

SANKORE'



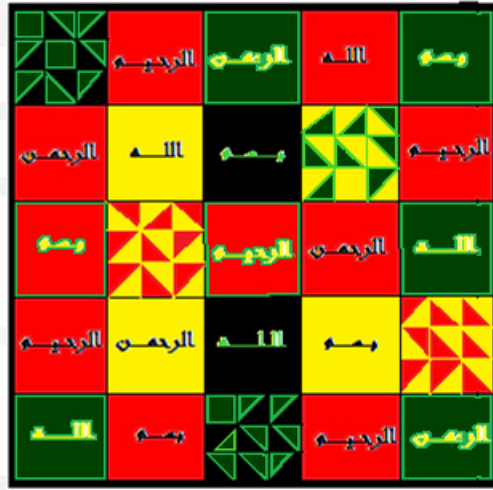
Institute of Islamic - African Studies International

مِرَاةُ الطُّلَّابِ

فِي مُسْتَنَدِ الْأَبْوَابِ لِدِينِ اللَّهِ الْوَهَّابِ

The Mirror of the Students

Regarding the Authoritative Sources of the Issues of the *Deen* of Allah
the Benefactor



تَأْلِيفُ

الْعَالِمِ الْعَامِلِ الْأَوْرَعِ الْمُجَاهِدِ الدَّاعِي إِلَى سَبِيلِ رَبِّهِ سَيِّفِ الْحَقِّ وَنُورِ الزَّمَانِ وَمُجَدِّدِ الدِّينِ وَأَمِيرِ الْمُؤْمِنِينَ

الشَّيْخُ عُثْمَانُ بْنُ فُودَيٍّ

Shehu 'Uthman ibn Fuduye'

تَعَمَّدَهُ اللَّهُ بِرَحْمَتِهِ آمِينَ

راجعها وعلق عليها الفقير الى الله تعالى

الشيخ أبو الفا عمر محمد شريف بن فريد شريف بروكس

edited and translated by

Shaykh MUHAMMAD SHAREEF bin Farid

عفا الله عنه وغفر لشيخه ووالديه وأهله وأولاده آمين

Copyright © 1438/2017 Muhammad Shareef

Published by
SANKORE'



Institute of Islamic - African Studies International

The Palace of the Sultan of Maiurno

Maiurno, Sennar, Sudan

www.siasi.org

Book design by Muhammad Shareef

The front cover design is an *awqaaf* of a five house square of the *basmalla*: “*In the name of Allah the Beneficent the Merciful*” originally taken from the Manba'u Usul :l-Hikma of the Gnostic Abu'l-Abass Ahmad ibn Ali al-Buni. All rights reserved. No part of this publication may be reproduced, stored in any retrieval system, or transmitted in any form or by any means, electronic or otherwise, without written permission of the publisher.

Institute of Islamic-African Studies International

إهداء هذا الكتاب إلى خليفة الشيخ عثمان بن فودي
أمير المؤمنين السلطان مايرنو
السلطان علي بن السلطان محمد الطاهر بن السلطان محمد بلو مايرنو بن السلطان محمد الطاهر بن
السلطان أحمد زروق بن السلطان أبي بكر عتيق بن أمير المؤمنين
نور الزمان مجدد الدين إمام الأولياء
الشيخ عثمان بن فودي



This blessed book is dedicated to the *khalifa* of *Shehu* Uthman ibn Fuduye`
Amir'l-Mu'mineen Sultan of Maiurno

Sultan Ali ibn *Sultan* Muhammad at-Tahir bin *Sultan* Muhammad Bello Maiurno ibn *Sultan* Muhammad Attahiru
ibn *Sultan* Ahmad Zaruk ibn *Sultan* Abu Bakr Atiku ibn *Amir'l-Mu'mineen* *Shehu* Uthman ibn Fuduye`
O Allah make his feet firm, strengthen him and elongate his authority unti it reaches the Awaited *al-Mahdi*.

Institute of Islamic-African Studies International

Preface

In the name of Allah, the Beneficent, the Merciful; may Allah send eternal blessings and peace upon the master of all the Messengers, the light of all the Prophets, the mirror of all the sages; our master Muhammad ibn Adballah ibn Abd'l-Muttalib ibn Hashim; upon his pure family and noble Companions; and upon every one who follows them in spiritual excellence until the Day of Judgement.

This is a preliminary publishing of the **Mirat 't-Tullab Fee Mustanid al-Abwaab Li Deen Allah al-Wahhab** (The Mirror of the Students Regarding the Authoritative Sources of the Issues of the *Deen* of Allah, the Benefactor). It is 'preliminary' because it is devoid of the footnotes, citations or annotation; which I will include in the second edition. The reason that I omitted them in this edition is in order for the text to be easy for students to study and memorize. My intention is to produce another version for academics and scholars including: citations of *Qur'anic* verses and prophetic traditions; brief biographies of the narrators and authors cited by the *Shehu* as well as an annotation of the manuscripts used to create this standardized version of the text. If, Allah ta'ala grants me time and *Baraka*, it is also my intention of composing a commentary upon this blessed work which I will call: **Diya'l-Lubbab Fee Mirat 't-Tullab** and include in it an explanation of all the verses, prophetic traditions and the sayings of the *ijma'a* of the *Sunna* scholars which the *Shehu* cites in this blessed work; which will, Allah willing, uncover the inner meanings, secrets and spiritual jewels hidden in this blessed work.

Realize, beloved reader that this work, the **Mirat't-Tullab** is the first of three works which the scholars determined established *Shehu* Uthman ibn Fuduye' as the reformer (*mujaddid*) of 12th century of the Islamic *hijra*. The second work is the **Sawq'l-Umma Ila Ittiba' as-Sunna** which I've already completed with its commentary. The third work is the **Umdat'l-'Ulama** (the Support of the Scholars), which is complete, but whose commentary is still on progress. All three works give a complete picture of the legal sources from which Muslim scholars draw their evidence, extract their legal decisions and make their independent judgements.

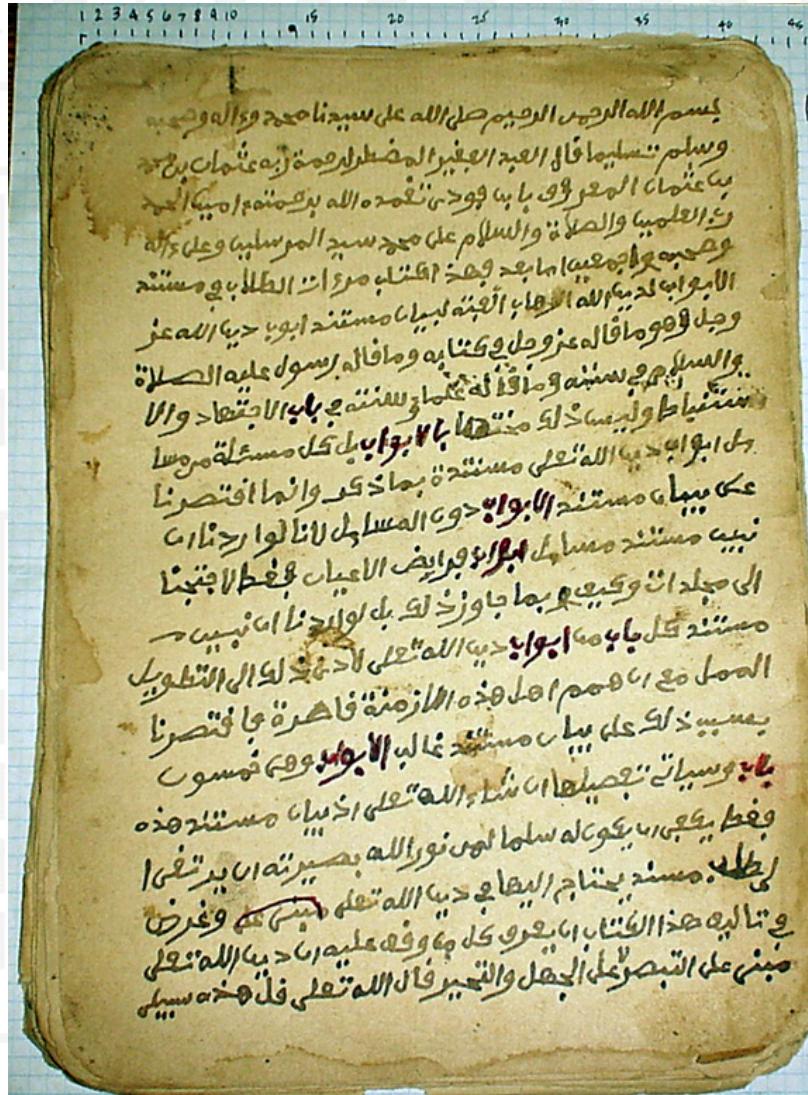
The **Mirat't-Tullab** is as the title indicates, a work for the students of knowledge and provides them with the *Qur'anic* verses, the sound prophetic traditions from the **Sahih** of al-Bukhari; the consensus of the *Sunni* scholars, as well as the views of the leading Maliki jurists in the fifty major issues of the religion which are obligatory for the student to know and act upon. The reader will find that the **Mirat't-Tullab** is a source work which allow them to understand the fundamental sciences of the religion; and will be a key to understanding other fundamental books of *tawheed*, *fiqh* and *tasawwuf*.

I ask the reader to excuse the many errors in this work; and to make supplication for me, my family, the author, *Shehu* Uthman ibn Fuduye' and all his righteous descendents, followers, and admirers "as long as the east wind blows and shakes the branches in distant meadows".

Shaykh Muhammad Shareef bin Farid
Wednesday, 13th of *Rabi't-Thani*, 1438
[January, 11, 2017]

The Blessed City of Djenne', Mali

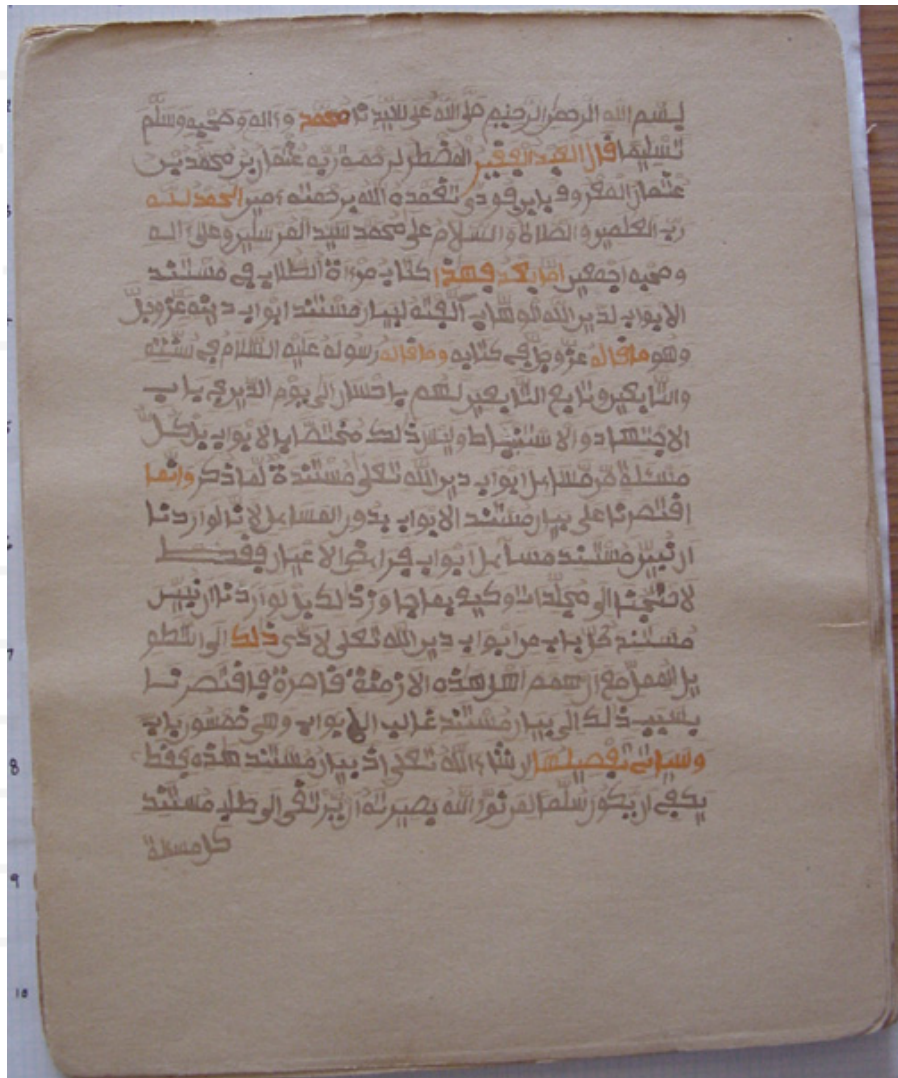
Institute of Islamic-African Studies International



الورقة 1 من المخطوطة ا، مسمى مرآة الطلاب في مُستند الأثواب لدين الله الوُهاب للشيخ عثمان بن فودي التي صورتها من مخازن سلطان ماييرنو الحاج أبي بكر بن السلطان محمد الطاهر بن السلطان محمد بلو ماي ورنو بن أمير المؤمنين محمد الطاهر بن أمير المؤمنين أحمد زروق بن أمير المؤمنين أبي بكر عتيق بن أمير المؤمنين نور الزمان مجدد الدين سيف الحق إمام الأولياء عثمان بن فودي محمد بن عثمان بن صالح رحمه الله تعالى وغفره إياه وإياهم أجمعين في ماييرنو سينار جمهورية السودان.

Folio 1 of the manuscript named *Mir'at't-Tullab Fee Mustanad'l-Abwaab Li Deen Allah'l-Wahaab of Shehu `Uthman ibn Fuduye`*, which I digitized from the archives in Maiurno Sennar, Sudan, of the *Sultan of Maiurno, al-Hajj Abu Bakr ibn Sultan Muhammad at-Tahir ibn Sultan Muhammad Bello Maiurno ibn Amir'l-Mu'mineen Muhammad Attahiru ibn Amir'l-Mu'mineen Ahmad Zaruq ibn Amir'l-Mu'mineen Abu Bakr Atiku ibn Amir'l-Mu'mineen, nuur'z-zamaan, mujaddid'd-deen, sayf'l-Haqq, Imam'l-awliyya `Uthman ibn Fuduye` Muhammad ibn `Uthman ibn Saalih*, may Allah ta'ala be merciful to him, forgive him and all of them.

SANKORE'



الورقة 2 من المخطوطة ب، مسمى مِرآة الطلاب في مُسْتَنَدِ أَبْوَابِ الدِّينِ الْوَهَّابِ لِلشَّيْخِ عُثْمَانَ بْنِ فُودِي التي صورتها من مخازن المركز للتدريس الإسلامية في الجامعة الشيخ عثمان ضان فودي في صكت نيجيرية.

Folio 2 of the manuscript named Mir'at-t-Tullab Fee Mustanad'l-Abwaab Li Deen Allah'l-Wahaab of Shehu 'Uthman ibn Fuduye', which I digitized from the archives of the Center for Islamic Studies at the University of Shaykh Usman Danfodio, in Sokoto, Nigeria.

SANKORE'

مِرْآةِ الطُّلَّابِ

فِي مُسْتَنَدِ أَبْوَابِ الدِّينِ الْوَهَّابِ

The Mirror of the Students

Regarding the Authoritative Sources of the Issues of the *Deen* of Allah
the Benefactor

Institute of Islamic-African Studies International

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَي سَيِّدِنَا مُحَمَّدٍ وَسَلِّمْ تَسْلِيمًا.

وبعد قال الشيخ محمد شريف بن فريد قد أجازني في هذا الكتاب المبارك سيدي وعمدتي وسراجي

الشيخ محمد الأمين بن آدم كريغنج بن محمد تكرر

عن والده الشيخ آدم كريغنج

عن شيخه معلم موسى المهاجر

عن شيخه الإمام علي دنوب بن أبي بكر معلمي

عن المصنف نور الزمان مجدد الدين

أمام الأولياء سيف الحق

أمير المؤمنين

الشيخ عثمان بن فودي محمد

فقال...

In the name of Allah, the Beneficent the Merciful, may Allah send blessings upon our master Muhammad, and give him abundant peace

To continue: Says *Shaykh* Muhammad Shareef bin Farid: my spiritual master, my support and lamp, *Shaykh* Muhammad al-min ibn Adam Kari`angha ibn Muhammad Tukur gave me license in this blessed book; on the authority of his father *Shaykh* Adam Kari`angha; on the authority of his teacher Malam Musa al-Muhajir; on the authority of his teacher, *Imam* Ali Dinbu ibn Abu Bakr Ma`lami on the authority of the author, the light of the age, the reformer of the religion, the *Imam* of the sages, the sword of truth, *Amir'l-Mu'mineen* Shehu Uthman ibn Fuduyi Muhammad who said...

Institute of Islamic-African Studies International

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، صَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

قَالَ الْعَبْدُ الْفَقِيرُ الْمُضْطَرُّ لِرَحْمَةِ رَبِّهِ **عُثْمَانُ بْنُ مُحَمَّدٍ بْنُ عُثْمَانَ** الْمَعْرُوفُ بِ**إِبْنِ فُؤَيْدٍ** تَعَمَّدَهُ اللَّهُ بِرَحْمَتِهِ أَمِينَ، الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى مُحَمَّدٍ سَيِّدِ الْمُرْسَلِينَ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ، أَمَّا بَعْدُ: فَهَذَا كِتَابُ

مِرَاةُ الطُّلَّابِ

فِي مُسْتَنَدِ الْأَبْوَابِ لِدِينِ اللَّهِ الْوَهَّابِ

أَلْفَتْهُ لِبَيَانِ مُسْتَنَدِ أَبْوَابِ دِينِهِ عَزَّ وَجَلَّ، وَهُوَ مَا قَالَهُ عَزَّ وَجَلَّ فِي كِتَابِهِ، وَمَا قَالَهُ رَسُولُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ فِي سُنَّتِهِ، وَمَا قَالَهُ عُلَمَاءُ سُنَّةِ رَسُولِ اللَّهِ مِنَ الصَّحَابَةِ وَالتَّابِعِينَ وَتَابِعِ التَّابِعِينَ لَهُمْ بِإِحْسَانٍ إِلَى يَوْمِ الدِّينِ فِي بَابِ الْإِجْتِهَادِ وَالْإِسْتِنْبَاطِ، وَلَيْسَ ذَلِكَ مُخْتَصًّا بِالْأَبْوَابِ، بَلْ كُلِّ مَسْئَلَةٍ مِنْ مَسَائِلِ أَبْوَابِ دِينِ اللَّهِ تَعَالَى مُسْتَنَدَةٌ لِمَا ذَكَرَ، وَإِنَّمَا أَقْتَصَرْنَا عَلَى بَيَانِ مُسْتَنَدِ الْأَبْوَابِ دُونَ الْمَسَائِلِ لِأَنَّا لَوْ أَرَادْنَا أَنْ نُبَيِّنَ مُسْتَنَدَ مَسَائِلِ أَبْوَابِ فَرَائِضِ الْأَعْيَانِ فَقَطْ لَأَحْتَجْنَا إِلَى مُجَلَّدَاتٍ، وَكَيْفَ بِمَا جَاوَزَ ذَلِكَ؟ بَلْ إِنْ أَرَادْنَا أَنْ نُبَيِّنَ مُسْتَنَدَ كُلِّ بَابٍ مِنْ أَبْوَابِ دِينِ اللَّهِ تَعَالَى لَأَدَّى ذَلِكَ إِلَى التَّطْوِيلِ الْحَمِلِ مَعَ أَنَّ هِمَمَ أَهْلِ هَذِهِ الْأَزْمَنَةِ قَاصِرَةٌ، فَأَقْتَصَرْنَا بِسَبَبِ ذَلِكَ عَلَى بَيَانِ مُسْتَنَدِ غَالِبِ الْأَبْوَابِ، وَهِيَ خَمْسُونَ بَابًا، وَسَيَاتِي تَفْصِيلُهَا إِنْ شَاءَ اللَّهُ تَعَالَى، إِذْ بَيَانُ مُسْتَنَدِ هَذِهِ فَقَطْ يَكْفِي أَنْ يَكُونَ سُلَمًا لِمَنْ نَوَّرَ اللَّهُ بَصِيرَتَهُ أَنْ يَرْتَقِيَ إِلَى طَلَبِ مُسْتَنَدِ كُلِّ مَسْئَلَةٍ يَحْتَاجُ إِلَيْهَا فِي دِينِ اللَّهِ تَعَالَى، وَغَرَضِي فِي تَأْلِيفِ هَذَا الْكِتَابِ أَنْ يَعْرِفَ كُلُّ مَنْ وَقَفَ عَلَيْهِ أَنَّ دِينَ اللَّهِ تَعَالَى مُبْنِيٌّ عَلَى الْعِلْمِ وَالتَّبَصُّرِ لَا عَلَى الْجَهْلِ وَالتَّخَيُّرِ.

وَقَالَ اللَّهُ تَعَالَى: ﴿قُلْ هَذِهِ سَبِيلِي أَدْعُو إِلَى اللَّهِ عَلَى بَصِيرَةٍ أَنَا وَمَنِ اتَّبَعَنِي﴾، قَالَ أَحْمَدُ الرَّزُّوقُ فِي عُمْدَةِ الْمُرِيدِ الصَّادِقِ بَعْدَ إِرَادَةِ هَذِهِ الْآيَةِ: "فَتَبَيَّنَ أَنَّ التَّبَصُّرَ فِي الدِّينِ أَصْلٌ مِنْ أَصُولِهِ، وَأَنَّ مَنْ أَخَذَ الْأُمُورَ مِنْ رَأْيِهِ فِي عَمَايَةِ فَلَيْسَ بِمُتَّبِعٍ لِلشَّارِعِ، لَكِنَّ النَّاسَ ثَلَاثَةٌ: عَالِمٌ مُتَمَكِّنٌ فِي تَبَصُّرِهِ فِي اخْتِذِ الْمَسَائِلِ بِطَلَبِ الدَّلِيلِ وَإِنْ لَمْ يَكُنْ مُجْتَهِدًا، وَمُتَوَسِّطٌ فِي الْأَمْرِ بَيْنَ الْعَامَّةِ وَالْعُلَمَاءِ، فَلَا يَصِحُّ إِتِّبَاعُهُ إِلَّا لِمَنْ تَبَصَّرَ فِي شَأْنِهِ فَأَوْجَبَ لَهُ مَا عِلْمٌ بِهِ مِنَ الشَّرِيعَةِ أَنَّ هَذَا مِمَّنْ يُقْتَدَى بِهِ، ثُمَّ لَا يُؤْخَذُ مِنْهُ مَا يَأْبَاهُ مِمَّا عِلْمُهُ مِنْ قَوَاعِدِ الشَّرِيعَةِ، إِذْ لَا يَجُوزُ لِأَحَدٍ أَنْ يَتَعَدَّى عِلْمَهُ، وَلَا يَقِفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ، وَعَامِيٌّ وَحَقُّهُ أَنْ يَقِفَ بِمَا لَا يَشْكُ فِي حَقِيقَتِهِ مِنْ حُقُوقِ اللَّهِ وَذِكْرِهِ، وَالْعَمَلُ عَلَى الْجَادَّةِ الَّتِي لَا شَكَّ فِيهَا، وَإِلَّا فَهُوَ مُسْتَهْزِئٌ بِدِينِهِ وَمُتْلَاعِبٌ بِهِ، فَاعْلَمْ ذَلِكَ"، إِنَّتَهَى.

فَإِذَا فَهِمْتَ هَذَا عَلِمْتَ أَنَّ اللَّهَ تَعَالَى يُعْبَدُ بِالْعِلْمِ وَالتَّقْوَى لَا بِالْجَهْلِ وَالْهَوَى، قَالَ ابْنُ عَطَاءٍ اللَّهُ رَضِيَ اللَّهُ عَنْهُ فِي حِكْمِهِ: "لَا يَخَافُ عَلَيْكَ أَنْ تَلْتَبَسَ الطَّرِيقَ عَلَيْكَ وَإِنَّمَا يَخَافُ غَلْبَةَ الْهَوَى عَلَيْكَ"، وَقَالَ أَحْمَدُ حَضْرَوِيَّةً رَضِيَ اللَّهُ عَنْهُ: "الدَّلِيلُ لَانْحِ وَالطَّرِيقُ وَاضِحٌ وَالِدَّاعِي قَدْ أَسْمَعَ، فَمَا التَّحْيِيرُ بَعْدَ هَذَا إِلَّا مِنَ الْعَمَى"، إِنَّتَهَى، وَهَذَا أَنَا أَفْصَلُ لَكُمْ تِلْكَ الْأَبْوَابِ الْمَذْكُورَةِ أَنِفًا وَهِيَ خَمْسُونَ بَابٌ كَمَا مَرَّ وَيَحْتَوِي كُلُّ بَابٍ مِنْهَا عَلَى مَا قَالَ اللَّهُ تَعَالَى فِي كِتَابِهِ وَمَا قَالَ رَسُولُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ فِي سُنَّتِهِ وَمَا قَالَ عُلَمَاءُ السُّنَّةِ رَضِيَ اللَّهُ عَنْهُمْ فِي بَابِ الْإِجْتِهَادِ وَالْإِسْتِنْبَاطِ، فَأَقُولُ وَبِاللَّهِ التَّوْفِيقُ...



Institute of Islamic-African Studies International

In the name of Allah the Beneficent the Merciful, may Allah send blessings upon our master Muhammad, his family and Companions and give them much peace.

Says the poor slave in need of the mercy of his Lord - **Uthman ibn Muhammad ibn Uthman** - known as **Ibn Fuduye'** [**Dan Fodio**], may Allah engulf him in his mercy - amen. All praises are due to Allah the Lord of the worlds. May blessings and peace upon Muhammad the master of the Messengers and upon his family and all his Companions.

To continue: this is the book called

The Mirror of the Student

Regarding the Legal Reliance of the Religion of Allah the Benefactor

I have composed this work in order to clarify the legal sources of the domains of the religion of Allah, exalted and majestic. The legal sources of the domains of the religion are: [1] what Allah says in His Book; [2] what His Messenger has said in his *Sunna* and [3] what was transmitted by the scholars of the *sunna* of the Messenger of Allah from the Companions, the generation who followed them (*tabi'uun*) and those who followed the second generation (*tabi'u 't-tabi'een*) in spiritual excellence until the Day of Judgment, from the perspective of independent judgment (*ijthaad*) and legal extraction (*istinbaat*). These legal sources are not only specific to the domains of the religion, but every detailed issue from the issues of the religion of Allah is legally reliant upon the above three mentioned legal roots. However, I have restricted this particular work to clarifying the legal reliance of the key major subjects of the religion, disregarding the detailed issues. This is because if the aimed desire were to clarify the legal reliance of the detailed issues of individual obligations (*faraa'id 'l-a'yaan*), then we would be in need of innumerable volumes; and how can that be possible? On the contrary, my desired aim is to clarify the legal reliance of every major subject of the religion of Allah ta'ala in order that the text does not become overly prolonged, along with the fact that the spiritual stamina of the people of these times is inadequate. For this reason I have condensed this text to clarifying the legal reliance of the general subjects of the religion - which are fifty major subjects. I will disclose the details of these general subjects in fifty chapters, Allah willing. Consequently, an explanation of these legal sources will prove sufficient as an instrument for he whom Allah has illuminated his inner-vision. This is due to the fact that his innate inner-vision will lead him to search out the legal proofs of every issue that he is in need of from the religion of Allah ta'ala. Now, my particular objective in composing this work is that everyone who comes across it realizes that the religion of Allah is constructed upon knowledge (*'ilm*) and researched insight (*tabassur*), not upon ignorance (*jahl*) and mental confusion (*tahayyur*).

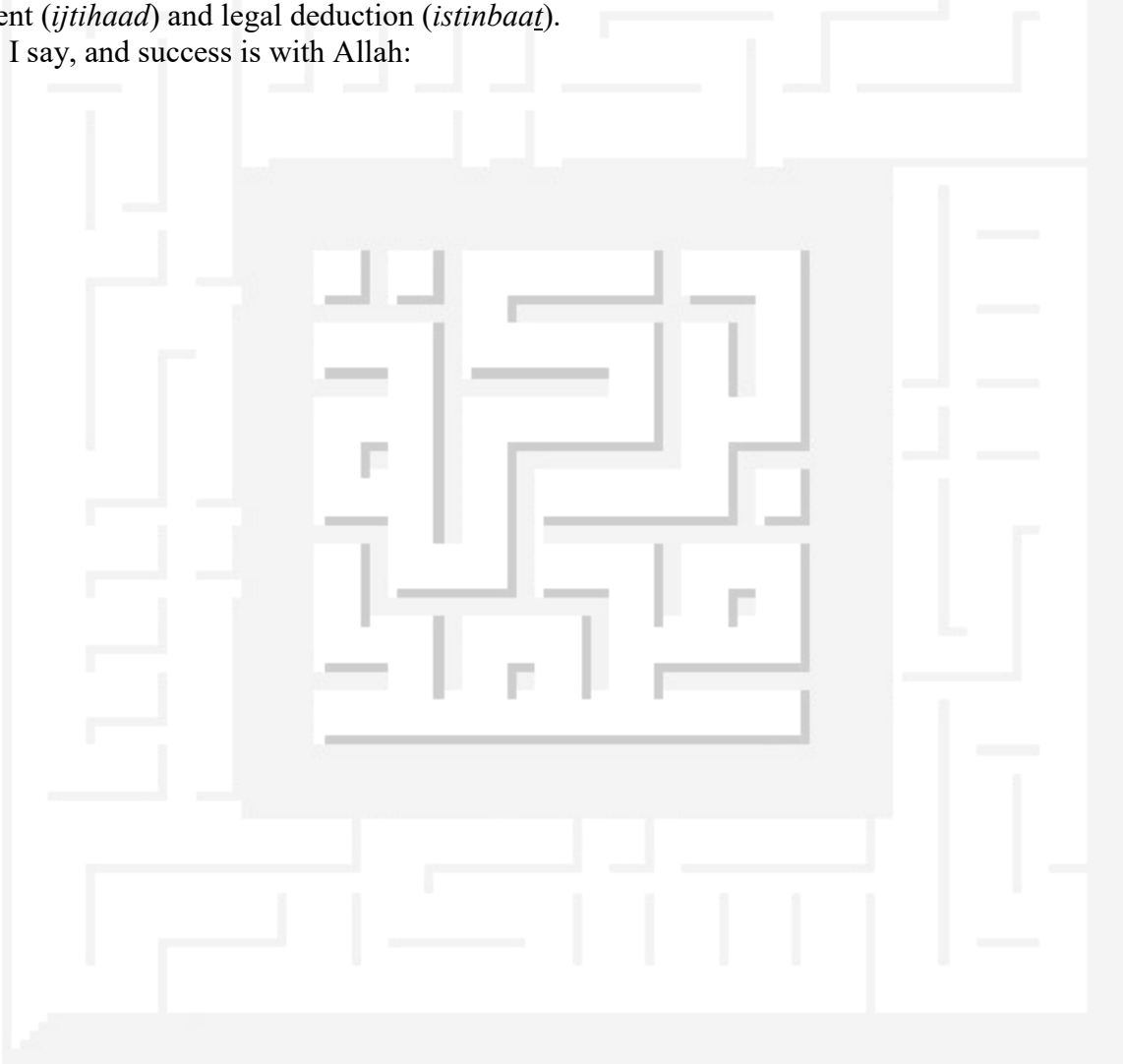
This is based upon the words of Allah ta'ala: "*Say: This is my Way. I invite to Allah with insight, I and those who follow me.*" Ahmad Zarruq says regarding the above-mentioned verse in his *'Umdat 'l-Murid 's-Saadiq*: "This verse clarifies that researched insight (*tabassur*) into the religion is a foundation from its foundation. Whoever deduces matters regarding the religion from his own opinion out of ignorance, is not a true follower of the Law Giver, ﷺ. However, people (with regard to their ability to have researched insight into the religion) are divided into three types. The first is the scholar firmly established in his researched insight by deducing issues by means of searching for its proofs, even though he may not be among those who give independent judgment (*mujtahid*). The second is the one intermediate (*mutawassit*) between the common people and the scholar. It is incorrect to follow him except when he is endowed with researched insight in his religious affairs; or he makes required what he knows from the *shari'a* what it is he is following. Further, no one is to take from him what his knowledge does not encompass from the principles of the *shari'a*; since it is not permissible for anyone to overstep his level of knowledge. Nor should anyone depend upon anyone whose level of knowledge is not known. The third is the common man (*'aami*) whose right is to stop with that in which there is no doubt regarding its authenticity from the duties to Allah and His remembrance. He is obligated to

behave in earnest and sincerity in that in which there is no doubt. If he does not do this, then he is simply trifling and making mockery of the religion of Allah. So realize that.”

If you have understood this then you know that Allah ta'ala is worshipped by means of knowledge (*'ilm*) and fearful awareness (*taqwa*) not by ignorance (*jahl*) and corrupt passions (*hawaa*). Ibn Ata'illah, may Allah be pleased with him, said in his Hikkam: “It is not feared that the paths of truth will become obscure for you. But it is feared that your corrupt passions will conquer you.” Ahmad ibn Hadrawiyya, may Allah be pleased with him said: “The guide has appeared, the way is clear and the caller has been heard. There can be no confusion thereafter except for the one who is blind.”

So, now, I will explain in detail the above-mentioned key domains arranged in chapters for you. It will be arranged into fifty chapters as we have already mentioned. Every chapter embraces what Allah ta'ala says in His Book; what the Messenger of Allah, ﷺ has said in his *sunna*; and what the scholars of the *sunna*, may Allah be pleased with him, have said regarding the realm of independent judgment (*ijtihaad*) and legal deduction (*istinbaat*).

I say, and success is with Allah:



Institute of Islamic-African Studies International

الْبَابُ الْأَوَّلُ

فِي أَزْكَانِ الْإِيمَانِ

قَالَ اللَّهُ تَعَالَى: ﴿لَيْسَ الْبِرُّ أَنْ تُولُوا وُجُوهَكُمْ قَبْلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ﴾، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَمَا فِي صَحِيحِ مُسْلِمٍ عَنْ عُمَرَ حِينَ سَأَلَهُ جَبْرِيلُ عَنِ الْإِيمَانِ: ((أَنْ تُؤْمِنَ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ وَالْيَوْمِ الْآخِرِ وَتُؤْمِنَ بِالْقَدْرِ خَيْرِهِ وَشَرِّهِ))، وَحَدَّثَهُ جَمْهُورُ عُلَمَاءِ السُّنَّةِ رَضِيَ اللَّهُ عَنْهُمْ الْإِيمَانُ بِأَنَّهُ "تَصْدِيقُ مَا عَلِمَ مَجِيءُ الرَّسُولِ بِهِ صُرُورًا"، قَالَ عَبْدُ الرَّحْمَنِ السَّيُوطِيُّ فِي شَرْحِ الْكُوكَبِ: "فَالْإِيمَانُ فِي اللَّغَةِ التَّصْدِيقُ وَفِي الشَّرْعِ تَصْدِيقُ الْقَلْبِ بِكُلِّ مَا عَلِمَ بِالضَّرُورَةِ مَجِيءُ الرَّسُولِ بِهِ دُونَ الْأُمُورِ الْإِجْتِهَادِيَّةِ كَذَا قَالَه الْأَشْعَرِيُّ وَالْأَكْثَرُونَ أَخِذًا مِنْ قَوْلِهِ ﷺ فِي تَفْسِيرِهِ يَعْنِي الْإِيمَانُ"، انْتَهَى.

وَذَكَرَ الْإِمَامُ الْقُرْطُبِيُّ فِي شَرْحِ صَحِيحِ مُسْلِمٍ قَالَ، "مَذْهَبُ السَّلَفِ وَآيِمَةُ الْفَقْهَى مِنَ الْخَلْفِ أَنَّ مَنْ صَدَّقَ بِهِذِهِ الْأُمُورِ يَعْنِي الْوَاقِعَةَ فِي حَدِيثِ جَبْرِيلَ عَلَيْهِ السَّلَامُ لَمَّا جَاءَ إِلَى النَّبِيِّ ﷺ تَصْدِيقًا جَازِمًا كَانَ مُؤْمِنًا حَقِيقَةً سِوَاءَ كَانَ ذَلِكَ عَنْ بَرَاهِينٍ قَاطِعَةٍ أَوْ عَنْ إِعْتِقَادَاتٍ جَازِمَةٍ، وَعَلَى هَذَا انْفَرَضَتْ الْأَعْمَارُ الْكَرِيمَةُ"، انْتَهَى.

وَذَكَرَ الْعَيْنِيُّ فِي شَرْحِ الْبُخَارِيِّ، "أَنَّ الْإِيمَانَ عِنْدَ الْجَمْهُورِ تَصْدِيقُ الرَّسُولِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ فِي كُلِّ مَا عَلِمَ مَجِيئُهُ بِهِ بِالضَّرُورَةِ تَصْدِيقًا جَازِمًا مُطْلَقًا، سِوَاءَ كَانَ بِدَلِيلٍ أَوْ لَا، فَقَوْلُهُمْ: "مُجَرَّدُ التَّصْدِيقِ" إِشَارَةٌ إِلَى أَنَّهُ لَا يَعْتَبَرُ فِيهِ كَوْنُهُ مَقْرُونًا بِعَمَلِ الْجَوَارِحِ وَالتَّقْيِيدِ بِالضَّرُورَةِ لِإِخْرَاجِ مَا لَا يَعْلَمُ بِالضَّرُورَةِ أَنَّ الرَّسُولَ جَاءَ بِهِ كَالْإِجْتِهَادِيَّاتِ، فَإِنَّهَا غَيْرُ دَاخِلَةٍ فِي مُسَمِّي الْإِيمَانِ، وَلِهَذَا لَا يُكْفَرُ مُنْكَرُهَا بِالْإِجْمَاعِ وَالتَّقْيِيدِ بِالْجَازِمِ لِإِخْرَاجِ التَّصْدِيقِ الظَّنِّيِّ، فَإِنَّهُ غَيْرُ كَافٍ فِي حُصُولِ الْإِيمَانِ، وَالتَّقْيِيدُ بِالْإِطْلَاقِ لِرَفْعِ وَهْمِ خُرُوجِ إِعْتِقَادِ الْقَلْبِ، فَإِنَّ إِيْمَانَهُ صَحِيحٌ عِنْدَ الْأَكْثَرِينَ، وَهُوَ صَحِيحٌ"، انْتَهَى.

وَقَالَ أَحْمَدُ بْنُ حَجَرَ الْهَيْثَمِيُّ فِي الْفَتْحِ الْمُبِينِ: "الْإِيمَانُ لَعَةً مُطْلَقٌ التَّصْدِيقِ وَشَرْعًا التَّصْدِيقُ بِالْقَلْبِ فَقَطْ وَإِدْعَاؤُهُ لِمَا عَلِمَ بِالضَّرُورَةِ إِنَّهُ مِنْ دِينِ مُحَمَّدٍ ﷺ"، ثُمَّ قَالَ بَعْدَ كَلَامٍ: "وَحَدُّ الْإِيمَانِ بِمَا ذَكَرْنَاهُ وَهُوَ مُخْتَارُ جَمْهُورِ الْأَشَاعِيرَةِ وَعَلَيْهِ الْمَآثِرِيَّةُ"، ثُمَّ قَالَ بَعْدَ كَلَامٍ: "فَيَجِبُ التَّصْدِيقُ بِكُلِّ مَا جَاءَ بِهِ يَعْنِي مُحَمَّدًا ﷺ مِنَ الْإِعْتِقَادِيِّ وَهُوَ مَا قَصَدَ مِنْهُ إِعْتِقَادُهُ أَوْ عَمَلِيٍّ وَهُوَ مَا قَصَدَ مِنْهُ الْعَمَلُ، وَمَعْنَى التَّصْدِيقِ بِهِ إِعْتِقَادُ إِنَّهُ حَقٌّ وَصِدْقٌ كَمَا أَخْبَرَ بِهِ ﷺ، وَتَقَاصِيلُ هَذَيْنِ كَثِيرَةٌ جِدًّا إِذْ هُنَّ حَاصِلٌ

مَا فِي الْكُتُبِ الْكَلَامِيَّةِ وَدَوَاوِينِ السُّنَّةِ، فَأَكْتَفَى بِالْإِجْمَالِ وَهُوَ أَنْ يُقَرَّ بِقَوْلِ لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ، إِقْرَارًا مُطَابِقًا لِقَلْبِهِ وَإِسْتِسْلَامِهِ، وَأَمَّا التَّفَاصِيلُ فَمَا لَا حَظَّ مِنْهَا بِبَصِيرَتِهِ بِأَنْ جَذَبَهُ جَاذِبٌ إِلَى مُعْتَقِدِهِ وَجَبَ الْإِيمَانُ بِهِ"، إِنَّتَهَى.

وَقُلْتُ: وَحَدُّ الْإِيمَانِ بِأَنَّهُ تَصْدِيقُ مَا عُلِمَ مُجِئُ الرُّسُولِ بِهِ ضَرُورَةً، وَهُوَ الصَّحِيحُ الْمُعْتَمَدُ، وَعَلَيْهِ يُبْنَى تَصْحِيحُ إِيْمَانِ الْمُقَلَّدِ، فَتَشَدُّوا أَيْدِيكُمْ عَلَيْهِ لِأَنَّهُ الَّذِي عَلَيْهِ الْفَتْوَى مِنْ زَمَانِ الصَّحَابَةِ إِلَى قِيَامِ السَّاعَةِ.

وَبِاللَّهِ التَّوْفِيقُ



Institute of Islamic-African Studies International

Chapter One

On the Principles of Belief

Allah ta'ala says: “It is not righteousness that you turn your faces to the east and the west, but true righteousness is that you believe in Allah, the Hereafter, the Angels, the Heavenly Books and the Prophets.” The Messenger of Allah, ﷺ has said as related in the Sahih of Imam Muslim on the authority of Umar, when Jibril asked him, ﷺ about true belief (*imaan*): “It is that you believe in Allah, His Angels, His Heavenly Books, His Messengers and the Hereafter; and that you believe in the divine decree - its fortunate and unfortunate.” The majority of the scholars of the *Sunna*, may Allah be pleased with them have delineated the perimeters of belief (*imaan*) as: “Acceptance of what is known to have come from the Messenger by necessity.” Abd'r-Rahman 's-Suyuti said in his commentary upon the al-Kawkab: “True belief (*imaan*) linguistically means acceptance, while according to the *shari'a* it means, the acceptance of the heart of everything which is known by necessity that the Messenger came with, with exception to matters which emerge from independent judgment (*umuur 'l-ijtihaadiyya*).” It is in accordance with this that the majority of the Ash'ari theologians adhere, taking their proof from the words of the Messenger of Allah, ﷺ in his explanation of the meaning of true belief.

Imam al-Qurtubi mentioned in his commentary of the Sahih of Muslim: “The school of thought of the early community (*madh'hab 's-Salaf*) and the *Imams* of the later communities are agreed that whoever accepts these matters (meaning those mentioned in the above tradition of Jibril, upon him be peace, when he came to the Prophet, ﷺ) with firmly convinced belief is a believer in truth; regardless if that belief be derived from irrefutable proofs (*baraaheen qaatj'at*) or from affirmed tenets of belief (*i'tiqadaat jaazima*). In such manner the life span is made to have value.”

Imam al-'Ayniyyu in his commentary upon the Sahih of al-Bukhari: “True belief with the majority of the scholars means acceptance of the Messenger, upon him be peace in everything which is known to have come from him by necessity, with absolute certain acceptance; regardless if it is with proof or not. The words “unqualified acceptance” indicates that it is not necessary that this belief be connected to actions of the limbs. And the words “restricted with what is indispensable” excludes that which is not known by necessity to come from the Messenger, like tenets derived from independent judgment. For tenets of belief derived in this fashion is not included under that which is called belief (*imaan*). It is for this reason that the one who denies tenets of belief derived by independent judgment cannot be declared disbeliever (*laa yukaffaru*) by consensus of opinion. The meaning of “belief with absolute confirmation” is restricted in order to exclude acceptance by speculation. For speculation is not sufficient to acquire true belief. The scholars restrict the meaning of “absolute belief” in order to exclude belief based upon delusive fantasies from the tenets of beliefs established in the heart. For tenets of beliefs established in the heart is considered sound belief with the majority of the scholars.”

Ahmad ibn Hajr al-Haytami said in his al-Fat'hu 'l-Mubeen: “Belief linguistically is absolute acceptance, and according to the *shari'a* it is the acceptance of the heart only and compliance to what is known by necessity to be from the religion of Muhammad, ﷺ.” He also said after a little: “The perimeters of belief are simply based upon what we have mentioned. This is the chosen understanding of the majority of the Ash'ariyya and in line with this is the doctrine of the Maaturidiyya.”

He then said after a little: “It is obligatory to accept everything which he came with, meaning Muhammad, ﷺ. Tenets of beliefs means what the Messenger of Allah, ﷺ intended in his beliefs. While behavior is what He, upon him be peace, intended by his behavior. The meaning of acceptance is to believe as doctrine that it is the truth and truthful, just as he, ﷺ informed us. Now the minute details of these concepts are very extensive and have been defined in the books of scholastic theology and the intellectual accumulations of the *sunna*.

The general belief which is determined sufficient is to verbally pronounce that “THERE IS NO DIETY EXCEPT ALLAH, MUHAMMAD IS THE MESSENGER OF ALLAH”; affirmatively in conformity with the hearts absolute acquiescence. As for the minute details of belief, it is what is perceived by means of researched insight by formulating within his conviction that which is obligatory to have belief in.”

I say: The perimeter of true belief is acceptance of what is known by necessity to have come from the Messenger of Allah, ﷺ. This means to have sound subservience in it. It is upon this which true belief is built. Therefore, hold to it unflinchingly because this was and will be the basis of all the legal decisions from the time of the Companions up until the appearance of the Hour.

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الثَّانِي

فِي بَيَانِ أَنَّ مُتَعَلِّقَ الْأَحْكَامِ بِالظَّوَاهِرِ

قَالَ اللَّهُ تَعَالَى: ﴿وَلَا تَقُولُوا لِمَنْ أَلْفَى إِلَيْكُمْ السَّلَامَ لَسْتَ مُؤْمِنًا﴾ وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: ((أُمِرْتُ أَنْ أَقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ، فَإِذَا فَعَلُوا ذَلِكَ عَصَمُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّ الْإِسْلَامِ وَحِسَابُهُمْ عَلَى اللَّهِ))، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَمَا فِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أَنَسٍ، ((مَنْ صَلَّى صَلَاتِنَا وَأَسْتَقْبَلَ قِبْلَتَنَا وَأَكَلَ ذَبِيحَتَنَا فَذَلِكَ الْمُسْلِمُ الَّذِي لَهُ ذِمَّةُ اللَّهِ وَذِمَّةُ رَسُولِهِ فَلَا تُخْفَرُوا اللَّهَ فِي ذِمَّتِهِ))، وَقَالَ ابْنُ الْعَرَبِيِّ فِي الْأَحْكَامِ، "أَمَّا شَهَادَةُ اللِّسَانِ بِالْكَلامِ هُوَ الرُّكْنُ الظَّاهِرُ، وَعَلَيْهِ تُبْنَى الْأَحْكَامُ وَتَتَرْتَّبُ الْأَعْدَارُ وَالْإِعْتِصَامُ". إِنَّتَهَى

قُلْتُ: قَدْ أُنْعِدَ إِجْمَاعُ عُلَمَاءِ السُّنَّةِ رَضِيَ اللَّهُ عَنْهُمْ عَلَى أَنَّ مَنْ أَقَرَّ الشَّهَادَتَيْنِ جَرَتْ عَلَيْهِ الْأَحْكَامُ الْإِسْلَامِيَّةُ، قَالَ عَبْدُ السَّلَامِ بْنُ إِبْرَاهِيمَ اللَّقَانِي فِي شَرْحِ جَوْهَرَةِ التَّوْحِيدِ، "فَمَنْ أَقَرَّ جَرَتْ عَلَيْهِ الْأَحْكَامُ الْإِسْلَامِيَّةُ فِي الدِّينِ وَلَمْ يُحْكَمْ عَلَيْهِ بِكُفْرٍ إِلَّا إِذَا أَفْتَرَنَ عَلَيْهِ بِتَقْيِيدٍ يَدُلُّ عَلَى كُفْرِهِ، كَالسُّجُودِ لِلصَّنَمِ مَثَلًا". إِنَّتَهَى

قُلْتُ: أَقْسَامُ الْمُسْلِمِينَ ثَلَاثَةٌ: [1] مُسْلِمُونَ مِنْ حَيْثُ الطَّبِيعَةُ، فَهُمْ أَوْلَادُ الْمُسْلِمِينَ الَّذِينَ لَمْ يَبْلُغُوا حَدَّ النِّكَالِيفِ، [2] وَمُسْلِمُونَ مِنْ حَيْثُ الظَّاهِرُ فَقَطْ، فَهُمْ الَّذِينَ يَظْهَرُونَ الْإِسْلَامَ مَعَ فِسَادِ إِعْتِقَادِهِمْ، وَلَمْ يَعْلَمْ ذَلِكَ إِلَّا اللَّهُ، [3] وَمُسْلِمُونَ مِنْ حَيْثُ الظَّاهِرُ وَالْبَاطِنُ مَعًا، فَهُمْ الَّذِينَ أَظْهَرُوا الْإِسْلَامَ مَعَ صِحَّةِ إِعْتِقَادِهِمْ، نَبَّهَ عَلَى تَفْصِيلِ هَذِهِ الْأَقْسَامِ فَخُرَّ الْإِسْلَامُ الْبَرْدَوِيُّ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Two

On the Explanation That Judgment is Based On What is Apparent

Allah ta'ala says: “Do not say to those who give you the greetings of peace: ‘You are not a believer.’” He, ﷺ said as is related in the Sahih of al-Bukhari on the authority of Ibn Umar, may Allah be pleased with him: “I have been commanded to fight the people until they: [1] bear witness that there is no deity except Allah and that Muhammad is the Messenger of Allah; [2] establish the prayer; and [3] give the obligatory alms. If they do this then their blood and their property is protected from me, except by the rights of Islam - for their final reckoning is with Allah.” He, ﷺ, said as is related in the Sahih of al-Bukhari on the authority of Anas: “Whoever prays our prayer, faces our direction of prayer and eats our slaughtered meats - is a Muslim who is under the protection of Allah (*dhimmatu Allah*) and the protection of His Messenger. Therefore, be mindful of Allah regarding those under His protection.”

Ibn al-'Arabi says in his Ahkaam: “As for the witnessing (*shahadat*) of the tongue verified with speech - it is the outward pillar upon which are built all legal judgments and it is the outward judgment upon which defense and immunity is determined.”

I say: It is the agreement of the consensus of the scholars of the *sunna*, may Allah be pleased with them, that whoever verbally pronounces the two testimonies (*shahadatayn*) has secured for himself the judgment of Islam. Abd's-Salaam ibn Ibrahim 'l-Laqaani says in his commentary of his Jawharat 't-Tawheed: “Whoever makes the verbal pronouncement (of the *shahadatayn*) has secured the judgment of Islam regarding his religion. He can never be judged as a disbeliever except if there is associated with him by his own unequivocal conviction, that which corroborates his disbelief, like prostrating to idols for example.”

I say: The divisions of the Muslims are three: [1] those who are Muslim by birthright. These are the children of Muslims who have not attained the level of responsibility (*takleef*). [2] Those who are Muslim based upon the outward only. These are those who outwardly manifest Islam, while their tenets of beliefs (*i'tiqaad*) are erroneous and corrupt. However no one knows that about them except Allah. [3] There are those who are Muslims both in their outward and inward. These are those who outwardly manifest their Islam, accompanied with the soundness of their tenets of beliefs. *Imam* Fakhr 'l-Islam al-Badhdawi outlined these divisions in minute detail.

Success is with Allah.

الْبَابُ الثَّالِثُ

فِي عِلْمِ أَصُولِ الدِّينِ

وَأَقُولُ وَبِاللَّهِ التَّوْفِيقُ، إِنَّ اللَّهَ تَعَالَى أَثَبَّتَ جَمِيعَ أَصُولِ الدِّينِ فِي الْقُرْآنِ الْعَظِيمِ: إِلَاهِيَّاتِهَا وَنَبَوِيَّاتِهَا وَسَمْعِيَّاتِهَا.

الْأَدِلَاتُ لِإِلَاهِيَّاتِ مِنَ الْقُرْآنِ

لَأَنَّهُ تَعَالَى أَثَبَّتَ حُدُوثَ الْعَالَمِ بِقَوْلِهِ: ﴿وَهُوَ الَّذِي يَبْدُؤُ الْخَلْقَ ثُمَّ يُعِيدُهُ﴾، وَبِقَوْلِهِ تَعَالَى: ﴿خَالِقُ كُلِّ شَيْءٍ﴾، وَأَثَبَّتْ كَوْنَهُ وَاجِبَ الْوُجُودِ بِقَوْلِهِ: ﴿أَفِي اللَّهِ شَكٌّ فَاطِرِ السَّمَوَاتِ وَالْأَرْضِ﴾، [وَبِقَوْلِهِ: ﴿أَمْ خُلِقُوا مِنْ غَيْرِ شَيْءٍ أَمْ هُمُ الْخَالِقُونَ﴾، وَبِقَوْلِهِ: ﴿ذَلِكَ بِأَنَّ اللَّهَ هُوَ الْحَقُّ﴾، وَأَثَبَّتْ كَوْنَهُ قَدِيمًا بِقَوْلِهِ: ﴿هُوَ الْأَوَّلُ﴾، وَأَثَبَّتْ كَوْنَهُ بَاقِيًا بِقَوْلِهِ: ﴿وَتَوَكَّلْ عَلَى الْحَيِّ الَّذِي لَا يَمُوتُ﴾، وَأَثَبَّتْ كَوْنَهُ مُخَالِفًا لِخَلْقِهِ بِقَوْلِهِ: ﴿لَيْسَ كَمِثْلِهِ شَيْءٌ﴾، وَأَثَبَّتْ كَوْنَهُ غَنِيًّا بِقَوْلِهِ: ﴿وَاللَّهُ الْغَنِيُّ﴾، وَأَثَبَّتْ كَوْنَهُ وَاحِدًا بِقَوْلِهِ: ﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾ وَأَثَبَّتْ كَوْنَهُ قَادِرًا بِقَوْلِهِ: ﴿إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ﴾، وَأَثَبَّتْ كَوْنَهُ مُرِيدًا بِقَوْلِهِ: ﴿فَعَالٌ لِّمَا يُرِيدُ﴾، وَأَثَبَّتْ كَوْنَهُ عَالِمًا بِقَوْلِهِ: ﴿إِنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾، وَأَثَبَّتْ كَوْنَهُ حَيًّا بِقَوْلِهِ: ﴿هُوَ الْحَيُّ﴾، وَأَثَبَّتْ كَوْنَهُ سَمِيعًا بِقَوْلِهِ: ﴿أَسْمِعْ وَارَى﴾، وَأَثَبَّتْ كَوْنَهُ مُتَكَلِّمًا بِقَوْلِهِ: ﴿وَكَلَّمَ اللَّهُ مُوسَى تَكْلِيمًا﴾، وَأَثَبَّتْ كَوْنَهُ مُخْتَارًا فِي الْفِعْلِ وَالتَّرَكِّ بِقَوْلِهِ: ﴿وَرَبُّكَ يَخْلُقُ مَا يَشَاءُ وَيَخْتَارُ﴾.

الْأَدِلَاتُ لِنَبَوِيَّاتِ مِنَ الْقُرْآنِ

وَأَثَبَّتْ صَدَقُ الرُّسُلِ بِقَوْلِهِ: ﴿وَصَدَّقَ الْمُرْسَلُونَ﴾، وَأَثَبَّتْ أَمَانَتَهُمْ بِقَوْلِهِ فِي حِكَايَةِ قَوْلِهِمْ: ﴿إِنِّي لَكُمْ رَسُولٌ أَمِينٌ﴾، وَأَثَبَّتْ تَبْلِيغَهُمْ بِقَوْلِهِ: ﴿الَّذِينَ يُبَلِّغُونَ رِسَالَاتِ اللَّهِ﴾، وَبِقَوْلِهِ: ﴿لِيَعْلَمَ أَنْ قَدْ ابْلَغُوا رِسَالَاتِ رَبِّهِمْ﴾، وَأَثَبَّتْ كَوْنَهُمْ يَتَزَوَّجُونَ بِقَوْلِهِ: ﴿وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً﴾، وَأَثَبَّتْ كَوْنَهُمْ يَأْكُلُونَ الطَّعَامَ وَيَبِيعُونَ وَيَشْتَرُونَ بِقَوْلِهِ: ﴿يَأْكُلُونَ الطَّعَامَ وَيَمْشُونَ فِي الْأَسْوَاقِ﴾.

الْأَدِلَاتُ لِسَمْعِيَّاتِ مِنَ الْقُرْآنِ

وَأَثَبَّتْ الْمَلَائِكَةُ بِقَوْلِهِ: ﴿الْحَمْدُ لِلَّهِ فَاطِرِ السَّمَوَاتِ وَالْأَرْضِ جَاعِلِ الْمَلَائِكَةَ رُسُلًا أُولِي أَجْنَحَةٍ﴾، وَأَثَبَّتْ كَوْنَ الْمَوْتِ بِالْأَجَلِ بِقَوْلِهِ: ﴿فَإِذَا جَاءَ أَجْلُهُمْ لَا يَسْتَأْخِرُونَ سَاعَةً وَلَا يَسْتَقْدِمُونَ﴾،

وَأُثِّبَتْ تَثْبِيتَ الْمُؤْمِنِينَ عِنْدَ سُؤَالِ الْقَبْرِ بِقَوْلِهِ: «يُثَبِّتُ اللَّهُ الَّذِينَ آمَنُوا بِالْقَوْلِ الثَّابِتِ»، وَأُثِّبَتْ عَذَابُ الْقَبْرِ بِقَوْلِهِ: «أَخْرِجُوا أَنْفُسَكُمْ الْيَوْمَ تُجْزَوْنَ عَذَابَ الْهُونِ»، وَأُثِّبَتْ نَعِيمُهُ بِقَوْلِهِ: «فَأَمَّا إِنْ كَانَ مِنَ الْمُقَرَّبِينَ فَرَوْحٌ وَرَيْحَانٌ وَجَنَّةٌ نَعِيمٌ وَأَمَّا إِنْ كَانَ مِنَ أَصْحَابِ الْيَمِينِ فَسَلَامٌ لَكَ مِنْ أَصْحَابِ الْيَمِينِ»، وَأُثِّبَتْ الْبَعْثُ بِقَوْلِهِ: «إِنَّ السَّاعَةَ آتِيَةٌ لَا رَيْبَ فِيهَا وَأَنَّ اللَّهَ يَبْعَثُ مَنْ فِي الْقُبُورِ»، وَأُثِّبَتْ الْحَشَرُ بِقَوْلِهِ: «وَحَشَرْنَهُمْ فَلَمْ نُغَادِرْ مِنْهُمْ أَحَدًا»، وَأُثِّبَتْ إِيْتَاءُ الْكُتُبِ بِقَوْلِهِ: «فَأَمَّا مَنْ أُوتِيَ كِتَابَهُ بِيَمِينِهِ»، فِي الْمُؤْمِنِينَ، وَبِقَوْلِهِ: «وَأَمَّا مَنْ أُوتِيَ كِتَابَهُ بِشِمَالِهِ»، فِي حَقِّ الْكَافِرِينَ، وَأُثِّبَتْ وَزْنُ الْأَعْمَالِ بِقَوْلِهِ: «وَنُصِّعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ»، وَأُثِّبَتْ الْحِسَابُ بِقَوْلِهِ: «يَوْمَ يَقُومُ الْحِسَابُ»، وَأُثِّبَتْ الصِّرَاطُ بِقَوْلِهِ: «فَأَهْدُوهُمْ إِلَى صِرَاطٍ الْجَحِيمِ»، وَأُثِّبَتْ النَّارُ بِقَوْلِهِ: «إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا»، وَأُثِّبَتْ الْكَوْثَرُ بِقَوْلِهِ: «إِنَّا أَعْطَيْنَاكَ الْكَوْثَرَ»، وَأُثِّبَتْ الْجَنَّةُ بِقَوْلِهِ: «وَجَزَائِهِمْ بِمَا صَبَرُوا جَنَّةً وَحَرِيرًا»، وَأُثِّبَتْ رُؤْيَا الْمُؤْمِنِينَ لَهُ تَعَالَى فِي الْآخِرَةِ بِقَوْلِهِ: «وَجُوهٌ يَوْمَئِذٍ نَاصِرَةٌ إِلَى رَبِّهَا نَاطِرَةٌ»، فَهَذِهِ أَصُولُ الدِّينِ الْإِلَهِيَّتُهَا وَنَبَوِيَّاتُهَا وَسَمْعِيَّاتُهَا، قَدْ أَثْبَتَهَا اللَّهُ تَعَالَى كُلُّهَا فِي الْقُرْآنِ الْعَظِيمِ، وَكُلُّ مَا لَمْ نَذْكُرْ مِنْهَا فَهُوَ مُنْذَرَجٌ فِيهَا، وَيَجِبُ عَلَى كُلِّ مُكَلِّفٍ أَنْ يَتَعَقَّدَهَا كَمَا جَاءَتْ.

الأدلة لإلهيات من السنة

وَالنَّبِيُّ ﷺ أَثْبَتَ هَذِهِ الْأُصُولَ أَيْضًا فِي سُنَّتِهِ بِالْأَحَادِيثِ الْمُتَوَاتِرَةِ، وَنُشِيرُ إِلَى بَعْضِهَا هُنَا تَبَرُّكًا بِذِكْرِهَا، فَإِنَّهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ أَثْبَتَ حُدُوثَ الْعَالَمِ بِقَوْلِهِ كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ عَمَرَ بْنِ حُصَيْنٍ بِقَوْلِهِ: ((كَانَ اللَّهُ وَلَمْ يَكُنْ شَيْءٌ غَيْرُهُ))، وَأُثِّبَتْ كَوْنُهُ وَاجِبَ الْوُجُودِ بِقَوْلِهِ: ((الْحَقُّ))، فِي عَدَدِ أَسْمَاءِ اللَّهِ الْحُسْنَى كَمَا رَوَاهُ التِّرْمِذِيُّ وَغَيْرُهُ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ، وَأُثِّبَتْ كَوْنُهُ قَدِيمًا بِقَوْلِهِ: ((الْأَوَّلُ))، وَأُثِّبَتْ كَوْنُهُ بَاقِيًا بِقَوْلِهِ: ((الْبَاقِي))، وَبِقَوْلِهِ: ((الْآخِرُ))، وَأُثِّبَتْ كَوْنُهُ قَادِرًا بِقَوْلِهِ: ((الْقَادِرُ الْمُقْتَدِرُ))، وَأُثِّبَتْ كَوْنُهُ مُرِيدًا بِقَوْلِهِ: ((الْمُقَدِّمُ الْمُؤَخَّرُ))، وَأُثِّبَتْ كَوْنُهُ عَالِمًا بِقَوْلِهِ: ((الْعَلِيمُ))، وَأُثِّبَتْ كَوْنُهُ حَيًّا بِقَوْلِهِ: ((الْحَيُّ))، وَأُثِّبَتْ كَوْنُهُ مُخَالِفًا لِخَلْقِهِ بِقَوْلِهِ: ((الْقُدُّوسُ السَّلَامُ))، وَأُثِّبَتْ كَوْنُهُ غَنِيًّا بِقَوْلِهِ: ((الْغَنِيُّ))، وَبِقَوْلِهِ: ((الْقَيُّومُ))، وَأُثِّبَتْ كَوْنُهُ وَاحِدًا بِقَوْلِهِ: ((الْوَاحِدُ الْأَحَدُ الْفَرْدُ))، وَأُثِّبَتْ كَوْنُهُ سَمِيعًا بِقَوْلِهِ: ((السَّمِيعُ الْبَصِيرُ))، هَذَا كُلُّهُ فِي رِوَايَةِ التِّرْمِذِيِّ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ، وَأُثِّبَتْ كَوْنُهُ سَمِيعًا بَصِيرًا أَيْضًا بِقَوْلِهِ لِأَبِي مُوسَى مَعَ جَمَاعَةٍ مِنْ أَصْحَابِهِ: ((لَمَّا رَفَعُوا أَصْوَاتَهُمْ بِالتَّكْبِيرِ، أَرْفَعُوا

عَلَى أَنْفُسِكُمْ فَإِنَّكُمْ لَا تَدْعُونَ أَصَمَّ وَلَا أَعْمَى وَلَا غَائِبًا، وَإِنَّمَا تَدْعُونَ سَمِيعًا بَصِيرًا قَرِيبًا))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي مُوسَى.

قُلْتُ: قَدْ وَرَدَ وَصْفُهُ عَزَّ وَجَلَّ بِالْقَدِيمِ فِي حَدِيثِ الْحَاكِمِ فِي مُسْتَدْرَكِهِ، وَأُثِّبَتْ أَيْضًا عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَوْنُهُ عَزَّ وَجَلَّ مُتَكَلِّمًا بِقَوْلِهِ: ((إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى إِذَا أَحَبَّ عَبْدًا نَادَى جِبْرِيلَ عَلَيْهِ السَّلَامُ فِي السَّمَاءِ إِنَّ اللَّهَ قَدْ أَحَبَّ فَلَانًا فَأَحَبَّهُ فَيَحِبُّهُ جِبْرِيلُ، ثُمَّ يُنَادِي جِبْرِيلُ عَلَيْهِ السَّلَامُ فِي السَّمَاءِ إِنَّ اللَّهَ قَدْ أَحَبَّ فَلَانًا فَأَحِبُّوهُ، فَيَحِبُّهُ أَهْلُ السَّمَاءِ وَيُوضَعُ لَهُ الْقَبُولُ فِي أَهْلِ الْأَرْضِ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، وَأُثِّبَتْ أَيْضًا كَوْنُهُ عَزَّ وَجَلَّ مُتَكَلِّمًا بِقَوْلِهِ: ((مَا مِنْكُمْ مِنْ أَحَدٍ إِلَّا سَيَكْلِمُهُ رَبُّهُ لَيْسَ بَيْنَهُ وَبَيْنَهُ تَرْجُمَانٌ وَلَا حِجَابٌ يَحْجُبُهُ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ عَدِيِّ بْنِ حَاتِمٍ، وَأُثِّبَتْ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَوْنُهُ عَزَّ وَجَلَّ مُخْتَارًا بِقَوْلِهِ: ((الْمُقَدَّمُ الْمُؤَخَّرُ))، كَمَا مَرَّ ذَلِكَ فِي حَدِيثِ التِّرْمِذِيِّ فِي عَدِّ الْأَسْمَاءِ الْحُسْنَى.

الْأَدَلَاتُ لِنَبَوِّيَّاتٍ مِنَ السُّنَّةِ

وَأُثِّبَتْ أَيْضًا عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ صِدْقُهُ فِي كُلِّ مَا أَخْبَرَ بِهِ بِقَوْلِهِ: ((نَعَمْ، فَإِنِّي لَا أَقُولُ إِلَّا حَقًّا))، جَوَابًا لِعَبْدِ اللَّهِ بْنِ عُمَرَ لَمَّا قَالَ لَهُ، "يَا رَسُولَ اللَّهِ أَوْ أَكْتُبُ كُلَّ مَا سَمِعْتُهُ مِنْكَ فِي الْغَضَبِ وَالرِّضَى؟" رَوَاهُ أَبُو دَاوُدَ، وَأُثِّبَتْ أَمَانَتُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ بِقَوْلِهِ لِدِي الْخُوَيْصَرَةِ: ((وَيْلَكَ مَنْ يَعْدِلُ إِنْ لَمْ أَعْدِلْ!))، لَمَّا قَالَ لَهُ، "أَعْدِلْ!" كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، وَأُثِّبَتْ تَبْلِغُهُ الرِّسَالَةَ لِأَصْحَابِهِ بِقَوْلِهِ: ((أَلَا هَلْ بَلَغْتُ؟))، فَقَالُوا: "نَعَمْ"، قَالَ: ((اللَّهُمَّ أَشْهَدُ، فَلْيُبَلِّغِ الشَّاهِدُ الْعَائِبَ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ، "مَنْ حَدَّثَكَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَتَمَ شَيْئًا مِنَ الْوَحْيِ فَلَا تُصَدِّقْهُ"، رَوَاهُ الْبُخَارِيُّ أَيْضًا، وَأُثِّبَتْ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ جَوَازُ الْأَعْرَاضِ الْبَشَرِيَّةِ لَهُ بِقَوْلِهِ: ((وَاللَّهِ إِنِّي لِأَخْشَاكُمُ لِلَّهِ وَأَتَقَاكُمُ لَهُ لَكِنِّي أَصُومُ وَأَقِطِرُ وَأُصَلِّي وَأَرْقُدُ وَأَتَزَرَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَن سُنَّتِي فَلَيْسَ مِنِّي))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَنَسٍ، قُلْتُ: وَإِثْبَاتُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ الصِّدْقَ وَالْأَمَانَةَ وَالتَّبْلِغَ وَجَوَازَ الْأَعْرَاضِ الْبَشَرِيَّةِ لِنَفْسِهِ هُوَ عَيْنُ إِثْبَاتِهِ ذَلِكَ لِجَمِيعِ إِخْوَانِهِ مِنَ الرُّسُلِ لِجَامِعِ النَّبُوَّةِ.

الأدلة لسمعيات من السنة

وَأُثِّبَتْ أَيْضًا عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ الْمَلَائِكَةُ بِقَوْلِهِ: ((يَتَعَاقَبُونَ فِيكُمْ مَلَائِكَةٌ بِاللَّيْلِ وَمَلَائِكَةٌ
بِالنَّهَارِ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ، وَأُثِّبَتْ كَوْنُ الْمَوْتِ بِالْأَحْلِ بِقَوْلِهِ: ((وَكُلُّ إِلَى أَحَلِّ
مُسَمًّى))، كَمَا فِي حَدِيثِ أُسَامَةَ بْنِ زَيْدٍ فِي قِصَّةِ مَوْتِ بِنْتِ ابْنَتِهِ زَيْنَبَ عَلَيْهِمُ الصَّلَاةُ وَالسَّلَامُ، رَوَاهُ
الْبُخَارِيُّ فِي صَحِيحِهِ، وَأُثِّبَتْ سُؤَالُ الْقَبْرِ بِقَوْلِهِ: ((أَنَّ الْعَبْدَ إِذَا وُضِعَ فِي قَبْرِهِ وَتَوَلَّى عَنْهُ أَصْحَابُهُ أَتَاهُ
مَلَكَانِ، فَيَقْعُدَانِهِ فَيَقْلَانِ لَهُ، مَا كُنْتَ تَقُولُ فِي هَذَا النَّبِيِّ مُحَمَّدٍ ﷺ؟، فَأَمَّا الْمُؤْمِنُ فَيَقُولُ، أَشْهَدُ أَنَّهُ عَبْدٌ
لِلَّهِ وَرَسُولُهُ، وَأَمَّا الْكَافِرُ وَالْمُنَافِقُ فَيَقُولُ، لَا أَدْرِي))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَنَسٍ، وَفِي رِوَايَةٍ
لِأَبِي دَاوُدَ، فَيَقُولَانِ لَهُ، ((مَنْ رَبُّكَ وَمَا دِينُكَ وَمَا هَذَا الرَّجُلُ الَّذِي بُعِثَ فِيكُمْ؟ فَيَقُولُ الْمُؤْمِنُ، رَبِّي اللَّهُ
وَدِينِي الْإِسْلَامُ وَالرَّجُلُ الْمُبْعُوثُ رَسُولُ اللَّهِ ﷺ، وَيَقُولُ الْكَافِرُ فِي ثَلَاثَ، لَا أَدْرِي))، وَفِي رِوَايَةٍ
لِالتِّرْمِذِيِّ: ((يُقَالُ لِأَحَدِهِمَا الْمُنْكَرُ وَالْآخِرِ النَّكِيرُ))، وَأُثِّبَتْ عَذَابُ الْقَبْرِ وَنَعِيمُهُ وَبَعَثُ الْأَمْوَاتِ بِقَوْلِهِ:
((إِنَّ أَحَدَكُمْ إِذَا مَاتَ عُرِضَ عَلَيْهِ مَقْعَدُهُ بِالْعَذَابِ وَالْعَشَى، إِنْ كَانَ مِنْ أَهْلِ الْجَنَّةِ فَمِنْ أَهْلِ الْجَنَّةِ، وَإِنْ
كَانَ مِنْ أَهْلِ النَّارِ فَمِنْ أَهْلِ النَّارِ، فَيَقُولُ لَهُ، هَذَا مَقْعَدُكَ حَتَّى يَبْعَثَكَ اللَّهُ يَوْمَ الْقِيَامَةِ))، كَمَا فِي
صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عُمَرَ، وَأُثِّبَتْ عَذَابُ الْقَبْرِ أَيْضًا بِقَوْلِهِ: ((عَذَابُ الْقَبْرِ حَقٌّ))، كَمَا فِي صَحِيحِ
الْبُخَارِيِّ عَنْ عَائِشَةَ، وَبِقَوْلِهِ أَيْضًا لَمَّا مَرَّ عَلَى قَبْرَيْنِ: ((أَنْتَهُمَا لِيُعَذَّبَانِ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ
أَيْضًا عَنْ ابْنِ عَبَّاسٍ، وَأُثِّبَتْ الْمِيزَانُ بِقَوْلِهِ: ((كَلِمَتَانِ حَبِيبَتَانِ إِلَى الرَّحْمَانِ خَفِيفَتَانِ عَلَى اللِّسَانِ
ثَقِيلَتَانِ فِي الْمِيزَانِ: سُبْحَانَ اللَّهِ وَبِحَمْدِهِ، سُبْحَانَ اللَّهِ الْعَظِيمِ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي
هُرَيْرَةَ، وَأُثِّبَتْ صُحُفُ الْمَلَائِكَةِ الْكَتَبَةِ بِقَوْلِهِ: ((إِذَا كَانَ يَوْمُ الْجُمُعَةِ كَانَ عَلَى كُلِّ بَابٍ مِنْ أَبْوَابِ
الْمَسْجِدِ مَلَائِكَةٌ يَكْتُبُونَ، الْأَوَّلُ فَالْأَوَّلُ، فَإِذَا جَلَسَ الْإِمَامُ طَوَوْا الصُّحُفَ وَجَاءَ وَيَسْمَعُونَ الذِّكْرَ))، كَمَا
فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ، وَأُثِّبَتْ تِلْكَ الصُّحُفُ أَيْضًا بِحَدِيثِ السِّجَلَاتِ وَالْبِطَاقَةِ رَوَاهُ
التِّرْمِذِيُّ، وَأُثِّبَتْ عَلَيْهِ وَالسَّلَامُ أَيْضًا الصِّرَاطُ بِقَوْلِهِ: ((وَيُضْرَبُ جَسْرُ جَهَنَّمَ فَأَكُونُ أَوَّلَ مَنْ يَجِيزُ))،
كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ، وَبِقَوْلِهِ كَمَا فِي صَحِيحِ مُسْلِمٍ: ((جَسْرٌ مَمْدُودٌ عَلَى ظَهْرِ
جَهَنَّمَ أَدَقُّ مِنَ الشَّعْرِ وَاحِدٌ مِنَ السَّيْفِ))، وَأُثِّبَتْ الْكُوْثَرُ بِقَوْلِهِ: ((حَوْضِي مَسِيرَةُ شَهْرٍ مَأْوُهُ أَبْيَضٌ مِنَ
اللَّبَنِ وَرِيحُهُ أَطْيَبُ مِنَ الْمِسْكِ وَكِبْرَانُهُ كَنُجُومِ السَّمَاءِ، مَنْ شَرِبَ مِنْهُ فَلَا يَظْمَأُ أَبَدًا))، كَمَا فِي صَحِيحِ
الْبُخَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، وَأُثِّبَتْ الْجَنَّةُ وَالنَّارُ بِقَوْلِهِ: ((مَا مِنْ شَيْءٍ كُنْتُ لَمْ أَرَهُ إِلَّا قَدْ رَأَيْتُهُ فِي
مَقَامِي هَذَا حَتَّى الْجَنَّةُ وَالنَّارُ))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ فِي بَابِ صَلَاةِ الْكُسُوفِ مِنْ حَدِيثِ أَسْمَاءَ،

وَأُثِّبَتْ رُؤْيَا الْمُؤْمِنِينَ لِلَّهِ تَعَالَى بِقَوْلِهِ: ((إِنَّكُمْ سَتَرُونَ رَبَّكُمْ جَلَّ ثَنَاؤُهُ عَيْنًا)) كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ.

وَأَحَادِيثُ عِلْمِ أَصُولِ الدِّينِ مُتَوَاتِرَةٌ، وَإِنَّمَا أَقْتَصَرْنَا عَلَى إِيرادِ بَعْضِهَا إِيْخْتِصَارًا، وَأَمَّا حَدُّهُ كَمَا قَالَ عُلَمَاءُ السُّنَّةِ رَضِيَ اللَّهُ عَنْهُمْ، فَهُوَ عِلْمٌ يُبْحَثُ فِيهِ عَمَّا يَجِبُ إِعْتِقَادُهُ مِمَّا يَجِبُ لِلَّهِ وَمَا يَسْتَحِيلُ عَلَيْهِ وَمَا يَجُوزُ لَهُ، وَمَا يَجِبُ لِلرُّسُلِ وَمَا يَسْتَحِيلُ عَلَيْهِمْ وَمَا يَجُوزُ لَهُمْ، وَأُمُورُ الْبَرَزَخِ وَالْقِيَامَةِ، عَلَى قَنُونِ الْإِسْلَامِ، وَأَمَّا الْفَرْقُ بَيْنَهُ وَبَيْنَ عِلْمِ الْكَلَامِ، فَهُوَ أَنَّهُ، أَغْنِي عِلْمُ أَصُولِ الدِّينِ، إِذَا أَقْتَرَنَ بِهِ نَصَبُ الْأَدِلَّةِ الْعَقْلِيَّةِ مَعَ حِكَايَةِ أَقْوَالِ أَهْلِ الْإِدْعِ وَالْفَلَسَفَةِ، فَهُوَ عِلْمُ الْكَلَامِ، وَإِلَّا فَأُصُولُ الدِّينِ هَذَا هُوَ الْفَرْقُ بَيْنَهُمَا، وَمِنْهُمْ مَنْ يُسَمِّي أَصُولَ الدِّينِ عِلْمَ الْكَلَامِ لِأَنَّ أَوَّلَ مَسْئَلَةٍ وَقَعَتْ فِيهِ مَسْئَلَةُ الْكَلَامِ، ثُمَّ إِعْلَمَ أَنَّ كُلَّ مَا لَا يَجِبُ مَعْرِفَتُهُ فِي الْعَقَائِدِ لَا يُسَمَّى أَصُولَ الدِّينِ، بَلْ هُوَ أَيْضًا مِنْ عِلْمِ الْكَلَامِ، وَقَدْ أَطْبَقَ السَّلَفُ وَالْخَلَفُ عَلَى وَجُوبِ تَعَلُّمِ أَصُولِ الدِّينِ عَلَى كُلِّ مُكَلَّفٍ، وَأَمَّا عِلْمُ الْكَلَامِ فَهُوَ مِنْ فُرُوضِ الْكِفَايَاتِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Three

On the Science of the Foundation of the Religion

I say, and success is with Allah, that Allah ta'ala has established all of the foundations of the religion (*usuul'd-deen*) in the Mighty Qur'an: its divine (*ilaahiyyaat*); its prophetic (*nabawiyyaat*) and its after-life (*sam'iyaaat*).

Divinity (*ilaahiyyaat*)

This is because Allah ta'ala has established **the creation of the Universe** by His words: "*And He is the One who begins creation and then renews it.*"; and by His words: "*He is the Creator of everything.*" He the Exalted has established the fact that **His existence is absolutely necessary** by His words: "*Is there doubt regarding Allah, that He is the Originator of the heavens and the earth?*"; and by His words: "*Or have they been created by nothing?*"; and by His words: "*That is because Allah, He is the Real.*" He the Exalted has established the fact that **His existence is before time** by His words: "*He is the First.*" He the Exalted has established the fact that **His existence is continuous after-time** by His words: "*And rely upon the Living who will never die.*" He the Exalted has established the fact that **His existence is unlike His creation** by His words: "*There is nothing like Him.*" He the Exalted has established the fact that **His existence is Independent** by His words: "*And Allah is the Rich beyond dependence.*" He the Exalted has established the fact that **His existence is One Alone** by His words: "*Say: He Allah is One Alone.*" He the Exalted has established the fact that **His existence is omnipotent** by His words: "*Verily Allah has power over all things.*" He the Exalted has established the fact that **He has will** by His words: "*He does what He wills.*" He the Exalted has established the fact that **He is All-Knowing** by His words: "*Verily Allah knows all things.*" He the Exalted has established the fact that **He is Living** by His words: "*He is the Living.*" He the Exalted has established the fact that **He is All Hearing and Seeing** by His words: "*I hear and I see.*" He the Exalted has established the fact that **He is a Speaker** by His words: "*And Allah spoke to Moses directly.*" He the Exalted has established the fact that **He chooses in doing a thing or leaving it undone** by His words: "*And your Lord creates what He wills and He alone chooses.*"

Prophetic (*nabawwiyaaat*)

Allah the Exalted has established **the truthfulness of the Messengers** by His words: "*And indeed the Messengers told the truth.*" He the Exalted has established **their veracity** by His words narrated in their words: "*Verily I am a trustworthy Messenger to you.*" He the Exalted has established the fact that **they have delivered the message** by His words: "*Those who deliver the messages of Allah.*"; and by His words: "*In order that He may know that they have delivered the messages of their Lord.*" He the Exalted has established the fact that **they marry** by His words: "*For I have made for them wives and descendents.*" He the Exalted has established the fact that **they eat food and buy and sell in the markets** by His words: "*They eat food and they go through the markets.*"

After-Life(*sam'iyaaat*):

Allah the Exalted has established **the existence of the Angels** by His words: "*All praises are due to Allah who originated the Heavens and the Earth and made the Angels into messengers, the possessors of wings paired.*" He the Exalted has established **the existence of death at its appointed time** by His words: "*When their appointed time comes, then they cannot postpone it nor push it forward.*" He the Exalted has established that **the believers will be supported during the questioning of the grave** by His words: "*Allah will support those who believe with a well established pronouncement in the life of this world.*" He the Exalted has established **the punishment of the grave** by His words: "*Come out of the punishment if you can! This Day is the reward of disgrace!*" He the Exalted has established **the blessing of the grave** by His words: "*Then if he is from among those who*

are brought near, then for him will be refreshments and sweet smells and Gardens of ease. And if he be from among the Companions of the right-hand, then Peace ' for the Companions of the right-hand!" He the Exalted has established **the Resurrection** by His words: "*The Hour is approaching, there is no doubt in it; and Allah will resurrect those who are in the graves.*" He the Exalted has established **the Gathering** by His words; "*I will definitely round them up all together, and I will not abandon one of them.*" He has established **the giving of Books** by His words: "*As for him who will be given his book in his right-hand.*"; regarding the believers. And "*As for him who will be given his book in his left-hand.*"; regarding the disbelievers. He the Exalted has established **the weighing of actions** by His words: "*I will make the Scales precise for the Day of Standing.*" He the Exalted has established **the Reckoning** by His words: "*The Day when the Reckoning will be established.*" He the Exalted has established **the Bridge** by His words: "*So usher them to the bridge of Hell!*" He the Exalted has established **the Fire** by His words: "*Verily I have prepared the Fire for the unjust!*" He has established **the fountain called al-Kawthar** by His words: "*Verily I have given you the Kawthar.*" He has established **the Garden of Paradise** by His words: "*They have been rewarded gardens and silk for what they were patient.*" He has established **the Vision of the Lord by the believers in the Hereafter** by His words: "*Faces on that Day will be gazing on their Lord radiantly.*"

These are the foundations of the religion: its divine; prophetic and after-life. Allah ta'ala has established all of them in the Mighty Qur'an. Whatever we have failed to mention explicitly is subsumed elsewhere in the text. It is obligatory for every responsible person to believe in them as they came.

The Sunna:

The Prophet, ﷺ, has also established these foundations by means of his *Sunna* in unbroken transmitted traditions (*ahaadeeth mutawaatira*). I will denote some of them here taking *baraka* by mentioning them.

Divinity (ilaahiyaat)

The Prophet, ﷺ, has established **the creation of the Universe** by his words as related in the *Sahih* al-Bukhari on the authority of `Umran ibn Hussain: "Allah was, and there did not exist anything with Him." He, ﷺ, has established that **Allah's existence is absolutely necessary** by his words: "He is the Real"; as related regarding the beautiful names of Allah by Tirmidhi and others in the tradition of Abu Hurayra. He ﷺ, has established that **Allah's existence is before time** by his words: "He is the First." He ﷺ, has established the fact that **Allah's existence is continuous after-time** by his words: "He is the Continuous after-time."; and by his words: "He is the Last." He ﷺ, has established that **Allah is omnipotent** by his words: "He is the Powerful, the Over-powering." He ﷺ, has established that **Allah's existence has will** by his words: "He is the One who puts forward and the Postponer." He ﷺ, has established that **Allah is all knowing** by his words: "He is the All-Knowing." He ﷺ, has established that **Allah is living** by his words: He is the Living." He ﷺ, has established that **Allah is unlike His creation** by his words: "He is the Inviolable the Peace." He ﷺ, has established that **Allah is independent** by his words: "He is the Independently Rich." He ﷺ, has established that **Allah is one-alone** by his words: "He is the One, the Alone, the Unique." He ﷺ, has established that **Allah is hearing and seeing** by his words: "He is the All-Hearing the All-Seeing." All the above was taken from the narration of al-Tirmidhi on the authority of Abu Hurayra. He ﷺ, has also established that **Allah is hearing and seeing** by his words to Abu Musa and a group of his Companions when they

raised their voices during the *takbeer*: “Proceed gently to yourselves! For you are not calling upon One who is deaf, blind or absent. You are calling One who is Hearing, Seeing and Present!”; as related in the Sahih of al-Bukhari on the authority of Abu Musa. I say: Allah’s description, may he be exalted and majestic, of being **before-time** is narrated in a tradition from al-Haakim in his Mustadrak.

He ﷺ, has also established that **Allah is a speaker** by his words: “Verily when Allah loves a servant, He calls Jibril, upon him be peace and says: Verily Allah loves so-and-so, therefore love him’ Then Jibril loves him. Then Jibril, upon him be peace, calls out in the heavens; ‘Verily Allah loves so-and-so, therefore love him!’ Then the people of the heavens love him. Then acceptance of him is placed in the hearts of the people of earth”; as related in the Sahih of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him. He ﷺ, has also established that **Allah is a speaker** by his words as related in Sahih al-Bukhari on the authority of `Adi ibn Haatim: “There is none among you except that he speaks to his Lord without any translator nor with any veil between Him and him.” He ﷺ, has also established that **Allah is a chooser** by his words: “He is the One who puts forward and the Postponer.”; as mentioned above in the tradition related from at-Tirmidhi about the number of the Divine Names of Allah ta’ala.

Prophetic (nabawwiyaat)

The Prophet, ﷺ, has also established **his truthfulness in all that he informed others about** by his words: “Yes, for verily I do not say anything except the truth.” This was in answer to Abdallah ibn Umar when he asked him, ﷺ: "O Messenger of Allah! Shall I write down everything that I hear from you, whether it be out of anger or joy?"; as related by Abu Dawuud. He ﷺ has established **his veracity** by his words to Dhi al-Khuwaisira; “Woe to you! Who will be just to you if I am not just to you!?” He said this when Dhi al-Khuwaisira) said to him, ﷺ: "Be just!"; as related in the Sahih of al-Bukhari on the authority of Abu Sa’id al-Khudri. He ﷺ, has established that **he delivered the message** by his words: “Have I not delivered the message?” They said; "Yes!" He, ﷺ then said: “O Allah bear witness. So let those who have witnessed it deliver it to those who are absent.”; as related in the Sahih of al-Bukhari on the authority of Abu Bakr, may Allah be pleased with him. On the authority of A’isha, may Allah be pleased with her, she said: “Whoever relates to you that the Prophet, ﷺ, concealed anything from the revelation - do not believe him!” This is related by al-Bukhari. He ﷺ, has established **the permissibility of non-essential human qualities** by his words: “By Allah, I am more fearful of Allah than you and I am more mindful of my duty to Allah than you. Yet, I fast, break my fast, pray, sleep and marry women. So whoever dislikes my *Sunna* is not from me.”; as related in Sahih al-Bukhari on the authority of Anas. I say, when he ﷺ, establishes **the truthfulness, veracity, delivering the message and the permissibility of non-essential human qualities** for himself in particular, he at the same time establishes these for his brothers from among the Messengers and with all of the Prophets.

After-Life (sam`iyyaat)

He, ﷺ, has also established **the existence of Angels** by his words: “There come to you Angels by night and Angels by day consecutively”; as related in the Sahih of al-Bukhari on the authority of Abu Hurayra. He, ﷺ, has established **death at its appointed time** by his words: “Everything has an appointed time”; from the tradition of Usama ibn Zaid on the occasion of the death of the son of his

daughter, ﷺ; as related by al-Bukhari. He, ﷺ, has established **the questioning of the grave** by his words: “Verily the slave when he is placed in his grave and his companions go away - there comes to him two Angels. They then sit him up and say to him, ‘What did you used to say about that Prophet Muhammad, ﷺ?’ If he is a believer, he will say, I bear witness that he is the slave of Allah and His Messenger.’ If he is a disbeliever or a hypocrite, he will say, ‘I don’t know.’”; as related in the Sahih of al-Bukhari on the authority of Anas. In the narration of Abu Dawuud he, ﷺ, said, “Then they (the Angels) will say to him, ‘Who is your Lord? What is your *deen*? And who is that man who was raised up among you?’ Then the believer will say, ‘My lord is Allah. My *deen* is al-Islam. And the man who was raised up amongst us is the Messenger of Allah, ﷺ.’ The disbeliever will say to all three questions, ‘I don’t know.’” In the narration from al-Tirmidhi he, ﷺ, said: “It is said that one of them is named *Munkar* and the other one is named *Nakir* .”

He, ﷺ, has established **the punishment of the grave it’s blessing and the resurrection of the dead** by his words: “Verily when one of you dies, his eternal resting place is shown to him in the morning and in the evening. If he were among the people of the Garden, then he is from the people of the Garden. If he were among the people of the Fire, then he is among the people of the Fire. It will be said to him: ‘This is your resting place until Allah resurrects you on the Day of Judgment’,”; as related in the Sahih of al-Bukhari on the authority of Ibn ‘Abass. He, ﷺ, has also established **the punishment of the grave** by his words: “The punishment of the grave is true.”; as related in Sahih al-Bukhari on the authority of A’isha. He, ﷺ, has established **the Scales** by his words: “There are two words which are light upon the tongue, heavy upon the scales and beloved to the *al-Rahmaan*; ‘Glory be to Allah and to Him is the Praise, Glory be to Allah the Mighty’.”; as related in Sahih al-Bukhari on the authority of Abu Hurayra.

He, ﷺ, has established **the Books by the Angels** by his words: “On the day of *juma`a* an Angel stands at the every door of the mosque recording the first of the people to enter until the *imam* sits on the *minbar*. Then they close the books and come to listen to the reminder”; as related in the Sahih of al-Bukhari on the authority of Abu Hurayra. He, ﷺ, has also established these **books of deeds** in the tradition of the scrolls and the slip of paper as related by al-Tirmidhi.

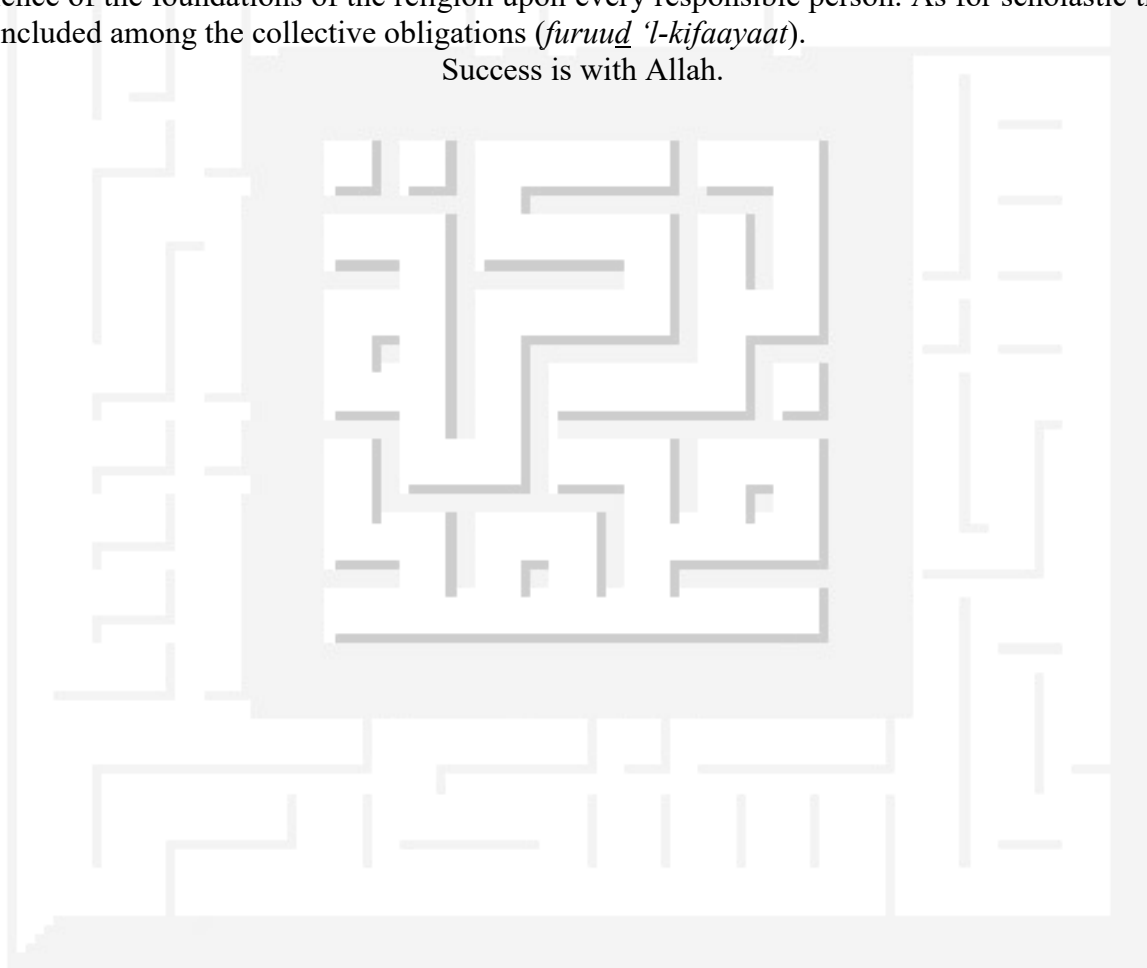
He, ﷺ, has established **the Bridge** by his words: “The bridge over Hell-Fires will be set up, and I will be the first one to be allowed over it.”; as related in the Sahih of al-Bukhari on the authority of Abu Hurayra. And it is also established by his words as related in the Sahih of Muslim: “The bridge will be extended over the surface of the Hell-Fires; it will be more finer than a blade of grass and sharper than a sword.” He, ﷺ, has established **the Fountain** by his words: “My fountain is as extensive as a months travel. Its water is as white as milk. Its scent is better than musk and its treasures are as numerous as the stars in the sky. Whoever drinks from it will never be thirsty.”; as related in the Sahih of al-Bukhari on the authority of Abdallah ibn Umar. He, ﷺ, has established **the Garden and the Fire** by his words: “There is nothing which I have not seen before except that I have just seen it in this place of mine, even the Garden and the Fire.”; as related in the Sahih of al-Bukhari in the section of the eclipse prayer (*salaat 'l-kusuuf* from the tradition of Asma. He, ﷺ, has established **the vision of Allah the Exalted by the believers** by his words: “Verily you will see your Lord may His praise be exalted with your own eyes”; as related in the Sahih of al-Bukhari on the authority of Jaabir ibn Abdallah, may Allah be pleased with him.

The traditions (*ahaadeeth*) of the foundations of the *deen* are continuous and unbroken (*mutawaatir*), thus we have restricted some of it out of the desire to make it more concise. As for the

perimeters of this science, the scholars of the *Sunna*, may Allah be pleased with them have said: “It is a science which researches into what is obligatory to believe in regarding what is necessary (*yajibu*) to Allah, what is impossible (*yastaheelu*) to Allah and what is conceivable (*yajuuzu*) for Him. It searches into what is necessary for the Messengers, what is impossible for them and what is conceivable for them. It also searches into the matters of the intermediate world (*barzakh*) and the Day of Standing (*qiyaama*) - all based upon the canons of Islam. As for the distinction between this science (meaning the science of the foundations of the religion) and the science of scholastic theology (*`ilm 'l-kalaam*): when *usuul 'd-deen* is coupled with the devising of sound rational proofs (*adilat haqeeqat*) along with mentioning the circumstances behind the teachings of the people of heretical innovation (*ahl 'l-bid'a*) and the philosophers (*al-falsafa*) - then this is considered the science of scholastic theology (*`ilm 'l-kalaam*) and the foundations of the religion (*usuul 'd-deen*). This is the distinction between these two sciences. There are some scholars who call the science of the foundations of the religion the science of scholastic theology because the earliest issue that emerged from it was the issue of the speech of Allah.

Then realize that everything that is not obligatory to know regarding tenets of beliefs is not called the foundations of the religion. Rather, it is also included among the science of scholastic theology. The early community and the later community have agreed upon the obligation of learning the science of the foundations of the religion upon every responsible person. As for scholastic theology - it is included among the collective obligations (*furuud 'l-kifaayaat*).

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الرَّابِعُ

فِي الْإِسْتِبْرَاءِ

قَالَ اللَّهُ تَعَالَى فِي مَدْحِ أَهْلِ قُبَاءٍ: ﴿فِيهِ رِجَالٌ يُحِبُّونَ أَنْ يَتَطَهَّرُوا وَاللَّهُ يُحِبُّ الْمُطَهَّرِينَ﴾، فَقَدْ وَرَدَ فِي حَدِيثِ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: "أَنَّ رَسُولَ اللَّهِ ﷺ سَأَلَ أَهْلَ قُبَاءٍ لِمَا نَزَلَتْ فِيهِمْ: ﴿فِيهِ رِجَالٌ يُحِبُّونَ أَنْ يَتَطَهَّرُوا وَاللَّهُ يُحِبُّ الْمُطَهَّرِينَ﴾، الْأَيُّهُ فَقَالُوا: "نَتَّبِعُ الْحِجَارَةَ بِالْمَاءِ"، رَوَاهُ الْبَزَّازُ وَصَحَّحَهُ ابْنُ حُرَيْمَةَ، وَأَصْلُهُ فِي التِّرْمِذِيِّ وَأَبِي دَاوُدَ، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ مَرَّ بِقَبْرَيْنِ فَقَالَ: ((إِنَّهُمَا لَيُعَذَّبَانِ وَمَا يُعَذَّبَانِ فِي كَبِيرٍ، أَمَّا أَحَدُهُمَا فَكَانَ لَا يَسْتَبِرُّ مِنَ الْبَوْلِ، وَأَمَّا الْآخَرُ فَكَانَ يَمْشِي بِالنَّمِيمَةِ)).

قَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصِرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - وَوَجَبَ الْإِسْتِبْرَاءُ بِإِسْتِفْرَاحِ أَحْبَبْتِيهِ، "وَدَلِيلُ وَجُوبِ الْإِسْتِبْرَاءِ مَا فِي بَعْضِ رَوَايَاتِ الصَّحِيحَيْنِ فِي صَاحِبِ أَحَدِ الْقَبْرَيْنِ الَّذِينَ مَرَّ بِهِمَا النَّبِيُّ ﷺ: ((وَأَمَّا أَحَدُهُمَا فَكَانَ لَا يَسْتَبِرُّ مِنَ الْبَوْلِ)) فِي الْجَامِعِ شَرْحِ الْمُخْتَصِرِ: "الْإِسْتِبْرَاءُ وَاجِبٌ بِلَا خِلَافٍ لِحَدِيثِ الْقَبْرَيْنِ: ((إِنَّهُمَا لَيُعَذَّبَانِ وَمَا يُعَذَّبَانِ فِي كَبِيرٍ، أَمَّا أَحَدُهُمَا فَكَانَ يَمْشِي بِالنَّمِيمَةِ، وَأَمَّا الْآخَرُ فَكَانَ لَا يَسْتَبِرُّ مِنَ الْبَوْلِ)).

وَبِاللَّهِ التَّوْفِيقُ

Chapter Four

On Freeing Oneself of Impurities

Allah ta'ala says regarding praise of the people of Quba: *"In it are men who love to purify themselves. Allah loves those who have a care for purity."* It is narrated in the tradition of Abu Hurayra, may Allah be pleased with him: "The Messenger of Allah, ﷺ asked the people of Quba regarding the reason of the revelation of the verse: *"In it are men who love to purify themselves. Allah loves those who have a care for purity."* They said: "We follow the purification with stone with that of water." This is related by al-Bazaar and was authenticated by Ibn Huzayma. Its source is from at-Tirmidhi and Abu Dawud. It is related in the Sahih of al-Bukhari on the authority of Ibn 'Abass: "The Messenger of Allah, ﷺ once passed by two graves and said: "Verily these two are being punished. However, they are not being punished for major sins. As for the first of them, he never purified himself from urine. As for the other, he used to spread slander."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar where the *shaykh* said: - It is obligatory to purify oneself by completely removing impurities from the two private parts – "The proof for the obligation of purifying oneself is in what some of the narrations of the two Sahih collections regarding the companion of the first of the two graves which the Prophet, ﷺ passed by and said: 'As for the first of them, he never purified himself from urine'."

It says in the al-Jaami' the commentary upon the al-Mukhtasar: "Purifying oneself is obligatory without any disagreement, based upon the tradition of the two graves: "Verily these two are being punished. However, they are not being punished for major sins. As for the first of them, he never purified himself from urine. As for the other, he used to spread slander."

Success is with Allah.

الْبَابُ الْخَامِسُ

فِي الْمَاءِ الطَّهُورِ الْمُطَهَّرِ

قَالَ اللَّهُ تَعَالَى: ﴿وَأَنْزَلْنَا مِنَ السَّمَاءِ مَاءً طَهُورًا﴾، وَقَالَ تَعَالَى: ﴿وَيُنْزِلُ عَلَيْكُمْ مِنْ السَّمَاءِ مَاءً لِيُطَهِّرَكُمْ بِهِ﴾، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((لَا تُقْبَلُ صَلَاةٌ بِغَيْرِ طَهُورٍ))، رَوَاهُ التِّرْمِذِيُّ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، وَقَالَ ﷺ كَمَا فِي حَدِيثِ ابْنِ مَاجَةَ: ((الْمَاءُ لَا يُنَجِّسُهُ شَيْءٌ إِلَّا مَا غَلَبَ عَلَى رَائِحَتِهِ أَوْ طَعْمِهِ أَوْ لَوْنِهِ))، وَفِي رِوَايَةٍ: ((خَلَقَ اللَّهُ الْمَاءَ طَهُورًا لَا يُنَجِّسُهُ شَيْءٌ إِلَّا مَا غَيَّرَ لَوْنَهُ أَوْ طَعْمَهُ أَوْ رِيحَهُ)).

قَالَ فِي عُمْدَةِ الْبَيَانِ شَرْحُ الْأَخْضَارِيِّ: "إِنْ تَغَيَّرَ لَوْنُهُ أَوْ طَعْمُهُ كَانَ نَجَسًا بِالْإِجْمَاعِ، وَإِنْ تَغَيَّرَ رِيحُهُ كَانَ نَجَسًا أَيْضًا عَلَى الْمَعْرُوفِ مِنَ الْمَذْهَبِ، وَعَنْ ابْنِ الْمَاجِشُونِ، "إِنَّهُ لَا يُنَجِّسُ بِتَغْيِيرِ الرِّيحِ"، وَقَالَ فِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "لَا خِلَافَ فِي الْأَوَّلَيْنِ يَعْني اللَّوْنُ وَالطَّعْمُ"، وَقَالَ عَبْدُ الْمَالِكِ: "لَا عِبْرَةَ بِتَغْيِيرِ الرِّيحِ، وَالْمَشْهُورُ خِلَافُهُ".

قُلْتُ: مُعْتَمِدٌ مَنْ لَمْ يَعْتَبِرْ بِتَغْيِيرِ الرِّيحِ سُقُوطُهُ فِي بَعْضِ طُرُقِ هَذَا الْحَدِيثِ الْمُتَقَدِّمِ، قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - لَا بِمُتَغْيِرِ لَوْنًا أَوْ طَعْمًا أَوْ رِيحًا - "إِنَّمَا قَدَّمَ الْمُؤَلِّفُ اللَّوْنَ عَلَى الطَّعْمِ لِقُوَّةِ الْخِلَافِ فِيهِ وَإِلَّا كَانَ الْوَاجِبُ تَقْدِيمُ الطَّعْمِ لِلِإِتِّفَاقِ عَلَيْهِ، وَآخِرَ الرِّيحِ لِضَعْفِ الْخِلَافِ فِيهِ لِأَنَّ مَشْهُورَ الْمَذْهَبِ أَنَّهُ يَضُرُّ كَمَا صَرَّحَ بِهِ ابْنُ عَرَفَةَ وَغَيْرُهُ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Five

On Pure Cleansing Water

Allah ta'ala says: “*I have sent down from the heavens pure water.*” Allah ta'ala says: “*There has come down from the heavens water in order that you may purify yourselves with it.*” The Prophet, ﷺ said: “The prayer is not accepted without purification.” This was related by at-Tirmidhi on the authority of Ibn Umar, may Allah be pleased with both of them. The Messenger of Allah, ﷺ said as is related in the tradition of Ibn Maja: “Water is not made impure by anything except what overwhelms its smell, its taste or its color.” In another narration, [he, upon him be peace said]: “Allah created water pure. Nothing makes it impure except what alters its color, its taste or its smell.”

It says in the 'Umdat 'l-Bayaan the commentary upon the al-Akdaari: “The altering of the color and taste of water makes it impure (*najas*) by consensus of opinion (*bi 'l-ijmaa'i*). While the altering of its smell makes its impure according to what is best known from the Maliki *madh'hab*. It has been related from Ibn'l-Maajishun: “Water is not made impure by the altering of its smell.” It is said in the Miftaah's-Sadaad the commentary upon the Irshaad 's-Saalik: “There is no disagreement regarding the first two (meaning the altering of the color and the taste).” Abd'l-Malik said: “There is no consequence with the altering of the smell of water. However, the most well known established view opinion is in disagreement with this.”

I say: The legal reliance of the one who does not consider water impure with the altering of its smell is discarded based upon some of the paths of these above mentioned prophetic traditions. Al-Khurashi said in his commentary upon the al-Mukhtasar regarding the words of the author: “Water which is not altered in its color, taste and smell” - the author mentioned color prior to taste due to the strength of the difference among the scholars regarding it. Otherwise it is obligatory to mention taste prior to color due to the unanimous agreement regarding it. He deferred mentioning smell for last due to the weakness of the difference among the scholars regarding it. This is because the most well-known established view of the Maliki *madh'hab* is that the water becomes impaired by the change of its smell, as Ibn 'Arafa and others clarified it.

Success is with Allah.

الْبَابُ السَّادِسُ

فِي الْغَسْلِ مِنَ الْجَنَابَةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا﴾، وَقَالَ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّى تَغْتَسِلُوا﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: ((إِذَا جَلَسَ أَحَدُكُمْ بَيْنَ شُعْبَيْهَا الْأَرْبَعِ ثُمَّ جَهَّذَهَا فَقَدْ وَجَبَ الْغَسْلُ))، وَزَادَ مُسْلِمٌ: ((وَإِنْ لَمْ يَنْزِلْ))، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: "كُنَّا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَصَابَتْ إِحْدَانَا جَنَابَةٌ أَخَذَتْ بِيَدَيْهَا ثَلَاثًا فَوْقَ رَأْسِهَا، ثُمَّ تَأْخُذُ بِيَدِهَا عَلَى شِقِّهَا الْأَيْمَنِ، وَبِيَدِهَا الْأُخْرَى عَلَى شِقِّهَا الْأَيْسَرِ"، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ، أَيْضًا رَضِيَ اللَّهُ عَنْهَا: "أَنَّ النَّبِيَّ ﷺ، كَانَ إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ بَدَأَ بِغَسْلِ يَدَيْهِ، ثُمَّ يَتَوَضَّأُ كَمَا يَتَوَضَّأُ لِلصَّلَاةِ، ثُمَّ يَدْخُلُ أَصَابِعُهُ فِي الْمَاءِ فَيُخَلِّلُ بِهِمَا أَصُولَ شَعْرِهِ، ثُمَّ يَصُبُّ عَلَى رَأْسِهِ ثَلَاثَ غَرَفَاتٍ بِيَدَيْهِ، ثُمَّ يُفِيضُ الْمَاءَ عَلَى جِلْدِهِ كُلِّهِ".

قُلْتُ: قَدْ أُنْعَقَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الْغَسْلِ.

وَبِاللَّهِ التَّوْفِيقُ.

Chapter Six

On the Bath From Ritual Impurity

Allah ta'ala says: “*And when you are in a state of ritual uncleanness purify yourselves.*” He ta'ala says: “*O you Who believe! Do not come near prayer when you are intoxicated until you know what you are saying. And do not come near prayer while you are in a state of ritual uncleanness until you bath yourselves.*”

It is related in the Sahih of al-Bukhari on the authority of Abu Hurayra that the Prophet said: “When a man sits in between the fore-parts of a woman and has sexual intercourse with her, then *ghusl* becomes obligatory.” And Muslim added; “Even if he does not emit (sperm).”

It is related in the Sahih of al-Bukhari on the authority of A'isha, may Allah be pleased with her, who said: “When one of us was affected with ritual impurity, she would take three handfuls of water over her head. She would then take her hand and rub the right side of her body (with water) and with her other hand upon the left side of her body (with water).”

It is related in the Sahih of al-Bukhari on the authority of A'isha also, may Allah be pleased with her who said: “When the Prophet, ﷺ, used to make *ghusl*, he used to begin with washing his hands. He would then do ablution like the ablution for prayer. He would then enter his fingers in the water and then rub them through the roots of his hair. He would then pour three handfuls of water over his head. He would then run or spread water over his entire body.”

I say: The consensus of the *umma* is unanimous regarding the obligation of bathing from ritual impurity.

Success is with Allah.

الْبَابُ السَّابِعُ

فِي الْوُضُوءِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ: ((لَا يَقْبَلُ اللَّهُ صَلَاةَ مَنْ أَحْدَثَ حَتَّى يَتَوَضَّأَ))، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا حَدَّثَنَا مُوسَى حَدَّثَنَا وَهْبٌ عَنْ عَمْرِو بْنِ أَبِيهِ، قَالَ: "شَهِدْتُ عَمْرَو بْنَ أَبِي حَسَنٍ سَأَلَ عَبْدَ اللَّهِ بْنَ زَيْدٍ عَنْ وَضُوءِ النَّبِيِّ ﷺ: "فَاكْفَأْ عَلَى يَدَيْهِ مِنَ التُّورِ، فَغَسَلَ يَدَيْهِ ثَلَاثًا، ثُمَّ أَدْخَلَ يَدَهُ فِي التُّورِ، فَمَضَمَضَ وَأَسْتَنْشَقَ وَأَسْتَنْشَرَّ ثَلَاثَ غَرَاقَاتٍ، ثُمَّ أَدْخَلَ يَدَهُ فَغَسَلَ وَجْهَهُ ثَلَاثًا، ثُمَّ غَسَلَ يَدَيْهِ مَرَّتَيْنِ إِلَى الْمِرْفَقَيْنِ، ثُمَّ أَدْخَلَ يَدَيْهِ فَمَسَحَ رَأْسَهُ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ بِهِمَا مَرَّةً وَاحِدَةً، ثُمَّ غَسَلَ رِجْلَيْهِ إِلَى الْكَعْبَيْنِ".

قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الْوُضُوءِ، قَالَ الْبُخَارِيُّ فِي صَحِيحِهِ: "بَيَّنَّ النَّبِيُّ ﷺ أَنْ فَرَضَ الْوُضُوءَ مَرَّةً مَرَّةً، وَتَوَضَّأَ أَيْضًا مَرَّتَيْنِ وَثَلَاثًا وَلَمْ يَزِدْ عَلَى ثَلَاثَةٍ، وَكَرِهَ أَهْلُ الْعِلْمِ مِنَ الْإِسْرَافِ فِيهِ وَأَنْ لَا يُجَاوَزَ أَفْعَالِ النَّبِيِّ ﷺ

بِاللَّهِ التَّوْفِيقُ

Chapter Seven

On the Ablution

Allah ta'ala says: “O you who believe! When you stand for prayer, wash your faces and your hands up to the elbows. Wipe your heads and (wash) your feet up to the ankles.” It is related in the Sahih of al-Bukhari on the authority of Abu Hurayra who said that the Messenger of Allah, ﷺ said; “Allah does not accept the *salaat* of anyone who has minor impurity (*hadath*) until he performs *wudu'u*.” Also in the Sahih of al-Bukhari it says "Musa reported to us that Wuhaib reported to us on the authority of 'Amrin on the authority of his father who said: 'I witnessed Amr ibn Abi Hassan ask Abdallah ibn Zaid about the *wudu'u* of the Prophet ﷺ. He (Abdallah) poured water from the container upon his hands and washed them three times. He then put his hand in the container then rinsed out his mouth and rinsed his nose by sniffing water in it and then blowing it out. He did this with three handfuls of water. Again he put his hand in the container and washed his face three times. He then washed his arms twice up to the elbows. He then put his hands in the water and then wiped his head by bringing them to the front and then to the back of the head once. He then washed his feet with his two hands up to the ankles."

I say: The consensus of the *umma* is unanimous regarding the obligation of ablution. *Imam* al-Bukhari said in his Sahih: “The Prophet, ﷺ clarified that the obligation (*fard*) of ablution is to wash one time, and that ablution also is valid twice and three times, but he must not exceed three times. The people of knowledge dislike (*kariha*) being excessive with water (*israaf*) during the ablution. One should not surpass the actions of the Prophet, may Allah bless him and grant peace.

Success is with Allah.

الْبَابُ الثَّامِنُ

فِي التَّيْمُمِ

قَالَ اللَّهُ تَعَالَى: ﴿وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوْهِكُمْ وَأَيْدِيكُمْ مِنْهُ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ فِي قِصَّةِ عَمَّارٍ وَعُمَرَ قَالَ عَمَّارٌ: "تَمَعَّكْتُ فَأَتَيْتُ النَّبِيَّ ﷺ، فَقَالَ: ((يَكْفِيكَ الْوُجْهُ وَالْكَفَانُ))، قَالَ عَمَّارٌ فَضَرَبَ النَّبِيُّ ﷺ بِيَدَيْهِ الْأَرْضَ فَمَسَحَ وَجْهَهُ وَكَفَيْهِ".

وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا: "أَنَّ عَمْرَوَ بْنَ الْعَاصِ أَجَنَّبَ فِي لَيْلَةٍ بَارِدَةٍ فَتَيَمَّمَ لَخَوْفِ الْمَرَضِ وَتَلَّى: ﴿وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾، وَذَكَرَ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَمْ يُعْنَفْهُ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ عِمْرَانَ بْنِ حُصَيْنٍ الْخُذَاعِيِّ: "أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى رَجُلًا مُّعْتَزِّلًا لَمْ يُصَلِّ فِي الْقَوْمِ، فَقَالَ لَهُ: ((يَا فُلَانُ، مَا يَمْنَعُكَ أَنْ تُصَلِّيَ فِي الْقَوْمِ؟))، فَقَالَ: "أَصَابَتْني جَنَابَةٌ وَلَا مَاءً"، قَالَ: ((عَلَيْكَ بِالصَّعِيدِ، فَإِنَّهُ يَكْفِيكَ)).

قَالَ الشَّيْخُ رَحِمَهُ اللَّهُ فِي شَرْحِ الْمُخْتَصَرِ: "وَقَدْ أُنْعَقَدَ الْإِجْمَاعُ عَلَى مَشْرُوعِيَّةِ التَّيْمُمِ، وَأَنَّهُ مِنْ خَصَائِصِ هَذِهِ الْأُمَّةِ"، وَفِي عُمْدَةِ الْبَيَانِ شَرْحُ الْأَخْضَارِيِّ: "وَالْأَصْلُ فِي التَّيْمُمِ قَوْلُهُ تَعَالَى: ﴿وَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا﴾، وَقَوْلُهُ ﷺ: ((التَّيْمُمُ وَضُوءُ الْمُسْلِمِ وَهُوَ مِنْ خَصَائِصِ هَذِهِ الْأُمَّةِ))، إِنَّتْهِ. وَفِيهِ أَيْضًا: "هِيَ تَنَاقُلَتِ الْآيَةُ الْكَرِيمَةُ الْحَاضِرَ الصَّحِيحَ وَهُوَ الْمَشْهُورُ أَوْ هِيَ مُخْتَصَّةٌ بِالْمَرِيضِ وَالْمُسَافِرِ لِأَنَّ اللَّهَ تَعَالَى قَالَ: ﴿وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ﴾، الْآيَةُ مُطْلَقًا أَيْ لَا يَخْتَصُّ ذَلِكَ بِمَرِيضٍ وَلَا بِمُسَافِرٍ وَ"إِنْ" حَمَلْنَا (أَوْ) بِمَعْنَى (الْوَاوِ) خَصَّتِ الْمَرِيضَ وَالْمُسَافِرَ فَقَطْ، وَيَكُونُ التَّقْدِيرُ - "وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ وَ جَاءَ أَحَدٌ مِّنْكُمْ"، الْخ، وَالْمَشْهُورُ أَظْهَرَ لِحَمْلِهَا عَلَى حَقِيقَتِهَا.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Eight

On Purification With Dry Earth

Allah ta'ala says: "*Whenever you are sick or on a journey, or when one of you comes from relieving himself, or when you have fondled women - and you cannot find water - then strike high dry earth and wipe your faces and your hands.*" It is related in the Sahih of al-Bukhari regarding the story of 'Amaar and Umar. 'Amaar said, "I rolled myself in the dust and came to the Prophet, ﷺ who then said: 'Sufficient for you is the face and the hands.' Also in the Sahih of al-Bukhari it is mentioned that: "'Amr ibn al-'Aas became impure with major impurity during a very cold night. He then made *tayyammum* and recited the verse: "*Do not kill yourselves. Verily Allah is merciful to you.*" This was later related to the Prophet, ﷺ who did not censure him for that." Also in the Sahih of al-Bukhari it is related on the authority of 'Imran ibn Hussien al-Khudhaa'in said: "The Messenger of Allah, ﷺ, saw a man keeping apart and not praying with the people. He then said to him: "O so-and-so! What keeps you from praying with the people?" He responded: 'I have been affected by major ritual impurity and there is no water.' He, ﷺ said: "Then take to high dry earth, it will be sufficient for you."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar: "The consensus (*ijmaa'u*) is unanimous regarding the lawfulness of *tayyammum* and it is among the distinctive traits of this *umma*." It says in the 'Umdat'l-Bayaan the commentary upon the al-Akhdari: "The legal foundation of *tayyammum* is the words of Allah ta'ala: "*And you cannot find water - then strike high dry earth.*"; and his words, ﷺ: "The *tayyammum* is the ablution of the Muslim and is from the distinctive traits of this *Umma*." In the same text it says: "Does this noble verse include those who are categorically sedentary (*haadira sahih*)? - which is the most well known established view. Or is it designated for the sick or traveler - because Allah ta'ala says: "*Whenever you are sick or on a journey, or when one of you comes from relieving himself, or when you have fondled women?*" This is absolute, i.e. that it is specific for the sick and not the traveler, especially if we were to make the conjunctive particle "or" to grammatically mean "and". Then *tayyammum* would only be specific to the sick and traveler. Thus the verse would mean by implication "*Only you who are sick and on a journey, and when one of you comes from...*" etc. However, the well known established view is to take the apparent meaning of the verse and interpolate its real meaning.

Success is with Allah.

الْبَابُ التَّاسِعُ

فِي الْحَيْضِ وَالْإِسْتِحَاضَةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ﴾، وَفِي حَدِيثِ أَبِي دَاوُدَ، أَنَّهُ سُئِلَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ عَمَّا يَحِلُّ لِلرَّجُلِ مِنْ إِمْرَأَتِهِ وَهِيَ حَائِضٌ، قَالَ: ((مَا فَوْقَ الْإِزَارِ))، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ لَمَّا مَرَّ عَلَى النِّسَاءِ يَوْمًا فِي أَصْحَى أَوْ فِطْرٍ: ((مَا رَأَيْتُ مِنْ نَاقِصَاتٍ عَقْلٍ وَدِينٍ أَذْهَبَ لِلْبِ الرَّجُلِ الْحَاظِمِ مِنْ إِحْدَاكُنَّ))، قُلْنَ: "مَا نُقْصَانُ عَقْلَنَا وَدِينَنَا يَا رَسُولَ اللَّهِ؟" قَالَ: ((أَلَيْسَ شَهَادَةُ الْمَرْأَةِ مِثْلُ نِصْفِ شَهَادَةِ الرَّجُلِ؟))، قُلْنَ: "بَلَى"، قَالَ: ((فَذَلِكَ مِنْ نُقْصَانِ عَقْلِهَا، أَلَيْسَ إِذَا حَاضَتْ لَمْ تُصَلِّ وَتُصُمْ؟))، قُلْنَ: "بَلَى"، قَالَ: "فَذَلِكَ مِنْ نُقْصَانِ دِينِهَا))، رَوَاهُ الْبُخَارِيُّ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ فَاطِمَةُ ابْنَةُ أَبِي حُبَيْشٍ لِرَسُولِ اللَّهِ ﷺ: "إِنِّي لَا أَطْهَرُ أَفَادَعُ الصَّلَاةَ؟" فَقَالَ رَسُولُ اللَّهِ ﷺ: ((لَا، إِنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَ بِالْحَيْضَةِ، فَإِذَا أَقْبَلَتِ الْحَيْضَةُ، فَاتْرُكِ الصَّلَاةَ، فَإِذَا ذَهَبَ قَدْرُهَا فَأَغْسِلِي عَنْكَ الدَّمَ وَصَلِّي))، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا قَالَ عَطَاءُ: "الْحَيْضُ يَوْمٌ إِلَى خَمْسَةِ عَشَرَ يَوْمًا".

قَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصِرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - وَإِنْ دُفِعَتْ - "وَهُوَ إِشَارَةٌ إِلَى بَيَانِ أَقَلِّ الْحَيْضِ بِإِعْتِبَارِ الْخَارِجِ، وَأَمَّا أَكْثَرُهُ بِالنِّسْبَةِ لَهُ فَلَا حَدَّ لَهُ". إِنْتَهَى قُلْتُ: وَأَمَّا أَقَلُّ الطُّهْرِ فَخَمْسَةُ عَشَرَ يَوْمًا، "وَمِنْ فَوَائِدِ تَحْدِيدِ أَقَلِّ الطُّهْرِ فِي الْعِبَادَةِ لِقَوْلِ الدَّمِ الْعَائِدِ قَبْلَهُ لِمَنْ بَلَغَتْ أَكْثَرُ حَيْضِهَا مِنْ مُبْتَدَأَةٍ أَوْ غَيْرِهَا"، قَالَهُ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصِرِ. وَبِاللَّهِ التَّوْفِيقُ

Chapter Nine

On Menstruation and Its Duration

Allah ta'ala says: "*And they ask you about menstruation. Say: It is unclean, so refrain from women during their menstruation.*" It is related in the tradition narrated by Abu Dawud that the Prophet, ﷺ was asked: "What is permissible for a man from his woman when she is menstruating?" He said: "Whatever is above the waist wrap." He, ﷺ once said one day while passing the women on either the day of *Eid 'l-Adha* or *Eid 'l-Fitr*: "I have not seen anyone more deficient in intelligence and *deen* than you. A most cautious man could be led astray by some of you." The women asked: 'O Messenger of Allah! What is the deficiency in our intelligence and our *deen*?' He said: "Is not the testimony of a woman equal to one half the testimony of a man?" They replied in the affirmative. He said: "This is the deficiency in her intelligence. Is it not true that a woman can neither pray nor fast during her menstruation?" The women replied in the affirmative. He said: "That is the deficiency in her *deen*." It was related in the Sahih of al-Bukhari on the authority of Abu Sa'id al-Khudri.

It is related in the Sahih of al-Bukhari on the authority of A'isha may Allah be pleased with her who said that Faatima the daughter of Abu Hubaysh once said to the Messenger of Allah, ﷺ: "O Messenger of Allah! I do not become clean from bleeding. Shall I give up *salaat*?" The Messenger of Allah, ﷺ said: "No, because it is from a blood vessel and not from the menstruation. So when the real *haid* begins give up your *salaat*. When it has finished, wash the blood off of your body and offer *salaat*." It is also related in the Sahih of al-Bukhari that 'A'ata said: "The period of menstruation is from a single day to fifteen days."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar about the words of the author: "Even if it is a mere gush." - It is an indication of the explanation of the least amount of menstruation blood with regard to what flows out. As for the maximum amount with regard to blood flow, there is no limit to it."

I say: As for the least amount of time that a woman is pure, it is normally fifteen days. Among the advantages of limiting the least amount of time a woman is pure regarding worship, it is due to the strength of the prior blood flow for the woman who is regularly recurrent to the one who reaches the highest of her menstruation cycle from the woman beginning for the first time or others. This was transmitted by as-Shibrakhiti in his commentary upon the al-Mukhtasar.

Success is with Allah

الْبَابُ الْعَاشِرُ

فِي أَوْقَاتِ الصَّلَاةِ

قَالَ اللَّهُ تَعَالَى: ﴿فَسُبْحَانَ اللَّهِ حِينَ تُمْسُونَ وَحِينَ تُصْبِحُونَ وَلَهُ الْحَمْدُ فِي السَّمَاوَاتِ وَالْأَرْضِ وَعَشِيًّا وَحِينَ تُظْهِرُونَ﴾، وَقَالَ تَعَالَى: ﴿أَقِمِ الصَّلَاةَ لِذُلُوكِ الشَّمْسِ إِلَى غَسَقِ اللَّيْلِ وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: "كَانَ النَّبِيُّ ﷺ يُصَلِّي الظُّهْرَ بِالْهَاجِرَةِ وَالْعَصْرَ وَالشَّمْسُ نَقِيَّةً وَالْمَغْرِبَ إِذَا وَجِبَتْ، وَالْعِشَاءَ أحيانًا وَأحيانًا، إِذَا رَأَاهُمْ اجْتَمَعُوا عَجَلًا، وَإِذَا رَأَاهُمْ أَبْطَنُوا آخَرًا، وَالصُّبْحَ كَانُوا أَوْ كَانَ النَّبِيُّ ﷺ يُصَلِّي بِغَلَسٍ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ رَافِعِ بْنِ خَدِيجٍ: "كُنَّا نُصَلِّي الْمَغْرِبَ مَعَ النَّبِيِّ ﷺ فَيَنْصَرِفُ وَأَحَدُنَا يَرَى مَوَاضِعَ نَبَلِهِ".

قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْعُلَمَاءِ عَلَى أَنَّ الْمُكَلَّفَ إِذَا أَخَّرَ الصَّلَاةَ حَتَّى خَرَجَ وَقْتُهَا فَهُوَ عَاصٍ لِلَّهِ وَرَسُولِهِ إِذَا أَخَّرَهَا بِحَيْثُ لَمْ يُوقِعْهَا فِي وَقْتِ الْمُخْتَارِ وَلَا فِي وَقْتِ الضَّرُورِيِّ، وَكَانَ تَرْكُهُ لَهَا بِغَيْرِ عُذْرٍ فَهُوَ عَاصٍ لِلَّهِ، وَأَمَّا إِذَا تَرَكَهَا لِعُذْرٍ نَزَلَ بِهِ فَلَا إِثْمَ عَلَيْهِ فِي تَأْخِيرِهَا، ثُمَّ إِنْ أَوْقَعَهَا فِي وَقْتِ الضَّرُورَةِ إِخْتِيَارًا مِنْهُ فَهُوَ إِثْمٌ عَلَى الْمَشْهُورِ، وَفِي عُمْدَةِ الْبَيَانِ شَرْحُ الْأَخْضَارِيِّ، وَهِيَ مَسْئَلَةٌ ذَاتُ خِلَافٍ، وَالْمَشْهُورُ أَنَّهُ إِثْمٌ، وَفِي الْمُخْتَصِرِ، "وَأَنْتُمْ إِلَّا لِعُذْرٍ".
وَبِاللَّهِ التَّوْفِيقُ.

Chapter Ten

On the Times of Prayer

Allah ta'ala says: *“Then glorify Allah at nightfall and during the early morning hours. Everything in the heavens and the earth sing His praises in the depth of the night and during noonday.”* He ta'ala says: *“Stand for prayer when the sun sets, and during the night hours. And read the Qur'an during the dawn for verily the recitation of Qur'an during the dawn is surely witnessed.”*

It is related in Sahih al-Bukhari on the authority of Jaabir ibn Abdallah who said: “The Messenger of Allah ﷺ used to pray the *dhuhr* prayer just after mid-day, and the *asr* prayer when the sun was still bright, the *maghrib* at its set time and the *'ishaa* at variable times. Whenever he saw the people assembled he would pray earlier and if he saw them delayed, he would delay the prayer. As for the dawn prayer they would pray it or the Prophet, ﷺ would pray it during the darkness of dawn.” It is also related in Sahih al-Bukhari on the authority of Rafi' ibn Kharayj: “We used to offer the *maghrib* prayer with the Prophet and after finishing the prayer one of us may go away and could still see as far as the spots where one's arrow might reach when shot with a bow.”

I say: The consensus of the scholars is unanimous regarding the responsible person when he postpones the prayer until its proper time is gone, then he is disobedient to Allah and His Messenger. That is to say, if he postpones it to where he is unable to perform it in its chosen time (*waqt mukhtār*) or in its necessary time (*waqt dariuri*). When he abandons the prayer during these times without a valid excuse then he is in a state of disobedience to Allah. However, when he abandons them for a valid reason, then there is no sin upon him in postponing them. However, if he performs them during their necessary times by choice then he has sinned based upon the most famous opinion. In the 'Umdat'l-Bayaan the commentary upon the al-Akhḍari it states: “It is an issue which is full of disagreements, but the most famous opinion is that it is a sin.” In the al-Mukhtasar it states: “It is a sin except with a valid excuse.”

Success is with Allah

الْبَابُ الْحَادِي عَشَرَ

فِي الْأَذَانِ

قَالَ اللَّهُ تَعَالَى: ﴿وَإِذَا نَادَيْتُمْ إِلَى الصَّلَاةِ اتَّخَذُوهَا هُزُؤًا وَلَعِبًا﴾، وَقَالَ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَنَسٍ قَالَ: "أَمَرَ بِلَالٌ أَنْ يُشَفِّعَ الْأَذَانَ وَيُوتِرَ الْإِقَامَةَ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: ((إِذَا سَمِعْتُمُ الْمُؤَذِّنَ فَقُولُوا مِثْلَ مَا يَقُولُ الْمُؤَذِّنُ)).

وَقَالَ الشَّبْرَخِيئِيُّ فِي شَرْحِ الْمُخْتَصِرِ عِنْدَ قَوْلِ الْمَصْنُفِ - سُنَّ الْأَذَانَ لِجُمُعَةٍ طَلَبَتْ غَيْرَهَا: "وَالصَّحِيحُ أَنَّ الْأَذَانَ سُنَّةٌ عَيْنٌ فِي حَقِّ أَهْلِ الْمَسْجِدِ وَإِنْ تَلَاَصَقَ الْمَسْجِدَانِ وَتَقَارَبَا أَوْ أَحَدُهُمَا فَوْقَ الْآخَرِ، قَالَ ابْنُ عَرَفَةَ وَأَشْهَبُ، "إِذَا أَذِنَ أَحَدُ مَسْجِدَيْنِ مُتَلَاَصِقَيْنِ أَوْ مُتَقَارِبَيْنِ أَوْ أَحَدُهُمَا فَوْقَ الْآخَرِ، لَا يَكْفِي الْآخَرَى"، إِنَّتَهَى.

وَهُوَ فَرَضٌ كِفَايَةٌ فِي حَقِّ أَهْلِ الْمِصْرِ كَمَا قَالَ ابْنُ عَرَفَةَ: "إِذَا تَرَكَهُ أَهْلُهُ قُوتِلُوا عَلَيْهِ لِأَنَّ الْقِتَالَ مِنْ خَوَاصِّ الْوَاجِبِ"، وَفِي مِفْتَاحِ السَّدَادِ شَرْحَ إِرْشَادِ السَّالِكِ: "وَإِخْتُلَفَ فِي حُكْمِهِ فَالْمَشْهُورُ هَلْ هُنَا مِنْ سُنَّةٍ"، وَفِي الرِّسَالَةِ: "وَاجِبٌ"، قَالَ عَبْدُ الْوَهَّابِ: "يُرِيدُ وَجُوبَ السُّنَنِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Eleven

On the Call to Prayer

Allah ta'ala says: "And when you are called to the prayer, they take it for joke and mockery." He ta'ala says: "O you who believe! When you are called to the **jumu`a** prayer..." It is related in Sahih of al-Bukhari on the authority of Anas who said; "Bilal was ordered to double the *adhaan* and to say the *iqaama* only once." It is also related in Sahih of al-Bukhari on the authority of Abu Sa'id al-Khudri that the Messenger of Allah, ﷺ said: "Whenever you hear the *mu`adhin*, you should say what he says."

As-Shibrakhiti said in his commentary upon the Mukhtasar: "It is the sound opinion that the call to prayer is a *Sunna*, specific as a duty for the people of the mosque, even when two mosques are adjacent to one another, in close proximity or if one is above the other. Ibn `Arafa and Ash'hab both said: "If the call to prayer is made in one of two mosques which are adjacent to one another, in close proximity or one is above the other, it does not suffice for the other."

It is a collective obligation as a duty of the people of a city as Ibn `Arafa said: "If a people intentionally neglect it, they are to be fought as a result, because it is war conducted specifically for the neglect of an obligation." In the Miftaah as-Sadaad the commentary upon the Irshad as-Saalik it states: "There is disagreement regarding its legal ruling. However, the most famous opinion here is that it is a *Sunna*." In the Risaalat: "It is obligatory." Abd'l-Wahaab said: "He means it is an obligatory *Sunna*."

Success is with Allah

البَابُ الثَّانِي عَشَرَ

فِي شُرُوطِ الصَّلَاةِ

قَالَ تَعَالَى فِي شَأْنِ الطَّهَارَةِ: ﴿إِنَّ اللَّهَ يُحِبُّ النَّوَائِينَ وَيُحِبُّ الْمُنتَهَرِينَ﴾، وَقَالَ فِي شَأْنِ إِسْتِقْبَالِ الْقِبْلَةِ: ﴿قَوْلَ وَجْهِكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ وَحَيْثُ مَا كُنْتُمْ فَوَلُّوا وُجُوهَكُمْ شَطْرَهُ﴾ وَقَالَ فِي شَأْنِ سِتْرِ الْعَوْرَةِ: ﴿خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ﴾، وَقَالَ فِي شَأْنِ تَرْكِ الْكَلَامِ: ﴿وَقُومُوا لِلَّهِ قَانِتِينَ﴾.

وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ فِي شَأْنِ الطَّهَارَةِ: ((لَا تُقْبَلُ صَلَاةٌ بِغَيْرِ طَهْوٍ))، رَوَاهُ التِّرْمِذِيُّ عَنْ ابْنِ عُمَرَ، وَقَالَ فِي شَأْنِ إِسْتِقْبَالِ الْقِبْلَةِ: ((إِسْتِقْبَالُ الْقِبْلَةِ وَكِبَرُ))، رَوَاهُ الْبُخَارِيُّ فِي صَحِيحِهِ عَنْ أَبِي هُرَيْرَةَ، وَأَمَّا سِتْرُ الْعَوْرَةِ فَقَدْ وَرَدَ فِي الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ قَالَ أَنَّهُ ﷺ نَهَى عَنْ أَشْتِمَلِ الصَّمَاءِ، وَأَنْ يَجْتَبَى الرَّجُلُ فِي ثَوْبٍ وَاحِدٍ، لَيْسَ عَلَى فَرْجِهِ مِنْهُ شَيْءٌ، وَفِيهِ أَيْضًا عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ، "لَقَدْ كَانَ النَّبِيُّ ﷺ يُصَلِّي الْفَجْرَ فَيَشْهَدُ مَعَهُ نِسَاءٌ مِنَ الْمُؤْمِنَاتِ مُتَلَفِّاتٍ بِمُرُوطِهِنَّ ثُمَّ يُرْجِعْنَ إِلَى بُيُوتِهِنَّ مَا يَعْرِفُهُنَّ أَحَدٌ"، وَأَمَّا تَرْكُ الْكَلَامِ فَقَدْ قَالَ زَيْدُ بْنُ أَرْقَمٍ، "كُنَّا نَتَكَلَّمُ فِي الصَّلَاةِ حَتَّى نُزِلَتْ: ﴿وَقُومُوا لِلَّهِ قَانِتِينَ﴾، فَأَمَرْنَا لِلْسُّكُوتِ وَنُهِينَا عَنِ الْكَلَامِ"، رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ.

قُلْتُ: وَأَمَّا الطَّهَارَةُ الْمَذْكُورَةُ فَقَدْ قَالَ فِي الرَّسَالَةِ: "وَطَهْرَةُ الْبُقْعَةِ لِلصَّلَاةِ وَاجِبَةٌ، وَكَذَلِكَ طَهَارَةُ الثَّوْبِ فَتَقِيلُ إِنَّ ذَلِكَ فِيهِمَا وَاجِبٌ وَجُوبُ الْفَرَائِضِ، وَقِيلَ وَجُوبُ السُّنَنِ الْمُؤَكَّدَةِ"، وَقَدْ شَهَرَ كُلُّ مَنْ الْقَوْلَيْنِ كَمَا فِي الْكِفَايَةِ شَرْحُهَا: "وَهَذَا الْخِلَافُ يَجْرِي فِي طَهَارَةِ الْبَدَنِ"، كَمَا فِي الْمُخْتَصَرِ، وَأَمَّا إِسْتِقْبَالُ الْقِبْلَةِ فَقَدْ قَالَ فِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "أَمَّا كَوْنُ إِسْتِقْبَالِ الْقِبْلَةِ شَرْطًا فِي صِحَّةِ الصَّلَاةِ فَلَا خِلَافَ فِيهِ إِلَّا فِيمَا أَسْنَنُنِي"، وَأَمَّا سِتْرُ الْعَوْرَةِ فَقَدْ قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ: "فَلَا خِلَافَ فِي وَجُوبِ سِتْرِ الْعَوْرَةِ فِي الصَّلَاةِ، وَإِنَّمَا الْخِلَافُ فِي الشَّرْطِيَّةِ وَعَدَمِهَا"، وَقَالَ أَحْمَدُ زُرُقٌ فِي شَرْحِ الْوُغْلَسِيَّةِ: "وَسِتْرُ الْعَوْرَةِ وَاجِبٌ فِي الصَّلَاةِ عَلَى الْمَشْهُورِ وَعَنْ أَعْيُنِ النَّظَرِ إجماعاً"، وَأَمَّا تَرْكُ الْكَلَامِ فَقَدْ قَالَ فِي عُمَدَةِ الْبَيَانِ، شَرْحُ الْأَخْصَارِيِّ ذَكَرَ الْأُبْهَرِيُّ: "إِنَّ تَرْكَ الْكَلَامِ سُنَّةٌ"، قَالَ فِي الْمَقْدِمَاتِ: "وَالْأَظْهَرُ أَنَّهُ فَرَضٌ لِقَوْلِهِ تَعَالَى: ﴿وَقُومُوا لِلَّهِ قَانِتِينَ﴾.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twelve

On the Prerequisites of the Prayer

Allah ta'ala says regarding the issue of purification: *"Verily Allah loves those who turn in repentance and He loves those who have a care for purity."* He ta'ala says regarding the issue of facing the qibla: *"So turn your faces in the direction of the Sacred Mosque. And wherever you are, turn your faces towards it."* He ta'ala says regarding the issue of covering the private parts: *"Take your beautiful clothing at every place of worship."* He ta'ala says regarding the issues of avoiding speech: *"Stand before Allah humbly."*

He ﷺ said concerning the matter of purification: "Salaat is not accepted except after purification"; as related by al-Tirmidhi on the authority of Ibn Umar. He ﷺ said regarding the issue of facing the qibla: "Face the qibla and then say, *'Allahu akbar'*;" as related in Sahih al-Bukhari on the authority of Abu Hurayra. As for covering the private parts it has been narrated in al-Bukhari on the authority of Abu Hurayra that he ﷺ said: "It is prohibited to wrap oneself with a garment so that one cannot raise the ends or take ones hand out of it, and it is prohibited to sit wearing one garment, with nothing covering his private parts." Regarding this also is what A'isha said as related in Sahih al-Bukhari; "The Prophet ﷺ used to pray *al-fajr* and some of the believing women covered with their veiling sheets used to attend the prayer with him and then they would return to their homes unrecognized." As for avoiding speech, Zayd ibn Arqam said: "We used to speak during the salaat until Allah revealed: *'And stand humbly before Allah'*. Then we were commanded to be silent and speech during the prayer was prohibited." This has been related in Sahih al-Bukhari and Muslim.

I say: Concerning the above mentioned purification it says in the Risaalat: "The purification of impurities from the body for the prayer is incumbent and this is the same for the garment. It is said that the judgment of incumbency in both means the incumbency that is considered an obligation. Others say that the incumbency here means that its judgment is the incumbency of a firmly established *Sunna*." Each of these two opinions is well known with the scholars as it has been recorded in the commentary upon the Risaalat called al-Kifaya. "This disagreement is commonly observed concerning the purification of the body", as it has been explained in the Mukhtasar.

As for facing in the direction of the qibla it is mentioned in the Miftaah's-Sadaad the commentary upon the Irshaad 's-Saalik: "As for the facing of the qibla being a prerequisite for the prayer, there is no disagreement concerning it except where there is an exception."

As for covering the private parts Al-Khurashi said in his commentary upon the Mukhtasar: "There is no disagreement concerning the covering of the private parts in the prayer. The disagreement is regarding whether it is a prerequisite of the prayer or not." Ahmad Zarruq said in his commentary of the al-Waghlasiya: "Covering the private parts is obligatory during the prayers according to the majority and covering them from the vision of the eyes is the consensus." As for avoiding speech, he said in the Umdat 'l-Bayaan his commentary upon the al-Akhdaari: "Al-Abhuri mentions that the avoiding of speech is a *Sunna*." He said in the al-Muqaddima: "The apparent judgment is that it is an obligation according to the words of Allah ta'ala: *'And stand humbly before Allah'*."

Success is with Allah.

Institute of Islamic-African Studies International

الْبَابُ الثَّالِثُ عَشَرَ

فِي الصَّلَاةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَأَقِيمُوا الصَّلَاةَ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَوْفُوتًا﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: "فَرَضَ اللَّهُ الصَّلَاةَ حِينَ فَرَضَهَا رَكْعَتَيْنِ رَكْعَتَيْنِ فِي الْحَضَرِ وَالسَّفَرِ، فَأُقِرَّتْ صَلَاةُ السَّفَرِ، وَزِيدَ فِي صَلَاةِ الْحَضَرِ"، وَزَادَ أَحْمَدُ فِي مُسْنَدِهِ، "إِلَّا الْمَغْرِبَ، فَإِنَّهَا كَانَتْ ثَلَاثًا"، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ فِي صَحِيحِ الْبُخَارِيِّ أَيْضًا فِي حَدِيثِ أَبِي هُرَيْرَةَ فِي قِصَّةِ الْأَعْرَابِيِّ: ((إِذَا قُمْتَ إِلَى الصَّلَاةِ فَكَبِّرْ، ثُمَّ أَقْرَأْ مَا تيسَّرَ مَعَكَ مِنَ الْقُرْآنِ، ثُمَّ أَرْكَعْ حَتَّى تَطْمِئِنَّ رَاكِعًا، ثُمَّ أَرْفَعْ حَتَّى تَعْتَدِلَ قَائِمًا، ثُمَّ أَسْجُدْ حَتَّى تَطْمِئِنَّ سَاجِدًا ثُمَّ أَرْفَعْ حَتَّى تَطْمِئِنَّ جَالِسًا، ثُمَّ أَسْجُدْ حَتَّى تَطْمِئِنَّ سَاجِدًا، ثُمَّ أَفْعَلْ ذَلِكَ فِي صَلَاتِكَ كُلِّهَا))، قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الصَّلَاةِ. وَبِاللَّهِ التَّوْفِيقُ.

Chapter Thirteen

On the Prayer

Allah ta'ala says: “*So establish the prayer, verily the prayer is a timed ordinance for the believers.*” It is related in Sahih al-Bukhari on the authority of A'isha, the mother of the believers, who said: “Allah initially made the salaat obligatory with two *rak'ats*: two *rak'at* when settled or traveling. Then the traveling prayer was kept as it was, and an increase was made in the prayer when settled.” Ahmad added in his Musnad: “Except *maghrib* prayer; verily it was three *rak'ats*.” He, ﷺ said as related in Sahih al-Bukhari on the authority of Abu Hurayra concerning the story of the Arab Bedoin: “When you stand for prayer, say *`Allahu akbar'*. Then recite what is easiest with you from the *Qur'an*. Then bow down until you become composed in it. Then rise up until you are standing straight. Then prostrate until you become composed in it. Then rise up sitting until you are composed in it. Then prostrate until you are composed in it. Then do the same in all the remainder of your salaat.”

I say: The consensus of the *umma* is unanimous regarding the obligation of prayer.
Success is with Allah.

البَابُ الرَّابِعُ عَشَرُ

فِي قَضَاءِ الْفَوَائِتِ

قَالَ اللَّهُ تَعَالَى: ﴿وَأَقِمِ الصَّلَاةَ لِذِكْرِي﴾، وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَابِ قَضَاءِ الصَّلَاةِ عَنْ أَنَسِ بْنِ مَالِكٍ عَنِ النَّبِيِّ ﷺ قَالَ: ((مَنْ نَسِيَ صَلَاةً فَلْيُصَلِّهَا إِذَا ذَكَرَهَا لَا كَفَّارَةَ لَهَا إِلَّا ذَلِكَ)) ﴿وَأَقِمِ الصَّلَاةَ لِذِكْرِي﴾. ((

وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "وَالْمَذْهَبُ إِنَّ قَضَاءَ الْفَوَائِتِ عَلَى الْفَوْرِ"، قَالَ إِبْنُ رُشْدٍ: "وَلَيْسَ بِالضَّيِّقِ جَدًّا، فَلَا يُمْنَعُ تَصَرُّفُهُ فِي تَحْصِيلِ مَعَاشِهِ وَمَعَاشِ عِيَالِهِ."

قُلْتُ: وَالْقَوْلُ بِعَدَمِ قَضَاءِ الْفَوَائِتِ شَاذًا أَنْكَرُهُ عِيَاضٌ وَغَيْرُهُ عَنِ مَالِكٍ، وَالزَّمَّ بِهِ مَنْ قَالَ بِتَكْفِيرِ تَارِكِ الصَّلَاةِ، قَالَهُ أَحْمَدُ زُرُقٌ فِي عُمْدَةِ الْمُرِيدِ الصَّادِقِ، وَقَالَ فِيهِ أَيْضًا: "قَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((مَنْ نَامَ عَنِ الصَّلَاةِ أَوْ نَسِيَهَا، فَوَقَّتْهَا حِينَ يَذْكُرُهَا))، فَتَبَّ بِالْأَدْنَى عَلَى الْأَعْلَى لِأَنَّ تَرْكَهَا عَمْدًا لَا يَكُونُ أَنْفٌ مِنَ النَّسْيَانِ فِي حُكْمِهِ، لَكِنْ هَذَا كُلُّهُ عَلَى الْمَشْهُورِ، وَالْمَعُولِ عِنْدَ جَمْهُورِ الْعُلَمَاءِ أَنَّ تَارِكَ الصَّلَاةِ لَا يَكْفُرُ."

وَبِاللَّهِ التَّوْفِيقُ.

Chapter Fourteen

On Making-up Missed Prayers

Allah ta'ala says: *“Establish the prayer for My remembrance.”* It has been related in Sahih al-Bukhari in the chapter regarding making-up prayers on the authority of Anas ibn Malik on the authority of the Prophet, ﷺ who said: “Whoever forgets a *salaat*, then he should pray it when he remembers it. There is no atonement for it except that. *‘And establish the prayer for My remembrance’.*”

It is mentioned in the Miftaah ‘s-Sadaad the commentary upon Irshaad ‘s-Saalik: “According to the Maliki school of thought, the making-up of missed prayers should be done immediately.” Ibn Rushd said: “If the time is not very contracted, then nothing should prevent a person from applying himself to performing the missed prayers such as obtaining his livelihood and that of his family.”

I say: The opinion concerning not making-up missed prayers is unusual and obscure and was rejected by ‘Iyad and others on the authority of Malik. This obscure opinion is only adhered to by those who declare disbelief for the one who intentionally abandons the prayers. Ahmad Zarruq mentioned this in his ‘Umdat ‘l-Murid ‘s-Saadiq. He also said in it: “The Prophet, ﷺ said: ‘Whoever sleeps through the prayer or forgets it, then its proper time for him is when he remembers it.’ He should then be cautioned by the lesser evil over the greater because intentionally abandoning the prayers is not as light in its judgment as forgetting the prayers. However all of this is based upon the prominent opinion. The legal reliance of the majority of the scholars is that leaving the prayers is not to be considered an act of disbelief.”

Success is with Allah.

الْبَابُ الْخَامِسُ عَشَرَ

فِي السَّهْوِ

قَالَ اللَّهُ تَعَالَى: ﴿لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ﴾، وَقَالَ تَعَالَى: ﴿وَاتَّبِعُوهُ لَعَلَّكُمْ تَهْتَدُونَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَابِ السَّهْوِ عَنْ عَبْدِ اللَّهِ بْنِ بُحَيْنَةَ أَنَّهُ قَالَ: "صَلَّى لَنَا رَسُولُ اللَّهِ ﷺ رَكْعَتَيْنِ مِنْ بَعْضِ الصَّلَوَاتِ، ثُمَّ قَامَ فَلَمْ يَجْلِسْ فَقَامَ النَّاسُ مَعَهُ، فَلَمَّا قَضَى صَلَاتَهُ وَنَظَرْنَا تَسْلِيمَهُ، كَبَّرَ قَبْلَ التَّسْلِيمِ فَسَجَدَ سَجْدَتَيْنِ وَهُوَ جَالِسٌ، ثُمَّ سَلَّمَ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا فِي رِوَايَةٍ أُخْرَى عَنْ أَبِي هُرَيْرَةَ، قَالَ: "صَلَّى النَّبِيُّ ﷺ الظُّهَرَ رَكْعَتَيْنِ فَقِيلَ قَدْ صَلَّيْتَ رَكْعَتَيْنِ، فَصَلَّى رَكْعَتَيْنِ، ثُمَّ سَلَّمَ، ثُمَّ سَجَدَ سَجْدَتَيْنِ".

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصِرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - "سُنَّ لِسَهْوِ سَجْدَتَانِ - "وَلَمَّا وَقَعَ فِي الْمَذْهَبِ إِخْتِلَافٌ فِي حُكْمِهِ قَبْلِيًّا أَوْ بَعْدِيًّا بِالْوُجُوبِ وَالسُّنَّةِ، وَوُجُوبِ الْقَبْلِيِّ عَنْ ثَلَاثِ سُنَنِ وَسُنِّيَّةٍ مَا عَدَاهُ دُونَهَا، وَكَانَ الرَّاجِحُ سُنِّيَّتُهُ بَعْدِيًّا أَوْ قَبْلِيًّا مُطْلَقًا عَيْنُهُ بِقَوْلِهِ - سُنَّ لِسَهْوِ سَجْدَتَانِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Fourteen

On Forgetfulness in the Prayer

Allah ta'ala says: “*There is in the Messenger of Allah a good example for you.*” And He ta'ala says: “*And follow him so that you may be guided aright.*” It has been related in the Sahih al-Bukhari on the authority of Abdallah ibn Juhayna who said: “The Messenger of Allah ﷺ prayed two *rak'ats* with us from one of the prayers. He then stood without sitting down in *jalsa* and the people stood with him. When he had finished the prayer we waited for his *salaams*. He said: ‘*Allahu akbar*’ before the *salaams*, and prostrated two times while he was sitting. He then made the *salaams*.” It has also been related in the Sahih al-Bukhari in another narration on Abu Hurayra who said: “The Prophet ﷺ prayed *dhuhr* prayer with us, but he only prayed two *rak'ats*. Then someone said: ‘You prayed two *rak'ats*.’ He then stood and prayed two *rak'ats*, then made the *salaams* and then made two prostrations.”

Al-Khurashi said in his commentary on the Mukhtasar about the words of the author - ‘The established *sunna* for forgetfulness is two prostrations’: “Due to the occurrence of disagreements within the Maliki school regarding the judgment of doing the *salaams* after or before is based on it being considered an obligation and a *Sunna*. The obligation of making the *salaams* before is when three *sunnan* are forgotten; and it is *Sunna* when less than three *sunnan* are added. However, the preferable view is that it is an absolute *Sunna* whether it is performed before or after, designated by his words: ‘The established *Sunna* for forgetfulness is two prostrations’.”

Success is with Allah.

الْبَابُ السَّادِسُ عَشَرَ

فِي صَلَاةِ الْمُسَافِرِ

قَالَ اللَّهُ تَعَالَى: ﴿وَإِذَا ضَرَيْتُمْ فِي الْأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا مِنَ الصَّلَاةِ إِنْ خِفْتُمْ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ يَحْيَى بْنِ أَبِي إِسْحَاقَ قَالَ: "سَمِعْتُ أَنَسًا يَقُولُ: خَرَجْنَا مَعَ النَّبِيِّ ﷺ إِلَى مَكَّةَ فَكَانَ يُصَلِّي رَكْعَتَيْنِ رَكْعَتَيْنِ حَتَّى رَجَعْنَا إِلَى الْمَدِينَةِ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضاً "كَانَ عُمَرُ وَابْنُ عَبَّاسٍ يُقْصِرَانِ وَيُفْطِرَانِ فِي أَرْبَعَةِ بُرْدٍ"، وَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((لَا تَقْصُرُوا الصَّلَاةَ فِي أَقَلِّ مِنْ مَكَّةَ إِلَى عُسْفَانَ وَهُوَ أَرْبَعَةُ بُرْدٍ))، رَوَاهُ الدَّارِقُطْنِيُّ وَصَحَّحَهُ ابْنُ حُرَيْمَةَ.

وَفِي مِفْتَاحِ السَّدَادِ شَرْحَ إِرْشَادِ السَّالِكِ "أُخْتَلَفَ فِي حُكْمِ الْقَصْرِ فِي السَّفَرِ فَقَالَ ابْنُ عُمَرَ - الْمَذْهَبُ أَنَّهُ سُنَّةٌ"، وَقَالَ ابْنُ رُشْدٍ: "مَذْهَبُ مَالِكٍ وَجَمِيعِ أَصْحَابِهِ سُنَّةٌ مِنَ السُّنَنِ الَّتِي الْأَخَذَ لَهَا فَضِيلَةٌ"، ثُمَّ قَالَ بَعْدَ كَلَامٍ: "وَقَالَ إِسْمَاعِيلُ وَالْقَاضِي وَابْنُ الْجُهْمِ كِرَوَايَةً أَشْهَبَ بِوُجُوبِ الْقَصْرِ، وَنَقَلَهُ اللَّخْمِيُّ عَنْ ابْنِ سَخْنُونِ الْمَازِرِيِّ، وَمَالَ إِلَيْهِ مُحَمَّدُ بْنُ يُونُسَ، وَنَقَلَهُ الْقَاضِي عَنْ جَمَاعَةِ الْبَغْدَادِيِّينَ، وَقَالَ الْأَبْهَرِيُّ مُسْتَحَبٌّ، وَقَالَ غَيْرُهُ مُبَاحٌ"، وَكَوْنُهُ فِي الرُّبَاعِيَّةِ مَوْضِعُ إِتْقَانٍ، فَلَا تَقْصُرُ الصُّبْحَ وَالْمَغْرِبَ إِتْقَانًا.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Sixteen

On The Travel Prayer

Allah ta'ala says: “When you travel through the earth there is no harm on you to shorten the prayer, if you are fearful.” It has been narrated in the Sahih of al-Bukhari on the authority of Ibn Yahya ibn Abi Ishaq, who said: “I heard Anas say: ‘We went out with the Prophet, ﷺ to Mecca and he prayed two *rak'ats* and two *rak'ats* until he returned to Medina’.” It has also narrated in the Sahih of al-Bukhari: “‘Umar and Ibn Abbas used to shorten the prayer and break their fast when they had traveled the distance of four *burud* (92.16 kilometers/48 miles).” The Messenger of Allah, ﷺ said: “Do not shorten the prayers less than the journey to Mecca as far as Gusfaan, which is four *burud* (92.16 kilometers/48 miles).” It was narrated by ad-Daaraqutni and determined sound by Ibn Huzayma.

It states in the Miftaah's-Sadaad, the commentary upon the Irshaad's-Saalik: “There is disagreement concerning the judgment of shortening the prayer during travel. Ibn Umar said: ‘The opinion (*al-madh'hab*) is that it is *Sunna*.’ Ibn Rushd said: ‘Malik and all of his colleagues held that shortening the prayer is a *Sunna* from among the *sunnan* which have been taken as a meritorious act (*fadaela*).’” He then said after this: “Isma'il, al-Qadi and Ibn al-Juhami said the same as in the narration of Ash'hab: ‘Shortening the prayer is an obligation.’ Al-Lakhmi reported this on the authority of Ibn Sahnun al-Maziri. Muhammad ibn Yunus also inclined towards this view. Al-Qadi reported the same on the authority of the scholars of Baghdad. Al-Abhuri said: ‘Shortening the prayer is highly recommended (*mustahab*).’ Other scholars considered it permissible (*mubaah*).” It is unanimously agreed that shortening the prayers occurs in those prayers which are four *rak'ats*. Thus, there is also agreement that the *subh* and *maghrib* prayers are not to be shortened.

Success is with Allah.

الْبَابُ السَّابِعُ عَشَرَ

فِي الْجُمُعَةِ

قَالَ اللَّهُ تَعَالَى: ﴿إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ رَبِيعَةَ بْنِ الْحَارِثِ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: ((نَحْنُ الْآخِرُونَ السَّابِقُونَ يَوْمَ الْقِيَامَةِ، بَيِّدَانَهُمْ أُوتُوا الْكِتَابَ مِنْ قَبْلِنَا، ثُمَّ هَذَا يَوْمُهُمُ الَّذِي فَرَضَ اللَّهُ عَلَيْهِمْ فَاخْتَلَفُوا فِيهِ فَهَدَانَا اللَّهُ لَهُ، فَالنَّاسُ لَنَا تَبَعٌ، الْيَهُودُ غَدَاً وَالنَّصَارَى بَعْدَ غَدٍ)).

قُلْتُ: قَدْ اخْتَلَفَ الْعُلَمَاءُ رَضِيَ اللَّهُ عَنْهُمْ هَلِ الْجُمُعَةُ فَرَضُ يَوْمِهَا أَوْ بَدَلٌ مِنَ الظُّهْرِ، قَالَ الشَّيْخُ حَيْثُ فِي شَرْحِ الْمُخْتَصَرِ، وَهِيَ كَمَا قَالَ ابْنُ عَرَفَةَ "رَكَعَتَانِ يَمْنَعَانِ وَجُوبَ الظُّهْرِ عَلَى رَأْيٍ يُسْقِطَانِهَا عَلَى آخِرٍ"، وَقَوْلُهُ "يَمْنَعَانِ وَجُوبَ الظُّهْرِ عَلَى رَأْيٍ، وَعَلَيْهِ فَهِيَ فَرَضُ يَوْمِهَا، وَالظُّهْرُ بَدَلٌ مِنْهَا، وَهَذَا هُوَ الْمُعْتَمَدُ"، وَقَوْلُهُ: "يُسْقِطَانِهَا عَلَى آخِرٍ وَعَلَيْهِ" فَهِيَ بَدَلٌ مِنَ الظُّهْرِ، وَهُوَ قَوْلُ ابْنِ نَافِعٍ وَابْنِ وَهَبٍ: "إِلَّا أَنَّهُ شَادٌّ".

وَقَالَ الْقَرَفِيُّ: "فِي الْمَذْهَبِ إِنَّهَا وَاجِبٌ مُسْتَقِلٌّ"، وَيَشْكُلُ قَوْلُ الْفَاكِهَانِيِّ، وَالْمَشْهُورُ أَنَّهَا بَدَلٌ مِنَ الظُّهْرِ لِأَنَّ الْبَدَلَ لَا يَقْبَلُ إِلَّا عِنْدَ تَعَذُّرِ الْمَبْدَلِ مِنْهُ، وَالْحَقُّ أَنَّهَا بَدَلٌ فِي الْمَشْرُوعِيَّةِ، وَالظُّهْرُ بَدَلٌ مِنْهَا بِالْفِعْلِ، وَمَعْنَى كَوْنِهَا بَدَلًا فِي الْمَشْرُوعِيَّةِ أَنَّ الظُّهْرَ شَرَعَتْ إِبْتِدَاءً ثُمَّ شَرَعَتْ الْجُمُعَةُ بَدَلًا مِنْهَا لِأَنَّ اللَّهَ تَعَالَى مَا أَوْجَبَ عَلَيْنَا إِلَّا خَمْسَ صَلَوَاتٍ، مِنْهَا الظُّهْرُ، لَكِنْ شَرَعَتْ الْجُمُعَةُ بَدَلًا مِنْهَا، وَمَعْنَى كَوْنِ الظُّهْرِ بَدَلًا مِنْهَا فِي الْفِعْلِ أَنَّهَا إِذَا تَعَذَّرَ فِعْلُهَا أَجَزَتْ عَنْهُ الظُّهْرُ، إِنَّتَهَى.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Seventeen

On The *Juma`a* Prayer

Allah ta`ala says: “*When the call has been made for the prayer of the day of juma`a then hasten to the remembrance of Allah.*” It has been narrated in the Sahih of al-Bukhari on the authority of Rabi`a ibn al-Haarith that he heard Abu Hurayra say that he heard the Messenger of Allah, ﷺ say: “We are last and the foremost on the Day of Standing, though the former nations were given the Books before us. And this was their day in which Allah made worship obligatory upon them. But they differed about it. So Allah guided us to it and all of the people are behind us in this respect; the Jews’ is tomorrow and the Christians’ is the day after tomorrow.”

I say: the scholars, may Allah be pleased with them, have disagreed whether the *juma`a* is an obligation to be done in its day, or is it just a substitute of *dhuhr* prayer. As-Shibrakhiti said in his commentary upon the al-Mukhtasar: “The judgment of *juma`a* is as Ibn `Arafa said: ‘It is two *rak`ats* which interdicts the obligation of *dhuhr* prayer based upon the opinion that the two *rak`ats* of *juma`a* rescinds the obligation of *dhuhr*.’ His saying – ‘*which interdicts the obligation of dhuhr prayer based upon the opinion*’ means that it is an obligation to be done in its day, and that *dhuhr* prayer is a substitute for the *juma`a*. This is the authentic opinion. His saying – ‘*the two rak`ats of juma`a rescinds the obligation of dhuhr*’ means that the *juma`a* is a substitute for the *dhuhr* prayer. This is the expressed opinion of Ibn Naafi` and Ibn Wahab, however it is an obscure view.

Imam al-Qaraafi said: “In the opinion of the Malikis it is that it is an autonomous obligation, which resembles the ideas of al-Faakihaani. The prominent opinion (*al-mash`huur*) is that the *juma`a* is a substitute of the *dhuhr* prayer because a substitute is not accepted except when the thing substituted has grounds for it. The reality is that the *juma`a* is a substitute made lawful by the *shari`a* while the *dhuhr* prayer is a substitute of the *juma`a* by action. The meaning of the words – “*the juma`a is a substitute made lawful by the shari`a*” - is that *dhuhr* was made lawful in the beginning then *juma`a* was made lawful as a substitute for the *dhuhr*. This is because Allah ta`ala has only made five prayers obligatory upon us, among them being the *dhuhr* prayer. However the *juma`a* was made lawful as a substitute for the *dhuhr*. The meaning of the words – “*the dhuhr prayer is a substitute of the juma`a by action*” – is that when there are legal grounds not to perform the *juma`a* then the *dhuhr* prayer stands-in for it.

Success is with Allah.

الْبَابُ الثَّامِنُ عَشَرَ

فِي صَلَاةِ الْخَوْفِ

قَالَ اللَّهُ تَعَالَى: ﴿وَإِذَا ضَرَبْتُمْ فِي الْأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا مِنَ الصَّلَاةِ إِنْ خِفْتُمْ أَنْ يَفْتِنَكُمُ الَّذِينَ كَفَرُوا إِنَّ الْكَافِرِينَ كَانُوا لَكُمْ عَدُوًّا مُبِينًا * وَإِذَا كُنْتُمْ فِيهِمْ فَأَقَمْتَ لَهُمُ الصَّلَاةَ فَلْتَقُمْ طَائِفَةٌ مِنْهُمْ مَعَكُمْ وَلْيَأْخُذُوا أَسْلِحَتَهُمْ فَإِذَا سَجَدُوا فَلْيَكُونُوا مِنْ وَرَائِكُمْ وَلْتَأْتِ طَائِفَةٌ أُخْرَى لَمْ يُصَلُّوا فَلْيُصَلُّوا مَعَكُمْ وَلْيَأْخُذُوا حِذْرَهُمْ وَأَسْلِحَتَهُمْ﴾ الْآيَةُ، وَقَالَ تَعَالَى: ﴿وَإِنْ خِفْتُمْ فَرِجَالًا أَوْ رُكْبَانًا﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: "عَزَوْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَبْلَ نَجْدِ فَوَازَيْنَا الْعَدُوَّ فَصَافَقْنَاهُمْ، فَقَامَ رَسُولُ اللَّهِ ﷺ يُصَلِّي لَنَا فَقَامَتْ طَائِفَةٌ مَعَهُ تُصَلِّي وَأَقْبَلَتْ طَائِفَةٌ عَلَى الْعَدُوِّ وَرَكَعَ رَسُولُ اللَّهِ ﷺ بِمَنْ مَعَهُ وَسَجَدَ سَجْدَتَيْنِ، ثُمَّ أَنْصَرَفُوا مَكَانَ الطَّائِفَةِ الَّتِي لَمْ تُصَلِّ فَجَاءَ فَرَكَعَ رَسُولُ اللَّهِ ﷺ رَكْعَةً وَسَجَدَ سَجْدَتَيْنِ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا وَزَادَ ابْنُ عُمَرَ عَنِ النَّبِيِّ ﷺ: ((وَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَلْيُصَلُّوا قِيَامًا أَوْ رُكْبَانًا)).

وَقَالَ الشَّيْخُ خُزَيْمِيُّ فِي شَرْحِ الْمُخْتَصَرِ "وَصَلَاةُ الْخَوْفِ مُسْتَمِرَّةٌ بَعْدَهُ ﷺ عِنْدَ مَالِكٍ وَالشَّافِعِيِّ وَأَبِي حَنِيفَةَ وَجَمْهُورِ أَهْلِ الْعِلْمِ"، قَالَ ابْنُ الْقَصَّارِ وَأَبُو يُوسُفَ "خَاصَّةٌ بِهِ ﷺ"، وَدَعَا الْمَرْتَبِيُّ أَنَّهَا نُسِخَتْ بِتَأْخِيرِهِ ﷺ يَوْمَ الْخَنْدَقِ وَأَرْبَعَ صَلَوَاتٍ وَاشْتِغَالًا بِالْقِتَالِ وَلَمْ يُصَلِّهَا، مَرْدُودَةٌ بِأَنَّهُ كَانَ قَبْلَ صَلَاةِ الْخَوْفِ".

وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ، "وَصَلَاةُ الْخَوْفِ رُخْصَةٌ دَائِمَةٌ عِنْدَ جَمْهُورِ الْعُلَمَاءِ، وَلَا تَخْتَصُّ بِالسَّفَرِ عَلَى الْمَشْهُورِ وَلَا بِالْبَرِّ خَلَاْفًا لِعَبْدِ الْمَالِكِ، فَتَقَامُ سَفَرًا أَوْ حَضَرًا بَرًّا أَوْ بَحَرًا عِنْدَ تَوْقُرُ شُرُوطِهَا، وَهُوَ خَوْفُ الْعَدُوِّ مُسْلِمًا كَانَ أَوْ كَافِرًا، إِنْ كَانَ مِنْ يَجُوزُ قِتَالُهُ وَلَوْ عَنْ مَالٍ أَوْ خَوْفٍ لُصُوصٍ أَوْ سِبَاعٍ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Eighteen

On The Fear Prayer

Allah ta'ala says: *"When you travel through the earth, there is no harm on you to shorten the prayers - if you fear that those who disbelieve will cause you distress. Verily those who disbelieve are to you an open enemy. When you are among them, establish the prayer and let a group among you stand with you ready with their weapons. When they have prostrated themselves let them go to your rear, and let another group who has not prayed come forward and pray with you ready with their arms." And by His words; "If you are endanger, then (say your prayers) on foot or on horseback."* And by His words: *"If you are endanger, then (say your prayers) on foot or on horseback."*

It has been related in the Sahih of al-Bukhari on the authority of Ibn Umar, may Allah be pleased with him, who said: "I took part in a battle (*ghazwa*) with the Messenger of Allah ﷺ in Najd. We faced the enemy and arranged ourselves in ranks. Then the Messenger of Allah stood up to pray with us and one party stood to pray with him while another party faced the enemy. The Messenger of Allah then made the bowing (*ruku'*) along with those who were with him and then made two prostrations. Then the other party who had not prayed took their place. The Messenger of Allah then performed one *raka'at* and two prostrations with them and finished it with the *salaams*." It has also been related in the Sahih of al-Bukhari that Ibn Umar added, the Prophet ﷺ said: "If the enemy is greater than the Muslims, they can pray individually while standing or riding."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar: "The prayer of fear is continuous after the Prophet, ﷺ with Malik, as-Shafi', Abu Haneefa and the majority of the people of knowledge." Abu'l-Qasaar and Abu Yusef said: "This prayer was specific to the Messenger of Allah, ﷺ." Al-Mazini even claimed that the fear prayer was abrogated by his, ﷺ, postponing four prayers at the Battle of the Trench, being preoccupied with fighting. Thus, they did not pray." This, however, is inadmissible because the Battle of the Trench occurred before the enactment of the prayer of fear.

In the Miftaah as-Sadaad, the commentary upon the Irshaad's-Saalik it states: "The prayer of fear is a permanent concession in the opinion of the majority of the jurists, and it is not specified for traveling in the most famous view, nor is it specified for being on land, contrary to what Abd'l-Malik said. The fear prayer should be established while traveling, domicile, on land or sea as long as the conditions are applicable, which is the fear of the enemies whether they be Muslim or disbelievers, if they are among those that it is permissible to fight; even when the fight is over wealth, or the fear of thieves, and predatory animals."

Success is with Allah.

الْبَابُ التَّاسِعُ عَشَرَ

فِي صَلَاةِ الْعِيدَيْنِ

قَالَ اللَّهُ تَعَالَى: ﴿فَصَلِّ لِرَبِّكَ وَأَنْحَرِ﴾، وَقَالَ تَعَالَى: ﴿قَدْ أَفْلَحَ مَنْ تَزَكَّى وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّى﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: "دَخَلَ عَلَيَّ أَبُو بَكْرٍ وَعِنْدِي جَارِيتَانِ مِنْ جَوَارِي الْأَنْصَارِ تَغْنِيَانِ بِمَا تَقَاوَلَتِ الْأَنْصَارُ يَوْمَ بُعَاثٍ"، وَقَالَتْ: "وَلَيْسَتَا بِمُعْنِيَتَيْنِ"، فَقَالَ أَبُو بَكْرٍ: "أَمْزَامِيرُ الشَّيْطَانِ فِي بَيْتِ رَسُولِ اللَّهِ؟" وَذَلِكَ فِي يَوْمِ عِيدٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ((يَا أَبَا بَكْرٍ إِنَّ لِكُلِّ قَوْمٍ عِيدًا، فَهَذَا عِيدُنَا))، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ الْبَرَاءِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَخْطُبُ فَقَالَ: ((إِنَّ أَوَّلَ مَا نُبْدَأُ مِنْ يَوْمِنَا هَذَا أَنْ نُصَلِّيَ ثُمَّ نَرْجِعَ فَتَنْحَرَ فَمَنْ فَعَلَ هَذَا فَقَدْ أَصَابَ سُنَّتَنَا)).

وَقَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصَرِ: "وَجَمَهُورُ الْمُفَسِّرِينَ عَلَى أَنَّ الْمُرَادَ بِقَوْلِهِ تَعَالَى - ﴿فَصَلِّ لِرَبِّكَ وَأَنْحَرِ﴾ - صَلَاةَ الْعِيدِ وَأَنْحَرَ الْأُضْحِيَّةَ"، وَفِي الْأَحْكَامِ لِابْنِ الْعَرَبِيِّ: "قَالَ عِكْرَمَةُ: كَانَ الرَّجُلُ يُقِيمُ أَقْدَمَ صَلَاةٍ بَيْنَ يَدَيْ زَكَاةٍ"، فَقَالَ سُفْيَانُ قَالَ اللَّهُ تَعَالَى - ﴿قَدْ أَفْلَحَ مَنْ تَزَكَّى وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّى﴾.

وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "وَالْمَشْهُورُ أَنَّ صَلَاةَ الْعِيدِ سُنَّةٌ مُوَكَّدَةٌ فِي حَقِّ مَنْ يَجِبُ عَلَيْهِ الْجُمُعَةُ لَا غَيْرُهَا"، ثُمَّ قَالَ بَعْدَ الْكَلَامِ: "حَكَى ابْنُ زَرْقُونُ: أَنَّهَا فَرَضُ كِفَايَةٍ".
وَقَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ: - سُنَّ لِعِيدِ رَكَعَتَانِ عَلَى الْمَشْهُورِ - وَيُؤْخَذُ مِنْ قَوْلِهِ فِيمَا يَأْتِي وَقَاتَتْهُ إِنَّهَا سُنَّةٌ كِفَايَةٌ وَلَكِنَّ الْمَذْهَبَ إِنَّهَا سُنَّةٌ عَيْنٌ عَلَى مَنْ يُؤْمِنُ بِالْجُمُعَةِ وَجُوبًا لَا عَلَى كُلِّ مُكَلَّفٍ، وَقِيلَ بِفَرِيضَتِهَا عَيْنًا أَوْ كِفَايَةً".
وَبِاللَّهِ التَّوْفِيقُ.

Chapter Nineteen

On the Prayer of the Two 'Eids

Allah ta'ala says: "*Then to your Lord pray and sacrifice.*" It has been related in the Sahih of al-Bukhari on the authority of A'isha, may Allah be pleased with her who said: "Once Abu Bakr entered upon me and with me were two servant girls from the servant girls of the *Ansaar* who were chanting using the chanting method of the *Ansaar* during the days of their uprising." She said: "They were not actual singers. Then Abu Bakr said: 'Are the wind instruments of Satan in the presence of the Prophet, ﷺ?'" That happened on the day of the 'Eid. Then the Messenger of Allah, ﷺ said: 'O Abu Bakr indeed every people have their 'Eid. This is our 'Eid'." It has also been related in the Sahih of al-Bukhari on the authority of al-Bara' who said: "I heard the Messenger of Allah, ﷺ say during a Friday sermon: 'Indeed the first thing that we begin with on this day of ours is that we pray, then return home and sacrifice. Whoever does that has accomplished our *Sunna*'."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar: 'The majority of the scholars of *Qur'anic* exegesis agree that what is meant by His words: '*Then to your Lord pray and then sacrifice*' are the 'Eid prayer and the animal sacrifice made for the Day of Sacrifice. It states in the al-Ahkaam of Ibn al-'Arabi: "Ikrama said: 'A man used to present his alms before performing the prayer". Sufyan said about that: 'Allah ta'ala says: '*He has succeeded who purifies himself by giving alms, then mentions the Name of his Lord and then prays*'."

In the Miftaah as-Sadaad, the commentary upon the Irshaad's-Saalik it states: "The prominent opinion is that the prayer of the 'Eid is a confirmed *Sunna* for the person for whom the *jumu'a* prayer is incumbent, and no one else." He then said after a bit: "Ibn Zarquun related that it is a collective obligation."

As-Shibrakhiti said in his commentary upon the al-Mukhtasar regarding the words of the author: 'The *Sunna* of the 'Eid is two *rak'ats* based upon the more prominent opinion'; "What can be extracted from his words is what will be cited, but it missed him that it is a collective *Sunna*. However, the view of the *madh'hab* of Malik is that it is an individual *Sunna* for the one upon whom the *jumu'a* prayer is obligatory, and not upon every responsible person. It is also said that regarding the obligation of the 'Eid prayers that they are considered individual and collective obligations.

Success is with Allah.

الْبَابُ الْعِشْرُونَ

فِي الْجَنَازَةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَلَا تُصَلِّي عَلَى أَحَدٍ مِنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا وَهُمْ فَاسِقُونَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: "نَعَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى أَصْحَابِهِ النَّجَاشِيِّ ثُمَّ تَقَدَّمَ فَصَلُّوا خَلْفَهُ، فَكَبَّرَ أَرْبَعًا".

قُلْتُ: وَقَوْلُهُ عَزَّ وَجَلَّ - ﴿وَلَا تُصَلِّي عَلَى أَحَدٍ مِنْهُمْ﴾ الْآيَةُ نَصٌّ فِي الْإِمْتِنَاعِ مِنَ الصَّلَاةِ عَلَى الْكَافِرِينَ، كَمَا قَالَ ابْنُ الْعَرَبِيِّ فِي الْأَحْكَامِ، وَقَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ: "أُخْتَلِفَ هَلِ الصَّلَاةُ عَلَى الْمَيِّتِ وَاجِبَةٌ وَجُوبُ الْكِفَايَةِ، وَعَلَيْهِ الْأَكْثَرُ وَشَهْرُهُ الْفَاكِهَانِيُّ وَغَيْرُهُ، أَوْ سُنَّةٌ، وَأَمَّا دَفْنُ الْمَيِّتِ أَوْ مُوَارَاتُهُ وَكَفْنُهُ، فَفَرَضُ كِفَايَةٍ مِنْ غَيْرِ خِلَافٍ إِلَّا ابْنُ يُونُسَ فَإِنَّهُ حَكَى سُنِّيَّةَ كَفْنِهِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty

On the Funeral Prayer

Allah ta'ala says: “*And do not ever pray over anyone among them who dies; and do not stand over their graves. They denied Allah and His messenger and died while they were corrupt.*” It has been related in Sahih of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him who said: “The Prophet, ﷺ miraculously announced the death of an-Najaashi to his Companions. Then he went forward to pray and they stood to pray behind him. He then made four *takbir* (*Allahu Akbar*).”

I say: His saying, *`azza wa jalla*: “*And do not ever pray over anyone among them*” is textual provision regarding the prohibition of prayer over disbelievers; as Ibn al-`Arabi said in his al-Ahkaam. Al-Khurashi said in his commentary upon the al-Mukhtasar: “There is disagreement whether the prayer over the deceased is incumbent as a collective obligation.” It is upon this view that the majority of the jurist depend. Al-Faakihaani and others considered this the prominent opinion; or that it is a *Sunna*. As for burying the deceased, that is to say, preparing his body and enshrouding it, it is a collective obligation without any disagreement among the jurist; except Ibn Yunis who narrated that it is a *Sunna* to enshroud the body.”

Success is with Allah

Institute of Islamic-African Studies International

الْبَابُ الْحَادِي وَالْعَشْرُونَ

فِي الزَّكَاةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَأَتُوا الزَّكَاةَ﴾، وَقَالَ تَعَالَى: ﴿وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ يَوْمَ يُحْمَى عَلَيْهَا فِي نَارِ جَهَنَّمَ فَتُكْوَى بِهَا جِبَاهُهُمْ وَجُنُوبُهُمْ وَظُهُورُهُمْ هَذَا مَا كُنَزْتُمْ لَأَنْفُسِكُمْ فَذُوقُوا مَا كُنْتُمْ تَكْنِزُونَ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: ((مَنْ آتَاهُ اللَّهُ مَالًا فَلَمْ يُؤَدِّ زَكَاتَهُ، مِثْلَ لَهُ يَوْمَ الْقِيَامَةِ شَجَاعًا أَقْرَعَ لَهُ رَبِيبَتَانِ يُطَوِّفُهُ يَوْمَ الْقِيَامَةِ، ثُمَّ يَأْخُذُ بِلَهْزَمَتَيْهِ، يَعْنِي بِشِدْقَيْهِ، يَقُولُ - أَنَا مَالُكَ! أَنَا كَنْزُكَ!)) ثُمَّ تَلَى ﴿وَلَا تَحْسِبَنَّ الَّذِينَ يَبْخُلُونَ بِمَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ﴾ الْآيَةَ. قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الزَّكَاةِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-One

On Alms

Allah ta'ala says: *“And give the alms”*; and He ta'ala says: *“Those who hoard the treasures of gold and silver and do not expend it in the way of Allah, announce for them a painful punishment; on the Day when the heat from it will be produced in the Fire; with which their foreheads, their sides, and their backs will be branded. ‘This is what you have hoarded up for yourselves; now taste the treasures you have hoarded’!”*

It has been related in the Sahih of al-Bukhari on the authority of Abu Hurayra who said that the Messenger of Allah, ﷺ said: *“Whomever Allah gives wealth and he does not give the alms on that wealth, it will be transformed into a bald-headed poisonous male snake with two black spots over the eyes. The snake will encircle his neck and bite his cheeks and say: ‘I am your wealth, I am your treasure.’ Then the Prophet recited His words: ‘Let not those who are stingy with what Allah favored them with think that it is good for them. Rather it is evil for them. That with which they were stingy will encircle them on the Day of Standing. Allah is the Inheritor of the heavens and the earth, and Allah is Aware of what you do’.”*

I say: the consensus of the *Umma* is unanimous in its agreement regarding the obligation of alms.

Success is with Allah.

Institute of Islamic-African Studies International

الْبَابُ الثَّانِي وَالْعِشْرُونَ

فِي زَكَاةِ الْفِطْرِ

قَالَ اللَّهُ تَعَالَى: ﴿قَدْ أَفْلَحَ مَنْ تَزَكَّى وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّى﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عُمَرَ قَالَ: "فَرَضَ رَسُولُ اللَّهِ ﷺ زَكَاةَ الْفِطْرِ صَاعًا مِّنْ تَمَرٍ أَوْ صَاعًا مِّنْ شَعِيرٍ عَلَى الْعَبْدِ وَالْحُرِّ وَالذَّكْرِ وَالْأُنْثَى وَالصَّغِيرِ وَالْكَبِيرِ مِنَ الْمُسْلِمِينَ، وَأَمَرَ بِهَا أَنْ تُؤَدَّى قَبْلَ خُرُوجِ النَّاسِ إِلَى الصَّلَاةِ". قُلْتُ: إِنَّ زَكَاةَ الْفِطْرِ وَاجِبَةٌ بِالسُّنَّةِ، وَقِيلَ بِالْكِتَابِ، قَالَ الشَّيْخُ خَيْتِيُّ: "وَهَلْ لِدُخُولِهَا فِي الْآيَةِ أَوْ لِدَلِيلٍ خَاصٍّ، وَهُوَ قَوْلُهُ تَعَالَى: ﴿قَدْ أَفْلَحَ مَنْ تَزَكَّى﴾ أَيْ أَخْرَجَ زَكَاةَ الْفِطْرِ ﴿وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّى﴾ أَيْ صَلَاةَ الْعِيدِ - قَوْلَانِ.

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ: وَهَلْ بِأَوَّلِ لَيْلَةِ الْعِيدِ أَوْ بِفَجْرِهِ، خِلَافٌ - "وَهَلْ - يَتَعَلَّقُ الْخُطَابُ بِزَكَاةِ الْفِطْرِ عَلَى مَنْ كَانَ مِنْ أَهْلِهَا بِأَوَّلِ لَيْلَةِ الْعِيدِ، وَهُوَ غُرُوبُ الشَّمْسِ مِنْ آخِرِ يَوْمِ رَمَضَانَ، وَلَا يَمْتَدُّ بَعْدَهُ أَصْلًا ابْنُ يُونُسَ، وَهُوَ مَذْهَبُ ابْنِ الْقَاسِمِ، وَفِي الْمُدَوَّنَةِ: وَشَهْرُهُ ابْنُ الْحَاجِبِ بِنَاءً عَلَى أَنَّ الْفِطْرَ الَّذِي أُضِيفَتْ إِلَيْهِ هُوَ الْفِطْرُ الْجَائِزُ الَّذِي يُدْخِلُ وَقْتُهُ بَغْرُوبَ الشَّمْسِ مِنْ آخِرِ يَوْمٍ مِنْ رَمَضَانَ أَوْ بِفَجْرِ يَوْمِ الْعِيدِ، رَوَاهُ ابْنُ الْقَاسِمِ وَالْآخَرُونَ عَنْ مَالِكٍ، وَشَهْرُهُ الْأَبْهَرِيُّ وَصَحَّحَهُ ابْنُ الْعَرَبِيِّ بِنَاءً عَلَى أَنَّ الْفِطْرَ الَّذِي أُضِيفَتْ إِلَيْهِ هُوَ الْفِطْرُ الْوَاجِبُ الَّذِي يُدْخِلُ وَقْتُهُ بِطُلُوعِ الْفَجْرِ، خِلَافٌ وَلَا يَمْتَدُّ الْوَقْتُ عَلَى الْقَوْلَيْنِ."

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Two

On the Alms of Breaking the Fast

Allah ta'ala says: “*He has prospered who purifies himself by giving alms, and remembers the name of his Lord, and then prays.*” It has been related in the Sahih of al-Bukhari on the authority of Ibn ‘Umar who said: “The Messenger of Allah, ﷺ made the alms of breaking the fast (*zakaat’l-fitr*) obligatory by the payment of one *saa* (approximately 3 kilograms) of dates, or one *saa* of barley upon every Muslim, slave or free, male or female, young or old. He commanded that it be paid before the people went out to the ‘*Eid* prayer.”

I say: that the alms of breaking the fast are an obligation based upon the *Sunna*; while some say that alms are obligatory based upon the Book. As-Shibrakhiti said: “Is it inclusive in the *Qur’anic* verse or it based upon a specific proof. It is His words: ‘*He has prospered who purifies himself by giving alms*’, that is to say: by extracting the alms of breaking the fast from his wealth; ‘*...and remembers the name of his Lord, and then prays*’, that is to say: he prays the prayer of the ‘*Eid*. This proof establishes both opinions.”

Al-Khurashi said in his commentary upon the al-Mukhtasar regarding the words of the author – It is by the first part of the night of the ‘*Eid* or by the time of *fajr*? There is disagreement -: “The question here is related to who is being addressed with the alms of breaking the fast being obligatory upon the one who is from its appropriate people by the first part of the night of the ‘*Eid*. This means with the setting of the sun in the last day of *Ramadan* and it should not be originally prolonged until after that time based upon Ibn Yunis. This is also the view of Ibn al-Qaasim. It states in the al-Muddawana: ‘This view was made famous by Ibn al-Haajib developed upon the proof that the breaking of the fast which is referred to here is the lawful breaking of the fast whose permissibility commences with the time of the setting of the sun in the last day of *Ramadan* or by the time of *fajr* of the day of the ‘*Eid*. This was narrated by Ibn al-Qaasim and others on the authority of Malik. It was made famous by al-Abhuri and its soundness was verified by Ibn al-‘Arabi, constructed upon the proof that the breaking of the fast which is referred to here is the obligatory breaking of the fast whose permissibility commences with the time of the appearance of *fajr*. In this there is disagreement. However, it should not be prolonged beyond that time based upon both opinions’.”

Success is with Allah.

الْبَابُ الثَّالِثُ وَالْعِشْرُونَ

فِي الصَّوْمِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ مُحَمَّدِ بْنِ زَيْادٍ، قَالَ سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ ﷺ: ((صُومُوا لِرُؤُوسِهِ وَأَفْطَرُوا لِرُؤُوسِهِ، فَإِنْ غُمَّ عَلَيْكُمْ، فَأَكْمِلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ)).
قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وُجُوبِ صَوْمِ شَهْرِ رَمَضَانَ.

بِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Three

On Fasting

Allah ta'ala says: “*O you who believe fasting has been prescribed for you just as it was prescribed for those before you so that you may be fearfully aware.*” It has been related in the Sahih of al-Bukhari on the authority Muhammad ibn Zayyad who said: “I once heard Abu Hurayra, may Allah be pleased with him say: ‘The Prophet, ﷺ said: ‘Start fasting based upon sighting (the new moon) and break fasting based upon sighting (the new moon). If the new moon is hidden from you, then complete the computation of the month based upon the thirty days of *Sha‘baan*’.”

I say: the consensus of the *Umma* is unanimous regarding the agreement of the obligation of fasting during the month of *Ramadan*.

Success is with Allah.

Institute of Islamic-African Studies International

البَابُ الرَّابِعُ وَالْعِشْرُونَ

فِي الْإِعْتِكَافِ

قَالَ اللَّهُ تَعَالَى: ﴿وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ، تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا﴾، الْآيَةُ،
وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ زَوْجَةِ النَّبِيِّ ﷺ: "أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَعْتَكِفُ الْعَشَرَ الْأَوَّلَ مِنْ
رَمَضَانَ حَتَّى تَوَفَاهُ اللَّهُ، ثُمَّ أَعْتَكِفَ أَزْوَاجُهُ بَعْدَهُ".

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ: - الْإِعْتِكَافُ نَافِلَةٌ - "أَيُّ مُسْتَحَبٍّ عَلَى
الْمَشْهُورِ وَلَيْسَ سُنَّةً لِأَنَّهُ وَإِنْ فَعَلَهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ وَلَكِنَّهُ لَمْ يُوَظَّبْ عَلَيْهِ، لِأَنَّهُ تَارَةٌ يَعْتَكِفُ
وَتَارَةٌ يَتْرُكُ، وَلَا يَصْدُقُ ضَابِطُ السُّنَّةِ عَلَيْهِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Four

On Retreat (in the mosques)

Allah ta'ala says: *“And do not associate intimately with your wives while you are in retreat in the mosques. Those are the limits of Allah, therefore do not approach them.”* It has been related in the Sahih of al-Bukhari on the authority of A'isha, the wife of the Prophet, ﷺ: “The Messenger of Allah, ﷺ used to go into retreat during the last ten days of *Ramaḍan*, until Allah caused him to pass away. Then his wives used to go into the retreat after him.”

Al-Khurashi said in his commentary upon the al-Mukhtasar regarding the words of the author – Retreat is superogatory -: “That is to say that it is highly recommended based upon the most famous opinion, and it is not a *Sunna* because he, upon him be peace did it, but he was not persistent in performing it. This is because sometimes he would go into retreat and sometimes he would leave it. Therefore the precept of it being a confirmed *Sunna* cannot be corroborated.”

Success is with Allah.

الْبَابُ الْخَامِسُ وَالْعِشْرُونَ

فِي الْحَجِّ

قَالَ اللَّهُ تَعَالَى: ﴿وَلِلَّهِ عَلَى النَّاسِ حَجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ عَنِ الْعَالَمِينَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: "كَانَ الْفَضْلُ رَدِيفَ رَسُولِ اللَّهِ ﷺ، فَجَاءَتْ امْرَأَةٌ مِنْ خَنْعَمٍ، فَجَعَلَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَتَنْظُرُ إِلَيْهِ، وَجَعَلَ النَّبِيُّ ﷺ يُصَرِّفُ وَجْهَ الْفَضْلِ إِلَى الشَّقِّ الْآخِرِ، فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ فَرِيضَةَ اللَّهِ عَلَى عِبَادِهِ فِي الْحَجِّ أَدْرَكْتَ أَبِي شَيْخًا كَبِيرًا لَا يَثْبُتُ عَلَى الرَّاحِلَةِ، أَفَأَحُجُّ عَنْهُ؟ قَالَ: ((نَعَمْ))، وَذَلِكَ فِي حَجَّةِ الْوَدَاعِ".
وَقُلْتُ: قَدْ أُنْعَقَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الْحَجِّ، قَالَ الشَّيْخُ الْإِسْلَامِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - فُرِضَ الْحَجُّ عَلَيْنَا -: "أَيُّ كِتَابٍ وَسُنَّةٍ وَإِجْمَاعٍ".
وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Five

On the Pilgrimage

Allah ta'ala says: *“For the sake of Allah, pilgrimage is an obligation upon mankind for those who are able to find a way; but whoever disbelieves, indeed Allah is Independently Rich beyond the worlds.”* It has been related in the Sahih of al-Bukhari on the authority of Abdallah ibn `Abbas, may Allah be pleased with them who said: “Al-Fadl was once riding on a camel behind the Messenger of Allah, ﷺ when a woman from the people of Khath'am came. Al-Fadl began to stare at her and she began staring at al-Fadl. The Messenger of Allah, ﷺ then diverted the face of al-Fadl the other way. She then said: ‘O Messenger of Allah, the obligation of pilgrimage which has been made incumbent upon His servants has become due for my old and feeble father. He cannot sit firm upon the mount; may I perform the pilgrimage on his behalf?’ He said: ‘Yes.’ This happened during the Farewell Pilgrimage.”

I say: It is the unanimous consensus of the *Umma* regarding the obligation of pilgrimage. As-Shibrakhiti said in his commentary upon the al-Mukhtasar regarding the words of the author – pilgrimage has been made obligatory upon us -: “that is to say that it has been made obligatory upon us based upon the Book, the *Sunna* and the consensus (*ijmaa*).”

Success is with Allah.

الْبَابُ السَّادِسُ وَالْعِشْرُونَ

فِي الذَّكَاةِ وَالصَّيْدِ

قَالَ اللَّهُ تَعَالَى: ﴿حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخَنزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ﴾، وَقَالَ تَعَالَى: ﴿فَكُلُوا مِمَّا ذُكِّرَ أَسْمُ اللَّهِ عَلَيْهِ﴾، وَقَالَ تَعَالَى: ﴿وَيَسْأَلُونَكَ مَاذَا أُحِلَّ لَهُمْ قُلْ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ مُكَلِّبِينَ تُعَلِّمُونَهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَادْكُرُوا إِسْمَ اللَّهِ عَلَيْهِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ رَافِعٍ بَنِ حَدِيحٍ عَنْ جَدِّهِ إِنَّهُ قَالَ: "يَا رَسُولُ اللَّهِ لَيْسَ لَنَا مُدَى"، فَقَالَ: ((أَعْجَلُ مَا أَنْهَرَ الدَّمَ وَذُكِّرَ أَسْمُ اللَّهِ فَكُلْ، لَيْسَ السِّنُّ وَالظُّفْرُ، أَمَّا الظُّفْرُ فَمُدَى الْحَبَشِيَّةِ، وَأَمَّا السِّنُّ فَعَظْمٌ))، الْحَدِيثُ، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي ثَعْلَبَةَ الْحُسَيْنِيِّ قَالَ: "أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ ﷺ إِنَّا بِأَرْضِ قَوْمٍ مِنْ أَهْلِ الْكِتَابِ، أَفَنَأْكُلُ فِي أَنْبِيتِهِمْ؟ وَبِأَرْضِ صَيْدٍ وَأَصِيدُ بِقَوْسِي وَبِكَلْبِي الْمُعَلِّمِ وَبِكَلْبِي الَّذِي لَيْسَ بِمُعَلِّمٍ"، فَقَالَ النَّبِيُّ ﷺ: ((أَمَّا مَا ذَكَرْتَ مِنْ أَنْكُمْ بِأَرْضِ أَهْلِ الْكِتَابِ فَلَا تَأْكُلُوا فِي أَنْبِيتِهِمْ إِلَّا أَنْ لَا تَجِدُوا بُدًّا، فَإِنْ لَمْ تَجِدُوا بُدًّا فَأَغْسِلُوهَا وَكُلُوا، وَأَمَّا مَا ذَكَرْتَ مِنْ أَنْكُمْ بِأَرْضِ صَيْدٍ، فَمَا صِدَّتْهُ بِقَوْسِكَ فَادْكُرْ إِسْمَ اللَّهِ وَكُلْ وَمَا صِدَّتْهُ بِكَلْبِكَ الْمُعَلِّمِ فَادْكُرْ إِسْمَ اللَّهِ وَكُلْ، وَمَا صِدَّتْهُ بِكَلْبِكَ الَّذِي لَيْسَ بِمُعَلِّمٍ فَادْكُرْ ذَكَاتَهُ فَكُلْ)).

وَقَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصَرِ: "الذَّكَاةُ مِنْ حَيْثُ هِيَ مُبَاحَةٌ وَقَدْ يَفْرَضُ وَجُوبُهَا كَذَكَاةِ الْفِدْيَةِ وَالْهَدْيِ وَجَزَاءِ الصَّيْدِ وَنُدْبِهَا كَذَكَاةِ الْأُضْحِيَّةِ وَالْعَقِيقَةِ وَكِرَاهَتِهَا كَذَكَاةِ الْمَكْرُوهِ وَحُرْمَتِهَا كَذَكَاةِ مَلِكٍ الْغَيْرِ مَثَلًا"، وَقَالَ أَيْضًا بَعْدَ كَلَامٍ: "وَالصَّيْدُ مِنْ حَيْثُ ذَكَاتِهِ جَائِزًا إِجْمَاعًا، وَتَعْتَرِيهِ الْأَحْكَامُ الْخَمْسَةُ: [1] مُبَاحٌ وَهُوَ مَا كَانَ لِلْمَعَاشِ إِخْتِيَارًا الْأَكْلَ أَوْ إِنْتِفَاعًا بِنَمْنِهِ وَلَوْ فِي شَهْوَةٍ مُبَاحَةٍ أَوْ نِكَاحٍ مُنْعَمَةٍ تَزَوَّجًا؛ [2] وَمَنْدُوبٌ وَهُوَ مَا صِيدَ لِسِدِّ الْخَلَّةِ وَكَفِّ الْوَجْهِ وَلِيُوسِعَ بِهِ عَلَى عِيَالِهِ مِنْ ضَيْقٍ أَوْ يَصْرِفُهُ فِي مَنْدُوبٍ مِنْ صَدَقَةٍ؛ [3] وَمَنْعُوعٌ وَهُوَ مَا إِذَا كَانَ يُرِيدُ قَتْلَ الصَّيْدِ لَا ذَكَاتَهُ لِأَنَّهُ مِنَ الْفَسَادِ أَوْ كَانَ الْإِسْتِعَالُ بِهِ يُؤَدِّي لِتَضْيِيعِ الصَّلَاةِ؛ [4] وَوَاجِبٌ وَهُوَ مَا كَانَ لِإِحْيَاءِ نَفْسِهِ أَوْ غَيْرِهِ وَلَا يَجِدُ غَيْرَهُ؛ [5] وَمَكْرُوهٌ وَهُوَ مَا كَانَ لِلَّهِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Six

On Slaughtered and Hunted Meats

Allah ta'ala says: *“Forbidden for you are: carrion, blood, the flesh of swine, what has been sacrificed to other than Allah, the flesh of strangled animals, those beaten or gored to death, those killed by a fall, mangled by a beast of prey except what you have sacrificed.”* He the Exalted says: *“Then eat of that which the name of Allah has been mentioned over.”* He the Exalted says: *“They ask you about what is permitted for them; say: Permitted to you are all good things, as well as that which you have taught the birds and beast of prey to catch, training them as Allah has taught you. Eat of what they catch for you, pronouncing the name of Allah on it; and have fear of Allah, for Allah is swift at reckoning.”*

It has been related in the Sahih of al-Bukhari on the authority of Abi Raafi'i ibn Hudayj on the authority of his grandfather who said: “O Messenger of Allah! We have no knives.” He ﷺ said: “If the killing tools causes blood to gush out and if the Allah's name is mentioned over it, then eat. But do not slaughter with a tooth or nail. As for the tooth it is a bone and the nail is an Ethiopian knife.” It has been related in the Sahih of al-Bukhari on the authority of Abi Tha'laba al-Khushani who said: “I came to the Prophet ﷺ and said: ‘O Messenger of Allah! We are living in the land of the People of the Book, can we take our meals in their utensils? Furthermore, there is game in that land and I hunt with my bow and with my trained hound and with my untrained hound.’ The Prophet ﷺ said: ‘As for your saying that you are in the land of the People of the Book, you should not eat in their utensils unless you find no alternative, in which case you must wash the utensils and then eat from them. As for your saying that you are in the land of game, if you hunt something with your bow, mention Allah's name and eat: and if you hunt something with your trained hound, mention Allah's name and eat: and if you hunt something with your untrained hound and get it alive, slaughter it and you can eat of it’.”

Al-Shibrakhiti said in his commentary upon the al-Mukhtasar: “Slaughtered meats with respect to them being lawful (*mubaaha*), it is that which obligation has been made incumbent, like the slaughtered meats sacrificed for ransom, for offering and the recompense of hunting; that which has been made highly recommended (*nudibu*), like the slaughtered meats of pilgrimage sacrifice and naming celebration; that which has been made reprehensible (*makruuh*), like slaughtered meats which are reprehensible; and that which has been made forbidden (*hurima*), like the unlawfully slaughtered meats of animals which belong to others, for example.” He also said after a little: “Hunted meats with regard to their being slaughtered are permissible by consensus of opinion. They all fall within the five legal judgments: [1] lawful (*mubaah*) which is that utilized for subsistence and is consumed by choice, or utilized as an advantage for its value as a commodity even for lawful desires, or utilized as marriage blessings for matrimony; [2] highly recommended (*manduub*) which is that hunted in order to prevent famishment, to defend oneself, and in order to make matters expansive for his family and to prevent constrictions in wealth or in order to expend in matters that are highly recommended like charity; [3] prohibited (*mamnuu*) which is that a person hunts animals merely to kill them, not in order to ritually sacrifice them for consumption (this is because hunting for this reason is a kind of corruption); or that kind of hunting which preoccupies a person to the point where he forfeits his prayers; [4] obligatory (*waajib*) which is that done for one's livelihood or for the livelihood of others, and he can find no other means to take care of himself and his dependence; and [5] reprehensible (*makruuh*) which is hunting done merely for sport and entertainment.”

Success is with Allah.

الْبَابُ السَّابِعُ وَالْعِشْرُونَ

فِي الْيَمِينِ

قَالَ اللَّهُ تَعَالَى: ﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَرْتُمْهُ إِطْعَامَ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ، فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ، ذَلِكَ كَفَّارَةُ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ وَاحْفَظُوا أَيْمَانَكُمْ﴾، الْآيَةُ.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ ﷺ أَدْرَكَ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ وَهُوَ يَسِيرُ فِي رَكْبٍ يَخْلِفُ بِأَبِيهِ فَقَالَ: ((أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَخْلِفُوا بِأَبَائِكُمْ، مَنْ كَانَ خَالِفًا فَلْيَخْلِفْ بِاللَّهِ أَوْ لِيَصْمُتْ))، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أَبِي هُرَيْرَةَ: ((لَوْ قَالَ إِنْ شَاءَ اللَّهُ لَمْ يَخْنَثْ))، يَعْنِي الْحَالِفَ بِاللَّهِ.

قَالَ السَّبْرُخِييُّ فِي شَرْحِ الْمُخْتَصَرِ: "وَأُخْتَلِفَ هَلِ الْحَلْفُ مِنْ حَيْثُ هُوَ مُبَاحٌ وَإِلَيْهِ ذَهَبَ الْأَكْثَرُ"، قَالَ عَبْدُ السَّلَامِ: "وَهُوَ الصَّحِيحُ نَفْلًا وَنَظَرًا وَالرَّاجِحُ التَّرْكُ وَإِلَيْهِ ذَهَبَ بَعْضُهُمْ قَوْلَانِ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Seven

On Solemn Oaths

Allah ta'ala says: *“Allah will not take you to task for what you inadvertently swear. But He will take you to task for the oaths which you solemnly swore. The penalty for a broken oath is the feeding of ten needy people from such foods as you normally offer to your own people: or clothing them: or the freeing of one slave. If he cannot afford any of these, he must fast three days. This is expiation for what you have sworn. And guard your solemn oaths...”*

It has been related in the Sahih of al-Bukhari on the authority of Abdallah ibn Umar (may Allah be pleased with both of them) who said: “The Messenger of Allah ﷺ met Umar ibn al-Khattab while the later was going with a group of camel-riders, and he was swearing by his father. He said: ‘Lo! Allah has prohibited you to swear by your fathers, so whoever has to take an oath, he should swear by Allah or keep quiet’.” It has also been related in the Sahih of al-Bukhari on the authority of Abu Hurayra [that the Messenger of Allah said]: “If he had said: ‘Allah willing’ he would not have violated his oath’; meaning he would have sworn by Allah.”

Al-Shibrakhiti said in his commentary upon the al-Mukhtasar: “There is disagreement whether swearing in and of itself is lawful; which the majority of the scholars accept. Abd’s-Salaam said: ‘Swearing is sound based upon transmitted narration and speculation. The preponderant view is that it should be avoided, and upon this view some of the scholars hold two opinions.’”

Success is with Allah.

البَابُ الثَّامِنُ وَالْعِشْرُونَ

فِي النَّذْرِ

قَالَ اللَّهُ تَعَالَى: ﴿وَمَا أَنْفَقْتُمْ مِنْ نَفَقَةٍ أَوْ نَذَرْتُمْ مِنْ نَذْرٍ، فَإِنَّ اللَّهَ يَعْلَمُهَا﴾، وَقَالَ تَعَالَى: ﴿يُؤْفُونَ بِالنَّذْرِ﴾، وَقَالَ تَعَالَى: ﴿وَلْيُؤْفُوا نُذُورَهُمْ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ قَالَ: ((مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعهُ، وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللَّهَ فَلَا يَعْصِهِ)).

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - وَإِنَّمَا يُلْزَمُ بِهِ مَا نُدِبَ -: "يَعْنِي أَنَّ النَّذَرَ لَا يُلْزَمُ مِنْهُ إِلَّا مَا كَانَ مَذْنُوبًا فِعْلُهُ أَوْ تَرْكُهُ، فَلَا يُلْزَمُ فِي الْمُبَاحِ كَنَذْرِ عَلَى أَنْ أَمْشِيَ فِي السُّوقِ إِذْ لَا قُرْبَةَ فِيهِ، وَالْمَكْرُوهُ أُخْرَى كَنَذْرِ عَلَى أَنْ أَصْلِيَ نَفْلًا بَعْدَ الْعَصْرِ، وَالْمَحْرَمُ أُخْرَى كَنَذْرِ عَلَى شَرَبِ الْحَمْرِ، وَالْوَاجِبُ لَازِمٌ بِنَفْسِهِ كَصَلَاةِ الظُّهْرِ مَثَلًا."

وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "تَذَرُ الطَّاعَةَ جَائِزٌ مَا لَمْ يُعَلَّقْ بِبَرٍّ مَرَضٍ أَوْ مَلِكٍ شَيْءٍ فَيُكْرَهُ"، وَقَالَ ابْنُ رُشْدٍ: "يُسْتَحَبُّ إِنْ كَانَ مُطْلَقًا شُكْرًا لِلَّهِ لِأَمْرِ وَقَعٍ، وَيُكْرَهُ إِنْ عَلِقَ بِأَتٍ يَتَكَرَّرُ كَنَذْرِ مُتَكَرَّرٍ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Eight

On Vows

Allah the Exalted has established the vow (*al-nadhr*) by His words: “*You never expend from any expenditure nor make a vow from vows, except that Allah knows it.*” And by His words: “*Those who fulfill their vows.*” And by His words: “*And they fulfill their vows.*” It has been related in the Sahih of al-Bukhari on the authority of `A'isha (may Allah be pleased with her) that the Prophet ﷺ said: “Whoever makes a vow to be obedient to Allah, must be obedient to Him; and whoever makes a vow to be disobedient to Allah, should not be disobedient to Him.”

Al-Khurashi said in his commentary upon the al-Mukhtasar regarding the words of the author – What is necessary with this is what is highly recommended – “This means that fulfilling vows is not necessary except in what is highly recommended to do or leave. For, it is not necessary in what is lawful like one making a vow that he will walk to the market place if it is not far. It is even more so not necessary in what is reprehensible, like one making a vow that he will pray superogatory prayers after the *`asr* prayer. It is even more so not necessary in what is prohibited, like one making a vow that he will drink wine. As for what is obligatory from vows, it is to make it incumbent upon oneself to do an action, like performing the *dhuhr* prayer for example.”

It says in the Miftaah as-Sadaad, the commentary upon the Irsaal's-Saalik: “Making a vow to perform an act of obedience is permissible as long as it is not connected to the curing of sickness or possessing ownership of something.” Ibn Rushd said: “It is highly recommended if it is absolutely connected to showing gratitude to Allah for some matter that occurred. It is reprehensible if it is connected to a future event which is recurrent, like making a repetitive vow to do something.”

Success is with Allah.

البَابُ التَّاسِعُ وَالْعِشْرُونَ

فِي الْجِهَادِ

قَالَ اللَّهُ تَعَالَى: ﴿إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ وَعَدًا عَلَيْهِ حَقًّا فِي التَّوْرَةِ وَالْإِنْجِيلِ وَالْقُرْآنِ وَمَنْ أَوْفَى بِعَهْدِهِ مِنَ اللَّهِ فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ وَذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ﴾ إِلَى قَوْلِهِ: ﴿وَبَشِّرِ الْمُؤْمِنِينَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ إِبْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ: ((لَا هِجْرَةَ بَعْدَ الْفَتْحِ وَلَكِنْ جِهَادٍ وَنِيَّةٌ، وَإِذَا اسْتَنْفَرْتُمْ فَأَنْفِرُوا)).

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ فِي بَابِ الْجِهَادِ: "فُرِضَ كِفَايَةٌ - يَعْنِي أَنَّ الْجِهَادَ فِي كُلِّ سَنَةٍ مَرَّةً وَاحِدَةً وَلَوْ مَعَ خَوْفٍ مُحَارِبٍ فُرِضَ كِفَايَةٌ عَلَى الْمَشْهُورِ يَسْقُطُ بِفِعْلِ الْبَعْضِ لِقَوْلِهِ تَعَالَى: ﴿فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَى﴾، فَلَمَّا وَعَدَ اللَّهُ الْقَاعِدَ وَالْمُجَاهِدَ الْحُسْنَى عَلَّمَ أَنَّ الْخِطَابَ بِهِ لِلْجَمِيعِ عَلَى سَبِيلِ الْبَدَلِيَّةِ وَإِنَّهُ يَسْقُطُ بِفِعْلِ الْبَعْضِ وَلَوْ كَانَ عَلَى الْأَعْيَانِ لَكَانَ الْقَاعِدُ بِلاَ ضَرُورَةٍ عَاصِيًا".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Twenty-Nine

On Military Struggle

Allah ta'ala says: *“Indeed Allah has purchased from the believers their souls and their wealth, because for them is Paradise; they fight in the Way of Allah; slay and are slain; as a promise binding upon Him in truth in the Torah, the Injeel and the Qur'an. Who is more faithful to covenants than Allah? Therefore, rejoice in the bargain you have made, for that is the Supreme Achievement. Those who repent, worship, praise, travel in devotion to Him, who bow down, prostrate, command the good and forbid evil, and preserve the limits of Allah; so give Good News to the believers.”* It has been related in the Sahih of al-Bukhari on the authority of Ibn Abass who said that the Messenger of Allah, ﷺ said: *“There is no hijra (from Mecca) after the opening (of Mecca). However, there remains military struggle and intention. Therefore when you are summoned to go forth in struggle then go forth.”*

Al-Khurashi said in his commentary upon the al-Mukhtasar regarding the words of the author in the chapter of military struggle – it is a collective obligation – *“This means that engaging in military struggle at least one time every year, even when there is fear of illegal combatants, is a collective obligation, based upon the most prominent opinion. By some engaging in it, it annuls it from others based upon the words of Allah ta'ala: ‘Allah has made those who struggle with their wealth and their souls superior in rank to those who sit at home. To each Allah has promised good’.* Since Allah has promised good for those who sit at home and those who struggle, He instructs us that the address of good is to everyone, by way of substitute; and that military struggle is annulled for some. For if military struggle were an individual obligations then those who sit at home without any necessity would be in a state of disobedience.”

Success is with Allah.

الْبَابُ الثَّلَاثُونَ

فِي النِّكَاحِ

قَالَ اللَّهُ تَعَالَى: ﴿فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَتَى وَثَلَاثَ رُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَى أَلَّا تَعُولُوا * وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدٍ قَالَ: "تَخَلَّتْ مَعَ عَلْقَمَةَ وَالْأَسْوَدِ عَلَى عَبْدِ اللَّهِ بْنِ مَسْعُودٍ فَقَالَ عَبْدُ اللَّهِ: كُنَّا مَعَ النَّبِيِّ ﷺ شَبَابًا لَا نَجِدُ شَيْئًا فَقَالَ لَنَا رَسُولُ اللَّهِ ﷺ: ((يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغْضَى لِلْبَصَرِ وَأَحْصَنُ لِلْفُجْ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ)).

قَالَ الْخُرَشِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ: - نُدِبَ لِمُحْتَاجِ ذِي أَهْبَةِ نِكَاحِ بَكْرٍ - يَعْنِي إِنْ النِّكَاحَ مَنْدُوبٌ إِلَيْهِ فِي الْجُمْلَةِ، فَيُنْدَبُ لِمَنْ أَحْتَاجَ لَهُ وَلَمْ يَخْشَ الْعَنْتَ وَكَانَ ذَا أَهْبَةٍ أَيْ لَهُ قُدْرَةٌ عَلَى كِفَايَةِ الزَّوْجَةِ مِنْ مَهْرٍ وَنَفَقَةٍ وَكِسْفَةٍ، وَقَدْ يَجِبُ فِي حَقِّ الْقَادِرِ وَيَخْشَى عَلَى نَفْسِهِ الزِّنَا، فَإِنْ قَدَّرَ عَلَى التَّسْرِي مَعَهُ خَيْرٌ فِيهِمَا، فَإِنْ ذَهَبَ عَنْهُ بِالصَّوْمِ مَعَهُمَا خَيْرٌ فِيهِمَا، وَالزَّوْجُ أَوْلَى، وَقَدْ يُكْرَهُ فِي حَقِّ مَنْ لَمْ يَحْتَاجْ إِلَيْهِ وَيَقْطَعُهُ عَنِ الْعِبَادَةِ، وَيَحْرُمُ فِي حَقِّ مَنْ لَمْ يَخْشَ الْعَنْتَ، وَيَضُرُّ بِالْمَرْأَةِ لِعَدَمِ قُدْرَتِهِ عَلَى النِّفَقَةِ، أَوْ عَلَى الْوَطْءِ، أَوْ يَكْتَسِبُ مِنْ مَوْضِعٍ لَا يَحِلُّ، قَالَ بَعْضُ مَفْهُومِهِ لَوْ خَشِيَ الْعَنْتَ تَزَوَّجَ وَلَوْ عَدِمَ النِّفَقَةَ وَنَحْوَهَا، وَالظَّاهِرُ وَجُوبُ إِعْلَامِهَا بِذَلِكَ، وَيُبَاحُ فِي حَقِّ مَنْ لَا يَحْتَاجُ إِلَيْهِ وَلَا نَسْلُ لَهُ، وَالْمَرْأَةُ مَسَاوِيَةٌ لِلرَّجُلِ فِي هَذِهِ الْأَقْسَامِ إِلَّا فِي التَّسْرِي، إِنَّتَهَى.

قَالَ الشَّيْخُ خَيْتِيُّ فِي شَرْحِ الْمُخْتَصَرِ: "وَرَادَ ابْنُ عَرَفَةَ وَجْهًا آخَرَ يَقْتَضِي وَجُوبَ التَّزْوِيجِ عَلَى الْمَرْأَةِ غَيْرُ مَا مَرَّ، فَقَالَ قُلْتُ: وَيُوجِبُهُ عَلَيْهَا عَجْزُهَا عَنْ قُوَّتِهَا وَسِتْرُهَا إِلَّا بِهِ"، إِنَّتَهَى.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty

On Marriage

Allah ta'ala says: *“Therefore marry those who are virtuous for you from women: two, three and four. If you fear that you cannot be just; then one or what your rights hands possess. That will be more suitable so that you do not do any injustice. Give the women their dowry as free gifts.”* It has been related in the Sahih of al-Bukhari on the authority of Abd'r-Rahman ibn Yazid who said: “I, along with 'Alqama and al-Aswad entered upon Abdallah ibn Mas'ud; and he (Abdallah) said: ‘We were once with the Prophet ﷺ and we were young men who had nothing. The Messenger of Allah, ﷺ then said: ‘O group of young men, whoever among you has the means, he should marry. This will help him lower his gaze and guard his private parts. Whoever is not able to marry, should fast, as fasting diminishes his passions’.”

Al-Khurashi said in his commentary upon the Mukhtasar regarding the words of the author – It is highly recommended for the one who requires it, who possesses wealth to marry a virgin – “This means that marriage is highly recommended for him in general. It is highly recommended for the one who requires it, does not fear hardship and possesses wealth; which means he is able to provide what will suffice for a wife from the dowry, financial maintenance and attire. Marriage is obligatory regarding the one who has ability and he fears for himself illicit sex. If, however, a person is able to take a concubine, he has the choice to choose between that and getting married. If a person's passions dissipate with fasting and he has the ability to either take a concubine or marry, he should choose between them. However, marriage is foremost. Marriage is, however, disliked regarding the one who has no need of it, and it cuts him off from worship. Marriage is forbidden regarding the one who does not necessarily fear hardship, but who fears harm to the women due to his inability to financially maintain her or his inability to have sexual intercourse; or if he earns wealth from a place which is not lawful. Some of the scholars said that what is understood is that even if he fears hardship, he should marry even when he lacks financial maintenance and the like. What is apparent in such a case is that it becomes obligatory upon him to let people know of his incapacities and inabilities. Marriage is lawful regarding the one who is not required, but who has no offspring. Women are the same with men in these different divisions except regarding the concubine.”

As-Shibrakhiti said in his commentary upon the al-Mukhtasar: “Ibn 'Arafa added another perspective which provides the obligation of marriage upon the woman in other than what was mentioned. He said: ‘I say: Marriage is obligatory upon her due to her inability to take care of her own maintenance, and due to the fact that marriage is the only means by which her modesty can be covered’.”

Success is with Allah.

الْبَابُ الْحَادِي وَالثَّلَاثُونَ

فِي الطَّلَاقِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾ وَقَالَ تَعَالَى: ﴿الطَّلَاقُ مَرَّتَانٍ﴾، وَقَالَ تَعَالَى: ﴿فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عُمَرَ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَسَأَلَ عَمْرُ بْنُ الْخَطَّابِ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: ((مُرُهُ فَلْيُرَاجِعْهَا ثُمَّ لِيُمْسِكْهَا حَتَّى تَطْهَرَ ثُمَّ تَحِيضُ ثُمَّ تَطْهَرَ ثُمَّ إِنْ شَاءَ أُمْسَكْهَا بَعْدَ، وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمَسَّ، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللَّهُ بِهَا أَنْ يُطَلِّقَ لَهَا النِّسَاءَ)). وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ أَنَّ امْرَأَةً رِفَاعَةَ الْفَرُطِيَّ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَتْ: "يَا رَسُولَ اللَّهِ إِنَّ رِفَاعَةَ طَلَّقَنِي فَبَتَّ طَلَاقِي وَإِنِّي نَكَحْتُ بَعْدَهُ عَبْدَ الرَّحْمَنِ ابْنَ الزُّبَيْرِ الْفَرُطِيَّ وَإِنَّمَا مَعَهُ مِثْلُ الْهُدْبَةِ"، قَالَ رَسُولُ اللَّهِ ﷺ: ((لَعَلَّكَ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟))، فَقَالَتْ: نَعَمْ، قَالَ: ((لَا حَتَّى يَذُوقَ عُسَيْلَتَكَ وَتَذُوقِي عُسَيْلَتَهُ)).

وَفِي مُخْتَصَرِ الْخَلِيلِ فِي بَابِ الطَّلَاقِ: "طَلَّاقُ السَّنَةِ وَاحِدَةٌ بِطَهْرٍ لَمْ يَمَسَّ فِيهِ بَلَاءٌ عِدَّةٍ وَالْأَوَّلُ فَبِذُعِي"، قُلْتُ: قَدْ أُنْعَقَدَ إِجْمَاعُ الْعُلَمَاءِ عَلَى أَنَّ حَدِيثَ رِفَاعَةَ الْمُتَقَدِّمَ ذَكَرَهُ نَصٌّ فِي إِنْ قَوْلُهُ تَعَالَى: ﴿حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ﴾، الْمُرَادُ بِهِ الْوُطْأَ لَا الْعُقْدَ خَاصَّةً، قَالُوا: "وَلَا خِلَافَ بَيْنَ الصَّحَابَةِ رَضِيَ اللَّهُ عَنْهُمْ فِي ذَلِكَ"، قَالَ ابْنُ عَطِيَّةٍ: "وَاجْتَمَعَتِ الْأُمَّةُ فِي هَذِهِ النَّازِلَةِ عَلَى إِتِّبَاعِ هَذَا الْحَدِيثِ الصَّحِيحِ"، وَقَالَ أَيْضًا: "فَرَأَى الْعُلَمَاءُ أَيُّ الْمُحِلِّ أَنَّ النِّكَاحَ الْمُحِلَّ إِنَّمَا هُوَ الدُّخُولُ وَالْوُطْأُ وَكُلُّهُمَا عَلَى أَنَّ مُغِيبَ الْحَشْفَةِ يَحِلُّ إِلَّا الْحَسَنُ ابْنُ أَبِي الْحَسَنِ، فَإِنَّهُ قَالَ: لَا يَحِلُّ إِلَّا الْإِنْزَالُ وَهُوَ ذَوْقُ الْعُسَيْلَةِ".

وَفِي الرِّسَالَةِ: "وَطَّلَاقُ الثَّلَاثِ فِي كَلِمَةٍ وَاحِدَةٍ بِذُعَةٍ وَيَلْزَمُهُ إِنْ وَقَعَ"، وَفِي الْمِغْيَارِ: "قَالَ بَعْضُ الشُّيُوخِ: رَأَيْتُ فِي كَلَامِ الْمَازَرِيِّ لَمْ يُخَالَفْ فِي ذَلِكَ إِلَّا ابْنُ مُغِيثٍ: لَا أَغَاثَهُ اللَّهُ لَا أَغَاثَهُ اللَّهُ لَا أَغَاثَهُ اللَّهُ، قَالَ ابْنُ نَاجٍ: "فِيهِ نَظَرٌ لِأَنَّ مَا قَالَهُ هُوَ الَّذِي ظَهَرَ لَهُ بِرَأْيِهِ وَلَمْ يَقُلْهُ شَهْوَةً، فَهُوَ مَاجُورٌ أَصَابَ أَوْ خَطَأً"، وَفِي شَرْحِ الْمُفِيدَةِ: "وَأَمَّا قَوْلُ مَنْ طَلَّقَ زَوْجَتَهُ ثَلَاثَ لَّا تَحِلُّ لَهُ إِلَّا بَعْدَ زَوْجٍ غَيْرِهِ، فَهُوَ بِنَصِّ الْقُرْآنِ وَالْإِجْمَاعِ، قَالَ تَعَالَى: ﴿الطَّلَاقُ مَرَّتَانٍ﴾ إِلَى قَوْلِهِ تَعَالَى: ﴿فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ﴾، وَاحِدَةٌ بَعْدَ وَاحِدَةٍ."

وَقَدْ وَقَعَ لِبَعْضِ الطَّلَبَةِ زَلَّةٌ عَظِيمَةٌ فِي ذَلِكَ وَالْعِيَادُ بِاللَّهِ، فَذَلِكَ أَنَّهُ أَفْتَى لِرَجُلٍ طَلَّقَ زَوْجَتَهُ ثَلَاثًا وَاحِدَةً بَعْدَ وَاحِدَةٍ بَرَدَهَا وَنَسَبَ ذَلِكَ لِابْنِ مُغِيثٍ، وَهَذَا جَهْلٌ بَيِّنٌ لَا يَقُولُهُ ابْنُ مُغِيثٍ وَلَا غَيْرُهُ لِأَنَّ النَّصَّ فِي الْقُرْآنِ: ﴿فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ﴾، إِلَّا بَعْدَ زَوْجٍ، وَلَا يُعْتَمَدُ مُخَالَفَةُ نَصِّ الْقُرْآنِ أَحَدٌ مِنَ الْمُسْلِمِينَ، وَإِنَّمَا قَوْلُ ابْنِ مُغِيثٍ فِيهَا إِذَا وَقَعَتِ الثَّلَاثَةُ فِي كَلِمَةٍ وَاحِدَةٍ وَمَعَ ذَلِكَ لَا يَلْتَفَتُ إِلَيْهِ لِأَنَّ الْعُلَمَاءَ كُلَّهُمْ عَلَى خِلَافِهِ".

قُلْتُ: وَقَدْ أَمْضَى عُمَرُ لُزُومَ الثَّلَاثِ إِذَا وَقَعَتْ فِي كَلِمَةٍ وَاحِدَةٍ بِمُخَضَّرِ الصَّحَابَةِ كَمَا فِي مِفْتَاحِ السَّدَادِ شَرْحِ إِرْشَادِ السَّالِكِ، وَقَالَ أَبُو الْحَسَنِ الصَّغِيرُ: "وَمَنْ يُرَدُّ الْمُطَلَّقةُ ثَلَاثًا فِي كَلِمَةٍ وَاحِدَةٍ أَوْ مُتَقَرِّقَاتٍ لَا تَجُوزُ أَمَامَتُهُ وَلَا شَهَادَتُهُ يَسْتَحِقُّ الْعُقُوبَةَ بِمَا أَنْتَهَكَ مِنْ حُرْمَةِ الشَّرْعِ"، إِنَّتَهَى.

وَقَالَ ابْنُ رُشْدٍ: "الْقَوْلُ بِأَنَّ الْمُطَلَّقةَ ثَلَاثًا فِي كَلِمَةٍ وَاحِدَةٍ لَا تَحِلُّ إِلَّا بَعْدَ زَوْجٍ مِمَّا اتَّفَقَ عَلَيْهِ عُلَمَاءُ الْأُمَّصَارِ، وَالَّذِي يَحِلُّهَا قَبْلَ زَوْجٍ وَيَكْتُبُ فِي ذَلِكَ الْمُرَاجَعَةَ جَاهِلٌ قَلِيلُ الْمَعْرِفَةِ ضَعِيفُ الدَّلِيلِ، فَعَلَ فِعْلًا لَا يَجُوزُ بِإِجْمَاعِ أَهْلِ الْعِلْمِ، فَالْوَاجِبُ إِنْ يَنْتَهَى فَإِنْ لَمْ يَنْتَهَ أَدَبٌ وَسَقَطَتْ أَمَامَتُهُ وَشَهَادَتُهُ".

وَقَالَ ابْنُ مُحَمَّدٍ بْنُ عَبْدِ الْكَرِيمِ التِّلْمَسَانِي: "مَنْ أَفْتَى بِتَخْلِيلِ الْمُطَلَّقةِ ثَلَاثًا قَبْلَ زَوْجٍ فَهُوَ جَاهِلٌ دَجَّالٌ مُضِلٌّ يَجِبُ عَلَى مَنْ لَهُ الْقُدْرَةُ مِنَ الْمُسْلِمِينَ أَنْ يَزْجِرَهُ بِمَا اسْتَطَاعَ مِنَ الضَّرْبِ الْوَجِيعِ وَالْحَبْسِ الطَّوِيلِ، وَكُلَّ مَا أَمَكَنَ مِنْ زَجْرِهِ، فَمَنْ قَصَرَ فِي ذَلِكَ أَوْ أَوَاهُ أَوْ حَمَاهُ بِوَجْهِ مَا، فَهُوَ مَعَهُ فِي الْإِثْمِ الْعَظِيمِ وَالْعَذَابِ الْإِلِيمِ، وَكَذَلِكَ يَفْعَلُ بِالْمَرْأَةِ وَالزَّوْجِ الَّذِي هُوَ الْمُطَلَّقُ ثَلَاثَ لَأَنَّهُمَا يَفْعَلَانِ مَا لَيْسَ مِنْ دِينِ الْإِسْلَامِ، وَنِكَاحُ الْمُطَلَّقِ لَهَا عَلَى ذَلِكَ الْوَجْهِ فَاسِدٌ، بَلْ لَيْسَ بِنِكَاحٍ أَصْلًا فَعَلَيْهِمَا الْحَدُّ إِلَّا أَنْ يَكُونَا جَاهِلَيْنِ إِعْتِمَادًا عَلَى فَتْوَى دَجَّالٍ مِنَ الدَّجَالِينَ وَهُمَا لَا يَعْلَمَانِ، وَالنِّكَاحُ يَفْسَخُ عَلَى كُلِّ حَالٍ وَلَوْ طَالَ الزَّمَانُ وَوُلِدَ الْأَوْلَادُ، وَالْمُفْتِي بِذَلِكَ شَيْطَانٌ مَرِيدٌ، يُسْتَتَابُ وَإِنَّ أَبِي أَنْ يَتُوبَ ضَرْبَ الضَّرْبِ الْوَجِيعِ وَتُرِكَ فِي الْحَبْسِ حَتَّى يَمُوتَ، فَإِنْ لَمْ يُمْكِنْ حَبْسُهُ وَكَانَ لَوْ تَرَكَ تَمَادَى عَلَى ضَرَرِهِ وَجَبَ قِتَالُهُ لِيَسْتَرِيحَ الْمُسْلِمُونَ مِنْ شَرِّهِ وَيُسَلِّمَ الدِّينَ مِنْ جَهْلِهِ وَفِسْقِهِ، وَهَذَا الْمُفْتَى مِنْ رُءُوسِ الظَّالِمِينَ عُلَمَاءِ السُّوءِ الَّذِينَ يُضِلُّونَ النَّاسَ وَيَصُدُّونَهُمْ عَنِ سَبِيلِ اللَّهِ"، إِنَّتَهَى.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-One

On Divorce

Allah ta'ala says: "*O Prophet, when you divorce women, then divorce them during their waiting period.*" Allah ta'ala says: "*Divorce is allowed twice*" Allah ta'ala says: "*If he divorces her irrevocably, then she is not lawful to him until after she marries another husband.*" It has been related in the Sahih of al-Bukhari on the authority of Ibn 'Umar, that he once divorced his wife during the time of the Messenger of Allah ﷺ, while she was in her menstruation period. 'Umar ibn al-Khattab, then asked the Messenger of Allah ﷺ, about that and the Messenger of Allah ﷺ, said: "Order him that he should return her. He should then maintain her in matrimony until she is purified of her menstruation. Then she should experience her menstruation a second time and allowed to be purified. Then, if he wishes, he can thereafter hold together with her in matrimony; and if he wishes he can divorce her before having conjugal relations with her. This is the waiting period which Allah ordered us to adhere to when divorcing women."

It has been related in the Sahih of al-Bukhari on the authority of 'Urwa ibn az-Zubayr that once A'isha, may Allah be pleased with her informed him that the wife of Rifaa'a al-Quradhi came to the Messenger of Allah, ﷺ, and said: "O Messenger of Allah, indeed Rifaa'a divorced me and I remained divorced from him for some time. I then married Abd'r-Rahman ibn az-Zubayr al-Quradhi after him, but with him it is like being on the fringe." The Messenger of Allah, ﷺ, then said: "Is it perhaps you desire to return to Rifaa'a?" She said: "Yes." He said: "No, not until he (Abd'r-Rahman) has tasted your honey and you have tasted his honey."

It states in the Mukhtasar of al-Khalil in the chapter regarding divorce: "The divorce of the *Sunna* is pronounced one time while the woman is purified and he has not touched her in a conjugal manner during that time, without her being in a waiting period. If it is not conducted in such a manner then it is a divorce of the heretical innovative kind." I say: It is the agreement of the consensus of the scholars that the previously mentioned prophetic tradition of Rifaa'a is textual evidence regarding the words of Allah ta'ala: "*until after she marries another husband*"; means having actual conjugal relations with him, and does not refer specifically to the contractual marriage. The consensus of the scholars says: "There was no disagreement among the Companions, may Allah be pleased with them regarding that." Ibn 'Atiyya said: "The entire *Umma* have collectively agreed regarding this legal issue that it is correct to follow the judgment of this sound prophetic tradition." He also said: "The scholars have advanced the opinion, (that is: those scholars who uphold its lawfulness); that the concept of lawful marriage is to be understood as sexual penetration and actual sexual intercourse. All of the scholars, except al-Hassan ibn Abi'l-Hassan, uphold the opinion that the concealing of the private parts inside the private parts of the spouse is what makes the judgment of lawful marriage applicable. Al-Hassan said: 'Recognition of the legal reality of lawful marriage is not permissible except by means of male or female ejaculation. This is what is meant by the phrase 'tasting the honey'."

It states in the ar-Risaalat: "The pronouncing of three divorces all in one statement is a heretical innovation; but it counts as a divorce if and when it happens." It states in the al-Mi'yaara: "One of the teachers said: 'I noticed in the teachings of al-Mazari that there was no difference of opinion in that except from Ibn Mughith: May Allah not save him, may Allah not save him, may Allah not save him (he repeated it three times!)'." Ibn 'Umar said: "It is clearly apparent that the supplication being made is being made against Ibn Mughith." Ibn Naaj said: "In this legal issue there is extensive discussion because what he said is what became apparent to him from his learned opinion. He did not say it based upon his whims. Thus, he is recompensed for his opinion, whether it was correct or in error." It states in the commentary upon the al-Mufeeda: "As for the one who says: 'Whoever divorces his wife three times, then she is not lawful for him to remarry except after having married another husband'; is from the textual evidence of the *Qur'an* and the consensus. Allah ta'ala says: *Divorce is allowed twice* to

His words: *'If he divorces her irrevocably, then she is not lawful to him until after she marries another husband'*; one after the other.

There has occurred immense error among some of the students of knowledge regarding this issue, we seek refuge with Allah! It is that they pass legal decisions for a man that has divorced his wife three times, one after another, to return her, falsely attributing this erroneous opinion to Ibn Mughith. This is nothing but clear ignorance which neither Ibn Mughith or any other said; because the textual evidence in the *Qur'an* states: *'If he divorces her irrevocably, then she is not lawful to him'* until after remarrying; and no one from among the Muslims relies upon the one whose opinion goes against the textual evidence of the *Qur'an*. For, the view held by Ibn Mughith applied if divorce occurs three times in one statement. However, along with that, no one considered his opinion because all of the scholars differed from him in that."

I say: It has been mentioned previously where `Umar in the presence of the Companions, necessitated that three divorces when it occurred in one statement was valid; as it was cited in the *Miftaah's-Sadaad* the commentary upon the *Irshaad as-Saalik*. Abu'l-Hassan as-Saghir said: "Whoever denies the validity of three divorces pronounced in one statement or three divorces pronounced separately; then neither his *imamate* or his right to give testimony are no longer valid. He is deserving of punishment due to his violation of the sanctity of the Divine Law."

Ibn Rushd said: "The teachings that the woman divorced three times in one statement is not lawful to remarry until after marrying another husband, is among those issues about which there is unanimous agreement among the scholars of the Islamic metropolis. The one who makes it lawful to remarry a woman before she has married another, and writes that it is permissible for her to be returned; is an ignoramus with little genuine knowledge and weak in evidence. He has committed an act which is not lawful by the consensus of the people of knowledge. It then becomes an obligation for him to cease and desists from this view. If he does not desist, then he should be physically disciplined and will have lost his right to hold the post of *imamate* or to act as a just witness."

Ibn Muhammad ibn Abd'l-Karim at-Tilimisani said: "Whoever passes a legal decision making it lawful to remarry a woman who has been divorced three time before she has married another husband, is an ignorant charlatan who leads others astray. It is obligatory upon whoever has the ability among the Muslims to reproach, deter and prevent him based upon his capacity from physically striking and/or prolonged detainment and any other possible determent which could possibly prevent him from that. Whoever is deficient in trying to prevent him, or agrees with him or encourages him in some way, then he is with him in the immensity of the sin and the severity of the punishment. Likewise with the man and woman who have been divorced three times and does this; because they will have done that which is not a part of the religion of Islam. Thus, marriage of a previously divorced couple in that manner is invalid and corrupt. Rather, it is not to be considered as a genuine marriage originally. The punitive punishment should be applied to them, except if they were ignorant and reliant in that upon the legal decision of some charlatan among charlatans, and were unawares. Marriage conducted in this manner is invalidated in every respect, even if the marriage lasted a long time, and they produced from it offspring. Thus, the scholar who passes such a legal decision is a rejected satan. He should be asked to repent. If he refuses to repent, he should then be severely punished and detained in prison until he dies. If it is not possible to have him detained; and if leaving him will only cause his danger to others to spread; then it is an obligation to fight him in order to relieve the Muslims of his evil and to make the religion safe from his ignorance and corruption. Such a scholar who passes these illegal judgments is among the leaders of the unjust evil scholars who are responsible for leading mankind astray and barring them from the Way of Allah."

Success is with Allah.

البَابُ الثَّانِي والثَّلَاثُونَ

فِي الْخُلْعِ

قَالَ اللَّهُ تَعَالَى: ﴿وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا ءَاتَيْتُمُوهُمْ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عَبَّاسٍ قَالَ: "جَاءَتْ امْرَأَةٌ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: "يَا رَسُولَ اللَّهِ مَا أَنْعَمَ عَلَى ثَابِتٍ فِي دِينٍ وَلَا خُلُقٍ إِلَّا أَنِّي أَخَافُ الْكُفْرَ بَعْدَ الْإِسْلَامِ"، فَقَالَ رَسُولُ اللَّهِ ﷺ: ((أَتُرِيدِينَ عَلَيْهِ حَدِيثَهُ؟)) فَقَالَتْ: "نَعَمْ"، فَزِدْتُ عَلَيْهِ وَأَمَرَهُ فَقَارَقَهَا."

وَفِي مِفْتَاحِ السَّدَادِ شَرْحَ إِرْشَادِ السَّالِكِ: "وَالْمَعْرُوفُ مِنَ الْمَذْهَبِ جَوَازُ الْخُلْعِ بِغَيْرِ كِرَاهَةٍ، وَكَرَاهَةُ ابْنِ الْقِصَارِ لِأَبَانِيَّةِ الْمَدْخُولِ بِهَا."

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Two

On *Khul'u* Divorce

Allah ta'ala says: *"It is not lawful for you to take back anything from what you have given them, except when both fear that they will not keep the limits of Allah. If you fear that they will not keep the limits of Allah; then there is no blame on either of them if you give something for her freedom."* It has been related in the Sahih of al-Bukhari on the authority of Ibn 'Abbas who said: "The wife of Thaabit ibn Qays ibn Shamaas came to the Prophet and said: 'O Messenger of Allah, ﷺ I do not blame Thaabit for any defect in his religion or character, but I fear disbelief after Islam.' He ﷺ said: 'Will you return his garden to him?' She said: 'Yes'. She then returned it to him, and he ﷺ ordered him to separate from her."

It states in the Miftaah's-Sadaad the commentary upon the Irshaad 's-Saalik: "It is well known in the Maliki school of thought of the permissibility of *khul'u* divorce without any reprehensibility connected to it." However, Ibn al-Qissar considered it reprehensible due to the implications of frivolity involved with it.

Success is with Allah.

الْبَابُ الثَّالِثُ وَالثَّلَاثُونَ

فِي الرِّجْعَةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا﴾، وَفِي صَحِيحِ الْبُخَارِيِّ: "طَلَّقَ ابْنُ عُمَرَ إِمْرَأَتَهُ وَهِيَ حَائِضٌ، فَسَأَلَ عُمَرَ النَّبِيَّ ﷺ فَأَمَرَ أَنْ يَرَّاجِعَهَا"، قَالَ الشَّبْرَخِيئِيُّ فِي شَرْحِ الْمُخْتَصَرِ عِنْدَ قَوْلِ الْمُصَنِّفِ - يَرْتَجِعُ مَنْ يَنْكِحُ - "وَهَلْ إِبَاحَةٌ أَوْ نَدَبٌ أَوْ تَجْرِي فِيهَا أَحْكَامُ النِّكَاحِ الْخَمْسَةِ، وَالظَّاهِرُ الْأَخِيرُ كَمَا وَجَدَ بِخَطِّ بَعْضِهِمْ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Three

On Reinstating Marriage

Allah ta'ala says: “*And their husbands have a better right to take them back in that period; if they wish for reconciliation.*” It has been related in the Sahih of al-Bukhari: “Ibn ‘Umar once divorced his wife while she was menstruating. ‘Umar asked the Prophet, ﷺ about that, and he ordered him to take his wife back.” As-Shibrakhiti said in his commentary upon the Mukhtasar regarding the words of the author – Those who are married have the right to reinstate their marriage – “Reinstatement of marriage is either lawful, highly recommended or all of the five legal judgments of marriage apply. The apparent position is the latter, as it has been discovered in the writings of some of the scholars.”

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الرَّابِعُ وَالثَّلَاثُونَ

فِي الْإِيلَاءِ

قَالَ اللَّهُ تَعَالَى: ﴿لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ، فَإِنْ فَاءُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ * وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ حُمَيْدِ الطَّوِيلِ إِنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: "أَلَى رَسُولِ اللَّهِ ﷺ مِنْ نِسَائِهِ"، الْحَدِيثُ، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ ابْنِ عُمَرَ: "إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ يُوقَفُ حَتَّى يُطْلَقَ وَلَا يَقَعُ عَلَيْهِ الطَّلَاقُ حَتَّى يُطْلَقَ، وَيُذَكَّرُ عَنْ عُثْمَانَ وَعَلِيٍّ وَأَبِي الدَّرْدَاءِ وَعَائِشَةَ وَانْتَى عَشْرَ رَجُلًا مِنْ صَحَابَةِ النَّبِيِّ ﷺ".

وَفِي مِفْتَاحِ السَّدَادِ شَرْحَ إِرْشَادِ السَّالِكِ: "وَالْمَشْهُورُ أَنَّهُ لَا يَقَعُ عَلَى الْمَوْلِي الطَّلَاقُ وَبَعْدَ أَجَلِ الْإِيلَاءِ حَتَّى يُوفِّقَهُ السُّلْطَانُ لِقَوْلِهِ تَعَالَى: ﴿فَإِنْ فَاءُوا﴾" الْآيَةُ، وَقَالَ عَبْدُ الْمَالِكِ: "يَقَعُ عَلَيْهِ بَعْدَ الْأَرْبَعَةِ أَشْهُرٍ وَإِنْ لَمْ يُوقَفْ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Four

On the Oath of Abstention

Allah ta'ala says: *“For those who take an oath of abstention from their wives, should wait a period of four months. If they then return to one another, Allah is Oft Forgiving Merciful. However, if they are resolved on divorce; then indeed Allah is Hearing Knowing.”* It has been related in the Sahih of al-Bukhari on the authority of Humayd at-Taweel that he heard Anas ibn Malik say: “The Messenger of Allah, ﷺ took an oath to abstain from his wives...”. It has also been related in the Sahih of al-Bukhari on the authority of Ibn ‘Umar who said: “When the period of four months has expired, he (the husband) should be detained until he pronounces divorce. However, actual divorce does not occur until he actually pronounces it. This was cited by ‘Uthman, ‘Ali, Abu’d-Darda, A’isha and twelve other Companions of the Prophet ﷺ.”

It is mentioned in the Miftaah ‘s-Sadaad the commentary upon Irshaad ‘s-Saalik: “The prominent opinion is that divorce does not occur upon the recipients; and after the period of oath of abstention, then the *Sultan* should have him detained, based upon the words of Allah ta'ala: *‘If they then return to one another’*. Abd’l-Malik said: ‘Divorce automatically occurs after four months, even if the spouse is not detained’.”

Success is with Allah.

Institute of Islamic-African Studies International

البَابُ الْخَامِسُ وَالثَّلَاثُونَ

فِي الظَّهَارِ

قَالَ اللَّهُ تَعَالَى: ﴿الَّذِينَ يَظَاهَرُونَ مِنْكُمْ مَنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتُهُمْ إِنَّ أُمَّهَاتُهُمْ اللَّائِي وَلَدْنَهُمْ وَأِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوٌ غَفُورٌ * وَالَّذِينَ يَظَاهَرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَمْ تُوْعَظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ * فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا، فَمَنْ لَمْ يَسْتَطِعْ فَاِطْعَامُ سِتِّينَ مِسْكِينًا﴾، الْآيَةُ.

وَفِي صَحِيحِ الْبُخَارِيِّ وَقَالَ إِسْمَاعِيلُ: "حَدَّثَنِي مَلِكٌ إِنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنْ ظَهَارِ الْعَبْدِ فَقَالَ: "نَحْوَ ظَهَارِ الْحُرِّ"، وَقَالَ مَلِكٌ: "وَصِيَامُ الْعَبْدِ شَهْرَانِ".

قُلْتُ: وَهَذِهِ الْآيَةُ الْمُتَقَدِّمَةُ نُزِلَتْ فِي شَأْنِ الظَّهَارِ نَزَلَتْ فِي قِصَّةِ حَوْلَةَ بِنْتِ ثَعْلَبَةَ زَوْجَةِ أَوْسِ بْنِ الصَّامِتِ عَلَى أَصَحِّ مَا قِيلَ فِي ذَلِكَ، قَالَهُ السُّهَيْلِيُّ وَغَيْرُهُ، وَقَوْلُ مَلِكٍ "وَصِيَامُ الْعَبْدِ شَهْرَانِ" لِأَنَّ الْحُرَّ وَالْعَبْدَ فِي الْكَفَّارَاتِ سَوَاءٌ، وَلَا يَخْتَلِفَانِ إِلَّا فِي الْحُدُودِ، كَمَا قَالَهُ الشَّبْرَخِيئِيُّ فِي شَرْحِ الْمُخْتَصَرِ، قَالَ بَعْضُ الْعُلَمَاءِ: "وَالظَّهَارُ مُحَرَّمٌ وَقَوْلُ زُورٍ وَمُنْكَرٌ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Five

On *Dhihaar* Divorce

Allah ta'ala says: *“Those who divorce their wives by claiming they are like the backs of their mothers, for they can never be their mothers. None can be their mothers except those who gave birth to them. Indeed what they utter are culpable words and falsehood while Allah is Pardoning, Forgiving. Those who divorce their wives by claiming they are like the backs of their mothers; and desire to go back on their words, then they should free a slave before touching their spouses. Thus, are you exhorted to behave and Allah is aware of what you do. Those who are not able, should fast two months consecutively before touching their spouses. Those who are not able, should feed sixty indigent people...”*, to the end of the verse.

It has been related in the Sahih of al-Bukhari that Isma'il said: “Malik informed me that he once asked Ibn Shihab about the dhihaar of a slave and he said: ‘It is like the dhihaar of a free person’.” Malik also said: “The fasting of the servant is also two months.”

I say: This previously cited verse was revealed regarding the affair of dhihaar (divorcing a wife by claiming she is like the back of one's mother). It was revealed regarding the story of Khawla bint Tha'laba, the wife of Aws ibn as-Saamit, based upon the soundest opinion of what is said regarding that. This was cited by as-Suhayli and others. The above cited saying of Malik: ‘The fasting of the servant is also two months’, is because the free person and the slave are the same when it comes to all legal atonements. They are not different except in the area of the punitive punishments; as as-Shibrakhiti said in his commentary upon the al-Mukhtasar. Some of the scholars assert that dhihaar divorce is prohibited, culpable words and evil.

Success is with Allah.

الْبَابُ السَّادِسُ وَالثَّلَاثُونَ

فِي اللَّعَانِ

قَالَ اللَّهُ تَعَالَى: ﴿وَالَّذِينَ يَزْمُونَ أَرْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ * وَالْخَامِسَةُ أَنَّ لَعْنَتَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ * وَيَذَرُ عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ * وَالْخَامِسَةُ أَنْ غَضِبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عَبَّاسٍ إِنَّ هِلَالَ بْنَ أَهْلَ بَنٍ أُمِّيَّةً قَذَفَ امْرَأَتَهُ، فَجَاءَ فَشَهِدَ، وَالنَّبِيُّ ﷺ يَقُولُ: ((إِنَّ اللَّهَ يَعْلَمُ إِنْ أَحَدَكُمَا كَاذِبٌ، وَهَلْ مِنْكُمَا تَائِبٌ؟))، ثُمَّ قَامَتْ وَشَهِدَتْ.
قُلْتُ: وَتَحْرِيمُ اللَّعَانِ أَبَدِيٌّ بِإِجْمَاعِ الْعُلَمَاءِ كَمَا ذَكَرَهُ غَيْرُ وَاحِدٍ، قَالَ بَعْضُهُمْ: "إِنَّ مِنْ فُقَهَاءِ الْكُوفَةِ وَغَيْرِهِمْ مَنْ لَا يَرَاهُ مُتَأَبِّدًا وَلَا يُلْتَفَتُ إِلَيْهِ"، وَقَالَ فِي الرَّسَالَةِ: "وَإِذَا افْتَرَقَا بِاللَّعَانِ لَمْ يَتَنَاقَحَا أَبَدًا".
وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Six

On the Oath of Mutual Cursing

Allah ta'ala says: *“Those who accuse their wives without witnesses other than themselves; then one of them should testify by Allah with four oaths that he is among the truthful. The fifth oath should be that the curse of Allah be upon him if he is among the liars. In order to ward off the punitive punishment from her, she should testify by Allah with four oaths that he is among the liars. The fifth oath should be that the wrath of Allah be upon her if he is among the truthful.”*

It has been related in the Sahih of al-Bukhari on the authority of Ibn 'Abbas that Hilaal ibn Umayyah accused his wife of illicit sexual intercourse and came in order to testify against her. The Prophet, ﷺ kept saying: “Allah knows that one of you is a liar. Will either of you repent?” Then she (the wife) stood and testified.

I say: the prohibition of marriage between those who have made an oath of mutual cursing is indefinite by the consensus of the scholars; as more than one of them have cited. Some of them have said: “Indeed there are those from the jurists of Kufa and others who do not consider the prohibition to be indefinite. However, no consideration is to be given to this view.” It states in the ar-Risaalat: “When a couple separate by taking an oath of mutual cursing; then they can never remarry.”

Success is with Allah.

الْبَابُ السَّابِعُ وَالثَّلَاثُونَ

فِي الْعِدَّةِ

قَالَ اللَّهُ تَعَالَى: ﴿وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾، وَقَالَ تَعَالَى: ﴿وَالْأَيُّ يَنْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالْأَيُّ لَمْ يَحِضْنَ وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾، وَقَالَ تَعَالَى: ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنِ الْحَسَنِ: "أَنَّ مَعْقِلَ بْنَ يَسَارٍ كَانَتْ أُخْتُه تَحْتَ رَجُلٍ فَطَلَّقَهَا ثُمَّ خَلَى عَنْهَا حَتَّى انْقَضَتْ عِدَّتُهَا ثُمَّ خَطَبَهَا"، الْحَدِيثُ، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أُمِّ حَبِيبَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: ((لَا يَحِلُّ لِامْرَأَةٍ مُسْلِمَةٍ تُوَمِّنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ فَوْقَ ثَلَاثَةِ أَيَّامٍ عَلَى الْوُجُوبِ إِلَّا عَلَى زَوْجِهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا)).

قُلْتُ: قَدْ اِنْعَقَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ الْعِدَّةِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Seven

On the Waiting Period

Allah ta'ala says: *“And the divorced women should keep themselves in waiting for three courses”*. Allah ta'ala says: *“And (as for) those of your women who have despaired of menstruation, if you have a doubt, their prescribed time shall be three months, and of those too who have not had their courses; and (as for) the pregnant women, their prescribed time is that they lay down their burden.”* Allah ta'ala says: *“And (as for) those of you who die and leave wives behind, they should keep themselves in waiting for four months and ten days.”*

It has been related in the Sahih of al-Bukhari on the authority of al-Hassan: “Ma`qil ibn Yasaar had a sister who was under matrimony to a man who divorced her; then he remained away from her until her waiting period was finished and then engaged her in marriage”; (to the end of the prophetic tradition). It has also been related in the Sahih al-Bukhari on the authority of Umm Habiba that the Prophet, ﷺ once said: “It is not lawful for a woman who believes in Allah and the Last Day to mourn for more than three days as a necessity except for her spouse, which should be four months and ten days.”

I say: The consensus of the *umma* is unanimous regarding the obligation of the waiting period.
Success is with Allah.

الْبَابُ الثَّامِنُ وَالثَّلَاثُونَ

فِي الرِّضَاعِ

قَالَ اللَّهُ تَعَالَى: ﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ﴾، وَقَالَ تَعَالَى: ﴿وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَإِخْوَاتُكُم مِّنَ الرَّضَاعَةِ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: "إِنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا وَعِنْدَهَا رَجُلٌ، فَكَانَتْ تَغَيَّرُ وَجْهَهُ كَأَنَّهُ كَرِهَ ذَلِكَ، فَقَالَتْ لَهُ: "إِنَّهُ أَخِي"، فَقَالَ: ((أَنْظُرْنَ مِنْ إِخْوَانِكُنَّ، فَإِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ)).

قَالَ الشَّيْخُ حَيْثِي فِي شَرْحِ الْمُخْتَصَرِ: "وَالْأَصْلُ فِيهِ قَوْلُهُ تَعَالَى: ﴿وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَإِخْوَاتُكُم مِّنَ الرَّضَاعَةِ﴾، وَقَوْلُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: ((يُحْرِمُ مِنَ الرَّضَاعَةِ مَا يُحْرِمُ مِنَ النَّسَبِ))، قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى أَنَّ الرِّضَاعَةَ تُحْرِمُ النِّكَاحَ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Eight

On Nursing

Allah ta'ala says: “*And the mothers should suckle their children for two whole years for him who desires to make complete the time of suckling.*” Allah ta'ala says: “*...and your mothers that have suckled you and your siblings from nursing.*” It has been related in the Sahih al-Bukhari on the authority of A'isha, may Allah be pleased with her that the Prophet, ﷺ entered upon her and with her was a man. It was as if his face changed as though he disliked that. She then said to him: “He is my brother.” He then said: “Be sure as to who are your siblings, for indeed nursing is from when milk is the only food of the child.”

As-Shibrakhiti said in his commentary upon the Mukhtasar: “The foundation of this legal decision is from the words of Allah ta'ala: ‘*...and your mothers that have suckled you and your siblings from nursing*’; and his words ﷺ: ‘Nursing forbids that which is made unlawful by blood relations’.”

I say: The consensus of the *Umma* is unanimous regarding that nursing makes marriage unlawful.

Success is with Allah.

الْبَابُ التَّاسِعُ وَالثَّلَاثُونَ

فِي النِّفْقَةِ

قَالَ اللَّهُ تَعَالَى: ﴿لِيُنْفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ﴾، وَقَالَ تَعَالَى: ﴿وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ أَنَّ الرَّسُولَ اللَّهَ ﷺ قَالَ: ((خَيْرُ الصَّدَقَةِ مَا كَانَ عَنْ ظَهْرِ غِنَى، وَأَبْدَأُ بِمَنْ تَعُولُ)).
قُلْتُ: قَدْ أُنْعِدَ إِجْمَاعُ الْأُمَّةِ عَلَى وُجُوبِ النِّفْقَةِ لِلزَّوْجَةِ كَمَا ذَكَرَهُ غَيْرُ وَاحِدٍ مِّنَ الْعُلَمَاءِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Thirty-Nine

On Financial Maintenance

Allah ta'ala says: “*Let him who has abundance spend out of his abundance and whoever has his means of subsistence straitened to him, let him spend out of that which Allah has given him.*” Allah ta'ala says: “*...and if they are pregnant, spend on them until they lay down their burden.*” It has been related in the Sahih of al-Bukhari on the authority of Abu Hurayra that the Messenger of Allah, said ﷺ: “The best alms is that which is given when one is wealthy; and you start first with those you are financially responsible for.”

I say: The consensus of the *Umma* is unanimous regarding the obligation of financially maintaining spouses; as more than one of the scholars have cited.

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الْأَرْبَعُونَ

فِي الْبَيْعِ

قَالَ اللَّهُ تَعَالَى: ﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾، وَقَالَ تَعَالَى: ﴿إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ﴾، وَقَالَ تَعَالَى: ﴿لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ﴾، وَقَالَ تَعَالَى: ﴿فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ وَاذْكُرُوا اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ * وَإِذَا رَأَوْا تِجَارَةً أَوْ لَهْوًا أَنْفَضُوا إِلَيْهَا وَتَرَكُوكَ قَائِمًا قُلْ مَا عِنْدَ اللَّهِ خَيْرٌ مِنَ اللَّهْوِ وَمِنَ التِّجَارَةِ وَاللَّهُ خَيْرُ الرَّازِقِينَ﴾، وَسُئِلَ رَسُولُ اللَّهِ ﷺ "أَيُّ الْكَسْبِ أَطْيَبُ؟" قَالَ: ((عَمَلُ الرَّجُلِ بِيَدِهِ وَكُلِّ بَيْعٍ مَبْرُورٍ))، وَأَخْرَجَهُ التِّرْمِذِيُّ مِنْ حَدِيثِ رِفَاعَةَ بْنِ رَافِعٍ رَضِيَ اللَّهُ عَنْهُ، وَصَحَّحَهُ الْحَاكِمُ.

وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "وَالْبَيْعُ الْمَبْرُورُ الَّذِي أَبْرَهُ صَاحِبُهُ فَلَمْ يَعْصِ اللَّهَ فِيهِ وَلَا بِهِ وَلَا مَعَهُ"، قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى جَوَازِ الْبَيْعِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty

On Commerce

Allah ta'ala says: *"Allah has made commerce lawful and has made compounded interest unlawful."* Allah ta'ala says: *"...except when it is trade which you give and take among yourselves from hand to hand."* Allah ta'ala says: *"Do not devour your wealth between you wantonly, except that it be through trade by mutual consent."* Allah ta'ala says: *"...when the prayer is ended then disperse through the land seeking the bounty of Allah, and remember Allah much so that you may be successful. And when they see trade or sport they scatter after it, and leave you standing. Say: What is with Allah is better than sport and trade, and Allah is the best of Providers."* The Messenger of Allah was once asked ﷺ: "Which form of earning is best?" He said: "The work of a man with his own hands, and every acceptable form of trade." This was related by at-Tirmidhi from the prophetic tradition of Rifaa'a ibn Raafi', may Allah be pleased with him. Its soundness was also verified by al-Haakim.

It is said in the Miftaah's-Sadaad the commentary upon the Irshaad 's-Saalik: "Acceptable trade is that in which the merchant acts virtuously, does not disobey Allah in it, does not disobey Allah by means of it, nor does he disobey Allah with it." I say: It is the agreement of the consensus of the *Umma*, regarding to permissibility of commerce.

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الْحَادِي وَالْأَرْبَعُونَ

فِي أَحْكَامِ الدِّمَاءِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرِّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنْثَى بِالْأُنْثَى﴾ الْآيَةُ، وَقَالَ تَعَالَى: ﴿وَكُتِبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصًا﴾، وَقَالَ تَعَالَى: ﴿وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ﴾. وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: "أَنَّ يَهُودِيًّا رَضَّ رَأْسَ جَارِيَةٍ بَيْنَ حَجَرَيْنِ فَقِيلَ لَهَا: "مَنْ فَعَلَ بِكَ هَذَا؟ أَفْلَانٌ، أَفْلَانٌ؟ حَتَّى سُمِّيَ الْيَهُودِيُّ فَأَوْمَأَتْ بِرَأْسِهَا فَجِيءَ بِالْيَهُودِيِّ فَاعْتَرَفَ، فَأَمَرَ بِهِ النَّبِيُّ ﷺ فَرَضَ رَأْسُهُ بِالْحِجَارَةِ"، وَقَدْ قَالَ هَمَّامٌ: "بِحَجَرَيْنِ".

قُلْتُ: قَدْ بَيَّنَّ الْعُلَمَاءُ رَضَى اللَّهُ عَنْهُمْ أَنَّهُ إِذَا قَامَتِ الْبَيِّنَةُ عَلَى الْقَتْلِ أَوْ اعْتَرَفَ بِهِ الْقَاتِلُ إِقْتَصَ مِنْهُ بِمِثْلِ الْقَتْلَةِ الَّتِي قَتَلَهُ بِهَا إِلَّا أَنْ يَكُونَ قَتَلَهُ بِالنَّارِ أَوْ بِالسَّمِّ لِأَنَّ ذَلِكَ مِنَ الْمِثْلِ، وَظَاهِرُ مَا فِي الْمَدَوْنَةِ إِنَّهُ يُقْتَصُّ مِنْهُ بِمِثْلِ الْقَتْلَةِ الَّتِي قَتَلَهُ بِهَا، وَإِنْ كَانَ قَتَلَهُ بِالنَّارِ إِذْ لَمْ يُفَرِّقْ فِيهَا بَيْنَ النَّارِ وَغَيْرِهِ، وَهُوَ ظَاهِرُ قَوْلِهِ فِي السَّمِّ، أَنَّهُ يُقَادُّ مِنْهُ بِهِ.

قَالَ: "وَمِنْ أَهْلِ الْعِلْمِ مَنْ يُرَى أَنَّهُ لَا يَكُونُ الْقَوْدُ إِلَّا بِالسَّيْفِ وَحْدَهُ، وَإِمَّا إِنْ لَمْ يَثْبُتِ الْقَتْلُ بِالْبَيِّنَةِ وَإِنَّمَا أُسْتُحَقَّ دَمُهُ بِالْقَسَامَةِ فَلَا يُقْتَلُ إِلَّا بِالسَّيْفِ"، إِنْتَهَى.

وَبَيَّنَّ الْعُلَمَاءُ أَيْضًا رَضَى اللَّهُ عَنْهُمْ إِنَّهُ لَمْ يَحْتَثِفِ الشَّرَائِعُ مُنْذُ أَهْبَطَ اللَّهُ سُبْحَانَهُ أَدَمَ عَلَيْهِ السَّلَامُ إِلَى الْأَرْضِ وَإِلَى هَلُمَّ جَرًّا أَنْ قَتَلَ النَّفْسَ بغيرِ حَقِّ حَرَامٍ، وَقَدْ وَعَدَ اللَّهُ عَزَّ وَجَلَّ عَلَى ذَلِكَ بِالنَّارِ وَالْعَذَابِ الْأَلِيمِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-One

On the Legal Judgments of Homicide

Allah ta'ala says: *“O you who believe retaliation has been prescribed for you regarding those who have been slain; the free for the free; the slave for the slave; the female for the female...”*. Allah ta'ala says: *“In it I prescribed for them as law: a soul for a soul, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth and for every wound there is a retaliation.”* Allah ta'ala says: *“...within retaliation there is life for you.”*

It has been related in the Sahih of al-Bukhari on the authority of Anas ibn Malik who said: “A Jew once crushed the head of a young servant girl between two stones. It was said to her: ‘Who has done this to you; so-and-so, so-and-so?’ until the Jew was mentioned. She then nodded her head, agreeing. So the Jew was brought and he acknowledged his guilt. The Prophet ﷺ ordered that his head be crushed with stones. Hammam said: ‘It was with two stones’.”

I say: the scholars, may Allah be pleased with them have explained that:...when clear evidence has been established regarding a homicide; or when the murderer acknowledges his guilt, then retaliation should be taken against the perpetrator with the same cause of death that he committed; except if he killed him by fire or poison; because that is from resemblance. The apparent meaning of what is in the Mudawwana is that retaliation for murder should be made with the same cause of death with which the person was killed; even if he killed him by fire; since there is no difference in retaliation between fire and anything else. This is the apparent meaning of his words regarding poison; which is that retaliation against the perpetrator who commits homicide with poison should be with poison.

He said: “Among the people of knowledge are those who consider that retaliation for murder can only be done with the sword. As for when the cause of the homicide has not been clearly established and the right to shed the perpetrators’ blood can only be valid by the sworn testimony of a witness; then he is only to be killed by the sword.”

The scholars, may Allah be pleased with them, have also explained that from the time that Allah *subhānahu* cast Adam, upon him be peace, to the earth and thereafter, there has been no disagreement in the Divine laws about the prohibition of the killing a soul without right; and Allah `izza wa jalla has warned of Hell and severe punishment for the one who does this.

Success is with Allah.

الْبَابُ الثَّانِي وَالْأَرْبَعُونَ

فِي الْحُدُودِ

قَالَ اللَّهُ تَعَالَى فِي بَيَانِ حَدِّ الزِّنَا ﴿الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ﴾، وَقَالَ تَعَالَى فِي بَيَانِ حَدِّ الْقَذْفِ: ﴿وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءٍ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً﴾، وَقَالَ تَعَالَى فِي بَيَانِ حَدِّ السَّرْقَةِ: ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾ الْآيَةُ، وَقَالَ تَعَالَى فِي بَيَانِ حَدِّ الْحَرَابَةِ: ﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ﴾، الْآيَةُ.

وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَيَانِ حَدِّ الزِّنَا عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ قَالَ سَمِعْتُ النَّبِيَّ ﷺ يَأْمُرُ فِيمَنْ زَنَى وَلَمْ يُحْصَن جَلْدَ مِائَةِ جَلْدَةٍ وَتَعْرِيبَ عَامٍ، وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَيَانِ حَدِّ الزِّنَا أَيْضًا لِلْمُحْصَنِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ: "أَنَّ رَجُلًا مِّنْ أَسْلَمَ أَتَى رَسُولَ اللَّهِ ﷺ يُحَدِّثُهُ أَنَّهُ قَدْ زَنَى، فَشَهِدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ فَأَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ فَرَجِمَ وَكَانَ قَدْ أَحْصَنَ".

وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَيَانِ حَدِّ الْقَذْفِ عَنْ أَبِي هُرَيْرَةَ قَالَ: "سَمِعْتُ أَبَا الْقَاسِمِ يَقُولُ: ((مَنْ قَذَفَ مَمْلُوكَهُ وَهُوَ بَرِيءٌ مِّمَّا قَالَ جُلْدَ يَوْمِ الْقِيَامَةِ إِلَّا أَنْ يَكُونَ كَمَا قَالَ))"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا فِي بَيَانِ حَدِّ السَّارِقِ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ إِنَّهُ قَالَ: ((تُقَطَّعُ يَدُ السَّارِقِ فِي رُبْعٍ دِينَارٍ))، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا فِي بَيَانِ حَدِّ الْحَرَابَةِ عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِمَ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَفَرٌ مِنْ عُكْلٍ، فَأَسْلَمُوا، فَأَجْتَوُوا الْمَدِينَةَ، فَأَمَرَهُمْ أَنْ يَأْتُوا إِبِلَ الصَّدَقَةِ، فَيُشْرَبُوا مِنْ أَبْوَالِهَا وَاللَّبَانِهَا، فَفَعَلُوا فَصَحُّوا فَارْتَدُّوا فَقَتَلُوا رُعَاتَهَا وَاسْتَأْفَوْا الْإِبِلَ، فَبَعَثَ فِي آثَارِهِمْ، فَأَتَى بِهِمْ، فَقَطَّعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ وَسَمَلَ أَعْيُنَهُمْ ثُمَّ لَمْ يَحْسِمَهُمْ حَتَّى مَاتُوا.

قُلْتُ: قَدْ انْعَقَدَ الْإِجْمَاعُ عَلَى وَجُوبِ إِقَامَةِ الْحُدُودِ إِذَا وَجِدَ شَرْطُ إِقَامَتِهَا.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Two

On the Punitive Punishments

Allah ta'ala says regarding an explanation of the punitive punishment of illicit sex: *“As for the female and the male fornicators, flog each of them a hundred stripes.”* Allah ta'ala says regarding an explanation of the punitive punishment of calumny: *“And those who falsely accuse chaste women then do not bring four witnesses then flog them eighty stripes.”* Allah ta'ala says regarding an explanation of the punitive punishment of theft: *“As for the man who steals and the woman who steals, cut off their hands.”* Allah ta'ala says regarding an explanation of the punitive punishment of warmongering: *“The punishment of those who wage war against Allah and His messenger and strive to cause corruption in the earth is only this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or they should be imprisoned.”*

It has been related in the Sahih of al-Bukhari regarding an explanation of the punitive punishment of fornication on the authority of Khalid al-Juhani who said: “I once heard the Prophet ﷺ order regarding someone who committed fornication and he was not married, that he be flogged one hundred times and exiled for a year.” It has already been related in the Sahih of al-Bukhari regarding an explanation of the punitive punishment of illicit sex as well, but for a person married, on the authority of Jabir ibn Abdallah al-Ansaari: “A man who had accepted Islam came to the Messenger of Allah ﷺ to talk to them, in which he admitted that he committed adultery. Further, he testified against himself regarding that with four solemn testimonies. As a result, the Messenger of Allah, ﷺ ordered that he be stoned. This was because he was married.” It has been related in the Sahih of al-Bukhari regarding an explanation of the punitive punishment of calumny, on the authority of Abu Hurayra, may Allah be pleased with him who said: “I once heard Abu'l-Qasim ﷺ say: ‘Whoever falsely accuses a person under his charge while that person is innocent of the accusations; then the accuser will be flogged on the Day of Standing, except if the matter is as he said’.” It has also been related in the Sahih of al-Bukhari regarding an explanation of the punitive punishment of theft, on the authority of A'isha, may Allah be pleased with her, on the authority of the Prophet, ﷺ that he said: “The hand of the thief is to be cut for stealing anything worth a quarter of a golden *dinar*.”

It has also been related in the Sahih of al-Bukhari regarding an explanation of the punitive punishment of warmongering, on the authority of Anas, may Allah be pleased with him, who said: “A group of Bedouin from the 'Ukl came as a delegation to the Prophet, ﷺ who then accepted Islam. However, the climate of Medina did not suit them, so the Prophet ﷺ ordered them to go and settle with the camels utilized for charity and drink their milk and urine as medicine. They did this until their health became sound. They eventually turned apostate from the religion, killed the shepherd and seized the camels. The Prophet ﷺ then dispatched a team in pursuit of them and had them returned. The Prophet ﷺ then ordered that their hands and legs to be cut off; and their eyes branded with hot irons. Their wounds were left un-cauterized until they died.”

I say: the consensus is unanimous about the obligation of the punitive punishment when the prerequisites to establish them have been substantiated.

Success is with Allah.

البَابُ الثَّالِثُ وَالْأَرْبَعُونَ

فِي الْأَقْضِيَّةِ

قَالَ اللَّهُ تَعَالَى: ﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ﴾، وَقَالَ تَعَالَى: ﴿يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَابِ الْأَقْضِيَّةِ إِذَا قَضَى الْحَاكِمُ بِالْجَوْرِ أَوْ خَالَفَ أَهْلَ الْعِلْمِ فَهُوَ رَدٌّ: حَدَّثَنَا مُحَمَّدٌ قَالَ حَدَّثَنَا عَبْدُ الرَّزَّاقِ حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ عَنْ سَالِمٍ عَنِ أَبِيهِ قَالَ: "بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَالِدَ بْنَ الْوَلِيدِ إِلَى بَنِي جَذِيمَةَ، فَدَعَاهُمْ إِلَى الْإِسْلَامِ، فَلَمْ يُحْسِنُوا أَنْ يَقُولُوا أَسْلَمْنَا، فَجَعَلُوا يَقُولُونَ: "صَبَأْنَا صَبَأًا"، فَجَعَلَ خَالِدٌ يَقْتُلُ مِنْهُمْ وَيَأْسِرُ، وَدَفَعَ إِلَى كُلِّ رَجُلٍ مِنْ أَصْبَحِيهِ حَتَّى إِذَا كَانَ يَوْمَ أَمَرَ خَالِدٌ أَنْ يَقْتُلَ كُلَّ رَجُلٍ مِنْ أَصْبَحِيهِ، فَقُلْتُ: "وَاللَّهِ لَا أَقْتُلُ أُسِيرِي، وَلَا يَقْتُلُ رَجُلٌ مِنْ أَصْحَابِي أُسِيرَهُ، حَتَّى قَدِمْنَا عَلَى النَّبِيِّ ﷺ، فَذَكَرْنَاهُ لَهُ فَرَفَعَ النَّبِيُّ ﷺ يَدَهُ، فَقَالَ: ((اللَّهُمَّ إِنِّي أَبْرَأُ إِلَيْكَ مِمَّا صَنَعَ خَالِدٌ))، مَرَّتَيْنِ".

قُلْتُ: قَدْ أُنْعَقَدَ الْإِجْمَاعُ عَلَى وَجُوبِ الْقَضَاءِ بِالْحَقِّ، قَالَ الْحَسَنُ: "أَخَذَ اللَّهُ عَلَى الْحُكَّامِ أَنْ لَا يَتَّبِعُوا الْهَوَى، وَلَا يَخْشَوْنَ النَّاسَ وَلَا يَشْتَرُوا بِآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا"، إِنَّتَهَى ثُمَّ هُوَ فَرَضَ كِفَايَةَ إِلَّا أَنْ يَتَّعِينَ، فَلَا يَجُوزُ الْإِمْتِنَاعُ، وَفِي مِفْتَاحِ السَّدَادِ شَرْحُ إِرْشَادِ السَّالِكِ: "أَمَّا كَوْنُ الْقَضَاءِ فَرَضَ كِفَايَةَ يَحْمِلُ بِهِ مَنْ قَامَ بِهِ فَهُوَ الْمَذْهَبُ".

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Three

On the Judiciary Rulings

Allah ta'ala says: *“Indeed Allah commands you to give over trusts to their rightful people; and when you judge between people, that you judge with justice.”* Allah ta'ala says: *“O Dawud, indeed We have made you a vicegerent in the earth. Therefore, judge between people with truth and do not follow lower passions, or you will be led astray from the Way of Allah.”*

It has been related in the Sahih of al-Bukhari in the chapter regarding judiciary decisions when a judge judges tyrannically or he judges contrary to the people of knowledge, then his judgement is to be rejected: “Mahmud related to us saying that Abd'r-Razaaq related to us, that Ma'amar related to us on the authority of az-Zuhri, on the authority of Saalim, on the authority of his father who said: ‘The Prophet ﷺ once dispatched Khalid ibn al-Walid in a military engagement to the Banu Judhayma. He invited them to Islam, but they were unable to articulate the words: ‘We have accepted Islam’, very well. So they kept saying in their own dialect: ‘We have surrendered! We have surrendered!’ Khalid then proceeded to fight them and to seize them as war captives. He then placed with each man among us a captive, until one day, Khalid ordered that each of the men among us should kill his captive. I said: ‘By Allah, I will not kill my captive.’ None of my companions killed their captives, until we came to the Prophet ﷺ and mentioned what happened. The Prophet ﷺ then raised his palms and said twice: ‘O Allah, I am free from what Khalid has done’.”

I say: The consensus is unanimous about the obligation of giving judicial decisions by the truth. Al-Hassan said: “Allah has taken an oath from every judge that they should not follow their lower passions; not fear people; and not sale the signs of Allah for a small price.” Judicial decisions are a collective obligation except in those matters which are individual obligations; for it is not permissible then to abstain from giving judgment. It states in the Miftaah's-Sadaad the commentary upon the Irshad as-Saalik: “As for judiciary decisions being a collective obligation, this depends upon the person being qualified to establish it. This is the view of the Maliki school of thought.”

Success is with Allah.

الْبَابُ الرَّابِعُ وَالْأَرْبَعُونَ

فِي الشَّهَادَةِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَى أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا وَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَإِنْ تَلَوْا أَوْ نَعَرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا﴾، وَفِي صَحِيحِ الْبُخَارِيِّ فِي بَابِ مَا قِيلَ فِي شَهَادَةِ الزُّورِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ النَّبِيُّ ﷺ: ((أَلَا أُنبِئُكُمْ بِأَكْبَرِ الْكِبَائِرِ؟)) ثَلَاثًا، قَالُوا بَلَى يَا رَسُولَ اللَّهِ، قَالَ: ((الْإِشْرَاكُ بِاللَّهِ وَعُقُوقُ الْوَالِدَيْنِ))، وَجَلَسَ وَكَانَ مُتَكِنًا، فَقَالَ: ((أَلَا وَقَوْلُ الزُّورِ))، قَالَ: "فَمَا زَالَ يُكْرِرُهَا حَتَّى قُلْنَا: يَا لَيْتَهُ سَكَتَ".

قُلْتُ: قَدْ أُنْعِدَ الْإِجْمَاعُ عَلَىٰ وَجُوبِ آدَاءِ الشَّهَادَةِ وَتَحْرِيمِ شَهَادَةِ الزُّورِ، وَأَمَّا تَحْمُلُ الشَّهَادَةِ فَفَرَضُ كِفَايَةٍ، وَقَالَ فِي إِرْشَادِ السَّالِكِ: "تَحْمُلُ الشَّهَادَةِ فَرَضُ كِفَايَةٍ إِلَّا أَنْ يَخَافَ فَوَاتَ الْحَقِّ فَيَتَّعَيْنُ. وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Four

On Bearing Witness

Allah ta'ala says: *“O you who believe, be maintainers of equity, bearers of witness for Allah, though it may be against your own selves or your parents, or near relatives. If he be rich or poor, Allah is foremost with them. Therefore do not follow low passions, unless you deviate. If you swerve or turn aside; then indeed Allah is Aware of what you do.”*

It has been related in the Sahih al-Bukhari in the chapter regarding what is said regarding false testimony on the authority of Abd'r-Rahman ibn Abi Bakra, on the authority of his father, may Allah be pleased with him that the Prophet ﷺ said three times: “Shall I not inform you of the greatest of the immense sins?” It was said: “Indeed, O Messenger of Allah!” He said: “To associate partners in worship with Allah and to be undutiful to one’s parents.” Then the Prophet ﷺ sat up after he had been reclining; and said: ‘I warn you against giving false witness!'; and he kept saying it until we thought he would not stop.”

I say: the consensus is unanimous regarding the obligation of acting as a just witness and the prohibition of false witness. As for taking on the burden of witnessing, it is a collective obligation. It states in the Irshad as-Saalik: “Taking on the burden of witnessing is a collective obligation, unless one fears the forfeiture of truth; then it becomes an individual obligation.”

Success is with Allah.

البَابُ الْخَامِسُ وَالْأَرْبَعُونَ

فِي الْمِيرَاثِ

قَالَ اللَّهُ تَعَالَى: ﴿لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا﴾، وَقَالَ تَعَالَى: ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ﴾ إِلَى قَوْلِهِ: ﴿وَاللَّهُ عَلِيمٌ حَلِيمٌ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: ((الْحَقُّوْا الْفَرَائِضَ بِأَهْلِهَا، فَمَا تَرَكَتِ الْفَرَائِضُ فَلِأَوْلَى رَجُلٍ ذَكَرٍ)).

قُلْتُ: قَدْ أُنْعَقَدَ الْإِجْمَاعُ عَلَى وُجُوبِ إعْطَاءِ كُلِّ وَارِثٍ نَصِيبَهُ مِنَ الْمِيرَاثِ، وَكُلُّ مَنْ مَنَعَ الْوَارِثَ نَصِيبَهُ الَّذِي أَعْطَاهُ الشَّرْعُ فَهُوَ عَاصٍ لِلَّهِ وَرَسُولِهِ وَالْعِيَاذُ بِاللَّهِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Five

On Inheritance

Allah ta'ala says: *“To the men is a portion of what the parents and near relatives leave, and to the women a portion of what the parents and near relatives leave whether there is little or much of it; there is an incumbent portion.”* Allah ta'ala says: *“Allah enjoins you regarding your children: to the male an equal portion of two females...”*; to His words: *“Indeed Allah is Knowing, Wise”*

It has been related in the Sahih of al-Bukhari on the authority of Ibn`Abass: “Give over the obligatory inheritance to those who are entitled to receive it. Then whatever is left, should be given to the closest male relative of the deceased.”

I say: the consensus is unanimous regarding the obligation of giving each inheritor his portion from the inheritance. Everyone that prevents the inheritor from attaining the portions which the *shari`a* provides for him, then they are disobedient to Allah and His Messenger ﷺ; and we seek refuge with Allah.

Success is with Allah.

الْبَابُ السَّادِسُ وَالْأَرْبَعُونَ

فِي السَّلَامِ وَالْإِسْتِئْذَانِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا﴾، وَقَالَ تَعَالَى: ﴿وَإِذَا حُيِّيتُمْ بِتَحِيَّةٍ فَحَيُّوا بِأَحْسَنِ مِمَّا أَوْ رُدُّوهَا﴾، وَقَالَ تَعَالَى: ﴿وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا: "أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ: "أَيُّ الْإِسْلَامِ خَيْرٌ؟" قَالَ: ((تُطْعِمُ الطَّعَامَ وَتَقْرَأُ السَّلَامَ عَلَى مَنْ عَرَفْتَ وَمَنْ لَمْ تَعْرِفْ))، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ سَهْلِ بْنِ سَعْدٍ عَنِ النَّبِيِّ ﷺ قَالَ: ((إِنَّمَا جُعِلَ الْإِسْتِئْذَانُ مِنْ أَجْلِ الْبَصَرِ))، وَقَالَ فِي الرِّسَالَةِ: "رَدُّ السَّلَامِ وَاجِبٌ وَالْإِبْتِدَاءُ بِهِ سُنَّةٌ مُرْعَبٌ فِيهَا"، وَقَالَ فِي الْإِسْتِئْذَانِ: "وَالْإِسْتِئْذَانُ وَاجِبٌ، فَلَا تَدْخُلُ بَيْتًا فِيهِ أَحَدٌ حَتَّى تَسْتَأْذِنَ ثَلَاثًا فَإِنْ أَذِنَ لَكَ، وَإِلَّا رَجَعْتَ"، إِنَّتَهَى، قُلْتُ: قَدْ أُنْعَدَ الْإِجْمَاعُ عَلَى أَنَّ كُلَّ مَنْ تَرَكَ الْإِسْتِئْذَانَ فَهُوَ عَاَصٌ لِلَّهِ وَرَسُولِهِ وَالْعِيَاذُ بِاللَّهِ تَعَالَى.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Six

On the Greetings of Peace and Seeking Permission

Allah ta'ala says: *“O you who believe! Do not enter houses other than your own houses until you have asked permission and given the greetings of peace to their inhabitants.”* Allah ta'ala says: *“And when you are greeted with a greeting, then greet with a greeting that is better than it or return it.”* Allah ta'ala says: *“And when the children among you have attained to puberty, let them seek permission (to enter).”*

It has been related in the Sahih of al-Bukhari on the authority of Abdallah ibn `Amr, may Allah be pleased with both of them that a man once asked the Messenger of Allah ﷺ: “Which Islam is best?” He said: “To feed food to others and to pronounce the greetings of peace to those you know and those you do not know.” It has been related in the Sahih of al-Bukhari on the authority of Sahl ibn Sa'd on the authority of the Prophet ﷺ, who said: “Indeed, seeking permission to enter was made incumbent due to guarding the sight.”

It says in the ar-Risaalat: “Returning the greetings of peace is an obligation; and initiating the greetings of peace first is a *Sunna* that is highly sought after.” It also says regarding seeking permission to enter: “Seeking permission to enter is an obligation. Therefore, do not enter a house in which someone lives except after seeking permission to enter three times. If they give permission to you to enter (well and good); if not then return (to your home).”

I say: the consensus is unanimous regarding that everyone who abandons seeking permission to enter is disobedient to Allah and His messenger. We seek refuge with Allah.

Success is with Allah.

الْبَابُ السَّابِعُ وَالْأَرْبَعُونَ

فِي النَّوْبَةِ مِنَ الْكَبَائِرِ وَالصَّغَائِرِ الَّتِي هِيَ أَصْلُ التَّصَوُّفِ لِلتَّخَلُّقِ

قَالَ اللَّهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا تَوْبُوا إِلَى اللَّهِ تَوْبَةً نَصُوحًا﴾، وَقَالَ تَعَالَى: ﴿وَتَوْبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ﴾ وَقَالَ تَعَالَى: ﴿إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ﴾. وَقَالَ رَسُولُ اللَّهِ ﷺ: ((وَاللَّهِ إِنِّي لَأَسْتَغْفِرُ اللَّهَ وَأَتُوبُ إِلَيْهِ فِي الْيَوْمِ أَكْثَرَ مِنْ سَبْعِينَ مَرَّةً))، كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ.

قُلْتُ: قَدْ أُنْعَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وُجُوبِ النَّوْبَةِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Seven

On Repentance from Major and Minor Sins Which is the Foundation of Spiritual Purification for Character Reformation

Allah ta'ala says: *“O you who believe! Repent to Allah with sincere repentance.”* Allah ta'ala says: *“Repent to Allah all together, O you believers, so that you may be successful.”* Allah ta'ala says: *“Indeed Allah loves those who repent often, and He loves those who have a care for purity.”*

The Messenger of Allah, ﷺ said: “I swear by Allah, that I seek forgiveness of Allah and repent to Him every day more than seventy times”; as it was related in the Sahih of al-Bukhari on the authority of Abu Hurayra.

I say: the consensus is unanimous regarding the obligation of repentance.

Success is with Allah.



Institute of Islamic-African Studies International

الْبَابُ الثَّامِنُ وَالْأَرْبَعُونَ

فِي تَعَلُّمِ الْعِلْمِ وَتَعْلِيمِهِ

قَالَ اللَّهُ تَعَالَى: ﴿فَلَوْ لَا نَفَرْنَا مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ﴾، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ سَمِعْتُ مُعَاوِيَةَ خَطِيبًا يَقُولُ: "سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: ((مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّينِ وَإِنَّمَا أَنَا قَاسِمٌ وَاللَّهُ يُعْطِي وَلَنْ تَزَالَ هَذِهِ الْأُمَّةُ قَائِمَةً عَلَى أَمْرِ اللَّهِ لَا يَضُرُّهُمْ مَنْ خَالَفَهُمْ حَتَّى يَأْتِيَ أَمْرُ اللَّهِ))، وَقَالَ ﷺ: ((طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ))، رَوَاهُ إِبْنُ مَاجَةَ، وَقَالَ ﷺ: ((مَنْ سُئِلَ عَنْ عِلْمٍ فَكْتَمَهُ أَلْجَمَهُ اللَّهُ يَوْمَ الْقِيَامَةِ بِلِجَامٍ مِنْ نَّارٍ))، رَوَاهُ التِّرْمِذِيُّ وَصَحَّحَهُ الْحَاكِمُ.

وَفِي صَحِيحِ الْبُخَارِيِّ كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إِلَى أَبِي بَكْرٍ بْنِ حَزْمٍ: "أُنْظُرْ مَا كَانَ مِنْ حَدِيثِ رَسُولِ اللَّهِ ﷺ، فَأَكْتَنَبَهُ فَإِنِّي خِفْتُ دُرُوسَ الْعِلْمِ وَذَهَابَ الْعُلَمَاءَ، وَلَا تَقْبَلُ إِلَّا حَدِيثَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ((وَلْتَقَشُوا الْعِلْمَ، وَلْتَجْلِسُوا حَتَّى يُعَلَّمَ مَنْ لَا يَعْلَمُ، فَإِنَّ الْعِلْمَ لَا يَهْلِكُ حَتَّى يَكُونَ سِرًّا، قُلْتُ: قَدْ أُنْعَقَدَ إِجْمَاعُ الْأُمَّةِ عَلَى وَجُوبِ تَعَلُّمِ الْعِلْمِ وَتَعْلِيمِهِ وَجُوبًا عَيْنِيًّا فِي فُرُوضِ الْأَعْيَانِ وَكِفَائِيًّا فِي فُرُوضِ الْكِفَايَاتِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Eight

On Learning Knowledge and Teaching it

Allah ta'ala says: *“Why should not then a company from every party from among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious?”*

It has been related in the Sahih of al-Bukhari on the authority of Humayd ibn Abd'r-Rahman who said: “I once heard Mu'awiyya say in a sermon: ‘I heard the Prophet ﷺ say: ‘Whomever Allah desires good for them, He gives them understanding in the religion. Indeed I am the dispenser, and Allah is the One who gives. This *Umma* will continue established upon the command of Allah, and they will not be harmed by those who differ from them until the command of Allah comes’.” The Messenger of Allah ﷺ, also said: “Seeking knowledge is an obligation upon every Muslim.” This was related by Ibn Maja. He, ﷺ also said: “Whoever is asked about some knowledge and he then conceals it, Allah will bridle him with a bridle of fire on the Day of Standing.” This was related by at-Tirmidhi and its soundness was verified by al-Haakim.

It has also been mentioned in the Sahih of al-Bukhari that `Umar ibn Abd'l-`Aziz wrote to Abi Bakr ibn Hizaam saying: “Look for the knowledge of the prophetic traditions and have it written down; as I am afraid that religious knowledge will vanish and the scholars will pass away. Do not accept anything except it is in accordance with the tradition of the Prophet ﷺ: ‘Disseminate knowledge and sit in order to instruct those who have not learned, for knowledge will not be destroyed until it is kept secret’.”

I say: the consensus of the *Umma* is unanimous regarding the obligation to learn knowledge and to educate others as an individual obligation in those things which are individual obligations and a collective obligation in those things which are collective obligations.

Success is with Allah.

الْبَابُ النَّاسِعُ وَالْأَرْبَعُونَ

فِي الْوَعْظِ وَالتَّذْكِيرِ

قَالَ اللَّهُ تَعَالَى: ﴿وَذَكِّرْ فَإِنَّ الذِّكْرَى تَتَفَعُّ الْمُؤْمِنِينَ﴾، وَقَالَ تَعَالَى: ﴿فَذَكِّرْ بِالْقُرْآنِ مَنْ يَخَافُ وَعِيدِي﴾، وَقَالَ تَعَالَى: ﴿فَذَكِّرْ إِنَّمَا أَنْتَ مُذَكِّرٌ﴾، وَقَالَ تَعَالَى: ﴿وَعِظْهُمْ وَقُلْ لَهُمْ فِي أَنْفُسِهِمْ قَوْلًا بَلِيغًا﴾، وَقَالَ تَعَالَى: ﴿ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ﴾، وَقَالَ تَعَالَى: ﴿وَمَنْ أَحْسَنُ قَوْلًا مِمَّنْ دَعَا إِلَى اللَّهِ﴾، وَقَالَ تَعَالَى: ﴿وَلَوْ أَنَّهُمْ فَعَلُوا مَا يُوعَظُونَ بِهِ لَكَانَ خَيْرًا لَهُمْ﴾.

وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: "كَانَ النَّبِيُّ ﷺ يَتَحَوَّلُنَا بِالْمَوْعِظَةِ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أَبِي وَائِلٍ أَنَّهُ قَالَ: "كَانَ عَبْدُ اللَّهِ يُذَكِّرُ النَّاسَ فِي كُلِّ خَمِيسٍ"، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: "قَالَتِ النِّسَاءُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "غَلَبْنَا عَلَيْكَ الرِّجَالَ، فَأَجْعَلْ لَنَا يَوْمًا مِمَّنْ نَفْسِكَ"، فَوَعَدَهُنَّ يَوْمًا لَقِيَهُنَّ فِيهِ فَوَعِظَهُنَّ وَأَمَرَهُنَّ".

وَقَالَ شَهَابُ الدِّينِ أَحْمَدُ بْنُ حَجَرَ الْهَيْتَمِيِّ فِي كِتَابِ الزَّوَاجِرِ: "وَصَحَّ عَنْ ابْنِ مَسْعُودٍ أَنَّهُ وَقَفَ عَلَى قَاصٍ فَقَالَ لَهُ: "لَقَدْ ابْتَدَعْتَ بِدْعَةً ضَالَّةً أَوْ أَنَّكَ لَأَهْدَى مِنْ مُحَمَّدٍ وَأَصْحَابِهِ، فَتَفَرَّقَ النَّاسُ عَنْهُ حَتَّى لَمْ يَبْقَ عِنْدَهُ أَحَدٌ"، ثُمَّ قَالَ: "وَهُوَ مَحْمُولٌ عَلَى أَنَّهُ كَانَ يَذْكُرُ فِي قِصَصِهِ مَا ابْتَدَعَهُ جَهْلُهُ الْقِصَاصِ مِنْ ذِكْرِ الْأَكَاذِبِ وَالْأَحَادِيثِ الْمَوْضُوعَةِ وَنَحْوِ ذَلِكَ، وَأَمَّا الْقِصَصُ عَلَى مَا يَنْبَغِي بِأَنْ يُذَكِّرَهُم بِاللَّهِ وَأَيَّاتِهِ وَيُعَرِّفَهُمْ مَا يَنْبَغِي وَمَا يَتَعَيَّنَ عَلَيْهِمْ تَعْلِيمُهُ، فَهَذَا مِنْ أَفْضَلِ الْقُرْبَاتِ وَأَجَلِ الْمَقَامَاتِ. قُلْتُ: وَمِنْ وَعَظِ هَذِهِ الْأُمَّةِ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَالْحَسَنُ الْبَصْرِيُّ وَمَنْصُورُ بْنُ عَمَارٍ وَيَحْيَى بْنُ مُحَمَّدٍ وَابْنُ السَّمَّاكِ وَعَبْدُ الْقَادِرِ الْجِيلَانِيُّ وَالشَّيْبَلِيُّ وَالْجُنَيْدُ وَأَبُو الْفَضْلِ الْجَوْهَرِيُّ وَالْإِمَامُ الطُّوسِيُّ وَغَيْرُهُمْ مِمَّنْ لَا يُحْصَى".

وَإِذَا فَهِمْتَ هَذَا كُلَّهُ عَرَفْتَ أَنَّ التَّذْكِيرَ مَحْمُودٌ كِتَابًا وَسُنَّةً وَإِجْمَاعًا، إِذَا كَانَ عَلَى مَا مَرَّ ذِكْرُهُ، وَأَمَّا التَّذْكِيرُ الْمَذْمُومُ فَهُوَ تَذْكِيرُ مَنْ يُذَكِّرُ النَّاسَ بِمَا ابْتَدَعَهُ جَهْلُهُ الْقِصَاصِ مِنْ ذِكْرِ الْأَكَاذِبِ وَالْأَحَادِيثِ الْمَوْضُوعَةِ كَمَا مَرَّ فِي كَلَامِ أَحْمَدَ بْنِ حَجَرَ الْهَيْتَمِيِّ فِي كِتَابِ الزَّوَاجِرِ.

وَبِاللَّهِ التَّوْفِيقُ

Chapter Forty-Nine

On Preaching and Reminding

Allah ta'ala says: *"Persists in reminding, for indeed the reminder benefits the believers."* Allah ta'ala says: *"Therefore, by means of the Qur'an remind those who fear My threat."* Allah ta'ala says: *"Therefore remind (them), for you are indeed a reminder."* Allah ta'ala says: *"...and preach to them; and say to them effective words that speak to their very souls."* Allah ta'ala says: *"Invite to the Way of your Lord with wisdom and excellent exhortation."* Allah ta'ala says: *"And who speaks better than he who invites to Allah."* Allah ta'ala says: *"...and if they had done what they were admonished to do, it would have certainly been better for them."*

It has been related in the Sahih al-al-Bukhari on the authority of Ibn Mas'ud, may Allah be pleased with him who said: "The Prophet ﷺ used to take care of us in preaching by selecting a suitable time." It has also been related in the Sahih of al-Bukhari on the authority of Abu Wa'il that he said: "Abdullah used to give spiritual reminders to the people every Thursday." It has also been related in the Sahih of al-Bukhari on the authority of Abu Sa'id al-Khudri who said: "Some of the women requested the Prophet ﷺ to fix a day for them as the men were taking all his time. On that he promised them a special day in which he would preach to them and command them."

Shihab'd-Deen Ahmad ibn Hajr al-Haytami said in his Kitab 'z-Zawaajir: "It has been verified on the authority of Ibn Mas'ud that he once stopped at one story teller and said to him: 'You have either invented a erroneous heretical innovation or you are more guided than Muhammad and his Companions!' At that, the people dispersed from around the story teller where not a single person remained with him. He (al-Haythami) then said: 'Ibn Mas'ud's actions were based upon the fact that the man mentioned in his stories what the ignorant among the story tellers falsely invent from lies, fabricated prophetic traditions and the like. As for stories which are necessary to relate such as mentioning Allah, His signs, making them know what they must know and what is individually obligated upon them to learn; then that is among the best forms of drawing near to Allah, and highest of the spiritual stations'."

I say: Among the profound preachers of this *Umma* were men like Abdallah ibn Mas'ud, al-Hassan al-Basri, Mansur ibn 'Amaar, Yahya ibn Muhammad, Ibn as-Samaak, Abd'l-Qaadir al-Jaylani, as-Shibli, al-Junayd, Abu 'l-Fadl al-Jawhari, *Imam* at-Tuusi and others that are ennumerous.

If you have understood all of this then you should know that giving spiritual reminders is praiseworthy according to the Book, the *Sunna*, and the consensus; when it is in accordance with what was mentioned. As for the blameworthy forms of reminder, it is the kind of reminder where mention is made to the people based upon heretical innovations of the ignorant among story tellers such as lies, fabricated prophetic traditions; as Ahmad ibn Hajr al-Haytami cited in his Kitab'z-Zawaajir.

Success is with Allah.

الْبَابُ الْخَمْسُونَ

فِي عِلْمِ الْكُشْفِ

قَالَ اللَّهُ تَعَالَى فِي قِصَّةِ مُوسَى وَفَتَايِهِ: ﴿فَوَجَدَا عَبْدًا مِّنْ عِبَادِنَا آتَيْنَاهُ رَحْمَةً مِّنْ عِندِنَا وَعَلَّمْنَاهُ مِمَّنْ لَّدُنَّا عِلْمًا﴾، وَقَدْ أَثْبَتَ عَلَيْهِ السَّلَامُ الْمُحَدِّثِينَ حَتَّى بَيَّنَّ أَنَّ عُمَرَ مِنْهُمْ كَمَا فِي صَحِيحِ الْبُخَارِيِّ عَنْ أَبِي هُرَيْرَةَ، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ كَانَ يَقُولُ: "قَالَ رَسُولُ اللَّهِ ﷺ: ((لَوْ تَعَلَّمُونَ مَا أَعْلَمَ لَصَحَحْتُمْ قَلِيلًا وَلَبَكَيْتُمْ كَثِيرًا))."

قَالَ الْغَزَالِيُّ فِي الْإِحْيَاءِ: "فَلَيْتَ شِعْرِي إِنْ لَمْ يَكُنْ ذَلِكَ سِرًّا مُنِعَ فِي إِفْشَائِهِ لِقُصُورِ الْأَفْهَامِ عَنْ دَرْكِهِ أَوْ لِمَعْنَى آخَرَ لَمْ يَذْكُرْهُ لَهُمْ، فَلَا شَكَّ أَنَّهُمْ كَانُوا يُصَدِّقُونَ لَوْ ذَكَرَهُ لَهُمْ"، وَقَالَ الْغَزَالِيُّ فِي الْإِحْيَاءِ أَيْضًا فِي مَحَلِّ آخَرَ: "إِنَّ الْأَنْبِيَاءَ عَلَيْهِمُ الصَّلَاةُ وَالسَّلَامُ لَمْ يَتَكَلَّمُوا فِي عِلْمِ الْمُكَاشَفَةِ إِلَّا بِالرَّمْزِ وَالْإِيمَاءِ عَلَى سَبِيلِ الرُّشْدِ وَالتَّمَثِيلِ وَالْإِجْمَالِ عِلْمًا مِنْهُمْ بِقُصُورِ أَفْهَامِ الْخَلْقِ عَنِ الْإِحْتِمَالِ، وَالْعُلَمَاءُ وَرَثَةُ الْأَنْبِيَاءِ فَمَا لَهُمْ سَبِيلٌ إِلَى الْعُدُولِ عَنِ مَنَهِجِ التَّاسِي وَالْإِقْتِدَاءِ"، وَقَالَ أَيْضًا فِي الْكِتَابِ الْمَذْكُورِ فِي مَحَلِّ آخَرَ: "عِلْمُ الْمُكَاشَفَةِ غَايَةُ الْعُلُومِ، فَقَدْ قَالَ بَعْضُ الْعَارِفِينَ: "مَنْ لَمْ يَكُنْ لَهُ نَصِيبٌ مِّنْ هَذَا الْعِلْمِ أَخَافُ عَلَيْهِ سُوءَ الْخَاتِمَةِ، وَأَدْنَى النَّصِيبِ مِنْهُ التَّصَدِيقُ بِهِ وَتَسْلِيمُهُ لِأَهْلِهِ"، وَقَالَ آخَرُ: "مَنْ كَانَ فِيهِ خَصْلَتَانِ لَمْ يَفْتَحْ لَهُ شَيْءٌ مِّنْ هَذَا الْعِلْمِ: بَدْعَةٌ أَوْ كِبَرٌ"، وَقِيلَ: "مَنْ كَانَ مُحِبًّا لِلدُّنْيَا أَوْ مُصِرًّا عَلَى هَوَى لَمْ يَتَحَقَّقْ بِهِ، وَقَدْ يَتَحَقَّقُ بِسَائِرِ الْعُلُومِ، وَأَقَلَّ عُقُوبَةٍ مَّنْ يُنْكِرُهُ أَنْ لَا يُرْزَقُ مِنْهُ شَيْئًا، وَهُوَ عِلْمُ الصِّدِّيقِينَ وَالشُّهَدَاءِ وَالْمُقَرَّبِينَ". إِنَّتَهَى

وَبِاللَّهِ التَّوْفِيقُ

Chapter Fifty

On the Science of Spiritual Unveiling

Allah ta'ala says regarding the story of Musa and his youth: *"They then discovered a servant from Our servants whom We had given mercy from Us and taught him knowledge directly from Us."* He, upon him be peace established the reality of the Divine interlocutor where he explained that 'Umar was among them, as it was related in the Sahih of al-Bukhari on the authority of Abu Hurayra. It has also been related in the Sahih of al-Bukhari on the authority of Sa'id ibn al-Musayyib that Abu Hurayra used to say: "The Messenger of Allah ﷺ said: 'If you all knew what I know, you would laugh little and cry much'."

Al-Ghazali said in his al-Ihya: "I wish I knew that this knowledge was not secret making it prohibited to disseminate, due to the deficiency of minds to comprehend it; or for some other meaning that was unmentioned. There is no doubt that they would accept it if it was mentioned to them." Al-Ghazali also said in another place of the al-Ihya: "Indeed the Prophets, upon them be blessings and peace did not speak about this knowledge except by means of enigmas and hints by way of guidance, summerization and comparison as a knowledge from them because of the inability of the intellects of mankind to understand it. Since the scholars are the inheritors of the Prophets, there is no way for them to relinquish the way of adherence and imitation." He also said in another place in the same book: "The science of spiritual unveiling is THE goal of all the sciences. One of the gnostics said: 'Whoever does not have a share of this knowledge it is feared for him an evil ending; and the least of shares from this knowledge is belief in it and surrendering it over to its people'." He said in another place: "Nothing from this knowledge will be opened up to the one who possesses two qualities heretical innovation or arrogance." It is said: "Anyone who is in-love with this world or is persistent in following his corrupt passions will never be able to realize or implement this knowledge, even though he may be able to realize and study the rest of the religious knowledge. And the least of punishments against the one who rejects this knowledge is that he will not be endowed with anything from it." It is the science of the champions of truth the martyrs and those who are near Allah.

Success is with Allah.

خَاتِمَةٌ

نَسْأَلُ اللَّهَ حُسْنَهَا لِيَعْلَمَ الْوَاقِفُ عَلَى هَذَا التَّأْلِيفِ أَنَّ مَقْصُودِي فِيهِ أَنْ يَعْرِفَ كُلُّ مَنْ وَقَفَ عَلَيْهِ أَنَّ دِينَ اللَّهَ تَعَالَى مَبْنِيٌّ عَلَى التَّبَصُّرِ لِأَنَّهُ مُسْتَنَدٌ بِمَا قَالَ اللَّهُ عَزَّ وَجَلَّ فِي كِتَابِهِ وَمَا قَالَ رَسُولُهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سُنَّتِهِ، وَمَا قَالَ عُلَمَاءُ سُنَّتِهِ فِي بَابِ الْإِجْتِهَادِ وَالْإِسْتِنبَاطِ، قَالَ ابْنُ الْمُبَارَكِ: "الْإِسْتِنَادُ مِنَ الدِّينِ لَوْ لَا الْإِسْتِنَادُ لَقَالَ مَنْ شَاءَ مَا شَاءَ"، وَعَنْهُ قَالَ: "مَثَلُ الَّذِي يَطْلُبُ أَمْرَ دِينِهِ بِلَا إِسْتِنَادٍ كَمَثَلِ الَّذِي يَرْقَى السَّطْحَ بِلَا سُلَمٍ"، وَعَنْ الثَّوْرِيِّ قَالَ: "الْإِسْتِنَادُ سِلَاحُ الْمُؤْمِنِ فَإِنْ لَمْ يَكُنْ لَهُ سِلَاحٌ فَبِأَيِّ شَيْءٍ يُقَاتِلُ".

قُلْتُ: إِذَا فَهِمْتُمْ هَذَا عَرَفْتُمْ أَنَّ كُلَّ مَا لَيْسَ لَهُ مُسْتَنَدٌ إِلَى الشَّارِعِ فِي أَمْرِ الدِّينِ فَهُوَ بَاطِلٌ، قَالَ أَبُو سُلَيْمَانَ الدَّارَانِيُّ رَضِيَ اللَّهُ عَنْهُ: "لَتَقَعِ النُّكْتَةُ مِنْ كَلَامِ الْقَوْمِ فِي قَلْبِي أَيَّامًا فَأَقُولُ لَهَا لَا أَقْبَلُكَ إِلَّا بِشَاهِدِي عَدْلِي الْكِتَابِ وَالسُّنَّةِ"، وَقَالَ أَحْمَدُ زُرُقُوفِي فِي عُمْدَةِ الْمُرِيدِ الصَّادِقِ: "إِنْ لَمْ يَكُنِ الْفَتْحُ فِيمَا جَاءَ عَنِ اللَّهِ وَرَسُولِهِ فَبِيَّ شَيْءٍ يَكُونُ"، وَقَالَ أَيْضًا فِي الْكِتَابِ الْمَذْكُورِ فِي مَحَلِّ آخِرٍ: "قَالَ الْوَاجِبُ عَلَيْنَا أَنْ نَقِفَ مَعَ الْإِفْتِدَاءِ بِمَنْ يَمْتَنِعُ عَلَيْهِ الْخَطَاءُ وَنَقِفَ عَنِ الْإِفْتِدَاءِ بِمَنْ يَجُورُ عَلَيْهِ إِذَا أَظْهَرَ فِي الْإِفْتِدَاءِ بِهِ إِشْكَالًا، بَالٍ تُعَرِّضُ مَا جَاءَ عَنِ الْأَئِمَّةِ عَلَى الْكِتَابِ وَالسُّنَّةِ، فَمَا قَبِلَاهُ قَبَلْنَاهُ وَمَا لَمْ يَقْبَلَاهُ تَرَكْنَاهُ، وَإِنْ كَانُوا مِنْ جَنْسٍ مَنْ يُقْتَدَى بِهِمْ لَا رَدًّا لَهُ وَلَا إِعْتِرَاضًا عَلَيْهِ، لِأَنَّا لَمْ نَفْهَمْ وَجْهَ رُجُوعِهِ إِلَى قَوَاعِدِ الشَّرْعِيَّةِ كَمَا فَهِمْنَا غَيْرَهُ"، إِنْتَهَى كَلَامُهُ وَبِانْتِهَائِهِ إِنْتَهَى كِتَابُ مِرْآةِ الطُّلَابِ فِي مُسْتَنَدِ الْأَبْوَابِ لِدِينِ اللَّهِ الْوَهَّابِ بِحَمْدِ اللَّهِ وَحُسْنِ عَوْنِهِ، الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى مُحَمَّدٍ سَيِّدِ الْمُرْسَلِينَ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ، اللَّهُمَّ أَغْفِرْ لِأُمَّةٍ مُحَمَّدٍ مَغْفِرَةً عَزْمًا وَأَرْحَمَهُمْ رَحْمَةً عَامَّةً بِجَاهِهِ عِنْدَكَ، وَالصَّلَاةُ وَالسَّلَامُ عَلَى رَسُولِ اللَّهِ ﷺ آمِينَ.

Conclusion

We ask Allah for an excellent conclusion: that the one who comes upon this book should know that my objective in it is that everyone who reads it know that the religion of Allah ta'ala is constructed upon researched insight, because it is depended upon what Allah `azza wa jalla says in His Book, what His messenger ﷺ said in his *Sunna*, and what the scholars of his *Sunna* have said in the issue of independent judgment and legal extractions. Ibn al-Mubarak said: "Tracing matters back to their source is from the religion. If there is no tracing of matters to their sources, then whoever likes can say whatever he likes." He also said: "The likeness of one who seeks an affair in his religion without tracing it back to its proper sources, is like a person who wishes to climb to the roof without a ladder." It has been related on the authority of at-Thawri who said: "Tracing matters back to their proper source is the weapon of the believer. If he has no weapon then how can he fight?"

I say: if you have understood this, then you know that everything which is not traced back to the Divine law in the matters of the religion is false. Abu Sulayman ad-Daarani, may Allah be pleased with him said: "Even if a small point from the teachings of the People (of spiritual unveiling) falls into my heart some day; I say to it: 'I will not accept you except by means of the Two Just Witnesses: the Book and the *Sunna*.'" Ahmad Zaruq said in his *'Umdat'l-Murid as-Saadiq*: "If spiritual openings cannot come from what has come to us from Allah and His messenger ﷺ, then by what means can genuine spiritual openings come?" He also said in the same book in another place: "It is incumbent upon us to stop with following the one for whom errors are impossible; and to cease following those whom errors are possible; since problems emerge from following the latter. On the contrary we refer everything which comes from the *Imams* back to the Book and the *Sunna*. What they accept from them we accept and what they reject, we also reject. However, when spiritual unveiling emerges from that genus of people to be followed, then there can be no rejection nor remonstrance against it, because in that case we cannot understand the perspective that their matter connects back to the principles of the Divine Law; as others understand it."

With the ending of his words, I have ended the book called **Mirat't-Tullab Fee al-Abwaab Li Deen Allah al-Wahhaab**, with the praise of Allah and the best of His help. All praises are due to Allah, the Lord of the worlds, and peace and blessings be upon Muhammad ﷺ, the master of the Messengers, and upon his family, and all his Companions. O Allah forgive the *Umma* of Muhammad with a resolute forgiveness and be merciful to them with a universal mercy, by the rank of Muhammad with You. Blessings and peace be upon the Messenger of Allah ﷺ – Amen.

SANKORE'



Institute of Islamic-African Studies International