

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الحمد لله وحده وصلاة الله وسلامه على من لا نبي بعده أما بعد :

مَدْخُلٌ  
فِي التَّعْرِيفِ بِعِلْمِ الْفِقْهِ وَمَصَادِرِهِ وَبَعْضِ مُصْطَلَحَاتِهِ

This unit deals in explaining the term **Al-Fiqh**, the source of **A-Fiqhul Islami** and describing exclusive words used in teaching subject of **Al-Fiqh**.

### What is Al-Fiqh?

The term Al-Fiqh reports two expressions.

The first, naturally what word fiqh stands for.

Second is the general understanding of the word (experts of jurisprudent in Islam)

- The fiqh means perception or understanding  
The word has it's roots in the holy Quran where it occurs in the verse

((وَلَكِنْ لَا تَفْقَهُونَ تَسْبِيحَهُمْ))

***'But never perceive them remembering us'***

- In general the word 'Fiqh' has two inklings

#### One:-

It refers learning Shariah directives based upon authentic narrations on acts of morally responsible person (Mukallaf) as well as their proclamations. [Authentic narrations means the quotations from the holy Quran, Al-Hadith, AL-Ijma and Ijithihath.

Al-Ijma and Al- Ijithihath derives reference from Al-Quran and Al-Hadis Only.

An example to this can be seen in the famous Al-Hadis,

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ (رواه البخاري : ١ ومسلم : ١٩٠٧)

That exhorts ***"All the deeds are based on it's intentions"*** which prompted Imam Shafi to make 'Neyyath' a compulsory item in the act of ablution and most Shafee Mazhab acts.

Similarly the act of 'Mash' (running the wet fingers over the head) was ordained upon the guidance of the Quranic verse.

(( وَامْسَحُوا بِرُءُوسِكُمْ ))

***"Caress your heads (With Soaked Hands)"***

There for Al-Fiqh is the component that derives relevant ordinance from the holy Quran and As-Sunnah to device practical Shariah legislations.

#### Two: - Device Practical Shariah

Al-Fiqh is a is a term utilizes to express the Shariah legislations itself. Learning of Al-Fiqh practically means the learning of Holy Quran, Al-Hadith, Al-Ijma and Ijithihaad i.e. laws pertinent to salat, Wulu, Trading practices and so forth.

ارتباطُ الفقه بالعبادة الإسلامية

### **Bond of the 'Fiqh' with the fundamentals of Islam**

The significant feature of Al-Fiqh is its urgings towards the undivided adherence to the belief in Allahuthala. Because fear and reverence to the true god is the driving force in obeying his orders. Hence Allahuthala draws our attention towards the bond between the belief and legislation in several verses in his holy book.

He exhorts,

الَّذِينَ يَقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَهُمْ بِالْآخِرَةِ هُمْ يُوقِنُونَ ( سورة النمل : الآية ٣ )

*'Those who establish regular prayers, and give in regular charity and also have full assurance in the Day of Judgment.'*

In the above Ayah Allahuthala acclaims prayer, and charity and end it joining with the faith, or yekeen. Similarly many Quranic verses of good deed invariable ends with characteristics of firm belief.

شُمُولُ الفقه الإسلامي لكلِّ ما يحتاج إليه النَّاسُ

**Al-Fiqh includes all the possible junctures man would confront.**

Most certainly human nature is multilateral. Man should harness all the multifarious instances of his life and bright them to the path of religious teachings. That's is deen. Al-Fiqh provides him with the righteous guidance for him to negotiate those various, regular and unusual circumstances of life.

With such an expanded scope of guidance to be included, naturally Al-Fiqh stands formidable and extensive with 7 volumes.

#### **Volume – 1**

This volume deals with the laws pertaining to worship of Allahuthala. i.e. prayers, Fasting, Zakath, Hajj, etc. the volume is called (الْعِبَادَاتُ)

#### **Volume - 2**

This volume addresses the family and related subjects such as marriage, divorce sharing of estate and called (الْأَحْوَالُ الشَّخْصِيَّةُ)

#### **Volume - 3**

This volume out lines the legislations of human activities such as business transactions, loans, renting, buying, selling and judgments. This part is called (الْمُعَامَلَاتُ)

#### **Volume - 4**

This volume deals with civil issues including judiciary activities, upholding justice, curtailing crime and duties of citizens such as law abiding loyalty and patriotism etc. this part is called (السياسية الشرعية) or (الأحكام السلطانية)

### Volume - 5

This volume explains the Shariah penal laws for transgression such as homicide, theft and fornication. This is titled (الْعُقُوبَاتُ)

### Volume -. 6

Volume of (السِّيَرُ) explains the issue of diplomatic relationship with other nations and states.

### Volume - 7

This last volume is of human discipline and moral as well as abhorable manners and misbehavior and is called (الْأَدَابُ وَالْأَخْلَاقُ)

With such comprehensive and extensive coverage of aspects of life. Al-Fiqh is compiled to address every possible issue man might stumble upon. Yet the most notable feature of it is its inclination to make the religious acts as practicable as possible. Especially in cases of personnel inabilities, it offers workable options enticing us not to diverge from obeying Allah at any cost.

Allahuthala proclaims in his Book about the flexibility of Deen repeatedly.

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

*(He) imposed no difficulties on you in religion*

*Sura Haj- 78*

يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ

*God intends every facility for you. He does not want to put you into difficulties.*

*185 - Al-Bakarah*

لَا يُكَلِّفُ اللَّهُ نَفْسًا أَلًّا وَسَعَهَا

*On no soul doth God place a burden greater than it can bear.*

*286 - Al-Bakarah*

وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ الدِّينَ يُسْرٌ (رواه البخاري ٣٩)

*'Certainly this religion is easy' said the holy prophet of Allah'*

*Al-Bukhari*

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَلِّ قَائِمًا فَإِنْ لَمْ تَسْتَطِعْ فَقَاعِدًا فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبٍ (رواه البخاري ١٠٦٦)

*Offer your prayers standing erect. If you are unable, offer it in a sitting position. Even sitting is difficult you may lie down and fulfill your prayer.*

*Al Hadith*

مَصَادِرُ الْفِقْهِ الْإِسْلَامِيِّ  
**Source of Al Fiqhul Islami**

Directives of Fiqhul Islam are derived from 4 principal sources. They are

Al-Quran (الْقُرْآنُ)

As-Sunnah (السُّنَّةُ)

Al-Ijma (الْإِجْمَاعُ)

Al khias (الْقِيَاسُ)

**Al-Quran (الْقُرْآنُ الْكَرِيمُ)**

This is the inimitable oration of God almighty revealed upon his beloved servant for the redemption of the mankind from the pitch darkness of ignorance toward the brilliance of truth and salvation. Therefore it is the utmost and unquestionable noblest fountain of knowledge and guidance. Naturally our foremost text of reference, should a crisis occur. If our confusion is of business transactions the Holy Scripture explicitly ordains us the accurate guidelines.

وَاحِلَ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَاَ (سورة البقرة : الآية ٢٧٥ )

***'Allah hath permitted trade and forbidden usury'***

**285 - Al Bakrah**

However as a universal guidance to mankind and with a broad scope to serve one cannot reasonably expect the Quran to include every minute details in it. Theological interpretations are expansively explained as it is the base of belief but other legislations.

are theoretically outlined leaving the tradition of Rasoolullah to portray them practically and in detail. Even the Salat, the most important pillar of physical observances is ordained with brevity of words and economy in explaining. The Holy Quran does not even mention the entire five names of the Farl Salaths let alone the number of rakaaths impelled in them.

'As-sunnathul Nabaviyya' or the practice and tradition of our beloved Nabiyyul Kareem sallallahu-alaihiwasallam is indispensable in upholding the doctrines of Allah subllanahuwataala. He is the Holy book in flesh and blood.

**As-Sunnah (السُّنَّةُ الشَّرِيفَةُ)**

Assunnah term stands for the oral pronouncement, practical deeds and muted permission of Rasoolullahi (sallallahu Alaihiwasallam)

Verbal pronouncements

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ((سَبَابُ الْمُسْلِمِ فُسُوقٌ وَقِتَالُهُ كُفْرٌ)) (رواه البخاري: ٤٨ ومسلم: ٦٤)

***"Scolding a Muslim is a sin. Killing him instills 'Kufr' or rejection by the faith" Once said Holy Prophet (Sallallahu Alaihiwasallam)***

## Practical deeds

مارواه البخاري عن عائشة رضي الله عنها لما سُئِلَتْ مَا كَانَ يَصْنَعُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بَيْتِهِ ؟ قَالَتْ : كَانَ يَكُونُ فِي مَهْنَةِ أَهْلِهِ ، فَأَذَا حَضَرَتِ الصَّلَاةُ قَامَ إِلَيْهَا ،

**Once Ummul Moomineen Aysha Siddeekah (RA) was asked about the domestic behavior of our beloved Rasool (SaI). Mother of Moomins said he would help them in the household chores and leaves them as soon as the adhan is announced, for prayers.**

## Muted acceptance

مارواه ابوداود (١٢٦٧) ان النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى رَجُلًا يُصَلِّي بَعْدَ صَلَاةِ الصُّبْحِ رَكَعَتَيْنِ فَقَالَ ((صَلَاةُ الصُّبْحِ رَكَعَتَانِ)) فَقَالَ الرَّجُلُ : إِنِّي لَمْ أَكُنْ صَلَّيْتُ الرُّكَعَتَيْنِ الَّتِي قَبْلَهُمَا فَصَلَّيْتُهُمَا الْآنَ فَسَكَتَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

**Rasoolullah (SaI) once noticed a parson praying two Rakaths after Subah Farl prayers and said 'Subah is only two Rakaaths' (that there are no Sunnahs once the Farl is offered). Then the man said he could not pray the Sunnath prayer prior to the Farl prayers so he fulfilled it later. The prophet of Allah did not say anything. (This incident became the base to enact the provision that Sunnah prayer of Subah can be fulfilled even alter the Farl is offered It was obviously not encouraged but implied at least it is better prayed later than never. Therefore As-Sunnah is the next acceptable source for Shariah legislation After the holy Quran.**

As-Sunnah is the practical and living form of orders of Allahuthala.

Said the prophet of Allah

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ((صَلُّوا كَمَا رَأَيْتُمُونِي أُصَلِّي)) (رواه البخاري)

**'Do prayer as you see me praying'**

## Al-Ijma (الإجماع) (Scholarly Consensus)

(Al-Ijma) Scholarly consensus is the agreement of all the mujtahids (Those who are qualified to issue expert legal opinion) of the Muslims existing at one particular period after the prophet's death about a particular ruling regarding a matter or event. Acting upon such an Al-Ijma decree is compulsory over the Muslims. Following Al-Hadith authenticates the above nation.

روى احمد في مسنده (٣٩٦/٦) عن ابن بصره الغفاري رضي الله عنه : ان رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : ((سَأَلْتُ اللَّهَ عَزَّ وَجَلَّ أَنْ لَا يَجْمَعَ أُمَّتِي عَلَى ضَلَالَةٍ فَأَعْطَانِيهَا))

**'I pleaded to Allah not to unite my community in a misguidance, and it was accepted.'**

- **An instance of Al-Ijma.**

The legislation of grating one sixth of the inheritance to a living grand father if the father of the deceased is also dead, while the surviving heirs exist of the deceased, was reached by thus setting precedence for the option of Al-Ijma.

A solutions for a hitherto unheard of crisis can be reached by contemporary scholars as above and it is our third Source of Fiqhul Islam.

### Al Qiyas (القياس)

(Analogy through which Islamic law derived from a textual injunction for a given non-textual matter.)

Al-Qiyas, establishing a Shariah definition upon an existing factor in the Holy Quran, As-Sunnah or/and A I-Ijma. For example holy Quran prohibits wine (الْخَمْرُ) due to its intoxicating property, alcohol. Obviously it is the prohibitive factor for the abhorrence of Allahuthala. The same injunction was imposed by erudite Ulamas of respective periods on novel forms of intoxicants as alley were introduced (i.e. whisky, rum, gin, beer, heroine) that had different bases of the same prohibitive intoxicants in them.

The kind of prohibitions based on existing and established factors are called Al-Qiyas

### **Why adherence to ‘Al-Fiqhul Islami’ is necessary?**

Because Al Fiqh always looks upon the Holy Quran and Al-Hadith for guidance so do Al-Ijma and Al-Qiyas Therefore be warned that mocking or ignoring Al Fiqh directives could endanger the Iman and carries the risk of abjuration from Islam. Al-Fiqh is non negotiable and indispensable for the salvation of Muslims.

The Holy Quran vouches for the importance of Al-Fiqh.

((اتَّبِعُوا مَا أَنْزَلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِن دُونِهِ أَوْلِيَاءَ)) (سورة الاعراف : الآية ٣)

***"Follow the revelation given unto you from your Lord! And follow not as friends or protectors other than him"***

***Al Aaraf : 3***

((وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا)) (سورة الحشر: الآية ٧)

***“So take what apostle assigns to you. And deny yourselves that which he withholds from you.”***

***Al Hashr : 3***

A parallel Hadith proclaims

((تَرَكْتُ فِيكُمْ مَا إِنِ اخَذْتُمْ بِهِ لَنْ تَضِلُّوا بَعْدِي : كِتَابُ اللَّهِ وَسُنَّتِي)) (رواه مسلم : ١٢١٨)

***If you follow what I leave you behind you will never go astray. They are the religion of Allah (The Holy Quran) and my tradition.***

**Terms and explanations of the special words used in the lesson of Fiqh**

**Al-Farl (الْفَرَضُ)** (Obligatory acts)

Al Farl is the act Shariah urges as a compulsory act. Those who abide by it would be rewarded and those who deny would be punished. For example Allahuthala says.

((كُتِبَ عَلَيْكُمُ الصِّيَامُ)) (سورة البقرة : الآية ١٨٣)

*“Fasting is prescribed upon you”*

*Al-Bakara:183*

Thus fasting becomes a compulsory act.

**Al-Wajib (الْوَجِبُ)**

Al-Wajib and Al-Farl are equal in Shafi Mazhab except during Hajj duties. During Hajj observations Shafi mazhab decrees the acts that are not dependent in fulfilling the Hajj as Wajibs, And the decisive acts as Farls.

Garbing with Ihram at Meekath. stoning are examples for Wajib. Failing to perform either of this would not nullify the acceptance of Haj.

**Farl-Ayn (الْفَرَضُ الْعَيْنِيُّ)** (personally Obligatory)

This should be fulfilled by every individual. Fasting, Salath are examples for these kind of acts

**Farl kifaya (الْفَرَضُ الْكِفَايِيُّ)** (Communally Obligatory)

If few persons Fulfill a Farl Kifaya in their parish they will be rewarded and rest of the people in that area are relieved of its burden. However if nobody executes a Farl Kifaya requirement all the people in that jurisdiction will be held responsible and be punished. Burial of a corpse is an example for these kind of acts.

**Ar Rukn (الرُّكْنُ)** (Integrates of acts)

Ar Rukn is a mandatory part of an act while it is not the act itself. Sajda and Rukoo are examples for this kind.

**Ash-Sharh (الشَّرْطُ)** (Condition)

Fulfillment of a shariah is vital. But it precedes a compulsory observance. Ablution, facing the Kibla are few examples, These are important in the fulfillment of Salah yet they are outside the perimeters of Salah .

### **Al-Mandoob (الْمَنْدُوبُ)** (recommended Acts)

Mandoob is the term used for the acts that are encouraged to do but by no means insisted. Disobedience is not recorded for neglecting these deeds. These are also known as Sunnath (سُنَّةُ), Mustahab (مُسْتَحَبُّ), Thathavvu (تَطَوُّعٌ) and Nafil (نَفْلٌ). Luha and six fasting of Shavval belong to this category.

### **Al-Mubah (الْمُبَاحُ)** (Permissible Acts)

The deeds that are neither urged or prohibited. No reward is promised or not reproached for negligence. The Following Quranic verse can be quoted for this category.

((فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ)) (سورة الجمعة : الآية ١٠ )

***“And when the prayer is finished and may ye disperse through the land and seek of the bounty of God.”***

**10 - Al Jumma**

### **Al-Haram (الْحَرَامُ)** (prohibited acts or unlawful acts)

Haram is the compulsory prohibition of Shariah. Abstinence will be rewarded and defiance will be punished. Looting and unjust killing are example for Haram acts.

((وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ)) (سورة الاسراء : الآية ٣٣١ )

***And do not kill the soul (i.e. person) which Allah has forbidden, except by right.***

Haram is also called Azzanb, Ma`siyah and Mahloor.

(الْمَحْضُورُ), (الْمَعْصِيَةُ), (الدَّنْبُ)

### **Al Makrooh (الْمَكْرُوهُ)**

There are two grades in Makrooh

01. Makrooh Thahreem (الْمَكْرُوهُ التَّحْرِيمِيُّ)

02. Makrooh Thanzeehi (الْمَكْرُوهُ التَّنْزِيهِيُّ)

### **Makrooh Thareema (الْمَكْرُوهُ تَحْرِيمًا)**

Shariah insists that Makrooh Thahreemi be abstained. But does not denounce as with Haram act. There abstinence will be rewarded and those who engage will be mildly punished. Praying at sunset or sunrise is an example for these kind of arts.

### Makrooh Thanzeeha (المَكْرُوهُ تَنْزِيهًا)

Shariah request to retrain from Thanzeehi Makrooh acts but does not orders. Abstinence will be rewarded but indifference will not be punished. Fasting of a Haji during Arafa is an example for these kind of acts.

### Al Adaa (الأداء) (Current performance)

This is fulfilling an observance within the specified time frame by the Shariah. Fasting the Farl fast during Ramadan is an example.

### Al Qala (القضاء) (Mandatory make up performance)

Offering an observance after the specified time has lapsed is Kala. Fasting the farl fast in a month other than Ramadan is an example.

Offering our observance even after the time is lapsed is Wajib regardless of the reason for the adjournment weather it is indifference or due to an unavoidable reason. However difference will be punishable while a valid reason is accepted and forgiven.

### Al Iyadah (الإعادة) (Make up performance)

This is offering a deed for the second time hoping to obtain its comprehensive merits. As a person that prayed Lular alone later joins a congregation of Lunar payers to get the virtues of Jamath payers. It is Sunnah in his part to do so and will be rewarded.

### أَحْكَامُ الطَّهَارَةِ

### Laws of Purification

From the Shariah point of view "Purification" means enabling to perform Salah or worship equal to Salah in nobility. Taking ablution is one form of purifying. Also it stands for bathing of a person when bathing has become compulsory. Purifying also means purifying ones garments, body and places from filth.

### IMPORTANCE OF PURIFICATION

Islam decrees purification seriously. Following practices ascertain it.

1. Requirement to take ablution several times a day for various observances including the five times Salah.
2. Urging to bath at every required moment.
3. Promise of rewards of Sunnah for manicuring finger nails, brushing the teeth glooming and removing hair in specified places, repeated brief miswak prior to payers and recitals etc.

Allah Subuhanahuwathala proclaims in his Holy Book

إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ (سورة البقرة : الآية ٢٢٢ )

*Allah loves those who are constantly repentant and loves those who purify themselves.*

Our beloved Nabiul Akram Sallallahualaihiwasallam confirms,

وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الطُّهُورُ شَطْرُ الْإِيمَانِ (رواه مسلم)

*Cleanliness is half of Iman*

## WHY DOES ISLAM INSIST PURIFICATION TO THIS EXTENT?

Because man is inclined to relish purity in his nature of creation. Likewise man becomes disgusted to feel, see and sense anything filthy, grotesque smelly it is instinctive. Islam is a religion that natures basic human feelings while guiding him to the salvation through

The righteous path. Thus the strict adherence to purity. It does not order the impossible. Neither prohibits the vital. Obviously the cleanliness is necessary for the acceptance and respect of a person. The other virtue of cleanliness is hygiene that impurity lures various diseases is an established scientific fact. And naturally man is expected to be pure the most when he is standing in the presence of his lord and creator.

الْمِيَاهُ الَّتِي يَتَطَهَّرُ بِهَا

## THE WATER THAT CAN PURIFY

Rain water, sea water, well water, river water, fountain water, and molten water all are considered water of the first grade that can purify other matters. Briefly purest water can be mentioned in two terms. Water received from the sky and depth of earth.

Allah Subahanavathala says,

وَيُنزِلُ عَلَيْكُمْ مِّنَ السَّمَاءِ مَاءً لِّيُطَهَّرَكُم بِهِ (سورة الأنفال : الآية ١١)

*And he sent down upon you from the sky, rain by which to purify you.*

أَقْسَامُ الْمِيَاهِ

## Types of water

1. طَاهِرٌ مُّطَهَّرٌ
2. طَاهِرٌ مُّطَهَّرٌ مَكْرُوهٌ
3. طَاهِرٌ غَيْرٌ مُّطَهَّرٌ
4. مُتَنَجِّسٌ

### 1. الطَّاهِرُ الْمُطَهَّرُ (Purifying water)

This is the water that remains in its original form. It does not lose its pristine purity because it stagnated and lost its initial texture. Nor it becomes unclean as to the visible changes apparent with the earth it is accumulated upon, or due to the accumulation of moss. Also this kind of water does not become unclean upon the nature of the slopes it drains on. Also water cannot be deviated from above mentioned environments altogether.

Following incident grants Shariah confirmation for the purity of this category of water.

مَارَوَاهُ الْبُخَارِيُّ وَغَيْرُهُ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ قَامَ أَعْرَابِيٌّ فِي الْمَسْجِدِ فَقَامَ إِلَيْهِ النَّاسُ لِيَقْعُوا بِهِ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ دُعُوهُ وَهَرِيقُوا عَلَيَّ بَوْلَهُ سَجَلًا مِّنْ مَّاءٍ أَوْ ذُنُوبًا مِّنْ مَّاءٍ فَانَّمَا بَعْثْتُمْ مَيْسِرِينَ وَلَمْ تَبْعَثُوا مُعْسِرِينَ

*Once a brutal Arab urinated in the Masjid. People foreclosed him with intent of punishing him. RasoolulAkram Sallallahualaihiwasallam forbade their outburst and ordered to pour a bucket of water over the urinates spot. Thus the above Shariah decree was enacted.*

### 2. الطَّاهِرُ الْمُطَهَّرُ الْمَكْرُوهُ (Purifying offensive water)

This is known as the water that is heated by sunlight. There are some characters to be taken in to consideration before proclaiming this category of water as Makrooh (or offensive)

1. It being in a tropical and humid area.
2. The container of water is been made of metals that can be melted for making objects i.e. iron, copper' (Gold and silver is excluded)
3. And if this water is used to wash a person (or a corpse) or a horse that can cause skin disease

Imam shafi rahmatullahialayhi reports. "Hazrath Umar raliyallahu anhu denounced bathing in such water. He further said" I hate to bath in the water that is heated by sunlight purely due to hygienic reasons. It induces skin disease.

### 3. الطَّاهِرُ غَيْرُ الْمُطَهَّرُ (Pure water)

This can be categorized in to two

**One:** - used water (الماء المستعمل)

The water that has already been used to lift a state of major or minor ritual impurity by ablution or bathing. Following narration asserts of that this kind of water is pure.

مَارَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَعُودُنِي وَأَنَا مَرِيضٌ لَا أَعْقِلُ فَتَوَضَّأَ وَصَبَّ مِنْ وُضُوئِهِ عَلَيَّ

*Jabir raliyallahu anhu informs "our beloved Nabi sallallahu alayhi wa sallam had visited me while I was sick and unconscious. The prophet had, poured water over me that he used for ablutions"*

However this kind of water doesn't purifies anyone else. This was established upon the following narration by Aboohuraira raliyallahu anhu

مَارَوَاهُ مُسْلِمٌ وَغَيْرُهُ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَغْتَسِلُ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ أَنْ الرِّكَدُ وَهُوَ جُنْبٌ فَقَالُوا يَا أَبَا هُرَيْرَةَ كَيْفَ يَفْعَلُ قَالَ يَتَنَاوَلُهُ تَنَاوُلًا

*Says he, ' Rasool sallallahualaihi wa salaam once said "Do not bath in the stagnant water' People inquired from Aboohuraira then how did he bath? He explained that the prophet of Allah scooped water by a vessel and bathed (without submerging)*

Laws of ablution pertaining to this kind of water is same as above. The purity of this water is nullified by submerging in to this water it was later established by another proclamation of prophet sallallahualaihi wa salaam that the water in discussion was less than 210.4 litres (Qullathayn) quantity.

**Second:-** changed water (الماء المتغير)

water that has changed so much that it is no longer termed "water" through admixture with something pure like flour, tea, soap, or saffron which could have been avoided

#### 4. الماء المتنجس (Unclean Water)

This term is used for the water of any quantity that is impurities by mixing a filth this is divided in to 2 categories.

**First (الماء القليل) lesser water** (less than 210.4 liters)

This means lesser than Qullatayn level. This becomes unquestionably impure upon mixing of filth of even a minute amount. It is still impure even the color, smell or taste remains unchanged after mixing of the filth.

**Second (الماء الكثير) Greater quantity of water.**

This is Qullatayn or greater in volume this doesn't become impure with the dilution of a filth unless a visible change in color or sensible change of smell or taste has occurred. Imam Navai rahmatullahi alayh in his book Majmoo record, any volume of water becomes impure if a change in color, taste or smell is felt this is an unanimous decision of the Ulama.

(الْقُلَّتَانِ)

### Al-Qullatayn (lit. “two great jars”)

Qullatayn is recorded as 500 Baghdad pounds. In modern terms it is equivalent to is 210 kg or approximately 463 lbs. in liters it is 210.4 and in gallons it is 46.2. It is also the capacity of a barrel its cubic capacity is approx 30 inches in depth, length and breadth.

Qullatayn is decreed upon the following narration.

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ يُسْتَلُّ عَنِ الْمَاءِ يَكُونُ بِالْفَلَاةِ مِنَ الْأَرْضِ وَمَا بِنَوَيْهِ مِنَ السَّبَّاحِ وَالِدَوَابِّ فَقَالَ إِذَا كَانَ الْمَاءُ قَلَّتَيْنِ لَمْ يَحْمِلِ الْخَبْثَ

*We enquired the beloved Rasoolullah (Sallallahualaihiwasallam) upon the water accumulated in an open place accessible to animals and cattle. The prophet of Allah (Subahana va thala) said it remains pure if it is in the volume of 'Qullatayn' if it is lesser it is not pure, even it is visibly unchanged.*

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا اسْتَيْقَظَ أَحَدُكُمْ مِنْ نَوْمِهِ فَلَا يَغْمَسُ يَدَهُ فِي الْمَاءِ حَتَّى يَغْسِلَهَا ثَلَاثًا فَإِنَّهُ لَا يَدْرِي أَيْنَ بَاتَتْ يَدُهُ (رواه مسلم)

*Further the Rasoolullah (Sallallahualaihiwasallam) said don't insert your hands into a vessel (of water) without washing the hands when you get up from sleeping Because one does not know where your hand been during your sleep.*

Prophet of Allah prohibited inserting the hands in to a vessel without washing the hands when one gets from sleeping Because impurities not visible to the naked eye may be in those hands. The water who submerges his hands could be unpurified yet not visible.

### **Summary**

- Out of 4 categories of water described above only 2 is capable of cleaning other matters. They are the first and second types of water. Yet it is Makrooh to use the second type on the body.
- The third type of water does not cleanse or purify other matters. But it, Itself is pure and can be utilized for culinary needs and for drinking.
- The fourth type cannot be used for any requirement.

### Containers and utensils (الْأَوَانِي)

Al-Avane means containers or vessel used to contain liquid edibles.

1. Decree of using Gold and Silver vessels

It is prohibited to utilize Gold and Silver vessels except on unavoidable crisis situation.

عَنْ حَدِيثِ رَضِيَ اللهُ عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ لَا تَلْبَسُوا الْحَرِيرَ وَلَا الدَّبِجَ وَلَا تَشْرَبُوا فِي آنيةِ الذَّهَبِ وَالْفِضَّةِ وَلَا تَأْكُلُوا فِي صِحَافِهَا فَإِنَّهَا لَهُمْ فِي الدُّنْيَا وَلَنَا فِي الْآخِرَةِ

**Meaning: Our beloved Prophet (Sallallahu alaihi wasallam) said, Do not wear silk garments. Don't drink from gold or silver vessels. Do not eat from them as well. They belong to the Kafirs in this world and to us in the world hereafter.**

This prohibition is relevant to all other usages regardless of the sex of the user. And it is unlawful to acquire such a container or utensil even if one does not use it. Even a small eye liner stick of silver is unlawful.

## 2. Law pertaining to the use of vessels soldered with gold or silver.

“Solder” means that a part of the vessel has been broken and then silver or gold is put there to hold it together.

Generally vessels soldered with gold or silver for decoration are absolutely unlawful. However if the gold or silver is used genuinely for soldering leak and if it is minute in quantity it is permissible. If a larger quantity is utilized solely for decorative purpose, it becomes ‘Haram’ to use such containers.

Meanwhile it becomes Makrooh (offensive) if gold or silver is used for soldering in big quantity or if a smaller quantity is used for decoration.

Following incident enacts the permissibility of using vessels soldering with a larger quantity of aforesaid precious metals.

عَنْ عَاصِمِ الْأَحْوَلِ رَضِيَ اللهُ عَنْهُ قَالَ رَأَيْتُ قَدْحَ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عِنْدَ أَنَسِ بْنِ مَالِكٍ وَكَانَ قَدْ أَنْصَدَعَ فَسَلَّسَلَهُ بِفِضَّةٍ وَقَالَ أَنَسٌ رَضِيَ اللهُ عَنْهُ لَقَدْ سَقَيْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فِي هَذَا الْقَدْحِ أَكْثَرَ مِنْ كَذَا وَكَذَا ( رواه البخاري )

**Asimul Ahwal raliyallahu anhu explains ‘once I saw a vessel belonging to the prophet Sallallahu alaihi wasallam with Anas bin Malik raliyallahuanhu. It was soldered with silver.’**

**Anas Bin Malik raliyallahu anhu explained that the (aforesaid) vessel was used by him to bath the prophet of Allah in several occasions.**

## 3. Law relevant to the vessels made of precious minerals.

Vessels made of precious minerals such as pearl is permissible. Because there are no authentic statements that denounce the use of those minerals

## 4. Using the vessel belonging to non Muslim is permissible after washing them.

The following Hadith declares to this effect.

إِنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ فَاغْسِلُوهَا وَكُلُّوا فِيهَا (رواه البخاري)

*Nabiyul Akram (Sallallahualaihiwasallam) once said, ‘use them after washing for consuming food’*

The purpose of advising to wash obviously that those vessels could have been utilized to consume prohibited things such as liquor or pork. And since non Muslims are not as concerned about purity as Muslims are. The law pertaining to the use of garments of non Muslims is same of the vessels.

(أَنْوَاعُ الطَّهَّارَةِ)

### Lesson of cleanliness

Cleanliness can be categorized in to two.

01. Purifying from filthy objects (الطَّهَّارَةُ مِنَ النَّجَاسَاتِ)

02. Purifying from “Hadas” (Ritual Impurity) (الطَّهَّارَةُ مِنَ الْحَدَثِ)

01. Purifying from filthy objects

Najees an Arabic word freely used for every sort of filth. But Shariah definition of ‘Najees’ is the “filth that would invalidate the fulfillment of Salah.” Blood or urine are few examples.

(الْأَعْيَانُ النَّجِسَةُ)

### Objects that are unclean in it selves.

There are several such filth but 7 such main filth are defined as follows.

01. Wine and any other intoxicant are defined ‘Najees’ or filthy.

Allah thala exhorts.

إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ (سورة المائدة : الآية ٩٠ )

*Intoxicants gambling (dedication of) stones and (Divination by) arrows are an abomination.*

(90 Al Ma-idah)

Prophet of Allah once said

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كُلُّ مُسْكِرٍ خَمْرٌ وَكُلُّ خَمْرٍ حَرَامٌ (رواه مسلم )

*“All the intoxicants are ‘Khamr’. All the ‘Khamr’ are Haram Prohibited”*

2. Dog and pigs or their offspring.

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَهِّرُوا إِنَاءَ أَحَدِكُمْ إِذَا وَضَعَ فِيهِ الْكَلْبُ أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ أَوْ لَاهَنَّ بِالتُّرَابِ (رواه مسلم)

***“If dog touches you vessels with its snout, cleaning it means washing seven times.***

Firstly it should be washed away with sand (Besides the dog and pig all living animals are “Tauhir” pure)

03. Un-slaughtered dead animals other than aquatic life, locust or humans.

According to the Shariah definitions it includes animals naturally died.

Allah Says,

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ (سورة المائدة : الآية ٤ )

***“Dead are forbidden for you (For consumption)”***

***(4-Ma-idah)***

Obviously naturally dead are prohibited because they are impure and filthy. Also the cattle that were properly slaughtered but for the sake of Allah is prohibited too, and are considered filthy.

Allah says,

وَمَا أَهْلٌ لِّغَيْرِ اللَّهِ بِهِ (سورة المائدة )

***“That were slaughtered for other than Allah” (are prohibited)***

How ever three dead things are considered not filth.

Firstly Human even after death is not deemed as filthy. Because Allah hails the erection of man as follows.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ (سورة الإسراء : الآية ٧٠ )

***“We have honored the son’s of Adam”***

***(70 – Bane Israyeel)***

Naturally a creation s highly commanded in the holy scriptures is pure and noble in any state. Also the Nabiyul Akram (Sallallahualaihiwasallam) says,

سبحان الله ان المسلم لا يتنجس

***‘Allah is pure and Muslims (Who obey Allah) would never become filthy.’***

Second and third are aquatic life and locust

أُحِلَّتْ لَكُمْ ...

**Two dead things and two (Kind of) bloods are permitted Halal for you. They are the fish and locust and (organ meats of) Liver and lungs.**

4. Following blood

Pus is also included

Allah says

أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خَنْزِيرٍ فَإِنَّهُ رَجْسٌ (سورة الانعام: الآية ١٤٣)

**“Or blood poured forth or flesh of the swine (is an abomination)”**

(143 – An aam)

Liver and lungs of cattle were exemplified from filth on the basis of mentioned Hadis.

05. Urine and excrement of human and all other animals.

ان اعرابيا بال في المسجد فقال رسول الله صلى الله عليه وسلم صبو عليه ذنوبيا من ماء

**Once a normal Arab urinated in the mosque. Beloved sallallahu alaihiwassallm ordered to pour a bucket of water over it.**

06. ‘A part amputated from an animal is filthy’ said the prophet of Allah. Except in the case of human, locust and aquatic life.

ما قطع من بهيمة فهو ميتة (رواه الحاكم)

**Any part of limb amputated from a living animal is considered dead.**

But the wool or hair removed from animals that maybe eaten is clean and usable.

Allah says in the holy book

وَمِنْ أَصْوَابِهَا وَأَوْبَارِهَا وَأَشْعَارِهَا أَثَاثًا وَمَتَاعًا إِلَىٰ حِينٍ (سورة النحل)

**And out of their wool and out of their fur and hair, rich stuff and articles of convenience (to serve you) for a time.**

80 An-nahl

07. The milk of an animal that may not be eaten (Other than human) is filthy too (like milk of donkeys)

**Najasa ‘Ayniyya and najassa hukmiyya (النجاسة العينية والنجاسة الحكمية)**

I. Najassa Hukmiyya

The kind of filth that are “without substance” (without discernible characteristic) Such as a

drop of dry urine on a garment that can not be seen. It is sufficient that water flow over it to purify it.

## II. Najasa ‘Ayniyya

The kind of filth that has a substance (with discernible characteristic) it is obligatory to remove all taste of it, even if difficult, and to remove both color and adour if not difficult. if the adour alone is difficult to remove, or the color alone, then the fact than one of these two remains does not affects a spots purity, though the adour and color of the filth remains in the spot, it is not considered pure.

### Three Kind of filths

#### I. Extremely impure (المُعَلَّظَة)

This is the pigs and dogs. These kind of filthe must be washed away with 7 times over and over. Sand should be mixes with the water one of the times. (Recommended not to the last) This should be done regard less of it’s visibility. The effected should be cleaned this way even if it is stained on garments, body or place. (this law is established upon the Hadees in page 21)

#### II. Lightly Impure (المُخَفَّفَة)

This is the urine of baby boy that is under 2 years and only fed on human milk. Sprinkling enough water on the spot to wet most of it would be sufficient. This goes with garment, body or places regardless of its visibility.

عن ام قيس بنت محصن رضی الله عنها أنها اتت بابن لها صغير لم يأكل الطعام إلى رسول الله صلى الله عليه وسلم فبال على ثوبه فدعا بماء فنضحه ولم يغسله (رواه البخاري ٢٠٢١ )

#### III. Relative impure (المتوسطة)

These are filth other than above explained two kinds. Like urines of grown ups and of infants older than two years. Water should be poured on the garment, body or place to be rid of this filth. Also the color and the odour should be removed. Regard of its visibility. However if the stain is difficult to be removed altogether it may remain. Like the pale stain of blood.

عن انس قال : كان النبي صلى الله عليه وسلم إذا تبرز لحاجته اتيته بماء فيغسل به (رواه البخاري ٢١٤ )

***Hazrath Anas (Raliyallahu anhu) says that when the prophet of Allah goes for call of nature I used to give him water. He cleaned with it.***

***Buhari (214)***

عن علي قال : كنت رجلاً مذاءً فستحييت ان أسأل رسول الله صلى الله عليه وسلم فأمرت المقداد بن الأسود فسأله فقال فيه الوضوء  
ومسلم : يغسل ذكره ويتوضأ (رواه البخاري : ١٧٤ : ٣٠٣)

***Hazrath Ali (raliyallahu anhu) says I had a tendency of emitting ‘Madhy’<sup>(1)</sup>. But I was reluctant to ask about this from the prophet. Then I used Miqdad bin aswad (raliyallahu anhu) to ask the prophet about this. The prophet had said to take ablution. In another narration it is said to be that the prophet told to wash to genitals and take ablution.***

عن عبد الله بن مسعود قال : أن النبي صلى الله عليه وسلم الغائط فأمرني أن آتية بثلاثة أحجار فوجدت حجرتين والتمست الثالث فلم أجده  
فأخذت روثة فأتيته بها فأخذ الحجرتين وألقى الروثة وقال هذا ركس (رواه البخاري : ١٥٥)

Abdullah bin Mashood (raliyallahu anhu) says once when the prophet of Allah went for toilet needs e told me to bring 3 stones. I could find only 2 stones so gave a dried animal dung for the tired stone. But the prophet took only 2 stones and threw the dung saying it is Najees.

Above traditions, confirm those objects as Najees.

---

(1)

Madhy – is the sticky white fluid which is from the private organ at the time of sexual urge or when a person is unable to have sexual intercourse and his urge subsides,

Wady – is the whit fluid, which is released from the body after urinating. When carrying weighty things or when crouching with strain. (Madhy and Wady are considered as filth)

### **Tanning the skins of dead animals other than dogs and pigs.**

Tanning means removing a hide all excess blood, fat, hair and so forth by using an acrid substance, even if impure. Other measures such as salt, earth, or sunlight are insufficient.

Properly tanned skin would not emit any odour even it is damp.

قال رسول الله صلى الله عليه وسلم اذا دىغ الا هاب فقد طهر (رواه مسلم ٣٤٤)

### ***The prophet of Allah said skin becomes pure once it is tanned.***

Washing the tanned skin initially is Wajib (compulsory). Because the rotten flesh that was on it prior to the tanning and the chemicals used be filthy and has to be washed away.

### **The impurities which are overlooked. (المغفوات)**

Islam is a religion of purity. That is why it extensively explains about categories of filth and describes methods of washing it away. And it also insists on purifying one self as a condition to validate prayer. All filth should be removed as explained earlier whether be it is on garments, body or place of prayer.

In the meantime, Islam is attentive on making practical and easy. That is why overlooks certain mild filth. Such Najees are explained here.

- I. Urine splashed on garments, body or places unaware to us is forgiven, regardless of its tree kinds.
- II. Minute quantity of blood or pus, filths of insects such as mosquitoes and flies. But these kind of filth should not be voluntarily applied.
- III. Bleeding or oozing of pus on a wound it is forgiven even if it is more in quantity provided oozes from a wound on the same person and it should remain on and around the wound.
- IV. Minute quantity of dung mixed in the milk while milking is forgiven provided it does not change the color of the milk Also tiny parts of dung mixed with the grains while planting.
- V. The excretion of fish in a pond provided the Color of water remains unchanged. Also the droppings of birds even in a larger quantity is forgiven if it has becomes impossible to be rid of such bird hockings.

(Eg : In places such as Haram and Masjudul Nabavi and places where birds flock in great numbers)

- VI. Blood on Halal meat
- VII. Mouth of an infant that has vomited even if he places the mouth on the mothers breast is overlooked
- VIII. Dust on the road
- IX. Insect that have no flowing blood in them such as mosquito's flies and ants Even if they fall into a drink it is over looked. But they should not be purposefully put into the drink. Also the fallen insects should not make any change in the drink.

رواه البخاري وغيره عن أبي هريرة : أن رسول الله صلى الله عليه وسلم قال : إذا وقع الذباب في إناء أحدكم فليغمسه كلمة  
ثم يطرحه في أجد جناحيه شفاء وفي الأخرءاء

***The prophet of Allah said if a fly falls into your drink submerge it fully, throw it away, and drink it. Because there is disease in one of its wings and remedy in the other. If the insect is Najis the prophet would not have advice as above.***

- X. Minute amount of blood of slaughtered cattle that is strewn on the cloths or body of the butcher (is forgiven)