



## Fiqh of Taharah: Class Five

الحمد لله و الصلاة والسلام على رسول الله و بعد:

### The Hadith:

827. Narrated Abu Qatada: Allah's Messenger said about the cat: "It is not unclean, but is one of those who intermingle (Tawafeena) with you."

Reported by the Four (Abu Dawud, Nasaa'i, Tirmidhi, and Ibn Majah)

### The Explanation:

We find here, from the Fiqh of the Author, may Allah have mercy on him, after he mentioned the hadith regarding the water left over in a container used for ghusl by a man and a woman, and the hadith regarding water that has been licked by a dog, was to mention this hadith about the water licked by a cat.

He did not mention these ahadith on the chapter of removing impurities, since he wants to show that these ahadith are related to the purification of water, especially a small quantity of water that has been affected by a small impurity that does not change any of its qualities.

The licking of a dog usually takes place in a small vessel, and this does not result in the changing of the water's qualities, but we have been commanded to pour out the water and wash the vessel. This supports the position that a small quantity of water becomes impure if an impurity enters it, if we consider the position that dog saliva is an impurity.

After clarifying this, we naturally come to the question of the water licked by a cat, since both the dog and the cat intermingle with human beings, and thus we must clarify the ruling on the water licked by a cat as we have done for that of a dog.

Abu Qatada stated that the Prophet said, regarding the cat...

The story behind this hadith is that Abu Qatada went to his daughter-in-law's house, and she prepared a vessel of water for him to perform wudu in. When she had done this, a kitten came and wanted to drink from the water in the container that had been prepared for wudu. So Abu Qatada tipped the container in order for the kitten to drink.

When his daughter-in-law saw Abu Qatadah's actions, she was surprised. As if she thought that a person was not allowed to make wudu from water that a kitten had drunk from. When Abu Qatada saw the look of surprise on her face, he said, are you surprised by my action? He then said to her, "I heard the Messenger of Allah saying, regarding the kitten, "It is not Najass." As long as it is not najass, then why not let it drink?

And the Prophet said, "but it is one of those who intermingle with you."

Here, the scholars state regarding the Fiqh of the hadith: The water licked by a cat is not impure. But the scholars differed in their analysis of the hadith: Does this mean that the cat is inherently pure, or is it because the cat intermingles with us so much, that as a dispensation and easing of burden its impurity is forgiven, since it is amongst us.

Intermingling (Tawafeena) here means those living in the house or serving the people of the house, and this is a type of simile, since it is not possible to avoid intermingling with the servants of the house, just as it is not possible to avoid intermingling with the house cats.

Here, some of the scholars stated: a cat is inherently pure, and the description about it intermingling with people is an additional quality.

Other scholars said no, the saliva of the cat is impure, but the ruling has been lighted for us since it is too difficult to avoid it since cats intermingle with people.

Some other scholars said: If you saw a cat eating a mouse, and some of the blood remained on the cat's mouth and it then drank from a vessel, do we say it is still impure? Or do we say, no we saw impurity on its mouth but the impurity passed from its mouth to the water. No, the importance here is regarding the impurity in its mouth, and not the cat itself.

Now, to return to the hadith and how Abu Qatada gave water to this kitten, this hadith also teaches kindness to animals, and that all the world should be told that Islam preceded Europe and the materially developed world in matters of humanism, human rights, and kindness to animals.

Here is a kitten, and Islam says it is pure, and there are even more specific ahadith than this. There was a woman who entered the fire because of a kitten, since she neither fed it, nor let it roam and catch its own prey from the insects of the earth.

And there was, in distinction to this, a prostitute from the Bani Israeel who became overwhelmed with thirst. She descended into a well and drank. When she came out, she found a dog dying of thirst, lapping the soil of the earth. She said, "Poor animal, he is thirsty like I was." So she went down in the well and filled her shoe with water, then gave it to the dog.

The Prophet said regarding her, "Fa shakara Allaha laha" or "Shakara Allahu laha". The first means that the dog was grateful to Allah for her act of kindness, and

the second means that Allah was grateful to her for her kindness to His Creation. Then the Prophet said, she entered Paradise because of this merciful act.

And a woman entered the Hell-fire for a kitten. So what about a human being, what does Islam say about the treatment of servants, for example?

The Prophet said, "If your servant brings you food, if you do not have him sit and eat with you, then you must at least give him from your food, since he went through difficulty to bring it to you, and desired it."

See how the Prophet was concerned about the psychological well-being of the servant. He prepared a meal for you, and if you do not have him join you, as your brother in humanity, then the least is to give him some of the meal, since his eye was gazing upon it.

So we see that Abu Qatada lowered the water for the kitten, and some might say this action by itself can only be considered the action of a Sahabi, and it is not as authoritative of the action of the Prophet, but when Abu Qatada states that the Prophet said that the cat is pure, the hadith becomes law.

Thus, the Author wanted to make it clear that if a cat drank from a vessel, it would remain pure, unless some traces of impurity remained on the cat's mouth.

Ibn Daqeeq al Eid stated: Can we take this hadith and make Qiyaas (juristic analogy) with a dog that also intermingles with the Bedouins for example? Some of the Maliki said, you can make Qiyaas with the trained dog that intermingles with its owner. But the text we studied last time is clear and unambiguous in referring to all dogs, and not just untrained dogs.

Some of the Malikis stated that the dog's saliva is like that cat's if it is a shepherd dog, or a guard dog, or a hunting dog. But the Jumhoor (majority) of the Ulema did not accept this argument, and they said we need to study the previously mentioned hadith. The Prophet said, "The purification of your vessel if a dog (al-kalb) licks from it..." Here, al-kalb is general in referring to all dogs, and not a specific dog.

There is also an issue that the scholars speak of, regarding houses in the countryside. They said there are other animals that intermingle with people whose saliva is not impure. Like what? Chicken, sheep? No, their saliva is already pure since we eat their meat. But what about a mouse or a gerbil, for example? If this animal was found drinking from a container of water, is the water pure or impure? It is considered pure since the mouse intermingles with people, and this is one the basis of juristic analogy (Qiyaas) with the cat.

### **The Hadith:**

828. Narrated Anas ibn Mali: A Beduoin came and urinated in one corner of the Masjid. The people shouted at him, but Allah's Messenger stopped them. When the Beduoin finished urinating, the Prophet ordered for a bucket of water which was poured over it. (Agreed upon.)

### **The Explanation:**

My beloved brothers and sisters, this is a real life lesson, let us leave the Fiqh of the hadith on the side for a moment. This hadith is a lesson in the politics of commanding good and forbidding evil. And it is a lesson in human nature. And it is a lesson the difference between those who live in the country and the city-dwellers, and the Prophet's consideration for human emotions and feelings.

It is also a lesson in the eagerness of the Sahabah to command good and forbid evil, and what the one who commands goodness and forbids evil should know and practice. One should command to goodness in a good way, and forbid evil with other than evil. And shall explain each of these lessons as we go over the meaning of the hadith.

The story behind this hadith is that there was a Bedouin man who came to the Prophet's masjid, which was built from the leaves and stalk of palm trees. He set his camel to rest at the door of the masjid, and entered.

He saw the stalks of date palms, and leaves, so he felt like he was in an uninhabited area, and he walked towards a corner of the masjid. As it happened, he felt the need to urinate, and he looked for an appropriate place, according to his understanding.

As a side note, the scholars mention that masjid should have bathrooms nearby. This Bedouin could not find an appropriate place to urinate, so he went towards the back of the masjid and carried out his need.

When he sat down out of necessity to carry out his need, the Sahabah saw what he was doing. If any of us saw this, would we be patient, or start cursing the person? Most people would condemn him right away.

And these Sahabah, when they saw what he was doing, immediately came to him to condemn him. Yes, this is condemning wrong, but in the wrong way. They scared him.

The Messenger of Allah realized what was happening and said: “La tuzrimoohu.” I.e. do not force him to withhold his urine, since this could be very harmful to the urinary tract muscles, and might hurt him and cause him to have urinary incontinence.

Then the Prophet left him. As it is said, the mistake already happened, but now what is the solution? If it was before he sat down and started urinating, they could have told him to go elsewhere, but now that he had already made the mistake, they have to let him finish, and accept what he was doing.

Or they could prevent him. They have two evils in front of them: One, the evil of him continuing what he was doing, or two, the evil that could come to his health and body, and the illness that might affect him if he is forced to stop.

Or, if they throw him out of the masjid, if he could not withhold his need, it would result in spreading impurity throughout the masjid, instead of it staying in one place, a few inches in area.

Which of these possibilities are the least of harms, so that we can let it happen in order to ward off the greater harms? Leaving the impurity in one spot, or letting it spread all over the masjid? Which one of these is the least harmful?

Leave him and what he is doing, because stopping it would lead to a greater evil.

And from here the scholars state an important principle: We must take the lesser of two harms to ward off the greater harm (Irtikaab Akhaff ad Dararaini).

If he finishes his urinating, it is an evil, and stopping him will result in evil, but letting him finish is the lesser of the two evils.

From here we see the great wisdom of the Prophet: How do we undo the mistake that was done by this ignorant person? One who does not know the rulings pertaining to the masjid?

First we undo the harm. What did he do, he polluted an area of the masjid. So to remove the source of the problem, we clean the area. Thus the Prophet ordered that a large full bucket of water be brought and poured over the place of the urine, and they did that and the problem was over.

Then the Prophet called the Bedouin and said, "My brother, these masjids were not built for this purpose. They are for the dhikr of Allah and things related to it."

Here, the Bedouin found the Prophet's kindness, and his teaching him about the purpose of the masjid, much different from the way the Sahabah had treated him.

So he raised his hands and said, "Oh Allah, have mercy on me and on Muhammad, and do not show mercy to anyone else besides us." He did not feel any mercy from them, so by nature he said these words.

The Prophet said, “No my brother, you have constrained what Allah has made vast.”  
“La qad hajjarta wassia.” Allah’s mercy encompasses all things.

Reflect on this my brothers and sisters, a Bedouin man knows nothing about civilized behavior, so according to his instincts and upbringing, he did not pay much attention to the building, the masjid, he was in.

Here, we find the importance of providing washrooms in masjids that are conveniently located, and we will see in an upcoming hadith that the Prophet commanded that masjids be built amongst the houses and that they be fragranced, and that restrooms be made available near them. This is so people can fulfill for their need for Wudu and other things.

There are many general lessons we can learn from this hadith before we learn about the Fiqh of the Hadith.

When the Bedouin came, and began urinating, why did not the Sahabah ask the Messenger of Allah before condemning him? The Prophet had seen the Bedouin, so did they precede the Prophet and do something wrong? No, since the Prophet allowed them and commanded them to change wrong if they saw it, and the action of the Bedouin was something wrong, so they were fulfilling the Prophet’s command.

But they did not take the appropriate means to correcting this Bedouin’s behavior, by being inconsiderate of his ignorance.

Thus, every Da’iee, every Muslim, if he sees an evil, must look at it from all angles, and have distant vision and insight. What will be the result of condemning this evil? Will it go away and perish, or will it lead to a greater evil? If it goes away, then he is doing what is right by condemning what is wrong by his hand, tongue, or heart.

But if through his insight, and experience, he knows that his condemnation will lead to what is worse, and cause a greater evil, he should not do it.



Thus, it is possible that one is correct in condemning evil, but the means that they take, and the way by which they make the condemnation, is incorrect. He said, "Do not force him to restrain his urine." But rather, teach him, since he is ignorant.

Then the Prophet called him with kindness, and informed him of the nature and purpose of the masajid. They were built for the dhikr of Allah and what is related to it.

We will continue next time with more important lessons that the scholars derived from this hadith.

**End of Class Five.**