

76115 - Is wudoo' invalidated by touching a woman?

the question

Does touching a non-mahram woman invalidate wudoo'? Please mention the different scholarly opinions on that.

Detailed answer

Praise be to Allah.

The scholars differed as to whether wudoo' is invalidated by touching a woman. There are three views:

1-

The first view is that touching a woman invalidates wudoo' in all cases, whether the touching is with desire or not, and whether he intended to do that or it happened by mistake. This is the view of Imam al-Shaafa'i (may Allaah have mercy on him).

He quoted as evidence the verse (interpretation of the meaning): "or you have been in contact with [laamastum] women" [al-Nisa' 4:43].

The basic meaning of the word lamas (translated here as "been in contact with") is touching with the hand.

The word lamas appears in ahaadeeth with the meaning of touching with the hand, as in the words of the Prophet (peace and blessings of Allaah be upon him) to Maa'iz (may Allaah be pleased with him): "Perhaps you kissed her or touched (lamasta) her." Narrated by Ahmad in al-Musnad (2130).

And he (peace and blessings of Allaah be upon him) said: "The zina of the hand is touching (al-

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

lams).” Narrated by Ahmad (8392) and classed as saheeh by al-Albaani in al-Silsilah al-Saheehah (8204).

But these ahaadeeth indicate that what is meant by touching is that which is less than intercourse, and there is no dispute concerning this. Rather the dispute is whether the “touching” mentioned in the verse refers to intercourse or that which is less than it. These ahaadeeth do not refer to any such thing.

This opinion is the weakest of the scholarly views on this matter. Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) said, as is mentioned in al-Ikhtiyaaraat (p. 18): If he touches a woman without desire, then it is well known that the Lawgiver does not require him to do wudoo’ and it is not mustahabb for him to do wudoo’. End quote.

2-

The second view is that touching a woman does not invalidate wudoo’ at all, whether it is with desire or without desire. This is the view of Imam Abu Haneefah (may Allaah have mercy on him).

This view is indicated by a number of things:

1-The basic principle is that purity (tahaarah) remains valid and is not cancelled out unless there is sound evidence that this thing invalidates wudoo’, and there is no such evidence in this case. As for the verse, we shall see below that what it refers to is intercourse, not just touching.

2-It was narrated that ‘Aa’ishah (may Allaah be pleased with her) said: I used to sleep in front of the Messenger of Allaah (peace and blessings of Allaah be upon him) and my legs would be in the direction of his qiblah. When he prostrated, he would poke me and I would draw my legs up and when he stood up I would stretch them out again. Narrated by al-Bukhaari (382). In al-Nasaa’i (166) it says with a saheeh isnaad: until, when he wanted to pray Witr, he touched me with his leg.

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

3-It was also narrated that she (may Allaah be pleased with her) said: I noticed that the Messenger of Allaah (S) was not in the bed one night, so I looked for him, and my hand fell on the sole of his foot. He was in the mosque, with his feet held upright, and he was saying, "O Allaah, I seek refuge in Your pleasure from Your wrath, in Your forgiveness from Your punishment." Narrated by Muslim (486). According to a report narrated by al-Bayhaqi with a saheeh isnaad: I started to reach out for him with my hand and my hand fell on his feet, and they were held upright and he was prostrating... It is also narrated by al-Nasaa'i (169).

The apparent meaning of these ahaadeeth is undoubtedly that the Prophet (peace and blessings of Allaah be upon him) touched 'Aa'ishah (may Allaah be pleased with her) when he was praying, and if touching a woman invalidates wudoo' then his wudoo' and prayer would have been invalidated. The Shaafa'is responded to these ahaadeeth with a weak argument, and said that perhaps it was from behind a barrier!

Al-Shawkaani said: This argument is far fetched and it goes against the apparent meaning.

4-It was also narrated from her (may Allaah be pleased with her) that the Prophet (peace and blessings of Allaah be upon him) kissed one of his wives, then he went out to pray and he did not do wudoo'. Narrated by Abu Dawood (179) and classed as saheeh by Ibn Jareer, Ibn 'Abd al-Barr and al-Zayla'i, and by al-Albaani in Saheeh Abi Dawood.

It was also classed as da'eef by many, including Sufyaan al-Thawri, Yahya ibn Sa'eed al-Qattaan, Ahmad ibn Hanbal, al-Daaraqutni, al-Bayhaqi and al-Nawawi.

If this hadeeth is saheeh, then it is very clear evidence for this opinion. If it is not saheeh, then there is no need for it as there are the saheeh ahaadeeth quoted above, and the principle still stands that purification remains valid, and there is no evidence that wudoo' is invalidated by touching a woman.

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

3-

The third view is that it depends.

If the touching was done with desire, then it invalidates wudoo', and if it was not done with desire then it does not invalidate it. This is the view of the Maalikis and Hanbalis. They tried to reconcile between the texts, namely the verse "or you have been in contact with [laamastum] women" which indicates that wudoo' is invalidated by touching a woman in their opinion, and the ahaadeeth which were quoted as evidence by those who think that it does not invalidate wudoo'.

This argument may be valid if the verse indicates that wudoo' is invalidated by touching in general – which is their opinion, but the correct view is that what is referred to in the verse is intercourse, as was explained by 'Abd-Allaah ibn 'Abbaas (may Allaah be pleased with him), a view which was favoured by Ibn Jareer. His tafseer takes precedence over the tafseer of others, because of the du'aa' of the Prophet (peace and blessings of Allaah be upon him) when he prayed for him and said: "O Allaah, grant him understanding of the deen and teach him understanding (of the Qur'aan)." Narrated by Ahmad; it is also narrated in al-Bukhaari. It was classed as saheeh by al-Albaani in Tahqeeq al-Tahhaawiyah.

See also: Mahaasin al-Ta'weel by al-Qaasimi (5/172).

Intercourse is referred to by the word mass (touching) in more than one verse. Allaah says (interpretation of the meaning):

"There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them, nor appointed unto them their Mahr (bridal-money given by the husband to his wife at the time of marriage)"

[al-Baqarah 2:236]

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

“And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the Mahr (bridal-money given by the husband to his wife at the time of marriage), then pay half of that (Mahr)”

[al-Baqarah 2:237]

“O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no ‘Iddah [divorce prescribed period] have you to count in respect of them. So give them a present, and set them free (i.e. divorce) in a handsome manner”

[al-Ahzaab 33:49].

Moreover, upon deeper study the verse does indicate this view (that what is meant by touching here is intercourse). The reason for that is:

That Allaah says (interpretation of the meaning):

“O you who believe! When you intend to offer As-Salaah (the prayer), wash your faces and your hands (forearms) up to the elbows, rub (by passing wet hands over) your heads, and (wash) your feet up to the ankles”

[al-Maa'idah 5:6]

This refers to purification with water from minor impurity. Then He says (interpretation of the meaning): “But if you are ill or on a journey, or any of you comes after answering the call of nature, or you have been in contact with [laamastum]women (i.e. sexual intercourse), and you find no water, then perform Tayammum with clean earth”. The word fatayammamu (perform Tayammum) is an alternative. The words “or any of you comes after answering the call of nature” refer to the cause for minor impurity and the words “or you have been in contact with [laamastum]women” refer to the cause for major impurity.

Islam Question & Answer

General Supervisor:

Shaykh Muhammad Saalih al-Munajjid

If we interpret “touching” as referring to touching with the hand, then the verse would mean that Allaah mentioned two reasons for doing minor purification, and did not state any reason for doing major purification, even though He says “If you are in a state of Janaaba (i.e. after a sexual discharge), purify yourselves (bathe your whole body)”. This is incompatible with the eloquence of the Qur’aan.

Based on this, the verse indicates that what is meant by “or you have been in contact with [laamastum] women” is: if you have had intercourse, so Allaah mentions the two reasons that make it obligatory to purify oneself. End quote from al-Sharh al-Mumti’ (1/240).

See also: al-Badaa’i’ wa’l-Sanaa’i’ (1/132); al-Fiqh al-Maaliki (1/89) and al-Majmoo’ (2/21).

The most correct of these three views is the second one, that touching a woman does not invalidate wudoo’ at all, whether it is with desire or without desire.

This is the view favoured by Shaykh al-Islam Ibn Taymiyah (12/222), and among contemporary scholars by Shaykh Ibn Baaz (10/134), Shaykh Ibn ‘Uthaymeen (1/286) and the scholars of the Standing Committee (5/266).