



Class 4: Fiqh of Purification

The Hadith:

5. Narrated Abu Huraira, Allah's Messenger said: **“The cleansing of the utensil belonging to one of you, after it has been licked by a dog, is to wash it seven times, using soil for cleaning the first time.”** And in a narration, “ he should spill out [its contents].”

Reported by Muslim

The Explanation:

Let me begin by congratulating you for learning the Fiqh of your religion. The Messenger of Allah stated as was narrated by Bukhari: “If Allah desires good for a person, He grants him Fiqh of the religion.”

When we learn Fiqh of the Deen, we have to strive to remove our opinions and ideas and replace them with the knowledge of the religion, and we have to train our nufos to follow the commandments of Allah and His Messenger. We also have to learn to remove the revulsion and arrogance caused by our nafs towards the knowledge taught by the scholars. In this way we can gain truly beneficial knowledge.

This hadith is one of the primary ahadith that the scholars held differences over, but inshallah we will explain it word by word, seeking Allah's Help in explaining its meanings, and His Guidance towards finding what is most correct.

First, Abu Huraira states that the Messenger of Allah said: "The cleansing (Tuhoor) of the utensil belonging to one of you..."

This word, Tuhoor, can mean one of two things: the first, is to remove oneself from a state of minor or major ritual impurity, and the second is to remove the traces of physical impurity (najassah).

Since the reference here is to a container, which is an object that is not responsible, the purification meant here is the removal of the traces of impurity.

This is how the scholars divide the definition of words in order to arrive at their intended meaning.

And this is the opinion held by the three Imams: Abu Hanifa, Shafii, and Ahmed, that the saliva and licking of a dog is najass, an impurity.

And the order for washing or cleansing it is remove the impurity, and seven times, once with dirt, emphasizes this impurity.

However, Imam Malik disagreed with this definition. He said there is a third meaning for the word 'Tuhoor,' which is to remove dirt, not only impurities.

Since the Prophet said, "The Siwak is a purification for the mouth." He did not mean from physical impurities, nor from the state of ritual impurity.

And Allah says, "Wa thiyaabak fa tahhir." And there were not impurities on the Prophet's thobe, rather what was meant was cleanse it, or to purify himself from any minor sins, etc, as a type of metaphor.

Imam Malik said that what is intended is not purification from impurity, since it would have been sufficient to mention washing one time, like any other impurity.

Abu Hanifa agrees with this, when speaking about the number of washings, and he says that it does not have to be seven.

To summarize, the majority of scholars state that if a dog licks a container, it must be washed seven times, once with dirt, to remove the najassah.

Imam Malik says no, the command to wash is to remove dirt, and it is simply an act of worship and for health reasons. He states that the bowl licked by a dog is pure.

Then why are we commanded to wash it? We shall speak about it.

The Jumhoor state that the dog's saliva is najass, so if he drinks from a container its contents become najass. What if it eats from some dry food?

The part that it took from should be thrown out, and the rest remains pure.

This is similar to what the Prophet commanded regarding a mouse that fell into some solid ghee and died. He instructed that the mouse, and what was around it, should be thrown out, and what remains can be used and is pure.

However, if this ghee was fluid, then all of it becomes impure.

Likewise is with food. If a dog licks a liquid, like milk or water, it all becomes impure. However, if it was solid, only the part it touched is made impure.

This is regarding the dog's mouth. What about the rest of the dog, is it impure also?

If a dog placed its foot in a container of water, is it made impure? Does it have to be washed seven times, once with dirt?

Some of the scholars said, no, the ruling is only for the licking.

However, the Shafii' school said that since the mouth is the most honorable part of an animal, the rest of his body should have the same ruling. He also stated that the dog's sweat is produced by its body in the same way that saliva is produced by the tongue, and they are both produced from within its body. And thus touching the dog will transfer the najassa from it to the hand, since touching a wet impurity causes it to transfer.

Yet we can respond to this by the fact that zoologists state that dogs do not sweat, rather they use their tongues to cool their bodies. Its skin does not emit sweat.

If it can find water, it would dip in it to cool off, otherwise it will stick out its tongue.

Then let us suppose the dog becomes wet by some means, then will touching its body transfer its impurity?

Yes, according to Imam Shafii'. Touching any part of its body, if it is wet, will require washing seven times, once with dirt. The entire dog, even the hair, is najass, according to Imam Shafii', but it does not transfer unless it is wet.

In fact, this hadith is ideal for a student of knowledge, in order that he may learn the different ways of interpreting Prophet traditions.

Ibn Daqeeq mentions in his manuscript called al-Imam more than 15 pages on this subject.

To summarize, the majority of scholars state that if a dog licks a container, it must be washed seven times, once with dirt. Imam Shafii stated that if any part of the dog touches the water in the container, the some ruling applies.

Are there any other animals that come under the same ruling? Imam Shafii stated that a pig has the same ruling, since it is more impure than a dog.

And some of the Malikiiyah stated that the washing is only for an untrained dog. As for a trained dog, its licking does not have to be washed from in this way. However, the majority of the Malikiiyah state that any dog must be washed from if it licks from a container (as a matter of worship, and not because it is impure.)

What if the dog licks the water in something other than a container, such a large barrel or a pool, etc? Here, the water does not become impure.

It is narrated that the Prophet was journeying between Makkah and Madinah, and they come across a small pool of water. Umar said, “Oh Owner of this pool of water, do carnivorous animals drink from your pool?”

The Prophet said, “Oh Owner of this pool, do not inform us. This man has overzealousness in him. The carnivorous animals have a right to what they have drank, and permissible for us is the remaining, pure and drinkable.”

And in some narrations, it was mentioned that dogs and carnivorous animals would drink from the pool.

Here, we see that the Messenger of Allah regarded these places where water was found to be unharmed by the dogs that drank from them.

Those who stated that the dogs saliva is impure interpreted this by saying that it was a large body of water, more than Qullatayn. And a large amount of water stays pure, as we mentioned, if its qualities are not changed by impurity.

And a small quantity of water, according to the majority, becomes impure if the dog licks it, even if its saliva does not change one of its three qualities. This is also a response to Malik, who said it remains pure.

Imam Malik states that if a dog licks a container of water, it remains pure, and washing it is only a type of ritual. What is his proof?

He said that the default for all living animals is that their bodies are pure, and that the default or essence of dead animals is that their bodies are impure.

He also makes reference to the verse in the Quran:

يَسْأَلُونَكَ مَاذَا أُحِلَّ لَهُمْ قُلْ أُحِلَّ لَكُمُ الطَّيِّبَاتُ ۚ وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلِّبِينَ تُعَلِّمُونَهُنَّ مِمَّا عَلَّمَكُمُ
اللَّهُ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ

Surah Ma'idah, Verse 4:

They ask thee what is lawful to them (as food). Say: lawful unto you are (all) things good and pure: and what ye have taught your trained hunting animals (to catch) in the manner directed to you by Allah. eat what they catch for you,

Imam Malik said, here is a hunting dog catching the hunted animal, and there is no mention of washing the animal that it catches. And this is not just licking, it placed the entire bird in its mouth. Why has not the owner of the dog been commanded to wash the bird?

The Jumhoor responded: The place where the dog held the bird is removed and thrown away. And what is left will be cooked in a fire, and fire changes impurity into purity.

Imam Malik said no, we do not wash it since it is healthy and there is not need to cleanse it.

Imam Malik is also supported by the hadith mentioned in the chapter of Taharah by Imam al Bukhari. He mentions the hadith: That dogs used to come and go through the Masjid of the Prophet.

And the Fiqh of Imam Bukhari is in his chapter headings, and has a scholar of Fiqh, as was mentioned by Imam Suyuti.

Sometimes Imam Bukhari even titles a chapter and does not place any hadith in it. Why? Because he had ahadith that support the meaning of the title, but did not fulfill his conditions for inclusion in his Saheeh. This hadith about the dogs might not seem related to Taharah.

But Bukhari mentions this hadith for an important reason. He is referring to the time the Banu Thaqeeb came to visit the Prophet in the year 9 AH. They stayed in a tent in the Masjid of the Prophet, and discussed Islam with the Prophet. The Prophet would oversee that they were served food and drink, and some dogs would enter the mosque and smell the ground seeking any leftovers, and it is usually known that a dog looking for scraps on the ground would also follow it with its tongue and this would result in their saliva touching the ground as well. Yet the Prophet did not command the washing of the ground, or removing the dirt from the Masjid.

Thus, if the saliva of the dog was najass, the Prophet would have prevented them from the Masjid, or ordered that those places where they smelled be cleansed.

Now that we understand the difference of opinion, Imam Malik states that the dog's saliva is pure, and the rest that it is Najass, what is the reason for the command to cleansing seven times, once with dirt?

Imam Malik states that this is a matter of worship, and that the reason we are commanded to remove the water and wash it seven times once with dirt is for health and medical reasons.

This is because a dog can be affected by rabies, and if a rabid dog bites a person, or a person is affected by its saliva, he will be affected by rabies.

This command is to remove the water that has the bacteria, and cleanse the container with dirt and water to remove the bacteria.

However, the Jumhoor responded to this saying: A rabid dog does not drink water. If it drinks water or licks it, it is not rabid.

Imam Malik replied, no, a dog may have rabies and he does not feel it, i.e. it has not had any effects on the dog yet, which happens after 15 days. After this time, the germs multiply and the illness becomes manifest after this time.

He said the Shariah, in its wisdom, commanded cleansing the saliva for both a rabid and normal dog in order to close the door to any harm.

Now, the question about the dirt.

What is the reason for commanding the washing with dirt? Medical research has proven that nothing can cleanse or kill rabies stronger than fluorine, which is present in large amounts in natural dirt.

If this dirt is added to water, it kills these bacteria immediately. Thus we find that modern medicine supports the concept of cleansing with dirt.

Thus modern science strongly supports the Maliki position.

And what about the number seven? It is beneficial to repeat things from a medical point of view, like medicine for illnesses.

As for those who say that say its saliva is an impurity, does it have to be washed with dirt.

The Hanbali school states that it can be washed with soap instead, since it leads to cleansing. However, the text says dirt.

However, Ibn Daqeeq al Eid says: There can be no qiyaas when we have a clear text (tasreeh).

And using dirt and water is emphatic, since they are the two pure things.

Also, Ibn Daqeeq stated that if a derived principle contradicts the original principle, it is invalidated.

He used as proof the fact that Allah commanded Khidr to take the life of the evil child so that it would save the life of the parents and that they would not be harmed.

Another example of this is like when a farmer finds that his tree bears too many fruit. He will remove the fruit before they are ripe, in order to save the branch from breaking.

As for the number seven, Abu Hanifa mentioned that Abu Hurayra gave a fatwa stating that it could be washed 3 times, so he may have had some other evidence.

However, the jurists state that we take the narration of the Sahabah on the Prophet, before their fatwa, since the narration is from the Prophet, while the fatwah is Ijtihad from them.

Abu Hanifa also stated, there is no need for dirt, since there are more than one narration, some state the first washing is with dirt, the 7th, or the 8th. They say this is contradictory.

However, the majority state that the multiple narrations emphasize the need for dirt, not that it is not applicable.

This is a brief overview of what was said about this hadith, and it is a goldmine of knowledge for the seeker of knowledge.

Thus we can summarize by stating that the licking of the dog is a matter over which the Ulema differed, between stating it is an impurity, and those who say it is harmful for health reason, but still pure.

Walhamdulillahilahi rabil ‘alameen.

End of Class Four