

Does touching the opposite sex break ones Wudhu?

By Muhammad Allie Khalfe.

This interesting and famous question goes back a thousand years into our rich history. The greatest of scholars differed on the issue and below are three opinions with their reasoning and deductions.

Bismillahi Rahmani Rahim

There are three juristic views regarding the issue of touching the opposite sex and breaking *wudhu*:

The first view

The first view is attributed to Imam Al-Shafi'i, who states that the *wudhu* is broken even if one does not have desire or lust added to the touching. Imam Shafi'i based his argument on a verse in Surah Nisa, verse 43:

O you who believe! Do not approach Salah after... lāmastum (touching) women, but if you do not find water, then perform Tayammum with clean earth, rubbing your faces and hands. Truly, Allah is Ever Oft-Pardoning, Oft-Forgiving.

The Arabic words to take note of here are (لَمَسْتُمُ النِّسَاءِ) which we will get back to shortly.

Imam Suyuti in the Tafsir al-Jalalayn says,

or you have touched women (lāmastum, a variant reading has lamastum: both mean lams, that is, 'touching with the hand', as stated by Ibn 'Umar; this is also the opinion of al-Shāfi'i, and it extends to touching with other parts of the skin;

The second view

The second view is ascribed to Imam Abu Hanifah, who maintains that touching the opposite sex, even with lustful thought, does not invalidate *wudhu*'.

Abu Hanifah says that if one analysis the word,

﴿أَوْ لَمَسْتُمُ النِّسَاءِ﴾

one finds the root letters to be *la-mi-sa* (*lam mim* and *sin*) and according to the Arab, *lamisa* meanings to 'touch' yes, but what is meant here is the sexual act. By using the word '*lamisa*', Allah is indicating to us that if one has 'touched/had sexual intercourse' then one must first purify himself or herself with water by taking a spiritual bath (*ghusl*), then only can one pray.

Imam Suyuti in the Tafsir al-Jalalayn says,

As for the term *lamastum*, Ibn 'Abbas (may Allah be pleased with them), states that whenever *lamastum* is used by Allah in the Qur'an in reference to males and females, it specifically means sexual intercourse.

Ibn Kathir in his Tafsir says:

Ibn Abi Hatim recorded that Ibn 'Abbas said that Allah's statement,

﴿أَوْ لَمَسْتُمُ النِّسَاءِ﴾

(or Lamastum women) refers to sexual intercourse. It was reported that `Ali, Ubayy bin Ka`b, Mujahid, Tawus, Al-Hasan, `Ubayd bin `Umayr, Sa`id bin Jubayr, Ash-Sha`bi, Qatadah and Muqatil bin Hayyan said similarly.

The third view

The third view is held by the rest of jurists. They are of the opinion that if one touches the opposite sex with lust it breaks wudhu', but if it is not a lustful touch, wudhu' would not be broken.

So while Imam A-Shafi`i based his argument that touching women requires *wudhu'* on the apparent meaning of the word *Lamastum* which literally means "touch", other jurists interpret the same word to mean sexual intercourse.

The evidence used to support the last two views are seen below:

In an authentic hadith narrated by `A'ishah (may Allah be pleased with her) she states:

"The Prophet (peace and blessings be upon him) used to pray for long hours at night in their apartment, and that she used to sleep in front of him. Because the room was small, when the Prophet used to go into *sajdah* (prostration) he would tap her calf with his hand and she would retract her legs so he could prostrate. And when he stood up she would allow her feet to return to their original position." *Bukhari*

Another hadith narrated by `A'ishah (may Allah be pleased with her) as recorded in the Musnad of Imam Ahmad states that:

The Prophet (peace and blessings be upon him) used to kiss `A'ishah (may Allah be pleased with her) and then go to pray at the *masjid* without renewing his ablution.

The criteria for a ruling according to Imam Shafi'i and Abu Hanifa regarding the breaking of the wudhu:

There are two types of hadith that need to be understood here, namely, *Mash-hur* and *Ahad*.

The mash-hur or famous hadith

...must have in its chain link at least three narrators per generation until the link reaches the Prophet (saw). For example, 'I narrate to you from the generation preceding me that Salim, Ibrahim and Junaid all narrate that the generation preceding them heard that Yahya, Isma'il and Hammad said that the generation before them said that Imran, Rashid and hudhayfa said that so and so said that in Cape Town, there is a mountain called table mountain'. Because the chain link has a minimum of three narrators per generation leading up to the Prophet (saw), this hadith is categorized as Mash-hur.

The *Ahad* or solitary hadith

The *Ahad* hadith have less than three narrators in at least one of the generations' and because of this, the strength is less and the *hadith* is not considered to be on a level of mash-hur.

Abu Hanifah argues that because the *fiqh* (Islamic law) will be affecting every single Muslim in his daily life, he cannot accept the *Ahad hadith* for *fiqh* and the minimum category of *hadith* he uses is a *hadith mash-hur*.

All the *ahadith* indicating that the touching of the opposite sex breaks the wudhu are *ahad* in nature and are not used in the *fiqh* of Abu Hanifa and therefore according to his *madhab* (*the Hanafi Madhab*), the *wudhu* does not break and the same goes with touching the private parts, the wudhu does not break because the *ahadith* (plural of hadith) are all *ahad*.

Imam Shafi'i on the other hand accepts the *ahad hadith* if they have met some extra criteria and he uses it for *fiqh* and therefore according to the Shafi'iya, the wudhu breaks.

Another point to remember before ending off this topic is that according the Shafi'iya, the wudhu does not break when touching the bones, hair, finger and toenails of the opposite sex.

And Allah knows best

Sources

Tafsir ibn Kathir

Tafsir Jalalayn

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