76115 - Does Touching a Woman Invalidate Wudu?

the question

Does touching a non-mahram woman invalidate wudu? Please mention the different scholarly opinions on that.

Summary of answer

The most correct opinion is that touching a woman does not invalidate Wudu at all whether it is with desire or without desire.

Detailed answer

Praise be to Allah.

The scholars differed as to whether Wudu is invalidated by touching a woman . There are three views:

1. The first view is that touching a woman invalidates Wudu in all cases, whether the touching is with desire or not, and whether he intended to do that or it happened by mistake. This is the view of Imam Ash-Shafi`i (may Allah have mercy on him).

He quoted as evidence the verse (interpretation of the meaning): “or you have been in contact with [Lamastum] women” [An-Nisa’ 4:43].

The basic meaning of the word lamas (translated here as “been in contact with”) is touching with the hand.

The word “Lamas” appears in Hadiths with the meaning of touching with the hand, as in the words of the Prophet (peace and blessings of Allah be upon him) to Ma’iz (may Allah be pleased with him): “Perhaps you kissed her or touched (Lamasta) her.” (Narrated by Ahmad in Al-Musnad,

2130)

And he (peace and blessings of Allah be upon him) said: “The Zina of the hand is touching (Al-lams).” (Narrated by Ahmad, 8392 and classed as authentic by Al-Albani in As-Silsilah As-Sahihah, 8204).

But these Hadiths indicate that what is meant by touching is that which is less than intercourse, and there is no dispute concerning this. Rather the dispute is whether the “touching” mentioned in the verse refers to intercourse or that which is less than it. These Hadiths do not refer to any such thing.

This opinion is the weakest of the scholarly views on this matter. Shaykh Al-Islam Ibn Taymiyah (may Allah have mercy on him) said, as is mentioned in Al-Ikhtiyarat (p. 18): “If he touches a woman without desire, then it is well known that the Lawgiver does not require him to do Wudu and it is not recommended for him to do Wudu.”

1. The second view is that touching a woman does not invalidate Wudu at all, whether it is with desire or without desire. This is the view of Imam Abu Hanifah (may Allah have mercy on him).

This view is indicated by a number of things:

- The basic principle is that purity (Taharah) remains valid and is not invalidated unless there is sound evidence that this thing invalidates Wudu, and there is no such evidence in this case. As for the verse, `e shall see below that what it refers to is intercourse, not just touching.
- It was narrated that `A’ishah (may Allah be pleased with her) said: I used to sleep in front of the Messenger of Allah (peace and blessings of Allah be upon him) and my legs would be in the direction of his Qiblah. When he prostrated, he would poke me and I would draw my legs up and when he stood up I would stretch them out again. (Narrated by Al-Bukhari, 382). In An-Nasa’i (166) it says with an authentic chain of narrators: until, when he wanted to pray Witr, he touched me with his leg.

- It was also narrated that she (may Allah be pleased with her) said: I noticed that the Messenger of Allah (peace and blessings of Allah be upon him) was not in the bed one night, so I looked for him, and my hand fell on the sole of his foot. He was in the mosque, with his feet held upright, and he was saying, “O Allah, I seek refuge in Your pleasure from Your wrath, in Your forgiveness from Your punishment.” (Narrated by Muslim, 486). According to a report narrated by Al-Bayhaqi with an authentic chain of narrators: I started to reach out for him with my hand and my hand fell on his feet, and they were held upright and he was prostrating… It is also narrated by An-Nasa’i (169).

The apparent meaning of these Hadiths is undoubtedly that the Prophet (peace and blessings of Allah be upon him) touched `A’ishah (may Allah be pleased with her) when he was praying, and if touching a woman invalidates Wudu then his Wudu and prayer would have been invalidated. The Shafi’is responded to these Hadiths with a weak argument, and said that perhaps it was from behind a barrier!

Al-Shawkani said: This argument is far-fetched and it goes against the apparent meaning.

- It was also narrated from her (may Allah be pleased with her) that the Prophet (peace and blessings of Allah be upon him) kissed one of his wives, then he went out to pray and he did not do Wudu. (Narrated by Abu Dawud, 179 and classed as authentic by Ibn Jarir, Ibn ‘Abd Al-Barr and Az-Zayla`i, and by Al-Albani in Sahih Abu Dawud).

It was also classed as inauthentic by many, including Sufyan Ath-Thawri, Yahya ibn Sa`id Al-Qattan, Ahmad ibn Hanbal, Ad-Daraqutni, Al-Bayhaqi and An-Nawawi.

If this Hadith is authentic, then it is very clear evidence for this opinion. If it is inauthentic, then there is no need for it as there are the authentic Hadiths quoted above, and the principle still stands that purification remains valid, and there is no evidence that Wudu is invalidated by touching a woman.

1. The third view is that it depends. If the touching was done with desire, then it invalidates Wudu, and if it was not done with desire then it does not invalidate it. This is the view of the

Malikis and Hanbalis. They tried to reconcile between the texts, namely the verse “or you have been in contact with [Lamastum] women” which indicates that Wudu is invalidated by touching a woman in their opinion, and the Hadiths which were quoted as evidence by those who think that it does not invalidate Wudu.

This argument may be valid if the verse indicates that Wudu is invalidated by touching in general – which is their opinion, but the correct view is that what is referred to in the verse is intercourse, as was explained by `Abdullah ibn `Abbas (may Allah be pleased with him), a view which was favoured by Ibn Jarir. His Tafsir takes precedence over the Tafsir of others, because of the Du`a’ of the Prophet (peace and blessings of Allah be upon him) when he prayed for him and said: “O Allah, grant him understanding of the deen and teach him understanding (of the Qur’an).” (Narrated by Ahmad; it is also narrated in Al-Bukhari. It was classed as authentic by Al-Albani in Tahqiq At-Tahhawiyyah. See also: Mahasin Al-Ta’wil by Al-Qasimi, 5/172).

Intercourse is referred to by the word mass (touching) in more than one verse. Allah says (interpretation of the meaning):

“There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them, nor appointed unto them their Mahr (bridal-money given by the husband to his wife at the time of marriage).” [Al-Baqarah 2:236]

“And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the Mahr (bridal-money given by the husband to his wife at the time of marriage), then pay half of that (Mahr).” [Al-Baqarah 2:237]

“O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no `Iddah [divorce prescribed period] have you to count in respect of them. So give them a present, and set them free (i.e. divorce) in a handsome manner.” [Al-Ahzab 33:49]

Moreover, upon deeper study the verse does indicate this view (that what is meant by touching here is intercourse). The reason for that is:

“That Allah says (interpretation of the meaning):

“O you who believe! When you intend to offer As-Salah (the prayer), wash your faces and your hands (forearms) up to the elbows, rub (by passing wet hands over) your heads, and (wash) your feet up to the ankles.” [Al-Ma’idah 5:6]

This refers to purification with water from minor impurity. Then He says (interpretation of the meaning): “But if you are ill or on a journey, or any of you comes after answering the call of nature, or you have been in contact with [lamastum]women (i.e. sexual intercourse), and you find no water, then perform Tayammum with clean earth”. The word Fatayammamu (perform Tayammum) is an alternative. The words “or any of you comes after answering the call of nature” refer to the cause for minor impurity and the words “or you have been in contact with [lamastum]women” refer to the cause for major impurity.

If we interpret “touching” as referring to touching with the hand, then the verse would mean that Allah mentioned two reasons for doing minor purification, and did not state any reason for doing major purification, even though He says “If you are in a state of Janaba (i.e. after a sexual discharge), purify yourselves (bathe your whole body)”. This is incompatible with the eloquence of the Qur’an.

Based on this, the verse indicates that what is meant by “or you have been in contact with [lamastum] women” is: if you have had intercourse, so Allah mentions the two reasons that make it obligatory to purify oneself.” (Ash-Sharh Al-Mumti`, 1/240) (See also: Al-Bada’i` was-Sana’i`, 1/132; Al-Fiqh Al-Maliki, 1/89; and Al-Majmu`, 2/21)

The most correct of these three views is the second one, that touching a woman does not invalidate Wudu at all, whether it is with desire or without desire.

This is the view favoured by Shaykh Al-Islam Ibn Taymiyah (12/222), and among contemporary scholars by Shaykh Ibn Baz (10/134), Shaykh Ibn ‘Uthaymeen (1/286) and the scholars of the Standing Committee (5/266).

For more, see these answers: 12801 , 82759 , 8531 , 21242 , and 191686 .

And Allah knows best.