

A Reply to an Aalim's Objection to a Ruling stated in Behisti Zewar and Behisti Thamar

Q:-Taharaat-40: (1) If water is a mile away and a person fears that if he goes to get the water, the time for salaah will expire, it will not be proper to make Tayammum. He will have to get the water and then perform salaah, even if the salaah becomes Qadhaa.

2) If a person has hope of getting water ahead, it is best for him not to perform his salaah at the first opportunity, but to rather wait until he gets to the water. He must however not delay the salaah so long that the salaah becomes Makrooh. It will however also be correct if he did perform the salaah at the first opportunity.

The two rulings above appear contradictory. While the first instructs performing Qadhaa. the second instructs performing salaah with Tayammum. Could you please explain.

Answer: There is no contradiction in the rulings. The first ruling discusses The case in which finding water within a mile is certain. In such a situation, the precondition for performing Tayammum is not found and the instruction for performing Qadhaa has been given. The author of Hidaayah states that the reason for performing Tayammum is not the fear for missing a salaah but the absence of water within a distance of a mile.

As for the second situation, there is merely the hope of finding water and no conviction. Durrul Mukhtaar (Vol.1 Pg.227) states that it is Fardh (obligatory) to search for water, even if it means sending someone to search' It states further that searching will not be Fardh (obligatory) if one does not have a strong hope of finding water nearby (within a mile) or when there are no signs to indicate the presence of water or when one has not been informed about water being present nearby by a righteous person. In this case, searching for water will be Mustahab. if one has no hope at all of finding water, then searching will not even be Mustahab.

The above makes it clear the ruling stated in Behisti Thamar is correct. Refer also to Hidaayah (vol.1 pg.36) and (vol.1 pg.38). And Allaah knows best what is most correct.

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