا يَجُوزُ لَهُ أَنْ يَمْسَحَ إلَّا حَتَّى يَنْزِعَهُمَا وَيَتَوَضَّأَ، فَلِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ أَنْ يَمْسَحَ إنْ كَانَ مُسَافِرًا ثَلَاثًا فَقَطْ، وَإِنْ كَانَ مُقِيمًا

As for our statement that if one of the two aforementioned periods has expired, the person who has wiped [over footwear] may pray with that wiping as long as his ablution remains valid. He may not wipe again until he removes both [footwear] and performs ablution anew. This is because the Messenger of Allah—peace be upon him—commanded wiping for three days only when traveling, and a day and night only when residing. He instructed praying with

that wiping and did not prohibit prayer after its designated period expired, but rather prohibited only the wiping itself. This is the explicit text of the report concerning this matter.

يَوْمًا وَلَيْلَةً فَقَطْ، وَأَمَرَ - عَلَيْهِ السَّلَامُ - بِالصَّلَاةِ بِذَلِكَ الْمَسْحِ، وَلَمْ يَنْهَهُ عَنْ الصَّلَاةِ بِهِ بَعْدَ أَمَدِهِ الْمُؤَقَّتِ لَهُ، وَإِنَّمَا نَهَاهُ عَنْ الْمَسْحِ فَقَطْ، وَهَذَا نَصُّ الْخَبَرِ فِي ذَلِكَ.

L3878 Among those who held the opinion of wiping over the two khuffs are a group of the Salaf, as has been transmitted to us from Sufyān al-Thawrī from al-Zibriqān ibn ʿAbdillāh al-ʿAbdī, Yaḥyā ibn Abī Ḥayyah, and al-Aʿmash. Al-Zibriqān narrated from Kaʿb ibn ʿAbdillāh, who said: "I saw ʿAlī ibn Abī Ṭālib - may Allah be pleased with him - urinate, then wipe over his two khuffs and his two sandals." Yaḥyā narrated from Abū al-Julās from Ibn ʿUmar: "He would wipe over his two khuffs and his two sandals." Al-Aʿmash narrated from Ismāʿīl ibn Rajāʾ, Ibrāhīm al-Nakhaʿī, and Saʿīd ibn ʿAbdillāh ibn Ḍirār. Ismāʿīl narrated from his father, who said: "I saw al-Barāʾ ibn ʿĀzib wiping over his two khuffs and his two sandals."

وَمِمَّنْ قَالَ بِالْمَسْحِ عَلَى الْجَوْرَبَيْنِ جَمَاعَةٌ مِنْ السَّلَفِ، كَمَا رُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الزِّبْرِقَانِ بْنِ عَبْدِ اللَّهِ الْعَبْدِيِّ وَيَحْيَى بْنِ أَبِي حَيَّةَ وَالْأَعْمَشِ، قَالَ الزِّبْرِقَانُ عَنْ كَعْبِ بْنِ عَبْدِ اللَّهِ قَالَ: رَأَيْتُ عَلِيَّ بْنَ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - بَالَ فَمَسَحَ عَلَى جَوْرَبَيْهِ وَنَعْلَيْهِ، وَقَالَ يَحْيَى عَنْ أَبِي الْجُلَاسِ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَمْسَحُ عَلَى جَوْرَبَيْهِ وَنَعْلَيْهِ وَقَالَ الْأَعْمَشُ عَنْ إسْمَاعِيلَ بْنِ رَجَاءٍ وَإِبْرَاهِيمَ النَّخَعِيِّ وَسَعِيدِ بْنِ عَبْدِ اللَّهِ بْنِ ضِرَارٍ قَالَ إسْمَاعِيلُ عَنْ أَبِيهِ قَالَ: رَأَيْتُ الْبَرَاءَ بْنَ عَازِبٍ يَمْسَحُ عَلَى جَوْرَبَيْهِ وَنَعْلَيْهِ.

L3879 Ibrahim reported from Hammām ibn al-Ḥārith from Abū Masʿūd al-Badrī that he would wipe over his socks and sandals.

وَقَالَ إبْرَاهِيمُ عَنْ هَمَّامِ بْنِ الْحَارِثِ عَنْ أَبِي مَسْعُودٍ الْبَدْرِيِّ أَنَّهُ كَانَ يَمْسَحُ عَلَى جَوْرَبَيْهِ وَنَعْلَيْهِ.

L3880 Sa'id ibn Abdullāh said: I saw Anas ibn Mālik go to relieve himself, then he emerged wearing a white fastened cap. He wiped over the cap and over his two black Arabian khazz khuffs, then he prayed.

وَقَالَ سَعِيدُ بْنُ عَبْدِ اللَّهِ: رَأَيْتُ أَنَسَ بْنَ مَالِكٍ أَتَى الْخَلَاءَ ثُمَّ خَرَجَ وَعَلَيْهِ قَلَنْسُوَةٌ بَيْضَاءُ مَزْرُورَةٌ فَمَسَحَ عَلَى الْقَلَنْسُوَةِ وَعَلَى جَوْرَبَيْنِ لَهُ مِنْ خَزٍّ عَرَبِيٍّ أَسْوَدَ ثُمَّ صَلَّى.

L3881 And from the chain of Al-Ḍaḥḥāk ibn Makhlad, from Sufyān al-Thawrī, ʿĀṣim al-Aḥwal reported to me: "I saw Anas ibn Mālik perform masḥ over his two thin socks."

وَمِنْ طَرِيقِ الضَّحَّاكِ بْنِ مَخْلَدٍ عَنْ سُفْيَانَ الثَّوْرِيِّ حَدَّثَنِي عَاصِمٌ الْأَحْوَلُ قَالَ: رَأَيْتُ أَنَسَ بْنَ مَالِكٍ مَسَحَ عَلَى جَوْرَبَيْهِ.

L3882 From Hammad ibn Salama, from Thabit al-Bunani and Ubayd Allah ibn Abi Bakr ibn Anas ibn Malik, who both said: Anas ibn Malik used to perform masḥ (ritual wiping) over socks, khuffs, and the turban.

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ وَعُبَيْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ أَنَسِ بْنِ مَالِكٍ قَالَا جَمِيعًا: كَانَ أَنَسُ بْنُ مَالِكٍ يَمْسَحُ عَلَى الْجَوْرَبَيْنِ وَالْخُفَّيْنِ وَالْعِمَامَةِ.

L3883 From Hammad ibn Salama from Abu Ghalib from Abu Umamah al-Bahili that he would wipe over his socks, leather socks, and turban. And from Waki' from Abu Janab from his father from Khilas ibn 'Amr from Ibn 'Umar,

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَبِي غَالِبٍ عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ أَنَّهُ كَانَ يَمْسَحُ عَلَى الْجَوْرَبَيْنِ وَالْخُفَّيْنِ وَالْعِمَامَةِ وَعَنْ وَكِيعٍ عَنْ أَبِي جَنَابٍ عَنْ أَبِيهِ عَنْ خِلَاسِ بْنِ عَمْرٍو عَنْ ابْنِ

who said: Umar ibn al-Khattab urinated on Friday, then performed ablution, wiped over his socks and sandals, and led the people in the Friday Prayer.

عُمَرَ قَالَ: بَالَ عُمَرُ بْنُ الْخَطَّابِ يَوْمَ جُمُعَةٍ ثُمَّ تَوَضَّأَ وَمَسَحَ عَلَى الْجَوْرَبَيْنِ وَالنَّعْلَيْنِ وَصَلَّى بِالنَّاسِ الْجُمُعَةَ.

L3884–3886 Narrated by Waki‘, via Mahdi ibn Maymun, via Wāṣil the Hunchback, via Abū Wā’il. It is narrated from Abu Mas‘ud that he wiped over his two foot coverings (jowrabayn) made of hair.

وَعَنْ وَكِيعٍ عَنْ مَهْدِيِّ بْنِ مَيْمُونٍ عَنْ وَاصِلٍ الْأَحْدَبِ عَنْ أَبِي وَائِلٍ عَنْ أَبِي مَسْعُودٍ أَنَّهُ مَسَحَ عَلَى جَوْرَبَيْنِ لَهُ مِنْ شَعْرٍ.

L3887 From Waki‘, from Yaḥyā al-Bakkā’, who said: I heard Ibn ‘Umar say: “Wiping over the two socks is like wiping over the two khuffs.”

وَعَنْ وَكِيعٍ عَنْ يَحْيَى الْبَكَّاءِ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: الْمَسْحُ عَلَى الْجَوْرَبَيْنِ كَالْمَسْحِ عَلَى الْخُفَّيْنِ.

L3888 From Qatādah, from Sa‘īd ibn al-Muṣayyib: Socks (jawrabān) have the same status as leather socks (khuff) in wiping.

وَعَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: الْجَوْرَبَانِ بِمَنْزِلَةِ الْخُفَّيْنِ فِي الْمَسْحِ.

L3889 From ‘Abd al-Razzaq from Ibn Jurayj: I asked ‘Ata’, “Do we wipe over thick socks?” He replied, “Yes - wipe over them like leather socks covering the ankles.” From Shu‘bah from al-Hakam ibn ‘Utaybah from Ibrahim al-Nakha‘i: Ibrahim al-Nakha‘i saw no problem with wiping over thick socks.

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ، قُلْتُ لِعَطَاءٍ: نَمْسَحُ عَلَى الْجَوْرَبَيْنِ؟ قَالَ نَعَمْ امْسَحُوا عَلَيْهِمَا مِثْلَ الْخُفَّيْنِ. وَعَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ: أَنَّهُ كَانَ لَا يَرَى بِالْمَسْحِ عَلَى الْجَوْرَبَيْنِ بَأْسًا.

L3890 Abū Nu‘aym al-Fadl ibn Dukayn reported: I heard al-A‘mash being asked about the two leather socks—does one who spends the night [while wearing them] wipe over them? He replied: Yes.

وَعَنْ أَبِي نُعَيْمٍ الْفَضْلِ بْنِ دُكَيْنٍ قَالَ: سَمِعْتُ الْأَعْمَشَ سُئِلَ عَنْ الْجَوْرَبَيْنِ أَيَمْسَحُ عَلَيْهِمَا مَنْ بَاتَ فِيهِمَا؟ قَالَ نَعَمْ.

L3891 From Qatadah, on the authority of Al-Ḥasan and Khilās ibn ʿAmr, that they considered wiping over valid socks equivalent to leather socks in legal status.

وَعَنْ قَتَادَةَ عَنْ الْحَسَنِ وَخِلَاسِ بْنِ عَمْرٍو أَنَّهُمَا كَانَا يَرَيَانِ الْجَوْرَبَيْنِ فِي الْمَسْحِ بِمَنْزِلَةِ الْخُفَّيْنِ.

L3892 It has also been reported from ‘Abdullāh ibn Mas‘ūd, Sa‘d ibn Abī Waqqāṣ, Sahl ibn Sa‘d, and ‘Amr ibn Ḥurayth, as well as from Sa‘īd ibn Jubayr and Nāfi‘, the client of Ibn ‘Umar. They are ‘Umar, ‘Alī, ‘Abdullāh ibn ‘Amr, Abū Mas‘ūd, Al-Barā’ ibn ‘Āzib, Anas ibn Mālik, Abū Umāmah, Ibn Mas‘ūd [‘Abdullāh ibn Mas‘ūd], Sa‘d, Sahl ibn Sa‘d, and ‘Amr ibn Ḥurayth. Among the Companions—may Allah be pleased with them—who permit wiping over the khuffayn, no opponent to them is known.

وَقَدْ رُوِيَ أَيْضًا عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَسَعْدِ بْنِ أَبِي وَقَّاصٍ وَسَهْلِ بْنِ سَعْدٍ وَعَمْرِو بْنِ حُرَيْثٍ. وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ وَنَافِعٍ مَوْلَى ابْنِ عُمَرَ - فَهُمْ عُمَرُ وَعَلِيٌّ وَعَبْدُ اللَّهُ بْنُ عَمْرٍو وَأَبُو مَسْعُودٍ وَالْبَرَاءُ بْنُ عَازِبٍ وَأَنَسُ بْنُ مَالِكٍ وَأَبُو أُمَامَةَ وَابْنُ مَسْعُودٍ وَسَعْدٌ

وَسَهْلُ بْنُ سَعْدٍ وَعَمْرُو بْنُ حُرَيْثٍ، لَا يُعْرَفُ لَهُمْ مِمَّنْ يُجِيزُ الْمَسْحَ عَلَى الْخُفَّيْنِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مُخَالِفٌ.

L3893 And among the Tābiʿūn are Saʿīd ibn al-Musayyib, ʻAṭāʾ, Ibrāhīm al-Nakhaʿī, al-Aʿmash, Khilās ibn ʻAmr, Saʿīd ibn Jubayr, and Nāfiʿ, the freed slave of Ibn ʻUmar. This view is held by Sufyān al-Thawrī, al-Ḥasan ibn Ḥayy, Abū Yūsuf, Muḥammad ibn al-Ḥasan, Abū Thawr, Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhawayh, Dāwūd ibn ʻAlī, and others.

وَمِنْ التَّابِعِينَ سَعِيدُ بْنُ الْمُسَيِّبِ وَعَطَاءٌ وَإِبْرَاهِيمُ النَّخَعِيُّ وَالْأَعْمَشُ وَخِلَاسُ بْنُ عَمْرٍو وَسَعِيدُ بْنُ جُبَيْرٍ وَنَافِعٌ مَوْلَى ابْنِ عُمَرَ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالْحَسَنِ بْنِ حَيٍّ وَأَبِي يُوسُفَ وَمُحَمَّدِ بْنِ الْحَسَنِ وَأَبِي ثَوْرٍ وَأَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ بْنِ رَاهْوَيْهِ وَدَاوُد بْنِ عَلِيٍّ وَغَيْرِهِمْ.

L3894 Abu Hanifah said: One should not wipe over the two socks. Malik said: One should not wipe over them unless leather is sewn onto their lower part, but later he reconsidered and said: One should not wipe over them. Al-Shafi'i said: One should not wipe over them unless they are covered with leather.

وَقَالَ أَبُو حَنِيفَةَ: لَا يَمْسَحُ عَلَى الْجَوْرَبَيْنِ، وَقَالَ مَالِكٌ: لَا يَمْسَحُ عَلَيْهِمَا إلَّا أَنْ يَكُونَ أَسْفَلُهُمَا قَدْ خُرِزَ عَلَيْهِ جِلْدٌ، ثُمَّ رَجَعَ فَقَالَ: لَا يَمْسَحُ عَلَيْهِمَا، وَقَالَ الشَّافِعِيُّ لَا يَمْسَحُ عَلَيْهِمَا إلَّا أَنْ يَكُونَا مُجَلَّدَيْنِ.

L3895 Ali said: The stipulation of leather binding is an erroneous and baseless requirement, as it is unsupported by the Quran, the Sunnah, analogical reasoning, or the opinion of a Companion. Prohibiting wiping over socks is likewise an error, for it contradicts the established Sunnah of the Messenger of Allah—peace be upon him—and the narrations from the Salaf. Moreover, in the reports we cited, he—peace be upon him—did not specify leather socks to the exclusion of other types.

قَالَ عَلِيٌّ: اشْتِرَاطُ التَّجْلِيدِ خَطَأٌ لَا مَعْنَى لَهُ، لِأَنَّهُ لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا قِيَاسٌ وَلَا صَاحِبٌ، وَالْمَنْعُ مِنْ الْمَسْحِ عَلَى الْجَوْرَبَيْنِ خَطَأٌ لِأَنَّهُ خِلَافُ السُّنَّةِ الثَّابِتَةِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَخِلَافُ الْآثَارِ، وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - فِي الْأَخْبَارِ الَّتِي ذَكَرْنَا خُفَّيْنِ مِنْ غَيْرِهِمَا.

L3896–3898 It is astonishing that the Hanafis, Malikis, and Shafi'is condemn and deem grave the contradiction of a Companion when it aligns with their own *taqlīd* (adherence to their school), yet here they themselves have contradicted eleven Companions—with none of the Companions who permitted wiping opposing them—including Umar, his son, Ali, and Ibn Mas'ud. They have also contradicted those who... They do not permit wiping among the Companions. Thus, they ended up opposing all the Companions from whom a narration was reported on this matter—may Allah be pleased with them—

وَالْعَجَبُ أَنَّ الْحَنَفِيِّينَ وَالْمَالِكِيِّينَ وَالشَّافِعِيِّينَ يُشَنِّعُونَ وَيُعَظِّمُونَ مُخَالَفَةَ الصَّاحِبِ إذَا وَافَقَ تَقْلِيدَهُمْ وَهُمْ قَدْ خَالَفُوا هَهُنَا أَحَدَ عَشَرَ صَاحِبًا، لَا مُخَالِفَ لَهُمْ مِنْ الصَّحَابَةِ مِمَّنْ يُجِيزُ الْمَسْحَ، فِيهِمْ عُمَرُ وَابْنُهُ وَعَلِيٌّ وَابْنُ مَسْعُودٍ وَخَالَفُوا أَيْضًا مَنْ لَا يُجِيزُ الْمَسْحَ مِنْ الصَّحَابَةِ، فَحَصَلُوا عَلَى خِلَافِ كُلِّ مَنْ رُوِيَ عَنْهُ فِي هَذِهِ الْمَسْأَلَةِ شَيْءٌ مِنْ الصَّحَابَةِ

and opposed the established Sunnah of the Messenger of Allah—peace and blessings be upon him—and qiyas without valid basis.

- رَضِيَ اللَّهُ عَنْهُمْ -، وَخَالَفُوا السُّنَّةَ الثَّابِتَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْقِيَاسَ بِلَا مَعْنًى.

L3899 And success is by Allah, the Most High.

وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L3900 As for those who held the position of specifying a time limit for wiping among the Companions - may Allah be pleased with them - it has been narrated to us through the chain of Shuʿbah and Ibn al-Mubārak, from ʿĀṣim al-Aḥwal, from Abū ʿUthmān al-Nahdī, who said: I witnessed Saʿd ibn Abī Waqqāṣ and ʿAbdullāh ibn ʿUmar disagreeing about wiping. Saʿd performed wiping, while Ibn ʿUmar did not. They asked ʿUmar ibn al-Khaṭṭāb while I was present. ʿUmar said: "Wipe your day and your night until the next day at your time."

وَأَمَّا الْقَائِلُونَ بِالتَّوْقِيتِ فِي الْمَسْحِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فَرُوِّينَا مِنْ طَرِيقِ شُعْبَةَ وَابْنِ الْمُبَارَكِ عَنْ عَاصِمٍ الْأَحْوَلِ عَنْ أَبِي عُثْمَانَ النَّهْدِيِّ قَالَ: شَهِدْتُ سَعْدَ بْنَ أَبِي وَقَّاصٍ وَعَبْدَ اللَّهِ بْنَ عُمَرَ اخْتَلَفَا فِي الْمَسْحِ، فَمَسَحَ سَعْدٌ وَلَمْ يَمْسَحْ ابْنُ عُمَرَ، فَسَأَلُوا عُمَرَ بْنَ الْخَطَّابِ وَأَنَا شَاهِدٌ فَقَالَ عُمَرُ: امْسَحْ يَوْمَكَ وَلَيْلَتَكَ إلَى الْغَدِ سَاعَتَكَ.

L3901 From Shuʿbah, from ʿImrān ibn Muslim: I heard Suwayd ibn Ghaflah say, "Nubātah al-Juʿfī sent us to ʿUmar ibn al-Khaṭṭāb to ask him about wiping over the khuffs. They asked him, and ʿUmar replied, 'For a traveler: three days and their nights, and for a resident: a day and a night. One wipes over the khuffs and the turban.' These two chains of narration are unparalleled in authenticity and eminence."

وَعَنْ شُعْبَةَ عَنْ عِمْرَانَ بْنِ مُسْلِمٍ سَمِعْتُ سُوَيْدَ بْنَ غَفَلَةَ قَالَ بَعَثَنَا نُبَاتَةُ الْجُعْفِيُّ إلَى عُمَرَ بْنِ الْخَطَّابِ يَسْأَلُهُ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ، قَالَ فَسَأَلَهُ فَقَالَ عُمَرُ: لِلْمُسَافِرِ ثَلَاثَةُ أَيَّامٍ وَلَيَالِيهِنَّ وَلِلْمُقِيمِ يَوْمٌ وَلَيْلَةٌ يَمْسَحُ عَلَى الْخُفَّيْنِ وَالْعِمَامَةِ، وَهَذَانِ إسْنَادَانِ لَا نَظِيرَ لَهُمَا فِي الصِّحَّةِ وَالْجَلَالَةِ.

L3902 And that has also been transmitted to us through the chain of Saʿīd ibn al-Musayyib and Zayd ibn Ṣalt, both of them from ʿUmar.

وَقَدْ رُوِّينَا ذَلِكَ أَيْضًا مِنْ طَرِيقِ سَعِيدِ بْنِ الْمُسَيِّبِ وَزَيْدِ بْنِ الصَّلْتِ كِلَاهُمَا عَنْ عُمَرَ.

L3903 Through Sufyan al-Thawri, from Salama ibn Kuhayl, from Ibrāhīm al-Taymī, from al-Ḥārith ibn Suwayd, from ʿAbdullāh ibn Masʿūd, who said: "Three days for a traveler and one day for the resident" – referring to wiping over footwear.

وَمِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ عَنْ إبْرَاهِيمَ التَّيْمِيِّ عَنْ الْحَارِثِ بْنِ سُوَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ ثَلَاثَةُ أَيَّامٍ لِمُسَافِرٍ وَيَوْمٌ لِلْمُقِيمِ يَعْنِي فِي الْمَسْحِ.

L3904 We have also received narrations through the chain of Shaqīq ibn Salāmah from Ibn Masʿūd, and this, too, is an authentic chain.

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ شَقِيقِ بْنِ سَلَمَةَ عَنْ ابْنِ مَسْعُودٍ، وَهَذَا أَيْضًا إسْنَادٌ صَحِيحٌ.

L3905 Narrated by Wakīʿ from Shuʿbah from al-Ḥakam ibn ʿUtaybah from al-Qāsim ibn Mukhaymirah from Shurayḥ ibn Hāniʾ al-Ḥārithī: I asked ʿAlī about wiping, and he said: For the traveler three days, and for the non-traveler a day and a night.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ الْقَاسِمِ بْنِ مُخَيْمِرَةَ عَنْ شُرَيْحِ بْنِ هَانِئٍ الْحَارِثِيِّ: سَأَلْتُ عَلِيًّا عَنْ الْمَسْحِ فَقَالَ: لِلْمُسَافِرِ ثَلَاثًا وَلِلْمُقِيمِ يَوْمًا وَلَيْلَةً.

L3906 And from Shu’bah from Qatadah from Musa ibn Salamah, who said: I asked Ibn Abbas about wiping over the khuffs. He replied: Three days and their nights for the traveler, and a day and a night for the resident. This is a chain of the highest authenticity.

وَعَنْ شُعْبَةَ عَنْ قَتَادَةَ عَنْ مُوسَى بْنِ سَلَمَةَ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ فَقَالَ: ثَلَاثَةَ أَيَّامٍ وَلَيَالِيَهُنَّ لِلْمُسَافِرِ، وَيَوْمًا وَلَيْلَةً لِلْمُقِيمِ، وَهَذَا إسْنَادٌ فِي غَايَةِ الصِّحَّةِ.

L3907 From al-Sha‘bi, from ‘Urwah ibn al-Mughīrah ibn Shu‘bah, from his father, who said: It is established as a Sunnah for the traveler to wipe for three days and their nights, and for the non-traveler a day and a night regarding wiping.

وَعَنْ الشَّعْبِيِّ عَنْ عُرْوَةَ بْنِ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ أَبِيهِ قَالَ: صَارَتْ سُنَّةً لِلْمُسَافِرِ ثَلَاثَةَ أَيَّامٍ وَلَيَالِيَهُنَّ وَلِلْمُقِيمِ يَوْمًا وَلَيْلَةً فِي الْمَسْحِ.

L3908 From Hammad ibn Salama, from Sa‘id ibn Qatan, from Abu Zayd al-Ansari, the companion of the Messenger of Allah (peace be upon him), who said: “A traveler may wipe for three days and their nights, and a resident may wipe for a day and a night.”

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ سَعِيدِ بْنِ قَطَنٍ عَنْ أَبِي زَيْدٍ الْأَنْصَارِيِّ صَاحِبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: يَمْسَحُ الْمُسَافِرُ ثَلَاثَةَ أَيَّامٍ وَلَيَالِيَهُنَّ وَالْمُقِيمُ يَوْمًا وَلَيْلَةً.

L3909–3910 From Abd al-Razzaq [narrating] from Ibn Jurayj, Muhammad ibn Rashid, and Yahya ibn Rabi’ah. Ibn Jurayj said: Aban ibn Salih informed me that Umar ibn Shurayh informed him that Sharik the Judge used to say: For a resident [the term lasts] one day until nightfall, and for a traveler, three days.

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ وَمُحَمَّدِ بْنِ رَاشِدٍ وَيَحْيَى بْنِ رَبِيعَةَ، قَالَ ابْنُ جُرَيْجٍ أَخْبَرَنِي أَبَانُ بْنُ صَالِحٍ أَنَّ عُمَرَ بْنَ شُرَيْحٍ أَخْبَرَهُ أَنَّ شَرِيكًا الْقَاضِيَ كَانَ يَقُولُ: لِلْمُقِيمِ يَوْمٌ إلَى اللَّيْلِ وَلِلْمُسَافِرِ ثَلَاثٌ.

L3911 Ibn Abī Rāshid said: Sulaymān ibn Mūsā narrated to me, saying: ʿUmar ibn ʿAbd al-ʿAzīz wrote to the people of al-Miṣṣīṣah: “Remove the *khuffs* within every three [days].” Yaḥyā ibn Rabīʿah said: I asked ʿAṭāʾ ibn Abī Rabāḥ about *the wiping over the two khuffs*, and he replied: “Three [days] for the traveler and one day for the resident.” A similar ruling is also narrated from al-Shaʿbī.

وَقَالَ ابْنُ أَبِي رَاشِدٍ: أَخْبَرَنِي سُلَيْمَانُ بْنُ مُوسَى قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إلَى أَهْلِ الْمِصِّيصَةِ: أَنْ اخْلَعُوا الْخِفَافَ فِي كُلِّ ثَلَاثٍ وَقَالَ يَحْيَى بْنُ رَبِيعَةَ: سَأَلْتُ عَطَاءَ بْنَ أَبِي رَبَاحٍ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ فَقَالَ: ثَلَاثٌ لِلْمُسَافِرِ وَيَوْمٌ لِلْمُقِيمِ، وَقَدْ رُوِيَ أَيْضًا عَنْ الشَّعْبِيِّ.

L3912 This is the position of Sufyān al-Thawrī, al-Awzāʿī, al-Ḥasan ibn Ḥayy, Abū Ḥanīfah, al-Shāfiʿī, Aḥmad ibn Ḥanbal, Dāwūd ibn ʿAlī, and all their companions. This is also the view held by Isḥāq ibn Rāhwayh and the majority of the people of Hadith.

وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالْأَوْزَاعِيِّ وَالْحَسَنِ بْنِ حَيٍّ وَأَبِي حَنِيفَةَ وَالشَّافِعِيِّ وَأَحْمَدَ بْنِ حَنْبَلٍ وَدَاوُد بْنِ عَلِيٍّ وَجَمِيعِ أَصْحَابِهِمْ، وَهُوَ قَوْلُ إسْحَاقَ بْنِ رَاهْوَيْهِ وَجُمْلَةِ أَصْحَابِ الْحَدِيثِ.

L3913 Ashhab also narrated it from Malik, and the narration from Malik is inconsistent. The most evident view from him is the disapproval of wiping for the

وَقَدْ رَوَاهُ أَيْضًا أَشْهَبُ عَنْ مَالِكٍ وَالرِّوَايَةُ عَنْ مَالِكٍ مُخْتَلِفَةٌ، فَالْأَظْهَرُ عَنْهُ كَرَاهَةُ الْمَسْحِ لِلْمُقِيمِ وَقَدْ رُوِيَ عَنْهُ إِجَازَةُ الْمَسْحِ لِلْمُقِيمِ، وَأَنَّهُ لَا يَرَى التَّوْقِيتَ لَا لِلْمُقِيمِ وَلَا لِلْمُسَافِرِ وَأَنَّهُمَا يَمْسَحَانِ أَبَدًا مَا لَمْ يَجْنُبَا.

resident, though some narrations from him permit wiping for the resident. He did not advocate specifying a time limit—neither for the resident nor the traveler—holding that both may wipe indefinitely as long as they do not incur major impurity.

وَتَعَلَّقَ مُقَلِّدُوهُ فِي ذَلِكَ بِأَخْبَارٍ سَاقِطَةٍ لَا يَصِحُّ مِنْهَا شَيْءٌ، أَرْفَعُهَا مِنْ طَرِيقِ خُزَيْمَةَ بْنِ ثَابِتٍ، رَوَاهُ أَبُو عَبْدِ اللَّهِ الْجَدَلِيُّ صَاحِبُ رَايَةِ الْكَافِرِ الْمُخْتَارِ، وَلَا يُعْتَمَدُ عَلَى رِوَايَتِهِ، ثُمَّ لَوْ صَحَّ لَمَا كَانَتْ لَهُمْ فِيهِ حُجَّةٌ؛ لِأَنَّهُ لَيْسَ فِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَبَاحَ الْمَسْحَ أَكْثَرَ مِنْ ثَلَاثٍ، وَلَكِنْ فِي آخِرِ الْخَبَرِ مِنْ قَوْلِ الرَّاوِي: وَلَوْ تَمَادَى السَّائِلُ لَزَادَنَا.

His emulators in that matter have relied on weak reports, none of which are authentic. The highest in chain among them is transmitted through Khuzaymah ibn Thābit, narrated by Abū ʻAbdullāh al-Jadalī—the standard-bearer of the disbeliever al-Mukhtar—whose narration is not relied upon. Even if it were authentic, it would not constitute proof for them, for it does not mention that the Messenger of Allah (peace and blessings be upon him) permitted wiping more than three times. Rather, the narrator states at the end of the report: "If the one asking [the Prophet] had persisted, he would have given us more."

وَهَذَا ظَنٌّ وَغَيْبٌ لَا يَحِلُّ الْقَطْعُ بِهِ فِي أَخْبَارِ النَّاسِ، فَكَيْفَ فِي الدِّينِ إِلَّا أَنَّهُ صَحَّ مِنْ هَذَا اللَّفْظِ أَنَّ السَّائِلَ لَمْ يَتَمَادَ فَلَمْ يَزِدْهُمْ شَيْئًا، فَصَارَ هَذَا الْخَبَرُ لَوْ صَحَّ - حُجَّةً لَنَا عَلَيْهِمْ، وَمُبْطِلًا لِقَوْلِهِمْ، وَمُبَيِّنًا لِتَوْقِيتِ الثَّلَاثَةِ أَيَّامٍ فِي السَّفَرِ وَالْيَوْمِ وَاللَّيْلَةِ فِي الْحَضَرِ.

This is conjecture and matters of the unseen wherein definitive assertion is impermissible regarding reports about people—how then in matters of religion? However, it has been verified through this wording that the questioner did not overstep and thus added nothing further to them. Therefore, this report (if authentic) constitutes proof for us against them, nullifying their assertion and clarifying the specified duration of three days during travel and a day and a night in residence.

وَآخَرُ مِنْ طَرِيقِ أَنَسٍ، رَوَاهُ أَسَدُ بْنُ مُوسَى عَنْ حَمَّادِ بْنِ سَلَمَةَ، وَأَسَدٌ مُنْكَرُ الْحَدِيثِ، وَلَمْ يَرْوِ هَذَا الْخَبَرَ أَحَدٌ مِنْ ثِقَاتِ أَصْحَابِ حَمَّادِ بْنِ سَلَمَةَ.

Another narration through the chain of Anas, reported by Asad ibn Musa from Hammad ibn Salamah. Asad is known for munkar narrations in hadith, and none of the trustworthy companions among Hammad ibn Salamah's associates have transmitted this report.

وَآخَرُ مِنْ طَرِيقِ أَنَسٍ مُنْقَطِعٌ، لَيْسَ فِيهِ إِلَّا «إِذَا تَوَضَّأَ أَحَدُكُمْ وَلَبِسَ خُفَّيْهِ فَلْيُصَلِّ فِيهِمَا وَلْيَمْسَحْ عَلَيْهِمَا مَا لَمْ يَخْلَعْهُمَا إِلَّا مِنْ جَنَابَةٍ» .

Another narration via Anas is disconnected, containing only: "When one of you performs ablution and dons his leather socks, let him pray in them and wipe over them as long as he does not remove them unless due to major ritual impurity."

ثُمَّ لَوْ صَحَّ لَكَانَتْ أَحَادِيثُ التَّوْقِيتِ زَائِدَةً عَلَيْهِ، وَالزِّيَادَةُ لَا يَحِلُّ تَرْكُهَا.

Then, if it were valid, the ahadith specifying the time would have been an addition to it, and it is impermissible to abandon the addition.

And another through the chain of Ubayy ibn Umarah, in which there are

Yahya ibn Ayyub al-Kufi and other unknown narrators.

وَآخَرُ مِنْ طَرِيقِ أُبَيِّ بْنِ عُمَارَةَ، فِيهِ يَحْيَى بْنُ أَيُّوبَ الْكُوفِيُّ وَأُخَرُ مَجْهُولُونَ.

L3921 Another narration in this regard: Umar ibn Ishaq ibn Yasar—the brother of Muhammad ibn Ishaq—said: "I read in a book belonging to Ata ibn Yasar while in his presence: 'I asked Maymunah about wiping over leather socks. She responded: "I asked, 'O Messenger of God, does one wipe over the leather socks every time without removing them?' He answered: 'Yes.'"'"

وَآخَرُ فِيهِ: قَالَ عُمَرُ بْنُ إِسْحَاقَ بْنِ يَسَارٍ - أَخُو مُحَمَّدِ بْنِ إِسْحَاقَ: قَرَأْتُ فِي كِتَابٍ لِعَطَاءِ بْنِ يَسَارٍ مَعَ عَطَاءِ بْنِ يَسَارٍ: «سَأَلْتُ مَيْمُونَةَ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ فَقَالَتْ قُلْتُ: يَا رَسُولَ اللَّهِ أَكُلَّ سَاعَةٍ يَمْسَحُ الْإِنْسَانُ عَلَى الْخُفَّيْنِ وَلَا يَنْزِعُهُمَا؟ قَالَ: نَعَمْ» .

L3922 Ali said: This contains no proof, because Ata ibn Yasar did not mention to Umar ibn Ishaq that he was the one who questioned Maymunah, and perhaps the questioner was someone else. It is impermissible to establish definitive rulings in religion based on uncertainty. Even if it were authentic, it would not constitute proof for them, as it only mentions the permissibility of wiping at every time. Thus, we say: If one fulfills the conditions for wiping - completing the ablution, wearing both footwear in a state of purity, fulfilling the specified time, and removing them for janabah - none of these conditions are mentioned in this report. Therefore, their reliance upon it is invalid.

قَالَ عَلِيٌّ: هَذَا لَا حُجَّةَ فِيهِ لِأَنَّ عَطَاءَ بْنَ يَسَارٍ لَمْ يَذْكُرْ لِعُمَرَ بْنِ إِسْحَاقَ أَنَّهُ هُوَ السَّائِلُ مَيْمُونَةَ، وَلَعَلَّ السَّائِلَ غَيْرُهُ، وَلَا يَجُوزُ الْقَطْعُ فِي الدِّينِ بِالشَّكِّ، ثُمَّ لَوْ صَحَّ لَمْ تَكُنْ فِيهِ حُجَّةٌ لَهُمْ، لِأَنَّهُ لَيْسَ فِيهِ إلَّا إبَاحَةُ الْمَسْحِ فِي كُلِّ سَاعَةٍ، وَهَكَذَا نَقُولُ: إذَا أَتَى بِشُرُوطِ الْمَسْحِ مِنْ إتْمَامِ الْوُضُوءِ وَلِبَاسِهِمَا عَلَى طَهَارَةٍ وَإِتْمَامِ الْوَقْتِ الْمَحْدُودِ وَخَلْعِهِمَا لِلْجَنَابَةِ، وَهَذَا كُلُّهُ لَيْسَ مَذْكُورًا مِنْهُ شَيْءٌ فِي هَذَا الْخَبَرِ، فَبَطَلَ تَعَلُّقُهُمْ بِهِ.

L3923 And they mentioned narrations from the Companions (may Allah be pleased with them) that are not authentic.

وَذَكَرُوا آثَارًا عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا تَصِحُّ.

L3924 Among them is a narration transmitted by Asad ibn Musa from Hammad ibn Salama from Muhammad ibn Ziyad from Zubayd ibn al-Salt, who said: I heard Umar ibn al-Khattab state: "When one of you performs ablution and dons his leather socks, let him wipe over them and pray in them as long as he does not remove them, removing them only due to major impurity." This narration is uniquely transmitted by Asad ibn Musa from Hammad. Asad is rejected in hadith transmission; his narrations are not authoritative, and this report has been invalidated. The authentic version of this account is what we have transmitted through Abd al-Rahman ibn Mahdi from Hammad ibn Salama from Muhammad ibn Ziyad, who said: I heard Zubayd ibn al-Salt relate: I heard Umar ibn al-Khattab declare: "When one of you performs ablution and places his leather socks on his feet while they are in a state of purity, let him wipe over them if he wishes, and he must not remove them

مِنْهَا أَثَرٌ عَنْ أَسَدِ بْنِ مُوسَى عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ زُبَيْدِ بْنِ الصَّلْتِ، سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: إذَا تَوَضَّأَ أَحَدُكُمْ وَلَبِسَ خُفَّيْهِ فَلْيَمْسَحْ عَلَيْهِمَا وَلْيُصَلِّ فِيهِمَا مَا لَمْ يَخْلَعْهُمَا إلَّا مِنْ جَنَابَةٍ. وَهَذَا مِمَّا انْفَرَدَ بِهِ أَسَدُ بْنُ مُوسَى عَنْ حَمَّادٍ، وَأَسَدٌ مُنْكَرُ الْحَدِيثِ لَا يُحْتَجُّ بِهِ، وَقَدْ أَحَالَهُ، وَالصَّحِيحُ مِنْ هَذَا الْخَبَرِ هُوَ مَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ قَالَ سَمِعْتُ زُبَيْدَ بْنَ الصَّلْتِ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: إذَا تَوَضَّأَ أَحَدُكُمْ وَأَدْخَلَ خُفَّيْهِ فِي رِجْلَيْهِ وَهُمَا طَاهِرَتَانِ فَلْيَمْسَحْ عَلَيْهِمَا إنْ شَاءَ وَلَا يَخْلَعْهُمَا إلَّا مِنْ جَنَابَةٍ، وَهَذَا لَيْسَ فِيهِ "

except due to major impurity." This version does not include the phrase "as long as he does not remove them" as reported by Asad. The established ruling from Umar concerning the time limit—through the transmissions of Nabata al-Ju'fi and Abu Uthman al-Nahdi, both among the most reliable Successors—contains the additional stipulation beyond what is stated in this report.

مَا لَمْ يَخْلَعْهُمَا " كَمَا رَوَى أَسَدٌ، وَالثَّابِتُ عَنْ عُمَرَ فِي التَّوْقِيتِ - بِرِوَايَةِ نَبَاتَةَ الْجُعْفِيِّ وَأَبِي عُثْمَانَ النَّهْدِيِّ، وَهُمَا مِنْ أَوْثَقِ التَّابِعِينَ - هُوَ الزَّائِدُ عَلَى مَا فِي هَذَا الْخَبَرِ.

L3925 Another [report] via the chain of Hammad ibn Salamah narrated from 'Ubayd Allah ibn 'Umar: that 'Umar ibn al-Khattab did not stipulate any time limit for wiping over the khuffs (leather socks). This chain is disconnected, for 'Ubayd Allah ibn 'Umar did not contemporaneously meet anyone who had met 'Umar – so how could this [report] be attributed to 'Umar?

وَآخَرُ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَ لَا يَجْعَلُ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ وَقْتًا، وَهَذَا مُنْقَطِعٌ؛ لِأَنَّ عُبَيْدَ اللَّهِ بْنَ عُمَرَ لَمْ يُدْرِكْ أَحَدًا أَدْرَكَ عُمَرَ، فَكَيْفَ عُمَرُ.

L3926 Another narration through Kathīr ibn Shinẓīr from al-Ḥasan: "We traveled with the Companions of the Messenger of Allah—may Allah's peace and blessings be upon him—and they would wipe over their khuffs without time or excuse." Kathīr is a very weak narrator.

وَآخَرُ مِنْ طَرِيقِ كَثِيرِ بْنِ شِنْظِيرٍ عَنْ الْحَسَنِ: سَافَرْنَا مَعَ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَكَانُوا يَمْسَحُونَ عَلَى خِفَافِهِمْ مِنْ غَيْرِ وَقْتٍ وَلَا عُذْرٍ، وَكَثِيرٌ ضَعِيفٌ جِدًّا.

L3927–3928 And a report we have narrated through the chain of ʿAbd al-Raḥmān ibn Mahdī, who narrated from ʿAbd Allāh ibn al-Mubārak, from Saʿīd ibn Yazīd, from Yazīd ibn Abī Ḥabīb, from ʿAlī ibn Rabāḥ, from ʿUqbah ibn ʿĀmir: that ʿAmr ibn al-ʿĀṣ and Shuraḥbīl ibn Ḥasanah both sent him as a courier to Abū Bakr with the head of Sān. He then mentioned the ḥadīth, which included: "Then he turned to ʿUqbah and said, 'For how long have you not removed your *khuffayn* (leather socks used in ablution)?' He replied, 'From one Friday to the next.' He said, 'You are correct.'"

وَخَبَرٌ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ ثنا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ سَعِيدِ بْنِ يَزِيدَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ عَلِيِّ بْنِ رَبَاحٍ عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّ عَمْرَو بْنَ الْعَاصِ وَشُرَحْبِيلَ بْنَ حَسَنَةَ بَعَثَاهُ بَرِيدًا إلَى أَبِي بَكْرٍ بِرَأْسِ سَانٍ - فَذَكَرَ الْحَدِيثَ وَفِيهِ: ثُمَّ أَقْبَلَ عَلَى عُقْبَةَ وَقَالَ: مُذْ كَمْ لَمْ تَنْزِعْ خُفَّيْكَ؟ قَالَ مِنْ الْجُمُعَةِ إلَى الْجُمُعَةِ، قَالَ أَصَبْتَ.

L3929 And indeed, 'Abd al-Raḥmān once narrated it from Yazīd ibn Abī Ḥabīb from Abī al-Khayr from 'Uqbah.

وَقَدْ حَدَّثَ بِهِ عَبْدُ الرَّحْمَنِ مَرَّةً عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ أَبِي الْخَيْرِ عَنْ عُقْبَةَ.

L3930 Ali said: This is the closest instance where someone unfamiliar with the ḥadīth could err, and this is a defective narration because Yazīd ibn Abī Ḥabīb did not hear it from ʿAlī ibn Rabāḥ nor from Abū al-Khayr. Rather, he heard it from ʿAbdullāh ibn al-Ḥakam al-Balawī, who narrated ʿAlī ibn Rabāḥ's report.

قَالَ عَلِيٌّ: هَذَا أَقْرَبُ مَا يُمْكِنُ أَنْ يَغْلَطَ فِيهِ مَنْ لَا يَعْرِفُ الْحَدِيثَ، وَهَذَا خَبَرٌ مَعْلُولٌ؛ لِأَنَّ يَزِيدَ بْنَ أَبِي حَبِيبٍ لَمْ يَسْمَعْهُ مِنْ عَلِيِّ بْنِ رَبَاحٍ وَلَا مِنْ أَبِي الْخَيْرِ، وَإِنَّمَا سَمِعَهُ مِنْ عَبْدِ اللَّهِ بْنِ الْحَكَمِ الْبَلَوِيِّ عَنْ عَلِيِّ بْنِ رَبَاحٍ.

وَعَبْدُ اللَّهِ بْنُ الْحَكَمِ مَجْهُولٌ، هَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ عَمْرِو بْنِ الْحَارِثِ وَاللَّيْثِ بْنِ سَعْدٍ كِلَاهُمَا عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ عَبْدِ اللَّهِ بْنِ الْحَكَمِ أَنَّهُ سَمِعَ عَلِيَّ بْنَ رَبَاحٍ اللَّخْمِيَّ يُخْبِرُ أَنَّ عُقْبَةَ بْنَ عَامِرٍ الْجُهَنِيَّ قَالَ: قَدِمْتُ عَلَى عُمَرَ بِفَتْحِ الشَّامِ وَعَلَيَّ خُفَّانِ لِي جُرْمُوقَانِ غَلِيظَانِ، فَقَالَ لِي عُمَرُ: كَمْ لَكَ مُذْ لَمْ تَنْزِعْهُمَا؟ قُلْتُ لَبِسْتُهُمَا يَوْمَ الْجُمُعَةِ وَالْيَوْمُ الْجُمُعَةُ، قَالَ أَصَبْتَ.

L3931 And ʿAbdullāh ibn al-Ḥakam is unknown. We have transmitted it thus through the chain of Ibn Wahb from ʿAmr ibn al-Ḥārith and al-Layth ibn Saʿd - both of them narrating from Yazīd ibn Abī Ḥabīb, from ʿAbdullāh ibn al-Ḥakam - that he heard ʿAlī ibn Rabāḥ al-Lakhmī report that ʿUqbah ibn ʿĀmir al-Juhanī said: I came to ʿUmar during the conquest of Syria wearing two thick Jurmuqān leather socks. ʿUmar said to me: "How long has it been since you removed them?" I replied: "I wore them on Friday, and today is Friday." He said: "You have done right."

قَالَ ابْنُ وَهْبٍ: وَسَمِعْتُ زَيْدَ بْنَ الْحُبَابِ يَذْكُرُ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ: لَوْ لَبِسْتُ الْخُفَّيْنِ وَرِجْلَايَ طَاهِرَتَانِ وَأَنَا عَلَى وُضُوءٍ لَمْ أُبَالِ أَنْ لَا أَنْزِعَهُمَا حَتَّى أَبْلُغَ الْعِرَاقَ.

L3932 Ibn Wahb said: I heard Zayd ibn al-Hubab narrate from Umar ibn al-Khattab that he said: "If I were to wear the *khuffayn* while my feet are pure and I am in a state of ablution, I would not mind not removing them until I reach Iraq."

قَالَ عَلِيٌّ: فَهَكَذَا هُوَ الْحَدِيثُ، فَسَقَطَ جُمْلَةً - وَلِلَّهِ الْحَمْدُ - وَزَيْدُ بْنُ الْحُبَابِ لَمْ يَلْقَ أَحَدًا رَأَى عُمَرُ فَكَيْفَ عُمَرُ.

L3933 Ali said: "Thus is the hadith—but a sentence was omitted (and praise be to Allah)—and Zayd ibn al-Ḥubāb did not meet anyone who saw ʿUmar. How then ʿUmar?"

وَقَدْ رُوِيَ أَيْضًا هَذَا الْخَبَرُ مِنْ طَرِيقِ مُعَاوِيَةَ بْنِ صَالِحٍ عَنْ عِيَاضٍ الْقُرَشِيِّ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ أَنَّ عُقْبَةَ وَهَذَا أَسْقَطُ وَأَخْبَثُ، لِأَنَّ يَزِيدَ لَمْ يُدْرِكْ عُقْبَةَ وَفِيهِ مُعَاوِيَةُ بْنُ صَالِحٍ وَلَيْسَ بِالْقَوِيِّ، فَبَطَلَ كُلُّ مَا جَاءَ فِي هَذَا الْبَابِ.

L3934 This report has also been narrated through the chain of Muʿāwiyah ibn Ṣāliḥ from ʿIyāḍ al-Qurashī from Yazīd ibn Abī Ḥabīb regarding ʿUqbah - and this [narration] is more discarded and corrupt, for Yazīd did not meet ʿUqbah, and it includes Muʿāwiyah ibn Ṣāliḥ, who is not strong. Thus, everything reported in this chapter is rendered baseless.

وَلَا يَصِحُّ خِلَافُ التَّوْقِيتِ عَنْ أَحَدٍ مِنَ الصَّحَابَةِ إِلَّا عَنِ ابْنِ عُمَرَ فَقَطْ، فَإِنَّنَا رُوِّينَا مِنْ طَرِيقِ هِشَامِ بْنِ حَسَّانَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ أَنَّهُ كَانَ لَا يُوَقِّتُ فِي الْمَسْحِ عَلَى الْخُفَّيْنِ شَيْئًا.

L3935 No valid difference of opinion concerning the specification of time is reported from any Companion except Ibn ʿUmar alone. We have received narrations through the chain of Hishām ibn Ḥassān, from ʿUbayd Allāh ibn ʿUmar, from Nāfiʿ, from Ibn ʿUmar that he did not specify any time period for wiping over leather socks.

قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ فِيهِ، لِأَنَّ ابْنَ عُمَرَ لَمْ يَكُنْ عِنْدَهُ الْمَسْحُ وَلَا عَرَفَهُ، بَلْ أَنْكَرَهُ حَتَّى أَعْلَمَهُ بِهِ سَعْدٌ بِالْكُوفَةِ، ثُمَّ أَبُوهُ بِالْمَدِينَةِ فِي خِلَافَتِهِ، فَلَمْ يَكُنْ فِي عِلْمِ الْمَسْحِ كَغَيْرِهِ، وَعَلَى ذَلِكَ فَقَدْ رُوِيَ عَنْهُ التَّوْقِيتُ.

L3936–3937 Abu Muhammad said: This contains no valid proof, for Ibn Umar neither possessed knowledge of wiping nor was aware of it. Rather, he rejected it until Saʿd informed him of it in Kufa, and later his father was in Medina during his caliphate. Thus, he was not as knowledgeable about wiping as others. Nonetheless, the time-bound ruling [regarding wiping] has been narrated from him.

L3938 It has been narrated to us through the chain of Ḥammād ibn Zayd, from Muḥammad ibn ʻUbayd Allāh al-ʻArzamī, from Nāfiʻ, from Ibn ʻUmar, who said: "Where are those who inquire about wiping over leather socks? For the traveler three days, and for the resident a day and a night."

رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ مُحَمَّدِ بْنِ عُبَيْدِ اللَّهِ الْعَرْزَمِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ: أَيْنَ السَّائِلُونَ عَنْ الْمَسْحِ عَلَى الْخُفَّيْنِ؟ لِلْمُسَافِرِ ثَلَاثًا وَلِلْمُقِيمِ يَوْمًا وَلَيْلَةً.

L3939 Then, if what we mentioned were authentically established from Abu Bakr, Umar, and Uqbah (may Allah be pleased with them), and if Ali, Ibn Masʻud, and others besides those two had opposed that, it would be obligatory in the event of disagreement to refer back to the clarification of the Messenger of Allah (peace and blessings be upon him). His clarification (peace be upon him) has been authentically established with the determination of time, and nothing else has been authentically reported from him at all. How could this be, when nothing except the determination of time has ever been authentically reported from Umar?

ثُمَّ لَوْ صَحَّ عَنْ أَبِي بَكْرٍ وَعُمَرَ وَعُقْبَةَ - رَضِيَ اللَّهُ عَنْهُمْ - مَا ذَكَرْنَا، وَكَانَ قَدْ خَالَفَ ذَلِكَ عَلِيٌّ وَابْنُ مَسْعُودٍ وَغَيْرُهُمَا، لَوَجَبَ عِنْدَ التَّنَازُعِ الرَّدُّ إلَى بَيَانِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَبَيَانُهُ - عَلَيْهِ السَّلَامُ - قَدْ صَحَّ بِالتَّوْقِيتِ، وَلَمْ يَصِحَّ عَنْهُ شَيْءٌ غَيْرُهُ أَصْلًا، فَكَيْفَ وَلَمْ يَصِحَّ قَطُّ عَنْ عُمَرَ إلَّا التَّوْقِيتُ.

L3940 Ali said: When the two stipulated durations have elapsed, Abū Ḥanīfah, al-Shāfiʻī, and some of our companions stated: He must remove them (i.e., the khuffs) and wash his feet—and this is required. Abū Ḥanīfah said: If a person sits for the duration of the *tashahhud* (the sitting recitation in prayer) at the conclusion of his prayer, then intentionally or unintentionally breaks his ablution through urination, flatulence, or other means, or speaks intentionally or unintentionally, his prayer is complete. The closing salām is not an obligatory part of the prayer.

قَالَ عَلِيٌّ: فَإِذَا انْقَضَى الْأَمَدَانِ الْمَذْكُورَانِ، فَإِنَّ أَبَا حَنِيفَةَ وَالشَّافِعِيَّ وَبَعْضَ أَصْحَابِنَا قَالُوا: يَخْلَعُهُمَا وَيَغْسِلُ رِجْلَيْهِ وَلَا بُدَّ، وَقَالَ أَبُو حَنِيفَةَ: إذَا قَعَدَ الْإِنْسَانُ مِقْدَارَ التَّشَهُّدِ فِي آخِرِ صَلَاتِهِ ثُمَّ أَحْدَثَ عَمْدًا أَوْ نِسْيَانًا بِبَوْلٍ أَوْ رِيحٍ أَوْ غَيْرِ ذَلِكَ أَوْ تَكَلَّمَ عَمْدًا أَوْ نِسْيَانًا فَقَدْ تَمَّتْ صَلَاتُهُ، وَلَيْسَ السَّلَامُ مِنْ الصَّلَاةِ فَرْضًا.

L3941 He said: If he sits for the duration of the Tashahhud (testimonial sitting) at the end of his prayer, and the time for wiping [over footwear] expires afterward, his prayer is invalidated and his ablution is nullified unless he has already uttered the salutation (taslīm). This statement contains contradictions and errors so grave that they leave no choice but to obligate refuting it, and praise be to Allah for preservation from error.

قَالَ: فَإِنْ قَعَدَ مِقْدَارَ التَّشَهُّدِ فِي آخِرِ صَلَاتِهِ وَانْقَضَى وَقْتُ الْمَسْحِ بَعْدَ ذَلِكَ فَقَدْ بَطَلَتْ صَلَاتُهُ وَبَطَلَتْ طَهَارَتُهُ مَا لَمْ يُسَلِّمْ، وَفِي هَذَا مِنْ التَّنَاقُضِ وَالْخَطَأِ مَا لَا يَحْتَاجُ مَعَهُ إلَّا تَكْلِيفِ رَدٍّ عَلَيْهِ، وَالْحَمْدُ لِلَّهِ عَلَى السَّلَامَةِ.

L3942 Indeed, Al-Shafiʻī once said, "He begins the ablution."

وَقَدْ قَالَ الشَّافِعِيُّ مَرَّةً: يَبْتَدِئُ الْوُضُوءَ.

L3943 Ibrahim al-Nakhaʼi, al-Hasan al-Basri, Ibn Abi Layla, and Dawud said: One may pray as long as his ritual purity has not been invalidated by a ritual impurity that nullifies ablution. This is the only permissible opinion, because

وَقَالَ إبْرَاهِيمُ النَّخَعِيُّ وَالْحَسَنُ الْبَصْرِيُّ وَابْنُ أَبِي لَيْلَى وَدَاوُد: يُصَلِّي مَا لَمْ تَنْتَقِضْ طَهَارَتُهُ بِحَدَثٍ يَنْقُضُ الْوُضُوءَ، وَهَذَا هُوَ الْقَوْلُ الَّذِي لَا يَجُوزُ غَيْرُهُ، لِأَنَّهُ لَيْسَ فِي

none of the reports indicate that ritual purity is invalidated from the limbs of ablution or from some of them due to the expiry of the duration allotted for wiping. Rather, the Prophet—peace be upon him—forbade travelers to wipe beyond three days and residents beyond a day and night.

L3944–3946 Whoever asserts contrary to this has inserted into the narration what is not part of it and has falsely ascribed to Allah's Messenger—peace and blessings be upon him—what he did not say. If one does this erroneously, he incurs no sin, but if done intentionally after proof has been established against him, he has committed a grave sin among the major sins. Purity is only invalidated by a *ḥadath*, and since this person's purity is confirmed and no *ḥadath* has occurred, he remains pure. A pure person may pray as long as no *ḥadath* occurs or unless an explicit text arises stating that... His purification is invalidated even without experiencing a minor ritual impurity. As for this person whose wiping period has expired without experiencing a minor ritual impurity, there is no textual evidence indicating the invalidation of his purification—neither regarding some of his limbs nor all of them. He remains pure and may pray until he experiences a minor ritual impurity. At that point, he must remove his leather socks and whatever is on his feet, perform ablution, then renew the wiping for another specified period. This process continues perpetually, and with Allah, the Exalted, is success.

L3947 As for those who claim that ablution is invalidated specifically for one's feet, this is a baseless claim with no evidence—neither from the Sunnah, the Quran, a weak report, consensus, the statement of a Companion, analogy, nor any sound opinion. It has never been established in the religion that a ritual impurity nullifies ablution—after its proper completion and the permissibility of praying with it—for some limbs and not others. And success is granted by Allah, the Exalted.

L3948 As for the legal division formulated by Abū Ḥanīfah, it was never reported from anyone before him, and in Allah, the Exalted, we seek strength.

L3949 213. Issue:

شَيْءٍ مِنْ الْأَخْبَارِ أَنَّ الطَّهَارَةَ تَنْتَقِضُ عَنْ أَعْضَاءِ الْوُضُوءِ وَلَا عَنْ بَعْضِهَا بِانْقِضَاءِ وَقْتِ الْمَسْحِ، وَإِنَّمَا نُهِيَ - عَلَيْهِ السَّلَامُ - عَنْ أَنْ يَمْسَحَ أَحَدٌ أَكْثَرَ مِنْ ثَلَاثٍ لِلْمُسَافِرِ أَوْ يَوْمٍ وَلَيْلَةٍ لِلْمُقِيمِ.

فَمَنْ قَالَ غَيْرَ هَذَا فَقَدْ أَحْقَمَ فِي الْخَبَرِ مَا لَيْسَ فِيهِ، وَقَوَّلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْ، فَمَنْ فَعَلَ ذَلِكَ وَاهِمًا فَلَا شَيْءَ عَلَيْهِ، وَمَنْ فَعَلَ ذَلِكَ عَامِدًا بَعْدَ قِيَامِ الْحُجَّةِ عَلَيْهِ فَقَدْ أَتَى كَبِيرَةً مِنْ الْكَبَائِرِ، وَالطَّهَارَةُ لَا يَنْقُضُهَا إلَّا الْحَدَثُ، وَهَذَا قَدْ صَحَّتْ طَهَارَتُهُ وَلَمْ يُحْدِثْ فَهُوَ طَاهِرٌ، وَالطَّاهِرُ يُصَلِّي مَا لَمْ يُحْدِثْ أَوْ مَا لَمْ يَأْتِ نَصٌّ جَلِيٌّ فِي أَنَّ طَهَارَتَهُ انْتَقَضَتْ وَإِنْ لَمْ يُحْدِثْ، وَهَذَا الَّذِي انْقَضَى وَقْتُ مَسْحِهِ لَمْ يُحْدِثْ وَلَا جَاءَ نَصٌّ فِي أَنَّ طَهَارَتَهُ انْتَقَضَتْ لَا عَنْ بَعْضِ أَعْضَائِهِ وَلَا عَنْ جَمِيعِهَا، فَهُوَ طَاهِرٌ يُصَلِّي حَتَّى يُحْدِثَ، فَيَخْلَعُ خُفَّيْهِ حِينَئِذٍ وَمَا عَلَى قَدَمَيْهِ وَيَتَوَضَّأُ ثُمَّ يَسْتَأْنِفُ الْمَسْحَ تَوْقِيتًا آخَرَ، وَهَكَذَا أَبَدًا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا مَنْ قَالَ إنَّ الطَّهَارَةَ تَنْتَقِضُ عَنْ قَدَمَيْهِ خَاصَّةً، فَقَوْلٌ فَاسِدٌ لَا دَلِيلَ عَلَيْهِ لَا مِنْ سُنَّةٍ، وَلَا مِنْ قُرْآنٍ، وَلَا مِنْ خَبَرٍ وَاهٍ، وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ، وَلَا مِنْ قِيَاسٍ، وَلَا رَأْيٍ سَدِيدٍ أَصْلًا، وَمَا عُلِمَ فِي الدِّينِ قَطُّ حَدَثٌ يَنْقُضُ الطَّهَارَةَ - بَعْدَ تَمَامِهَا وَبَعْدَ جَوَازِ الصَّلَاةِ بِهَا - عَنْ بَعْضِ الْأَعْضَاءِ دُونَ بَعْضٍ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا تَقْسِيمُ أَبِي حَنِيفَةَ فَمَا رُوِيَ قَطُّ عَنْ أَحَدٍ مِنْ النَّاسِ قَبْلَهُ، وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

٢١٣ - مَسْأَلَةٌ:

L3950 The resident begins after a day and night, and the traveler after three days and their nights, starting from when wiping becomes permissible for him following his impurity—whether he wiped and performed ablution or did not wipe nor perform ablution, intentionally or forgetfully. If he incurs a state of minor impurity after his day when more or less of these two durations has elapsed, he may wipe only for the remainder of the two periods. If he wipes before the completion of either duration by even a moment, he may pray with that wiping provided he does not lose ritual purity.

وَيَبْدَأُ بَعْدَ الْيَوْمِ وَاللَّيْلَةِ الْمُقِيمُ وَبَعْدَ الثَّلَاثَةِ أَيَّامٍ بِلَيَالِيهَا الْمُسَافِرُ مِنْ حِينِ يَجُوزُ لَهُ الْمَسْحُ إِثْرَ حَدَثِهِ، سَوَاءٌ مَسَحَ وَتَوَضَّأَ أَوْ لَمْ يَمْسَحْ وَلَا تَوَضَّأَ، عَامِدًا أَوْ سَاهِيًا، فَإِنْ أَحْدَثَ يَوْمَهُ بَعْدَ مَا مَضَى أَكْثَرُ هَذَيْنِ الْأَمَدَيْنِ أَوْ أَقَلُّهُمَا كَانَ لَهُ أَنْ يَمْسَحَ بَاقِيَ الْأَمَدَيْنِ فَقَطْ، وَلَوْ مَسَحَ قَبْلَ انْقِضَاءِ أَحَدِ الْأَمَدَيْنِ بِدَقِيقَةٍ كَانَ لَهُ أَنْ يُصَلِّيَ بِهِ مَا لَمْ يُحْدِثْ.

L3951 Ali reported that Abu Hanifah, Al-Shafi'i, and Al-Thawri said: He begins after these two times, from the time he invalidates his wuḍū'.

قَالَ عَلِيٌّ: قَالَ أَبُو حَنِيفَةَ وَالشَّافِعِيُّ وَالثَّوْرِيُّ: يَبْتَدِئُ بَعْدَ هَذَيْنِ الْوَقْتَيْنِ مِنْ حِينِ يُحْدِثُ.

L3952 Ahmad ibn Hanbal said: The period begins after the two rak'ahs, starting from the time he performs wiping over the khuffs. It is reported from Al-Sha'bi that a resident may wipe over the khuffs for five prayers only while wearing them, and he may not wipe for more than that. A traveler may wipe over the khuffs for fifteen prayers only while wearing them, and he may not wipe for more than that. This is also the view of Ishaq ibn Rahawayh, Sulayman ibn Dawud al-Hashimi, and Abu Thawr.

وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ: يَبْدَأُ بَعْدَهُمَا مِنْ حِينِ يَمْسَحُ، وَرُوِيَ عَنْ الشَّعْبِيِّ يَمْسَحُ خَمْسَ صَلَوَاتٍ فَقَطْ إِنْ كَانَ مُقِيمًا، وَلَا يَمْسَحُ لِأَكْثَرَ، وَيَمْسَحُ خَمْسَ عَشْرَةَ صَلَاةً فَقَطْ، إِنْ كَانَ مُسَافِرًا، وَلَا يَمْسَحُ لِأَكْثَرَ وَبِهِ يَقُولُ إِسْحَاقُ بْنُ رَاهْوَيْهِ وَسُلَيْمَانُ بْنُ دَاوُد الْهَاشِمِيُّ وَأَبُو ثَوْرٍ.

L3953 Ali said: When they differed, it became incumbent upon us to examine these opinions and refer them to what Allah the Exalted has obligated us to return to—the Quran and the Sunnah of Allah's Messenger (peace be upon him). We did so, examining the view of those who claimed the obligation begins after two time periods from the moment of incurring ritual impurity. We found this evidently invalid, for the command of Allah's Messenger (peace be upon him)—which they all relied upon, either fully adopting it or hesitating in their adoption—only reached us as permitting ritual wiping (masḥ) for one of the two mentioned durations. They themselves acknowledge this, and it is impossible and invalid to permit ritual wiping during ablution while in a state of impurity—a position neither they nor others uphold. Furthermore, we found some impurities may indeed last very long: an hour, two hours, or more, such as defecation.

قَالَ عَلِيٌّ: فَلَمَّا اخْتَلَفُوا وَجَبَ أَنْ نَنْظُرَ فِي هَذِهِ الْأَقْوَالِ وَنَرُدَّهَا إِلَى مَا افْتَرَضَ اللَّهُ عَزَّ وَجَلَّ عَلَيْنَا أَنْ نَرُدَّهَا عَلَيْهِ مِنْ الْقُرْآنِ وَسُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَفَعَلْنَا، فَنَظَرْنَا فِي قَوْلِ مَنْ قَالَ يَبْدَأُ بَعْدَ الْوَقْتَيْنِ مِنْ حِينِ يُحْدِثُ، فَوَجَدْنَاهُ ظَاهِرَ الْفَسَادِ، لِأَنَّ أَمْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي بِهِ تَعَلَّقُوا كُلُّهُمْ وَبِهِ أَخَذُوا أَوْ وَقَفُوا فِي أَخْذِهِمْ بِهِ - إِنَّمَا جَاءَنَا بِالْمَسْحِ مُدَّةَ أَحَدِ الْأَمَدَيْنِ الْمَذْكُورَيْنِ، وَهُمْ يُقِرُّونَ بِهَذَا، وَمِنْ الْمُحَالِ الْبَاطِلِ أَنْ يَجُوزَ لَهُ الْمَسْحُ فِي الْوُضُوءِ فِي حَالِ الْحَدَثِ، هَذَا مَا لَا يَقُولُونَ بِهِ هُمْ وَلَا غَيْرُهُمْ، وَوَجَدْنَا بَعْضَ الْأَحْدَاثِ قَدْ تَطُولُ جِدًّا السَّاعَةَ وَالسَّاعَتَيْنِ وَالْأَكْثَرَ كَالْغَائِطِ.

L3954–3956 And among them are those that last less, such as urine, Thus, this statement is

nullified with absolute certainty, and it also contradicts the textual authority of the report. They have no valid argument in this matter whatsoever.

وَمِنْهَا مَا يَدُومُ أَقَلَّ كَالْبَوْلِ، فَسَقَطَ هَذَا الْقَوْلُ بِيَقِينٍ لَا شَكَّ فِيهِ وَهُوَ أَيْضًا مُخَالِفٌ لِنَصِّ الْخَبَرِ، وَلَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا.

L3957 Then we examined the statement of those who restricted this duration to five prayers or fifteen prayers over three days, and we found they had no proof except considering the number of prayers in the day and night and in three days with their nights. This is baseless, for if one wipes over footwear after the sun passes its zenith at the end of the Dhuhr prayer's time, they would wipe until the dawn prayer, then could not pray the forenoon prayer with that wiping, nor any prayer thereafter until noon. Similarly, whoever wipes over footwear for the dawn prayer at the end of its time would wipe until praying the Isha prayer, then could not perform Witr, nor the night vigil prayer, nor pray the two Sunnah units of Fajr with that wiping. This contradicts the ruling of Allah's Messenger—peace and blessings be upon him—for he permitted the resident to wipe over footwear for a full day and night, while they prohibited wiping except for a day and part of a night, or a night and less than half a day. This is a clear error.

ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ حَدَّ ذَلِكَ بِالصَّلَوَاتِ الْخَمْسِ أَوْ الْخَمْسَ عَشْرَةَ، فَوَجَدْنَاهُمْ لَا حُجَّةَ لَهُمْ فِيهِ إلَّا مُرَاعَاةُ عَدَدِ الصَّلَوَاتِ فِي الْيَوْمِ وَاللَّيْلَةِ وَفِي الثَّلَاثَةِ الْأَيَّامِ بِلَيَالِيهِنَّ وَهَذَا لَا مَعْنَى لَهُ، لِأَنَّهُ إذَا مَسَحَ الْمَرْءُ بَعْدَ الزَّوَالِ فِي آخِرِ وَقْتِ الظُّهْرِ فَإِنَّهُ يَمْسَحُ إلَى صَلَاةِ الصُّبْحِ ثُمَّ لَا يَكُونُ لَهُ أَنْ يُصَلِّيَ الضُّحَى بِالْمَسْحِ، وَلَا صَلَاةَ بَعْدَهَا إلَى الظُّهْرِ وَكَذَلِكَ مَنْ مَسَحَ لِصَلَاةِ الصُّبْحِ فِي آخِرِ وَقْتِهَا فَإِنَّهُ يَمْسَحُ إلَى أَنْ يُصَلِّيَ الْعَتَمَةَ، ثُمَّ لَا يَكُونُ لَهُ أَنْ يُوتِرَ وَلَا أَنْ يَتَهَجَّدَ وَلَا أَنْ يَرْكَعَ رَكْعَتَيْ الْفَجْرِ بِمَسْحٍ، وَهَذَا خِلَافٌ لِحُكْمِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِأَنَّهُ - عَلَيْهِ السَّلَامُ - فَسَّحَ لِلْمُقِيمِ فِي مَسْحِ يَوْمٍ وَلَيْلَةٍ، وَهُمْ مَنَعُوهُ مِنْ الْمَسْحِ إلَّا يَوْمًا وَبَعْضَ لَيْلَةٍ، أَوْ لَيْلَةً وَأَقَلَّ مِنْ نِصْفِ يَوْمٍ، وَهَذَا خَطَأٌ بَيِّنٌ.

L3958 Furthermore, their position would entail that if a person obligated to perform the five prayers slept through them, then awoke—provided he had performed ablution and had put on his leather socks in a state of ritual purity then slept—he may perform masḥ over them. Yet upon completing these prayers, it would not be permissible for him to perform masḥ [on the socks] thereafter during the remainder of that day and night. This contradicts the authentic narration, thus rendering this opinion untenable due to its contradiction of the narration and its complete absence of any proof to establish its validity.

وَأَيْضًا فَإِنَّهُ يَلْزَمُهُمْ أَنَّ مَنْ عَلَيْهِ خَمْسُ صَلَوَاتٍ نَامَ عَنْهُنَّ ثُمَّ اسْتَيْقَظَ - وَكَانَ قَدْ تَوَضَّأَ وَلَبِسَ خُفَّيْهِ عَلَى طَهَارَةٍ ثُمَّ نَامَ - أَنَّهُ يَمْسَحُ عَلَيْهِمَا، فَإِذَا أَتَمَّهُنَّ لَمْ يَجُزْ أَنْ يَمْسَحَ بَعْدَهُنَّ بَاقِيَ يَوْمِهِ وَلَيْلَتِهِ، وَهَذَا خِلَافُ الْخَبَرِ، فَسَقَطَ هَذَا الْقَوْلُ بِمُخَالَفَتِهِ لِلْخَبَرِ وَتَعَرِّيهِ مِنْ أَنْ يَكُونَ لِصِحَّتِهِ بُرْهَانٌ.

L3959 Then we examined Ahmad's statement and found that he stipulates: if a transgressor performed ablution and wore his leather socks (khuffs) in a state of purity, then remained for a month without praying intentionally, and then

repented, he may wipe over his khuffs from the time of his repentance for one day and night, or three days if he is a traveler.

ثُمَّ نَظَرْنَا فِي قَوْلِ أَحْمَدَ فَوَجَدْنَاهُ يُلْزِمُهُ إِنْ كَانَ إِنْسَانٌ فَاسِقٌ قَدْ تَوَضَّأَ وَلَبِسَ خُفَّيْهِ عَلَى طَهَارَةٍ ثُمَّ بَقِيَ شَهْرًا لَا يُصَلِّي عَامِدًا ثُمَّ تَابَ: أَنَّ لَهُ أَنْ يَمْسَحَ مِنْ حِينِ تَوْبَتِهِ يَوْمًا وَلَيْلَةً أَوْ ثَلَاثًا إِنْ كَانَ مُسَافِرًا.

L3960 Similarly, if he wiped for a day then deliberately neglected prayer for subsequent days, he may perform wiping at night. The same ruling applies to the traveler. According to this view, he could persist in wiping for a year or longer. However, this contradicts the explicit text of the report. Thus, this opinion is also invalidated, leaving none valid except our position.

وَكَذَلِكَ إِنْ مَسَحَ يَوْمًا ثُمَّ تَعَمَّدَ تَرْكَ الصَّلَاةِ أَيَّامًا فَإِنَّ لَهُ أَنْ يَمْسَحَ لَيْلَةً، وَهَكَذَا فِي الْمُسَافِرِ، فَعَلَى هَذَا يَتَمَادَى مَاسِحًا عَامًا وَأَكْثَرَ، وَهَذَا خِلَافُ نَصِّ الْخَبَرِ، فَسَقَطَ أَيْضًا هَذَا الْقَوْلُ وَلَمْ يَبْقَ إِلَّا قَوْلُنَا.

L3961–3963 We examined it and found it in agreement with the statement of Umar ibn al-Khattab—may Allah be pleased with him—which is authentically established from him, and in conformity with the text of the report transmitted regarding that matter. No other [opinion] remained, thus adopting it became obligatory, because the Messenger of Allah—peace and blessings of Allah be upon him—commanded him to wipe for a day and a night. Therefore, he may wipe if he wishes or remove what is on his feet. He must necessarily choose one of the two, and nothing else suffices him. He is disobedient to Allah the Almighty, a transgressor if he fails to perform either of the two. If he wipes, that is permissible for him and he has done well. If he does not wipe, he has disobeyed Allah or erred if he did so forgetfully, with no sin upon him. A portion of the timeframe designated by the Messenger of Allah—peace and blessings of Allah be upon him—has elapsed, leaving only the remainder. Similarly, whether he acted intentionally or forgot until the completion of a day and night for the resident, and three days with their nights. For the traveler, the time specified by Allah, the Exalted, as conveyed by His Prophet—peace be upon him—has indeed passed. It is not permissible for him to wipe outside the timeframe during which He has commanded him to do so.

فَنَظَرْنَا فِيهِ فَوَجَدْنَاهُ مُوَافِقًا لِقَوْلِ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - الَّذِي صَحَّ عَنْهُ وَمُوَافِقًا لِنَصِّ الْخَبَرِ الْوَارِدِ فِي ذَلِكَ، وَلَمْ يَبْقَ غَيْرُهُ فَوَجَبَ الْقَوْلُ بِهِ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ بِأَنْ يَمْسَحَ يَوْمًا وَلَيْلَةً، فَلَهُ أَنْ يَمْسَحَ إِنْ شَاءَ، وَأَنْ يَخْلَعَ مَا عَلَى رِجْلَيْهِ، لَا بُدَّ لَهُ مِنْ أَحَدِهِمَا، وَلَا يُجْزِيهِ غَيْرُهُمَا، وَهُوَ عَاصٍ لِلَّهِ عَزَّ وَجَلَّ، فَاسِقٌ إِنْ لَمْ يَأْتِ بِأَحَدِهِمَا، فَإِنْ مَسَحَ فَلَهُ ذَلِكَ وَقَدْ أَحْسَنَ، وَإِنْ لَمْ يَمْسَحْ فَقَدْ عَصَى اللَّهَ، أَوْ أَخْطَأَ إِنْ فَعَلَ ذَلِكَ نَاسِيًا وَلَا حَرَجَ عَلَيْهِ، وَقَدْ مَضَى مِنَ الْأَمَدِ الَّذِي وَقَّتَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُدَّةٌ، وَبَقِيَ بَاقِيهَا فَقَطْ، وَهَكَذَا إِنْ تَعَمَّدَ أَوْ نَسِيَ حَتَّى يَنْقَضِيَ الْيَوْمُ وَاللَّيْلَةُ لِلْمُقِيمِ وَالثَّلَاثَةُ الْأَيَّامُ بِلَيَالِيهِنَّ لِلْمُسَافِرِ، فَقَدْ مَضَى الْوَقْتُ الَّذِي وَقَّتَهُ لَهُ اللَّهُ تَعَالَى عَلَى لِسَانِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَيْسَ لَهُ أَنْ يَمْسَحَ فِي غَيْرِ الْوَقْتِ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِالْمَسْحِ فِيهِ.

L3964 If his prescribed duty was tayammum and he did not find water, so he performed tayammum and then put on his two khuffs, he may wipe over the khuffs when he finds water, because tayammum is a complete purification.

فَلَوْ كَانَ فَرْضُهُ التَّيَمُّمَ وَلَمْ يَجِدْ مَاءً فَتَيَمَّمَ ثُمَّ لَبِسَ خُفَّيْهِ، فَلَهُ أَنْ يَمْسَحَ إِذَا وَجَدَ الْمَاءَ، لِأَنَّ التَّيَمُّمَ طَهَارَةٌ تَامَّةٌ.

L3965 Allah the Exalted said regarding Tayammum: “But He intends to purify you” (Al-Ma’idah 5:6). Whoever is permitted to pray with Tayammum is undoubtedly pure. If his entire body is pure, then his feet are undoubtedly pure, as he wore his khuffs upon his feet while they were pure. Thus, it is permissible for him to wipe over them for the specified duration applicable to travelers. If he does not find water until after three full days - counting from when he incurred impurity after wearing his khuffs while in a state of purity from Tayammum - it becomes impermissible for him to wipe over them, because the duration has expired. He could have performed wiping through rainfall occurrence or by having water available from someone accompanying him.[31]

قَالَ اللَّهُ تَعَالَى وَقَدْ ذَكَرَ التَّيَمُّمَ: {وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ} [المائدة: ٦] وَمَنْ جَازَتْ لَهُ الصَّلَاةُ بِالتَّيَمُّمِ فَهُوَ طَاهِرٌ بِلَا شَكٍّ، وَإِذَا كَانَ طَاهِرًا كُلُّهُ فَقَدَمَاهُ طَاهِرَتَانِ بِلَا شَكٍّ، فَقَدْ أَدْخَلَ خُفَّيْهِ الْقَدَمَيْنِ وَهُمَا طَاهِرَتَانِ، فَجَائِزٌ لَهُ الْمَسْحُ عَلَيْهِمَا الْأَمَدَ الْمَذْكُورَ لِلْمُسَافِرِ، فَإِنْ لَمْ يَجِدْ الْمَاءَ إِلَّا بَعْدَ تَمَامِ الثَّلَاثِ بِأَيَّامِهَا - مِنْ حِينِ أَحْدَثَ بَعْدَ لِبَاسِ خُفَّيْهِ عَلَى طَهَارَةِ التَّيَمُّمِ - لَمْ يَجُزْ لَهُ الْمَسْحُ، لِأَنَّ الْأَمَدَ قَدْ تَمَّ، وَقَدْ كَانَ مُمْكِنًا لَهُ أَنْ يَمْسَحَ بِنُزُولِ مَطَرٍ أَوْ وُجُودِ مَنْ مَعَهُ مَاءٌ.

L3966 Similarly, if one does not find water until part of the specified period has elapsed, they may wipe only for the remaining portion of the period.

وَكَذَلِكَ لَوْ لَمْ يَجِدْ الْمَاءَ إِلَّا بَعْدَ مُضِيِّ بَعْضِ الْأَمَدِ الْمَذْكُورِ، فَلَيْسَ لَهُ أَنْ يَمْسَحَ إِلَّا بَاقِيَ الْأَمَدِ فَقَطْ.

L3967 Ali said: When his ritual impurity is completed, he is then permitted to perform ablution and wiping over the khuffs. He does not need to worry about istinja’, because performing istinja’ after ablution is permissible. It is not obligatory for istinja’ to necessarily be performed before ablution, as there is no command in the Quran or Sunnah requiring this. Rather, it is a physical substance we are commanded to remove by any means for prayer alone. Therefore, whenever it is removed before prayer—whether after ablution or before—the one who removed it has fulfilled his obligation. The presence of urine on the external part of the urethral orifice or fecal matter on the external part of the anus does not constitute ritual impurity. The impurity lies solely in their exit from the two passageways. Once they appear externally, they are two filthy substances on the skin that must be removed for prayer alone. Hence, this is counted from that moment, whether it is the time of prayer or not, because purification for prayer before the entry of its prescribed time is permissible. One may pray a missed prayer or the two rak‘ahs of entering the mosque with that ablution during that time. If he is a resident, the stipulated duration lasts until the same time the next day if the impurity occurred during daylight, or until the same time the next night

قَالَ عَلِيٌّ: فَإِذَا تَمَّ حَدَثُهُ فَحِينَئِذٍ جَازَ لَهُ الْوُضُوءُ وَالْمَسْحُ وَلَا يُبَالِي بِالِاسْتِنْجَاءِ لِأَنَّ الِاسْتِنْجَاءَ بَعْدَ الْوُضُوءِ جَائِزٌ، وَلَيْسَ فَرْضُهُ أَنْ يَكُونَ قَبْلَ الْوُضُوءِ وَلَا بُدَّ، لِأَنَّهُ لَمْ يَأْتِ بِذَلِكَ أَمْرٌ فِي قُرْآنٍ وَلَا سُنَّةٍ، وَإِنَّمَا هِيَ عَيْنٌ أُمِرْنَا بِإِزَالَتِهَا بِصِفَةٍ مَا لِلصَّلَاةِ فَقَطْ، فَمَتَى أُزِيلَتْ قَبْلَ الصَّلَاةِ وَبَعْدَ الْوُضُوءِ أَوْ قَبْلَ الْوُضُوءِ، فَقَدْ أَدَّى مُزِيلُهَا مَا عَلَيْهِ وَلَيْسَ بَقَاءُ الْبَوْلِ فِي ظَاهِرِ الْحُرْتِ وَبَقَاءُ النَّجْوِ فِي ظَاهِرِ الْمَخْرَجِ حَدَثًا، إِنَّمَا الْحَدَثُ خُرُوجُهُمَا مِنْ الْمَخْرَجَيْنِ فَقَطْ، فَإِذَا ظَهَرَا فَإِنَّمَا خَبَثَانِ فِي الْجِلْدِ تَجِبُ إِزَالَتُهُمَا لِلصَّلَاةِ فَقَطْ، فَمِنْ حِينَئِذٍ يُعَدُّ، سَوَاءٌ كَانَ وَقْتَ صَلَاةٍ أَوْ لَمْ يَكُنْ، لِأَنَّ التَّطَهُّرَ لِلصَّلَاةِ قَبْلَ دُخُولِ وَقْتِهَا جَائِزٌ، وَقَدْ يُصَلِّي بِذَلِكَ الْوُضُوءِ فِي ذَلِكَ الْوَقْتِ صَلَاةً فَائِتَةً، أَوْ رَكْعَتَيْ دُخُولِ الْمَسْجِدِ، فَإِنْ كَانَ مُقِيمًا فَإِلَى مِثْلِ ذَلِكَ الْوَقْتِ مِنْ الْغَدِ إِنْ كَانَ ذَلِكَ نَهَارًا، وَإِلَى مِثْلِهِ مِنْ اللَّيْلَةِ الْقَابِلَةِ إِنْ كَانَ ذَلِكَ لَيْلًا، فَإِنْ انْقَضَى لَهُ الْأَمَدُ الْمَذْكُورُ وَقَدْ مَسَحَ أَحَدَ خُفَّيْهِ وَلَمْ يَمْسَحْ شَيْئًا مِنْ الْآخَرِ بَطَلَ الْمَسْحُ، وَلَزِمَهُ خَلْعُهُمَا وَغَسْلُهُمَا، لِأَنَّهُ لَمْ

[31] **Qur’an references (L3965):** Qur’an 5:6 (Al-Ma’idah).

if it occurred after dark. If the stipulated duration expires while he has wiped one of his khuffs but not the other, the wiping becomes invalid. He must remove both and wash his feet, because he only completed wiping during a time when wiping had become forbidden for him. If he is a traveler, the duration lasts until the same time on the fourth day if his impurity occurred during daylight, or until the same time on the fourth night if it occurred after dark. Success is from Allah, the Exalted.

L3968–3969 **The rulings concerning men and women in the rulings regarding wiping over khuffs and the timing of the duration.**

L3970 Question:

L3971 Men and women are equal in all that we have mentioned. Journeys undertaken for obedience or sin are equal in all such matters, and similarly, matters that are neither obedience nor sin are equal. Short journeys and long journeys are equal.

L3972 The proof of this is the generality of the command and ruling of the Messenger of Allah—peace and blessings be upon him. Had he—peace and blessings be upon him—intended to specify one type of travel over another, or one act of disobedience over an act of obedience, he would not have been unable to do so. The Bestower of provision and health, He who grants ascendancy to the disobedient and He from whom forgiveness is hoped for for him, graciously bestows upon him from the expansive mercy of the religion as He wills. Our statement is the statement of Abū Ḥanīfah.

L3973 There is no validity to the distinction made by those who differentiate in that matter between travel for obedience and travel for disobedience—neither through textual evidence nor through rational consideration.

L3974 As for the transmitted report, Allah the Exalted says: "To clarify to people what was sent down to them" [16:44]. If there were a distinction here, the Messenger of Allah (peace and blessings of Allah be upon him) would not have neglected it, nor would he have obligated us to know what he did not

يَتِمَّ لَهُ مَسْحُهُ إِلَّا فِي وَقْتٍ قَدْ حَرُمَ عَلَيْهِ فِيهِ الْمَسْحُ، وَإِنْ كَانَ مُسَافِرًا فَإِلَى مِثْلِ ذَلِكَ الْوَقْتِ مِنْ الْيَوْمِ الرَّابِعِ إِنْ كَانَ حَدَثُهُ نَهَارًا أَوْ إِلَى مِثْلِ ذَلِكَ الْوَقْتِ مِنْ اللَّيْلَةِ الرَّابِعَةِ إِنْ كَانَ ذَلِكَ لَيْلًا، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَة الرجال وَالنِّسَاء فِي أَحْكَام الْمَسْح عَلَى الْخُفَّيْنِ وتوقيت الْمُدَّة]

مَسْأَلَةٌ:

وَالرِّجَالُ وَالنِّسَاءُ فِي كُلِّ مَا ذَكَرْنَا سَوَاءٌ، وَسَفَرُ الطَّاعَةِ وَالْمَعْصِيَةِ فِي كُلِّ ذَلِكَ سَوَاءٌ، وَكَذَلِكَ مَا لَيْسَ طَاعَةً وَلَا مَعْصِيَةً، وَقَلِيلُ السَّفَرِ وَكَثِيرُهُ سَوَاءٌ.

بُرْهَانُ ذَلِكَ عُمُومُ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَحُكْمِهِ، وَلَوْ أَرَادَ - عَلَيْهِ السَّلَامُ - تَخْصِيصَ سَفَرٍ مِنْ سَفَرٍ، وَمَعْصِيَةٍ مِنْ طَاعَةٍ، لَمَا عَجَزَ عَنْ ذَلِكَ، وَوَاهِبُ الرِّزْقِ وَالصِّحَّةِ وَعُلُوُّ الْيَدِ لِلْعَاصِي وَالْمَرْجُوُّ لِلْمَغْفِرَةِ لَهُ يَتَصَدَّقُ عَلَيْهِ مَنْ فُسَحَ الدِّينِ بِمَا شَاءَ، وَقَوْلُنَا هُوَ قَوْلُ أَبِي حَنِيفَةَ.

وَلَا مَعْنَى لِتَفْرِيقِ مَنْ فَرَّقَ فِي ذَلِكَ بَيْنَ سَفَرِ الطَّاعَةِ وَسَفَرِ الْمَعْصِيَةِ - لَا مِنْ طَرِيقِ الْخَبَرِ وَلَا مِنْ طَرِيقِ النَّظَرِ.

أَمَّا الْخَبَرُ فَاَللَّهُ تَعَالَى يَقُولُ: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] فَلَوْ كَانَ هَهُنَا فَرْقٌ لَمَا أَهْمَلَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، وَلَا كَلَّفَنَا عِلْمَ مَا لَمْ يُخْبِرْنَا بِهِ، وَلَا أَلْزَمَنَا الْعَمَلَ بِمَا لَمْ يُعَرِّفْنَا بِهِ، هَذَا أَمْرٌ قَدْ أَمِنَّاهُ وَلِلَّهِ الْحَمْدُ.

inform us of, nor required us to act upon what he did not make known to us. This is a matter we have secured, and all praise is due to Allah.[32]

L3975 As for the rational perspective, a resident's stay may involve sinful residence, oppression of Muslims, and transgression against Islam graver than sinful travel. Yet a traveler engaged in disobedience might still obey God in some acts - foremost being ablution containing the mentioned wiping over footwear which they prohibited him from performing. Thus they forbade him the wiping that constitutes obedience, while commanding him to perform full washing (ghusl) that is also obedience. This constitutes utterly corrupt reasoning. Yet they unrestrictedly permitted wiping for the resident sinning in his residence.

L3976 If they say that wiping is a concession and mercy, we say: Who can restrict Allah from granting concession to the disobedient in some acts of obedience to Him? No one is granted Allah the Most High's mercy except one who is ignorant of Allah, asserting what he has no knowledge of. In every journey where prayer is shortened, one wipes with the traveler's wiping. As for cases where shortening does not apply, it is considered residence and staying in place—one does not wipe therein except with the resident's wiping. And true success is only through Allah's enablement, the Most High.

L3977 ****Issue:** He made wuḍūʾ, then wore one of his khuffayn (leather socks) after having washed the corresponding foot.**

L3978 215. Issue:

L3979 And whoever performs ablution, then dons one of his two khuffs after washing that foot, then washes the other foot after having placed the khuff on the washed one, then dons the other khuff, and subsequently breaks his ablution—wiping over them is permissible for him, just as if he had begun wearing both after washing both his feet. This is the opinion of Abū Ḥanīfah, Dawud, and their followers.

L3980 This is the opinion of Yahya ibn Adam, Abu Thawr, and Al-Muzani. Malik,

[32] **Qur'an references (L3974):** Qur'an 16:44 (An-Nahl).

وَأَمَّا مِنْ طَرِيقِ النَّظَرِ فَإِنَّ الْمُقِيمَ قَدْ تَكُونُ إِقَامَتُهُ إِقَامَةَ مَعْصِيَةٍ وَظُلْمٍ لِلْمُسْلِمِينَ وَعُدْوَانًا عَلَى الْإِسْلَامِ أَشَدَّ مِنْ سَفَرِ الْمَعْصِيَةِ، وَقَدْ يُطِيعُ الْمُسَافِرُ فِي الْمَعْصِيَةِ فِي بَعْضِ أَعْمَالِهِ، وَأَوَّلُهَا الْوُضُوءُ الَّذِي يَكُونُ فِيهِ الْمَسْحُ الْمَذْكُورُ الَّذِي منعوه مِنْهُ، فَمَنَعُوهُ مِنَ الْمَسْحِ الَّذِي هُوَ طَاعَةٌ، وَأَمَرُوهُ بِالْغُسْلِ الَّذِي هُوَ طَاعَةٌ أَيْضًا، وَهَذَا فَسَادٌ مِنَ الْقَوْلِ جِدًّا، وَأَطْلَقُوا الْمَسْحَ لِلْمُقِيمِ الْعَاصِي فِي إِقَامَتِهِ.

فَإِنْ قَالُوا الْمَسْحُ رُخْصَةٌ وَرَحْمَةٌ، قُلْنَا مَا حَجَرَ عَلَى اللَّهِ التَّرْخِيصَ لِلْعَاصِي فِي بَعْضِ أَعْمَالِ طَاعَتِهِ، وَلَا رَحْمَةَ اللَّهِ تَعَالَى لَهُ إِلَّا جَاهِلٌ بِاللَّهِ تَعَالَى، قَائِلٌ بِمَا لَا عِلْمَ لَهُ بِهِ، وَكُلُّ سَفَرٍ تُقْصَرُ فِيهِ الصَّلَاةُ فَيُمْسَحُ فِيهِ مَسْحَ سَفَرٍ، وَمَا لَا قَصْرَ فِيهِ فَهُوَ حَضَرٌ وَإِقَامَةٌ، لَا يُمْسَحُ فِيهِ إِلَّا مَسْحَ الْمُقِيمِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ تَوَضَّأَ فَلَبِسَ أَحَدَ خُفَّيْهِ بَعْدَ أَنْ غَسَلَ تِلْكَ الرِّجْلَ]

٢١٥ - مَسْأَلَةٌ:

وَمَنْ تَوَضَّأَ فَلَبِسَ أَحَدَ خُفَّيْهِ بَعْدَ أَنْ غَسَلَ تِلْكَ الرِّجْلَ ثُمَّ إِنَّهُ غَسَلَ الْأُخْرَى بَعْدَ لِبَاسِهِ الْخُفَّ عَلَى الْمَغْسُولَةِ، ثُمَّ لَبِسَ الْخُفَّ الْآخَرَ ثُمَّ أَحْدَثَ فَالْمَسْحُ لَهُ جَائِزٌ كَمَا لَوْ ابْتَدَأَ لِبَاسَهُمَا بَعْدَ غَسْلِ كِلْتَيْ رِجْلَيْهِ، وَبِهِ يَقُولُ أَبُو حَنِيفَةَ وَدَاوُد وَأَصْحَابُهُمَا.

Al-Shafi'i, and Ahmad ibn Hanbal said: One should not wipe, but if he removes the footwear he first put on and then puts it back on within its time period, he may wipe.

وَهُوَ قَوْلُ يَحْيَى بْنِ آدَمَ وَأَبِي ثَوْرٍ وَالْمُزَنِيِّ، وَقَالَ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ: لَا يَمْسَحُ لَكِنْ إِنْ خَلَعَ الَّتِي لَبِسَ أَوَّلًا ثُمَّ أَعَادَهَا مِنْ حِينِهِ فَإِنَّ لَهُ الْمَسْحَ.

L3981–3982 Ali said: Both opinions of their respective proponents rely on the statement of Allah's Messenger - peace and blessings be upon him - "Leave them, for I put them on while both were pure," thus necessitating examination of which opinion aligns more faithfully with this statement. We found that one who performs ablution on one foot and wears a single khuff has neither worn both khuffs nor placed both feet into the two khuffs - having only inserted one foot. When he performs ablution on the second foot and wears the second khuff, he thereby qualifies for the description that "he put them on while both were pure" - a status he did not hold previously. Thus, his wiping becomes valid. Had Allah's Messenger - peace and blessings be upon him - intended the view of Malik and Al-Shafi'i, he would not have used this wording. He would have instead said: "Leave them, for I began placing them into the khuffs only after completing the full purification of both." Since he - peace be upon him - did not say this, whoever truthfully merits the statement that "he placed both feet into the khuffs while they were pure" may validly wipe after experiencing impurity post-wearing. We know no instance where removing a khuff and immediately replacing it creates new purification or introduces a legal ruling previously unrecognized. Those who impose this obligation make an unsubstantiated claim. Success comes solely from Allah, the Most High.

قَالَ عَلِيٌّ: كِلَا الْقَوْلَيْنِ عُمْدَةُ أَهْلِهِ عَلَى قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «دَعْهُمَا فَإِنِّي أَدْخَلْتُهُمَا طَاهِرَتَيْنِ» ، فَوَجَبَ النَّظَرُ فِي أَيِّ الْقَوْلَيْنِ هُوَ أَسْعَدُ بِهَذَا الْقَوْلِ، فَوَجَدْنَا مَنْ طَهَّرَ إِحْدَى رِجْلَيْهِ ثُمَّ أَلْبَسَهَا الْخُفَّ فَلَمْ يُلْبِسْ الْخُفَّيْنِ وَإِنَّمَا لَبِسَ الْوَاحِدَ وَلَا أَدْخَلَ الْقَدَمَيْنِ الْخُفَّيْنِ، إِنَّمَا أَدْخَلَ الْقَدَمَ الْوَاحِدَةَ، فَلَمَّا طَهَّرَ الثَّانِيَةَ ثُمَّ أَلْبَسَهَا الْخُفَّ الثَّانِيَ صَارَ حِينَئِذٍ مُسْتَحِقًّا لِأَنْ يُخْبَرَ عَنْهُ أَنَّهُ أَدْخَلَهُمَا طَاهِرَتَيْنِ وَلَمْ يَسْتَحِقَّ هَذَا الْوَصْفَ قَبْلَ ذَلِكَ، فَصَحَّ أَنَّ لَهُ أَنْ يَمْسَحَ، وَلَوْ أَرَادَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا ذَهَبَ إِلَيْهِ مَالِكٌ وَالشَّافِعِيُّ لَمَا قَالَ هَذَا اللَّفْظَ، وَإِنَّمَا كَانَ يَقُولُ: دَعْهُمَا فَإِنِّي ابْتَدَأْتُ إِدْخَالَهُمَا فِي الْخُفَّيْنِ بَعْدَ تَمَامِ طَهَارَتِهِمَا جَمِيعًا، فَإِذْ لَمْ يَقُلْ - عَلَيْهِ السَّلَامُ - هَذَا الْقَوْلَ فَكُلُّ مَنْ صَدَقَ الْخَبَرُ عَنْهُ بِأَنَّهُ أَدْخَلَ قَدَمَيْهِ جَمِيعًا فِي الْخُفَّيْنِ وَهُمَا طَاهِرَتَانِ فَجَائِزٌ لَهُ أَنْ يَمْسَحَ إِذَا أَحْدَثَ بَعْدَ الْإِدْخَالِ، وَمَا عَلِمْنَا خَلْعَ خُفٍّ وَإِعَادَتَهُ فِي الْوَقْتِ يُحْدِثُ طَهَارَةً لَمْ تَكُنْ، وَلَا حُكْمًا فِي الشَّرْعِ لَمْ يَكُنْ، فَالْمُوجِبُ لَهُ مُدَّعٍ بِلَا بُرْهَانٍ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ كَانَ فِي الْخُفَّيْنِ أَوْ فِيمَا لَبِسَ عَلَى الرِّجْلَيْنِ خَرْقٌ صَغِيرٌ أَوْ كَبِيرٌ]

L3983 **Issue: If there was a small or large hole in the khuffs (leather socks) or in whatever was worn on the feet.**

٢١٦ - مَسْأَلَةٌ:

L3984 216 - Issue:

فَإِنْ كَانَ فِي الْخُفَّيْنِ أَوْ فِيمَا لَبِسَ عَلَى الرِّجْلَيْنِ خَرْقٌ صَغِيرٌ أَوْ كَبِيرٌ، طُولًا أَوْ عَرْضًا، فَظَهَرَ مِنْهُ شَيْءٌ مِنْ الْقَدَمِ، أَقَلُّ الْقَدَمِ أَوْ أَكْثَرُهَا أَوْ كِلَاهُمَا فَكُلُّ ذَلِكَ سَوَاءٌ، وَالْمَسْحُ

L3985 If there is a small or large tear in the khuffs or what is worn on the feet—lengthwise or widthwise—exposing any part of the foot, whether the smaller part of the foot, the majority of it, or both, all such cases are equivalent. Wiping over all such cases remains permissible as long as any part of the

khuffs remains attached to the two feet. This is the position of Sufyān al-Thawrī, Dāwūd, Abū Thawr, Isḥāq ibn Rāhawayh, and Yazīd ibn Hārūn.

عَلَى كُلِّ ذَلِكَ جَائِزٌ، مَا دَامَ يَتَعَلَّقُ بِالرِّجْلَيْنِ مِنْهُمَا شَيْءٌ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَدَاوُد وَأَبِي ثَوْرٍ وَإِسْحَاقَ بْنِ رَاهْوَيْهِ وَيَزِيدَ بْنِ هَارُونَ.

L3986 Abu Hanifa said: If there is a transverse hole in each of the two khuffs from which two fingers or less protrude, or if the hole measures two fingers in width or smaller, wiping over them is permissible. If three fingers or their equivalent measure become visible from one khuff but not the other, wiping over them is impermissible. He said: If there is a longitudinal hole that, when spread open, would reveal more than three fingers, wiping over them is permissible.

قَالَ أَبُو حَنِيفَةَ: إِنْ كَانَ فِي كُلِّ وَاحِدٍ مِنْ الْخُفَّيْنِ خَرْقٌ عَرْضًا يَبْرُزُ مِنْ كُلِّ خَرْقٍ أُصْبُعَانِ فَأَقَلُّ أَوْ مِقْدَارُ أُصْبُعَيْنِ فَأَقَلُّ: جَازَ الْمَسْحُ عَلَيْهِمَا، فَإِنْ ظَهَرَ مِنْ أَحَدِهِمَا دُونَ الْآخَرِ ثَلَاثَةُ أَصَابِعَ أَوْ مِقْدَارُهَا فَأَكْثَرُ لَمْ يَجُزْ الْمَسْحُ عَلَيْهِمَا قَالَ: فَإِنْ كَانَ الْخَرْقُ طَوِيلًا مِمَّا لَوْ فُتِحَ ظَهَرَ مِنْهُ أَكْثَرُ مِنْ ثَلَاثَةِ أَصَابِعَ جَازَ الْمَسْحُ.

L3987 Malik said: If the tear is minor such that the foot is not visible through it, wiping over them [the socks] is permissible. But if it is large and egregious, wiping is impermissible, whether the tear affects both socks or only one.

وَقَالَ مَالِكٌ: إِنْ كَانَ الْخَرْقُ يَسِيرًا لَا يَظْهَرُ مِنْهُ الْقَدَمُ جَازَ الْمَسْحُ، وَإِنْ كَانَ كَبِيرًا فَاحِشًا لَمْ يَجُزْ الْمَسْحُ عَلَيْهِمَا، فِيهِمَا كَانَ أَوْ فِي أَحَدِهِمَا.

L3988 Al-Ḥasan ibn Ḥayy, Al-Shāfiʿī, and Aḥmad said: If any part of the foot is exposed through the tear in the footwear, it is impermissible to wipe over them both. But if no part of the foot is exposed through the tear, it is permissible to wipe over them both.

وَقَالَ الْحَسَنُ بْنُ حَيٍّ وَالشَّافِعِيُّ وَأَحْمَدُ: إِنْ ظَهَرَ مِنْ الْقَدَمِ شَيْءٌ مِنْ الْخَرْقِ لَمْ يَجُزْ الْمَسْحُ عَلَيْهِمَا، فَإِنْ لَمْ يَظْهَرْ مِنْ الْخَرْقِ شَيْءٌ مِنْ الْقَدَمِ جَازَ الْمَسْحُ عَلَيْهِمَا.

L3989 Al-Ḥasan ibn Ḥayyin said: If beneath the tear, whether small or large, there is a sock that covers the foot, wiping is permissible.

قَالَ الْحَسَنُ بْنُ حَيٍّ: فَإِنْ كَانَ مِنْ تَحْتِ الْخَرْقِ قَلَّ أَوْ كَثُرَ جَوْرَبٌ يَسْتُرُ الْقَدَمَ جَازَ الْمَسْحُ.

L3990–3992 Al-Awzaʿī said: If any part of the foot is exposed from a tear in the khuff, he should wipe over it. The two khuffs were wiped over, and he washed what was uncovered of the foot or both feet, then prayed. If he did not wash what became exposed, he must repeat the prayer.

وَقَالَ الْأَوْزَاعِيُّ: إِنْ انْكَشَفَ مِنْ الْخَرْقِ فِي الْخُفِّ شَيْءٌ مِنْ الْقَدَمِ مَسَحَ عَلَى الْخُفَّيْنِ وَغَسَلَ مَا انْكَشَفَ مِنْ الْقَدَمِ أَوْ الْقَدَمَيْنِ وَصَلَّى، فَإِنْ لَمْ يَغْسِلْ مَا ظَهَرَ أَعَادَ الصَّلَاةَ.

L3993 Ali said: When they differed, it became obligatory to examine the evidence each group cited to support its position. We found Malik's opinion baseless, for he prohibited wiping in certain circumstances and permitted it in others, yet he failed to clarify for his followers, those seeking to understand his view, or those requesting his legal verdict: what circumstances make wiping permissible and what circumstances make it prohibited. This entangles the questioner in matters he cannot comprehend. Moreover, it is an opinion

قَالَ عَلِيٌّ: فَلَمَّا اخْتَلَفُوا وَجَبَ أَنْ نَنْظُرَ مَا احْتَجَّتْ بِهِ كُلُّ طَائِفَةٍ لِقَوْلِهَا، فَوَجَدْنَا قَوْلَ مَالِكٍ لَا مَعْنَى لَهُ، لِأَنَّهُ مَنَعَ مِنْ الْمَسْحِ فِي حَالٍ مَا وَأَبَاحَهُ فِي حَالٍ أُخْرَى، وَلَمْ يُبَيِّنْ لِمُقَلِّدِيهِ وَلَا لِمُرِيدِي مَعْرِفَةِ قَوْلِهِ وَلَا لِمَنْ اسْتَفْتَاهُ، مَا هِيَ الْحَالُ الَّتِي يَحِلُّ فِيهَا الْمَسْحُ،

with no evidence for its validity and a claim with no proof to substantiate it. Thus, this opinion is rejected.

وَلَا مَا الْحَالُ الَّذِي يَحْرُمُ فِيهَا الْمَسْحُ فَهَذَا إِنْشَابٌ لِلْمُسْتَفْتِي فِيمَا لَا يَعْرِفُ وَأَيْضًا فَإِنَّهُ قَوْلٌ لَا دَلِيلَ عَلَى صِحَّتِهِ، وَدَعْوَى لَا بُرْهَانَ عَلَيْهَا، فَسَقَطَ هَذَا الْقَوْلُ.

L3994 Then we examined Abu Hanifah's statement and found it to be arbitrariness without evidence, a distinction without proof—something anyone could assert. It is impermissible to speak in matters of religion with such claims. Moreover, fingers differ greatly in size differences. If only I knew which finger he meant! We know of no one who preceded him in this invalid opinion. Thus, this claim is also invalidated with certainty.

ثُمَّ نَظَرْنَا فِي قَوْلِ أَبِي حَنِيفَةَ فَكَانَ تَحَكُّمًا بِلَا دَلِيلٍ، وَفَرْقًا بِلَا بُرْهَانٍ، لَا يَعْجِزُ عَنْ مِثْلِهِ أَحَدٌ، وَلَا يَحِلُّ الْقَوْلُ فِي الدِّينِ بِمِثْلِ هَذَا، وَأَيْضًا فَالْأَصَابِعُ تَخْتَلِفُ فِي الْكِبَرِ وَالصِّغَرِ تَفَاوُتًا شَدِيدًا، فَلَيْتَ شِعْرِي أَيَّ الْأَصَابِعِ أَرَادَ وَمَا نَعْلَمُ أَحَدًا سَبَقَهُ إِلَى هَذَا الْقَوْلِ مَعَ فَسَادِهِ، فَسَقَطَ أَيْضًا هَذَا الْقَوْلُ بِيَقِينٍ.

L3995 Then we examined the statements of Al-Ḥasan ibn Ḥayy, Al-Shāfiʿī, and Aḥmad and found their argument to be that the obligatory act for the two feet is washing if they are uncovered or wiping if they are covered. If any part of them becomes exposed, even minimally, then a part that necessitates washing has been exposed. They said, "Washing and wiping cannot coexist on one and the same foot." We know of no argument they have other than this.

ثُمَّ نَظَرْنَا فِي قَوْلِ الْحَسَنِ بْنِ حَيٍّ وَالشَّافِعِيِّ وَأَحْمَدَ فَوَجَدْنَا حُجَّتَهُمْ أَنَّ فَرْضَ الرِّجْلَيْنِ الْغُسْلُ إِنْ كَانَتَا مَكْشُوفَتَيْنِ أَوْ الْمَسْحُ إِنْ كَانَتَا مَسْتُورَتَيْنِ، فَإِذَا انْكَشَفَ شَيْءٌ مِنْهُمَا وَإِنْ قَلَّ فَقَدْ انْكَشَفَ شَيْءٌ فَرْضُهُ الْغُسْلُ، قَالُوا: وَلَا يَجْتَمِعُ غُسْلٌ وَمَسْحٌ فِي رِجْلٍ وَاحِدَةٍ، مَا نَعْلَمُ لَهُمْ حُجَّةً غَيْرَ هَذَا.

L3996 Ali said: "All that they have said is correct, except their statement that if any part of the foot is uncovered, then the part whose obligation is to wash has been uncovered. This is an incorrect statement, and they should not be agreed with on this, as it is not established by the Quran, the Sunnah, or consensus. Rather, the truth in this matter is what the Sunnah—which clarifies the Quran—, has established: the ruling for the two feet, when nothing is worn on them, is that they are wiped upon them to be washed, and the ruling when something is worn on them is that one wipes over that covering. This is what the Sunnah has conveyed. {And your Lord is never forgetful} [Maryam 19:64]."[33]

قَالَ عَلِيٌّ: كُلُّ مَا قَالُوهُ صَحِيحٌ، إِلَّا قَوْلَهُمْ إِذَا انْكَشَفَ مِنْ الْقَدَمِ شَيْءٌ فَقَدْ انْكَشَفَ شَيْءٌ فَرْضُهُ الْغُسْلُ، فَإِنَّهُ قَوْلٌ غَيْرُ صَحِيحٍ، وَلَا يُوَافَقُونَ عَلَيْهِ، إِذْ لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ، لَكِنَّ الْحَقَّ فِي ذَلِكَ مَا جَاءَتْ بِهِ السُّنَّةُ الْمُبَيِّنَةُ لِلْقُرْآنِ مِنْ أَنَّ حُكْمَ الْقَدَمَيْنِ اللَّتَيْنِ لَيْسَ عَلَيْهِمَا شَيْءٌ مَلْبُوسٌ يُمْسَحُ عَلَيْهِ أَنْ يُغْسَلَا، وَحُكْمُهُمَا إِذَا كَانَ عَلَيْهِمَا شَيْءٌ مَلْبُوسٌ أَنْ يُمْسَحَ عَلَى ذَلِكَ الشَّيْءِ، بِهَذَا جَاءَتْ السُّنَّةُ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] .

L3997–3999 The Messenger of Allah - peace and blessings of Allah be upon him - knew when he commanded wiping over leather socks and what is worn on the feet, and when he wiped over regular socks, that among leather socks, regular

وَقَدْ عَلِمَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذْ أَمَرَ بِالْمَسْحِ عَلَى الْخُفَّيْنِ وَمَا يُلْبَسُ فِي الرِّجْلَيْنِ وَمَسَحَ عَلَى الْجَوْرَبَيْنِ - أَنَّ مِنْ الْخِفَافِ وَالْجَوَارِبِ وَغَيْرِ ذَلِكَ مِمَّا يُلْبَسُ

[33] **Qur'an references (L3996):** Qur'an 19:64 (Maryam).

socks, and other items worn on the feet are those with a significant tear, a minor tear, or no tear - red, black, white, new, or old. Yet he - peace be upon him - did not distinguish between any of these categories. Had the religious ruling regarding them differed, Allah the Exalted would not have neglected to reveal it, nor would the Messenger of Allah - peace and blessings of Allah be upon him - the one divinely obligated, have overlooked it. The clarification lies with Him—far be it from Him to be associated with such. Thus, the ruling is confirmed that wiping remains valid in all circumstances, as wiping does not necessitate full coverage within the linguistic convention by which we are addressed. Similarly, we narrate from Sufyan al-Thawri that he said: "Wipe as long as it is called a khuff." Were the khuffs of the Muhājirīn and the Anṣār anything but split, perforated, and torn? As for al-Awzāʿī's statement, we shall mention it—God willing—in the issue following this one. And with God lies the attainment of success.

عَلَى الرِّجْلَيْنِ الْمُخَرَّقَ خَرْقًا فَاحِشًا أَوْ غَيْرَ فَاحِشٍ، وَغَيْرَ الْمُخَرَّقِ، وَالْأَحْمَرَ وَالْأَسْوَدَ وَالْأَبْيَضَ، وَالْجَدِيدَ وَالْبَالِيَ، فَمَا خَصَّ - عَلَيْهِ السَّلَامُ - بَعْضَ ذَلِكَ دُونَ بَعْضٍ، وَلَوْ كَانَ حُكْمُ ذَلِكَ فِي الدِّينِ يَخْتَلِفُ لَمَا أَغْفَلَهُ اللَّهُ تَعَالَى أَنْ يُوحِيَ بِهِ، وَلَا أَهْمَلَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُفْتَرَضُ عَلَيْهِ الْبَيَانُ، حَاشَا لَهُ مِنْ ذَلِكَ فَصَحَّ أَنَّ حُكْمَ ذَلِكَ الْمَسْحُ عَلَى كُلِّ حَالٍ، وَالْمَسْحُ لَا يَقْتَضِي الِاسْتِيعَابَ فِي اللُّغَةِ الَّتِي بِهَا خُوطِبْنَا، وَهَكَذَا رُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ أَنَّهُ قَالَ: امْسَحْ مَا دَامَ يُسَمَّى خُفًّا، وَهَلْ كَانَتْ خِفَافُ الْمُهَاجِرِينَ وَالْأَنْصَارِ إلَّا مُشَقَّقَةً مُخَرَّقَةً مُمَزَّقَةً؟ وَأَمَّا قَوْلُ الْأَوْزَاعِيِّ فَنَذْكُرُهُ إنْ شَاءَ اللَّهُ فِي الْمَسْأَلَةِ التَّالِيَةِ لِهَذِهِ وَبِاَللَّهِ التَّوْفِيقُ.

Issue: The two leather socks were cut below the ankles.

217 - Issue:

If the two khuffs are cut short below the ankles, it is permissible to wipe over them. This is the opinion of Al-Awzāʿī, and it is narrated that he said: “A pilgrim in the state of iḥrām may wipe over the two khuffs that are cut short below the ankles.” Others have stated that one may not wipe over them unless they are above the ankles.

Ali said: It has been authentically established from the Messenger of Allah—peace and blessings be upon him—that he commanded wiping over khuffs (leather socks) and that he wiped over jorabs (knitted socks). If there had been a defined restriction in this matter, he—peace be upon him—would not have neglected or overlooked it. Thus, it is obligatory that wiping is permissible over anything termed a khuff (leather sock), a jorab (knitted sock), or any garment worn on the feet. We have previously refuted the invalidity of those who claim that wiping is only permissible over what fully covers the entire feet and ankles.

By that evidence, this opinion of theirs regarding this issue is invalidated, especially the view of Abu Hanifa permitting wiping over the two khuffs from which a portion measuring two fingers from each khuff is visible. For it would follow that if a portion measuring two fingers from the ankles (of both feet) over the khuff is visible, then wiping is permissible; otherwise, it is not.

Similarly, this obligates the Malikīs to say: “If the apparent portion of the ankles above the khuff is small, wiping is permissible, but if it is excessive, it is not permissible.” We do not know on what grounds they based these two rulings, for they have neither a textual source, nor analogy, nor following precedent. And success is from Allah.

Ali said: As for Al-Awzāʿī’s statement about combining washing and wiping on a single foot, this is a view unsupported by evidence—neither textual proof, consensus, analogy, nor the opinion of an authority. The ruling for the two feet [when covered by footwear] is wiping alone, as established by the

[مَسْأَلَة كَانَ الْخُفَّانِ مَقْطُوعَيْنِ تَحْتَ الْكَعْبَيْنِ]

٢١٧ - مَسْأَلَةٌ:

فَإِنْ كَانَ الْخُفَّانِ مَقْطُوعَيْنِ تَحْتَ الْكَعْبَيْنِ فَالْمَسْحُ جَائِزٌ عَلَيْهِمَا، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، رُوِيَ عَنْهُ أَنَّهُ قَالَ: يَمْسَحُ الْمُحْرِمُ عَلَى الْخُفَّيْنِ الْمَقْطُوعَيْنِ تَحْتَ الْكَعْبَيْنِ، وَقَالَ غَيْرُهُ لَا يَمْسَحُ عَلَيْهَا إِلَّا أَنْ يَكُونَا فَوْقَ الْكَعْبَيْنِ.

قَالَ عَلِيٌّ: قَدْ «صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْأَمْرُ بِالْمَسْحِ عَلَى الْخُفَّيْنِ، وَأَنَّهُ مَسَحَ عَلَى الْجَوْرَبَيْنِ» ، وَلَوْ كَانَ هَهُنَا حَدٌّ مَحْدُودٌ لَمَا أَهْمَلَهُ - عَلَيْهِ السَّلَامُ - وَلَا أَغْفَلَهُ فَوَجَبَ أَنَّ كُلَّ مَا يَقَعُ عَلَيْهِ اسْمُ خُفٍّ أَوْ جَوْرَبٍ أَوْ لُبِسَ عَلَى الرِّجْلَيْنِ فَالْمَسْحُ عَلَيْهِ جَائِزٌ، وَقَدْ ذَكَرْنَا بُطْلَانَ قَوْلِ مَنْ قَالَ: إِنَّ الْمَسْحَ لَا يَجُوزُ إِلَّا عَلَى مَا يَسْتُرُ جَمِيعَ الرِّجْلَيْنِ وَالْكَعْبَيْنِ.

وَبِذَلِكَ الدَّلِيلِ يَبْطُلُ هَذَا الْقَوْلُ الَّذِي لَهُمْ فِي هَذِهِ الْمَسْأَلَةِ، لَا سِيَّمَا قَوْلُ أَبِي حَنِيفَةَ الْمُجِيزُ الْمَسْحَ عَلَى الْخُفَّيْنِ اللَّذَيْنِ يَظْهَرُ مِنْهُمَا مِقْدَارُ أُصْبُعَيْنِ مِنْ كُلِّ خُفٍّ، فَإِنَّهُ يَلْزَمُهُ إِنْ ظَهَرَ مِنَ الْكَعْبَيْنِ مِنْ كُلِّ قَدَمٍ فَوْقَ الْخُفِّ مِقْدَارُ أُصْبُعَيْنِ فَالْمَسْحُ جَائِزٌ وَإِلَّا فَلَا.

وَكَذَلِكَ يَلْزَمُ الْمَالِكِيِّينَ أَنْ يَقُولُوا: إِنْ كَانَ الظَّاهِرُ مِنَ الْكَعْبَيْنِ فَوْقَ الْخُفِّ يَسِيرًا جَازَ الْمَسْحُ، وَإِنْ كَانَ فَاحِشًا لَمْ يَجُزْ، وَمَا نَدْرِي عَلَامَ بَنَوْا هَذَيْنِ الْقَوْلَيْنِ فَإِنَّهُمَا لَا نَصَّ وَلَا قِيَاسَ وَلَا اتِّبَاعَ. وَبِاللَّهِ التَّوْفِيقُ.

قَالَ عَلِيٌّ: وَأَمَّا قَوْلُ الْأَوْزَاعِيِّ فِي الْجَمْعِ بَيْنَ الْغُسْلِ وَالْمَسْحِ فِي رِجْلٍ وَاحِدَةٍ فَقَوْلٌ لَا دَلِيلَ عَلَى صِحَّتِهِ، لَا مِنْ نَصٍّ وَلَا مِنْ إِجْمَاعٍ وَلَا قِيَاسٍ وَلَا قَوْلِ صَاحِبٍ، وَحُكْمُ

authentically transmitted Sunnahs. Thus, there is no justification for adding washing to that.

الرِّجْلَيْنِ الْمَلْبُوسِ عَلَيْهِمَا شَيْءٌ الْمَسْحُ فَقَطْ بِالسُّنَنِ الثَّابِتَةِ، فَلَا مَعْنَى لِزِيَادَةِ الْغُسْلِ عَلَى ذَلِكَ.

Issue: He put on his two khuffs while in a state of purity, then removed one of them without the other.

[مَسْأَلَةٌ لَبِسَ خُفَّيْهِ عَلَى طَهَارَةٍ ثُمَّ خَلَعَ أَحَدَهُمَا دُونَ الْآخَرِ]

٢١٨ - Issue:

٢١٨ - مَسْأَلَةٌ:

Whoever wears his leather socks, socks, or similar items while in a state of ritual purity and then removes one of them without the other must—if he has nullified his ablution—remove the remaining item without fail and wash his feet.

وَمَنْ لَبِسَ خُفَّيْهِ أَوْ جَوْرَبَيْهِ أَوْ غَيْرَ ذَلِكَ عَلَى طَهَارَةٍ ثُمَّ خَلَعَ أَحَدَهُمَا دُونَ الْآخَرِ، فَإِنَّ فَرْضَهُ أَنْ يَخْلَعَ الْآخَرَ إِنْ كَانَ قَدْ أَحْدَثَ وَلَا بُدَّ، وَيَغْسِلَ قَدَمَيْهِ.

Al-Muʿāfā ibn ʿImrān and Muḥammad ibn Yūsuf al-Firyābī narrated from Sufyān al-Thawrī that he would wash the uncovered foot and wipe over the other, covered foot.

وَقَدْ رَوَى الْمُعَافَى بْنُ عِمْرَانَ وَمُحَمَّدُ بْنُ يُوسُفَ الْفِرْيَابِيُّ عَنْ سُفْيَانَ الثَّوْرِيِّ أَنَّهُ يَغْسِلُ الرِّجْلَ الْمَكْشُوفَةَ وَيَمْسَحُ عَلَى الْأُخْرَى الْمَسْتُورَةِ.

Al-Faḍl ibn Dukayn narrated from him. He should remove what is covering the other foot and wash both of them. This is the opinion of Abu Hanifa, Malik, and al-Shafi'i.

وَرَوَى الْفَضْلُ بْنُ دُكَيْنٍ عَنْهُ، أَنَّهُ يَنْزِعُ مَا عَلَى الرِّجْلِ الْأُخْرَى وَيَغْسِلُهُمَا، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ وَمَالِكٍ وَالشَّافِعِيِّ.

Ali said: We examined that matter and found his explicit ruling—peace be upon him—that he wiped over them because he had put both of them on in a state of purity.

قَالَ عَلِيٌّ: فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا نَصَّ حُكْمِهِ - عَلَيْهِ السَّلَامُ - أَنَّهُ مَسَحَ عَلَيْهِمَا لِأَنَّهُ أَدْخَلَهُمَا طَاهِرَتَيْنِ.

And he – peace be upon him – commanded the washing of the two bare feet; hence, these two scriptural texts do not permit contravention.

وَأَمَرَ - عَلَيْهِ السَّلَامُ - بِغَسْلِ الْقَدَمَيْنِ الْمَكْشُوفَتَيْنِ فَكَانَ هَذَانِ النَّصَّانِ لَا يَحِلُّ الْخُرُوجُ عَنْهُمَا.

We found that whoever washed one foot and wiped over the other has performed an action not mentioned in the Qur'an, nor the Sunnah, nor supported by any evidence derived from the textual wording of both.

وَوَجَدْنَا مَنْ غَسَلَ رِجْلًا وَمَسَحَ عَلَى الْأُخْرَى قَدْ عَمِلَ عَمَلًا لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ وَلَا دَلِيلَ مِنْ لَفْظَيْهِمَا.

In matters of religion, only that which is established in the speech of Al-

وَلَا يَجُوزُ فِي الدِّينِ إِلَّا مَا وُجِدَ فِي كَلَامِ اللَّهِ تَعَالَى أَوْ كَلَامِ نَبِيِّهِ - عَلَيْهِ السَّلَامُ -.

lah, the Most High, or the speech of His Prophet—peace be upon him—is permissible.

L4018 It is therefore obligatory that washing one foot and wiping over the other is not sufficient, and that it is necessary to either wash both of them or wipe over both of them. This ruling applies whether at the outset or after having wiped over them.

L4019 Yunus ibn Abd Allah ibn Mughith narrated to us, saying: Abu Isa ibn Abi Isa narrated to us, saying: Ahmad ibn Khalid narrated to us, saying: Ibn Waddah narrated to us, saying: Abu Bakr ibn Abi Shaybah narrated to us from Abdullah ibn Idris—al-Awdi—from Muhammad ibn Ajlan from Sa'id ibn Abi Sa'id—al-Maqburi—from Abu Hurayrah, who said: The Messenger of Allah (peace and blessings be upon him) said, "When one of you puts on footwear, let him begin with the right, and when he removes it, let him begin with the left. Do not walk in one sandal or one leather sock; either remove both or walk in both." He (peace and blessings be upon him) thus made it imperatively obligatory to remove both without fail or to leave both on together. If someone removes one without the other, he has disobeyed Allah in the act of retaining what he retained, and since retaining it is an act of disobedience, it is not permissible for him to wipe over a leather sock whose obligation is removal. If this is due to an ailment in one foot, neither wiping nor washing is required for it whatsoever—because his obligation has been lifted.

L4020 We found some of those who agree with us arguing that since no scholar permits initiating ablution by washing one foot and wiping over a khuff on the other, it is likewise impermissible after removing one of the two khuffs.

L4021 Abu Muhammad said: This is an invalid statement, because the beginning of ablution applies to two feet that are not purified. This is not the case after the validity of wiping them is confirmed when they have been purified.

L4022 Thus, between the two matters lies the greatest difference. And from Allah, the Exalted, is success.

فَوَجَبَ أَنْ لَا يُجْزِئَ غَسْلُ رِجْلٍ وَمَسْحُ عَلَى الْأُخْرَى. وَأَنَّهُ لَا بُدَّ مِنْ غُسْلِهِمَا أَوْ الْمَسْحِ عَلَيْهِمَا. سَوَاءٌ فِي ذَلِكَ فِي الِابْتِدَاءِ أَوْ بَعْدَ الْمَسْحِ عَلَيْهِمَا.

وَقَدْ حَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ بْنِ مُغِيثٍ قَالَ: ثنا أَبُو عِيسَى بْنُ أَبِي عِيسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ عَبْدِ اللَّهِ بْنِ إدْرِيسَ - هُوَ الْأَوْدِيُّ - عَنْ مُحَمَّدِ بْنِ عَجْلَانَ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ - هُوَ الْمَقْبُرِيُّ - عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا لَبِسَ أَحَدُكُمْ فَلْيَبْدَأْ بِالْيُمْنَى وَإِذَا خَلَعَهُ فَلْيَبْدَأْ بِالْيُسْرَى، وَلَا يَمْشِي فِي نَعْلٍ وَاحِدَةٍ وَلَا خُفٍّ وَاحِدَةٍ، لِيَخْلَعْهُمَا جَمِيعًا أَوْ لِيَمْشِ فِيهِمَا جَمِيعًا» . فَأَوْجَبَ - عَلَيْهِ السَّلَامُ - خَلْعَهُمَا وَلَا بُدَّ أَوْ تَرْكَهُمَا جَمِيعًا، فَإِنْ خَلَعَ إحْدَاهُمَا دُونَ الْأُخْرَى فَقَدْ عَصَى اللَّهَ فِي إبْقَائِهِ الَّذِي أَبْقَى، وَإِذَا كَانَ بِإِبْقَائِهِ عَاصِيًا فَلَا يَحِلُّ لَهُ الْمَسْحُ عَلَى خُفٍّ فَرْضُهُ نَزْعُهُ، فَإِنْ كَانَ ذَلِكَ لِعِلَّةٍ بِرِجْلِهِ لَمْ يَلْزَمْهُ فِي تِلْكَ الرِّجْلِ شَيْءٌ أَصْلًا، لَا مَسْحٌ وَلَا غَسْلٌ، لِأَنَّ فَرْضَهُ قَدْ سَقَطَ.

وَوَجَدْنَا بَعْضَ الْمُوَافِقِينَ لَنَا قَدْ احْتَجَّ فِي هَذَا بِأَنَّهُ لَمَّا لَمْ يَجُزْ عِنْدَ أَحَدٍ ابْتِدَاءُ الْوُضُوءِ بِغَسْلِ رِجْلٍ وَمَسْحٍ عَلَى خُفٍّ عَلَى أُخْرَى لَمْ يَجُزْ ذَلِكَ بَعْدَ نَزْعِ أَحَدِ الْخُفَّيْنِ.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا كَلَامٌ فَاسِدٌ، لِأَنَّ ابْتِدَاءَ الْوُضُوءِ يَرِدُ عَلَى رِجْلَيْنِ غَيْرِ طَاهِرَتَيْنِ، وَلَيْسَ كَذَلِكَ الْأَمْرُ بَعْدَ صِحَّةِ الْمَسْحِ عَلَيْهِمَا بَعْدَ إدْخَالِهِمَا طَاهِرَتَيْنِ.

فَبَيْنَ الْأَمْرَيْنِ أَعْظَمُ فَرْقٍ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَسَحَ عَلَى مَا فِي رِجْلَيْهِ ثُمَّ خَلَعَهُمَا]

٢١٩ - مَسْأَلَةٌ:

وَمَنْ مَسَحَ كَمَا ذَكَرْنَا عَلَى مَا فِي رِجْلَيْهِ ثُمَّ خَلَعَهُمَا لَمْ يَضُرَّهُ ذَلِكَ شَيْئًا، وَلَا يَلْزَمُهُ إِعَادَةُ وُضُوءٍ وَلَا غَسْلُ رِجْلَيْهِ، بَلْ هُوَ طَاهِرٌ كَمَا كَانَ وَيُصَلِّي كَذَلِكَ وَكَذَلِكَ لَوْ مَسَحَ عَلَى عِمَامَةٍ أَوْ خِمَارٍ ثُمَّ نَزَعَهُمَا فَلَيْسَ عَلَيْهِ إِعَادَةُ وُضُوءٍ وَلَا مَسْحُ رَأْسِهِ بَلْ هُوَ طَاهِرٌ كَمَا كَانَ وَيُصَلِّي كَذَلِكَ، وَكَذَلِكَ لَوْ مَسَحَ عَلَى خُفٍّ عَلَى خُفٍّ ثُمَّ نَزَعَ الْأَعْلَى فَلَا يَضُرُّهُ ذَلِكَ شَيْئًا، وَيُصَلِّي كَمَا هُوَ دُونَ أَنْ يُعِيدَ مَسْحًا.

وَكَذَلِكَ مَنْ تَوَضَّأَ أَوْ اغْتَسَلَ ثُمَّ حَلَقَ شَعْرَهُ أَوْ تَقَصَّصَ أَوْ قَلَّمَ أَظْفَارَهُ، فَهُوَ فِي كُلِّ ذَلِكَ عَلَى وُضُوئِهِ وَطَهَارَتِهِ وَيُصَلِّي كَمَا هُوَ دُونَ أَنْ يَمْسَحَ مَوَاضِعَ الْقَصِّ.

وَهَذَا قَوْلُ طَائِفَةٍ مِنَ السَّلَفِ، كَمَا رُوِّينَا عَنْ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ هِشَامِ بْنِ حَسَّانَ، وَرُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنِ الْفُضَيْلِ بْنِ عَمْرٍو عَنْ إِبْرَاهِيمَ النَّخَعِيِّ: أَنَّهُ كَانَ يُحْدِثُ ثُمَّ يَمْسَحُ عَلَى جُرْمُوقَيْنِ لَهُ مِنْ لُبُودٍ ثُمَّ يَنْزِعُهُمَا، فَإِذَا قَامَ إِلَى الصَّلَاةِ لَبِسَهُمَا وَصَلَّى.

وَأَمَّا أَبُو حَنِيفَةَ فَإِنَّهُ قَالَ: مَنْ تَوَضَّأَ ثُمَّ مَسَحَ عَلَى خُفَّيْهِ ثُمَّ أَخْرَجَ قَدَمَهُ الْوَاحِدَةَ مِنْ مَوْضِعِهَا إِلَى مَوْضِعِ السَّاقِ، أَوْ أَخْرَجَ كِلْتَيْهِمَا كَذَلِكَ فَقَدْ بَطَلَ مَسْحُهُ، وَيَلْزَمُهُ أَنْ يُخْرِجَ قَدَمَيْهِ جَمِيعًا وَيَغْسِلَهُمَا، وَكَذَلِكَ عِنْدَهُ لَوْ أَخْرَجَهُمَا بِالْكُلِّ.

قَالَ أَبُو يُوسُفَ وَكَذَلِكَ إِذَا أَخْرَجَ أَكْثَرَ مِنْ نِصْفِ الْقَدَمِ إِلَى مَوْضِعِ السَّاقِ.

Issue: He performed masḥ over what was on his feet, then removed them.

219. Issue:

And whoever wipes as we have mentioned over what is on his feet then removes them, this does not harm him at all, nor is he required to repeat the ablution or wash his feet. Rather, he remains pure as he was and prays in that state. Similarly, if he wipes over a turban or veil then removes them, he is not required to repeat the ablution or wipe his head. Rather, he remains pure as he was and prays in that state. Likewise, if he wipes over one khuff over another then removes them. If the upper part is wiped, this does not invalidate his ablution at all, and he may pray as he is without redoing the wiping.

Similarly, whoever performs ablution or a ritual bath, then shaves his hair, trims it, or clips his nails, remains in a state of ablution and ritual purity throughout these acts and may pray as he is without wiping the areas where the hair was trimmed.

This is the view of a group of the early scholars, as reported to us from ʿAbd al-Razzāq from Sufyān al-Thawrī from Hishām ibn Ḥassān, and reported to us from Sufyān al-Thawrī from al-Fuḍayl ibn ʿAmr from Ibrāhīm al-Nakhaʿī: that he would break his ablution, then wipe over his two jurmūq socks made of felt and remove them. Then, when he stood for prayer, he would put them on and pray.

As for Abū Ḥanīfah, he said: Whoever performs ablution and then wipes over his two khuffs, then removes one foot from its place to the shin area, or removes both of them in that manner, his wiping is nullified. He must remove both feet together [from the khuffs] and wash them. Similarly, according to him, the same ruling applies if he removes them entirely.

Abū Yūsuf said: Similarly, if he exposed more than half of the foot to the shin area.

He said: If one wears two jurmuqs over two khuffs, then wipes over them [the jurmuqs], then removes one of the jurmuqs, he must necessarily wipe

over the khuff that was beneath the removed jurmuq and also wipe over the second jurmuq, for when part of the wiping is nullified, the entirety of it becomes nullified.

قَالَ فَلَوْ لَبِسَ جُرْمُوقَيْنِ عَلَى خُفَّيْنِ ثُمَّ مَسَحَ عَلَيْهِمَا ثُمَّ خَلَعَ أَحَدَ الْجُرْمُوقَيْنِ فَعَلَيْهِ أَنْ يَمْسَحَ عَلَى الْخُفِّ الَّذِي كَانَ تَحْتَ الْجُرْمُوقِ وَيَمْسَحَ أَيْضًا عَلَى الْجُرْمُوقِ الثَّانِي وَلَا بُدَّ، لِأَنَّ بَعْضَ الْمَسْحِ إِذَا انْتَقَضَ انْتَقَضَ كُلُّهُ.

L4033 He said: If he performs ablution and then closely shaves his hair, trims his mustache, and clips his nails, he remains in a state of ritual purity, and he does not need to rewet those parts.

قَالَ: فَلَوْ تَوَضَّأَ ثُمَّ جَزَّ شَعْرَهُ وَقَصَّ شَارِبَهُ وَأَظْفَارَهُ فَهُوَ عَلَى طَهَارَتِهِ، وَلَيْسَ عَلَيْهِ أَنْ يَمَسَّ الْمَاءُ شَيْئًا مِنْ ذَلِكَ.

L4034 As for Mālik, he said: Whoever wipes over his khuffs and then removes one of them must remove the other and wash both his feet. Similarly, if he removes both of them.

وَأَمَّا مَالِكٌ فَإِنَّهُ قَالَ: مَنْ مَسَحَ عَلَى خُفَّيْهِ ثُمَّ خَلَعَ أَحَدَهُمَا فَإِنَّهُ يَلْزَمُهُ أَنْ يَخْلَعَ الثَّانِيَ وَيَغْسِلَ رِجْلَيْهِ. وَكَذَلِكَ لَوْ خَلَعَهُمَا جَمِيعًا.

L4035 Similarly, if one removes one or both feet from the foot's designated area to the ankle area, they must remove both entirely and wash their feet. If they do not wash their feet immediately in that instance, they are obligated to restart ablution from the beginning. If they perform ablution and afterward trim their hair or cut their nails, they are not required to touch any of that water. It was stated: If they remove their heels or one heel from the foot's area to the ankle area, while the rest of both feet remains in the foot's position, they need not remove their feet for that reason, and their ablution remains valid.

وَكَذَلِكَ مَنْ أَخْرَجَ إِحْدَى رِجْلَيْهِ أَوْ كِلْتَيْهِمَا مِنْ مَوْضِعِ الْقَدَمِ إِلَى مَوْضِعِ السَّاقِ فَإِنَّهُ يَخْلَعُهُمَا جَمِيعًا وَلَا بُدَّ وَيَغْسِلُ قَدَمَيْهِ فَإِنْ لَمْ يَغْسِلْ قَدَمَيْهِ فِي فَوْرِهِ ذَلِكَ لَزِمَهُ ابْتِدَاءُ الْوُضُوءِ، فَلَوْ تَوَضَّأَ وَجَزَّ بَعْدَ ذَلِكَ شَعْرَهُ أَوْ قَصَّ أَظْفَارَهُ فَلَيْسَ عَلَيْهِ أَنْ يَمَسَّ شَيْئًا مِنْ ذَلِكَ الْمَاءِ، قَالَ فَلَوْ أَخْرَجَ عَقِبَيْهِ أَوْ إِحْدَاهُمَا مِنْ مَوْضِعِ الْقَدَمِ إِلَى مَوْضِعِ السَّاقِ إِلَّا أَنَّ سَائِرَ قَدَمَيْهِ فِي مَوْضِعِ الْقَدَمِ فَلَيْسَ عَلَيْهِ أَنْ يُخْرِجَ رِجْلَيْهِ لِذَلِكَ وَهُوَ عَلَى طَهَارَتِهِ.

L4036–4038 Al-Shafiʿi said: If one removes one of his khuffs, he must remove the second and wash his feet. If he removes both together, the same ruling applies (i.e., he must wash his feet). If he removes both feet from their position without fully taking off the khuffs or exposing any part beyond the shin area of the khuff, he remains in his state of purity, and nothing is required until he removes any part of the khuff that invalidates its validity. If the entire khuff is washed, he must remove both khuffs at that time and wash them completely. If one performs ablution then trims his hair or cuts his nails, he remains in his state of purity, and water need not touch any part of the trimmed hair or cut nails.

وَقَالَ الشَّافِعِيُّ: مَنْ خَلَعَ أَحَدَ خُفَّيْهِ لَزِمَهُ خَلْعُ الثَّانِي وَغَسْلُ قَدَمَيْهِ، فَإِنْ خَلَعَهُمَا جَمِيعًا فَكَذَلِكَ، فَلَوْ أَخْرَجَ رِجْلَيْهِ كِلَيْهِمَا عَنْ مَوْضِعِهِمَا وَلَمْ يُخْرِجْهُمَا وَلَا شَيْئًا مِنْهُمَا عَنْ مَوْضِعِ سَاقِ الْخُفِّ فَهُوَ عَلَى طَهَارَتِهِ، وَلَا شَيْءَ عَلَيْهِ حَتَّى يُخْرِجَ شَيْئًا مِمَّا يَجِبُ غَسْلُهُ عَنْ جَمِيعِ الْخُفِّ، فَيَلْزَمُهُ أَنْ يَخْلَعَهُمَا حِينَئِذٍ وَيَغْسِلَهُمَا، فَإِنْ تَوَضَّأَ ثُمَّ جَزَّ شَعْرَهُ أَوْ قَصَّ أَظْفَارَهُ فَهُوَ عَلَى طَهَارَتِهِ، وَلَيْسَ عَلَيْهِ أَنْ يَمَسَّ الْمَاءُ شَيْئًا مِنْ ذَلِكَ.

L4039 Al-Awzāʿī said: If one removes his two khuffs, trims his hair, or cuts his

nails, he must renew the ablution upon removing the khuffs, wipe over his head, and apply water to the trimmed area of his hair and the cut area of his nails. This is the opinion of Aṭāʾ.

وَقَالَ الْأَوْزَاعِيُّ: إِنْ خَلَعَ خُفَّيْهِ أَوْ جَزَّ شَعْرَهُ أَوْ قَصَّ أَظْفَارَهُ لَزِمَهُ أَنْ يَبْتَدِئَ الْوُضُوءَ فِي خَلْعِ الْخُفَّيْنِ وَأَنْ يَمْسَحَ عَلَى رَأْسِهِ وَيُمِسَّ الْمَاءَ مَوْضِعَ الْقَطْعِ مِنْ أَظْفَارِهِ فِي الْجَزِّ وَالْقَصِّ، وَهُوَ قَوْلُ عَطَاءٍ.

L4040 And similarly, Al-Awza'i stated that if someone wipes over his turban and then removes it, he wipes his head with water.

وَكَذَلِكَ قَالَ الْأَوْزَاعِيُّ فِيمَنْ مَسَحَ عَلَى عِمَامَتِهِ ثُمَّ نَزَعَهَا فَإِنَّهُ يَمْسَحُ رَأْسَهُ بِالْمَاءِ.

L4041 Ali said: As for Abū Yūsuf's statement regarding the consideration of exposing more than half of the foot from its position—whereby washing both feet becomes obligatory—or exposing half of it or less, in which case washing the feet is not required, this constitutes a clear overreach in religious rulings and a divine law that Allah the Exalted has not authorized. It is neither mandated by the Qur'an nor the Sunnah, nor supported by analogy, a companion's opinion, or a universally applicable view. For they sometimes deem "much" as exceeding half, at other times a third, a quarter, a span overlapping another span, or even surpassing the size of a dirham—all of which reflects incoherent reasoning.

قَالَ عَلِيٌّ: أَمَّا قَوْلُ أَبِي يُوسُفَ فِي مُرَاعَاةِ إِخْرَاجِ أَكْثَرَ مِنْ نِصْفِ الْقَدَمِ عَنْ مَوْضِعِهَا فَيَلْزَمُهُ الْغَسْلُ فِي رِجْلَيْهِ مَعًا أَوْ إِخْرَاجُ نِصْفِهَا فَأَقَلَّ فَلَا يَلْزَمُهُ غَسْلُ رِجْلَيْهِ، فَتَحَكُّمٌ فِي الدِّينِ ظَاهِرٌ وَشَرْعٌ لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى، وَلَا أَوْجَبَهُ قُرْآنٌ وَلَا سُنَّةٌ، وَلَا قِيَاسٌ وَلَا قَوْلُ صَاحِبٍ وَلَا رَأْيٌ مُطَّرِدٌ، لِأَنَّهُمْ يَرَوْنَ مَرَّةً الْكَثِيرَ أَكْثَرَ مِنَ النِّصْفِ، وَمَرَّةً الثُّلُثَ، وَمَرَّةً الرُّبُعَ، وَمَرَّةً شِبْرًا فِي شِبْرٍ، وَمَرَّةً أَكْثَرَ مِنْ قَدْرِ الدِّرْهَمِ، وَكُلُّ هَذَا تَخْلِيطٌ.

L4042 As for Mālik's distinction between moving the heel to the shin area—which he claims does not invalidate the masḥ—and moving the entire foot to the shin area—which he asserts invalidates the masḥ—this is an arbitrary ruling. It is impermissible to adopt this opinion, as it is not mandated by the Qur'ān, a sound or unsound Sunnah, the statement of a Companion, analogical reasoning, or consistent juristic rationale. This is because he maintains that the heel remaining unwashed during ablution is not purified, rendering the ablution invalid. If the masḥ is invalidated for the foot due to its movement beyond the position of the foot to the shin, then the masḥ must necessarily be invalidated for the heel when it moves beyond its position to the shin. No alternative is permissible. Conversely, if the masḥ is not invalidated when the heel moves to the shin, then it is likewise not invalidated when the entire foot moves to the shin, as Al-Shāfiʿī stated.

وَأَمَّا فَرْقُ مَالِكٍ بَيْنَ إِخْرَاجِ الْعَقِبِ إِلَى مَوْضِعِ السَّاقِ فَلَا يَنْتَقِضُ الْمَسْحُ، وَبَيْنَ إِخْرَاجِ الْقَدَمِ كُلِّهَا إِلَى مَوْضِعِ السَّاقِ فَيَنْتَقِضُ الْمَسْحُ، فَتَحَكُّمٌ أَيْضًا لَا يَجُوزُ الْقَوْلُ بِهِ وَلَا يُوجِبُهُ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ، وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ وَلَا رَأْيٌ مُطَّرِدٌ، لِأَنَّهُ يَرَى أَنَّ بَقَاءَ الْعَقِبِ فِي الْوُضُوءِ لَا يَطْهُرُ، إِنَّ فَاعِلَ ذَلِكَ لَا وُضُوءَ لَهُ، فَإِنْ كَانَ الْمَسْحُ قَدْ انْتَقَضَ عَنِ الرِّجْلِ بِخُرُوجِهَا عَنْ مَوْضِعِ الْقَدَمِ، فَلَا بُدَّ مِنِ انْتِقَاضِ الْمَسْحِ عَنِ الْعَقِبِ بِخُرُوجِهَا عَنْ مَوْضِعِهَا إِلَى مَوْضِعِ السَّاقِ، لَا يَجُوزُ غَيْرُ ذَلِكَ، وَإِنْ كَانَ الْمَسْحُ لَا يَنْتَقِضُ عَنِ الْعَقِبِ بِخُرُوجِهَا إِلَى مَوْضِعِ السَّاقِ، فَإِنَّهُ لَا يَنْتَقِضُ أَيْضًا بِخُرُوجِ الْقَدَمِ إِلَى مَوْضِعِ السَّاقِ كَمَا قَالَ الشَّافِعِيُّ.

L4043 As for their collective differentiation between wiping over the khuffs—then

if they are removed, the wiping is invalidated and completing the ablution becomes obligatory—and between ablution followed by shaving the hair and trimming the nails, where neither the ablution is invalidated by trimming the nails nor the head wiping, this constitutes an invalid distinction marked by obvious contradiction. Were a person to reverse this ruling—obligating head wiping for one who shaved his hair and touched nail clippers with water, while deeming wiping unnecessary for one who removed his khuffs—there would be no distinction between them.

وَأَمَّا تَفْرِيقُهُمْ جَمِيعهُمْ بَيْنَ الْمَسْحِ عَلَى الْخُفَّيْنِ ثُمَّ يُخْلَعَانِ فَيَنْتَقِضُ الْمَسْحُ وَيَلْزَمُ إِتْمَامُ الْوُضُوءِ، وَبَيْنَ الْوُضُوءِ ثُمَّ يُجَزُّ الشَّعْرُ وَتُقَصُّ الْأَظْفَارُ فَلَا يَنْتَقِضُ الْغَسْلُ عَنْ مَقَصِّ الْأَظْفَارِ وَلَا الْمَسْحُ عَلَى الرَّأْسِ فَفَرْقٌ فَاسِدٌ ظَاهِرُ التَّنَاقُضِ وَلَوْ عَكَسَ إِنْسَانٌ هَذَا الْقَوْلَ فَأَوْجَبَ مَسْحَ الرَّأْسِ عَلَى مَنْ حَلَقَ شَعْرَهُ وَمَسَّ مِجَزَّ الْأَظْفَارِ بِالْمَاءِ وَلَمْ يَرَ الْمَسْحَ عَلَى مَنْ خَلَعَ خُفَّيْهِ، لَمَا كَانَ بَيْنَهَا فَرْقٌ.

L4044–4046 Ali said: “We found no foundational basis whatsoever for their position in that matter, except that some of them stated: ‘We found that wiping the head and washing the feet in [ritual] ablution were intended for the head itself (not the hair) and similarly intended for...” [The original text breaks off here.] The fingers, not the nails. When the hair is shaved and the nails are cut, the *wudu* remains valid as it was. As for wiping, it was specifically intended for the *khuffayn* [leather socks], not the feet. When they are removed, the feet remain without having been washed in ablution. Thus, he prays with feet that are neither washed nor wiped upon, so his *wudu* is deficient.

قَالَ عَلِيٌّ: وَمَا وَجَدْنَا لَهُمْ فِي ذَلِكَ مُتَعَلَّقًا أَصْلًا إِلَّا أَنَّ بَعْضَهُمْ قَالَ: وَجَدْنَا مَسْحَ الرَّأْسِ وَغَسْلَ الْقَدَمَيْنِ فِي الْوُضُوءِ إِنَّمَا قُصِدَ بِهِ الرَّأْسُ لَا الشَّعْرُ، وَإِنَّمَا قُصِدَ بِهِ الْأَصَابِعُ لَا الْأَظَافِرُ، فَلَمَّا جُزَّ الشَّعْرُ وَقُطِعَتْ الْأَظْفَارُ بَقِيَ الْوُضُوءُ بِحَسَبِهِ، وَأَمَّا الْمَسْحُ فَإِنَّمَا قُصِدَ بِهِ الْخُفَّانِ لَا الرِّجْلَانِ، فَلَمَّا نُزِعَا بَقِيَتْ الرِّجْلَانِ لَمْ تُوَضَّآ، فَهُوَ يُصَلِّي بِرِجْلَيْنِ لَا مَغْسُولَتَيْنِ وَلَا مَمْسُوحٍ عَلَيْهِمَا فَهُوَ نَاقِصُ الْوُضُوءِ.

L4047 Abū Muḥammad said: This is invalid, for it is baseless and an arbitrary imposition of falsehood. If his statement were reversed and he were told: “Rather, wiping over the head and washing the nails are intended solely for the hair and nails themselves—evidenced by the fact that if there were henna on the hair and similarly on the nails, ablution would not be valid. As for the two leather socks, the intended focus of wiping is the feet, not the socks themselves, because if there were no feet, wiping over them would not be permissible.” Thus, it is confirmed that the ruling for the feet is washing if they are uncovered, and wiping if they are within two leather socks, since there is no valid distinction between the two opinions.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا شَيْءَ لِأَنَّهُ بَاطِلٌ وَتَحَكُّمٌ بِالْبَاطِلِ، فَلَوْ عُكِسَ عَلَيْهِ قَوْلُهُ فَقِيلَ لَهُ: بَلْ الْمَسْحُ عَلَى الرَّأْسِ وَغَسْلُ الْأَظْفَارِ إِنَّمَا قُصِدَ بِهِ الشَّعْرُ وَالْأَظْفَارُ فَقَطْ، بِدَلِيلِ أَنَّهُ لَوْ كَانَ عَلَى الشَّعْرِ حِنَّاءُ وَعَلَى الْأَظْفَارِ كَذَلِكَ لَمْ يَجُزْ الْوُضُوءُ، وَأَمَّا الْخُفَّانِ فَالْمَقْصُودُ بِالْمَسْحِ الْقَدَمَانِ لَا الْخُفَّانِ، لِأَنَّ الْخُفَّيْنِ لَوْلَا الْقَدَمَانِ لَمْ يَجُزْ الْمَسْحُ عَلَيْهِمَا فَصَحَّ أَنَّ حُكْمَ الْقَدَمَيْنِ الْغَسْلُ، إِنْ كَانَتَا مَكْشُوفَتَيْنِ، وَالْمَسْحُ إِنْ كَانَتَا فِي خُفَّيْنِ لَمَا كَانَ بَيْنَ الْقَوْلَيْنِ فَرْقٌ.

L4048 Then it is said to them: Suppose the matter is as you claimed—that the wiping is for the khuffs, the wiping in ablution is for the head, and the washing of the hands is for the fingers, not the nails.

ثُمَّ يُقَالُ لَهُمْ: هَبْكُمْ أَنَّ الْأَمْرَ كَمَا قُلْتُمْ فِي أَنَّ الْمَقْصُودَ بِالْمَسْحِ الْخُفَّانِ، وَبِالْمَسْحِ فِي الْوُضُوءِ الرَّأْسُ، وَبِغَسْلِ الْيَدَيْنِ لِلْأَصَابِعِ لَا لِلْأَظْفَارِ.

L4049 What then? Or from which source does it become obligatory from this that

wiping is repeated upon removing the leather socks, yet it is not repeated upon shaving the hair?

فَكَانَ مَاذَا؟ أَوْ مِنْ أَيْنَ وَجَبَ مِنْ هَذَا أَنْ يُعَادَ الْمَسْحُ بِخَلْعِ الْخُفَّيْنِ وَلَا يُعَادَ بِحَلْقِ الشَّعْرِ؟

L4050 Ali said: Thus, the invalidity of this opinion became evident.

قَالَ عَلِيٌّ: فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ.

L4051 As for their claim that he prays with two feet neither washed nor wiped—this is false. Rather, he only prays upon [with] two feet that have been wiped over the two khuffs [leather socks] worn on them.

وَأَمَّا قَوْلُهُمْ: إنَّهُ يُصَلِّي بِقَدَمَيْنِ لَا مَغْسُولَتَيْنِ وَلَا مَمْسُوحٍ عَلَيْهِمَا - فَبَاطِلٌ، بَلْ مَا يُصَلِّي - إلَّا عَلَى قَدَمَيْنِ مَمْسُوحٍ عَلَى خُفَّيْنِ عَلَيْهِمَا.

L4052 Ali said: This statement is invalid as we have clarified. Similarly, their claim that one should wash only his feet is definitively invalid, because by their own acknowledgment his ablution had already been completed and his prayer performed with it became valid. Then you instructed him to wash only his feet. This must fall into one of two scenarios with no third possibility: either the previously completed ablution has been nullified or it remains valid. If it remains valid, this aligns with our position. If it has been nullified, he must recommence the ablution. Otherwise, this constitutes an impossible and invalid notion - it is inconceivable that an ablution, once fully completed, could have some parts nullified while others remain valid. Such a ruling is not supported by any textual evidence, legal analogy, or sound scholarly reasoning.

قَالَ عَلِيٌّ: فَبَطَلَ هَذَا الْقَوْلُ كَمَا بَيَّنَّا، وَكَذَلِكَ قَوْلُهُمْ: يَغْسِلُ رِجْلَيْهِ فَقَطْ، فَهُوَ بَاطِلٌ مُتَيَقَّنٌ، لِأَنَّهُ قَدْ كَانَ بِإِقْرَارِهِمْ قَدْ تَمَّ وُضُوءُهُ وَجَازَتْ لَهُ الصَّلَاةُ بِهِ ثُمَّ أَمَرْتُمُوهُ بِغَسْلِ رِجْلَيْهِ فَقَطْ، وَلَا يَخْلُو مِنْ أَحَدِ وَجْهَيْنِ لَا ثَالِثَ لَهُمَا: إمَّا أَنْ يَكُونَ الْوُضُوءُ الَّذِي قَدْ كَانَ تَمَّ قَدْ بَطَلَ أَوْ يَكُونَ لَمْ يَبْطُلْ، فَإِنْ كَانَ لَمْ يَبْطُلْ فَهَذَا قَوْلُنَا وَإِنْ كَانَ قَدْ بَطَلَ فَعَلَيْهِ أَنْ يَبْتَدِئَ الْوُضُوءَ، وَإِلَّا فَمِنْ الْمُحَالِ الْبَاطِلِ الَّذِي لَا يُخَيَّلُ أَنْ يَكُونَ وُضُوءٌ قَدْ تَمَّ ثُمَّ يُنْقَضُ بَعْضُهُ وَلَا يُنْقَضُ بَعْضُهُ، هَذَا أَمْرٌ لَا يُوجِبُهُ نَصٌّ وَلَا قِيَاسٌ وَلَا رَأْيٌ يَصِحُّ.

L4053 All these opinions are nullified, and none remains except our school's opinion or that of al-Awzāʿī.

فَبَطَلَتْ هَذِهِ الْأَقْوَالُ كُلُّهَا وَلَمْ يَبْقَ إلَّا قَوْلُنَا أَوْ قَوْلُ الْأَوْزَاعِيِّ.

L4054 So we examined that matter and found that the proof has been firmly established by the explicit texts of the Sunnah and the Quran: whoever performs ablution and wipes over his turban and leather socks, his ablution is complete, his ritual impurity is lifted, and his prayer becomes permissible.

فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا الْبُرْهَانَ قَدْ صَحَّ بِنَصِّ السُّنَّةِ وَالْقُرْآنِ عَلَى أَنَّ مَنْ تَوَضَّأَ وَمَسَحَ عَلَى عِمَامَتِهِ وَخُفَّيْهِ فَإِنَّهُ قَدْ تَمَّ وُضُوءُهُ وَارْتَفَعَ حَدَثُهُ وَجَازَتْ لَهُ الصَّلَاةُ.

L4055–4057 These opponents of ours are unanimously agreed regarding one who wipes his head and two khuffs, then removes them... Removing his leather socks (khuffs) and turban, shaving his head, cutting his hair short, or trimming his nails: Some scholars asserted that his wudu was invalidated, while others maintained his wudu remained valid. We examined this matter and con-

وَأَجْمَعَ هَؤُلَاءِ الْمُخَالِفُونَ لَنَا عَلَى ذَلِكَ فِيمَنْ مَسَحَ رَأْسَهُ وَخُفَّيْهِ ثُمَّ إنَّهُ لَمَّا خَلَعَ خُفَّيْهِ وَعِمَامَتَهُ وَحَلَقَ رَأْسَهُ أَوْ تَقَصَّصَ وَقَطَعَ أَظْفَارَهُ: قَالَ قَوْمٌ: قَدْ انْتَقَضَ وُضُوءُهُ، وَقَالَ آخَرُونَ لَمْ يَنْتَقِضْ وُضُوءُهُ فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا الْحَلْقَ وَقَصَّ الشَّعْرِ وَقَصَّ الْأَظْفَارِ

cluded that shaving, cutting hair, trimming nails, removing the khuffs, and removing the turban—none of these actions constitute a hadath. Ritual purity (ṭahārah) is nullified solely by hadath acts or explicit textual evidence mandating its invalidation. Since there was neither a hadath nor textual evidence here nullifying his purity or any part of it, this opinion is invalid. The correct view is that he remains in a state of ritual purity and may pray as long as he does not commit a hadath. He is not obliged to wipe his head or nails, wash his feet, or repeat his wudu. Those who deemed wudu obligatory for such actions are akin to those who obligated it for walking, speaking, or removing his shirt—there is no distinction. Success is from Allah.

وَخَلْعَ الْخُفَّيْنِ وَالْعِمَامَةِ لَيْسَ شَيْءٌ مِنْهُ حَدَثًا، وَالطَّهَارَةُ لَا يَنْقُضُهَا إِلَّا الْأَحْدَاثُ، أَوْ نَصٌّ وَارِدٌ بِانْتِقَاضِهَا وَأَنَّهُ لَمْ يَكُنْ حَدَثٌ وَلَا نَصَّ هَهُنَا عَلَى انْتِقَاضِ طَهَارَتِهِ وَلَا عَلَى انْتِقَاضِ بَعْضِهَا فَبَطَلَ هَذَا الْقَوْلُ، وَصَحَّ الْقَوْلُ بِأَنَّهُ عَلَى طَهَارَتِهِ، وَأَنَّهُ يُصَلِّي مَا لَمْ يُحْدِثْ، وَلَا يَلْزَمُهُ مَسْحُ رَأْسِهِ وَلَا أَظْفَارِهِ وَلَا غَسْلُ رِجْلَيْهِ وَلَا إِعَادَةُ وُضُوئِهِ، وَكَانَ مَنْ أَوْجَبَ الْوُضُوءَ مِنْ ذَلِكَ كَمَنْ أَوْجَبَهُ مِنَ الْمَشْيِ أَوْ مِنَ الْكَلَامِ أَوْ مِنْ خَلْعِ قَمِيصِهِ وَلَا فَرْقَ. وَبِاللَّهِ التَّوْفِيقُ.

[مَسْأَلَةٌ تَعَمَّدَ لِبَاسَ الْخُفَّيْنِ عَلَى طَهَارَةٍ لِيَمْسَحَ عَلَيْهِمَا]

Case: If someone intentionally wears khuffs (leather socks) in a state of ritual purity to wipe over them.

220 - Question:

٢٢٠ - مَسْأَلَةٌ:

And whoever intentionally wears the two khuffs (leather socks) in a state of purity to wipe over them, dyes his feet, or carries medication upon them, then wears them to wipe over that.

وَمَنْ تَعَمَّدَ لِبَاسَ الْخُفَّيْنِ عَلَى طَهَارَةٍ لِيَمْسَحَ عَلَيْهِمَا أَوْ خَضَبَ رِجْلَيْهِ أَوْ حَمَلَ عَلَيْهِمَا دَوَاءً ثُمَّ لَبِسَهُمَا لِيَمْسَحَ عَلَى ذَلِكَ.

Or if he dyed his head or placed medication on it, then wore a turban or khimar to wipe over that, he has done correctly.

أَوْ خَضَبَ رَأْسَهُ أَوْ حَمَلَ عَلَيْهِ دَوَاءً ثُمَّ لَبِسَ الْعِمَامَةَ أَوْ الْخِمَارَ لِيَمْسَحَ عَلَى ذَلِكَ، فَقَدْ أَحْسَنَ.

This is because the scriptural text has explicitly permitted wiping over all such things without restriction, and no textual ruling has prohibited anything from any of this: {And your Lord is never forgetful} [19:64]. It has reached us from some early scholars that he said: Whoever performs ablution and then wears his khuffs so that he may spend the night in them to wipe over them, it is not permissible for him to wipe.[1]

وَذَلِكَ لِأَنَّهُ قَدْ جَاءَ النَّصُّ بِإِبَاحَةِ الْمَسْحِ عَلَى كُلِّ ذَلِكَ مُطْلَقًا. وَلَمْ يَحْظُرْ عَلَيْهِ شَيْئًا مِنْ هَذَا كُلِّهِ نَصٌّ: {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] وَبَلَغَنَا عَنْ بَعْضِ الْمُتَقَدِّمِينَ أَنَّهُ قَالَ: مَنْ تَوَضَّأَ ثُمَّ لَبِسَ خُفَّيْهِ لِيَبِيتَ فِيهَا لِيَمْسَحَ عَلَيْهِمَا فَلَا يَجُوزُ لَهُ الْمَسْحُ.

This is an error because it is an unsubstantiated claim and a restriction imposed on the Sunnah without evidence.

وَهَذَا خَطَأٌ لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ وَتَخْصِيصٌ لِلسُّنَّةِ بِلَا دَلِيلٍ.

And every statement not validated by the text is therefore null and void. And success is from Allah, the Exalted.

وَكُلُّ قَوْلٍ لَمْ يُصَحِّحْهُ النَّصُّ فَهُوَ بَاطِلٌ. وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[1] **Qur'an references (L4062):** Qur'an 19:64 (Maryam).

Case: He performed wiping while resident, then traveled before the expiration of a day and night or after their expiration.

221: Legal Question

Whoever performs wiping over footwear while in residence and then travels—whether before or after the completion of a day and night—must also continue wiping until his wiping is completed, covering all instances of wiping in both his residence and travel together, amounting to three days with their nights.

Thereafter, it is not permissible for him to wipe. If he wiped during travel then settled or entered his residence, he must begin wiping for a day and night if he had wiped during travel for two days and two nights or less. Then it is not permissible for him to wipe. If he wiped during his travel for less than three days and their nights but more than two days and two nights, he must wipe only the remainder of the third day and its night. Then it is not permissible for him to wipe. If he completed wiping three days and their nights during travel, he must necessarily remove them, and it is not permissible for him to wipe until he washes his feet.

The evidence for this is what we have previously mentioned: that the Messenger of Allah (peace be upon him) only permitted wiping for three days including their nights for the traveler, and a day and night for the resident. Thus, it is conclusively established that he did not permit anyone to wipe for more than three days including their nights – neither resident nor traveler. He only prohibited initiating wiping, not [prohibiting] prayers performed with prior wiping. This necessitates our stated position. Therefore, if one wipes while resident for a day and night, then travels, then returns before completing a day and night of travel... Or after completing the two periods [for wiping], it is impermissible for him to wipe at all, because if he were to do so, he would have wiped while in residential status for more than a day and night. This is absolutely impermissible.

Abu Hanifah and Sufyan said: If one wipes while residing and has not

[مَسْأَلَةٌ مَسَحَ فِي الْحَضَرِ ثُمَّ سَافَرَ قَبْلَ انْقِضَاءِ الْيَوْمِ وَاللَّيْلَةِ أَوْ بَعْدَ انْقِضَائِهِمَا]

٢٢١ - مَسْأَلَةٌ:

وَمَنْ مَسَحَ فِي الْحَضَرِ ثُمَّ سَافَرَ - قَبْلَ انْقِضَاءِ الْيَوْمِ وَاللَّيْلَةِ أَوْ بَعْدَ انْقِضَائِهِمَا - مَسَحَ أَيْضًا حَتَّى يَتِمَّ لِمَسْحِهِ فِي كُلِّ مَا مَسَحَ فِي حَضَرِهِ وَسَفَرِهِ مَعًا ثَلَاثَةُ أَيَّامٍ بِلَيَالِيهَا.

ثُمَّ لَا يَحِلُّ لَهُ الْمَسْحُ، فَإِنْ مَسَحَ فِي سَفَرٍ ثُمَّ أَقَامَ أَوْ دَخَلَ مَوْضِعَهُ ابْتَدَأَ مَسْحَ يَوْمٍ وَلَيْلَةٍ إنْ كَانَ قَدْ مَسَحَ فِي السَّفَرِ يَوْمَيْنِ وَلَيْلَتَيْنِ فَأَقَلَّ، ثُمَّ لَا يَحِلُّ لَهُ الْمَسْحُ، فَإِنْ كَانَ مَسَحَ فِي سَفَرِهِ أَقَلَّ مِنْ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا وَأَكْثَرَ مِنْ يَوْمَيْنِ وَلَيْلَتَيْنِ مَسَحَ بَاقِيَ الْيَوْمِ الثَّالِثِ وَلَيْلَتِهِ فَقَطْ، ثُمَّ لَا يَحِلُّ لَهُ الْمَسْحُ، فَإِنْ كَانَ قَدْ أَتَمَّ فِي السَّفَرِ مَسَحَ ثَلَاثَةَ أَيَّامٍ بِلَيَالِيهَا خَلَعَ وَلَا بُدَّ، وَلَا يَحِلُّ لَهُ الْمَسْحُ حَتَّى يَغْسِلَ رِجْلَيْهِ.

بُرْهَانُ ذَلِكَ مَا قَدْ ذَكَرْنَاهُ مِنْ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُبِحْ الْمَسْحَ إلَّا ثَلَاثَةَ أَيَّامٍ لِلْمُسَافِرِ بِلَيَالِيهَا وَيَوْمًا وَلَيْلَةً لِلْمُقِيمِ، فَصَحَّ يَقِينًا أَنَّهُ لَمْ يُبِحْ لِأَحَدٍ أَنْ يَمْسَحَ أَكْثَرَ مِنْ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا، لَا مُقِيمًا وَلَا مُسَافِرًا، وَإِنَّمَا نَهَى عَنْ ابْتِدَاءِ الْمَسْحِ - لَا عَنْ الصَّلَاةِ بِالْمَسْحِ الْمُتَقَدِّمِ - فَوَجَبَ مَا قُلْنَا، فَلَوْ مَسَحَ فِي الْحَضَرِ يَوْمًا وَلَيْلَةً ثُمَّ سَافَرَ ثُمَّ رَجَعَ قَبْلَ أَنْ يُتِمَّ يَوْمًا وَلَيْلَةً فِي السَّفَرِ أَوْ بَعْدَ أَنْ أَتَمَّهُمَا لَمْ يَجُزْ لَهُ الْمَسْحُ أَصْلًا، لِأَنَّهُ لَوْ مَسَحَ لَكَانَ قَدْ مَسَحَ وَهُوَ فِي الْحَضَرِ أَكْثَرَ مِنْ يَوْمٍ وَلَيْلَةٍ، وَهَذَا لَا يَحِلُّ أَلْبَتَّةَ.

completed a day and night until he travels, he may continue wiping until he completes three days and nights from when he incurred a minor impurity while residing. But if he had already completed a day and night while residing before traveling, wiping is not permitted for him, and he must wash his feet.

وَقَالَ أَبُو حَنِيفَةَ وَسُفْيَانُ: مَنْ مَسَحَ وَهُوَ مُقِيمٌ فَإِنْ كَانَ لَمْ يُتِمَّ يَوْمًا وَلَيْلَةً حَتَّى سَافَرَ مَسَحَ حَتَّى يُتِمَّ ثَلَاثَةَ أَيَّامٍ بِلَيَالِيهَا مِنْ حِينِ أَحْدَثَ وَهُوَ مُقِيمٌ، فَإِنْ كَانَ قَدْ أَتَمَّ يَوْمًا وَلَيْلَةً فِي حَضَرِهِ ثُمَّ سَافَرَ لَمْ يَجُزْ لَهُ الْمَسْحُ، وَلَا بُدَّ لَهُ مِنْ غَسْلِ رِجْلَيْهِ.

L4073 He said: If someone travels and wipes [their feet] for a day and a night or more, then returns or settles, they are no longer permitted to wipe and must wash their feet. However, if they wiped for less than a day and a night during travel and then return or settle, they may complete that day and night, but they may not renew the wiping for another day and a night.

قَالَ: فَإِنْ سَافَرَ فَمَسَحَ يَوْمًا وَلَيْلَةً فَأَكْثَرَ ثُمَّ قَدِمَ أَوْ أَقَامَ لَمْ يَجُزْ لَهُ الْمَسْحُ حَتَّى يَغْسِلَ رِجْلَيْهِ فَلَوْ مَسَحَ فِي سَفَرِهِ أَقَلَّ مِنْ يَوْمٍ وَلَيْلَةٍ ثُمَّ قَدِمَ أَوْ أَقَامَ كَانَ لَهُ أَنْ يَمْسَحَ تَمَامَ ذَلِكَ الْيَوْمِ وَاللَّيْلَةِ فَقَطْ، وَلَيْسَ لَهُ أَنْ يَسْتَأْنِفَ مَسْحَ يَوْمٍ وَلَيْلَةٍ.

L4074 Al-Shafi'i said: Whoever performs wiping while resident and then travels—if he has completed a full day and night, he must necessarily remove them; but if he has not completed a day and night, he is to wipe for the remainder of that day only, then he removes them.

وَقَالَ الشَّافِعِيُّ: مَنْ مَسَحَ فِي الْحَضَرِ ثُمَّ سَافَرَ، فَإِنْ كَانَ قَدْ أَتَمَّ الْيَوْمَ وَاللَّيْلَةَ خَلَعَ وَلَا بُدَّ، وَإِنْ كَانَ لَمْ يُتِمَّ يَوْمًا وَلَيْلَةً مَسَحَ بَاقِيَ ذَلِكَ الْيَوْمِ فَقَطْ ثُمَّ يَخْلَعُ.

L4075 Similarly, if one performed wiping during travel and then arrived, the ruling applies equally: whether he wiped for a full day and night during his journey and then arrived or settled, he is obliged to remove the khuffs without exception. If he wiped for less than a day and night during travel, he must complete the remaining duration of that day and night solely through wiping.

وَكَذَلِكَ لَوْ مَسَحَ فِي السَّفَرِ ثُمَّ قَدِمَ سَوَاءٌ سَوَاءٌ، إِنْ كَانَ مَسَحَ فِي سَفَرِهِ يَوْمًا وَلَيْلَةً وَقَدِمَ أَوْ أَقَامَ فَإِنَّهُ يَخْلَعُ وَلَا بُدَّ، وَإِنْ كَانَ مَسَحَ أَقَلَّ مِنْ يَوْمٍ وَلَيْلَةٍ فِي سَفَرِهِ أَتَمَّ بَاقِيَ ذَلِكَ الْيَوْمِ وَاللَّيْلَةِ بِالْمَسْحِ فَقَطْ.

L4076 Our school's scholars have differed. Some held the opinion we mentioned, while others maintained: If one performs masḥ (wiping over footwear) during travel for less than three days including their nights, or three days including their nights but no longer, then upon arriving [at his residence], he must restart the wiping period of one day and night. If he does not exceed that period until he travels again, he must restart the three-day period including their nights. The latter group argued based on the apparent wording of the ḥadīth regarding it.

وَاخْتَلَفَ أَصْحَابُنَا، فَقَالَ بَعْضُهُمْ كَمَا قُلْنَا، وَقَالَ بَعْضُهُمْ: إِذَا مَسَحَ فِي سَفَرِهِ أَقَلَّ مِنْ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا، أَوْ ثَلَاثَةِ أَيَّامٍ بِلَيَالِيهَا لَا أَكْثَرَ وَقَدِمَ اسْتَأْنَفَ مَسْحَ يَوْمٍ وَلَيْلَةٍ فَإِنْ لَمْ يَزِدْ عَلَى ذَلِكَ حَتَّى سَافَرَ اسْتَأْنَفَ ثَلَاثَةَ أَيَّامٍ بِلَيَالِيهَا، وَاحْتَجَّ هَؤُلَاءِ بِظَاهِرِ لَفْظِ الْخَبَرِ فِي ذَلِكَ.

L4077 Ali said: The apparent wording of his statement confirms the validity of our position, for people are of two categories: resident and traveler. He (peace be upon him) permitted the traveler only three days and permitted the resident only one day among the three. Thus, he did not permit anyone—whether

قَالَ عَلِيٌّ: وَظَاهِرُ لَفْظِهِ يُوجِبُ صِحَّةَ قَوْلِنَا، لِأَنَّ النَّاسَ قِسْمَانِ: مُقِيمٌ وَمُسَافِرٌ، وَلَمْ يُبِحْ - عَلَيْهِ السَّلَامُ - لِلْمُسَافِرِ إِلَّا ثَلَاثًا، وَلَا أَبَاحَ لِلْمُقِيمِ إِلَّا بَعْضَ الثَّلَاثِ فَلَمْ يُبِحْ لِأَحَدٍ

resident or traveler—more than three days. Whoever embarks on a journey wherein prayer is shortened wipes as a traveler does—three days including their nights. Whoever embarks on a journey shorter than that wipes as a resident does, for the ruling of this journey is equivalent to the ruling of residency. And with Allah, the Exalted, lies success.

Issue: The wiping over the two khuffs (leather socks) and what is worn on the feet, on their outer surface only.

222 - Issue:

The wiping over the khuffs [ankle-high leather socks] and footwear (garments worn over the feet) applies only to their outer surface. There is no valid basis for wiping the lower inner part beneath the foot, nor for covering the entirety of their outer surface. Whatever is wiped from their outer surface with a finger or more suffices.

The evidence for that is what was narrated to us by ʿAbdullāh ibn Rabīʿ, who narrated from Muḥammad ibn Isḥāq ibn as-Salīm, who narrated from Ibn al-Aʿrābī, who narrated from Abū Dāwūd, who narrated from Muḥammad ibn al-ʿAlāʾ, who narrated from Ḥafṣ ibn Ghiyāth, who narrated from al-Aʿmash, who narrated from Abū Isḥāq. From ʿAbd Khayr, from ʿAlī, who said: "If religion were based on opinion, the sole of the khuff would be more fitting to wipe than its top. Yet I saw the Messenger of Allah (peace be upon him) wiping over the outer surface of the two khuffs."

This is also the view held by Abū Ḥanīfah, Sufyān al-Thawrī, and Dāwūd. This was likewise the position of ʿAlī ibn Abī Ṭālib as we have mentioned, and of Qays ibn Saʿd.

As narrated to us through Abd al-Rahman ibn Mahdi, who narrated to us Sufyan al-Thawri, who narrated to us Abu Ishaq - who is al-Sabi'i - from Yazid ibn Abi al-Ala', who said: "I saw Qays ibn Sa'd urinate, then go to his belongings, perform ablution, and wipe over the upper surfaces of his leather socks until I saw the traces of his fingers upon them."

It has been narrated to us from Maʿmar ibn Ayyūb al-Sikhtiyānī, who said: I

- لَا مُقِيمٍ وَلَا مُسَافِرٍ - أَكْثَرَ مِنْ ثَلَاثٍ، وَمَنْ خَرَجَ إِلَى سَفَرٍ تُقْصَرُ فِي مِثْلِهِ الصَّلَاةُ مَسَحَ مَسْحَ مُسَافِرٍ، ثَلَاثًا بِلَيَالِيهِنَّ، وَمَنْ خَرَجَ دُونَ ذَلِكَ مَسَحَ مَسْحَ مُقِيمٍ؛ لِأَنَّ حُكْمَ هَذَا الْبُرُوزِ حُكْمُ الْحَضَرِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ الْمَسْحُ عَلَى الْخُفَّيْنِ وَمَا لُبِسَ عَلَى الرِّجْلَيْنِ عَلَى ظَاهِرِهِمَا فَقَطْ]

٢٢٢ - مَسْأَلَةٌ:

وَالْمَسْحُ عَلَى الْخُفَّيْنِ وَمَا لُبِسَ عَلَى الرِّجْلَيْنِ إِنَّمَا هُوَ عَلَى ظَاهِرِهِمَا فَقَطْ، وَلَا يَصِحُّ مَعْنًى لِمَسْحِ بَاطِنِهِمَا الْأَسْفَلِ تَحْتَ الْقَدَمِ، وَلَا لِاسْتِيعَابِ ظَاهِرِهِمَا، وَمَا مُسِحَ مِنْ ظَاهِرِهِمَا بِأُصْبُعٍ أَوْ أَكْثَرَ أَجْزَأَ.

بُرْهَانُ ذَلِكَ مَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السَّلِيمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ الْعَلَاءِ ثنا حَفْصُ بْنُ غِيَاثٍ ثنا الْأَعْمَشُ عَنْ أَبِي إِسْحَاقَ عَنْ عَبْدِ خَيْرٍ عَنْ «عَلِيٍّ قَالَ: لَوْ كَانَ الدِّينُ بِالرَّأْيِ لَكَانَ أَسْفَلُ الْخُفِّ أَوْلَى بِالْمَسْحِ مِنْ أَعْلَاهُ، وَقَدْ رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْسَحُ عَلَى ظَاهِرِ الْخُفَّيْنِ» .

وَبِهِ يَقُولُ أَبُو حَنِيفَةَ وَسُفْيَانُ الثَّوْرِيُّ وَدَاوُد، وَهُوَ قَوْلُ عَلِيِّ بْنِ أَبِي طَالِبٍ كَمَا ذَكَرْنَا وَقَيْسِ بْنِ سَعْدٍ.

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ ثنا سُفْيَانُ الثَّوْرِيُّ ثنا أَبُو إِسْحَاقَ هُوَ السَّبِيعِيُّ عَنْ يَزِيدَ بْنِ أَبِي الْعَلَاءِ قَالَ: رَأَيْتُ قَيْسَ بْنَ سَعْدٍ بَالَ ثُمَّ أَتَى رَحْلَهُ فَتَوَضَّأَ وَمَسَحَ عَلَى خُفَّيْهِ عَلَى أَعْلَاهُمَا حَتَّى رَأَيْتُ أَثَرَ أَصَابِعِهِ عَلَى خُفَّيْهِ.

saw al-Ḥasan urinate, then perform ablution, then wipe over his two *khuffayn* on their outer surface with a single wipe, and I saw the marks of his fingers on the *khuffayn*.

وَرُوِّينَا عَنْ مَعْمَرِ بْنِ أَيُّوبَ السِّخْتِيَانِيِّ قَالَ: رَأَيْتُ الْحَسَنَ بَالَ ثُمَّ تَوَضَّأَ ثُمَّ مَسَحَ عَلَى خُفَّيْهِ عَلَى ظَاهِرِهِمَا مَسْحَةً وَاحِدَةً، فَرَأَيْتُ أَثَرَ أَصَابِعِهِ عَلَى الْخُفَّيْنِ.

L4087 And it has been narrated to us from Ibn Jurayj: I asked ʿAṭāʾ, "Do I wipe over the undersides of the two khuffs?" He replied, "No, only on their outer surfaces."

وَرُوِّينَا عَنِ ابْنِ جُرَيْجٍ قُلْتُ لِعَطَاءٍ: أَمْسَحُ عَلَى بُطُونِ الْخُفَّيْنِ؟ قَالَ لَا إِلَّا بِظُهُورِهِمَا.

L4088 Ali said: Wiping does not require complete coverage; whatever is termed wiping has fulfilled his obligation. However, Abū Ḥanīfah said: Wiping over the khuffs is not valid unless done with three fingers. Sufyān, Zufar, Al-Shāfiʿī, and Dāwud said: If one wipes with a single finger, it suffices. Zufar said: If one wipes over most of the khuffs, it is valid.

قَالَ عَلِيٌّ: وَالْمَسْحُ لَا يَقْتَضِي الِاسْتِيعَابَ، فَمَا وَقَعَ عَلَيْهِ اسْمُ مَسْحٍ فَقَدْ أَدَّى فَرْضَهُ إِلَّا أَنَّ أَبَا حَنِيفَةَ قَالَ: لَا يُجْزِئُ الْمَسْحُ عَلَى الْخُفَّيْنِ إِلَّا بِثَلَاثَةِ أَصَابِعَ لَا بِأَقَلَّ، وَقَالَ سُفْيَانُ وَزُفَرُ وَالشَّافِعِيُّ وَدَاوُد: إِنْ مَسَحَ بِأُصْبُعٍ وَاحِدَةٍ أَجْزَأَهُ، قَالَ زُفَرُ: إِذَا مَسَحَ عَلَى أَكْثَرِ الْخُفَّيْنِ.

L4089 Abu Muhammad said: Specifying three fingers and more for the khuffayn is a corrupt assertion and a baseless ruling in the religion, which Allah, the Exalted, has not permitted.

قَالَ أَبُو مُحَمَّدٍ: تَحْدِيدُ الثَّلَاثِ أَصَابِعَ وَأَكْثَرِ الْخُفَّيْنِ كَلَامٌ فَاسِدٌ وَشَرْعٌ فِي الدِّينِ بَارِدٌ لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى.

L4090 Some of them cited as evidence that the scholars have agreed that if one wipes with three fingers, it suffices him, and if one wipes with fewer than three fingers, the scholars have indeed disagreed.

وَاحْتَجَّ بَعْضُهُمْ بِأَنَّهُمْ قَدْ اتَّفَقُوا عَلَى أَنَّهُ إِنْ مَسَحَ بِثَلَاثِ أَصَابِعَ أَجْزَأَهُ، وَإِنْ مَسَحَ بِأَقَلَّ فَقَدْ اخْتَلَفُوا.

L4091 Ali said: This demolishes most of their doctrines. They are told the like of this concerning the immediacy of ablution, the acts of sniffing water and expelling it, performing ablution with nabidh, and other such matters. How can it be permissible to uphold consensus when textual evidence exists that testifies to the view of some scholars? The textual proof prescribes wiping without restricting it to three fingers or fewer: {And your Lord is never forgetful} [Maryam: 64]. Rather, their assertion constitutes imposing obligations through disputed claims without textual basis, and this is a falsehood unanimously agreed to be falsehood.[2]

قَالَ عَلِيٌّ: وَهَذَا يَهْدِمُ عَلَيْهِمْ أَكْثَرَ مَذَاهِبِهِمْ، وَيُقَالُ لَهُمْ مِثْلُ هَذَا فِي فَوْرِ الْوُضُوءِ وَفِي الِاسْتِنْشَاقِ وَالِاسْتِنْثَارِ وَفِي الْوُضُوءِ بِالنَّبِيذِ وَغَيْرِ ذَلِكَ، فَكَيْفَ وَلَا تَحِلُّ مُرَاعَاةُ إِجْمَاعٍ إِذَا وُجِدَ النَّصُّ يَشْهَدُ لِقَوْلِ بَعْضِ الْعُلَمَاءِ، وَقَدْ جَاءَ النَّصُّ بِالْمَسْحِ دُونَ تَحْدِيدِ ثَلَاثَةِ أَصَابِعَ أَوْ أَقَلَّ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] بَلْ هَذَا الَّذِي قَالُوا هُوَ إِيجَابُ الْفَرَائِضِ بِالدَّعْوَى الْمُخْتَلَفِ فِيهَا بِلَا نَصٍّ، وَهَذَا الْبَاطِلُ الْمُجْمَعُ عَلَى أَنَّهُ بَاطِلٌ.

L4092 They object by being told: Their consensus has been validated regarding the

[2] **Qur'an references (L4091):** Qur'an 19:64 (Maryam).

obligation of wiping with one finger, while they differed about the obligation of wiping with more than that. Thus, what is disputed is not obligatory; only what is agreed upon is obligatory. This is the soundest approach to juristic inference when no transmitted textual evidence exists.

وَيُعَارِضُونَ بِأَنْ يُقَالَ لَهُمْ: قَدْ صَحَّ إِجْمَاعُهُمْ عَلَى وُجُوبِ الْمَسْحِ بِأُصْبُعٍ وَاحِدَةٍ وَاخْتَلَفُوا فِي وُجُوبِ الْمَسْحِ بِمَا زَادَ، فَلَا يَجِبُ مَا اُخْتُلِفَ فِيهِ، وَإِنَّمَا الْوَاجِبُ مَا اتُّفِقَ عَلَيْهِ، وَهَذَا أَصَحُّ فِي الِاسْتِدْلَالِ إِذَا لَمْ يُوجَدْ لَفْظٌ مَرْوِيٌّ.

L4093 Al-Shāfiʿī said: It is recommended to wipe the outer surfaces of the two khuffs (i.e., leather socks) and their inner parts. If one limits oneself to their outer surfaces without the inner parts, it suffices for them. And if one limits oneself to the inner parts without the outer surfaces, it does not suffice for them.

وَقَالَ الشَّافِعِيُّ: يُسْتَحَبُّ مَسْحُ ظَاهِرِ الْخُفَّيْنِ وَبَاطِنِهِمَا، فَإِنْ اقْتَصَرَ عَلَى ظَاهِرِهِمَا دُونَ الْبَاطِنِ أَجْزَأَهُ، وَإِنْ اقْتَصَرَ عَلَى الْبَاطِنِ دُونَ الظَّاهِرِ لَمْ يُجْزِهِ.

L4094–4095 Ali said: And this has no meaning, because if wiping the lower part is neither an obligation nor has a recommendation been narrated for it, then it has no meaning.

قَالَ عَلِيٌّ: وَهَذَا لَا مَعْنَى لَهُ، لِأَنَّهُ إِذَا كَانَ مَسْحُ الْأَسْفَلِ لَيْسَ فَرْضًا وَلَا جَاءَ نَدْبٌ إِلَيْهِ: فَلَا مَعْنَى لَهُ.

L4096 Mālik said: He wipes the outer and inner parts of them. Ibn al-Qāsim, his companion, said: If he wipes the outer part without the inner, he must repeat within the time. If he wipes the inner part without the outer, he must repeat perpetually.

وَقَالَ مَالِكٌ: يَمْسَحُ ظَاهِرَهُمَا وَبَاطِنَهُمَا، قَالَ ابْنُ الْقَاسِمِ صَاحِبُهُ: إِنْ مَسَحَ الظَّاهِرَ دُونَ الْبَاطِنِ أَعَادَ فِي الْوَقْتِ، وَإِنْ مَسَحَ الْبَاطِنَ دُونَ الظَّاهِرِ أَعَادَ أَبَدًا.

L4097 It has been narrated to us the wiping of the exterior of the two khuffs and their interior from Ibn Jurayj from Nāfiʿ from Ibn ʿUmar, and from Maʿmar from al-Zuhrī.

وَقَدْ رُوِّينَا مَسْحَ ظَاهِرِ الْخُفَّيْنِ وَبَاطِنِهِمَا عَنِ ابْنِ جُرَيْجٍ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ وَعَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ.

L4098 Ali said: Repetition within the prescribed time according to the principles of these people has no basis, for if one has fulfilled the obligatory acts of his ritual purification and prayer, repetition holds no validity. But if he has not fulfilled both, their position necessitates that he must pray perpetually.

قَالَ عَلِيٌّ: الْإِعَادَةُ فِي الْوَقْتِ عَلَى أُصُولِ هَؤُلَاءِ الْقَوْمِ لَا مَعْنَى لَهَا، لِأَنَّهُ إِنْ كَانَ أَدَّى فَرْضَ طَهَارَتِهِ وَصَلَاتِهِ فَلَا مَعْنَى لِلْإِعَادَةِ، وَإِنْ كَانَ لَمْ يُؤَدِّهِمَا فَيَلْزَمُهُ عِنْدَهُمْ أَنْ يُصَلِّيَ أَبَدًا.

L4099 Those who hold the opinion of wiping the inner part of the two khuffs along with their outer part have argued based on a hadith we narrated through the chain of Al-Walid ibn Muslim via Thawr ibn Yazid, via Raja ibn Haywah, from the scribe of Al-Mughirah ibn Shu'bah, from Al-Mughirah ibn Shu'bah himself: "That the Messenger of Allah—peace and blessings be upon him—

وَاحْتَجَّ مَنْ رَأَى مَسْحَ بَاطِنِ الْخُفَّيْنِ مَعَ ظَاهِرِهِمَا بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ الْوَلِيدِ بْنِ مُسْلِمٍ عَنْ ثَوْرِ بْنِ يَزِيدَ عَنْ رَجَاءِ بْنِ حَيْوَةَ عَنْ كَاتِبِ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَسَحَ أَعْلَى الْخُفَّيْنِ وَأَسْفَلَهُمَا» وَحَدِيثٍ

wiped the upper part of the two khuffs and their lower part." Another hadith we narrated from Ibn Wahb via Sulayman ibn Yazid Al-Ka'bi, from Abdullah ibn Amir Al-Aslami, from Ibn Shihab al-Zuhri, from Al-Mughirah ibn Shu'bah: "That he saw the Messenger of Allah—peace and blessings be upon him—wiping the upper part of the two khuffs and their lower part." Another hadith we narrated through the chain of Ibn Wahb: A man related to me from another man among prominent figures, from their elders, from Abu Umamah Al-Bahili and Ubadah ibn As-Samit: "That they saw the Messenger of Allah—peace and blessings be upon him—wiping the upper part of the two khuffs and their lower part."

آخَرَ رُوِّينَاهُ عَنْ بْنِ وَهْبٍ عَنْ سُلَيْمَانَ بْنِ يَزِيدَ الْكَعْبِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ الْأَسْلَمِيِّ عَنْ ابْنِ شِهَابٍ عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ «أَنَّهُ رَأَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْسَحُ أَعْلَى الْخُفَّيْنِ وَأَسْفَلَهُمَا» وَآخَرُ رُوِّينَاهُ مِنْ طَرِيقِ بْنِ وَهْبٍ: حَدَّثَنِي رَجُلٌ عَنْ رَجُلٍ مِنْ أَعْيَنَ عَنْ أَشْيَاخٍ لَهُمْ عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ وَعُبَادَةَ بْنِ الصَّامِتِ «أَنَّهُمْ رَأَوْا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْسَحُ أَعْلَى الْخُفَّيْنِ وَأَسْفَلَهُمَا» .

L4100 Ali said: "All of this is baseless. As for the hadith of Abu Umamah and Ubadah, it is too evident to escape the notice of a discerning person, for it is narrated via someone unnamed, via someone whose identity is unknown, via someone unrecognized—and this is a disgrace."

قَالَ عَلِيٌّ: هَذَا كُلُّهُ لَا شَيْءَ، أَمَّا حَدِيثُ أَبِي أُمَامَةَ وَعُبَادَةَ فَأَسْقَطُ مِنْ أَنْ يَخْفَى عَلَى ذِي لُبٍّ؛ لِأَنَّهُ عَمَّنْ لَا يُسَمَّى عَمَّنْ لَا يُدْرَى مَنْ هُوَ عَمَّنْ لَا يُعْرَفُ، وَهَذَا فَضِيحَةٌ.

L4101 As for the two narrations attributed to Al-Mughira: the first is transmitted from Ibn Shihab from Al-Mughira, though Ibn Shihab was not born until long after Al-Mughira's death. The second involves *tadlis* (concealment of defects in the chain), wherein Al-Walid ibn Muslim erred in two instances. This is a report narrated to us by Hammam, who said: Narrated to us by Abbas ibn Asbagh; narrated to us by Muhammad ibn Abd al-Malik ibn Ayman; narrated to us by Abdullah ibn Ahmad ibn Hanbal, from his father, who said: Abd al-Rahman ibn Mahdi reported from Abdullah ibn al-Mubarak, from Thawr ibn Yazid, who said: It was conveyed to me from Raja' ibn Haywah, from the scribe of Al-Mughira, that "the Messenger of Allah—peace and blessings be upon him—wiped the upper and lower parts of the leather socks." Thus, it is confirmed that Thawr did not directly hear this from Raja' ibn Haywah, that the narration is *mursal* (a hadith with a missing link in the chain) as Al-Mughira is unmentioned, and a third defect: he did not name the scribe of Al-Mughira in it. Therefore, all reports in this chapter are invalidated, and with Allah, the Exalted, is success.

وَأَمَّا حَدِيثَا الْمُغِيرَةِ فَأَحَدُهُمَا عَنْ ابْنِ شِهَابٍ عَنْ الْمُغِيرَةِ، وَلَمْ يُولَدْ ابْنُ شِهَابٍ إلَّا بَعْدَ مَوْتِ الْمُغِيرَةِ بِدَهْرٍ طَوِيلٍ، وَالثَّانِي مُدَلَّسٌ أَخْطَأَ فِيهِ الْوَلِيدُ بْنُ مُسْلِمٍ فِي مَوْضِعَيْنِ، وَهَذَا خَبَرٌ حَدَّثَنَاهُ حَمَامٌ قَالَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي قَالَ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ عَنْ ثَوْرِ بْنِ يَزِيدَ قَالَ: حُدِّثْتُ عَنْ رَجَاءِ بْنِ حَيْوَةَ عَنْ كَاتِبِ الْمُغِيرَةِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَسَحَ أَعْلَى الْخُفَّيْنِ وَأَسْفَلَهُمَا» فَصَحَّ أَنَّ ثَوْرًا لَمْ يَسْمَعْهُ مِنْ رَجَاءِ بْنِ حَيْوَةَ، وَأَنَّهُ مُرْسَلٌ لَمْ يُذْكَرْ فِيهِ الْمُغِيرَةُ، وَعِلَّةٌ ثَالِثَةٌ وَهِيَ أَنَّهُ لَمْ يُسَمِّ فِيهِ كَاتِبَ الْمُغِيرَةِ، فَسَقَطَ كُلُّ مَا فِي هَذَا الْبَابِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L4102 **Issue: If a person wears something over which wiping is**

permissible without ablution and subsequently nullifies his ablution.

[مَسْأَلَةٌ لَبِسَ عَلَى رِجْلَيْهِ شَيْئًا مِمَّا يَجُوزُ الْمَسْحُ عَلَيْهِ عَلَى غَيْرِ طَهَارَةٍ ثُمَّ أَحْدَثَ]

L4103 223 - Issue:

٢٢٣ - مَسْأَلَةٌ:

L4104–4106 And whoever wears on his feet something over which wiping is permissible on other than He had performed wudu, then experienced a minor impurity. When he intended to perform wudu and did so - having completed all parts of ablution except his feet - he was overcome by such intense fear that he could not wash his feet after having removed his khuffs. In this case, he should rise without wiping over them, pray as he is, and his prayer remains valid. If he later becomes able to remove his khuffs and finds water after completing his prayer, some scholars state he must remove them and wash his feet as an obligatory act without repeating his prayer. If he gains this ability before pronouncing the final salām, his prayer becomes invalid. He must then remove what covers his feet, wash them, and restart the prayer. Others maintain that his wudu remains complete, and he may pray with it unless nullified by a new impurity - not merely due to finding water. This latter view is the most correct.

وَمَنْ لَبِسَ عَلَى رِجْلَيْهِ شَيْئًا مِمَّا يَجُوزُ الْمَسْحُ عَلَيْهِ عَلَى غَيْرِ طَهَارَةٍ ثُمَّ أَحْدَثَ، فَلَمَّا أَرَادَ الْوُضُوءَ وَتَوَضَّأَ وَلَمْ يَبْقَ لَهُ غَيْرُ رِجْلَيْهِ فَجَاءَهُ خَوْفٌ شَدِيدٌ لَمْ يُدْرِكْ مَعَهُ غَسْلَ رِجْلَيْهِ بَعْدَ نَزْعِ خُفَّيْهِ، فَإِنَّهُ يَنْهَضُ وَلَا يَمْسَحُ عَلَيْهِمَا، وَيُصَلِّي كَمَا هُوَ، وَصَلَاتُهُ تَامَّةٌ، فَإِذَا أَمْكَنَهُ نَزْعُ خُفَّيْهِ وَوَجَدَ الْمَاءَ بَعْدَ تَمَامِ صَلَاتِهِ فَقَدْ قَالَ قَوْمٌ: يَلْزَمُهُ نَزْعُهُمَا وَغَسْلُ رِجْلَيْهِ فَرْضًا وَلَا يُعِيدُ مَا صَلَّى، فَإِنْ قَدَرَ عَلَى ذَلِكَ قَبْلَ أَنْ يُسَلِّمَ بَطَلَتْ صَلَاتُهُ وَنَزَعَ مَا عَلَى رِجْلَيْهِ وَغَسَلَهُمَا وَابْتَدَأَ الصَّلَاةَ، وَقَالَ آخَرُونَ: قَدْ تَمَّ وُضُوءُهُ وَيُصَلِّي بِذَلِكَ الْوُضُوءِ مَا لَمْ يُنْتَقَضْ بِحَدَثٍ لَا بِوُجُودِ الْمَاءِ، وَهَذَا أَصَحُّ.

L4107 The evidence for this is the statement of the Messenger of Allah—peace be upon him—which we previously mentioned with its chain of transmission in what has preceded of this book of ours: “When I command you to do something, do as much of it as you can,” and the words of Allah the Exalted: “Allah does not burden any soul beyond its capacity” [Al-Baqarah: 286]. When this person is unable to wash his feet, the obligation to wash them is waived, and he remains obligated to perform ablution for the other limbs he can wash. When this is the case, he has performed ablution as commanded by Allah, the Mighty and Majestic, and whoever performs ablution as Allah has commanded, his prayer is complete.[3]

بُرْهَانُ ذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ ذَكَرْنَاهُ بِإِسْنَادِهِ فِيمَا مَضَى مِنْ كِتَابِنَا هَذَا «إِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وَقَوْلُ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] فَلَمَّا عَجَزَ هَذَا عَنْ غَسْلِ رِجْلَيْهِ سَقَطَ حُكْمُهُمَا، وَبَقِيَ عَلَيْهِ مَا قَدَرَ عَلَيْهِ مِنْ وُضُوءِ سَائِرِ أَعْضَائِهِ، وَإِذَا كَانَ كَذَلِكَ فَقَدْ تَوَضَّأَ كَمَا أَمَرَهُ اللَّهُ عَزَّ وَجَلَّ، وَمَنْ تَوَضَّأَ كَمَا أَمَرَ اللَّهُ فَصَلَاتُهُ تَامَّةٌ.

L4108 As for those who claim that if one has access to water, they are obligated to complete their ablution as a duty—thereby validating their prayer—and

وَأَمَّا مَنْ قَالَ: إِنَّهُ إِذَا قَدَرَ عَلَى الْمَاءِ لَزِمَهُ إِتْمَامُ وُضُوئِهِ فَرْضًا وَقَدْ تَمَّتْ صَلَاتُهُ، فَلَوْ قَدَرَ عَلَى ذَلِكَ فِي صَلَاتِهِ فَقَدْ لَزِمَهُ فَرْضًا أَنْ لَا يُتِمَّ مَا بَقِيَ مِنْ صَلَاتِهِ إِلَّا بِوُضُوءٍ تَامٍّ،

[3] **Qur’an references (L4107):** Qur’an 2:286 (Al-Baqarah).

that if such access arises during prayer, they must not continue the remaining prayer except with a complete ablution, arguing that the acts of prayer may not be interrupted by extraneous actions, this is an invalid opinion and an unsubstantiated assertion. Rather, textual evidence from the Quran and Sunnah establishes that one has performed ablution as commanded, their purification is fully complete, and they are entitled to pray. It is invalid to reimpose the ruling of ritual invalidators without an actual occurrence, unless a text explicitly mandates it, in which case adherence is required. However, no textual proof exists in this issue requiring the repetition of ablution. Thus, neither repeating ablution nor washing the feet is obligatory, as one remains in a state of complete purity. Nevertheless, they may pray with that ablution as long as they do not invalidate it, for the reasons we have elaborated.

وَالصَّلَاةُ لَا يَحِلُّ أَنْ يُفَرَّقَ بَيْنَ أَعْمَالِهَا بِمَا لَيْسَ مِنْهَا، فَقَوْلٌ غَيْرُ صَحِيحٍ وَدَعْوَى بِلَا بُرْهَانٍ، بَلْ قَدْ قَامَ الْبُرْهَانُ مِنَ النَّصِّ مِنَ الْقُرْآنِ وَالسُّنَّةِ عَلَى أَنَّهُ قَدْ تَوَضَّأَ كَمَا أُمِرَ، وَقَدْ تَمَّتْ طَهَارَتُهُ وَأَنَّ لَهُ أَنْ يُصَلِّيَ، فَمِنَ الْبَاطِلِ أَنْ يَعُودَ عَلَيْهِ حُكْمُ الْحَدَثِ مِنْ غَيْرِ أَنْ يُحْدِثَ، إِلَّا أَنْ يُوجِبَ ذَلِكَ نَصٌّ فَيُوقَفُ عِنْدَهُ، وَلَا نَصَّ فِي هَذِهِ الْمَسْأَلَةِ يُوجِبُ عَلَيْهِ إِعَادَةَ الْوُضُوءِ، فَلَا يَلْزَمُهُ إِعَادَتُهُ وَلَا غَسْلُ رِجْلَيْهِ، لِأَنَّهُ عَلَى طَهَارَةٍ تَامَّةٍ، لَكِنْ يُصَلِّي بِذَلِكَ الْوُضُوءِ مَا لَمْ يُحْدِثْ لِمَا ذَكَرْنَاهُ.

L4109 If it is said that we have applied the analogy (qiyas) of that [matter] to tayammum (dry ablution).

فَإِنْ قِيلَ: قِسْنَا ذَلِكَ عَلَى التَّيَمُّمِ.

L4110 We said: All qiyas is invalid. From where do you derive that if this obligation applies in tayammum, it must equally apply to one unable to use some of his limbs? You possess nothing but your mere assertion that this obligation applies to the incapacitated person as it does in tayammum - an assertion inherently requiring evidence. Whoever seeks to establish rulings through mere assertion pursues falsehood. Furthermore, even if qiyas were valid, this particular application would remain invalid, for they concur with us that one unable to use some limbs - such as one who has lost both legs or suffers comparable impairments - is not permitted to perform tayammum. His ruling is strictly to wash the remaining parts of his face and forearms, wipe only his head, whereby his wuḍū' becomes complete and his prayer valid. Since they do not grant him the right to perform tayammum, it is impermissible to assign him the ruling of tayammum. This position is more sound than their qiyas.

قُلْنَا: الْقِيَاسُ بَاطِلٌ كُلُّهُ، وَمِنْ أَيْنَ لَكُمْ إِذَا وَجَبَ ذَلِكَ فِي التَّيَمُّمِ أَنْ يَجِبَ فِي الْعَاجِزِ عَنْ بَعْضِ أَعْضَائِهِ؟ فَلَيْسَ بِأَيْدِيكُمْ غَيْرُ دَعْوَاكُمْ أَنَّ هَذَا وَجَبَ فِي الْعَاجِزِ كَمَا وَجَبَ فِي التَّيَمُّمِ، وَهَذِهِ دَعْوَى مُفْتَقِرَةٌ إِلَى بُرْهَانٍ، وَمَنْ أَرَادَ أَنْ يُعْطِيَ بِدَعْوَاهُ فَقَدْ أَرَادَ الْبَاطِلَ، ثُمَّ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّهُمْ مُوَافِقُونَ لَنَا عَلَى أَنَّ الْعَاجِزَ عَنْ بَعْضِ أَعْضَائِهِ - كَمَنْ ذَهَبَتْ رِجْلَاهُ أَوْ نَحْوُ ذَلِكَ - لَا يَجُوزُ لَهُ التَّيَمُّمُ، وَأَنَّ حُكْمَهُ إِنَّمَا هُوَ غَسْلُ مَا بَقِيَ مِنْ وَجْهِهِ وَذِرَاعَيْهِ وَمَسْحُ رَأْسِهِ فَقَطْ، وَأَنَّ وُضُوءَهُ بِذَلِكَ تَامٌّ وَصَلَاتَهُ جَائِزَةٌ، فَلَمَّا لَمْ يَجْعَلُوا لَهُ أَنْ يَتَيَمَّمَ لَمْ يَجُزْ أَنْ يُجْعَلَ لَهُ حُكْمُ التَّيَمُّمِ، وَهَذَا أَصَحُّ مِنْ قِيَاسِهِمْ.

L4111 And all praise is due to Allah, Lord of the worlds.

وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. -