



Fiqh of Taharah: Class Twenty-three

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:

وَعَنْ حُمْرَانَ؛ { أَنَّ عُمَانَ (دَعَا بِوَضُوءٍ، فَعَسَلَ كَفَّيْهِ ثَلَاثَ مَرَّاتٍ، ثُمَّ مَضَمَضَ، وَاسْتَنْشَقَ، وَاسْتَنْنَرَ، ثُمَّ غَسَلَ وَجْهَهُ ثَلَاثَ مَرَّاتٍ، ثُمَّ غَسَلَ يَدَهُ الْيُمْنَى إِلَى الْمِرْفَقِ ثَلَاثَ مَرَّاتٍ، ثُمَّ الْيُسْرَى مِثْلَ ذَلِكَ، ثُمَّ مَسَحَ بِرَأْسِهِ، ثُمَّ غَسَلَ رِجْلَهُ الْيُمْنَى إِلَى الْكَعْبَيْنِ ثَلَاثَ مَرَّاتٍ، ثُمَّ الْيُسْرَى مِثْلَ ذَلِكَ، ثُمَّ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ صَلَّى عَلَيْهِ وَسَلَّمَ تَوَضَّأَ نَحْوَ وَضُوءِي هَذَا. } مُتَّفَقٌ عَلَيْهِ

The Explanation:

We spoke last time regarding the words of Allah, “(and wash your) arms up to the elbows,” and we left off with the question, does washing up to the

elbows include the elbow joint itself, i.e. the part that moves, or just up to the edge of the elbow?

There are three different perspectives, from the point of view of logic, Arabic language, and the practice of the Prophet alayhi as salam.

From the rational point of view, the Ulema say: “Ma laa yatimmu al wajibu illa bihi, fa huwa wajib.” “Whatever is needed to perform an obligatory act is itself obligatory.”

For this reason, when washing the face, the limit of the face is where the hair starts growing. But we cannot determine the exact limits of the face with a ruler. And where hair starts growing is different from one person to another.

So in order to be sure that one has covered the entire face, you wash a little more than just the edge.

Like when fasting, Allah says “Eat and drink until the white and black threads become distinct from one another.”

Does this mean we should keep eating until the very last second of the night, right to the hair? Or should one be careful so that they do not overstep the limit?

One tries to be careful. And likewise with the sunset. Does one eat the very second the sunsets, or does he wait, even a moment, to be sure that he has covered the entire day?

So whatever is need to complete an obligation (wajib) is also an obligation (wajib).

Fasting the entire day from dawn to sunset is wajib. But we are not able to do that unless we overlap slightly, by starting to fast, even if just one minute before dawn, and one minute after sunset. Then we know that we have covered the entire day.

Likewise the face, to be sure, we overlap, even a millimeter, and likewise the arms, up to the elbows.

The arms, they have a beginning and an ending. But where do they end? Allah says, ‘up to the elbows’. Are the elbows part of the arm or no?

If we look at it from a linguistic point of view, there is a certain principle. And if we look at it from a Shari’ perspective, we refer to the Sunnah of the Prophet alayhi as salaam.

There is a narration that says, “spread the water around the elbows.” So are the elbows included or no? Clearly they are included.

But what about linguistically, are the elbows included?

Say, if you have a garden, and you have 10 rows of date palm trees, next to 10 rows of lemon trees. And you tell someone, ‘I sell you my garden of date palms up to the tenth date palm tree.’

Is the end of what you are selling, the tenth date palm tree, from the same type as what you are selling? You said, “I sell you my garden of date palms **up to the tenth date palm.**”

Did you buy nine rows of date palms, or ten? Is the end point included in the sale? It is included since the end point and the beginning are all from the same type.

Let me give you another example. Say you have 10 rows of date palms, and then 10 rows of lemon trees. And you say to someone, “I sell you the date palms up to the first row of lemon trees.” Is the first row of lemon trees included in the sale? No. Why not, while in the previous example the part after the words **up to** were included? The reason is that the type is different. The lemon trees are different than the date palm trees.

So the scholars of Arabic language say that inclusive of what is before it if the end point is from the same type as the original.

But if the end point is of a different type than what is before it, then the word **الى** or ‘up to’ is exclusive and it does not include what is mentioned before it.

So this brings us back to the elbow. Is the elbow part of the arm or separate from it? It is part of the arm.

So from the linguistic point of view, it is included.

And in the Sunnah, we find that this was the practice of the Prophet alayhi as salaam, since it was described that “He spread water in a circle around his elbows.”

The hadith of Uthman continues, “Then he washed his left arm likewise.”

So he washed his left arm three times like he had done for the right.

“Then he wiped his head.”

He wiped his head, “Massaha bi ra’asihi” . The word ‘bi’ here needs explanation.

As for ‘massaha’ or wiping, one can say, “massaha as saboora” without the word ‘bi’ i.e. he wiped the board.

Or one can use the word ‘bi’ and say, “massaha bil forshaat” i.e. he wiped with the fork, since he is using a tool.

So the usage of the word ‘bi’ in the ayah is not necessary. Allah ta’alah could have said, “wamsaahu ruosakum.” And wiping would be done.

But the presence of the word ‘baa’ indicates that something is being used to wipe. As if Allah is saying “Wamsaahu bil maa’ee roosakum.” “Wipe your heads *with water*.”

And how should the wiping be done, and to what extent is sufficient?

Some of the ulema say the word ‘baa’ in the ayaah means ‘touching’, i.e. wiping the head. And 1/4th is the minimum to achieve this. This is the view of Imam Abu Hanifa.

Some ulema say, ‘baa’ in the ayaah means ‘part of’. And part of a thing is any amount, even a few hairs, and this is the view of Imam Shafii’.

Some ulema say the ‘baa’ is for emphasis, and that wiping the entire head is necessary, and this is the view of Imam Malik.

And from the rare and interesting opinions of fiqh is what Imam Nawawi narrates, that even three hairs is sufficient, since the word ba’ad in Arabic means some, and some is whatever is three or more.

And he even says, some say that even part of a single hair is sufficient, such as if the hair is dyed with Henna, and only a part of the hair is touched it suffices. These are very strange and interesting views.

Now, we get to the subject of how to wipe the head. The Prophet alayhi as salam used to wipe from the front of his head all the way to the back, then return his hands to the front again.

We find in some texts, it says “he wiped the forelock of his hair, and then completed it by wiping over his ‘amaamah, i.e. turban.”

The forelock is the front of the head, and he was wearing a turban, so he put his hands under his turban and wiped the front part of his hair, and then he wiped over the rest of his turban.

This is why the Hanafiyya say that wiping 1/4th of the head is sufficient, since the forelock of hair is approximately 1/4th.

But the Jumhoor responded to this view by saying: He did not suffice with just the 1/4th of his hair, he also completed it by wiping over the rest of his turban.

The hadith says, “Then Uthman wiped his head.”

Washing the hands and mouth and nose is how many times? Three. The face and arms up to the elbows? Three.

Wiping the head? Only once?

It does not say only once, the text only mentions he wiped his head, and does not say how many times.

It does not say three times.

So we have the question? Is wiping the head three times, like the rest of the parts of wudu, or just one time?

Since we have nothing to indicate that there was three, we do not assume it was three. Unless we have some text elsewhere that says three, then we accept it if the narration is authentic.

Some of the Shafii' say that the wiping of the head is three times also.

But the Jumhoor say, there is no authentic text that states three times. And they said that it should not be more than once.

The reason for this is that the hair does not absorb water easily, unlike a thobe for example. So wiping it two or three times, it becomes like washing the hair. And Allah commanded regarding the head, wiping, and not washing.

The hadith continues, "Then he washed his right foot up to the ankles."

We saw earlier that he began washing his arms with the right arm. And in this text, we see that he washes his right foot first. And we will have a text that indicates that the "Prophet loved the right in all things."

But in the Qur'an, it does not mention the right or the left, so by looking at the Qur'an only, one could infer that starting with the left and then the right is permissible.

However, by referring to the Sunnah, we see that it is Sunnah to start with the right.

“up to the (ka'abain) (lit. the two raised things, i.e. the ankles or upper part of the feet).”

What are the ka'bain? They refer to any mass whose three dimensions are approximately the same, ie. The length, width, and height.

This is where the word Kaa'bah comes from, from the cubic shape of the building.

And kawaaib, is a young female whose breasts have developed.

So some ulema, such as some of the Hanafiyya say the ka'bain (two raised things) are the upper part of the foot where the foot bone is raised up. Thus, front two feet, we have two ka'ab, or ka'abain.

But the Jumhoor say no, what is meant is that each foot has two ka'ab. And what is meant is wash each foot up to the ankles, which is the place where the calf joins the foot. And this is what is mentioned in the Sunnah.

And in the Ihraam, the Prophet alayhi as salam said, whoever wears khuffs should ‘cut them until they are below the ka’bain.’ Does that mean beneath the feet? No, the ankles.

Some of the Sahabah said that when they straightened their lines, they would place their ka’bain touching the kab’ain of their neighbors. Does this mean they placed their feet on top of each other?!

So it is clear that they are the two bones on the side of the feet.

And are the ankles included in what must be washed? Yes, this goes back to what we said before.

“And then he washed the left foot.”

“And then he said, I saw the Prophet make wudu like this wudu.”

This is the end of the hadith narrated by Bukhari and Muslim.

Now we have the question, does every person have to make wudu in this order like Uthman did? The hands then the rinse the mouth, the face then the arms?

Is the order obligatory or not obligatory?

Where is the proof that it must be in order?

The Ayah? The ayah says ‘wa’ which means and without order.

The hadith says, ‘thumma’, or then. But this could mean it is something good but not obligatory.

Let us look at the Fiqh of the Imams.

Imam Shafii’ said the order of the parts of the wudu are obligatory, and he said the proof of this is in the Qur’an.

How? Through implicit understanding. Allah ta’ala mentions first the washing of the face, and this is due to its honor and because it is what faces a person first when he looks at him, and it is the highest part. And it has the organs of the hearing and seeing, so it was placed first, due to its honor.

After it Allah mentions washing the arms, and what naturally would come after washing the arms, i.e. what is closest and most similar in washing the arms? Washing the feet or wiping the head? Washing the feet.

The two hands are for holding, and the two feet are for walking.

If the order was not important, the two similar types would have been placed next to each other, washing the two arms, and washing the two feet.

But Allah says, “Wash the two arms, then wipe your head, and your feet up to the ankles.”

Would it not have been easier to mention wiping the head after the face, since it is closer, then go down to the arms, then the feet.

So the order would have followed from up to down.

So when we see that Allah placed a part that is wiped between two washed parts, and a single part between two similar parts, we know that the wiping of the head here cannot be done earlier, or later.

What do you think of this amazing analysis, should we not refer to the Ulema instead of making our own opinions?!

The rest of the hadith narrated by other than Bukhari and Muslim says:

The Prophet alayhi wa salam said, “Whoever makes wudu like this my wudu, and then prays two rakaahs not allowing his mind to wonder during them, all of his previous sins shall be forgiven.”

Whoever makes a wudu like my wudu, a complete covering of all the parts, and prays the two rakahs, not from the Faraid, like Fajr, or the Sunnah ar rawatib, but two separate rakaahs for the wudu.

And then he does not think to himself of anything, or as Ibn Daqeeq al Eid said, he fights of the whisperings in his heart, he will still attain the meaning of this hadith.

What is important is he should not follow this thoughts and allow them to continue.

“All his previous sins shall be forgiven.”

And with Allah is all success. And peace be upon Prophet Muhammad.

And Allah knows best.

End of Class 23.