

Selected issues from the Book of Prayer

from

Al-Muḥalla bil’Athār

المحلى بالآثار

(The Adorned Treatise)

By Ibn Ḥazm

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Mas'ala 275: The Ṣalāt is of two types: the obligatory and the ta'tawa'ah' (voluntary).

As for the obligatory, it is that which the one who leaves it will be disobeying Allah Lord of Majesty and Honour, and those 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. The obligatory 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'* 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 *nafileh ṣalāt* are that which is before and after the obligatory prayers; that of *Taraweeh* in Ramaḍān; the *tahajud* 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-Fard, al-Wājib, al-Ḥatam, 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), *nafileh* 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 – this division is of three types. I say: 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 *nāfileh*.¹ But does leaving

¹ 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-ṣalāt wājib*

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:

وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ تَنَا أَحْمَدُ بْنُ فَتْحٍ حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى تَنَا حَمْدُ بْنُ مُحَمَّدٍ حَدَّثَنَا أَحْمَدُ بْنُ عَلِيٍّ تَنَا مُسْلِمُ بْنُ الْحَجَّاجِ تَنَا فُتَيْبَةُ بْنُ سَعِيدٍ عَنْ مَالِكِ بْنِ أَنَسٍ عَنْ أَبِي سُهَيْلِ بْنِ مَالِكٍ عَنْ أَبِيهِ أَنَّهُ سَمِعَ طَلْحَةَ بْنَ عُبَيْدِ اللَّهِ يَقُولُ «جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِذَا هُوَ يَسْأَلُ عَنِ الْإِسْلَامِ؛ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: حَمْسُ صَلَوَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ قَالَ هَلْ عَلَيَّ غَيْرُهُنَّ؟ قَالَ: لَا إِلَّا أَنْ تَتَطَوَّعَ وَذَكَرَ بَاقِيَ الْحَدِيثِ فَأَدْبَرَ الرَّجُلُ، وَهُوَ يَقُولُ وَاللَّهِ لَا أَزِيدُ عَلَى هَذَا وَلَا أَنْقُصُ مِنْهُ؛ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَفْلَحَ إِنْ صَدَقَ

Abdallah ibn Yusuf narrated to us Ahmad ibn Fatḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Ḥamad bin Muḥammad narrated to us Ahmad ibn Ali² narrated to us Muslim bin al-Ḥajjāj narrated to us Qutayba bin Sa'eed narrated to us from Mālik bin Anas from Abu Suhayl bin Mālik from his father, that he heard Ṭalḥa bin Ubaidallah saying: A man came to the Prophet and was asking questions pertaining to Islam. The Messenger of Allah (peace 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 Prophet remarked: *He is successful, if he is true to what he affirms.*³

This text from the Prophet (peace be upon him) 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 (prayers) is *ta'tawa'ah* and no one can disagree with this. As for what becomes obligatory by oath, Allah has stated:

² Ibn Ḥazm's *isnād* to the book of Muslim

³ The *ḥadīth* is summarized and not quoted in full; the full text can be found in Ṣāḥīḥ Muslim, *Kitāb al-'Imān*, Book 1, no. 7 (English trans.) also in Ṣāḥīḥ Bukhārī, *Kitāb al-'Imān*.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

*O you who believe! Fulfill (all) obligations!*⁴

Furthermore, it is covered under the statement of the Prophet (peace be upon him) that: “whoever swears or makes an oath that he would obey Allah should fulfill 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:

حَدَّثَنَا حَرْمَلَةُ بْنُ يَحْيَى تَنَا ابْنُ وَهْبٍ تَنَا يُونُسُ هُوَ ابْنُ يَزِيدَ - عَنْ ابْنِ شِهَابٍ عَنْ أَنَسِ بْنِ مَالِكٍ فَذَكَرَ حَدِيثَ
الْإِسْرَاءِ - وَفِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: فَفَرَضَ اللَّهُ عَزَّ وَجَلَّ عَلَيَّ خَمْسِينَ صَلَاةً
ثُمَّ دَكَرَ - عَلَيْهِ السَّلَامُ - مُرَاجَعَتَهُ لِرَبِّهِ عَزَّ وَجَلَّ فِي ذَلِكَ؛ إِلَى أَنْ قَالَ " فَرَاغَتِ رَبِّي فَقَالَ: هِيَ خَمْسٌ وَهِيَ
خَمْسُونَ

Ḥarmāla ibn Yaḥya narrated to us Ibn Wahib narrated to us Yunus – he is Ibn Yazeed – narrated to us from Ibn Shihāb from Anas bin Mālik – mentioning the *ḥadith* of *Isra’* - the Messenger of Allah (peace 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.⁵

Allah has said: ‘My word shall not be changed...’⁶ 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

⁴ *Qur’ān*, 5: 1

⁵ Excerpt from the full narration found in: *Ṣāḥīḥ 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

⁶ *Qur’ān*, 50: 29

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

فَإِنَّ يُونُسَ بْنَ عَبْدِ اللَّهِ حَدَّثَنَا قَالَ: حَدَّثَنَا أَبُو عَيْسَى بْنُ أَبِي عَيْسَى ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا ابْنُ وَصَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا حُسَيْنُ بْنُ عَلِيٍّ هُوَ الْجُعْفِيُّ - عَنْ زَائِدَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ الْمُنتَشِرِ عَنْ حَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: يَا رَسُولَ اللَّهِ أَيُّ الصَّلَاةِ أَفْضَلُ بَعْدَ الْمَكْتُوبَةِ؟ قَالَ: الصَّلَاةُ مِنْ جَوْفِ اللَّيْلِ قَالَ: أَيُّ الصِّيَامِ أَفْضَلُ بَعْدَ رَمَضَانَ؟ قَالَ: شَهْرُ اللَّهِ الَّذِي يَدْعُوهُ الْمُحَرَّمُ

Yunas ibn Abdullah narrated to us he said Abu E'sa bin Abi E'sa narrated to us Ahmad 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'fi - from Zā'ida from Abdal-Malik ibn Umayr from Muḥammad ibn al-Muntashar from Ḥumayd ibn Abd-ar-Rahman from Abu Hurayrah: a man came to the Messenger of Allah (peace be upon him) (asking) which prayer was most excellent after the prescribed prayer? (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 the Prophet replied): *the month of Allah which is called Muḥarram*.⁷

Abu Muḥammad says: This (evidence) clearly establishes the point that the *tahajud* prayer is not from the *maktoob* (prescribed) and *witr* is from the *tahajud* prayers. From these two narrations above it clarifies or authenticates the statement of the Prophet (peace 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*.”⁸ It is also narrated from the Prophet (peace be upon him) as recorded by Ahmad bin Ḥanbal:

⁷ Ṣāḥīḥ Muslim Kitāb as-Ṣiyam, Book 6, No. 2612 (English); the narration is also found in other collections such as the Sunan collections of Abu Dāwud, Tirmidhi, Nasā'i and Ibn Mājah

⁸ Ṣāḥīḥ Bukhārī, Kitāb at-Tahajud, Vol. 2, Book 21, no. 222, also no. 255 (English trans.)

عَنْ يَحْيَى بْنِ سَعِيدِ الْقَطَّانِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: اجْعَلُوا آخِرَ صَلَاتِكُمْ بِاللَّيْلِ وَتَرًا ، وَقَوْلُهُ - عَلَيْهِ السَّلَامُ -: بَادِرُوا الصُّبْحَ بِالْوُتْرِ ، وَ يَا أَهْلَ الْقُرْآنِ أَوْتِرُوا

From Yahya ibn Sa'eed al-Qaḥṭān from Ubaid'ullah ibn Umar narrated to us Nafi' narrated to me from Ibn Umar from the Prophet, he said -*make last of prayers witr* and he (peace be upon him) said: *Perform the witr before dawn oh people of the Qur'an!*⁹

All of these commands (are established) and nothing else is allowed. And as for the *ḥadith* 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.*¹⁰ 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.'*¹¹ 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. It is also been narrated:

وَرَوَيْنَا عَنْ شُعْبَةَ عَنْ أَبِي إِسْحَاقَ السَّبِيْعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: الْوُتْرُ لَيْسَ بِحَتْمٍ وَلَكِنَّهُ سُنَّةٌ

As narrated from Shu'ba from Abu Ishāq as-Sabe'ee from Aā'ṣim bin Ḍamra from Ali bin Abi Tālib who said: the *Witr* is not obligatory (*Ḥatm*), but it is a *Sunnah*.¹²

⁹ *Musnad Aḥmad*, *ḥadith* no. 4,712 and 4,714

¹⁰ *Ṣāḥīḥ Muslim*, *Kitāb as-Ṣalāt*, Book 4, no. 1702 (English trans.), Abu Dāwud Book 5, no. 1301

¹¹ *Ṣāḥīḥ Muslim* *ibid.* no. 1700

¹² Imām Nasā'i has a similar narration from a different channel recorded in his *Sunan* (Vol. 2 book 20 no. 1,676): Muḥammad ibn Ismā'eel ibn Ibrāhīm reported to me from Abu Nu'aym from Sufyān from Abu Ishāq from Aā'ṣim 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 be upon him).'

وَرَوَيْنَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمٍ عَنْ عَلِيٍّ قَالَ: «الْوِثْرُ لَيْسَ فَرِيضَةً وَلَكِنَّهُ سُنَّةٌ سَنَّهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

As narrated from Sufyān ath-Thāwri from Abu Ishāq from Ali who said: the *Witr* is not *farḍ* but it is a *Sunnah* from the Prophet (peace be upon him).¹³

وَعَنْ عُبَادَةَ بْنِ الصَّامِتِ تَكْذِيبُ مَنْ قَالَ إِنَّ الْوِثْرَ وَاجِبٌ

From Ubāda ibn aṣ-Ṣāmit - the one who says *Witr* is *wājib* is a not telling the truth.¹⁴

وَرَوَيْنَا عَنْ الْحَجَّاجِ بْنِ الْمُنْهَالِ حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ قَالَ: سَأَلْتُ نَافِعًا مَوْلَى ابْنِ عُمَرَ: أَكَانَ ابْنُ عُمَرَ يُوتِرُ عَلَى رَاحِلَتِهِ؟ قَالَ نَعَمْ وَهَلْ لِلْوِثْرِ فَضِيلَةٌ عَلَى سَائِرِ التَّطَوُّعِ؟

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

وَرَوَيْنَا عَنْ أَيُّوبَ السَّخْتِيَانِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ أَنَّهُ سُئِلَ عَنْ مَنْ لَمْ يُوتِرْ حَتَّى أَصْبَحَ؟ قَالَ سَيُوتِرُ يَوْمًا آخَرَ.

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

وَرَوَيْنَا عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّهُ سَأَلَ رَجُلًا عَنِ الْوِثْرِ، فَقَالَ سَعِيدٌ: أَوْتَرَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِنْ تَرَكَتَ فَلَيْسَ عَلَيْكَ، وَصَلَّى الصُّحَى، وَإِنْ تَرَكَتَ فَلَيْسَ عَلَيْكَ؛ وَصَلَّى رَكَعَتَيْنِ قَبْلَ الظُّهْرِ وَرَكَعَتَيْنِ بَعْدَهَا، وَإِنْ تَرَكَتَ فَلَيْسَ عَلَيْكَ

As narrated from Qatādah from Sa'eed ibn Musayib that he asked a man about *witr*. Sa'eed said, the *witr* of the Prophet (peace be upon him), leave it as it is not upon you; as

¹³ *Sunan* Tirmidhi, Book of *Witr* (3), no. 3

¹⁴ The full narration can be found in *Sunan* Abu Dāwud Book 8, no. 1415

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.

وَعَنْ ابْنِ جُرَيْجٍ، قُلْتُ لِعَطَاءٍ: أَوَاجِبُ الْوُتْرِ وَرَكَعَتَانِ أَمَامَ الصُّبْحِ أَوْ شَيْءٍ مِّنَ الصَّلَاةِ قَبْلَ الْمَكْتُوبَةِ أَوْ بَعْدَهَا؟
قَالَ لَا، وَهُوَ قَوْلُ الشَّافِعِيِّ وَدَاوُدَ وَجُمْهُورِ الْمُتَقَدِّمِينَ وَالْمُتَأَخِّرِينَ

And from Ibn Jurayj - Ata' 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 ash-Shāfi'i and Dāwud and the majority of the *Mutaqadimeen* and *Muta'akhireen*.

As for Abu Ḥanifah, 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 *farḍ* 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 *farḍ*, but the one who leaves he is not to be taken as a witness.¹⁵

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 permission (*ithan*), 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 عَفُورٌ رَّحِيمٌ

...No ground (of complaint) can there be against such as do right, and Allah is oft-forgiving,
merciful.¹⁶

¹⁵ Imam Mālik would not take a witness as a judge if the person did not pray the *Witr*

¹⁶ *Qur'ān* 9: 91

Abu Muḥammad said: the *witr* is the most strongly emphasized of the *ta'tawa'ah'* prayers from the *aḥadith* we have discussed and the commands of the Prophet (peace 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 Prophet (peace be upon him) commanded us to this. The *ta'tawa'ah'* prayers that are emphasized by the Prophet (peace be upon him) are more important than the ones that he didn't emphasize upon. From the way of Mālik, it is reported:

رَوَيْنَا مِنْ طَرِيقِ مَالِكٍ عَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ عَمْرِو بْنِ سُلَيْمِ الزُّرَقِيِّ عَنْ أَبِي قَتَادَةَ السُّلَمِيِّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا دَخَلَ أَحَدُكُمْ الْمَسْجِدَ فَلْيَرْكَعْ رَكَعَتَيْنِ قَبْلَ أَنْ يَجْلِسَ

From Aā'mir ibn Abdallah ibn Zubayr from Amr ibn Sulaym az-Zuraqy from Abu Qatādah: The Prophet (peace be upon him) said: *When one of you enters the masjid, he must not sit until he prays two rak'ah.*¹⁷

رَوَيْنَا عَنْ عَبْدِ الْوَارِثِ بْنِ سَعِيدِ التَّنُورِيِّ ثنا أَبُو التَّيَّاحِ حَدَّثَنِي أَبُو عُثْمَانَ النَّهْدِيُّ عَنْ أَبِي هُرَيْرَةَ قَالَ «أَوْصَانِي خَلِيلِي - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِصِيَامِ ثَلَاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ وَرَكَعَتَيْ الضُّحَى وَأَنْ أُوتِرَ قَبْلَ أَنْ أَرْفُدَ

As narrated from Abdul-Wārith ibn Saeed at-Tanoory Abu Attayāḥ narrated to us Abu Uthmān an-Nahdi narrated to me from Abu Hurayrah: My friend (the Prophet) advised me to do three things and I shall not leave them till I die, these are: To fast three days every month, to offer the *Duha* prayer, and to offer *Witr* before sleeping.¹⁸

رَوَيْنَا عَنْ شُعْبَةَ عَنْ أَبِي نَعَامَةَ عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ عَنْ أَبِي ذَرٍّ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَصَّلِ الصَّلَاةَ لَوْ فُتِّهَا، ثُمَّ إِنَّ أُفِيْمَتِ الصَّلَاةُ فَصَلِّ مَعَهُمْ فَإِنَّهَا زِيَادَةٌ خَيْرٍ

¹⁷ Mālik *Muwattā*, 9.9.18.60. See also: Muslim, *Kitāb as-Ṣalāt*, Book 4, no. 1540; *Bulugh Al-Maram* by Ibn Hajr Al-Asqalāni, *Kitāb as-Ṣalāt*, p. 92

¹⁸ *Ṣāḥīḥ* Bukhārī, Vol. 2, *Kitāb at-Tahajjud*, Book 21, No. 274 (English trans), also in Muslim and Abu Dāwud

As narrated from Shu'ba from Abu Na'āmah from Abdullah ibn as-Ṣāmit from Abu Dhar he said the Prophet (peace 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.*¹⁹

وَرُوِينَا عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ حَدَّثَنَا سَهْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ «أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ نُصَلِّيَ أَرْبَعًا بَعْدَ الْجُمُعَةِ

As narrated from Sufyān bin Uyaynah, Sahl bin Abi Ṣāliḥ narrated to us from his father from Abu Hurayrah, he said the Prophet commanded us that we should pray four after *salātul—jumma*.

وَرُوِينَا عَنْ الْحَسَنِ بْنِ أَبِي بَكْرَةَ إِنَّ الشَّمْسَ وَالْقَمَرَ لَا يَنْكَسِفَانِ لِمَوْتِ أَحَدٍ فَإِذَا رَأَيْتُمُوهُمَا فَصَلُّوا وَادْعُوا حَتَّى يَنْكَشِفَ مَا بَيْنَكُمُ

As narrated from al-Ḥasan ibn Abu 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.*²⁰

حَدَّثَنَا حُمَامٌ حَدَّثَنَا عَبَّاسُ بْنُ أَصْبَغٍ ثنا ابْنُ أَبِي أَيْمَانَ ثنا ابْنُ وَصَّاحٍ ثنا حَامِدُ بْنُ يَحْيَى الْبُلْخِيُّ حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ ثنا سَهْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ «أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ نُصَلِّيَ بَعْدَ الْجُمُعَةِ أَرْبَعًا ثُمَّ بَعْدَ هَذِهِ سَائِرِ اللَّيْلِ ذَكَرْنَا؛ لِأَنَّهُ لَمْ يَأْتِ بِهَا أَمْرٌ

Ḥumām narrated to us A'bbās ibn Aṣḡagh narrated to us Ibn Ayman narrated to us Ibn Waḡḡāḡ narrated to us Ḥāmid ibn Yaḡya al-Balkhee arrated to us Sufyān ibn Uyaynah narrated to us Suhail ibn Abi Ṣāliḡ narrated to us from his father from Abu Hurayrah: the Prophet commanded us that we pray four *rak'ah* after *Jumma* and the things that we are reminded of because it didn't come with a command.

¹⁹ This is an abridged version of the *ḥadith* recorded in Muslim. The version in the standard English translation (Vol. 4, no. 1358) reads as follows: Abu Dhar who reported that the Prophet (peace 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.*

²⁰ Bukhārī, Vol. 2, Book 18 (Eclipses), No. 150 (English trans.)

(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 has said:

وَأَفْعَلُوا الْخَيْرَ لَعَلَّكُمْ تُفْلِحُونَ

... and do good; that you may prosper.²¹

²¹ Qur'ān 22: 77

Mas'ala 276: 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. The reason why this is the case is because the Prophet (peace be upon him) said: *'the pen is lifted upon three, the child until gaining maturity...'*²² The Prophet (peace be upon him) taught Ibn A'bbās before he became mature after the *farḍ ṣalāt* 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.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُدَ ثنا مُحَمَّدُ بْنُ عِيْسَى ثنا إِبْرَاهِيمُ بْنُ سَعْدٍ
عَنْ عَبْدِ الْمَلِكِ بْنِ الرَّبِيعِ بْنِ سُبْرَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرُّوا الصَّبِيِّ
بِالصَّلَاةِ إِذَا بَلَغَ سَبْعَ سِنِينَ، فَإِذَا بَلَغَ عَشْرَ سِنِينَ فَاضْرِبُوهُ عَلَيْهَا

Abdallah ibn Rabeeh' narrated it to us Ibn Sulaym narrated to us Ibn al-A'rābi narrated to us Abu Dāwud narrated to us Muḥammad bin E'sa narrated to us Ibrāhim bin Sa'd narrated to us from Abdal-Malik bin ar-Rabeeh' bin Subra from his father from his grandfather he said the Messenger of Allah (peace 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.*²³

²² This narration is found in several places 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

²³ *Sunan* Abu Dāwud, Book 2, no. 104 and 495

Mas'ala 277: Prayer is not obligatory upon the insane / mental illness, the menstruating woman or the woman who has post-natal bleeding

As for any of the people referred to above, then it is not necessary for anyone of them to make up the *ṣalāt* 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 Prophet (peace be upon him) said: *'The pen has been lifted from three: from the sleeping person until he awakens, from the minor until he grows up, and from the insane person until he comes to his senses.'*²⁴ 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 A'mmār ibn Yāsar, Aṭā', Mujāhid, 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.²⁵ And it what has been authentically reported from Ibn Umar is at odds with the statement of A'mmār, 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.

رُوِيَ عَنْ عَبْدِ الرَّزَّاقِ بْنِ جُرَيْجٍ عَنْ نَافِعٍ أَنَّ ابْنَ عُمَرَ اشْتَكَى مَرَّةً غَلِبَ فِيهَا عَلَى عَقْلِهِ حَتَّى تَرَكَ الصَّلَاةَ ثُمَّ
أَفَاقَ فَلَمْ يُصَلِّ مَا تَرَكَ مِنَ الصَّلَاةِ؛

²⁴ Op cit.

²⁵ 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.

As narrated from Abdar-Razzāq: 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.

Also (as it reported about) Abdalah ibn Umar from Nāfi' by he was in the state of when he didn't know what was going on for a day and a night, but didn't make up the ṣalāt.

وَعَنْ ابْنِ جُرَيْجٍ عَنْ ابْنِ طَاوُوسٍ عَنْ أَبِيهِ: إِذَا أَغْمِيَ عَلَى الْمَرِيضِ ثُمَّ عَقَلَ لَمْ يُعِدْ الصَّلَاةَ

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 ṣalāt.

Ma'mar says that az-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:

عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنِ الْحَسَنِ الْبَصْرِيِّ وَمُحَمَّدِ بْنِ سِيرِينَ أَنَّهُمَا قَالَا فِي الْمُغْمَى عَلَيْهِ: لَا يُعِيدُ الصَّلَاةَ الَّتِي أَفَاقَ عِنْدَهَا.

From Ḥammād ibn Salama from Yunus ibn Ubaid from Ḥassan 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 Aā'ṣim 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 ṣalāt* out of its time *precisely because it is out of its time*. And with Allah is all success.

Mas'ala 278: Oversleeping & missing the ṣalāt from its fixed time

As for the one who is intoxicated up until the time of the ṣalāt 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. Allah has said:

... لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ....

*...approach not prayers with a mind befogged, until you can understand what you say...*²⁶

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا حَمَادُ بْنُ زَيْدٍ عَنْ ثَابِتِ هُوَ الْبُنَانِيُّ - عَنْ عَبْدِ اللَّهِ بْنِ رَبَاحٍ عَنْ أَبِي قَتَادَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: إِنَّهُ «لَيْسَ فِي النَّوْمِ تَفْرِيطٌ، إِنَّمَا التَّفْرِيطُ فِي الْيَقَظَةِ فَإِذَا نَسِيَ

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Muā'wiya narrated to us Aḥmad ibn Shuayb²⁷ narrated to us Qutayba ibn Sa'eed narrated to us Ḥammād ibn Zayd narrated to us from Thābit – he is al-Bunāny - from Abdallah ibn Rabāḥ from Abu Qatādah that the Messenger of Allah (peace be upon him) said: They told the Prophet (peace be upon him) that they had slept and missed the prayer. He 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.*²⁸

We have also narrated this tradition it from Anas with a connected chain and upon all of this (there) is a definite consensus.

²⁶ Qur'ān 4: 43

²⁷ That is Imām an-Nasā'i

²⁸ Sunan Nasā'i Vol. 1, book 6, no. 616

Mas'ala 279: The issue of 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 *qaḍā* for it, ever. 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, 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 سَاهُونَ

Ah, woe unto worshippers, those who are heedless of their prayer.²⁹

فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ فَسَوْفَ يَلْقَوْنَ عَذَابًا

But after them there followed a posterity who missed prayers and followed after lusts: soon, then will they face destruction.³⁰

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*:

²⁹ Qur'ān 107: 4/5

³⁰ Qur'ān 19: 59

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ...

.... and whoever goes beyond the limits of Allah, he indeed does injustice to his own soul...³¹

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.

³¹ Qur'ān 65: 1

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 A'bbās and 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 *ṣalāt* and *zakāt*. Abu Bakr said – ‘I will fight whoever makes a distinction between the *zakāt* and *ṣalāt* 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 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 *ṣalāt* 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 obvious (*zahir*) 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 of 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 whole) of the heavens and of the earth, prepared for the righteous.³²

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

³² Qur'ān 3: 133

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, *Ḥajj*, fasting and the like. We say to those who oppose us: you have to accept from us that *Ḥajj* 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 analogy (*Qiyās*) 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 its 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 its 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 *Ḥajj*. If *Qiyās* 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 *Ḥajj* 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.³³

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.'³⁴ 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 *qadā* - ever. The ones who say this as we have said are: Umar bin al-Khaṭṭāb, Ibn Umar, Sa'ad Ibn Abi Waqās, Ibn Mas'ud, Qāsim bin Muḥammad ibn Abi Bakr, Al-Uqayli, Muḥammad bin Sireen, Umar ibn Abd-al-Aziz and other than them.

فَرَوَيْنَا مِنْ طَرِيقِ شُعْبَةَ عَنْ يَعْلَى بْنِ عَطَاءٍ عَنْ عَبْدِ اللَّهِ بْنِ حِرَاشٍ قَالَ: رَأَى ابْنُ عُمَرَ رَجُلًا يَفْرَأُ صَحِيفَةً، فَقَالَ لَهُ: يَا هَذَا الْقَارِئُ؛ إِنَّهُ لَا صَلَاةَ؛ لِمَنْ لَمْ يُصَلِّ الصَّلَاةَ لَوْفَتْهَا، فَصَلَّ ثُمَّ أَفْرَأَ مَا بَدَأَ لَكَ

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

وَرَوَيْنَا مِنْ طَرِيقِ إِبْرَاهِيمَ بْنِ الْمُنْذِرِ الْجَزَامِيِّ عَنْ عَمِّهِ الصَّخَّكَ بْنِ عُثْمَانَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ فِي خُطْبَتِهِ بِالْجَابِيَةِ: أَلَا، وَإِنَّ الصَّلَاةَ لَهَا وَقْتُ شَرَطَهُ اللَّهُ لَا تَصْلُحُ إِلَّا بِهِ

³³ Qur'ān 19: 64

³⁴ 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

It is reported from the channel of Ibrāhim ibn al-Munzar al-Ḥizāmi from aḍ-Ḍaḥḥāk ibn Uthmān that Umar bin 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.

وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ الْمُثَنَّى عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي نَضْرَةَ عَنْ سَالِمِ بْنِ الْجَعْدِ قَالَ: قَالَ سُلَيْمَانُ - هُوَ صَاحِبُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: الصَّلَاةُ مِثَالٌ؛ فَمَنْ وَقَىٰ وَفَىٰ لَهُ؛ وَمَنْ طَفَّفَ فَقَدْ عَلِمْتُمْ مَا قِيلَ فِي الْمُطَفِّينَ

From the channel of Muḥammad bin al-Muthanna from Abdar-Raḥman ibn Mahdi from Sufyān ath-Thawri from Abu Naḍra from Sālim ibn al-J'ad who said – Salmān al-Farsi said that the Prophet (peace be upon him) said: *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.*³⁵

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:

وَمِنْ طَرِيقِ وَكَيْعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَاصِمِ بْنِ أَبِي النَّجُودِ عَنْ مُصْعَبِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ عَنْ أَبِيهِ أَنَّهُ قَالَ فِي قَوْلِ اللَّهِ تَعَالَى: {الَّذِينَ هُمْ عَنْ صَلَاتِهِمْ سَاهُونَ} قَالَ: السَّهْوُ التَّرْكَ عَنْ الْوَقْتِ

From the channel of Waki' from Sufyān ath-Thawri from Aā'ṣim ibn Abi an-Nujud from Muṣab ibn Sa'd ibn Abi Waqās from his father in relation to the statement of Allah '...those who are heedless of their prayer',³⁶ they said: 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!

³⁵ Ibn al-A'sākir, *Tārikh Dimishk*

³⁶ *Qur'ān* 107: 5

وَبِهِ إِلَى وَكَيْعٍ عَنِ الْمَسْعُودِيِّ عَنِ الْقَاسِمِ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ - وَالْحَسَنُ هُوَ ابْنُ سَعْدٍ - قِيلَ لِعَبْدِ اللَّهِ بْنِ مَسْعُودٍ {الَّذِينَ هُمْ عَلَى صَلَاتِهِمْ دَانِمُونَ} {وَالَّذِينَ هُمْ عَلَى صَلَاتِهِمْ يُحَافِظُونَ} فَقَالَ: ذَلِكَ عَلَى مَوَاقِيتِهَا. قَالُوا: مَا كُنَّا نَرَى ذَلِكَ إِلَّا عَلَى تَرْكِهَا، قَالَ تَرْكُهَا هُوَ الْكُفْرُ

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 Ibn Mas'ud about (the verse): 'Those who are constant at their prayer,'³⁷ and 'Those who keep a guard on their prayer',³⁸ 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. And leaving the prayer is *Kufr*.'

وَعَنْ مُحَمَّدِ بْنِ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ قَالَ: دُكِرَ لَنَا أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ كَانَ يَقُولُ: إِنَّ لِلصَّلَاةِ وَقْتًا كَوَقْتِ الْحَجِّ؛ فَصَلُّوا الصَّلَاةَ؛ لِمِيقَاتِهَا

And from Muḥammad ibn Muthanna: Abdal-A'la narrated to us Sa'eed ibn Abi A'ruba narrated to us from Qatādah, he said: we have been told that Abdallah ibn Mas'ud used to say: '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 *miqat* in *Hajj / Umrah*].'

وَعَنْ مُحَمَّدِ بْنِ الْمُثَنَّى حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا حَمَّادُ بْنُ زَيْدٍ عَنْ يَحْيَى بْنِ عَتِيقٍ قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ سِيرِينَ يَقُولُ: إِنَّ لِلصَّلَاةِ وَقْتًا وَاحِدًا، فَإِنَّ الَّذِي يُصَلِّي قَبْلَ الْوَقْتِ مِثْلَ الَّذِي يُصَلِّي بَعْدَ الْوَقْتِ

And from Muḥammad ibn Muthanna – Abdar-Raḥman bin Mahdi narrated to us Ḥammād ibn Zayd narrated to us from Yahya ibn A'teeq, 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.'

وَمِنْ طَرِيقٍ سَخْنُونَ عَنِ ابْنِ الْقَاسِمِ أَخْبَرَنِي مَالِكٌ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصَّدِيقَ حِينَ كَانَتْ بَنُو أُمَيَّةَ يُؤَخَّرُونَ الصَّلَاةَ، أَنَّهُ كَانَ يُصَلِّي فِي بَيْتِهِ، ثُمَّ يَأْتِي الْمَسْجِدَ يُصَلِّي مَعَهُمْ، فُكِّمَ فِي ذَلِكَ، فَقَالَ أَصْلَى مَرَّتَيْنِ أَحَبُّ إِلَيَّ مِنْ أَنْ لَا أُصَلِّيَ شَيْئًا

³⁷ Qur'ān 70: 23

³⁸ Qur'ān 70: 34

And from the channel of *Saḥnoon* – from Ibn al-Qāsim, Mālik reported to me that al-Qāsim ibn Muḥammad ibn Abi Bakr aṣ-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.³⁹

Ali said: it therefore becomes clear that the first prayer they were praying was the obligatory prayer and the latter the voluntary.⁴⁰ 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.

وَعَنْ أُسَدِ بْنِ مُوسَى بْنِ مَرْوَانَ بْنِ مُعَاوِيَةَ الْفَزَارِيِّ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ قَالَ: سَمِعْتُ اللَّهَ تَعَالَى ذَكَرَ أَقْوَامًا فَعَابَهُمْ فَقَالَ: {أَصَاغُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ فَسَوْفَ يَلْقَوْنَ غِيًّا} وَلَمْ تَكُنْ إِضَاعَتُهُمْ إِيَّاهَا، أَنْ تَرَكُوهَا؛ وَلَوْ تَرَكُوهَا لَكَانُوا بِتَرْكِهَا كُفْرًا، وَلَكِنْ أَخْرَوْهَا عَنْ وَقْتِهَا

And from Asad ibn Musa ibn Marwān ibn Mu'āwiya al-Fazāry: that Umar ibn Abd-al-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.’⁴¹ 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.

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ بُدَيْلِ الْعُقَيْلِيِّ قَالَ: بَلَغَنِي أَنَّ الْعَبْدَ إِذَا صَلَّى الصَّلَاةَ؛ لَوْفَتْهَا صَعِدَتْ وَلَهَا نُورٌ سَاطِعٌ فِي السَّمَاءِ، وَقَالَتْ: حَفِظْتَنِي حَفِظَكَ اللَّهُ، وَإِذَا صَلَّى لَهَا لِعَبْرٍ وَقْتِهَا طَوِيَتْ كَمَا يُطَوَى الثُّوبُ الْخُلُقُ فَضْرِبَ بِهَا وَجْهَهُ

And from Abdar-Razzāq from Ma'mar from Budayl al-Uqayli, he said: 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).

³⁹ Mālik, *al-Mudawwana al-Kubra*

⁴⁰ For example establishing the point that to join the *jamaat* when it is prayed later even though you have completed the obligatory.

⁴¹ *Qur'ān* 19: 59

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,*'⁴² and '*He who does not recite Umm al-Qur'ān is not credited with having observed prayer.*'⁴³

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 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 an apostate (*kāfir murtad*). 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:

⁴² This is found in a number of collections such as *Sunan Nasā'i* Vol. 2 book 11, no 1028 and *Sunan Abu Dāwud* book 3, no. 854

⁴³ This tradition is well established – see: Bukhāri, book 12, no. 723 and Muslim, book 4, No. 778

وَإِذَا كُنْتَ فِيهِمْ فَأَقَمْتَ 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...⁴⁴

فَإِنْ خِفْتُمْ فَرِجَالًا أَوْ رُكْبَانًا....

But if you are in danger then (say your prayers) on foot or on horseback...⁴⁵

Allah and His Messenger (peace 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 *insha'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 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

⁴⁴ Qur'ān 4: 102

⁴⁵ Qur'ān 2: 239

remembrance,⁴⁶ and the Prophet (peace be upon him) said: ‘...Allah has enjoined on them **five prayers**...’⁴⁷ 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 *Ḥadith* 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 Makhḥool who did not meet Anas.⁴⁸ 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.

⁴⁶ *Qur’ān* 20: 14

⁴⁷ Bukhāri book 24, no. 573

⁴⁸ This point is incorrect

Mas'ala 280: Intentionally leaving the ṣalāt until its time has elapsed and making istigfar to Allah and performing a lot of voluntary prayers

Regarding our statement about the *tawbah* of the one who deliberately leaves his prayers (*tark as-ṣalāt*): that he should make *istigfar* and do many voluntary prayers, we note that Allah has said:

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.*⁴⁹

And the statement of Allah the exalted:

وَمَا يَفْعَلُوا مِنْ خَيْرٍ فَلَنْ يُكْفَرُوهُ وَاللَّهُ عَلِيمٌ بِالْمُتَّقِينَ

*And whatever good they do, nothing will be rejected of them; for Allah knows well those who are Al-Muttaqeen.*⁵⁰

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.*⁵¹

⁴⁹ Qur'ān 19: 59/60

⁵⁰ Qur'ān 3: 115

⁵¹ Qur'ān 99: 7/8

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

*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.*⁵²

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 طَرَفِي النَّهَارِ وَزُلْفَا مِّنَ اللَّيْلِ إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ ذَلِكَ ذِكْرٌ 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.*⁵³

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

فَأَمَّا مَنْ ثَقُلَتْ مَوَازِينُهُ ، فَهُوَ فِي عِيشَةٍ رَّاضِيَةٍ ، وَأَمَّا مَنْ خَفَّتْ مَوَازِينُهُ ، فَأُمُّهُ 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.*⁵⁴

⁵² Qur'ān 21: 47

⁵³ Qur'ān 11: 114

⁵⁴ Qur'ān 101: 6/7

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَيْبِعٍ حَدَّثَنَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا أَبُو دَاوُدَ ثنا يَعْقُوبُ بْنُ إِبْرَاهِيمَ ثنا إِسْمَاعِيلُ هُوَ ابْنُ عَلِيَّةَ - ثنا يُونُسُ عَنِ الْحَسَنِ عَنِ أَنَسِ بْنِ حَكِيمِ الضَّبِّيِّ أَنَّهُ لَقِيَ أَبَا هُرَيْرَةَ فَقَالَ لَهُ أَبُو هُرَيْرَةَ: «أَوَّلُ مَا يُحَاسِبُ النَّاسُ بِهِ يَوْمَ الْقِيَامَةِ مِنْ أَعْمَالِهِمْ الصَّلَاةُ، يَقُولُ رَبُّنَا - تَبَارَكَ وَتَعَالَى - لِلْمَلَائِكَةِ وَهُوَ أَعْلَمُ: انظُرُوا هَلْ فِي صَلَاةِ عَبْدِي أَمَّهَا أَمْ نَقَصَهَا؟ فَإِنْ كَانَتْ تَامَةً كُتِبَتْ لَهُ تَامَةً وَإِنْ كَانَ انْتَقَصَ مِنْهَا شَيْئًا قَالَ: انظُرُوا هَلْ لِعَبْدِي مِنْ تَطَوُّعٍ؟ فَإِنْ كَانَ لَهُ تَطَوُّعٌ قَالَ: أَتَمُّوا لِعَبْدِي فَرِيضَتَهُ مِنْ تَطَوُّعِهِ، ثُمَّ تُؤْخَذُ الْأَعْمَالُ عَلَى ذَلِكَ

Abdallah ibn Rabeeh' narrated to us Umar ibn Abd-al-Malik narrated to us Abu Dāwud narrated to us Yaqoob ibn Ibrāhim narrated to us Ismāeel – he is Ibn Ulayah – narrated to us Yunus narrated to us from al-Ḥasan from Anas ibn Ḥakim aḍ-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 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.'*⁵⁵

قَالَ أَبُو دَاوُدَ: وَحَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادٌ هُوَ ابْنُ سَلَمَةَ - عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ عَنْ زُرَّارَةَ بْنِ أَوْفَى عَنْ تَمِيمِ الدَّارِيِّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِهَذَا الْمَعْنَى، قَالَ «رُتْمُ الزَّكَاةِ مِثْلُ ذَلِكَ، ثُمَّ تُؤْخَذُ الْأَعْمَالُ حَسَبَ ذَلِكَ

And Abu Dāwud said: and Musa bin Ismāeel narrated to us Ḥammād – he is Ibn Salama narrated to us from Dāwud ibn Abi Hind from Zu'rāra ibn Aufa from Tamim ad-Dāri from the Prophet (peace 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.*⁵⁶

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فُتَيْحٍ نِي عَبْدِ الْوَهَّابِ بْنِ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى قَالَا جَمِيعًا ثنا يَحْيَى هُوَ ابْنُ سَعِيدِ الْقَطَّانِ - عَنْ

⁵⁵ Sunan Abu Dāwud book 3, no. 863

⁵⁶ Sunan Abu Dāwud book 3, no. 865

عُبَيْدُ اللَّهِ هُوَ ابْنُ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «صَلَاةُ الرَّجُلِ فِي الْجَمَاعَةِ تَزِيدُ عَلَى صَلَاتِهِ وَحْدَهُ سَبْعًا وَعِشْرِينَ دَرَجَةً

Abdallah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Aḥmad bin Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim bin 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 be upon him) he said: *Prayer said in a congregation is twenty-seven degrees more excellent than prayer said by a single person.*⁵⁷

And with it in (the book of) Muslim:

حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ أَخْبَرَنَا الْمُغِيرَةُ بْنُ سَلَمَةَ الْمُخْزُومِيُّ حَدَّثَنَا عَبْدُ الْوَاحِدِ هُوَ ابْنُ زِيَادٍ - ثنا عُثْمَانُ بْنُ حَكِيمٍ أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ أَبِي عَمْرَةَ قَالَ: دَخَلَ عُثْمَانُ بْنُ عَفَّانٍ - رَضِيَ اللَّهُ عَنْهُ - الْمَسْجِدَ بَعْدَ صَلَاةِ الْمَغْرِبِ فَقَعَدَ وَحْدَهُ فَقَعَدْتُ إِلَيْهِ، فَقَالَ: يَا ابْنَ أَخِي سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «مَنْ صَلَّى الْعِشَاءَ فِي جَمَاعَةٍ فَكَأَنَّمَا قَامَ نِصْفَ اللَّيْلِ وَمَنْ صَلَّى الصُّبْحَ فِي جَمَاعَةٍ فَكَأَنَّمَا قَامَ اللَّيْلَ كُلَّهُ

Ishāq ibn Ibrāhim narrated to us al-Mughira ibn Salama al-Makhzumi reported to us Abdal-Wāḥid – he is Ibn Ziyād – narrated to us Uthmān ibn Ḥakim narrated to us Abdar-Raḥman ibn Abi A'mra reported to us he said: Uthmān ibn A'ffān (may Allah be pleased with him) entered the *masjid* after *ṣalāt al-Maghrib* and sat alone with him, he said: O son of my brother! I heard the Prophet (peace 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.'⁵⁸

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;

⁵⁷ Muslim book 4, no.1365/1366

⁵⁸ Muslim book 4, no. 1379

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.*'⁵⁹ As for the one who says that the *ta'tawa'ah* prayers can't be accepted from the one who is missing the *farḍ* 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 Ubaida ar-Rabazee and he is classified as *ḍa'ef* (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 Muṭṭarif from Mālik that Abu Bakr aṣ-Ṣadeeq and Abdal-Malik is *sāqiṭ*, and also this is *munqaṭi'*. If this were authentic this *ta'tawa'ah* would provide compensation for abandonment of the *farḍ* prayers, without the need for regret or repentance. And with Allah is all success.

⁵⁹ Muslim book 18, no. 4267; this narration is famous and found in all the major collections of *ḥadīth*

Mas'ala 281: The Five Mandatory Prayers

The issue here is of the obligatory prayers upon the mature, sound of mind, free male or female are five: *fajr*, *zhur*, *aṣr*, *maghrib* and *atma*. As for *fajr*, it is always two *rak'ah* that is a staple upon everyone. For the one who is healthy, sick, traveller or resident. Even for the one who is in state of fear, *maghrib* is always three, the same as for *fajr*. *Zhur*, *aṣr* and *atma* (*Eshā'*) all of them are upon the resident four *rak'ah*. The consensus is agreed upon this and well known. And no one from the old parts of the *Ummah* has a different view. 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 prayer 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 for these issues is that; is the shortening obligatory or up to the traveller? And is it allowed to do just one *rak'ah* in a state of fear? This is a question and we shall look over and remind ourselves of the proof are concerning these matters and the invalidity of the mistakes that other opinions are, Allah willing and all power is with Allah. In the upcoming chapters, we will look at the evidences for the truth of these matters, mostly around travelling issues.

Mas'ala 282: Divisions of Voluntary (prayers)

The types of *ta'tawa'ah*, the most important and emphasized, we have already mentioned previously in the book of *ṣalāt*. We will look at the types of prayer the Prophet (peace 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 *ṣalāt* of the two *Eid's*
- the *ṣalāt* 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 *masjid*

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.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ تَنَا يُوسُفَ تَنَا أَحْمَدُ بْنُ فُتَيْحٍ تَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى تَنَا أَحْمَدُ بْنُ مُحَمَّدٍ تَنَا أَحْمَدُ بْنُ عَلِيِّ تَنَا مُسْلِمُ بْنُ الْحَجَّاجِ، حَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ تَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانِ عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي عَطَاءٌ عَنْ عُبَيْدِ بْنِ عُمَيْرٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَكُنْ عَلَى شَيْءٍ مِنَ النَّوَافِلِ، أَشَدَّ وَبِهِ إِلَى مُسْلِمٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدِ الْغُبَرِيِّ تَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ «تَعَاهَدَا مِنْهُ عَلَى رَكَعَتَيْنِ قَبْلَ الصُّبْحِ عَنْ زُرَّارَةَ بْنِ أَوْفَى عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «رَكَعَتَا الْفَجْرِ خَيْرٌ مِنَ الدُّنْيَا وَمَا فِيهَا

Abdallah ibn Yusuf narrated to us Aḥmad ibn Faḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Aḥmad bin Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim bin al-Ḥajjāj narrated to us Zuhayr ibn Ḥarb narrated to me Yahya bin Saeed al-Qaḥṭān

narrated to us from Ibn Jurayj, A'tā reported to me from Ubayd bin Umayr from A'isha mother of the believers that the Prophet (peace 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.⁶⁰

The Prophet (peace 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)*. And also with the same (*isnād*) to Muslim:

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى النَّيْسَابُورِيُّ ثنا هُشَيْمٌ عَنْ خَالِدٍ هُوَ الْحَدَّاءُ - عَنْ عَبْدِ اللَّهِ بْنِ شَقِيقٍ قَالَ: سَأَلْتُ عَائِشَةَ عَنْ صَلَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ تَطَوُّعِهِ؟ فَقَالَتْ: «كَانَ يُصَلِّي فِي بَيْتِهِ قَبْلَ الظُّهْرِ أَرْبَعًا؛ ثُمَّ يَخْرُجُ فَيُصَلِّي بِالنَّاسِ ثُمَّ يَدْخُلُ فَيُصَلِّي رَكَعَتَيْنِ؛ وَيُصَلِّي بِالنَّاسِ الْمَغْرِبَ، ثُمَّ يَدْخُلُ فَيُصَلِّي رَكَعَتَيْنِ، وَيُصَلِّي بِالنَّاسِ الْعِشَاءَ، وَيَدْخُلُ بَيْتِي فَيُصَلِّي رَكَعَتَيْنِ

Yahya ibn Yahya an-Nisāburi arrated to us Hushaym narrated to us from Khālid – he is al-Ḥaza'a - from Abdalla ibn Shaqīq he said: I asked A'isha about the voluntary prayers of the Prophet (peace 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*.⁶¹

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُدَ ثنا حَفْصُ بْنُ عَمْرٍو هُوَ الْحَوْضِيُّ - ثنا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصَلِّي قَبْلَ الْعَصْرِ رَكَعَتَيْنِ

Abdallah ibn Rabeeh' narrated to us Muḥammad bin Ishāq narrated to us Ibn al-A'rābi narrated to us Abu Dāwud narrated to us Ḥafṣ bin Umar – he is al-Ḥawḍi – narrated to us Shu'ba narrated to us from Abu Ishāq from Aā'sim bin Ḍamra from Ali ibn Abi Ṭālib (may

⁶⁰ Muslim book 4, no. 1571

⁶¹ Muslim book 4, no. 1584

Allah be pleased with him) that the Prophet (Peace be upon him) used to pray two *rak'ah* before *aṣr*.⁶²

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثَنَا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثَنَا أَحْمَدُ بْنُ شُعَيْبٍ ثَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ ثَنَا يَزِيدُ بْنُ زُرَيْعٍ ثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ: سَأَلْنَا عَلِيًّا عَنْ صَلَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؛ فَوَصَفَ، قَالَ: «كَانَ يُصَلِّي قَبْلَ الظُّهْرِ أَرْبَعًا وَبَعْدَهَا ثِنْتَيْنِ، وَيُصَلِّي قَبْلَ العَصْرِ أَرْبَعًا، يَفْصِلُ بَيْنَ كُلِّ رَكْعَتَيْنِ بِتَسْلِيمٍ عَلَى الْمَلَائِكَةِ الْمُقْرَبِينَ وَالنَّبِيِّينَ وَمَنْ تَبِعَهُمْ مِنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Ismāeel ibn Mas'ud narrated to us Yazid ibn Zureeh narrated to us Shu'ba narrated to us from Abu Ishāq from 'Aā'sim ibn Ḍamra he said: 'We asked 'Ali about the prayer of the Messenger of Allah (peace 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.'⁶³

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

ثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ ثَنَا حُصَيْنُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ قَالَ: سَأَلْنَا عَلِيًّا عَنْ صَلَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَوَصَفَ قَالَ: «كَانَ يُصَلِّي قَبْلَ الظُّهْرِ أَرْبَعَ رَكَعَاتٍ؛ يَجْعَلُ التَّسْلِيمَ فِي آخِرِ رَكَعَةٍ، وَبَعْدَهَا أَرْبَعَ رَكَعَاتٍ يَجْعَلُ التَّسْلِيمَ فِي آخِرِ رَكَعَةٍ

Muḥammad ibn Muthanna reported to us Muḥammad ibn Abdur-Raḥman narrated to us Huṣṣein ibn Abdar-Raḥman narrated to us from Abu Ishāq from 'Aā'sim ibn Ḍamra he said: We asked Ali about the prayer of the Prophet (peace 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.'⁶⁴

⁶² *Sunan* Abu Dāwud book 5, no. 1267

⁶³ This is a summarised version of the ḥadith, the full text can be found in *Sunan* Nasā'i, Vol. 1, book 10, no. 875

⁶⁴ 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

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثَنَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثَنَا مُحَمَّدُ بْنُ بَكْرٍ ثَنَا أَبُو دَاوُدَ ثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ ثَنَا ابْنُ عَلِيَّةَ هُوَ إِسْمَاعِيلُ - عَنِ الْجُرَيْرِيِّ عَنِ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ عَنِ عَبْدِ اللَّهِ بْنِ مَغْفَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «بَيْنَ كُلِّ آدَانَيْنِ صَلَاةٌ لِمَنْ شَاءَ

Abdallah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Muḥammad ibn Bakr narrated to us Abu Dāwud narrated to us Abdallah ibn Muḥammad an-Nufayli narrated to us Ibn Ulayah – he is Ismāeel - from al-Jurayri from Abdallah ibn Burayda from Abdallah ibn Mughaffal he said that the Messenger of Allah (peace be upon him) said: *Between the two adhans there is a prayer, for one who desires (to offer it).*⁶⁵

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثَنَا أَحْمَدُ بْنُ فُتَيْحٍ ثَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ ثَنَا أَحْمَدُ بْنُ عَلِيٍّ ثَنَا مُسْلِمُ بْنُ الْحَجَّاجِ ثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى ثَنَا الضَّحَّاكُ يَعْنِي أَبَا عَاصِمٍ - ثَنَا ابْنُ جُرَيْجٍ أَنَا ابْنُ شِهَابٍ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَبْدِ اللَّهِ بْنِ كَعْبِ بْنِ مَالِكٍ أَخْبَرَهُ عَنْ أَبِيهِ وَعَمِّهِ عَبْدِ اللَّهِ وَعَبْدِ اللَّهِ ابْنَيْ كَعْبِ بْنِ مَالِكٍ عَنْ أَبِيهِمَا: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ لَا يَفْزَعُ مِنْ سَفَرٍ إِلَّا نَهَارًا فِي الضُّحَى، فَإِذَا قَدِمَ بَدَأَ بِالْمَسْجِدِ فَصَلَّى فِيهِ رَكَعَتَيْنِ ثُمَّ جَلَسَ فِيهِ

Abdallah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Aḥmad bin Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim bin al-Ḥajjāj narrated to us Muḥammad ibn Muthanna narrated to us aḍ-Ḍaḥḥāk – that is to say – Abu Aā'sim narrated to us Ibn Jurayj narrated to us Ibn Shihāb reported to us that Abdar-Raḥman bin Abdallah bin Ka'b bin Mālik reported to him from his father and his uncle Abdallah and Ubaidallah ibn Ka'b bin Mālik, from from their father that the Prophet (peace be upon him) did not come back from the journey but by day in the forenoon, and

⁶⁵ *Sunan* Abu Dāwud book 5, no. 1278 and *Sunan* Nasā'i Vol. 1, book 7, no. 682. Bukhāri and Muslim have also recorded this *ḥadīth* albeit with some additional wording – Vol. 1 book 11 no. 597 and book 4 no. 1822 and 1823.

when he arrived, he went first to the mosque, and having prayed two *rak'ahs* in it he sat down in it.⁶⁶

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

وَبِهِ إِلَى مُسْلِمٍ: ثنا عَبْدُ بُنِ حُمَيْدٍ أَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُرْعَبُ فِي قِيَامِ رَمَضَانَ مِنْ غَيْرِ أَنْ يُأْمَرَ فِيهِ بِعَزِيمَةٍ»

Abd ibn Ḥumayd narrated to us Abdar-Razzāq reported to us Ma'mar reported to us from az-Zuhri from Abi Salama ibn Abdar-Raḥman ibn Auf from Abu Hurayrah, he said, the Messenger of Allah (peace be upon him) used to exhort (his Companions) to pray (at night) during *Ramaḍān* without commanding them to observe it as an obligatory act...⁶⁷

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ الْهَمْدَانِيُّ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ الْبَلْخِيُّ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إِسْحَاقُ بْنُ نَصْرِ ثنا أَبُو أُسَامَةَ عَنْ أَبِي حَيَّانِ التَّيْمِيِّ عَنْ أَبِي زُرْعَةَ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: لِبِلَالٍ عِنْدَ صَلَاةِ الْفَجْرِ: يَا بِلَالُ؛ حَدِّثْنِي بِأَرْجَى عَمَلٍ عَمِلْتَهُ فِي الْإِسْلَامِ؟ فَإِنِّي سَمِعْتُ دَفَّ نَعْلَيْكَ بَيْنَ يَدَيَّ فِي الْجَنَّةِ قَالَ بِلَالٌ: مَا عَمِلْتُ عَمَلًا أَرْجَى عِنْدِي أَنِّي لَمْ أَتَطَهَّرْ طَهُورًا فِي سَاعَةِ لَيْلٍ أَوْ نَهَارٍ، إِلَّا صَلَّيْتُ بِذَلِكَ الطَّهُورِ مَا كُتِبَ لِي أَنْ أُصَلِّيَ

Abdar-Raḥman ibn Abdallah al-Hamdāni narrated to us Ibrāhim ibn Aḥmad al-Balkhi narrated to us al-Farabri narrated to us al-Bukhāri narrated to us Ishāq ibn Naṣr narrated to us Abu Usāma narrated to us from Abu Ḥayān at-Taymi from Abu Zur'a' from Abu Hurayrah, that at the time of the *Fajr* prayer the Prophet (peace 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.⁶⁸

⁶⁶ Muslim book 4 no. 1545, also in Abu Dāwud book 14 no. 2775

⁶⁷ The full text of the narration can be found in Muslim book 4, no. 1663

⁶⁸ Bukhāri Vol. 2 book 21, no. 250; also in Muslim book 31, no. 6015

Mas'ala 283: Two Rak'ah before Maghrib; preventing people from offering the voluntary prayer after sunset and before Maghrib

Abu Muḥammad said: some people prevent people or forbid people from voluntary prayers after setting of sun but before *maghrib* prayer. From amongst them are Abu Ḥanifah and Mālik etc and we do not know what proof they use (to establish this) but for that (which comes from) Aḥmad bin Muḥammad bin Abdallah aṭ-Ṭalmanki, he said:

ثَنَا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ مُفَرِّجِ بْنِ الصَّمُوْتِ ثَنَا الْبَزْرُ ثَنَا عَبْدُ الْوَاحِدِ بْنِ غِيَاثِ ثَنَا حَيَّانُ بْنُ عُبَيْدِ اللَّهِ عَنْ عَبْدِ اللَّهِ بْنِ بَرِيْدَةَ عَنْ أَبِيهِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «بَيْنَ كُلِّ آدَانَيْنِ صَلَاةٌ إِلَّا الْمَغْرِبَ

Muḥammad bin Aḥmad bin Mufarrij narrated to us aṣ-Ṣamoot narrated to us al-Bazzār narrated to us Abdal-Wāhid bin E'yyāth narrated to us Ḥayyān bin Ubaidallah narrated to us from Abdallah bin Burayda from his father from the Prophet (peace be upon him):
Between every adthān there is a prayer except al-maghrib.

Abu Muḥammad said: this word is singular from (the channel of) Ḥayyān bin Ubaidallah and he is unknown (*majhool*). What is authentic is what is reported from al-Jariri from Abdallah bin Burayda and this was mentioned previously. And it was mentioned from Ibrāhim 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*, because Ibrāhim 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 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:

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ 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 اليربوعي هو أبو الخير قال: أتيت عتبة بن عامر الجهني فقلت: ألا أعجبك من أبي تميم؛ يركع ركعتين قبل صلاة المغرب فقال عتبة: إنا كنا نفعله على عهد رسول الله - صلى الله عليه وسلم - فسألت فما يمنعك الآن؟ قال: الشغل

Abdar-Raḥman bin Abdallah bin Khālid narrated it to us Ibrāhim bin Aḥmad narrated to us al-Farabri narrated to us al-Bukhāri narrated to us Abdallah bin Yazeed – he is al-Muqri – narrated to us Sa'eed bin Abi Ayub narrated to us Yazeed bin Abi Ḥabeeb narrated to us – I heard Marthad bin Abdallah Al-Yazani – he is al-Khayr, he said: I went to Uqba bin Aā'mir 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 Allah's Messenger (peace be upon him). I asked him - What prevents you from offering it now? He replied: work!

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

ثَنَا مُحَمَّدُ بْنُ بَشَّارٍ ثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ غُنْدَرٍ ثَنَا شُعْبَةُ قَالَ: سَمِعْتُ عَمْرَو بْنَ عَامِرِ الْأَنْصَارِيِّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ «كَانَ الْمُؤَدِّنُ إِذَا أَدَّنَ قَامَ نَاسٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَبْتَهِرُونَ السَّوَارِي حَتَّى يَخْرُجَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُمْ كَذَلِكَ يُصَلُّونَ الرَّكَعَتَيْنِ قَبْلَ الْمَغْرِبِ

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثَنَا أَحْمَدُ بْنُ فُتَيْحٍ ثَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ ثَنَا أَحْمَدُ بْنُ عَلِيٍّ ثَنَا مُسْلِمُ بْنُ الْحَجَّاجِ ثَنَا أَبُو كُرَيْبٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، كِلَاهُمَا عَنْ ابْنِ فَضِيلٍ عَنِ الْمُخْتَارِ بْنِ فُلْفُلٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ «كُنَّا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نُصَلِّي رَكَعَتَيْنِ بَعْدَ غُرُوبِ الشَّمْسِ، فَسَأَلْتُ: أَكَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّيهِمَا؟ فَقَالَ: كَانَ يَرَانَا نُصَلِّيهِمَا فَلَمْ يَأْمُرْنَا وَلَمْ يَنْهَنَا

Abdallah ibn Yusuf narrated it to us Aḥmad ibn Faṭḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Aḥmad bin Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim bin al-Ḥajjāj narrated to us Abu Kareeb and Abu Bakr ibn Abi Shayba narrated to us, they both (narrate) from Ibn Fuḍeel from al-Mukhtār bin Fulful from Anas bin Mālik he said: We were at the time of the Messenger (peace be upon him) praying two *rak'ah* after the sunset. So I asked: Did the Messenger of Allah (peace 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 Prophet (peace be upon him) does not recognize 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.⁶⁹ Allah the exalted has said:

⁶⁹ 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.

لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

that you may make clear to men what has been revealed to them,⁷⁰

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

عَنْ عَبْدِ الْوَارِثِ بْنِ سَعِيدٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ " كُنَّا بِالْمَدِينَةِ فَإِذَا أَدْنُ الْمُؤَذِّنِ لِصَلَاةِ الْمَغْرِبِ ابْتَدَرُوا السَّوَارِيَ فَرَكَعُوا رَكَعَتَيْنِ حَتَّى إِنَّ الرَّجُلَ الْغَرِيبَ لَيَدْخُلُ الْمَسْجِدَ فَيَحْسَبُ أَنَّ الصَّلَاةَ قَدْ صَلَّيْتُ لِكَثْرَةِ مَنْ يُصَلِّيهِمَا

From Abdal-Wārith bin Sa'eed from Abdal-Aziz bin Ṣuhaib from Anas bin Mālik he said: When we were in Medina, when the *adthan* 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.

وَرُوِينَا عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ وَعَبْدِ الرَّزَّاقِ؛ كِلَاهُمَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَاصِمِ بْنِ بَهْدَلَةَ عَنْ زُرِّ بْنِ حُبَيْشٍ أَنَّهُ رَأَى عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ وَأَبِيَّ بْنَ كَعْبٍ يُصَلِّيَانِ الرَّكَعَتَيْنِ قَبْلَ صَلَاةِ الْمَغْرِبِ

And it is narrated from Abdar-Raḥman bin Mahdi and Abdar-Razzāq, both of them (reporting) from Sufyān ath-Thawri from Aā'sim bin Bahdala from Zirr bin Ḥubaysh that he saw Abdar-Raḥman bin Auf and Ubay bin Ka'b both pray two *rak'ah* before *ṣalātul-maghrib*.

وَقَالَ حَمَادُ بْنُ زَيْدٍ عَنْ عَاصِمِ بْنِ زُرِّ عَنْ عَبْدِ الرَّحْمَنِ وَأَبِيٍّ مِثْلَ ذَلِكَ، وَزَادَ: لَا يَدْعَانِيهِمَا

⁷⁰ Qur'ān, 16: 44

And Ḥammād bin Zayd said – from Aā’šim from Zirr from Abdar-Raḥman and Ubay, the same as that and they didn’t call others to it.

وَعَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ عَنْ أَنَسٍ: أَنَّهُ كَانَ يُصَلِّي رَكَعَتَيْنِ قَبْلَ صَلَاةِ الْمَغْرِبِ

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

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ شُعْبَةَ عَنْ يَزِيدَ بْنِ خُمَيْرٍ عَنْ خَالِدِ بْنِ مَعْدَانَ عَنْ رَعْبَانَ مَوْلَى حَبِيبِ بْنِ مَسْلَمَةَ: رَأَيْتُ أَصْحَابَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَهْبُؤُونَ إِلَى الرَّكَعَتَيْنِ قَبْلَ صَلَاةِ الْمَغْرِبِ كَمَا يَهْبُؤُونَ إِلَى الْفَرِيضَةِ

And from Abdar-Raḥman bin Mahdi from Shu’ba from Yazeed bin Khumayr from Khālid bin Ma’dān from Raghbān *mawla* of Ḥabeeb bin Maslama: I saw the companions of the Prophet (peace be upon him) go with the desire / passion of two *rak’ah* before *maghrib* like the passion they had for the obligatory prayers.

وَرَوَيْنَا عَنْ وَكَيْعٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: مَا رَأَيْتُ فَقِيهًا يُصَلِّي الرَّكَعَتَيْنِ قَبْلَ الْمَغْرِبِ إِلَّا سَعْدَ بْنَ مَالِكٍ، يَعْنِي سَعْدَ بْنَ أَبِي وَقَّاصٍ

And from Waki’ from Sa’eed bin A’ruba from Qatādah from Sa’eed bin al-Musayib: I never used to see a *faqih* (scholar) pray two *rak’ah* before *maghrib* except Sa’d ibn Mālik, that is to say, Sa’d bin Abi Waqqāṣ.

وَرَوَيْنَا مِنْ طَرِيقِ حَجَّاجِ بْنِ الْمِنْهَالِ عَنْ حَمَادِ بْنِ سَلَمَةَ عَنْ دَاوُدَ الْوَرَّاقِ عَنْ جَعْفَرِ بْنِ أَبِي وَحْشِيَّةٍ: أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ كَانَ يُصَلِّي قَبْلَ الْمَغْرِبِ رَكَعَتَيْنِ

And as narrated from the channel of Ḥajjāj bin al-Minhāl from Ḥammād bin Salama from Dāwud al-Warrāq from Ja’far bin Abi Waḥsheea: that Jābir bin Abdallah was praying two *rak’ah* before *maghrib*.

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ شُعْبَةَ عَنْ سُلَيْمَانَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ رَاشِدِ بْنِ يَسَارٍ قَالَ: أَشْهَدُ عَلَى خَمْسَةٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ أَصْحَابِ الشَّجَرَةِ أَنَّهُمْ كَانُوا يُصَلُّونَ رَكَعَتَيْنِ قَبْلَ الْمَغْرِبِ

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

وَعَنْ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ: أَنَّهُ صَلَّى مَعَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى فَكَانَ يُصَلِّي الرُّكَعَتَيْنِ قَبْلَ الْمَغْرِبِ

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

وَعَنْ وَكَيْعٍ عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ: سَمِعْتُ الْحَسَنَ الْبَصْرِيَّ يَسْأَلُ عَنْ الرُّكَعَتَيْنِ قَبْلَ الْمَغْرِبِ؟ فَقَالَ: حَسَنَتَيْنِ جَمِيلَتَيْنِ؛ لِمَنْ أَرَادَ بِهِمَا وَجْهَ اللَّهِ تَعَالَى، وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَصْحَابُنَا

And from Waki' from Yazeed bin 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 Shāfi'i and his companions.

Mas'ala 287: It is not permitted to specify the night of *Jumma'* for extra prayers over the rest of the nights

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ تَنَا أَحْمَدُ بْنُ فَتْحٍ تَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى تَنَا أَحْمَدُ بْنُ مُحَمَّدٍ تَنَا أَحْمَدُ بْنُ عَلِيٍّ تَنَا مُسْلِمُ بْنُ الْحَجَّاجِ تَنَا أَبُو كَرِيبٍ تَنَا حُسَيْنُ الْجُعْفِيُّ عَنْ زَائِدَةَ عَنْ هِشَامٍ عَنْ ابْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تَخْتَصُّوا لَيْلَةَ الْجُمُعَةِ بِقِيَامٍ مِنْ بَيْنِ اللَّيَالِي»، وَذَكَرَ بَاقِيَ الْحَدِيثِ

Abdallah ibn Yusuf narrated it to us Ahmad ibn Fatḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Ahmad bin Muḥammad narrated to us Ahmad ibn Ali reported to us Muslim bin 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 be upon him), he said: '*Do not single out the night (preceding) Friday among the nights for prayer...*' and he mentioned the *ḥadith*.⁷¹

⁷¹ Muslim book 6, no. 2546

Mas'ala 288: Good Deeds

The best of actions are what the Prophet (peace be upon him) did regardless of how great or small they may appear, and that which he was consistent upon. 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...*⁷²

The Prophet (peace be upon him) would not leave that which was better.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ تَنَا أَحْمَدُ بْنُ فَتْحٍ تَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى تَنَا أَحْمَدُ بْنُ مُحَمَّدٍ تَنَا أَحْمَدُ بْنُ عَلِيٍّ تَنَا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّى تَنَا عَبْدُ الْوَهَّابِ هُوَ الثَّقَفِيُّ - تَنَا عَبِيدُ اللَّهِ هُوَ ابْنُ عُمَرَ - عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «يَا أَيُّهَا النَّاسُ عَلَيْكُمْ مِنَ الْأَعْمَالِ مَا تُطِيقُونَ فَإِنَّ اللَّهَ لَا يَمَلُّ حَتَّى تَمَلُّوا وَإِنْ أَحَبَّ الْأَعْمَالُ إِلَى اللَّهِ مَا «دُوومَ عَلَيْهِ وَإِنْ قَلَّ

Abdallah ibn Yusuf narrated to us Ahmad ibn Fath narrated to us Abd-al Wahāb ibn E'sa narrated to us Ahmad bin Muḥammad narrated to us Ahmad ibn Ali reported to us Muslim bin al-Ḥajjāj narrated to us Muḥammad ibn Muthanna narrated to me Abd-al Wāhab – he is ath-Thaqeefi – narrated to us Ubaidallah – he is Ibn Umar – narrated to us from Sa'eed ibn Abi Sa'eed al-Makboori from Abu Salamah ibn Abdar-Raḥman from A'isha that the Messenger of Allah (peace 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.*⁷³

⁷² Qur'ān 33: 21

⁷³ Muslim book 4 no. 1710

Mas'ala 289: Voluntary prayer in congregation

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُدَ ثنا مُسَدَّدٌ ثنا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «صَلَاةُ الرَّجُلِ فِي جَمَاعَةٍ تَزِيدُ عَلَى صَلَاتِهِ فِي بَيْتِهِ وَسُوقِهِ خَمْسًا وَعِشْرِينَ دَرَجَةً

Abdallah ibn Rabeeh' narrated to us Umar bin Abdal-Malik narrated to us Muḥammad bin Bakr narrated to us Abu Dāwud narrated to us Musaddad narrated to us Abu Mu'āwiya narrated to us from al-A'mash from Abu Ṣāliḥ from Abu Hurayrah, he said the Prophet (peace 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:

رَوَيْنَا مِنْ طَرِيقِ مَالِكٍ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ عَنْ «أَنَسِ أَنْ جَدَّتَهُ مُلَيْكَةَ دَعَتْ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِبَطْعَامٍ صَنَعْتَهُ فَأَكَلَ مِنْهُ، ثُمَّ قَالَ: قُومُوا فَلَأُصَلِّيَ لَكُمْ، فَقَامَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَصَفَّقْتُ أَنَا وَالْيَتِيمِ وَرَاءَهُ وَالْعَجُوزُ مِنْ وَرَائِنَا، فَصَلَّى لَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَكْعَتَيْنِ وَأَنْصَرَفَ

From the channel of Mālik from Ishāq bin Abdallah bin Abi Ṭalḥa from Anas that - my grandmother Mulayka invited Allah's Messenger (peace 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.* I brought a mat that had become black owing to excessive use and I sprinkled water on it. Allah's Messenger (peace 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.

And with (the *isnād*) to Abu Dāwud:

وَبِهِ إِلَى أَبِي دَاوُدَ: ثنا أَحْمَدُ بْنُ صَالِحٍ ثنا ابْنُ وَهْبٍ أَخْبَرَنِي سُلَيْمَانُ بْنُ بِلَالٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي النَّضْرِ عَنْ أَبِيهِ عَنْ بُسْرِ بْنِ سَعِيدٍ عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «صَلَاةُ الْمَرْءِ فِي بَيْتِهِ أَفْضَلُ مِنْ صَلَاتِهِ فِي مَسْجِدِي إِلَّا الْمَكْتُوبَةَ

Aḥmad bin Ṣāliḥ narrated to us Ibn Wahb narrated to us Sulaymān bin Bilāl reported to me from Ibrāhīm bin Abi an-Naḍr from his father from Busr bin Sa'eed from Zayd bin Thābit that the Prophet (peace 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.*

وَرَوَيْنَا عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ: ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ، وَالنُّعْمَانِ بْنِ قَيْسٍ، قَالَ مَنْصُورٌ: عَنْ مُجَاهِدٍ قَالَ لِي أَبُو مَعْمَرٍ: إِذَا صَلَّيْتَ الْمَكْتُوبَةَ فَارْجِعْ إِلَى بَيْتِكَ، وَقَالَ النُّعْمَانُ بْنُ قَيْسٍ مَا رَأَيْتُ عَبِيدَةَ السَّلْمَانِيِّ مُتَطَوِّعًا فِي مَسْجِدِ الْحَيِّ قَطُّ

As narrated from Abdar-Raḥman bin Mahdi – Sufyān ath-Thawri narrated to us from Maṣṣūr bin Mu'tamir and an-Numān bin Qays, Maṣṣūr said – from Mujāhid (that) he said to me Abu Ma'mar: When you pray the angels descend unto your house. An-Numān bin Qays said – What I saw (was that) Ubaidallah as-Salmāni (perform his) voluntary (prayers) only in the local *masjid*.

وَرَوَيْنَا عَنْ ابْنِ الْمُثَنَّى: ثنا أَبُو عَاصِمٍ الصَّخَّاءُ بْنُ مُخْلِدٍ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورِ بْنِ هِلَالِ بْنِ يَسَافٍ عَنْ ضَمْرَةَ بْنِ حَبِيبٍ عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: تَطَوُّعُ الرَّجُلِ فِي بَيْتِهِ يَزِيدُ عَلَى تَطَوُّعِهِ عِنْدَ النَّاسِ كَفَضْلِ الْجَمَاعَةِ عَلَى صَلَاةِ الرَّجُلِ وَحْدَهُ

As narrated from Ibn Muthanna: Abu Aā'ṣim aḍ-Ḍaḥāk bin Mukhlid narrated to us Sufyān ath-Thawri narrated to us from Maṣṣūr from Hilāl bin Yasāq from Ḍamra bin Ḥabeeb from a man from (amongst) the companions of the Prophet (peace be upon him), he said:

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

وَبِهِ إِلَى ابْنِ الْمُثَنَّى: ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا إِسْرَائِيلُ عَنْ عِمْرَانَ بْنِ مُسْلِمٍ قَالَ: كَانَ سُوَيْدُ بْنُ غَفَلَةَ لَا يَتَطَوَّعُ فِي الْمَسْجِدِ

Abdar-Raḥman bin Mahdi narrated to us Isrāeel narrated to us from E'mrān bin Muslim, he said Suwayd bin Ghafalah didn't prayer the voluntary prayer in the *masjid*.

وَرَوَيْنَا عَنْ وَكَيْعٍ قَالَ: قَالَ سُفْيَانُ الثَّوْرِيُّ قَالَ نُسَيْرُ بْنُ دَعْلُوقٍ مَا رَأَيْتَ الرَّبِيعَ بْنَ خَثِيمٍ مُتَطَوِّعًا فِي مَسْجِدِ الْحَيِّ قَطُّ

As narrated from Waki' he said Sufyān ath-Thawri said Nusayr Dhuluq said: I didn't see ar-Rabeeh' bin Khushaym perform the voluntary prayer only in the *masjid*.

وَعَنْ وَكَيْعٍ عَنِ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ سُنَيْلُ حُدَيْفَةَ بْنِ الْيَمَانَ عَنِ التَّطَوُّعِ فِي الْمَسْجِدِ بَعْدَ الْفَرِيطَةِ؟ فَقَالَ: إِنِّي لَأَكْرَهُهُ؛ بَيْنَمَا هُمْ جَمِيعًا إِذَا اخْتَلَفُوا

And from Waki' from al-A'mash from Ibrāhim an-Nakha'i, he said: Ḥudhayfah bin al-Yamān was asked about the voluntary (prayer) in the *masjid* after the *farḍ*. Therefore he said: I dislike it, although they all disagree regarding it.

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنِ الْعَبَّاسِ بْنِ سَعْدٍ قَالَ: أَدْرَكْتُ النَّاسَ زَمَانَ عَثْمَانَ بْنِ عَفَّانٍ وَهُمْ يُصَلُّونَ الرَّكَعَتَيْنِ بَعْدَ الْمَغْرِبِ فِي بُيُوتِهِمْ

And from Ḥammād bin Salama from Muḥammad bin Ishāq from al-A'bbās bin Sa'd, he said: in the time of Uthmān bin Affān people would pray the two Sunnah after *maghrib* in their houses and the *ta'tawa'ah* after *jumma*.

The *ta'tawa'ah* after Friday and after other prayers, alike to what we have mentioned previously; all of that is permissible in the *masjid* also. 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 *jumma*, since the *ta'tawa'ah* in the *masjid* after *jumma* 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 *jumma* 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 from the channel of Abu Dāwud (we have the following):

رَوَيْنَا مِنْ طَرِيقِ أَبِي دَاوُدَ: ثنا إِبْرَاهِيمُ بْنُ الْحَسَنِ ثنا حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي عَطَاءٌ: أَنَّهُ رَأَى ابْنَ عُمَرَ يُصَلِّي بَعْدَ الْجُمُعَةِ فَيَنْمَازُ عَنْ مُصَلَّاهِ الَّذِي صَلَّى فِيهِ الْجُمُعَةَ قَلِيلًا غَيْرَ كَثِيرٍ، فَيَرْكَعُ رَكَعَتَيْنِ ثُمَّ يَمْشِي أَنْفَسَ مِنْ ذَلِكَ فَيُصَلِّي أَرْبَعَ رَكَعَاتٍ رَأَيْتَهُ يَصْنَعُ ذَلِكَ مَرَارًا.

Ibrāhim bin al-Ḥasan narrated to us Ḥajjāj bin Muḥammad narrated to us from Ibn Jurayj: A'ṭā 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.

وَعَنْ مُحَمَّدِ بْنِ الْمُثَنَّى: ثنا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ التَّمِيمِيُّ قَالَ سَمِعْتُ عَطَاءَ بْنَ السَّائِبِ يُحَدِّثُ عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ قَالَ: كَانَ ابْنُ مَسْعُودٍ يُعَلِّمُنَا أَنْ نُصَلِّيَ بَعْدَ الْجُمُعَةِ أَرْبَعًا فَكُنَّا نُصَلِّي بَعْدَهَا أَرْبَعًا؛ حَتَّى جَاءَ عَلِيُّ بْنُ أَبِي طَالِبٍ فَأَمَرَنَا أَنْ نُصَلِّيَ بَعْدَهَا سِتًّا، فَكُنَّا نُصَلِّي بَعْدَهَا سِتًّا.

And from Muḥammad bin Muthanna: al-Mu'tamir bin Sulaymān at-Taymi narrated to us he said – I heard A'ṭā bin as-Sā'ib narrated from Abu Abdar-Raḥman as-Sulaymi he said: Ibn Mas'ud used to teach us to pray four *rak'ah* after *jumma* 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.

وَقَدْ حَدَّثَنَا حَمَّامٌ ثنا عَبَّاسُ بْنُ أَصْبَغٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ إِسْمَاعِيلَ التَّرْمِذِيُّ ثنا الْحَمِيدِيُّ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ ثنا عَمْرُو بْنُ دِينَارٍ قَبْلَ أَنْ نَلْقَى الرَّهْرِيَّ عَنِ الرَّهْرِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ قَالَ: «رَأَيْتَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي بَعْدَ الْجُمُعَةِ رَكَعَتَيْنِ

Ḥammām narrated to us A'bbās bin Aṣbagh narrated to us Muḥammad bin Abdal-Malik bin Ayman narrated to us Muḥammad bin Ismāeel at-Tirmidhi narrated to us al-Ḥumaydi

narrated to us Sufyān bin Uyayna arrated to us A'mr bin Dinār narrated to us before we met az-Zuhri, from az-Zuhri from Sālim bin Abdallah bin Umar from his father he said: I saw the Prophet (peace be upon him) pray two *rak'ah* after *Jumma*.

Mas'ala 290: 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-tahajud* can be broken up and divided into thirteen different ways (or methods); any which way they are done (they) shall be rewarded.⁷⁴ 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.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُدَ ثنا الْقَعْنَبِيُّ ثنا مَالِكُ بْنُ أَنَسٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ: «أَنَّ نَبِيَّ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصَلِّي بِاللَّيْلِ ثَلَاثَ عَشْرَةَ رَكْعَةً، ثُمَّ يُصَلِّي إِذَا سَمِعَ النَّدَاءَ بِالصُّبْحِ رَكْعَتَيْنِ خَفِيفَتَيْنِ

Abdallah ibn Rabeeh' narrated to us Umar ibn Abdal-Malik narrated to us Ibn al-A'rābi 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 A'isha, that the Prophet (peace 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.⁷⁵

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.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ ثنا عَبْدَةُ بْنُ سَلِيمَانَ ثنا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي مِنَ اللَّيْلِ ثَلَاثَ عَشْرَةَ رَكْعَةً، يُوتِرُ مِنْهُنَّ بِخَمْسِ رَكْعَاتٍ، لَا يَجْلِسُ فِي شَيْءٍ مِنَ الْخَمْسِ إِلَّا فِي آخِرِهِنَّ، ثُمَّ يَجْلِسُ وَيُسَلِّمُ

⁷⁴ 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-Raḥman ibn al-Mubārak narrated to us Quraysh ibn Ḥayyān al-'jli narrated to me Bakr ibn Wā'il narrated to us from az-Zuhri from A'tā ibn Yazid al-Laythi from Abu Ayub al-Anṣārī who said that the Prophet (peace 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 Mujtahid*, 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.

⁷⁵ *Sunan* Abu Dāwud book 5, no. 1334; the same narration is also in the *Muwaṭṭā'* of Mālik book 7, no. 10

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Ishāq ibn Ibrāhim reported to us Abda ibn Sulaymān narrated to us Hishām ibn Urwa narrated to us from his father from A'isha, she said that the Messenger of Allah (peace 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).⁷⁶

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

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ تَنَا أَحْمَدُ بْنُ فُتَيْحٍ تَنَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى تَنَا أَحْمَدُ بْنُ مُحَمَّدٍ تَنَا أَحْمَدُ بْنُ عَلِيٍّ تَنَا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي حَرَمَلَةُ بْنُ يَحْيَى تَنَا ابْنُ وَهْبٍ أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي فِيمَا بَيْنَ أَنْ يَفْرَغَ مِنْ صَلَاةِ الْعِشَاءِ - وَهِيَ الَّتِي يَدْعُو النَّاسُ الْعَتَمَةَ - إِلَى الْفَجْرِ إِحْدَى عَشْرَةَ رَكْعَةً، يُسَلِّمُ مِنْ كُلِّ رَكْعَتَيْنِ ثُمَّ يُوتِرُ بِوَاحِدَةٍ»

Abdallah ibn Yusuf narrated to us Aḥmad ibn Faṭḥ narrated to us Abd-al Wahāb ibn E'sa narrated to us Aḥmad bin Muḥammad narrated to us Aḥmad ibn Ali reported to us Muslim bin al-Ḥajjāj narrated to us Ḥarmala ibn Yaḥya narrated to me Ibn Wahb narrated to us A'mru ibn al-Ḥārith reported to me from Ibn Shihāb from Urwa ibn Zubayr from A'isha, 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.⁷⁷

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

⁷⁶ These narrations are also found in *Sunan* Abu Dāwud book 5, no. 1333 and Muslim book no. 1604

⁷⁷ Muslim book 4 no. 1603; the same narration is also recorded through different channels in *Sunan* Abu Dāwud and *Sunan* Nasā'i.

حَدَّثَنَا مُحَمَّدُ بْنُ عَبَّادٍ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ ثنا الزُّهْرِيُّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ «أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَلَاةِ اللَّيْلِ؟ فَقَالَ: مَثْنَى مَثْنَى، فَإِذَا خَشِيتَ الصُّبْحَ فَأَوْتِرْ بِرَكْعَةٍ

Muḥammad ibn A'bbād narrated to us Sufyān ibn Uyayna narrated to us az-Zuhri narrated to us from Sālim ibn Abdallah Umar from his father that a man asked the Messenger of Allah (peace be upon him) about the 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.*⁷⁸

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:

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ زُرَّارَةَ بْنِ أَوْفَى أَنَّ «سَعْدَ بْنَ هِشَامِ بْنِ عَامِرٍ أَتَى ابْنَ عَبَّاسٍ فَسَأَلَهُ عَنْ وَتْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ فَقَالَ لَهُ ابْنُ عَبَّاسٍ: أَلَا أَدُلُّكَ عَلَى أَعْلَمِ أَهْلِ الْأَرْضِ بِوَتْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قَالَ: مَنْ؟ قَالَ: عَائِشَةُ. فَذَكَرَ سَعْدٌ: أَنَّهُ دَخَلَ عَلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ فَسَأَلَهَا عَنْ وَتْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَنَّهَا قَالَتْ لَهُ: إِنَّهُ كَانَ يُصَلِّي تِسْعَ رَكَعَاتٍ، لَا يَجْلِسُ فِيهَا إِلَّا فِي الثَّامِنَةِ، ثُمَّ يَنْهَضُ وَلَا يُسَلِّمُ، ثُمَّ يَقُومُ فَيُصَلِّي التَّاسِعَةَ، ثُمَّ يَقْعُدُ فَيَذْكُرُ اللَّهَ وَيَحْمَدُهُ وَيَدْعُوهُ، ثُمَّ يُسَلِّمُ تَسْلِيمًا يُسْمِعُنَا، ثُمَّ يُصَلِّي رَكَعَتَيْنِ بَعْدَ مَا يُسَلِّمُ، وَهُوَ قَاعِدٌ، فَلَمَّا أَسَنَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَخَذَهُ اللَّحْمُ أَوْتَرَ بِسَبْعٍ؛ وَصَنَعَ فِي الرَّكَعَتَيْنِ مِثْلَ صَنِيعِهِ الْأَوَّلِ

Muḥammad ibn Muthanna narrated to us Muḥammad ibn Abi A'dee arrated to us from Sa'eed ibn Abi A'ruba from Qatādah from Zu'rāra ibn Auf that Sa'eed ibn Hishām bin Aā'mir came to Ibn A'bbās and asked him about the *witr* of the Messenger of Allah (peace be upon him). Ibn A'bbās 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 (may peace be upon him)? He said: Who is it? He (Ibn Abbās) said: It is A'isha. 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

⁷⁸ Muslim book 4, no. 1633

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.⁷⁹

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا عَثْمَانُ بْنُ عَبْدِ اللَّهِ ثنا عُبَيْدُ اللَّهِ بْنُ مُحَمَّدٍ ثنا حَمَّادٌ عَنْ أَبِي حُرَّةَ عَنْ الْحَسَنِ عَنْ سَعْدِ بْنِ هِشَامٍ عَنْ عَائِشَةَ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُوتِرُ بِتِسْعِ رَكَعَاتٍ، يَفْعُدُ فِي الثَّامِنَةِ؛ ثُمَّ يَقُومُ فَيَرْكَعُ رَكَعَةً»

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Uthmān ibn Abdallah reported to us Ubaidallah ibn Muḥammad narrated to us Ḥammād narrated to us from Abu Ḥurra from al-Ḥasan from Sa'd ibn Hishām from A'isha: that the Prophet (peace 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.⁸⁰

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*.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنِي زَكَرِيَاءُ بْنُ يَحْيَى ثنا إِسْحَاقُ أَنَا مَعَادُ بْنُ هِشَامٍ الدَسْتَوَائِيُّ ثنا أَبِي عَنْ قَتَادَةَ عَنْ زُرَّارَةَ بْنِ أَوْفَى عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَّا كَبِرَ وَضَعْفَ أُوتِرَ بِسَبْعِ رَكَعَاتٍ، لَا يَقْعُدُ إِلَّا فِي السَّادِسَةِ، ثُمَّ يَنْهَضُ وَلَا يُسَلِّمُ فَيُصَلِّي السَّابِعَةَ، ثُمَّ يُسَلِّمُ تَسْلِيمَةً

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us told us Aḥmad ibn Shu'ayb narrated to us Zakariya ibn Yahya reported to me Ishāq narrated to us Mu'āth ibn Hishām ad-Dastuwā'ee reported to us – my father narrated to us from

⁷⁹ 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

⁸⁰ 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 Bukhāri Vol. 2 book 16, no. 105

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*...⁸¹

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:

مَا رَوَيْنَا بِالسَّنَدِ الْمَذْكُورِ إِلَى أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ الْجَدْرِيُّ أَنَا خَالِدُ بْنُ الْحَارِثِ ثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ ثَنَا قَتَادَةُ عَنْ زُرَّارَةَ بْنِ أَوْفَى عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ قَالَتْ «لَمَّا أَسَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَخَذَهُ اللَّخْمُ صَلَّى سَبْعَ رَكَعَاتٍ لَا يَقْعُدُ إِلَّا فِي آخِرِهِنَّ، ثُمَّ يُصَلِّي رَكَعَتَيْنِ بَعْدَ أَنْ يُسَلِّمَ

Ismāeel ibn Mas'ud al-Jahdari reported to us Khālid al-Ḥārith reported to us Sa'eed ibn Abi A'ruba narrated to us Qatādah narrated to us from 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 the Prophet 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.⁸²

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:

⁸¹ 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

⁸² As cited above

لِمَا رُوِيَنا بِالسَّنَدِ الْمَذْكُورِ إِلَى أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا إِسْحَاقُ بْنُ مَنْصُورٍ أَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُوتِرُ بِخَمْسٍ لَا يَجْلِسُ إِلَّا فِي آخِرِهِنَّ

Ishāq ibn Manṣūr reported to us Abdur-Raḥman ibn Mahdi reported to us from Sufyān ath-Thawri from Hishām ibn Urwah from his father from A’isha that the Prophet (peace be upon him) used to pray *witr* with five and he did not sit except in the last of them.⁸³

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

كَمَا رُوِيَنا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَطَاءٌ، أَنَّهُ رَأَى عُرْوَةَ بْنَ الزُّبَيْرِ أَوْتَرَ بِخَمْسٍ أَوْ سَبْعٍ مَا جَلَسَ لِمَتْنِي

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

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ قَالَ: كَذَلِكَ يُوتِرُ أَهْلُ الْبَيْتِ بِخَمْسٍ، لَا يَجْلِسُ إِلَّا فِي آخِرِهِنَّ

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

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ النَّيْمِيِّ عَنْ لَيْثٍ عَنْ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: الْوُتْرُ كَصَلَاةِ الْمَغْرِبِ، إِلَّا أَنَّهُ لَا يَقْعُدُ إِلَّا فِي الثَّلَاثَةِ

And from the channel of Abdar-Razzāq – from Mu’tammir bin Sulaymān at-Taymi from Layth from A’ṭā from Ibn A’bbās that he said: *witr* is like *ṣalātul-maghrib* except there is no sitting save for the third.

⁸³ *Sunan Nasā’i* Vol. 2 book 20 no. 1718; a similar narration is in Muslim detailing the five for *witr*, again reported from A’isha in book 4 no. 1604.

Ali said: as for the statement attributed to Ibn A'bbās, this has not been narrated directly through the Prophet (peace 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 Prophet (peace 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.⁸⁴ 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 bin Abdallah:

مِنْ طَرِيقِ الْأَوْزَاعِيِّ عَنِ الْمُطَّلِبِ بْنِ عَبْدِ اللَّهِ: أَنَّهُ سَأَلَ ابْنَ عُمَرَ عَنِ الْوَيْتْرِ؟ فَأَمَرَهُ أَنْ يَفْصِلَ بَيْنَ الرَّكْعَتَيْنِ
وَالرَّكْعَةِ بِتَسْلِيمٍ، فَقَالَ لَهُ الرَّجُلُ: إِنِّي أَخَافُ أَنْ تَكُونَ الْبُتَيْرَاءُ؟ فَقَالَ لَهُ ابْنُ عُمَرَ: أَتُرِيدُ سُنَّةَ رَسُولِ اللَّهِ -
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ هَذِهِ سُنَّةُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

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 be upon him)? This is the *Sunnah* of the Messenger of Allah (peace be upon him).⁸⁵

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:

⁸⁴ *Sunan Nasā'i* Vol. 2 book 20, no. 1672 and Muslim book 4, no. 1647

⁸⁵ A version of this narration with slightly different wording can be found in *Sunan Ibn Mājah* Vol. 1 book 5 no. 1176

مَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثَنَا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثَنَا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ ثَنَا بَشْرُ بْنُ الْمُفَضَّلِ ثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ زُرَّارَةَ بْنِ أَوْفَى عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ حَدَّثَتْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ «لَا يُسَلِّمُ فِي رَكْعَتِي الْوَيْتِ

Abdallah ibn Rabeeh' narrated to us Muḥammad ibn Mu'āwiya narrated to us Aḥmad ibn Shu'ayb narrated to us Ismāeel ibn Mas'ud reported to us Bishr ibn al-Mufaḍḍal narrated to us Sa'eed ibn Abi A'ruba narrated to us from Qatādah from Zurāra ibn Awfa from Sa'eed ibn Hishām ibn A'āmir that A'isha mother of the believers told him that the Messenger of Allah would not say the *taslim* for two *rak'ah* during *witr*.⁸⁶

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:

لَمَّا حَدَّثَنَا هَمَّامُ بْنُ أَحْمَدَ ثَنَا عَبَّاسُ بْنُ أَصْبَغٍ ثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثَنَا بَكْرُ بْنُ حَمَادٍ ثَنَا مُسَدَّدٌ ثَنَا يَحْيَى هُوَ ابْنُ سَعِيدِ الْقَطَّانِ - ثَنَا شُعْبَةُ ثَنَا قَتَادَةُ عَنْ أَبِي مَجْلَزٍ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ، وَابْنَ عُمَرَ عَنِ الْوَيْتِ؟ فَكُلُّ وَاحِدٍ مِنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «رَكْعَةٌ مِنْ آخِرِ اللَّيْلِ

Ḥammām ibn Aḥmad narrated to us A'bbās ibn Asbagh narrated to us Muḥammad ibn Abdal-Malik ibn Ayman narrated to us Bakr ibn Ḥammād narrated to us Musadad 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 A'bbās and Ibn Umar, both of them said: I heard the Messenger of Allah (peace be upon him) as saying: *It is a rak'ah at the end of the night prayer*.⁸⁷

Also as is reported from the channels of Sa'd ibn Abi Waqqāṣ, Ibn A'bbās, 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.

⁸⁶ Sunan Nasā'i Vol. 2 book 20, no. 1699

⁸⁷ Muslim book 4 no. 1641 / 1643

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:

قَدْ رَوَيْنَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنِ الْأَعْمَشِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ: الثَّلَاثُ بِنَيْرَاءٍ - يَعْنِي فِي الْوُتْرِ؛ فَعَادَتِ الْبِنْيَرَاءُ عَلَى الْمُحْتَجِّ بِالْخَبَرِ الْكَاذِبِ فِيهَا

Abdar-Razzāq from Sufyān ibn Uyayna from al-A'mash from Sa'eed ibn Jubayr from Ibn A'bbās: 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 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 day.⁸⁸ This is like someone who takes a false meaning from the words of the Prophet. 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*!⁸⁹

⁸⁸ In the *Muwattā*, Imām Mālik has collected this statement from Ibn Umar, which likens the *witr* to *maghrib*: Yahya 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.'

⁸⁹ In other words void, rejected

Mas'ala 291: (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 *ṣalāt* before *witr* is permissible, and not to repeat the *witr* later and not to intercede with a *rak'ah*.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعِ بْنِ رَجَبٍ ثَنَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثَنَا مُحَمَّدُ بْنُ بَكْرٍ ثَنَا أَبُو دَاوُدَ ثَنَا ابْنُ أَبِي خَلْفٍ ثَنَا أَبُو زَكْرِيَاءَ السَّيْلَحِينِيُّ ثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتِ الْبُنَانِيِّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي رَبَاحٍ عَنْ أَبِي قَتَادَةَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِأَبِي بَكْرٍ: مَتَى تُوتِرُ؟ قَالَ: أَوَّلَ اللَّيْلِ، وَقَالَ لِعُمَرَ: مَتَى تُوتِرُ؟ قَالَ: آخِرَ اللَّيْلِ فَقَالَ - عَلَيْهِ السَّلَامُ - لِأَبِي بَكْرٍ: أَخَذَ هَذَا بِالْحَدَرِ، وَقَالَ لِعُمَرَ: أَخَذَ هَذَا بِالْفُؤَةِ

Abdallah ibn Rabeeh' narrated to us Umar ibn Abd-al-Malik narrated to us Muḥammad bin Bakr narrated to us Abu Dāwud narrated to us Ibn Abi Khalf narrated to us Abu Zakariā' as-Seelaḥeeni narrated to us Ḥammād bin Salama narrated to us from Thābit al-Bunāni from Abdallah bin Abi Rabāḥ from Abu Qatādah, that the Prophet (peace 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. The Prophet asked (peace be upon him) 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*.⁹⁰

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعِ بْنِ رَجَبٍ ثَنَا مُحَمَّدُ بْنُ مَعَاوِيَةَ ثَنَا أَحْمَدُ بْنُ شُعَيْبٍ ثَنَا هِشَامُ بْنُ عَمَّارٍ عَنْ يَحْيَى هُوَ ابْنُ حَمْرَةَ قَاضِي دِمَشْقٍ - عَنْ يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ - عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ حَدَّثَنِي عَائِشَةُ أُمُّ الْمُؤْمِنِينَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصَلِّي بَعْدَ الْعِشَاءِ الْآخِرَةِ ثَمَانِي رَكَعَاتٍ، ثُمَّ يُصَلِّي رَكَعَتَيْنِ يَفْرَأُ فِيهِمَا - وَهُوَ جَالِسٌ - فَإِذَا أَرَادَ أَنْ يَرْكَعَ قَامَ فَرَكَعَ، ثُمَّ رَكَعَ بَعْدَ ذَلِكَ رَكَعَتَيِ الْفَجْرِ

Abdallah bin Rabeeh' narrated to us Muḥammad bin Mu'āwiya narrated to us Aḥmad bin Shu'ayb narrated to us Hishām bin A'mmār narrated to us from Yahya – he is Ibn Ḥamza, judge of Damascus – from Yahya – he is Ibn Abi Kathir – from Abu Salama Abdar-Raḥman bin Auf, (that) A'isha mother of the believers narrated to me that the Prophet (peace be upon him) used to pray eight *rak'ah* after *eshā'*. Then he prayed two *rak'ah*, reading in them....and he was seated - then 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*

⁹⁰ Sunan Abu Dāwud

Ali said: indeed as for his statements, peace be upon him – ‘Make *witr* as your last prayer at night;⁹¹ and ‘Hasten to observe the prayer of *witr* before morning.’⁹² 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.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثَنَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثَنَا مُحَمَّدُ بْنُ بَكْرٍ ثَنَا أَبُو دَاوُدَ ثَنَا مُسَدَّدٌ ثَنَا مُلَازِمٌ بْنُ عَمْرِو ثَنَا عَبْدُ اللَّهِ بْنُ بَدْرِ عَنْ «قَيْسِ بْنِ طَلْقٍ قَالَ: زَارَنَا طَلْقُ بْنُ عَلِيٍّ فِي رَمَضَانَ، وَأَمْسَى عِنْدَنَا فَأَفْطَرَ ثُمَّ قَامَ بِنَا تِلْكَ اللَّيْلَةَ وَأَوْتَرَ بِنَا ثُمَّ انْحَدَرَ إِلَى مَسْجِدِهِ فَصَلَّى بِأَصْحَابِهِ، حَتَّى إِذَا بَقِيَ الْوَتْرُ قَدَّمَ رَجُلًا، فَقَالَ: أَوْتَرَ بِأَصْحَابِكَ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ لَا وَتْرَانِ فِي لَيْلَةٍ

Abdallah bin Rabeeh; narrated to us Umar bin Abdal-Malik narrated to us Muḥammad bin Bakr narrated to us Abu Dāwud narrated to us Mussadad narrated to us Mulāzim narrated to us Abdallah bin Badr narrated to us from Qays bin Ṭalq he said: Ṭalq bin 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.*⁹³

⁹¹ Bukhāri Vol. 2 book 16, no. 112

⁹² *Sunan* Abu Dāwud book 8, no. 1341

⁹³ *Sunan* Abu Dāwud book 8, no. 1434

Mas'ala 292: Reading in Witr with what is convenient from the Qur'ān as well as the 'mother of the Qur'ān'⁹⁴

To read in the *witr* (prayer) with what is convenient from the Qur'ān together with the 'mother of the Qur'ān;' (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*;⁹⁵ and then with: *Say – oh disbelievers!*⁹⁶ And then to recite: *Say He is Allah, the one.*⁹⁷ 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 *an-Nisā'*. And the exalted most high said:

فَأَقْرَأُوا مَا تيسَّرَ مِنَ الْقُرْآنِ

*so recite what is easy (for you) of the Qur'ān,*⁹⁸

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ عَثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمُنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ أَبِي مِجْلَزٍ «أَنَّ أَبَا مُوسَى الْأَشْعَرِيَّ كَانَ بَيْنَ مَكَّةَ وَالْمَدِينَةِ؛ فَصَلَّى الْعِشَاءَ رَكْعَتَيْنِ، ثُمَّ قَامَ فَصَلَّى رَكْعَةً أَوْتَرَهَا، وَقَرَأَ فِيهَا بِمِائَةِ آيَةٍ مِنَ النَّسَاءِ وَقَالَ: مَا أَلُوْتُ أَنْ وَضَعْتُ قَدَمِي حَيْثُ وَضَعَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَنْ أَقْرَأَ مَا قَرَأَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

Abdallah bin Rabeeh' narrated to us Abdallah bin Muḥammad bin Uthmān narrated to us Aḥmad bin Khālid narrated to us Ali bin Abdal-Aziz narrated to us al-Ḥajjāj bin Minhāl narrated to us Ḥammād bin Salama narrated to us from Aā'ṣim 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 *an-Nisā'*. Then he said: I tried my best to place my feet where the Messenger of Allah (peace be upon him) placed his, and to recite what the Messenger of Allah (peace be upon him) recited.⁹⁹

⁹⁴ In other words, the opening chapter, *Surah al-Fātiḥa*

⁹⁵ *Surah 87*

⁹⁶ *Surah 109*

⁹⁷ *Surah 112*

⁹⁸ *Qur'ān 73: 20*

⁹⁹ *Sunan Nasā'i*, Vol. 2 book 20, no. 1729

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا الْحُسَيْنُ بْنُ عِيسَى ثنا أَبُو أُسَامَةَ ثنا زَكْرِيَاءُ بْنُ أَبِي زَائِدَةَ عَنْ أَبِي إِسْحَاقَ السَّبِيْعِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُوتِرُ بِثَلَاثٍ يَقْرَأُ فِيهِنَّ فِي الْأُولَى بِسَبِّحِ اسْمَ رَبِّكَ الْأَعْلَى، وَفِي الثَّانِيَةِ قُلْ يَا أَيُّهَا الْكَافِرُونَ وَفِي الثَّلَاثَةِ يَقُلُّ هُوَ اللَّهُ أَحَدٌ

Abdallah bin Rabeeh' narrated to us Muḥammad bin Mu'āwiya narrated to us Aḥmad bin Shu'ayb narrated to us al-Ḥussein reported to us Abu Usāma narrated to us Zakariā' bin Abu Zā'ida narrated to us from Abu Ishāq as-Sabee'ee from Sa'eed bin Jubayr from Ibn A'bbās he said: the Messenger of Allah (peace 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.*¹⁰⁰

¹⁰⁰ Sunan Nasā'i, Vol. 2 book 20, no. 1703

Mas'ala 293: 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:

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ الْهَمْدَانِيُّ 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 لحقتُهُ، 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-Raḥman ibn Abdallah al-Hamdāni narrated to us Ibrāhim ibn Aḥmad narrated to us al-Farabri narrated to us al-Bukhāri narrated to us Ismāeel bin Abi Uways narrated to us Mālik narrated to us from Abu Bakr bin Umar bin Abdar-Raḥman bin Abdallah bin Umar bin al-Khaṭṭāb from Sa'eed bin Yasār he said: I was going to Mecca in the company of Abdallah bin Umar and when I apprehended the approaching dawn, I dismounted and offered the *witr* prayer and then joined him. Abdallah bin Umar said: Where have you been? I replied - I apprehended the approaching dawn so I dismounted and prayed the *witr* prayer. Abdallah said: Isn't it sufficient for you to follow the good example of Allah's Messenger (peace be upon him)? I replied, Yes! By Allah! He said: Allah's Messenger (peace be upon him) used to pray *witr* on the back of the camel (while on a journey).¹⁰¹

وَعَنْ جَرِيرِ بْنِ حَازِمٍ سَأَلْتُ نَافِعًا مَوْلَى ابْنِ عُمَرَ: أَكَانَ ابْنُ عُمَرَ يُوتِرُ عَلَى رَاحِلَتِهِ؟ قَالَ: نَعَمْ؛ وَهَذَا لِلْوَثْرِ فَضَّلَ عَلَى سَائِرِ النَّطْوَعِ؟

And from Jarir bin Ḥāzim: I asked Nāfi', *mawla* of Ibn Umar: did Ibn Umar perform *witr* upon his mount? He said yes.

وَعَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ ثَوْبَانَ بْنِ أَبِي فَاخْتَةَ عَنْ أَبِيهِ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ كَانَ يُوتِرُ عَلَى رَاحِلَتِهِ

¹⁰¹ Bukhāri Vol. 2 book 16, no. 113

And from Sufyān ath-Thawri from Thawayr bin Abu Fākhithah from his father that Ali bin Abi Ṭālib prayed *witr* upon a mount

وَعَنْ ابْنِ جُرَيْجٍ قُلْتُ لِعَطَاءٍ: أَيُوتِرُ الرَّجُلُ وَهُوَ جَالِسٌ؟ قَالَ: نَعَمْ

And from Ibn Jurayj, I said to A'ṭā: Can one pray *witr* seated? He said yes

وَعَنْ وَكَيْعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ عَنِ الشَّعْبِيِّ: الْوِتْرُ لَا يُقْضَى، وَلَا يَنْبَغِي تَرْكُهُ؛ وَهُوَ تَطَوُّعٌ، وَهُوَ أَشْرَفُ التَّطَوُّعِ.

And from Waki' from Sufyān ath-Thawri from Abdallah bin Abi as-Safar from ash-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*.

وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: الْوِتْرُ وَالْأَضْحَى: تَطَوُّعٌ

And from Ḥammād bin Salama from Qatādah from Sa'eed bin Musayib: *al-witr* and *aḍ-Ḍuḥa* 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:

كَمَا رَوَيْنَا عَنْ طَرِيقِ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنِ السَّائِبِ بْنِ يَزِيدَ عَنِ الْمُطَّلِبِ بْنِ أَبِي وَدَاعَةَ السَّهْمِيِّ عَنْ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: مَا رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى فِي سُبْحَتِهِ قَاعِدًا حَتَّى كَانَ قَبْلَ مَوْتِهِ بَعَامٍ، فَكَانَ يُصَلِّي فِي سُبْحَتِهِ قَاعِدًا

From Ibn Shihāb from as-Sā'ib bin Yazeed from al-Muṭṭalib bin Abu Wadā'a as-Sahmi from Ḥafṣa, mother of the believers, she said: I never saw the Messenger of Allah (peace be

upon him) praying *nawāfil* sitting, until a year before his death, when he began to pray them sitting.¹⁰²

¹⁰² Mālik *Muwattā* book 8, no. 22