

IRSYAD AL-FATWA SERIES 244: CLEANSING THROUGH SERTU DAMAGES LAB EQUIPMENT

[UMAR MUKHTAR MOHD NOOR](#) | 30 AUGUST 2018 | HITS: 7600



Question:

Assalamualaikum Dato' Seri Dr Zulkifli. I'm a post-graduate student in a university. I would like to ask Dato' Seri Dr an issue regarding the cleansing of *mughallazah* najis (heavy najis). Now, I'm in my lab work phase and for my research, I will be using an enzyme from swine. Now, I'm finding it very hard to adjust myself for I'm always thinking of cleanliness (purity status) and cleansing all of my lab equipment through sertu. There are quite a number of equipment and apparatus that I have to use and there are some machines that cannot be cleansed through sertu, for it will damage the machine. Hope to get an explanation from Dato' Seri Dr regarding the best way for me to work, in order to take care of the cleanliness of myself, my clothes as well as my lab equipment and apparatus that are shared with other students as well, so that we can work together in our lab without any doubts.

Answer:

Walaikumussalam wbt,

Alhamdulillah, praise and thanks to Allah for the many countless blessings He has blessed us all with. Blessings and salutations to the Prophet Muhammad PBUH, his wives, his family, companions and all those that follow his teachings to the day of judgement.

Mukadimah

Allah SWT states in the Quran:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

"He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful."

Surah al-Baqarah (173)

Imam Fakhruddin al-Razi explains the prohibition of swine: *"Allah states the flesh of swine which means all parts of the swine, but specifically its flesh for the purpose of the prohibition is preventing it from being eaten"*. Refer **Mafatih al-Ghaib** (5/192)

Imam al-Baidhawi said in his commentaries (1/119): *“The phrase ‘and the flesh of swine’, indeed that it specifies flesh for usually it is eaten. But it actually meant all parts of the animal. Hence, every part of the animal follows the ruling of swine (which is prohibited)”*

Swine is Considered as Heavy Najis

As it is known by all, the final opinion in madhhab al-Syafie states that najis mughallazah can only be cleanse through *tasbi’* which is the washing with mutlak water for seven times, and *tatrib* which is one washing of water mixed with soil. See ***al-Majmu` Syarh al-Muhadzdzab*** (2/585). Swine are considered as heavy najis using qiyas, comparing it to dogs. This is due to the fact that swine is worse than dogs when compared. Thus, to clean mughallazah najis, we refer to a hadith from Abu Hurairah RA, the Prophet PBUH said:

طَهُورُ إِنَاءٍ أَحَدِكُمْ إِذَا وَلَغَ فِيهِ الْكَلْبُ، أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ أَوْ لَاهُنَّ بِالتُّرَابِ

“The cleansing of the utensil belonging to one of you, after it has been licked by a dog, is to wash it seven times, and using soil for cleaning for the first time.”

Sahih Muslim (279)

This is what is called as sertu.

The Permissibility to Taqlid to Other Opinion When There is a Masyaqqah

For the context of you asking and claiming that the lab work and cleaning of it have to be done repeatedly using lab equipment or lab apparatus using swine enzyme would damage the equipment or apparatus and it would be troublesome for the researcher. If the claim is true, there is a rukhsah (facilitation) provided in Islam for someone to follow another opinion that allows it on certain conditions. This is said by al-Habib Syeikh Abdurrahman bin Muhammad Ba’lawi in his book, ***Bughyah al-Mustarsyidin*** (pg. 19), where he said: It is permitted for someone following madhhab al-Syafie to taqlid to another madhhab, or other opinions that is the opposite of the opinion in madhhab al-Syafie in desperate situations. However, it is prohibited to taqlid to another madhhab if he is not in desperate situation, unless he is an expert and competent to conclude opinions and he find evidence that he deemed stronger than the evidence of the imam of his madhhab.

If what is claimed is true, that using water or soil would damage the lab equipment that you will be using, then it is tsabit that damage to property will happen while Islamic law is not intended to damage property but to protect it. This is known as *Hifz al-Mal*. From Mughirah bin Syu’bah, the Prophet PBUH said:

إِنَّ اللَّهَ حَرَّمَ عَلَيْكُمْ إِضَاعَةَ الْمَالِ

“Indeed, Allah has prohibited you to throw away your property”

Sahih al-Bukhari (2408)

Islamic law also is not intended to burden someone with a ruling that would trouble or hurt him. Allah SWT state in the Quran:

مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ

“Allah does not intend to make difficulty for you,”

Surah al-Ma’idah (6)

Doing lab research and science experiment for education is a necessity in this time and era, for through research a lot of new findings and innovation are discovered and this would benefit mankind as a whole. Thus, damaging lab equipment or apparatus by cleansing them with water or soil would hinder the research needed for the development of the ummah. This is an excellent example of Islamic legal maxim used by Syeikh Abu Zaid and agreed by Syeikh al-Qaffal in the case of wearing shoes that are sewn with swine’s fur:

الْأَمْرُ إِذَا ضَاقَ اتَّسَعَ

“Certain things that are narrow, then widen it,” Refer ***al-Majmu` Syarh al-Muhadzdzab*** (1/511)

Conclusion of Ruling

From the statements above, we are inclined towards the opinion that provides a rukhsah or lightening of ruling according to Islamic law. However, there are conditions included below in consideration of the maslahah, so as to not be included as an act of trifling with religious affairs and talfiq which is taking easy when it comes to Islamic rulings. We state the legal rulings as follows:

- Permitted to touch najis when there is a necessity. In madhhab al-Syafie, smearing najis on the body or touching najis without any purpose or necessity is prohibited. However, when there is a necessity for example for istinjak, cleansing of najis, which also includes research in our opinion, is permitted. Refer ***Tuhfatul Muhtaj***(1/161). However, any body parts that comes in contact with najis must be cleansed through *tasbi’* and *tatrib*. The same goes for all the equipment and apparatus, if they’re not cleanse through *tasbi’* and *tatrib* then it will remain as mutanajis forever. Which means it cannot be brought into prayer and its nature as najis can be transferred when touched by a wet hand or the like. This is a careful opinion. See ***al-Majmu` Syarh al-Muhadzdzab*** (2/585)
- If the lab equipment will be damaged when it is cleansed through sertu, which means washed with water and water mixed with soil, then you can taqlid with ikhtiyar (chosen opinion) by Imam al-Nawawi. He holds a position of a mujtahid in madhhab al-Syafie and chooses an opinion by Islamic scholars that states that swine is not considered as mughallazah najis as dogs are, for according to him the qiyas is not strong enough. Thus, swine and other equipment that has become mutanajis because of swine is enough to be cleansed with one obligatory washing and three sunnah washing until there are no more smell, color, or feel (sense through touch) of the najis without *tasbi’* and See ***al-Majmu` Syarh al-Muhadzdzab***(2/586)
- If cleaning with water mixed with soil would damage the equipment, then, you can taqlid to madhhab Hanafi that accepts cleansing by wiping, scratching, brushing, or until it dries by itself and the physical properties of the najis has changed. That is why najis on shoes or khuf can be cleansed by wiping it on dirt or soil until the najis is no longer there, semen can be scrubbed off when dried, shiny surfaces such as swords and mirror when wiped with a cloth, soil that contains najis when dried by itself and when liquor changed into cider or vinegar. This is on the condition that the characteristics of the najis are gone. If there’s just a trace, then it is forgiven. See ***Hasyiah Ibn Abidin***(1/309-314)

Other than that, if you take the rukhsah of using taqlid to another madhhab, it must be done with caution following the rules and only for certain cases. It cannot be used carelessly or arbitrarily as it can lead to fitnah in our society that follows madhhab Syafie. This is to maintain the harmony of Muslim community and to teach discipline in practising Islamic law. This is in line with the Islamic legal maxim that states:

ما أبيح للضرورة يقدر بقدرها

"What is required in desperate times, then it is allowed only in desperate times."

Refer **al-Asybah wa al-Nazair** (pg. 84) by Imam al-Suyuti

Hopefully this explanation will benefit the questioner.

Wallahua'lam.

General

Print