



The first question of Fatwa no. 20658

Q 1: Some of the contemporary scholars argue that touching one's wife does not nullify Wudu' (ablution). Their view rests on the Hadith reported by Abu Dawud on the authority of `Aishah (may Allah be pleased with her) that (the Prophet (peace be upon him) kissed one of his wives and went out to offer Salah (Prayer) without performing Wudu' again.) Could this be a supporting evidence to the holders of this view or is this act peculiar to the Prophet (peace be upon him) on account that he did not declare this? `Aishah (may Allah be pleased with her) also narrated: (The Messenger of Allah (peace be upon him) used to kiss (his wives) while observing Sawm (Fast); and he had the greatest control over his desire (as compared with you).)

As for Wudu' being nullified by what comes out of the urethra and anus through an opening in the stomach, there is no disagreement regarding this except what was stated by the Shaykh of Islam and Al-Muwaffaq in "Al-Mughny" from some of the Maliki jurists. There is no disagreement that Wudu' is nullified by what comes out of the urethra and anus. Ibn Taymiyyah stated: "If a person has a disease that prevents the urine and stool from coming out of the urethra and anus and another opening is made in their body for the discharge of their excretions as is the case with some people, this does not nullify Wudu'." Accordingly, is Wudu' Mustahab (desirable) or Wajib (obligatory) in this case?

A: First, according to the most correct opinion maintained by scholars, if a man touches his wife

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directly, this does not nullify Wudu', whether he touches her lustfully or not, for the Prophet (peace be upon him) kissed one of his wives and went for Salah without performing Wudu' again. Moreover, whenever the Prophet (peace be upon him) made Sujud (prostration) while standing for optional Prayer at night, he used to touch `Aishah (may Allah be pleased with her) with his fingertips to withdraw her legs due to the narrowness of the place, then he would prostrate. It would also impose a lot of hardship if Wudu' was required whenever a man touches his wife, so if it really nullifies Wudu', the Prophet (peace be upon him) would have explained it. As for Allah's Saying in Surahs Al-Nisa' and Al-Ma'idah: (...or you have been in contact with women (i.e. sexual intercourse)) this refers to conjugal intercourse, according to the more correct of the two opinions maintained by scholars. This was reported by some of the Sahabah (Companions of the Prophet) and Tabi`un (Followers, the generation after the Companions of the Prophet) may Allah be pleased with them all.

Second, whatever comes out from other than the urethra and anus, such as blood, vomit, and the like, does not nullify Wudu' according to the most correct opinion maintained by scholars, unless it is foul and Najis (ritually impure). Urine and stool absolutely nullify Wudu', whether they come out of the regular exit or not.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Source: Fatwas of the Permanent Committee