



“And to Establish the Salah (prayer) and Pay the Zakat”

By Sheikh Mohamed Ibn Salih Al-Uthyameen May Allah have mercy on him.

Brief description of some important matters of the prayers and zakat as taken from the sheikh explanation of Riyadh-us-saliheen.

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Introduction:

All praise is to Allah, we praise him, we seek his help, we seek his forgiveness and we seek refuge with Allah from the evil whispers and the evil of our actions.

Whomever Allah decides to guide than there is none to misguide him and whoever he decides to misguide than there is none to guide him. I bear witness that there is none worthy of worship in truth except Allah and that Mohamed ﷺ is his final messenger and his slave.

(O you who believe! Fear Allah (by doing all that He has ordered and by abstaining from all that He has forbidden) as He should be feared. [Obey Him, be thankful to Him, and remember Him always], and die not except in a state of Islam (as Muslims) with complete submission to Allah)

(O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa (Eve)], and from them both He created many men and women and fear Allah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship) . Surely, Allah is Ever an All-Watcher over you.)

(O you who believe! Keep your duty to Allah and fear Him, and speak (always) the truth. He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allah and His Messenger (ﷺ) he has indeed achieved a great achievement (i.e. he will be saved from the Hell-fire and made to enter Paradise)

As for what follows: verily the best of speech is the book of Allah, and the best of guidance is the guidance of the prophet ﷺ and the worse matters are newly invented matters (in the deen) and every newly invented matter is an innovation and every innovation is misguidance and every misguidance is in the fire

As for what follows: This is a translation of the important matters of the prayer and Zakat by Sheikh Mohamed Ibn Saleh Al Uthyameen may Allah have mercy on him

as taken from his explanation of Riyadh-us-Saliheen. He mentioned many matters that we usually encounter every day and many people do not give thought to it. This is very beneficial works that will benefit many people Inshallah. Inshallah I will add more translation from the sheikh other works in the future. I tried my best to make the translation as accurate as possible and as understanding as possible. For that reason I tried to avoid wording that many people are not familiar with. Also the grammar may not be accurate according the rules of the English language, but my goal was to make it understanding. The translation of the meaning of the Quran is mostly taken word by word from the Noble Quran. The hadith I translated the meaning, and I commented in the footnote where they could be found. I Ask Allah to make this beneficial to the slaves of Allah and to make it in the scale of our good deeds, verily he is capable of that. Any comment or suggestion could be sent to salafqa@gmail.com

Introduction to the Prayer

الصلاة سميت صلاة لأنها صلة بين العبد وبين الله، فإن الإنسان إذا قام يصلي فإنه يناجي ربه ويحاوره، كما ثبت ذلك في الحديث الصحيح عن أبي هريرة - رضي الله عنه - عن النبي صلى الله عليه وسلم أن الله سبحانه وتعالى قال: ((قسمت الصلاة بيني وبين عبدي نصفين، ولعبي ما سأل، فإذا قال: ﴿الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ﴾ قال الله تعالى: حمدني عبدي، وإذا قال: ﴿الرَّحْمَنُ الرَّحِيمُ﴾ قال الله تعالى: أثنى عليَّ عبدي، وإذا قال: ﴿مَالِكِ يَوْمِ الدِّينِ﴾ قال مجدي عبدي، فإذا قال: ﴿إِيَّاكَ نَعْبُدُ وَإِيَّاكَ نَسْتَعِينُ﴾ قال: هذا بيني وبين عبدي، ولعبي ما سأل، فإذا قال: ﴿أَهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ (6) صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ غَيْرِ الْمَغْضُوبِ عَلَيْهِمْ وَلَا الضَّالِّينَ﴾ قال الله: هذا لعبدي ولعبي ما سأل)). فتأمل محاورَةً ومناجاةً بين الإنسان وبين ربه، ومع ذلك فالكثير منا في هذه المناجاة معرض بقلبه، تجده يتجول يميناً وشمالاً، مع أنه يناجي من يعلم ما في الصدور عز وجل. وهذا من جهلنا وغفلتنا.

Salah (prayer) is called Salah because it is a connection between the slave and Allah, when the person¹ stand up to pray he is in communication with his lord, as it was establish in the authentic hadith on Abu Huryara may Allah be please with him on the prophet صلى الله عليه وسلم that Allah subhana wa talal said “ I have split the prayer between myself and my slave into two half, and to my slave what he ask for, when he says (All the praises and thanks be to Allah, the Lord of the 'Alamin (mankind, jinns and all that exists).) Allah the most high say: My slave hamdny², and when he say (The Most Beneficent, the Most Merciful): Allah most high say: My slave praise me, and when he say (The Only Owner (and the Only Ruling Judge) of the Day of Recompense (i.e. the Day of Resurrection)) he said my slave glorified me, when he say (You (Alone) we worship, and You

¹ Insan or person in this context it is the Muslim

² Hamd means mentioning the praised one with the perfect attributes out of love and glorification. It is possible for someone to thank or praise someone and not love him. For example when some poets praises a king, they do it because they love him but for money. But Allah we praise him out of love and glorification.

(Alone) we ask for help (for each and everything).) he said: this is between me and my slave and to my slave what he asks for, when he say (Guide us to the Straight Way. The Way of those on whom You have bestowed Your Grace, not (the way) of those who earned Your Anger (such as the Jews), nor of those who went astray (such as the Christians).) Allah say: this is for my slave and to my slave what he asks for” pay attention to this communication between the person and his lord. With this being said most of us are avoiding this communication with his heart. You find him wandering left and right even though he is communicating with the one who knows what is in the chest, the Almighty, and this is from our ignorance and heedlessness.

فالواجب علينا- و نسأل الله أن يُعيننا عليه- أن تكون قلوبنا حاضرة في حال الصلاة حتى تبرأ ذمتنا وحتى ننتفع بها، لأن الفوائد المترتبة على الصلاة إنما تكون على صلاة كاملة، ولهذا كلنا يقرأ قول الله عز وجل: ﴿إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ﴾ [العنكبوت:45] ، ومع ذلك يأتي الإنسان ويصلي فلا يجد في قلبه إنكاراً لمنكر، أو عرفاً لمعروف زائدا عما سبق حين دخوله في الصلاة. يعني لا يتحرك القلب ولا يستفيد، لأن الصلاة ناقصة، هذه الصلاة هي أعظم أركان الإسلام بعد الشهادتين .

The obligation on us and we ask Allah to help us on it is that our hearts should be present during the prayer so we could be free of liability and to so you could benefit from it. Because the benefits that connected to the prayer, it occurs with the complete prayer. Due to this all of us recite the statement of Allah almighty (Verily, *As-Salat* (the prayer) prevents from *Al-Fahsha'* (i.e. great sins of every kind, unlawful sexual intercourse, etc.) and *Al-Munkar* (i.e. disbelief, polytheism, and every kind of evil wicked deed, etc.)) and with this a person comes to the prayer, prays and does not find in his heart disapproval of the evil, acknowledgment of the good more than what was before he entered the prayer.

Meaning the heart is not moved and does not benefit because the prayer is deficient. This prayer is the greatest pillar of Islam after the two testimonies (two shadah)³

وقد فرضها الله - عز وجل - على نبيه محمد صلى الله عليه وسلم بدون واسطة من الله إلى الرسول، وفرضها عليه في أعلى مكان وَصَلَهُ بَشَرٌ، وفرضها عليه في أشرف ليلة كانت لرسول الله صلى الله عليه وسلم وهي ليلة المعراج، وفَرَضَهَا عليه خمسين صلاة في اليوم، فهذه أربعة أمور: **أولاً:** لم يكن فرضها كفرض الزكاة والصيام والحج، بل هو من الله تعالى مباشرة إلى الرسول عليه الصلاة والسلام .

ثانياً: من ناحية المكان فهو في أعلى مكان وصل إليه البشر، تُفرض على النبي صلى الله عليه وسلم وهو في الأرض.

ثالثاً: من ناحية الزمان في أشرف ليلة كانت لرسول الله صلى الله عليه وسلم وهي ليلة المعراج .

And Allah Almighty has obligated it upon his prophet Mohamed صلى الله عليه وسلم without intermediaries, from Allah to the messenger صلى الله عليه وسلم. And he obligated on him on the highest place a man reached, and he obligated on him in the most honorable nights for the messenger and it is the night of Miraj (the night of ascension), and he obligated on him fifty prayer a day. These are four matters.

First: it is not obligated like the obligation of the zakat, fasting, hajj, rather it is directly from Allah to his messenger صلى الله عليه وسلم .

Second: from the angle of place, it is in the highest place a man reached. As for the rest it is obligated on the prophet صلى الله عليه وسلم while he is on earth.

Third: from the angle of time, in the most honorable night that was for the messenger صلى الله عليه وسلم, the night of Miraj.

³ Which is to bear witness that none is worthy of worship except Allah and Mohamed is his slave and messenger.

رابعاً: في الكمية: لم تفرض صلاة واحدة، بل خمسون صلاة، مما يدل على محبة الله لها، وأنه يحب من عبده أن يكون مشغولاً بها. ولكن الله جعل لكل شئ سبباً، لما نزل الرسول - عليه الصلاة والسلام - مسلماً لأمر الله قانعاً بفريضة الله، ومر بموسى - عليه الصلاة والسلام - وسأله موسى: ماذا فرض الله على أمتك؟ قال: ((خمسین صلاة في اليوم والليله))، قال: أن أمتك لا تطيق ذلك، إنني جربت الناس قبلك وعالجت بني إسرائيل أشد المعالجة اذهب إلى ربك و اساله أن يخفف على أمتك! ، فذهب إلى الله، وجعل يتردد بين موسى - عليه الصلاة والسلام - وبين الله - عز وجل - حتى جعلها الله خمسا، لكن الله بمنه وكرمه - له الحمد والفضل - قال: هي خمس بالفعل، وخمسون في الميزان، وليس هذا من باب قبيل الحسنة بعشر أمثالها، بل من باب قبيل الفعل الواحد يجزئ عن خمسين فعلا، فهذه خمس صلوات عن خمسين صلاة، فكأنما صلينا خمسين صلاة، كل صلاة الحسنة بعشر أمثالها لأنه لو كان هذا من باب مضاعفة الحسنات لم يكن هناك فرق بين الصلوات وغيرها، لكن هذه خاصة، صلّ خمس كأنما صليت خمسين صلاة، قال: هي خمس في الفعل وخمسون في الميزان، وهذا يدل على عظم هذه الصلوات، ولهذا فرضها الله - سبحانه وتعالى - على عباده في اليوم والليله. خمس مرات لا بد منها. لا بد أن تكون مع الله خمس مرات تناجيه في اليوم والليله. ولو أن أحدا من الناس حصل له مقابلة بينه وبين الملك خمس مرات باليوم لعدّ ذلك من مناقبه ولفرح بذلك وقال: كل يوم أجالس الملك خمس مرات! فأنت تناجي ملك الملوك - عز وجل - في اليوم خمس مرات على الأقل، فلماذا لا تفرح بهذا؟ احمد الله على هذه النعمة وأقم الصلاة. وقول النبي صلى الله عليه وسلم: ((وتقيم الصلاة)) يعني: تأتي بها قويمه تامة بشروطها وأركانها وواجباتها

Fourth: in the amount. It is not obligated as one prayer, rather fifty prayers, from what shows the love of Allah for it (meaning the prayer). And he loves for his slave to be busy with it. However Allah has made for everything a cause. When the messenger صلى الله عليه وسلم came down, submitting to the order of Allah, satisfied with the obligation from Allah, he passed by Musa صلى الله عليه وسلم and Musa

Asked him: what did he obligate on your Ummah? He said “ fifty prayer in the day and night” he said: your Ummah (nation) is not capable of that, go to Allah, and he went back and forth between Musa and Allah Almighty until Allah made it five. However Allah by his grace and favor to him is all the praise and virtue said: it is five in the action and fifty in the scale. And this is not from the way of multiplying the deed by ten like it, rather from the way of one action suffice on fifty, these five prayer suffice for fifty, it is like we prayed fifty prayer, every prayer the deed multiplied by ten like it. Because if it is from way of multiplying the deeds, they would be no different between the prayer and others, but this is specific, praying five (prayer) is like praying fifty. He said: it is five in the action and fifty in the scale, and this shows the greatness of these prayers, and to this Allah subhana wa tala obligated on his slaves in the day and night, five time it is a must. It is a must to have a communication with Allah five times in the day and night. And if one of the people meets a king five times in the day, it would be considered from his achievement and he would be happy with this, e would say every day I sit with the king five times. You are communicating with king of kings almighty five times a day a minimum, why you are not happy? Praise Allah upon this blessing and establish the prayer. And the statement of the prophet صلى الله عليه وسلم “and to establish the prayer” meaning to bring it completely established with its condition, pillars, and obligations.

The conditions of the prayer⁴

⁴ Some of the scholars have mentioned that the condition are: Islam and the opposite of it is disbelieve, sanity and the opposite of it is insanity, differentiation (when the child reaches an age where could differentiate, usually 7 years old) and the opposite of it is infancy, Wudu and the opposite of it is hadath, removing the filth from body, clothes and place of prayer, facing the Qiblah, covering the awrah (private parts between the bellybutton to the knees for men, and for the free women everything except her face) entering the time, and the intentions.

فمن أهم شروطها: الوقت: لقول الله سبحانه: ﴿إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَّوْقُوتًا﴾ [النساء: 103]. وإذا كانت الصلوات خمسا فأوقاتها خمسة لغير أهل الأعذار، وثلاثة لأهل الأعذار الذين يجوز لهم الجمع، فالظهر والعصر يكون وقتاهما وقتا واحدا إذا جاز الجمع. والمغرب والعشاء يكون وقتاهما وقتا واحد إذا جاز الجمع. هذان وقتان. والفجر وقت واحد، ولهذا فصلها الله عز وجل: ﴿أَقِمِ الصَّلَاةَ لِذُلُوكِ الشَّمْسِ إِلَى غَسَقِ اللَّيْلِ وَقُرْآنَ الْفَجْرِ﴾ [الإسراء: 78] ، ولم يقل: لذلوك الشمس إلى طلوع الفجر! بل قال: ﴿إِلَى غَسَقِ اللَّيْلِ﴾ وغسق الليل يكون عند منتصفه، لأن أشد ما يكون ظلمة في الليل منتصف الليل، لأن منتصف الليل هو أبعد ما تكون الشمس عن النقطة التي فيها هذا المنتصف، ولهذا كان القول الراجح أن الأوقات خمسة كما يلي:

From the most importance of the conditions of prayer is the time: due to the statement of Allah the exalted (**Verily, the prayer is enjoined on the believers at fixed hours, 4:103**). And if the prayers are five, than the times are five to the people without a legislative excuse, and three to the people of legislative excuse, those who it is permissible for them to combine. Thur (noon) and Asr (afternoon) their time is one, if combining is permissible. Maghreb (sunset) and Asha (night) their time is one, when combining the prayer is also permissible. These are two, and Fajr is only one time, and to that Allah the exalted separated it (**Perform As-Salat (Iqamat-as-Salat) from mid-day till the darkness of the night ,and recite the Qur'an in the early dawn, 17:78**). And he did not say from midday until dawn, rather he said (**till the darkness of the night**) and the darkness of the night occurs at midnight, because the darkest part of the night is at midnight. That is because midnight is when the sun is farthest away from the point that occurs with it the half. And due to this, the correct position is that the times are five as follows:

1- الفجر من طلوع الفجر الثاني- وهو البياض المعترض في الأفق- إلى أن تطلع الشمس.

وهنا أنبه فأقول: إن تقويم أم القرى فيه تقديم خمس دقائق في آذان الفجر على مدار السنة، فالذي يصلي أول ما يؤذن يعتبر أنه صلى قبل الوقت، وهذا شيء اختبرناه في الحساب الفلكي، واختبرناه أيضا في الرؤية. فلذلك لا يعتمد هذا بالنسبة لآذان الفجر، لأنه مقدم، وهذه مسألة خطيرة جدا، لو تكبر للإحرام فقط قبل أن يدخل الوقت ما صحت صلاتك وما صارت فريضة. وقد حدثني أناس كثيرون ممن يعيشون في البر وليس حولهم أنوار، أنهم لا يشاهدون الفجر إلا بعد هذا التقويم بثلاث ساعة، أي: عشرين دقيقة أو ربع ساعة أحيانا، لكن التقويم الأخرى الفلكية التي بالحساب بينها وبين هذا التقويم خمس دقائق. على كل حال: وقت صلاة الفجر من طلوع الفجر الثاني- وهو البياض المعترض- إلى طلوع الشمس.

1-Fajr (dawn break)- from the second dawn break, and it is (the second dawn break) the horizontal light in the horizon until the sunrise.

And here I want to point out, I say: In the calendar of Umm Al-Qura (Mecca) the Athan⁵ of the Fajr is five minutes earlier throughout the year. The one who prays at the beginning of the Athan⁶ is considered praying before the prescribed time. And this something we have tested in astronomical calculation and sighting. Therefore this should not be relied upon with connection to the Athan of Fajr, because it is earlier. And this is a very dangerous matter, if he would to make only Takbeerat Al-Ahram⁷ (takbeer of forbiddance) before the time enters, the prayer is not valid, and does not become the Farydah⁸. And I was told by many people who live in land without lights around them, that they do not witness the dawn break (Fajr)

⁵ The Athan is the call to prayer.

⁶ Meaning those based on the calendars because they could be earlier than the actual Athan.

⁷ Takbeerat Al haram (Takbeer of forbiddance) as we will discuss in the pillar of the prayer is the first takbeer meaning saying Allah Akbar. This is when you enter into the prayer. It is called the takbeer of forbiddance because the things that were permissible such eating, talking, drinking etc. are now forbidden because you are locked to the prayer .

⁸ The farydah here are the five daily obligatory prayer: Fajr, Zhur, Asr, Magreb, and Asha

except after 20 minutes from the time on the calendar, or sometimes 15 minutes. But the other calendars, those based on astronomical calculation between it and that calendar is five minutes. In any case, the time of the Fajr prayer from the second dawn break- and it is the horizontal lightening- until sunrise.

2- الظهر من زوال الشمس إلى أن يصير ظل كل شيء مثله، لكن بعد أن تخصم ظل الزوال، لأن الشمس خصوصا في أيام الشتاء يكون لها ظل نحو الشمال، هذا ليس بعبرة، بل العبرة أنك تنظر إلى الظل مادام ينقص فالشمس لم تزل، فإذا بدأ يزيد أدنى زيادة فإن الشمس قد زالت، فاجعل علامة على ابتداء زيادة الظل: فإذا صار ظل الشيء كطوله خرج وقت الظهر ودخل وقت العصر.

Zhur from when the sun passes the zenith until the shadow of everything becomes the same length as the caster. But after you subtract the shadow of the zwaal⁹. Because the sun especially in the winter has a shadow towards the north, this is not taken into account. What is taken into account is to look at the shadow, as long it is decreasing than the sun did not passed the zenith. If it begins to increase (the shadow) even the lowest increase than the sun passed the zenith. Than make a sign on the beginning of the increase, if the shadow becomes as tall as the caster, the time of Zhur has left, and Asr has entered.

3- ووقت العصر إلى أن تصفر الشمس والضرورة إلى غروبها.

3- And the time of Asr until the yellowness of the sun, and emergency time until sunset.

⁹ The permanent shadow that is always there is not considered.

ووقت المغرب من غروب الشمس إلى مغيب الشفق الأحمر، وهو يختلف، أحيانا يكون بين الغروب وبين مغيب الشفق ساعة وربع، و أحيانا يكون ساعة واثنين وثلاثين دقيقة، و لذلك وقت العشاء عند الناس الآن لا بأس به، واحدة ونصف غروبي

And the time of Maghreb (sunset), from sunset until the disappearance of the red glow. And it differs, sometimes between sunset and disappearance of the red glow is 1 hour and 15 minutes, and sometimes 1 hour and 32 minutes. And due to this, the time of Asha with the people is no problem in it, one and half.

5- وقت العشاء من خروج وقت المغرب إلى منتصف الليل. بمعنى أنك تقدر ما بين غروب الشمس وطلوع الفجر ثم تنصفه. فالنصف هو منتهى صلاة العشاء. ويترتب على هذا فائدة عظيمة: لو طهرت المرأة من الحيض في الثلث الأخير من الليل فليس عليها صلاة العشاء ولا المغرب، لأنها طهرت بعد الوقت. وقد ثبت في صحيح مسلم من حديث عبد الله بن عمرو بن العاص أن النبي - عليه الصلاة والسلام- قال: ((وقت العشاء إلى نصف الليل))

5- The time of Asha from the time Maghreb leaves until midnight. Meaning you calculate the time between sunset and dawn break than you split it into half, the half is the end of the Asha prayer. And a great benefit comes from this: if a woman becomes purified from menses in the last third of the night, than she does not have to pray Asha or Maghreb, because she became clean after the time of prayer. And it has been establish in Sahih Muslim from the hadith of Abdullah ibn Amr ibn Al' As may Allah be please with them both that the prophet ﷺ "the time of Asha until midnight"¹⁰

¹⁰ Related by Imam Muslim in the book of Masjids in the chapter the time of the five prayers.

وليس عن رسول الله صلى الله عليه وسلم حديث على أن وقت العشاء يمتد إلى طلوع الفجر أبدا. ولهذا فإن القول الراجح إلى نصف الليل، والآية الكريمة تدل على هذا، لأنه فصل الفجر عن الأوقات الأربعة ﴿أقم الصلاة لدلوك الشمس﴾ أي: زوالها ﴿إلى غسق الليل﴾ جمع الله بينها لأنها ليس بينها فاصل، فمن ساعة خروج الظهر يدخل العصر، ومن ساعة خروج العصر يدخل المغرب، ومن ساعة خروج المغرب يدخل العشاء، أما الفجر فقال: ﴿وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا﴾ [الإسراء: 78] ، فالفجر لا تتصل بصلاة لا قبلها ولا بعدها، لأن بينها وبين الظهر نصف النهار الأول، وبينها وبين صلاة العشاء نصف الليل الآخر. واعلم أن الصلاة قبل دخول الوقت لا تقبل حتى ولو كبر المصلي تكبيرة الإحرام ثم دخل الوقت بعد التكبيرة مباشرة، فإنها لا تقبل على إنها فريضة، لأن الشيء الموقت بوقت لا يصح قبل وقته، كما لو أراد الإنسان أن يصوم قبل رمضان ولو بيوم واحد فإنه لا يجزئه عن رمضان، كذلك لو كبر تكبيرة الإحرام قبل دخول الوقت فإن الصلاة لا تقبل منه على إنها فريضة، لكن إن كان جاهلا لا يدري صارت نافلة ووجب عليه إعادتها فريضة. أما إذا صلاها بعد الوقت فلا يخلو من حالين:

And there is no hadith on the messenger of Allah ﷺ that the time of Asha is elongated until dawn break, never. And due to this the correct position is until midnight. And the noble verse proofs this, because he separated the Fajr from the other four times. **(Perform As-Salat (Iqamat-as-Salat) from mid-day)(till the darkness)** meaning the zawaal (passing the zenith) **(till the darkness)** Allah combined them because there is no separator between them. From the time Zhur goes out, Asr enters, and when Asr goes out, Maghreb enter, and when Maghreb goes out, Asha enters. As for Fajr he said **(and recite the Qur'an in the early dawn)** Fajr is not connected to the prayer before it or after it. That is because between it and Zhur is the first half of Day, and between it and Asha is the last half of the night. And know that the prayer before the times enters is not accepted, even if the one who prays makes Takbeerat Al-Ahram and then the times enters right away, it is not accepted as an obligatory prayer. That is because if something is

fixed at certain time, it is not valid before it, just like if someone wants to fast Ramadan before Ramadan, even one day before, it does not suffice for a fasting of Ramadan. Likewise if he makes the takbeer of forbiddance before the time enters, than the prayer is not accepted as obligatory prayer, but if he is ignorant it becomes supererogatory, and it is obligated upon him repeating it as an obligatory prayer. However if he prays after the time, then it means either of two cases.

أ- إما أن يكون معذورا بجهل، أو نسيان، أو نوم، فهذا تقبل منه.
- الجهل: مثل أن لا يعرف أن الوقت قد دخل وقد خرج، فهذا لا شيء عليه، فإنه يصلي الصلاة متى علم وتقبل منه، لأنه معذور.
- النسيان: مثل أن يكون الإنسان اشتغل بشغل عظيم أشغله وألهاه حتى خرج الوقت، فإن هذا يصليها ولو بعد خروج الوقت، والنوم كذلك، فلو أن شخصا نام على أنه سيقوم عند الأذان، ولكن صار نومه ثقيلاً فلم يسمع الأذان، ولم يسمع المنبه الذي وضعه عند رأسه حتى خرج الوقت، فإنه يصلي إذا استيقظ، لقول الرسول عليه الصلاة والسلام: ((من نام عن صلاة أو نسيها فليصلها إذا ذكرها، لا كفارة لها إلا ذلك))

A- Either he is excused with ignorance, forgetfulness, or sleep. It is accepted from him.

- Ignorance: an example he did not know that the time has entered and went out , this one nothing upon him, he prays whenever he finds out and it is accepted from him, because he is excused.
- Forgetfulness: an example a person worked with a tremendous job and made him forget until the time went out. This one prays the prayer even after the time has left. Also sleep, if a person was to sleep and intends to wake up during the Athan, but his sleep became heavy, and did not hear the Athan and did not hear the alarm that he has placed next to his head until the time

left, than he prays when he wakes up. Due to the statement of the prophet ﷺ “whoever sleeps on a prayer, or forget it, than he prays it when he remembers, no expiation for it except this.”¹¹

ب- فأما الحالة الثانية: فإن يؤخر الصلاة عن وقتها عمدا بدون عذر، فاتفق العلماء على أنه آثم وعاصٍ لله تعالى ورسوله صلى الله عليه وسلم. وقال بعض العلماء: إنه يكفر بذلك كفرا مخرجا عن الملة، نسأل الله العافية!، فالعلماء متفقون على أنه إذا أخر الصلاة عن وقتها بلا عذر فإنه آثم عاص، ولكن منهم من قال إنه يكفر، ولكن الجمهور - وهو الصحيح - أنه لا يكفر، ولكن اختلفوا فيما لو صلاها في هذه الحال، يعني: بعد أن أخرجها عن وقتها عمدا بلا عذر ثم صلى، فمنهم من قال: إنها تقبل - أي صلاته - لأنه عاد إلى رشده وصوابه و لأنه إذا كان الناسي تقبل منه الصلاة بعد الوقت فالمتعمد كذلك. ولكن القول الصحيح الذي تؤيده الأدلة أنها لا تقبل منه إذا أخرها عن وقتها عمدا ولو صلى ألف مرة، وذلك لقول النبي عليه الصلاة والسلام: ((من عمل عملا ليس عليه أمرنا فهو رد))، يعني مردود غير مقبول عند الله، وإذا كان مردودا فلن يقبل، وهذا الذي أخرج الصلاة عمدا عن وقتها إذا صلاها فقد صلاها على غير أمر الله ورسوله، فلا تُقبل منه. و أما المعذور فهو معذور، ولهذا أمره الشارع أن يصلّيها إذا زال عذره، إما من ليس بمعذور فإنه لو بقي يصلي كل دهره فإنها لا تقبل منه هذه الصلاة التي أخرجها عن وقتها بلا عذر، ولكن عليه أن يتوب إلى الله ويستقيم، ويكثر من العمل الصالح والاستغفار ((ومن تاب تاب الله عليه)).

B- As for the second situation: if he intentionally delays the prayer until the time goes out without any excuse. The scholars are on consensus that he is sinning, and disobedient to Allah and his messenger ﷺ.

¹¹ Agreed upon Bukhari and Muslim

Some of the scholars say: he is a disbeliever with that, disbelief that takes him out of the fold of the mellah (Islam), we ask Allah for wellness. The scholars are in agreement that the one who delays it beyond its time (until the time of the prayer leaves) without an excuse that he is sinning, and disobedient. However some of them say he disbelieved, but the majority say- and this is the correct position- that he does not disbelieve. However they disagree if he would to pray it in this situation, meaning: after he delays it beyond its time intentionally without an excuse, than prayed. From them who say it is accepted (his prayer) because he went back to his senses and correctness. And if the prayer of the one who forgets is accepted after the time, than the one who is intentional likewise. However the correct position that is supported by the proof is that it is not accepted (prayer) if he delays it beyond its time intentionally, even if he prayed a thousand times. And that is due to the statement of the prophet ﷺ **“whoever does an action our matter is not over it, will be rejected”**¹² meaning rejected not accepted with Allah. And if it is rejected, it will not be accepted. And this one who delay the prayer beyond its time, if he prayed it, he prayed it not upon the order of Allah and his messenger ﷺ. It will not be accepted from him. As for the excused, he is excused and that is why the legislator ordered him to pray it when the excuse is removed¹³. As for the one without a legislated excuse, if he would to pray his entire life the prayer that he delayed beyond its time period it would not be accepted from him. However upon him to repent to Allah, be upright, and should do a lot of the righteous action, and seek a lot of forgiveness **“and whoever repents, Allah accepts his repentance”**¹⁴

¹² Related by Muslim

¹³ For example the one who overslept when he wakes up the excuse is removed and should pray right away, and likewise for other legislative excuses such as forgetfulness.

¹⁴ Muslim narrated on the authority of Abu Hurairah may Allah be please with him that the Messenger of Allah ﷺ said, "He who repents before the sun rises from the west, Allah will accept it from him".

الشرط الثاني من إقام الصلاة: الطهارة، فإنه لا تقبل صلاة بغير طهور. قال النبي عليه الصلاة والسلام: ((لا تقبل صلاة أحدكم إذا أحدث حتى يتوضأ)) فلا بد أن يقوم الإنسان بالطهارة على الوجه الذي أمر به، فإن أحدث حدثاً أصغر مثل: البول والغائط والريح والنوم وأكل لحم الإبل فإنه يتوضأ.

The second condition for establishing the prayer: Purification. Because the prayer is not accepted without purification the prophet ﷺ said “the prayer of one of you is not accepted if he makes hadath¹⁵ until he makes ablution.”¹⁶ the person has to establish ablution based on the way he was ordered to. If he makes a small hadath like urinating, feces, passing gas, sleeping, eating the flesh of camels, he has to make Wudu¹⁷

وفروض الوضوء كما يلي:

غسل الوجه، واليدين إلى المرفقين، ومسح الرأس، وغسل الرجلين إلى الكعبين، كما أمر الله بذلك في قوله: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ﴾ [المائدة:6]. ومن الرأس: الأذنان، ومن الوجه: المضمضة والاستنشاق في الفم والأنف، فلا بد في الوضوء من تطهير هذه الأعضاء الأربعة، غسل في ثلاثة ومسح في واحد.

And the obligations of the Wudu are as follows:

Washing the face, the arms up to the elbow, wiping over the head, and washing the feet up to the ankle, in the matter Allah ordered it in his statement (O you who believe! When you intend to offer *As-Salat* (the prayer), wash your faces and your hands (forearms) up to the elbows, rub (by passing wet hands over) your

¹⁵ Hadath here means breaking the wudu (ablution) by passing gas, defecation, urine, etc.

¹⁶ Agreed upon Bukhari and Muslim

¹⁷ Wudu is ablution or purification done for the prayer.

heads, and (wash) your feet up to ankles) and from the head is the ears, and from the face is rinsing of the mouth and nostrils. The purification of these body parts is a must in the Wudu¹⁸. Washing in four, and wiping in one.

وأما الاستنجاء، أو الاستجمار: فهو إزالة النجاسة، ولا علاقة له بالوضوء، فلو أن الإنسان بال أو تَغَوَّط واستنجى ثم ذهب لشغله، ثم دخل الوقت، فإنه يتوضأ بتطهيره الأعضاء الأربعة، ولا حاجة إلى أن يستنجي، لأن الاستنجاء إزالة نجاسة، متى أُزيلت فإنه لا يعاد الغسل مرة ثانية، إلا إذا رجعت مرة ثانية.

As for istanga¹⁹ and istgmar²⁰, it is removing the filth and has no connection with the Wudu. If a person would to urinate, or defecates, and then makes istnagaa, and afterward went to his job and the time entered (for prayer) than he just makes ablution in the 4 body parts (previously mentioned) and doesn't have to make istangaa. That is because istangaa is removing filth, and whenever the filth is removed, there is no need to wash a second time, unless it reoccurs a second time.

والصحيح: أنه لو نسي أن يستجمر استجمارا شرعيا ثم توضأ، فإن وضوءه صحيح، لأنه ليس هناك ليس علاقة بين الاستنجاء وبين الوضوء. أما إذا كان محدثا حدثا أكبر مثل الجنابة فعليه أن يغتسل، فيعمم جميع بدنه بالماء لقوله تعالى: ﴿وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا﴾ [المائدة: 6] ، ومن ذلك: المضمضة والاستنشاق، لأنهما داخلان في الوجه، فيجب تطهيرهما كما يجب تطهير الجبهة والخد واللحية. والغسل الواجب الذي يكفي أن تعم جميع بدنك بالماء، سواء بدأت بالرأس أو الصدر أو الظهر أو بأسفل البدن، أو انغمست في بركة وخرجت منها بنية الغسل. والوضوء في الغسل سنة وليس بواجب، ويسن أن يتوضأ قبل أن يغتسل، وإذا اغتسل فلا

¹⁸ Some scholars mention that the pillars of wudu are six, the four body parts as the sheikh mentions here and doing them in order and within the time. Meaning he could not wash one body part and wait a long time then wash the other parts.

¹⁹ Istangaa is the action of using water to wash the filth after defecation or urination.

²⁰ Istgmar is the action of using 3 stones and up to wash the filth, until you sure the filth is removed.

حاجة إلى الوضوء مرة ثانية، لأنه لم يثبت عن النبي- عليه الصلاة والسلام- أنه توضع بعد اغتساله. فإذا لم يجد الماء، أو كان مريضاً يخشى من استعمال الماء، أو كان برد شديد وليس عنده ما يسخن به الماء، فإنه يتييم، لقوله تعالى: ﴿وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهَّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ﴾ [المائدة:6]. فبين الله حال السفر والمرض أنه يتييم فيهما إذا لم يجد الماء في السفر. أما خوف البرد فدليله قصة عمرو بن العاص رضي الله عنه: ((أن النبي صلى الله عليه وسلم بعثه في سرية فأجنب، فتييم وصلى بأصحابه إماماً. فلما رجعوا إلى النبي صلى الله عليه وسلم قال له: يا عمرو، صليت بأصحابك وأنت جنب؟ قال: نعم يا رسول الله! ذكرت قول الله تعالى: ﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾ [النساء:29] ، وخفت البرد فتييمت صعيداً طيباً فصليت))

And what is correct: If he would to forget to perform a legislative istgamar then performed ablution, his Wudu is valid, because there no connection between istangaa and the Wudu. But if he has a major hadath like Janabah²¹ (sexual impurity) than upon him to make the Ghusul²² (bath), and should make sure the water reaches all parts of his body, due to the statement of the most high (**If you are in a state of Janaba (i.e. had a sexual discharge), purify yourself (bathe your whole body)**). And from that is the madmadah (rinsing the mouth) and istanshaq (rinsing the nostrils) because they are from the face. It is obligated to clean them both as it is obligated to clean forehead, cheeks, and beard. And the obligatory ghusul (bath) that is sufficient is make sure the water reach all parts of the body, and it is equal whether you started with head, chest, back, or from the

²¹ Janabah could occur when someone has sexual intercourse even if no liquid comes out. Also wet dream and others.

²² Ghusul is the act of worship of washing your entire body after Janabah, for Friday prayer, etc. It only requires intention and to make sure the water reaches every part of the body.

bottom of the body. Or if you just dip yourself into a pond with the intention of ghusul. And Wudu in the ghusul is sunnah and not obligatory, and it is recommended to make Wudu before ghusul. And if he makes ghusul there is no need to make Wudu a second time, because it is not established upon the prophet ﷺ that he made ablution after ghusul. If one does not find water, or was sick and fears using water, or the water was freezing and does not have something to heat it, than he could perform Tayammum²³ due to statement of the most high (**But if you are ill or on a journey or any of you comes from answering the call of nature, or you have been in contact with women (i.e. sexual intercourse) and you find no water, then perform *Tayammum* with clean earth and rub therewith your faces and hands. Allah does not want to place you in difficulty, but He wants to purify you, and to complete His Favour on you that you may be thankful.**)

Allah clarified that in time of traveling or sickness, that one performs dry ablution in both of them if he does not find water. As for the fear of freezing, the proof is the story of Amr ibn Al'as may Allah be please with him that the prophet ﷺ sent him on an expedition (battle of Dhat as-Salasil) and he became junab (sexual impurity), he than performed dry ablution and led the prayer with his companions. When they returned to the prophet ﷺ, he said to him: **“O Amr you led the prayer with your companion while you were on sexual impurity?”** He said yes, O messenger of Allah, I remembered the statement of Allah **(Do not kill yourself, verily Allah is merciful to you.)** and I was afraid of the cold, so I performed dry ablution with pure earth and prayed.²⁴

²³ Tayammum or dry ablution involves striking the soil once, blowing throw your hands or if they are anything stuck between your fingers strike both hands against each other, than wiping the face and the right hands and then the left hand. I will use dry ablution and Tayammum interchangeably and they have the same meaning.

²⁴ Related by Abu Dawood and Hafidh said in fath Al bary it's narration is strong.

فأقرّه النبي صلى الله عليه وسلم على ذلك ولم يأمره بالإعادة، لأن من خاف الضرر كمن فيه الضرر، لكن بشرط أن يكون الخوف غالباً أو قطعاً، أما مجرد الوهم فهذا ليس بشيء. واعلم أن طهارة التيمم تقوم مقام طهارة الماء، ولا تنتقض إلا بما تنتقض به طهارة الماء، أو بزوال العذر المبيح للتيمم، فمن تيمم لعدم وجود الماء ثم وجده فإنه لا بد أن يتطهر بالماء، لأن الله تعالى إنما جعل التراب طهارة إذا عُد الماء. وفي الحديث الذي أخرجه أهل السنن عن أبي هريرة، عن النبي صلى الله عليه وسلم أنه قال: ((الصعيد الطيب وضوء المسلم - أو قال طهور المسلم - وإن لم يجد الماء عشر سنين، فإذا وجد الماء فليمسسه بشرته فإن ذلك خير))

The prophet صلى الله عليه وسلم affirmed him upon that, and did not order him to repeat it. Because those who fear harm are like those who have harm, however with the condition that the fear is based upon surety, or most likely (the harm to occur), as if they are just thought or doubts, than they are nothing. And know that the purification of dry ablution takes the place of the purification of the water, and it is not nullified by anything except what nullifies the purification of the water, or the removal of the excuse that caused you to do dry ablution. Whoever makes dry ablution because lack of water then the water becomes available, than he has to make ablution with water. That is because Allah made the soil purifier when there is no water. And in the hadith that is in the sunan on the authority of Abu Huryara may Allah be please with him, on the prophet صلى الله عليه وسلم he said: “the good soil is the wudu of the Muslim or he said the purification of the Muslim even if he does not find water for ten years. If he finds water than he should make it touch his body, because that is better”²⁵

وفي صحيح البخاري من حديث عمران بن حصين الطويل، في قصة الرجل الذي اعتزل فلم يصل مع النبي صلى الله عليه وسلم فسأله فقال: ((ما منعك أن تصلي معنا؟ قال: أصابتني

²⁵ Related by Abu Dawood and authenticated By Imam Albany.

جناية ولا ماء، فقال: عليك بالصعيد فإنه يكفيك. ثم حضر الماء فأعطى النبي صلى الله عليه وسلم هذا الرجل ماءً وقال: أفرغه على نفسك)) أي: اغتسل به. فدل هذا على أنه إذا وُجد الماء بطل التيمم، وهذه - لله الحمد - قاعدة حتى عند العامة، يقولون: ((إذا حضر الماء بطل التيمم)). أما إذا لم يحضر الماء ولم يزل العذر، فإنه يقوم مقام طهارة الماء ولا يبطل بخروج الوقت، فلو تيمم الإنسان وهو مسافر وليس عنده ماء وتيمم لصلاة الظهر مثلاً، وبقي لم يحدث إلى العشاء فإنه لا يلزمه إعادة التيمم، لأن التيمم لا يبطل بخروج الوقت، لأنه طهارة شرعية، كما قال الله في القرآن الكريم: ﴿فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهَّرَكُمْ﴾ [المائدة:6] ، فبين الله أن طهارة التيمم طهارة. وقال الرسول صلى الله عليه وسلم: ((جعلت لي الأرض مسجداً وطهوراً)) بفتح الطاء، أي أنها تطهر: ((فأبما رجل من أمتي أدركته الصلاة فليصل)). وفي حديث آخر: ((فعنده مسجده و طهوره)). يعني: فليتطهر وليصل. هذا من الأشياء المهمة في إقامة الصلاة: المحافظة على الطهارة. واعلم أن من المحافظة على الطهارة: إزالة النجاسة من ثوبك وبدنك، ومصلاك الذي تصلي عليه. فلا بد من الطهارة في هذه المواضع الثلاث: البدن، والثوب، والمصلى.

And in Sahih Bukhari from the long hadith of Imran Ibn Al Hosin, in the story of the person who isolated himself and did not pray with the prophet صلى الله عليه وسلم, and he said (prophet صلى الله عليه وسلم) “ what prevents you from praying with us? He said: janabah occurred with me and no water, he said: upon you is the soil, it will suffice you.” Then the water become available, and then the prophet صلى الله عليه وسلم gave this person water and said “spread it on you” meaning make ghusul (bath) with it. This proofs that if the water becomes available dry ablution is nullified. And this – and All praise to Allah- is a principle with the general laymen, they say “when water is available, the dry ablution is nullified”. But if the water is not present and the excuse is not ceased, than it takes the place of the purification of the water, and is not nullified when the time goes out. If he would to perform dry ablution and he is traveling, and there is no water, and makes dry ablution for

Zhur prayer for an example, and remained without nullifying the wudu until Asha, than he does not have to repeat the dry ablution again. That is because the dry ablution does not become nullified when the time goes out, because it is a legislated purification. As Allah said in the noble Quran (**then perform *Tayammum* with clean earth and rub therewith your faces and hands. Allah does not want to place you in difficulty, but He wants to purify you**) Allah clarified that the purification of taymmam (dry ablution) is purification and the messenger صلى الله عليه وسلم said “ **and the earth was made for me a place for prayer and something a mean to purify (taymmam), therefore anyone from my Ummah can pray when the prayer is due.**”²⁶ and in another hadith “**he has with him a masjid (a place for prayer) and a purifier.**” Meaning let him purify himself and pray. These are from the important matters in establishing the prayer: preserving purification. And know that from the preservation of the purification is: removing the filth from the clothing, body, and the place of prayer. They must be purification in the three places: body, clothing, and the place of prayer.

1- أما الثوب فدليله: أن النبي صلى الله عليه وسلم أمر النساء اللاتي يصلين في ثيابهن وهن يحضن بهذه الثياب أن تُزيل المرأة الدم الذي أصابها من الحيض من ثوبها، تحكّه بظفرها ثم تقرصه بأصبعيها الإبهام والسبابة ثم تغسله ، ولما صلى ذات يوم بأصحابه وعليه نعاله خلع نعليه فخلع الناس نعالهم، فلما سلم سألهم لماذا خلعوا نعالهم! قالوا: رأيناك خلعت نعليك فخلعنا نعالنا، فقال: ((إن جبريل أتاني فأخبرني أن فيهما قدرا)) ، فدل هذا على أنه لا بد من اجتناب النجاسة في الملبوس.

As for the clothing the proof for it: the prophet صلى الله عليه وسلم ordered the women who prayed with their clothing, and they had the menstrual cycle with the same clothes, to remove the blood that occurred on the clothing from the menses. She

²⁶ Agreed upon Bukhari and Muslim.

should scrape it with her nails, rub with her thumb and index finger, than clean it²⁷. And one day while leading the prayer with his companions and he had his sandals on him, he removed his sandals, and then the people removed their sandals. When he made tasleem (finished the prayer), he asked them why they removed their sandals, they said : we seen you remove you sandals so we removed our sandals, he said “ **Jibril came to me and inform me that they were filth on them**”²⁸ this proves that removing filth from the clothing is a must.

2- **أما المكان:** فدليله أن أعرابيا جاء فبال في طائفة من المسجد، أي: في طرف من مسجد النبي صلى الله عليه وسلم لكنه أعرابي- والأعراب الغالب عليهم الجهل- فصاح به الناس وزجروه، ولكن الرسول صلى الله عليه وسلم بحكمته نهاهم وقال: اتركوه. فلما قضى بوله دعاه النبي صلى الله عليه وسلم وقال له: ((إن هذه المساجد لا تصلح لشيء من هذا البول ولا القدر، إنما هي لذكر الله عز وجل، والصلاة، وقراءة القرآن)) فقال الأعرابي: ((اللهم ارحمني ومحمدا ولا ترحم معنا أحد))، لأن الصحابة زجروه، وأما النبي- عليه الصلاة والسلام- فكلمه بلطف، فظن أن الرحمة ضيقة لا تتسع للجميع، وقال: ((اللهم ارحمني ومحمدا ولا ترحم معنا أحد)). ويذكر أن الرسول صلى الله عليه وسلم قال له: ((لقد حجرت واسعا يا أبا العرب)) و أمر النبي - عليه الصلاة والسلام- أن يُصَبَّ على البول ذُنُوبٌ من ماء، مثل الدلو، لتطهر الأرض.

As for the place: the proof is that a Bedouin Arab urinated in part of the masjid, meaning in one of the sides of the masjid of the prophet صلى الله عليه وسلم, but he was a Bedouin. And the Bedouin Arabs are usually upon ignorance, so the people screamed at him, and scolded him, but the messenger صلى الله عليه وسلم stopped them through his wisdom. He said leave him. When he finished his urine, the

²⁷ Agreed upon

²⁸ Abu Dawood and Ahmed

prophet صلى الله عليه وسلم called him and said “ this masjid is not befitting for urine, or filth, rather it is for the remembrance of Allah the exalted, prayer, and recitation of the Quran”²⁹ the Bedouin Arab said “ O Allah have mercy on me and Mohamed and do not have mercy on anyone else with us”³⁰ because the companions scolded him, as for the prophet صلى الله عليه وسلم, he spoke to him in softness, so he thought that the mercy was narrow, and it is not vast enough for all, and said “O Allah have mercy on me and Mohamed and do not have mercy on anyone else with us” and it is mentioned that the prophet صلى الله عليه وسلم said to him “ you have narrowed what is vast, O Bedouin Arab brother” and the prophet ﷺ ordered that water should be poured on the earth.

3- وأما طهارة البدن: فقد ثبت في الصحيحين من حديث عبد الله بن عباس - رضي الله عنهما - أن الرسول صلى الله عليه وسلم مر بقبرين فقال: ((إنهما ليعذبان وما يعذبان في كبير، أما أحدهما فكان لا يستتر من بوله، وفي رواية: لا يستبريء من البول، وأما الآخر فكان يمشي بالنميمة)) والعياذ بالله. فدل هذا: على أنه لا بد من التنزه من البول. وهكذا بقية النجاسات، ولكن لو فرض أن الإنسان في البر وتنجس ثوبه وليس معه ما يغسله به، فهل يتيمم من أجل صلاته في هذا الثوب؟ لا يتيمم، وكذلك لو أصاب بدنه نجاسةً رجله أو يده أو ساقه أو ذراعه وهو في البر وليس عنده ما يغسله، فإنه لا يتيمم، لأن التيمم إنما هو في طهارة الحدث فقط، أما النجاسة فلا يتيمم لها، لأن النجاسة عين قدرة تطهيرها بإزالتها إن أمكن فذاك، وإن لم يمكن تبقى حتى يمكن إزالتها. والله اعلم

As for the purifications of the body: It has been established in the two Sahih from the hadith of Ibn Abbas, may Allah be please with them both that the messenger

ﷺ passed by two graves and said “ They are being punished, and they are not

²⁹ This narration was related by Muslim

³⁰ Bukhari

punished for a great thing (to avoid). One of them never covered himself while urinating, and in another narration does not stay away from the urine splashes, while the other was going about with evil gossip (to make enmity between friends)”³¹. And we seek refuge with Allah. This proves that avoiding the urine is a must, and likewise the rest of filth. But if someone happen to be on a land, and his clothe was defiled (with filth) and he does not have something to clean with. Is it for him to make taymmam so he could pray in this clothing? No, he should not make taymmam, likewise if his feet, hands, knees, or arms were defiled, and he is on land and does not have something to clean it off, he should not make taymmam because tyammam is in the purification from the hadath only, as for filth, he should not make taymmam for it. Because defilement is an appointed filth, and it is purified through its removal if it is possible, and if it is not possible it remains until it is possible to remove it. And Allah knows best.

أحكام المسح على الخفين والجبيرة:

سبق أن الطهارة تتعلق بأربعة أعضاء من البدن، وهي: الوجه، واليدين، والرأس، والرجلان، فأما الوجه فيُغسل، وأما اليدين فتغسلان، وأما الرأس فيمسح، وأما الرجلان فتغسلان أو تمسحان. اثنان يغسلان، وواحد يمسح، وواحد يغسل أو يمسح! أما الوجه فلا يمكن أن يمسح إلا إذا كان هناك جبيرة، أي: لزقة على جرح أو ما أشبه ذلك. فلو أن إنسانا غطى وجهه بشيء من سموم الشمس أو غيره فإنه لا يمسح عليه، بل يزيل الغطاء ويغسل الوجه. إلا إذا كان هناك ضرورة فإنه يمسح ما غطى به وجهه على سبيل البدل من الغسل. وأما اليدين فكذلك لا تمسحان، بل لا بد من غسلهما إلا إذا كان هناك ضرورة، مثل أن يكون فيهما حساسية يضرها الماء وجعل عليها لفافة، أو لبس قفازين من أجل أن لا يأتيهما

³¹ Agreed upon

الماء، فلا بأس أن يمسح مسح جبيرة للضرورة. وأما الرأس فيُمسح، وطهارته أخف من غيره ولهذا لو كان على رأس المرأة حنّاء ملبّد عليه، أو لبّد المحرّم رأسه في حال إحرامه كما فعل النبي - عليه الصلاة والسلام - فإنه يمسح هذا الملبّد ولا حاجة إلى أن يزيله. أما الرّجلان فتُغسلان وتُمسحان، ولهذا جاء القرآن الكريم على وجهين في قراءة قوله تعالى: ((وأرجلكم)) بالفتح والكسر. ففي قراءة ﴿وأرجلكم﴾ وفي قراءة ﴿وأرجلكم﴾.

أما قراءة الكسر ﴿أرجلكم﴾ فهي عطفًا على قوله: ﴿وامسحوا برؤوسكم﴾، أي: وامسحوا بأرجلكم.

وأما النصب ﴿وأرجلكم﴾ فهي عطفًا على قوله تعالى: ﴿اغسلوا وجوهكم﴾ يعني: واغسلوا أرجلكم.

ولكن متى تُمسح الرجل؟ تُمسح الرجل إذا لبس عليها الإنسان جوارب أو خفين.

الجوارب: ما كان من القطن أو الصوف أو نحوه.

والخفان: ما كان من الجلد أو شبهه، فإنه يمسح عليهما، لكن بشروط أربعة.

The ruling on the wiping over the socks and casts:

It was preceded that purification involves four body parts and they are: face, arms (including the hands), head, and feet. As for the face it is washed, and the hands they are washed, the head is wiped over it, as for feet than they are washed, and wiped over. Two are washed, one is wiped over, and one is either washed or wiped.

As for the face it is not possible to wipe it except if there is some kind of surgical covering around it from an injury or similar to it. If someone would to cover his face with something from the rays of the suns or others, than he should not wipe his face, rather he removes the covering, and washes his face except in the case of necessity, than he wipes over what covers his face as an exchange for the washing. As for the arms they are also not wiped. They must be washed, except if there is a

necessity, like if the hands are sensitive to the water, and he wrapped his hands, or wore gloves so the water does not reach them. In this case there is no problem if he wipes over them because of the necessity. As for the head, it is wiped. And its purification is lighter than the others. And due to this if a women were to have henna on her head, that it clouded it, or the muharram³² labbad his head during his ihram as the prophet **صلى الله عليه وسلم** did, than he wipes the covering, and there is no need to remove it. As for the feet they are washed and wiped, and due to this, there is two ways to recite the verse in the Noble Quran (the verse of the wudu, 5:6, the part of the legs) and your legs (وأرجلكم) one with the fatha on the lam and one with kasra on the lam.

When there is a kasra on the lam **أرجلكم** : then it is continuation of wipe over your head, meaning wiped over your head and legs.

When there a fatha on the lam (**وأرجلكم**): than it is a continuation of wash your face, meaning and wash your feet.

However, when do you wipe over your feet? The feet are wiped when the person put on them gwarab, or khofeen.

Gwarab: are socks from cotton, wool, or the likes of it.

Khofeen: are socks from leather or the likes.

He wipes over his feet, but with four conditions.

³² Muharram is the one who has entered the noosek (pilgrimage or umrah) . Labbad means he put something like henna or the likes on his head.

الشرط الأول: الطهارة: أي طهارة الخفين أو الجوربين، فلو كانا من جلد نجس فإنه لا يصح المسح عليهما، لأن النجس خبيث لا يتطهر مهما مسحته وغسلته. أما إذا كانتا متنجستين، فمن المعلوم أن الإنسان لا يصلي فيهما، فلا يمسخ عليهما.

الشرط الثاني: أن يلبسهما على طهارة بالماء: فإن لبسهما على تيمم فإنه لا يمسخ عليهما. فلو أن شخصا مسافرا لبس الجوارب على طهارة تيمم ثم قدم البلد فإنه لا يمسخ عليهما، لأنه لبسهما على طهارة تيمم، وطهارة التيمم إنما تتعلق بالوجه والكفين، ولا علاقة لها بالرجلين. وعلى هذا يكون الشرط مأخوذاً من قول النبي صلى الله عليه وسلم للمغيرة بن شعبة: ((إني أدخلتهما طاهرتين))

الشرط الثالث: أن يكونا في الحدث الأصغر: أي: في الوضوء، أما الغسل فلا تُسمح فيه الخفان ولا الجوارب، بل لا بد من خلعهما وغسل الرجلين، فلو كان على الإنسان جنابة فإنه لا يمكن أن يمسخ على خفيه.

الشرط الرابع: أن يكون في المدة المحددة شرعاً: وهي يوم وليلة للمقيم، وثلاثة أيام للمسافر، تبتدئ من أول مرة مسح بعد الحدث، أما ما قبل المسح الأول فلا يُحسب من المدة. فلو فرض أن شخصا لبسها على طهارة في صباح اليوم الثلاثاء، وبقي إلى صلي العشاء في طهارته، ثم نام في ليلة الأربعاء، ولما قام لصلاة الفجر مسح، فيوم الثلاثاء: لا يحسب عليه، لأنه قبل المسح، بل يحسب عليه من فجر يوم الأربعاء، لأن حديث علي بن أبي طالب - رضي الله عنه - قال: ((جعل رسول الله صلى الله عليه وسلم ثلاثة أيام ولياليهن للمسافر، ويوما وليلة للمقيم))

The first condition, purification: meaning the socks are pure. If the socks were made from filthy skin than it is not valid to wipe over them. Because the nagas is filthy, and will not be purified no matter how many times you washed it. And if some filth went on the socks, then from what is known that the person will not pray with them, he should not wipe over them.

Second conditions, to wear the socks over the feet, while the feet are upon purification from the water: If he would to wear them upon tayammum (meaning he made tayammum, than put on his socks) than he should not wipe over them. If they were a traveler who wore his leather socks upon the purification of dry ablution, then he went towards a place, he should not wipe over them because he wore them upon the purification of dry ablution, and the purification of dry ablution is connected to the face and hands, and it has no connection to the feet. And based upon this, this condition is taken from the statement of the prophet **صلى الله عليه وسلم** to Al Mogeerah Ibn Shabah may Allah be please with him **“I entered them upon purification”**³³

Third condition: The wiping is form the minor hadath: meaning the wudu as for ghusul (bathing) you do not wipe over the socks, rather you must remove them, and wash your feet. If a person was upon janabah (sexual impurity) it is not possible to wipe over the socks.

The fourth condition: it has to be within the legislative specified time. And it is day and night to the resident, and three days for the traveler. It (the time) starts with the first wipe after the hadath (nullifying the wudu). As before the first wipe, it is not counted from the time. If someone would to wear his socks upon purification for example on Tuesday morning and remained upon the same purification until Asha prayer, then he slept that night, and when he woke up for Fajr, he wiped, than Tuesday does not count, because it is before the wipe, rather what is counted is from the Fajr of Wednesday (meaning the time starts from the Fajr of Wednesday). Because in the hadith of Ali ibn Abi Talib may Allah be please with him, he said

³³ Agreed upon

“the messenger of Allah made it three days and its night for the traveler, and day and night for the resident.”³⁴

وقال صفوان بن عسال: ((كان رسول الله صلى الله عليه وسلم يأمرنا إذا كنا سفرا ألا ننزع خفافنا ثلاثة أيام ولياليهن إلا من جنابة، ولكن من غائط وبول ونوم)) ، فالعبرة بالمسح لا باللبس، ولا بالحدث بعد اللبس. فيتم المقيم يوم وليلة، أي: أربعاً وعشرين ساعة، ويتم المسافر ثلاثة أيام بلياليهن، أي: اثنتين وسبعين ساعة، فإن مسح الإنسان وهو مقيم وسافر قبل أن تتم المدة، فإنه يتم مسح مسافر ثلاثة أيام.

مثلاً: لو لبس اليوم لصلاة الفجر ومسح لصلاة الظهر، ثم سافر بعد الظهر، فإنه يتم ثلاثة أيام، يتم مسح ثلاثة أيام ولو كان بالعكس: مسح وهو مسافر ثم أقام، فإنه يتم مسح مقيم، لأن العبرة بالنهاية لا بالبداية، العبرة في السفر أو الإقامة بالنهاية لا بالبداية.

And Safwan Ibn Assal said “ the messenger of Allah used to order us if we were traveling not to remove our socks for three days and nights except from janabah. But for defecation, urination, or sleep”³⁵. What is taken into account is the wipe, not the wearing, and with the hadath after wearing. The resident completes one day and night, meaning 24 hours, and the traveler three days and nights, meaning 72 hours. If a person were to wipe while he is a resident, and then traveled before the times ends, than he completes the wiping of the traveler, three days and nights (meaning if he has 12 hours left, he does not remove his socks after 12 hours, he completes the time of a traveler)

For example: if he wore today during Fajr and wiped for Zhur prayer, then he traveled after Zhur, than he completes three days, he wipes for three days. And if it was vice versa: he wiped while traveling, then he became a resident, than he completes the wiping of a resident. Because what is taken into consideration is the

³⁴ Muslim

³⁵ Tirmidhi

ending, not the beginning. What is taking in consideration in traveling or residency is ending, not beginning.

وهذا هو الذي رجَعَ إليه الإمام أحمد- رحمه الله- وكان بالأول يقول: أن الإنسان إذا مسح مقيماً ثم سافر أتم مسح مقيم، ولكنه رجع عن هذه لرواية وقال: إنه يتم مسح مسافر. ولا تستغرب أن العالم يرجع عن قوله، لأن الحق يجب أن يتبع، فمتى تبين للإنسان الحق وجب عليه اتباعه، فالإمام أحمد- رحمه الله- أحياناً يروى عنه في المسألة الواحدة أكثر من أربعة أقوال أو خمسة إلى سبعة أقوال في مسألة واحدة. وهو رجل واحد، أحياناً يصرِّح بأنه رجَّع وأحياناً لا يصرِّح، إن صرِّح بأنه رجَّع عن قوله الأول فإنه لا يجوز أن يُنسب إليه القول الذي رجَّع عنه، ولا يجوز أن ينسب له إلا مقيداً، فيقال: قال به أولاً ثم رجَّع، أما إذا لم يصرح بالرجوع فإنه يجب أن تُحسب الأقوال كلها عنه، فيقال: له قولان، أو له ثلاث أقوال، أو أربعة أقوال. والإمام أحمد تكثرت الرواية عنه، لأنه أثريٌّ يأخذ بالآثار، والذي يأخذ بالآثار ليس تأتيه الآثار دفعة واحدة حتى يحيط بها مرة واحدة ويستقر على قول منها، لكن الآثار تتجدد، يُنقل له حديث اليوم، ويُنقل له حديث في اليوم الثاني، وهكذا. واعلم أن الإنسان إذا تمت المدة وهو على طهارة فإنه لا تنتقض طهارته، لكن لو انتقضت فلا بدَّ من خلع الخفين وغسل القدمين، لكن مجرد تمام المدة لا ينقص الوضوء. كذلك أيضاً إذا خلعتها بعد المسح وهو على طهارة، فإنها لا تنتقض طهارته، بل يبقى على طهارته، فإذا أراد أن يتوضأ فلا بدَّ من أن يغسل قدميه بعد أن نزع. والقاعدة في هذا حتى لا تشبهه: أنه متى نزع الممسوح فإنه لا يعاد ليمسح، بل لا بدَّ من غسل الرجل ثم إعادته إذا أراد الوضوء.

And this is what Imam Ahmed may Allah have mercy on him went back to. And he used to say in the beginning, if a person were to wipe as resident, than traveled, he completes that of a resident. But he went back on this. He said he completes as a traveler. And do not become amazed if the scholar went back on his statement, because the truth must be followed, whenever the truth become clear to a person than it is obligated on him to follow it. Imam Ahmed may Allah have mercy on

him, sometime it is narrated on him on one matter more than four narration, up to five, and seven in one matter. And he is only one man. Sometimes he makes it clear that he went back, and sometime he doesn't. If he makes it clear that he went back on his first statement, than it is not permissible to attribute that statement to him, this statement that he went back on. It is not permissible except with restriction, like he said this and went back on it. But if he did not make it clear, than we have to count all of the statement on him. And it said he has two statements, or three statements, or four statements. And Imam Ahmed has many narrations on him because he is Athrey³⁶, he goes by the Athar. And the one who goes by the Athar, the Athar does not come to him all at once, so he could not encompass them at once and his statement doesn't becomes established. Rather the Athar renews, one hadith come to him one day, and another hadith is transmitted to him another day, and likewise. And know if the person's time is finished and he is upon purification, than his purification does not become nullified. However, if it does become nullified than he to take off his socks, and wash his feet. But just the time goes out alone does not nullify the purification. If he wants to make wudu, than he has to take off his socks and wash his feet. And the principle is: whenever the wiped is taken off, than he does not go back to wipe, rather he must wash his feet, than Putting them back if he want to make wudu.

الشرط الثالث: استقبال القبلة: فاستقبال القبلة شرط من شروط الصلاة لا تصح الصلاة إلا به، لأن الله تعالى أمر به وكرر الأمر به. قال تعالى: ﴿وَمِنْ حَيْثُ خَرَجْتَ فَوَلِّ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ وَحَيْثُ مَا كُنْتُمْ فَوَلُّوا وُجُوهَكُمْ شَطْرَهُ﴾ [البقرة:150] ، أي : جهته. وكان النبي - عليه الصلاة والسلام- أول ما قدم المدينة كان يصلي إلى بيت المقدس، فيجعل الكعبة

³⁶ Athrey meaning he follows the Athar, hadith, statement of the companions , etc.

خلف ظهره والشام قِبَل وجهه، ولكن بعد ذلك ترقَّب أن الله سبحانه وتعالى - يشرع له خلاف ذلك، فجعل يقلِّب وجهه في السماء ينتظر متى ينزل عليه جبريل بالوحي في استقبال بيت الله الحرام، كما قال الله تعالى: ﴿قَدْ نَرَى تَقَلُّبَ وَجْهِكَ فِي السَّمَاءِ فَلَنُوَلِّيَنَّكَ قِبْلَةً تَرْضَاهَا فَوَلِّ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ﴾ [البقرة:144]، فأمره الله- عز وجل- أن يستقبل المسجد الحرام، أي: جهته. إلا أنه يُستثنى من ذلك ثلاث مسائل:

The third condition: facing the Qiblah (mecca, kabba). Facing the Qiblah is a condition of the prayer. The prayer is not valid except with it that is because Allah commanded it, and repeated the command. The most high said **(And from wheresoever you start forth (for prayers), turn your face in the direction of Al-Masjid-al-Haram (at Makkah), and wheresoever you are, turn your faces towards, it (when you pray), 2:150)** and the when the prophet ﷺ first came to medina, he used to pray toward Jerusalem. So his back would face the Kabba, and his face would face sham. But after that, he expected Allah the exalted to legislate the opposite. So he would turn his head toward the heaven, waiting for Jibril to come down with the revelation, regarding facing the house of Allah Al-Haram, as Allah said **(Verily! We have seen the turning of your (Muhammad's ﷺ) face towards the heaven. Surely, We shall turn you to a Qiblah (prayer direction) that shall please you, so turn your face in the direction of Al-Masjid- al-Haram (at Makkah).)** Allah ordered him to face Masjid Al-Haram meaning its direction, but they are exceptions to this in three matters:

المسألة الأولى: إذا كان عاجزا كمرريض وجهه إلى غير القبلة، ولا يستطيع أن يتوجه إلى القبلة، فإن استقبال القبلة يسقط عنه في هذه الحال، لقوله تعالى: ﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾ [التغابن:16]، وقوله تعالى: ﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾ [البقرة:286] ، وقول النبي صلى الله عليه وسلم: ((إذا أمرتكم بشيء فأتوا منه ما استطعتم))

المسألة الثانية: إذا كان في شدة الخوف، كإنسان هارب من عدو، أو هارب من سبع، أو هارب من نار، أو هارب من واد يغرقه! المهم أنه في شدة خوف، فهنا يصلي حيث كان وجهه. ودليل ذلك قوله تعالى: ﴿فَإِنْ خِفْتُمْ فَرِجَالًا أَوْ رُكْبَانًا فَإِذَا أَمِنْتُمْ فَأَدْكُرُوا اللَّهَ كَمَا عَلَّمَكُم مَّا لَمْ تَكُونُوا تَعْلَمُونَ﴾ [البقرة:239]، فإن قوله: ﴿فَإِنْ خِفْتُمْ﴾ عام يشمل أي خوف. وقوله: ﴿فَإِذَا أَمِنْتُمْ فَأَدْكُرُوا اللَّهَ كَمَا عَلَّمَكُم مَّا لَمْ تَكُونُوا تَعْلَمُونَ﴾ على أن أي ذكر تركه الإنسان من أجل الخوف فلا حرج عليه فيه، ومن ذلك استقبال القبلة.

وبدل عليه أيضا: ماسق من الآيتين الكريمتين و الحديث النبوي في أن الوجوب معلق بالاستطاعة

المسألة الثالثة: في النافلة في السفر، سواء كان على طائرة، أو على سيارة، أو على بعير، فإنه يصلي حيث كان وجهه في صلاة النفل، مثل الوتر وصلاة الليل والضحي وما أشبه ذلك. والمسافر ينبغي له أن يتنفل بجميع النوافل كالمقيم سواءً إلا في الرواتب، كراتبه الظهر والمغرب والعشاء، فالسنة تركها، وماعدا ذلك من النوافل فإنه باقٍ على مشروعيتها للمسافر، كما هو مشروع للمقيم. فإذا أراد أن يتنفل وهو مسافر على طائرته، أو على بعيره، أو على حماره، فليتنفل حيث كان وجهه، لأن ذلك هو الثابت في الصحيحين عن رسول الله صلى الله عليه وسلم

The first matter: if he is incapable, like a sick person who is facing other the Qiblah, and cannot face the Qiblah. Facing the Qiblah is removed in this situation, due to the statement of Allah (**So keep your duty to Allah and fear Him as much as you can, 64:16**) and his **statement (Allah burdens not a person beyond his scope. 2:286)** and the statement of the prophet ﷺ “ **if I order you with something, than bring from it what you are capable**”³⁷

The second matter: during severe fear, like a person who is running away from an enemy, or running from a predator, or fire, or from a wave that will drown him.

What's important that he is in severe fear, in this situation he prays toward

³⁷ Agreed upon

whatever he is facing, and the proof is the statement of Allah **(And if you fear, perform Salat (pray) on foot or riding. And when you are in safety, offer remembrance in the manner He has taught you, which you knew not (before).)** fear here encompass any fear, and his statement **(And when you are in safety, offer the Salat (prayer) in the manner He has taught you, which you knew not (before))** meaning any remembrance the person left off because of fear, there is no problem on him, and from that is facing the Qiblah. And it is also proved by the previous two verses, and the prophetic hadith that shows obligation is connected with capability.

The third matter: the supererogatory prayer during travel. It is the same whether he is on a plane, car, or a camel. He prays in any direction he is facing in the supererogatory prayer like the witr³⁸, the night prayer (not asha) and dhuha³⁹, and the similar. And the traveler upon him is do all the voluntary prayer like the resident except the rawateb⁴⁰, like the ratbat zhur, Maghreb, and asha, the sunnah is leaving them (the sunnah is not to perform the rawtab during travel). And besides that from the voluntary prayer, than they remain upon their legislation for the traveler, as it is legislated for the resident. If he wants to make voluntary prayer and he is traveling on plane, or a camel, or on donkey, he makes the voluntary prayer in any direction he happens to be facing. That is what is established on the prophet ﷺ in the two sahih.

فهذه ثلاث مسائل لا يجب فيها استقبال القبلة! أما الجاهل فيجب عليه أن يستقبل القبلة، لكن إذا اجتهد وتحرياً ثم تبين له الخطأ بعد الاجتهاد، فإنه لا إعادته عليه، ولا نقول إنه يسقط

³⁸ Witr is the last voluntary prayer of the night. It has to be odd number of raka, 1,3,5,7,9,11.

³⁹ Dhua is the voluntary prayer after sunrise, usually 30 minutes after sunrise, depending on the locale.

⁴⁰ The rawatab are the voluntary prayer that is connected to the five daily prayer. 4 or 2 before ZHur, 2 after Zhur, 2 after Maghreb, 2 after Asha, and two before Fajr.

عنه الاستقبال، بل يجب عليه الاستقبال و يتحرى بقدر استطاعته، فإذا تحرى بقدر استطاعته ثم تبين له الخطأ، فإنه لا يعيد صلاته، ودليل ذلك أن الصحابة الذين لم يعلموا بتحويل القبلة إلى الكعبة، كانوا يصلون ذات يوم صلاة الفجر في مسجد قباء، فجاءهم رجل فقال: إن النبي صلى الله عليه وسلم أنزل عليه قرآن و أمر أن يستقبل الكعبة فاستقبلوها، فاستداروا، بعد أن كانت الكعبة وراءهم جعلوها أمامهم، فاستداروا وبقوا في صلاتهم وهذا في عهد النبي صلى الله عليه وسلم ولم يكن إنكار له، فيكون ذلك مشروعاً، فإذا أخطأ الإنسان في القبلة جاهلاً فإنه ليس عليه إعادة، ولكن إذا تبين ولو في أثناء الصلاة وجب عليه أن يستقيم إلى القبلة، فلو فرض أن إنساناً شرع يصلي إلى غير القبلة يظن أنها القبلة، فجاءه إنسان وقال له: القبلة عن يمينك أو يسارك، وجب عليه أن يستدير على اليمين أو على اليسار دون أن يستأنف الصلاة، لأنه في الأول كان عن اجتهاد وعن وجه شرعي فلا يبطل. فاستقبال القبلة شرط من شروط الصلاة لا تصح الصلاة إلا به، إلا في المواضع الثلاثة التي ذكرناها، وإلا إذا أخطأ الإنسان بعد الاجتهاد والتحري.

These are three matters it is not obligated to face the Qiblah. As for the ignorant, it is obligated upon him to face the Qiblah. However if he strove hard to face the Qiblah, than it was made clear to him that he was wrong after striving, than he does not repeat the prayer. And we do not say facing the Qiblah is removed, rather it is obligated on him to face the Qiblah, and should strive to the best of capability (to find the direction) if he strove to the best of his capability, than it made clear he was wrong, than he does not repeat the prayer. And the proof for this is that some of the companions that did not know of the change of the Qiblah to kabaa, prayed one day fajr in masjid Quba, and then a man came to them and said: that prophet ﷺ came down on him revelation and was ordered to face the kabbah, so face it. They turned around, after the kabbah was facing their back, now its facing the front of them. So they turned around and remain in their prayer. And this was during the time of the prophet ﷺ, and he did not disapprove of it, so it becomes legislated. If a person would make a mistake in the Qiblah out of ignorance,

believing it was the Qiblah, and a person came to him and said the Qiblah is to your right or left, it is obligated on him to turn right or left without repeating the prayer. Because in the beginning he was on his strive, and on a legislated way, so it is not nullified. Facing the Qiblah is a condition from the condition of the prayer. The prayer is not valid except with it, with the exception of the three matters that we mentioned, and if a person strove hard and made a mistake.

وهنا مسألة: يجب على من نزل على شخص ضيفا و أراد أن يتنقل أن يسأل صاحب البيت عن القبلة، فإذا أخبره اتجه إليها، لأن بعض الناس تأخذ العزة بالإثم، ويمنع الحياء - وهو حياء في غير محله - عن السؤال عن القبلة. فبعض الناس يستحي من السؤال حتى لا يقول الناس لا يعرف! لا يضر، فليقولوا ما يقولونه، بل اسأل عن القبلة حتى يخبرك صاحب البيت. وأحيانا بعض الناس تأخذ العزة بالإثم أو الحياء، ويتجه بناءً على ظنه إلى جهة ما يتبين له أنها ليست القبلة، وفي هذه الحال وجب عليه أن يعيد الصلاة، لأنه استند إلى غير مستند شرعي. والمستند إلى غير مستند شرعي لا تُقبل عبادته، لقول النبي صلى الله عليه وسلم: ((من عمل عملا ليس عليه أمرنا فهو رد))

And here is a matter: it is obligated upon the person who is a guest, and wants to make a voluntary prayer to ask the person of the house where is the Qiblah. If he is informed he should face it. That is because some people are overtaken by pride that leads to sin, shyness prevents him. And this shyness is in a place that should not be, it prevent him from asking where the Qiblah is, some people they are shy to ask, so the people might say he does not know, do not worry, let them say whatever, rather ask about the Qiblah, until the person of the house informs you. Sometimes some people are overtaking by pride that leads to sin or shyness, and faces towards a direction based upon his thinking, and it is not the Qiblah. If it made clear to him that it is not the Qiblah he should repeat the prayer because he

went by something that is not legislated, and the one who goes by something other than the legislation, his worship is not accepted, due to the statement of the prophet ﷺ “whoever does an action our matter is not over it, it will be rejected”⁴¹

الشرط الرابع: النية: فإن الصلاة لا تصح إلا بنية، لقول النبي صلى الله عليه وسلم: ((إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى)) الحديث. وقد دلت الآيات الكريمة على اعتبار النية في العبادات، مثل قوله تعالى في وصف النبي صلى الله عليه وسلم وأصحابه: ﴿تَرَاهُمْ رُكَّعًا سُجَّدًا يَبْتَغُونَ فَضْلًا مِنَ اللَّهِ وَرِضْوَانًا﴾ [الفتح:29]، وقال تعالى: ﴿وَمَا تُنْفِقُونَ إِلَّا ابْتِغَاءَ وَجْهِ اللَّهِ﴾ [البقرة:272]، والآيات في هذا كثيرة، وقال: ﴿وَمَنْ يَخْرُجْ مِنْ بَيْتِهِ مُهَاجِرًا إِلَى اللَّهِ وَرَسُولِهِ ثُمَّ يُدْرِكُهُ الْمَوْتُ فَقَدْ وَقَعَ أَجْرُهُ عَلَى اللَّهِ﴾ [النساء:100]، فالنية شرط من شروط صحة الصلاة، لا تصح الصلاة إلا بها، وهي- في الحقيقة - ليست بالأمر الصعب، كل إنسان عاقل مختار يفعل فعلا فإنه قد نواه. فلا تحتاج إلى تعب ولا على نطق محلها القلب: ((إنما الأعمال بالنيات))؛ ولأن النبي صلى الله عليه وسلم لم ينطق بالنية، ولا أمر أمته بالنطق بها، ولا فعلها أحد من أصحابه فأقره على ذلك، فالنطق بالنية بدعة، هذا هو القول الراجح، لأنك كأنما تشاهد الرسول- عليه الصلاة والسلام- وأصحابه يصلون ليس فيهم أحد نطق قال: اللهم إني نويت أن أصلي. وما أظرف قصة ذكرها لي بعض الناس- عليه رحمة الله- قال لي: إن شخصا في المسجد الحرام- قديما- أراد أن يصلي، فأقيمت الصلاة فقال: اللهم إني نويت أن أصلي الظهر أربع ركعات لله تعالى خلف إمام المسجد الحرام. لما أراد أن يكبر قال له الرجل إلى جواره: اصبر بقي عليك! قال: ما الباقي؟ قال له: قل في اليوم الفلاني وفي التاريخ الفلاني من الشهر والسنة حتى لا تضيع، هذه وثيقة. فتعجب الرجل! والحقيقة أنه محل التعجب، هل أنت تُعلم الله- عز وجل- بما تريد؟ الله يعلم ما توسوس به نفسك. هل نعلم الله بعدد الركعات والأوقات؟ لا داعي

⁴¹ Muslim

له، الله يعلم هذا. فالنية محلها القلب. ولكن كما نعلم أن الصلوات تنقسم إلى أقسام: نفل مطلق، ونفل معين، وفريضة.

The fourth conditions: intentions. The prayer is not valid without an intention, due to the statement of the prophet ﷺ “actions are determined by intentions, and to every person is what he intended for.”⁴² the hadith. And the noble verses have proved this with regard to intention in the worships, like the statement of the exalted in describing the prophet ﷺ and his companions. (You see them bowing and falling down prostrate (in prayer), seeking Bounty from Allah and (His) Good Pleasure) and he said (when you spend not except seeking the face of Allah) and the verses are many, and he said (And whosoever leaves his home as an emigrant unto Allah and His Messenger, and death overtakes him, his reward is then surely incumbent upon Allah.) The intention is a condition from the conditions of the prayer, the prayer is not valid except with it. And it is in reality not hard, every sane person with free choice, when he does an action, he has intended it. It does not need tiredness , or pronouncing it, its place is the heart.

“action are determined by intention” and that prophet ﷺ did not pronounce the intention, and he did not order his ummah to pronounce the intention and none of his companions pronounced the intentions and he affirmed him upon it.

Pronouncing the intention is an innovation. This is the correct statement, because as you see the messenger ﷺ and his companions prayed without pronouncing the intentions. They did not say “O Allah I intend to pray”. And I will mention a story some of the people mentioned to me may Allah have mercy on him, he said to me: that person in masjid Al-Haram long time ago, intended to pray, when the Iqama was called he said : “ O Allah I intend to pray Zhur prayer, four rakat to Allah,

⁴² Agreed upon

behind Masjid Al Haram. When he was about to make takbeer, the person next to him said to him wait, something remained on you. He said what remained? He said; say on this day, the so and so day of the so and so month, in the year so and so. So this assignment is not lost. The person became amazed. And in reality it is something to be amazed by. Do you inform Allah the exalted what you intend? Allah knows what you soul whispers. Do we need to inform Allah the number of rakat⁴³ and the time? No need for that, Allah knows all that. The intention place is in the heart. But as we know, the prayer is divided into: unspecified supererogatory prayer, specified supererogatory prayer, and the obligatory prayer.

الفرائض خمس: الفجر، والظهر، والعصر، والمغرب، والعشاء. إذا جئت إلى المسجد في وقت الفجر، فماذا تريد أن تصلي؟ أتريد أن تصلي المغرب؟! لا، بل الفجر. جئت وكبرت وأنت ناو الصلاة، لكن غاب عن ذهنك أنها الفجر.

وهناك مسألة: إذا جئت وكبرت، وغاب عن ذهنك أي صلاة هي، وهذا يقع كثيرا، لا سيما إذا جاء بسرعة يخشى أن تفوته الركعة، فمثلا جئت وحضرت وكبرت ولكنك لم تستحضر أنك تريد الفجر. فهنا لا حاجة، ووقوع هذه الصلاة في وقتها دليل على أنه إنما أردت هذه الصلاة. ولهذا لو سألك أي واحد: هل أردت الظهر أو العصر أو المغرب أو العشاء؟ لقت: أبدا، ما أردت إلا الفجر. إذاً لا حاجة إلى أن أنوي أنها الفجر، صحيح أنني إن نويتها الفجر أكمل، لكن أحيانا يغيب عن الذهن التعيين، فنقول: يعينها الوقت. إذاً الفرائض يكون تعيينها على وجهين:

الوجه الأول: أن يعينها بعينها بقلبه أنه نوى الظهر مثلا، وهذا واضح.

الوجه الثاني: الوقت، فما دمت تصلي الصلاة في هذا الوقت فهي الصلاة.

⁴³ The action from the takbeer until you get up from the second prostration is called a raka.

هذا الوجه الثاني إنما يكون في الصلاة المؤداة في وقتها، أما لو فرض أن على إنسان صلوات مقضية، كما لو نام يوماً كاملاً عن الظهر والعصر والمغرب، فهنا إذا أراد أن يقضي لا بد أن يعينها بعينها، لأنه لا وقت لها.

The farayadh (obligatory prayer) are five: Fajr (dawn), Zhur (noon), asr (afternoon), Maghreb (sunset), and Asha. If you came to the masjid during the time of Fajr, what do you intend to pray? Do you intend to pray Maghreb? No, rather Fajr. You came and made takbeer, and you intend the prayer, however it skipped your mind that is Fajr.

And here is a matter: if you came and made takbeer, but it skipped your mind what prayer it is, and this happens a lot, especially if you are in hurry to catch the raka. For example you came, were present, made takbeer, but you did not have the presence of mind that you intend Fajr. In here there is no need, the occurrence of this prayer during its time is a proof that you intended to pray that prayer. And to this, if someone asked you: do you intend Zhur, Asr, Maghreb, or Asha? You would say none, I only intended Fajr. Then there is no need to intend that is Fajr. It is true that if you intend it is Fajr it would be more complete, but sometimes it skips the mind, the specification. We say the time specifies it. Than the farayadh are specified in two ways:

The first way: to specify it exactly with your heart, he intend Zhur for example. And this is clear.

The second way: the time, as long you pray this prayer during this time, than it is that prayer.

And this second way, it is only for the prayer that is performed in a timely manner. If a person happens to be making up passed prayer, for example if he slept an

entire day, from Zhur, Asr, Maghreb. Here if he wants to make them up, it is a must to specify them exactly, because it does not have a time.

* النوافل المعينة، مثل الوتر وركعتي الضحى والرواتب للصلوات الخمس، فهذه لا بد أن تعينها بالاسم، لكن بالقلب لا باللسان، فإذا أردت أن تصلي الوتر مثلاً وكبرت ولكن ما نويت الوتر، وفي أثناء الصلاة نويتها الوتر، فهذا لا يصح، لأن الوتر نفل معين، والنوافل المعينة لا بد أن تعين بعينها.

أما النوافل المطلقة فلا تحتاج إلى نية إلا نية الصلاة؛ فإنه لا بد منها، مثل إنسان في الضحى توضأ وأراد أن يصلي ما شاء الله، نقول: تكفي نية الصلاة. وذلك لأنها صلاة غير معينة.

* إذا أراد الإنسان أن ينتقل في أثناء الصلاة من نية إلى نية، هل هذا ممكن؟ ننظر، الانتقال من معين إلى معين، أو من مطلق إلى معين لا يصح.

The specified supererogatory, like the witr, the two raka of Dhuha (sunrise) the rawatab to the five daily prayers. These you must specify them with name, but in the heart not the tongue. If you wanted to pray witr for example, made takbeer but did not intend the witr and in the middle of the prayer, you made the intention for witr, this is not valid. That is because the Witr is a specified supererogatory, and the specified supererogatory, has to be specified exactly.

As for the unrestricted or unspecified supererogatory, it does need an intention, only the intention for the prayer, because it is a must (intention for the prayer). For example during Dhuha a person performed ablution, and wanted to pray whatever Allah wills (meaning no reason to pray) we say: it sufficient to have the intention for the prayer, because it is an unspecified prayer.

If a person wants to switch during the middle of the prayer from one intention to another intention, is it possible? We look into it. Moving from a specified to a specified, or from an unspecified to a specified is not valid

مثال المطلق: إنسان قام يصلي صلاة نافلة مطلقة، وفي أثناء الصلاة ذكر أنه لم يصل راتبة الفجر، فنواها لراتبة الفجر. نقول: لا تصح لراتبة الفجر، لأنه انتقال من مطلق إلى معين، والمعين لا بد أن تنويه من أوله، فراتبة الفجر من التكبير إلى التسليم.

ومثال معين إلى معين: رجل قام يصلي العصر، وفي أثناء صلاته ذكر أنه لم يصل الظهر، أو أنه صلاها بغير وضوء، فقال: الآن نويتها للظهر، فهل تصح للظهر أم لا؟ هنا لا تصح للظهر، لأنه من معين إلى معين، ولا تصح أيضا صلاة العصر التي ابتداءً، لأنه قطعها بانتقاله إلى الظهر. إذاً لا تصح ظهرا ولا عصرا، فهي لا تصح عصرا لأنه قطعها، ولا ظهرا لأنه لم يبتدئها ظهرا، وصلاة الظهر من تكبيرة الإحرام إلى السلام. أما الانتقال من معين إلى مطلق فإنه يصح ولا بأس، مثل إنسان شرع في صلاة الفريضة، ثم لما شرع ذكر أنه على ميعاد لا يمكنه أن يتأخر فيه، فنواها نفلا، فإنها تصح إذا كان الوقت متسعا ولم يفوت الجماعة. هذان شرطان: الشرط الأول: إذا كان الوقت متسعا، والثاني: إذا لم يفوت الجماعة. فمثلا إذا كان في صلاة جماعة فلا يمكن أن يحولها إلى نفل مطلق، لأن هذا يستلزم أن يدع صلاة الجماعة.

إذا كان الوقت ضيقا فلا يصح أن يحولها إلى نفل مطلق، لأن صلاة الفريضة إذا ضاق وقتها لا يتحمل الوقت سواها، لكن الوقت في سعة والجماعة قد فاتته، نقول: لا بأس أن تحولها إلى نفل مطلق وتسلم من ركعتين وتذهب إلى وعدك، ثم بعد ذلك تعود إلى فريضتك، فصار الانتقال ثلاثا:

- 1- من مُطلقٍ إلى مُعيّنٍ: لا يصح المعين ويبقى المطلق صحيحا.
- 2- من مُعيّنٍ إلى مُعيّنٍ: يبطل الأول ولا ينعقد الثاني.
- 3- من مُعيّنٍ إلى مُطلقٍ: يصح ويبقى المعين عليه.

An example of the unrestricted⁴⁴: A person stood up to pray an unrestricted supererogatory prayer, and in the middle of the prayer he remembered that he did not pray the ratabah of Fajr⁴⁵, so he intended the ratabah of Fajr. We say it is not valid for ratabah of fajr because it is switching from unrestricted to a specified. And the specified you must intend it from the beginning. The ratabah of fajr is from the takbeer to tasleem.

And an example of a specified to a specified: a man stood up to pray Asr, and in the middle of the prayer he remembered he did not pray Zhur, or he prayed it (zhur) without ablution. So he said, now I intend it Zhur, is the prayer valid? Here it is not valid for Zhur because it is from specified (Asr) to a specified (Zhur). And it is not valid for Asr that he began with because he cut it off when he switched to Zhur. Then it is not valid for Zhur or Asr. It is not valid for Asr because he cut it off, and not Zhur because he did not begin with it, and the Zhur prayer is from Takbeerat Al-Ahram to the salam. As for switching from specified to an unrestricted, it is valid, and no problem in it. An example is, a person started the obligatory prayer, and after he started he remembered he has an important appointment and it is not possible for him to be late in it, so he intends it as supererogatory. It is valid if there is enough time, and does not lose the congregational prayer. These are two conditions: the first condition: there is enough time, and the second: if he does not lose the congregational prayer. For an example if he is praying in a congregational prayer, he cannot switch to a supererogatory, because this means he has to leave off the congregational prayer.

If the time is narrow, it is not valid to switch to an unrestricted supererogatory. Because if the time of the faryadh is narrow, then the time could only take the

⁴⁴ Unrestricted and unspecified are used interchangeably

⁴⁵ The two raka before Fajr prayer.

farydah. However if the time is vast, and he already missed the congregational prayer, we say no problem to switch to an unrestricted supererogatory, and make tasleem after two raka and go to your appointment. Than after that you could come back and pray the farydah. Than the switching are three:

1-From an unspecified to a specified. The specified is not valid, and the unrestricive remains valid.

2- From specified to a specified. The first is invalidated, and the second is not locked.

3- From specified to unspecified. It is valid.

نِيَّضَةُ الْإِمَامَةِ وَالْإِئْتِمَامِ: الْجَمَاعَةُ تَحْتَاجُ إِلَى إِمَامٍ وَمَأْمُومٍ، وَأَقْلَهُمَا اثْنَانِ: إِمَامٌ وَمَأْمُومٌ. وَكَلِمَا كَانَ أَكْثَرَ فَهُوَ أَحَبُّ إِلَى اللَّهِ، وَلَا بَدَّ مِنْ نِيَّةِ الْمَأْمُومِ وَالْإِئْتِمَامِ، وَهَذَا شَيْءٌ مُتَّفَقٌ عَلَيْهِ، يَعْنِي إِذَا دَخَلْتَ فِي جَمَاعَةٍ فَلَا بَدَّ أَنْ تَنْوِيَ الْإِئْتِمَامَ بِإِمَامِكَ الَّذِي دَخَلْتَ مَعَهُ. وَلَكِنْ - كَمَا قُلْنَا - النِّيَّةُ لَا تَحْتَاجُ إِلَى كَبِيرِ عَمَلٍ، لِأَنَّ مِنْ أَتَى إِلَى الْمَسْجِدِ فَإِنَّهُ قَدْ نَوَى أَنْ يَأْتِمَ. أَمَّا الْإِمَامُ فَقَدْ اخْتَلَفَ الْعُلَمَاءُ - رَحِمَهُمُ اللَّهُ - هَلْ يَجِبُ أَنْ يَنْوِيَ أَنْ يَكُونَ أَوْ لَا يَجِبُ؟! فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا بَدَّ أَنْ يَنْوِيَ أَنَّهُ الْإِمَامُ، وَعَلَى هَذَا لَوْ جَاءَ رَجُلَانِ وَوَجَدَا رَجُلًا يَصَلِّي وَنَوَى أَنْ يَكُونَ الرَّجُلَ إِمَامًا لَهُمَا، فَصَفًّا خَلْفَهُ وَهُوَ لَا يَدْرِي بِهِمَا، لَكِنْ هُمُ نَوَى أَنَّهُ إِمَامٌ لَهُمَا وَصَارَا يَتَابِعَانِهِ، فَمَنْ قَالَ أَنَّهُ لَا بَدَّ لِلْإِمَامِ أَنْ يَنْوِيَ الْإِمَامَةَ قَالَ: إِنَّ صَلَاةَ الرَّجُلَيْنِ لَا تَصِحُّ، وَذَلِكَ لِأَنَّ الْإِمَامَ لَمْ يَنْوِ الْإِمَامَةَ. وَمَنْ قَالَ إِنَّهُ لَا يَشْتَرُطُ أَنْ يَنْوِيَ الْإِمَامَةَ قَالَ: إِنَّ صَلَاةَ هَذَيْنِ الرَّجُلَيْنِ صَحِيحَةٌ، لِأَنَّهُمَا ائْتَمَا بِهِ.

فَالْأَوَّلُ: هُوَ الْمَشْهُورُ مِنْ مَذْهَبِ الْإِمَامِ أَحْمَدَ رَحِمَهُ اللَّهُ.

وَالثَّانِي: هُوَ مَذْهَبُ الْإِمَامِ مَالِكٍ رَحِمَهُ اللَّهُ، وَاسْتَدَلَّ بِأَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَلَّى ذَاتَ لَيْلَةٍ فِي رَمَضَانَ وَحْدَهُ، فَدَخَلَ أَنَسُ الْمَسْجِدَ فَصَلُّوا خَلْفَهُ، وَالنَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ أَوَّلَ مَا دَخَلَ الصَّلَاةَ لَمْ يَنْوِ أَنْ يَكُونَ إِمَامًا. وَاسْتَدَلُّوا كَذَلِكَ بِأَنَّ ابْنَ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا -

بات عند النبي صلى الله عليه وسلم- ذات ليلة، فلما قام النبي صلى الله عليه وسلم يصلي من الليل قام يصلي وحده، فقام ابن عباس فتوضأ و دخل معه في الصلاة . ولكن لا شك أن هذا الثاني ليس فيه دلالة، لأن النبي صلى الله عليه وسلم نوى الإمامة، لكن نواها في أثناء الصلاة، ولا بأس بأن ينويها في أثناء الصلاة. وعلى كل حال الاحتياط في هذه المسألة أن نقول: إنه إذا جاء رجلان إلى شخص يصلي فلينبهاه على أنه إمام لهما، فإن سكت فقد أقرهما، وإن رفض وأشار بيده أن لا تصليا خلفي فلا يصليا خلفه. هذا هو الاحوط والأولى.

The intention of leading the prayer and following the Imam: The congregational (jamah) prayer needs and leader (Imam) and a follower (mamoom). The least is two, Imam and a follower. The more they are the more beloved to Allah. And there has to be the intention of following, and this agreed upon. Meaning if you entered the congregational prayer, it is a must to have the intention of following your Imam you are praying with. But as we have said, this does not require major work, because the one who comes to the masjid has already intended to follow. As for the Imam, the scholars have difference of opinion on this matter. Is it required to intend or is it not required? Some of the scholars said: it is a must to intend to be imam. Based upon this, if two people came and found another person already praying and they made the intention that this person is going to being their imam, so they lined up behind him and he is not aware of them. But they made the intention that he is their Imam, and started to follow him. For those who said that the Imam has to have the intention of Imama (leading), they say the prayer of the two people is not valid, because the imam did not have the intention to lead. As for those who said it is not a condition for the Imam to have the intention to lead, they say their prayer is valid, because they followed him.

The first is what is well known from the school of thought of Imam Ahmed may Allah have mercy on him.

And the second is the position of Imam Malek may Allah have mercy on him. He used as proof that the prophet ﷺ prayed one night in Ramadan by himself, than some people entered the masjid and prayed behind him. And the prophet ﷺ when he first started to pray, he did not have the intention to lead. And also they used as proof that Ibn Abbas may Allah be please with them both, he stayed with the prophet ﷺ one night. When the prophet ﷺ woke up in the night to pray by himself, Ibn Abbas woke up, made ablution, and entered the prayer with him. But there is no doubt that the second one is not a proof, because the prophet ﷺ had the intention to lead. He intended it in the middle of the prayer, and it is not a problem to intend it in the middle of the prayer. In any condition, the safe thing in this matter is to say: if two people came to a person who is praying, they should make him aware that he is going to be their imam. If he is quite than he has affirmed it. But if he reject by pointing with his hand don't pray behind me, they should not pray behind him. This is safer and better.

ثانيا: هل يشترط أن تتساوى صلاة الإمام مع صلاة المأموم في جنس المشروعية؟ بمعنى: هل يصح أن يصلي الفريضة خلف من يصلي النافلة، أو أن يصلي النافلة خلف من يصلي الفريضة؟ ننظر في هذا: أما الإنسان الذي يصلي نافلة خلف من يصلي فريضة فلا بأس بهذا، لأن السنة قد دلت على ذلك، فإن الرسول صلى الله عليه وسلم انفتل من صلاة الفجر ذات يوم في مسجد الخيف بمنى، فوجد رجلين لم يصليا، فقال: ما منعكما أن تصليا في القوم؟ قالوا: يا رسول الله صلينا في رحالنا- يحتمل أنهما صليا في رحالهما لظنهما أنهما لا يدركان صلاة الجماعة، أو لغير ذلك من الأسباب- فقال: ((إذا صليتما في رحالكما ثم أتيتما مسجد جماعة فصليا معهم، فإنها لكما نافلة)). ((فإنها)) أي: الثانية، لأن الأولى حصلت بها الفريضة وانتهت وبرئت الذمة.

إذاً إذا كان المأموم هو الذي يصلي النافلة والأمام هو الذي يصلي الفريضة فلا بأس بذلك، كما دلت عليه هذه السنة.

Second: is it a condition for the prayer of the follower to be the same as the prayer of the leader, in the type of legislated prayer? Meaning is it valid to pray the farydah behind the one who is praying the supererogatory prayer. Or to pray the supererogatory behind the one who is praying the obligatory prayer. We look into this. As for the person who prays the supererogatory behind the one who is praying the faryadah, there is no problem in that, because the sunnah proves this. The messenger ﷺ finished the fajr prayer one day in masjid kayyaf in mina, and found two people that did not pray. He said “what prevented you from praying with the people? They said, O messenger of Allah we prayed in our homes – it could mean they prayed in their homes because they thought they would not make it for the congregational prayer, or other than that from the reasons- he said if you pray in your homes, and then came to the masjid in the congregation, pray with them, it is superogotry for you.”⁴⁶ it is” meaning the second one, because the first one occurred with it the obligatory prayer, finished, and the blame is removed with it. Than if the follower is praying the supererogatory, and the imam is the one praying the farydah, no problem in that. As the sunnah proves this.

أما العكس: إذا كان الإمام يصلي النافلة والمأموم يصلي الفريضة، وأقرب مثال لذلك في أيام رمضان، إذا دخل الإنسان وقد فاتته صلاة العشاء ووجد الناس يصلون صلاة التراويح، فهل يدخل معهم بنية العشاء أو يصلي الفريضة وحده ثم يصلي التراويح؟ هذا محل خلاف بين العلماء، فمنهم من قال: لا يصح أن يصلي الفريضة خلف النافلة، لأن الفريضة أعلى، ولا يمكن أن تكون صلاة المأموم أعلى من صلاة الإمام. ومنهم من قال: بل يصح أن يصلي الفريضة خلف

⁴⁶ BUKhari and others

النافلة، لأن السنة وردت بذلك، وهي أن معاذ بن جبل - رضي الله عنه - كان يصلي مع النبي - صلى الله عليه وسلم - صلاة العشاء، ثم يذهب إلى قومه فيصلي بهم تلك الصلاة. فهي له نافلة ولهم فريضة، ولم ينكر عليه النبي صلى الله عليه وسلم. فإن قال قائل: لعل النبي صلى الله عليه وسلم لم يعلم؟ فالجواب عن ذلك أن نقول: أن كان قد علم فقد تم الاستدلال، لأن معاذ بن جبل - رضي الله عنه - قد شكى إلى الرسول - عليه الصلوة والسلام - في كونه يطوّل صلاة العشاء، فالظاهر - والله أعلم - أن النبي صلى الله عليه وسلم - أخبر بكل القضية وبكل القصة. وإذا قُدر أن رسول الله - صلى الله عليه وسلم - لم يعلم أن معاذًا معه، ثم يذهب إلى قومه ويصلي بهم، فإن رب الرسول صلى الله عليه وسلم قد علم، وهو الله جلا وعلا، لا يخفى عليه شي في الأرض ولا في السماء، وإذا كان الله قد علم ولم يُنزل على نبيه إنكارا لهذا العمل دل هذا على جوازه، لأن الله تعالى لا يقتر عبادته على شيء غير مشروع لهم إطلاقا. فتم الاستدلال حينئذ على كل تقدير.

As for the opposite: if the Imam is praying supererogatory and the follower is praying the obligatory prayer. And the closest example occurs during Ramadan, if a person enters and the Asha has left him, and found the people praying taraweeh⁴⁷. Does he enter with them with the intention of Asha, or does he pray the farydah by himself, then prays taraweeh? This is a point of contention between the scholars. From them who said, it is not valid to pray the obligatory prayer behind the one who is praying the supererogatory, because the obligatory prayer is at a higher level, and it is not possible for the prayer of the follower to be at higher level than the prayer of the Imam. And from the them who say it is valid to pray obligatory prayer behind the one who is praying supererogatory because it is found in the sunnah. And it is that Muadh Ibn Jabal may Allah be please with him used to pray with the prophet ﷺ the Asha prayer, and then he goes to his people and lead

⁴⁷ Taraweeh prayer is the prayer that is prayed together in the masjid after Asha, usually 11 raka, which is the sunnah. In Some masjids they pray more than that.

them in the same prayer. It is for him supererogatory and for them a obligatory prayer. And the prophet ﷺ did not disapprove of it. If someone would to say that maybe the prophet ﷺ did not know? The answer to this is to say, if he knew than the proof is complete, because there was a complaint against Muadh may Allah be please with him, with regards him prolonging the prayer. What is apparent- and Allah knows best -that the prophet ﷺ was informed about the entire case, and the entire story. And if it happened to be that the messenger of Allah ﷺ did not know that Muadh prays with him, then goes to people and lead them in prayer, than the lord of the messenger has knew, Allah the exalted, the most high, there is nothing hidden from him in earth or the heaven. And if Allah knew and did not send down on his messenger disapproval for this action, it proves that it is permissible. That is because Allah never affirms his slaves on something that is not legislated, unrestrictedly. As a result the proof is complete in any case.

إذاً فالصحيح أنه يجوز أن يصلي الإنسان صلاة الفريضة خلف من يصلي صلاة النافلة، والقياس الذي ذكر استدلالاً على المنع قياس في مقابلة النص فيكون مطروحاً فاسداً لا يعتبر. إذن إذا أتيت في أيام رمضان والناس يصلون صلاة التراويح ولم تصلّ العشاء فادخل معهم بنية صلاة العشاء، ثم إن كنت قد دخلت في أول ركعة، فإذا سلم الإمام فصلّ ركعتين لتمام الأربع، وإن كنت قد دخلت في الثانية فصلّ إذا سلم الإمام ثلاث ركعات. لأنك صليت مع الإمام ركعة، وبقي عليك ثلاث ركعات .

وهذا منصوص الإمام أحمد- رحمه الله تعالى- مع أن مذهبه خلاف ذلك، لكن منصوصه الذي نص عليه هو شخصياً أن هذا جائز.

إذن تلخّص الآن:

من صلى فريضة خلف من يصلي فريضة جائز.

من صلى فريضة خلف من يصلي نافلة فيها خلاف.

من صلى نافلة خلف من يصلي فريضة جائز قولاً واحداً.

Than the correct position is that it is permissible for a person to pray the obligatory prayer behind the person who is praying the supererogatory. As for the analogy that was used to say it is not permissible, it is analogy that goes against the text. So it is left off and it is corrupt and not considered. So if you come during Ramadan and the people are praying tareweeh and you did not pray Asha, than enter with them with the intention of the prayer for Asha. Moreover if you entered in the first raka, than when the imam makes the tasleem, pray two more raka to complete the four. If you entered in the second raka, than pray three raka when the imam makes the tasleem. Because you prayed with the imam one raka and it remains on you three.

This is the text that has been on transmitted on Imam Ahmed may Allah have mercy on him, even though his school of thought is on the opposite position. However what he himself is upon that this is permissible.

In conclusion:

Whoever prays obligatory prayer behind a person who is praying obligatory prayer- permissible.

Whoever prays obligatory prayer behind the one who prays supererogatory- difference of opinion.

Whoever prays supererogatory behind the one who prays obligatory prayer- permissible, only one statement.

المسألة الثالثة: في جنس الصلاة، هل يشترط أن تتفق صلاة الإمام والمأموم في نوع الصلاة؟ أي: ظهر مع ظهر، وعصر مع عصر، وهكذا، أم لا؟

ج- في هذا أيضا خلاف، فمن العلماء من قال: يجب أن تتفق الصلاتان، فيصلِّي الظهر خلف من يصلي الظهر، ويصلي العصر خلف من يصلي العصر، ويصلي المغرب خلف من يصلي المغرب، ويصلي العشاء خلف من يصلي العشاء، ويصلي الفجر خلف من يصلي الفجر، وهكذا لأن النبي صلى الله عليه وسلم قال: ((إنما جعل الإمام ليؤتم به فلا تختلفوا عليه)). ومن العلماء من قال: لا يشترط، فيجوز أن تصلي العصر خلف من يصلي الظهر، أو الظهر خلف من يصلي العصر، أو العصر خلف من يصلي العشاء، لأن الإتمام في هذه الحال لا يتأثر، وإذا جاز أن يصلي الفريضة خلف النافلة مع اختلاف الحكم، فكذلك اختلاف الاسم لا يضر، وهذا القول أصح. فإذا قال قائل: حضرت لصلاة العشاء بعد أن أُدِّن، ولما أقيمت الصلاة تذكرت أنني صليت الظهر بغير وضوء، فكيف اصلي الظهر خلف من يصلي العشاء؟ نقول له: ادخل مع الإمام وصلِّ الظهر، أنت نيتك الظهر والإمام نيته العشاء ولا يضر، ((إنما الأعمال بالنيات وإنما لكل امرئ ما نوى)) و أما قول النبي صلى الله عليه وسلم: ((إنما جعل الإمام ليؤتم به فلا تختلفوا عليه))، فليس معناه فلا تختلفوا عليه في النية، لأنه فصلَّ ويؤتم به فلا فكبروا، وإذا سجد فاسجدوا، وإذا رفع فارفعوا)) أي: تابعوه ولا تسبقوه، وكلام الرسول صلى الله عليه وسلم يفسر بعضه بعضا. وهذا البحث يفرع عليه بحث آخر: إذا اتفقت الصلاتان في العدد والهيئة فلا إشكال في هذا، مثل ظهر خلف عصر. العدد واحد والهيئة واحدة، هذا لا إشكال فيه. لكن إذا اختلفت الصلاتان، بأن كانت صلاة المأموم ركعتين والإمام أربعاً، أو بالعكس، أو المأموم ثلاثاً والإمام أربعاً، أو بالعكس. فنقول: إن كانت صلاة المأموم أكثر فلا إشكال، مثل رجل دخل المسجد يصلي المغرب، ولما أقيمت الصلاة ذكر أنه صلى العصر بلا وضوء، فهنا صار عليه صلاة العصر. نقول: ادخل مع الإمام بنية صلاة العصر، وإذا سلم الإمام فإنك تأتي بوحدة لتتم لك الأربع. وهذا لا إشكال فيه. أما إذا كانت صلاة الإمام أكثر من صلاة المأموم فهذا نقول: إن دخل المأموم في الركعة الثانية فما بعدها فلا إشكال، وإن دخل في الركعة الأولى

فحينئذ يأتي الإشكال، ولنمثل: إذا جئت والإمام يصلي العشاء، وهذا يقع كثيرا في أيام الجمع. يأتي الإنسان من البيت والمسجد جامع للمطر و ما أشبه ذلك، فإذا جاء وجدهم يصلون العشاء، لكن وجدهم يصلون في الركعتين الأخيرتين، نقول: ادخل معهم بنية المغرب، صل الركعتين، وإذا سلم الإمام تأتي بركعة ولا إشكال. وإذا جئت ووجدهم يصلون العشاء الآخرة لكنهم في الركعة الثانية، نقول: ادخل معهم بنية المغرب وسلم مع الإمام ولا يضر، لأنك ما زدت ولا نقصت، هذا أيضا لا إشكال فيه، وعند بعض الناس فيه إشكال: يقول: إذا دخلت معه في الركعة الثانية ثم جلست في الركعة التي هي للإمام الثانية، وهي لك الأولى، فتكون جلست في الأولى للتشهد. نقول: هذا لا يضر، الست إذا دخلت مع الإمام في صلاة الظهر في الركعة الثانية فالإمام سوف يجلس للتشهد وهي لك الأولى؟ هذا نفسه ولا إشكال، وإنما الإشكال إذا جئت إلى المسجد ووجدهم يصلون العشاء وهم في الركعة الأولى ودخلت معهم في الركعة الأولى، حينئذ ستصلي ثلاثا مع الإمام والإمام سيقوم للرابعة، فماذا تصنع؟ إن قمت معه زدت ركعة، صليت أربعاً والمغرب ثلاث لا أربع، وإن جلست تخلفت عن الإمام، فماذا تصنع؟ نقول: اجلس، وإذا كنت تريد أن تجمع فانو مفارقة الإمام و اقرأ التحيات وسلم، ثم ادخل مع الإمام فيما بقي من صلاة العشاء، لأنك يمكن أن تدركه. أما إذا كنت لا تنوي الجمع، أو ممن لا يحق له الجمع، فإنك في هذه الحال مخير، إن شئت فاجلس للتشهد وانتظر الإمام حتى يكمل الركعة ويتشهد وتسلم معه، وإن شئت فانو الانفراد وتشهد وسلم. هذا الذي ذكرناه هو القول الراجح، وهو اختيار شيخ الإسلام ابن تيمية - رحمه الله -. ونية الانفراد هنا للضرورة، لأن الإنسان لا يمكن أن يزيد في المغرب على ثلاث، فالجلوس لضرورة شرعية، ولا بأس بهذا.

The third matter: in the type of prayer. Is it a condition for the prayer of the follower and the leader to be in agreement in the type of prayer? Meaning, Zhur with Zhur, Asr with Asr, and so on?

Answer: this is also a point of contention. From the scholars who say it is obligated for the prayers to be in agreement. So he should pray Zhur behind the person who prays Zhur, and Asr with Asr, Magreb behind Maghreb, and Asha behind Asha,

and Fajr behind Fajr and so on because the prophet ﷺ said “that the Imam was made to be followed, do not differ against him.”⁴⁸ And from the scholars who say, it is not a condition, it is permissible to pray Asr behind a person who is praying Zhur, or Zhur behind a person who is praying Asr, or Asr behind the one praying Asha. Because the following (of the Imam) in this situation is not affected. And if it is permissible to pray the farydah behind the supererogatory with the difference on ruling⁴⁹, than likewise the difference of naming does not harm. And this statement is the correct one. If someone would to say, I was present during the Asha prayer after the Athan and when the Iqama was called I remembered that I prayed Zhur without wudu, how do I pray Zhur behind the person who is praying Asha? We say to him, enter with the Imam and pray Zhur. Your intention is Zhur and the Imam’s intention is Asha, and it does not harm “ the action are Determined by Intention, and to every person what he intended for” as for the statement of the prophet ﷺ “ that the Imam was made to be followed, do not differ against him” it does not mean do not differ against him in intention, because he elaborated and clarified he said “ when he makes takbeer than make takbeer, when he goes into prostration go into prostration, and when he stand than stand” meaning follow him and do not precede him. And the speech of the messenger ﷺ some of it explains other parts of it. And this research leads to another research. If the two prayer are in agreement in the number and the way it is done, no problem in this. For example Zhur behind Asr. The number is one (4 raka) and the ways it is done is the same. This is no problem in it. However if the two prayer differ, if the prayer of the follower is two raka, and the Imam is four, or vice versa., or the follower is three raka and the Imam is four, and vice versa. We say, if the prayer of the follower is

⁴⁸ Agreed upon

⁴⁹ Meaning one is obligatory and the other is not. That is what it means by difference in the ruling.

more, than there is no problem, for example a person enters the masjid to pray Maghreb, and when the iqama was called he remembered that he prayed Asr without ablution, than he has to pray Asr. We say enter with the imam with the intention Asr, and when the Imam makes tasleem, pray one more (meaning get up to pray one more raka) to complete the four, and this is no problem in it. But if the prayer of the Imam is more than that of the follower, we say: if the follower entered during the second raka and above than there is no problem, and if he entered during the first raka, than the problem occur, and we will give examples. If you come to pray Asha, and this happen a lot during the days of combination, a person comes from the home, and the masjid is combining the prayer because of rain or similar to this. If he came and finds them praying Asha, but in the last two raka, we say enter with them with the intention of Maghreb, pray two raka, and when the Imam makes tasleem, bring one more raka and no problem. And if you came and finding them praying the last Asha but in the second raka, we say, enter with them with the intention of Maghreb and make tasleem with the Imam and no harm because you neither increased nor decreased. This is also no problem, except with some people. They say if I entered with him in the second raka, and sat down in the raka that is the second to the Imam, and to me the first, then I sat down for tashad⁵⁰ in the first raka. We say this is not harmful, if you enter with the imam in Zhur prayer in the second raka, the imam will sit down for tashhad, and to you is the first. This is similar and there is no problem, the problem is when you come to the masjid and you found them praying Asha in the first raka, and you entered with them in the first raka, in here you will pray three with the Imam and the Imam is going to stand for the fourth, what do you do? If you stand with him, you added a raka, you prayed four and Maghreb is three not four. And if you sit down you went against the Imam, what to do? We say, sit down, and if you want to combine, have

⁵⁰ Tashhad is when you sit down after prostration during the second raka and last raka.

the intention to separate from the Imam, say the Tashhad, make tasleem, and then enter with the Imam for the what remains from Asha, because it is possible to catch up to him. But if you do not intend to combine, or you are not from those whose combining is not permissible, then in this situation you have a choice. If you want sit down for Tashhad and wait for the Imam until he complete the raka, makes Tashhad and make the tasleem with him. And if you want intend the separation, make tsahad and tasleem. This what we mentioned is the correct position, and it is the choice of Sheikh Al-Islam Ibn Taymeyah may Allah have mercy on him. And the intention of separation here is due to necessity, because the person cannot increase Maghreb above three. The sitting down here is due to a legislated necessity, and there is no problem in it.

The pillars of the Salah (prayer)⁵¹

. ومما يدخل في قوله: ((وتقيم الصلاة)) أركان الصلاة، والأركان هي الأعمال القولية والفعالية التي لا تصح الصلاة إلا بها، ولا تقوم إلا بها.
فمن ذلك: تكبيرة الإحرام: أن يقول الإنسان عند الدخول في الصلاة: ((الله أكبر)) لا يمكن أن تنعقد الصلاة إلا بذلك فلو نسي الإنسان تكبيرة الإحرام، جاء ووقف في الصف ثم نسي وشرع في القراءة وصلّى فصلاته غير صحيحة وغير منعقدة إطلاقاً، لأن تكبيرة الإحرام لا

⁵¹ The pillars of the prayer are those actions that the prayer is not valid except with them. If someone would to forget a pillar than the raka or the whole prayer is invalid. If he leaves it off intentionally the whole prayer is invalid. If you forget an obligation of the prayer you make the prostration of forgetfulness in the end of the prayer. However if one would to leave off an obligation intentionally the prayer is invalid. Imam Mohamed Ibn Abdul wahhab may Allah have mercy on him mentioned that the pillars are 14: standing up for those who are capable of standing, Takbeerat Al Ahram, recitation of the opening, Bowing and raising up from it, prostration on the seven body parts and straighten up in it, sitting between the two prostration, tranquility in all of the pillars, organization (meaning the bowing before prostration etc.) the last Tashhad and sitting for it, prayer on the prophet صلى الله عليه وسلم and the two salam (which are the last part of the prayer). In the end of the explanation of the pillars I will mention the obligations.

تتعقد الصلاة إلا بها، قال النبي صلى الله عليه وسلم لرجل علمه كيف يصلي، قال: ((إذا قمت إلى الصلاة فأسبغ الوضوء، ثم استقبل القبلة فكبر)) فلا بد من التكبير، وكان النبي صلى الله عليه وسلم مداوما على ذلك.

And from what enters in his statement “and to establish the prayer” the pillars of the Prayer. And the pillars of the prayer are those statements and action that the prayer is not valid except with them, and it is not establish except with them.

From that: Takbeerat Al-Ahram (the Takbeer of forbiddance). That the person says when entering into the prayer ((الله أكبر))⁵², it is not possible for the prayer to be secured except with that. If a person were to forget Takbeerat Al-Ahram, he came to the row, forgot (to make Takbeerat Al Ahram), started the recitation and prayed. His prayer is not valid and not established, unrestrictedly (meaning in any case), because the prayer is not secured except with Takbreerat Al-Ahram. The prophet صلى الله عليه وسلم said to a person he was teaching him how to pray, he said “if you stand for the prayer perfect the ablution, face the Qiblah, and make Takbeer”⁵³.

The Takbeer is a must, and the prophet was continuous upon that.

ومن ذلك أيضا: قراءة الفاتحة: فإن قراءة الفاتحة ركن لا تصح الصلاة إلا به، لقوله تعالى: ﴿فَأَقْرَأُوا مَا تيسَّرَ مِنَ الْقُرْآنِ﴾ [المزمل:20]، وهذا أمر. وقد بين النبي صلى الله عليه وسلم هذا المبهم في قوله: ﴿مَا تيسَّرَ﴾ وأن هذا هو الفاتحة، فقال صلى الله عليه وسلم: ((لا صلاة لمن لم يقرأ بفاتحة الكتاب)) وقال: ((من صلى صلاة لم يقرأ فيها بأم القرآن فهي خداج)) أي: فاسدة غير صحيحة. فقراءة الفاتحة ركن على كل مصل: الإمام، والمأموم، والمنفرد، لأن النصوص الواردة في ذلك عامة لم تستثن شيئا، وإذا لم يستثن الله تعالى ورسوله شيئا فإن

⁵² Roughly pronounced as Allah-O-Akber which means Allah is the greatest.

⁵³ Agreed upon

الواجب الحكم بالعموم، لأنه لو كان هناك مستثنى لبيّنه الله ورسوله، كما قال الله تعالى: ﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ﴾ [النحل: 89]. ولم يرد عن النبي صلى الله عليه وسلم حديث صحيح صريح في سقوط الفاتحة عن المأموم، لا في السريّة والجهريّة، لكن الفرق بين السريّة والجهريّة، أن الجهريّة لا تقرأ فيها إلا الفاتحة، وتسكت وتسمع لقراءة إمامك. أما السريّة فتقرأ الفاتحة وغيرها حتى يركع الإمام، لكن دلّت السنة على أنه يستثنى من ذلك ما إذا جاء الإنسان والإمام راعع، فإنه إذا جاء والإمام راعع تسقط عنه قراءة الفاتحة، ودليل ذلك ما أخرجه البخاري عن أبي بكره- رضي الله عنه- أنه دخل والنبي صلى الله عليه وسلم راعع في المسجد، فأسرع وركع قبل أن يدخل في الصف، ثم دخل في الصف، فلما سلّم النبي صلى الله عليه وسلم قال: ((أيُّكم الذي ركع دون الصف ثم مشى إلى الصف؟!)) قال أبو بكره: أنا يا رسول الله! قال: ((زادك الله حرصا ولا تعد)) ؛ لأن النبي صلى الله عليه وسلم علم أن الذي دفع أبا بكره لسرعته والركوع قبل أن يصل إلى الصف هو الحرص على إدراك الركعة، فقال له: ((زادك الله حرصا ولا تعد)) أي: لا تعد لمثل هذا العمل فتركع قبل الدخول في الصف وتسرع، قال النبي صلى الله عليه وسلم: ((إذا أتيتم الصلاة فعليكم بالسكينة، فما أدركتم فصلوا، وما فاتكم فأتموا))

And from that also the recitation of the Opening⁵⁴ (Surat Al Fatihah): recitation of the Opening is a pillar, the prayer is not valid except with it, due to the statement of the most high **(So, recite you of the Qur'an as much as may be easy for you)** and this is a command. And the prophet صلى الله عليه وسلم clarified this vagueness in his statement **(what is easy)** and it is the Opening. He said صلى الله عليه وسلم "There is no prayer for the one who does not recite the Opening of the book"⁵⁵ and he said "whoever prays a prayer he does not recite in it the mother of the book than it is khadajj"⁵⁶ meaning corrupt not valid. The recitation of the Opening is a pillar upon every performer of the prayer: the Imam (leader), the

⁵⁴ I will use The Opening to mean surat Al Fatihah, the first surah you will see in the mushaf. I encourage my brothers to sit down with someone that is a good reciter and practice surat Al fatihah because it is a must.

⁵⁵ Agreed upon

⁵⁶ Muslim

mamoom (the follower), and the one who prays alone⁵⁷. That is because the texts that are related in this matter are general with no exception. And if Allah and his messenger صلى الله عليه وسلم did not make any exception, than what is obligatory is the ruling should be general. That is, if they were an exception than Allah and his messenger would've clarified it as Allah the most high said **(And We have sent down to you the Book (the Qur'an) as an exposition of everything)** and it was not related on the prophet صلى الله عليه وسلم an authentic clear hadith regarding the dropping of the Opening from the follower, not in the quiet prayer (Zhur Asr, the last two raka of Asha, the last one in the Maghreb) or in the loud prayer (Fajr, and the first two raka of Asha and Maghreb). However the difference between the quiet and loud prayer is that in the loud prayer you only recite the Opening, be quite and listen to the recitation of your Imam. As for the quite prayer you recite the Opening and others until the Imam goes into bowing. However the sunnah has proved that there is exception to this is, if a person came in and the Imam is in bowing. If he comes and the Imam is on ruku (bowing), the recitation of the Opening is dropped. And the proof is what Bukhari related on the authority of Abu Bakrah may Allah be please with him, **he entered the masjid and the prophet was on ruku (bowing), he hurried, made ruku before he entered the row, than he entered the row while bowing. When the prophet made the tasleem he said "which one of you made ruke outside the row and then walked into the row?" Abu Bakrah said: I, O messenger of Allah. He said "May Allah increase your eagerness! But do not go back."** that is because the prophet knew that what drove Abu Bakrah to hurry and make Ruku before reaching the row is his eagerness to

⁵⁷ Meaning for everyone those who pray behind the Imam in every raka of every prayer, the Imam, and the one praying alone. Imam Bukharri name a chapter in his book similar to this statement. Other scholars made the exception when praying behind an Imam during the loud raka, meaning when the Imam recite at loud such as the first two raka of Asha, Maghrib, and Fajr prayer. This was the opinion of Imam Al Albani may Allah have mercy on him. However what is safer and better is to recite it in a low voice where you could only hear yourself and not bother the your neighbor in every prayer in every raka.

catching the Raka, he said “May Allah increase you in eagerness, but do not go back”⁵⁸ meaning do not go back to this action of making ruku before the row and hurry. He said “whenever you come for the prayer, you should come with calmness, and pray whatever you get (with the people) and complete the rest which you have missed.”⁵⁹

ولم يأمره النبي صلى الله عليه وسلم بقضاء الركعة التي أسرع لإدراكها، ولو كان لم يدركها لأمره النبي صلى الله عليه وسلم بقضائها، لأن النبي صلى الله عليه وسلم لا يمكن أن يؤخّر البيان عن وقت الحاجة، لأنه مبلغ، والمبلغ يبلغ متى أحتيج إلى التبليغ، فإذا كان الرسول - عليه الصلاة والسلام - لم يقل له إنك لم تدرك الركعة علم أنه قد أدركها، وفي هذه الحال تسقط عنه الفاتحة. وهناك تعليل أيضا مع الدليل، وهو أن الفاتحة إنما تجب مع القيام، والقيام في هذه الحال قد سقط من أجل متابعة الإمام، فإذا سقط القيام سقط الذكر الواجب فيه. فصار الدليل والتعليل يدلان على أن من جاء والإمام راعع فإنه يكبر تكبيرة الإحرام وهو قائم ولا يقرأ، بل يركع، لكن أن كبر للركوع مرة ثانية فهو أفضل، وإن لم يكبر فلا حرج، وتكفيه التكبيرة الأولى. ويجب أن يقرأ الإنسان الفاتحة وهو قائم، وأما ما يفعله بعض الناس إذا قام الإمام للركعة الثانية مثلا، تجده يجلس ولا يقوم مع الإمام وهو يقرأ الفاتحة، فتجده يجلس إلى أن يصل نصف الفاتحة، ثم يقوم وهو قادر على القيام:

نقول لهذا الرجل: أن قراءتك للفاتحة غير صحيحة، لأن الفاتحة يجب أن تُقرأ في حال القيام، وأنت قادر على القيام وقد قرأت بعضها وأنت قاعد، فلا تصح هذه القراءة. أما ما زاد عن الفاتحة فهو سنة في الركعة الأولى والثانية، وأما في الركعة الثالثة في المغرب، أو في الثالثة والرابعة في الظهر والعصر والعشاء فليس بسنة، فالسنة الاقتصار فيما بعد الركعتين على الفاتحة، وإن قرأ أحيانا في العصر والظهر شيئا زائدا عن الفاتحة فلا بأس به، لكن الأصل

⁵⁸ Bukhari

⁵⁹ Muslim

الاقتصار على الفاتحة في الركعتين اللتين بعد التشهد الأول إن كانت رباعية، أو الركعة الثالثة إن كانت ثلاثية.

And the prophet صلى الله عليه وسلم did not order him to make up the raka that he hurried to catch it. And if he did not catch it, the prophet would've ordered him to make it up, that is because it is not possible for prophet صلى الله عليه وسلم to delay the clarification beyond the time of need, because he is a conveyer, and the conveyer conveys when there is a need for conveying. So if the messenger صلى الله عليه وسلم did not tell to him that he did not reach the raka, it is known that he caught it and in this situation the Opening is dropped. And there is reasoning with the proof. And it is that the Opening is obligated while standing⁶⁰ and standing here is dropped due to the following of the Imam. If the standing is dropped than the obligatory remembrance in it is also dropped. Than the proof and the reasoning prove that for those who come and the Imam is bowing, than he makes the Takbeerat Al-Ahram while standing and does not recite. Rather he goes into bowing but if he makes a second takbeerah⁶¹ it would be better, and if he does not make the second takbeerah, than no problem, and the first one suffice him. And it is obligatory upon the person to recite the Opening while standing. As for what some people do : for example when the Imam gets up for the second raka, you find them sitting down and does not stand with the Imam and he recite the opening (while sitting) when he reach half of the Opening, than he stands up and he is capable of standing. We say to the person that your recitation for the Opening is not valid, because the Opening is obligatory to recite while standing, and you are capable of standing and you recited some of it while sitting, this recitation is not valid. As for increasing above the Opening (meaning reciting another surah after

⁶⁰ Does not mean if you are incapable of standing you do not have to recite the opening.

⁶¹ The best thing and safest thing in this situation is to make the Takbeerat Al-Ahram first, then make a second Takbeer for going into bowing.

the Opening) than it is sunnah in the first and second raka (in the quite prayer). As for the third raka in Maghreb, and third and fourth in Zhur, Asr and Asha, it is not sunnah, the sunnah after the first two raka is shortening to only the Opening. And if he would to recite something extra above the Opening sometimes in Zhur and Asr than it is not a problem. However the origin is shortening to only the Opening in the two raka after the first Tashhad if the prayer is four, or the third raka if it is three.

ومن أركان الصلاة: الركوع، وهو الانحناء تعظيماً لله عز وجل، لأنك تستحضر أنك واقف بين يدي الله، فتحنى تعظيماً له عز وجل، ولهذا قال النبي عليه الصلاة والسلام: ((أما الركوع فعظموا فيه الرب عز وجل)) أي: قولوا سبحان ربي العظيم، لأن الركوع تعظيم بالفعل، وقول: ((سبحان ربي العظيم)) تعظيم بالقول، فيجتمع التعظيمان بالإضافة إلى التعظيم الأصلي وهو تعظيم القلب لله، لأنك لا تحنى هكذا إلا لله تعظيماً له، فيجتمع في الركوع ثلاثة تعظيمات:

1- تعظيم القلب.

2- تعظيم الجوارح.

3- تعظيم اللسان.

فالقلب: تستشعر أنك ركعت لله، واللسان: تقول سبحان ربي العظيم، والجوارح: تحنى ظهرك. والواجب في الركوع الانحناء بحيث يتمكن الإنسان من مسّ ركبتيه بيديه. فالانحناء اليسير لا ينفع، فلا بد من أن تهصرَ ظهرك حتى تتمكن من مسّ ركبتيك بيديك. وقال بعض العلماء: إن الواجب أن يكون إلى الركوع التام أقرب منه إلى القيام التام والمؤدى متقارب. المهم أنه لا بد من هصر الظهر. ومما ينبغي في الركوع أن يكون الإنسان مستوي الظهر لا مُخَدَّوِدبًا، وأن يكون رأسه محاذيًا لظهره، وأن يضع يديه على ركبتيه مُفَرَّجَتِي الأصابع، وأن يجافي عضديه عن جنبيه، ويقول سبحان ربي العظيم، يكررها ويقول: ((سبحانك اللهم ربنا وبحمدك، اللهم اغفر لي)) ويقول: ((سبوحٌ قدوسٌ ربُّ الملائكة والروح))

And from the pillars of the prayer is Ruku (Bowling)⁶²: and it is the bowing out of glorification to Allah the Exalted. That is because you have the present of mind that you are standing between the hands of Allah, so you bow out of glorification to him the exalted. And to this the prophet صلى الله عليه وسلم said “as for the bowing than glorify the lord the Almighty”⁶³ meaning say ((سبحان ربي العظيم))⁶⁴, that because the Ruku is glorification with the action, and you said ((سبحان ربي العظيم)), glorification with the statement. The two glorifications come together in addition to original glorification and it is glorification in the heart, because you do not bow to Allah like this except out of glorification. In the Ruku, three glorifications come together:

The glorification of the heart

The glorification of the body parts

The glorification of the tongue

In the heart, you feel that you made Ruku for Allah, and the tongue says ((سبحان ربي العظيم)), and the body parts, you lower your back. What is obligatory in the ruku is a bowing where a person is able to touch his knees with his hands. The light bowing does not benefit, it is must to bend down your back until you firmly touch your knees with your hands. And also the in the ruku the person back should be straighten and not crooked, and the head and the back should be at the same level. And to place his hands on his knees while the fingers are separated (like if you are grasping the knees) and spread his upper arms from the sides and to say سبحان ربي

⁶² I will use ruku and bowing to mean the same thing.

⁶³ Muslim

⁶⁴ Roughly pronounced as subhan ruby alatheem. Subhan means to remove Allah from all negativities and imperfections. The remembrance of the prayer I will put them in Arabic.

((سبحُ) and to say (after this) (اللهم ربنا وبحمدك، اللهم اغفر لي) and repeat it and to say (العظيم

قُدوسٌ ربُّ الملائكة والروح))

ومن أركان الصلاة: السجود، قال الله عز وجل: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا ارْكَعُوا وَاسْجُدُوا
وَاعْبُدُوا رَبَّكُمْ﴾ [الحج:77]، وقال النبي صلى الله عليه وسلم ((أمرت أن نسجد على سبعة
أعظم: على الجبهة- و أشار بيده إلى أنفه- واليدين، والركبتين، وأطراف القدمين)) فالسجود
لا بد منه، لأنه ركن لا تتم الصلاة إلا به. ويقول في سجوده ((سبحان ربي الأعلى)). وتأمل
الحكمة أنك في الركوع تقول: ((سبحان ربي العظيم)) لأن الهيئة هيئة تعظيم، وفي السجود
تقول: ((سبحان ربي الأعلى)) لأن الهيئة هيئة نزول. فالإنسان نزل أعلى ما في جسده- وهو
الوجه - إلى أسفل ما في جسده- وهو القدمين- فترى في السجود أن الجبهة والقدمين في
مكان واحد، وهذا غاية ما يكون في التنزيه، ولهذا تقول: ((سبحان ربي الأعلى)) أي أنزله ربي
الأعلى الذي هو فوق كل شيء عن كل سُفلٍ ونُزول. أما أنا فمنزل رأسي وأشرف أعضائي إلى
محل القدمين ومداسها، فتقول: ((سبحان ربي الأعلى)) تكررهما ما شاء الله، ثلاثا أو أكثر حسب
الحال، وتقول: ((سبحانك اللهم ربنا وبحمدك اللهم اغفر لي)) ، وتقول ((سبح قدوس رب
الملائكة والروح)) وتكثر من الدعاء بما شئت من أمور الدين ومن أمور الدنيا، لأن النبي صلى
الله عليه وسلم يقول: ((وأما السجود فاجتهدوا في الدعاء، فَمَنْ أَنْ يَسْتَجَابَ لَكُمْ)) ، وقال
عليه الصلاة والسلام: ((أقرب ما يكون العبد من ربه وهو ساجد)) ، فأكثر من الدعاء بما
شئت، من سؤال الجنة، والتعوذ من النار، وسؤال علم نافع، وعمل صالح، وإيمان راسخ،
وهكذا. وسؤال بيت جميل، وامرأة صالحة، وولد صالح، وسيارة، وما شئت من خير الدين والدنيا،
لأن الدعاء عبادة ولو في أمور الدنيا، قال الله: ﴿وَقَالَ رَبُّكُمْ ادْعُونِي أَسْتَجِبْ
لَكُمْ﴾ [غافر:60]، وقال: ﴿وَإِذَا سَأَلَكَ عِبَادِي عَنِّي فَإِنِّي قَرِيبٌ أُجِيبُ دَعْوَةَ الدَّاعِ إِذَا
دَعَانِ﴾ [البقرة:186] .

And from the pillars of the prayer is prostration: Allah the exalted said (O you who believe! Bow down, and prostrate yourselves, and worship your Lord and do good that you may be successful.) And the prophet صلى الله عليه وسلم “I was ordered to prostrate on seven bones: on the forehead- and he pointed to his nose-, the two hands, the two knees, and the toes”⁶⁵. The prostration is a must, because it is a pillar, the prayer is not complete except with it, and to say in the prostration ((سبحان ربي الأعلى))⁶⁶ (glorify my lord the most high). And focus on the wisdom, in the Ruku you say ((سبحان ربي العظيم)) because the position is the position of glorification, and in the prostration you say ((سبحان ربي الأعلى)) because it is a position of going down. The person lowers the highest part of his body and it is the face to the lowest part of his body and it is the feet. You see that the forehead and the feet are in one place. And this the upmost in removing imperfection, and to this we say ((سبحان ربي الأعلى)) meaning I remove from lord the most high, the one who is above everything from every lowly and belittlement status. As for me I lower the most honorable body parts to the place of the feet and the stepping place, and saying ((سبحان ربي الأعلى)) you repeated as much as Allah wills, three, or more based on the situation. And to say ((سبحانك اللهم ربنا وبحمدك اللهم اغفر لي)) and to say ((سبوح قدوس رب الملائكة والروح)) , and to increase in supplication for whatever you want from the matters of the deen and the worldly matters. That is because the prophet صلى الله عليه وسلم said “ as for the prostration, strive for the supplication, it is suitable for your supplication to be accepted.”⁶⁷ and he said “ the closest the slave becomes to his lord while he is prostrating”⁶⁸ increase from the supplication whatever you want, from asking for paradise,

⁶⁵ Agreed upon

⁶⁶ Pronounced roughly as subhan ruby al’ala

⁶⁷ Muslim

⁶⁸ Muslim

seeking refuge from the fire, and asking beneficial knowledge, righteous actions, and firm Iman, and so on. Also asking for a beautiful house, righteous wife, righteous child, a car, and whatever you want from the good of the deen and worldly matters. That is because supplication is worship, even in the worldly matters, Allah said (And your Lord said: "Invoke Me, [i.e. believe in My Oneness (Islamic Monotheism)] (and ask Me for anything) I will respond to your (invocation)) and he said (And when My slaves ask you (O Muhammad ﷺ) concerning Me, then (answer them), I am indeed near (to them by My Knowledge). I respond to the invocations of the supplicant when he calls on Me (without any mediator or intercessor).)

وفي هذه الأيام العصيبة ينبغي أن نُطيل السجود، وان نكثر من الدعاء بان يأخذ الله على أيدي الظالمين المعتدين، ونلح ولا نستبطئ الإجابة، لأن الله حكيم قد لا يستجيب الدعوة بأول مرة أو ثانية أو ثالثة، من أجل أن يعرف الناس شدة افتقارهم إلى الله فيزدادوا دعاء، والله- سبحانه وتعالى- أحكم الحاكمين- حكمته بالغة لا نستطيع أن نصل إلى معرفتها، ولكن علينا أن نفعل ما أمرنا به من كثرة الدعاء. ويسجد الإنسان بعد الرفع من الركوع، ويسجد على ركبتيه أولاً ثم كفيه، ثم جبهته وأنفه، ولا يسجد على اليدين أولاً، لأن النبي صلى الله عليه وسلم نهى عن ذلك فقال: ((إذا سجد أحدكم فلا يبرك بروك البعير)) ، وبروك البعير يكون على اليدين أولاً كما هو مشاهد، كل من شاهد البعير إذا بركت يجد أنها تقدم يديها، فلا تقدم اليدين، والرسول- عليه الصلاة والسلام- نهى عن ذلك، لأن تشبهه بني آدم بالحيوان - ولا سيما في الصلاة- أمر غير مرغوب فيه.

And during these hard time, it is upon us to prolong the prostration, and increase in supplication, that Allah takes the hands of the oppressors, the transgressors, and we keep doing it, and not hasten the answer because Allah is wise, he might not answer the supplication the first time, or the second or the third, so the people

could realize their strong need of Allah, and they will increase in supplication. And Allah subhans wa tala is the wisest, his wisdom is very pronounced, it is not possible for us to know it fully. But upon us is to do what we were ordered to do from increasing in supplication. The person prostrates after getting up from ruku. And he prostrates on his knees first than his hands, than his nose and forehead. And he does not prostrates on the hands first, the prophet صلى الله عليه وسلم prohibited this and he said “when one of you prostrates, he should not kneel the kneeling of the camel”⁶⁹ and the kneeling of the camel is on the hands first as it is witnessed. All who witnessed the kneeling of the camel finds that it puts its hands first so do not put your hands first. And the messenger صلى الله عليه وسلم prohibited this, because it is the resemblance of the animals by the sons of Adams, especially in the prayer, it is matter not desirable.

ولم يذكر الله تعالى تشبيه بني آدم بالحيوان إلا في مقام الذم. استمع إلى قول الله تعالى: ﴿وَأَنذَرْتَهُمْ نَبَأَ الَّذِي آتَيْنَاهُ آيَاتِنَا فَانْسَلَخَ مِنْهَا فَاتَّبَعَهُ الشَّيْطَانُ فَكَانَ مِنَ الْغَاوِينَ (175) وَلَوْ شِئْنَا لَرَفَعْنَاهُ بِهَا وَلَكِنَّهُ أَخْلَدَ إِلَى الْأَرْضِ وَاتَّبَعَ هَوَاهُ فَمَثَلُهُ كَمَثَلِ الْكَلْبِ إِنْ تَحْمِلَ عَلَيْهِ يَلْهَثْ أَوْ تَتْرُكْهُ يَلْهَثْ﴾ [الأعراف: 175، 176]، وقال تعالى: ﴿مَثَلُ الَّذِينَ حُمِّلُوا التَّوْرَةَ ثُمَّ لَمْ يَحْمِلُوهَا كَمَثَلِ الْحِمَارِ يَحْمِلُ أَسْفَارًا بِئْسَ مَثَلُ الْقَوْمِ الَّذِينَ كَذَبُوا بِآيَاتِ اللَّهِ﴾ [الجمعة: 5]، وقال النبي صلى الله عليه وسلم: ((العائد في هبته كالكلب يقى ثم يعود في قيئه)) ، وقال صلى الله عليه وسلم: ((الذي يتكلم يوم الجمعة والإمام يخطب كمثل الحمار يحمل أسفارا)). فأنت ترى أن تشبيه

⁶⁹ This is a matter of disagreement between the scholars. From them who have this position, including Ibn Al-Qayum. Other are on the opinion that you put your hands first such as Sheikh Al Albani, Sheikh muqbil, Sheikh Yahia and other. Sheikh muqbil said “the correct is placing the hands first (on the floor) due to the hadith of Abu Huryara may Allah be please with him: that the prophet صلى الله عليه وسلم Salam said : none of you should kneel the kneeling of the camel, and he should place his hands before his knees. The hadith of Abu Huryara is more authentic than the hadith of Wa’el Ibn Hijr in which in it he placed his knees first, because this hadith is from a way (narration) of Shreek Ibn Abdullah, and also this hadith is madtrab (a type of weakness)”. The conention comes on the last part of the hadith “ and he should place place his hands before his knees” the scholars have the opinion if placing the knees first said this part of the hadith in it is a mix up because the camel puts its hands first. What is important though this is sunnah and not obligatory if someone takes either position based on the proof it is not a problem, and it should not cause any type of tension between the brothers.

بني آدم بالحيوان لم يكن إلا في مقام الدم، ولهذا نهى المصلّي أن يبرك كما يبرك البعير فيقدم يديه! بل قدّم الركبتين إلا إذا كان هناك عذر، كرجل كبير يشق عليه أن يُنزل الركبتين أولاً، فلا حرج أو إنسان مريض، أو إنسان في ركبته أذىً، وما أشبه ذلك. ولا بد أن يكون السجود على الأعضاء السبعة: الجبهة، والأنف تبعاً لها، والكفين، والركبتين، وأطراف القدمين. فهذه سبعة أمرنا أن نسجد عليها كما قال الرسول عليه الصلاة والسلام، والذي أمرنا ربنا - عز وجل - فنقول: سمعنا وطاعة، ونسجد على الأعضاء السبعة في جميع السجود، فما دمنا ساجدين فلا يجوز أن نرفع شيئاً من هذه الأعضاء، بل لا بد أن تبقى هذه الأعضاء ما دمنا ساجدين. وفي حال السجود ينبغي للإنسان أن يضم قدميه بعضهما إلى بعض ولا يفرج. أما الركبتان فلم يرد فيهما شيء، فتبقى على ما هي عليه على الطبيعة. وأما اليدان فتكونان على حذو المنكبين، أي: الكتفين، أو تقدمهما قليلاً حتى تسجد بينهما، فلها صفتان: الصفة الأولى أن تردّها حتى تكون على حذاء الكتف، والصفة الثانية: أن تقدمها قليلاً حتى تكون على حذاء الجبهة، كلتاهما وردتا عن الرسول عليه الصلاة والسلام. وينبغي أن تُجافي عَضُدَيْكَ عن جنبيك، وان ترفع ظهرك . إلا إذا كنت في الصف وخفت أن يتأذى جارك من مجافاة العضدين فلا تؤذ جارك، لأنه لا ينبغي أن تفعل سنة يتأذى بها أخوك المسلم وتشوش عليه.

And Allah did not mention the resemblance of the sons of Adams to animals except in the place of admonishment. Listen to the statement of Allah the exalted (And recite (O Muhammad ﷺ) to them the story of him to whom We gave Our *Ayat* (proofs, evidences, verses, lessons, signs, revelations, etc.), but he threw them away, so *Shaitan* (Satan) followed him up, and he became of those who went astray. And had We willed, We would surely have elevated him therewith but he clung to the earth and followed his own vain desire. So his description is the description of a dog: if you drive him away, he lolls his tongue out, or if you leave him alone, he (still) lolls his tongue out.) and the exalted said (The likeness of those who were entrusted with the (obligation of

the) Taurat (Torah) (i.e. to obey its commandments and to practise its legal laws), but who subsequently failed in those (obligations), is as the likeness of a donkey who carries huge burdens of books (but understands nothing from them). How bad is the example (or the likeness) of people who deny the *Ayat* (proofs, evidences, verses, signs, revelations, etc.) of Allah.) and the prophet said “one who gets back his gift is like a dog which vomits and then swallows that vomit”⁷⁰ and he said “the one who talks during Friday and the imam is giving the sermon is as the likeness of a donkey who carries huge burdens of books”⁷¹ you see that the resemblance of the sons of Adams to the animals it is not except in the place of admonishment, and to this he prohibited the one praying to kneel the kneeling of the camel by putting his hands first, rather put your knees first except if there is an excuse, like a person who has hardship putting his knees first, then there is nothing wrong. Also if person is sick or has some harm in his knees and the likes. And it a must that the prostration is on the seven bones: the forehead and the nose in connection to it, the hands, the knees, and the toes. These seven we were ordered to prostrate on them as the messenger said, and the one ordering us is our lord. So we say we hear and obey, and prostrates upon these seven body parts in all prostration, as long we are in prostration it is not permissible to raise any of them, rather it is a must that these seven remain (on the floor) as long we are in prostration. And during prostration it is upon the person to put his feet together, connected to each other and not separate them. As for the knees (while in prostration) nothing is related regarding them, so they remain upon the natural way. As for the hands they should be on the same level as the shoulders, or to put them in front a little so you could prostrate between them. It has two descriptions, the first to put on level with the shoulders, the second to put

⁷⁰ Agreed upon

⁷¹ Related by Imam Ahmed and declared weak by Imam Albani.

them in front a little so it could be on the same level as the forehead, both of them have been related on the messenger. And you should separate you upper arms from you sides, and raise your back, except if you are in the row and fear that you may harm you neighbor by spreading your arms from your sides, do not bother your neighbor. Because you should not do a sunnah that you will cause you to harm your Muslim brother, and disturb him ⁷²

وقد رأيت بعض الاخوة الذين يحبون أن يطبّقوا السنة يمتدّون في حال السجود امتدادا طويلا، حتى تكاد تقول إنهم منبطحون، وهذا لا شك أنه خلاف السنة، وهو بدعة. بل السنة أن ترفع ظهرك وأن تعلق فيه. وهذه الصفة التي أشرت إليها من بعض الإخوة كما أنها خلاف السنة ففيها إرهاق عظيم للبدن، لأن التحمل في هذه الحال يكون على الجبهة والأنف، وتجد الإنسان يضجر من إطالة السجود. ففيها مخالفة السنة وتعذيب البدن، فلهذا ينبغي إذا رأيت أحداً يسجد على هذه الكيفية أن تُرشده إلى الحق، وتقولوا له: هذا ليس بسنة.

And I have seen some of the brothers that love to implement the sunnah spread out (their arms) in a long spread to the point you say they are lying on the ground. And there is no doubt that it is against the sunnah, and it is innovation. Rather the sunnah is to raise your back and make it high. And this description I pointed to by some of the brothers with it being against the sunnah, it is also a great fatigue on the body. Because the support in this situation is one the forehead and the nose, and you find a person become uncomfortable from prolonging the prostration. In it is going against the sunnah and punishing the body. Due to this, if you see someone prostrate this way correct him to the truth and say to him this is not the sunnah.

⁷² Bukhari narrated on the authority of Anas Ibn Malik that the prophet صلى الله عليه وسلم said Be straight in the prostrations and none of you should put his forearms on the ground (in the prostration) like a dog."

وينبغي في حال السجود أيضا أن يكون الإنسان خاشعا لله - عز وجل - مستحضرا علو الله سبحانه وتعالى، لأنك سوف تقول: سبحان ربي الأعلى، أي تنزيها له بعلوه - عز وجل - عن كل سُفلٍ ونزول، ونحن نعتقد بأن الله عالٍ بذاته فوق جميع مخلوقاته، كما قال الله: ﴿سَبِّحْ اسْمَ رَبِّكَ الْأَعْلَى﴾ [الأعلى:1]، وإثبات علو الله في القرآن والسنة أكثر من أن يحصر. والإنسان إذا دعا يرفع يديه إلى السماء إلى الله عز وجل، وفي السماء فوق كل شيء، وقد ذكر الله أنه استوى على عرشه في سبع آيات من القرآن، والعرش أعلى المخلوقات، والله فوق العرش جلا وعلا.

Also it is upon the person during prostration to humble himself to Allah the exalted. He should have the presence of mind of highness of Allah subhana wa tala, because you will say ((سبحان ربي الأعلى)) meaning you remove Allah with his highness from all lowly status and belittlement. And we believe that Allah is innately high above all his creation, as Allah said (**Glorify the Name of your Lord, the Most High**) and establishing the highness of Allah from the Quran and the Sunnah is more than could be restricted. And when a person supplicates he raises his hand to the sky, to Allah the exalted, and in the sky and above all things. And Allah mentioned that he ascended (in a matter that befits his majesty) above his throne in seven verses from the Quran. And the throne is the highest of his creation, and Allah the exalted is above his throne.

ومن أركان الصلاة : الطمأنينة، أي: الاستقرار والسكون في أركان الصلاة، فيطمئن في القيام، وفي الركوع، وفي القيام بعد الركوع، وفي السجود، وفي الجلوس بين السجدين، وفي بقية أركان الصلاة، وذلك لما أخرج الشيخان - البخاري ومسلم - من حديث أبي هريرة رضي الله عنه أن رجلا جاء فدخل المسجد فصلى، ثم سلم على النبي صلى الله عليه وسلم فرد عليه السلام وقال: ((ارجع فصلِّ فإنك لم تصلِّ)) يعني: لم تصلِّ صلاة تجزئك. فرجع الرجل فصلى، ثم جاء

فسلم على النبي صلى الله عليه وسلم فرد عليه وقال: ((ارجع فصل فإنك لم تصل)) فرجع وصلى ولكن كصلاته الأولى، ثم جاء إلى النبي صلى الله عليه وسلم عليه، فرد عليه وقال: ((ارجع فصل فإنك لم تصل)) فقال: والذي بعثك بالحق لا أحسنُ غير هذا فعلمني. وهذه هي الفائدة من كون النبي صلى الله عليه وسلم لم يعلمه لأول مرة، بل رده حتى صلى ثلاث مرات، من أجل أن يكون متشوقاً للعلم، مشتاقاً إليه، حتى يأتيه العلم ويكون كالمطر النازل على أرض يابسة تقبل الماء، ولهذا أقسم بأنه لا يحسن غير هذا، وطلب من النبي صلى الله عليه وسلم أن يعلمه. ومن المعلوم أن النبي صلى الله عليه وسلم سوف يعلمه، لكن فرق بين المطلوب والمجلوب، إذا كان هو الذي طلب أن يعلم صار أشد تمسكا وحفظا لما يُلقى إليه. وتأمل قَسَمَهُ والذي بعث النبي صلى الله عليه وسلم بالحق. فقال: ((والذي بعثك بالحق)) وما قال ((والله!)) لأجل أن يكون معترفا غاية الاعتراف بأن ما يقوله النبي صلى الله عليه وسلم حق. فقال له النبي عليه الصلاة والسلام: ((إذا قمت للصلاة فأسبغ الوضوء)) أي: توضأ وضوءا كاملا، ((ثم استقبل القبلة فكبر)) أي: قل: الله أكبر، وهذه تكبيرة الإحرام. ((ثم اقرأ ما تيسر معك من القرآن)) وقد بينت السنة أنه لا بد من قراءة الفاتحة. ((ثم اركع حتى تطمئن راكعا)) أي: لا تسرع، بل اطمئن واستقر. ((ثم ارفع حتى تطمئن قائما)) أي: إذا رفعت من الركوع اطمئن كما كنت في الركوع، ولهذا من السنة أن يكون الركوع، ولهذا من السنة أن يكون الركوع والقيام بعد الركوع متساويين أو متقاربين. ((ثم اسجد حتى تطمئن ساجدا)) أي: تطمئن وتستقر. ((ثم ارفع حتى تطمئن جالسا)) وهذه الجلسة بين السجدين. ((ثم اسجد حتى تطمئن ساجدا)) هذا هو السجود الثاني. قال: ((ثم اعمل ذلك في صلاتك كلها)) أي: اعمل هذه الأركان: القيام، والركوع، والرفع منه، والسجود، والجلوس بين السجدين، والسجدة الثانية، في جميع الصلاة.

الشاهد من هذا قوله: ((حتى تطمئن)) وقوله فيما قبل: ((إنك لم تصل)) فدل هذا على أنه من لا يطمئن في صلاته فلا صلاة له. ولا فرق في هذا بين الركوع والقيام بعد الركوع، والسجود والجلوس بين السجدين، كلها لا بد أن يطمئن الإنسان فيها.

And from the pillars of the prayer is tranquility, meaning to be stable and tranquil in all of the pillars of the prayer. Be tranquil in the standing, in the bowing, getting up from bowing, prostration, and the sitting between the two prostrations, and in the rest of the pillars of the prayer. This is due to what the two sheikh have related, Bukharri and Muslim from the hadith of Abu Huryara may Allah be please with him “that a person entered the masjid and prayed to raka, than he gave the salam on prophet **صلى الله عليه وسلم**, he (the prophet) returned the salam and said ‘ go back and pray because verily you did not pray’ meaning you did not pray a prayer that will suffice. He returned and prayed, than he gave the salam to the prophet, he returned the salam and said “go back and pray because verily you did not pray’. He went back and prayed but like his previous prayer than he came to the prophet gave him the salam, he returned (the salam) and said ‘ go back and pray because verily you did not pray’ he said by the one who sent you with the truth I can’t do better than it, teach me” And this is the benefit why the prophet did not teach him the first time and he returned until he prayed three times, for the reason he could be hungry for the knowledge and longing for it, so the knowledge could come down on him like rain coming down on dry lands that accepts the water. Due to this he swore that he cannot do better than this and sought from the prophet to teach him. And from what is known is that the prophet will teach him, however there is a difference between the sought after and the procured. If he is the one seeking to learn, than he will be stronger at holding to and memorizing what will be put on him. And pay attention to him swearing by the one who has sent the prophet **صلى الله عليه وسلم** with the truth, he said “by the one who sent you with the truth” and he did not say by Allah, so he could be in recognition the upmost recognition that what the prophet will say is the truth. The prophet said to him “**when you stand for prayer perfect the wudu**” meaning make the complete wudu “**than face the Qiblah**

and make takbeer” meaning say ((الله أكبر)), and this is Takbeerat Al-Ahram “than recite what is easier with you from the Quran” and the sunnah has clarified that the Opening (surat al fatihah) is a must, “then make ruku (bowing) until you are tranquile” meaning don’t hurry, rather be tranquil and established “than raise up until you tranquil in the standing” Meaning when you raise up from the bowing be tranquil as you were in the bowing. To this, it is from the sunnah that the standing after bowing and bowing be equal or close to each other. “Then prostrates until you are tranquil in your prostration” meaning be tranquil and established “than raise up until you are tranquilly sitting” and this is the sitting between the two prostration, “then prostrates until you are tranquil in your prostration” and this is the second prostration. He said “do this in your entire prayer” meaning do these pillars: standing, bowing, raising up from bowing, prostration, sitting between the two prostration, and the second prostration in all the prayer. The point from this his statement “until you are tranquil” and his statement before “pray, verily you did not pray” this proves that the one who is not tranquil in his prayer, he has no prayer. And there is no difference regarding this, whether it is ruku, standing after ruku, prostration, sitting between the prostrations, all of it the person has to be tranquil in them.

قال بعض العلماء: والطمأنينة أن يستقر بقدر ما يقول الذكر الواجب في الركن، ففي الركوع بقدر ما تقول: ((سبحان ربي العظيم))، وفي السجود كذلك، بقدر ما تقول: ((سبحان ربي الأعلى)) ، وفي الجلوس بين السجدين بقدر ما تقول: ((ربي اغفر لي)) ، في القيام بعد الركوع بقدر ما تقول ((ربنا ولك الحمد))، وهكذا. ولكن الذي يظهر من السنة أن الطمأنينة أمر فوق ذلك، لأن كون الطمأنينة بمقدار أن تقول ((سبحان ربي العظيم)) في الركوع لا يظهر لها أثر، لأن الإنسان إذا قال: الله أكبر، سبحان ربي العظيم، ثم يرفع، أين الطمأنينة؟ فالظاهر أنه لا بد من استقرار بحيث يقال: هذا الرجل مطمئن. وعجبا لابن آدم كيف يلعب به الشيطان!! هو واقف بين يدي

الله - عز وجل - يناجي الله ويتقرب إليه بكلامه وبالثناء عليه وبالثناء، ثم كأنه ملحق في صلاته، كان عدواً لاحقاً له، فتراه يهرب من الصلاة، لماذا؟ أنت لو وقفت بين يدي ملك من ملوك الدنيا يناجيك وبخاطبك، لو بقيت معه ساعتين تكلمه لوجدت ذلك سهلاً، تقف على قدميك، ولا تنتقل من ركوع إلى سجود، وإلى جلوس، وتفرح أن هذا الملك يكلمك ولو جلس معك مدة طويلة، فكيف وأنت تناجي ربك الذي خلقك، ورزقك، و أمدك، وأعدك، تناجيه وتهرب هذا الهروب؟! لكن الشيطان عدو للإنسان، والعامل الحازم المؤمن هو الذي يتخذ الشيطان عدواً، كما قال الله تعالى: ﴿إِنَّ الشَّيْطَانَ لَكُمْ عَدُوٌّ فَاتَّخِذُوهُ عَدُوًّا إِنَّمَا يَدْعُو حِزْبَهُ لِيَكُونُوا مِنْ أَصْحَابِ السَّعِيرِ﴾ [فاطر:6]. فالواجب على الإنسان أن يطمئن في صلاته طمأنينة تظهر عليه في جميع أفعال الصلاة، وكذلك أقوالها. مسألة: ما حكم من لم يُقِم الصلاة؟

Some of the scholars said: the tranquility is to be established for the duration of the obligatory remembrance in the pillar. In the bowing for duration of saying ((سبحان)) and in the prostration for the duration of saying ((سبحان ربي الأعلى)) and in the sitting between the two prostration for the duration of saying ((ربي اغفر لي)) and in the standing after bowing for the duration of saying ((ربنا ولك الحمد)) and so on. But what is apparent from the sunnah is that tranquility is a matter above that. If the tranquility is for the duration of saying in the bowing سبحان ربي العظيم, this does not show an effect. If the person were to say ((سبحان ربي العظيم)) ((الله أكبر)) , than raises up, where is the tranquility? What is apparent is that there must be establishment (in the body) to the point it is said this person is tranquil. And the son of Adam is amazement, how Shaitan (satan) play around with him. He is standing between the hands of Allah the exalted conversing with Allah, seeking closeness to him with the speech, praising him, and making supplication to him, and then he acts if he is chased in the prayer. As if an enemy is chasing him, you see him running away from the prayer (by being haste in prayer) why? If you stand

in front of the kings from the kings of the dunya (meaning a king of kingdom, country etc.), conversing with you, and talking to you, if you stay with him two hours talking to him, it will be easy with you. You stand on your feet, and do not move into sitting, prostration, and sitting, and are happy that this king is talking to you, even if he stays with you for a long time. So how much so and you are conversing with your lord, the one who created you, provided for you, and sustained, you converse with him and run away this running? However Shaitan is the enemy of the person, and the firm intellectual believer is the one who takes Shaitan as an enemy as Allah the exalted said **(Surely, *Shaitan* (Satan) is an enemy to you, so take (treat) him as an enemy. He only invites his *Hizb* (followers) that they may become the dwellers of the blazing Fire)**. It is obligatory upon the person to be tranquil in all of his prayer, tranquility that is apparent on him in all actions of the prayer, and statement. Question, what is the ruling on the one who does not establish the prayer⁷³

The ruling on the one who does not establish the prayer

الجواب عن ذلك أن نقول: أما من لم يقيمها على وجه الكمال، يعني انه أدخل ببعض الأشياء المكملة للصلاة، فإن هذا محروم من الأجر الذي يحصل له بإكمال، لكنه ليس ياثم، فمثلاً: لو اقتصر على ((سبحان ربي العظيم)) في الركوع مع الطمأنينة لكان كافياً، لكنه محروم من زيادة الأجر في التسبيح. وأما من لم يقيمها أصلاً، يعني أنه تركها بالكلية، فهذا كافر مرتد عن الإسلام كفرةً مخرجاً عن الملة، يخرج من عداد المسلمين في الدنيا، ويكن في عداد الكافرين في

⁷³ Sheikh Al-Islam Mohamed Ibn Abdul Wahhab may Allah have mercy on him mentioned that the obligation of the prayer are eight: All the takbeer besides takbeerat Al Ahram, saying ((سبحان ربي العظيم)) in the bowing, saying سُبْحَانَ اللَّهِ for the Imam and the one praying alone, saying رَبَّنَا وَوَلَكَ الْحَمْدُ for all (meaning the Imam the follower, and the one praying alone), ((سبحان ربي الأعلى)) in the prostration, "رَبِّ اغْفِرْ لِي رَبِّ اغْفِرْ لِي" between the two prostration and the first Tashhad and the sitting for it.

الآخرة، أخبر النبي صلى الله عليه وسلم أنه يحشر مع فرعون وهامان، وقارون، وأبي بن خلف، وهؤلاء رؤوس الكفرة يُحشر معهم. والعياذ بالله.

The answer to this is to say: if he does not establish it upon the complete way, meaning that he is negligent in some of the things that are for the completeness of the prayer, this is one is forbidden from the reward that he could obtain with the completeness, but he is not sinning. For example, if he would to shorten to ((سبحان ربي العظيم)) only in the bowing with tranquility it will be sufficient, but he is forbidden from the extra reward in the tasbeeh. As for the one who one does not establish it from the origin, meaning he left it off in totality (he does not pray any prayer) he is a disbeliever⁷⁴, apostate from Islam, a disbelief that takes one out of the mellah (Islam). He is taken from the ranks of the Muslims in this world, and he will be from the ranks of the disbelievers in the hereafter. The prophet صلى الله عليه وسلم has informed that he will be gathered up with Firuon, Haman, Qaroon, and Ubay Ibn Khalaf. And these are the heads of disbelieves, he will be gathered with them, and we seek refuge with Allah.

أما في الدنيا فإنه كافر مرتد يجب على ولي الأمر أن يدعوه للصلاة، فإن صلى فذاك، وإن لم يصل قتله قتل ردة والعياذ بالله، وإذا قتل قتل ردة حمل في سيارة بعيدا عن البلد، وحفر له حفرة ورمس فيها حتى لا يتأذى الناس برائحته ولا يتأذى أهله وأصحابه بمشاهدته، فلا حرمة له لو أبقى على وجه الأرض هكذا، ولهذا لا نغسله، ولا نكفنه، ولا نصلي عليه، ولا نُدنيه من مساجد

⁷⁴ There is a different of opinion on this matter. Some scholars such as Imam Albani hold the position that the one who leaves the prayer out of laziness he is still a believer but he is a fasiq and a major sinner, however most of the scholars to the best of my knowledge hold the position of Ibn Utyameen, including Imam Ibn Baz and many others. Ibn Utyameen present a strong case here may Allah have mercy on him. However even the scholars who say he still a believer, say he is upon a major sin and grave danger. All the scholars agree that the one who leaves it off out of rejection is a disbeliever. I must note that it is not for anyone to make takfeer of anyone because declaring someone a disbeliever is a serious matter, rather it should be left off to the scholars. What is mention here is a general rulings and applying to specific people is left for the scholars and judges.

المسلمين للصلاة عليه، لأنه كافر مرتد. فإذا قال قائل: ما هذا الكلام؟ أهذا جزاف أم تحامل أم عاطفة؟ قلنا: ليس جزافا، ولا تحاملا، ولا عاطفة، ولكننا نقوله بمقتضى دلالة كلام الله تعالى وكلام رسوله صلى الله عليه وسلم وكلام أصحاب رسوله رضي الله عنهم. أما كلام الله: فقد قال الله تعالى في سورة التوبة عن المشركين: ﴿فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ﴾ [التوبة: 11]، وإن لم يكن؟ فليس إخوانا لنا في الدين، وإذا لم يكونوا إخوانا لنا في الدين فهم كفرة، لأن كل مؤمن ولو كان عاصيا أكبر معصية لكنها لا تُخرج من الإسلام فهو أخ لنا، إذا اقتتلت طائفتان من المؤمنين فمن المعلوم أن قتال المسلم كفر، لكن لا يخرج من الملة، لأن النبي صلى الله عليه وسلم قال: ((سباب المسلم فسوق وقتاله كفر)) ، ومع ذلك فإن هذا المقاتل لأخيه أخ لنا، ولا يخرج من دائرة الإيمان ، لقول الله تعالى: ﴿وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَت إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ﴾ [الحجرات: 9، 10]

As in this world he is a disbeliever, apostate, upon the people of authority to call him to the prayer, if he prays than it is that and if he doesn't he should kill him the killing of apostasy and we seek refuge with Allah. And if he is killed the killing of apostasy, he is carried off in a car far away from the land, and hole be dug for him and immersed in it so the people will not be bothered from his scent, and his family and friends are not bothered by seeing him. He has no inviolability, even if he should remain on the face of the earth like that. Due to this we do not bath, shroud, or pray on him. We also do not bring him close to the masjids of the Muslims to pray on him because he is disbeliever, an apostate. If someone would to say is this Random barrage, bias, or sentimental? We say it is not random barrage, bias, or sentimental, but we say accordingly to the proofs from the speech of Allah the

exalted, the speech of his messenger صلى الله عليه وسلم, and the speech of the companions of his messenger. As for the speech of Allah, he said in surah tawbah on the polytheist (**But if they repent, perform As-Salat (Iqamat-as-Salat) and give Zakat, then they are your brethren in religion**) and if not? Then they are not our brothers in the deen, and if they are not our brothers in the deen, they are disbelievers. That because every believer, even if he commits major sins as long it does not take him out of the fold of Islam he is a brother to us. If two groups fought against each other, from what is known that fighting the Muslim is an act of disbelief, but it does not take the person out of mullah (islam) because the prophet صلى الله عليه وسلم said “**cursing the Muslim is criminality, and fighting him is disbelief**”⁷⁵ and with this the one fighting his brother is still our brother, and is not taken out of the circle of Iman due to the statement of Allah the exalted (**And if two parties or groups among the believers fall to fighting, then make peace between them both, but if one of them rebels against the other, then fight you (all) against the one that which rebels till it complies with the Command of Allah; then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allah loves those who are equitable. The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy**)

إِذَا الطَّائِفَتَانِ المَقْتَلَتَانِ إِخْوَةٌ لَنَا مَعَ أَنَّهَا مَعْصِيَةٌ عَظِيمَةٌ. فَإِذَا قَالَ اللهُ فِي المَشْرِكِينَ: ﴿فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوْا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ﴾ [التوبة: 11]، إِذَا لَمْ يَقْمُوا بِهَذِهِ الأَعْمَالِ فَلَيْسُوا بِإِخْوَةٍ لَنَا، هَذَا مِنَ القُرْآنِ. أَمَا مِنَ السَّنَةِ: فَاسْتَمِعْ إِلَى مَا رَوَاهُ مُسْلِمٌ فِي صَحِيحِهِ عَنِ جَابِرِ ابْنِ عَبْدِ اللهِ - رَضِيَ اللهُ عَنْهُمَا - أَنَّ الرِّسُولَ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: ((بَيْنَ الرَّجُلِ وَبَيْنَ الشَّرِكِ

⁷⁵ Agreed upon

والكفر ترك الصلاة))، والبَيِّنَةُ تقتضي التمييز والتفريق، وإن كل واحد غير الآخر، ((بين الرجل وبين الشرك والكفر ترك الصلاة)) فإذا تركها صار غير مسلم، صار مشركا أو كافرا. وما رواه أهل السنن عن بريدة بن الحصيبي - رضي الله عنه - أن النبي صلى الله عليه وسلم قال: ((العهد الذي بيننا وبينهم الصلاة، فمن تركها فقد كفر)) ، العهد الذي بيننا وبين الكفار أي: الشيء الفاصل الذي بيننا وبينهم الصلاة، فمن تركها فقد كفر، صار منهم وليس منا.

Than the two groups that are fighting against each other are brothers even though it is a great sin. Allah said with regarding the polytheist **(But if they repent, perform As-Salat (Iqamat-as-Salat) and give Zakat, then they are your brethren in religion.)** Than if they do not establish these actions than they are not brothers to us. This is from the Quran. As from the sunnah, listen to what Muslim narrated in his Sahih from the hadith of Jaber ibn Abdullah may Allah be please with them both that the messenger of Allah صلى الله عليه وسلم said “ **between man and polytheism and disbelief is leaving off the prayer**” and the baynayah (the wording I translated as between) consequence is differentiation and separation, and that each is one is different from the other. “**between man and polytheism and disbelief is leaving off the prayer**” if he leaves it then he becomes other than a Muslim, he becomes a polytheist or a disbeliever. Also what Ahul sunnan narrated on the authority of Buryadah ibn Alhaseeb may Allah be please with him, that the prophet صلى الله عليه وسلم said “**The covenant between us and them is the prayer, whoever leaves it has disbelieved**” the covenant between us and the disbelievers meaning the separator between us and them is the prayer, whoever leaves it becomes a disbeliever, he becomes from them and not from us.

وهذا نص في الموضوع! أما ما قاله الصحابة رضي الله عنهم: فاستمع إلى ما قاله عبد الله بن شقيق - وهو من التابعين المشهورين - قال رحمه الله: ((كان أصحاب محمد صلى الله عليه

وسلم لا يرون شيئاً من الأعمال تركه كفر غير الصلاة)). وقد نقل إجماع الصحابة على كفر تارك الصلاة إسحاق بن راهويه الإمام المشهور رحمه الله، وبعض أهل العلم. وإذا قُدِّرَ أن فيهم من خالف فإن جمهورهم - أهل الفتوى منهم - يقولون إنه كافر. هذه أدلة من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم وكلام الصحابة رضي الله عنهم. وقال عمر بن الخطاب رضي الله عنه وناهيك به: ((لا حظ في الإسلام لمن ترك الصلاة)) ولا نافية للجنس، تنفي الكثير والقليل، والذي لاحظ له لا قليل ولا كثير في الإسلام ما هو إلا كفر، إذن فمن ترك الصلاة فهو كافر. ويترتب على ترك الصلاة أمور دنيوية وأمور أخروية:

And this is a text on the matter. As for what the companions may Allah be please with them said: listen to what Abdullah ibn Shaqeeq said and he is from the well-known Tabeen (those took knowledge directly from the companions). He said may Allah have mercy on him “the companion of Mohamed صلى الله عليه وسلم did not used see anything from the action that leaving it off would lead to disbelieve except the prayer” and it was transmitted the consensus of the companion on the disbelief of the one who leaves the prayer by Ishaq Ibn Rahweeyah the well-known Imam may Allah have mercy on him, and some of the scholars. And if it happened that some of them went against this, than the majority of them, the people of fatwa from them say that he is a disbeliever. This is the proof from the statement of Allah, the statement of his messenger, and the statement of the companions may Allah be please with them. And Omer ibn Al Khattab may Allah be please with him said **and not to mention** who he is “there is no hadh in Islam for the one who leaves off the prayer” and la (no) negates the type, it negates the abundant and the little, and the one who does not have **hadth** (fortune) not a little or a lot in Islam, he is but a disbeliever. Than whoever leaves off the prayer is a disbeliever. They are worldly and hereafter consequences of leaving off the prayer.

الأمر الدنيوي

أولاً: أنه يُدعى إلى الصلاة، فإن صلى وإلا قُتل، وهذا واجب على ولاية الأمور وجوباً، وهم إذا فرطوا في هذا فسوف يسألهم الله تعالى إذا وقفوا بين يديه، لأن كل مسلم ارتدَّ عن الإسلام فإنه يُدعى إليه، فإن رجع وإلا قتل. قال الرسول صلى الله عليه وسلم: ((من بدَّل دينه فاقتلوه))

The worldly matters:

The first: he is called to perform the prayer, either he prays or is killed (by the people of authority and not anyone). And this is obligatory on the people of the authority. And if they are negligent in this Allah will ask them about it when they stand between his hands because every Muslim that apostate from the Islam is called to it (Islam), either he comes back or is killed. The messenger said “**whoever changed his deen than kill him**”⁷⁶⁷⁷

ثانياً: لا يُزوج إذا خطب، وإن زُوج فالعقد باطل، والمرأة لا تحل له أن يطأها، وهو يطاء أجنبية والعياذ بالله، لأن العقد غير صحيح، لقوله تعالى: ﴿فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾ [الممتحنة:10].

The second: he should not be allowed to get married if he propose. And if he does get married than the contract is invalid. And it is not permissible to have sexual intercourse with the woman, and if he does than he is doing it with an estranged woman and we seek Allah refuge because the contract is not valid due to the statement of the most high (then if you ascertain that they are true believers, send them not back to the disbelievers, they are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them)

⁷⁶ However this does not mean anyone should kill those who they think apostate. These matters are taking to judges and the people of authority execute the rulings. Furthermore they are condition that must be met before someone could be labeled as a disbeliever such the person must not be ignorant, he must not be forced, and the proof must be established on him, and these matters are left off for the well-known scholars of sunnah.

⁷⁷ Bukhari

ثالثًا: أنه لا ولاية له على أولاده، ولا على أخواته، ولا على أحد من الناس، لأن الكافر لا يمكن أن يكون وليا على مسلم أبدا، حتى بنته لا يزوّجها. لو فرضنا واحدا بعدما تزوج، وكبر وصار له بنات، صار لا يصلي والعياذ بالله، فإنه لا يمكن أن يزوّج بنته. ولكن إذا قال قائل: هذا مشكل، يوجد أناس عندهم بنات وهم لا يصلون، كيف نعمل؟ نقول: في مثل هذا الحال إذا كان لا يمكن التخلّص من أن يعقد النكاح للبنات فإن الزوج يجعل أخاها أو عمها مثلا أو أحدا من عصابات الأقرب فالأقرب، حسب ترتيب الولاية، يعقد له بالسر عن أبيها حتى يتزوج امرأة بعقد صحيح، أما عقد أبيها لها وهو مرتد كافر فلا يصح، ولو يعقد ألف مرة فليس بشيء.

Third: he has no guardianship over his children and sisters, and not over anyone from the people. It is not possible for the disbeliever to be a guardian over a Muslim, ever. Even his daughter he should not marry her (to someone). And let say it happens to be that a person after he got married, grew old and begotten daughters, and then stopped praying and we seek Allah's protection , than it is not possible for him to marry his daughter (to someone else) however if someone would to say: this is problematic, they are people who have daughters and they do not pray, what to do? We say in this situation, if it is not possible to be relived from him making the contract, than the husband should make her brother, uncle, or someone from her relative for example, the closer one and closer based upon how the guardianship is organized. He should make the contract for him in secret so the woman could be married with a valid contract. As for the contract of her father who is an apostate, it is not valid, even if he makes the contract a thousand time.

رابعًا: لو ترك الصلاة في أثناء زواجه انفسخ نكاحه، ومثاله: رجل تزوج امرأة وهي تصلي وهو يصلي، وبعد ذلك ترك الصلاة، فإننا نقول: يجب التفريق بينه وبين المرأة وجوبا حتى يصلي، فإذا فرّقنا بينهما واعتدت فإنه لا يمكن أن يرجع إليها، أما قبل انتهاء العدة، فإنه إذا أسلم ورجع إلى الإسلام وصلى فهي زوجته، أما إذا انتهت العدة فقد انفصلت منه، ولا تحل له إلا بعقد

جديد على قول جمهور أهل العلم، وبعضهم يقول: إنها إذا انتهت من العدة ملكت نفسها، ولكن لو أسلم وأرادت أن ترجع إليه فلا بأس بدون عقد، وهذا القول هو الراجح، دلالة السنة عليه، لكن فائدة العدة هو أنها قبل العدة إذا أسلم لا خيار لها، وأما بعد العدة فلها الخيار إذا أسلم، إن شاءت رجعت إليه، وإن شاءت لم ترجع.

Fourth: if he leaves off the prayer in the middle of the marriage, than the marriage is annulled. An example: a man married a woman and he prays and she prays, and after that he left off the prayer we say: it is obligated to separate between him and the woman, an obligation until he prays. If we separate between them and the time period ends than it is not possible to go back to her, as before the time periods ends, if he submits and goes back to Islam and prays than she is his wife, but if the time period is finished than she is detached from him and she is not permissible for him except with a new contract based upon the statement of the majority of scholars. And some of them say that if the time period finished she control herself, but if he becomes Muslim and she wants to go back to him than no problem without a contract. And this is the correct statement that is proven by the sunnah. However the benefit of the time period is if he becomes a Muslim before the time period than she has no choice, as for after the time period than she has the choice, if she wants she goes back to him, and if she wants she does not go back.

خامساً: ومن ذلك أيضا أنه لا ولاية له على أحد ممن يتولاه لو كان مسلماً، لأن من شروط الولاية العدالة، والكافر ليس بعدل، فلا يكون تارك الصلاة ولياً على أحد من عباد الله المسلمين أبداً، حتى لو كانت ابنته فإنه لا يزوجها، لأنه ليس له ولاية عليها.

The fifth: and from that also that he has no guardianship over anyone from those under guardianship if that person is a Muslim. That because from the condition of guardianship is just, and the disbeliever is not just. The one who leaves off the

prayer could never be a guardian of anyone from the slaves of Allah the Muslims ever, even if she is his daughter he cannot marry her (to someone else) because he has no guardianship over her.

سادساً: ومن ذلك أيضا أنه لا يُغسل، ولا يكفن، ولا يُصلى عليه، ولا يُدفن مع المسلمين، وإنما يخرج به إلى البر ويحفر له حفرة يُرمس فيها رمسا لا قبرا، لأنه ليس له حرمة. ولا يحل لاحد يموت عنده شخص وهو يعرف أنه لا يصلي أن يغسله أو يكفنه أو يقدمه للمسلمين يصلون عليه، لأنه يكون بذلك غاشا للمسلمين، فإن الله تعالى قال لنبيّه - عليه الصلاة والسلام - في حق المنافقين، وهم كفار لكنهم يظهرون الإسلام، قال: ﴿وَلَا تُصَلِّ عَلَى أَحَدٍ مِنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ﴾ [التوبة: 84]، فدل هذا على أن الكفر مانع من الصلاة، ومن القيام على القبر بعد الدفن. وقال الله تعالى: ﴿مَا كَانَ لِلنَّبِيِّ وَالَّذِينَ آمَنُوا أَنْ يَسْتَغْفِرُوا لِلْمُشْرِكِينَ وَلَوْ كَانُوا أُولِي قُرْبَى مِنْ بَعْدِ مَا تَبَيَّنَ لَهُمْ أَنَّهُمْ أَصْحَابُ الْجَحِيمِ﴾ [التوبة: 113]. ويسأل بعض الناس عن الرجل المتهم بترك الصلاة يقدم للصلاة عليه بعد موته وأنت شاك هل هو يصلي أولا؟ فنقول: إذا كان هذا الشك مبني على أصل فإنك إذا أردت أن تدعوا له تقول: اللهم إن كان مؤمنا فاغفر له وارحمه)) فتقيده، وبهذا تسلم من شره.

Sixth: and from that also is that he is not bathed, or put in a coffin, or prayed over, or buried with the Muslims, rather he should be taken out into the open land and a hole be dug and thrown in there, not a grave because he has no inviolability . And it is not permissible for anyone who has someone that died with him and he knows that the person does not pray, to bath him or shroud him or to bring him to the Muslims to pray over him because he will be cheating the Muslims if he does. Allah said to his prophet صلى الله عليه وسلم with regards to the hypocrites and they are disbeliever but they show Iman, he said (**And never (O Muhammad ﷺ) pray (funeral prayer) for any of them (hypocrites) who dies, nor stand at his grave.**

Certainly they disbelieved in Allah and His Messenger, and died while they were *Fasiqun* (rebellious, - disobedient to Allah and His Messenger ﷺ) this proves that the disbeliever is prevented from the prayer, and from the standing at the grave after burial. Allah the most high said (It is not (proper) for the Prophet and those who believe to ask Allah's Forgiveness for the *Mushrikun* (polytheists, idolaters, pagans, disbelievers in the Oneness of Allah) even though they be of kin, after it has become clear to them that they are the dwellers of the Fire (because they died in a state of disbelief). And some people ask about the one who is accused of not praying, and he is put forth for the prayer after his death while you are in doubt if he prayed or not? We say: If this doubt is built upon a foundation, then if you want to supplicate for him say ‘O Allah if he is believer than forgive him and have mercy on him’ so restrict it and you will be save from his evil.

وأما الأمور الآخروية المترتبة على ترك الصلاة فمنها :

- (1) العذاب الدائم في قبره، كما يُعذَّب الكافر أو أشد.
- (2) أنه يحشر يوم القيامة مع فرعون وهامان وقارون وأبي بن خلف.
- (3) أنه يدخل النار فيخلد فيها أبد الآبدين.

The hereafter matters that are connected to the one who leaves off the prayer:

- 1- The continuous punishment in the grave like the disbeliever is punished or worse.
- 2- On the day of punishment he will be gathered up with Firuoon, Haman, Qaroon, and Ubay ibn Khalaf.
- 3- He will enter the fire and will abide in it forever.

وذهب بعض العلماء إلى أنه لا يكفر كفرا خارجا عن الملة، واستدلوا ببعض النصوص، ولكن هذه النصوص لا تخرج عن أحوال خمسة:

1- إما أنه ليس فيها دلالة أصلا على هذه المسألة، مثل قول بعضهم: إن هذا يعارضه قول الله: ﴿إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ﴾ [النساء: 48]، ومن جملته تارك الصلاة. فنقول: إن تارك الصلاة في ظاهر حديث جابر الذي رواه مسلم أنه مشرك وإن كان لا يسجد للصنم، لكنه متبع لهواه، وقد قال الله: ﴿أَفَرَأَيْتَ مَنْ اتَّخَذَ إِلَهَهُ هَوَاهُ وَأَضَلَّهُ اللَّهُ عَلَىٰ عِلْمٍ﴾ [الجاثية: 23]. ثم على فرض أن مفهوم الآية أن ما دون الشرك تحت المشيئة، فإن هذا المفهوم حُص بالأحاديث الدالة على أن تارك الصلاة كافر، وإذا كان المنطوق - وهو أقوى دلالة من المفهوم - يخصّص عمومه بما دل على التخصيص، فما بالك بالمفهوم؟

And some of the scholars went (to the opinion) that he does not commit an act of disbelief that leads one out of Islam. They used as proof some of the text, however these text do not go out of five matters.

- 1- It could be that it is not a proof with regard to this matter in principle. For example the statement of some of them that it goes against the statement of Allah (Verily, Allah forgives not that partners should be set up with him in worship, but He forgives except that (anything else) to whom He pleases, and whoever sets up partners with Allah in worship, he has indeed invented a tremendous sin.) and from these is leaving off the prayer. We say: the one who has left off the prayer from what is apparent of the hadith of Jaber that was narrated by Muslim is a polytheist even if he does not prostrate to a statues, but he follows his desires and Allah said (Have you seen him who takes his own lust (vain desires) as his ilah (god), and Allah knowing (him as such), left him astray). Furthermore if we would to say that the understanding of the verse that whatever besides polytheism is under the masheyah (will of Allah), then this

understanding has an exception through the authentic hadith that proves that the one who leaves off the prayer is a disbeliever. And if the worded (proof) –which is a stronger proof than the understanding – specifies its generality with what proves the specification, than how much so for the understood?⁷⁸

2 - أو استدلووا بأحاديث مقيّدة بما لا يمكن لمن اتصف به أن يدع الصلاة. مثل قول النبي صلى الله عليه وسلم: ((إن الله قد حرم على النار من قال لا إله إلا الله يبتغي بذلك وجهه الله)) فإن قوله: ((يبتغي بذلك وجه الله))، تمنع منعا باتا أن يدع الإنسان الصلاة، لأن من قال لا إله إلا الله، يبتغي بذلك وجه الله، فلا بد أن يعمل عملا لما يبتغيه وهو وجه الله. وأعظم عمل يحصل به رضا الله - عز وجل - هو الصلاة. فهذا الحديث ليس فيه دليل على أن تارك الصلاة لا يكفر. لأنه مُقَيَّدٌ بقيد يمتنع معه غاية الامتناع أن يدع الإنسان الصلاة.

2- Or they used hadith that are restricted, and it is not possible for the one described as leaving off the prayer. For example the statement of the prophet صلى الله عليه وسلم “[verily Allah made the fire forbidden on the one who say la ilah ila Allah seeking with it the face of Allah](#)”⁷⁹ because the statement “seeking with that the face of Allah” prevents strongly the person from leaving off the prayer. Because the one who say la ilah ila Allah (none is worthy of worship except Allah) seeking with that the face of Allah has to perform a deed for what he seeking, and it is the face of Allah. And the greatest deed that results in the pleasure of Allah a]Almighty is the prayer. This hadith does not prove that the one who leaves off the prayer is not a

⁷⁸ Worded proofs are the proof that are taking directly from the wording of a text. Understood proof is a proof that is taking from the understanding of the text, for example the statement of the prophet “ whoever Allah wants good in him, he gives him an understanding of the deen” the scholars used the understanding of this hadith to proof that those who do not have an understanding the deen, Allah does not want good in them. And Allah knows best. Here the worded proof of the hadith of Jaber may Allah be please with him specifies the understanding of the noble verse.

⁷⁹ Bukhari

disbeliever because it is restricted to a restriction that prevents the upmost prevention a person from leaving off the prayer.

– أو مقيد بحال يعذر فيها من ترك الصلاة، مثل حديث حذيفة الذي أخرجه بعض أهل السنن في قوم لا يعرفون من الإسلام إلا قول لا إله إلا الله، وهذا في وقت اندراس الإسلام، وصار لا يعلم عن شيء منه إلا قول لا إله إلا الله فإنها تنجيهم من النار، لأنهم معذورون بعدم العلم بفرائض الإسلام، ونحن نقول بهذا، لو أن قوما في بادية بعيدون عن المدن، وبعيدون عن العلم، لا يفهمون من الإسلام إلا ((لا إله إلا الله)) وماتوا على ذلك فليسوا كفاراً.

3- Or it is restricted with a situation that excuses the one who leaves off the prayer. For example the hadith of Hudyafah that was related by the people of the sunan regarding a group of people that do not know from Islam except the statement la ilah ila Allah (there is none worthy of worship except Allah) during the time where Islam is forgotten and it became nothing known from it except the statement la ilah ila Allah because it will save them from the fire, because they are excuses for not knowing the obligations of Islam. And we say this, if a group of people in a rural area far away from the urban area, and far away from the knowledge, they do not understand from Islam except la ilah ila Allah and died upon this they are not disbelievers.

واستدلوا بأحاديث عامة، وهذه الأحاديث من قواعد أصول الفقه أن العام يخص بالخاص، فالأحاديث العامة الدالة على أن من قال لا إله إلا الله فهو في الجنة، وما أشبه ذلك، نقول: هذه مقيدة أو مخصوصة بأحاديث كفر تارك الصلاة.

4- And they used as proof general hadiths. And these hadiths, from the foundation of the principles of fiqh is that the general is specified by the specific (proof). The general hadith that proves the one who says la ilah ila

Allah is in paradise and similar to this, we say they are restricted or specified by the hadith of the disbelieve of the one who leaves off the prayer.

5- واستدلوا بأحاديث ضعيفة لا تقاوم الأحاديث الصحيحة الدالة على كفر تارك الصلاة، فضلا عن أن تعارضها، فهي لا تعارض ولا تقاوم الأحاديث الدالة على كفر تارك الصلاة. ثم إن بعضهم لما لم يتيسر له إقامة الدليل على أن تارك الصلاة لا يكفر قال: إنه يحمل قوله صلى الله عليه وسلم: ((بين الرجل وبين الشرك والكفر ترك الصلاة)) ، على الكفر الأصغر والشرك الأصغر، فيكون بمعنى قول ابن عباس رضي الله عنهما: ((كفر دون كفر)) فيقال: ما الذي يوجب لنا أن نحمل الحديث على ذلك، لأن الكفر إذا أُطلق ولم يوجد له معارض فهو الكفر الحقيقي الأكبر. كيف وقد قال الرسول عليه الصلاة والسلام: ((بين الرجل وبين الكفر والشرك))، فجعل هنا حدا فاصلا ((بين)) والْبَيْنِيَّةُ تقتضي أن المتباينين منفصلان بعضهما عن بعض، وأن المراد بالكفر الكفر الأكبر. وحينئذ تكون أدلة القول بكفر تارك الصلاة موجبة لا معارض لها ولا مقاوم لها، والواجب على العبد المؤمن إذا دل كتاب الله وسنة رسوله صلى الله عليه وسلم على حكم من الأحكام أن يقول به، لأننا نحن لسنا بمشرعين، بل المشرع الله، ما قاله تعالى و قاله رسوله صلى الله عليه وسلم فهو الشرع، نأخذ به ونحكم بمقتضاه، ونؤمن به سواء وافق أهواءنا أم خالفها، فلا بد أن نأخذ بما دل عليه الشرع.

5- And they used as proof weak hadiths it does not measure up to the authentic hadith that proves the disbelieve of the one who leaves off the prayer, let alone goes against it. It does not go against or measure up to the hadiths that that proves the disbelieve of the one who leaves off the prayer. Furthermore when some of them does not become easy for him to establish the proves that the one who leaves off the prayer does not disbelieve says: the statement of the prophet صلى الله عليه وسلم “Between the person and polytheism or disbelieve is leaving off the prayer” could carry the (meaning) on the minor disbelieve and the minor polytheism. It has the meaning of the statement of

Ibn Abbas may Allah be please with them both ‘disbelieve and lesser disbelieve’. It is said, who obligated for us to carry the hadith upon this, because the disbelieve when it is unrestricted and there is nothing to be found that goes against it, than it is the true major disbelieve. How so and the messenger صلى الله عليه وسلم said “**Between the man and disbelieve and polytheism**” he made a boundary separator ‘between’ and this wording obligates that they are separated from each other, and what is intended is the major disbelieve. Therefore the proof for the statement on the disbelieve of the one who leaves off the prayer is obligated, it has nothing to goes against it or measure up to it. And what is obligated upon the believing slaves is that when the book of Allah and the sunnah of his messenger صلى الله عليه وسلم proves a ruling from the rulings to go by it, because we are not the legislators, rather Allah is the legislator. Whatever the most high said and his messenger صلى الله عليه وسلم said is the legislation, we take it and rule on what it compels. We believe in it whether it agrees with our desires or goes against it, it is a must to take what the legislation proves.

واعلم أن كل خلاف يقع بين الأمة إذا كان الحامل عليه حسن القصد مع بذل الجهد في التحري، فإن صاحبه لا يلام عليه ولا يضلّل، لأنه مجتهد، وقد قال النبي عليه الصلاة والسلام: ((إذا حكم الحاكم فاجتهد فأخطأ، ثم أصاب فله أجران، وإذا حكم فاجتهد ثم أخطأ فله أجر)). . وليس من حق الإنسان أن يقدر في أخيه إذا خالفه في الرأي بمقتضى الدليل عنده. أما من عاند و أصرّ بعد قيام الحجة عليه فهذا هو الذي يلام. وبهذا التقرير نعرف أنه يجب الحذر التام من التهاون بالصلاة، وأنه يجب على من رأى شخصا متهاونا فيها أن ينصحه بعزيمة وجد، لعل الله أن يهديه على يده فينال بذلك خيراً كثيراً.

And know that every disagreement that occurs between the ummah if the carrier of it is good intentions with giving effort into the investigation, the person should not be blamed or labeled as misguided, because he is ‘Mugthed’ (a scholar who diligently strives for the truth), and the prophet said “When a judge gives a decision, having tried his best to decide correctly and is right, there are two rewards for him; and if he gave a judgment after having tried his best (to arrive at a correct decision) but erred, there is one reward for him.”⁸⁰ And it is not from the rights of a person to slander his brother if he disagrees with his opinion in accordance to the proof with him. As for the one who stubbornly insist and remains (the way he is) after the hujjah (proof) was established on him than he is the one to be blamed. It is known with this decision that it is obligated to have complete caution from being negligence with the prayer. And it is obligated upon the person who sees a person negligent with it to advise him with firmness and seriousness, maybe Allah will guide him upon your hand and you will receive a great reward.

The Zakat

وقوله: ((إيتاء الزكاة)): إيتاء بمعنى إعطاء، و إتيان بمعنى مجيء، وأتى بمعنى جاء، وآتى بمعنى أعطى، فإيتاء الزكاة يعني إعطائها لمن عيّن الله سبحانه أن يُعطوا إياها، والزكاة مأخوذة من الزكاء، وهو الطهارة والنماء، لأن المزكي يظهر نفسه من البخل، وينمّي ماله بالزكاة قال الله تعالى: ﴿ خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا ﴾ [التوبة: 103]. والزكاة تعريفها: نصيب مقدّر شرعا من مال مخصوص لطائفة مخصوصة. ((نصيب من مال)) وليس كل المال، بل أموال معينه بيّنها الرسول عليه الصلاة والسلام، وبعضها مُبيّن في القرآن. وليس كل هذه الأجناس من

⁸⁰ Agreed upon.

المال تجب فيه الزكاة، بل لا بد من شروط. والزكاة جزء بسيط يؤدي بها الإنسان ركنا من أركان الإسلام، يطهر بها نفسه من البخل والريذيلة ، ويطهر بها صفحات كتابه من الخطايا، كما قال النبي صلى الله عليه وسلم: ((الصدقة تطفي الخطيئة كما يطفى الماء النار)) ، وأفضل الصدقات الزكاة، فدرهمٌ تخرجه في زكاتك أفضل من درهم تخرجه تطوعاً، لأن الله تعالى قال في الحديث القدسي: ((وما تقرب إلي عبدي بشي أحب إلي مما افترضته عليه)) ، وركعة من صلاة مفروضة أفضل من ركعة من صلاة تطوع، فالفرائض أفضل من التطوع. ففي الزكاة تكفير الخطايا، وفيها الإحسان إلى الخلق، لأن المزكي يحسن إلى المدفوع إليه الزكاة فيدخل في عداد المحسنين الذين يدخلون في محبة الله، كما قال الله تعالى: ﴿وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ﴾ [البقرة:195]. وفي الزكاة أيضاً: تأليف بين الناس، لأن الفقراء إذا أعطاهم الأغنياء من الزكاة، ذهب ما في نفوسهم من الحقد على الأغنياء، أما إذا منعهم الأغنياء ولم يتفضلوا عليهم بشيء صار في نفوسهم أحقاد على الأغنياء. وفي الزكاة أيضاً إغناء للفقراء عن التسلط، لأن الفقير إذا قدر أن الغني لا يعطيه شيئاً فإنه يخشى منه أن يتسلط وأن يكسر الأبواب وينهب الأموال، لأنه لا بد أن يعيش، لا بد أن يأكل ويشرب، فإذا كان لا يعطى شيئاً فإن الجوع والعطش والعري يدفعه على أن يتسلط على الناس بالسرقة والنهب وغير ذلك. وفي الزكاة أيضاً: جلب للخيرات من السماء، فإنه قد ورد في الحديث: ((ما منع قوم زكاة أموالهم إلا منعوا القطر من السماء)) . فإذا أدى الناس زكاة أموالهم أنزل الله لهم بركات من السماء والأرض، وحصل في هذا نزول المطر ونبات الأرض وشيع المواشي وسقي الناس بهذا الماء الذي ينزل من السماء، وغير ذلك من المصالح الكثيرة.

(and iytah (pay) the zakat) iytah meaning give, and iythan meaning coming, and ata meaning he came, and aata meaning give. Iytah the zakat meaning giving it to those Allah subhana has specified to be giving to. And Zakat is taking from the wording zaka which means purification and development, because the one giving the zakat is purifying himself from stinginess, and develops his wealth with the zakat, the most high said (**Take Sadaqah (alms) from their wealth in order to**

purify them and sanctify them with it) and the definition of Zakat is: A portion that is legislatively determined from specific wealth to a specific group. A portion of the wealth and not all of it, rather a specific (amount) that the messenger **صلى الله عليه وسلم** clarified, and some of it is clarified in the Quran. And not every type of wealth the Zakat is obligated on, rather they must be conditions. And the Zakat is a small piece that the person fulfill with it a pillar from Islam, he cleanse himself from stinginess and lowliness, and he cleanse with it pages from his book of mistakes, as the prophet said **“the sadaqa (charity) puts out the mistake as water puts out the fire”**⁸¹ And the best of sadaqat is the Zakat, A dirham you take out from the Zakat is better than a dirham you take out voluntary, because Allah the most high said in a hadith Qudsi **“and my slaves does not come closer to me with something more beloved to me than what I have obligated on him”**⁸² and a raka from an obligated prayer is better than raka from a voluntary prayer, the obligatory (faryadh) are better than the supererogatory. In the zakat is the expiation of the sins, and in it is being good (ihsan) to the creations, because the one giving the zakat is being good to the person being giving the Zakat, so he enters the numbers of the good-doers those who enter the love of Allah, as Allah the most high said **(and do good. Truly, Allah loves Al-Muhsinun (the good-doers).)** Also in the Zakat is bringing the people closer, because if the poor are paid by the rich from the Zakat, the hatred inside them for the rich will be removed. But if the rich deny them, and were not gracious towards them in anything, then it will result in hatred inside them towards the rich. Also in the Zakat is making the poor self-sufficient from robbery, because if the rich do not give anything to the poor, then it is feared robbery from him. He might break the doors, and steal the wealth, because he has to live, he has to eat and drink. If he is not giving anything then it is feared that the

⁸¹ Tirmidhi, Ibn Majah and others.

⁸² Bukhari

thirst, hunger, and nakedness may push him to rob the people with stealing and other than that. Also in the Zakat is bringing the good from the sky, because it has been related in the hadith “ [the people do not deny the Zakat of the their wealth except that they prevent the rain from the sky](#)”⁸³ if the people fulfill the Zakat of their wealth, Allah will send on them blessing from sky and the earth, and it will result in the rain coming down, the produce growing, the animals will be full, and the people will irrigate with this rain that comes down from the sky, and other than that from the benefits

وفي الزكاة أيضا: أعانة للمجاهدين في سبيل الله، لأن من أصناف الزكاة الجهاد في سبيل الله، كما قال الله: ﴿وَفِي سَبِيلِ اللَّهِ﴾ . وفي الزكاة تحرير الرقيق من الرّق، فإن الإنسان يجوز له أن يشتري عبدا مملوكا من الزكاة فيعتقه، لأن الله قال: ﴿وَفِي الرِّقَابِ﴾ . وفي الزكاة أيضا: فكُّ الذمم من الديون. كم من إنسان أبتلي بتراكم الديون عليه فتؤدى عنه من الزكاة، فيحصل في هذا خير كثير، فكأنك لذمته وردُّ حقٍّ لمن له الحق. وفي الزكاة أيضا: إعانة المسافرين الذين تنقطع بهم السبل، فيضيع ماله الذي أتى به معه ولا يجد ما يوصله إلى بلده، فهذا يُعطى من الزكاة ما يوصله إلى بلده ولو كان غنيا في بلده. المهم أن الزكاة فيها مصالح كثيرة، ولهذا صارت ركنا من أركان الإسلام. واختلف العلماء فيما لو تهاون الإنسان بها: هل يكفر كما يكفر بالتهاون بالصلاة أو لا؟ والصحيح أنه لا يكفر، ودليل ذلك ما رواه مسلم عن أبي هريرة- رضي الله عنه- أن النبي صلى الله عليه وسلم قال: ((ما من صاحب ذهب ولا فضة لا يؤدي منها حقها إلا إذا كان يوم القيامة صفحت له صفائح من نار فأحمي عليها في نار جهنم، فيكوى بها جنبه وجبينه وظهره، كلما بردت أعيدت في يوم كان مقداره خمسين ألف سنة، حتى يقضى بين العباد فيرى سبيله: إما إلى الجنة وإما إلى النار)) ، فإن هذا الحديث يدل على أنه لا يكفر، لأنه لو كان كافرا بترك الزكاة لم يكن له سبيل إلى الجنة، والحديث يقول: ثم يرى سبيله: إما إلى الجنة وإما إلى النار)) وعن الإمام أحمد- رحمه الله- رواية أنه يكفر إذا بخل بالزكاة، قال: لأنها ركن من أركان الإسلام، وإذا

⁸³ Ibn Majah and Hakim a declared hasan by Albani

فات ركن من أركان البيت سقط البيت. ولكن الصحيح أنه: لا يكفر، إلا أنه على خطر عظيم- والعياذ بالله- وفيه هذا الوعيد الشديد. **مسألة في الأموال الزكوية:** لأن الأموال ليست كلها فيها زكاة، بل منها ما فيه الزكاة ومنها ما لا زكاة فيه، فالزكاة واجبة في أمور:

Also in the Zakat is helping the mujhaideen in the path of Allah because from the types that zakat is giving to is the path of Allah, as Allah said **(and for Allah's Cause)** and in the zakat is freeing the slave from enslavement. It is permissible for a person to buy an owned slave from the zakat so he could free him because Allah said **(and to free the captives)** also in the Zakat removing the liabilities of the debt. How many people were in tribulation, the debt builds up on him, you fulfill for him from the zakat and lots of good will occur, removing the liabilities and returning the right for those entitled for the right. Also in the zakat is helping the travelers, those that are cut off from the path, he lost his wealth that he came with and does not find what will return him to his land. This one is giving from the zakat what will return him to his lands even if he is rich in his land. What is important is that the Zakat has many benefits, and because of this it became a pillar from the pillars of Islam. The scholars have disagreed if a person is negligent in it: Does he disbelieve like the one who is negligent in the prayer or no? the correct position is he does not disbelieve, and the proof of that is what Muslim narrated on Abu Huryara may Allah be please with him that the prophet said **“If any owner of gold or silver does not pay what is due on him, when the Day of Resurrection would come, plates of fire would be beaten out for him; these would then be heated in the fire of Hell and his sides, his forehead and his back would be cauterized with them. Whenever these cool down, (the process is) repeated during a day the extent of which would be fifty thousand years, until judgment is pronounced between the**

slaves, and he sees whether his path is to take him to Paradise or to Hell.”⁸⁴ this hadith proof that he does not disbelieve, because if he is a disbeliever for leaving off the Zakat, then he would not have a path to paradise, and the hadith says: “**than he sees his path either to paradise or the fire**”. And there is a narration on Imam Ahmed may Allah have mercy on him that he is a disbeliever. He said because it is pillar from the pillars of Islam, and if a pillar is missing from the pillars of the house it will fall. However what’s correct is that he does not disbelieve, except that he is upon a great danger, and we seek Allah refuge, and he has this harsh promise. A matter regarding the wealth of Zakat because not all the wealth has Zakat on it, rather from it is what have Zakat and from it that does not have Zakat, the Zakat is obligatory in some matters:

أولاً: الذهب والفضة: فتجب الزكاة فيهما على أي حال كانا، سواء كانت نقودا كالدراهم والدنانير، أو تَبْرًا كالقطع من الذهب والفضة، أو خُلْيَا يُلْبَس أو يستعار، أو غير ذلك. فهذا المعدن- وهو الذهب والفضة- فيه الزكاة على كل حال، لكن بشرط أن يبلغ النصاب لمدة سنة كاملة. والنصاب من الذهب: خمسة وثمانون جراما، والنصاب من الفضة ستة وخمسون ريالاً سعودياً، وهي خمس مائة وخمسة وتسعون جراماً (595). فمن عنده من الذهب أو الفضة هذا المقدار مَلَكَ النصاب، فإذا استمر ذلك إلى تمام السنة ففيه الزكاة، وإن نقص فلا زكاة فيه. لو كان عنده ثمانون جراماً فلا زكاة عليه، أو كان عنده خمس مائة وتسعون جراماً (590) من الفضة فلا زكاة عليه. واختلف العلماء: هل يُكْمَل نصاب الذهب بالفضة أو لا؟ يعني لو ملك نصف نصاب من الذهب ونصف نصاب من الفضة، فهل يكمل بعضها ببعض ونقول إنه ملك نصاباً فتجب عليها الزكاة أو لا؟ الصحيح أنه لا يكْمَل الذهب من الفضة ولا الفضة من الذهب، فكل واحد مستقل بنفسه، كما أنه لا يكْمَل البر من الشعير، أو الشعير من البر، فكذلك لا يكْمَل الذهب بالفضة، ولا الفضة بالذهب، فلو كان عند الإنسان نصف نصاب من الذهب، ونصف

⁸⁴ Related by Imam Muslim

نصاب من الفضة، فلا زكاة عليه. ويلحق بالذهب والفضة ما جرى مجرى الذهب والفضة، وهي العملة النقدية، من ورق أو نحاس أو غيره، فإن هذه فيها الزكاة إذا بلغت نصاباً بأحد النقيدين، بالذهب أو بالفضة، فإن لم تبلغ فلا زكاة. فمثلاً: إذا كان عند الإنسان ثلاثمائة من الريالات الورقية، لكنها لا تبلغ نصاباً من الفضة، فلا زكاة عليه، لأن هذه مربوطة بالفضة. وأما الجواهر الثمينة من غير الذهب والفضة، مثل اللؤلؤ والمرجان والمعادن الأخرى، كالألماس وشبهه، فهذه ليس فيها زكاة ولو أكثر ما عند الإنسان منها، إلا ما أعدّه للتجارة، فما أعدّه للتجارة ففيه الزكاة من أي صنف كان، أما ما لا يعد للتجارة فلا زكاة فيه، إلا الذهب والفضة.

The first, Gold and silver: the Zakat is obligatory on them in any case. It is equal whether it is currency like Dirhams or Dinars, or raw material like pieces of gold or silver, or ornament that is worn or borrowed, or other than that. These minerals, the gold and silver, in them is the Zakat in all cases, however with the conditions that it reaches the Nisab⁸⁵ for one whole year. The nisab from gold is 85 gram, and the Nisab from the silver is 56 riyal Saudi, which is 595 gram. Whoever has from gold or silver this amount, if it remains like that until the completeness of the year in it is the Zakat, and if goes below there is no zakat in it. And the scholars have disagreed: does the silver complete the nisab of gold or no? meaning, if he possess half of the nisab of gold and half of the nisab of silver, do they complement each other, and say that it reached the nisab and the zakat is obligatory on them or no? what is correct is that the gold is not completed from silver, and the silver is not completed from the gold, each one is independent of the other, just like the wheat is not completed from the barley and the barley is not completed from the wheat, likewise the gold is not completed from the silver, and the silver is not completed by gold. If a person would to have half of the nisab of gold and half of nisab of

⁸⁵ The nisab is the amount that the legislator has connected with it the obligation of zakat when it is reached, and differs with each type.

silver, there is no Zakat on him. And it follows gold and silver what runs the transaction of gold and silver, and it is currency from paper, coins, or others. There is zakat on them if they reach the nisab by either one, gold or silver, if it does not reach than there is no zakat. For example if a person has three hundred riyals paper money, but it does not reach the nisab of silver, there is no zakat on it, because this is connected to silver. As for the other precious gems other than gold and silver like pearls and other mineral like diamond and similar to it, there is no zakat in them, even if they are a lot with the person. Except what he prepared for business, whatever he prepared for business there is zakat in it from any type it is. As for what is not for business there is no zakat in it, except gold and silver.

الصف الثاني مما تجب فيه الزكاة: بهيمة الأنعام، وهي الإبل والبقر والغنم، ففيها الزكاة، لكن بشرط أن تبلغ نصاباً، وأقل نصاب في الإبل خمس، وأقل نصاب في البقر ثلاثون، وأقل نصاب في الغنم أربعون. والبهيمة ليست كغيرها من الأموال إذا بلغت النصاب، فما زاد فبحسابه، لا بل هي مرتبة. ففي أربعين من الغنم شاة أيضاً حتى تبلغ مائة وإحدى وعشرين (121) فيكون فيها شاتان. فالوقص ما بين النصابين ليس فيه زكاة، فمن أربعين إلى مائة وعشرين كلها ليس فيها إلا شاة واحدة. ومن مائة و إحدى وعشرين إلى مائتين فيه شاتان. وفي مائتين وواحدة (201) ثلاث شياه، وفي ثلاثمائة: ثلاث شياه، وفي ثلاثمائة وتسع وتسعين ثلاث شياه، وفي أربعمائة: أربع شياه. وكذلك الإبل: من أربع وعشرين فأقل زكاتها من الغنم على كل خمس شاة، ومن الخمس وعشرين فما فوق زكاتها من الإبل، لكنها بأسنان مختلفة. وبهيمة الأنعام يشترط لوجوب الزكاة فيها أن تبلغ النصاب، وأن تكون سائمة، والسائمة الراعية التي ترعى في البر ولا تعلق، إما السنة كلها وإما أكثر السنة. فإذا كان عند الإنسان أربعون شاة تسرح وترعى كل السنة ففيها زكاة، وإذا كانت تسرح وترعى ثمانية أشهر ففيها الزكاة، ومثلها سبعة أشهر، وإذا كانت ستة أشهر ترعى وستة أشهر تعلق فليس فيها زكاة، وإذا كانت خمسة أشهر ترعى وسبعة أشهر تعلق فليس فيها زكاة وإذا كانت تعلق كل السنة فليس فيها زكاة، لأنه يشترط أن تكون سائمة، إما السنة كلها

أو أكثرها. ولكن إذا كان الإنسان متاجرا في الغنم مثلا وليس يقيها للتَّسمية والنسل، وإنما يشتري البهيمة اليوم ويبيعها غدا يطلب الربح، فهذا عليه الزكاة، ولو لم يكن عنده إلا واحدة إذا بلغت نصابا في الفضة، لأن عروض التجارة فيها الزكاة بكل حال، ونصابها مقدَّر بنصاب الذهب أو الفضة، والغالب أن الأحظَّ للفقراء هو الفضة في زماننا، لأن الذهب غالٍ.

The second type that the zakat is obligatory upon is the beast of cattle. And it is the camels, cows, and cattle, in them is the zakat, however with the condition that it reaches the nisab. And lowest nisab in the camels is five, the lowest nisab in the cows are thirty, and the lowest nisab from the goats and sheep is forty. And the beasts are not like the other wealth if it reaches the nisab, whatever above it than it has a new organized calculation. In the forty small cattle (goats and sheep) is one sheep until it reaches 121 than it will be two sheep. Whatever between the two nisab (40 and 121) there is no zakat in them. From 40 to 120 there is only 1 sheep on all of them. From 121 to 200 there is only 2 sheep. In 201 is three sheep, in 300 three sheep, in 399 three sheep, and in 400 four sheep. Likewise the camels, from 24 camels and below the zakat is one sheep per five camels. And from 25 and up the zakat is from the camels, but with different age⁸⁶. And the beast of the cattle, a

⁸⁶ On the authority of Anas When Abu Bakr; sent me to (collect the Zakat from) Bahrein, he wrote to me the following:--
(In the name of Allah, the Beneficent, the Merciful). These are the orders for compulsory charity (Zakat) which Allah's Messenger had made obligatory for every Muslim, and which Allah had ordered His messenger to observe: Whoever amongst the Muslims is asked to pay Zakat accordingly, he should pay it (to the Zakat collector) and whoever is asked more than that (what is specified in this script) he should not pay it; for twenty-four camels or less, sheep are to be paid as Zakat; for every five camels one sheep is to be paid, and if there are between twenty-five to thirty-five camels, one Bint Makhad (1 year old she-camel) is to be paid; and if they are between thirty-six to forty-five (camels), one Bint Labun (2 years olds she-camel) is to be paid; and if they are between forty-six to sixty (camels), one Hiqqa (mature 3 year old she-camel) is to be paid; and if the number is between sixty-one to seventy-five (camels), one Jadh'a (mature 4 year old she-camel) is to be paid; and if the number is between seventy-six to ninety (camels), two Bint Labuns are to be paid; and if they are from ninety one to one-hundred-and twenty (camels), two Hiqqas are to be paid; and if they are over one hundred and-twenty (camels), for every forty (over one-hundred-and-twenty) one Bint Labunis to be paid, and for every fifty camels (over one-hundred-and-twenty) one Hiqqa is to be paid; and whoever has got only four camels, has to pay nothing as Zakat, but if the owner of these four camels wants to give something, he can. If the number of camels increases to

condition for the obligation in it is it must reach the nisab, and it has to be sa'emah. And the sameah is that what grazes on land and it is not fed, either the entire year or most of the year. If a person has 40 sheep that goes out and grazes the entire year than there is zakat in it, if it goes out and grazes for 8 months in it is the zakat, and similar to it is 7 months. And if it grazes for 6 months and is fed (stall fed) for six month there is no zakat on it, and it grazes for 5 months and fed for 7 months there is no zakat on it, and if it fed for the entire year there is no zakat upon it. Because it is a condition that it is a grazer, either the entire year or most of the year. However if a person does business with the small cattle and does not leave them for development and to bring progeny from it, he only buys the beast today and sells it tomorrow, seeking the profit, this one upon it the zakat, even if he has just one, if it reaches the nisab of silver. Because what is up for business in it is the zakat in every case, and its nisab is calculated with the nisab of gold and silver. And in the majority of time the more profitable for the poor is silver in our time, because gold is expensive.⁸⁷

five, the owner has to pay one sheep as Zakat. As regards the Zakat for the (flock) of sheep; if they are between forty and one-hundred-and-twenty sheep, one sheep is to be paid; and if they are between one-hundred-and-twenty to two hundred (sheep), two sheep are to be paid; and if they are between two-hundred to three-hundred (sheep), three sheep are to be paid; and for over three-hundred sheep, for every extra hundred sheep, one sheep is to be paid as Zakat. And if somebody has got less than forty sheep, no Zakat is required, but if he wants to give, he can. For silver the Zakat is one-fortieth of the lot (i.e. 2.5%), and if its value is less than two-hundred Dirhams, Zakat is not required, but if the owner wants to pay he can. Related by Bukharri in the book of Zakat.

⁸⁷ Organizing the numbers:

40 small cattle--- 1 sheep , between 40 and 120 there is nothing upon it

121 small cattle---- 2 sheep, between 121 and 200 notheing upon it

201 small cattles---3 sheep, than after that 1 sheep per 1 hundred cattle

400 small cattle---- 4 sheep

500 small cattle----5 sheep

1000 small cattle---- 10 sheep

The zakat of the cows: the nisab is 30.

30 cows---- 1 tabeea (1 year old female calf) or tabee (1 year old male calf)

40 cows----1 masannah (2 year old female calf)

50 cows---the same as 40 cows

60 cows--- 2 one year old male or female calf.

70 cows--- tabee and masannah

الثالث من الأموال الزكوية: الخارج من الأرض من حبوب وثمار، مثل التمر، والبر، والأرز، والشعير، وما أشبهها. وهذا لا بد فيه من بلوغ النصاب وهو ثلاثمائة صاع بصاع النبي صلى الله عليه وسلم. ويعرفه الذين يأخذون الزكاة من الفلاحين. فإذا كان عند الإنسان نخل يثمر، وبلغت ثماره نصابا وجب عليه الزكاة، ويجب عليه أن يخرج من متوسط الثمر، لا من الطيب فيظلم، ولا من الردي فيظلم، وإنما يكون من الوسط. وإذا باع الإنسان ثمره فإنه يزكي من الثمن، ومقدار الزكاة في الخارج من الأرض العشر، إن كان يشرب سيجًا بدون مكائن أو مواتير فإن فيه العشر كاملا، واحد من عشرة. فإذا كان عنده مثلا عشرة آلاف كيلو فالواجب عليه ألف كيلو. أما إذا كان يستخرج الماء بوسيلة، كالمواتير والمكائن وشبهها، فإن عليه نصف العشر، ففي عشرة آلاف كيلو خمسمائة فقط، وذلك لأن الذي يُسقى بمؤونة يغرم فيه الفلاح أكثر من الذي يُسقى بلا مؤونة. فكان من حكمة الله - عز وجل - ورحمته أن خفف الزكاة على هذا الذي يسقيه بالمؤونة والتعب.

The third from the wealth of Zakat: That what comes from the earth from the grains and produce, like dates, birr, rice, barley, and similar. These it is a must they reach the nisab and it is 300 sa⁸⁸ with the prophetic sa. Those who take the Zakat from the farmers know it. If a person has palm tree that produces, and the produce reached the nisab, the zakat is obligatory upon it. And it is obligatory to take from the intermediate of the produce, not from the best so he won't be wronged, and not the bad so who won't wrong (others), rather it should be an intermediate. And if a person were to sell his produce, then he gives the zakat from the value. And the amount of zakat from the produce of the earth is a tenth, if it is fed (water) through the flow naturally without machines and motors, in it is the whole tenth, one from ten. For example if he has ten thousand kilogram, what is obligatory on him is one

80 cows--- 2 masnah

90 cows—3 tabeea

100 cows—2 tabees and a masnah

⁸⁸ Sa is roughly about 2040 grams.

kilogram. But if he takes out water through means like machines, motors, and similar, then upon him is half of the tenth, for ten thousand kilo, five hundred only. That is because the one who irrigates with help, it costs the farmer more than the one who irrigates without help. It is from the wisdom of Allah Almighty and his mercy that he lessened it upon the one who feed with help and hardship.

أما الرابع من أصناف الزكاة فهو عروض التجارة: وعروض التجارة: كل ما أعده الإنسان للتجارة، من عقارات وأقمشة وأواني وسيارات وغيرها، فليس لها شئ معين، فكل ما عرضته للتجارة، يعني ملكته من أجل أن تنتظر فيه الكسب، فإنه عروض تجارة يجب عليك أن تزكيه. ومقدار الزكاة فيه ربع العشر كالذهب والفضة، أي: واحد في الأربعين. وفي المائة اثنان ونصف. وإذا كان لديك مال وأردت أن تعرف مقدار الزكاة فالمسألة سهلة، أُقسِّمُ المال على أربعين والخارج بالقسمة هو الزكاة. فإذا كان عند الإنسان أربعون ألفاً من الدراهم، فزكاتها ألف درهم، وفي مائة وعشرين ألف ريال ثلاثة آلاف ريال، وهلمَّ جرّاً، المهم إذا أردت حساب زكاتك من المال فاقسم المال على أربعين، فالخارج بالقسمة هو الزكاة. وسمى عروض التجارة عُروضاً، لأنه ليس بثابت، بل يعرض ويزول، فكل شئ يعرض ويزول يسمى عرضاً، كما قال الله تعالى: ﴿تَبْتَغُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا﴾ [النساء:94]. والأموال التجارية هكذا عند التجار، يشتري الإنسان السلعة لا يريد عينها، وإنما يريد ما وراءها من كسب، ولهذا تجده يشتريها في الصباح وتكسبه في آخر النهار فيبيعها، فعروض التجارة إذن كل ما أعده الإنسان للتجارة ففيه زكاة. وكيفية زكاة العروض أنه إذا جاء وقت الزكاة في مالك تقوّم كل ما عندك من هذه العروض وتخرج ربع عشر قيمتها، حتى وإن كنت لم تشتريها إلا أخيراً. مثال ذلك: إنسان تحل زكاته في شهر رجب، واشترى سلعة في شهر ربيع، فنقول له: إذا جاء شهر رجب فقدر قيمتها بما تساوي وأخرج زكاتها. فإذا قال: إنها لم تتم عندي سنة؟ قلنا: لا عبرة في عروض التجارة بالسنة! عروض التجارة مبنية على القيمة، والقيمة لها سنة عندك، فتقدرها بما تساوي وقت الوجوب، سواء كانت أكثر مما اشتريتها به أم أقل. فإذا قُدِّر أنك اشتريتها بعشرة آلاف ريال (10000) وكانت عند وجوب

الزكاة تساوي ثمانية آلاف ريال (8000) فالزكاة على ثمانية. وإذا اشتريتها بثمانية وكانت تساوي عند وجوب الزكاة عشرة، فالزكاة على العشرة. وإذا كنت لا تدري هل تكسب أو لا تكسب فالمعتبر رأس المال، فاعتبر رأس المال.

The fourth from the types of zakat is the display of business. Display of business is everything the person has prepared for business (trade) from real estates, fabrics, utensils, cars, and others. It does not have anything specific, everything you put up for business, meaning you owned it for the reason of waiting to profit from it, than it is displayed for business, the zakat is obligatory upon it. And the amount of zakat in it is a fourth of tenth like silver and gold, meaning one out forty (1/40). In one hundred, two and half (2.5%). And if you have wealth (money) and wanted to know the amount to pay, the matter is easy, divide the wealth by 40, and the result is the zakat. If a person has 40 thousand dirhams the zakat is 1000 dirham, in 120 thousand riyal three thousand riyal, and so on. What is important if you want to calculate the amount of zakat from the wealth divide by 40, and the result is the zakat. And it is called arood (display) for business because it is not established, rather it is put up and removed, everything that is put up and removed is called ardi (perishable), as Allah the most high said **(seeking the perishable goods of the worldly life)**. And the merchandise (of business) is like that for the businessman, he buys merchandise not because he wants it, he only wants what is behind it from profit. And to this you find him buying it in the morning and profiting from in the end of the day, he sells it. Display of business is everything the person prepared for business, in it is the zakat. How is the zakat of the of the display of business, when the time of zakat comes gather all of your possession from theses displayed items (for business) and take out 1/40 (2.5%) of its value, even if you recently bought it. For example a person time of zakat comes during the month of Rajib and he bought merchandise during the month of rabee, we say to him: if the month of

Rajib comes calculate what value it equals and take out its zakat. If he says: it did not remain with me for one year? We say: the year is not considered for display of business, the display of business is built on the value, and the value with you is one year, calculate how much it equals during the time of obligation, whether it is more than you bought it or less. If it happened that you bought it for 10,000 riyal and during the time of obligation it equals 8,000 riyal the zakat is upon 8,000. And if you bought it with 8,000 and it equaled 10,000 during the obligation, the zakat is upon the 10,000. And if you do not know if it will be profitable or not, than what is considered is the original cost.⁸⁹

مصارف الزكاة: تصرف الزكاة على الذين عيّنهم الله بحكمته، فقال تعالى: ﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ﴾ أي: لا بد أن تكون الزكاة في هذه الاصناف ﴿وَاللَّهُ عَلِيمٌ حَكِيمٌ﴾ [التوبة: 60].

The Zakat is giving to: the Zakat is giving to those who Allah has specified with his wisdom, the most high said (*As-Sadaqat (here it means Zakat) are only for the Fuqara' (poor), and Al-Masakin (the poor) and those employed to collect (the funds); and for to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah's Cause (i.e. for Mujahidun - those fighting in the holy wars), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allah.*) meaning it is a must that the Zakat is giving to these types(of people) (And Allah is All-Knower, All-Wise)

فالفقراء والمساكين: هم الذين لا يجدون كفايتهم وكفاية عوائلهم لمدة سنة. مثاله: رجل موظف براتب شهري قدره أربعة آلاف ريال، لكن عنده عائلة يصرف ستة آلاف ريال، فهذا يكون

⁸⁹

فقيرًا، لأنه لا يجد ما يكفيه. فنعطيه أربعة وعشرين ألفا من الزكاة من أجل أن نكمل نفقته. ورجل آخر راتبه ستة آلاف في الشهر، لكنه عنده عائلة كبيرة، والمؤنة شديدة لا يكفيه إلا اثنا عشر ألفا، فنعطيه من الزكاة اثنين وسبعين ألفا. يقول العلماء: نعطي ما يكفيه لمدة سنة. ولا نعطي أكثر من كفاية سنة، لأنه على مدار السنة تأتي زكاة جديدة تسد حاجته، فلماذا قدرها العلماء بالسنة. فإذا قال قائل: أيهما أشد حاجة: الفقير أو المسكين؟ قال العلماء: إنما يبدأ بالأهم فالأهم، والله تعالى قد بدأ بالفقير، فيكون الفقير أشد حاجة من المسكين.

The *Fuqara'* (poor), and *Al-Masakin* (the poor): they are the those who do not have enough for their needs and the needs of their family for an entire year, for example a man has a job with a monthly salary of 4,000 riyal, but he has a family and spends 6,000 riyal, this one is poor, because he does not have what is sufficient for him. We give him 24,000 from the zakat so we could complete his spending. Another man has a salary of 6,000 a month, but he has a big family, and the needs are strong, only 12,000 are enough, we give him from the Zakat 72,000. The scholars say we give him for year, and we do not give him more than what is enough for a year because every year a new zakat comes to cover his needs. Due to this the scholars calculated to be for the period of time of a year. If someone would to ask which one is stronger in need the faqeer or maskeen? The scholars say we start with the most important and then go below, and Allah the most high began with the faqeer, the faqeer is in stronger need than the maskeen.

الثالث: العاملون عليها: أي: الذين ولّاهم رئيس الدولة أمر الزكاة يأخذونها من أهلها وينفقونها في مستحقها، فيعطيهم رئيس الدولة مقدار أجرتهم ولو كانوا أغنياء ، لأنهم يستحقونها بالعمل لا بالحاجة. فإذا قال ولي الأمر: هؤلاء الواحد منهم إذا عمل بالشهر فراتبه ألف ريال،

فنعطيهم على ألف ريال من الزكاة، وذلك لأنهم يتصرفون في الزكاة لمصلحة الزكاة فأعطوا منها. لكن إذا أحب ولي الأمر أن يُعطيهم من بيت مال المسلمين المال العام ليوفر الزكاة لمستحقيها فلا بأس.

The third: those employed to collect it (the zakat). Meaning those who the president of the country authorized them the matter of Zakat. They take it (the zakat) from its people and spend it toward those entitled to it. The president of the country gives them amount of their work even if they are rich, because they are entitled to it by the work and not need. The person of authority said: these if one of them works his monthly salary is 1,000 riyal, we give him 1,000 riyal from the zakat. That is because they deal with the zakat for the benefit of the zakat, so they are given from it. However if the person of authority loves to give them from the house of Muslim treasure, the general treasury so he could save the zakat for those entitled to it, it is not a problem.

الرابع: المؤلفة قلوبهم: وهم الذين يؤلّفون على الإسلام، يكون رجلا آمنَ حديثا ويحتاج أن نقوي إيمانه، فنعطيهِ من الزكاة من أجل أن يألف الإسلام ويحب المسلمين ويتقوى، ويعرف أن دين الإسلام دين صلة ودين رابطة. ثانيا: ومن التأليف أن نعطي شخصا للتخلص من شره، حتى يزول ما في قلبه من الحقد على المسلمين والعداوة. واختلف العلماء: هل يشترط في المؤلفة قلوبهم أن يكون لهم سيادة وشرف في قومهم أو لا يشترط؟ والصحيح أنه لا يشترط، حتى لو أعطيت فردا من الناس لتؤلّفه على الإسلام كفى. أما إذا أعطيت فردا من الناس من أجل أن تدفع شره فهذا لا يجوز، لأن الواحد من الناس ترفعه إلى ولاية الأمور ويأخذون حقه منه.

The fourth: to attract the hearts. They are those who attracted towards Islam. A person just believed and is need to strengthen his Iman, we give him from the zakat is he could be accustomed to Islam and loves the Muslims and he could know that the deen of Islam is a deen of connection and association. And from making

attraction is that we give a person so we could clear ourselves from his evil, so the hatred and animosity towards the Muslims will be removed from his heart. And the scholars differ if it is a condition from bringing the hearts closer that they must have a high position with their people and nobility, or it is not a condition? The correct position: it is not a condition. Even if you were to give to a single person to make him closer to Islam it will be enough. However if you give a single person from the people because you want to clear yourself from his evil, than this is not permissible, because a single person from the people you raise the issue to the people of the authority and they will take you rights from him.

الخامس: ﴿وفي الرِّقَابِ﴾: ذكر العلماء إنها تشمل ثلاثة أنواع: النوع الأول: أن تشتري

عبدًا فتعتقه.

النوع الثاني: أن تساعد مكاتبًا في مكاتبته، والمكاتب هو العبد الذي اشترى نفسه من

سيده.

الثالث: أن تفك بها أسيرا مسلما عند الكفار أو عند غيرهم، حتى لو اختطف مسلم عند

أناس ظلمة ولم يفكوه إلا بفداء من الزكاة فلا بأس.

The fifth: and in the riqab (. The scholars say that it entails three type. The first is you buy a slave and free him. The second type is to help a makatab in his makatbah. The makatab is the slave that he bought himself from his master. The third type is to help free a Muslim captive from the disbelievers or others, even if a Muslim was kidnapped by people who are oppressors and will not free him except with ransom from the zakat, it is not a problem.

السادس: قوله: ﴿وَالْغَارِمِينَ﴾: والغارم: هو الذي يكون في ذمته دين لا يستطيع وفاءه، أو يكون في ذمته دين لمصلحة عامة وإن كان يستطيع وفاءه، ولهذا قال العلماء: إن الغرم نوعان: النوع الأول: الغارم لغيره. والثاني: الغارم لنفسه.

The six: the Gharemeen. The Gharem is the one who is in debt and is incapable of paying it off. Or he has debt as a result of a general benefit even if he has the capability of paying it off. Due to this the scholars mentioned the Gharm is two types.

The first type: Liability for others

The second type: Liability for himself.

الغارم لغيره: هو الذي يغرم مالا لإصلاح ذات البين، مثل أن يكون بين قبيلتين نزاع ومشاجرة ومخاصمة ومعاداة وبغضاء، فيقوم رجل من أهل الخير فيصلح بين القبيلتين على مال يلتزم به في ذمته، فهنا يكون غارما لكن ليس لنفسه، بل لمصلحة عامة، وهي الإصلاح بين هاتين القبيلتين. قال العلماء: فيعطى هذا الرجل ما يوفى به من العزم وإن كان غنيا، لأن هذا ليس لنفسه، بل لمصلحة الغير. فلو قدر أن رجلا عنده مائة ألف فأصلح بين قبيلتين بعشرة آلاف ريال يستطيع أن يوفيهما من ماله، لكن نقول لا يلزمه، بل نعطيه من الزكاة ما يدفع به هذا الغرم، لأن ذلك لمصلحة الغير، ولأن هذا يفتح باب الإصلاح للناس، لأننا لو لم نعن هذا الرجل ونعطه ما غرم، لتكاسل الناس عن الإصلاح بين الفئات المتناحرة أو المتعادية، فإذا أعطينا من غرم صار في هذا تنشيط له. أما النوع الثاني: فهو الغارم لنفسه، مثل رجل استأجر بيتا بخمسة آلاف ريال وليس عنده ما يدفع به الإجار. هو نفسه في أكله وشربه ولباسه ليس محتاجا، لكن يحتاج إلى وفاء الدين الذي لزمه بالاستئجار للبيت، فنعطي هذا الرجل أجره البيت من الزكاة، لأنه من الغارمين. كذلك إنسان أصيب بجائحة اجتاحت ماله، مثل الحريق أو الغرق أو ما أشبه ذلك، وقد

لحقه في هذا دين، فنعطيه ما يسدد دينه، لأنه غير قادر على الوفاء. هذا النوع من الغرم يشترط فيه أن يكون الغارم عاجزا عن وفاء الدين، فإن كان قادرا، فإنه لا يعطى، ولكن هل يجوز أن يذهب الإنسان لمن له الدين ويقول له: هذا الطلب الذي لك على فلان خذه، وبنوبه من الزكاة؟ الجواب: نعم يجوز، وليس بشرط أن تعطي الغارم ليعطي الدائن، بل لو ذهبت للطالب منذ أول الأمر وقلت له: يا فلان بلغني أنك تطلب من فلان عشرة آلاف ريال، قال نعم، وأثبت ذلك، فنعطيه إياها، ولا حاجة لإخبار المدين، وذلك لأن المقصود هنا إبراء الذمة، وهو حاصل سواء أخبرته أم لم تخبره.

The Liable for other is the one who takes out wealth to rectify between the people. For example there is between two tribes dispute, quarrel , strife, enmity, hostility, so a man for the people of good, stands up to rectify between the two tribes through wealth that he obliged on himself the responsibility . There is a loss of (wealth) but not for himself, rather for a general benefit, and it is rectifying between the two tribes. The scholars said this man is giving from the zakat what will reimburse his loss even if he is rich, because this is not for himself, but for a general benefit. If it happens that a man has 100,000 and he rectify between two tribes with 10,000 riyal, even though he is capable of reimbursing himself from his wealth, we say he is not obliged (to reimburse himself) rather we give him from the zakat what will cover the loss because this is for the benefit of others. Also this opens the door of rectifying between the people, because if we do not help this man by not giving him what he lost, the people will be sluggish towards rectifying between the fighting and enemy groups. If we give him what he lost, then it will become encouragement for him. As for the second type it is the gharem for himself. For example a man rent a home for 5,000 riyal and he does not have with him what will cover the rent. He himself is not in need of food, drinks, clothing, but he need to pay back the debt that was obliged on him by renting the home. We

give this man the rent of the home from the zakat, because he is from the Gharemeen. Also a person was inflicted with a sudden disaster that took his wealth, for example fire, or drowning, or similar to that, and this was followed with debt, we give him what will cover his debt, because he incapable of paying it back. This type of gharem has a condition in it, that the gharem is incapable of paying back the debt. If he is capable he should not be giving. However is it permissible for a person to go to the one owed the debt and says to him: this is your request that is owned to you from so and so take it, and he intends the zakat? The answer: it is permissible, and it is not a condition to give to the gharem to give to the one owed. You could go to the seeker from the beginning of the matter and say to him ‘O so and so it has reached me that you are seeking from so and so 10,000 riyal, he said yes, and you established this, than you give it to him and there is no need to inform the one in debt because the goals here is freeing of blame, and It occurs whether you inform him or not.

وتأمل التعبير في الآية ﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ﴾ كل هذه الثلاث معطوفة على قوله ﴿لِلْفُقَرَاءِ﴾ باللام ﴿وَفِي الرَّقَابِ﴾ ولم يقل وللرقاب، بل قال ﴿فِي﴾ الدالة على الظرفية، يعني أنك إذا صرفت الزكاة في هذه الجهات يجوز وإن لم تعط صاحبها. ﴿وَالْغَارِمِينَ﴾ معطوفة على ﴿وَفِي الرَّقَابِ﴾ فيه من مدخول في، أي: وفي الغارمين، فلا حاجة لأن تملك الغارم ليعطي الدائن، بل يكفي أن تذهب وتعطي الدائن ليرى المدين. فإذا قال قائل: هل الأحسن أن أذهب إلى الدائن وأؤفّيه، أو أعطي الغريم لكي يوفي بنفسه؟ نقول: في هذا تفصيل: إذا كنت تخشى أنك لو أعطيت الغريم لم يوف، بل أكل الدراهم وترك الدين على ما هو عليه فهنا لا تعط الغريم، بل أعطِ الدائن، لأنك لو أعطيت الغارم سينفق الأموال في أمور غير مهمة وترك الدين، وبعض الناس لا يهتمون بالدين الذي عليهم، فإذا كنت تعلم أن المدين (الغارم) لو أعطيته لأفسد المال وبقيت ذمته مشغولة، فلا تعطه و أعطِ الدائن،

أما إذا كان الغريم صاحب عقل ودين، ولا يمكن أن يرضى ببقاء ذمته مشغولة، ويغلب على ظني كثيراً أنني إذا أعطيته سوف يذهب فوراً إلى الدائن ويقضي من دينه، فهنا نعطي الغريم، نقول: خذ هذه الدراهم أوفٍ بها عن نفسك، لأن هذا أستر له وأحسن، ولكن يجب علينا إذا كنا نوزع الزكاة أن نحذر من حيلة بعض الناس! بعض الناس يقدم لك كسفا بالدين الذي عليه، وتوفي ما شاء الله أن توفي، وبعد سنة يقدم لك نفس الكشف ولا يخصم الذي أوفى عنه، فانتبه لهذا، لأن بعض الناس - والعياذ بالله - لا يهتمه حلال ولا حرام، المهم اكتساب المال، فيأتي بالقائمة الأولى التي قد قضى نصفها ويعرضها عليك، فانتبه لذلك. وقد قُدِّمَ لنا من هذا النوع أشياء، وذهبنا نسلمُّ الدائن بناء على الكشف الذي قُدِّمَ، فقال الدائن: إنه قد أوفاني. وهذه مشكلة، لكن الإنسان يتحرز، وهو إذا اتقى الله ما استطاع، ثم تبيَّن فيما بعد أن الذي أخذ الزكاة ليس أهلاً لها فإن ذمته تبرأ، وهذه من نعمة الله. يعني لو أعطيت زكاتك شخصاً ثم تبيَّن لك أنه ليس من أهل الزكاة رغم أنك اجتهدت فلا شيء عليك، وزكاتك مقبولة.

And pay attention to the expression in the verse (*As-Sadaqat (here it means Zakat) are only for the Fuqara' (poor), and Al-Masakin (the poor) and those employed to collect (the funds) and for to attract the hearts of those who have been inclined*) all of these are read together with his statement (*to the fuqara*) with the letter lam (meaning to) (*in the riqab*) and he did not say to the riqab, rather he said (in) meaning if you directed the zakat towards this direction it is permissible even if you do not give it the person of it (meaning even if you do not give it directly to the slave for example). (gharmeen) read together with (and in the captives) meaning and in the gharemeen. There is no need to give ownership to the gharem to give to the creditor. It is enough to go and give the creditor so he could clear the debtor. If someone would to say: is it better go to the one owed the debt and pay him back or I give to the debtor so he could pay back himself? We say: here is an elaboration, if you fear that if you give the debtor, he

will not pay back (his debt), rather he will eat the dirhams and leave the debt the way it is, here do not give the debtor, rather give to the one owed because if you give the debtor he will spend the wealth in unimportant matter and leaves the debt. Some people do not give importance to the debt that is upon them. If you know that the debtor, if you give him how would corrupt the wealth and will remain busied the liability, do not give him and give the creditor. However if the debtor is a man of intellect and deen, and it is not possible for him to be pleased with being busied by the liability, and I am sure that if I give him he will go right away to the creditor and payback his debt, in here we give the debtor. We say take these dirhams and payback (the debt) yourself. Because this better and more concealing for him. However it is obligated on us if we are distributing the zakat to be cautious from the tricks of some people. Some people will bring to you an invoice (or bill etc) of the debt that is upon him, and you fulfill what Allah wills and after one year he bring the same invoice and does not subtract what you have fulfilled for him, be aware for this. Because some people and we seek Allah refuge does not care about Halal or haram, what important is obtaining the wealth. He will bring the first list that he already paid half of it and displays it to you, be aware from this. It was brought to us this from this type some things, and we went to pay the creditor based upon the disclosure that was brought to us and the creditor said the he has paid me back, and this is problematic. However the person should be on guard, and if he has taqwa of Allah to the best of his capability, than it became clear afterwards that the person who took the zakat is not from its people, than his liability is free. And this is from the blessing of Allah. Meaning if you give your zakat to a person, than it was clear the he is not from the people of zakat, even after you worked hard there is nothing upon you, and your zakat is accepted.

السابع قوله: ﴿وَفِي سَبِيلِ اللَّهِ﴾: والجهد في سبيل الله هو القتال لتكون كلمة الله هي العليا، هكذا حدده النبي صلى الله عليه وسلم حينما سُئل عن الرجل يقاتل شجاعة، ويقاقل حمية، ويقاقل ليرى مكانه، أي ذلك في سبيل الله؟ قال: ((من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله)) ، وهذه كلمة جامعة مانعة. وقد تقدّم الكلام على هذا.

تنبيه: يجوز قتل المسلم الظالم في الحرب وإن كان مسلماً. فإذا قال قائل: وإن كان مكرهاً؟ الجواب: أن شيخ الإسلام ابن تيمية - رحمه الله - قال: إذا قاتل المسلمون مع التتار فإنهم يقاتلون وإن كانوا مسلمين، ولو كانوا مكرهين. فإن كانوا صادقين بأنهم مكرهون فإن لهم أجر الشهيد، لأنهم قتلوا ظلماً من الذي أكرههم، لأن الظلم على الذي أكرههم. وإن كانوا غير صادقين، بل هم مختارون طائعون، فهذا ما أصابهم وهم الذين جرّوه على أنفسهم. وقد قال: - رحمه الله - في تعليل ذلك: إنه لا يعلم المكره من غير المكره، لأن ذلك محله القلب، فالاختيار والكرهية محلها القلب، فلا يعلم المكره من غيره، فيقتل المكره دفاعاً عن الحق وحسابه على الله.

The seventh: and the path of Allah. The jihad in the path of Allah is fighting so the word of Allah is the highest. That is how the prophet restricted when he was asked about man fighting for bravery, and fighting for pride and haughtiness, and fighting to show his place, which one is for the path of Allah? He said “**whoever fights so the word of Allah is the highest, it is for the path of Allah**”⁹⁰ and this is a comprehensive wording and the speech regarding it has been preceded.⁹¹

Notice: it is permissible to kill the oppressive Muslim in war even if he is a Muslim. If someone would to say: even if he is forced? The answer: Sheikh Al-Islam Ibn Taymeyah may Allah have mercy on him said if the Muslims fight with the Mongols than they are fought against even if they are Muslims, even if they are forced to. If they are truthful they are forced to than they have the reward of the

⁹⁰ Agreed upon

⁹¹ Meaning he spoke about it in the beginning of the explanation of Riyadh-us-saliheen.

martyr, because they are killed out of oppression from the one who forced them, because oppression is on those who oppressed them. If they are not truthful, rather they choose it and obedient in it this is their infliction and this is what they dragged on themselves. And he said may Allah have mercy on him in the reasoning for this: it is not known the forced one from the unforced one, because its place in the heart. The choice and the involuntary place is in the heart, it is not known the forced one from the others. The forced one is fought against to defend the truth and his account is upon Allah.⁹²

نعم، لو فرض أنه أسر وهو مسلم حقيقة فإنه لا يجوز قتله، أما في ميدان القتال فإنه يُقتل. وقد ذكرها رحمه الله في الفتاوى في كتاب الجهاد ج(28) ص(544-553). وقوله سبحانه وتعالى: ﴿وَفِي سَبِيلِ اللَّهِ﴾ يشمل إعطاء الزكاة للمجاهدين أنفسهم، وشراء الأسلحة لهم. ف شراء الأسلحة من الزكاة جائز من أجل الجهاد في سبيل الله. قال أهل العلم: ومن ذلك: أن يتفرغ شخص لطلب العلم وهو قادر على التكسب، لكنه تفرغ من أجل أن يطلب العلم، فإنه يعطى من الزكاة مقدار حاجته، لأن طلب العلم جهاد في سبيل الله. أما من تفرغ للعبادة فلا يعطى من الزكاة، بل يقال اكتسب. وبهذا عرفنا شرف العلم على العبادة. فلو جاء رجلان أحدهما دَيِّنَ طيب ويقول: أنا أستطيع أن أتكسب لكن أحب أن أتفرغ للعبادة من الصلاة والصيام والذكر وقراءة القرآن فأعطوني من الزكاة واكفوني العمل! نقول: لا نعطيك بل اكتسب. وجاء رجل آخر قال: أنا أريد أن أتفرغ لطلب العلم وأنا قادر على التكسب، لكن إن ذهبت أتكسب لم أطلب العلم فأعطوني ما يكفيني من أجل أن أتفرغ لطلب العلم، قلنا: نعطيك ما يكفيك لطلب العلم، وهذا دليل على شرف العلم وطلبه.

⁹² Implementing this is up to major scholars and people of Authority.

Yes, if he is captured and he is a Muslim truthfully than it is not permissible to kill him, but in the battlefield he is killed. And he mentioned it in the fatawa in the book of Jihad volume 28:544-553. And the most high statement (and in the path of Allah) it comprises giving the Zakat to the mujahedeen themselves, and buying the weapons for them.⁹³ Buying the weapons from the zakat is permissible for the jihad in the path of Allah. The scholars said from this: if a person frees himself for seeking knowledge and he is capable of making a living, but he frees himself so he could seek knowledge, he is giving from the zakat based upon his needs, that is because seeking knowledge is jihad in the path of Allah. As for the one who frees himself for worship, he is not giving from the zakat; rather it is said to him to make a living. And with this we came to know the honor of seeking knowledge over worship. If two men came, one of them a man of deen and good said ‘ I could make a living but I love to free myself for worship from praying, fasting, remembrance, reciting the Quran, so give me from the zakat what will make self-sufficient from the work. We say we do not give you, rather make a living. Another man came and said I want to free myself for seeking knowledge and I am capable of making a living , but if I go to make a living I will not seek knowledge, give me from the zakat what will be enough so I could free myself for knowledge. We say we will give you what will be enough for seeking knowledge, and this is a proof for the honor of seeking knowledge.

الثامن: ﴿ابن السَّيْلِ﴾: وهو الصنف الثامن من أصناف أهل الزكاة. وابن السَّيْلِ هو المسافر الذي انقطع به السفر ونفدت نفقته، فلم يكن معه ما يوصله إلى بلده. وليس هذا من

⁹³ Be careful when it comes to this. A lot of people have been fooled by people who are evil such as the modern day khwarraj (extremists) who cause death and destruction. I advise give your zakat to the poor because they are millions of Muslims in need and Allah subhana started with them. What the noble and illustrious Sheikh Mentions here is something in general, and Allah knows best.

باب الفقراء والمساكين، لأنه غني في بلده، لكن قصرت به النفقة في أثناء السفر، فيعطى ما يوصله إلى بلده ولو كان غنيا. وسمي ابن سبيل لمصاحبه للسفر ، كما يقال ابن الماء في طير الماء الذي يألف الماء فيقع عليه. هؤلاء ثمانية أصناف لا يجوز صرف الزكاة في غيرهم، فلا يجوز أن تصرف الزكاة في بناء المساجد، ولا في إصلاح الطرق، ولا في بناء المدارس، ولا غيرها طرق الخير، لأن الله ذكر هذه الأصناف بصيغة محصورة فقال: ﴿إِنَّمَا الصَّدَقَاتُ...﴾ [التوبة:60]، و﴿إِنَّمَا﴾ تفيد الحصر، وهو إثبات الحكم في المذكور ونفيه عما سواه، ولو قلنا بجواز صرف الزكاة في جميع وجوه الخير لفاتت فائدة الحصر، ولكن بناء المساجد وإصلاح الطرق وبناء المدارس وما أشبهها تفعل من طرق أخرى، من طرق البر والصدقات والتبرعات. هذا هو الركن الثالث من أركان الإسلام الذي ذكره النبي صلى الله عليه وسلم لجبريل - عليه الصلاة والسلام - في حديثه الطوي

The eight: the wayfarer. And he is the eight type from the types of the people of zakat. And the wayfarer is the traveler the got cutoff from traveling and his provision finished, he does not have what will lead him to his land. And this is not from a way of the faqara and maskeen (poor) because he is rich in his land, however the provision was cutoff during the middle of his traveling. He is giving what will lead him to his land even if he is rich. And he is called Ibn As-sabeel (son of the path) because of being a companion of travel. These eight types, it is not permissible to direct the zakat to other than them. It is not permissible to direct the zakat towards building the masjids, and not fixing the roads, and not for building schools, and not for other path of good. Because Allah mentioned these types in a restricted terms he said (verily the sadaqat (here it is the zakat)) and the wording (إِنَّمَا) a consequence of it is restriction, and it is establishing the ruling for the mentioned and negating from others. If we were to say it is permissible to direct the zakat in all angles of good, we would lose the benefit of restriction.

However building the masjids, fixing the roads, building the schools, and similar to these are done from other paths, from the path of pious, sadaqat (the supererogatory), and donation. This is the third pillar from the pillars of Islam that the prophet mentioned to Jibril in his long hadith.

The Conditions of the Zakat⁹⁴

شروط وجوب الزكاة : الإسلام، والحرية ، وملك النصاب ، واستقراره، ومضي الحول ، إلا في المعشرات .

فأما الإسلام : فإن الكافر لا تجب عليه الزكاة ، ولا تقبل منه لو دفعها باسم الزكاة، لقول الله تعالى : (وَمَا مَنَعَهُمْ أَنْ تُقْبَلَ مِنْهُمْ نَفَقَاتُهُمْ إِلَّا أَنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَلَا يَأْتُونَ الصَّلَاةَ إِلَّا وَهُمْ كُسَالَى وَلَا يُنْفِقُونَ إِلَّا وَهُمْ كَارِهُونَ) (التوبة:54) الآية .

The conditions of the obligation of the zakat are: Islam, Freedom, possess the nisab and its stability, and turn of the cycle except in the agricultural goods.

As for Islam: the zakat is not obligatory on the disbeliever, and it is not accepted from him if he pays it in the name of zakat due to the statement of Allah the most high (**And nothing prevents their contributions from being accepted from them except that they disbelieved in Allah and in His Messenger (Muhammad ﷺ); and that they came not to As-Salat (the prayer) except in a lazy state ; and that they offer not contributions but unwillingly.**)

ولكن ليس معنى قولنا إنها لا تجب على الكافر ولا تصح منه ولا تقبل منه، أنه معفى عنها في الآخرة ، بل إنه يعاقب عليها ، لقوله تعالى : (كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِيْنَةٌ) (38) (إِلَّا أَصْحَابَ الْيَمِينِ) (39) (فِي جَنَّاتٍ يَتَسَاءَلُونَ) (40) (عَنِ الْمُجْرِمِينَ) (41) (مَا سَلَكَكُمْ فِي سَقَرٍ) (42)

⁹⁴ This is taken from fiqh al abadat (worship)

(قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ) (43) (وَلَمْ نَكُ نُطْعِمِ الْمِسْكِينَ) (44) (وَكُنَّا نَخُوضُ مَعَ الْخَائِضِينَ) (45) (وَكُنَّا نَكْذِبُ بِيَوْمِ الدِّينِ) (46) (حَتَّى آتَانَا الْيَقِينَ) (المدثر 38-47) ، وهذا يدل على أن الكفار يعذبون على إخلالهم بفروع الإسلام ، وهو كذلك.

However our statement that is not obligatory on the disbeliever and it is not valid from him and not accepted from him does not mean that he will be relieved from it in the hereafter, rather he will punished for it due to the statement of the most high (Every person is a pledge for what he has earned, Except those on the Right, (i.e. the pious true believers of Islamic Monotheism); In Gardens (Paradise) they will ask one another About *Al-Mujrimun* (polytheists, criminals, disbelievers, etc.), (And they will say to them): "What has caused you to enter Hell?" They will say: "We were not of those who used to offer their *Salat* (prayers) "Nor we used to feed *Al-Miskin* (the poor) "And we used to talk falsehood (all that which Allah hated) with vain talkers "And we used to belie the Day of Recompense "Until there came to us (the death) that is certain.") This proves that the disbeliever will be punished for breaches of the branches of Islam, and it is that way.

وأما الحرية : فلأن المملوك لا مال له ، إذ إن ماله لسيده، لقول النبي صلى الله عليه وسلم "من باع عبداً له مال ، فماله لبائعه إلا أن يشترط المبتاع"⁽¹³⁰⁾. فهو إذن غير مالك للمال حتى تجب عليه الزكاة، وإذا قدر أنه أي العبد ملك بالتمليك، فإن ملكه في النهاية يعود إلى سيده، لأن سيده له أن يأخذ ما بيده، وعلى هذا ففي ملكه نقص ، ليس مستقراً استقرار أملاك الأحرار.

As for freedom: because the enslaved does have wealth on his own, because his wealth is for his master due to the statement of the prophet “**whoever sells a slave who has wealth, than his wealth is for the seller except if the purchaser set conditions.**” Therefore he is not in possession of the wealth for the zakat to be obligatory on him. And if it happens that he the slave possess (wealth) with the

ownership, his wealth in the end goes back to his master because it is for his master to take what is in his hands, and upon this there is deficiency in his ownership, it is not stable like the stability of the free ownership.

وأما ملك النصاب: فمعناه أن يكون عند الإنسان مال يبلغ النصاب الذي قدره الشرع ، وهو يختلف باختلاف الأموال ، فإذا لم يكن عند الإنسان نصاب فإنه لا زكاة عليه ، لأن ماله قليل لا يحتمل المواسة ، والنصاب يختلف باختلاف الأموال، ففي المواشي الأنصبة فيها مقدرة ابتداء وانتهاء ، وفي غيرها الأنصبة مقدرة فيها ابتداء وما زاد فبحسابه.

As for possession of the nisab: it means that the person has wealth that reaches the nisab that the legislation has calculated. And it differs with the difference of the types of wealth. If the person does not possess the nisab than there is no zakat upon him, because his wealth is little, it does not carry the consolation (can not be shared). The nisab differs with the difference of the wealth. In the animals it is calculated by the beginning and end , and others the nisab is calculated by the beginning (of the nisab) and whatever extra than with its own calculation.

وأما مضي الحول : فلأن إيجاب الزكاة في أقل من الحول يستلزم الإجحاف بالأغنياء ، وإيجابها فيما فوق الحول يستلزم الضرر في حق الفقراء، فكان من حكمة الشرع أن يقدر لها زمناً معيناً تجب فيه وهو الحول ، وفي ربط ذلك بالحول توازن بين حق الأغنياء وحق أهل الزكاة ، وعلى هذا فلو مات الإنسان مثلاً أو تلف المال قبل تمام الحول سقطت الزكاة، إلا أنه يستثنى من تمام الحول ثلاثة أشياء : ربح التجارة ، ونتاج السائمة ، والمعشرات.

As for the turn of the cycle: because obligating the zakat in less the turn of cycle leads to injustice of the rich, and obligating above the cycle leads to harms with due rights of the poor. It was from the wisdom of the legislation to calculate for it a specific time it is obligated in it and it is the cycle. And in connecting this with the

cycle is the balancing between the rights of the rich and the right of the people of zakat. And upon this if person dies or lost his wealth before the completion of the cycle, the zakat is dropped (on him), except they are three exceptions for the completion of the cycle: profit of business, reproduction results of free grazer, and the agricultural goods.

أما ربح التجارة : فإن حوله حول أصله ، وأما نتاج السائمة : فحول النتاج حول الأمهات ، وأما المعشرات فحولها تحصيلها أي وقت تحصيلها مثال ذلك في الربح : أن يشتري الإنسان سلعة بعشرة آلاف ريال ، ثم قبل تمام حول الزكاة بشهر تزيد هذه السلعة أو ترباح نصف الثمن الذي اشتراها به ، فيجب عليه زكاة رأس مال وزكاة ربح وإن لم يتم للربح حول ، لأنه فرع ، والفرع يتبع الأصل .

As for the profit of business, the cycle is the cycle of the origin. As for the reproduction results of the free grazers the cycle of the results is the cycle of the mothers. As for the agricultural goods, there cycle is anytime they are obtained. For example in the profit, a person buys a merchandise with 10,000 riyal, then one month before the turn of the cycle the merchandise increases (the value) or you profit from it half of the value that you bought with. It is obligated to pay the zakat of the original cost and the zakat of the profit, even if the profit did not complete the cycle because it is branch and the branch follows the root.⁹⁵

⁹⁵ The sheikh may Allah have mercy on him gave two examples: he said if a person is doing business with 100,000 and in the middle of the cycle he profited from this 50,000, when the cycle is completed for the 100,000 he should give zakat for the 100,000 and the 50,000 he profited even though the 50,000 cycle is not complete because it follows the root which is 100,000. However if he has 100,000 and in the middle of the cycle he inherited 50,000, when the cycle is complete for the 100,000 he only gives the zakat for the 100,000 and not the 50,000 and the 50,000 has its own independent cycle that starts when he receives the inheritance. Because the inheritance is beginning of wealth and not connected to the 100,000 he started with.

وأما النتاج : فمثل أن يكون عند الإنسان من البهائم نصاب ، ثم في أثناء الحول يتوالد هذا النصاب حتى يبلغ نصابين ، فيجب عليه الزكاة للنصاب الذي حصل بالنتاج وإن لم يتم عليه الحول ، لأن النتاج فرع فيتبع الأصل.

وأما المعشرات : فحولها حين أخذها مثل الحبوب والثمار ، فإن الثمار في النخل مثلاً لا يتم عليه الحول حتى يجذ ، فتجب الزكاة عند جذه، وكذلك الزرع يزرع ويحصد قبل أن يتم عليه الحول ، فتجب عليه الزكاة عند حصاده، لقول الله تعالى : (وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ) (الأنعام: 141).

فهذه الأشياء الثلاثة تستثنى من قولنا إنه يشترط لوجوب الزكاة تمام الحول.

As for the reproduction: for example a person has cattle that reached the nisab, during the middle of the cycle the nisab reproduced until it reaches two nisabs, it is obligated on him the nisab that occurred with reproduction even if the cycle on it is not complete, because the reproduction is a branch so it follows the root. As for the agricultural goods its cycle is when you take it out like the grains or produce, because the produce in the palm tree for example the cycle does not complete on it until it is cut off, the zakat is obligated when it is cut off (meaning you pluck out the product). Likewise the crops, it is planted and harvested before the cycle is completed, the zakat is obligated on it during its harvest due to the statement of the most high (but pay the due thereof (its Zakat, according to Allah's Orders 1/10th or 1/20th) on the day of its harvest).

These three things are exceptions to our statement that it is a conditions of the zakat for the completion of the cycle.

