



Fiqh of Taharah: Class Fourteen

الحمد لله و الصلاة و السلام على رسول الله و بعد:

The Hadith:

وَعَنْ أَنَسِ بْنِ مَالِكٍ ({ أَنَّ قَدَحَ النَّبِيِّ انْكَسَرَ، فَاتَّخَذَ مَكَانَ الشَّعْبِ

سِلْسِلَةً مِنْ فِضَّةٍ. { أَخْرَجَهُ الْبُخَارِيُّ

Narrated Anas bin Malik: “When the cup of the Prophet was broken, he fixed it with a silver wire at the crack.” [reported by al-Bukhari]

The Explanation:

This hadith is a completion of what we have already spoken about regarding gold and silver vessels, and it is also related to the hadith about Maimoona's sheep.

The Prophet's cup was square shaped, as it was narrated, neither tall nor rectangular, rather short and wide. The Prophet would drink from it, and Anas says: I gave the Prophet in it, water, and drink infused with dates, and milk.

It broke. The Prophet did not throw it away and bring a different one. Even though he could have easily done that. If he wanted a cup made out of emeralds, he could have easily had that.

But, in order to protect what could be made use of, the cup broke, it cracked, so he placed a small thread of silver in the crack.

Sometimes a porcelain plate or dish would break, and instead of wasting it, they would repair the crack with some material, such as silver. So, it is permissible to use silver in case of need, since other materials cannot be used in its place.

And since silver is sufficient, one is not allowed to use gold in its place.

But the Fuqahaa say, while drinking from the vessel it is not allowed to deliberately turn to the place where the silver is and drink from it. The use of silver is only to preserve the vessel and make it usable, so

the person should not deliberately drink from the place of silver or touch it while using it.

And with Allah is success.

Chapter Three: The Nature and Cleansing of an-Najassah

The Hadith:

بَابُ إِزَالَةِ النَّجَاسَةِ وَبَيَانِهَا

عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: { سُئِلَ رَسُولُ اللَّهِ عَنِ الْخَمْرِ تُتَّخَذُ خَلًّا؟

قَالَ: "لَا". { أَخْرَجَهُ مُسْلِمٌ .

Narrated Anas bin Malik: Allah's Messenger was asked about making vinegar out of alcohol. He said, "No (it is prohibited)."

[Reported by Muslim]

The Explanation:

This chapter is the explanation regarding the specific things that are impure (najiss), and an explanation of how to cleanse them.

And this order when studying Fiqh is natural, and in accordance to the practical order one must actually take.

First, Ibn Hajr began with the Section on Taharah, then within it began with the chapter on types of water, then after water, the vessels that we hold water in, and an explanation of what we are and are not permitted to use, and then we arrive at this chapter before us regarding impurities (najassah) and cleansing them.

This is because we are required to cleanse away impurities, and we must avoid them. So this chapter is an essential part of the section on Taharah.

“Taharah” or “Purification” is by removing impurities, and by removing what is najass (filth) and by removing hadath (the state of impurity.)

“Hadath” is a something that is spiritual, while “najassah” is something physical.

Now, to speak about najassah, we have two types:

- That which is inherently impure in and of itself (najassah al-‘aynee).
- That which is impure due to some secondary reason (mutanajiss).

That which is inherently impure cannot be purified except by physical removal of the actual impurity.

Such as blood, and urine, and similar things. There cannot be any purification of these things except by completely removing them.

So if one's clothes have been polluted by such things, one must remove the physical impurity as completely as possible, but we shall see in the chapter on Menstruation, that "there is no harm on you regarding the minute traces."

But there are things that are mutanajiss, or that are impure due to some outside reason, by some outside factor that causes a pure substance to become impure, such as pure water into which some impurity falls. The origin of the water is pure, but it becomes impure due to this substance falling into it.

So the Author, may Allah have mercy on him, began this chapter by explaining that khamr, alcohol, is impure. This is what is implied in the hadith.

"The Prophet was asked about khamr, can it be made into vinegar?" He replied, "No."

The way we understand this is that if khamr was not impure, the Prophet would have allowed it to be treated and converted to vinegar, and thereby it would become pure.

But he said "No," which implies that by treating it and changing it into vinegar, it will not become purified. This is the opinion of some Ulema.

The impurity of intoxicating alcohol is agreed up by the four Imams. It is inherently impure.

But other scholars state, when alcohol changes its essence on its own, and becomes vinegar, it becomes purified, since its original impurity was caused by the fact that it was an intoxicant.

So as long as it was an intoxicating alcohol, it was impure. But if the intoxicating quality is removed from it, it returns back to the origin, which is purity.

And our study here is regarding the question and answer, can we change alcohol into vinegar, no. What is being referred to here is treating the wine, so that it becomes vinegar. The Prophet said, “No.”

And there are many other texts in this chapter. We have the hadith of Abu Talhah, who states that when alcohol was forbidden, a man came to the Prophet who used to gift wine to him in the beginning of Islam. Of course, the Prophet never drank wine. But he would let others drink it, when it was permitted.

So this person came, and the prohibition of Khamr had just been revealed. The Prophet said to him, “Do you not know that Allah has forbidden Khamr?”

He said, “I did not know that.” Then he said, “Oh Messenger of Allah, can I sell it?”

The Prophet replied, “The One who has forbidden drinking it has also forbidden selling it.”

He said, “Can I give it as a gift to the Jews?”

The Prophet said, “The One who has forbidden drinking it has also forbidden giving it as a gift to the Jews.”

He said, “What should I do with it?”

The Prophet said, “Pour it into the earth.”

So he opened the two containers of wine that he had and poured it out onto the road.

And we have another hadith narrated by Abu Talhah that states that when the Prophet came to Madina, he came to the Prophet with some wine that he had intended to give to some orphans. Abu Talhah was the husband of Umm Sulaim, and she was the mother of Anas, the servant of the Messenger of Allah.

Abu Talhah said, “Oh Messenger of Allah, here is Anas serving you.”

Anas’ father had traveled to Ethiopia and died there, and Abu Talhah then proposed to Umm Sulaim. She was a noble woman.

She said, "O Abu Talhah, the likes of you are not rejected. But you are a Mushrik and I am a Muslimah."

He said, "You want the yellow and white things (i.e. gold and silver.)"

She said, "No, I do not want gold nor silver, I want you to accept Islam."

He said, "I will think about it."

He came back the next day, and said, "How can I become Muslim?"

She said, "Go to the Messenger of Allah." So he went to him, and declared his Islam.

And it is narrated that the Prophet said, "Abu Talhah has come to you, and the light of Islam is apparent between his eyes."

When he accepted Islam, he came back to Umm Sulaim, and they were married. The Sahabah used to say, "No one had a happier Mahr than Umm Sulaim, her Mahr was Islam."

Although, some say he accepted Islam before the Hijra and even came to the Bai'ah of Aqabah.

In any case, what concerns us is the son of his wife, Anas, who used to pour wine for Abu Talhah. Once when they had guests and they

had served wine, they heard a person call out, “Allah and His Messenger have forbidden wine.”

Abu Talhah said to Anas, “What was that?” Go out and find out what has happened. Anas went out, and came back and said, “He is announcing that the Messenger of Allah has forbidden wine.”

So he immediately stopped them from drinking, and went directly to the Messenger of Allah. He said, “I have some wine belonging to orphans,” and as you know this wealth is protected, “should I not make it into vinegar.” The Prophet said, “No.”

And the Prophet commanded that the vessels containing the wine be broken, and he commanded someone to go throughout Madina and announce the prohibition of Khamr and bring a stick and spill all the containers of wine.

Here, the scholars state the prohibition manufacturing wine in order to turn it into vinegar, and they say, if it were permissible, the Prophet would have allowed the orphans wine to be turned to vinegar, but he commanded that it be spilled, and on top of that, the containers be broken.

Yes, we understand the reason behind spilling out the wine, but why break the containers? Are not they valuable and usable for oil or water or dry items?

The scholars say: Because alcohol penetrates into the pores of clay containers, and it is not possible to purify these pores, since washing with water cannot penetrate into these pores and remove what remains of the alcohol and purify it. So the Prophet commanded to break them.

So up to here we can see why the Ahmed and Shafii state that changing alcohol into vinegar cannot purify it.

But, we find a difference of opinion within the Hanafi school. Imam Abu Hanifa states that by removing the reason for the impurity, which is the intoxicating quality of the wine, when turning it into vinegar, it becomes purified thereby.

And therefore it is permissible to use as vinegar.

But Abu Yusuf did not agree with this opinion.

The Malikiyya say that by changing it into vinegar using salt or water causes it to become purified.

They say that by changing its form, from wine into vinegar, its essence has changed, and it has become a new substance, and thus it is permissible to use.

Again, Imam Ahmed and Imam Shafii' state that the wine does not become purified by changing forms (istihalah).

What we can derive from this is that, according to Imam Ahmed, Shafii, and Abu Yusuf, it is prohibited to take wine and make it into vinegar. While Malik and Abu Hanifa allow it.

The reason for this difference is regarding the actual changing of wine into vinegar. Did the wine really change into a new substance? Or is vinegar really the same as wine that underwent some external changes but essentially remains the same?

To understand this point, the scholars all agree that if wine changes naturally to vinegar, through time, or by sun, etc, then it is pure. This is because it underwent such a change by the power of Allah, who changes the essences of things.

But if this change is done artificially, by human hand, then the wine remains impure, according to Ahmed and Shafii, since the human intervention only hides the real essence of the wine.

This issue came to light when the high council of scholars discussed the issue of purifying waste water in order to produce usable water.

But before mentioning the high councils opinion on the issue, there is a narration that was not considered by the high council. It is mentioned by Ibn Katheer in Bidayah wa an Nihayah.

Khalid bin al Walid came from Iraq to Shaam to help Abu Ubaidah. After Damascus was liberated, Khalid went to visit one of its Hammams.

There were very few hammams in the Hijaz, and a Hammam is basically small building within which water is heated, topped by dome where the steam rises up and hot water drops down. A person would spend some time in, and the hot water would penetrate into his pores. It was used to treat people who had medical ailments, such as joint disorders and arthritis, and women would used them during (nifaas) post-partum bleeding.

When Khalid entered the hammam, he used some type of chemical to remove his body hair, which is similar to what is available in some pharmacies today. It would be heated up and placed on the skin, and it would burn away the hair, instead of using a razor.

After this, he would use a type of chemical that contained alcohol, as a type of ointment that would cool the skin.

News of this reached Amir al Mumineen Umar, so he wrote to Khalid:

“It has reached me that you have visited the hammams and used Khamr, and Allah has forbidden it.”

Khaled wrote back to him, “O Amir al Mumineen, I did not use it to drink, but rather I used it to cleanse.” I.e. he used it externally, and not for consumption. For external use only, like its written on some medicines, ointments, etc, not as a drink.

Umar wrote back to him again, “You have written to me, saying such and such things, but you know that if Allah has forbidden a thing, you forbids its use both externally and internally (for consumption.) But it seems to me, oh family of Maghirah, that you have harshness. I hope you do not die in this state.”

Khalid wrote back, “I have stopped using it.”

What concerns us is that Umar forbade the use of alcohol, both externally and internally. This is a response to those who say that it is only forbidden to consume alcohol, but not to use it outwardly.

Getting back to the hadith, the question is, does wine change completely when it becomes vinegar, like blood does when it is changed into milk?

Does changing wine through a manufacturing process into vinegar change its essence just as blood is changed into milk in the body of an animal?

Or does the essence of alcohol remain hidden inside of it?

And there are some examples of this:

If you have a bucket of water, and some impurity fell into it, and you could smell this impurity. You asked someone to change the water for you, but instead he places some perfume in it. So has the impurity been removed, just as if the water was used to water a tree, and it produced fruit. Or is the impurity just covered up by the perfume?

So the question is, has the true essence of alcohol changed, or does its essence remain within the vinegar after it has been changed?

And this brings us to the question of waste water that has been filtered. Has this purification process removed the impurity of the water?

Remember there are two types of impure substances, najass, and mutanajiss. The essence of water is pure, and if a mouse falls into, or a chicken falls in a well, it can be purified.

But waste water, is not its essence najass?

The opinion of the high council of scholars arrived at was that the water does indeed become purified, but it is better to avoid it if other water is available.

And with Allah is success.

End of Class 14