

التحقق من صحة المسح على الجوارب

VERIFYING

THE AUTHENTICITY OF

WIPING OVER SOCKS



IBN TAOFEEQ ABDUL AZEEZ

التفق

من صحة المسح على الجورب

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Dedication

To all students of knowledge who appreciate genuine
Islamic scholarship

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Introduction

The unanimous consensus of the Ummah has it that Solaat is the most cogent practical worship in Islam; just as the consensus states Solaat cannot be deemed correct if the ablution is void. The key to a correct Solaat is ablution; while the key to a correct ablution is making it in the way described by Allah and practiced by His Prophet.

Washing of the feet has been emphatically mentioned in the Qur'an as among the areas to be washed during ablution.

The introduction of socks in the 8th century BC, whereby the Ancient Greeks wore socks called "piloii", which were made from matted animal hair; and up till date, socks has been introduced and accepted as part of the wears of Muslims, especially female Muslims.

This book aims to discuss the Islamic ruling regarding how to relate with the socks during ablution. We have the common opinion that we are to wipe socks during ablution; is this widely held opinion a correct one upon verification?

Likewise is the act of some people who even wipe their feet during ablution; the differences between khuff (leather sandal) and jawrab (socks) and their

conditions; ahadeeth on wiping of jawrab; responses to the narrations; ruling and conditions of wiping over a jawrab in light of the four Madh-hab; the argument of Qiyaas (analogy), rukhsah (legal permission), and inconvenience in ibaadaat. This book gives more clarity on these.

Aside using the Qur'an and noble ahadeeth of the Prophet as references, this book also gives high regard to the efforts of numerous great luminaries who came in the past twelve hundred years. They too traversed the earth, enduring hunger and pains in the quest of knowledge. These great scholars (of Madh-hab) spent their entire lives thoroughly scrutinizing every verdict of Imams before them to ensure its authenticity (just as we also are scrutinizing the claim of wiping over socks).

It would be highly illogical for us now to independently seek evidences from Qur'an and ahadeeth only when the cake is already baked (without considering valid opinions/explanations of schools of thought). This is an extremely daunting task, which requires years, nay lives of dedication, commitment, perseverance and great effort. In fact, many ahadeeth are not even at our disposal today. When the tartars invaded Baghdad, they burnt down thousands of libraries and destroyed so much literature that the entire river Dajla turned black with the ink. This led to the loss to numerous narrations.

I make Du'a that Allah accepts this treatise and may He guide us all to the straight part.

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Chapter One

Washing And Wiping The Feet In Wudhuu

Allah mentioned it clearly in verse 6 of Suratu al-Maa'idah:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

“Oh you who believe, when you (intend to) stand for prayer, wash your faces, and your hands up to the elbows, and wipe your heads, and (wash) your feet.”

It is clear from this verse that it is compulsory to wash the foot in ablution. This is further corroborated by amount of ahadeeth which are all emphatic and categorical on the washing of the feet. Thus, the entire Ummah came to a consensus that it is compulsory to wash the feet in ablution.

Wiping the feet

There is an opinion from some set of Muslims that this verse of al-Maa'idah says the feet should be wiped and not washed.

They argued that the statement

وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

2 Washing And Wiping The Feet In Wudhuu

Denotes on the directive of wiping the feet and not washing them. They concluded the verb **وَأَمْسَحُوا** (and wipe) works alongside with the noun **وَأَرْجُلَكُمْ** (and your feet).

Alas! This is a wrong interpretation of this verse.

Rather, the nominal phrase **وَأَرْجُلَكُمْ** (and your feet) is attached as a conjunction word (ma'tuufah) to the other nouns **وَجُوهَكُمْ وَأَيْدِيَكُمْ** (your faces and your hands); and **وَأَرْجُلَكُمْ** will be an object (maf'ool) of the verb **فَاغْسِلُوا** (and wash). Hence the meaning "and wash your feet". And this is according to the famous recitation (narration) of Hafs from Aa'sim.

If the verb **وَأَمْسَحُوا** (and wipe) is actually for the noun **وَأَرْجُلَكُمْ**, the **ل** in **وَأَرْجُلَكُمْ** should be vowelized kesra (because of the **ب** in **بِرُّوْوسِكُمْ** which owns the verb **وَأَمْسَحُوا**) and not faatihah as written in the Qur'an.

Although, there is a recitation among the seven recitations that vowelized the **ل** in **وَأَرْجُلَكُمْ** as kesra, but it analyzes the **ل** has kesra as **الجر للمجاورة** conjunction; and not that the nominal phrase **وَأَرْجُلَكُمْ** is an object of the verb **وامسحوا** as some people thought.

Ibn Hajar al-Asqalani mentioned in his book "Fathu al-Baari Volume 1 page 352" that it is confirmed that all those Sahabah (Aliyy, Ibn Abbas and Anas) who deemed the wiping of the feet as permissible retracted their view.

Ibn Abi Layla (rahimahu Allah) said: "The Companions of the Prophet of Allah salallahu alayhi wasallam are unanimous on (the compulsion of) washing the feet". As reported by Ibn Hajar in his same Fathu Baariy.

Therefore, there is no difference amongst the scholars of Sunnah on this issue of washing the feet.

Chapter Two

The Khuff

There exists such a number of ahadeeth which mentions the permissibility of wiping on leather socks. Had it not been for some authentic Ahadith, wiping on the Khuff would not have been permissible likewise.

Shaykh Abu Bakr al-Jassas said in his "Ahkaam Al-Qur'an Vol. 2 page 440" -

“The general principle in this matter is that the connotation of the verse is to wash (the feet) as has preceded. Had the wiping of the khuff not been established through many ahadeeth from Nabi salallahu alayhi wasallam, we would not give consent (to the wiping of the Khuff).”

There are actually some ahadeeth that denote on Wiping the Khuff but are not authentic. Some are famous and reported in Fathu Baari of Ibn Hajar (Vol. 1 pg 404) and other books; but upon studying the Sanad (chain of transmission) of these ahadeeth, we found many of them not to be authentic.

An example is the famous hadeeth of Hasan Al-Basri which says Hasan al-Basri (rahimahu Allah) mentions that seventy Sahaabah related to him the narration of wiping on the Khuff.

This narration is likewise reported in Vol. 1 pg 178 of the book الأوسط by Ibn Mundhir.

The narration says:

حدثنا علي بن الحسن، ثنا أحمد بن يونس، ثنا محمد بن الفضل بن عطية، عن الحسن، قال: (حدثني سبعون من أصحاب النبي صلى الله عليه وآله وسلم أنه مسح على الخفين).

In this chain of transmission, Muhammad Bn Fadl bn Atiyyah that was mentioned was known to be a liar (كذوبه) as said by Ibn Hajar in his book التقريب. Also, this Muhammad Bn Fadl bn Atiyyah who is the closest to Hasan al-Basri (in this narration) did not meet Hasan al-Basri alive. Which render this hadith that "seventy sahaabah reported wiping on the Khuff from the Prophet" to be weak.

Just as it is narrated from some Sahaabah like Ibn Abbas, Abu Hurairah and Aa'ishah (radiya Allahu anhum) that they refuted the wiping of the khuff, it is also proven that they all retracted their view.

See Hashiyah at-Tahtawi 'ala al-Maraqi (Vol. 1 pg 83), Al-Mabsut Vol. 1 pg 92, Nayl al-Awtaar Vol. 1 pg 195,

Fath bab al-'inayah Vol. 1 pg 121, etc for the proofs of their retraction.

Ibn Hajar also mentioned that:

"A group of Huffāz have explicitly mentioned that wiping the khuff is Mutawātir (reported by many sahaabah)".

See: Fathu al-Baari Vol. 1 pg 404. And Nayl Awtar Vol. 1 pg 194

Ibn Abd al-Barr also said that:

“ All the participants of Badr, Ḥudaybiyyah and other Muhajiroon and Ansar, (and in fact) most of the Sahaabah, Taabi'eeb and Fuqaḥa wiped on the khuff."

See Umdah al-Qari Vol. 3 pg 97, At Tamhid Vol. 11 pg 137.

The afore-mentioned and other evidences testify that the wiping of the khuff is established through tawatur (large group of Sahaabah - as insinuated by some scholars) which has the potential of specifying (making taqyeed of) the Quranic verse.

Had there been only one or two narrations from the Prophet, then such few narrations would not have been sufficient to specify the generality of this Quranic verse of al-Maa'idah. This is due to Akhbar-

Ahaad (lone narrations) not being influential enough to specify or abrogate the generality of any verse.

Furthermore, some scholars proved wiping on the khuff with the Qiraa-ah (recitation) of reciting وَأَرْجُلَكُمْ (with a kesra) in the verse

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ
وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

However, majority of scholars did not accept this istidlal (point). The reason for this is that the verse clearly mentions إِلَى الْكَعْبَيْنِ (to the ankles), and there is total consensus that the amount of wiping a khuff does not reach till their ankles.

See Tafseer Ibn Kethir, Vol 2 pg 25.

Chapter Three

The Definition And Conditions Of A Khuff

We have learnt from the above that it is permissible to wipe on a khuff. It is now essential to define a Khuff in light of what has been explained by our illustrious Jurists.

Ibn Nujaim (rahimahu Allahu) has classified the technical meaning of a khuff as follows:

والخف في الشرع اسم للمتخذ من الجلد الساتر للكعبين فصاعدا وما ألحق به .

Meaning: “A khuff is the name of (a sock) made from skin (leather) which covers the ankles, the portion above it and the portion connected to it.”

See Al-Bahr ar-Raa'iq Vol. 1 pg 164.

Similarly, 'Allamah Yisif Binnori classified a khuff thus:

الخف في الشرع اسم للمتخذ من الجلد أو نحوه الساتر للكعبين فصاعدا متصلا
بالقدم من غير أن يشف

Meaning: “A khuff is made from leather etc. and covers the ankles and the portion above it. It remains

attached to the foot and (it is so strong that) water cannot penetrate through it.”

See: Ma'arif as-Sunan Vol. 1 pg 333.

Allamah Yusuf Saheb (rahimahu Allahu) thereafter presented a couplet to show that the khuff used to be so strong that the people of the past used it (independently) as shoes.

Which indicates Khuff cannot be analogised to Jawrab, not to talk of modern-day socks.

As for the conditions of wiping on a Khuff:

1: The Khuff should cover the entire ankle.

This condition is accepted by the Imams of all the four Madhabs.

2: A person should be able to travel and continuously walk with the khuff for three miles without them tearing.

The Imams of all four Madhaa'ib agree that the khuff should be so strong that a person can walk with it alone (without extra sandal). However, they differ on the distance.

The Hanafiyyah opine that a person should be able to walk for a farsakh (3 miles).

Maalikiyyah believe that it should be such that normally a person can walk with it without it slipping off.

The Shaafi'iyah assert that the Khuff should be so strong that a person can carry out his basic chores in the stipulated time of a khuff (i.e. one day and night for a non-traveller and three days and three nights for a traveller).

The Hambalis opine that the khuff should be such that usually a person can continuously walk with it without it slipping off the foot.

See Ad-Durr Al-Mukhtar Vol. 1 pg 261.

With this condition, it is clear a Khuff can never be analogised to the modern-day socks.

3: Both Khuff should independently be free from holes to the extent of three of the smallest toes.

See Nuurul Iidhoh Vol. 1 pg 47

The Hanafiyyah give consent to holes lesser than the size of three toes. Likewise, the Maalikiyyah also give a leeway for miniature holes. On the contrary, the Shaafi'iyah and Ḥanaabilah stipulate that the khuff should be totally free from all holes. Hence, it will not be permissible to wipe on such khuffs which possess even small holes (less than the size of three toes).

See Al-Mousu'ah al-fiqhiyyah al-Kuwaitiyyah Vol. 37 pg 365.

The reason for this is that if there are holes, then water would inevitably seep through to the feet. In this manner a person will be combining the action of wiping and washing. Furthermore, the very reason for wearing a khuff will be forfeited as mentioned in al-Ghunya al-mutamalli Vol 1 pg 113.

However, the Hanafiyyah and Maalikiyyah assert that when using the Khuff for ones daily chores, it would be rather arduous to protect it from small holes; hence the leeway.

4: It should be able to remain on the leg without being tied or fastened.

See Nuurul Iidhoh Vol. 1 pg 47

5: The khuff should be such that if water is poured over it, it would not absolve the water.

Same reference as above.

Modern-day socks will definitely absolve the water if water is poured over it.

Furthermore, the Maalikiyyah assert that the Khuff has to be from leather. See Al-Qawanin al-fiqhiyyah Vol 1 pg 30.

The Hambaliyyah opine that the skin beneath should not be visible because of the thickness of the Khuff. See *Mawsu'ah al-fiqhiyyah al-Kuwaitiyyah* Vol. 37 pg 367.

The conditions quoted from Nuurul Iidhoh have also been narrated by Sheikh at-Tahtawi in his *Haashiyyah on Durr Al-Mukhtar* Vol 1 pg 137 and likewise in *Tawali' al-Anwar* pg 294.

You should likewise know that these conditions are not mentioned emphatically in any hadith, but our illustrious Jurists have scrupulously studied the khuffs worn in the time of Sahaabah and concluded that it fulfilled these conditions.

Hence, they ruled that in order for wiping over Khuff to be valid, it is imperative that it fulfils these conditions.

Otherwise, any person with the least amount of knowledge will wear socks which he thinks fulfils the definition of 'thick' which will of course lead to much confusion. It should be noted that no classical scholar or jurist ever objected to these conditions.

Chapter Four

The Jawrab

The mention of a jawrab appears in at least five ahadeeth. There are also narrations of close to fourteen Companions who used to wipe on a jawrab. This has beguiled a few contemporaries to believe that wiping on thin cotton and material socks are permissible.

However, by exploring the definition of a Jawrab, one will find that the explanation of a jawrab is rather vast.

Under this chapter, I will examine the narrations which prove that the Prophet salallahu alayhi wasallam wiped on a Jawrab. Thereafter, we will discuss the definition of a Jawrab according to the jurists and linguistics.

Chapter Five

Ahadeeth On The Wiping Of A Jawrab

The following five Sahaabah are the narrators of the ahadeeth which proves that the Prophet wiped on a Jawrab:

- 1) Bilal (radiya Allahu anhu)
- 2) Abu Musa al-Ash'ari (radiya Allahu anhu)
- 3) Anas (radiya Allahu anhu)
- 4) Mu'az bn Jabal (radiya Allahu anhu)
- 5) al-Mughirah bn Shu'bah (radiya Allahu anhu).

1: The narration of Bilal

قال الطبراني حدثنا إبراهيم بن أحمد بن عمر الوكيعي حدثني أبي ثنا ابن فضيل عن يزيد بن أبي زياد عن ابن أبي ليلى عن كعب بن عميرة عن بلال رضي الله عنه قال : كان رسول الله صلى الله عليه وسلم يمسح على الخفين والجوربين .

Meaning: "the Prophet salallahu alayhi wasallam used to wipe on his khuffs and Jawrab." (Narrated by Imam at-Tabraani in al-Mu'jam Al-Kabir Vol. 1 pg 350.)

2: The narration of Abu Musa al-Asha'ri

قال الطبراني حدثنا أحمد قال حدثنا أبو جعفر قال حدثنا عيسى بن يونس عن عيسى بن سنان عن الضحاك بن عبد الرحمن بن عرزب الأشعري عن أبي موسى الأشعري قال: أتيت رسول الله بوضوء فمسح على الجوربين والنعلين .

Meaning: "I brought water to the Prophet to perform ablution. He wiped on his jawrabs, shoes and turban." reported by Imam Tabraani in Mu'jam al-Awsat Volume 2, pg 24.

3: The narration of Anas

قال الخطيب أخبرنا أحمد بن عبد الحميد، أخبرنا محمد بن السيد بالمرزة، أخبرنا القاضي محمد بن يحيى القرشي سنة ست وثلاثين وخمس مئة، أخبرنا أبو القاسم علي بن محمد الفقيه، أخبرنا طلحة بن علي، أخبرنا أبو الطيب أحمد بن ثابت، حدثنا محمد بن مسلمة، حدثنا موسى الطويل، حدثنا أنس قال: رأيت رسول الله صلى الله عليه وسلم يمسح على الجوربين عليهما النعلان .

خرجه الخطيب في تاريخ بغداد - (ج ٣ / ص ٣٠٦) وكذا رواه الذهبي في سير أعلام النبلاء - (ج ١٧ / ص ٤٨٠) وقال هذا حديث تساعي لنا، لكن موسى ليس بثقة، زعم أنه من موالي)

Meaning: "I saw the Prophet wiping such jawrabs upon which there were shoes."

Narrated by Al-Khateeb in *Tarikh al-Baghdad* Vol 3 pg 306 and by Adh-Dhahabi in *Siyar A'alam an-nubala* Vol 17 pg 480.

4: The narration of Mu'az

قال العقيلي حدثنا أحمد بن داود قال حدثنا معاوية بن عطاء قال حدثنا سفيان الثوري عن منصور عن إبراهيم عن الاسود قال وقع بين عبد الله بن عمر وبين معاذ بن جبل مشاجرة في المسح فأنكر عليه عبد الله فقال معاذ ألق أباك فأسأله فلقيه فسأله عما كان بينه وبين معاذ في المسح على الخفين فقال عمر لعبد الله معاذ أفقه منك رأيت رسول الله صلى الله عليه وسلم مالا أحصى يمسح على الخفين وعلى كور العمامة والجورب وشراك النعل (أخرجه العقيلي في الضعفاء الكبير- (ج ٤ / ص ١٣٣٣) وروي رواية أخرى ثم قال ﴿وهذه كلها بواطيل لا أصول لها﴾ وقال عن معاوية بن عطاء بصري ﴿كان يرى القدر عن الثوري وغيره في حديثه مناكير وما لا يتابع على أكثره﴾ وأورده عن العقيلي الذهبي في ميزان الاعتدال في نقد الرجال- (ج ٦ / ص ٤٥٨) وقال عن معاوية بن عطاء البصري عن سفيان الثوري ﴿تكلم فيه﴾ ثم نقل قول العقيلي الذي مر آنفا وانظر أيضا لسان الميزان- (ج ٦ / ص ٥٨).

Meaning: Aswad mentions that a dispute took place between 'Abdullah bn 'Umar and Mu'z bn Jabal with regards to wiping; 'Abdullah bin Umar rejected it. Mu'az suggested, "Meet your father (Umar) and enquire from him (the verdict of whether it is permissible to wipe)." 'Abdullah bin 'Umar enquired from his father regarding the issue which he had a

difference with Mu'az i.e. wiping on a khuff. Umar (radiya Allahu anhu) responded to Abdullah, "Mu'az is more learned than you, I saw the Prophet on innumerable instances wiping his khuff, folds of the turban, jawrab and shoe lace."

Reported by Uqaili in Du'aafaa al-Kabeer Vol 4 pg 1333.

5: The narration of Mugheerah

قال الترمذي حدثنا هناد و محمود بن غيلان قالا حدثنا وكيع عن سفيان عن أبي قيس عن هزيل بن شرحبيل عن المغيرة بن شعبة قال : توضع النبي صلى الله عليه وسلم ومسح على الجوربين والنعلين (أخرجه الترمذي و قال هذا حديث حسن صحيح و كذا أخرجه ابن حبان صحيحه - (ج ٤ / ص ١٦٧) و أخرجه أبو داود في سننه - (ج ١ / ص ٦١) و قال ﴿كان عبد الرحمن بن مهدي لا يحدث بهذا الحديث لأن المعروف عن المغيرة أن النبي - صلى الله عليه وسلم - مسح على الخفين﴾ و رواه البيهقي في السنن الكبرى - (ج ١ / ص ٢٨٣) ثم اظن في بسط الكلام عليه و كذا بسط الكلام عليه مصنف تحفة الأحوذى - (ج ١ / ص ٢٧٩) و روي هذا الحديث أيضا ابن ماجه في سننه - (ج ١ / ص ١٨٥) و أحمد في مسنده - (ج ٤ / ص ٢٥٢) و الطبراني في المعجم الأوسط - (ج ٣ / ص ١١٢) و الكبير - (ج ٢٠ / ص ٤١٥) و ابن أبي شيبة في مصنفه - (ج ١٤ / ص ٢٣٤)

Meaning: "The Prophet performed ablution and wiped on his jawrab and shoes."

Reported by Imam at-Tirmidhi Vol 4 pg 167, Ibn Hibban, Abu Dawud, Ibn Majah, Al- Bayhaqi, Ahmad, At-Tabrani, Ibn Abi Shayba and others.

Chapter Six

Responses To These Narrations

After mentioning the five narrations which prove that the Prophet wiped on a Jawrab, it is now essential for us to verify and analyze these narrations one after the other, whether they are authentic or weak; and if authentic, what their meanings are.

1: Response to the narration of Bilal

There are two narrators in the chain of narrators of this hadith of Bilal who are weak. Yazid bn Abi Ziyad and Ibn Abi Layla. See *Nasb ar-rayah* Vol 1 pg 186.

NOTE: This hadith is only mentioned with one tariq in the *Mu'jam* of at-Tabraani and not with two as Imam az-Zayla'i has asserted in *Nasb ar-rayah* (Vol 1 pg 186).

Ibn Hajar has merely relied on this statement of Imam az-Zayla'i (May Allah have mercy on him) without confirming if there were really two different tariqs in the *Mu'jam* of Imam at-Tabrani. The tariq which Ibn

Hajar in his ad- Dirayah (Vol 1 pg 160), remarked that the narrators are authentic is the second tariq. Hence, this Ḥadith still remains weak.

However, even if we do assume that this second Tariq (channel) is also in al-Mu'jam al-kabir, then too, the narrator A'mash is a mudallis and he narrates this narration mu'ananan.

Also, Ibn Hajar merely said that the narrators are authentic; he did not say that this narration is authentic. Shaykh Mubarakphuri (rahimahu Allah) mentions this and says:

"قلت لا شك في أن رجال السند الأول من حديث بلال كلهم ثقات ولكن فيهم الأعمش وقد عرفت أنه مدلس ورواه عن الحكم بالعنعنة وعن عنة المدلس غير مقبولة وقد تقرر أنه لا يلزم من كون رجال السند ثقات صحة الحديث " تحفة الأحوزي -
(ج ١ / ص ٢٨١)

Meaning: "...It has been established that it does not mean if the narrators are strong the hadith is authentic." see Tuhfatul Ahwadhiy Vol 1 pg 281.

Note that Shaykh Mubarakphuri is a well respected Sunni-Salafi scholar. However, he was also against wiping on modern day socks.

2: Response to the narration of Abu Musa Al-Ash'ari

Firstly, you have to know that if you search for this narration in Hikmat 'Arif's manuscript of Ibn Majah, there will be no mention of this narration there.

Similarly, this hadith is not found in the common Indian prints of Ibn Majah (See the chapter of wiping the Jawrab) Vol. 1 pg 42.

Imam Zayla'i (May Allah have mercy on him) also mentions that he could not locate this narration in his manuscript of Ibn Majah and neither did Ibn 'Asakir (one of our famous scholar of Hadith and historian) attribute this hadith to Ibn Majah in his 'Atraaf'. See Nasb ar-Rayah Vol. 1 pg 185.

Sheikh Zayla'i however does acknowledge that this hadith could be in some manuscripts of Ibn Majah. He also mentions that Ibn al-Jawzi too attributed this hadith to Ibn Majah. Likewise, Ibn Hajar has quoted this hadith from Ibn Majah in his Ad-Dirayah pg 60.

Secondly, Abu Dawud has mentioned that the chain of this narration is not continuous and neither is it strong. Imam Bayhaqi explains that the narrator Dhahak bin 'Abd ar-Rahman did not meet Abu Musa al-Ash'ari.

Moreover, Isa bin Sinan is a weak narrator. Our respected Shaykh Mubarakphuri mentions the following great Scholars who remarked that Isa bin Sinan is weak:

- 1: Imam Ahmad
- 2: Yahya bn Ma'een
- 3: Abu Zur'a
- 4: Abu Haatim
- 5: Imam an-Nasai
- 6: Ibn Khiraash
- 7: Abu Haazim
- 8: Al-'Uqaili
- 9: Al-Saaji
- 10: Ibn Hajar
- 11: Imam Al-Dhahabi
- 12: Ibn Abi Shaibah

May Allah be pleased with them all.

Some recent 'scholars' tried to prove the authenticity of this hadith by claiming that Dhahak was a contemporary of Abu Musa.

Shaykh Mubarakphuri replies to this by saying:

(قلت ذكر أبو داود وغيره أن في حديث أبي موسى المذكور علتين لضعفه الأولى الانقطاع والثانية ضعف عيسى بن سنان فإن ثبت سماع الضحاك من أبي موسى ترتفع العلة الأولى وتبقى الثانية وهي كافية لضعف حديث أبي موسى المشهور) تحفة الأحوذى - (ج ١ / ص ٢٨٠)

Meaning: "Imam Abu Dawud and others mentioned that there are two defects which render this narration weak; the first is the non continuity of the chain and

the second is the weakness of Isa bn Sinan. Consequently, even if (we accept) that Dhahak did hear from Abu Musa, then too only the first defect is eliminated, the second defect will still be present which is sufficient to render the hadith weak." see Tuhfatul Ahwadhiy Vol 1 pg 280.

Interestingly, these recent day 'scholars' tried to authenticate this narration by saying that Ibn Ma'een regarded Isa bn Sinan as authentic. To this, Shaykh Mubaarakphuri replied:

ففيه أن بن معين أيضا ضعفه. قال الذهبي في الميزان ضعفه أحمد وبن معين إلخ، وقال الحافظ في تهذيب التهذيب قال يعقوب بن شيبه عن بن معين لين الحديث وقال جماعة عن بن معين ضعيف الحديث كما عرفت آنفا.

Meaning: "Imam adh-Dhahabi has mentioned in al-Miizan that Imam Ahmad and Ibn Ma'een regarded Isa bn Sinan as weak. Ibn Hajar mentions in At-Tahdhib that Ya'quub bin Abi Shaybah narrates from Ibn Ma'een that he is 'layyin Al-hadith'. A group (of Scholars) narrated from Ibn Ma'een that Isa is dha'eef (weak) as you have just seen."

3: Response to the narration of Anas

The narrator that narrated this hadith from Anas, Musa bin Abdullah At-Taweel, Ibn Hibban (rahimahu Allahu) has said that this narrator fabricates things against Anas. See Miizan al-I'tidal Vol 6 pg 547, also see Lisan al-miizan Vol 6 pg 122.

Ibn 'Adi has termed him as majhuul. See Al-Kamil fi Dhu'afa ar-rijal Vol 6 pg 351.

4: Response to the narration of Mu'az

This hadith is weak because of a narrator Mu'awiyyah bin Ata al-Basri. See Ad-Dhuafa of 'Uqaili Vol 4 pg 1333, also see Lisan al-miizab Vol 6 pg 58.

Also, Allamah Uqaili has mentioned that there is no basis for this hadith. See Adh-Dhu'afa Al-Kabir Vol 4 pg 1333.

5: Response to the narration of Mugheerah

This hadith is the most famous on this subject.

Although, Imam at-Tirmidhi and Ibn Hibban regarded this narration as good, the vast majority of Muhadithoon regarded it as weak. The reason for this is firstly, this hadith contradicts the Qur'an (washing the feet).

Imam Muslim has emphatically stated that we will not leave the apparent meaning of the Qur'an (i.e. washing the feet) for a narration narrated by the likes of Abu Qais and Huzail. See Sunan al-Kubraa Vol 1 pg 283.

Secondly, the narrator, Abu Qais contradicts almost all the other narrators of this hadith.

The great teacher of Imam Bukhari, Imam Ali bn al-Madini (May Allah be pleased with him) said that all the people of Madinah, Kufa and Basra narrate this hadith. However, only Huzail makes mention of the wiping of the jawrab contradicting all these (great) people.

Imam Muslim regarded this hadith as weak and said that (the narrators) Abu Qais al-Audi and Huzail bin Shurahbiil are not fit to go against other great students who narrated this hadith from al-Mughirah. They all narrated it by only mentioning the wiping of a khuff (and not making any mention of wiping the jawrab).

Sheikh Anwar said that this narration is mentioned through seventy chains; all which mentions the wiping of the khuff. Hence, there has to be some wahm (doubt) in this narration (which mentions the jawrab). See Faydh al-Baari Vol 1 pg 269.

Yahya bin Ma'iin (Note that Yahya bin Ma'iin credited Abu Qais, yet he rejects this narration) also complained that everyone narrates this hadith by mentioning the wiping of the khuff besides Abu Qais.

Amongst the great scholars who weakened this hadith, Imam al-Bayhaqi has mentioned the names of the following:

- 1: Imam Sufyan ath-Thawri (Note that all the narrations which contain the word jawrab are narrated via Sufyan ath-Thawri.)
- 2: Abd ar-Rahman bin Mahdi
- 3: Ahmad bin Hambal
- 4: Yahya bin Ma'iin
- 5: Ali bin al-Madiini
- 6: Muslim bin Hajjaj.

May Allah be pleased with them all.

These are much greater Scholars than Imam at-Tirmidhi (May Allah be pleased with him) and Ibn Hibban (who authenticated this narration).

Imam an-Nawawi mentions that these are such stalwarts that if only one of them had to go against Imam at-Tirmidhi; then too, we should prefer his verdict over that of Imam at-Tirmidhi. Moreover, (according to the principles of Hadith) a criticism is preferred over an authentication. See Tuhfatul Al-Ahwadhiy Vol 1 pg 279

Likewise, Sheikh Yusuf al-Binori mentioned in his famous Ma'ārif as-Sunan Vol 1 pg 348 said:

صححه الترمذي وغيره و لكن أعله من هو أرسخ قدما و أرفع شأنًا في هذا الفن منه

Meaning: “Even though Imam at-Tirmidhi etc, authenticated this narration; scholars who are more competent and have higher status in this field have criticized it.”

Imam an-Nawawi further mentions that all the hufaa of hadith agree that this hadith is weak, hence the verdict of Imam at-Tirmidhi cannot be accepted. See Tuhfatul Al-Ahwadhiy Vol 1 pg 279.

Some people who consider themselves as ‘scholars’ of hadith tried to authenticate this narration by saying that Abu Qais is not contradicting the other narrators; rather he is merely mentioning something extra. To this, Shaykh Mubarakphuri replied:

"الناس كلهم رووا عن المغيرة بلفظ مسح على الخفين وأبو قيس يخالفهم جميعا فيروي عن هزيل عن المغيرة بلفظ مسح على الجوربين والنعلين فلم يزد على ما رووا بل خالف ما رووا نعم لو روى بلفظ مسح على الخفين والجوربين والنعلين لصح أن يقال إنه روى أمرا زائدا على ما رووه وإذ ليس فليس فتفكر فإذا عرفت هذا كله ظهر لك أن أكثر الأئمة من أهل الحديث حكموا على هذا الحديث بأنه ضعيف مع أنهم لم يكونوا غافلين عن مسألة زيادة الثقة فحكمهم عندي والله تعالى أعلم مقدم على حكم الترمذي بأنه حسن صحيح (تحفة الأحوذى - (ج ١ / ص ٢٧٩)

Meaning: “Everyone narrates this from al-Mughirah saying that the Prophet wiped on his khuff and Abu Qais differs with all of them and narrates it from Huzail who narrates it from al-Mughirah with the

words 'he wiped on his jawrabs and shoes'. He is not merely adding, rather he is contradicting what all the others narrated. Yes, if he narrated it saying 'he wiped on his khuff, jawrabs and shoes' it would have been correct to say that he was merely mentioning something more than the others. But since he did not narrate it like that, the ruling will not be in this way. Ponder over this carefully. Once you understood all these, it becomes apparent for you that the vast majority of scholars passed the verdict that this hadith is weak although they were not ignorant of the ruling of a strong narrator merely adding something. Thus, their verdict according to me - and Allah knows best - would be preferred over the verdict of at-Tirmidhi that this hadith is good and authentic." See *Tuhfatul Al-Ahwadhiy* Vol 1 pg 279.

A second attempt which they have used to authenticate this narration is by arguing that al-Mughirah witnessed two incidents of the Prophet. The first time the Prophet wiped on his khuff whilst the second time he wiped over his socks.

This argument is too feeble and could be replied to in numerous ways:

1: This incident took place on a journey, yet we do not find any corroboration for the second incident. The doubt is further exemplified when we have only someone like Abu Qais narrating this incident.

2: The first time when al-Mughirah learnt this was in the ninth year when he was travelling with the Prophet in the battle of Tabuk. This was in the ninth year of Hijri. It is known that the Prophet travelled after that only in the tenth year Hijri when he went for Hajj.

3: All the narrations that have the word jawrab are narrated via Sufyan ath-Thawri alone and he himself denied this narration and said it is an error.

Furthermore, some have tried to use the following hadith narrated by Abu Bakr al-Isma'ili in his Mu'jam (163) as a corroboration for the hadith of al-Mughirah,

أخرج أبو بكر الإسماعيلي في معجمه: ١٦٣ (٣٢٧) قال : (حدثنا عبد الرحمان بن محمد بن الحسين بن مرداس الواسطي أبو بكر ، من حفظه إملاء . قال : سمعت أحمد بن سنان ، يقول : سمعت عبد الرحمان بن مهدي ، يقول : عندي عن المغيرة بن شعبة ثلاثة عشر حديثاً في المسح على الخفين . فقال أحمد الدورقي : حدثنا يزيد بن هارون ، عن داود بن أبي هند ، عن أبي العالية ، عن فضالة بن عمرو الزهراني ، عن المغيرة بن شعبة : (أن النبي - صلى الله عليه وسلم - توضأ ومسح على الجورين والنعلين) ، قال : فلم يكن عنده فاغتم .)

Meaning: "the Prophet performed ablution and wiped upon his socks and shoes."

However, there are three reasons for this narration holding no weight:

a: The teacher of al-Isma'ili is not known (majhool). Also, al-Isma'ili did not pass any verdict on him neither did he narrate any other narration from him.

b: This same narration with the same chain is narrated in al-Mu'jam al-kabir of Imam at-Tabrani and Ithaaf al-khiyarah al-maharah as follows:

قال الطبراني حدثنا ادريس بن جعفر العطار ثنا يزيد بن هارون أنا داود بن أبي هند عن أبي العالية عن فضالة بن عمرو الزهراني عن المغيرة بن شعبة قال : ﴿ كُنا مع النبي صلى الله عليه و سلم في منزله فاتبعته فقال : أين تركت الناس ؟ فقلت : تركتهم بمكان كذا وكذا فأناخ راحلته فنزل ثم ذهب فتوارى عني فاحتبس بقدر ما يقضي الرجل حاجته ثم جاء فقال : أمعك ماء ؟ قلت : نعم فصببت على يديه فغسل وجهه ويديه ومسح رأسه وعليه جبة شامية قد ضاقت يداها فأدخل يده من تحت الجبة فرفعها عن يديه ثم غسل يديه ووجهه ومسح على رأسه وخفيه ثم قال : ألك حاجة ؟ قلت : لا قال : فركبنا حتى أدركنا الناس ﴿ (المعجم الكبير) - (ج ٢٠ / ص ٤٢٥) و كذا البوصيري فيإتحاف الخيرة المهرة - (ج ٥ / ص ١٠٣) من طريق أبي بكر بن أبي شيبة عن يزيد بن هارون الخ و قال هذا إسناد صحيح).

And there is no mention of Jawrab. See Mu'jam al-Kabeer Vol. 20 pg 425.

c: This entire incident, as narrated by Imam al-Isma'ili, revolves around Imam Abd ar- Rahman bin al-Mahdi (and therefore he definitely had knowledge of it). It has already been said above that Imam Abd ar-Rahman bn Mahdi have regarded this same narration as weak because of Abi Qais. Had this

incident been authentic, he would not pay any consideration to the narration of Abi Qais. Also, other senior Muhadithoon would not criticize this hadith in the way they have criticized it. In fact, many Muhadithoon emphatically mentioned that Abi Qais is the only narrator of this hadith.

Verifying scholars mention that, even if we do assume this narration to be authentic, then too, this one narration alone does not hold enough weight to oppose an emphatic command of the Noble Qur'an. We have narrated earlier the statements of Imam Abu Haneefah and other scholars that they only gave consent to the wiping of a khuff after it reached the level of tawaatur. See Fatwa Uthmani Vol 1 pg 374.

Another hadith which those who advocate the wiping of Jawrabs have tried to base their claim upon is a narration of Raashid bn Sa'd where he narrates from at-Thawban,

قال الامام احمد حدثنا عبد الله حدثني أبي ثنا يحيى بن سعيد عن ثور عن راشد بن سعد عن ثوبان قال : بعث رسول الله صلى الله عليه و سلم سرية فاصابهم البرد فلما قدموا على النبي صلى الله عليه و سلم شكوا إليه ما أصابهم من البرد فأمرهم أن يمسحوا على العصائب والتساخين (أخرجه و الحاكم في المستدرک - (١ / ٢٧٥) و أحمد بن حنبل في مسنده - (ج ٥ / ص ٢٧٧) و عنها أبو داود في سننه - (ج ١ / ص ٥٦) و الطبراني في مسند الشاميين - (ج ١ / ص ٢٧٤) و رواه البيهقي في السنن الكبرى - (ج ١ / ص ٦٢ مكتبة دار الباز - مكة المكرمة) من طريق أبي علي

الروذبارى قال أخبرنا محمد بن بكر حدثنا أبو داود الخ و أخرجه البغوي في شرح السنة (احاديث فقط) – (ج ١ / ص ٦٦) بطريق اللؤلؤي ، عن أبي داود و بطريق أبي عبيد القاسم بن سلام ، قال : سمعت محمد بن الحسن يحدث ، عن ثور بن يزيد)

Meaning: “the Prophet dispatched an expedition. (During the course of their journey) they were overtaken by severe cold. When they returned back to the Prophet they complained of the cold which afflicted them. The Prophet said that they should wipe on their ‘asaab’ and ‘tisaakhain’.”

They have tried to use this hadith by suggesting that ‘tisaakhain’ refers to thin socks.

Response to this narration of Raashid

Firstly, the chain of this narration is not continuous (muttasil). The narrator Rashid bn Sa’d did not hear from ath-Thawban. Ibn Abi Hatim narrates this from Abdullah bn Ahmad bn Hambal who quoted it from his father, Imam Ahmad bn Hambal. See al-ilal Vol 1 pg 133

This has also been quoted by the great commentator of hadith, Ibn Hajar al-‘Asqalani. See Tahdhib at-tahdhib Vol 3 pg 226.

However, even if we do assume that Raashid bn Sa’d did hear from Thawban as mentioned from Imam Al-Bukhari in Taarikh Al-Kabir Vol 3 pg 292 and Imam adh-Dhahabi (who said that this chain is strong) in his

Siyar a'alaam an-Nubalaa Vol 4 pg 491, then too, 'tisaakhain' does not refer to thin socks. Many lexicographers defined 'tisaakhain' as anything that covers the foot, even if it is a khuff. See Tuhfatul Al-Ahwadhiy Vol 1 pg 360.

Moreover, even though Imam Haakim said this narration is authentic and in accordance with the conditions of Imam Muslim and Imam adh-Dhahabi agreed with it in his ta'leeq Vol 1 pg 275, Imam adh-Dhahabi himself opposed this in Siyar A'lam an-Nubalaa and said:

وخرجه الحاكم فقال: على شرط مسلم، فأخطأ: فإن الشيخين ما احتجا براشد، ولا
ثور من شرط مسلم. (سير أعلام النبلاء - (٤ / ٤٩١))

Meaning: Imam Haakim has narrated this hadith and said that it is on the conditions of Imam Muslim; however, he has made a mistake because Bukhari and Muslim did not rely on Rashid and Thawr is not from the narrators of Muslim. (Siyar A'laam an-nubala Vol 4 pg 491).

Interestingly, dictionaries and books defining difficult words of hadith offer the following three definitions of 'tisaakhain':

- الأول : إنها الخفاف وقد اقتصرنا كثيرا من المعجمات على ذلك.
- الثاني : كُلُّ ما يَسَخَّنُ القدم من خف وجورب ونحوه.
- الثالث : إنها هي تعريب ((تَشَكَّن)) وهو اسم غطاء من أغطية الرأس نقله ابن الأثير عن حمزة الأصفهاني في كتابه "الموازنة".

- 1: Khuff,
2. Anything that covers the foot,
3. It is a word that has been converted into Arabic, derived from the word 'tashkan' that refers to a covering of the head.

Ibn al-Athiir quoted the afore-mentioned from Hamza al-Isfahaani who mentioned this in his book, 'al-Muwaazana'.

Furthermore, the following Arabic lexicons clearly state that tisaakhain means khuffain:

1. An-Nihaayah fii ghareeb al-hadith wal athar.
2. As-Sahah of Al-Jawhari
3. Al-Muqri in Misbaah
4. Majma' bihaar al-Anwaar.
5. Al-Faaqiq fi ghareeb al-hadith wal athar.
6. Ghareeb al-hadith by Al-Harabi.
7. Taaj al-'uruus min jawaahir al-Qamuus.
8. Lisaan al-'Arab.
9. Muheet of al-Sahib bin 'Abbaad
10. Al-Qamuus of Firouzabaadi.

The above evidences show that this narration holds numerous interpretations. In short, this narration stands on extremely feeble grounds to specify the Qur'an.

By assuming 'tisaakhain' to mean khuff, the following two benefits are achieved:

1. There would not appear to be any contradiction between various ahadeeth.
2. This hadith would be in conformity with the ahadeeth established through tawaatur.

From all the above, we can conclude that every hadith which mentions a jawrab has some type of defect. Thus, Shaykh Mubarakphuri mentions:

والحاصل أنه ليس في باب المسح على الجوربين حديث مرفوع صحيح خال عن الكلام

Meaning: "In short, on the issue of wiping on Jawrab, there is no authentic hadith connected to the Prophet which is free from criticism." See Tuhfatul Al-Ahwadhiy Vol 1 pg 281.

Allamah al-'Uqaili mentions:

والاسانيد في الجوربين والنعلين فيها لين

"The chains of the narrations dealing with the wiping of jawrabs and shoes are weak." See Ad-Dhu'afa al-kabeer Vol 3 pg 1084.

Hence, even if we do accept that the meaning of a jawrab is thin socks (which is not the case, as the following chapter will soon explain), then too, we cannot use these ahadeeth because of them being weak. And even if we do assume them to be authentic, and assume jawrab to refer to thin socks, then too, these narrations do not hold enough weight to contradict Qur'an. It is mentioned in Ma'aarif as-Sunan Vol 1 pg 348:

و علي كل حال ان صح حديث الجورين لم يمكن أن يعمل علي اطلاقه الشامل
للثخينين و الرقيقين لمعارضة القران المتلو

“In any case, if the narration of jawrabain is (assumed) authentic, it will not be possible to practice on its generality, which encompasses thin and thick socks, for it contradicts with the Qur'an.”

A hadith has to reach the level of tawaatur or at least it should be mustafidh in order to specify the Qur'an. It will not be permissible to specify the Qur'an with a khabr wahid, for, the first is qat'i (absolute) whereas the latter is dhanni (doubtful).

Imam Bayhaqi summed up this entire discussion beautifully by saying:

"The basic principle is that it is compulsory to wash the feet except if the meaning has been specified with a established narration or consensus upon which there is no difference; both these conditions are absent on the wiping of shoes and the wiping of a jawrab." See Sunan al-kubraa Vol 1 pg 288.

Chapter Seven

Prerequisite Of A Jawrab

We have explained above that those who assert that it is permissible to wipe on a jawrab do so by interpreting the meaning of a jawrab to be a 'thin sock'. But is this really the only meaning?

Allaamah Mubarakphuri quotes the definitions of quite a few lexicographers and Jurists.

“The second chapter deals with the definition of a jawrab, and the difference of opinion related to it. Firozaabadi mentions in 'al-Qaamuus' that 'a jawrab is a cover for the legs'.

“Murtadha az-Zubaidi mentions in 'Tāj al-'uruus' that 'a jawrab is a cover for the legs'. In the Persian language it is called 'Kaurab' derived from 'Kauraba' which refers to a grave of a person.”

“At-Tīby defines a jawrab as a covering of the skin which is a famous khuff and reaches the shins. A similar definition is mentioned in Majma' al-Bihaar.”

"Imam Ash-Shawkaani mentions that a khuff is a shoe made from hide and covers the feet. A Jurmooq is bigger than it and a Jawrab is bigger than a Jurmooq."

"Ash-Shaykh Abd al-Haq ad-Dehlawi mentions in 'Al Lam'aat' that a jawrab is a khuff which is worn on a khuff and reaches till the ankle. (It is worn in the) cold and to protect the bottom of the khuff from dirt and filth."

"Ibn Taymiyyah mentioned in his 'Fataawa' that the difference between jawrabain and shoes is that the one is from wool and the other is from hide."

Allamah al-'Ayni mentions that a jawrab is worn by the Syrian people in extreme cold weather. It is made from threads of unwoven silk and worn on the foot reaching till above the ankles.

See Tuhfatul Al-Ahwadhiy Vol 1 pg 281, 282 for all these narrations.

Sheikh al-Halwaani mentioned in 'Sharh Kitaab as-Salah',

"Jawaarib are of a few types: Some are of yarn and wool, others are made only of yarn. Some are made of fur. Some are made from hair (hide of animals) and others are from thin leather and some are from kirbaas (rough cotton)."

It is obvious from the above that there existed various types of jawrabs. Thus, Imam Mubarakphuri mentioned:

“The differences in explaining a jawrab are based on two aspects, viz. what it is made of and how much it should be. After quoting the above two aspects of contention, ‘Allamah Abu at-Taib Shams al-Haq mentions in ‘Ghayah al- Maqsuud’ that this difference-and Allah knows best- either is because lexicographers differed in explaining it (a jawrab) or because there are different types and kinds of jawrabs in various different places; in some places it is made of hide, in some places it is made of wool and in some places there are assorted types. Hence, every scholar explained a jawrab in accordance to what he found in his respective area. Some explained all the various types found in different cities.”

See Tuhfatul Al-Ahwadhiy Vol 1 pg 282.

It should also be stated as it is clear from the above that a jawrab does not necessarily mean a ‘thin cotton sock’. Thus, even if the ahaadith which mentions the wiping of a jawrab are accepted to be authentic (which is not the case, as we have explained), then too, they still cannot be used to prove the wiping of a thin (modern-day) sock.

Chapter Eight

The Sahaabah Who Wiped On A Jawrab And Critical Analysis Of The Narrations

Abu Daawid (rahimahu Allahu) has mentioned the names of the following Sahaabah who used to wipe on a jawrab:

- 1: Ali bn Abi Talib
- 2: Ibn Mas'ud
- 3: Al-Bara bn 'Azib
- 4: Anas bn Malik
- 5: Abu Umaamah
- 6: Sahl bn Sa'd
- 7: Amr bn Huraith

He also adds that there are narrations which mention that Umar bn al-Khattabb and Ibn Abbas used to wipe on Jawrab. See Sunan Abi Daawud Vol 1 pg 61.

Critical Analysis

The narration of Ali is narrated with three different chains of narration. One chain narrated through Ka'b bn Abdullah is in both Musannaf Abd Razzaq and Musannaf Ibn Abi Shaybah. (Vol 1 pg 188).

Imam Bukhari also narrated it in his 'At-Tā'rikh al-kabir' (Vol. 7 pg 224) and Ibn Sa'd narrated it in his At-Tabaqat al-kubraa.

The second is narrated through Khallas, the chain of narration is in Musannaf Ibn Abi Shaybah. The full sanad of the third narration, which is narrated through Amr bin Kuraib, is also in Musannaf Ibn Abi Shaybah (same page 188). It is also narrated by Ibn al-Mundhir in al-Awsat (Vol 1 pg 362).

As for the chain narrated through Khalid bn Sa'eed, it is narrated by Ibn Sa'd in his 'At-Tabaqat al-kubra' (Vol 6 pg 241).

The narration of Ibn Mas'ud is in al-Mu'jam al-Kabir of Imam At-Tabrani (Vol. 9 pg 251).

The sanad for the narration of al-Bara is in Musannaf Abd Razaq (Vol 1 pg 200) and Musannaf Ibn Abi Shaybah (Vol 1 pg 188.)

The narration of Anas which has been transmitted via Qatadah is in Musannaf Ibn Abi Shaybah and al-Mu'jam al-kabir of Imam at-Tabraani. The one narrated via al-A'mash is in as-Sunan al-kubra of Imam al-Bayhaqi (Vol 1 pg 285). The narration transmitted through Azraq bn Qais is in al-Kunaa wal asmaa of ad-Dulaabi (Vol 2 pg 561), and al-Awsat of Ibn al-Mundhir (Vol 1 pg 462).

The narration of Abu Umamah is also in Musannaf Ibn Abi Shaybah.

Likewise, **the narration of Sahl bin Sa'd** is in Musannaf Ibn Abi Shaybah.

As for **the narration of Amr bn Huraith**, I could not locate it in any of books of hadith in my disposal.

Ibn al-Mundhir further adds the names of the following Sahaabah:

- 1: Ammar
- 2: Uqba bn Amr, Abu Mas'ud al-Ansari
- 3: Abdullah bn Umar
- 4: Bilal
- 5: Abdullah bn Abi 'Aufa

From this above list, I only managed to find the narrations of the hadith of Uqbah bn Amr. The transmissions of this narration which goes via Khalid bn Sa'd and Hammam bn al-Harith are in Musannaf Abd Razzaq and Musannaf Ibn Abi Shaybah. The chain which goes through Waasil al-Ahdab and Yasir bn 'Amr are both in Musannaf Ibn Abi Shaybah.

Imam Abu Dawud has alluded to the narration of Umar. This narration is found in Musannaf Abd Razaq and Muṣannaf Ibn Abi Shaybah. It has also been narrated by Ar- Razi in al-Jarh wat-ta'deel.

Due to the narrator Jallaas bn Muhammad, scholars of hadith suggest that this narration is weak.

From the above, it is apparent that it has been authentically proven from some very few Sahaabah that they used to wipe on Jawrabs (not modern-day socks).

To which the majority of scholars give the following three replies:

1: The actions of Sahaabah are not a proof of Shari'ah especially if it apparently seems to contradict the Qur'an.

The statement of the Sahabah is Mawquuf and not Marfu' (statement of the Prophet); and it has been proven that all narrations that say the Prophet wiped on Jawrab are weak.

The statement of some very few Sahaabah (the minority) cannot be used as an evidence in shari'ah laws, especially when it contradicts the glorious Qur'an.

2: It has been proven above that a jawrab does not necessarily mean a thin sock. With this, there is no mention in the narrations to show that the jawrabs upon which Sahaabah wiped were thin.

In fact, there are enough indications, which show that Sahaabah wiped on such Jawrabs (Khuff) which were thick. Consider the following few points:

A: In Musannaf Ibn Abi Shaybah Vol 1 pg 188, the names of the following illustrious Sahaabah are mentioned who emphatically mentioned that a jawrab is on the same status as a khuff...

- 1: Ata
- 2: Naafi'
- 3: Yahya al-Buka
- 4: Ibrahim an-Nakha'i

Furthermore, Sa'eed bn al-Musayyab and al-Hasan al-Basri mentioned:

قال ابن ابي شيبة حدثنا هشيم، قال : أخبرنا يونس، عن الحسن (ح) وشعبة، عن قتادة، عن سعيد بن المسيب، والحسن أنها قالوا: يمسح على الجوربين إذا كانا صفيقين. (مصنف ابن أبي شيبة - (ج ١ / ص ١٨٨)

“Wiping on jawrabain will only be permissible if they are very thick.” - Musannaf Ibn Abi Shaybah Vol 1 pg 188.

These are the very people who witnessed the types of jawrabs upon which Sahaabah wiped. In fact, after the above mentioned quotations, Ibn Abi Shayba mentioned a statement of Ibn Umar himself where he clearly said that ‘Wiping on a jawrab is like wiping on a khuff.’

Furthermore, in the book 'Al-Kunaa wal Asmaa' of Ad-Dulaabi, there is a narration of Al-Azraq bn Qais where he says, "I saw Anas bn Malik after relieving himself, he washed his face and hands and wiped on his head and jawrabs which were of wool. I asked, "Are you wiping on such jawrabs?" He replied, "They are khuff, but are from wool."

3: By taking the meaning of jawrab as thick Khuff, there will be no contradiction. In other words, it is effective in reconciling the Qur'an, ahadeeth and actions of Sahaabah.

It should be stressed that there is totally no indication to show that the jawrabs upon which Sahaabah wiped were thin. Keeping in mind the above reasons, it is clear that the jawrabs upon which they wiped were thick Khuff; and cannot be analogised to these modern-day socks. Afterall, there are still Khuffs in this present world.

Chapter Nine

The View Of The Salaf And Imams Of Madhaa'ib

THE HANAFIYYAH

Below is the ruling of a jawrab according to the Hanafi Madh-hab:

1) If the Jawrab (sock) is mujallad (leather bounded) or muna'al (leather soled) it will be permissible to wipe on it without there being any difference of opinion. (Note - if the sock is thin, then wiping will not be permissible even though the sock might be muna'al. For a detail discussion on this, refer to Imdad al Muftien page 253-260)

2) If the sock is not mujallad or muna'al and it is so thin that water can seep through, it will not be permissible according to consensus.

3) If the sock is THICK (in such a way that it fulfils the conditions of a khuff), then (the original) verdict of Imam Abu Haneefah was that it is not permissible to wipe upon such socks. However, Imam Abu Yusuf and Imam Muhammad both opined that wiping on a thick sock is permissible. Although the original

verdict of Abu Haneefah was that it is not permissible to make wiping on thick jawrabs, it is recorded in numerous books that he retracted from this view three days before his demise. Thus, there is consensus amongst the three Imams of the Hanafi madhab that wiping upon THICK jawrabs is permissible.

If any of the above conditions are absent, it will not be permissible to wipe upon such socks.

The above has been beautifully explained in Al-Muheet al-Burhani Vol 1 pg 343:

“al-Halwani mentioned in ‘Sharh Kitab as-Salaah’:

“Jawaarib are of a few types:

(1) Some are of yarn and wool, (2) others are made only of yarn. (3) Some are made of fur. (4) Some are made from hair and others are from thin leather and (5) some are from kirbās (rough cotton).

As for the first: all Scholars agree that it is not permissible to wipe on it.

As for the second: if it is thin, it is not permissible to wipe on it without anyone differing. If it is thick, firm and covers the ankle in such a way that nothing is apparent, as is the jawrabs of the people of Marw, then based on the opinion of Imam Abu Haneefah it will not be permissible to wipe on it except if it is

leather bounded or leather soled. The opinion of the two of them (Imam Abu Yusuf and Imam Muhammad) is that it is permissible.

As for the third sock, it is mentioned in 'An-Nawaadir' that it is not permissible to wipe on it. They mention that if the sock is firm that a person can walk for a few miles, or even one mile, then it ought to be on the same difference mentioned above between Imam Abu Haneefah and his two companions.

As for the forth type, it has been narrated from Imam Abu Haneefah that it is permissible to wipe on it. But the latter day scholars say that this is also based on the above difference.

As for the fifth type, it is not permissible to wipe on it irrespective of how it is."

It should be emphasised again, that the meaning of 'thick' is that it should fulfil the same conditions of a khuff which we have mentioned above. This means that the jawrab should have the following qualities:

1. They should entirely cover both the ankles.
2. They should be durable enough that a person can travel and walk with the sock alone (without extra sandal) for three miles without them tearing.
3. Both socks should independently be free from holes to the extent of three small toes.

4. The socks should remain on the leg without it being tied or fastened.
5. They should be such that water does not seep through them.

See Al-Mabsuut of Sarkhasi Vol 1 pg 184.

THE MAALIKIYYAH

According to the Maalikis, wiping is not permissible on anything besides leather or a sock which is leather bound.

The contemporary Maliki Scholar, Muḥammad al-Arabi al-Qarawi has explained this to mean that 'a jawrab is a khuff, the inside of which is cotton or wool to make it more comfortable.' He has also explained the conditions of the Maliki madhab as follows:

“As for jawrabs, it is only permitted to wipe over them if they are covered on the outside by leather (NOTE: So basically what is meant by a jawrab is a khuff whose inside is cotton or wool to make it more comfortable). If they are not covered by leather, then it is not permissible to wipe over them and the person performing wudu' must remove them and wash his feet.”

“There are six preconditions relating to that which is wiped (in other words, the khuff. If any of these

preconditions is lacking, then it is not permitted to wipe over it):

1: That it is made from leather. If it is made from other than leather then it is not permitted to wipe over it.

2: That it is in itself pure. If it is made from the skin of an animal which died on its own or was not slaughtered properly, then it is not valid to wipe over it, even if that skin has been tanned [NOTE: Just as the khuff must itself be pure, there must also not be anything impure (such as human urine or faeces) on it].

3: That it is put together with stitching. If the khuff is glued or cellotaped together, then it is not permitted to wipe over it.

4: That it covers the place which it is obligatory to wash when washing the feet in wudu'. In other word, the khuff must completely cover the ankles. If the khuff stops short of the ankles or does not completely cover them, then it not permitted to wipe over it.

5. That it is possible to walk normally in it. If the khuff is so large that it will slip off when he walks with it (or so tight that it is impossible to walk whilst wearing it, or so thin that it will tear when he walks on it alone), then it is not permitted to wipe over it.

6. That there is no barrier between the water and the khuff, such as wax and the like."

Malikis base the condition that the sock must be from leather on a principle of fiqh; according to them it is not permissible to make qiyas (analogy) on anything established through rukhsah (shari'ah concession), and the wiping of socks is a rukhsah (hence, it will not be permissible to make qiyas of normal socks on a khuff). An example of this is how they do not attach fresh dates with old dates in 'arayah.

See Adhwaa al-bayaan of Shaykh Muammad Amiin As-Shanqiti under the tafseer of verse 6 of Surah Ma'idah, Vol 6 pg 18.

Many texts in the Maliki Madh-hab which proves the aforementioned conditions have been cited in Al-Istidhkaar Vol 1 pg 222, at-Taaj wal Ikleel Vol 1 pg 320 and etc.

THE SHAAFI'IYAH

As for the Shaafi' Madh-hab, a common view related from them is that wiping a sock will not be permissible except if it is mujallad (leather bounded). If it is not mujallad, it should at least be muna'al (leather soled) or at least so thick that a person can continuously walk with it. It should also be so though that water cannot seep through (i.e. it should fulfil the

conditions of a khuff; this is only according to those Scholars who do not place the condition of tajleed, otherwise there are numerous Shafi'i scholars who say that the sock has to be mujallad).

See Al-Haawiy al-Kabeer of Imam Maawardi, Vol 1 pg 723.

Imam Shaafi'i in Vol 1 page 49 of his book الأم, he said:
"وإن كان في الخف خرق وجوب يوارى القدم فلا نرى له المسح عليه لان الخف ليس بجورب والجورب ليس بخف".

"We do not see wiping of the Jawrab as permissible, Khuff is not socks, and socks is not khuff. "

Imam Al-Bayhaqi said in his Sunan al-Kubraa, Vol. 1 pg 288:

"والأصل وجوب غسل الرجلين إلا ما خصته سنة ثابتة أو إجماع لا يختلف فيه، وليس على المسح على التعلين ولا على الجوربين واحد منهما والله أعلم".

"Wiping over the socks is not among that which the Qur'an or sunnah or consensus of the sahaabah permitted, the basis is to wash the feet and Allah knows best.

The view of all the Shafi'i scholars is that of impermissibility.

THE HANAABILAH

The Hambalis place the following conditions for wiping on a jawrab:

- 1) It should cling to the leg without being fastened with anything externally.
- 2) A person should be able to continuously walk with it and spend the night with it without it being fastened with anything externally.
- 3) The foot should not be exposed.
- 4) Water should not seep through.

Ibn Jibrin summarises all these conditions by saying that it should be as strong as a shoe.

See al-Iqnaa' Vol 1 pg 67, Tabaqaat al-hanaabilah Vol 1 pg 140, Sharh Mumti' Vol 1 pg 52 and etc.

You should equally note that this issue is controversial in the Hambali School.

Besides the above-mentioned Hambali jurists, Imam at-Tirmidhi has mentioned that great scholars like Sufyan at-Thawri, Abdullah bn Al-Mubarak and Ishaq bn Rahuyah also held the view that it will be permissible to wipe on a jawrab if it is thick. See Sunan At-Tirmidhi Vol 1 pg 167.

It should be known that besides Ibn Hazm, Ibn Taymiyyah, his student Ibn Qayyim and al-Karkhi, there are no other reliable Scholars who could be found from the Hanabillah who ruled that wiping on thin socks is permissible.

Summary of the four Madhaa'ib

We have mentioned many statements of scholars from various different schools of thought, it comprises of the opinions of many of the scholars throughout time on this issue. It primarily revolves around four veiws:

1. It is permissible to wipe on a jawrab, irrespective whether it is from leather or anything else, whether it is muna'al or not, on condition it is thick, water does not penetrate to the foot when poured, it is possible to walk with it and it conceals the portion which is compulsory to wash.
2. It is not permissible to wipe on it except if it fulfils the previous conditions and it is muna'al.
3. It is permissible to wipe on a jawrab if it is made of leather and it is strong that a person can continuously walk or it is not from leather but it is mujallad or muna'al.

4. It is not permissible to wipe on a jawrab at all, even though it is from leather and it is possible to walk with it.

From the above, it is clear that it would not be permissible to wipe on modern day socks according to the vast majority of scholars who have the substantial amount of evidence with them.

Chapter Ten

Basis Of The Madhaa'ib

It has been proven above that the ahadeeth which mention a jawrab are weak. An intelligent questioner may then ask how then did the four Imams allow the wiping of a jawrab with the above mentioned conditions?

The basis for the above is that, wiping a jawrab has been sanctioned by many of them by making qiyaas (analogy) on a khuff (and not the ahadeeth because of them not being competent enough to specify the Qur'an). Thus, in order for the analogy to be correct, it was essential that a jawrab fulfils all the conditions of a khuff. Which means there is no way of analogy for modern-day socks.

The explanation of this is that the original ruling of the Qur'an was to wash the feet; however, since wiping the khuff has been established through many ahadeeth, scholars ruled that it is permissible to wipe on a khuff. On the contrary, there are only a few ahadeeth in which the wiping of a jawrab has been mentioned. We have explained the status of these ahadeeth in detail. Thus, they had to resort to qiyaas in order to prove the permissibility.

The analogy will only be correct if the jawrab fulfils all the conditions of a khuff; because the effective cause (illah) in both matters we are making analogy of must be the same, else such qiyas will be off-write qiyaas (قياس مع الفارق).

Since the wiping of a khuff is in contrast to qiyaas, it is necessary that whatever is associated with it should encompass all its qualities. As said by Ibn Rushd in Fataawa Uthmaani (372,373).

Chapter Eleven

Wiping On Modern-Day Socks

We have mentioned above that there was never a worthy Scholar in the past who ever said that the wiping of thin socks is permissible. Based on this, many scholars mention that there is total agreement (ittifaaq) that wiping on thin modern socks is not permissible.

It is also clearly mentioned in Al-Muheet al-Burhani Vol 1 pg 343 that no one differs on this impermissibility.

In Nayl al-ma'arib Vol 2 pg 25, Mufti Shafi'i has said that this is more clear than the sun.

I have also explained above that the original ruling is to wash the feet. Since the wiping of a khuff has been established through tawatur, scholars have ruled that the wiping of a khuff has sufficient strength to replace the washing of the feet. Since only the wiping of the khuff is established through tawatur, in order for wiping to be valid on any other sock, it has to fulfill the conditions of a leather sock (sandal).

It is necessary for those who use analogy in the Sunnah and Athar that they ponder in such a way that they apply their mind on those issues where there are no narrations and use the analogy of narrations similar to them.

Hence, if our modern day socks possess the qualities of a khuff, then wiping should be permissible on them; but nay, it doesn't.

There is one quality which is not found in many of our modern day socks which renders them invalid to wipe upon. This is the quality that they should be so thick, that they could stand up around the calf, solely on account of their thickness i.e. not because of being tied, because of their elasticity or because they are too narrow. In other words, they should stand upright because of their thickness.

When we look at our present day socks, we find that almost all socks fail in this condition. In order to test whether the socks can stand upright because of the thickness, one can carry out an experiment by placing something in the foot area of the sock. The sock should remain upright.

Furthermore, there are very few socks which do not absorb water when water is poured over them. This is the meaning of water not seeping through; that water does not seep through when poured. It does not mean that water does not seep through when

wiping, as some have suggested, as such a condition will hold no weight. Even thin socks will not absolve water when a person is wiping. The books of the Mutaqiddimoon (and in fact MAJORITY of the Scholars of the Madhaa'ib) are silent on this.

In the Shafi'i Madh-hab, it is clearly stated that water should not seep through when poured over. Also note that this does not necessarily mean that the Khuff has to be water proof.

There are some sealskinz socks that are made of leather and very thick, which may fulfill the above said conditions, such socks will be permissible to wipe on. But they are very rare.

Hence, all these modern-day silvy, sandy, cotton sowned, socks are not permissible to be wiped over during ablution.

Chapter Twelve

Qiyas, Rukhsah And Inconvenience

I have talked about the analogy (Qiyas) on this subject matter in chapter ten of this same treatise. The analogy is on a Jawrab that fulfils the condition of a Khuff; as it has been established that the Jawrab during the time of the Sahabah and Salaf is not the same to the modern-day socks.

If any qiyas will be acceptable, the effective cause (illah) of the 2 matters we are making qiyas on must be the same; else it will be rejected.

As it has also been mentioned above, eminent scholars and schools of thought who reject making Qiyas on concession (rukhsah) matter. The wiping of a Khuff is agreed upon to be a concession by the shari'ah, and the Hanafiyyah argues it is not permissible to make analogy on concession that even contradict the explicit wordings of the Qur'an.

Inconvenience

Some people argue that wiping over socks should be permitted because of the ease and convenience it

brings. Yes, Islam calls to ease; but there is no inconvenience in obligations and already stipulated affairs by the shari'ah.

Mankind has no power over legislated laws of Islam that have been already fixed (wad'iyyah). Washing of the face and hands may also be considered inconvenience because of winter, but it will never be regarded as so because the mind has been determined to wash them. So, the claim of inconvenience is null.

We cannot abrogate the established law of Allah with the mere claim of qiyas on rukhsah (concession).

In affairs of ibaadaat, we are to stick to ihtiyaat (aloofness and caution). No solaat is permissible if the ablution is void (unless the person is ignorant of it); why then should we risk our solawaat and ablution on the basis of a concession and a differed upon matter that has no strong evidence to support it?! It is strongly advised and better to observe aloofness (ihtiyaat) in matters of cogent ibaadaat, unlike mu'aamalaat.

Chapter Thirteen

Summary

1. The original ruling is to wash the feet. Wiping on a khuff has been established through many ahadeeth, therefore we allow the wiping of a khuff.

In order for a narration to specify the Qur'an, scholars have taken two routes. According to the Hanafis, the narration should reach the level of tawatur. According to other Scholars, the narration should be authentic or there should be Ijmaa'u (unanimous consensus). In the case of a jawrab, these conditions have not been met.

2. The narrations which apparently prove that the Prophet wiped over jawrabs are all unauthentic and weak.

Even if we do assume the narrations to be authentic, the word jawrab has numerous meanings.

3. There are numerous meanings for the word jawrab. To reconcile between conflicting reports, it is best to take it as a thick leather sock.

4. Although, it has been proven that some few Sahaabah wiped over jawrabs, their actions are not

independent proofs of Shari'ah. However, even then, their jawrabs were not like our modern-day socks.

Furthermore, the word jawrab has more than one meaning.

5. The permissibility of wiping on a jawrab is established by making qiyas on a khuff, and hence it has to fulfill all the conditions of a khuff.

6. It is permissible to make qiyas of present day socks on khuffain. If they fulfill the conditions, it will be permissible to wipe upon them. But they didn't.

7. Scholars from all four Madhaa'ib specified conditions for wiping on a sock. These conditions are not found in our present day socks besides a very few 'SealSkinz'.

8: In affairs of ibaadaat, we are to stick to ihtiyaat (aloofness and caution). No solaat is permissible if the ablution is void (unless the person is ignorant of it); we shouldn't risk our solawaat and ablution on the basis of a concession and a differed upon matter that has no strong evidence to support it.

9: It is strongly advised and better to observe aloofness (ihtiyaat) in matters of cogent ibaadaat, unlike mu'aamalaat.

10: There is no evidence to wipe over modern-day socks; hence, it must be off always during a new ablution.

Wa salla Allahu ala sayyidinaa Muhammadin, wa ala aalihi wa sahabihi wa sallim tasleeman.

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