



## Fiqh of Taharah: Class Twenty

الحمد لله والصلاة والسلام على رسول الله وبعد:

These classes are based upon the commentary of the eminent Shaikh Atiyya Muhammad Saalam, given in Masjid an-Nabawi, in Madinah al-Munawwrah. Let us continue with the Hadith whose commentary we began last time:

The Hadith:

عَنْ أَبِي هُرَيْرَةَ ( عَنْ رَسُولِ اللَّهِ ) قَالَ : { لَوْلَا أَنْ أَشُقَّ عَلَى أُمَّتِي لَأَمَرْتُهُمْ

بِالسُّوَاكِ مَعَ كُلِّ وُضُوءٍ } أَخْرَجَهُ مَالِكٌ , وَأَحْمَدُ , وَالنَّسَائِيُّ , وَصَحَّحَهُ

إِبْنُ خُرَيْمَةَ

Narrated Abu Huraira: Allah's Messenger said: "If it were not that I would burden my Ummah, I would have commanded them to use the Siwaak (toothbrush) along with every ablution.

[Reported by Malik and Ahmad and Nisa'ii]

The Explanation:

The Prophet said, “Lawlaa an Ashuqa ‘ala umatee, la amartuhum”, and the word ‘amr’ from the Prophet implies obligation, but since he did not command it, its hukm remains mandoob (recommended).

“ummatee”

Ummah has a number of meanings, from them a group, or a flag, since it is an encompassing symbol that everyone follows, or a person who set an example, “Inna ibraheema kaana ummatan,”

And it is also used to refer to a period of time, since it is a group, and it also refers to masses of people that are united by a general description, or have a common goal.

So it is said for example, Ummatul Ulema, or umatul Sannaa’ (manufacturers), ummatut tujjaar (businessmen), or even animals, those that have wings, those that have four legs, they are referred to as ummahs.

As for the Ummah of Islam, it is the Ummah of our Prophet Muhammad, peace be upon him.

And this Ummah is divided into two parts: The Ummah of Dawah, and this includes all those who are addressed by the Prophet Muhammad’s message, and they are all called to it.

And the Ummah of Ijaabah, those who have responded to Allah and His Messenger.

Here in this hadith, “lawla an ashuqqa ‘ala Ummatee,” does this include the Ummah of Dawah, or is it restricted to the Ummah of Ijaabah?

The Jumhoor state that it is the Ummah of Ijaabah, since they are the one’s who commands and prohibitions are directed towards.

But what about the Ummah of Dawah, are they not also obligated to follow the commands and prohibitions? Yes, but none of their actions will be accepted until they enter into the Ummah of Ijaabah.

وَقَدِمْنَا إِلَىٰ مَا عَمِلُوا مِنْ عَمَلٍ فَجَعَلْنَاهُ هَبَاءً مَنْثُورًا

فَمَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ

Thus, “My Ummah” refers to the Ummah Ijaabah, and it is the Ummah whom the Prophet had mercy upon and wanted to remove burden from them.

“I would have commanded them,”

And command (Amr') refers to a request from someone in a position of authority to someone subordinate. If the request is from someone in a lower position towards the one in authority, this is called (Dua').

We say, "wa'foo 'anna" and wa'foo (Forgive) is in the command form in Arabic, but it since it is from someone lower to someone above, it is dua' and a request for forgiveness.

And if the request is between two equals, it is called (Iltimass), such as saying to a friend, "Zurnaa", or "Visit us," and the like.

"Biss Siwaak"

It is said that Siwaak refers to the action of cleansing the mouth, and other state that it refers to the tool itself that is used to cleanse the mouth.

As for the action, it is considered beneficial to begin with the teeth on one's right side, then work towards the left, and then up and down, or in any other manner.

As for the tool, the scholars say it can be from any type of stick, but they except the Rehaan (Basil) and Qasab (reed), since they may affect the gums and injure them.

And it is recommended to use the Arak stick, since it is used commonly for this purpose.

And however this cleansing takes place is sufficient, in fact according to the Shafi'iyya, if a person cannot find a tooth stick he or she can use a rough scrap of cloth and use it to rub their teeth, that would be sufficient.

Even if a person does not have a scrap of cloth, they can use their finger, as is mentioned in a hadith, to rub their teeth.

So based on this, the Siwaak, in terms of the tool to be used, is anything that people use to clean their teeth.

And of course, one might ask, what about the toothbrush? Is it included in this meaning of Siwaak or no?

The answer is, if we look at the goal of the Siwaak, as mentioned in the hadith: "It is purification for the mouth and pleasing for the Lord."

So anything that purifies the mouth carries out the duty.

But what the pious predecessors were on should be given precedence, and it is healthier from a medical standpoint.

And I would to warn against using brushes that have harsh plastic bristles that damage the gum, and some brushes become calcified if they are washed in hot water, so they should be washed in cool water.

As for the stick of the Arak tree, it is agreed upon by medicine and hygienists today, that its bark contains oral disinfectants and anti-plaque

agents similar to Triclosan, that remove calcium buildup on teeth. If the Siwaak is placed in the mouth, these acids are released from the bark, especially if the Siwaak is new.

So if you have a new Siwaak, do not remove the bark and throw it away, rather chew it. When you do that, it will help remove moisture that is built up in the gums.

And it is mentioned in the Tabaqaat of Imam al-Tabari that some of the special qualities of Arak is that if it is boiled in water, and a woman drinks it before her menstrual cycle, it will prevent it. And the Sahabah used to use it during Hajj whenever they were afraid that a woman would be surprised by her monthly cycle, and prevent her group from moving on. They used these treatment in the company of Abdullah ibn Umar.

What is important is that any type of wood that is used is sufficient, but they should avoid the basil root and the reed.

“I would have commanded them to use the Siwaak with every wudu,”

With every wudu, and in some narrations it mentions, ‘with every Salah.’

When is wudu performed? In the beginning of Islam, wudu was required before each prayer. It remained this way until the Year of the Opening, when the Prophet performed the Tawaaf around the Ka’abah, and prayed a number of prayers with a single wudu.

Umar asked the Prophet, “I have seen you do something today that you did not do in the past?”

The Prophet said, “I did that on purpose.” That he prayed a number of prayers with a single wudu.

Thus the hadith, “Allah does not accept the prayer of one who nullified his wudu, until he performs wudu.”

If he makes wudu, and does not commit any action that breaks the wudu, he can pray with that wudu a number of Salawat.

So from this we understand the two narrations. “With every wudu” since in the past they performed a new wudu for each prayer.

And some scholars point out that this hadith indicates that if one made wudu for Tawaaf, or to read Qur’an, or to make dhikr of Allah, or just to renew his wudu, this text is inclusive of all these states.

So the Siwaak is recommended whenever one performs wudu, whether they perform Salat or not.

The Jumhoor of the scholars state that the Siwaak is a Sunnah of Wudu, but some scholars outside the four madhahab have a strange opinion. They stated that Siwaak is obligatory in wudu, and a precondition for the validity of prayer. If one does not use the Siwaak during wudu, his prayer is invalid. But this is a strange and aberrant position taking this text literally.

But the majority stated, “If I did not fear mashaqqa, I would have commanded...” means that due to the presence of Mashaqqa, there is not command, and what remains is that it is something simply recommended, and Allah knows best.

To complete our study, Aisha mentioned that the first thing the Prophet did when he entered the house was Siwaak.

If we reflect about when the Prophet made wudu, it was five times a day. Fajr, Dhuhr, Asr, Maghrib, Isha. When did he enter the house? Anytime of the day.

Thus, the Jumhoor mentioned that it is Sunnah to use the Siwaak for the fasting person. Since, “With every wudu” and certainly this wudu would be during the time of fasting, since the Prophet did not perform more than one prayer with a single wudu until the Year of Fath, which was 8 AH.

The only Imam to contradict this was Imam Shafii, who considered the hadith mentioned in the Chapters on the Virtues of Sawm, that the Prophet said, “The odor of the fasting persons breath is more endeared to Allah than the scent of musk.”

Imam Shafii' stated that this odor that is emitted from fasting person's stomach is disliked by people, but endeared to Allah more than musk, so if that is the case, one should leave it.

But the Jumhoor say, as long as the goal of the Siwaak is to purify the mouth, after waking up, or after a long silence, or eating, etc, and we have the hadith that states that the Siwaak is "purifying to the mouth, pleasing to the Lord,"

And we have the generality of this hadith, "with every Salat, or with every Wudu," and whenever the Prophet entered the house.

And we have the hadith in Majma' az Zawaaid, when Uthman was asked about the Siwaak after Noon, said, "Allah has not commanded us to pollute our mouths."

And the aathaar mention that "the mouth is the place of pronouncing the Qur'an, so purify it."

And there are ahadith that state "The angels are annoyed by that which annoys people."

And that if a person reads the Qur'an, and angel come and places its mouth near his mouth, in order to receive the Qur'an, and it is annoyed if it finds a foul smell.

And the Jumhoor state that using a Siwaak while fasting does not remove the scent of fasting, since its origin is not from the remaining of food

between the teeth, but rather its origin is from the stomach and produced from breathing.

So if one uses the Siwaak for Dhuhur, after some time, the scent will return. And if he uses the Siwaak for Asr, the scent of fasting will return, and so he will have attained both benefits, of using the Siwaak, the scent (khuloof) that is beloved to Allah.

And Allah knows best.

End of Class Twenty.