

Will the Fast be Nullified by Engaging in Intercourse with an Animal?

Q: Saum-21: The Ghayr Muqallid Molvi Abdul Jaleel Samrodi has Comiled booklets against the Hanafi Madh'hab both of which he has given to me. The one is titled "Izhaare? Haqeeqat az Aaina'e Haqeeqat" and names the author as Sheikhu Islaam Moulana Molvi Abu Abdul Kabeer Muhammad Abdul Jaleel Sahib, the Ameer of the Ahle Hadeeth (India). The second booklet names the author as Hadhrat Sheikhu Hind Moulana Molvi Muhammad Abdul Jaleel sahib, Ameer of the Jamaa'ah.

Mocking at the Hanafi Madh'hab in the first booklet, he says that the fast is not nullified by engaging in intercourse with an animal whether or not ejaculation took place. He then quotes shaami (Vol.2 Pg.103) and adds that even Ghushl does not become necessary according to the Hanafi Madh'hab.

Is this true and is there consensus on the issue? Is Ghushl not even necessary? Is this stated in Durrul Mukhtaar and Shaami?

Answer: I have seen the extract of the booklet quoted in the question, which Has been published in both the Urdu (1954) and Gujarati (1950) editions of the booklet. After reading it, I have referred to the stated text of Durrul Mukhtaar, Shaami and other books. All three accusations levelled by Saamordi are fallacious, a result of his lack of understanding.

The fast will be nullified when a person engages in intercourse with an animal and ejaculates. Together with Ghushl becoming waajib (compulsory), he will also need to repeat the fast. Shaami clearly states. "The fast will have to be repeated if ejaculation took place." When Shaami states: "consensus agrees that the fast will not be nullified when ejaculation takes place", it refers to the situation where a person ejaculates after touching the procreation organ of the animal or after kissing it.

Saamrodi confused the situation where the procreation organ is used with the situation where the procreation organ is not used. How more greatly confused can one get?

Another distortion of the truth that Saamrodi perpetrates is to translate text that states "without ejaculation" as "with or without ejaculation". What deception! He even goes a step further in his deception to state that Ghushl does not even become necessary.

The ruling in the books of Fiqh state that if an immoral and depraved person engages in intercourse with an animal and ejaculates, his fast will be nullified and, together with Ghushl becoming Waajib (compulsory), he will also need to repeat the fast. Furthermore, the Qaadhi fudge of an Islaamic court) should punish the person at his discretion. This punishment should be such that the person and all others should be deterred from ever doing the same. In addition to this, the animal needs to be slaughtered. The punishment to be inflicted on the perpetrator will be enforced regardless of whether or not he ejaculated.

THE NEED TO DISCUSS THIS RULING

It is necessary to discuss such a ruling because incidents of this nature have taken place and still do. In fact, even Rasulullaah SAW. who was the epitome of modesty discussed the issue. Hadhrat Abdullaah bin Abbaas RADI. reports that Rasulullaah SAW. once said, "The person who has intercourse with an animal should be executed and the animal slaughtered." "But what is the crime of the animal," someone asked Hadhrat Abdullaah RADI. Abbaas RADI. He replied, "I have not heard Rasulullaah SAW. mention anything about this, but we think that he disliked that its meat should be eaten or that any other benefit derived from it. Another narration states that there is no fixed punishment for this crime and that the Qaadhi (judge of an Islaamic court) should punish the person at his discretion.

Another Hadith states that Allaah will not even look with mercy at a person who engages in anal sex with a man or woman.

Just as medical professionals do not shy away from referring to the reproductive organs of men, women and animals when discussing medicine, spiritual doctors like Rasulullaah SAW. and the Ulema and Fuqahaa who succeed him also do not shy away from discussing matters like impurities, menstruation, after-birth bleeding, water, sand and other issues that seem to oppose modesty. However, if these are not discussed openly, there will be no way of learning about them. There can be no room for overt modesty when it pertains to researching and discussing such rulings and verdicts.

In fact, fathers even used to query certain rulings from their daughters. When a man had left in Jihaad for a long while, his wife became uneasy because of the long absence. Hadhrat Umar RADI. then asked his daughter Hadhrat Hafsa RADI. to inform him how long a woman is able to live without intimate relations with her husband.

Hadhrat Hafsa RADI. informed her father that the period was four months. Hadhrat Umar RAH. then decreed that no man should leave on an expedition for longer than four months.

Dear Sir! If it be prohibited to mention issues of shame, none of this would even be mentioned in the Qur'aan. While the Ahadeeth are the explanatory notes of the Qur'aan, the books of Fiqh then explain both of them, so why should such matters not be discussed? Therefore, objecting to such discussions in the books of Fiqh really is tantamount to objecting to the Qur'aan and the Ahadeeth. Here follow a few examples from the Qur'aan:

1. (Taken aback by his stunning beauty)The woman in whose house he was (Zulaykha) attempted to seduce him (to lure him to her bed) against his will. she locked the doors (of the room) and said, "Come to me." He said, "I seek refuge with Allaah! Indeed my caretaker (your husband Allaah) has treated me honourably (how can I ever betray him by doing what you ask of me), oppressors (adulterers) will definitely not succeed.
2. (Addressing his people, Hadhrat Loot ALY. said) Do you really satisfy your potts (lust/ with men instead of women? (This is too contemptible b even imagine!) You are but a nation that behaves ignorantly.
3. They ask you (O Muhammad SAW.) concerning menstruation. Say, "It is impure so leave

(intercourse with) women during (their period of) menstruation and do not go unto them (do not have sexual relations with your wives) until they are cleansed (until the menstrual cycle is complete and they have taken a bath)' So when they have cleansed themselves properly, then go unto them (enter them) from where Allaah has ordered you (from the vagina only). Verily Allaah loves those who repent excessively (even for sins committed unintentionally such as engaging in sexual intercourse without knowing that the wife is still menstruating) and those who stay pure (by abstaining from sin). Your wives are your tilling fields (where your seeds are planted) so approach your tilling fields as you desire (from any direction as long as the husband enters the vagina only, so that children can be conceived).

If the circumstances surrounding the revelation of the above verses are discussed, they will prove to be even more candid. An example is the verse stating "Your wives are your tilling fields". Hadhrat Abdullaah bin Abbaas RADI. reports that when the Ansaar were still not Muslims, they adopted many practices of the Jews because they regarded the Jews to be more learned than them on account of the divine scripture that the Jews had received. Amongst the practices of the Jews that they adopted was to have intercourse with their wives only in the position where she is lying on her back. They found this manner to be more dignified for the woman. It was however the practice of the Quraysh to be more adventurous and they therefore enjoyed intercourse in many positions.

Therefore, when the Muhaajireen arrived in Madinah and married the women of the Ansaar, the Ansaar women did not approve of their methods of intercourse. The women demanded that the men have intercourse only in the lying down position or not at all. When the matter got out of hand, it reached Rasulullaah SAW. It was then that Allaah revealed the verse: "Your wives are your tilling fields (where your seeds are planted) so approach your tilling fields as you desire (from any direction as long as the husband enters the vagina only, so that children can be conceived).

The following are examples of such discussions in the Ahadeeth:

1. Hadhrat Ummu Salamah RADI. reports that Hadhrat Ummu Sulaym? RADI. once came to Rasulullaah SAW. and said, "O Rasulullaah SAW.? Indeed Allaah never shies away from the truth. Does a woman have to take a bath if she experiences a wet dream." "Certainly," Rasulullaah SAW. replied, "On condition that she discharges. Another narration adds that Hadhrat Ummu Sulaym K5J6tEjtatthen covered her face in modesty and asked, "Do women discharge (semen) as well?" Rasulullaah SAW. replied saying, I Shame on you! How then do you think the child resembles the mother?" Yet another narration adds that while the semen of a man is thick and white, that of a woman is thin and yellowish. Rasulullaah SAW. also added that the child will resemble the parent who discharges more semen during intercourse.

2. Hadhrat Aa'isha RADI. reports that the wife of Hadhrat Rifaa'ah RADI. once came to Rasulullaah SAW. and said, "O Rasulullaah SAW. After Rifaa'ah divorced me thrice. I married Abdur Rahmaan, but? found that he has only what seems to be a lame piece of cloth.

Rasulullaah SAW. said. It appears that you wish to return to Rifaa'ah? You will how ever not be able to do so until Abdur Rahmaan tastes your honey and you taste his (until the marriage is

consummated).

3. While returning from a journey, Rasulullaah SAW. asked Hadhrat Jaabir RADI. whether he had married a virgin or a previously married woman. When he replied that he had married a woman who had been married previously, Rasulullaah SAW. remarked, "why did you not marry a virgin with whom you could play?" When the men in the expedition were about to enter Madinah. Rasulullaah SAW. said to them, "Wait awhile until nightfall (the time of Isha) to give the women a chance to comb their hair and shave their Pubic area,"

While only a few examples have been cited above, there are numerous more, since a large proportion of the Deen concerns women, it will only be a person who wishes the Deen to be left incomplete who will adopt false modesty to shy away from reality, This will really be miscarriage of the truth. However, since Allaah declares that He never shies away from the truth. It behaves that His righteous servants follow suit. Saamrodi however knows nothing about honesty and all he knows is how to slander the Hanafi Madh'hab and to degrade the Fuqahaa.

In a very aggressive tone, he states. "Dear brothers in Islaam! How long will we remain in our slumber? In the books of Islaamic SAW. the Fuqahaa have pacified us by telling us that the contents of the books of Fiqh are really the essence of what is contained in the Qur'aan and the Ahadeeth." He writes further, "Can books that relish in discussing such strange matters be called religious books at all?" He also says. "This requires some deliberation. Come closer to your sense of modesty and apply some of your common sense since even the non-Muslims have criticised such things.?"

He says also, "Have our religious books fallen to this ebb to be discussing such matters? ...This should never be in religious books." He says, "We have presented these as examples whereas the heart actually dreads mentioning the others and the pen trembles at it."

Further mocking at the Hanafi Madh'hab, Saamrodi says, "If a Madh'hab has so much of good in it, why has it not gained acceptance in the world? It is because you will find in it only that which appeals to the passions. Where will there be anything from the Book of Allaah and the Ahadeeth of Rasulullaah SAW. These mocking words of Saamrodi serve only to occupy ignorant people because the examples cited above make it evidently clear that neither Allaah, nor Rasulullaah SAW. or the Sahabah RADI. condone the type of modesty that would misrepresent the truth.

While Saamrodi claims not to follow the Imaams of Fiqh, he can surely boast to be following the Jews and Mushrikeen of Madinah. Study the two narrations below and then decide who Saamrodi really is following:

A Mushrik once mocked at Hadhrat Salmaan RADI. saying. "Your leader even teaches you things like going to the toilet?" Hadhrat Salmaan RADI. replied, "But of course (since he is more affectionate than a father)! He has instructed us not to face the Qibla when in the toilet, not to clean ourselves in the toilet with our right hands and not to use less than three stones when doing so, ensuring that we do not use dung or bones for the purpose.

Hadhrat Abu Hurayrah RADI. reports that Rasulullaah SAW. said to them. I am unto you people like a father is unto his child. I teach you that you should not face the Qibla when in the toilet and not face your backs to it either. I have also taught that you should not use less than three stones when doing so, ensuring that you do not use dung or bones for the purpose. A man should also not clean himself in the toilet with the right hand.

The Ulema and Fuqahaa of the Ummah are Rasulullaah SAW.'s successors and have the welfare of the Ummah at heart. They are also the leaders of the Ummah and have made the effort to ensure that they present the rules and regulations of the Qur'aan and the Ahadeeth together with the practices of the Sahabah RADI. that whichever Muslim comes until the Day of Qiyaamah will have guidance for any situation that may arise. We therefore need to express our gratitude to them rather than criticising them.

RETURNING TO THE ORIGINAL DISCUSSION

The fast will be nullified when a person engages in intercourse with an animal and ejaculates. Together with Ghusl becoming Waajib (compulsory), he will also need to repeat the fast. Shaami clearly states, "The fast will have to be repeated if ejaculation took place." When Shaami states: "consensus agrees that the fast will not be nullified when ejaculation takes place", it refers to the situation where a person ejaculates after touching the procreation organ of the animal or after kissing it.

The person therefore did not use his procreation organ in the act, which will not be regarded as intercourse at all. The research that Allaama Shaami RAH. has presented in this matter is outstanding and while it is easy to call oneself a Muhaddith and Sheikhu Islaam, it is not an easy task to understand the works of the true scholars. One needs to understand the reasoning behind the words of the scholars and other factors surrounding their discussions. Merely understanding the words themselves is like looking at the peel without reaching the actual fruit.

The famous book of Ahadeeth Kanzul Ummaal contains the following narration: Hadhrat Mujaahid says. "Hadhrat Abdullaah bin Abbaas RADI. once performing salaah while Ataa, Tawaas and Ikramah and I, all his students, were sitting together. A man arrived and asked. 'Is there a Mufti amongst you?' 'Ask your question.' I said. He said.

'Every time I urinate, a spurting liquid follows the urine,' Is it the type of liquid from which a child is born?' we asked. When he replied in the affirmative. we ruled that he should take a bath (each time it happened). The man then turned away saying. 'Innaa Lillaahi wa Innaa ilayhi Raaji'oon'.

Hadhrat Abdullaah bin Abbaas RADI. hastened with his salaah and as soon as he made the Salaam, he said. 'Ikramah! Go bring that than back. When Ikramah brought him back. Hadhrat Abdullaah bin Abbaas RADI. turned to us saying, 'Tell me whether the verdict you gave this man was sourced from the Book of Allaah?' 'No, we admitted.

'Then was it sourced from the Sunnah of Rasulullaah SAW. he asked further. When we again conceded that it was not, he asked. Then was it from the Sahabah RADI. of Rasulullaah SAW.? Again we said no. 'Then from who did you learn it? he asked, 'We derived it from our own Judgement.' we replied. To this. he remarked. 'it is for this reason that Rasulullaah SAW. said, A single jurist is more difficult for Shaytaan to contend with than a thousand worship.

He then turned to the man and asked. Tell me. Do you feel any, just in your heart when this happens to you?' 'No. I do not.' the man replied Hadhrat Abdullaah bin Abbaas RADI. asked further'. 'Then do you feel any weakness in your body (after it emerges)?' When the man again replied negatively. Hadhrat Abdullaah bin Abbaas RADI. said. 'This happens because of coldness (in the body), so wudhu would suffice for you (there is no need to bath).

Research scholars have written that Hadhrat Abdullaah bin Abbaas Radi. realised that the students were fooled by the word 'spurting liquid'. which refers to semen. They therefore ruled that a bath was necessary. Because they were not jurists, they failed to look at the reason that makes a bath necessary. Had they looked at the factors that make a bath necessary, they would have noticed that since none of the factors accompanying the discharge of semen were found, the discharge could not be semen and therefore, a bath would itself not be necessary. Now although Hadhrat Mujaahid RAH. Ataa RAH. Tawoos RAH. and Ikramah RAH. were all Muhadditheen of the highest calibre (and the teachers of almost all the others). they were really not jurists because they failed to look for the inner reasons. Merely knowing the Ahadeeth is not enough without having a deep understanding of them.

1. Allaama Khattabi RAH. reports that a Sheikh did not have his hair shaved before the Jumu'ah salaah for forty years because he heard the Hadith that Rasulullaah SAW. forbade this. However, Allaama Khattabi RAH. explained to him that the word in the Hadith was (HALQ) (with a fatha on the laam) meaning 'forming groups' and not (HALQ) (with a sukoon on the laam), meaning 'shaving the head'. The prohibition was therefore from forming discussion groups in the Masjid before the salaah because at this time, people ought to perform salaah and then listen attentively to the Khutbah.

2. Allaama Ibn Jowzi RAH. relates that when some people heard that Rasulullaah SAW. forbade people from watering other people's fields, they said, "We seek Allaah's forgiveness because when we have excess water on our fields. we direct it to the fields of our neighbours." None of them realised that Rasulullaah SAW. was referring to a person having intercourse with pregnant slave women.

3. There was another Muhaddith who was in the habit of performing his Witr salaah only after cleaning himself in the toilet. When asked the reason. he said that he was following a Hadith in which Rasulullaah SAW. instructed people to perform Witr salaah only after cleaning themselves in the toilet. What he did not realise was that the word he understood as cleaning oneself in the toilet actually meant 'to do in odd numbers'. The Hadith therefore meant that when a person cleaned himself in the toilet, he ought to clean himself an odd number of times i.e. three, five or more times if necessary.

Such are the consequences of not understanding Fiqh. It is with reference to this that

Rasulullaah SAW. said, "May Allaah keep fresh and healthy (in mind) the person who hears my words, remembers them and conveys them on. It often happens that the one who bears the words with deep meaning does not understand them and many are the bearers of words with deep meaning who passes them on to those who may understand them better than he.

And Allaah knows best what is most correct.

May Allaah grant proper understanding to those who oppose the Ahadeeth and Fiqh. Aameen.

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