



Fiqh of Taharah: Class Nineteen

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-Nabawi, in Madinah al-Munawwrah.

The Hadith:

عَنْ أَبِي هُرَيْرَةَ (عَنْ رَسُولِ اللَّهِ) قَالَ : { لَوْلَا أَنْ أَشُقَّ عَلَى أُمَّتِي لِأَمْرَتِهِمْ
بِالسَّوَاكِ مَعَ كُلِّ وُضُوءٍ } أَخْرَجَهُ مَالِكٌ، وَأَحْمَدُ، وَالنَّسَائِيُّ، وَصَحَّحَهُ

إِبْنُ خُرَيْمَةَ

Narrated Abu Huraira: Allah's Messenger said: "If it were not that I would burden my Ummah, I would have commanded them to use the Siwaak (toothbrush) along with every ablution.

[Reported by Malik and Ahmad and Nisa'ii]

The Explanation:

After the Author, may Allah have mercy on him, the Rulings on Water, and then the Rulings on Vessels, within which we hold water, and then he explained the types of Impurities, and how they are removed from one's garments, or body, or place in order to pray there, he brings this Chapter on Wudu, and Wudu is mentioned before speaking about Chapter on Salat, since it is part of purification, and a completion to the Chapters on Purification, and he will also mention the Ghusl, and things the make it required, and the Tayamum.

Wudu, according to the Ulema, is a precondition to the validity of prayer, by the Ijma' of the Ulema, and prayer is not valid without Wudu.

As the Prophet mentioned, "Allah does that accept the prayer of a person who has Ahdatha (committed an act that breaks wudu) unless he performs wudu."

And wudu, can be pronounced two ways in Arabic, with a fathah: Wadu, and with a dammah, Wudu. It is said that Wudu is the action, while Wadu is the water with which one performs Wudu with, while some said the opposite.

This is similar to Sahoor (time before dawn), and Suhoor (meal before dawn).

It is said that Wudu is derived from the word Wada'ah, which means light on one's face, as a result of purity and cleanliness.

But, according to Shari'ah, is Wudu cleanliness, or is it an Ibaadah. If it is an Ibaadah, then it cannot be valid without Niyah (intention). If it is simple cleanliness, then cleansing does not require Niyah.

Just like removing any impurities, it is not essential to have intention. It is accomplished by the removal of the impurity.

What indicates that Wudu is an Ibaadah, is from the perspective of Qiyaas by the Fuqahaa, and from another angle is also indicated by the hadith of the Prophet.

From the perspective of juristic analogy (Qiyaas), as is mentioned by Ibn Rushd in his book Bidayatil Mujtahid (The Beginning of the Scholar) this action is a matter of worship (ibaadah), i.e. it is not possible to comprehend the secret or wisdom behind its legislation.

This is because, the cause of it being required is not related what actually becomes required. In other words, the parts of the body that cause the breaking of one's wudu are not the parts that are actually washed during the wudu.

Said another way, if a person breaks wind, he is obligated to perform wudu because of this passing of wind, but if he wants to perform wudu, the place of its passing is not one of the parts that is washed during wudu.

If there was a rational reasoning behind this, the causation of wudu would be part of what is washed in it. When we find this to be the case, we declare that Wudu is a matter of worship.

The second evidence is what comes in the hadith of the Prophet, which emphasizes the meaning of cleanliness, and that wudu is an act of worship. Wudu is light and cleanliness, both physically and spiritually. That is, it is cleanliness both outwardly and inwardly.

The Prophet said, “If a servant of Allah performs wudu, and washes his hands, the sins leave his hands with the last drop of water. And if he gargles and blows his nose, the sins leave with the last drops of water, and if he washes his face, his sins leave his face, with the last drop of water, “ and likewise he mentioned the arms and feet.

So we see that physical cleansing does not have any relationship with the atonement of sins.

And another point is that wudu may be independent of cleanliness altogether, for example, and person enters the shower and takes every means of cleansing. Then, after exiting the shower, while drying with a towel, the person touches his private part. In this case, he must perform wudu, although he is in the most extreme form of physical cleanliness.

Thus Wudu is an act of worship, and for this reason intention is a precondition for it, and likewise ghusl.

Although, according to the Hanafi school, there is some debate regarding this. They require intention for Tayamum, but not for Wudu or Ghusl.

They say that Tayamum is an act of worship, since we do not understand why a person wipes his face and hands with dust. If we can understand rationally the cleansing in wudu and ghusl, we cannot understand the wisdom behind wiping one's face with dust.

So they require Niyah for Tayamum, but they do not require it for Ghusl or Wudu.

Thus, Wudu is an act of worship.

When did Wudu begin and become legislated?

The scholars agree that the Ayah regarding Wudu, "Idha qumtum illas salaati faghsiloo..." was revealed in Madinah. But they say that Salat began in Makkah, and the Prophet did not perform any Salat without wudu.

So they say that perhaps wudu was recommended before the revelation of the Ayah, and then the verse came obliging it after it was simply recommended.

Others say that Wudu was present in the time of Ibrahim, and he used to perform wudu in Makkah, and this Shariah of those before us is Shariah for us as well.

And it is established that the Prophet performed wudu in Makkah by the Hadith that Fatima his daughter entered upon him, and she was crying.

He said, “Why are you crying my daughter?”

She said, “I heard they are plotting against you to kill you.”

He said, “Have the done that? Bring me my Wadu,” the water with which to perform wudu, then he performed wudu, and prayed, and made dua to Allah.

Thus, we see that Wudu existed before Madinah. And the Ulema state that Jibreel, on the morning of the Israa and Miraaj, when Salat was obliged, he came down before Dhuhr, and it was the first Salat that was established after the Israa, and he taught the Prophet the wudu. So he performed the wudu, and prayed.

What concerns us is that the obligation of Wudu took place in Madinah, and the actions of wudu took place in Makkah.

And it is narrated on the Prophet what also indicates that the Wudu was present in previous nations. He once performed wudu, washing each limb one time. He washed his face once, and his arms once. And wiped his head once, and his feet once.

He then said, ‘This is the Wudu that Allah will not accept prayer without it.’

Then he washed again, washing his face twice, and arms twice, wiping his head once, since the wiping of the head is not repeated as we shall see, then

he washed his feet twice, then he said, “And this Wudu of those who were before us.”

Then he performed wudu, washing each limb three times, then he said, “This is my Wudu, and the Wudu of my Ummah.”

So the scholars take from this that wudu was legislated in earlier times, and it is possible to say that all of the acts of worship that are the pillars of Islam were present in earlier times.

If we research the verses that address earlier Prophets,

“Wa aqemus salata wa aatuzakaata warka’oo ma’ ar rakieen,”

or to Isaa, “Wa awsaani bisalati wazakaati ma dumtu hayya”

or to Ibraheem, “An tahiraa baytiyya lil taaifeena wal aakifeena wa rukais sujood...” etc

We find Salat was obligated before.

And if we come to Saum, “Kutiba ‘alaykum as siyaamu kama kutibaa ‘ala aladheen min qablikum..”

And if we come to Hajj, “Wa adhin fin naasi bil Hajj.”

This is the call of Ibrahim.

And the Prophet said, “As if I am seeing Musa the son of Imran, on a white camel, calling on Allah in Rawhaa with the Talbiyyah..”

And Imam Malik narrates a strange thing, that until now we do not know the secret of it, that Abdullah ibn Umar went down from Mina to Makkah, and

passed by Wadi Surar, and there was a large tree, and there was man sitting under the tree. Abdullah ibn Umar came under the tree and asked, “What brought you here?” He said, “Travel, to take shade.” He said, I heard the Messenger of Allah say, “There is a tree in Wadi Surar, that 70 prophets were born under, or became prophets under.”

What brought them there, when was this, Allah knows best? This is mentioned in the books, and what concerns us is the 70 Prophets.

And the Zakat, which is the sister of Salat, And in the Qur’an, the story of the Companions of the Garden, Allah says, “Wa la yastathnoon,” “Fa taafa ‘alayha taifum min rabihih wa hum naimoon.” They plotted not to give the zakat on the produce of their garden.

And we have the story of Companion of the Cloud, and person was walking in a barren land, and he heard a voice in the clouds that said, go, and rain upon the farmland of so-and-so. He walked following in the shade of the cloud until he reached a dry barren earth, and the cloud rained, and the water gathered together in a stream, and he followed it, until he found a man who was guiding the water to a pond on his land. He said, “Salamullahu alaikum oh so-and-so.” He said, “How did you know my name, and you are not from this place? Who has told you my name?” He said, “Tell me first, what do you do with this farmland?” “He said, if I reap the harvest, I divide it into three parts. A part for me and my family. And a part that I return back into the earth. And a part that I give in charity.”

And we have the story of the three who were tested and then cured, the blind, the bald, and the leper, etc.

So Zakat was present, and Siyaam was present, and Hajj, and Salat, they were all present, and Wudu was present in the previous nations.

And the Prophet said, “I have been give five, that were not given to those before me...the earth was made a masjid for me, and pure.”

And we have the story of the Monk, who has tempted by a woman, but he resisted, then she committed zina with a shepherd, then she threw the baby in his monastery, and they came and demolished his monastery. He said, “Give me a moment. Then he called for Wadu, and peformed wudu, and prayed two Rakats of Salat.”

You remember the story, the man was praying and his mother called on him, and he said, “Oh my Lord, my prayer or my mother?” She came to him on three different days, but he did not respond to her because of his prayers.

She said, “May you not die until you see the face of an adultress.” Then that happened, the adulteress tried to seduce him, but he refused, and the rest of the story. He performed wudu, and prayed two rakats, then made dua to Allah to prove his innocence. He went to the baby, pointing at him with his finger, and he said, “Who is your father?” He said, “The shepherd so-and-so.”

So they felt bad, and said, we shall rebuild his monastery with gold and silver. He said, no, just return it to the way it was.

What concerns us is that wudu was present in the past nations just as it is with us.

No, what remains is the issues pertaining to wudu, its pillars, how it is done, what nullifies the wudu, etc.

And we find that the author, began the Chapter on Wudu with strange matter, the Siwaak. So do you think the Siwaak is for cleanliness, or is it an act of worship?

And is it a Sunnah that is encourage outside of wudu, or is it a Sunnah that is part of wudu?

And what can be used as a Siwaak, and when, and why, and what are its benefits, this are all Chapters that are mentioned in the books of hadith.

And the most extensive research on this issue, is written by Ibn Daqeeq, called “Kitab Al-Imaam, Sharhul Ilmaam,” but it remains in manuscript form until today.

What concerns us is, what is a Siwaak? Siwaak is both the action of cleaning the mouth, and the tool itself used to clean the mouth.

In this hadith, the meaning of the action of cleaning is more apparent, “I would have commanded them to brush their teeth during each wudu.” Since what is desired in wudu is the effect of the toothstick on the mouth, and not the toothstick itself.

And we have ahadith, which some Ulema understood to mean that what is intended is cleanliness. Since the hadith mention when waking from sleep, or when performing wudu, or when preparing for prayer, or when one is quiet for a long time, or when one is hungry, or when one speaks a lot, and these are times which the hadith mention, since there is a change in odor of the mouth, and thus it is recommended to cleanse the mouth.

And the hadith mention recommendation of using the Siwaak, either with Wudu or before Salat, or even in general.

We see this from the hadith of the Mother of believers Aisha: She was asked, what is the first thing the Prophet did when he entered the house? She said, “As-Siwaak.”

And here we see he was not performing wudu, nor making Salat, and we shall explain why he did this, Inshallah.

Our hadith here, “If I did not fear hardship on my Ummah, I would have,” thus we can see here that it is a conditional phrase, meaning that there would be hardship, but he did not command that due to the presence of the hardship.

Since the command did not take place, does this mean that using the Siwaak is nullified altogether? No, it means that it is not obligatory, but still recommended.

As if the hadith is saying, “As-Siwaak is recommended, and if I were not to burden my ummah, I would have obligated it.”

The Prophet attributes making burden to himself, he says, “I would burden my Ummah (Ashuqqu ‘ala ummati).”

Does the Prophet have the authority to make burden, or lighten it?

Yes, he has the independent right to legislate. Allah says describing him, “He is with the believers most kind and merciful.”

And we have many examples, for example, Allah forbade joining two sisters in marriage. The Prophet added to this, “A woman is not to married along with her maternal or paternal aunt.”

“Qul in kuntum tuhiboona Allah...fat tabi’oonee.”

And Allah gave him the right to legislate: “Wa maa aatakum ar rasoolu fa khudhuhu, wa ma nahaakum ‘anho fantahoo.”

So whether the Prophet communicated words from Allah, or from himself, they are from Him. Allah says, “Wa maa yantiqu ‘anil hawaa”

So here, the Prophet is attributing making hardship to himself, and it makes no difference if it is based on direct written revelation, or if it is based on inspiration (ilhaam) from Allah.

There word Ashuqu (make hardship) come from the Arabic word Shaqaqa, which means split and cracked earth, since it is difficult to traverse on such ground.

So Mashaqa means hardship, and the Prophet, in his legislation, he was not give the choice between two things, except he chose the easier of the two.

This is because, this Shari'ah did not come for a short period of time, that we keep patient with it, then it is over. Rather it came forever, until Allah inherits the earth and what is on it.

And as they say, if you want to be followed, your command should be what is bearable.

And from here, the scholars state: "Al-Mashaqatu tujlabu at tayseer" or "Hardship brings ease." Whenever one finds mashaqa in the Law, one also finds along with it easiness and lightening of burden.

We are speaking about wudu: if a person cannot use water, then the burden is lightened and he can make Tayamum.

If it is a hardship on a person to stand in Salat, the burden is lightened and he can sit.

Fasting, if it is a hardship on a person due to traveling or sickness, he can make them up from other days.

And likewise Hajj, on one who is able, and so on.

And we shall continue the explanation of this hadith next time, Inshallah.

And Allah knows best.

End of Class Nineteen.