

AL-MUHALLA BIL'ATHAR (THE ADORNED TREATISE)



Selected Issues

From the Book of Prayer

BY IBN HAZM



TRANSLATED BY RENASCENCE FOUNDATION

*Selected issues from
The Book of Prayer*

Translated from

Al-Muḥalla bil’Athār

المحلى بالآثار

by Ibn Ḥazm

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Preface

Ali ibn Aḥmad ibn Sa'eed ibn Ḥazm, Abu Muḥammad, that is Ibn Ḥazm, was born in Cordoba, Spain. His own lifespan (born 994 CE, died 1064 CE) covered a period of Islamic rule in Spain often characterised by political turbulence, but also regarded as being a golden age of Islamic civilization in Europe. A true polymath, the breadth of Ibn Ḥazm's works and overall contribution to knowledge is quite exceptional: not only spanning the full range of the Islamic sciences, but also including philosophy, ethics, literature, poetry and being credited with pioneering what has become the study of comparative religion. Ibn Ḥazm's contribution to the rich tapestry of Islamic thought ranks no less to that of other famous polymaths like al-Ghazālī and Ibn Taymiyyah.

The fourth edition of our selected translation from *Kitāb as-Ṣalāh* (the book of prayer) taken from *al-Muḥalla bil'Athār*, expands the list of topics to 23. Originally this work grew out of a series of study-sessions with Sheikh Abdul Basit, covering Volume 2 of *al-Muḥalla*. Over time the transcript evolved organically, being updated to reflect a streamlining of the translation, as well as addressing errata. As with previous editions, where possible, we have included an array of accompanying footnotes. These provide additional referencing for the cited Qur'ānic verses, *aḥādith*, as well as some supplementary explanatory notes. Where Ibn Ḥazm errs, for example by declaring a known narrator as being unknown, this has been corrected and referenced with the comments of the scholarly authorities in this regard.

Ibn Ḥazm begins the book of prayer with discussing a fundamental characterisation, utilising the wording of the famous *ḥadith* of Ṭalḥa ibn Ubaidallah, he argues that prayer is only two types: the obligatory and voluntary. Definitive evidence establishes that the number of prayers, a major pillar of Islam, are only five that are performed in a given day or night. Consequently, this leads to a detailed discussion as to the status of the *Witr* prayer. He dispels the idea that the *Witr* is obligatory or holds some form of obligatory requirement. Uniquely Ibn Ḥazm sets out his position that prayers which are deliberately missed cannot be made up. Prayer

being intimately connected with a particular timeslot, which once it has elapsed, has gone forever and cannot be ‘made up’. He rejects all arguments advanced purporting to the opposite view expounded by other legal schools, arguing that there are no lawful mechanisms to allow a prayer to be performed outside of its designated time. If one has missed prayers, then one must make repentance and offer many voluntary prayers to seek to atone for that.

The newer items added for the fourth edition include topics relating to the *Jummah* (Friday) prayer, rulings on where a prayer is missed due to sleep or forgetfulness, and funerary prayer in absentia. As has always been the intention, this work will again be periodically reviewed and expanded God-willing, to include other prayer-related topics.

The *Ṣalāh* is of two divisions: the *Farḍ* and the *Ta'tawa'ah*'

In the name of Allah, al-Raḥman, al-Raḥeem, and may blessings be upon Muḥammad and his family.

As for the *farḍ* (obligatory), it is that which the one who leaves it will be disobeying Allah Lord of Majesty and Honour, and those (prayers) are five: *Fajr*, *Zhur*, *Aṣr*, *Maghrib* and *Eshā'* which is the last of the day and making it up for it for the one who forgets or who is sleeping, it is of the same type.¹ The *farḍ* is of two types: a) an individual obligation upon every mature, intelligent, sane Muslim, male or female, free or bonded as we have mentioned above; b) that which is sufficient, *al-Kifāyah*. And there is a sufficient obligation, obligatory upon whoever is present so when some of them perform it, the rest of them are sufficed and that is the *janazah* prayer of the Muslims. The *ta'tawa'ah* (voluntary) is that one which if it is missed deliberately, the individual will not be disobedient to Allah Lord of Majesty and Honour by that (act). These are: the *witr*, the two-*rak'ah* before *fajr*, the *Eid* prayers, and the prayer for rain and that of the eclipse. Also, included within the voluntary or *nāfilah ṣalāh* are that which is before and after the obligatory prayers; that of *Taraweeh* in Ramaḍān; the *tahajjud* at night, and any other prayer that the servant performs out of their desire and will. It is disliked to leave all of this. The proof or evidence for this: it is not from necessity of reason except for the two things that have been mentioned (i.e. between obligatory or non-obligatory). It is either a thing which leaving that matter would make you disobedient to Allah or not and there is no middle-ground between these two.

Our statement on this matter (in terms of definitions): *al-Farḍ*, *al-Wājib*, *al-Ḥatim*, *Lāzim* and *Maktoob* etc, all of these terms are words with one meaning, which is what we have said before, i.e. obligatory. And our statement, regarding the *ta'tawa'ah* (voluntary), *nāfilah* etc, is that all have one meaning and it is the same as what we have said before, it is the non-obligatory / voluntary. And the people said –

¹ Issue or enquiry, no. 275: *al-Muḥalla*, Vol. 2, pp 3/8

this division is of three types. Abu Muḥammad said: This is mistaken because it is a call without any proof and a statement without any understanding and the speaker is not able to clarify his intention behind it; there is no reasoning for this. So when they say, yes indeed part of this is stronger than the other, we say, some of the *ta'tawa'ah*' are stronger than the others but this does not take it out of our distinction as referred to above: that (fundamentally) it is *ta'tawa'ah*'. We have been informed about everything that you have said: it is *wājib*, not *fard* and it is not a *nāfilah*.² But does leaving this thing make you sinful to Allah or not? No doubt it has to be one of the two and there is no way out with a third categorisation. If you left it (resulting in you being sinful), then it would be obligatory and if you didn't it would not be. The evidences for our view are as follows:

وحدثنا عبد الله بن يوسف ثنا أحمد بن فتح حدثنا عبد الوهاب بن عيسى ثنا حمد بن محمد حدثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا قتيبة بن سعيد عن مالك بن أنس عن أبي سهيل بن مالك عن أبيه أنه سمع طلحة بن عبيد الله يقول جاء رجل إلى رسول الله صلى الله عليه وسلم فإذا هو يسأل عن الإسلام فقال رسول الله صلى الله عليه وسلم خمس صلوات في اليوم والليلة قال هل علي غيرهن؟ قال لا إلا أن تتطوع وذكر باقي الحديث فأدبر الرجل، وهو يقول والله لا أزيد على هذا ولا أنقص منه فقال رسول الله صلى الله عليه وسلم أفلح إن صدق

And Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us³ Muslim ibn al-Ḥajjāj narrated to us Qutayba ibn Sa'eed narrated to us from Mālik ibn Anas from Abu Suhayl ibn Mālik from his father, that he heard Ṭalḥa ibn Ubaidallah saying: A man came to the Messenger of Allah peace and blessings be upon him and was asking questions pertaining to Islam. The Messenger of Allah peace and blessings be upon him said: *Five prayers during the day and the night*. (Upon this he said): Am I obliged to say any other (prayer) besides these? He (the Prophet) said: *No, but whatever you observe voluntarily*. The man turned back and was saying: I would neither make any addition to this, nor will decrease anything out of it. The Messenger of Allah peace and blessings be upon him said: *He is successful, if he is true to what he affirms*.⁴

This text from the Messenger of Allah peace and blessings be upon him said confirms our statement, namely that there is nothing but *wājib* or *ta'tawa'ah*'. What is established from this evidence is that anything above and beyond the obligatory five

² This refers to the argument advanced by the school of Imam Abu Ḥanifah; as they make a distinction between the *Fard* and *Wājib*, calling the *witr-ṣalāh wājib*

³ Ibn Ḥazm's *isnād* to Imām Muslim, quoted each time a *ḥadīth* is cited from *Ṣāḥīḥ* Muslim.

⁴ The *ḥadīth* is summarised and not quoted in full; the full text can be found in *Ṣāḥīḥ* Muslim, *Kitāb al-ʿImān*, as well as in *Ṣāḥīḥ* Bukhārī, *Kitāb al-ʿImān*.

(prayers) is *ta'tawa'ah* and no one can disagree with this. As for what becomes obligatory by oath, Allah has stated:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

*O you who believe! Fulfil (all) obligations!*⁵

Furthermore, it is covered under the statement of the Messenger of Allah peace and blessings be upon him that: “*whoever swears or makes an oath that he would obey Allah should fulfil its requirements / rights.*” And none of the Imām’s of Islam doubted that the *farḍ* prayers are five; the one who goes against this is a *kāfir*. Moreover, the *janazah* prayer is a *kifāyah*, as the Prophet said: ‘*Pray upon your companions.*’ The prayer of those present lifts the obligation from those that are absent. As for the rest being voluntary, there is *ijmā* (consensus) upon this issue, from the people who differ with us and our distinction, except in the *witr* and Abu Ḥanifah said that it was *wājib*. The *Mutaqadimeen* said regarding the five obligatory prayers, that there were *farḍ*. The evidence for this is what was recorded by Imām Muslim:

حدثنا حرملة بن يحيى ثنا ابن وهب ثنا يونس هو ابن يزيد عن ابن شهاب عن أنس بن مالك فذكر حديث الإسراء وفيه أن رسول الله صلى الله عليه وسلم قال ففرض الله عز وجل على أمتي خمسين صلاة ثم ذكر عليه السلام مراجعته لربه عز وجل في ذلك إلى أن قال فراجعت ربي فقال هي خمس وهي خمسون

Harmāla ibn Yaḥya narrated to us Ibn Wahb narrated to us Yunus, he is Ibn Yazeed, narrated to us from Ibn Shihāb from Anas ibn Mālik – mentioning the *ḥadith* of *Isra*’ - the Messenger of Allah peace and blessings be upon him said: ‘*Allah obliged fifty prayers for my Ummah, (The Lord) reduced five (prayers) for me, each being credited as ten, so that makes fifty prayers.*’⁶

Allah has said: ‘*My word shall not be changed.*’⁷ And this is a narration from Allah, Lord of Majesty. This *ḥadith* clearly establishes that the statement from Allah is trustworthy and never changes and authenticates that the prayers will never change from five and the possibility of abrogation is removed because of this text. This therefore invalidates the statement of the one who says that the *witr* is *farḍ* or that the

⁵ *Qur’ān*, 5: 1

⁶ Excerpt from the full narration found in: *Ṣaḥīḥ Muslim, Kitāb al-‘Imān*, Book 1, no. 309 (English trans.) also in Bukhārī - Book 8, no. 345; Book 54, no. 429; Book 58, no. 227 and Book 93, no. 608 through various channels

⁷ *Qur’ān*, 50: 29

tahajud is *farḍ*. (This is) a statement from Ḥasan (al-Baṣri). Also (there is the following):

وأيضاً فإن يونس بن عبد الله حدثنا قال حدثنا أبو عيسى بن أبي عيسى ثنا أحمد بن خالد ثنا ابن وضاح ثنا أبو بكر بن أبي شيبة ثنا حسين بن علي هو الجعفي عن زائدة عن عبد الملك بن عمير عن محمد بن المنتشر عن حميد بن عبد الرحمن عن أبي هريرة قال جاء رجل إلى رسول الله صلى الله عليه وسلم فقال يا رسول الله أي الصلاة أفضل بعد المكتوبة؟ قال الصلاة من جوف الليل قال أي الصيام أفضل بعد رمضان؟ قال شهر الله الذي يدعونه المحرم

Yunas ibn Abdullah narrated to us he said Abu Esa ibn Abi Esa narrated to us Aḥmad ibn Kḥālīd narrated to us Ibn Waḍḍāḥ' narrated to us Abu Bakr ibn Abi Shayba narrated to us Ḥussein ibn Ali, he is al-Ju'fī, narrated to us from Zā'ida from Abdal-Malik ibn Umayr from Muḥammad ibn al-Muntashar from Ḥumayd ibn Abdar-Raḥman from Abu Hurayrah: a man came to the Messenger of Allah peace and blessings be upon him and asked, 'O Messenger of Allah, which prayer is most excellent after the prescribed prayer? He (the Prophet replied): *Prayer offered in the middle of the night*. He further asked: Which is the best fasting *after* the month of Ramaḍān? He said: *The month of Allah which is called Muḥarram*.⁸

Abu Muḥammad says: This (evidence) clearly establishes the point that the *tahajud* prayer is not from the *maktooba* (prescribed) and *witr* is from the *tahajud* prayers. From these two narrations above it clarifies or authenticates the statement of the Messenger of Allah peace and blessings be upon him who said to Abdullah ibn Umar: '*Abdullah is a good man. I wish he prayed qiyām al-layl*,' and '*What an excellent young man Abdullah is, if only he would pray at night*.'⁹ It is also narrated from the Prophet peace be upon him as recorded by Aḥmad ibn Ḥanbal:

عن يحيى بن سعيد القطان عن عبيد الله بن عمر حدثني نافع عن ابن عمر عن النبي صلى الله عليه وسلم قال اجعلوا آخر صلاتكم بالليل وترا وقوله عليه السلام بادروا الصبح بالوتر و يا أهل القرآن أوتروا

From Yaḥya ibn Sa'eed al-Qaḥṭān from Ubaidallah ibn Umar, Nāfī' narrated to me from Ibn Umar from the Prophet peace and blessings be upon him, he said: *Make the last of prayers witr*. And he peace be upon him said: *Perform the witr before dawn, and O people of the Qur'ān, perform the witr*.¹⁰

⁸ *Ṣaḥīḥ Muslim Kitāb al-Ṣiyam*, Book 6, No. 2612 (English); the narration is also found in other collections such as the *Sunan* collections of Abu Dāwud, Tirmidhi, al-Nasā'i and Ibn Mājah

⁹ *Ṣaḥīḥ Bukhārī, Kitāb al-Tahajud*, Vol. 2, Book 21, no. 222, also no. 255 (English trans.)

¹⁰ *Musnad Aḥmad, ḥadith* no. 4712 and 4714

All of these commands (are established) and nothing else is allowed. And as for the *ḥadīth* that the devil ties three knots when he is sleeping this was recorded by Imām Muslim:

*When any one of you goes to sleep, the devil ties three knots at the back of his neck, sealing every knot with: 'You have a long night, so sleep.' So, if one awakes and mentions Allah, a knot will be loosened; if he performs ablution two knots are loosened; and if he prays (all) knots will be loosened, and in the morning he will be active and in good spirits; otherwise we will be in bad spirits and sluggish in the morning.*¹¹

And his statement when he reminded a man not to remain sleeping for the whole night, lest that the devil should urinate in his ear, the Prophet (peace be upon him) remarked: *'That is a man in whose ears (or in whose ear) the devil urinated.'*¹² So this prayer is still obligatory upon him and his sleeping has the status of what we mentioned before, i.e. it has to be made up upon waking. An evidence does not make or lead to a rejection of another. What is from Allah is not inconsistent and is not fallacious or at fault. And the following is narrated:

عن شعبة عن أبي إسحاق السبيعي عن عاصم بن ضمرة عن علي بن أبي طالب قال الوتر ليس بحتم ولكنه سنة

From Shu'ba from Abu Ishāq al-Sabe'ee from 'Aāsim ibn Ḍamra from Ali ibn Abi Ṭālib, he said: the *Witr* is not by way of obligation, but it is a *Sunnah*.¹³

عن سفيان الثوري عن أبي إسحاق عن عاصم بن علي قال الوتر ليس فريضة ولكنه سنة سنّها رسول الله صلى الله عليه وسلم

As narrated from Sufyān al-Thāwri from Abu Ishāq from 'Aāsim from Ali, he said: The *Witr* is not *farḍ* but it is a *Sunnah*, a *Sunnah* of the Messenger of Allah peace and blessings be upon him.¹⁴

وعن عبادة بن الصامت تكذيب من قال إن الوتر واجب

¹¹ *Ṣaḥīḥ Muslim, Kitāb al-Ṣalāt*, book 4, no. 1702 (English trans.), Abu Dāwud Book 5, no. 1301

¹² *Ibid.*, (Muslim) no. 1700

¹³ Imām al-Nasā'i has a similar narration from a different channel recorded in his *Sunan* [Vol. 2 book 20 no. 1676]: Muḥammad ibn Ismā'īl ibn Ibrāhīm reported to me from Abu Nu'aym from Sufyān from Abu Ishāq from 'Aāsim ibn Ḍamra from Ali, who said: '*Witr* is not essential like the obligatory prayers, but it is the *Sunnah* of the Messenger of Allah peace and blessings be upon him.'

¹⁴ *Sunan Tirmidhi, Book of Witr* (3), no. 3

From Ubāda ibn al-Šāmit - the one who says *Witr* is *wājib* is a not telling the truth.¹⁵

ورويانا عن الحجاج بن المنهال حدثنا جرير بن حازم قال سألت نافعا مولى ابن عمر أكان ابن عمر يوتر على راحلته قال نعم وهل للوتر فضيلة على سائر التطوع

As narrated from al-Ḥajjāj ibn al-Minhāl, Jarir ibn Ḥazm narrated to us he said: I asked Nafi' the *mawla* of Ibn Umar whether he made *Witr* when he was travelling, he said yes and is there a benefit or virtue of it over other *ta'tawa'ah*.

ورويانا عن أيوب السخيتاني عن سعيد بن جبير أنه سئل عن من لم يوتر حتى أصبح؟ قال سيوتر يوما آخر

As narrated from Ayub al-Sakhtiyāni from Sa'eed ibn Jubayr that he was asked about the one who leaves *witr* right until the morning, (he remarked) that he has done it on another day.

ورويانا عن قتادة عن سعيد بن المسيب أنه سأل رجل عن الوتر فقال سعيد أوتر النبي صلى الله عليه وسلم وإن تركت فليس عليك وصلى الضحى وإن تركت فليس عليك وصلى ركعتين قبل الظهر وركعتين بعدها وإن تركت فليس عليك

As narrated from Qatādah from Sa'eed ibn Mussayib that he was asked by a man about *witr*. Sa'eed said: (Concerning) the *witr* of the Prophet peace and blessings be upon him, leave it as it is not upon you; as with the prayer of *Duha* leave it as it is not upon you, and the two *rak'ah* before and after *zhur*, leave it as it is not upon you.

وعن ابن جريج قلت لعطاء أوجب الوتر وركعتان أمام الصبح أو شيء من الصلاة قبل المكتوبة أو بعدها؟ قال لا

And from Ibn Jurayj: 'Aṭā was asked is *witr* and the two *rak'ah* before *fajr wājib* or any other prayers after the obligatory prayers? He said, no.

And it is the saying of al-Shāfi'i and Dāwud and the majority of the *Mutaqadimeen* and *Muta'akhireen*. As for Abu Ḥanifāh, if he was to go to the point that *witr* is an obligation we have already mentioned the futility of that statement. And if he goes to (argue) that *witr* is a *wājib* and not a *fard* and not a *ta'tawa'ah*, then this is a corrupt statement; and we have already discussed the futility of that point / understanding in the heart of this discussion. Mālik said that it is not a *fard*, but the one who leaves he is not to be taken as a witness.¹⁶

¹⁵ The full narration can be found in *Sunan* Abu Dāwud Book 8, no. 1415

¹⁶ Imam Mālik would not take a witness as a judge if the person did not pray the *Witr*

Abu Muḥammad said: and this is a clear error. The reason why it is a clear mistake, because from leaving this it doesn't make you disobedient to Allah – either the person is sinful or not. To claim that he was sinful to Allah the Most High is unclear since he has not disobeyed anything from that which is not *lazm* or *wājib*. *Witr* is *farḍ* by *Ithan* (permission), and this is not called for by this statement. And if he means or it is said as such, we will say that it is wrong, baseless, and false to ignore or reject the one who is not sinful to Allah or to return or ignore his witness (testimony), because the one who is not sinful or disobedient to Allah, then he is a good person. Allah has said:

مَا عَلَى الْمُحْسِنِينَ مِنْ سَبِيلٍ وَاللَّهُ غَفُورٌ رَحِيمٌ

*No ground (of complaint) can there be against such as do right, and Allah is oft-forgiving, merciful.*¹⁷

Abu Muḥammad said: the *witr* is the most strongly emphasized of the *ta'tawa'ah* prayers from the *aḥādith* we have discussed and the commands of the Messenger of Allah peace and blessings be upon him. After that, the most emphasized of the *Sunnah* prayers are the two *rak'ah* before *fajr* and the prayer upon entrance to the *masjid*. So someone who prays the five daily prayers and these additional ones, this is very good, and the *ṣalātul-khusoof* (eclipse prayer) and the four after Friday prayers, because the Messenger of Allah peace and blessings be upon him commanded us to this. The *ta'tawa'ah* prayers that are emphasized by him (the Prophet) peace be upon him are more important than the ones that he didn't emphasize upon. As narrated from the channel of Mālik:

عن عامر بن عبد الله بن الزبير عن عمرو بن سليم الزرقى عن أبي قتادة السلمي أن رسول الله صلى الله عليه وسلم قال إذا دخل أحدكم المسجد فليركع ركعتين قبل أن يجلس

From 'Aāmīr ibn Abdullah ibn Zubayr from 'Amr ibn Sulaym al-Zuraqy from Abu Qatādah al-Sulamy, that the Messenger of Allah peace and blessings be upon him said: *When one of you enters the masjid, he must not sit until he prays two rak'ah.*¹⁸

وروينا عن عبد الوارث بن سعيد التنوري ثنا أبو التياح حدثني أبو عثمان النهدي عن أبي هريرة قال أوصاني خليلي صلى الله عليه وسلم بصيام ثلاثة أيام من كل شهر وركعتي الضحى وأن أوتر قبل أن أرقد

¹⁷ *Qur'ān* 9: 91

¹⁸ Mālik *Muwattā*, 9.9.18.60. See also: Muslim, *Kitāb al-Ṣalāh*, Book 4, no. 1540; *Bulugh al-Marām* by Ibn Hajr al-Asqalāni, *Kitāb al-Ṣalāh*, p. 92

As narrated from Abdul-Wārith ibn Sa'eed al-Tanury, Abu Attayāh narrated to us Abu Uthmān al-Nahdi narrated to me from Abu Hurayrah, he said: My dear friend peace and blessings be upon him advised me to do three things and I shall not leave them till I die, these are - go fast three days every month, to offer the *Duha* prayer, and to offer *Witr* before sleeping.¹⁹

ورويانا عن شعبة عن أبي نعام عن عبد الله بن الصامت عن أبي ذر قال قال رسول الله صلى الله عليه وسلم فصل الصلاة لوقتها، ثم إن أقيمت الصلاة فصل معهم فإنها زيادة خير

As narrated from Shu'ba from Abu Na'āmah from Abdullah ibn al-Sāmit from Abu Dharr he said the Messenger of Allah peace and blessings be upon him said: *Pray the prayer on its time and then if you see people praying in Jammah', pray with them because that is an increase in good.*²⁰

ورويانا عن سفيان بن عيينة حدثنا سهل بن أبي صالح عن أبيه عن أبي هريرة قال أمرنا رسول الله صلى الله عليه وسلم أن نصلّي أربعاً بعد الجمعة

As narrated from Sufyān ibn Uyaynah, Sahl ibn Abi Šālīh narrated to us from his father from Abu Hurayrah, he said the Messenger of Allah peace and blessings be upon him commanded us that we should pray four after *salātul jummah*.

ورويانا عن الحسن بن أبي بكرة إن الشمس والقمر لا ينكسفان لموت أحد فإذا رأيتموهما فصلوا وادعوا حتى ينكشف ما بكم

As narrated from al-Ḥasan ibn Abi Bakra (the Prophet said): *The sun and the moon do not eclipse because of someone's death. So whenever you see these eclipses pray and invoke (Allah) till the eclipse is over.*²¹

حدثنا حمام حدثنا عباس بن أصبغ ثنا ابن أيمن ثنا ابن وضاح ثنا حامد بن يحيى البلخي حدثنا سفيان بن عيينة ثنا سهيل بن أبي صالح عن أبيه عن أبي هريرة قال أمرنا رسول الله صلى الله عليه وسلم أن نصلّي بعد الجمعة أربعاً

Ḥamām narrated to us 'Abbās ibn Aṣḡagh narrated to us Ibn Ayman narrated to us Ibn Waḍḍāḡ narrated to us Ḥāmid ibn Yaḡya al-Balkhee narrated to us Sufyān ibn Uyaynah narrated to us Suhail ibn Abi Šālīh narrated to us from his

¹⁹ *Ṣaḡīḡ* Bukhārī, Vol. 2, *Kitāb al-Tahajjud*, Book 21, No. 274 (English trans), also in Muslim and Abu Dāwud

²⁰ This is an abridged version of the *ḥadīth* recorded in Muslim. The version in the standard English translation [Vol. 4, no. 1358] reads as follows: Abu Dharr who reported that the Prophet peace and blessings be upon him said: 'How would you act if you survive to live among people who defer prayer beyond the (prescribed) time?' The narrator said: Allah and His Messenger know best. Whereupon he said: 'Observe prayer at its prescribed time, but if the *Iqāma* is pronounced for (congregational) prayer, then observe prayer along with them for herein is an excess of virtue.'

²¹ Bukhārī, Vol. 2, Book 18 (Eclipses), No. 150 (English trans.)

father from Abu Hurayrah, he said The Messenger of Allah peace and blessings be upon him commanded us that we pray four *rak'ah* after *Jummah*.

(Regarding the above) because it didn't come to him as a command, it came as an action from the Prophet (peace be upon him) and there was an encouragement towards this. And as for us disliking the people leaving this action it is because the people are leaving this good for themselves. Allah the Exalted has said:

يَا أَيُّهَا الَّذِينَ آمَنُوا ارْكَعُوا وَاسْجُدُوا وَاعْبُدُوا رَبَّكُمْ وَافْعَلُوا الْخَيْرَ لَعَلَّكُمْ تُفْلِحُونَ

*O you who believe – bow down, prostrate yourselves, worship your Lord, and do good so that you may succeed.*²²

²² *Qur'ān* 22: 77. Ibn Ḥazm only quotes the portion of the verse exhorting to do good. The whole verse is quoted here instead.

There is no prayer upon men and women if they haven't reached maturity

It is good and preferred that they learn it when they understand it.²³ The reason why this is the case is because the Messenger of Allah peace and blessings be upon him said: *'The pen is lifted upon three, the child until gaining maturity....'*²⁴ The Messenger of Allah peace and blessings be upon him taught Ibn 'Abbās before he became mature after the *farḍ ṣalāh* had come down and the root is in here. So, it is loved when the child becomes seven that you teach them how to pray and when they become ten they become strong on this.

حدثنا عبد الله بن ربيع ثنا ابن السليم ثنا ابن الأعرابي ثنا أبو داود ثنا محمد بن عيسى ثنا إبراهيم بن سعد عن عبد الملك بن الربيع بن سبرة عن أبيه عن جده قال قال رسول الله صلى الله عليه وسلم مروا الصبي بالصلاة إذا بلغ سبع سنين، فإذا بلغ عشر سنين فاضربوه عليها

Abdullah ibn Rabeeh' narrated it to us Ibn Sulaym narrated to us Ibn al-'Arābi narrated to us Abu Dāwud narrated to us Muḥammad ibn Esa narrated to us Ibrāhīm ibn Sa'd narrated to us from Abdal-Malik ibn al-Rabeeh' ibn Sabra from his father from his grandfather he said the Messenger of Allah peace and blessings be upon him said: *Command a boy to pray when he reaches the age of seven years. When he becomes ten years old, then beat him for prayer.*²⁵

²³ No. 276: *al-Muḥalla*, Vol. 2, p.8

²⁴ This narration is found in several places such as: *Sunan* Ibn Mājah Vol. 3, book 10, no. 2042, *Sunan* Abu Dāwud book 39, no. 4389 and *Sunan* Nasā'i Vol. 4, book 27, no. 3462

²⁵ *Sunan* Abu Dāwud, Book 2, no. 104 and 495

Prayer is not obligatory upon certain categories

Prayer is not obligatory upon the insane / mental illness, the menstruating woman or the woman who has post-natal bleeding.²⁶ As for any of the people referred to above, then it is not necessary for anyone of them to make up the *ṣalāh* as *qaḍā*, unless a temporary state of insanity that you recover from. Until the woman becomes pure from her menstruation or post-natal bleeding she has to make *ghusl* before praying. The proof for this that the Messenger of Allah peace and blessings be upon him said: *'The pen has been lifted from three: from the sleeping until he awakens, from the minor until he grows up, and from the insane until he comes to his senses.'*²⁷ As for the menstrual or postnatal bleeding, there is a consensus (of opinion) that they don't have to make up the prayers. As for the issue of the unconscious not being forgiven for prayer, it is reported from 'Ammār ibn Yāsar, Aṭā', Mujaḥid, Ibrāhim, Ḥammād ibn Abi Sulaymān and Qatādah, all of them agree that the unconscious has to make *qaḍā*. Sufyān has said: he needs to make the *qaḍā* between the setting of the sun in the west and *zhur* and *aṣr* only. Abu Ḥanifah has said: when someone forgets any of the five (obligatory) prayers he has to make them up and if it is more than five doesn't have to make them up.

Ali said: as for the statement of Abu Ḥanifah it is the height of corruption, as there is no text and no *Qiyās* for this, because he is saying that the one who forgets six prayers and didn't forget anything that there is no *qaḍā* on him. As for the one who has forgotten, the example where it is likely to occur is when you are sleeping or you sleep through them. It is well known that if it is missed due to sleep they are to be made up.²⁸ And it what has been authentically reported from Ibn Umar is at odds with the statement of 'Ammār, upon which that has been narrated from him, but it is that he who has fainted upon him there is four prayers to be made up. As narrated from Abdar-Razzāq:

²⁶ No. 277: *al-Muḥalla*, Vol. 2, pp 8/9

²⁷ Op cit.

²⁸ In short, Ibn Ḥazm's view was that if someone misses a *farḍ* prayer then unless there is a textual expiation it cannot be made up.

بن جريج عن نافع أن ابن عمر اشتكى مرة غلب فيها على عقله حتى ترك الصلاة ثم أفاق فلم يصل ما ترك من الصلاة

Ibn Jurayj from Nāfi' that Ibn Umar had an illness which affected his mind (possibly due to extreme fever) then he left the prayers. Upon regaining his sanity, he didn't make up the prayers that he had missed.

And (also) from Abdullah ibn Umar (reported) from Nāfi' Abdullah ibn Umar from Nāfi', that Ibn Umar had fainted for a day and night, (upon regaining consciousness) he did not make up what he had missed.

وعن ابن جريج عن ابن طاووس عن أبيه إذا أغمى على المريض ثم عقل لم يعد الصلاة

And from Ibn Jurayj from Ibn Ṭāwūs from his father that the one who is sick from an illness and loses his faculties of reasoning, then he doesn't need to make up those *ṣalāh*.

Ma'mar said: al-Zuhri was asked about issue of temporary unconsciousness he said that the person didn't have to make up the prayers. Also, it is reported:

وعن حماد بن سلمة عن يونس بن عبيد عن الحسن البصري ومحمد بن سيرين أنهما قالا في المغمى عليه لا يعيد الصلاة التي أفاق عندها

From Ḥammād ibn Salama from Yunus ibn 'Ubayd from Ḥasan al-Baṣri and Muḥammad ibn Sireen that they were asked about the issue of temporary unconsciousness, they said that the person didn't have to make up the prayers.

Ḥammād was asked – by the man 'Aāṣim ibn Ba'dala – as for the one who has lost his intellect he doesn't need to make it up. Ali said: the one who becomes unconscious, the person is not '*aqil*' and he cannot understand, so the ruling concerning this is that it is not allowed for him to make up the *farḍ ṣalāh* out of its time *precisely because it is out of its time*.

And with Allah is all success.

Oversleeping and missing the *Ṣalāh* from its fixed time

As for the one who is intoxicated up until the time of the *ṣalāh* has left or he has slept through it until the time has elapsed or he has forgotten completely, it is an obligation on these specific people to pray.²⁹ Allah has said:

لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ

*Approach not prayers with a mind befogged, until you can understand what you say.*³⁰

Allah did not make it permissible for a drunk to pray until he knows what he is saying.

حدثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب ثنا قتيبة بن سعيد ثنا حماد بن زيد عن ثابت هو البنانى عن عبد الله بن رباح عن أبي قتادة أن رسول الله صلى الله عليه وسلم قال إنه ليس في النوم تفريط، إنما التفريط في اليقظة فإذا نسي أحدكم صلاة أو نام عنها فليصلها إذا ذكرها

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Muā'wiya narrated to us Aḥmad ibn Shuayb³¹ narrated to us Qutayba ibn Sa'eed narrated to us Ḥammād ibn Zayd narrated to us from Thābit, he is al-Bunāny, from Abdullah ibn Rabāḥ from Abu Qatādah that the Messenger of Allah peace and blessings be upon him said: *There is no negligence when one sleeps, rather negligence is when one is awake. If any one of you forgets a prayer or sleeps and misses it, let him pray it when he remembers it.*³²

We have also narrated this tradition from the channel of Anas with a connected chain, and upon all of this (there) is a definite *ijmā'* (consensus).

²⁹ No. 278: *al-Muḥalla*, Vol. 2, pp 9/10

³⁰ *Qur'ān* 4: 43

³¹ That is Imām al-Nasā'i

³² *Sunan Nasā'i* Vol. 1, book 6, no. 616

Deliberately leaving the prayer from its time

As for the one who deliberately abandons the prayer until the time has exited, as for this person, he doesn't have the ability to make this up or make *qadā* for it, ever.³³ So let him increase in good deeds and *ta'tawa'ah* prayers and make *tawbah* and *istigfar* to Allah to make his deeds heavy on the Day of Judgement. Abu Ḥanifah, al-Shāfi'i' and Mālik say that you can make it up after you miss or leave the prayer from its time. Mālik and Abu Ḥanifah said that if one deliberately leaves up to five prayers in a day they should be made up. However, the proof of our position is where Allah says:

فَوَيْلٌ لِلْمُصَلِّينَ، الَّذِينَ هُمْ عَنْ صَلَاتِهِمْ سَاهَوْنَ

*Ah, woe unto worshippers, those who are heedless of their prayer.*³⁴

فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ فَسُوفَ يَلْقَوْنَ غِيًّا

*But after them there followed a posterity who missed prayers and followed after lusts: soon, then will they face destruction.*³⁵

The one who is insistent on leaving the prayer until after its time will find himself in *al-Wayl* and will find himself in perdition. The door to open this type of sin and danger is to leave the prayer right until its end. Allah made for every obligatory prayer boundaries of time, so it enters and starts when the initial part of this boundary begins, and it becomes invalid at the end of the boundary or prescribed time. So there is no difference between praying a prayer before its time and praying a prayer after its time, because both of them are prayed outside of the time. And I am not making an analogy between one and the other; rather they are both going against or transgressing the bounds of Allah. Allah says in first verse of *Surah Ṭalāq*:

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ

³³ No. 279: *al-Muḥalla*, Vol. 2, pp 10/16

³⁴ *Qur'ān* 107: 4/5

³⁵ *Qur'ān* 19: 59

*And whoever goes beyond the limits of Allah, does injustice to his own soul.*³⁶

Also, the *qaḍā* (making-up) is from the *ijab* (response) from the *Sharī'ah*. And the *Sharī'ah* is not permitted for other than Allah as was stated on the lips of the Prophet (peace be upon him). We ask the one who makes it obligatory to make up abandoned prayers - show us the prayer that He (Allah) commanded us to do so with this action, or is there one other than is? So if they say, '*here here, it is what it is*', if this is the case that you have a ruling already within the *Sharī'ah* that obligates you to make up the missed prayer, than the one who has missed it, what sin has he committed? Because he is still doing the command of Allah; and there is no evil in this statement then. There is no mixing from the one who is transgressing by abandoning the prayer when the time exists. And this isn't the statement of a Muslim. If their statement is that this isn't from the direct commands of Allah, we note then you have spoken the truth, and this is sufficient evidence against you because you are commanding what Allah has not commanded. We will ask about the one who abandons the prayer until the end of its time - is this obedience to Allah or disobedience? If they say it is obedience, we say the consensus of the people of Islam is certain upon this: you have gone against the majority and the Qur'ān and the established *Sunnah*. It is disobedience and it is from an abandoned or baseless statement to turn sin into obedience and vice versa.

Furthermore, Allah has established the boundaries of time upon the Prophet (peace be upon him) and made for every time its own prayer and the first of it and it is established that you cannot pray them early and there is no time after it. No one differs about these times in the *Ummah*. If they permit prayers outside of the time or the boundaries that Allah has placed, then they have a baseless statement and we seek refuge in Allah from this. As for everything, there is a general principle of Islam that things are done in the appropriate times. If it was sound outside of its time what's the point of setting or specifying a particular time for it? This is clear - and all success is with Allah.

If they say you will not be rewarded for the prayer outside / after of its time, then you are not rewarded for it before? This call of the majority is lies and clearly false. Ibn 'Abbās and al-Ḥasan al-Baṣri they gave *jaza* for the prayer for its time. The Ḥanifees, Shāfi'ees, Mālikees give the *zakāt* before its time. They claim that the fighting of Abu Bakr against the apostates (wars of *riddah*) was only due to the fact that he made a *Qiyās* between the *ṣalāh* and *zakāt*. Abu Bakr said – '*I will fight whoever makes a distinction between the zakāt and ṣalāh for indeed the zakāt is a right of Allah and they have differentiated between these two rulings and it is strangeness from the strangers.*' If they claim a difference in the text then they will

³⁶ Qur'ān 65: 1

not find this, this is something that was not send down in the revelation. And if they say you will say that there is a *jaza* for the one who sleeps, the one who forgets, the drunkard, but this is against their statement about time. We will say no, the *ṣalāh* of the one who forgets, is sleeping, is drunk, but the timings of the prayer set by Allah, can be lengthened for certain specific people but that specification is within the text. To claim otherwise, would be to introduce a new category within the *zahir* (apparent) text that isn't there. The proof for this: they are not sinful in delaying it, except in the time of the prayer that they are in. As for all the commands of Allah they can be split into three facets and there is no fourth. Either it is a command that is not connected to time and this will always be rewarded or accepted whenever it is done, like *Jihad*, *Umrah*, *Sadaqah*, making *Dua* and the like. So it will be rewarded whenever it is established, and to race for it is better. Just like the statement of Allah when He says:

وَسَارِعُوا إِلَىٰ مَغْفِرَةٍ مِّن رَّبِّكُمْ وَجَنَّةٍ عَرْضُهَا السَّمَاوَاتُ وَالْأَرْضُ أُعِدَّتْ لِلْمُتَّقِينَ

*Be quick in the race for forgiveness from your Lord and for a Garden whose width is that of the heavens and of the earth, prepared for the righteous.*³⁷

Or we have a command which is delineated or has boundaries, firstly, and the end of the boundary is not specified such as *zakāt*. This is not permitted before its time. And to go forward and be bold and to do it first is better as we previously said. And if the action is such that its boundaries (initial / final) are clearly specified, then there is no reward to be gained doing it before the boundary / specified time and not after its time. It will be rewarded in entirety within its time-zone, from its start to the end and its middle, like prayer, *Hajj*, fasting and the like. We say to those who oppose us: you have to accept from us that *Hajj* isn't going to be rewarded or accepted outside its time and the fast is not going to be accepted outside of its time, so why are you making this rule for the prayer? Is all of this not in a timeframe specified?

So, if they say to us you have placed the one who deliberately misses the prayers and the one who forgets by way of *Qiyās* (analogy) we say – well, all *Qiyās* is *bāṭil* (invalid) anyway! Even if *Qiyās* had been true, we will find this from the scope of invalidity. Indeed, for those people who are the callers to *Qiyās*, they say *Qiyās* is only for a thing to its similarity and not it's opposite. And no one of the people of *Qiyās* differs on this. They have already been overcome with the people who don't go with *Qiyās*, because it is not permitted to make *Qiyās* on its thing and it's opposite. The point is the one who deliberately leaves the act, his case is exactly the *opposite* to the one who is forgetful. To obey Allah is the opposite of disobeying Him. Rather the *Qiyās* you have to make is the one we already mentioned about the *Hajj*. If *Qiyās*

³⁷ *Qur'ān* 3: 133

had been true, the Ḥanifees, Shāfi'ees, Mālikees etc would not make *Qiyās* from the half to the one who has deliberately missed it; no one makes this *Qiyās*.

As for the one who missed a ritual in *Hajj* and not done it deliberately or lied about it, he must make a *kaffarah*. They stop or they don't authorise this *kaffarah* for the one who is not deliberately missing it and they make it obligatory for the one who deliberately miss it. They don't make the statement regarding the hunter during *Hajj* – the one who does it by mistake and the one who does it deliberately – they do not make this distinction and the rulings are not the same in their books. They are firm upon making this fall upon the deliberate killing (of the hunter) and you don't see a discussion about the *qaḍā ṣalāt* of a *murtad* (apostate), and this is a nullifier. If you are not going to obligate the *murtad* his Islam is invalid and he doesn't need to make up his prayers. You have created another category leading to a logical mess. If to make up the prayer as *qaḍā* was an obligation to upon the individual why would Allah and His Messenger fail to mention this? This is not possible because Allah says:

وَمَا كَانَ رَبُّكَ نَسِيًّا

*And your Lord does not forget.*³⁸

Any legislation that hasn't come from the Qur'ān or *Sunnah* then it is by default completely baseless. There is a famous and sound statement from the Prophet (peace be upon him) which is: '*He who missed his afternoon prayer it is as though he was deprived of his family and property.*'³⁹ This clearly establishes the principle that there is a set time and when it expires the time has gone. The people of Islam are agreed upon the fact that the statement and ruling that the *ṣalāt* is finished when the time has gone. If it was possible or permissible to make up the prayer after or outside of its time it would be a lie and it would be invalid. So, it has become certainly clear that there is not any possibility to make up this prayer, as *qaḍā* - ever. The ones who say this as we have said are: Umar ibn al-Khaṭṭāb, Ibn Umar, Sa'ad ibn Abi Waqās, Ibn Mas'ud, Qāsim ibn Muḥammad ibn Abi Bakr, al-Uqayli, Muḥammad ibn Sireen, Umar ibn 'Abdal-Aziz and other than them.

فروينا من طريق شعبة عن يعلى بن عطاء عن عبد الله بن حراش قال رأى ابن عمر رجلا يقرأ صحيفة، فقال له يا هذا القارئ؛ إنه لا صلاة لمن لم يصل الصلاة لوقتها، فصل ثم اقرأ ما بدا لك

It is narrated from the channel of Shu'ba from Ya'la ibn Aṭā' from Abdullah al-Ḥirāsh, he said: I saw Ibn Umar sitting and a man was reciting from a scroll.

³⁸ Qur'ān 19: 64

³⁹ The narration is found in many collections such as: Muslim book 5 no. 255; Nasā'i Vol. 1 book 5, no. 479, Abu Dāwud book 2, no. 24

He said: 'O so and so reciter: Indeed there is no prayer for the one who doesn't pray the prayer at its time, proceed and then return to what your reading.

وروينا من طريق إبراهيم بن المنذر الحزامي عن عمه الضحاك بن عثمان أن عمر بن الخطاب قال في خطبته بالجابية: ألا، وإن الصلاة لها وقت شرطه الله لا تصلح إلا به

It is narrated from the channel of Ibrāhim ibn al-Munzar al-Ḥizāmi from al-Ḍaḥḥāk ibn Uthmān that Umar ibn al-Khaṭṭāb said in his *Khuṭba Jābee'ah*: Indeed, for the prayer there is a conditional time specified for it by Allah; it is not valid except in that time.

ومن طريق محمد بن المثنى عن عبد الرحمن بن مهدي عن سفيان الثوري عن أبي نضرة عن سالم بن الجعد قال قال سليمان هو صاحب رسول الله صلى الله عليه وسلم الصلاة مكيال؛ فمن وفى وفى له؛ ومن طفف فقد علمتم ما قيل في المطففين

From the channel of Muḥammad ibn al-Muthanna from Abdar-Raḥman ibn Mahdi from Sufyān al-Thawri from Abu Naḍra from Sālim ibn al-Jad, he said: Sulaymān, he is a companion of the Messenger of Allah peace and blessings be upon him: *Prayer is (a pair of) scales, whosoever fulfils (their worth) will be compensated in like, and whosoever cheats, you already know what has been said about the cheaters.*⁴⁰

Ali said: the lightening of it here the one who delays the prayer till the end of its time. It is narrated regarding the *ayah*: the forgetfulness / laziness of leaving prayer till end of its time, from the channel of Waki':

عن سفيان الثوري عن عاصم بن أبي النجود عن مصعب بن سعد بن أبي وقاص عن أبيه أنه قال في قول الله تعالى الذين هم عن صلاتهم ساهون قال السهو الترك عن الوقت

From Sufyān al-Thawri from 'Aāṣim ibn Abi al-Nujud from Mu'sab ibn Sa'd ibn Abi Waqqās from his father, he said regarding the statement of Allah: '*those who are heedless of their prayer*',⁴¹ this concerns leaving the prayer from its time.

Ali said: it has become established that if it was permitted / rewarded outside of its time then - woe to one who does it!

⁴⁰ There is a mistake in the text. The narration should read as being from Salmān, not Sulaymān. See: Ibn 'Abd al-Barr, *al-Istazakār*, Vol. 1, p. 67

⁴¹ *Qur'ān* 107: 5

وبه إلى وكيع عن المسعودي عن القاسم هو ابن عبد الرحمن والحسن هو ابن سعد قيل لعبد الله بن مسعود الذين هم على صلاتهم دائمون والذين هم على صلاتهم يحافظون فقال: ذلك على مواقيتها. قالوا: ما كنا نرى ذلك إلا على تركها، قال تركها هو الكفر

And with it to Waki' from al-Mas'udi from al-Qāsim, he is Ibn Abdar-Raḥman from al-Ḥasan, he is Ibn Sa'd; it was said to Abdullah ibn Mas'ud about (the verse): 'Those who are constant at their prayer',⁴² and 'Those who keep a guard on their prayer',⁴³ he said: This is for those people – for it upon its time. They said we haven't seen this except the people praying outside the time. He said: And leaving the prayer is *Kufr*.

وعن محمد بن المثنى حدثنا عبد الأعلى حدثنا سعيد بن أبي عروبة عن قتادة قال ذكر لنا أن عبد الله بن مسعود كان يقول: إن للصلاة وقتا كوقت الحج؛ فصلوا الصلاة؛ لميقاتها

And from Muḥammad ibn Muthanna: Abdal-'Alā narrated to us Sa'eed ibn Abi 'Aruba narrated to us from Qatādah, he said: We have been told that Abdullah ibn Mas'ud used to be saying: 'Indeed the prayer has a time like the time of *Hajj*, so pray the prayer upon its boundaries [Prayer in the sacred zone is like entering the *miqāt* in *Hajj* / *Umrah*].'

وعن محمد بن المثنى حدثنا عبد الرحمن بن مهدي ثنا حماد بن زيد عن يحيى بن عتيق قال سمعت محمد بن سيرين يقول إن للصلاة وقتا واحدا، فإن الذي يصلي قبل الوقت مثل الذي يصلي بعد الوقت

And from Muḥammad ibn Muthanna: Abdar-Raḥman ibn Mahdi narrated to us Ḥammād ibn Zayd narrated to us from Yahya ibn 'Ateeq, he said: I heard Muḥammad ibn Sireen saying: Indeed, the prayer has a single time. The one who prays it before the time is the same as the one who has prayed it after its time.

ومن طريق سحنون عن ابن القاسم أخبرني مالك أن القاسم بن محمد بن أبي بكر الصديق حين كانت بنو أمية يؤخرون الصلاة، أنه كان يصلي في بيته، ثم يأتي المسجد يصلي معهم، فكلّم في ذلك، فقال أصلي مرتين أحب إلي من أن لا أصلي شيئا

And from the channel of Saḥnūn: from Ibn al-Qāsim, Mālik reported to me that al-Qāsim ibn Muḥammad ibn Abi Bakr al-Ṣadeeq while Bani Umayyah used to delay their prayers, pray at home and then come to the *masjid* and pray with them, he said it is better that I pray two times instead of once or one time.⁴⁴

⁴² Qur'ān 70: 23

⁴³ Qur'ān 70: 34

⁴⁴ *al-Mudawwana al-Kubra*, Vol. 1, p. 179

Ali said: it therefore becomes clear that the first prayer they were praying was the obligatory prayer and the latter the voluntary.⁴⁵ During the time of Abu Bakr people were in the habit of praying later. They would do it early then leave the people to it; so both of these prayers are sound prayers. And the prayer after its time is not a root prayer, it is nothing.

وعن أسد بن موسى بن مروان بن معاوية الفزاري أن عمر بن عبد العزيز قال سمعت الله تعالى ذكر أقواما فعابهم فقال أضاعوا الصلاة واتبعوا الشهوات فسوف يلقون غيا ولم تكن إضاعتهم إياها، أن تركوها؛ ولو تركوها لكانوا بتركها كفارا، ولكن أخروها عن وقتها

And from Asad ibn Musa ibn Marwān ibn Mu'āwiya al-Fazāry: that Umar ibn Abdal-Aziz said: I heard the call of Allah, it reminded us of a people and he said about them '*who neglected prayers and followed sensual desires, so they will meet perdition*'.⁴⁶ He also said regarding the *ayah*: And if they had abandoned them, then by this abandonment they would have become *kuffar* – but they would delay it to the end of its time.

وعن عبد الرزاق عن معمر عن بديل العقيلي قال بلغني أن العبد إذا صلى الصلاة؛ لوقتها صعدت ولها نور ساطع في السماء، وقالت: حفظتني حفظك الله، وإذا صلاها لغير وقتها طويت كما يطوى الثوب الخلق فضرِب بها وجهه

And from Abdar-Razzāq from Ma'mar from Budayl al-Uqayli, he said: I've heard when the slave prays the prayer on time, a light extends to the heavens and says you protected me and may Allah protect you, when it is left and prayed outside of its time, it returns to him and strikes his face (i.e. not accepted).

From the strange sayings of part of them of others who don't hold this opinion, they say that the meaning of Ibn Umar's statement - that the one who doesn't pray on time - that the prayer is incomplete and you will not get the full reward for it. Regarding the saying of the Prophet's (peace be upon him) statements, we have the following: '*There is no prayer for one who doesn't do ruku and sujud*',⁴⁷ and '*He who does not recite Umm al-Qur'ān is not credited with having observed prayer*'.⁴⁸

Ali said: it is said to these people, what caused or burdened you to call to what you call to? If they say this is something known, we say there is nothing for this. They say that certain expressions of speech in the language should not be taken in the literal sense. This isn't the case, when the term *no (la')* is used, it should be taken

⁴⁵ For example, establishing the point that to join the *jamaat* when it is prayed later even though you have completed the obligatory.

⁴⁶ *Qur'ān* 19: 59

⁴⁷ This is found in several collections such as *Sunan* Nasā'i Vol. 2 book 11, no 1028 and *Sunan* Abu Dāwud book 3, no. 854

⁴⁸ This tradition is well established – see: Bukhāri, book 12, no. 723 and Muslim, book 4, No. 778

literal until there is clear evidence stated in the text that is otherwise. Really this is an evidence for and it is not against us. Any prayer that is not complete and sound, then it is *bāṭil*. If they say that this is only for or it creates a defect in its fulfilment of the obligation, yes, it is agreed altogether that there is an obligation to pray the prayer on time and correctly.

Ali said: it has become established that some of the *Ṣaḥāba* have this opinion, that the prayer is lost if it is not done in its time, but we don't have statements that are against this proposition. As for this issue, it has come from Umar, Abdar-Raḥman ibn Auf, Mu'ādh ibn Jabal, Abu Hurayrah and others – may Allah be pleased with them all. The one who deliberately and intentionally misses an obligatory prayer, delaying it until its time has gone, then he is a *kāfir murtad* (disbeliever, apostate). But the Ḥanāfees, Mālikees do not see someone as an apostate who prays the prayer after its time. They argue some of the *Ṣaḥāba* say the opposite, that they were not viewed as an apostate. Allah did not make an excuse for the one who abandons or leaves the prayer till the end of its time for any reason – not in the situation of fighting, fear, extreme sickness or travelling; there are always a provision of the prayer in the *Sharī'ah*. Allah says:

وَإِذَا كُنْتَ فِيهِمْ فَأَقِمْ لَهُمُ الصَّلَاةَ فَلْتَقُمْ طَائِفَةٌ مِنْهُمْ مَعَكَ

*And when you are among them and keep up the prayer for them, let a party of them stand up with you.*⁴⁹

فَإِنْ خِفْتُمْ فَرِجَالًا أَوْ رُكْبَاتًا

*But if you are in danger then (say your prayers) on foot or on horseback.*⁵⁰

Allah and His Messenger peace and blessings be upon him never gave an excuse to leave the prayer outside of its time. All mechanisms ensure that the prayer is done at its correct time. What we will discuss regarding the fear prayer later on, by the permission of Allah, and the Most High did not permit it to be delayed till the end of its time. Rather, He permitted that if the sick person is unable to pray standing, he should pray sitting and if he really is not able to sit, then on his side lying; and with *tayamum* if he has no water and even without dirt if you don't have it! So how can you create an excuse for the one that there is no excuse created for, to pray it outside of its time, and to say, no rather he is commanded to pray it after its time - and to say that you will be rewarded from when it is not from the Qur'ān, *Sunnah*, from the soundness / weakness of it, or the statements of the companions or even really from *Qiyās*. Some of them stood forth and reminded us of the prayer of the Prophet (peace

⁴⁹ Qur'ān 4: 102

⁵⁰ Qur'ān 2: 239

be upon him) on the day of *Khandaq* when he prayed the prayer of *zhur* and *aṣr* after the setting of the sun, are they going to say that he did it deliberately?

From the one who says that the Prophet (peace be upon him) has permitted it, it is akin to *Kufr* to claim as such, they are giving a declaration on a meaning that no one in the *Ummah* agrees upon. As for the one who deliberately misses the prayer, he is a *fāsiq*, his witness shall not be accepted and he deserves to be struck with punishment. The one who makes a thing obligatory upon the Messenger or cuts an attribute from him in his witnessing, then this person is a *kāfir mushrik murtad* - like the Jews and Christians – his wealth and blood are *halāl* without any difference amongst the Muslims. Allah has said: ‘...and keep up prayer for my remembrance,’⁵¹ and the Prophet (peace be upon him) said: ‘Allah has enjoined on them **five prayers**.’⁵² This establishes the obligation of the prayer, and it doesn’t permit modification. The evidences establish the obligation of the prayer, not that it can be done outside of its time. This is a correct statement and the evidence has been established by the Prophet (peace be upon him) that when he obligated the prayers they are within a set time and set the boundaries of the start and end of them. He didn’t make them obligatory before or after their time. Whoever takes the *ayah* to show that the prayer is obligated before / after its time, then this is going to clash with the *Hadith* and established evidences; our detractors are merely trying to make a clash between the evidences where one does not exist.

Regarding the *ḥadith* from Anas, in relation to praying the prayer after the setting of the sun (praying *zhur* & *aṣr* on the day of *Khandaq*), this is not a sound narration because it has only been narrated Makḥul who did not meet Anas.⁵³ Maybe it could have been because they forgot or maybe they got the time wrong, because it is not allowed for us to doubt the virtues or turn Muslims away from this and it would caste them in a bad light. If they were reminded about the issue of fear they would have only prayed one *rakāt* or as Allah has commanded them (in the verse of fear). Nothing other than this is allowed. Definitely, whoever thinks otherwise has lied and with Allah is all success and attainment.

⁵¹ *Qur’ān* 20: 14

⁵² Bukhārī book 24, no. 573

⁵³ This point is incorrect. See: Ibn Sa’d *al-Ṭabaqāt al-Kubra*, Vol. 7, no. 6026.

(Continued) Deliberately leaving the prayer

In relation to our saying, that the one who deliberately leaves the *ṣalāh* until its time has elapsed, (must) make *istigfar* to Allah (asking for forgiveness) and perform a lot of voluntary prayers.⁵⁴ As per the statement of Allah the Almighty:

فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ فَسُوفَ يَلْقَوْنَ غِيًّا، إِلَّا مَنْ تَابَ وَآمَنَ وَعَمِلَ صَالِحًا فَأُولَئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ شَيْئًا

*But there came after them an evil generation, who neglected prayers and followed and sensual desires, so they will meet perdition. Except such as repent and believe and do good, these shall enter the garden, and they shall not be dealt with unjustly in any way.*⁵⁵

And the statement of Allah the Exalted:

وَمَا يَفْعَلُوا مِنْ خَيْرٍ فَلَنْ يُكْفَرُواهُ وَاللَّهُ عَلِيمٌ بِالْمُتَّقِينَ

*And whatever good they do, nothing will be rejected of them; for Allah knows well those who are al-Muttaqeen.*⁵⁶

فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ، وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ

*So whosoever does good equal to the weight of an atom shall see it; and whosoever does evil equal to the weight of an atom shall see it.*⁵⁷

وَنَضَعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ فَلَا تُظْلَمُ نَفْسٌ شَيْئًا وَإِنْ كَانَ مِثْقَالَ حَبَّةٍ مِنْ خَرْدَلٍ أَتَيْنَا بِهَا وَكَفَى بِنَا حَاسِبِينَ

⁵⁴ No. 280: *al-Muḥalla*, Vol. 2, pp 16/18

⁵⁵ *Qur'ān* 19: 59/60. The verses here are quoted in entirety.

⁵⁶ *Qur'ān* 3: 115

⁵⁷ *Qur'ān* 99: 7/8

*And We shall set up balances of justice on the Day of Resurrection, then none will be dealt with unjustly in anything. And if there be the weight of a mustard seed we will bring it. And Sufficient are We as reckoners.*⁵⁸

The *Ummah* agrees and all of the texts that are found on it concur, the *ta'tawa'ah*' (voluntary) prayers are from the good of Allah and He knows with his power; the obligatory prayers are the same. It is part of the goodness from Allah and it is known by His power. There is no doubt on the necessity that doing a part of the *ta'tawa'ah*' prayer is not as heavy in weight as the *farḍ* prayers, and it increases upon it. This is a principle that all agree upon – the obligatory prayers are greater in reward than the non-obligatory. The principle is found or derived in the verses quoted in the Qur'ān. Good deeds wipe out evil deeds, as Allah has said:

وَأَقِمِ الصَّلَاةَ طَرَفَيِ النَّهَارِ وَزُلْفًا مِّنَ اللَّيْلِ إِنَّ الْحَسَنَاتِ يُذْهِبُنَ السَّيِّئَاتِ ذَلِكَ ذِكْرُ لِلذَّاكِرِينَ

*And perform the prayer at the two ends of the Day and at the approaches of the night: for those things, that are good remove those that are Evil: be that the word of remembrance to those who remember.*⁵⁹

And the scales of goodness need to be heavy, as Allah says:

فَأَمَّا مَن ثَقُلَتْ مَوَازِينُهُ، فَهُوَ فِي عِيشَةٍ رَّاضِيَةٍ، وَأَمَّا مَن خَفَّتْ مَوَازِينُهُ، فَأُمَّةٌ هَاوِيَةٌ

*Then, he whose balance (of good deeds) will be (found) heavy, will be in a life of good pleasure and satisfaction; And as for him whose measure of good deeds is light, His abode shall be the abyss.*⁶⁰

حدثنا عبد الله بن ربيع حدثنا عمر بن عبد الملك ثنا أبو داود ثنا يعقوب بن إبراهيم ثنا إسماعيل هو ابن عليّة - ثنا يونس عن الحسن عن أنس بن حكيم الضبي أنه لقي أبا هريرة فقال له أبو هريرة أول ما يحاسب الناس به يوم القيامة من أعمالهم الصلاة، يقول ربنا - تبارك وتعالى - للملائكة وهو أعلم انظروا في صلاة عبدي أتمها أم نقصها؟ فإن كانت تامة كتبت له تامة وإن كان انتقص منها شيئا قال: انظروا هل لعبدي من تطوع؟ فإن كان له تطوع قال أتموا لعبدي فريضته من تطوعه، ثم تؤخذ الأعمال على ذلكم

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Abu Dāwud narrated to us Ya'qub ibn Ibrāhim narrated to us Ismā'il, he is Ibn Ulayah, narrated to us Yunus narrated to us from al-Ḥasan from Anas ibn Ḥakim al-Ḍabbi, that he received Abu Hurayrah and he said to him: 'The first thing about which the people will be called to account out of their actions on

⁵⁸ Qur'ān 21: 47

⁵⁹ Qur'ān 11: 114

⁶⁰ Qur'ān 101: 6/7

the Day of Judgment is prayer. Our Lord, the Exalted, will say to the angels - though He knows better: Look into the prayer of My servant and see whether he has offered it perfectly or imperfectly. If it is perfect, that will be recorded perfect. If it is defective, He will say: See there are some optional prayers offered by My servant. If there are optional prayers to his credit, He will say: Compensate the obligatory prayer by the optional prayer for My servant. Then all the actions will be considered similarly.⁶¹

قال أبو داود وحدثنا موسى بن إسماعيل ثنا حماد هو ابن سلمة عن داود بن أبي هند عن زرارة بن أوفى عن تميم الداري عن النبي صلى الله عليه وسلم - بهذا المعنى، قال ثم الزكاة مثل ذلك، ثم تؤخذ الأعمال حسب ذلك

And Abu Dāwud said: and Musa ibn Ismā'il narrated to us Ḥammād – he is Ibn Salama narrated to us from Dāwud ibn Abi Hind from Zu'rāra ibn Aufa from Tamim al-Dāri from the Prophet peace and blessings be upon him, [sic. as above] This version adds: *Then zakāt will be considered in a similar way. Then all the actions will be considered accordingly.*⁶²

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ني عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج حدثني زهير بن حرب ومحمد بن المثنى قالوا جميعا ثنا يحيى هو ابن سعيد القطان عن عبيد الله هو ابن عمر عن نافع عن ابن عمر عن النبي صلى الله عليه وسلم قال صلاة الرجل في الجماعة تزيد على صلاته وحده سبعا وعشرين درجة

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to me Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim ibn al-Ḥajjāj narrated to us Zuhayr ibn Ḥarb and Muḥammad ibn al-Muthanna narrated to me, they both said, Yahya, he is Ibn Sa'eed al-Qaḥṭān, narrated to us from Ubaidallah, he is Ibn Umar, from Nāfi' from Ibn Umar from the Prophet peace and blessings be upon him he said: *Prayer said in a congregation is twenty-seven degrees more excellent than prayer said by a single person.*⁶³

And with it (via the *isnād* to) Muslim:

وبه إلى مسلم حدثنا إسحاق بن إبراهيم أخبرنا المغيرة بن سلمة المخزومي حدثنا عبد الواحد هو ابن زياد ثنا عثمان بن حكيم أخبرنا عبد الرحمن بن أبي عمرة قال دخل عثمان بن عفان رضي الله عنه المسجد بعد صلاة المغرب فقعده وحده فقعدت إليه، فقال يا ابن أخي سمعت رسول الله صلى الله عليه وسلم يقول من صلى العشاء في جماعة فكأنما قام نصف الليل ومن صلى الصبح في جماعة فكأنما قام الليل كله

⁶¹ Sunan Abu Dāwud book 3, no. 863

⁶² Ibid., no. 865

⁶³ Muslim book 4, no. 1365/1366

Ishāq ibn Ibrāhīm narrated to us al-Mughira ibn Salama al-Makhzumi reported to us Abdal-Wāhid, he is Ibn Ziyād, narrated to us Uthmān ibn Ḥakīm narrated to us Abdar-Raḥman ibn Abi ‘Amra reported to us he said: Uthmān ibn ‘Affān may Allah be pleased with him entered the *masjid* after *ṣalātul-Maghrib* and sat alone with him, he said: O son of my brother! I heard the Messenger of Allah peace and blessings be upon him say: ‘*He who observed the Eshā’ prayer in congregation, it was as if he prayed up to the midnight, and he who prayed the morning prayer in congregation, it was as if he prayed the whole night.*’⁶⁴

This is an exemplary or paramount statement regarding the reward of *ta’tawa’ah* and obligatory prayers. This is only for one who makes *tawbah* and has regard. Concerning the one who deliberately misses prayers and falls short in the *ta’tawa’ah*; he is sinful in not making enough prayers up because he has placed things in the place that shouldn’t be placed; because Allah didn’t place them there. The one who has sinned in his voluntary acts, it will not be accepted from him, because the Prophet said – ‘*whoever does an action not from our matter then it is rejected.*’⁶⁵ As for the one who says that the *ta’tawa’ah* prayers can’t be accepted from the one who is missing the *fard* prayers, it is like the example of the trader who won’t have profit from his trade until he has covered his overheads. So this is *bāṭil* and it isn’t correct. This view is based upon a weak narration. All of its chains do not meet the standard of *Ṣāḥīḥ*. The reason for this is because the channel is from Musa ibn Ubaydah al-Rabazee and he is classified as *ḍa’if* (weak). Furthermore, Abdal-Malik ibn Ḥabeeb al-Andalusi (narrating) from al-Makfoof from Ayub ibn Khuṭ, this channel is *mursal*. And Abdal-Malik ibn Ḥabeeb (narrating) from Muṭṭarīf from Mālik that Abu Bakr al-Ṣadeeq and Abdal-Malik is *sāqiṭ* (fallen, as a narrator),⁶⁶ and this is *munqaṭi* (interrupted).⁶⁷ If this were authentic this *ta’tawa’ah* would provide compensation for abandonment of the *fard* prayers, without the need for regret or repentance.

And with Allah is all success.

⁶⁴ Muslim book 4, no. 1379

⁶⁵ Muslim book 18, no. 4267; this narration is famous and found in all the major collections of *ḥadīth*.

⁶⁶ Throughout *al-Muḥalla*, Ibn Ḥazm is very critical of Abdal-Malik ibn Ḥabeeb, using various forms of discreditation and even on occasion calling him a liar.

⁶⁷ This falls within the class of narrations that contain lacunas. Usually in translation it is referred to as being a ‘broken-chained report,’ signifying that there are one or more narrators missing from the *isnād* (chain of transmission), though not (necessarily) in consecutive sequence. For the sake of brevity in the text, we have used the alternate translation of ‘interrupted’ that is sometimes utilised.

The Five Mandatory Prayers

The obligatory prayers are incumbent upon the adult, sound of mind, free or slave, both male or female, and these are five: *Zhur*, ‘*Aṣr*, *Maghrib*, *al-Eshā*’, which is *al-‘Atma*, and *Ṣalatul-Fajr*.⁶⁸ As for the *Ṣubḥ* (morning, *fajr*) it is always two *rak’ah* that is a staple upon everyone: for the one who is healthy, sick, traveller or resident; whether in a state of security or fear. *Al-Maghrib* is always three, the same as we have said for the *Ṣubḥ* (morning, *fajr*). Regarding *al-Zhur*, *al-‘Aṣr* and *al-Eshā* (prayers) all of them are incumbent upon the resident – whether sick, healthy, in a state of security or fear - with four *rak’ah*. The *ijmā’* (consensus) here is agreed upon unanimous and definite. And no one from the old parts of the *Ummah* has a different view from that of the moderns. Regarding the traveller, who is in a state of safety, it is two *rak’ah*. And as for the traveller in a state of fear, if he wishes he can pray all of them as one prayer each. There is a wide difference as to what constitutes a traveller.

The first of these issues about the traveller is that; is the shortening obligatory or up to the traveller? And in the amount of that travel in terms of time and distance; And in whether that shortening it is obligatory or is there a choice in it, and in whether one *rak’ah* is sufficient during a state of fear during travel or not?

This is a question and we shall look over and remind ourselves of what the proofs are concerning these matters and the invalidity of the mistakes that other opinions are built upon, God-willing – He is Mighty and Sublime. In the upcoming chapters, we will look at the evidences for the truth of these matters, mostly around travelling issues. There is no might nor power except in Allah, the High, the Mighty. Unto Him do we seek aid, help and support.

⁶⁸ No. 281: *al-Muḥalla*, Vol. 2, p. 18

Divisions of Voluntary (prayers)

The types of *ta'tawa'ah* (voluntary), the most important and emphasized, we have already mentioned previously in the book of *ṣalāh*.⁶⁹ We will look at the types of prayer the Messenger of Allah peace and blessings be upon him commanded and gave them names and other than those that were not commanded. The most soundly narrated of those are the following:

- the two *rak'ah* after *fajr* and the two before *fajr*
- the *ṣalāh* of the two *Eid's*
- the *ṣalāh* of *istisqā* (rain)
- *Qiyām-ul-Ramaḍān*
- the four *rak'ah* before *zhur* and the four *rakāt* after *zhur*
- the four *rak'ah* before *aṣr*. If he wishes on the four *rak'ah* *Sunnah* prayers, the individual can pray it as four or as two-and-two making *salam* at the end of each.
- the two- *rak'ah* after the *ṣalātul-'aṣr*; and the two *rak'ah* before and after *maghrib*. And the two *rak'ah* after *ṣalātul-'atma*.
- And the two *rak'ah* after returning from a journey in the *maṣjid*

It is also *ta'tawa'ah* after making *wudu*, and then whatever is done after it, it is *Sunnah* for the person in the day and the night.

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج، حدثني زهير بن حرب ثنا يحيى بن سعيد القطان عن ابن جريج أخبرني عطاء عن عبيد بن عمير عن عائشة أم المؤمنين أن النبي صلى الله عليه وسلم لم يكن على شيء من النوافل، أشد تعاهدا منه على ركعتين قبل الصبح

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim ibn al-Ḥajjāj narrated to us Zuhayr ibn Ḥarb narrated to me Yahya ibn Sa'eed al-Qaḥṭān narrated to us from Ibn Jurayj, 'Aṭā reported to me from Ubayd ibn Umayr from Aisha mother of the believers, that the

⁶⁹ No. 282: *al-Muḥalla*, Vol. 2, p. 19/21

Prophet peace and blessings be upon him was not so much particular about observing supererogatory *rak'ahs* as in case of the two *rak'ahs* of the dawn prayer.⁷⁰

And also, with the same (*isnād*) to Muslim:

حدثنا محمد بن عبيد الغبري ثنا أبو عوانة عن قتادة عن زرارة بن أوفى عن سعد بن هشام بن عامر عن عائشة أم المؤمنين عن النبي صلى الله عليه وسلم قال ركعتا الفجر خير من الدنيا وما فيها

Muḥammad ibn ‘Ubayd al-Ghubari narrated to us Abu ‘Awāna narrated to us from Qatādah from Zu’rāra ibn Auf from Sa’d ibn Hishām ibn ‘Aāmir from ‘Aisha, mother of the believers from the Prophet peace and blessings be upon him, he said: *The two rak'ahs at dawn are better than this world and what it contains.*

The Prophet peace and blessings be upon him used to pray the prayer for rain; as we will mention in a separate section *insha'allah* as will that regarding *qiyām-ul-Ramaḍān* (*taraweeh*). (Again) with the with the (*isnād*) to Muslim

حدثنا يحيى بن يحيى النيسابوري ثنا هشيم عن خالد هو الحذاء عن عبد الله بن شقيق قال: سألت عائشة عن صلاة رسول الله صلى الله عليه وسلم عن تطوعه فقالت كان يصلي في بيته قبل الظهر أربعاً؛ ثم يخرج فيصلّي بالناس ثم يدخل فيصلّي ركعتين؛ ويصلي بالناس المغرب، ثم يدخل فيصلّي ركعتين، ويصلي بالناس العشاء، ويدخل بيتي فيصلّي ركعتين

Yahya ibn Yahya al-Nisāburi narrated to us Hushaym narrated to us from Khālīd, he is al-Huza’a, from Abdullah ibn Shāqīq he said: I asked ‘Aisha about the voluntary prayers of the Messenger of Allah peace and blessings be upon him. She said: Before the noon prayer, he used to pray four *rak'ahs* in my house; then would go out and lead the people in prayer; then come in and pray two *rak'ahs*. He would then lead the people in the sunset prayer; then come in and pray two *rak'ahs*. Then he would lead the people in the 'Isha' prayer, and enter my house and pray two *rak'ahs*.⁷¹

حدثنا عبد الله بن ربيع حدثنا محمد بن إسحاق ثنا ابن الأعرابي ثنا أبو داود ثنا حفص بن عمر هو الحوضي ثنا شعبة عن أبي إسحاق عن عاصم بن ضمرة عن علي بن أبي طالب رضي الله عنه أن رسول الله صلى الله عليه وسلم كان يصلي قبل العصر ركعتين

Abdullah ibn Rabeeh’ narrated to us Muḥammad ibn Ishāq narrated to us Ibn al-‘Arābi narrated to us Abu Dāwud narrated to us Ḥaḥṣ ibn Umar, he is al-Ḥawḍi, narrated to us Shu’ba narrated to us from Abu Ishāq from ‘Aāsim ibn

⁷⁰ Muslim book 4, no. 1571

⁷¹ Muslim book 4, no. 1584

Ḍamra from Ali ibn Abi Ṭālib may Allah be pleased with him that the Messenger of Allah peace and blessings be upon him used to pray two *rak'ah* before *aṣr*.⁷²

حدثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب ثنا إسماعيل بن مسعود ثنا يزيد بن زريع ثنا شعبة عن أبي إسحاق عن عاصم بن ضمرة سألنا عليا عن صلاة رسول الله صلى الله عليه وسلم؛ فوصف، قال كان يصلي قبل الظهر أربعاً وبعدها ثنتين، ويصلي قبل العصر أربعاً، يفصل بين كل ركعتين بتسليم على الملائكة المقربين والنبیین ومن تبعهم من المؤمنین والمسلمین

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Ismā'il ibn Mas'ud narrated to us Yazid ibn Zureyh' narrated to us Shu'ba narrated to us from Abu Ishāq from 'Aāsīm ibn Ḍamra (he said): We asked 'Ali about the prayer of the Messenger of Allah peace and blessings be upon him. He said: 'He would pray four *rak'ahs* before *Zuhr* and two after, and he would pray four *rak'ahs* before *aṣr*, separating each two *rak'ahs* with *Taslim* upon the angels who are close to Allah, and the Prophets, and those who follow them of the believers and Muslims.'⁷³

And with the (*isnād*) to Aḥmad ibn Shu'ayb:

أنا محمد بن المثنی حدثنا محمد بن عبد الرحمن ثنا حصين بن عبد الرحمن عن أبي إسحاق عن عاصم بن ضمرة قال: سألنا عليا عن صلاة رسول الله صلى الله عليه وسلم فوصف قال كان يصلي قبل الظهر أربع ركعات يجعل التسليم في آخر ركعة، وبعدها أربع ركعات يجعل التسليم في آخر ركعة

Muḥammad ibn Muthanna reported to us Muḥammad ibn Abdar-Raḥman narrated to us Huṣṣein ibn Abdar-Raḥman narrated to us from Abu Ishāq from 'Aāsīm ibn Ḍamra he said: We asked Ali about the prayer of the Messenger of Allah peace and blessings be upon him. He said: '...he used to pray two *rak'ahs* when the sun had passed its zenith, and four *rak'ahs* before the middle of the day, with the *Taslim* at the end.'⁷⁴

Abu Muḥammad said: there is no conflict of evidences here that we have mentioned. Rather, both are good things and they are *mubāḥ* and you could do both; they are established from sound narrations.

⁷² *Sunan* Abu Dāwud book 5, no. 1267

⁷³ This is a summarised version of the *ḥadith*, the full text can be found in *Sunan* Nasā'i, Vol. 1, book 10, no. 875

⁷⁴ Again, this is a summarised version of the *ḥadith*, the full text can be found in *Sunan* Nasā'i, Vol. 1, book 10, no. 876

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا محمد بن بكر ثنا أبو داود ثنا عبد الله بن محمد النفيلي ثنا ابن عليه هو إسماعيل عن الجريري عن عبد الله بن بريدة عن عبد الله بن مغفل قال: قال رسول الله صلى الله عليه وسلم بين كل أذانين صلاة لمن شاء

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Abdullah ibn Muḥammad al-Nufayli narrated to us Ibn Ulayah, he is Ismā'il, from al-Jurayri from Abdullah ibn Burayda from Abdullah ibn Mughaffal he said that the Messenger of Allah peace and blessings be upon him said: *Between the two adhans there is a prayer, for one who desires (to offer it).*⁷⁵

Ali said: this is a general statement for the times between the *adhān* of *eshā'* and its *iqāma*, *maghrib* and *fajr*.

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا محمد بن المثنى ثنا الضحاك يعني أبا عاصم - ثنا ابن جريج أنا ابن شهاب أن عبد الرحمن بن عبد الله بن كعب بن مالك أخبره عن أبيه وعمه عبد الله وعبيد الله ابني كعب بن مالك عن أبيهما أن رسول الله صلى الله عليه وسلم كان لا يقدم من سفر إلا نهرا في الضحى، فإذا قدم بدأ بالمسجد فصلى فيه ركعتين ثم جلس فيه

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim ibn al-Ḥajjāj narrated to us Muḥammad ibn Muthanna narrated to us al-Ḍaḥḥāk, that is to say Abu Aāṣim narrated to us Ibn Jurayj narrated to us Ibn Shihāb reported to us that Abdar-Raḥman ibn Abdullah ibn Ka'b ibn Mālik reported to him from his father and his uncle Abdullah and Ubaidallah ibn Ka'b ibn Mālik, from their father that the Messenger of Allah peace and blessings be upon him did not come back from the journey but by day in the forenoon, and when he arrived, he went first to the mosque, and having prayed two *rak'ahs* in it he sat down in it.⁷⁶

And (with the same *isnād*) to Muslim:

ثنا عبد بن حميد أنا عبد الرزاق أخبرنا معمر عن الزهري عن أبي سلمة بن عبد الرحمن بن عوف عن أبي هريرة قال كان رسول الله صلى الله عليه وسلم يرغب في قيام رمضان من غير أن يأمر فيه بعزيمة

‘Abd ibn Ḥumayd narrated to us Abdar-Razzāq reported to us Ma'mar reported to us from al-Zuhri from Abi Salama ibn Abdar-Raḥman ibn ‘Auf from Abu

⁷⁵ *Sunan* Abu Dāwud book 5, no. 1278 and *Sunan* Nasā'i Vol. 1, book 7, no. 682. Bukhāri and Muslim have also recorded this *ḥadith* albeit with some additional wording – Vol. 1 book 11 no. 597 and book 4 no. 1822 and 1823.

⁷⁶ Muslim book 4 no. 1545, also in Abu Dāwud book 14 no. 2775

Hurayrah, he said: ‘The Messenger of Allah peace and blessings be upon him used to exhort (his Companions) to pray (at night) during *Ramaḍān* without commanding them to observe it as an obligatory act.’⁷⁷

حدثنا عبد الرحمن بن عبد الله الهمداني ثنا إبراهيم بن أحمد البلخي ثنا الفريري ثنا البخاري ثنا إسحاق بن نصر ثنا أبو أسامة عن أبي حيان التيمي عن أبي زرعة عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال لبلال عند صلاة الفجر: يا بلال حدثني بأرجى عمل عملته في الإسلام فإني سمعت دف نعليك بين يدي في الجنة قال بلال: ما عملت عملاً أرجى عندي أني لم أتطهر طهوراً في ساعة ليل أو نهار، إلا صليت بذلك الطهور ما كتب لي أن أصلي

Abdar-Raḥman ibn Abdullah al-Hamdāni narrated to us Ibrāhīm ibn Aḥmad al-Balkhi narrated to us al-Farabry narrated to us al-Bukhārī narrated to us Ishāq ibn Naṣr narrated to us Abu Usāma narrated to us from Abu Ḥayyān al-Taymi from Abu Zur’a’ from Abu Hurayrah, that at the time of the *Fajr* prayer the Messenger of Allah peace and blessings be upon him asked Bilāl: *Tell me of the best deed you did after embracing Islam, for I heard your footsteps in front of me in Paradise.* Bilāl replied: I did not do anything worth mentioning except that whenever I performed ablution during the day or night, I prayed after that ablution as much as was written for me.⁷⁸

⁷⁷ The full text of the narration can be found in Muslim book 4, no. 1663

⁷⁸ Bukhārī Vol. 2 book 21, no. 250; also in Muslim book 31, no. 6015

Two *Rak'ah* before *Maghrib*

Abu Muḥammad said: Some people prevent people or forbid people from voluntary prayers after the setting of the sun, but before *maghrib* prayer. From amongst them are Abu Ḥanifah and Mālik.⁷⁹ And we do not know what proof they use (to establish this) but for that (which comes from) Aḥmad ibn Muḥammad ibn Abdullah al-Talmanki, he said:

ثنا محمد بن أحمد بن مفرج ثنا الصموت ثنا البزار ثنا عبد الواحد بن غياث ثنا حيان بن عبيد الله
عن عبد الله بن بريدة عن أبيه عن النبي صلى الله عليه وسلم بين كل أذانين صلاة إلا المغرب

Muḥammad ibn Aḥmad ibn Mufarrij narrated to us al-Ṣamoot narrated to us al-Bazzār narrated to us Abdal-Wāhid ibn Ghayāth narrated to us Ḥayyān ibn Ubaidallah narrated to us from Abdullah ibn Burayda from his father from the Prophet peace and blessings be upon him: *Between every adthān there is a prayer except al-maghrib.*

Abu Muḥammad said: this word is unique to (the channel of) Ḥayyān ibn Ubaidallah and he is *majhul* (unknown). What is authentic is what is reported from al-Jariri from Abdullah ibn Burayda and this was mentioned previously. And it was mentioned from Ibrāhīm al-Nakha'i, that Abu Bakr, Umar and Uthmān, all of them did not pray this, yet this is nothing. Firstly, that the (channel) is *munqati* (broken, interrupted), because Ibrāhīm didn't take a single thing from those we have mentioned (i.e. Abu Bakr etc), given that he was not born until two years after the death of Uthmān. Therefore, if it was authentic maybe there would be a proof in it, even then there is an issue because they - may Allah be pleased with them all - didn't prevent others from doing this. All it establishes is that they didn't do it. They didn't dislike it being done. And we do not differ with them on the issue that leaving all the *Sunnah* prayers is *mubāḥ*, because the reason why, the man who desires to leave the *Sunnah* of the Prophet (peace be upon him), this man is destroyed. Even if it was sound and we seek refuge in Allah, these people don't make themselves evidence above the

⁷⁹ No. 283: *al-Muḥalla*, Vol. 2, p. 2124

Messenger of Allah (peace be upon him). And they don't make themselves an evidence for the companions who would do it. Abu Bakr, Umar and the majority of the *Ṣaḥāba* differed in relation to wiping over the turned, so one shouldn't be stunned from their footsteps there is a difference amongst the *Ṣaḥāba* if they witness something from their veneration. Manipulating the *Deen* isn't a light matter which the latter *muqalid's* have done.

And we mentioned (that narrated) from Ibn Umar that he said he never saw anyone pray this. But this is nothing; firstly it is not authentic because it is from Abu Shu'ayb or Shu'ayb and we know nothing of him. Also there is nothing by way of a prohibition in it if authentic. We do not deny leaving the *ta'tawa'ah* is what isn't about it correct, therefore if it is authentic there isn't a prohibition regarding this – and it is not ever correct. Rather it has been narrated regarding the permissibility of praying these. So it cannot become a proof above the Messenger of Allah, the rest of the *Ṣaḥāba* and the ones who did this. From the strange issues is that they didn't see Ibn Umar's statement as an authority that would go against Abu Bakr, Umar, Uthmān or the Messenger. So they would make this sound and would make it a proof over the others. A proof when their desires suit them and this is strange indeed.

Ali said: the proof concerning this matter is what is narrated as follows:

حدثنا عبد الرحمن بن عبد الله بن خالد ثنا إبراهيم بن أحمد ثنا الفربري ثنا البخاري ثنا عبد الله بن يزيد هو المقرئ ثنا سعيد بن أبي أيوب ثنا يزيد بن أبي حبيب سمعت مرثد بن عبد الله اليزني هو أبو الخير قال أتيت عقبة بن عامر الجهني فقلت ألا أعجبك من أبي تميم؛ يركع ركعتين قبل صلاة المغرب فقال عقبة إنا كنا نفعله على عهد رسول الله صلى الله عليه وسلم فسألت فما يمنعك الآن قال الشغل

Abdar-Rahman ibn Abdullah ibn Khālid narrated it to us Ibrāhim ibn Aḥmad narrated to us al-Farabry narrated to us al-Bukhārī narrated to us Abdullah ibn Yazeed, he is al-Muqri, narrated to us Sa'eed ibn Abi Ayub narrated to us Yazeed ibn Abi Ḥabeeb narrated to us: I heard Marthad ibn Abdullah al-Yazani, he is al-Khayr, he said: I went to 'Uqba ibn 'Aāmir al-Juhani and said: Is it not surprising that Abu Tamim offers two *rak'ah* before the *maghrib* prayer? 'Uqba said: We used to do so in the lifetime of the Messenger of Allah peace and blessings be upon him. I asked him - What prevents you from offering it now? He replied: work!

Also (with the *isnād*) to al-Bukhārī:

ثنا محمد بن بشار ثنا محمد بن جعفر عن غندر ثنا شعبة قال سمعت عمرو بن عامر الأنصاري عن أنس بن مالك قال كان المؤذن إذا أذن قام ناس من أصحاب رسول الله صلى الله عليه وسلم - يبتدرون السواري حتى يخرج النبي صلى الله عليه وسلم وهم كذلك يصلون الركعتين قبل المغرب

Muḥammad ibn Bashār narrated to us Muḥammad ibn Ja'far narrated to us from Ghundar, Shu'ba narrated to us he said, I heard 'Amr ibn 'Aāmir al-Anṣārī from Anas ibn Mālīk say: When the *mu'adth'in* pronounced the *Adhan*, some of the companions of the Messenger of Allah peace and blessings be upon him would proceed to the pillars of the *masjid* (for the prayer) till the Prophet peace and blessings be upon him arrived, and in this way they used to pray two *rak'ah* before the *maghrib* prayer.

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا أبو كريب وأبو بكر بن أبي شيبة، كلاهما عن ابن فضيل عن المختار بن فلفل عن أنس بن مالك قال كنا على عهد رسول الله صلى الله عليه وسلم نصلي ركعتين بعد غروب الشمس، فسألت أكان رسول الله صلى الله عليه وسلم يصليهما فقال كان يرانا نصليهما فلم يأمرنا ولم ينهنا

Abdullah ibn Yusuf narrated it to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Abu Kareeb and Abu Bakr ibn Abi Shayba narrated to us, they both narrated from Ibn Fuḍeel from al-Mukhtār ibn Fulful from Anas ibn Mālīk he said: We were at the time of the Messenger of Allah peace and blessings be upon him praying two *rak'ah* after the sunset. So I asked: Did the Messenger of Allah peace and blessings be upon him pray them? He said: He saw us observing them, but he neither commanded us nor forbade us to do so.

Ali said: the Messenger of Allah peace and blessings be upon him does not recognise that except which is the truth and the good. And he didn't see a matter as being disliked except clarifying it as such. And there is no mistake regarding him not issuing a prohibition on this.⁸⁰ Allah the Exalted has said:

لَتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

*That you may make clear to men what has been revealed to them.*⁸¹

Ali said: and he has said with this to the bulk of humanity and it is narrated:

عن عبد الوارث بن سعيد عن عبد العزيز بن صهيب عن أنس بن مالك قال كنا بالمدينة فإذا أذن المؤذن لصلاة المغرب ابتدروا السواري فركعوا ركعتين حتى إن الرجل الغريب ليدخل المسجد فيحسب أن الصلاة قد صليت لكثرة من يصليهما

⁸⁰ There are no mistakes in the *Deen*, the Prophet (peace be upon him) would clarify each matter, whether obligatory, prohibited etc. As shown by the full reading of the verse (16: 44) and other evidences, he was mandated to make clear to people what was being revealed.

⁸¹ *Qur'ān*, 16: 44

From Abdal-Wārith ibn Sa'eed from Abdul-Aziz ibn Şuhayb from Anas ibn Mālīk he said: When we were in Medina, when the *adthān* was said by the *mu'adth'in* for the *maghrib* prayer the people hastened to the pillars of the mosque and prayed two *rak'ahs* with the result that any stranger coming into the mosque would think that the obligatory prayer had been observed owing to the number who were praying then.

Thus, it is (from) the majority of the companions, may Allah be pleased with them all. And it is narrated:

عن عبد الرحمن بن مهدي وعبد الرزاق كلاهما عن سفيان الثوري عن عاصم بن بهدلة عن زر بن حبیش أنه رأى عبد الرحمن بن عوف وأبي بن كعب يصلیان الركعتین قبل صلاة المغرب

From Abdar-Raḥman ibn Mahdi and Abdar-Razzāq, both (reporting) from Sufyān al-Thawri from 'Aāşim ibn Bahdala from Zirr ibn Ḥubaysh that he saw Abdar-Raḥman ibn Auf and Ubay ibn Ka'b pray two *rak'ah* before *ṣalātul-maghrib*.

وقال حماد بن زيد عن عاصم عن زر عن عبد الرحمن وأبي مثل ذلك، وزاد لا يدعانهما

And Ḥammād ibn Zayd said: from 'Aāşim from Zirr from Abdar-Raḥman and Ubay, the same as that and they didn't call others to it.

وعن معمر عن الزهري عن أنس أنه كان يصلي ركعتين قبل صلاة المغرب

And from Ma'mar from Zuhri from Anas: that he was praying two *rak'ah* before *ṣalātul-maghrib*.

وعن عبد الرحمن بن مهدي عن شعبة عن يزيد بن خمير عن خالد بن معدان عن رغبان مولى حبيب بن مسلمة: رأيت أصحاب رسول الله صلى الله عليه وسلم يهبون إلى الركعتين قبل صلاة المغرب كما يهبون إلى الفريضة

And from Abdar-Raḥman ibn Mahdi from Shu'ba from Yazeed ibn Khumayr from Khālīd ibn Ma'dān from Raghbān, *mawla* of Ḥabeeb ibn Maslama: I saw the Companions of the Messenger of Allah peace and blessings be upon him go with the desire of (performing) two *rak'ah* before *maghrib* like the passion they had for the obligatory prayers.

ورويانا عن وكيع عن سعيد بن أبي عروبة عن قتادة عن سعيد بن المسيب: ما رأيت فقيها يصلي الركعتين قبل المغرب إلا سعد بن مالك، يعني سعد بن أبي وقاص

And it is narrated from Waki' from Sa'eed ibn 'Aruba from Qatādah from Sa'eed ibn al-Mussayib: I never used to see a *faqih* (scholar) pray two *rak'ah* before *maghrib* except Sa'd ibn Mālīk, that is to say, Sa'd ibn Abi Waqqāş.

ورويانا من طريق حجاج بن المنهال عن حماد بن سلمة عن داود الوراق عن جعفر بن أبي وحشية:
أن جابر بن عبد الله كان يصلي قبل المغرب ركعتي

And it is narrated from the channel of Hajjāj ibn al-Minhāl from Hammād ibn Salama from Dāwud al-Warrāq from Ja'far ibn Abi Waḥ'sheea: that Jābir ibn Abdullah was praying two *rak'ah* before *maghrib*.

وعن عبد الرحمن بن مهدي عن شعبة عن سليمان بن عبد الرحمن عن راشد بن يسار قال أشهد
على خمسة من أصحاب رسول الله صلى الله عليه وسلم من أصحاب الشجرة أنهم كانوا يصلون
ركعتين قبل المغرب

And from Abdar-Raḥman ibn Mahdi from Shu'ba from Sulaymān ibn Abdar-Raḥman from Rāshid ibn Yassār, he said I witness that five of the companions of the Messenger of Allah, peace and blessings be upon him – (and being) from the companions of the tree, that they were praying two *rak'ah* before *maghrib*.

وعن محمد بن جعفر عن شعبة عن الحكم بن عتيبة: أنه صلى مع عبد الرحمن بن أبي ليلى فكان
يصلي الركعتين قبل المغرب

And from Muḥammad ibn Ja'far from Shu'ba from al-Ḥakam ibn Uyaynah that he prayed with Abdar-Raḥman ibn Abi Layla and he was praying two *rak'ah* before *maghrib*.

وعن وكيع عن يزيد بن إبراهيم سمعت الحسن البصري يسأل عن الركعتين قبل المغرب فقال
حسننتين جميلتين؛ لمن أراد بهما وجه الله تعالى، وبه يقول الشافعي وأصحابنا

And from Waki' from Yazeed ibn Ibrāhim: I heard al-Ḥasan al-Baṣri (reply to a) question about two *rak'ah* before *maghrib*. He said: they are good and beautiful. Whoever intends the face of Allah the Exalted from it, the like of which said by al-Shāfi'i and his companions.

It is not permitted to specify the night of *Jumma* for extra prayers

(The question arises) whether it is permissible to specify (or single out) the night of *Jumma* with additional prayers over other nights?⁸² (Answered) with what (the *ḥadith* in this regard states):

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا أبو كريب ثنا حسين الجعفي عن زائدة عن هشام عن ابن سيرين عن أبي هريرة عن النبي صلى الله عليه وسلم قال لا تختصوا ليلة الجمعة بقيام من بين الليالي وذكر باقي الحديث

Abdullah ibn Yusuf narrated it to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Abu Kareeb narrated to us Ḥussain al-Jufy narrated to us from Zā'ida from Hishām from Ibn Sireen from Abu Hurayrah from the Prophet peace and blessings be upon him, he said: *Do not single out the night (preceding) Friday among the nights for prayer,* and he mentioned the *ḥadith*.⁸³

⁸² No. 287: *al-Muḥalla*, Vol. 2, p. 77

⁸³ Muslim book 6, no. 2546

The Best of Actions

The best of actions are what the Messenger of Allah peace and blessings be upon him did regardless of how great or small they may appear, and that which he was consistent upon.⁸⁴ This is preferred for us to increase upon this (i.e. drawing closer to Allah through following closely the acts of the Prophet peace be upon him) even if the acts may appear more, they cannot be better than those undertaken by the Prophet peace and blessings be upon him. The proof for this is as follows:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ

*Certainly you have in the Messenger of Allah an excellent exemplar.*⁸⁵

He peace be upon him would not leave that which was better.

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج حدثني محمد بن المثنى ثنا عبد الوهاب هو الثَّقَفِيُّ ثنا عبيد الله هو ابن عمر عن سعيد بن أبي سعيد المقبري عن أبي سلمة بن عبد الرحمن عن عائشة أن رسول الله صلى الله عليه وسلم قال يا أيها الناس عليكم من الأعمال ما تطيقون فإن الله لا يمل حتى تملا وإن أحب الأعمال إلى الله ما دووم عليه وإن قل

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Muḥammad ibn Muthanna narrated to me Abdal Wāḥab, he is al-Thaqafī, narrated to us Ubaidallah, he is Ibn Umar, narrated to us from Sa'eed ibn Abi Sa'eed al-Makburi from Abu Salamah ibn Abdar-Raḥman from 'Aisha that the Messenger of Allah peace and blessings be upon him) said: *O people, perform such acts as you are capable of doing, for Allah does not grow weary but you will get tired. The acts most pleasing to Allah are those which are done continuously, even if they are small.*⁸⁶

⁸⁴ No. 288: *al-Muḥalla*, Vol. 2, pp. 77/78

⁸⁵ *Qur'ān* 33: 21

⁸⁶ Muslim book 4 no. 1710

Voluntary prayer in congregation

Ta'tawa'ah (voluntary prayer) in congregation is better than that done individually.⁸⁷ Every *ta'tawa'ah* which is performed in the house is better than that (which is done) in the *masjid*, except that which is prayed in congregation in the *masjid*, for that is better.

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا محمد بن بكر ثنا أبو داود ثنا مسدد ثنا أبو معاوية عن الأعمش عن أبي صالح عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم صلاة الرجل في جماعة تزيد على صلاته في بيته وسوقه خمسا وعشرين درجة

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Musadad narrated to us Abu Mu'āwiya narrated to us from al-'Amash from Abu Ṣāliḥ from Abu Hurayrah, he said the Messenger of Allah peace and blessings be upon him said: *Prayer said by a man in congregation is twenty-five degrees more excellent than prayer said by him alone in his house or in the market.*

And the rest of the *ḥadith* (in this regard). This universally applies whether it is in relation to the obligatory or voluntary prayer. Indeed, it has also been narrated from the channel of Mālik:

عن إسحاق بن عبد الله بن أبي طلحة عن أنس أن جدته مليكة دعت رسول الله صلى الله عليه وسلم لطعام صنعتها فأكل منه، ثم قال قوموا فلأصلي لكم، فقام رسول الله صلى الله عليه وسلم وصفت أنا واليتيم وراءه والعجوز من ورائنا، فصلى لنا رسول الله صلى الله عليه وسلم ركعتين وانصرف

From Ishāq ibn Abdullah ibn Abi Talḥa from Anas that my grandmother Mulayka invited the Messenger of Allah peace and blessings be upon him) for a meal which she had prepared specially for him. He ate some of it and said: *Get up. I shall lead you in the prayer.* Allah's Messenger peace and blessings be upon him stood on it and prayed two *rak`at*; and the orphan was with me (in the first row), and the old lady stood behind us.

⁸⁷ No. 289: *al-Muḥalla*, Vol. 2, pp. 79/82

Indeed, he peace be upon him, led the people in the *masjid* voluntarily when he led them on the pulpit as well as in the house of ‘Atbān ibn Mālīk. Ibn al-Zubayr led the people in *masjid al-ḥarām* with two-*rak’at* after *aṣr* in congregation, Anas also did similarly. And with (the *isnād*) to Abu Dāwūd:

ثنا أحمد بن صالح ثنا ابن وهب أخبرني سليمان بن بلال عن إبراهيم بن أبي النضر عن أبيه عن بسر بن سعيد عن زيد بن ثابت أن النبي صلى الله عليه وسلم قال صلاة المرء في بيته أفضل من صلاته في مسجد إلا المكتوبة

Aḥmad ibn Ṣāliḥ narrated to us Ibn Wahb narrated to us Sulaymān ibn Bilāl reported to me from Ibrāhīm ibn Abi al-Naḍr from his father from Busr ibn Sa’eed from Zayd ibn Thābit that the Prophet peace and blessings be upon him said: *The prayer a man offers in his house is more excellent than his prayer in this mosque of mine except obligatory prayer.*

ورويانا عن عبد الرحمن بن مهدي ثنا سفيان الثوري عن منصور بن المعتمر والنعمان بن قيس، قال منصور عن مجاهد قال لي أبو معمر إذا صليت المكتوبة فارجع إلى بيتك

As narrated from Abdar-Raḥman ibn Mahdi: Sufyān al-Thawri narrated to us from Maṣṣūr ibn Mu’tamir and al-Numān ibn Qays, Maṣṣūr said: From Mujaḥhid (that) he said to me Abu Ma’mar: If you (have) prayed the prescribed prayers, go back to your house.

(And what did) al-Numān ibn Qays say regarding Ubaidallah al-Salmāni and performing the voluntary prayer in the *masjid*?

ورويانا عن ابن المثنى ثنا أبو عاصم الضحاك بن مخلد ثنا سفيان الثوري عن منصور بن هلال بن يساف عن ضمرة بن حبيب عن رجل من أصحاب النبي صلى الله عليه وسلم قال تطوع الرجل في بيته يزيد على تطوعه عند الناس كفضل الجماعة على صلاة الرجل وحده

As narrated from Ibn Muthanna: Abu ‘Aāṣim al-Ḍaḥḥāk ibn Makhaid narrated to us Sufyān al-Thawri narrated to us from Maṣṣūr from Hilāl ibn Yusuf from Ḍamra ibn Ḥabeeb from a man from (amongst) the companions of the Prophet peace and blessings be upon him, he said: *The man performing the voluntary (prayer) in his house has preference over the voluntary (prayer) among the people; similar to the preference of the congregational prayer instead of a man praying alone.*

And (again with the *isnād*) to Ibn al-Muthanna:

ثنا عبد الرحمن بن مهدي ثنا إسرائيل عن عمران بن مسلم قال كان سويد بن غفلة لا يتطوع في المسجد

Abdar-Rahman ibn Mahdi narrated to us Isrā'il narrated to us from 'Imrān ibn Muslim, he said Suwayd ibn Ghaflah didn't pray voluntary prayer in the *masjid*.

ورويانا عن وكيع قال قال سفيان الثوري قال نسير بن ذعلوق ما رأيت الربيع بن خثيم متطوعا في مسجد الحي قط

As narrated from Waki' he said Sufyān al-Thawri said Nusayr Dhuluq said: I didn't see al-Rabeeh' ibn Khuthaym perform the voluntary prayer in the local *masjid*.

وعن وكيع عن الأعمش عن إبراهيم النخعي قال سئل حذيفة بن اليمان عن التطوع في المسجد بعد الفريضة فقال إني لأكرهه؛ بينما هم جميعا إذا اختلفوا

And from Waki' from al-'Amash from Ibrāhim al-Nakha'i, he said: Hudhayfah ibn al-Yamān was asked about the voluntary (prayer) in the *masjid* after the obligatory (prayers). He thus said: I dislike it, although they all disagree regarding it.

وعن حماد بن سلمة عن محمد بن إسحاق عن العباس بن سعد قال أدركت الناس زمان عثمان بن عفان وهم يصلون الركعتين بعد المغرب في بيوتهم

And from Hammād ibn Salama from Muḥammad ibn Ishāq from al-'Abbās ibn Sa'd, he said: In the time of Uthmān ibn Affān people would pray the two *Sunnah* after *maghrib* in their houses.

The *ta'tawa'ah* after Friday and after other prayers, alike to what we have mentioned previously; all that is permissible in the *masjid* too. Abu Ḥanifah and his companions said that all the prayers in the *masjid* are better than those that are not. As for Mālik, he said all of this is better in the *masjid* except what is after *Jummah*, since the *ta'tawa'ah* in the *masjid* after *Jummah* is disliked. Some of his compatriots have mentioned that this was an excuse and a fear in that some of the people of *bid'ah* would delay their prayers and wouldn't like to pray with the Imām's.

Ali said: and this is from the height of corruption in statements, because, the innovator does the like of this in the *masjid* where *Jummah* is prayed for all the rest of the prayers and they are not different. Also, they are able to understand that they would leave their homes and not (pray) there? And what is narrated from the channel of Abu Dāwud (we have the following):

تنا إبراهيم بن الحسن ثنا حجاج بن محمد عن ابن جريج أخبرني عطاء أنه رأى ابن عمر يصلي بعد الجمعة فينماز عن مصلاه الذي صلى فيه الجمعة قليلا غير كثير، فيركع ركعتين ثم يمشي أنفس من ذلك فيصلّي أربع ركعات رأيتُه يصنع ذلك مرارا

Ibrāhīm ibn al-Ḥasan narrated to us Ḥajjāj ibn Muḥammad narrated to us from Ibn Jurayj, ‘Aṭā reported to me that he saw Ibn Umar pray after the Friday prayer. He moved a little from the place where he offered the Friday prayer. Then he would pray two *rak’ah*. He then walked far away from that place and would offer four *rak’ah*; he did that many times.

وعن محمد بن المثنى ثنا المعتمر بن سليمان التيمي قال سمعت عطاء بن السائب يحدث عن أبي عبد الرحمن السلمي قال كان ابن مسعود يعلمنا أن نصلي بعد الجمعة أربعاً فكنا نصلي بعدها أربعاً؛ حتى جاء علي بن أبي طالب فأمرنا أن نصلي بعدها ستاً، فنحن نصلي بعدها ستاً

And from Muḥammad ibn Muthanna: al-Mu’tamir ibn Sulaymān al-Taymi narrated to us he said: I heard ‘Aṭā ibn al-Sā’ib narrated from Abu Abdar-Raḥmān al-Sulaymi he said: Ibn Mas’ud used to teach us to pray four *rak’ah* after *jummah* so we used to pray those four afterwards, until Ali ibn Abi Ṭālib came and ordered that we pray six afterwards, and afterwards we prayed those six.

حدثنا حماد ثنا عباس بن أصبغ ثنا محمد بن عبد الملك بن أيمن ثنا محمد بن إسماعيل الترمذي ثنا الحميدي ثنا سفيان بن عيينة ثنا عمرو بن دينار قبل أن نلقى الزهري عن الزهري عن سالم بن عبد الله بن عمر عن أبيه قال رأيت رسول الله صلى الله عليه وسلم يصلي بعد الجمعة ركعتين

Ḥammām narrated to us ‘Abbās ibn Aṣbagh narrated to us Muḥammad ibn Abdal-Malik ibn Ayman narrated to us Muḥammad ibn Ismā’il al-Tirmidhi narrated to us al-Ḥumaydi narrated to us Sufyān ibn ‘Uyayna narrated to us ‘Amr ibn Dinār narrated to us before we met al-Zuhri; from al-Zuhri from Sālīm ibn Abdullah ibn Umar from his father he said: I saw the Messenger of Allah peace and blessings be upon him pray two *rak’ah* after *Jummah*.

The Best *Witr*

The best type of *witr* is at the end of the night; to break it up into one circuit, *witr* and the *ṣalātul-tahajjud* can be broken up and divided into thirteen different ways (or methods); any which way they are done (they) shall be rewarded.⁸⁸ The most beloved and superior way for us, is that the twelve *rak'ah* should be prayed and *salam* should be given after every two and then a single unit should be prayed (i.e. *witr*) and *salam* made.⁸⁹

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا ابن الأعرابي ثنا أبو داود ثنا القعنبي ثنا مالك بن أنس عن هشام بن عروة عن أبيه عن عائشة أن نبي الله صلى الله عليه وسلم كان يصلي بالليل ثلاث عشرة ركعة، ثم يصلي إذا سمع النداء بالصبح ركعتين خفيفتين

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Ibn al-'Arābi narrated to us Abu Dāwud narrated to us al-Qah'nabi narrated to us Mālik ibn Anas narrated to us from Hishām ibn Urwa from his father from 'Aisha, that the Prophet peace and blessings be upon him used to pray thirteen *rakāt's* during the night; he then offered two light *rakāt's* of prayer when he heard the call to the dawn prayer.⁹⁰

The second method: is that one should pray eight *rak'ah* and make *salam* after each two *rak'ah*; then he should pray five *rak'ah* continuously not sitting between them.

⁸⁸ No. 290: *al-Muḥalla*, Vol. 2, pp. 82/91

⁸⁹ Although not cited by Ibn Ḥazm, there is a narration collected by Abu Dāwud (book 8 no 1417) which has the following regarding *witr*: Abdar-Rahman ibn al-Mubārak narrated to us Quraysh ibn Ḥayyān al-'Ijli narrated to me Bakr ibn Wā'il narrated to us from al-Zuhri from 'Aṭā ibn Yazid al-Laythi from Abu Ayub al-Anṣārī who said that the Messenger of Allah peace and blessings be upon him said: *So if anyone wishes to observe it with five rakāt's, he may do so; if anyone wishes to observe it with three, he may do so, and if anyone wishes to observe it with one, he may do so.* Ibn Rushd argues [*Bidayatul Mujaḥid*, Vol. 1, p. 229] that the truth regarding all such traditions is that one has the choice in the number of *rak'ah* to pray *witr* with, ranging from one to nine.

⁹⁰ *Sunan* Abu Dāwud book 5, no. 1334; the same narration is also in the *Muwaṭṭā'* of Mālik book 7, no. 10

ثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أنا إسحاق بن إبراهيم ثنا عبيدة بن سليمان ثنا هشام بن عروة عن أبيه عن عائشة قالت كان رسول الله صلى الله عليه وسلم يصلي من الليل ثلاث عشرة ركعة، يوتر منهن بخمس ركعات، لا يجلس في شيء من الخمس إلا في آخرهن، ثم يجلس ويسلم

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Ishāq ibn Ibrāhīm narrated to us 'Abda ibn Sulaymān narrated to us Hishām ibn Urwa narrated to us from his father from 'Aisha, she said, that the Messenger of Allah peace and blessings be upon him used to observe thirteen *rakāt* of the night prayer. Five out of them consisted of *witr*, and he did not sit, but at the end (for salutation).⁹¹

Thirdly, one prays ten *rak'ah* making *salam* after every two units and then to make *witr* with one.

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج حدثني حرملة بن يحيى ثنا ابن وهب أخبرني عمرو بن الحارث عن ابن شهاب عن عروة بن الزبير عن عائشة أم المؤمنين قالت كان رسول الله صلى الله عليه وسلم يصلي فيما بين أن يفرغ من صلاة العشاء وهي التي يدعو الناس العتمة - إلى الفجر إحدى عشرة ركعة، يسلم من كل ركعتين ثم يوتر بواحدة

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Ḥarmala ibn Yahya narrated to me Ibn Wahb narrated to us 'Amr ibn al-Ḥārith reported to me from Ibn Shihāb from Urwa ibn Zubayr from 'Aisha, mother of the believers; she said: Between the time when the Messenger of Allah finished the *Eshā'* prayer he used to pray eleven *rak'ah*, uttering the salutation at the end of every two, and observing the *witr* with a single one.⁹²

Fourthly, that one should pray eight *rak'ah* making *salam* after every two and then make *witr* with one. From the channel of Muslim:

حدثنا محمد بن عباد ثنا سفيان بن عيينة ثنا الزهري عن سالم بن عبد الله بن عمر عن أبيه أن رجلاً سأل رسول الله صلى الله عليه وسلم عن صلاة الليل فقال مثنى مثنى فإذا خشيت الصبح فأوتر بركعة

Muḥammad ibn 'Abbād narrated to us Sufyān ibn 'Uyayna narrated to us al-Zuhri narrated to us from Sālim ibn Abdullah ibn Umar from his father that a man asked the Messenger of Allah peace and blessings be upon him about the

⁹¹ These narrations are also found in *Sunan* Abu Dāwud book 5, no. 1333 and Muslim book no. 1604

⁹² Muslim book 4 no. 1603; the same narration is also recorded through different channels in *Sunan* Abu Dāwud and *Sunan* Nasā'i.

night prayer. He said: *It consists of pairs of rak'ah's, but if one fears morning is near, he should make it an odd number by praying one rak'ah.*⁹³

Fifthly, one should pray eight *rak'ah* not sitting at all in any, except in the last of it. When he sits in the last of them he makes *tashahud* then finishes. At the end of the eight he prays the one *rak'ah* and makes *salam* with the last *rak'ah*. From the channel of Muslim, it is recorded:

حدثنا محمد بن المثنى ثنا محمد بن أبي عدي عن سعيد بن أبي عروبة عن قتادة عن زرارة بن أوفى أن سعد بن هشام بن عامر أتى ابن عباس فسأله عن وتر رسول الله صلى الله عليه وسلم فقال له ابن عباس ألا أدلك على أعلم أهل الأرض بوتر رسول الله صلى الله عليه وسلم قال من؟ قال عائشة فذكر سعد أنه دخل على عائشة أم المؤمنين فسألها عن وتر رسول الله صلى الله عليه وسلم وأنها قالت له إنه كان يصلي تسع ركعات، لا يجلس فيها إلا في الثامنة، ثم ينهض ولا يسلم، ثم يقوم فيصلّي التاسعة، ثم يقعد فيذكر الله ويحمده ويدعوه، ثم يسلم تسليماً يسمعا، ثم يصلي ركعتين بعد ما يسلم، وهو قاعد، فلما أسن رسول الله صلى الله عليه وسلم وأخذ اللحم أوتر بسبع؛ وصنع في الركعتين مثل صنيعه الأول

Muḥammad ibn Muthanna narrated to us Muḥammad ibn Abi 'Adi narrated to us from Sa'eed ibn Abi 'Aruba from Qatādah from Zu'rāra ibn 'Auf that Sa'eed ibn Hishām ibn 'Aāmir came to Ibn 'Abbās and asked him about the *witr* of the Messenger of Allah peace and blessings be upon him. Ibn 'Abbās said: Should I not lead you to one who knows best amongst the people of the world about the *witr* of the Messenger of Allah peace and blessings be upon him? He said: Who is it? He (Ibn 'Abbās) said: It is 'Aisha. Sa'd narrated that he came and met Aisha about *witr*. She said that he would offer nine *rak'ah's*, and would not sit but in the eighth one and would remember Allah, and praise Him and supplicate Him, then he would get up without uttering the salutation and pray the ninth *rak'ah*. He would then sit, remember, praise Him and supplicate Him and then utter a salutation loud enough for us to hear. He would then pray two *rak'ah's* sitting after uttering the salutation, and that made eleven *rak'ah's* the Messenger of Allah (peace be upon him) grew old and put on flesh, he observed *witr* of seven, doing in the two *rak'ah's* as he had done formerly.⁹⁴

حدثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أنا عثمان بن عبد الله ثنا عبيد الله بن محمد ثنا حماد عن أبي حرة عن الحسن عن سعد بن هشام عن عائشة أن النبي صلى الله عليه وسلم كان يوتر بتسع ركعات، يقعد في الثامنة؛ ثم يقوم فيركع ركعة

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Uthmān ibn Abdullah reported to us

⁹³ Muslim book 4, no. 1633

⁹⁴ The narration cited is an excerpt of a much longer *ḥadith*, the full text of which can be found in Muslim book 4, no. 1623

Ubaidallah ibn Muḥammad narrated to us Ḥammād narrated to us from Abu Ḥurra from al-Ḥasan from Sa'd ibn Hishām from 'Aisha: that the Prophet peace and blessings be upon him (held) that *Witr* was nine *rak'ah*, sitting in the eighth, then completing with one.

Sixth, according to the statement of the Prophet (peace be upon him) *ṣalātul-layl* (consists of) two and two (units of prayer) etc. and when you fear the coming of the morning, making (*witr*) with one.⁹⁵

Seventh, that he (the Prophet) would pray seven *rak'ah* and he did not sit and make *tashahud* until the sixth in the last of them. Then sit without making *taslim* until the seventh, then he would sit and make *tashahud* and *taslim*.

ثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أخبرني زكرياء بن يحيى ثنا إسحاق أنا معاذ بن هشام الدستوائي ثنا أبي عن قتادة عن زرارة بن أوفى عن سعد بن هشام بن عامر عن عائشة أم المؤمنين أن رسول الله صلى الله عليه وسلم لما كبر وضعف أوتر بسبع ركعات، لا يقعد إلا في السادسة، ثم ينهض ولا يسلم فيصلّي السابعة، ثم يسلم تسليمًا

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us told us Aḥmad ibn Shu'ayb narrated to us Zakariya ibn Yaḥya reported to me Ishāq narrated to us Mu'āth ibn Hishām al-Dastuwā'ee reported to us – my father narrated to us from Qatādah from Zurāra ibn Awfa from Sa'eed ibn Hishām ibn A'āmir from A'isha, mother of the believers that the Messenger of Allah (peace be upon him) when he grew older, prayed *witr* with seven *rak'ah* and did not sit until the sixth. Then he got up and did not say the *taslim*, and prayed the seventh, then he said the *taslim*...⁹⁶

Thereafter, mentioning the rest of the *ḥadith*.

Eighth, involves praying seven *rak'ah* and only to sit in the seventh and then to make *tashahud* and then the *salam*. With what is narrated with the *isnād* of al-Madthkur to Aḥmad ibn Shu'ayb:

أنا إسماعيل بن مسعود الجحدري أنا خالد بن الحارث ثنا سعيد بن أبي عروبة ثنا قتادة عن زرارة بن أوفى عن سعد بن هشام بن عامر أن عائشة أم المؤمنين قالت لما أسن رسول الله صلى الله عليه وسلم وأخذ اللحم صلى سبع ركعات لا يقعد إلا في آخرهن، ثم يصلي ركعتين بعد أن يسلم

Ismā'il ibn Mas'ud al-Jahdari reported to us Khālīd ibn al-Ḥārith reported to us Sa'eed ibn Abi 'Aruba narrated to us Qatādah narrated to us from Zu'rāra ibn 'Awfa from Sa'eed ibn Hishām ibn 'Aāmir from 'Aisha, mother of the

⁹⁵ This is based upon the *ḥadith* which spells this out, though not quoted in full. See: *Sunan Nasā'i* Vol. 2 book 20, no. 1672, Muslim book 4, no. 1647 and Bukhārī Vol. 2 book 16, no. 105

⁹⁶ The narration cited is from a longer *ḥadith*, the full text of which can be found in *Sunan Nasā'i* Vol. 2 book 20 no. 1720

believers that the Messenger of Allah peace and blessings be upon him that when he aged, he used to pray seven units not sitting except in the last of it and then make two *rak'ah* after making *salam*.

Ninth, that one should pray four *rak'ah* to make *salam* after each two, and then to make *witr* with one. This is in accordance with the statement of the Prophet (peace be upon him) to pray them two and two and then pray one.⁹⁷

Tenth, (this is) to pray five *rak'ah* continuously, not sitting and not to make the *tashahud* except in the last of them. With what is narrated with the *isnād* of al-Madthkur to Aḥmad ibn Shu'ayb:

أنا إسحاق بن منصور أنا عبد الرحمن بن مهدي عن سفيان الثوري عن هشام بن عروة عن أبيه
عن عائشة أن النبي صلى الله عليه وسلم كان يوتر بخمس لا يجلس إلا في آخرهن

Ishāq ibn Maṣṣūr reported to us Abdur-Raḥman ibn Mahdi reported to us from Sufyān al-Thawri from Hishām ibn Urwah from his father from ‘Aisha that the Prophet peace and blessings be upon him used to pray *witr* with five and he did not sit except in the last of them.⁹⁸

Ali said: indeed, as some of the *salaf* used to say concerning this, as for what is reported from the channel of Abdar-Razzāq:

عبد الرزاق عن ابن جريج قال أخبرني عطاء، أنه رأى عروة بن الزبير أوتر بخمس أو سبع ما
جلس لمتنى

Abdar-Razzāq from Ibn Jurayj, he said: ‘Aṭā reported to me that he saw Urwa ibn al-Zubayr praying *witr* with five or seven, sitting in the second and fourth.

ومن طريق حماد بن سلمة عن هشام بن عروة قال كذلك يوتر أهل البيت بخمس، لا يجلس إلا في
آخرهن

And from the channel of Ḥammād ibn Salama from Hishām ibn Urwa, he said: like that the *ahlul-bayt* used to pray five, not sitting except in the last of it.

وعن عبد الرزاق عن المعتمر بن سليمان التيمي عن ليث عن عطاء عن ابن عباس أنه قال الوتر
كصلاة المغرب، إلا أنه لا يقعد إلا في الثالثة

And from the channel of Abdar-Razzāq from Mu’tammir ibn Sulaymān al-Taymi from Layth from ‘Aṭā from Ibn ‘Abbās that he said: al-*Witr* is like *ṣalātul-maghrib* except there is no sitting, save for the third.

⁹⁷ As cited above

⁹⁸ *Sunan Nasā’i* Vol. 2 book 20 no. 1718; a similar narration is in Muslim detailing the five for *witr*, again reported from Aisha in book 4 no. 1604.

Ali said: as for the statement attributed to Ibn ‘Abbās, this has not been narrated directly through the Prophet peace and blessings be upon him, so we don’t say that it constitutes a proof in and of itself. **Proof constitutes the statements, the actions and the approvals of the Prophet peace and blessings be upon him only.**

Eleventh method - one should pray three *rak’ah* sitting in the second of them and then come with one *rak’ah*. (As mentioned earlier) the statement of the Messenger of Allah peace and blessings be upon him is that *ṣalātul-layl* (consists of) two and two (units of prayer) etc. and when you fear the coming of the morning, making (*witr*) with one.⁹⁹ This is the statement of Mālik and it has been narrated by some of the people in the following channel by way of al-Awzā’i from al-Muṭṭalib ibn Abdullah:

من طريق الأوزاعي عن المطلب بن عبد الله: أنه سأل ابن عمر عن الوتر؟ فأمره أن يفصل بين الركعتين والركعة بتسليم، فقال له الرجل: إني أخاف أن تكون البتيراء؟ فقال له ابن عمر أتريد سنة رسول الله صلى الله عليه وسلم؟ هذه سنة رسول الله صلى الله عليه وسلم

That he asked Ibn Umar: How should I perform *Witr*? He ordered that it be separated between the two *rak’ah* and a (singular) *rak’ah* with *taslim*. The man said: I am afraid that the people will say that I am cutting the prayer short. Ibn Umar said: Do you want the *Sunnah* of the Messenger of Allah peace and blessings be upon him? This is the *Sunnah* of the Messenger of Allah peace and blessings be upon him.¹⁰⁰

As for the twelfth, one should pray three *rak’ah*; one should pray two, sit in the second and stand without making *salam* and then make the *tashahud* and *salam* in the third like *maghrib*. This was the choice of Abu Ḥanifah, with what is narrated in the following:

حدثناه عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أنا إسماعيل بن مسعود ثنا بشر بن المفضل ثنا سعيد بن أبي عروبة عن قتادة عن زرارة بن أوفى عن سعد بن هشام بن عامر أن عائشة أم المؤمنين حدثته أن رسول الله صلى الله عليه وسلم كان لا يسلم في ركعتي الوتر

Abdullah ibn Rabeeh’ narrated to us Muḥammad ibn Mu’āwiya narrated to us Aḥmad ibn Shu’ayb narrated to us Ismā’il ibn Mas’ud reported to us Bishr ibn al-Mufaḍḍal narrated to us Sa’eed ibn Abi ‘Aruba narrated to us from Qatādah from Zu’rāra ibn ‘Awfa from Sa’eed ibn Hishām ibn ‘Aāmīr that ‘Aisha mother

⁹⁹ *Sunan Nasā’i* Vol. 2 book 20, no. 1672 and Muslim book 4, no. 1647

¹⁰⁰ A version of this narration with slightly different wording can be found in *Sunan Ibn Mājah* Vol. 1 book 5 no. 1176

of the believers told him that the Messenger of Allah peace and blessings be upon him would not say the *taslim* for two *rak'ah* during *witr*.¹⁰¹

Thirteenth, this is just to pray one *rak'ah* for *witr*; this is what Shāfi'i said and Abu Sulaymān and other than them, with what is narrated as follows:

حدثناه حمام بن أحمد ثنا عباس بن أصبغ ثنا محمد بن عبد الملك بن أيمن ثنا بكر بن حماد ثنا مسدد ثنا يحيى هو ابن سعيد القطان ثنا شعبة ثنا قتادة عن أبي مجلز قال سألت ابن عباس وابن عمر عن الوتر؟ فكل واحد منهما قال: سمعت رسول الله صلى الله عليه وسلم يقول ركعة من آخر الليل

Ḥammām ibn Aḥmad narrated it to us 'Abbās ibn Asbagh narrated to us Muḥammad ibn Abdal-Malik ibn Ayman narrated to us Bakr ibn Ḥammād narrated to us Musaddad narrated to us Yahya, he is Ibn Sa'eed al-Qaḥṭān, narrated to us Shu'ba narrated to us Qatādah narrated to us from Abu Mijlaz, he said: I asked Ibn 'Abbās and Ibn Umar, both said: I heard the Messenger of Allah peace and blessings be upon him as saying: (The *witr*) It is a *rak'ah* at the end of the night prayer.¹⁰²

Also, as is reported from the channels of Sa'd ibn Abi Waqqās, Ibn 'Abbās, Mu'āwiya and other than them, they said that *witr* is but a single *rak'ah* only and they didn't increase upon it. Furthermore, this is also confirmed from the *Ameer al-Mu'mineen* Uthmān, Ḥudhayfah, Ibn Mas'ud as well as Ibn Umar.

Ali said: this is what we find sound with us from the Prophet (peace and blessings be upon him) and with Allah is all help and success. It is not correct to claim from the Prophet (peace and blessings be upon him) prohibited the *witr* to be cut short and it is not (found) in the *ḥadith* either. Indeed, as is reported from the channel of Abdar-Razzāq:

عبد الرزاق عن سفيان بن عيينة عن الأعمش عن سعيد بن جبيرة عن ابن عباس الثلاث بتيراء يعني في الوتر؛ فعدت البتيراء على المحتج بالخبر الكاذب فيها

Abdar-Razzāq from Sufyān ibn Uwayna from al-'Amash from Sa'eed ibn Jubayr from Ibn 'Abbās: Three is cut short, that is to say, meaning in the *witr*, to return and dispute this cutting short, is but a false report.

And if they say that it is soundly narrated from the Prophet peace and blessings be upon him, that *ṣalātul-maghrib* is the *witr* of the day, so make your night prayer odd, say: this narration does not indicate that the *witr* of the night is like the *witr* of the

¹⁰¹ *Sunan Nasā'i* Vol. 2 book 20, no. 1699

¹⁰² Muslim book 4 no. 1641 / 1643

day.¹⁰³ This is like someone who takes a false meaning from the words of the Messenger of Allah, peace and blessings be upon him. And if you differ with them in this matter, then reject their statement in this matter. If it was essential for the *awaleen* in this *Ummah*, it would have been found amongst the earliest people and they would pray the three like *maghrib*. This seems to be some kind of *Qiyās* and all *Qiyās* is *bāṭil*!¹⁰⁴

¹⁰³ In the *Muwattaʿ*, Imām Mālik has collected this statement from Ibn Umar, which likens the *witr* to *maghrib*: Yaḥya narrated to me from Mālik from Abdullah ibn Dinār that Abdullah ibn Umar used to say: ‘The *maghrib* prayer is the *witr* of the daytime prayers.’

¹⁰⁴ In other words, void, rejected

(Praying) *Witr* at the end of the night is best

Whoever (prays) *witr* in the first (portion of the night) that is good; and the *ṣalāh* before *witr* is permissible, and not to repeat the *witr* later and not to intercede with a *rak'ah*.¹⁰⁵

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا محمد بن بكر ثنا أبو داود ثنا ابن أبي خلف ثنا أبو زكرياء السيلحيني ثنا حماد بن سلمة عن ثابت البناني عن عبد الله بن أبي رباح عن أبي قتادة أن النبي صلى الله عليه وسلم قال لأبي بكر متى توتر؟ قال أول الليل، وقال لعمر متى توتر؟ قال آخر الليل فقال عليه السلام لأبي بكر: أخذ هذا بالحذر، وقال لعمر: أخذ هذا بالقوة

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Ibn Abi Khalaf narrated to us Abu Zakariā' al-Seelaḥeeni narrated to us Hammād ibn Salama narrated to us from Thābit al-Bunāni from Abdullah ibn Abi Rabāḥ from Abu Qatādah, that the Prophet peace and blessings be upon him said to Abu Bakr: *When do you observe the witr?* He replied: I observe the *witr* prayer in the early hours of the night. He (the Prophet) asked Umar: *When do you observe the witr?* He replied: At the end of the night. He then said to Abu Bakr: *This has followed it with care*; and he said to Umar: *He has followed it with strength*.¹⁰⁶

ثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب ثنا هشام بن عمار عن يحيى هو ابن حمزة قاضي دمشق عن يحيى هو ابن أبي كثير عن أبي سلمة بن عبد الرحمن بن عوف حدثني عائشة أم المؤمنين أن النبي صلى الله عليه وسلم كان يصلي بعد العشاء الآخرة ثمان ركعات، ثم يصلي ركعتين يقرأ فيهما وهو جالس فإذا أراد أن يركع قام فركع، ثم ركع بعد ذلك ركعتي الفجر

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Hishām ibn 'Ammār narrated to us from Yaḥya, he is Ibn Ḥamza, judge of Damascus, from Yaḥya, he is Ibn Abi Kathir from Abu Salama ibn Abdar-Raḥman ibn Auf, (that) 'Aisha mother of the believers narrated to me that the Prophet peace and blessings be upon him used to pray eight *rak'ah* after *Eshā'*. Then he prayed two *rak'ah*, reading in them,

¹⁰⁵ No. 291: *al-Muḥalla*, Vol. 2, pp. 91/93

¹⁰⁶ *Sunan* Abu Dāwud, Book 8, no. 1429

and he was seated - then when he wanted to bow he would stand up, and bow and prostrate, then he prayed a single-*rak'ah* after that, the two *rak'ah* of *fajr*.

Ali said: indeed, as for his statements, peace be upon him – ‘*Make witr as your last prayer at night;*’¹⁰⁷ and ‘*Hasten to observe the prayer of witr before morning.*’¹⁰⁸ It is thus an exhortation with what is between them, from that the *witr* is not *fard*. From his actions peace be upon him when he prayed two *rak'ah* after the *witr* and it was not the two *rak'ah* of *fajr*. And his statement, peace be upon him (as reported) by Abu Hurayrah, that not sleep except after performing *witr*. This is not from the place of *naskh* (abrogation), however all of it is considered permissible, and with Allah the exalted is the greatest attainment.

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا محمد بن بكر ثنا أبو داود ثنا مسدد ثنا ملازم بن عمرو ثنا عبد الله بن بدر عن قيس بن طلق قال زارنا طلق بن علي في رمضان وأمسى عندنا فأفطر ثم قام بنا تلك الليلة وأوتر بنا ثم انحدر إلى مسجده فصلّى بأصحابه، حتى إذا بقي الوتر قدم رجلاً فقال أوتر بأصحابك فإني سمعت رسول الله صلى الله عليه وسلم يقول لا وتران في ليلة

Abdullah ibn Rabeeh narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Musaddad narrated to us Mulāzim narrated to us Abdullah ibn Badr narrated to us from Qays ibn Ṭalq he said: Ṭalq ibn Ali visited us on a certain day during *Ramaḍān*. He remained with us till evening and broke fast with us. He then stood up and led us in the *witr* prayer. He then went to his mosque and led them in prayer. When the *witr* remained, he put forward another man and said: Lead your companions in the *witr* prayer, for I heard the Messenger of Allah (peace be upon him) as saying: *There are no two witr's during one night.*¹⁰⁹

And narrated from Uthmān, may Allah be pleased with him, and others, that he would perform the *witr* with one *rak'ah*, if he wanted to pray. There is no substantive proof other than to the Messenger of Allah peace and blessings be upon him.

¹⁰⁷ Bukhāri Vol. 2 book 16, no. 112

¹⁰⁸ *Sunan* Abu Dāwud book 8, no. 1341

¹⁰⁹ *Sunan* Abu Dāwud book 8, no. 1434

Reading in *Witr* with what is convenient from the Qur'ān

To read in the *witr* (prayer) with what is convenient from the Qur'ān together with the 'mother of the Qur'ān,'¹¹⁰ (what is) read in the three *rak'ah*'s following 'mother of the Qur'ān' is (to begin) with *Glorify the name of your lord, the most high*,¹¹¹ and then with: *Say – oh disbelievers!*¹¹² And then to recite: *Say He is Allah, the one.*¹¹³ It is good to only read the 'mother of the Qur'ān'; as is to read in the *rak'ah* of *witr* the 'mother of the Qur'ān' together with a hundred verses from *al-Nisā'*. And the exalted most high said:

فَاقْرَأُوا مَا تَيْسَّرَ مِنَ الْقُرْآنِ

*Recite what is easy (for you) of the Qur'ān.*¹¹⁴

ثنا عبد الله بن ربيع ثنا عبد الله بن محمد بن عثمان ثنا أحمد بن خالد ثنا علي بن عبد العزيز ثنا الحجاج بن المنهال ثنا حماد بن سلمة عن عاصم الأحول عن أبي مجلز أن أبا موسى الأشعري كان بين مكة والمدينة؛ فصلّى العشاء ركعتين، ثم قام فصلّى ركعة أوترها، وقرأ فيها بمائة آية من النساء وقال ما ألوت أن وضعت قدمي حيث وضع رسول الله صلى الله عليه وسلم وأن أقرأ ما قرأ رسول الله صلى الله عليه وسلم

Abdullah ibn Rabeeh' narrated to us Abdullah ibn Muḥammad ibn Uthmān narrated to us Aḥmad ibn Khālid narrated to us Ali ibn Abdul-Aziz narrated to us al-Ḥajjāj ibn Minhāl narrated to us Ḥammād ibn Salama narrated to us from 'Aāṣim al-Aḥwal from Abu Mijlaz that Abu Musa al-Ash'ari was between Mecca and Medina; he prayed *Eshā'* with two *rak'ahs*, then he stood and prayed one *rak'ah* of *witr* in which he recited one hundred verses from *al-Nisā'*. Then he said: I tried my best to place my feet where the Messenger of Allah peace and blessings be upon him placed his, and to recite what the Messenger of Allah peace and blessings be upon him recited.¹¹⁵

¹¹⁰ No. 292: *al-Muḥalla*, Vol. 2, pp. 93/94

¹¹¹ *Surah* 87

¹¹² *Surah* 109

¹¹³ *Surah* 112

¹¹⁴ *Qur'ān* 73: 20

¹¹⁵ *Sunan Nasā'i*, Vol. 2 book 20, no. 1729

حدثنا عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أنا الحسين بن عيسى ثنا أبو أسامة
ثنا زكرياء بن أبي زائدة عن أبي إسحاق السبيعي عن سعيد بن جبير عن ابن عباس قال كان رسول
الله صلى الله عليه وسلم يوتر بثلاث يقرأ فيهن في الأولى بسم ربك الأعلى، وفي الثانية قل يا
أيها الكافرون وفي الثالثة بقل هو الله أحد

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us
Aḥmad ibn Shu'ayb narrated to us al-Ḥussein ibn Esa reported to us Abu
Usāma narrated to us Zakariā' ibn Abu Zā'ida narrated to us from Abu Ishāq
al-Sabee'ee from Sa'eed ibn Jubayr from Ibn 'Abbās he said: the Messenger of
Allah peace and blessings be upon him used to pray *witr* with three *rak'ah*'s.
In the first he would recite *Glorify the Name of Your Lord, the Most High*; in
the second: *Say: O You disbelievers!* And in the third: *Say: He is Allah, (the)*
*One.*¹¹⁶

¹¹⁶ Ibid, no. 1703

Praying *Witr* seated, standing or riding on a mount

And (in relation to) the person willingly (performing) *Witr* standing or seated without an excuse and upon a mount:¹¹⁷

حدثنا عبد الرحمن بن عبد الله الهمداني ثنا إبراهيم بن أحمد ثنا الفربري ثنا البخاري ثنا إسماعيل بن أبي أويس ثنا مالك عن أبي بكر بن عمر بن عبد الرحمن بن عبد الله بن عمر بن الخطاب عن سعيد بن يسار قال: كنت أسير مع ابن عمر بطريق مكة فخشيت الصبح فنزلت فأوترت، ثم لحقته، فقال ابن عمر: أين كنت؟ فقلت خشيت الصبح فنزلت فأوترت، فقال ابن عمر: أليس لك في رسول الله أسوة حسنة؟ قلت بلى، والله قال فإن رسول الله صلى الله عليه وسلم كان يوتر على راحلته

Abdar-Rahman ibn Abdullah al-Hamdāni narrated to us Ibrāhīm ibn Aḥmad narrated to us al-Farabry narrated to us al-Bukhārī narrated to us Ismā'il ibn Abi Uways narrated to us Mālik narrated to us from Abu Bakr ibn Umar ibn Abdar-Rahman ibn Abdullah ibn Umar ibn al-Khaṭṭāb from Sa'eed ibn Yassār he said: I was going to Mecca in the company of Abdullah ibn Umar and when I apprehended the approaching dawn, I dismounted and offered the *witr* prayer and then joined him. Abdullah ibn Umar said: Where have you been? I replied - I apprehended the approaching dawn so I dismounted and prayed the *witr* prayer. Abdullah said: Isn't it sufficient for you to follow the good example of Allah's Messenger peace and blessings be upon him? I replied, Yes! By Allah! He said: Allah's Messenger peace and blessings be upon him used to pray *witr* on the back of the camel (while on a journey).¹¹⁸

وعن جرير بن حازم سألت نافعاً مولى ابن عمر أكان ابن عمر يوتر على راحلته؟ قال نعم وهل للوتر فضل على سائر التطوع؟

And from Jarir ibn Ḥāzim: I asked Nāfi', *mawla* of Ibn Umar: did Ibn Umar perform *witr* upon his mount? He said yes. Is the *witr* preferred over the other *ta'tawa'ah*?

وعن سفيان الثوري عن ثوير بن أبي فاختة عن أبيه: أن علي بن أبي طالب كان يوتر على راحلته

¹¹⁷ No. 293: *al-Muḥalla*, Vol. 2, pp. 94/96

¹¹⁸ Bukhārī Vol. 2 book 16, no. 113

And from Sufyān al-Thawri from Thawayr ibn Abu Fākhithah from his father that Ali ibn Abi Ṭālīb prayed *witr* upon a mount.

وعن ابن جريج قلت لعطاء: أيوتر الرجل وهو جالس؟ قال نعم

And from Ibn Jurayj, I said to ‘Aṭā: Can one pray *witr* seated? He said yes.

وعن وكيع عن سفيان الثوري عن عبد الله بن أبي السفر عن الشعبي: الوتر لا يقضى، ولا ينبغي تركه؛ وهو تطوع، وهو أشرف التطوع

And from Waki’ from Sufyān al-Thawri from Abdullah ibn Abi al-Safar from al-Sha’bi: the *witr* is not judged, and it should not be left, it is *ta’tawa’ah* and it is an honoured *ta’tawa’ah*.

وعن حماد بن سلمة عن قتادة عن سعيد بن المسيب: الوتر والأضحى: تطوع

And from Ḥammād ibn Salama from Qatādah from Sa’eed ibn Mussayib: *al-witr* and *al-Duḥa* are *ta’tawa’ah*.

Ali said: there is no difference that one can willingly pray that voluntary prayer seated. As for what is reported from the channel of Mālik:

عن ابن شهاب عن السائب بن يزيد عن المطلب بن أبي وداعة السهمي عن حفصة أم المؤمنين قالت ما رأيت رسول الله صلى الله عليه وسلم صلى في سبخته قاعدا حتى كان قبل موته بعام، فكان يصلي في سبخته قاعدا

From Ibn Shihāb from al-Sā’ib ibn Yazeed from al-Muṭṭalib ibn Abu Wadā’a al-Sahmi from Ḥafṣa, mother of the believers, she said: I never saw the Messenger of Allah peace and blessings be upon him praying *nawāfil* sitting, until a year before his death, when he began to pray them sitting.¹¹⁹

¹¹⁹ Mālik *Muwatṭā* book 8, no. 22

Whoever misses the morning prayer due to sleep or forgetfulness

(And what of) the one who misses the morning prayer due to sleep or forgetfulness?¹²⁰ It is a choice for him, if mentioned, even if close or far after the sun has risen, that he begins with the two-*rak'ah* of *fajr*, then lays down, and then completes the morning prayer? And this obligation is upon everyone who misses the prayer by sleep and/or forgetfulness? Then it is mentioned to move away from a particular place to place oneself in another, and if that place is connected to (the former), is there anything more (arising)?

حدثنا عبد الله بن ربيع ثنا عمر بن عبد الملك ثنا محمد بن بكر ثنا أبو داود ثنا موسى بن إسماعيل ثنا أبان هو ابن يزيد العطار ثنا معمر بن الزهري عن سعيد بن المسيب عن أبي هريرة في حديث نوم النبي صلى الله عليه وسلم وأصحابه عن صلاة الصبح حتى طلعت الشمس أن رسول الله صلى الله عليه وسلم قال لهم تحولوا عن مكانكم الذي أصابكم فيه الغفلة فأمر بلالا فأذن وأقام فصلى

Abdullah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Musa ibn Ismā'il narrated to us Abān, he is Ibn Yazeed al-ʿAṭṭār narrated to us Ma'mar narrated to us from al-Zuhri from Sa'eed ibn al-Mussayib from Abu Hurayrah, concerning the *ḥadith* of when the Prophet peace and blessings be upon him, together with his companions, had slept (missing the) morning prayer, until the sun had fully risen; so that the Messenger of Allah peace and blessings be upon him said: *Go away from this place of yours where inadvertence took hold of you.* He then commanded Bilāl who called for prayer.¹²¹

¹²⁰ No. 342: *al-Muḥalla*, Vol. 2, pp. 231/234. This issue or enquiry is opened by Ibn Ḥazm as a series of questions that he then proceeds to address.

¹²¹ After citing the tradition in his *Sunan*, Abu Dāwud said: 'This tradition has been narrated by Mālik, Sufyān ibn Uyayna, al-Awzā'i, and Abdar-Razzāq from Ma'mar and Ibn Ishāq, none of them made a mention of the call for prayer in this version of the tradition narrated by al-Zuhri, and none of them attribute (this tradition) to him except al-Awzā'i and Abān al-ʿAṭṭār on the authority of Ma'mar.' The longer *ḥadith* cited before that is under the chapter: 'Whoever sleeps through the prayer (time) or forgets (to pray). That narration provides the context of this occurrence with the return journey from the battle of Khaybar.

حدثنا عبد الله بن ربيع ثنا محمد بن إسحاق القاضي ثنا ابن الأعرابي ثنا محمد بن إسماعيل الصائغ ثنا عبد الله بن يزيد المقرئ ثنا الأسود بن شيبان ثنا خالد بن سمير ثنا عبد الله بن رباح ثنا أبو قتادة الأنصاري قال بعث رسول الله صلى الله عليه وسلم جيش الأمراء؛ فلم توقظنا إلا الشمس طالعة، فقمنا وهلين لصلاتنا، فقال النبي صلى الله عليه وسلم رويدا رويدا حتى تعالت الشمس، قال رسول الله صلى الله عليه وسلم من كان منكم يركع ركعتي الفجر فليركعهما؟ فقام من يركعهما ومن لم يكن يركعهما، ثم أمر رسول الله صلى الله عليه وسلم أن ينادى بالصلاة فيؤذن لها فقام رسول الله صلى الله عليه وسلم فصلى بنا

Abdullah ibn Rabeeh' narrated to us Muḥammad ibn Ishāq al-Qāḍi narrated to us Ibn al-'Arābi narrated to us Muḥammad ibn Ismā'il al-Ṣā'igh narrated to us Abdullah ibn Yazeed al-Muqri narrated to us al-Aswad ibn Shaybān narrated to us Khālīd ibn Sameer narrated to us Abdullah ibn Rabbāḥ narrated to us Abu Qatādah al-Anṣārī narrated to us, he said: The Messenger of Allah peace and blessings be upon him sent a military expedition consisting of the chief companions. Nothing awakened us except the rising sun. We stoop up in bewilderment, for our prayer. The Prophet peace and blessings be upon him said: *'Wait a little, wait a little,'* until the sun had arisen upon him. He the Messenger of Allah peace and blessings be upon him said: *'Those among you keen to observe the two rak'ah [sic. Sunnah] of fajr [prayer] should observe them.'* Then those who used to observe and those who would not observe stood up and said prayer. Those who used to observe and those who would not observe stood up and said prayer. Then, the Messenger of Allah peace and blessings be upon him said commanded to call for prayer; the call for prayer was made accordingly. Thereafter, the Messenger of Allah peace and blessings be upon him, stood and led us in prayer.¹²²

The *ḥadith* mentions? Ali said: If it is said – there is no mention (here) of laying down in this report? We say, in reply: the narrator may be silent about the matter, just as the narrator is silent about (the need to perform) the *wuḍu'* (ablution); as well as what else is necessary (for performance of the prayer), like the *takbir ihrām* (opening *takbir*), the (end) *salām*, and other than that. This report may be before he, peace be upon him, had instructed (the companions) to lay down? Indeed, not all requisite *Sunnah*'s are mentioned in a solitary *ḥadith*, not (all) in one verse, or (even) in one *Surah*. Justification of which is in all the *Shari'ah* in such a manner, its first to the latter, and not from that with anything other; (having some) aspects of silence arising therefrom in many *aḥādith* and many *ayāt*.

Everyone who makes excuses (justifying an alternate position) regarding the command of the Messenger of Allah peace and blessings be upon him to make the

¹²² A version of this tradition also appears in the *Sunan* of Abu Dāwud, again under the same chapter heading [Whoever sleeps through the prayer (time) or forgets (to pray)].

adthān for the prayer that was forgotten (missed); his order to pray the two *rak'ah* (*Sunnah*) of *fajr* prior to the obligatory prayer, and his peace be upon him order to not hasten and withdraw, with what he peace and blessings be upon him him did not say, has cast a lie upon the Messenger of Allah peace and blessings be upon him, saying that which he did not say. Casting a lie to the Messenger of Allah peace and blessings be upon him (with what) he did not say, is slander without knowledge - let he who does so take his seat in the fire.¹²³ Indeed, it was mentioned of the provision of *adthān*, praying the two-*rak'ah* before that - (as narrated from) Ḥammād from Thābit from Abdullah ibn Rabbāḥ from Abu Qatādah? If it is said, indeed, some of the wording relating to this report have been narrated that he, peace be upon him, said to the companions at the time:

من أدرك منكم صلاة الغداة فليقض معها مثلها

*If any one of you gets the morning prayer tomorrow at its proper time, he should offer a similar prayer as an atonement.*¹²⁴

(In reply) we would say, yes. Such wording has been narrated, and yet it has (also) been narrated:

ليصلها أحدكم من الغداة لوقتها

To establish the prayer the following day at its correct time.

فإذا سها أحدكم عن الصلاة فليصلها إذا ذكرها ومن الغد للوقت

*If any of you forget saying prayer, he should offer it when he remembers it and next day (he should say it) at its proper time.*¹²⁵

¹²³ Though not referenced, the wording is from multiple *aḥādīth* on this matter. For example, as narrated by al-Bukhārī: Makki ibn Ibrāhīm narrated to us he said Yazeed ibn Abi 'Ubayd narrated to us from Salamah, he said I heard the Prophet peace and blessings be upon him saying: 'Whoever (intentionally) ascribes to me what I have not said then (surely) let him occupy his seat in the fire.'

¹²⁴ A small citation from the end of a tradition appearing in *Sunan* Abu Dāwud, again under the same chapter heading [Whoever sleeps through the prayer (time) or forgets (to pray)].

¹²⁵ Reported in the *Sunan* of Abu Dāwud as well as Ibn Mājah, though Ibn Ḥazm hasn't cited the opening sentence: 'There is no negligence in sleep. The negligence is in wakefulness,' having mentioned that earlier (here) with the full narrative from al-Nasā'i on page 17. In the *Sunan* of Tirmidhi, the following tradition is recorded: Qutayba narrated to us Ḥammād ibn Zayd narrated to us from Thābit al-Bunāni from Abdullah ibn Rabbāḥ al-Anṣārī from Abu Qatādah, he said: They mentioned to the Prophet peace and blessings be upon him about (the occasion) when they slept through the prayer (time). He thus said: 'There is no negligence in sleep, negligence is only while one is awake. So, when one of you forgets a prayer, or sleeps through it, then let him pray it when he remembers it.'

It is narrated: ‘That they said, O Messenger of Allah, do we undertake it at its appointed time from tomorrow?’ And that they said: ‘Shall we not pray such and such a prayer?’ He said: ‘*Allah does not forbid you from usury and then accept it from you.*’¹²⁶ All of this is *Ṣaḥīḥ*, its meaning agreed upon. Rather, it is made up of these words:

من أدرك منكم صلاة الغداة فليقض معها مثلها

He said: *If any one of you gets the morning prayer tomorrow at its proper time, he should offer a similar prayer as an atonement.*¹²⁷

If it is hope, then there is no problem in it. This is because the pronoun in the Arabic language refers to the next day, not to the prayer. That is, let him make up with the morning prayer like this one that he prays, without adding to it, in other words, to let him perform what is required of prayer as he has done every day. All the words agree upon one meaning, it is not permissible to (conjecture) otherwise.

And with Allah the Almighty is the highest attainment.

¹²⁶ See: al-Suyūṭī, *Sharḥ Sunan al-Nasā’i* [Vol. 1, no. 617]

¹²⁷ Op. Cit. *Sunan* Abu Dāwūd.

The ‘Middle Prayer’?

The ‘*Ṣalātul-Uṣṭā*’ (the middle prayer), is *al-‘Aṣr* and the people have disagreed regarding that.¹²⁸ It is authentically reported from Zayd ibn Thābit and Usāma ibn Zayd, that it is *al-Zhur*; it is also reported from Abu Sa’eed al-Khudri. (Similar) is also reported from ‘Aisha, mother of the believers, Abu Hurayrah and Ibn Umar, with disagreement amongst them. It is also narrated from several of the companions of the Prophet peace be upon him. And from Abu Musa al-Ashari that it is *ṣubḥ*’ (*fajr*) and from Ibn ‘Abbās, Ibn Umar and with disagreement amongst them. It is reported that what Ali narrated isn’t correct?

And it is the statement of Ṭāwus, ‘Aṭā, Mujāhid and Ikrima; it is the statement of Mālik. From amongst some of the companions, may Allah be pleased with them, (mentioned) that it is *maghrib*; is also reported from the channel of Qatādah from Sa’eed ibn al-Musayyib. It is mentioned from some of the scholars that he said it is *al-‘Atma*. Coming from the majority, that it is *al-‘Aṣr*?

With what is reported with an authentic *isnād* from Zayd ibn Thābit, he said:

عن زيد بن ثابت بإسناد صحيح قال كان رسول الله صلى الله عليه وسلم يصلي الظهر بالهجرة، والناس في قائلتهم وأسواقهم، ولم يكن يصلي وراء رسول الله صلى الله عليه وسلم إلا الصف والصفان، فأنزل الله تعالى حافظوا على الصلوات والصلوة الوسطى فقال رسول الله صلى الله عليه وسلم لينتهين أقوام أو لأحرقن بيوتهم

The Messenger of Allah peace be upon him used to offer the *Zuhr* prayer in midday heat, and people were in their markets. They did not pray behind the Messenger of Allah peace and blessings be upon him, except one and two rows. So Allah the Exalted revealed: *Guard strictly your prayers, especially the middle prayer.*¹²⁹ So, the Messenger of Allah peace and blessings be upon him said: *People should desist* (for failing to attend the congregation), *or I’ll burn their houses down.*

¹²⁸ No. 505: *al-Muḥalla* Vol 3, pp. 169/180

¹²⁹ *Qur’ān*, 2: 238

Prior to that Zayd ibn Thābit said: there are two prayers before it and two prayers after it. Ali said: this is not a clear statement that it is *al-zhur*. Those who said that it is the *maghrib* prayer, insisted that the first of the prescribed prayers was *al-zhur*. That being the first and with that, this is considered the first, and after it, *al-‘aṣr*; two-prayers for the day. So *maghrib* is the ‘*uṣṭa*,’ and that some of the *fuqahā* didn’t make it except for a single-time?

Ali said: this has no proof within any of this, because (the prayers) are always numbered five. The third, being the middle of them, *al-uṣṭa*; whoever has thus made it one time has made a mistake, as the authentic text has it multiple times like other prayers? We don’t know regarding those who had said that it is (relating to) *al-‘atma*, thus not an argument that can be worked with. There are those who have said that it is the *subḥ* (morning), which is prayed in the darkness of the night and the whiteness of the morning! Ali said: and this is nothing. because *maghrib* shares it in this regard, and not in that it is also a statement that one of them is the *uṣṭa* prayer.

And they said, it is authentically established from the Messenger of Allah peace blessings be upon him that he said: ‘*And whoever prayed the morning prayer in congregation, it was as if he prayed the whole night, whoever observed the Eshā’ prayer in congregation, it was as if he prayed up to midnight.*’¹³⁰

Ali said: This is not a preference upon *al-Zhur*, neither upon *al-‘Aṣr* or *al-Maghrib*, but only in reference to *al-‘Atma* only. It is not in this statement that it is in relation to ‘*al-Ṣalātul-Uṣṭa*,’ as authentically established from the Prophet peace be upon him: ‘*He who missed his afternoon prayer it is as though he was deprived of his family and property.*’¹³¹ And they mentioned the statement of the Messenger of Allah peace and blessings be upon him: ‘*Angels keep on descending from and ascending to the Heaven in turn, some at night and some by daytime, and assembling together at the time of the fajr and ‘aṣr prayers.*’¹³²

Ali said: (Denoting) that it is a share in this ‘*aṣr*’ prayer and not in this statement that one of these is relating to *al-Ṣalātul-Uṣṭa*. Similarly, is the statement where he peace be upon him said: ‘*If you can avoid missing a prayer before the rising of the sun and before its setting, you must do so;*’¹³³ and ‘*Whoever observes the badrayn will enter Jannah,*’¹³⁴ and there is no difference.

They have mentioned the words of Allah, the Almighty (where He states):

وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا

¹³⁰ Recorded across many collections including *Ṣaḥīḥ* Muslim and *Musnad* Aḥmad

¹³¹ Cited across most *Ṣaḥīḥ* and *Sunan* collections.

¹³² Ibid.

¹³³ Cited by al-Bukhārī in his *Ṣaḥīḥ* in several places. Also within many of the *Sunan* collections.

¹³⁴ Cited across most *Ṣaḥīḥ* and *Sunan* collections, including Bukhārī and Muslim; the ‘*badrayn*’ referring to the *fajr* and ‘*aṣr*’ prayers, often translated into English as being the ‘two cool times.’

*And [recite] the Qur'ān at dawn— dawn recitation is always witnessed.*¹³⁵

Yet this verse is not expounding what is referred to as the ‘*al-Uṣṭa*,’ because the Almighty has ordered something other than this within the verse, and other than the *ṣubḥ* (morning) prayer, just as He had ordered the prayer (for this time) where He the Almighty said:

أَقِمِ الصَّلَاةَ لِذُلُوكِ الشَّمْسِ إِلَى غَسَقِ اللَّيْلِ وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا

*Perform the regular prayers in the period from the time the sun is past its zenith till the darkness of the night, and [recite] the Qur'ān at dawn— dawn recitation is always witnessed.*¹³⁶

With the order being all one and the same. It is (also) true that the *malā'ika* (angels) alternate between the morning and the afternoon, so the Qur'ān recited therein is also witnessed, just as at dawn, and there is no difference. (And it is) not (solely) in relation to where He the Almighty has said:

وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا

*And [recite] the Qur'ān at dawn— dawn recitation is always witnessed.*¹³⁷

An evidence that the Qur'ān is witnessed other than at *fajr* from the prescribed prayers is not witnessed – Allah forbid that. Rather, all of it is duly witnessed without a shred of doubt. They further contend that it is the hardest of the prayers for the worshippers, particularly in winter, with the cold and in the summer, (the difficulty of) sleeping, with the short nights.

Ali said: and this (position) has no evidential basis whatsoever originally that it relates to ‘*al-Uṣṭa*,’ and *al-zhur*, noon, (when) it is very hot, so that the most difficult of prayers are that, as what Zayd ibn Thābit said. (In the round), this is all that they have marshalled as evidence, and yet there is no evidential basis to any of it, rather they are built upon false assumptions; as the Almighty has clearly said:

إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

*They have no knowledge to base this on: they merely follow guesswork. Guesswork is of no value against the truth.*¹³⁸

¹³⁵ Qur'ān, 17: 78

¹³⁶ Qur'ān, 17: 78, citation of the verse in full.

¹³⁷ Ibid.

¹³⁸ Qur'ān, 53: 28

He peace be upon him said: ‘*Avoid suspicion, for suspicion is the most false form of speech.*’ It is not lawful to mention about the will of Allah the Almighty basing such upon conjecture, false assumptions, (or) lies, may Allah preserve us from that.

There are some that have said, we will make every prayer ‘*al-Uṣṭa*’! Ali said: This is not permissible because Allah the Almighty specified this as being an attribute of a prayer. It is not lawful to make this upon more than one (prayer) and not upon other than what Allah the Almighty has intended. Doing so what would attributing a lie to Allah the Almighty. Whomsoever should do that after proof has been appropriately established would be deemed a liar against Allah the Almighty. Concerning the intention behind Allah the exalted designating the *Ṣalātul-Uṣṭa*, it is obliged to adhere to that which is elicited from the Messenger of Allah peace and blessings be upon him and not from other than him.

وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

*We have sent down the message to you too so that you can explain to people what was sent for them.*¹³⁹

Hence, we looked in relation to that (this issue) and we found that it has been narrated to us:

حدثنا عبد الرحمن بن عبد الله ثنا إبراهيم بن أحمد ثنا الفربري ثنا البخاري ثنا عبد الله بن محمد هو المسندي وعبد الرحمن ثنا يحيى بن سعيد هو القطان وقال المسندي: ثنا يزيد، ثم اتفق يزيد ويحيى قالا: أنا هشام هو ابن حسان - عن محمد بن سيرين عن عبيدة السلماني عن علي قال قال رسول الله صلى الله عليه وسلم - يوم الخندق: شغلونا عن الصلاة الوسطى حتى غابت الشمس، ملأ الله قبورهم وبيوتهم أو أجوافهم نارا

Abdar-Rahman ibn Abdullah narrated to us Ibrāhim ibn Aḥmad narrated to us al-Farabry narrated to us al-Bukhārī narrated to us Abdullah ibn Muḥammad he is al-Musnadi and Abdur-Rahman narrated to us Yaḥya ibn Sa’eed, he is al-Qaḥṭān narrated to us and al-Musnadi said: Yazeed narrated to us, then concurring (with) Yaḥya and Yazeed, they said: Hishām, he is Ibn Ḥassān narrated to us from Muḥammad ibn Sireen from ‘Abida al-Salmāni from Ali, he said the Messenger of Allah peace and blessings be upon him said on the day of *Khandaq*: *They have prevented us from offering the Ṣalātul-Uṣṭa till the sun had set, may Allah fill their houses and graves with fire – or their bellies with fire.*

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا محمد بن المثنى ثنا محمد بن جعفر وابن أبي عدي قالا: ثنا شعبة قال:

¹³⁹ *Qur’ān*, 16: 44. For context, a wider portion of the verse is quoted than in the original text.

سمعت قتادة عن أبي حسان هو مسلم الأجرد عن عبيدة السلماني عن علي قال قال رسول الله صلى الله عليه وسلم يوم الأحزاب: شغلونا عن الصلاة الوسطى حتى آبت الشمس، ملأ الله بيوتهم وقبورهم ناراً

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Muḥammad ibn Muthanna narrated to us Muḥammad ibn Ja'far and Ibn 'Adi narrated to us they said: Shu'ba narrated to us he said I heard Qatādah from Abu Ḥassān he is Muslim al-Ajrad from 'Abida al-Salmāni from Ali he said: the Messenger of Allah peace be upon him said on the day of al-Aḥzāb : *They have prevented us from offering the Ṣalātul-Uṣṭa till the sun had set, may Allah fill their houses and graves with fire.*

This is the wording of Ibn 'Adi, in the wording of Muḥammad ibn Ja'far: 'their graves,' or 'their houses,' or 'their stomachs with fire.'

حدثنا يحيى بن عبد الرحمن بن مسعود ثنا أحمد بن دحيم ثنا إبراهيم بن حماد ثنا إسماعيل بن إسحاق ثنا محمد بن أبي بكر المقدمي ثنا يحيى بن سعيد القطان وعبد الرحمن بن مهدي ثنا سفيان الثوري عن عاصم بن أبي النجود عن زر بن حبيش قال: قلت لعبيدة: سل علياً عن الصلاة الوسطى فسأله، فقال: كنا نراها صلاة الفجر، حتى سمعت رسول الله صلى الله عليه وسلم يقول يوم الأحزاب: شغلونا عن الصلاة الوسطى صلاة العصر، ملأ الله قلوبهم وأجوافهم أو بيوتهم ناراً

Yahya ibn Abdur-Raḥman ibn Mas'ud narrated to us Aḥmad ibn Duḥaym narrated to us Ibrāhīm ibn Ḥammād narrated to us Ismā'il ibn Ishāq narrated to us Muḥammad ibn Abi Bakr al-Miqdami narrated to us Yahya ibn Sa'eed al-Qaḥṭān and Abdur-Raḥman ibn Mahdi narrated to us Sufyān al-Thawri narrated to us from 'Aāṣim ibn Abi al-Najud from Zirr ibn Ḥubaysh he said: I said to 'Abida: Asking Ali about the Ṣalātul-Uṣṭa, he said: We saw it as being the ṣalātul-fajr, until I heard the Messenger of Allah peace and blessings be upon him saying on the day of al-Aḥzāb: *They have prevented us from offering the Ṣalātul-Uṣṭa - Ṣalātul-'Aṣr, may Allah fill their hearts, bodies (or) their houses with fire.*

Ali said: It is also reported from the channel of Ḥammād ibn Zayd from Aāṣim ibn Bahdala from Zirr from Ali ibn Abi Ṭālib from the Prophet peace and blessings be upon him. And it is also reported from the channel of Muslim from Abu Bakr ibn Abi Shayba, Zuhayr ibn Ḥarb and Abu Kareeb, they said: Abu Mu'āwiya narrated to us from al-'Amash from Abu al-Duḥa from Shuteer ibn Shakl from Ali from the Prophet peace be upon him. Shuteer is a *Tābi'* and is *thiqa* (trustworthy). His father was one of the companions and he heard from Ali. It is also reported from (other) channels. Hence, these are demonstrable reports that cannot be departed from and it

is the statement found from the majority of the *salaf*, as will be detailed after this, God-willing.

Ali said: some of the dissenters have offered up the following by mentioning what is narrated from the channel of Ibn Jurayj:

ابن جريج عن نافع أن حفصة أم المؤمنين كتبت بخط يدها في مصحفها حافظوا على الصلوات
والصلاة الوسطى وصلاة العصر وقوموا لله قانتين

Ibn Jurayj from Nāfi': that Hafsa, mother of the believers, wrote with her own handwriting in her *muṣḥaf*: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa* (the middle prayer) *and al-Ṣalātul - 'Aṣr, and stand up truly obedient to Allah.*

And with what has been narrated from Abdar-Razzāq:

عن عبد الرزاق عن داود بن قيس عن عبد الله بن رافع: أن أم سلمة أم المؤمنين أمرته أن ينسخ
لها مصحفاً، وأمرته أن يكتب فيه إذا بلغ إلى هذا المكان حافظوا على الصلوات والصلاة الوسطى
وصلاة العصر وقوموا لله قانتين

From Abdar-Razzāq from Dāwud ibn Qays from Abdullah ibn Rāfiḥ' that Umm Salamah, mother of the believers ordered him that he should make a copy of the *muṣḥaf* for her, ordering him to write in its place this: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa* (the middle prayer) *and al-Ṣalātul - 'Aṣr, and stand up truly obedient to Allah.*

وعن مالك عن زيد بن أسلم عن الققعاع بن حكيم عن أبي يونس مولى عائشة أم المؤمنين أنها
أملت عليه في مصحف كتبه لها: حافظوا على الصلوات والصلاة الوسطى وصلاة العصر وقوموا
لله قانتين وقالت سمعتها من رسول الله صلى الله عليه وسلم

From Mālik from Zayd ibn Aslam from al-Qā'qā' ibn Ḥakeem from Abu Yunus, *mawla* of 'Aisha, mother of the believers, that she dictated it in the *muṣḥaf* written for her: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa* (the middle prayer) *and al-Ṣalātul - 'Aṣr, and stand up truly obedient to Allah.* She said: I heard it from the Messenger of Allah, peace and blessings be upon him.

وعن حماد بن سلمة عن هشام بن عروة عن أبيه كان في مصحف عائشة أم المؤمنين حافظوا
على الصلوات والصلاة الوسطى وصلاة العصر وقوموا لله قانتين

And from Ḥammād ibn Salama from Hishām ibn 'Urwa from his father, and it was in the *muṣḥaf* of 'Aisha, mother of the believers, *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa* (the middle prayer) *and al-Ṣalātul - 'Aṣr, and stand up truly obedient to Allah.*

وعن يحيى بن سعيد القطان عن شعبة عن أبي إسحاق عن هبيرة بن يريم سمعت ابن عباس يقول حافظوا على الصلوات والصلوة الوسطى و صلاة العصر

And from Yahya ibn Sa'eed al-Qahtān from Shu'ba from Abu Ishāq from Hubayra ibn Yareem, I heard Ibn 'Abbās saying: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa (the middle prayer) and al-Ṣalātul - 'Aṣr.*

وعن إسرائيل عن عبد الملك بن عمير عن عبد الرحمن بن أبي ليلى قال: كان أبي بن كعب يقرأها على الصلوات والصلوة الوسطى و صلاة العصر

And from Isrā'il from Abdal-Malik ibn Umayr from Abdar-Raḥman ibn Abi Layla he said: Ubay ibn K'ab was reading it: *'prayers especially al-Ṣalātul-Uṣṭa (the middle prayer) and al-Ṣalātul - 'Aṣr.*

(Yet) they said: this is an indication that it is not *ṣalātul-'aṣr*? Ali said: This objection is the height of corruption, because all of it *is not* emanating from the Messenger of Allah peace and blessings be upon him. But it is *mawqūf* upon Hafṣa, Umm Salamah and 'Aisha, mothers of the believers and Ibn 'Abbās and Ubay ibn K'ab; this is the report from 'Aisha only. It is not permissible to oppose the text of the words from the Messenger of Allah peace and blessings be upon him, with the words of others. If they forget these *riwayāt*, it is said unto them: this *riwayāt* is false and all of it isn't permissible.

Then we say unto them, it is of a surprise that you would protest at the idea of this addition, thereby agreeing with us. Clearly it is not lawful for anyone to undertake the reading like this, and neither to write it as such within his respective *muṣḥaf*, given that the explanation as set out by the narratives are not considered as being substantive proof, as it is from other than the Messenger of Allah peace and blessings be upon him. From other than him, there is no standing proof.

(That is) because Allah the Almighty did not issue a command that when there is a dispute arising, it can be referred to *other* than His Book and the *Sunnah* of the Messenger of Allah, peace and blessings be upon him. By reference to anyone else is disobedience to Allah the Almighty and a violation of His command. That should be considered sufficient proof. Then for another (proof), and it is this: that the narratives have been contradicted by other companions who have been mentioned, and that provides all that is required regarding the meaning of the addition made in such narratives. And that is what we have narrated of the report of Umm Salamah from the channel of Waki':

من طريق وكيع عن داود بن قيس عن عبد الله بن رافع أن أم سلمة أم المؤمنين كتبت مصحفا فقالت اكتب حافظوا على الصلوات والصلوة الوسطى صلاة العصر

Waki: from Dāwud ibn Qays from Abdullah ibn Rāfiḥ' that Umm Salamah, mother of the believers wrote a *muṣḥaf* and she said: Write: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa al-Ṣalātul - 'Aṣr.*

So, it is written without the *wāw* (and)? As for the report of Ibn 'Abbās, it is narrated from the channel of Waki':

وكيع عن شعبة عن أبي إسحاق السبيعي عن هبيرة بن يريم قال سمعت ابن عباس يقول حافظوا على الصلوات والصلوة الوسطى صلاة العصر

Waki: from Shu'ba from Abu Ishāq al-Sabee'e from Hubayra ibn Yuraym, he said I heard Ibn 'Abbās saying: *Guard strictly your prayers, especially al-Ṣalātul-Uṣṭa al-Ṣalātul - 'Aṣr.*

So, (again, written) without the *wāw* (and)? There is disagreement (of) Waki' and Abdar-Razzāq upon Dāwud ibn Qays in relation to the *ḥadīth* of Umm Salamah. And disagreement of Waki' and Yaḥya upon Shu'ba in relation to the *ḥadīth* of Ibn 'Abbās; Waki' without Yaḥya and besides Abdar-Razzāq? As for the report of Ubay ibn Ka'b, it is narrated from the channel of Ismā'il ibn Ishāq from Muḥammad ibn Abi Bakr from Majlub Abi Ja'far from Khālīd al-Ḥuzthā from Abu Qilābah he said regarding the reading of 'Ubay ibn Ka'b *'al-Ṣalātul-Uṣṭa al-Ṣalātul - 'Aṣr,*' this isn't without the first narrative and he also differed upon 'Ubay ibn Ka'b in relation to this.

As for the report of 'Aisha, it is narrated from the channel of Abdar-Raḥman ibn Mahdi from Abi Sahl Muḥammad ibn 'Amr al-Anṣārī from Muḥammad ibn Abi Bakr from 'Aisha, mother of the believers, that she had said: *'Ṣalātul-Uṣṭa al-Ṣalātul - 'Aṣr'*? This is the most authentic narration reported on the authority of 'Aisha, Abu Sahl Muḥammad ibn 'Amr al-Anṣārī is *thiqa* (trustworthy), Ibn Mahdi, Waki', Ma'mar Abdullah ibn al-Mubārak, and others have narrated from him. Being attached to what has been mentioned previously, given some of what has been narrated from those that have been mentioned isn't more important than others. Rather, it is necessary to refer to only what was authentically established from the Messenger of Allah peace and blessings be upon him in relation to that.

And we have mentioned that it is not authentically established from him, peace be upon him, except that *'al-Ṣalātul-Uṣṭa* is *al-Ṣalātul - 'Aṣr'*? If it is said: how you do therefore contend that in these narratives that were reported from Ḥafṣa, 'Aisha, Umm Salamah, Ubay and Ibn 'Abbās, which in it there is *and 'al-Ṣalātul - 'Aṣr'*? as well as being reported from them *Ṣalātul - 'Aṣr'* without the *wāw* (and)? Ḥafṣa forbid - and how do you say about using this reading with the addition, when such is not permissible to be read like that today? In response, we reply, that all success and attainment is by Allah the Exalted. That those who may think that the narration differs in relation to that, (yet) there is no difference. Rather, the meaning concerning

that with a *wāw*, and with it being dropped, lowers the attribute upon the attribute, it is not permissible otherwise.¹⁴⁰ Like what Allah the Almighty has said:

وَلَكِنْ رَسُولُ اللَّهِ وَخَاتَمُ النَّبِيِّينَ

*But he is the Messenger of Allah and Seal of Prophethood.*¹⁴¹

The Messenger of Allah peace and blessings be upon him *is* the Seal of Prophethood. Like what you say, ‘honour your brothers, and Abu Zayd is al-Kareem and al-Haseeb, Abu Zayd is the brother of Muḥammad, for Abu Zayd is al-Haseeb, and he is the brother of Muḥammad.’ His saying: ‘and *Ṣalātul-‘Aṣr*’ is an explanation of *al-Ṣalātul-Uṣṭa* - the middle prayer, which is the middle one, and it is the - ‘*Aṣr*’ prayer. As for where he, peace be upon him, said: ‘*They have prevented us from offering the Ṣalātul-Uṣṭa - Ṣalātul-‘Aṣr,*’ it is not likely to be interpreted originally, so it is necessary to convey his saying, peace be upon him, ‘*al-Ṣalātul-Uṣṭa - Ṣalātul-‘Aṣr*’ as a kind of attribute, to an attribute by necessity. It further shows the authenticity of this interpretation from them, further being clarified by what we have narrated from them regarding their statements in relation to ‘*al-Ṣalātul-Uṣṭa - Ṣalātul-‘Aṣr.*’

The narrative reported on the authority of ‘Aisha is authentic that it is ‘*aṣr*. She is also (on record) as narrating the (reason for) the revelation of the verse, in it being *Ṣalātul-‘Aṣr*. It is authentic that she knew of this being an attribute related to *Ṣalātul-‘Aṣr*, having heard the Prophet, peace and blessings be upon him recite it as well. And with this, the *iḍṭirāb* (semblance of disturbance in reporting) is raised and their (reported) statements concur; everything that was narrated from the Messenger of Allah, peace and blessings be upon him, is true in relation to that. Differences are negated when being from him, and Allah forbid that there should be any form of *iḍṭirāb* stemming from the Messenger of Allah, peace and blessings be upon him. Whosoever departs from this, will not get what they want, as there is *iḍṭirāb* in the narratives from them. Some of which wasn’t better than others, both (sets of) narratives thus falling altogether with it. What has authentically been reported from the Prophet peace and blessings be upon him is established, invalidating what has been purported to be from (some) companions, with *iḍṭirāb* in those narratives, lest

¹⁴⁰ Ibn Ḥazm labours the point here. In his *Tafsir* [Vol. 4, pp. 182/183] al-Qurṭubī provides a much shorter summary of the essential points that Ibn Ḥazm drives at, he writes: Nāfi’ related ‘and the *aṣr* prayer,’ from ‘Aisha and from Hafṣa, but without the word ‘and.’ Abu Bakr al-Anbārī said: ‘This extra word indicates that it is false, and that what is in the copy of the community of Muslims is authentic.’ There is another argument which is that if someone says ‘*al-Ṣalātul-Uṣṭa and al-Ṣalātul-‘Aṣr,*’ he makes the *Ṣalātul-Uṣṭa* other than ‘*Aṣr*. This is refuted by the *ḥadīth* of the Messenger of Allah peace and blessings be upon him that is related by Abdullah...(he said): *They have kept me from the Ṣalātul-‘Aṣr, may Allah fill their bellies and graves with fire.*’

¹⁴¹ *Qur’ān*, 33: 40

its detractors hold to such an interpretation and that which cannot be interpreted by that which we say, praise is due to Allah.

As for the addition to this reading, this is not permissible and Allah forbid that the mother of believers, ‘Ubay and Ibn ‘Abbās increased what was not in it (the text). The statement being this, it was a wording that was revealed then this wording was abrogated! Such as has been narrated:

حدثنا حمام ثنا ابن مفرج ثنا ابن الأعرابي ثنا الدبري ثنا عبد الرزاق ثنا ابن جريج أخبرني عبد الملك بن عبد الرحمن عن أمه أم حميد بنت عبد الرحمن قالت سألت عائشة أم المؤمنين عن الصلاة الوسطى فقالت: كنا نقروها في الحرف الأول على عهد رسول الله صلى الله عليه وسلم حافظوا على الصلوات والصلاة الوسطى وصلاة العصر وقوموا لله قانتين

Ḥammām narrated to us Ibn Muffaraj narrated to us Ibn al-‘Arabi narrated to us al-Dabri narrated to us Abdar-Razzāq narrated to us Ibn Jurayj narrated to us Abdal-Malik ibn Abdar-Raḥman reported to me from his mother, Umm Ḥumayd bint Abdar-Raḥman, she said: I asked ‘Aisha, mother of the believers about *ṣalātul-uṣṭa*, so she said: We used to read it in the first letter during the time of the Messenger of Allah peace be upon him: *‘Guard the prayers, and the ṣalātul-uṣṭa and ṣalātul-‘aṣr and stand truly obedient to Allah.’*

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا إسحاق بن إبراهيم هو ابن راهويه - أنا يحيى بن آدم ثنا الفضيل بن مرزوق عن شقيق بن عقبة عن البراء بن عازب قال نزلت هذه الآية: حافظوا على الصلوات وصلاة العصر فقرأناها ما شاء الله، ثم نسخها الله تعالى فنزلت: حافظوا على الصلوات والصلاة الوسطى فقال رجل كان جالسا عند شقيق له: هي إذن صلاة العصر، فقال البراء: قد أخبرتك كيف نزلت وكيف نسخها الله والله أعلم

Abdullah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abdal Wahāb ibn Esa narrated to us Aḥmad ibn Muḥammad narrated to us Aḥmad ibn Ali narrated to us Muslim bin al-Ḥajjāj narrated to us Ishāq ibn Ibrāhim, he Ibn Rāhwayh, narrated to us Yaḥya ibn Adam reported to us al-Fuḍeel ibn Marzuq narrated to us from Shaḥiq ibn ‘Uqba from al-Barā’ ibn ‘Aāzib, he said: This verse was revealed (in this way): *Guard the prayers and the ‘aṣr prayer*. We recited it (so long as Allah desired. Allah, then, abrogated it and it was revealed: *Guard the prayers, and the middle prayer*. A person who was sitting with Shaḥiq said: Now it implies the *‘aṣr* prayer. Upon this al-Barā’ said: I have already informed you how this (verse) was revealed and how Allah abrogated it, and Allah knows best.

Ali said: It is authentically established that this wording is *naskh* (abrogated), similar to the ruling regarding the verse of *rajm* (stoning), and with Allah is all success. It has been established from those we (have previously) mentioned by way of the

mothers of the believers in relation to the meaning of the interpretation, and Allah knows best.

Ali said: and he this from a group among the early generations, as for what is narrated from the channel of Yahya ibn Sa'eed al-Qahtān:

من طريق يحيى بن سعيد القطان عن سليمان التيمي عن أبي صالح السمان عن أبي هريرة أنه قال الصلاة الوسطى صلاة العصر

Yahya ibn Sa'eed al-Qahtān from Sulaymān al-Taymi from Abu Šāliḥ al-Samān from Abu Hurayrah that he said: *ṣalātul-uṣṭa* is *ṣalātul-‘aṣr*.

From the channel of Ismā'il ibn Ishāq:

ثنا علي بن عبد الله هو ابن المديني ثنا بشر بن المفضل ثنا عبد الله بن عثمان عن عبد الرحمن بن نافع أن أبا هريرة سئل عن الصلاة الوسطى فقال للذي سأله أليست تقرأ القرآن؟ قال بلى قال فإني سأقرأ عليك بهذا القرآن حتى تفهمها، قال الله تعالى حافظوا على الصلوات والصلاة الوسطى هي العصر هي العصر

Ali ibn Abdullah narrated to us, he is Ibn al-Madini, Bishr ibn Muffaḍal narrated to us Abdullah ibn Uthmān narrated to us from Abdar-Raḥman ibn Nāfiḥ: that Abu Hurayrah was asked about the *ṣalātul-uṣṭa*. He said to those who asked him: Don't you read the Qur'ān? He said: Yes. He said: I will read you this Qur'ān to understand; Allah the Exalted has said: '*Keep up prayer from the declining of the sun till the darkness of the night*',¹⁴² *al-maghrib*. He said: '*And after the prayer of nightfall*',¹⁴³ *al-‘Atma*. He said: '*And the morning recitation, indeed the morning recitation is witnessed*',¹⁴⁴ *al-ghadā*'. Thereafter he said: '*Attend constantly to prayers and to the middle prayer*',¹⁴⁵ it is *al-‘aṣr*.

وعن الزهري عن سالم بن عبد الله بن عمر عن أبيه: أنه كان يرى الصلاة الوسطى صلاة العصر

From al-Zuhri from Sālim ibn Abdullah ibn Umar from his father: that he saw the *ṣalātul-uṣṭa* as being *ṣalātul-‘aṣr*.

وعن يحيى بن سعيد القطان عن سليمان التيمي عن قتادة عن أبي أيوب هو يحيى بن يزيد المراغي عن عائشة أم المؤمنين قالت الصلاة الوسطى صلاة العصر

¹⁴² Qur'ān 17: 78

¹⁴³ Qur'ān 24: 58

¹⁴⁴ Qur'ān 17: 78

¹⁴⁵ Qur'ān 2: 238

From Yaḥya ibn Sa'eed al-Qaḥṭān from Sulaymān al-Taymi from Qatādah from Abu Ayub, he is Yaḥya ibn Yazeed al-Mirāghī from 'Aisha, mother of the believers, she said: *ṣalātul-uṣṭa* is *ṣalātul-'aṣr*.

al-Qāsim ibn Muḥammad (narrating) from her, similarly.

وعن سفيان بن عيينة عن مسعر بن كدام عن سلمة بن كهيل عن أبي الأحوص عن علي بن أبي طالب في الصلاة الوسطى؟ قال هي التي فرط فيها ابن داود يعني صلاة العصر

From Sufyān ibn 'Uyayna from Mis'ar ibn Kidām from Salamah ibn Kuhayl from Abul'Aḥwaṣ from Ali ibn Abi Ṭālib – in (relation to) *ṣalātul-uṣṭa*? It is one of the forerunners of Ibn Dāwud, that is to say, the *ṣalātul-'aṣr*.

وعن يحيى بن سعيد القطان عن أبي حيان يحيى بن سعيد التيمي حدثني أبي أن سائلا سأل عليا أي الصلوات يا أمير المؤمنين الوسطى وقد نادى مناديه العصر، فقال هي هذه

From Yaḥya ibn Sa'eed al-Qaḥṭān from Abu Ḥayyān Yaḥya ibn Sa'eed al-Taymi, my father narrated to me that that an inquirer asked Ali: (Are) any prayers the *uṣṭa*, O leader of the believers? A caller explained, *al-'aṣr*. He said: is it this?

Ali said: this is not authentic from Ali, neither is this having an origin from 'Aisha. As is the what we narrated previously regarding Umm Salamah, mother of the believers, Ibn 'Abbās and Ubay ibn Ka'b. Also, what is reported from Abu Ayub al-Anṣārī.

وعن يونس بن عبيد عن الحسن البصري قال: الصلاة الوسطى صلاة العصر

And from Yunus ibn 'Ubayd from al-Ḥasan al-Baṣri, he said: *al-Ṣalātul-Uṣṭa* is *al-Ṣalātul-'Aṣr*.

وعن أبي هلال عن قتادة قال: الصلاة الوسطى: صلاة العصر

From Abu Hilāl from Qatādah, he said: *al-Ṣalātul-Uṣṭa* is *al-Ṣalātul-'Aṣr*!

وعن معمر عن الزهري قال: الصلاة الوسطى: صلاة العصر

From Ma'mar from al-Zuhri, he said *al-Ṣalātul-Uṣṭa* is *al-Ṣalātul-'Aṣr*!

وعن معمر عن أيوب السخيتاني عن محمد بن سيرين عن عبيدة السلماني قال: الصلاة الوسطى: صلاة العصر

And from Ma'mar from Ayub al-Sakhtiyāni from Muḥammad ibn Sireen from 'Abidah al-Salmāni, he said: *al-Ṣalātul-Uṣṭa* is *al-Ṣalātul-'Aṣr*!

Moreover, it is the statement of Sufyān al-Thawri, Abu Ḥanifah, al-Shāfi'i, Aḥmad ibn Ḥanbal, and Dāwud, and all their companions, and it is the statement of Ishāq ibn Rāhwayh and the majority of the specialist authorities in *ḥadith*. Indeed, it is also narrated *musnad* (fully connected) to the Prophet peace and blessings be upon him from the channel of Ibn Mas'ud and Samurah.

Attendance at *Jumma* (minimum numbers)

Jumma (Friday), if two and upwards of that (number) pray it, reciting aloud in both units of prayer. And whoever prays them alone, they would pray four *rak'at*, silent in all of it, because it is *zhur*.¹⁴⁶ Indeed, we mentioned in the chapter concerning the obligation of shorting the prayer in our book with the *hadith* of Umar:

صلاة الجمعة ركعتان، وصلاة المسافرين ركعتان، تمام غير قصر على لسان نبيكم صلى الله عليه وسلم

Jummuh prayer is two *rak'at*, travel prayer is two *rak'at*, they are complete and are not shortened, as per the tongue of Prophet peace be upon him.¹⁴⁷

Abu Muḥammad said: And some people went (with the view) that it is two *rak'at* for the fulfilment and the *Jamā'ah* (congregation) with this report. Ali said: This is mistaken because '*Jumma*' is the Islamic name for the day, it wasn't entitled like that during the era pre-Islamic ignorance. Rather, *Jumma* was called '*al-Aruba*' during the pre-Islamic era of ignorance; in Islam, it is now - '*yawm al-Jumma*.' Because the Friday prayer is a name taken from the plural, because the Friday prayer is convened only in congregation, otherwise it is not a Friday prayer, but rather it is *zhur*, and the *zhur* prayer is four (*rak'ah*) as we mentioned previously. It has been proven on the authority of the Messenger of Allah peace be upon him that he used to recite loudly within it, and this is the work of the people of Islam; convened from his era peace be upon him, to this day in the east and west of the earth?

¹⁴⁶ No. 522 *al-Muḥalla* Vol 3, pp. 248/251

¹⁴⁷ This is an abridgment of the narration quoted earlier in full at Issue 512 [Vol. 3, p. 186]: Abdullah ibn Rabiḥ' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Muḥammad ibn Rāfiḥ' narrated to us Muḥammad ibn Bishr narrated to us Yazeed ibn Ziyād ibn Abi al-Ja'd narrated to us from Zubayd al-Yāmi from Abdar-Raḥman ibn Abi Layla from Ka'b ibn Ujra he said Umar ibn al-Khaṭṭāb said: 'The prayer of *al-Adḥa* is two *rak'ah*, the prayer of *al-Fitr* is two *rak'at* and the Friday prayer is two *rak'ah*; travel prayer is two *rak'ah*, they are complete and are not shortened, as per the tongue of Prophet peace be upon him.' In the printed version of *Sunan al-Nasā'i* though, the following comment is added by al-Nasā'i after the narration: Abu Abdar-Raḥman said 'Abdar-Raḥman ibn Abi Layla did not hear from Umar.'

Regarding the number of prayer attendees with the Imām in relation to *Jumma* - it is two *rak'at* as we mentioned previously, indeed, there is disagreement regarding this:

- As narrated upon the authority of Umar ibn 'Abdal-Aziz: *Jumma* is comprised of fifty-men and upwards of that.
- And al-Shāfi'i said: There is no *Jumma* except with forty-men and upwards of that, (being) free, (habitually) resident, sane, adult(s).
- And as narrated by some of the people: (comprising) thirty-men
- And upon the authority of others: (comprising) twenty-men
- And from 'Ikrima: (comprising) no less than seven-men
- From Abu Ḥanifah, al-Layth ibn Sa'd, Zafar and Muḥammad ibn al-Ḥasan: If there are three-men and the Imām is the fourth of them, they pray *Jumma* with two *rak'at*, a sermon, and it is not less?
- And from al-Ḥasan al-Baṣri: If there are two-men and the Imām makes up the third, they pray *Jumma* with a sermon and two-*rak'at*.
- And it is one of the two-sayings of Sufyān al-Thawri, and the statement of Abu Yusuf and Abu Thawr.
- And from Ibrāhīm al-Nakha'i: If there is one with the Imām to pray *Jumma* with a sermon (and) two *rak'at*
- And it is a statement of al-Ḥasan ibn Ḥayy and Abu Sulaymān and the majority of our companions, and with it we say?

Ali said: As for those who have specified fifty, they have mentioned a *ḥadith* in which (it is said):

على الخمسين جمعة إذا كان عليهم إمام

'*Jumma is upon fifty, if they have with them an Imām.*'

And this report is not authentic because it is from al-Qāsim ibn Abdar-Raḥman from Abi Umamah, and al-Qāsim, this is *ḍaef*.¹⁴⁸ Regarding the limit of thirty, they have mentioned the *mursal* report from the channel of Abu Muḥammad al-'Azdi and he is *majhul* (unknown), namely:

إذا اجتمع ثلاثون رجلا فليؤمروا رجلا يصلي بهم الجمعة

¹⁴⁸ al-Dāraquṭni cites a similar tradition in his *Sunan* [Vol. 2, no. 1580] with an additional follow up comment on another narrator appearing in the channel: Muḥammad ibn al-Ḥasan al-Naqāshi narrated to us Muḥammad ibn Abdar-Raḥman al-Sāmi and al-Ḥussain ibn Idris narrated to us, they said Khālīd ibn al-Hayāj narrated to us, my father narrated to me from Ja'far ibn al-Zubayr from al-Qāsim from Abi Umamah that the Prophet peace be upon him said: *Jumma is upon fifty and not without that (number)*. (al-Dāraquṭni said) Ja'far ibn al-Zubayr is *matruk*.

*'If thirty men are gathered, they are to nominate a leader to be their Imām in performing the Jummah.'*¹⁴⁹

As for what is said regarding the statements made by Abu Ḥanifah and al-Layth, they mentioned the *ḥadith* from the channel of Mu'āwiya ibn Yaḥya:

من طريق معاوية بن يحيى عن معاوية بن سعيد عن الزهري عن أم عبد الله الدوسية وقد أدركت النبي صلى الله عليه وسلم أنه قال الجمعة واجبة في كل قرية وإن لم يكن فيهم إلا أربعة

Mu'āwiya ibn Yaḥya from Mu'āwiya ibn Sa'eed from al-Zuhri from Umm Abdullah al-Dawsiyah that she met the Prophet peace be upon him and that he said: *Jummah is obligatory in every village even if there are only four (men).*¹⁵⁰

And this is not permissible to be taken authoritatively because Mu'āwiyah ibn Yaḥya and Mu'āwiya ibn Sa'eed are both *majhul* (unknown).¹⁵¹ Also, Abu Ḥanifah is the first to disagree with this narrative, because he does not see *Jummah* in the villages, but only in the regions. Consequently, all of such narrative reports are not authentic. Then if it was authentic there is no proof in any of it because there is nothing in it relating to *Jummah* for less than the specified number? A *ḥadith* narrated upon the

¹⁴⁹ Similar is narrated in *al-Mudawana al-Kubra* [Vol. 1, p. 234]: And Ibn Wahb mentioned from al-Qāsim ibn Muḥammad from the Prophet peace be upon him: *'If thirty men are gathered, let them order a man to pray with them Jummah.'*

¹⁵⁰ al-Bayhaqy cites this tradition in *al-Sunan al-Kubra* [Vol. 3, no. 5616, pp. 254/255] with the following *isnād*: Abu Bakr ibn al-Ḥārith al-Faqih reported to us Ali ibn Umar al-Ḥāfiz reported to us Abu Bakr al-Nisaburi narrated to us Muḥammad ibn Yahya narrated to us Muḥammad ibn Wahb ibn 'Atīyah Baqīya ibn al-Waleed narrated to us Mu'āwiya ibn Yahya narrated to us Mu'āwiya ibn Sa'eed al-Tujibee al-Zuhri narrated to us from Umm Abdullah al-Dawsiyah, she said the Messenger of Allah peace be upon him said. After citing the tradition, al-Bayhaqy provides the following important comment: 'al-Dāraquṭni said: This is not authentic from al-Zuhri; all who narrated it from him are *matruk*. It is not authentic as al-Zuhri did not hear from al-Dawsiyah.' Al-Bayhaqy has a second channel quoted in his *Sunan* right after this, [Vol. 3, no. 5617, p. 255] but this channel has Mu'āwiya ibn Sa'eed al-Tujibee from al-Ḥakam ibn Abdullah from al-Zuhri. Again, al-Bayhaqy comments: 'al-Ḥakam ibn Abdullah is *matruk*, and Mu'āwiya ibn Yahya is *daef*. And this is not authentic from al-Zuhri what is narrated in this chapter, a *ḥadith* concerning the fifty, its *isnād* is not authentic (either).'

¹⁵¹ Ibn Ḥazm appears mistaken on this point by arguing that both narrators are *majhul* (unknown). Rather, they are known but judged to be weak, as shown by the previous comments of al-Bayhaqy and al-Dāraquṭni. There are two narrators with the name Mu'āwiya ibn Yahya: Mu'āwiya ibn Yahya al-Ṣadafī and Mu'āwiya ibn Yahya Abu Muteeh' al-Aṭṭāblusi. Of the former, Ibn Ḥajr [*Tahzeeb al-Tahzeeb*, Vol. 10, no. 9404] records a statement from Yahya ibn Ma'in that 'he is nothing,' and a statement from al-Jawzajāni that his *ḥadith* are left, an indication that his narrations are unacceptable; al-Nasā'ī and Abu Dāwud regarding him as weak. In *al-Dua' fā wal 'Matrukeen*, Ibn al-Jawzi records the following from al-Dāraquṭni about the latter narrator: 'Mu'āwiya ibn Yahya Abu Muteeh' al-Aṭṭāblusi, al-Dāraquṭni said: he has many *munkar* traditions.'

authority of Rawḥ ibn Ghutaʿyf (is presented), it is fallen since he is *majhul*,¹⁵² that when they (the Companions) had reached two-hundred, the Prophet peace upon them gathered with them for *Jummaḥ*; if they take more than this report it is greater, then we will mention it, God-willing, a lesser *ḥadith*! As for al-Shāfiʿi, he took an authentic report narrated via the channel of al-Zuhri:

من طريق الزهري عن ابن كعب بن مالك عن أبيه أنه إذا سمع نداء الجمعة ترحم على أبي أمامة أسعد بن زرارة، فسأله ابنه عن ذلك؟ فقال: إنه أول من جمع بنا في هزم حرة بني بياضة، في نقيع يعرف بنقيع الخضعات ونحن يومئذ أربعون رجل

al-Zuhri from Ibn Kaʿb ibn Mālik from his father: that when he heard the call for *Jummaḥ*, he invoked there to be mercy upon Abu Umāmah Asad ibn Zurāra. So he thus enquired with him about that, thus he said: he held the congregation (of Friday) for the first time for us at *hazm harrah* of *Bani Baydah* in ‘*Naqi*, known as ‘*Naqi al-Khudamāt*, and at the time we were at that time comprised of forty men.

Ali said: he has no proof in relation to this, because the Messenger of Allah peace be upon him did not say it is *not* lawful to pray *Jummaḥ* with *less* than this number. Yes indeed, *Jummaḥ* is *wājib* upon forty-men, and greater than forty, - and for less than forty? And it is argued with those who said; with the statement of Abu Yusuf and what is narrated to us

حدثناه عبد الله بن ربيع ثنا محمد بن معاوية ثنا أحمد بن شعيب أنا عبيد الله بن سعيد عن يحيى هو القطان عن هشام هو الدستوائي ثنا قتادة عن أبي نضرة عن أبي سعيد الخدري عن النبي صلى الله عليه وسلم قال إذا كانوا ثلاثة فليؤمهم أحدهم، وأحقهم بالإمامة أقرؤهم

Abdullah ibn Rabiḥ’ narrated it to us Muhammad ibn Muʿāwiya narrated to us Aḥmad ibn Shuʿayb narrated to us Ubaydallah ibn Saʿeed reported to us from Yahya, he is al-Qaḥṭān, from Hishām, he is al-Distawāee; Qatādah narrated to us from Abu Naḍra from Abu Saʿeed al-Khudri from the Prophet peace be upon him that he said: *When there are three persons, one from them should lead. The*

¹⁵² Again, Ibn Ḥazm makes quite an obvious error here. Rawḥ ibn Ghutaʿyf is known to the scholars, but judged to be very weak. In *al-Duaʿfā wal-Matrukeen* [no. 199, p. 103], al-Nasāʿi said: ‘Rawḥ ibn Ghutaʿyf, *matruk al-ḥadith*.’ Bukhārī notes his *ḥadith* as being *munkar* in *al-Tarikh al-Kabir*. It is surprising that Ibn Ḥazm missed this, since Rawḥ ibn Ghutaʿyf is mentioned in the introduction to *Ṣaḥīḥ* Muslim. In his commentary upon the *Ṣaḥīḥ*, al-Nawawī [Vol. 1, p. 193 English trans.] writes: ‘Rawḥ ibn Ghutaʿyf was graded as ‘weak’ by many scholars, and al-Bukhārī confirms that he was so graded. He is identified here as the reporter of the statement: ‘*Prayer must be repeated for the discharge of an amount of blood as small as a dirham*.’ This is a false statement, totally unacceptable by *ḥadith* scholars, yet Rawḥ reported it (ostensibly) from al-Zuhri, from Abu Salamah, from Abu Hurayrah, from the Prophet.’

one among them most worthy to act as Imām is one who is best versed in the Qur'ān.¹⁵³

This narrative is *Ṣaḥīḥ*, except that there is no proof for them in this, because the Messenger of Allah peace be upon him did not say, it is not a congregation and not *Jummah* with less than three? And as for our proof, it is what we have mentioned previously from the *ḥadith* Mālik ibn al-Ḥuwayrath, that the Messenger of Allah peace be upon him said: ‘When (both of) you set out, pronounce *Adhan* and then *Iqama* and the oldest of you should lead the prayer.’¹⁵⁴ So, he, peace be upon him, made the rule of congregation for the two in prayer? If someone were to say: If the two do not have a third, then the ruling of the Imām is for the follower to stand at the right of the Imām, and if they are three then it was said: They should stand on the right and left of the Imām? And it was said: Rather behind the Imām, and they did not differ in relation to four: that the three stand behind the Imām, so we found the rule of the four other than the rule of the two? We say: and so what? Yes, it is as what you say: in the places of standing, except that the ruling in congregation is obligatory for them by your approval, and the ruling on the difference in the position of the follower is not evidence of the ruling on *Jummah*? Allah the Exalted has given the ruling upon the tongue of his Messenger, peace be upon him, that *Jummah* prayer is comprised of two *rak'ah*. And the Almighty has said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ

*O you who believe – when the call is made for prayer on Friday, then hasten to the remembrance of Allah and abandon trade.*¹⁵⁵

It is not permissible for anyone to deviate from this matter and from this ruling except for those who have a clear text or a certain consensus that they have left it, and that is only a feat alone, and with Allah is all *Tawfēeq*.

¹⁵³ *Sunan* al-Nasā'i but also cited by Muslim in his *Ṣaḥīḥ*

¹⁵⁴ As cited in *Ṣaḥīḥ* Bukhārī: Muḥammad ibn Yusuf narrated to us, he said Sufyān narrated to us from Khālīd al-Ḥudthā' from Abi Qilābah from Mālik ibn al-Ḥuwayrath, he said: Two men came to the Prophet peace and blessings be upon him with the intention of a journey. The Prophet peace and blessings be upon him said: ‘When (both of) you set out, pronounce *Adhān* and then *Iqāma* and the oldest of you should lead the prayer.’

¹⁵⁵ *Qur'ān* 62: 9

No *Jumma* upon the one excused by way of illness

There is no *Jumma* (Friday prayer) incumbent upon the one excused by way of illness, fear, or other than that from (reasonable) excuses, and it is not (obligated) upon women.¹⁵⁶ If they attend, they pray (the) two-*rakah*. (This is) because on Friday, like all other prayers, it is obligatory for those who are obligated to perform all such other prayers in congregation. The matter thus not forming part of the (lawful) excuse (for non-attendance) and the matter falling for other than that, thus being of no difference. If the excused person attends, then the excuse is waived, so it becomes part of that family, which is two *rak'ahs*, as the Messenger of Allah, peace and blessings be upon him said. And if a man who is excused prays with his wife, he should pray two *rak'ahs*, and likewise if the women pray it, it is in congregation.¹⁵⁷

¹⁵⁶ No. 525: *al-Muḥalla* Vol 3, p. 259

¹⁵⁷ Although not noted by Ibn Ḥazm, in the *Mustadrak* of al-Ḥākim [Vol. 1, no. 1062] there is the following Prophetic tradition that outlines the lawful exemptions: Abu Bakr ibn Ishāq al-Faqīhi narrated to us Ubayd ibn Muḥammad al-‘Ijli narrated to us al-‘Abbās ibn Abdul-‘Azeem al-Anbārī narrated to me Ishāq ibn Mansur narrated to us Huraym ibn Sufyān narrated to us from Ibrāhīm ibn Muḥammad al-Muntashir from Qays ibn Muslim from Ṭāriq ibn Shihāb from Abu Musa, from the Prophet peace be upon him he said: ‘*The Friday prayer in congregation is a necessary duty for every Muslim, with four exceptions; a slave, a woman, a boy, and the sick.*’

Prostration of thankfulness

‘*Sujud al-Shukr*’ (prostration of thankfulness), is good.¹⁵⁸ If a *ni'mah* (blessing) has been bestowed by Allah the Almighty, then it is *mustahib* (desirable) for one to prostrate in *sujud*. This is because it is a good deed. Indeed, Allah the Exalted has said:

يَا أَيُّهَا الَّذِينَ آمَنُوا ارْكَعُوا وَاسْجُدُوا وَاعْبُدُوا رَبَّكُمْ وَافْعَلُوا الْخَيْرَ لَعَلَّكُمْ تُفْلِحُونَ

*O you who believe – bow down, prostrate yourselves, worship your Lord, and do good so that you may succeed.*¹⁵⁹

There hasn't been a prohibition upon this from the Prophet peace and blessings be upon him, but rather (the following):

حدثنا عبد الله بن يوسف ثنا أحمد بن فتح ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد ثنا أحمد بن علي ثنا مسلم بن الحجاج ثنا زهير بن حرب ثنا الوليد بن مسلم سمعت الأوزاعي قال ثنا الوليد بن هشام المعيطي ثنا معاذ بن أبي طلحة اليعمرى قال لقيت ثوبان مولى رسول الله صلى الله عليه وسلم فقلت له أخبرني بعمل يدخلني الله به الجنة أو قلت ما أحب الأعمال إلى الله تعالى فقال سألت رسول الله صلى الله عليه وسلم كما سألتني فقال عليك بكثرة السجود لله تعالى، فإنك لا تسجد لله سجدة إلا رفعك الله عز وجل بها درجة، وحط عنك بها خطيئة قال معاذ ثم لقيت أبا الدرداء فسألته فقال مثل ما قال لي ثوبان

Abdullah ibn Yusuf narrated to us Ahmad ibn Fath narrated to us Abdal Wahāb ibn Esa narrated to us Ahmad ibn Muḥammad narrated to us Ahmad ibn Ali narrated to us Muslim ibn al-Ḥajjāj narrated to us Zuhayr ibn Ḥarb narrated to us al-Waleed ibn Muslim narrated to us he said I heard (from) al-Awzā'i, he said al-Waleed ibn Hishām al-Mu'ayṭi narrated to me Ma'dān ibn Abi Ṭalḥa al-Ya'mari narrated to me he said: I met Thawbān, *mawla* of the Messenger of Allah, peace and blessings be upon him and asked him to tell me about an act for which if I do it, Allah will admit me to paradise, or I asked about the act

¹⁵⁸ No. 557: *al-Muḥalla*, Vol. 3, pp. 331/332

¹⁵⁹ *Qur'ān* 22: 77. Ibn Ḥazm only quotes the portion of the verse exhorting to do good. The whole verse is quoted for greater clarity.

which was loved most by Allah the Almighty. He said: I asked the Messenger of Allah, peace and blessings be upon him about that and he said: *Make frequent prostrations before Allah the Almighty, for you will not make one prostration without raising yourself a degree because of it, and removing a sin from you because of it.* Ma'dān said: Then I met Abu al-Dardā' asking him the same. He said a reply similar to that given by Thawbān.

Abu Muḥammad said: al-Waleed ibn Hishām is from among the senior companions of Umar ibn Abdal Aziz, (renowned) for his virtue and good deeds. And the remainder of the *isnād* is more famous than asking about them? No one may say that this *sujud* (prostration) is specific only to the *sujud* of prayer; whosoever says as much has cast a lie upon the Messenger of Allah peace and blessings be upon him, attributing to him that which he has not said; reporting of matters of the unseen by way of conjecture and lies. Indeed, we have narrated upon the authority of Abu Bakr al-Ṣadeeq, didn't he make a *sujud* following the victory at al-Yamānmah? And from Ali ibn Abi Ṭālib, that when he found Dhul-Thadiya among the dead, (didn't) he make a *sujud* – knowing that he was from invalidated party of misguidance, and that he (Ali) was righteous upon the truth? It is authentically reported from Ka'b ibn Mālīk in the *ḥadith* of his absence from (the battle of) Tabuk, when he was repentant, did he not make *sujud*? There is no contradiction to be found from among all these companions originally, nor is there the slightest blink at the report of Ka'b al-Bata.

Pray upon what is found of a dead Muslim

Pray upon what is found of a dead Muslim even if it is the nail or hair (that is present) and greater than that, and wash and shroud (the deceased); except where it relates to a martyr, as there is no washing but wrapping and burial.¹⁶⁰ And a deceased Muslim is prayed over, even in absentia and (even if) there is nothing of him. If another organ is found from the dead also after that, it is (also) washed, shrouded and buried. There is nothing untoward with prayer upon (the deceased) for a second time, thereafter forever?

The proof for that: we mentioned previously the obligation of washing the dead, shrouding, burial and the prayer upon them. So, it is correct to wash all of it, part of it, greater or lesser, altogether (then) shroud and bury. Hence without doubt that it obliged upon every part of it.

Abu Ḥanifah and his companions said: if half of the dead is found, with the head being present, or more than half of it (the body), wash, shroud and pray upon it. (But) if the half that is found doesn't have a head, or less than half (of the body) with the head, then do not wash, shroud or pray over it!

Abu Muḥammad said: this is mixing matters up. It is said unto them: from where did you determine that prayer upon the greater part (of the deceased) is obligatory, but upon half or less of it is not obligatory? And you have made a fourth in what is cleared from the stomach of the free and a greater part of the hair in the ruling of all of it? And you have made the tenth in some of your issues also in the ruling of all of it? Or ten beard hairs from the *muḥrimeen*, as per the statement of Muḥammad ibn al-Ḥasan – so from where are these rulings in *Deen* besides from other than Allah the exalted?

Indeed, it is narrated from Abu Ayyub al-Anṣārī and Abu Musa al-ʿAsharī may Allah be pleased with them: they prayed upon a man, mankind. It is the statement of Abu Sulaymān and his companions. It is narrated from Umar, that he prayed upon a bone, and from Abu ʿUbaydah, that he prayed upon a head. Regarding the prayer in absentia, there has come upon the matter a decisive text, which is a rich consideration, and it is considered as being obliged to that prayer, because the Messenger of Allah

¹⁶⁰ No. 580: *al-Muḥalla* Vol 3, pp. 361/363.

peace be upon him said: ‘*Pray over your companion.*’ It is a generality in which the absent and the present are included, and it is not permissible to single out one of them. Rather, it is *farḍ* (obligatory) upon every Muslim who was buried without a prayer to offer the funeral prayer for him from among the Muslims who reached this point, because it is an *farḍ kifāyah* (obligation of sufficiency), and it is an obligation for the one who prayed over him.

حدثنا عبد الرحمن بن عبد الله ثنا إبراهيم بن أحمد ثنا الفربري ثنا البخاري ثنا إسماعيل قال حدثني مالك عن ابن شهاب عن سعيد بن المسيب عن أبي هريرة رضي الله عنه أن رسول الله صلى الله عليه وسلم نعى النجاشي في اليوم الذي مات فيه، خرج إلى المصلى، فصف بهم وكبر أربعاً

Abdur-Raḥman ibn Abdullah narrated to us Ibrāhīm ibn Aḥmad narrated to us al-Farabry narrated to us al-Bukhārī narrated to us: Ismā’il narrated to us he said Mālik narrated to me from Ibn Shihāb from Sa’eed ibn al-Mussayib from Abu Hurayrah may Allah be pleased with him that the Messenger of Allah peace be upon him informed (people) about the death of al-Najashi on the very day he died. He went towards the *Musalla* (praying place) and the people stood behind him in rows. He said four *Takbirs* (funerary prayer).

To the channel of al-Bukhārī:

حدثنا إبراهيم بن موسى أخبرنا هشام بن يوسف أن ابن جريج أخبرهم قال أخبرني عطاء أنه سمع جابر بن عبد الله رضي الله عنهما يقول قال النبي صلى الله عليه وسلم قد توفي اليوم رجل صالح من الحبش فهل فصلوا عليه. قال فصفنا فصلى النبي صلى الله عليه وسلم عليه ونحن صفوف

Ibrāhīm ibn Musa narrated to us Hishām ibn Yusuf reported to us that Ibn Jurayj reported to them, he said, ‘Aṭā reported to me that he heard Jābir ibn Abdullah, may Allah be pleased with him, saying the Prophet peace be upon him said: *Today a righteous man from Abyssinia, has passed away, so let us prayer upon him.* He (Jābir) said: We lined up in rows and after that the Prophet peace be upon him led the prayer and we were in rows.

To the channel of al-Bukhārī:

حدثنا مسدد عن أبي عوانة عن قتادة عن عطاء عن جابر بن عبد الله رضي الله عنهما أن رسول الله صلى الله عليه وسلم صلى على النجاشي

Mussadad narrated to us from Abu ‘Awānah from Qatādah from ‘Aṭā from Jābir ibn Abdullah, may Allah be pleased with him, that the Messenger of Allah peace be upon him prayed (funerary prayer) upon al-Najāshi.

Jābir said: ‘I was there in the second or third row.’ It is also reported from a strong channel by way of Imrān ibn Huṣṣain from the Prophet peace be upon him.¹⁶¹ So, this order by the Messenger of Allah peace be upon him is accompanied by his action and that of the majority of his companions.¹⁶² There is no better consensus than this. The reports are *mutawātir* (continuously recurrent) from the majority of the companions, may Allah be pleased with him, as we have mentioned.

Mālik and Abu Ḥanifah dissuaded this, their followers claiming the matter to be specific to the Najāshi; and this claim is a lie without proof, and with Allah is all *tawfeeq*. If they are to say: (was the) act done by one among the companions after the Messenger of Allah peace be upon him? We say unto them: has it been reported from any one of the companions that they repudiated or denied it? Thereafter we say unto them: there is no proof in one other than the Messenger of Allah peace be upon him. He the Exalted said:

رُسُلًا مُبَشِّرِينَ وَمُنْذِرِينَ لِئَلَّا يَكُونَ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ

*So that people should not have a plea against Allah after the (coming of) Messengers.*¹⁶³

¹⁶¹ *Ṣaḥīḥ* Muslim: And Zuhayr ibn Ḥarb and Ali ibn Ḥujr narrated to us, they said Ismā’il narrated to us (*hawala*) Yahya ibn Ayub narrated to us Ibn ‘Ulaya narrated to us from Ayub from Abu Qilābah from Abu Muhallab from Imrān ibn Huṣṣain he said the Messenger of Allah peace be upon him said: *A brother of yours has died, so stand up and offer prayer for him.* That is to say, the Najāshi and in the channel transmitted by Zubayr (the words are): ‘Your brother.’

¹⁶² After citing the tradition of Imrān ibn Huṣṣain in his collection of *Sunan*, Tirmidhi states there are narrations on this topic from several companions such as: Abu Hurayrah, Jābir ibn Abdullah, Abu Sa’eed, Ḥudhaifa ibn Aseed and Jarir ibn Abdullah.

¹⁶³ *Qur’ān* 4: 165

Praying upon the dead in absentia with the *Imām* in congregation

The Messenger of Allah peace be upon him prayed for the Najāshi and he died in the land of Abyssinia (Ethiopia).¹⁶⁴ His companions prayed with him in rows. This is a consensus from them and it is not permissible for it to be infringed.

¹⁶⁴ No. 610: *al-Muḥalla* Vol. 3, p. 399