

Six Disputable Questions

1. Wiping the ears

The Shia agreed, according to their infallible imams, upon that wiping the ears was not a part of wudu' at all because neither the Quran nor the Sunna or the consensus of the umma had evidenced it. In fact the clear Quranic verse of wudu' determined that wudu' was to be performed with two washings and two wipings; washing the face and the two hands and wiping the head and the two feet.

The Hanbalites said that it was obligatory to wipe the two ears with their meatuses. Ibn Rushd said in his book¹ that this was the belief of Abu Haneefa and his companions.

Ash-Shafi'iy and Malik said that wiping the ears was mustahab and not obligatory but they disagreed upon wiping them with new water or with the same water of wudu' remained on the hands. Some of their companions said that the ears were to be washed with the face. Others said that the interior parts of the ears were to be wiped with the head and the external parts of them were to be washed with the face.

Ash-Shafi'iy said that it was mustahab to repeat wiping the ears as he said that it was mustahab too to repeat wiping the head.

They depended upon weak traditions that were not proved to be true by the Shia. Also al-Bukhari and Muslim didn't pay any attention to them. Those, who acted according to these traditions although they were so weak, justified that by saying that acting according to these traditions was famous among them.

The infallible imams of the Prophet's progeny didn't pay a bit of attention to these traditions. They were the people of the Prophet's house and definitely the people of a house would be more aware of what there was in the house than anyone else.

2. Does washing the head instead of wiping it suffice for wudu'

The people of the four Sunni sects agreed upon that washing the head instead of wiping it would suffice for wudu' but they disagreed upon that if it was makrooh² or not. The Hanafites and the Malikites said

that it was makrooh justifying their belief by saying that washing the head was opposite to what Allah had ordered. The Shafi'ites said that it was not makrooh but it would be against the worthier act. The Hanbalites said that washing the head instead of wiping it would suffice for wudu' on condition that the hand must be passed over the head.

As for the Shia, they agreed unanimously upon that washing the head would never suffice for wudu' because it was opposite to what Allah had ordered and opposite to the Prophet's Sunna. The Prophet (s) used to wipe his forelock in wudu' and he didn't wash his head. Hence washing the head in wudu' was null and it would invalidate wudu' too. You already knew that we said previously that washing and wiping were two different facts.

3. Order in performing wudu'

The Shia agreed unanimously, according to their pure imams, upon the obligation of the order of the acts of wudu' as they were arranged by the Quranic verse of wudu'.³

The Malikites, the Hanafites, Sufyan ath-Thawri and Dawood thought that the order of the acts of wudu' was not necessary. They considered it as mustahab and said that wudu' wouldn't be invalidated if the order of its acts was violated. They said that wudu' would be valid if one began his wudu' by washing his left foot and ended his wudu' by washing his face although his acts were opposite to the order of wudu' mentioned in the Quranic verse.

The Shia's evidence was the Quran and the Sunna. The Quranic verse showed the order of the acts of wudu' clearly. The Sunna confirmed that the Prophet (s) kept to the order of the acts of wudu' whether his wudu' was for a wajib prayer or a mustahab prayer. He was pure along his life. Whenever his wudu' was invalidated, he performed it. He often perform wudu' although he was pure by the previous wudu'.

He often said: "It is a light on alight." The umma agreed upon that the Prophet (s) had never performed wudu' unless he followed the order of its acts. If the order of wudu' was not a condition for wudu' to be valid, the Prophet (s) would break it even one time or he would declare that it was permissible to break the order of the acts of wudu' to show the right verdict as he used to do whenever there was a religious verdict.

Since the Prophet (s) didn't break the order of wudu' and didn't declare that it was permissible to break it, so we knew definitely that the base was to follow the order of wudu' as a condition for wudu' to be valid.

4. Succession of acts of wudu'

The Shia ulema, according to their imams, thought that the succession⁴ of the acts of wudu' was a necessary condition for the validity of wudu'. The previous organ, which was to be washed, must not dry

before finishing washing the following organ when the environments were normal.

The Shafi'ites and the Hanafites said that the succession of the acts of wudu' was neither a condition nor wajib but it was mustahab. It was makrooh for them to separate between the organs of wudu' if there was no excuse but if there was an excuse, it would be not makrooh. For example if one forgot to wash one of his organs and after a period of time he remembered or the water he had ran out and he went to bring some water to complete his wudu'.

The Malikites said that succession would be wajib if one remembered and was able to do that and it would be not wajib if one forgot or there was another excuse.

Our evidence was the doing of the Prophet (s). He kept to succession in performing the acts of wudu' as he kept to the order of the acts of it. It was not mentioned at all that he had slacked in performing the acts of wudu'. If that was not a condition for wudu' to be valid, he would break it even for one time or he would declare that it was permissible to break it in order to show the Muslims the real legal verdict but since he hadn't done that, we knew that succession was obligatory in performing wudu'.

Wudu' would be valid if it had all the conditions determined by the Quran and the Sunna but if it didn't have all its conditions then its validity would be disputable by the different sects of the Muslims. The infallible imams of the Prophet's progeny (s) thought that if wudu' didn't have all of its conditions, it wouldn't be valid and it wouldn't make the prayer valid.

5. The intention

The Shia agreed unanimously, according to their imams, upon the conditionality of the intention in the validity of wudu' and ghusl⁵ because they were among the acts of worship that Allah had ordered his people to do. (***And they were not enjoined anything except that they should serve Allah, being sincere to Him in obedience.*** 98:5) This was the belief of ash-Shafi'iy, Malik, Ahmad, Dawood, Abu Thour and many of the Sunni imams.

The Hanafites said that the obligation of wudu' and ghusl with pure water⁶ was but to lead to the purity that would be achieved only by flowing the water over the organs whether it was done with an intention or not or even if it was done without one's option. They said if someone fell into water without his option or he entered into water just to enjoy himself, to cool himself or to clean himself or just to join the others and then water covered all his organs of wudu', he could offer the prayer with this wudu' even if he was unbeliever when he entered into water and then he became a Muslim when he left the water. They didn't consider believing in Islam as a condition for the validity of wudu'.

They stipulated the intention for the validity of tayammum because soil didn't purify in its nature but its purification was a devotional act so the validity of tayammum required an intention. So was about performing wudu' and ghusl with date-juice or the leftover water, from which a donkey or a mule drank,

because the purity of this date–juice and such leftover water was devotional like the soil in tayammum.

They went too far in detailing wudu' and ghussl. They permitted performing wudu' with date–juice or the leftover water of the donkey or the mule and they considered this as an (unreasonable kind of worship) and they said that intention was obligatory for such act. On the other hand they considered performing wudu' with pure water as one of the obligations that led to the perceptible cleanness like getting rid of any impurity.

I didn't know how they became so certain that the aim of Allah, when He had legislated wudu', was but perceptible cleanness, which would be gained by the flowing of water over the organs! Every Muslim, man or woman, knew that wudu' and ghussl were performed to remove the effect of any (hadath)⁷ in order to make the prayer (after wudu' or ghussl) valid and this thing was not perceptible or understood by people. It was just a devotional act determined by the Most Aware of every fact that was unknown by the people, the jinn, the angels and all the creatures. Yes, we believed that wudu' was legislated to remove the minor hadath and ghussl to remove the major hadath exactly as we believed in the other obligations like prayer, fasting, zakat and hajj.

Mere happening of the perceptible cleanness by wudu' or ghussl in many times didn't make them (wudu' and ghussl) as the attainment of the very cleanness. If the purpose of wudu' and ghussl was just to gain the perceptible cleanness, then they wouldn't be obligatory for one, who committed a hadath, if he was so clean and tidy. This was against the consensus of the umma and against the true Sunna of the Prophet (s), who had said: "Allah doesn't accept a prayer of anyone, who commits a hadath until he performs wudu'." He also said: "Allah doesn't accept any prayer without wudu' and doesn't accept any charity gained out of injustice."

The Quran and the Sunna might be depended upon as evidences confirming the necessity of the intention in performing wudu'.

As for the Quran, the verse mentioned in sura of al–Ma'ida (*O you who believe! when you rise up to prayer, wash **your** faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles; and if you are under an obligation to perform a total ablution, then wash (yourselves)... 5:6*) confirmed that wudu' and ghussl were among the obligations that the Muslims had been ordered to do and the verse mentioned in the sura of al–Bayyina (***And they were not enjoined anything except that they should serve Allah, being sincere to Him in obedience.*** 98:5) confirmed that all what the Muslims had been ordered to do must be done with loyalty to Allah. But in this conclusion there was a kind of consideration or in fact a kind of paradox.

As for the Sunna, the way of the Prophet's wudu' confirmed that he had kept to the order of the acts of wudu' besides the intentions according to the account that (the validity of the deeds depended upon the intentions (to do them)). The Hanafites said: "The perfection of the deeds depends upon the intentions" and so this would not be as evidence for what we said. It might be said when answering them that the

first saying would be better because the validity of the deeds was more required for the truth than the perfection of the deeds for what was more required would be more possible to occur to the mind.

The Shia followed their imams in all what they believed in. The beliefs of their imams were considered as fixed evidences because the infallible imams of the Prophet's progeny were equal to the Quran as the Prophet (s) had said in one of his traditions. They were the vessel of the Prophet's Sunna, the ships of rescue for the umma; whoever rode in them would be safe and whoever lagged behind them would drown. They were the gate of forgiveness. They were the firmest handle, which would not break off. They were the safety of the umma, which would keep them away from separation. They were the secure shelter, which would protect the umma against torment. They were the guardians of the Prophet (s) and the heirs of his knowledge and wisdom. They were the worthiest in following the Prophet's Sharia.

6. Performing wudu' with juice

Performing wudu' with juice⁸

The Shia agreed unanimously, according to the pure imams of Muhammad's progeny (s), upon the conditionality of the purity⁹ of the water used in performing wudu' and ghusl whether in residence or travel. They also agreed upon that if there was no water, one had to perform tayammum with clean soil. This was the belief of ash-Shafi'iy, Malik, Ahmad and others.

Abu Haneefa and Sufyan ath-Thawri said that it was permissible to perform wudu' and ghusl with date-juice in travel when there was no water.¹⁰ Al-Hasan al-Basri and Abul Aaliya Rafee' bin Mihran said that it was makrooh. Atta' bin Abu Rabah said: "Performing tayammum is more desirable to me than to perform wudu' with milk or yogurt."¹¹ Al-Awza'iy said that it was permissible to perform wudu' and ghusl with all kinds of juices¹² and all kinds of pure (permissible) liquids.¹³

The evidences of the Shia for this matter were the Quran, the Prophet's Sunna and the consensus of the umma.

The Quran said: (... **and you cannot find water, betake yourselves to pure earth, then wipe your faces and your hands.** 4:43) Allah ordered to perform tayammum instead of wudu' when there was no water and He didn't give any other choice.

As for the Sunna, it was enough for us that the Prophet (s) had said: "The pure earth is the Muslim's wudu' if he doesn't find water." This Prophet's saying was like the previous verse. It didn't suggest any option other than wudu' and tayammum.

But as for the consensus, all the Muslims agreed unanimously upon one thought. Whoever contradicted this thought was abnormal and violating the consensus of the Muslims and then no one would care for his abnormality. Among the abnormal sayings was this one: "It was not permissible to perform wudu' with seawater."¹⁴

Abu Haneefa, Sufyan ath-Thawri and others depended in their thought upon a tradition narrated by ibn Mass'ood in two ways:

First: al-Abbas bin al-Waleed bin Sabeeh al-Khallal ad-Damashqi from Marwan bin Muhammad at-Tatiri ad-Damashqi from Abdullah bin Luhay'a from Qayss bin al-Hajjaj from Hanash as-Sina'iy from Abdullah bin Abbas that ibn Mass'ood had said: "The Prophet (s) asked me in the night (of the jinn): "Do you have some water." I said: "No, I don't. But I have some juice in (sutayha) a vessel." The Prophet (s) said: "A good date and pure water! Pour over my hands!" I poured (of the juice) over his hands and he performed wudu' with that juice."

No one mentioned this tradition, in this way, except Muhammad bin Yazeed bin Maja al-Qazweeni in his *Sunan*—as I knew—because of the many defects it had. Al-Abbas bin al-Waleed was neither trusted nor reliable. The scholars of jarh and ta'deel left him aside. Abu Dawood was asked about him as it was mentioned in *Mizanul I'tidal* and he said: "He knew much about the narrators and traditions but I don't narrate from him." The scholars didn't depend upon his traditions because he was weak.

As for his sheikh Marwan bin Muhammad at-Tatiri, he was one of the deviate Murjites. [15](#) Al-Aqeeli mentioned him in his book of the weak narrators. Ibn Hazm declared that he was weak. All that was mentioned in *Mizanul I'tidal*. His sheikh Abdullah bin Luhay'a was considered by the scholars of jarh and ta'deel as a weak narrator. Refer to *Mizanul I'tidal* to find that ibn Mu'een and ibn Sa'eed had confirmed that he was weak. Some of the other narrators of this tradition had defects too but we didn't need to show other details.

Second: the series of the narrators of the two ways of the tradition reached Abu Zayd the freed slave of Amr bin Hurayth that ibn Mass'ood had said: "The Prophet (s) asked me in the night of the jinn: "Do you have tahoor [16](#) (some water)?" I said: "No, just some juice in (adawa) a vessel." He said: "A good date and pure water." Then he performed wudu'."

It was mentioned by ibn Maja, at-Tarmithi and Abu Dawood. This tradition was null in this way as it was null in the first way. It was enough for this tradition to be null that its main narrator was Abu Zayd the freed slave of Amr bin Hurayth. He was unknown by the scholars of Hadith as it was said by at-Tarmithi and others. Ath-Thahabi mentioned him in his *Mizanul I'tidal* and said that no one knew him and that he narrated from ibn Mass'ood but his traditions were not true. Al-Bukhari mentioned him among the weak narrators and said that the text of his tradition was: "The Prophet of Allah performed wudu' with juice." Al-Hakim said about him that he was unknown and that he had narrated nothing save his (null) tradition.

After all, the earlier ulema agreed upon the weakness of this tradition in both of its ways. [17](#) It was contradicted by another tradition mentioned by at-Tarmithi in his *Sahih* and Abu Dawood in his *Sunan*. All the scholars considered this tradition as true. The tradition said that Alqama had asked ibn Mass'ood: "Which of you was with the Prophet (s) in the night of the jinn?" Ibn Mass'ood said: "No one of us was with him."

Even if it was supposed that the tradition was true, then it would be annulled by the Quranic verse of tayammum because the night of the jinn was in Mecca before the hijra whereas the verse of tayammum was revealed in Medina after the hijra. [18](#)

The tradition—if it was supposed that it was true—could be interpreted in a way that there might be some dried dates in the water that wouldn't change its purity and aspects.

Al-Awza'iy, al-Assamm and others, who thought that it was permissible to perform wudu' and ghussl with all the pure liquids, justified their thought by saying that when Allah had ordered of washing and wiping and as they were achieved with water, they could be achieved with any other pure liquid as well.

The answer: Allah made tayammum obligatory when there was no water and hence permitting performing wudu' with other than that would annul the verdict of Allah. The Quranic verse limited washing to water only and this was showed very clearly.

When the Hanafites permitted performing wudu' with milk mixed with water, [19](#) they might depend upon the same justification, upon which al-Awza'iy and al-Assamm Hatim bin Onwan al-Balkhi had depended.

This what Allah had helped his slave and the son of his slave, Abdul Husayn bin sharif Yousuf bin al-Jawad bin Isma'eel bin Muhammad bin Muhammad bin Sharafuddeen Ibraheem bin Zaynul Aabideen bin Ali Nooruddeen bin Nooruddeen Ali bin al-Husayn Aal Abul Hasan al-Musawi al-Aamily to do for the sake of Him. Praise be to Allah, the Lord of the worlds.

[1.](#) Bidayatul Mujtahid vol.1 p.11.

[2.](#) Undesirable act.

[3.](#) The Shia stipulated order in the very organs of wudu' themselves. They said it was obligatory to wash the upper parts before the lower parts imitating their infallible imams and acting according to their traditions.

[4.](#) It means to perform the acts of wudu' one after the other immediately without a long period of time between them in order to show that wudu' is one unit.

[5.](#) Obligatory bathing that is required after certain acts or occurrences.

[6.](#) Pure water means the water that is not mixed with any other liquid or matter that may change its original aspects.

[7.](#) Hadath is any condition requiring wudu' or ghussl such as excretion, making water, wet dreaming or making love. Minor hadath means excretion, making water or farting. Major hadath refers to wet dreaming or making love.

[8.](#) It is meant by juice here the mixture of water and dates or water and raisin to make the water taste sweet. There are two kinds of such juice; intoxicating and non-intoxicating. Definitely the intoxicating kind is haram. What is meant here is the non-intoxicating kind.

[9.](#) Not to be mixed with any other liquid or matter that may change its original aspects.

[10.](#) This saying of Abu Haneefa was so famous. It was mentioned by ibn Rushd in his Bidayatul Mujtahid, by ar-Razi in his Tafseer vol.3 p.375 and by as-Sindi in his comments on ibn Maja's Sunan.

[11.](#) Refer to al-Bukhari's Sahih.

[12.](#) Ibn Rushd's Bidayatul Mujtahid and ar-Razi's Tafseer vol.3 p.375.

[13.](#) Al-Bukhari's Sahih.

[14.](#) Abdullah bin Amr bin al-Aass said that performing wudu' with seawater was not permissible. It was mentioned by ar-Razi in his Tafseer when interpreting sura of al-Ma'ida.

[15.](#) one of the earliest Islamic sects to believe in the postponement of judgment on committers of serious sins, recognizing God alone as being able to decide whether or not a Muslim had lost his faith.

[16.](#) The literary meaning of tahoor is purifier.

[17.](#) Refer to Sharh Sahih al-Bukhari by al-Qastalani and Sharh Sahih al-Bukhari by Zakariyya al-Ansari vol.2 p.43. (Two books printed together).

[18.](#) Wudu' was mustahab before the revelation of this verse and tayammum was not legislated until this verse was revealed after the hijra.

[19.](#) Al-Qastalani mentioned in his Irshad as-Sari vol.2 p.44: "For the Hanafites it was not permissible to perform wudu' with pure milk but if it was mixed with some water then it would be permissible."

Source URL:

<https://www.al-islam.org/juristic-questions-sayyid-abd-al-husayn-sharaf-al-din-al-musawi/six-disputable-questions#comment-0>