



## Class 3: Fiqh of Purification

The Hadith:

5. Narrated Abu Huraira, Allah's Messenger said: **“None of you should take a bath in still water when he is sexually impure (Junub).”**

Reported by Muslim

And in Bukhari's version: **“None of you should urinate in stagnant water that is not flowing, then take a bath in it.”**

The explanation:

These narrations, my brothers and sisters, refer to two types of actions: One is urinating in still water, and the other is bathing from major impurity (Janaba) in still water.

The Prophetic prohibition of bathing from Janaba in still water is not because the water itself is not purifying, according to most scholars. Some said the water would no longer purify since it has become affected by the impurity of Janaba, and this is the Hanafi position. They say that water that has been used to remove a person from the state of minor or major impurity has become najass and cannot be used, as is mentioned in Fath al-Qadeer.

They argue that the state of impurity is removed from the person and has been transferred to the water. So if you performed wudu, and caught the water after

using it to perform wudu in the same container, that water would be considered impure according to the Hanafiyya.

Why? Because the impurity has passed from the limbs into the water.

But the majority of scholars (Jumhoor) say, No, the state of impurity is spiritual and not related to the physical impurity of water.

So some of the scholars said, the Prophetic prohibition of using still water is because it has become impure due to repeated use of the water to remove the minor and major state of impurity, and that impurities have fallen into the water to make it impure.

And others said no, the habit of people when they go down to water to take a bath is that they may not be able to control their urine and it would affect the water, especially if many people use the same water, and the water will become najass. This is similar to what happens to swimming pools over time.

But one might argue, if it is a large quantity of water, how will it become impure by simply washing in it? Through the passage of time.

And others said, no, it is not for any of the above reasons. The Prophetic prohibition is one of dislike and discouragement, since one naturally dislikes using water that has been polluted by impurity, even if it is still technically clean. According to this opinion, the prohibition is one of dislike, and not absolute prohibition.

Likewise, if we consider the second the hadith that prohibits urinating in still water and washing with it, this prohibition also refers to dislike, and not hurmah. The reason for this dislike is that if a person avoids this, the water would remain pure for a longer period of time, and not become polluted through the passage of time.

And there are those who say this prohibition is for hygienic and health reasons. Since water that is still, and not flowing, gathers fungus and bacteria that can affect a person washing in it, and cause infections.

We find that Cholera and other diseases are transmitted primarily through standing water.

What is important is that this Hadith adds an additional prohibition to the previous ahadith, which prohibited using water if one of its qualities changes. In this text, we find a more general prohibition if the water does not flow and it is standing.

In this case, it is prohibited to use it to wash from Janaba, even if it is a large amount, although the Jumhoor hold this to be Makrooh only and not Haram. This is to prevent the pollution of water through the passage of time.

The Dhahiriyya took the hadith literally and said that one cannot use water once it has been polluted by urine. The words of the Prophet “Do not urinate in water than wash with it,” is a type of disapproval of joining two acts that do not befit one another, just as the Prophet said, “How can one hit his wife then sleep with her.” These two acts do not befit one another.”

This brings us to the end of the types of water, and how the Ulema divided water between what is purifying by agreement, which is a large amount of water whose qualities have not changed. And what is impure by agreement, which is any water whose qualities have been changed by an impurity. And finally, what is differed about, which is a small amount of water that has been touched by najassah, but none of its qualities have changed.

As we mentioned, Malik only looks at the qualities of the water, and he does not look at the quantity, whether it is small or large.

The other Three Imams look at the qualities, as well as the quantity. If it was a small amount, it becomes Najass even if none of the qualities change. And if it is a large amount, it always remains pure as long as none of its qualities change.

This is the summary, and with Allah is success.

Hadith 6:

A man who accompanied the Prophet narrated: **Allah’s Messenger forbade a woman to bathe with the water left over (Fadl) by a man, and that a man should not bathe with the water left over by a woman, but instead they should both take scoopfuls of water together.**

Reported by Abu Dawud and an Nasa’i, and its chain is authentic.

Hadith 7: Narrated Ibn Abbas: “The Prophet used to bath with the water left over by Maimoona.” Narrated by Muslim, and in Tirmidhi’s narration, one of the wives of the Prophet took a bath from a vessel, then came to the Prophet and when he wanted to take a bath from it, she said, “I was Junub.” He said, “Water does not become Junub.”

The Explanation:

The Author mentions this hadith regarding a small amount of water, that was narrated by an unknown person who accompanied the Prophet. Some narrations mention his name as Yuhannas, but the scholars state that not knowing the specific name of a Sahabi does not harm the authenticity of the hadith.

This is because whatever the name of the person, he is a Sahabi, and the Sahabah are not the subject of investigation when it comes to the narration of hadith. This is because all of them were upright.

If a Sahabi’s personality is not known, his companionship of the Prophet is known, and this suffices and the hadith is acceptable.

The Prophet forbade a woman to bathe with the water left over by a man, and a man from bathing from the water left over by a woman, but they are allowed to

bath from a single pot. This prohibition indicates an absolute prohibition unless there is another evidence that lowers it from absolute prohibition to dislike.

‘Fadl’ or left over water, according to Ibn Hazm, is that water that is left over after washing if it is less than half of the original amount of water, and this is what is prohibited.

However, if the amount of water left over is more than half, or exactly half, then it is not called “Fadl.”

So for example, if a bucket contained 10 liters of water, and a man washed and left 5 liters, the 5 liters or not called “Fadl” or the left over water of the 10. But if he used 7 liters, and the remaining were 3, this is called left over water.

This is well known amongst people, if someone eats some food and drink, what remains is not called left-over unless less than half of it remains. Rather, if more than half is left, it remains as it was originally called.

So the common culture supports what Ibn Hazm has said.

The Prophet forbade a man from washing with the left-over water of a woman, and some scholars mentioned that this is for Tahrim (prohibition), but the Jumhoor state it is for Tanzeeh (dislike). Ibn Hazm and Dawud adh-Dhahiri said that it was a prohibition, but the majority consider the next hadith, which indicates that the Prophet washed with the left-over water of Maimuna, and he told her, “water does not become Junub,” and he washed with the remaining water.

This is corresponding evidence that makes the prohibition lesser, for dislike.

The reason for this prohibition, according to Ibn Umar, is specific for water left over by a menstruating woman, since she may accidentally cause impurity to go into the left over water, and ruin it.

But this is argument can be responded to in a number of ways. First, a woman generally takes a bath from her menses after she stops bleeding, after she sees the signs of the end of menses, which is the whiteness.

The women would come to Aisha and ask her if they should make ghusl from menses, and she told them, “Do not be hasty, not until you see the white, which the signs of the end of menses.” And then she should bathe.

Thus there is nothing to fear from polluting the water.

Ibn Umar stated that they could wash together, since the man could remind the woman if he saw anything that might make the water impure. He would be there to teach her since he could have learned more because of his mixing with the people.

But the Jumhoor state that this prohibition is for dislike. Hafidh Ibn Hajr mentions this hadith to show that a small amount of water can be considered najass if any impurity falls into it.

This hadith is used as proof by those who say that a small amount of water becomes impure if even a small impurity touches it, and does not change.

The other state that this is not a prohibition but dislike, since the next hadith shows that it is allowed to use the left over water.

In this hadith, the Prophet says that they should scoop the water together, at the same time, and one should not precede the other.

Imam Nawawi states: This means they should wash at the same time, but if one scoops before the other, they will end up washing with the left over water of the other. This is proof that the nahee is for dislike. It is impossible for them to scoop at exactly the same moment.

A similar example to this regarding a person praying alone behind the line, and this is makrooh according to most schools, except the Hanabila. Imam Nawawi states:

If the prayer is about to start, and there are three people in the prayer line. Is it obligatory for them to each say the Takbeer of Ihram at the same exact moment, or will there be some difference in the moment they say it? One will say takbeer, one will straighten his standing, another will look. So they cannot do it at the same time.

This means, one of them will precede the others in his Takbeer, and at that moment, he will be praying alone in the line, but his prayer is not invalidated.

He derived from this that the prohibition of the Prophet from praying alone behind the line is for dislike, and leaving the Jama'ah, and deliberately praying alone.

Likewise, in this case.

Another evidence that this prohibition is for dislike is the hadith of Aisha who said "I and the Prophet bathed together, and we competed for the water in the bucket, and he said, "Leave some for me!" And I said, "Leave some for me!"

i.e. they did not scoop from the water at the exact same time.

In summary, the Prophet did not intend an emphatic prohibition of using the left over water in a container, rather it was one of dislike, because of possible contamination of the water, and not because the water has become physically impure. This is the position of the Three Imams, other than Abu Hanifa, may Allah have mercy on them all.

Another question, beloved brothers, can we apply this ruling today to the water tanks that we have in our houses? Say that one's wife used the shower, is taking a shower afterwards considered using her Fadl or left-over water?

No, since Ibn Hazm stated that Fadl refers to leaving behind less than half, and water tanks have more than half the water remaining in them, it does not come under this ruling. And Allah knows best.

Walhamdulillah rabil 'alameen.

End of Class Three