611327 - Is it true that it is permissible to pray when there is physical impurity (najasah) according to the Malikis?

the question

I heard that it is permissible to pray when there is physical impurity (najasah) on one’s garment or body according to the Maliki madhhab. Is this true? I hope that you will answer me with evidence.

Summary of answer

The attribution of the view to the Maliki madhhab is not correct, and the one who said that did not understand the terminology of the Malikis regarding this matter. According to the Malikis, it is not permissible to pray with any physical impurity, when one is aware of it and able to remove it.

Detailed answer

Praise be to Allah.

The majority of jurists are of the view that being in a state of purity and free of physical impurity (najasah) on one’s garment and body and in the place where one is praying is a condition of prayer being valid.

See: *Al-Mawsu`at al-Fiqhiyyah*, 29/93.

The Malikis are of the view that removing physical impurity is sunnah or is obligatory when one is aware of it and able to remove it.

What they mean by it being obligatory is when this stipulation is met.

According to the view that removing physical impurity is sunnah or obligatory, the one who deliberately prays with physical impurity on him when he is able to remove it must repeat the

prayer either before or after the time for it ends, and the one who prays with physical impurity on him because he forgot it was there or is unable to remove it must repeat the prayer before the time for it ends.

The Malikis' difference with the majority of scholars has to do with the one who prays with physical impurity on him because he forgot it was there or is unable to remove it. According to the Malikis, he must repeat the prayer before the time for it ends, and not at any time after that.

Khalil said in his *Mukhtasar*: Is removing physical impurity from the garment of the worshipper, even the edge of his turban, and his body and the place where he prays, not the edge of his mat, sunnah or obligatory if he is aware of it and is able to remove it? End quote.

Al-Kharashi said in his *Sharh* (1/103): His statement, "It is sunnah to remove it," means: whether he became aware of it and was able to remove it or not.

This was also the view of Ibn Rushd, Ibn Yunus and `Abd al-Haqq, and some of them narrated that there was consensus on that.

What is meant by the words "or obligatory if he became aware of it and was able to remove it" is that it is obligatory to remove it if that condition is met. End quote.

Al-`Adawi said in his commentary: When he said "or obligatory," what is meant by obligatory here is that the validity of his act of worship depends on it. This is one of the two possible implications of it being obligatory. End quote.

Al-Hattab said in *Mawahib al-Jalil* (1/131): What appears to me to be the case, based on the texts of the scholars of the madhhab, is that these are only differences in wording, according to the correct view regarding the ruling on removing physical impurity, and there is not much difference in the meaning that is of any significance.

The official view of the madhhab is that the one who deliberately prays with physical impurity on him, whether he is aware of the ruling or not, and is able to remove it, must repeat the prayer either before or after the time for it ends.

The one who prays with physical impurity on him because he forgot it was there or was unaware of it, or is unable to remove it, must repeat the prayer before its time ends, according to the view of those who say that it is sunnah, and according to the view of those who say that it is obligatory if he was aware of it and was able to remove it.

That becomes clear when we look at the words of Ibn Rushd, from whom the author narrated the view that "It is sunnah to remove it," and he quoted the words of those shaykhs who agreed with him that the view of those who say it is sunnah is the correct view.

Ibn Rushd said, quoting Ibn al-Qasim in *Kitab at-Taharah*: The well-established view in the madhhab is that of Ibn al-Qasim and his narration from Malik, which says that removing physical impurities from garments and bodies is sunnah, so the one who prays in a garment on which there is some physical impurity, according to his view, because he forgot or was unaware that the physical impurity was there, or he was forced to pray [because there was not much time left for that prayer], must repeat the prayer so long as the time for it has not ended.

As for the one who prayed when he was aware of it, and was not forced to pray, and did that deliberately or was unaware of the impurity, he must repeat the prayer at any time, because he deliberately omitted the sunnah action.

Some of our companions said: removing physical impurities from garments and bodies is obligatory if one remembers it, and it is waived if he forgets. But this is not correct in my view, because that would imply that the prayer of one who is forced becomes invalid, because he is aware of it, but he should not repeat the prayer unless there is still some time left to do it.

One of them said: it is obligatory to remove it if one is aware of it and able to remove it, so as to avoid this objection. End quote.

His words imply that what the two views indicate is one and the same. End quote.

So the conclusion of the Maliki madhhab is that the one who forgets that the physical impurity is there and the one who is unable to remove it, and the one who is unaware of it should repeat the

prayer only if there is sufficient time before its time ends. As for the one who deliberately prays with impurity on him and is able to remove it, he must repeat the prayer either before or after the time for it ends.

II.

When the Malikis use the term “sunnah”, it does not mean that it is permissible for a person to pray with physical impurity when he is aware of it and is able to remove it; rather that is prohibited, and he must repeat the prayer either before or after the time for it ends.

Saying that it is sunnah or obligatory if the stipulated condition is met is a difference in wording or expression, and there is no significant difference in meaning, as al-Hattab and others stated.

Al-`Adawi said in his commentary on al-Kharashi (1/103): [`Ali al-Ajhuri] said: The view of al-Hattab, that the difference is only in wording, is subject to further discussion, because repeating the prayer, according to the view of those who say that it becomes obligatory, becomes a must, and according to the view of those who say that it is sunnah, repeating the prayer is recommended, as the statement of al-Fakihani may be understood.

What it says in Al-Mawaq is that there is a stipulation in both scenarios, because Ibn Rushd, who is of the view that it is sunnah, also stipulated these two conditions. In *Al-Bayan*, what is well established on the basis of what Ibn al-Qasim narrated from Malik is that removing physical impurity from garments and bodies is sunnah and not obligatory. So according to him, if someone prays with physical impurity on his garment because he forgot or was unaware of it, or had no choice but to pray, he must repeat the prayer before its time ends. And if he prayed knowing that there was physical impurity on him, and he was not forced to pray (because the time to offer that prayer was about to end) and was unaware of it, he must repeat the prayer either before or after the time for it ends, because he deliberately omitted a sunnah. End quote.

One of those who thinks that the difference in wording means that there are two different meanings was az-Zarqani. He referred to what we quoted above, that the view that it is sunnah means that it is recommended.

But that view was refuted.

Al-Banani said in his commentary on az-Zarqani (1/72): The view of az-Zarqani, who refuted the view that it is obligatory to repeat the prayer etc., was rejected by Mustafa ar-Ramasi, who commented on it by saying: It is not correct, because repeating the prayer, either before or after the time for it ends, according to those who say that it is sunnah, is still obligatory, as is clear from the apparent meaning of their statements. In fact it is very clear, because they said that the idea of repeating the prayer is based on the differences of opinion as to whether omitting sunnah actions invalidates the prayer or not.

Undoubtedly the idea of repeating the prayer either before or after the time for it ends is based on the view that omitting the sunnah invalidates the prayer, thus repeating it becomes obligatory. This is undoubtedly clear.

As for what he attributed to al-Fakihani, I have not seen it anywhere else, and he is far above uttering such a thing. In fact al-Fakihani's words indicate the opposite of what he said. Then he quoted what he said. End quote.

Conclusion:

The one who prays with physical impurity when he is aware of it and is able to remove it must repeat the prayer according to both views. In other words, removing it is sunnah or obligatory when one is able to remove it and is aware of it, and the difference between the two views is a matter of wording only.

See also: *Ash-Sharh al-Kabir*, 1/65, 66.

And Allah knows best.