

RECITING OR TOUCHING THE *MUS-HAF* WITHOUT *WUDOO*.

*ABOO MUHAMMAD IBN HAZM -*rahimahullaah*- said in '*al-Muhallaa*' (1/77-80):

“ISSUE (no. 116): And reciting the Qur-aan, and prostration during it, and touching the *Mus-haf*, and (words of) remembrance of Allaah-the Most High-are all permissible, whether upon *wudoo* or without *wudoo*, and for the '*junub*' and for the menstruating woman.

The proof of that is that recitation of the Qur-aan, and prostration during it, and touching the *Mus-haf*, and the remembrance of Allaah-the Most High- are actions of good, and are recommended, and their doer is rewarded. So whoever claims that they are prohibited in some states, then he is required to bring proof.

As for the recitation of the Qur-aan, then the present opponents agree with us about this matter with regard to the person who is not in a state of *wudoo*, however they disagree regarding the *junub* and the menstruating woman.

So a group said: The menstruating woman and the *junub* may not recite anything from the Qur-aan; and it is a saying related from `Umar ibn al-Khattaab, `Alee ibn Abee Taalib-*radiyallaahu `anhumaa*-and from others besides them, such as: al-Hasan al-Basree, Qataadah, an-Nakha`ee, and others.

And a group said: As for the menstruating woman, then she may recite whatever she wishes from the Qur-aan; but as for the *junub*, then he may recite two Aayahs or the like; and it was the saying of Maalik; and some of them said: He should not read a complete Aayah; and it was the saying of Aboo Haneefah. So as for those who prevent the *junub* from recitation anything from the Qur-aan, then they use as evidence that which `Abdullaah ibn Salamah narrated from `Alee ibn Abee Taalib-*radiyallaahu `anhu*- “That nothing would prevent Allaah’s Messenger ﷺ from the Qur-aan, except from *janaabah*.”¹ And there is no proof for them in this, since it does not contain a prohibition of the *junub* reciting the Qur-aan; rather it is just an action from him-*`alaihi-Salaam*- which does not make it something binding. Nor did he -*`alaihi-Salaam*-explain that he only withheld from reciting the Qur-aan on account of *janaabah*. So it may have been the case that he just happened to have left off reciting in that state, but not because of *Janaabah*. So he -*`alaihi-Salaam*-never fasted a whole month besides Ramaadaan; nor did he increase in its standing in Prayer upon thirteen *rak`ahs*; nor did he ever dine upon a small table; nor did he eat whilst reclining. So is it, therefore, forbidden to fast a whole month besides Ramaadaan, or that a person prays *tahajjud* with more than thirteen *rak`ahs*, or that he dines upon a

¹ Reported by Ahmad (1/84), Aboo Daaawood (no.229), at-Tirmidhee (no.146), an-Nasaa-ee (no.265), and Ibn Maajah (no.594). Declared '*da`eef*' (weak) by Shaikh al-Albaanee. See '*Irwa-ul-Ghaleel*' (no. 485).

small table, or that he eats whilst reclining? They do not say this, and there is much like this.

Also narrations occur prohibiting the *junub* and one who is not upon purification from reciting anything from the Qur-aan, but nothing from them is authentic; and we have explained the weaknesses of their chains of narrations elsewhere; and if they had been authentic, then they would have been a proof against those who permit him to recite a complete Aayah, or part of an Aayah, since they all totally prohibit recitation of the Qur-aan for the *junub*.

As for those who say that the *junub* may recite an Aayah or so, or who say that he should not recite a whole Aayah; or who permit the menstruating woman and forbid the *junub*, then these are futile sayings because they are claims not supported by a proof: neither from the Qur-aan, nor from the Sunnah-neither from what is authentic nor from what is weak, nor from Consensus, nor by the saying of a Companion, nor by analogy, nor by sound opinion. So part of an Aayah, and one Aayah are Qur-aan, without a doubt, and there is no difference between permitting him to recite one Aayah and (permitting) another; not between preventing one Aayah and preventing another. And those who hold these sayings hold it to be reprehensible to oppose a Companion who is not known to have anyone who disagreed with him; yet they have opposed in this matter `Umar ibn al-Khattaab, `Alee ibn Abee Taalib, and Salmaan al-Faarisee -and no one from the Companions is known to have disagreed with them-radyallaahu `anhum.

And also there are some Aayahs that comprise a single word, such as:

﴿ وَالضُّحَىٰ ﴾ [[Sooratud-Du^haa (93):1]], and:

﴿ مَدَّهَا مَتَانِ ﴾ [[Sooratur-Rah^{ma}aan (55): 64]], and:

﴿ وَالْعَصْرِ ﴾ [[Sooratul-`Asr (103):1]], and:

﴿ وَالْفَجْرِ ﴾ [[Sooratul-Fajr (89): 1]]; and there are some that comprise many Words, such as the Aayah concerning a debt [[Aayah 282 of Sooratul-Baqarah]]. So when there is no doubt concerning this, then their permitting him to recite the Aayah of debt, and that which follows it, and Aayatul-Kursee, or part of it and not completing it, and their preventing him from reciting:

﴿وَالْفَجْرِ وَلَيَالٍ عَشْرٍ وَالشَّفْعِ وَالْوَتْرِ﴾ [[Sooratul-Fajr (89):1-3]]; or their preventing him

from completing: ﴿مُدَّهَامَتَانِ﴾ [[Sooratur-Rahmaan (55): 64]], is astonishing.

Likewise their making a distinction between the menstruating woman and the *junub*, based upon the fact that the affair of the menstruating woman is prolonged, then this is absurd; since if her reciting the Qur-aan is forbidden, then the length of her period will not make it lawful for her; and if that is lawful for her, then using as evidence the fact that her period is prolonged has no meaning.

-Muhammad ibn Sa`eed ibn Nabaat narrated to us: `Abdullaah ibn Naṣr narrated to us: from Qaasim ibn Aṣbigh: from Muhammad ibn Waddaah: from Moosaa ibn Mu`aawiyah: Ibn Wahb narrated to us: from Yoonus ibn Yazeed: from Rabe`ah, who said: “There is no harm in the *junub* reciting the Qur-aan.”

-And with it to Moosaa ibn Mu`aawiyah: Yoosuf ibn Khaalid as-Samtee narrated to us: Idrees narrated to us: from Hammaad, who said: “I asked Sa`eed ibn al-Musayyib about the *junub*: should he recite the Qur-aan? So he said: How should he not recite it, when it is retained inside him?!”

-And with it, to Yoosuf as-Samtee: from Naṣr al-Baahilee, who said: “Ibn `Abbaas used to recite al-Baqarah whilst he was *junub*.”

-Muhammad ibn Sa`eed ibn Nabaatah related to me: Ahmad ibn `Awnillaah narrated to us: Qaasim ibn Aṣbigh narrated to us: Muhammad ibn `Abdis-Salaam al-Khushanee narrated to us: Muhammad ibn Bashshaar narrated to us: Ghundar narrated to us: Shu`bah narrated to us: from Hammaad ibn Abee Sulaymaan, who said: “I asked Sa`eed ibn Jubayr about the *junub* reciting, so he did not see any harm in it, and he said: Is the Qur-aan not within him?!”

And it is the saying of Daawood, and all of our Companions¹.

As for the prostration whilst reciting the Qur-aan, then it is not Prayer at all, because of what `Abdullaah ibn Rabe` narrated to us: Muhammad ibn Mu`aawiyah narrated to us: Ahmad ibn Shu`ayb narrated to us: Muhammad ibn Bashshaar narrated to us: `Abdur-Rahmaan ibn Mahdee narrated to us, and Muhammad ibn Ja`far, both saying: Shu`bah narrated to us: from Ya`laa ibn `Aṭaa, that he heard `Alee al-Azdee-and he is `Alee ibn `Abdillaah al-Baariqee: reliable-that he heard Ibn `Umar say: from Allaah’s Messenger ﷺ that he said: << Prayer of the night and the day is in pairs >>²; and it is

¹ i.e. of Aboo Sulaymaan Daawood ibn `Alee al-Aṣbahaanee, az-Zaahiree (d.270 H) -rahimahullaah, and the Zaahirees (transl.).

² Reported by Ahmad (2/26 & 51), an-Nasaa-ee (no.1666), and Ibn Maajah (no.1322), as a hadeeth of Ibn `Umar -radiyallaahu `anhumaa. Declared ‘*Ṣaḥeeh*’ by Shaikh al-Albaanee.

authentic from him- *`alaihiis-Salaam*-that he said: << The Witr is a single *rak`ah* at the end of the night. >>¹ So it is correct that whatever is not a complete *rak`ah* or two *rak`ah*'s, or more, then it is not Prayer; and prostration whilst reciting the Qur-aan is not a *rak`ah*, nor two *rak`ahs* so it is not Prayer; and because it is not Prayer it is permissible without *wudoo`*, and for the *junub*, and for the menstruating woman, and towards other than the *qiblah*, just like the rest of the *dhikr*; and there is not difference since *wudoo`* is not binding except for the Prayer alone, as nothing occurs in the Qur-aan, the Sunnah, Consensus, or Analogy to make it obligatory for other than the Prayer. So if it is said that the prostration is a part of the Prayer, and a part of the Prayer is Prayer, then we say, and success is granted by Allaah, this is futile, because a part of the Prayer will not be Prayer unless it is completed in the manner in which the praying person has been commanded to perform it. So if a person were to say a *takbeer*, and then perform *rukoo`*, and then deliberately break off, then no one from the people of Islaam would say that he had prayed anything; rather they would all say that he had not prayed; but if he were to complete it as a *rak`ah* of the witr, or two *rak`ah*'s for the *Jumu`ah*, or the Dawn Prayer, or travelling, or optional Prayer, then he would have prayed without any disagreement.

Then we say to them: The standing is a part of the prayer, and the *takbeer* is a part of the Prayer, and the recitation of the Foundation of the Book is a part of the Prayer, and the Sitting is a part of the Prayer, and the Salutation is a part of the Prayer, so upon this basis it is essential that you do not permit anyone to stand, or to say *takbeer*, or to recite the Foundation of the Book, or to sit, or to give the Salutation except upon *wudoo`*. So this is something which they do not say, so their argument is nullified, and Allaah-the Most High-grants success.

¹ Reported by Muslim (no.752) as a hadeeth of Ibn `Umar -*radiyallaahu `anhumaa*.

So if they say: This is by Consensus¹, then, we say to them: Then you have assented to the correctness of a consensus which shows the futility of your argument, and the unsoundness of your reasoning, and Allaah-the Most High-grants success.

As for touching the *mus-haf*, then the narrations used as evidence by those who do not permit the *junub* to touch it, then nothing from them is authentic, because they are either ‘*mursal*’, a manuscript which does not have a fully connected chain², something from an unknown person, or something from a weak narrator; and we have examined them in detail elsewhere.

As for what is authentic, then it is just what `Abdullaah ibn Rabee` narrated to us, saying: Muḥammad ibn Aḥmad ibn Mufarraḡ narrated to us: Sa`eed ibn as-Sakan related to us: al-Firabree narrated to us: al-Bukḥaaree narrated to us: al-Hakam ibn Naafi` narrated to us: Shu`ayb narrated to us: from az-Zuhree: `Ubaydullaah ibn `Abdillaah ibn `Utbah related to me: that Ibn `Abbaas informed him: that Aboo Sufyaan informed him that he was with Hiraql, and Hiraql called for the letter of Allaah’s Messenger ﷺ with which he had sent Diḥyah to the ruler of Buṣraa, so he gave it to Hiraql, and he read it, and it contained: “In the name of Allaah, the Extremely Merciful, the Bestower of Mercy. From Muḥammad, the slave of Allaah and His Messenger to Hiraql the ruler of the Byzantines. Peace be upon whoever follows the guidance. To proceed. Then I call you with the call of Islaam: accept Islaam and you shall be safe, and if you turn away then the sin of the common folk will be upon you; and:

﴿يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا

وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّن دُونِ اللَّهِ فَإِن تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ﴾

[Soorah Aal-`Imraan (3): 64]

[[Meaning: O people of the Scripture! Come to a true and just word to which we should all adhere: that we single out Allaah with all worship, and we do not associate anything along with Him; and that none of us should take others as lords besides Allaah. So if they turn away, then say: Bear witness that we are Muslims, submitting to our Lord.]]³

So here Allaah’s Messenger ﷺ sent this letter, containing an Aayah, to Christians, and he knew that they would certainly touch that letter.

¹ i.e. the fact that these actions may be performed without *wudoo* is something known by Consensus (transl.).

² Referring to the long *hadeeth* of `Amr ibn Hazm -*radhiyallaahu `anhu*, containing the wording: << None may touch the Qur-aan except one who is pure. >> (transl.).

³ Reported by al-Bukḥaaree (no.7) and Muslim (no.1773).

So if they mentioned what `Abdullah ibn Rabe` narrated to us: Muḥammad ibn Mu`aawiyah narrated to us: Aḥmad ibn Shu`ayb narrated to us: Qutaybah ibn Sa`eed narrated to us: al-Layth narrated to us: from Naafi`: from Ibn `Umar who said: “The Prophet ﷺ forbade travelling to the land of the enemies with the Qur-aan, for fear that the enemy would gain possession of it.”¹ Then this is true; it is binding to follow it; and it does not contain anything about the *junub* or the Disbeliever not touching the *mus-haf*, rather all that it contains is that the people of the land of war should not gain possession of the Qur-aan.

So if they say: Allaah’s Messenger ﷺ only sent a single Aayah to Hiraql (Heraclius), then it is said to them: Allaah’s Messenger ﷺ did not prevent anything in addition to it; and you are people of analogy, and if you will not draw analogy between one Aayah and that which is more than it, then do not make analogy between this [particular] Aayah and others.

So if they mention the Saying of Allaah -the Most High:

﴿ فِي كِتَابٍ مَّكْنُونٍ لَا يَمَسُّهُ إِلَّا الْمُطَهَّرُونَ ﴾

[Sooratul-Waaqi`ah (56):78-79]

[[Meaning: In a well-guarded Book, which none touch but the purified ones]]

then there is no proof for them in it, since it does not contain a command; rather it is just a statement of fact, and Allaah-the Most High-does not speak except truth; and it is not permissible to divert the wording of a statement to the meaning of a command, except by the presence of a clear text or a certain Consensus. So when we see that the *mus-haf* is touched by those who are pure and those who are not pure, then we know that He-the Mighty and Majestic- did not mean the *mus-haf*, but rather He meant another Book, just as Muḥammad ibn Sa`eed ibn Nabaatah related to us: Aḥmad ibn `Abdil-Baṣeer narrated to us: Qaasim ibn Aṣbiḡh narrated to us: Muḥammad ibn `Abdis-Salaam al-Khushanee narrated to us: Muḥammad ibn al-Muthanna narrated to us: `Abdur-Rahmaan ibn Mahdee narrated to us: Sufyaan ath-Thawree narrated to us: from Jaami` ibn Abee Raashid: from Sa`eed Ibn Jubayr, regarding the Saying of Allaah-the Most High:

﴿ لَا يَمَسُّهُ إِلَّا الْمُطَهَّرُونَ ﴾

[Sooratul-Waaqi`ah (56):79]

[[Meaning: None touch it except the purified]], he said:

¹ Reported by Muslim (no.1869).

“The Angels who are in the Heavens.”

-Himmaam ibn Ahmad narrated to us: Ibn Mufarraaj narrated to us: Ibnul-A`raabee to us: ad-Dabaree narrated to us: `Abdur-Razzaaq narrated to us: Yahyaa ibn al-`Alaa narrated to us: from al-A`mash: from Ibraaheem an-Nakha`ee: from `Alqamah who said: “We went to Salmaan al-Faarisee, and he came out to us from a toilet of his, so we said to him: ‘If you were to perform *wudoo*·, O Aboo `Abdillaah, and then recite such and such Soorah to us.” So Salmaan said: “Allaah the Mighty and Majestic-only said:

﴿ فِي كِتَابٍ مَّكْنُونٍ لَا يَمَسُّهُ إِلَّا الْمَطَهَّرُونَ ﴾

[Sooratul-Waaqi`ah (56):79]

[[Meaning: In a well-guarded Book, which none touch but the purified ones]], and it is the Reminder which is in the heavens: none touch it except the Angels.”¹

Muhammad ibn Sa`eed ibn Nabaat narrated to us: Ahmad ibn `Abdil-Baseer narrated to us: Qaasim ibn Asbigh narrated to us: Muhammad ibn `Abdis-Salaam al-Khushanee narrated to us: Muhammad ibn Bashshaar narrated to us: Muhammad ibn Ja`far narrated to us: Shu`bah narrated to us: Mansoor ibn al-Mu`tamir narrated to us: from Ibraaheem an-Nakha`ee: from `Alqamah ibn Qays: that when he wanted to take a *mus-haf*, he would order a Christian to transcribe it for him.

And Aboo Haneefah said: “There is no harm in the *junub* carrying the *mus-haf* by its strap, and he may not carry it without a strap”, and the one who is not upon *wudoo*· is the same with them.

And Maalik said: “The *junub*, and the one who is not in a state of *wudoo*· may not carry the *mus-haf*: neither by its strap, nor upon a pillow; but if it is in a saddle-bag, or a box, then there is no harm in the Jew, the Christian, the *junub*, and the one who is not in a state of purification carrying it.”

`Alee [[i.e. Ibn Hazm-rahimahullaah]] said: there is no proof for the correctness of these distinctions; neither in the Qur·aan nor in the Sunnah-in what is authentic or what is weak, nor in Consensus, nor in analogy, nor in the saying of a Companion. So if the saddle-bag is a barrier between the carrier and the Qur·aan, then a book-cover and the back of a page should also be a barrier between the toucher and the Qur·aan, and there is no difference, and Allaah grants success.”

[Translated by Aboo Talhah Dawud ibn Ronald Burbank rahimahullaah]

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¹ ‘Muṣannaḡ `Abdir-Razzaaq’ (1/340/no.1325).