



## Fiqh of Taharah: Class Seventeen

الحمد لله و الصلاة و السلام على رسول الله و بعد:

These classes are based upon the commentary of the eminent Shaikh Atiyya Muhammad Saalam, given in Masjid an-Nabawee, in Madinah al-Munawwrah.

The Hadith:

وَعَنْ أَبِي السَّمْحِ ( قَالَ: قَالَ النَّبِيُّ ) { يُغْسَلُ مِنْ بَوْلِ الْجَارِيَةِ, وَيُرَشُّ مِنْ

بَوْلِ الْغُلَامِ } أَخْرَجَهُ أَبُو دَاوُدَ, وَالنَّسَائِيُّ, وَصَحَّحَهُ الْحَاكِمُ

Narrated Abu Samh: Allah's Messenger said, "The urine of a baby girl should be washed off, and the urine of a baby boy should be sprinkled over." [al-Hakim graded it as authentic]

The Explanation:

- In order for a hadith to be considered authentic, it must fulfill 5 conditions. The first three are related to the Sanad(sequence

of narrators), and last two are related to the Matn (text) of the hadith :

1. Itisaal as-sanad: Connected chain from its beginning all the way to its end, meaning that each narrator met the one before him.
2. al-'Adaalah: All the narrators must be upright (no outward disobedience).
3. ad-Dabt: All the narrators must have accuracy in narration.
4. Free of Shudhudh: A narrator must not contradict others who are of more reliable than he is.
5. Free of 'illah: The hadith must not have any hidden defects in it.

This hadith is related to a new topic, which is the impurity of urine, in general.

And we have mentioned that urine is impure, and have we spoken about this in the past? Yes we did. When?

When we spoke about the Bedouin who urinated in the Masjid, and how the urine was purified. This took place through pouring a large amount of water over the urine.

- Imam Shafii said, “The amount of water should exceed the amount of urine by seven times.” This is a relative amount that is not precise, but related to one’s best estimation.
- The author brought this text, may Allah have mercy on him, on Abu Samh, who was a servant of the Prophet, although it is not known that he narrated any hadith other than this one.
- He said that Prophet stated, “The urine of a Jariyyah (baby girl) should be washed off, and the urine of a Ghulam (baby boy) should be sprinkled over.”

What is a Jariyyah, and what is a Ghulam?

- Linguistically, Jariyyah refers to a young girl, one who is breastfeeding and even beyond the age of breastfeeding. And it also refers to a girl under the age of puberty, and it also refers to a servant girl who is above the age of puberty.
- As for the word Ghulam, refers to a nursing infant boy, and it can also mean any man under the age of 40.

However, there are many other narrations:

- Umm Qays, who brought her baby boy to the Prophet to carry out the tradition of Tahneek, which is when a baby is brought to a righteous person so he can chew a small piece of date, and place some of the moist chewed date on the tongue of the baby, so that he can suck on it and swallow some of it.

And as it is mentioned in these narrations, the baby boy urinated on the thobe of the Prophet. So he called for some water, and sprinkled over it.

- And it is also mentioned in a narration related by the Mother of the Believers 'Aisha, who said that baby boys used to be brought to the Prophet to be blessed by him, and have Tahneek. The blessed Messenger's saliva would be mixed with the chewed date, and the child would swallow it. So, once, a baby urinated on the lap of the Prophet, so the Prophet poured some water over it.
- And Um Qirs narrates two hadith: One that a baby boy was brought to the Prophet, who urinated on him, so he splashed water over it.
- And the other hadith she narrates is that a baby girl was brought to the Prophet, who urinated on his thobe, so he washed it thoroughly.

- And in another hadith narrated by Umm Fadl: that Hassan or Hussayn was brought to the Prophet, and he climbed upon his lap, and then urinated on his chest.

She said, “Give me your thobe oh Messenger of Allah, so I can wash it, and you may wear another.”

He replied, “The urine of a baby boy is simply splashed over.”

- And Ali narrates that “A baby boy urinated on the thobe of the Prophet, and he said, “One sprinkles over the urine of a baby boy, and washes the urine of a baby girl.”

Qatadah said, “That is before weaning, or that is for a nursing child.”

All these narrations have been mentioned in *Nayl al Awtar* and Imam Shawkani speaks about them in detail.

Let us get back to our hadith narrated by Abu Samh.

If we examine this hadith, as well as the rest, we come to the conclusion that the Prophet differentiated between the urine of a baby boy, and the urine of a baby girl.

This differentiation only applies to a child that is nursing, i.e. one that has not begun to eat food.

According to this, we find the following distinction being made:

- He commanded the washing of the urine of a girl.
- He commanded the sprinkling over the urine of a boy.

We see that this took place on a number of occasions. After coming to this understanding, what is the position of the Ulema regarding the urine of a baby boy and the urine of a baby girl?

- We find that they all agree, whether it is Shawkani, or San'aani, or Ibn Hajr in Fath al Bari, or any other of the Ulema, that there are three madhabs on this issue.

1. That both of the types of urine must be washed from. This is narrated on the school of Abu Hanifa, and the Malikiyyah.
2. Another madhab states that both can be sprinkled over, without differentiating. Like the first, they make no distinction between male and female, but they say both types can be sprinkled over. This is a position held by al-Awzaa'ii, i.e. it is outside the circle of the four madhahab.

3. As for Shafii', and Ahmed, their madhab is an application of the hadith. The baby girl's urine is washed, and the baby boy's urine is splashed over.

How can we explain the position of those who do not differentiate between male and female, and say that both types of urine should be washed thoroughly?

They state that there are other general ahadith or principles that must be considered.

- One, is the general principle of washing urine
- The hadith regarding the one in the grave who was being punished for not cleaning up from urine. The hadith states shows that urine must be avoided.
  
- Attaching the ruling of the baby boy's urine to that of the girls.
- The reason for this, according to the scholars of Law (Usooliyoon), is the principle called: "Ilhaaq bi nafi'l faariq." Connecting two rulings to one another by negating any differences that might exist between them.

- We negate the difference between male in female in terms of the urine, since their origin is one. So we must wash from them both.
- Another example of this is regarding the hadith regarding the reward for freeing one's servant ('abd) which in Arabic only refers to the male. But the reward also applies to the one who frees the female servant (ammah), because we can negate any difference in male and female having any effect on the ruling. This is called (Nafee al Faariq) or negating any differences.
- However, since we have an explicit text that is making a distinction between the two, we cannot say, "Ilhaaq be nafii al faariq." In the case of the male and female servant, we did not have a clear text that makes mention of the female servant. However here, in this hadith, we do have a clear text making reference to the male and female.
- The text has stated two separate rulings: one for the male and one for the female, so we cannot make Qiyaas (juristic analogy) of one with the other. This is called (Qiyaas faasid al 'itibaar) or wrongly made

analogy, since this Qiyaas is in direct contradiction to a text.

- They are attaching the ruling of the male with the female, but this is not allowed, since there are authentic and unambiguous texts on this issue, such as the Hadith of Aisha narrated by Bukhari and Muslim.
- Thus, the urine of the boy has an independent text, and the urine of the girl has an independent text, and neither of the two can be connected with the other.
- If we were to attach one with the other, we would end up nullifying the text that is mentioned specifically regarding it. And this is not possible, since it is called Qiyaas faasid al 'itibaar according to the Usooliyoon.
- Now, we have the opinion stating that distinction should be made between the urine of the girl and the boy. Can we discover the wisdom behind this distinction? Or is there no difference. Are there any chemists who studied this, they would be able to tell us, by looking in the lab.

- Yet we find amongst the early scholars, especially in the Shafii school, who noticed that the urine of a boy is whitish and thin, while that of a baby girl is yellow and thick. The Fuqahaa noticed that there is an essential difference in the two.
- The urine of the boy is thin and whitish, and sprinkling over it is sufficient to cleanse it.
- As for the urine of the girl, it is thick, a sprinkling is not sufficient, and it must be washed.
- Some of the later scholars stated, the urine of a girl has a higher percentage of female hormones, which require washing, since it is heavier than that of male hormone, and Allah knows best.
- There are those who point at a wisdom that is a bit far-fetched, but in order for us to cover all of what has been said: they say the reason is that the baby boy is male, and the baby girl is female. And the origin of all human beings is from who? From Adam, and what was he created from? Water and clay, two pure things. So the male is created from two pure things.

- But the female, where has she been created from, from Adam, and Adam was blood and flesh, and these are impure things. So using this long distance analogy, they tried to come up with the wisdom behind it.
- However, this is a very far analogy. But what concerns us, is from the practical standpoint. And that we can respond to those who say that the Prophet was imposing his personal views on others, since in the beginning of Islam the Arabs were honored by having boys, and if it was a girl, she was seen as a burden.
- So they claim that this love of boys led the Prophet to make a dispensation regarding their urine.
- But subhanallah, was this attitude towards girls and boys something that Islam praised or dispraised? Islam dispraised it.
- Would the Prophet encourage this dispraised behavior through his actions? Or would he try to bring it to an end? He would try to bring it to an end.
- Whatever the reasoning, we have the Fiqh ruling, which is that we have to suffice with sprinkling, to

cleanse the urine of the boy, and in the narration of Ali, he said, he sprinkled and did not rinse it.

- We also know that the origin of urine is najass, but the urine of a boy before the age of weaning must only be sprinkled over, while that of a girl must be washed.

And Allah knows best.

End of Class Seventeen.