

Notes of Lectures on Fiqh by Maulana Sadiq Hasan Lecture # 25 (Thursday 4 September 2003)

HOW TO MAKE A NAJIS THING TAHIR (MUTAHHIRAT)

☀ **Water** is the best and the most common thing to clean and make a najis thing tahir (pak) in Islam. In sharia, there are different methods of making a najis thing tahir with water for different cases. But the most common method in most cases is: **First remove or clean all the najasat from the najis item, and then wash with water two times.** The only exceptions in this method are the utensils made najis by wine or dog. These can not be made tahir by 2 washings of water and you must use special methods mentioned in the books of fiqh.

☀ There are some special processes by which a najis thing automatically becomes tahir even without use of water. Some of these include the processes of **Tabiat** and **Istihala**.

☀ Examples of becoming tahir by the process of **Tabiat**:

- (a) When a kafir becomes a Muslim, then his/her na-baligh children automatically become tahir.
- (b) A dead body is najis. When you give ghusle meyyet to a dead body, then after the ghusl, your hands and the place where the body was washed, automatically become tahir.

☀ **Istihala** (Change of State) is a process in which a najis item becomes tahir when it transforms completely into a new thing. But some Mujtahids differ on the condition whether the new thing contains the particles of the old thing or not. According to Ayatullah Khui, if the new thing is known as a new thing in Urf (general opinion of the people), then it is tahir, even if it contains original particles. According to Ayatullah Seestani, if the new thing contains original particles, it is still najis.

☀ Examples of Istihala:

- (a) When a najis wood converts into ashes, then the ashes are tahir.
- (b) If a najis water evaporates, and then it is condensed back into water, then that new water is tahir according to Ayatullah Khui, but not by Ayatullah Seestani.
- (c) Gelatin made from bone or plant are always tahir and halal. But if gelatin is made from skin or other parts of a non-zabiha animal, then according to Ayatullah Khui, it can be considered as tahir and halal because it has gone through the process of Istihala. But according to Ayatullah Seestani, such gelatin is not tahir nor halal.
- (d) If wine converts into vinegar, then it becomes tahir and halal.

ROLE OF NIYYAT (INTENTION) IN ISLAM

☀ In Islam, there are 16 acts of worship, in which the person performing that act must do a niyyat (intention) before performing that act. Niyyat means that the person must have a thought in his mind *what* he is doing and *why* he is doing. The niyyat must be for the sake of Allah for the act to be valid.

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| 1. Wudhu | 7. Fast | 13. Tawaf |
| 2. Ghusl | 8. Etekaf | 14. Kaffara |
| 3. Tayammum | | 15. Eitq (to free a slave) |
| | | 16. Jihad |
| 4. Azan | 9. Khums | |
| 5. Iqamat | 10. Sadaqah (Zakat, Fitra, mustahab sadaqah) | |
| 6. Salat | 11. Hajj | |
| | 12. Umrah | |

☀ For all other actions (other than the above), doing niyyat is not required.

☀ Examples of cases where niyyat is or is not necessary:

- (a) Niyyat is not necessary to make a najis thing tahir
- (b) Niyyat is not necessary to recite a nikah
- (c) Niyyat is not necessary for giving a loan to someone or taking a loan from someone
- (d) Niyyat is necessary to give ghusl to a meyyet (dead body), but niyyat is not necessary to put on kafan to the meyyet or to bury the meyyet in the grave.

☀ For all actions of worship, where Niyyat is necessary, the person performing the act must be a Muslim. A kafir cannot perform such acts.

☀ For all actions, where Niyyat is not necessary, a kafir can also perform such acts. For example:

- (a) A kafir can put on kafan to a Muslim meyyet if required
- (b) A kafir can recite nikah of a Muslim if he fulfils other conditions for reciting nikah
- (c) A kafir can give loan to a Muslim

☀ For all actions, where Niyyat is necessary, any payment or wages (ujrat) can not be made to that person for performing those acts. For non-niyyat type of actions, payment can be made. For example:

- (a) You can not take payment for performing the ghusle meyyet, but you can take payment for putting on kafan and burial
- (b) You cannot take payment for reciting Azan in the mosque
- (c) You can take payment for keeping qaza fast for a dead Muslim because fast was wajib on that person, and not on you.
- (d) You can take payment for doing Hajje Badal for someone, because that Hajj was wajib on him, and not on you.
- (e) You can take payment for leading salatul jamaat