194268 - Is It Permissible to Do Tayammum If Water Is Cut Off?

the question

We live in Syria, and the water is cut off constantly, especially in Idlib. We have a public facility in the city, namely the fire station, from which we can bring water, but with great difficulty. My question is: when the water is cut off from the houses and mosques, is it permissible to do Tayammum or not? If the answer is yes, what is the evidence of the Shafa`is on the issue of Masafat Al-ghawth [the distance within which a call for help will be heard] with regard to looking for water?

Summary of answer

1. If there is no water in the city, and it is cut off from the houses and mosques, and bringing water from the fire station can only be done with great difficulty and hardship, or the amount of water brought to the fire station is not sufficient for household uses and for purification by doing Wudu and Ghusl, then there is nothing wrong with doing Tayammum.
2. But if water becomes unavailable or cut off, and bringing it from the fire station may cause hardship that is normal for people in such circumstances, then you must bring water for purifying yourselves, and it is not permissible to do Tayammum.

Detailed answer

Praise be to Allah.

Distance from water source which makes it permissible to do Tayammum

The jurists of the four Schools of Fiqh unanimously agreed in stipulating that one should first search for water when it is not available , in order for it to become permissible to do Tayammum, unless there is certainty that water is not to be found anywhere. But they differed with regard to the extent of the search and the distance one should go to look for it.

It says in Al-Mawsu`ah Al-Fiqhiyyah (14/255-256):

“The jurists differed regarding the definition of the distance from the water source which makes it permissible to do Tayammum:

The Hanafis are of the view that it is one mile, which is equivalent to four thousand cubits .

The Malikis defined the distance as two miles, and the Shafi`is defined it as four hundred cubits; this is the hadd Al-ghawth [the distance within which a call for help will be heard], which is the distance of an arrow shot. That is the case when the individual thinks that there may be water, or thinks it most likely, or he is not sure whether there is any water. Then if he does not find water, he should do Tayammum. The same ruling was stated by the Hanafis, who said that it is obligatory to search for water within a distance of four hundred steps, if the individual thinks that he is close to water and it is safe to search.

The Shafi`is are of the view that if he is certain that there is no water around him, then he may do Tayammum without having to look for water. But if he is certain that there is water around him, he must look for it within the limit that is regarded as close (which is a distance of six thousand steps). According to the Shafi`is, water is not to be sought, whether it is within the distance that is regarded as close or within the distance within which a call for help will be heard, unless he feels that he is safe and there is no risk to his life and property, and there is no risk of his being cut off from his travelling companions.

The Malikis said: If he is sure or thinks that there is water, he must look for it within a distance of two miles. According to the Hanbalis, he must seek it within the distance that is customarily regarded as being nearby.”

To sum up the view of the Shafi`is: The traveller [who lacks water] may be in one of four situations:

1. He is certain that there is no water available, in which case he may do Tayammum without searching for water.

2. He thinks that there may be water, or thinks it most likely, or he is not sure whether there is any water. In this case, he should search in the area where he is halting and with his travelling companions, within the distance within which a call for help will be heard, which in their view is four hundred cubits. Then if he does not find any water, he may do Tayammum , because water is not available.

The distance within which a call for help will be heard means that he should search for water within the distance within which he will be heard if he calls for help, meaning where his cry will be heard by his companions, even if they are distracted by their own work and their talk. This distance varies depending on how flat or otherwise the land is.

1. He knows that there is water available in a place that a traveller who is travelling for a purpose, such as collecting firewood or grass, could reach. This distance is greater than the distance within which a call for help will be heard mentioned above, and is described as water being available nearby; according to the Shafa`is, it is six thousand cubits. He must seek water from there , if there is no risk of his being cut off from his travelling companions or of the time for the prayer ending. If there is any risk of that, then he is not obliged to seek water.
2. The water is further away than that nearby place, which is described as water being available far away; in this case, he may do Tayammum and he is not obliged to look for water, because it is too far away. But if he is certain that water will become available towards the end of the time for the prayer, then waiting for it is better than hastening to pray with Tayammum. If he is certain that there is no water, or there is doubt as to whether water will come, or he is not sure whether it will come at the end of the time for the prayer, then hastening to pray with Tayammum is better in that case. (See: Rawdat At-Talibin, 1/93; Hashiyat Al-Bujayrimi, 2/453-454; Asna Al-Matalib, 1/73; Al-Muqaddimah Al-Hadramiyyah, p. 46)

These limits mentioned above are based on Ijtihad and vary between jurists. They are based on trying to ascertain that water is not available when one thinks that it may be available, within the

distance within which the accountable person is able to search for water within the time available before the time for prayer ends.

The basic principle regarding the command enjoining the one who is accountable to start looking for water is the verse in which Allah, may He be exalted, says (interpretation of the meaning):

{… and [if you] find no water, then seek clean earth and wipe over your faces and your hands [with it].} [An-Nisa’ 4:43]

Ibn Kathir (may Allah have mercy on him) said:

“Many jurists understood from this verse that it is not permissible for one who lacks water to do Tayammum until after having looked for water. If he looks for it and does not find it, then in that case it becomes permissible for him to do Tayammum. They have explained how to look for it in books that discuss minor issues of jurisprudence." (Tafsir Ibn Kathir, 2/318)

Can you do Tayammum if there is too much hardship involved in searching for water?

If the water is cut off and not available, and there is too much hardship involved in searching for it, then either this hardship is obvious and is unbearable when one has to do religious obligations that are repeated throughout the day, in which case the accountable person may avail himself of the concession granted in Islamic teachings that is appropriate to his situation.

If this hardship is mild and bearable in such circumstances, in which case he must put up with it and seek water, and it is not permissible for him to do Tayammum.

As-Suyuti (may Allah have mercy on him) said:

“Hardship may be divided into two categories:

1. Inevitable hardship that one would normally face when wanting to do some acts of worship, such as the hardship of cold when doing Wudu’ and Ghusl, or the hardship of fasting in

intense heat during long days, the hardship of travelling for Hajj and Jihad that cannot be avoided, and the hardship of the pain involved in Hadd punishments, stoning adulterers and executing criminals. This has no impact on waiving acts of worship at any time.

2. As for the hardship that one would not face under normal circumstances when doing acts of worship, it is of different levels:

- The first level is extreme and grievous hardship, such as fearing for one's life, limbs and faculties. This definitely makes it a must to avail oneself of concessions, because preserving life and limb so that one may continue to carry out religious duties is more appropriate than exposing them to harm and damage in the course of doing an act or acts of worship that could lead to such harm and damage.
- The second level is mild hardship that has no impact, such as mild pain in a finger, a mild headache, or a mild bad mood. This has no impact and no attention is to be paid to it, because doing acts of worship and carrying out religious obligations is more important than warding off such minor hardship.
- The third level is that which comes in between these two levels. Whatever is closer to being severe, then the concession should be granted; whatever is closer to being mild, no concession is granted, as in the case of a low-grade fever or mild toothache.

When it is not clear which category it is closer to, there are different views.

These levels cannot be worked out on the basis of accuracy; what is mentioned is only approximate.

Shaykh `Izz Ad-Din (may Allah have mercy on him) pointed out that the most appropriate way to categorise levels of hardship in doing acts of worship is to have guidelines on how difficult each act of worship is, by comparing it with the least hardship that is regarded as being hard enough to allow the concession with regard to that act of worship. If it is like that or greater, then the concession may be granted." (Al-Ashbah wa'n-Nadha'ir, pp. 80-81)

Shaykh Al-Islam Ibn Taymiyah (may Allah have mercy on him) said:

“If one who tills the earth fears that if he seeks water his property may be stolen or it could undermine the work that he needs to do, he may pray with Tayammum. If he is able to put together two prayers with one Wudu’, that is better than offering each prayer separately. The same applies to other excuses that make doing Tayammum permissible: if it is possible to put prayers together after purifying oneself with water, that is better than offering them separately after purifying oneself by doing Tayammum." (Majmu` Al-Fatawa, 21/457)

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

“He must look for water if it is within a distance that is regarded as close, so he must search to see whether there is a well or stream near him or around him. There is no clear definition for what is regarded as near or close, so he should refer to custom regarding that, and custom varies from one time to another. In our own time, we have cars, so what was previously regarded as far is now near. In the past, what they had was camels, so what is now regarded as near was regarded as far.

So he should look within a distance that is near enough that it will not become too hard for him to look for water or cause him to miss the time for the prayer.

Or he may ask someone where water is, meaning that he can seek water by asking someone to show him where it is.

If he has no water with him, and he cannot search for it because he has no knowledge of the area, or because if he goes away from where he is he will become lost, then what he must do is ask someone else to tell him where water is, whether that is in return for money or for free.

If he has no water with him, and there is no water nearby and no one to ask to show him where water is, then it is prescribed for him to do Tayammum." (Ash-Sharh Al-Mumti` 1/386).

The scholars of the Permanent Committee were asked:

When I am grazing my flocks, I take water with me to meet my needs only. Is it permissible for me to do Tayammum even though the village is a kilometre or more away from me?

They replied:

“It is not permissible for you to do Tayammum for prayer in this situation, because the distance to the place where there is water is close enough, and there is not usually any difficulty in going there, and the time for the prayer is not going to end if you go and seek water in this case." (Fatawa Al-Lajnah Ad-Da’imah, 4/179)

Based on the above, if there is no water in the city, and it is cut off from the houses and mosques, and bringing water from the fire station can only be done with great difficulty and hardship, or the amount of water brought to the fire station is not sufficient for household uses and for purification by doing Wudu and Ghusl, then there is nothing wrong with doing Tayammum, because Allah, may He be Exalted, says at the end of the verse of Tayammum (interpretation of the meaning):

{Allah does not intend to make difficulty for you, but He intends to purify you} [Al-Ma’idah 5:6],

and because of the general meaning of the verse (interpretation of the meaning):

{Allah intends for you ease and does not intend for you hardship.} [Al-Baqarah 2:185]

But if water becomes unavailable or cut off, and bringing it from the fire station may cause hardship that is normal for people in such circumstances, then you must bring water for purifying yourselves, and it is not permissible to do Tayammum.

And Allah knows best.