The Mirror of the Students
Regarding the Authoritative Sources of the Issues of the Deen of Allah
the Benefactor

 değiştir and translated by
Shaykh MUHAMMAD SHAREEF bin Farid

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Published by
SANKORE'

Institute of Islamic - African Studies International

The Palace of the Sultan of Maiurno
Maiurno • Sennar • Sudan

www.siiasi.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 Usuul ;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.
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 الإمام 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 until it reaches the Awaited al-Mahdi.
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: **Diyat’-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’il-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 righteus 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
الورقة 1 من المخطوطات, مسمى مراتطة الطلاب في مكتبة الأبواب لدين الله الوفاق للشيخ عثمان بن فوذي الذي صورتها من مخازن سلطان مينو الحاج.

أبي بكر بن السلطان محمد الطاهر بن السلطان محمد بن فودي وابن أمير المؤمنين محمد الطاهر بن أمير المؤمنين أحمد زروق بن أمير المؤمنين أبي بكر عثمان بن أمير المؤمنين نور الزمان مجد الدين سيف الحق إمام الأولياء عثمان بن فودي محمد بن عثمان بن صالح رحمه الله تعالى وغفره إياه وإياهم فروع من مينو سودان.

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

Regarding the Authoritative Sources of the Issues of the Deen of Allah
the Benefactor
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...
بسم الله الرحمن الرحيم، صلى الله على سيدنا محمد وآله وصحبه وسلم ثمما

قال العبد الفيقر المضطر لرحمة ربه عثمان بن محمد بن عثمان المغروف بإبن فودي تعمد:

الله برحمته أمين، الخمد الله رتب العالمين والصلاة والسلام على محمد سيد المرسلين وعلى آله وصحبه أجمعين، أما بعد: فهذا كتاب:

مرأة الطلاب

في مستند الأنواع لبني الله الوهاب

قال النبي صلى الله عليه وسلم:

الله إني أتوب على سيدنا محمد صلى الله عليه وسلم في مسجد المدينة ناسب الله ومخلصين في سبيل الله وجاهدون فيه وتوعوا على الله من أنفسهم في سبيله وراويون في سبيله، فليكن له من التوبة والرحمة.

وقال الله تعالى:

قل هذه سبيلي أدعوا إلى الله على بصيرة أنا ومن أتبعني).

قال أحمد الزروق في عمدة المريد الصادق بعد إبرازه هذه الآية: فتثبت أن التبصير في الذين أصل من أصوله، وأن من أخذ الأمور من رأيه في عملية فليس يبني للشائع، ولكن الناس ثلاثة: عالم متمكن في البصيرة في أخذ المسائل بطلب الذيل وإن لم يكن مختصرًا، ومتونب في الأمر بين العامة والعلماء، فلَا يصح إتباعه إلا أن من أخذ البصيرة في شأنه فأنجب له ما علم به من الشرعية أن هذا ممن يقدده به، ثم لا يوثق منه ما يبديه مما علم به من قواعد الشريعة، إذ لا يجوز لأحد أن يتعدى علمه، ولا يتفه ما ليس لك به علم، وعادي ومحق وأن يفظ بما لا يشك في حقه من حقوق الله وذكره، و.cms على الجادة التي لا شك فيها، وألا فهو مستهر بدينه ومتلاعب به، فاعلم ذلك، إنها خطبة.

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فإذا فهمت هذا علمت أن الله تعالى يُعْيِدُ بالعلم والتفوق لا بالجاهل والهوى، قال ابن عطاء الله رضي الله عنه: "لا يخفّ عليك أن تلبس الطرق عليك وإنما يخفّ علبة الهوى عليك".

وقال أحمد حضرميّ رضي الله عنه: "انتهى، وها أنا أفضّل لكم تلك الأبواب المتّكورة #: وهي خمسون بابًا كما مرّ ويحتوي كلٌّ باب منها على ما قال الله تعالى في كتابه وما قال رسوله عليه الصلاة والسلام في سنةه.

وأما قال علماء الشّخّاص رضي الله عنهم في باب الإفتاء والإستنباط، فأتولى وبالله التوفيق...
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 too 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 ta`ala 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 Hikam: “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:
ألباب الأول
في أركان الإيمان
قال الله تعالى: [ليست أن نقولو ووجه لكم قبلا الشروق والغروب ولكن ألبر من أمن بالله واليوم الآخر والملائكة والكتاب والنبيين، قال عليه الصلاة وسلم كما في صحيح مسلم عن عمر جين سأله جبريل عن الإيمان: (أن تؤمن والله وملائكته وكتبه ورسله واليوم الآخر وتؤمن بالقدر خيره وشره))، وحدث جمهور علماء السنة رضي الله عنهم الإيمان بأن الله تصديق ما علم مجيء الرسول به ضرورة، قال عبيد الرحمن السبتي في شرح الكوكي: قال الإيمان في اللغة التصديق وفي الشرعي تصديق الطالب بكون ما علم بالضرورة مجيء الرسول به دون الأمور الإخبارية كذا قالت الأشجعي والأخرويون أخذ من قوله في تفسير يغني الإيمان، إنه ل.

وذكر الإمام القروي في شرح البخاري، أن الإيمان عند الجمهور تصديق الرسول عليه الصلاة والسلام في كل ما علم مجيء به بالضرورة تصديقًا جازما مطلقًا سواء كان قبل أو لا، فقولهم: "مجرد التصديق" إشارة إلى أنه لا يتفق في فيه كونه مفرونا بعمل الأجراء والتقيد بالضرورة لإجراة ما لا يعلم بالضرورة أن الرسول جاء به كالإختياريات فإنهما غير داخلة في مسّي الإيمان، وللهذا لا يحضر منهما بالإجماع والتقيد بإجراة الرازي التصديق الطالبي فإنه غير كاف في حصول الإيمان والتقيد بالإطلاق لرفع وهم خروج إعتقاد الطالب، فإن الإيمان صحيح عند الأكثرين، وهو صحيح، إنه له.

وقال أحمد بن حجر الهيثمي في الفتح النبوي: "الإيمان لغة مطلق التصديق وشرع التصديق بالقلب فقط والدعاء لما علم بالضرورة إنه من دين مُحمَّد، ثم قال بعد الكلام: "وحدث الإمام بما ذكرناه وهو مختار جمهور الأشعراء وعلى اله، المالكي، ثم قال بعد الكلام: "فيحيب التصديق بكل ما جاء به يغني مُحمَّد من الإعتقاد وهو ما قصد منه إعتقاده أو عملي وهو ما قصد منه العمل، ومغنى التصديق به إعتقاد إنه حق وصدق كما أخبر به، وتفاصيل هذين كثيرا جدًا إذ هُن حاصل.

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ما في الكتب الكلامية ودواوين السنة، فأخذت بالجمال وهو أن يُقر بقول لا إله إلا الله مُحمَّد رسول الله، إقرارًا مطابقًا لقلبه واستشلاله، وأما التفاصيل فما لا حظه منها بتصيرته بأن جدته جاذب إلى معتقدته وجب أَن أَلُمَّان به، إنهي.

وَقَلَّت: وَدُحَّ أَلْيَمَان بِأَنَّهُ تَصَدِّقَ مَا عَلَّمَ مِجَى الرُّسُول بِهِ ضَرْوَةً، وَهُوَ الصَّحِيحُ المَعْتَقَدُ، وَعَلَّمَهُ يَبَنِي تَصَحِيحِ إِيْمَانِ الْمَقَلِّدِ، فَشَدْوا أَنْدِيَّمَ عَلَيْهِ لِأَنَّهُ أَلْيَمَانُ الرَّأْسُ وَرُكَابُهُ إِلَى قِيَامِ السَّاعَةٍ.

وَبِاللَّهِ التَّوْفِيقُ
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, 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 (umur ‘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 (baraheen qaati`at) or from affirmed tenets of belief (i`tiqaadaat 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.
في بيان أن متعلق الأحكام بالظواهر

قال الله تعالى: "ولأ تقولوا لمن الله إِليكُم السلم لست مُؤمنًا" وقال عليه الصلاة والسلام فيما في صحيح البخاري عن ابن عمر رضي الله عنهما: ((أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله ويعملوا الصلاة ويعملوا الزكاة، فإذا فعلوا ذلك عصموا مني دماءهم وأموالهم إلا بحق الإسلام وحساناتهم على الله)) وقال عليه الصلاة والسلام في صحيح البخاري أيضاً عن أبي، ((من صلّى صلاته وأستغفّل قبلته وأكل ذبحت فأكل للسلم الذي له دمته وذمته رسوله فلا تخفروا الله في ذمته)) وقال ابن العربي في الأحكام: "أما شهادة اللهان بالكلام هو الزكاة، وعلى ثبوت الأحكام وترتيب الأذار والإعتصام." إنْهى

قلت: قد أَتَعَدَّ إجماع علماء الشيعة رضي الله عنهم على أن من أَقُرّ الشهادتين جرت عليه الأحكام الإسلامية، قال عناب السلام بن إبراهيم اللقيفي في شرح جُهَّاز التوحيد، فمن أَقُرّ جرت عليه الأحكام الإسلامية في الذين ولم يحكم عليهم يكفٍ إلا إذا أَقُرّ عليه يكفيُ يُذَل على كُلِّه، كالشجود للسلام مثلاً. إنْهى


وبيانه التوفيق
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.
ألفاظ الثالثة
في علم أصول الدين

وأقول وبالله التوفيق، إن الله تعالى أثبت جميع أصول الدين في القرآن العظيم: الأهياتها ونبياتها وسماعاتها.

الأدلة لإلهيات من القرآن

لأنه تعالى أثبت خلق العالم بقوله: (وهو الذي يبذل الخلق ثم يعيده)، وقوله تعالى: (خالق كل شيء)، وأنبى كونه واجب الواجب بقوله: (في الله شك فاطر السماوات والأرض)، وقوله: (أم خلقوا من غير شيء أم هم الخالقون)، وقوله: (ذلك بأن الله هو الحق)، وأنبى كونه قبيما بقوله: (هُوَ الْأَوَّلِ)، وأنبى كونه نافيا بقوله: (وتولى على الاحي الذي لا يموت)، وأنبى كونه مخالفا.

تخلق بقوله: (ليس كمثل شيء)، وأنبى كونه غنيا بقوله: (الله الغني)، وأنبى كونه واحدا بقوله: (إن هو الله أحد)، وأنبى كونه قادر بقوله: (إن الله على كل شيء قدير)، وأنبى كونه ضريرا بقوله: (فقال لمن يزيد)، وأنبى كونه عالما بقوله: (إن الله بكل شيء عليم)، وأنبى كونه حيا بقوله: (هو الاحي)، وأنبى كونه نعماء نصيرا بقوله: (سمع وراء)، وأنبى كونه متكلما بقوله: (وكل الله مؤسِّ خلقهما)، وأنبى كونه مختارا في الفعل والتلك بقوله: (وربتك خلق ما يشاء وبخيار).

الأدلة لنبييات من القرآن

وأثبت صدق الرسل بقوله: (صدق المرسلون)، وأثبت أمانتهم بقوله في حكامية قولهم: (إلى لكم رسول أمنين)، وأثبت أنهمهم بقوله: (الذين يبلغون رسالات الله)، وقوله: ليعلم أن قد اثبتوا رسالات ربكهم، وأنبى كونهم ينتظرون بقوله: (وجعلنا لهم أزواجا وذرية)، وأنبى كونهم يأكلون الطعام ويبينرون ويشتركون بقوله: (يأكلون الطعام ويمشون في الأسواق).

الأدلة لسماعيات من القرآن

وأثبت إملاءات بقوله: (الحمد لله فاطر السماوات والأرض خالق الملائكة رسول أولاً أجيحة)، وأنبى كون الرؤى بالأجل بقوله: (فإذا جاء آجلهم لا يستأنفون ساعة ولا يستغفرون)،

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وأثبت تثبت المؤمنين عند سؤال القبر بقوله: "ثبت الله الذي أمناً بالقول الثابت"، وأثبت عذاب القبر بقوله: "أخرجوا أنفسكم اليوم تجرؤون عذاب آدوم"، وأثبت نعيمه بقوله: "فأما إن كان من المقربين فروح وريحان وجبنة نعم وأما إن كان من أصحاب الهمين، فأثبت أنباؤه بقوله: "إن الساعة أذن لا ريب فيها وأن الله يبعث من في القبر"، وأثبت الخطر بقوله: "وحرصوا بقلوبهم فلم يغادر منهم أحداً"، وأثبت إثبات الكتاب بقوله: "فأما من أوتي كتابة بعثيته".

في المؤمنين، ويقوله: "وأما من أوتي كتابة بشماله"، في حق الكافرين، وأثبت وزن الأعمال بقوله: "وتصنع الموازين الكبست ليوم القيامة"، وأثبت الحساب بقوله: "يوم يقوم الحساب"، وأثبت الصراط بقوله: "فأذهبوهن إلى صراط الحجيم"، وأثبت النار بقوله: "إذا أغتنينا للطالمين ناراً"، وأثبت الكوثر بقوله: "إذا أعطت الله الكوثر"، وأثبت الجنة بقوله: "وجزائهن بما صبروا جنة وخرير".

أثبت المؤمنين له تعالى في الآخرة بقوله: "وجهاً مؤكداً نادرة إلى ربي ناطرة". فهذه أصول الدين إذ أثبتها وثبتها وثبتتها، قد أثبتها الله تعالى كلهما في القرآن العظيم، وكل ما لم تذكر منها فهو مندرج فيها، ويجب على كل مكلف أن يعتديها كما جاءت.

الأدلة لإثبات من الشتم والنبي: أثبت هذه الأصول أيضاً في سببه بالأحاديث المؤنثة، ويشير إلى بغضها هنا تبركاً بذكرها، فإنها عليه الصلاة والسلام أثبت حدوث العالم بقوله كما في صحيح البخاري عن عمر بن خثيم بقوله: "كان الله ولم يكن شيء غزوة"، وأثبت كونه وجب القول الموجود بقوله: "الحق"، في عدد أسماء الله الحكمة كما رواه الترمذي وغيره من حديث أبي هريرة، وأثبت كونه قديماً بقوله: "الأول"، وأثبت كونه باقياً بقوله: "الباقي"، وأثبت كونه قادرًا بقوله: "ال قادر المقدّر"، وأثبت كونه مفيدًا بقوله: "المفيد المفيد"، وأثبت كونه غالبًا بقوله: "المقعد المعتقد"، وأثبت كونه حقيقيًا بقوله: "الحقيقة"، وأثبت كونه مخالفًا لخلقه بقوله: "القوس السلام"، وأثبت كونه غيرًا بقوله: "الغير"، وأثبت كونه مشابهة لخلقه بقوله: "الغربي"، وأثبت كونه واحدًا بقوله: "الواحد الأخ الأذر"، وأثبت كونه سماعًا بصيراً بقوله: "السماع البصيرة"، هذا كله في رواية الترمذي من حديث أبي هريرة، وأثبت كونه سماعًا بصيراً أيضًا بقوله لأبي موسى مع جماعة من أصحابه: "لما رفعوا أصواتهم بالتكبير، أرفعوا".
على أنفسكم فإنكم لا تدعون أصم ولا أعمى ولا غالب، وإنما تدعون سميعا بصيرا قريبًا)، كما في

صحيح البخاري عن أبي موسى.

قلت: قد ورد وصفة كنز جَنَّةٌ طلِبُونَ، وَجَنَّةٌ يَلْبِسُكُمْ بِحَلَفِهَا. وفي حديث الحاكم في مستدركه، وأثبت أيضا عليه

الصلاة والسلام كونه عز وجل مَتَكَلْمًا بقوله: ((إن الله يبارك وتعالى إذا أحبب غدًا نادى جبريل عليه السلام في السماء إن الله قد أحبب فلأنا فأحببته فلذَّبَّ عليه جبريل، ثم ننادي جبريل عليه السلام في السماء إن الله قد أحبب فلأنا فأحببته فلذَّبَّ عليه السلام في السماء))، كما في صحيح البخاري عن أبي هريرة رضي الله عنه، وأثبت أيضا كونه عز وجل مَتَكَلْمًا بقوله: ((ما مَتَكَلْمَ من أحد إلا سجَّلَهُ رَبُّهُ لِنَسِيَته وَبِئْسَ تَرْجُمَانَ وَلَا جَهَابَ يَخْضِبَهُ))، كما في صحيح البخاري أيضا عن غدٍ بن حاتم، وآثبت عليه الصلاة والسلام كونه عز وجل مَتَكَلْمًا بقوله: ((المعقم المؤخر)، كما مر ذلك

في حديث الترمذي في عن الأسماء النحسى.

الأدلة للنبوىَّات من السنة

وآثبت أيضا عليه الصلاة والسلام صدقة في كل ما أخبر به بقوله: ((نعم، فلئني لا أقول إلا حَقًا)), جوابًا لعبد الله بن عمر لما قال له، يا رسول الله، أو أكتب كله ما شمعته منه في الغضب والرضا؟ رواه أبو داود، وأثبت إفانته عليه الصلاة والسلام بقوله لذي الخويصرة: ((ولك 방داً من يغدق إن ط أذنذ!)), لما قال له: "أعلم!" كما في صحيح البخاري عن أبي سعيد الخدري، وآثبت تثليفه

الرسالة لأصحابه بقوله: ((الله بلغت؟)), فقالوا: "نعم", قال: ((اللههم أشهد، فليبلغ الشاهد الْغَابِب)), كما في صحيح البخاري عن أبي بكر رضي الله عنه، وعن عائشة رضي الله عنها قالت، من هذه أن النبي صلى الله عليه وسلم كان شائعا من الوحي فلا تصدُّقه، رواه البخاري أيضا، وأثبت عليه الصلاة والسلام جوَّاز الأغراس البشريَّة له بقوله: ((ولله إني لأُحَشِّكم الله وأتَّقِكم له كثيِّر أَصْوَم وَأَفْطَر وَأَصْلُي وَأَتْرِجُ النَّبِيَّةَ فإِن رَجَب عَن سَنَتِي فَلَا تَضْدَقْهَا رَوَاهُ البخاري

وأثبت عليه الصلاة والسلام جوَّاز الأغراس البشريَّة بالله

فَأْحَضَرهُ ﻋَن ﺷَيْءٍ فِي ﻓَﺊِهِ ﻓَوْقَ صَحِبَةِ ﻫُوَ آنَاسٌ ﻓِي وَجْدَانَى.}}
الأدلة لسماعات من السنة

وأثبت أيضاً عليه الصلاة والسلام الإمام الملاذكة بقوله: (إذا تعاونوا فيكم ملاذكة بآثيل وملائكة بالنهار)، كما في صحيح البخاري عن أبي هريرة، وأثبت كون الملاذكة بالجبل بقوله: (وكان إلى أهل مسمى)، كما في حديث أسامة بن زيد في قصة موت يثبت إليه زينب عليهم الصلاة والسلام، رواة البخاري في صحيحه، وأثبت سؤال أفقر بقوله: (أنك أعبدي إذا وقع في غير وتعلى عنة أصحابة أتاه ملائكة، فبغذائها فقيران له، ما كنت تتقول في هذا النبي محمداً؟، فأما المؤمن فيقولون، أشهد أنه نبأ لله ورسوله، وأما الكافر والمتقف فيقولون لا أدري)، كما في صحيح البخاري عن أنس، وفي رواية لأبي ذر، فيقولان له، (من زكى وما دينك وما هذا الرجل الذي نبت فيكم، فقول المؤمن، زينب الله وديني الإسلام ورجل المنغوث رسول الله ﷺ، وبقول الكافر في ثلاث، لا أدري)، وفي رواية البرمذي: (قلل لأجدهما المفكر والآخر الكبير)، وأثبت عذاب أفقر ونعيمه وبحث الأمور بقوله:

(إن أخذت إذا ما تعرض عليه مفعمة بالغذاء والعشي، إن كان من أهل الجنة فمن أهل الجنة، وإن كان من أهل النار فمن أهل النار، فيقول له، هذا مفعمة حتى يبتع الله يوم القيامة)، كما في صحيح البخاري عن ابن عمر، وأثبت عذاب أفقر أيضاً بقوله: (عبادات أفقر حق)، كما في صحيح البخاري عن عائشة، ويقوله أيضاً لما رأى على فقراء: (أنهما لبيضان)، كما في صحيح البخاري أيضا عن ابن عباس، وأثبت المقرزان بقوله: (كلماني حبيبتي إلى الزحمان خفيتان على اللبنان تقبلتان في البقر، وذلك نبأ على أبي هزيمة، وأثبت صحف الملاذكة الكبيرة بقوله: (إذا كان يوم الجمعة كان على كل باب من أبواب المسجد ملاذكة يكتبون، الأول فدالون، فإن جلس الإمام طاو الصحف وجاء ويشغون الذكر)، كما في صحيح البخاري عن أبي هزيمة، وأثبت تلك الصحف أيضاً يحدث السجلات والبطاقة رواة الترمذي، وأثبت عليه والسلام أيضاً الصراط يقوله: (ويضرب جسر جهنم فتأكلان أول من يجبر)، كما في صحيح البخاري عن أبي هزيمة، ويقوله كذا في صحيح مسلم: (جسر ممود على ظهر جهنم يذكور من الشعر واحده من السيف)، وأثبت الكبدكة بقوله: (خوضي مسيرة شهر ماؤها أبيض من اللبن وريحة أطيب من العرق وكثيره كثك يحم الشواء، من شرب مثله فلا بظأنا أبداً)، كما في صحيح البخاري عن عبد الله بن عمر، وأثبت الجنة والنار يقوله: (ما من شيء كله لم أرى إلا قد رأيته في مقامه هذا حتى الجنة والنار)، كما في صحيح البخاري في باب صلاة الكسوف من حديث أسماء...
وَأَثَّبَتُ رُؤِيَةَ الْمُؤْمِنِينَ ﷺ تَعَالَى بِقَوْلهِ: ((إِنَّكُمْ سَتَرُونَ رَيْكَمْ جَلَّ ثَناَؤُهُ عِيَانًا)) كما في صحيح البخاري.

عن جابر بن عبيدة رضي الله عنه.

وأحاديث علم أصول الدين متوارثة، وإنما أقتصرنا على إيراد بعضها إخباراً، وأما حديث كما قال علماء السنة رضي الله عنهم، فهو علم يبحث فيه عما يجب إعتقاده وما يجب الله وما يستحيل عليه وما يجوز له وما يجب للرسل وما يستحب عليهم وما يجوز لهم، وأمور البرزخ والقياس، على قانون الإسلام، وأما الفرق بينه وبين علم الكلام، فهو أنه، أعني علم أصول الدين، إذا أقترب به نصب الأدلة العقلية مع حكمة أقوال أهل التدف والفلسفة، فهو علم الكلام، وإلا فأصول الدين هذا هو الفرق بينهما، ومنهم من يسمى أصول الدين علمن الكلام لأن أول مسألة وقعت فيه مسألة الكلام، ثم إعلم أن كلما لا يجد معرفته في العقائد لا يسمى أصول الدين، بل هو أيضاً من علم الكلام، وقد أطلق المسائل والخلاف على وجوب تعلم أصول الدين على كل مكلف، وأما علم الكلام فهو من فروع الكفايات.

وَبِاللَّهِ التَّوْلِيقَ
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 (ilahiyaat); its prophetic (nabawwiyyaat) and its after-life (sam’iyaat).

Divinity (ilahiyaat)

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 (nabawwiyaat)

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 descendants.” 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’iyaat)

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 ☪, 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 if earth”; as related in the Sahih of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him. He ☪, 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 ☪, 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, ☪, 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, ☪: '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 ☪, 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, ☪: "Be just!"); as related in the Sahih of al-Bukhari on the authority of Abu Sa’id al-Khudri. He ☪, has established that he delivered the message by his words: “Have I not delivered the message?” They said, “Yes!” He, ☪ 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, ☪, concealed anything from the revelation - do not believe him!” This is related by al-Bukhari. He ☪, 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 ☪, 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, ☪, 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, ☪, 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 Dawud 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
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 (furud ‘l-kifaayaat).

Success is with Allah.
ألببُ الزائع
في الإضياء
قال الله تعالى في مذح أهل قباء: "فيه رجال يُجْبُون أن يُطَهِّروَا وَاللّهُ يُجْبِبُ الْمُطَهَّرِينَ"، فقَدْ وَزَدَ فِي حديث أبي هريرة رضي الله عنه: "أن رسول الله ﷺ سأل أهل قباء لمَآ ذَلَّتُ فيهم: "فيه رجال يُجْبُون أن يُطَهِّروَا وَاللّهُ يُجْبِبُ الْمُطَهَّرِينَ"، الأرْبَعَاء فقالوا: "نتبع الجَاجَة بِالْمَاء"، رَوَاهُ أَبِي داوُد، وَفِي عِجْلِي الْبُخَارِيَ عن عَمِّ عَيْسُ رضي الله عنه: "أَنَّ النَّبِيَّ رَضِيَ اللَّهُ عَنْهُ: أَنْ يَتَطَهَّرُواْ وَيُجَبِّبِ الْمُطَهَّرِينَ".
قال البَيْكَرِي في شرح المختصر عند قول المصنف - وَجْبُ الإِسْتَبْرَاء باسْتِفْرَاغَ أَخِبَّتيَهُ، وَذَلِكَ وَجْبُ الإِسْتَبْرَاء ما في بعض روايات الصُحِيحين في صحاب أحد القراء الذين مر بهما النبي ﷺ: (وَأَمَّا أَحْدُهُمَا فَكَانَ لا يُسَتَّبِرَهُ منَ الْبُولِ) في الجامع شرح المختصر: "الإِسْتَبْرَاء وَاجِبٌ بَلَّا خَلَافِ لَحِدِيثِ الْقَرِينِ: (إِنَّهُمَا لَا يُسَتَّبِرَهُ منَ الْبُولِ) فَكَانَ أَحْدُهُمَا فَكَانَ يُسَتَّبِرَهُ بالْثَمِيمَة، وأَمَّا أَلَّهُ فَكَانَ لا يُسَتَّبِرَهُ منَ الْبُولِ).
ويَنِىَ اللَّهُ التَّوْفِيق
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-Bazaari 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.
قال الله تعالى: "وَأَنزَلْنَا مِنَ السَّمَاءِ مَاءً طَهُورًا"، وقال تعالى: "وَتَعَالَى:  ﱠُ ﻗَﺎлَ ﴿وَأَنْزَلْنَاهُ مِنَ السَّمَاءِ مَاءً طَهُورًا﴾ وَأَنْزَلْنَاهُ مِنَ السَّمَاءِ مَاءً طَهُورًا "، وقال تعالى: "وَتَعَالَى:  ﱠُ ﻗَﺎلَ ﴿وَأَنْزَلْنَاهُ مِنَ السَّمَاءِ مَاءً طَهُورًا،﴾ وَأَنْزَلْنَاهُ مِنَ السَّمَاءِ مَاءً طَهُورًا،".

قال في عَمْدَة الْبَيَان شَرْح الأُخْضَارِي: "إِنَّ تَعِيْشَ لُونَةً أَوْ طَعْمَةً كانَ نَجْسًا بالإِجْمَاع، وَإِنَّ تَعِيْشَ رِيْخَةً كانَ نَجْسًا أَيْضًا عَلَى الْمَعْرُوفِ مِنَ الْمَذْهَبِ، وَوَقَالْ إِبْنُ الْمَاجُّوْشَان، "إِنَّهُ لا يَنْجِسُ بِتَعْيِشٍ الرَّيْحَ"، وَقَالَ فِي مُفَتَّاح السَّيَادَة شَرْح إِرْشَاد السَّالِكِ: "لا خَلَافٌ فِي الأُولَيْينِ يَغْنِي اللُّونَ وَالطَّعْمَ، وَقَالَ عَبْدُ الْمَالِكِ: "لَا عَبْرَةٌ بِتَعِيْشٍ الرَّيْحِ، وَالْمَشْهُورٌ خَالِفَهُ".

قَلْنَهُ: مُعْتَمَّٰ مَنْ أَمْ يَتَعِيْشُ رِيْخَةً فِيٌّ لعَمْسُ تَرْقِ أَنْ تَحْدِيثُ التَّمْتَدُّ، قَالَ الرَّجِيْشِيُّ فِي شَرْح الْمَخْتَصِرُ عِنْدَ قَوْلِ الْمِصْنُوفِ - لَا يَتَعِيْشُ لُونَةَ أَوْ طَعْمَةَ أَوْ رِيْخَةَا أَيْضًا - "إِنَّا قَدْ مَعْتَمََّ مُبْلِغَ الْفَضْلِ لِلْلُّونَ عَلَى الطَّعْمِ لَفَوْةٌ لِلْخَلَافِ فِيهِ، وَإِلَّا كَانَ الْوَاجِبُ تَقْدِيمُ الطَّعْمِ لِلإِلْتِفَاقِ عَلَيْهِ، وَأَخْرَجَ الرَّيْحَ لِضَعْفُ الخَلَافِ فِيهِ لِأَنَّ مُشْهُورَ الْمَذْهِبِ أَنَّهُ يَضْرُعُ كَمَا صَرَحَ بِهِ إِبْنُ عَرَفَةَ وَغَيْرَهُ.

وَبِاللَّهِ التَّوْفِيقِ
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 Mihtaah’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.
nellah al-اساسين
في الغسل من الجنابة
قال الله تعالى: «وَإِنَّكُمْ جَنُّبُوا فَاطِرَتُهُمْ»، وقال تعالى: "اذْكَرُوا اللّٰهَ ﺑِرَاءَةٍ ّ لِقَآئِمَٰئِلِّيَّ"، وفي صحيح البخاري عن أبي هريرة عن النبي ﷺ قال: "إذا جلس أحدكم بين شقيها الأربع ثم جِهَّدَها فَقِدَ رَجَبُ الغسل"، وَوَازَدَ مَّسْلِمٌ: "وَإِنَّمَا اللّٰهُ ﻋَلَيْهِ ﻭَسَلَّمَ إِذَا أَصَابَتْ إِخْدَاانَا جَنَاةً أَخْذَتْ بَيْنَهَا ثَلَاثًا فَوَقَ رَأسَهَا، ثُمَّ تَأْخَذَ بَيْنَهَا عَلَى شَقِّهَا الْأَلْيَنَ، وَبِيَدَهَا الأُخْرَى عَلَى شَقِّهَا الْأَلْيَنَ"، وفي صحيح البخاري عن عائشة، أيضاً رضي الله عنها: "أَنَّ النَّبِيَّ ﷺ، كَانَ إِذَا أَغْسِلَ مِنَ الْجَنَّابَةِ بَدَأَ غَسْلَ يَدِيهِ، ثُمَّ يَتَوَضَّأُ كَمَا يَتَوَضَّأُ لِلدِّيْنِ، ثُمَّ يَنْخُذُ أَصْبَاعَهُ فِي الْمَاءِ فَيَخَلُّ بِهِمَا أَصْوَلِ شَعْرِهِ، ثُمَّ يُصْبُّ عَلَى رَأْسِهِ ثَلَاث غَرَفَاتٍ بَيْنَهَا، ثُمَّ يَفْيِضُ الْمَاءَ عَلَى جِلْدِهِ كَلِيهِ".
قالت: قد أُنْقِدَ إِجماعُ الْأُمَّةِ عَلَى وُجْهِ الغسل.
وَبِاللّٰهِ التَّوَفِيقِ.
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.
في الوضوء
قال الله تعالى: "يا أيها الذين آمنوا إذا قُمتم إلى الصلاة فاغسلوا وجوهكم وأيديكم إلى المرافق وأمسحوا برؤوسكم وأرجلكم إلى الكعبين«، وفي صحيح البخاري عن أبي هريرة (لا يقبل الله صلاة من أخذت حتى يوضووا)، وفي صحيح البخاري أيضا حدثنا موسى حدثنا وهب عن عمرو عن أبيه، قال: "شهدت عمرو بن أبي حسن سأل عثمان بن زياد عن وضوء النبي ﷺ فأخبر على يده من البئر، فغسل يديه ثلاثا، ثم أدخل يده في الثور، فما سمع وعشت وأستشر ثلاث غرفات، ثم أدخل يده فغسل وجهه ثلاثا، ثم غسل يديه مرة ثانية إلى المرافقين ثم أدخل يديه فمسح رأسهما فأقبل بهما وأدبر بهما مرة واحدة، ثم غسل رجليه إلى الكعبين".
قلت: قد أتقن إجماع الأئمة على وجب الوضوء، قال البخاري في صحيحه: "بين النبي ﷺ أن فرض الوضوء مرة مرة، وتوضو أيضا مرة وثلاثا ولم يزيد على ثلاثا، وكره أهل العلم من الإضاف فيه وآن لا يجاوز أفعال النبي ﷺ بإنه النورين.
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.
الثواب الثامن
في التيمم
قال الله تعالى: " وإن كنتم مرضى أو على سفر أو جأء أحد منكم من الغائب أو لمستم النسااء فلما تجهوا ماء فتيمموا صبيعا طبينا فامشوا بوجهكم ويدكم منه "، وفي صحيح البخاري في قصة عمر وعمر قال عمار: "تمتعت فأتيت النبي ﷺ، فقال: (يكمك من النوى والكلبان) قال عمر: فضرب النبي ﷺ بذنه الأرض فمسح وجهه وكفنه ".
وفي صحيح البخاري أيضًا: "أن عمر بن العاص أَجْنَب في ليلة باردة فتيمم لخوف المرض وقيل: "وَلا تغلوا أنفسكم إن الله كان يهم رحيما"، وذكر ذلك للنبي صلى الله عليه وسلم ولم يبتعث،" وفي صحيح البخاري أيضًا عن عم란 بن حصين الحذاعي: "أن رسول الله ﷺ روى رجلاً مغرلاً لم يضل في القوم، فقال له: (إِي فلان، ما يمنعك أن تصلبي في اللهم) فقال: "أصابتي جناية وآله"، قال: ((عليك بالصعيد فإنه يكتبك)).
قال الشافعي في شرح المختصر: "وقد أنعقد الإجماع على مشروعية التيمم، وأنه من خصائص هذه الأمة"، وفي عموم البينان شرح الأحصاري، والأصل في التيمم قوله تعالى: "وَلَمْ تَجْذَوْا مَآَءَ فَتَيَمْمَوْا صَبِيعًا طَبِينًا"، وقوله ﷺ: ((التيمم وضوء المسلم وهو من خصائص هذه الأمة)), إن انتهى.
وفيه أيضاً: "هي تناولت الآية الكريمة الحاضر الصحيح وهو المشهور أو هي مختصة بالمريض والمسافر لأن الله تعالى قال: "إِن كنتم مرضى أو على سفر أو جأء أحد منكم من الغائب أو لمستم النساء"، الآية مطلقة أي لا يختص ذلك بمريض ولا بمسافر وإن "خلماً" (أو) بمعنى (الواو) خصت المريض والسافر فقط، وتكون التميم، وإمل كنتم مرضى أو على سفر أو جأء أحد منكم، الخ، والمشهور أظهر لحملها على حققيتها.
وبالله التوفيق.
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-Khudha`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.
أَلْبَابُ التَّاسِعَ
في الْحَيْثَرِ والْإِسْتِخْتَانَةِ
قالَ اللَّهُ تَعَالَى: "وَيَسْتَلَؤْنَكَ عَنَّ الْمُحِيضِ فَلَنَّ الَّذِينَ أَذَى فَأَعْتَلَوْا الْمَسَاءَ في الْمُحِيضَ"، وَفِي حَدِيثٍ أُبَيَّ ذِوْوُودُ، أَنَّهُ سَمَّى عَلَيْهِ الْقَلَمَةُ وَالْشَّتَامَةُ عِمَّا يَجِلُّ لِلْرَّجُلِ مِن إِمْرَتِهِ وَهُوَ حَابِضُ، قَالَ: (إِمَّا فَوْقُ الإِزَارِ)، وَقَالَ عَلَيْهِ الْقَلَمَةُ وَالْشَّتَامَةُ لَمْ يَمَرْ عَلَى الْمَسَاءَ يَوْمًا فِي أَصْحَابٍ أَوْ فَطْرٍ: (إِمَّا رَأَيْتُ مِن نَّفْقَاتِ عَقْلِ وَدِينِ أَذْهَبَ لِلْرَّجُلِ الْحَامِيَ مِن إِخْدَاكَنَّ))، فَلَنَّ: "سَكَنْتُ عَقِيلًا وَدِينًا يَا رَسُولَ اللَّهِ؟" قَالَ: (أَلْيَسُ شَهادةُ الْمَرَأَةُ مَثْلُ نَصْفِ شَهادةِ الْرَّجُل؟) فَلَنَّ: "لَيَّ" قَالَ: "فَذَاكَ مِن نَّفْقَاتِ عَقِيلَاهَا، أَلْيَسُ إِذَا حَاضَثُ لَمْ تُصِلَّ وَتَصُمَّمْ؟") فَلَنَّ: "لَيَّ" قَالَ: "فَذَاكَ مِن نَّفْقَاتِ دِينِهَا")،
رَوَاهُ الْبُخَارِيُّ عَنْ أَبِي سَعْيِدِ الْخَزْرِيِّ، وَفِي صَحِيحِ الْبُخَارِيِّ عَنْ عَائِشَةِ رضيَ الله عنها، قَالَتْ فَاطِمَةُ بُنَيَّةُ أَبِي سَعْيِدٍ الْخُدْرِ، إِنَّهَا خَلَّتْ، وَقَالَتْ رَسُولُ اللَّهِ ﷺ: "أَلْيَسُ شَهادةُ الْمَرَأَةِ مَثْلُ نَصْفِ شَهادةِ الْرَّجُل؟" قَالَ: "لَيَّ" قَالَ: "فَذَاكَ مِن نَّفْقَاتِ دِينِهَا")،
فِي صَحِيحِ الْبُخَارِيِّ أَيْضًا قَالَ عَطَاءُ الْبُخَارِيُّ في شَرْحِ الْمُخْتَصِرِ "عِندَ قُوْلِ الْمُخْتَصِرِ - إِنَّ دَفْعَةً - وَهُوَ إِشْرَاءُ إِلَى بَيْانٍ أَلْيَسُ الْحَيْثَرِ بِإِعْتِبَارِ الْخَارِجُ، وَأَمَّا أَكْثَرُهُ بِالْنَّسْبَةِ لَهُ فَلَا إِلَيْهِ حَدٌّ. "إِنَّهُ قَالَّ: "وَأَمَّا أَلْيَسُ الطُّهْرِ خَمْسَةُ عَشَرَ يَوْمًا، وَمِنْ فَوْاَدِ تَحْدِيدِ أَلْيَنَ طُهْرٍ فِي الْعَبَادَةِ لِفَوْقِ الْثَّمَالِيْلُ إِلَيْهِ، فَإِذَا ذَهَبَ قَدْرُهَا فَأُغْيِلَى عَنْكَ الْدَّمُ وَصَلِّي")، وَفِي صَحِيحِ الْبُخَارِيِّ أَيْضًا قَالَ عَطَاءُ الْبُخَارِيُّ في شَرْحِ الْمُخْتَصِرِ "عِندَ قُوْلِ الْمُخْتَصِرِ - إِنَّ دَفْعَةً - وَهُوَ إِشْرَاءُ إِلَى بَيْانٍ أَلْيَسُ الْحَيْثَرِ بِإِعْتِبَارِ الْخَارِجُ، وَأَمَّا أَكْثَرُهُ بِالْنَّسْبَةِ لَهُ فَلَا إِلَيْهِ حَدٌّ. "إِنَّهُ قَالَّ: "وَأَمَّا أَلْيَنَ طُهْرٍ خَمْسَةُ عَشَرَ يَوْمًا، وَمِنْ فَوْاَدِ تَحْدِيدِ أَلْيَنَ طُهْرٍ فِي الْعَبَادَةِ لِفَوْقِ الْثَّمَالِيْلُ إِلَيْهِ، فَإِذَا ذَهَبَ قَدْرُهَا فَأُغْيِلَى عَنْكَ الْدَّمُ وَصَلِّي")
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 ‘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
في أوقات الصلاة

قال الله تعالى: "فَسَبَّحْنَ الله جَزِّينَ تَمَّ مَعُونَ وَلَا تَحْمَدَنَّ في السَّمَاءِ وَالأَرْضِ وَعَشْيَاً وَحَينَ تُظْهَرُونَ"، وقال تعالى: "أَقِمُ الصَّلَاةَ لِذِلْكَ الشَّمْسِ إِلَى غَسْقِ الْيَلِِّ وَقُوْرَانَ الْفَجْرِ إِنَّ قُوْرَانَ الْفَجْرِ كَانَ مَشْهودًا".

وفي صحيح البخاري عن جابر بن عبد الله: "كان النبي ﷺ يُصِلَّى الظهر بالهاجرة والعصر والشَّمْس نقيباً والمغرب إذا وجبت، والشَّمْس، إذا رأى الناس أحياناً وأحياناً، فإذا رأىهم يختموا عجل، وإذا رأىهم يَظَهُّرون أخراً، والصُّبح كانوا أو كان النبي ﷺ يُصِلَّىها بغلس، وفي صحيح البخاري أيضاً عن زائفة بن خديجة: "كَانَ نُصْلِي الْمَغْرِبَ مَعَ النَّبِيِّ ﷺ وَفِي مَوْاَضِعَ أَن يَنْصُرِفَ وَأَحَدًا يُؤْمِنُ مَوْاَضِعَ نَبِيَّهُ".

فَقَلَتْ: قد أَنْعَمَ إِجْمَاعُ الْعَالَمَاءِ عَلَى أَنَّ النَّكُلَفَ إِذَا أَحْرَرَ الصَّلَاةَ حَتَّى خَرَجْ وَقُتِّنَا فَهُوَ عَاصٌ لله وَرُسُولِهِ إِذَا أَخْرَحَهُ بِحَيْثُ لَمْ يُوقِعْهَا فِي وَقْتِ الْمُخْتَارِ وَلَا فِي وَقْتِ الْخَرَجِ، وَكَانَ تَرْكُهُ لِلْهَيْبَاءِ بِغَيْرِ عَذْرٍ فَهُوَ عَاصٌ لله، وَأَمَّا إِذَا تَرَكَهُ لَعَنْهُ نَزَلَ بِهِ فَقَلَ إِنَّمَا عَلَى الْمَشْهُورِ، وَفِي عَمَّامَةُ الْبَيَانِ شَرَحُ الْآخِصَارِي، وَهِيَ مُسْتَلِعَةٌ ذَا فَلَاحٍ، والمشهور أنه إِنَّمَا، وفي المَخْصَصِ، وَأُثْمَ إِلَّا لَغَزْرٍ.

وَبِاللهِ التَّوْفِيقِ.
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 mukhtar) or in its necessary time (waqt daruuri). 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-Akhdari 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
قال الله تعالى: 

"وَإِذَا نَذَّبَلَتُمُ إِلَى الْصَّلَوَةِ أَنْخَذُوهَا هَٰذَا وَلَعْبًا،"  وقال تعالى: "يَأَلَّيْكَ أَلَّيْكَ أَمْنَا، إِذَا لَمْ تُؤْخَذْنَ بِالْصَّلَاةِ من يَاوِمِ الْجَمْعَةِ فَاسْعُوا إِلَى ذِكْرِ اللهِ،"  وقال البخاري عن أبي سعيد الخدري: "امرأةٌ من بني تميم، أن رسول الله ﷺ قال: (إذا سمعتم الموتى فقولوا مثل ما يقول الموتى)."  وقال الشيرازي في شرح المختصر عند قول المصنف - سن الأذان لِجمعة طلبت غيّرها: "والصحيح أن الأذان ستة غيّر في حق أهل المسجد وإلا تلاصق المسجدين وتباغيات أو أحدهما فوق الآخر، قال ابن عرفة وأشهب، "إذا أحن أحد مسجدين متلاصقين أو متقاربين أو أحدهما فوق الآخر، لا يكفي الآخر"، إنتهى.  وهو فرض كفاية في حق أهل المصر كما قال ابن عرفة: "إذا تركه أهل فوتا على أن القتال من خواص الواجح"، وفي مفتاح السنة، شرح إرشاد الشاكك: "وختلف في حكمه فالمشهور هن هذا من سُنَّة"، وفي الرسالة، "واجح"، قال عبد الوهاب: "يريد وجوب السئ"، والله التوفيق.
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 Risaalah: “It is obligatory.” Abd’l-Wahaab said: “He means it is an obligatory Sunna.”

Success is with Allah
النُبّأ الثاني عشر
في شُرُوط الصلاة
قال تعالى في شأن الطهارة: "إن الله سبحانه وتعالى نهى عن التلوثين ويجب المطهرتين"، وقال في شأن استقبال القبلة: "إني أرىexceptions من طهارة الحرام وحينما كنت فولوا وجاهكما شتاردتنا"، وقال في شأن سهر العورة: "شدداء زينتمكن عند كل مسجد"، وقال في شأن ترك الكلام: "وقولوا والله قايتين".
وقال عليه الصلاة وسلم في شأن الطهارة: (إلا نقبل صلاة بغير طهور)، رواه الثَّمدي عن ابن عمر، وقال في شأن استقبال القبلة: (إني أرى exceptions من طهارة الحرام وحينما كنت فولوا وجاهكما شتاردتنا"، وقال في شأن نجوم الرجال في صحيحة عن أبي هريرة، وأما سهر العورة فقد ورد في البخاري عن أبي هريرة قالت أنه نهى عن أشتمل الصماة، وأن يجتنب الرجال في نوبة واحد، ليس على وجه منة شيء"، وفيه أيضا عن عائشة رضي الله عنها قالت: "لقد كان النبي ﷺ يصلي الفجر فشيدها نساء من المؤمنات متفلقات بمروطن ثم يزجعن إلى بيوتهن ما يعرفهن أحد"، وأما ترك الكلام فقد قال رضي الله عن ابن عمر، "نلتكن في الكلام حتى نزلت: وقولوا والله قايتين"، فأمرنا للسُكوت وثنينا عن الكلام، رواه البخاري ومسلم.
فلت: وأما الطهارة المذكورة فقد قال في الرسالة: "وطهرة النبقة للصلاة واجبة، وكذلك طهارة النوبة فقيل إن ذلك فيهما واجب وجوب القرآن، وقيل وجوب الشئين المؤكدة"، وقد شرَّح كُل من الفقهاء كما في الكفاة شرحها: وهذا الخلاف يجري في طهارة البذن، كما في المختصرين، وأما استقبال القبلة فقد قال في مفتاح السياق شرح إرشاد السالك: "أما كون استقبال القبلة شرطًا في صحة الصلاة فلا خلاف فيه إلا فيما أستثنى"، وأما سهر العورة فقد قال الحالشريفي في شرح المختصرين: "لا خلاف في وجبة سهر العورة في الصلاة وإنما الخلاف في الشرطين وعندما"، وقال أحد رأى في شرح الوغليشة: "وستر العورة واجبة في الصلاة على المشهور وعن أغين النظرين إجماعا"، وأما ترك الكلام فقد قال في عُمدة البيان: شرح الأحصاري ذكر الأهلية: "إن ترك الكلام سنه"، قال في المقدمات: "والأظهر أنه فرض لقوله تعالى: وقولوا والله قايتين".
وَبِاللهِ التَّوْفِيق
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.”

Heﷺ said concerning the matter of purification: "Salaat is not accepted except after purification"; as related by al-Tirmidhi on the authority of Ibn Umar. Heﷺ 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 heﷺ 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 Prophetﷺ 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-Waglasiva: “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-Akhdairi: “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.
قال الله تعالى: "وَأَقِيمُوا الصَّلَاةَ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ ﴿كتابًا مُّوفِتًا﴾"، وفي صحيح البخاري عن عائشة أم المؤمنين قالت: "فرض الله الصلاة حين فرضها ركعتين ركعتين في الحضرة والسفر، فأقويت صلاة السفر، وزيد في صلاة الحضر"، وزاد أحمد في مسنده، إلا المغرب، فإنها كانت ثلاثا، وقال علي الصلاة والسلام في صحيح البخاري أيضاً في حديث أبي هريرة في قضية الأعزابي: (إذا فعّل إلى الصلاة فكبر، ثم أقرأ ما نبهر ملك من القرآن، ثم أركع حتى تطمئن زاكيا، ثم أرفع حتى تعتدل قابياً، ثم أسجد حتى تطمئن ساجداً ثم أرفع حتى تطمئن جالساً، ثم أسجد حتى تطمئن ساجداً، ثم أفعل ذلك في صلاتكم كلها)، فتلم: قد أنعقَّ إجماع الأمة على وجوه الصلاة.

وبالله التوفيق.
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, 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.
ألبَابُ الْرَّابِعُ عَشَرُ
في قَضَاءَ الفَوَائِبِ
قالَ اللَّهُ تَعَالَى: "وَأَقِمِ الصَّلَاةَ لِذَّكَرِيَّةً"، وَفِي صَحِيحِ البَخَارِيِّ فِي بَابِ فَضْلِ السَّلَةَ عَنْ أَنَسٍ بْنِ مَالِكٍ عَنْ النَّبِيٍّ ﷺ قَالَ: (إِنِّي نَسَيْتُ صَلَاةً فَلَيُصِلْنِيْهَا إِذَا ذَكَرْتُهَا لَا كَفَأَةً لِّلْهَالِ إِلَّا ذَلِكَ «وَأَقِمُ الصَّلَاةَ لِذَّكَرِيَّةً»).
وَفِي مُفَاتِحِ السَّبَّادِ شَرَحَ إِرْشَادُ السَّالِبِ: "وَاِلْمَدْهُبُ إِنَّ فَضْلُ الفَوَائِبِ عَلَى الْفُؤَرِ"، قَالَ إِبْنُ رُشْدٍ:
"وَلَيْسَ بِالضَّيْقِ جَدًّا، فَلَا يَمْنُعُ نَصْرَفَةَ فِي تَحْصِيلِ مَعَاشِهِ وَمَعَاشِ عِيَاهُ.
"قَالَ: وَالْقَوْلُ بِعَدْمِ فَضْلِ الفَوَائِبِ شَادَّ أَنْكَرَهُ عِبَاضَ وَغَيْرَهُ عَنِّ مَالِكٍ، وَأَلْمَ بِهِ مِنْ قَالَ بَيْتِفْيَرَ،
"تَارِكَ الصَّلَاةَ، قَالَهُ أَحْمَدُ زَرْقُوُّ بْنُ رَزْقٍ فِي عَمَّنْدَةِ الطَّرْقِيَّ الصَايِدِ، وَقَالَ فِيهِ أَيْضًا: "قَالَ عَلَى الصَّلَاةَ وَالسَّلَامُ: (إِنَّ تَأْمَرَ عَلَى الصَّلَاةِ أَوْ نَسِيْتَهَا، فَوَقْتُهَا حِينَ بَيْذَكُرُهَا)، فَنَذِبَهَا الْأَلْدَنَى عَلَى الأَعْلَى لِأَنَّ تَرْكَهَا عُمَدًا لَا يَكُونُ أَنْفُحَ بِهَا لِلسَّيِّيْبِ فِي حُكْمِهِ، لَكِنْ هَذَا كُلُّهُ عَلَى الْمَشْهُورِ، وَالْمُعَوِّلِ عَنْ جَمِيعِ الْعَلَمَاءِ أَنَّ تَرَكَ الصَّلَاةَ لَا يَكْفُرَ.
"وَبِاللَّهِ السَّمِيعِ، الْحَقِيقِ.
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.
ألباب الخمسة عشر
في السـهـو
قال الله تعالى: "للذين كنتم في رسول الله سماحة حسنة"، وقال تعالى: "واتبعوه لعلكم تهتدون"، وفي صحيح البخاري في باب السـهـو عن عبـد الله بن بـحيـنة أنه قال: صلى لنا رسول الله ﷺ ركعتين من بعض الصلوات، ثم قام فلم يجلس فقامت الناس معه، فلما قضى صلاته ونظرنا تسرى، كتب قبل السـلـيم فسجد سجدين وهو جالس، ثم سلم"، وفي صحيح البخاري أيضا في رواية أخرى عن أبي هزيمة قال: "صلى النبي ﷺ الظهر ركعتين فقيل قد صلى ركعتين، فصلى ركعتين، ثم سلم، ثم سجدت سجدين".
قال الهرشي في شرح المختصر عند قول المصنف: "سُن لـسـهـو سجديتان - ولهما وقع في المذهب إختصفت في حكمه قليلاً انتبغي بالوجوب والسنّة، ووجب الفئدي عن ثلاث سنن وسبعين ما عدا دونها، وكان الزائع شبيه بـغديًا أو قـليـًا مطلقاً عيـنةً بقوله - سُن لـسـهـو سجديتان".
وبالله التوفيق.
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 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 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.
أسماء المسافر في صلاة المسافر

قال الله تعالى: "وإذا ضررتكم في الأرض فليس عليك جناح أن تقصروا من الصلاة إن خفتم"، وفي صحيح البخاري عن ابن يحيى بن أبي إسحاق قال، "سمعه أنسا يقول: خرجنا مع النبي ﷺ إلى مكة فكان يصلنا ركعتين ركعتين حتى رجعنا إلى المدينة"، وفي صحيح البخاري أيضاً كان عمر وأبي عباس يصمران ويقطران في أزبة يرد، وقال عليه الصلاة والسلام: (لا تقصروا الصلاة في أقل من مكة إلى عسفان وهو أزبة يرد)، زواه الدارقطني وصحابه ابن حزم.

وغي من مكة إلى عسفان وهو أزبة يرد، ورساه أحزاب بن يومن، وقاله الفاضلي عن ابن مازرن، وقاله الجهمي عن جماعة بن يوسف، وقاله الفاضلي عن جماعة البغداديين.

وقال الذين حفظوا المسالى، وقال غيزة مني، وكونه في الزباعية موضع إفتاق، فلا تقصر الصبح والمغرب إلقاءً.

وبالله التوفيق

Institute of Islamic-African Studies International
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 (fadeela).’” 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 (mustahhab).’ 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.
ألبب السبوع عشر
في الجماعة
قال الله تعالى: «إذا نودى للصلاة من يَوم الجماعة فاغعلوا إلى ذكر الله»، وفي صحيح البخاري
عن زبيعة بن الحارث أنه سمع آيا هزيرة يقول أنه سمع رسول الله صلى الله عليه وسلم يقول:
«إنهما الأخرون السبوعان يَوم القيامة، بيدأتهم أولها الكتاب من قبلنا، ثم هذا يوهمهم الذئ فرض الله
عليهم فاختفاوا فيه فهذا الله رحمة للناس لئن تبع أن يهود غدا والنصارى بعد غدا».
قلت: قد أختلف العلماء رضي الله عنهم هل الجماعة فرض يومها أو بدلاً من الظهر، قال
الشبلخي في شرح المختصر، وهو كما قال ابن عزراء ركعتان يمنعان وجواب الظهر على زاوي
يسقطانها على آخر، وقوله: يمتعان وجواب الظهر على زاوي، وعليه، فهي ترض حمهم، والظهر بدلاً
منها، وهذا هو المعتمد، وقوله: يسقطانها على آخر وعليه، فهي بدلاً من الظهر، وهو قول ابن نافع
وإبن وهب: "لا آنه شاذ".
وقال القرافي: "في المذهب إنها واجبة مستقل، ويشكل قول الفاكياني، والمشهور إنها بدلاً من
الظهر لأن البذل لا يقبل إلا عند تذكير المبجل منه، والحق أنها بدلاً في المشروعيية، والظهر بدلاً من
بالفعل، ومغنى كونها بدلاً في المشروعيية أن الظهر شروعت إن تدأة ثم شروعت الجماعة بدلاً منها لأن
الله تعالى ما أوجب علينا إلا خمس صلوات، منها الظهر، لكن شروعت الجماعة بدلاً منها، ومغنى كون
الظهر بدلاً منها في الفعل أنها إذا تدأر فعليها أجرت عنه الظهر، إنه تنهى.
وبالله التوفيق.
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.
في صلاة الخوف

قال الله تعالى: «وإذا ضَرَّمْتُمّ في الأرض فليس عليكم جناح أن تُصِرُّوا من الصُّلُوة إنْ خفتم أن بُغْتُمُ الْذِّينَ كفروا إنَّ الكُفَّارَ كَانُوا لَكُم عُدْوًا مُبِينًا وإذا كنت فيهم فاقتمل لهم الصُّلُوة فلتُقِّموا طبِّٰقَةٌ منهم معاك ولتاخذوا أسلحتهم فإذا سجَّدُوا فليكونوا من ورائكم ولن تكون طبِّٰقَةٌ أخرى لم تصلوا فليصلوا معاك ولتاخذوا جُذْرَهُم وأسلحتهم» الآية، وقال تعالى: «وإن خفتمًا فرجًا أو زكبتًا».

وَفِي صَحِيحِ البُخَارِيِّ عن إبن عمر رضي الله عنهم قال: "عَرْوُثُ مَعَ رَسُولِ اللَّه صلى الله عليه وسلم قَبْلَ نَحْجُرُ فِي نَفْسَانِاهُم فَقَامَ رَسُولُ اللَّه صلى الله عليه وسلم يُصِلِّى لَنَا فَقَامَتْ طَبِّٰقَةٌ مَعِهِ نَصَبَتْ وَأَقْبَلَتْ طَبِّٰقَةٌ عَلَى الْعَدُو وَرَكَعَ رَسُولُ اللَّه صلى الله عليه وسلم يُصِلِّى بِمَعِهِ سَجَدَتْ سَجَدَتْ سَجَدَتْ سَجَدَتْ سَجَدَتْ.» وفي صحيح البخاري أيضًا وَازَد إِبْنُ عُمَرَ عَنْ النَّبِيِّ ﷺ ﻓَرَّ فَرَّ وَإِنْ خَفِي مَنْ كَفَرَ إِنْ وَافَرَ إِنِّي أَنَّمُوْرَ بِهِ أَنْ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ لَكُمْ ذَلِكَ Lضَوضَوِيًّا وَسِبَابُ.”

وَبَيْنِهِ التَّوْفِيقِ
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.
ألباب التأسيس عشر
في صلاة العيينين


وقال الشافعي في شرح المختصر: "جمهور المفسرين على أن الفرزاد يقوله تعالى - فضل لزيت وأنحر - صلاة العيد وأنحر الأضحية"، وفي الأحكام لابن العتيبي: قال عكرمة: كان الرجل يقوم أقدم صلاة بين يدي زكاة، فقال سفيان قال الله تعالى - قد أفحل من ترك وذكر اسم ربه فضلًا.

وفي مفتاح الشاذل شرح إرشاد الشاذل: "والمشهور إن صلاة الفرمي سنة مؤكدة في حق من يجب عليه الجماعة لا غيره، ثم قال: بعد الكلام: حكى ابن زرقوان: أنها فرض كفاية.

وقال الشافعي في شرح المختصر عند قول المصطفى: "سن ليعيد ركعتان على المشهور - ويوجد من قول في بما يأتي وقتنا إنها سنة كفاية ولكن المذهب إنها سنة عين على من يؤمن بالجماعة ووجوباً لا على كل مكلف، وقيل بفرضتها عينيًا أو كفاية.

وبالله التوفيق."
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 form the servant girls of the Ansar who were chanting using the chanting method of the Ansar 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 Sunna.”

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.
السّابع والعشرون

في الجَنَازَةُ

قالَ اللَّهُ ﺃُتْلَىٰ: "ولا تَصَلِّيّ على أحدٍ منهم ماتٍ أَنذَرْهُ ﻓَأَنْفُسَهُ كَفُرَّوا بِاللَّهِ وَرسُولِهِ وَمَاتَواْ وَهُمْ فَاسِقُونَ"، فِي صَحِيح أَبِي حَذَّاْرِيّْ عَنْ أَبِي هَرُثْمَة رَضِي اللَّهُ عَنْهُ: أنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَسَلَّمَ إِلَى أَسْحَابهُ النَّجاشِيِّيْنَ ثُمَّ تَقُدَّمَ فَصَلُّوا خَلْفَهُ، فَكَثَرَ أَرْبَعَاءٌ.

فلَتْ وَقُولُهُ عَرْ وَجِلْ - "ولا تَصَلِّيّ على أحدٍ منهم" آنَىٰ نَصَّ فِي الإِمْتِبَاعِ مِنَ الصَّلَاةٍ عَلَى الْكُفَّارِينَ، كَمَا قَالَ إِبْنُ عَبَّاسٍ فِي الأَحَكاَمِ، وَقَالَ اَلْخَرَشْيُ فِي شَرْح النَّحْاَتْ: "أُخْتِلَفَ هَذِهِ الصَّلَاةُ عَلَى أَلْمَيْتِ وَاجِبَةٌ وَجْوَابُ الْكَفَايَةِ، وَغَلِيْلَهُ أَلْأَكْثَرُ وَشَهْرَةُ الْفَاكِهِيِّيَّةِ وَغَيْرُهُ، أوْ سَنَةٌ، وَأَمَّا دَفْنُ أَلْمَيْتِ أَيْ مَوَاثِيْنَ وَكِفَّتِهْ، فَقَفَّضَ كَفَايَةٍ مِنْ غَيْرِ خَلافِ إِلَّا إِبْنُ يُوسُفٍ قَالَهُ حَكَى سِنَيَةٌ كَفَّفَهُ".

وَبِاللَّهِ التَّوْفِيقَ
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
الباب الحادي والعشرون
في الزكاة
قال الله تعالى: "وأتينا الزكاة"، وقال تعالى: "والذين يكذرون الذهب والفضة ولا ينفقونها في سبيل الله فبشيرون بهما يوم يكثرون بها جناتهم وجلائحهم وظهورهم هذا ما كنتم لإنفسكم فدفقو ما كنتم تكذبون.
وفي صحيح البخاري عن أبي هريرة قال: قال رسول الله ﷺ: (من أنتžeإله مالاً فلم يود زكاته، مثلك له يوم القيامة سجاعًا أفزع له زبيتان يظروفه يوم القيامة، ثم يأخذ بلهزته، يعني بشقته، يقول - أنا مالك! أنا كذرك!)) ثم قال (ولا تحسنżالذين يدخلون بما أتائم مال الله من فضل الله) الآية.
فلما أنعقد إجماع الأمة على وجوب الزكاة.
وايا الله التوفيق
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.
الباب الثانى والعشرون
فـِـي زـَـكآة الـْفـَـطَرَ
قال الله تعالى: "قد أفلح من تركى وذكر إسم ربه فصلى"، وفي صحيح البخاري عن إنّ عمر قال: قرض رسول الله ﷺ زكاة الفطر صادعا من نمر أو ضادعا من شعير على العبيد والآخر والذّكر والأنثى والصغير والكبير من المسلمين، وأمر بها أن تُؤدي قبل خروج الناس إلى الصلاة.
قلت: إنّ زكاة الفطر واجبة بالسئلة، وقيل بالكتاب، قال الشافعي: "وحن لدخولها في الآية أو لدليل خاص، وهو قول الله تعالى: "قد أفلح من تركى أي أخرج زكاة الفطر (وذكر إسم ربه فصلى) أي صلاة العيد - قولان.
قال الحرضي في شرح المختصر عند قول المصنف: وحن بأول ليلة العيد أو بفجره، خلاف - وهن - يتعلق الخطاب بزكاة الفطر على من كان من أهلها بأول ليلة العيد، وهو غزوب الشّمس من آخر يوم رمضان، ولا يُمتد بعدة أصلاء إن يومن، وهو مذهب ابن القاسم، وفي المصنف: وشيره ابن الخطاب بناء على إن الفطر الذي أضيف إليه هو الفطر الجائز الذي يدخل وقته بغروب الشمسم من آخر يوم من رمضان أو بفجر يومعيد، وراء ابن القاسم والأخران عن مالك، وشيره الأبهري وضحجه ابن العرس بناء على إن الفطر الذي أضيف إليه هو الفطر الأول الواجب الذي يدخل وقته بطلمع الفجر، خلاف - ولا يُمتد الوقت على القولين." وقال الله التوفيق.
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 (zakat’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.
أتي الباب الثالث والعشرون
فِي الصَّوْمِ
قال الله تعالى: «يا أيها الذين آمنوا كتب عليكم الصيام كما كتب على الذين من قبلكم لعلكم تتقون»، وفي صحيح البخاري عن محمد بن زياد قال سمعت أبا هريرة رضي الله عنه يقول: قال النبي ﷺ: (صوموا لرؤيتي وأفطروا لرؤيتي، فإن غم عليكم، فأكملوا عدة شعبان ثلاثين).
قلت: قد أئنعقد إجماع الأمة على وجوب صوم شهر رمضان.
بإله التوفيق
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 Zayaad 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’ban’.”

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.
الباب الرابع والعشرون

في الإعتكاف

قال الله تعالى: «ولا تُباشروا وأنتم عاكفون في المساجد، تلك حدود الله فلا تعتذوها»، الآية.

وفي صحيح البخاري عن عائشة زوجة النبي ﷺ: "أن رسول الله ﷺ كان يعتكف العش الأخر من رمضان حتى توقف الله ثم اعتكف أزواجه بعده".

قال الخريشي في شرح المختصر عند قول المصتفي: "الإعتكاف نافلة" - أي مستحب على المشهل وليس سنة لأنه وإن فعله عليه الصلاة وسلم ولكنه لم يواضب عليه، لأنه تاره يعتكف وثارة يترك، ولا يصدق ضابط السنة عليه.

وبالله التوفيق
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 Ramadan, 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-Mukhtar 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.
أتيبُ الخُفَّة
فِي الْحَج"}
قالَ اللهُ تَعَالَىٰ: (وَلَيْسَ حَجُّ الْبَيْتِ مِنْ إِسْتِطَاعَةٍ إِلَيْهِ سُبُلًا وَمِنْ كَفُّرَ فَإِنَّ اللَّهَ غَنيٌّ عَنِّ النَّاسِ)ٰ، وَفِي صَحِيحِ البُخارِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ عَبْسِ رضي الله عنهما، قالَ: كَانَ الفَضْلُ زَدِيفٌ رَسُولِ اللَّهِ ﷺ، فَجَاءَتِ إِمَرَأَةٌ مِّنْ خَتْمٍ، فَجَعَلَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَتَنْطُرُ إِلَيْهَا، وَجَعَلَ ﺍﻟْبَيْنِ يُصَرِّفُ وَجَهَّ الْفَضْلُ إِلَى الْشَّقَّ الأَخْرَى، فَقَالَتْ: يَا رَسُولُ اللَّهِ إِنَّ فِرَيضَةَ اللَّهِ عَلَى عِبَادِهِ فِي الْحَجِّ أَذْرَكْتُ أَبِي شَيْخًا كِبَيرًا لَا يُسبِّبُ عَلَى الْزَّلَةَ، أَفْأَجْهَرْ عَنْهَا؟ قَالَ: (لنُعَمَّ)ٰ، وَذَلِكَ فِي حِجَّةِ الْوَذَاعٍ.
وَقَالَتْ: قَدْ أَنْعِقَدْ إِجماعُ الأُمَّةِ عَلَى وَجْهِ الْحَجِّ، قَالَ الْبَشْرِيٌّ فِي شَرْحِ المُخْتَصَرِ عِنْدَ ﺗْوَفِيقِ المُصَنِّفِ - فَرِضُ الْحَجِّ عَلَيْنَا - "أَيُّ كِتَابٍ وَسَنَةٌ وَإِجماعٍ".
وَبِاللهِ التَّوْفِيقٌ
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-Mukhtar 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.
الباب السادس والعشرون
في الذكاء والصيد
قال الله تعالى: "خُرِّمَت عليكم الممتنة والدم ولحم الخنزير وما أحل لغير الله به والمنخيفة والموفودة والمتردية والطائفة وما أكل النبي إلا ما ذكَّر"، وقال تعالى: "فكلوا مما ذكر أُمر الله عليكم به ولن تجدون مثلاً لهن من الخوارج مكليين تعلموا نهانًا بما علمكم الله فكروا بما أمسك عليكم وأذكروا إسم الله عليكم وأثنوا الله إن الله سريع الحساب".

وفي صحيح البخاري عن إبن رافع بن حذافة عن جده فإنه قال: "يا رسول الله ليس لنا مذى"، فقال: ((أدخل ما أنهر الدم وذكر أسم الله فكروا، ليس البيض والطفر، أما الطفر فندى الخبيشية، وأما البيض فعظم))، الحديث، وفي صحيح البخاري عن أبي ثعلبة الخنثي قال: "أنت النبي فقلت:

"يا رسول الله إنما أعرف قوم من أهل الكتاب، أفتأكل في أيتيم؟ وتأرض صيد وأصيد بقوضي ويكلي المعلم، ويكلي الذي ليس يعلم، فقال النبي: ((إذا ما ذكرت من أُكم بأرض أهل الكتاب فلا تأكلوا في أيتيم فإلا أن لا تجدوا بدأ، فإن لم تجدوا بدأ فأغسلوها وكلوا، وأما ما ذكرت من أُكم بأرض صيد، فما قد رصده يقوسك فأذكر إسم الله وكلما صدتْك بكليك المعلم فأذكر إسم الله وكل، وما صدتْك بكليك الذي ليس يعلم فأذركت ذكته فكأ))".

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.” Heﷺ 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 Prophetﷺ 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 Prophetﷺ 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 (manduub), 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 (mamnu`) 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.
الناب السابع والثامن
في اليمنين
قال الله تعالى: «لا يواخذكم الله بالغرو في أيماكم ولكن يواخذكم بما عقدتم اليمنان فكبرت أن إطعام عشيرة مساكين من أوسط ما تطعمون أهلكم أو كسوفهم أو تحرير رقبة فمن لم يجد فصيام ثلاثية أيام، ذلك كفرة أيماكم وإذا خلفتم وأخذتم أيماكم»، الآية.
وفي صحيح البخاري عن عبد الله بن عمر رضي الله عندهما أن رسول الله ﷺ أدرك عمر بن الخطاب رضي الله عنه وهو يسير في ركب يخفف بابيه فقال: (ألا إن الله يتهاكم أن تخففوا بأبابكم، من كان حالفًا فخليف بن الله أو ليضمست)، وفي صحيح البخاري أيضًا عن أبي هريرة: (لو قال إن شاء الله لم يخفف)، يغني الحال فبالله.
قال الشافعي في شرح المختصر: وأخفف هلا الحلف من حيث هو مباح وإليه ذهب الأكبر، قال عبد السلام: "هو الصحيح نقلًا ونظرًا والراجح الترك وإليه ذهب بعضهم قولان".
وبالله التوفيق
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 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.
الباب الثامن والعشرون
في النذر
قال الله تعالى: "وما أنفقتم من نفقة أو نذرتم من نذر، فإن الله يعلمها"، وقال تعالى: "وبالنذر"، وقال تعالى: "ولتوفوا النذرهم"، وفي صحيح البخاري عن عائشة رضي الله عنها عن النبي ﷺ: "قال: (من نذر أن يطيع الله فليطعنه، ومن نذر أن يغضب الله فلا يغضبه).
قال عمر بن الخطير في شرح المختصر عند قول المصنف: "وإذما يلزم به ما ندب -: يغني أن النذر لا يلزم منه إلا ما كان مذوياً فعله أو تركه، فلا يلزم في المباح كنذر على أن أمشي في السوق إذ لا فائدة فيه، والمكره أخرى كنذر على أن أصلي نفلا بعد الظهر، والمكره أخرى كنذر على شرب الخمر، والواجب لازم بنفسه كصلاة الظهر مثلا.
وفي مفتاح السداد شرح إرشاد المالك: "نذر الطاعة جائز ما لم يعلق به من مرض أو ملك شيء فيكره". وقال ابن رشد: "يستحب إذا كان مطلق شكراً لله لأمر وقع، ويكره إذا علق بأي شكل منكِر ما منكِر.
وبالله التوفيق".
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 duhur 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.
النائب التاسع والعشرون
فِي الجهاد

قال الله تعالى: ﴿إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بأَنْ لَهُمْ الجَنَّةُ يَقُولُونَ فِي سَبِيلِ اللَّهِ فَيُقِلُّونَ وَيَقُولُونَ وَعَدًا عَلَيْهِمْ حَرَفًا فِي الْبُكْرَةِ وَالْإِنجِيلِ وَالْقُرْآنِ وَمِنْ أَوْقَى بَعْضِهِ مِنْ أَوْقَى بَعْضِهِ مَا فَتَرَّى مِنْ اللَّهِ فَبِيْعْكُمُ ٱلَّذِي بَابِعْتُمْ بِهِ وَذَٰلِكَ هُوَ الْفَوْزُ العَظِيمُ﴾ ﴿إِنَّ ۛاِشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بأَنْ لَهُمْ الجَنَّةُ﴾. 

قال النبي ﷺ: ﴿إِنَّهُ إِلَى ﻣَرَّةٍ وَأَحَدَةً وَلَوْ µوْعَدَ ﻋَلَى ﻣُدْخَلِ ﺑِدَارِ ﻟِأَوْلَيْكُمْ ﻋَلَى ﻣُدْخَلِ ﺑِدَارِ ﻟِأَوْلَيْكُمْ﴾ ﴿إِنَّهُ إِلَى ﻣَرَّةٍ وَأَحَدَةً وَلَوْ ﺑِدَارِ ﻟِأَوْلَيْكُمْ﴾. 

قال ﷺ: ﴿إِنَّهُ إِلَى ﻣَرَّةٍ وَأَحَدَةً وَلَوْ ﺑِدَارِ ﻟِأَوْلَيْكُمْ﴾.
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.
أتيّن النَّائها: "فَاتَخَذَنا ما طَبِّكُمَّ مِن النَّساَء مَنْ يَوْمَئِذٍ وَرَبِّيَّهَا فَإِنَّ حَفْظَكُمْ أَلاَّ تَغْلِبُوا فَوَاحَةً أَوْ ما مَلِكَتْ أَيْنَاءَكُمْ ذِلِكَ أَذْنِي أَلاَّ تَغْلِبُوا * وَأَنْتُوْا النَّسَاء صَدْقَاهُنَّ نَخْلَةً"، وَفِي صَحِيحِ البَيْخَارِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدٍ قَالَ: "دَخَلَتْ مَعَ عَلَقَةٍ وَالْأَسْوَدِ عِلْيَةٌ عَلَى عِبَادِ اللَّهِ بْنِ مَسْعُودُ فَقَالَ عِبَادُ اللَّهِ: كَنَّا مَعَ النَّبيِّ ﷺ شَبَابًا لَا نَجِدُ شَيْئً فَقَالُوا لَنَا رَسُولُ اللَّهِ ﷺ: (إِيٌّ مَعَشَّرُ الشَّباَبِ مِن اسْتِطَاعَ مَنْ كَمِّيَّةُ الْبَيْاءَ فَلْيُنَزِّلُ فَإِنَّهُ أَعْنَضُ لِلنَّبِيِّ وَأَحْسَنُ لِلْفَوْزَ، وَمَا لَنِّيْ عُسْطَعَ فَعْلَيْهِ بِالْصَّوْمِ، فَإِذَا لَهُ وَجَاهٌ).

قَالَ الْخَرْشِيُّ فِي شَرْحِ المُخْتَصَرِ عِنْدَ قَوْلِهِ المُصَنَّفُ: - نَذِبْ لِمَنْ خَتَّازِ ذِي أَهْبَةِ نَكَاحٍ بَكْرٍ - يُعْنِي إِنَّ النَّكَاحَ مَنْذُوبٌ إِلَيْهِ فِي الْجَمْهُورَةِ، فَيُذِبْ لِمَنْ خَتَّازِ لَهُ وَلَا بُشَّ أَهْبَإِنْتُ وَكَانَ ذَا أَهْبَةِ أَيْنَ لَهُ فَقُرْةٌ عَلَى كَفَاءَةِ الرُّكْحَةِ مِن مَّهرٍ وَتَفْعَلْةٍ وَكَسْوَةٍ، وَقَدْ يَجْبِهُ فِي حَقِّ الْقَادِرِ وَيُخْشَى عَلَى نَفْسِهِ الرَّزَاشَةُ، فَإِنَّ قَدْرَهُ عَلَى الْخَرْشِيِّ مَعَهُ خَيْرٍ فِيهِمَا، فَإِنَّ ذَهْبَ عَنْهُ بِالْصَّوْمِ مَعْهُمَا خَيْرٍ فِيهِمَا، وَالْرُّوْجَةِ أَوْلِيَاءُ، وَقَدِ يَكْرُهُ فِي حَقِّ مِنْ لَمْ يُخْتَازِ إِلَيْهِ وَيُقُطِّعَهُ عَنِ الْعَبْدَةِ، وَيَخْزُمُ فِي حَقِّ مِنْ لَمْ يُخْتَازِ العَنْتِ، وَيَبْسُرُ بِالْمَرْأَةِ لَعَدْمٍ فَذَّرْتِهِ عَلَى الْقَلْفَةِ أو عَلَى الْوَطَّأَةِ، أَوْ يُكْتَبَ مِنْ مُوْصَعٍ لَّا يَجْلِلُ، قَالَ بَعْضُ مَفْهُومِهِ لَوْ خَشَى العَنْتِ تَرْوَجُ وَلِوْدَ عَمَّ الْقَلْفَةِ وَنَحْوَهَا، وَالْظَّاهِرُ وَجْوَبُ إِغْلَامَهَا بِذَلِكَ، وَيَتَبَاحُ فِي حَقِّ مِنْ لَمْ يُخْتَازِ إِلَيْهِ وَلَا نَمْسَلَ لَهُ، وَالْمَرْأَةُ مَسْأَوَى لِلْرُّجُلِ فِي هِذِهِ الْأَفْتَامِ إِلَّا فِي الْشَّرْحِ`، إِنْتَهَى.

قَالَ اَلْشَّرْجِينِيُّ فِي شَرْحِ المُخْتَصَرِ: "وَزَادَ إِبْنُ عَرَافَةَ وَجْهَهَا أَخْرُ يَقْضِي وَجْوَبُ الْتَزْوُجِ عَلَى الْمَرْأَةِ غَيْرُ مَرْزَةٍ، فَقَالَ قَلْتُ: وَيَوْجَبُهَا عَلَيْهَا عِجْزُهَا عِنْدَ قُوْتِهَا وَبِسْتُرُهَا إِلَّا بِهِ، إِنْتَهَى، وَبِاللَّهِ الْتَوْفِيقِ."
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 Prophetﷺ 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.
الباب الحادي والثلاثون
في الطلاق
قال الله تعالى: (يا أيها النّبي إذا طلقت النساء فطلقهن لعذبتهن) وقال تعالى: (الطِّلاق مرتان) وقال تعالى: (فإن طلقتها فلا قلِّل من بعد حتى تكون زوجها غيرة)، وفي صحيح البخاري عن ابن عمر أنه طلق إمرأته وهي حائض على عهد رسول الله ﷺ فسأل عمر بن الخطاب رسول الله ﷺ عن ذلك، فقال رسول الله ﷺ: (مرّة فليلزجها ثم يمسكها حتى يظهر ثم تحيض ثم يظهر ثم إن شاء أمسكها بعد، وإن شاء طلق قبل أن يمس، فتلك العدة التي أمر الله بها أن يطلق لها النساء).
وفي صحيح البخاري عن عروة بن الزبير أن عائشة رضي الله عنها أخبرت أنه امرأة رفاعة STORY: إذا طلقتها فلا ينظر إلى زوجها القديمة، فلما جاءت إلى رسول الله ﷺ، فقالت: يا رسول الله إن رفاعة طلقها فتغُيضت وفي ذلك نكحت بعدها عند الزهري ابن الزبير الفرظي وإنما معه مثل الهدوية، قال رسول الله ﷺ: (الملك ترديد أن ترجعي إلى رفاعة؟) فقالت: نعم، قال: (لا حتى يدوع عمِّيتك وتذوقي عسيّتي).
وفي مختصر أهل,** في باب الطلاق: طلاق السّنة واحدة يظهر لم يمس فيه بلاده إلا فيذعي، قلت: قد أنعّض إجماع العلماء على أن الحديث رفاعة المنصّد ذكره نص في إن قوله تعالى: (حتى تكون زوجا غيرة)، المراذبه أوطأ لا العقد حاضرة، قلنا: ولا خلاف بين الصحابة رضي الله عنهم في ذلك، قال ابن عطية: واجتمعت الأمة في هذه المأززة على إتباع هذا الحديث الصحيح، وقال أيضا: فرأّي العلماء أي محل أن التكاح الم걸 إما هو النحول والوطا وكتَّب على أن يطيب الحشيفة يحل إلا الحسن بن أبي الحسن، فإنّه قال: لا يصل إلا الإنزال وهو ذوّ عسيّته.
وقد وقع لبعض الطلبة زلةً عظيمة في ذلك وعياً بالله، فذلك أنها أنها أيتها ليزجل طلق زوجته ثلاثاً واحدة بعد واحدة يزدهرها ونسب ذلك لابن مغيث، وهذا يجعل بين لا يقولون ابن مغيث ولا غيره لأن النص في القرآن: فإن طلقنها فلأ تحل له، إلا بعد زوج، ولا يعتمد محالاً نص القرآن أحد من المسلمين، وإنما قول ابن مغيث فيها إذا وقعت الثالثة في كلمة واحدة ومع ذلك لا يلتقى إليه لأن العلماء كلهم على خلافه.

قلت: وقد أمضى عمر لزوم الثلاث إذا وقعت في كلمة واحدة بمعرض الصحابة كما في مفتاح الشمُّدِد شرح إرشاد المالك، وقال أبو الحسن الصغير: "من يزد المطلقة ثلاثاً في كلمة واحدة أو متقاربة لا يجوز أمانة ولا شهادة يستحق العقوبة بما أنتهك من حزمة الشرع، إنهى.

قال ابن رشد: القول بأن المطلقة ثلاثاً في كلمة واحدة لا حقل إلا بعد زوج مما أثقل عليه علماء الأماكن، والدي يجلب قبل زوج ويكتب في ذلك المرافعة جاهل قليل المعرفة ضعيف الثقل، فعل فعلاً لا يجوز بأجماع أهل العلم، فالواجب إن ينتهى فإن لم يتكلم أذى وسقفت أمانته وشهادته.

وأما ابن مختبر ابن عبد الكريم الطبلساني: "من أثرى يتخيل المطلقة ثلاثاً قبل زوج فهو جاهل ذجال مصلح يجب على من له الفضرة من المسلمين أن يزجره بما استطاع من الصدرين الوحيج والأحسى الطويل، وإنما ما أمكن من زوج، فمن قصر في ذلك أو أواه أو حماة يوجه ما، فهو معه في الإثم العظم وأعداب الامام، وكذلك يفعل بالإمرأة والزوج الذي هو المطلقة ثلاث إذنما يفعلما ما ليس من ذين الإ:redaction:، وركح المطلقة لها على ذلك الزوج فاسد، بل ليس ينكاف أصلاً فعليهما الحد إلا أن يكونوا جاهليين اعتماً على فتوى دجال من الدجالين، وهم لا يعلماء، والنكاح يفسح على كل حال ولو طال الزمان وؤثر الأواليد، والمغفي بذلك شيطان مريد، يبسطت وإن أبي أن ينف الزواج صدريه وترك في الحب حتى يموت، فإن لم يكن حبسه وكان له ترك تمايز على ضرره وجب قائلاً ليشتري المسلمون من زحري وسلم الذين من جهله وفشه، وهذا المغفي من رؤوس الطلبين علماء الشيء الذين يجملون الناس ويسعونهم عن سبيل الله، إنهى.

وبالله التوفيق.
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-Khaṭṭāb, 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 times 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.
أنبأ الله تعالى: «ولا يجلل لكم أن تأخذوا مما لا يزيدونكم شيئًا إلا أن يحافاً ألا يقيما حذوة الله».
قال: "لا يجعَككم حذوة الله فلا جناح عليهما فيما أفتئت به"، وفي صحيح البخاري عن ابن عباس قال: "جاءت إمراة ثابت بن قيس بن شماس إلى النبي ﷺ فقالت: يا رسول الله ما أنقم علي ثابته في دين ولا خلق إلا أبي أخفى الكفر بعد الإسلام"، فقال رسول الله ﷺ: ((أتريدين علي عليه حديثه؟)) فقالت: "نعم"، فردت عليه وأمره فقورقها.
وفي مفتاح السداد شرح إرشاد السالك: "والمغزوف من المذهب حوار الخلع يثير كراهية"، وكرهة ابن الفضّار لأبانيّة المدحول بها.
وابن الله التوفيق.
Chapter Thirty-Two

On Khulʿu Divorce

Allah taʿala 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 ʿAbbas who said: “The wife of Thaabit ibn Qays ibn Shamaas came to the Prophet and said: ‘O Messenger of Allah, I do not blame Thaabit for any defect in his religion or character, but I fear disbelief after Islam.’ He said: ‘Will you return his garden to him?’ She said: ‘Yes’. She then returned it to him, and he 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 khulʿu 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.
أتيبَ الآثاثُ والثاثُون

في الزَّغَة

قال الله تعالى: "وَبِعَوْلَتِهِنَّ أَحْقَ بِهِ مَرَّهُنَّ فِي ذَلِكَ إِنَّ أَذَلْوَا إِصْلَاحًا"، وَفِي صَحِيحِ البخاري: "طلَقَ إِبْنُ عُمَرُ إِمْرَاطَهُ وَهِيَ خَائِضَةً، فَسَأَلَ عُمَرُ النَّبِيُّ ﷺ فَآمَرَ أَن يُزِرِعُهَا"، قال الشبلخي في شرح المختصر عند قول المصيف - يزِرِعُ مِن يَنْكَحُ - "وَهَلَ إِبَاحَةٌ أَوْ نَذْبٌ أَوْ تَجْرِي فِيهَا أَحْكَامُ الزَّكَاةِ، وَالظَّاهِرُ الأَخْيَرُ كَمَا وُجِدَ بَخْطَ بَعْضِهِمْ".

وَبِاللَّهِ التَّوْفِيق
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.
확인되면글먼가요

بالله تعالى

فِي الإبلاء

قال الله تعالى: «إِلَّاَئِين يَوْلُونَ مِن نَسَائِهِمْ تَرِثُصُ أَرْبَعَةٌ أَشهُرٍ، فإن فَآئِرَ فَإِنَّ اللَّهِ غَفُورٌ رَحِيمٌ».

وَإِن غَزِّموا الطَّلَاقَ فَإِنَّ اللَّهِ شَمَّعٌ عِلِيمٌ، فَيَوْعَبُ الْبُخَارِيٌّ عَن حُمَيْدٍ الطَّوْلِيِّ إِنَّهُ سَمَعَ أَنَّ بَنِي مَالِكٍ يُقُولُ: "أَلَى رُسُولِ اللَّهِ ﷺ مِن بَسَائِهِ"، أَلْحَدِيثٌ، وَفَيَوْعَبُ الْبُخَارِيٌّ أَيْضًا عَنَّ إِبْنِ عُمَرَ: "إِذَا مَضَتْ أَرْبَعَةٌ أَشْهْرٍ يُوقِفْتُ حَتَّى يُتَلَّقَ وَلَا يَقْعُو عَلَيْهِ الطَّلَاقَ حَتَّى يُتَلَّقَ، وَيُذَكَّرُ عَن غَنَّةٍ وَعَلَيْ وَأَبِي

المرآة وَعَائِشَةَ وَإِنْ قَرَأَتْ عَشَرَ ريَّةٌ مِن صَحَاةَ النَّبِيِّ ﷺ».

وَفِي مُفْتَاحِ السُّدَادٍ شَرَّحَ إِرْشَادُ السُّالِكَ: "وَالْمَشْهُورُ أَنَّهُ لَأَ يَقْعُ عَلَى أَمْوَيِّ الطَّلَاقَ وَيَغَدِ أَجْلٍ أَلِيِّهِ حَتَّى يُقْعَةُ السَّلَطَانُ لْقُوَّةٍ تَعَلَّى: «فَإِنَّ فَآئِرَ» الأَلِيَّةُ، وَقَالَ إِبْنِ عُمَرَ: "يَقْعُ عَلَيْهِ بَعْدَ أَرْبَعَةٍ أَشْهْرٍ وَإِنْ لَمْ يُقْعَتْ".

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 Prophetﷺ.”

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.
الباب الخامس والثلاثون
في ظهار

قال الله تعالى: «الذين يظهرون من تسابهم ما هن أمهاتهم إذ أمهاتهم اللائي وذنهم وذنهم ليقولون من القور وزراء وإن الله لعفو غفور» وَالذَّين يظَهُرُون من تسبَّبهم ثم يعودون لما قالوا فتحرير رقية من قبل أن يتماسوا ذلكم ثوعبطون به والله بما تعملون خبير فمن لم يجد فصيام شهرين متناعيين من قبل أن يتماسوا فمن لم يستطع فإطعام سبنين مسكيناً، الآية.

وفي صحيح البخاري وقال إسماعيل: "حدثني مالك إنه سأل ابن شهاب عن ظهار العباد فقال: نحو ظهار الحر، وقال مالك: "صيام ألبد شهيران".

قلت: وهذه الأئمة المتقدمه نزلت في شأن الظهار نزل في قصة خولة بنت ثعلبة زوجة أوس بن النضامت على أصح ما قبل في ذلك قاله السهيلي وغيره، وقال مالك "صيام ألبد شهيران" لأن الحر والعبد في الاعتقادات سواء، ولا يختلفان إلا في الحدود، كما قالة الشيخين في شرح المختصر، قال بعض العلماء: والظهار محروم وقول زرع ومكرر.

وبهذا التوفيق
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’lab, 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.
ألباب السادس والثالثون

في اللِّهَان

قال الله تعالى: «والذين يزعمون أرواَجْهُم ولم يكن لهم شهادَه، إلا أنفسهم فشهادَه أحدهم أربعة، شهادَات بإله إله ممن الصادقين، والخامسة أن لعنت الله عليه إن كان من الكاذبين، ويدرأ عنها العذاب أن تشهد أربع شهادات بإله إله من الكاذبين، والخامسة أن غصب الله عليها إن كان من الصادقين».

وفي صحيح البخاري عن ابن عباس إن هلال بن أمية قذفت إمرأته، فجاء فشهد، والنبي ﷺ يقول: (((إن الله يعلم إن إحدكم كاذب وهل منكم تأتي؟)), ثم قام ولم يشهد.

قلت: وتخريج اللِّهَان أبدي بإجماع العلماء كما ذكرت غير واحد، قال بعضهم: "إن من فقهاء الكوفة وغيرهم من لا يزيد منتأذا ولا يلتفت إليه"، وقال في الرسالة: "وإذا أفترقا باللهاء لم يتلاقَحَا أبدا".

وبالله التوفيق
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.
 comercي بالدمار على الأمة وفُرحت بالمتزوجة.

وَبِاللهِ الْتَوْفِيقُ
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.
ألباب الآمنة والثلاثون

في الرضاعة

قال الله تعالى: (وَوَأَلَّادٍ يُرْضَعُونَ أَوْلَادُهُنَّ حَوْلِينَ كَامِلِينَ لَنَا أُرَادَ أَنْ يُرِيضَ الرَّضَاةَ)، وقال تعالى: (وَإِمْهَاكِمُ اللَّاتِي أُرْضِعْنَكُمْ وَإِخْوَانُكُمْ مِنَ الرَّضَاةَ)، وفي صحيح البخاري عن عائشه رضي الله عنها،: "إِنَّ النَّبِيُّ ﷺ نَّهَى عَنْ أَحَدٍ مِّنْهُمَا، وَقَالَ: "إِنَّهُ ﷺ ﺗَغَيَّرَ وَجْهَ دَخَلَ عَلَيْهَا وَعِندَهَا رَجُلٌ، فَكَانَتْ تَغْيُرُ وَجْهَهُ كَأَنَّهَا كَرَهَ ذَلِكَ، فَقَالَتْ لَهُ: "إِنَّهُ ﷺ ", فقال: (أَخِي، فَقَالَ: "إِنَّهُ ﷺ ﺑُخْرَاءً)."، وقال الشيخ في شرح المختصر: (وَوَأَلَّادِي نُرغِعُونَ، وَإِخْوَانُكُمْ مِنَ الرَّضَاةَ)، وقاله عليه الصلاة والسلام: (فَخَرِمَ مِنَ الرَّضَاةَ مَا يُخْرِمَ مِنَ النَّسْبِ)، فَقَلَتْ: فَأَنْعَمَ إِجْمَاعُ الأَمَةَ عَلَى أَنَّ الرَّضَاةَ تُخْرِمُ النَّسْبِ.

وبالله التوفيق
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 him 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 wordsﷺ: ‘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.
ألببُ التَّاسِعُ ﻭالتَّلَاثُونَ
في النَّفَقَة

قال الله تعالى: "ليَنفقُ ذو سعة من سعته ومن قدر عليه رزقه فليَنفقُ مما آتاه الله"، وقال تعالى: "وإن كان أولئك حمل فانفقوا عليه حتَّى يضعن حملهن"، وفي صحيح البخاري عن أبي هريرة أن الرسول الله ﷺ قال: ((خير الصدقة ما كان عن ظهر غني، وأبداً بمن نعول)). قلت: قد أنعقد إجماع الأمة على وجوه النَّفَقَة للزوجة كما ذكره غير واحد من العلماء.

وَبِاللهِ التَّوْفيق
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.
أَلْبَابُ الْأَلْبَابُ

فِي الْبَيْنَاءِ

قَالَ رَسُولُ اللَّهِ ﷺ: «وَأَحْلَلَ اللَّهُ الْبَيْنَاءَ وَحَرْمَ الْرَّبِّيَّةِ»، وَقَالَ: «إِلَّاَّ أَنْ تَكُونَ بِتجَارَةٍ حَاضِرَةٍ تَدْبِيزُونَا بِنَكْمٍ»، وَقَالَ: «لَا تَأْكُلْوا أَموَالَكُم بِنَكْمٍ بَيْنَكُم بِالنَّاَبِلِ إِلَّاَّ أَنْ تَكُونَ بِتجَارَةٍ عَنْ تَرَاضٍ مِنْكُمْ»، وَقَالَ: «هَذَا فَضُوحَتُ الصَّلَاةَ فَانْتَشِرُوا فِي الأَرْضِ وَابْنَعُوا مِن فَضْلِ اللَّهِ وَأَذْكُرُوا اللَّهِ كَثِيرًا لِعُلْكُمْ تَفْلُحُونَ. وَإِذَا رَأَوْا بِتجَارَةً أُوْلَى أَنْفَضُوا إِلَيْهَا وَتَرْكُوكَ قَابِلًا قَدُّ مَا عَدَّ اللَّهُ خَيْرًا مِنْ اللَّهِ وَمِن الْبَيْنَاءَ وَاللَّهُ خَيْرُ الْرَّازِقِينَ»، وَسُنِّي رَسُولُ اللَّهِ ﷺ أَيُّ الْكَشْبُ أَطْيَبُ؟» قَالَ: «عَمَلُ الزَّوْلِ بِهِ وَكَلَّ بِبَيْعِ مِنْرَاءٍ»، وَأُخْرِجَهَ الْبَيْتُمْدِئُ مِنْ حِدِيثِ رَفَعَةَ بْنِ رَافِعِ رضِي الله عَنْهُ، وَصَحَّحَهُ اَلْحَافِظُ ﷺ، وَقَدْ قَالَ: «وَالْبَيْنَاءُ الْمِنْرَاءُ الَّذِي أُثِرَ صَاحِبُهُ فَلْمَ يَغْعِلُ اللَّهُ فِيهِ وَلَا يَغْعِلُ الْأُمَمُ يَا مَعَهَةَۡ قُلُّتُ: قد أَنْعُقَّ إِجْمَاعُ الأُمَّةِ عَلَى جُواَزِ الْبَيْنَاءِ. وَبِاللَّهِ الْتَوْفِيقِ».
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’ 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.
النبيّان الحادي والأربعون
فِي أحكام الدماء
قال الله تعالى: "لي أنّها الذين آمنوا كتب عليهم القصاص في القتلى أخر بالحُر والعبد بالعبد والأئن بالأنثى التي، وقال تعالى: "ولكننا عليهم فيها أن النفس بالنفس والعين بالعين والأنف بالأنف والأنف بالأنثى بالحُر والذين بالسّن والجَرَّاح بالحُر المحاصل"، وقال تعالى: "ولكن في القصاصات حياة".
وفي صحيح البخاري عن أنس بن مالك قال: أن يهوديا رأس رأس جارية بين حجرين قليل لها: "من فعل بك هذا؟ أفلا أن، أفلا أن؟ حتى سمع اليهودي فأؤمث برأسها فجيء باليهودي فاعترف، فأمر به النبيّ فرض رأسه بالحجازة، وقد قال همّاه: "بجرجيين".
قلت: قد بين العلماء رضي الله عنهم أنّه إذا قامت البيّنة على القتل أو اعترف به القاتل فإنّه يضعه بمنع القتلة التي قتله بها إلا أن يكون قتله بالنار أو بالسّم لأن ذلك من الممّل، وظاهر ما في المندوحة إنّه يقصص منه بمعن القتلة التي قتله بها وإن كان قتله بالنار إذ لم يفرق فيها بين النار وغيره، وهو ظاهر قوله في الشّم، أنّه يُقاذ منه ي. قال: "ومن أهل العلم من يرى أنه لا يكون القوت إلا بالسيف وحده، وإنما إن لم يثبت القتل باليانيم وإنما استحقّ دمه بالقاسامة فلا يقتل إلا بالسيف، إنّهى. وثبت العلماء أيضا رضي الله عنهم أنّه لم يحتف الشرايع منذ أهبط الله سبحانه أدم عليه السلام إلى الأرض وإلى هم جزأ أن قتلت النفس بغير حراق، وقد وعد الله عزّ وجلّ على ذلك بالدار والعذاب الأليم.
وابه الله التوفيق"
Chapter Forty-One
On the Legal Judgments of Homicide

Allah ta’ala says: “Ο 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 subhaanahu 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.
ألباب الثانى والأربعون
في الحدود
قال الله تعالى في بيوان حد الرذ纳: "والدين يرمون المخصصات ثمناً لم يأتوا بأربعة شهداء فاجدلهم ثم اثنين جلدة"، وقال تعالى في بيوان حد القدر: "والسارق والشارقة فاقطعاً أيديهما الأية"، وقال تعالى في بيوان حد الحرابية: "إِنَّمَا جزاء الذين يحاربون الله ورسوله ويشعون في الأرض فيما سما إذا أن يقتلون أو يصعلوا أو يقطع أيديهم وأرجلهم من خلاف أو ينفون من الأرض"، الأية.
وفي صحيح البخاري في بيوان حد الرذنا عن رضوان بن خالد الجهني قال سمغت النبي صلى الله عليه وسلم فين زئى ولم يحصن جلد مائة جلدة وتحرب عام"، وفي صحيح البخاري في بيوان حد الرذنا أيضاً للمخصص عن جابر بن عبد الله الأنصاري: "أن رجلًا من أسلم أنى رسول الله صلى الله عليه وسلم أنه قد زئى، فشهد على نفسه أربع شهادات فأمر به رسول الله صلى الله عليه وسلم وكان قد أحصن.
وفي صحيح البخاري في بيوان حد القدر عن إيبي هريرة قال: "سمعت أبا القاسم يقول: (من قدف مملوكة وهو بريء مما قال جلد يوم القيامة إلا أن يكون كما قال)"، وفي صحيح البخاري أيضاً في بيوان حد الشارقة عن عائشة رضي الله عنها عن النبي صلى الله عليه وسلم: (لقطع يد الشارق في زين بدرنيار)، وفي صحيح البخاري أيضاً في بيوان حد الحرابية عن أنس رضي الله عنه قال: "قد على النبي صلى الله عليه وسلم أنه رضي الله عنه صلى الله عليه وسلم فكاه للفيل الصدقة، فيشترى من أبى وأبائها، ففعلوا فصعقوا فأرازدوا فقتلوه رغبوا واستفاقوا الأول، فبعث في آثارهم، فأتى بهم، فقطع أيديهم وأرجلهم وصلح أعديهم ثم لم يعمسهم حتى ماتوا".
فلت: قد انعقد الإجماع على وجوب إقامة الحدود إذا وجد شرط إقامتها.
وبالله التوفيق
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 Prophetﷺ 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 Allahﷺ 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 Allahﷺ 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-Qasimﷺ 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 but 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 Prophetﷺ 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 Prophetﷺ then dispatched a team in pursuit of them and had them returned. The Prophetﷺ 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.
باب الثلث والأربعة
في الأقضية
قال الله تعالى: "إن الله يأمركم أن تؤدوا الأمانات إلى أهلها وإذا حكمنتم بين الناس أن تحكموا بالعدل"، وقال تعالى: "يا داود إنما جعلناك خليفة في الأرض فاحكم بين الناس بالحق ولا تطيع الهوى فضلك عن سبيل الله".
وفي صحيح البخاري في باب الأقضية إذا قضى الحاكم بالجور أو خالف أهل العلم فهو رد:
حدثنا محمود قال حديثنا عبد الزراك حديثا معمر عن الزهرى عن سالم عن أبيه قال: "بعث النبي صلى الله عليه وسلم خالد بن الوليد إلى بني جذيمة فدعاه إلى الإسلام فلم يعهدا أن يقولوا أسلمنا فجعلوا يقولون: "صيامنا صيامنا" فجعل خالد يقتل منهم ويسأل ودفع إلى كل رجل من أسيبه حتى إذا كان يوم أمر خالد أن يقتل كل رجل من صيامه فقلت: "والله لا أقتل أسيبي ولا يقتل رجل من أصحابي أسيبه حتى قدمت علي النبي صلى الله عليه وسلم، فذكرنا له فرفع النبي صلى الله عليه وسلم يد، فقال: ((الله ابني أذرء إليك مما صنع خالد)) مرتين.
قلت: قد أتفق الأجماع على وجوب الفضاء بالحق، قال الحسن: "أخذ الله على الحكام أن لا يبتغوا الهوى ولا يخشون الناس ولا يشرقو بآيات الله مهما قلوا، إن تهى نعم هو فرض كفارة إلا أن يتبعين فلا يجوز الإمتثال، وفي مفتاح السادات شرح إرشاد السالك: "أما كون الفضاء فرض كفارة يحمل به من قام به فهو المذهب".
وبيان التوفيق
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 Prophetﷺ 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 Prophetﷺ and mentioned what happened. The Prophetﷺ 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.
ألباب الزِّاجِعِ والأنْرِعُونَ
في الشهادة

قال الله تعالى: "يا أيها الذين آمنوا كونوا قويمين بالقسط شهداء الله وقوى على أنفسكم أو الوالدين والأقربين إن يكن غنيًا أو فقيرًا فقري الله أولى بهما ولا تتبعوا الهوى أن تغلوا وإن تغلوا أو تُغرضوا فإن الله كان بما تغلعون خبيرًا"، وفي صحيح البخاري في باب ما قبل في شهادة الزور عن عبد الرحمن بن أبي بكر بن عبد الرحمن عن أبي بكر بن عبد الرحمن عن أبي بكر بن عبد الرحمن عن النبي ﷺ، قال: (هل أنتِ أكبر الكبار؟) ثلاثًا، قالوا: "ليتِ يا رسول الله"، قال: ((الإشراك بالله وعفو الوالدين))، وجلس وكان متكاملاً، فقال: (هل أنتِ وقولة الزور؟)، قال: "فما زال يكبرها حتى قالنا: يا ليتِه سكت".

فِلْتُ: قد أتَّمَّت الإجماع على وجوب أداء الشهادة وتخريج شهادة الزور، وأما تحمَّل الشهادة فقرر كفاية، وقال في إرشاد السالك: تتحمل الشهادة فرض كفاية إلا أن يَحَفَّف فوات الحق فيتعين.

وَبِيْاهِ التَّوْفِيق
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.
باب النَّخاس والأنبَعُون
في الميراث
قال الله تعالى: {الرجل نصيب مَّمَا تَرَك الولدان والأقربون وللساء نصيب مَّمَا تَرَك الولدان والأقربون مَّمَا قَلَّ منه أو كَثَر نصيبا مُفرَّضًا}. وقال تعالى: {يُوصِيكُم الله في أولادكم للذَّكَر مَثَل حَظَ الأثنيان} إلى قوله: {والله علِيم خَلِيم}. وفي صحيح البخاري عن إبن عباس رضي الله عنهما عن النبي ﷺ قال: (الجِهَاوَ الفَرائض
باِهلِها، فما تَرَكَ الفَرائض فَلَأولى رَجُل ذَكَر). قال: قد أنَّعَد الإجماع على وَجُوب إغْطاء كُل وارث نصيبه من الميراث، وكَلْ من منَعَ الوارث
نصيبه الذي أعطاه الشرع فهو عاص الله ورسوله والعباد بالله. وبِالله التَّوفيق.
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.
فِي السَّلَامِ والإِسْتِثِنَادِ

قالَ اللهُ تعالى: «فَيَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَدخَّلُوا بَيْنَا غَيْرُ بُيُوتِكُمْ حَتَّى تَسْتَأْنِسُوا وَتَسْلَمْوا عَلَى أُهْلِهَا»، وقال تعالى: «وَإِذَا حَيْثُمْ بَتْحِيْبٍ فَخُفِّيْوهَا بِأَحْسَنِ مِنْهَا أو رَذُوهَا»، وقال تعالى: «وَإِذَا بَلَغَ الأَطْفَالُ مَنْ كَنَّى البَنَاتِ فَلِيُسَلِّمُوهَا».

وَفِي صَحِيحِ البُخارِيَّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرِ رضي الله عنهما: "أَنَّ رَجُلاً سَأَلَ رَسُولَ اللَّهِ ﷺ: "أيْ اللَّهَ إِسْلَامٌ خَيْرٌ؟" قَالَ: "(تَطَعُّمُ الطَّعَامُ وَتَقَرُّلُ السَّلَامُ عَلَى مَنْ عَرَفْتُ وَمَنْ لَمْ تَعْرِفَ)"، وَفِي صَحِيحِ البُخارِيَّ عَنْ سَهْلٍ بْنِ سَعدٍ عَنِ النَّبِيِّ ﷺ: "(إِنَّمَا جَعلَ الإِسْتِثِنَادُ مِنْ أَحْيٍ الْبَصَرِ)"، وَقَالَ فِي الرَّسْمِ: "رَدُّ السَّلَامَ وَاجْبَ وَالإِسْتِثِنَادَ بِهِ سَلَطَةٌ مَّرْعَبَ فِيهَا"، وَقَالَ فِي الإِسْتِثِنَادِ: "وَالإِسْتِثِنَادُ وَاجْبُ، فَلا تَدْخُلُ بَيْنَا فِيهِ أُحُدٌ حَتَّى تَسْتَأْنِسُ فَلَا نَفَعُ لَكَ وَلَا رَجْعَةً"، إِنْكَهَى، قَالَ: "فَذَٰلِكَ أَنَّكَ تَعَقِّدُ الإِجْمَاعُ عَلَى أَنَّ كُلَّ مَنْ تَرَكَ الإِسْتِثِنَادَ فَهُوَ عَاصِمٌ مَعَهُ وَرَبِّيْهِ وَالْمَغْيِّبُ بِاللَّهِ تَعالَى."

وَبَعْدِهِ التَّوَفِيقُ
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.
الباب السَّابع والأربَعون

في الثُّوبة من الكبائر والصغائِر الَّتَي هي أضَل أَلْتَصُوف للثُّقَافَي
قالَ اللهُ تَعَالَى: {يا أَبِي أَلْدِينَ إِنَّكُمَا أَمَّنُواْ دَوَّاجٌ إِلَى الله تَوبُواْ إِلَى الله}
جَمِيعًا أَيْنَ هُنَا أَمِنُواْ تَوبُواْ إِلَى الله تَوبُواْ إِلَى الله}
وقَالَ تَعَالَى: {إِنَّ اللهُ يُجْبِبُ التَّوَابِينَ وَيُجْبِبُ المَتَّطْهِرِينَ}.
وقَالَ رَسُولِ اللهُ ﴿ إِنَّ رَبِّي أَسْتَغْفَرُ اللَّهُ وَأَنْتُوْبُ إِلَيْهِ فِي الْيَوْمِ أَكْثَرُ مِنَ السَّبْعِينَ مَرَّةً ﴾، كَما
في صَحِيحِ البخاري عن أبي هريرة.
قلْتُ: قد أَنَّكَتَ إِجْمَاعُ الأَمْم عَلَى وَجْوبِ الثُّوَبَيْة.
وَبِاللهِ التَّوْفِيقٍ.
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.
أليّباث الثامن والأربعون
في تعليم العلم وتزليمه
قال الله تعالى: "فلوً لا نفق من كلّ فرقة منهم طائفة ليتفقَّها في الدين وليغذروا قومهم إذا رجعوا إليهم فلنعم بهم بخزئون"، وفي صحيح البخاري عن حمید بن عبد الرحيم قال سمعت معاوية خطيباً يقول: "سمعت النبي ﷺ يقول: (من يرَد الله به خيرًا يفقه في الدين وإنما أنا قاسم الله يغطي وَلَن تزال هذه الأمة قائمة على أمر الله لا يضرهم من خالفهم حتى يأتي أمر الله)"، وقال: "طلب العلم فريضة على كل مسلم)"، زوائد ابن ماجة، وقال: "(من سأل عن علم فكتمة ألمجاه الله يوم القيامة يلجم من ثار)"، زوائد البطلاني وصححة الحاكم.
وفي صحيح البخاري كتب عمر بن عبد العزيز إلى أبي بكر بن حزم: "أنظر ما كان من حديث رسول الله ﷺ، فأتلكه فإذا جفتُ ذرُوس العلم وذهاب العلماء، ولا تقبل إلا حديث النبي صلى الله عليه وسلم: (ولنَفِسوا العلم، ولتخليصوا حتى يُعلم من لا يعلم، فإن العلم لا يهلك حتى يكون سراً)"، فلَت قد أتَّعد إجماع الأمة على وجوب تعلم العلم وتزليمه ووجب عيني في فروض الأعيان وكفاين في فروض الأحكام.
وِبِاللَّهِ التَّوْفِيق
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 Prophetﷺ 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 Allahﷺ, 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 Prophetﷺ: ‘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.
ألباب التأسيس والأزيغون
في الوعي والتذكير

قال الله تعالى: "وَذَكَرَ فَإِنَّ الذُّكَرَ يَتَقُلُّدُ الْمُؤْمِنِينَ"، وقال تعالى: "فَذَكَرَ بِالْقُرْآنِ مِنْ يَخَافُ وَعِيْدِي"، وقال تعالى: "فَذَكَرَ إِنَّمَا أَنْتَ مَذَكُورٌ"، وقال تعالى: "وَعْظُهُمْ وَقَلْ لَهُمْ فِي أَنفُسِهِمْ قَوْلًا بَليْغًا"، وقال تعالى: "أَذْهَبْ إِلَى سَبِيلِ زَيْكَ بِالْجَحْمَةِ وَالْمُؤْمَنِ»، وقال تعالى: "وَمَنْ أَخَسُ قَوْلًا مَّنْ دَعاٌ إِلَى اللَّهِ"، وقال تعالى: "وَلَوْ أَنْهُمْ فَعَلُوْاْ مَا يُوَعِّظُونَ هَكَذا لَّهُمْ".

وفي صحيح البخاري عن ابن مسعود رضي الله عنه قال: "كان النبي ﷺ يتحللا بالمؤعمة"، وفي صحيح البخاري أيضًا عن أبي واثل أن الله قال: "كان عَبْدُ اللَّهِ يَذَّكَرُ النَّاسُ فِي ۪عَمِّ خَمِيس"، وفي صحيح البخاري أيضًا عن أبي سعيد الخدري قال: "قالت النساء للنبي صلى الله عليه وسلم: "علينا علينا فنذكَرُ الرُّجَالًا، فأجعل لنا يومًا من نفسك، فوعدهن يومًا لفيه فوعظُهُن وأمرُهُن".

وَقَالِ شِهَابُ الْذِّينِ أَحْمَدٌ بْنُ حُجَرِ الْهَيْتَمِيِّ فِي كِتَابِ الرُّوَّاجِ: "وَصَحُّ عَن إِبْنِ مسْعُودِ أنَّهُ وَقِفَ عَلَى قَاضِيَ فَقَالَ لَهُ "لَكَ أَتَبْعَثْتُ بِذَٰلِكَ بِذَٰلِكَ أَنْ أَلْهَدِئُ مِنْ مَحَدِّهِ وأَصْحَابِهِ، فَقُرِّرْ النَّاسُ عَنْهُ حَتَّى لَمْ يَبْقِ عَنْهُ أَحَدٌ إِلَّا وَقَالَ: "وَهُوَ مُحْمُولٌ عَلَى إِبْنِ مَسْعُودِ إِنْ اسْتَبْدَعَ جَهَّةً الفُصَاصِلِ مِنْ ذَكَرِ الأَكَادِيمِيَّةِ وَالْأَحَادِيثِ الْمَوْضُوعَةِ وَنَحْوُ ذَٰلِكَ، وَأَنَا أَقَصِّرُ عَلَى مَا يَبْنِي بِأَنَّ يَذَّكَرُونَ بِاللَّهِ وَآيَاتِهِ وَيُعْرِفُونَ مَنْ يَبْنِيُ عَلَى عِلْمِهِ أَنْ يَذَّكَرُونَ بِاللَّهِ وَآيَاتِهِ وَيُعْرِفُونَ مَنْ يَبْنِيُ عَلَى عِلْمِهِ".

فُرِّقَ الْمَوْضُوعَةُ وَمِنْذِهِ، فَهُذَا مِنْ ذَكَرِهِ، وَعَدَ عَدًا إِلَى رَبِّهِ وَقَالَ: "وَهُوَ مَحْمُولٌ عَلَى إِبْنِ مَسْعُودِ إِنْ اسْتَبْدَعَ جَهَّةً الفُصَاصِلِ مِنْ ذَكَرِ الأَكَادِيمِيَّةِ وَالْأَحَادِيثِ الْمَوْضُوعَةِ وَنَحْوُ ذَٰلِكَ، وَأَنَا أَقَصِّرُ عَلَى مَا يَبْنِي بِأَنَّ يَذَّكَرُونَ بِاللَّهِ وَآيَاتِهِ وَيُعْرِفُونَ مَنْ يَبْنِيُ عَلَى عِلْمِهِ أَنْ يَذَّكَرُونَ بِاللَّهِ وَآيَاتِهِ وَيُعْرِفُونَ مَنْ يَبْنِيُ عَلَى عِلْمِهِ".

وَإِذَا فِيْهِمْ هَذَا كُلُّهُ عَرَفَ أَنَّ التَّذَكِّرَ مَخْمُودِ كَتِبًا بَسْتَةً وَإِجْمَاعًا، إِذَا كَانَ عَلَى مَا مَرَّ بِذَٰلِكَ، وَأَنَّ التَّذَكِّرَ الْمَذْمُومُ فَهُوَ التَّذَكِّرُ مِنْ ذَكَرِ النَّاسُ بِمَا يَذَّكَرُهُ فِي جَهَّةٍ الفُصَاصِلِ مِنْ ذَكَرِ الأَكَادِيمِيَّةِ والأَحَادِيثِ الْمَوْضُوعَةُ كَمَا مَرَّ فِي كَلَّامٍ أَحْمَدٍ بْنِ حُجَرِ الْهَيْتَمِيِّ فِي كِتَابِ الرُّوَّاجِ، وَباَلِهُ اسْتَفْقَيْ:
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 Prophetﷺ 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 Prophetﷺ 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 innumerous.

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.
آليب الظموس
فِي عِلْمَ الْكُشفِ

قال الله تعالى في قصّة موسى وفاتاه: "فوجداً عبادنا أتيناه رحمةً من عيدها وعلمّناه من عيدها وعلمّناه"، وقد أثبت عليه السلام المحدثين حتى بين أن عمر منهم كما في صحيح البخاري عن أبي هريرة، وفي صحيح البخاري أيضا عن سعيد بن المسيب أن أبي هريرة كان يقول: "قال رسول الله ﷺ: (لو تعلمون ما أعلم لضحكتم قليلاً وليكتم كثيراً)".

قال الغزالي في الإحياء: "قلت شعري إن لم يكن ذلك سراً مهنا في إفسانه لقصور الأفهام عن ذرته أو لمغنى آخر لم يذكره لهم، فلا شك أنهم كانوا يصدّقون له ذكره لهم"، وقال الغزالي في الإحياء أيضًا في مدخل آخر: "إن الأنباء عليهم السلام لم يتكلموا في عِلْمَ المكاشفِنِ إلا بالرَّمْزِ والإيماء على سبيل الرُّشد والتّمثيل والإجمال علمًا منهم يَضْصُرَ أَفْهَامُ الْخُلْقِ عَنِ الإِخْتِلَاشِ، وَالْعِلْمُاءُ وِزْرَةَ الْأَنْبَاءِ فَما لَهُمَّ سَبْبًا إِلَّا عَنْ مَنْهَجِ السَّجِيبِيَّةِ وَالْإِفْتِقاَءِ"، وقال أيضًا في الكتب المذكورة في مدخل آخر: "علم المكاشفِنِ غاية العلوم، فقد قال بعضه مغنَّينَ: "من لَمْ يَنْتَهِ لَهُ نَصِيبٌ مِّن هَذَا الْعَلَمِ أَخَافُ عَلَيْهِ سُوءُ الْخَاتِمَةِ، وَأَذَّنَى النَّصِيبِ مَنْهَا النَّصِيبِ بِهِ وَتَسْلِيمَةٍ لأَهْلِهِ"، وقال آخر: "من كان فيه خصائص لا يفتح له شيء من هذا العلم، بدعة أو كثير، وقيل: "من كان محبًا للذينُ يُصِيرُ بَيْنَ هَذَيْنَ أو مصيرًا على هوٰى لم يتحَّف به، وقد يتحَّف بسائر العلوم، وأقلَّ عَظِيمًاٍ مِّن يُتَكَرِّرُ أن لا يزَرَّعُ منه شيء، وهو علم الصديقين والشهداء والمعتنين". إنه يُنتَهِي

وبالله التوفيق
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 Allahﷺ 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.
خاتمة

نشأ الله خسند خارف الواقف على هذا التأليف أن مقصوده فيه أن يعرف كلاً من وقف عليه أن دين الله تعالى مثني على التنصير لأنه مستند بما قال الله عز وجل في كتابه وما قال رسوله صلى الله عليه وسلم في صيتته، وما قال علماء صيته في باب الإجتهاد والإسناد، قال إن المتأذك:

"المتباشداً من الذين لو لا الاستناد قال من شاء ما شاء"، وعنه قال: "مثل الذي يطلب أمر دينه بلاء الاستناد كمثل الذي يرقي السطح بلا سلم"، وعنه الثوري قال: "الاستناد سلاح المؤمن فإن لم يكن له سلاح فليأتي شيئاً يقاتله.

قالت: إذا فهمت هذا عرفتم أن كلما ليس له مستند إلى الشارع في أمر الذين فهو يبطل، قال أبو سليمان الداراني رضي الله عنه: الفقع الكتبة من كلام القوم في قلبي أطالما فأقول لها لا أقبل إلا يشاهدني عرشي الكتاب والسنة"، وقال أحمد زروق في عبادة المرشد الصادق: "إن لم يكن الفتى فيما جاء عن الله ورسوله ففي أي شيء يكون"، وقال أيضاً في الكتاب المذكور في محل آخر: "فالواجب علني أن تقف مع الإفتاء بما يمنع عليه الخطايا وتفت عن الأفتاء بما يجوز عليه إذا أظهر في الإفتاء به إشكال، بال تعرض ما جاء عن الأئمة على الكتاب والسنة، فما قيله قيلناه وما لم يقله تركناه، وإن كانوا من جنس من يقتدى بهم لا رد إلا أنه لولا اعتراضنا عليه، لأننا لم نفهم وجهه رجوعه إلى قواعد الشرعيه كما فهمنا غيره"، إنماه كلامه وبانتهائه إنهى كتاب مزايا الاطلاع في مستند الأبواب لدين الله أواخب بحمد الله وحسن عونه، أحمده الله زبد العالمين والصلاة والسلام على محمد سيد المرسلين وعلى ألي ورضي أجمعين، الله لهم أغره لاممه محمد مغفرة غفر ورحمة رحمة عامة بأجاه عندك، والصلاة والسلام على رسول الله ﷺ آمين.
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 Zaruuq 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 remonstration 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.