



THE RULING ON ABANDONING THE PRAYER

By Ash-Shaykh, Al-'Allamah
Muhammad bin Salih al-Uthaymin

5
PILLARS
PUBLISHING

حُكْمُ تَلَاُكِ الصَّلَاةِ

THE RULING ON ABANDONING THE PRAYER

By Shaykh

Muhammad bin Sālih Al-Uthaymīn رَحِمَهُ اللهُ

With Supplementary Notes From *Sharh Al-Mumtī'*

Translated by

Abū Sālih Eesa Gibbs



THE RULING ON ABANDONING THE PRAYER

1st Edition © 5 Pillars Publications 2012 C.E. / 1433 A.H.

ISBN: TBA

All rights reserved. No part of this publication may be reproduced, photo-copied, scanned, stored or transmitted in any other shape or form without the prior permission of the copyright owners.

Published by 5 Pillars Publications
London
Email: mrckgibbs@hotmail.co.uk

Cover design & typesetting:
Ihsaan Design
www.ihsaandesign.co.uk
Edited by Abū Fātimah Azhar Majothī

Disclaimer: The contents of this book are primarily related to the theological and jurisdictional rulings related to intentionally abandoning the obligatory prayers. Therefore one should read the text accordingly and not apply rulings on to specific individuals, in particular those which can only be implemented by an Islamic government or specialists in fiqh. As the author of this book dealt with the subject in a concise manner, it is advisable for those who wish to learn more about the subject of apostasy in Islam and preventative factors in takfir to refer to reputable scholars and relevant books.

CONTENTS

The Ruling on Abandoning the Prayer	5
The implications of apostasy, its rulings in this life and the next	18
i) The cessation of their guardianship	18
ii) The cessation of inheritance from one's near relatives	19
iii) The prohibition of entering Makkah and its sanctuaries.....	19
iv) The prohibition of eating what is cooked of their animals and cattle	19
v) The prohibition of praying over them after their death and the prohibition of making supplication for them for their forgiveness and for Allah to have mercy on them	19
vi) The prohibition of marriage to a Muslim woman.....	21
vii) The ruling concerning the children from a muslim wife of the one who abandons the prayer.....	23
The judgements in the next life, as a consequence of apostasy	24
i) That the angels reprimand them	24
ii) That they will be gathered along with the people of disbelief and polytheism because they are from them	24
iii) Residing eternally in the hellfire.....	25
Appendix	
Whoever denies the obligation of the prayer is a disbeliever.....	26
That ignorance of the obligation is an excuse, while ignorance of the implications of leaving the obligation is not an excuse	26
How much of the prayer needs to be abandoned before a person is regarded as a disbeliever?	27
متن حکم تارک الصلاة.....	ص ۱۲-۱۳

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE RULING ON ABANDONING THE PRAYER

Indeed, this issue is from one of the major issues of knowledge and the people of knowledge from the salaf and those who came after them have differed concerning it.

Imām Ahmad bin Hanbal said: ‘The person who abandons the prayer is a disbeliever with the disbelief that takes one out of the religion. They are to be killed [under an Islamic government] if they do not repent and pray’. And Abū Hanīfah, Mālik and Ash-Shāfi’ī said: ‘(Such a person is an) evil doer (fāsiq) but does not disbelieve’.

Then they differed, so Mālik and Ash-Shāfi’ī said: ‘They are to be killed [under an Islamic government] as a prescribed punishment’. And Abū Hanīfah said: ‘They are to be given a discretionary punishment and not killed’.

So when this issue is one of those which are differed over, then it is obligatory to return it to the Book of Allah (the Qur’ān), the Most High and the Sunnah of His Messenger ﷺ, due to His saying: **‘And in whatsoever you differ, the decision thereof is with Allah’**. (Ash-Shurā, 42:10)

And His saying: **‘(And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination’.** (An-Nisā, 4:59)

And because the saying of every one of those who differs is not a proof (hujjah) upon the other, as everybody thinks that they are correct, however, none of them have more precedence in being accepted over the other. So it is obligatory to return to that which is the judge between them, which is the Book of Allah, the Most High and the Sunnah of His Messenger ﷺ.

So when we return this difference to the Book and the Sunnah we find that they both indicate that the disbelief of the one who abandons the prayer is the major disbelief which takes one out of the religion.

Firstly, from the Book:

The saying of the Most High in Sūrah At-Tawbah: **‘But if they repent, perform As-Salāh and give Zakāt, then they are your brothers in religion’.** (At-Tawbah 9:11)

And He says in Sūrah Maryam: **‘Then, there has succeeded them a people who have given up As-Salāh (the prayers) and have followed lusts. So they will be thrown in Hell. Except those who repent and believe and work righteousness. Such will enter Paradise and they will not be wronged in anything.’** (Maryam 19:59-60)

The evidence from the second verse, the verse of Sūrah Maryam, is that Allah described those people who have given up the prayer as following their lusts, **‘except for those who repent and believe’.** So, this is an evidence that when they were not praying and were following their desires they were not believers.

As for the evidence from the first verse, the verse in Sūrah At-Tawbah, it is that Allah has made the establishment of brotherhood between us and the polytheists conditional upon three things:

1. That they repent from polytheism (Ash-Shirk)
2. That they establish the prayer (As-Salah)
3. That they pay Zakāt

If they repent but do not pray and pay Zakāt then a brotherhood is not established between us. And if they establish the prayer but do not pay Zakāt, then there is no brotherhood between us. And brotherhood in the religion cannot be nullified except when a person leaves the religion altogether. It is not nullified due to mere disobedience and the lesser disbelief.

Do you not see what He, the Most High says in the verse concerning killing?: **‘But if the killer is forgiven by the brother of the killed’ against blood money, then adhering to it with fairness and payment of the blood money, to the heir should be made in fairness’.** (Al-Baqarah 2:178) So Allah placed the one who killed intentionally as a brother to the killed, alongwith the fact that intentionally killing (him) is from the biggest of the major sins, due to the saying of Allah, the Most High: **‘And whoever kills a believer intentionally his recompense is hell, wherein he will abide, and Allah has become angry with him and has cursed him and has prepared for him a great punishment’.** (An-Nisā 4:93)

Then look to the saying of the Most High concerning two groups of the believers when they fight (each other): **‘And if two factions among the believers should fight, then make conciliation between the two... The believers are but brothers, so make settlement between your brothers’.** (Al Hujurāt 49:9-10)

So Allah, the Most High, affirmed brotherhood between the group who made reconciliation and the groups who were fighting (each other) along with the fact that fighting a believer is disbelief, as is established in the authentic (sahih) hadīth which is reported by Al-Bukhārī and other than him on the authority of Ibn Mas’ūd ؓ that the Prophet ﷺ said: **‘Abusing a muslim is wickedness (fusūq) and fighting him is**

disbelief. However, it is not the type of disbelief which takes someone outside of the religion and if it did take a person outside of the religion then the brotherhood of faith would not remain with them. Therefore, the noble verse is an evidence upon the brotherhood remaining, along with them fighting (each other).

And with this we know that abandoning the prayer is disbelief which takes a person out of the religion, since if it was (just) *fusūq* (wickedness) or disbelief lesser than (the major) disbelief, the brotherhood of faith would not be nullified by it, just as it is not nullified by killing a believer or fighting him.

If it is asked, do you hold that the one who doesn't pay Zakāt disbelieves as the understanding of the verse in (Soorah) At Tawbah indicates?

We say: Some of the people of knowledge have said that the one who does not pay Zakāt is a disbeliever, and it is one of the sayings that is narrated from Imām Ahmad رحمه الله. However, the preponderant opinion with us, is that we don't declare them to be disbelievers but they will be punished with a tremendous punishment which Allah, the Most High mentions in His Book and the Prophet ﷺ mentions in his Sunnah.

And from them is that which is in the hadīth of Abū Hurayrah رضي الله عنه, that the Prophet ﷺ mentioned the punishment of the one who withholds Zakāt, and in the last part of it, **'then he will see his way either to paradise or the fire'** and it is also narrated by Muslim in full in the chapter: 'The sin of the one who withholds Zakāt'. And it is evidence that they do not disbelieve, for if they were disbelievers, there would not be a path to paradise for them.

Then, that which this hadīth pronounces is given preference over what is understood from the verse of At-Tawbah because that which is pronounced is given preference over that which is understood as is known from the fundamental principles (*usūl*) of fiqh.

Secondly, from the Sunnah:

Firstly, the saying of the Prophet ﷺ: **‘Between a man and between polytheism and disbelief is abandoning the prayer’**. Reported by Muslim in the Book of Faith on the authority of Jābir ؓ from the Prophet ﷺ.

Secondly, on the authority of Buraydah bin Al Husayb ؓ, who said: ‘I heard the Messenger of Allah ﷺ: **‘The covenant between us and between them (the mushrikūn) is the prayer, so whoever abandons it has disbelieved’**. It was reported by Ahmad, Abū Dawūd, At-Tirmidhī, An-Nasā’ī and Ibn Mājah. What is meant by disbelief here is the disbelief which takes one out of the religion. This is because the Prophet ﷺ made the prayer the thing that sets apart the believers and the disbelievers, and it is known that the millah (religion) of disbelief is different from the millah of Islam. So whoever does not fulfill this covenant, then they are from the disbelievers.

Thirdly, in Sahīh Muslim on the authority of Umm Salamah ؓ, the Prophet ﷺ said: **‘There will be leaders whose (deeds) you will approve of and (some you will) disapprove of. So whoever dislikes them is free of blame and whoever disavows them is safe. But whoever is pleased with them and imitates them is ruined’**. They said: ‘Shall we not fight against them? He said: ‘No, as long as they pray’.

Fourthly, in Sahīh Muslim again, from the hadīth of Awf bin Mālik ؓ, the Prophet ﷺ said: **‘The best of your leaders are those whom you love and they love you and who pray for you and you for them. And the worst of your leaders are those who you hate and they hate you, and you curse them and they curse you’**. So it was said: ‘O Messenger of Allah! Shall we not remove them via the sword? He said: ‘Not as long as they establish the prayer amongst you’.

So in these last two hādīths is evidence that removal of the leader and fighting them with the sword is for when they do not establish the

prayer. And it is not permissible to remove the leaders and fight them except when they bring (something which is) clear disbelief for which we have a clear proof from Allah, the Most High, for. This is due to the saying of Ubādah bin As-Sāmit ؓ: **‘The Messenger of Allah ﷺ called us and we made an oath of allegiance to him, among the things that we pledged to do was to hear and obey, when we were eager and when we felt averse, at times of difficulty and ease and at times when others were preferred over us and not to oppose the leaders of the people’** He ﷺ said: **‘Except when you see clear disbelief for which you have with you a clear proof from Allah’**. (Al-Bukhārī and Muslim)

Based upon this, their abandoning of the prayer by which the Prophet ﷺ stipulated their removal and fighting them with the sword with, is clear disbelief that we have a clear proof from Allah for. And it does not occur in the Qur’an and Sunnah that the one who abandons the prayer is not a disbeliever or that they are a believer.

And the intent of that which occurs from the texts as evidence of the merits of At-Tawhīd, the shahādah *‘La ilaha illallah’* and that Muhammad is the Messenger of Allah and the reward of that, is either restricted by what the texts themselves prevent from that being (the case) along with (a persons) abandoning of the prayer, or they occur regarding circumstances where people are excused for abandoning the prayer.

Or it is that, the general texts are understood in light of the evidence of the disbelief of the one who abandons the prayer, because the evidence of the disbelief of the one who abandons the prayer is specific and the specific takes precedence over that which is general.

If it is said, is it not permissible to understand the texts which are evidence of the disbelief of those who abandon the prayer as referring to those abandon it whilst denying its obligation?

We say, it is not permissible due to two things which we should be wary of:

The first, it nullifies the description that the Legislator gave it and the ruling attached to it. So indeed, the Legislator attached the ruling of disbelief to it due to (merely) abandoning it (even) without denying it, and brotherhood in the religion is set due to establishment of the prayer, not whether its obligation is affirmed (or not).

Allah did not say: 'if they repent and affirm the the obligation of prayer' and the Prophet ﷺ did not say: 'between a man and between Ash-Shirk and Al-Kufr is the denial of the obligation of the prayer' or 'the covenant between us and between them is affirming the obligation of the prayer, so whoever denies its obligation, then they have disbelieved'.

And if this is what Allah, the Most High and His Messenger had intended, it would have conflicted with the clarification from the Noble Qur'an, as Allah, the Most High says: **'And We have sent down to you the Book as clarification for all things'**. (Sūrah An-Nahl, 16:89)

And the Most High said, addressing His Prophet: **'And We revealed to you the Message that you may explain to the people what was sent down to them'**. (Sūrah An Nahl, 16:44)

Secondly, it skips the description that the Legislator gave it and gives a (new) description to the ruling that the Legislator did not give for it. So denying the obligation of the five prayers necessitates disbelief for whoever is not excused due to ignorance regardless of whether they pray or not.

If a person were to pray the five prayers assuming all the conditons and pillars for it, plus, its obligatory and recommended aspects yet they denied its obligation without a valid excuse, then they would become a disbeliever. This is alongside the fact that they have not abandoned the prayer.

So with this, it becomes clear that taking the texts as being in reference to those who abandon the prayer, while denying its obligation is not correct. And that the truth is, the one who abandons the prayer is a disbeliever, who leaves the religion, as is clear in that which is narrated by ('AbdurRahmān) Ibn Abi Hātim in his Sunan on the authority of Ubādah bin As-Sāmit ؓ, who said: 'The Messenger of Allah ﷺ exhorted us: **'Do not set up anything with Allah (as partners) and do not intentionally abandon the prayer. Whoever abandons it intentionally, then he leaves the religion'**.¹

And also if we were to take the abandonment to mean due to denying (its obligation) then there would be no benefit in particularising the prayer in the texts.

Indeed, this ruling is general for Zakāt, fasting and Hajj. So whoever abandons any one of them while denying its obligation has disbelieved if they do not have the excuse of ignorance.

And just as the disbelief of those who abandon the prayer is necessitated by the evidences which are heard and narrated, then it is necessitated by intellectual consideration. So how can an individual have faith along with (the fact they) abandon the prayer, which is a pillar of the religion, and for which comes the encouragement to perform it, that makes every body who has intellect and believes rush to do it, without delay? And for which threats have been reported upon abandoning it which would necessitate that everybody with intellect who believes would take heed from abandoning and missing it?

So the abandonment of the prayer along with these necessities, means there does not remain any faith in the one who abandons it.

¹ [TN] The hadith with this wording: 'So whoever abandons it intentionally, then they have exited the religion' was reported by Al-Mundhirī in *At-Targhib Wat-Tarhib*, (no.300). Shaykh Albānī ؓ graded this particular narration weak (da'if), but also said: 'And it was reported by At-Tabarānī and Muhammad bin Nasr [al-Marwazī] in his *Kitāb As-Salāh* with two chains of narration in which there is no harm.' (*Da'if At-Targhib Wat-Tarhib*)

If it is said, is it not possible to take the meaning of disbelief concerning the one who abandons the prayer to be the disbelief of ungratefulness and not the disbelief that takes a person out of the religion? Or that the intent is disbelief less than the major disbelief, so that it is like his saying ﷺ: **‘There are two things amongst the people that are disbelief: attacking peoples lineage and wailing over the dead’**. And his ﷺ saying: **‘Abusing a muslim is wickedness (fisq) and fighting him is disbelief (kufr)’**. And that which resembles it?

We say, this interpretation and what it means in theory is not correct for a number of reasons:

Firstly, the Prophet ﷺ set the prayer as a borderline and distinction between disbelief and faith, and between believers and disbelievers. And the borderline distinguishes that which is bordered off and removes it from that which is other than it. And two things separated by a borderline, are not entered, one into the other.

Secondly, the prayer is a pillar from the pillars of Islam, so characterising its abandonment as disbelief necessitates that it is the disbelief that takes a person out of the religion because he has demolished a pillar from the pillars of Islam, which is different to applying the term ‘Al-Kufr’ to whoever does an action which is from the actions whose performance is disbelief.

Thirdly, there are other texts that are evidence that the disbelief of the one who abandons the prayer is the disbelief which takes a person out of the religion. So it is an obligation to take the meaning of ‘al kufr’ upon what the evidences indicate to avoid contradictions and so that they (the texts) are in agreement.

Fourthly, that the expressions of ‘Al-Kufr’ differ. Regarding the abandoning of the prayer he (ﷺ) said: ‘Between a man and between Ash-Shirk and Al-Kufr...’ so he used the expression ‘al’ (the), which is evidence that the meaning of disbelief is the essence of true disbelief which differs from the word ‘kufr’ by itself (without the definite article)

or ‘kufr’ that refers to the action (alone). So it is an evidence that this is from disbelief or that this action is an action of disbelief, and not the absolute disbelief that takes a person out of the religion.

Shaykh ul-Islam Ibn Taymiyyah said in *Iqtidaa As-Sirāt Al-Mustaqīm*¹ concerning the saying of the Prophet ﷺ ‘**There are two things amongst the people that are disbelief...**’ (Sahīh Muslim): ‘(Regarding) his saying “are disbelief”, that is, they are an attribute of disbelief that is established amongst people from the actions of disbelief. But not everything that is established as a branch of disbelief causes a person to become a disbeliever with the absolute disbelief, by which the essence of true disbelief is established. And there is a distinction between ‘Al-Kufr’ with the definite article as in his (ﷺ) saying: ‘**There is nothing between a servant and between Ash-Shirk and Al-Kufr except abandoning the prayer**’ and between kufr which is affirmed without the definite article’.

So it is clear that the one who abandons the prayer with no excuse is a disbeliever, with the disbelief that takes them out of the religion due to what the evidences necessitate. This is what is correct and is the view of Imām Ahmad bin Hanbal and it is one of the sayings of Ash-Shāfi‘ī as is mentioned by Ibn Kathīr in explanation of the verse: ‘**Then, there has succeeded them a people who have given up As-Salāh (the prayers) and have followed lusts**’. (Sūrah Maryam, 19:59) Ibn Al Qayyim mentioned in *Kitāb As-Salāh* that it is one of the narrations in the madhhab of the Shāfi‘ī’s and that At-Tahāwī narrates it from Ash-Shāfi‘ī himself.

And the majority of the Sahābah are upon this saying, in-fact, it has been narrated from more than one scholar that they had consensus upon it.

Abdullah bin Shaqīq said: ‘The companions of the Prophet ﷺ did not hold the abandoning of any action to be disbelief except the

¹ Page 70 of the As-Sunnah Al-Muhammadiyah edition.

(abandoning of) prayer'. Reported by At-Tirmidhī and Al-Hākim, who declared it *sahīh* according to the conditions of Al-Bukhārī and Muslim.

And Ishāq bin Rāhawiyah, the well known Imām said: 'It is *sahīh* from the Prophet ﷺ that the one who abandons the prayer is a disbeliever. And similarly, it is the view of the people of knowledge from the time of the Prophet ﷺ up to our day that the one who abandons the prayer intentionally with no excuse until the time for it has passed is a disbeliever'.

And Ibn Hazm mentioned that it has been related from Umar, Abdurrahmān bin Awf, Mu'ādh bin Jabal, Abū Hurayrah and other than them from the Sahābah. He said: 'We do not know of anyone from the Sahābah who differed with them'. Al-Mundhirī narrated this from him in *At-Targhīb wat-Tarhīb* and added, from the Sahābah: 'Abdullah bin Mas'ūd, Abdullah bin Abbās, Jābir bin Abdullah and Abū Dardā ؓ; he said: 'And from other than the Sahābah: Ahmad bin Hanbal, Ishāq bin Rāhawiyah, Abdullah bin Mubārak, An-Nakhā'i, Al-Hakm bin Utaybah, Ayyūb As-Sakhtiyānī, Abū Dawūd At-Tayālīsī, Abū Bakr bin Abī Shaybah, Zuhayr bin Harb and other than them'.¹

So if it is said, what do those who do not regard the abandoning of the prayer as disbelief respond with from evidence? We say that the answer is that these evidences do not show that the one who abandons the prayer has not disbelieved or that such a one is a believer or that they will not enter the Fire or that they are in Paradise and what is similar to that and whoever considers them will find that they do not fall outside of five categories, all of which do not conflict with the saying that he is a disbeliever:

The first type: Hadīth that are weak/unauthentic.

¹ [TN] 'And as for the sayings of the Sahābah in this, then they are many, it being narrated from no less than 16 of them.' See *Sharh Al-Mumtī* (2/30).

The second type: That which is not evidence in the basis of this issue. For example some of them use as evidence the saying of Allah, the Most High; “Indeed Allah does not forgive that partners are associated with Him and He forgives what is lesser than that for whoever He pleases”. (4:48) The meaning of His, the Most High’s saying ‘*mā dūna dhālik* (what is lesser than that)’ is what is lesser than that and its meaning is not what is other than that, with the evidence that whoever rejects anything from what Allah and His Messenger have informed us of is a disbeliever with the disbelief that is not forgiven and their sin is not from Ash-Shirk; and if we accept that the meaning of ‘*mā dūna dhālik*’ is ‘what is other than that’, this enters into the general (matter) which has been particularised by the texts which give evidence that Al-Kufr is other than Ash-Shirk. And Al-Kufr which takes one out the religion is from the sins which Allah does forgive even if it is not shirk.¹

The third type: General texts that are particularised by the hadīth that are evidence that the one who abandons the prayer is guilty of disbelief, for example, the saying of the Prophet ﷺ in the hadīth of

¹ [TN] ‘And from this type is that which is ambiguous and it is obligatory that we carry them upon that which is appropriate and befitting to the clear, unambiguous texts, such as the hadīth of Ubādah bin As-Sāmit: ‘Allah, the Most High, has enjoined five prayers, so whoever does ablution (wudū) for them in the best manner and prays them at their prescribed times and completes their bowings and has humility, tranquility of body, concentration (khushū), he has a covenant with Allah that He (Allah) will forgive him. And whoever does not do that, then he does not have a covenant, so if He wants He will forgive him and if He wants, He will punish him’.

Then its possible interpretation is that it means, whoever doesn’t perform them (the prayers) according to this description, i.e. perfecting of bowing, prostrating and khushū (tranquility). And it is possible that it means, that a person doesn’t perform all of them (the prayer), rather, they pray some and abandon some. And it is possible that it means that they do not come with a single one (prayer) of them, rather they abandon them all.

So when the hadīth has different possible meanings which are from that which is ambiguous, then we carry it upon the possibility that befits the unequivocal texts’. See *Sharh Al-Mumtī*’ (2/33-34)

Mu'adh Ibn Jabal: "There is not anyone from the servants who bears witness that there is no true god but Allah and that Muhammad is His servant and Messenger except that Allah has made the hellfire forbidden for him", and this is one of the wordings, and its likes has been reported in the hadith of Abu Hurayrah and Ubadah Ibn Samit and 'Itban Ibn Malik ۞.

The fourth type: That which is general and tied to what is not possible to be with regard to abandoning the prayer, for example, the saying of the Prophet ۞ in the hadith of Mu'adh; 'Verily Allah has forbidden the fire upon whoever says there is no true god but Allah seeking by that the face of Allah', narrated by Al-Bukhari and his ۞ saying, in the hadith of Mu'adh; 'There is no one who bears witness that there is no true god but Allah and that Muhammad is the Messenger of Allah, truthfully from his heart except that Allah has forbidden the Fire from him'. Narrated by Al-Bukhari.

The fifth type: That which comes tied to the condition where one is excused for abandoning the prayer, like the hadith which is narrated by Ibn Majah, from Hudhayfah Ibn Al-Yaman that he said: 'The Messenger of Allah (ﷺ) said: "Islam will be obliterated just as a blemish is obliterated from a garment... And there will remain groups of people, an old man and old woman who will say, 'We found our forefathers saying this statement "*Lā ilāha illallah*" so we say it too"'. So Silah said to Hudhayfah, 'How will "*Lā ilāha illallah*" benefit them whilst they do not know what is Prayer, nor Fasting, nor Sacrifice, nor Charity?' So Hudhayfah turned away from him, so he repeated it three times and on the third time, he turned back to him and said: 'It will save them from the Fire, it will save them from the Fire, it will save them from the Fire.' So indeed, they will be saved from the Fire by the kalimah as they are excused in their abandoning these laws of Islam because they did not know about them. And their condition resembles those who died before these things were made obligatory on them, or before it was possible for

them to do them, like those who die after making their declaration of faith before it was possible for them to perform these symbols (of Islam). Or they became muslim in the lands of disbelief before it was possible for them to learn about them.

And those who do not reach the conclusion that these are evidences of the disbelief of those who abandon the prayer, cannot establish what those who do view them as disbelievers can. Because they seek evidence in that which is either weak and not explicit, or is not an evidence in principle, or is restricted by a description which does not exclude abandoning of the prayer, or is restricted due to circumstances where the person is excused due to ignorance, or are general evidences that are particularised by the evidences that they are disbelievers!

So when their disbelief is established with evidences that are safe from those who oppose them, it warrants the implications of the rulings of disbelief and apostasy upon them. It is (therefore) necessary that we know the causes of these rulings, when they apply and when they don't.

THE IMPLICATIONS OF APOSTASY, ITS RULINGS IN THIS LIFE AND THE NEXT

Firstly, from the worldly rulings:

i) The cessation of their guardianship. So it is not permissible for anyone to be a guardian for someone wherein the prerequisite for guardianship is Islam. So, based upon this they are not to be a guardian for the minors from their children and other than them. And they are not to give in marriage anyone from those whom they were guardian for, from daughters and other than them. And our jurists رحمهم الله made it explicitly clear in their books, both concise and lengthy, that a prerequisite for being a guardian is Islam if a muslim women is being given in marriage. And they said: 'There is no guardianship for a disbeliever over a muslim women'. And Ibn Abbaas رضي الله عنه said: 'There is no

marriage except with a guardian who is guided'. And the greatest and loftiest manifestation of guidance is the religion of Islam, and the most foolish and lowest is disbelief and apostasy from Islam. Allah, the Most High says: '**And who would be averse to the religion of Abraham except one who makes a fool of himself**'. (Al-Baqarah, 2: 130)

ii) The cessation of inheritance from one's near relatives. This is because a disbeliever does not inherit from a Muslim, and a Muslim does not inherit from a disbeliever. This is due to the hadith of Usāmah bin Zayd ؓ that the Prophet ﷺ said: 'A Muslim does not inherit from a disbeliever and a disbeliever does not inherit from a Muslim'. Reported by Al-Bukhārī, Muslim and other than them.

iii) The prohibition of entering Makkah and its sanctuaries, due to the saying of the Most High: '**O you who have believed, indeed the polytheists are unclean, so let them not approach al-Masjid al-Haram after this, their [final] year**'. (At-Tawbah, 9:28)

iv) The prohibition of eating what is cooked of their animals and cattle, for whose permissibility it is a condition that the one who slaughters them is a Muslim or Jew or Christian. Then as for the apostate, idol worshipper, magian and their like, then what they slaughter is not permissible. Al-Khāzin said in his *Tafsīr*: 'They (the scholars) have consensus upon the prohibition of (eating) the sacrifices of the magians and others polytheists, from the polytheists of the Arabs and worshippers of idols and from those who did not have a (divine) book sent down to them'. And Imām Ahmad said: 'I do not know of anyone who spoke with something in opposition to this except that he was a person (companion) of innovation (bid'ah)'.

v) The prohibition of praying over them after their death and the prohibition of making supplication for them for their forgiveness and for Allah to have mercy on them. Due to the saying of the Most High: '**And do not pray over any of them who**

has died - ever - or stand at his grave. Indeed, they disbelieved in Allah and His Messenger and died while they were defiantly disobedient' (At-Tawbah, 9:84) and the Most High's saying: 'It is not for the Prophet and those who have believed to ask forgiveness for the polytheists, even if they were relatives, after it has become clear to them that they are companions of Hellfire. And the request of forgiveness of Abraham for his father was only because of a promise he had made to him. But when it became apparent to Abraham that his father was an enemy to Allah, he disassociated himself from him. Indeed was Abraham compassionate and patient'. (At-Tawbah, 9:113-114)

And a man's making supplication for forgiveness and asking (Allah's) mercy for anyone who died on disbelief, whatever the reason for their disbelief, is a wrongful violation in Ad-Du'a (supplication) and is a type of ridiculing Allah. It constitutes leaving the path of the Prophet ﷺ and the believers. And how is it possible for anyone who believes in Allah and the Last Day that they pray for forgiveness and mercy for anyone who died upon disbelief, and they are an enemy of Allah, the Most High?! As Allah ﷻ says: **'Whoever is an enemy to Allah and His angels and His messengers and Gabriel and Michael - then indeed, Allah is an enemy to the disbelievers'**. (Al Baqarah, 2:98) So Allah, the Most High made it clear in this noble verse that He is an enemy to all of the disbelievers.

And it is obligatory upon the believers that they are innocent of every disbeliever, due to the saying of the Most High: **'And when Abraham said to his father and his people, "Indeed, I am disassociated from that which you worship. Except for He who created me; and indeed, He will guide me"'**. (Az-Zukhruf, 43:26-27) And Allah, the Most High's saying: **'There has already been for you an excellent pattern in Abraham and those with him, when they said to their people, "Indeed, we are disassociated from you and from whatever you worship other than Allah. We have denied you,**

and there has appeared between us and you animosity and hatred forever until you believe in Allah alone”’. (Al-Mumtahanah, 60:4) And to what the Messenger of Allah ﷺ followed in that, when Allah, the Most High said: ‘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, and [so is] His Messenger’. (At Tawbah, 9:3) And from the strongest handhold of faith is to love for Allah and to hate for Allah, to form an alliance for Allah and to have enmity for Allah seeking the pleasure of Allah ﷻ.

vi) The prohibition of marriage to a Muslim woman, because he is a disbeliever, and a Muslim woman is not permissible for a disbeliever, due to the texts and consensus. Allah, the Most High says: ‘O you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them’. (Mumtahanah, 60:10)

(Ibn Qudāmah) said in *Al-Mughnī* (6/592): ‘There is no difference of opinion between the people of knowledge concerning the prohibition of the rest of the disbelievers’ women and their slaughtered animals, other than the People of the Book (Jews and Christians)’. He said: ‘And regarding the female apostate, it is prohibited to marry her, regardless of what religion she is upon, because the ruling of the religion which she has transferred to is not affirmed for conferring her upon him’. And he said in the ‘Chapter on the Apostate’ (8/130): ‘And if they marry, his marrying her is not correct because the marriage is not established, and what prevents it being established, prevents them being joined, like the marriage of a disbelieving man to a Muslim woman’. So you can see that it is explicitly prohibited to marry a female apostate and that marrying a male apostate is not correct.

So what happens if apostasy occurs after the marriage contract? It says in *Al-Mughnī* (6/298): ‘And if the apostasy was after the marriage

had been consummated, there are two narrations concerning that: the first, that they should be immediately separated, the second that it should be suspended until the end of the iddah period'. And in *Al-Mughnī* (6/639): 'that the marriage is to be annulled due to apostasy before the marriage is consummated is the saying of the generality of the people of knowledge. And it is also to be annulled after consummation according to the saying of Mālik and Abū Hanīfah, whilst it is to be suspended until the end of the iddah period according to Ash-Shāfi'ī'.

And this necessitates that the four Imāms agreed upon the annulment of the marriage due to apostasy of either of the spouses, however that is if that apostasy was before consummation of the marriage. And if it was after consummation of the marriage, then Mālik and Abū Hanīfah were of the view that it is to be annulled. While Ash-Shāfi'ī was of the view it is to be suspended until the end of the iddah period. And from Ahmad there are two narrations like with the other madhabs. And on page 64 from it (*Al-Mughnī*): 'and if the spouses apostate together, then their ruling is the same as if one of them apostated. If it was before consummation then they are to be immediately separated. And if it was after consummation then either immediately separated or until the end of the iddah period based upon the two narrations. And this is the view of Ash-Shāfi'ī'. Then he narrated from Abū Hanīfah that the marriage is not to be annulled according to what he viewed to be good (istishān) because their deen does not differ, and that which resembles it is if they both became Muslim. Then the author of *Al-Mughnī* rebutted his analogy, discarding it.

So when it is made clear that marrying an apostate is not correct for a Muslim, whether a woman or man and that this is what is necessitated by the evidence of the Book and the Sunnah; and it is made clear that the one who abandons the prayer is a disbeliever by what is necessitated by the evidence of the Book, the Sunnah and the sayings of the

generality of the Sahābah, then it is clarified that a man when he does not pray, if he is married to a Muslim woman, his marriage is not correct. And the woman is not permissible for him in this contract. And if he repents to Allah, the Most High and returns to Islam, then it is obligatory for him to make a new (marriage) contract. And the ruling is the same if it is the woman who does not pray.

And this differs from the marriage of disbelievers who are upon their disbelief, for example that a disbelieving man marries a disbelieving woman, then the wife becomes Muslim. So in this case, if she became Muslim before the marriage was consummated, the marriage is annulled. And if she became Muslim after the marriage was consummated, then the marriage is not annulled. Rather, it is looked as to whether the husband became Muslim before the iddah period expires, in which case she is his wife. And if the iddah period expires before he becomes Muslim, then he has no rights concerning her, because it has become clear that the marriage is annulled, since she became Muslim. And the disbelievers in the time of the Prophet ﷺ became Muslim with their spouses and the Prophet ﷺ confirmed their marriages, except due to an established prohibition, for example that the spouses were relatives between whom marriage is prohibited. So if they became Muslim, he would separate them due to this prohibition.

So this issue is not like the issue of the Muslim who becomes a disbeliever due to abandoning the prayer, and then marries a Muslim woman. For indeed, a Muslim woman is not permissible for a disbelieving man according to the texts and the consensus as has preceded, even if the person is originally a (mere) disbeliever and not an apostate. Due to this, if a disbelieving man marries a Muslim woman, the marriage is null and void, and it is obligatory to separate them. And if he becomes Muslim and desires to be returned to her, then this cannot be except with a new marriage contract.

vii) The ruling concerning the children from a muslim wife of the one who abandons the prayer. As for their ascription

to their mother, then they are her children in all circumstances. And as for the ascription to the husband, according to the saying of those who do not view the one who abandons the prayer to be a disbeliever, they are attached to him in all circumstances. This is because the marriage is valid (in their view). And as for the view of those who regard the one who abandons the prayer to be a disbeliever, and this is what is correct based upon what we have verified in the first section, then it needs to be looked into:

If the husband does not know that his marriage is invalid or does not believe that it is invalid, then the children are attached to him. Because his having relations (with his wife) is permissible in this circumstance according to his belief. So it is a doubtful union and the ascription remains in a doubtful relationship.

And if the husband knows that his marriage is invalid and believes that, then indeed, the children are not attached to him. Because they have been conceived from the semen of someone who views their union as something prohibited, due to what has occurred concerning a woman who is not permissible for him.

THE JUDGEMENTS IN THE NEXT LIFE, AS A CONSEQUENCE OF APOSTASY

i) That the angels reprimand them and beat them, rather, they strike their faces and their backs ‘And if you could but see when the angels take the souls of those who disbelieved... They are striking their faces and their backs and [saying], “Taste the punishment of the Burning Fire. That is for what your hands have put forth [of evil] and because Allah is not ever unjust to His servants”’. (Al-Anfāl, 8:50-51)

ii) That they will be gathered along with the people of disbelief and polytheism because they are from them. Allah,

the Most High says: '[The angels will be ordered], "Gather those who committed wrong, their kinds, and what they used to worship other than Allah, and guide them to the path of Hellfire"'. (As Sāfāt, 37:22-23) Meaning, gather those who committed wrong and whoever was from their kind from the people of disbelief and wrongdoing.

iii) Residing eternally in the hellfire, due to the saying of the Most High: 'Indeed, Allah has cursed the disbelievers and prepared for them a Blaze. Abiding therein forever, they will not find a protector or a helper'. (Al-Ahzāb, 33:64-66)

Here we conclude with what we desired to mention in this serious issue, which many from the people have been put to trial with.

And the door of repentance is open to whoever wishes to repent, so hasten to repentance my brother muslim, repentance to Allah ﷻ, purely for Allah, the Most High with remorse for what has been done, having firm resolve never to return to it and doing much of the deeds of obedience: 'Whoever repents, believes and does righteous work. For them Allah will replace their evil deeds with good. And ever is Allah Forgiving and Merciful'. (Al Furqān, 70-71)

I ask Allah, the Most High that He guides us in our affairs and that He guides us all together on the straight path, the path of those upon whom He has bestowed His favours, from the Prophets, the truthful, the martyrs and the righteous, not the path of those with whom He is angry nor of those who go astray.

Completed by the pen of the one who is indebted to Allah, the Most High

Muhammad Ibn Sālih Al-Uthaymīn

23/02/1407 (1987)

APPENDIX

WHOEVER DENIES THE OBLIGATION OF THE PRAYER IS A DISBELIEVER

Shaykh Ibn Uthaymīn رحمته الله said regarding Al-Hajjawī's words, '**and whoever denies the prayer's obligation is a disbeliever**': that is the five prayers and Jumu'ah, then they are disbelievers. Because they have rejected Allah and His Messenger and the clear cut consensus of the Muslims, even if they deny the obligation of the prayer but still pray.

And similarly if they deny the obligation of some of them or deny the obligation of one rukū (bowing), then indeed they disbelieve. Likewise if they deny the obligation of one (rukn) pillar (of the prayer) only.

And if someone has recently left disbelief (become muslim) and they deny the obligation, then indeed, they do not disbelieve. But the truth is made clear to them, so if they go against the truth after it has been explained to them and then deny, then they disbelieve.¹

THAT IGNORANCE OF THE OBLIGATION IS AN EXCUSE, WHILE IGNORANCE OF THE IMPLICATIONS OF LEAVING THE OBLIGATION IS NOT AN EXCUSE

Shaykh Ibn Uthaymīn said: 'When we say that ignorance is an excuse then we do not mean ignorance of the implications of doing this prohibited action, what we mean is ignorance concerning this action, as to whether it is prohibited or not prohibited. So due to this, if a person committed adultery while ignorant of its prohibition and he is from those who do not live in the muslim lands and is new to Islam or lives

¹ Sharh Al-Mumtī' (2/25).

in a remote place and does not know that fornication is prohibited, then the prescribed punishment will not be applied on him.

But if he knew that adultery was prohibited and he did not know that the prescribed punishment for adultery is stoning to death or (in the case of fornication,) lashing or being banished from the land, then indeed he should still have the prescribed punishment applied to him (by the Islamic government) because he has transgressed into that which is prohibited.

So a person is not excused for ignorance of the consequence of committing a prohibited action. That in which there is an excuse is when a person is ignorant of whether an action is prohibited or not.¹

HOW MUCH OF THE PRAYER NEEDS TO BE ABANDONED BEFORE A PERSON IS REGARDED AS A DISBELIEVER?

Some of the people of knowledge have said that one disbelieves by abandoning one obligatory prayer. And from them are those who say a person disbelieves by abandoning two prayers. And from them are those who say that a person disbelieves if they abandon two prayers when the second prayer is joined to the first. So upon that, when he abandons fajr then he disbelieves with the exiting of its (allotted) time. And if he abandons dhuhhr then indeed, he disbelieves with the exiting of the allotted time for asr.

And that which is apparent from the evidences is that a person does not disbelieve except by abandoning the prayer permanently, meaning: he becomes settled upon abandoning the prayer. So they do not pray dhuhhr, nor asr nor maghrib nor isha nor fajr, then this is the one that disbelieves. If they pray one obligatory prayer or two obligatory prayers then indeed, they do not disbelieve. This is because it is not true that

¹ Sharh Al-Mumtī' (pg. 403-404).

such a person has abandoned As-Salah (i.e all of it), and the Prophet ﷺ said: **‘Between a man and between Ash-Shirk and Al-Kufr is the abandoning of As-Salah’** and He did not say: ‘abandoning a prayer’.

With regards to what has been reported, that the Prophet ﷺ said: **‘Whoever abandons a prescribed prayer intentionally then he is free of protection (of the security of life and property)’**. Then its authenticity needs to be looked into. And because the foundational principle is that a person’s Islam remains and we do not expel a person from it except with that which is certain, because that which is established with certainty cannot be removed except by that which is certain.

So the foundational principle with regard to this particular man is that he is a Muslim, so we do not expel him from Islam when it is certain, except with an evidence that expels him and takes him into al kufr with certainty.¹

¹ Sharh Al-Mumtī’ (2/27-28).

حُجَّتُكُمْ بِالنَّارِ الصَّلَاةِ

٣- الخلود في النار أبد الآبدين ؛ لقوله تعالى : ﴿ إِنَّ اللَّهَ لَعَنَ الْكَافِرِينَ وَأَعَدَّ لَهُمْ سَعِيرًا خَالِدِينَ فِيهَا أَبَدًا لَا يَجِدُونَ وِلْيَةً وَلَا نَصِيرًا يَوْمَ تَقَلَّبُ وُجُوهُهُمْ فِي النَّارِ يَقُولُونَ يَا لَيْتَنَا أَطَعْنَا اللَّهَ وَأَطَعْنَا الرَّسُولَ ﴾ (الأحزاب / ٦٤ - ٦٦) . وإلى هنا انتهى ما أردنا القول فيه في هذه المسألة العظيمة التي ابتلي بها كثير من الناس .

* وباب التوبة مفتوح لمن أراد أن يتوب . فبادر أخي المسلم إلى التوبة إلى الله عز وجل مخلصاً لله تعالى ، نادماً على ما مضى ، عازماً على ألا تعود ، مكثراً من الطاعات ، ف ﴿ مَنْ تَابَ وَآمَنَ وَعَمِلَ عَمَلًا صَالِحًا فَأُولَئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا وَمَنْ تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا ﴾ (الفرقان / ٧٠ - ٧١) .

أسأل الله تعالى أن يهني لنا من أمرنا رشداً ، وأن يهدينا جميعاً صراطه المستقيم ، صراط الذين انعم الله عليهم من النبيين ، والصديقين والشهداء ، والصالحين ، غير المغضوب عليهم ولا الضالين .

تم بقلم الفقير إلى الله تعالى

محمد الصالح العثيمين

في ١٤٠٧/٢/٢٣ هـ

حُكْمُ تَارِكِ الصَّلَاةِ

انقضاء العدة فهي زوجته، وإن انقضت العدة قبل إسلامه فلا حق له فيها ، لأنه تبين أن النكاح قد انفسخ منذ أن أسلمت.

وقد كان الكفار في عهد النبي ﷺ يسلمون مع زوجاتهم ، ويقهرهم النبي ﷺ على أنكحتهم ، إلا أن يكون سبب التحريم قائماً ، مثل أن يكون الزوجان مجوسيين وبينهما رحم محرم ، فإذا أسلما حينئذ فرق بينهما لقيام سبب التحريم.

وهذه المسألة ليست كمسألة المسلم الذي كفر بترك الصلاة ، ثم تزوج مسلمة ، فإن المسلمة لا تحل للكافر بالنص والإجماع كما سبق ولو كان الكافر أصلياً غير مرتد ، ولهذا لو تزوج كافر مسلمة فالنكاح باطل ، ويجب التفريق بينهما ، ولو أسلم وأراد أن يرجع إليها لم يكن له ذلك إلا بعقد جديد .

٧- حكم أولاد تارك الصلاة من مسلمة تزوج بها . فأما بالنسبة للأم فهم أولاد لها بكل حال . وإما بالنسبة للزوج فعلى قول من لا يرى كفر تارك الصلاة فهم أولاده يلحقون به بكل حال ؛ لأن نكاحه صحيح . وأما على قول من يرى كفر تارك الصلاة وهو الصواب على ما سبق تحقيقه في الفصل الأول فإننا ننظر:

* فإن كان الزوج لا يعلم أن نكاحه باطل ، أو لا يعتقد ذلك ، فالأولاد أولاده يلحقون به ، لأن وطأه في هذه الحال مباح في اعتقاده ، فيكون وطء شبهة ، ووطء الشبهة يلحق به النسب .

* وإن كان الزوج يعلم أن نكاحه باطل ويعتقد ذلك ، فإن أولاده لا يلحقون به ، لأنهم خلقوا من ماء من يرى أن جماعه محرم لوقوعه في امرأة لا تحل له .

ثانياً : الأحكام الأخروية المترتبة على الردة

١- أن الملائكة توبخه وتقرعه ، بل تضرب وجوههم وأدبارهم ، قال الله تعالى : ﴿وَلَوْ تَرَى إِذْ يَتَوَفَّى الَّذِينَ كَفَرُوا الْمَلَائِكَةُ يَضْرِبُونَ وُجُوهَهُمْ وَأَدْبَارَهُمْ وَذُوقُوا عَذَابَ الْحَرِيقِ ذَلِكَ بِمَا قَدَّمْتُمْ أَيْدِيَكُمْ وَأَنَّ اللَّهَ لَيْسَ بِظَلَّامٍ لِلْعَبِيدِ﴾ (الأنفال / ٥٠-٥١) .

٢- أنه يحشر مع أهل الكفر والشرك لأنه منهم ، قال الله تعالى : ﴿أَحْشَرُوا الَّذِينَ ظَلَمُوا وَأَزْوَاجَهُمْ وَمَا كَانُوا يَعْبُدُونَ مِنْ دُونِ اللَّهِ فَاهْدُوهُمْ إِلَى صِرَاطِ الْجَحِيمِ﴾ (الصافات / ٢٢-٢٣) . والأزواج جمع (زوج) وهو (الصف) أي احشروا الذين ظلموا ومن كان من أصنافهم من أهل الكفر والظلم .

حَبِيبُ تَارِكِ الصَّلَاةِ

قال في المغني (٥٩٢/٦) : "وسائر الكفار غير أهل الكتاب لا خلاف بين أهل العلم في تحريم نسائهم وذبايحهم". قال : "والمرتدة يحرم نكاحها على أي دين كانت ، لأنه لم يثبت لها حكم أهل الدين الذي انتقلت إليه في إقرارها عليه ، ففي حلها أولى". وقال في باب المرتد (١٣٠/٨) : "وإن تزوج لم يصح تزوجه ؛ لأنه لا يقر على النكاح ، وما منع الإقرار على النكاح منع انعقاده كنكاح الكافر المسلمة"^(٢٣).

فأنت ترى أنه صرح بتحريم نكاح المرتدة ، وأن نكاح المرتد غير صحيح ، فماذا يكون لو حصلت الردة بعد العقد ؟ قال في المغني (٢٩٨/٦) : "إذا ارتد أحد الزوجين قبل الدخول انفسخ النكاح في الحال ، ولم يرث أحدهما الآخر ، وإن كانت رده بعد الدخول ففيه روايتان : إحداهما : تتعجل الفرقة. والثاني : تقف على انتضاء العدة". وفي المغني (٦٣٩/٦) : "أن انفساخ النكاح بالردة قبل الدخول قول عامة أهل العلم ، واستدل له . وفيه أيضاً أن انفساخه في الحال إذا كان بعد الدخول قول مالك وأبي حنيفة ، وتوقفه على انتضاء العدة قول الشافعي .

وهذا يقتضي أن الأئمة الأربعة متفقون على انفساخ النكاح بردة أحد الزوجين ، لكن إن كانت الردة قبل الدخول انفسخ النكاح في الحال ، وإن كانت بعد الدخول فمذهب مالك وأبي حنيفة الانفساخ في الحال ، ومذهب الشافعي الانتظار إلى انتضاء العدة ، وعن أحمد روايتان كالمذهبيين . وفي (ص ٦٤٠) منه : "وإن ارتد الزوجان معاً ، فحكمهما حكم ما لو ارتد أحدهما ، إن كان قبل الدخول تعجلت الفرقة ، وإن كان بعده فهل تتعجل أو تقف على انتضاء العدة على روايتين . وهذا مذهب الشافعي" ثم نقل عن أبي حنيفة أن النكاح لا ينفسخ استحساناً ، لأنه لم يختلف بهما الدين ، فأشبه ما لو أسلما ، ثم نقض صاحب المغني قياسه طرداً وعكساً .

وإذ تبين أن نكاح المرتد لا يصح من مسلم سواء كان أنثى أم رجلاً ، وأن هذا مقتضى دلالة الكتاب والسنة ، وتبين أن تارك الصلاة كافر بمقتضى دلالة الكتاب والسنة وقول عامة الصحابة ؛ تبين أن الرجل إذا كان لا يصلي وتزوج امرأة مسلمة ، فإن زواجه غير صحيح ، ولا تحل له المرأة بهذا العقد ، وأنه إذا تاب إلى الله تعالى ورجع إلى الإسلام وجب عليه تجديد العقد . وكذلك الحكم لو كانت المرأة هي التي لا تصلي .

وهذا بخلاف أنكحة الكفار حال كفرهم ، مثل أن يتزوج كافر بكافرة ، ثم تسلم الزوجة فهذا إن كان إسلامها قبل الدخول انفسخ النكاح ، وإن كان إسلامها بعده لم ينفسخ النكاح ، ولكن ينتظر فإن أسلم الزوج قبل

⁽²³⁾ وفي مجمع الأئمة للحنفية آخر باب نكاح الكافر (٢٠٢/١) : (ولا يصح تزوج المرتد ولا المرتدة أحداً) لإجماع الصحابة رضوان الله عليهم أجمعين .

حَبِيبُكُمْ تِلْكَ الصَّلَاةُ

٣- تحريم دخوله مكة وحرمة: لقوله تعالى : ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا﴾ (التوبة/ ٢٨) .

٤- تحريم ما ذكاه من بهيمة الأنعام : (الإبل والبقر والغنم) وغيرها مما يشترط لحله الذكاة؛ لأن من شروط الذكاة : أن يكون المذكي مسلماً أو كتابياً (يهودياً أو نصرانياً) ، فأما المرتد والوثني والمجوسي ونحوهم فلا يحل ما ذكاه . قال الحازن في تفسيره : " أجمعوا على تحريم ذبائح الجوس وسائر أهل الشرك من مشركي العرب وعبداء الأصنام ومن لا كتاب له" . وقال الإمام أحمد : " لا أعلم أحداً قال بخلافه إلا أن يكون صاحب بدعة " .

٥- تحريم الصلاة عليه بعد موته ، وتحريم الدعاء له بالمغفرة والرحمة ؛ لقوله تعالى : ﴿وَلَا تَصَلِّ عَلَى أَحَدٍ مِنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا وَهُمْ فَاسِقُونَ﴾ (التوبة/ ٨٤) . وقوله تعالى : ﴿مَا كَانَ لِلنَّبِيِّ وَالَّذِينَ آمَنُوا أَنْ يَسْتَغْفِرُوا لِلْمُشْرِكِينَ وَلَوْ كَانُوا أُولَىٰ قُرْبَىٰ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُمْ أَنَّهُمْ أَصْحَابُ الْإِلْهِ جَحِيمٌ وَمَا كَانَ اسْتِغْفَارُ إِبْرَاهِيمَ لِأَبِيهِ إِلَّا عَنْ مَوْعِدَةٍ وَعَدَهَا إِيَّاهُ فَلَمَّا تَبَيَّنَ لَهُ أَنَّهُ عَدُوٌّ لِلَّهِ تَبَرَّأَ مِنْهُ إِنَّ إِبْرَاهِيمَ لَأَوَّاهٌ حَلِيمٌ﴾ (التوبة / ١١٣ - ١١٤) .

ودعاء الإنسان بالمغفرة والرحمة لمن مات على الكفر بأي سبب كان كفره اعتداء في الدعاء ، ونوع من الاستهزاء بالله ، وخروج عن سبيل النبي والمؤمنين .

وكيف يمكن لمن يؤمن بالله واليوم الآخر أن يدعو بالمغفرة والرحمة لمن مات على الكفر وهو عدو لله تعالى !؟ كما قال عز وجل : ﴿مَنْ كَانَ عَدُوًّا لِلَّهِ وَمَلَائِكَتِهِ وَرُسُلِهِ وَجِبْرِيلَ وَمِيكَالَ فَإِنَّ اللَّهَ عَدُوٌّ لِلْكَافِرِينَ﴾ (البقرة / ٩٨) . فبين الله تعالى في هذه الآية الكريمة أن الله تعالى عدو لكل الكافرين . والواجب على المؤمن أن يتبرأ من كل كافر؛ لقوله تعالى : ﴿وَإِذْ قَالَ إِبْرَاهِيمُ لِأَبِيهِ وَقَوْمِهِ إِنَّنِي بَرَاءٌ مِمَّا تَعْبُدُونَ إِلَّا الَّذِي فَطَرَنِي فَإِنَّهُ سَيَهْدِينِ﴾ (الزخرف / ٢٦ - ٢٧) . وقوله تعالى : ﴿قَدْ كَانَتْ لَكُمْ أُسْوَةٌ حَسَنَةٌ فِي إِبْرَاهِيمَ وَالَّذِينَ مَعَهُ إِذْ قَالُوا لِقَوْمِهِمْ إِنَّا بُرَءُؤُكُمْ وَمِمَّا تَعْبُدُونَ مِنْ دُونِ اللَّهِ كَفَرْنَا بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمُ الْعَدَاوَةُ وَالْبَغْضَاءُ أَبَدًا حَتَّىٰ تُؤْمِنُوا بِاللَّهِ وَحَدُّهُ﴾ (الممتحنة/ ٤) . وليتحقق له بذلك متابعة رسول الله ﷺ ، حيث قال الله تعالى : ﴿وَأَذَانٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى النَّاسِ يَوْمَ الْحَجِّ الْأَكْبَرِ أَنَّ اللَّهَ بَرِيءٌ مِنَ الْمُشْرِكِينَ وَرَسُولُهُ﴾ (التوبة / ٣) . ومن أوثق عرى الإيمان : أن تحب في الله ، وتكره في الله ، وتوالي في الله ، وتعادي في الله ، لتكون في محبتك ، وكراهيتك ، وولائتك ، وعداوتك ، تابعة لمرضاة الله عز وجل .

٦- تحريم نكاح المرأة المسلمة : لأنه كافر ، والكافر لا تحل له المرأة المسلمة بالنص والإجماع . قال الله تعالى : ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾ (الممتحنة / ١٠) .

حُجَّتُكُمْ تَلْزُكُ الصَّلَاةِ

صلة : "ما تغني عنهم لا إله إلا الله وهم لا يدرون لا صلاة ، ولا صيام ، ولا نسك ، ولا صدقة " فأعرض عنه حذيفة ، ثم ردها عليه ثلاثاً ، كل ذلك يعرض عنه حذيفة ، ثم أقبل عليهما في الثالثة فقال : " يا صلة ، تنجيهم من النار " ثلاثاً . فإن هؤلاء الذين أنجيتهم الكلمة من النار كانوا معذورين بترك شرائع الإسلام ؛ لأنهم لا يدرون عنها ، فما قاموا به هو غاية ما يقدرُونَ عليه ، وحالهم تشبه حال من ماتوا قبل فرض الشرائع ، أو قبل أن يتمكنوا من فعلها ، كمن مات عقب شهادته قبل أن يتمكن من فعل الشرائع ، أو أسلم في دار الكفر فمات قبل أن يتمكن من العلم بالشرائع .

والحاصل أن ما استدلل به من لا يرى كفر تارك الصلاة لا يقاوم ما استدلل به من يرى كفره ، لأن ما استدلل به أولئك : إما أن يكون ضعيفاً غير صريح ، وإما ألا يكون فيه دلالة أصلاً ، وإما أن يكون مقيداً بوصف لا يتأتى معه ترك الصلاة ، أو مقيداً بحال يعذر فيها بترك الصلاة ، أو عاماً مخصوصاً بأدلة تكفيره ! .

فإذا تبين كفره بالدليل القائم السالم عن المعارض المقاوم ، وجب أن ترتب أحكام الكفر والردة عليه ، ضرورة أن الحكم يدور مع علته وجوداً أو عدماً .

يترتب على الردة أحكام دنيوية وأخروية

أولاً : من الأحكام الدنيوية :

١- سقوط ولايته : فلا يجوز أن يولي شيئاً يشترط في الولاية عليه الإسلام ، وعلى هذا فلا يولي على القاصرين من أولاده وغيرهم ، ولا يزوّج أحداً من مولاته من بناته وغيرهن . وقد صرح فقهاؤنا رحمهم الله تعالى في كتبهم المختصرة والمطولة : أنه يشترط في الولي الإسلام إذا زوّج مسلمة ، وقالوا : " لا ولاية لكافر على مسلمة " . وقال ابن عباس رضي الله عنهما : " لا نكاح إلا بولي مرشد " ، وأعظم الرشد وأعلاه دين الإسلام ، وأسفاه السفه وأدناه الكفر والردة عن الإسلام . قال الله تعالى : ﴿وَمَنْ يَزْعُبْ عَنْ مِلَّةِ إِبْرَاهِيمَ إِلَّا مَنْ سَفِهَ نَفْسَهُ﴾ (البقرة/ ١٣٠) .

٢- سقوط إرثه من أقاربه : لأن الكافر لا يرث المسلم ، والمسلم لا يرث الكافر ، لحديث أسامة بن زيد رضي الله عنهما ، أن النبي ﷺ قال : " لا يرث المسلم الكافر ، ولا الكافر المسلم " . أخرجه البخاري ومسلم وغيرهما^(٢٢) .

(22) رواه البخاري ، كتاب الفرائض ، باب "لا يرث المسلم الكافر" رقم (٦٧٦٤) ومسلم ، كتاب الفرائض ، باب "لا يرث المسلم الكافر" ، رواه البخاري ، كتاب الفرائض ، باب "لا يرث الكافر المسلم" رقم (١٦١٤) .

حَيْثُكُمْ تَأْتِرُكَ الصَّلَاةُ

دُونَ ذَلِكَ) ما سوى ذلك ، لكان هذا من باب العام المخصوص بالنصوص الدالة على الكفر بما سوى الشرك ، والكفر المخرج عن الملة من الذنب الذي لا يغفر وإن لم يكن شركاً .

القسم الثالث : عام مخصوص بالأحاديث الدالة على كفر تارك الصلاة . مثل قوله ﷺ في حديث معاذ بن جبل : "ما من عبد يشهد أن لا إله إلا الله وأن محمداً عبده ورسوله إلا حرمه الله على النار" ^(١٥) وهذا أحد ألفاظه ، وورد نحوه من حديث أبي هريرة ^(١٦) وعبدادة بن الصامت ^(١٧) وعثمان بن مالك ^(١٨) رضي الله عنهم .

القسم الرابع : عام مقيد بما لا يمكن معه ترك الصلاة . مثل قوله ﷺ في حديث عثمان بن مالك : "فإن الله حرم على النار من قال لا إله إلا الله يبتغي بذلك وجه الله" رواه البخاري ^(١٩) . وقوله ﷺ في حديث معاذ : "ما من أحد يشهد أن لا إله إلا الله وأن محمداً رسول الله صدقاً من قلبه إلا حرمه الله على النار" رواه البخاري ^(٢٠)

فتقييد الإتيان بالشهادتين بإخلاص القصد وصدق القلب يمنعه من ترك الصلاة ، إذ ما من شخص يصدق في ذلك ويخلص إلا حمله صدقه وإخلاصه على فعل الصلاة ولا بد ، فإن الصلاة عمود الإسلام ، وهي الصلة بين العبد وربّه ، فإذا كان صادقاً في ابتغاء وجه الله ، فلا بد أن يفعل ما يوصله إلى ذلك ، ويتجنب ما يحول بينه وبينه ، وكذلك من شهد أن لا إله إلا الله وأن محمداً رسول الله صدقاً من قلبه ، فلا بد أن يحمله ذلك الصدق على أداء الصلاة مخلصاً بما لله تعالى متبعاً فيها رسول الله ﷺ ؛ لأن ذلك من مستلزمات تلك الشهادة الصادقة .

القسم الخامس : ما ورد مقيداً بحال يعذر فيها بترك الصلاة . كالحديث الذي رواه ابن ماجه ^(٢١) عن حذيفة بن اليمان قال : قال رسول الله ﷺ : "يدرس الإسلام كما يدرس وشي الثوب" الحديث . وفيه : "وتبقى طوائف من الناس ، الشيخ الكبير والعجوز يقولون : "أدركنا آباءنا على هذه الكلمة لا إله إلا الله فنحن نقولها" فقال له

^(١٥) رواه البخاري ، كتاب العلم ، باب من خص بالعلم قوماً دون قوم ، رقم (١٢٨) ومسلم ، كتاب الإيمان ، باب من لقي الله بالإيمان وهو غير شاك فيه دخل الجنة ، رقم (٣٣) .

^(١٦) أخرجه مسلم رقم (٢٧) .

^(١٧) أخرجه مسلم رقم (٢٩) .

^(١٨) سيأتي تخريجه .

^(١٩) أخرجه البخاري ، كتاب الصلاة ، باب المساجد في البيوت ، رقم (٤٢٥) ومسلم ، كتاب المساجد ومواضع الصلاة ، باب الرخصة في التخلف عن الجماعة بعذر رقم (٣٣٣) .

^(٢٠) سبق تخريجه .

^(٢١) رواه ابن ماجه ، كتاب الفتن ، باب ذهاب القراءة والعلم ، رقم (٤٠٤٩) والحاكم (٤٧٣/٤) وقال البوصيري في الزوائد : إسناده صحيح ، رجاله ثقات . وقال الحاكم : صحيح على شرط مسلم .

حَبِّبْكُمْ تَارِكِ الصَّلَاةِ

شعب الإيمان يصير بما مؤمناً حتى يقوم به أصل الإيمان وحقيقته . و فرق بين الكفر المعرف باللام كما في قوله ﷺ: "ليس بين العبد وبين الكفر أو الشرك إلا ترك الصلاة"^(١٢) وبين كفر منكر في الإثبات انتهى كلامه .

فإذا تبين أن تارك الصلاة بلا عذر كافر كفرةً مخرجاً من الملة بمقتضى هذه الأدلة ، كان الصواب فيما ذهب إليه الإمام أحمد بن حنبل وهو أحد قولي الشافعي كما ذكره ابن كثير في تفسير قوله تعالى : ﴿فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ﴾ (مرم/٥٩) . وذكر ابن القيم في "كتاب الصلاة" أنه أحد الوجهين في مذهب الشافعي ، وأن الطحاوي نقله عن الشافعي نفسه . وعلى هذا القول جمهور الصحابة ، بل حكى غير واحد إجماعهم عليه . قال عبد الله بن شقيق : "كان أصحاب النبي ﷺ لا يرون شيئاً من الأعمال تركه كفر غير الصلاة". رواه الترمذي والحاكم وصححه على شرطهما^(١٣) . وقال إسحاق بن راهويه الإمام المعروف : "صح عن النبي ﷺ أن تارك الصلاة كافر ، وكذلك كان رأي أهل العلم من لدن النبي ﷺ إلى يومنا هذا ، أن تارك الصلاة عمداً من غير عذر حتى يخرج وقتها كافر" . وذكر ابن حزم أنه قد جاء عن عمر وعبد الرحمن بن عوف ومعاذ بن جبل وأبي هريرة وغيرهم من الصحابة ، قال : "ولا نعلم لهؤلاء مخالفاً من الصحابة". نقله عنه المنذري في (الترغيب والترهيب)^(١٤) وزاد من الصحابة : عبد الله بن مسعود ، وعبد الله بن عباس ، وجابر بن عبد الله ، وأبا الدرداء رضي الله عنهم . قال : "ومن غير الصحابة أحمد بن حنبل ، وإسحاق بن راهويه ، وعبد الله بن المبارك ، والنخعي ، والحكم بن عتيبة ، وأيوب السخيتاني ، وأبو داود الطيالسي ، وأبو بكر بن أبي شيبة ، وزهير بن حرب وغيرهم". أ. هـ.

فإن قال قائل: ما هو الجواب عن الأدلة التي استدلت بها من لا يرى كفر تارك الصلاة؟ قلنا: الجواب: أن هذه الأدلة لم يأت فيها أن تارك الصلاة لا يكفر ، أو أنه مؤمن ، أو أنه لا يدخل النار ، أو أنه في الجنة . ونحو ذلك .

ومن تأملها وجدها لا تخرج عن خمسة أقسام كلها لا تعارض أدلة القائلين بأنه كافر .

القسم الأول : أحاديث ضعيفة غير صريحة حاول موردها أن يتعلق بها ولم يأت بباطل .

القسم الثاني : ما لا دليل فيه أصلاً للمسألة .

مثل استدلال بعضهم بقوله تعالى : ﴿إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ﴾ (النساء/٤٨) . فإن معنى قوله تعالى : (مَا دُونَ ذَلِكَ) ما هو أقل من ذلك ، وليس معناه ما سوى ذلك ، بدليل أن من كذب بما أخبر الله به ورسوله ، فهو كافر كفرةً لا يغفر وليس ذنبه من الشرك . ولو سلمنا أن معنى (مَا

^(١٢) سبق تخريجه .

^(١٣) رواه الترمذي ، كتاب الإيمان ، باب ما جاء في ترك الصلاة ، رقم (٢٦٢٢) والحاكم (٧/١) .

^(١٤) الترغيب والترهيب (٤٤٥/١ - ٤٤٦) .

جَعِبَكُمْ تَارِكُ الصَّلَاةِ

يقوم بما ويبادر إلى فعلها . وجاء من الوعيد على تركها ما يقتضي لكل عاقل مؤمن أن يحذر من تركها وإضاعته؟ فتركها مع قيام هذا المقتضى لا يبقى إيماناً مع التارك .

فإن قال قائل : ألا يحتمل أن يراد بالكفر في تارك الصلاة كفر النعمة لا كفر الملة ؟ أو أن المراد به كفر دون الكفر الأكبر؟ فيكون كقوله ﷺ : "اثنان بالناس هما بهم كفر: الطعن في النسب ، والنياحة على الميت"^(٨) . وقوله : "سباب المسلم فسوق ، وقتاله كفر"^(٩) ونحو ذلك .

قلنا : هذا الاحتمال والتنظير له لا يصح لوجوه :

الأول : أن النبي ﷺ جعل الصلاة حداً فاصلاً بين الكفر والإيمان ، وبين المؤمنين والكفار . والحد يميز المحدود ويخرجه عن غيره ، فالمحدودان متغايران لا يدخل أحدهما في الآخر .

الثاني : أن الصلاة ركن من أركان الإسلام ، فوصف تاركها بالكفر يقتضي أنه الكفر المخرج من الإسلام ؛ لأنه هدم ركناً من أركان الإسلام ، بخلاف إطلاق الكفر على من فعل فعلاً من أفعال الكفر .

الثالث : أن هناك نصوباً أخرى دلت على كفر تارك الصلاة كفراً مخرجاً من الملة؛ فيجب حمل الكفر على ما دلت عليه لتلاءم النصوص وتتفق .

الرابع : أن التعبير بالكفر مختلف .

ففي ترك الصلاة قال : "بين الرجل وبين الشرك والكفر"^(١٠) فعبّر بـ "أل" الدالة على أن المراد بالكفر حقيقة الكفر بخلاف كلمة "كفر" منكر أو كلمة "كفر" بلفظ الفعل ، فإنه دال على أن هذا من الكفر، أو أنه كفر في هذه الفعلة وليس هو الكفر المطلق المخرج عن الإسلام .

قال شيخ الإسلام ابن تيمية في كتاب "اقتضاء الصراط المستقيم" (ص ٧٠ طبعة السنة المحمدية) على قوله ﷺ : "اثنان في الناس هما بهم كفر"^(١١) . قال : "فقوله : "هما بهم كفر" أي هاتان الخصلتان هما كفر قائم بالناس ، فنفس الخصلتين كفر حيث كانتا من أعمال الكفر، وهما قائمتان بالناس ، لكن ليس كل من قام به شعبة من شعب الكفر يصير بها كافراً الكفر المطلق ، حتى تقوم به حقيقة الكفر. كما أنه ليس كل من قام به شعبة من

^(٨) رواه مسلم ، كتاب الأيمان ، باب إطلاق اسم الكفر على الطعن في النسب رقم (٦٧) .

^(٩) سبق تخريجه .

^(١٠) سبق تخريجه .

^(١١) سبق تخريجه .

حُجَّتُكُمْ بِتَرْكِ الصَّلَاةِ

وعلى هذا فيكون تركهم للصلاة الذي علق عليه النبي ﷺ، منابذتهم وقتالهم بالسيف كفرةً بواحاً عندنا فيه من الله برهان .

ولم يرد في الكتاب والسنة أن تارك الصلاة ليس بكافر أو أنه مؤمن ، وغاية ما ورد في ذلك نصوص تدل على فضل التوحيد ، شهادة أن لا إله إلا الله وأن محمداً رسول الله ، وثواب ذلك ، وهي إما مقيدة بقيود في النص نفسه يتمتع معها أن يترك الصلاة ، وإما واردة في أحوال معينة يعذر الإنسان فيها بترك الصلاة ، وإما عامة فتحمل على أدلة كفر تارك الصلاة ؛ لأن أدلة كفر تارك الصلاة خاصة ، والخاص مقدم على العام .

فإن قال قائل : ألا يجوز أن تحمل النصوص الدالة على كفر تارك الصلاة على من تركها جاحداً لوجوبها ؟ قلنا : لا يجوز ذلك لأن فيه محذورين :

الأول : إلغاء الوصف الذي اعتبره الشارع وعلق الحكم به . فإن الشارع علق الحكم بالكفر على الترك دون الجحود ورتب الأخوة في الدين على إقام الصلاة ، دون الإقرار بوجوبها ، فلم يقل الله تعالى : فإن تابوا وأقروا بوجوب الصلاة ، ولم يقل النبي ﷺ : بين الرجل وبين الشرك والكفر جحد وجوب الصلاة . أو العهد الذي بيننا وبينهم الإقرار بوجوب الصلاة ، فمن جحد وجوبها فقد كفر . ولو كان هذا مراد الله تعالى ورسوله لكان العدول عنه خلاف البيان الذي جاء به القرآن الكريم ، قال الله تعالى : ﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ﴾ (النحل / ٨٩) . وقال تعالى مخاطباً نبيه : ﴿وَأَنزَّلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نَزَّلَ إِلَيْهِمْ﴾ (النحل / ٤٤) .

الثاني : اعتبار وصف لم يجعله الشارع مناطاً للحكم : فإن جحود وجوب الصلوات الخمس موجب لكفر من لا يعذر بجهله فيه سواء صلى أم ترك . فلوا صلى شخص الصلوات الخمس وأتى بكل ما يعتبر لها من شروط ، وأركان ، وواجبات ، ومستحبات ، لكنه جاحد لوجوبها بدون عذر له فيه لكان كافراً مع أنه لم يتركها . فنبين بذلك أن حمل النصوص على من ترك الصلاة جاحداً لوجوبها غير صحيح ، وأن الحق أن تارك الصلاة كافر كفرةً مخرجاً عن الملة ، كما جاء ذلك صريحاً فيما رواه ابن أبي حاتم في سننه عن عبادة بن الصامت رضي الله عنه ، قال : أوصانا رسول الله ﷺ : "لا تشركوا بالله شيئاً ، ولا تتركوا الصلاة عمداً ، فمن تركها عمداً متعمداً فقد خرج من الملة " .

وأيضاً فإننا لو حملناه على ترك الجحود لم يكن لتخصيص الصلاة في النصوص فائدة ، فإن هذا الحكم عام في الزكاة ، والصيام ، والحج ، فمن ترك منها واحداً جاحداً لوجوبه كفر إن كان غير معذور بجهل . وكما أن كفر تارك الصلاة مقتضى الدليل السمعي الأثري ، فهو مقتضى الدليل العقلي النظري . فكيف يكون عند الشخص إيمان مع تركه للصلاة التي هي عمود الدين ، والتي جاء من الترغيب في فعلها ما يقتضي لكل عاقل مؤمن أن

- ١- قال ﷺ: "إن بين الرجل وبين الشرك والكفر ترك الصلاة".
- رواه مسلم في كتاب الإيمان عن جابر بن عبد الله ، عن النبي ﷺ^(١).
- ٢- وعن بريده بن الحبيب رضي الله عنه ، قال : سمعت رسول الله ﷺ ، يقول : "العهد الذي بيننا وبينهم الصلاة ، فمن تركها فقد كفر". رواه أحمد وأبو داود والترمذي والنسائي وابن ماجه^(٢).
- والمراد بالكفر هنا : الكفر المخرج عن الملة ؛ لأن النبي ﷺ جعل الصلاة فصلاً بين المؤمنين والكافرين ، ومن المعلوم أن ملة الكفر غير ملة الإسلام ، فمن لم يأت بهذا العهد فهو من الكافرين .
- ٣- وفي صحيح مسلم عن أم سلمة رضي الله عنها ، أن النبي ﷺ ، قال : "ستكون أمراء ، فتعرفون وتنكرون ، فمن عرف برئ ، ومن أنكر سلم ، ولكن من رضي وتابع . قالوا : "أفلا نقاتلهم ؟ قال : "لا ما صلوا"^(٣).
- ٤- وفي صحيح مسلم أيضاً من حديث عوف بن مالك رضي الله عنه ، أن النبي ﷺ ، قال : "خيار أئمتكم الذين تحبونهم ويحبونكم ، ويصلون عليكم وتصلون عليهم ، وشرار أئمتكم الذين يبعثونهم ويغضونكم ، وتلعنونهم ويعلنونكم". قيل : يا رسول الله ، أفلا ننايذهم بالسيف ؟ قال : "لا ما أقاموا فيكم الصلاة"^(٤).
- ففي هذين الحديثين الأخيرين دليل على منابذة الولاة وقتالهم بالسيف إذا لم يقيموا الصلاة ، ولا تجوز منازعة الولاة وقتالهم إلا إذا أتوا كفراً صريحاً ، عندنا فيه برهان من الله تعالى ، لقول عبادة بن الصامت رضي الله عنه : "دعانا رسول الله ﷺ فبايعناه ، فكان فيما أخذ علينا ، أن بايعنا على السمع والطاعة ، في منشطنا ومكرهنا ، وعسرنا ويسرنا ، وأثر علينا ، وألا ننازع الأمر أهله". قال : "إلا أن تروا كفراً بواحاً عندكم من الله فيه برهان"^(٥).

(١) رواه مسلم ، كتاب الإيمان ، باب إطلاق اسم الكفر على من ترك الصلاة ، رقم (٨٢) .

(٢) رواه أحمد (٣٤٦/٥) والترمذي ، كتاب الإيمان ، باب ما جاء في ترك الصلاة ، رقم (٢٦٢١) وقال : حديث حسن صحيح غريب . والنسائي ، كتاب الصلاة ، باب الحكم في تارك الصلاة رقم (٤٦٣) وابن ماجه ، كتاب إقامة الصلاة ، باب ما جاء فيمن ترك الصلاة رقم (١٠٧٩) .

(٣) رواه مسلم ، كتاب الإمارة ، باب وجوب الإنكار على الأمراء فيما يخالف الشرع ، رقم (١٨٥٤) .

(٤) رواه مسلم ، كتاب الإمارة ، باب خيار الأئمة وشرارهم رقم (١٨٥٥) .

(٥) رواه البخاري ، كتاب الفتن ، باب قول النبي ﷺ: "سترون بعدي أموراً تنكرونها" رقم (٧٠٥٥-٧٠٥٦) ومسلم ، كتاب الإمارة ، باب وجوب طاعة الأمراء في غير معصية ، رقم (١٧٠٩) .

حُجِبَ عَنْ تَارِكِ الزَّكَاةِ

فإن تابوا من الشرك ، ولم يقيموا الصلاة ، ولم يؤتوا الزكاة ، فليسوا بإخوة لنا . وإن أقاموا الصلاة ، ولم يؤتوا الزكاة ، فليسوا بإخوة لنا . والأخوة في الدين لا تنتفي إلا حيث يخرج المرء من الدين بالكلية ، فلا تنتفي بالفسوق والكفر دون الكفر .

ألا ترى إلى قوله تعالى في آية القتل : ﴿فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ﴾ (البقرة / ١٧٨) . فجعل الله القاتل عمداً أحمداً للمقتول ، مع أن القتل عمداً من أكبر الكبائر ، لقول الله تعالى : ﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا﴾ (النساء / ٩٣) .

ثم ألا تنظر إلى قوله تعالى في الطائفتين من المؤمنين إذا اقتتلوا : ﴿وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلَحُوا بَيْنَهُمَا﴾ ، إلى قوله تعالى : ﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلَحُوا بَيْنَ أَخَوَيْكُمْ﴾ (الحجرات / ٩-١٠) . فأثبت الله تعالى الأخوة بين الطائفة المصلحة والطائفتين المقتلتين ، مع أن قتال المؤمن من الكفر ، كما ثبت في الحديث الصحيح الذي رواه البخاري وغيره عن ابن مسعود رضي الله عنه ، أن النبي ﷺ قال : "سباب المسلم فسوق ، وقتاله كفر"^(١) . لكنه كفر لا يخرج من الملة ، إذ لو كان مخرجاً من الملة ما بقيت الأخوة الإيمانية معه . والآية الكريمة قد دلت على بقاء الأخوة الإيمانية مع الاقتتال . وبهذا علم أن ترك الصلاة كفر مخرج عن الملة ، إذ لو كان فسقاً أو كفراً دون كفر ، ما انتفت الأخوة الدينية به ، كما لم تنتف بقتل المؤمن وقتاله .

فإن قال قائل : هل ترون كفر تارك إيتاء الزكاة كما دل عليه مفهوم آية التوبة ؟

قلنا : كفر تارك إيتاء الزكاة قال به بعض أهل العلم ، وهو إحدى الروايتين عن الإمام أحمد رحمه الله تعالى . ولكن الراجح عندنا أنه لا يكفر ، لكنه يعاقب بعقوبة عظيمة ، ذكرها الله تعالى في كتابه ، وذكرها النبي ﷺ في سنته ، ومنها ما في حديث أبي هريرة رضي الله عنه ، أن النبي ﷺ ذكر عقوبة مانع الزكاة ، وفي آخره : "ثم يرى سبيله ، إما إلى الجنة وإما إلى النار" . وقد رواه مسلم بطوله في : باب "إنم مانع الزكاة"^(٢) ، وهو دليل على أنه لا يكفر ، إذ لو كان كافراً ما كان له سبيل إلى الجنة .

فيكون منطوق هذا الحديث مقدماً على مفهوم آية التوبة ؛ لأن المنطوق مقدم على المفهوم كما هو معلوم في أصول الفقه .

(١) رواه البخاري ، كتاب الإيمان ، باب خوف المؤمن من أن يحبط عمله وهو لا يشعر ، رقم (٤٨) ، ومسلم ، كتاب الإيمان ، باب بيان قول النبي ﷺ : "سباب للمسلم فسوق" رقم (٦٤) .

(٢) رواه مسلم ، كتاب الزكاة ، باب إنم مانع الزكاة ، رقم (٩٨٧) .

حُكْمُ تَارِكِ الصَّلَاةِ

إن هذه المسألة من مسائل العلم الكبرى، وقد تنازع فيها أهل العلم سلفاً وخلفاً، فقال الإمام أحمد بن حنبل: "تارك الصلاة كافر كفراً مخرجاً من الملة، يقتل إذا لم يتب ويصل". وقال أبو حنيفة ومالك والشافعي: "فاسق ولا يكفر". ثم اختلفوا فقال مالك والشافعي: "يقتل حداً" وقال أبو حنيفة: "يعزر ولا يقتل". وإذا كانت هذه المسألة من مسائل النزاع، فالواجب ردها إلى كتاب الله تعالى وسنة رسوله ﷺ؛ لقوله تعالى: ﴿وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ﴾ (الشورى/١٠). وقوله: ﴿فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾ (النساء/٥٩).

ولأن كل واحد من المختلفين لا يكون قوله حجة على الآخر؛ لأن كل واحد يرى أن الصواب معه، وليس أحدهما أولى بالقبول من الآخر، فوجب الرجوع في ذلك إلى حكم بينهما وهو كتاب الله تعالى وسنة رسوله ﷺ. وإذا رددنا هذا النزاع إلى الكتاب والسنة، وجدنا أن الكتاب والسنة كلاهما يدل على كفر تارك الصلاة، الكفر الأكبر المخرج عن الملة.

أولاً: من الكتاب

قال تعالى في سورة التوبة: ﴿فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ﴾ (التوبة/١١). وقال في سورة مريم: ﴿فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهْوَاتِ فَسُوفَ يَلْقَوْنَ غِيًّا إِلَّا مَنْ تَابَ وَآمَنَ وَعَمِلَ صَالِحًا فَأُولَئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ شَيْئًا﴾ (مريم/٥٩-٦٠). فوجه الدلالة من الآية الثانية - آية سورة مريم - أن الله قال في المضيعين للصلاة، المتبعين للشهوات: ﴿إِلَّا مَنْ تَابَ وَآمَنَ﴾ فدل على أنهم حين إضاعتهم للصلاة واتباع الشهوات غير مؤمنين. ووجه الدلالة من الآية الأولى - آية سورة التوبة - أن الله تعالى اشترط لثبوت الأخوة بيننا وبين المشركين ثلاثة شروط:

- أن يتوبوا عن الشرك .
- أن يقيموا الصلاة .
- أن يؤتوا الزكاة .

حُكْمُ تَلَاكِ الصَّلَاةِ

THE RULING ON ABANDONING THE PRAYER

Ash-Shaykh, Al-'Allamah
Muhammad bin Salih al-Uthaymin رحمته الله said:

Indeed, many Muslims nowadays have let their prayers be lost, to the extent that some of them abandon all of the prayers out of negligence.

So due to this issue, which is one of the major issues which many people have been put to trial with nowadays, and the difference of opinion concerning it amongst the scholars of this nation and its leaders, both old and new, I wished to write about it that which was easy, summarising the speech concerning it, into two sections:

The first: Concerning the ruling upon the one who abandons the prayer

The second: Concerning the implications of apostasy due to abandoning the prayer or other than that

Recommended Retail Price: £2.50



2 327040 520120

5 PILLARS
PUBLISHING