

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

An Explanatory Translation of the Classical Hanafi Primer, *Nur 'l-Idah wa Najat 'l-Arwah* (The Light of Clarification and the Salvation of the Souls) – relating to the jurisprudence (*fiqh*) of worship

All praise is due to Allah, and may the blessings and salutations of Allah be upon our Master Muhammad, as well as his noble and pure progeny, family and righteous companions. As part of these note-sharing series, I hoped to share something on the Hanafi madh-hab. The notes are largely comprised of Shaykh Atabek Shukurov an-Nasafi hafizahuLlah lessons on the text.

Introduction

كتاب الطهارة

“The Chapter of Purification”

“Kitab”, here translated as “chapter”, is derived from the root letters k-t-b, which originally bore the meaning of ‘to join’. It came to mean ‘to write’ as during the process of writing, the letters are joined, particularly in terms of the Arabic language. “Kitab”, therefore, may be taken to be a term signifying the joining of ideas.

“Taharah” linguistically refers to “purification”, though in a legal sense, it refers to purification with the intent of being able to perform the ritual prayer (*salah*), e.g. making *wudu'*, *tayammum*, purifying oneself from *najasa* etc

Types of Water

المياه التي يجوز التطهير بها سبعة مياه

ماء السماء وماء البحر وماء النهر وماء البئر وماء الثلج وماء البرد وماء العين

“The types of water permissible for purification are seven: Rain water, ocean/sea water, river water, and water from wells, water from melted snow, hail water upon melting and spring water.”

As for river water, there is some difference of opinion outside of the Madh-hab. Those that opposed the permissibility of sea water to be used to purify include Imam Malik and Imam Muhammad b. Sirin. The latter is reported to have stated: “Making *tayammum* is more beloved to me than using sea water”. However, we as Hanafis, state that this is a weak opinion, citing the hadith of the messenger of Allah *sallaLlahu 'alayhi wa alihi wa sallam* on the water of the sea: “Its water is pure and its dead (me: e.g. fish) is permissible” (narrated by Ibn Majah, kitab at-taharah wa sunanuha, bab al-wudu'u bi ma' il-bahr).

Related to the dead of the sea being permissible, there is an exception for animals which are found floating on the water, up-side-down, provided we did not see the death. This is since we do not know if the cause of the death was natural, in which case it would not be permissible. If you killed it, or saw that its death wasn't simply due to its natural lifespan, it would be halal.

ثم المياه على خمسة أقسام الأول طاهر مطهر غير مكروه وهو الماء المطلق

Water is divided into five types: The first being that which is pure and purifying, not disliked, and this is known as 'absolute water' i.e. pure water

This refers to normal, unaffected water. It is pure in itself, and can purify other people. "Pure" in this sense refers to ritual purity, i.e. with regards to wudu' and ghusl.

والثاني طاهر مطهر مكروه وهو ما شربت منه الهرة ونحوها وكان قليلا

The second being pure and purifying, but disliked and it refers to that which a cat or a similar animal had drunk from it, provided the water is of a small quantity.

The natural question which comes up is what type of dislike (*karahah*) the Imam is referring to. As a rule, whenever the Imam states an action is 'makruh' without qualification, it refers to being *makruh tahriman* i.e. prohibitively disliked, and thus incurs sin if performed. However, this case is an exception to the rule, and thus purifying oneself with this type of water is *makruh tanzihan* i.e. the somewhat disliked, where sin is not incurred if performed but if left, one is rewarded. This was the opinion of Abu I-Hasan al-Karkhi, and is the *mu'tamad* (relied-upon) position of our school. Other scholars, such as Abu I-Husayn al-Quduri held that it was *makruh tahriman* based on the fact that the saliva of a cat was attached to their [impermissible] meat, as they do not have beaks. However, this is not the final position of the madh-hab.

Do note that this *karahah* (being disliked) is conditioned upon the statement "and it is of a small quantity". As for the definition of a 'small-quantity', this was differed upon during the earliest stages of the madh-hab. Imam Abu Hanifah held the *usuli* (relating to principles of jurisprudence) position that one must not specify anything with figures, if this is not directly narrated from the Qur'an or Sunnah. Consequently, he held the opinion that a small quantity was defined as "that which its waves reach from one side to the other". Imam Muhammad, however, differed with the Imam, giving us the more precise definition of 10 by 10 arms. Although Imam Muhammad himself later adopted the opinion of Imam Abu Hanifah, his initial opinion of 10 by 10 arms is the *mu'tamad*, and was the position of the scholars of *Bukhara*. This is since there is a danger of imprecision – a cup of water could perhaps be made out to be a large quantity based on the fact that a wave would not reach the other side etc.

والثالث طاهر غير مطهر وهو ما استعمل لرفع حدث أو لقربه كالوضوء على الوضوء

بنيته

The third [type of water] is that which is pure, yet does not purify [others]. It refers to that which has been used to remove ritual impurity, or in an act of drawing closer [to Allah], such as an ablution over an existing one, with that intention

As alluded to previously, the clause ‘does not purify’ relates to *ritual* impurity, and not removing physical filth (*najasah*). Thus, this ‘used’ or *musta’mal* water as it is known as, is that which has been used to remove ritual filth (*hadath*), and cannot be used for *wudu’* or *ghusl* purposes. However, the question arises as to when we perform *wudu’*, yet we are not removing any type of *hadath* i.e. renewing your *wudu’*, without breaking it.

Used Water

ويصير الماء مستعملا بمجرد انفصاله عن الجسد

The water becomes used merely by its separation from the body

Technically, water becomes used immediately upon contact with one’s skin. However, since it would still be flowing across one’s limbs, it cannot be considered ‘used’ until after leaving the body. This is the position of Imam ash-Shurumbalali; as for Imam an-Nasafi, he held that it only became used water once it had settled on the ground.

That Which Cannot be Used to Make Wudu’ With

ولا يجوز بهاء شجر وثمر ولو خرج بنفسه من غير عصر في الأظهر

It is not permissible to [make wudu’ with] water from trees and fruits, even if it were to freely flow from the tree/fruit, independent of any squeezing – in the most apparent opinion

The reason behind specifically excluding water from fruits/trees, even if they came out without squeezing, was because of the opposing opinion of al-Quduri (author of *al-mukhtasar*) and al-Mahbubi (author of *sharh l-wiqayah*). These authors held that water which came out independently of squeezing the fruits/trees could indeed be used for *wudu*. However, their opinion is not the *mu’tamad* opinion; rather, such water is impermissible to use with regards to *wudu’*. This difference of opinion is also the reason behind ash-shurumbalali mentioning ‘*in the most apparent opinion*’, which – as has been mentioned – is the *mu’tamad* position in this case.

ولا بماء زال طبعه بالطبخ أو بغلبة غيره عليه

Nor [is it permissible to use, for the purposes of wudu] water which has lost its nature as a result of cooking, or by another substance overcoming it

Water has two characteristics which form its nature: [1] *riqqah* – softness and [2] *sayalan* – being flowing, and three qualities: [1] taste; [2] smell; and [3] colour.

The Imam goes on to define what exactly the overcoming of another substance refers to:

Being Overcome by another Substance

Solid Substances

والغلبة في مخالطة الجامدات بإخراج الماء عن رفته وسيلانه

Being overcome in terms of the water mixing with solids is by the water having its softness and ability to flow removed

In other words, in terms of solids, the water is only overcome once its nature is lost (softness, and being flowing). Thus muddy water (which remains able to flow and soft), would be permissible to use in wudu'.

EXCEPTION: Water that has been mixed with a solid and retains its ability to flow and softness, *yet is known by a different name*, is no longer permissible to use for wudu'. For example, tea bags are solid, and they mix with water, and its flow and softness is not affected. However, the water is known as 'tea', not 'water', so it is not permissible to use it for wudu'.

ولا يضر تغير أوصافه كلها بجامد كزعفران وفاكهة وورق شجر

The [three] qualities are irrelevant in terms of solid substances [mixing with the water], such as saffron, or fruit/tree leaves.

The Imam affirms the irrelevance of the three qualities of the water, when dealing with solid substances mixing with the water. These three qualities, as mentioned previously, are [1] colour; [2] smell; and [3] taste. Saffron, for example, when mixed with water, may indeed change the colour, smell and taste, yet this water would still be permissible to make wudu' with, simply due to saffron being solid.

Liquid Substances

والغلبة في المائعات بظهور وصف واحد من مائع له وصفان فقط كاللبن له اللون

والطعم ولا رائحة له

Being overcome in terms of liquid substances is by the changing of one quality of a substance which only has two qualities e.g. Milk – it has colour and taste, but no smell

When talking about liquid substances, we focus on the three qualities, and not the nature, because by definition, liquids are soft and are able to flow. Not every liquid, however, has all three qualities: colour, taste and smell. Milk only has a colour and taste, for example. In this case, if one quality appears in the water from the milk, the water has been overcome by the milk and cannot then be used for wudu'.

وبظهور وصفين من مائع له ثلاثة كالخل

[Being overcome] for a substance with all three qualities, like vinegar, is by the appearance of two of the three qualities in the water

Vinegar has taste, smell and colour. If only one characteristic is manifested in the water that has been mixed with it, e.g. smell, the water will be permissible to use for wudu'. If two characteristics or more are manifested e.g. colour and smell, it will no longer be permissible.

والغلبة في المائع الذي لا وصف له كالماء المستعمل وماء الورد المنقطع الرائحة
تكون بالوزن

For substances which have no qualities, such as used water (ma' al-musta'mal) or rose water which has lost its smell, being overcome is assessed as a result of weighing

Rose water is not permissible to use to make wudu' in, since water known by a different name, as discussed earlier, is not permissible to use for wudu'. Once it is left for long enough, it loses its rose smell. It therefore has no quality which distinguishes it from normal water (al-ma' al-mutlaq). We therefore have to rely on weighing.

فإن اختلط رطلان من الماء المستعمل برطل من المطلق لا يجوز به الوضوء

Thus, if two ratls of used water mix with one ratl of normal water (mutlaq), wudu is not permissible with it

This is since the majority of the water i.e. 2/3 of it is not permissible to use for wudu'. However:

وبعكسه جاز

The opposite scenario, however, is permissible

This is referring to if there was two ratls of normal water, mixed with one ratl of used water.

Note: This is the end of the discussion on types of water forbidden to be used for wudu'. We resume the discussion on the types of water (aqaam al-miyaah). We have covered the first three ([1] Pure, purifying; [2] Pure, purifying but Makruh; [3] Pure, not Purifying).

والرابع ماء نجس وهو الذي حلت فيه نجاسة وكان راكدا قليلا

The fourth type of water is the "impure water", and this is the water in which impurity has fallen, while the water was settled, and of a small amount

Arabic note: “qalilan” is not a description of “rakidan”, rather both words are *Ism Kana*. Thus the water is settled (raakid), *and* only of a small amount, not that the water is only a little settled.

That which defines being a ‘small amount’ is mentioned next:

والقليل ما دون عشر في عشر

Being of a small amount is being under 10x10 arms

There is a difference of opinion on this point: Imam Muhammad held the position mentioned by ash-shurumbalali, but retracted from this position later on, back to Imam Abu Hanifah’s position. Imam Abu Hanifah held the principle that one must not specify a certain number which does not have an origin in the Qur’an or Hadith, and thus defined ‘small amount’ as water whose waves reach from one side to another, when one takes a bath. Imam Abu Hanifah’s opinion is in fact the mu’tamad, and is narrated via the *dhahir ar-riwayah*. However, his definition may open up problems for the layman, and so the more objective definition of 10x10 arms was taken by the scholars of Bukhara, mentioned here by Imam ash-Shurumbalali and is the *mufti bihi* position of our times (the opinion upon which fatwa is given).

فينجس وإن لم يظهر أثرها فيه

So, [by having an impurity fall in settled water of a small amount], the water becomes impure, even if one cannot see the impacts of the impurity on the water

As long as water is settled, and of a small amount, and some impurity has entered, all the water becomes impure whether you can see it or not. If some urine enters this water, for example, and you can no longer see it, the water remains impure.

أو جاريا وظهر فيه أثرها

If it is flowing, the water becomes impure if the impacts are manifested

If the water is flowing, and impurity enters, and one cannot see it, the water remains pure. If stool fell in the Atlantic Ocean, yet was washed away by the waves, the water remains pure.

والأثر طعم أو لون أو ريح

The ‘impacts’ refer to taste, colour or smell

The 5th Type of Water

والخامس ماء مشكوك في طهوريته وهو ما شرب منه حمار أو بغل

The fifth is 'doubtful water' in terms of its ability to purify (not in its purity), and it refers to water in which a donkey or mule has drunk from

The obvious question which would come up at this point would be why the water would be doubtful, and why donkeys and mules have been specified. As we know, water in which mice etc have drunk from fall under the second category of water: pure, purifying but makruh. The answer lies in the practice of the Beloved Messenger *sallaLlahu 'alayhi wa alihi wa sallam*. He *sallaLlahu 'alayhi wa alihi wa sallam* would often use a donkey which – especially in the hot climate of Arabia – would certainly have been sweating. Its sweat would be coming from its meat, yet there are no known instances of the messenger *sallaLlahu 'alayhi wa alihi wa sallam* specially washing his blessed garments due to this; from this, we can conclude that the sweat must have been pure. At the same time, eating a donkey is Haram, so there is doubt about the water that it has drunk from.

Remnant Water

فصل في بيان احكام السؤر

Chapter: Detailing the Rulings of as-Su'r (remnant water)

والماء القليل إذا شرب منه حيوان يكون على أربعة أقسام ويسمى سؤرا

If an animal drinks from a small amount of water, it shall take one of four categories, and will be known as su'r

The first point to note is that the rulings of *su'r* remain limited to the confines of 'a small amount of water' (*al-ma' al-qalil*). Thus, irrespective of how many and what type of animals drink from an ocean, for example, it will have no bearing on its purity.

الأول طاهر مطهر وهو ما شرب منه آدمى أو فرس أو ما يؤكل لحمه

The first category: pure and purifying – and the water which has been drunk from by a human, horse or an animal whose meat is eaten (halal meat)

The question arises as to why the author separated between 'horse' and 'animals whose meat is eaten' (i.e. halal meat), bearing in mind that horses are considered *halal* in the *mu'tamad* of the *madh-hab*. The answer is that some of the *mujtahids* of our *madh-hab*, including one opinion (out of two) narrated from Imam Abu Hanifah himself, considered it otherwise. However, this was not the position of his two companions, nor that of the other *madha-hib*, nor the *mu'tamad*.

والثاني نجس لا يجوز استعماله وهو ما شرب منه الكلب أو الخنزير أو شيء من سباع

البهائم كالفهد والذئب

The second category: filthy and impermissible to use – where water has been drunk from by a dog, pig or any predatory animal e.g. cheetah, fox or wolf

Of course, predatory animals are singled out due to their eating other meat, and of course the dog and pig are impure.

An interesting linguistic feature to note is that *najis* means filthy i.e. the description of filth while *najas* is the filth itself. This is according to the technical usage of the aforementioned words; as far as language goes, both words mean the same.

والثالث مكروه استعماله مع وجود غيره

The third category: disliked to use while other water is present

Here, naturally one assumes that if it is disliked to use when other water is present, it would not be disliked if other water is not present. This is correct in this case, and is known as *mafhum 'l-mukhalafah*. In fact, this is always understood when reading through fiqh texts. When it comes to the source texts of the Qur'an and Sunnah, this is not necessarily the case according to Hanafi *usul*. Just because the case for one thing is mentioned, we cannot assume the case for the other is going to be the opposite.

A more important point relates to the type of dislike being referred to here. As a rule of thumb, whenever something is mentioned as *makruh* without specifying the type, it is assumed it is *makruh tahriman* being referred to. However, this is not the case here, according to the mu'tamad and the position of Abu 'l-Hasan al-Karkhi.

وهو سؤر الهرة والدجاجة المخلاة وسباع الطير كالصقر والشاهين والحدأة كالفأرة

لا العقرب

This is the leftover water of a cat, stray chicken, predatory birds e.g. eagle, falcon and glade, as well as animals that tend to be located by houses such as a rat or snake, though not the scorpion.

As mentioned in the maraqi 'l-falah, a stray chicken is specified because of the chance that it had eaten impure meat.

والرابع مشكوك في طهوريته وهو سؤر البغل والحمار فإن لم يجد غيره توضأ به وتيمم

ثم صلى

The fourth category: that which is doubtful in its purity – the leftover of the mule or donkey. If other than it is not found, then one makes wudu' with it, then tayammum (dry ablution), then one can pray.

One performs tayammum in addition to wudu'. This is a precautionary measure, as mentioned in the maraqi.

Examining Containers (Utensils) and Clothes and the purity thereof

فصل فى التحرى فى الأواني والشياب

Chapter: on examining containers and clothing

This chapter concerns what one does when one knows a few of some clothes/containers are filthy, yet one does not know precisely which ones are filthy and which are pure.

لو اختلط أوان أكثرها طاهر تحرى للتوضؤ والشرب

As for containers, if they are mixed i.e. placed next to/near each other (between pure and filthy), with the greater amount being pure, then one estimates, and this is valid for both drinking and performing wudu

وإن كان أكثرها نجسا لا يتحرى إلا للشرب

However, if the majority are filthy, one does not estimate except to drink

This is due to necessity – drinking is necessary.

وفى الشياب المختلطة يتحرى سواء كان أكثرها طاهرا أو نجسا

With regards to mixed clothing (pure and filthy clothing placed next to/near to each other), one estimates whether the majority are pure or filthy