

Chapter Six: The Wiping of the Ears and the Six Different Derivatives

The Imamis (Shi'i) are agreed, in following the Imams from the pure family of Prophet Muhammad (S), that the washing of the ears is not a part of the 'wudhu', for there is no proof for it in the book, the 'sunnah', or, in any consensus. Rather, it is clear from the book that the 'wudhu' consists of the two washings – the face and the hands – and the two wipings – the head and the feet.

The [School of] Hanbalis have deemed it obligatory to wipe the ears with the auditory meatus. Ibn Rushd reported this view from Abu Hanifa, and his companions. [School of] Al-Shafi'i and Malik say that wiping them is recommended. They have differed regarding taking fresh water for them. A group has broken up from them and have stated they (the ears) are to be washed with the face. Others have said: "The inner [part] is to be wiped with the [wiping of the] head, the outer is to be washed with the face." Al-Shafi'i says it is recommended to repeat [the act] just as he recommends [the repetition] when wiping on the head.

They have argued based on weak traditions, they do not prove anything for us. The two Shaykhs, al-Bukhari and Muslim, have not reported anything about it. Despite the weak traditions, those attaching importance to it have done so due to the force of it being widely practised amongst them.

But, the Imams of guidance [from the holy family of Prophet Muhammad (S)], being the weighty thing from the Prophet of God (S), did not pay heed to it; they are the people of the house of Prophecy. The people of the house ('Ahlul Bayt') are more knowledgeable regarding this, for us, the two weighty things are sufficient.

Is It Sufficient to Wash the Head Instead of Wiping It?

The people of the four schools of thought [Shafi, Malik, Hanbal and Hanafi] have agreed that the washing of the head in the 'wudhu' is sufficient instead of wiping on it; however, they have differed as to whether it is an abominable act, or, not. The [School of] Hanafis and Hanbalis stated that it is

abominable, arguing that it is contrary to what Allah (S.w.T.) has commanded. The [School of] Shafi`i is maintained: "It is not detestable but it is opposite to what is preferable to do." The Hanbalis said: "The washing can replace the mash provided the hand passes on the head."

As for the Imamis (Shi'i), they are agreed that it is not acceptable as it is contrary to what Allah (S.w.T.) commanded. It is [also] contrary to what is proven from the Prophet of God's (S) wiping his blessed forelock rather than washing it. Therefore, legislating [something] in worship is invalid in itself and makes other [things] invalid. From what has been previously stated, you know that the washing and wiping are two separate performances, one cannot substitute the other.

The sequence ('tartib') in 'wudhu'

The Imamis (Shi'i) have agreed in following the Imams of the pure family, the sequence of acts in the 'wudhu' in the manner which has been described in the noble verse [of Holy Quran].

The Malikis, Hanafis, Sufyan al-Thawri and Dawud have ruled that it is not a condition, nor, is it obligatory as they have considered it to be recommended. If it is opposed, the ablution is not invalidated. They say that if the one performing 'wudhu' was to begin by washing his left foot and to end by washing his face, contrary to the verse in all his acts, then his 'wudhu' is [still] correct.

Our proofs are the book and the 'sunnah'. As for the book, the sequence is obvious from it even though the conjunction [of the acts] as described in the verse is by [the Arabic letter] 'waw' not by then ('thumma'), or, by 'fa'. This is because 'waw' is used frequently as a conjunction of sequential things, it is not used in a metaphorical sense. This is proven by a study of the speech of Arabs, there is no doubt in it for anyone. Therefore the 'Kufi' grammarians have stated that it ('waw') is proper especially for [describing acts of] sequence and succession even though [the conjunctions] 'thumma' and 'fa' are clearer than it.

As for the 'sunnah', it is [according] to his saying in a famous authentic tradition: "The form of the ablution is the same whether it is for one of the five obligatory prayers, or, other obligatory, or, recommended acts." During his lifetime, the Prophet (S) would be in a pure state by performing the ritual ablution properly. Anytime it broke, he would renew the 'wudhu' properly. Sometimes he would say: "It is light upon light."

The 'ummah' has agreed that he (S) never did 'wudhu' except that it was in sequence. If the sequence was not a condition, and an obligation in 'wudhu', he would have opposed it at least once, or, would have proclaimed that its opposite was [also] allowed; thus, explaining the ruling as was his practise. Since he did not oppose the sequence and did not announce that its opposite is allowed, we know that it is not permissible.

Moreover, the practical principles (asl al-`amali – established in 'usul al-fiqh' – subject which discusses

the procedure for deriving rules) require, with regards to doubtful acts, that we be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover, the ritual impurity of a thing continues to exist as long as one is not sure that its opposite (removal of the impurity) has not occurred (called the principle of 'istishab').

Muwalat (continuance of acts)

Our scholars, in following their Imams, state that the continuance of the acts of 'wudhu' is a condition for it being correct. The condition is that the previous part should not become dry, given the same time, place and health of the one performing the ablution, before completing the following part.

The [School of] Shafi'is and Hanafis have stated that the 'muwalat' is not prescribed; it is not a condition, or, obligatory; rather, it is a 'sunnah'. For them, it is detestable to separate between the parts if there is no excuse. If there is an excuse, then it is not abominable. Similarly, it is not abominable if he forgets [the 'muwalat'], or, the water prepared for his 'wudhu' runs out, and he goes to get more water to complete his 'wudhu'.

The [School of] Malikis have stated that the 'muwalat' is obligatory if one remembers and is able to do so. It is dropped if one forgets, or, has an excuse.

Our proof lies in the acts of the Prophet of God (S) for he would follow continuation in his 'wudhu' just as he performed it in sequence. No laziness was seen of him in the acts of 'wudhu' at any time, just as they did not see him not observing the sequence. If the 'muwalat' was not a condition, he would have omitted it even once, or, would have announced that it was permissible to omit it, explaining the shari'a ruling in accordance with his practise of legislating from Allah (S.w.T.), the most High. Since he did not do this, we know that it is not allowed.

Moreover, there is no difference in the correctness of the 'wudhu' if it meets these conditions. If it does not meet them, its correctness is a matter of dispute. [When there is no muwalat] the Imams of the 'Ahlul Bayt', peace be upon them, do not see it as removing impurity, nor, does it allow one to pray, so be cautious in your religion.

It is necessary to observe caution here because the practical principle (al-asl al-'amali) requires, with regards to doubtful acts, that we be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover, the ritual impurity of a thing continues to exist ('istishab') as long as one is not sure that its opposite (removal of the impurity) has not occurred, as we have discussed.

The Intention 'Niyah'

The Imamis (Shi'i) have agreed, in following the Imams out of the two weighty things [Quran being the other], on the necessity of having an intention of the 'wudhu' and ritual bath (ghusl) for them to be valid.

For they are acts of worship which Allah (S.w.T.) has commanded: "They have not been commanded except that they worship Allah sincerely in religion." This is the madhab of al-Shafi'i, Malik, Ahmad, Dawud, Abu Thawr and many Imams of the masses.

The [School of] Hanafis said that the obligation to perform the 'wudhu', and ghusl by pure water is only for being in a physically pure state which is attained by the flow [of water] on the limbs whether it occurs with, or, without an intention. This purity may be attained accidentally, for example, by washing impure clothes because water, by its very nature, purifies [things].

They said if a man falls in water unintentionally, or, entered water for jest, or, to cool, or, to clean oneself, or, if he was imitating the acts of others, or, quenching his thirst and if the water covered the parts of his 'wudhu', it is proper for him to pray with this 'wudhu'. [This applies] even if he had entered the water as a non-believer and converted when he came out of it since being a Muslim is not a condition in the validity of the 'wudhu'.

Yes, they have seen intention to be necessary for the 'tayammum' to be correct because the earth does not, by its nature, purify things. [The fact that] it is a purifying agent is due to 'ta'abudi' (due to a pronouncement by the lawgiver) so it is essential to have an intention to perform the 'tayammum' with it. Similar is the case of the 'wudhu' and ghusl with the nabidh (intoxicating beverage extracted from dates, raisins or barley, etc.) of dates, or, the leftovers of a donkey, or, mule because, like the earth, nabidh, or, the leftovers are purifying agents by ta'abudi (following a pronouncement by the lawgiver).

In short, they have differentiated between the 'wudhu' and 'ghusl' which is performed with the 'nabidh' of dates, or, the left over of a donkey, or, a mule and that which is performed by pure water. They have deemed the first to be worship whose meaning is not rationally derived; so, like the 'tayammum', they imposed the intention on it. They have considered the second to be the means necessary for physical cleanliness like purification from filth.

I do not know from where they knew that the intention of the lawgiver in the 'wudhu' and ritual bath is merely the physical purification which, due to the nature of water, is attained by it's flowing [on the limbs]? Every Muslim man and woman knows that the 'wudhu' and 'ghusl' are to remove the effects of impurities so as to make the prayers, and other acts for which the 'wudhu' is a condition for removing the impurities, valid.

This would have not been perceived, nor, understood had it not been for the devotion to the holy commands issued by the one who is All-Wise [Allah S.W.T.]. The true facts and details are hidden from human beings, 'jinns', angels and the whole of creation. Yes, we believe, in compliance to divine commands, that the 'wudhu' is to remove the affects of the minor impurity and that the ritual bath (ghusl) is for removing the major impurity, just as we believe in the obligation of the prayer, fasting, the zakat and pilgrimage as to how [to do it], how much and when [to perform].

The attainment of physical cleanliness by the 'wudhu' and 'ghusl' many times does not make them mere

acts for [being] clean; just like reviving those deserving zakat; giving it to them does not exclude [the act of giving] from [also] being an act of worship, it does not become a [mere] physical act of welfare. The same applies to the 'khums', expiations and all other alms and material forms of worship.

If the aim of the 'wudhu' and 'ghusl' was mere physical cleanliness then they would not have been obligatory to perform when one is impure and then becomes completely clean and pure. This is against the 'ijma' of the Muslims, and contrary to what has been established from the leaders of the Prophets (S) since he said: "Allah does not accept a prayer from impurity until [there is] a 'wudhu'." And he (S) said: "God does not accept a prayer without purity, nor, any alms [acquired] dishonestly."

The prerequisite of the intention here can be proven from the book, and the 'sunnah'. This is in addition to what the practical principle (al-asl al-'amali) requires, i.e., with regards to doubtful acts, we must be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover, the principle of 'istishab' states that the impurity remains when one performs the 'wudhu' without an intention.

As for the book, the need for intention is derived by combining the verses from the [chapters] of al-Ma'ida and al-Bayyina. The verse of the Ma'ida is:

"When you undertake the prayer then wash your faces" (5:6).

The minor premise is established in the form of an analogy, i.e., we have been commanded to perform the 'wudhu' and 'ghusl'. As for the verse in al-Bayyina:

"You have been commanded to worship only Allah (S.w.T.) with sincerity in religion."(98:5)

The major premise is established; i.e., everything that we are commanded to perform must have the sincere [intention] for Allah (S.w.T.). However, there are objections and problems to this deduction.

As for the 'sunnah', the 'wudhu' of the Prophet of God (S) requires the sequence and intention based on the assumption that the validity of actions depends on the correct performance [of acts]. The [School of] Hanafis say: "The assumption is that an act becomes perfect based on the intention," therefore there is no proof for what we claim. It can be said as a response to them: "The first assumption is better since the validity of an act is more necessary to get to the essence of an act than its perfect [performance]."

We, the Imamis (Shi'i), in whatever service we pay to Allah, follow the Imams of the pure family and their rulings are conclusive proofs for us. [This is] proof in itself since they are the [other] half of the book of God, and receptacles of the 'sunnah' of the Prophet of God (S) and the ships of salvation of the 'ummah'.

One who boards them is safe and one who stays away drowns. They are the doors to reducing [burdens of sins]; one who enters them is granted safety. They are the firmest thing upon which one lays hold, to which there is no separation.

They are the custodians of the community from differences and its refuge from punishment; they are the springs of the Prophet of God through which his devoted friends and successors burst forth. They are the inheritors of his knowledge and wisdom; they are the best of people to him due to the legislation from Allah (S.w.T.), the most High, as we have proved in its place in our Azharite "Muraja'at" and other publications.

The Ablution with 'Nabidh'

The Imamis (Shi'i) agree, following the Imams from the family of Muhammad (S), on the prerequisite of purity of the water [used] for 'wudhu' and 'ghusl' whether a person is at home, or, on a journey. They also agree that if getting water is difficult, the 'mukallaf' is required to do the tayammum on pure earth. This is the view of [School of] al-Shafi'i, Malik, Ahmad and others.

Imam Abu Hanifa and Sufyan al-Thawri have allowed the 'wudhu' and 'ghusl' with the 'nabidh' of dates when travelling, if there is unavailability of water. Al-Hasan al-Basri, Abu `Aliya and Rafi`i b. Mihran see it as an abominable act. `Ata' b. Abu Ribah says: "The 'tayammum' is more beloved to me than performing the 'wudhu' with milk, and yogurt." Al-Awza'i allowed the 'wudhu' and 'ghusl' with all types of 'nabidh', in fact with all forms of pure liquid.

The proof for the Imamis (Shi'i), and one who agrees with them on this question, in addition to the practical principles (al-usul al-'amaliyya), is the book of God, the Almighty and Glorious, and the 'sunnah' of His Prophet (S), and the consensus of the 'ummah'.

As for the book of God, it is His saying: "If you do not find water then [use] the pure earth and wipe on your faces and hands." [This is a proof as] He commanded the 'tayammum' when there is no water; He did not give any [other] alternative apart from it (the water), and the pure earth.

As for the 'sunnah', his [Prophet Muhammad] (S) saying "the pure earth is the 'wudhu' of a Muslim if he does not find water", is sufficient for us. Like the verse, the 'hadith' is clear, and there is no other alternative.

As for the consensus, the people of the 'qibla', all of them, are of one view. One who disagrees with it has rare views, goes against the 'ijma' of the Muslims, the rare views are not to be considered, it is like the rare view of one who says that the 'wudhu' with sea water is not permitted, for example.

Abu Hanifa, al-Thawri and those who agreed with them argued based on what was reported from Ibn Mas'ud from two chains of transmission:

1) On the authority of al-`Abbas b. al-Walid b. Sabih al-Khallal al-Dimashqi from Marwan b. Muhammad al-Tatari al-Dimashqi from `Abd Allah b. Lahi'a from Qays b. al-Hajjaj from Hanash al-Sana'i from `Abd Allah b. `Abbas from Ibn Mas`ud who said: "The Prophet of God (P) said to him on the night of Jinn: 'Do you have water?' He replied: "No, only nabidh in the water vessel (satiha)." The

Prophet of God (S) said: "The good date and pure water, pour it on me." He said: "I poured it on him and he performed the 'wudhu' with that."

Muhammad b. Yazid b. Maja al-Qazwini reported this 'hadith' by this chain in the chapter of the 'wudhu' by al-nabidh in his 'Sunan'. To the best of my knowledge, apart from him, none of the 'Sunan' writers have reported by this chain because of the ambiguity enveloping it. Al-'Abbas b. al-Walid was not considered to be reliable, or, trustworthy.

The scholars of the "critiquing and authenticating" have not mentioned him. Abu Dawud was asked about him, as reported in Mizan al-'I'tidal, and he said: "He was aware of the transmitters of traditions, and the traditions [yet] nothing is reported from him."

You know that they omitted him because of his weakness. As for his teacher, Marwan b. Muhammad al-Tatari, he was amongst the 'Murji'ites' (highest rank of legislator) gone astray. Al-'Uqayli mentioned him in his book [entitled] 'Weak Reporters'. Ibn Hazm has clearly declared his weakness, you will know all of this in his biographical profile in the Mizan al-'I'tidal.

Moreover, his teacher 'Abd Allah b. Lahi'a is one of those who has been considered weak by their Imams in the critiquing and authentication. So, refer to their views concerning his status in the collection of the biographical profiles like Mizan al-'I'tidal and others. You will find that he has been considered weak by Ibn Mu'in and Ibn Sa'id and others. Apart from the three men of this path there are other shortcomings which we do not need to elucidate on.

As for the second path of the chains of 'hadith', it ends with Abu Zayd, the client of 'Amr b. Harith from 'Abd Allah b. Mas'ud: "The Prophet of God (S) said to him on the night of Jinn: 'Do you have [anything] pure?' He said: 'No, except a little bit of 'nabidh' in the pot.' He said: 'The pure date, and pure water, so he performed the 'wudu.'"

Ibn Maja', al-Tirmidhi and Abu Dawud have reported this. The words "so he performed the wudu" are not in Abu Dawud's work. This 'hadith' is invalid by this chain also; just as it is invalid by the first chain. It is sufficient for you to know that it is invalid [by the fact that] it revolves on Abu Zayd, the client of 'Amr b. Harith, who is not known to the people of 'hadith', as al-Tirmidhi and others have written.

Al-Dhahabi has mentioned him in the section of 'kuna' (patronymics) in his Mizan and has stated that he is not known, that he reported from Ibn Mas'ud and that his traditions are not correct. Al-Bukhari has mentioned him to be amongst the weak ones. The text of his 'hadith' is: "The Prophet of God (S) performed the wudu with 'nabidh'." Al-Hakim said: "He is an unknown person. He does not have [any other] hadith, it is invalid."

In short, the past scholars have considered this 'hadith' to be weak in both its chains. Moreover, it contradicts what has been reported by al-Tirmidhi in his Sahih and by Abu Dawud in his chapter of the 'wudhu' in his 'Sunan'. All the Imams have verified it from 'Alqama that he asked Ibn Mas'ud: "Who

amongst you was with the Prophet of God (S) on the night of Jinn?" He said: "None of us was with him."

Assuming it (the tradition) is correct and it did not contradict it, the verse on tayammum would abrogate it since the night of Jinn occurred in Mecca before the emigration. The verse on tayammum is Medinese without any dispute.

It is permissible to interpret the 'hadith', assuming it is correct, that with the water, there was a little dry date in the pot. The water did not lose its purity, nor, did it lose its attribute [of being] water.

Al-Awza'i and al-Asam and those who have agreed with them have argued that the 'wudhu' and 'ghusl' can be performed with all pure liquids and that Allah, the Almighty, only ordered the washing and wiping. Just as they can be performed by pure water they can [also] be done by other pure liquids.

The answer: Allah, the Almighty and Glorious, has made the 'tayammum' compulsory when water is not available. Allowing the 'wudhu' without it (water) would invalidate it (the 'wudhu'). This is what makes the washing commanded in the verse conditional upon [there being] water as is obvious, praise be to Allah for the understanding.

Perhaps the [School of] Hanafis allowed the wudu with yogurt mixed with water, as is reported from them, by relying on what al-Awza'i and al-Asam Hatim b. Unwan al-Balkhi relied upon.

This is what Allah has made easy for His slave and the son of His slaves, `Abd al-Husayn b. al-Sharif Yusuf b. al-Jawad b. Isma'il b. Muhammad b. Muhammad b. Sharaf al-Din Ibrahim b. Zayn al-`Abidin b. `Ali Nur al-Din b. Nur al-Din `Ali b. al-Husayn Al Abu'l-Hasan al-Musawi al-`Amili, all praises be to Allah, the Lord of the Universe.

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