

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Clothes that have Cologne on them is Najis are not Valid to Pray in

To: Tarek Ifaoui

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

What is the ruling on praying in clothes scented with alcoholic perfumes? May Allah reward you.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

First: Perfumes mixed with ethyl alcohol are considered Khamr, and they are treated according to Shariah as Khamr and are impure (Najas). We have explained all of this in many answers, including Answer to Question on 23rd Jumada I 1435 AH corresponding to 24/03/2014 CE, where the following came in it:

(As I learned from the specialists in the science of alcohol that there are two types: Ethyl alcohol and Methyl alcohol. So if the name, contained in the question, "Ethanol" is Ethyl alcohol then here's the answer:

1. Alcohol has a class called methyl alcohol, and I was told that it is not an intoxicant but is a deadly poison. Spirit fuel is from this class, and is taken from sawdust of wood and others. Drinking it causes blindness and can lead to death within days. Accordingly, the methyl is not Khamr, and does not take the ruling (Hukm) of Khamr in terms of impurity (Najasa) and prohibition (Tahreem), except in terms of the use of methyl as a poison based on the principle of causing damage, for Ibn Majah reported from Ubadah Bin As-Samit: «أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَضَى أَنْ لَا ضَرَرَ وَلَا ضِرَارَ» **“That the Messenger of Allah (saw) ruled that there is no damage and no causation of harm”.**

2. Another class of alcohol is called ethyl alcohol, which is used in fermented or distilled intoxicating drinks, and Medical spirit is of this kind. Ethyl alcohol is also used in the industry as a preservative of some materials, as a drying (dehydrating) agent, as a solvent for some alkali and fats (lubricants), as an anti-freeze, as a solvent for some drugs, as a solvent for aromatic substances such as cologne and perfumes, and is involved in the manufacture of some carpentry materials. These uses are of three types:

a. In one type, alcohol is used as a solvent only, or as an additive to some materials. In such use, alcohol does not lose its essence or its chemical properties; rather, it remains unchanged in its chemical composition and its intoxicating effect. Hence, the usage of alcohol under this type is absolutely prohibited (Haram), such as the example of cologne. Thus, the usage of cologne is not permissible and it remains impure (Najis), because it contains impurity (Najasa) which is mixed with it, and alcohol remained unchanged. So it constitutes of materials that are blended with Khamr, and Khamr is impure. The evidence for

this is the Hadeeth of Al-Khushani: Ad-Daraqatani reported from Al-Khushani who said: قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا نَخَالِطُ الْمُشْرِكِينَ وَلَيْسَ لَنَا قُدُورٌ وَلَا أَيْبَةٌ غَيْرَ آيِبَتِهِمْ، قَالَ: فَقَالَ: «اسْتَغْنُوا عَنْهَا مَا اسْتَطَعْتُمْ فَإِنْ لَمْ تَجِدُوا فَارْحَضُوهَا بِالْمَاءِ فَإِنَّ الْمَاءَ طَهَّرَهَا ثُمَّ اطْبُخُوا فِيهَا» I said: O Messenger of Allah, we interact with the Mushrikeen and we have no utensils other than their utensils". He said: "Then he (saw) said: "Avoid them as much as you can, but if you do not find anything else, then rinse them with water, because water restores their purity, then cook in them."

Hence the Messenger (saw) said: «فَإِنَّ الْمَاءَ طَهَّرُهَا» “because water restores their purity (Tahara)”.

It means that these utensils were Najis, since they were filled with Khamr, and they were purified after being rinsed. This proves that Khamr is Najis and the question concerned utensils that were filled with Khamr, as stated in the narration of Al-Khushani, reported by Abu Dawood from Abi Tha'laba Al- Khushani, that he asked the Messenger of Allah (saw) and said: عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ، أَنَّهُ سَأَلَ رَسُولَ اللَّهِ ﷺ قَالَ: إِنَّا نَجَاوِرُ أَهْلَ الْكِتَابِ وَهُمْ يَطْبَخُونَ فِي قُدُورِهِمُ الْخَنَزِيرَ وَيَشْرَبُونَ فِي أَنْبِئِهِمُ الْخَمْرَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنْ وَجَدْتُمْ غَيْرَهَا فَكُلُوا فِيهَا وَاشْرَبُوا، وَإِنْ لَمْ تَجِدُوا غَيْرَهَا فَارْحَضُوهَا بِالْمَاءِ وَكُلُوا وَاشْرَبُوا» "We adjoin the people of the book while they cook pork in their pots and drink Khamr from their vessels." The Messenger of Allah (saw) said: **"If you find others than drink and eat from them. If you do not find others, then rinse them with water and eat and drink".**

Both pork and Khamr are Najjis. Hence the utensils in which they are placed become Najjis. They must be washed to restore their purity (Tahara) before their usage.

b. In another type, the essence of alcohol changes and it loses its intoxication property. It is transformed, together with the other substances, into a new substance that has properties different from those of alcohol. The new substance is non-toxic; hence, it does not take the Hukm of Khamr and it is pure (Tahir) like any other substance that falls under the Shar'i principle **"things are permitted in origin unless there is an evidence of prohibition"**.

c. In another type, alcohol is changed in its essence and loses its intoxication property. It forms, with the other substances, a new substance with chemical properties different from those of alcohol, but the new substance is poisonous, thus it falls under the Hukm of poison: It is Tahir, but its usage for drinking or causing harm with them to oneself or to others is Haram.

3. Therefore, if ethyl alcohol is mixed with other substances then the Hukm regarding it depends on knowing whether the ethyl mixture loses its intoxication property or not, and whether the mixture is poisonous or not. This needs investigating the underlying reality by experts and specialists. If it is scientifically proven or demonstrated that this mixture is intoxicating then it takes the Hukm of Khamr, indicating that ethyl in the mixture has not lost its intoxicating property and its essence in this mixture. Nevertheless, if it is scientifically or practically proven that this mixture is no longer intoxicating nor that it is poisonous, then it does not take the Hukm of Khamr or the Hukm of poison. However, if it is scientifically or practically proven that the mixture is no longer intoxicating but it remains poisonous, then it does not take the Hukm of alcohol, but it falls under the Hukm of poison.

Accordingly, if the resulting mixture is intoxicating like cologne then it takes the Hukm of Khamr, for the Hadeeth of the Messenger of Allah (saw) as narrated by Al-Bukhari and Muslim from Aisha, the Mother of the believers (ra), that she said: «كُلُّ شَرَابٍ أَسْكَرَ فَهُوَ حَرَامٌ» **“Every drink that intoxicates is Haram”**.

And with Muslim narrated from Ibni Umar, who said: The Messenger of Allah (saw) said: «كُلُّ مُسْكِرٍ خَمْرٌ، وَكُلُّ خَمْرٍ حَرَامٌ...» “Every intoxicant is Khamr and every intoxicant is Haram”.

And in another narration of Ibni Umar: «كُلُّ مُسْكِرٍ خَمْرٌ، وَكُلُّ خَمْرٍ حَرَامٌ» “Every intoxicant is Khamr and every Khamr is Haram”.

Additionally, Khamr is forbidden under ten circumstances and not only if it is drunk. At-Tirmidhi reported from Anas Ibn Malik who said: «لَعَنَ رَسُولُ اللَّهِ ﷺ فِي الْخَمْرِ عَشْرَةً: عَاصِرَهَا، وَمُعْتَصِرَهَا، وَبَائِعَهَا، وَشَارِبَهَا، وَحَامِلَهَا، وَالْمَحْمُولَةَ إِلَيْهِ، وَسَاقِيَهَا، وَبَائِعَهَا، وَآكِلَ ثَمَرِهَا، وَالْمُسْتَرِئَ لَهَا، وَالْمُسْتَرَأَةَ لَهُ» **“The Messenger of Allah (saw) has cursed ten in relation to Khamar (alcohol): its producer, the one for whom it is produced, the one who drinks it, the one who transports it, and the one to whom it is transported, the one who serves it, the one who sells it, the one who eats from its profit, the one who purchases it, and the whom to whom it is purchased.”**

Any one of these ten roles is Haram). **End.**

Second: Perfumes that contain alcohol such as cologne, for example, are impure (Najis), and one of the conditions for the validity of prayer is the purity (Tahara) of the clothes and body, as stated in the following evidence:

1. With regard to the condition of the purity of the body for prayer: What was narrated by Ibn Abbas, that the Prophet (saw) said: «تَنْزَهُوا مِنَ الْبَوْلِ فَإِنَّ عَذَابَ الْقَبْرِ مِنْهُ» **“Protect yourselves from the impurities of urine for the punishment of the grave will be mainly due to it”**, extracted by Ibn Hamid. And Daaraqutni narrated from Abu Hurayrah who said: The Messenger of Allah (saw) said: «أَكْثَرُ عَذَابِ الْقَبْرِ فِي الْبَوْلِ» **“Most of the punishment of the grave is due to urine”**.

2. With regard to the condition of the purity of the clothes for prayer, Allah (swt) said: ﴿وَيَبَايِكَ فَطَهِّرْ﴾ **“And your clothing purify”** [Al-Muddathir: 4], and what Al-Bukhari narrated in his Saheeh from Asmaa bint Abi Bakr: A woman asked the Messenger of Allah, "O Allah's Messenger! What should we do, if the blood of menses falls on our clothes?", the Messenger of Allah (saw) replied: «إِذَا أَصَابَ ثَوْبٌ إِحْدَاكُنَّ الدَّمَ مِنَ الْحَيْضَةِ فَلْتَقْرُصْهُ ثُمَّ لَتَنْضَحْهُ بِمَاءٍ ثُمَّ لَتُصَلِّي فِيهِ» **“If the blood of menses falls on the garment of anyone of you, she must take hold of the blood spot, rub it, and wash it with water and then pray in (with it).”**

3. Thus, praying with perfumes that contain alcohol on the clothes or body is an invalid prayer.

This is my opinion in this issue and Allah Knows Best and is Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

19th Rabii' Al-Awwal 1442 AH

05/11/2020 CE

The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/2790278647884808>