

The Obligation of Attending Jamā‘ah in the Masjid in the Absence of a Valid Excuse

1. [Narrated] from Anas ibn Malik (may Allāh be pleased with him) that the Prophet (Allāh bless him and grant him peace) said:

لو أن رجلا دعا الناس إلى عرق أو مرماتين لأجابوه، وهم يدعون إلى هذه الصلاة في جماعة فلا يأتونها، لقد هممت أن أمر رجلا أن يصلي بالناس في جماعة ثم أنصرف إلى قوم سمعوا النداء فلم يجيبوا فأضرمها عليهم نارا، إنه لا يتخلف عنها إلا منافق

“If a man were to invite people to a flesh-filled bone or two meatless bones, they would answer him. Yet they are invited to this Salāh in congregation and they do not attend! Indeed I wished to instruct a man to lead the people in congregation, and then I turn to a people who heard the Adhān yet did not respond, so that I can light those [houses] upon them with fire. Verily, only a hypocrite stays behind from it!”

Al-Tabrāni narrated it in *al-Ansat*, and its narrators have been declared trustworthy, as mentioned in *Majma‘ al-Zawā‘id* (10:159).

Its significance to the chapter is obvious, since the warning against those who did not attend it has been emphasised and they were charged with hypocrisy. Such a warning is only for leaving out an obligation (*wājib*).

It is not hidden that if the obligation of [praying in] jamā‘ah was not connected to attending the masjid, the Messenger of Allāh (Allāh bless him and grant him peace) would not have made an intention to torch the houses on those who stayed behind, due to the possibility that they prayed in jamā‘ah in their houses. Thus, it is established that attending the masjid is also obligatory just like the obligation of jamā‘ah. Hence, the one who prays it in jamā‘ah in his house has offered one obligation and left out another obligation.

It says in *Tanwīr al-Absār*:

Jamā‘ah is a sunnah mu‘akkadah for men, and its minimum number is two. It was said: [It is] obligatory, and the vast majority have adopted this.

And in *al-Durr al-Mukbtār*:

Meaning, the vast majority of our scholars, and this was asserted positively in *al-Tuhfab* and other [texts]. It says in *al-Bahr*: “This is the stronger position (*rājih*) according to the scholars of the madhhab.” (1:576, with *Shāmiyyah*).

This is the view of our scholars on the obligation of jamā'ah.

As for what demonstrates its obligation in the masjid, it is because they agreed that answering the Adhān is obligatory, due to the warning against not answering it, like his (Allāh bless him and grant him peace) saying: “[He has reached] the height of rudeness, disbelief and hypocrisy who hears the caller of Allāh call to salāh and he does not answer him” and his statement: “Whoever hears the Adhān and does not answer, there is no salāh for him, except due to an excuse” and their like. They differed over whether this [reply] is with the tongue or with the feet. Thus, in *Nūr al-Īdāh*, al-Shurunbulālī preferred its obligation with both speech and action (p. 11). And Qādī Khān preferred its obligation with the feet where he said: “Replying to the mu’adhdhin is a virtue, and if one leaves it out, he is not sinful. As for his saying (upon him peace): ‘Whoever does not answer the Adhān, there is no salāh for him,’ its meaning is answering by foot, not the tongue alone.”

Al-Halwānī said: “Replying is with the feet, not the tongue, such that if he were to answer with the tongue and did not walk to the masjid, he will not be one who answered [the call]. If he was in the masjid at the time that he heard the Adhān, answering is not incumbent on him.” This is in *al-Babr al-Rā’iq* (1:259).

Thus, the obligation of attending the masjid for jamā'ah is established from their opinion on the obligation of answering by foot. An explicit pronouncement of this occurs in the statement of al-Halwānī. That which Qādī Khān and al-Halwānī said with regards to the meaning of answering is apparent from the hadiths, because the explanation of “excuse” in the hadith of Ibn ‘Abbās from the Prophet (Allāh bless him and grant him peace), “Whoever hears the Adhān and does not answer, there is no salāh for him, except due to an excuse” occurred in [the narration of] Abū Dāwūd and Ibn Hibbān as “fear” or “illness”, as is to come. It is not hidden that they only prevent [one from] answering by foot not the tongue, so the obligation is this first one.

Of that which proves the obligation of attending the masjid for jamā'ah is the statement of the author of *Badā’i’ al-Sanā’i’*: “There is no disagreement that when he misses the jamā'ah, it is not obligatory on him to seek [it] out in another masjid.”

This is how it is in most of our books. It proves by implication that seeking it out in the masjid of his area is obligatory. Otherwise, there would be no sense to it being obligatory on him to seek it out in another masjid. Further, he said in *Badā’i’ al-Sanā’i’*: “However, what should he do? It mentions in *al-Asl* if one misses jamā'ah in the masjid of his area and if he attends another masjid in which he expects to make the jamā'ah, it is good, and if he prays in the masjid of his area, it is good, based on the hadith of al-Hasan [al-Basrī]: ‘When they would miss the jamā'ah, some of them would pray in the masjid of their area and some of them would seek out the jamā'ah [in another masjid],’ by which he intended the Sahābah (Allāh be pleased with them); and because in each [scenario] one sanctity is observed and another is disregarded, as on one side, the sanctity of his masjid is observed and the jamā'ah is disregarded, and on the other side, the excellence of jamā'ah is observed and the right of

his masjid is disregarded, and since combining between them both is not possible, one will tend towards whichever of them he wishes.”

I say: His statement shows that the obligation of attending one’s masjid is equivalent to the obligation of jamā‘ah, because a condition for there to be a clash is that both sides are equal. Consequently, jamā‘ah may be left out to observe the right of the masjid.

It says in *Radd al-Mubtār* quoting from *Fatāwā Qādī Khān*: “If there is no mu‘adhdhin for the masjid of one’s area, he is to attend it and call the Adhān in it and pray, even if alone, because the masjid of his area has a right over him, so he is to fulfil its right.” (1:580)

It is also mentioned therein with regards to [the situation] that he misses jamā‘ah in the masjid of his area: “Al-Qudūrī mentioned: ‘He performs jamā‘ah with his family and prays with them.’ Meaning, and he will acquire the reward of jamā‘ah, as mentioned in *Fath al-Qadīr*. Al-Shurunbulālī mentioned that this negates the obligation of jamā‘ah. Al-Halabī answered that the obligation is in the absence of difficulty, and in seeking it out in remote places is a difficulty that is not hidden, along with what is entailed in going beyond the masjid of one’s area of opposition to his (Allāh bless him and grant him peace) statement: ‘There is no salāh for the neighbour of a masjid except in the masjid.’” (1:579)

It says in *al-Bahr al-Rā‘iq* after mentioning the statement of al-Qudūrī: “Shams al-A‘immah said: ‘It is best in our time to seek it out. Al-Halwānī was asked about one who performs jamā‘ah with his family now and then, will he receive the reward of jamā‘ah or not? He said: No. That is bid‘ah and makrūh!’” (1:346)

I say: And this is explicit in [showing] that the obligation of jamā‘ah will only be completed by [performing] jamā‘ah in the masjid, not jamā‘ah in houses and so on. Hence, what the author of *al-Qunyah* mentioned: “The scholars differed over performing it in the house, and the most correct [view] is that it is like performing it in the masjid except in terms of virtue, and this is the apparent madhhab of al-Shāfi‘ī,” as mentioned in *Hāshiyat al-Bahr* of Ibn ‘Ābidīn, is not acceptable so long as there is no clear transmission from the scholars of the madhhab. It is refuted by what we mentioned from the hadiths in the main text. Hence, the truth is that jamā‘ah is obligatory along with the obligation of attending it in the masjid, and the one who performs it in the house while he hears the Adhān committed a wrong and has sinned. Allāh (Glorified and Exalted is He) knows best.

2. [Narrated] from Ibn ‘Abbās (may Allāh be pleased with him), he said: “Whoever hears *hayya ‘ala l-falāh*, and does not answer, he has abandoned the sunnah of Muhammad (Allāh bless him and grant him peace).”

Al-Tabrānī narrated it in *al-Ansat* and its narrators are the narrators of the *Sahih* (*Majma‘ al-Zawā‘id*, 1:159). It says in *al-Tarḥīb wa l-Tarḥīb* (1:71): “With a *hasan* chain.”

Its indication towards the obligation of jamā‘ah together with the obligation of attending the masjid is manifest, because answering the Adhān is only by performing jamā‘ah in the masjid.

3. [Narrated] from Ubayy ibn Ka‘b (may Allāh be pleased with him), he said: The Messenger of Allāh (Allāh bless him and grant him peace) led us one day in the dawn [prayer] and he said: “Is so-and-so present?” They said: “No.” He said: “Is so-and-so present?” They said: “No.” He said:

إن هاتين الصلاتين أثقل الصلاة على المنافقين، ولو تعلمون ما فيهما لأتيتموهما ولو حبوا على الركب

“Verily, these two salāhs are the most burdensome salāh on the hypocrites. And were you to know what is in them [of reward], you would surely come to them even if crawling on [your] knees.”

Ahmad, Abū Dāwūd, Ibn Khuzaymah and Ibn Hibbān in their *Sahībs* and al-Hākim narrated it (*al-Targhīb wa l-Tarhīb*, 1:69).

Its significance to the chapter is obvious since he considered staying behind from jamā‘ah in the masjid as being from the characteristics of the hypocrites.

4. [Narrated] from Abu l-Dardā’ (may Allāh be pleased with him): I heard the Messenger of Allāh (Allāh bless him and grant him peace) say:

ما من ثلاثة في قرية ولا بدو ولا تقام فيهم الصلاة إلا قد استحوذ عليهم الشيطان، فعليكم بالجماعة، فإنما يأكل الذئب القاصية

“There is no three [persons] in a village or desert, amongst whom salāh is not established, except the shaytān dominates them. Jamā‘ah is incumbent on you! For verily the wolf only devours the stray [sheep].”

Al-Sā’ib said: “By jamā‘ah he means the jamā‘ah of the masjid.”

Al-Nasā’ī narrated it. (1:157) It states in *al-Targhīb wa l-Tarhīb* (1:70): “And Abū Dāwūd, Ibn Khuzaymah and Ibn Hibbān in their *Sahībs* and al-Hākim. Razīn added in his *Jāmi’*: ‘And verily the wolf of man is shaytān. When he is alone with him, he devours him.’” It states in *Nasb al-Rāyah* (1:237): “Al-Nawawī said in *al-Khulāsab*: ‘Its chain is *sahīb*.’”

Its indication towards the obligation of jamā‘ah is manifest since he regarded leaving it out a cause of shaytān’s domination over those who left it out. Such a warning is only for leaving out an obligation (wājib).

5. [Narrated] from Ibn Mas‘ūd (may Allāh be pleased with him), he said:
“Whoever it pleases to meet Allāh tomorrow a Muslim, he must guard these five salāhs whence they are called towards (i.e. the masjids), for verily Allāh instituted for His Prophet (Allāh bless him and grant him peace) the practices of guidance (*sunan al-hudā*), and verily these [salāhs] are from the practices of guidance. I do not think there is any of you but he has a musallā in which he prays in his house. Thus, if you were to pray in your homes and you leave your masjids, you would surely have left out the sunnah of your Prophet! And were you to leave out the sunnah of your Prophet you would go astray! There is no Muslim slave that makes wudū’ and perfects the wudū’ and then walks to salāh except Allāh (Great and Glorious is He) writes for him with every step he takes one reward” or [he said]: “he elevates him by one degree because of it, and expiates one sin from him because of it. Verily, I witnessed us taking short steps [to increase their number], and verily I witnessed us while none stayed behind from it besides a hypocrite whose hypocrisy was known. Indeed, I would see a [sick] man held up between two men until he was put in the row.”

Al-Nasā’ī transmitted it (1:136) and the wording is his. It says in *al-Tarḥīb wa l-Tarḥīb* (1:67): “And in one narration, he said: ‘The Messenger of Allāh (Allāh bless him and grant him peace) taught us the practices of guidance, and verily from the practices of guidance is salāh in the masjid in which the Adhān is called.’ Muslim, Abū Dāwūd, al-Nasā’ī and Ibn Mājah narrated it.”

Its indication towards the obligation of jamā‘ah and the obligation of attending the masjid for it is manifest, since he said: “The Messenger of Allāh (Allāh bless him and grant him peace) taught us the practices of guidance and verily from the practices of guidance is salāh in the masjid in which the Adhān is called.” And he also said: “Thus, if you were to pray in your homes and you leave your masjids, you would surely have left out the sunnah of your Prophet! And were you to leave out the sunnah of your prophet you would go astray!” The meaning of sunnah is a path trodden in religion, and the intent of it here is an obligation, due to his saying: “Verily I witnessed us while none stayed behind from it besides a hypocrite whose hypocrisy was known.” And on the basis of what was transmitted in terms of the warning against leaving it out in other narrations.

By this is rebuffed what someone understood from the hadith of Abū Hurayrah (may Allāh be pleased with him) from the Prophet (Allāh bless him and grant him peace): “Men surrounding the masjid that are not attending the final ‘Ishā’ for jamā‘ah must stop or I will set fire around their houses with bundles of firewood” – Ahmad narrated it and its men have been declared trustworthy as mentioned in *Majma‘ al-Zawā‘id* (1:159) – that: “There is an indication in this that the warning does not extend to those whose houses are not near the masjid as there is immense difficulty in making it obligatory for them to seek out masjids.

Yes, the obligation of jamā'ah will not drop from them as it is possible in their houses, as the purpose of attending the masjids is attaining the jamā'ah.”

As for his saying: “There is an indication in this that the warning does not extend to those whose houses are not near the masjid,” [the fallacy] in this is that the condition “surrounding the masjid” [in the hadith] may be that it is for this or to explain the excess entitlement of condemnation for the one who is close to it. This is more likely due to most of the narrations being free from this condition, as al-Bukhārī narrated from Abū Hurayrah (may Allāh be pleased with him): “I indeed wished to give instructions to the mu’adhdhin to call the Iqāmah, and then order a man to lead the people, and then take an ember of fire and set fire on those who have not come out to salāh yet.” (1:90) The word “who” (*man*) in this [hadith] is inclusive of both the near and the far. Moreover, I do not know what this person means by the house being close to the masjid? Apparently it is adjacency, as comes to the mind from the word “surrounding the masjid,” and this is inadmissible based on what is to come in the hadith of ‘Alī (may Allāh be pleased with him) that it was said to him: “Who is the neighbour of the masjid?” and he said: “The one to whom the mu’adhdhin transmits his voice.” And this is supported by what has preceded in the hadith of Anas (may Allāh be pleased with him) from the Prophet (Allāh bless him and grant him peace): “then I turn to a people who heard the Adhān yet did not respond, so that I can light those [houses] upon them with fire.” Had he said that the warning does not extend to the one who does not hear the Adhān it would have been nearer [to the truth] and more worthy [of attention]; and the hadith of Abū Hurayrah “surrounding the masjid” would be understood in this way so the narrations do not contradict. It is not hidden that such a thing does not exist today in the major cities nor in the villages, as there is no one amongst their residents who does not hear the Adhān at all, unless he is separate from the residential areas and far away from the houses of the Muslims, in whose case the jamā'ah ought to be waived.

As for his statement “the purpose of attending the masjids is attaining the jamā'ah,” this restriction is rejected. Rather, the purpose of it is also to observe the sanctity of the masjid as has just passed.

6. [Narrated] from Mu‘ādh ibn Anas (may Allāh be pleased with him) from the Messenger of Allāh (Allāh bless him and grant him peace) that he said:

الجفاء كل الجفاء والكفر والنفاق من سمع منادي لله ينادي إلى الصلاة فلا يجيبه

“[He has reached] the height of rudeness, disbelief and hypocrisy who hears the caller of Allāh call to salāh and he does not answer him.”

Ahmad and al-Tabrānī narrated it. And in a narration of al-Tabrānī, the Messenger of Allāh (Allāh bless him and grant him peace) said: “It is enough for a believer of wretchedness and deprivation that he hears the mu’adhdhin calling for salāh and he does not answer him.” (*al-Tarḡīb wa l-Tarḥīb*, 1:70)

I say: [Al-Suyūṭī] graded it *hasan* in *al-Jāmi‘ al-Saghīr* as did al-‘Azīzī with the second wording. It has come earlier in the chapter on Adhān of this book. Al-Mundhirī’s introduction of the first with the wording “from” also indicates its soundness as is clear from his introduction [to *al-Tarḡīb wa l-Tarhīb*].

Its significance to the chapter in a similar manner to what we described about the aforementioned hadith of Anas is manifest.

7. [Narrated] from Makhūl from Abū Hurayrah (may Allāh be pleased with him), he said: The Messenger of Allāh (Allāh bless him and grant him peace) said:

الجهاد واجب عليكم مع كل أمير برا كان أو فاجرا، والصلاة واجبة عليكم خلف كل مسلم برا كان أو فاجرا وإن
عمل الكبائر، والصلاة واجبة على كل مسلم برا كان أو فاجرا وإن عمل الكبائر

“Jihād is incumbent on you with every amīr, whether righteous or unrighteous. Salāh is incumbent on you behind every Muslim, whether righteous or unrighteous and even if he does major sins. And [janāzah] salāh is incumbent over every Muslim, whether righteous or unrighteous and even if he did major sins.”

Abū Dāwūd narrated it (3:325) and he remained silent over it. It says in *‘Awn al-Ma‘būd*: “Al-Mundhirī said: ‘This is disconnected. Makhūl did not hear from Abū Hurayrah.’” It says in *Fath al-Bārī* (6:42): “There is no problem in narrating it except that Makhūl did not hear from Abū Hurayrah (may Allāh be pleased with him).” It says in *al-‘Azīzī* (2:200): “Its narrators are trustworthy but there is discontinuity in it, and its wording at the end is: ‘And [janāzah] salāh is incumbent on you over every Muslim, whether righteous or unrighteous and even if he did major sins.’” He sourced it to Abū Ya‘lā and Abū Dāwūd. It says in *Nasb al-Rāyah* (2:238): “And through the route of Abū Dāwūd, al-Bayhaqī narrated it in *al-Ma‘rifah*, and he said: ‘Its chain is *sahīh* except that there is discontinuity in it.’” I say: Discontinuity in the [first] three generations is of no consequence according to us.

The hadith is explicit regarding the obligation of jamā‘ah, due to what it contains of his (Allāh bless him and grant him peace) saying: “Salāh is incumbent on you behind every Muslim, whether righteous or unrighteous.” [Preserve] this, and Allāh (Exalted is He) knows best.

Ibn Amīr Hājj said in *Sharh al-Munyah*: “The hadīth of Makhūl was narrated by al-Dāraqutnī and he faulted it with [the defect] that Makhūl did not hear from Abū Hurayrah, and those

below him are trustworthy. Its outcome is that it is *mursal* which is a proof according to us, and according to Mālik and the majority of the jurists, so it will be a proof against him. Al-Dāraqutnī, Abū Nu‘aym and al-‘Uqaylī narrated it through numerous transmissions all of them graded weak due to certain narrators, and by that, it rises to the level of *hasan* according to the verifiers.” (p. 479)

8. [Narrated] from Ibn ‘Abbās (may Allāh be pleased with him), he said: The Messenger of Allāh (Allāh bless him and grant him peace) said:

من سمع النداء فلم يجب، فلا صلاة له إلا من عذر

“Whoever hears the Adhān and does not answer, he has no salāh except from a [valid] excuse.”

Al-Qāsim ibn Asbagh in his book, Ibn Mājah, Ibn Hibbān in his *Sahīh* and al-Hākim narrated it, and he said: “It is *sahīh* according to their criterion.” (*al-Targhīb wa l-Tarhīb*, 1:70)

Its apparent [purport] is the salāh is invalid if [the Adhān] is not answered, and the literalists have gone towards this, and this is understood according to us as non-acceptance based on the evidence of what is to come from ‘Alī: “The salāh of the neighbour of the masjid is not accepted except in the masjid,” and based on the evidence of what is to come of his (Allāh bless him and grant him peace) saying: “The salāh of jamā‘ah is superior to the salāh of an individual by twenty seven grades,” which conveys the validity of the salāh of an individual too.

Its indication towards the obligation of jamā‘ah is obvious. We do not assert it is compulsory (*fard*) because that is dependent, according to us, on the evidence being categorical in its reliability and meaning, and the matter is not so, as the hadith has not been mass-transmitted, and His (Exalted is He) saying: “And bow with the bowers” (2:43) is not an explicit text on jamā‘ah as is not hidden to one who has studied tafsīr.

9. [Narrated] from him that he was asked about a man that fasts the day and stands [in salāh in] the night and does not attend jamā‘ah nor Jumu‘ah, he said: “He is in the Fire.” Al-Tirmidhī narrated it in mawqūf form. (*al-Targhīb wa l-Tarhīb*, 1:71) I say: And al-Mundhirī’s introduction of it with the word “from” indicates that it is acceptable.

Its indication towards the obligation of jamā‘ah and the attendance of Jumu‘ah is manifest.

10. [Narrated] from ‘Ā’ishah (may Allāh be pleased with her) from the Prophet (Allāh bless him and grant him peace):

“There is no salāh for the neighbour of the masjid except in the masjid.”

Ibn Hibbān narrated it. ‘Umar ibn Rāshid is in it, about whom Ibn Hibbān said: “It is not permissible to mention him except with derision.” (*al-La’ālī al-Masnū‘ah*, 2:9) And in the rejoinders of al-Suyūṭī, he said: “I say: He was not charged with lying and al-‘Ijlī considered him trustworthy and said: “There is no fault in him.’ Abū Zur‘ah and al-Bazzār said: ‘Weak.’ And the hadīth has other routes from Jābir, Abū Hurayrah and ‘Alī.” I say: Thus, the hadith is *hasan*.

Its indication towards the obligation of attending the masjid for salāh is manifest. In it is a refutation of those who have taken [the view] that the obligation of jamā‘ah is not connected to attending the masjid, and we have alluded to this earlier.

11. [Narrated] from al-Thawrī and Ibn ‘Uyaynah from Abu Hayyān from his father from ‘Alī, he said: “There is no salāh for the neighbour of the masjid except in the masjid.” Al-Thawrī said in his hadīth: It was said to ‘Alī: “And who is the neighbour of the masjid?” He said: “The one who hears the Adhān.” (*Al-La’ālī al-Masnū‘ah*, 3:9)

I say: The chain is *sahīb*. Abū Hayyān is from the narrators of the group and his father is Sa‘īd ibn Hayyān. Ibn Hibbān mentioned him in *al-Thiqāt* and al-‘Ijlī said: “Kūfī, trustworthy.” He narrated from ‘Alī, Abū Hurayrah, Shurayh al-Qādī and others. Abū Dāwūd and al-Tirmidhī transmitted his [hadiths] as mentioned in *Tabdhīb al-Tabdhīb* (4:19). Al-Shāfi‘ī and Ibn Abī Shaybah (3:195) transmitted the hadīth as such in mawqūf form from ‘Alī with the wording: “The salāh of the neighbour of the masjid will not be accepted except in the masjid, when he is unoccupied or healthy.” It was said: “And who is the neighbour of the masjid.” He said: “The one to whom the mu’adhdhin transmits his voice.” This is from *al-Maqāsīd al-Hasanah* (p 218).

12. [Narrated] from Usāmah ibn Zayd (may Allāh be pleased with him), he said: The Messenger of Allāh (Allāh bless him and grant him peace) said:

لينتهين رجال عن ترك الجماعة أو لأحرقن بيوتهم

“Men must stop leaving out jamā‘ah or I will surely burn their houses.”

Ibn Mājah narrated it from the narration of al-Zibriqān ibn ‘Amr al-Damrī from Usāmah and he did not hear from him as mentioned in *al-Targhib wa l-Tarhib* (1:71). Thus, it is disconnected. There is no criticism of its chain besides this as is clear from the rule of *al-Targhib* mentioned in its introduction.

Some draw evidence for the non-obligation of jamā‘ah from his (Allāh bless him and grant him peace) leaving out of what he intended. This is answered in *Fath al-Bārī* (2:105) with the statement: “Ibn Daqīq al-‘Īd countered it, saying: “This is weak because he (Allāh bless him and grant him peace) would not make an intention except for something that is permissible were he to do it. As for leaving it out, it does not prove non-obligation, due to the possibility that they were deterred by that [threat] and they stopped staying behind which was why he censured them; while the reason for leaving it out has been transmitted in some routes [of the hadith], which is what Ahmad narrated through the route of Sa‘īd al-Maqburī from Abū Hurayrah with the wording: Were it not for the women and children in the houses, I would establish the ‘Ishā’ salāh, and I would give instructions to my young lads to set fire [to the end of] the hadith.”

I say: This is *hasan* or *sahih* according to the principle of Hāfiz [Ibn Hajar al-‘Asqalānī]. Someone said: “In *Majma‘ al-Zawā‘id* it states: ‘And Abū Ma‘shar is weak.’ (1:158). Hence, Hāfiz [Ibn Hajar] probably forgot his principle in this place.”

I say: Hāfiz [Ibn Hajar] did not forget, as Abū Ma‘shar is differed over. Abū Hātim said: “Ahmad would approve of him saying, ‘he was knowledgeable regarding battles.’ And I would be cautious of his hadiths until I saw Ahmad narrating from a man from him, so I became relaxed about him thereafter.” It was said to him: “Then, he is trustworthy?” He said: “Acceptable, weak in hadith, his position is integrity.” Abū Zur‘ah al-Dimashqī said: “He was an intelligent hāfiz.” (Extracted from *Tabdhīb al-Tabdhīb*, 10:420). The hadith of one whose condition is such is *hasan*, much like Ibn Lahī‘ah, Ibn Abī Laylā and others. Al-Mundhirī transmitted it in *al-Targhib wa l-Tarhib* starting with the word, “from,” which is a sign of *hasan* and what is close to it, as is apparent from his introduction.

It is also mentioned in *Fath al-Bārī*: “Al-Bājī and others said that the event transpired in a context of warning, and its reality was not intended. The intent was only to stress [the severity of leaving out jamā‘ah in the masjid]. This is indicated by their threat of a punishment which the disbelievers are punished with, as consensus has been achieved on the prohibition of punishing Muslims with that. It has been countered that the prohibition occurred after the abrogation of punishing with fire, and before that it was permissible based on the evidence of the hadith of Abū Hurayrah that is to come in [the chapter on] jihād that proves the permissibility of burning with fire and then its abrogation. Thus, understanding the threat literally is not impossible.” (2:105)

I say: The hadith of Abū Hurayrah (may Allāh be pleased with him) was transmitted by al-Bukhārī (1:423) from Abū Hurayrah (may Allāh be pleased with him) that he said: “The Messenger of Allāh (Allāh bless him and grant him peace) sent us on an expedition and he

said: ‘If you find so-and-so and so-and-so torch them with fire,’ and then the Messenger of Allāh (Allāh bless him and grant him peace) said when we intended to come out: ‘I ordered you to set fire to so-and-so and so-and-so, and none [rightly] punishes with that except Allāh. Thus, if you find them, kill them.’” It states in the footnote quoting from *Fath al-Bārī*: “Its context is when setting fire does not become specified as a method to overcome the disbelievers in the state of war.”

Know that the hadith of the threat with fire has been transmitted by Muslim from Ibn Mas‘ūd with the wording: “Indeed I wished to order a man to pray with the people and then I set fire on men who remain behind from Jumu‘ah in their houses.” This is from *Majma‘ al-Zawā‘id* (1:159). Some draw evidence from this that the intent of salāh is Jumu‘ah and not any other salāh, and al-Qurtubī supported this, as mentioned in *Fath al-Bārī* (2:106).

It states in *Nasb al-Rāyah* (1:236): “Al-Bayhaqī said: ‘And that which all the narrations show is that he used the expression ‘jumu‘ah’ for ‘jamā‘ah’, and both of them are sound.’ Al-Nawawī said in *al-Khulāsah*: ‘Rather, they are two narrations: one narration about Jumu‘ah and another narration about jamā‘ah.’”

I say: Abū Dāwūd transmitted – and he and al-Mundhirī were silent about it – from Abū Hurayrah, he said: The Messenger of Allāh (Allāh bless him and grant him peace) said: “I wished to give instructions to my youths to collect a bunch of firewood, then I come to a people praying in their houses with no [valid] cause, and I light it upon them.” I said to Yazīd ibn al-Asamm: “O Abū ‘Awf, did he intend Jumu‘ah or other than it?” He said: “May my ears become deaf if I had not heard Abū Hurayrah narrate it from the Messenger of Allāh (Allāh bless him and grant him peace). He did not mention Jumu‘ah or other than it.” In this is evidence of the obligation of jamā‘ah in general.

Hāfīz [Ibn Hajar] said in *Fath al-Bārī* after having alluded to the aforementioned hadith: “Thus, it is manifest that the correct [view] about the hadith of Abū Hurayrah is that it is not specific to Jumu‘ah. As for the hadith of Ibn Mas‘ūd, Muslim transmitted it, and there is a positive mention of Jumu‘ah in it, and that is a separate hadith as its source is different to the hadith of Abū Hurayrah. Thus, it will be understood as two different incidents, as al-Nawawī and al-Muhibb al-Tabarī indicated.” (21:107)

I say: There is evidence in this hadith of Abū Hurayrah that jamā‘ah in the houses will not substitute the obligatory jamā‘ah, due to him (Allāh bless him and grant him peace) having warned them against praying in the houses unconditionally, despite the possibility of them having performed jamā‘ah therein. Hence, the truth is what al-Halwānī said that jamā‘ah in the house with one’s family is bid‘ah and makrūh, meaning, before missing the jamā‘ah in the masjid not after it, as has preceded.

13. [Narrated] from ‘Abd Allāh ibn ‘Umar (may Allāh be pleased with him) that the Messenger of Allāh (Allāh bless him and grant him peace) said:

“The salāh of jamā‘ah is superior to the salāh of an individual by twenty seven grades.”

Al-Bukharī narrated it (1:89).

Shaykh Ibn Taymiyyah said: “This hadith rebuffs the one who considers the salāh of an individual invalid without a [valid] excuse and regards jamā‘ah as a condition, as variation in virtue between them demands that they are both correct. Interpreting the text as an individual with a [valid] excuse is incorrect as the hadiths prove that his reward will not fall short of what he would have done had that excuse not been present. Hence, Abū Mūsā (may Allāh be pleased with him) narrated from the Prophet (Allāh bless him and grant him peace): ‘When a slave becomes ill or travels, Allāh will write for him the equivalent of what he would do had he been healthy and resident.’ Ahmad, al-Bukhārī and Abū Dāwūd narrated it.” This is from *Nayl al-Antār*.

Hāfiz [Ibn Hajar] said in *Fath al-Bārī* (2:114): “It necessitates the validity of one’s salāh individually due to the implication of the pattern, *af‘al*, of commonality in the basis of variation in excellence, as that necessitates the presence of virtue in the prayer of an individual, since what is not valid has no virtue. Al-Qurtubī and others said: ‘It should not be said that the word *af‘al* is sometimes used to establish the attribute of virtue in only one of the two sides like His (Exalted is He) saying: “And the best resting place” (25:24), because we say this only occurs rarely when the pattern, *af‘al*, occurs unconditionally, without restriction to a specific number, but when we say: “This number is in excess of this by such-and-such [amount],” then there must be the presence of a basic number [on both sides].”

14. [Narrated] from Abū Sa‘īd al-Khudrī (may Allāh be pleased with him), he said: The Messenger of Allāh (Allāh bless him and grant him peace) said:

الصلاة في الجماعة تعدل خمسا وعشرين صلاة، فإذا صلاها في فلاة فأتم ركوعها وسجودها بلغت خمسين صلاة

“Salāh in jamā‘ah equates to twenty five salāhs. And when one prays it in a desert and completes its bowing and its prostration, it amounts to fifty salāhs.”

Abū Dāwūd narrated it and he said: “Abd al-Wāhid ibn Ziyād said in this hadith: ‘The salāh of a man in a desert is double his salāh in jamā‘ah.’” And Al-Hākim narrated it with his wording, and he said: “*Sahīh* according to their criteria,” and the beginning of the hadith is found in al-Bukhārī and others. Ibn Hibbān narrated it in his *Sahīh* and his wording is: The Messenger of Allāh

(Allāh bless him and grant him peace) said: “The salāh of a man in jamā‘ah exceeds his salāh alone by twenty five grades. And if he prays it in a land of *fay’* and completes its bowing and prostration, his salāh will be written as fifty grades.” This is from *al-Tarḡhib wa l-Tarḥīb* (681) of Hāfīz al-Mundhirī.

In this is evidence of the excellence of salāh in a desert. Hāfīz al-Mundhirī said: “Some ‘ulamā’ went towards its excellence over salāh in jamā‘ah.” (*al-Tarḡhib wa l-Tarḥīb*, p 68)

I say: This is supported by the wording of ‘Abd al-Wāhid ibn Ziyād in this hadith: “The salāh of a man in a desert is double his salāh in jamā‘ah.” I say: Its meaning – and Allāh knows best – is that when a man goes to a desert for a need, and the time of salāh comes, his salāh in the desert individually is superior to his salāh in inhabited areas with jamā‘ah. Its meaning is not that one leaves out jamā‘ah in the masjid deliberately and goes to the desert for salāh there. What we said is supported by the hadith of Salmān al-Fārisī (may Allāh be pleased with him): The Messenger of Allāh (Allāh bless him and grant him peace) said: “When a man is in a land of *fay’* and the time of salāh comes, he should perform wudū’, and if he does not find water, then he should perform tayammum. If he calls Iqāmah, two angels will pray with him, and if he calls Adhān and Iqāmah, [such a large number of angels] from the armies of Allāh will pray behind him that its two flanks cannot be seen.” ‘Abd al-Razzāq narrated it with a chain whose narrators are the narrators of the group, and its citation has passed in the chapter of Adhān of this book (2:106). Hence, in his statement: “When a man is in a land of *fay’* and the time of salāh comes” is proof of what we said, that this excellence is only achieved when a man goes to a desert for a need and the time of salāh comes there, not when he goes there for the purpose of salāh and nothing else and deliberately leaves out jamā‘ah in the masjid, because it has not been transmitted from the Messenger of Allāh (Allāh bless him and grant him peace) or any of his companions that they left the inhabited areas for the desert for a day in order to pray there only, leaving out jamā‘ah in the masjid, and they are the most virtuous of those who strove to acquire the ranks [of excellence] and grasp the virtues.

Someone interpreted it as referring to a traveller, in imitation of Hāfīz [Ibn Hajar] in *Fath al-Bārī* (2:113), and interpreted the words of ‘Abd al-Wāhid as personal interpretation. There is no evidence for either of these [assertions]. The apparent wording of the hadith is its inclusiveness of both a traveller and resident, and the apparent statement of Abū Dāwūd is that the wording of ‘Abd al-Wāhid is from the totality of the addition to the hadith and not a personal interpretation. And Allāh (Glorified and Exalted is He) knows best.

[Having said] this, the narrations differ on the number of the excellence of salāh in jamā‘ah over the salāh of an individual. Al-Tirmidhī said: “All those who narrated it said twenty five except Ibn ‘Umar as he said twenty seven.” There is disagreement over which of them is more sound. It was said the narration of twenty five because of the large number of their narrators, and it was said the narration of twenty seven because there is an addition in this from a trustworthy hāfīz. One group tended towards reconciling between them in [various] ways. Some said twenty seven is restricted to audible [salāhs] and twenty five to inaudible

[salāhs]. Hāfiz [Ibn Hajar] said: “This explanation is the most sensible according to me for [reasons] that I will explain.” He said: “It appeared to me in reconciling between the two numbers that the minimum number for jamā‘ah is an imam and a follower, and had it not been for the imam the follower would not be called a follower and vice versa. Thus, since Allāh graced the one who prayed jamā‘ah with an excess of twenty five grades, the report transmitted with this wording [i.e. twenty five] would be interpreted as the excess virtue; and the report that was transmitted with the wording of twenty seven will be understood as the original together with the excess.” This is from *Fath al-Bārī* (2:110-111). Whoever wants [more] detail should refer to it.

15. [Narrated] from Abū Hurayrah (may Allāh be pleased with him) he said: He (Allāh bless him and grant him peace) said:

من توضأ فأحسن وضوءه ثم راح، فوجد الناس قد صلوا أعطاه الله مثل أجر من صلاها وحضرها، لا ينقص ذلك من أجورهم شيء

“Whoever performs wudū’ and perfects his wudū’ and then proceeds [to the masjid] and he finds the people have prayed, Allāh will give him an equivalent reward to those who prayed it and were present for it, and that will not decrease from their rewards in the least.”

Abū Dāwūd, al-Nasā’ī and al-Hākim transmitted it and he said: “*Sahīh* according to the criterion of Muslim.” (*al-Tarḡīb wa l-Tarḥīb*, 1:68)

Its indication towards the validity of an individual’s salāh is manifest, and there is also an indication in it that the one who misses the jamā‘ah in the masjid, he will acquire the reward of jamā‘ah when he proceeds to the masjid in the state of wudū’. Its meaning – and Allāh knows best – is: when he proceeds in a time in which catching the jamā‘ah is expected, yet he did not catch it. However, when he proceeds to it in short time, such that catching the jamā‘ah is not expected at all, and the delay was not for a [valid] excuse, but due to mere laziness and carelessness, such a person would not receive the reward of jamā‘ah unless Allāh graces Him with His generosity, as His grace is not restricted by anything, and He is possessor of great bounty.

Chapter on Valid Excuses for Leaving Out Jamā‘ah

1. [Narrated] from Ibn ‘Umar (may Allāh be pleased with him) that he called the Adhān in a cold, windy and rainy night, and he said at the end of his Adhān: “Attention! Pray in your camps. Attention! Pray in your camps.” Then he said: “Verily the Messenger of Allāh (Allāh bless him and grant him peace) would order the mu’adhdhin when it was a cold or rainy night during a journey to say: ‘Attention! Pray in your camps.’”

Muslim narrated it and al-Bukhārī narrated the like of it. Baqī ibn Makhlad narrated this hadīth in his *Musnad* with a *sahīh* chain and added: He gave instructions to his mu’adhdhin to call for salāh and when he completed his Adhān, he said: “Announce that the Messenger of Allāh (Allāh bless him and grant him peace) says: ‘There is no jamā‘ah. Pray in the camps.’” This is from *al-Talkhīs al-Habīr* (1:123) In *Sahīh Ibn ‘Awānah*, it says: “A cold, rainy or windy night.” This is from *Fath al-Bārī*. And in the *Sunan*, [it is narrated] through the route of Ibn Ishāq from Nāfi‘ in this hadith: “In a rainy night and a cold day.” This is also in *Fath al-Bārī* (2:294).

Its indication towards the permissibility of leaving out jamā‘ah in the night for the excuse of severe cold, wind and rain is clear. It remains [to be asked] that are these three excuses also [applicable] in the day or not? Its explanation is to come, so wait. There is an indication in the hadith that the phrase, “Attention! Pray in your camps,” is to be said after the completion of the Adhān. A thorough discussion on this has passed in the chapter on talking in Adhān in the second volume of the book, so refer to it. Hāfiz [Ibn Hajar] said in *Fath al-Bārī* under this hadith of Ibn ‘Umar in al-Bukhārī’s transmission with his wording: “Then he said after it, ‘Attention! Pray in your camps’”: “His saying: ‘Then he said after it,’ is explicit on the aforementioned statement having been said after the completion of the Adhān. Al-Qurtubī said after mentioning the narration of Muslim with the wording: ‘He says at the end of his Adhān’: ‘It is possible the intent is at its end just before its completion, reconciling it with the hadith of Ibn ‘Abbās.’ We have mentioned earlier in the chapter of speaking in Adhān from Ibn Khuzaymah that he interpreted the hadith of Ibn ‘Abbās literally, and that this [statement] was said instead of ‘*hayya ala l-salāh*,’ considering the meaning, because the meaning of ‘*hayya ‘ala l-salāh*’ is ‘come to it,’ and the meaning of ‘pray in the camps’ is ‘do not come,’ and mentioning both phrases together is not suitable because one is the opposite of the other. It is possible to reconcile between them so that what he mentioned is not entailed by it, in that the meaning of ‘pray in the camps’ is a dispensation for one who wishes to adopt the dispensation and the meaning of ‘come to salāh’ is encouragement for one who wishes to acquire complete virtue even if he endures difficulty. And this is supported by the hadith of Jābir on the authority of Muslim.” (2:93)

I say: I have quoted the hadith of Muslim from Jābir in the main text and based on it, it would be best to say a statement that indicates towards giving an option instead of the statement: “Attention! Pray in the camps,” like saying: “Whoever stays behind there is no problem,” as in the third hadith or, “Whoever wishes, let him pray in his camp,” as in the second hadith.

The common thread in all [valid] excuses is its being such that it creates difficulty on the worshipper to attend the masjid and jamā‘ah, or his heart will not be present in the salāh [if he were to pray] with it, and this is obvious and not hidden. Hence, anything that falls under its purport which is not mentioned in the hadiths, and the imams of the jurists have mentioned them, will be included, as we will show.

2. [Narrated] from Jābir he said: We came out with the Messenger of Allāh (Allāh bless him and grant him peace) on a journey and it rained upon us, so he said:

ليصل من شاء منكم في رحله

“Whoever from you wishes, let him pray in his camp.”

Muslim narrated it.

Its indication towards the permissibility of staying behind from jamā‘ah based on the excuse of rain is manifest.

3. [Narrated] from Nu‘aym ibn al-Nahhām, he said: The mu‘adhdhin of the Prophet (Allāh bless him and grant him peace) called the Adhān for Fajr on a cold night and I hoped if only he would say: “Whoever stays behind, there is no problem.” When he said: “Salāh is better than sleep,” he said this. ‘Abd al-Razzāq and others transmitted it with a *sahīh* chain (*Fath al-Bārī*, 2:81).

This proves that coldness is an excuse for Fajr salāh too, while the apparent [purport] of the previous hadith is the aforementioned excuses being restricted to the night. However, an explicit text is superior to an apparent [indication]. Hence, they will be an excuse in the day also and this is what the jurists have stated.

Hāfiz [Ibn Hajar] said: “This (i.e. the hadith of Ibn ‘Umar mentioned above) proves that all three are [valid] excuses to stay behind from jamā‘ah. Ibn Battāl related consensus on this. However, what is famous from the Shāfi‘īs is that wind is an excuse in the night only, and I have not seen in any of the hadiths a dispensation based on the excuse of wind in the day explicitly, but analogy dictates its inclusion, and Ibn al-Rif‘ah mentioned it as one position [of the Shāfi‘ī madhhab].” (*Fath al-Bārī*, 2:94)

I say: And this is likewise well-known in the books of the Hanafīs, of the excuse of wind being restricted to the night and not the day. It says in *Radd al-Muhtār*: “It will only be an excuse during the night due to its great difficulty therein, not the day.” (1:81)

I say: The hadith of Nu‘aym proves that the excuse of cold is not restricted to travelling, as opposed to what the outward of the hadith of Ibn ‘Umar indicates, of the restriction of all three to it. You are aware that an explicit text is superior to an apparent [indication]. Thus, it will be an excuse in both residence and travel. Its intent is extreme cold due to which it is extremely difficult to attend the masjid. Our jurists have added extreme heat to this for Zuhr also when the imam does not observe [the preferability of] delaying it to a cool time (*ibrād*). This is stated explicitly in *Shāmiyyah* (1:580).

4. [Narrated] from Abu l-Malīh from his father that he was present with the Prophet (Allāh bless him and grant him peace) at the time of Hudaybiyyah on Friday, when rain fell upon them which did not wet the bottom of their sandals, so he ordered them to pray in their camps. Ahmad, al-Nasā’ī, Abū Dāwūd, Ibn Mājah, Ibn Hibbān and al-Hākim narrated it as mentioned in *al-Talkhīs al-Habīr* (1:123). It states in *Fath al-Bārī* (2:194) after sourcing it to the *Sunan*: “Its chain is *sahīh*.”

Its indication to rain being an excuse in the day also is clear. It should not be said that he (Allāh bless him and grant him peace) only gave dispensation to them based on the excuse of rain because they were travellers at that time, and the obligation of jamā‘ah is waived from the traveller by the excuse of travel alone, so by the joining of rain, it is more worthy [of being waived]. I say: The waiving of jamā‘ah from a traveller unconditionally is rejected, as it states in *Radd al-Muhtār* under the statement of *al-Durr al-Mukhtār*: “And the intention of travelling”: “Meaning, when the Iqāmah of salāh has been called and it is feared that he will miss the caravan. As for travel alone, it is not an excuse as mentioned in *al-Qunyah*.”

It states in *Marāqī al-Falāh*: “The intention of travel is preparation for it.” Al-Tahtāwī said: “Meaning, the time of preparation for it, in that his mind is occupied in its interests.” (p 184).

This should be kept in mind as most people are unaware of it.

The proof of the permissibility of staying behind from jamā‘ah on the basis of preparing for a journey is what is to come from the statement of Abu l-Dardā’: “From the deep insight of a man is his attendance to his needs so that he approaches his salāh with an unoccupied heart.”

His statement: “Did not wet the bottom of their sandals” does not show that there wasn’t a strong excuse because walking may be difficult for people when the condition is such, due to slippery ground, muddy ground or its like. Hence, the hadith is proof for what the jurists mentioned of muddy ground being an excuse to stay behind from jamā‘ah, as indicated by the hadith of Ibn ‘Abbās which is to come.

However, when the rain is without muddy ground, a little of it will not be a [valid] excuse so long as it is not heavy rain. This is why in *Marāqī al-Falāh*, rain and cold is qualified by “extreme” because of muddy ground being mentioned [separately] after it. This is supported by the hadith of ‘Abd al-Rahmān ibn Samurah with the wording: “When there is heavy rain, pray in your camps.” Al-Hākīm narrated it as well as ‘Abd Allāh ibn Ahmad in *Ziyādāt al-Musnad*. Nāsih ibn al-‘Alā’ is in its chain who is rejected in hadith as stated by al-Bukhārī. Ibn Hibbān said: “It is not permissible to use him as proof,” and Abū Dāwūd considered him trustworthy, as mentioned in *al-Talkhīs al-Habīr* (1:123). I say: The man is differed over and the hadith of such a person is *hasan*.

As for what the jurists mentioned with the wording “When the sandals become wet then salāh will be in the camps,” Hāfīz [Ibn Hajar] said: “I did not see it with this wording.” This is in *al-Talkhīs al-Habīr*.

His statement: “On Friday,” it is possible that the salāh therein was Jumu‘ah salāh or another. However, the hadith of Ibn ‘Abbās which is after this hadith proves that muddy ground is an excuse for staying behind from Jumu‘ah also. And Allāh knows best.

5. [Narrated] from ‘Abd Allāh ibn al-Hārith: Ibn ‘Abbās delivered a sermon to us on a muddy day, so he ordered the mu’adhhdhin when he reached, “*Hayya ala l-salāh*,” to say: “[Offer] the salāh in the camps.” In this [narration also]: He said: “It is as though you disapprove of this. Verily, this was done by one better than me,” meaning the Prophet (Allāh bless him and grant him peace). “Indeed it [i.e. Jumuah] is binding, and indeed I hate to make it difficult for you.” In one narration: “I hate to cause you to sin, so you come stepping on wet mud to your knees.” Al-Bukhārī narrated it. (1:92).

6. [Narrated] from Ibn ‘Abbās (may Allāh be pleased with him): The Messenger of Allāh (Allāh bless him and grant him peace) said: “Whoever hears the Adhān and an excuse does not prevent him from following it” – They said: “What is an excuse?” – He said: “Fear or sickness.” [He continued]: “The salāh which he prayed will not be accepted from him.” Abū Dāwūd narrated it as well as Ibn Hibbān in his *Sahīh (al-Targhīb wa l-Tarhīb*, 1:70). In *al-Jawhar al-Naqī*, it is sourced to the book of Qāsīm ibn al-Asbagh without mentioning the question about the excuse and its answer. Then he said: ‘Abd al-Haqq mentioned it in his *Abkām*, and he said: “This chain is sufficient for authenticity.”

This proves fear and sickness are excuses. Fear is inclusive of [fear] for one’s life or his wealth. The intent of sickness is that which makes it extremely difficult to attend jamā‘ah.

It says in *al-Durr al-Mukbtār*: “It is not obligatory on a sick person, an infirm, a crippled person, one whose hand and foot have been amputated from opposite sides or only a foot –

as stated by al-Haddādī – a hemiplegic, a weak old man...and fear for one’s wealth or from a creditor or an oppressor.” (1:580)

I say: the weak old man being included in a “sick person” is obvious and not hidden. As for his statement: “Or fear for his wealth,” al-Shāmī said in its commentary: “Meaning, from a thief and his like, when it is not possible for him to lock the shop or house for example. From this is fear of loss of food in a pot or of bread on a stove. Contemplate! And ponder, is the restriction to ‘one’s wealth’ due to the exclusion of another’s wealth? Apparently not, because he may break his salāh for it, especially when it is in his trust, or is for safekeeping or a loan or collateral, the care of which is incumbent on him. Contemplate!”

And he said under his statement, “from a creditor”: “Meaning, when he is poor and he does not have that which to pay his creditor in full, for otherwise he is an oppressor. And his statement, ‘or an oppressor’: from whom he fears for his life and his wealth.” (1:581)

7. [Narrated] from Anas ibn Mālīk from the Messenger of Allāh (Allāh bless him and grant him peace), he said:

إذا أقيمت الصلاة وأحدكم صائم فليبدأ بالعشاء قبل صلاة المغرب، ولا تعجلوا عن عشاءكم

“When the salāh is established while one of you is fasting, he should start with dinner before the Maghrib salāh, and do not be rushed from your dinner.”

I say: This is in the *Sahīh* besides his statement “while one of you is fasting.” Al-Tabrānī narrated it in *al-Ansat* and its narrators are the narrators of the *Sahīh* (*Majma‘ al-Zawā‘id*, 1:160). Ibn Daqīq al-‘Īd said: “And in an authentic narration: ‘When dinner is set while one of you is fasting...’” We will mention those who transmitted this narration. This was said by Hāfiz [Ibn Hajar] in *Fath al-Bārī* (2:134).

Then he said under the hadith of Ibn Shihāb from Anas according to al-Bukhārī from the Prophet (Allāh bless him and grant him peace) with the wording, “When dinner is presented, start with it before you pray Maghrib salāh, and do not be rushed from you dinner”: “Ibn Hibbān and al-Tabrānī in *al-Ansat* added from the narration of Mūsā ibn A‘yan from ‘Amr ibn al-Hārith from Ibn Shihāb: ‘while one of you is fasting.’ Muslim transmitted it through the route of Ibn Wahb from ‘Amr without this addition. Al-Tabrānī mentioned that Mūsā ibn A‘yan was alone in [transmitting] it. Mūsā is trustworthy, agreed upon.” Hence, his isolation is accepted.

His (Allāh bless him and grant him peace) statement “while one of you is fasting” proves the restriction of his statement “there is no salāh in the presence of food” – as will come – to food which his self strongly desires, longs for and pulls him towards due to intense hunger, as is the condition of a fasting person normally. Others who have a similar condition are included with him. Our jurists have also mentioned this restriction as in *al-Durr al-Mukhtār* and *Radd al-Mubtār* (1:581). Al-Shāmī said: “Similar to food is drink, and the closeness of its presence is like its presence as is apparent, due to the reason being found, and the Shāfi‘īs have stated this explicitly.” Meaning, the presentation of food to him is not a restriction as comes to mind from his statement, “When dinner is presented, start with it.” Al-Bukhārī transmitted it as we mentioned in the main text. In the footnote it is quoted from *‘Umdat al-Qārī*: “His statement: ‘Start,’ to the end [of the hadith], they differed over this command. The majority opined that it is for recommendation, and it was said, for obligation, and this is what the Zāhirīs opined. It says in *Sharḥ al-Sunnah*: ‘Starting with food is only when his self strongly desires food, and there is scope in the time [of salāh], for otherwise he should start with the salāh, because the Prophet (Allāh bless him and grant him peace) cut a part of the shoulder of a sheep, then he was called to salāh so he put it down, got up and prayed.’” (1:92)

I say: The hadith of cutting was narrated by al-Bukhārī (1:93), and that may be understood as the default practice (*‘aẓimah*), and that he (Allāh bless him and grant him peace) adopted it for himself specifically and thus gave priority to salāh over food, while he ordered others to adopt the dispensation, as stated by al-‘Aynī in *‘Umdat al-Qārī* (2:728). By this, harmonisation is achieved between this and what Abū Dāwūd narrated – and was silent over – from Jābir from the Prophet (Allāh bless him and grant him peace): “Salāh is not to be delayed for food or anything else.” (2:171) The first is understood as the dispensation and the second as the default practice when it is such that his mind is not occupied by [the thought of] food. Or it will be said, the first is held to be when there is scope in the time, and the second in the opposite [condition] when the time is short and he fears missing the salāh, then he should not delay it. Hence the meaning of his statement: “Salāh is not to be delayed for food or anything else” is: it is not to be delayed from its time until it becomes a missed [salāh]. This is the best interpretation according to me. Or the first will be held to be when he has intense desire for food and the second when it is not so and he can contain himself and salāh [time] has come, then it is necessary for him to start with it and delay food.

It states in *‘Awn al-Ma‘bud*: “Al-Mundhirī said: ‘Muhammad ibn Maymun Abu l-Nadr al-Kūfī al-Za‘farānī al-Maflūj is in the chain of the hadith of Jābir. Abū Hātim al-Rāzī said: There is no fault in him. Yahya ibn Ma‘īn said: Trustworthy. Al-Dāraqutnī said: There is no fault in him. Al-Bukhārī said: Rejected in hadith. Abu Zur‘ah al-Rāzī said: Kūfī, weak. Ibn Hibbān said: Extremely objectionable in hadith. He may not be used as proof when he agrees with trustworthy narrators in upright matters, so what about when he is isolated in its eccentricities?!” (3:404)

I say: Hence, the man is differed over, and the hadith of such a person is *hasan*. This is supported by Abū Dāwūd’s silence over it. Thus, the statement of ‘Allāmah al-‘Aynī in

Umdat al-Qār: “This is a weak hadith, and a weak hadith will not be used against a *sahih* hadith” (2:276) is not correct – all the while he draws proof from Abu Dāwūd’s silence [over a hadith] abundantly! Yes, there is another defect in the hadith which is that al-Bayhaqī transmitted through the route of Mu‘allā ibn Mansūr from this Muhammad ibn Maymūn with the wording: “He (upon him peace) would not delay salāh for food or anything else.” This is in *al-Jawbar al-Naqī* (1:216). Al-Tabrānī transmitted it in *al-Awsat* with the wording: “He would not delay Maghrib for dinner or anything else.” This is in the footnotes to Abū Dāwūd (2:172). In that case, its meaning is the same as the hadith of cutting, which al-Bukhārī narrated and we mentioned a little earlier; and it does not contradict the command in the hadith of Anas to give priority to dinner over salāh, due to it being a command to others, and that being the default practice which he adopted for himself specifically. Hence, along with the criticism of this hadith of Jābir because of Muhammad ibn Maymūn, its wording too is inconsistent, so it will not remain admissible as proof due to the inconsistency in the text.

Moreover, Abū Dāwūd narrated – and he and al-Mundhirī remained silent over it – from ‘Abd ‘Allāh ibn ‘Ubayd ibn ‘Umayr: I was with my father in the era of Ibn al-Zubayr to the side of ‘Abd Allāh ibn ‘Umar, so ‘Abbād ibn ‘Abd Allāh ibn al-Zubayr said: “We heard that dinner should be begun before salāh.” Abd Allāh ibn Umar said: “May you be destroyed! What was their dinner? Do you think it was like the dinner of your father?!” (3:404)

I say: Some adopted this, that giving priority to dinner over salāh is applicable [only] to what the salaf were upon, of making the food light, so they would quickly finish from it, since they would not partake of much of it, nor would they set up tablecloths, nor consume various types [of food], but it was only some diluted milk or a sip of porridge or a handful of dates or the like of that. Salāh will not be delayed for such things from its time. Nor will it take it out of its time, and in fact it would not even lead to missing jamā‘ah. The hadith of Jābir is about a meal with a description that is contrary to this. I say: This is also a good explanation. And Allāh (Exalted is He) knows best.

8. Food would be placed for Ibn ‘Umar and the salāh would have started, and he would not come to it until he finished, and he would be hearing the recitation of the imam. Al-Bukhārī narrated it without chain, and Hāfīz [Ibn Hajar] said in *Fath al-Bārī* (2:135): “Ibn Hibban narrated it through the route of Ibn Jurayj from Nāfi‘ that Ibn ‘Umar (may Allāh be pleased with him) would pray Maghrib when the sun had set, and he would sometimes meet him while he was fasting, and his dinner was presented to him and [the Adhān] was called for salāh, and then it had commenced while he was listening, and he would not leave his dinner, and he would not rush, until he completed his dinner and then he came out and prayed.”

A detailed discussion on this has preceded. There is a narration from Ibn Hibbān through the route of Ibn Jurayj that Ibn ‘Umar would only delay the salāh for dinner when he was fasting. [The ruling of] the one who is like a fasting person in terms of intense desire for

food will be attached to him even if he is not fasting, because attending to salāh with an unoccupied heart is desired of everyone, so the ruling will not be specific to a fasting person only. The narration of Abu l-Dardā' proves this with a general wording. Yes, it is restricted to [the situation that] there is scope in the time, as if time was short and one fears missing [it], it is necessary to start with the salāh.

9. Abu l-Dardā' said: "From the deep insight of a man is his attendance to his needs so that he approaches his salāh with an unoccupied heart." Al-Bukhārī narrated this. It states in *Fath al-Bārī* (2:134): "Ibn al-Mubārak connected it in *Kitāb al-Zuhd*."

10. [Narrated] from 'Ā'ishah (may Allāh be pleased with her): I heard the Messenger of Allāh (Allāh bless him and grant him peace) say:

لا صلاة بحضرة طعام، ولا هو يدافعه الأخبثان

"There is no salāh in the presence of food, nor when the two impurities [faeces and urine] compel him."

Muslim narrated it (1:208)

The significance of the hadith of 'Ā'ishah (may Allāh be pleased with her) to the import of the chapter is manifest.

11. [Narrated] from 'Itbān ibn Mālīk al-Ansārī (may Allāh be pleased with him), he said: I would pray for my people, Bani Sālim, and a valley would come in between me and them. When the rains came, it was difficult for me to cross it to their masjid. So I came to the Messenger of Allāh (Allāh bless him and grant him peace) and I said to him: "I don't see well, and it is difficult for me to cross the valley between me and my people when rain comes, so I wished that you come and pray in an area of my house which I will adopt as a musallā." The Messenger of Allāh (Allāh bless him and grant him peace) said: "I will do so." The imam of the hadith-scholars, Abū 'Abd Allāh al-Bukhārī, narrated it (1:74).

This proves the permissibility of staying behind from jamā'ah for the excuse of bad vision also, just as it proves its permissibility for the excuse of rain, because 'Itbān ibn Mālīk mentioned two excuses to him: not seeing well and the falling of rain, mentioning it second, and the Prophet (Allāh bless him and grant him peace) remained silent over both of them. Our jurists added extreme darkness to this also when it is such that one cannot see his path to the masjid, as he is like a blind man. This is in *Shāmiyyah* (1:580). Darkness is mentioned explicitly in the hadith of 'Itbān according to al-Bukhārī in the chapter of dispensation for

rain, and its wording is that he said to the Messenger of Allāh (Allāh bless him and grant him peace): “O Messenger of Allāh! It will be dark and night, and I am a man with weak vision, so O Messenger of Allāh, pray in an area of my house which I will adopt as a musallā.” This is in *Fath al-Bārī* (2:132).

As for what is in *al-Tarḡīb wa l-Tarḥīb* (1:71) from ‘Amr ibn Umm Maktum: I said: “O Messenger of Allāh, I am weak [sighted] from a far-off land and I have a guide that is incompatible with me. Do you find a dispensation for me to pray in my house?” He said: “Do you hear the Adhān?” He said: “Yes”. He said: “I find no dispensation for you.” Ahmad, Abū Dāwūd, Ibn Mājah, Ibn Khuzaymah in his *Saḥīḥ* and al-Hākim narrated it. In the narration of Ahmad, also from him: The Messenger of Allāh (Allāh bless him and grant him peace) came to the masjid and he saw a lessening [in the number] of people, so he said: “I intend to appoint an imam for the people, and then come out, and I will not overpower any person that stays behind from the jamā‘ah in his house except I will light it on him.” Ibn Umm Maktum said: “O Messenger of Allāh, there are palms and trees between me and the masjid and I do not have recourse to a guide all the time, can I pray in my house?” He said: “Do you hear the Iqāmah?” He said: “Yes.” He said: “Then attend it.” The chain of this is excellent. It says in *Majma‘ al-Zawā‘id*: “Its narrators are the narrators of the *Saḥīḥ*.” (1:150)

Hāfiz Abū Bakr al-Bayhaqī answered it as mentioned in *Nasb al-Rāyah* (1:236) by [explaining] that its meaning is: I do not find a dispensation for you by which you will attain the reward of jamā‘ah except by attending it, and its meaning is not making the attendance obligatory on the blind man, because he gave dispensation to ‘Itbān ibn Mālik.

I say: Its outcome is that with difficulty, sin is eliminated, and there is the option to leave it out, but he will have missed what is superior. It says in *Radd al-Muḥtār*: “However, it says in *Nūr al-Idāb*: ‘When he desists from jamā‘ah for an excuse from its excuses permitting [him] to stay behind, and his intention was to attend it had there been no excuse, he will acquire its reward.’ Apparently, the intent of this is a prohibitive excuse, like sickness, old age and paralysis, unlike, for example, rain, muddy ground, coldness and blindness. Contemplate!” (1:576)

Benefit:

Also in *Radd al-Muḥtār* it states: “The totality of excuses which has passed in the text and commentary are twenty which I versified in my saying:

*The excuses of leaving out jamā‘ah are twenty which indeed
I have inserted in the arrangement of verses like pearls:
Sickness, infirmity, blindness, being crippled
Rain, muddy ground then coldness that causes harm,
Amputation of a leg with a hand or within them
Paralysis, an old man’s weakness and the intention to travel,
Fear of wealth, likewise of an oppressor
Or creditor, and desire to eat food that is present,*

*Wind at night, darkness, nursing a person with
Sickness, the compulsion of urine or faeces,
Then, occupation with nothing besides knowledge in
Some situations is an excuse that is considered.” (1:581)*

I say: We have mentioned in the main text that which proves all of the aforementioned with true contemplation and application of the mind, besides two of them, which are nursing a sick person and occupation in [religious] knowledge. The intent of nursing is attending to a sick person, for whom being absent would cause hardship and fear. The intent of occupation in knowledge is its revision with a group which he will miss if he attended jamā‘ah, with the condition of not making it a habit to leave out jamā‘ah out of laziness, all of which is stated explicitly in *Shāmiyyah*.

It is possible to draw proof for nursing being an excuse from the hadith of Ibn ‘Abbās from the Prophet (Allāh bless him and grant him peace): “Whoever hears the Adhān and an excuse does not prevent him from following it” – They said: “What is an excuse?” – He said: “Fear or sickness.” [He continued]: “The salāh which he prayed will not be accepted from him.” Included in sickness is one’s own sickness and sickness of those associated with him, just as included in fear is one’s fear for himself and his wealth or for the life and property of another. Or evidence will be drawn from the narration of Abu l-Dardā’: “From the deep insight of a man is his attendance to his needs so that he approaches his salāh with an unoccupied heart,” and it is not hidden that the heart of a nursing person is not unoccupied some of the times, due to the sickness of the sick person, so he will be excused for leaving out the jamā‘ah due to his mind being occupied in this.

Moreover, it is transmitted in the *Sahīh* that he (Allāh bless him and grant him peace) ordered Abū Bakr in his sickness to pray with the people, so Abū Bakr came out to pray, and the Prophet (Allāh bless him and grant him peace) felt some lightness in his body, so he came out supported between two men, whereupon Abū Bakr wanted to retreat and the Prophet (Allāh bless him and grant him peace) gestured to him to stay in his place. Ibn Mājah and others added with a *hasan* chain in this hadith: “When the people sensed his [presence], they said ‘*subhān Allāh*’” and it is also mentioned in it: “So the Prophet (Allāh bless him and grant him peace) started the recitation from where Abū Bakr stopped.” This is in *Fath al-Bārī* (2:130-2) This proves that he (Allāh bless him and grant him peace) attended the salāh after Abū Bakr started it, and that the two men between whom the Prophet (Allāh bless him and grant him peace) came out being supported by remained behind from the jamā‘ah with him. Their remaining behind was for no reason besides attending to the Prophet (Allāh bless him and grant him peace) during his sickness. The two men were ‘Alī ibn Abī Tālib and al-‘Abbās ibn ‘Abd al-Muttalib as occurs explicitly in another narration of al-Bukhārī. In the narration of al-Dāraqutnī it states that he came out in between Usāmah ibn Zayd and al-Fadl ibn ‘Abbās as mentioned in *Fath al-Bārī* (p 130).

As for the excuse of occupation in knowledge in some situations with a group which he would miss [had he attended the jamā'ah], this is equivalent to preparing for a journey. He is excused on the basis of his mind being occupied with it.

As for what is in *Majma' al Zawā'id* from 'Anbasah ibn al-Azhar, he said: "Al-Hārith ibn Hassān married – and he enjoyed companionship [with the Prophet (Allāh bless him and grant him peace)] – and at that time, when a man married he would go into seclusion for a few days, and he would not come out for Fajr salāh. It was said to him: 'Do you come out [for Fajr salāh] when you only just spent the night with your wife?' He said: 'By Allāh! A woman that prevents me from Fajr salāh in jamā'ah is indeed an evil woman.'" Al-Tabrānī narrated it in *al-Kabīr* and its chain is *hasan* (1:158). This does not prove the permissibility of leaving out jamā'ah on the basis of spending the night with one's wife, due to the condemnation from a Sahābī of the action of those who would do that. His statement: "at that time, when a man married he would go into seclusion for a few days, and he would not come out for Fajr salāh" does not prove the Sahābah would do that. Rather, the outward [purport] is its being from the practice of the commoners from the Tābī'in, which is why al-Hārith ibn Hassān disapproved of it strongly. If it was conceded that it was from the practice of the Sahābah, it would be interpreted as being when the woman becomes fearful due to his coming out in the dark when the imam does not delay the Fajr salāh.

Moreover, the permissibility of staying behind from jamā'ah for the excuse of hunting for one whose sustenance is from it, and he has need for it, has been reported in the narration of al-Tabrānī from the Prophet (Allāh bless him and grant him peace). Bishr ibn Numayr is in it who is weak and abandoned, as mentioned in *Majma' al-Zawā'id*. Analogy supports it, because the one whose sustenance is from hunting or from collecting firewood and so on, he is compelled to leave his city to seek sustenance, so the time of salāh comes while he is in the outskirts, and there is obvious difficulty and hardship in returning to the residential areas and attending jamā'ah in this condition.

I'lā' al-Sunan, Idārat al-Qur'ān wa l-'Ulūm al-Islāmiyyah, 4:186-211