A Commentary on Zād al-Mustaqni'

Imām al-Hajjāwi's (d.968 H.) Classical Guide to the Hanbali Madhab



Shaykh Ṣāliḥ ibn Fawzān al-Fawzān

ب اتا

"The house of al-Arqam is the house of Islam" Al-Hakim (d. 403 H.) in *al-Mustadrak Ala al-Sahihayn* (6185)

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ISBN: 09928136 5 9

British Library Cataloguing in Publishing Data A catalogue record for this book is available from the British Library

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Second edition, 2018

Prepared and published by Dar al-Arqam Publishing Birmingham, United Kingdom

> www.daralarqam.bigcartel.com Email: daralarqam@hotmail.co.uk

> > Translated by Abu Umair Edited by A. F. Karim

Printed in Turkey by Mega | export@mega.com

A Commentary on Zād al-Mustaqni'

By Shaykh Sālih ibn Fawzān

[A translation of the first two volumes of his work: Sharh al-Mukhtasar 'alā Matn Zād al-Mustaqni'. A commentary on the classical guide to the Hanbalī madhab by Imām Mūsā al-Hajjāwī. Included herein is the Book of Worship, the Book of Jihād and the Book of Food.]

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Contents

Volume One	11
Publisher's Note	13
Author's Foreword	15
Introduction	17
The Book of Purification	43
Chapter: Vessels	58
Chapter: Istinjā'	64
Chapter: Siwāk and the Sunan of Wudhū	76
Chapter: Obligatory Acts of Wudhū and Its Description	87
Chapter: Wiping Over the Khuffs	100
Chapter: Nullifiers of Wudhū	112
Chapter: Ghusl	120
Chapter: Tayammum	130
Chapter: Removal of Impurities	142
Chapter: Menstruation	155
The Book of Prayer	172
Chapter: Adhān and Iqāmah	185
Chapter: Conditions of the Prayer	196
Chapter: Description of the Prayer	230
Section: Acts Disliked in the Prayer	252
Section: The Physical and Verbal Deeds of the Prayer	263
Chapter: Sujūd of Forgetfulness	270
Chapter: Tatawu' Prayer	287
Chapter: Congregational Prayer	314

Section: Characteristics of the Imām	330
Section: The Place of the Follower in the Prayer	345
Volume 2	351
Section: The Validity of the Following	352
Section: Excuses that Permit the Missing of the Friday and	
Congregational Prayer	357
Chapter: Prayer of those with Excuses	362
Chapter: The Friday Prayer	385
Chapter: The Two 'Eid Prayers	417
Chapter: The Eclipse Prayer	437
Chapter: The Prayer for Rain	444
The Book of Funerals	454
The Book of Zakāt	510
Chapter: Zakāt on Livestock	520
Chapter: Zakāt on Grain and Fruit	528
Chapter: Zakāt on Gold and Silver	536
Chapter: Zakāt on Tradeable Commodities	541
Chapter: Zakāt al-Fitr	545
Chapter: Payment of Zakāt	556
Chapter: The Eight Categories of Recipients	563
The Book of Fasting	575
Chapter: Things that Nullify a Fast and Which Make Expiation	
Wājib	590
Chapter: What is Disliked, that Which is Recommended and	
he Rules Pertaining to Making Up the Fast	602
Chapter: Supererogatory Fasts	612
Chapter: <i>l'tikāf</i>	621
The Book of Rites	631
Chapter: The Mawāqīt	641

Chapter: Ihrām	645
Chapter: Acts that are Prohibited Whilst in Ihrām	654
Chapter: Al-Fidyah	662
Chapter: Compensation for Hunting	672
Chapter: Hunting in the Haram	674
Chapter: Entering Makkah	677
Chapter: Description of Hajj and 'Umrah	688
Chapter: Omission and Restriction	724
Chapter: Al-Hadyi, al-Udhiyyah and al-ʿAqīqah	727
The Book of Jihād	743
Chapter: Covenant with the <i>Dhimmi</i> People and its Regulations	763
The Book of Food	777
Chapter: Slaughter	785
Appendix: <i>Risālat Latīfatun Jāmi'atun fī Usūl al-Fiqh al-Muhima</i> by Shaykh 'Abdul Rahman al-Sa'di	791

Volume one

Publisher's Note

Praise be to Allah, Lord of the worlds. Peace and blessings upon our Prophet Muhammad, his family and companions.

It is highly beneficial for the one studying *fiqh* to have a basic understanding of the principles and terminology used in the science. Due to this reason it was decided to add, as an appendix, the brief treatise of Shaykh 'Abdul Rahman al-Sa'dī entitled *Risālat Latīfatun Jāmi'atun fī Usūl al-Fiqh al-Muhima*.

We advise the reader to especially familiarise himself with the five *ahkām* as they are mentioned frequently in the main body of this book.

The Arabic word mim-ta-nun (matn), placed as a margin note, has been used to identify the text of Zād al-Mustaqnī' so as to differentiate it from the commentary.

If during the study of this book the reader feels that there is a matter requiring feedback or if any mistakes or typos are noted, we request that we be informed via email.

A second volume is in the process of being prepared which will complete the final third of the commentary, covering the remaining portion of $Z\bar{a}d$ al-Mustaqn \bar{a} ' i.e. from the Book of Trade until the Book of Acknowledgements.

Lastly, we pray that this book is of benefit to us and becomes a valuable tool in the learning of the religion.

مقدمة التبع AUTHOR'S FOREWORD

Praise be to Allah, Lord of the worlds. Peace and blessings upon our Prophet Muhammad, his family and companions.

This is a short commentary upon the book Zād al-Mustaqnī' Mukhtasar al-Muqni' that I have done to the best of my ability. I have simplified it in a manner that makes it suitable for the beginner student of knowledge. I delivered a series of lectures commenting on this book via the means of radio transmission in Saudi Arabia, thereafter it was requested that this be compiled into book form so that it may be further spread and utilised, by the Will of Allah. I ask Allah that He aids in the completion of this project and that it becomes a source of benefit for people, such modest effort notwithstanding. Whoever seeks a more comprehensive commentary should read al-Rawd al-Murbi'.

May the peace and blessings of Allah be upon our Prophet, his family and companions.

Sālih ibn Fawzān ibn 'Abdullāh al-Fawzān

مقدمة الشرح AUTHOR'S INTRODUCTION

Praise be to Allah. Peace and blessings of Allah be upon our Prophet Muhammad, his family and his companions. Verily the knowledge of the religion of Allah is an obligation of utmost importance. Indeed man cannot accomplish that which has been prescribed to him without it nor can he avoid that which is forbidden. He draws closer to Allah with this knowledge and understanding.

Performing acts of worship without knowledge is waywardness and a curse upon the doer. It is a must that acts of worship be based upon authentic knowledge and the understanding of Allah's religion. Allah ﷺ says in the Qur'ān: {And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious.}¹

The Prophet $\frac{1}{28}$ said: "Whosoever Allah wants good for, He will bestow upon him the knowledge of the $d\bar{i}n$."² This is evidence that gaining the knowledge of $d\bar{i}n$ is a mandatory requirement. Allah urges this saying: {For they should separate from every division of them a group [remaining] to obtain understanding in the religion.}³

¹ Tawbah:122

² Narrated by al-Bukhārī (1/27), (4/103), 125/9), and Muslim (3/125) from the hadīth of Mu'āwiyah ibn Abī Sufyān 🚓.

³ Tawbah:122

"Law la": Meaning to urge.

"Tā'ifah": From every community, for all men cannot embark on gaining knowledge. Only some of them can. The word *tā'ifah* denotes both few and many.

"*Nafarah*": This means that he sets out to gain knowledge of Allah's *din*, to wherever it is found. The seekers of knowledge will travel far and wide in their quest for knowledge.

"Li yatafaqqahu fiddin": I.e. to understand. Fiqh, linguistically means comprehension.⁴ As for the meaning of it in the Islamic context: it is to understand the laws of Islam, substantiated with detailed proofs⁵ from the Qur'an, Sunnah, consensus and correct analogy. Fiqh is based on evidences which are derived from:

- 1. The Book of Allah, the Most High.
- 2. The Sunnah of the Messenger of Allah 38.
- 3. The consensus of the Muslims (i.e. *ijma*).

These three sources are agreed upon by the Ummah.

4. Analogy (i.e. qiyās).

There are points of contention regarding *qiyās* as deductions are drawn from another issue altogether.

We have covered thus far the linguistic and Islamic definition of *fiqh*. So [if we go back to the ayah from Sūrah Tawbah]:

"Li yatafaqqahu fiddin": Is to understand the laws of Allah 36 via the Islamic sources attained from scholars and those who are rightly-guided.

"Li yundhiru qawmahum idha raja'ū ilayhim": The merit of the *faqīh* is that he does not lack in anything. In fact he has much to offer to others. Therefore, the

⁴ See Lisān al-'Arab (13/522)

⁵ See Sharh al- Kawkab al-Munir by Ibn Al-Najjär (1/41) and Ta'rifät by al-Jurjäni (p. 216).

Sharh Zād al-Mustaqni

faqih is obligated to benefit the masses by teaching them and spreading the knowledge conferred to him. He should never be self-centred with regards to it. A quick observation reveals that propagation to Allah's din, enjoining right-eousness and forbidding evil cannot come about except after gaining knowledge of this din. Those who do not gain this knowledge cannot be considered to be *mu'allims* (teachers) or da'is (propagators). He cannot be considered as one who enjoins righteousness and forbids evil. Knowledge of the din is the pre-requisite before any of the above acts are accepted.

As for the hadīth, "Whosoever Allah wants good for, He will bestow upon him the knowledge of the $d\bar{i}n$," it explains that those bestowed with knowledge of this $d\bar{i}n$ are those favoured by Allah. Subsequently, it can be concluded that those who aren't knowledgeable in the $d\bar{i}n$, they are those for whom Allah has not bestowed goodness. This point illustrates the high merit of acquiring the knowledge and understanding of Allah's $d\bar{i}n$. The one lacking it is thus in loss. *Figh* in the $d\bar{i}n$ of Allah is categorised in two⁶:

- *i.* Fiqh that is mandatory on all Muslims; male or female, free person or slave, rich or poor, king or commoner. All of them have to learn this type of *fiqh*. It includes learning about *aqīdah* (creed), the rules of prayer, *zakah*, fasting and Hajj and 'Umrah i.e. the five fundamental tenets of Islam. Ignorance of these tenets will not be accepted from any Muslim.
- ii. This category of *fiqh* is a collective obligation (*kifayah*) where if some Muslims accomplish it, then it removes the burden from the rest. Thereafter, it falls into the category of Sunnah (optional) for the rest of the Muslims. This is because *kifayah* serves to fulfil certain needs of the Muslim community. It does not require total participation of the Ummah to achieve this objective. Examples of this would be the laws of transaction, inheritance, marriage, divorce, criminal law, food and judiciary. It is incumbent upon certain people of the Muslim Ummah to gain knowledge of these laws so that the needs of the community are met. Whosoever is inclined towards these laws or experienced in them is expected to take up the responsibility.

Figh is also categorised into:

⁶ See Jāmi' Bayān al-'Ilm wa Fadhlihi by Ibn Abd al-Bar (pp. 9-11).

A Commentary on Zād al-Mustaqni

- 1. Fiqh in aqīdah (creed). This is also known as "fiqh al-akbar"⁷ (greater fiqh). It is essentially the knowledge of aqīdah; understanding the oneness of Allah, shirk al-akbar (major) and shirk al-asghar (minor) and other rules pertaining to aqīdah.
- 2. Fiqh al-'Am. The rest of the laws fall under this category; including worship, transactions etc.

Unlike the former, which is only related to *aqīdah*, the latter category deals with aspects of purification, the different types of water right up to the end of "the book of confession" (i.e. the final chapters of judicial laws). *Fiqh* is something of paramount importance to this *dīn*. It is not permitted to be complacent and uncommitted when it comes to acquiring it. Some people nowadays (specifically some youth) adopt this half-hearted attitude towards it saying, "It is merely the words of [ordinary] men which detract from acquiring the knowledge of the Qur'ān and Sunnah, from pondering over the legal texts and *takhrīj* of the ahadīth." Or such similar arguments. This is a direct result of them failing to understand the true value of *fiqh*. It is in fact a rich resource not to be taken lightly. One should take advantage of it by studying it. This however does not mean that we accept everything written in the books of *fiqh*. It has to be referred in the light of the Qur'ān and Sunnah. One should look at how rules derived are substantiated with evidences. People in respect to this important issue tend to fall into two opposite ends:

One group belittles *fiqh* and discourages the people from acquiring it. They describe it in vile terms. In the other group, we have those who are fanatical in following the views of the *imāms* and scholars. Both these groups are sinful. The middle path would be to accept the views of the scholars that are in unison with the evidences and proofs, the views that aide us in appreciating the Qur'ān and Sunnah more. We will leave the views which contradict the evidences and proofs for indeed these were written by men who are correct sometimes and incorrect at other times. The *mujtahid* who is correct in his rulings receives double the reward while receiving only one if he is wrong. The *mujtahid* should be one capable of deriving rulings. It means that we take from the scholars only that which is in agreement with the evidences and proofs so that it helps us to understand the Qur'ān and Sunnah. We must reject his ruling if this criterion is not met. Our role model is the Messenger of Allah $\frac{1}{2}$

⁷ See *Majmū' al-Fatāwa* (19/307) and *al-Fiqh al-Akbar* by Imām Abī Hanifah, a book that refutes the Qadarīyyah.

and none else.

Allah says: {O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.}⁸ Therefore do not be complacent in learning *fiqh* and reject it like some of those who have appeared in this era, or the self-proclaimed scholar who says he is not in need of the *fuqaba* (scholars well-versed in *fiqh*). Stay clear from fanatical following of the rulings of scholars to the extent that you think nothing else besides that which you hold is *dīn*. Both groups are wayward. The middle path is safe. We give the *fuqaba* their due respect in regards to their rulings by studying the method by which their rulings are derived and affirm them if they are according to the Qur'ān and Sunnah.

We take pains to politely point out a contradiction to the one who made a ruling. We cannot simply accept what is inconsistent to the evidences just because we respect a certain scholar. In fact they themselves warn against blindly following their rulings without evidences and proofs. Imām Abū Hanīfah, the earliest of the four *imāms*, said, "If there is a hadīth of the Messenger **%**, I uphold it. If there is a saying from the Companions of the Prophet, I uphold it. If there is a ruling from the Tābi'īn, then they are men like us." He prioritised the words of Allah, then the hadīths of His Messenger **%** above others.

Imām Mālik said, "All of us can err and be refuted except for the person in this grave." With this he referred to the Messenger ﷺ.

Imām al-Shāfi'ī said, "If a hadīth is proven to be authentic, then it is my way (*madhab*)," and "If my words contradict the words of the Messenger of Allah $\frac{1}{2}$, throw away my words and take the words of the Messenger $\frac{1}{2}$."

Imām Ahmad said, "I am perplexed as to how people having known the chains of narration and its authenticity still prescribe to the views of Sufyān. Allah says: {Therefore let those beware who go against his order lest a trial afflict them or there befall them a painful chastisement.}⁹"

⁸ Al-Nisa: 59

⁹ Al-Nur: 63

The four *imāms* would not tolerate people following their views and rulings blindly. They wanted us to accept only that which falls in line with the evidences and proofs, regardless if it was from the *madhab* of our *imām* or that of others.

Verily, a Muslim will go astray if he accepts whatever he hears or comes across. A Hanbalī should accept the views of the Hanafī madhab if the latter has evidences and proofs that his own *madhab* doesn't produce and vice versa. This was the attitude adopted by the *imāms* and those who followed them did likewise. They took the view that was in unison with the Qur'ān and Sunnah and rejected that which was contradictory as they understood that the *imāms* were not error-free. The *imāms* delved into issues and pointed out the correct opinion after in depth research. Sometimes they were right and at other times they made mistakes in their judgement. However, their errors were few and far between *alhamdulillah*. Most of their views were in accordance to the evidences and proofs, which was their modus operandi after all (i.e. following the proofs). They took great pains to implement this in their lifetimes and left it as their legacy for others to emulate.

The scholars that formulated *fiqh* did so as they feared its disappearance. Four schools of jurisprudence emerged as a result of collecting *fiqh* issues. They are: the *madhab* of Imām Abu Hanifah, the *madhab* Imām Mālik, the *madhab* of Imām al-Shāfi'ī and the *madhab* of Imām Ahmad. Each of these schools were collated, studied and referenced throughout the Islamic era up to the present time.

There were other *fuqaha* apart from these four *imāms* but their views were not collated. Examples would be the views of Imām ibn Jarīr al-Tabarī¹⁰, Imām al-Awzā'ī¹¹, Imām Sufyān al-Thawrī¹² and others. Their views do not appear as codified works like that of the four *imāms*. However their views and opinions can be found in the *tafsīrs* of the Qur'ān and in the commentaries of hadīth.

¹⁰ Imām Muhammad ibn Jarīr ibn Yazīd ibn Kathīr, Abu Ja'far al-Tabarī. He authored many valuable books. He was renowned for his knowledge during his time. He was also known for his intellect and the copious books he authored. He was born in 224 H. and died in 310 H.

¹¹ Imām 'Abdul Rahman ibn Amr ibn Yuhmad, Abu Amr al-Awzā'ī. He was the scholar and *faqīb* of Shām. He was born in 88 H. and died in 157 H.

¹² Imām Sufyān ibn Sa'īd ibn Masrūq, Abu 'Abdullah al-Thawrī. He was the *imām* and *hafidh*. He was from the most noble of scholars of his era. He died in 161 H.

Sharh Zād al-Mustaqni

In essence, the validity of the view or opinion is based upon it corroborating with what appears in the Qur'ān and Sunnah, even if it is not well known. The scholars opinions and views help us understand the Qur'ān and Sunnah. For this reason, great efforts were put into codifying their views. As and when there are differences in opinion or answers are sought, these books serve as references. This is *tawfiq* from Allah and His way of preserving this *din*. Allah says: {Indeed, it is We who sent down the Qur'ān and indeed, We will be its guardian.}¹³ This verse is an indication of the preservation of the Qur'ān and the Sunnah of the Prophet $\frac{1}{26}$ from any changes or replacement. It is also an indication of the preservation of the views are based on good understanding of the Qur'ān and Sunnah.

The greatest book is the book of Allah, and it is the ultimate source. Falsehood of any kind cannot blemish it. It is a book revealed from the Most Just and the Most Praiseworthy.

Then we have the Sunnah of the Messenger 3 who does not utter out of desire but it is only a divine message that he was inspired with. It too is preserved for posterity.

Lastly, we have the views of the scholars. At the forefront [of the scholars], we have the Companions of the Prophet $\frac{1}{26}$, then the Tabi'īn and then those who came after the Tabi'īn. Finally we have the views of the *imāms*, especially the four great *imāms*.

All this is readily available in our present times for all Muslims, *alhamdullilah*. All that remains is for us to look it up, study and benefit from these books. We should never voice our own views for we have not attained the stature achieved by the great *imāms*. We should not convince ourselves that we do not require the *fiqh* books and that sufficient for us is the Qur'ān and Sunnah. This view unfortunately is rife with some teachers. This is a wayward stance and will lead one astray. This is because there is none in our times, I dare say, who can make an independent view and opinion without references. Verily knowledge will deplete and it shall be seized during the last era as prophesied by the Messenger \mathfrak{B} , "Allah does not seize this knowledge by removing it from the hearts of men but He seizes it through the death of the scholars. When there is no scholar left, people will start taking the ignorant ones as leaders.

¹³ Al-Hijr:9

When questioned, these men answer without knowledge. They are astray and they send others astray."¹⁴

The Prophet $\frac{1}{28}$ also said, "There will not lapse an era except that which follows shall be worse off."¹⁵ In every new era the scholars diminish in numbers until the final hour. Hence we cannot distance ourselves from the views of scholars of bygone eras and the opinions of our predecessors. In fact it is incumbent upon us to refer to their works. It is only correct that the ignorant should seek advise from the learned. Allah says: **{And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message if you do not know.}**¹⁶ Ignorance is not lifted by isolating oneself or having pride, rather it is lifted by asking the people of knowledge.

We ask Allah that He grants us beneficial knowledge and the ability to do pious deeds. May peace and blessings of Allah be upon our Prophet Muhammad, his family and all of his companions.

Signed by author.

¹⁴ Reported by al-Bukhārī (1/36) (9/123) and Muslim (8/60) from the hadīth narrated by 'Abdullah ibn Amr ibn 'Ās.

¹⁵ Reported by al-Bukhārī (9/61), worded by him, Ahmad (3/117, 132) and al-Tirmidhī (2206) from the hadīth narrated by Anas,.

¹⁶ Al-Nahl:43

متن

In the name of Allah, the merciful, the especially merciful. With him we seek assistance. Praise be to Allah whose praise never ceases, the most worthy of praise.

The author's name is Sharaf al-Dīn Abū al-Najāh Mūsa al-Hajjāwī¹⁷. He was a scholar from the tenth century after Hijrah, a great *imām* and amongst the best *faqihs* of the Hanbalī *madhab*. He summarised [this work] from the book *al-Muqni*'.

He starts with, "In the name of Allah, the merciful, the especially merciful," like the chapters of the Qur'ān and in accordance with the Sunnah of the Messenger of Allah 78. Verily, starting with the name of Allah is legislated in Islam before doing any deed like drinking and eating. This includes writing a book.

Allah began every *sūrah* in the Qur'ān with the *basmallah*, except for "*Barā'a*" (Sūrah Tawbah).

The Prophet $\frac{1}{2}$ used to begin with the *basmallah* when he commenced sittings of knowledge, and when he wrote letters to the kings and emperors inviting them to Islam, just as Sulaymān $\frac{1}{2}$ wrote the letter to Balqīs, Queen of Saba' beginning with the *basmalah*: {She said, "O eminent ones, indeed, to me has been delivered a noble letter. Indeed, it is from Sulaymān, and indeed, it reads: 'In the name of Allah, the Entirely Merciful, the Especially Merci-

¹⁷ His name is: Mūsa ibn Ahmed ibn Mūsa al-Hajjāwī Abu al-Najāh. He died in 968 H. He took *fiqh* and other disciplines from Imām Shihab al-Dīn Ahmad al-Whuwayki al-Salihi, Imām Abu Hafs Najm al-Din 'Umar ibn Ibrāhīm ibn Muhammad ibn Muflih al-Salihi, Abu al-Barakat Muhhib al-Din Ahmad ibn Muhammad al-'Uqayli. A large number of *imāms* studied under him: His son Yahya al-Hijāwi, Shihāb al-Din Ahmad al-Wafa'i al-Muflihi, Ibrāhīm ibn al-Ahdab al-Salihi, Abu Nūr ibn 'Uthmān ibn Muhammad ibn Ibrāhīm, and others. From his works are *al-Iqnā*' and *Zād al-Mustaqni*'.

ful.""}18

It is reported that the Prophet $\frac{1}{28}$ said: "All important things that do not begin with *bismillahi* are futile," in another narration "... that do not begin with *al-hamdulillah*."¹⁹

Starting a deed with the *basmallah* is a Sunnah *mu'akkadah* (strongly emphasised). It means that one seeks help and blessing [doing that deed] in the name of Allah ﷺ. Indeed these are powerful words. The word "Allah" encompasses all the names of Allah. It is not to be used for any other person except Him, the Lord of the Worlds. The meaning of "Allah" is the owner of supremacy, which denotes worship, for verily only He is worthy of worship.

"Al-Rahmān al-Rahīm": Two great names of Allah which allude to His mercy. *"Al-Rahmān"* refers to his mercy for all His creations and *"al-Rahīm"* refers to His mercy reserved for the believers.

"Alhamdulillah": Beginning with these words is not the actual start but secondary after "bismillah". "Al-hamd" is praise for He who bestows everything, the Most High and Most Glorious.²⁰ This meaning can be seen in the following verses: {All praise is [due] to Allah, Lord of the worlds.}²¹, {All praise is [due] to Allah, who has sent down upon His Servant the Book and has not made therein any deviance.}²², {All praises and thanks be to Allah, Who [Alone] created the heavens and the earth, and originated the darkness and the light, yet those who disbelieve hold others as equal with their Lord.}²³, {And say: "All the praises and thanks be to Allah, Who has not begotten a son [nor an offspring], and Who has no partner in [His] Dominion."]²⁴.

Use of "alhamdulillah" can be found in books, sermons and lectures. The use of

¹⁸ Al-Naml 29-30

¹⁹ Reported by Ahmad (2/359) with the phrase "*dhikrullah*" and Abu Dawūd (4840) with the phrase in the latter hadīth mentioned above from the narration of Abu Hurairah.

²⁰ See *Mutla' Ala Abwāb al-Muqna* by Ibn Abi al-Fath al-Ba'lī (p. 2) and *al-Dar al-Nafi* by Ibn al-Mubrad (1/10).

²¹ Al-Fatihah: 2

²² Al-Kahf: 1

²³ Al-An'ām: 1

²⁴ Al-Isrā: 111

Sharh Zād al-Mustaqni

it in the *khutbah al-hajah* (i.e. *'innal hamdalillah nahmaduhu wa nasta'īnuhu'*) is specific to that particular sermon and does not occur in other sermons. The sermons of the Prophet $\frac{1}{8}$ that contain the phrase *"alhamdulillah"* are similar in meaning to that which is found in the Qur'ān. Therefore those delivering a sermon are obliged to do likewise. The *alif* and *lam* in *al-hamdulillah* makes the phrase all-encompassing, alluding that all praises are for Allah, the Almighty. Only He is worthy of praise as all things are bestowed by Him $\frac{1}{8}$. As for a man who gives to others, he can be praised for that charity he gave. However, it should not be all-encompassing. Thus we cannot say *"al-hamd"* to an individual, this is forbidden. Allah is praised for His essence, His Names and Attributes and He is praised for His actions.

"*Rabbil 'ālamīn*": The Creator of the worlds. Al-Rabb means the king, owner, preserver and discharger of the affairs of the worlds. He creates and nurtures them physically and spiritually, creating the heart and placing within it knowledge and faith. He nurtures the body by bestowing sustenance in the form of food and drink. It is He who nurtures the people, setting right their affairs and repelling evil from harming them.

"*Al-'alamin*": Plural of world, it denotes everything except Allah. There are various worlds; the world of the *jinn*, the human world, the world of the angels etc. No one keeps an account of all of these worlds except Allah. It is He who created them and he nourishes them and looks after their affairs while sustaining them.

"The most worthy of praise": That is total praise.

"Whose praise never ceases": That is praise that has no boundaries, for Allah's ability to bestow does not end. Therefore praise for Him, the Most Glorious cannot end and it is perpetual.

And peace and blessing of Allah be upon the best of chosen ones Muhammad.

"Peace and blessings of Allah": The linguistic meaning of blessing is suppli-

A Commentary on Zād al-Mustaqni

cation.²⁵ It means praise from Allah from above the heavens for the Prophet Muhammad \mathfrak{B} . The angels bless him i.e. they seek forgiveness for him. Likewise, mankind seeks Allah's blessing on behalf of the Prophet \mathfrak{B} by making supplications for him. This information can be drawn from the hadīth in *Sahīh al-Bukhārī*²⁶ from the narration of Abu al-'Āliyah. Allah says: {Allah sends His Salat upon the Prophet and also His angels too [ask Allah to bless and forgive him]. O you who believe! Send your salat upon him, and greet him with the Islamic way of greeting.}²⁷

Sending salutations upon the Prophet $\frac{1}{28}$ is at times wajib and at times encouraged only. It is wajib during the *tashahud* in prayer, during the sermons of the two 'Eid prayers, the *jumuah khutbah* and the prayer seeking rain. The sermon is not complete unless salutations are sent upon the Prophet $\frac{1}{28}$. Salutations are sent upon him every time his name is mentioned. May peace and blessings be upon him. It is reported that he $\frac{1}{28}$ said, "He is a miser who hears my name and does not send salutations upon me,"²⁸ and added, "Whoever sends a single salutation upon me, Allah sends ten salutations upon him."²⁹ He also said, "Send salutations upon me from wherever you are for indeed your salutations reach me."³⁰

Salutations were sent on him whilst alive and after death due to his immense favour upon the Ummah. Allah has brought this Ummah from darkness to light through the Prophet \cong and guided us to the straight path as a result. It is integral that the Muslims follow his Sunnah and love him more than they love themselves, their parents, their children and the rest of mankind. Allah says: **{Indeed in the Messenger of Allah you have a good example to follow for him who hopes in Allah and the Last Day and remembers Allah much.}**³¹,

²⁵ See *al-Misbah al-Munīr* (p. 473), Ibn al-Qayyim in his book *Jalā' al-Afhām* while explaining the linguistic and Islamic meaning of *al-salah*.

²⁶ Sahīh al-Bukhārī (6/151).

²⁷ Al-Ahzāb: 56

²⁸ Reported by Ahmad (1/201), al-Tirmidhī (3546), al-Nasā'ī in his book *Amal al-Yawm wal Lailah* (55) from the narration of Hussain ibn 'Alī.

²⁹ Narrated by Muslim (2/17), Ahmad (2/262 & 372), Abu Dawūd (1530) and al-Tirmidhī (485) from the narration of Abu Hurairah.

³⁰ Reported by Ahmad (2/367), Abu Dawūd (2042) from the narration of Abu Hurairah with the words, "Do not take my grave as a place of merriment and do not make your houses like graves. Sent salutations upon me wherever you are for indeed it reaches me." 31 Al-Ahzāb: 21

{So those who believe in him, honour him, help him, and follow the light which has been sent down with him, it is they who will be successful.}³² It is their duty to send salutations upon the Prophet whenever his name is mentioned. Peace and blessings be upon him. It is also their duty to give special importance to his Sunnah and his *ahadīth*. They should study and practice [these two sciences].

The Prophet's **ﷺ** rights upon us are many. But they can never equal our rights upon Allah. Ibn al-Qayyim says:

For Allah is a right not meant for others, And for His servant is a right and these make two rights, Do not make the two rights as a single right, Without discernment (tamīz) and criterion (furqān).³³

Rights upon Allah are the rights in essence and it is the greatest obligation. His servant, the Prophet \mathbb{Z} has rights. They are: That he be followed and obeyed, that his message is endorsed, to send salutations upon him, that he is more dear to us than ourselves, our wealth, our family and the rest of mankind and that we love his Companions and respect them for they were men most dear to our Prophet \mathbb{Z} . He ordered us to show respect to the Companions and forbade us from cursing them or belittling them.

"The best of the chosen ones": "Mustafayn" is the plural of "mustafa", meaning mukhtār (the chosen one). The word "chosen ones" refers to the Prophets, may peace be upon them all. Allah chose them from all of mankind and made them special by sending His revelation to them.

The best among them is Muhammad ³/₂. He says, "I am the most noble amongst the sons of Adam and there is no arrogance [in my claim]."³⁴ He is the best of the Messengers and was given special characteristics that other Prophets did not receive. Some examples are: All the Messengers were sent to their own

³² Al-Ar'āf: 157

³³ Nūniyyah of Ibn al-Qayyim with its commentary (2/347).

³⁴ Narrated by Ahmad (1/5) with the wording: "You created me as the most noble among the sons of Adam and there is no arrogance." This is from the narration of Abu Bakr 45, and reported by Ibn Mājah (4308) from the narration of Abu Sa'īd al-Khudrī.

A Commentary on Zād al-Mustaqni

nations whereas Muhammad 3 was sent to the whole of mankind. The whole earth was made a place of worship for him while the other nations had to restrict their worship to their churches and places of worship. War booty was made permissible for him 3 whereas it was forbidden for the nations before him. Hence he stood out as the most noble of the chosen ones.

"Muhammad": This is from the Messenger's names. He does have other names. He was called Ahmad in the Qur'ān when Allah mentioned about 'Īsa [35], {And giving glad tidings of a Messenger to come after me, whose name shall be Ahmad.}³⁵

وعلى آله وصحبه

And on his family and companions.

"And on his family": Family here refers to the Prophet's \mathbb{Z} followers; from those of kinship and those who were not. Allah \mathbb{Z} says: {Cause Fir'awn's (Pharaoh's) people to enter the severest torment!}³⁶ In this ayah He is referring to the followers of Fir'awn. It especially includes the *ahl al-bayt* i.e. the household of the Prophet \mathbb{Z} . The word "*al*" includes all the followers, not just his immediate family and relatives. This is the correct interpretation.

"His companions": They are specifically mentioned even though they fall under the above mentioned category. This is to emphasise their importance as in the words of Allah: **{Whoever is an enemy to Allah and His angels and His messengers and Jibrīl and Mika'īl - then indeed, Allah is an enemy to the disbelievers.}**³⁷ Though Mika'īl and Jibrīl fall under the category of angels, they are mentioned again by name to emphasise their importance. The Jews used to claim that Jibrīl was their enemy, claiming that they would indeed become believers had it been any other angel that brought down revelation. Allah says: **{Say, "Whoever is an enemy to Jibrīl - it is [none but] he who has brought the Qur'ān down upon your heart, [O Muhammad], by permission of Allah, confirming that which was before it and as guidance and good tidings for the believers. Whoever is an enemy to Allah and His angels and His messengers and Jibrīl and Mika'īl - then indeed, Allah is an enemy to**

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³⁵ Al-Saf: 6

³⁶ Ghāfir: 46

³⁷ Al-Baqarah: 98

the disbelievers."}³⁸

Allah says: **{Maintain with care the [obligatory] prayers and [in particular] the middle prayer and stand before Allah, devoutly obedient.}**³⁹ The middle prayer is the 'asr prayer. It evidently falls under the category of *salah* but it is mentioned again to display its importance. The Companions likewise were mentioned again to highlight to us their high stature. This is a refutation to the stand adopted by the Shi'ah who do not send salutations upon the Companions and who do not say "*radiyallahu anhum*" when their names are mentioned. The *Rāfidāh* consider the Companions as enemies.

Some students of knowledge in our times say, "Peace and blessings be upon him and upon his family." This is an imitation of the ways of the Shi'ah. That which appears in the Qur'ān is: {Ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.}⁴⁰ This does not incorporate, "And upon his family." The family is mentioned along with sending salutation to the Prophet \cong only in the hadīth of the final *tashahud* in the prayer.

"Companions": They were those who met with the Messenger 羞, believed in him and died upon that belief.⁴¹ Whoever met the Prophet 霙 but did not believe in him is not considered to be a companion. Abu Jahl, Abu Lahab and many other disbelievers met the Prophet 霙. As they did not believe in his message, they are not deemed to be from his Companions.

Those who met him and believed and then apostatised are also not considered to be Companions. In the case of apostasy, the individual would not have only nullified his companionship with the Prophet $\frac{1}{26}$ but all of his good deeds as well. Allah $\frac{1}{26}$ says: {And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire, they will abide therein eternally.}⁴²Apostasy removes the status of companionship with the Prophet $\frac{1}{26}$ just as it invalidates all good deeds. This is

³⁸ Al-Baqarah: 97-98

³⁹ Al-Baqarah: 238

⁴⁰ Al-Ahzab: 56

⁴¹ Hafiz ibn Hajar when commenting on this definition said, "It is the most accurate that I have come across." See *al-Isābah* (1/7).

⁴² Al-Baqarah: 217

A Commentary on Zād al-Mustaqni

if the apostate dies in this state without repenting.

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ومن تعبَّد

And whoever worships.

"And whoever worships": Meaning whoever worships Allah and draws near to Him from amongst the Muslims. "Worship" comprises all that which Allah loves and which earns His pleasure. This includes speech and actions that are apparent and those that are not.⁴³ There are two pre-requisites for worship to be accepted:

First: Sincerity to Allah and not directing it to any other except Allah.

Second: To follow the way of the Messenger $\underline{\mathbb{Z}}$ and abstaining from all forms of innovation and superstition.

When the author sent salutations on the Prophet, he sent blessings upon his family and companions. He effectively sent blessings upon all of Muhammad's \gtrsim followers who will appear on the face of the earth until the Day of Judgement.

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أما بعد:

To proceed:

"To proceed": This phrase is used to shift from one matter to the next in speeches. After having completed the *khutbatul hajah*, the author shifts the audience's attention to the objectives of the sermon. The Prophet \mathbb{Z} used to say this in his sermon. He would say, "To proceed: O people..." (i.e. "Ammā b'ad, ayyuhannās").⁴⁴

⁴³ See Majmū' al-Fatāwa (10/149)

⁴⁴ Reported by al-Bukhārī (5/43) from the narration of Ibn 'Abbās and the narration of 'Umar ibn al-Khattāb (6/67), Muslim (8/245) from the narration of 'Umar and also reported by Ahmad (1/55), the hadīth of al-Saqīfah - from the narration of Umar ibn al-Khattāb.

Sharh Zād al-Mustaqni

This is the summary of fiqb.

"This is the summary": To make matters brief is a skill that is highly appreciated. 'Alī & said, "The best of speech is that which is condense but expansive in content." Allah ﷺ endowed His Messenger ﷺ with this talent. He used to utter short phrases that bear deep meanings ﷺ. You can see how the *ahadīth* are mere sentences while the commentaries can be multiples volumes in length.

This talent is something that all scholars should try to cultivate in themselves. They should make their lessons and sermons short and concise; especially the Friday sermon. The Prophet $\frac{1}{26}$ said, "Verily lengthening the prayer and shortening the sermon bear testimony to one's knowledge of the *din*, so lengthen your prayer and shorten your sermon."⁴⁵ The brief and concise speech by the scholar or *mufti* is better and more beneficial than a long lecture.

"Of *fiqh*": This is not [the *fiqh* that is related to] the oneness of Allah, as *tawhīd* is addressed in the books related to *aqīdah*.

"Figh": It is the knowledge of the rules in Islam and its proofs and evidences.

The scholars placed high value upon concise treatises as they are easier to memorise and so that the student can study in a graded manner. In order for the student of knowledge to best absorb knowledge, he should study small portions. Overloading oneself with information is of no benefit. He can start with the concise treatises and progress to the more detailed books and indepth explanations. A gradual approach to studying knowledge (*tadarruj*) is the most efficient and effective. There is a saying which states, "Whoever forgoes the basics (*the usūl*) is denied achievement (the *wasūl*)."

The $us\bar{u}l$ in terms of seeking knowledge is these brief treatises. The scholars used to take advantage of concise treatises in all of the fields of study; namely *fiqh*, *aqīdah*, Arabic grammar (*nahwu*), inheritance (*mawarīth*) and the fundamental laws ($us\bar{u}l al-fiqh$). All fields of study will have these brief introductions that pave the way for more in-depth study and understanding. There are those who consider these to be too condensed and disregard them, beginning with the longer texts instead. These people have set themselves up for failure for

⁴⁵ Reported by Muslim (3/12), Ahmad (4/263) and Ibn Khuzaymah (1782) from the narration of Ammār ibn Yāsir.

they have not adopted the correct methodology. They have not entered into the path of knowledge through its correct door. Allah says: {And it is not righteousness to enter houses from the back, but righteousness is [in] one who fears Allah. And enter houses from their doors. And fear Allah that you may succeed.}⁴⁶

Each science has a unique method to attain its mastery. Islamic knowledge should start with concise treaties. These treatises are very important to the beginner student of knowledge.

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من مُقْنِع الإمام الموفَّق أبي محمد

From Muqni' of the Imām al-Muwafaq Abu Muhammad.

"From *Muqni*": Meaning, from the book called *Muqni*' by Imām Muwafaq al-Din, Abu Muhammad Abdullah ibn Ahmad ibn Qudāmah al-Maqdisī⁴⁷, who was the *imām* of the Hanbalī *madhab* in his era. He has authored books on this *madhab* which are well-known by students of knowledge. These books are in various levels that gradually help a student along his quest for knowledge.

Firstly, there is Umdah al-Fiqh which is restricted to one view of the imām. At the next level, students use al-Muqni' which explores more than the first book. It mentions two or more views of a particular issue. He then authored $al-K\bar{a}f\bar{i}$ in which all the different views pertaining to each fiqh issue are discussed. In this book students are exposed to the proofs and evidences from the Qur'ān and hadīth which form the Hanbalī madhab. After this comes al-Mughnī, which presents the views of all of the four imāms and the imāms of the Tabi'īn. When a student reaches this stage and benefits from this book, he assumes the role of faqīh, discarding the tag of student.

على قول واحد

On just one view.

⁴⁶ Baqarah: 189

⁴⁷ His detailed biography is in *Siyār A'lām al-Nubalā* by al-Dhahabī (22/165) and *al-Wafā bil Wafiyāt* by al-Safdī (17/37), *al-Bidayah wa Nihayah* by Ibn Kathīr (13/99) and *Dhil al-Tabaqqāt al-Hanābilah* by Ibn Rajab and many other references.

This is the style found in concise treatises. They do not mention many views for a particular issue. For the beginner has to be fed with one portion of knowledge at a time. It is best that he is introduced to knowledge in a gradual fashion. This is the very objective of concise treatises and the nurturing scholars (*rabbāniyūn*) taught using it. Allah says: {**Be you** *rabbaniyyūn*, **because you are teaching the Book, and you are studying it.**}

Some from the *salaf* said, "Scholars who nurture (i.e. *rabbāniyyūn*) are those who teach the beginning portions of knowledge before progressing to teach the more advanced portions."

We see in present times, the so-called student of knowledge starts his journey of knowledge with voluminous books and books that discuss the differences of opinion. They never read the concise treatises. These people will not gain anything. As the saying goes, "Whoever forgoes the basics is denied achievement." It is also said, "Memorise the core lessons and it will strengthen the intellect." Memorising these core lessons is a must. Learn them from the scholars. Stay clear from those who discourage the memorisation of these lessons. Indeed memorisation is the basis of knowledge.

It is the preferred view in the *madhab* of Ahmad. Perhaps I omitted from it seldom occurring issues and added more of a similar type that can be relied upon.

"It is the preferred view": This is the view chosen by the author who summarised *al-Muqni*". It is preferred in accordance to the *madhab* of Ahmad. It might not really be the preferred view. However the author assumes so. *Alhamdulillah* it is the preferred view more often than not. In some cases, the view less preferred is chosen. This is well-known.

"Ahmad": This refers to the leader of the *madhab*, Ahmad ibn Hanbal al-Shaybānī. He was one of the four great *imāms* and a great reporter of hadīth. He was a *muhadith* and a *faqīh*. He was known as Abu 'Abdullāh. Shaybānī refers

⁴⁸ Āli 'Imrān: 79

to Shaybān ibn Dhuhul, one of his grandfathers.

Imām Ahmad was born in Baghdad and grew up there. He left for Makkah in search of knowledge, then to Madīnah and then to Yemen. He met with those who had memorised the hadīth and the narrators. He narrated the hadīth from them and soon was regarded as an authority on hadīth and was known as the *imām* of Ahlus Sunnah.

Among his students were Imām al-Bukhārī, Imām Muslim, Imām Abu Dawūd and Imām al-Tirmidhī. These were the students who learnt hadith from Imām Ahmad. He also had many students who learnt *fiqh* from him and followed his *madhab*.

He has authored many books, the most important of which is his hadith collection *al-Musnad*. He compiled thirty thousand ahadīth of the Prophet $\underline{\mathbb{F}}$. It was called *al-Musnad* because it includes narrations from each companion in one section. Another significant book of his is *al-Tafsīr bil Athar* which contains one hundred and fifty thousand ahadīth of the Messenger of Allah $\underline{\mathbb{F}}$. This book focuses on exegesis of the Qur'ān.⁴⁹

His book *Rad 'ala Zanādiqah wal Jahmiyah* is still in print now. However Imām Ahmad did not author a book on *fiqh*. This was due to his modesty. His students penned down verbatim his lessons, rulings and letters containing answers to questions sent to him from far and wide. These students then compiled all these resources, which also included his answers to questions from other scholars who lived during his time. Five students in particular exerted great effort in this compilation: Imām Ahmad's sons 'Abdullah and Sālih, al-Marwadhī, al-Athram and al-Harbī. These five individuals narrated the most from Imām Ahmad, thereby preserving the *madhab*.

"Perhaps I omitted from it": Referring to al-Muqni'.

"Seldom occurring issues": That are very unlikely to happen.

"And added more of a similar type that can be relied upon": Replacing them with more frequently occurring *fiqb* issues. This inevitably required taking content from other than *al-Muqni* and this approach is called *ziyadāt*

⁴⁹ It was printed in four large volumes.

Sharh Zād al-Mustaqni

al-mukhtasir (additions to the concise treatise). These are very few in number and for this reason he said "perhaps", indicating that it is indeed rare. He did not mention the omissions here as there was no pressing need. Likewise, the scholar should devote his attention to issues that are pertinent to the people. As for seldom-occurring issues and problems, he should consider them less important. Similarly, the student of knowledge should study and ponder over problems that are relevant and that happen often in daily life. Problems to which the solutions are sought by the people. These two books, *al-Muqnī* and *al-Mukhtasar* (i.e. Zād al-Mustaqnī) are amongst the most significant books of the Hanbalī madhab.

"Al-Muqni": This book has been accepted by the people and its value is revealed by the many commentaries written on it. Here are a few examples of these books: (i) Al-Sharh al-Kabīr by Shams al-Dīn 'Abdul Rahmān ibn Abī 'Umar. This commentary was published. (ii) Al-Insāf by Mardāwī. This book explains the differentiation between the preferred view and the view that is not preferred in the disputed fiqh issues. (iii) Al-Mumtī Sharh al-Muqni' by Ibn Munajī, this is also published. (iv) Al-Mubdi' fī Sharh al-Muqni' by Ibrahīm ibn Muflih, who is from the family of Muflih. This book was also published. These are the well-known commentaries.

"Al-Mukhtasar": The concise treatise we are studying now has only one commentary that I know of. It is al-Rawd al-Murbi' Sharh Zād al-Mustaqnī' by the shaykh of the Hanabilah in his era, Mansūr ibn Yūnus al-Bahūtī. It is said that Shaykh Sulaymān ibn 'Alī, the grandfather of Shaykh Muhammad ibn Abdul Wahhāb wrote a commentary for Zād al-Mustaqnī' but when he came across the book of al-Bahūtī, he destroyed his book and relied upon al-Bahūtī's commentary. This was mentioned by Ibn Bishr in his book that covered historical events. And Allah knows best.

Al-Bahūtī's book was preferred by the scholars and they have added many postscripts (*hāshiyat*) to the book. An example of this is the postscript by Shaykh 'Abdullah ibn 'Abdul Rahmān Abu Buthayn, the mufti of Najd in his era and this was published. He also did a postscript for *Zād al-Mustaqnī*. There is also the postscript of Shaykh ibn Fayrūz al-Ahsāi' of the book *Sharh al-Zād*, however he did not complete it. Many postscripts have been added to the commentary of *Zād al-Mustaqnī*. One particular person who gave it much importance was Shaykh 'Abdullah al-'Anqari, the judge of the Sadīr province.

He compiled all of these postscripts into one book calling it *Hāshiyat al-'An-qarī* which was then published. The last of those who did these postscripts was Shaykh 'Abdul Rahmān ibn Qāsim, a student of Shaykh Muhammad ibn Ibrāhīm. He was well known and his work was published. His postscripts had a wide scope and were full of information from the books of the *madhab* and the preferred opinions of Shaykh Ibn Taymiyyah and Ibn al-Qayyim (may Allah be pleased with them both).

إذ الهممُ قد قَصُرتْ، والأسبابُ الْمُبْطَةُ عن نيلِ المرادِ قد كَثُرَتْ

متن

Ambition has decreased and the hindrances to achieving the objectives have increased.

In other words, "I have done this deed; the deed of authoring this brief treatise, removing the seldom-occurring *fiqh* issues and adding issues that are more frequently occurring." He did so because *al-himām* (ambition) to acquire knowledge has decreased. These students require someone to make it more accessible for them. People in the first era had a great liking for *fiqh* and sought it. They did not need concise treatises. In fact they used to memorise the original long versions.

As time passed by, the interest for knowledge waned and people preoccupied themselves with other things besides it; fulfilling the prophecy of the Messenger of Allah \cong who said, "There won't come a time except that it will be followed by a period worse than the former."⁵⁰And his saying, "Verily Allah will not snatch this knowledge by removing it from men's heart but He will snatch it through the death of scholars"⁵¹ [Also that] at the end of time, "Reciters [of the Qur'ān] will be many but the *fuqahah* will be less in number."⁵²

"And the hindrances to achieving the objectives have increased": As time passed and heedlessness and laziness increased, it was necessary to facilitate the acquiring of knowledge from the lengthy books. Hence they were summarised into brief treatises. This was done to assist the student of knowledge and

⁵⁰ Reported by al-Bukhārī (9/61), Ahmad (3/117,132) and al-Tirmidhī (2206) from the hadīth of Anas.

⁵¹ Reported by al-Bukhārī (1/36), (9/123), Muslim (8/60) from the narration of 'Abdullah ibn 'Amr.

⁵² Reported by al-Tabarānī in al-Mu'jam al-Awsad (3277) from the narration of Abu Hurairah.

Sharh Zād al-Mustaqni

it is incumbent upon the scholars to modify the methods of dissemination of knowledge according to the era. These [summaries are] a direct result of the lack of interest in learning lengthy books, and voluminous works which students of times gone by treasured and memorised for they held the acquiring of knowledge in high esteem.

The student's hunger for knowledge will never be satiated; as in the hadīth, "The greed of two people will never be satiated: the seeker of knowledge and the seeker of this world."⁵³

Since people are busy with business, corruption and servitude to their desires, they stopped giving their attention to seeking knowledge. They became ensnared by relaxation and leisure. This is the prevailing condition and there is neither power nor might except with Allah.

Though small in size, it contains that which is in the original text, freeing it from the need of being lengthy. There is no power or might except with Allah, Who is sufficient for us and the best trustee.

"Though small in size, it contains that which is in the original text": Do not underestimate the impact of the concise treatise. Though compact in size it contains the same information found in voluminous books. Information is summarised and the wording is made brief wherever possible.

Hence this concise treatise which the author referred to has five distinguished traits:

First: It is from the book al-Muqni' which is the basis for the Hanābilah.

Second: It contains one view (per *fiqh* issue). Differences in views and refutations which could confuse students are not discussed.

Third: It contains only the preferred view substantiated by proofs and ev-

⁵³ Reported by al-Tabarānī in al-Kabīr (10/223) from the narration of 'Abdullah ibn Mas'ūd.

A Commentary on Zād al-Mustaqni

idences in accordance to the *madhab* of Imām Ahmad. This style gives the student the confidence to rely on the book given the impression that the book contains only preferred views.

Fourth: Seldom-occurring *fiqb* issues have been removed and in their place more frequently occurring issues have been inserted. It makes the book more practical and relevant as a reference to problems faced in daily life. Issues of rarity ought to be discussed in the longer texts.

Fifth: Even though it is compact in size and with fewer pages, this treatise matches the knowledge found in the original text. If you were to study this concise treatise well, it will lay the foundation for you to grasp what is in the original text because *al-Muqni*' is but an explanation of this treatise.

These five distinguished traits that have been mentioned by the author are indeed unique to the treatise.

"There is no power or might except with Allah, Who is sufficient for us and the best trustee": The author concludes the introduction with these great words. The meaning of it is that there is no power [to alter] one situation to the next except with Allah. Without Allah's help, a *jābil* cannot become a scholar, a pauper cannot become rich and the sick cannot become healthy except with Allah's grace and mercy. It is done only with aid from Allah. Might and power are the sole prerogative of Allah.

"Who is sufficient for us and the best trustee": "Hasbunā" means sufficient and "nimah al-wakīl" means One who is relied upon for all of our affairs. These words were mentioned by Ibrāhīm we when he was thrown into the fire. Muhammad ﷺ uttered it when it was said to him: {Those to whom hypocrites said, "Indeed, the people have gathered against you, so fear them." But it [merely] increased them in faith, and they said, "Sufficient for us is Allah, and [He is] the best Disposer of affairs."}^{54 55}

What was the outcome then for both Ibrāhīm and the Messenger of Allah Regarding Ibrāhīm's outcome, Allah said: **{O fire, be coolness and safe-**

⁵⁴ Āli 'Imrān: 173

⁵⁵ Reported by al-Bukhārī (6/48) from the narration of 'Abdullah ibn 'Abbās.

ty upon Ibrāhīm.}⁵⁶ As for the Messenger of Allah \cong and his Companions, Allah says: {So they returned with favour from Allah and bounty, no harm having touched them. And they pursued the pleasure of Allah and Allah is the possessor of great bounty.}⁵⁷

⁵⁶ Al-Anbiya: 69

⁵⁷ Āli 'Imran: 174

كتاب الطهارة THE BOOK OF PURIFICATION

- Types of water
- Utensils
- Cleansing after relieving oneself
- Siwāk and the optional acts in ablution
- The obligatory acts in ablution and its description
- Rubbing over the leather socks (*khuffayn*)
- What nullifies ablution
- Bath (ghusl)
- Dry ablution (*tayammum*)
- Removing impurities
- Menstruation

كتاب الطهارة THE BOOK OF PURIFICATION

The author now begins writing the main body of the book.

"Kitāb al-Tahārah": He begins with tahārah because prayer is the second commandment of Islam and it is the pillar of Islam. The first commandment: al-shahādah (proclamation of Islam), is discussed in the books of aqīdah and tawhid. The rest of the commandments: prayer, zakat, fasting and Hajj and mu'āmalāt are found in the books of figh.

Since the first and foremost type of worship is *salah* (prayer) and since purification is a pre-requisite for *salah*, the author begins the book with this chapter. Purification is achieved in either of two ways:

- 1. Water: if it is available and the person purifying himself is capable of using it.
- 2. Dry ablution (*tayammum*): when water is not available or if a person is incapable of using it.

So he begins the book with the chapter on purification.

"Kitab": Linguistically it means "gathering" i.e. a book is a compilation of words, chapters, sections and content. 58

"Tahārah": Linguistically it is to remove and cleanse impurities that are tan-

⁵⁸ See al-Mutla (p. 5)

gible and intangible⁵⁹. It has two categories. The first of these is intangible purification. This is purifying oneself from associating partners with Allah (*shirk*), innovations (*bidah*) and cleansing oneself of sin (*dhunūb*). Allah the Most High and Dignified says: {**These are indeed men who want to be pure** [from sins]!}⁶⁰ The focus of this ayah is upon intangible impurities i.e. sin and transgression. *Shirk* is [considered to be] an impurity, Allah says: {**Verily**, **the Mushrikūn are** *najāsūn* (**impure**).}⁶¹ This is cleansed by pure *tawhīd*. The second of these categories is tangible purification and it is attained by using a purifier to physically remove impurities.

وهي: ارتفاعُ الحدث وما في معناه، وزوالُ الخَبَث.

It (i.e. *tahārah*) is the lifting of impurity and anything resembling it and the removal of filth.

"It is the lifting of impurity": This is the technical definition⁶² i.e. "lifting of impurity". Impurity is that which is on the body which nullifies prayer and impedes the touching and reading of the Qur'ān. The one who is in the state of impurity is not allowed to pray and if he insists, it is not valid. The Prophet $\frac{1}{26}$ said, "Allah does not accept the prayer of one who is impure until he makes ablution."⁶³

"And anything resembling it": Meaning anything that resembles the lifting of impurity. For example, the washing of hands when waking up in the morning though they were not dirty. However if a person wakes up in the morning and dips his hand into a bowl of water without first washing it, the bowl of water becomes impure. The Prophet $\frac{1}{26}$ warned against doing this. Similarly, the washing of a corpse resembles "the lifting of impurity" since death is not undone by washing the corpse.

"And the removal of filth": "Filth" refers to impurity (najāsah).

⁵⁹ See Lisān al-'Arab (4/506), Mu'jam Maqāyīs al-Lughab by Ibn Fāriz (3/328) and al-Mutla' (p. 5).

⁶⁰ Al-A'rāf: 82

⁶¹ Al-Tawbah: 28

⁶² See al-Dar al-Naqī by Ibn al-Mubrad (1/27).

⁶³ Reported by al-Bukhārī (9/29) and Muslim (1/140) from the narration of Abu Hurairah.

Purification can be divided into two categories:

- 1. The lifting of impurities and that which resembles it.
- 2. The removal of filth i.e. impurities blemishing a clean place. It is also called *"al-najāsah al-hukmiyah"*.

We have stated that impurities can be tangible or intangible. The former can be grouped into:

- 1. Najasah 'aynayyah (i.e. inherent impurity): that which cannot be removed like the impurity of dogs and pigs.
- 2. *Al-najāsah al-hukmiyah*: where impurities blemish a clean place. An example would be a shirt soiled with urine or blood. This shirt has to be washed until the traces of urine or blood are removed.

Al-najāsah al-hukmiyah can be removed from clothes, the body and the patch/ spot. It can be removed from clothes for the Prophet $\frac{1}{26}$ ordered the menstruating woman to wash her dress if it was stained with blood.⁶⁴ When the Prophet $\frac{1}{26}$ realised whilst praying that one of his shoes had an impurity on it, he removed it.⁶⁵ Removing it from the body is attested to by the fact that we make *istinjā* (washing of private parts after using the toilet) and *istijmār* (scrubbing the private parts by using solids like stone or paper). Removing this type of impurity from spots or patches is evident from the actions of the Prophet $\frac{1}{26}$. When a Bedouin urinated in the *masjid*, he $\frac{1}{26}$ asked for a container of water and he poured it over the soiled spot.⁶⁶

والمياه ثلاثة:

متن

⁶⁴ As mentioned in the hadīth reported by al-Bukhārī (66/1), Muslim (1/166) from the narration of Asmā'bint Abi Bakr. The wording from al-Bukhārī is, "Scratch it and scrub it with water and pray wearing it."

⁶⁵ Reported by Ahmad (3/20, 92) and Abu Dawūd (650) from the narration of Abu Sa'īd al-Khudrī. The wording from Ahmad is, "Verily Jibrīl came to me and informed me that on it (the shoe) was impurity."

⁶⁶ Reported by al-Bukhārī (1/65), (8/14) and Muslim (1/163) from the narration of Anas. The wording in al-Bukhārī is, "A Bedouin urinated in a corner of the *masjid* and the people became angry. The Prophet forbade them. When the Bedouin had finished urinating, the Prophet asked for a container of water and poured over it [the soiled area]."

Water is of three types.⁶⁷

"Water is of three types": After having defined purification, the author revealed that it is of two types:

- 1. Purification from filth which is achieved through ablution (*wudu*) [and the mandatory bath (*ghusl*)]. Ablution removes minor filth and the mandatory bath removes the major filth.
- 2. Purification from filth on the clothes, body and from the spot.

The author emphasises that the medium for both types of purification is water. Allah the Most High and Dignified says: **{We send down pure water from the sky}**⁶⁸ and **{He caused water to descend on you from the sky, to clean you thereby.}**⁶⁹ The wisdom of bringing forth water from the sky is for purification and the removal of filth. It is not permitted to make ablution with any liquid other than water. If a person was to make ablution with fruit juice or petrol, the ablution is not accepted for Allah has given us just one element for purification. It is water and water alone. Similarly, if a person made ablution using *nabīdb* (a sweet, wine like concoction of water and fruits)⁷⁰ it is not accepted either. This is the view of the majority of scholars as the principle states that nothing else should be used when water is readily available. Water is of three types: (i) pure water (*tahūr*), (ii) clean water (*tāhir*) and (iii) filthy water (*najis*). *Tahūr* is water that is clean and cleanses another. *Tāhir* is water that is clean but which does not cleanse another. *Najis* is water that is not permitted to be used for cleaning and purification.

طهور لا يرفع الحدث، ولا يزيلُ النجسَ الطارئَ غيرُه، وهو الباقي على خِلْقته

It is pure. Nothing removes impurities and filthy stains except it. It remains pristine in its state.

This is an elaboration of the types of water:

متن

⁶⁷ See *al-Muqni*' by Ibn Qudāmah (1/17). Ibn Rizzīn added a fourth type. Shaykh al-Islam ibn Taymiyyah categorised it into two: clean and unclean. Our author corroborates this view as we shall see later.

⁶⁸ Al-Furqān: 48.

⁶⁹ Al-Anfāl: 11.

⁷⁰ See al-Mutla' (p. 38) and al-Dar al-Naqī (2/76).

"It is pure": Tahūr water is pure and cleanses another.

"Nothing removes impurities and filthy stains except it": Referring to water. As we saw in the *ayāt* earlier, Allah sent it down for purification. No filth or impurity is removed except by this type of water; that is *tahūr* water. The definition of *tahūr* water is, "It remains pristine in its state," i.e. the state in which Allah created it, sweet or bitter, hot or cold, descended from the sky, pouring forth from the Earth's crevices or from melting ice.

Tahūr water is of seven types:

- 1. It is clean and its usage is not disliked while it is in its pristine state.
- 2. Tahūr water not encouraged for use; that is water mixed with soluble or insoluble foreign matter, for example camphor or grease that changes the attributes of pure water.
- 3. Water clean for women but not men.
- 4. Water heated together with impurities.
- 5. Zamzam water that cleanses impurities (najasah) but not filth (hadath).
- 6. Water that is used for recommended cleaning.

The above types of water shall be discussed in detail in this book.

7. Water contaminated by impurities where removing them from the water is difficult.

متن

If it changed because of an insoluble matter like a piece of camphor, grease or sea salt.

"If it changed because of an insoluble matter like a piece of camphor, grease": That is, the foreign matter does not dissolve into the pure water but instead floats on the top like grease, oil or camphor.

"Or salt water": Salt is of two types: sea salt and mineral salt

1. Sea salt is derived from salt marshes which are created as sea waves de-

A Commentary on Zād al-Mustaqni

posit salt crystals. Since its origin is water, sea salt does not contaminate pure water.

2. Mineral salt is extracted from the earth's crust. Water mixed with this type of salt is discouraged for use. Water mixed with mineral salt loses its pristine state.

أو سُخِّنَ بنجس كُرِه، وإن تغير بمكثه أو بها يَشُقُّ صَوْنُ الماء عنه من نابت فيه وورق من شجر، أو بمجاورة مَيْتَةٍ، أو سخن بالشمس أو بطاهر لم يكره

Or if heated up with impurities, this is disliked and if it changes due to stagnation or if preventing it from these elements of change is difficult. Like the mixing of grass or fallen leaves, or by being near a corpse, or heated by the sun or by clean things, then that is not disliked.

"Or if heated up with impurities, this is disliked": If it is heated up along with impurities, then its use is disliked. This is because some impurities evaporate with the water and this contaminates the water.

"And if it changes due to stagnation": If it changed due to prolonged stagnation so much so that it has a smell, for example an abandoned well, then the use of this water is not disliked for the reason of the change was only stagnation.

"Or if preventing it from these elements of change is difficult": I.e. if it changes due to elements that cannot be prevented. For example water in the farm will definitely be affected by trees and leaves or moss that grows in the water. The smell of water inevitably changes. The use of such water is not disliked for these changes cannot be prevented.

"Or by being near a corpse": If the smell of the water changes as a result of a corpse being near the water, then its use is not disliked for these factors of change cannot be averted from the body of water.

"Or heated by the sun or by clean things, then that is not disliked": I.e. if it changes from cold to hot water due to direct sunlight or due to being heated up by a clean fuel.⁷¹

⁷¹ By wood, heating with gas or electricity etc.

وإن استعمل في طهارة مستحبَّة كتجديد وضوء، وغسل جمعة، وغَسْلةٍ ثانية وثالثة كُره

in.

If it is used for recommended cleansing like renewing the ablution or bathing for Friday prayers or the second or third bath, then it is disliked.

"If it is used for recommended cleansing": As mentioned earlier, this is the seventh type of pure water of which the use is disliked. However some do view it as unsuitable for purification. There is no doubt in the fact that something $makr\bar{u}h$ (disliked) can lose the status of disliked if there is a need for it.

The Hanbalī *madhab* states that if water is used for mandatory cleansing and filth is removed, it is not acceptable to use the water again.

"Like renewing ablution": What is referred to here is praying with ablution. If you wish to pray again, it is recommended that you renew your ablution as the first ablution was spent in worship.

"Or bathing for Friday prayers": It is disliked to reuse the water used for the Friday prayer for purification because it was spent in worship.

متن وإن بلغ قُلَّتين – وهو الكثير وهما خمسمائة رطل عراقي تقريباً – فخالطتْه نجاسةُ غير بول آدميٍّ أو عَذِرتِهِ المائعةِ، فلم تُغَيِّرْه، أو خالطه البولُ أو العَذِرَةُ ويَشُقُّ نَزْحُه كماءِ مصانع طريق مكة فطَهُور.

If it reaches *qullatayn*, which is approximately equivalent to five hundred *ratl Iraqi*, it is in excess. If impurities excluding human urine or faeces were to mix with this excess water and it didn't affect it and if urine or faeces mix with it and it is difficult to drain it like water in *masāni*' (that flows on the route to Makkah) the water is pure.

"If it reaches *qullatayn*, which is approximately equivalent to five hundred *ratl* Iraqi, it is in excess. If impurities excluding human urine or faeces were to mix with this excess water and it didn't affect it": If water is *kathīr* (excess), i.e. it exceeds two *qulah* (definition will be discussed shortly), and an impurity falls into it, if the colour, taste and smell remain unchanged, then the water is still pure. This is because the impurity did not have any effect on the water as it was surpassed by the sheer volume of water and was neutralised.

The exception is if the impurity was urine of human origin or human faecal matter. Both of these affect the purity of water even if it is in excess. Therefore the Prophet $\frac{1}{26}$ forbade Muslims from relieving themselves in still water and consequently from using that water for purification.⁷²

"And if urine or faeces mix with it and it is difficult to drain it": If contaminated water cannot be drained of the waste matter, then the purity of the water is maintained due to the difficulty of draining the contaminants.

"Like water in *masāni*": *Al-masāni*' is a pit that is dug out to keep fluid in it for the purpose of quenching the thirst of pilgrims who come for Hajj and 'Umrah. The pit is lined with clay and stones. If an impurity was to fall into it, the water is unaffected and remains pure. This is because it is similar to the watering holes found in the wild. The animals may relieve themselves in the water yet our Prophet $\frac{1}{26}$ did not tell us to refrain drinking from it. When questioned about the watering hole in the wild from which animals drink, he $\frac{1}{26}$ replied, "For it is the share of what its stomach can hold and for us is the rest."⁷³ He also said, "If water reaches a quantity of two *qulab*, it is not contaminated."⁷⁴

ولا يَرْفع حَدَثَ رجلٍ طَهُورٌ يسيرٌ خَلَتْ به امرأةٌ لطهارةٍ كاملةٍ عن حَدَث

And *tahūr* water not in excess does not remove the impurity of a man if a woman used it to cleanse herself from filth.

"And *tahūr* water not in excess does not remove the impurity of a man if a woman used it to cleanse herself from filth": This water is pure for women but not for men; that is water used by a woman to cleanse herself completely from filth. The Prophet 雲 forbade a man from using the water used by a woman to cleanse herself.⁷⁵ This is one view.⁷⁶ There is another view⁷⁷ that this water is pure for both the male and female and that water used by the woman does

متن

⁷² Reported by al-Bukhārī (1/68) and Muslim (1/162).

⁷³ Reported by al-Dāraqutnī in al-Sunan (1/31) from the narration of Abu Hurairah.

⁷⁴ Reported by Ahmad (2/12, 27), Abu Dawūd (63), al-Tirmidhī (67), al-Nasā'ī (1/46) and Ibn Majāh (517) from the narration of Abu Hurairah.

⁷⁵ Reported by Ahmad (4/213), Abu Dawūd (82) and al-Tirmidhī (64) from the narration of al-Hākim ibn 'Amr al-Ghaffārī.

⁷⁶ See al-Insāf by al-Mardawī (1/47-48).

⁷⁷ Ibid

not affect the purity of the water. The evidence is that one of the wives of the Prophet $\frac{1}{8}$ bathed from a bathing trough. Then the Prophet $\frac{1}{8}$ came to take a bath after her. She said, "Indeed I bathed with this water because of greater impurity (*janābah*)." He replied, "Verily water does not turn impure."⁷⁸ Perhaps this hadīth is abrogated by the former hadīth or the former hadīth signifies dislike. However, the latter hadīth points to permissibility.⁷⁹

وإن تغيَّر لونُه أو طعمُه أو ريحُه بطبخ أو ساقطٍ فيه، أو رُفع بقليله حَدَثٌ

متن

If the colour, taste and smell changes due to cooking it or a foreign object falling into it or if it was used to remove filth.

The fourth type of *tahūr* is called "*al-maghsūb*" i.e. stolen water. It is pure water but it is not permissible for men or women. It is not to be used for purification by either gender. This is because it is someone else's property. The Prophet $\frac{1}{26}$ said: "No property of a Muslim is permissible to others except that which is given in good will."⁸⁰ This stolen water is pure but it is forbidden for use by others.

"If the colour, taste and smell changes due to cooking it or a foreign object falling into it": We have moved to the second type of water; that is $t\bar{a}bir$ (clean water that does not purify another). It is water where a clean foreign element is put in it on purpose for example placing a tree into it. It changes from being pure water to water that is clean in essence. It however cannot cleanse. An example of this would be water cooked with something that is clean. The attributes of the water change, hence becoming *tahir*. When something filthy is put into it, the water becomes impure.

"Or if it was used to remove filth": If a man makes ablution or takes a bath to cleanse himself from greater impurity, water droplets that flow from his body are clean but cannot be used for cleaning. The water should not be re-used for

⁷⁸ Reported by Ahmad (1/235, 237), Abu Dawūd (68), al-Tirmidhī (65), al-Nasā'ī (1/173) and Ibn Mājah (370) from the narration 'Abdullah ibn 'Abbās and Ahmad (6/129) from the narration of 'Aishah.

⁷⁹ This is the preferred view of Ibn Taymiyyah as mentioned in *al-Ikhtiyarāt al-Fiqhiyah li ibn Taymiyyah* by Ba'lī (p. 3).

⁸⁰ Reported by Ahmad (5/73), al-Dāraqutnī in *al-Sunan* (3/26) from the narration of Abu Hirah al-Riqāshī from his uncle.

it has already served the purpose of removing filth.

Or in which a person dipped his hands after waking up in the morning from a deep sleep that nullifies ablution or if it was [used for] the final wash that completely removed impurities, then it is *tāhir*.

"A person dipped his hands after waking up in the morning from a deep sleep that nullifies ablution": I.e. [they were dipped into the bowl] before the individual washed them. The Prophet $\frac{1}{8}$ said, "If one of you wakes up from his sleep, do not dip your hands into the bowl [of water] until you wash your hands three times for verily you do not know where your hands were [during sleep]."⁸¹

If a person contradicts the instruction in this *hadīth* and dips his hands before washing, the water loses its property to cleanse. That is if the container is small. However water in a large container or a pool of water is not affected by this action as it is excessive water. Similarly, water remains pure if unwashed hands are dipped after a siesta or a short nap at night that does not nullify ablution.

"Or it was the final wash that completely removed impurities, then it is $t\bar{a}hir$ ": This is the type of washing which does not leave any trace of impurity (*najā-sah*). As for the type of washing which does not completely remove impurities from the place washed, the container of water becomes impure. This is because the water came into contact with an impure surface and flowed off of it.

Tahir water is of three types:

- 1. That which is altered as a result of being cooked.
- 2. That which is altered as a result of putting a clean object into it.
- 3. The final wash that removes impurity from a stained area.

والنَّجَسُ: ما تغيَّر بنجاسة، أو لاقاها وهو يسير، أو انفصل عن محل نجاسة قبل زوالها

متن

⁸¹ Reported by al-Bukhārī (1/52) and Muslim, worded differently (1/160) from the narration of Abu Hurairah.

And *al-najas* is: water that was altered with impurities, water when less in quantity [i.e. less than *qullatayn*] that changes due to contact with impurity and that which has separated from a stained area before the impurity was removed.

"And *al-najas* is": Water that has an altered colour, taste or smell as a result of an impurity falling into it. It is a consensus of all scholars⁸² that this will render water impure regardless if the impurity drops into a large or small quantity of water. The Prophet $\frac{1}{28}$ said, "Verily water is pure, nothing can make it impure except that which alters its colour, taste or smell."⁸³ In another narration he said, "[...] By impurities that make it filthy."⁸⁴

Though this hadīth is disputed, the scholars collectively agree on its content. Hence we conclude that water is of three types, pure, clean and impure. This is the conclusion in the *madhab*⁸⁵. However the correct opinion is that water is of only two types: pure and impure⁸⁶. *Tāhir* water that has been mentioned is also included in the category of pure water so long as its properties are unchanged and it is still termed water. Tea, vinegar and wine are excluded.

[To summarise,] impure water (al-najās) is of three types:

- 1. That which is altered by impurity.
- 2. The small quantity which comes into contact with impurity.
- 3. That which departs from the stained area before impurity is totally removed.

"That which is altered by impurity": This is universally agreed upon.

"The small quantity which comes into contact with impurity": However its characteristics remain unchanged. There is *ikhtilaf* pertaining to its purity. The majority of scholars opine that it is pure as long as its characteristics remain

⁸² See al-Ijmā' by Ibn al-Mundhir (p. 33).

⁸³ Reported by Ibn Mājah (521) from the narration of Abu Umāmah al-Bāhilī.

⁸⁴ Reported by al-Bayhaqī in al-Sunan al-Kubrā (1/259-260).

⁸⁵ See al-Muqni' by Ibn Qudāmah (1/17).

⁸⁶ Preferred view of Shaykh al-Islam ibn Taymiyyah as stated in *Majmū' al-Fatāwā'* by Ibn Qāsim (19/236).

unchanged. This is the correct opinion as the impurity is viewed as minute due to it having no impact upon the water's colour, taste or smell.

If impure water is infused with a great amount of pure substance (besides sand and substances like it), or if the change brought about by impurities to excess water disappears by itself, or if it is drained [of impurities] and it appears [free of] change whilst maintaining the excess quantity, then this water is pure.

"If impure water is infused with a great amount of pure substance (besides sand and substances like it), or if the change brought about by impurities to excess water disappears by itself, or if it is drained [of impurities] and it appears [free of] change whilst maintaining the excess quantity, then this water is pure": After having categorised water, the author discussed the issue of purifying impure water. It is done in three ways:

- 1. If a large quantity of water is added to it, thereby making it excess in quantity. Since impurity is neutralised by sheer volume, the water is no longer considered to be of lesser quantity, rather it is an excess quantity where changes to it disappear and so it becomes pure.
- 2. The change brought about by impurities to excess quantity water disappears by itself. It is once again pure for there is no trace of any change in the water. However, if the disappearance of these changes are brought about by treating the water (with chemicals etc.), it is still impure even though it appears like pure water. It is argued that the impure water, for example sewage, when treated is in fact pure. Scholars refute this citing that any reversal in changes to the water were brought about artificially by man. The change to the water trees and flowers in the garden.
- 3. The third aspect: to drain the water away such that what remains is water in excess that is free of change. Impure water drained of its impurity becomes *tahūr*.

"Besides sand and substances like it": Or anything comprising of sand e.g. stone, brick, earth and its derivatives or liquids. If any of these were added

to excess water that is impure, it would not become pure as a result. This is because these substances cannot prevent impurity from themselves let alone prevent it from other substances.

وإن شكَّ في نجاسة ماءٍ أو غيره أو طهارتهِ بنى على اليقين If a person is doubtful about the purity of water or any other substance, he

متن

should gravitate towards that which he is confident in.

"If a person is doubtful about the purity of water or any other substance, he should gravitate towards that which he is confident in": This is based on the Islamic principle that *yaqīn* does not depart due to doubt. As long as you are confident that something is clean, doubts arising about its impurity cannot render that thing impure. Similarly, if you are confident that a thing is impure, doubts that you might have that it could be pure will not render it pure. A person who knows for sure that he is in a state of $wudh\bar{u}$ and thereafter has doubts, he remains in a clean state, his doubts withstanding. Whoever is sure that he is in an impure state, cannot become clean by merely having suspicions that he might be maintaining his $wudh\bar{u}$.

If there is confusion [as to which of two containers] has pure or impure water, it should not be used. It is not binding on one to investigate. Neither is it a condition to pour it away or mix both of them, he can just proceed to perform *tayammum*. If clean water [in a container] is confused [with another container] of pure water, one should make *wudhū* once by taking an alternate handful of water from each container. He is then allowed to only perform one prayer with it.

"If there is confusion [as to which of two containers] has pure or impure water, it should not be used": One may wonder how confusion can arise when impure water would have an [apparent] change in at least one of its properties like the colour, smell or taste. To explain this we must focus on the quantity. Water less in quantity (*qalīl*) is considered impure if *najas* falls into it, even if its properties do not change. Hence one can face difficulty distinguishing this type of water from pure water. Hence he cannot use it and *tayammum* is the next resort as he is now considered as having no water at all.

"It is not binding on one to investigate": This action is not appropriate in this circumstance and it cannot neutralise the impurity of the water.

"To pour it away or mix both of it": Mixing pure water with impure water only ensures the impurity of both containers. One should also not pour it away as it can be used for other means besides $wudh\bar{u}$ or ghusl such as drinking etc.

"If clean water [in a container] is confused [with another container] of pure water": In this case, one can use both containers having conviction that both are *tahūr*.

"One should make $wudh\bar{u}$ once by taking an alternate handful of water from each container": This is so that the intention is in tandem with the use of water.

If you cannot distinguish between a clean garment and a dirty or prohibited one, repeat the prayer in all the dirty garments and then add one more prayer.

"If you cannot distinguish between a clean garment and a dirty one": If a clean garment and a dirty one cannot be differentiated, repeat your prayer in all garments such that you are convinced that one prayer was indeed done wearing the clean garment.⁸⁷ For example if you have three clean garments and three dirty ones, perform the prayer four times; each time in a different garment so there is a sure probability that you prayed at least once in a clean one.

"Or [a] prohibited one": [This refers to the scenario of] not being able to differentiate between a stolen garment and one that belongs to you.

⁸⁷ See al-Mughnī' (1/68).

The correct view⁸⁸ is that in the first matter mentioned above, one should examine and pray in the garment that he is most confident of in terms of its cleanliness In the second matter, he should pray in the garment that he has most confidence in that it belongs to him and is not stolen.

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⁸⁸ As agreed in the *madhab* of Abu Hanīfāh and al-Shāfī'ī. Ibn Taymiyyah preferred this view. See *al-Insāf* (1/77).

باب الآنية

CHAPTER: VESSELS

كل إناء طاهر –ولو ثميناً–، يباح اتخاذُه واستعمالُه، إلا آنيةَ ذهبٍ وفضَّة ومُضَبَّباً بهما، من فإنه يَحُرُم اتخاذُها واستعمالهُا ولو على أُنثى

Every vessel which is clean can be used even if it is expensive, except vessels made from gold or silver or plated with these two [materials]. Verily their use is forbidden even for females.

"Chapter on vessels": Since water is liquid, a container is needed to hold it. It can be made of steel or any material including skin or leather.

"Every vessel which is clean can be used even if it is expensive, except vessels made from gold or silver": The forbidden materials for use as vessels are gold and silver. They are not to be used for holding water, boiling it or as pitchers to hold drinking water. Their use is forbidden for Muslims for purification or anything else. Any other material is allowed to be used as a vessel, praise be to Allah, even if it is an expensive material like diamond or emerald. This is because everything is permissible unless there is evidence to the contrary. There is evidence indicating the fact that gold and silver are *harām*. The Prophet $\frac{1}{8}$ said, "Do not drink from gold or silver vessels and do not eat from a platter made from these two. Verily it is for them (disbelievers) in this world and permissible for you in the Hereafter."⁸⁹ He $\frac{1}{8}$ also said, "Whoever drinks from a vessel made from gold or silver will indeed be dragged on his stomach in the

⁸⁹ Reported by al-Bukhārī (7/99) and Muslim (6/134) from the narration of Hudhaifah ibn al-Yamān.

Hellfire."90

Hence gold and silver are totally forbidden. They are not even allowed to be made into a staff⁹¹ or an art piece due to the excess and arrogance this represents. This was also a practice of the disbelievers. It is not permissible to take a vessel made from gold or silver let alone use them. It is *harām* for both genders, although wearing jewellery made of these two substances is allowed for females.

"Or plated with these two [materials]": This is an example to illustrate the prohibition. Any vessel containing something of these two materials is considered *harām* except if there is any evidence to the contrary.

وتصحُّ الطهارةُ منها، إلا ضَبَّةً يسيرةً من فضَّة لحاجة

متن

Cleansing from it is valid. [It is forbidden on ornaments] except a sewing kit made of traces of silver used when there is a necessity.

"Cleansing from it is valid": If an individual makes $wudh\bar{u}$ from a gold or silver vessel, then it is valid as it fulfils all the criteria for validity and does not possess properties that nullify it. However he is sinful for using it.

"Except a sewing kit made of traces of silver used when there is a necessity": There is an exception to the prohibition in one situation: a sewing kit made of silver to fix vessels. Two nails or a strap (which makes up the sewing kit) is used to mend the hole in the vessel. This is permissible as was shown by the Prophet \mathbb{Z} . He mended his drinking cup with straps of silver.⁹² The requirements for this are:

- 1. It must be a sewing kit.
- 2. It must be of silver and not gold. As the example of the Prophet specifically mentions silver.
- 3. It must have a small portion of silver. If it contains a lot then it is for-

⁹⁰ Reported by al-Bukhārī (7/146) and Muslim (6/134) from the narration of Umm Salamah.

⁹¹ It was said in *al-Sihāh*: "A staff such as the cattle prod and its like. The prohibition is for one to make the staff with gold and silver for his personal use, not for trade." (6/2467)

⁹² Reported by al-Bukhārī (4/101) from the narration of Anas.

bidden.

4. It is used for a necessity (i.e. to mend the vessel) and not for adornment.

متن

وتُكره مباشرتها لغبر حاجة

Unnecessary contact with the silver is disliked.

"Unnecessary contact with the silver is disliked": Although the sewing kit is permissible for use when there is a need, the lips coming into contact with the area fused with silver is disliked. This is in line with the general prohibition of using silver.

متن

وتُباح آنيةُ الكفار - ولو لم تحلَّ ذبائحُهم وثيابُهم - إن جُهل حالهُا

Vessels belonging to disbelievers are permissible even though their slaughtered meat is forbidden. Their clothes are permissible if their status is unknown.

"Vessels belonging to disbelievers are permissible even though their slaughtered meat is forbidden. Their clothes are permissible": Indeed it is permissible as this is the basic rule. The Muslims came to own properties of the disbelievers during wars which included vessels. The Muslims made use of them as well. We have been importing vessels, clothes and manufactured goods from the disbelievers up to this day. It has never been mentioned anywhere that the Muslims used to wash these before using them. Similarly, they used to don the clothes of disbelievers without washing them. They did so only if the clothes had impurity on them. This is because the basic rule is that they are permissible. The human body, be it of a Muslim or disbeliever, is pure. What grows from it, like perspiration, saliva, hair, teeth and nails is also pure. What afflicts the disbeliever is an intangible impurity, the impurity of associating partners with Allah (*shirk*), not a tangible one.

"If its status is unknown": Referring to the clothes, as the basic rule is permissibility. In some of his journeys, the Prophet \cong used a water bag belonging to a polytheist woman to make $wudh\bar{u}$. So in conclusion, the vessels belonging to the disbelievers whose meat is impermissible (e.g. the *mushrikin*) can be used without any reservations, just like those belonging to the Jews and Christians (whose meat is permissible).

ولا يَطْهر جِلْدُ مَيْتةٍ بدباغ، ويباح استعمالُه بعد الدبغ في يابس إذا كان من حيوان طاهر متن في الحياة

And the skin of a carcass does not become pure due to tanning. However it is permissible for use after tanning is done on the dry skin of an animal which was pure before death.

The subject of the skin of carcasses needs more elaboration:

Firstly, the skin of an animal whose meat is not *halāl* like a donkey or a dog, its skin should not be used as it is essentially impure. It does not attain purity by tanning or any other methods. The skin of lions and snakes cannot be used even if tanned. They are essentially impure.

Secondly, if it is an animal whose meat is *halāl* for consumption and it dies of something besides slaughter, then its meat is harām. Allah the Most High and Dignified says: {Forbidden to you is that which dies of itself.}⁹³ This ayah includes the skin of the animals too as it is a part of it. The author made an exception for tanned skin due to evidence from the hadīth where the Prophet ﷺ was reported to have seen a dead sheep being dragged and said, "Will you not use the skin?" The Companions said, "O Messenger of Allah! It is dead." He replied, "It is purified by water and *al-qaraz*⁹⁴."95 In this hadith he was referring to tanning. In another hadith the Prophet 3% said, "Whenever skin is tanned, it becomes pure."96 This is evidence that the skin of a dead animal whose meat is *halāl* for consumption, can be used after tanning. However, there is another hadīth narrated by 'Abdullah ibn 'Ukaym 🚓 that the Prophet 🕱 said: "Do not use the dead animal's skin or sinews."97 This hadīth was reported during the latter part of the Prophet's life, hence it is the latest with regards to the issue of the skin of dead animals. If this hadith was authentic, it would abrogate the hadith allowing the use of tanned skin of the carcass.

95 Reported by Abu Dawūd (4126) and al-Nasā'ī (7/174) from the narration of Maymūnah.

⁹³ Al-Mā'idah: 3

⁹⁴ It is said in *al-Lisân*: "*Al-qaraz* is a tree which is used in the tanning process. It is a leaf used in skin-tanning... Abu Hanīfah says, '*Al-qaraz* is the best substance used for tanning the skin in the Arab lands. Both the leaf and the fruit of the tree is used in the tanning process." (7/454)

⁹⁶ Reported by Muslim (1/119), Abu Dawūd (4123), al-Tirmidhī (1728) and al-Nasā'ī (7/173) from the narration of 'Abdullah ibn 'Abbās.

⁹⁷ Reported by Ahmad (4/310), Abu Dawūd (4127), al-Tirmidhī (1729) and al-Nasā'ī (7/175) from the narration of 'Abdullah ibn 'Ukaym.

However, this hadīth is not authentic. Therefore it remains that the tanned skin of a carcass can be used.

This provides evidence to the purity of cattle skin (camel, cow and sheep) and that it is permitted for use when it is wet or dry, the author's view notwithstanding. The correct opinion is that it is pure without exception as the Prophet \mathbb{Z} has said, "It is purified by water and *al-qaraz*," and his saying, "Whenever skin is tanned, it becomes pure." In another hadīth, the Prophet \mathbb{Z} said, "Cauterising a dead animal's skin is like tanning it."⁹⁸ Proving yet again the complete permissibility of using the skin of dead cattle.

"And the skin of a carcass does not become pure due to tanning": This is in the *madhab* of Ahmad. However as we have discussed, the skin of the cattle is *tahūr* without a doubt.

وعظمُ الميتةِ ولبنُها وكلُّ أجزائِها نجسةٌ غير شَعر ونحوه، وما أُبين من حيٍّ فهو كميتته من

The bones, milk and all other parts of an animal carcass are impure except the hair and other things similar. A portion [of flesh] from a live animal is like meat from a dead carcass.

"The bones, milk and all other parts of an animal carcass are impure": The focus now shifts from skin to the rest of the carcass. Its bones are *najis* as they are part of the carcass. This applies to all other parts of a carcass including the horns and its hooves. Allah the Most High and Dignified says: **{Forbidden** to you is that which dies of itself.}⁹⁹ Those parts integral to sustaining the animal's life becomes *najis* upon its death.

"Except the hair": Hair is exempt from this prohibition as it is a part of the body that does not sustain the animal's life.

"And other things similar": For example, feathers of a bird. If it dies, its feathers can be taken for use as feathers are not integral to sustaining the bird's life. However, an egg still within a chicken's dead body is considered *haram* for consumption and it is *najis* as it is considered a part of the dead chicken.

⁹⁸ Reported by Ahmad (7/174) from the narration of Aishah.

⁹⁹ Al-Mā'idah: 3

"A portion [of flesh] from a live animal is like meat from dead carcass": Exceptions would be the fish and locust which can be eaten without slaughtering according to Islam. The Prophet Ξ said, "It is permitted for us to eat two dead things: the fish and the locust."¹⁰⁰ If a piece of flesh is torn from a locust whilst it is still alive, it is *balāl* for even the dead locust is *balāl*. The same applies to fish. The Prophet Ξ mentioned the aforementioned hadīth because when he arrived at Madīnah, he noted that the dwellers there cut off and ate pieces of flesh from animals that were alive. So he said in another narration, "Whatever is cut off of a cattle which is alive, then that portion is like the meat of a carcass."¹⁰¹

¹⁰⁰ Reported by Ahmad (2/97) and Ibn Mājah (3218) from the narration of 'Abdullah ibn 'Amr.

¹⁰¹ Reported by Ahmad (5/218), Abu Dawūd (2858), al-Tirmidhī (1480) from the narration of Abu Hurairah.

باب الاستنجاء

CHAPTER: ISTINJĀ'

"Istinja": It linguistically means cutting¹⁰². Technically, it means to remove the traces of urine or faecal matter. These are impurities and can be removed either by water, which is called *istinjā*', or by using stone, which is called *istijmār*, which we will explain shortly.

It is forbidden for one to leave the traces of urine and faecal matter on the private parts and then proceed to pray. He has to remove these traces by the two methods mentioned above. If he does pray in this impure state, then his prayer is null and void.

متن

يُستحب عند دخولِ الخلاء قولُ: (بسم الله، أعوذ بالله من الخبث والخبائث)

When entering the toilet, it is encouraged to say, "In the name of Allah, I seek refuge in Allah from the evil ones, male and female."

Since excretion and urination is inevitable, one has to have a place to carry out the removal of waste. He cannot do this anywhere he wishes like an animal. Allah has dignified man and made him seek a designated place for this. This dignity was bestowed to the son of Adam by Allah 36. This place that we mentioned is of two types: open space or inside a structure. If one has to answer the call of nature within a structure, it is encouraged that he read the following supplication before he enters the place, "*Bismillāhī a'uwthu billahī min al-khubuth wa al-khabā'ith*" (In the name of Allah, I seek refuge in Allah

¹⁰² It also means "to raise above ground" so as to sit on an elevated place. See al-Lisān (15/307).

from the male and female evil one). This refuge is sought as the toilet is the abode of Shaytān. It befits him that he lives in a dirty place. Jinns too dwell therein. If one enters without saying the supplication, he can be taunted by the shaytān. Indeed the supplication is a protection from his taunting. So seek your protection by supplicating to Allah the Most High and Dignified. Do not say [to begin the *du'ā*], "*Bismillah al-Rahmān al-Rahām*" (i.e. "The Most Merciful, the Especially Merciful"). Just keep it to what is mentioned in the supplication performed by the Prophet \mathfrak{F} , "In the name of Allah ("*Bismillāh*"), I seek refuge in Allah from the male and female evil one."¹⁰³

"Evil one": It can be read as "khubuth" or "khubth". Read either way the supplication refers to seeking refuge from male and female shaytān or from Shaytān and his family and minions.

وعند الخروج منه: (غُفرانَك. الحمد لله الذي أذهب عنِّي الأذي وعافاني)

And when leaving the toilet say, "I seek Your forgiveness. All praise be to Allah who removed harm from me and gave me vitality."

"Al-ghufrān": This is the concealment of sins and forgiveness for it. A question one may ask is, "Was there a sin committed by entering the toilet such that you have to seek forgiveness? What is the reason?" The reason, and Allah knows best, is the absence of *dhikr* (remembrance) of Allah whilst inside the toilet. The Prophet $\frac{10}{20}$ used to remember Allah every single moment¹⁰⁴ except when he was in the toilet. Hence he sought forgiveness for this shortcoming. It highlights to us that we should remember Allah often and not be heedless of His presence.

"Alhamdulillah": It is the praising of Allah 36 for the blessings bestowed. That is the removal of harmful waste from our bodies. If it were retained in our bodies for too long, we would perish. So it is a blessing indeed.

وتقديمُ رِجْلِه اليُسرى دُخولاً واليُمنى خُروجاً، عكس مسجد ونعل

متن

متن

And put forth your left leg first when entering it and right leg when leaving

¹⁰³ Reported by al-Bukhārī (1/48) and Muslim (1/195) from the narration of Anas ibn Mālik. 104 Reported by Muslim (1/194), Abū Dawūd (18) and al-Tirmidhī (3384) from the narration of 'Aishah.

A Commentary on Zād al-Mustaqni

it. This is in contrast to entering the masjid and the wearing of footwear.

"And put forth your left leg first when entering it and right leg when leaving it": This is the etiquette of entering the toilet. The Prophet \cong used to do it this way. He used to put forth his right leg to indicate the bestowal of honour and the left leg to indicate aversion from harm.¹⁰⁵ The aversion from harm in this case is the release of bodily waste and the bestowal of honour is due to leaving the place of release.

"This is in contrast to entering the *masjid*": We enter the *masjid* with our right leg first as it is a blessed place of worship and we leave it exiting with our left leg first for the public places distract us from the remembrance of Allah and promote heedlessness of His presence.

"And the wearing of footwear": It is a Sunnah to wear the right shoe before the left. The Prophet used to prioritise the right leg when wearing his footwear.¹⁰⁶

وبعدُه في فضاء واستتارُه، وارتيادُه لبول موضعاً رخواً

متن

One distances himself when in an open space. He screens himself and chooses soft ground that can absorb his urine.

This is an explanation of the etiquette of answering the call of nature in an open space.

"One distances himself when in an open space": Whenever the Prophet \mathfrak{Z} answered the call of nature in an open space, he would distance himself from people. He did not do it where people could see him.¹⁰⁷

"He screens himself": One should never sit in the open to relieve himself. Instead he should sit behind a boulder or tree, using it as a screen. This was the

¹⁰⁵ Reported by Ahmad (6/265), Abu Dawūd (34) from the narration of 'Aishah.

¹⁰⁶ Reported by al-Bukhārī (1/53, 166) and (7/89) and Muslim (1/155) from the narration of 'Aishah where she said, "The Prophet $\frac{1}{2}$ used to prioritise the right side while wearing footwear, combing his hair, when cleansing and in all of his affairs."

¹⁰⁷ Reported by al-Bukhārī (1/101, 108) and (4/50) and Muslim (1/158) from the narration of Mughīrah ibn Shu'bah who said, "I was with the Prophet $\frac{1}{20}$ on a journey when he said, 'O Mughīrah! Give me the pot.'Then he walked far away from me and answered the call of nature."

manner of the Prophet 粪.

"And chooses soft ground that can absorb his urine": He chooses soft ground where urine can permeate into it, avoiding hardened earth that can cause a splashing of urine upon contact. The Prophet racettete informed us about two menwho were tormented in their graves, he said, "They were not tormented due tosomething major." Though serious actions, they could have been easily avoidedhad the men paid attention to this. He <math>racettete continued, "One of them did not screen himself from urine." In another narration, "Did not protect himself from urine," and the rest of the hadīth is, "The other used to go about slandering people."¹⁰⁸ This point should be given heed whenever one answers the call of nature. Being stained by urine is a disastrous thing. It can lead to torment in the grave as the Prophet racettete is specifically mentioned in a hadīth, "Protectyourselves from the urine for verily it is the most common cause for tormentin the grave."¹⁰⁹

And the penis is to be rubbed with the left hand after all urine has left the penis, thrice from the bottom to the tip. Then shaken three times. He should change his direction to cleanse himself on a different spot if there is a chance of staining.

"And the penis is to be rubbed with the left hand after all urine has left the penis, thrice from the bottom to the tip": It is a possibility that some urine remains within the penis. To rectify this, a man can force it out by holding the bottom of his penis and rubbing it upwards to the tip. He should keep repeating this until no urine can be seen coming from the penis. This is so that his ablution is not nullified and he is not stained by *najas*.

"Then shaken three times": This is to expel whatever remnants of urine are left in the penis. This [statement] is peculiar. It is said that when you force urine out, it keeps coming and if you leave it, then it stops completely. So shaking it

¹⁰⁸ Reported by al-Bukhārī (1/64, 65) and (2/119) and Muslim (1/166) from the narration of 'Abdullah ibn 'Abbās.

¹⁰⁹ Reported by al-Hākim in *al-Mustadrak* (1/183) and al-Dāraqutnī (1/128) from the narration of Abu Hurairah.

could possibly remove remnants of urine but it could also bring about doubt [as to whether one is completely free of urine]. It is best that one leaves this habit. An exception would be when a person has a blockage that impedes the free flow of urine from the penis. In this case, he should shake it to force urine out. A person without such a medical problem should forgo this practice completely.

"He should change his direction to cleanse himself on a different spot if there is a chance of staining": From the etiquette of answering the call of nature is that when one intends to clean himself with water or stone, he turns to another direction from the point where the soiling was done. This is because the water or stone used can cause splashing or staining of the *najasah* on the body. However, if this cannot occur, like in the modern toilet then one does not have to change directions to cleanse himself.

He should lean on his left leg. It is disliked to bring into the toilet any article that has Allah's name on it except when necessary, to raise his robe before approaching it, speaking when inside the toilet and urinating into a hole or its equivalent.

"He should lean on his left leg": This is one of the etiquettes of answering the call of nature. It is said that removal of waste from the body is more convenient and speedy if one leans to the left side.

"It is disliked to bring into the toilet any article that has Allah's name on it": Like a ring or pieces of paper that have Allah's name on them. Wherever possible, a person should remove these and only then enter the toilet. The Prophet **±** used to remove his ring before entering toilet¹¹⁰ as it had the name of Allah on it.

"Except when necessary": If a person fears that it might be stolen if left unattended, he is allowed to bring it in. If it is a ring that has Allah's name on it, he should rotate it inwards especially if it is set with a stone. He should turn it to

¹¹⁰ Reported by Abu Dawūd (19), al-Tirmidhī (1746), al-Nasā'ī (8/178) and Ibn Mājah (303) from the narration of Anas.

face the inner palm in an effort to hide it.

"To raise his robe before entering it": This is yet another etiquette. A person should not raise his clothes and reveal his private areas (*awrah*) before approaching the toilet. The *awrah* is an obligation which needs to be covered at all times except when necessary. Lifting one's clothes before approaching the toilet is unnecessary.

"Speaking when inside the toilet": One should not talk when inside the toilet as this is bad manners. He should be silent until he leaves the toilet. If someone were to greet him, he should not reply. Once a man greeted the Prophet $\frac{1}{2}$ while he was urinating and he did not reply to him.¹¹¹

"And urinating into a hole or its equivalent": One should not urinate into a hole in the ground like the nests of insects for this will cause harm to the insects or it could very well be the dwelling place of *jinn*.¹¹²

[It is also disliked] to touch ones private parts with the right hand or to cleanse oneself with it, and to face *nayarayn* whilst relieving oneself. It is forbidden to face the *qiblab* or to turn ones back towards the *qiblab* whilst relieving oneself in the open.

"To touch ones private parts with the right hand or to cleanse oneself with it": The Prophet \cong said, "One should not touch his private parts with his right hand while urinating and one should not wipe filth with his right hand."¹¹³ It befits not that the right hand be used to touch the private parts or to wipe away impurity during *istinjā* or otherwise. Only the left hand should be used for these purposes.

¹¹¹ Reported by Muslim (1/194), Abu Dawūd (16), al-Tirmidhī (90), al-Nasā'ī (1/35) and Ibn Mājah (353) from the narration of 'Abdullah ibn 'Amr.

¹¹² It was reported by Abu Dawūd (29), al-Nasā'ī (1/33) that Qatādah narrated from 'Abdullah ibn Sarjas that the Prophet forbade Muslims from urinating into holes. The people asked Qatādah why this was so. He replied, "It was said that it is the abode of the Jinn."

¹¹³ Reported by al-Bukhārī (1/50), Muslim (1/155) from the narration of Abu Qatādah.

A Commentary on Zād al-Mustaqni

"To face *nayarayn*": That is the sun and the moon. The correct opinion is that it is permissible to do so. This is because there is no evidence to prove that it is disliked or forbidden. In fact the Prophet \mathfrak{B} said to the people of Madīnah: "Do not face the *qiblah* when you urinate or defecate but turn to the east or the west."¹¹⁴ It is known that the moon and the sun rise and set in the east and west.

"It is forbidden to face the *giblah* or to turn ones back towards the *giblah* whilst relieving oneself in the open": To face the *giblab* (the direction facing the Ka'bah in Makkah) whilst relieving oneself is forbidden. This is the case only if one answers the call of nature in the open. If it is done within a building or behind a screen or wall, there is a difference of opinion amongst the scholars.¹¹⁵ This is because the hadīth above does not specify a building or open space but there is a general forbiddance. However, there are other ahadīth that prove that the Prophet 38 did answer the call of nature facing al-Shām; which means that he was facing his back towards the Ka'bah.¹¹⁶ This was within a building. This hadith is specific compared to the general prohibition stated by the Prophet 38 when he said: "Do not face the giblah when you urinate or defecate."This could have referred to doing so in the open whilst excluding the action done in a building. The scholars who held the view that it is permissible to face the *giblah* if one relieves himself in a building bring forth as evidence that the Prophet faced al-Shām, as in the above hadīth. This is the view of the author. The second opinion states that it is prohibited to face the *giblah* even if one is within a building¹¹⁷ as in the hadīth narrated by Abu Ayūb 48, "Do not face the *giblah* when you urinate or defecate but turn to the east or west." Abu Ayūb added, "We went to al-Shām and saw toilets built facing the *giblah*. We sought Allah's forgiveness and turned our direction."118

ولُبْنُه فوق حاجته، وبولُهُ في طريق وظِلٍّ نافع وتحت شجرة عليها ثمرة

متن

¹¹⁴ Reported by al-Bukhārī (1/48, 109) and Muslim (1/154) from the narration of Abu Ayyūb al-Ansārī.

¹¹⁵ Ibid

¹¹⁶ Reported by al-Bukhārī (1/48) and (4/100), Muslim (1/155) , al-Tirmidhī (11) and Ahmad (2/12, 13) from the narration of Ibn 'Umar.

¹¹⁷ See *al-Kāfī*' (1/50) and *al-Furū*' (1/111).

¹¹⁸ Reported by al-Bukhārī (1/109), Ahmad (5/421), al-Tirmidhī (8) and al-Nasā'ī (1/22) from the narration of Abu Ayūb al-Ansārī.

[It is prohibited to] stay in the toilet longer than necessary, urinate in pathways, in shaded places and under fruit-bearing trees.

"[It is prohibited to] stay in the toilet longer than necessary": This prohibition is due to the unnecessary prolonging of exposure of the *awrab*.

"Urinate in pathways": Among the etiquettes of answering the call of nature is avoiding places that are popular and frequented by people like pathways. Doing so will harm people.

"In shaded places": I.e. places where people gather and enjoy the shade. It is strictly forbidden to relieve oneself in these places. The Prophet $\frac{1}{26}$ cursed those who do so. He said, "Fear the two accursed!" The Companions of the Prophet asked, "And who are the two accursed O Messenger of Allah?" He $\frac{1}{26}$ replied, "Those who answer their call of nature upon people's paths and upon their shaded places."¹¹⁹ There is another accursed type of person we should mention¹²⁰: those who urinate in the people's water source or at the edge of the river from which people draw water. These acts cause great harm to the people.

. The Muslim has a high degree of manners and his humility and modesty are beyond par. They are also very observant when preserving the rights of others, taking special precautions not to cause anyone harm or to be unjust with them. A lot of people in our present times do not care about fellow park users. They violate the resting places of travellers on highways who take much needed rest so that they can continue their journey safely. This heedlessness to another person's wants and needs justifies a curse. The victim's curse often becomes realised as it is a supplication against one who is unjust. Therefore it is incumbent upon every Muslim to preserve public places thereby not being a source of discomfort to others. Muslims in present times praise the disbelievers, that they preserve and beautify their countries, keeping them functional and clean. They are in fact practicing Islam. This *din* came to preserve the rights of the masses and forbade the desecration of public amenities. Regrettably, some ignorant and brash Muslims do not take heed of this. Subsequently, such thoughtless deeds are attributed to Islam [by its enemies.]

¹¹⁹ Reported by Muslim (1/156), Ahmad (2/372), Abu Dawūd (25) from the narration of Abu Hurairah.

¹²⁰ Hadīth regarding the third accursed. Reported by Ahmad (1/99) from the narration of Ibn 'Abbās and Abu Dawūd (26), Ibn Mājah (328) from the narration of Mu'ādh ibn Jabal.

A Commentary on Zād al-Mustaqni

This ignorance should be abolished by informing the people of the dangers inherent in desecrating the rights of people and abuse of public amenities. Friday sermons should preach this issue. Newspapers and magazines should carry this message in their columns and articles. A propagation of civic issues should be brought to the people's doorsteps. It is the onus of the parents to instil civic-mindedness in their children by teaching them the rights of shared amenities in the country. Any violation on the part of the children of these rights should be addressed and reprimanded even at a young age. In reality, there is a desire for such corrective measures amongst the Muslims. This is grist to the mill of those biased against Islam to defame it.

"And under fruit-bearing trees": Similarly relieving oneself under a flowering tree is also prohibited. This is because this act taints the tree. People might abhor the fruits and flowers from the tree which causes a loss of benefits to one and all. In conclusion, it is an obligation on Muslims to preserve and protect public amenities. The concept of environmental-friendliness propounded by the disbelievers is much lauded even in Muslim countries. Little did they know Islam established such ideals and exhorted civic-mindedness from its very beginning.

متن

ويستجمر بحجر ثم يستنجي بالماء

And cleanse (istijmār) with stone and then again with water.

"And cleanse (*istijmār*) with stone and then again with water": *Istijmār* is the use of small pebbles or stones to remove waste from the body. If one combines both *istijmār* and *istinjā*' then that is best and cleanest. If so, one should use the stones to clean and then follow with water. Combining these methods removes all traces of impurity. However, if one decides just to use one method, then using water i.e. *istinjā*' is better in removing impurities. It is the consensus of the scholars that using stones to cleanse oneself without using water is permitted and accepted.

متن

ويجزئه الاستجمار إن لم يَعْدُ الخارجُ موضعَ العادة

Istijmār is permitted as long as the soiled area is limited to the place from where the waste is expelled.

"Istijmār is permitted as long as the soiled area is limited to the place from where the waste is expelled": These are the criteria for the acceptance of *al-is-tijmār*:

- 1. The soiled area is limited to the place from where the waste is expelled. If it goes beyond that to other areas of the body, then *al-istijmār* is not permissible.
- 2. To perform *al-istijmār* with three stones¹²¹ for the Prophet 粪 asked for three stones when he needed to answer the call of nature.¹²² Anything less than three stones is not sufficient. Some scholars say that it is permissible to use less than three stones citing that what is important is the cleansing. Hence, if one stone can achieve it, then the scholars say that it is sufficient.¹²³ However, the correct view is that three stones is a must. This is because the Prophet 粪 asked for three stones. Adhering to the Sunnah is most preferred.
- 3. One should neither use dry dung or bone to perform *istijmār*. This is because the Prophet s forbade it. He said to Ruwayfi'¹²⁴, "O Ruwayfi'. If indeed you do live a long life, tell the people that whoever plaits his beard or performs *istijmār* with the dung of animals or bone, Muhammad makes *barā*' (disassociation) from them."¹²⁵ Performing *istijmār* with bones and dried animal dung is prohibited. If one insists, then he has not cleansed himself as it is contrary to Islamic law. He thus remains in the state of impurity.

ويشترط لاستجمارٍ بأحجارٍ ونحوِها أن يكون طاهراً منقياً غير عظمٍ وروثٍ وطعامٍ متن ومحترم ومتصل بحيوان

Stone or its like used for istijmār should be tāhir and clean. It should not be

¹²¹ See al-Mughnī (1/216)

¹²² Reported by al-Bukhārī (1/51), Ahmad (1/388, 465), al-Nasā'ī (1/39), al-Tirmidhī (17) and Ibn Mājah (314) from the narration of Ibn Mas'ūd.

^{123 &}quot;This is the strongest opinion in the *madhab* and the position of most of its scholars." See al-Insāf (1/112).

¹²⁴ Ruwaifi' ibn Thābit ibn al-Sakn. From the clan of Mālik ibn al-Najjār. He lived in Egypt and was appointed by Mu'āwiyah to be a statesman of Tripoli in the year 46 H. He waged war in Africa. He has narrated hadīth from the Prophet **3**. He died in Barqa while governing it in the year 56 H. See *al-Isābab* (3/289)

¹²⁵ Reported by Ahmad (4/109), Abu Dawūd (36) and al-Nasā'ī (8/135)

A Commentary on Zād al-Mustaqni

bone, animal dung, foodstuff, dignified objects, or any object attached to an animal.

"Stone or its like used for *istijmār* should be *tāhir* and clean. It should not be bone, animal dung": This is the fourth criteria. That the object used for *istijmār* be *tāhir*. If an impure object is used, *istijmār* is null and void since he remains in the state of impurity. Here once again are the four criteria:

- 1. The excrement must not exceed the place it was expelled from.
- 2. Three stones must be used or three wipes from one stone; there being differences in opinion as to which is correct.
- 3. Dung and bones must not be used for *istijmār*.
- 4. The object used for *istijmār* must be clean, not dirty.

If all of these criterion are met, then *istijmār* is valid and *istinjā*' with water is unnecessary. However if any one criteria is not met, *istijmār* becomes invalid.

"Clean": Exceptions are smooth stones, glass and smooth steel. Handkerchief made of course cloth can be used instead of stone as long as cleansing is achieved.

"Foodstuff": Using foodstuff to cleanse oneself is a degradation of food.

"Dignified objects": For example, Islamic books and papers wherein the name of Allah ﷺ is written. Using it will amount to desecration of the remembrance of Allah.

"Any object attached to an animal": As this will result in the animal becoming dirty.

And it is Sunnah to do it in odd numbers. *Istinjā'* is mandatory for every waste that leaves the body except the passing of wind. *Wudhū* and *tayammum* are invalid unless preceded by it.

"And it is Sunnah to do it in odd numbers": To use at least three or more and in odd numbers. The Prophet $\frac{1}{28}$ said, "If you perform *istijmār*, then do so with an odd number."¹²⁶

"*Istinjā*' is mandatory for every waste that leaves the body": Any waste that comes out of the anus and private parts necessitates *instinjā*' or *istijmār*, whether someone is sure of a discharge or not.

"Except the passing of wind": In this case, there is no *istinjā*'.¹²⁷ Whoever does so is an innovator in the $d\bar{i}n$ as it was neither practiced by the Messenger of Allah Ξ nor did he command that it be done. *Istinjā*' becomes necessary after urination or defecation as both these actions create waste that soils the body. In contrast, the passing of gas does not physically soil the body, hence there is no *istinjā*' for it.

"Wudhū and tayammum are invalid unless preceded by it": Wudhū performed before *istinjā*' and *istijmār* is invalid because these two cleansing actions are pre-requisites for the acceptance of wudhū as the Prophet $\frac{1}{28}$ said, "Let him wash his private parts and then perform wudhū."¹²⁸

"And *tayammum*": If one performs dry ablution (*tayammum*) followed by *isti-jmār*, then his dry ablution is invalid as the Prophet mentioned in the above hadīth the word "*thumma*" (i.e. "then") that signifies sequence. *Istinjā*' precedes *wudhū*. And Allah knows best.

¹²⁶ Reported by al-Tabarānī in *al-Mu'jam al-Kabīr* (8/376) from the narration of Tāriq ibn 'Abdullah al-Mahārbī and Ahmad (2/360) from the narration of Abu Hurairah, and this wording is *marfū*'.

¹²⁷ Ibn Qudāmah, "We have not heard of any refutation to this. Abu 'Abdullah i.e. Imām Ahmad said, 'There is no evidence in the Qur'ān or the Sunnah of the Prophet requiring *istinjā*' for passing gas. It only requires *wudhū*." See *al-Mughnī* (1/205)

¹²⁸ Reported by Muslim (1/169) from the narration of 'Alī ibn Abī Tālib, (1/185) from the narration of Ubay ibn Ka'b, Ahmad (1/38) from the narration of 'Umar ibn al-Khattāb, (1/80) from the narration of 'Alī and al-Nasā'ī (1/96 and 97) from the narration of 'Alī ibn Abī Tālib.

باب السواك وسنين الوضوء CHAPTER: SIWĀK AND THE SUNAN OF WUD-HŪ

In this chapter the author elaborates upon the *sunan* of performing *wudhū* and the rules pertaining to using the *siwāk*. "*Sunan*" which is the plural form of "Sunnah" lexically means "the path (*tarīqah*)".¹²⁹ Technically, it refers to the speech, deeds or endorsements that were established by the Prophet \mathfrak{B} . Thus it can be said to be the *tarīqah* of the Prophet. The later jurists define it as a deed which earns reward when done and is not a sin if left undone.¹³⁰

The following acts are closely related to the etiquettes of making *wudhū* and are from the *fitrah*. These acts are: trimming the moustache, letting the beard grow, cutting the nails, plucking armpit hair, shaving pubic hair, circumcision, dying of the hair and the combing of hair etc.

"Siwāk" is actually from the sunan of wudhū. However, it is singled out and specifically mentioned due to its importance.

متن

التَّسَوُّك بعود لَيَّن، مُنْتِي، غير مُضِر، لا يتفتَّت، لا بإصبع وخرقة

To [perform] *siwāk* is to use a soft stick which is clean and not harmful. It should not crumble. Fingers and scraps of cloth or paper should not be used.

¹²⁹ See al-Sihāh by Jawharī (5/2138).

¹³⁰ See Irshād al-Fuhūl by al-Shawkānī (pp. 67-68).

Siwāk is a Sunnah of ablution and for other acts of worship too. It is a Sunnah that is strongly encouraged. The word siwāk can refer both to the action and the stick used to perform it.¹³¹ The author goes on to elaborate what the properties of this stick are. He makes mention of the method of performing siwāk and when it is done. The act of using the siwāk to brush the teeth was a practice close to the heart of the Prophet æ as proven by numerous authentic ahadīth. The Prophet used to urge Muslims to use it saying, "The siwāk cleanses the mouth and pleases the Creator."¹³² And there are many other ahadīth like this. The Prophet æ used to use the siwāk very often. It is a strongly recommended Sunnah for its benefits are countless. It removes bad breath and cleans the remnants of food that are stuck to the teeth, restoring pleasant smell to the mouth which is especially important while performing acts of worship such as prayers, Qur'ān recitation and entering the masjid. It is also important when interacting with people while seated at close proximity. An etiquette for such interaction is to remove all forms of harm to those partaking in it.

"To [perform] *siwāk* is to use a soft stick which is clean and not harmful. It should not crumble": A wooden stick should be used, not anything else. It should be soft as a hard stick will inevitably cause injuries to the mouth.

"Clean": Dirty miswāks should not be used as cleansing will not take place.

"And not harmful": No harm should be inflicted upon one's self as a result of its use as in using certain types of wood which harm the mouth. Myrtle, an aromatic plant, is one such example.

"It should not crumble": It should be a solid stick of wood that does not fall into pieces after each use. If so, the mouth only gets messier. The best type of wood comes from a well-known tree called "*arak*" which is native to the Hijāz region. The wood from the olive tree is another source for *siwāk*. Yet another good source is the branch or stalk of a date palm tree.

"Fingers and scraps of cloth or paper should not be used": The Sunnah of the siwak is not accomplished using the finger or scraps of cloth or pieces of paper. Cleansing is not achieved, thus defeating the purpose altogether. However

¹³¹ See al-Mutla' (p. 14)

¹³² Reported by Ahmad (6/62), al-Bukhārī (3/40), al-Nasa'ī (1/10) and Ibn Khuzaymah (p.

¹³⁵⁾ from the narration of 'Aishah.

the correct opinion is that any object, be it wood or otherwise, that removes dirt from the teeth can be used. Sunnah and rewards co-relate to the level of cleanliness. That is, the cleaner the teeth and mouth, the higher the Sunnah and the greater the rewards. Therefore, it is not prohibited to use the fingers or scraps of cloth or paper to wipe the teeth as this is a form of cleansing the mouth. However, it must be emphasised that wooden sticks are indeed better.

متن

مسنونٌ كلَّ وقت، لغير صائم بعد الزوال

[It is] Sunnah to do at every time, for the one not fasting after noon time.

"[It is] Sunnah to do at every time": It is not obligatory to use the *siwāk*. It is a Sunnah, meaning that it is strongly encouraged. There is no specific time to use it. Its use is considered a Sunnah, whether during the day or night. However it is recommended (*mustahab*) at certain times.

"For the one not fasting after noon time": It is not encouraged that it be performed after noon by the one fasting. This is according to the Hanbalī *madhab*.¹³³ The reason being, it removes the breath emanating from the mouth of the one fasting; which is better in the sight of Allah than the sweet smell of musk.¹³⁴ It is well known that using the *siwāk* removes the foul smell emanating from the mouth of the one fasting. This is one opinion. Another opinion is that a fasting person can use the *siwāk* without any restrictions. He can use it in the morning and evening as would a person not fasting.¹³⁵ With regards to the foul smell from the mouth of the fasting person, it can be countered that using the *siwāk* does not remove it. This is because the foul smell emanating from the mouth of the fasting person comes from the stomach which is empty of food and drink. Therefore cleaning the mouth with a *siwāk* will not remove it as the origin of the foul smell is the stomach. The correct opinion is that using

¹³³ See al-Muharar fī al-Fiqh by Abu al-Barkāt (1/11).

¹³⁴ Reported by al-Bukhārī (3/31, 34), (9/175, 192) and Muslim (3/157) from the narration of Abu Hurairah that the Prophet said, "Fasting is a shield, do not speak evil or be ignorant. If someone challenges you to a fight or rebukes you, say: 'I am fasting, I am fasting.' In Whose hands my soul is, the odour emanating from the mouth of one fasting is indeed better in the sight of Allah that the sweet aroma of musk. Allah says: 'He forsakes food, drink and his desires for My sake. Fasting is [performed] for Me and I shall reward it. each good deed is equivalent to ten of it."

¹³⁵ It is another view attributed to Imām Ahmad. This view was preferred by Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyarāt al-Fiqbiyyah* (p. 10).

the *siwāk* is allowed at all times for the one fasting as it is allowed for the one not fasting. As for the hadīth narrated by 'Alī that the Prophet \cong said, "If you fast, use the *siwāk* in the afternoon and do not use it at night,"¹³⁶ this is a weak hadīth, hence it cannot be used to justify an opinion or view. In an authentic hadīth it is said, "I saw the Messenger of Allah \cong using the *siwāk* countless times whilst he was fasting."¹³⁷

متأكِّدٌ عند صلاة، وانتباه، وتغيُّر فم

متن

[It is] a strongly recommended Sunnah before prayers, regaining consciousness and when one has bad breath.

"[It is] a strongly recommended Sunnah before prayers": As the Prophet $\frac{1}{28}$ said, "Were it not too imposing for my Ummah, I would have ordered them to use the *siwāk* for every prayer."¹³⁸ It is strongly recommended to use the *siwāk* just before prayer to freshen the mouth such that any foul smell can be eradicated. Since there is a direct communication with Allah during the prayers and the angels are nearby. It is a time when the verses from the Book of Allah are read. Hence it is encouraged that one freshen his breath with a *siwāk*.

"Regaining consciousness": I.e. from sleep. This is because human breath turns foul after a long nap. One should use a *siwāk* as soon as he wakes up. This was the first thing the Prophet $\frac{1}{28}$ would do when he would arise from his sleep.¹³⁹

"And when one has bad breath": One should try his best to use a siwak if he realises that he is beginning to get a bad scent in his mouth. He can use it as and when necessary, as often as he wants.

It is a Sunnah to use the *siwāk* while performing *wudhū*, it is emphasised to do so just before gargling the mouth with water. In another narration, the Prophet Ξ said, "Were it not too imposing for my Ummah, I would have ordered them to use the *siwāk* at every [performance of] *wudhū*."¹⁴⁰ He would brush

¹³⁶ Reported by al-Dāraqutnī (2/204) and al-Bayhaqī in al-Sunan al-Kubrā (4/274).

¹³⁷ Reported by Ahmad (3/445), Abu Dawūd (2364) and al-Tirmidhī (725) from the narration of Ibn Rabī'ah. A version is also in al-Bukhārī (3/40).

¹³⁸ Reported by al-Bukhārī (2/151) from the narration of Abu Hurairah.

¹³⁹ Reported by al-Bukhārī (1/70) and Muslim (1/151) from the narration of Hudhayfah.

¹⁴⁰ Reported by Ahmad (2/517), Ibn Khuzaymah (140) and al-Bayhaqī in al-Sunan al-Kubrā

A Commentary on Zād al-Mustaqni

his teeth with a siwak and then gargle his mouth. This perfects the cleansing process.

متن

ويستاك عَرضاً مبتدئاً بجانب فمه الأيمن، ويدَّهنُ غِبًّا، ويكتحل وتْراً

One should brush with the *siwāk* sideways, starting from the right side of his mouth. He should apply oil to his hair every other day and apply *kohl* to the eyes in odd numbered applications.

"One should brush with the *siwāk* sideways": I.e. brushing the outer teeth and gums from right to left. Brushing with the *siwāk* with a vertical brushing motion might cause bleeding of the gums. A right to left motion does not affect the gums.

"Starting from the right side of his mouth": As using $siw\bar{a}k$ is an act of worship, it should start from the right side just like all the other acts of worship. The Prophet \mathfrak{A} used to prefer commencing things with the right side. He used to wear the right shoe first, combed the right side of his hair first before the left side and performed his ablution starting with the right. In fact he prioritised the right side for all deeds.¹⁴¹ The Prophet \mathfrak{A} used to roll the $siw\bar{a}k$ in his left hand to remove filth. Only the left hand is used to remove filth.

"He should apply oil to his hair every other day": Applying oil to the hair helps to make it soft and manageable. This can be done by males [and not just women]. Applying oil every other day is sufficient. Doing it every day might lead to a liking for things delicate and comfortable. The Prophet used to oil his hair every other day and not every day.¹⁴²

"And apply *kohl* to the eyes": It is an Islamic etiquette to apply *kohl* to the eyes as it beautifies it. It also is a cure for the eyes and it helps to improve eyesight. Applying *kohl* to the eyes is a Sunnah of the Prophets of Allah, peace be upon them all.

^{(1/35).}

¹⁴¹ Reported by al-Bukhārī (1/53, 116) and Muslim (1/155-156) from the narration of 'Aishah.

¹⁴² Reported by al-Tirmidhī in *al-Shamā'il* (35) narrated by Humayd ibn 'Abdul Rahmān from a companion of the Prophet that he used to comb his hair every other day. This hadīth is also reported by Ahmad (4/86), Abu Dawūd (4159) and al-Nasā'ī (8/132) from the narration of 'Abdullah ibn Mughaffal.

"In odd numbered applications": I.e. three times in each eye. Indeed Allah is an odd number (i.e. The One) and He loves the odd number. *Kohl* is applied to the eyes at night, just before sleep. This was how the Prophet $\frac{1}{2}$ would apply it.¹⁴³A substance called *ithmid*¹⁴⁴ (antimony) is the best type of *kohl*.

متن

It is obligatory to say *basmallah* when starting to perform *wudhu*, if one remembers.

"It is obligatory to say *basmallah* when starting to perform *wudhu*" What is meant here is to say *"bismillah*". However, is it obligatory or is it optional? The vast majority of scholars are of the opinion that it is Sunnah (recommended). Imām Ahmad is of the opinion that it is obligatory when starting to make *wudhu* as the Prophet # said, "There is no *wudhu* for him who does not mention the name of Allah on it."¹⁴⁵ "Lā wudhu" [in this hadīth] is taken to mean invalidity of *wudhu* by Imām Ahmad while the vast majority of scholars view its meaning as the incompleteness of the *wudhu*¹⁴⁶ that does not have the mention of *"bismillah*" in the beginning of it. Furthermore, the authenticity of the above mentioned hadīth is suspect.

"If one remembers": If a person forgets to say the *basmallah*, his *wudhū* is correct. If he remembers it half way through, then he says the *basmallah* and resumes his *wudhū*. However, if he remembers after having completed the *wudhū*, then his *wudhū* is still valid as the occasion to say the *basmallah* has passed.

¹⁴³ Reported by al-Tirmidhī in *al-Shamā'il* (49) from the narration of 'Abdullah ibn 'Abbās with the words, "The Messenger of Allah used to apply *kohl* just before sleeping. He used *ithmid* three times in each eye," There is also a similar narration in Ibn Mājah (3499).

¹⁴⁴ Ibn al-Qayyim said, "It is a black stone brought from Isfahan and from the regions around Morocco. These are the best quality. It is dry and cold. It is a cure for the eyes and improves eyesight by strengthening the nerves that are connected to the eyes. *Ithmid* helps to remove impurities from the eyes. It also removes headaches." An abstract from Zād al-Ma'ād (4/283).

¹⁴⁵ Reported by Ahmad (4/70), (5/381), al-Tirmidhī (25, 26) and Ibn Mājah (398) from the narration of Sa'īd ibn Zayd. It was also narrated by Abu Sa'īd al-Khudrī - reported by Ahmad (3/41) and Ibn Mājah (397).

¹⁴⁶ See Nayl al-Awtār by al-Shawkānī (1/172-173).

ويجب الخِتَانُ ما لم يَخَفْ على نَفْسِه

متن

It is mandatory to circumcise, so long as it does not harm him.

"It is mandatory to circumcise": This was the practice of the Prophets and one of the many natural dispositions (*fitrah*) recommended in Islam. It is mandatory for the males to remove the foreskin of the penis. The foreskin retains remnants of urine within the penis and this is unhygienic for the person, therefore it should be removed. Doctors agree that this retention of urine in the foreskin will accumulate to the extent that the man's health is affected. Islamic law has proscribed men to remove their foreskin to avert this harm. It is proven to be more hygienic and keeps the Muslim in a state of purity.

"So long as it does not harm him": If it does harm an individual in a significant manner, then he is not obliged to circumcise. Female circumcision is also recommended for Muslim women. A thin layer of skin from the clitoris is removed such that it helps to decrease the female's libido. The Prophet 32 said to the woman performing female circumcision, "Trim it, do not mutilate."147 Only a sliver of skin is cut. The Prophet 38 indicated its recommendation for woman saying, "When the two parts that are circumcised meet (in intercourse)"148 i.e. a male part and a female one. This is an authentic hadīth and so there is definite merit to female circumcision since it was urged by the Prophet 3. Having said this, we need to bring to attention the issue of mutilation. There are people who mutilate the private parts in the pretext of circumcision and this is a vile deed which harms the person. The penis is completely removed sometimes and the vagina is skinned such that the woman is blighted for life; deprived of sexual desire forever. Sexual desire and libido are key ingredients in procreation which assures the survival of the human race. The best time to perform the circumcision for both genders is before puberty. However, it is only mandatory for males if they have attained puberty. This is not the case for females. In a critical scenario where circumcision might affect a person's health, it need not be performed. Islam prioritises the repelling of harm as compared to gravitating towards benefits. Alhamdulillah, with new medical technology, circumcision has become a painless and quick procedure.

¹⁴⁷ Reported by al-Tabarānī in *al-Mu'jam al-Awsat* (2253), Hākim (3/524), al-Tabarānī in *al-Kabīr* (8/324). Reported by Abu Dawūd (5271) with the wording, "Do not go to the extreme in cutting; That is better for the woman and more liked by the husband."

¹⁴⁸ Reported by Ahmad (6/123,227) from the narration of 'Aishah. Reported also by Muslim (1/186).

ويُكْرَه القَزَع *Qaza*'is disliked.

متن

"Qaza' is disliked": Qaza' is the shaving of a part of the hair on the head while leaving some. It is disliked as this is unsightly and one who does so imitates the Christians. The Prophet \approx said, "Shave it all off or leave it all alone."¹⁴⁹

There are different types of *qaza*' done by people:

- 1. Those who shave the sides and leave a tuft of hair in the centre.
- 2. Those who shave the centre of the head and leave the sides.
- 3. Those who shave one side and retain the other side.
- 4. Those who shave the forelock and retain a tuft of hair at the back of the head.

All of the above are prohibited in Islam as mentioned by Ibn al-Qayyim. One should either shave all the hair or keep all of it. This is acceptable for men. The growing of the hair, its preservation and keeping it kempt is a Sunnah of the Prophet $\frac{1}{50}$. He $\frac{1}{50}$ did not shave his head except when he performed Hajj or 'Umrah which entail the shaving of the head as part of the rites. He even had shoulder-length hair.¹⁵⁰ Imām Ahmad said, "To keep one's hair long is a Sunnah. However the Prophet's hair had a natural stiffness. If mine was of a similar consistency, I would have kept it long."¹⁵¹

However growing the hair in imitation of the disbelievers is prohibited. To imitate them in any of their peculiar habits is prohibited in Islam. Growing one's hair with the intent of following his \approx manner is recommended.

ومِن سُنن الوضوء السواك، وغسل الكفين ثلاثاً، ويجب من نوم ليل ناقضٍ لوضوء، متن

149 Reported by Ahmad (2/88), Abu Dawūd (4195) and al-Nasā'ī (8/130) from the narration of 'Abdullah ibn 'Umar.

150 Reported by al-Bukhārī (4/228), (7/197) and Muslim (7/83) from the narration of Barā' ibn 'Āzib who said, "I have not seen a more beautiful man with a lock of hair in a red-striped outfit than the Messenger of Allah $\underline{*}$. His hair was of shoulder length." [Translator's note: This is also found in the *Shamā'il* of al-Tirmidhī, see A Commentary on the Depiction of Prophet Muhammad (Dar al-Arqam, 2014) for further information.]

151 See al-Mughni (1/119)

والبكداءة بمضمضة، ثم استنشاق

Among the *sunan* of *wudhū* are: *siwāk*, washing the hands thrice (which is mandatory after waking up in the morning and after a deep sleep that nullifies *wudhū*), gargling the mouth first and then drawing water into the nose.

"Among the *sunan* of *wudhū* are: *siwāk*": *Siwāk* is used before gargling the mouth with water.

"Washing the hands thrice (which is mandatory after waking up in the morning and after a deep sleep that nullifies $wudh\bar{u}$)": When one wakes in the morning, it is mandatory to wash the hands before performing $wudh\bar{u}$. This was the instruction of the Prophet \mathfrak{B} , "If one of you awakens after having slept, do not dip your hands into a washing bowl [of water] until you have washed them thrice."¹⁵² This was an order of the Prophet \mathfrak{B} , therefore this action is mandatory. The rest of the time, it is only recommended that one washes his hands before $wudh\bar{u}$. The doer of the deed is rewarded and the one who refrains is not penalised.

"Gargling the mouth first and then drawing water into the nose": This is amongst the *sunan* of *wudhū*. It is done before washing the face. Failing to gargle the mouth and drawing water into the nose and then expelling it would render the *wudhū* invalid. This is because the nose and mouth are part of the face. It is mandatory to wash the face when performing *wudhū*. One should consider the inner mouth and nose as part of the face. For this reason, we do not have any narrator leaving out these actions while describing the *wudhū* of the Prophet \mathbb{Z} . He never missed doing so and has in fact urged those making *wudhū* to gargle the mouth and draw water into the nose.

والمبالغة فيهما لغير صائم، وتخليل اللحية الكثيفة والأصابع، والتيامن

متن

One should be excessive in them if he is not fasting, rubbing the thick beard and the fingers and prioritising the right side.

"One should be excessive in them if he is not fasting": Referring to the gargling of the mouth and the drawing of water into the nose and expelling it. One should fill the mouth with water and gargle exceedingly. Similarly, he

¹⁵² Reported by al-Bukhārī (1/52) and Muslim (1/160) from the narration of Abu Hurairah.

should draw water into the inner nose as best as he can and then snort it out. It is a Sunnah to be excessive in the above two actions for the mere fact that the water could reach further into these parts. The Prophet $\frac{1}{25}$ said, "Be excessive in drawing water into the nose except if you are fasting."¹⁵³ Those who fast are exempt from this excessiveness as it is feared that water would enter the throat via the nose and mouth.

One should not misinterpret the author's calling of these actions as *sunan* to mean that they are in fact only recommended. The author is referring to starting the *wudhū* (after the washing of the hands) with gargling the mouth and drawing water into the nose. These two actions are in fact mandatory as the mouth and nose are part of the face.

"Rubbing the thick beard": The beard is part of the face, its thickness and length notwithstanding. The one who shaves it off is in fact removing part of his face as reckoned by Allah 38. It embellishes the face and distinguishes the male from the female. It is a mark of manhood and astuteness. There are two types of beard:

- 1. The thin beard: where the skin of the face and cheeks are visible through the facial hair. This type of beard is simply washed inside and out.
- 2. The thick beard: where the skin of the face is well hidden by the beard due to its thickness. The outside of the thick beard has to be washed even if it flows beyond the face as it is regarded a part of it. It is recommended to insert one's wet fingers between the hairs and rub it such that the inside of the beard becomes wet too. However his $wudh\bar{u}$ is still valid even if he does not insert his wet fingers into the beard.

"And the fingers": I.e. using one's fingers to rub in-between the fingers of the other hand and toes of the feet such that water reaches in between the folds. This is a Sunnah of wudha.

"And prioritising the right side": I.e. starting with the right side when washing each body part. For example, you start by washing the right arm and then follow with your left. This is because the Prophet $\frac{1}{20}$ preferred the right side

¹⁵³ Reported by Ahmad (4/211), Abu Dawūd (142), al-Tirmidhī (788) and al-Nasā'ī (1/66) from the narration of Laqbit ibn Basrah.

A Commentary on Zād al-Mustaqni

especially whilst performing wudhū and taking the compulsory bath.¹⁵⁴

متن

وأخذ ماء جديد للأذنين، والغسلة الثانية والثالثة

The taking of fresh water to rub the ears and washing with second and third repetitions.

"The taking of fresh water to rub the ears": It is recommended to wet the hands again after rubbing the head so as to wipe the ears. However, this view can be disputed. The correct opinion is that the wetness left in the fingers after rubbing the head is sufficient for wiping the ears. There is no evidence that the Prophet \cong wet his hands again so as to wipe the ears. In fact he only used the wetness of the fingers to rub the ears as mentioned in the hadīth, "... He took no water besides the remnants of water left in his hands to wipe the head."¹⁵⁵ The hadīth¹⁵⁶ informing us that the Prophet \cong did wet his hands again before wiping his ears is not preserved (*mahfūz*), unlike the former, even if it appears in *al-Bulugh al-Marām*.

"And washing with second and third repetitions": This is from the *sunan* of performing *wudhū*. All cleansing actions repeated twice and thrice have precedence from the actions of the Prophet **35**. Repeating the cleansing actions is recommended. It is mandatory though to wash them once at least. Allah ordains this in the ayah, **{Wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles.}**¹⁵⁷ He **35**, commands that we wash ourselves. Therefore the first instance is an obligation and the second and third repetitions are Sunnah. The fourth repetition is an innovation. As for the head and the ears, they are wiped together once.

¹⁵⁴ Reported by al-Bukhārī (1/35, 116), (7/89) and Muslim (1/155) from the narration of 'Aishah.

¹⁵⁵ Reported by Muslim (1/146) from the narration of 'Abdullah ibn Zayd ibn 'Āsim al-Muzanī.

¹⁵⁶ Reported by al-Bayhaqī (1/65)

¹⁵⁷ Al-Mā'idah: 6

باب فروض الوضوء وصفته CHAPTER: OBLIGATORY ACTS OF WUDHŪ AND ITS DESCRIPTION

This chapter is about the parts of the body that must be washed during $wudh\bar{u}$ and the attributes of $wudh\bar{u}$.

"*Wudhū*": Is the act of ablution. When a *fatah* is above the letter *waw* (i.e. when the word is pronounced *wadhu*), it refers to the water used to perform ablution.¹⁵⁸ *Wudhū* linguistically means brightness or goodness. Technically, it is the use of pure water to wash certain parts of the body in a specific way.

It has a great merit: Allah 3 will forgive all the sins of the person who performed $wudh\bar{u}$. It is mentioned in a hadīth that with every droplet of water that falls away from the body, with it falls the sins of the person. If he washes his face, all of the sins of having seen forbidden things depart. Sins resulting from the evil deeds of the hand are pardoned when he washes his hands. When he washes his feet, all the sins that he committed with his feet are removed. The sins depart either with the water or with the last drop of water falling away from the body part.¹⁵⁹

Another merit is the brightening of the body parts washed in $wudh\bar{u}$ on the Day of Judgement. It will be a sign that they were among those who performed $wudh\bar{u}$ often. The Prophet \cong said, "My Ummah will come on the Day of Judgement brightly spotted and radiant which is the effect of their perform-

¹⁵⁸ See al-Mutla' (p. 19).

¹⁵⁹ Reported by Muslim (1/148-149) from the narration of Abu Hurairah.

A Commentary on Zād al-Mustaqni

ing $wudh\bar{u}$."¹⁶⁰ This is because $wudh\bar{u}$ is an act of worship which will definitely adorn the Muslims in the Hereafter. The Prophet is sometimes called the leader of the bright and radiant.

Performing *wudhū* is a great act of worship that requires special care and effort. The Prophet $\frac{1}{2}$ said, "Cleanliness is half of faith."¹⁶¹ The Prophet $\frac{1}{2}$ said, "... No one maintains his *wudhū* except the believer."¹⁶²

Wudhū was ordained along with the prayer. The prayer was ordained before the migration, while the Prophet $\frac{1}{2}$ was still in Makkah. He was ordered to pray two units for each prayer at that time and he was ordered by Allah $\frac{1}{2}$ to make *wudhū* before doing so. However, a question that may be asked is how the Prophet $\frac{1}{2}$ performed *wudhū* when in fact the *ayāt* of *wudhū* are in Sūrah al-Mā'idah which was revealed in Madīnah. This *sūrah* was one of the last chapters that were revealed to the Prophet $\frac{1}{2}$. The answer is that *wudhū* was only recommended before the revelation of the ayāt in al-Mā'idah. Once it was revealed, it was mandatory for the performance of prayers.

متن

فروضه ستة: غسل الوجه - والفمُ والأنفُ منه- وغسلُ اليدين

The obligatory acts are six: washing the face, the mouth and nose are part of it, and washing of the hands.

"The obligatory acts are six": Washing these six parts of the body is the obligation. *Wudhū* is null and void if any of these parts are not washed.

The first obligatory part:

"Washing the face, the mouth and nose are part of it": Allah says, **{Wash your faces}**¹⁶³ The mouth and the nose are part of the face. The Prophet \cong used to gargle his mouth and draw water into his nose and expel it. He ordered Muslims to do likewise. An evidence to show that they are part of the face is the example of a person putting something into his mouth when he is fasting. His

¹⁶⁰ Reported by al-Bukhārī (1/47) and Muslim (1/149) from the narration of Abu Hurairah.

¹⁶¹ Reported by Muslim (1/140), Ahmad (5/344, 342), al-Tirmidhī (3517) and al-Nasā'ī (5/5) from the narration of Abu Mālik al-Ash'arī.

¹⁶² Reported by Ahmad (5/276, 280, 282), Ibn Mājah (277) and Ibn Hibbān (1037).163 Al-Mā'idah: 6

fast is not nullified until he swallows the object in his mouth.

The second obligatory part:

"Washing of the hands": From the tip of the fingers to the elbow. Allah says, **{Wash your faces and your hands as far as the elbows.}**¹⁶⁴ The elbows must be included in this as the Arabic term "*ila*" (to) in the ayah means "*ma'a*" (along with). The Prophet \cong used to wash his elbows when performing *wudhū*.¹⁶⁵

In normal instances, the edge or furthest point of a range is not wholly included. As an exception (due to the evidence indicating so), the full elbow is included in $wudh\bar{u}$. It is like the ayah, {And do not devour their property [as an addition] to your own property.}¹⁶⁶ The word '*ila*" is used here to mean "*ma'a*".

ومَسْحُ الرأس ومنه الأذنان And the wiping of the head along with the ears.

متن

The third obligatory part:

"And the wiping of the head": As ordained by Allah: **{And wipe over your heads.}**¹⁶⁷ The Prophet **#** showed us how it is done. Both wet hands should be placed upon the forehead and slowly brought to the back of the head, wiping the scalp as they run through it. The hands then retrace back to the forehead.¹⁶⁸ It is mandatory to wipe the whole head, not just a part of it. The ayah ordains Muslims to wipe the head and it should be taken holistically. Wiping just one part of the head is insufficient.

"Along with the ears": As the ears are part of the head, they fall under the category of obligatory acts of $wudh\bar{u}$. Regarding the manner of wiping: The wet index fingers are put in each ear right up to the ear canal. Both wet thumbs are placed on the outer ear. All the fingers are moved in a circular motion to

¹⁶⁴ Al-Mā'idah: 6

¹⁶⁵ Reported by al-Dāraqutnī in his Sunan (1/56) from the narration of Jābir ibn 'Abdullah.

¹⁶⁶ Al-Nisā:2

¹⁶⁷ Al-Mā'idah: 6

¹⁶⁸ Reported by al-Bukhārī (1/58) and Muslim (1/145) from the narration of 'Abdullah ibn Zayd ibn 'Āsim.

achieve the cleansing of both the outer and inner ear. If the wiping of the ear is left out during $wudh\bar{u}$, it becomes null and void. This is because he has omitted wiping a part of the head.

وغسلُ الرِّجْلين، والترتيب And washing both feet and following the sequence.

The fourth obligatory part:

"And washing both feet": Allah says, {... And your feet until the two ankles.]¹⁶⁹ This ayah includes the washing of both ankles. It refers to the protruding ankle bone at the edge of the shin region. The Shi'ah and Rāfidah claim that the ankle refers to the area just below the protruding bone. This is contrary to the Sunnah of the Messenger of Allah \cong which corroborates the ayah from the Qur'an.

The fifth obligatory part:

"Following the sequence": I.e. of the body parts that are washed or wiped over in *wudhū*. Firstly, the face is washed followed by the hands, followed by the wiping of the head and finally washing both feet. This is the sequence set by Allah which the Prophet followed, **{Wash your faces and your hands to the elbows and wipe over your heads and wash your feet to the ankles.}**¹⁷⁰ He \cong said, "I begin with what Allah begins with."¹⁷¹ To follow the sequence is mandatory. If the sequence is changed, the *wudhū* becomes invalid as it contradicts the ordainment of Allah \cong . It also contradicts the actions of the Prophet \cong who said, "This is *wudhū* without which Allah does not accept prayer."¹⁷²

متن

متن

والموالاة وهي: أن لا يؤخر غسل عضو حتى ينشفَ الذي قبله

¹⁶⁹ Al-Mā'idah: 6

¹⁷⁰ Al-Mā'idah: 6

¹⁷¹ Reported by Muslim (4/40), Ahmad (3/320), Abu Dawūd (5905), al-Tirmidhī (862) and al-Nasa'ī (5/235) from the narration of Jābir ibn 'Abdullah in the hadīth relating to the Prophet's Hajj α .

¹⁷² Reported by Ibn Mājah (419), al-Dāraqutnī (1/80), Abu Ya'lā in his *Musnad* (9/448) from the narration of 'Abdullah ibn 'Umar.

And it should be in succession. There should not be a delay in proceeding to wash the next body part such that the body part becomes dry before the next one is washed.

The sixth obligatory part:

Succession between two parts of the body entails that there is a short gap before moving to the next body part. Too long of a delay will invalidate the $wudh\bar{u}$. In fact, succession from one part to the other should be immediate. If a delay causes the last washed body part to dry before the next one is washed, the $wudh\bar{u}$ is invalid if there was no good excuse for the delay. To maintain succession is mandatory as shown by the Prophet Ξ , who never took gaps in between the washing of each body part during $wudh\bar{u}$. He was modelling what was instructed to him in the Qur'ān. In conclusion we say that not observing succession whilst performing $wudh\bar{u}$ nullifies it in the absence of a valid excuse.

[The presence of an] intention is a required condition to purify oneself from all impurities. One should either have intention (*niyyab*) to remove the impurity or to attain *tabārab* without which acts of worship are futile. If he performs *wudhū* intending to perform an act of worship for which purifying oneself is only Sunnah, like reading the Qur'ān or he renews his ablution intending it as a Sunnah, then that ablution shall suffice for obligatory acts of worship as well. This is provided that he is unaware that he is in the state of impurity.

"[The presence of an] intention is a required condition": *Wudhū* has criterion; the ultimate one being intention. This is because performing *wudhū* is an act of worship and these acts are not valid without intention. The Prophet Ξ said, "Verily deeds are by intention and for every person is what he intended."¹⁷³ If one performed *wudhū* to cool himself or merely to clean up or to teach someone how to perform *wudhū* while not having an intention to free himself from impurities, then his *wudhū* is invalid. Intention is made in the heart. It should not be articulated aloud, for example by saying, "I make intention to perform

¹⁷³ Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn Khattāb.

A Commentary on Zād al-Mustaqni

wudhū" [Saying the intention aloud] is an innovation. Allah knows what is in the heart. Those who articulate the intention have introduced in the $d\bar{i}n$ what neither Allah revealed in his Book nor what the Prophet \mathfrak{A} taught to the Muslims. They are putting forth effort to accomplish a deed that does not bring rewards. In fact it a sin on their part as it is an innovation¹⁷⁴ in the $d\bar{i}n$.

"To purify oneself from all impurities": Minor impurities or major ones.

"Or to attain *tahārah*; without which acts of worship are futile": I.e. having an intention to perform an act of worship encompasses the intention for the ancillary act of purification. For example, if someone intends to do his prayer, then this intention is sufficient for his $wudh\bar{u}$ as well. This is because the intention to perform the prayer necessitates the intention to attain *tahārah*.

"If he performs $wudh\bar{u}$ intending to perform an act of worship for which purifying oneself is only Sunnah": If he intends to perform an act of worship for which purification is only Sunnah, for example, making $wudh\bar{u}$ to read the Qur'ān, then this recommended ablution shall serve as obligatory purification. This is provided that he is unaware that he is in a state of impurity. Similarly, if he renews this recommended ablution with which he performed an act of worship, then it shall serve as obligatory purification, provided he is unaware that he is in a state of it, then he must make ablution with an intention to remove the impurity.

If he intends from his bath a Sunnah, it replaces the obligatory bath. And vice versa. If a person is stained with numerous impurities that require *wudhū* or *ghusl* and he has an intention to purify his self of one impurity only, all of the impurities will be removed.

"If he intends from his bath a Sunnah, it replaces the obligatory bath": An example is the bath for the Friday prayer. If he takes this bath oblivious to the fact that he is in a state of greater impurity (*janābah*), then performing the Sunnah bath is a replacement for the compulsory (wājib) bath.

¹⁷⁴ See: Zād al-Ma'ād (1/201) and Jāmi' al-'Ulūm wa al-Hikam (1/64).

"And vice versa": If he intends to make a compulsory bath, then it replaces the bath intended as a Sunnah. For example, if he bathes to remove his *janābah* on a Friday, then this replaces the Sunnah bath for the Friday prayer. Likewise, if he uses the toilet for example and then makes *wudhū*, then it replaces his *wudhū* with which he intended to perform so as to read the Qur'ān.

"If a person is stained with numerous impurities that require $wudh\bar{u}$ or ghusl and he has an intention to purify his self of one impurity only, all of the impurities will be removed": An example of this would be if one was stained with urine, faeces or if he passed gas. He then makes the intention to purify himself from one of the three *najasah*. This is as if he made an intention to purify himself from all three impurities.

If a person was in a state of *janabah* requiring a compulsory bath and he fainted and requires a bath to restore his consciousness, then one bath would suffice to attain both objectives.

It is a must to make the *niyyab* when performing the first mandatory action of the cleansing rites, which is the *basmallab*. It is a Sunnah to make it in the beginning of the Sunnah action if a mandatory act does not precede it. It is a must that the intention covers the entire purification rite and it is mandatory to maintain its respective ruling.

"It is a must to make the *niyyah* when performing the first mandatory action of the cleansing rites": It is *wajib* to have intention (*niyyah*) in the beginning of every action. If one starts to perform *wudhū* without an intention and then makes an intention half way through, then his *wudhū* is not accepted. Hence intention is in the beginning not something introduced in the midst of an act of worship.

"Basmalah": It is a must to say "bismillah" when starting to perform wudhu.

"It is a Sunnah to say it in the beginning of the Sunnah action if a mandatory act does not precede it": This is the washing of the hands three times except for the one waking from his nightly sleep. It is recommended that he have an intention before washing his hands.

"It is a must that the intention covers the entire purification rite": I.e. to have an intention in all the cleansing rites.

"It is mandatory to maintain its respective ruling": That is to have an intention in all of the cleansing rites. Intention should partner all acts that involve purification. If one decides to invalidate his *niyyah* in the midst of $wudh\bar{u}$, it becomes nullified and the actions that preceded his change of mind were void. The *niyyah* and *wudhū* must be repeated once more from the beginning.

وصفة الوضوء أن ينوي، ثم يسمي، ويغسل كفيه ثلاثاً، ثم يتمضمض، ويستنشق، متن ويغسل وجهه من منابت شعر الـرأس إلى ما انحدر من اللَّحْيَيْن والذَّقَن طولاً، ومن الأذن إلى الأذن عرضاً، وما فيه من شعر خفيف، والظَّاهرَ الكثيفَ مع ما استرسل منه، ثم يديه مع المرفقين

The method of ablution: making the intention, then saying "*bismillab*", then washing the palms thrice, then gargling the mouth whilst drawing water into the nose and expelling it, then washing the face length-wise from where the hairs of the head begin, down the two cheeks and the beard. The area from one ear to the other is washed breadth-wise. It includes all hairs; light or thick hair, however long, then he washes his arms to his elbows.

"The method of ablution": The author now mentions the Sunnah acts of *wud-* $h\bar{u}$, the mandatory acts and the conditions that one should abide by. He does so to put forth the *wudhū* in its entirety. He also explains the method of performing *wudhū*.

"Making the intention": This is a condition for the validity of $wudh\bar{u}$ as the Prophet \cong said, "Verily deeds are by intentions and verily for every person is what he intends."¹⁷⁵ Wudh \bar{u} is an act and so intention is a requisite. If he does something similar to $wudh\bar{u}$ to cool himself or to freshen up, it cannot be considered $wudh\bar{u}$ as he did not make the intention of making $wudh\bar{u}$. It is a rule that if a criteria of an act of worship is not fulfilled, then that act is futile.

¹⁷⁵ Reported by al-Bukhārī (1/2, 12) (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

"Then saying '*bismillah*": The Prophet \cong said, "There is no *wudhū* for he who does not mention the name of Allah upon it."¹⁷⁶

"Then washing the palms thrice": Palms refer to the hands. One washes them after the *niyyah* and *basmallah*. If he had awoke from a deep sleep that nullifies *wudhū*, then washing his hands is mandatory. Otherwise washing his hands is only recommended and falls under the category of optional acts of *wudhū*.

"Then gargling the mouth as he draws water into his nose and expels it": These are parts of the face. Hence if one washes his face in $wudh\bar{u}$ but leaves out either the mouth or the nose, then his $wudh\bar{u}$ is invalid. All ahadīth relating to the $wudh\bar{u}$ of the Prophet mention that he gargled his mouth and drew water into his nose.

"Gargling the mouth": I.e. to fill the mouth with water and rinse the mouth thoroughly before spitting it out.

"Drawing water into the nose and expelling it": I.e. to inhale water into the nose and blow it out.

Filling the mouth and inhaling water into the nose are done with the right hand while blowing of the nose is with the aid of the left hand as it is an action that removes impurities and harm. One uses only his palm to gather water, fill his mouth and draw water into his nose in a swift simultaneous action.

"Then washing the face length-wise from where the hairs of the head begin, down the two cheeks and the beard. The area from one ear to the other is washed breadth-wise. It includes all hairs; light or thick hair, however long": He proceeds to wash his whole face. The length of the face is from the edge of the forelock area to the tip of the chin or the long beard as an extension. This is because the beard is considered to be a part of the face. If water does not reach any spot within this area, $wudh\bar{u}$ is invalid.

As for the width, it is from one ear to the other. Water is smeared on the face, both length-wise and breadth-wise. Water has to penetrate light hair for ex-

¹⁷⁶ Reported by Ahmad (4/70), al-Tirmidhī (25, 26) and Ibn Mājah (398) from the narration of Sa'īd ibn Zayd. The narration of Abu Sa'īd al-Khudrī is found in Ahmad (3/41), Ibn Mājah (397).

A Commentary on Zād al-Mustaqni

ample the eyebrows, eyelashes and beard as all of these are considered part of the face. If the beard is thick, having such an amount of hair that it prevents the water from penetrating to the skin, then it is mandatory to wash it on the exterior. Using the hand to rub between the hairs is only recommended as mentioned earlier.

"Then he washes his arms to his elbows": As Allah says: {And your hands until the elbows.}¹⁷⁷ The elbow bone is inclusive as was shown to us by the Prophet 3.¹⁷⁸

متن

ثم يمسح كل رأسه مع الأذنين مرة واحدة

Then he wipes over his whole head, which includes his ears, once.

"Then he wipes over his whole head": After washing his arms he wipes his head as ordained by Allah \mathbb{Z} , {And wipe over your heads.}¹⁷⁹ The word "*mas-ba*" linguistically means to wipe the hands over something. However, in this context it does not just refer to wiping the hands over the head, it refers to the wiping action of a wet hand (i.e. wet with pure water). If the wiping of the head is done with a dry hand, then the *wudhū* is invalid.

The wiping is done by placing both palms upon the forehead and slowly moving them to the back of the head. One then retraces the wiping action to the forehead from where he started. This was the method that the Prophet $\frac{1}{28}$ taught.¹⁸⁰

If a person wipes over just a small part of the head, then his $wudh\bar{u}$ becomes invalid. He is judged to have contradicted the ordainment of Allah. He revealed to mankind to wipe the whole head and not just a part of it. Therefore this is not sufficient and falls short of being defined as, "Wiping over the whole head."

¹⁷⁷ Al-Mā'idah: 6

¹⁷⁸ Reported by al-Dāraqutnī in his *Sunan* (1/83) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/56) from the narration of Jābir ibn 'Abdullah who said, "The Messenger of Allah used to pour water over his elbows when performing *wudhū*."

¹⁷⁹ Al-Mā'idah: 6

¹⁸⁰ Reported by al-Bukhārī (1/58) and Muslim (1/145) from the narration of 'Abdullah ibn Zayd in the hadīth describing how the Prophet $\frac{1}{2}$ made *wudhū*.

"Which includes his ears, once": He inserts his wet index fingers into his ear canal, placing his thumbs on the exterior of the ear lobe and moving the thumbs up and down while the index finger runs along the folds of the ear canal. Thus the ear is washed inside and out as it is considered a part of the head. The hands are dipped and made wet before wiping the head. The remnant of this wetness is sufficient for the wiping of the ears. One does not have to wet his hands after wiping the head so as to wipe the ears. This was how our Prophet \mathfrak{Z} taught us to wipe the head and ears. The hadīth contradicting this is not authentic.¹⁸¹ If a person fails to wipe his ears after wiping the head, then his *wudhū* is invalid.

ثم يغسل رجليه مع الكعبين

متن

Then he washes his feet up to his ankles.

"Then he washes his feet up to his ankles": As Allah ﷺ says, **{And your feet till the ankle.}**¹⁸² The ankle referred to here is up to the ankle bones that protrude at the feet. The Prophet washed his feet and ankles in this manner and taught us to do likewise. The Prophet was the illustrator of the ordainments in the Qur'ān.

The amputee can wash whatever that is remaining of the body parts that are mandatory in *wudhū*. He can wash the stump in place of the missing parts. Then he raises his sight towards the sky and says the supplication. It is permitted to ask someone to aid in pouring water. Wiping dry the wet body parts is also permitted.

"The amputee can wash whatever that is remaining of the body parts that are mandatory in *wudhū*": If his palm has been amputated, then he can wipe his arm. Allah says in the Qur'ān: {Therefore be careful of [your duty to] Allah

¹⁸¹ Reported by al-Bayhaqī (1/65) from the narration of 'Abdullah ibn Zayd that he saw the Prophet wet his hands again after wiping the head so as to wipe his ear. **This hadīth is not authentic.**

¹⁸² Al-Mā'idah: 6

as much as you can.}¹⁸³

"He can wash the stump in place of the missing parts": If his wrist has been amputated, he can wash his arm as a replacement. If he doesn't have the lower arm up to the elbow, then he can wipe the stump on the elbow as it is a body part that is included in $wudh\bar{u}$. However if it is cut above this point, then he is not obliged to wash it as he has no remains of the area obligatory to wash. Likewise is the case for one whose leg is cut above the ankle.

"Then he raises his sight towards the sky and says the supplication": When the individual has washed these body parts, he is in a state of physical purity. Then he hopes to achieve spiritual purity by reciting the *shahadah*, "There is none worthy of worship except Allah and Muhammad is the Messenger of Allah." This cleanses one of associating partners with Allah (*shirk*) and innovations (*bid'ah*). The pledge that there is none worthy of worship except Allah removes *shirk* and the other pledge that Muhammad is the Messenger of Allah removes innovation. This is because it becomes incumbent now for the one uttering this to follow the way of the Prophet and to avoid the contradictions and heresies introduced into Islam. *Bid'ah* is a filth and so is *shirk*. These are spiritual impurities that should be rid of by a person.

"Then he raises his sight towards the sky": Why does he do this? The sky is the place where Allah & ascends His throne. This is yet another evidence that Allah & ascends to His throne in the heavens. Those who falsely claim that Allah is everywhere and deny that Allah ascends His throne in the heavens bring forth a false explanation. They say that the reason one looks upwards to the sky is that it is the *qiblah* of those who supplicate. In fact there is no such thing. There is only one *qiblah* for our prayers and for any other form of worship and that is the Ka'bah which Allah & instructed us to face. There is no ordainment for those who make supplications or pray to look skywards. It is even prohibited in prayers.¹⁸⁴ Their claim that it is the *qiblah* of those who supplicate is complete falsehood and a heresy. Their objective is to reject the attribute of *'uluw* (ascension) of Allah & above His creation. The reason one

¹⁸³ Al-Taghābun: 16

¹⁸⁴ Reported by al-Bukhārī (1/191) from the hadīth of Anas ibn Mālik, who heard the Prophet say, "What is wrong with this group who look skywards during their prayer?" And then he added, "Let them desist from this lest their eyesight be snatched." Also reported with different wordings in Muslim (2/29) from the narration of Abu Hurairah.

faces skywards is to recognise that Allah is above his creations.

"And says the supplication": "Ashadu an lā ilaha illallah, wahdahu lā sharīka lahu, wa ashadu an muhammadan 'abduhu wa rasūlahu, allahumma aj'alnī min al-tawwābīn wa aj'alnā min al-mutatahhirīn (I bear witness that there is none worthy of worship except Allah and I bear witness the Muhammad is His slave and messenger. O Allah! Make me of those who are repentant and make me of those who purify themselves.)"¹⁸⁵ This supplication is said immediately after completing wudhū. The wisdom behind this supplication is to unify both physical purity from najasah and spiritual purity from shirk and innovations in the dīn.

"Wiping dry the wet body parts is also permitted": However, to let it dry by itself is better. This is because $wudh\bar{u}$ is an act of worship and letting it linger on your body has more merit. It is permitted to dry oneself as the Prophet $\frac{1}{28}$ did so.¹⁸⁷ It has also been recorded that the Prophet was offered a towel to wipe himself dry after performing $wudh\bar{u}$ and he refused it.¹⁸⁸ This is proof that it is better to leave the remnants of water on the body after making $wudh\bar{u}$ and not dry it with a towel. Doing so however is permitted.

¹⁸⁵ Reported by al-Tirmidhī (55) from the narration of 'Umar ibn al-Khattāb.

¹⁸⁶ Al-Mā'idah: 2

¹⁸⁷ Reported by al-Tirmidhī (53) from the chain of narrations of Abu Mu'ādh from al-Zuhrī from 'Urwah from 'Aishah said, "The Messenger of Allah had a coarse cloth that he used to dry himself with after performing *wudhū*." Al-Tirmidhī said, "'Aishah's hadīth is not authentic. All ahadīth pertaining to this topic are not authentic and Abu Mu'ādh (a narrator in the chain) is a weak narrator as classified by the scholars of hadīth."

¹⁸⁸ Reported by al-Bukhārī (1/75, 76-77) and Muslim (1/174-175) from the narration of Maymūnah bint al-Hārith who said, "I prepared water for his bath and held a screen for him." She goes on to describe the bath of the Prophet $\frac{1}{26}$. She concludes by saying, "I held out a towel for him to dry himself and he waved it off with his hand due to not wanting it."

بساب مسسح الضفين

CHAPTER: WIPING OVER THE KHUFFS (LEATHER SOCKS)

يجوز يوماً وليلة، والمسافر ثلاثة بلياليها، مِنْ حَدَثٍ بعد لُبْسِ

It is permitted for a period of a day and a night for the resident and three days and nights for the traveller from the point he invalidates his $wudh\bar{u}$ after wearing them.

"Wiping over the *khuffs*": After completing the description of *wudhū* and laws pertaining to it, the author focuses on body parts that are cleaned during *wudhū* which are covered and where removing this cover is difficult. If one encounters difficulty in removing a garment or covering to wash his body parts for *wudhū*, Allah \gg has given concessions to Muslims so that they can accomplish this more easily. They are permitted to wipe over the coverings without having to remove them. Hence, wiping the covering replaces washing the body part that is being covered. This is from the mercy of Allah \gg for His servants.

The coverings that can be wiped over are four:

- 1. Wiping over the *khuffs*. There are rules pertaining to it.
- 2. Wiping over the turban for men.

متن

- 3. Wiping over the khimar (head scarf) for women.
- 4. Wiping over the wound dressing, plaster cast or bandaging.

Evidence of wiping over the khuffs is found in the Sunnah of the Prophet 38

in ahadīth narrated by seventy of his Companions. There are forty authentic ahadīth regarding it.¹⁸⁹ Imām Ahmed said, "I do not have any doubts regarding *mas-ha* (wiping). It has been corroborated by forty ahadīth of the Messenger of Allah ^{37,190}

Ahlus Sunnah wa al-Jamā'ah are of the consensus that wiping over the *khuffs* is a concession sanctioned in Islamic law.¹⁹¹ This view is disputed by the Rāfidah, may Allah disgrace them. They claim that the feet should be wiped over. Look at their vile refutation! They wipe over the feet and even the ankles but refute wiping over the *khuffs*! Ahlus Sunnah wa al-Jamā'ah are so convinced about the authenticity of wiping over the *khuffs* that they have included this issue in books on *aqīdah*. This is to highlight the error of those who deny this Sunnah. Denying it is tantamount to corruption of faith itself.

"It is permitted for a period of a day and a night and three days and nights for the traveller": These limitations were set by the Prophet and they should be observed and not violated.

'Alī $rac{1}{\Rightarrow}$ narrated that the Prophet $rac{1}{\Rightarrow}$ said, "The resident [is allowed to] wipe for a day and a night and the traveller for three days and nights."¹⁹² In another hadīth, Safwān ibn 'Asāl said, "The Prophet $rac{1}{\Rightarrow}$ used to order us not to remove our *khuffs* for three days and nights whilst travelling, [this was the case] if we slept, passed urine or excretion but not if we fell into the state of *janabab*."¹⁹³

"From the point he invalidates his *wudhū* after wearing them": The beginning of this set period starts with the initial invalidation of *wudhū*. If an individual performs a complete *wudhū*, wears his *khuffs* and then later loses his *wudhū*, the time frame begins for the period in which he can wipe over his *khuffs* at the point the *wudhū* is broken. This is one view.¹⁹⁴ The second view is that the time

¹⁸⁹ Reported by al-Bukhārī (1/108) and Muslim (1/106-107) from the narration of Jarīr ibn 'Abdullah al-Bajalī.

¹⁹⁰ See al-Mughnī by Ibn Qudāmah (1/360) and Sharh al-Zarakshī 'alā Mukhtasar al-Kharqī.
191 See al-Ijmā' by Ibn al-Mundhir (p. 33).

¹⁹² Reported by Muslim (1/159, 160), Ahmad (1/96, 113, 134, 136, 139), Ibn Mājah (552) and al-Nasa'ī (1/84).

¹⁹³ Reported by Ahmad (4/239, 240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

¹⁹⁴ See al-Muqni' (1/47) and al-Muharar fi al-Fiqh (1/12).

frame of the concession begins from the moment the person wipes over his *khuffs* for the first time after losing his *wudhū*.¹⁹⁵ To elucidate: a person wears his *khuffs* after the *fajr* prayer and then loses his *wudhū*. He does not wipe over his *khuffs* until after the *zuhr* prayer. According to the first view, the period for wiping begins from the moment he lost his *wudhū* until the corresponding time of the next day. According to the second view, the period begins from the *zuhr* time when he wipes for his prayer. Subsequently, the second view ascertains that the period stretches to *zuhr* time of the next day.

على طاهر، مباح، ساتر للمفروض، يَثْبُتُ بنفسه، من خُفٍّ وجوربٍ صفيق ونحوهِما من While it is clean, permitted, covering the prescribed area, well-fastened, *khuffs* or socks made of thick cloth or any footwear that is similar.

Wiping over the *khuffs* has a number of criteria. Four are mentioned here:

- 1. That the footwear must be clean.
- 2. That it must be a permitted form of footwear.
- 3. The footwear must conceal the prescribed areas.
- 4. The footwear should be well-fastened.

Now for the elaboration point by point:

"While it is clean": *Najis khuffs* and socks cannot be considered for the wiping concession. For example, if the *khuffs* are made of the skin of a dead animal, skin of a carnivore or snake skin. There is inherent impurity in these which disqualifies them from wiping.

"Permitted": Stolen footwear cannot be used as it is transgression and a sin. Something sinful cannot be used as a tool to achieve a concession. Likewise, socks made of silk cannot be wiped over during $wudh\bar{u}$ by men. Therefore, it is forbidden for use for the wiping process. The Prophet $\frac{1}{28}$ has prohibited men of his Ummah from using silk.¹⁹⁶

¹⁹⁵ Ibid.

¹⁹⁶ Reported by Ahmad (1/96, 115), Abu Dawūd (4057), al-Nasā'ī (8/160-161) and Ibn Mājah (3595) from the narration of 'Alī ibn Abī Tālib.

"Covering the prescribed area": The areas that require washing during $wudh\bar{u}$ are covered by the footwear. Therefore it should cover the whole foot up to the ankle. If there is any opening within the footwear, then it cannot qualify for the wiping process. This is because every part of the foot up to the ankle has to be washed if exposed. And if it is covered, it shall be wiped over. Washing and wiping cannot be combined. If the *khuffs* do not reach the ankles, they cannot be wiped over as they do not cover the prescribed area. *Khuffs* and socks with holes in them cannot be considered for the wiping process as well, due to some parts of the feet being uncovered. Similarly, *khuffs* and socks that are so thin that the skin can be seen through them are not permitted. They cannot be considered as covering the feet (i.e. the proscribed area). The Prophet Ξ used to wear *khuffs* which easily covered the feet up to the ankle.

"Well-fastened": It is either fastened to the foot or wrapped to the foot with a string. If it requires another object to hold it in place or to attach it to the foot, then this type of footwear cannot be used for the wiping process as it does not meet the requirements of the *Shari'ah*.

"Or socks": Socks are permitted to be wiped over as they take the place of the *khuffs*. This is permitted as the Prophet $\frac{1}{25}$ used to wipe over his socks and sandals.¹⁹⁷ Socks are the garment manufactured for the feet, made from wool or other similar materials that are permissible.

"Made of thick cloth": The socks cannot be so thin such that the skin can be seen through the socks.

"Or similar footwear": I.e. footwear that satisfies the conditions, it covers the feet completely and is fastened to the feet in such a way that it removes difficulty.

وعلى عِمامةٍ لرجل، محنكةٍ أو ذاتِ ذُؤابةٍ، وعلى خُمر نساءٍ مدارةٍ تحت حلوقهن

متن

And the turban (*imāmab*) of a man, which is also spun around the chin or that which has a tuft and the scarf (*khimār*) of the women spun under the neck.

¹⁹⁷ Reported by Ahmad (5/248), Abu Dawūd (159), al-Tirmidhī (99), al-Nasā'ī in *al-Kubrā* (130) and Ibn Mājah (559) from the narration of al-Mughīrah ibn Shu'bah.

"And the turban": This is when the cloth is wrapped around the head such that it is completely or mostly covered. Not all that covers the head falls under this category. The *ghutrah* and *shimāgh* are not turbans. The turban is well-known amongst the Arabs and it is a long cloth worn on the head which is spun around the lower jaw or that which has a tuft. The Prophet $\frac{1}{2}$ used to wipe over this type of turban¹⁹⁸ and ordered the Muslims to do likewise.¹⁹⁹

The wiping over the turban has some conditions:

- 1. It is permissible only for men. Woman should neither wear the turban nor wipe over it. A woman should not try to imitate the ways of men.
- 2. It is a turban that is spun around the chin once or twice or that which has a tuft thereby making it difficult to remove. However that which is simply folded on the head and which is not secured without wrapping it under the chin or without having a tuft cannot be wiped over. Similarly other kinds of head gear like the cap and *ghutrah* cannot be wiped over.
- 3. It covers most of the head and reveals only that much that is a norm in society such as the forehead and the sides of the head.

"And the scarf (*khimār*) of the women": It is the third garment which is permitted in the wiping process. This is the cloth used by the woman to cover her head. The Prophet Ξ said, "Allah does not accept the prayer of the menstruating woman (i.e. who has reached puberty) until she wears the *khimār*."²⁰⁰ *Khumr* being the plural of *khimār*. Allah the Most High and Dignified says, **{And let them wear their head-coverings over their bosoms.}**²⁰¹

"Spun under the neck": If it is fixed to the head in such a way that removing it is a problem, then she can wipe over it. The Prophet ﷺ thus ordered the wom-

¹⁹⁸ Reported by al-Bukhārī (1/62) from the narration of 'Amr ibn Umayyah al-Dhamrī who said, "I saw the Prophet $\underline{*}$ wipe over his turban and *khuffs*." And Muslim (159) from the narration of Bilāl that he saw the Prophet wipe over his *khuffs* and turban.

¹⁹⁹ Reported by Ahmad (6/12-14) from the narration of Bilāl that the Messenger of Allah \approx said, "Wipe over the *khuffs* and turban."

²⁰⁰ Reported by Ahmad (6/150, 218), Abu Dawūd (641), al-Tirmidhī (377) and Ibn Mājah (655) from the hadīth of 'Aishah.

²⁰¹ Al-Nūr: 31

en to do so.²⁰² Umm Salamah used to do this.²⁰³ This concession is offered to women because it would be very difficult for them to remove it each time they want to make $wudh\bar{u}$, especially in the winter or while travelling. The need for a woman to wipe over her *khimār* is as great as for a man to wipe over his turban.

في حدث أصغر

In minor impurity.

"In minor impurity": Wiping over the *khuffs*, turban and the *khimār* is for minor impurities only. As for the major impurities that must be cleansed with *ghusl* (compulsory bath), wiping cannot act as a substitute. These three items of clothing have to be removed to perform *ghusl* as seen in the hadīth of Safwān ibn 'Asāl who said, "We were ordered not to remove our shoes during our journey except if we were in the state of *janābah*."²⁰⁴ This clearly indicates that the one in *janābah* cannot use the wiping concession and thus he must take a bath.

To recap, the conditions for wiping over the *khuffs*, turban and the *khimār* (for women) are:

- 1. That the person only be in the state of minor impurity.
- 2. That he or she wears it or puts it on after making a complete wudhū.
- 3. That these three things are firmly affixed to the body such that their removal is difficult.

And on the splint that does not exceed what is really necessary, even if it is a big area and without any time limitations. The splinting should be done after a complete *wudhū* or *ghusl* is performed.

متن

²⁰² Reported by Ahmad (6/12-14) from the narration of Bilāl.

²⁰³ Reported by Ibn Abī Shaybah in Musanaf (1/30).

²⁰⁴ Reported by Ahmad (4/239-240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

A Commentary on Zād al-Mustaqni

"And on the splint": This is the fourth item that can be wiped over. There can be a splint on the individual's torso or body parts. They were originally palmleaf stalks which were placed on fractures to help mend the bones, similar to the plaster cast on fractures and bandages wrapped around wounds. If these cover the parts of the body or the torso that have to be washed while performing *wudhū* or *ghusl*, then it is permitted to wipe over the splint or bandages. This can be done while in both minor and major impurity. The splint or bandage should not be removed [for washing purposes] if there is a need for it to be affixed to the body.

During the time of the Prophet $\frac{1}{26}$ there was a man who went out on an expedition. A rock hit him on the head and caused him injury. During the night, he [entered the state of *janābah*] by ejaculating whilst sleeping. He asked the Prophet's Companions who were with him on the expedition regarding the concession to make dry ablution owing to his injury. They gave the verdict that it was mandatory for him to perform *ghusl* (including washing the wound) to remove the greater impurity of *janābah*. He took a bath and washed his wound on the head and he passed away as a result. When news reached the Prophet $\frac{1}{26}$ of this incident, he rebuked his Companions saying, "They killed him, may Allah kill them. Why did they not ask if they didn't know. Verily the cure for ignorance is asking for clarification. It would have been sufficient for him to wipe the head with a little bit of water.²⁰⁵"This is evidence that it is permissible to wipe upon the splint or bandaging. This concession is a mercy from Allah $\frac{1}{26}$.

"That does not exceed what is really necessary": This is a condition for wiping over the splint or bandage. That is, it should not cover more than the part of the body that is necessary for the wound to heal. If the bandaging is excessive, then the parts which aren't injured should be uncovered if possible. If this is not possible, then one can perform dry ablution upon the uninjured areas covered by the bandaging.

"And without any time limitations": This is because a time frame has never been outlined as recovery from injuries differs case by case.

²⁰⁵ Reported by Abu Dawūd (336) and al-Dāraqutnī (1/ 189-190) and al-Bayhaqī (1/227 -228) from the narration of Jābir ibn 'Abdullah. The Prophet \mathfrak{Z} also added in the hadīth "... And he should wash the rest of the body."

"The splinting should be done after a complete $wudh\bar{u}$ or *ghusl* is performed": This can be disputed. The correct opinion is that it is not a condition that the bandaging or splint be applied upon the affected area after $wudh\bar{u}$ or *ghusl* has been performed. There is no proof to substantiate this claim.

Bandaging and splints differ from the aforementioned three coverings in the following ways:

- 1. There is no condition that a state of purification must be attained before the injured area is covered. This is according to the correct opinion.
- 2. There is no time frame for wiping over it.
- 3. It is a must that all of the area covered by the bandage should be wiped.
- 4. It can be wiped over for both the minor and major impurities.

Whosoever wipes during a journey and then stays as a resident in a place or vice versa and he who is doubtful of the boundaries which define travelling, his wiping is that of the resident. If he broke his *wudbū* and then travelled before he began wiping, then his wiping is categorised as that of a traveller. He cannot wipe over caps, coverings and footwear which falls off from the feet, or that which allows the feet to be visible when worn.

The following are the situations where the wiping concession initiates.

- 1. If he starts wiping as a traveller and then comes to reside in a place before the concessionary period for the traveller has ended or has reached his home town again, then he shall take up the concession of a resident. If there is time left for wiping [of the wiping period of a resident], he can make use of it. Since he had discontinued travelling, the concession associated with it ceased as well. He is classified as a resident and can only use that concession, not that of the traveller.
- 2. The reverse as in the point above. He was wiping as a resident and then travelled, he is still classified as a resident due to the original concession. The correct view however is that he can take up the concession of the

A Commentary on Zād al-Mustaqni

traveller and wipes for three days and nights.²⁰⁶

3. If he has doubts regarding whether he has reached a distance where he can be classified a traveller and can start to wipe as a traveller instead of a resident, then he reverts to the original status, that is of a resident. Since there is doubt as to whether he has entered the status of a traveller, we adopt the status which we are sure of, and that is of residency.

These are the three situations.

"If he broke his *wudhū* and then travelled before he started wiping, then his wiping is categorised as that of the traveller": If he travels before he breaks his *wudhū*, then his wiping concession is that of the traveller as evidenced by the saying of the Prophet, "The traveller wipes three days and nights."²⁰⁷ This is if he travelled before starting to wipe and so his wiping will be categorised as that of the traveller.

"He cannot wipe over caps": Caps without tufts that are not fastened well to the head.

"Coverings"²⁰⁸: Wrapped around the feet for warmth or as a protection against the scorching heat from the ground. It is not permissible to wipe over them. The concession to wipe footwear is only for the *khuffs* and socks. The evidence and proofs single out these and exempt the rest. Therefore, we cannot simply add to the concession.

"And footwear which falls off from the feet": This is because the *khuffayn* mentioned in the hadīth are something known to fasten well to the feet and which provide durability as footwear. They either fit tightly to the feet or are secured to the feet using laces or string. This is the description of the footwear which qualifies for wiping. Any footwear like flip-flops or over-sized shoes that keep falling off from the feet cannot be wiped over.

²⁰⁶ This is the *madhab* of Abu Hanīfah. Ibn Qudāmah said, "This view is that of al-Khilāl and is his companion Abu Bakr." Al-Khilāl said, "Imām Ahmad retracted the former view and chose this one." See *al-Mughnī* (1/371).

²⁰⁷ Reported by Muslim (1/159-160), Ahmad (1/96, 113, 134, 146, 149), Ibn Mājah (552) and al-Nasa'ī (1/84) from the narration of 'Alī.

²⁰⁸ Shaykh al-Islam chose the opinion which allowed wiping over of the cap and leg coverings. See *Majmū' al-Fatāwā* (21/185-186) and *al-Ikhtiyārāt al-Fiqhiyyab* (pp. 13-14).

"Or that which allows the feet to be visible when worn": If the *khuffs* have holes in them or they do not cover the feet well, they cannot be wiped over. This is because any part of the feet which is visible must be washed. It has to be covered completely for the concession to take effect.

فإن لبس خفّاً على خُفٍّ قبل الحدث فالحُكْم للفَوْقَانِيّ، ويمسح أكثر العمامة

متن

متن

If a *kbuff* is worn over another *kbuff* before one breaks his *wudhū*, then the rule applies to the outer *kbuff*. One should wipe most of the turban.

"If a *khuff* is worn over another *khuff* before one breaks his *wudhū*, then the rule applies to the outer *khuff*": If a *khuff* is worn one on top of another before the wiping process is necessary (i.e. before the initial *wudhū* is broken), then the person need only wipe the outer *khuff*. However if the wiping process had begun with his *khuff* before another was worn on top of it, then he must continue wiping the inner *khuff* as the concession applies only to the inner *khuff*, not the outer one.

"One should wipe most of the turban": All around its periphery. If some part of the head is uncovered, he should wipe his head and proceed to wipe the turban for indeed the Prophet 箋 wiped his forehead and continued to wipe the turban.²⁰⁹

Ibn al-Qayyim said, "Verily three methods of wiping have been narrated from the Prophet 38:

- 1. He wiped his head if he wasn't wearing a turban.
- 2. He wiped over his turban only. This is if the turban covered all of his head or most of it.
- 3. He wiped his forehead and proceeded to wipe his turban to complete the action.²¹⁰

²⁰⁹ Reported by Muslim (1/159), Ahmad (4/255), Abu Dawūd (150), al-Tirmidhī (100), al-Nasa'ī (1/76) from the narration of al-Mughīrah ibn Shu'bah. 210 See *Zād al-Ma'ād* (1/199).

Wipe the *kbuffs* from the region of the toes to the shin area, the soles of the *kbuffs* and the back excluded, and upon the whole of the splint.

"Wipe the *khuffs* from the region of the toes to the shin area, the soles of the *khuffs* and rear excluded": One should wipe the top of the *khuffs* excluding the sides and the soles. If he wipes just the sides or the soles and does not wipe the top, the wiping process is invalid. If he wipes the whole *khuff* (i.e. the top, sole and the sides), it is counted as wiping over the top whilst the rest is something extra from the person. Verily, the Prophet $\frac{1}{2}$ wiped only the top²¹¹ and did not wipe the sides or the soles of his *khuffs*. 'Alī $\frac{1}{4}$ said, "If the *dīn* was based upon opinions, then surely the soles of the *khuff* would be more worthy of wiping than the top. I however saw the Messenger of Allah $\frac{1}{2}$ wipe the top of his *khuff*."²¹² The *dīn* is not based on opinions but is substantiated with proof and evidences [from the Qur'ān and Sunnah].

The method of wiping over the *khuffs*: One should place his right hand fingers that are wet on the top toe region of the right *khuff* and start wiping upwards to the shin region and then repeat this downwards. He should do likewise with his left hand and wipe the left *khuff*.

متن

ومتى ظهر بعضُ محلٍّ الفرض بعد الحدث أو تَتَتْ مُدَّتُه استأنف الطهارة

When the *khuffs* are removed or the feet become exposed due to wear and tear of the *khuffs*, then one should renew his *wudhū* proper. He should do likewise if the period of the concession for wiping expires.

The wiping concession ceases when:

- 1. The *khuff* is removed or it rips due to wear and tear such that the feet become visible. It is incumbent on him now to wash his feet during *wudhū*.
- 2. When the period for the concession as outlined by the Prophet 🕱 expires. A day and night for the resident and three days and nights for the traveller. He should now remove his footwear and perform a complete

²¹¹ Reported by Ahmad (4/246, 247), Abu Dawūd (161), al-Tirmidhī (98) from the narration of al-Mughīrah ibn Shu'bah.

²¹² Reported by Abu Dawūd (162) and al-Dāraqutnī (1/199).

 $wudh\bar{u}$, even if his current $wudh\bar{u}$ is still valid. This is because the state of ablution is now *batil* (invalid) due to the period of concession ending.

باب نـواقـض الوضـوء CHAPTER: NULLIFIERS OF WUDHŪ

ينقض ما خرج من سبيل، وخارجٌ من بقية البدن إن كان بولاً أو غائطاً أو كثيراً نجساً من غيرَهما

Wudhū is nullified by the discharging, from the anus, genitals or any other part of the body: urine, excretion or excess of anything similar from *najāsah*.

"Nullifiers of $wudh\bar{u}$ ": After elaborating upon the rules of $wudh\bar{u}$, it becomes appropriate to discuss the factors that nullify it. It is a must to know the rules of something and as an extension the factors that contravene it.

There are eight nullifiers of wudhū:

<u>First nullifier</u>: Discharge from the anus and genitals regardless if it is frequent or seldom, pure or impure.

<u>Second nullifier</u>: Discharges from other parts of the body if it is urine or excretion. Any amount, small or plentiful, nullifies *wudhū*. Similarly, any form of *najāsah* other than urine or excrement nullifies *wudhū* under two conditions:

- a) That the discharge is impure (najis). For example vomit or blood.
- b) That the discharge is *kathīr* (i.e. a lot).

If the discharge from the body is not a *najāsah* e.g. perspiration, saliva or mucus, then one's $wudh\bar{u}$ is not nullified. Similarly, if the *najāsah* is small in amount, his $wudh\bar{u}$ is unaffected and remains valid.

وزوالُ العقل إلا يسيرَ نومٍ من قاعدٍ أو قائم Unconsciousness, except light sleep while standing or sitting.

متن

متن

Third nullifier: Unconsciousness brought about by deep sleep, fainting, madness or as a result of intoxication nullifies one's *wudhū*. This is because the individual will not be aware of what the body discharges whilst in this condition. The evidence to prove that unconsciousness is a nullifier of *wudhū* is the hadīth narrated by Safwān ibn 'Asāl. The Prophet $\frac{1}{8}$ said, "... But from urine, excretion and sleep."²¹³ He included sleep along with urine and excretion as factors that nullify *wudhū*.

"Except light sleep while standing or sitting": As some of the Companions of the Prophet $\frac{1}{20}$ used to do while waiting for prayers to begin at the *masjid*. Their heads would drop whilst seated due to sleep. However as soon as it was time to pray, they would get up to pray without renewing their *wudhū*.²¹⁴ This proves that light sleep while seated does not nullify *wudhū*.

Directly touching the genitals or the anus with the outer or inner palm nullifies $wudh\bar{u}$. And the problematic hermaphrodite touching both genitalia. A man sensually touching the hermaphrodite's genitals or a woman touching its privates with lust nullifies $wudh\bar{u}$. A man touching a woman with desire nullifies his $wudh\bar{u}$ and [likewise for the woman] when she does so to him.

Fourth nullifier: "Directly touching the genitals or the anus with the outer or inner palm": This is yet another nullifier of $wudh\bar{u}$. The Prophet $\frac{1}{28}$ said, "Whoever touches his genitals let him perform $wudh\bar{u}$."²¹⁵ And "Whoever touches his *farj* (genitals and anus), let him perform $wudh\bar{u}$."²¹⁶

216 Reported by Ibn Mājah (481), al-Tahāwī (1/75), al-Bayhaqī (1/130) from the narration of

²¹³ Reported by Ahmad (4/239-240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

²¹⁴ Reported by Abu Dawūd (200), al-Dāraqutnī (1/131) and al-Bayhaqī (1/119).

²¹⁵ Reported by Ahmad (6/407, 408), Abu Dawūd (181), al-Tirmidhī (82), al-Nasā'ī (1/100) and Ibn Mājah (479) from the narration of Busrah bint Safwān.

"And the problematic hermaphrodite touching both genitalia": The problematic hermaphrodite (*khuntha mushkil*) is that which has both the male and female genitals, and it cannot be ascertained whether it is dominantly male or female. They can neither be classified as male or female.

"A man sensually touching the hermaphrodite's genitals or a woman touching its privates with lust": If a man touches the male genitals of the hermaphrodite with desire, it nullifies $wudh\bar{u}$. This is because the man touched the private parts of another man. If the hermaphrodite is dominantly female, then the man has touched a woman with lust and thus the $wudh\bar{u}$ is nullified.

If a woman touches the genital that resembles a female reproductive organ with lust, her $wudh\bar{u}$ becomes invalid. If the hermaphrodite was dominantly male, then she has touched the opposite gender with desire and if the hermaphrodite is dominantly female, then the woman has touched the female genitalia of another woman.

Fifth nullifier: "A man touching a woman with desire": This is the fifth nullifier of $wudh\bar{u}$. The evidence for this is in the Qur'ān where Allah 3 mentions acts that nullify $wudh\bar{u}$ in the ayah, {... Or you have touched the women.}²¹⁷ This ayah read to mean that the woman is touched with lust. This is because such an action causes the ejection of bodily fluids whilst touching the opposite sex without lust is harmless. The latter does not nullify $wudh\bar{u}$.

"And when she does so to him": I.e. if the touching mentioned above is carried out by a woman to a man, it likewise breaks her *wudhū* if it is done with desire.

And touching the anus nullifies *wudhū*. The hair, nails of a woman or the touch of one who has not reached puberty does not nullify *wudhū*. Indirect touching will also not nullify *wudhū*. Similarly, if one is touched by someone else even in desire it shall not invalidate *wudhū*.

Umm Habīb 217 Al-Mā'idah: 6

"And touching the anus nullifies wudhu": As was discussed earlier.

"The hair, nails of a woman": If the hair and nails of the woman are touched, then *wudhū* is not nullified.

"One who has not reached puberty": Touching can arouse sexual desire in people. Evidently a young child's touch is free of this and so their touching does not invalidate *wudhū*. Ayah number six in Sūrah al-Mā'idah **{[Or if] you have touched women}** speaks of women, however it does not include all females.

"Indirect touch": I.e. if the woman is touched indirectly like while wearing gloves, it will not nullify $wudh\bar{u}$. It is not touching per se as the cover acts as a barrier between the skin. The evidence and proofs indicate direct touching. Therefore an indirect touching is not considered touching at all. Two factors are considered for the "touch" that nullifies $wudh\bar{u}$: (i) It must be a combined with desire. (ii) It must be a direct touch, one without any barrier; skin onto skin.

"If one is touched by someone else": *Wudhū* is not nullified if someone else rubs against his or her body. This is true even if there is stimulation of sexual desire. The ayah of the Qur'ān refers to those who touch and not about those on whom the contact is made.

وينقضُ غسلُ ميتٍ، وأكلُ اللحم خاصةً من الجَزُور

متن

Bathing the corpse nullifies wudhu as does eating camel meat.

<u>Sixth nullifier</u>: "Bathing the corpse nullifies $wudh\bar{u}$ "²¹⁸: Whoever washes the corpse or comes into contact with it by touching or examining it closely, his or her $wudh\bar{u}$ is nullified. Some of the Companions of the Prophet used to perform $wudh\bar{u}$ after washing the deceased.²¹⁹ The correct opinion however is that it does not nullify $wudh\bar{u}$ as there is no proof or evidence to substantiate this claim.

²¹⁸ This view is not shared by any other *madhab*. This view was held by many scholars of the Hanbalī *madhab*. See *al-Insāf* (1/215).

²¹⁹ Narrated from Imām Ahmad, this view was adopted by Ibn Qudāmah and Shaykh Taqi al-Dīn. See *al-Insāf* (1/215-216).

Seventh nullifier: "As does eating camel meat": Consuming beef or mutton does not nullify *wudhū*. The Prophet $\frac{1}{20}$ was asked whether a person should perform *wudhū* after eating camel meat and he replied, "Yes."²²⁰ Imām Ahmad said, "There are two authentic hadīths pertaining to the nullification of *wudhū* due to eating camel meat. The hadīth of al-Barā'a and the hadīth of Jābir ibn Samrah."The author here uses the word *laham* to specify the meat of the camel and exclude whatever is not clearly defined as meat such as the liver, the spleen or the stomach and the sinew, brain or camel milk. The *madhab* propounds that these do not nullify *wudhū* as they are not technically termed as meat.

وكلُّ ما أوجب غسلاً أوجب وضوءاً إلا الموتَ

متن

Every act that mandates *ghusl*, mandates *wudhū*. The only exception is death.

Eighth nullifier: "Every act that mandates *ghusl*, mandates *wudhū*": An example of this is *janābah*. Whoever is in this state, should make *wudhū* and take the compulsory bath so that both the minor and greater impurities are removed. It becomes a must for this person to perform *wudhū* and then *ghusl*. Or he can take a bath with the intention of cleansing himself from both the impurities. The bath offsets the minor impurity in this case. If a woman stops menstruating. It is mandatory that she perform *ghusl* and *wudhū*.

"The only exception is death": Death necessitates *ghusl* but does not require *wudhū*. There is no evidence that *wudhū* was performed on a dead person. The *ghusl* does nothing to purify the deceased for verily he is stained by death and this cannot be lifted. The corpse is bathed because it is a requirement in Islam, not that it cleanses the dead. Some requirements in Islam appear strange only because their wisdom is not known to man. A Muslim complies to the requirements due to the mere fact that Allah and His Messenger have ordained so.

Some scholars of *fiqh* have included one more nullifier of *wudhū*: a person who reneges from Islam and becomes an apostate²²¹. His *wudhū* is invalid as a re-

²²⁰ Reported by Muslim (1/189), Ahmad (5/87, 92, 93, 100, 102, 108) from the narration of Jābir ibn Samrah and it was reported by Ahmad (4/288, 303), Abu Dawūd (184,493) and al-Tirmidhī (81) from the hadīth of Barā'a ibn 'Āzib.

²²¹ This view is only found in the Hanbalī *madhab*. Most of their scholars agree upon it. Abu Hanīfah, Mālik and al-Shāfi'ī have the opinion that apostasy does not nullify *wudhū*. See al-

sult. This is evident from the authors statement that, "Every act that mandates *ghusl*, mandates *wudhū*."

Whoever has wudhū but is doubtful whether he has broken it, or vice versa, then he should gravitate towards that which he is sure about. If he is equally convinced [by the idea] that he is in the state of *tahārah* as he is [with the idea] that he is without wudhū, then he reverts to the condition he was in before this confusion.

"Whoever has $wudh\bar{u}$ but is doubtful whether he has broken it": I.e. doubtful as to whether he did something that nullified his $wudh\bar{u}$ but cannot recollect or he cannot decide on the state he is in.²²² The underlying rule is to maintain the actual condition; that is, the continuation of $wudh\bar{u}$. This doubt does not affect "yaqīn" (conviction) that his $wudh\bar{u}$ is still valid. This rule "al-yaqīnu lā yazūlu bilshaq" (certainty is not removed through doubt) appears in the realm of usūl al-fiqh (fundamentals that form fiqh),²²³ the evidence for this is the hadīth of the Prophet $\frac{1}{26}$, "If one has a movement in his stomach whilst in prayer and he is doubtful if he broke wind or not, let him not depart until he hears a sound or he smells it (i.e. the wind)."²²⁴ The Messenger of Allah $\frac{1}{26}$ commanded us to maintain the actual condition except if the nullification of wudhū is tangible or evident.

223 See *al-Ashbā' wa al-Nazā'ir* by Ibn al-Subkī (1/13) and the same book by Ibn Nujaym (p. 56).

224 Reported by Muslim (1/190), Ahmad (2/414), Abu Dawūd (177) and al-Tirmidhī (75) from the narration of Abu Hurairah.

Kāfī (1/47), al-Mughnī (1/238), al-Muharar fī al-Fiqh (1/15) and al-Ri'āyah al-Sughrā' by Ibn Hamdān (1/47).

²²² Ibn Qudāmah said, "There is no difference between him not being able to decide or if he has equal conviction in both states (i.e that he has $wudh\bar{u}$ or not)." See *al-Mughnī* (1/263). Al-Nawawī said, "Take note that when scholars mention about doubts pertaining to water, the state of purity, *najāsah*, prayer or fasting, they are talking about whether one is sure about the presence of the aforementioned things, regardless if he is indifferent or is partial. This is the definition of doubt by the *fuqabāh* (scholars of *fiqh*). As for the *usūliyīn* (scholars of *usūl al-fiqh*), they distinguish between one being indifferent and partial. They only classify the former as doubt. The latter is termed as guessing." See *al-Majmū* Sharh al-Madhab (1/168-169).

"Or vice versa": If in the situation where he is convinced of his impurity and doubtful if he renewed his $wudh\bar{u}$, then he maintains the actual condition (*asl*) which is the impure state without $wudh\bar{u}$.

"If he is equally convinced [by the idea] that he is in the state of *tahārah* as he is [with the idea] that he is without $wudh\bar{u}$, then he reverts to the condition he was in before this confusion": If in the situation that he is equally convinced of having $wudh\bar{u}$ and having broken it, but is not sure which preceded which, then he must revert to the condition he was in before his thoughts were muddled. If he was in the state of $wudh\bar{u}$ before the confusion, then he continuous to maintain it and vice versa.

متن

ويَحْرُم على المحدث مسُّ المصحف، والصلاةُ، والطوافُ

It is forbidden for a *muhdith* to touch the *mus-haf*, perform the prayer and *tawāf*.

Three things are forbidden for the *muhdith* (the person without *wudhū*):

- Touching the *mus-haf* directly: The Prophet ﷺ said, "None but the pure [in state] should touch the Qur'ān."²²⁵ That is the book (*mus-haf*) that contains the Qur'ān, its pages and cover. A person should not touch it directly without having *wudhū*. This is the consensus of the four *imāms* (of the four *madhabs*) may Allah have mercy on them.
- Performing prayers: It is a prerequisite that one has wudhū to perform prayers. Allah says, {When you stand in prayer, wash your faces}²²⁶ The Prophet 箋 said, "Allah does not accept a prayer of a person in an impure state until he performs wudhū."²²⁷
- 3. Performing *tawāf*: I.e. circumbulating the Ka'bah in Makkah. Included in this ruling are both the Sunnah and the mandatory *tawāf*. One should not perform *tawāf* without *wudhū*. The Prophet used to always perform *wudhū* when he wanted to perform *tawāf*.²²⁸ He used to make

²²⁵ Reported by Imām Mālik in *al-Muwatta* (141), al-Dārimī (2/160), al-Dāraqutnī (1/122), Ibn Hibbān (6559), al-Hākim (1/395-396) and al-Bayhaqī (4/89).

²²⁶ Al-Mā'idah 6

²²⁷ Reported by al-Bukhārī (1/46), (9/29) and Muslim (1/140) from the narration of Abu Hurairah.

²²⁸ Reported by al-Bukhārī (2/186-187, 192-193) and Muslim (4/54) from the hadīth of

two units of prayer after performing $tawaf^{229}$ and this is further proof that he would perform his tawaf whilst in a state of taharah. This is because he would not have prayed two units if he did not have wudha. It is reported by Ibn 'Abbās in a sahih hadīth with a chain of narration that ends with a companion of the Prophet $\not\equiv$ ($mawq\bar{u}f$) that he said, "Tawafaround the house is like performing salah except that you can talk while doing so."²³⁰ Although this hadīth is $mawq\bar{u}f$, it can be ascribed to the Prophet himself as there was no *ijtihād* [on the part of the narrator], thus attaining the level of $marf\bar{u}$ '. This is substantiated further by the hadīth where the Prophet $\not\equiv$ addressed 'Aishah saying, "Do everything else but desist from making tawaf until you attain a pure state."²³¹ The menstruating woman is excused from the farewell tawaf during Hajj. This underscores the fact that $wudh\bar{u}$ is a pre-requisite for the performance of tawaf.

^{&#}x27;Aishah who said, "The first thing the Prophet did when he reached (*masjid al-haram*) was to make *wudhū* and perform *tawāf*."

²²⁹ As narrated by Jābir in the hadīth describing the Hajj of the Prophet. See Muslim (4/38-43).

²³⁰ Reported by Ibn Abī Shaybah in his *Musanaf* (3/137), al-Nasā'ī in *al-Kubrā* (3944) and al-Bayhaqī in his *Sunan* (5/87).

²³¹ Reported by al-Bukhārī (1/81, 84), (2/195) and Muslim (4/30).

باب الغسل CHAPTER: GHUSL

After discussing the rules pertaining to purification from minor impurity, the author moves on to discuss the rules pertaining to the purification from greater impurity. The technical definition of *ghusl* is washing the whole body in a particular way.

متن

موجبُه خروجُ المّني دَفْقاً بلنَّةٍ لا بدونها، من غير نائم

Ghusl becomes mandatory when semen is ejaculated whilst sexually stimulated. It is not mandatory in the absence of these two factors except when asleep.

The author will mention six actions that make ghusl mandatory, they are:

- 1. Ejaculation of semen whilst sexually stimulated.
- 2. The head of the penis entering the vagina.
- 3. Menstruation.
- 4. Post-natal bleeding.
- 5. Reverting to Islam.
- 6. Death.

"When semen is ejaculated whilst sexually stimulated": It also includes reproductive fluids discharged from the vagina of a woman. If it is ejaculated whilst awake then *ghusl* becomes compulsory. The Prophet \leq said to 'Alī, "If water (re-

productive fluid) is ejaculated, then take a bath."232

"It is not mandatory in the absence of these two factors": If the semen or reproductive fluids are ejected without sexual stimulation whilst awake, then *ghusl* is not mandatory. Only *wudhū* is mandatory for this person as discussed earlier in the book under the topic, "Things which leave the privates."

"Except when asleep": Ejaculation whilst asleep necessitates *ghusl*. When semen spills from the genitals of a sleeping man, he neither realises the ejaculation nor has sexual stimulation. From this it is evident that the two aforementioned factors do not apply to the sleeping person. However he must perform *ghusl* if he wakes to find signs indicating that he had a wet dream. The two factors mentioned apply only to the conscious person.

وإن انتقل ولم يخرج اغتسل له، فإن خَرج بعد لم يُعِدْه

متن

If semen is produced but does not spill out, then he should perform *ghusl*. However if it spills out later, then he need not repeat it.

"If semen is produced but does not spill out"²³³: I.e. if one can feel that semen is generated and yet is held back from ejaculating, then he should perform *ghusl*. There is dispute regarding this view. The correct opinion is that it is not compulsory to perform *ghusl* as it did not spill out from the privates.²³⁴ The Prophet $\frac{3}{2}$ said, "If water (reproductive fluid) is ejaculated, then perform *ghusl*."²³⁵

"However if it spills out later, then he need not repeat it": I.e. after *ghusl* has been performed. As the impurity is one, cleansing and purification should only be done once. There is no need to bathe again if semen leaves the privates after the initial *ghusl*.

²³² Reported by Ahmad (1/109, 125), Abu Dawūd (206), al-Nasā'ī (1/111) from the hadīth of 'Alī.

²³³ It is mentioned in *al-Mughni*, "It is popularly known that Imām Ahmad considered it *wājib* for *ghusl*."

²³⁴ It is mentioned in *al-Mughnī*, "It is the opinion of al-Kharqī and one of the two opinions of Imām Ahmad. It is the view of most of the *fuqahāh*." (1/267) This is also the view of Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyarāt al-Fiqhiyah* (17).

²³⁵ Reported by Ahmad (1/109, 125), Abu Dawūd (206), al-Nasā'ī (1/111) from the hadīth of 'Alī.

وتغييبُ حَشَفةٍ أصليةٍ في فَرْجٍ أَصْلِي قُبُلاً كان أو دُبُراً ولو من بهيمة أو ميت

When the head of the penis disappears into the vagina or the anus. Even if into an animal or a corpse.

"When the head of the penis": This is the second factor that makes *ghusl* mandatory. The Prophet \approx said. "When the two circumcised parts meet, *ghusl* becomes compulsory."²³⁶ In another hadīth he said, "If he sits on her and thrusts, then *ghusl* becomes mandatory even if semen is spilled or not."²³⁷

"Into the vagina or the anus": The anus is unfortunately used for sexual gratification by some [though it is *harām*].

"Even if into an animal or a corpse": If the head of the penis enters an animal's reproductive organ, then *ghusl* becomes mandatory. Likewise, if a corpse is used for gratification and the genitals or anus is violated, *ghusl* becomes mandatory.

متن

متن

وإسلامُ كافرٍ، وموتٌ، وحيضٌ، ونِفَاسٌ، لا ولادةٌ عاريةٌ عن دم

And the accepting of Islam by a disbeliever, death, menstruation and post-natal bleeding. Delivery without bleeding is excluded.

"And the accepting of Islam by a disbeliever": This is the third factor that makes *ghusl* mandatory. When a disbeliever accepts Islam, he must perform *ghusl*. This is evident from the incident where Qais ibn 'Asim embraced Islam and the Prophet $\frac{1}{23}$ ordered him to perform *ghusl* with water mixed with lote tree leaves.²³⁸ In another incident, Thamāmah ibn Athāl wanted to embrace Islam. He went to perform *ghusl* and then announced his *shahādah*.²³⁹ This is said to be sufficient evidence to prove that it is mandatory for a disbeliever to take the *ghusl* before embracing Islam. However there is another view that

²³⁶ Reported by Ahmad (6/123, 227) from the narration of 'Aishah.

²³⁷ Reported by al-Bukhārī (1/80), Muslim (1/186), Ahmad (2/347) from the narration of Abu Hurairah with the addition "... Even if semen is produced or not."

²³⁸ Reported by Ahmad (5/61), Abu Dawūd (355), al-Tirmidhī (605), al-Nasā'ī (1/109) from the narration of Qays ibn 'Asim.

²³⁹ Reported by al-Bukhārī (1/125) (5/210-214) and Muslim (5/158) from the narration of Abu Hurairah.

propounds that it is not mandatory,²⁴⁰ saying that *ghusl* for a new Muslim is only recommended. They cite that the Prophet $\frac{1}{26}$ did not instruct all of those who embraced Islam to perform *ghusl*, just some of them. His leaving out of instructing some of them is indicative of non-obligation. If *ghusl* was compulsory, he would have ordered everyone who embraced Islam to do so.

"Death": This is the fourth factor that makes *ghusl* mandatory. The dead person is to be bathed. It is an act in line with Islamic law which makes it mandatory. The wisdom behind it is known only to Allah.

"Menstruation": This is the fifth factor. A woman does not perform the *ghusl* until she is free of her menses. Allah says: {And they ask you about menstruation. Say, "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure. And when they have purified themselves, then come to them from where Allah has ordained for you."}²⁴¹ The purification mentioned in this ayah refers to *ghusl*.

"Post-natal bleeding": This is the sixth factor that makes *ghusl* mandatory. It refers to the bleeding caused by childbirth. When the bleeding stops completely, it becomes mandatory for her to perform *ghusl* just as it is mandatory for the menstruating woman.

"Delivery without bleeding is excluded": In the rare case where there is no bleeding during delivery, it is not compulsory for her to perform *ghusl* as there is no reason to do so. However, she must perform *wudhū* as any substance that leaves the privates necessitates *wudhū*.

م^{ين} ومن لزمه الغسل حرم عليه قراءةُ القرآن، ويَعْبُر المسجدَ لحاجةٍ، ولا يَلْبَثُ فيه بغير وضوء

Those who have to take the compulsory bath must not read the Qur'ān. He can pass through the *masjid* if this is needed but should not stay in it without *wudhū*.

"Those who have to take the compulsory bath must not": There are a few

²⁴⁰ See al-Kāfī (1/57) and al-Mabda' (1/183).

²⁴¹ al-Baqarah: 222

things they cannot do:

- 1. Reading the Qur'ān. They should not read from the *mus-haf* or from memory. The Prophet # used to read the Qur'ān at all times except when he was in the state of *janābah*.²⁴² This is proof that the one who is in the state of greater impurity, be it *janābah*, menses or post-natal bleeding, should not read the Qur'ān.
- 2. Staying in the masjid. This was forbidden by the Prophet [#],²⁴³ However, if one who is in the state of greater impurity wants to pass through the masjid, then it is permissible. Sitting in the masjid is forbidden for those in the state of greater impurity. Allah says: {O you who believe! Do not go near prayer when you are intoxicated until you know [well] what you say, nor when you are under an obligation to perform a bath -unless [you are] travelling on the road- until you have washed yourselves.}²⁴⁴ Regarding passing through the masjid, the Prophet [#] told a menstruating 'Aishah, "Get me the prayer mat from the masjid," to which she replied, "I am menstruating." He replied that her menstrual cycles were not in her hands.²⁴⁵ He ordered 'Aishah to pass through his masjid to hand the mat to him. This is evidence to prove that it is permissible for a person in the state of greater impurity to pass through the masjid.

"But should not stay in it without $wudh\bar{u}$ ": If there is a need for one to sit in the *masjid* and stay there for a while, then he must perform $wudh\bar{u}$ before doing so. The $wudh\bar{u}$ serves to lessen the degree of impurity he is in. The Companions of the Prophet \cong used to make $wudh\bar{u}$ and stay in the *masjid* whilst they were in the state of greater impurity.²⁴⁶

²⁴² Reported by Ahmad (1/83, 84, 107, 134), Abu Dawūd (229), al-Tirmidhī (147), al-Nasā'ī (1/144) and Ibn Mājah (594) from the narration of 'Alī.

²⁴³ Reported by Abu Dawūd (232) from the narration of 'Aishah.

²⁴⁴ al-Nisa: 43

²⁴⁵ Reported by Muslim (1/168), Ahmad (6/45, 229), Abu Dawūd (261), al-Tirmidhī (134) and al-Nasā'ī (1/146) from the narration of 'Aishah.

²⁴⁶ Reported by Sa'īd ibn Mansūr in his *Sunan* (246) that 'Atā ibn Yasār said, "I saw a companion of the Prophet sit in the *masjid* while he was in the state of *janābah* after performing the *wudhū* which one does to pray." In another narration, Zayd ibn Aslam said, "The Companions of the Prophet used to sit in the *masjid* and discuss while they were not in possession of *wudhū*. A man among them who was in the state of *janābah* used to join them in their discussions after performing *wudhū*." Reported by Ibn Abī Shaybah in his *Musanaf* (1/135).

ومن غَسل ميتاً، أو أفاق من جنونٍ أو إغماءٍ، بلا حُلم، سُنَّ لـ الغسلُ

متن

متن

Whoever washes the deceased, is relieved of madness or falls totally unconscious (while not ejaculating), it is Sunnah for him to perform *ghusl*.

After having elaborated on the mandatory *ghusl*, the author mentions situations where it is recommended to perform *ghusl*. There are many of these, approximately eighteen situations. The author mentions two here. The rest shall be discussed soon with the will of Allah.

- "Whoever washes the deceased": And who comes into contact with the corpse whilst examining it. It is recommended that they perform *ghusl* after doing so. The Prophet s said, "Whoever washes the corpse, let him perform *ghusl*. Let those who carry it make *wudhū*."²⁴⁷ Those who merely pour water over it are excluded.
- 2. "Is relieved of madness or falls totally unconscious (while not ejaculating)": It is recommended that a person in these two scenarios performs *ghusl*.

A complete *ghusl* comprises of the intention, saying the *basmallah*, washing the palms thrice, washing the stained area and performing the *wudhū*.

Ghusl is divided into two: the complete *ghusl* (al-*ghusl al-kāmil*) and the sufficient *ghusl* (*al-ghusl al-mujza'u*). The former is done for the mandatory and Sunnah reasons whilst the latter is done only for mandatory reasons.

"A complete *ghusl* comprises of the intention": Intention is obligatory as the Prophet said, "Verily deeds are by intention and for every person is what he intended."²⁴⁸ Purification is invalid without an intention as it is an act of worship. All acts of worship can only be valid with intention.

"Saying the basmallah": This is saying "bismillah" as in wudhu.

²⁴⁷ Reported by Ahmad (1/103), (2/280, 433), Abu Dawūd (3161), al-Tirmidhī (993), Ibn Mājah (1463) and Ibn Hibbān (1161) from the narration of Abu Hurairah.

²⁴⁸ Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

"Washing the palms thrice": This action becomes compulsory when one rises from sleeping through the night.

"Washing the stained area": He proceeds to wash the areas stained with semen.

"And perform wudhu": I.e. after istinja', he performs a complete wudhu like that which is done for salāh. The reason this is performed is because he is in a state of both greater and minor impurity. Wudhu cleanses the minor impurity and ghusl cleanses the greater impurity. Therefore he starts with wudhu and proceeds to perform ghusl.

ويَحْثى على رأسه ثلاثاً تُرَوِّيه

He then pours water over his head thrice such that it reaches the scalp.

"He then pours water over his head thrice": After completing the *wudhū*, one proceeds to performing *ghusl* by drawing water with both hands and pouring it over the head completely; repeating it thrice.

"Such that it reaches the scalp": To ensure that the head is completely wet such that even long strands of hairs are soaked in water. The Prophet \cong used to perform it in this manner, drenching his head thrice.²⁴⁹

Women have to do likewise, pouring the water three times and wetting the hair well. However, she is not required to undo the plaits in her hair so as to get her head wet because of *janābah*. She just has to pour water over the plaits as one is in the state of *janābah* very frequently and this will cause unnecessary hardship for her to undo her plaits each time. It is recommended for the menstruating woman or the one whose postnatal bleeding has just stopped to undo the plaits while taking the compulsory *ghusl*.

متن

متن

ويَعُمُّ بدنَه غُسْلاً ثلاثاً، ويدلكه، ويتيامن، ويغسل قدميه مكاناً آخَرَ

He should pour water over his body thrice whilst rubbing it. He should start with the right side of the body first. He should wash his feet in another place.

²⁴⁹ Reported by al-Bukhārī (1/72, 74, 76) and Muslim (1/174) from the narration of 'Aishah.

"He should pour water over his body thrice": No area of the body should be left dry, even the crevices and folds of the body where water might not reach like the armpits, naval and the folds of the elbows. This is to be done thrice, however only the first time is mandatory and the subsequent repetitions are recommended.

"Whilst rubbing it": This is only recommended. What is mandatory is to let the water flow down and soak the whole body.

"He should start with the right side of the body first": This is only recommended. As one starts with the right side of the body before the left during $wudh\bar{u}$, he does so with *ghusl* as well.

"He should wash his feet in another place": I.e. to wash his feet once more when he has moved away from the bath area. This is recommended.

والمُجْزِئُ: أن ينويَ، ثم يُسَمِّي، ويَعُم بدنَه بالغُسْلِ مرةً، ويتوضأ بمُدٍّ، ويغتسل بصاع

متن

[The manner of] sufficient *ghusl*: make the intention, the *basmallab*, wash the whole body once and perform *wudhū* with a *mudd*²⁵⁰ of water and *ghusl* with a *sā* of water.

"Sufficient ghusl": Ghusl meant only for mandatory reasons.

"Make the intention, the *basmallah*": As in the form of *ghusl* mentioned previously.

"To wash the whole body once": There is no repetition.

"To perform wudhu with a mudd of water and ghusl with a sā' of water"²⁵¹: A mudd is a quarter of a sā'. These are the amounts of water with which the Prophet $\frac{1}{2}$ used to do these respective actions. Since the Prophet $\frac{1}{2}$ was the most perfect in terms of purification, we can sum up that these amounts of water are sufficient for cleansing both the minor and greater impurities. The

²⁵⁰ Translator's note: A *mudd* is a quarter of a sa', approximately 18 ounces. Hence a sa' is approximately 72 ounces.

²⁵¹ Reported by Ahmad (6/121), Abu Dawūd (92), al-Nasā'ī (1/179), and Ibn Mājah (268) from the narration of 'Aishah.

Prophet ﷺ never wasted water and forbade its wastage.²⁵²

Wudhū and *ghusl* are acts of worship and there should be no wasting or over-indulgence when performing them. Doing so might lead to doubt and confusion as one wastes water through excessive cleansing of certain parts of the body which leaves little water to cleanse the other parts. This leads to an incomplete purification process and so the impurity remains.

متن

فإن أسبغ بأقلَّ أو نوى بغسله الحدثين أجزأ

It is permissible to attempt the purification with less water than stipulated or to remove both minor and greater impurities with a single *ghusl*.

"It is permissible to attempt the purification with less water": I.e. less than a $s\bar{a}$ for ghusl and less than a mudd for wudh \bar{u} . This is permissible as the Prophet $\frac{1}{2}$ used to perform wudh \bar{u} with two thirds of a mudd.²⁵³ In ghusl the objective is to wet the entire body and in wudh \bar{u} the objective is to wash the specific body parts. Excess water is not a pre-requisite, in fact excess in this matter is forbidden.

This issue is widely ignored in the present era since we have water flowing through the taps into every household. People tend to let the water flow freely whilst performing *wudhū*. However this wastage is not permissible. One should ponder about the exorbitant cost incurred in processing the water that is piped to our houses. This might deter the individual from wasting it and using it on things that are not beneficial.

"Or to remove both minor and greater impurities with a single *ghust*": This is permissible when water is in short supply. He makes an intention to remove both impurities and pours water over his body once. As the Prophet said, "Verily deeds are by intention and for every person is what he intended." If he makes an intention to cleanse himself from both the minor and greater

²⁵² Reported by Ahmad (2/221), Ibn Mājah (425) from the narration of 'Amr ibn 'Ās that the Prophet $\frac{1}{2}$ passed by S'ād while he was performing *wudhū* and said, "What is this wastage O S'ād!" To which S'ād asked, "Is there wastage in performing *wudhū*?" The Prophet replied, "Yes. Even if you were to use the water from a flowing river."

²⁵³ Reported by Abu Dawūd (94), al-Nasā'ī (1/58) and al-Bayhaqī in his *Sunan* (1/196) from the narration of Umm 'Amārah al-Ansāriyyah.

impurities and then pours water over himself or dips into a pool of water with the same intention, it is valid and he attains purification from both impurities.

The sequence of washing the body parts and doing it consecutively which is observed in ablution is done away with. This is because cleansing minor impurities is achieved when a greater impurity is cleansed. There is no sequence of acts which need to be done consecutively when cleansing oneself from the greater impurity.

ويسن لجنُّبٍ غسلُ فرجِه، والوضوءُ: لأكلٍ ونوم ومعاودةِ وطءٍ

متن

It is Sunnah for a person in the state of *janābah* to: wash his privates, and perform *wudhū* before having a meal, before sleeping or before resuming sexual intercourse.

"It is Sunnah for a person in the state of *janābah*": This is if he or she were to delay the *ghusl*.

"Wash his privates, and perform $wudh\bar{u}$ before having a meal, before sleeping": That is if he intends to eat or sleep, it is recommended that he performs *istinja*' and makes $wudh\bar{u}$ first.

"Before resuming sexual intercourse": It is permissible for him to resume intercourse without performing *ghusl* after entering the state of *janābah* as the Prophet \mathfrak{B} used to visit his wives, one after the other during the same night and he performed *ghusl* only once.²⁵⁴ However it is recommended that one performs *wudhū* if he is in the state of *janābah* before resuming intercourse with his wife. It is said that performing *wudhū* gives re-vitality to a person for the resumption.²⁵⁵

²⁵⁴ Reported by Muslim (1/171), Ahmad (3/99, 225), Abu Dawūd (218), al-Tirmidhī (140), al-Nasā'ī (1/143) and Ibn Mājah (588) from the narration of Anas ibn Mālik.

²⁵⁵ Reported by Ibn Hibbān in his *Sahīh* (1211) and Hākim in his *Mustadrak* (1/152) that Abu Sa'īd al-Khudrī narrated that the Prophet said, "If anyone of you wants to resume then let him make *wudhū* for verily it revitalizes him for the resumption."

باب التيمم CHAPTER: TAYAMMUM (DRY ABLUTION)

وهو بَــدَلُ طهـارة الماء

It is a replacement for water in purification.

"Dry ablution": The author now discusses the replacement for water in the purification process, i.e. dust. Allah 36 has made matters easy and has eased the burden of this Ummah by providing an alternative for water to purify oneself. *Tayammum* linguistically means objective.²⁵⁶ The technical definition is to use dust or sand for purification on specific parts of the body in a specific way.²⁵⁷

"It is a replacement for water in purification": I.e. when there is no water available or when one is unable to use it due to illness, or when it is insufficient for both his needs and for the performance of *wudhū*. Allah says: {And if you are sick, or on a journey, or one of you comes from the privy or you have touched the women, and you cannot find water, betake yourselves to pure earth, then wipe your faces and your hands.}²⁵⁸

This is a special characteristic of this Ummah as the Prophet \mathbb{Z} said, "I was given five things that were not given to any prophet before me: I was aided with fear struck into the hearts of my enemy the distance of a month's journey, the earth has been made a place for prostration and purification, it is permissible for me to take war booty and it was not permissible for anyone before me. I

متن

²⁵⁶ See al-Sihāh by al-Jawharī (5/2064).

²⁵⁷ See *al-Mutla*' (33) and *al-Dar al-Naqī* (1/112). See also *al-Iqnā*' by al-Hajjāwī (1/77). 258 al-Nisa: 43

was given the intercession and the prophets were sent only to their own people whilst I have been sent to all of mankind."²⁵⁹ These are just a few of the many specialties of the Prophet **ﷺ**.

The following hadīth highlights the topic in discussion: "... And the earth has been made for me a place of prostration and purification. So when the time for prayer approaches, the servant has his place of prostration and purification wherever he may be."²⁶⁰

إذا دخل وقتُ فريضة، أو أُبيحتْ نافلةٌ، وعَدِمَ الماء، أو زاد على ثمنه كثيراً، أو بثمن يُعْجِزُه متن

When it is time for the obligatory prayer or when it is the permitted time for optional prayers and it happens that there is no water or it is sold at an exorbitant price and he is unable to afford it.

Dry ablution (tayammum) has conditions:

First: "When it is time for the obligatory prayer": That is, the time for that particular prayer is due and he is about to pray. Allah says: **{O you who be-**lieve! When you rise up to prayer, wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles; and if you are under an obligation to perform a total ablution, then wash [yourselves] and if you are sick or on a journey, or one of you come from the privy, or you have touched the women, and you cannot find water, betake yourselves to pure earth.}²⁶¹

"When it is the permitted time for optional prayers": I.e. when the time periods in which prayers are prohibited cease. Apart from the five periods when prayers are prohibited, one can make *tayammum* to perform the optional prayers.

Second: "When it is the permitted time for optional prayers and it happens

260 Reported by Ahmad (5/248) from the narration of Abu Umāmah.

261 Al-Mā'idah: 6

²⁵⁹ Reported by al-Bukhārī (1/91) and Muslim (2/763) from the narration of Jābir ibn 'Abdullah.

that there is no water": If there is water and he is able to use it, then he cannot perform *tayammum*. This is because *tayammum* is a replacement when water is not available.

"Or it is sold at an exorbitant price and he is unable to afford it": I.e. there is water but he has no access to it as it too expensive and he has insufficient money to purchase it. Therefore *tayammum* becomes permissible for him. He does not need to borrow money to buy it.

If however water is sold at a normal and established price and he can afford it, he must do so and use water to perform *wudhū*. *Tayammum* becomes impermissible for him in this case. Since performing *wudhū* is *wājib*, that which is required for it to be performed is also *wājib*, so he must purchase the water.

أو خاف باستعهاله أو طَلَبِه ضررَ بدنِه أو حُرْمَتِه أو مَالِه بعطشٍ أو مرضٍ أو هلاكٍ ونحوه شُرع التيمُّمُ متن

Or he fears that bodily harm, thirst or death may afflict him or his companion and that it will be detrimental to his sanctity or property if he used it or went in search of it. In this case it is permissible for him to make *tayammum*.

Third: "Or he fears that bodily harm, thirst or death may afflict him or his companion and that it will be detrimental to his sanctity or property if he used it or went in search of it. In this case it is permissible for him to make *tayammum*": If water is available but, for example, he fears that his life and property will perish as a result of searching for water, the weather condition was extremely cold (i.e. it may be that he does not have a heating system to warm the water so as to use it), or he is already ill and using water might deteriorate his condition if he used it to make *wudhū*. In these scenarios, *tayammum* is allowed as these are valid excuses.

The evidence for this is in the incident where 'Amr ibn al-'Ās was sent by the Prophet $\frac{1}{26}$ to lead a battalion in a war. He had a wet dream and the conditions were bitterly cold. 'Amr feared that using water would place him in peril and so he performed *tayammum* instead. When this news reached the Prophet $\frac{1}{26}$, he did not censure 'Amr's action.²⁶² This is tantamount to endorsement and so on

²⁶² Reported by Ahmad (4/203), Abu Dawūd (334) narrated by 'Amr ibn 'Ås who said, "He asked me 'O 'Amr! You prayed with your companions while you were in the state of *janābah*?'So

a cold bitter day, one can resort to making *tayammum* if he does not have any appliance to heat up the water. Similarly, the ill person can resort to *tayammum* if his illness may be exacerbated by use of water for purification purposes as Allah \mathfrak{B} says: {... And if you are ill.}²⁶³

If a person has in his possession water that is only enough for his basic needs such as drinking and cooking, he can choose to perform *tayammum* as his basic needs are more crucial than using the scarce water for purification. This concession is a mercy from Allah 38. When Allah mentions this mercy from Him, He says: **{Allah does not desire to put on you any difficulty, but He wishes to purify you and that He may complete His favour on you, so that you may be grateful.**}²⁶⁴And there is no hardship in Islam *alhamdulillāb*. If there arises forth any predicament in practicing it, there surely will exist a concession or alternative that will undo it.

مين ومن وجد ماءً يكفي بعض طُهْرِه تيمم بعد استعماله، ومن جُرح تيمَّمَ لـه وغسل الباقي

Whoever has water sufficient only to wash some of the body parts, he must make *tayammum* after using the water. The wounded can make *tayammum* on the injured area and wash the parts that are not affected.

"Whoever has water sufficient only to wash some of the body parts": For example, he has water enough to wash only his face or his face and hands but not enough to wash his feet.

"He must make *tayammum* after using the water": He washes whatever parts of the body he can and then makes *tayammum* on the parts that he has not washed. Allah says: {Therefore be careful of [your duty to] Allah as much as you can.}²⁶⁵

"The wounded can make *tayammum* on the injured area and wash the parts that are not affected": If the wounded person fears that using water upon the

I explained to him what prohibited me from making *ghusl* and mentioned the ayah {... And do not kill yourselves. Verily Allah is ever to you merciful.} [al-Nisā: 29] The Prophet **z** laughed and did not say anything."

²⁶³ Al-Mā'idah: 6

²⁶⁴ Al-Mā'idah: 6

²⁶⁵ Al-Taghabun: 16

injured area might be detrimental to his health, then he can wipe on the bandaging or dressing covering the wound. He has to wash the areas just below the injury. However if there is no bandaging or dressing, he can perform *tayammum* upon the affected areas and wash the other body parts as usual.

متن

متن

ويجب طلبُ الماء في رَحْلِه وقربه وبدلالة

It is mandatory that a person search for water within his house, or its surroundings, or should seek help from someone who can guide him to it.

"It is mandatory that a person search for water within his house": He should put forth efforts to locate water so as to perform *wudhū* or *ghusl*. He should not rush into performing *tayammum* without exhausting all means of securing water. Perhaps there is a well or river nearby or he may find people living in the vicinity who might guide him to water or share what they have. If he does not put forth effort, these sources might be unknown to him. Since *tayammum* cannot be justified when water is accessible, one needs to search for water to ensure this condition is established. Acts of worship do need a certain level of preparation and effort.

"Or its surroundings": I.e. the area around him or his abode. However it does not mean that one has to search far and wide for water.

"Someone who can guide": If he comes across someone who can give him the directions to the nearest source of water, then it is incumbent upon him to search for it at the place mentioned by the guide.

فإن نَسي قُدْرَتَه عليه وتيمم أَعَادَ، وإن نوى بتيممه أحداثاً

If he forgets that he has access to water and performs *tayammum*, he must repeat his prayer. If he intends to remove a number of impurities with his *tayammum*, it is permissible.

"If he forgets that he has access to water and performs *tayammum*, he must repeat his prayer": If he hastily makes *tayammum* without searching for water in the manner mentioned in the previous point [of the *matn* (text)] or he forgets that he had water in his possession and later realises his mistake, he must repeat his prayer as the one who performs the prayer with just the *tay*- *ammum* in these circumstances, his prayer is invalid. This is because negligence and forgetfulness do not absolve mandatory acts. Verily forgetfulness can only spare the person of the sin of not having done a mandatory act or having done prohibited actions.

"If he intends to remove a number of impurities with his *tayammum*": If one is affected by many impurities and he makes an intention to perform *tayammum* to remove just one of them, then he is cleansed of all the impurities. However, if he intends to remove one of the impurities and does not want the rest of them to be cleansed, then only that which was intended is purified. The Prophet $\frac{1}{28}$ said, "Verily deeds are by intention and for every person is what he intended."²⁶⁶

أو نجاسة على بدنه تضره إزالتها ، أو عَدِمَ ما يزيلها، أو خاف برداً، أو حبس في مصر . in فتيمم، أو عَدِمَ الماء والترابَ صلى ولم يُعِد

If the removal of *najāsab* from his body might harm him, there is a lack of the [substance that could] remove stains, he fears the cold, he is confined to a place where there is a lack of water and sand, then he can pray and need not repeat his prayer.

"If the removal of *najāsah* from his body might harm him, there is a lack of the [substance that could] remove stains": It is a must that impurities be washed from a person's body before he prays. However, if there is harm that would come from washing e.g. it is detrimental to one's health or there is a lack of substances that will remove the stains, then he performs *tayammum* as what is mentioned here.²⁶⁷

The correct view is that *tayammum* cannot be performed for impurities on the body²⁶⁸ or if they are on the clothes. It is mandatory to wash the impurities if possible. If not, then he should try to change into fresh, clean clothes. If even

²⁶⁶ Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of Umar ibn al-Khattāb.

²⁶⁷ See al-Iqna' by al-Hajjawi (1/81-82).

²⁶⁸ It is mentioned in *al-Insāf* "This is an exceptional view. He has also said that *tayammum* is insufficient. See also *al-Fā'iq'* by Ibn Qādhī al-Jabal who mentions that *tayammum* is not allowed if the body is stained by impurities. Shaykh ibn Taymiyyah supports his view and this view is preferred by him."

this is not possible then he can pray in his present condition.

"He fears the cold": He is allowed to make *tayammum* in this scenario as in the story of 'Amr ibn al 'Ās \neq .

"He is confined to a place": He is confined to a place and is not given access to water. In this case he can perform *tayammum* and pray. Allah 363 says, {Therefore be careful of [your duty to] Allah as much as you can.}²⁶⁹

"Where there is a lack of water and sand, then he can pray and need not repeat his prayer": In this situation, he can pray without *wudhū*. He only has to make *tayammum* and does not have to repeat the prayer [upon water becoming available] as Allah says: {**Therefore be careful of [your duty to]** Allah as much as you can.}²⁷⁰ This is because the individual in this scenario is not able to do anything more than that mentioned, given the circumstances.

The above scenario clearly indicates that the performance of prayer can never be excused. It is always binding upon people as long as he is of sound mind. So whatever situation he is forced into, he should still perform the prayer.

متن

ويجب التيمم بتراب طهور لـه غبار

It is mandatory to use clean earth which is dust-like."

"It is mandatory to use clean earth": Allah ﷺ says: **{Betake yourselves to pure earth.}**²⁷¹ "*Al-Sa'īd*" in this ayah refers to dust that lies upon the surface of the earth or dust blown in that rests on a surface.²⁷² The Prophet ﷺ said: "The earth has been made a place of prostration and purification for me."²⁷³ This means that the whole earth is a source of making *tayammum*, i.e. its sand, dust and other substances like them.²⁷⁴

²⁶⁹ Al-Taghābun: 16

²⁷⁰ Al-Taghābun: 16

²⁷¹ Al-Mā'idah: 6

²⁷² See al-Dar al-Naqī (1/117) and al-Misbāh al-Munīr (463).

²⁷³ Reported by al-Bukhārī (1/91), Muslim (2/63) from the hadīth of Jābir ibn 'Abdullah.

²⁷⁴ This statement is preferred by Shaykh al-Islam ibn Taymiyyah. However he lays a condition that using other than sand and dust occurs only when these are not available. See *al-Ikhtiyarāt al-Fiqhiyyah* (p. 20).

It is more correct to say that the whole earth is a source of making *tayammum* so long as the substance used is clean. Some scholars²⁷⁵, like the author of this treatise, restrict *tayammum* to only earth. The former view is correct as evidenced by the act of the Prophet # and his Companions who travelled from Madīnah in the battle of Tabūk and, when just a few days journey away from Tabūk, they came upon a place covered in sand. There they made *tayammum* with it for they did not carry dust from the earth with them. This indicates that the concession is flexible *alhamdulillāh*.

"Clean (i.e. *tahūr*)": It is a condition that the dust used for *tayammum* is pure and clean. If it is tainted with *najāsah*, it cannot be used for *tayammum*. If one comes across a place clean enough to pray in, then he can make *tayammum* at the very spot and proceed to pray. Verily the Prophet has said, "Wherever a person may be when the time for prayer approaches, let him pray there."²⁷⁶

"Which is dust-like": One can perform *tayammum* with clean dust found upon the surface of the earth, be it sand, soil or stones and rocks that are covered with dust. He can also use the dust covering the walls or the mats and carpets. As mentioned, the possibilities are many *alhamdulillah*.

وفروضه: مسح وجهه ويديه إلى كوعيه، و كذا الترتيب، والموالاة في حدث أصغر

متن

The obligatory areas to wipe are the face and the hands to the wrist bone. This is the sequence that should be done consecutively in the case of minor impurities.

"The obligatory areas to wipe are the face and the hands to the wrist bone": Allah says: **{Wipe your face and hands with it.}**²⁷⁷ Hands here refer to the hands up to the wrist only.

"This is the sequence": As mentioned in the above ayah, Allah 38 starts the sequence with the face followed by the hands. When the Prophet taught the people to make *tayammum*, he struck his hands upon the ground and wiped

276 Reported by al-Bukhārī (1/91) and Muslim (2/63) from the hadīth of Jābir. 277 Al-Mā'idah: 6

²⁷⁵ It is mentioned in *al-Insāf*, "This is the *madhab* (Hanbalī). Most of its scholars were of this view." (1/284). See also *al-Mustaw'ib* (1/75), *al-Muqni'* (1/74), *al-Muharar* (1/22) and *al-Ri'āyah al-Sughrā'* (1/52).

A Commentary on Zād al-Mustaqni

them upon his face and then he wiped both the inner and outer palm.²⁷⁸

"Consecutively": Without delay between the two actions. The Prophet taught us to wipe the face and immediately wipe the hands.

"In the case of minor impurities": The sequence as well as doing the actions consecutively are conditions of *tayammum* to cleanse oneself of minor impurity. However this does not apply for greater impurities.

وتشترط النية لما يتيمم لـه من حدث أو غيره، فإن نوى أحدهما لم يجزئه عن الآخر، وإن من نوى نفلاً أو أطلق لم يُصَلِّ به فرضاً، وإن نواه صلَّى كل وقته فروضاً ونوافل

Making the intention is a pre-requisite of *tayammum* whether its [performance is] because of impurities or for other reasons. If intention is made for one reason, it cannot be valid for the other reason. If *tayammum* is intended for a *nafl* act, then it cannot suffice for the obligatory acts. If obligatory prayer is intended, it can be applicable to all prayers during the time.

"Making the intention is a pre-requisite": I.e. it is a pre-requisite for the validity of *tayammum*. The Prophet \cong said, "Verily deeds are by intention and for every person is what he intended."²⁷⁹ *Tahārah* is an act of worship, regardless whether the element used is water or dust. Thus it necessitates an intention. *Tayammum* performed without an intention is not valid.

"Whether its [performance is] because of impurities or for other reasons. If intention is made for one reason, it cannot be valid for the other reason": Tayammum can be wajib on the individual for three reasons: major impurity, minor impurity and impurity on the body. One can intend with his tayammum to lift each of these as in the hadīth, "Verily deeds are by intention and for every person is what he intended." However if he intends one of these then it does not cover the others as they were not included in the intention.

Similarly, intentions need to be specific. One has to have an intention regarding whether an act he is about to do is a *nafl* (optional) act or a *fard* (obliga-

²⁷⁸ Reported by al-Bukhārī (1/92-93) and Muslim (1/193) from the narration of 'Ammār ibn Yāsir.

²⁷⁹ Reported by al-Bukhārī (1/2,21) (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb

tory) one. If he intends (e.g. with his $wudh\bar{u}$) an obligatory prayer and does an optional prayer, it is allowed as optional prayers are lesser in degree when compared to obligatory prayers and so it is a subset of the latter. However, if he intends with his *tayammum* an optional prayer and decides to pray an obligatory one, it becomes null and void as the optional prayers are lesser in degree when compared to the latter. This view is based upon the fact that *tayammum* validates the prayer and is not a means of purification. This is the view expressed in the Hanbalī *madhab*.²⁸⁰ Therefore it is a must that a person intends what he wishes to achieve with his *tayammum*. It then validates whatever prayers that are equivalent to or lesser in degree but not that which is higher in degree.

Another view propounds that *tayammum* is a means of purification.²⁸¹ It states that *tayammum* cleanses impurities just like water. This is the correct view. Hence, the issue of the performance of *tayammum* intended for a *nafl* prayer not being suitable for an obligatory prayer becomes redundant.

"If *tayammum* is intended for a *nafl* act, then it cannot suffice for the obligatory acts": This is based on the first view regarding *tayyamum* discussed above, that it is a means to allow the prayer.

"If obligatory prayer is intended, it can be applicable to all prayers": If an obligatory act is intended, it can validate optional prayers too. This is because an intention to perform an obligatory prayer is higher in degree than an intention to perform an optional prayer. So with just one *tayammum*, one can pray both obligatory and optional prayers until the time for the next prayer.

Tayammum becomes invalid when the time period for the prayer ends, by the invalidators of *wudhū* and by the emergence of the availability of water - even when one is in the midst of prayer, but not after it.

"Tayammum becomes invalid": Due to three factors:

²⁸⁰ See al-Kāfī' (1/64).

²⁸¹ This is the *madhab* of Abu Hanīfah and a view of Ahmad. This was also the chosen opinion of Ibn Taymiyyah (see *al-Ikhtiyārāt al-Fiqhiyyab*, p. 22).

A Commentary on Zād al-Mustaqni

- 1. The time period for a particular prayer ends: this is if one assumes that *tay-ammum* validates a prayer but is not a means of purification. If he assumes the latter, then prayer timings do not affect *tayammum*.
- 2. Invalidators of *wudhū* also invalidate *tayammum*. There is no dispute regarding this.
- 3. Availability of water, there is no difference in opinion regarding this as tayammum is a replacement for performing wudhū using water. Allah says: {... And [if] you cannot find water, betake yourselves to pure earth.}²⁸² The Prophet ﷺ said, "The clean dust of the earth purifies a Muslim even if water is unavailable for ten years. When he does find water, let him fear Allah and wipe his body with it."²⁸³ This is if he finds water before praying. If he does find water but it was found after the prayer was concluded, the prayer is valid. However, the following prayers require wudhū. Furthermore, if water becomes available whilst one is still praying, there are differences of opinion as to whether his prayer is valid or not. According to the Hanbalī madhab this invalidates the prayer.²⁸⁴ According to this view, the individual should cease praying, perform wudhū and repeat the prayer from the beginning. Another view is that this particular prayer is valid so long as the water was unavailable to him at the moment he started praying.²⁸⁵ This is the correct view.

والتيمُّم آخر الوقت لراجي الماء أولى. وصفته: أن ينوي، ثم يسمي، ويضرب التراب بيديه مُفَرَّجَتَي الأصابع، ويمسح وجهه بباطنهما وكفيه بِراحَتَيْه ويُخَلِّل أصابِعَه متن

It is best to delay *tayammum* until the final moments of the prayer time in the hope that water might become available. The description of *tayammum*: make the intention, saying the *basmallab*, to strike the dust with both palms with the fingers spread, wipe the face with the fingers and the hands with the inner palms; intertwining fingers to wipe in between them.

"It is best to delay *tayammum* until the final moments of the prayer time in the hope that water might become available": Those without access to water

²⁸² Al-Mā'idah: 6

²⁸³ Reported by Ahmad (5/155), Abu Dawūd (332), al-Tirmidhī (124) and al-Nasā'ī (1/171) from the narration of Abī Dhar.

²⁸⁴ See *al-Furū*' by Ibn Muflih (1/233).

²⁸⁵ See al-Insāf (1/298-299).

should do so hoping to perform the prayer with *wudhū*. However, it cannot be delayed until after the specific time for the prayer. However if one prays without any delay his prayer is still valid.

"The description of *tayammum*: make the intention, say the *basmallah*": As we have mentioned before, intention (*niyyah*) is ordained as the Prophet $\frac{1}{2}$ said, "Verily actions are by intentions." It is a must that the *niyyah* is made before commencing. Then he says "*bismillah*" as in *wudhū* since *tayammum* is its replacement.

"To strike the dust": If he were to just place his hands on the dust without striking it, *tayammum* becomes invalid for the Prophet $\frac{1}{28}$ struck the dust with his hands when teaching his companion how to perform *tayammum*. He said, "It is sufficient that you do like this:" and he proceeded to wipe his face with both his palms and then his hands to the wrist.²⁸⁶

"With the fingers spread": So that dust particles can reach in between the fingers. The dust sticking to the palm is distributed equally to the face and hands while wiping.

"Wipe the face with the fingers and the hands with the inner palms": This is the recommended method.²⁸⁷ However, one can choose to make two strikes of the earth to perform *tayammum*, one for the face and the other for the hands. This method has also been recorded.²⁸⁸ What is more authentic is a single strike of the earth divided between the face and hands.

"Intertwining fingers to wipe in between them": To allow the dust to reach between the folds of the fingers.

²⁸⁶ Reported by al-Bukhārī (1/92, 93) and Muslim (1/193) from the narration of 'Ammār ibn Yāsir.

²⁸⁷ See al-Ikhtiyārāt al-Fiqhiyyah (p. 21).

²⁸⁸ Reported by al-Darāqutnī (1/180), al-Hākim (1/179), al-Bayhaqī (1/207) from the narration of 'Alī ibn Dhibyān who narrated from 'Abdullah ibn 'Amr, who heard from Nafi', who heard from Ibn 'Umar that the Prophet \mathbb{Z} said, "*Tayammum* is two strikes, a strike for the face and a strike for the two hands till the elbow." However 'Alī ibn Dhibyān is considered a weak narrator by many. Refer to *al-Talkhīs al-Habīr* (1/267).

بساب إزالسة النجاسسة CHAPTER: REMOVAL OF IMPURITIES

"Removal of impurities": After having explained the rules of purification from impurities (*hadath*), the author shifts our attention to ways of cleansing ourselves of filth (*najasāh*).

Najāsah is of three types:

The first type: Spiritual *najāsah*. This is the impurity of *shirk* (associating partners with Allah).²⁸⁹ Allah ﷺ says: **{Verily the** *musbrikīn* are unclean.}²⁹⁰One must pronounce the *shahādah* saying, "*Lā ilāha illallah wa anna Muhammadan rasūlullāh*" to remove this impurity.

The polytheists and those who disbelieve shall not be free of *shirk* and disbelief until they accept the oneness of Allah (*tawhīd*) and profess Islam. Until then they are unclean spiritually so long as they disbelieve. Their bodies are pure and their perspiration is pure. Their touch and what they produce are all clean and pure. The physical bodies of all men and women are pure.

The second type: Inherent $naj\bar{a}sah$.²⁹¹ This type of $naj\bar{a}sah$ can never be removed. Examples would be a dog or a pig, these were created impure.

The third type: Effective najāsah.²⁹² This refers to impurities staining a clean

289 See Majmū' al-Fatāwā (21/67).
290 Al-Tawbah: 28
291 See al-Iqnā' (1/89).
292 Ibid.

place. This type of *najāsah* can be removed with water. These can be classified into four kinds:

- 1. Deep *najāsah*: The impurity caused by the dog and pig. It must be washed seven times, one of which using earth. More elaboration will follow later on.
- 2. Weak *najāsah*: It is sufficient for a person to sprinkle the impurity with water and this will be explained soon. This is the impurity caused by a baby boy who has not started on solid foods. Another example would be pre-seminal fluid.
- 3. *Najāsah* that is between deep and simple: This refers to all of the rest of the impurities such as the *najāsah* of urine, excretion and blood.
- 4. The pardoned *najāsah*: For example, specks of blood and traces of impurities upon the body after performing *istijmār* (cleansing with stones).

This is an overview of the categories of *najāsah*. They will be delved into deeply in this chapter.

يُجزئ في غَسْل النجاسات كلُّها إذا كانت على الأرض غَسلةٌ واحدةٌ تذهب بعين النجاسة

متن

٠

All impurities can be removed through washing. Any impurity upon the ground can be removed if washed once provided that traces of it disappear thereafter.

The impurities are of two types:

The first type: That which is intrinsic to the surface of the earth or connected to it, like basins reinforced into the ground and small pools of water.

"Any impurity upon the ground can be removed if washed once provided that traces of it disappear thereafter": Impurities found upon or connected to earthen ground and other similar surfaces can be removed by pouring over a generous amount of water. It was observed that when a Bedouin urinated in the *masjid*, the Prophet $\frac{1}{26}$ forbade his Companions from disturbing the Bedouin until he had finished urinating. He $\frac{1}{26}$ then ordered that a pitcher of water be poured over the area where the ground was stained. He then advised the Bedouin saying: **{Verily this** *masjid* **was not built for this purpose [of**

urinating]. It was built for the remembrance of Allah and prayers.}²⁹³ Not only did the Prophet $\frac{1}{28}$ teach the Bedouin in a gentle and kind way, he had the stains removed and forbade his Companions from harming the ignorant.

<u>The second type</u>: Impurities that are not intrinsic to the surface. Examples include impurities staining the clothes, body and utensils. More details per-taining to cleansing these shall follow.

And on others: they are washed seven times, one of which is with dust if the impurity is due to the dog or pig. The *ushnān* plant and its like can be used as an alternative for dust.

"And on others: they are washed seven times, one of which is with dust if the impurity is due to the dog or pig": If the *najāsah* is on other than the earth and if it is a deep *najāsah* such as the *najāsah* of the dog or pig, it is cleansed by washing it seven times. One of the seven should be with dust. It is better to wash the first time with dust as the Prophet $\frac{1}{28}$ said, "If a dog licks the utensil belonging to one of you, wash it seven times, the first one with dust," in another narration, "One of them using dust," in yet another hadīth, "The last time using dust," and in another narration, "Cover it the eighth time with dust."²⁹⁴

If dust is applied the first time, last time or one of the middle rounds of cleaning, it is permissible. However, it is best if it is used on the first round as the narration that mentions it is most authentic. Two cleansing agents i.e. water

²⁹³ Reported by al-Bukhārī (1/65) and Muslim (1/163) from the narration of Anas.

²⁹⁴ Reported by al-Bukhārī (1/54) and Muslim (1/161) from the narration of Abu Hurairah that the Prophet \approx said, "If a dog drinks from one of your utensils, let him wash it seven times." Muslim reported (1/162) the *hadīth marfū*' of Abu Hurairah that he said, "The utensil of one of you is pure if a dog licks it as long as it is washed seven times, the first time with dust." Ishāq ibn Rāhaway in his *Musnad* (1/121) and al-Nasā'ī in *al-Kubrā* (69) from the *marfū*' narration of Abu Hurairah that the Prophet said, "If a dog licks one of your utensils, let him wash it seven times, one of it in dust." Al-Tirmidhī (91) reported the narration of Abu Hurairah, "If a dog licks one of your utensils, let him wash it seven times, the first or the last one using dust." Muslim reported (1/162) from the *marfu*' narration of 'Abullah ibn Mughafal that the Prophet said, "If a dog licks one of your utensils, let him wash it seven times, the first or the last one using dust."

and dust are combined to remove the deep najāsah.

"The *ushnān* plant and its like can be used as an alternative for dust": *Ushnān* is a plant used as a cleansing agent after it is crushed. It is better than soap made of lote-tree leaves or marshmallow (the plant called Althaea Officinalis) and their derivatives.

The correct view is nothing²⁹⁵ can replace dust as it has cleansing properties not found in other substances. It is second only to water as a cleansing agent.

وفي نجاسة غيرهما سَبْعٌ بلا تراب

متن

And the najāsah other than these two: wash it seven times without dust.

"And the *najāsah* other than these two: wash it seven times without dust": This is the moderate type of *najāsah* which includes urine, excretion and blood. It is sufficient that one washes it away until all traces disappear. The *madhab* of Imām Ahmed ibn Hanbal states that it must be washed seven times²⁹⁶ as mentioned here. However, there is no evidence for this except the saying of Ibn 'Umar *, "We were commanded to wash *najāsah* seven times."²⁹⁷

The claim is that if a companion of the Prophet said, "We were commanded", it assumes the status of $marf\ddot{u}$,²⁹⁸ indicating that the Prophet $\frac{1}{8}$ did indeed command that. However, these words are not proven to be from Ibn 'Umar. It would be held as a *marfu*' narration if it really was Ibn 'Umar's speech [and would thus be considered to be an order from the Prophet $\frac{1}{8}$]. However, the correct opinion is that *najāsah* is washed until it is removed without leaving any traces of colour, smell or taste. It is not restricted to a certain number of washings.²⁹⁹ The Prophet $\frac{1}{8}$ was asked about the menstrual blood staining a shirt. He replied, "Scratch at the stain and rub it with water and then wash

²⁹⁵ It is mentioned in *al-Insāf*, "It is correct according to the *madhab* (Hanbalī) that the use of dust is a condition without doubt to cleanse the impurities of the dog and the pig." (1/310) 296 See *al-Muqni*' (1/82).

²⁹⁷ Ibn Qudāmah relates this in his book al-Mughni' (1/75).

²⁹⁸ Editor's note: *Marfu*' refers to a narration raised to the Prophet **ﷺ**. See A Commentary on the Poem al-Baqyuniyyah by Shaykh ibn al-Uthaymīn (Dar al-Arqam, 2016).

²⁹⁹ It is mentioned in *al-Insāf* that Ibn Qudāmah and Shaykh Taqī al-Dīn chose this view (1/313).

A Commentary on Zād al-Mustaqni

it with water again."³⁰⁰ Washing it seven times was not specified. In fact the command was to remove the *najāsah*. This was the objective no matter how many times it was washed and this is the correct view.

متن

ولا يَطْهُر متنجسٌ بشمسٍ ولا ريحٍ ولا دَلْكٍ

The stained area will not be purified by drying in the sun, by blowing it or rubbing it.

Najāsah is only removed by water for Allah 35 has made water pure. He says: {... And sent down upon you water from the clouds [so] that He might thereby purify you.}³⁰¹ And: {And We send down pure water from the clouds.}³⁰² It was elaborated upon earlier that impurity cannot be lifted and *najāsah* that stains a clean surface cannot be removed except with water.

Hence it will not be removed by drying in the sun even if the stain seems to have disappeared after it dries.

Similarly, if one was to blow the stain and all traces are removed, this is not sufficient.

Rubbing the *najāsah* until it is removed is likewise unacceptable. For example, if a shoe or *khuff* is stained with *najāsah*, one cannot simply rub it upon the ground and assume it is clean again. This is the view of some scholars³⁰³ while others dispute it. The other view is that the stained area is considered clean if all traces of *najāsah* are successfully removed³⁰⁴ by any means, be it with water, wind, sun or by rubbing. The primary objective is to remove the *najāsah*. When the *najāsah* is removed one way or the other, the stained area becomes clean, that is, it returns to its original state of purity.

The Prophet 28 was asked about the cleanliness of the hem of clothes (worn

³⁰⁰ Reported by al-Bukhārī (1/66) and Muslim (1/166) from the narration of Asmā bint Ābī Bakr.

³⁰¹ Al-Anfāl: 11

³⁰² Al-Furqān:48

³⁰³ See al-Mustaw'ab (1/92).

³⁰⁴ A view chosen by al-Majd in his commentary and the author of al-Hawi al-Kabir and al-Fa'iq. Shaykh Taqī al-Dīn and others also prefer this view. See al-Insaf (1/317).

by women) which were dragged upon the ground. He replied: "That (i.e. the ground) which follows it cleanses it."³⁰⁵ The Prophet explained that if the hem of the clothes were to come into contact with *najāsah* at one point, the clean ground that the person covers along the way will cleanse the *najāsah* that is on the hem of the clothes. This is evidence that *najāsah* can be removed without water, it can be removed by drying it in the sun, letting it be blown by the wind and passing it through clean ground or by rubbing it.

ولا استحالةٍ غيرَ الْحُمْرة

متن

And there is no transformation except for *al-khamr*.

"And there is no transformation": Transformation here refers to an alteration of the properties of an object. For example, if *najāsah* is thrown into fire and it gives off smoke, changing into ash. This ash is considered *najāsah* too given the fact that the origin of it was *najāsah*. Another view is that transformation (*istihāla*) of the properties affects purity in a manner where a *najāsah* can become pure.³⁰⁶ If transformed into ash, a *najāsah* becomes pure. Another example would be a *najāsah* being mixed with fertilizer or nutrients for the tree which then transforms into fruits or vegetable. These fruits and vegetable are all pure and can be eaten.

"Except for *al-khamr*": *Khamr* is any intoxicant. All intoxicants are *najis* as Allah # says: **{O you who believe! Intoxicants and games of chance and [sacrificing to] stones set up and [dividing by] arrows are only an uncleanness, the Shaytān's work; shun it therefore that you may be successful.}³⁰⁷ Allah terms intoxicants as "***rijz***" which means impurity or uncleanness. He also says, "Shun it", ordering us to steer far away from intoxicants. This is yet another proof that it is** *najis***. If however it loses its strength and intoxicating effect and becomes vinegar once again then it is pure. This is if the transformation was unaided.**

³⁰⁵ Reported by Ahmad (6/290), Abu Dawūd (383), al-Tirmidhī (143) and Ibn Mājah (531) that a woman asked Umm Salamah, the wife of the Prophet, "Verily I wear clothes with the hem so long that it drags on the ground when I go to relief myself." Umm Salamah replied, the Prophet **%** said, "The ground which follows it cleanses it."

³⁰⁶ This is the *madhab* of Abu Hanīfah. Shaykh al-Islam ibn Taymiyyah chose this view. See *Majmū' al-Fatāwā* (21/479).

³⁰⁷ Al-Mā'idah: 90

فإِن خُلِّلتْ أو تنجَّس دُهْنٌ مائع لم يَطْهُر، وإن خفي موضعُ نجاسةٍ من الثوب أو غيره متن غُسِلَ حتى يَجْزِم بزواله

If intoxicants are left to ferment and if liquid clarified butter becomes mixed with *najāsah*, it is contaminated. If an area stained by *najāsah* is hidden from view, then it must be washed until one can assume that it has been removed.

"If intoxicants are left to ferment": I.e. if it ferments until it becomes vinegar, it does not become $t\bar{a}hir$ (clean)-according to the correct view.³⁰⁸ The fermenting process is lengthy which means that intoxicants are kept in one's possession for the whole period. This is unbecoming. One should dispose of it immediately without delay. The Prophet $\frac{1}{26}$ was asked about the permissibility of fermenting intoxicants to produce vinegar to which he replied, "No"³⁰⁹ and ordered that it be disposed of.

"If liquid clarified butter becomes mixed with *najāsah*, it is contaminated": Clarified butter can be either solid or liquid. The former absorbs najāsah where it is stained, thus containing it in that spot only. The rest of it is not contaminated and can be used. However, the liquid type, when mixed with najāsah becomes wholly contaminated. Therefore it should be poured away as najāsah. The Prophet 38 said, "If a rat were to fall into clarified butter which is solid, then throw away that portion and what is around it and use the remainder. If it fell into liquid clarified butter, then do not use it at all."³¹⁰ Therefore the scholars distinguish between solid and liquid clarified butter with regards to its usage based upon this hadith. However it is said that the last part of the hadīth, "If it fell into liquid clarified butter, then do not use it at all," is not proven correct.³¹¹ The earlier part of the hadīth is authentic. His saying, "Then throw away that portion and what is around it," encompasses both the solid and liquid state. If a rat or najāsah falls into either liquid or solid clarified butter, it along with the surrounding portions should be removed. This is the correct view.

³⁰⁸ See al-Insāf (1/318-319).

³⁰⁹ Reported by Muslim (6/89), Ahmad (3/119, 180), Abu Dawūd (3675) and al-Tirmidhī (1294) from the narration of Anas ibn Mālik.

³¹⁰ Reported by Ahmad (2/232) and Abu Dawūd (3842) from the hadīth of Abu Hurairah.

³¹¹ Ibn al-Qayyim said in *al-Tahdhib al-Sunan* (5/336 and 337), "The hadith about the rat falling into clarified butter is disputed by the scholars regarding its chain of narrators and the hadith itself."

"If an area stained by *najāsah* is hidden from view": I.e. if a person is sure that there is *najāsah* on his clothes for example but cannot pinpoint the location. In this situation he must wash the clothes in the area he assumes the *najāsah* could be located until he is certain it has been removed. This is also the case for stained carpets. As for *najāsah* on the ground, it depends whether it is a contained spot or a vast area. The former is dealt with in a similar manner to stained clothes. The vast area should be examined for a clean spot and prayers can be done anywhere not stained by the *najāsah*.

ويطهر بول غلام لم يأكل الطعام بنضحه

The urine of a male infant who has not begun consuming solid food is cleansed by sprinkling water upon the stain.

"The urine of a male infant who has not begun consuming solid food is cleansed by sprinkling water upon the stain": This is one of the types of *najāsah* that was mentioned earlier: the weak *najāsah*. The urine of the male un-weaned infant is cleansed simply by sprinkling water upon the stain. No further action is required. The Prophet $\frac{1}{2}$ said, "Wash the urine stains of a female infant and sprinkle water upon the urine stains of a male infant."³¹² A male infant urinated upon the clothes of the Prophet $\frac{1}{2}$ and so he requested a pot of water to be brought to him. He then poured water over the stains.³¹³

As for the male child who has settled on solid food, his urine is washed similar to how an adult's is washed, as we have described previously. However as for females, the child's urine before she settles on solid food is washed just like that of the adult female. We do not know why this is and Allah knows best.

However some scholars explain that the wisdom behind this disparity is that male infants are shown outward affection and cradled more often, they also soil themselves more often. Since it would be difficult for people to wash their clothes completely each time they are stained by urine, the rules were relaxed متن

³¹² Reported by Abu Dawūd (376), Ibn Mājah (526), al-Nasā'ī (1/158) and al-Dāraqutnī (1/130) from the narration of Abu Samh.

³¹³ Reported by al-Bukhārī (1/65 to 66), Muslim (1/164) from the narration of 'Aishah. This hadīth is corroborated by another report narrated by 'Alī. Reported by Ahmad (1/76, 97) and Abu Dawūd (378), al-Tirmidhī (610) with the words, "Urine of the male infant is sprinkled upon and the urine of the female infant is washed."

to ease this burden. They are obliged only to sprinkle water upon the stains. Difficulty merits a concession as is evident here. The female infant does not share the same popularity so this concession is not given.³¹⁴

Some other scholars interpret the disparity as being linked to the creation of Ådam . Since he is of the same gender and being created from sand which is inherently pure, the male infant's urine is milder than that of the female. As Hawa was created from flesh and blood, there arises a difference in cleansing the urine of the two infants and Allah knows best. Imām al-Shāfi'ī said, "I have not come across a disparity [pertaining to their creation] in the Sunnah."³¹⁵

متن

متن

ويعفى في غير مائع ومطعوم عن يسير دم نجس من حيوان طاهر

Small amounts of blood staining things other than liquids or food are pardoned provided that the blood is from a pure animal.

"Small amounts of blood staining things other than liquids or food are pardoned": This is the fourth type of effective *najāsah*, i.e. that which is pardoned. This sub-divides into two types:

The first sub-type: Small amounts of blood from pure animals like man and cattle. This is not considered a *najāsah* except if it stains a liquid or foodstuff. Any other kind of *najāsah*, such as excretion or urine are not pardoned. They are always impure.

"Small amounts of blood": Traces of blood found in meat after being slaughtered according to the Islamic rites are not considered as *najāsah*. It is allowed to eat the meat along with the blood traces. If these traces stain the clothes, it is not considered an impurity.

"From a pure animal": If blood comes from an animal that is inherently impure like a dog, pig or donkey, it cannot be pardoned and so remains a *najāsah* in all situations.

وعن أثر استجمار بمحله، ولا ينجس الآدمي بالموت

314 See Fath al-Bārī by al-Hafiz ibn Hajr (1/391).

315 See al-Majmū' Sharh al Muhadhib by Imām al-Nawawī (2/590).

The Book of Purification

And the traces of impurity found near the source after cleansing with stones (*istijmār*). Mankind does not become *najis* upon death.

The second sub-type: "And the traces of impurity found near the source": The area stained after *istijmār* cannot be completely cleaned except with water. These traces of impurity are pardoned and need not be washed.³¹⁶ If not for this concessionary rule, *istijmār* would have become redundant.

"Near the source": I.e. around the point where impurities exit the body. The anus and the tip of the privates are the only areas that this concession can be used. If stains are found far from these two places e.g. on the thighs, then they are not pardoned.

"Mankind does not become *najis* upon death": Both Muslims and non-Muslims do not become *najis* upon death. The corpse of man is pure since his body was pure while alive. Allah ﷺ says: **{And surely We have honoured the children of Adam.}**³¹⁷ The Prophet ﷺ asked Abu Hurairah, who was late to meet him, "What delayed you?" He replied, "I was in the state of *janābah*."The Prophet ﷺ replied, "Verily the believer is never impure."³¹⁸ This proves that mankind is pure; whilst living as well as upon death. The bathing of the corpse is symbolic and an Islamic rite. It is not an act of purification or cleansing.

و لا ما لا نفس لـ مائلة متولد من طاهر Bloodless insects are pure.

متن

"Bloodless insects are pure": If these insects die in the water, the water remains unaffected and it maintains its purity. Examples would be dung beetles and spiders. The Prophet $\frac{1}{28}$ said, "If a fly falls into your drink, dip the fly into it completely and throw the fly away."³¹⁹ He $\frac{1}{28}$ ordered that the fly be dipped into the drink. He was referring to a hot drink. It is well-known that a fly dies once it falls into a hot drink, hence he said, "Throw the fly away." However, the Prophet ordered us to consume the drink even after dipping the fly. This

³¹⁶ See al-Ikhtiyārāt al-Fiqhiyyah (p. 9).

³¹⁷ al-Isrā': 70

³¹⁸ Reported by al-Bukhārī (1/79) and Muslim (1/194) from the narration of Abu Hurairah.

³¹⁹ Reported by al-Bukhārī (4/158) (7/181), Ahmad (2/398) and Abu Dawūd (3844) and Ibn Mājah (3505) from the narration of Abu Hurairah.

is evidence that a bloodless insect does not cause water to become impure if it dies in it. This is on the condition that the insect is naturally pure. Exempt from this category are insects that are found in filthy places like lavatory cockroaches.

As for insects or animals that bleed which die in water, the water's purity is affected and it is classified as *najāsah*. This is because the body in this case falls under the category of carcasses. According to the scholars of *fiqh*, carcasses contaminate a body of water, making it *najāsah*.

متن

وبول ما يؤكل لحمه وروثه ومنيُّه طاهر، ومنيّ الآدمي

The urine of the animal whose meat is permissible for consumption, its dung, reproductive fluid and man's sperm.

"The urine of the animal whose meat is permissible for consumption, its dung": For example the camel, cow, sheep and wild game whose meat is eaten. The urine and dung of these animals is *tāhir*. If these stain someone's clothes, it does not make it impure. The Prophet $\frac{1}{20}$ ordered those suffering from fever to drink the milk and urine of camels that were given in charity as these were a cure for the ailment.³²⁰ This is proof that the urine of the camel is pure. Indeed the Prophet $\frac{1}{20}$ would not command that we drink something that is impure.

We also know that the Prophet prayed in the pen where sheep were kept.³²¹ It is common knowledge that the pen would be stained with sheep urine and dung. This is yet another evidence that the urine and dung of these animals that we eat are not *najis*. Similarly, the reproductive fluids from these animals are also pure.

"And man's sperm": The Prophet had clothes stained with his sperm and he used to scratch the dried remnants of it off of his clothes. He did not wash his clothes to rid them of sperm as displayed in the hadīth narrated by 'Aishah and others that he \cong used to pray in the clothes which were stained with his sperm. He did not wash it off. It is sufficient that one just scratch it off his

³²⁰ Reported by al-Bukhārī (1/67) (2/160) and Muslim (5/101) from the narration of Anas ibn Mālik .

³²¹ Reported by al-Bukhārī (1/68, 117) and Muslim (2/65) from the narration of Anas ibn Mālik saying, "The Prophet used to pray in the sheep pen before the *masjid* was built."

The Book of Purification

clothes. 'Aishah said, "I used to scratch off the dried remnants of sperm from the clothes of the Messenger of Allah $\frac{1}{2}$ and he would pray wearing them."³²² This is ample proof that man's sperm is pure.

م^{ين} ورطوبة فرج المرأة، وسؤر الهرة وما دونها طاهر، وسباع البهائم والطير والحمار الأهلي –والبَغل منه– نجسة

The wetness in the woman's private parts, the food and drink that is leftover by a cat or animals smaller than it are pure. Wild predatory animals, birds and donkeys (mules included) are impure.

"The wetness in the woman's private parts": This is the lubrication that is produced in the vaginal canal. This is not urine which is produced in the urethra.

"The food and drink that is leftover by a cat": The cat is *tāhir* as the Prophet $\frac{1}{2}$ said, "It is not impure. Verily the cat is from the animals that go around amongst you."³²³ When a cat eats some food or it licks at a drink, what is left of it is permissible for consumption by us. The wisdom is that it lessens the burden to man as cats are always encircling us and curious to taste whatever is in our pots and plates. Allah has made it *halāl* for us to consume food even if the cat takes a bite from it. This is a concession that helps the people greatly.

"Or animals smaller than it are pure": For example mice and hamsters are pure as the cat is the model for inference. This type of animal cannot be contained hence the concession applies to them as well. Exempt however are animals in their infancy which may appear to be the size of a cat. They are not similar for these animals will grow to their full size eventually.

"Wild predatory animals": Such as wolves, tigers, lions, wild dogs and other predatory animals, they are impure. However, if these animals drink from a river, lake or a water-hole, then the huge amount of water will neutralise the *najāsah* of these animals sipping from it. The Prophet $\frac{1}{28}$ was asked about the water from a watering hole of wild animals to which he replied, "If [the quantity] of water is *qullatayn*, it shall not be contaminated by filth."³²⁴ If the

³²² Reported by Muslim (1/164), Ahmad (6/125, 132) and Abu Dawūd (372).

³²³ Reported by Ahmad (5/303), Abu Dawūd (75), al-Tirmidhī (92), al-Nasā'ī (1/55) and Ibn Mājah (367) from the narration of Abī Qatādah.

³²⁴ Reported by Ahmad (2/12, 27), Abu Dawūd (63), al-Tirmidhī (67), al-Nasā'ī (1/46) and

water surpasses the threshold after which it is deemed excessive water, it can neutralise any *najāsah* unless its attributes are changed, as was discussed earlier in the book. The predatory birds that are referred to here are eagles, falcons and other such wild birds.

Also the tools used to hunt these animals are also *najis* as is their dung. This is because the meat of these animals is not permissible for consumption. However the animals that they themselves hunt (i.e. their prey) are permissible for consumption by man despite the presence of saliva on the bodies of the prey. Allah \implies says, **{So eat of that which they catch for you.}**³²⁵

"And donkey": This is inherently a *najāsah*. Whatever minimal water that remains after it has drunk from it is impure. Its urine and dung are likewise impure. This is the *madhab* of Ahmed.³²⁶ The Prophet $\frac{1}{28}$ said, "It is filth."³²⁷ And filth (Arabic: *rijz*) is *najāsah*. Another view is that donkeys are not *najis*. This is the opinion of Shaykh Taqī al-Dīn and a group of scholars.³²⁸ This is because the Muslims worldwide are still using the donkey; riding upon it and using it to carry their loads. Even as its urine and dung is abundantly present, we do not see the Muslims taking special precautions to avoid it or washing their clothes every time they are stained by it. The wild onager is distinct from the common donkey. The former is pure and its meat is permitted for consumption. The mule however is like the common donkey pertaining to rules of *fiqh*. The only distinguishing fact is that a mule is a hybrid between a horse and a donkey.

Ibn Mājah (517) from the narration of Abu Hurairah.

³²⁵ Al-Mā'idah: 4

³²⁶ See al-Insāf (1/342).

³²⁷ Reported by al-Bukhārī (5/167) (7/124) and Muslim (6/65) from the narration of Anas.

³²⁸ Amongst them are al-Ājirī, Ibn Rizzīn, Ibn Tamīm and Ibn Qudāmah. After having elaborated upon this view, it is mentioned in *al-Insāf*, "This is the most authentic and has stronger evidence." (1/342) See *Majmū* al-Fatāwā' (21/520).

باب الحيض CHAPTER: MENSTRUATION

"Chapter on menstruation": Menstruation is amongst the impurities which necessitate *ghusl*. Both menstruation and postnatal bleeding concern women and the author's intention is to address the rules pertaining to these two types of bleeding and also post-menstrual bleeding. Each kind of bleeding has its own rulings in *fiqh*.

Menstruation (Arabic: *hayd*) is the natural flowing of blood from the inner womb during specific times. It was created by Allah ﷺ in relation to the nourishment of the foetus in the mother's womb.³²⁹ The definition says that it is the natural flowing of blood that is not due to an ailment, pain or hemophilia. It is a thing endowed by Allah for women that flows in specific times also known as monthly periods.

As for postnatal bleeding (*nufas*), it is blood from the womb after delivery.³³⁰ *Istihādah* (irregular bleeding) is due to an ailment³³¹ which is similar to haemophilia (*nazīf*) and which originates from the top most region of the womb. This bleeding is not periodic and can occur at any time.

These three kinds of bleeding have their own specific rulings. The author starts by elaborating upon menstruation.

Hayd linguistically means "flow". The Arabs say that the "valley flowed" (hāda

- 330 See al-Dar al-Naqi (1/150).
- 331 See al-Mutla' (p. 41).

³²⁹ See Lisān al-'Arab (7/142) and al-Mutla' (p. 40) and al-Dar al-Naqī (1/139).

al-wadi) if there is a surge after rainfall. Technically, it is ordinary blood that is produced during specific times from the inner most region of the womb. It is to facilitate the nourishment of the foetus in the womb in the future.

لا حيض قبل تسع سنين، ولا بعد خمسين، ولا مع حَمْلٍ. وأقلُّه يومُ وليلةٌ، وأكثرُه خمسةَ من عشرَ، وغالبُه ستُ أو سبعٌ

There is no menstruation before the age of nine or after the age of fifty. It ceases during pregnancy. The shortest period is a day and a night. The longest period is fifteen days. Most often it is six or seven days.

"There is no menstruation before the age of nine or after the age of fifty. It ceases during pregnancy": These are three scenarios where there is no menstruation:

First: Before the age of nine. This is not possible as Allah 38 has so ordained that a girl will not menstruate before this age. If there is vaginal bleeding before nine, then it is due to some other reason and not *hayd*. 'Aishah said, "When a girl reaches nine years of age, she is a grown woman."³³² A girl of this age can conceive as was mentioned by Imām al-Shāfi'ī, "I saw a grandmother who was only twenty one years old."³³³ This means that she conceived at the age of nine. Her child became pregnant at the same age too. This made it possible for her to be a grandmother in her twenties. This is evidence that the youngest a girl starts menstruating is nine years old.

Second: There is no menstruation once a woman reaches fifty years old. She enters into menopause and if there is vaginal bleeding after this age, it is due to some illness. This age is known as the years of despair. Allah says: **{And those who no longer expect menstruation.}**³³⁴ According to the *madhab* of Imām Ahmad, the age of despair is fifty. There are two other opinions in the *madhab* regarding this matter. One opinion is that the age is sixty. A third view does not demarcate any age. However the first view, that the age is fifty, is that which is well known (*mashūr*).

³³² This comment was mentioned by al-Tirmdhī at the conclusion of hadīth 1109. Al-Bayhaqī did likewise in his book *al-Sunan al-Kubrā*' (1/319).

³³³ Reported by al-Bayhaqī in al-Sunan (1/139).

³³⁴ al-Talaq: 4

The Book of Purification

Third: The pregnant woman does not have menses. If there is vaginal bleeding it is surely not menstrual blood. It could be hemophilia for Allah has ordained that the normal menstrual cycle ceases temporarily during pregnancy.

"The shortest period is a day and a night. The longest period is fifteen days. Most often it is six or seven days": The period of menstruation is divided into three: the shortest, longest and the normal periods.

"The shortest period": Which is one day and one night. Anything shorter than a day and a night is not considered *hayd*. This can be derived from the incident when a divorced woman came to 'Alī ibn Abī Tālib and claimed that her '*iddah* (waiting period) was over in a month. Shurayh al-Qādī was with 'Alī who asked him his opinion regarding the woman's claim. Shurayh replied, "If she is able to produce evidence to substantiate her claim, then verily her waiting period has lapsed." 'Alī concurred with this opinion.³³⁵ In the commentary, we are told that the woman had menses for a day and a night then was menses free for thirteen days, had menses thereafter for a day and a night, then was menses free for another thirteen days. All of this happened within twenty eight days. This means that she completed her waiting period in a month.

"The longest period": Which is fifteen days as this is the longest period mentioned by many of the predecessors. If bleeding exceeds this period, then it is not *hayd*.

"Most often it is six or seven days": The most common period for *hayd* is six or seven days in a month. The Prophet $\frac{1}{26}$ said to Himnah bint Jahash, "Your menses is six or seven days by the wisdom of Allah. Have a bath and then pray after this period."³³⁶

وأقلُّ طُهر بين حيضتين ثلاثةَ عشرَ، ولا حَدَّ لأكثره، وتقضي الحائض الصومَ لا الصلاةَ، ولا يَصِحَّان منها بل يَحْرُمان متن

The shortest period between two menses is thirteen days. There is no set limit for the longest period. The menstruating woman repays the fasts that she missed due to menses but not the prayers. She is forbidden from praying

³³⁵ Reported by Ibn Abī Shaybah (4/200) and al-Bayhaqī in al-Kubrā (7/114).

³³⁶ Reported by Ahmad (6/381, 439), Abu Dawūd (287), al-Tirmidhī (128) and Ibn Mājah (622) from the narration of Himnah bint Jahash.

or fasting during her menses.

"The shortest period between two menses is thirteen days": In the story of the woman [that came to 'Alī], it would have been impossible for her to complete the waiting period in a month unless she had only thirteen menses free days. Hence, this is the shortest period recorded.

"There is no set limit for the longest period": The longest period has no limit as some women do not even menstruate. Some others menstruate in between long gaps.

"The menstruating woman repays the fasts that she missed due to menses but not the prayers": The menstruating woman should neither pray nor fast. Rather she is forbidden from these acts of worship during her menstrual period. When she is free from menses, she must repay her fasts that she missed in Ramadān. Prayers missed during one's menses are pardoned so there is no need to repay them. What is the wisdom behind this? This is a type of concession for the woman. The prayers are done five times a day and so due to the sheer difficulty of repaying them, they are pardoned. Fasting on the contrary is done once a year and there is no stress in her repaying them over the period of a year. Hence it is a must for women to do so.

"She is forbidden from praying or fasting during her menses": Performing these acts of worship during menstruation goes against the Sunnah of the Messenger of Allah #. Since acts of worship are divinely ordained, one should base it purely on evidences from the Qur'ān and Sunnah. A woman who fasts during her menstruation is indeed an innovator.

Vaginal intercourse with her during her menses is forbidden. If it is committed, then the recompense is one dinar or half a dinar. They can take pleasure through other means.

Some of the things that are forbidden for a menstruating woman were discussed in the Chapter of *Ghusl* like prayer, reading the Qur'ān, touching the *mus-haf* and staying within the *masjid*. She is also not to be divorced while

The Book of Purification

she is in her menses as Allah says: **{O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord}**³³⁷ I.e. that she is free of menses and has not had sexual intercourse since, as Ibn 'Abbās commented.³³⁸ When Ibn 'Umar divorced his wife while she was in her menses, the Prophet 霙 ordered him to reunite with her.³³⁹ This is proof that divorcing a menstruating woman is not permissible.

"Vaginal intercourse with her during her menses is forbidden": This is based on the ayah: {And they ask you about menstruation. Say: "It is a discomfort; therefore keep aloof from the women during the menstrual discharge and do not go near them until they have become clean; then when they have cleansed themselves, go in to them as Allah has commanded you."}³⁴⁰ However having sexual relations with her is allowed if one avoids vaginal intercourse. It is permissible to lay with her and enjoy foreplay. The Prophet $\frac{4}{50}$ used to ask his wives to wear clothes that were worn especially when a woman was menstruating. He would then engage them in foreplay.³⁴¹

Unlike Islamic law, the religious law adopted by the Jews ostracise the menstruating woman such that the men do not even sleep beside her or eat what she cooks and they even go to extremes in isolating her.³⁴² How beautiful is

³³⁷ Al-Talaq: 1

³³⁸ Reported by Ibn Jarir in his Tafsir (28/129).

³³⁹ Reported by al-Bukhārī (7/52) and Muslim (4/179, 180) from the narration of 'Abdullah ibn 'Umar.

³⁴⁰ Al-Baqarah: 222

³⁴¹ Reported by al-Bukhārī (1/82), Muslim (1/166) from the hadīth of 'Aishah.

³⁴² Reported by Muslim (1/169), Ahmad (3/132), Abu Dawūd (258), al-Tirmidhī (4977) and al-Nasā'ī (1/152, 187) from the narration of Anas ibn Mālik who said, "Amongst the Jews, when a woman menstruated, they did not eat with her and drink with her and did not associate with her in their houses, so the Prophet **x** was questioned about it. Hence, Allah revealed, **{And they ask you about menstruation, Say "It is harmful, so keep aloof from women during menstruation}** until the end of the ayah. The Prophet **x** said, 'Associate with them in the houses and do everything except sexual intercourse.' The Jews thereupon said, 'This man does not leave anything we do without opposing us in it.' Usayd ibn Hudayr and 'Abbād ibn Bishr came to the Prophet and said, 'O Messenger of Allah, the Jews are saying such and such. Shall we not have intercourse with them during their menstruation?' The face of the Prophet **x** underwent such a change that we thought he was angry with them, so they went out. They were met by a gift of milk which was being brought to the Prophet and he sent after them, whereby we felt that he was not angry with them."

our *din* which allows couples to enjoy themselves during the women's period so long as it is not vaginal intercourse, and allows the husband to eat what she cooks and has handled. It is permissible to touch her body and her perspiration or her saliva. All other things are permissible too.

Only vaginal sex has been ruled out. All other forms of sex are still permissible during her menses. Allah se says: {Therefore keep aloof from the women during the menstrual discharge.} Meaning the place from where menstrual blood discharges.

"If it is committed, then the recompense is one dinar or half a dinar": I.e. if he had sex with his wife while she was menstruating, he has committed a sin and has gone against the above command from the Qur'ān. Thus there must be retribution. It is to pay a dinar or half a dinar along with repentance. Ibn 'Abbās narrated that, "He should give a dinar or half a dinar to charity."³⁴³A dinar is the measure of weight of gold.³⁴⁴

متن

وإذا انقطع الدم ولم تغتسل لم يُبَحْ غيرُ الصيام والطلاق

When the menstrual blood stops and the woman has not yet performed *ghusl*, only fasting and divorce is permissible at this stage.

"When the menstrual blood stops and the woman has not yet performed *ghusl*, only fasting and divorce is permissible at this stage": Her husband can divorce her after the stoppage of menstrual blood even before she has purified herself with *ghusl*. Similarly, if bleeding stops before the *fajr* prayer, she can start to fast even before taking her compulsory bath as purification is not a pre-requisite for fasting. Also, if her menses stops midday during Ramadān, she should refrain from eating or drinking until dusk and then re-pay the missed fast another day. Sexual intercourse is only permissible after a woman has performed *ghusl* to purify herself from *hayd*. Allah says: {Therefore keep aloof from the women during the menstrual discharge and do not go near them until they have become clean; then when they have cleansed them-

³⁴³ Reported by Ahmad (1/230, 237), Abu Dawūd (264), al-Tirmidhī (136) and al-Nasā'ī (1/153).

³⁴⁴ The value of a dinar is 4/7 to the value of the Saudi riyal. If the gold price is about 70 riyals, a person must give 20 or 40 riyals as compensation for having sexual intercourse with his menstruating wife. This is a ruling of the Permanent Committee for Research and Fatwa. (5/439).

selves, go in to them.}³⁴⁵

Thus the two pre-requisites for sexual intercourse with her are:

- 1. The stoppage of menstrual blood.
- 2. Performing the ghusl.

Having attained just one of these two pre-requisites is not sufficient. Attaining both is a must.

متن والمُبْتَداَةُ تجلس أَقَلَّهُ ثم تغتسل وتصلِّي، فإن انقطع لأكثره فها دون اغتسلتْ إذا انقطَعَ، فإن تكرر ثلاثاً فحيض، وتقضي ما وجب فيه

A woman having menstruation for the first time should observe it for the shortest menstrual period. She can then perform *ghusl* and resume praying. If it prolongs to the longest period or a slightly shorter period, then she purifies herself when the bleeding stops. If this new pattern reoccurs thrice, it is deemed as menstruation and all dues pertaining to it should be repaid.

"She should observe it for the shortest menstrual period. She can then perform *ghusl* and resume praying. If it prolongs to the longest period or a slightly shorter period, then she purifies herself when the bleeding stops. If this new pattern reoccurs thrice, it is deemed as menstruation and all dues pertaining to it should be repaid": The ruling is that she should wait a day and a night if she notices vaginal blood for the first time. After this, she should make *ghusl* and pray. If however it reoccurs thrice, it should be deemed as menstruation. This is the *madhab* of Imām Ahmed.³⁴⁶

The correct view is that it should be deemed as menstruation from the first time there comes forth bleeding. The *mubtada'a* is like any other woman. She should deem vaginal bleeding as menstruation so long as it is within the fifteen day maximum period. This is the only expectation from a women pertaining to her menses.

"A woman having menstruation for the first time should observe it for the

³⁴⁵ Al-Baqarah: 222

³⁴⁶ See al-Mughnī (1/408).

shortest menstrual period": This view arises from wanting to confirm the affair. Thus she is made to observe it over a three month period to qualify it as menstruation. However, all of this is too cumbersome. Furthermore, there is no proof or evidence to demand this approach.

"And all dues pertaining to it should be repaid": If she had fasted during the three months of the unconfirmed menstrual cycle, it is considered null and void after the three months. [So according to this view i.e. that she should observe herself over three months,] she needs to repay these fasts even though she fasted them.

وإن عَبَرَ أكثرُه فمستحاضةٌ، فإن كان بعضُ دمها أحمر وبعضُه أسود ولم يَعْبُرُ أكثرَه ولم يَنْقُصْ عن ِأقلِّه فهو حيضُها: تجلسه في الشهر الثاني، والأحمُرُ استحاضةٌ، وإن لم يكن متن دمُها متميزاً جلست غالب الحيض من كل شهر

If she exceeds more than that, then it is *istihādah*. If part of her menstrual blood is red and other parts black in colour and she has not exceeded the longest period and has bleeding for a minimum of a day and a night, this is her menstruation. She should expect it at the same time the following month. Red blood is *istihādah*. If her blood is indistinguishable, then she adopts the standard menstrual period for each month.

This is the second type of blood.

"If she exceeds more than that, then it is *istihādah*": This is menstrual blood that exceeds the fifteen day maximum period. The blood flows with an abnormal timing. The cause of this is not that which brings about menstruation. Menstrual blood stems from the inner-most womb but in *istihādah*, it comes from the outer womb. Menstrual blood is ordinary blood whereas *istihādah* blood is blood that stems from illness or from hemophilia. Menstrual blood has a fixed timing and pattern while *istihādhah* is irregular. *Istihādhah* is of two types:

- 1. That which exceeds fifteen days. It falls short of this sometimes.
- 2. That which mixes with blood and does not cease at all.

It can be further separated and detailed in three states:

The Book of Purification

<u>First</u>: The first type is a normal menstruation with fixed periods before the ailment struck. She observes her normal period and makes *ghusl* once it is over and starts praying even if there remains bleeding. This is because the Prophet gordered women with *istihādah* to observe their normal menstrual periods saying, "Observe your normal menstrual period and then take the bath and pray."³⁴⁷

Second: "If part of her menstrual blood is red and other parts black in colour and she has not exceeded the longest period and has bleeding for a minimum of a day and a night, this is her menstruation. She should expect it at the same time the following month. Red blood is *istihādah*": If she does not know her normal period, that is if she has menses in an irregular pattern or she has a regular pattern but has forgotten it, she has to look at the colour of her menstrual blood which is easily distinguished from other types of blood. It is a thick, strong scented and blackish blood. Strongly differing from the blood of *istihādhah* which is thin, bright red in colour and does not possess the same strong scent. The Prophet $\frac{1}{28}$ said, "Verily menstrual blood is blackish and is distinct."³⁴⁸ I.e. distinct due to the nature of its scent.

Therefore a woman is able to know when it is menstrual blood and not *isti-hādah* so that she can observe the restrictions. She purifies herself once these signs disappear and restarts her prayers. Anything dissimilar to these signs should be considered *istihādhah*. It is easy for her to distinguish menstrual blood due to its distinct properties. This is called "*al-tamyīz*" (distinguishable *istihādah*).

Third: "If her blood is indistinguishable, then she adopts the standard menstrual period for each month": If she neither has a fixed menstrual pattern nor can she distinguish her blood then it is called "*al-mutahayyirah*" (wavering *istihādhah*). She has to adopt the standard menstrual period of six or seven days each month as the Prophet instructed, "Your menses is six or seven days..."³⁴⁹

To recap, these are the types of *istihādah*:

³⁴⁷ Sahīh al-Muslim (1/181-182) from the narration of 'Aishah.

³⁴⁸ Reported by Abu Dawūd (286, 304) and al-Nasā'ī (1/123) from the narration of Fātimah bint Abī Hubaysh.

³⁴⁹ Reported by Ahmad (6/381, 439), Abu Dawūd (287), al-Tirmidhī (128) and Ibn Mājah (622) from the narration of Himnah bint Jahash.

A Commentary on Zād al-Mustaqni

- 1. Normal *istihādhah*: she observes her normal menstrual period.
- 2. Distinguishable *istihādhah*: she can distinguish the menstrual blood.
- 3. Wavering *istihādhah*: she observes her standard menstrual period every month, that is six or seven days.

With this classification, the problem of *istihādhah* is solved. It is important to note that the root of the matter is derived from the hadīth of the Prophet $\frac{1}{2}$ regarding this issue.

والمُستحـاضةُ المُعتادةُ ولو مُمَيزةً تجلس عادتها، وإن نسيتُها عملت بالتمييز الصالح، فإن متن لم يكن لها تمييزٌ، فغالبُ الحيض كالعالمةِ بموضعِه، الناسيةِ لعَدَدِه، وإن علمتُ عَدَدَهُ ونسيتْ موضعَهُ من الشهر ولو في نصفه جلستْها من أولـه، كمن لا عادةَ لها ولا تمييز

If a woman with normal *istihādhah* can distinguish her menstrual blood, she should maintain her normal duration. If she has forgotten her normal duration, she should go by the distinct appearance and smell of the blood and if she cannot even see distinct properties in the blood, she should maintain the standard menstrual period of six or seven days like the woman who remembers the week of the month she had her menses but forgot its duration. However, if she knows the duration but forgot the week of the month she gets her menses, she has to observe the standard duration; taking on the ruling of the woman who does not have regular periods or indistinguishable blood flow.

"If a woman who has normal *istihadhah*": This is the first type that we discussed. It is she who knows her menstrual period. Bleeding after this known period is ignored and she is considered clean.

"If she has forgotten her normal duration, she should go by the distinct appearance and smell of the blood": This is the second type of *istihādah*. She has forgotten her normal timing or has irregular periods. Therefore she will base it upon the appearance of her vaginal blood. If it is distinct menstrual blood, she observes its limitations and if otherwise, she is in a pure condition. This is clear.

"If she cannot even see distinct properties in the blood": This is the third type of *istihādhah*. If she doesn't have a normal menstrual pattern or timing and

The Book of Purification

cannot distinguish the vaginal blood, she maintains the standard menstrual cycle of six or seven days each month.

متن ومن زادتْ عادتها أو تقدمت أو تأخرت فما تكرر ثلاثاً حيضٌ، وما نَقَصَ عن العادة طهرٌ، وما عاد فيها جلستْه، والصُّفْرَةُ والكُدْرَةُ فِي زمن العادة حيضٌ

If one has a longer period than usual or the period is earlier or later, and it has repeated thrice, then it is her menstruation. If it is shorter than her normal period, then she can purify herself earlier and if it returns whilst within the normal length, then she adjusts accordingly. The yellowish and murky discharge seen during the normal period is considered menstruation.

"If one has a longer period than usual or the period is earlier or later": This is known as an alteration of the normal menstruation. Many factors affect a woman's menstruation in current times. For example, her ill-health, over-eating, drinking new concoctions unknown to her and consuming too much medication. These factors aid in sending her menstrual cycles into disarray. Hence a woman must observe her menstrual cycle as long as there is bleeding, even though there is a change to her normal period. It is obligatory to maintain her menstrual period, even though it might be delayed or come early or it lengthens as long as it is within fifteen days. The rules of menstruation apply so long as there is blood.

"And it has repeated thrice, then it is her menstruation": It is not a condition that it repeats three times. In fact, any change to the normal period is taken as a change from the first time it occurs. It need not happen thrice to be confirmed as menstruation for that entails much difficulty for women.

"The yellowish and murky discharge seen during the normal period is considered menstruation": Sometimes women do not notice the blood during the menstrual period but sees only murky or yellowish discharge.³⁵⁰ If this occurs during her menses, it is considered to be the menstruation. However, if this is seen on days when she is menses-free, she is considered to be clean. Women used to send little boxes to the mother of the believers, 'Aishah, with a piece of cotton cloth in each one upon which was yellowness from menstrual blood, asking her about the prayer. She said to them, "Do not be hasty until you see a

³⁵⁰ Yellowish discharge: this is seen while she is still bleeding and murky discharge: this is a greyish black discharge.

A Commentary on Zād al-Mustaqni

white discharge."³⁵¹ By that she meant purity from menses. 'Aishah considered the yellowish and murky discharge as menstruation if it occurred during a woman's normal menstrual period. If she sees these discharges after she is free of any discharge, it can be ignored as Umm 'Atiyah said, "We did not bother about the yellowish and murky discharge after we were menses-free."³⁵²

متن

ومن رأتْ يوماً دماً ويوماً نقاء، فالدمُ حيضٌ، والنقاءُ طُهْرٌ ما لم يَعْبُرْ أكثرُه

And whoever sees vaginal blood one day and nothing the next, she should consider the day with blood as menstruation and the day without as having achieved purification. This is provided that the fifteen-day maximum duration is not exceeded.

"And whoever sees vaginal blood one day and nothing the next, she should consider the day with blood as menstruation and the day without as having achieved purification." This is also from the problems related to menstruation. In this case, the women should observe the limits of *hayd* if there is blood and cleanse herself, pray and fast on days when there is no blood. This situation is known as "illusory menstruation." This applies only for fifteen days or less; the periods of purified state in between are included in the duration count.

"Maximum duration is not exceeded": Anything more than fifteen days cannot be considered as menstruation.

والمستحاضةُ ونحوها تغسل فَرْجَها وتعصبه وتتوضأ لوقت كل صلاة وتصلي فروضاً متن ونوافل

The woman who has *istihādah* or its like should wash her private parts and wrap it up. She then makes ablution for every prayer in its time and can pray both obligatory and *nawāfil* (optional) prayers.

These are the rules pertaining to *istihādah*. Women who have this condition are in the state of purity and should pray and fast. The husband is permitted to have sexual intercourse with her while she is in this condition. What then will she do if her bleeding flows continuously and she is obliged to pray? The

³⁵¹ Reported by Mālik in al-Muwatta (p. 60) and al-Bukhārī, see Fath al-Bārī (1/420).

³⁵² Reported by al-Bukhārī (1/89), Abu Dawūd (307-308) and al-Nasā'ī (1/186).

woman who has *istihādah* or its like should wash her private parts and wrap it with something.

"She then makes ablution": When she has to pray, she makes *istinjā* and cleans the vagina. She places a piece of cotton (or something similar like the sanitary pad)³⁵³ and secures it in a way that stems the flow of blood. She concludes by performing ablution. It is obligatory for her to perform $wudh\bar{u}$ for each prayer because of the bleeding. Washing her private parts every time she wants to pray is recommended only and not mandatory. This is called the "constant impurity".

"For every prayer in its time": I.e. once each prayer is due. This is because this cleansing is out of necessity. It is not performed except when there is a dire need. The dire need in this case is the performance of prayer. She follows these steps and begins to pray. She continues to do so even if blood flows whilst she is praying. Allah says: **{Therefore be careful of [your duty to] Allah as much as you can.}**³⁵⁴ And: **{Allah does not burden a soul more than what it can bear.}**³⁵⁵

"And can pray both obligatory and *nawāfil* (optional) prayers": Whilst the time of the specific prayer that she performed the *wudhū* for has not lapsed.

ولا تُوطأُ إلا مع خوفِ العَنَتِ، ويستحب غسلُها لكل صلاة

متن

And one should not have sexual intercourse with his wife who has *istihādab* except due to fear of falling into sin. It is recommended that she have a bath every time a prayer is due.

"And one should not have sexual intercourse with his wife who has *istihādah* except due to fear of falling into sin": It is disliked that one has sexual intercourse with his wife whilst she is in the state of *istihādah*. This is due to the impurity inherent within her. However if he fears that he might fall into sin or *fitnah*, he can have sexual intercourse with his wife.

"It is recommended that she have a bath every time a prayer is due": Bathing

³⁵³ Translator's addition.

³⁵⁴ al-Taghābun: 16

³⁵⁵ al-Baqarah: 286

A Commentary on Zād al-Mustaqni

when each prayer is due is recommended whilst making *wudhū* is *wājib*. The Prophet $\frac{1}{350}$ ordered Fātimah to perform *wudhū* for every prayer.³⁵⁶ He did not command her to take a bath though some female companions of the Prophet $\frac{1}{350}$ were known to take a bath for every prayer that was due. This was their own judgement and not the order of the Prophet $\frac{1}{350}$.

The maximum duration for post-natal bleeding (*nufas*) is forty days. If bleeding stops before that, a woman can purify herself and pray. If she does so, sexual intercourse before the forty day period ends is disliked.

"The maximum duration for post-natal bleeding (*nufas*) is forty days": This is the third type of blood. *Nufas* is blood from the womb after childbirth which was held back during pregnancy. It was a source of nutrition for the foetus in the womb. After the baby was delivered, the blood was released, hence the name "*nufas*" or release. The maximum duration of *nufas* is forty days as this is a standard with most women. This is the view of most scholars as a woman having *nufas* for more than forty days is rare and laws never encompass rare circumstances.

The minimum duration for *nufas* is not set. Sometimes it lasts for just a day or two. There are cases where women do not have post-natal bleeding at all.

"If bleeding stops before that, a woman can purify herself and pray": That is if bleeding stops before the maximum forty days, she can make *ghusl* and pray though she must stop if bleeding resumes within the forty day period. The prayers and fasts performed during the days in which she did not bleed are valid.

"If she does so, sexual intercourse before the forty day period ends is disliked": As in the case of having sexual intercourse with a woman with *istihādah*. This is because there is a fairly high probability that her *nufas* could resume.

³⁵⁶ Reported by al-Bukhārī (1/67) from the narration of 'Aishah who said, "Fātimah bint Abī Hubaysh came to the Prophet and said, "I am a woman with post-menstrual bleeding..." [Until the command of the Prophet ,] "Then make ablution for every prayer and fulfil that particular prayer with it."

فإن عاودها إلدم فمشكوكٌ فيه؛ تصوم، وتصلي وتقضي الواجب. وهو كالحيض فيها يَحِلُّ ويَحْرُمُ ويسْقُطُ، غير العدة والبلوغ، وإن ولدت توأمين فأول النفاس وآخره من أولهما

متن

If bleeding resumes after having stopped within the forty day period, and there is doubt about it, she should pray and fast despite the bleeding and repay the mandatory acts. It is similar to menstruation which has its set limitations and rules. The only differences are with regards to *'iddab* (waiting period after divorce) and also with regards to puberty. If she gives birth to twins, then her *nufas* duration starts from the time of delivery of the first twin.

"And there is doubt about it": There is doubt if it is *nufas* blood or dirty blood. The correct opinion is that it is *nufas* and she should follow the rules of it.³⁵⁷

"She should pray and fast despite the bleeding and repay the mandatory acts": That is, repay the prayers after forty days as a precautionary measure lest the blood was indeed *nufas* or dirty blood. The correct opinion however is that she need not repay it.

"It is similar to menstruation": I.e. *nufas* is similar to *hayd* in terms of rules and limitations:

- 1. *Halal*: In both cases, the husband is allowed to have foreplay with his wife, though vaginal sexual intercourse is prohibited.
- 2. *Haram*: In both cases, vaginal sexual intercourse is forbidden as is divorce, touching the Qur'ān and reading it. She is not allowed to make *tawaf* and stay within the *masjid*.
- 3. *Wajib*: It is mandatory in both cases to perform *ghusl* when bleeding stops as is the payment or re-compensation for having sexual intercourse whilst the wife is in the state of *hayd* or *nufas*.
- 4. Pardoned: The obligation to pray is removed during this stage and she is pardoned from making it up or repaying it.

"The only differences are with regards to '*iddah* (waiting period after divorce) and also with regards to puberty": Menstruation is an important factor for the divorced woman. *Nufas* is not. Allah # says: {**Divorced women remain in**

³⁵⁷ See al-Insāf (1/384-385).

A Commentary on Zād al-Mustaqni

waiting for three periods.]³⁵⁸ The word " $qur\bar{u}$ "³⁵⁹ in this ayah refers to menstruation. The woman with *nufas* on the other hand is free of '*iddah* once she delivers her baby.

"And also with regards to puberty": Puberty is known by menstruation. Not by *nufas*.

"If she gives birth to twins, then her *nufas* duration starts from the time of delivery of the first twin": The duration of *nufas* is calculated from the time the first twin is delivered and subsequently the completion of the duration is also based upon this. The second twin's delivery is inconsequential.

³⁵⁸ Al-Baqarah: 228

³⁵⁹ It is also said to be "purification", an antonym of sorts. See al-Sihāh (1/63).

The Book of Purification

كتاب الصلاة

THE BOOK OF PRAYER

- Adhān and iqāmah
- Conditions of prayer
- Description of prayer
- Prostration due to forgetfulness
- Optional prayers
- Congregational prayer
- Prayer of those who are pardoned
- Friday prayer
- The two 'Eid prayers
- The prayer of eclipse
- Prayer seeking rain

كتاب الصلاة THE BOOK OF PRAYER

"The book of prayer": This discusses the rules of both obligatory prayers and optional prayers which includes the prayer of eclipse, the prayer for seeking rain and the two '*Eid* prayers. This book covers all of the various types of prayers.

The obligatory prayer is the second pillar of Islam after the two declarations of faith (*shahadatayn*) as stipulated in the hadīth narrated by 'Umar ibn al-Khattāb 48.³⁶⁰ It is mentioned in another hadīth narrated by Ibn 'Umar 48 which lists the pillars of Islam.³⁶¹ Many other ahadīth mention that the obligatory prayer is the second pillar of Islam. In fact it is the pillar of Islam. As mentioned in the authentic hadīth, "The head of the matter is Islam, its foundation is the prayer and the pinnacle of it is fighting for the sake of Allah 38."³⁶²

The prayer has great significance to Allah and to the Muslims. Allah mentions it numerous times in the Qur'ān, at times ordering that it be fulfilled and at others exhorting the Muslims to safeguard it. He 3 also lauds those who are steadfast in performing their prayers just as he admonishes those who are negligent and heedless of it. Allah mentions the virtue of diligently offering prayers in the ayah: {And keep up the prayer; surely prayer keeps [one] away from indecency and evil, and certainly the remembrance of Allah is

³⁶⁰ Reported by Muslim (1/28, 29) and Ahmad (1/28, 51) from the narration of 'Umar ibn al-Khattāb which is also found in al-Bukhārī (1/19-20) as narrated by Abu Hurairah.

³⁶¹ Reported by al-Bukhārī (1/9) and Muslim (1/34).

³⁶² Reported by Ahmad (5/231-237), al-Tirmidhī (2616) and Ibn Mājah (3973) from the narration of Mu'ādh ibn Jabal.

the greatest, and Allah knows what you do.}³⁶³ Allah ﷺ urges the Muslims to seek help by being patient and by offering the prayers: {And seek assistance through patience and prayer, and most surely it is a hard thing except for the humble ones. Who know that they shall meet their Lord and that they shall return to Him.}³⁶⁴ {O you who believe! Seek assistance through patience and prayer; surely Allah is with the patient.}³⁶⁵ Allah advises us to seek help during hardship and difficulties by offering prayers.

The Prophet $\frac{1}{86}$ used to offer *sālah* (prayer) whenever he was overwhelmed by a problem or faced a difficulty.³⁶⁶ This is because the one who prays begins communicating with Allah and he surrenders all of his affairs to Him $\frac{1}{86}$. Allah commences the description of the characteristics of the believer, those who are the dwellers of Paradise and the dwellers of Firdaws (the highest level of Paradise), with prayers and ends with prayers. He says: {Successful indeed are the believers. Who are humble in their prayers.}³⁶⁷ And towards the end: {And those who keep a guard on their prayers. These are they who are the heirs, who shall inherit the Paradise; they shall abide therein.}³⁶⁸ Similarly, Allah says: {Surely man is created of a hasty temperament. Being greatly grieved when evil afflicts him. And withholding when good befalls him. Except those who pray. Those who are constant at their prayer.}³⁶⁹ And He concludes saying: {And those who keep a guard on their prayer.}³⁶⁹ And He

Salah is an important act of worship of which there are acts that are not performed in the other forms of worship like standing, bowing and prostrating. There is Qur'anic recitation and glorification of Allah 36. A Muslim resonates that Allah is free of shortcomings and defects when he says, "Subhāna rabī al-'azīm" and "Subhāna rabī al-a'lā." Prayer is a form of supplication, supplication in the form of worship and personal supplications. Scholars technically define salāh as words and deeds which commence with the takbīr (allahu akbar) and

³⁶³ Al-Ankabut: 45

³⁶⁴ Al-Baqarah: 45-46

³⁶⁵ Al-Baqarah: 153

³⁶⁶ Reported by Ahmad (5/388), Abu Dawūd (1319) from the narration of Hudhayfah.

³⁶⁷ Al-Mu'minūn: 1-2

³⁶⁸ Al-Mu'minūn: 9-11

³⁶⁹ Al-Ma'ārij: 19-23

³⁷⁰ Al-Ma'ārij: 34-35

which end with pronouncing the taslim (assalāmu'alaykum wa rahmatullāh").371

As for the linguistic definition, prayer means supplication.³⁷² Allah says: {**Take** alms out of their property, you would cleanse them and purify them thereby, and pray for them.}³⁷³ I.e. to supplicate for them.

The great significance of *salah* is evident when Allah decided to make it obligatory upon his servant Muhammad $\frac{1}{28}$ and upon his followers on the Laylat al-Mi'rāj. He $\frac{1}{28}$ raised the Prophet $\frac{1}{28}$ from Bayt al-Maqdis (in Jerusalem) to the heavens. He ascended the seven levels of heaven and then Allah ordained it directly to the Prophet $\frac{1}{28}$ without the usual intermediary, the angel Jibrīl.

This happened whilst the Prophet was still in Makkah before the migration to Madīnah. He performed *salah* whilst still in Makkah whilst the rest of the ordainments of Islam such as *zakah*, fasting and Hajj were made obligatory after the migration to Madīnah.

Salah is a link between the servant and his Creator. Whosoever neglects it on purpose, has indeed disbelieved. This disbelief is tantamount to apostasy such that some scholars from the *salaf* stated that neglect of no other act of worship leads to disbelief except *salāh*. This is substantiated by evidences from the Qur'ān and Sunnah. Allah is when mentioning the polytheists says: **{Then if they repent and keep up prayer and pay the poor-rate, leave their way free to them.}**³⁷⁴ In another ayah Allah says: **{But if they repent and keep up prayer and pay the poor-rate, they are your brethren in faith.}**³⁷⁵ This ayah proves that those who do not pray are not our brethren in Islam and that they are disbelievers. Allah says: **{Every soul, for what it has earned, will be retained. Except the companions of the right, [Who will be] in gardens, questioning each other about the guilty. [And asking them], "What put you into Saqar?" They shall say: "We were not of those who prayed."}³⁷⁶ The first reason mentioned by the disbelievers for their dwelling in Hell is that they were not amongst those who prayed.**

³⁷¹ See al-Iqnā' (1/113).

³⁷² See al-Dar al-Naqī (1/157).

³⁷³ Al-Tawbah: 103

³⁷⁴ Al-Tawbah: 5

³⁷⁵ Al-Tawbah: 11

³⁷⁶ Al-Mudathir: 38-43

A Commentary on Zād al-Mustaqni

Allah says about the disbelievers: {And when it is said to them, "Bow [in prayer]," they do not bow. Woe on that day to the rejecters.}³⁷⁷ The Prophet z said, "Between the servant and *kufr* and *shirk* lies the neglect of prayers."³⁷⁸ He also said, "The difference between us and them is the prayer. Whosoever leaves it has disbelieved."³⁷⁹ The great significance of the prayer is also highlighted by Allah's command that *masjids* be built especially for this act of worship. The *adhān* was revealed just so that people can come to pray at the *masjid*. Allah says: {In houses (*masjids*), which Allah has ordered to be raised (to be cleaned, and to be honoured), in them His Name is glorified in the mornings and in the afternoons or the evenings, [are] men whom neither commerce nor sale distracts from the remembrance of Allah and performance of prayer and giving of *zakab*.}³⁸⁰

All of these evidences illustrate the importance of *salah* in Islam. However, many Muslims are still neglectful of it. There are those who leave it completely, claiming that Islam is not just about praying. Some do pray, however they perform their prayers beyond the prescribed times of prayer. Most often, the delay is purposeful. Allah says regarding this: **{But there came after them successors who neglected prayer and pursued desires.}**³⁸¹ **{So woe to those who pray, [But] who are heedless of their prayer.}**³⁸² These people are addressed as those who pray. However, they are negligent of it by delaying it beyond the prescribed times without a valid excuse that is acceptable in Islamic law. Allah says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**³⁸³ I.e. each prayer has its own prescribed time which is fixed. More details will follow later in the chapter. There are those who pray, but their prayer is incomplete. There also Muslims who do not observe *tamā'nīnah* (moments of stillness in between the movements of prayer) and are hasty in their prayers. These types of prayers may become invalid.

A man entered the masjid, prayed and then greeted the Prophet 38 who re-

³⁷⁷ Al-Mursalat: 48-49

³⁷⁸ Reported by Muslim (1/61-62) from the narration of Jābir ibn 'Abdullah.

³⁷⁹ Reported by Ahmad (5/346 and 355), al-Tirmidhī (2621), al-Nasā'ī (1/231) and Ibn Mājah (1079) from the narration of Buraydah ibn al-Hasb al-Islamī.

³⁸⁰ Al-Nūr: 36-37

³⁸¹ Maryam: 59

³⁸² Al-Ma'ūn: 4-5

³⁸³ Al-Nisā: 103

The Book of Prayer

ciprocated and then added, "Pray again for indeed you have not prayed." So the man repeated the prayer. When he returned on the second occasion, the Prophet $\underline{\mathbb{Z}}$ told him to repeat his prayer again. The man said, "I swear by Him who has sent you as a prophet that I do not know how to better my prayer more than this. So teach me." He, $\underline{\mathbb{Z}}$ said, "If you stand for prayer, than make *takbir* and read what is easy for you of the Qur'ān. Bow until you are tranquil in the bowing and rise until you are tranquil in your standing. Then prostrate until you are tranquil in your prostration. Do this throughout your prayer."³⁸⁴ The Prophet said that the man had not prayed because his prayer was void of *tamā'nīnab*.

There are also those who pray hastily without a conscious effort to focus on the prayer. Their thoughts are elsewhere whilst they are physically present at the *masjid*. The heart sometimes is pre-occupied with worldly affairs even as one prays. How can one taste the sweetness of *salab* when his heart and mind are engrossed in so many other thoughts? No one is going to order this person to repeat his prayer as outwardly he has accomplished the action. However his prayer does not benefit him except for those fleeting moments where his thoughts were drawn back to the prayer.

There are those who do not pray in congregation, choosing to pray in their houses or elsewhere, not in the *masjids* even though they can hear the *adhān*. They claim that the congregational prayer is only Sunnah and not obligatory. A blind man came to the Prophet $\frac{1}{2}$ and said, "O Messenger of Allah! I am a blind man and there is no one to guide me and there are many venomous creatures in Madīnah. Do I have an excuse to pray at home?" To which the Prophet $\frac{1}{2}$ asked, "Do you hear the call for prayer?" The blind man replied, "Yes". Then the Prophet $\frac{1}{2}$ replied, "So answer it."³⁸⁵

The blind man was not pardoned from attending congregational prayers at the *masjid* even though he had a valid excuse. Since there was a possibility of him finding someone to guide him to the *masjid*, his excuses were not fully justified. In fact, the obligation to attend congregational prayers is ratified even in dire situations such as the prayer of fear (*salat al-khawf*) which is performed

³⁸⁴ Reported by al-Bukhārī (1/192) (8/68) and Muslim (2/10 and 11) from the narration of Abu Hurairah.

³⁸⁵ Reported by Abu Dawūd (533), al-Nasā'ī (2/109), Ibn Khuzaimah (1478) from the narration of 'Amr ibn Umm Maktūm.

A Commentary on Zād al-Mustaqni

whilst in the midst of a battle with the enemy. Allah commanded the Muslims to pray in congregation even as an armed conflict was going on around them. The *imām* divides the congregation in two during this situation. This is yet another explicit proof that congregational prayer is an obligation though some scholars said that it is only strongly recommended (*mustahab*). This is an independent judgment (*ijtihād*) on their part which is incorrect.³⁸⁶ It contradicts the evidences in the Qur'ān and the Sunnah of Allah's Messenger g.

The Prophet $\frac{1}{85}$ said, "Whoever hears the *adhān* and does not respond to the call, there is no prayer for him except for those who possess a valid excuse." The narrator, Ibn 'Abbās was asked, "What is the valid excuse?" He replied, "Fear and sickness."³⁸⁷

'Abdullāh ibn Mas'ūd said, "Whosoever wishes to meet Allah as a Muslim tomorrow, let him be steadfast in performing the prayer where it is called. Verily Allah has ordained for your Prophet *sunan* (traditions) that guide. These prayers are the *sunan* that guide. If you all prayed at your houses, just like this rebel who prayed in his house, you have indeed let go of the Sunnah of your Prophet. If you leave the Sunnah of your Prophet you will go astray. We have observed that only the hypocrite known for his hypocrisy does that. There were men who were assisted to the *masjid* by two men supporting them on either side until they stood in the rows for the prayer."³⁸⁸

The Companions of the Prophet $\frac{1}{26}$ never missed the prayer in congregation. Even the old men amongst them sought support from people to get to the *masjid*. [When considering the manner of the elderly Companions,] what do we say regarding the fit and young from amongst them? Would they ignore the call to prayer? Evidently we say no, for they knew its great significance.

Let us not heed the advice of he who says that praying in congregation is only recommended and not an obligation. We heed the guidance of Allah and His Messenger. Scholars do err at times while the Prophet $\frac{1}{26}$ is always correct and he is free of sin and error. His words are insusceptible to mistakes. So why do we neglect his guidance and hold on to the opinion of others? Having said

³⁸⁶ Like that of Mālik, al-Thawrī, Abu Hanīfah and al-Shāfi'ī. See al-Mughnī (3/5).

³⁸⁷ Reported by Abu Dawūd (551), Ibn Mājah (793) from the narration of 'Abdullah ibn 'Abbās.

³⁸⁸ Reported by Muslim (2/124).

The Book of Prayer

this, it must be pointed out that those scholars (may Allah have mercy upon them) gave the relaxed ruling whilst they themselves never missed praying in congregation.

To summarise, the above discussion emphasises the importance of prayer and its significance. We are also urged to help facilitate anyone who wishes to pray to the best of our ability. We are told to warn people not to be lackadaisical regarding it and to be steadfast in performing it in congregation. These are the immediate objectives and goals for a student of knowledge and those who act as advisors or counsellors. It is unbecoming of them to ignore the indifference people have towards the daily prayers. Turning a blind eye to this problem by regarding it as normal only exacerbates the situation.

Some others propound that the $d\bar{i}n$ is about transactions, or about $akhl\bar{a}q$ (manners). The underlying agenda which is alluded to is that Islam is about being fair in all transactions with the people and showing them the best of manners. This is the core of the religion and the prayer is only secondary. We affirm that these are from religion, however the basis of the religion is as the Prophet Ξ said, "Islam is the declaration that there is none worthy of worship except Allah and that Muhammad is the messenger of Allah, the establishment of prayer, giving of *zakat*, fasting in Ramadān and making Hajj to the house if one has the means to do so."³⁸⁹

May Allah guide the wayward Muslims to the right path and make the observing Muslims more steadfast upon the truth.

تجب على كل مسلم مكلَّف، إلا حائضاً ونفساءَ

متن

It is obligatory upon all Muslims who are *mukallaf* except the menstruating woman and the woman having post-natal bleeding.

The following are the conditions that make prayer an obligation:

First: "It is obligatory upon all Muslims": The first condition is that they have to be Muslim. Non-Muslims are not required to do so. It becomes obligatory upon them as soon as they embrace Islam. If one prays in the state of dis-

³⁸⁹ Reported by Muslim (1/28, 29, 30), Ahmad (1/28, 51) from the narration of 'Umar ibn al-Khattāb.

A Commentary on Zād al-Mustaqni

belief, his prayer is not accepted. Therefore the primary obligation upon the non-Muslim is to embrace Islam and then comes the obligation of prayer. As the Prophet \mathfrak{B} instructed Mu'ādh, "The first thing you should invite them towards is the declaration that there is none worthy of worship except Allah and that Muhammad is the messenger of Allah. If they were to accept this, then teach them that Allah has made the five daily prayers obligatory upon them... [to the end of the hadīth]."³⁹⁰

Second: "*Mukallaf*": I.e. one who is mature and of sound mind. Exceptions would be a child who has not yet reached maturity and the insane who have lost the mental capacity to think rationally. They are not obliged to pray as the Prophet $\frac{1}{3}$ said, "The pen has been raised from three; a child until he reaches maturity, the sleeping person until he wakes up and the insane until he attains sanity."³⁹¹

"Except the menstruating woman and the woman having post-natal bleeding": Though they are Muslims and *mukallaf*, they are exempted from prayers due to *haydh* and *nifas* respectively. This is because the pre-requisite for prayer is *tahārah* and the above two conditions make women impure during the entirety of the duration of them being in this state. Therefore they are not obliged to pray as a form of concession which is a mercy from Allah upon them. The evidence for their exemption is that women during the era of the Prophet $\frac{392}{2}$

Those who lose consciousness due to sleep, fainting or intoxication have to make up their prayers. An insane person's prayer is not accepted as is the prayer of a non-believer. If one performs it, then he is adjudged a Muslim.

³⁹⁰ Reported by al-Bukhārī (2/130 and 169) and (3/169), Muslim (1/38) from the narration of 'Abdullah ibn 'Abbās.

³⁹¹ Reported by Ahmad (1/154, 158), Abu Dawūd (4401 and 4402), al-Tirmidhī (1423) from the narration of 'Alī ibn Abī Tālib.

³⁹² Reported by al-Bukhārī (1/88) and Muslim (1/182) from the narration of Mu'adhah said: "A woman asked 'Aishah, 'Does a woman repay the prayers that she has missed due to her menses?' 'Aishah replied, 'Are you a *harūriyab*?" We used to menstruate with the Prophet and then become pure, and he did not tell us to make up for the prayers we missed.""

The Book of Prayer

"Those who lose consciousness due to sleep": I.e. It is temporary. The Prophet # said, "Whoever forgets to perform his prayers or has fallen asleep during the prayer time, he shall do so when he remembers. There is no penalty for it except the prayer itself."³⁹³

"Fainting": Those who have fainting spells have to make up the prayer when they regain consciousness. This is applicable as long as they are of sound mind and have fully recovered their cognitive abilities.

"Intoxication": This is because intoxication diminishes the ability to think rationally. Allah says: **{Do not approach prayer while you are intoxicated until you know what you are saying.}**³⁹⁴ If he is no longer intoxicated, he must make up for the missed prayer.

Those who are in a state of confusion for an extended period after a bad road accident are exempted from making up their missed prayers.

"An insane person's prayer is not accepted as is the prayer of a non-believer": An insane person loses his faculties due to his mind becoming overcome or possessed. He is not obliged to pray for he is among those who are exempted. He does not have to make up the prayers that he missed if he regains sanity. This is because it was not an obligation upon him during the period he was insane. If he prays while being insane, it is not valid for he could not have had the proper intention to pray.

Similarly, a non-Muslim's prayer is invalid as prayer is an act of worship. These acts have a pre-requisite that one has to be Muslim before their performance. This applies to the apostate as well.

"If one performs it, then he is adjudged a Muslim": Superficially he is a Muslim and one assumes that he has verbalised the two declarations of faith. However, his intention is known only to him and Allah.

متن ويؤمر بها صغير لسبع، ويضرب عليها لعشر، فإن بَلَغَ في أثنائها أو بعدَها في وقتها أعاد A child of seven should be ordered to perform the prayer and at the age of

393 Reported by al-Bukhārī (1/155), Muslim (2/142) from the narration of Anas ibn Mālik. 394 Al-Nisā: 43

ten, he is struck if he doesn't pray. If he or she attains puberty during the prayer or afterwards while the prayer time has yet to lapse, he or she must repeat the prayer.

"A child of seven should be ordered to perform the prayer": We have discussed that it is not obligatory for a child to perform the prayer. However, they are urged to pray from the age of seven so that it serves as training for the future. The prayer is still optional for the child and he is rewarded for it. The Prophet said, "Command children to pray at seven years old."³⁹⁵ Children below this age are not commanded to pray for they will not comprehend its importance.

"At the age of ten, he is struck if he doesn't pray": Corporal punishment is served to instil discipline and to stress the importance of obligatory prayers. A child of seven is instructed to pray and he is struck for not doing so at ten. Many parents do not take this advice from the Prophet. Their children are left to their own fancy. We see parents fuming if their children skip school without their knowledge. However, they do not bat an eyelid if their children fail to perform their prayers. It is of little significance to them.

"If he or she attains puberty during the prayer or afterwards while the prayer time has yet to lapse, he or she must repeat the prayer": If one of the two signs of puberty appear whilst the child is performing his prayer, then he must repeat it. Similarly if it appears after the prayer but the prayer time has yet to lapse, he must repeat the prayer. This is because the prayer is not obligatory for a child before puberty. Since he or she attains it, the prayer becomes obligatory. Since there is a shift in intention, the prayer is repeated with the intention that it is obligatory upon him.

ويَحْرُم تأخيُرها عن وقتها، إلا لناوي الجمع، ولمشتغلِ بشرطها الذي يحصِّله قريباً من

Delaying a prayer until after its specific time is prohibited except when combining prayers or when pre-occupied with completing one of its conditions and he is close to completing it.

"Delaying a prayer until after its specific time is prohibited except when combining prayers": One should not do so without an excuse that is valid accord-

³⁹⁵ Reported by Ahmad (2/180 and 187), Abu Dawūd (495 and 496), al-Hākim (1/197) and al-Bayhaqī in his *Sunan* (2/229) from the hadīth of 'Abdullah ibn 'Amr.

The Book of Prayer

ing to Islamic law. The example of a valid excuse would be the combining of prayers whilst one is on a journey or at times when he is very sick. He delays the one prayer until the next one is due. For example the *zubr* prayer is delayed until the *'asr* prayer and prayed together one after the other in succession or he delays *maghrib* until the *'ishā* prayer. This delay in prayer is permitted if an individual falls under the above categories.

"Or when pre-occupied with completing one of its conditions and he is close to completing it": For example one is busy trying to fulfil a condition of the prayer such as finding or procuring water so as to make ablution with it. The Hanbalī *madhab* propounds that one should persist in the quest for water if he is sure that it can be obtained. This is a valid reason to delay the prayer.³⁹⁶

Another view is that one should make *tayyamum* and perform his prayer if he does not have water. This view is preferred as Allah s says in the Qur'ān: **{So fear Allah as much as you are able.}**³⁹⁷ He should not delay the prayer beyond its specific time as its time is ordained by Allah. The timing is also a pre-requisite for prayers. Allah says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**³⁹⁸

Whoever denies its obligation has disbelieved. A similar ruling applies for the one who misses prayers on purpose. The ruler or his assistant must order him to pray and insist he do so until the time for the next prayer draws to a close. He is not executed until the passing of a three-day grace period by which time he must repent. This applies to both situations.

"Whoever denies its obligation has disbelieved": I.e. those among the Muslims who deny the obligation of the five daily prayers. He belies Allah by taking such a stance for it is the Almighty who ordained it as obligatory. He has lied against the Prophet and the consensus of the Muslims³⁹⁹ by denying the

³⁹⁶ See al-Insāf (1/398-399).

³⁹⁷ Al-Taghabūn: 16

³⁹⁸ Al- Nisā: 103

³⁹⁹ See al-Mughnī (3/301).

obligation of prayer and becomes an apostate as a result. No Muslim can plead ignorance to the obligation of the five daily prayers.

"A similar ruling applies for the one who misses prayers on purpose": Those who recognise the obligation of the prayer yet do not pray without a valid reason due to their negligence have disbelieved as well. The evidence against them is similar to the one who refutes the obligation of prayers.

"Or his assistant": For example a judge or the governor who will insist that he prays.

"Until the time for the next prayer draws to a close": This is to negate a potential claim that he combined his prayers. If he does combine both prayers, it is explained to him that it can be done so only in certain circumstances and with valid excuses.

"He is not executed until the passing of a three-day grace period by which time he must repent": He is asked to repent for missing prayers as Islamic law offers respite to the apostate by means of repentance before he is executed. The one who misses his prayer is an apostate and is asked to repent over a threeday period. He is ordered to repent each day by those in authority. If he does not repent by the end of this grace period, he is executed.

"This applies to both situations": I.e. he who denies or refutes the obligation of the five daily prayers and he who misses the prayer out of negligence.

بـاب الأذان والإقـامة CHAPTER: ADHĀN AND IQĀMAH

Adhān is the call to prayer. Linguistically, it is termed as the announcement. Allah ﷺ says: {And [it is] an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers.}⁴⁰⁰ In this ayah, Allah announced during the Hajj that He and His messenger were free from association with the idolaters. So the definition in the case of *adhān* is: the announcement that the prayer is due.

Iqāmah is the announcement that the prayer itself is about to begin. Both the adhān and iqāmah are from the great emblems of Islam. If the people of a country prohibit the adhān and iqāmah from being called, it becomes mandatory for the Muslims to wage war against them. The Prophet $\frac{1}{2}$ used to listen to sounds emanating from a town before waging war against it. If he heard the adhān from the town, he would desist.⁴⁰¹

هما فرضا كفاية على الرجال المقيمين للصلوات المكتوبة

Both are *fard kifāyah* (communal obligation) upon resident men for the obligatory prayers.

"Both are *fard kifāyah*": I.e. if some men carry out this obligation, the rest are spared of the obligation but the acts remain Sunnah for them. However, if no one carries out the obligation, it is a sin upon the community as a whole. In

متن

⁴⁰⁰ Al-Tawbah: 3

⁴⁰¹ Reported by Muslim (2/3-4), Ahmad (3/132), al-Tirmidhī (1618), Abu Dawūd (2634) from the narration of Anas ibn Mālik.

A Commentary on Zād al-Mustaqni

terms of *fard kifayah*, the emphasis is on carrying out the obligation, not on any individual. *Fard al-'ayn* on the other hand places emphasis on the obligation being carried out at the individual level as well.

"Upon resident men": Not on women, who are permanently spared of this obligation. In fact, they are prohibited from making the *adhān* or *iqāmah*. The obligation is upon residents. Not on the traveller. It is Sunnah for the traveller to make the *adhān* and *iqāmah*. However, the correct opinion is that it is an obligation upon the resident and the traveller alike.⁴⁰² The Prophet $\frac{1}{28}$ said: "When the prayer is due, let one of you make the *adhān* and let the eldest amongst you lead the prayer."⁴⁰³

"For the obligatory prayers": *Adhān* is mandatory (*wajib*) for the five daily prayers. *Nafl* (optional) prayers like *tarawib*, the prayer asking for rain and the two '*Eid* prayers do not require the *adhān*. If it is done during these prayers it becomes an innovation. As for the eclipse prayer, an announcement: "*assalatu jāmi'ah*" (congregational prayer) is made in accordance to the practice of the Prophet \gtrsim .⁴⁰⁴

متن

يُقَاتَل أهلُ بلدٍ تركوهُما، وتحرُم أجرتُهما، لا رزق من بيت المال لعدم متطوع

War is waged upon the people of the city if they prohibit these both. Receiving remuneration for calling to prayer is prohibited but receiving money allocated from the *baitul māl* (state coffer) is not. This is if none comes forward to do it for free.

"War is waged upon the people of the city if they leave these both": I.e. the *adhān* and *iqāmah* for they are *fard kifayah*. If the people of the town persist in banning it, the ruler must wage war against them. This is because they reject a famous symbol and outward ritual of Islam.

⁴⁰² See al-Insāf (1/407).

⁴⁰³ Reported by al-Bukhārī (1/162), (8/11) and Muslim (2/134) from the narration of Mālik ibn al-Huwayrith.

⁴⁰⁴ Reported by al-Bukhārī (2/50) and Muslim (3/29) from the hadīth of 'Aishah who said, "There was a lunar eclipse during the time of the Prophet who sent a caller to call out; '*Al-salāt al-jāmi'ab*.' The people gathered and the Prophet led a prayer of two *rak'āt* (units) with four bows and prostrations."

"Receiving remuneration for calling to prayer is prohibited": This is because the adhan is an act of worship. Acts of worship should not be undertaken for worldly gain.

"But receiving money allocated from the *baitul māl* (state coffer) is not": The ruler sets aside some amount of money for the caller of *adhān* so that a person will be duty-bound to call it on time for every prayer without fail. This money is also allocated to them as they have needs for themselves and their children. Hence it is acceptable to offer them this amount. It should not be termed as a salary but an allocation from the *baitul māl*.

"This is if none comes forward to do it for free": That is, if one volunteers to do it regularly without expecting anything in return, he is given priority for calling to prayers.

ويكون المؤذن صَيِّتاً أميناً عالماً بالوقت

متن

The *muadhin* (caller to prayer) should possess a loud voice, be trustworthy and time-conscious.

These are the traits of a *muadhin*:

Firstly: He possesses a loud voice. This is so that people can hear him making the *adhān*. One who is unable to raise his voice is not fit for the job.

Secondly: Trustworthiness with regards to prayer timings. He should only make the *adhān* when the prayer times are due so as not to confuse the people with regards to their fasting and other acts of worship. He should not call it earlier. Also he should not delay the *adhān* beyond the earliest time so as not to bring difficulty to the situation of those who want to end their *sahūr* (predawn meal) and begin fasting. He should also be trustworthy with regards to people's privacy. Since the call is made from a raised platform if not a minaret tower, he should not peer into people's houses.

<u>Thirdly</u>: He must be time-conscious by keeping up to date with the timings for the individual prayers and timely in calling the *adhān* as soon as it is due without delay.

فإن تَشَاحَ فيه اثنان قُدِّم أفضلُهما فيه، ثم أفضلُهما في دينه وعقله، ثم من يختاره الجيران، ثم قُرْعةٌ متن

If two men are appropriate for the job, the one better in making the *adhān* is given priority. Thereafter, the better of the two in the *dīn* and intellect. Finally it is decided by those living around the *masjid* and then lots are drawn.

"If two men are appropriate for the job": I.e. if several men have the traits of a *muadhin*, then he who volunteers to do it not expecting anything in return should be given priority. We discussed this earlier on.

"The one better in making the *adhān* is given priority": If a volunteer is not available, then the one more skilled in calling the *adhān* is given priority.

"Thereafter, the better of the two in the $d\bar{i}n$ and intellect": Since this person will be the most trustworthy from them as the Prophet \gtrsim said, "Let the best of you make the *adhān*."⁴⁰⁵

"Finally it is decided by those living around the *masjid*": For they will be able to judge whose voice is louder and clearer and which is more audible to them whilst they are within their houses.

"And then lots are drawn": If two men are equal in respect to all of these traits and qualities, then the *muadhin* is chosen by drawing lots. The man picked gets to have priority over the other.⁴⁰⁶ Drawing lots is allowed in Islam if a matter is indistinguishable. The Prophet $\frac{1}{26}$ did it⁴⁰⁷ like the Prophets before him.

407 Reported by al-Bukhārī (3/208, 238) and (4/40) and Muslim (8/113) from the narration of 'Aishah who said, "If the Prophet \approx wanted to make a journey, he would draw lots to decide which wife would accompany him on it."

⁴⁰⁵ Reported by Abu Dawūd (590), Ibn Mājah (726), al-Bayhaqī in *al-Kubrā* (1/426) from the narration of 'Abdullah ibn 'Abbās.

⁴⁰⁶ Reported by al-Bayhaqī (1/428-429) as narrated by Ibn Shubrumah who said, "There was a stiff competition amongst the men to be the *muadhin* in Qādisiyah. They deferred to S'ad who drew lots to choose the *muadhin*." The chain of narration of this hadīth is broken. 'Abdullah ibn al-Imām Ahmad said in *Masā'alah* (200), "I asked my father regarding the *masjid* with two men claiming to be worthy of calling the *adhān*. He replied, 'If both of them have all the traits of a *muadhin*, then lots are drawn to decide. S'ad did it. If one of them is more worthy, then it is only fair that the other not vie for the job.' I asked my father, 'What if one of them is older and has been coming to the *masjid* longer while he gives charity to the *masjid* and helps preserve it?' He replied, "Then that person is more worthy to call the *adhān*."

من وهو خسَ عشرةَ جملةً، يرتِّلُها على علو متطهراً مستقبلَ القبلة، جاعلاً إصبعيه في أذنيه، غير مستدير، ملتفتاً في الحَيْعَلَة يميناً وشمالاً، قائلاً بعدهما في أذان الصبح: الصلاة خير من النوم، مرتين

It is fifteen sentences recited from a raised platform. It is recited while in a state of cleanliness and facing the Qiblah. A finger is placed within each ear. [The *mu'adhin remains*] rooted to one spot without movements except the moving of the head to the right and left whilst saying '*hay'alah'*. '*Assalātu khairun min an-nawm'* is added for the call to *fajr* prayer. It is said twice.

"It is fifteen sentences": That is, (i) the *takbīr* (saying, "Allahu akbar") four times, (ii) saying the testification, "Ashhadu an lā ilāha illa'llah" (I bear witness that there is no deity besides Allah) twice, (iii) the [second] testification, "ashhadu anna muhammadan rasulullah" (and I bear witness that Muhammad is the messenger of Allah) twice, (iv) saying "haya 'ala as-salāh" (hasten to the prayer) twice, (v) "haya 'ala al-falah" twice, (vi) followed by the *takbīr* again which is said twice (vii) and finally *tahlīl* (saying, "lā ilāha illa Allah") once. This is the *adhān* which is well-known and established by the Prophet \mathfrak{Z} . This has been called from his time until the present day.

The addition "*haya 'ala khair al-'amal*" (hurry to the best of deeds) was not established by the Prophet **ﷺ**. It is in fact an innovation by the Shi'ah sect who also add, "*ashhadu anna 'aliyyan waliuallah*" (I bear witness that 'Alī is the friend of Allah).

"Recited": In a flowing manner with deliberately lengthened phrases. The Prophet ﷺ said to Bilāl, "If you call the *adhān*, make it long and flowing."⁴⁰⁸

"From a raised platform": It could be the roof-top or the minaret tower of the *masjid*, so that it is easily audible to the people. Bilāl used to go on the roof-top of a house near the Prophet's *masjid* and call the *adhān*. It used to be the tallest building near the *masjid*.⁴⁰⁹ In the present time, this objective is achieved by using microphones and loudspeakers.

⁴⁰⁸ Reported by al-Tirmidhī (195), al-Hākim (1/204), al-Bayhaqī (1/428) from the narration of Jābir ibn 'Abdullah.

⁴⁰⁹ Reported by Abu Dawūd (519) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/425) from a narration by a women from Banī al-Najjar.

"In a state of cleanliness": It is recommended that the caller of *adhān* has performed his *wudhū* and is free of both major and minor impurities.

"Facing the Qiblah": Since the *adhān* is an act of worship, it should be done facing the Qiblah (the direction towards the Ka'bah in Makkah).

"A finger is placed within each ear": The index finger is placed in each ear as the Prophet \cong instructed Bilāl to do so saying, "It aids to raise the voice."⁴¹⁰

"Rooted to one spot without movements": From the beginning of the *adhān* to the end.

"Except the moving of the head to the right and left": This is the Sunnah⁴¹¹ as perfomed by Bilāl.

""Assalātu khairun min an-nawm' is added for the call to fajr prayer. It is said twice": The Prophet \cong instructed Abū Mahdhūrah to add this to the adhān of the fajr prayer. ⁴¹² The wisdom behind this is that people tend to be sleeping during the early hours of the morning. It is added as a wake-up call to those sleeping. It is not added to other than the call to fajr prayer.

متن

وهي إحدى عشرة – يَحْدُرُها. ويقيم مَنْ أَذَّن في مكانه إن سَهُل

Iqāmab is eleven sentences said quickly. The *muadhin* also says the *iqāmab* and in the same place, if convenient.

"*Iqāmah* is eleven sentences said quickly": Unlike the *adhān*, it is said quickly. This is because the *iqāmah* is meant for those already present in the *masjid*. Hence there is no need to lengthen it. The Prophet $\frac{1}{26}$ said, "If you call the *adhān*, make it long and flowing and if you call the *iqāmah*, make it quick."⁴¹³

⁴¹⁰ Reported by Ibn Mājah (710) from the narration of S'ad ibn 'Ā'idh. See also *Fath al-Bārī* by Ibn Rajab (3/552).

⁴¹¹ Reported by al-Bukhārī (1/163), Muslim (2/56) from the narration of Abu Juhayfah who saw Bilāl moving his mouth side to side whilst calling the *adhān*.

⁴¹² Reported by Ahmad (3/458) and Abu Dawūd (501).

⁴¹³ Reported by al-Tirmidhī (195), al-Hākim (1/204), al-Bayhaqī (1/428) from the narration of Jabir ibn 'Abdullah.

The practice of some *muadhins* nowadays contradicts the above prophetic command. They elongate the *iqāmah* such that it is very much like the *adhān*.

"The muadhin also says the $iq\bar{a}mah$ ": It is a Sunnah that the one who calls the *adhān* should also call the $iq\bar{a}mah$. The Prophet \cong said, "Whoever call the *adhān* should also call the $iq\bar{a}mah$."⁴¹⁴ However, it is permissible for another person to call for $iq\bar{a}mah$.

"In the same place, if convenient": I.e. from the same place the *adhān* was called so that the people are made known of the *iqāmah* as well. However, if the *muadhin* may miss the *takbīratul ihrām* (first *takbīr* in prayer) [due to the distance between the minaret tower and the prayer hall for example,] then he should make the *iqāmah* from inside the *masjid*.

ولا يصِحّ إلا مرتَّباً متوالياً من عدل ولو ملحَّناً أو ملحوناً

متن

Adhān must be done in sequence and in succession between each sentence, called by a just man even if he pronounces words melodiously or is dyslexic.

The conditions that validate *adhān* are:

<u>Firstly</u>: It is in sequence. If the sequence is ignored, the *adhān* becomes impermissible.

Secondly: It is in succession i.e. the sentences should follow one after the other in short order. There should not be long gaps in between each sentence. However, the *muadhin* can leave a short gap in between phrases to cough or sneeze, take a sip of water or speak a word or two to someone who needs an immediate reply or instruction. For example, the *muadhin* telling someone to "close the door" or "bring it like this" in a short gap whilst making the *adhān*. This is allowed if the speech is of a permissible nature. If he curses or swears whilst calling the *adhān*, it becomes invalid even if it is short. Similarly verbose speech whilst calling the *adhān* renders it invalid as it violates the condition of succession.

Thirdly: It is called by a just man i.e. one whose just nature is apparent. The

⁴¹⁴ Reported by Ahmad (4/169), Abu Dawūd (514), al-Tirmidhī (199) and Ibn Mājah (717) from the narration of Ziyād ibn al-Hārith al-Sadā'iy.

fasiq (one who commits major sins) should not be allowed to call the *adhān*. This is because the *adhān* is the announcement and news that the prayer is due. News from a *fasiq* is not accepted. Moreover, he cannot be relied on to be timely in calling the *adhān*. It is even permissible for one who has problems pronouncing the words of the *adhān* incorrectly and for a dyslexic. The difference between one who pronounces words in a melodious manner and he who is dyslexic is that the latter makes grammatical errors for example he says, "*Allaha akbar*" when in fact it should be "*Allahu akbar*."

It is acceptable for a child who is *mumayiz* to call the *adhān*. A big gap in between *adhān* and *iqāmah* nullifies it as does the performance of *haram* acts, even if there is a short gap. It is not permissible before the prayer time is due except for *fajr* prayer which can be called for after midnight. It is a Sunnah to sit for a while after the *adhān* of *maghrib*.

"It is acceptable for a child who is *mumayiz* to call the *adhān*": This is because the prayers of a child who is *mumayiz* (able to distinguish between good and bad) is accepted, so is his *adhān*.

"A big gap in between *adhān* and *iqāmah* nullifies it": This is because it violates the condition of succession.

"As does the performance of *haram* acts, even if there is a short gap": For example, the gap in between is used to curse or indulge in vulgar speech.

"It is not permissible before the prayer time is due": As the objective of the $adh\bar{a}n$ is the announcement that the prayer is due.

"Except for *fajr* prayer": However the *adhān* for *fajr* prayer can be called before the prayer time is due. The Prophet $\frac{1}{28}$ said, "Verily Bilāl calls the *adhān* at night. So eat and drink until the son of Umm Makhtūm calls the *adhān*."⁴¹⁵ Since people need to awake from sleep and prepare for the *fajr* prayer, it is

⁴¹⁵ Reported by al-Bukhārī (1/160), (3/225) and Muslim (3/128) from the narration of 'Abdullah ibn 'Amr. Also narrated by 'Aishah as reported by al-Bukhārī (1/161) and Muslim (2/3), (3/129)

permissible to call the *adhān* before the time is due.

"After midnight": The *adhān* of *fajr* can be called anytime after midnight i.e. once the time for '*ishā* prayer lapses. Doing so before midnight is not permissible.

"It is a Sunnah to sit for a while after the *adhān* of *maghrib*": What is the time gap between the *adhān* and *iqāmah*? This is based on the needs of the masses. If they congregate early for the prayer, then the gap may be lesser than when they arrive late at the *masjid* for the prayer. The Prophet $\frac{1}{28}$ used to begin the '*ishā* prayer if he noticed that his Companions had already gathered for the prayer and would delay its commencement if they were not present in the *masjid*.⁴¹⁶

Those who congregate for the prayers in the *masjid* are accorded due compassion so that they get to join the prayer from the beginning by delaying the congregation. However, this compassion should not extend to those who are lazy. The Companions were definitely not among those who were lazy. The *maghrib* prayer itself should be performed without delay for the Prophet $\frac{1}{26}$ used to hasten the prayer after the *adhān*, leaving only a short gap before the *iqāmah* was called.⁴¹⁷ The rest of the prayers may be delayed according to the needs of the people. Though it must exclude the needs of the lazy ones.

ومن جمع أو قضى فوائتَ أَذَّن للأولى، ثم أقام لكل فريضة

متن

Whoever combines prayers or prays missed prayers in succession should make the *adhān* for the first and *iqāmah* alone would suffice for the rest.

"Whoever combines prayers or prays missed prayers in succession should make the *adhān* for the first and *iqāmah* alone would suffice for the rest": If a person combines two prayers due to a valid excuse e.g. due to travelling. He should make the *adhā*n for the first of the two prayers and make *iqāmah* for both. This was practiced by the Prophet $\frac{1}{26}$ in Arafah and Muzdalifah (during the Hajj

⁴¹⁶ Reported by al-Bukhārī (1/147), Muslim (2/119) from the narration of Jābir ibn 'Abdullah.

⁴¹⁷ Reported by al-Bukhārī (2/74)(9/138), Ahmad (5/55), Abu Dawūd (1281) from the narration of 'Abdullah ibn al-Mughaffal that he heard the Prophet \approx say, "Pray before the *maghrib* prayer." Repeating it twice. The third time he said, "Those who wish to do so." So that people will not regard it as Sunnah.

rites). He would ask a companion to make the *adhān* and then say the *iqāmah* for the first prayer. After that prayer was competed, he \cong would command the companion to say the *iqāmah* and the second prayer was performed.⁴¹⁸

Similarly, a person making up the missed prayers should call the *adhān* and *iqāmah* for the initial prayer and make the *iqāmah* alone for the subsequent prayers until he makes up for all the prayers that were missed.

It is a Sunnah for the listener to repeat the phrases of the *adhān* quietly and say the *bawqalab* when '*Haya* 'ala al-salab' and '*Haya* 'ala al falab' are said. Once the *adhān* is completed, the listener should say, "*Allahumma rabba hadhi ad-da'wati at-tāmati wa as-salati al-qaimab*. Āti muhammadan al-wasīlata wa al-fadhilab. Wab'athhu maqāman mahmūdan alladhi wa'adtah."

"It is a Sunnah for the listener to repeat": It is recommended that the listener repeat what the *muadhin* says after each phrase. The only exception is when he says "*haya 'ala al-sālah*" and "*haya 'ala al-falah*" to which the listener says, "*lā hawla wa lā quwata illa billah*" ("There is no power and strength besides Allah").⁴¹⁹ He does not repeat the phrase of the *muadhin* in this instance.

"Quietly": One should not raise his voice whilst repeating the phrases of the *adhān*.

After the completion of the *adhān*, *salām* should be sent upon the Prophet 38, "Allahumma salli wa sallam 'ala muhammadin."

⁴¹⁸ Reported by Muslim (4/40) from the narration of Jābir ibn 'Abdulllah while describing the Hajj rites of the Prophet $\frac{1}{26}$ He said, "Then the *adhān* was called followed by the *iqāmah*. He prayed the *zuhr* prayer. Subsequently, the *iqāmah* was called again and the 'asr prayer was performed. He did not pray any other prayer between these two obligatory prayers. He arrived at Muzdalifah and prayed *maghrib* and '*ishā* there with one *adhān* and two sayings of the *iqāmah*. He did not pray any other prayer between these two obligatory prayers.

⁴¹⁹ Reported by al-Bukhārī (1/159), Ahmad (4/91, 94), al-Nasā'ī (2/25) from the narration of 'Alqamah ibn Waqās.

"Once the *adhān* is completed, the listener should say, 'Allahumma rabba hadhi ad-da'wati at-tāmati wa as-salati al-qaimah. Āti muhammadan al-wasīlata wa al-fadhilah. Wab'athhu maqāman mahmūdan alladhi wa'adtah': "O Allah, the Lord of this perfect call and established prayer. Grant Muhammad the intercession and favour, and raise him to the honoured station You have promised him."

"O Allah, the Lord of this perfect call": Which is free of any shortcomings.

"And established prayer": That is about to begin.

"Grant Muhammad the intercession": This is the status in Paradise not accorded to anyone else but the Messenger of Allah

"And raise him to the honoured station that You have promised him": As mentioned in the following ayah of the Qur'ān: {And from [part of] the night, pray with it as additional [worship] for you; it is expected that your Lord will resurrect you to a praised station.}⁴²¹

⁴²⁰ Reported by Muslim (2/4), Ahmad (2/168), Abu Dawūd (523), al-Tirmidhī (3614) and al-Nasā'ī (2/25) from the narration of 'Abdullah ibn 'Amr ibn 'Ās who said, "I heard the Messenger of Allah $\frac{1}{2}$ say, 'If you hear the *adhān*, then repeat what the *muadhin* says and then send blessings upon me for Allah sends ten blessings upon you for doing so. then ask Allah to grant me *al-wasīlah* for it is a status in Paradise which is only accorded to a slave among the slaves of Allah and I hope that I will be the one. Whoever asks *al-wasīlah* for me has secured the intercession." 421 Al-Isrā: 79

باب شروط الصلاة CHAPTER: CONDITIONS OF THE PRAYER

شروطها قبلها

They exist before the prayer, until its completion.

A condition technically refers to that which nullifies the prayer if it was absent and which validates the prayer if it was present. Conditions are taken into account before performing prayer until the prayer is completed.

منها الوقت، والطهارة من الحدث والنجس. فوقتُ الظهر من الزوال إلى مساواة الشيء من فَيْنَهُ بعد فَيْءِ الزَّوال، وتعجيلُها أفضلُ إلا في شدَّةِ حرٍ، ولو صلَّى وحده، أو مع غيمٍ لمن يصلِّي جماعةً

Among the conditions are: the specified time and purification from impurities and *najasah*. The time for *zuhr* is from just after the zenith of the sun to when the shadow replicates the object in addition to its shadow at the zenith. It is better to pray at its earliest time except during extreme heat. This applies if *zuhr* prayer is prayed by oneself or in a congregation on an overcast day.

"The specified time": One of the conditions of prayer is that it should be performed in its specific time. Allah ﷺ says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**⁴²² The Prophet ﷺ also directed towards this condition by his actions and speech.

422 Al-Nisā: 103

متن

"And purification from impurities and *najasah*": Another condition for prayer is purification from impurities and *najasah* on the body, garments and place of worship.

"The time for *zuhr* is from just after the zenith of the sun to when the shadow replicates the object in addition to its shadow at the zenith": The prayer time begins when the sun shifts westward from its zenith. This is noticed when a shadow appears to the east. Allah says: {Establish prayer at the decline of the sun [from its meridian]}⁴²³ As the shadow grows in size, it will reach a stage that it is equivalent to its object; be it a stick, wall or a human. At this time, *zuhr* time has elapsed.

"It is better to pray at its earliest time": Rather than delay it for the best of deeds in the sight of Allah is the prayer done at its earliest time.⁴²⁴ There is merit in hastening towards good deeds.

"Except during extreme heat. This applies if *zuhr* prayer is prayed by oneself or in a congregation on an overcast day": It is Sunnah to delay the *zuhr* prayer in these situations:

Firstly: During extremely hot weather in the summer. It is recommended that the prayer be delayed until such a time that the heat reduces. The Prophet Ξ said, "If it is extremely hot, delay the prayer until it cools down for indeed the extreme heat is from the breath of hellfire."⁴²⁵ Hence the prayer should be delayed until the weather is cooler, having the congregation's convenience in mind.

Secondly: If the sky is overcast and there is a possibility of rain or a sand storm, it is best to delay the *zuhr* prayer. It is permissible to pray *zuhr* at its latest time so that people can attend *zuhr* and stay on to complete the 'asr prayer at the *masjid* at its earliest time. This arrangement is convenient for the people.

⁴²³ Al-Isrā: 78

⁴²⁴ Reported by al-Bukhārī (1/140), (8/2), (9/191) and Muslim (1/62, 63) from the narration of 'Abdullah ibn Mas'ūd who said, "I asked the Prophet, 'What is the best of deeds?'To which he replied, 'The prayer done in its prescribed time.'' As for the wording, "Prayer in its earliest time," it is narrated by Umm Farwah in Ahmad (6/374), Abu Dawūd (426) and al-Tirmidhī (170).

⁴²⁵ Reported by al-Bukhārī (1/142) from the hadīth of 'Abdullah ibn 'Umar and by Muslim (2/108) from the hadīth of Abu Hurairah.

"This applies if *zuhr* prayer is prayed by oneself": The individual praying at home should also avoid the intense heat as should the congregation which gathers at the *masjid*.

"Or in a congregation during an overcast day": This is to make it convenient for the people so that they are not affected by the rain or sand storm. They go outdoors only once to attend the *zuhr* and *'asr* prayers. However, if one offers the prayer by himself at home on an outcast day, he should hasten to do it at the earliest time as he is not affected by the adverse weather.

ويليه وقتُ العصر إلى مصير الفيء مِثْلَيْه بعد فيء الزوال. والضَّرورةُ إلى غروبها، ويُسَنُّ تعجداُها متن

This is followed by 'asr time which extends until the shadow is twice the size of the object, in addition to its shadow at the zenith. In difficult times, 'asr can be prayed until sunset. It is a Sunnah to hasten the prayer.

"This is followed by 'asr time which extends until the shadow is twice the size of the object, in addition to its shadow at the zenith": 'Asr prayer begins immediately after the *zuhr* prayer time ends. This is when the shadow is the size of the object. The time for 'asr extends until the shadow is twice the size of its object. Thereafter, the time for 'asr prayer lapses.

"In difficult times, 'asr can be prayed until sunset": Whoever prays 'asr just before sunset has indeed performed it in its time. However, it is not permissible to do so except in difficult times and one must have a valid excuse to do so.

"It is a Sunnah to hasten the prayer": This is evident from the practice of the Prophet 霎. A companion would pray with the Prophet 霎 the 'asr prayer and go to a place called al-'Awwali, which was at the boundary of Madīnah, arriving there as the sun was shining bright.⁴²⁶ This is proof that he 霙 would pray 'asr early.

ويليه وقتُ المغرب إلى مَغيب الحُمْرة، ويُسَنُّ تعجيلُها إلا ليلةَ جَمْع لمن قصدها مُحرماً من -Followed by the *magbrib* prayer which begins from sunset until the red af

426 Reported by al-Bukhārī (2/144, 149 and 155) and Muslim (2/40, 119 and 120) from the narration of Abu Barzah al-Aslamī.

ter-glow of the setting sun disappears. It is Sunnah to hasten this prayer unless he has the intention of being a *mubrim* on the Night of Jam'.

"Followed by the *maghrib* prayer which begins from sunset until the red after-glow of the setting sun disappears": Immediately after the '*asr* prayer time ends, *maghrib* begins. It begins with sunset and ends when the red after-glow of the sun disappears from the horizon. The horizon is clear and so the after-glow is very apparent. When the after-glow disappears, it becomes clear once again. This moment shall indicate the end of *maghrib* prayer.

"It is Sunnah to hasten this prayer": The Prophet \mathbb{Z} used to do so. When the *adhān* for *maghrib* prayer was called, the Companions would advance to their places of prayer. The Prophet would then arrive to lead the prayer.⁴²⁷

"Unless he has the intention of being a *muhrim*": I.e. if he is in a state of *ihram* at Muzdalifah, a day also known as Jam'a (congregation). This is because people will gather there on the 9th of Dhul Hijah. It is called Muzdalifah because people advance to it from Arafah. This place is also called Mash'ar al-Haram. The *muhrim* in Hajj delays his *magbrib* prayer and prays it at the time of '*ishā*, thereby combining them. This is done when he reaches Muzdalifah. This was the practice of the Prophet #. The *muhrim* should not pray on the way to Muzdalifah unless he fears that the time for '*ishā* prayer may lapse before reaching there. In this scenario, he can stop and pray them along the way. The delay in *maghrib* prayer is only a concession for those in the state of *ihram* and not others, even though they might be in Muzdalifah during that time. These people have to hasten the *maghrib* prayer in its time and are not allowed to combine the prayers.

Then follows the '*isbā* prayer and its time is until the second *fajr* which is recognised by a broad whiteness in the sky. It is better to delay the '*isbā* prayer but not after one third of the night (i.e. delaying it but remaining in the first third of the night), if this is easy.

⁴²⁷ Reported by al-Bukhārī (1/34) and Muslim (2/212) from the narration of Anas ibn Mālik.

A Commentary on Zād al-Mustaqni

"Then follows the '*ishā* prayer": '*Ishā* begins immediately after the time for *maghrib* ends, which is when the red after-glow of the sun disappears from the horizon. It ends at the second *fajr*. The preferred time for '*ishā* prayer is up to the first third of the night, after which it is still permissible to pray it if one is hard-pressed for time.

"The second *fajr* which is recognised by a broad whiteness in the sky": *Fajr* is of two types:

Firstly: The false dawn. This is when the whiteness is elongated rather than broad. Furthermore, the darkness of night re-envelops the sky after this fake dawn.

Secondly: The second *fajr* which is recognised by a broad whiteness that permeates the horizon. The darkness of night will gradually fade, giving way to the full dawn. The second *fajr* is that which should be taken into account when fasting or praying, not the first *fajr* (i.e. the false dawn).

"It is better to delay the '*ishā* prayer but not after one third of the night": Delaying the prayer in this manner is better than praying it at its earliest time. The Prophet Ξ used to delay the '*ishā* prayer some nights announcing that this was in fact the best time for it. He Ξ said, "Were it not too imposing for my nation, I would have ordered that it be delayed."⁴²⁸ We can study the ideal character a leader should possess from this example. He should know the needs and concerns of his people and adjust activities accordingly, thereby easing their burden. Gentleness is something required from the *imām* towards his congregation. The Prophet used to hasten the '*ishā* prayer if people gathered quickly at the *masjid* and delayed it if they took their time to gather.

متن

ويليه وقتُ الفجر إلى طلوع الشمس وتعجيلها أفضل

Followed by the *fajr* prayer which lasts until sunrise. To hasten it is better.

"Followed by the *fajr* prayer which lasts until sunrise": '*Ishā* prayer is followed by the *fajr* prayer. It begins from the second *fajr* which emanates a broad whiteness in the horizon and ends with sunrise. Whoever prays within these time limits has indeed performed *fajr* prayer at its specified time. Anyone do-

⁴²⁸ Reported by Muslim (2/115-116) from the narration of 'Aishah.

ing so after sunrise only does it as replacement for having missed it.

"To hasten it is better": To hasten the *fajr* prayer is better as the Prophet used to perform it in the dark of the night.⁴²⁹ He \cong used to leave after praying *fajr* while a person could recognise those next to him.⁴³⁰ This is indicative that he used to prolong the *fajr* prayer and that the Prophet \cong and his Companions used to pray in the dark where they could not recognise one another, and then the prayer was prolonged such that when he \cong completed it, they could recognise those sitting next them.

This is evidence to show that he $\frac{1}{2}$ used to hasten in performing the *fajr* prayer and that he prolonged it.

من وتُدْرَكُ الصَّلاةُ بتكبيرة الإحرام في وقتها، ولا يصلي قبل غلبةِ ظنِّه بدخول وقتها إما باجتهاد، أو خبر مُتيقِّن، فإن أحــرم بـاجتهاد فبان قبله فنفلٌ وإلا ففرضٌ

Prayer is realised when one makes *takbīratul ihram* (opening *takbīr*) in the specified time of a specific prayer. He should not pray until he is convinced that the time of prayer has begun. He can do this by either making an informed judgement or if he is advised by a trustworthy person who is certain that time has commenced. If he made the *takbīratul ihram* after being convinced that prayer is due and realises that he had preceded the time, he should consider it an optional prayer and proceed to pray the obligatory prayer once more. If he is not aware of his error then the prayer is valid.

"Prayer is realised when one makes *takbīratul ihram* (opening *takbīr*) in the specified time of a specific prayer": This is according to the Hanbalī *madhab*.⁴³¹ He who manages to say the *takbīratul ihram* even at the last hour of the specified time has in fact realised the prayer in its time. The correct opinion however is that one should at least complete one *rak'āh* (unit) of prayer before the time elapses.⁴³²

⁴²⁹ Reported by al-Bukhārī (1/147) and Muslim (2/119) from the narration of Jābir ibn Abdullah.

⁴³⁰ Reported by al-Bukhārī (1/144,155) and Muslim (2/119,120) from the narration of Abu Barzah al-Aslamī.

⁴³¹ See al-Insāf (1/441).

⁴³² The *madhab* of Imām Mālik and one of two views from Imām Ahmad. It was a preferred view of Shaykh al-Islam ibn Taymiyyah. See *Majmū' al-Fatāwa* (23/330-331).

"He should not pray until he is convinced that the time of prayer has begun": This is because conviction (*ghalabat al-zan*) replaces certainty (yaqin) in this instance. Conviction is achieved by:

Firstly: Making an informed judgement. If one places effort in investigating the time for prayer and bases his conviction upon his findings, then he should proceed to pray.

<u>Secondly</u>: If advised by a trustworthy person who is certain that the prayer time has begun. If any of these two traits is missing from the informer, it renders his advice null and void.

"If he made the *takbīratul ihram* after being convinced that prayer is due and realises that he had preceded the time, he should consider it an optional prayer and proceed to pray the obligatory prayer once more. If he is not aware of his error then the prayer is valid": If he is convinced that the prayer time has begun and prayed and had erred but is oblivious to it, then his prayer is valid. However, if he becomes aware of the fact that he has prayed before the time for prayer is due, he should consider that which he prayed as an optional prayer and proceed to pray the obligatory prayer once more.

وإن أدرك مكلَّفٌ من وقتها قدرَ التَّحْريمةِ، ثم زال تكليفُه أو حاضتْ ثم كُلِّف وطَهُرتْ مِن قَضَوْها، ومن صار أهلاً لوجوبها قبل خروج وقتها لزمَتْه وما يجمَع إليها قَبْلَها

And if the *mukallaf* (on whom prayer is obligatory) is able to make *takbīratul ibram* as the prayer time arrived but the obligation is removed or the female begins to menstruate, then he becomes obliged to do so again or her menses stops, they must make up the prayer. Whosoever is obliged to pray before the prayer time lapses, must do so by combining it with the earlier prayer.

"And if the *mukallaf* (on whom prayer is obligatory) is able to make *takbīratul ibram* as the prayer time arrived but the obligation is removed or the female begins to menstruate, then he becomes obliged to do so again or her menses stops, they must make up the prayer": If one is set to perform a prayer at its earliest time but the obligation to pray is hindered by the loss of consciousness, loss of the mental faculties or the onset of menses. Thereafter, this hindrance is removed. Now the individual has to make up the prayer that he had earlier intended to pray. It has to be made up because he was able to pray when the

time for prayer arrived but was hindered by a valid reason. Those prayers that arrived while they were not obliged to pray need not be taken into account.

However, some scholars including Shaykh Taqiuddīn are of the view that the prayer need not be made up for prayer times have a span which can be delayed within its limits.⁴³³ Therefore, when one is hindered from prayer within that time span, he is technically in the state of non-obligation.

"Whosoever is obliged to pray before the prayer time lapses, must do so by combining it with the earlier prayer": This is in direct contrast to the earlier view. For example, one is able to say at least the *takbīratul ibram* before the *'asr* time lapses while the sun is about to set. This is after all hindrances to the obligation of prayer are removed. Now, the individual must pray two prayers by combining them i.e. in this case he combines *zubr* with *'asr*. This is because the individual had a valid excuse to miss *zubr* during its time which validates the concession of combining prayers. Similarly, if one had a valid excuse to miss *maghrib* prayer and is fit to pray before sunrise, he should then pray *maghrib* and *'ishā* by combining them. This is in line with the rulings of a group of Companions of the Prophet \mathbb{Z} .⁴³⁴ There has not been any dispute to this view from others. In fact, most scholars are of this view because two prayer times become one during situations where there is a valid excuse.

ويجب فوراً قضاءُ الفوائت مرتِّباً، ويَسْقطُ الترتيبُ بنسيانه، وبخشية خروج وقت اختيار الحاضرة، وَوَقْتُ الاخْتِيَار : يَكُونُ فِي صَلاتَيْنِ فَقَطْ : صَلاَةُ الْعَصْرِ وَ صَلاَةُ الْعِشَاء

متن

Making up prayers should be done instantly and in sequence. Sequence can be pardoned when one forgets or if he fears that '*asr* or '*ishā* prayer times might lapse when about to combine prayers.

"Making up prayers should be done instantly and in sequence": If one has prayers that need to be made up, he should hasten to do so as soon as he is

⁴³³ See al-Ikhtiyārāt al-Fiqhiyyah (p. 34).

⁴³⁴ Including 'Abdul Rahmān ibn Awf and 'Abdullah ibn 'Abbās. Regarding the issue of women gaining purity after her menses, they said: "If a menstruating woman attains purity before sunset, she must pray *zuhr* and '*asr* by combining it. If she attains purity before *fajr* begins, she should pray *maghrib* and '*isbā* combined."The narration of 'Abdul Rahman was collected by 'Abdul Razzāq in his *Musannaf* (1285) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/387). The narration of Ibn 'Abbās was collected by al-Dārimī (1/219) and al-Bayhaqī (1/387).

A Commentary on Zād al-Mustaqni

able. It must not be delayed. Sequence of the prayers should be maintained at all times. If he has many days' worth of prayers to make up, he should focus on a day at a time, praying *fajr*, *zuhr*, *'asr*, *maghrib* and then *'ishā* in sequence. He can then proceed to day two of the prayers pending upon him, following the aforementioned sequence. Prayer is an obligation and delaying it more than necessary is a sin.

A prevalent practice among the people is to make up a prayer with the prayer of its like. For example, praying *fajr* and then making up the missed *fajr* afterwards or *zuhr* with another *zuhr* following it. This is incorrect and is not allowed.

"Sequence can be pardoned when one forgets or if he fears that 'asr or 'ishā prayer times might lapse when about to combine prayers": These two scenarios permit one to ignore sequence of prayers:

Firstly: When one forgets. For example, he had to make up an earlier prayer but forgot about it and prayed the current prayer. He only realises his mistake after having prayed the current prayer. Sequence can be ignored in this case. He then proceeds to pray the earlier prayer immediately. Allah says: **{"Our Lord, do not impose blame upon us if we have forgotten or erred."**}⁴³⁵ The Prophet $\frac{1}{58}$ said, "Verily Allah has pardoned for my nation error, forgetfulness and that which is forced upon him."⁴³⁶

Secondly: When one fears that the time for the current prayer might lapse were he to pray the missed prayer before it. In this case, he ignores sequence of prayers by praying the current prayer followed by the earlier prayer that he needed to make up.

ومنها سَتْرُ العورة، فيجب بها لا يَصِفُ بَشَرَ مَهَا.وعورةُ رجلٍ وأمةٍ وأمِّ ولدٍ ومُعْنَقٍ بعضُها من السُّرة إلى الرُّكْبة، وكلُّ الحرة عورةٌ إلا وجْهَهَا متن

From among the conditions of prayer is the covering of the *awrab*. The covering or clothes should not reveal the characteristics of the skin. The *awrab* of men, slave, nursing mother and the partially-freed slave is from the navel

⁴³⁵ Al-Baqarah: 286

⁴³⁶ Reported by Ibn Mājah (2045), Ibn Hibbān (7219), al-Dāraqutnī (4/170-171), al-Bayhaqī (7/356), al-Hākim (2/198) from the narration of 'Abdullah ibn 'Abbās.

to the knee. As for the free woman, the whole body is awrah except the face.

To pray whilst uncovered is not allowed whilst one is able to cover the *awrah*. Ibn Abdul Barr said, "The consensus of the scholars is that the prayer becomes nullified if one prays it whilst uncovered if he has the ability to cover himself up."⁴³⁷ Allah ﷺ says: **{O children of Adam, take your adornment at every masjid**}⁴³⁸ The word "*zīnah*" in this ayah refers to the covering of the *awrah*, and "*al-masjid*" refers to the prayer. Hence, Allah commands us to cover our *awrah* whilst praying. The minimum of "*zīnah*" is to cover the *awrah* while covering the full body with a garment is that which is recommended and good. If one does pray without covering the *awrah* without a valid reason, then his prayer is nullified. The clothes should be thick and not so thin that the skin is seen through the garment.

The *awrah* of men is from the navel to the knee.

"As for the free woman, the whole body is *awrah* except the face": She has different *awrahs* in two different circumstances: her *awrah* whilst in prayer and her *awrah* of *nazar* (bashfulness). In prayer, her whole body is *awrah* except the face. This is if there are no non-*mahram* men around. A *mahram* is any male she cannot lawfully marry like her father, brother and uncle. As for the *awrah* of bashfulness, it is the whole body including the face and the palms of the hand. This is also her *awrah* in the prayer if non-*mahram* men are present.

متن

It is recommended that one wears a two-piece garment for the prayer. It is sufficient that a man covers at least the *awrab* for the optional prayers and one of his shoulders for the obligatory prayers. It is recommended for the woman to pray wearing her inner garment, head scarf and an outer garment though her prayer is accepted if she just covers her *awrab*.

"It is recommended that one wears a two-piece garment for the prayer": In the prayer, there is a minimum dress code and there is a recommended one. If

⁴³⁷ See al-Ijmā' (p. 41).

⁴³⁸ Al-A'rāf: 31

A Commentary on Zād al-Mustaqni

a man covers between his navel and his knees in prayer, it is accepted. This is the least he should wear. It is recommended though that he pray wearing two pieces of clothing. The shawl $(rid\bar{a})$ and lower wrap $(iz\bar{a}r)$ or the *qamīs* (shirt) and trousers. This is for men only.

"It is sufficient that a man covers at least the *awrah* for the optional prayers and one of his shoulders for the obligatory prayers": A man has to cover at least one shoulder along with the minimum *awrah* whilst performing his obligatory prayers. This is what the Prophet \mathfrak{Z} commanded us to do. He said, "Let not one of you pray in a one-piece garment without it extending to cover one of his shoulders."⁴³⁹

Imām Ahmad was of the view that the prayer must be done covering the minimum *awrah* which is between the navel and the knee and at least one shoulder. If not, the prayer is nullified.⁴⁴⁰ However, the majority of scholars say that it is sufficient to cover between the navel and the knee for the prayer of a male to be accepted.⁴⁴¹

"It is recommended for the woman to pray wearing her inner garment, head scarf and a outer garment though her prayer is accepted if she just covers her *awrah*": The prayer is accepted from a woman if she prays wearing a single garment that covers her whole body. However, they are recommended to wear three garments during the prayer. They are the inner garment (*dira*'), head scarf (*khimār*) and the outer garment (*milhafah*). This is the best dress code for the woman to perform her prayer.

ومن انكشف بعضُ عورته وفَحُشَ، أو صلَّى في ثوب مُحَرَّم عليه أو نَجسٍ أعاد، لا مَنْ حُبِسَ في عَكِّ نجس متن

Whoever exposes a part of his *awrab* in mischief or prays with clothes that are not lawful or are stained with *najāsab*, must repeat the prayer except a person held captive in a filthy place.

"Whoever exposes a part of his awrah in mischief": I.e. he exposes his awrah

⁴³⁹ Reported by al-Bukhārī (1/100) and Muslim (2/61) from the narration of Abu Hurairah.

⁴⁴⁰ See al-Insāf (1/456).

⁴⁴¹ See al-Mughnī (2/289).

for an extended period of time whilst being able to cover it and chose not to. His prayer is invalid due to the condition of covering the *awrah* not being met. However, if a little part of the *awrah* is exposed whilst he is oblivious to it, then his prayer is valid. This is also the case of one exposing a large part of the *awrah* but he does not let it stay revealed for an extended period of time.

"Or prays with clothes that are not lawful": For example stolen clothes or if a man prays wearing a silk garment, his prayer becomes invalid. He must repeat his prayer in a different set of clothes.

"Or are stained with *najāsah*": Whilst he has the ability to clean it or has the means to pray in clean clothes, then his prayer is invalid and has to be repeated. This is because wearing clean clothes during prayer is a condition for its acceptance.

"Except a person held captive in a filthy place": If a person prays in an unclean place whilst he is capable of praying in a clean place, his prayer is invalid as a condition of the prayer is the cleanliness of the spot prayed upon. However if a person is not able to move to a clean place, then he should continue to pray in that filthy place and not leave off praying. His prayer is accepted and he need not repeat it as he is acting to the best of his ability. Allah 3 says: {So fear Allah as much as you are able.}⁴⁴² However, if he has the ability to move to a clean place, then his prayer in a filthy place is invalid.

متن

One should cover the minimum *awrah* when able to do so. If not, then at least the genitals and the rear end. If he can cover only one of the two, he should cover the rear end. If a covering is offered he should accept it. The naked should pray sitting down and gesture in prayer to hide his private parts. If praying as a congregation, the *imām* should be in the centre of the row.

"One should cover the minimum *awrah* when able to do so. If not, then at least the genitals and the rear end. If he can cover only one of the two, he should

⁴⁴² Al-Taghabūn: 16

cover the rear end": If he can find clothes to cover his *awrah* between the navel and the knee, he must do so. He covers both the private parts if unable to cover the minimum *awrah*. If he is unable to even do this, then he should cover just his rear end. Allah says: **{So fear Allah as much as you are able.}**⁴⁴³

"If a covering is offered he should accept it": He will not ask for a covering as it is an act of humility. However, if someone offers to lend him the covering without him having asked, he should accept it.

"The naked should pray sitting down": That is if he does not find any covering to cover himself with. Prayer is not excused even in such a state, as the condition to cover the *awrah* in prayer is pardoned. He prays in the nude but should pray sitting down. This is because his *awrah* is more exposed whilst standing.

"And gesture in prayer": He should not prostrate to the ground as this exposes more of his *awrab*. He has to just gesture in the prayer whilst sitting by tilting his head towards the ground to signify bowing and prostration. Standing is excused for him in this condition though it is one of the pillars of prayer. This is from the mercy of Allah 3%. It also highlights the importance of prayer and that it is inexcusable even in adverse situations.

"If praying as a congregation, the *imām* should be in the centre of the row": This is addressing the occurrence of a naked group of people performing the prayer in congregation. This emphasises the importance of praying in congregation. So the *imām* takes to the centre of the row and does not go in front of the rest so that they do not look at the *imām's awrah* whilst praying.

Each gender prays separately (referring to the previous point of the circumstance of having to pray whilst uncovered). If not able to do so, then the woman should pray whilst the men face their backs to them and then vice versa. If a covering is spotted nearby whilst one is praying, he should reach out and use it and continue his prayer. If it is out of reach, then he should leave the prayer to get hold of it and perform the prayer once more from the beginning.

⁴⁴³ Al-Taghabūn: 17

"Each gender prays separately. If not able to do so, then the woman should pray whilst the men face their backs to them and then vice versa": The men should face their backs to the woman while they are praying and the woman do the same when the men pray. This is so that one does not look at the other whilst either of them pray.

"If a covering is spotted nearby whilst one is praying, he should reach out and use it and continue his prayer": If one commences the prayer uncovered and then he notices something close to him that he can cover himself with, he takes it, covers himself and then finishes his prayer.

"If it is out of reach, then he should leave the prayer to get hold of it and perform the prayer once more from the beginning": If it is not possible to reach the covering without walking and diverting from the direction of the *qiblah*, he leaves the prayer to cover himself and then starts the prayer from the beginning.

متن

To leave the garment over the shoulders without securing it is disliked during prayer as is tying it under the shoulder which exposes it. Covering the whole face or the nose and mouth, rolling up and adjusting one's sleeves and tying a string around the waist like a friar's knot are also disliked.

The author explains the actions that are disliked whilst one is praying.

<u>First</u>: To leave the garment over the shoulders without securing it is disliked. This is because it is prone to fall off and expose the body while in prayer. However, if one end is wrapped around the opposite side, then it is fine.

Second: One wraps the lower torso and flings the end of one side of the garment over one shoulder while leaving the other uncovered. This way of tying is called "*idtiba*", which is often done during Hajj and 'Umrah whilst making *tawaf*. This too is prone to exposing the *awrah*. It is more secure if he can cover both shoulders while praying.

Third: To cover the face is disliked during prayer as this is the practice of the

Jews whilst they worship. A Muslim should not do this unless he has good reason to do so.

Fourth: The Prophet $\frac{1}{26}$ forbade us to partially cover our faces, that is, the nose and mouth during prayer.⁴⁴⁴ This was the practice of the fire-worshippers whilst they stood praying near the fire. We are forbidden to imitate them.

<u>Fifth:</u> One should not pre-occupy himself with adjusting and straightening his garment whilst in the prayer. This will inevitably cause distraction and hamper one's concentration in the prayer. The Prophet $\underline{\mathbb{R}}$ said, "Do not adjust your hair or clothes."⁴⁴⁵

Sixth: The tying of a string around the waist like the friar's knot which was worn by the Christian clergy as a symbol of their faith. However, it is allowed for one to tie something not similar to it around the waist. This applies to men. As for women, they should not tie a string around their waist as wearing-tight fitting clothes is forbidden for them.

وتحرمُ الْخُيَلاءُ في ثوب وغيره

متن

Vanity in dressing and other actions is forbidden.

What follows is an explanation of matters related to clothing that are forbidden inside the prayer and outside of it.

"Vanity in dressing": Vanity in one's clothing during the prayer and outside of it brings forth arrogance and pride. As in the hadīth, "Whoever drags his clothes in vanity, Allah will not look at him."⁴⁴⁶ To be humble in dressing is expected of a Muslim as well as in his manner of walking and all other aspects.

"And other actions": I.e. vanity in other actions apart from dressing like in

⁴⁴⁴ Reported by Abu Dawūd (643), Ibn Mājah (966) and Ibn Hibbān (2353) and Ibn Khuzaymah (772) from the narration of Abu Hurairah who said, "The Prophet \mathbb{Z} forbade that one drape his clothes over himself without securing it during the prayer and forbade the covering of the mouth."

⁴⁴⁵ Reported by al-Bukhārī (1/206), Muslim (2/52) from the narration of 'Abdullah ibn 'Abbās.

⁴⁴⁶ Reported by al-Bukhārī (7/5).(7/182) and Muslim (6/147) from the narration of 'Abdullah ibn 'Amr.

one's haughty stride. Allah says: {And do not walk upon the earth exultantly. Indeed, you will never tear the earth [apart], and you will never reach the mountains in height.}⁴⁴⁷And Luqmān ﷺ tells his son: {And do not turn your cheek [in contempt] toward people and do not walk through the earth exultantly. Indeed, Allah does not like anyone self-deluded and boastful.}⁴⁴⁸And in another ayah: {Indeed, Allah does not like those who are self-deluding and boastful.}⁴⁴⁹

والتصوير واستعماله

And picture drawing and its use.

"And picture drawing": Referring to pictures of living things that have a soul. This is absolutely forbidden as there is a semblance of creation which is the sole prerogative of Allah. This act leads to *shirk*.

"And its use": It is forbidden to use garments that contain pictures of living things that have souls during the prayer or at other times. This is the case because if it is allowed, it might lead to lewd and vile pictures being portrayed on the garments. Curtains with these pictures should not be used for the Prophet grew angry when he saw it in his house and did not enter until it was ripped off and discarded.⁴⁵⁰

Use of such garments and cloth that contain pictures of living things that have souls is forbidden indefinitely. It is also forbidden to frame up and hang pictures for this indicates a reverence of sorts to the picture. Hence to wear a garment containing such whilst praying is worse. If it happens to be a picture of a crucifix, then the sin is even more as this would imply imitating the Christians.

This ruling remains the same regardless of the form, be it a carving, drawing or collage, pictures are forbidden in every form. The Prophet $\frac{1}{26}$ cursed the picture-maker⁴⁵¹ and made no exceptions saying, "The worst punishment met-

متن

⁴⁴⁷ Al-Isrā': 37

⁴⁴⁸ Luqmān:18

⁴⁴⁹ Al-Nisā: 36

⁴⁵⁰ Reported by al-Bukhārī (3/83) (7/33, 217), Muslim (6/158), Ahmad (6/246) and al-Nasā'ī (2/67, 68) (8/213) from the narration of 'Aishah.

⁴⁵¹ Reported by al-Bukhārī (3/78) (7/79) and Ahmad (4/308, 309) from the narration of Abu

ed out on the Day of Judgement will be to the one who tried recreating the creation of Allah."⁴⁵² In a hadīth *qudsi* it is said, "Verily Allah says, 'Who is a worse tyrant than he who creates like what I create, then let him create a seed or barley grain."⁴⁵³

Picture making in all of its forms and mediums is *haram*. Those who argue regarding the permissibility of pictures that are transferred by light have derived an exception without evidence and proof. The Prophet in fact made a blanket prohibition on all types of pictures, saying, "All picture-makers shall end up in the Fire."⁴⁵⁴

This is similar to the following hadīth, "All innovation is wayward."⁴⁵⁵ Some people say, "There is good innovation and not all innovations are wayward." Their claim contradicts what the Prophet $\underset{\approx}{=}$ has commanded. Similar to those who hold the view that some types of pictures are permissible whereas the Prophet has said that all picture makers are in the Hellfire. Having mentioned this, one can resort to photo-taking if there is a pressing need to do so. Allah says: {**Excepting that to which you are compelled.**}⁴⁵⁶ If one will be deprived of something which is crucial for his well-being if his photo is not taken, then this amounts to being compelled. In the case of displaying the photo on the identity card or passport, for example, this is indeed inevitable and a necessity.

ويحرم استعمالُ منسوج، أو ثُمَوَّه بذهب قبل استحالته، وثياب حرير، وما هو أكثرُه ظهوراً علي الذكور، لا إذا استويا أو لضرورة أو حِكَّة أو مرض أو جَرَبٍ أو حِشو، متن أو كَانِ عَلَماً أربع أصابعَ فما دونَ، أو رِقَاع، أو لَبَّة جَيْبٍ وسَجْف فِرَاء. ويَكُره المُعَصْفَرُ والْمَزَعْفُ لله حال

Clothes that are stitched with gold or dipped in gold are forbidden for use by men before it is completely transformed. Similarly, garments made pre-

Juhayfah.

452 Reported by al-Bukhārī (7/215), Muslim (6/161) from the narration of 'Abdullah ibn 'Umar.

453 Reported by al-Bukhārī (7/215), Muslim (6/162) from the narration of Abu Hurairah.

454 Reported by Muslim (6/161-162), Ahmad (1/308) from the narration of 'Abdullah ibn 'Abbās.

455 Reported by Ahmad (4/126), Abu Dawūd (4607), al-Tirmidhī (2672), Ibn Mājah (42) from the narration of al-'Irbād ibn Sāriyah.

456 An'ām: 119

dominantly of silk are also forbidden for men except if the silk in the garment does not appear to be the predominant material. Silk is also permissible for men to use in times of dire need, when afflicted with scabies or other illness, during combat, as embroidery, four-finger width of stitching or less, as patching or as a border. Yellow garments and clothes dyed with saffron are disliked for men.

"Clothes that are stitched with gold or dipped in gold": Such clothes are *haram* for men as are silk garments and garments blended with silk where it can be seen with the eyes to be of that material. Gold is *haram* for men; not just in clothing but also in jewellery such as gold rings etc. The Prophet $\frac{1}{28}$ said regarding gold and silk, "These are permissible for the females of my nation and forbidden for the males."⁴⁵⁷

"Before it is completely transformed": When the garment is free of gold, it is permissible for use.

"Similarly, garments made predominantly of silk are also forbidden for men except if the silk in the garment does not appear to be the predominant material": Only garments that are of pure silk or predominantly silk are *haram*. If it contains a negligible amount of silk that is unnoticeable or the silk is noticeable but it appears equal to the other material, it is permissible for use by men. The ruling is based upon what is predominant.

Silk is permissible in the following situations:

First: In times of dire need, where he is compelled or has no other option but to wear it.

Second: If afflicted with scabies he is permitted to wear silk garments as silk is well known to help ease the itching caused by scabies. Its soft and smooth texture serves as therapeutic relief. Any other material will only exacerbate the scabies.

<u>Third</u>: Any other illness. If a doctor specifically prescribes the wearing of silk as a remedy for the ailment, it becomes permissible.

⁴⁵⁷ Reported by Ahmad (4/394), al-Tirmidhī (1720), al-Nasā'ī (8/161) from the narration of Abu Mūsā al-Ash'arī.

Fourth: When used during combat to prevent laceration caused by slinging the weapon. Displaying vanity during battle is recommended as it will frighten the enemy.

Fifth: When silk is sewn into a garment as embroidery, it is not considered as a garment made of silk.

<u>Sixth</u>: Garments that contain stripes with an accumulative length of the width of four fingers or less of silk stitching is permitted. For example as hem lining on sleeves and pockets.

"As patching": Garments with silk patching work are permissible for use by Muslim men.

"Or as a border": On condition that its accumulative length is less or equivalent to the width of four fingers. This is based on the hadīth, "Except stripes on the garment."⁴⁵⁸

"Yellow garments": That are dyed a bright yellow with *usfur* (a well-known plant) are disliked.

"And clothes dyed with saffron are disliked for men": I.e. that are dyed using saffron. This is due to the prohibition by the Prophet $\frac{1}{26}$ of the use of saffron by men.⁴⁵⁹

ومنها اجتناب النجاسات، فمن حَمَلَ نجاسةً لا يُعفى عنها، أو لاقاها بثوبه أو بدنه لم من تصح صلاتُه، وإنْ طَيَّنَ أرضاً نجسةً أو فَرَشَها طاهراً، كُرِهَ وَصَحتَّ

Among the conditions are: staying free of *najāsab*. He who physically carries a *najāsab*, comes in contact with it or has stains of it upon his body and clothes cannot be pardoned of it so his prayer is invalid. If he puts a layer of clean earth upon ground that is stained with *najāsab* or places a mat there to pray upon, then that prayer is disliked though valid.

⁴⁵⁸ Reported by al-Bukhārī (7/216), Muslim (6/157), (8/212-213), Abu Dawūd (4155) from the narration of Abu Talha.

⁴⁵⁹ Reported by al-Bukhārī (7/197), Muslim (6/155), Ahmad (3/187), al-Tirmidhī (2815) from the narration of Anas ibn Mālik.

"Among the conditions are: staying free of *najāsah*": This is from the conditions for prayer being accepted. The body, clothes and the place where one prays should be free of *najāsah*. The evidence that clothes should be clean is derived from the action of the Prophet $\underline{\ast}$. He removed his footwear while in prayer when he realised that it was stained with *najāsah*.⁴⁶⁰ Similarly when a female companion asked him $\underline{\ast}$ what should be done when menstrual blood stains the clothes, he ordered her to wash the garment.⁴⁶¹

The evidence that the area where one performs his prayer should be clean is derived from the incident where a Bedouin urinated upon a section of the floor of the *masjid*, the Prophet $\frac{1}{26}$ ordered that water be poured over the urine.

The evidence that the body should be free of *najāsah* whilst praying is derived from the command of the Prophet $\frac{1}{26}$ that one should perform *istinja*' with water or *istijmār* with stones to remove urine and excretion.

"He who physically carries a *najāsah*": I.e. whilst praying. His prayer becomes null as a result. The only exception would be traces of *najāsah* upon the body that are excusable in the $d\bar{i}n$ such as the remnants of *najāsah* after *istijmār* that are around the area cleansed.

"Comes in contact with it or has stains of it upon his body and clothes cannot be pardoned of it so his prayer is invalid": I.e. if he comes into contact with it using his hands or feet, placed his head upon it while prostrating or sat on it, then his prayer becomes invalid.

"If he puts a layer of clean earth upon ground that is stained with *najāsah* or places a mat there to pray upon, then that prayer is disliked though valid": The prayer is disliked because he chose an unclean place to perform his prayer. However, the prayer is still valid as there was no direct contact with the *najā-sah*.

مَن وإن كانت بطـرفِ مُصَلَّى مُتَّصل بـه، صحَّتْ إن لم يَنْجَرَّ بمَشْيه، ومن رأى عليه

⁴⁶⁰ Reported by Ahmad (3/20) and Abu Dawūd (650) from the narration of Abu Sa'īd al-Khudrī.

⁴⁶¹ Reported by al-Bukhārī (1/66) and Muslim (1/166) from the narration of Asmā bint Abī Bakr.

نجاسةً بعد صلاته وجَهِلَ كَـونَها فيها لـم يُعِدْ، وإن علم أنها كانت فيها لكنْ نسيها أو جَهِلها أعاد

If *najāsah* is on one side of the carpeting in the prayer area but is not near where one prays, then his prayer is valid. This is provided that he did not step upon the stained area and spread it as he walked. Whoever notices the *najāsah* only after finishing his prayer, then he need not repeat it. However, if he knew about the *najāsah* but he forgot or was ignorant about it, then he must repeat his prayer.

"If *najāsah* is on one side of the carpeting in the prayer area but is not near where one prays, then his prayer is valid": This is because he did not come directly into contact with the *najāsah*.

"This is provided that he did not step upon the stained area and spread it as he walked". In this case, his prayer becomes invalid as he has come into contact with the *najāsah*.

"Whoever notices the *najāsah* only after finishing his prayer, then he need not repeat it": This is because the *asl* is that the prayer is valid. Since he prayed oblivious to the fact that there was *najāsah* upon him, the prayer remains valid and it is assumed that he was stained by it only after the prayer.

"However, if he knew about the *najāsah* but he forgot or was ignorant about it, then he must repeat his prayer": Due to the confirmed fact that his clothes were stained with *najāsah* whilst he prayed. Hence, he must repeat the prayer.⁴⁶²

The correct view though is that one need not repeat the prayer.⁴⁶³ This view is substantiated by the ayah: **{"Our Lord, do not impose blame upon us if we have forgotten or erred."**}⁴⁶⁴ And the hadīth, "Verily Allah has pardoned for my nation the unknowing mistake, error done in forgetfulness and that which is forced upon a person."⁴⁶⁵ He has to wash it off for the next prayer. As for that

⁴⁶² This is the view of the madhab of Imām Ahmad. See al-Insāf (1/486).

⁴⁶³ As mentioned in *al-Insāf*, "This view is considered correct by most of the scholars of the later periods including Ibn Qudāmah, al-Majd, Ibn 'Abdūs in his *Tadhkirah* and Shaykh Taqī al-Din."

⁴⁶⁴ Al-Baqarah: 286

⁴⁶⁵ Reported by Ibn Mājah (2045), Ibn Hibbān (7219), al-Dāraqutnī (4/170-171), al-Bayhaqī

which he already performed, it is valid.

متن ومن جبر عظمه بنجس لم يجب قلعُهُ مع الضرر، وما سَقَطَ منه من عضو أو سِنِّ فطاهر If any of his bones are firmly attached to a *najāsah*, then it is not a must that he remove it if it is detrimental to his well-being. Whatever falls off from the parts of his own body, it is *tāhir*.

"If any of his bones are firmly attached to a *najāsah*, then it is not a must that he remove it if it is detrimental to his well-being": Sometimes a bone from an animal carcass for example is firmly attached to his bone or even a pig's bone is implanted as is commonly practiced now during bone grafting and organ transplantation. In this scenario, if one is able to remove it, then it becomes mandatory on him to do so and replace it with something that is *tāhir*. However, if he is unable to do so due to the perils involved, he can leave it attached to his body and pray whilst in this state. Allah says: **{He has chosen you and has not placed upon you in the religion any difficulty}**⁴⁶⁶

"Whatever falls off from the parts of his own body, it is *tāhir*": Parts of his body like his hands, feet, teeth or hair. These are all *tāhir* as human parts are always pure whether derived from a living person or a dead one. The Prophet $\frac{1}{28}$ said, "The believer is never impure."⁴⁶⁷

Prayer performed at the graveyard is not valid as is prayer performed in the toilet, bathroom, camel pens, land that was acquired illegally and the roofs or terraces of these places. Facing these places is permissible. Obligatory prayer performed inside the Ka'bah or on its roof is not valid. Optional prayers performed within the Ka'bah are valid, facing one of its supports.

It is forbidden to pray in the following places:

466 Al-Hajj: 78

1

467 Reported by al-Bukhārī (1/79-80), Muslim (1/194) from the narration of Abu Hurairah.

^(7/356) and al-Hākim (2/198) from the narration of 'Abdullah ibn 'Abbās.

First: The graveyard. Praying here may give rise to *shirk* or associating partners with Allah. The Prophet $\frac{1}{28}$ said, "Do not take the graves as *masjids*."⁴⁶⁸ This means they should not be prayed in as it can be said that where one prays is considered a *masjid*; be it a built structure or otherwise. The Prophet $\frac{1}{28}$ said, "The world has been made a place of worship for me and it is purified."⁴⁶⁹ Prayer performed in the graveyard is invalid even if it only contains one grave.

<u>Second</u>: The toilet. This is the dwelling place of the *shaytān*. Furthermore, a toilet is never free of *najāsah*. Prayers performed in it are invalid. In fact any remembrance of Allah or recital of the Qur'ān within its confines is not allowed.

Third: The bathroom. Where one takes his bath and where he relaxes. It is disliked to pray in it as it is an area where one exposes his private parts.

Fourth: The shed of the camels. The Prophet $\frac{1}{26}$ forbade us to pray within the shed where camels are kept.⁴⁷⁰

<u>Fifth</u>: Stolen land. It is prohibited to pray therein as it is tantamount to using someone's property without their permission.

<u>Sixth</u>: The roofs of the above-mentioned places. The rule applies to the places as well as the roof of the buildings or if a building was built on stolen land. However, prayer is valid if it is prayed facing these buildings as long as it is performed outside the boundaries of the prohibited place.

Seventh: "Obligatory prayer performed inside the Ka'bah or on its roof is not valid": Obligatory prayers are prohibited within the Ka'bah and its roof as Allah says: **So turn your face toward al-Masjid al-Haram.**}⁴⁷¹ Whosoever prays within the Ka'bah or upon its roof has not faced the Ka'bah as ordained by Allah in the above ayah. As for the optional (*naft*) prayers, it is recommended to pray it within the Ka'bah as the Prophet $\frac{1}{8}$ prayed inside the Kā'bah during

⁴⁶⁸ Reported by Muslim (2/67) from the narration of Jundub ibn 'Abdullah al-Bajalī.

⁴⁶⁹ Reported by al-Bukhārī (1/91), (4/104) and Muslim (2/63) from the narration of Jābir ibn 'Abdullah.

⁴⁷⁰ Reported by Ahmad (4/288), Abu Dawūd (184), al-Tirmidhī (81) from the hadīth of Barā' ibn 'Āzib.

⁴⁷¹ Al-Baqarah: 144

the year of the conquest of Makkah.⁴⁷²

ومنها استقبالُ القِبْلة، فلا تصحُّ بدونِه، إلا لعاجز ومُتَنفل راكب سائرٍ في سفر، ويَلْزمِه متن افتتاحُ الصلاة إليها، ومـاش، ويَلْزمَه الافتتاحُ والركوعُ والسَجُودُ إليها، وقُرْضُ مَنْ قُرُبَ من القبلة إصابةُ عينها، ومَنْ بعُد جهتُها

And among the conditions are: facing the *qiblab*. A prayer is invalid if one does not do so unless he is unable to or if he is a traveller praying an optional prayer whilst riding an animal. He should face the *qiblab* when he commences the performance of his prayer and the traveller on foot should do likewise in addition to facing the *qiblab* whilst bowing and prostrating. Those in close proximity to the Ka'bah should face it properly whilst those far away should face towards its direction.

"And among the conditions are: facing the *qiblab*": This is one of the criterion for the validity of the prayer. Allah says: **{So turn your face toward al-Masjid al-Haram. And wherever you [believers] are, turn your faces toward it [in prayer].}**⁴⁷³ Hence, facing the *qiblah* is mandatory if one is able and has the strength to do so.

"A prayer is invalid if one does not do so": When one is unable to face the *qi-blab* like a prisoner who does not know its direction, then he prays in his chosen direction. Allah says: {So fear Allah as much as you are able.}⁴⁷⁴ And the ayah: {And to Allah belongs the east and the west. So wherever you [might] turn, there is the Face of Allah.}⁴⁷⁵

"Unless he is unable to": If a person is imprisoned or is pinned to a stake, he should pray to his level best and not leave off praying. Prayer is an obligation on man at all times; adverse conditions not withstanding. However, the criteria for the prayer can be compromised if one is truly unable to fulfil it.

"If he is a traveller praying an optional prayer whilst riding an animal": The

⁴⁷² As related in the hadīth reported by al-Bukhārī (1/109, 110 and 126), Muslim (4/95) and Ahmad (2/33, 55) from the narration of Ibn 'Umar.

⁴⁷³ Al-Baqarah: 144

⁴⁷⁴ Al-Taghābun: 16

⁴⁷⁵ Al-Baqarah: 115

criteria for the optional prayer are more lenient than for the obligatory prayer. It is permissible for a traveller to pray the *nafl* prayers facing other than the direction of the Ka'bah whilst riding an animal or travelling on foot. If he rides an animal, then he prays facing the direction of travel for the Prophet $\frac{1}{32}$ used to pray during the night on animal-back towards whatever direction it faced.⁴⁷⁶ This leniency allows people to gain rewards easily.

"He should face the *qiblah* when he commences the performance of his prayer": The correct opinion is that he does not have to face the *qiblah*⁴⁷⁷ and can pray wherever the animal is headed regardless of which prayer he is performing. With reference to this exception, the one travelling on foot can likewise pray facing the direction that he takes in his journey.

"And the traveller on foot should do likewise in addition to facing the *qiblah* whilst bowing and prostrating": Doing these actions facing the *qiblah* should not be a hassle for the traveller on foot. However, the correct view is that this is not necessary.⁴⁷⁸

"Those in close proximity to the Ka'bah should face it properly whilst those far away should face towards its direction": It is a criteria for those who can see the Ka'bah to face it exactly, that is in the centre of Masjid al-Haram. As for those who are outside the *masjid* and cannot see the Ka'bah, it is sufficient for them to face in its direction for the Prophet $\frac{1}{28}$ said, "Whatever that is between the east and west is *qiblah*."⁴⁷⁹ This was the privilege given to the people of Madinah and those of their ilk.

Similarly, those living in far flung countries need only face the direction of the Ka'bah. This is from the mercy of Allah. Allah says: **{So turn your face toward al-Masjid al-Haram.}**⁴⁸⁰ Which refers to the direction of the Ka'bah.

⁴⁷⁶ Reported by al-Bukhārī (2/32, 55, 57) and Muslim (2/148, 150) from the narration of 'Abdullah ibn 'Umar.

⁴⁷⁷ See al-Mughni' (2/98).

⁴⁷⁸ See al-Mughni' (2/99).

⁴⁷⁹ Reported by al-Tirmidhī (342 and 343) and Ibn Mājah (1011) from the narration of Abu Hurairah.

⁴⁸⁰ Al-Baqarah: 144

متن فإن أخبره ثقةٌ بيقين أو وجد محاريبَ إسلاميةً عمل بها، ويستدل عليها في السفر بالقطب والشمس والقمر ومنازلها، وإن اجتهد مجتهدان فاختلفا جهةً لم يتبع أحدُهما الآخر، ويتبع المقلَدُ أوثَقَها عنده

If a trusted person informs the direction of the *qiblab* with conviction or if he sees a *mihrab*, he should then pray in that direction. During a journey, the North Star, sun, moon and the rest of the stars are used to locate the direction of the *qiblab*. If two men of knowledge differ in their assumption of the *qiblab* direction, the follower may choose to follow the more trustworthy of the two to him."

The direction of the *qiblah* is known by:

Two things if he is in his land:

The first guide will be the trusted person who has no doubt regarding its direction. This guidance can be viewed as authentic so long as it is not a guess by the guide but ascertained through pure conviction. The second guide is viewing the *mibrab* in the *masjids* which are positive indicators of the *qiblab*. The Muslims have depended upon this symbol and pray facing it without qualms. The presence of the *mibrab* is not an innovation as some people mention. It has been a defining feature of the *masjids* even during the earliest generation of Muslims. It has always been an indicator of the *qiblab* throughout the ages. Hence, it is of great importance and an advantage. It is not an innovation. However, building elaborate *mibrabs* adorned with engravings is not allowed. Simple ones which help indicate the *qiblab* are permitted. Its usefulness warrants its existence.

Three things if he is on a journey:

Firstly, the North Star is an indicator of the *qiblah*. This is also known as Polaris which has a fixed axis and around which other stars revolve. So, it is used as an indicator. Secondly, the sun and the moon are used as indicators of the *qiblah* for they traverse the sky from east to west. Lastly, the rest of the stars in general. Allah says: **{And it is He who placed for you the stars that you may be guided by them through the darknesses of the land and sea.}**⁴⁸¹ These too are good indicators to determine the direction of the Ka'bah for they always

⁴⁸¹ Al-An'ām: 97

A Commentary on Zād al-Mustaqni

revolve from east to west.

"If two men of knowledge differ in their assumption of the *qiblah* direction, the follower may choose to follow the more trustworthy of the two to him": This is an additional indicator of the *qiblah* direction. If both men make similar calculated estimations (*ijtihād*) as to the direction of the *qiblah*, then they should pray facing it as their agreement is a fair measure of accuracy. However, if they differ in their opinions, one should not gravitate to the other's view. Rather, they should pray in the differing directions according to their respective views. The followers who are unable to make calculated estimations should follow the view of the man they deem more trustworthy.

ومن صلَّى بغير اجتهاد ولا تقليد قَضَى إن وجد من يقلِّده، ويجتهد العارفُ بأدلة القبلة من لكل صلاة، ويصلي بالثاني، ولا يقضي ما صلَّى بالأول

Whosoever prays without making a calculated estimation (*ijtihād*) or without following one who did so, he should re-do his prayer if he comes across one who has made a calculated estimation of the *qiblah* direction. The knowledgeable person makes *ijtihād* with the indicators available to him at each prayer. He does not re-do his earlier prayer if the present prayer faces another direction.

"Whosoever prays without making a calculated estimation (*ijtihād*) or without following one who did so, he should re-do his prayer if he comes across one who has made a calculated estimation of the *qiblah* direction": This is due to the fact that his assumptions may be wrong. The importance of basing the direction of the *qiblah* on an *ijtihād* supersedes the earlier prayer performed by way of assumption. His assumed direction of the *qiblah* has two scenarios: (i) If his assumption is not proven wrong. Then his prayer is valid for Allah says: **{So fear Allah as much as you are able.}**⁴⁸² And **{And to Allah belongs the east and the west. So wherever you [might] turn, there is the Face of Allah.}**⁴⁸³ (ii) If his assumption is proven wrong, he has to re-do his prayer. This is because he had neither the ability to make *ijtihād* nor had he followed one who did make *ijtihād*. So the earlier prayer becomes invalid.

⁴⁸² Al-Taghābun: 16

⁴⁸³ Al-Baqarah: 115

"The knowledgeable person makes *ijtihād* with the indicators available to him at each prayer": He should not base the direction of all of his prayers on the *ijtihād* he made for the initial prayer. This is because a new indicator might present itself at the time of the following prayers.

"He does not re-do his earlier prayer if the present prayer faces another direction": If he made an *ijtihād* to face a certain direction for *zuhr* prayer for example and makes a different *ijtihād* during the *'asr* prayer, both his prayers are valid. This is because an *ijtihād* does not supersede another.

ومنها النية، فيجب أن ينوي عين صلاةٍ معينةٍ

متن

Among the conditions is intention. It is mandatory that one intends to pray a specific prayer.

"Among the conditions": I.e. the conditions that validate a prayer. Intention or *niyyah* in Arabic linguistically refers to one's objective or purpose. In Islamic terms, it is the objective of doing a deed that draws one closer to Allah.⁴⁸⁴ This definition is derived from the hadīth, "Verily all deeds are by intention and for each person is what he intended."⁴⁸⁵

This hadīth reveals that acts of worship are invalid without an intention. If one performs the movements that make up a prayer like standing, bowing and prostrating but does not have an intention to perform a specific prayer, then his act is futile.

"It is mandatory that one intends to pray a specific prayer": For example *zuhr*, "*asr, maghrib* or '*ishā*. He must make a specific intention that details the prayer he intends to pray. A general intention for prayer is unacceptable. This is because there are so many different types of prayers. It is the intention that defines which prayer is being performed. He should not articulate the intention e.g. by saying, "*Nawaytu an usalli, katha wa katha* (such and such)," as the intention is in the heart. Saying it aloud is an innovation as the Prophet \mathfrak{Z} never did this. He \mathfrak{Z} rather said, "He who does a deed not sanctioned by us will have

⁴⁸⁴ See al-Mutla' (p. 69).

⁴⁸⁵ Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

that deed rejected."486

It is not a condition that one specifies in his intention if a prayer is obligatory, optional, that which is within the prayer time, that which has lapsed or if it is a repetition. Intention should be in tandem with the *takbīratul ibram*. It is acceptable if the intention is made slightly before this provided that it is within the prayer time.

"It is not a condition that one specifies in his intention if a prayer is obligatory": It is sufficient for him to have an intention to pray *zuhr* for example. This applies to the other types of prayers too.

"That which is within the prayer time": As mentioned, one does not have to specify in his intention that the prayer is being performed within the time frame. The place of intention is the heart.

"That which has lapsed": This is prayer performed beyond the specific time for that prayer. One need not specify this as it is well-known to the one performing that he has missed its time.

"The optional prayer": *Nafl* is an additional prayer and not mandatory. One praying *duha* prayer or the two units of prayer done before *fajr* prayer need not make an intention that the prayer he is about to perform is a *nafl*. It is understood.

"Or if it is a repetition": A prayer is sometimes repeated because the prayer is found wanting or a mistake was made. However, one need not include this fact into his intention when he performs the prayer again.

"Intention should be in tandem with the *takbīratul ihram*. It is acceptable if the intention is made slightly before this provided that it is within the prayer time": This is an explanation of the time to make the intention. The intention should not be made after the *takbīratul ihram* or the opening *takbīr*. If done

⁴⁸⁶ Reported by al-Bukhārī (3/241) and Muslim (5/132) from the narration of 'Aishah.

so, the prayer cannot be accepted. The intention has to be in tandem with the *takbīratul ihram* or just slightly before it as long as he does not retract that intention. Intention for the prayer should only be made upon arrival of that prayer time.

فإن قطعها في أثناء الصلاة أو تردَّد بَطَلَتْ. وإذا شَكَّ فيها استأنف

متن

Retracting or being unsure of one's intention while in prayer will render the prayer invalid. If he is doubtful of his intention, then he should repeat the prayer from the beginning.

"Retracting or being unsure of one's intention while in prayer will render the prayer invalid": An intention made for prayer should last until the end of that prayer. This is a criterion for the validity of a prayer. Similarly, being unsure of one's intention will nullify the prayer for it signifies a lack of will to perform it.

"If he is doubtful of his intention": Or if one is doubtful regarding the prayer itself, he must re-do the prayer for it is tantamount to not having an intention. Some scholars are of the opinion that doubt does not tarnish one's initial intention and thus does not invalidate the prayer. Shaykh al-Islam⁴⁸⁷ said, "One should not leave off his prayer due to a doubt in his intention as the fact is that he could not have begun his prayer without one."

A person praying individually may alter his intention while praying an obligatory prayer to an optional prayer with the condition that there is ample time until the prayer time ends. However if he swaps an intention for an obligatory prayer for another obligatory prayer, the prayer becomes invalid.

"A person praying individually may alter his intention while praying an obligatory prayer to an optional prayer with the condition that there is ample time until the prayer time ends": If one has an intention to pray an obligatory prayer at the point of the opening *takbīr* and has a change of heart and intends by it a *nafl* prayer, it is still valid. This is provided that there is sufficient time left for

⁴⁸⁷ See al-Ikhtiyārāt al-Fiqhiyyah (p. 74).

him to pray the actual obligatory prayer. However, doing so vice-versa is not permitted. He cannot begin praying an optional prayer and change his intention to pray an obligatory prayer. This is because the obligatory prayer carries more weight than the optional prayer, and it is not permitted to transfer the intention of something lower to something higher.

In a scenario where the time for prayer is about to end, then it is not permissible for him to change his intention and so he must perform his obligatory prayer.

"If he swaps an intention for an obligatory prayer for another obligatory prayer, the prayer becomes invalid": This denotes a retraction of his initial intention and furthermore, he has not performed a complete prayer with the second intention. Both prayers thus become invalid.

وتجب نية الإمامة والائتيام، وإن نوى المنفردُ الائتيامَ لم يصحَّ فرضاً كنيَّة إمامتِه فرضاً من

It is mandatory to make an intention specifying whether he is performing the prayer as an *imām* (leader) or the *mamūm* (follower) while praying with another person or more. If he makes *niyyah* to pray as a follower while praying alone, then his prayer is not accepted. Likewise if he is taken as the *imām* of an obligatory prayer.

"It is mandatory to make an intention specifying whether he is performing the prayer as an *imām* (leader) or the *ma'mūm* (follower)": The *imām* should make a *niyyah* that he is praying as an *imām* for those standing behind him. The followers should have a *niyyah* that they are followers. Only then shall the conditions of a congregational prayer be fulfilled.

"If he makes *niyyah* to pray as a follower while praying alone": For example, a person began praying an obligatory prayer alone and some people came along and started praying as a congregation nearby. He decides to shift himself while praying to join them in their congregational prayer. This is not acceptable as he did not have the intention to pray as a follower when he made his *niyyah* when he began praying.

"Likewise if he is taken as the *imām* of an obligatory prayer": If one was praying an obligatory prayer alone and another person joins him in his prayer

thereby making him the *imām*, this too is not acceptable as his initial intention was that he was praying individually. This scenario is acceptable if the prayer was an optional prayer and not an obligatory one. The Prophet $\frac{1}{20}$ once stood for the Sunnah prayer at night and was joined by Ibn 'Abbās, who was very young then. However, the young Ibn 'Abbās stood to the left of the Prophet. The Prophet $\frac{1}{20}$ reached out and moved him to his right.⁴⁸⁸

This is evidence to prove that a change in intention whilst praying a *naft* prayer is permissible. As for obligatory prayer, there is no evidence to permit a swap in intentions.

The correct opinion however, is that what is permitted in *nafl* (optional prayer) is also permissible for *fard* (obligatory prayer) unless something comes to us to prove otherwise. So the Prophet $\frac{1}{26}$ doing this action in the *nafl* prayer is proof that it can be done during the obligatory prayer. This is because rules are general for both these two types of prayer unless otherwise stated.

وإن انفرد مؤتمٌ بلا عذر بَطَلَتْ

متن

And if one following the *imām* in prayer decides to change his intention to that of one praying individually, and he has no excuse, then his prayer is nullified.

"And if one following the *imām* in prayer decides to change his intention to that of one praying individually, and he has no excuse, then his prayer is nullified": I.e. he makes an intention that he shall pray by himself and not follow

⁴⁸⁸ Reported by al-Bukhārī (1/57) and (2/30) and Muslim (2/179) from the narration of 'Abdullah ibn 'Abbās where he reported that he once slept at the house of his maternal aunt Maymūnah. He said: "I slept on the width of the cushion and the Messenger of Allah $\frac{1}{8}$ slept on the length of the cushion and he slept until the middle of the night, or a little before or after that. He $\frac{1}{8}$ then awoke, began wiping off the signs of sleep from his face and then recited the last ten ayāt of Sūrah Åli 'Imrān. He then stood and used the water he found in a leather bag that was hanging to perform his ablution. He performed his ablution thoroughly and commenced the prayer." 'Abdullāh ibn Abbās added: "I stood next to him [on his left]. The Messenger of Allah $\frac{1}{8}$ put his right hand on my head, took hold of my ear and twisted it. He performed two units, then two units, then two units, then two units, then two units. [Ma'n (a narrator of this hadīth from Ibn 'Abbās) says the Messenger of Allah $\frac{1}{8}$ prayed two units six times (a total of twelve units)]. The Messenger of Allah $\frac{1}{8}$ then performed the *witr* and lied down [for a short period] until the *mu'adhin* came to inform him of the *fajr* prayer. He then prayed two short units and headed for the *masjid*."

the *imām* thereby swapping his role from follower to an independent individual. His prayer therefore becomes invalid without a good excuse. If he does have a valid reason to change his intention, then his prayer is valid and he need only complete what remains of it.

The evidence for the issue cited above is the incident of Mu'ādh. He prayed with his congregation the '*ishā* prayer in which he read Sūrah al-Baqarah and so the prayer was lengthy. A man with a camel left it to join Mu'ādh's congregation. When he realised that the prayer will be a long one and fearing that his camel might stray away, he decided to make an intention to pray as an individual. He then completed his prayer with this intention. The news of this incident reached the Prophet $\frac{1}{28}$ who concurred with the action of this man. He also admonished Mu'ādh for lengthening the prayer. He $\frac{1}{28}$ said, "Let he who leads the prayer lighten it for verily there are amongst them the old, weak and those who have to fulfil their needs."⁴⁸⁹

متن

وتبطل صلاة مأموم ببطلان صلاة إمامه، فلا استخلاف

The prayer of the follower is nullified when the prayer of the *imām* is nullified. There is no replacement.

This is an important issue. If the *imām's* prayer is nullified in the midst of prayer, e.g. by breaking his *wudhū*, will the prayer of the *ma'mūm* (follower) be nullified as well? Or should the *imām* appoint a replacement who shall complete the prayer?

"The prayer of the follower is nullified when the prayer of the *imām* is nullified. There is no replacement": This is the *madhab* of Imām Ahmad.

Another opinion is that it does not nullify the prayer of the followers and the *imām* can appoint another person to lead the prayer to its conclusion.⁴⁹⁰ This is the correct opinion with the will of Allah. This is because when 'Umar was

⁴⁸⁹ Reported by al-Bukhārī (1/180) and Muslim (2/41) from the narration of Jābir ibn 'Abdullah. The phrasing of al-Bukhārī is, "Are you a *fatān* [or *fātin*] (chaos-monger)?"He \cong said this three times. Then he said, "If only you had recited '*sabihismi rabbikal a'lā or wa shamsi wa dubāhā or walayli idha yaghshā*. Verily there prays behind you the old, weak and those who have to fulfil their needs."

⁴⁹⁰ See al-Insāf (2/33).

stabbed while he was praying and bled profusely, he appointed 'Abdul Rahmān ibn 'Awf to lead the prayer to its conclusion.⁴⁹¹

وإن أحرم إمامُ الحيِّ بمن أحرم بهم نائبُه وعاد النائبُ مؤتماً صح

متن

If a deputy *imām* leads the prayer in the absence of the *imām* of that area, then lets the *imām* lead the prayer upon his arrival by falling back to become a follower, then this is allowed.

"If a deputy *imām* leads the prayer in the absence of the *imām* of that area, then lets the *imām* lead the prayer upon his arrival by falling back to become a follower, then this is allowed": This scenario can arise if the *imām* is delayed by unforeseen circumstances and an individual from amongst the Muslims leads the prayer momentarily. If he wills, he can relinquish his role and move to the right or towards the back to allow the *imām* to lead the prayer as the *imām* is more worthy of leading it. He then assumes the role of a follower.

There were incidents during the time of the Prophet 3 when this scenario actually occurred. In one of the battles, the Prophet 3 was delayed and 'Abdul Rahmān ibn 'Awf lead the congregational prayer. The Prophet joined the prayer behind 'Abdul Rahmān.⁴⁹²

In another incident, the Prophet $\frac{1}{26}$ who was on his deathbed was delayed for the prayer due to his ailment. He ordered Abu Bakr to lead the people in the prayer. The Prophet later gained enough strength to join in the prayer. He went forward to assume the place of the *imām* and Abu Bakr moved to his right adopting the role of a follower. He called out loud the commands of the prayer on behalf of the Prophet so that the people following him behind could hear it. Hence, Abu Bakr was led by the Prophet $\frac{1}{26}$ and the people were led by the prayer of Abu Bakr⁴⁹³ (for they were oblivious to the fact that the Prophet had assumed the *imām*'s position).

"The *imām* of that area": I.e. the *imām* who receives a salary to lead the prayer in a particular district or quarter.

⁴⁹¹ The incident of 'Umar being stabbed. Reported at length by al-Bukhārī (5/19).

⁴⁹² Reported by Ahmad (4/244, 247) from the narration of al-Mughīrah ibn Shu'bah.

⁴⁹³ Reported by al-Bukhārī (1/169) and Muslim (2/20-21) from the narration of 'Aishah.

باب صفة الصلاة

CHAPTER: DESCRIPTION OF THE PRAYER

Having explained the criteria for prayer, the author moves onto describing the prayer in detail. Description here refers to how the prayer is performed. There are two kinds of description: the complete description and the basic description. This difference appears because prayer is comprised of criteria (*shurūt*), acts that are pillars (*arkān*), mandatory (*wājib*) and optional (*sunan*).

The complete description then will comprise all of the four components mentioned above. The partial description comprises all these components except the acts that are *sunan*.

متن

يسن القيامُ عند قد من إقامتها، وتسويةُ الصف

It is Sunnah to stand up for prayer when the word "*qadd*" of the *iqāmab* is pronounced. He then straightens his row.

"It is Sunnah to stand up for prayer when the word "*qadd*" of the *iqāmah* is pronounced. He then straightens his row": It is Sunnah for the *ma'mūm* or follower to stand up and prepare for the prayer when he hears the *mu'adhin* call out, "*Qadd qamati as-salāh*". This is the view of some scholars.⁴⁹⁴ Some others are of the opinion that one should stand up when the *iqāmah* starts. This is the more popular opinion and the correct one.⁴⁹⁵

"He then straightens his row": It is Sunnah for the imām and the ma'mūm

⁴⁹⁴ See Muntaha al-Irādāt by Ibn al-Najār (1/204).

⁴⁹⁵ See al-Mughni (2/123).

to straighten the rows. The *imām* helps to guide the followers in making the rows straight and inspects them. He also instructs them to fill all the gaps that are between themselves and the rows. This is the responsibility of the *imām*. In addition, he instructs them to align their shoulders and ankles such that a straight and tight row is achieved. Shaytān squeezes himself into any gap that is within the rows and takes the opportunity to distract the Muslims from the prayer. A tight, straight row prevents the entry of Shaytān amongst them. The lesson to take away here is that Shaytān will never be able to influence a close-knit community. Only the stray individual falls prey to his whispers.

It must be pointed out that filling the gaps of the row does in no way refer to what some people who claim to be knowledgeable do nowadays. In his effort to close the gap, he spreads his legs far apart such that he takes up the standing space of two men. In doing so, he inconveniences those besides him. Islam teaches us to fill up the gaps in between a row by standing at ease and not with the legs far apart. Another mannerism of forming the rows for prayer is to start forming the later row only when the row before it is full and complete.

ويقول: الله أكبر، رافعاً يديه مضمومتي الأصابع ممدودة حَذْوَ مَنْكِبَيْه كالسجود

متن

And he says, 'Allabu akbar' whilst raising both hands. His fingers are kept close to each other. He raises his hands up to shoulder level as he does in prostration.

"And he says, 'Allahu akbar": When the *imām* has helped align the rows for prayer, he makes the *takbīratul ihram* saying, "Allahu akbar". The *ma'mūm* do so likewise, after the *imām*. Takbīratul ihram is a pillar of the prayer. The spiritual covenant does not take place without it. It is called *takbīratul ihram* as it makes unlawful that which is lawful before the pronouncement was made, just as the *ihram* in Hajj and 'Umrah forbids hitherto lawful things once it is entered.

The phrase, "Allahu akbar" cannot be replaced with another phrase, such as, "Subhanallah", "Alhamdulillah" or, "Lā hawla wa lā quwwata illa billah". No other form of dhikr (remembrance) can be used in its stead. This is what the Prophet $\frac{1}{2}$ taught us to do⁴⁹⁶ so any other phrase is forbidden.

231

⁴⁹⁶ Reported by al-Bukhārī (1/192), (8/68) and Muslim (2/10, 11) on the narration of Abu Hurairah that once the Prophet $\frac{1}{20}$ entered the *masjid*, a man came in, offered the prayer and greeted the Prophet. The Prophet returned his greeting and said to him, "Go back and pray

"Whilst raising both hands. His fingers are kept close to each other": It is recommended that he raise his hands, palms facing the direction of *qiblab* whilst saying the *takbīratul ihram*. His fingers are kept closely spaced, not spread out and his hands are raised to the shoulder level. The hands are raised at the beginning of the *takbīr* and lowered as soon as the *takbīr* is said. It is mentioned that raising the hands in the opening *takbīr* signifies the removal of the veil between the worshipper and his Creator.

The raising of the hands is recommended during the *takbīratul ihram*, bowing $(ruk\bar{u}')$ and whilst rising from it. This will be explained in detail later on. So we have three places for this action, however some add a fourth place, proclaiming that it is also done when one rises up after the first *tashahud*.

"He raises his hands up to shoulder level as he does in prostration": The hands are raised to shoulder level and parallel to it as he would place them whilst prostrating.

ويُسمع الإمامُ مَنْ خَلْفَه كقراءته في أُولَتَيْ غير الظُّهْرَين، وغَيْرُه نفسه

متن

The *imām* should be heard by those behind him, like his recitation in the first two units of the prayers besides the two afternoon prayers. Others should only read it quietly to themselves.

"The *imām* should be heard by those behind him": The *imām* should utter the *takbīratul ihram* aloud such that those praying behind him can hear. He should do this for all of the prayers. As for the recitation of the Qur'ān in the prayer, he should make it audible for the night prayers. Recitals in the two afternoon prayers are done silently. For this reason, prayers done at night are known as audible prayers (*salāt al-jihriyah*) while those done in the day are called silent prayers (*salāt al-siriyyah*).

again for you have not prayed." The man offered the prayer again, came back and greeted the Prophet. He said to him thrice, "Go back and pray again for you have not prayed." The man said, "By Him Who has sent you with the truth! I do not know a better way of praying. Kindly teach me how to pray." He said, "When you stand for the prayer, say *takbir* and then recite from the Qur'ān what you know and then bow with calmness until you feel at ease, then rise from bowing till you stand straight. Afterwards prostrate calmly till you feel at ease and then raise (your head) and sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer."

The only objective for raising the voice is for the ma'mūm to hear the imām. As for those who intend it to be audible to people in their houses and neighbouring masjids using speakers, they are actually transgressing the Shari'ah. This over-indulgence also causes harm to others like the one praying in the other masjids as he is distracted by the noise. There is no benefit behind this act. Hence, the imām should reduce the volume of the microphone inside the masjid. However it is a must that the adhān is heard aloud outside the masjid so that those faraway can prepare to attend the congregation. However, the volume of the takbīr and recitation in the prayer should be minimised such that it is sufficiently heard by those within the masjid. People elsewhere should not be disturbed.

"Like his recitation in the first two units of the prayers besides the two afternoon prayers": That is, he should make the *takbīr* audible like his recitation in the first two units of the audible prayers.

"Others should only read it quietly to themselves": The followers should only recite to themselves, raising the voice only to the extent that he can hear himself read.

ثم يقبض كوع يسراه تحت سُرَّته وينظر مَسْجِدَه

متن

Then he clutches his left wrist and places it below the navel while looking down at the place of prostration.

After making the *takbīratul ihram* as explained earlier, it is recommended that he place his right hand over his left hand, clutching his left wrist. He places his hands below the navel as this has been narrated by 'Alī. He said, "It is Sunnah to put the hands below the navel whilst performing the prayer."⁴⁹⁷

The correct opinion however is to place the hands on the chest.⁴⁹⁸ This is a Sunnah act of the prayer. If one places his hands to his side, it is still accepted but he has omitted a Sunnah act.

⁴⁹⁷ Reported by Ahmad (1/110), Abu Dawūd (756), Ibn Abī Shaybah (1/343) and al-Dāraqutnī (1/286).

⁴⁹⁸ Reported by Ibn Khuzaymah (479) and al-Bayhaqī (2/30) from the narration of Wā'il ibn Hajr who said, "I prayed with the Messenger of Allah $\frac{1}{20}$ and he placed his right hand over his left hand upon his chest."

A Commentary on Zād al-Mustaqni

"While looking down at the place of prostration": That is the spot on the ground that he will place his forehead upon whilst prostrating. He should not look straight ahead as this will definitely distract him from concentrating on his prayer.

ثم يقول: (سبحانك اللهم وبحمدك، وتبارك اسْمُكَ، وتعالى جَدُّك، ولا إلهَ غيرُك). ثم من يستعيذُ ثم يُبَسْمِلُ سراً، وليست من الفاتحة

Then he says, "Subhanakallahumma wa bihamdikka wa tabaraka ismuka wa ta'alā jadduka wa lā ilaha ghairuka." Then he recites isti'ādhah followed by the basmallah silently as it is not a verse of al-Fatihah.

The above verbal act is a Sunnah. It is known as *istiftāh* which is, "*Subhanakalla-humma wa bihamdikka wa tabaraka ismuka wa ta'alā jadduka wa lā ilaha ghai-ruka*." It means, "Glory is to You O Allah and praise. Blessed is Your Name and exalted is Your Majesty. There is no deity worthy of worship besides You." If he reads any other *istiftāh* which is authentically narrated from the Prophet Ξ , it is accepted.

"Subhanak": Meaning: I glorify you O Allah from all that which is inappropriate for You.

"*Wa bihamdikka*": I.e. I glorify You in gratitude and I glorify Your eminence and kindness. Our glorification of Allah is a bounty from Allah to us in fact and denotes His guidance and approval.

"Wa tabaraka ismuka": Blessed is Your Name. Blessings are gained by mentioning Him for the name of Allah is full of blessings just like all of His other names. If Allah's name is mentioned over a thing or before doing an act, He blesses it. Allah says: {Blessed is the name of your Lord, Owner of Majesty and Honour.}⁴⁹⁹

"Ismuka": Referring to all of Allah's names.

"Wa ta'alā jadduka": Exalted is Your Majesty. It can also mean Your Boun-

⁴⁹⁹ Al-Rahmān: 78

ties. Allah says: **{And [it teaches] that exalted is the nobleness of our Lord.}**⁵⁰⁰ That is, His majesty is venerated.

"*Wa lā ilāha ghairuka*": I.e. there is none worthy of worship except Him. Some claim that it means that there is none worshipped except You. This is wrong as there are many things worshipped besides Allah. However the only one worthy of worship is Allah.

"Then he recites *isti'ādhah*": That is to say, "*A'ūdhu billahi minash shaytānir ra-jīm*", which means, "I seek refuge in Allah from Shaytān the accursed." This was the Sunnah of the Prophet 3501 This is a verbal Sunnah act as gathered from the ayah: {So when you recite the Qur'ān, [first] seek refuge in Allah from Satan, the expelled [from His mercy]}⁵⁰²

"Followed by the basmallah": That is to say, "Bismillahi rahmānir rahim."

"Silently": Without raising one's voice.

"As it is not a verse of al-Fātihah": The *basmallah* is not regarded as an ayah of Sūrah al-Fātihah.⁵⁰³ It is detached from the Qur'ān, except in Sūrah al-Naml where it appears in between ayahs: {Indeed, it is from Solomon, and indeed, it reads: 'In the name of Allah , the Entirely Merciful, the Especially Merciful.'}⁵⁰⁴

ثم يقرأ الفاتحة؛ فإن قطعها بذكرٍ أو سكوتٍ غير مِشروعَيْن وطال، أو ترك منها تشديدةً أو متن حرفاً أو ترتيباً لزمَ غيرَ مأموم إعَّادتُها، ويجهَّر الْكُلُّ بِآمَين في الجهرية

Then he reads Sūrah al-Fātihah. Pausing for remembrance or being silent in a manner which is not sanctioned by the *Shari'ah*, lengthening it, missing out on the stressed intonations (*tashdīd*) or a letter, or not reading it in sequence will render it invalid and so he would need to recite it again. The

⁵⁰⁰ Al-Jinn: 3

⁵⁰¹ Reported by Ahmad (3/50), Abu Dawūd (775), al-Tirmidhī (242) and al-Nasā'ī (2/132) from the narration of Abu Sa'īd. Also in Ahmad (4/82, 85), Abu Dawūd (764), Ibn Mājah (807) from the narration of Jubayr ibn Mat'am.

⁵⁰² Al-Nahl: 98

⁵⁰³ See Majmū' al-Fatāwā' (22/351).

⁵⁰⁴ Al-Naml: 30

A Commentary on Zād al-Mustaqni

follower is excluded. All should say 'amin' during the vocal prayers.

"Then he reads Sūrah al-Fātihah": After reading the *istiftah*, *isti'adah* and *bas-mallah*, he goes on to read Sūrah al-Fātihah which means, "The Opening." It is called as such because it is the opening *sūrah* of both the *mus-haf* and the prayer, and it is the greatest *sūrah* of the Qur'ān.

"Pausing for remembrance or being silent in a manner which is not sanctioned by the *Shari'ah*": The whole *sūrah* should be read in a flow without hindrance. If one stops mid-way for remembrance or remains silent in a manner which has not been sanctioned by the *Shari'ah*, then it is deemed invalid. He has to read the *sūrah* again.

An example of a pause for remembrance during recitation that is sanctioned by the *Shari'ah* would be to seek refuge in Allah when the torment of the hereafter is being read and seeking the bounty of Allah when the *ayāt* of mercy are read.

Silence condoned by the *Shari'ah* includes being silent when the *imām* is reciting the Qur'ān. One might start reading al-Fātihah and then stop to listen to the *imām*'s recital. He then completes al-Fātihah after the *imām*'s recital. This is permitted and the *sūrah* is valid.

"Lengthening it": I.e. a person remaining silent to ponder over something or just remaining silent without a valid reason will interfere with the flow of al-Fātihah and the *ayāt* in effect become disjointed from one another. This action renders it invalid.

"Missing out on the stressed intonations (*tashdīd*), a letter": *Tashdīd* indicates a repetition of the same letter. Hence if one omits the *tashdīd*, he is in fact omitting a letter. This means that he did not recite al-Fātihah completely and so it becomes invalid. Likewise if any of the other letters are omitted.

"Or not reading it in sequence": If he were to rearrange the sequence, for example reading the third ayah, followed by the first, then the second. His recitation is futile as one should read it as it was revealed by Allah.

"The follower is excluded": This means that the *imām* and the one praying

by himself are affected by their faultiness in the reading of al-Fātihah as it is a *rukn* of the prayer. The *ma'mūm* (follower) is not affected by his own faulty reading for the *imām's* (correct) reading will supersede his own.

"All should say, 'amīn": When al-Fātihah is completed it is a verbal Sunnah that the congregation, the *imām* and the *ma'mūm*, say "amīn." It means, "O Allah! Accept it." As al-Fātihah is a supplication in its entirety, we seek its acceptance by saying "amīn". Supplication for worship is sought at first followed by supplication to make good our affairs. Therefore, the "amīn" is very befitting at the end of the recital.

"During the vocal prayers": That is, prayers in which one reads aloud. As for the silent prayers, the "*amīn*" is also uttered silently.

ثم يقرأ بعدها سورةً تكون في الصبح من طوال المفصَّل، وفي المغرب من قِصَارِه، وفي الباقي من أوساطه، ولا تصح الصلاةُ بقراءةٍ خارجةٍ عن مصحف عثمان متن

He then reads another *sūrab* after it; for the *subb* prayer he may read the long *sūrabs* of *mufassal* and at *magbrib*, he can read its short *sūrabs*. He can read from its mid-length *sūrabs* for the rest of the prayers. It is not permitted for him to read anything apart from the 'Uthmani *mushaf*.

"He then reads another *sūrah* after it": After reading al-Fātihah, he reads another *sūrah* from the Qur'ān.

"For the *subh* prayer he may read the long chapters of *mufassal*": *Mufassal* is the last *hizb* of the Qur'ān. It is named in this manner due to the many partitions between the *sūrahs* and the *ayāt*. *Mufassal* starts from Sūrah Qaf to the end of the Qur'ān. Some others say it starts from al-Hujurat while another view is that it starts from al-Dhukhan. But the first view is more popular.

"For the subh prayer he may read the long sūrahs of mufassal and at maghrib he can read its short sūrahs. He can read from its mid-length sūrahs for the rest of the prayers": Subh refers to the fajr prayer. The long sūrahs in the hizb of mufassal are from Sūrah Qaf to Sūrah al-Naba'. The mid-length surahs are from al-Nāzi'āt until Sūrah al-Dhuha. The short sūrahs are from Sūrah al-Sharh until the end of the Qur'ān. However, it is still permitted for one to read a long sūrah from mufassāl or other long sūrahs for maghrib. The Prophet \underline{m} read Sūrah al-A'rāf⁵⁰⁵ during maghrib and once recited Sūrah al-Tūr.⁵⁰⁶ He once also read Sūrah al-Mursalat.⁵⁰⁷ However, this was very seldom. The present day *imāms* have left out reading mufassāl altogether in the vocal prayers. This is in contrast to the Sunnah of the Prophet \underline{m} .

"It is not permitted for him to read anything apart from the 'Uthmani *mushaf*": The prayer in which the Qur'ān recital is not based upon the 'Uthmani *mushaf* becomes invalid. This *mushaf* was compiled during the lifetime of 'Uthman ibn Affān and it is in agreement with all of the Companions of the Prophet. It was then distributed throughout the world. Before this effort was taken, people used to differ in their readings of the Qur'ān as they had different *mushafs* with different sequence and writing. The Companions of the Prophet realised that if this was not rectified, it would disunite the Ummah. They suggested to 'Uthman, who was the caliph at that time, to standardise the Qur'ān. So he gathered all of the Companions and the reciters of the Qur'ān and discussed regarding it. They all agreed to the standardisation of the Qur'ān.⁵⁰⁸ Alhamdulillah, the achievement of this only confirms Allah's promise in the Qur'ān when He said: **{Indeed, it is We who sent down the Qur'ān and indeed, We will be its guardian.**⁵⁰⁹

'Uthman then ordered that copies be made of this standardised *mushaf* and that it be distributed throughout the lands. He also commanded the Muslims to only read this edition and gathered all of the other editions and burnt some of them and buried the rest. With this, the difference and dispute came to an end, *alhamdulillah*.

Hence, it is not permissible for anyone to read in prayer other than from the

⁵⁰⁵ As narrated by 'Aishah. It was reported by al-Nasā'ī (2/170) with the words, "The Messenger of Allah $\frac{1}{2}$ read Surah al-A'rāf for *maghrib*, dividing it into two *rak'āts*."

⁵⁰⁶ Reported by al-Bukhārī (1/194), (4/84), (5/110) and (6/175) and Muslim (2/41) from the narration of Jubayr ibn Mut'am.

⁵⁰⁷ As reported by al-Bukhārī (1/193-194), (6/11) and Muslim (2/40-41) from the narration of Umm al-Fadl.

⁵⁰⁸ The incident of standardising the Qur'ān as reported by al-Bukhārī (6/226) from the narration of Anas ibn Mālik.

⁵⁰⁹ Al-Hijr: 9

standard 'Uthmani edition. If one does, then his prayer is invalid.

متن ثم يركع مكبراً رافعاً يديه ويضعها على ركبتيه مُفَرَّ جَتَي الأصابع مستوياً ظهرُه ويقول: سبحان ربي العظيم، ثم يرفعُ رأسَه ويديه قائلاً: إماماً ومنفرداً: سمع الله لمن حمده وبعد قيامهما: ربَّنا ولك الحمدُ مِلْءَ السَّماءِ ومِلْءَ الأرضِ ومِلْءَ ما شِئْتَ مِنْ شيء بعدُ، ومأموم في رفعه: ربَّنا ولك الحمدُ فقط

Then he bows for *ruku*' as he says the *takbīr* whilst raising his hands. He places his hands upon his knees with his fingers splayed and levels his back. He then says, "Subhāna rabi al-azīm." He then raises his head and hands. If he is the *imām* or is praying individually, he says, "Sami' allahu liman hamidah." After standing erect, he says, "Rabbana wa laka al-bamd. Mila assamāwāti wa mila al-ardhi wa mila mā shi'ta min shayin ba'd." The ma'mūm only says, "Rabbanā wa laka al-bamd."

"Then he bows for *ruku*' as he says the *takbīr* whilst raising his hands. He places his hands upon his knees with his fingers splayed and levels his back": Once he completes his recital in the first *rakāt* (unit) of the prayer, he bows for *ruku*' saying the *takbīr*. This *takbīr* is known as "*takbīratul intiqāl*", that is *takbīr* for the moving from standing erect to the *ruku*'. This is a mandatory (*wājib*) act.

He raises his hand for the *takbīratul intiqāl* as he raised them for the *takbīratul ihram*. The raising of the hands here is a Sunnah act. He then places his hands upon his knees with his fingers splayed out.⁵¹⁰ He should level his back such that it is straight⁵¹¹ during the bowing and level his head⁵¹² in line with his back and not tilt it up or down. These are the characteristics of the *ruku*' of the Prophet $\frac{1}{8}$.

"He then says, 'Subhāna rabi al-azīm": This is a wājib (mandatory) act. This is because when the ayah: {So exalt the name of your Lord, the Most Great.}⁵¹³ was revealed, the Prophet \gtrsim said, "Say it in your *ruku*'."⁵¹⁴

⁵¹⁰ As in the hadith of Ibn Mas'ūd which was reported by Muslim (2/69).

⁵¹¹ Reported by Ahmad (1/123) as narrated by 'Alī ibn Abī Tālib.

⁵¹² Reported by Muslim (2/54) as narrated by 'Aishah.

⁵¹³ Al-Wāqi'ah: 74

⁵¹⁴ Reported by Ahmad (4/155), Abu Dawūd (869) , Ibn Mājah (887) and Ibn Khuzaymah (600) from the narration of 'Uqbah ibn 'Āmir.

"He then raises his head and hands. If he is the *imām* or is praying individually, he says, '*Sami' allahu liman hamidah*." This means, "Allah hears those who praise Him." The *ma'mūm* should only say, "*Rabbana wa laka al-hamd*." (O our Creator! To You be all praises).

The *imām* and the one praying individually should say, "*Sami' allahu liman hamidah*." The *ma'mūm* does not. This is according to the teachings of the Prophet 35 who said, "If he (the *imām*) says, "*Sami' Allahu liman hamidah*", all of you should say, "*Rabbana wa laka al-hamd*."⁵¹⁵ The word "*sami*" in this context means "accept".

He can also say: "Allahumma rabbana wa laka al-hamd" or "Allahumma rabbana laka al-hamd", and the first of these is better.⁵¹⁶

He proceeds to prostrate whilst saying the *takbīr* with seven body parts touching the ground. They are the feet, knees, hands and the forehead along with the nose; even if they are covered by another material besides the limbs of prostration. The shoulders should be extended away from the side of the body and his stomach from the thighs. His knees are kept apart. He then says, "Subhana rabi al-'alā'."

After standing erect and saying, "*Rabbana laka al-Hamd*", he adopts a prostrating position where seven parts of the body are touching the ground.

"They are the feet, knees, hands and the forehead along with the nose": The sequence with which the descent occurs is like this: first to touch the ground will be the knees, then the hands, then the forehead and nose. The elderly and sick can place their hands upon the ground before their knees so that the movement is easier.

⁵¹⁵ Reported by al-Bukhārī (1/186-187, 203) and Muslim (2/18) from the narration of Anas ibn Mālik.

⁵¹⁶ Reported by al-Bukhārī (1/201). See also Zād al-Ma'ād (1/219-220).

"Even if they are covered by another material": That is, even if he were to prostrate on a carpeted floor, it is permissible though prostrating on a plain floor is better. Sometimes, there is a pressing need for a carpeting of some sort. The Companions of the Prophet $\underline{\ast}$ used to place the corners of their turbans and clothes to protect themselves, when they made *sujūd*, from the ground baked hot by the sun.⁵¹⁷ When the ground is too hot, has gravel or thorns, it is permissible to cover it with something. Even our Prophet $\underline{\ast}$ used to pray on what was comfortable to him. At times, he used to pray on a plain floor while at others, he used to pray on a straw mat.⁵¹⁸

"The shoulders should be extended away from the side of the body and his stomach from the thighs": While prostrating, he should keep the body parts apart. One should not be touching the other. Each part should be prostrating to Allah 38 very distinctively. His feet and shins should be apart and his thighs are kept apart from his shins while prostrating. His shoulders are kept apart from the side of his body. This is the recommended (*mustahab*) way of prostration.

However, if the place to make *sujūd* is constricted, then placing the shoulders apart will inevitably be an inconvenience to the person next to you as he will feel discomfort. Causing such harm is not permitted. Hence, he should draw his shoulders close to himself to prevent any inconvenience to the person next to him. If the *sujūd* is prolonged, like in the night or eclipse prayer, then one is permitted to rest his upper arm and elbows upon his knees while prostrating. This is to ease the tiredness that may result from prolonged prostration. When the Companions complained to the Prophet $\frac{1}{8}$ that they had difficulty keeping their arms raised during a prolonged *sujūd*, the Prophet said, "Ease it with your elbows."⁵¹⁹

"He then says, 'Subhana rabi al-'alā": Which means, "Glory is to my Lord, the Most High." When one prostrates as described, he says, "Subhana rabi al-'alā." This is among the mandatory (wājib) acts of prayer. If one were to say

⁵¹⁷ Reported by al-Bukhārī (1/107, 143), (2/81) and Muslim (2/109) from the narration of Anas ibn Mālik.

⁵¹⁸ Reported by Muslim (2/62, 128), Ahmad (3/52), al-Tirmidhī (332) as narrated by Abu Sa'īd al-Khudrī.

⁵¹⁹ Reported by Ahmad (2/339), Abu Dawūd (902), al-Tirmidhī (286) from the narration of Abu Hurairah.

A Commentary on Zād al-Mustaqni

something different such as, "*subhanallah*", "*alhamdulillah*", or "*lā ilāha illalāh*", it shall not be accepted because when the ayah: {**Exalt the name of your Lord, the Most High.**} was revealed, the Prophet commanded, "Include it in your prostration."⁵²⁰

ثم يرفع رأسه مكبراً ويجلس مفترشاً يسراه ناصباً يمناه ويقول: رب اغفر لي، ويسجد من الثانية كالأولى

He then raises his head whilst saying the *takbīr* and sits upon his legs with the left foot lying prone and the right foot placed upright. He then says, *"Rabi ighfirlī."* He prostrates again in a similar manner to the previous one.

"He then raises his head": From his prostration whilst saying, "Allahu akbar."

"And sits upon his legs": Between the two prostrations. The Prophet \mathbb{Z} said: "Then sit until you are calmly sitting."⁵²¹ A person is deemed to have omitted a pillar (*rukn*) of the prayer if he does not sit between the two prostrations.

"With the left foot lying prone and the right foot placed upright": The outside of the left foot is placed upon the ground and he should sit upon the sole of the left foot. The toes of the right foot should press against the floor whilst the right ankle is upright.

"Rabi ighfirli":⁵²² I.e. "O Lord forgive me" is read during the sitting. He can also read, "*Allahumma ighfirlī warhamnī wa ʿāfinī wa ihdinī warzuqnī*" which means, "O Allah, forgive me, have mercy on me, protect me, guide me and provide for me."This was read by the Prophet 3:⁵²³

"He prostrates again in a similar manner to the previous one": He repeats the prostration once more.

⁵²⁰ Reported by Ahmad (4/155), Abu Dawūd (869), Ibn Mājah (887) and Ibn Khuzaymah (600) as narrated by 'Uqbah ibn 'Āmir.

⁵²¹ An extract from the hadīth of the ill-performed prayer as reported by al-Bukhārī (1/192, (8/68), Muslim (2/10-11) which was narrated by Abu Hurairah.

⁵²² Reported by Ahmad (5/398), Abu Dawūd (874), al-Nasā'ī (2/231) and Ibn Mājah (897) as narrated by Hudhayfah.

⁵²³ Reported by al-Tirmidhī (284), Abu Dawūd (850) and Ibn Mājah (898) as narrated by Ibn 'Abbās.

ثم يرفع مكبراً ناهضاً على صدور قدميه معتمداً على ركبتيه إن سهل، ويصلي الثانية كذلك ما عدا التحريمةَ والاستفتاحَ والتَّعُوذَ وتجديدَ النيَّة متن

Following that, he rises back to the standing position whilst saying the *tak-bīr* using the balls of his feet and supported by his knees if convenient. He prays the second *rakāt* (unit) as he did the first but excludes the *takbīratul ibram*, the opening supplication (*istiftah*), the *ta'ūthu* and no new intention is required.

"Following that, he rises back to the standing position": For the second *rakāt*. He says the *takbīr* as he does so.

"Using the balls of his feet and supported by his knees if convenient": This describes how one should rise again to the standing position. The balls of the feet are used to push oneself up, whilst using the knees as support. This is if it is convenient for him. If this brings forth difficulty e.g. for the frail, elderly and disabled, they can just use their hands as support to rise up. This is indeed permissible.

"He prays the second rakāt (unit) as he did the first": Similar to the first rakāt.

"But excludes the takbiratul ihram": As it is performed only in the first rakāt.

"The opening supplication (*istiftah*)": This (i.e. "Subhānaka allahuma wa bi hamdika") is also read only in the first rakāt.

"The *ta'ūthu*": I.e. to seek refuge in Allah from the accursed Shaytān. This is also read only in the first *rakāt*.

"And no new intention is required": The second *rakāt* does not require a new intention of its own. The one intended in the beginning of the prayer shall suffice.

متن ثم يجلس مفترشاً، ويداه على فخذيه يقبض خِنْصَرَ اليمنى وبنْصَرَها، ويُحَلِّقُ إِبْهامَها مع الوسطى، ويشير بَسَبَّابتها (في تشهده). ويبسط اليسرى ويقولَ: التحيات لله والصلوات والطيبات، السلام عليك أيها النبي ورحمة الله وبركاته، السلام علينا وعلى عباد الله الصالحين، أشهد أن لا إله إلا الله وأشهد أن محمداً عبده ورسولُه، هذا التشهدُ الأولُ Then he sits and places his hands on his thighs. He curls up the little and ring fingers of the right hand while making a ring with his middle finger and thumb. He points with his index finger during the *tashahud*. The left palm is left resting on the left thigh. He then says, "Attahiyātu lillahi wa salawātu wa tayyibāt. Assalāmu 'alayka ayyuba annabiyyu wa rahmatullahi wa barakātuhu. Assalāmu 'alayna wa 'alā 'ibādillahi sālihīn. Ashadu an lā ilāha illallah wa ashadu anna muhammadan 'abduhu wa rasūluhu." This is the first tashahud.

"Then": After concluding the second *rakāt*, he sits down resting upon his left leg while keeping his right foot upright like the sitting between the two prostrations.

"And places his hands on his thighs": While sitting.

"He curls up the little and ring fingers of the right hand while the making a ring with his middle finger and thumb. He points with his index finger during the *tashahud*. The left palm is left resting on the left thigh": A ring shape is made by putting the tip of the thumb and middle finger together. He points with his index finger but does not shake it. This was the way the Prophet $\frac{14}{524}$

The pointing of the index finger indicates the oneness of Allah (*tawhīd*). As for the left hand, it just rests on the left thigh with the palm facing down. The fingers are not spread out but placed together. Then begins the first *tashahud*:

"*Attahiyātu lillahi*": I.e. that all glorification uttered in the bowing and prostration is to Allah 36.

"*Wa salawātu*": I.e. that all prayers, obligatory and optional, are for Allah. None can have a share of it, as in the ayahs: {Say, "Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds."}⁵²⁵ And {So pray to your Lord and sacrifice [to Him alone].}⁵²⁶ It is said that

⁵²⁴ Reported by Abu Dawūd (989), al-Nasā'ī (3/37) from the narration of 'Abdullah ibn al-Zubayr who said, "Verily the Prophet used to point with his index finger when he made $du'\bar{a}$ and he never shook his finger."

⁵²⁵ Al-An'ām 162

⁵²⁶ Al-Kawthar: 2

"*salawāt*" refers to all acts of worship and that they are all dedicated to Allah; a clear indication of the oneness of Allah and the negation of associating partners with Him.

"*Wa tayyibāt*": This means "goodness" of all speech and actions. The Prophet \$\\$ said, "Verily Allah is good and He accepts nothing but goodness."⁵²⁷ Allah says: {**To Him ascends good speech.**}⁵²⁸Allah encompasses good speech and actions. He encompasses charity as well.

"Assalāmu 'alayka ayyuha annabiyyu wa rahmatullahi wa barakātuhu": Meaning, "Peace be upon you, O Prophet, and the mercy of Allah and His blessings." This is a supplication for the safety of the Prophet $\frac{1}{2}$ from all harm. The word "assalām" could also mean, "The name of Allah upon you," for "al-Salām" is one of Allah's names. The second person narrative is used though the Prophet has passed away. This is to accentuate his presence in our thought process. Furthermore, this was how it was taught to us by the Prophet $\frac{1}{2}$.

"Assalāmu 'alayna wa 'alā 'ibādillahi sālihīn": After sending salutations to the Prophet 3, he sends salutations to all pious servants of Allah from among the angels and mankind. He sends salutations to those who prayed alongside him and all the pious servants in the heavens and the earth. This is because all Muslims are brethren.

"Ashadu an lā ilāha illallah wa ashadu anna muhammadan 'abduhu wa rasūluhu": This is the testification of faith i.e. "I testify that there is no deity worthy of being worshipped besides Allah, and that Muhammad is His slave and messenger." He 雲 possesses nothing from His ulūhiyyah, rubūbiyyah, or rights of worship, rather he is a slave of Allah.

"This is the first *tashahud*": There is another *tashahud* that comes later which is slightly different. More will be discussed at the appropriate time.

متن ثم يقول: اللهم صَلِّ على مُحمدٍ وعلى آلِ مُحمدٍ كها صلَّيتَ على آل إبراهيمَ، إنَّك حميدٌ مجيدٌ، وباركْ على مُحمدٍ وعلى آلِ محمدٍ، كها باركت على آلِ إبراهيمَ، إنَّكَ حميدٌ مجيدٌ

528 Fātir: 10

⁵²⁷ Reported by Muslim (3/85), Ahmad (2/328) and al-Tirmidhī (2989) from the narration of Abu Hurairah.

A Commentary on Zād al-Mustaqni

Then he says, "Allahumma sali 'ala Muhammadin wa 'ala āli Muhammadin, kama salayta 'ala āli Ibrāhīm. Innaka hamīdun majīd. Wa bārik 'ala Muhammadin wa 'ala āli Muhammadin kama bārakta 'ala āli Ibrāhīm. Innaka hamīdun majīd."

This is included with what is read in the first *tashahud* as mentioned earlier.

"Allahumma sali 'ala Muhammadin": Which means, "O Allah! Bestow your favour upon Muhammad." Favours of Allah are praises for His slaves mentioned in the high heavens. At this juncture, we implore to Allah to praise His Prophet ﷺ in the high heavens. This is one of his rights binding upon us.

"Wa 'ala āli Muhammadin... Innaka hamīdun majīd": This means, "And upon the family of Muhammad... Verily You are praiseworthy and most glorious." This supplication is also for those who are dear to the Prophet $\frac{1}{26}$ from among the Muslims and those who follow him. All these people are included in the "family of Muhammad."

"Kama salayta 'ala āli Ibrāhīm": This means, "As you bestowed favours upon the family of Ibrāhīm." This is a direct reference to the ayah in the Qur'ān: {May the mercy of Allah and His blessings be upon you, people of the house. Indeed, He is Praiseworthy and Honourable.}⁵²⁹ Here the one praying seeks for the family of Muhammad all that which Allah bestowed upon the family of Ibrāhīm.

"*Wa bārik*": This means to send down blessings, which refers to prosperity, perpetual goodness and a constant level of deep faith. We seek these for the Prophet $\frac{1}{26}$ and his family also.

"*Kama bārakta ʿala āli Ibrāhīm. Innaka hamīdun majīd*": Just as Allah mentions in the ayah above.

ويستعيذ- نَدبًا- من عذاب جهنَّمَ وعذاب القبر، وفتنة المَحْيا والمَهاتِ، وفتنة المسيحِ الدجَّالِ متن

He seeks refuge in Allah (which is optional) from the torments of Jahan-

⁵²⁹ Hūd: 73

nam, the torments of the grave, the trials of life and death and the trials of al-Masīh al-Dajjāl.

"He seeks refuge in Allah": By reciting the supplication, seeking only Allah's help.

"From the torments of Jahannam": This is another name for the Hellfire and it has many names: Jahannam, al-Nār, Saqr, al-Hāwiyah, al-Jahīm and al-Sa'īr.⁵³⁰

"The torments of the grave": A consensus regarding the occurrence of torment in the grave can be drawn from the multitude of ahadīth mentioning it and the collective agreement of Ahlus Sunnah wal Jamā'ah regarding it. None refutes this except the innovators such as the Mu'tazilah, who are guided by only their intellect. Ahlus Sunnah wal Jamā'ah, on the contrary, do not interpret affairs of the unseen world with their intellect. The torment of the grave is from the unseen about which only Allah knows. Allah and His Messenger confirm the events of the unseen world and the torment of the grave is one such event. Whoever refutes its occurrence is a transgressing innovator.

The grave is either a garden from the gardens of Paradise or a pit from the pits of Hellfire. The life in the grave is known as al-Barzakh. It is named as such because it is a middle ground between the life of this world and the hereafter, a station between the two worlds.

"Trials of life": As long as man lives in this world, he shall face trials. So he should seek help to be steadfast in his din and seek refuge from becoming deviated like the numerous people who deviated after knowing the truth. So you should ask Allah that He make you steadfast upon the truth.

"And death": What is referred to here is the trials that one faces as death approaches. Indeed, a person may be pre-destined to have a wretched end where he dies in disbelief and so becomes an inhabitant of the Hellfire. Shaytān appears to him during the throes of death and offers him the religions of disbelief hoping that man will succumb to his whispers and fall into his deception. That man then dies as a disbeliever. Allah says: **{And say, "My Lord, I seek refuge in You from the incitements of the devils, and I seek refuge in You,**

⁵³⁰ See al-Jāmi' al-Ahkām al-Qur'ān by al-Qurtubī (10/21).

my Lord, lest they be present with me."}⁵³¹

Trials of death can also be interpreted as torment of the grave. What is apparent, and Allah knows best, is that it is a combination of the trials faced when death approaches and whatever torments that come afterwards in the grave. The Prophet $\frac{1}{8}$ said, "Verily this Ummah will face trials in the grave."⁵³² This trial begins with the appearance of the two angels who ask the grave dweller, "Who is your creator? What is your religion? Who is your prophet?" If he replies, "Allah is my creator, my religion is Islam and my prophet is Muhammad $\frac{1}{8}$ ", he is victorious and has succeeded. His grave turns into a garden from the gardens of Paradise. However, if he stammers and is not able to reply and says, "I don't know. I heard people say something and I repeated it." The grave constricts him and a door of hell is opened, exposing him to some of its torments. May Allah protect us from it.⁵³³

"And the trials of al-Masīh al-Dajjāl": He shall appear before the end of time. He will be amongst the Jews and will have Jewish followers. He will bring about such catastrophic trials that none will be spared from it except the people of true faith. A great number of people will follow him, may Allah protect us from it. His trials are so severe that he shall possess Paradise and Hell. He will command the skies and it will rain. He will ordain the earth and it shall grow vegetation, and he will command it and its deep hidden treasures shall come forth. Allah shall empower him with such abilities as a trial for men. The Dajjāl will even claim he is Allah!⁵³⁴

There has not come a prophet except that he had warned his nation regarding the Dajjāl⁵³⁵ and our Prophet Muhammad ﷺ warned the most about him. Then the Messiah, Īsa ibn Maryam shall descend and kill Dajjāl at a place called Bablot in Palestine. Only then will the Muslims be free from the Dajjāl's

⁵³¹ Al-Mu'minūn: 97-98

⁵³² Reported by Muslim (8/161), Ahmad (3/346) from the narration of Abu Sa'īd al-Khudrī.

⁵³³ This is an excerpt from a lengthy hadīth narrated by al-Barā'ibn 'Āzib detailing the trials of the grave and the questioning by the two angels. Reported by Ahmad (4/287-288), Abu Dawūd (3212, 4753), Ibn Mājah (1548) and al-Nasā'ī (4/78).

⁵³⁴ Reported by Muslim (8/196-198), Ahmad (4/181), Abu Dawūd (4321) and al-Tirmidhī (2240) from the narration of al-Nawās ibn Sam'ān.

⁵³⁵ Reported by al-Bukhārī (2/117), (4/1639), (8/49) and Muslim (8/192) from the narration of 'Abdullah ibn 'Amr.

evil.

"Masīh": Dajjāl is called this because he will sweep the lands extremely quickly or it could refer to him being blind in one eye.

"Al-Dajjāl": This means "liar".

This is a great supplication (*dua*') that all Muslims should learn the meaning of and ponder upon. They should make this supplication with all of their hearts.

The majority of scholars hold the view that reading it is recommended⁵³⁶ only and there is no sin if one leaves off reading it. Hence it is optional. However some scholars consider it mandatory⁵³⁷ as it was a command from the Prophet **ﷺ** who said, "Seek refuge in Allah from four [things]."⁵³⁸

م^{ين} ويدعو بما ورد، ثم يسلِّم عن يمينه: السلامُ عليكم ورحمةُ الله، وعن يساره. وإن كان في تُلاثيَّة أو رُباعيَّة نهض مكبِّراً بعد التشهد الأول، وصلَّى ما بقي كالثانية وبالحمد فقط، ثم يجلس في تشهده الأخير مُتورِّكاً، والمرأةُ مثله، لكن نَضُمُّ نَفسَها، وتسْدلُ رِجْليها في جانب يمينها

He makes supplications that are authentic and then makes *salām* to his right saying, "*Assalāmu'alaykum wa rahmatullah*" and does likewise to his left. If he is performing a prayer consisting of a third or fourth *rakāt*, he should get up immediately after the first *tashahud*. He prays the other *rakāt* like the second *rak'āh*; by reading "*al-Hamd*" only. Following that, he sits in *tawarruq* for the final *tashahud*. The females do likewise except that they should sit compacted and lower their legs on the right side.

"He makes supplications that are authentic": That are found in the Qur'ān and Sunnah. Examples would be, "Allahumma inni a'ūdhu bika minal ma'tham wal maghram,"⁵³⁹ "Rabbana ātina fidunya hasanat wa fil akhirati hasanatan waqinā

⁵³⁶ See Sharh Sahīh al-Muslim by Imām al-Nawawī.

⁵³⁷ Ibid.

⁵³⁸ Reported by al-Bukhārī (2/124) and Muslim (2/93-94) from the narration of Abu Hurai-rah.

⁵³⁹ Reported by al-Bukhārī (1/211), (3/154) and Muslim (2/93) from the hadīth of 'Aishah.

A Commentary on Zād al-Mustaqni

ʻadhāb annār,"⁵⁴⁰ and, "Rabanna innaka jāmi'un nāsi liyawmin lā rayba fīhi. Innallaha lā yukhliful mī'ād."⁵⁴¹

He can supplicate other such authentic supplications from the Qur'ān and Sunnah or those which concur with it. The Prophet \cong said, "Then let him choose to supplicate that which is interesting to him."⁵⁴² He should supplicate for the well-being of his faith and his worldly affairs. He should supplicate for himself and for all Muslims, be they alive or dead, and should do it profusely. Verily supplication while performing an act of worship is better than when done at other times.

"And then makes *salām* to his right": Saying, "Assalāmu'alaykum wa rahmatullah".

"And does likewise to his left too": As the Prophet \cong said, "The *tahrim* (commencement) is the *takbir* and the *tahlil* (conclusion) is the *taslim*."⁵⁴³ So the prayer is concluded by saying the *salām*. He makes *salām* to himself and to all those who are present for the prayer.

"If he is performing a prayer consisting of a third or fourth *rakāt*, he should get up immediately": Saying "*Allahu akbar*" as he gets up.

"After the first tashahud": I.e. after completing the first tashahud.

"He prays the other *rakāt* like the second *rak'āb*; by reading "*al-Hamd*" only": He should start his third and fourth *rakāt* with only Sūrah al-Fātihah and no recitation from the Qur'ān following it. He should not read another *sūrah* along with it. This is the authentic way and that which is well-known to the scholars.⁵⁴⁴

"Following that, he sits in tawarruq for the final tashahud": Distinguishing the

543 Reported by Ahmad (1/123), Abu Dawūd (61, 618), al-Tirmidhī (3) from the narration of 'Alī ibn Abī Tālib.

544 See al-Mughnī (2/281).

⁵⁴⁰ Al-Baqarah: 201

⁵⁴¹ Åli 'Imrān: 9

⁵⁴² Reported by al-Bukhārī (1/212) and Muslim (2/14) from the narration of 'Abdullah ibn Mas'ūd.

first *tashahud* from the second. To sit in *tawarruq*, one should place the left side of his rear end on the ground and raise the right side. The left foot goes under the rested side of the read end. The top of the foot faces the ground, the inner side faces upwards, and it is bent towards the right side. The right foot is folded in a way that the foot is upright.⁵⁴⁵

"The females do likewise": The female does and says everything that the males do, except for the minor differences that follow.

"Except that they should sit compacted": She does not lean her body like the men do but she compacts herself.

"And lower their legs on the right side": She does not sit on her rear end but sits on her legs with both feet to the right. The right foot is not kept upright but is let to rest on her left foot.

⁵⁴⁵ Al-Dar al-Naqi (1/213).

ف**صسل** SECTION

ويُكرَه في الصلاة التفاتهُ، ورفعُ بصره إلى السهاء وتغميض عينيه، وإقعاؤُه، وافتراشُ متن ذراعيه ساجداً

Disliked during the prayer: To turn the head to the sides during prayer, looking skywards and keeping the eyes closed, sitting in the manner of iq'ab'u and placing the lower arms on the ground while making sujud.

This section explains that which is disliked in the prayer. Some things are disliked while others are permissible. They are as follows:

"To turn the head to the sides during prayer": I.e. facing the sides and away from the direction of the *qiblab*. Doing so allows Shaytān to steal from the servant's prayer by tarnishing it.⁵⁴⁶ When one looks to his side, he becomes preoccupied and this allows him to forget Allah. He states faces His servants when they face towards the *qiblab* during prayers.⁵⁴⁷ When he faces away to the side, he has in fact shunned Allah.

"Looking skywards": Doing so is also disliked whilst one is praying. This is because Muslims should look at the place where they prostrate during the prayer.⁵⁴⁸ This enhances concentration in prayers and allows one to open up

⁵⁴⁶ Reported by al-Bukhārī (1/191), (4/152) from the narration of 'Aishah.

⁵⁴⁷ Reported by al-Bukhārī (1/112, 191), (2/82) and Muslim (2/75) from the narration of 'Abdullah ibn 'Umar with a *marfu*' narration, "Let not one of you spit to the front when he prays."

⁵⁴⁸ Reported by al-Bayhaqī in his *Sunan* (2/283) that the Prophet used to look skywards while praying until Allah revealed the verse **{Successful indeed are the believers, Who are humble**

his heart to Allah. In a hadīth, the Prophet ﷺ said, "Let a people cease looking skywards or Allah will seize their eyesight and not return it to them."⁵⁴⁹

"And keeping the eyes closed": During the prayer. It is not permitted as this is the practice of the Jews. We Muslims are prohibited from it.

"Sitting in the manner of $iq'\bar{a}h'u$ ": This is of three types⁵⁵⁰: (i) Placing the upper side of the foot completely on the ground while sitting, such that the sole of the foot faces up. (ii) Placing his rear end on the ground while lifting his thighs and shins and propping himself up with his hands. This is known as the dog's sitting posture; the worst sitting position that one can adopt. (iii) Placing the toes of both feet on the ground while the balls of the feet are upright then sitting on them. This method of sitting is recommended by some scholars as it appears in *Sahīh Muslim*.⁵⁵¹ This is not disliked, in fact it is a Sunnah that one should practice once in a while, but not always.

"Placing the lower arms on the ground while making *sujūd*": This kind of *sujūd* resembles that of a dog.

وعبنُه، وتَخَصُّرُه، وتَرَوُّحُه، وفرقعةُ أصابعِه، وتشبيكُها

متن

And frivolous movements, putting the hands on the waist, fanning himself with his hands, cracking knuckles and intertwining the fingers.

"Frivolous movements": This is disliked as there is no benefit in it. It serves to distract from the prayer and is proof that he is not sincere in his devotion to Allah during the prayer. *Abathubu* (frivolous movements) refers to an excess of movements like him fiddling with his beard or the hair on his head, fiddling with his clothes, i.e. when they are done without any reason whatsoever. Some people tend to busy themselves with unnecessary bodily movements which are an indication of their lack of devotion and concentration in prayer. A companion of the Prophet said that, "If a heart is filled with devotion, it silences the

in their prayers.} [Al-Mu'minūn: 1-2] The Prophet said to Anas, "O Anas! Direct your eyesight at the place where prostration is made."

⁵⁴⁹ Reported by Muslim (2/29), Ahmad (2/333, 367) and al-Nasa'i (3/39) from the narration of Abu Hurairah.

⁵⁵⁰ See al-Kāfi (1/138) and al-Mughnī (2-206-207).

⁵⁵¹ Sahih Muslim (2/70).

A Commentary on Zād al-Mustaqni

entire body."552 Hence one should not show laxness while praying by playing with his beard, hair or nose.

Complete concentration is expected from everyone during the prayer. Allah says: {Certainly will the believers have succeeded: They who are during their prayer humbly submissive.}⁵⁵³ Khushū' (concentration) refers to total devotion along with the tranquillity of bodily movements.⁵⁵⁴

"Putting the hands on the waist": Placing the palms to the sides, on the waist. It is a habit of the Jews.

"Fanning himself with his hands": This is disliked while one is praying as it involves excessive movements.

"Cracking knuckles": Such that a sound is heard. This indicates laziness and a lack of concentration in the prayer.

"And intertwining the fingers": This is disliked as the Prophet $\frac{1}{26}$ said, "Do not intertwine your fingers while performing prayers."⁵⁵⁵ In another hadith, the Prophet $\frac{1}{26}$ saw a man doing so whilst praying and he took his hands and undid his fingers.⁵⁵⁶

متن

وأن يكون حاقناً، أو بحضرة طعام يشتهيه

Or if he is suppressing the need to urinate, excrete or if food is served.

"Or if he is suppressing the need to urinate or excrete": It is disliked that one in such a condition suppresses his urge to answer the call of nature and performs the prayer. This is because it will definitely distract him from concentrating on the prayer. It is based on the hadith where the Prophet # said, "There is no prayer for he who is served food and for he who has to answer the call of

⁵⁵² Reported by Muhammad ibn Nasr al-Marūzī in *Ta'zīm Qadr al-Salah* (150) with a *mawqūf* chain of narration attributed to Hudhayfah ibn al-Yaman.

⁵⁵³ Mu'minūn: 1-2

⁵⁵⁴ See Madārij al-Sālikīn by al-Imām ibn al-Qayyim (1/574).

⁵⁵⁵ Reported by Ibn Mājah (960) and al-Bazār in his Musnad (854) from the narration of 'Alī.

⁵⁵⁶ Reported by Ibn Mājah (967) from the narration of K'ab ibn 'Ujrah.

nature, to urinate or excrete."557

"Or if food is served": It is disliked for a person to start performing prayers after food is served for him. If he were to do so, his mind will be too engrossed on the food and all his thoughts will be about satisfying his appetite. Since it will distract one from his prayer the Prophet $\frac{1}{28}$ said, "If dinner is served when the *iqāmah* for prayer is called, then let him start his dinner."⁵⁵⁸

وتكرارُ الفاتحة، لا جمعَ سُوَرٍ في فرض كنفل

متن

To repeat Sūrah al-Fātihah, and it is permissible to read more than one *sūrah* in the obligatory prayer as it is permissible in the optional prayers.

"To repeat Sūrah al-Fātihah": That is, repeating Sūrah al-Fatihah inside a single rak`āh is disliked as reading it is a pillar (rukn) of sālah and it is forbidden to repeat a pillar of salah. Since reading al-Fātihah is a verbal rukn, as opposed to an action, repeating it is only disliked. As for a rukn that is performed with a physical action or movement (such as the prostration or bowing), then repeating it purposefully will invalidate the whole prayer. This is a consequence of increasing the rukn. However, if one repeats the action in forgetfulness, then he should make two prostrations of sahwu in expiation for forgetfulness.

"And it is permissible to read more than one *sūrah* in the obligatory prayer as is the case in the optional prayers": I.e. it is totally permissible to read more than one *sūrah* in the obligatory prayer as in the optional prayer. Evidence of this is from the following hadīth which proves that the Prophet $\frac{1}{2}$ used to do it in the night prayer, "He $\frac{1}{2}$ stood up for prayer one night and Hudayfah ibn Yamān stood beside him. He started to read Sūrah al-Baqarah followed by Sūrah al-Nisā' and 'Āli 'Imrān. He paused to ask for mercy every time he read an ayah indicating the mercy of Allah and he paused at every ayah that spoke of torment and asked for Allah's help."⁵⁵⁹ This rule also applies for the obligatory prayers, as whatever is permissible for the *nafl* prayers applies to the *fard* prayers unless there is proof indicating specificity.

⁵⁵⁷ Reported by Muslim (2/78-79) from the narration of 'Aishah.

⁵⁵⁸ Reported by al-Bukhārī (1/171) and Muslim (2/78) from the narration of Anas ibn Mālik. 559 Reported by Muslim (2/186), Ahmad (5/382, 384), Abu Dawūd (871), al-Tirmidhī (262) and al-Nasā'ī (2/176).

وله ردُّ المارِّ بين يديه وعدُّ الآي، والفَتْحُ على إمامه

He is allowed to stop a person crossing in front and at close proximity, count the ayahs recited and prompt the *imām* [if he has difficulty reciting].

"He is allowed to stop a person crossing in front and at close proximity": It is mandatory for him to stop another crossing the spot where he is praying, that is, between him and his *sutrah* (an object of a certain height or a wall). This should only be carried out by the *imām* and one who is praying individually. He does so by raising his hand. However, if the other person persists in crossing, then he should resist in stopping him. The Prophet $\frac{1}{28}$ said, "When one of you stands for prayer, let him not allow anyone to pass in front. If he persists, resist him for indeed he is with the *Qarīn*."⁵⁶⁰ If he is praying as a *ma'mūm*, then he should not stop the person from going across as the *imām's sutrah* serves as his *sutrah*.

"Count the ayahs recited": He is allowed to keep count of the ayahs using the fingers.

"And prompt the *imām* if he has difficulty reciting": As a result of forgetting the *ayāt*. There was an occasion when the Prophet forgot some *ayāt* and none from the congregation behind prompted him. As soon as he concluded the prayer with the *taslīm*, he turned to Ubay ibn K'ab and asked, "Where were you?"⁵⁶¹

متن

ولبسُ الثوبِ والعهامةِ، وقتلُ حيةٍ وعقــربٍ وقَمْــلِ، فإن أَطالَ الفِعْلَ عُرْفاً من غير م ضرورةٍ ولا تفريقٍ بطلت ولو سهواً

Wearing of the robe, tying the turban, killing snakes, scorpions and mites. Even if this action takes some time to accomplish, as long as it is in line with tradition. However, if it is carried out unnecessarily or causes disruption, then the prayer becomes invalid, even when done absent-mindedly.

"Wearing of the robe, tying the turban": He is permitted to wear his robe while

⁵⁶⁰ Reported by al-Bukhārī (1/135-136) and Muslim (2/58) from the narration of Abu Sa'īd al-Khudrī.

⁵⁶¹ Reported by Abu Dawūd (907), Ibn Hibbān (2242), al-Bayhaqī (3/212) from the narration of 'Abdullah ibn 'Umar.

he is praying as it is binding upon him to adorn himself for prayer. He can also wrap his turban on his head if it loosens. He can adjust it while he is praying.

"Killing snakes, scorpions": As the Prophet $\frac{1}{56}$ said, "Kill the two black things: snakes and scorpions, even as you pray."⁵⁶² If deemed necessary, he can take hold of something to beat it with so that he is protected from its harm.

"And mites": If mites infest his body, he can strike them while praying so that he is spared of harm.

"However, if it is carried out unnecessarily or causes disruption, then the prayer becomes invalid": If killing the snake, scorpion or mite requires one to move about, he may do so only as much as is necessary to achieve his objective. If he moves in excess and it takes up too much time, then the prayer becomes null and void. Hence, the conditions that nullify prayer are unnecessary, superfluous and time-consuming movements. One has to refer to his society's customs to know the expected timing to kill any of these pests.

"Even when done absent-mindedly": This indicates a difference of opinion between the scholars. Some of them have the opinion that even though a person absent-mindedly breaches the three conditions mentioned above, the prayer is nullified. They argue that absent-mindedness is incompatible with the state of performing *salāb*.⁵⁶³

ويباح قراءةُ أواخرِ السورِ وأوساطُها

متن

It is permissible to read the end or middle portions of a sūrab.

"It is permissible to read the end or middle portions of a *sūrah*": A person can recite the end portion of a *sūrah* in his prayer for example, the last few *ayāt* of Sūrah al-Hashr, al-Baqarah and Āli 'Imrān and other such chapters. He can also read from the middle portions of a *sūrah*.

For example, the Prophet \cong started his recital from ayah one hundred and thirty six onwards of Sūrah al-Baqarah in the first *rakāt* of [the Sunnah units

⁵⁶² Reported by Ahmad (2/233), Abu Dawūd (921), al-Tirmidhī (390), al-Nasā'ī (3/10) and Ibn Mājah (2351) from the narration of Abu Hurairah.

⁵⁶³ See al-Muqnī (1/164).

before] *fajr* followed by ayah sixty four onwards of Sūrah Åli 'Imrān in the second *rakāt*.⁵⁶⁴ This is proof that it is permissible to read from the middle of a *sūrah* in the prayer. This is an example of a Sunnah prayer. As we have discussed, what is permitted in optional prayers is also permitted in obligatory prayers.

Allah says: **{So recite what is easy from it.}**⁵⁶⁵ This is another evidence for the permissibility to read from the middle or end of a *sūrah* as this ayah generally applies to all *ayāt* in the Qur'ān. However, Ibn al-Qayyim disagrees in his book $Z\bar{a}d$ al Ma'ad.⁵⁶⁶ He says, "This permissibility is only for optional (*naft*) prayers as the Prophet read from the middle and end portions of a *sūrah* in the optional prayer, not in the obligatory prayer. As for the obligatory prayer, it has not been reported that the Prophet $\frac{1}{8}$ read from the middle or end portions of a *sūrah*, dividing one *sūrah* so that it is read in two *rakāt* or more than one *sūrah* was read in a prayer. As for reading from the middle portion of a *sūrah*, it has been reported that the Prophet $\frac{1}{8}$ did so for the Sunnah units of the *fajr* prayer only and the best guidance is the guidance of the Prophet $\frac{1}{8}$.

متن

وإذا نابه شيءٌ سبَّح رجلٌ وصفَّقتْ امرأةٌ ببطن كفِّها على ظهْر الأخرى

If the *imām* makes a mistake, the men should say *tasbīb* whilst the woman should slap her right palm on the back of the left hand.

"If the *imām* makes a mistake": I.e. during the prayer because of forgetfulness, for example instead of sitting for the first *tashahud*, he stood up or he prostrated before bowing. The *ma'mūm* should not keep silent when noticing these mistakes. They should try to alert the *imām* regarding it.

"The men should say *tasbīh*": By saying "*subhanallah*" repeatedly until the *imām* realises his mistake.

"While the woman should slap her right palm on the back of the left hand": Woman do not call out anything for their voice is from their *awrah*. So they

⁵⁶⁴ Reported by Muslim (2/161), Ahmad (1/230, 231), Abu Dawūd (1259) and al-Nasā'ī (2/155) from the narration of 'Abdullah ibn 'Abbās.

⁵⁶⁵ Al-Muzammil: 20

⁵⁶⁶ Zād al-Ma'ād (1/214-215).

clap their hands as described to create a sound to alert the *imām*. The evidence for this is the hadīth of the Prophet $\frac{1}{26}$ who said, "If an error occurs in your prayers, then let the men say *tasbīh* and let the women clap."⁵⁶⁷

Since this command is specific, men should not clap their hands thereby resembling women. They should neither clap in prayer nor elsewhere for the Prophet cursed men who imitate women and women who imitate men.⁵⁶⁸ Clapping of the hands is a trend of the disbelievers as well. Thus, doing so would also include imitation of the disbelievers as well. The non-Muslims used to clap their hands and whistle around the Ka'bah. Allah says: **{And their prayer at the House was not except whistling and handclapping.}**⁵⁶⁹ "Al-mukā'an" in this ayah refers to whistling while the word "al-tasdīah" refers to clapping of the hands.

The disbelievers' trend is to clap their hands when they gather together for meetings and conventions. Many Muslims have adopted this trend too. The Sufis clap while making remembrance of Allah. In this, they resemble the disbelievers from the clan of Quraysh when they would gather at the Ka'bah. Shaykh al-Islam ibn Taymiyyah said, "Not one companion of the Messenger of Allah ever played the *duff* (drum) nor clapped his hands."⁵⁷⁰

من ويَبْصُق في الصلاةِ عن يسارة وفي المسجد في ثوبه.وتُسن صلاتُه إلى سترةٍ قائمةٍ كآخرة الرَّحرة الرَّحرة

He should spit to the left side while praying and if he is in the *masjid*, then he should spit into his robe. It is a Sunnah act of prayer to place the *sutrab* held upright like the end of a saddle.

"He should spit to the left side while praying": If he doesn't pray in the *masjid* and he has to spit, he should do so to his left. It is forbidden for him to spit in front of him or to his right. It is permissible to tilt his face slightly to the left to do so.

⁵⁶⁷ Reported by al-Bukhārī (1/174-175), (2/80) and Muslim (2/25-26) from the narration of Sahl ibn Sa'd.

⁵⁶⁸ Reported by al-Bukhārī (7/205), Ahmad (1/339), Abu Dawūd (4097), al-Tirmidhī (2784) and Ibn Mājah (1904) from the narration of 'Abdullah ibn 'Abbās.

⁵⁶⁹ Al-Anfāl: 35

⁵⁷⁰ See Majmū' al-Fatāwā' (11/562-567).

"And if he is in the *masjid*, then he should spit into his robe": He should spit into his robe, clothes or into his paper towel or handkerchief. He should not spit on the ground of the *masjid* for it is a sin.⁵⁷¹

"It is a Sunnah act of prayer to place the *sutrah* held upright like the end of a saddle": The *sutrah* is an object, which is similar in size to the back of a saddle. This object could be a stone, wall, tree or a stick poked into the ground placed in front of an individual before he prays as an *imām* or if he is praying individually. The Prophet $\frac{15}{20}$ used to place a small stick into the ground in front of him and he would pray close to it.⁵⁷²

It is recommended that one should have a *sutrah* before he prays. However, according to the majority of the scholars, it is not mandatory.⁵⁷³

فإن لم يجـدَ شاخصاً فإلى خَطٍ، وتبطُلُ بمرور كلبٍ أسود بَهِيم فقط

If he does not find anything to place as a *sutrab*, he can draw a line on the ground. Prayer is nullified if a black dog passes in front of him.

"If he does not find anything to place as a *sutrah*, he can draw a line on the ground": In front of him such that people who pass by will know that this is his boundary for *sutrah* and they will not walk between him and the line.

It is forbidden to walk between a praying person and his or her *sutrah* as the Prophet $\frac{1}{28}$ said, "If he who passes between a man and his *sutrah* were to know the gravity of his act, it will have been better for him to wait forty than to pass in front of him."⁵⁷⁴

In Masjid al-Haram, Masjid al-Nabawī or other major *masjids* which are crowded, there is a need for people to move about. Hence, it is excusable if they do so in front of others who are praying. The prohibition is removed due

متن

⁵⁷¹ Reported by al-Bukhārī (1/113), Muslim (2/77) from the narration of Anas ibn Mālik who said, "The Prophet $\frac{1}{28}$ said, "Spitting on the *masjid* floor is a sin, its explation is to bury the spit."

⁵⁷² Reported by al-Bukhārī (1/105), (7/182) and Muslim (2/56) from the narration of Abu Jahayfah.

⁵⁷³ See al-Mughni (3/80).

⁵⁷⁴ Reported by al-Bukhārī (1/136) and Muslim (2/85) from the narration of Abu Juhaym.

to inevitability and there being a dire need.

"Prayer is nullified if a black dog passes in front of him": In the hadīth, it mentions that three things, when they pass in front of a person, disrupt his prayer. They are: a woman, a donkey and a black dog.⁵⁷⁵ That is, a dog that is pure black without a mixture of any other colour.

Scholars differ as to what is meant by the word *qata*' (disrupt) that is mentioned in the hadīth. The majority of the scholars take it to mean the decrease in the rewards of the prayer, not that it is nullified. Other scholars however view that the prayer is nullified by the passing of the three things in front of a praying person. They take the literal meaning of the hadīth which requires the person to re-do his prayer. A third view, as mentioned by the author and a position in the *madhab*, is that only the passing of the black dog nullifies the prayer.

The preferred view, and Allah knows best, is that all three things mentioned do not nullify the prayer of the person who they pass in front of. What is meant in the hadīth is only nullification of or diminishing of rewards.⁵⁷⁶

وله التعوذُ عند آية وعيد، والسؤالُ عند آية رحمةٍ ولو في فرض

متن

He should seek refuge in Allah when the *ayāt* of torment are read. He should ask for Allah's bounties when the *ayāt* of mercy are read. This can be done in the obligatory prayers as well.

"He should seek refuge in Allah when the *ayāt* of torment are read": A person should do so while reciting these *ayāt* in the prayer.

"He should ask for Allah's bounties when the *ayāt* of mercy are read": He should do this in his prayer as the Prophet $\frac{1}{2}$ used to do so in his night prayers as narrated by Hudhayfah in a hadīth.⁵⁷⁷

⁵⁷⁵ Reported by Muslim (2/95), Ahmad (5/149, 151) from the narration of Abu Dharr. 576 See *al-Insāf* (2/106) and *al-Iqnā*' (1/202).

⁵⁷⁷ Reported by Muslim (2/186), Ahmad (5/382, 384) with the words, "I prayed with the Prophet $\frac{1}{26}$ one night. He started to recite al-Baqarah and I thought, 'He will bow when he reaches one hundred,' but he carried on. I thought, 'He is going to recite the whole *sūrah* in one *rak'ah*,' but he carried on. He started to recite al-Nisā' and recited (the whole *sūrah*), then he

"This can be done in the obligatory prayers as well": Whatever is permitted in the optional (*nafl*) prayers, is also permitted in the obligatory prayers except when evidence indicates a difference or points to exclusivity.

started to recite Åli 'Imrān and recited (the whole *sūrah*), reciting slowly. When he reached an ayah that spoke of glorifying Allah, he glorified Him. When he reached an ayah that spoke of supplication, he made supplication. When he reached an ayah that spoke of seeking refuge with Allah, he sought refuge with Him. Then he bowed and said, '*Subhāna rabbī al-azīm*.' (Glory be to my Lord Almighty.) And he bowed for almost as long as he had stood. Then he raised his head and said, '*Sami' allabu liman hamidab*.' (Allah hears those who praise Him) and he stood for almost as long as he had bowed. Then he prostrated and said, '*Subhāna rabbī al-'Ala*.' (Glory be to my Lord Most High), and he prostrated for almost as long as he had stood."



أركانها: القيامُ

متن

The pillars (rukn) of prayer: standing (qiyām)

"Section": The physical and verbal deeds in the prayer can be classified into three categories:

First category: *Rukn*: the pillars of the prayer without which the prayer is null and void. *Rukn* are strong foundations which hold up all else related to them.⁵⁷⁸

Second category: *Wājib*: which are mandatory acts distinguished from the pillars.

Third category: *Sunan*: physical and verbal deeds that are optional. These serve to perfect and complete the prayer.

There are fourteen arkan (pillars) of prayer:

First pillar: Qiyām (standing) i.e. standing whilst praying the obligatory prayers. Allah ﷺ says: {Maintain with care the [obligatory] prayers and [in particular] the middle prayer and stand before Allah, devoutly obedient.}⁵⁷⁹ And the Prophet ﷺ said, "The sick should pray standing and if he is unable, then whilst sitting, and if he is unable to do even that, then whilst lying

⁵⁷⁸ See al-Mutla' (p. 88) and al-Misbāh al-Munīr (p. 324).

⁵⁷⁹ Al-Baqarah: 238

down."⁵⁸⁰ Standing in the obligatory prayer is a pillar of the prayer. If a person was to pray sitting down when he is able to stand, his prayer is invalid. The optional prayers are valid if he prays sitting down without a valid excuse. However, he receives only half the reward for performing the optional prayer⁵⁸¹ and shall receive the full reward if he does have a valid excuse.

متن

والتَّحريمةُ، والفاتحةُ، والركوعُ، والاعتدالُ عنه

And tahrim, al-Fātihah, bowing and standing erect after bowing.

Second Pillar: Tahrīm i.e. takbīratul ihram. If one performs the prayer without it, he has not commenced the prayer at all as prayer is begun only when the *takbīratul ihram* is said. It is called such as it makes forbidden all that was allowed before it e.g. eating, drinking and walking. These actions are not allowed once the *takbīr* is said. Just as when a pilgrim enters the state of *ihram*, that which was lawful becomes unlawful in deference to being in the state of *ihram*.

If he says another phrase of *dhikr* for example, "*subhanallah*" or "*lā ilāha ilallah*" instead of "*Allahu akbar*", his prayer is invalid. He must say "*Allahu akbar*" to commence his prayer.

<u>Third Pillar</u>: Al-Fātihah: Reading Sūrah al-Fātihah is an obligation for the *imām* and the person praying individually. As for the *ma'mūm*, there is a difference of opinion among scholars.

Fourth Pillar: Bowing (*ruku*'): One must bow down by placing his hands on his knees. The evidence is in the Qur'ān where Allah says: **{O you who have believed, bow and prostrate.}**⁵⁸²

<u>Fifth Pillar</u>: Standing erect after bowing (*i'tidāl*): If one prostrates immediately after bowing and does not stand erect between the two positions, his prayer becomes invalid. This is because *i'tidāl* is a pillar of the prayer.

⁵⁸⁰ Reported by al-Bukhārī (2/60), Ahmad (4/426), Abu Dawūd (952) and al-Tirmidhī (372) from the narration of 'Imrān ibn Hussain (with similar content).

⁵⁸¹ Reported by Muslim (2/165), Ahmad (2/162, 192), Abu Dawūd (950) and al-Nasā'ī (3/223) from the narration of 'Abdullah ibn 'Amr with a *marfu*' chain to the Prophet. 582 Al-Hajj: 77

والسجودُ على الأعضاء السبعة، والاعتدالُ عنه، والجلسة بين السجدتين، والطُّمأنينةُ في الكُلِّ متن

Prostration (*sujūd*) done with seven body parts, to make '*itidāl* after *sujūd*, sitting between the two prostrations and to be calm between the movements (*tuma'nīnah*).

Sixth Pillar: Prostration (*sujūd*), done with seven body parts touching the ground. The Prophet \cong said, "I was commanded to prostrate on seven body parts: the forehead (and he pointed to his nose), both hands, both knees and the toes of both feet."⁵⁸³ If he is too frail to make *sujūd* with his forehead, then he is not obliged to make *sujūd* with the other parts touching the ground. He can just tilt his body to signify that he is prostrating.

Seventh and Eight Pillars: I'tidāl after sujūd and sitting between the two prostrations. I'tidāl (to raise one's self up into the sitting position) comes after the first sujūd. If he goes to make the second sujūd without sitting erect, his prayer becomes invalid as he has left off a rukn (pillar) of the prayer.

<u>Ninth Pillar</u>: To be calm between the movements (*tuma'nīnah*) i.e. to have stillness and tranquillity precede every movement. The body parts come to rest in their proper positions in all of the eight pillars of prayer discussed above.

The evidence for this can be derived from the incident when a man came to the Prophet \underline{x} after having prayed and greeted him. The Prophet replied to the *salām* and added, "Repeat your prayer for verily you have not prayed." The man then repeated his prayer and returned to the Prophet \underline{x} and greeted him. The Prophet replied to his greeting and added again, "Repeat your prayer for verily you have not prayed." The man went to repeat his prayer again and came back to the Prophet. He greeted him and the Prophet replied to it and added a third time, "Repeat your prayer for verily you have not prayed." To this the man said, "By Him who sent you as a Prophet, I cannot pray any better so teach me." The Prophet said to him, "If you stand for prayer, say the *takbīr* then read of the Qur'ān what is easy for you, then make *ruku*' until you are calm in it, then rise up to stand erect until you are calm in it, then make *sujūd* until you are calm in

⁵⁸³ Reported by al-Bukhārī (1/206, 207) and Muslim (2/52) from the narration of 'Abdullah ibn 'Abbās.

A Commentary on Zād al-Mustaqni

it, then sit until you are calm in it. Do this throughout your prayer."584

The Prophet \cong in this narration taught us to have tranquillity throughout the prayer.

متن

والتشهدُ الأخيرُ، وجلستهُ، والصلاةُ على النبي فيه

And the final *tashahud*, its sitting and sending salutations to the Prophet **#** in it.

Tenth pillar: The final *tashahud*, which is similar to the first *tashahud* but with addition of the following, "Allahumma salli 'alā Muhammad wa 'ala āli Muhammad kama salaita 'ala āli Ibrāhīm, innaka hamīdum majīd. Wa bārik 'ala Muhammad wa 'ala āli Muhammad kama bārakta 'ala āli Ibrāhīm, fī al-'ālamin. Innaka hamīdum majīd." (O Allah, bestow your favour upon Muhammad and his family as you have bestowed your favour upon Ibrāhīm and his family, You are Praiseworthy, most Glorious. O Allah, bless Muhammad and his family as you have blessed Ibrāhīm and his family from among all others in the worlds, You are Praiseworthy, most Glorious).

Eleventh pillar: The sitting of the final *tashahud*. He cannot make the supplication in the *tashahud* when he is not sitting. He has to be in a sitting position during the *tashahud*.

Twelfth pillar: Sending salutations upon the Prophet Ξ in it. If one just reads the first supplication without sending salutations upon the Prophet (as mentioned in the tenth pillar i.e. the addition to the supplication that is read in both *tashahuds*), his prayer is invalid.

متن

To observe the correct sequence (tartib) and to make the taslim.

Thirteenth pillar: Observing the correct sequence (*tartīb*) of the various pillars. He should say the *takbīratul ihram*, then read al-Fātihah and another *sūrah* which is easy for him, then make *ruku*', stand erect followed by the pros-

⁵⁸⁴ Reported by al-Bukhārī (1/192) (8/68) and Muslim (2/10, 11) from the narration of Abu Hurairah.

tration, then he rises up to sit between the two prostrations, then prostrates again. This is the sequence that must be maintained. If one alters it, for example he reads Sūrah al-Fātihah before making the *takbīratul ihram* or makes *sujūd* before making *ruku*', his prayer becomes invalid. The Prophet prayed his prayer in sequence and said, "Pray as you see me pray."⁵⁸⁵ There are authentic ahadīth that describe the prayer of the Prophet with this sequence. So it becomes obligatory on us to establish the prayer as the Prophet $\frac{1}{2}$ established it.

Fourteenth pillar: Taslīm: this is the last pillar of the prayer. To make *taslīm* by saying "Assalāmu 'alaikum wa rahmatullah" (may the peace and mercy of Allah be upon you) to his right and then to his left. It is Sunnah to turn his head to the right and left while saying *taslīm*. Only the *taslīm* i.e. saying "Assalāmu 'alaikum wa rahmatullah" is a rukn of prayer.

وواجبائُها: التكبيرُ غيرَ التَّحريمةِ والتسميعُ والتحميدُ وتسبيحتا الركوع والسجودِ

متن

And the mandatory acts are: the *takbīrs* other than the *takbīratul ihram*, *al-tasmī'*, *al-tahmīd*, the two *tasbīh* in *ruku'* and in *sujūd*.

"And the mandatory acts": In the prayer there are eight mandatory acts altogether.

First mandatory act: The *takbīrs* other than the *takbīratul ihram* i.e. all the *takbīrat* (saying *Allahu akbar*) that are said at the start of each movement in prayer. The *takbīratul ihram* as mentioned earlier is a *rukn* of prayer.

Second and third mandatory acts: *Al-tasmī*' and *al-tahmīd* refer to the statement, "*Sami' Allahu liman hamidah*" (Allah hears all those who praise Him). This should be uttered by the *imām* and the person praying individually. The *ma'mūm* (follower) however need not say this, and sufficient is it for him to say, "*Rabanā wa laka al-hamd*" (O our Lord, to You is all praise). The evidence is the hadīth where the Prophet said, "If he says, '*Sami' Allahu liman hamidah*' say, '*Rabanā wa laka al-hamd*."⁷⁵⁸⁶

Fourth and fifth mandatory act: The two tasbih in ruku' and sujūd. In ruku' that is saying, "Subhāna rabī al-azīm" (Glory to my Lord, the Exalted). It is

585 Reported by al-Bukhārī (1/162), (8/11) from the narration of Mālik ibn al-Huwayrith. 586 Reported by al-Bukhārī (1/186-187, 203) and Muslim (2/18) from the narration of Mālik. A Commentary on Zād al-Mustaqni

wājib (mandatory) to say it at least once. To repeat it three times is better. In *sujūd* that is saying, "*Subhāna rabī al-a'lā*" (Glory to my Lord, the Most High). It is *wājib* (mandatory) to say it at least once. To repeat it three times is better.

وسؤالُ المغفرة مرّةً مرّةً، ويسن ثلاثاً، والتشهدُ الأولُ، وجَلستُه. وما عدا الشرائط من والأركان والواجبات المذكورة سُنَّة

Asking for forgiveness is said once though repeating it three times is Sunnah, the first *tashahud* and its sitting. The rest, which are not a condition, a *rukn* or *wājib* as have been detailed, are Sunnah.

<u>Sixth mandatory act</u>: "Asking for forgiveness": Whilst sitting between the two prostrations saying, "*Rabighfirli*". This is said once, but to repeat it three times is better.⁵⁸⁷ One can also add, "*Warhamnī wahdinī wa ʿāfinī warzuqnī*" (And show mercy upon me, guide me, support me and provide for me). This supplication has been authentically reported from the Prophet 3.⁵⁸⁸

Seventh and Eighth mandatory acts: "The first tashahud and its sitting": I.e. to read, "Attahiyātu lillah wa salawatu wa tayyibāt. Assalāmu 'alaika ayyuha annabiyyu wa rahmatullahi wa barakātuhu. Assalāmu 'alaina wa 'alā 'ibādillahi salihīn. Ashadu an lā ilāha illa Allah wa ashadu anna muhammadan 'abduhu wa rasuluhu." If one omits this on purpose, his prayer is null and void. However, if he forgets to read it and stands up for the third rakat, then he should make expiation by making sujūd sahwu (sujūd for forgetfulness).

"The rest, which are not a condition, a *rukn* or *wājib* as have been detailed, are Sunnah": Nine conditions, fourteen pillars and eight mandatory acts were pointed out. Those physical or verbal deeds not included are deemed to be Sunnah or optional which earn rewards when performed and do not incur sin when omitted.

فمن ترك شرطاً لغير عذر غير النية فإنها لا تسقط بحال أو تعمَّد ترك ركن أو واجب متن بطلتْ صلاتُه، بخلاف الباقي، وما عدا ذلك سننُ أقوالٍ وأفعالٍ، لا يشرع السجود

⁵⁸⁷ Reported by Ahmad (5/398), Abu Dawūd (874), al-Nasā'ī (2/231), Ibn Khuzaymah (684) and al-Bayhaqī (2/221) from the narration of Hudhayfah.

⁵⁸⁸ Reported by Abu Dawūd (850), al-Tirmidhī (284), Ibn Mājah (898) and al-Bayhaqī (2/122) from the narration of 'Abdullah ibn 'Abbās.

لتركِبِ، وإن سجد فلا بأس

Whosoever omits a condition of prayer without a valid excuse, except the intention which essentially cannot be dismissed, or wilfully omitted a pillar or a mandatory act, his prayer is invalid. This is not the case for the rest of the deeds which are considered optional, be they physical or verbal deeds. Expiation by making *sujūd* is not required for missing out on these deeds. However, he can do so if he wants to.

"Whosoever omits a condition of prayer without a valid excuse, except the intention which essentially cannot be dismissed": One who omits the *niyyah* (intention), his prayer is nullified even before he starts performing it as the Prophet 霎 said, "Verily deeds are by intention and for every man is what he intended."⁵⁸⁹ Intention can neither be dismissed nor excused by forgetfulness, wilful omission or ignorance. The rest of the conditions however, can be excused if one is unable to perform them. We derive this from the ayah: **{So fear Allah as much as you are able.}**⁵⁹⁰ And the saying of the Prophet 霎, "If I command you to do something, try doing it to your level best."⁵⁹¹

"Or wilfully omitted a pillar or a mandatory act, his prayer is invalid. This is not the case for the rest of the deeds": Mandatory acts when omitted wilfully invalidate the prayer. However if he forgets to perform a mandatory act, he can expiate for it by making *sujūd al-sahwu*.

As for the pillars, wilful omission invalidates the whole prayer. However, forgetting to perform a *rukn* invalidates only the *rak'āh* in which it was forgotten. He has to add a *rak'āh* to replace it.

As for the Sunnah acts, both wilful omission and forgetting to do them do not nullify the prayer.

⁵⁸⁹ Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

⁵⁹⁰ Al-Taghābun: 16

⁵⁹¹ Reported by al-Bukhārī (9/117) and Muslim (4/102) from the narration of Abu Hurairah.

باب سجود السھو CHAPTER: SUJŪD OF FORGETFULNESS

متن

يُشرع لزيادةٍ ونقصٍ وشكٍّ، لا في عَمْدٍ، في الفرض والنافلة

It is prescribed for adding or omitting acts and for doubt. It is not prescribed for wilful omission. It is applicable both in obligatory and optional prayers.

"Sujūd of forgetfulness": This is the sujūd done in expiation for forgetting a deed in the prayer.

"It is prescribed for adding or omitting acts and for doubt": "Sahwu" means to forget or being absent-minded. In prayer, it refers to forgetfulness by adding or omitting an act and being doubtful as to whether an act was completed or not. Hence an explation exists in the form of sujūd al-sahwu.

Allah makes mention of people forgetting prayer itself. He says: **{So woe to those who pray. [But] who are heedless of their prayer.}**⁵⁹² And "sahwu" of prayer can also refer to its neglect. Allah says: **{But there came after them successors who neglected prayer and pursued desires.}**⁵⁹³ Neglect here alludes to a prayer performed haphazardly and that is imperfect. For example, if one delays his prayer until its specific time lapses, he leaves off congregational prayer without a valid excuse or prays it hurriedly.

A warning comes regarding this, to those who are not careful in their prayer,

592 Al-Ma'ūn: 4-5

593 Maryam: 59

even if they perform the prayer. Allah says: **{So woe to those who pray.}**⁵⁹⁴ Allah refers to them as "those who pray." However, they do not give the prayer its due attention and are not observant of the conditions and requisites. They do so at will and as they desire. Hence, Allah warns them in this ayah with woe. This is due to their lackadaisical approach towards the prayer and their mockery of it. Surely they deserve the admonishment.

Forgetfulness whilst performing prayers may not be attributed to man as it is not done on purpose or by choice. In fact it happened to the Prophet 🕱 several times. On one occasion when he forgot, he said, "Verily I am also human, I forget as you all forget."⁵⁹⁵

There is wisdom behind his forgetfulness in prayer, though he is the most complete and perfect creation in fearing Allah. It served to educate us regarding the remedial actions to take in the event that we forget a deed during prayer. The purpose of *sujūd al-sahwu* is to fulfil the deficiencies in the prayer which result due to one's forgetfulness. However, if there was no shortcoming, then it serves to humiliate Shaytān for indeed it is he who causes forgetfulness in prayer.⁵⁹⁶

"It is not prescribed for wilful omission": Sujūd al-sahwu is not meant as an expiation for wilful omission or addition in prayer. Any wilful blemish or distortion will immediately invalidate the prayer as we shall soon discuss. There are various deeds that the Prophet $\frac{1}{26}$ forgot in his prayer: he prayed only two rakāt while performing a prayer that consisted of four,⁵⁹⁷ he stood up after the second rakāt without sitting for the first tashahud,⁵⁹⁸ he prayed five rakāt for

⁵⁹⁴ Al-Ma'ūn: 4

⁵⁹⁵ Reported by al-Bukhārī (1/110, 111), Muslim (2/84) from the narration of 'Abdullah ibn Mas'ūd.

⁵⁹⁶ Reported by Muslim (2/84) from the narration of Sa'īd al-Khudrī who said, "The Messenger of Allah $\frac{1}{25}$ said, 'When any one of you is in doubt about his prayer and he does not know how much he has prayed, three or four (*rak'abs*). He should cast aside his doubt and base his prayer on what he is sure of, then perform two prostrations before giving salutations. If he has prayed five *rak'abs*, they will make his prayer an even number for him, and if he has prayed exactly four, they will be humiliation for the devil."

⁵⁹⁷ Reported by al-Bukhārī (1/129, 183), (2/86) and Muslim (2/86) from the narration of Abu Hurairah.

⁵⁹⁸ Reported by Ahmad (4/247, 253), al-Tirmidhī (365) from the narration of al-Mughīrah.

a prayer.⁵⁹⁹ The Prophet ﷺ explained to his Ummah what remedial actions to take for each scenario.

"It is applicable both in obligatory and optional prayers": The Prophet performed *sujūd al-sahwu* in the obligatory prayers. In extension, it also applies to optional (*nafl*) prayers for both these prayers are not mutually exclusive. Furthermore, the Prophet \cong did not distinguish between these prayers when he said, "If one of you forgets in his prayer, let him make *sujūd* twice."⁶⁰⁰

A wilful additional act done during the prayer, provided that this act belongs to the prayer, like standing, sitting, bowing or prostrating will render the prayer null and void. If it is due to forgetfulness, he has to perform *sujūd al-sahwu* to explate it.

Reasons for sujūd al-sahwu:

An additional act in prayer. This can be divided into two categories: (i) physical or (ii) verbal acts.

Physical acts can be further divided into acts that belong in the prayer such as standing, bowing and prostrating and acts that do not belong in the prayer. Examples are unknowingly or forgetfully speaking while in prayer, eating, drinking or walking while praying as long as they are done absent-mindedly.

Verbal additional acts are of two types: (i) additional acts condoned in prayer and (ii) those which are not condoned in prayer.

When one performs something surplus from the physical acts belonging to the prayer e.g. if he sits at a time when he should have stood, or vice versa, or if he made *sujūd* more than twice or he made an additional *ruku*', then his prayer is still valid if these were done in forgetfulness. He has to just perform

⁵⁹⁹ Reported by al-Bukhārī (1/111), (2/85), (9/108) and Muslim (2/85) from the narration of 'Abdullah ibn Mas'ūd.

⁶⁰⁰ Reported by al-Tirmidhī (398) from the narration of 'Abdul Rahmān ibn 'Awf.

the sujud as a form of expiation.

If he adds a *rakāt* and does not notice until after the prayer, he should make *sujūd*. If he realises it while still praying, he should sit for the final *tashahud* if he hasn't already read it, make *sujūd al-sahwu* and then make the *taslīm*. If two trustworthy people make *tasbīh* and the *imām*, though not confident of himself, proceeds with the prayer, it becomes invalid for him and those *ma'mūm* who followed him if they were aware of the error. This however does not apply to those who did so absent-mindedly, in forgetfulness or he who ostracised himself from the *imām*.

"If he adds a *rakāt* and does not notice until after the prayer, he should make *sujūd*. If he realises it while still praying, he should sit for the final *tashahud* if he hasn't already read it, make *sujūd al-sahwu* and then make the *taslīm*": If he prayed *fajr* for example and he stood up for the third *rakāt* or he performed an extra *rakāt* in one of the obligatory prayers, he must leave off doing it and return to the sitting position if he remembers while doing the additional act. He then expiates this mistake by performing the *sujūd al-sahwu*. If he realises only after completing the additional act, for example if he prayed the fifth *rakāt* and sat for *tashahud* or already made *taslīm*, then he should perform *sujūd al-sahwu* and this is sufficient.

However, if he persists in completing the extra act, whilst being aware of it and having knowledge of the rules of prayer, his prayer is invalid. This is due to wilfully including an additional act and in the process, distorting the prayer.

"If two trustworthy people make *tasbih* and the *imām*, though not confident of himself, proceeds with the prayer, it becomes invalid for him and those *ma'mūm* who followed him if they were aware of the error. This however does not apply to those who did so absent-mindedly, in forgetfulness or he who ostracised himself from the *imām*": The *ma'mūm* are duty bound to alert the *imām* if he forgets. They should not keep quiet and ignore it. Men should alert him by saying, "*subhānallah*" and woman should slap the palm on the outside of the other hand.

A Commentary on Zād al-Mustaqni

If the *imām* hears the *tasbīh* from the men or the women's clapping, he should realise that he has stood up for an extra *rak'āh*. He should immediately return to the sitting position provided that he is not confident of himself. This is because their alert could probably be right. However, if he is confident that nothing is amiss, than he should not respond to their alert and proceed with the prayer. Confidence stems from confirmation and since this supersedes the probability (the alert from the *ma'mūm*), he should not return to the sitting position.

If he is oblivious to the fact that he prayed an extra *rak'āh*, then he is pardoned and his prayer is valid. However, he should make *sujūd al-sahwu* when he realises it. This ignorance may be due to being oblivious as mentioned or it could be due to a lack of knowledge regarding the rules of prayer. Both these excuses are valid as is the prayer. However, *sujūd al-sahwu* should be done as expiation.

The *ma'mūm* who is unaware that an additional *rakāt* is being performed should follow the *imām*. If he is aware of the *imām's* error but follows him assuming that this is the correct ruling, then he is also pardoned and his prayer is valid.

However, if the *ma'mūm* knows that he is praying an extra *rakāt* and has knowledge of Islamic law, then his prayer is nullified. He should have remained in the sitting position and not followed the *imām* in the extra *rakāt* he prayed. He should recite the *tashahud* in the sitting position and either make *taslīm* on his own or wait for the *imām* to conclude the prayer and make *taslīm* after him.

If an act not belonging in the prayer is done excessively whilst one is praying, this will lead to the prayer being nullified; regardless whether it is done wilfully or in a state of forgetfulness. A minimal level of performance of this act does not require *sujūd* [as expiation].

"If an act not belonging in the prayer is done excessively whilst one is praying, this will lead to the prayer being nullified; regardless whether it is done wilfully or in a state of forgetfulness. A minimal level of performance of this act does not require *sujūd* [as expiation]": This is the second type of addition: the physical acts that do not belong in prayer e.g. walking, giving or taking some-

thing. This is permissible in prayer only if the movement is minimal. It does not tarnish the prayer and *sujūd al-sahwu* is not required.

However, if these acts are far more excessive than societal norms, prolonged and done without there being a necessity, the prayer becomes invalid. This is because it completely alters the form of the prayer. The only provision for such acts or movements is if there is a dire need for it during the prayer. The Prophet $\frac{1}{2}$ used to move forward and backward while he prayed.⁶⁰¹ He $\frac{1}{2}$ moved up and down to teach his Companions.⁶⁰² This movement is for a need. When a snake or scorpion appeared while he was praying, he would move to kill it⁶⁰³ and continue with his prayer.

Thus far we have explained that acts that nullify prayer consist of the following properties: (i) The act does not belong in prayer, (ii) the act is excessive in comparison to societal norms, (iii) the act is prolonged, (iv) the act is done without a pressing need for it.

ولا تَبْطُل بيسير أكلٍ أو شربٍ سهواً أو جَهْلاً، ولا نفلٌ بيسيرِ شُربٍ عمداً

متن

Forgetfully or unconsciously eating or drinking while praying will not

⁶⁰¹ Reported by al-Bukhārī (2/82) and Muslim (3/28) from the narration of 'Aishah who said, "Once the sun eclipsed and Allah's Messenger ***** stood up for the prayer and recited a very long *sūrah*, then bowed for a long while and then raised his head and started reciting another *sūrah*. Then he bowed, and after finishing, he prostrated and did the same in the second *rakat* and then said, 'These (lunar and solar eclipses) are two of the signs of Allah and if you see them, pray till the eclipse is over. No doubt, while standing at this place I saw everything promised to me by Allah and I saw (Paradise) and I wanted to pluck a bunch (of grapes) therefrom, at the time when you saw me stepping forward. No doubt, I saw Hell with its different parts destroying each other when you saw me retreating and in it I saw 'Amr bin Luhai who started the tradition of freeing animals (set them free) in the name of idols.""

Reported by Ahmad (6, 31, 183, 234) and Abu Dawūd (922) from the narration of 'Aishah who said, "I went to the Prophet's house while he was praying and the door was locked. He \approx walked towards it and opened it for me and returned to his position." She described that the door was in the direction of the *qiblah*.

⁶⁰² Reported by al-Bukhārī (1/105-106), (2/11) and Muslim (2/74) from the narration of Sahl ibn S'ad.

⁶⁰³ Reported by Ahmad (2/233, 248, 255, 473, 475 and 490) and Abu Dawūd (921), al-Tirmidhī (390), al-Nasā'ī (3/10) and Ibn Mājah (1245) from the narration of Abu Hurairah that the Prophet ordered the killing of the two black things during the prayer: the scorpion and the snake.

invalidate the prayer provided that the amount is little. Drinking a small amount on purpose whilst praying an optional prayer does not invalidate it.

"Forgetfully or unconsciously eating or drinking while praying will not invalidate the prayer provided that the amount is little": The amount that is eaten or drunk should be little. Another condition would be that it is done in a state of forgetfulness and he is unaware of his action. If done wilfully during an obligatory prayer, it is nullified regardless of the amount consumed as it is an action separate from the actions of the prayer.

"Drinking a small amount on purpose whilst praying an optional prayer does not invalidate it": As for *nafl* (optional prayers), drinking a little amount is allowed. It was done by some Companions of the Prophet $\frac{1}{26}$ because their *nafl* prayers were often prolonged. Eating on purpose however nullifies all prayers.

وإنْ أتى بقول مشروع في غير موضعِه كقراءة في سجود وقعود، وتَشَهُّد في قيام، وقراءة سورة من في الأخيرتين لم تَبْطُل، ولم يَجِبُ له سجودٌ بل يُشَرَعُ. وإنْ سَلَّم قبلَ إتمامها عمَّداً بَطَلَتْ

And if he says something prescribed in the *Shari'ah* at an inappropriate place such as reciting the Qur'ān in prostration or in the sitting between the prostrations, reading *tashahud* while standing or reading a *sūrah* in the last two *rak'āh*, this will not nullify the prayer. It is not mandatory to make *sujūd al-sahwu* but it is recommended. If he makes *taslīm* on purpose before the prayer is concluded, then his prayer is invalid.

Additional verbal acts in prayer are of two types: (i) Words that belong in the prayer, (ii) Words that do not belong in the prayer. Rulings will follow for both of these.

"And if he says something prescribed in the *Shari'ah* at an inappropriate place": When said absent-mindedly.

"Such as reciting the Qur'ān in prostration or in the sitting between the prostrations": Or reciting in *ruku*'. The position for Qur'ān *recitation* is whilst standing in *qiyām*.

"Reading *tashahud* while standing or reading a *sūrah* in the last two *rak'āh*": Such as reading another *sūrah* after Sūrah al-Fātihah during the second half

of the *zuhr*, '*asr*, '*ishā* prayers or the third *rakāt* of *maghrib* for example. This is done in an inappropriate position.

"This will not nullify the prayer. It is not mandatory to make *sujūd al-sahwu* but it is recommended": It is only recommended that he make *sujūd al-sahwu*.

"If he makes *taslīm* on purpose before the prayer is concluded, then his prayer is invalid": This is because the *taslīm* signifies the conclusion of the prayer and if one does so wilfully while still praying, he has left the prayer while it is incomplete.

متن وإن كان سهواً ثم ذكر قريباً أتَّها وسَجَد، وإنْ طال الفصلُ أو تكلَّم لغيرِ مَصْلحتِها بَطَلَتْ ككلامِه في صُلْبِها، ولمصلحتِها إن كان يسيراً لم تَبْطُلْ، وقَهْقَهَةٌ كَكلامَ

If he made *taslim* forgetfully and remembers soon after, he should conclude the prayer and make *sujūd al-sahwu*. However, if there is a big time gap or he spoke about other than the issue of prayers, then the prayer he performed is invalid just as his speech in the midst of prayer invalidates it. If he speaks on the topic of the prayer and is circumspect, then his prayer is valid. Laughter is similar to speech.

"If he made *taslīm* forgetfully and remembers soon after, he should conclude the prayer and make *sujūd al-sahwu*": If his *taslīm* was made before the conclusion of prayer forgetfully, he should proceed to finish his prayer if he realises his error soon after. He makes *sujūd al-sahwu* as expitation and his prayer is valid. The Prophet \cong did likewise.⁶⁰⁴ If he only realises after a long time-gap or if his ablution became invalid and he talks about other than matters related to the prayer, then he must repeat his prayer for these reasons:

Firstly: Due to the long time-gap. The Prophet $\frac{1}{2}$ realised his error after only a brief period of time.

Secondly: Due to the ablution being invalid. It is far-fetched to resume and complete a prayer when the ablution meant for it is invalid.

⁶⁰⁴ Reported by al-Bukhārī (1/129, 183) and Muslim (2/86) from the narration of Abu Hurairah.

A Commentary on Zād al-Mustaqni

Thirdly: Due to talking about other than the matters related to the prayer. In the incident which serves as the precedent, the Prophet \cong only spoke about issues pertaining to that prayer.

"Just as his speech in the midst of prayer invalidates it": I.e. uttering words that do not belong in the prayer as Allah says: **{Stand before Allah, devoutly obe-dient.}**⁶⁰⁵ We have been commanded to be silent during prayer. The Prophet ﷺ said, "Verily it is not befitting that people speak in this prayer."

"If he speaks on the topic of the prayer and is circumspect, then his prayer is valid": The conditions that permit speech after having erroneously concluded an incomplete prayer is explained here. Firstly, the speech should pertain to the prayer itself, similar to the incident from the hadīth where the Prophet $\frac{1}{2}$ and his Companions only spoke regarding his forgetfulness in the prayer. Secondly, it should be circumspect just like the brief exchange between the Prophet $\frac{1}{2}$ and his Companions.

"Laughter is similar to speech": Laughter nullifies the prayer just like speech. Laughter is defined as a laugh that comprises at least two *harfs* (letters or syllables).

وإنْ نَفَخَ أو انْتَحَبَ من غيرِ خشيةِ الله تعالى، أو تَنَحْنَحَ من غير حاجة فَبَانَ حَرْفانِ بَطَلَتْ من

If he blows or wails but not due to the fear of Allah, the Most High, or if he hems (making an exaggerated noise from the throat) without a need, the prayer is nullified if at least two *barfs* are articulated.

"If he blows": Doing so without a proper reason or need will nullify his prayer. This is because there is a possibility that a word might be articulated when one blows or wails.

"Or wails but not due to the fear of Allah, the Most High": Crying loudly due to approaching death or as a result of a calamity befalling him nullifies the prayer. It is classified as a form of speech that does not belong in the prayer. If he cries aloud due to the fear of Allah, his prayer is not nullified. The Prophet

⁶⁰⁵ Al-Baqarah: 238

⁶⁰⁶ Reported by Muslim (2/70-71), Ahmad (5/447, 448), Abu Dawūd (930) and al-Nasā'ī (3/14-17) from the narration of Mu'āwiyah ibn al-Hakim al-Salamī.

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 $\frac{1}{2}$ himself used to cry in his prayer so much so that a sound would emanate from his chest that sounded like the wheezing of a kettle.⁶⁰⁷

"Or if he hems (making an exaggerated noise from the throat) without a need, the prayer is nullified if at least two *harfs* are articulated": This nullifies the prayer as it a kind of speech. If there is a need for example, if someone requested him permission to enter the room while he is praying, then it is permissible. The Prophet \cong did this when 'Alī ibn Abī Tālib requested his permission to enter while he was praying.⁶⁰⁸

⁶⁰⁷ Reported by Ahmad (4/25, 26), Abu Dawūd (904) and al-Nasā'ī (3/13) from the narration of 'Abdullah ibn al-Shakīr.

⁶⁰⁸ Reported by Ahmad (1/80), al-Nasā'ī (3/12) and Ibn Mājah (3708) from the narration of Alī.

فصسل SECTION

ومَنْ تَرَك رُكْناً فَذَكَرَهُ بعد شُروعِه في قراءةِ ركعةٍ أُخْرى بَطَلَتْ التي تَرَكَهُ منها، وقَبْلَهُ من يعودُ وجوباً فيأتي به وبها بعده، وإنْ عَلِمَ بعد السلامِ فَكَتَرْكِ ركعةٍ كاملةٍ

Whoever forgets to perform a *rukn* (pillar) and remembers afterwards when he is reciting in the next *rak'āb*, that particular *rakāt* in which an act was omitted becomes invalid. If he remembers before the recital of the next *rak'āb*, he must repeat the previous *rak'āb* and proceed with the prayer as usual. If he remembers after the *taslīm*, it is as if he missed that particular *rak'āb*.

The second reason for *sujūd al-sahwu* is the deficiency in prayer brought about by omitting a *rukn* or *wajib* act of prayer.

"Whoever forgets to perform a *rukn* (pillar) and remembers afterwards when he is reciting in the next *rak'āh*, that particular *rakāt* in which an act was omitted becomes invalid. If he remembers before the recital of the next *rak'āh*, he must repeat the previous *rak'āh* and proceed with the prayer as usual": Whoever misses a *rukn* but remembers before the commencement of the next *rak'āh*, he can repeat the previous *rak'āh* afresh and proceed with the prayer as usual. He has to perform *sujūd al-sahwu* at the conclusion of the prayer. For example, a person missed the recitation of Sūrah al-Fātihah or omitted the *ruku'* or *sujūd* and realised his mistake before these acts take place in the next *rak'āh*. He should repeat the *rakāt* in which he omitted the acts of *rukn* and the acts which follow. Having rectified the deficiencies in that *rak'āh*, his prayer is nullified.

However, if he remembers his omission after the recitation in the next *rak`ah*, then he should regard the previous *rakāt* as null and replace it with the *rakāt* he is praying at the moment. He then makes *sujūd al-sahwu* for this error.

If he misses the *takbīratul ibram*, the prayer did not even commence. So he must make the *takbīr* and pray once more from the beginning.

"If he remembers after the *taslīm*, it is as if he missed that particular *rak'āh*": If he only remembers his omission of a *rukn* e.g. reciting al-Fātihah or the *ruku'* or *sujūd* after the *taslīm*, then he has to sit facing the *qiblah*. He then stands up to pray the complete *rak'āh* followed by the final *tashahud* and make *sujūd al-sahwu* before concluding with the *taslīm*.

وإنْ نَسِيَ التشهدَ الأولَ ونَهَضَ لزمَهُ الرُّجوعُ ما لم ينتصبْ قائماً، فإن استتمَّ قائماً كُرِهَ رجوعُه، وإن لم يَنْتصبْ قائماً لزمه الرجوعُ وإنْ شرعَ في القراءة حَرُمَ الرجوعُ وعليَه السجودُ لِلكُلِّ متن

If he forgets to read the first *tashahud* and stands up for the third *rak'āh*, he should return to the sitting position if he had only raised himself up a little. Once he has stood completely, returning to the sitting position is disliked. If he has already started reciting in the third *rak'āh*, it is prohibited for him to return to the sitting position. He should make *sujūd al-sahwu* in all of the aforesaid scenarios.

This is the second type of deficiency in prayers, that is, omitting a mandatory act of prayer.

"If he forgets to read the first *tashahud* and stands up for the third *rak'āh*": This is from the examples of a mandatory act being missed. There are three scenarios and rulings when this happens:

Firstly: When it is mandatory to return to the sitting position. This is the case only if he has stood up a little. He must sit again and recite the first *tashahud*. Since he was only starting to shift to another *rukn* of the prayer, there is a provision to return to the former position. He has to make *sujūd al-sahwu* after the *taslīm*.

Secondly: When it is disliked to return to the sitting position. If he has stood up completely but has yet to recite in the third *rak'āb*, it is disliked that he return to the sitting position. He should proceed with the prayer as usual and make expiation for the missed *tashahud* with *sujūd al-sahwu*. Returning to the sitting position will not render the prayer invalid though. It is only disliked as he should not forego a *rukn* i.e. *qiyām* (standing) for a mandatory act i.e. the first *tashahud*.

Thirdly: When it is prohibited to return to the sitting position. If he has begun reciting al-Fātihah in the third *rak'āh*, it is *haram* for him to return to the sitting position as he has began a *rukn*. To leave a *rukn* to perform a *wajib* act is not allowed. However, if he did so due to ignorance, his prayer is valid. He should expiate his omission with *sujūd al-sahwu* after *taslīm*.

"He should make *sujūd al-sahwu* in all of the aforesaid scenarios": The three scenarios being: (i) he remembers his error before standing up completely, (ii) after standing up completely, (iii) and remembering only after he commences his recitation in the third *rak'āh*. He makes *sujūd al-sahwu* in all three instances.

Whoever is doubtful about the number of *rakāt* should gravitate to the lesser number. If he is in doubt as to whether he missed a *rukn*, then he should assume that it was omitted. He should not make *sujūd al-sabwu* when he has doubt that he missed a mandatory act or for an extra act.

Doubt is the third reason for *sujūd al-sahwu*. *Shak* (doubt) is defined as the inability to decide between two things whilst being impartial to both.⁶⁰⁹

Types of shak:

First: Doubt in the number of *rakāt* he has performed. Was it three or four?

Second: Doubt if a rukn was omitted e.g. omitting al-Fātihah, ruku' or sujūd.

⁶⁰⁹ See al-Waraqāt (p. 16), al-Ta'rīfāt (p. 168) and Irshād al-Fuhūl (p. 5).

Third: Doubt as to whether a *wajib* act was omitted.

These are the types of doubt that one can have in the prayer. Each type has its own ruling.

"Whoever is doubtful about the number of $rak\bar{a}t$ should gravitate to the lesser number": And base his prayer on the lesser number and proceed to perform the rest of the $rak\bar{a}hs$. If he is in doubt whether it was three $rak\bar{a}t$ that he prayed or four, he should choose three. He then makes expiation for this doubt by making *sujūd al-sahwu*. Having doubt whether an act was accomplished is tantamount to non-accomplishment. One must rely on full confidence (*yaqīn*) in these matters.

If he is unsure if he read Sūrah al-Fātihah, he should read it again. Similarly, if he is in doubt as to whether he made the *ruku*' or *sujūd* (i.e. pillars), he should repeat it. One cannot have fulfilled an obligation except with *yaqīn* or full confidence that it was done. This remedial action is taken if he is still praying.

If he is unsure if a mandatory (*wajib*) act was done, for example reading the first *tashahud* or saying, "*Subhāna rabī al-'azīm*" during *ruku'* or, "*Subhana rabī al-a'lā*" during *sajda*, there is no remedial action or explation for it.

If what he is in doubt about doing is a Sunnah act, for example reciting the $s\bar{u}rah$ after al-Fātihah or he cannot remember if he read *al-istiftah*, *ta'awwudh* or the *basmalah*, this doubt neither tarnishes his prayer nor does it diminish its rewards.

"If he is in doubt as to whether he missed a rukn, then he should assume that it was omitted": He should then perform a substitute and then make sujud al-sahwu as explation.

"... Or for an extra act": Sujūd al-sahwu is not required if he has doubts whether he did an extra act in his prayer. A question like, "Did I pray five rakāt or not?" Such doubts do not adversely affect his prayer. An expiation is only required if he has yaqīn that an extra act was performed. The basic assumption always is that an extra act was not performed.

We can summarise that doubt is of four or five types:

<u>First</u>: Doubt if a *rakāt* was omitted or the number of *rakāt* performed. He relies on the *yaqīn* and takes remedial action based on what he is confident about.

Second: Doubt if a *rukn* of the prayer was omitted. He has to repeat it to remove all doubt. *Sujūd al-sahwu* is required.

Third: Doubt if a mandatory act of prayer was omitted. This does not adversely affect his prayer. No remedial action is required.

Fourth: Doubt if a Sunnah act of prayer was omitted. This does not adversely affect his prayer. No remedial action is required.

Fifth: Doubt if an extra act was performed in the prayer. This does not adversely affect his prayer. No remedial action is required.

It is evident that the first two points contain situations where doubt adversely affects the prayer. The other three instances are situations that do not have any impact on the prayer.

ولا سُجُودَ على مأموم إلا تبعاً لإمامه، وسجودُ السَّهْو لما يُبْطِلُ عَمْدُه واجبٌ، وتَبْطُلُ بتركِ من سجودٍ أفضليتُه قبلَ السلامِ فقطْ، وإنَّ نسيه وسلَّمَ سجَدَ إن قَرَبَ زمنُه، ومن سها مراراً كفاه سجدتان

There is no *sujūd al-sahwu* for the *ma'mūm* unless the *imām* performs it. *Sujūd al-sahwu* is mandatory for any act that nullifies the prayer (when it is done wilfully). If he leaves off the *sujūd al-sahwu* that is preferred to be performed before the *taslīm*, his prayer is not valid. If he forgets to make the *taslīm* before the *sujūd*, he can do so after the *taslīm* if the time-gap is brief. Those who omit an act more than once only need to prostrate twice.

"There is no *sujūd al-sahwu* for the *ma'mūm* unless the *imām* performs it": If the *imām* makes a mistake in the prayer that makes expiation mandatory, it becomes mandatory upon him and likewise for the *ma'mūm* to perform the *sujūd al-sahwu*. The *ma'mūm* makes this *sujūd* even if he has not made a mistake in the prayer. They must replicate what the *imām* does, as was the instruction

of the Prophet $\frac{1}{2}$ who said, "Verily the *imām* is to be followed."⁶¹⁰ However, if the *ma'mūm* does make a mistake, he does not make *sujūd al-sahwu* as long as he is following an *imām* from the beginning of the prayer. The *imām* bears responsibility for any deficiencies that arise from the *ma'mūm*.

To summarise, the ma'mum must make sujud al-sahwu in four situations:

First: With the congregation. He makes sujud when the imam does so.

Second: When he joins the congregation late (*masbuq*). He makes *sujūd* by himself for any error he makes in his prayer. The *imām* does not bear responsibility for errors made by a *masbuq*.

Third: When he parts with the *imām* i.e. if he leaves the congregation and continues to pray individually, he makes *sujūd al-sahwu* for the mistakes he makes in his prayer.

Fourth: When the *imām* makes a mistake which requires a mandatory expiation but is oblivious to it. In this case the *ma'mūm* has to do *sujūd al-sahwu* if he realises the mistake even though the *imām* does not.

"Sujūd al-sahwu is mandatory for any act that nullifies the prayer (when it is done wilfully)": Sujūd al-sahwu can be mustahab and wajib in different cases. An example of an instance where it becomes wajib is when an extra rak'āh has been prayed as this is something that nullifies one's prayer when done on purpose. However, if someone does so in a state of forgetfulness, the prayer is not nullified. Nevertheless, sujūd al-sahwu becomes mandatory in this case. The Prophet \cong instructed, "If any of you forgets an act in prayer, let him make sujūd twice."⁶¹¹

"If he leaves off the *sujūd al-sahwu* that is preferred to be performed before the *taslīm*, his prayer is not valid": *Sujūd al-sahwu* can be made before or after the *taslīm*. If there was an act omitted, for example when the first *tashahud*, *tasbih* of *ruku*' and *sujūd* are omitted, it is best to make *sujūd al-sahwu* before the *taslīm*. This is because it rectifies the shortcomings in the prayer and one

⁶¹⁰ Reported by al-Bukhārī (1/176), (2/59, 98) and Muslim (2/19) from the narration of 'Aishah.

⁶¹¹ Reported by al-Tirmidhī (398) from the narration of 'Abdul Rahmān ibn 'Awf.

makes taslim assured that all is well.

Examples of additional acts are: *taslīm* is mistakenly made before the proper conclusion of the prayer, a fifth *rakāt* is prayed forgetfully and if an extra *ruku*' or *sujūd* is performed. In these cases, he makes the *sujūd al-sahwu* after *taslīm* for its purpose is not to rectify shortcomings in the prayer. It rather serves to humiliate Shaytān as informed by Prophet \mathbb{Z} .⁶¹²

What we have mentioned regarding performing the *sujūd* before and after the *taslīm* refers to the best option. However, it is not detrimental to the person if he makes *sujūd al-sahwu* before or after the *taslīm*. Both are permissible as demonstrated by the Prophet $\frac{1}{2}$.

If he leaves off the *sujūd al-sahwu* which is preferred to be performed before the *taslīm* i.e. which is an explation for omissions in the prayer, his prayer is nullified as it had shortcomings that were not rectified.

"If he forgets to make the *taslīm* before the *sujūd*, he can do so after the *taslīm* if the time-gap is brief": The important point to note here is the short time between the conclusion of prayer and his realisation.

"Those who omit an act more than once only need to prostrate twice": If he omits a few acts in a prayer, the two prostrations that comprise *sujūd al-sahwu* will suffice. He need not make a *sujūd al-sahwu* for each omission separately as they all fell within one prayer.

⁶¹² Reported by Muslim (2/84) from the narration of Abu Sa'īd al-Khudrī.

باب صلاة التطوع

CHAPTER: TATAWU' (SUPEREROGATORY) PRAYER

"*Tatawu*' (supererogatory) prayer": The author proceeds to explain the rules pertaining to supererogatory prayer after having explained the rules for obligatory prayer.

"Tatawu": This linguistically means: doing something obedient.⁶¹³ The technical definition is: performing worship that is non-mandatory.⁶¹⁴

It can be said that *ibādah* (worship) is mandatory. However, some of these acts of worship extend to include optional worship akin to the mandatory ones. For example prayer which includes *nafl* prayers that are an extension of the obligatory prayers. Similarly, *zakah*, fasting, Hajj are all *wajib*. Extensions of these acts of worship which are encouraged fall under the category of *tatawu*'.

The wisdom for such forms of worship is to attain more good. Furthermore, supererogatory acts serve to fill the deficiencies that may occur in obligatory acts to avoid these deficiencies leading to a decrease in good deeds on the Day of Judgement.⁶¹⁵ Therefore, everyone is encouraged to perform *nawafil* (su-

⁶¹³ See al-Sihāh (3/1255).

⁶¹⁴ See al-Mut'la (p. 91) and al-Dar al-Naqī (1/123).

⁶¹⁵ Reported by al-Tirmidhī (413) and al-Nasa'ī (1/232) from the narration of Harīth ibn Qubaysah who said, "I arrived in al-Madinah and said, 'O Allah, make it easy for me to find a righteous companion.'Then I sat with Abu Hurairah and said, 'I prayed to Allah to help me find a righteous companion.' So tell me a hadith that you heard from the Messenger of Allah 36, so that Allah might benefit me from it. He said, 'I heard the Messenger of Allah 36 say, 'The first thing for which a person will be brought to account will be his *salāh*. If it is sound then he will

pererogatory acts) so that their obligatory acts of worship may be presented in their complete form on the day all deeds will be accounted.

Man should not tell himself that obligatory acts of worship are sufficient for him. Does he know if these acts were performed to the fullest? Does he not fear that they may fall short of what is expected from him? Man is prone to shortcomings and so should not be lackadaisical towards performing *nawafil* acts. On the contrary, he should do more *nawafil* for it raises his status.

Even if it is decreed that the obligatory acts he performed are all complete, he still stands needy of much goodness. In a hadīth *qudsi*, Allah says, "My servant does not draw close to Me except by that which is beloved to Me of acts that I have made obligatory to him. My servant keeps drawing close to me by doing supererogatory acts until I love him. If I love him, I shall be his hearing with which he hears, his sight with which he sees, hands with which he strikes and legs with which he walks. If he asks Me, I will surely give him and if he seeks refuge in Me, I will surely protect him."⁶¹⁶

Nawafil acts bring about the love of Allah 3% for His slaves. Allah loves that His slaves draw close to Him through performing nawafil acts which supplement the obligatory acts. The scholars dispute regarding the best supererogatory act that is second only to obligatory acts of worship. The scholars of the Hanbalī madhab say it is the supererogatory prayers⁶¹⁷ while others say it is fighting in the path of Allah.⁶¹⁸ The latter base their choice on the following ayahs: {Not equal are those believers remaining [at home] - other than the disabled - and the mujāhidīn, [who strive and fight] in the cause of Allah with their wealth and their lives. Allah has preferred the mujāhidīn through their wealth and their lives over those who remain [behind], by degrees. And to both Allah has promised the best [reward]. But Allah has preferred the mujāhidīn over those who remain [behind] with a great reward - degrees

have succeeded, be salvaged, but if it is not then he will have lost and be doomed." [One of the narrators] Hammam said, 'I do not know whether this was the words of Qatādah or part of the report.' 'If anything is lacking from his obligatory prayers, He will say, 'Look and see whether My slave has any voluntary prayers to make up for what is deficient from his obligatory prayers.' Then all of his deeds will be dealt with in like manner.""

⁶¹⁶ Reported by al-Bukhārī (8/131) from the narration of Abu Hurairah.

⁶¹⁷ See al-Insāf (2/161).

⁶¹⁸ Ibid.

[of high position] from Him and forgiveness and mercy. And Allah is ever Forgiving and Merciful.}⁶¹⁹ And the hadīth, "The head of the matter is Islam, and its pillar is the prayer, and its peak is *jihād* in the path of Allah."⁶²⁰

Some of the scholars claim that the best supererogatory act is seeking knowledge⁶²¹ as it is mentioned in a hadīth: "The superiority of a scholar over a worshipper is like the superiority of the moon over the rest of the stars."⁶²² And in another hadīth, "... Like my superiority over the least in status among you."⁶²³

Hence the best of deeds after the obligatory acts of worship is the act of seeking knowledge. The seeker of knowledge benefits his self and others as well. Furthermore, his benefits are multi-fold. As for the worshipper, he benefits none but himself. Surely there is merit in being a worshipper but the merits remain with him and are not shared with anyone else. For this reason, it is said that seeking knowledge is the best of deeds which draws one closer to Allah and is second only to the obligatory acts. To sit in a class and learn the issues of jurisprudence (*fiqh*) is better than standing the whole night in prayer. Certainly the night prayer is rewarding, however the rewards are restricted to you. He who learns the intricacies of Islamic matters shall benefit himself as well as others.⁶²⁴

The best of *tatawu*' prayers is the eclipse prayer followed by the prayer seeking rain, then *tarāwīh* prayer and finally *witr* prayer which is performed between the '*ishā* and *fajr* prayers. The least one can pray [in *witr*] is one *rakāt*

⁶¹⁹ Al-Nisā: 95-96

⁶²⁰ Reported by Ahmad (5/231), al-Tirmidhī (2616) and Ibn Mājah (3973) from the narration of Mu'ādh ibn Jabal.

⁶²¹ See Jāmi' Bayān al-'Ilm by Ibn 'Abdul Bar (1/149-154).

⁶²² Reported by Ahmad (5/196), Abu Dawūd (3641), al-Tirmidhī (2682) and Ibn Mājah (223) from the narration of Abu al-Dardā.

⁶²³ Reported by al-Tirmidhī (2685) from the narration of Abu Umamah al-Bāhilī.

⁶²⁴ See *Majmū' al-Fatāwā* by Shaykh al-Islam ibn Taymiyyah (28/231), Ahmad ibn Hanbal was asked, "Is a man who fasts, prays and makes *itikāf* dearer to you or a man who speaks against the people of innovation?" He replied, "If he fasts, prays and make *itikāf*, he benefits only himself. He who speaks against the innovators verily is benefitting all Muslims. The latter is superior."

A Commentary on Zād al-Mustaqni

and the most is eleven *rakāt*; praying two units at a time and concluding with one *rak`āh* of *witr*.

"The best of *tatawu*' prayers is": The Sunnah prayers that are recommended to be prayed in a congregation are the best *tatawu*' prayers, such as the eclipse prayer, *tarāwīh* prayer and prayer seeking rain. Following them are the prayers that are not prayed congregationally (i.e. not normally recommended to be done so). The best of them is *witr* prayer, then *tahajjud*, then the *rawatib* prayers prayed before and after obligatory prayers and lastly, the *duha* prayer.

"Followed by the prayer seeking rain": The prayer seeking rain comes second in importance after the eclipse prayer. This prayer is significant as there is an open display of weakness and humility where the individual acknowledges to Allah that he is needy and thus pleads to Him with copious invocations. This prayer is done in a congregation as it benefits all Muslims.

"Then *tarāwīh* prayer": Prayed during the month of Ramadān. It is more significant because it is prayed in congregation.

"And finally *witr* prayer": The fourth type of *tatawu*' prayer. It is prayed at night which we shall discuss in the appropriate place.

"Which is performed between '*ishā* and *fajr* prayers": The timing for *witr* is between '*ishā* and *fajr* prayers as mentioned in the hadīth: the Prophet \mathfrak{Z} used to perform *witr* every night either in the early, middle or latter part of the night.⁶²⁵ Witr prayer can be prayed at any time during the night. Its time starts immediately after '*ishā* prayer is performed until the break of commencement of *fajr. Witr* can start earlier for he who combines *maghrib* and '*ishā* at *maghrib* time. If these two prayers are not combined, *witr* starts after '*ishā* prayer is performed.

"The least one can pray [in *witr*] is one *rakāt*": As the Prophet \cong said, "*Witr* is one *rakāt* at the end of the night."⁶²⁶ This hadīth was narrated by ten Companions of the Prophet. If one prays a single unit of *witr*, it will suffice. However, praying three *rakāt* of *witr* is the lowest number that brings forth perfection.

⁶²⁵ Reported by al-Bukhārī (2/31) and Muslim (2/168) from the narration of 'Aishah.

⁶²⁶ Reported by Muslim (2/173), Ahmad (1/311, 361) from the narration of Ibn 'Umar.

"And the most is eleven $rak\bar{a}t$ ": This was the practice of the Prophet \mathfrak{B} . He used to pray eleven $rak\bar{a}t$ in Ramadān and other months.⁶²⁷ In another hadīth, it mentions that he prayed thirteen $rak'\bar{a}h$.⁶²⁸

"Praying two units at a time": I.e. to make the *taslim* after each two units.

"And concluding with one *rak'āh* of *witr*": He prays ten *rakāt* which comprises five *taslām* followed by one unit as a conclusion. The Prophet \leq said, "The night prayer is performed as two *rakāt* and then two *rakāt*."⁶²⁹

من وإن أوترَ بخمس أوسبع لم يجلسْ إلا في آخرها، وبتسع يجلسُ عَقِبَ الثامـنةِ ويَتشهَّدُ ولا يُسَلِّم ثم يُصلي التاسعُةَ ويتشهَّدُ ويسلِّمُ، وأدنى الكهالِ ثلاث ركعاتٍ بسَلامَيْنِ يَقْرأُ في الأولى بِسَبِّح وفي الثانية بالكافـرون وفي الثالثةِ بالإخلاصِ

If he prays five *rakāt* or seven, he should sit only in the last one. If he prays nine *rakāt*, he should sit on the eighth *rakāt* making *tashahud* but not the *taslīm*. Then he should stand and pray the ninth *rakāt* along with the *tashahud* and *taslīm*. Minimal completion is attained with three *rakāt* with two *taslīm*. He reads Sūrah al-A'lā in the first *rakāt* followed by Sūrah al-Kāfirūn in the second. Al-Ikhlās is read in the third *rakāt*.

"If he prays five *rakāt* or seven, he should sit only in the last one. If he prays nine *rakāt*, he should sit on the eighth *rakāt* making *tashahud* but not the *taslīm*. Then he should stand and pray the ninth *rakāt* along with the *tashahud* and *taslīm*": If he prays five, seven or nine *rak'āhs*, its best that he makes *taslīm* after every two *rak'āhs*. This is according to what the Prophet \cong advised, "Night prayer is performed in units of two"⁶³⁰ He can choose to pray all the *rakāt* together and end with a single *taslīm*. If he prays nine *rak'āhs*, he prays eight units and sits for the *tashahud* without making the *taslīm*, then he stands and adds the ninth *rak'āh*.

Though this is method is permissible, the earlier method where the prayer is

⁶²⁷ Reported by al-Bukhārī (2/66), (3/59), (4/231) and Muslim (2/166) from the narration of 'Aishah.

⁶²⁸ Reported by al-Bukhārī (2/64) and Muslim (2/183) from the narration of Ibn 'Abbās.

⁶²⁹ Reported by al-Bukhārī (2/30) and Muslim (2/171) from the narration of Ibn 'Umar.

⁶³⁰ Reported by al-Bukhārī (2/30) and Muslim (2/171) from the narration of Ibn 'Umar.

in batches of two *rak'ābs* followed by one *rakāt* of *witr* is the best. This is in accordance with the above-mentioned hadīth.

"Minimal completion is attained with three *rakāt* with two *taslīm*": I.e. praying two *rak'āhs* with *taslīm* at the end followed by a single *rak'āh*. He can choose to pray three *rak'āhs* in continuation without sitting down in between. However to pray as described above is best. The first two *rak'āhs* are known as "*al-shafa*" and the last *rakāt* is known as "*witr*".

"He reads Sūrah al-A'lā in the first rakāt": He reads this sūrah in the first rakāt of al-shafa'. This is best as this sūrah contains ayāt that exalt Allah and reiterate His loftiness. The ayāt make mention of Allah's Might in creating all of the creation, Him elevating the status of the Prophet $\frac{1}{26}$ by teaching him the Qur'ān and ingraining it into him, {We will make you recite, [O Muhammad], and you will not forget, except what Allah should will. Indeed, He knows what is declared and what is hidden.}⁶³¹ It also mentions that whoever purifies himself, remembers the name of his Creator and performs his prayer will succeed. Then it warns mankind not to favour this worldly life over the next. Allah concludes by saying that all of this was also mentioned in the scriptures of Prophet Ibrāhīm and Mūsa, {Indeed, this is in the former scriptures, the scriptures of Ibrāhīm and Mūsa.}⁶³²

Such content makes this *sūrah* more significant that the others. Hence, it is recommended to read this *sūrah* in the first *rakāt* of *al-shafa*'.

"Followed by Sūrah al-Kāfirūn in the second": This *sūrah* highlights that Muslims differ from the disbelievers in their worship of Allah: {I do not worship what you worship. Nor are you worshippers of what I worship.}⁶³³

"Al-Ikhlās is read in the third *rakāt*": This *sūrah* is unique in the sense that it discusses the oneness of the Creator and His names and attributes. This is "*tawhīd al-khabari*" or the oneness of Allah, which is knowledge based. Sūrah al-Kāfirūn speaks about the practicality of *tawhīd* (oneness of Allah). This *sūrah* is called al-Ikhlās as it purifies *tawhīd*. It is equivalent to a third of the

⁶³¹ Al-A'lā: 6-7

⁶³² Al-A'lā: 18-19

⁶³³ Al-Kāfirūn: 2-3

whole Qur'ān while Sūrah al-Kāfirūn is equivalent to a fourth of it. These two *sūrahs* are worthy of such merit because they contain the three categories of *tawhīd*, that is *tawhīd al-'ibādah* (oneness of Allah by way of deeds and acts of worship) and *tawhīd al-rubūbīyyah wa al-asmā wa al-siffāt* (professing that Allah is the only Creator with names and attributes befitting only Him). They also manifest *tawhid* in its practical form (*'amali*) and knowledge based form (*khabari*).

ويَقْنُتُ فيها بعدَ الركوع، فيقول: اللهم اهدني فيمن هديتَ، وعافني فيمنْ عافيت، وتولَّني فيمنْ تَولَّيتَ، وباركْ لي فيها أعطيتَ، وقني شَرَّ ما قَضَيْتَ، إنك تَقْضِي ولا يُقْضَى عليك، إنه لا يَذلُ مَنْ واليتَ ولا يَعِزُّ من عاديتَ، تباركتَ ربنا وتعاليتَ

متن

Qunut is performed after ruku' saying, "Allahumma ihdinī fīman hadayta, wa 'āfinī fīman 'āfayta, watawallinī fīman tawallayta, wabāriklī fīmā a'tayta, waqinī sharra ma qadhayta, innaka taqdī wa lā yuqdā 'alayka. Innahu lā yudhillu man wālayta wa lā yu'izzu man 'ādayta, tabārakta rabbana wa ta'alayta."

"Qunut is performed after ruku": To perform qunut is to make supplication after performing ruku' as was shown by the Prophet 3.6^{34} Performing qunut in the witr prayer is recommended though the witr prayer is valid without qunut. Witr is Sunnah mu'akkadah (Sunnah that is strongly encouraged) and which the Prophet 3 greatly urged the Muslims to do. He said, "Verily Allah is witr (i.e. one) and loves witr. So perform witr prayer O people of the Qur'ān!"⁶³⁵ He 3 also said, "Al-witr is haqq (truth)."⁶³⁶ And there are many more ahadīth on the witr prayer.

It is Sunnah *mu'akkadah* by consensus of the majority of scholars. Imām Abū Hanīfah claimed that it was mandatory.⁶³⁷ Shaykh al-Islam preferred the view that it is mandatory upon those who get up for the night prayer.⁶³⁸ He should make *witr* the last prayer for the night as the Prophet $\frac{1}{2}$ said, "Make *witr* the

⁶³⁴ Reported by al-Bukhārī (5/134) and Muslim (2/135-136) from the narration of Anas.

⁶³⁵ Reported by Ahmad (1/143-145), Abu Dawūd (1416). al-Tirmidhī (453), al-Nasā'ī (3/228) and Ibn Mājah (1169) from the narration of 'Alī ibn Abī Tālib.

⁶³⁶ Reported by Abu Dawūd (1422), al-Nasā'ī (3/238) and Ibn Mājah (1190) from the narration of Abu Ayūb al-Ansāri.

⁶³⁷ See al-Mughnī (2/591).

⁶³⁸ See al-Ikhtiyārāt al-Fiqhiyyah (p. 64).

last of your night prayers."⁶³⁹ The Prophet never missed the *witr* prayer, even when he was on a journey. This is a testament to its importance though some people in present times are lackadaisical towards praying *witr*.

Whoever is confident of getting up at night for his prayers should make *witr* his last prayer. However, if one is not confident, then he should pray *witr* early in the night. The Prophet $\frac{1}{20}$ ordered Abū Hurairah to perform the *witr* prayer before going to bed.⁶⁴⁰

The $du'\bar{a}$ of $qun\bar{u}t$ is mentioned in the hadīth of al-Hasan ibn 'Alī where it is stated that the Prophet taught him this.⁶⁴¹ Muslims are recommended to invoke with this $du'\bar{a}$.

"Allahumma ihdinī fīman hadayta": Meaning, "O Allah! Guide me with those whom You have guided." There are two types of guidance. Guidance can be by way of leading and directing. Another type is spiritual and inspired guidance. This du'ā encompasses both types of guidance.

"Wa 'āfinī fīman 'āfayta": Which means, "And strengthen me with those whom You have given strength." I.e. strengthen me from illness, frailty and sorrow. The greatest protection would be the strength to tide over all tribulations of this worldly life. The trials of base desires and *fitnah* (sedition and strife) caused by things unapparent. Having an upper hand over these trials is the supreme salvation.

"Watawallini fiman tawallayta": Meaning, "And care for me with those whom You have taken care of." Care for me by guiding me to the right path and look over me. Whoever Allah takes care of, he shall not fear anymore. Allah says: {Allah is the ally of those who believe. He brings them out from darknesses into the light. And those who disbelieve - their allies are tāgbūt. They take them out of the light into darknesses.}⁶⁴² He shall be the happiest person in

⁶³⁹ Reported by al-Bukhārī (2/31) and Muslim (2/173) from the narration of 'Abdullah ibn 'Amr.

⁶⁴⁰ Reported by al-Bukhārī (2/73), (3/53) and Muslim (2/158) from the narration of Abu Hurairah.

⁶⁴¹ Reported by Ahmad (1/199), Abu Dawūd (1425), al-Tirmidhī (464), al-Nasā'ī (3/248) and Ibn Mājah (1178).

⁶⁴² Al-Baqarah: 257

this world and in the hereafter.

"Wabāriklī fīmā a'tayta": Which means "Bless me in what You have given me." I.e. increase it and purify it from all blemishes. Some might have less money but when Allah blesses it, there is much goodness derived from it. The owners enjoy abundant happiness as a result in this world and in the hereafter. Some others might possess more, but they are always miserable and their wealth brings them only retribution for it is deprived of Allah's blessings. The owners shall not benefit from their possessions both in this world and the next. He will toil and suffer to amass wealth but his effort is in vain for there is no pleasurable outcome.

"Waqini sharra ma qadhayta": Meaning, "Protect me from the evil that You have ordained." It is Allah who ordains good and bad. You ask Allah that he ordains for you good and not the bad. He does ordain bad for some people because of their evil deeds. Allah says: {As for he who gives and fears Allah, and believes in the best [reward], We will ease him toward ease. But as for he who withholds and considers himself free of need and denies the best [reward], We will ease him toward difficulty.}

"Innaka taqdī wa lā yuqdā 'alayka": Meaning, "Verily You command and are not commanded." This is a confirmation that none can challenge what Allah decrees. None can censure his rule. None can oppose his judgement. Hence, you ask Allah for a favourable judgment and a goodly decree acknowledging whole-heartedly that none can challenge His decree.

"*Innahu lā yudhillu man wālayta*": Which means "He who You care for shall not be humiliated." On the contrary, he who Allah takes care of will be highly respected and honoured. None can harm him.

"Wa lā yu'izzu man 'ādayta": "And none whom You have taken as an enemy shall taste glory." This is in total contrast to the one whom Allah cares for. None can give him honour. Allah says: **{And he whom Allah humiliates - for him there is no bestower of honour.}**

"Tabārakta rabbana wa ta'alayta": Meaning, "You are blessed. Our Lord the

⁶⁴³ Al-Layl: 5-10

⁶⁴⁴ Al-Hajj: 18

exalted." A reiteration of the blessings of Allah. He is blessed as are His names and attributes. He who remembers Allah much shall receive His blessings.

متن

اللهم إنِّي أعوذُ برِضاك من سَخَطِكَ، وبِمُعافاتِكَ من عُقوبتِكَ، وبِكَ مِنْكَ، لا أحْصِي ثناءً عليكَ، أنتَ كما أثنيتَ على نفسِك ، اللهمَّ صلِّ على محمدٍ وآلِ محمدٍ ويَمْسحُ وجهَهُ بيديه

Allahumma innī a'ūdhu biridāka min sakhatik, wa bi'afwika min 'uqūbatika wabika minka lā tuhsī thannan 'alayka. Anta kamā athnayta 'ala nafsika. Allahumma salli 'alā Muhammadin wa 'alā āli Muhammad," and then he wipes his face with his hands.

"Allahumma innī a'ūdhu biridāka min sakhatik": "O Allah! Verily I seek refuge with Your pleasure from Your anger." Two attributes of Allah are mentioned: the pleasure and anger of Allah. You are seeking refuge with His pleasure from His anger.

"Wa bi'afwika min 'uqūbatika": "And in Your forgiveness from Your punishment." Another two attributes of Allah. You seek His forgiveness and seek refuge from His punishment.

"Wabika minka": "I seek refuge in You from You." If Allah wants to afflict someone with harm, then none can restrain it. He says in the Qur'ān: {And when Allah intends for a people ill, there is no repelling it. And there is not for them besides Him any patron.}⁶⁴⁵ None can protect you from Allah except He, the Most High and Dignified, His self.

"Lā nubsī thanna'an 'alayka": "I cannot count Your praises." This is an affirmation that none; not the Messenger of Allah or anyone else can count the praises of Allah. This is because the bounties of Allah are so vast. He says: **{And if you should count the favours of Allah, you could not enumerate them.}**⁶⁴⁶ None can show Allah the gratitude that He rightfully deserves for the servant is deficient whereas the bounties Allah bestowed to him are countless. We affirm our inability to praise Allah with the amount of praise that befits Him.

⁶⁴⁵ Al-Ra'd: 11

⁶⁴⁶ Al-Nahl: 18

"Anta kamā athnayta 'ala nafsika": "You are as You have praised Yourself." We surrender the affair to Allah as only He can praise himself for His deficient servant does not have the capacity to praise Allah to the fullest.

"Allahumma salli 'alā Muhammadin": "O Allah! Bestow Your favour upon Muhammad." This $du'\bar{a}$ comes to a conclusion with salutations to the Prophet \mathfrak{Z} as this is one way to enhance its acceptance.

"Wa 'alā āli Muhammad": "And upon the family of Muhammad." This refers to his followers in general. However, when the family of Muhammad is mentioned pertaining to *zakah*, it refers to his relatives who were Muslims.⁶⁴⁷

"And then he wipes his face with his hands": Once the $du'\bar{a}$ is concluded. The act of wiping the face with the hands after $du'\bar{a}$ is mentioned in a few ahadīth.⁶⁴⁸ However, these ahadīth are all weak and cannot be used as evidence. It is better not to wipe the face with the hands after $du'\bar{a}$ for there are no authentic proofs to justify it. However, one should not rebuke he who does wipe his face with the hands after $du'\bar{a}$ for it was mentioned in some ahadīth even though they are weak.⁶⁴⁹

Qunut performed in other than the *witr* prayer is disliked except when the Muslims have been afflicted with a calamity except plague. The *imām* can make *qunut* in all the obligatory prayers.

"Qunūt performed in other than the witr prayer is disliked": Qunūt is not ordained for other prayers besides the witr prayer.

"Except when the Muslims have been afflicted with a calamity except plague": The plague is an exception. To read $qun\bar{u}t$ in the obligatory prayers over a prolonged period of time is an innovation. It was not practiced by the Prophet

⁶⁴⁷ See Jalā al-Afhām by Ibn al-Qayyim (164).

⁶⁴⁸ An example would be a hadīth reported by al-Tirmidhī (3386) from the narration of 'Umar ibn al-Khattāb.

⁶⁴⁹ See Tuhfat al-Ahwadhi by al-Mubārakpūrī (9/232) and al-Insāf (2/172-173).

 $\frac{18}{50}$ or his Companions. If it was a practice, surely it would have been recorded. There is also no evidence that the Prophet $\frac{1}{50}$ was regular in performing the *qunūt* in the *fajr* prayer. He only did so for a specific reason. The disbelievers from the Quraysh were suppressing the Muslims in Makkah and were preventing them from migrating to Madīnah. The Prophet $\frac{1}{50}$ made *qunūt* invoking Allah to aid the weak Muslims who were being held back from *hijrah*.⁶⁵⁰ On another occasion, he $\frac{1}{50}$ invoked against the polytheists who killed a group of his Companions.⁶⁵¹ However, he did not do this permanently. This proves that he did *qunūt* on a temporary basis and only when a calamity befell the Muslims.

Performing the *qunūt* in such a manner is a judgement of the *imām*. If he sees that *qunūt* is appropriate during the *fajr* prayer, he does so and the Muslims shall follow. This was the example of the Prophet $\frac{1}{26}$. Those praying behind him made *qunūt* along with him. However, making it a mainstay of the prayer is an innovation for there are no authentic ahadīth for its implementation. The majority of the scholars are of this view.⁶⁵² It is mandatory upon us to follow the Sunnah and shun bigotry to any particular school of thought or an opinion. Any view or opinion can be dismissed except that of the Messenger of Allah $\frac{1}{26}$.

If a calamity befalls the Muslims which requires invocation, then the *imām* makes *qunūt* for every obligatory prayer, and not just the *fajr* prayer. This is repeated until such a time that Allah relieves the Muslims of the calamity.

Qunut is not performed when plague afflicts the Muslims. This is because

⁶⁵⁰ Reported by al-Bukhārī (6/47-48) and Muslim (2/134-135) from the hadīth of Abu Hurairah who said, "The Prophet $\frac{1}{2}$ would pray the *qunūt* after *rukū* for a month, he would say after *sami allahu liman hamidah*, 'Allah hears him who sends his praises to Him,' and then said before falling in prostration, 'O Allah, save 'Aiyash ibn Rabi'a. O Allah, save Salama ibn Hisham. O Allah, save al-Walid ibn al-Wahd. O Allah, save the weak ones among the believers. O Allah, let Your punishment be severe on the tribe of Mudar. O Allah, inflict upon them years (of famine) like the years of Joseph.'" Abu Hurairah said, "Then I observed that the Messenger of Allah $\frac{1}{2}$ stopped making the *du'a* and I asked him about it. he replied, 'Have you not seen that they have come back?"

⁶⁵¹ Reported by al-Bukhārī (4/26), (5/136) and Muslim (2/135-136) from the narration of Anas who said, "The Messenger of Allah invoked against those who killed the Companions at Thar Ma'ūnah for thirty afternoons. He invoked against Ri'l, Dhakwān and 'Usayyah who had disobeyed the Allah and His Messenger.

⁶⁵² See al-Mughni (2/586), and al-Insāf (2/174).

plague ravaged al-Shām during the lifetime of 'Umar ibn al-Khattāb. However, it has not been recorded that he made $qun\bar{u}t$. We shall not put to practice that which was not practiced by the Prophet $\frac{1}{26}$, his Companions and the rightly-guided caliphs. Furthermore, the Muslims who die of plague are martyrs and it is a mercy to the Muslims. Therefore $qun\bar{u}t$ is not observed during a plague.

والتراويحُ عشرونَ ركعةً

متن

And the tarāwīh prayer is twenty rak'āh.

"And the *tarāwīh* prayer is twenty *rak'āh*": The *tarāwīh* prayer is Sunnah *mu'ak-kadah* (a strongly recommended Sunnah) prayer performed in congregation only in the month of Ramadān. The Prophet \underline{x} prayed it with his Companions during the nights of Ramadān. He later refrained from praying with them and did so alone in his house. He explained his actions citing his fear that the people might assume that *tarāwīh* is obligatory upon them. Hence he stayed away from the congregational *tarāwīh* prayer to weaken this assumption.⁶⁵³ However, the Sunnah is to pray it in congregation as the Prophet \underline{x} did so initially with his Companions.

Tarāwih remained an optional prayer in the eyes of the people as a result of the Prophet's timely action to refrain from praying it in congregation. To further emphasise that it was a Sunnah prayer, the Companions used to pray it individually in groups of two or three and sometimes in groups numbering more than that. They used to pray in many groups within the masjids during the lifetime of the Prophet #, when Abu Bakr was caliph and in the beginning of 'Umar's caliphate. May Allah be pleased with them both. There were many congregations praying tarāwīh within a masjid at the same time.

Then 'Umar decided to gather all the Muslims behind one *imām* in the *masjid* rather than having many congregations praying simultaneously. In fact, he was re-introducing the Sunnah that was initially practiced by the Prophet \cong . It was safe for 'Umar to do so as the Prophet had passed away by then and revelation had ceased. Due to his passing, the fear that people might consider *tarāwīh* prayers as obligatory was removed. 'Umar knew that no new obligation can be introduced in Islam with the demise of the Prophet. He felt that the Muslims

⁶⁵³ Reported by al-Bukhārī (2/62-63) and Muslim (2/177) from the narration of 'Aishah.

being fragmented during *tarāwīh* prayers was unbecoming. It is better for all the Muslims to pray united behind one *imām*. So 'Umar united them and appointed Ubay ibn K'ab as the *imām* who prayed twenty *rakāt* adding two *rakāt* of *al-shafa*' and one *rakāt* of *witr* prayer. They prayed a total of twenty three *rakāt* for *tarāwīh*.

All of the Companions from the Muhājirūn and Ansār prayed likewise in Masjid al-Nabawī when 'Umar was the caliph. Some scholars claim that they prayed thirty six *rakāt* and some other scholars cite an even larger number. Some view that *tarāwīh* was eleven⁶⁵⁴ or thirteen *rak'āh*. This illustrates that there is no fixed number as to how many *rakāt* one can perform for *tarāwīh* prayer. If a person wants to pray twenty three *rakāt*, then he is free to do so for the Companions did so. He can also pray eleven or thirteen *rakāt* as was the practice of the Prophet $\frac{1}{8}$. He can add on to these numbers if he so desires.

Shaykh al-Islam ibn Taymiyyah said, "It depends on the way the prayer is performed."⁶⁵⁵ I.e. if he intends to prolong the *qiyām*, *ruku*' and *sujūd* as the Prophet \leq did, he can pray eleven or thirteen *rak'āh*. If the masses cannot bear a prolonged *rak'āh*, then the *imām* should heed the advice of the Prophet \leq who said: "Whoever leads the prayer should make it brief for there are the old, the weak and he who has to fulfil needs amongst them."⁶⁵⁶

When the people became lax in performing the prayer as the Prophet $\frac{1}{8}$ prayed, they increased the number of *rakāt* but the proper method was wanting. It was the Sunnah of the Prophet to pray less but lengthier *rakāt*. Having said this, we must accept that there are many forms in regards to *tarāwīh* prayer as the Prophet did not specify how it must be done. He had only exhorted Muslims to stand in prayer to take advantage of the blessed month of Ramadān. He $\frac{1}{8}$ said, "Whosoever performs prayers at night during the month of Ramadān with faith and in the hope of receiving Allah's reward, he will have his past sins forgiven."⁶⁵⁷ There is no specification here regarding the number of *rak`āh*. He also said, "Whosoever prays with the *imām* until he departs, it is written for

⁶⁵⁴ See al-Mughni (2/604).

⁶⁵⁵ See al-Ikhtiyārāt al-Fiqhiyyah (64).

⁶⁵⁶ Reported by al-Bukhārī (1/33-34, 180), (8/33), (9/82) and Muslim (2/24, 43) from the narration of Abu Mas'ūd al-Ansārī.

⁶⁵⁷ Reported by al-Bukhārī (1/16), (3/58) and Muslim (2/176, 177) from the narration of Abu Hurairah.

him that he stood the whole night in prayer."⁶⁵⁸ Yet again the Prophet did not mention the number of $rak'\bar{a}h$.

This is proof that the issue is vast and there is no limit to the number of *rakāt* a person can pray for the *tarāwīh* prayer. In terms of the attributes of this prayer: the people can shorten the length of the prayer and increase the units, as was done by the Companions, or reduce the units and lengthen the prayer, as was done by the Prophet. He \cong , used to read Sūrah al-Baqarāh, Alī 'Imrān and al-Nisa in just two *rakāt* of the night prayer. He would not recite an ayah mentioning Allah's mercy except that he would pause to ask for it and would not recite an ayah describing torment except that he would pause to seek refuge from it.⁶⁵⁹

In conclusion, we realise that the number of $rak\bar{a}t$ for the $tar\bar{a}w\bar{a}h$ prayer is not restricted to a certain number. However, the essence of the matter is to look at the methodology of the Prophet when it comes to prayer. He \mathfrak{A} reduced the $rak\bar{a}t$ as his prayer itself was prolonged. Therefore, if anyone were to reduce the length of the prayer, he may increase the number of $rak\bar{a}t$ as was the practice of the Companions. This way it is balanced. All evidence leads us to draw this conclusion on this issue.

The argument that whoever performs more than eleven or thirteen *rakāt* is an innovator does not hold weight for the argument stands in direct contrast to the practice of the Companions. It is as if they view the Companions of the Prophet to be in error. It must be noted that among them were the rightly-guided caliphs 'Umar, 'Uthmān, 'Alī, the Muhājirūn and the Ansār among the Companions. All of them prayed twenty three *rakāt* of *tarāwīh* in Masjid al-Nabawī. To validate this argument, these eminent Companions would need to be labelled as innovators! *Lā hawla wa lā quwatta ilā billāh* (There is no might or power except with Allah). This kind of talk is utterly insolent!

The issue, as explained is flexible. If the prayer is prolonged, then let him reduce the number of *rakāt* and vice versa. This is the case provided that *tarāwīh* prayer is performed in congregation. When prayed individually, one may lengthen his prayer as he wishes. The Prophet $\frac{1}{26}$ said: "If one of you leads the

⁶⁵⁸ Reported by Ahmad (5/163), Abu Dawūd (1375), al-Tirmidhī (806), al-Nasa'ī (3/83-84) and Ibn Mājah (1327) from the narration of Abu Dhar.

⁶⁵⁹ Reported by Muslim (2/186) from the narration of Hudhayfah.

prayer, he should make it brief, for there are amongst them the old, weak and he who has to fulfil his needs. When he prays alone, he may lengthen it as he wishes."⁶⁶⁰

تُفعلُ في جماعة مع الوتر بعد العشاء في رمضانَ، ويُوتِرُ الْمَتَهَجِّدُ بعدَه، فإنْ تَبعَ إمامَهُ شَفَعهُ من من بركعةٍ، ويُكرهُ التنفُّلُ بينها لا التعقيب بعدها في جماعة

It is performed in congregation along with *witr* after the '*ishā* prayer during the month of Ramadān. Those who intend to pray *tahajjud* may pray *witr* later. If he prays with the *imām*, he should make it an even number by adding a *rakāt*. To pray *nawāfil* in between *tarāwīh* prayer is disliked but praying in congregation after it is not.

"It is performed in congregation": The original form is to perform *tarāwīh* prayer in congregation though it is not wrong for a person to pray it individually. However, it is better if it is performed in congregation with the Muslims.

"Along with *witr*": E.g. he can pray twenty *rakāt* and then add three *rakāt* (*al-shafa*' and *witr*). If he prays ten *rakāt*, he may add a single *rakāt* of *witr* to make it eleven *rakāt* in total. He may add three *rakāt* to make it thirteen as well.

"After the '*ishā* prayer during the month of Ramadān": The time for the *tarāwīh* prayer is after the '*ishā* prayer and this is a matter of *ijmā*'. It is not permissible to pray it before '*ishā* as this was the way our Prophet \mathfrak{B} showed us. The pious predecessors never prayed it before '*ishā* prayer. Hence the prohibition is clear.⁶⁶¹ If he combined the *maghrib* and '*ishā* prayers together due to rain and did so at the time of *maghrib*, he may pray *tarāwīh* thereafter. This is because technically, it is after '*ishā* prayer.

"Those who intend to pray *tahajjud* may pray *witr* later": If he prays *tarāwāh* with the *imām* but intends to pray *tahajjud* later at night, he may do so. This adds to his rewards. However, he should perform the *witr* prayer with the *imām* so that he can attain the merit mentioned by the Prophet 3: "Whoso-

660 Reported by al-Bukhārī (1/180) and Muslim (2/43) from the narration of Abu Hurairah.

⁶⁶¹ Shaykh al-Islam ibn Taymiyyah said, "Whoever prays *tarāwīh* before '*ishā* has treaded the innovators' path and the way of those who refute the Sunnah." See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 64).

ever stands in prayer with the *imām* until he departs, it is written for him that he stood the whole night in prayer."⁶⁶² He should pray *witr* with the *imām* and not depart until the *imām* departs.

It is best that he maintains the *witr* prayer prayed together with the *imām* even if he prays *tahajjud* later at night. He need not repeat the *witr* prayer for the Prophet $\frac{1}{28}$ said, "There are no two *witr* prayers in one night."⁶⁶³ There are narrations to prove that the Prophet used to pray after *witr* and not repeat the *witr* prayer.⁶⁶⁴

"If he prays with the *imām*, he should make it an even number by adding a *rakāt*": It is best that he not do this. Rather, he should follow the *imām*. Then later pray *tahajjud* in as many *rakāt* as he wishes. His *witr* prayer performed with the *imām* shall suffice.

"To pray *nawāfil* in between *tarāwīh* prayer is disliked": This refers to when the *imām* makes *taslīm* after performing two *rakāt* of *tarāwīh*, and an individual gets up to pray *naft* prayers on his own. This is not permissible. This will lead to people praying different prayers simultaneously within a *masjid*. The Companions used to rebuke those who did so.

"Praying in congregation after it is not": As mentioned, one performs *tarāwīh* prayer with the *imām* and departs with him. He may choose to pray individually or in congregation thereafter.

ثم السننُ الراتبةُ: ركعتانِ قبلَ الظُّهرِ، وركعتانِ بعدَها، وركعتانِ بعدَ المغربِ، وركعتانِ بعدَ العشاءِ، وركعتانِ قبل الفجرِ، وهما آكدُها، ومن فاتَهُ شيءٌ منها سُنَّ له قضاؤُه. وصلاةُ الليلِ أفضلُ من صلاة النَّهَارِ وأفضلُها ثلثُ اللَّيلِ بعدَ نِصْفِه

متن

Followed by the *sunan* of *rātibah*. Two *rakāt* before *zuhr* and two after it. Two *rakāt* after *maghrib* and '*ishā* respectively. Two *rakāt* before *fajr*. These are the strongly recommended *rawātib*. If someone misses these prayers, it is Sunnah for him to replace it. The night prayers are better than the day

⁶⁶² Ibid.

⁶⁶³ Reported by Ahmad (4/23), Abu Dawūd (1439), al-Tirmidhī (470) and al-Nasā'ī (3/229-230) from the narration of Talq ibn 'Alī.

⁶⁶⁴ Reported by Muslim (2/168-170) from the narration of 'Aishah at the beginning of the narrative.

prayers. The best time is at two-thirds of the night.

"Followed by the *sunan* of *rātibah*": These are prayed alongside the obligatory prayers.

"Two rakāt before zuhr and two after it. Two rakāt after maghrib and 'ishā respectively. Two rakāt before fajr": These are the ten rakāt which are derived from the hadīth narrated by Ibn 'Umar who said, "I have in memory the ten rakāt prayed by the Messenger of Allah $\underline{\ast}$. Two rakāt before zuhr, two rakāt after it. Two rakāt after maghrib he prayed in his house, two rakāt he prayed after 'ishā prayer in his house and two rakāt before fajr, a time when none entered the house of the Messenger of Allah $\underline{\ast}$, [I came to know this because] Hafsah told me this."

And from these ten *rakāt*, the most recommended is the two *rakāt* before the *fajr* prayer. The Prophet $\underline{\ast}$ did not leave it even when he was on a journey. These ten *rakāt* are the least one can pray. It is best to pray four *rakāt* before *zuhr* and four *rakāt* after it. The total will then be fourteen. The Prophet $\underline{\ast}$ said: "He who maintains four *rakāt* before *zuhr* and four *rakāt* after *zuhr* will be prohibited from the hellfire."⁶⁶⁶

"If someone misses these prayers, it is Sunnah for him to replace it": This refers to the *rawatib* prayers. The evidence for this is that the Prophet $\frac{1}{8}$ made up the *rātibah* that are prayed after *zuhr*. He made them up after the '*asr* prayer.⁶⁶⁷ On another occasion, the Prophet and his Companions slept through the *fajr* time and only the heat of the sun woke them up. This was while they were on a journey. He then prayed the *rātibah* of *fajr* prayer before calling the *mu'adhin* and performing the *fajr* prayer.⁶⁶⁸ We observe that he $\frac{1}{8}$ made up for the missed *rātibah* of the *fajr* prayer as well as the *fard rakāt*. Once, the Prophet $\frac{1}{8}$ saw a man praying after *fajr* prayer. He asked the man who replied that he was making up for the *rātibah* prayer of *fajr* that he had missed. The Prophet $\frac{1}{8}$

⁶⁶⁵ Reported by al-Bukhārī (2/74) from the narration of 'Abdullah ibn 'Umar with this wording.

⁶⁶⁶ Reported by Ahmad (6/325, 326), Abu Dawūd (1269), al-Tirmidhī (427, 428), al-Nasā'ī (3/264, 265) and Ibn Mājah (1160) from the narration of Umm Habībah.

⁶⁶⁷ Reported by al-Bukhārī (2/87, 88) and Muslim (2/210, 211) from the narration of Umm Salamah.

⁶⁶⁸ Reported by Muslim (2/138-139) from the narration of Abu Qatādah.

endorsed the man's action.669

"The night prayers are better than the day prayers": The next type of Sunnah prayers after the *muqid* (confined) ones are the *mutlaq* (general) prayers. The best of the *mutlaq* prayers is the night prayer. The Prophet $\frac{1}{28}$ said, "The best prayer after the obligatory prayer is the night prayer".⁶⁷⁰ Without doubt, the night prayer is the best general *nafl* or supererogatory prayer. It is especially more rewarding at the latest part of the night for it has merits that other times do not. One feels total tranquillity and a person is free of all mundane chores in the late hours of the night. When there is a third of the night remaining, Allah $\frac{1}{28}$ descends to the earth's skies and asks, "Is there anyone who asks so that I may give? Is there anyone who seeks pardon so that I may forgive? Is there anyone who invokes so that I can answer his invocation?"⁶⁷¹

Allah says in the Qur'ān: **{Indeed, the hours of the night are more effec-tive for concurrence [of heart and tongue] and more suitable for words.}**⁶⁷² "*Nashi'ah*" in this ayah means waking up at night after sleep. Therefore the author wrote:

"The best time is at two-thirds of the night": I.e. after the first half of the night. He may sleep the first half and then wake up to pray a third of the night. He may sleep again for a sixth of the night. This was the practice of Prophet Dawūd.⁶⁷³

متن

The night and day prayers are in batches of two *rakāt*. If he prays *tatawu*' (voluntary) prayers during the day of four *rakāt* in the manner of the *zuhr* prayer, then it is not a problem. The reward for prayers performed sitting

⁶⁶⁹ Reported by Ahmad (5/447), Abu Dawūd (1267), al-Tirmidhī (422) and Ibn Mājah (1154) from the narration of Qays ibn Amr al-Ansārī.

⁶⁷⁰ Reported by Muslim (3/169) from the narration of Abu Hurairah.

⁶⁷¹ Reported by al-Bukhārī (2/66), (8/88), (9/175) and Muslim (2/175, 176) from the narration of Abu Hurairah.

⁶⁷² Al-Muzzammil: 6

⁶⁷³ Reported by al-Bukhārī (2/63), (4-195-196) and Muslim (3/165) from the narration of 'Abdullah ibn 'Amr al-' \tilde{A} s.

down is half that of prayers performed standing.

"The night and day prayers are in batches of two *rakāt*": I.e. he makes the *taslīm* after every two *rakāt*. The Prophet \cong said, "The night prayer is prayed in batches of two."⁶⁷⁴ And in another hadīth, "The night and day prayers are prayed in batches of two."⁶⁷⁵ Multiple *rakāt* should not be joined together with one *taslīm* but one should pray in batches of two *rakāt*.

"If he prays *tatawu*' (voluntary) prayers during the day of four *rakāt* in the manner of the *zuhr* prayer": Referring to the following scenario: he performs two *rakāt* and then sits for the first *tashahud* followed by two *rakāt* with the final *tashahud* at the end. He then makes *taslīm*. Praying *naft* prayers like the *zuhr* prayer is acceptable. This is permissible only during the day.

"The reward for prayers performed sitting down is half that of prayers performed standing": The *nafl* prayer performed sitting is permissible even if that person does not have a valid excuse. However, the reward for this deed is only half of what he would gain if he stood up to pray it. The Prophet 3 used to perform the night prayer sitting down. In a hadīth reported from the Prophet 3, he said, "The reward of prayer performed sitting down is half that of the prayer performed standing."⁶⁷⁶

متن

وتسنُّ صلاةُ الضُّحى، وأقلُّها ركعتانٍ، وأكثرُها ثَهَانٌ

The *duha* prayer is a Sunnah. Two *rakāt* is the minimum and eight *rakāt* is the maximum.

"Duba prayer is a Sunnah": The duba prayer is a supererogatory prayer which is mutlaq (general). It is called duba in reference to the time at which it is prayed, which is in the morning. The Prophet used to perform duba prayer and urged Abu Hurairah to do so. He \cong advised Abu Hurairah to perform three things: To fast three days in a month, to perform witr prayer before going to bed and to perform the duba prayer.⁶⁷⁷

⁶⁷⁴ Reported by al-Bukhārī (2/30), Muslim (2/171) from the narration of 'Abdullah ibn 'Umar. 675 Reported by Ahmad (2/26, 51), Abu Dawūd (1295), al-Tirmidhī (597) and al-Nasā'ī

^(3/227) and Ibn Mājah (1322) from the narration of 'Abdullah ibn 'Umar.

⁶⁷⁶ Reported by Muslim (2/165) from the narration of 'Abdullah ibn 'Amr.

⁶⁷⁷ Reported by al-Bukhārī (2/73), (3/53) and Muslim (2/158) from the narration of Abu

Duha prayer is especially important to those who missed performing the night prayer. This prayer is mentioned in many ahadīth of the Prophet \underline{x} .

"Two *rakāt* is the minimum": The Prophet $\frac{1}{28}$ said, "On every joint bone of man, there is a charity due." Then he went on to mention the different types of charity and then added, "The sum of all of these are equalled when he prays the two *rakāt* of *duha*."⁶⁷⁸ He $\frac{1}{28}$ also informed that whoever performs the *fajr* prayer, sits in the place that he prayed until sunrise and prays two *rakāt* of *duha* thereafter, he shall gain the reward of a Hajj and an 'Umrah.⁶⁷⁹

"Eight *rakāt* is the maximum": Praying sets of two *rakāt* followed by the *taslīm*. The Prophet entered the house of his cousin Umm Hani, his uncle Abu Tālib's daughter, and prayed there eight *rakāt* of *duha* prayer.⁶⁸⁰ This is the evidence to show that eight *rakāt* is the maximum for *duha* prayer.

ووقتُها من خروج وقتِ النَّهي إلى قُبيلَ الزوال

متن

Its time is just after the prohibited time in the morning until just before the zenith.

The time to perform the *duha* prayer starts after the ending of the time when prayers are forbidden. Its indication is when the sun rises above the horizon the distance of a spear. *Duha* prayer can be performed until moments before the sun reaches its zenith which signals the time when prayers are prohibited.

The more the *duha* prayer is delayed in the morning, the better it is. The Prophet \lessapprox said, "The prayer of those who are penitent is observed when your weaned camels feel the heat of the sun."⁶⁸¹ Therefore, the best time to perform *duha* prayer is just before the prohibited time of the zenith.

وسجودُ التلاوةِ صلاةٌ، يُسَنُّ للقارئِ والمستمع دون السامع، وإن لم يَسْجُد القارئ لم ْ متن

Hurairah.

679 Reported by al-Tirmidhī (586) from the narration of Anas ibn Mālik.

680 Reported by al-Bukhārī (2/57, 73), (5/189) and Muslim (2/157) from the narration of Umm Hānī.

681 Reported by Muslim (2/171) from the narration of Zayd ibn Arqam.

⁶⁷⁸ Reported by Muslim (2/158) from the narration of Abu Dhar.

The *sujūd* of *tilāwab* (recitation) is a prayer. It is Sunnah for the reciter and the listener to make the prostration. However the one who overhears the recital is excluded. If the reciter does not make the *sujūd*, the listener need not do so.

A recommended *naft* is the *sujūd al-tilāwah* (prostration for recital). One performs it when he recites an ayah which has *sajdah* (ayah of prostration) in it as the Prophet \cong used to do so.

It is recommended that both the reciter and the listener perform the *sujūd*. The Companions used to listen to the Prophet $\frac{1}{8}$ recite the Qur'ān and when he made the *sujūd al-tilāwah*, they did likewise such that some of them had trouble finding enough space to place their foreheads on the ground due to crowding.⁶⁸² This is evidence to show that it is a Sunnah for both the reciter and those listening to the recitation to perform the *sujūd*. However, a person who overhears the Qur'ān or was not expressly listening to it need not make the *sujūd*.

"The *sujūd* of *tilāwab* (recitation) is a prayer": The scholars differ as to whether it is a prayer or an independent act of worship. There are two views:

The first view: It is a prayer, as mentioned by the author above. If it is deemed a prayer, it adopts the rules pertaining to prayer as well. For example, facing the *qiblah*, making *takbīr* when one makes *sujūd* and rises up, being in the state of ablution. The pre-requisite that one's *awrah* be covered will also apply.⁶⁸³

The second view: It is not a prayer, rather it is an independent act of worship and the rules and pre-requisites of the prayer do not apply to *sujūd al-tilāwah*.⁶⁸⁴

"If the reciter does not make the *sujūd*, the listener need not do so": The listener only does it if the reciter does so.

⁶⁸² Reported by al-Bukhārī (2/51-53) and Muslim (2/88) from the narration of Ibn 'Umar. 683 See *al-Insāf* (2/193).

⁶⁸⁴ This is the preferred view of Shaykh al-Islam ibn Taymiyyah. See al-Ikhtiyārāt al-Fiqhiyyah.

متن

متن

There are fourteen *sajdab* (*ayāt* of prostration) and in Sūrah al-Hajj, there are two *sajdahs*. One should make *takbīr* when making the *sujūd* and when rising up from it. One should sit and make *salām* and omit the *tashahud*.

"There are fourteen *sajdah* (*ayāt* of prostration) and in Sūrah al-Hajj, there are two *sajdahs*": There are fourteen *ayāt* of prostration in the Qur'ān which are in the following *sūrahs*: al-A'raf, al-Ra'd, al-Nahl, al-Isra, Maryam, al-Hajj (two *sajdahs*, one in the early part of the *sūrah* and one at the end), al-Furqān, al-Naml, al-Sajdah, al-Fussilat, al-Najm, al-Inshiqaq and al-'Alaq. These *sūrahs* are in descending order.

"One should make *takbīr* when making the *sujūd* and when rising up from it": This is based on the view that *sujūd al-tilāwah* is a prayer. *Taslīm* is also made as there is *tahrīm* (forbidden) and *tahlīl* (allowed) aspects to it, which all prayers have.⁶⁸⁵ However, the preferred view is that [only the] *takbīr* is essential when a *sajdah* occurs during the recital of the prayer. The *imām* makes *takbīr* to indicate the *sujūd* and then another *takbīr* to indicate the rising up to *qiyām* again. This was the example shown to us by our beloved Prophet Ξ .⁶⁸⁶

"One should sit and make *salām* and omit the *tashahud*": This is based on the view that *sujūd al-tilāwah* is a prayer.

ويُكره للإمام قراءةُ سجدةٍ في صلاةِ سِرِّ وسجودُه فيها، ويَلْزَمُ المأمومُ متابعتُه في غيرهـا، ويستحبُّ سجودُ الشكرِ عند تَجَدُّدِ النَّعمِ واندفاعِ النِّقمِ، وتَبْطُلُ به صلاةُ غيرِ جاهلٍ وناسٍ

Reciting *ayāt* containing a *sajdab* and performing *sujūd al-tilāwab* by the *imām* in the silent prayers is disliked. The *ma'mūm* should follow the *imām* in doing the *sujūd al-tilāwab* in the other prayers. *Sujūd* can be performed in gratitude when a new blessing is bestowed or a calamity averted. A *sujūd* for gratitude performed whilst praying renders the prayer invalid, unless done with ignorance or forgetfully.

⁶⁸⁵ See al-Insāf (2/197).

⁶⁸⁶ Reported by al-Bukhārī (1/199) and Muslim (2/7) from the narration of Abu Hurairah.

"Reciting $ay\bar{a}t$ containing a sajdah and performing $suj\bar{u}d$ $al-til\bar{a}wah$ by the $im\bar{a}m$ in the silent prayers is disliked": This is due to the fact that it will puzzle the $ma'm\bar{u}m$ who might assume that the $im\bar{a}m$ has proceeded to make $suj\bar{u}d$ without making the ruku'. The $im\bar{a}m$ can either choose to perplex the $ma'm\bar{u}m$ or omit the Sunnah of $suj\bar{u}d$ $al-til\bar{a}wah$ if he reads the $ay\bar{a}t$ of sajdah in the silent prayers like zuhr or 'asr. However, he can avoid both of these scenarios if he avoids reading $ay\bar{a}t$ that contain sajdah in the silent prayers.

"The ma'mūm should follow the *imām* in doing the sujūd al-tilāwah in the other prayers": It is a must that the ma'mūm perform the sujūd al-tilāwah along with the *imām* in the articulated prayers like maghrib or fajr. The Prophet $\frac{1}{26}$ said, "Verily, the *imām* is to be followed."⁶⁸⁷ To follow the *imām* is mandatory upon the ma'mūm.

"Sujūd can be performed in gratitude when a new blessing is bestowed or a calamity averted": A blessing, for example the birth of a child or the news of victory to the Muslim army and the defeat of the enemies of Islam warrants a prostration of gratitude. Abu Bakr made this prostration when he heard that Musailamah al-Kadhāb had been killed in the Battle of Yamāmah.⁶⁸⁸ An example of an averted calamity would be when Allah makes the Muslims immune to the onslaught of the enemies of Islam. One should make the *sujūd* of gratitude during such events. It should be pointed out that the author mentions a "new blessing". Indeed the Muslims are in perpetual blessing from Allah.

"A *sujūd* for gratitude performed whilst praying renders the prayer invalid": *Sujūd al-shukr* is recommended only outside a prayer. If one does so on purpose while praying, his prayer is invalid for it is not an act belonging to the prayer. He has added something extra to his prayer. However, if he did so due to ignorance or was oblivious to it, then he is pardoned and his prayer is valid.

وأوقاتُ النهي خمسةٌ: من طلوع الفجر الثاني إلى طلوع الشمس، ومن طُلوعِها حتى تـرتفعَ قِيْدَ رمَح، وعندَ قيامِها حَتى تَزُوَلَ، ومن صلاةِ العصرِ إلى غُروبِها، وإذا شرعتَ متن

⁶⁸⁷ Reported by al-Bukhārī (1/106, 177, 187, 203), (2/59) and Muslim (2/18) from the narration of Anas ibn Mālik

⁶⁸⁸ See *al-Muntaqa* by al-Majd ibn Taymiyyah commenting on hadīth 1018, attributing his words to Sa'īd ibn Mansūr.

فيه حتى تتمَّ

There are five periods when the prayer is forbidden: (i) between dawn and sunrise, (ii) between sunrise and when it rises above the horizon the distance of a spear, (iii) during the sun's zenith until it starts to set, (iv) from 'asr prayer until dusk and (v) from dusk until complete sunset.

"There are five periods when the prayer is forbidden": After explaining the *nafawil al-muqid* and the general *nawafil* prayers, the author shifts his attention to clarifying the various times where *nawafil* prayers are forbidden. The Prophet $\frac{1}{2}$ has specifically mentioned these times.

They are classified into three periods: (i) After *fajr* (dawn) to sunrise. After *fajr* one should not pray *nafl* prayer except for the two units of *rātibah* before the *fajr* prayer. The prohibition stretches until sunrise. (ii) When the sun is right above the head (at its zenith), until it passes its zenith to the west. (iii) Immediately after '*asr* prayer until sunset.

The five forbidden times are grouped into the above three periods. Below is a look at the five forbidden times in detail:

"(i) After dawn to sunrise": No elaboration is required here as it is clear.

"(ii) Between sunrise and when it rises above the horizon the distance of a spear": Until the sun rises above the horizon the distance which is equivalent to the height of a spear.

"(iii) During the sun's zenith until it starts to set": From the zenith until it moves slightly westward.

"(iv) From 'asr prayer until dusk": From 'asr prayer to when the sun is about to set.

"(v) From dusk until complete sunset": From dusk until nightfall.

The wisdom behind the prohibition of praying during these times is as follows: (i) the Prophet $\frac{1}{20}$ forbade prayer during sunrise as it rises on the two horns of Shaytān. The disbelievers prostrate to it at that time and so he forbade us to

mimic the actions of the disbelievers.⁶⁸⁹ (ii) The zenith of the sun is when the hellfire is stoked. No prayer is to be performed at this time. (iii) When the sun sets, it sets between the two horns of Shaytān and the disbelievers prostrate to it. We have been forbidden to mimic the disbeliever's worship. Indeed, the Muslim worships Allah and not the sun. However, we are prohibited to follow the disbelievers' worship from every perspective. This prohibition is a preventive measure which bars all means to an unfavourable end through falling into *shirk* (associating partners with Allah).

It is permissible to make up the missed obligatory prayers during these times as well as the two $rak\bar{a}t$ after $taw\bar{a}f$ (circling the Ka'bāh) and if a congregational prayer is duplicated. Any form of tatawu' prayer is prohibited during the five forbidden times unless there is a valid reason.

It is permissible to pray in the forbidden times under certain situations:

First: "It is permissible to make up the missed obligatory prayers during these times": Making up the missed obligatory prayers. If he remembers during the forbidden times that he has missed an obligatory prayer, he must pray it immediately. He should not use the forbidden time as an excuse to delay it even further. The Prophet $\frac{1}{26}$ said, "Whoever falls asleep and misses the prayer or forgot to do so, he shall do so when he remembers. There is no penalty for it except the prayer itself."⁶⁹⁰ "When he remembers" as in this hadīth indicates that this can occur at any time as in the avah, **{Establish prayer for My re**-

⁶⁸⁹ Reported by Muslim (2/208-209) from the narration of 'Amr ibn Abasah that the Prophet # said, "Pray as much as you like, for the prayer is attended by the angels and it is recorded till you offer the dawn prayer; then stop praying when the sun is rising till it has reached the height of one or two lances, for it rises between the two horns of the devil, and the infidels offer prayer for it (at that time). Then pray as much as you like, because the prayer is witnessed and recorded till the shadow of a lance becomes equal to it. Then cease prayer, for at that time the Hellfire is heated up and doors of Hell are opened.

When the sun declines, pray as much as you like, for the prayer is witnessed till you pray the afternoon prayer; then cease prayer till the sun sets, for it sets between the horns of the devil, and (at that time) the infidels offer prayer for it."

⁶⁹⁰ Reported by al-Bukhārī (1/155) and Muslim (2/142) from the narration of Anas ibn Mālik.

membrance.}⁶⁹¹

Second: "The two *rakāt* after *tawāf* (circling the Ka'bāh)": The two *rakāt* after *tawāf* are permissible during these periods of time as the Prophet \leq said, "O clan of 'Abd Manāf, do not prevent anyone from making *tawāf* of this house and praying during any hour, be it in day or the night."⁶⁹²

Third: "And if a congregational prayer is duplicated": I.e. if one prayed and then entered the *masjid* whilst the congregational prayer is in progress, he should join the congregation and not just sit down. The Prophet $\frac{1}{26}$ ordered those who come to the *masjid* when there is a congregational prayer to join in even if he has already performed that prayer elsewhere. The repetition shall be considered as a *nafl* for him.⁶⁹³ Likewise, if you prayed '*asr* or *fajr* and someone who has not prayed them arrived, there is no prohibition for you to pray with him so that it will be a congregational prayer. These are the three prayers that are prayed even during the forbidden times.

"Any form of *tatawu*' prayer is prohibited during the five forbidden times unless there is a valid reason": The most prominent of scholars say, "All prayers that have got a reason can be prayed even during forbidden times, for example; *tahiyat al-masjid*, eclipse and funeral prayers. Any prayer can be performed during these times if it gains a valid reason. This is the preferred view of Shaykh al-Islam Ibn Taymiyyah⁶⁹⁴ and Allah, the Most High, knows best.

⁶⁹¹ Taha: 14

⁶⁹² Reported by Ahmad (4/80, 81 and 84), Abu Dawūd (1894), al-Tirmidhī (868), al-Nasā'ī (1/284) and Ibn Mājah (1254) from the narration of Jubayr ibn Mat'am.

⁶⁹³ Reported by Ahmad (4/160, 161), Abu Dawūd (575), al-Tirmidhī (219) and al-Nasā'ī (2/112), from the narraton of Zayd ibn al-Aswad al-'Āmirī.

⁶⁹⁴ See al-Ikhtiyārāt al-Fiqhiyyah (p. 101).

باب صلاة الجماعة

CHAPTER: CONGREGATIONAL PRAYER

"Chapter: Congregational Prayer": The obligatory prayers must be performed in a congregation whenever possible. What is meant by "congregational prayer" is: the explanation of the laws pertaining to the prayer performed in a congregation, the *imām*, characteristics of the *imām* and laws pertaining to the followers with regards to them following the *imām*. All these aspects shall be covered in this chapter.

The pious predecessors (*salaf*) and the later generations (*khalaf*) agree that the obligatory prayers are legislated to be performed in congregation.⁶⁹⁵ However, there are those who consider it as Sunnah.⁶⁹⁶ There are those who consider it to be mandatory.⁶⁹⁷ Some claim that it is a condition for the validity of prayer.⁶⁹⁸ None of them refute that congregation is legislated for the obligatory prayers. They only differ in their views as to whether it is Sunnah, *wājib* or a condition.

⁶⁹⁵ See al-Majmū' Sharh al-Muhdhib (4/183).

⁶⁹⁶ For example, Abu Hanīfah, Mālik and al-Shāfi'ī. See *al-Mughnī* (3/5). However, it does not mean that all the followers held this stance and implemented it. There are among them, may Allah have mercy on them, those who hold the view that it is mandatory. Moreover, there are those who consider it an obligation for the individual (*fard 'ayn*). Al-Nawawī says in his *al-Majmū*', "There are three views regarding congregational prayer among our companions: Firstly, that it is the collective obligation (*fard kifayah*). Secondly, that it is optional and thirdly, that it is *fard 'ayn*. The third view is held by two prominent scholars of *fiqh* and hadīth. They are: Abu Bakr ibn Khuzaymah and Ibn Mundhir." (4/183)

⁶⁹⁷ See al-Kāfī (1/174).

⁶⁹⁸ This is the preferred view of Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 67).

The correct view is: it is mandatory (*wājib*) in light of the Qur'ān and Sunnah. Evidence from the Qur'ān: {And when you are among them and lead them in prayer, let a group of them stand [in prayer] with you and let them carry their arms. And when they have prostrated, let them be [in position] behind you and have the other group come forward which has not [yet] prayed and let them pray with you, taking precaution and carrying their arms.}⁶⁰⁹ Allah \mathfrak{B} ordains congregational prayer even during times of fear and trepidation, let alone during times of peace and security. If congregational prayer was only optional, then it would not have been ordained during times of fear. In fact, it was ordained twice in the above mentioned verses: {Let a group of them stand [in prayer] with you.} And again: {And have the other group come forward which has not [yet] prayed and let them pray with you.}

We observe that some mandatory actions are omitted in *salāt al-khawf* (prayer during times of fear) while additional actions are permitted; for example moving forward, backward and carrying weapons. These exceptions and omissions are allowed only during times of fear, not during times of stability. This proves that congregational prayer is mandatory. Otherwise, it would not have been ordained during a time of fear.

Another proof from the Qur'ān: {And establish prayer and give *zakab* and **bow with those who bow [in worship and obedience].**}⁷⁰⁰ Meaning pray with those who pray. Since bowing is a *rukn* of the prayer, it alludes to the prayer itself.

Evidence from the Sunnah: There are many ahadīth that describe congregational prayers as mandatory. For example, the Prophet $\frac{1}{26}$ ordered a *masjid* to be built, appointed a *mu'adhin* for the prayer and set a schedule as to who should lead the prayers. All this suggests that congregational prayers are $w\bar{a}$ *jib*. If it were just Sunnah, neither a *masjid* nor the *adhān* would be necessary. The Prophet $\frac{1}{26}$ said, "If there are three men in a village or in the desert among whom prayer is not offered in congregation, the devil has got the mastery over them."⁷⁰¹

⁶⁹⁹ Al-Nisā: 102

⁷⁰⁰ Al-Baqarah: 43

⁷⁰¹ Reported by Ahmad (5/196), (6/446), Abu Dawūd (547) and al-Nasā'ī (2/106) from the narration of Abu Dardā'.

He Ξ also said, "The most difficult of prayers for the hypocrites are '*ishā* and fajr."⁷⁰² In this narration those who absented from the fajr and '*ishā* prayers were termed as hypocrites. This is proof that they omitted a mandatory act. Surely leaving off a Sunnah act would not lead to hypocrisy. The Prophet Ξ also said, "I thought to give orders for arranging prayer in congregation, and then to have the *iqāmab* called for it, then to order a man to lead the people in prayer, then to go off in company of the people who have bundles of firewood to those people who are not present at the prayer and then to burn down their houses with fire."⁷⁰³ The Prophet intended to punish them by burning them. Punishment is mete out for omitting mandatory acts. They would not deserve punishment had congregational prayers been optional nor would they be called hypocrites.

The apparent wisdom behind congregational prayers:

It repels Shaytān who whispers into and disturbs the person praying alone. When in congregation, Shaytān withdraws and stays away from those praying. Hence the Prophet 業 ordered that Muslims must pray together and not avoid the congregational prayer. He said, "Verily, the wolf attacks the lone sheep," and "Verily Shaytān is man's wolf."⁷⁰⁴

The significance of prayer in congregation is that it repels Shaytān from the person who is praying. This can be practically felt. If one prays in a congregation, his thoughts do not run wild as compared to him praying alone. Shaytān overwhelms him which leads him towards forgetfulness whilst praying by himself.

Congregational prayer promotes interaction between Muslims, which creates a bond between them. They might discover each other's needs and fulfil them. Otherwise, they will not know each other and hence be isolated. If they pray together as a congregation five times a day, they can bond and advise each other. They may seek one another's help in trying to solve their problems. If one of them is absent for a while, they miss him and ask after his well-being. If unwell, they visit him and if he has become lazy, they advise him.

⁷⁰² Reported by al-Bukhārī (1/167), Muslim (2/123) from the hadīth of Abu Hurairah.

⁷⁰³ Reported by Abu Dawūd (548) from the narration of Abu Hurairah.

⁷⁰⁴ Reported by Ahmad (5/232-233, 243) from the hadith Mu'adh ibn Jabal.

'Abdullåh ibn Mas'ūd said, "He who wants to enjoy the meeting with Allah as a Muslim, let him perform these [obligatory] prayers when they are called. Verily Allah has legislated for your Prophet ways to guidance. These [prayers] are ways to guidance. If any of you performs these prayers in your house like he who is insular and prays in his home, then indeed you have left the way of your Prophet. If you leave the way of your Prophet, you will go wayward. We have seen that only the hypocrites renowned for their hypocrisy turn away from the congregational prayer. A man used to be brought to the prayer supported by two men and he would take his place in the rows."⁷⁰⁵

This was the attitude of the Companions towards the congregational prayer. They never missed it and deemed those who missed it as hypocrites, as those who have shunned the Sunnah of the Prophet $\frac{1}{26}$ and as those who have gone wayward. "If you leave the way of your Prophet, you will go wayward." The Companions would even escort the sick and elderly to the *masjid* if they were unable to walk. They would hold on to either side of his upper arm up until he stood in his row. This is how steadfast they were in preserving the congregational prayer and making it their foremost priority.

متن

It is incumbent upon the men to pray the five daily prayers. It is not a condition. He can perform it at his home.

"It is incumbent upon the men": I.e. it is mandatory upon them to perform the prayers in congregation. As for women, they are not obliged to do so. They can pray in the *masjid* but their prayer in their houses is better. This is so that they are better protected and to safeguard them from *fitnah* (sedition and chaos). Similarly, it is not mandatory for children. However, if boys reach the age of discernment (*mumayiz*), they are ordered to pray in the *masjid*. They are brought there so that the obedience is inculcated in them.

"To pray the five daily prayers": To pray in congregation is not *wājib* for any prayer besides these. It is however recommended to do so for example in the case of *tarāwīh* and eclipse prayers.

"It is not a condition": Praying in congregation is not a condition for prayer

⁷⁰⁵ Reported by Muslim (2/123).

to be valid. The proof is the saying of the Prophet \mathfrak{B} , "A man's prayer in congregation is twenty seven times more meritorious than praying individually." ⁷⁰⁶ Hence congregational prayer is twenty seven times higher in degree than praying it alone. This is the evidence that the prayer performed individually is still accepted. If praying in congregation was a condition, then the prayer performed individually would be null and void. This hadīth is authentic.

Some scholars hold the view that congregation is a condition for the validity of a prayer.⁷⁰⁷ They base their view from the narration of Imām Ahmad and the preference of Shaykh al-Islam ibn Taymiyyāh. If he prayed alone without a valid reason, then his prayer is null and void. This is based on the saying of the Prophet 35, "Whosoever hears the call and does not answer it, there is no prayer for him unless he has an excuse."⁷⁰⁸ His saying, "There is no prayer for him" is evidence for the nullification of the prayer performed individually without a valid excuse.

As for the statement of the Prophet \mathbb{Z} , "A man's prayer in congregation is twenty seven times more meritorious than praying individually," this is on the assumption that he has a valid excuse to pray by himself. As for he who leaves praying in congregation without a valid reason, then his prayer is valid though he incurred a sin of leaving a mandatory act (of praying in a congregation).

"He can perform it at his home": Meaning that he can pray congregationally in his house. It is not mandatory to do so at the *masjid* based upon the saying of the Prophet $\frac{1}{26}$, "The earth has been made a place of worship and it is pure."⁷⁰⁹

The correct view however, is that it is mandatory to pray it in congregation at the *masjid*. This is based upon the hadīth, "There is no prayer for those living in the vicinity of the *masjid* except in it."⁷¹⁰ There is also the hadīth of the blind man. The Messenger \cong said, "Do you hear the call?" The blind man replied,

⁷⁰⁶ Reported by al-Bukhārī (1/165-166), Muslim (2/122) from the narration of Ibn 'Umar. 707 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 67).

⁷⁰⁸ Reported by Abu Dawūd (551) and Ibn Mājah (793) from the narration of 'Abdullah ibn 'Abbās.

⁷⁰⁹ Reported by al-Bukhārī (1/91, 119) and Muslim (2/63) from the narration of Jābir ibn 'Abdullah.

⁷¹⁰ Reported by al-Dāraqutnī (1/420), al-Hākim (1/246) and al-Bayhaqī (3/57) from the narration of Abu Hurairah.

"Yes". He $\frac{1}{28}$ said, "Answer it for I cannot provide a concession for you."⁷¹¹ If it was permissible to perform the obligatory prayers at home, the Prophet $\frac{1}{28}$ would have given concession to the blind man to do so at home together with those living in his house. He would have then achieved congregational prayer. However no concession was given. Similarly the hadīth, "Whosoever hears the call (*adhān*) and does not answer it, then there is no prayer for him unless with a valid excuse," emphasises this point.

وتُستحب صلاةُ أهلِ النَّغْرِ في مسجدٍ واحدٍ

متن

متن

It is recommended that the people living in a remote outpost pray in one *masjid*.

The author now shifts to the matter of praying in numerous *masjids*. Which *masjid* is better if there are many?

Firstly:

"It is recommended that the people living in a remote outpost pray in one *mas-jid*": It is not permissible for the people inhabiting a remote outpost to have many *masjids*. They should only build a single *masjid*. People living in a remote outpost (*ahl al-thaghri*) refers to those living on the periphery of Muslim lands who keep watch so that enemies do not launch a surprise attack on the Muslim mainland. These are the *ahl al-thagri*. They engage in *ribat* (sentry duty) in the path of Allah. They should pray in one *masjid* so that they gain strength through solidarity and display power to the enemy.

It is best for the others to attend a *masjid* where the congregational prayer is dependent upon their attendance.

Secondly:

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"It is best for the others to attend a *masjid* where the congregational prayer is dependent upon their attendance": Those not living in a remote outpost may

⁷¹¹ Reported by Muslim (2/124) from the narration of Abu Hurairah.

build numerous *masjids* according to their needs. There were numerous *masjids* in Madīnah during the lifetime of the Prophet $\frac{1}{2}$ due to necessity. He $\frac{1}{2}$ did not order all the residents there to congregate in one *masjid*. The only exception was for the Friday prayer and the 'Eid prayers.

One may ask: if there are many *masjids*, which is the best to pray in? It is best to pray in a *masjid* where the congregational prayer is dependent on your attendance. For example, there are two people who usually pray at the *mas-jid* and one of them left to pray at another *masjid*. Thus, the congregational prayer cannot be performed in this *masjid*. It is better for someone to pray in this *masjid* so that congregational prayers can be established therein. Another example: if a person is prominent in society and by him attending a particular *masjid*, many people flock to it. If he does not come to the *masjid*, then the people avoid it so much so that obligatory prayer in a congregation cannot be performed. It is better for this prominent person to stay put at this *masjid* and facilitate the congregational prayer. He should pray in this *masjid* so that enough people will attend there. Allah 3 says: {The *masjids* of Allah are only to be maintained by those who believe in Allah and the Last Day.}⁷¹²

متن

ثم ما كان أكثر جماعةً، ثم المسجدُ العتيقُ، وأبعدُ أولى من أَقْرِب

Followed by the *masjid* that has the largest congregation and then that which is the oldest. The *masjid* that is further should be given more priority than the *masjid* which is near.

Thirdly:

"Followed by the *masjid* that has the largest congregation": Third in priority is the *masjid* that has the biggest congregation. The Prophet $\frac{1}{28}$ said, "The bigger [the congregation], the more loved by Allah $\frac{1}{28}$."⁷¹³

Fourthly:

"And then that which is the oldest": If the *masjids* are of similar sized congregations, then it is better to pray in the oldest among the *masjids*. This is because

⁷¹² Al-Tawbah: 18

⁷¹³ Reported by Ahmad (5/140), Abu Dawūd, (554) and al-Nasā'ī (2/104-105) from the narration of Ubay ibn Ka'b.

it has preceded the other masjids in the service of obedience to Allah.

Fifthly:

"The masjid that is further should be given more priority than the masjid which is near": If both masjids were built close in time to each other, then the masjid that is further is better. This is because it takes more footsteps to get to it. This is in relation to the hadīth of Bani Salamah. They wanted to live closer to Masjid al-Nabawi. When the Prophet $\frac{1}{20}$ heard this he said, "O Bani Salamah! Stay in your houses for your footprints are recorded."⁷¹⁴ Meaning, stay in your houses, even though they are far from the masjid, as your footsteps to the masjid are recorded.

ويَحْرُمُ أَنْ يَؤُمَّ فِي مسجدٍ قبل إِمَامِهِ الراتبِ إلابإذنِه أو عذره

متن

It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer unless he permits it or there is a valid excuse.

"It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer": If that particular *masjid* has an official *imām* who is charged with leading the prayers. It is not permissible for anyone else to precede him in leading the prayer as it would violate the rights of the *imām* who is under the payroll of the *masjid*.

"Unless he permits it or there is a valid excuse": Such as in the following situations: (i) He permits someone to lead the prayer in his place. This person then acts as the *imām*'s representative. The Prophet $\frac{1}{26}$ deputised Abu Bakr to lead the prayers when he fell ill.⁷¹⁵ (ii) When the *imām* delays the prayer such that it burdens those who pray with him or if they fear that the prescribed prayer time might elapse. One of the Muslims can come forward to lead the prayer in this instance. During the Battle of Tabūk, the Prophet $\frac{1}{26}$ was delayed in leading the people in prayer so 'Abdul Rahmān ibn Awf led the prayer. The Prophet joined in later. He $\frac{1}{26}$ said, "You did well."⁷¹⁶

⁷¹⁴ Reported by Muslim (2/131) from the narration of Jābir ibn 'Abdullah.

⁷¹⁵ Reported by al-Bukhārī (1/169, 182 and 183) and Muslim (2/22-23) from the narration of 'Aishah.

⁷¹⁶ Reported by Muslim (2/26) from the narration of al-Mughīrah ibn Shu'bah

This proves that if the *imām* is significantly delayed for the prayer and this becomes a burden on the Muslims or if it is feared that the prescribed time for that prayer might elapse, it is permissible for one of them to lead the prayer for there is a valid excuse for this.

متن

ومن صلَّى ثم أُقيمَ فرضٌ سُنَّ له أَنْ يُعيدَها، إلا المغربَ

Whoever prays before the *iqāmab* of the obligatory prayer, he should repeat his prayer except *magbrib*.

"Whoever prays before the *iqāmah* of the obligatory prayer, he should repeat his prayer": If a person was to pray and later went to a *masjid* where the congregation prayer is about to begin, it is recommended that he join in the prayer and not sit down. The evidence for this is when the Prophet $\frac{1}{32}$ performed *fajr* prayer with his Companions at Masjid al-Khayf during his farewell Hajj. Once the prayer was concluded, he saw two men sitting at the back of the rows of worshippers. He asked that they be brought to him so that he could speak to them. They trembled out of respect for the Messenger $\frac{1}{32}$ who said, "What is the issue that led you not to pray with us?"They said, "O Messenger of Allah! We prayed at our camp." He replied, "Do not do so. If you prayed at your camp and later the [congregational] prayer began, pray with the congregation. This will be considered *naff* prayer for both of you."⁷¹⁷

This is proof that our *Shari'ah* permits the repetition of congregational prayers when one hears the *iqāmah*. If he comes after the *iqāmah*, then it is permissible for him to sit down.

"Except *maghrib*": It is not recommended to repeat this prayer for *maghrib* has odd numbers of *rakāt*. It is considered the daytime *witr* and so should not be repeated.

متن

ولا تُكره إعادةُ الجماعةِ في غيرِ مَسْجِدَيْ مكةَ والمدينة

The repetition of prayers in a congregation is not disliked in *masjids* other than the two *masjids* in Makkah and Madīnah.

⁷¹⁷ Reported by Ahmad (4/160, 161), al-Tirmidhī (219) and al-Nasā'ī (2/112) from the narration of Yazīd ibn al-Aswad al-'Āmirī.

"The repetition of prayers in a congregation": This is another type of repetition.

First type: Repeating the congregational prayer due to being present for the *iqāmah* of an obligatory prayer (i.e. he had prayed it elsewhere prior to hearing the *iqāmah*).

Second type: Repeating the congregational prayer when the first congregational prayer was missed.

This requires elaboration. If the *masjid* is located along the travelling routes where people enter at various times to perform their prayers, in this case, there is no prohibition of repeating congregational prayer as many times as necessary since there is a valid excuse.

As for the *masjid* that is not on travelling routes, if a person comes to the *masjid* deliberately late because he does not like to pray with the *imām* and wants to have a second congregational prayer, then this is not permitted. This action leads to disunity and factionalism. It is incumbent on them to come to the *masjid* upon hearing the *adhān* and performing the prayer together with the Muslims.

However, if they come intending to perform the congregational prayer but miss it, then there is no prohibition for them to perform a second congregational prayer. The Prophet 32 once saw a person after concluding his prayer. This man had just reached the *masjid*. He 32 said, "Whoever wishes to give charity to this man should pray with him." A man, who had already prayed, stood up and prayed with the late-comer.⁷¹⁸

"Other than the two *masjids* in Makkah and Madīnah": Referring to Masjid al-Haram and Masjid al-Nabawī. The intentional repetition of congregational prayer in these two *masjids* is disliked. This is due to the special merits accorded to them. However, those who miss the congregational prayer therein may perform a second congregation. This is not disliked as proven in the hadīth, "Whoever wishes to give charity to this man, should pray with him."

⁷¹⁸ Reported by Ahmad (3/5, 45, 64), Abu Dawūd (574) and al-Tirmidhī (220) from the narration of Abu Sa'īd al-Khudrī.

وإذا أقيمت الصلاة فلا صلاة إلا المكتوبة، فإنْ كان في نافلةٍ أمَّها، إلا أنْ يَخْشَى فَواتَ من الجهاعةِ فَيَقْطَعَهَا، ومن كَبَّرَ قَبْلُ سَلاَمٍ إِمامِةِ لَحِقَ الحهاعةَ، وإن لحقه راكعاً دخل معه في الركعة وأجزأتُه التحريمةُ

If the *iqāmab* is called for a prayer, then there is no prayer except the obligatory prayer. If one was in the midst of performing a *nafl* prayer, he should complete it unless he fears that he will miss the congregational prayer. If so, he should stop it abruptly. He who makes his *takbīr* before the *imām's taslīm* has partaken in the congregation. If he arrives at the row of worshippers when they are in *ruku'* (the bowing position), then he immediately assumes the *ruku* position as well. The *takbīratul ibrām* is sufficient for him.

"If the *iqāmah* is called for a prayer, then there is no prayer except the obligatory prayer": If the *iqāmah* is called, it is not permissible for a person to pray a *nafl* prayer for the Prophet \Re said, "If the *iqāmah* is called, there is no prayer except the obligatory prayer."⁷¹⁹

"If one was in the midst of performing a *naft* prayer, he should complete it": For Allah ﷺ says: **{And do not invalidate your deeds.}**⁷²⁰

"He who makes his *takbīr* before the *imām's taslīm* has partaken in the congregation": This is an important subject. At what stage does a latecomer partake in the congregational prayer?

The Hanbalī *madhab* states that if one makes the *takbīratul ihram* before the *imām* makes *taslīm*, he has partaken in the congregational prayer.⁷²¹ Though he might have partaken in only a small portion of the prayer, he is deemed to have gotten the full reward of praying in congregation.

The second view, which is the correct view, states that one does not partake in the congregational prayer unless he is able to join in at or before the *ruku*' position. It is similar to the ruling for the Friday prayer.⁷²²

⁷¹⁹ Reported by Muslim (2/103-104) from the narration of Abu Hurairah.

⁷²⁰ Muhammad: 33

⁷²¹ See al-Muqni (1/198).

⁷²² This is in the Māliki *madhab* and one of two narrations from Ahmad, preferred by most of the Hanbali scholars and by Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 68).

"If he arrives at the row of worshippers when they are in *ruku*' (the bowing position), then he immediately assumes the *ruku* position as well. The *takbīratul ibrām* is sufficient for him": This is another subject that must be explained. If he arrives at the *masjid* when the *imām* is in the *ruku*' position, he makes the *takbīratul ihrām* while standing erect then goes directly to the *ruku*' position. It is recommended that he makes the second *takbīr* when proceeding to *ruku*' though the *takbīratul ihrām* would suffice.

When he performs the *ruku*' position with the *imām*, he has indeed caught up with that *rakāt* with the congregation. This is proven by the action of Abu Bakrah who joined the prayer led by the Messenger \cong while he was in the *ruku*' position. Abu Bakrah made *ruku*' while still at a distance from the rows of the worshippers. He proceeded to shuffle forward in this position towards those praying and joined the rows. When the Prophet \cong concluded the prayer, he said, "May Allah increase you in steadfastness but do not repeat this action."⁷²³ The Prophet \cong did not ask Abu Bakrah to make up for the *rakāt*. This is proof that a *rakāt* is caught when *ruku*' is performed.

متن ولا قراءةَ على مأموم، وتُستحبُّ في إسرارِ إمامِهِ وسكوتِه، وإذا لم يَسْمَعْه لِبُعْدٍ لا لِطَرَشِ

There is no recitation for the *mamūm*. It is recommended that they recite when the *imām* recites silently, when he is quiet or when he is so far that the follower cannot hear him. He should not do so due to being hearing impaired.

"There is no recitation for the ma'mūm": The imām's recitation of Sūrah al-Fātihah represents the recitation of the followers (ma'mūm) for both the silent and audible prayers. The evidence for this is the hadīth, "Whoever is led by an imām, his reading is borne by the imām,"⁷²⁴ and the words of Allah ﷺ: **{So** when the Qur'ān is recited, then listen to it and pay attention that you may receive mercy.}⁷²⁵ Imām Ahmad said, "This ayah was revealed pertaining to prayers."⁷²⁶ So the ma'mūm listens to the imām when he recites and says amīn when he concludes his recital. This is to symbolize that he too read Sūrah

⁷²³ Reported by al-Bukhārī (1/198-199) from the narration of Abu Bakrah.

⁷²⁴ Reported by Ahmad (3/339) and Ibn Mājah (850) from the narration of Jābir ibn 'Abdullah.

⁷²⁵ Al-A'rāf: 204

⁷²⁶ See al-Mughnī (2/261).

al-Fātihah.

"It is recommended that they recite when the $im\bar{a}m$ recites silently, when he is quiet": It is recommended that one reads Sūrah al-Fatihah when the $im\bar{a}m$ is silent e.g. when he is silent just after saying *takbīratul ihram* and before reading Sūrah al-Fātihah, just after reciting al-Fātihah and when he is silent just before going to the *ruku*' position. Also there is often silence between *ayāt*. The *ma'mūm* should be alert to these silent moments and read his own Sūrah al-Fātihah during them.

"Or when he is so far that the follower cannot hear him": This is the second scenario. If he is at the back rows and cannot hear the *imām*'s recitation, he can recite al-Fātihah for he does not hinder the *imām*'s recitation as he is too far. Hence, there are three situations in which the *ma'mūm* may read Sūrah al-Fātihah: (i) during the silent prayers, (ii) whenever the *imām* is silent during the audible prayers and (iii) when he cannot hear the *imām*.

"He should not do so due to being hearing impaired": If someone is near the *imām* and cannot hear his recital due to hearing impairment, he is not allowed to read whilst the *imām* is reciting.

ويَسْتفتحُ ويتعوذُ فيها يَجْهرُ فيه إمامه. ومن ركعَ أو سجدَ قبلَ إمامِه فعليه أن يَرْجعَ ليأتيَ به متن بعده، فإنْ لم يَفْعلْ عمداً بَطَلَتْ، وإن ركعَ ورفع قبل ركوع إمامه عالماً عَمْداً بَطَلَتْ، وإن كان جاهلاً أو ناسياً بطلت الركعةُ فقط، وإن رَكعَ ورَفعَ قبل ركوعهِ ثم سجدَ قبلَ رَفْعِهِ بطلتْ إلا الجاهلَ والناسيَ، ويصلِّي تلك الركعةَ قضاءً

He should read the *istiftab* (the opening *du'a*) and seek refuge (*isti'adhab* i.e. "*a'uthu bi'llāhi min al-shaytānir rajīm*") for what the *imām* is going to recite audibly. Whoever makes *ruku'* or *sujūd* before the *imām* should return back to the same position so that he follows the *imām*. If he deliberately does not do so, then it is nullified. If he made *ruku'* and raises his head after *ruku'* before the *imām* made his *ruku'*, then his prayer is invalid if done with knowledge and on purpose. If he was oblivious to it or did it in forgetfulness, then only the *rakāt* is nullified. If he made the *ruku'*, raised up his head before the *imām* made his *ruku'* and then proceeded to make *sujūd* before the *imām* could raise after *ruku'*, then the prayer is nullified unless done in a state of obliviousness and forgetfulness, in which case (i.e. in the state of oblivious-

ness and forgetfulness) that one *rakāt* must be made up.

"He should read the *istiftah* (the opening *du'a*) and seek refuge (*isti'adhah* i.e. "*a'uthu bi'llāhi min al-shaytānir rajīm*") for what the *imām* is going to recite audibly": It is recommended for the *ma'mūm* to read *du'a al-istiftah* and *isti'adhah* in the audible prayers. *Istiftah* and *isti'adhah* are not borne by the *imām*. In contrast, the recitation of Sūrah al-Fātihah is borne by the *imām*, so the *ma'mūm* does not have to recite it.

"Whoever makes *ruku*' or *sujūd* before the *imām*": It is forbidden for the *ma'mūm* to precede the *imām*. The Prophet $\frac{1}{28}$ said, "Does not he who raises his head before the *imām*, fear that Allah will change his head into a donkey's head or change his features into that of a donkey."⁷²⁷

Below is an elaboration:

Firstly: If he precedes the *imām* in making the *takbīratul ihram*, then his prayer cannot be considered as one. This is because he commenced his prayer before the *imām* did.

Secondly: If he precedes the *imām* in a *rukn* movement e.g. he made *ruku*' before the *imām*, then it is mandatory for him to return back to the standing position and repeat the *ruku*' only after the *imām* has done so. However, if the *imām* catches up with him in the *ruku*' position and the *ma'mūm* had deliberately not made an effort to return to the standing position, then his prayer becomes invalid. If he had not stood due to forgetfulness or because he has no knowledge that this rectification should be done, then his prayer is valid. This is if a *rukn* movement was preceded.

Thirdly: When he precedes one *rukn* movement, e.g. he precedes the *imām* in making *ruku*' and then proceeds to raise his head before the *imām* made his *ruku*', then his prayer is nullified provided that he deliberately did this. If he had forgotten or was ignorant about, it, then only the *rakāt* becomes invalid. When the *imām* makes the *taslīm* to conclude the prayer, he gets up to make up one *rakāt*.

⁷²⁷ Reported by al-Bukhārī (1/177) and Muslim (2/28) from the narration of Abu Hurairah.

Fourthly: When he precedes two *rukn* movements, as in when he makes *ruku*' before the *imām*, stands erect and then proceeds to make *sujūd* even before the *imām* made his *ruku*'. He must return back to the *ruku*' position and do the *ruku*' and *sujūd* after the *imām*. If he avoids doing so on purpose, his prayer is nullified. However, if he had forgotten or is ignorant, then it nullifies only the *rakāt*. He has to make it up after the *taslīm* of the *imām*.

Fifthly: When he precedes the *imām* in making *taslīm* and does so deliberately, his prayer becomes invalid. If done forgetfully or he is ignorant, then he must repeat his *taslīm* after the *imām*. His prayer is valid.

ويسنُّ للإمام التخفيفُ مع الإتمام وتطويلِ الركعةِ الأولى أكثر من الثانيةِ، ويُسْتحبُّ من استظارُ داخلٍ إن لم يَشُقَّ على مأمومَ

It is Sunnah for the *imām* to make the prayer brief but complete and to make the first *rakāt* longer than the second *rakāt*. It is recommended that the *imām* delay such that the latecomer may join the prayer provided it does not burden those already praying.

It is recommended that the *imām* incorporate the below details in his prayer:

<u>Firstly</u>: "It is Sunnah for the *imām* to make the prayer brief but complete": The *imām* should make the prayer brief taking into account the affairs of the congregation. However it should be complete i.e. concise yet not imbalanced. He prays with the minimum requirements of the *tasbīh* in the *ruku*' and *sujūd* for a complete prayer. He reads a short *sūrah* after reading al-Fātihah. He does not lengthen the recitation. However, if he prays alone, he lengthens his prayer as he wishes.

Secondly: "And to make the first *rakāt* longer than the second *rakāt*": It is recommended to make the first *rakāt* longer than the second for *zuhr*, '*asr* and '*ishā* prayers.

Thirdly: "It is recommended that the *imām* delay such that the latecomer may join the prayer": It is recommended that when the *imām* makes *ruku*', he should not rush to raise himself up if there are latecomers. He should delay it so that they may catch up with him in *ruku*'.

Fourthly: "Provided it does not burden those already praying": The delay in the *ruku*' position should not burden those already praying. If it does, then the *imām* should not wait for the latecomers as the welfare of those already in the prayer is more important than others.

وإذا استأذنت المرأةُ إلى المسجدِ كُرِهَ مَنْعُها، وبيتُها خيرٌ لها

متن

If a woman seeks permission to go to the *masjid*, it is disliked to prevent her, though her home is better for her.

"If a woman seeks permission to go to the *masjid*, it is disliked to prevent her, though her home is better for her": We mentioned earlier that congregational prayers are mandatory for men. As for women, it is not mandatory for them to pray in congregation. However, it is permitted for them to attend the congregation. The female companions of the Prophet $\frac{1}{20}$ used to attend the congregational prayers with him.

He $\frac{1}{28}$ said, "Do not prevent your women from visiting the *masjids*, but their houses are better for them [for praying]."⁷²⁸ The prayer performed by a woman at her house is better than at the *masjid*. However, she is permitted to go to the *masjid* on the condition that she neither leaves her house wearing perfume nor adorns herself. Instead, she must be wearing the *hijāb* and be covered well. She should not mingle with men, hence the women should be situated in the back rows whilst the men should be at the front.

When these conditions are fulfilled, women can pray in the *masjid*. If any of the conditions are breached, it becomes impermissible for her to leave her house. If she does, it shall bring about strife and sedition (*fitnah*). If these conditions are laid down for leaving the house to participate in an act of worship, how is it that women go out to parties and malls not complying with the laws of *Shari'ah*?

⁷²⁸ Reported by Ahmad (2/76), Abu Dawūd (567) from the narration of Ibn 'Umar with the wording, "Do not prevent your women from going to the *masjid*. Their houses are better for them." Also reported by Ahmad (2/438, 475, 528) and Abu Dawūd (565) from the narration of Abu Hurairah with the wording, "Do not prevent the female slaves of Allah from going to the *masjids* of Allah. They should go out unadorned."



الأولى بالإمامة الأقرأ العالم فقه صلاته، ثم الأفقه، ثم الأسن، ثم الأشرف، ثم الأقدم من هجرة، ثم الأتقى، ثم من قرع، وساكن البيت وإمام المسجد أحق إلا من ذي سلطان

The more deserving in being the *imām*: the well-versed amongst them pertaining to the prayer, he who is more learned in *fiqb*, the eldest among them, the noblest, the earliest in *hijrab*, the most pious, the one picked from lot-casting and the resident of the house. The *imām* of the *masjid* is most deserving with the exception of those in authority.

"Section": This section explains the laws pertaining to choosing the *imām* to lead the prayer. Since congregational prayers require someone to lead the prayer, it is appropriate to state at this juncture the characteristics that an *imām* should have. This is because the *imāmat* (leadership) is a lofty position. Therefore, the *imām* must have certain traits so that he is fit to be an *imām*.

Two skills are required of the *imām*: (i) He must be skilful in reciting the Qur'ān for the prayer requires it. So this skill is a must. (ii) He must be learned in the sciences and laws pertaining to prayer. This is because he will be presented with situations which call for the intricate knowledge of the prayer. If he is not learned in it, he might bring the prayer to disrepute or he will not know how to rectify a predicament that occurs in the prayer. Therefore, he must be well-versed in the *fiqh* of prayer.

As to who is most deserving to be an *imām*, we know that:

First: If an *imām* has been officially appointed to lead the prayers, it is not permissible for another to do so while the *imām* is present, even if he is able to recite the Qur'ān better than the *imām*. This is because his appointment as the *imām* gives him the right to lead the prayer. The author had previously stated, "It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer, unless he permits it or there is a valid excuse."

Second: Those of authority should lead the prayer and none surpasses them regarding this right for they have general authority over all matters; leading the prayer included. This is if the *masjid* does not have an official *imām* and the congregational prayer was attended by one in authority. He shall lead the prayer.

Third: The resident of the house. None is more deserving than him for leading the prayer in his house. The Prophet $\frac{1}{28}$ said, "No man should lead another in prayer where the latter has authority, or sit enjoying one's hospitality in his house, without his permission."⁷²⁹

Fourth: "The well-versed amongst them pertaining to the prayer." "Well-versed" does not refer to the one who has memorised more of the Qur'ān. It refers to who is more learned regarding the art of *tajwīd* and articulation and who does not make grammatical errors while reciting it. He must have a good understanding of the prayer. He must be well-versed in the *fiqh* of prayer and the laws pertaining to it.

Fifth: "He who is more learned in *fiqh*." If two of them are equal in terms of recitation and understanding of the prayer, then he who possesses more knowledge of *fiqh* should be given precedence. He should know the *fiqh* of other aspects besides the prayer. The more knowledgeable a person is in *fiqh*, the more likely he is to solve issues that may arise in prayer itself.

<u>Sixth</u>: "The eldest among them." If any two people are equal in recitation of the Qur'ān, in knowledge of the prayer and *fiqh*, then the eldest of them should lead the prayer. The Prophet $\frac{1}{28}$ said, "Let he who is the eldest amongst you lead the prayer."⁷³⁰

⁷²⁹ Reported by Muslim (2/133) from the narration of Abu Mas'ūd al-Badrī.

⁷³⁰ Reported by al-Bukhārī (1/162, 175), (9/107) and Muslim (2/134) from the narration of Mālik ibn al-Huwayrith.

Seventh: "The noblest." If they are equal in the other qualities, then the noblest in lineage should be given precedence. Perhaps he is from the *Ahl al-Bayt* (blood related to the Messenger $\frac{1}{2}$). He $\frac{1}{2}$ said, "Send forth the Quraysh [to lead] and do not precede them."⁷³¹

Eighth: "The earliest in *hijrah*." If all other qualities are equal, then the person who made *hijrah* [to a Muslim land] is given precedence. If all of them are *Muhajirūn* and all the other qualities are equal, then he who made the migration to a Muslim land first should become the *imām*. He is indeed better than the rest for he made *hijrah* for the sake of Allah 3 before the others.

<u>Ninth</u>: "The most pious." If all other variables remain equal, then the most pious among them leads the prayer. Allah ﷺ says: {Indeed, the most noble of you in the sight of Allah is the most righteous of you.}⁷³²

<u>**Tenth:**</u> "The one picked from lot-casting." When all the other variables are equal, then a lot must be cast to determine who will become the *imām*. He whose lot is picked shall lead the prayer.

These points highlight the importance of the *imām* with regards to prayer. It also emphasises the nobility of leadership in prayer and its prestige.

متن

وحر وحاضر ومقيم وبصير ومختون ومن له ثياب أولى من ضدهم

The free man, the townsfolk, the resident, the sighted, the circumcised and he who has clothes on are more deserving than those are not.

"The free man": The free man has priority over the slave if both of them are equal in the aforementioned qualities. This is because the free man is more complete.

"The townsfolk": All qualities mentioned being similar, the males from the town have priority over the Bedouins. This is because the townsfolk are more knowledgeable regarding the laws than those living in the country.

⁷³¹ Reported by Ibn Abī 'Āsim in *al-Sunnah* (2/637) from the narration of 'Abdullah ibn al-Saib. See *Fath al-Bārī* (13/118).

⁷³² Al-Hujurāt: 13

"The resident": If there is a choice between the resident and the traveller, the former is chosen to lead for he will not shorten the prayer. The latter will shorten it. Therefore, the resident has priority over the traveller.

"The sighted": The sighted have priority over the blind as they can stand facing the direction of *qiblab*. The blind might have a problem finding the *qiblab* direction. The sighted will avoid impurities from themselves but the blind individual might step on impurities on his path and be oblivious to it.

"The circumcised": If one has the foreskin of his private part removed while another is uncircumcised, then the one who has circumcised has priority over the latter to lead the prayer. The circumcised man has more merit and with regards to purification is cleaner than the one possessing his foreskin.

"And he who has clothes on": He who is better covered by clothing and who covers more than the *awrah* has priority over one who is dressed covering only his *awrah*. The reasoning behind it is because this is sought for the prayer. Allah 3 says: {O children of Adam, take your adornment at every *masjid*.}⁷³³

متن

Prayer is not valid when being led in prayer by a *fāsiq* which is similar to being led by a *kāfir*.

"Prayer is not valid when being led in prayer by a *fāsiq* which is similar to being led by a *kāfir*": The *imāmat* in prayer is not for the following:

First: A fasiq.

Fasiq: This is a verbal noun (*ism fa'il*) that refers to a person who has abandoned the obedience to Allah \mathcal{B} . "*Al-Fisq*" (the root word) linguistically means taking out. As in the sentence, "*fasaqati al-tamar*" (she took out the dates).⁷³⁴

The definition in the Shari'ah is abandoning the obedience to Allah 38.735

⁷³³ Al-A'raf: 31

⁷³⁴ See Mu'jam Miqāyas al-Lughah by Ibn Fāris (4/502).

⁷³⁵ See al-Mutla' (p. 51).

Committing major sins is intended here. *Shirk* (ascribing partners to Allah) is excluded as is *kufr* (disbelief), meaning sins lower than these two. He who commits these major sins is known as a *fāsiq*. He is also called one deficient in faith as mentioned in books of *aqīdah* (creed). However, he is a Muslim but one who is deficient in faith. His prayer is valid but he should not lead a prayer as an *imām* for the people might follow him in wrongdoing.

There are two kinds of *fāsiq*:

Fāsiq in his creed: He could be a Mu'tazili, Asha'ri or a member of a heretical sect astray in matters of *aqīdah*. These people are *fāsiq* in *aqīdah*.

Fāsiq in his actions: E.g. one who consumes alcohol, kills and commits adultery. These are examples of *fisq* in actions.

A person belonging to either one or both categories of *fisq* is not eligible to be an *imām* (according to the *madhab*⁷³⁶) as the *imām* is a role model. The concerning factor is that others will emulate a *fāsiq* if he becomes an *imām*. Hence he should not lead prayers as the role of the *imām* can only be filled up by the trustworthy. A *fāsiq* is only taken as an *imām* if he is the officially appointed *imām* or he is the head of authority. We pray behind him in a congregation for the sake of solidarity.

The Companions of the Prophet $\underline{*}$ used to be led by governors who were $f\bar{a}siq$ like Hajjāj and others. They used to pray behind them in congregational prayers so that they would be united. Another reason was that there should be no defiance against those in authority. If the *fasiq* was not a governor, he is ineligible for the role as *imām* and according to the Hanbalī *madhab*, him being the *imām* is something not valid.

The prayer of the ma'mūm becomes invalid if they pray behind an imām who has fisq that leads him to disbelief. Examples of actions that would cause this are: Sacrificing for the sake of others besides Allah, seeking help from the dead and other such abominable deeds done by those who worship graves in the current era. The ma'mūm's prayer is invalid for the prayer itself is nullified.

Second: A kāfir.

736 See al-Kāfī (1/182).

Kāfir (disbeliever): The consensus⁷³⁷ is that prayer is not accepted if led by a *kāfir* even if he is well-versed in reciting the Qur'ān and has knowledge of *fiqh*. This is because his *aqīdah* is corrupted. Hence, all his deeds are invalid. Even his prayer is not valid. So the *ma'mūm's* prayer becomes invalid as a result of being led by a disbeliever or an apostate.

People become surprised and ask how or why would a *kāfir* pray? We reply that he could be an apostate while the people assume that he is a Muslim. A person who does an act which nullifies his faith is an apostate, i.e. if he invokes to anything besides Allah or sacrifices to anything besides Allah. Many people do these actions in the current era. They even sacrifice for the *jinn* and for dwellers of the grave. In our present times there are many people like this amongst the Muslims.

Similarly, if one ascribes to an ideology that has roots in disbelief like Marxism, secularism or the modernist movement, if he thinks these ideologies are correct or he does not consider disbelievers as disbelievers and doesn't disavow them, then he is like them. Neither is his prayer valid nor is his leading of the prayer.

Nor a woman, a hermaphrodite leading men, a child cannot lead those who have reached puberty, a mute, one who is unable to make ruku', sujūd, stand or sit except he who is the $im\bar{a}m$ of the district who has a hope of recovery. Those praying behind him are recommended to also pray sitting. If he begins the prayer in a standing position and then sits down later on, then it is mandatory for those following behind to stand throughout the prayer.

Third: A woman.

"Nor a woman": A woman cannot be an *imām* for men according to the Prophet's saying, "A woman shall not be an *imām* for a man."⁷³⁸ However, she can

⁷³⁷ See al-Mughni (3/32).

⁷³⁸ Reported by Ibn Mājah (1081) from the narration of Jābir ibn 'Abdullah.

be an *imām* for women. This is the view of the majority of scholars from the past until the present.⁷³⁹ If men prayed behind a woman, their prayer is invalid.

Fourth: A hermaphrodite leading men.

"A hermaphrodite leading men": A hermaphrodite cannot be an *imām* for men. A hermaphrodite is someone whose gender is not clear i.e. they have both the male and female reproductive organs. There is not a distinct feature that can distinguish them as a male or female. They are known as complex hermaphrodites who cannot lead men in prayer.

Fifth: A child leading those who have passed puberty.

"A child cannot lead those who have reached puberty": A child who has not yet reached puberty cannot be an *imām* of those who have reached puberty. This is according to the *madhab* of Ahmad.⁷⁴⁰ However, the correct view is that it is permissible for a child who has not reached puberty to lead those who have. The evidence for this is the hadīth of 'Amr ibn Salamāh⁷⁴¹ who used to lead the prayer with his townsfolk when he was only seven years old. This was during the lifetime of the Prophet $\frac{1}{8}$. Some Companions prayed behind the boy and the Prophet $\frac{1}{8}$ did not denounce it.

Sixth: A mute.

"A mute": A mute cannot be the *imām* for those who are not.

Seventh: One who is unable to physically perform a *rukn*.

"One who is unable to make *ruku*', *sujūd*, sit or stand": This person cannot be the *imām* as he is unable to do the *rukn* (pillar) acts of prayer for example standing in the prayer. His *imāmat* of the able bodied is not valid as he is unable to do the acts which are pillars.

"Except he who is the *imām* of the district who has a hope of recovery. Those

⁷³⁹ See al-Mughni (3/37).

⁷⁴⁰ See al-Insāf (2/266).

⁷⁴¹ Reported by al-Bukhārī (5/191).

praying behind him are recommended to also pray sitting." The *imām* mentioned here refers to the official *imām* who is paid a salary to lead the prayer. If he is faced with a predicament and he has to continue the prayers sitting down, then the prayer of the *ma'mūm* is valid under two conditions: Firstly, that the *imām* is the official *imām* who receives a salary for leading the prayer. Secondly, it is expected that he will soon recover from his disability.

"If he begins the prayer in a standing position and then sits down later on, then it is mandatory for those following behind to stand throughout the prayer": The *ma'mūm* should remain standing even when the *imām* sits after having commenced the prayer in a standing position. They should not sit down if the *imām* started the prayer in a standing position. It is mandatory for the *ma'mūm* to stand in this situation. However if the *imām* commences the prayer sitting, it is mandatory for the *ma'mūm* to sit.

The evidence for this is two incidents that happened to the Prophet 38:

First incident: The Prophet $\frac{1}{28}$ fell off his horse and lacerated his leg. While he was recuperating in his house, his Companions visited him and it was time for the prayer. The Prophet $\frac{1}{28}$ led the prayer while he was seated and the Companions stood in prayer behind him. The Prophet signalled them to sit down and so they sat to pray. When he concluded the prayer with *taslim*, he said, "You nearly did what the Persian and Romans do; they stand for their emperors while the latter are seated."⁷⁴² The Prophet $\frac{1}{28}$ forbade them to stand in

A similar worded hadīth is reported by al-Bukhārī (1/177, 186-187, 203) from the narration

⁷⁴² Reported by Muslim (2/19) from the narration of Jābir ibn 'Abdullah with this wording, "The Messenger of Allah **a** was ill and we said prayer behind him and he was sitting. And Abu Bakr was making audible to the people his *takbir*. As he paid his attention towards us he saw us standing and (directed us to sit down) with a gesture. So we sat down and said our prayer with his prayer in a sitting posture. After uttering the salutation he said, 'You were at this time about to do an act like that of the Persians and the Romans. They stand before their kings while they sit, so don't do that; follow your *imāms*. If they perform the prayer standing, you should also do so, and if they pray sitting, you should also pray sitting."

Also reported by Muslim (2/18) from Anas with the wording, "The Messenger of Allah $\frac{1}{26}$ fell off his horse when riding, and his right side was scraped, so he performed one of the prayers sitting, and we prayed behind him sitting. When he finished the prayer he said, 'The *imām* is appointed to be followed. If he prays standing, then pray standing, and when he goes into *ruku*, go into *ruku*, and when he rises, rise, and when he says, 'Allah hears whoever praises him,' say, 'Our Lord, praise belongs to You,' and if he prays sitting, then all of you pray sitting.''

prayer while he led it sitting down. He ordered them to sit down since he had commenced leading the prayer in a sitting position. In this case, it becomes mandatory for the *ma'mūm* to sit and pray from the beginning of the prayer.

Second incident: When he was on his deathbed, the Prophet $rac{3}{5}$ ordered Abu Bakr to lead the prayer. When he led the prayer, the Prophet $rac{3}{5}$ felt that he had regained some strength and so went out to join them in the prayer. He $rac{3}{5}$ walked through the rows and came to the left side of Abu Bakr while he was on the right side leading the Companions in prayer. The Prophet assumed the *imām*'s position and sat down to lead the prayer. Abu Bakr and the Companions were now led in prayer by the Prophet $rac{3}{5}$ while they were standing.⁷⁴³

The first incident is evidence to show that if an *imām* commences the prayer in a seated position, then the *ma'mūm* should pray it sitting down as well. The second incident is evidence to prove that if the *imām* stood praying and due to a circumstance sat down whilst in the prayer, the *ma'mūm* should continue praying in a standing position.

This is the conclusion drawn from the two hadīth as compiled by Imām Ahmad. 744

وتصحُّ خلفَ من به سَلَسُ البولِ بمثله، ولا تصحُّ خلفَ مُحدِثٍ ولا مُتنجسٍ يَعلمُ ذلك من

Prayer is valid if those with incontinence are led by one who is also like them. It is not valid behind he who is unclean and he who is stained by impurities and is aware of it.

<u>Eighth</u>: The one suffering from incontinence should not lead the prayer except if his followers suffer from it.

"Prayer is valid if those with incontinence are led by one who is also like them": I.e. one who also has incontinence. Those with incontinence cannot control the flow of urine. However, they are not excused from prayer. They should only make ablution when they are about to perform their prayer. Their prayer is

of Anas ibn Mālik.

⁷⁴³ Reported by al-Bukhārī (1/169, 182-183) and Muslim (2/22-23) from the narration of 'Aishah.

⁷⁴⁴ See al-Mughnī (3/62-63).

valid even when urine passes out whilst they are praying. Allah says: **{So fear Allah as much as you are able.}**⁷⁴⁵ One who has incontinence should not lead in prayer those who are not suffering from this condition. His *imāmat* is valid only if he leads fellow-incontinence sufferers.

Ninth: The unclean and one stained with impurities whilst being aware.

"It is not valid behind he who is unclean and he who is stained by impurities and is aware of it": The prayer is invalid if it is led by one who nullifies his $wudh\bar{u}$ while leading the prayer or who did not make $wudh\bar{u}$ to start with. Since his prayer is invalid, the $ma'm\bar{u}m's$ prayer becomes invalid provided they were aware that the $im\bar{a}m$ was not in the state of $tah\bar{a}rah$. If they were unaware of it, the prayer of the $ma'm\bar{u}m$ is valid while the $im\bar{a}ms$ prayer is invalid. The $ma'm\bar{u}m$ is excused in this case.

If both the *imām* and *ma'mūm* are unaware that the *imām* is not in the state of *tahārah* until after the prayer, then only the prayer of the *ma'mūm* is valid. The *imāmat* of the unlettered (one who cannot read Sūrah al-Fātihah correctly) is invalid.

"If both the *imām* and *ma'mūm* are unaware that the *imām* is not in the state of *tahārah* until after the prayer, then only the prayer of the *ma'mūm* is valid": As for the *imām*, he must repeat his prayer. This is because 'Umar ibn al-Khattāb led the Muslims in *fajr* prayer. Later, he noticed signs of a wet dream on his clothes which he was unaware of earlier. He repeated his prayer but did not order the Muslims to do so. This was because the Muslims were unaware of his condition during the prayer.

Tenth: The unlettered.

"The *imāmat* of the unlettered": The definition of unlettered is given as, "One who cannot read Sūrah al-Fātihah correctly." The word unlettered in Arabic is

⁷⁴⁵ Al-Taghābun: 16

A Commentary on Zād al-Mustaqni

iwhich is derived from the word "*umm*" (mother). That is, he is in a pristinely naive state like a newborn. However, he is not excused from the prayer. He has to perform the daily prayers although he cannot recite al-Fātihah properly as the Prophet $\frac{1}{28}$ said, "When you stand for prayer, make *takbīr*. If you can recite the Qur'ān do so, if not say "*alhamdulillāh*", "*lā ilāha illa Allah*" and "*Allahu ak-bar*" and then make *takbīr* and perform *ruku*'."⁷⁴⁶ Prayer is obligatory upon him even though he cannot recite Sūrah al-Fātihah. He can say the *tahmīd*, *tahlil*, *tasbih* and *takbīr* as a substitute. However, he cannot lead in prayer those who are able to recite al-Fātihah.

أو يُدْغِمُ فيها ما لا يُدْغَمُ، أو يبدل حرَفاً، أو يَلْحنُ فيها لُحناً يُحيلُ المعنى، إلا بِمثْلِه، وإنْ قَدَرَ على إصلاحهِ لم تصحَّ صلاتُه متن

Or if one stresses a word where it should not be, replaces a letter with another or mispronounces a word such that the meaning is altered. However, one who recites likes this can lead one who is similarly deficient. If he is able to rectify his recitation, then his prayer is invalid.

This is further elaboration of the meaning of the word "*ummi*" (unlettered). The unlettered is he who does not know al-Fātihah at all or he reads it with errors. He stresses words that should not be stressed and does not have any proficiency in *tajwīd* (the science of reciting the Qur'ān). His errors amount to him omitting a word from Sūrah al-Fātihah. This invalidates his recital of the whole *sūrah*.

"Replaces a letter with another": For example he pronounces the letter "*rā*" like the letter "*ghayn*".

"Or mispronounces a word such that the meaning is altered": Such as reading, "alhamdulillahi rabbil 'ālimīn," reading ""ālimīn" instead of ""ālamīn", or reads "iyyāki na'budu" instead of "iyyaka na'budu". In the second example, instead of addressing Allah se the reader addresses a female (as ka refers to the second person masculine singular and ki to the feminine singular). Or "sirāt alathīna an'amtu 'alayhim" instead of "an'amta", the error being on the "tā". The meaning changes to, "The path of those whom I have favoured" instead of "whom You have favoured". The prayer of such a person is valid if he prays by himself.

⁷⁴⁶ Reported by Abu Dawūd (861) and al-Tirmidhī (302) from the narration of Rifā'ah ibn Rāfi'.

However, his *imāmat* is not valid and he is ineligible for the role as an *imām*. Having said this, we realise that not all errors in recitation change the meaning. For example if one was to read, "*alhamdulillāhi rabbal 'ālimīn*" with a *fatah* on the *ba*, the meaning does not change.

"However, one who recites likes this can lead one who is similarly deficient": I.e. if all of those who are praying, the *imām* and the *ma'mūm* have deficiency in their recital. In fact, one of them can lead the others if all of them cannot read the Qur'ān at all. Their prayer is valid though they are duty-bound to learn the Qur'ān if they have the capacity to do so. It is impermissible for them to remain in this ignorance. They must learn how to recite al-Fātihah at least for the prayer is invalid without its recital. If they are able to memorise another *sūrah* along with al-Fātihah, then their prayer becomes more complete.

"If he is able to rectify his recitation, then his prayer is invalid": I.e. if he has ample time for prayer and he has access to a teacher who can correct his reading while having the capacity to learn the correct way to read it. There is no excuse for this person to recite al-Fātihah in a deficient manner in his prayer. However, if time is constrained or there is no one who is able to teach him the correct recitation, then he may recite in the prayer in his current state.

It is disliked that a person who makes grammatical errors in his recital leads a prayer. Likewise for those who repeat the "fa" or "ta" sound while reciting. Those who cannot pronounce words well are also disliked from becoming the *imām*. It is disliked that a non-related male lead the prayer when only women pray with him and there is no male relative present.

The *imāmat* of the following people is disliked:

Firstly: The one who makes grammatical errors in his recital. He does not know the meaning of what is recited and so easily commits grammatical errors e.g. making the *marfu*' into *mansub* or the *mansub* into *majrur*.

Secondly: The one who repeats (i.e. stutters) on the "*fa*" and "*ta*" sound when reciting, they are known in Arabic as *al-fa'fāi* and *al-tamtāmi* respectively.

Thirdly: The one who cannot pronounce words well, due to a speech impediment or other such reasons.

Fourthly: A non-related male leading the prayer when only women pray behind him and there is no male relative present, or when a woman who is the *mahram* of the *imām* is not present amongst the women. This is due to the fear that *fitnah* will result from it.

متن

أو قوماً أكثرُهم يكرهه بحقٍّ. وتَصحُّ إمامةُ ولدِ الزِّنا والجُنْديِّ إذا سَلِمَ دينُهما

Or a person disliked to be the *imām* by the majority of people where their dislike is justified. The *imāmat* of the child born out of wedlock and the soldier is valid if they are pious people.

Fifthly: "Or a person disliked to be the *imām* by the majority of people where their dislike is justified": This is based on two conditions: (i) If the majority of the people dislike that a person becomes the *imām*. If only a minority of them dislike him, then his leading the prayer is not disliked. (ii) That the people's dislike for him is justified. For example, they find him deficient in some aspects of the *dīn*. If so, his leading the prayer is disliked as the Prophet Ξ said, "The prayer of three people does not rise beyond their heads," one of them he mentioned was, "A person who leads the prayer though he is disliked by the people."⁷⁴⁷

"The *imāmat* of the child born out of wedlock and the soldier is valid if they are pious people": The child born out of wedlock can go on to become an *imām* provided that he is pious even though his birth was illegitimate. The focus is on his uprightness and not his origins. Similarly, the *imāmāt* of the soldier or policeman is valid. They have come under scrutiny because they are a source of authority over the people. However, if the soldier is a pious Muslim, then his leading the prayer is not disliked.

Or those who are praying on time being led by one who is making up a

⁷⁴⁷ Reported by al-Tirmidhī (360) from the narration of Abu Umāmah.

missed prayer or vice versa. However, invalid is the *imāmat* of one intending a *nafl* prayer leading the one intending an obligatory prayer and the one intending *zubr* prayer leading those intending the '*asr* prayer or any other prayer.

"Or those who are praying on time being led by one who is making up a missed prayer": If one leads intending the current prayer but is followed by those who intend the prayer that has lapsed, this is valid. For example, the *imām* prays *zuhr* prayer which is the current prayer while one praying behind him intends *zuhr* which he missed on a previous day. When the *imām* makes the *taslīm*, the follower should get up to pray the current *zuhr* prayer as sequence in prayer is mandatory.

"Or vice versa": The person intending a prayer that has lapsed may lead those who intend to pray the current prayer. For example, the *imām* remembers that he missed his *zuhr* of the previous day and time comes for the *zuhr* prayer of the present day. He can pray in a congregation even though he intends the missed prayer. He should go on to perform today's *zuhr* prayer as soon as he makes *taslīm*.

"However, invalid is the *imāmat* of one intending a *nafl* prayer leading the one intending an obligatory prayer": The prayer is nullified in this case as the *imām* has an intention to pray an optional prayer while the *ma'mūm* has an intention for an obligatory prayer. The Hanbalī *madhab* considers it null and void⁷⁴⁸ substantiating this with the saying of the Prophet Ξ , "Verily, the *imām* is to be followed. Do not contradict him."⁷⁴⁹ In this case mentioned, there is a big contradiction between the *imām* and the *ma'mūm* with regards to *niyyab* (intention).

The correct opinion however, is that it is permissible for one intending an obligatory prayer to stand praying behind an *imām* who has an intention to pray a *naff* prayer and vice versa. This is proven by the actions of Mu'ādh. He used to pray with the Prophet $\frac{1}{8}$ and then arrive at his village to pray with his clansmen.⁷⁵⁰ He led the prayer intending a *naff* prayer while the rest intended

⁷⁴⁸ See al-Mughnī (3/67).

⁷⁴⁹ Reported by al-Bukhārī (1/184) and Muslim (1/19) from the narration of Abu Hurairah. 750 Reported by al-Bukhārī (1/179) and Muslim (2/41, 42) from the narration of Jābir ibn Abdullah.

an obligatory prayer. When the Prophet $\frac{1}{2}$ came to know about this, he did not order them to repeat their prayer. This is evidence to prove that praying an obligatory prayer led by an *imām* who is praying a *nafl* one is valid.

Similarly, the Prophet $\frac{1}{28}$ prayed two *rakāt* of *salāt al-khawf* (prayer in the state of fear) with his Companions after which came another group of Companions who prayed the other two *rakāt* with him.⁷⁵¹ The first cycle of two *rakāt* prayed by the Prophet was an obligatory prayer while the second cycle of two *rakāt* was a *naft* prayer. Both groups of Companions however had intended to pray the obligatory prayer. This proves that the prayer of one intending an obligatory prayer led by an *imām* with an intention to pray the *naft* prayer is valid.

The reverse is also valid as illustrated by the incident where two men entered the *masjid* and sat down while the Prophet $\frac{1}{28}$ was praying with his Companions. When he made the *taslim*, the Prophet $\frac{1}{28}$ asked them both regarding it. They replied that they had prayed beforehand their animals. He then said, "Do not do that. If you have prayed beforehand and arrived when the prayer is in progress, then pray with them for it is a *nafl* prayer for you."⁷⁵² This is yet another evidence to prove that the prayer of one intending a *nafl* prayer is valid when led by one who has intended an obligatory prayer.

Furthermore, in the hadīth mentioned above, "Verily, the *imām* is to be followed. Do not contradict him." The meaning of the Prophet \mathfrak{B} is, "Do not contradict him in actions and movements." It does not refer to the intention.

"And the one intending *zuhr* prayer leading those intending the *'asr* prayer or any other prayer": The prayer is invalid as one prayer is different from the other. However the correct opinion is that it is valid, *inshāllah*, as there is no evidence to prove a prohibition.⁷⁵³

⁷⁵¹ Reported by Muslim (2/215) from the narration of Jābir ibn 'Abdullah.

⁷⁵² Reported by Ahmad (4/160, 161), al-Tirmidhī (219) and al-Nasā'ī (2/113) from the narration of Yazīd ibn al-Aswad al-'Āmrī.

⁷⁵³ See al-Mughnī (3/68-69).



يقفُ المأمومُ خلفَ الإمام. ويصحُّ معه عن يمينهِ أو عن جانبيهِ The ma'mūm stands behind the *imām*. It is also acceptable that he stand on the right of the *imām* or besides him.

"Section": This is an explanation of where the *ma'mūm* should stand when in prayer.

"The ma'mūm stands behind the imām. It is also acceptable that he stand on the right of the imām or besides him": If there is only one ma'mūm, he should stand on the right side of the imām. When the Prophet Ξ stood for the night prayer, Ibn 'Abbās stood alongside him. Ibn 'Abbās stood to the left of the Prophet Ξ and so he pulled him over to his right.⁷⁵⁴

If they are more than one follower, than they should stand behind the *imām*. The Prophet $\frac{1}{28}$ shifted both Jābir and Jabbār such that they stood behind him.⁷⁵⁵ The Sunnah of the Prophet $\frac{1}{28}$ was that he stood to lead the prayer while the Companions stood behind him. It is permissible for them to stand to the right of the *imām*. It is also permissible to pray on the *imām*'s right and left whilst the *imām* is in the centre, especially when the space is confined. Ibn Mas'ūd prayed between 'Alqamah and al-Aswad. He said, "I saw the Prophet $\frac{1}{28}$ doing

متن

⁷⁵⁴ Reported by al-Bukhārī (1/46,185, 217) and Muslim (2/180) from the narration of Ibn 'Abbās.

⁷⁵⁵ Reported by Muslim (8/233-234) from then narration of Jābir ibn 'Abdullah.

so."756

متن

لا قُدَّامَهُ ولا عن يَسارِه فقط، ولا الفَذُّ خلْفَه أو خلْفَ الصفِّ، إلا أن تكونَ امرأةً

Neither in front of him nor only on his left. One should not stand praying alone behind him or behind a row unless it is a woman.

"Neither in front of him": The *ma'mūm* should not stand in front of the *imām*. Prayer is nullified as this does not represent the act of following the *imām*.

"Nor only on his left": It is incorrect to stand on the left of the *imām* when there is nobody on his right. The Prophet $\frac{1}{26}$ had in fact pulled Ibn 'Abbās from the left side to his right.⁷⁵⁷

"One should not stand praying alone behind him": The prayer of one who stands alone behind the *imām* is invalid.

"Or behind a row": The Prophet $\frac{1}{28}$ saw a man praying alone behind a row of *ma'mūm* and ordered him to repeat his prayer. He said, "There is no prayer for him who prayed standing alone behind a row."⁷⁵⁸

"Unless it is a woman": If that individual praying by herself behind the row is a woman, her prayer is valid. This is because women should pray behind the rows of the men. Anas said, "The Prophet stood to pray and so an orphan and I stood in prayer behind him. Umm Sulaim was behind us."⁷⁵⁹

متن

وإمامةُ النساءِ تقفُ في صفِّهنّ، ويليهِ الرجالُ ثم الصِّبيانُ ثم النِّساءُ، كجَنائزِهمْ

The *imām* from amongst the women stands within the row. Children stand behind men and women stand behind children. It is similar to their arrangement during the funeral prayer.

It is permissible for women to pray with men. They should stand behind the

⁷⁵⁶ Reported by Muslim (2/68, 69).

⁷⁵⁷ Ibid.

⁷⁵⁸ Reported by Ahmad (4/23) and Ibn Mājah (1003) from the narration of 'Alī ibn Shaybān.

⁷⁵⁹ Reported by al-Bukhārī (1/185, 220) from the narration of Anas.

men as the female companions of the Prophet 38 did.

"The *imām* from amongst the women stands within the row": It is permissible for women to pray in a congregation by themselves. One of them leads the prayer. However, it is best if the one who leads stands within the row. This was narrated by 'Aishah and Umm Salamāh.⁷⁶⁰

"Children stand behind men and women stand behind children. It is similar to their arrangement during the funeral prayer": If men, women and children gather for prayer to be led by an *imām*, the men should stand behind the *imām*. Children stand behind the men as stated by the Prophet $\frac{1}{2}$, "There shall stand behind me those who have attained discernment and the enlightened."⁷⁶¹ The women should stand behind the children. This was the position in the rows that they assumed during the time of the Prophet $\frac{1}{2}$. It is not permissible for women to stand alongside men in one row.

ومن لم يقفْ معه إلا كافرٌ أو امرأةٌ أو مَنْ عَلِمَ حَدَثَهُ أحدُهما أو صبيٌّ في فرضٍ فَفَذٌّ

متن

If he is only accompanied in the row by a disbeliever, a woman, one who is stained with impurities and this is known to either of them, or a child during an obligatory prayer, then he is considered as standing alone.

There are those whose company in the row is not accepted. They are:

Firstly: "If he is only accompanied in the row by a disbeliever": I.e. there is none behind the row except him and a disbeliever like an apostate. Since the disbeliever's prayer is null and void, the Muslim's prayer is invalid as he is standing by himself behind the row. The Prophet $\frac{1}{26}$ has said, "There is no prayer for him who prays alone behind the rows."⁷⁶²

Secondly: "A woman": I.e. he only has a woman beside him in the row. He is considered to be alone as a woman should not align herself with a male row. Therefore his prayer is invalid. The woman's presence in the row is inconsequential [as if he is standing alone].

⁷⁶⁰ Reported by 'Abdul Razzāq in his *Musanaf* (5086), al-Dāraqutnī in his *Sunan* (1/404) and al-Bayhaqī in his *Sunan* (3/131).

⁷⁶¹ Reported by Muslim (2/30) from the narration of Ibn Mas'ūd.

⁷⁶² Reported by Ahmad (4/23) and Ibn Mājah (1003) from the narration of 'Alī ibn Shaybān.

Thirdly: "One who is stained with impurities and this is known to either of them": He prays accompanied by a person who is not in the state of *tahārah*. If one or the other knows of this, then the prayer is invalid. The impure person's presence is discounted which means that the other is praying alone. Hence, the prayer of one performing it alone behind the row is invalid. However, if both of them are unaware of the impurities until the prayer is concluded, then the prayer is valid. He is excused for his ignorance.

Fourthly: "Or a child": If a child stands beside him to perform the prayer, then his prayer is invalid for the child cannot be compelled to maintain his position in the row.⁷⁶³ However, the correct view is that there is nothing wrong with a child accompanying him in the row for the child's prayer is valid. Since his prayer is valid, then he must be compelled to maintain his position in the row as proven by Anas when he said, "An orphan and I stood behind him."⁷⁶⁴ Referring to standing behind the Messenger **ﷺ**. The term "orphan" is only used to describe a child who has not reached puberty.

Whoever sees a gap should fill it and if not he should join the row from the right side of the *imām*. If he is unable to join the row, then he should request one to join him. If he prays a *rakāt* standing alone in the row, then his prayer is invalid. If he makes *ruku* while standing alone and then joins the row in front or a person joins him before the *imām* makes *sujūd*, then his prayer is valid.

"Whoever sees a gap should fill it": When the Muslims gather for prayer and the rows have been formed. If there is a gap in between the rows, it must be filled. If there isn't any gap then he should try to join to the right side of the *imām* if this is possible.

"If he is unable to join the row, then he should request one to join him": I.e. he should request one person from the front row to step back and join him at the

763 See al-Insāf (2/289).

764 Reported by al-Bukhārī (1/185-220) from the narration of Anas.

back to form a new row. This is done because there is a need, for this person cannot pray by himself at the back of the row.

"If he prays a *rakāt* standing alone in the row, then his prayer is invalid. If he makes *ruku*' while standing alone and then joins the row in front or a person joins him before the *imām* makes *sujūd*, then his prayer is valid": If he were to complete a whole *rakāt* praying alone behind the rows of the congregation, then his prayer is invalid. However, if he prayed by himself and another person joined him in prayer before the completion of the *rakāt*, then his prayer is valid. For example, he straightened from *ruku*' to find someone standing beside him in prayer. His prayer is now valid for he was not alone for the whole *rakāt*. Abu Bakrah joined the prayer while the Prophet $\frac{1}{26}$ was in his *ruku*'. He made *ruku*' while he was alone behind the rows. The Prophet $\frac{1}{26}$ did not order Abu Bakrah to repeat his prayer.⁷⁶⁵ This is because his lonely status was removed when he merged with the rows.

This is the end of the first volume. We will begin volume two with the manners of the *ma'mūm* following the *imām inshāllah*.

⁷⁶⁵ Reported by al-Bukhārī (1/198-199) from the narration of Abā Bakrah.

A Commentary on Zād al-Mustaqni