AL-MUHALLA

كِتَابُ الْجَنَائِزِ صَلَاةُ الْجَنَائِزِ وَحُكْمُ الْمَوْتَى

The Book of Funerals

Abu Muhammed Ali Ibn Hazm Al-Andalusi · Arabic–English parallel edition

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L9025–9026 **The Book of Funerals: The Funeral Prayer and the Rulings Concerning the Deceased Chapter: The Washing of the Muslim Male and Female and Their Shrouding**

L9027 558 - Ruling: Washing the deceased Muslim male and female and shrouding them is obligatory. The shroud must be of good quality according to one's capability, and similarly the prayer over the deceased. Abd al-Raḥmān ibn ʿAbd Allāh narrated to us: Ibrāhīm ibn Aḥmad narrated to us; al-Farbarī narrated to us; al-Bukhārī narrated to us; Ismāʿīl, the son of Abi Uways, narrated to us; Mālik narrated from Ayyūb al-Sikhtiyānī from Muḥammad ibn Sīrīn, from Umm ʿAṭiyyah al-Anṣāriyyah, who said: "Allah's Messenger (peace be upon him) came to us when his daughter died and said: 'Wash her three times, five times, or more if you see fit.'" And he [Ibn Sīrīn] mentioned the remainder of the ḥadīth.

L9028 He, peace be upon him, commanded her to perform the ritual bath, and his command is obligatory unless another scriptural text nullifies its obligation.

L9029–9031 There is no disagreement that the ruling for men and women in this matter is equal. The obligation of ritual washing - this being the opinion of al-Shāfiʿī and Dāwūd - How strange of those who do not deem the ritual washing of the deceased obligatory, when it is the practice of Allah's Messenger (peace and blessings be upon him), his command, and the practice of the Muslim community from its inception until now. ʿAbdullāh ibn Yūsuf narrated from Aḥmad ibn Fatḥ, who narrated from ʿAbd al-Wahhāb ibn ʿĪsā, who narrated from Aḥmad ibn Muḥammad, who narrated from Aḥmad ibn ʿAlī, who narrated from Muslim ibn al-Ḥajjāj, who narrated from Hārūn ibn ʿAbdullāh, who narrated from Ḥajjāj ibn Muḥammad al-Aʿwar, who said: Ibn Jurayj said: I am Abū al-Zubayr, who heard Jābir ibn ʿAbdullāh relating: "That..." The Prophet—peace and blessings of Allah be upon him—delivered a sermon one day and mentioned a man from his companions who had died and been shrouded in a garment that was not long enough. He then said, "When any of you shrouds his brother (in faith), let him ensure the shroud is proper."

L9032 It has been narrated to us from Ibn Masʿūd that he instructed to be shrouded

[كِتَابُ الْجَنَائِزِ صَلَاةُ الْجَنَائِزِ وَحُكْمُ الْمَوْتَى] [مَسْأَلَةٌ غُسْلُ الْمُسْلِمِ الذَّكَرِ وَالْأُنْثَى وَتَكْفِينُهُمَا]

٥٥٨ - مَسْأَلَةٌ: غُسْلُ الْمُسْلِمِ الذَّكَرِ وَالْأُنْثَى وَتَكْفِينُهُمَا: فَرْضٌ، وَلَا يَجُوزُ أَنْ يَكُونَ الْكَفَنُ إِلَّا حَسَنًا عَلَى قَدْرِ الطَّاقَةِ، وَكَذَلِكَ الصَّلَاةُ عَلَيْهِ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إِسْمَاعِيلُ هُوَ ابْنُ أَبِي أُوَيْسٍ - ثنا مَالِكٌ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ «عَنْ أُمِّ عَطِيَّةَ الْأَنْصَارِيَّةِ قَالَتْ: دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حِينَ تُوُفِّيَتْ ابْنَتُهُ، فَقَالَ: اغْسِلْنَهَا ثَلَاثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ، إِنْ رَأَيْتُنَّ ذَلِكَ» وَذَكَرَ الْحَدِيثَ.

فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِغُسْلِهَا، وَأَمْرُهُ فَرْضٌ، مَا لَمْ يُخْرِجْهُ عَنْ الْفَرْضِ نَصٌّ آخَرُ.

وَلَا خِلَافَ فِي أَنَّ حُكْمَ الرَّجُلِ وَالْمَرْأَةِ فِي ذَلِكَ سَوَاءٌ، وَإِيجَابُ الْغُسْلِ: هُوَ قَوْلُ الشَّافِعِيِّ، وَدَاوُد -: وَالْعَجَبُ مِمَّنْ لَا يَرَى غُسْلَ الْمَيِّتِ فَرْضًا وَهُوَ عَمَلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَمْرُهُ، وَعَمَلُ أَهْلِ الْإِسْلَامِ مُذْ أَوَّلِهِ إِلَى الْآنَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا هَارُونُ بْنُ عَبْدِ اللَّهِ ثنا حَجَّاجُ بْنُ مُحَمَّدٍ الْأَعْوَرُ قَالَ: قَالَ ابْنُ جُرَيْجٍ أَنَا أَبُو الزُّبَيْرِ: أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يُحَدِّثُ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خَطَبَ يَوْمًا فَذَكَرَ رَجُلًا مِنْ أَصْحَابِهِ قُبِضَ فَكُفِّنَ فِي كَفَنٍ غَيْرِ طَائِلٍ، فَقَالَ: إِذَا كَفَّنَ أَحَدُكُمْ أَخَاهُ فَلْيُحْسِنْ كَفَنَهُ» .

in a garment worth two hundred dirhams. From Ibn Sīrīn, it is related that it used to be said: "Whoever assumes responsibility for his brother's burial should ensure a good shroud for him, for they will visit one another in their shrouds in the hereafter."

L9033 From Hudhayfah: Do not be extravagant in the shroud; buy two clean garments for me.

L9034 Abu Muhammad said: This is an embellishment for the shroud; he only disapproved of extravagance. It is narrated from Abu Sa'id al-Khudri that he instructed Anas, Ibn Umar, and other Companions of the Prophet (peace be upon him): "Carry me upon a Byzantine cloak, apply an ounce of incense from a censer over me, shroud me in the garments I pray in, and in the Coptic tunic from the house along with them."

L9035 As for what was narrated from Abu Bakr—may Allah the Exalted be pleased with him—regarding the garment he was wearing being washed and shrouding him in it along with two other garments: an improvement of the shroud. Even if there were disagreement, it would be obligatory to refer back to the Messenger of Allah—peace and blessings be upon him.

L9036 **An issue: He was not washed and not shrouded until he was buried.**

L9037–9039 559 - Issue: If someone is neither washed nor shrouded before burial, it is obligatory to remove him so that he can be washed and shrouded without fail. ʿAbd al-Raḥmān ibn ʿAbd Allāh narrated to us; Ibrāhīm ibn Aḥmad narrated to us; al-Farbarī narrated to us; al-Bukhārī narrated to us; ʿAlī ibn ʿAbd Allāh narrated to us; Sufyān—that is, Ibn ʿUyaynah—narrated to us. ʿAmr ibn Dīnār said: I heard Jābir ibn ʿAbd Allāh say: "The Messenger of Allāh—peace and blessings be upon him—came to ʿAbd Allāh ibn Ubayy after he had been placed in his burial pit. He ordered that he be brought out; so he was removed." He placed him on his knee, blew upon him with his saliva, and dressed him in a shirt.

وَرُوِّينَا عَنْ ابْنِ مَسْعُودٍ: أَنَّهُ أَوْصَى أَنْ يُكَفَّنَ فِي حُلَّةٍ بِمِائَتَيْ دِرْهَمٍ، وَعَنْ ابْنِ سِيرِينَ: كَانَ يُقَالُ: مَنْ وَلِيَ أَخَاهُ فَلْيُحْسِنْ كَفَنَهُ، فَإِنَّهُمْ يَتَزَاوَرُونَ فِي أَكْفَانِهِمْ.

وَعَنْ حُذَيْفَةَ: لَا تُغَالُوا فِي الْكَفَنِ، اشْتَرُوا لِي ثَوْبَيْنِ نَقِيَّيْنِ.

قَالَ أَبُو مُحَمَّدٍ: هَذَا تَحْسِينٌ لِلْكَفَنِ: وَإِنَّمَا كَرِهَ الْمُغَالَاةَ فَقَطْ، وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّهُ قَالَ لِأَنَسٍ، وَابْنِ عُمَرَ وَلِغَيْرِهِمَا مِنْ أَصْحَابِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - احْمِلُونِي عَلَى قَطِيفَةٍ قَيْصُرَانِيَّةٍ، وَأَجْمِرُوا عَلَيَّ أُوقِيَّةَ مِجْمَرٍ وَكَفِّنُونِي فِي ثِيَابِي الَّتِي أُصَلِّي فِيهَا، وَفِي قُبْطِيَّةٍ فِي الْبَيْتِ مَعَهَا؟

وَالَّذِي رُوِيَ عَنْ أَبِي بَكْرٍ - رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي أَنْ يُغْسَلَ الثَّوْبُ الَّذِي عَلَيْهِ وَيُكَفَّنَ فِيهِ وَفِي ثَوْبَيْنِ آخَرَيْنِ -: تَحْسِينٌ لِلْكَفَنِ، وَحَتَّى لَوْ كَانَ خِلَافٌ لَوَجَبَ الرَّدُّ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَةٌ لَمْ يُغَسَّلْ وَلَمْ يُكَفَّنْ حَتَّى دُفِنَ]

٥٥٩ - مَسْأَلَةٌ: وَمَنْ لَمْ يُغَسَّلْ وَلَا كُفِّنَ حَتَّى دُفِنَ: وَجَبَ إخْرَاجُهُ حَتَّى يُغَسَّلَ وَيُكَفَّنَ وَلَا بُدَّ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَلِيُّ بْنُ عَبْدِ اللَّهِ ثنا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - قَالَ عَمْرُو بْنُ دِينَارٍ سَمِعْت جَابِرَ بْنَ عَبْدِ اللَّهِ قَالَ: «أَتَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَبْدَ اللَّهِ بْنَ أُبَيٍّ بَعْدَمَا أُدْخِلَ فِي حُفْرَتِهِ، فَأَمَرَ بِهِ فَأُخْرِجَ، فَوَضَعَهُ عَلَى رُكْبَتِهِ، وَنَفَثَ عَلَيْهِ مِنْ رِيقِهِ، وَأَلْبَسَهُ قَمِيصًا» .

L9040 Abu Muhammad said: The Prophet's command—may Allah's peace and blessings be upon him—to wash and shroud the deceased is not bound by time; it remains a perpetual obligation even if the body is fragmented. There is no distinction between fragmentation due to decay and fragmentation caused by injuries and smallpox. None of these things prevent washing and shrouding him.

قَالَ أَبُو مُحَمَّد: أَمْرُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْغُسْلِ وَالْكَفَنِ لَيْسَ مَحْدُودًا بِوَقْتٍ، فَهُوَ فَرْضٌ أَبَدًا، وَإِنْ تَقَطَّعَ الْمَيِّتُ، وَلَا فَرْقَ بَيْنَ تَقَطُّعِهِ بِالْبِلَى وَبَيْنَ تَقَطُّعِهِ بِالْجِرَاحِ، وَالْجُدَرِيِّ، لَا يَمْنَعُ شَيْءٌ مِنْ ذَلِكَ مِنْ غُسْلِهِ وَتَكْفِينِهِ؟

L9041 **Issue on the Burial at Night**

[مَسْأَلَةُ الدّفن لَيْلًا]

L9042 560 - Issue: It is not permissible to bury anyone at night except out of necessity, nor at sunrise until it has fully risen, nor when the sun is at its zenith until it begins to decline, nor when it begins to set, nor during the night until the emergence of the second dawn (true dawn). The funeral prayer is permissible over the deceased during all these times. Abdullah ibn Rabiʿ narrated to us: Muhammad ibn Muʿawiyah narrated to us: Ahmad ibn Shuʿayb narrated to us: Yusuf ibn Saʿīd narrated to us: Hajjāj ibn Muhammad al-Aʿwar narrated to us from Ibn Jurayj, who informed me that Abū al-Zubayr heard Jābir ibn ʿAbdullāh say: "The Messenger of Allah (peace be upon him) delivered a sermon and forbade the burial of a person at night unless compelled by necessity."

٥٦٠ - مَسْأَلَةٌ: وَلَا يَجُوزُ أَنْ يُدْفَنَ أَحَدٌ لَيْلًا إِلَّا عَنْ ضَرُورَةٍ وَلَا عِنْدَ طُلُوعِ الشَّمْسِ حَتَّى تَرْتَفِعَ، وَلَا حِينَ اسْتِوَاءِ الشَّمْسِ حَتَّى تَأْخُذَ فِي الزَّوَالِ، وَلَا حِينَ ابْتِدَاءِ أَخْذِهَا فِي الْغُرُوبِ، وَيَتَّصِلُ ذَلِكَ بِاللَّيْلِ إِلَى طُلُوعِ الْفَجْرِ الثَّانِي، وَالصَّلَاةُ جَائِزَةٌ عَلَيْهِ فِي هَذِهِ الْأَوْقَاتِ كُلِّهَا -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا يُوسُفُ بْنُ سَعِيدٍ ثنا حَجَّاجُ بْنُ مُحَمَّدٍ الْأَعْوَرُ عَنِ ابْنِ جُرَيْجٍ أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: «خَطَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَزَجَرَ أَنْ يُقْبَرَ إِنْسَانٌ لَيْلًا إِلَّا أَنْ يُضْطَرَّ إِلَى ذَلِكَ» ؟ .

L9043 Abu Muhammad said: All those from him (peace be upon him), his wives, and his companions (may Allah be pleased with them) who were buried at night:

قَالَ أَبُو مُحَمَّد: كُلُّ مَنْ دُفِنَ لَيْلًا مِنْهُ - عَلَيْهِ السَّلَامُ -، وَمِنْ أَزْوَاجِهِ، وَمِنْ أَصْحَابِهِ - رَضِيَ اللَّهُ عَنْهُمْ -:

L9044 This is solely due to a necessity that necessitated it.

فَإِنَّمَا ذَلِكَ لِضَرُورَةٍ أَوْجَبَتْ ذَلِكَ

L9045–9047 Due to fear of overcrowding, fear of heat harming those present—for the heat of Medina is severe—or fear of decay or other valid reasons permitting burial at night, is it not impermissible for anyone to assume that the Companions—may Allah be pleased with them—acted contrary to this? We were narrated through the chain of Yahya ibn Sa'id al-Qattan: Hisham al-Dastuwa'i narrated to us from Qatadah, from Sa'id ibn al-Musayyib, that he disapproved of burial at night. Abdullah ibn Yusuf narrated to us; Ahmad ibn Fath narrated to us;

، مِنْ خَوْفِ زِحَامٍ، أَوْ خَوْفِ الْحَرِّ عَلَى مَنْ حَضَرَ، وَحَرُّ الْمَدِينَةِ شَدِيدٌ، أَوْ خَوْفِ تَغَيُّرٍ أَوْ غَيْرِ ذَلِكَ مِمَّا يُبِيحُ الدَّفْنَ لَيْلًا، لَا يَحِلُّ لِأَحَدٍ أَنْ يَظُنَّ بِهِمْ - رَضِيَ اللَّهُ عَنْهُمْ - خِلَافَ ذَلِكَ؟ -: رُوِّينَا مِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ ثنا هِشَامٌ الدَّسْتُوَائِيُّ عَنْ

Abdul-Wahhab ibn Isa narrated to us; Ahmad ibn Muhammad narrated to us; Ahmad ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Yahya ibn Yahya narrated to us; Abdullah ibn Wahb narrated from Musa ibn Ali ibn Rabah, from his father: I heard Uqbah ibn Amir say, "Three times were..." The Messenger of Allah - peace and blessings of Allah be upon him - forbade us to pray in them or bury our dead in them: when the sun rises brightly until it rises high, when the sun stands at its zenith until it declines, and when the sun inclines toward setting until it sets.

قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: أَنَّهُ كَرِهَ الدَّفْنَ لَيْلًا؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى ثنا عَبْدُ اللَّهِ بْنُ وَهْبٍ عَنْ مُوسَى بْنِ عَلِيِّ بْنِ رَبَاحٍ عَنْ أَبِيهِ سَمِعْتُ عُقْبَةَ بْنَ عَامِرٍ يَقُولُ: «ثَلَاثُ سَاعَاتٍ كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْهَى أَنْ نُصَلِّيَ فِيهَا أَوْ أَنْ نَقْبُرَ فِيهِنَّ مَوْتَانَا: حِينَ تَطْلُعُ الشَّمْسُ بَازِغَةً حَتَّى تَرْتَفِعَ، وَحِينَ يَقُومُ قَائِمُ الظَّهِيرَةِ حَتَّى تَمِيلَ الشَّمْسُ، وَحِينَ تُضَيِّفُ لِلْغُرُوبِ حَتَّى تَغْرُبَ» .

L9048 Abu Muhammad said: We have previously clarified that the prayer prohibited during these times is specifically the deliberate voluntary prayer, whose initiation is undertaken with focused intent.

قَالَ أَبُو مُحَمَّد: قَدْ بَيَّنَّا قَبْلُ أَنَّ الصَّلَاةَ الْمَنْهِيَّ عَنْهَا فِي هَذِهِ الْأَوْقَاتِ إنَّمَا هِيَ التَّطَوُّعُ الْمُتَعَمَّدُ ابْتِدَاؤُهُ قَصْدًا إلَيْهِ.

L9049 Similarly, this ruling applies to every obligatory prayer that was intentionally neglected until the time of its remembrance—and only then—not to every prayer that is obligatory or recommended. And success is from Allah, the Most High.

وَكَذَلِكَ كُلُّ صَلَاةِ فَرْضٍ مَقْضِيَّةٍ تَعَمَّدَ تَرْكَهَا إلَى ذَلِكَ الْوَقْتِ وَهُوَ يَذْكُرُهَا فَقَطْ، لَا كُلُّ صَلَاةٍ مَأْمُورٍ بِهَا أَوْ مَنْدُوبٍ إلَيْهَا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

The Ruling on the Funeral Prayer for Deceased Muslims.

[مَسْأَلَةٌ الصَّلَاةُ عَلَى مَوْتَى الْمُسْلِمِينَ]

L9051 Issue 561: Prayer over deceased Muslims is an obligation—Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Maḥmūd ibn Ghaylān said: Abū Dāwūd—that is, al-Ṭayālisī—narrated to us: Shuʿbah narrated from ʿUthmān ibn ʿAbdillāh ibn Mawhab: "I heard ʿAbdullāh ibn Abī Qatādah report from his father: 'The Messenger of Allah (peace and blessings be upon him) was brought a man from the Anṣār to pray over him. He (peace and blessings be upon him) said: "Pray over your companion, for he owes a debt"—but did he mention the entire ḥadīth?'" This constitutes a general command to pray over him.

٥٦١ - مَسْأَلَةٌ: وَالصَّلَاةُ عَلَى مَوْتَى الْمُسْلِمِينَ: فَرْضٌ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مَحْمُودُ بْنُ غَيْلَانَ أَنَا أَبُو دَاوُد هُوَ الطَّيَالِسِيُّ - ثنا شُعْبَةُ عَنْ عُثْمَانَ بْنِ عَبْدِ اللَّهِ بْنِ مَوْهَبٍ سَمِعْتُ عَبْدَ اللَّهِ بْنَ أَبِي قَتَادَةَ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُتِيَ بِرَجُلٍ مِنْ الْأَنْصَارِ لِيُصَلِّيَ عَلَيْهِ، فَقَالَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: صَلُّوا عَلَى صَاحِبِكُمْ، فَإِنَّ عَلَيْهِ دَيْنًا» وَذَكَرَ الْحَدِيثَ؟ فَهَذَا أَمْرٌ بِالصَّلَاةِ عَلَيْهِ عُمُومًا.

L9052 A similar ruling has also been reported concerning the embezzler of war spoils. 562 - Issue: Exempted is one killed by the hands of polytheists

specifically in the cause of Allah (the Mighty and Majestic) on the battlefield specifically. He is neither washed nor shrouded but buried with his blood and garments—only his weapons are removed. Whether prayer is performed over him or not, both are permissible. If he is carried away from the battlefield alive and later dies, he is washed, shrouded, and prayed over.

Abd al-Rahman ibn Abdullah → Ibrahim ibn Ahmad → al-Farbari → al-Bukhari → Abdullah ibn Yusuf → al-Layth—that is, Ibn Sa'd—narrated to me: Ibn Shihab narrated to me from Abd al-Rahman ibn Ka'b ibn Malik from Jabir ibn Abdullah, who mentioned the martyrs of Uhud and said: "The Messenger of Allah (peace and blessings be upon him) commanded their burial in their blood. They were neither washed nor prayed over."

وَرُوِيَ مِثْلُ ذَلِكَ أَيْضًا فِي الْغَالِّ؟ ٥٦٢ - مَسْأَلَةٌ: حَاشَا الْمَقْتُولِ بِأَيْدِي الْمُشْرِكِينَ خَاصَّةً فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ فِي الْمَعْرَكَةِ خَاصَّةً، فَإِنَّهُ لَا يُغَسَّلُ وَلَا يُكَفَّنُ، لَكِنْ يُدْفَنُ بِدَمِهِ وَثِيَابِهِ، إِلَّا أَنَّهُ يُنْزَعُ عَنْهُ السِّلَاحُ فَقَطْ، وَإِنْ صُلِّيَ عَلَيْهِ: فَحَسَنٌ، وَإِنْ لَمْ يُصَلَّ عَلَيْهِ: فَحَسَنٌ، فَإِنْ حُمِلَ عَنْ الْمَعْرَكَةِ وَهُوَ حَيٌّ فَمَاتَ: غُسِّلَ وَكُفِّنَ وَصُلِّيَ عَلَيْهِ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا اللَّيْثُ هُوَ ابْنُ سَعْدٍ - حَدَّثَنِي ابْنُ شِهَابٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبِ بْنِ مَالِكٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّهُ ذَكَرَ قَتْلَى أُحُدٍ وَقَالَ: «إِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بِدَفْنِهِمْ فِي دِمَائِهِمْ، وَلَمْ يُغَسَّلُوا وَلَمْ يُصَلَّ عَلَيْهِمْ» .

L9053–9055 And through him also to Al-Layth ibn Sa'd: Yazīd ibn Abī Ḥabīb narrated to me, on the authority of Abū al-Khayr, on the authority of 'Uqbah ibn 'Āmir al-Juhanī, that the Messenger of Allah - peace and blessings of Allah be upon him - went out one day and performed the funeral prayer for the people of Uḥud in the manner of his prayer over... The deceased—then he turned to the pulpit" and he mentioned the hadith. Abu Muhammad said: These individuals deviated from the Prophet's command (peace be upon him) concerning shrouding, washing, and prayer. The remaining cases are all others killed by a Muslim, a rebel, a belligerent, or those removed alive from the battlefield—they remain subject to the rulings governing ordinary deceased persons. Abu Hanifah held that prayer should be offered over them. Abu Muhammad said: It is invalid to discard either of the two mentioned precedents for the other. Both constitute valid and permissible rulings. This is not a case for abrogation, as their concurrent application is possible under differing circumstances.[1]

وَبِهِ أَيْضًا إِلَى اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ عَنْ أَبِي الْخَيْرِ عَنْ عُقْبَةَ بْنِ عَامِرٍ الْجُهَنِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خَرَجَ يَوْمًا فَصَلَّى عَلَى أَهْلِ أُحُدٍ صَلَاتَهُ عَلَى الْمَيِّتِ، ثُمَّ انْصَرَفَ إِلَى الْمِنْبَرِ» وَذَكَرَ الْحَدِيثَ -: قَالَ أَبُو مُحَمَّدٍ: فَخَرَجَ هَؤُلَاءِ عَنْ أَمْرِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْكَفَنِ، وَالْغُسْلِ، وَالصَّلَاةِ - وَبَقِيَ سَائِرُ مَنْ قَتَلَهُ مُسْلِمٌ، أَوْ بَاغٍ، أَوْ مُحَارِبٌ، أَوْ رُفِعَ عَنْ الْمَعْرَكَةِ حَيًّا - عَلَى حُكْمِ سَائِرِ الْمَوْتَى، وَذَهَبَ أَبُو حَنِيفَةَ إِلَى أَنْ يُصَلَّى عَلَيْهِمْ -: قَالَ أَبُو مُحَمَّدٍ: لَيْسَ يَجُوزُ أَنْ يُتْرَكَ أَحَدُ الْأَثَرَيْنِ الْمَذْكُورَيْنِ لِلْآخَرِ، بَلْ كِلَاهُمَا حَقٌّ مُبَاحٌ، وَلَيْسَ هَذَا مَكَانَ نَسْخٍ؛ لِأَنَّ اسْتِعْمَالَهُمَا مَعًا مُمْكِنٌ فِي أَحْوَالٍ مُخْتَلِفَةٍ.

L9056 It has been authentically reported from the Prophet (peace and blessings of Allah be upon him) that those who die of intestinal disease, the plague-

[1] **Hadith references (L9053):** Sunan an-Nasai 1954; Sahih Muslim 2296a.

stricken, the drowned, those who perish by burning, the one afflicted with pleurisy, the one crushed by a collapsing structure, and the woman who dies in childbirth: all of them are martyrs.

وَقَدْ صَحَّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ الْمَبْطُونَ، وَالْمَطْعُونَ، وَالْغَرِيقَ، وَالْحَرِيقَ، وَصَاحِبَ ذَاتِ الْجَنْبِ، وَصَاحِبَ الْهَدَمِ، وَالْمَرْأَةَ تَمُوتُ بِجُمْعٍ -: شُهَدَاءُ كُلُّهُمْ».

L9057 There is no disagreement that he—peace be upon him—shrouded others during his lifetime and ritually washed those among them who died. Success comes solely from Allah, the Exalted.

وَلَا خِلَافَ فِي أَنَّهُ - عَلَيْهِ السَّلَامُ - كَفَّنَ فِي حَيَاتِهِ، وَغَسَّلَ مَنْ مَاتَ فِيهِمْ مِنْ هَؤُلَاءِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L9058 Were ʻUmar, ʻUthman, and ʻAli—may Allah be pleased with them—martyrs, so they were washed, shrouded, and prayed over? And is there no valid evidence for not leaving marks on the whipped person, since its narrator is ʻAli ibn ʻĀṣim, who is deemed unreliable?

وَقَدْ كَانَ عُمَرُ، وَعُثْمَانُ، وَعَلِيٌّ - رَضِيَ اللَّهُ عَنْهُمْ -: شُهَدَاءَ، فَغُسِّلُوا، وَكُفِّنُوا وَصُلِّيَ عَلَيْهِمْ؟ وَلَا يَصِحُّ فِي تَرْكِ الْمَجْلُودِ أَثَرٌ؛ لِأَنَّ رَاوِيهِ عَلِيُّ بْنُ عَاصِمٍ، وَلَيْسَ بِشَيْءٍ؟

Issue: Deepening the Grave's Digging

[مَسْأَلَةُ إِعْمَاقُ حَفِيرِ الْقَبْرِ]

L9060 Issue 563: It is obligatory to deepen the grave. Burying a Muslim is obligatory, and it is permissible to bury two or three individuals in a single grave, with precedence given to the one who has memorized the most Quran.

٥٦٣ - مَسْأَلَةٌ: وَإِعْمَاقُ حَفِيرِ الْقَبْرِ: فَرْضٌ، وَدَفْنُ الْمُسْلِمِ: فَرْضٌ وَجَائِزٌ دَفْنُ الِاثْنَيْنِ، وَالثَّلَاثَةِ فِي قَبْرٍ وَاحِدٍ، وَيُقَدَّمُ أَكْثَرُهُمْ قُرْآنًا؟

L9061–9063 Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: from Muhammad ibn Ma'mar, who narrated to us: Wahb ibn Jarir ibn Hazim narrated to us: My father said: I heard Humayd—who is ibn Hilal—from Sa'd ibn Hisham ibn ʻAmir from his father, who said: "On the day of Uhud, those who were struck among the Muslims were struck down, and the people suffered injuries. The Messenger of Allah—peace and blessings be upon him—said: 'Dig and widen, bury two or three in a grave, and place the one who had memorized the most Quran first.'" And by him to Aḥmad ibn Shuʿayb: I am Muḥammad ibn Bashshār, narrated to us Isḥāq ibn Yūsuf, narrated to us Sufyān—he is al-Thawrī—from Ayyūb al-Sakhtiyānī, from Ḥumayd ibn Hilāl, from Hishām ibn ʿĀmir, who said: "We complained to the Messenger of Allah—peace be upon him—on the day of Uḥud, saying: 'O Messenger of Allah, is digging a grave for each person too arduous?' The Messenger of Allah—peace be upon him—

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ مَعْمَرٍ ثنا وَهْبُ بْنُ جَرِيرِ بْنِ حَازِمٍ ثنا أَبِي قَالَ: سَمِعْت حُمَيْدًا هُوَ ابْنُ هِلَالٍ - عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ عَنْ أَبِيهِ قَالَ «لَمَّا كَانَ يَوْمُ أُحُدٍ أُصِيبَ مَنْ أُصِيبَ مِنْ الْمُسْلِمِينَ، فَأَصَابَ النَّاسَ جِرَاحَاتٌ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - احْفِرُوا وَأَوْسِعُوا، وَادْفِنُوا الِاثْنَيْنِ، وَالثَّلَاثَةَ فِي الْقَبْرِ، وَقَدِّمُوا أَكْثَرَهُمْ قُرْآنًا» وَبِهِ إلَى أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا مُحَمَّدُ بْنُ بَشَّارٍ ثنا إِسْحَاقُ بْنُ يُوسُفَ ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ - عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ حُمَيْدِ بْنِ هِلَالٍ عَنْ هِشَامِ بْنِ عَامِرٍ قَالَ «شَكَوْنَا إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ أُحُدٍ، فَقُلْنَا: يَا رَسُولَ اللَّهِ، الْحَفْرُ عَلَيْنَا لِكُلِّ إنْسَانٍ: شَدِيدٌ؟ فَقَالَ رَسُولُ اللَّهِ -

responded: 'Dig deeply, make them well, and bury two or three together in a single grave. Place the one who had memorized the most Quran first.'" He—peace be upon him—did not excuse them from deepening the graves. Narrated to us ʿAbd al-Raḥmān ibn ʿAbdillāh, narrated to us Ibrāhīm ibn Aḥmad, narrated to us al-Farbarī, narrated to us al-Bukhārī, narrated to us ʿAbdullāh ibn Yūsuf, narrated to us al-Layth—he is Ibn Saʿd—narrated to me Ibn Shihāb from ʿAbd al-Raḥmān ibn Kaʿb ibn Mālik, from Jābir ibn ʿAbdillāh, who said: "The Prophet—peace be upon him—would wrap two men from the slain of Uḥud in a single shroud, then ask: 'Which of them had memorized more Quran?' When one was indicated to him, he would place that man first in the grave niche."

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - احْفِرُوا وَأَعْمِقُوا وَأَحْسِنُوا وَادْفِنُوا الِاثْنَيْنِ وَالثَّلَاثَةَ فِي قَبْرٍ وَاحِدٍ وَقَدِّمُوا أَكْثَرَهُمْ قُرْآنًا» فَلَمْ يَعْذُرْهُمْ - عَلَيْهِ السَّلَامُ - فِي الْإِعْمَاقِ فِي الْحَفْرِ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا اللَّيْثُ هُوَ ابْنُ سَعْدٍ - حَدَّثَنِي ابْنُ شِهَابٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبِ بْنِ مَالِكٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أُحُدٍ فِي الثَّوْبِ الْوَاحِدِ، ثُمَّ يَقُولُ: أَيُّهُمْ أَكْثَرُ أَخْذًا لِلْقُرْآنِ؟ فَإِذَا أُشِيرَ لَهُ إِلَى أَحَدِهِمَا قَدَّمَهُ فِي اللَّحْدِ»

The Issue of Burying the Disbeliever

[مَسْأَلَةُ دَفْنُ الْكَافِرِ]

L9064

L9065 Issue 564: The burial of a belligerent disbeliever and others is obligatory. Abd al-Rahman ibn Abdullah narrated to us, Ibrahim ibn Ahmad narrated to us, al-Farbari narrated to us, al-Bukhari narrated to us, Abdullah ibn Muhammad reported hearing Rawh ibn Ubada narrate from Saʿid ibn Abi Arubah, who reported from Qatadah that he said: "Anas ibn Malik informed us that the Messenger of Allah - peace and blessings of Allah be upon him - commanded on the day of Badr that twenty-four men from the chieftains of Quraysh be cast into a foul and defiling well among the wells of Badr." The Prophet's prohibition against mutilation (peace be upon him) has been authentically established.

٥٦٤ - مَسْأَلَةٌ: وَدَفْنُ الْكَافِرِ الْحَرْبِيِّ وَغَيْرِهِ: فَرْضٌ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ سَمِعَ رَوْحَ بْنَ عُبَادَةَ ثنا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ قَالَ: ذَكَرَ لَنَا أَنَسُ بْنُ مَالِكٍ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ يَوْمَ بَدْرٍ بِأَرْبَعَةٍ وَعِشْرِينَ رَجُلًا مِنْ صَنَادِيدِ قُرَيْشٍ فَقُذِفُوا فِي طَوِيٍّ مِنْ أَطْوَاءِ بَدْرٍ خَبِيثٍ مُخْبِثٍ» . وَقَدْ صَحَّ نَهْيُهُ - عَلَيْهِ السَّلَامُ - عَنْ الْمُثْلَةِ.

L9066 Leaving a human unburied is mutilation.

وَتَرْكُ الْإِنْسَانِ لَا يُدْفَنُ: مُثْلَةٌ.

L9067–9069 It has been authentically reported that "the Messenger of Allah (peace be upon him) commanded, when he ordered the killing of Banu Qurayẓah, that trenches be dug and they be cast into them." From ʿAbdullāh ibn Rabīʿ → Muḥammad ibn Muʿāwiyah → Aḥmad ibn Shuʿayb → ʿAbdullāh ibn Saʿīd: Yaḥyā—that is, Ibn al-Qaṭṭān—narrated to us from Sufyān al-Thawrī from Abū Isḥāq al-Sabīʿī from Nājiyah ibn Kaʿb from ʿAlī ibn Abī Ṭālib, who said:

وَصَحَّ أَنَّ «رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ إِذْ قَتَلَ بَنِي قُرَيْظَةَ بِأَنْ تُحْفَرَ خَنَادِقُ وَيُلْقَوْا فِيهَا» -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ ثنا يَحْيَى هُوَ ابْنُ الْقَطَّانِ - عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ

"I said to the Prophet (peace be upon him): 'Your misguided uncle has died—who will bury him?' He replied: 'Go and bury your father.'" He then mentioned the remainder of the ḥadīth. Narrated by ʿAbd al-Raḥmān ibn Mahdī, from Sufyān al-Thawrī, from Abū Sinān ʿAbdullāh ibn Sinān, from Saʿīd ibn Jubayr, who said: I said to Ibn ʿAbbās, "A man among us died as a Christian and left his son." He replied: "He should accompany him and bury him." Sufyān stated: I heard Ḥammād ibn Abī Sufyān narrate from al-Shaʿbī that the mother of al-Ḥārith ibn Abī Rabīʿah died as a Christian, and the Companions of the Prophet (peace be upon him) escorted her funeral procession.

عَنْ نَاجِيَةَ بْنِ كَعْبٍ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ «قُلْتُ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إِنَّ عَمَّكَ الضَّالَّ قَدْ مَاتَ فَمَنْ يُوَارِيهِ؟ قَالَ: اذْهَبْ فَوَارِ أَبَاكَ» وَذَكَرَ بَاقِيَ الْحَدِيثِ - وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي سِنَانٍ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قُلْت لِابْنِ عَبَّاسٍ: رَجُلٌ فِينَا مَاتَ نَصْرَانِيًّا وَتَرَكَ ابْنَهُ؟ قَالَ: يَنْبَغِي أَنْ يَمْشِيَ مَعَهُ وَيَدْفِنَهُ قَالَ سُفْيَانُ: وَسَمِعْت حَمَّادَ بْنَ أَبِي سُفْيَانَ يُحَدِّثُ عَنْ الشَّعْبِيِّ: أَنَّ أُمَّ الْحَارِثِ بْنِ أَبِي رَبِيعَةَ مَاتَتْ وَهِيَ نَصْرَانِيَّةٌ، فَشَيَّعَهَا أَصْحَابُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

Issue: The Best Burial Shroud (Kafan) for a Muslim

[مَسْأَلَةٌ أَفْضَلُ الْكَفَنِ لِلْمُسْلِمِ]

565 – Issue: The best shroud for a Muslim is three white garments for the man, in which he is wrapped. There should be no shirt, turban, trousers, or cotton in them. The woman is the same, with two additional garments.

٥٦٥ - مَسْأَلَةٌ: وَأَفْضَلُ الْكَفَنِ لِلْمُسْلِمِ: ثَلَاثَةُ أَثْوَابٍ بِيضٍ لِلرَّجُلِ، يُلَفُّ فِيهَا، لَا يَكُونُ فِيهَا قَمِيصٌ، وَلَا عِمَامَةٌ، وَلَا سَرَاوِيلُ، وَلَا قُطْنٌ. وَالْمَرْأَةُ كَذَلِكَ، وَثَوْبَانِ زَائِدَانِ.

But if he cannot acquire more than one garment, it suffices him.

فَإِنْ لَمْ يَقْدِرْ لَهُ عَلَى أَكْثَرَ مِنْ ثَوْبٍ وَاحِدٍ أَجْزَأَهُ.

If no garment is found for the two except a single one: they are both to be wrapped together in it.

فَإِنْ لَمْ يُوجَدْ لِلِاثْنَيْنِ إِلَّا ثَوْبٌ وَاحِدٌ: أُدْرِجَا فِيهِ جَمِيعًا.

If a man and a woman are shrouded with fewer or more [wrappings], there is no blame. Abd al-Rahman ibn Abdullah narrated to us through Ibrahim ibn Ahmad through al-Farbari through al-Bukhari through Ismail ibn Abi Uways through Malik through Hisham ibn Urwah through his father through Aisha, who said: "The Prophet (peace be upon him) was shrouded in three white Suhuli cloths, containing neither a shirt nor a turban." Abu Muhammad said: "Allah the Exalted did not choose for His Prophet except the best of conditions." Through the same chain of transmission to al-Bukhari: Musaddad narrated to us through Yahya ibn Sa'id al-Qattan through Ubaydullah - the son of Umar - who said: "Nafi narrated to me from Ibn Umar, who said: 'When Abdullah ibn Ubayy died, his son came to the Prophet (peace be upon

وَإِنْ كُفِّنَ الرَّجُلُ، وَالْمَرْأَةُ بِأَقَلَّ أَوْ أَكْثَرَ فَلَا حَرَجَ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ عَنْ مَالِكٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ، «كُفِّنَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ثَلَاثَةِ أَثْوَابٍ بِيضٍ سُحُولِيَّةٍ لَيْسَ فِيهَا قَمِيصٌ وَلَا عِمَامَةٌ» -: قَالَ أَبُو مُحَمَّد: مَا تَخَيَّرَ اللَّهُ تَعَالَى لِنَبِيِّهِ إلَّا أَفْضَلَ الْأَحْوَالِ؟ وَبِهِ إلَى الْبُخَارِيِّ: ثنا مُسَدَّدٌ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ عُبَيْدِ اللَّهِ هُوَ ابْنُ عُمَرَ - حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ قَالَ «إنَّ عَبْدَ اللَّهِ بْنَ أُبَيٍّ لَمَّا

him) and said: 'Give me your shirt to shroud him in, pray over him, and seek forgiveness for him.' He gave him his shirt and said: 'Notify me when you are ready for me to pray over him,'" and he mentioned the rest of the hadith. Through the same chain of transmission to al-Bukhari: Umar ibn Hafs ibn Ghiyath narrated to us through his father through al-Aʿmash through Shaqiq through Khabbab, who said: "We emigrated with the Messenger of Allah (peace be upon him) seeking Allah's countenance, thus our reward became incumbent upon Allah. Among us were those who died without having consumed any portion of their reward, such as Musʿab ibn Umayr who was killed on the day of Uhud. We found nothing to shroud him in except a cloak." Except for a cloak: when we covered his head, his feet were exposed, and when we covered his feet, his head was exposed. So the Prophet, peace be upon him, commanded us to cover his head and to place some *idhkhir* over his feet.

L9077 Abu Muhammad said: Is it obligatory in this case to shroud someone for whom only a single garment is found that does not cover his entire body? Abu Muhammad said: Here is a hadith in which its narrator made an inadvertent error - we have narrated it via Ahmad ibn Hanbal from al-Hasan ibn Musa al-Ashyab from Hammad ibn Salama from Abdullah ibn Muhammad ibn Aqil ibn Abi Talib from Muhammad ibn Ali ibn Abi Talib - he is Ibn al-Hanafiyya - from his father: "The Prophet (peace and blessings of Allah be upon him) was shrouded in seven sheets."[2]

L9078 The uncertainty here is from al-Ḥasan ibn Mūsā or ʿAbdullāh ibn Muḥammad ibn ʿAqīl. Should someone mention the report we transmitted via Yaḥyā ibn Saʿīd al-Qaṭṭān, who said: I heard Saʿīd ibn Abī ʿArūbah narrating from Ayyūb, from Abū Qilābah, from Abū al-Muhallab, from Samurah ibn Jundub, from the Prophet—peace and blessings be upon him—who said: "Wear white garments from among your clothes, for they are purer and cleaner. Shroud your dead in it."

تُوُفِّيَ جَاءَ ابْنُهُ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: أَعْطِنِي قَمِيصَكَ أُكَفِّنْهُ فِيهِ؟ وَصَلِّ عَلَيْهِ وَاسْتَغْفِرْ لَهُ، فَأَعْطَاهُ قَمِيصَهُ، وَقَالَ لَهُ: آذِنِّي أُصَلِّ عَلَيْهِ» وَذَكَرَ الْحَدِيثَ. وَبِهِ إِلَى الْبُخَارِيِّ: ثنا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ ثنا أَبِي عَنِ الْأَعْمَشِ ثنا شَقِيقٌ ثنا خَبَّابٌ قَالَ «هَاجَرْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَلْتَمِسُ وَجْهَ اللَّهِ، فَوَقَعَ أَجْرُنَا عَلَى اللَّهِ، فَمِنَّا مَنْ مَاتَ لَمْ يَأْكُلْ مِنْ أَجْرِهِ شَيْئًا، مِنْهُمْ: مُصْعَبُ بْنُ عُمَيْرٍ، قُتِلَ يَوْمَ أُحُدٍ، فَلَمْ نَجِدْ مَا نُكَفِّنُهُ إِلَّا بُرْدَةً، إِذَا غَطَّيْنَا بِهَا رَأْسَهُ خَرَجَتْ رِجْلَاهُ، وَإِذَا غَطَّيْنَا رِجْلَيْهِ خَرَجَ رَأْسُهُ، فَأَمَرَنَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ نُغَطِّيَ رَأْسَهُ، وَأَنْ نَجْعَلَ عَلَى رِجْلَيْهِ مِنَ الْإِذْخِرِ» .

قَالَ أَبُو مُحَمَّدٍ: هَكَذَا يَجِبُ أَنْ يُكَفَّنَ مَنْ لَمْ يُوجَدْ لَهُ إِلَّا ثَوْبٌ وَاحِدٌ لَا يَعُمُّهُ كُلَّهُ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَهُنَا حَدِيثٌ وَهَمَ فِيهِ رَاوِيهِ -: رُوِّينَاهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ حَنْبَلٍ عَنِ الْحَسَنِ بْنِ مُوسَى الْأَشْيَبِ عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلِ بْنِ أَبِي طَالِبٍ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ هُوَ ابْنُ الْحَنَفِيَّةِ - عَنْ أَبِيهِ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كُفِّنَ فِي سَبْعَةِ أَثْوَابٍ» .

وَالْوَهْمُ فِيهِ مِنَ الْحَسَنِ بْنِ مُوسَى، أَوْ مِنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ -: فَإِنْ ذَكَرَ ذَاكِرٌ الْخَبَرَ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ قَالَ: سَمِعْتُ سَعِيدَ بْنَ أَبِي عَرُوبَةَ يُحَدِّثُ عَنْ أَيُّوبَ عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْمُهَلَّبِ عَنْ سَمُرَةَ بْنِ جُنْدُبٍ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْبَسُوا مِنْ ثِيَابِكُمُ الْبَيَاضَ، فَإِنَّهَا أَطْهَرُ وَأَطْيَبُ، وَكَفِّنُوا فِيهِ مَوْتَاكُمْ» .

[2] **Hadith references (L9077):** Musnad Ahmad 801.

قُلْنَا: هَذَا لَيْسَ فَرْضًا، لِأَنَّهُ قَدْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - لَبِسَ حُلَّةً حَمْرَاءَ وَشَمْلَةً سَوْدَاءَ -: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا الْقَعْنَبِيُّ عَنْ عَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ هُوَ الدَّرَاوَرْدِيُّ - عَنْ زَيْدٍ هُوَ ابْنُ أَسْلَمَ - أَنَّ ابْنَ عُمَرَ قِيلَ لَهُ «لِمَ تَصْبُغُ بِالصُّفْرَةِ؟ قَالَ: إنِّي رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَصْبُغُ بِهَا، وَلَمْ يَكُنْ شَيْءٌ أَحَبَّ إلَيْهِ مِنْهَا، وَكَانَ يَصْبُغُ بِهَا ثِيَابَهُ كُلَّهَا حَتَّى عِمَامَتَهُ» . حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَمْرُو بْنُ عَاصِمٍ ثنا هَمَّامُ بْنُ يَحْيَى عَنْ قَتَادَةَ قَالَ «قُلْتُ لِأَنَسِ بْنِ مَالِكٍ أَيُّ الثِّيَابِ كَانَ أَحَبَّ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قَالَ الْحِبَرَةُ» .

L9079 We said: This is not an obligation, for it is authentically established that he—peace be upon him—wore a red two-piece garment and a black cloak. Abdullāh ibn Rabīʿ narrated to us, who narrated to us from ʿUmar ibn ʿAbd al-Malik, who narrated to us from Muḥammad ibn Bakr, who narrated to us from Abū Dāwūd, who narrated to us from al-Qaʿnabī, from ʿAbd al-ʿAzīz ibn Muḥammad—he is al-Darāwardī—from Zayd—who is the son of Aslam—that Ibn ʿUmar was asked: "Why do you dye with yellow?" He replied: "I saw the Messenger of Allah—peace and blessings be upon him—dye with it. Nothing was more beloved to him than it, and he would dye all his garments with it, even his turban ʿimāmah." ʿAbd al-Raḥmān ibn ʿAbdullāh narrated to us, who narrated to us from Ibrāhīm ibn Aḥmad, who narrated to us from al-Farbarī, who narrated to us from al-Bukhārī, who narrated to us from ʿAmr ibn ʿĀṣim, who narrated to us from Hammām ibn Yaḥyā, from Qatādah, who said: "I asked Anas ibn Mālik: 'Which clothing was most beloved to the Messenger of Allah—peace and blessings be upon him?' He answered: 'al-ḥibarah (a type of striped Yemeni cloth)'."

قَالَ أَبُو مُحَمَّد: لَا يَحِلُّ أَنْ يُتْرَكَ حَدِيثٌ لِحَدِيثٍ، بَلْ كُلُّهَا حَقٌّ، فَصَحَّ أَنَّ الْأَمْرَ بِالْبَيَاضِ نَدْبٌ؟ وَبِاخْتِيَارِنَا هَذَا يَقُولُ جُمْهُورُ السَّلَفِ: كَمَا رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ قَالَ لَهَا فِي حَدِيثٍ " فِيمَ كَفَّنْتُمُوهُ؟ - يَعْنِي النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَتْ فِي ثَلَاثَةِ أَثْوَابٍ بِيضٍ سُحُولٍ لَيْسَ فِيهَا قَمِيصٌ وَلَا عِمَامَةٌ، فَقَالَ أَبُو بَكْرٍ: انْظُرُوا ثَوْبِي هَذَا فَاغْسِلُوهُ، وَبِهِ رَدْعٌ مِنْ زَعْفَرَانٍ أَوْ مِشْقٍ وَاجْعَلُوا مَعَهُ ثَوْبَيْنِ آخَرَيْنِ ".

L9080–9081 Abu Muhammad said: It is not permissible to abandon one hadith for another, for all of them are truth. Thus, it is established that the directive regarding white garments is a recommended act. According to this position we have chosen, the majority of the Salaf state - as narrated to us through Hammad ibn Salamah's chain from Hisham ibn Urwah from his father from Aisha - that Abu Bakr al-Siddiq asked her: "In what did you shroud him?" meaning the Prophet, peace be upon him. She replied: "In three white Suhuli garments, in which there was no shirt or turban." Abu Bakr then said: "Look at this garment of mine. Wash it, and it has a dye of saffron or mishq [a plant-based dye], and add two other garments with it."

وَمِنْ طَرِيقِ ابْنِ عُمَرَ قَالَ: كُفِّنَ عُمَرُ بْنُ الْخَطَّابِ فِي ثَلَاثَةِ أَثْوَابٍ: ثَوْبَيْنِ سُحُولِيَّيْنِ، وَثَوْبٍ كَانَ يَلْبَسُهُ

L9082 From the narration of Ibn Umar, he said: Umar ibn al-Khattab was shrouded in three garments: two Sahuli garments and one he used to wear.

L9083 Narrated by Abu Hurairah that he said to his family upon his death: "Do not clothe me in a shirt nor place a turban on me, for indeed the Messenger

of Allah (peace be upon him) was not clothed in a shirt nor was a turban placed on him."

«وَعَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ لِأَهْلِهِ عِنْدَ مَوْتِهِ لَا تُقَمِّصُونِي وَلَا تُعَمِّمُونِي فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُقَمَّصْ وَلَمْ يُعَمَّمْ» .

L9084 From Ibn Jurayj, from ʿAṭāʾ: The deceased should not be turbaned, nor wrapped with an izār (lower garment), nor draped with a ridāʾ (upper garment), but rather enveloped in the shrouds plainly.

وَعَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: لَا يُعَمَّمُ الْمَيِّتُ وَلَا يُؤَزَّرُ وَلَا يُرَدَّى لَكِنْ يُلَفُّ فِيهَا لَفًّا.

L9085 Ibn Jurayj said: Ibn Tāwus informed me from his father that he would shroud a man from his family in three garments, none of which was a turban.

قَالَ ابْنُ جُرَيْجٍ: وَأَخْبَرَنِي ابْنُ طَاوُسٍ عَنْ أَبِيهِ: أَنَّهُ كَانَ يُكَفِّنُ الرَّجُلَ مِنْ أَهْلِهِ فِي ثَلَاثَةِ أَثْوَابٍ لَيْسَ فِيهَا عِمَامَةٌ.

L9086 And this is the preferred opinion of Al-Shāfiʿī, Abū Sulaymān, Aḥmad ibn Ḥanbal, and their followers.

وَهُوَ اخْتِيَارُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَأَصْحَابِهِمْ.

L9087–9089 In this manner, Baqī ibn Makhlad and Qāsim ibn Muḥammad were shrouded. Did al-Khushanī and others present issue a fatwa on that? As for the shroud of a woman, ʻAbd al-Raḥmān ibn ʻAbd Allāh narrated to us, saying: Ibrāhīm ibn Aḥmad narrated to us, al-Farabrī narrated to us, al-Bukhārī narrated to us, Ḥāmid ibn ʻUmar narrated to us, Ḥammād ibn Zayd narrated to us, from Ayyūb al-Sakhtiyānī, from Muḥammad ibn Sīrīn, from Umm ʻAṭiyyah, who said: "One of the daughters of the Prophet—may God's prayers and peace be upon him—died. He came to us and said: 'Wash her three times, five times, or more if you (women) deem necessary, with water and lote leaves. Place in the final wash...'" Camphor or a portion of camphor. When you [women] have finished, notify me." She said: When the women finished, they notified him. He then handed us his waist-wrapper and said: "Shroud her with it."[3]

وَهَكَذَا كُفِّنَ بَقِيُّ بْنُ مَخْلَدٍ، وَقَاسِمُ بْنُ مُحَمَّدٍ: أَفْتَى بِذَلِكَ الْخُشَنِيُّ، وَغَيْرُهُ مِمَّنْ حَضَرَ؟ وَأَمَّا كَفَنُ الْمَرْأَةِ فَإِنَّ عَبْدَ الرَّحْمَنِ بْنَ عَبْدِ اللَّهِ حَدَّثَنَا قَالَ: ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا حَامِدُ بْنُ عُمَرَ ثنا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أُمِّ عَطِيَّةَ قَالَتْ: «تُوُفِّيَتْ إِحْدَى بَنَاتِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَخَرَجَ فَقَالَ: اغْسِلْنَهَا ثَلَاثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُنَّ بِمَاءٍ وَسِدْرٍ، وَاجْعَلْنَ فِي الْآخِرَةِ كَافُورًا أَوْ شَيْئًا مِنْ كَافُورٍ، فَإِذَا فَرَغْتُنَّ فَآذِنَّنِي؟ قَالَتْ فَلَمَّا فَرَغْنَ آذَنَّاهُ فَأَلْقَى إِلَيْنَا حِقْوَهُ وَقَالَ: أَشْعِرْنَهَا إِيَّاهُ» .

L9090 It is narrated from Al-Ḥasan: "A woman is shrouded in five garments: a tunic, a veil, and three winding sheets." From al-Nakhaʿī: "A woman is shrouded in five garments: a tunic, a veil, a winding sheet, a waist-wrapper, and a cloak."

وَرُوِّينَا عَنْ الْحَسَنِ قَالَ: تُكَفَّنُ الْمَرْأَةُ فِي خَمْسَةِ أَثْوَابٍ: دِرْعٍ، وَخِمَارٍ، وَثَلَاثِ لَفَائِفَ وَعَنْ النَّخَعِيِّ: تُكَفَّنُ الْمَرْأَةُ فِي خَمْسَةِ أَثْوَابٍ: دِرْعٍ، وَخِمَارٍ، وَلِفَافَةٍ، وَمِنْطَقَةٍ، وَرِدَاءٍ

L9091 From Ibn Sīrīn: A woman is shrouded in five garments: a chemise, a head

وَعَنْ ابْنِ سِيرِينَ: تُكَفَّنُ الْمَرْأَةُ فِي خَمْسَةِ أَثْوَابٍ: دِرْعٍ، وَخِمَارٍ، وَلِفَافَتَيْنِ وَخِرْقَةٍ؟ وَعَنْ الشَّعْبِيِّ تُكَفَّنُ الْمَرْأَةُ فِي خَمْسَةِ أَثْوَابٍ، وَالرَّجُلُ فِي ثَلَاثَةٍ؟

[3] **Hadith references (L9087):** Sunan an-Nasai 1887; Sunan an-Nasai 1893.

covering, two winding sheets, and a cloth? From al-Shaʿbī: A woman is shrouded in five garments, and a man in three?

Issue: A man died owing a debt that exhausts all his estate.

566 - Issue: If someone dies while owing a debt that exhausts all they left behind, everything they left belongs to the creditors. The creditors are not obligated to provide his burial shroud; this duty falls upon the rest of the Muslims present. This is because Allah, the Exalted, has not designated inheritance or bequest except for what a person leaves after their debt. Thus, it is established that debt takes precedence, and the deceased has no right to retain the amount owed as debt from what remains of his estate. Therefore, if he left nothing, the duty to shroud him falls upon everyone present, whether a creditor or a non-creditor.

Based on the statement of Allah, the Most High: "Indeed, the believers are brothers" [Al-Hujurat: 10].[4]

The statement of the Messenger of Allah—may Allah bless him and grant him peace—, "Whoever takes charge of his brother, let him prepare an excellent burial shroud."

And we have indeed mentioned it earlier, along with its *isnād*.

Every guardian of the deceased is commanded to provide a proper shroud for him, and it is impermissible to restrict this obligation exclusively to creditors while excluding others.

Is this the opinion of Abū Sulaymān and his companions? If anything remains after settling the debt, the burial shroud takes priority from that remainder before the execution of the will and distribution of inheritance. This is because of what we mentioned earlier: "that the Messenger of Allah (peace be upon him) shrouded Muṣʿab ibn ʿUmayr (may Allah be pleased with him) in the Prophet's own cloak when he left nothing else behind, and thus did not give it to his heir."

[مَسْأَلَةٌ مَاتَ وَعَلَيْهِ دَيْنٌ يَسْتَغْرِقُ كُلَّ مَا تَرَكَ]

٥٦٦ - مَسْأَلَةٌ: وَمَنْ مَاتَ وَعَلَيْهِ دَيْنٌ يَسْتَغْرِقُ كُلَّ مَا تَرَكَ: فَكُلُّ مَا تَرَكَ لِلْغُرَمَاءِ، وَلَا يَلْزَمُهُمْ كَفَنُهُ دُونَ سَائِرِ مَنْ حَضَرَ مِنْ الْمُسْلِمِينَ؟ لِأَنَّ اللَّهَ تَعَالَى لَمْ يَجْعَلْ مِيرَاثًا وَلَا وَصِيَّةً إلَّا فِيمَا يُخَلِّفُهُ الْمَرْءُ بَعْدَ دَيْنِهِ، فَصَحَّ أَنَّ الدَّيْنَ مُقَدَّمٌ، وَأَنَّهُ لَا حَقَّ لَهُ فِي مِقْدَارِ دَيْنِهِ مِمَّا يَتَخَلَّفُهُ، فَإِذْ هُوَ كَذَلِكَ فَحَقُّ تَكْفِينِهِ - إذَا لَمْ يَتْرُكْ شَيْئًا - وَاجِبٌ عَلَى كُلِّ مَنْ حَضَرَ مِنْ غَرِيمٍ، أَوْ غَيْرِ غَرِيمٍ.

لِقَوْلِ اللَّهِ تَعَالَى: {إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ} [الحجرات: ١٠]

وَقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ وَلِيَ أَخَاهُ فَلْيُحْسِنْ كَفَنَهُ» .

وَقَدْ ذَكَرْنَاهُ قَبْلُ بِإِسْنَادِهِ.

فَكُلُّ مَنْ وَلِيَهُ فَهُوَ مَأْمُورٌ بِإِحْسَانِ كَفَنِهِ، وَلَا يَحِلُّ أَنْ يُخَصَّ بِذَلِكَ الْغُرَمَاءُ دُونَ غَيْرِهِمْ.

وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ وَأَصْحَابِهِ؟ فَإِنْ فَضَلَ عَنْ الدَّيْنِ شَيْءٌ فَالْكَفَنُ مُقَدَّمٌ فِيهِ قَبْلَ الْوَصِيَّةِ وَالْمِيرَاثِ -: لِمَا ذَكَرْنَا قَبْلُ مِنْ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَفَّنَ مُصْعَبَ بْنَ عُمَيْرٍ - رَضِيَ اللَّهُ عَنْهُ - فِي بُرْدَةٍ لَهُ لَمْ يَتْرُكْ شَيْئًا غَيْرَهَا، فَلَمْ يَجْعَلْهَا لِوَارِثِهِ»

[4] **Qur'an references (L9094):** Qur'an 49:10 (Al-Hujurat).

٥٦٧ - مَسْأَلَةٌ: وَكُلُّ مَا ذَكَرْنَا أَنَّهُ فَرْضٌ عَلَى الْكِفَايَةِ فَمَنْ قَامَ بِهِ سَقَطَ عَنْ سَائِرِ النَّاسِ، كَغُسْلِ الْمَيِّتِ وَتَكْفِينِهِ وَدَفْنِهِ وَالصَّلَاةِ عَلَيْهِ.

وَهَذَا لَا خِلَافَ فِيهِ، وَلِأَنَّ تَكْلِيفَ مَا عَدَا هَذَا دَاخِلٌ فِي الْحَرَجِ وَالْمُمْتَنِعِ، قَالَ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨]

L9100 567 – Legal Ruling: Everything we have mentioned as being a collective obligation (farḍ al-kifāyah) - such as washing the deceased, shrouding him, burying him, and praying over him - becomes lifted from the rest of the people if someone fulfills it.

L9101 There is no disagreement regarding this, and because imposing obligations beyond this entails constriction and the impossible. Allah, the Most High, said: “He has not placed upon you in the religion any hardship” [Al-Hajj: 78].[5]

[مَسْأَلَةٌ صِفَةُ غُسْلِ الْمَيِّتِ]

L9102 **Issue: The Description of Washing the Deceased**

٥٦٨ - مَسْأَلَةٌ: وَصِفَةُ الْغُسْلِ أَنْ يَغْسِلَ جَمِيعَ جَسَدِ الْمَيِّتِ وَرَأْسَهُ بِمَاءٍ قَدْ رُمِيَ فِيهِ شَيْءٌ مِنْ سِدْرٍ وَلَا بُدَّ، إنْ وُجِدَ، فَإِنْ لَمْ يُوجَدْ فَبِالْمَاءِ وَحْدَهُ -: ثَلَاثَ مَرَّاتٍ وَلَا بُدَّ، يُبْتَدَأُ بِالْمَيَامِنِ، وَيُوَضَّأُ -: فَإِنْ أَحَبُّوا الزِّيَادَةَ فَعَلَى الْوِتْرِ أَبَدًا: إمَّا ثَلَاثُ مَرَّاتٍ، وَإِمَّا خَمْسُ مَرَّاتٍ، وَإِمَّا سَبْعُ مَرَّاتٍ وَيَجْعَلُ فِي آخِرِ غَسَلَاتِهِ - إنْ غُسِّلَ أَكْثَرَ مِنْ مَرَّةٍ - شَيْئًا مِنْ كَافُورٍ وَلَا بُدَّ فَرْضًا، فَإِنْ لَمْ يُوجَدْ فَلَا حَرَجَ، لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِذَلِكَ كُلِّهِ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى أَنَا يَزِيدُ بْنُ زُرَيْعٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أُمِّ عَطِيَّةَ قَالَتْ «دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَنَحْنُ نُغَسِّلُ ابْنَتَهُ فَقَالَ: اغْسِلْنَهَا ثَلَاثًا، أَوْ خَمْسًا، أَوْ أَكْثَرَ مِنْ ذَلِكَ، إنْ رَأَيْتُنَّ ذَلِكَ بِمَاءٍ وَسِدْرٍ، وَاجْعَلْنَ فِي الْآخِرَةِ كَافُورًا أَوْ شَيْئًا مِنْ كَافُورٍ» .

L9103 568. Issue: The method of ghusl is to wash the entire body of the deceased and their head with water containing some sidr leaves – if available; otherwise, with plain water. This must be done three times in all cases. Begin with the right side and perform ablution (wudu). If they wish to increase the washings, it must always be in odd increments: three, five, or seven times. In the final washing – if washed more than once – some camphor must be added as an obligatory requirement if available. If unavailable, there is no blame, in accordance with the command of Allah’s Messenger (peace be upon him) in all these matters.

Narrated by ‘Abdullāh ibn Yūsuf, Aḥmad ibn Fatḥ, ‘Abd al-Wahhāb ibn ‘Īsā, Aḥmad ibn Muḥammad, Aḥmad ibn ‘Alī, Muslim ibn al-Ḥajjāj, Yaḥyā ibn Yaḥyā, Yazīd ibn Zurai‘, Ayyūb al-Sakhtiyānī, Muḥammad ibn Sīrīn, from Umm ‘Aṭiyyah, who said: “Allah’s Messenger (peace be upon him) entered upon us while we were washing his daughter. He said: ’Wash her three times, five times, or more if you see fit – with water and sidr. Place camphor or a portion thereof in the final wash.’”[6]

L9104–9105 Abdur-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad

[5] **Qur’an references (L9101):** Qur’an 22:78 (Al-Hajj).

[6] **Hadith references (L9103):** Sunan an-Nasai 1886; Mishkat al-Masabih 1634.

narrated to us, Al-Farbari narrated to us, Al-Bukhari narrated to us, Yahya ibn Musa narrated to us, Waki' narrated to us from Sufyan Ath-Thawri from Khalid Al-Hadhdha' from Hafsah bint Sirin from Umm 'Atiyyah, who said: "When we washed the daughter of the Messenger of Allah (peace and blessings be upon him), he instructed us: 'Begin on her right side and the areas of ablution.'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا يَحْيَى بْنُ مُوسَى ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ عَنْ «أُمِّ عَطِيَّةَ قَالَتْ لَمَّا غَسَّلْنَا بِنْتَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَنَا: ابْدَأْنَ بِمَيَامِنِهَا وَمَوَاضِعِ الْوُضُوءِ» .

L9106 Allah, the Exalted, said: {Allah does not burden a soul beyond its capacity} [Al-Baqarah: 286].[7]

وَقَالَ اللَّهُ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] .

L9107 And He, the Exalted, said: "Allah does not burden a soul except with what He has endowed it." [At-Talaq: 7][8]

وَقَالَ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا مَا آتَاهَا} [الطلاق: ٧]

L9108 It has been established that whoever Allah, the Exalted, has not granted lote tree leaves or camphor, He has not obligated him regarding those two. It has been narrated to us from Ibn Jurayj, from ʿAṭāʾ: "The deceased is washed three, five, or seven times, all of these washings with water and lote tree leaves. In each washing, his head and body are washed." Ibn Jurayj said: "I asked him: 'If lote tree leaves are not found, should marshmallow plant be used?' He replied: 'No, lote tree leaves will be found.'"

فَصَحَّ أَنَّ مَنْ لَمْ يُؤْتِهِ اللَّهُ تَعَالَى سِدْرًا وَلَا كَافُورًا فَلَمْ يُكَلِّفْهُ إِيَّاهُمَا -: رُوِّينَا عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: يُغَسَّلُ الْمَيِّتُ ثَلَاثًا أَوْ خَمْسًا أَوْ سَبْعًا، كُلُّهُنَّ بِمَاءٍ وَسِدْرٍ، فِي كُلِّهِنَّ يُغْسَلُ رَأْسُهُ وَجَسَدُهُ قَالَ ابْنُ جُرَيْجٍ: فَقُلْت لَهُ: فَإِنْ لَمْ يُوجَدْ سِدْرٌ خَطْمِيٌّ؟ قَالَ: لَا، سَيُوجَدُ السِّدْرُ.

L9109 He held that a single instance suffices—and is this an opinion from him? From Sulaymān ibn Mūsā and Ibrāhīm: The ritual washing (ghusl) of the deceased is three times.

وَرَأَى الْوَاحِدَةَ تُجْزِئُ، وَهَذَا رَأْيٌ مِنْهُ؟ وَعَنْ سُلَيْمَانَ بْنِ مُوسَى، وَإِبْرَاهِيمَ: غُسْلُ الْمَيِّتِ ثَلَاثُ مَرَّاتٍ.

L9110 It is reported from Muḥammad ibn Sīrīn and Ibrāhīm [al-Nakhaʿī] that the deceased is washed an odd number of times.

وَعَنْ مُحَمَّدِ بْنِ سِيرِينَ، وَإِبْرَاهِيمَ: يُغَسَّلُ الْمَيِّتُ وِتْرًا.

L9111 From Ibn Sīrīn: The deceased is washed twice with water and lote leaves (sidr), and the third time with water containing camphor. And a woman is also treated similarly.

وَعَنْ ابْنِ سِيرِينَ: يُغَسَّلُ مَرَّتَيْنِ بِمَاءٍ وَسِدْرٍ، وَالثَّالِثَةَ بِمَاءٍ فِيهِ كَافُورٌ. وَالْمَرْأَةُ أَيْضًا كَذَلِكَ.

L9112 From Qatadah, from Sa'id ibn al-Musayyib: The deceased is washed first with plain water, then with water mixed with sidr (lote tree) leaves, and finally with water and camphor.

وَعَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: الْمَيِّتُ يُغَسَّلُ بِمَاءٍ، ثُمَّ بِمَاءٍ وَسِدْرٍ، ثُمَّ بِمَاءٍ وَكَافُورٍ.

[7] **Qur'an references (L9106):** Qur'an 2:286 (Al-Baqarah).
[8] **Qur'an references (L9107):** Qur'an 65:7 (At-Talaq).

From Ibn Sīrīn: The deceased is given ghusl as the living are given wudu, commencing with their right side.

وَعَنْ ابْنِ سِيرِينَ: الْمَيِّتُ يُوَضَّأُ كَمَا يُوَضَّأُ الْحَيُّ يُبْدَأُ بِمَيَامِنِهِ.

From Qatādah: The ritual washing begins with the right limbs of the deceased, i.e., during the washing?

وَعَنْ قَتَادَةَ يُبْدَأُ بِمَيَامِنِ الْمَيِّتِ، يَعْنِي فِي الْغُسْلِ؟

A jurisprudential issue concerning the unavailability of water when intending to wash the deceased.

[مَسْأَلَةٌ عُدِمَ الْمَاءُ عِنْد إرَادَة غَسَلَ الْمَيِّت]

Ruling: If water is unavailable, tayammum must necessarily be performed on the deceased, as the Messenger of Allah (peace and blessings be upon him) said: "The earth has been made for me a place of prostration and a means of purification when water is not found."

مَسْأَلَةٌ: فَإِنْ عُدِمَ الْمَاءُ يُمِّمَ الْمَيِّتُ وَلَا بُدَّ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا إذَا لَمْ نَجِدْ الْمَاءَ» .

A Juristic Issue: The Adequacy of a Man's Clothing in Impermissible Contexts

[مَسْأَلَةٌ تَكْفِينُ الرَّجُلِ فِيمَا لَا يَحِلُّ لِبَاسُهُ]

Issue 570: It is forbidden to shroud a man in materials unlawful for him to wear, such as silk, gold-embroidered, or saffron-dyed cloth. However, it is permissible to shroud a woman in all such materials, as mentioned in the Chapter on Prayer regarding the Messenger of Allah's (peace and blessings be upon him) ruling: "Silk and gold are forbidden for the men of my Ummah but permissible for their women."

٥٧٠ - مَسْأَلَةٌ: وَلَا يَحِلُّ تَكْفِينُ الرَّجُلِ فِيمَا لَا يَحِلُّ لِبَاسُهُ، مِنْ حَرِيرٍ، أَوْ مُذَهَّبٍ، أَوْ مُعَصْفَرٍ. وَجَائِزٌ تَكْفِينُ الْمَرْأَةِ فِي كُلِّ ذَلِكَ، لِمَا قَدْ ذَكَرْنَاهُ فِي كِتَابِ الصَّلَاةِ مِنْ «قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْحَرِيرِ، وَالذَّهَبِ إنَّهُمَا حَرَامٌ عَلَى ذُكُورِ أُمَّتِي حِلٌّ لِإِنَاثِهَا» .

And similarly, he said regarding safflower-dyed material: Did he not, peace be upon him, prohibit men from it?

وَكَذَلِكَ قَالَ فِي الْمُعَصْفَرِ: إذْ نَهَى - عَلَيْهِ السَّلَامُ - الرِّجَالَ عَنْهُ؟

The shrouding of a woman and the digging of her grave are from her estate.

[مَسْأَلَةٌ كَفَنُ الْمَرْأَةِ وَحَفْرُ قَبْرِهَا مِنْ رَأْسِ مَالِهَا]

Issue 571: The shroud of a woman and the digging of her grave are to be funded from her own estate, and her husband bears no obligation in this matter. This is because Muslims' wealth remains protected unless explicitly mandated by a Quranic injunction or Sunnah-based ruling. The Messenger of Allah (peace be upon him) said: "Verily, your blood and your wealth are inviolable for you."

٥٧١ - مَسْأَلَةٌ: وَكَفَنُ الْمَرْأَةِ وَحَفْرُ قَبْرِهَا مِنْ رَأْسِ مَالِهَا، وَلَا يَلْزَمُ ذَلِكَ زَوْجَهَا، لِأَنَّ أَمْوَالَ الْمُسْلِمِينَ مَحْظُورَةٌ إلَّا بِنَصِّ قُرْآنٍ أَوْ سُنَّةٍ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

L9123 Indeed, Allah the Exalted has obligated upon the husband financial maintenance, garments, and lodging. Yet in the language Allah has used to address us, the shroud is not termed “garments,” nor is the grave called a “dwelling.”

L9124 ## The Legal Issue Pertaining to the Prayer over the Deceased

L9125 572. Issue: The funeral prayer is performed with an Imam standing and facing the Qiblah, the people in rows behind him. The Imam stands at the head of a man and at the mid-section of a woman.

L9126 Abd al-Rahman ibn Abd Allah narrated to us from Ibrahim ibn Ahmad from al-Farbari from al-Bukhari from Musaddad from Abu Awanah from Qatadah from Ata’ from Jabir ibn Abd Allah, who said: “The Messenger of Allah—peace and blessings be upon him—prayed over the Najashi, and I was in the second row, or the third.”

L9127 Is there no disagreement that it is a standing prayer, with no bowing, prostration, sitting, or tashahhud?

L9128–9130 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath → Abdul-Wahhab ibn Isa → Ahmad ibn Muhammad → Ahmad ibn Ali → Muslim ibn al-Hajjaj → Yahya ibn Yahya, who said: “I [narrate] from Abdul-Warith ibn Sa‘id → Husayn ibn Dhakwan. Abdullah ibn Buraidah narrated to me from Samurah ibn Jundub, who said: ’I prayed behind the Messenger of Allah—peace and blessings be upon him—and he led prayers for Umm Ka‘b, who died during her postpartum bleeding. The Messenger of Allah—peace and blessings be upon him—stood in...” The prayer over it is its midpoint [i.e., the middle prayer (ʿAṣr)].

L9131 It was also narrated to us via the chain of al-Bukhārī from Musaddad, who narrated to us: Yazīd ibn Zurayʿ, from al-Ḥusayn ibn Dhakwān, through his chain of transmission.

L9132 And it was also transmitted by Yazīd ibn Hārūn, al-Faḍl ibn Mūsā, and ʿAbdullāh ibn al-Mubārak—all of them narrating from al-Ḥusayn ibn Dhakwān with his chain of transmission.

وَإِنَّمَا أَوْجَبَ تَعَالَى عَلَى الزَّوْجِ النَّفَقَةَ، وَالْكِسْوَةَ، وَالْإِسْكَانَ، وَلَا يُسَمَّى فِي اللُّغَةِ الَّتِي خَاطَبَنَا اللَّهُ تَعَالَى بِهَا الْكَفَنُ: كِسْوَةً، وَلَا الْقَبْرُ: إِسْكَانًا

[مَسْأَلَةُ الصَّلَاةِ عَلَى الْمَيِّتِ]

٥٧٢ - مَسْأَلَةٌ: وَيُصَلَّى عَلَى الْمَيِّتِ بِإِمَامٍ يَقِفُ وَيَسْتَقْبِلُ الْقِبْلَةَ، وَالنَّاسُ وَرَاءَهُ صُفُوفٌ، وَيَقِفُ مِنَ الرَّجُلِ عِنْدَ رَأْسِهِ، وَمِنَ الْمَرْأَةِ عِنْدَ وَسَطِهَا.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ عَنْ أَبِي عَوَانَةَ عَنْ قَتَادَةَ عَنْ عَطَاءٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ «صَلَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى النَّجَاشِيِّ فَكُنْتُ فِي الصَّفِّ الثَّانِي، أَوْ الثَّالِثِ» .

وَلَا خِلَافَ فِي أَنَّهَا صَلَاةُ قِيَامٍ، لَا رُكُوعَ فِيهَا، وَلَا سُجُودَ، وَلَا قُعُودَ، وَلَا تَشَهُّدَ؟

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى أَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ حُسَيْنِ بْنِ ذَكْوَانَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ عَنْ سَمُرَةَ بْنِ جُنْدُبٍ قَالَ «صَلَّيْتُ خَلْفَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَصَلَّى عَلَى أُمِّ كَعْبٍ، مَاتَتْ فِي نِفَاسِهَا، فَقَامَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الصَّلَاةِ عَلَيْهَا وَسَطَهَا» .

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ مُسَدَّدٍ ثنا يَزِيدُ بْنُ زُرَيْعٍ عَنِ الْحُسَيْنِ بْنِ ذَكْوَانَ بِإِسْنَادِهِ.

وَرَوَاهُ أَيْضًا يَزِيدُ بْنُ هَارُونَ، وَالْفَضْلُ بْنُ مُوسَى، وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ كُلُّهُمْ عَنِ الْحُسَيْنِ بْنِ ذَكْوَانَ بِإِسْنَادِهِ.

L9133 Abdullah ibn Rabee' narrated to us: Muhammad ibn Ishaq narrated to us: Ibn al-A'rabi narrated to us: Abu Dawud narrated to us: Dawud ibn Mu'adh narrated to us: Abdul-Warith ibn Sa'eed narrated from Nafi' Abu Ghalib that he said: I performed the funeral prayer for Abdullah ibn Umayr, with Anas ibn Malik leading us in prayer over him while I stood behind him. He stood at his head, uttered four takbirs without prolonging or hastening them, then moved to sit down. They said: "O Abu Hamzah, what about the Ansari woman?" They brought her forward on a green bier. He stood at her hips and prayed over her in the same manner as he prayed over the man. When he sat down, al-Ala' ibn Ziyad asked him: "O Abu Hamzah, did the Messenger of Allah (peace be upon him) pray over the deceased as you did—uttering four takbirs, standing at the man's head and the woman's hips?" He replied: "Yes."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا دَاوُد بْنُ مُعَاذ ثنا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ «عَنْ نَافِعٍ أَبِي غَالِبٍ أَنَّهُ قَالَ: صَلَّيْتُ عَلَى جِنَازَةِ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، وَصَلَّى عَلَيْهِ بِنَا أَنَسُ بْنُ مَالِكٍ وَأَنَا خَلْفَهُ، فَقَامَ عِنْدَ رَأْسِهِ، فَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ، لَمْ يُطِلْ وَلَمْ يُسْرِعْ، ثُمَّ ذَهَبَ يَقْعُدُ فَقَالُوا: يَا أَبَا حَمْزَةَ، الْمَرْأَةُ الْأَنْصَارِيَّةُ؟ فَقَرَّبُوهَا وَعَلَيْهَا نَعْشٌ أَخْضَرُ، فَقَامَ عِنْدَ عَجِيزَتِهَا، فَصَلَّى عَلَيْهَا نَحْوَ صَلَاتِهِ عَلَى الرَّجُلِ، ثُمَّ جَلَسَ، فَقَالَ لَهُ الْعَلَاءُ بْنُ زِيَادٍ: يَا أَبَا حَمْزَةَ، هَكَذَا كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي عَلَى الْجِنَازَةِ كَصَلَاتِكَ، يُكَبِّرُ عَلَيْهَا أَرْبَعًا، وَيَقُومُ عِنْدَ رَأْسِ الرَّجُلِ، وَعَجِيزَةِ الْمَرْأَةِ؟ قَالَ: نَعَمْ» .

L9134 Abdullah ibn Rabīʿ narrated to us: Abdullah ibn Muḥammad ibn ʿUthmān narrated to us: Aḥmad ibn Khālid narrated to us: ʿAlī ibn ʿAbd al-ʿAzīz narrated to us: al-Ḥajjāj ibn al-Minhāl narrated to us: Hammām ibn Yaḥyā narrated from Abū Ghālib, who mentioned this ḥadīth of Anas. At the end of it: al-ʿAlāʾ ibn Ziyād turned his face toward the people and said, "Memorize?" This indicated that all those present agreed with him, and they all complied.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا هَمَّامُ بْنُ يَحْيَى عَنْ أَبِي غَالِبٍ، فَذَكَرَ حَدِيثَ أَنَسٍ هَذَا، وَفِي آخِرِهِ -: أَنَّ الْعَلَاءَ بْنَ زِيَادٍ أَقْبَلَ عَلَى النَّاسِ بِوَجْهِهِ فَقَالَ: احْفَظُوا؟ فَدَلَّ هَذَا عَلَى مُوَافَقَةِ كُلِّ مَنْ حَضَرَ لَهُ، وَهُمْ تَابِعُونَ كُلُّهُمْ.

L9135–9137 This position is held by Al-Shafi'i, Ahmad, Dawud, their companions, and the scholars of Hadith. Abu Hanifah and Malik disagreed, and we know of no valid argument for them except a corrupt claim - that this practice existed when biers were not used. This is a falsehood from whoever asserted it, for did Anas not pray in such a manner while the woman was in a green bier? Some argued: "Just as the Imam stands aligned with the middle of the prayer row before him, so too should he stand aligned with the middle of the funeral bier?" The response is: This is invalid and a corrupt analogy, for he is the Imam of the prayer row - not the Imam of the funeral bier nor a follower in it. The precedent we follow in his standing opposite the middle of the prayer row is the same as that for his standing opposite the middle of... The position of the woman is aligned with the head of the man—referring to

وَبِهَذَا يَأْخُذُ الشَّافِعِيُّ، وَأَحْمَدُ، وَدَاوُد، وَأَصْحَابُهُمْ، وَأَصْحَابُ الْحَدِيثِ. وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ، بِخِلَافِ هَذَا، وَمَا نَعْلَمُ لَهُمْ حُجَّةً إِلَّا دَعْوَى فَاسِدَةً، وَأَنَّ ذَلِكَ كَانَ إِذْ لَمْ تَكُنْ النُّعُوشُ وَهَذَا كَذِبٌ مِمَّنْ قَالَهُ، لِأَنَّ أَنَسًا صَلَّى كَذَلِكَ وَالْمَرْأَةُ فِي نَعْشٍ أَخْضَرَ؟ وَقَالَ بَعْضُهُمْ: كَمَا يَقُومُ الْإِمَامُ مُوَازِ وَسَطَ الصَّفِّ خَلْفَهُ كَذَلِكَ يَقُومُ مُوَازِ وَسَطَ الْجِنَازَةِ؟ فَيُقَالُ لَهُ: هَذَا بَاطِلٌ، وَقِيَاسٌ فَاسِدٌ، لِأَنَّهُ إِمَامُ الصَّفِّ، وَلَيْسَ إِمَامًا لِلْجِنَازَةِ، وَلَا مَأْمُومًا لَهَا، وَالَّذِي اقْتَدَيْنَا بِهِ فِي وُقُوفِهِ إِزَاءَ وَسَطِ الصَّفِّ هُوَ الَّذِي اقْتَدَيْنَا بِهِ إِزَاءَ

the Prophet (peace be upon him), whose ruling must not be opposed—and success is from Allah, the Most High.

The issue of uttering the takbīr [Allāhu Akbar] regarding the funeral.

L9138

L9139 Issue 573: The Imam and those praying behind him pronounce takbīr by following the Imam's takbīr during funeral prayers - five takbīrs with no increase. If they pronounce four takbīrs, this is acceptable. There shall be no fewer. Hands are raised only during the first takbīr. When the prescribed takbīrs conclude, the Imam offers two salutations of peace, and the congregants likewise offer peace. If he pronounces seven takbīrs, we disliked it yet followed him. Similarly, if he pronounces three, we followed him. If he exceeds this number, we do not follow him. If he pronounces fewer than three, we do not conclude with his salutation but complete the prescribed takbīr.

Narrated to us by ʿAbdullāh ibn Yūsuf, from Aḥmad ibn Yūsuf, from Aḥmad ibn Fatḥ, from ʿAbd al-Wahhāb ibn ʿĪsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn ʿAlī, from Muslim ibn al-Ḥajjāj, from Abū Bakr ibn Abī Shaybah and Muḥammad ibn al-Muthannā, both of whom said: Narrated to us by Muḥammad ibn Jaʿfar from Shuʿbah from ʿAmr ibn Murrah from ʿAbd al-Raḥmān ibn Abī Laylā, who said: "Zayd ibn Arqam would pronounce four takbīrs over our deceased. Once he pronounced five takbīrs over a funeral, so I questioned him. He replied: 'The Messenger of Allāh—peace and blessings of Allāh upon him—used to pronounce them.'"[9]

L9140 It has been authentically reported from the Prophet—peace and blessings of Allah be upon him—that he also performed four takbirs, as we will mention after this, if Allah the Exalted wills—Abu Muhammad said: Those who prohibited performing more than four takbirs cited a report we have narrated through the chain of Waki' from Sufyan al-Thawri from 'Amir ibn Shaqiq from Abu Wa'il, who said: "Umar ibn al-Khattab gathered the people and consulted them regarding the takbirs in the funeral prayer. They said: The

[9] **Hadith references (L9139):** Sunan Ibn Majah 1505; Bulugh al-Maram 561.

وَسَطِ الْمَرْأَةِ، وَإِزَاءَ رَأْسِ الرَّجُلِ، وَهُوَ النَّبِيُّ - عَلَيْهِ السَّلَامُ -، الَّذِي لَا يَحِلُّ خِلَافُ حُكْمِهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ التَّكْبِيرِ عَلَى الْجِنَازَةِ]

٥٧٣ - مَسْأَلَةٌ: وَيُكَبِّرُ الْإِمَامُ وَالْمَأْمُومُونَ بِتَكْبِيرِ الْإِمَامِ عَلَى الْجِنَازَةِ خَمْسَ تَكْبِيرَاتٍ، لَا أَكْثَرَ، فَإِنْ كَبَّرُوا أَرْبَعًا فَحَسَنٌ، وَلَا أَقَلَّ، وَلَا تُرْفَعُ الْأَيْدِي إِلَّا فِي أَوَّلِ تَكْبِيرَةٍ فَقَطْ، فَإِذَا انْقَضَى التَّكْبِيرُ الْمَذْكُورُ سَلَّمَ تَسْلِيمَتَيْنِ وَسَلَّمُوا كَذَلِكَ، فَإِنْ كَبَّرَ سَبْعًا كَرِهْنَاهُ وَاتَّبَعْنَاهُ، وَكَذَلِكَ إِنْ كَبَّرَ ثَلَاثًا، فَإِنْ كَبَّرَ أَكْثَرَ لَمْ نَتَّبِعْهُ، وَإِنْ كَبَّرَ أَقَلَّ مِنْ ثَلَاثٍ لَمْ نُسَلِّمْ بِسَلَامِهِ، بَلْ أَكْمَلْنَا التَّكْبِيرَ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْمُثَنَّى قَالَا: ثنا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ عَمْرِو بْنِ مُرَّةَ عَنْ «عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ كَانَ زَيْدُ بْنُ أَرْقَمَ يُكَبِّرُ عَلَى جَنَائِزِنَا أَرْبَعًا، وَأَنَّهُ كَبَّرَ عَلَى جِنَازَةٍ خَمْسًا، فَسَأَلْتُهُ؟ فَقَالَ: كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُكَبِّرُهَا» .

وَصَحَّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ كَبَّرَ أَيْضًا أَرْبَعًا، كَمَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى -: قَالَ أَبُو مُحَمَّدٍ: وَاحْتَجَّ مَنْ مَنَعَ مِنْ أَكْثَرَ مِنْ أَرْبَعٍ بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَامِرِ بْنِ شَقِيقٍ عَنْ أَبِي وَائِلٍ قَالَ " «جَمَعَ عُمَرُ بْنُ الْخَطَّابِ النَّاسَ فَاسْتَشَارَهُمْ فِي التَّكْبِيرِ عَلَى الْجِنَازَةِ، فَقَالُوا: كَبَّرَ النَّبِيُّ - صَلَّى اللَّهُ

Prophet—peace and blessings of Allah be upon him—pronounced seven, five, and four takbirs. So Umar united them upon four takbirs, like the longest prayer."

عَلَيْهِ وَسَلَّمَ - سَبْعًا وَخَمْسًا وَأَرْبَعًا، فَجَمَعَهُمْ عُمَرُ عَلَى أَرْبَعِ تَكْبِيرَاتٍ كَأَطْوَلِ الصَّلَاةِ»

L9141 And it was also narrated to us via ʿAbd al-Razzāq from Sufyān al-Thawrī from ʿUmar ibn Shaqīq from Abī Wāʾil - and he mentioned it.

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عُمَرَ بْنِ شَقِيقٍ عَنْ أَبِي وَائِلٍ فَذَكَرَهُ.

L9142 They said: "So this is consensus, and thus it is impermissible to oppose it?" Abū Muḥammad replied: "This is utterly invalid. The first reason is that the narration is unauthentic, for it comes from ʿĀmir ibn Shaqīq, who is weak."

قَالُوا: فَهَذَا إجْمَاعٌ، فَلَا يَجُوزُ خِلَافُهُ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا فِي غَايَةِ الْفَسَادِ، أَوَّلُ ذَلِكَ -: أَنَّ الْخَبَرَ لَا يَصِحُّ؛ لِأَنَّهُ عَنْ عَامِرِ بْنِ شَقِيقٍ وَهُوَ ضَعِيفٌ.

L9143–9144 As for ʿUmar ibn Shaqīq, none in the world knows who he is. Allah forbid that ʿUmar—may Allah be pleased with him—would ever consider introducing an obligation contrary to what Allah's Messenger—peace and blessings be upon him—practiced, or prohibiting something the Prophet—peace be upon him—performed that remained permissible during his lifetime, only for ʿUmar to prohibit it afterward. Would anyone attribute this to ʿUmar except one ignorant of his standing in the religion and Islam, or a slanderer of the Salaf—may Allah be pleased with them? They also mentioned what Ḥummām narrated to us: ʿAbbās ibn Aṣbagh narrated to us, Ibn Ayman narrated to us, Aḥmad ibn Zuhayr narrated to us, ʿAlī ibn al-Jaʿd narrated to us, Shuʿbah narrated to us from ʿAmr ibn Murrah: I heard Saʿīd ibn al-Musayyib narrate from Ibn ʿUmar, who said: "All of that had occurred—four or five [takbīrs]—but we agreed upon four," meaning the number of takbīrs in the funeral prayer.

وَأَمَّا عُمَرُ بْنُ شَقِيقٍ فَلَا يُدْرَى فِي الْعَالَمِ مَنْ هُوَ وَمَعَاذَ اللَّهِ أَنْ يَسْتَشِيرَ عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - فِي إحْدَاثِ فَرِيضَةٍ بِخِلَافِ مَا فَعَلَ فِيهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ لِلْمَنْعِ مِنْ بَعْضِ مَا فَعَلَهُ - عَلَيْهِ السَّلَامُ -، وَمَاتَ وَهُوَ مُبَاحٌ، فَيُحَرِّمُ بَعْدَهُ، لَا يَظُنُّ هَذَا بِعُمَرَ إلَّا جَاهِلٌ بِمَحَلِّ عُمَرَ مِنْ الدِّينِ وَالْإِسْلَامِ، طَاعِنٌ عَلَى السَّلَفِ - رَضِيَ اللَّهُ عَنْهُمْ -؟ وَذَكَرُوا أَيْضًا مَا حَدَّثَنَاهُ حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا ابْنُ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرٍ ثنا عَلِيُّ بْنُ الْجَعْدِ ثنا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ سَمِعْت سَعِيدَ بْنَ الْمُسَيِّبِ يُحَدِّثُ عَنْ ابْنِ عُمَرَ قَالَ: كُلُّ ذَلِكَ قَدْ كَانَ، أَرْبَعًا وَخَمْسًا، فَاجْتَمَعْنَا عَلَى أَرْبَعٍ، يَعْنِي التَّكْبِيرَ عَلَى الْجِنَازَةِ؟

L9145 And through him to Shuʿbah from al-Mughīrah from Ibrāhīm al-Nakhaʿī, who said: A man from the Companions of Muʿādh ibn Jabal came and prayed over a funeral, performing five takbīrs over it. They laughed at him, so Ibn Masʿūd said: "Did we not use to perform four, five, six, and seven takbīrs, then we agreed upon four?"

وَبِهِ إلَى شُعْبَةَ عَنْ الْمُغِيرَةِ عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: جَاءَ رَجُلٌ مِنْ أَصْحَابِ مُعَاذِ بْنِ جَبَلٍ، فَصَلَّى عَلَى جِنَازَةٍ، فَكَبَّرَ عَلَيْهَا خَمْسًا، فَضَحِكُوا مِنْهُ، فَقَالَ ابْنُ مَسْعُودٍ، قَدْ كُنَّا نُكَبِّرُ أَرْبَعًا، وَخَمْسًا، وَسِتًّا، وَسَبْعًا، فَاجْتَمَعْنَا عَلَى أَرْبَعٍ؟

L9146 We have also narrated it through the chain of al-Ḥajjāj ibn al-Minhāl from Abū ʿAwānah from al-Mughīrah from Ibrāhīm al-Nakhaʿī in a similar manner.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ أَبِي عَوَانَةَ عَنْ الْمُغِيرَةِ عَنْ إبْرَاهِيمَ النَّخَعِيِّ نَحْوَهُ -: وَمِنْ طَرِيقِ غُنْدَرٍ عَنْ شُعْبَةَ عَنْ عَمْرِو بْنِ مُرَّةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ: كُلُّ ذَلِكَ قَدْ كَانَ: أَرْبَعٌ، وَخَمْسٌ يَعْنِي التَّكْبِيرَ عَلَى الْجِنَازَةِ. قَالَ سَعِيدٌ: فَأَمَرَ عُمَرُ النَّاسَ بِأَرْبَعٍ؟ قَالُوا: فَهَذَا إجْمَاعٌ؟ -: قَالَ أَبُو مُحَمَّد: هَذَا الْكَذِبُ؟ لِأَنَّ إبْرَاهِيمَ لَمْ يُدْرِكْ ابْنَ مَسْعُودٍ. وَعَلِيُّ بْنُ الْجَعْدِ لَيْسَ بِالْقَوِيِّ وَسَعِيدٌ لَمْ يَحْفَظْ مِنْ عُمَرَ إلَّا نَعْيَهُ النُّعْمَانَ بْنَ مُقَرِّنٍ عَلَى الْمِنْبَرِ فَقَطْ، فَكُلُّ ذَلِكَ مُنْقَطِعٌ أَوْ ضَعِيفٌ؟

And through the chain of Ghundar from Shu‘bah from ‘Amr ibn Murrah from Sa‘īd ibn al-Musayyib, who said: ‘Umar ibn al-Khaṭṭāb declared: “All of this has occurred: four and five,” meaning the Takbīr in the funeral prayer. Sa‘īd said: “Did ‘Umar then instruct people to perform four?” They said: “Is this consensus?” Abū Muḥammad responded: “Is this not falsehood? For Ibrāhīm did not meet Ibn Mas‘ūd, ‘Alī ibn al-Ja‘d is not reliable, and Sa‘īd did not reliably preserve from ‘Umar except his announcement of al-Nu‘mān ibn Muqarrin’s death from the pulpit alone. Thus, are all these chains either interrupted or weak?”

L9147–9148

وَلَوْ صَحَّ، لَكَانَ مَا رَوَوْهُ مِنْ ذَلِكَ مُكَذِّبًا لِدَعْوَاهُمْ فِي الْإِجْمَاعِ؛ لِأَنَّ صَاحِبَ مُعَاذٍ الْمَذْكُورَ كَبَّرَ خَمْسًا، وَلَمْ يُنْكِرْ ذَلِكَ عَلَيْهِ ابْنُ مَسْعُودٍ.

If it were valid, what they reported about it would have refuted their claim of consensus, because the aforementioned associate of Mu‘ādh performed the takbīr five times, and Ibn Mas‘ūd did not object to it.

L9149

وَقَدْ ذَكَرْنَا عَنْ زَيْدِ بْنِ أَرْقَمَ أَنَّهُ كَبَّرَ بَعْدَ عُمَرَ خَمْسًا -: حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ إسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ الشَّعْبِيِّ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُغَفَّلٍ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ صَلَّى عَلَى سَهْلِ بْنِ حُنَيْفٍ فَكَبَّرَ عَلَيْهِ سِتًّا، ثُمَّ الْتَفَتَ إلَيْنَا فَقَالَ: إنَّهُ بَدْرِيٌّ؟ قَالَ الشَّعْبِيُّ: وَقَدِمَ عَلْقَمَةُ مِنْ الشَّامِ فَقَالَ لِابْنِ مَسْعُودٍ: إنَّ إخْوَانَك بِالشَّامِ يُكَبِّرُونَ عَلَى جَنَائِزِهِمْ خَمْسًا، فَلَوْ وَقَّتُّمْ لَنَا وَقْتًا نُتَابِعُكُمْ عَلَيْهِ؟ فَأَطْرَقَ عَبْدُ اللَّهِ سَاعَةً ثُمَّ قَالَ: انْظُرُوا جَنَائِزَكُمْ، فَكَبِّرُوا عَلَيْهَا مَا كَبَّرَ أَئِمَّتُكُمْ، لَا وَقْتَ وَلَا عَدَدَ -: قَالَ أَبُو مُحَمَّد: ابْنُ مَسْعُودٍ مَاتَ فِي حَيَاةِ عُثْمَانَ - رَضِيَ اللَّهُ عَنْهُمَا -، فَإِنَّمَا ذَكَرَ لَهُ عَلْقَمَةُ مَا ذَكَرَ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - الَّذِينَ بِالشَّامِ، وَهَذَا إسْنَادٌ فِي غَايَةِ الصِّحَّةِ، لِأَنَّ الشَّعْبِيَّ أَدْرَكَ عَلْقَمَةَ وَأَخَذَ عَنْهُ وَسَمِعَ مِنْهُ -: حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَوْنِ اللَّهِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ

We have mentioned from Zayd ibn Arqam that he pronounced the takbir five times after Umar. Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-A’rabi narrated to us: al-Dabari narrated to us: Abd al-Razzaq narrated from Sufyan ibn Uyaynah from Isma’il ibn Abi Khalid from al-Sha’bi: Abdullah ibn Mughaffal narrated to me: Ali ibn Abi Talib prayed over Sahl ibn Hunayf and pronounced the takbir over him six times, then turned to us and said, “Was he not a veteran of Badr?” Al-Sha’bi said: Alqamah came from Syria and said to Ibn Mas’ud, “Your brothers in Syria pronounce the takbir five times over their deceased. Would you set a specified practice for us to follow you in?” Abdullah remained silent for a moment and then said, “Observe your deceased and pronounce the takbir over them as your imams do—no time or number.” Abu Muhammad said: Ibn Mas’ud died during Uthman’s lifetime—may Allah be pleased with them both. Alqamah only reported to him what he narrated from the Companions—may Allah be pleased with them—in Syria. This is a chain of transmission of utmost authenticity, for al-Sha’bi met Alqamah, learned from him, and heard from him. Muhammad ibn Sa’id ibn Nabat narrated to us: Ahmad ibn Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammad ibn Abd al-Salam al-Khushani narrated to us: Muhammad ibn Bashshar narrated to

us: Muhammad ibn Ja’far narrated from Shu’bah from al-Minhal ibn Amr from Zirr ibn Hubaysh, who said: I saw Ibn Mas’ud pray over a man from Bal’adan—a branch of Banu Asad—and pronounce the takbir five times over him. Via the same chain: Abd al-Razzaq from Ma’mar from Hammad ibn Abi Sulayman from Ibrahim al-Nakha’i: Ali pronounced the takbir five times over a funeral. Via the same chain: Abd al-Razzaq from Sufyan ibn Uyaynah from Amr ibn Dinar from Abi Ma’bad from Ibn Abbas: He used to pronounce the takbir three times over the deceased.

عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ ثنا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ الْمِنْهَالِ بْنِ عَمْرٍو عَنْ زِرِّ بْنِ حُبَيْشٍ قَالَ: رَأَيْت ابْنَ مَسْعُودٍ صَلَّى عَلَى رَجُلٍ مِنْ بَلْعَدَانَ - نَخْذٌ مِنْ بَنِي أَسَدٍ - فَكَبَّرَ عَلَيْهِ خَمْسًا؟ وَبِالسَّنَدِ الْمَذْكُورِ إلَى عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّ عَلِيًّا كَبَّرَ عَلَى جِنَازَةٍ خَمْسًا؟ وَبِهِ إلَى عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ أَبِي مَعْبَدٍ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ يُكَبِّرُ عَلَى الْجِنَازَةِ ثَلَاثًا.

L9150 It is also narrated through Muḥammad ibn Jaʿfar, from Shuʿbah, from ʿAmr ibn Dīnār, who said: I heard Abū Maʿbad say: Ibn ʿAbbās used to recite three takbīrs during the funeral prayer.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْت أَبَا مَعْبَدٍ يَقُولُ: كَانَ ابْنُ عَبَّاسٍ يُكَبِّرُ عَلَى الْجِنَازَةِ ثَلَاثًا.

L9151–9155 And this is a chain of narration of the utmost authenticity. From the path of Hammad ibn Salamah: Shaybah ibn Ayman informed me that Anas ibn Malik prayed over a funeral and performed three takbīrs. And through him to Hammad, from Yahya ibn Abi Ishaq: It was said to Anas, “So-and-so performed three takbīrs over a funeral?” Anas replied, “Is the takbīr anything but three?” Muhammad ibn Sirin said, “Was the takbīr not originally three, then they added one—meaning over the funeral?” From the path of Muslim ibn Ibrahim, from Shuʿbah, from Zurarah ibn Abi al-Halal al-ʿAtaki: Jabir ibn Zayd Abu al-Shaʿtha’ commanded Yazid ibn al-Muhallab to perform three takbīrs over the funeral.

وَهَذَا إسْنَادٌ فِي غَايَةِ الصِّحَّةِ وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ أَخْبَرَنِي شَيْبَةُ بْنُ أَيْمَنَ أَنَّ أَنَسَ بْنَ مَالِكٍ صَلَّى عَلَى جِنَازَةٍ فَكَبَّرَ ثَلَاثًا؟ وَبِهِ إلَى حَمَّادٍ عَنْ يَحْيَى بْنِ أَبِي إسْحَاقَ: أَنَّهُ قِيلَ لِأَنَسٍ: إنَّ فُلَانًا كَبَّرَ ثَلَاثًا، يَعْنِي عَلَى جِنَازَةٍ؟ فَقَالَ أَنَسٌ: وَهَلْ التَّكْبِيرُ إلَّا ثَلَاثًا؟ وَقَالَ مُحَمَّدُ بْنُ سِيرِينَ: إنَّمَا كَانَ التَّكْبِيرُ ثَلَاثًا فَزَادُوا وَاحِدَةً يَعْنِي عَلَى الْجِنَازَةِ؟ وَمِنْ طَرِيقِ مُسْلِمِ بْنِ إبْرَاهِيمَ عَنْ شُعْبَةَ عَنْ زُرَارَةَ بْنِ أَبِي الْحَلَالِ الْعَتَكِيِّ أَنَّ جَابِرَ بْنَ زَيْدٍ أَبَا الشَّعْثَاءِ أَمَرَ يَزِيدَ بْنَ الْمُهَلَّبِ أَنْ يُكَبِّرَ عَلَى الْجِنَازَةِ ثَلَاثًا؟ قَالَ أَبُو مُحَمَّدٍ: أُفٍّ لِكُلِّ إجْمَاعٍ يُخْرَجُ عَنْهُ: عَلِيُّ بْنُ أَبِي طَالِبٍ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَأَنَسُ بْنُ مَالِكٍ، وَابْنُ عَبَّاسٍ، وَالصَّحَابَةُ بِالشَّامِ - رَضِيَ اللَّهُ عَنْهُمْ -، ثُمَّ التَّابِعُونَ بِالشَّامِ، وَابْنُ سِيرِينَ وَجَابِرُ بْنُ زَيْدٍ وَغَيْرُهُمْ بِأَسَانِيدَ فِي غَايَةِ الصِّحَّةِ، وَيَدَّعِي الْإِجْمَاعَ بِخِلَافِ هَؤُلَاءِ بِأَسَانِيدَ وَاهِيَةٍ، فَمَنْ أَجْهَلُ مِمَّنْ هَذِهِ سَبِيلُهُ؟ فَمَنْ أَخْسَرُ صَفْقَةً مِمَّنْ يَدْخُلُ فِي عَقْلِهِ أَنَّ إجْمَاعًا عَرَفَهُ

Abu Muhammad said: Uff! For every consensus claimed while excluding ʿAli ibn Abi Talib, ʿAbdullah ibn Masʿud, Anas ibn Malik, Ibn ʿAbbas, and the Companions in Syria—may Allah be pleased with them—then the Successors in Syria, Ibn Sirin, Jabir ibn Zayd, and others with chains of the highest authenticity, while asserting consensus contrary to these with feeble chains—who is more ignorant than one whose path is this? Who suffers a worse bargain than one who accepts that a consensus known to Abu Hanifah, Malik, and al-Shafiʿi remained hidden from ʿAli, Ibn Masʿud, Zayd ibn Arqam, Anas ibn Malik, and Ibn ʿAbbas, so that they opposed the consensus? Allah is

far above this! They have no basis for what we have narrated: that ʻUmar performed four takbīrs, ʻAli performed four over Ibn al-Mukaffiʻ, Zayd ibn Thabit performed four over his mother, ʻAbdullah ibn Abi Awfa performed four over his daughter, Zayd ibn Arqam performed four, and Anas performed four. All this is true and correct. None of these individuals has any authentic report rejecting five takbīrs at all. Even if it were found, it would oppose the statement of those who permitted it, and it would then become obligatory to revert to what Allah the Exalted has prescribed as the recourse in times of dispute—the Quran and the Sunnah. It has been authentically established that he (peace be upon him) pronounced the Takbir five times and four times. Therefore, it is impermissible to abandon either of his two practices for the other.

-: أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ، وَخَفِيَ عِلْمُهُ عَلَى -: عَلِيٍّ، وَابْنِ مَسْعُودٍ، وَزَيْدِ بْنِ أَرْقَمَ، وَأَنَسِ بْنِ مَالِكٍ، وَابْنِ عَبَّاسٍ، حَتَّى خَالَفُوا الْإِجْمَاعَ؟ حَاشَا لِلَّهِ مِنْ هَذَا؟ وَلَا مُتَعَلَّقَ لَهُمْ بِمَا رُوِّينَاهُ مِنْ أَنَّ عُمَرَ كَبَّرَ أَرْبَعًا، وَعَلِيًّا كَبَّرَ عَلَى ابْنِ الْمُكَفِّفِ أَرْبَعًا، وَزَيْدَ بْنَ ثَابِتٍ كَبَّرَ عَلَى أُمِّهِ أَرْبَعًا، وَعَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى كَبَّرَ عَلَى ابْنَتِهِ أَرْبَعًا، وَزَيْدَ بْنَ أَرْقَمَ كَبَّرَ أَرْبَعًا، وَأَنَسًا كَبَّرَ أَرْبَعًا -: فَكُلُّ هَذَا حَقٌّ وَصَوَابٌ، وَلَيْسَ مِنْ هَؤُلَاءِ أَحَدٌ صَحَّ عَنْهُ إنْكَارُ تَكْبِيرِ خَمْسٍ أَصْلًا، وَحَتَّى لَوْ وُجِدَ لَكَانَ مُعَارِضًا لَهُ قَوْلُ مَنْ أَجَازَهَا، وَوَجَبَ الرُّجُوعُ حِينَئِذٍ إلَى مَا افْتَرَضَ اللَّهُ تَعَالَى الرَّدَّ إلَيْهِ عِنْدَ التَّنَازُعِ، مِنْ الْقُرْآنِ وَالسُّنَّةِ، وَقَدْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَبَّرَ خَمْسًا وَأَرْبَعًا، فَلَا يَجُوزُ تَرْكُ أَحَدِ عَمَلَيْهِ لِلْآخَرِ

L9156 We have not found from any of the Imams a practice of performing more than seven takbīrs or fewer than three. Whoever adds beyond five and reaches six or seven has done an act never authentically established from the Prophet—peace and blessings be upon him. Thus we disliked it for that reason, but since he—peace be upon him—did not forbid it, we did not declare it prohibited. Similarly, what is the ruling regarding one who performs three takbīrs?

وَلَمْ نَجِدْ عَنْ أَحَدٍ مِنْ الْأَئِمَّةِ تَكْبِيرًا أَكْثَرَ مِنْ سَبْعٍ، وَلَا أَقَلَّ مِنْ ثَلَاثٍ، فَمَنْ زَادَ عَلَى خَمْسٍ وَبَلَغَ سِتًّا أَوْ سَبْعًا فَقَدْ عَمِلَ عَمَلًا لَمْ يَصِحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَطُّ، فَكَرِهْنَاهُ لِذَلِكَ، وَلَمْ يَنْهَ - عَلَيْهِ السَّلَامُ - عَنْهُ فَلَمْ نَقُلْ: بِتَحْرِيمِهِ لِذَلِكَ، وَكَذَلِكَ الْقَوْلُ: فِيمَنْ كَبَّرَ ثَلَاثًا؟

L9157 As for fewer than three or more than seven, the Prophet—peace and blessings of Allah be upon him—did not perform it, nor do we know of anyone who held this view. It is a contrivance, and we have been forbidden to be among those who contrive—except for a baseless ḥadīth that we must bring attention to, to prevent anyone from being deceived by it: "The Messenger of Allah—peace and blessings of Allah be upon him—performed seventy prayers over Ḥamza—may Allah be pleased with him—on the day of Uḥud." This is undoubtedly false, and Allah alone grants success.

وَأَمَّا مَا دُونَ الثَّلَاثِ وَفَوْقَ السَّبْعِ فَلَمْ يَفْعَلْهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا عَلِمْنَا أَحَدًا قَالَ بِهِ، فَهُوَ تَكَلُّفٌ، وَقَدْ نُهِينَا أَنْ نَكُونَ مِنْ الْمُتَكَلِّفِينَ، إلَّا حَدِيثًا سَاقِطًا وَجَبَ أَنْ نُنَبِّهَ عَلَيْهِ لِئَلَّا يُغْتَرَّ بِهِ، وَهُوَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى عَلَى حَمْزَةَ - رَضِيَ اللَّهُ عَنْهُ - يَوْمَ أُحُدٍ سَبْعِينَ صَلَاةً» وَهَذَا بَاطِلٌ بِلَا شَكٍّ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

L9158 As for raising the hands, there is no report from the Prophet (peace and blessings of Allah be upon him) that he raised his hands during any of the

funeral prayer's Takbīrs except in the first Takbīr alone. Therefore, it is impermissible to do so, as it constitutes an act within the prayer unsupported by textual evidence. Rather, it is reported from him (peace be upon him) that he raised his hands with every lowering and raising (in prayer) – but is there no raising or lowering in it (the funeral prayer)? It is astonishing that Abū Ḥanīfah opines raising the hands in every Takbīr of the funeral prayer, despite there being no report from the Prophet (peace and blessings of Allah be upon him) supporting this, while he prohibits raising the hands with every lowering and raising in other prayers – and it has been authentically established from the Prophet (peace and blessings of Allah be upon him).

وَأَمَّا رَفْعُ الْأَيْدِي فَإِنَّهُ لَمْ يَأْتِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ رَفَعَ فِي شَيْءٍ مِنْ تَكْبِيرِ الْجَنَازَةِ إلَّا فِي أَوَّلِ تَكْبِيرَةٍ فَقَطْ، فَلَا يَجُوزُ فِعْلُ ذَلِكَ، لِأَنَّهُ عَمَلٌ فِي الصَّلَاةِ لَمْ يَأْتِ بِهِ نَصٌّ، وَإِنَّمَا جَاءَ عَنْهُ - عَلَيْهِ السَّلَامُ -: أَنَّهُ كَبَّرَ وَرَفَعَ يَدَيْهِ فِي كُلِّ خَفْضٍ وَرَفْعٍ، وَلَيْسَ فِيهَا رَفْعٌ وَلَا خَفْضٌ؟ وَالْعَجَبُ مِنْ قَوْلِ أَبِي حَنِيفَةَ: بِرَفْعِ الْأَيْدِي فِي كُلِّ تَكْبِيرَةٍ فِي صَلَاةِ الْجَنَازَةِ وَلَمْ يَأْتِ قَطُّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمَنْعِهِ مِنْ رَفْعِ الْأَيْدِي فِي كُلِّ خَفْضٍ وَرَفْعٍ فِي سَائِرِ الصَّلَوَاتِ، وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

L9159 As for the two taslims, they pertain to the prayer. The conclusion of the prayer is the taslim, and the second taslim is an act of remembrance (dhikr) and a good deed—and success comes from Allah, the Most High.

وَأَمَّا التَّسْلِيمَتَانِ فَهِيَ صَلَاةٌ، وَتَحْلِيلُ الصَّلَاةِ: التَّسْلِيمُ، وَالتَّسْلِيمَةُ الثَّانِيَةُ ذِكْرٌ وَفِعْلُ خَيْرٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9160 574. Issue:

٥٧٤ - مَسْأَلَةٌ:

L9161 When he utters the first Takbīr, he must necessarily recite Umm al-Qur'ān (the Opening of the Quran) and send blessings upon the Messenger of Allah—may peace and blessings be upon him. If he supplicates for the Muslims, it is commendable. Should he continue supplicating for the deceased throughout the remainder of the prayer? As for the recitation of Umm al-Qur'ān, this is because the Messenger of Allah—may peace and blessings be upon him—called it the prayer when he said, "Pray for your companion."

فَإِذَا كَبَّرَ الْأُولَى قَرَأَ (أُمَّ الْقُرْآنِ) وَلَا بُدَّ، وَصَلَّى عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِنْ دَعَا لِلْمُسْلِمِينَ فَحَسَنٌ، ثُمَّ يَدْعُو لِلْمَيِّتِ فِي بَاقِي الصَّلَاةِ؟ أَمَّا قِرَاءَةُ (أُمِّ الْقُرْآنِ) فَلِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَمَّاهَا صَلَاةً بِقَوْلِهِ «صَلُّوا عَلَى صَاحِبِكُمْ» .

L9162–9163 And he—peace be upon him—said: "There is no prayer for one who does not recite the Fātiḥah." Narrated by ʻAbd al-Raḥmān ibn ʻAbd Allāh, narrated by Ibrāhīm ibn Aḥmad, narrated by al-Farbarī, narrated by al-Bukhārī, narrated by Muḥammad ibn Kathīr, narrated by Sufyān—that is, al-Thawrī—from Saʻd—that is, Ibn Ibrāhīm ibn ʻAbd al-Raḥmān ibn ʻAwf—from Ṭalḥa ibn ʻAbd Allāh ibn ʻAwf, who said: "I prayed behind Ibn ʻAbbās, at a funeral, and he recited the Fātiḥah. He said: 'So that you may know it is a sunnah.'"

وَقَالَ - عَلَيْهِ السَّلَامُ - «لَا صَلَاةَ لِمَنْ لَمْ يَقْرَأْ بِأُمِّ الْقُرْآنِ» ؟ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ كَثِيرٍ ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ - عَنْ سَعْدٍ هُوَ ابْنُ إبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ - عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ

بْنِ عَوْفٍ قَالَ " صَلَّيْت خَلْفَ ابْنِ عَبَّاسٍ عَلَى جِنَازَةٍ، فَقَرَأَ بِفَاتِحَةِ الْكِتَابِ قَالَ: لِتَعْلَمُوا أَنَّهَا سُنَّةٌ ".

L9164 It has also been narrated to us through the chain of Shu'bah and Ibrāhīm ibn Sa'd, both of whom [are] from Sa'd ibn Ibrāhīm, from Ṭalḥah ibn 'Abd Allāh, from Ibn 'Abbās.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ شُعْبَةَ وَإِبْرَاهِيمَ بْنِ سَعْدٍ كِلَاهُمَا عَنْ سَعْدِ بْنِ إبْرَاهِيمَ عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ عَنْ ابْنِ عَبَّاسٍ.

L9165 Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: Qutaybah ibn Sa'id said: I heard from Al-Layth ibn Sa'd, from Ibn Shihab, from Abu Umamah ibn Sahl ibn Hunayf and Muhammad ibn Suwayd al-Dimashqi, from al-Dahhak ibn Qays. Al-Dahhak and Abu Umamah said: The Sunnah for the funeral prayer is to recite quietly during the Takbir, then say the next Takbir, and the Taslim is given after the final one.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا قُتَيْبَةُ بْنُ سَعِيدٍ أَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ ابْنِ شِهَابٍ عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ وَمُحَمَّدِ بْنِ سُوَيْدٍ الدِّمَشْقِيِّ عَنْ الضَّحَّاكِ بْنِ قَيْسٍ، قَالَ الضَّحَّاكُ، وَأَبُو أُمَامَةَ: السُّنَّةُ فِي الصَّلَاةِ عَلَى الْجِنَازَةِ أَنْ يَقْرَأَ فِي التَّكْبِيرِ مُخَافَتَةً، ثُمَّ يُكَبِّرَ، وَالتَّسْلِيمُ عِنْدَ الْآخِرَةِ.

L9166 And from Ibn Mas'ud: that he would recite the Opening of the Book during the funeral prayer. Through the chain of Waki' from Salamah ibn Nubayt from al-Dahhak ibn Qays, who said: "He recites the Opening of the Book between the first two takbirs." From Hammad ibn Salamah from Muhammad ibn Ishaq from Muhammad ibn Ibrahim al-Taymi from Muhammad ibn 'Amr ibn 'Ata': that al-Miswar ibn Makhramah performed the funeral prayer and recited the Opening of the Book and a short surah during the first takbira, raising his voice with them. When he concluded, he said: "I know well this prayer is silent, but I intended to teach you that recitation is part of it."

وَعَنْ ابْنِ مَسْعُودٍ: أَنَّهُ كَانَ يَقْرَأُ عَلَى الْجِنَازَةِ بِ أُمِّ الْكِتَابِ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سَلَمَةَ بْنِ نُبَيْطٍ عَنْ الضَّحَّاكِ بْنِ قَيْسٍ قَالَ: يَقْرَأُ مَا بَيْنَ التَّكْبِيرَتَيْنِ الْأُولَيَيْنِ: فَاتِحَةَ الْكِتَابِ وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إسْحَاقَ عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ التَّيْمِيِّ عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَطَاءٍ: أَنَّ الْمِسْوَرَ بْنَ مَخْرَمَةَ صَلَّى عَلَى الْجِنَازَةِ فَقَرَأَ فِي التَّكْبِيرَةِ الْأُولَى فَاتِحَةَ الْكِتَابِ وَسُورَةً قَصِيرَةً، رَفَعَ بِهِمَا صَوْتَهُ، فَلَمَّا فَرَغَ قَالَ: لَا أَجْهَلُ أَنْ تَكُونَ هَذِهِ الصَّلَاةُ عَجْمَاءَ، وَلَكِنِّي أَرَدْت أَنْ أُعَلِّمَكُمْ أَنَّ فِيهَا قِرَاءَةً.

L9167 Abu Muhammad said: Ibn Abbas and al-Miswar held that whispered recitation is not obligatory. It is reported from Abu Hurayrah, Abu al-Dardā', Ibn Mas'ud, and Anas ibn Malik that they would recite Al-Fatihah (the Opening, also known as Umm al-Qur'ān), supplicate, and seek forgiveness after each of the three takbīrāt (reflecting a minority opinion in the funeral prayer). Then they would utter takbīr, conclude the prayer, and refrain from further recitation.

قَالَ أَبُو مُحَمَّدٍ: فَرَأَى ابْنُ عَبَّاسٍ، وَالْمِسْوَرُ: الْمُخَافَتَةَ لَيْسَتْ فَرْضًا. وَعَنْ أَبِي هُرَيْرَةَ، وَأَبِي الدَّرْدَاءِ، وَابْنِ مَسْعُودٍ، وَأَنَسِ بْنِ مَالِكٍ: أَنَّهُمْ كَانُوا يَقْرَءُونَ بِأُمِّ الْقُرْآنِ وَيَدْعُونَ وَيَسْتَغْفِرُونَ بَعْدَ كُلِّ تَكْبِيرَةٍ مِنْ الثَّلَاثِ فِي الْجِنَازَةِ، ثُمَّ يُكَبِّرُونَ وَيَنْصَرِفُونَ وَلَا يَقْرَءُونَ.

L9168–9170 And from Maʿmar from al-Zuhrī: I heard Abā Umāmah ibn Sahl ibn Ḥunayf narrate. Sa’id ibn al-Musayyib said: The Sunnah in the funeral prayer is that you say the Takbir, then recite the Opening Chapter (Al-Fatihah), then pray upon the Prophet - peace and blessings of Allah be upon him - then sincerely supplicate solely for the deceased. You do not recite except in the first Takbir, then he concludes by silently saying the Salam to his right side only.

وَعَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ: سَمِعْت أَبَا أُمَامَةَ بْنَ سَهْلِ بْنِ حُنَيْفٍ يُحَدِّثُ سَعِيدَ بْنَ الْمُسَيِّبِ قَالَ: السُّنَّةُ فِي الصَّلَاةِ عَلَى الْجَنَائِزِ أَنْ تُكَبِّرَ، ثُمَّ تَقْرَأَ بِأُمِّ الْقُرْآنِ ثُمَّ تُصَلِّيَ عَلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثُمَّ تُخْلِصَ الدُّعَاءَ لِلْمَيِّتِ، وَلَا تَقْرَأُ إلَّا فِي التَّكْبِيرَةِ الْأُولَى، ثُمَّ يُسَلِّمُ فِي نَفْسِهِ عَنْ يَمِينِهِ.

L9171 Narrated on the authority of Ibn Jurayj: Ibn Shihab said to me, “Is recitation [of the Qur’an] over the deceased performed during the first *takbir* of the prayer?”

وَعَنْ ابْنِ جُرَيْجٍ: قَالَ لِي ابْنُ شِهَابٍ: الْقِرَاءَةُ عَلَى الْمَيِّتِ فِي الصَّلَاةِ فِي التَّكْبِيرَةِ الْأُولَى؟

L9172 From Ibn Jurayj, who reported from Mujāhid concerning the prayer over the deceased: He says “Allāhu Akbar,” then recites the Mother of the Quran (i.e., Al-Fātiḥah), then invokes blessings upon the Prophet (peace and blessings be upon him), then Ibn Jurayj mentioned a supplication.

وَعَنْ ابْنِ جُرَيْجٍ عَنْ مُجَاهِدٍ فِي الصَّلَاةِ عَلَى الْجَنَازَةِ: يُكَبِّرُ ثُمَّ يَقْرَأُ بِأُمِّ الْقُرْآنِ ثُمَّ يُصَلِّي عَلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثُمَّ ذَكَرَ دُعَاءً.

L9173 From Sufyān al-Thawrī, from Yūnus ibn ʿUbayd, from al-Ḥasan: that he used to recite the Opening of the Book (Al-Fātiḥah) in every Takbīr during the funeral prayer. This is the opinion of al-Shāfiʿī, Abū Sulaymān, and their companions.

وَعَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ الْحَسَنِ: أَنَّهُ كَانَ يَقْرَأُ بِفَاتِحَةِ الْكِتَابِ فِي كُلِّ تَكْبِيرَةٍ فِي صَلَاةِ الْجَنَازَةِ؟ وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِهِمَا.

L9174 Abu Muhammad said: Those who prohibited reciting the Quran during it argued by saying: It was reported from the Prophet (peace be upon him): “Dedicate your supplication sincerely to Him.”

قَالَ أَبُو مُحَمَّدٍ: وَاحْتَجَّ مَنْ مَنَعَ مِنْ قِرَاءَةِ الْقُرْآنِ فِيهَا بِأَنْ قَالُوا: رُوِيَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أَخْلِصُوا لَهُ الدُّعَاءَ» .

L9175 Abū Muḥammad said: This is a weak ḥadīth, never transmitted through any reliable chain. Even if it were authentic, it would not prohibit recitation, for dedicating supplication to the deceased does not entail a prohibition against Quranic recitation. Do we not sincerely dedicate supplication for him and recite as we were commanded? They said: It is narrated from Abū Hurayrah that he was asked about the funeral prayer, and he mentioned supplication but did not mention Quranic recitation. From Fuḍāla ibn ʿUbayd: When asked, “Does one recite anything from the Qur’an during the funeral prayer?” he replied, “No.”

قَالَ أَبُو مُحَمَّدٍ: هَذَا حَدِيثٌ سَاقِطٌ، مَا رُوِيَ قَطُّ مِنْ طَرِيقٍ يُشْتَغَلُ بِهَا ثُمَّ لَوْ صَحَّ لَمَا مَنَعَ مِنْ الْقِرَاءَةِ، لِأَنَّهُ لَيْسَ فِي إخْلَاصِ الدُّعَاءِ لِلْمَيِّتِ نَهْيٌ عَنْ الْقِرَاءَةِ، وَنَحْنُ نُخْلِصُ لَهُ الدُّعَاءَ وَنَقْرَأُ كَمَا أُمِرْنَا؟ وَقَالُوا: قَدْ رُوِيَ عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ سُئِلَ عَنْ الصَّلَاةِ عَلَى الْجَنَازَةِ؟ فَذَكَرَ دُعَاءً وَلَمْ يَذْكُرْ قِرَاءَةً وَعَنْ فُضَالَةَ بْنِ عُبَيْدٍ: أَنَّهُ سُئِلَ: أَيَقْرَأُ فِي الْجَنَازَةِ بِشَيْءٍ مِنْ الْقُرْآنِ؟ قَالَ: لَا.

L9176 It is reported from Ibn ‘Umar that he would not recite during the Janazah

prayer.

وَعَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ لَا يَقْرَأُ فِي صَلَاةِ الْجَنَازَةِ.

L9177–9179 Abu Muhammad said: We said that none of them had said that one does not recite the Mother of the Quran (Al-Fatihah) in it. Yes, we say: Nothing from the Quran is recited in it except the Mother of the Quran (Al-Fatihah).

قَالَ أَبُو مُحَمَّدٍ: فَقُلْنَا - لَيْسَ عَنْ وَاحِدٍ مِنْ هَؤُلَاءِ أَنَّهُ قَالَ: لَا يَقْرَأُ فِيهَا بِأُمِّ الْقُرْآنِ وَنَعَمْ، نَحْنُ نَقُولُ: لَا يُقْرَأُ فِيهَا بِشَيْءٍ مِنْ الْقُرْآنِ إلَّا بِأُمِّ الْقُرْآنِ

L9180 There is no valid disagreement between these [individuals] and those Companions—may Allah be pleased with them—who explicitly affirmed the recitation of the Quran, such as Ibn Abbas, Al-Miswar, Ad-Dahhak ibn Qays, Abu Hurairah, Abu al-Darda', Ibn Mas'ud, and Anas, especially since Abu Hurairah did not mention the *Takbir* or the *Taslim*.

فَلَا يَصِحُّ خِلَافٌ بَيْنَ هَؤُلَاءِ وَبَيْنَ مَنْ صَرَّحَ بِقِرَاءَةِ الْقُرْآنِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، كَابْنِ عَبَّاسٍ، وَالْمِسْوَرِ، وَالضَّحَّاكِ بْنِ قَيْسٍ، وَأَبِي هُرَيْرَةَ، وَأَبِي الدَّرْدَاءِ، وَابْنِ مَسْعُودٍ، وَأَنَسٍ، لَا سِيَّمَا وَأَبُو هُرَيْرَةَ لَمْ يَذْكُرْ تَكْبِيرًا وَلَا تَسْلِيمًا.

L9181 Thus, their attachment to it was nullified.

فَبَطَلَ أَنْ يَكُونَ لَهُمْ بِهِ مُتَعَلَّقٌ.

L9182 It has been narrated from him that the Quran was recited during funerals. How then, even if an authentic disagreement were reported from them regarding that matter, would it be obligatory to refer—when they dispute—to what Allah the Exalted has commanded to return to: what is from the Quran and the Sunnah.

وَقَدْ رُوِيَ عَنْهُ قِرَاءَةُ الْقُرْآنِ فِي الْجَنَازَةِ، فَكَيْفَ وَلَوْ صَحَّ عَنْهُمْ فِي ذَلِكَ خِلَافٌ؟ لَوَجَبَ الرَّدُّ عِنْدَ تَنَازُعِهِمْ إلَى مَا أَمَرَ اللَّهُ تَعَالَى بِالرَّدِّ إلَيْهِ مِنْ الْقُرْآنِ وَالسُّنَّةِ.

L9183 He (peace be upon him) said, "There is no prayer for one who does not recite the Mother of the Quran." And they said: Perhaps they recited it on the basis that it is a supplication.

وَقَدْ قَالَ - عَلَيْهِ السَّلَامُ - «لَا صَلَاةَ لِمَنْ لَمْ يَقْرَأْ بِأُمِّ الْقُرْآنِ» وَقَالُوا: لَعَلَّ هَؤُلَاءِ قَرَءُوهَا عَلَى أَنَّهُ دُعَاءٌ

L9184 So we said: This is invalid because the command to recite it was established from them, and that it constitutes their *sunnah*. Thus, the claim of those who say, "Perhaps they recited it considering it a supplication"—this is pure falsehood. Moreover, we do not know what compelled them to prohibit its recitation, driving them to plunge into falsehood through such feeble rationales? How strange that they uphold analogical reasoning while acknowledging it as prayer—mandating in it the *takbīr*, facing the *qiblah*, male imamate, purification, and the *salām*—yet they omit recitation!

فَقُلْنَا: هَذَا بَاطِلٌ؛ لِأَنَّهُمْ ثَبَتَ عَنْهُمْ الْأَمْرُ بِقِرَاءَتِهَا، وَأَنَّهَا سُنَّتُهَا، فَقَوْلُ مَنْ قَالَ: لَعَلَّهُمْ قَرَءُوهَا عَلَى أَنَّهَا دُعَاءٌ -: كَذِبٌ بَحْتٌ؟ ثُمَّ لَا نَدْرِي مَا الَّذِي حَمَلَهُمْ عَلَى الْمَنْعِ مِنْ قِرَاءَتِهَا حَتَّى يَتَقَحَّمُوا فِي الْكَذِبِ بِمِثْلِ هَذِهِ الْوُجُوهِ الضَّعِيفَةِ؟ وَالْعَجَبُ أَنَّهُمْ أَصْحَابُ قِيَاسٍ، وَهُمْ يَرَوْنَ أَنَّهَا صَلَاةٌ، وَيُوجِبُونَ فِيهَا: التَّكْبِيرَ، وَاسْتِقْبَالَ الْقِبْلَةِ، وَالْإِمَامَةَ لِلرِّجَالِ، وَالطَّهَارَةَ، وَالسَّلَامَ، ثُمَّ يُسْقِطُونَ الْقِرَاءَةَ

L9185 If they say: Since bowing, prostration, and sitting have been omitted, does recitation become omitted? We reply: On what basis is this analogy obliga-

tory rather than analogizing recitation to the *takbīr* and *taslīm*? Indeed, if analogy were valid, analogizing recitation to the *takbīr* and *taslīm*—since all these are verbal remembrance—would take precedence over analogizing recitation to bodily actions. But is this their understanding of analogy and the Sunnah? Yet they magnify opposition to the practice of Medina, even though we have shown them the practice of the Companions, Saʿīd ibn al-Musayyib, Abū Umāmah, and al-Zuhrī—the scholars among the people of Medina—yet they opposed them. And all success is from Allah, the Exalted.

فَإِنْ قَالُوا: لَمَّا سَقَطَ الرُّكُوعُ وَالسُّجُودُ وَالْجُلُوسُ: سَقَطَتْ الْقِرَاءَةُ؟ قُلْنَا: وَمِنْ أَيْنَ يُوجَبُ هَذَا الْقِيَاسُ دُونَ قِيَاسِ الْقِرَاءَةِ عَلَى التَّكْبِيرِ وَالتَّسْلِيمِ؟ بَلْ لَوْ صَحَّ الْقِيَاسُ لَكَانَ قِيَاسُ الْقِرَاءَةِ عَلَى التَّكْبِيرِ وَالتَّسْلِيمِ - لِأَنَّ كُلَّ ذَلِكَ ذِكْرٌ بِاللِّسَانِ - أَوْلَى مِنْ قِيَاسِ الْقِرَاءَةِ عَلَى عَمَلِ الْجَسَدِ، وَلَكِنْ هَذَا عِلْمُهُمْ بِالْقِيَاسِ وَالسُّنَنِ؟ وَهُمْ يُعَظِّمُونَ خِلَافَ الْعَمَلِ بِالْمَدِينَةِ، وَهَهُنَا أَرَيْنَاهُمْ عَمَلَ الصَّحَابَةِ، وَسَعِيدِ بْنِ الْمُسَيِّبِ، وَأَبِي أُمَامَةَ، وَالزُّهْرِيِّ، عُلَمَاءِ أَهْلِ الْمَدِينَةِ، وَخَالَفُوهُمْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

L9186–9187

The Issue of the Supplication Upon the Funeral Procession.

[مَسْأَلَةُ الدُّعَاء عَلَى الْجِنَازَةِ]

L9188

Issue: The most beloved supplication to us during the funeral prayer is that which was transmitted by Abdullah ibn Yusuf from Ahmad ibn Fath, from Abdul Wahhab ibn Isa, from Ahmad ibn Muhammad, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj, who said: Abu Tahir reported to me from Ibn Wahb, who was informed by Amr ibn al-Harith from Abu Hamzah ibn Sulaim, from Abdul Rahman ibn Jubayr ibn Nufayr, from his father, from Awf ibn Malik al-Ashja'i, who said: I heard Allah's Messenger - peace and blessings be upon him - pray over a deceased person, saying: "O Allah, forgive him, have mercy upon him, pardon him, grant him well-being, honor his lodging in Paradise, widen his resting place, cleanse him with water, snow, and hail, purify him from sins as a white garment is cleansed of impurities, replace his home with a better home, his family with a better family, his spouse with a better spouse, and shield him from the trial and punishment of the grave, and from the punishment of the Fire."

مَسْأَلَةٌ: وَأَحَبُّ الدُّعَاءِ إلَيْنَا عَلَى الْجِنَازَةِ هُوَ مَا -: حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي أَبُو الطَّاهِرِ ثنا ابْنُ وَهْبٍ أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ أَبِي حَمْزَةَ بْنِ سُلَيْمٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نَفِيرٍ عَنْ أَبِيهِ عَنْ «عَوْفِ بْنِ مَالِكٍ الْأَشْجَعِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَصَلَّى عَلَى جِنَازَةٍ يَقُولُ: اللَّهُمَّ اغْفِرْ لَهُ وَارْحَمْهُ، وَاعْفُ عَنْهُ وَعَافِهِ، وَأَكْرِمْ نُزُلَهُ، وَوَسِّعْ مُدْخَلَهُ، وَاغْسِلْهُ بِمَاءٍ، وَثَلْجٍ، وَبَرَدٍ، وَنَقِّهِ مِنْ الْخَطَايَا كَمَا يُنَقَّى الثَّوْبُ الْأَبْيَضُ مِنْ الدَّنَسِ، وَأَبْدِلْهُ دَارًا خَيْرًا مِنْ دَارِهِ، وَأَهْلًا خَيْرًا مِنْ أَهْلِهِ، وَزَوْجًا خَيْرًا مِنْ زَوْجِهِ، وَقِهِ فِتْنَةَ الْقَبْرِ، وَعَذَابَ الْقَبْرِ وَعَذَابَ النَّارِ» .

L9189

Abdullah ibn Rabi' narrated to us, Umar ibn Abd al-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawud narrated to us, Musa ibn Harun al-Raqqi narrated to us, Shu'ayb—meaning ibn Ishaq—narrated to us from al-Awza'i, from Yahya ibn Abi Kathir, from Abu Salama ibn Abd al-Rahman ibn ʿAwf, from Abu Hurayrah, who said: "The Messenger of Allah—peace and blessings of Allah be upon him—prayed over a funeral and said:

وَمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ هَارُونَ الرَّقِّيُّ ثنا شُعَيْبٌ يَعْنِي ابْنَ إِسْحَاقَ - عَنْ الْأَوْزَاعِيِّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: «صَلَّى رَسُولُ اللَّهِ -

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى جِنَازَةٍ فَقَالَ: اللَّهُمَّ اغْفِرْ لِحَيِّنَا، وَمَيِّتِنَا، وَصَغِيرِنَا، وَكَبِيرِنَا، وَذَكَرِنَا، وَأُنْثَانَا، وَشَاهِدِنَا، وَغَائِبِنَا، اللَّهُمَّ مَنْ أَحْيَيْتَهُ مِنَّا فَأَحْيِهِ عَلَى الْإِيمَانِ، وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى الْإِسْلَامِ اللَّهُمَّ لَا تَحْرِمْنَا أَجْرَهُ، وَلَا تُضِلَّنَا بَعْدَهُ» .

'O Allah, forgive our living and our dead, our young and our old, our males and our females, our present and our absent. O Allah, whoever among us You keep alive, keep him alive in faith, and whoever among us You cause to die, cause him to die upon Islam. O Allah, do not deprive us of his reward, and do not let us go astray after him.'"[10]

فَإِنْ كَانَ صَغِيرًا فَلْيَقُلْ " اللَّهُمَّ أَلْحِقْهُ بِإِبْرَاهِيمَ خَلِيلِكَ " لِلْأَثَرِ الَّذِي صَحَّ أَنَّ الصِّغَارَ مَعَ إِبْرَاهِيمَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي رَوْضَةٍ خَضْرَاءَ.

L9190 If he is a minor, he should say: "O Allah, join him with Ibrahim, Your intimate friend," due to the authentic narration that young children are with Ibrahim (peace be upon him) in a verdant garden.

وَمَا دَعَا بِهِ فَحَسَنٌ؟

L9191 Is everything he prays for good?

[مَسْأَلَةُ اللَّحْدِ]

The Issue of the Lahd

٥٧٦ - مَسْأَلَةٌ: وَنَسْتَحِبُّ اللَّحْدَ، وَهُوَ الشَّقُّ فِي أَحَدِ جَانِبَيِ الْقَبْرِ، وَهُوَ أَحَبُّ إِلَيْنَا مِنَ الضَّرِيحِ، وَهُوَ الشَّقُّ فِي وَسَطِ الْقَبْرِ. وَنَسْتَحِبُّ اللَّبِنَ أَنْ تُوضَعَ عَلَى فَتْحِ اللَّحْدِ، وَنَكْرَهُ الْخَشَبَ، وَالْقَصَبَ، وَالْحِجَارَةَ. وَكُلُّ ذَلِكَ جَائِزٌ؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى أَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْمَسْوَرِيُّ عَنْ إِسْمَاعِيلَ بْنِ مُحَمَّدِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ عَنْ عَمِّهِ عَامِرِ بْنِ سَعْدٍ: أَنَّ أَبَاهُ سَعْدَ بْنَ أَبِي وَقَّاصٍ قَالَ فِي مَرَضِهِ الَّذِي هَلَكَ فِيهِ " أَلْحِدُوا لِي لَحْدًا، وَانْصِبُوا عَلَيَّ اللَّبِنَ نَصْبًا، كَمَا صُنِعَ بِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - "

576 – Question: We recommend the laḥd (an excavation on one side of the grave), preferring it to the darīḥ (an excavation in the grave's center). We recommend placing mud bricks over the laḥd's opening and disapprove of using wood, reeds, or stones. Is all of that permissible? -: Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Yahya ibn Yahya narrated to us: Abdullah ibn Ja'far al-Miswari informed us from Ismail ibn Muhammad ibn Sa'd ibn Abi Waqqas, from his uncle Amir ibn Sa'd: That his father Sa'd ibn Abi Waqqas said during the illness from which he died, "Dig a lahd for me, lay the bricks over me securely, exactly as was done for the Messenger of Allah—may Allah bless him and grant him peace."

L9193–9195

[مَسْأَلَةُ بِنَاءُ الْقَبْرِ وَتَجْصِيصُهُ]

An Issue Regarding the Building of the Grave and Its Plastering.

٥٧٧ - مَسْأَلَةٌ: وَلَا يَجُوزُ أَنْ يُبْنَى الْقَبْرُ، وَلَا أَنْ يُجَصَّصَ، وَلَا أَنْ يُزَادَ عَلَيْهِ شَيْءٌ

577 – Issue: It is impermissible to build the grave, plaster it, or add anything

L9196

L9197

[10] **Hadith references (L9189):** Sunan Abi Dawud 3201.

to its soil. All of that is to be demolished. If a house or a standing structure is erected over it, there is no disapproval of that.

٥٧٧ - مَسْأَلَةٌ: وَلَا يَحِلُّ أَنْ يُبْنَى الْقَبْرُ، وَلَا أَنْ يُجَصَّصَ، وَلَا أَنْ يُزَادَ عَلَى تُرَابِهِ شَيْءٌ، وَيُهْدَمُ كُلُّ ذَلِكَ، فَإِنْ بُنِيَ عَلَيْهِ بَيْتٌ أَوْ قَائِمٌ: لَمْ يَكْرَهْ ذَلِكَ.

L9198 Similarly, if one were to engrave his name upon a stone—do we not disapprove of that? It was narrated to us through the aforementioned chain to Muslim: Hārūn ibn Saʿīd al-Aylī narrated to us, Ibn Wahb narrated to us, ʿAmr ibn al-Ḥārith narrated to me that Thumāmah ibn Shufayy narrated to him, saying: "We were with Fuḍālah ibn ʿUbayd in Byzantine territory at Rhodes when a companion of ours died. Fuḍālah ordered his grave to be leveled and said: 'I heard the Messenger of Allah—peace and blessings of Allah be upon him—commanding the leveling of graves.'" Through the same chain to Muslim: Yaḥyā ibn Yaḥyā narrated to us, I am Wakīʿ, from Sufyān al-Thawrī, from Ḥabīb ibn Abī Thābit, from Abū Wāʾil, from Abū al-Hayyāj al-Asadī, who said: ʿAlī ibn Abī Ṭālib told me: "Shall I not send you for the same purpose the Messenger of Allah—peace and blessings of Allah be upon him—sent me? Leave no statue without erasing it, and no elevated grave without leveling it."[11]

وَكَذَلِكَ لَوْ نَقَشَ اسْمَهُ فِي حَجَرٍ: لَمْ نَكْرَهْ ذَلِكَ؟ -: رُوِّينَا بِالسَّنَدِ الْمَذْكُورِ إِلَى مُسْلِمٍ: حَدَّثَنِي هَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ ثنا ابْنُ وَهْبٍ حَدَّثَنِي عَمْرُو بْنُ الْحَارِثِ أَنَّ ثُمَامَةَ بْنَ شُفَيٍّ حَدَّثَهُ قَالَ: «كُنَّا مَعَ فُضَالَةَ بْنِ عُبَيْدٍ بِأَرْضِ الرُّومِ بِرُودِسَ، فَتُوُفِّيَ صَاحِبٌ لَنَا، فَأَمَرَ فُضَالَةُ بِقَبْرِهِ فَسُوِّيَ، وَقَالَ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُ بِتَسْوِيَتِهَا» -: وَبِهِ إِلَى مُسْلِمٍ: ثنا يَحْيَى بْنُ يَحْيَى أَنَا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ أَبِي وَائِلٍ عَنْ أَبِي الْهَيَّاجِ الْأَسَدِيِّ قَالَ: قَالَ لِي عَلِيُّ بْنُ أَبِي طَالِبٍ «أَلَا أَبْعَثُكَ عَلَى مَا بَعَثَنِي عَلَيْهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ أَنْ لَا تَدَعَ تِمْثَالًا إِلَّا طَمَسْتَهُ، وَلَا قَبْرًا مُشْرِفًا إِلَّا سَوَّيْتَهُ» .

L9199 And through him to Muslim: Muḥammad ibn Rāfiʿ narrated to me [narrated to us by ʿAbd al-Razzāq] from Ibn Jurayj, who informed me that Abū al-Zubayr reported hearing Jābir ibn ʿAbdullāh say: "I heard the Messenger of Allah - peace be upon him - forbid plastering graves, that they be sat upon, or that structures be built over them."

وَبِهِ إِلَى مُسْلِمٍ: حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ [ثنا عَبْدُ الرَّزَّاقِ] عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: «سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْهَى عَنْ أَنْ تُجَصَّصَ الْقُبُورُ، وَأَنْ يُقْعَدَ عَلَيْهَا، وَأَنْ يُبْنَى عَلَيْهَا» .

L9200–9201 Abu Muhammad said: He (peace be upon him) warned about the location of his grave through his statement, "Between my grave and my pulpit lies a garden from the gardens of Paradise," and he informed that it is within his house.

قَالَ أَبُو مُحَمَّدٍ: قَدْ أَنْذَرَ - عَلَيْهِ السَّلَامُ - بِمَوْضِعِ قَبْرِهِ بِقَوْلِهِ «مَا بَيْنَ قَبْرِي وَمِنْبَرِي رَوْضَةٌ مِنْ رِيَاضِ الْجَنَّةِ» وَأَعْلَمَ أَنَّهُ فِي بَيْتِهِ بِذَلِكَ.

L9202 He (peace be upon him) did not disapprove of the grave being located within a house, nor did he forbid an existing structure. Rather, he prohibited building over the grave: only a dome.

وَلَمْ يُنْكِرْ - عَلَيْهِ السَّلَامُ - كَوْنَ الْقَبْرِ فِي بَيْتٍ، وَلَا نَهَى عَنْ بِنَاءٍ قَائِمٍ، وَإِنَّمَا نَهَى عَنْ بِنَاءٍ عَلَى الْقَبْرِ: قُبَّةٍ فَقَطْ

[11] **Hadith references (L9198):** Mishkat al-Masabih 1696.

L9203–9205 And from Waki‘, from al-Rabee‘, from al-Hasan: He disliked that graves be plastered with gypsum, coated with clay, or have anything added to them from soil other than their own excavated earth. And from Waki‘, from ‘Imrān ibn Ḥudayr, from Abi Mijlaz, who said: Leveling graves is part of the Sunnah. And from ‘Uthmān, the Commander of the Believers, may Allah be pleased with him, that he ordered graves to be leveled and raised from the ground by a handspan. And from ‘Abd al-Razzāq, from Ma‘mar, from Ayyūb al-Sikhtiyānī, from... Abd al-Rahman ibn al-Qasim ibn Muhammad said: The wall around the Prophet’s grave (peace be upon him) collapsed, so it was covered and then rebuilt. I said to the one covering it: “Lift the edge of the covering so I may look at it.” When I looked, I saw upon it coarse fabrics and sand, as if it were sand from al-ʿArṣah?

L9206 Hammam narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Muhammad ibn Waddah narrated to us: Yaqub ibn Ka’b narrated to us: Ibn Abi Fudayk informed me from Amr ibn Uthman ibn Hani’ from al-Qasim ibn Muhammad, who said: “I entered upon Aisha and said: ’O Mother, uncover for me the grave of the Messenger of Allah (peace and blessings of Allah be upon him) and his two companions.’ She uncovered three graves for me—neither sunken nor elevated—leveled with the reddish gravel of the courtyard. I saw the Messenger of Allah (peace and blessings of Allah be upon him) positioned foremost, Abu Bakr at his head with his feet between the shoulders of the Prophet (peace and blessings of Allah be upon him), and I saw Umar at the feet of Abu Bakr—may Allah be pleased with both of them.”

L9207 ## The Ruling on Sitting on Graves

L9208 578 - Issue: It is not permissible for anyone to sit on a grave. If he cannot find a place to sit, he should stand until he relieves himself. Even if he squats without sitting, this does not establish that he is in hardship.

L9209 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ah-

وَعَنْ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ: كَانَ يَكْرَهُ أَنْ تُجَصَّصَ الْقُبُورُ أَوْ تُطَيَّنَ أَوْ يُزَادَ عَلَيْهَا مِنْ غَيْرِ حَفِيرِهَا؟ وَعَنْ وَكِيعٍ عَنْ عِمْرَانَ بْنِ حُدَيْرٍ عَنْ أَبِي مِجْلَزٍ قَالَ: تَسْوِيَةُ الْقُبُورِ مِنْ السُّنَّةِ؟ وَعَنْ عُثْمَانَ أَمِيرِ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ أَمَرَ بِتَسْوِيَةِ الْقُبُورِ، وَأَنْ تُرْفَعَ مِنْ الْأَرْضِ شِبْرًا. وَعَنْ عَبْدِ الرَّزَّاقِ أَنَا مَعْمَرٌ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: سَقَطَ الْحَائِطُ الَّذِي عَلَى قَبْرِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَسُتِرَ، ثُمَّ بُنِيَ، فَقُلْت لِلَّذِي سَتَرَهُ: ارْفَعْ نَاحِيَةَ السِّتْرِ حَتَّى أَنْظُرَ إلَيْهِ، فَنَظَرْت إلَيْهِ، فَإِذَا عَلَيْهِ جَبُوبٌ وَرَمْلٌ، كَأَنَّهُ مِنْ رَمْلِ الْعَرْصَةِ؟

حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا يَعْقُوبُ بْنُ كَعْبٍ ثنا ابْنُ أَبِي فُدَيْكٍ أَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ بْنِ هَانِئٍ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: دَخَلْت عَلَى عَائِشَةَ فَقُلْت: يَا أُمَّهْ، اكْشِفِي لِي عَنْ قَبْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَصَاحِبَيْهِ فَكَشَفَتْ لِي عَنْ ثَلَاثَةِ قُبُورٍ، لَا لَاطِئَةٍ وَلَا مُشْرِفَةٍ، مَبْطُوحَةً بِبَطْحَاءِ الْعَرْصَةِ الْحَمْرَاءِ، فَرَأَيْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُقَدَّمًا، وَأَبُو بَكْرٍ عِنْدَ رَأْسِهِ، وَرِجْلَاهُ بَيْنَ كَتِفَيْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَرَأَيْت عُمَرَ عِنْدَ رِجْلَيْ أَبِي بَكْرٍ - رَضِيَ اللَّهُ عَنْهُمَا -.

[مَسْأَلَةُ الْجُلُوسِ عَلَى الْقَبْرِ]

٥٧٨ - مَسْأَلَةٌ: وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَجْلِسَ عَلَى قَبْرٍ، فَإِنْ لَمْ يَجِدْ أَيْنَ يَجْلِسُ: فَلْيَقِفْ حَتَّى يَقْضِيَ حَاجَتَهُ، وَلَوْ اسْتَوْفَزَ وَلَمْ يَقْعُدْ لَمْ يَبْنِ أَنَّهُ يُحْرَجُ.

mad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to me: Zuhayr ibn Harb narrated to us: Jarir—that is, Ibn Abdul-Hamid—narrated to us from Suhayl ibn Abi Salih, from his father, from Abu Hurairah, who said: The Messenger of Allah—peace and blessings be upon him—said: "For one of you to sit on a burning ember that scorches his garments and penetrates to his skin is better for him than to sit upon a grave."[12]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَأَنْ يَجْلِسَ أَحَدُكُمْ عَلَى جَمْرَةٍ فَتَحْرِقَ ثِيَابَهُ فَتَخْلُصَ إِلَى جِلْدِهِ خَيْرٌ لَهُ مِنْ أَنْ يَجْلِسَ عَلَى قَبْرٍ» .

L9210 And likewise, we have narrated it through the chain of transmission of Sufyān al-Thawrī and ʿAbd al-ʿAzīz al-Darāwardī, both of whom narrated from Suhayl from his father from Abū Hurayrah from the Messenger of Allah - peace and blessings of Allah be upon him.

وَهَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ، وَعَبْدِ الْعَزِيزِ الدَّرَاوَرْدِيِّ، كِلَاهُمَا: عَنْ سُهَيْلٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L9211 It has also been narrated to us through the chain of Jābir ibn ʿAbd Allāh from the Prophet—may God bless him and grant him peace—regarding the prohibition against sitting on graves. We have indeed mentioned this shortly before. It has also been narrated to us through the chain of Wāthilah ibn al-Asqaʿ from Abū Marthad al-Ghanī from the Messenger of God—may God bless him and grant him peace—"Do not sit on graves nor pray toward them."

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - النَّهْيَ عَنْ الْقُعُودِ عَلَى الْقَبْرِ: وَقَدْ ذَكَرْنَاهُ قَبْلَ هَذَا بِيَسِيرٍ؟ وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ وَاثِلَةَ بْنِ الْأَسْقَعِ عَنْ أَبِي مَرْثَدٍ الْغَنَوِيِّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا تَجْلِسُوا عَلَى الْقُبُورِ وَلَا تُصَلُّوا إلَيْهَا» .

L9212–9213 Therefore, these are *mutawātir* narrations of the highest soundness.

فَهَذِهِ آثَارٌ مُتَوَاتِرَةٌ فِي غَايَةِ الصِّحَّةِ

L9214 This is the statement of a group of the Salaf—may Allah be pleased with them—among them are Abu Hurairah. Through the chain of Waki', from Ismāʿīl ibn Abī Khālid, from Sālim al-Barrād, from Ibn 'Umar, who said: "Indeed, to tread upon heated stones is more beloved to me than to tread upon a grave."

وَهُوَ قَوْلُ جَمَاعَةٍ مِنْ السَّلَفِ - رَضِيَ اللَّهُ عَنْهُمْ -، مِنْهُمْ أَبُو هُرَيْرَةَ؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ إسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ سَالِمٍ الْبَرَّادِ عَنْ ابْنِ عُمَرَ قَالَ: لَأَنْ أَطَأَ عَلَى رَضْفٍ أَحَبُّ إلَيَّ مِنْ أَنْ أَطَأَ عَلَى قَبْرٍ

L9215 Ibn Masʿud said: "I would rather step on an ember until it cools down than intentionally tread upon a grave when I have a valid excuse to avoid it."

وَعَنْ ابْنِ مَسْعُودٍ: لَأَنْ أَطَأَ عَلَى جَمْرَةٍ حَتَّى تَبْرُدَ أَحَبُّ إلَيَّ مِنْ أَنْ أَتَعَمَّدَ وَطْءَ قَبْرٍ لِي عَنْهُ مَنْدُوحَةٌ.

[12] **Hadith references (L9209):** Sahih Muslim 971a; Mishkat al-Masabih 1699.

L9216 On the authority of Sa'īd ibn Jubayr: "I would prefer to tread upon a hot coal until it cools down rather than tread upon a grave" (and this is the saying of Abū Sulaymān).

L9217 Some claimed the permissibility of that act, arguing that the prohibited sitting under threat referred exclusively to defecation. This is entirely baseless for several reasons: First, it constitutes an unsupported assertion and a distortion of the Messenger of Allah's—peace and blessings be upon him—words away from their evident meaning, and this is gravely serious.

L9218 The second is that the wording of the report categorically prohibits this, as stated by him—peace be upon him—: "For one of you to sit on an ember so that it burns his clothes and reaches his skin is better for him than sitting on a grave."

L9219 By necessity, every being of sound senses knows that sitting to relieve oneself is never done in this manner whatsoever. Have we ever witnessed anyone sit upon their garments for defecation except one whose brain lacks soundness?

L9220 The third is that the narrators of this report did not extend its meaning beyond the conventional understanding of sitting. We have never known in the Arabic language—ever—that the phrase "someone sat" meant "he defecated." Thus, the invalidity of this claim becomes evident—and all praise is due to Allah, the Exalted.

L9221 We have mentioned the prohibition of prayer toward the grave or upon it in the Book of Prayer. And is Allah, the Exalted, Praiseworthy?

L9222 ## Issue of Walking Between Graves

L9223–9225 579. Issue: It is impermissible for anyone to walk between graves wearing Sibtiyyatayn sandals, which are the two that have no hair in them. If they have hair, is that permissible? If one has hair and the other does not, is walking in both of them permissible? Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb informed us: From Muhammad ibn Abdullah ibn al-Mubarak, who narrated from Waki'

وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: لَأَنْ أَطَأَ عَلَى جَمْرَةٍ حَتَّى تَبْرُدَ أَحَبُّ إِلَيَّ مِنْ أَنْ أَطَأَ عَلَى قَبْرٍ - وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ.

فَقَالَ قَائِلُونَ بِإِبَاحَةِ ذَلِكَ، وَحَمَلُوا الْجُلُوسَ الْمُتَوَعَّدَ عَلَيْهِ إِنَّمَا هُوَ لِلْغَائِطِ خَاصَّةً؟ وَهَذَا بَاطِلٌ بَحْتٌ لِوُجُوهٍ -: أَوَّلُهَا - أَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَصَرْفٌ لِكَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ وَجْهِهِ، وَهَذَا عَظِيمٌ جِدًّا

وَثَانِيهَا - أَنَّ لَفْظَ الْخَبَرِ مَانِعٌ مِنْ ذَلِكَ قَطْعًا، بِقَوْلِهِ - عَلَيْهِ السَّلَامُ - «لَأَنْ يَجْلِسَ أَحَدُكُمْ عَلَى جَمْرَةٍ فَتَحْرِقَ ثِيَابَهُ فَتَخْلُصَ إِلَى جِلْدِهِ: خَيْرٌ لَهُ مِنْ أَنْ يَجْلِسَ عَلَى قَبْرٍ» .

وَبِالضَّرُورَةِ يَدْرِي كُلُّ ذِي حِسٍّ سَلِيمٍ: أَنَّ الْقُعُودَ لِلْغَائِطِ لَا يَكُونُ هَكَذَا أَلْبَتَّةَ، وَمَا عَهِدْنَا قَطُّ أَحَدًا يَقْعُدُ عَلَى ثِيَابِهِ لِلْغَائِطِ إِلَّا مَنْ لَا صِحَّةَ لِدِمَاغِهِ؟

وَثَالِثُهَا - أَنَّ الرُّوَاةَ لِهَذَا الْخَبَرِ لَمْ يَتَعَدَّوْا بِهِ وَجْهَهُ مِنْ الْجُلُوسِ الْمَعْهُودِ، وَمَا عَلِمْنَا قَطُّ فِي اللُّغَةِ - جَلَسَ فُلَانٌ - بِمَعْنَى تَغَوَّطَ، فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ - وَلِلَّهِ تَعَالَى الْحَمْدُ؟

وَقَدْ ذَكَرْنَا تَحْرِيمَ الصَّلَاةِ إِلَى الْقَبْرِ وَعَلَيْهِ فِي كِتَابِ الصَّلَاةِ وَاَللَّهُ تَعَالَى مَحْمُودٌ؟

[مَسْأَلَةٌ الْمَشْيِ بَيْنَ الْقُبُورِ]

٥٧٩ - مَسْأَلَةٌ: وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَمْشِيَ بَيْنَ الْقُبُورِ بِنَعْلَيْنِ سِبْتِيَّتَيْنِ وَهُمَا اللَّتَانِ لَا شَعْرَ فِيهِمَا، فَإِنْ كَانَ فِيهِمَا شَعْرٌ: جَازَ ذَلِكَ؟ فَإِنْ كَانَتْ إِحْدَاهُمَا بِشَعْرٍ، وَالْأُخْرَى بِلَا شَعْرٍ: جَازَ الْمَشْيُ فِيهِمَا؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ

from al-Aswad ibn Sha'ban - who was trustworthy - from Khalid ibn Samir from Bashir ibn Nahik from Bashir of the Messenger of Allah - peace and blessings be upon him - who was the son of al-Khaṣāṣiyyah. He said: "I was walking with the Messenger of Allah when he saw a man walking among the graves wearing his sandals. He said: 'O wearer of the two Sibtiyyatayn, cast them off?'"

أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ ثنا وَكِيعٌ عَنْ الْأَسْوَدِ بْنِ شَعْبَانَ - وَكَانَ ثِقَةً - عَنْ خَالِدِ بْنِ سَمِيرٍ عَنْ بَشِيرِ بْنِ نَهِيكٍ «عَنْ بَشِيرٍ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ ابْنُ الْخَصَاصِيَةِ - قَالَ كُنْتُ أَمْشِي مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَأَى رَجُلًا يَمْشِي بَيْنَ الْقُبُورِ فِي نَعْلَيْهِ، فَقَالَ: يَا صَاحِبَ السِّبْتِيَّتَيْنِ أَلْقِهِمَا» ؟

L9226 Hammam narrated to us: Abbas ibn Asbagh narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Muhammad ibn Sulaiman al-Basri narrated to us, Sulaiman ibn Harb narrated to us, al-Aswad ibn Shayban narrated: Khalid ibn Samir related to me—Bashir ibn Nahik informed me—Bashir ibn al-Khaṣāṣiyyah informed me (his name in the pre-Islamic era was Zahm, but Allah's Messenger—peace and blessings be upon him—named him Bashir). He said: "While I was walking among the graves, wearing two leather sandals, Allah's Messenger—peace and blessings be upon him—called out to me: 'O wearer of the two leather sandals! O wearer of the two leather sandals! If you find yourself in such a place, remove your sandals.' So I removed them."

وَحَدَّثَنَاهُ حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ سُلَيْمَانَ الْبَصْرِيُّ ثنا سُلَيْمَانُ بْنُ حَرْبٍ ثنا الْأَسْوَدُ بْنُ شَيْبَانَ حَدَّثَنِي خَالِدُ بْنُ سَمِيرٍ أَخْبَرَنِي بَشِيرُ بْنُ نَهِيكٍ أَخْبَرَنِي بَشِيرُ بْنُ الْخَصَاصِيَةِ - وَكَانَ اسْمُهُ فِي الْجَاهِلِيَّةِ زَحْمٌ، فَسَمَّاهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَشِيرًا - قَالَ: «بَيْنَا أَنَا أَمْشِي بَيْنَ الْمَقَابِرِ وَعَلَيَّ نَعْلَانِ، إِذْ نَادَانِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَا صَاحِبَ السِّبْتِيَّتَيْنِ، يَا صَاحِبَ السِّبْتِيَّتَيْنِ، إِذَا كُنْت فِي مِثْلِ هَذَا الْمَكَانِ فَاخْلَعْ نَعْلَيْكَ، قَالَ: فَخَلَعْتُهُمَا» ؟ .

L9227 Abu Muhammad said: If it is asked, "Why do you not prohibit all sandals, given the generality of his statement—peace be upon him—'Remove your two sandals'?" We reply: The prohibition is based on two aspects. The first is that he—peace be upon him—specifically addressed the wearer of two soft leather sandals, in accordance with the explicit textual wording of his instruction, and then commanded him to remove his two sandals.

قَالَ أَبُو مُحَمَّد: فَإِنْ قِيلَ - فَهَلَّا مَنَعْتُمْ مِنْ كُلِّ نَعْلٍ، لِعُمُومِ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «فَاخْلَعْ نَعْلَيْكَ» ؟ قُلْنَا: مَنَعَ مِن ذَلِكَ وَجْهَانِ -: أَحَدُهُمَا: أَنَّه - عَلَيْهِ السَّلَامُ - إنَّمَا دَعَا صَاحِبَ سِبْتِيَّتَيْنِ، بِنَصِّ كَلَامِهِ، ثُمَّ أَمَرَهُ بِخَلْعِ نَعْلَيْهِ؟

L9228 The second narration is what was conveyed to us by 'Abdullāh ibn Rabī', who narrated to us Muḥammad ibn Mu'āwiyah, who narrated to us Aḥmad ibn Shu'ayb, who narrated to us Ibrāhīm ibn Ya'qūb ibn Isḥāq al-Juzjānī, who narrated to us Yūnus ibn Muḥammad, who narrated to us Shaybān, reporting from Qatādah, who narrated from Anas ibn Mālik, who said: The Prophet of Allāh, peace and blessings be upon him, said, "Indeed, when the servant

وَالثَّانِي مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا إبْرَاهِيمُ بْنُ يَعْقُوبَ بْنِ إِسْحَاقَ الْجُوزَجَانِيُّ ثنا يُونُسُ بْنُ مُحَمَّدٍ ثنا شَيْبَانُ عَنْ قَتَادَةَ ثنا أَنَسُ بْنُ مَالِكٍ قَالَ: قَالَ نَبِيُّ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ الْعَبْدَ إذَا وُضِعَ فِي قَبْرِهِ وَتَوَلَّى عَنْهُ أَصْحَابُهُ إنَّهُ لَيَسْمَعُ قَرْعَ نِعَالِهِمْ» وَذَكَرَ الْحَدِيثَ.

is placed in his grave and those who accompanied him turn away, he hears the clatter of their sandals," and he mentioned the ḥadīth.[13]

L9229–9230 Abū Muḥammad said: This is a narration from him (peace be upon him) regarding what will occur after him—that Muslims will wear sandals in cemeteries until the Day of Resurrection, based on the general scope of his notification (peace be upon him) about this matter, though he did not prohibit it. And narrations are not subject to abrogation at all.

L9231 Is the permissibility of wearing sandals in cemeteries established, necessitating the exclusion of Sibtiyyah sandals due to the explicit statement of the Prophet (peace be upon him) regarding them? Abu Muhammad said: Some who speak carelessly with their tongues said: "Perhaps those two sandals contained impurities?"

L9232 Abu Muhammad said: Whoever asserts decisively on this matter has lied against the Messenger of Allah—may Allah bless him and grant him peace—by attributing to him what he did not say. Whoever refrains from decisive judgment has ruled based on conjecture and followed what he has no knowledge of. Are not both steps of collapse? We seek refuge in Allah from them!

L9233 Then it is said to him: Suppose that were the case? Would you say: "Is this your position?" Would you then prohibit walking between graves wearing shoes soiled with filth? So when they say: "No," it is said to them: What comfort is there for you in advancing a false claim? Even if it were valid, why would you adhere to it, remaining opposed to the report in any case? It is also said to him: Perhaps the ruling regarding nosebleeds applies only to black blood due to its resemblance to menstrual blood, and perhaps the invalidation of a man's prayer next to a woman occurs only if she is youthful, out of fear of temptation. Such instances are numerous.

L9234 **An Issue Concerning the Prayer Over Parts of the Deceased**

[13] **Hadith references (L9228):** Sunan Abi Dawud 3231; Sunan an-Nasai 2049; Sunan Abi Dawud 4752.

قَالَ أَبُو مُحَمَّد: فَهَذَا إِخْبَارٌ مِنْهُ - عَلَيْهِ السَّلَامُ - بِمَا يَكُونُ بَعْدَهُ، وَأَنَّ النَّاسَ مِنْ الْمُسْلِمِينَ سَيَلْبَسُونَ النِّعَالَ فِي مَدَافِنِ الْمَوْتَى إِلَى يَوْمِ الْقِيَامَةِ، عَلَى عُمُومِ إِنْذَارِهِ - عَلَيْهِ السَّلَامُ - بِذَلِكَ، وَلَمْ يَنْهَ عَنْهُ، وَالْأَخْبَارُ لَا تُنْسَخُ أَصْلًا.

فَصَحَّ إِبَاحَةُ لِبَاسِ النِّعَالِ فِي الْمَقَابِرِ، وَوَجَبَ اسْتِثْنَاءُ السِّبْتِيَّةِ مِنْهَا، لِنَصِّهِ - عَلَيْهِ السَّلَامُ - عَلَيْهَا؟ قَالَ أَبُو مُحَمَّد: وَقَالَ بَعْضُ مَنْ لَا يُبَالِي بِمَا أَطْلَقَ بِهِ لِسَانَهُ فَقَالَ: لَعَلَّ تِيْنِكَ النَّعْلَيْنِ كَانَ فِيهِمَا قَذَرٌ؟

قَالَ أَبُو مُحَمَّد: مَنْ قَطَعَ بِهَذَا فَقَدْ كَذَبَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذْ قَوَّلَهُ مَا لَمْ يَقُلْ، وَمَنْ لَمْ يَقْطَعْ بِذَلِكَ فَقَدْ حَكَمَ بِالظَّنِّ، وَقَفَا مَا لَا عِلْمَ لَهُ بِهِ، وَكِلَاهُمَا خُطَّتَا خَسْفٍ نَعُوذُ بِاَللَّهِ مِنْهُمَا؟

ثُمَّ يُقَالُ لَهُ: فَهَبْكَ ذَلِكَ كَذَلِكَ؟ أَتَقُولُونَ: بِهَذَا أَنْتُمْ؟ فَتَمْنَعُونَ مِنْ الْمَشْيِ، بَيْنَ الْقُبُورِ بِنَعْلَيْنِ فِيهِمَا قَذَرٌ؟ فَمِنْ قَوْلِهِمْ: لَا؟ فَيُقَالُ لَهُمْ: فَأَيُّ رَاحَةٍ لَكُمْ فِي دَعْوَى كَاذِبَةٍ؟ ثُمَّ لَوْ صَحَّتْ لِمَ تَقُولُوا بِهَا، وَلَبَقِيتُمْ مُخَالِفِينَ لِلْخَبَرِ بِكُلِّ حَالٍ؟ وَيُقَالُ لَهُ أَيْضًا: وَلَعَلَّ الْبِنَاءَ فِي الرُّعَافِ إِنَّمَا هُوَ فِي الدَّمِ الْأَسْوَدِ لِشَبَهِهِ بِدَمِ الْحَيْضِ، وَلَعَلَّ فَسَادَ صَلَاةِ الرَّجُلِ إِلَى جَنْبِ الْمَرْأَةِ إِنَّمَا هُوَ إِذَا كَانَتْ شَابَّةً خَوْفَ الْفِتْنَةِ، وَمِثْلُ هَذَا كَثِيرٌ

[مَسْأَلَةٌ الصَّلَاة عَلَى أجزاء الْمَيِّت]

L9235 Question 580: The funeral prayer is to be performed over whatever remains found of a deceased Muslim, even if it is a nail, a hair, or anything more significant than that. The deceased is to be washed and shrouded, except in the case of a martyr – who is not washed but wrapped and buried. The funeral prayer is also performed for a Muslim even if their body is absent or unrecoverable.

٥٨٠ - مَسْأَلَةٌ: وَيُصَلَّى عَلَى مَا وُجِدَ مِنْ الْمَيِّتِ الْمُسْلِمِ، وَلَوْ أَنَّهُ ظُفْرٌ أَوْ شَعْرٌ فَمَا فَوْقَ ذَلِكَ، وَيُغَسَّلُ وَيُكَفَّنُ، إلَّا أَنْ يَكُونَ مِنْ شَهِيدٍ فَلَا يُغَسَّلُ، لَكِنْ يُلَفُّ وَيُدْفَنُ؟ وَيُصَلَّى عَلَى الْمَيِّتِ الْمُسْلِمِ وَإِنْ كَانَ غَائِبًا لَا يُوجَدُ مِنْهُ شَيْءٌ.

L9236 If another limb of the deceased is found after that also, it is washed again, shrouded, buried, and there is no objection to praying over him a second time - does this process continue perpetually in this manner?

فَإِنْ وُجِدَ مِنْ الْمَيِّتِ عُضْوٌ آخَرُ بَعْدَ ذَلِكَ أَيْضًا غُسِّلَ أَيْضًا، وَكُفِّنَ، وَدُفِنَ، وَلَا بَأْسَ بِالصَّلَاةِ عَلَيْهِ ثَانِيَةً، وَهَكَذَا أَبَدًا؟

L9237–9238 The proof of that—we have previously mentioned the obligation of washing the deceased, shrouding him, burying him, and performing the funeral prayer over him. Thus, it is validated that washing all his body parts—whether minor or major—and shrouding and burying them with the burial shroud are obligatory. Therefore, there is no doubt that each of these obligations applies to every part of him.

بُرْهَانُ ذَلِكَ -: أَنَّا قَدْ ذَكَرْنَا قَبْلُ وُجُوبَ غُسْلِ الْمَيِّتِ وَتَكْفِينِهِ وَدَفْنِهِ وَالصَّلَاةِ عَلَيْهِ، فَصَحَّ بِذَلِكَ غُسْلُ جَمِيعِ أَعْضَائِهِ - قَلِيلِهَا وَكَثِيرِهَا - وَسَتْرُ جَمِيعِهَا بِالْكَفَنِ وَالدَّفْنِ، فَذَلِكَ بِلَا شَكٍّ وَاجِبٌ فِي كُلِّ جُزْءٍ مِنْهُ.

L9239 Since this is the case, it is obligatory to perform it in whatever can be performed with existence whenever it is ascertained, and it is impermissible for this obligation to be waived regarding scattered body parts without established evidence.

فَإِذْ هُوَ كَذَلِكَ فَوَاجِبٌ عَمَلُهُ فِيمَا أَمْكَنَ عَمَلُهُ فِيهِ، بِالْوُجُودِ مَتَى وُجِدَ، وَلَا يَجُوزُ أَنْ يَسْقُطَ ذَلِكَ فِي الْأَعْضَاءِ الْمُفَرَّقَةِ بِلَا بُرْهَانٍ

L9240 Does the intention in praying over whatever part of the deceased is found extend to the entirety of the deceased—its body and soul? Abū Ḥanīfa and his companions stated: If half of the deceased containing the head is found, or more than half even without the head, it is obligatory to wash, shroud, and pray over it. If the half lacking the head is found, or less than the half containing the head, it is not permissible to wash, shroud, or pray over it.

وَيَنْوِي بِالصَّلَاةِ عَلَى مَا وُجِدَ مِنْهُ الصَّلَاةُ عَلَى جَمِيعِهِ: جَسَدِهِ، وَرُوحِهِ؟ وَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: إنْ وُجِدَ نِصْفُ الْمَيِّتِ الَّذِي فِيهِ الرَّأْسُ، أَوْ أَكْثَرُ مِنْ نِصْفِهِ وَإِنْ لَمْ يَكُنْ فِيهِ الرَّأْسُ -: غُسِّلَ وَكُفِّنَ وَصُلِّيَ عَلَيْهِ؟ وَإِنْ وُجِدَ النِّصْفُ الَّذِي لَيْسَ فِيهِ الرَّأْسُ، أَوْ أَقَلَّ مِنْ النِّصْفِ الَّذِي فِيهِ الرَّأْسُ -: لَمْ يُغَسَّلْ، وَلَا كُفِّنَ، وَلَا صُلِّيَ عَلَيْهِ

L9241 Abu Muhammad said: And this is confusion; let this suffice you concerning it.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا تَخْلِيطٌ نَاهِيكَ بِهِ

L9242 They were asked: From where do you derive that covering most of it during prayer is obligatory, while covering half of it is not? You have ruled that a quarter—regarding what becomes exposed of the free woman's belly and hair—holds the legal weight of the whole, and you have also ruled in some

وَقِيلَ لَهُمْ: مِنْ أَيْنَ لَكُمْ أَنَّ الصَّلَاةَ عَلَى أَكْثَرِهِ وَاجِبَةٌ، وَعَلَى نِصْفِهِ غَيْرُ وَاجِبَةٍ؟ وَأَنْتُمْ قَدْ جَعَلْتُمْ الرُّبُعَ - فِيمَا أَنْكَشَفَ مِنْ بَطْنِ الْحُرَّةِ وَشَعْرِهَا - كَثِيرًا فِي حُكْمِ الْكُلِّ، وَجَعَلْتُمْ

of your juristic cases that a tenth holds the legal weight of the whole? This applies to shaving a tenth of one's head or beard for those in iḥrām according to Muḥammad ibn al-Ḥasan's opinion. From what source do these religious rulings originate without authorization from Allah the Exalted for them?

الْعُشْرَ - فِي بَعْضِ مَسَائِلِكُمْ أَيْضًا - فِي حُكْمِ الْكُلِّ؟ وَهُوَ مِنْ حَلْقِ عُشْرِ رَأْسِهِ، أَوْ عُشْرِ لِحْيَتِهِ مِنْ الْمُحْرِمِينَ فِي قَوْلِ مُحَمَّدِ بْنِ الْحَسَنِ، فَمِنْ أَيْنَ هَذِهِ الْأَحْكَامُ فِي الدِّينِ بِغَيْرِ إِذْنٍ مِنْ اللَّهِ تَعَالَى بِهَا؟

L9243 And it has been narrated to us from Abū Ayyūb al-Anṣārī and Abū Mūsā al-Ashʿarī—may Allāh be pleased with them both—that they prayed over the leg—of a person? This is the view of Abū Sulaymān and our companions.

وَقَدْ رُوِّينَا عَنْ أَبِي أَيُّوبَ الْأَنْصَارِيِّ وَأَبِي مُوسَى الْأَشْعَرِيِّ - رَضِيَ اللَّهُ عَنْهُمَا -: أَنَّهُمَا صَلَّيَا عَلَى رِجْلٍ، إنْسَانٍ؟ وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ، وَأَصْحَابِنَا.

L9244–9246 It has been narrated from ʻUmar that he prayed over bones, and from Abu Ubaydah that he prayed over a head. As for the prayer over an absent person, there has come a decisive text concerning it, rendering speculation unnecessary, even if such speculation [were possible]. The prayer over him is obligatory because the statement of the Messenger of Allah—may Allah bless him and grant him peace—"Pray over your deceased" constitutes a general ruling encompassing both the absent and present. It is impermissible to restrict this obligation to either group. Rather, it becomes an obligation concerning every Muslim buried without prayer that those Muslims who become aware of this must pray over him, as it is a communal obligation. For those who perform the prayer over him, it is a recommended act.

وَرُوِيَ عَنْ عُمَرَ، أَنَّهُ صَلَّى عَلَى عِظَامٍ وَعَنْ أَبِي عُبَيْدَةَ: أَنَّهُ صَلَّى عَلَى رَأْسٍ وَأَمَّا الصَّلَاةُ عَلَى الْغَائِبِ فَقَدْ جَاءَ بِهِ نَصٌّ قَاطِعٌ، أَغْنَى عَنْ النَّظَرِ، وَإِنْ كَانَ النَّظَرُ تَجِبُ بِهِ الصَّلَاةُ عَلَيْهِ، لِأَنَّ قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «صَلُّوا عَلَى صَاحِبِكُمْ» عُمُومٌ يَدْخُلُ فِيهِ الْغَائِبُ وَالْحَاضِرُ، وَلَا يَجُوزُ أَنْ يُخَصَّ بِهِ أَحَدُهُمَا، بَلْ فَرْضٌ فِي كُلِّ مُسْلِمٍ دُفِنَ بِغَيْرِ صَلَاةٍ أَنْ يُصَلِّيَ عَلَيْهِ مَنْ بَلَغَهُ ذَلِكَ مِنْ الْمُسْلِمِينَ، لِأَنَّهَا فَرْضٌ عَلَى الْكِفَايَةِ، وَهِيَ فِيمَنْ صَلَّى عَلَيْهِ نَدْبٌ.

L9247 Narrated by Abdur-Rahman ibn Abdullah from Ibrahim ibn Ahmad from Al-Farbari from Al-Bukhari from Ismail ibn Abi Uwais: Malik narrated to me from Ibn Shihab from Sa'id ibn Al-Musayyib from Abu Hurairah that the Messenger of Allah—peace and blessings of Allah be upon him—announced the death of An-Najashi on the day he died. He went out to the prayer ground, lined them up in rows, and performed four *takbīrāt*.[14]

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ حَدَّثَنِي مَالِكٌ عَنْ ابْنِ شِهَابٍ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَعَى النَّجَاشِيَّ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ؟ خَرَجَ إلَى الْمُصَلَّى فَصَفَّ بِهِمْ وَكَبَّرَ أَرْبَعًا» .

L9248 Through him to Al-Bukhari: Ibrāhīm ibn Mūsā narrated to us, Hishām ibn Yūsuf narrated to us, that Ibn Jurayj informed them, saying: ʿAṭāʾ informed me that he heard Jābir ibn ʿAbd Allāh saying, "The Prophet (peace be upon him) said: 'A righteous man from Abyssinia has died today. Come, pray over

وَبِهِ إلَى الْبُخَارِيِّ: ثنا إبْرَاهِيمُ بْنُ مُوسَى ثنا هِشَامُ بْنُ يُوسُفَ أَنَّ ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ: أَخْبَرَنِي عَطَاءٌ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ " قَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

[14] **Hadith references (L9247):** Sahih al-Bukhari 1245.

him.' We formed rows, and the Prophet (peace be upon him) prayed while we [prayed]."

«قَدْ تُوُفِّيَ الْيَوْمَ رَجُلٌ صَالِحٌ مِنْ الْحَبَشِ، فَهَلُمَّ فَصَلُّوا عَلَيْهِ، فَصَفَفْنَا، فَصَلَّى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَنَحْنُ» .

L9249 And through him to Al-Bukhari: Narrated to us Musaddad from Abū ʿAwānah from Qatādah from ʿAṭāʾ from Jābir ibn ʿAbdullāh: "The Messenger of Allah - peace and blessings of Allah be upon him - performed the funeral prayer for al-Najāshī. Jābir said: I was in the second row or the third row."

وَبِهِ إلَى الْبُخَارِيِّ: ثنا مُسَدَّدٌ عَنْ أَبِي عَوَانَةَ عَنْ قَتَادَةَ عَنْ عَطَاءٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى عَلَى النَّجَاشِيِّ. قَالَ جَابِرٌ: فَكُنْتُ فِي الصَّفِّ الثَّانِي أَوْ الثَّالِثِ» .

L9250 We have also narrated it through a robust chain from Imrān ibn al-Ḥuṣayn from the Prophet (peace and blessings of Allah be upon him). This is the command of the Messenger of Allah (peace and blessings of Allah be upon him), his practice, and the practice of all his Companions. Thus, there is no consensus more sound than this, and multiply-transmitted reports from a group of the Companions (may Allah be pleased with them) as we have cited.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقٍ قَوِيَّةٍ عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. فَهَذَا أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَعَمَلُهُ وَعَمَلُ جَمِيعِ أَصْحَابِهِ، فَلَا إجْمَاعَ أَصَحُّ مِنْ هَذَا، وَآثَارٌ مُتَوَاتِرَةٌ عَنْ جَمَاعَةٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - كَمَا أَوْرَدْنَا؟

L9251 Malik and Abu Hanifah prohibited this, and their adherents asserted this ruling was exclusive to the Negus. This is a false claim without evidence—and success is from Allah, the Exalted.

وَمَنَعَ مِنْ هَذَا: مَالِكٌ، وَأَبُو حَنِيفَةَ، وَادَّعَى أَصْحَابُهُمَا الْخُصُوصَ لِلنَّجَاشِيِّ، وَهَذِهِ دَعْوَى كَاذِبَةٌ بِلَا بُرْهَانٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9252 If they say: "Did any of the Companions do this after the Messenger of Allah (peace be upon him)?" We said to them: "Has it ever been narrated that any of the Companions forbade this or rejected it?" Then they are told: "There is no proof in anyone other than the Messenger of Allah (peace be upon him)." Allah the Exalted said: {So that mankind would have no proof against Allah after the messengers} [An-Nisa' 4:165].[15]

فَإِنْ قَالُوا: هَلْ فَعَلَ هَذَا أَحَدٌ مِنْ الصَّحَابَةِ بَعْدَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قُلْنَا لَهُمْ: وَهَلْ جَاءَ قَطُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ أَنَّهُ زَجَرَ عَنْ هَذَا أَوْ أَنْكَرَهُ؟ ثُمَّ يُقَالُ لَهُمْ: لَا حُجَّةَ فِي أَحَدٍ غَيْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. قَالَ تَعَالَى: {لِئَلا يَكُونَ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ} [النساء: ١٦٥]

Legal Question: Prayer at the Grave

L9253–9254

[مَسْأَلَةُ الصَّلَاةُ عَلَى الْقَبْرِ]

L9255 Issue: It is permissible to perform the funeral prayer over a grave, even if the funeral prayer has already been offered for the deceased buried there.

مَسْأَلَةٌ: وَالصَّلَاةُ جَائِزَةٌ عَلَى الْقَبْرِ، وَإِنْ كَانَ قَدْ صُلِّيَ عَلَى الْمَدْفُونِ فِيهِ

L9256 Abu Hanifah said: If one is buried without the funeral prayer, the prayer

[15] **Qur'an references (L9252):** Qur'an 4:165 (An-Nisa).

is performed over the grave from the time of burial up to three days, and no prayer is performed after that. If he is buried after the prayer has been performed over him, no one may pray over his grave.

وَقَالَ أَبُو حَنِيفَةَ: إِنْ دُفِنَ بِلَا صَلَاةٍ: صُلِّيَ عَلَى الْقَبْرِ مَا بَيْنَ دَفْنِهِ إِلَى ثَلَاثَةِ أَيَّامٍ، وَلَا يُصَلَّى عَلَيْهِ بَعْدَ ذَلِكَ، وَإِنْ دُفِنَ بَعْدَ أَنْ صُلِّيَ عَلَيْهِ لَمْ يُصَلِّ أَحَدٌ عَلَى قَبْرِهِ؟

L9257 Malik said: Prayer should not be performed over a grave, and he narrated that from Ibrahim al-Nakha'i?

وَقَالَ مَالِكٌ: لَا يُصَلَّى عَلَى قَبْرٍ، وَرَوَى ذَلِكَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ؟

L9258 Al-Shafi'i, Al-Awza'i, and Abu Sulayman said: Prayer is offered at the grave even if the deceased buried in it has already been prayed over, and this has been reported from Ibn Sirin? Ahmad ibn Hanbal said: Prayer is offered over him for a month; is prayer not offered over him after that?

وَقَالَ الشَّافِعِيُّ، وَالْأَوْزَاعِيُّ، وَأَبُو سُلَيْمَانَ: يُصَلَّى عَلَى الْقَبْرِ وَإِنْ كَانَ قَدْ صُلِّيَ عَلَى الْمَدْفُونِ فِيهِ، وَقَدْ رُوِيَ هَذَا عَنِ ابْنِ سِيرِينَ؟ وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ: يُصَلَّى عَلَيْهِ إِلَى شَهْرٍ، وَلَا يُصَلَّى عَلَيْهِ بَعْدَ ذَلِكَ؟

L9259 Ishaq said: May an absent person pray over the grave up to a month, and a present person pray over it up to three days? — Abdullah ibn Yusuf narrated to us from Ahmad ibn Fath from Abdul Wahhab ibn Isa from Ahmad ibn Muhammad from Ahmad ibn Ali from Muslim ibn al-Hajjaj from Abu Kamil Fudayl ibn Husayn al-Jahdarī from Hammad ibn Zayd from Thabit al-Bunani from Abu Rafi' from Abu Hurayrah: "A black woman [or a youth] who used to sweep the mosque. The Messenger of Allah (peace be upon him) noticed his absence and inquired about him. They said: 'He died.' He said: 'Why did you not inform me?' It was as if they belittled his significance. He said: 'Direct me to his grave.' They directed him, and he prayed over him. Then he said: 'These graves are filled with darkness upon their inhabitants, and Allah the Exalted illuminates them through my prayer over them.'"[16]

وَقَالَ إِسْحَاقُ: يُصَلِّي الْغَائِبُ عَلَى الْقَبْرِ إِلَى شَهْرٍ، وَيُصَلِّي عَلَيْهِ الْحَاضِرُ إِلَى ثَلَاثٍ؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ ثنا حَمَّادُ بْنُ زَيْدٍ عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَبِي رَافِعٍ عَنْ أَبِي هُرَيْرَةَ «أَنَّ امْرَأَةً سَوْدَاءَ كَانَتْ تَقُمُّ الْمَسْجِدَ أَوْ شَابًّا، فَفَقَدَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَسَأَلَ عَنْهَا أَوْ عَنْهُ، فَقَالُوا: مَاتَ، فَقَالَ: أَفَلَا كُنْتُمْ آذَنْتُمُونِي؟ قَالَ: فَكَأَنَّهُمْ صَغَّرُوا أَمْرَهَا أَوْ أَمْرَهُ، فَقَالَ: دُلُّونِي عَلَى قَبْرِهِ، فَدَلُّوهُ، فَصَلَّى عَلَيْهَا، ثُمَّ قَالَ: إِنَّ هَذِهِ الْقُبُورَ مَمْلُوءَةٌ ظُلْمَةً عَلَى أَهْلِهَا، وَإِنَّ اللَّهَ تَعَالَى يُنَوِّرُهَا لَهُمْ بِصَلَاتِي عَلَيْهِمْ» .

L9260 A group of people claimed that this statement of his—peace be upon him—is evidence that this is specific to him?

فَادَّعَى قَوْمٌ أَنَّ هَذَا الْكَلَامَ مِنْهُ - عَلَيْهِ السَّلَامُ - دَلِيلٌ عَلَى أَنَّهُ خُصُوصٌ لَهُ؟

L9261–9263 Abu Muhammad said: It is not as they claimed. Rather, this statement concerns solely the blessing of his prayer (peace be upon him) and its superiority over the prayers of others. There is absolutely no prohibition here against others praying at the grave; rather, indeed... Allah, the Exalted, said: "There

قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ كَمَا قَالُوا، وَإِنَّمَا فِي هَذَا الْكَلَامِ بَرَكَةُ صَلَاتِهِ - عَلَيْهِ السَّلَامُ - وَفَضِيلَتُهَا عَلَى صَلَاةِ غَيْرِهِ فَقَطْ، وَلَيْسَ فِيهِ نَهْيُ غَيْرِهِ عَنِ الصَّلَاةِ عَلَى الْقَبْرِ أَصْلًا، بَلْ قَدْ قَالَ اللَّهُ تَعَالَى: {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ} [الأحزاب: ٢١]

[16] **Hadith references (L9259):** Riyad as-Salihin 256.

has certainly been for you in the Messenger of Allah an excellent example" [Al-Ahzab 33:21].[17]

L9264 Among the evidence invalidating the claim of specificity here is what we transmitted through the aforementioned chain to Muslim: Muḥammad ibn ʿAbd Allāh ibn Numayr narrated to us, Muḥammad ibn Idrīs narrated to us from al-Shaybānī, who is Abū Isḥāq, from al-Shaʿbī, from someone who narrated to him, who said: "We arrived with the Messenger of Allāh—peace and blessings be upon him—at a fresh grave. He prayed over it, they lined up in rows behind him, and he uttered four takbīrs."

وَمِمَّا يَدُلُّ عَلَى بُطْلَانِ دَعْوَى الْخُصُوصِ هَهُنَا مَا رُوِّينَاهُ بِالسَّنَدِ الْمَذْكُورِ إِلَى مُسْلِمٍ: ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ ثنا مُحَمَّدُ بْنُ إِدْرِيسَ عَنْ الشَّيْبَانِيِّ هُوَ أَبُو إِسْحَاقَ - عَنْ الشَّعْبِيِّ عَمَّنْ حَدَّثَهُ قَالَ «انْتَهَيْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى قَبْرٍ رَطْبٍ، فَصَلَّى عَلَيْهِ، وَصَفُّوا خَلْفَهُ، وَكَبَّرَ أَرْبَعًا»

L9265 Ash-Shaybani said: I asked Amir al-Sha'bi, "Who narrated to you?" He replied, "The trustworthy one who witnessed it - Ibn Abbas."

قَالَ الشَّيْبَانِيُّ: قُلْت لِعَامِرٍ الشَّعْبِيِّ: مَنْ حَدَّثَك؟ قَالَ: الثِّقَةُ، مَنْ شَهِدَهُ، ابْنُ عَبَّاسٍ.

L9266 This invalidates the claim of specificity, for his companions (peace be upon him, and upon them be Allah's pleasure) prayed with him at the grave, thus invalidating the claim.

فَهَذَا أَبْطَلَ الْخُصُوصَ، لِأَنَّ أَصْحَابَهُ - عَلَيْهِ السَّلَامُ -، وَعَلَيْهِمْ رِضْوَانُ اللَّهِ صَلَّوْا مَعَهُ عَلَى الْقَبْرِ، فَبَطَلَتْ دَعْوَى الْخُصُوصِ

L9267 And by the same chain to Muslim: Ibrāhīm ibn Muḥammad ibn ʿUrʿura al-Sāmī narrated to me: Ghundar narrated to us: Shuʿbah narrated from Ḥabīb ibn al-Shahīd [from Thābit] from Anas: "That the Prophet - peace and blessings of Allah be upon him - prayed over a grave."[18]

وَبِهِ إلَى مُسْلِمٍ حَدَّثَنِي إبْرَاهِيمُ بْنُ مُحَمَّدِ بْنِ عُرْعُرَةَ السَّامِيِّ ثنا غُنْدَرٌ ثنا شُعْبَةُ عَنْ حَبِيبِ بْنِ الشَّهِيدِ [عَنْ ثَابِتٍ] عَنْ أَنَسٍ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى عَلَى قَبْرٍ» .

L9268 Abu Muhammad said: So these are mass-transmitted traditions; there is no room to deviate from them.

قَالَ أَبُو مُحَمَّدٍ: فَهَذِهِ آثَارٌ مُتَوَاتِرَةٌ لَا يَسَعُ الْخُرُوجُ عَنْهَا

L9269 Some of them argued: "The Muslims did not perform prayer at the grave of Allah's Messenger—peace and blessings be upon him." Abu Muhammad said: "We do not know of any Companion—may Allah be pleased with them—who forbade performing prayer at the grave of Allah's Messenger—peace and blessings be upon him. Neither Allah the Exalted nor His Messenger—peace and blessings be upon him—prohibited it. Therefore, prohibition of this is invalid, and sending blessings upon him constitutes a righteous deed. A claim is invalid unless supported by evidence." Some of them said: "The

وَاحْتَجَّ بَعْضُهُمْ بِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُصَلِّ الْمُسْلِمُونَ عَلَى قَبْرِهِ؟ قَالَ أَبُو مُحَمَّدٍ: مَا عَلِمْنَا أَحَدًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - نَهَى عَنْ الصَّلَاةِ عَلَى قَبْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمَا نَهَى اللَّهُ تَعَالَى عَنْهُ، وَلَا رَسُولُهُ - عَلَيْهِ السَّلَامُ -، فَالْمَنْعُ مِنْ ذَلِكَ بَاطِلٌ، وَالصَّلَاةُ عَلَيْهِ فِعْلُ خَيْرٍ، وَالدَّعْوَى بَاطِلٌ إلَّا بِبُرْهَانٍ؟ وَقَالَ بَعْضُهُمْ: نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الصَّلَاةِ إلَى الْقَبْرِ وَعَلَى الْقَبْرِ مَانِعٌ مِنْ هَذَا

[17] **Qur'an references (L9261):** Qur'an 33:21 (Al-Ahzab).

[18] **Hadith references (L9267):** Sahih Muslim 955; Sunan Ibn Majah 1531; Sunan an-Nasai 2025.

Prophet's prohibition—peace and blessings be upon him—against praying facing graves or praying over graves prevents this."

L9270 Abu Muhammad said: This is astonishing—nothing like it has ever been seen! For whoever cites this as evidence has completely inverted the truth, because it is established from the Prophet (peace be upon him) that he prohibited praying over the grave or toward it.

L9271 Or in the cemetery, or regarding sitting on a grave, this speaker said: All of this is permissible.

L9272–9274 It is authentically reported that the Prophet—may Allah's peace and blessings be upon him—prayed the funeral prayer over a grave as he would over the deceased. Yet this speaker deemed it impermissible, arguing that the absolute prohibition against prayer in general extends to forbidding the funeral prayer over the grave. He cited the report about prayer over graves as evidence for permitting the forbidden prayers performed in cemeteries, directed toward graves, or upon them. "Allah is sufficient for us, and what an excellent Trustee!" Some said: "Did Ibn Umar not pray over graves?" We responded: "Yes—he would not perform regular prayers over graves, yet he would always offer the funeral prayer over graves without exception." Abu Muhammad remarked: "Even if this were authentic, it would conflict with established contrary evidence—specifically that he (may Allah be pleased with him) did offer funeral prayers over graves. Furthermore, even if this were not narrated from him, it would still oppose what is authentically reported from the Companions on this matter. How could it stand when no conclusive proof rests with anyone other than the Messenger of Allah (peace and blessings be upon him)?"

L9275 No authentic report is transmitted from Ibn Umar except what we have mentioned. It was narrated to us from Ma'mar, from Ayyub al-Sakhtiyānī, from Ibn Abi Mulaykah: Abd al-Rahman ibn Abi Bakr died six miles from Mecca, so we carried him and transported him to Mecca, where we buried him. Then Aisha, the Mother of the Believers, came to us and said, "Where is my brother's grave?" We showed her his grave, and she positioned her litter near his grave, then prayed over him. From Hammad ibn Salama, from Ayyub

قَالَ أَبُو مُحَمَّد: وَهَذَا عَجَبٌ مَا مِثْلُهُ عَجَبٌ وَهُوَ أَنَّ الْمُحْتَجَّ بِهَذَا عَكَسَ الْحَقَّ عَكْسًا، لِأَنَّهُ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - النَّهْيُ عَنْ الصَّلَاةِ عَلَى الْقَبْرِ، أَوْ إلَيْهِ.

أَوْ فِي الْمَقْبَرَةِ، وَعَنْ الْجُلُوسِ عَلَى الْقَبْرِ، فَقَالَ هَذَا الْقَائِلُ: كُلُّ هَذَا مُبَاحٌ

وَصَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ صَلَّى عَلَى قَبْرٍ صَلَاتَهُ عَلَى الْمَيِّتِ، فَقَالَ هَذَا الْقَائِلُ: لَا يَجُوزُ ذَلِكَ وَاحْتَجَّ بِالنَّهْيِ عَنْ الصَّلَاةِ مُطْلَقًا فِي مَنْعِهِ مِنْ صَلَاةِ الْجَنَازَةِ عَلَى الْقَبْرِ، وَاحْتَجَّ بِخَبَرِ الصَّلَاةِ عَلَى الْقَبْرِ فِي إبَاحَتِهِ الْحَرَامَ مِنْ الصَّلَوَاتِ فِي الْمَقْبَرَةِ، وَإِلَى الْقَبْرِ، وَعَلَيْهِ؟ وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ؟ وَقَالَ بَعْضُهُمْ: كَانَ ابْنُ عُمَرَ لَا يُصَلِّي عَلَى الْقَبْرِ؟ قُلْنَا: نَعَمْ، كَانَ لَا يُصَلِّي سَائِرَ الصَّلَوَاتِ عَلَى الْقَبْرِ، وَيُصَلِّي صَلَاةَ الْجَنَازَةِ عَلَى الْقَبْرِ أَبَدًا؟ قَالَ أَبُو مُحَمَّد: وَهَذَا لَوْ صَحَّ لَكَانَ قَدْ صَحَّ مَا يُعَارِضُهُ، وَهُوَ أَنَّهُ - رَضِيَ اللَّهُ عَنْهُ - صَلَّى صَلَاةَ الْجَنَازَةِ عَلَى الْقَبْرِ، ثُمَّ لَوْ لَمْ يَأْتِ هَذَا عَنْهُ لَكَانَ قَدْ عَارَضَهُ مَا صَحَّ عَنْ الصَّحَابَةِ فِي ذَلِكَ، فَكَيْفَ وَلَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

وَلَا يَصِحُّ عَنْ ابْنِ عُمَرَ إلَّا مَا ذَكَرْنَاهُ وَرُوِّينَا عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ ابْنِ أَبِي مُلَيْكَةَ: مَاتَ عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرٍ عَلَى سِتَّةِ أَمْيَالٍ مِنْ مَكَّةَ، فَحَمَلْنَاهُ فَجِئْنَا بِهِ مَكَّةَ فَدَفَنَّاهُ، فَقَدِمَتْ عَلَيْنَا عَائِشَةُ أُمُّ الْمُؤْمِنِينَ فَقَالَتْ: أَيْنَ قَبْرُ أَخِي؟ فَدَلَلْنَاهَا عَلَيْهِ، فَوَضَعَتْ فِي هَوْدَجِهَا عِنْدَ قَبْرِهِ فَصَلَّتْ عَلَيْهِ وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ

عَنْ ابْنِ عُمَرَ: أَنَّهُ قَدِمَ وَقَدْ مَاتَ أَخُوهُ عَاصِمٌ، فَقَالَ: أَيْنَ قَبْرُ أَخِي؟ فَدُلَّ عَلَيْهِ، فَصَلَّى عَلَيْهِ وَدَعَا لَهُ. قَالَ أَبُو مُحَمَّدٍ: هَذَا يُبَيِّنُ أَنَّهَا صَلَاةُ الْجِنَازَةِ، لَا الدُّعَاءُ فَقَطْ

al-Sakhtiyānī, from Nafi‘, from Ibn Umar: When he arrived and his brother Asim had died, he said, “Where is my brother’s grave?” He was directed to it, then he prayed over him and supplicated for him. Abu Muhammad said: This clarifies that it was the funeral prayer, not merely supplication.

وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّهُ أَمَرَ قَرَظَةَ بْنَ كَعْبٍ الْأَنْصَارِيَّ أَنْ يُصَلِّيَ عَلَى قَبْرِ سَهْلِ بْنِ حُنَيْفٍ بِقَوْمٍ جَاءُوا بَعْدَمَا دُفِنَ وَصُلِّيَ عَلَيْهِ؟ وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَيْضًا: أَنَّهُ صَلَّى عَلَى جِنَازَةٍ بَعْدَمَا صُلِّيَ عَلَيْهَا؟ وَعَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ ثنا أَبَانُ بْنُ يَزِيدَ الْعَطَّارُ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: أَنَّ أَنَسَ بْنَ مَالِكٍ صَلَّى عَلَى جِنَازَةٍ بَعْدَمَا صُلِّيَ عَلَيْهَا وَعَنِ ابْنِ مَسْعُودٍ نَحْوُ ذَلِكَ.

L9276 From Ali ibn Abi Talib: that he commanded Qarazah ibn Ka‘b al-Ansari to lead the prayer over the grave of Sahl ibn Hunayf with a group that arrived after he was buried and the prayer had been performed. Also from Ali ibn Abi Talib: that he performed the prayer over the deceased after it had already been performed. From Yahya ibn Sa‘id al-Qattan: Aban ibn Yazid al-‘Attar narrated from Yahya ibn Abi Kathir: that Anas ibn Malik performed the prayer over the deceased after it had already been performed. From Ibn Mas‘ud is something similar.

وَعَنْ سَعِيدِ بْنِ الْمُسَيِّبِ إِبَاحَةُ ذَلِكَ.

L9277 And the permissibility of that is narrated from Sa‘īd ibn al-Musayyib.

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ خَالِدِ بْنِ الْوَلِيدِ: أَنَّهُ صَلَّى عَلَى جِنَازَةٍ بَعْدَمَا صُلِّيَ عَلَيْهَا وَعَنْ قَتَادَةَ: أَنَّهُ كَانَ إِذَا فَاتَتْهُ الصَّلَاةُ عَلَى الْجِنَازَةِ صَلَّى عَلَيْهَا.

L9278–9280 From Abd al-Rahman ibn Khalid ibn al-Walid: that he prayed over a funeral after it had already been prayed over. It is narrated from Qatādah that whenever he missed the prayer over the bier, he would pray over it.

فَهَذِهِ طَوَائِفُ مِنْ الصَّحَابَةِ لَا يُعْرَفُ لَهُمْ مِنْهُمْ مُخَالِفٌ؟ وَأَمَّا أَمْرُ تَحْدِيدِ الصَّلَاةِ بِشَهْرٍ أَوْ ثَلَاثَةِ أَيَّامٍ فَخَطَأٌ لَا يُشْكِلُ، لِأَنَّهُ تَحْدِيدٌ بِلَا دَلِيلٍ، وَلَا فَرْقَ بَيْنَ مَنْ حَدَّ بِهَذَا، أَوْ مَنْ حَدَّ بِغَيْرِ ذَلِكَ.

L9281 These are groups among the Companions; no dissenter from them is known. As for restricting [the duration of] prayer to a month or three days, it is an unambiguous error, for it constitutes a restriction without textual evidence. There is no distinction between one who restricts it to this and one who restricts it to something else.

[مَسْأَلَةٌ تَزَوَّجَ مُسْلِمٌ كَافِرَةً فَحَمَلَتْ مِنْهُ وَمَاتَتْ حَامِلًا]

A jurisprudential case: A Muslim man married a non-Muslim woman, impregnated her, and she died while pregnant.

٥٨٢ - مَسْأَلَةٌ: وَمَنْ تَزَوَّجَ كَافِرَةً فَحَمَلَتْ مِنْهُ وَهُوَ مُسْلِمٌ وَمَاتَتْ حَامِلًا -: فَإِنْ كَانَتْ قَبْلَ أَرْبَعَةِ أَشْهُرٍ وَلَمْ يُنْفَخْ فِيهِ الرُّوحُ بَعْدُ: دُفِنَتْ مَعَ أَهْلِ دِينِهَا، وَإِنْ كَانَ بَعْدَ أَرْبَعَةِ

L9282 L9283 582 - Issue: If whoever marries a disbelieving woman while being Muslim, she conceives from him, and dies pregnant: If she dies before four months when the soul has not yet been breathed into the fetus, she is buried with her religious community. If she dies after four months when the soul has been breathed into the fetus, she is buried at the edge of the Muslims’ cemetery,

for the practice of Muslims since the time of Allah's Messenger (peace and blessings of Allah be upon him) is that no Muslim is buried with a polytheist. Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Muḥammad ibn ʿAbdillāh ibn al-Mubārak narrated to us: Wakīʿ narrated from al-Aswad ibn Shaybān – who was reliable – from Khālid ibn Samīr, from Bashīr ibn Nahīk, from Bashīr ibn al-Khaṣāṣiyyah, a Companion of the Messenger of Allah (peace and blessings of Allah be upon him), who said: "I was walking with the Messenger of Allah (peace and blessings of Allah be upon him) when he passed by the graves of Muslims and said: 'These have preceded much evil.' Then he passed by the graves of polytheists and said: 'These have preceded much good.'"[19]

L9284 Thus, the separation of Muslim graves from those of polytheists was validated by this.

L9285–9287 The fetus before the soul is breathed into it is merely a part of its mother's body and among the contents of her abdomen. She must be buried among the disbelievers, for when the soul is breathed into it, it becomes another creation, as Allah the Exalted said: "Then We clothed the bones with flesh, then We brought it forth as another creation" [Al-Mu'minun:14]. At that point, it becomes a living human being distinct from his mother. Rather, he may be male while she is female, and he is the son of a Muslim, thus subject to the rulings of Islam. Therefore, it is impermissible to bury him in the cemeteries of the disbelievers. Since she is a disbeliever, she cannot be buried in the cemeteries of the Muslims. Consequently, she must be buried in a separate area for this reason. It has been narrated to us from Sulaymān ibn Mūsā that Wāthilah ibn al-Asqaʿ, the Companion of the Messenger of Allah (peace and blessings be upon him), buried a Christian woman who died pregnant from a Muslim in a cemetery that was neither the Christians' cemetery nor the Muslims' cemetery, between them.[20]

L9288 It was narrated to us from ʿUmar ibn al-Khaṭṭāb that she should be buried

أَشْهُرٍ وَالرُّوحُ قَدْ نُفِخَ فِيهِ: دُفِنَتْ فِي طَرَفِ مَقْبَرَةِ الْمُسْلِمِينَ، لِأَنَّ عَمَلَ أَهْلِ الْإِسْلَامِ مِنْ عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ لَا يُدْفَنَ مُسْلِمٌ مَعَ مُشْرِكٍ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ ثنا وَكِيعٌ عَنِ الْأَسْوَدِ بْنِ شَيْبَانَ - وَكَانَ ثِقَةً - عَنْ خَالِدِ بْنِ سَمِيرٍ عَنْ بَشِيرِ بْنِ نَهِيكٍ عَنْ بَشِيرٍ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ ابْنُ الْخَصَاصِيَةِ قَالَ: «كُنْتُ أَمْشِي مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَمَرَّ عَلَى قُبُورِ الْمُسْلِمِينَ، فَقَالَ: لَقَدْ سَبَقَ هَؤُلَاءِ شَرًّا كَثِيرًا، ثُمَّ مَرَّ عَلَى قُبُورِ الْمُشْرِكِينَ فَقَالَ: لَقَدْ سَبَقَ هَؤُلَاءِ خَيْرًا كَثِيرًا» .

فَصَحَّ بِهَذَا تَفْرِيقُ قُبُورِ الْمُسْلِمِينَ عَنْ قُبُورِ الْمُشْرِكِينَ.

وَالْحَمْلُ مَا لَمْ يُنْفَخْ فِيهِ الرُّوحُ فَإِنَّمَا هُوَ بَعْضُ جِسْمِ أُمِّهِ، وَمِنْ حَشْوَةِ بَطْنِهَا، وَهِيَ مَدْفُونَةٌ مَعَ الْمُشْرِكِينَ، فَإِذَا نُفِخَ فِيهِ الرُّوحُ فَهُوَ خَلْقٌ آخَرُ، كَمَا قَالَ تَعَالَى: {فَكَسَوْنَا الْعِظَامَ لَحْمًا ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ} [المؤمنون: ١٤] ، فَهُوَ حِينَئِذٍ إِنْسَانٌ حَيٌّ غَيْرُ أُمِّهِ، بَلْ قَدْ يَكُونُ ذَكَرًا وَهِيَ أُنْثَى، وَهُوَ ابْنُ مُسْلِمٍ فَلَهُ حُكْمُ الْإِسْلَامِ، فَلَا يَجُوزُ أَنْ يُدْفَنَ فِي مَقَابِرِ الْمُشْرِكِينَ، وَهِيَ كَافِرَةٌ، فَلَا تُدْفَنُ فِي مَقَابِرِ الْمُسْلِمِينَ، فَوَجَبَ أَنْ تُدْفَنَ بِنَاحِيَةٍ لِأَجْلِ ذَلِكَ رُوِّينَا عَنْ سُلَيْمَانَ بْنِ مُوسَى: أَنَّ وَاثِلَةَ بْنَ الْأَسْقَعِ صَاحِبَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - دَفَنَ امْرَأَةً نَصْرَانِيَّةً مَاتَتْ حُبْلَى مِنْ مُسْلِمٍ -: فِي مَقْبَرَةٍ لَيْسَتْ بِمَقْبَرَةِ النَّصَارَى، وَلَا بِمَقْبَرَةِ الْمُسْلِمِينَ بَيْنَ ذَلِكَ.

وَرُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّهَا تُدْفَنُ مَعَ الْمُسْلِمِينَ مِنْ أَجْلِ وَلَدِهَا

[19] **Hadith references (L9283):** Sunan an-Nasai 2048.
[20] **Qur'an references (L9285):** Qur'an 23:14 (Al-Mu'minun).

with the Muslims for the sake of her child.

L9289 **Issue: A minor is taken captive—whether with both parents, with one parent, or without them—and subsequently dies.**

L9290 583. Issue: If a minor is captured along with both parents, one of them, or without them, and then dies, he is to be buried with the Muslims and the funeral prayer is to be performed for him. Allah the Exalted said: "The natural disposition of Allah, upon which He created mankind. There is no altering Allah's creation. That is the upright religion" (30:30). Thus, it is established that every newborn is a Muslim, except those whom Allah the Exalted has confirmed in disbelief—specifically, those born to two disbelieving dhimmi parents or two disbelieving parents from enemy territory, who were not captured until reaching adulthood. Are those outside these two categories not Muslims?[21]

L9291 **Issue: The person most deserving to lead the prayer over the deceased.**

L9292 584 - Issue: The most entitled individuals to perform the funeral prayer over a deceased male or female are the closest relatives—namely: the father and his paternal forebears, the son and his sons, followed by the full brothers, then the paternal half-brothers, then their sons, then the paternal uncles and maternal uncles, then the paternal uncles alone, then their sons, then all mahram relatives—unless the deceased instructed a specific person to lead their prayer, in which case that person holds priority.

L9293 Then the spouse, then the ruler or judge. If someone other than those we mentioned leads the prayer, it suffices. The proof for this is the verse of Allah, the Most High: {And blood relatives are more entitled to one another in the decree of Allah} [Al-Anfal: 75]. This is a general principle that may not be restricted. The statement of Allah's Messenger, peace and blessings be upon him – "A man must not lead prayer among his family" – includes

[21] **Qur'an references (L9290):** Qur'an 30:30 (Ar-Rum).

[مَسْأَلَةٌ الصَّغِيرُ يُسْبَى مَعَ أَبَوَيْهِ أَوْ أَحَدِهِمَا أَوْ دُونَهُمَا فَيَمُوتُ]

٥٨٣ - مَسْأَلَةٌ: وَالصَّغِيرُ يُسْبَى مَعَ أَبَوَيْهِ أَوْ أَحَدِهِمَا أَوْ دُونَهُمَا فَيَمُوتُ -: فَإِنَّهُ يُدْفَنُ مَعَ الْمُسْلِمِينَ وَيُصَلَّى عَلَيْهِ، قَالَ تَعَالَى: {فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَيِّمُ} [الروم: ٣٠] فَصَحَّ أَنَّ كُلَّ مَوْلُودٍ فَهُوَ مُسْلِمٌ، إِلَّا مَنْ أَقَرَّهُ اللَّهُ تَعَالَى عَلَى الْكُفْرِ، وَلَيْسَ إِلَّا مَنْ وُلِدَ بَيْنَ ذِمِّيَّيْنِ كَافِرَيْنِ، أَوْ حَرْبِيَّيْنِ كَافِرَيْنِ، وَلَمْ يُسْبَ حَتَّى بَلَغَ، وَمَا عَدَا هَذَيْنِ فَمُسْلِمٌ؟

[مَسْأَلَةٌ أَحَقُّ النَّاسِ بِالصَّلَاةِ عَلَى الْمَيِّتِ]

٥٨٤ - مَسْأَلَةٌ: وَأَحَقُّ النَّاسِ بِالصَّلَاةِ عَلَى الْمَيِّتِ وَالْمَيِّتَةِ: الْأَوْلِيَاءُ -: وَهُمْ: الْأَبُ وَآبَاؤُهُ، وَالِابْنُ وَأَبْنَاؤُهُ، ثُمَّ الْإِخْوَةُ الْأَشِقَّاءُ، ثُمَّ الَّذِينَ لِلْأَبِ، ثُمَّ بَنُوهُمْ، ثُمَّ الْأَعْمَامُ لِلْأَبِ وَالْأُمِّ، ثُمَّ لِلْأَبِ ثُمَّ بَنُوهُمْ، ثُمَّ كُلُّ ذِي رَحِمٍ مَحْرَمَةٍ، إِلَّا أَنْ يُوصِيَ الْمَيِّتُ أَنْ يُصَلِّيَ عَلَيْهِ إِنْسَانٌ، فَهُوَ أَوْلَى.

ثُمَّ الزَّوْجُ، ثُمَّ الْأَمِيرُ أَوْ الْقَاضِي، فَإِنْ صَلَّى غَيْرُ مَنْ ذَكَرْنَا أَجْزَأَ -: بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَأُولُو الأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ} [الأنفال: ٧٥] وَهَذَا عُمُومٌ لَا يَجُوزُ تَخْصِيصُهُ، وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يُؤَمَّنَّ الرَّجُلُ فِي

the blood relative and the spouse. If both are present, they are equal under the hadith's ruling, so it is impermissible to prioritize one over the other. The blood relative holds precedence by virtue of the verse, then the spouse holds precedence over others by virtue of the hadith?[22]

أَهْلِهِ» يَدْخُلُ فِيهِ: ذُو الرَّحِمِ، وَالزَّوْجُ، فَإِذَا اجْتَمَعَا فَهُمَا سَوَاءٌ فِي الْحَدِيثِ، فَلَا يَجُوزُ تَقْدِيمُ أَحَدِهِمَا عَلَى الْآخَرِ وَذُو الرَّحِمِ أَوْلَى بِالْآيَةِ، ثُمَّ الزَّوْجُ أَوْلَى مِنْ غَيْرِهِ بِالْحَدِيثِ؟

L9294–9296 We have narrated it from Qatādah from Saʿīd ibn al-Musayyib that he said concerning the funeral prayer for a woman: a father, or… Is a son or brother more entitled to the funeral prayer over her than the husband? Via the chain of Waki' from Sufyān al-Thawrī from Layth from Zayd ibn Abī Sulaymān: that 'Umar ibn al-Khaṭṭāb said regarding the funeral prayer over a woman when she dies: "The guardian [walī] instead of the husband?" From Shu'bah from al-Ḥakam ibn 'Utaybah regarding the funeral prayer over a woman when she dies: "The brother has greater right than the husband."

رُوِّينَاهُ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: أَنَّهُ قَالَ فِي الصَّلَاةِ عَلَى الْمَرْأَةِ: أَبٌ، أَوْ ابْنٌ، أَوْ أَخٌ: أَحَقُّ بِالصَّلَاةِ عَلَيْهَا مِنْ الزَّوْجِ؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ لَيْثٍ عَنْ زَيْدِ بْنِ أَبِي سُلَيْمَانَ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ فِي الصَّلَاةِ عَلَى الْمَرْأَةِ إذَا مَاتَتْ -: الْوَلِيُّ دُونَ الزَّوْجِ؟ وَعَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ فِي الصَّلَاةِ عَلَى الْمَرْأَةِ إذَا مَاتَتْ: الْأَخُ أَحَقُّ مِنْ الزَّوْجِ.

L9297 From the narration of Waki' via al-Rabi' via al-Hasan: They would prioritize the prayer leaders (Imams) in leading their funeral prayers. If there is a dispute, the guardian takes precedence, followed by the husband.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ: كَانُوا يُقَدِّمُونَ الْأَئِمَّةَ عَلَى جَنَائِزِهِمْ، فَإِنْ تَدَارَءُوا فَالْوَلِيُّ، ثُمَّ الزَّوْجُ.

L9298 If it is said: Al-Ḥusayn ibn ʿAlī—may Allāh be pleased with him—appointed Saʿīd ibn al-ʿĀṣ over his guardian and stated: "Were it not for this being the Sunnah, I would not have appointed you." And Abū Bakra said to his wife's brothers: "I have greater right than you." We responded: We did not claim consensus for you, yet you oppose us with this. However, when leaders disagree, it becomes obligatory to refer back to the Qurʾān and Sunnah. In the Qurʾān and Sunnah is what we have presented, for Allāh the Exalted has not permitted resolving disputes by referring to anything other than His speech and the ruling of His Prophet—peace and blessings of Allāh be upon him.

فَإِنْ قِيلَ: قَدْ قَدَّمَ الْحُسَيْنُ بْنُ عَلِيٍّ -: سَعِيدَ بْنَ الْعَاصِ عَلَى وَلِيِّ لَهُ وَقَالَ: لَوْلَا أَنَّهَا سُنَّةٌ مَا قَدَّمْتُك؟ وَقَالَ أَبُو بَكْرَةَ لِإِخْوَةِ زَوْجَتِهِ: أَنَا أَحَقُّ مِنْكُمْ قُلْنَا: لَمْ نَدَّعِ لَكُمْ إجْمَاعًا فَتُعَارِضُونَا بِهَذَا، وَلَكِنْ إذَا تَنَازَعَ الْأَئِمَّةُ وَجَبَ الرَّدُّ إلَى الْقُرْآنِ وَالسُّنَّةِ، وَفِي الْقُرْآنِ وَالسُّنَّةِ مَا أَوْرَدْنَا، وَلَمْ يُبِحْ اللَّهُ تَعَالَى الرَّدَّ فِي التَّنَازُعِ إلَى غَيْرِ كَلَامِهِ وَحُكْمِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L9299 Abu Hanifah, Malik, al-Shafi'i, and al-Awzaʿī—the latter in one of his two opinions—stated: The male guardians are more entitled to pray over her than the husband. However, Abu Hanifah said: If her child is the son of her present husband, then the husband (who is the child's father) is more entitled. This is baseless, as it constitutes an unsupported claim.

وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ، وَالْأَوْزَاعِيُّ فِي أَحَدِ قَوْلَيْهِ: الْأَوْلِيَاءُ أَحَقُّ بِالصَّلَاةِ عَلَيْهَا مِنْ الزَّوْجِ، إلَّا أَنَّ أَبَا حَنِيفَةَ قَالَ: إنْ كَانَ وَلَدُهَا ابْنَ زَوْجِهَا الْحَاضِرُ فَالزَّوْجُ أَبُو الْوَلَدِ أَحَقُّ - وَهَذَا لَا مَعْنَى لَهُ، لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ

[22] **Qur'an references (L9293):** Qur'an 8:75 (Al-Anfal); Qur'an 33:6 (Al-Ahzab).

[مَسْأَلَةٌ أَحَقُّ النَّاسِ بِإِنْزَالِ الْمَرْأَةِ فِي قَبْرِهَا]

٥٨٥ - مَسْأَلَةٌ: وَأَحَقُّ النَّاسِ بِإِنْزَالِ الْمَرْأَةِ فِي قَبْرِهَا مَنْ لَمْ يَطَأْ تِلْكَ اللَّيْلَةَ، وَإِنْ كَانَ أَجْنَبِيًّا، حَضَرَ زَوْجُهَا أَوْ أَوْلِيَاؤُهَا أَوْ لَمْ يَحْضُرُوا، وَأَحَقُّهُمْ بِإِنْزَالِ الرَّجُلِ أَوْلِيَاؤُهُ؟

أَمَّا الرَّجُلُ فَلِقَوْلِ اللَّهِ تَعَالَى: {وَأُولُو الأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ} [الأنفال: ٧٥] وَهَذَا عُمُومٌ، لَا يَجُوزُ تَخْصِيصُهُ إِلَّا بِنَصٍّ.

وَأَمَّا الْمَرْأَةُ فَإِنَّ عَبْدَ الرَّحْمَنِ بْنَ عَبْدِ اللَّهِ بْنِ خَالِدٍ حَدَّثَنَا قَالَ: ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ هُوَ الْمُسْنَدِيُّ - ثنا أَبُو عَامِرٍ هُوَ الْعَقَدِيُّ - ثنا فُلَيْحُ بْنُ سُلَيْمَانَ عَنْ هِلَالِ بْنِ عَلِيٍّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ «شَهِدْنَا بِنْتًا لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - جَالِسٌ عَلَى الْقَبْرِ، فَرَأَيْت عَيْنَيْهِ تَدْمَعَانِ، فَقَالَ: هَلْ مِنْكُمْ رَجُلٌ لَمْ يُقَارِفْ اللَّيْلَةَ؟ فَقَالَ أَبُو طَلْحَةَ: أَنَا، قَالَ: فَانْزِلْ؟ فَنَزَلَ فِي قَبْرِهَا» .

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيُّ ثنا ابْنُ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الصَّمُوتُ ثنا أَحْمَدُ بْنُ عَمْرٍو الْبَزَّارُ ثنا مُحَمَّدُ بْنُ مَعْمَرٍ ثنا رَوْحُ بْنُ أَسْلَمَ أَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَنَسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: لَمَّا مَاتَتْ رُقَيَّةُ ابْنَتُهُ - رَضِيَ اللَّهُ عَنْهَا -: لَا يَدْخُلْ الْقَبْرَ رَجُلٌ قَارَفَ اللَّيْلَةَ، فَلَمْ يَدْخُلْ عُثْمَانُ»

قَالَ أَبُو مُحَمَّدٍ: الْمُقَارَفَةُ الْوَطْءُ، لَا مُقَارَفَةُ الذَّنْبِ.

L9300 **Legal Issue: Who among the people is most entitled to lower a woman into her grave?**

L9301 585 – Issue: The most deserving person to place a woman into her grave is one who has not engaged in sexual intercourse the preceding night, even if he is an unrelated male—regardless of whether her husband or guardians are present. As for a man, are his guardians the most deserving to place him [into the grave]?

L9302 As for the man, it is based on the statement of Allah, the Most High: "And blood relatives are more entitled to one another" [Al-Anfāl: 75]. This constitutes a general ruling, and it is impermissible to restrict it except through scriptural evidence.[23]

L9303–9305 As for the woman, ʻAbd al-Raḥmān ibn ʻAbd Allāh ibn Khālid narrated to us: Ibrāhīm ibn Aḥmad narrated to us, al-Farabrī narrated to us, al-Bukhārī narrated to us, ʻAbd Allāh ibn Muḥammad—al-Musnadī—narrated to us, and Abū ʻĀmir—al-ʻAqadī—narrated to us. Fulayh ibn Sulayman narrated to us from Hilal ibn Ali from Anas ibn Malik, who said: "We attended a daughter of the Messenger of Allah (peace be upon him) while the Messenger of Allah (peace be upon him) was sitting by the grave. I saw his eyes shedding tears. He said: 'Is there among you a man who did not have sexual relations last night?' Abu Talhah said: 'I am.' He said: 'Then descend!' So he entered her grave."

L9306 Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us: Ibn Mufarrij narrated to us: Muḥammad ibn Ayyūb al-Ṣamūt narrated to us: Aḥmad ibn ʿAmr al-Bazzār narrated to us: Muḥammad ibn Maʿmar narrated to us: Rawḥ ibn Aslam narrated to us from Ḥammād ibn Salamah from Thābit al-Bunānī from Anas that when Ruqayyah—may Allah be pleased with her—the daughter of the Messenger of Allah (peace and blessings be upon him) died, he said: "No man who has engaged in sexual intercourse this night may enter the grave." So ʻUthmān did not enter.

L9307 Abu Muhammad said: Al-Muqārafah refers to sexual intercourse, not to the

[23] **Qur'an references (L9302):** Qur'an 8:75 (Al-Anfal); Qur'an 33:6 (Al-Ahzab).

commission of sin.

L9308 Allah forbid that Abu Talhah would claim purity in the presence of the Prophet—peace and blessings of Allah be upon him—by asserting that he did not commit any sin.

L9309 Thus, is it established that one who did not engage in intercourse that night has a stronger right than the father, the spouse, and others beyond them?

L9310 **A legal question regarding a bequest stipulating that someone other than the guardian or the husband perform the prayer over the testator.**

L9311 586 – Remainder of the prior issue that precedes this one: Abu Muhammad said: We supplemented the will by stipulating that someone other than the guardian or husband should perform the funeral prayer over the testator. This is because Allah the Exalted – having mentioned the dying person's will – states: "Whoever alters it after hearing it, the sin thereof is only upon those who alter it" [Al-Baqarah 2:181].[24]

L9312 It has been narrated to us through the chain of Wakiʿ from Sufyān al-Thawrī from Muḥārib ibn Dithār: that Umm Salamah, the Mother of the Believers—may Allah the Exalted be pleased with her—requested that Saʿīd ibn Zayd should lead her funeral prayer, even though he was neither a leader, a close relative from her mahram kin, nor a member of her tribe, and this occurred in the presence of the Companions—may Allah the Exalted be pleased with them. And via the same chain extending to Sufyān from Abū Isḥāq al-Sabīʿī: that Abū Maysarah requested that Shurayḥ should lead his funeral prayer, though he was not from his tribe.

L9313–9314 Narrated through Waki', from Misʿar ibn Kidam, from Abu Husayn, that ʿAbīdah al-Salmani instructed that al-Aswad ibn Yazid al-Nakhaʿi lead the funeral prayer for him.

L9315 **An issue regarding kissing the deceased.**

[24] **Qur'an references (L9311):** Qur'an 2:181 (Al-Baqarah).

وَمَعَاذَ اللَّهِ أَنْ يَتَزَكَّى أَبُو طَلْحَةَ بِحَضْرَةِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَنَّهُ لَمْ يُقَارِفْ ذَنْبًا.

فَصَحَّ أَنَّ مَنْ لَمْ يَطَأْ تِلْكَ اللَّيْلَةَ أَوْلَى مِنْ الْأَبِ وَالزَّوْجِ وَغَيْرِهِمَا؟

[مَسْأَلَةٌ الْوَصِيَّةَ بِأَنْ يُصَلِّيَ عَلَى الْمُوصِي غَيْرُ الْوَلِيِّ وَغَيْرُ الزَّوْجِ]

٥٨٦ - بَقِيَّةٌ مِنْ الْمَسْأَلَةِ: الَّتِي قَبْلَ هَذِهِ: قَالَ أَبُو مُحَمَّدٍ: وَاسْتَدْرَكْنَا الْوَصِيَّةَ بِأَنْ يُصَلِّيَ عَلَى الْمُوصِي غَيْرُ الْوَلِيِّ وَغَيْرُ الزَّوْجِ، وَهُوَ أَنَّ اللَّهَ تَعَالَى - وَقَدْ ذَكَرَ وَصِيَّةَ الْمُحْتَضَرِ - قَالَ {فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ} [البقرة: ١٨١]

وَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مُحَارِبِ بْنِ دِثَارٍ: أَنَّ أُمَّ سَلَمَةَ أُمَّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ تَعَالَى عَنْهَا - أَوْصَتْ أَنْ يُصَلِّيَ عَلَيْهَا سَعِيدُ بْنُ زَيْدٍ وَهُوَ غَيْرُ أَمِيرٍ وَلَا وَلِيٍّ مِنْ ذَوِي مَحَارِمِهَا وَلَا مِنْ قَوْمِهَا، وَذَلِكَ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ - وَبِهِ إلَى سُفْيَانَ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ: أَنَّ أَبَا مَيْسَرَةَ أَوْصَى أَنْ يُصَلِّيَ عَلَيْهِ شُرَيْحٌ وَلَيْسَ مِنْ قَوْمِهِ.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ مِسْعَرِ بْنِ كِدَامٍ عَنْ أَبِي حُصَيْنٍ: أَنَّ عَبِيدَةَ السَّلْمَانِيَّ أَوْصَى أَنْ يُصَلِّيَ عَلَيْهِ الْأَسْوَدُ بْنُ يَزِيدَ النَّخَعِيُّ.

[مَسْأَلَةٌ تَقْبِيلُ الْمَيِّتِ]

L9316 587 - Issue: Kissing the deceased is permissible. Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: al-Bukhari narrated to us: From Bishr ibn Muhammad: I heard from Abd Allah ibn al-Mubarak, who informed me: Ma'mar and Yunus informed me from al-Zuhri: Abu Salama—the son of Abd al-Rahman ibn Awf—informed me that Aisha, the wife of the Prophet—peace and blessings be upon him—reported that Abu Bakr entered upon the Messenger of Allah—peace and blessings be upon him—while he was shrouded in a striped cloak—meaning, she meant, after his death. She said: He uncovered his face, then leaned over him, kissed him, wept, and said: "By my father and mother, O Messenger of Allah!" And Abu Salama related the hadith in full.

٥٨٧ - مَسْأَلَةٌ: وَتَقْبِيلُ الْمَيِّتِ جَائِزٌ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ أَنَا بِشْرُ بْنُ مُحَمَّدٍ أَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ أَخْبَرَنِي مَعْمَرٌ وَيُونُسُ عَنْ الزُّهْرِيِّ أَخْبَرَنِي أَبُو سَلَمَةَ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، - أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَخْبَرَتْهُ " أَنَّ أَبَا بَكْرٍ دَخَلَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ مُسَجًّى بِبُرْدِ حِبَرَةٍ - تَعْنِي إذْ مَاتَ - عَلَيْهِ السَّلَامُ - قَالَتْ: فَكَشَفَ عَنْ وَجْهِهِ، ثُمَّ أَكَبَّ عَلَيْهِ فَقَبَّلَهُ، ثُمَّ بَكَى وَقَالَ: بِأَبِي أَنْتَ وَأُمِّي يَا رَسُولَ اللَّهِ ". وَذَكَرَ الْحَدِيثَ.

The deceased should be shrouded in a shroud, and an object should be placed on his stomach to prevent swelling.

[مَسْأَلَةٌ يُسَجَّى الْمَيِّتُ بِثَوْبٍ وَيُجْعَلُ عَلَى بَطْنِهِ مَا يَمْنَعُ انْتِفَاخَهُ]

L9318 588: Issue: The deceased should be shrouded with a garment, and something should be placed on his abdomen to prevent swelling. As for the shrouding, this is done because of what we mentioned concerning the Messenger of Allah (peace be upon him), and all that was done regarding him (peace be upon him) is the rightful way, due to the saying of Allah, the Most High: "And Allah will protect you from the people" (Quran 5:67).[25]

٥٨٨ - مَسْأَلَةٌ: وَيُسَجَّى الْمَيِّتُ بِثَوْبٍ وَيُجْعَلُ عَلَى بَطْنِهِ مَا يَمْنَعُ انْتِفَاخَهُ -: أَمَّا التَّسْجِيَةُ - فَلِمَا ذَكَرْنَاهُ فِي رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكُلُّ مَا فُعِلَ فِيهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ حَقٌّ، لِقَوْلِهِ تَعَالَى: {وَاللَّهُ يَعْصِمُكَ مِنَ النَّاسِ} [المائدة: ٦٧]

L9319 This is a general principle, and it may not be particularized except through textual evidence.

وَهَذَا عُمُومٌ، لَا يَجُوزُ تَخْصِيصُهُ إلَّا بِنَصٍّ؟

L9320 As for our statement, "He is laid on his stomach," this is based on Allah's injunction: "Cooperate in righteousness and piety" [Al-Mā'idah: 2]. Does not every act that entails kindness toward a Muslim and averts mutilation of his body constitute righteousness and piety?[26]

وَأَمَّا قَوْلُنَا: يُوضَعُ عَلَى بَطْنِهِ فَلِقَوْلِ اللَّهِ تَعَالَى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى} [المائدة: ٢] وَكُلُّ مَا فِيهِ رِفْقٌ بِالْمُسْلِمِ وَدَفْعٌ لِلْمُثْلَةِ عَنْهُ، فَهُوَ بِرٌّ وَتَقْوَى؟

A jurisprudential issue regarding wailing, beating the face and chest, and plucking the hair or shaving it for the deceased.

[مَسْأَلَةُ الصِّيَاحِ وَضَرْبِ الْوَجْهِ وَالصَّدْرِ وَنَتْفِ الشَّعْرِ وَحَلْقُهُ لِلْمَيِّتِ]

[25] **Qur'an references (L9318):** Qur'an 5:67 (Al-Ma'idah).
[26] **Qur'an references (L9320):** Qur'an 5:2 (Al-Ma'idah).

L9322–9324 589 - Issue: Patience is obligatory, and weeping is permissible provided it does not involve wailing, for wailing is forbidden. Shouting, scratching faces, striking them, beating the chest, plucking hair, or shaving it in mourning for the deceased—all of that is forbidden; similarly disliked is reprehensible speech expressing discontent with the decrees of Allah Almighty, and tearing garments. Narrated by ʿAbd al-Raḥmān ibn ʿAbd Allāh → Ibrāhīm ibn Aḥmad → al-Farbarī → al-Bukhārī → Ādam → Shuʿbah → Thābit al-Bunānī → Anas ibn Mālik, who said: "The Prophet—peace and blessings of Allah be upon him—passed by a woman weeping at a grave." He said, "Fear Allah and be patient."[27]

٥٨٩ - مَسْأَلَةٌ: وَالصَّبْرُ وَاجِبٌ، وَالْبُكَاءُ مُبَاحٌ، مَا لَمْ يَكُنْ نَوْحٌ، فَإِنَّ النَّوْحَ حَرَامٌ، وَالصِّيَاحَ، وَخَمْشَ الْوُجُوهِ وَضَرْبَهَا، وَضَرْبَ الصَّدْرِ، وَنَتْفَ الشَّعْرِ وَحَلْقَهُ لِلْمَيِّتِ -: كُلُّ ذَلِكَ حَرَامٌ، وَكَذَلِكَ الْكَلَامُ الْمَكْرُوهُ الَّذِي هُوَ تَسَخُّطٌ لِأَقْدَارِ اللَّهِ تَعَالَى، وَشَقُّ الثِّيَابِ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا آدَم ثنا شُعْبَةُ ثنا ثَابِتٌ الْبُنَانِيُّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ «مَرَّ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِامْرَأَةٍ تَبْكِي عِنْدَ قَبْرٍ، فَقَالَ: اتَّقِي اللَّهَ وَاصْبِرِي؟» .

L9325 And with his chain to Al-Bukhari: Muḥammad ibn Bishār narrated to us: Ghundar narrated to us from Shuʿbah from Thābit al-Bunānī, who said: I heard Anas ibn Mālik report from the Prophet (peace and blessings of Allah be upon him) that he said: "Patience is only at the first shock."

وَبِهِ إِلَى الْبُخَارِيِّ: نا مُحَمَّدُ بْنُ بَشَّارٍ نا غُنْدَرٌ عَنْ شُعْبَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ قَالَ: سَمِعْت أَنَسَ بْنَ مَالِكٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «إنَّمَا الصَّبْرُ عِنْدَ الصَّدْمَةِ الْأُولَى» .

L9326 And through him to al-Bukhari: Al-Hasan ibn Abdul Aziz narrated to us, Yahya ibn Hassan narrated to us, Quraysh—he is Ibn Hayyan—narrated to me from Thabit al-Bunani from Anas, who said: "We entered with the Messenger of Allah (peace and blessings be upon him) to visit Ibrahim—he is the son of the Messenger of Allah (peace and blessings be upon him)—as he was breathing his last. Both eyes of the Messenger of Allah began to overflow with tears. Abdur Rahman ibn Awf said to him: 'And you, O Messenger of Allah?' He replied: 'O Ibn Awf, it is mercy. The eye sheds tears, the heart grieves, and we say nothing except what pleases our Lord. Are we not indeed saddened by your separation, O Ibrahim?'"

وَبِهِ إِلَى الْبُخَارِيِّ: ثنا الْحَسَنُ بْنُ عَبْدِ الْعَزِيزِ نا يَحْيَى بْنُ حَسَّانَ حَدَّثَنِي قُرَيْشٌ هُوَ ابْنُ حَيَّانَ - عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَنَسٍ قَالَ «دَخَلْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى إبْرَاهِيمَ - هُوَ ابْنُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ يَجُودُ بِنَفْسِهِ، فَجَعَلَتْ عَيْنَا رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَذْرِفَانِ، فَقَالَ لَهُ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: وَأَنْتَ يَا رَسُولَ اللَّهِ؟ فَقَالَ: يَا ابْنَ عَوْفٍ، إنَّهَا رَحْمَةٌ، الْعَيْنُ تَدْمَعُ، وَالْقَلْبُ يَحْزَنُ، وَلَا نَقُولُ إلَّا مَا يُرْضِي رَبَّنَا، وَإِنَّا بِفِرَاقِك يَا إبْرَاهِيمُ لَمَحْزُونُونَ؟» .

L9327 This refers to the permissibility of grief that no one can ward off, for {Allah does not burden any soul beyond its capacity} (Al-Baqarah 2:286). This ruling also permits weeping and prohibits speech that displeases Allah, the Exalted.[28]

فَهَذَا إبَاحَةُ الْحُزْنِ الَّذِي لَا يَقْدِرُ أَحَدٌ عَلَى دَفْعِهِ، وَ {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَفِيهِ إبَاحَةُ الْبُكَاءِ، وَتَحْرِيمُ الْكَلَامِ بِمَا لَا يُرْضِي اللَّهَ تَعَالَى

[27] **Hadith references (L9322):** Mishkat al-Masabih 1728; Riyad as-Salihin 31.
[28] **Qur'an references (L9327):** Qur'an 2:286 (Al-Baqarah).

وَبِهِ إِلَى الْبُخَارِيِّ: نا مُحَمَّدُ بْنُ بَشَّارٍ نا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ نا سُفْيَانُ عَنْ الْأَعْمَشِ عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ عَنْ مَسْرُوقٍ عَنْ ابْنِ مَسْعُودٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ مِنَّا مَنْ ضَرَبَ الْخُدُودَ وَشَقَّ الْجُيُوبَ وَدَعَا بِدَعْوَى الْجَاهِلِيَّةِ» .

L9328 And through him to al-Bukhārī: Muḥammad ibn Bashshār narrated to us: ʿAbd al-Raḥmān ibn Mahdī narrated to us: Sufyān narrated to us from al-Aʿmash from ʿAbd Allāh ibn Murrah from Masrūq from Ibn Masʿūd from the Prophet—peace and blessings be upon him—who said: "Whoever strikes the cheeks, rends the garments, or calls with the call of pre-Islamic ignorance is not one of us."[29]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ نا أَحْمَدُ بْنُ فَتْحٍ نا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نا أَحْمَدُ بْنُ مُحَمَّدٍ نا أَحْمَدُ بْنُ عَلِيٍّ نا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا إِسْحَاقُ بْنُ مَنْصُورٍ أَنَا حِبَّانُ بْنُ هِلَالٍ نا أَبَانُ هُوَ ابْنُ يَزِيدَ الْعَطَّارُ - نا يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ - أَنَّ زَيْدًا حَدَّثَهُ أَنَّ أَبَا سَلَامٍ حَدَّثَهُ أَنَّ أَبَا مَالِكٍ الْأَشْعَرِيَّ حَدَّثَهُ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «أَرْبَعٌ فِي أُمَّتِي مِنْ أَمْرِ الْجَاهِلِيَّةِ لَا يَتْرُكُونَهُنَّ: الْفَخْرُ فِي الْأَحْسَابِ، وَالطَّعْنُ فِي الْأَنْسَابِ، وَالِاسْتِسْقَاءُ بِالنُّجُومِ، وَالنِّيَاحَةُ، النَّائِحَةُ إِذَا مَاتَتْ وَلَمْ تَتُبْ قَبْلَ مَوْتِهَا تُقَامُ يَوْمَ الْقِيَامَةِ وَعَلَيْهَا سِرْبَالٌ مِنْ قَطِرَانٍ، وَدِرْعٌ مِنْ جَرَبٍ» .

L9329–9330 Abdullah ibn Yusuf narrated to us, Ahmad ibn Fath narrated to us, Abdul-Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Ishaq ibn Mansur narrated to us, Hibban ibn Hilal narrated to us, Aban—Ibn Yazid al-Attar—narrated to us, Yahya—Ibn Abi Kathir—narrated that Zayd reported to him that Abu Salam reported to him that Abu Malik al-Ashʿarī reported to him that the Prophet—peace and blessings be upon him—said: "Four practices from the ways of pre-Islamic ignorance persist among my ummah, which they will not abandon: boasting of noble ancestry, disparaging lineages, seeking rain through stars, and wailing. The wailing woman who dies without repenting before her death will be made to stand on the Day of Resurrection clad in a garment of molten pitch and armor of festering sores."[30]

وَبِهِ إِلَى مُسْلِمٍ: نا عَبْدُ اللَّهِ بْنُ حُمَيْدٍ، وَإِسْحَاقُ بْنُ مَنْصُورٍ قَالَا: أرنا جَعْفَرُ بْنُ عَوْنٍ أَنَا أَبُو عُمَيْسٍ قَالَ: سَمِعْت أَبَا صَخْرَةَ يَذْكُرُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ وَأَبِي بُرْدَةَ بْنِ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَا (جَمِيعًا) : أُغْمِيَ عَلَى أَبِي مُوسَى فَأَقْبَلَتْ امْرَأَتُهُ أُمُّ عَبْدِ اللَّهِ تَصِيحُ بِرَنَّةٍ، فَأَفَاقَ قَالَ: أَلَمْ تَعْلَمِي - وَكَانَ يُحَدِّثُهَا - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «أَنَا بَرِيءٌ مِمَّنْ حَلَقَ وَسَلَقَ وَخَرَقَ»

L9331 And with this chain to Muslim: ʿAbdullāh ibn Ḥumayd and Isḥāq ibn Manṣūr narrated to us, both saying: Jaʿfar ibn ʿAwn informed us, from Abū ʿUmayṣ, who said: I heard Abū Ṣakhrah narrate from ʿAbd al-Raḥmān ibn Yazīd and Abū Burdah ibn Abī Mūsā al-Ashʿarī—they both said in unison: Abū Mūsā lost consciousness, and his wife Umm ʿAbdullāh came forward wailing with a prolonged cry. When he regained consciousness, he said—and he would often remind her—"Did you not know that the Messenger of Allah, peace be upon him, said: 'I dissociate myself from those who shave [their heads], wail loudly, and tear [their garments]'?"

وَمِنْ طَرِيقِ الْبُخَارِيِّ: نَا أَصْبَغُ نا ابْنُ وَهْبٍ أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ سَعِيدِ بْنِ الْحَارِثِ الْأَنْصَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: «اشْتَكَى سَعْدُ بْنُ عُبَادَةَ فَعَادَهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَعَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَسَعْدِ بْنِ أَبِي وَقَّاصٍ، وَابْنِ مَسْعُودٍ،

L9332–9334 Through the transmission of Al-Bukhari: Asbagh informed us, from Ibn Wahb, who reported to me through ʿAmr ibn al-Harith, from Saʿīd ibn al-Harith al-Ansārī, from ʿAbdullāh ibn ʿUmar, who said: "Saʿd ibn ʿUbādah fell

[29] **Hadith references (L9328):** Sahih al-Bukhari 1297; Sahih al-Bukhari 1298; Sahih al-Bukhari 3519.

[30] **Hadith references (L9330):** Sahih Muslim 934; Mishkat al-Masabih 1727.

ill, so the Prophet—peace and blessings be upon him—visited him accompanied by ʻAbd al-Raḥmān ibn ʻAwf, Saʻd ibn Abī Waqqāṣ, and Ibn Masʻūd. When he entered and found him beneath his covering, the Prophet—peace and blessings be upon him—wept. When the people saw the Prophet's weeping—peace and blessings be upon him—they too wept. He then said: 'Behold!..." "Do you not hear? Indeed, Allah does not punish for the tears of the eye nor the grief of the heart, but He punishes by this [pointing to his tongue] or grants mercy. And verily, the deceased is punished for the weeping of his family over him."[31]

فَلَمَّا دَخَلَ عَلَيْهِ وَجَدَهُ فِي غَاشِيَتِهِ فَبَكَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَمَّا رَأَى الْقَوْمُ بُكَاءَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَكَوْا، فَقَالَ: أَلَا تَسْمَعُونَ؟ إِنَّ اللَّهَ لَا يُعَذِّبُ بِدَمْعِ الْعَيْنِ وَلَا بِحُزْنِ الْقَلْبِ، وَلَكِنْ يُعَذِّبُ بِهَذَا - وَأَشَارَ إِلَى لِسَانِهِ - أَوْ يَرْحَمُ، وَإِنَّ الْمَيِّتَ يُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ» .

L9335 Abu Muhammad said: This complete narration clarifies the meaning of what many people have misunderstood regarding his statement - upon him be peace - "Indeed the deceased is tormented by his family's weeping over him."

قَالَ أَبُو مُحَمَّدٍ هَذَا الْخَبَرُ بِتَمَامِهِ يُبَيِّنُ مَعْنَى مَا وَهَلَ فِيهِ كَثِيرٌ مِنْ النَّاسِ مِنْ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إِنَّ الْمَيِّتَ يُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ» .

L9336 It is evident from this that the wailing for which the deceased is tormented is not the same as acts that do not incur punishment, such as tears of the eye and sorrow of the heart.

وَلَاحَ بِهَذَا أَنَّ هَذَا الْبُكَاءَ الَّذِي يُعَذَّبُ بِهِ الْمَيِّتُ لَيْسَ هُوَ الَّذِي لَا يُعَذَّبُ بِهِ مِنْ دَمْعِ الْعَيْنِ، وَحُزْنِ الْقَلْبِ.

L9337 Thus, it is confirmed that weeping is expressed through lamentation, as he is punished for his leadership in which he transgressed and thus incurred punishment, for his bravery—for which he is punished—since he used his bravery in opposition to the obedience of Allah the Exalted, and for his generosity whereby he acquired what he gave through unlawful means and spent it on illegitimate purposes. Thus, his family weeps for him over these prided virtues, while he is tormented by those very same traits. This is the clear meaning of the ḥadīth for those who impose interpretations on the apparent report that are not inherent to it. And with Allah the Exalted lies all success. It has been narrated to us from Ibn ʻAbbās that he condemned those who denounced weeping over the deceased, saying: "Did Allah not create laughter and tears?"

فَصَحَّ أَنَّهُ الْبُكَاءُ بِاللِّسَانِ، إذْ يُعَذِّبُونَهُ بِرِيَاسَتِهِ الَّتِي جَارَ فِيهَا فَعُذِّبَ عَلَيْهَا، وَشَجَاعَتِهِ الَّتِي يُعَذَّبُ عَلَيْهَا، إذْ صَرَفَهَا فِي غَيْرِ طَاعَةِ اللَّهِ تَعَالَى، وَبِجُودِهِ الَّذِي أَخَذَ مَا جَادَ بِهِ مِنْ غَيْرِ حِلِّهِ، وَوَضَعَهُ فِي غَيْرِ حَقِّهِ فَأَهْلُهُ يَبْكُونَهُ بِهَذِهِ الْمَفَاخِرِ، وَهُوَ يُعَذَّبُ بِهَا بِعَيْنِهَا، وَهُوَ ظَاهِرُ الْحَدِيثِ لِمَنْ يَتَكَلَّفُ فِي ظَاهِرِ الْخَبَرِ مَا لَيْسَ فِيهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ -: وَقَدْ رُوِّينَا عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ أَنْكَرَ عَلَى مَنْ أَنْكَرَ الْبُكَاءَ عَلَى الْمَيِّتِ، وَقَالَ: اللَّهُ أَضْحَكَ وَأَبْكَى؟

L9338 **A juristic scenario: A pilgrim in the state of iḥrām died before sunrise on the Day of Sacrifice.**

[مَسْأَلَةٌ مَاتَ الْمُحْرِمُ بَعْد الْإِحْرَام وَقَبْل طُلُوع شَمْس يَوْمِ النَّحْرِ]

[31] **Hadith references (L9332):** Sahih al-Bukhari 1304; Sahih Muslim 924; Riyad as-Salihin 1663.

L9339 590 – Issue: If a person in the state of iḥrām dies between entering iḥrām and sunrise on the Day of Sacrifice (Yawm al-Nahr) – if he was a Hajj pilgrim – or until completing his ṭawāf and saʿy – if he was an ʿUmrah pilgrim –, the obligation is to have the body washed with water and sidr leaves only, if sidr leaves are available.

٥٩٠ - مَسْأَلَةٌ: وَإِذَا مَاتَ الْمُحْرِمُ مَا بَيْنَ أَنْ يُحْرِمَ إِلَى أَنْ تَطْلُعَ الشَّمْسُ مِنْ يَوْمِ النَّحْرِ إِنْ كَانَ حَاجًّا، أَوْ أَنْ يُتِمَّ طَوَافَهُ وَسَعْيَهُ، إِنْ كَانَ مُعْتَمِرًا -: فَإِنَّ الْفَرْضَ أَنْ يُغَسَّلَ بِمَاءٍ وَسِدْرٍ فَقَطْ - إِنْ وُجِدَ السِّدْرُ -.

L9340 Should he not have camphor or scented substances applied to him, nor should his face nor his head be covered? He should be shrouded only in his Ihram garments or in two garments other than his Ihram garments.

وَلَا يُمَسُّ بِكَافُورٍ وَلَا بِطِيبٍ، وَلَا يُغَطَّى وَجْهُهُ، وَلَا رَأْسُهُ؟ وَلَا يُكَفَّنُ إِلَّا فِي ثِيَابِ إِحْرَامِهِ فَقَطْ، أَوْ فِي ثَوْبَيْنِ غَيْرِ ثِيَابِ إِحْرَامِهِ.

L9341 And if it is a woman, the same applies, except her head is covered while her face remains uncovered. Even if a garment is draped over her from above her head, there is no harm provided she is not fully veiled. As for a male or female pilgrim in *ihram* who dies after sunrise on the Day of Sacrifice: are they to be treated like all other deceased individuals, whether they had stoned the jamarat or not?

وَإِنْ كَانَتْ امْرَأَةً فَكَذَلِكَ، إِلَّا أَنَّ رَأْسَهَا تُغَطَّى وَيُكْشَفُ وَجْهُهَا، وَلَوْ أُسْدِلَ عَلَيْهِ مِنْ فَوْقِ رَأْسِهَا فَلَا بَأْسَ مِنْ غَيْرِ أَنْ تُقَنَّعَ؟ فَمَنْ مَاتَ مِنْ مُحْرِمٍ، أَوْ مُحْرِمَةٍ بَعْدَ طُلُوعِ الشَّمْسِ مِنْ يَوْمِ النَّحْرِ فَكَسَائِرِ الْمَوْتَى، رَمَى الْجِمَارَ أَوْ لَمْ يَرْمِهَا؟

L9342–9344 Abū Ḥanīfah and Mālik said: They are like the rest of the deceased in all of that. The evidence for our statement is what we have narrated through the chain of Ahmad ibn Shu'ayb: Muhammad ibn Bashshar narrated to us, Muhammad ibn Ja'far narrated to us, Shu'bah narrated to us, saying: I heard Abu Bishr (who is Ja'far ibn Abi Wahshiyyah) narrate from Sa'id ibn Jubayr, from Ibn Abbas: "A man fell from his mount and his skull was fractured. The Messenger of Allah—peace and blessings of Allah be upon him—instructed: 'Wash him with water and sidr (lote-tree leaves), shroud him in two garments, leaving his head and face uncovered, for he will be resurrected on the Day of Judgment reciting the talbiyah (pilgrimage chant).'" Another narration through the chain of Ahmad ibn Shu'ayb: Abdah ibn Abdullah al-Basri narrated to us, Abu Dawud (al-Hafri) narrated to us, from Sufyan (al-Thawri), from Amr ibn Dinar, from Sa'id ibn Jubayr, from Ibn Abbas: "A man died, and the Messenger of Allah—peace and blessings of Allah be upon him—said: 'Wash him with water and sidr (lote-tree leaves), shroud him in his own garments, and do not cover his face or head, for he will be resurrected on the Day of Judgment reciting the talbiyah (pilgrimage chant).'"

وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: هُمَا كَسَائِرِ الْمَوْتَى فِي كُلِّ ذَلِكَ -: بُرْهَانُ قَوْلِنَا -: مَا رُوِّينَاهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ بَشَّارٍ نا مُحَمَّدُ بْنُ جَعْفَرٍ نا شُعْبَةُ سَمِعْت أَبَا بِشْرٍ هُوَ جَعْفَرُ بْنُ أَبِي وَحْشِيَّةَ - عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَجُلًا وَقَعَ عَنْ رَاحِلَتِهِ فَأَقْصَعَتْهُ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ، وَيُكَفَّنُ فِي ثَوْبَيْنِ، خَارِجَ رَأْسِهِ وَوَجْهِهِ، فَإِنَّهُ يُبْعَثُ يَوْمَ الْقِيَامَةِ يُلَبِّي» وَمِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ الْبَصْرِيُّ أَنَا أَبُو دَاوُد هُوَ الْحَفَرِيُّ - عَنْ سُفْيَانَ هُوَ الثَّوْرِيُّ - عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ «مَاتَ رَجُلٌ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غَسِّلُوهُ بِمَاءٍ وَسِدْرٍ، وَكَفِّنُوهُ فِي ثِيَابِهِ، وَلَا تُخَمِّرُوا وَجْهَهُ وَلَا رَأْسَهُ، فَإِنَّهُ يُبْعَثُ يَوْمَ الْقِيَامَةِ يُلَبِّي» .

L9345 From the chain of Al-Bukhari: Qutaybah narrated to us, Hammad ibn Zayd

narrated to us from Ayyub al-Sikhtiyani from Sa‘id ibn Jubayr from Ibn Abbas, who said: “While a man was standing with the Messenger of Allah (peace be upon him) at Arafat, he suddenly fell from his riding animal. The Messenger of Allah (peace be upon him) said: ‘Wash him with water and lote-tree leaves, shroud him in two garments, do not embalm him, and do not cover his head, for he will be resurrected on the Day of Judgment reciting the talbiyah.’”[32]

وَمِنْ طَرِيقِ الْبُخَارِيِّ نا قُتَيْبَةُ نا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ «بَيْنَمَا رَجُلٌ وَاقِفٌ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِعَرَفَةَ، إِذْ وَقَعَ مِنْ رَاحِلَتِهِ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ، وَكَفِّنُوهُ فِي ثَوْبَيْنِ، وَلَا تُحَنِّطُوهُ، وَلَا تُخَمِّرُوا رَأْسَهُ، فَإِنَّهُ يُبْعَثُ يَوْمَ الْقِيَامَةِ مُلَبِّيًا» .

L9346 Through the chain of Al-Bukharī: Abū an-Nu‘mān—who is Muḥammad ibn al-Faḍl ‘Ārim—narrated to us from Abū ‘Awāna, from Abū Bishr, from Sa‘īd ibn Jubayr, from Ibn ‘Abbās: “A man’s camel caused him to fall while we were with the Messenger of Allah—peace be upon him—and he was in a state of iḥrām. The Prophet—peace be upon him—said: ’Wash him with water and sidr (lote leaves), shroud him in two garments, do not apply perfume to him, and do not cover his head, for indeed Allah will resurrect him on the Day of Judgment with matted hair.’”[33]

وَمِنْ طَرِيقِ الْبُخَارِيِّ نا أَبُو النُّعْمَانِ هُوَ مُحَمَّدُ بْنُ الْفَضْلِ عَارِمٌ - نا أَبُو عَوَانَةَ عَنْ أَبِي بِشْرٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَجُلًا وَقَصَهُ بَعِيرُهُ وَنَحْنُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ مُحْرِمٌ، فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ، وَكَفِّنُوهُ فِي ثَوْبَيْنِ، وَلَا تَمَسُّوهُ طِيبًا، وَلَا تُخَمِّرُوا رَأْسَهُ، فَإِنَّ اللَّهَ يَبْعَثُهُ يَوْمَ الْقِيَامَةِ مُلَبِّدًا» .

L9347–9348 From the chain of Abū Dāwūd al-Sijistānī: ʿUthmān ibn Abī Shaybah narrated to us; Jarīr—Ibn ʿAbd al-Ḥamīd—narrated to us from Manṣūr—Ibn al-Muʿtamir—from al-Ḥakam—Ibn ʿUyaynah—from Sa‘īd ibn Jubayr, from Ibn ʿAbbās, who said: “His she-camel threw him off and killed him while he was in a state of iḥrām. He was brought to the Messenger of Allāh—peace and blessings of Allāh be upon him—who said: ’Wash him, shroud him, do not cover his head, and do not bring perfume near him, for he will be resurrected proclaiming the _Talbiyah_.’”[34]

وَمِنْ طَرِيقِ أَبِي دَاوُد السِّجِسْتَانِيِّ نا عُثْمَانُ بْنُ أَبِي شَيْبَةَ نا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ مَنْصُورٍ هُوَ ابْنُ الْمُعْتَمِرِ - عَنِ الْحَكَمِ هُوَ ابْنُ عُيَيْنَةَ - عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ قَالَ «وَقَصَتْ بِرَجُلٍ مُحْرِمٍ نَاقَتُهُ فَقَتَلَتْهُ، فَأُتِيَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: اغْسِلُوهُ وَكَفِّنُوهُ وَلَا تُغَطُّوا رَأْسَهُ وَلَا تُقَرِّبُوهُ طِيبًا، فَإِنَّهُ يُبْعَثُ يُهِلُّ» .

L9349 This is such that no one is permitted to oppose it, for it is as the sun in authenticity. It was narrated by Shu‘bah, Sufyān, Abū ‘Awānah, Manṣūr, and Ḥammād ibn Zayd. It was also narrated prior to them by Abū Bishr, ‘Amr ibn Dīnār, al-Ḥakam, Ayyūb, and all the imams of the Muslims—from Sa‘īd ibn Jubayr, from Ibn ‘Abbās: that he witnessed the incident during the Farewell Pilgrimage in the final days of the Messenger of Allah’s life (peace

فَهَذَا لَا يَسَعُ أَحَدًا خِلَافُهُ، لِأَنَّهُ كَالشَّمْسِ صِحَّةً، رَوَاهُ شُعْبَةُ، وَسُفْيَانُ، وَأَبُو عَوَانَةَ، وَمَنْصُورٌ، وَحَمَّادُ بْنُ زَيْدٍ. وَرَوَاهُ قَبْلَهُمْ أَبُو بِشْرٍ، وَعَمْرُو بْنُ دِينَارٍ، وَالْحَكَمُ، وَأَيُّوبُ، وَأَئِمَّةُ الْمُسْلِمِينَ كُلُّهُمْ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ: أَنَّهُ شَهِدَ الْقِصَّةَ فِي حَجَّةِ الْوَدَاعِ، آخِرَ حَيَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَصَحَّتْ أَلْفَاظُ هَذَا الْخَبَرِ كُلُّهَا، فَلَا يَحِلُّ تَرْكُ شَيْءٍ مِنْهَا

[32] **Hadith references (L9345):** Sahih al-Bukhari 1265; Sahih al-Bukhari 1268.
[33] **Hadith references (L9346):** Sahih al-Bukhari 1267.
[34] **Hadith references (L9348):** Sunan Abi Dawud 3241.

and blessings be upon him). All the wordings of this report are verified as authentic. Therefore, it is not permissible to disregard any part of them.

، وَأَمَرَ - عَلَيْهِ السَّلَامُ - بِذَلِكَ فِي مُحْرِمٍ سُئِلَ عَنْهُ، وَالْمُحْرِمُ يَعُمُّ الرَّجُلَ وَالْمَرْأَةَ، وَالْبَعْثُ وَالتَّلْبِيَةُ يَجْمَعُهُمَا، وَبِهِمَا جَاءَ الْأَثَرُ، وَالسَّبَبُ الْمَنْصُوصُ عَلَيْهِ فِي الْحُكْمِ.

L9350 And he (peace be upon him) commanded this regarding a *Muhrim* about whom a question was posed, as the term *Muhrim* encompasses both men and women. The *Talbiyah* and the ritual departure apply to both, as narrated in the tradition with these two acts, and the cause textually specified in the ruling.

فَإِنْ قِيلَ: إِنَّكُمْ تُجِيزُونَ لِلْمُحْرِمِ الْحَيِّ أَنْ يُغَطِّيَ وَجْهَهُ، وَتَمْنَعُونَ ذَلِكَ الْمَيِّتَ؟ قُلْنَا: نَعَمْ، لِلنُّصُوصِ الْوَارِدَةِ فِي ذَلِكَ، وَلَا يَحِلُّ الِاعْتِرَاضُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَمْ يَأْمُرْ الْمُحْرِمَ الْحَيَّ بِكَشْفِ وَجْهِهِ، وَأَمَرَ بِذَلِكَ فِي الْمَيِّتِ، فَوَقَفْنَا عِنْدَ أَمْرِهِ - عَلَيْهِ السَّلَامُ -، {وَمَا يَنْطِقُ عَنِ الْهَوَى} [النجم: ٣] {إِنْ هُوَ إِلا وَحْيٌ يُوحَى} [النجم: ٤]

L9351 If it is said: "You permit the pilgrim in iḥrām to cover his face, yet prohibit this for the deceased?" We respond: Yes, due to the transmitted texts regarding that matter. One may not object to the Messenger of Allah (peace and blessings of Allah be upon him), for he did not command the living pilgrim to uncover his face, yet he commanded it for the deceased. Thus we restrict ourselves to his directive (peace be upon him), as stated: {Nor does he speak from desire. It is but a revelation revealed} [53:3-4].[35]

وَمَا نَدْرِي مِنْ أَيْنَ وَقَعَ لَهُمْ أَنْ لَا يُفَرِّقَ اللَّهُ تَعَالَى بَيْنَ حُكْمِ الْمُحْرِمِ الْحَيِّ وَالْمُحْرِمِ الْمَيِّتِ؟ أَمْ فِي أَيِّ سُنَّةٍ وَجَدُوا ذَلِكَ أَمْ فِي أَيِّ دَلِيلِ عَقْلٍ؟

L9352 And we do not know from where it occurred to them that Allah the Exalted does not differentiate between the rulings for a living muḥrim and a deceased muḥrim. Or in which Sunnah did they find that, or in which rational evidence?

ثُمَّ هُمْ أَوَّلُ قَائِلِينَ بِهَذَا نَفْسِهِ، فَيُفَرِّقُونَ بَيْنَ حُكْمِ الْمُحْرِمِ الْحَيِّ وَالْمُحْرِمِ الْمَيِّتِ بِآرَائِهِمْ الْفَاسِدَةِ، وَيُنْكِرُونَ ذَلِكَ عَلَى اللَّهِ تَعَالَى وَعَلَى رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L9353 Then, they are the first to assert this very claim themselves, so they differentiate between the legal ruling for a living Muḥrim (one in ritual consecration) and a deceased Muḥrim based on their corrupt opinions, denying this to Allah the Exalted and His Messenger (may the peace and blessings of Allah be upon him).

وَقَالَ بَعْضُهُمْ هَذَا: خُصُوصٌ لِذَلِكَ الْمُحْرِمِ. فَقُلْنَا: هَذَا الْكَذِبُ مِنْكُمْ؛ لِأَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّمَا أَفْتَى بِذَلِكَ فِي الْمُحْرِمِ يَمُوتُ إذْ سُئِلَ عَنْهُ، كَمَا أَفْتَى فِي الْمُسْتَحَاضَةِ، وَكَمَا أَفْتَى أُمَّ سَلَمَةَ فِي أَنْ لَا تَحِلَّ ضَفْرَ رَأْسِهَا فِي غُسْلِ الْجَنَابَةِ وَسَائِرِ مَا اُسْتُفْتِيَ فِيهِ - عَلَيْهِ السَّلَامُ -؟ فَأَفْتَى فِيهِ فَكَانَ عُمُومًا؟ .

L9354–9356 Some of them said this, "These are specific rulings for that muḥrim." We responded, "This is a lie from you, because the Prophet (peace and blessings of Allah be upon him) only issued a fatwa concerning the muḥrim who dies when [text cut off]." He was asked about it, as he issued a ruling concerning the mustahādah, and as he issued for Umm Salamah that she should not undo the braid of her head during the ritual bath for major impurity, and all other

[35] **Qur'an references (L9351):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm).

matters he was consulted about—peace be upon him—he issued a ruling on it, and it became a general ruling?

L9357 Among the wonders of this world is their approach to his statement—peace be upon him—"He will be resurrected with matted hair," and "[uttering the pilgrimage invocation (*talbiyah*)]" and "[proclaiming God's greatness (*takbīr*)]"—yet they did not apply these rulings universally, limiting them to a specific person. They extended his rulings—peace be upon him—concerning wheat, barley, dates, salt, gold, and silver to matters he never legislated, becoming fixated on contradicting the explicitly stated commands. Yet some of them asserted: "It is authentically reported from 'Ā'ishah, Mother of the Believers, and Ibn 'Umar: embalming [with camphor] a deceased person in the state of *iḥrām*, perfuming him, and covering his head?"

L9358 We said: Authentic reports from Uthman and others contradict this—as we have transmitted through Abd al-Razzaq's chain from Ma'mar via al-Zuhri, who said: Abdullah ibn al-Walid set out for Umrah with Uthman ibn Affan and died at al-Suqya while in ihram. Uthman did not cover his head nor apply perfume to him, and the people adopted this practice. Through Abd al-Razzaq's chain: my father narrated: Ubayd ibn Yazid died at al-Muzdalifah while in ihram, and al-Mughira ibn Hakim did not cover his head within the bier. Through Hammad ibn Salamah's chain from al-Hajjaj ibn Artah via Abu Ishaq al-Sabi'i via al-Harith via Ali ibn Abi Talib, who said regarding the one in ihram: "His head is washed with water and sidr, his head is not covered, and he is not touched with perfume?" This is the view of al-Shafi'i, Ahmad ibn Hanbal, Abu Sulayman, and others. How remarkable that al-Zuhri states "the people adopted this practice" while they claim consensus on lesser matters, such as their assertion regarding the legal punishment for wine consumption being eighty lashes, and other cases. If it is said: "Ibn Umar later opposed Uthman in this, thus invalidating the claim of consensus?"

L9359 We said: Indeed, Uthmān, ʿAlī, al-Ḥasan, and ʿAbdullāh ibn Jaʿfar differed regarding the punishment for wine after ʿUmar, so it became invalid for it

وَمِنْ عَجَائِبِ الدُّنْيَا أَنَّهُمْ أَتَوْا إِلَى قَوْلِهِ - عَلَيْهِ السَّلَامُ - «فَإِنَّهُ يُبْعَثُ مُلَبِّدًا» وَيُلَبِّي " " وَيُهِلُّ " فَلَمْ يَسْتَعْمِلُوهُ، وَأَوْقَفُوهُ عَلَى إنْسَانٍ بِعَيْنِهِ، وَأَتَوْا إلَى مَا خَصَّهُ - عَلَيْهِ السَّلَامُ - مِنْ الْبُرِّ، وَالشَّعِيرِ وَالتَّمْرِ، وَالْمِلْحِ، وَالذَّهَبِ، وَالْفِضَّةِ -: فَتَعَدَّوْا بِحُكْمِهَا إلَى مَا لَمْ يَحْكُمْ - عَلَيْهِ السَّلَامُ - قَطُّ بِهَذَا الْحُكْمِ فِيهِ فَإِنَّمَا أَوْلَعُوا بِمُخَالَفَةِ الْأَوَامِرِ الْمَنْصُوصِ عَلَيْهَا؟ وَقَالَ بَعْضُهُمْ: قَدْ صَحَّ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، وَابْنِ عُمَرَ: تَحْنِيطُ الْمُحْرِمِ إذَا مَاتَ، وَتَطْيِيبُهُ، وَتَخْمِيرُ رَأْسِهِ؟

قُلْنَا: وَقَدْ صَحَّ عَنْ عُثْمَانَ، وَغَيْرِهِ خِلَافُ ذَلِكَ -: كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ نا مَعْمَرٌ عَنْ الزُّهْرِيِّ قَالَ: خَرَجَ عَبْدُ اللَّهِ بْنُ الْوَلِيدِ مُعْتَمِرًا مَعَ عُثْمَانَ بْنِ عَفَّانَ، فَمَاتَ بِالسُّقْيَا وَهُوَ مُحْرِمٌ، فَلَمْ يُغَيِّبْ عُثْمَانُ رَأْسَهُ، وَلَمْ يُمِسَّهُ طِيبًا، فَأَخَذَ النَّاسُ بِذَلِكَ -: وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ نا أَبِي قَالَ: تُوُفِّيَ عُبَيْدُ بْنُ يَزِيدَ بِالْمُزْدَلِفَةِ وَهُوَ مُحْرِمٌ فَلَمْ يُغَيِّبْ الْمُغِيرَةُ بْنُ حَكِيمٍ رَأْسَهُ فِي النَّعْشِ -: وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ الْحَارِثِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ فِي الْمُحْرِمِ، يُغْسَلُ رَأْسُهُ بِالْمَاءِ وَالسِّدْرِ، وَلَا يُغَطَّى رَأْسُهُ، وَلَا يَمَسُّ طِيبًا؟ وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَأَبِي سُلَيْمَانَ، وَغَيْرِهِمْ وَالْعَجَبُ أَنَّ الزُّهْرِيَّ يَقُولُ: فَأَخَذَ النَّاسُ بِذَلِكَ، وَهُمْ يَدَّعُونَ الْإِجْمَاعَ فِي أَقَلَّ مِنْ هَذَا كَدَعْوَاهُمْ فِي الْحَدِّ فِي الْخَمْرِ: ثَمَانِينَ، وَغَيْرَ ذَلِكَ فَإِنْ قِيلَ: قَدْ خَالَفَ ابْنُ عُمَرَ عُثْمَانَ بَعْدَ ذَلِكَ، فَبَطَلَ أَنْ يَكُونَ إجْمَاعًا؟

to be a consensus. When the Salaf disagree, is the obligation not upon us to return what they disputed to the Quran and Sunnah, rather than to the opinion of anyone apart from these two?

قُلْنَا: وَقَدْ خَالَفَ: عُثْمَانُ، وَعَلِيٌّ، وَالْحَسَنُ، وَعَبْدُ اللَّهِ بْنُ جَعْفَرٍ: فِي حَدِّ الْخَمْرِ بَعْدَ عُمَرَ، فَبَطَلَ أَنْ يَكُونَ إجْمَاعًا؟ وَإِذَا تَنَازَعَ السَّلَفُ فَالْفَرْضُ عَلَيْنَا رَدُّ مَا تَنَازَعُوا فِيهِ إلَى الْقُرْآنِ وَالسُّنَّةِ لَا إلَى قَوْلِ أَحَدٍ دُونَهُمَا؟

L9360–9361 Among the peculiarities of worldly life is their argument in this matter by citing what we have narrated via the chain of ʿAbd al-Razzāq from Ibn Jurayj from ʿAṭāʾ: that the Messenger of Allah—peace and blessings be upon him—said, "Cover their faces, and do not resemble the Jews."

وَمِنْ طَرَائِفِ الدُّنْيَا احْتِجَاجُهُمْ فِي هَذَا بِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «خَمِّرُوا وُجُوهَهُمْ، وَلَا تَشَبَّهُوا بِالْيَهُودِ» .

L9362 This is invalid for several reasons: First—it is *mursal* (a hadith with an incomplete chain), and is there any proof in a *mursal*? Second—even if authentic, it contains no explicit text or evidence indicating it pertains to the *muhrim* (one in *ihram*) at all; rather, would it not have applied to all deceased individuals? Third—it is fundamentally impermissible to attribute such a statement to him (peace be upon him), for he (peace be upon him) only speaks the truth, whereas the Jews do not uncover the faces of their deceased.

وَهَذَا بَاطِلٌ لِوُجُوهٍ -: أَوَّلُهَا - أَنَّهُ مُرْسَلٌ، وَلَا حُجَّةَ فِي مُرْسَلٍ؟ وَالثَّانِي - أَنَّهُ لَيْسَ فِيهِ نَصٌّ وَلَا دَلِيلٌ - لَوْ صَحَّ - عَلَى أَنَّهُ فِي الْمُحْرِمِ أَصْلًا، بَلْ كَانَ يَكُونُ فِي سَائِرِ الْمَوْتَى؟ وَثَالِثُهَا - أَنَّهُ لَا يَجُوزُ أَنْ يَقُولَهُ - عَلَيْهِ السَّلَامُ - أَصْلًا؛ لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَا يَقُولُ إلَّا الْحَقَّ، وَالْيَهُودُ لَا تَكْشِفُ وُجُوهَ مَوْتَاهَا.

L9363 Thus, it was established that it is invalid. 'Aṭā' heard it from someone of no merit or from someone who erred. Fourthly: Even if it were authentically transmitted regarding those in iḥrām, it would contain no valid proof, for Ibn 'Abbās's report is undoubtedly the other [authoritative one]. It is inconceivable that the Prophet—peace be upon him—would describe a practice he commanded as resembling Jewish customs. It is plausible that he first prohibited emulating Jews before receiving Revelation, then later commanded a similar act—not as imitation of them—just as he—peace be upon him—spoke about the Jewish woman's statement regarding grave punishment, then the Revelation came to him confirming the validity of grave punishment.

فَصَحَّ أَنَّهُ بَاطِلٌ، سَمِعَهُ عَطَاءٌ مِمَّنْ لَا خَيْرَ فِيهِ أَوْ مِمَّنْ وَهَمَ وَالرَّابِعُ -: أَنَّهُ لَوْ صَحَّ مُسْنَدًا فِي الْمُحْرِمِينَ لَمَا كَانَتْ فِيهِ حُجَّةٌ؛ لِأَنَّ خَبَرَ ابْنِ عَبَّاسٍ هُوَ الْآخَرُ بِلَا شَكٍّ، وَمِنْ الْمُحَالِ أَنْ يَقُولَ - عَلَيْهِ السَّلَامُ - فِي أَمْرٍ أَمَرَ بِهِ أَنَّهُ تَشَبُّهٌ بِالْيَهُودِ، وَجَائِزٌ أَنْ يَنْهَى عَنْ التَّشَبُّهِ بِالْيَهُودِ قَبْلَ أَنْ يَنْزِلَ عَلَيْهِ الْوَحْيُ، ثُمَّ يَأْمُرَ بِمِثْلِ ذَلِكَ الْفِعْلِ، لَا تَشَبُّهًا بِهِمْ كَمَا قَالَ - عَلَيْهِ السَّلَامُ - فِي قَوْلِ الْيَهُودِيَّةِ فِي عَذَابِ الْقَبْرِ، ثُمَّ أَتَاهُ الْوَحْيُ بِصِحَّةِ عَذَابِ الْقَبْرِ

L9364 Some of them cited as evidence in this matter the authentic hadith: "When the deceased dies, their deeds cease except for three: ongoing charity, knowledge they taught, and a righteous child who prays for them."

وَاحْتَجَّ بَعْضُهُمْ فِي هَذَا بِالْخَبَرِ الثَّابِتِ «إذَا مَاتَ الْمَيِّتُ انْقَطَعَ عَمَلُهُ إلَّا مِنْ ثَلَاثٍ: صَدَقَةٌ جَارِيَةٌ، وَعِلْمٌ عَلَّمَهُ، وَوَلَدٌ صَالِحٌ يَدْعُو لَهُ» .

L9365–9367 In this, there is absolutely no evidence for them whatsoever, because it merely contains that his actions have ceased—and thus we say—but it does not indicate that the actions of others related to him cease. Rather, others are commanded to perform obligatory acts concerning him: ritual washing, funeral prayer (ṣalāt al-janāzah), burial, and other such duties. This action is not the deed of the deceased *muḥrim*; it is the action of the living. Thus, their confusion and distortion become evident. Some of them have cited as evidence the words of Allah, the Exalted: And that there is not for man except what he strives for (Quran 53:39).[36]

وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا؛ لِأَنَّهُ إِنَّمَا فِيهِ أَنَّهُ انْقَطَعَ عَمَلُهُ، وَهَكَذَا نَقُولُ، وَلَيْسَ فِيهِ أَنَّهُ يَنْقَطِعُ عَمَلُ غَيْرِهِ فِيهِ، بَلْ غَيْرُهُ مَأْمُورٌ فِيهِ بِأَعْمَالٍ مُفْتَرَضَةٍ، مِنْ غُسْلٍ، وَصَلَاةٍ، وَدَفْنٍ، وَغَيْرِ ذَلِكَ، وَهَذَا الْعَمَلُ لَيْسَ هُوَ عَمَلَ الْمُحْرِمِ الْمَيِّتِ، إِنَّمَا هُوَ عَمَلُ الْأَحْيَاءِ - فَظَهَرَ تَخْلِيطُهُمْ وَتَمْوِيهُهُمْ وَاحْتَجَّ بَعْضُهُمْ بِقَوْلِ اللَّهِ تَعَالَى: {وَأَنْ لَيْسَ لِلإِنْسَانِ إِلا مَا سَعَى} [النجم: ٣٩]

L9368 This is their attribution of words away from their proper contexts, and we have never stated that this stems from the deceased's own striving. Rather, it is the striving of the living which is commanded regarding the deceased, just as we are commanded not to wash the martyr, nor shroud him, and to bury him in his garments. This is neither the martyr's action nor his striving, but rather our action regarding him and our striving for ourselves - that which we have been commanded to undertake concerning him. Is there any difference?

وَهَذِهِ إِحَالَةٌ مِنْهُمْ لِلْكَلِمِ عَنْ مَوَاضِعِهِ، وَلَمْ نَقُلْ قَطُّ: إِنَّ هَذَا مِنْ سَعْيِ الْمَيِّتِ، وَلَكِنَّهُ مِنْ سَعْيِ الْأَحْيَاءِ الْمَأْمُورِ بِهِ فِي الْمَيِّتِ كَمَا أُمِرْنَا بِأَنْ لَا نُغَسِّلَ الشَّهِيدَ وَلَا نُكَفِّنَهُ، وَأَنْ نَدْفِنَهُ فِي ثِيَابِهِ، وَلَيْسَ هُوَ عَمَلَ الشَّهِيدِ وَلَا سَعْيُهُ، لَكِنَّهُ عَمَلُنَا فِيهِ وَسَعْيُنَا لِأَنْفُسِنَا الَّذِي أُمِرْنَا بِهِ فِيهِ وَلَا فَرْقَ؟

L9369 The statement: "They arbitrarily impose corrupt opinions, leaving nothing remaining except if they hover around using all this to object to the Prophet's saying (peace be upon him): 'He will be resurrected مُلَبِّدًا'—meaning proclaiming the talbiyah and entering the state of ihram. Is this apostasy?"

وَالْقَوْلُ مُتَحَكِّمُونَ بِالْآرَاءِ الْفَاسِدَةِ وَلَا مَزِيدَ إِلَّا إِنْ كَانُوا يَحُومُونَ حَوْلَ أَنْ يَعْتَرِضُوا بِهَذَا كُلِّهِ عَلَى قَوْلِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فَإِنَّهُ يُبْعَثُ مُلَبِّدًا» يُلَبِّي " " وَيُهِلُّ " فَهَذَا رِدَّةٌ؟

L9370 There is no distinction between his statement—peace be upon him—"Verily, the muḥrim will be raised on the Day of Judgment reciting the talbiyah and tahleel—with matted hair," and his statement—peace be upon him—"Verily, whoever is wounded in Allah's cause will come on the Day of Judgment gushing blood—its color is the color of blood, and its fragrance is the fragrance of musk."

وَلَا فَرْقَ بَيْنَ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «إِنَّ الْمُحْرِمَ يُبْعَثُ يَوْمَ الْقِيَامَةِ يُلَبِّي وَيُهِلُّ وَمُلَبِّدًا» وَبَيْنَ قَوْلِهِ - عَلَيْهِ السَّلَامُ - «إِنَّ مَنْ يُكْلَمُ فِي سَبِيلِ اللَّهِ يَأْتِي يَوْمَ الْقِيَامَةِ يَثْعَبُ دَمًا، اللَّوْنُ لَوْنُ الدَّمِ، وَالرِّيحُ رِيحُ الْمِسْكِ» .

L9371 All these are merits that are neither abrogated nor invalidated. Yet these people, who claim to be advocates of juristic analogy (qiyās), why do they not argue: "Someone killed in Allah's cause and someone who dies in iḥrām—

وَكُلُّ هَذِهِ فَضَائِلُ لَا تُنْسَخُ وَلَا تُرَدُّ، وَالْقَوْمُ أَصْحَابُ قِيَاسٍ بِزَعْمِهِمْ، فَهَلَّا قَالُوا: الْمَقْتُولُ فِي سَبِيلِ اللَّهِ، وَالْمَيِّتُ مُحْرِمًا: كِلَاهُمَا مَاتَ فِي سَبِيلِ اللَّهِ تَعَالَى، وَحُكْمُ أَحَدِهِمَا خِلَافُ حُكْمِ الْمَوْتَى، فَكَذَلِكَ الْآخَرُ؟

[36] **Qur'an references (L9365):** Qur'an 53:39 (An-Najm).

both died in the path of Allah Almighty. The ruling for one of them differs from those applicable to ordinary deceased persons; should the same not apply to the other?"

L9372 But they neither follow the revealed texts nor are they proficient in legal analogy. There is no doubt that the juristic similarity between jihad, and Hajj is closer than that between theft, and marriage.

L9373 **A legal ruling: Standing up for the funeral when one sees it.**

L9374 Issue 591: It is recommended to stand for the funeral procession when one sees it - even if it is a disbeliever's funeral - until it is placed down or passes by. If one does not stand, there is no sin.

L9375 From what has been narrated to us through al-Bukhārī's chain: Qutaybah narrated to us, al-Layth - that is, Ibn Saʿd - narrated to us, from Nāfiʿ, from Ibn ʿUmar, from ʿĀmir ibn Rabīʿah, from the Prophet - peace and blessings be upon him - who said: "When one of you sees a funeral procession, if he is not walking with it, let him stand until it has passed him by, or until he remains behind it, or until it is set down before passing him."

L9376–9377 It has also been narrated through the chains of Ayyūb, Ibn Jurayj, ʿUbayd Allāh ibn ʿUmar, and ʿAbd Allāh ibn ʿAwn—all of them transmitting from Nāfiʿ, from Ibn ʿUmar, as a musnad narration. And through the chain of al-Zuhrī: from Sālim, from his father, as a musnad.

L9378 From the chain of al-Bukhārī: Muslim ibn Ibrāhīm narrated to us; Hishām al-Dastawā'ī narrated to us; Yaḥyā ibn Abī Kathīr narrated to us from Abū Salama ibn ʿAbd al-Raḥmān from Abū Saʿīd al-Khudrī from the Prophet—peace be upon him—who said: "When you see the funeral procession, stand up. Whoever follows it must not sit until it is placed."[37]

L9379 From the chain of al-Bukhārī: Muʿādh ibn Fuḍālah narrated to us from Hishām - who is al-Dasṭuwā'ī - from Yaḥyā - who is Ibn Abī Kathīr - from

[37] **Hadith references (L9378):** Sahih al-Bukhari 1310; Sunan an-Nasai 1917; Mishkat al-Masabih 1648.

وَلَكِنَّهُمْ لَا النُّصُوصَ يَتَّبِعُونَ، وَلَا الْقِيَاسَ يُحْسِنُونَ، وَلَا شَكَّ فِي أَنَّ الشَّبَهَ بَيْنَ الْجِهَادِ، وَالْحَجِّ أَقْرَبُ مِنْ الشَّبَهِ بَيْنَ السَّرِقَةِ، وَالنِّكَاحِ

[مَسْأَلَةُ الْقِيَامُ لِلْجِنَازَةِ إِذَا رَآهَا الْمَرْءُ]

؟ ٥٩١ - مَسْأَلَةٌ: وَنَسْتَحِبُّ الْقِيَامَ لِلْجِنَازَةِ إِذَا رَآهَا الْمَرْءُ - وَإِنْ كَانَتْ جِنَازَةَ كَافِرٍ - حَتَّى تُوضَعَ أَوْ تَخْلُفَهُ، فَإِنْ لَمْ يَقُمْ فَلَا حَرَجَ

لِمَا رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ نا قُتَيْبَةُ نَا اللَّيْثُ هُوَ ابْنُ سَعْدٍ - عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ عَامِرِ بْنِ رَبِيعَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا رَأَى أَحَدُكُمْ الْجِنَازَةَ فَإِنْ لَمْ يَكُنْ مَاشِيًا مَعَهَا فَلْيَقُمْ حَتَّى يَخْلُفَهَا أَوْ تَخْلُفَهُ أَوْ تُوضَعَ مِنْ قَبْلِ أَنْ تَخْلُفَهُ» .

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ أَيُّوبَ، وَابْنِ جُرَيْجٍ، وَعُبَيْدِ اللَّهِ بْنِ عُمَرَ، وَعَبْدِ اللَّهِ بْنِ عَوْنٍ، كُلِّهِمْ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ مُسْنَدًا. وَمِنْ طَرِيقِ الزُّهْرِيِّ عَنْ سَالِمٍ عَنْ أَبِيهِ مُسْنَدًا.

وَمِنْ طَرِيقِ الْبُخَارِيِّ نا مُسْلِمٌ هُوَ ابْنُ إبْرَاهِيمَ - نَا هِشَامٌ هُوَ الدَّسْتُوَائِيُّ - نا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا رَأَيْتُمْ الْجِنَازَةَ فَقُومُوا، فَمَنْ تَبِعَهَا فَلَا يَقْعُدْ حَتَّى تُوضَعَ» .

وَمِنْ طَرِيقِ الْبُخَارِيِّ نا مُعَاذُ بْنُ فُضَالَةَ نا هِشَامٌ هُوَ الدَّسْتُوَائِيُّ - عَنْ يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ عَنْ عُبَيْدِ اللَّهِ بْنِ مِقْسَمٍ عَنْ «جَابِرٍ قَالَ مَرَّ بِنَا جِنَازَةٌ، فَقَامَ لَهَا النَّبِيُّ - صَلَّى اللَّهُ

ʿUbayd Allāh ibn Miqsam, from Jābir, who said: “A funeral procession passed by us, so the Prophet—peace and blessings be upon him—stood up out of respect, and we followed his example. We asked: ’O Messenger of Allāh, is this the funeral of a Jew?’ He said: ’When you see a funeral procession, stand up.’”

عَلَيْهِ وَسَلَّمَ - وَقُمْنَا بِهِ فَقُلْنَا: يَا رَسُولَ اللَّهِ، إِنَّهَا جِنَازَةُ يَهُودِيٍّ؟ قَالَ: فَإِذَا رَأَيْتُمْ الْجِنَازَةَ فَقُومُوا»

L9380 And by it do Abu Saʿid—who considers it obligatory—, Ibn ʿUmar, Sahl ibn Hunayf, Qays ibn Saʿd, Abu Musa al-Ashʿari, Abu Masʿud al-Badri, al-Hasan ibn ʿAli, al-Miswar ibn Makhramah, Qatadah, Ibn Sirin, al-Nakhaʿi, al-Shaʿbi, and Salim ibn ʿAbdullah hold this opinion?

وَبِهِ يَأْخُذُ أَبُو سَعِيدٍ - وَيَرَاهُ وَاجِبًا - وَابْنُ عُمَرَ، وَسَهْلُ بْنُ حُنَيْفٍ، وَقَيْسُ بْنُ سَعْدٍ، وَأَبُو مُوسَى الْأَشْعَرِيُّ، وَأَبُو مَسْعُودٍ الْبَدْرِيُّ، وَالْحَسَنُ بْنُ عَلِيٍّ، وَالْمِسْوَرُ بْنُ مَخْرَمَةَ، وَقَتَادَةُ، وَابْنُ سِيرِينَ، وَالنَّخَعِيُّ، وَالشَّعْبِيُّ، وَسَالِمُ بْنُ عَبْدِ اللَّهِ؟

L9381 From the transmission of Muslim: Muḥammad ibn Rumḥ ibn al-Muhājir narrated to us; al-Layth (Ibn Saʿd) narrated to us from Yaḥyā ibn Saʿīd (al-Anṣārī) from Wāqid ibn ʿAmr ibn Saʿd ibn Muʿādh, that Nāfiʿ ibn Jubayr ibn Muṭʿim informed him that Masʿūd ibn al-Ḥakam related to him from ʿAlī ibn Abī Ṭālib, who said: “Allāh’s Messenger (ṣallallāhu ʿalayhi wa-sallam) stood up, then sat down” - referring to [his posture] for the funeral. The Prophet’s sitting (ṣallallāhu ʿalayhi wa-sallam) after instructing others to stand demonstrates this was a recommended injunction rather than an obligation. It cannot be validly claimed this constitutes abrogation, for one may not abandon a firmly established sunnah except through definitive proof of abrogation. Abrogation only occurs either through explicit prohibition or abandonment coupled with prohibition.

وَمِنْ طَرِيقِ مُسْلِمٍ نا مُحَمَّدُ بْنُ رُمْحِ بْنِ الْمُهَاجِرِ نا اللَّيْثُ هُوَ ابْنُ سَعْدٍ - عَنْ يَحْيَى بْنِ سَعِيدٍ هُوَ الْأَنْصَارِيُّ - عَنْ وَاقِدِ بْنِ عَمْرِو بْنِ سَعْدِ بْنِ مُعَاذٍ أَنَّ نَافِعَ بْنَ جُبَيْرِ بْنِ مُطْعِمٍ أَخْبَرَهُ أَنَّ مَسْعُودَ بْنَ الْحَكَمِ حَدَّثَهُ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ قَالَ: «قَامَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثُمَّ قَعَدَ يَعْنِي لِلْجِنَازَةِ» فَكَانَ قُعُودُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعْدَ أَمْرِهِ بِالْقِيَامِ مُبَيِّنًا أَنَّهُ أَمْرُ نَدْبٍ، وَلَيْسَ يَجُوزُ أَنْ يَكُونَ هَذَا نَسْخًا، لِأَنَّهُ لَا يَجُوزُ تَرْكُ سُنَّةٍ مُتَيَقَّنَةٍ إِلَّا بِيَقِينِ نَسْخٍ، وَالنَّسْخُ لَا يَكُونُ إِلَّا بِالنَّهْيِ، أَوْ بِتَرْكٍ مَعَهُ نَهْيٌ؟

L9382–9383 If it is said: You have narrated through the chain of Ḥammād ibn Salama from Muḥammad ibn ʿAmr from Wāqid ibn ʿAmr ibn Saʿd ibn Muʿādh, who said: “I stood next to Nāfiʿ ibn Jubayr at a funeral, and he said to me: Masʿūd ibn al-Ḥakam narrated to me from ʿAlī ibn Abī Ṭālib, who said: ’The Messenger of Allah (peace be upon him) commanded us to stand, then commanded us to sit.’” Why, then, did you not definitively conclude abrogation based on this narration?

فَإِنْ قِيلَ: قَدْ رَوَيْتُمْ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ وَاقِدِ بْنِ عَمْرِو بْنِ سَعْدِ بْنِ مُعَاذٍ قَالَ: قُمْت إِلَى جَنْبِ نَافِعِ بْنِ جُبَيْرٍ فِي جِنَازَةٍ، فَقَالَ لِي: حَدَّثَنِي مَسْعُودُ بْنُ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ «أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْقِيَامِ. ثُمَّ أَمَرَنَا بِالْجُلُوسِ» فَهَلَّا قَطَعْتُمْ بِالنَّسْخِ بِهَذَا الْخَبَرِ؟

L9384 We said, “We used to do that, had it not been for what was narrated to us through the chain of Aḥmad ibn Shuʿayb—Yūsuf ibn Saʿīd reported to us—Ḥajjāj ibn Muḥammad, the one-eyed, narrated from Ibn Jurayj, from Ibn ʿA-

قُلْنَا: كُنَّا نَفْعَلُ ذَلِكَ، لَوْلَا مَا رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا يُوسُفُ بْنُ سَعِيدٍ نا حَجَّاجُ بْنُ مُحَمَّدٍ هُوَ الْأَعْوَرُ - عَنْ ابْنِ جُرَيْجٍ عَنْ ابْنِ عَجْلَانَ عَنْ سَعِيدٍ الْمَقْبُرِيِّ عَنْ أَبِي

jlān, from Saʿīd al-Maqburī, from Abū Hurayrah and Abū Saʿīd al-Khudrī, both of whom said: 'We never saw the Messenger of Allah—peace and blessings of Allah be upon him—attend a funeral and sit until the deceased was placed in the grave.'"[38]

L9385 This was his consistent practice — peace be upon him — and Abū Hurayrah and Abū Saʿīd never left him — peace be upon him — until his passing. Thus, it was confirmed that his instruction to sit denotes permissibility and leniency, while his exhortation to stand and his act of standing are recommended.

L9386 Among those who would sit were Ibn Abbas, Abu Hurayrah, and Saʿīd ibn al-Musayyib.

L9387 ## Issue: Hastening the Funeral

L9388 592 – Issue: It is obligatory to hasten the funeral procession, and it is recommended that those who have prayed over it do not depart until the deceased is buried. If one leaves before burial, there is no sin, and what is the point of awaiting the permission of the funeral's guardian?

L9389–9391 As for the obligation of hastening, it is due to what we have reported through the chain of Muslim: Abu al-Tahir narrated to us, Ibn Wahb narrated to us: Yunus ibn Zayd informed me from Ibn Shihab, who narrated to me: Abu Umamah ibn Sahl ibn Hunayf narrated from Abu Hurayrah, who said: I heard the Messenger of Allah—peace and blessings be upon him—say: "Hasten with the funeral procession, for if the deceased was righteous, you bring it closer to goodness, and if not, it is an evil you cast off from your necks." This was the established practice of the Companions, as we have reported through the chain of Ahmad ibn Shu'ayb: Ali ibn Hajar narrated to us from Isma'il ibn 'Ulayyah and Hushaym, both of whom narrated from 'Uyaynah ibn 'Abd al-Rahman from Abu Bakrah, who said: "Verily, I have..." I observed that we, while with the Messenger of Allah (peace be upon him), almost began to walk briskly alongside the funeral procession.[39]

[38] **Hadith references (L9384):** Sunan an-Nasai 1918.

[39] **Hadith references (L9389):** Sahih Muslim 944c.

هُرَيْرَةَ، وَأَبِي سَعِيدٍ الْخُدْرِيِّ قَالَا جَمِيعًا: «مَا رَأَيْنَا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - شَهِدَ جِنَازَةً قَطُّ فَجَلَسَ حَتَّى تُوضَعَ» .

فَهَذَا عَمَلُهُ - عَلَيْهِ السَّلَامُ - الْمُدَاوِمُ، وَأَبُو هُرَيْرَةَ وَأَبُو سَعِيدٍ مَا فَارَقَاهُ - عَلَيْهِ السَّلَامُ - حَتَّى مَاتَ، فَصَحَّ أَنَّ أَمْرَهُ بِالْجُلُوسِ إبَاحَةٌ وَتَخْفِيفٌ، وَأَمْرَهُ بِالْقِيَامِ وَقِيَامَهُ نَدْبٌ

وَمِمَّنْ كَانَ يَجْلِسُ: ابْنُ عَبَّاسٍ، وَأَبُو هُرَيْرَةَ، وَسَعِيدُ بْنُ الْمُسَيِّبِ.

[مَسْأَلَةُ الْإِسْرَاعُ بِالْجِنَازَةِ]

٥٩٢ - مَسْأَلَةٌ: وَيَجِبُ الْإِسْرَاعُ بِالْجِنَازَةِ، وَنَسْتَحِبُّ أَنْ لَا يَزُولَ عَنْهَا مَنْ صَلَّى عَلَيْهَا حَتَّى تُدْفَنَ، فَإِنْ انْصَرَفَ قَبْلَ الدَّفْنِ فَلَا حَرَجَ، وَلَا مَعْنَى لِانْتِظَارِ إذْنِ وَلِيِّ الْجِنَازَةِ؟

أَمَّا وُجُوبُ الْإِسْرَاعِ، فَلِمَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ نا أَبُو الطَّاهِرِ نا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ بْنُ زَيْدٍ عَنْ ابْنِ شِهَابٍ حَدَّثَنِي أَبُو أُمَامَةَ بْنُ سَهْلِ بْنِ حُنَيْفٍ عَنْ أَبِي هُرَيْرَةَ سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «أَسْرِعُوا بِالْجَنَازَةِ، فَإِنْ كَانَتْ صَالِحَةً قَرَّبْتُمُوهَا إلَى الْخَيْرِ، وَإِنْ كَانَتْ غَيْرَ ذَلِكَ كَانَ شَرًّا تَضَعُونَهُ عَنْ رِقَابِكُمْ» . وَهُوَ عَمَلُ الصَّحَابَةِ، كَمَا رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا عَلِيُّ بْنُ حَجَرٍ عَنْ إسْمَاعِيلَ ابْنِ عُلَيَّةَ وَهُشَيْمٍ كِلَاهُمَا عَنْ عُيَيْنَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ «أَبِي بَكْرَةَ قَالَ: لَقَدْ رَأَيْتُنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِنَّا لَنَكَادُ نَرْمُلُ بِالْجَنَازَةِ رَمَلًا» .

L9392 And through the chain of Muslim: Muḥammad ibn Bashshār narrated to us, Yaḥyā ibn Saʿīd al-Qaṭṭān narrated to us, Shuʿbah narrated to us from Qatādah, who narrated from Sālim ibn Abī al-Jaʿd, who narrated from Maʿdān ibn Abī Ṭalḥah al-Yaʿmurī, who narrated from Thawbān, the freed slave of the Messenger of Allah—peace and blessings be upon him—that the Messenger of Allah—peace and blessings be upon him—said: "Whoever prays over a funeral will have a qīrāṭ, and if he witnesses its burial, he will have two qīrāṭs. The qīrāṭ is like Mount Uḥud."[40]

وَمِنْ طَرِيقِ مُسْلِمٍ نا مُحَمَّدُ بْنُ بَشَّارٍ نا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ نا شُعْبَةُ حَدَّثَنَا قَتَادَةُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ مَعْدَانَ بْنِ أَبِي طَلْحَةَ الْيَعْمُرِيِّ عَنْ ثَوْبَانَ مَوْلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ صَلَّى عَلَى جِنَازَةٍ فَلَهُ قِيرَاطٌ، فَإِنْ شَهِدَ دَفْنَهَا فَلَهُ قِيرَاطَانِ - الْقِيرَاطُ مِثْلُ أُحُدٍ» .

L9393 We have also transmitted it through the chain of Ibn Mughaffal and Abū Hurayrah as a sound, musnad report. Abū Muḥammad said: Hastening with it is obligatory, while the latter is recommended. The Prophet's (peace be upon him) permission for one who prays over the deceased to abstain from attending the burial—while being granted a _qirat_ of reward equivalent to Mount Uḥud—provides explicit clarification that the guardian's permission is meaningless. Have we not transmitted through the chain of ʿAbd al-Razzāq, from Maʿmar, from Abū Isḥāq al-Sabīʿī, that Ibn Masʿūd said: "When you pray over the deceased, you have fulfilled your duty. Leave them and their people," and that he would depart without seeking their permission? Through the same chain to Maʿmar, from Hishām ibn ʿUrwah, from his father, from Zayd ibn Thābit: He would depart without awaiting their permission—referring to the funeral. And by this is the position Maʿmar adopts.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ ابْنِ مُغَفَّلٍ وَأَبِي هُرَيْرَةَ مُسْنَدًا صَحِيحًا؟ قَالَ أَبُو مُحَمَّدٍ: الْإِسْرَاعُ بِهَا أَمْرٌ، وَهَذَا الْآخَرُ نَدْبٌ، وَفِي إبَاحَتِهِ - عَلَيْهِ السَّلَامُ - لِمَنْ صَلَّى عَلَى الْجَنَازَةِ أَنْ لَا يَشْهَدَ دَفْنَهَا وَجُعِلَ لَهُ مَعَ ذَلِكَ قِيرَاطُ أَجْرٍ مِثْلُ جَبَلِ أُحُدٍ -: بَيَانٌ جَلِيٌّ بِأَنَّهُ لَا مَعْنَى لِإِذْنِ صَاحِبِ الْجَنَازَةِ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ أَنَّ ابْنَ مَسْعُودٍ قَالَ: إذَا صَلَّيْت عَلَى الْجَنَازَةِ فَقَدْ قَضَيْت الَّذِي عَلَيْك، فَخَلِّهَا وَأَهْلَهَا، وَكَانَ يَنْصَرِفُ وَلَا يَسْتَأْذِنُهُمْ؟ وَبِهِ إلَى مَعْمَرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ زَيْدِ بْنِ ثَابِتٍ: أَنَّهُ كَانَ يَنْصَرِفُ وَلَا يَنْتَظِرُ إذْنَهُمْ، يَعْنِي فِي الْجَنَازَةِ وَبِهِ يَأْخُذُ مَعْمَرٌ.

L9394 Ma'mar said: This is the view of Al-Ḥasan and Qatāda.

قَالَ مَعْمَرٌ: وَهُوَ قَوْلُ الْحَسَنِ، وَقَتَادَةَ.

L9395 It has been authentically reported from al-Qasim and Salim; it has been reported from Umar ibn Abd al-Aziz.

وَصَحَّ عَنْ الْقَاسِمِ، وَسَالِمٍ، وَرُوِيَ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ

L9396 ## The Issue of the Imam's Position in the Funeral Prayer

[مَسْأَلَةٌ مَوْقِفُ الْإِمَامِ فِي صَلَاةِ الْجَنَازَةِ]

L9397–9399 593 - Issue: The Imam stands—when praying over the deceased—opposite the head of a man and opposite the middle of a woman. Malik said: He stands opposite the middle of a man, and Abu Hanifah: at the shoulder of a woman. It is also narrated from Abu Hanifah: He stands opposite the chest

٥٩٣ - مَسْأَلَةٌ: وَيَقِفُ الْإِمَامُ - إذَا صَلَّى عَلَى الْجَنَازَةِ - قُبَالَةَ رَأْسِهِ وَمِنْ الْمَرْأَةِ قُبَالَةَ وَسَطِهَا -: قَالَ مَالِكٌ، وَأَبُو حَنِيفَةَ يَقِفُ مِنْ الرَّجُلِ قُبَالَةَ وَسَطِهِ، وَمِنْ الْمَرْأَةِ عِنْدَ مَنْكِبَيْهَا. وَرُوِيَ عَنْ أَبِي حَنِيفَةَ أَيْضًا: يَقِفُ قُبَالَةَ الصَّدْرِ مِنْ كِلَيْهِمَا؟ بُرْهَانُ صِحَّةِ قَوْلِنَا

[40] **Hadith references (L9392):** Sahih Muslim 946a.

of both. The evidence for the validity of our opinion is what we narrated through the chain of Abu Dawud: Narrated by Dawud ibn Mu'adh, narrated by Abd al-Warith. Narrated Abu Ghalib Nafi': "I attended the funeral of Abdullah ibn Umayr, and Anas ibn Malik led the prayer over him while I stood behind him. He positioned himself at the head of the deceased and said four Takbirs. Then they said, 'O Abu Hamzah, the Ansari woman is here,' so they brought her forward on a green bier. He stood at the level of her hips and prayed over her in the same way he prayed over the man. Al-Ala' ibn Ziyad asked him, 'O Abu Hamzah, did the Messenger of Allah—peace and blessings be upon him—pray the funeral prayer as you did, saying four Takbirs, standing at the head of the man and the hips of the woman?' He replied, 'Yes.'"

مَا رُوِّينَاهُ مِنْ طَرِيقِ أَبِي دَاوُد: نا دَاوُد بْنُ مُعَاذٍ نا عَبْدُ الْوَارِثِ عَنْ أَبِي غَالِبٍ نَافِعٍ قَالَ «شَهِدْت جِنَازَةَ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، فَصَلَّى عَلَيْهَا أَنَسُ بْنُ مَالِكٍ وَأَنَا خَلْفَهُ، فَقَامَ عِنْدَ رَأْسِهِ فَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ، ثُمَّ قَالُوا: يَا أَبَا حَمْزَةَ، الْمَرْأَةُ الْأَنْصَارِيَّةُ فَقَرَّبُوهَا وَعَلَيْهَا نَعْشٌ أَخْضَرُ، فَقَامَ عَلَيْهَا عِنْدَ عَجِيزَتِهَا، فَصَلَّى عَلَيْهَا نَحْوَ صَلَاتِهِ عَلَى الرَّجُلِ فَقَالَ لَهُ الْعَلَاءُ بْنُ زِيَادٍ: يَا أَبَا حَمْزَةَ، هَكَذَا كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُصَلِّي عَلَى الْجِنَازَةِ كَصَلَاتِكَ، يُكَبِّرُ عَلَيْهَا أَرْبَعًا، وَيَقُومُ عِنْدَ رَأْسِ الرَّجُلِ وَعَجِيزَةِ الْمَرْأَةِ؟ قَالَ: نَعَمْ»

L9400 We have narrated it through the chain of Al-Hajjaj ibn Minhal, from Hammam ibn Yahya, from Nafi' Abu Ghalib, who mentioned this hadith of Anas. At its end: Al-'Ala' ibn Ziyad turned to the people and said, "Preserve this." Abu Muhammad said: This is an issue in which the Hanafis and Malikis have contradicted their own principles, for they censure others for opposing a Companion who has no known opponent among the Companions, yet here is a Companion with no known opponent among the Companions, and they have opposed him. Our opinion here is that of Al-Shafi'i, Ahmad, Abu Sulayman, and to this Abu Yusuf reverted. We know of no valid argument for those who say, "He should stand in the middle of both," except their claim that they analogized this to the Imam standing opposite the middle of the row behind him. This is the most absurd analogy in the world, for the deceased is not a follower of the Imam in prayer to stand at his middle. The argument of those who say, "He should stand at the chest," is that they claimed: This was before the use of biers, to conceal the woman from the people. This is invalid—a false claim without proof—and it is an exceedingly grave matter. We seek refuge in Allah from it.

وَرُوِّينَاهُ مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ نا هَمَّامُ بْنُ يَحْيَى عَنْ نَافِعٍ أَبِي غَالِبٍ فَذَكَرَ حَدِيثَ أَنَسٍ هَذَا، وَفِي آخِرِهِ: فَأَقْبَلَ الْعَلَاءُ بْنُ زِيَادٍ عَلَى النَّاسِ فَقَالَ: احْفَظُوا؟ قَالَ أَبُو مُحَمَّدٍ: هَذَا مَكَانٌ خَالَفَ فِيهِ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ أُصُولَهُمْ؛ لِأَنَّهُمْ يُشَنِّعُونَ بِخِلَافِ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مُخَالِفٌ، وَهَذَا صَاحِبٌ لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ مُخَالِفٌ، وَقَدْ خَالَفُوهُ؟ وَقَوْلُنَا هَذَا هُوَ قَوْلُ الشَّافِعِيِّ، وَأَحْمَدَ، وَأَبِي سُلَيْمَانَ، وَإِلَيْهِ رَجَعَ أَبُو يُوسُفَ؟ وَلَا نَعْلَمُ لِمَنْ قَالَ: يَقِفُ فِي كِلَيْهِمَا عِنْدَ الْوَسَطِ -: حُجَّةً، إلَّا أَنَّهُمْ قَالُوا: قِسْنَا ذَلِكَ عَلَى وُقُوفِ الْإِمَامِ مُقَابِلَ وَسَطِ الصَّفِّ خَلْفَهُ، وَهَذَا أَسْخَفُ قِيَاسٍ فِي الْعَالَمِ؛ لِأَنَّ الْمَيِّتَ لَيْسَ مَأْمُومًا لِلْإِمَامِ فَيَقِفُ وَسَطَهُ وَحُجَّةُ مَنْ قَالَ: يَقِفُ عِنْدَ الصَّدْرِ أَنَّهُمْ قَالُوا: كَانَ ذَلِكَ قَبْلَ اتِّخَاذِ النُّعُوشِ، فَيَسْتُرُ الْمَرْأَةَ مِنْ النَّاسِ وَهَذَا بَاطِلٌ، وَدَعْوَى كَاذِبَةٌ بِلَا بُرْهَانٍ، وَهَذَا عَظِيمٌ جِدًّا نَعُوذُ بِاَللَّهِ مِنْهُ.

L9401 Moreover, his lie is cold and null, for even if he conceals the woman's shameful flaws from others, he does not conceal them from himself—and are he and others not equal in that?

ثُمَّ مَعَ كَذِبِهِ بَارِدٌ بَاطِلٌ، لِأَنَّهُ وَإِنْ سَتَرَ عَجِيزَتَهَا عَنْ النَّاسِ لَمْ يَسْتُرْهَا عَنْ نَفْسِهِ، وَهُوَ وَالنَّاسُ سَوَاءٌ فِي ذَلِكَ؟

Issue: Insulting the Dead

[مَسْأَلَةُ سَبِّ الْأَمْوَاتِ]

594 – Issue: It is impermissible to insult the dead with the intent of causing harm. However, warning against disbelief, blameworthy innovation, or corrupt practices is permissible. As for cursing disbelievers: is it permissible?

٥٩٤ - مَسْأَلَةٌ: وَلَا يَحِلُّ سَبُّ الْأَمْوَاتِ عَلَى الْقَصْدِ بِالْأَذَى، وَأَمَّا تَحْذِيرٌ مِنْ كُفْرٍ أَوْ بِدْعَةٍ أَوْ مِنْ عَمَلٍ فَاسِدٍ: فَمُبَاحٌ، وَلَعْنُ الْكُفَّارِ: مُبَاحٌ؟

From what has been narrated to us through the chain of al-Bukhārī: From Adam, from Shu'bah, from al-A'mash, from Mujāhid, from 'Ā'ishah, the Mother of the Believers, who said: The Prophet (peace be upon him) said, "Do not insult the dead, for they have met what they forwarded."[41]

لِمَا رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: نا آدَم نا شُعْبَةُ عَنْ الْأَعْمَشِ عَنْ مُجَاهِدٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: قَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تَسُبُّوا الْأَمْوَاتَ فَإِنَّهُمْ قَدْ أَفْضَوْا إلَى مَا قَدَّمُوا» .

Allah, the Exalted, indeed reviled Abu Lahab and Pharaoh as a warning against their disbelief.

وَقَدْ سَبَّ اللَّهُ تَعَالَى: أَبَا لَهَبٍ، وَفِرْعَوْنَ، تَحْذِيرًا مِنْ كُفْرِهِمَا

And the Exalted said: "Cursed were those who disbelieved among the Children of Israel" (Surah Al-Mā'idah 5:78).[42]

وَقَالَ تَعَالَى: {لُعِنَ الَّذِينَ كَفَرُوا مِنْ بَنِي إِسْرَائِيلَ} [المائدة: ٧٨]

Allah the Exalted said: "Indeed, the curse of Allah is upon the wrongdoers" [Hud: 18]. And the Prophet - peace be upon him - informed that "the garment that Mid'am misappropriated from war booty will become a blazing fire upon him, and that is after his death."[43]

وَقَالَ تَعَالَى: {أَلا لَعْنَةُ اللَّهِ عَلَى الظَّالِمِينَ} [هود: ١٨] وَأَخْبَرَ - عَلَيْهِ السَّلَامُ - «أَنَّ الشَّمْلَةَ الَّتِي غَلَّهَا مِدْعَمٌ تَشْتَعِلُ عَلَيْهِ نَارًا» ، وَذَلِكَ بَعْدَ مَوْتِهِ

Issue: Instructing the dying to affirm the Shahada (declaration of faith).

[مَسْأَلَةُ تَلْقِينُ الْمَيِّتِ شَهَادَةَ الْإِسْلَامِ]

595 - Issue: It is obligatory to instruct the dying person who is mentally present while passing away - whether their tongue is mobile or immobile - to utter the testimony of Islam, which is: "There is no god but Allah, Muhammad is the Messenger of Allah."

٥٩٥ - مَسْأَلَةٌ: وَيَجِبُ تَلْقِينُ الْمَيِّتِ الَّذِي يَمُوتُ فِي ذِهْنِهِ وَلِسَانُهُ مُنْطَلِقٌ - أَوْ غَيْرُ مُنْطَلِقٍ - شَهَادَةَ الْإِسْلَامِ، وَهِيَ " لَا إلَهَ إلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ ".

From what has been narrated to us through the transmission chain of Imam Muslim: Amr al-Naqid reported to us, on the authority of Abu Khalid al-

لِمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ نا عَمْرٌو النَّاقِدُ نا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ يَزِيدَ بْنِ كَيْسَانَ عَنْ أَبِي حَازِمٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَقِّنُوا مَوْتَاكُمْ لَا إلَهَ إلَّا اللَّهُ» .

[41] **Hadith references (L9405):** Sahih al-Bukhari 1393; Sahih al-Bukhari 6516; Sunan an-Nasai 1936.

[42] **Qur'an references (L9407):** Qur'an 5:78 (Al-Ma'idah).

[43] **Qur'an references (L9408):** Qur'an 11:18 (Hud).

Ahmar, who reported from Yazid ibn Kaysan, from Abu Hazim, from Abu Hurayrah, who said: The Messenger of Allah (peace be upon him) said: "Instruct your dying ones to affirm: There is no deity but Allah."

This has also been authentically reported from the Mother of the Believers, and is narrated from ʿUmar ibn al-Khaṭṭāb. It is reported from Ibrāhīm, on the authority of ʿAlqamah, that he said: "Prompt me with 'There is no god but Allah,' and hasten me to my grave." As for one who is not in his right mind, it is not possible to prompt him, as he is unresponsive. As for one who is prevented from speaking, he should say it inwardly. We ask Allah for the best in that station.

A jurisprudential issue regarding closing the deceased's eyes.

596. Issue: It is recommended to close the eyes of the deceased when he has passed away. This is derived from what we have narrated through the chain in Muslim's compilation: Zuhayr ibn Harb narrated to us from Muʿawiyah ibn ʿAmr, from Abu Ishaq al-Fazari, from Khalid al-Ḥadhāʾ, from Abu Qilabah, from Qabisah ibn Dhuʾayb, from Umm Salamah, the Mother of the Believers (may Allah be pleased with her), who said: "The Messenger of Allah (peace be upon him) entered upon Abu Salamah when his eyes were wide open (in death), so he closed them."[44]

We were narrated from ʿUmar ibn al-Khaṭṭāb that he ordered that the eyes of the deceased be closed.

Question: The afflicted one says, "Verily, we belong to Allah, and to Him we shall return."

597 – Issue

It is recommended that the afflicted person say, "Indeed, we belong to Allah, and indeed to Him we will return. O Allah, reward me in my affliction and replace it for me with something better than it."

[44] **Hadith references (L9414):** Sunan Ibn Majah 1454; Sahih Muslim 920a; Sunan Abi Dawud 3118.

وَصَحَّ هَذَا أَيْضًا عَنْ أُمِّ الْمُؤْمِنِينَ، وَرُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ؟ وَعَنْ إِبْرَاهِيمَ عَنْ عَلْقَمَةَ قَالَ: لَقِّنُونِي لَا إِلَهَ إِلَّا اللَّهُ وَأَسْرِعُوا بِي إِلَى حُفْرَتِي وَأَمَّا مَنْ لَيْسَ فِي ذِهْنِه فَلَا يُمْكِنُ تَلْقِينُهُ، لِأَنَّهُ لَا يَتَلَقَّنُ؟ وَأَمَّا مَنْ مُنِعَ الْكَلَامَ فَيَقُولُهَا فِي نَفْسِهِ، نَسْأَلُ اللَّهَ خَيْرَ ذَلِكَ الْمَقَامِ

[مَسْأَلَةٌ تَغْمِيضُ عَيْنَيْ الْمَيِّتِ]

٥٩٦ - مَسْأَلَةٌ: وَيُسْتَحَبُّ تَغْمِيضُ عَيْنَيْ الْمَيِّتِ إذَا قَضَى؟ لِمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: حَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ نا مُعَاوِيَةُ بْنُ عَمْرٍو نا أَبُو إِسْحَاقَ الْفَزَارِيّ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ أَبِي قِلَابَةَ عَنْ قَبِيصَةَ بْنِ ذُؤَيْبٍ عَنْ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «دَخَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى أَبِي سَلَمَةَ وَقَدْ شَقَّ بَصَرُهُ فَأَغْمَضَهُ» .

وَرُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّهُ أَمَرَ بِتَغْمِيضِ أَعْيُنِ الْمَوْتَى

[مَسْأَلَةٌ يَقُول الْمُصَابُ إنَّا لِلَّهِ وَإِنَّا إلَيْهِ رَاجِعُونَ]

٥٩٧ - مَسْأَلَةٌ

وَيُسْتَحَبُّ أَنْ يَقُولَ الْمُصَابُ " إنَّا لِلَّهِ وَإِنَّا إلَيْهِ رَاجِعُونَ اللَّهُمَّ آجِرْنِي فِي مُصِيبَتِي وَأَخْلِفْ لِي خَيْرًا مِنْهَا ".

L9420 As for what has been transmitted to us through the chain of Muslim: Abū Bakr ibn Abī Shaybah narrated to us, Abū Usāmah narrated from Saʿd ibn Saʿīd, who narrated that ʿUmar ibn Kathīr ibn Aflaḥ reported: "I heard Ibn Safīnah narrate that he heard Umm Salamah say: I heard Allah's Messenger - peace and blessings be upon him - declare: 'There is no servant struck by a calamity who says: 'Indeed we belong to Allah and to Him we shall return. O Allah, grant me reward in my affliction and replace it for me with something better," but that Allah rewards him in his affliction and replaces it for him with something better than it.'"[45][46]

L9421 **The jurisprudential ruling on performing the funeral prayer for a newborn who is born alive [and survives] and then dies.**

L9422 598. Issue: It is recommended to perform the funeral prayer over a newborn who is born alive and then dies—whether the infant cried [or showed signs of life] or not. The prayer over the child is not obligatory unless the child has attained puberty.

L9423 As for prayer concerning him, it is indeed a righteous act about which no prohibition has been reported.

L9424 As for not performing the funeral prayer over him, this is due to what was narrated to us through Abu Dawud's chain: Muhammad ibn Yahya ibn Faris narrated to us via Yaʿqub ibn Saʿd, who narrated via ʿAbdullah ibn Abi Bakr ibn Muhammad ibn ʿAmr ibn Hazm, from ʿAmrah bint ʿAbd al-Rahman, from ʿA'ishah, the Mother of the Believers, who said: "Ibrahim, the son of Allah's Messenger (peace be upon him), passed away when he was eighteen months old, and Allah's Messenger (peace be upon him) did not perform the funeral prayer over him."

L9425 This is a sound narration, but it only mentions the omission of prayer [over the deceased], and contains no prohibition against it. Two disconnected (Mursal) reports have come stating that he—peace be upon him—did pray

لَمَّا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: نا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نا أَبُو أُسَامَةَ عَنْ سَعْدِ بْنِ سَعِيدٍ أَخْبَرَنِي عُمَرُ بْنُ كَثِيرِ بْنِ أَفْلَحَ سَمِعْتُ ابْنَ سَفِينَةَ يُحَدِّثُ أَنَّهُ سَمِعَ أُمَّ سَلَمَةَ تَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «مَا مِنْ عَبْدٍ تُصِيبُهُ مُصِيبَةٌ فَيَقُولُ: إنَّا لِلَّهِ وَإِنَّا إلَيْهِ رَاجِعُونَ، اللَّهُمَّ آجِرْنِي فِي مُصِيبَتِي وَأَخْلِفْ لِي خَيْرًا مِنْهَا إلَّا آجَرَهُ اللَّهُ فِي مُصِيبَتِهِ وَأَخْلَفَ لَهُ خَيْرًا مِنْهَا» .

[مَسْأَلَةُ الصَّلَاةِ عَلَى الْمَوْلُودِ يُولَدُ حَيًّا ثُمَّ يَمُوتُ]

٥٩٨ - مَسْأَلَةٌ وَنَسْتَحِبُّ الصَّلَاةَ عَلَى الْمَوْلُودِ يُولَدُ حَيًّا ثُمَّ يَمُوتُ - اسْتَهَلَّ أَوْ لَمْ يَسْتَهِلَّ - وَلَيْسَ الصَّلَاةُ عَلَيْهِ فَرْضًا مَا لَمْ يَبْلُغْ؟

أَمَّا الصَّلَاةُ عَلَيْهِ فَإِنَّهَا فِعْلُ خَيْرٍ لَمْ يَأْتِ عَنْهُ نَهْيٌ

أَمَّا تَرْكُ الصَّلَاةِ عَلَيْهِ فَلِمَا رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد: نا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ نا يَعْقُوبُ بْنُ سَعْدٍ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «مَاتَ إبْرَاهِيمُ بْنُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ ابْنُ ثَمَانِيَةَ عَشَرَ شَهْرًا، فَلَمْ يُصَلِّ عَلَيْهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» .

هَذَا خَبَرٌ صَحِيحٌ وَلَكِنْ إنَّمَا فِيهِ تَرْكُ الصَّلَاةِ، وَلَيْسَ فِيهِ نَهْيٌ عَنْهَا، وَقَدْ جَاءَ أَثَرَانِ مُرْسَلَانِ بِأَنَّهُ - عَلَيْهِ السَّلَامُ - صَلَّى عَلَيْهِ، وَالْمُرْسَلُ لَا حُجَّةَ فِيهِ؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نا مُحَمَّدُ بْنُ مُعَاوِيَةَ نا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إسْمَاعِيلُ بْنُ مَسْعُودٍ أَنَا خَالِدُ بْنُ الْحَارِثِ

[45] **Hadith references (L9420):** Sahih Muslim 918b.
[46] **Qur'an references (L9420):** Qur'an 2:156 (Al-Baqarah).

over him, though Mursal reports cannot serve as definitive evidence, can they? Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Ismāʿīl ibn Masʿūd narrated to us: Khālid ibn al-Ḥārith narrated to us: Saʿīd ibn ʿUbaydillāh al-Thaqafī reported: I heard Ziyād ibn Jubayr ibn Ḥayyah narrating from his father from al-Mughīrah ibn Shuʿbah that he mentioned the Messenger of Allah—peace and blessings of Allah be upon him—said: "The rider is behind the funeral procession, the pedestrian may walk wherever he wishes within it, and the child should be prayed over."[47]

نا سَعِيدُ بْنُ عُبَيْدِ اللَّهِ الثَّقَفِيُّ سَمِعْتُ زِيَادَ بْنَ جُبَيْرِ بْنِ حَيَّةَ يُحَدِّثُ عَنْ أَبِيهِ عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ أَنَّهُ ذَكَرَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «الرَّاكِبُ خَلْفَ الْجِنَازَةِ، وَالْمَاشِي حَيْثُ شَاءَ مِنْهَا، وَالطِّفْلُ يُصَلَّى عَلَيْهِ» .

L9426–9428 And with this, the majority of the Companions adopt. It has been narrated to us through the chain of al-Ḥajjāj ibn al-Minhāl, from Abū ʿAwānah, from Qatādah, from Saʿīd ibn al-Musayyib, that Abū Bakr al-Ṣiddīq said: "Our children are the most deserving of those for whom we should perform the funeral prayer." And through the chain of Ḥammād ibn Zayd, from Yaḥyā ibn Saʿīd al-Anṣārī, from Saʿīd ibn al-Musayyib, from Abū Hurayrah, that he prayed over a newborn - if he had ever committed any sin - saying, "O Allah, protect him from the punishment of the grave."

وَبِهَذَا يَأْخُذُ جُمْهُورُ الصَّحَابَةِ رُوِّينَا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ أَبِي عَوَانَةَ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ قَالَ: أَحَقُّ مَنْ صَلَّيْنَا عَلَيْهِ أَطْفَالُنَا -: وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ ابْنِ الْمُسَيِّبِ عَنْ أَبِي هُرَيْرَةَ أَنَّهُ صَلَّى عَلَى مَنْفُوسٍ إنْ عَمِلَ خَطِيئَةً قَطُّ قَالَ: اللَّهُمَّ أَعِذْهُ مِنْ عَذَابِ الْقَبْرِ

L9429 From the narration of Hammad ibn Salamah, from Muhammad ibn Ishaq, from Ata ibn Abi Rabah, from Jabir ibn Abdullah, who said: If a child cries out at birth, is the funeral prayer performed for him, and does he inherit?

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إسْحَاقَ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ - إذَا اسْتَهَلَّ الصَّبِيُّ صُلِّيَ عَلَيْهِ وَوَرِثَ؟

L9430 And via the chain of Ḥammād ibn Salamah, from Ayyūb al-Sakhtiyānī, from Nāfiʿ, from Ibn ʿUmar, that he said: When his creation is perfected, he cries out: "Prayers are offered for him, and he is inherited." And via the chain of Shuʿbah: ʿAmr ibn Murrah narrated to us, saying: ʿAbd al-Raḥmān ibn Abī Laylā said to me: "I encountered surviving members of the Ansar who would pray over the child when he died."

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ قَالَ: إذَا تَمَّ خَلْقُهُ فَصَاحَ: صُلِّيَ عَلَيْهِ وَوَرِثَ وَمِنْ طَرِيقِ شُعْبَةَ: نا عَمْرُو بْنُ مُرَّةَ قَالَ: قَالَ لِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي لَيْلَى: أَدْرَكْت بَقَايَا الْأَنْصَارِ يُصَلُّونَ عَلَى الصَّبِيِّ إذَا مَاتَ

L9431 And through the chains of Yaḥyā ibn Saʿīd al-Qaṭṭān and ʿAbd al-Razzāq: Yaḥyā said: From ʿUbayd Allāh—he is Ibn ʿUmar—while ʿAbd al-Razzāq said: From Maʿmar from Ayyūb. Then ʿUbayd Allāh and Ayyūb agreed in their narration from Nāfiʿ, who said: ʿAbd Allāh ibn ʿUmar prayed over a miscar-

وَمِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ، وَعَبْدِ الرَّزَّاقِ قَالَ يَحْيَى: نا عُبَيْدُ اللَّهِ هُوَ ابْنُ عُمَرَ - وَقَالَ عَبْدُ الرَّزَّاقِ: نا مَعْمَرٌ عَنْ أَيُّوبَ، ثُمَّ اتَّفَقَ عُبَيْدُ اللَّهِ، وَأَيُّوبُ كِلَاهُمَا عَنْ نَافِعٍ

[47] **Hadith references (L9425):** Sunan an-Nasai 1943; Sunan an-Nasai 1942; Sunan an-Nasai 1948.

قَالَ: صَلَّى عَبْدُ اللَّهِ بْنُ عُمَرَ عَلَى سِقْطٍ لَهُ لَا أَدْرِي اسْتَهَلَّ أَمْ لَا؟ هَذَا لَفْظُ أَيُّوبَ، وَقَالَ عُبَيْدُ اللَّهِ: " مَوْلُودٍ " مَكَانَ " سِقْطٍ ".

ried fetus of his (I do not know whether it had cried out or not?). This is the wording of Ayyūb. ʿUbayd Allāh, however, used "newborn" instead of "miscarried fetus."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ زِيَادِ بْنِ جُبَيْرٍ عَنْ أَبِيهِ عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: السِّقْطُ يُصَلَّى عَلَيْهِ وَيُدْعَى لِأَبَوَيْهِ بِالْعَافِيَةِ وَالرَّحْمَةِ؟

L9432 From the chain of Abd al-Razzaq from Sufyan al-Thawri from Yunus ibn Ubayd from Ziyad ibn Jubayr from his father from al-Mughirah ibn Shu'bah, who said: Is the miscarried fetus prayed over, and are supplications made for its parents for well-being and mercy?

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ: أَنَّهُ كَانَ يُعْجِبُهُ إذَا تَمَّ خَلْقُهُ أَنْ يُصَلَّى عَلَيْهِ -: وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ «عَنْ ابْنِ سِيرِينَ أَنَّهُ كَانَ يَدْعُو عَلَى الصَّغِيرِ كَمَا يَدْعُو عَلَى الْكَبِيرِ، فَقِيلَ لَهُ: هَذَا لَيْسَ لَهُ ذَنْبٌ؟ فَقَالَ: وَالنَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ وَمَا تَأَخَّرَ، وَأَمَرَنَا أَنْ نُصَلِّيَ عَلَيْهِ؟»

L9433–9435 From the narration of Hammad ibn Salamah from Ayyub from Muhammad ibn Sirin: that he deemed it appropriate to pray over him when his creation was complete. And from the narration of Hammad ibn Zayd from Ayyub al-Sakhtiyani from Ibn Sirin: that he would supplicate against the small child just as he would supplicate against the adult. It was said to him, "Does this one not have any fault?" He replied, "And the Prophet—peace be upon him—had been forgiven." "All his past and future sins—and has He commanded us to send blessings upon him?"

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ قَتَادَةَ وَأَيُّوبَ، قَالَ قَتَادَةُ: عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ وَقَالَ أَيُّوبُ: عَنْ مُحَمَّدِ بْنِ سِيرِينَ قَالَا جَمِيعًا: إذَا تَمَّ خَلْقُهُ وَنُفِخَ فِيهِ الرُّوحُ: صُلِّيَ عَلَيْهِ وَإِنْ لَمْ يَسْتَهِلَّ وَرُوِّينَا عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ فِي السِّقْطِ لِأَرْبَعَةِ أَشْهُرٍ يُصَلَّى عَلَيْهِ؟ قَالَ قَتَادَةُ: وَيُسَمَّى، فَإِنَّهُ يُبْعَثُ أَوْ يُدْعَى يَوْمَ الْقِيَامَةِ بِاسْمِهِ. وَمِنْ طَرِيقِ الْبُخَارِيِّ نا أَبُو الْيَمَانِ أَنَا شُعَيْبٌ هُوَ ابْنُ أَبِي حَمْزَةَ - قَالَ ابْنُ شِهَابٍ: يُصَلَّى عَلَى كُلِّ مَوْلُودٍ مُتَوَفًّى، وَإِنْ كَانَ لِغَيَّةٍ مِنْ أَجْلِ أَنَّهُ وُلِدَ عَلَى فِطْرَةِ الْإِسْلَامِ - ثُمَّ ذَكَرَ حَدِيثَ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَا مِنْ مَوْلُودٍ إلَّا يُولَدُ عَلَى الْفِطْرَةِ» .

L9436 Through the narration of ʿAbd al-Razzāq from Maʿmar, from Qatādah and Ayyūb: Qatādah reported from Saʿīd ibn al-Musayyab while Ayyūb reported from Muḥammad ibn Sīrīn. They both said: "When his creation is completed and the soul is breathed into him, the funeral prayer is performed over him even if he did not utter a cry." It has been narrated to us from Qatādah, from Saʿīd ibn al-Musayyab regarding a miscarried fetus at four months: "Is the prayer performed over him?" Qatādah said: "He is to be named, for he will be resurrected or summoned by his name on the Day of Judgment." Through the chain of al-Bukhārī: Abū al-Yamān narrated to us from Shuʿayb—who was the son of Abū Ḥamzah—Ibn Shihāb said: "The funeral prayer is performed over every deceased newborn, even if born illegitimately, because he was born upon the primordial nature of Islam." He then mentioned the ḥadīth of Abū Hurayrah from the Prophet—peace be upon him (PBUH): "No child is born except upon the primordial nature."

L9437 Al-Ḥasan and Ibrāhīm said: The funeral prayer is offered over the newborn

if it emits a birth cry. Abū Muḥammad said: The birth cry has no legal significance, as it is not mandated by any textual evidence or consensus.

وَقَالَ الْحَسَنُ، وَإِبْرَاهِيمُ: يُصَلَّى عَلَيْهِ إِذَا اسْتَهَلَّ قَالَ أَبُو مُحَمَّدٍ: لَا مَعْنَى لِلِاسْتِهْلَالِ، لِأَنَّهُ لَمْ يُوجِبْهُ نَصٌّ وَلَا إِجْمَاعٌ

L9438 Hammād said: If a male child from the war captives dies and there are no parents among them, is the prayer to be performed for him?

وَقَالَ حَمَّادٌ: إِذَا مَاتَ الصَّبِيُّ مِنْ السَّبْيِ لَيْسَ بَيْنَ أَبَوَيْهِ صُلِّيَ عَلَيْهِ؟

L9439 It was narrated from Az-Zubayr ibn al-Awwām that his son ʻUmar—who had indeed played with boys, reached physical maturity, but had not yet attained puberty—died, and he did not perform the funeral prayer over him.

وَرُوِيَ عَنْ الزُّبَيْرِ بْنِ الْعَوَّامِ: أَنَّهُ مَاتَ لَهُ ابْنٌ قَدْ لَعِبَ مَعَ الصِّبْيَانِ وَاشْتَدَّ وَلَمْ يَبْلُغْ الْحُلُمَ، اسْمُهُ عُمَرُ فَلَمْ يُصَلِّ عَلَيْهِ

L9440 And from the narration of Shuʻbah from ʻAmr ibn Murrah from Saʻīd ibn Jubayr, who said: “Is the funeral prayer not to be performed for a child?”

وَمِنْ طَرِيقِ شُعْبَةَ عَنْ عَمْرِو بْنِ مُرَّةَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: لَا يُصَلَّى عَلَى الصَّبِيِّ؟

L9441 We also transmitted it from Suwayd ibn Ghafala.

وَرُوِّينَاهُ أَيْضًا عَنْ سُوَيْدِ بْنِ غَفَلَةَ

L9442 **The Ruling on Women Accompanying the Funeral Procession**

[مَسْأَلَةٌ اتِّبَاعِ النِّسَاءِ الْجِنَازَةَ]

L9443 599. Issue: We do not deem it discouraged for women to follow funeral processions, nor do we prohibit them from doing so. There are narrations that prohibit this, but none are authentic, as they are either *mursal*, narrated by unknown individuals, or transmitted from unreliable authorities.

٥٩٩ - مَسْأَلَةٌ وَلَا نَكْرَهُ اتِّبَاعَ النِّسَاءِ الْجِنَازَةَ، وَلَا نَمْنَعُهُنَّ مِنْ ذَلِكَ؟ جَاءَتْ فِي النَّهْيِ عَنْ ذَلِكَ آثَارٌ لَيْسَ مِنْهَا شَيْءٌ يَصِحُّ، لِأَنَّهَا: إمَّا مُرْسَلَةٌ، وَإِمَّا عَنْ مَجْهُولٍ، وَإِمَّا عَمَّنْ لَا يُحْتَجُّ بِهِ

L9444 The most analogous example in this regard is what we have narrated via Muslim’s narration: Isḥāq ibn Rāhawayh narrated to us; ʿĪsā ibn Yūnus from Hishām, from Ḥafṣah, from Umm ʿAṭiyyah, who said: “We were prohibited from accompanying biers, but it was not strictly enforced as an obligation.”

وَأَشْبَهُ مَا فِيهِ مَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ: نا إِسْحَاقُ بْنُ رَاهْوَيْهِ نا عِيسَى بْنُ يُونُسَ عَنْ هِشَامٍ عَنْ حَفْصَةَ عَنْ أُمِّ عَطِيَّةَ قَالَتْ «نُهِينَا عَنْ اتِّبَاعِ الْجَنَائِزِ، وَلَمْ يُعْزَمْ عَلَيْنَا» .

L9445–9446 This is not a musnad report, as we do not know who this prohibitor is. He may have been some of the Companions. Moreover, even if it were authenticated as a musnad, there would be no conclusive evidence in it; rather, it would merely indicate reprehensibility, karāhah.

وَهَذَا غَيْرُ مُسْنَدٍ، لِأَنَّنَا لَا نَدْرِي مَنْ هَذَا النَّاهِي؟ وَلَعَلَّهُ بَعْضُ الصَّحَابَةِ ثُمَّ لَوْ صَحَّ مُسْنَدًا لَمْ يَكُنْ فِيهِ حُجَّةٌ، بَلْ كَانَ يَكُونُ كَرَاهَةً فَقَطْ.

L9447 On the contrary, its opposite has been authentically established, as reported to us through the chain of Ibn Abī Shaybah: Wakīʿ narrated to us from Hishām ibn ʿUrwah from Wahb ibn Kaysān from Muḥammad ibn ʿAmr ibn

بَلْ قَدْ صَحَّ خِلَافُهُ كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نا وَكِيعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَطَاءٍ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ -

ʿAṭāʾ from Abū Hurayrah: “The Messenger of Allah (peace and blessings of Allah be upon him) was at a funeral when ʿUmar saw a woman and shouted at her. The Messenger of Allah (peace and blessings of Allah be upon him) said to him: ’Leave her, O ʿUmar, for the eye is tearful, the soul is afflicted, and the time [since the loss] is recent.”’ Is it not authentically reported from Ibn ʿAbbās that he did not dislike it?

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ فِي جِنَازَةٍ فَرَأَى عُمَرُ امْرَأَةً، فَصَاحَ بِهَا فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - دَعْهَا يَا عُمَرُ فَإِنَّ الْعَيْنَ دَامِعَةٌ، وَالنَّفْسَ مُصَابَةٌ، وَالْعَهْدَ قَرِيبٌ» . وَقَدْ صَحَّ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ لَمْ يَكْرَهْ ذَلِكَ؟

The Issue of Visiting Graves

L9448

L9449 Issue 600: We recommend visiting graves, and it is an obligation even if performed once. There is no harm in a Muslim visiting the grave of a close polytheist relative. Are men and women equal in this matter? As evidenced by what we have narrated through Muslim: Abu Bakr ibn Abi Shaybah narrated from Muhammad ibn Fudayl from Abu Sinan - who is Ḍirār ibn Murrah - from Muḥārib ibn Dithār from Ibn Buraidah from his father, who said: The Messenger of Allah - peace and blessings be upon him - said: “I forbade you from visiting graves, so visit them.”

[مَسْأَلَةُ زِيَارَةِ الْقُبُورِ]

٦٠٠ - مَسْأَلَةٌ وَنَسْتَحِبُّ زِيَارَةَ الْقُبُورِ، وَهُوَ فَرْضٌ وَلَوْ مَرَّةً وَلَا بَأْسَ بِأَنْ يَزُورَ الْمُسْلِمُ قَبْرَ حَمِيمِهِ الْمُشْرِكِ، وَالرِّجَالُ وَالنِّسَاءُ سَوَاءٌ؟ لِمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: نا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ أَبِي سِنَانٍ هُوَ ضِرَارُ بْنُ مُرَّةَ، عَنْ مُحَارِبِ بْنِ دِثَارٍ عَنِ ابْنِ بُرَيْدَةَ عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «نَهَيْتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ فَزُورُوهَا» .

L9450–9452 As reported in Muslim’s compilation: Abu Bakr ibn Abi Shaybah narrated to us, from Muhammad ibn ‘Ubayd, from Yazid ibn Kaysan, from Abu Hazim, from Abu Hurayrah, who said: “The Prophet (peace and blessings be upon him) visited his mother’s grave and wept, making those around him weep. He said: ’I sought my Lord’s permission to seek forgiveness for her, but it was not granted. Then I sought permission to visit her grave, and it was granted. Therefore, visit graves, for they remind of death.”’ It has been authentically established from the Mother of the Believers, Ibn ‘Umar, and others besides them both concerning visiting graves. A prohibition against this was narrated from ‘Umar, but the narration is not authentic.[48]

وَمِنْ طَرِيقِ مُسْلِمٍ: نا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نا مُحَمَّدُ بْنُ عُبَيْدٍ عَنْ يَزِيدَ بْنِ كَيْسَانَ عَنْ أَبِي حَازِمٍ عَنْ أَبِي هُرَيْرَةَ قَالَ «زَارَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَبْرَ أُمِّهِ فَبَكَى وَأَبْكَى مَنْ حَوْلَهُ، فَقَالَ: اسْتَأْذَنْتُ رَبِّي فِي أَنْ أَسْتَغْفِرَ لَهَا فَلَمْ يُؤْذَنْ لِي، وَاسْتَأْذَنْتُهُ فِي أَنْ أَزُورَ قَبْرَهَا فَأُذِنَ لِي، فَزُورُوا الْقُبُورَ فَإِنَّهَا تُذَكِّرُ الْمَوْتَ» وَقَدْ صَحَّ عَنْ أُمِّ الْمُؤْمِنِينَ، وَابْنِ عُمَرَ، وَغَيْرِهِمَا: زِيَارَةُ الْقُبُورِ؟ وَرُوِيَ عَنْ عُمَرَ النَّهْيُ مِنْ ذَلِكَ، وَلَمْ يَصِحَّ

Issue: What Should Be Said by One Who Is Present at Graves

L9453

L9454 601 - Question: We recommend that whoever is present at the graves should recite what we have narrated through the chain reported in Sahīh Muslim:

[مَسْأَلَةُ مَا يَقُولُهُ مَنْ حَضَرَ عَلَى الْقُبُورِ]

٦٠١ - مَسْأَلَةٌ وَنَسْتَحِبُّ لِمَنْ حَضَرَ عَلَى الْقُبُورِ أَنْ يَقُولَ مَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ: نَا زُهَيْرُ بْنُ حَرْبٍ نا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَسَدِيُّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ

[48] **Hadith references (L9450):** Sahih Muslim 976b.

Zuhayr ibn Harb narrated to us, Muḥammad ibn ʿAbdullāh al-Asadī narrated to us, from Sufyān al-Thawrī, from ʿAlqamah ibn Marthad, from Sulaymān ibn Buraydah, from his father, who said: "The Messenger of Allah - peace and blessings of Allah be upon him - would teach them when they went to the cemeteries. The speaker among them would say: 'Peace be upon you, O people of the graves from among the believers and the Muslims. We will surely join you, if Allah wills. I ask Allah to grant safety for us and for you.'"

عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ عَنْ أَبِيهِ قَالَ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُعَلِّمُهُمْ إِذَا خَرَجُوا إِلَى الْمَقَابِرِ، فَكَانَ قَائِلُهُمْ يَقُولُ: السَّلَامُ عَلَيْكُمْ أَهْلَ الدِّيَارِ مِنْ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ، وَإِنَّا إِنْ شَاءَ اللَّهُ بِكُمْ لَاحِقُونَ أَسْأَلُ اللَّهَ لَنَا وَلَكُمْ الْعَافِيَةَ» .

Issue: A hundred or more pray the funeral prayer over the deceased.

[مَسْأَلَةٌ يُصَلِّي عَلَى الْمَيِّتِ مِائَةٌ فَصَاعِدًا]

602 - Issue: It is recommended that a hundred or more Muslims perform the funeral prayer over the deceased. This is based on what we have narrated through the chain reported in Ṣaḥīḥ Muslim: al-Ḥasan ibn ʿĪsā reported to us, Ibn al-Mubārak reported to us, Salām ibn Abī Muṭīʿ reported to us from Ayyūb al-Sikhtiyānī from Abu Qilabah from ʿAbdullāh ibn Yazīd, the milk-sibling of ʿĀ'ishah, the Mother of the Believers, from ʿĀ'ishah, from the Prophet, peace and blessings be upon him, who said: "There is no deceased person over whom a group of Muslims, numbering one hundred, all interceding for him, performs the funeral prayer, except that their intercession is accepted."[49]

٦٠٢ - مَسْأَلَةٌ وَنَسْتَحِبُّ أَنْ يُصَلِّيَ عَلَى الْمَيِّتِ مِائَةٌ مِنْ الْمُسْلِمِينَ فَصَاعِدًا؟ لِمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: نا الْحَسَنُ بْنُ عِيسَى نا ابْنُ الْمُبَارَكِ أَنَا سَلَّامُ بْنُ أَبِي مُطِيعٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي قِلَابَةَ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ رَضِيعِ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «مَا مِنْ مَيِّتٍ يُصَلِّي عَلَيْهِ أُمَّةٌ مِنْ الْمُسْلِمِينَ يَبْلُغُونَ مِائَةً كُلُّهُمْ يَشْفَعُونَ لَهُ: إلَّا شُفِّعُوا فِيهِ» .

He said: I narrated it to Shu'ayb ibn al-Habhab, and he said: Anas ibn Malik related it to me from the Prophet, peace and blessings of Allah be upon him.

قَالَ: فَحَدَّثْت بِهِ شُعَيْبَ بْنَ الْحَبْحَابِ فَقَالَ: حَدَّثَنِي بِهِ أَنَسُ بْنُ مَالِكٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

Abū Muḥammad said, "The narration which states, 'Forty people perform the funeral prayer over him,' was narrated by Shurayk ibn ʿAbd Allāh ibn Abī Namir, and he is weak?"

قَالَ أَبُو مُحَمَّدٍ: الْخَبَرُ الَّذِي فِيهِ «يُصَلِّي عَلَيْهِ أَرْبَعُونَ» رَوَاهُ شُرَيْكُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي نَمِرٍ، وَهُوَ ضَعِيفٌ؟

Abu Muhammad said: Intercession occurs after the punishment, except that it serves to mitigate that which Allah the Exalted has decreed. Were it not for intercession, He would not have mitigated [the punishment]. The intercession of the Messenger of Allah—may Allah bless him and grant him peace—which

قَالَ أَبُو مُحَمَّدٍ: الشَّفِيعُ يَكُونُ بَعْدَ الْعِقَابِ، إلَّا أَنَّهُ مُخَفِّفٌ مَا قَدْ قَضَى اللَّهُ تَعَالَى أَنَّهُ لَوْلَا الشَّفَاعَةُ لَمْ يُخَفِّفْ، وَشَفَاعَةُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّتِي هِيَ أَكْبَرُ

[49] **Hadith references (L9456):** Sahih Muslim 947; Riyad as-Salihin 932.

is the greatest of intercessions, occurs both before entering Hellfire and after entering it, as the narrations have come. We seek refuge with Allah from Hellfire.

The Ruling on Placing the Deceased in Mosques and Performing the Funeral Prayer over Them

Issue 603: Bringing deceased persons into mosques and offering the Funeral Prayer for them is wholly commendable. The best place for the Funeral Prayer to be performed for the deceased is inside mosques.

This is the view of al-Shāfiʿī and Abū Sulaymān. Did Mālik not hold this opinion? The proof supporting the validity of our position is what we have transmitted through Muslim ibn al-Ḥajjāj's chain: Muḥammad ibn Ḥātim informed us, Bahz – who is Ibn Asad – informed us, Wuhaib – who is Ibn Khālid – informed us, Mūsā ibn ʿUqbah reported from ʿAbd al-Wāḥid – who is Ibn Ḥamzah – from ʿAbbād ibn ʿAbd Allāh ibn al-Zubayr from ʿĀ'ishah, the Mother of the Believers, that when Saʿd ibn Abī Waqqāṣ died, the wives of the Prophet – peace and blessings be upon him – sent word that his funeral procession be passed through the mosque so they could pray over him. This was done, and his body was paused by their chambers while they prayed over him. Then it was taken out through the funeral door near the benches. They later learned that people had criticized this, saying: "Were funerals ever brought into the mosque?" ʿĀ'ishah responded: "How quick people are to criticize what they know nothing about! They fault us for passing a funeral through the mosque, yet did not the Messenger of Allāh – peace and blessings be upon him – pray over Suhayl ibn Bayḍā' except within the mosque itself?"

And through the chain of Muslim: Muḥammad ibn Rāfiʿ narrated to us, Ibn Abī Fudayk narrated to us, al-Ḍaḥḥāk ibn ʿUthmān narrated to us, from Abū al-Naḍr—client of ʿUmar ibn ʿUbayd Allāh—from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, from ʿĀ'ishah, Mother of the Believers, who said: "By Allah, the Messenger of Allah—peace and blessings be upon him—certainly prayed over the two sons of al-Bayḍā'—Suhayl and his brother—in the mosque."

الشَّفَاعَاتِ تَكُونُ قَبْلَ دُخُولِ النَّارِ وَبَعْدَ دُخُولِ النَّارِ كَمَا جَاءَتْ - الْآثَارُ، نَعُوذُ بِاللَّهِ مِنْ النَّارِ

[مَسْأَلَةُ إدْخَالُ الْمَوْتَى فِي الْمَسَاجِدِ وَالصَّلَاةُ عَلَيْهِمْ]

٦٠٣ - مَسْأَلَةٌ وَإِدْخَالُ الْمَوْتَى فِي الْمَسَاجِدِ وَالصَّلَاةُ عَلَيْهِمْ حَسَنٌ كُلُّهُ، وَأَفْضَلُ مَكَانٍ صُلِّيَ فِيهِ عَلَى الْمَوْتَى فِي دَاخِلِ الْمَسَاجِدِ.

وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَلَمْ يَرَ ذَلِكَ مَالِكٌ؟ بُرْهَانُ صِحَّةِ قَوْلِنَا -: مَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ: نا مُحَمَّدُ بْنُ حَاتِمٍ نا بَهْزٌ هُوَ ابْنُ أَسَدٍ - نا وُهَيْبٌ هُوَ ابْنُ خَالِدٍ - نَا مُوسَى بْنُ عُقْبَةَ عَنْ عَبْدِ الْوَاحِدِ هُوَ ابْنُ حَمْزَةَ - عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهُ «لَمَّا تُوُفِّيَ سَعْدُ بْنُ أَبِي وَقَّاصٍ أَرْسَلَ أَزْوَاجُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَمُرُّوا بِجِنَازَتِهِ فِي الْمَسْجِدِ فَيُصَلِّينَ عَلَيْهِ، فَفَعَلُوا، فَوُقِفَ بِهِ عَلَى حُجَرِهِنَّ يُصَلِّينَ عَلَيْهِ ثُمَّ أُخْرِجَ بِهِ مِنْ بَابِ الْجَنَائِزِ الَّذِي كَانَ عَلَى الْمَقَاعِدِ فَبَلَغَهُنَّ أَنَّ النَّاسَ عَابُوا ذَلِكَ، وَقَالُوا: مَا كَانَتْ الْجَنَائِزُ يُدْخَلُ بِهَا الْمَسْجِدَ؟ فَقَالَتْ عَائِشَةُ: مَا أَسْرَعَ النَّاسَ إلَى أَنْ يَعِيبُوا مَا لَا عِلْمَ لَهُمْ بِهِ؟ عَابُوا عَلَيْنَا أَنْ يُمَرَّ بِالْجَنَازَةِ فِي الْمَسْجِدِ، وَمَا صَلَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى سُهَيْلِ بْنِ بَيْضَاءَ إلَّا فِي جَوْفِ الْمَسْجِدِ» ؟

وَمِنْ طَرِيقِ مُسْلِمٍ: نا مُحَمَّدُ بْنُ رَافِعٍ نا ابْنُ أَبِي فُدَيْكٍ أَنَا الضَّحَّاكُ بْنُ عُثْمَانَ عَنْ أَبِي النَّضْرِ مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَا عَائِشَةُ أُمُّ الْمُؤْمِنِينَ قَالَتْ: «وَاَللَّهِ لَقَدْ صَلَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى ابْنَيْ بَيْضَاءَ - سُهَيْلٍ، وَأَخِيهِ - فِي الْمَسْجِدِ» .

L9465–9467 And through the chain of Abd al-Razzaq from Ma’mar and Sufyan al-Thawri, both of whom narrate from Hisham ibn Urwah. From his father: That he saw people leaving the mosque to perform the funeral prayer, so he said: What are these people doing? The funeral prayer for Abu Bakr al-Siddiq was not performed except in the mosque.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ، وَسُفْيَانَ الثَّوْرِيِّ، كِلَاهُمَا عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ: أَنَّهُ رَأَى النَّاسَ يَخْرُجُونَ مِنْ الْمَسْجِدِ لِيُصَلُّوا عَلَى جِنَازَةٍ، فَقَالَ: مَا يَصْنَعُ هَؤُلَاءِ؟ مَا صُلِّيَ عَلَى أَبِي بَكْرٍ الصِّدِّيقِ إلَّا فِي الْمَسْجِدِ

L9468 And through the chain of Ibn Abī Shaybah: Al-Faḍl ibn Dukayn narrated to us from Mālik ibn Anas from Nāfiʿ from Ibn ʿUmar: that ʿUmar was prayed over in the mosque. These are asānīd of the utmost authenticity. As for the actions of the Messenger of Allah—peace and blessings of Allah be upon him—his wives, and his Companions, is there any authentic report from a single Companion that fundamentally contradicts this?

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نَا الْفَضْلُ بْنُ دُكَيْنٍ عَنْ مَالِكِ بْنِ أَنَسٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّ عُمَرَ صُلِّيَ عَلَيْهِ فِي الْمَسْجِدِ فَهَذِهِ أَسَانِيدُ فِي غَايَةِ الصِّحَّةِ، وَفِعْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَزْوَاجِهِ وَأَصْحَابِهِ، لَا يَصِحُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ خِلَافُ هَذَا أَصْلًا؟

L9469 Ali said: “The most virtuous of the Ummah witnessed the funeral prayer and did not disapprove of it. So where is the one who finds fault with the practice of the people of Medina?” Those who emulated Malik in this matter cited as evidence what we reported through Ibn Abi Shaybah’s chain: Hafs ibn Ghiyath narrated from Ibn Abi Dhi’b from the client of al-Taw’ama, from Abu Hurairah, who said: The Messenger of Allah (peace be upon him) stated, “Whoever prays over a deceased person in the mosque, his prayer is invalid.”

قَالَ عَلِيٌّ: وَقَدْ شَهِدَ الصَّلَاةَ عَلَيْهَا خِيَارُ الْأُمَّةِ، فَلَمْ يُنْكِرُوا ذَلِكَ، فَأَيْنَ الْمُشَنِّعُ بِعَمَلِ أَهْلِ الْمَدِينَةِ -؟ : وَاحْتَجَّ مَنْ قَلَّدَ مَالِكًا فِي ذَلِكَ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نَا حَفْصُ بْنُ غِيَاثٍ عَنْ ابْنِ أَبِي ذِئْبٍ عَنْ مَوْلَى التَّوْأَمَةِ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ صَلَّى عَلَى جِنَازَةٍ فِي الْمَسْجِدِ فَلَا صَلَاةَ لَهُ» .

L9470 He said: When the space became too constricted for them, the Companions of the Messenger of Allah—peace and blessings of Allah be upon him—would return without praying. Via the chain of transmission of Waki‘ from Ibn Abi Dhi’b from Sa‘id ibn Ayman from Kathir ibn ‘Abbas, who said: “Will I not certainly know that I did not pray over a funeral in the mosque?” Some of them said: “The deceased is a corpse—should corpses not be kept away from mosques?” We know of no justification they have used for this except that, and all of it amounts to nothing.

قَالَ: وَكَانَ أَصْحَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذَا تَضَايَقَ بِهِمْ الْمَكَانُ رَجَعُوا وَلَمْ يُصَلُّوا؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ ابْنِ أَبِي ذِئْبٍ عَنْ سَعِيدِ بْنِ أَيْمَنَ عَنْ كَثِيرِ بْنِ عَبَّاسٍ قَالَ: لَأَعْرِفَنَّ مَا صَلَّيْت عَلَى جِنَازَةٍ فِي الْمَسْجِدِ؟ وَقَالَ بَعْضُهُمْ: الْمَيِّتُ جِيفَةٌ، وَيَنْبَغِي تَجْنِيبُ الْجِيَفِ الْمَسَاجِدَ؟ مَا نَعْلَمُ لَهُ شَيْئًا مَوَّهُوا بِهِ غَيْرَ هَذَا، وَهُوَ كُلُّهُ لَا شَيْءَ

L9471 As for the report concerning the Prophet—may Allah bless him and grant him peace—and his Companions, did anyone narrate it except Ṣāliḥ, the freed slave of al-Taw’amah—and is he rejected?

أَمَّا الْخَبَرُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَصْحَابِهِ فَلَمْ يَرْوِهِ أَحَدٌ إلَّا صَالِحٌ مَوْلَى التَّوْأَمَةِ، وَهُوَ سَاقِطٌ؟

L9472–9474 Among the wonders of the world is the Malikis’ blind imitation of Malik in their religion. When his authoritative testimony - which cannot lawfully be

rejected due to his reliability - comes forth, they discard it and pay no heed. What contradictions! We have narrated this through the transmission chain of Muslim ibn al-Hajjaj, who said: "He informed us..." Abu Ja'far al-Darimi, who is Ahmad ibn Sa'id ibn Sakhr, narrated to us through Bishr ibn 'Umar—identified as al-Zahrani—who said: "I asked Malik ibn Anas about Salih, the client of al-Taw'ama. He replied: 'He is not trustworthy.'"

L9475 They accused Malik of falsely discrediting Ṣāliḥ and argued using Ṣāliḥ's narration to reject the established Sunnahs and the consensus of the Companions. As for those who denied Sa'd's entry into the mosque, the report only demonstrates their ignorance - that they rejected what they had no knowledge of. Thus, it is confirmed they were undoubtedly either ignorant common people or similarly ignorant Bedouins.

L9476 The companionship of Kathīr ibn ʿAbbās is not valid. As for the statement of those who say, "The deceased is a carcass," their claim is rejected. Rather, should one persist in this assertion without contradicting himself, he may apostatize, for this would necessarily apply to the prophets (peace be upon them).

L9477 It has been authentically reported from the Prophet (peace be upon him) that he said: "A believer is not ritually impure." Thus, the claim of this ignorant one is nullified.

L9478 It is established that the believer is pure and wholesome, alive and dead. And all praise is due to Allah, Lord of the worlds.

L9479 **A juristic matter: A burial garment is spread inside the grave beneath the deceased's body.**

L9480 604 – Question. Is there any harm in spreading a cloth beneath the deceased in the grave? This is supported by what has been narrated to us via the chain of narrators in *Sahih Muslim*: Muhammad ibn al-Muthanna narrated to us from Yahya ibn Sa'id al-Qattan, who narrated from Shu'bah, who narrated from Abu Jamrah, on the authority of Ibn Abbas, who said: "A red velvet

وَمِنْ عَجَائِبِ الدُّنْيَا تَقْلِيدُ الْمَالِكِيِّينَ مَالِكًا دِينَهُمْ، فَإِذَا جَاءَتْ شَهَادَتُهُ الَّتِي لَا يَحِلُّ رَدُّهَا - لِثِقَتِهِ - اطَّرَحُوهَا وَلَمْ يَلْتَفِتُوا إِلَيْهَا فَوَاخِلَافَاهُ رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ قَالَ: نا أَبُو جَعْفَرٍ الدَّارِمِيُّ هُوَ أَحْمَدُ بْنُ سَعِيدِ بْنِ صَخْرٍ - نا بِشْرُ بْنُ عُمَرَ هُوَ الزَّهْرَانِيُّ قَالَ: سَأَلْتُ مَالِكَ بْنَ أَنَسٍ عَنْ صَالِحٍ مَوْلَى التَّوْأَمَةِ؟ فَقَالَ: لَيْسَ بِثِقَةٍ.

فَكَذَّبُوا مَالِكًا فِي تَجْرِيحِهِ صَالِحًا وَاحْتَجُّوا بِرِوَايَةِ صَالِحٍ فِي رَدِّ السُّنَنِ الثَّابِتَةِ وَإِجْمَاعِ الصَّحَابَةِ؟ وَأَمَّا الْمُنْكِرُونَ إِدْخَالَ سَعْدٍ فِي الْمَسْجِدِ فَلَيْسَ فِي الْخَبَرِ إِلَّا تَجْهِيلُهُمْ، وَأَنَّهُمْ أَنْكَرُوا مَا لَا عِلْمَ لَهُمْ بِهِ، فَصَحَّ أَنَّهُمْ عَامَّةٌ جُهَّالٌ أَوْ أَعْرَابٌ كَذَلِكَ بِلَا شَكٍّ

وَلَا يَصِحُّ لِكَثِيرِ بْنِ عَبَّاسٍ صُحْبَةٌ؟ وَأَمَّا قَوْلُ مَنْ قَالَ: الْمَيِّتُ جِيفَةٌ، فَقَوْلٌ مَرْغُوبٌ عَنْهُ، بَلْ لَعَلَّهُ إِنْ تَمَادَى عَلَيْهِ وَلَمْ يَتَنَاقَضْ خَرَجَ إِلَى الْكُفْرِ، لِأَنَّهُ يَلْزَمُهُ ذَلِكَ فِي الْأَنْبِيَاءِ - عَلَيْهِمُ السَّلَامُ -.

وَقَدْ صَحَّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «الْمُؤْمِنُ لَا يَنْجُسُ» فَبَطَلَ قَوْلُ هَذَا الْجَاهِلِ.

وَصَحَّ أَنَّ الْمُؤْمِنَ: طَاهِرٌ طَيِّبٌ حَيًّا وَمَيِّتًا - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

[مَسْأَلَةٌ يُبْسَط فِي الْقَبْرِ تَحْتَ الْمَيِّتِ ثَوْبٌ]

٦٠٤ - مَسْأَلَةٌ - وَلَا بَأْسَ بِأَنْ يُبْسَطَ فِي الْقَبْرِ تَحْتَ الْمَيِّتِ ثَوْبٌ؟ لِمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: نا مُحَمَّدُ بْنُ الْمُثَنَّى نا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ نا شُعْبَةُ نا أَبُو جَمْرَةَ عَنِ ابْنِ عَبَّاسٍ قَالَ: «بُسِطَ فِي قَبْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَطِيفَةٌ حَمْرَاءُ» .

cloth was spread in the grave of the Messenger of Allah, peace and blessings be upon him."

L9481 And likewise, it was also narrated by Waki', Muḥammad ibn Ja'far, and Yazīd ibn Zuray'—all of them transmitting from Shu'bah through his chain of narration.

وَرَوَاهُ أَيْضًا كَذَلِكَ وَكِيعٌ، وَمُحَمَّدُ بْنُ جَعْفَرٍ، وَيَزِيدُ بْنُ زُرَيْعٍ، كُلُّهُمْ عَنْ شُعْبَةَ بِإِسْنَادِهِ؟

L9482 And this is among the category of garments the deceased is clothed in for burial. Allah the Exalted omitted this practice in the burial of His infallible Messenger from among people.

وَهَذَا مِنْ جُمْلَةِ مَا يُكْسَاهُ الْمَيِّتُ فِي كَفَنِهِ، وَقَدْ تَرَكَ اللَّهُ تَعَالَى هَذَا الْعَمَلَ فِي دَفْنِ رَسُولِهِ الْمَعْصُومِ مِنْ النَّاسِ.

L9483 He did not prevent it, and the select among the people of the earth at that time did it by their consensus, with none of them rejecting it.

وَلَمْ يَمْنَعْ مِنْهُ، وَفَعَلَهُ خِيرَةُ أَهْلِ الْأَرْضِ فِي ذَلِكَ الْوَقْتِ بِإِجْمَاعٍ مِنْهُمْ، لَمْ يُنْكِرْهُ أَحَدٌ مِنْهُمْ.

L9484–9485 The Malikis did not intend that, though they abandon the practice of the people of Medina in matters less than this, they have abandoned their practice here, and in praying over the deceased in the mosque. In the hadith of Sakhr: that it is their practice, and "Sufficient for us is Allah, and what an excellent Trustee!"

وَلَمْ يُرِدْ ذَلِكَ الْمَالِكِيُّونَ، وَهُمْ يَدَعُونَ فِي أَقَلِّ مِنْ هَذَا عَمَلَ أَهْلِ الْمَدِينَةِ وَقَدْ تَرَكُوا عَمَلَهُمْ هُنَا، وَفِي الصَّلَاةِ عَلَى الْمَيِّتِ فِي الْمَسْجِدِ، وَفِي حَدِيثِ صَخْرٍ: أَنَّهُ عَمَلُهُمْ وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ

An Issue of Participating in the Funeral Procession

[مَسْأَلَةُ تَشْيِيعِ الْجِنَازَةِ]

L9486

L9487 605 - Issue: The ruling concerning accompanying the funeral procession is that riders should be behind it, while those walking may be wherever they wish—to its right, left, front, or back. The most preferable position according to us is behind it. The proof for this is what we previously narrated in the chapter on praying over a child from the statement of Allah's Messenger—peace and blessings be upon him: "The rider should be behind the bier, and those walking may be wherever they wish around it."

٦٠٥ - مَسْأَلَةٌ وَحُكْمُ تَشْيِيعِ الْجِنَازَةِ أَنْ يَكُونَ الرُّكْبَانُ خَلْفَهَا، وَأَنْ يَكُونَ الْمَاشِي حَيْثُ شَاءَ، عَنْ يَمِينِهَا أَوْ شِمَالِهَا أَوْ أَمَامِهَا أَوْ خَلْفِهَا، وَأَحَبُّ ذَلِكَ إلَيْنَا خَلْفُهَا؟ بُرْهَانُ ذَلِكَ -: مَا رُوِّينَا آنِفًا فِي بَابِ الصَّلَاةِ عَلَى الطِّفْلِ مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الرَّاكِبُ خَلْفَ الْجِنَازَةِ، وَالْمَاشِي حَيْثُ شَاءَ مِنْهَا» .

L9488 And what we have narrated through the chain of Al-Bukhārī: Abū al-Walīd - who is Al-Ṭayālisī - narrated to us, from Shu'bah, from Al-Ash'ath ibn Abī al-Sha'thā', who said: I heard Mu'āwiyah ibn Suwayd ibn Muqarrin on the authority of Al-Barā' ibn 'Āzib, who said: "The Messenger of Allah (peace and blessings of Allah be upon him) commanded us to follow funeral processions."

وَمَا رُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ: نا أَبُو الْوَلِيدِ هُوَ الطَّيَالِسِيُّ - نا شُعْبَةُ عَنْ الْأَشْعَثِ بْنِ أَبِي الشَّعْثَاءِ قَالَ: سَمِعْت مُعَاوِيَةَ بْنَ سُوَيْدِ بْنِ مُقَرِّنٍ عَنْ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: «أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِاتِّبَاعِ الْجَنَائِزِ» .

L9489 Abu Muhammad said: The term “following” applies exclusively to the one coming after, and the predecessor cannot be called a follower; rather, he is the followed. Had it not been for the narration we previously mentioned and the narration transmitted through Ahmad ibn Shu’ayb’s chain—wherein Muhammad ibn Abdullah ibn Yazid al-Muqri states: “My father narrated to us, from Hammam ibn Yahya, who narrated from Sufyan, Mansur, and Ziyad”—each of whom mentioned that he heard al-Zuhri narrate that Salim ibn Abdullah ibn Umar informed him that his father reported: “He saw the Prophet—peace and blessings be upon him—Abu Bakr, Umar, and Uthman walking ahead of the funeral procession,” it would have been obligatory to walk behind it as a binding duty permitting no alternative, based on the command to follow it. However, these two narrations demonstrate that walking behind it is recommended.[50]

قَالَ أَبُو مُحَمَّد: فَلَفْظُ الِاتِّبَاعِ لَا يَقَعُ إِلَّا عَلَى التَّالِي، وَلَا يُسَمَّى الْمُتَقَدِّمُ تَابِعًا، بَلْ هُوَ مَتْبُوعٌ، فَلَوْلَا الْخَبَرُ الَّذِي ذَكَرْنَا آنِفًا، وَالْخَبَرُ الَّذِي رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْمُقْرِي نا أَبِي نا هَمَّامٌ هُوَ ابْنُ يَحْيَى - نا سُفْيَانُ وَمَنْصُورٌ وَزِيَادٌ كُلُّهُمْ ذَكَرَ أَنَّهُ سَمِعَ الزُّهْرِيَّ يُحَدِّثُ أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ أَخْبَرَهُ أَنَّ أَبَاهُ أَخْبَرَهُ «أَنَّهُ رَأَى النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَبَا بَكْرٍ، وَعُمَرَ، وَعُثْمَانَ يَمْشُونَ بَيْنَ يَدَيْ الْجِنَازَةِ» : لَوَجَبَ أَنْ يَكُونَ الْمَشْيُ خَلْفَهَا فَرْضًا لَا يُجْزِي غَيْرُهُ، لِلْأَمْرِ الْوَارِدِ بِاتِّبَاعِهَا، وَلَكِنْ هَذَانِ الْخَبَرَانِ بَيَّنَّا أَنَّ الْمَشْيَ خَلْفَهَا نَدْبٌ.

L9490 It is not permissible to assert decisively on any aspect of this through abrogation, as the validity of all such matters remains possible.

وَلَا يَجُوزُ أَنْ يُقْطَعَ فِي شَيْءٍ مِنْ هَذَا بِنَسْخٍ، لِأَنَّ اسْتِعْمَالَ كُلِّ ذَلِكَ مُمْكِنٌ.

L9491–9492 The statement of the majority of hadith scholars has not escaped us—that this report of Hammām is erroneous. However, we do not disregard claims of error in the narration of a trustworthy narrator except with indubitable evidence. We have narrated via Ibn Abī Shaybah’s chain: Jarīr ibn ʿAbd al-Ḥamīd reported from Suhayl ibn Abī Ṣāliḥ, from his father, who said: “Were the Companions of the Messenger of Allah (peace be upon him) walking in front of the funeral procession?”

وَلَمْ يَخْفَ عَلَيْنَا قَوْلُ جُمْهُورِ أَصْحَابِ الْحَدِيثِ: أَنَّ خَبَرَ هَمَّامٍ هَذَا خَطَأٌ، وَلَكِنَّا لَا نَلْتَفِتُ إلَى دَعْوَى الْخَطَأِ فِي رِوَايَةِ الثِّقَةِ إلَّا بِبَيَانٍ لَا يُشَكُّ فِيهِ؟ وَقَدْ رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ نا جَرِيرُ بْنُ عَبْدِ الْحُمَيْدِ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ قَالَ: كَانَ أَصْحَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْشُونَ أَمَامَ الْجِنَازَةِ؟

L9493 And indeed, narrations have come indicating the obligation of walking behind her; none of them is authentic, for they include Abū Mājid al-Ḥanafī, al-Muṭarriḥ, and ʿUbayd Allāh ibn Zuḥar, all of whom are weak narrators.

وَقَدْ جَاءَتْ آثَارٌ فِيهَا إيجَابُ الْمَشْيِ خَلْفَهَا، لَا يَصِحُّ شَيْءٌ مِنْهَا، لِأَنَّ فِيهَا أَبَا مَاجِدٍ الْحَنَفِيَّ، وَالْمُطَرِّحَ وَعُبَيْدَ اللَّهِ بْنَ زُحْرٍ وَكُلُّهُمْ ضُعَفَاءُ.

L9494 In the Ṣaḥīḥ we cited there is sufficiency, and concerning all of that, the Salaf said.

وَفِي الصَّحِيحِ الَّذِي أَوْرَدْنَا كِفَايَةٌ، وَبِكُلِّ ذَلِكَ قَالَ السَّلَفُ.

L9495 It has been narrated to us through the chain of ʻAbd al-Razzāq from Sufyān al-Thawrī from ʻUrwah ibn al-Ḥārith from Zā’idah ibn Aws al-Kindī from Saʻīd ibn ʻAbd al-Raḥmān ibn Abzā from his father, who said: I was with

رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عُرْوَةَ بْنِ الْحَارِثِ عَنْ زَائِدَةَ بْنِ أَوْسٍ الْكِنْدِيِّ عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى عَنْ أَبِيهِ قَالَ: كُنْت مَعَ عَلِيٍّ

[50] **Hadith references (L9489):** Sunan an-Nasai 1945.

‘Alī ibn Abī Ṭālib at a funeral, and ‘Alī was holding my hand while we were behind the bier, while Abū Bakr and ‘Umar were in front of it. ‘Alī said: “The merit of walking behind it over walking before it is like the merit of congregational prayer over solitary prayer. They are as aware of this as I am, but they both make matters easier for the people.”

L9496 This is also stated by Sufyān and Abū Ḥanīfa.

L9497 From the transmission of Abd al-Razzaq, from Abu Ja’far al-Razi, from Humaid al-Tawil, who said: I heard Anas ibn Malik when he was asked about walking ahead of the funeral procession. He replied: “Are you not an escort? Then walk if you wish in front of it, if you wish behind it, if you wish to its right, or if you wish to its left?”

L9498 And from the chain of Abd al-Razzaq, from Ibn Jurayj: I asked Ataa, “Is walking behind the funeral procession more virtuous or in front of it?” He replied, “I do not know.”

L9499–9501 Abu Muhammad said: Malik said, “Walking ahead is more virtuous,” and his companions cited the action of Abu Bakr as proof. Someone had reported about them [Umar and Ali] something contrary to that, so they considered Malik’s conjecture more truthful than Ali’s report.

بْنِ أَبِي طَالِبٍ فِي جِنَازَةٍ، وَعَلِيٌّ آخِذٌ بِيَدِي، وَنَحْنُ خَلْفَهَا، وَأَبُو بَكْرٍ وَعُمَرُ أَمَامَهَا، فَقَالَ عَلِيٌّ: إِنَّ فَضْلَ الْمَاشِي خَلْفَهَا عَلَى الَّذِي يَمْشِي أَمَامَهَا كَفَضْلِ صَلَاةِ الْجَمَاعَةِ عَلَى صَلَاةِ الْفَذِّ، وَإِنَّهُمَا لَيَعْلَمَانِ مِنْ ذَلِكَ مَا أَعْلَمُ، وَلَكِنَّهُمَا يُسَهِّلَانِ عَلَى النَّاسِ

وَبِهَذَا يَقُولُ سُفْيَانُ، وَأَبُو حَنِيفَةَ.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ أَبِي جَعْفَرٍ الرَّازِيِّ عَنْ حُمَيْدٍ الطَّوِيلِ قَالَ: سَمِعْت أَنَسَ بْنَ مَالِكٍ وَقَدْ سُئِلَ عَنْ الْمَشْيِ أَمَامَ الْجَنَازَةِ فَقَالَ: إنَّمَا أَنْتَ مُشَيِّعٌ، فَامْشِ إنْ شِئْت أَمَامَهَا، وَإِنْ شِئْت خَلْفَهَا، وَإِنْ شِئْت عَنْ يَمِينِهَا وَإِنْ شِئْت عَنْ يَسَارِهَا؟

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قُلْت لِعَطَاءٍ: الْمَشْيُ وَرَاءَ الْجِنَازَةِ خَيْرٌ أَمْ أَمَامَهَا؟ قَالَ: لَا أَدْرِي.

قَالَ أَبُو مُحَمَّدٍ: قَالَ مَالِكٌ: الْمَشْيُ أَمَامُ أَفْضَلُ، وَاحْتَجَّ أَصْحَابُهُ بِفِعْلِ أَبِي بَكْرٍ، وَعُمَرَ -: وَعَلِيٌّ، قَدْ أَخْبَرَ عَنْهُمَا بِغَيْرِ ذَلِكَ، فَجَعَلُوا ظَنَّ مَالِكٍ أَصْدَقَ مِنْ خَبَرِ عَلِيٍّ

[مَسْأَلَةُ الْمَيِّتِ بَلَعَ دِرْهَمًا أَوْ دِينَارًا أَوْ لُؤْلُؤَةً]

٦٠٦ - مَسْأَلَةٌ وَمَنْ بَلَعَ دِرْهَمًا أَوْ دِينَارًا أَوْ لُؤْلُؤَةً: شُقَّ بَطْنُهُ عَنْهَا، لِصِحَّةِ نَهْيِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ إضَاعَةِ الْمَالِ.

وَلَا يَجُوزُ أَنْ يُجْبَرَ صَاحِبُ الْمَالِ عَلَى أَخْذِ غَيْرِ عَيْنِ مَالِهِ، مَا دَامَ عَيْنُ مَالِهِ مُمْكِنًا، لِأَنَّ كُلَّ ذِي حَقٍّ أَوْلَى بِحَقِّهِ، وَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

فَلَوْ بَلَعَهُ وَهُوَ حَيٌّ حُبِسَ حَتَّى يَرْمِيَهُ، فَإِنْ رَمَاهُ نَاقِصًا ضَمِنَ مَا نَقَصَ، فَإِنْ لَمْ يَرْمِهِ: ضَمِنَ مَا بَلَعَ؟ وَلَا يَجُوزُ شَقُّ بَطْنِ الْحَيِّ، لِأَنَّ فِيهِ قَتْلَهُ، وَلَا ضَرَرَ فِي ذَلِكَ عَلَى الْمَيِّتِ - وَلَا يَحِلُّ شَقُّ بَطْنِ الْمَيِّتِ بِلَا مَعْنًى، لِأَنَّهُ تَعَدٍّ، وَقَدْ قَالَ تَعَالَى: {وَلا تَعْتَدُوا} [البقرة: ١٩٠] .

فَإِنْ قِيلَ: قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «كَسْرُ عَظْمِ الْمَيِّتِ كَكَسْرِهِ حَيًّا» .

قُلْنَا: نَعَمْ، وَلَمْ نَكْسِرْ لَهُ عَظْمًا، وَالْقِيَاسُ بَاطِلٌ، وَمِنْ الْمُحَالِ أَنْ يُرِيدَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - النَّهْيَ عَنْ غَيْرِ كَسْرِ الْعَظْمِ فَلَا يَذْكُرُ ذَلِكَ وَيَذْكُرُ كَسْرَ الْعَظْمِ، وَلَوْ أَنَّ امْرَأً شَهِدَ عَلَى مَنْ شَقَّ بَطْنَ آخَرَ بِأَنَّهُ كَسَرَ عَظْمَهُ لَكَانَ شَاهِدَ زُورٍ، وَهُمْ أَوَّلُ مُخَالِفٍ لِهَذَا الِاحْتِجَاجِ، وَلِهَذَا الْقِيَاسِ، فَلَا يَرَوْنَ الْقَوَدَ، وَلَا الْأَرْشَ: عَلَى كَاسِرِ عَظْمِ الْمَيِّتِ؟ بِخِلَافِ قَوْلِهِمْ فِي عَظْمِ الْحَيِّ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

A jurisprudential matter: The deceased swallowed a dirham, a dinar, or a pearl.

Issue 606: If someone swallows a dirham, a dinar, or a pearl, their stomach is to be cut open to remove the object(s), owing to the validity of the prohibition by the Messenger of Allah—peace and blessings be upon him—against squandering wealth.

It is not permissible for the owner of wealth to be compelled to accept anything other than his physical asset, as long as the physical asset is feasible to retain, for every right-holder is more entitled to their right. The Messenger of Allah - peace and blessings be upon him - said: "Verily, your blood and your wealth are inviolable to you."

If he swallows it while alive, he must be detained until he expels it. If he expels it incompletely, he is liable for the missing amount. If he fails to expel it, is he liable for what he swallowed? It is impermissible to cut open the abdomen of a living person, as this would kill them, and this does not harm the deceased. It is impermissible to cut open the abdomen of a deceased person without a valid purpose, for this constitutes transgression. Allah, the Most High, said: "And do not transgress" [Al-Baqarah 2:190].[1]

If it is said: It has been authentically reported from the Messenger of Allah—peace be upon him—that "breaking the bone of a deceased person is like breaking it when he was alive."

We said: Yes, and we did not break any bone of his. The analogy is invalid, for it is inconceivable that the Messenger of Allah—peace and blessings of Allah be upon him—would prohibit actions besides bone-breaking yet not mention that while explicitly mentioning bone-breaking. If a man were to testify against someone who slit another's abdomen by claiming he broke his bone, he would be a false witness. They are the foremost in opposing this argument and analogy, for they reject both retribution and blood-money for one who breaks the bone of a deceased person—contrary to their ruling

[1] **Qur'an references (L9505):** Qur'an 2:190 (Al-Baqarah).

regarding the bone of a living being. Success is by Allah's guidance, the Exalted.

L9508 **An issue: A pregnant woman died, and the child was alive and moving, having exceeded six months of gestation.**

L9509–9511 607 – Issue: If a pregnant woman dies while the child is alive and moving, having passed six months, her abdomen is to be split lengthwise to extract the child, based on the statement of Allah, the Exalted, "Whoever revives it, it is as though he has revived all of mankind" [Al-Mā'idah 5:32]. And whoever intentionally abandons a dependent, thereby causing their death, is considered a murderer.[2]

L9512 There is no validity to the statement of Aḥmad—may Allah have mercy on him—that "the midwife inserts her hand to extract him," for two reasons: First, it is impossible and cannot occur, for if that were done, the fetus would certainly die before being delivered. Were it not for the natural pushing intrinsic to his created and endowed nature—granted to him—and he is pulled to exit, he would undoubtedly perish without doubt.

L9513 The second is that touching her private parts without a valid excuse is prohibited.

L9514 **The Issue of Yearning for Death**

L9515 608 - Issue: It is not permissible for anyone to wish for death due to an affliction that has befallen him. We were narrated through the chain of Ahmad ibn Shu'ayb: I am Qutaybah ibn Sa'īd, I narrate from Yazīd ibn Zurai', from Ḥumayd, from Anas ibn Mālik, that the Prophet—peace be upon him—said: "Let none of you wish for death due to an affliction that has befallen him in this worldly life. Rather, let him say: O Allah, grant me life as long as life is good for me, and cause me to die when death is good for me."[3]

L9516 We have also narrated it through authentic chains of transmission via Abu

[2]**Qur'an references (L9509):** Qur'an 5:32 (Al-Ma'idah).
[3]**Hadith references (L9515):** Sahih al-Bukhari 5671.

[مَسْأَلَةٌ مَاتَتْ حَامِلٌ وَالْوَلَدُ حَيٌّ يَتَحَرَّكُ قَدْ تَجَاوَزَ سِتَّةَ أَشْهُرٍ]

٦٠٧ - مَسْأَلَةٌ وَلَوْ مَاتَتْ امْرَأَةٌ حَامِلٌ وَالْوَلَدُ حَيٌّ يَتَحَرَّكُ قَدْ تَجَاوَزَ سِتَّةَ أَشْهُرٍ فَإِنَّهُ يُشَقُّ بَطْنُهَا طُولًا وَيُخْرَجُ الْوَلَدُ، لِقَوْلِ اللَّهِ تَعَالَى: {وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا} [المائدة: ٣٢] وَمَنْ تَرَكَهُ عَمْدًا حَتَّى يَمُوتَ فَهُوَ قَاتِلُ نَفْسٍ.

وَلَا مَعْنَى لِقَوْلِ أَحْمَدَ - رَحِمَهُ اللَّهُ -: تُدْخِلُ الْقَابِلَةُ يَدَهَا فَتُخْرِجُهُ، لِوَجْهَيْنِ -: أَحَدُهُمَا - أَنَّهُ مُحَالٌ لَا يُمْكِنُ، وَلَوْ فُعِلَ ذَلِكَ لَمَاتَ الْجَنِينُ بِيَقِينٍ قَبْلَ أَنْ يَخْرُجَ، وَلَوْلَا دَفْعُ الطَّبِيعَةِ الْمَخْلُوقَةِ الْمَقْدُورَةِ لَهُ وَجُرَّ لِيَخْرُجَ لَهَلَكَ بِلَا شَكٍّ.

وَالثَّانِي - أَنَّ مَسَّ فَرْجِهَا لِغَيْرِ ضَرُورَةٍ حَرَامٌ.

[مَسْأَلَةٌ تَمَنِّي الْمَوْتِ]

٦٠٨ - مَسْأَلَةٌ وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَتَمَنَّى الْمَوْتَ لِضُرٍّ نَزَلَ بِهِ رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا قُتَيْبَةُ بْنُ سَعِيدٍ أَنَا يَزِيدُ بْنُ زُرَيْعٍ عَنْ حُمَيْدٍ عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا يَتَمَنَّيَنَّ أَحَدُكُمْ الْمَوْتَ لِضُرٍّ نَزَلَ بِهِ فِي الدُّنْيَا لَكِنْ لِيَقُلْ: اللَّهُمَّ أَحْيِنِي مَا كَانَتْ الْحَيَاةُ خَيْرًا لِي وَتَوَفَّنِي إذَا كَانَتْ الْوَفَاةُ خَيْرًا لِي» .

وَرُوِّينَاهُ أَيْضًا بِأَسَانِيدَ صِحَاحٍ مِنْ طَرِيقِ أَبِي هُرَيْرَةَ، وَخَبَّابٍ؟ فَإِنْ ذَكَرُوا قَوْلَ اللَّهِ تَعَالَى عَنْ يُوسُفَ - عَلَيْهِ السَّلَامُ -: {تَوَفَّنِي مُسْلِمًا وَأَلْحِقْنِي بِالصَّالِحِينَ} [يوسف: ١٠١] فَلَيْسَ

Hurairah and Khabbab. If they mention Allah's statement, the Exalted, concerning Yusuf—peace be upon him—"Take me in death as a Muslim and join me with the righteous" [Yusuf: 101], this is not an instance of hastening death, which is prohibited, but rather a supplication that when He takes him in death, Allah does so only as a Muslim. This is the apparent meaning of the verse, with no addition to it.[4]

هَذَا عَلَى اسْتِعْجَالِ الْمَوْتِ الْمَنْهِيِّ عَنْهُ، لَكِنْ عَلَى الدُّعَاءِ بِأَنْ لَا يَتَوَفَّاهُ اللَّهُ تَعَالَى إِذَا تَوَفَّاهُ إِلَّا مُسْلِمًا، وَهَذَا ظَاهِرُ الْآيَةِ الَّذِي لَا تَزَيُّدَ فِيهِ

The issue of carrying the bier.

[مَسْأَلَةُ حَمْلُ النَّعْشِ]

L9517

L9518 609 – Question: The bier is carried according to the carrier's preference. Is it to be carried by one of its legs or between the two poles? This is the opinion of Mālik, al-Shāfiʿī, and Abū Sulaymān.

٦٠٩ - مَسْأَلَةٌ وَيُحْمَلُ النَّعْشُ كَمَا يَشَاءُ الْحَامِلُ، إِنْ شَاءَ مِنْ أَحَدِ قَوَائِمِهِ، وَإِنْ شَاءَ بَيْنَ الْعَمُودَيْنِ؟ وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ.

L9519 Abu Hanifah said: It is carried by its four legs.

وَقَالَ أَبُو حَنِيفَةَ: يَحْمِلُهُ مِنْ قَوَائِمِهِ الْأَرْبَعِ.

L9520 He cited as evidence the narration reported to us via Ibn Abi Shaybah's chain: Hushaym narrated to us from Yaʿla ibn ʿAṭāʾ from ʿAli al-Azdi, who said: "I saw Ibn ʿUmar at a funeral; he carried the four sides of the bier, then stepped aside."

وَاحْتَجَّ بِمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نا هُشَيْمٌ عَنْ يَعْلَى بْنِ عَطَاءٍ عَنْ عَلِيٍّ الْأَزْدِيِّ قَالَ: رَأَيْت ابْنَ عُمَرَ فِي جِنَازَةٍ فَحَمَلَ بِجَوَانِبِ السَّرِيرِ الْأَرْبَعِ، ثُمَّ تَنَحَّى؟ ؟

L9521–9522 And from the chain of Ibn Abī Shaybah: Ḥumayd narrated to us from Mundal from Jaʿfar ibn Abī al-Mughīrah from Saʿīd ibn Jubayr from Ibn ʿAbbās, who said: "If you are able, begin with the bedpost adjacent to his right hand, then walk around the bed; otherwise, remain near it?"

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نَا حُمَيْدٍ عَنْ مِنْدَلٍ عَنْ جَعْفَرِ بْنِ أَبِي الْمُغِيرَةِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: إنْ اسْتَطَعْت فَابْدَأْ بِالْقَائِمَةِ الَّتِي تَلِي يَدَهُ الْيُمْنَى، ثُمَّ أَطِفْ بِالسَّرِيرِ، وَإِلَّا فَكُنْ قَرِيبًا مِنْهَا؟

L9523 From the narration of Sa'īd ibn Manṣūr, from 'Ubayd ibn Nisṭās, from Abī 'Ubaydah—who is the son of 'Abdullāh ibn Mas'ūd—who said: 'Abdullāh—meaning his father—said: Whoever accompanies a funeral procession should hold all sides of the bier, for this is from the Sunnah. Then afterward, he may perform a voluntary prayer if he wishes, or he may refrain from doing so.

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ عَنْ عُبَيْدِ بْنِ نِسْطَاسَ عَنْ أَبِي عُبَيْدَةَ هُوَ ابْنُ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ - قَالَ: قَالَ عَبْدُ اللَّهِ - يَعْنِي أَبَاهُ -: مَنْ تَبِعَ جِنَازَةً فَلْيَحْمِلْ بِجَوَانِبِ السَّرِيرِ كُلِّهَا، فَإِنَّهُ مِنْ السُّنَّةِ ثُمَّ يَتَطَوَّعُ بَعْدُ إِنْ شَاءَ أَوْ لِيَدَعْ.

L9524 And via the chain of Saʿīd ibn Manṣūr: Ḥabbān ibn ʿAlī narrated to us: Ḥamzah al-Zayyāt narrated to me from some of his companions: ʿAbdullāh

[4] **Qur'an references (L9516):** Qur'an 12:101 (Yusuf).

ibn Masʿūd would begin by placing the right parts of the bier on his right shoulder, starting from the front, then the right foot, then the left foot, then the left hand.

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نا حِبَّانُ بْنُ عَلِيٍّ حَدَّثَنِي حَمْزَةُ الزَّيَّاتُ عَنْ بَعْضِ أَصْحَابِهِ: كَانَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ يَبْدَأُ بِمَيَامِنِ السَّرِيرِ عَلَى عَاتِقِهِ الْيُمْنَى مِنْ مُقَدَّمِهِ، ثُمَّ الرِّجْلِ الْيُمْنَى، ثُمَّ الرِّجْلِ الْيُسْرَى، ثُمَّ الْيَدِ الْيُسْرَى؟

L9525 From the chain of Ibn Abi Shaybah, from Yahya ibn Sa'id—he is Al-Qattan—from Thawr, from 'Amir ibn Jushayb and others among the people of al-Sham (the Levant), who said: Abu Darda said, "To complete the reward for the funeral rites is that the deceased's family accompanies it, that it be carried by its four corners, and that soil be cast into the grave."

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ هُوَ الْقَطَّانُ - عَنْ ثَوْرٍ عَنْ عَامِرِ بْنِ جُشَيْبٍ وَغَيْرِهِ مِنْ أَهْلِ الشَّامِ قَالُوا: قَالَ أَبُو الدَّرْدَاءِ مِنْ تَمَامِ أَجْرِ الْجِنَازَةِ أَنْ يُشَيِّعَهَا مِنْ أَهْلِهَا، وَأَنْ يَحْمِلَهَا بِأَرْكَانِهَا الْأَرْبَعِ، وَأَنْ يَحْثُوا فِي الْقَبْرِ؟

L9526 And it has also been reported to us from al-Ḥasan. They said: Ibn Masʿūd and Abū al-Dardā' said, "Indeed, this is from the Sunnah. And is this [statement] made except based on *tawqīf*?"

وَرُوِّينَا أَيْضًا ذَلِكَ عَنْ الْحَسَنِ. قَالُوا: فَقَالَ ابْنُ مَسْعُودٍ، وَأَبُو الدَّرْدَاءِ: إنَّهُ مِنْ السُّنَّةِ، وَلَا يُقَالُ: هَذَا إلَّا عَنْ تَوْقِيفٍ؟

L9527 Abu Muhammad said: As for this statement, it is invalid, for among the marvels of the world is that they attribute a saying not authentically established from Ibn Mas'ud and Abu al-Darda', yet feel no shame in decisively lying against the Messenger of Allah (peace be upon him) in similar fashion. Then they do not turn to Ibn Abbas' well-established statement regarding the recitation of the Mother of the Quran in funeral prayer - that it is Sunnah.

قَالَ أَبُو مُحَمَّد: أَمَّا هَذَا الْقَوْلُ فَفَاسِدٌ، لِأَنَّ مِنْ عَجَائِبِ الدُّنْيَا أَنْ يَأْتُوا إلَى قَوْلٍ لَمْ يَصِحَّ عَنْ ابْنِ مَسْعُودٍ، وَأَبِي الدَّرْدَاءِ، فَلَا يَسْتَحْيُونَ مِنْ الْقَطْعِ بِالْكَذِبِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمِثْلِهِ، ثُمَّ لَا يَلْتَفِتُونَ إلَى قَوْلِ ابْنِ عَبَّاسٍ الثَّابِتِ عَنْهُ فِي قِرَاءَةِ أُمِّ الْقُرْآنِ فِي صَلَاةِ الْجِنَازَةِ إنَّهَا السُّنَّةُ.

L9528–9530 It has been authentically reported from the Prophet—may Allah's peace and blessings be upon him—that he confirmed Ibn Abbas's statement through his own words—peace be upon him—when he said: "Do not..." There is no prayer for one who does not recite the Mother of the Quran, and it is not permissible for anyone to attribute a statement to the Messenger of Allah, peace and blessings be upon him, by mere conjecture, thereby taking his seat in the Fire.

وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَصْدِيقُ قَوْلِ ابْنِ عَبَّاسٍ هَذَا، بِقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «لَا صَلَاةَ لِمَنْ لَمْ يَقْرَأْ بِأُمِّ الْقُرْآنِ» وَلَا يَحِلُّ لِأَحَدٍ أَنْ يُضِيفَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَوْلًا بِالظَّنِّ فَيَتَبَوَّأَ مَقْعَدَهُ مِنْ النَّارِ.

L9531 None of these narrations are valid except those from Ibn Umar.

وَكُلُّ هَذِهِ الرِّوَايَاتِ لَا يَصِحُّ مِنْهَا شَيْءٌ إلَّا عَنْ ابْنِ عُمَرَ

L9532 As for the narration of Ibn Abbas, it is transmitted from Mindal, and he is weak.

وَأَمَّا رِوَايَةُ ابْنِ عَبَّاسٍ فَعَنْ مِنْدَلٍ وَهُوَ ضَعِيفٌ؟

L9533 As for the two narrations of Ibn Masʿūd, they are disconnected; because Abū ʿUbaydah does not mention anything from his father, and ʿĀmir ibn Jushayb is obscure. Is it not authentically established from Ibn ʿUmar and others that they opposed this?

وَأَمَّا خَبَرَا ابْنِ مَسْعُودٍ فَمُنْقَطِعَانِ، لِأَنَّ أَبَا عُبَيْدَةَ لَا يَذْكُرُ مِنْ أَبِيهِ شَيْئًا، وَعَامِرُ بْنُ جُشَيْبٍ غَيْرُ مَشْهُورٍ وَقَدْ صَحَّ عَنْ ابْنِ عُمَرَ، وَغَيْرِهِ: خِلَافُ هَذَا؟

L9534 It was narrated to us through the chain of Saʿīd ibn Manṣūr: from Abū ʿAwāna, from Abī Bishr, from Yūsuf ibn Māhik, who said: "I went out with the funeral procession of ʿAbd al-Raḥmān ibn Abī Bakr. I saw Ibn ʿUmar come and stand between the two legs at the front of the bier, placing the bier on his shoulder. When it was set down for the funeral prayer to be held, he let go of it."

كَمَا رُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نَا أَبُو عَوَانَةَ عَنْ أَبِي بِشْرٍ عَنْ يُوسُفَ بْنِ مَاهِكَ قَالَ: خَرَجْت مَعَ جِنَازَةِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ فَرَأَيْت ابْنَ عُمَرَ جَاءَ فَقَامَ بَيْنَ الرِّجْلَيْنِ فِي مُقَدَّمِ السَّرِيرِ، فَوَضَعَ السَّرِيرَ عَلَى كَاهِلِهِ، فَلَمَّا وُضِعَ لِيُصَلَّى عَلَيْهِ خَلَّى عَنْهُ.

L9535 Reported by Ibn Abi Shaybah from Waki' from 'Abbad ibn Mansur from Abi al-Mihzam from Abu Hurayrah, who said: "Whoever carries the funeral bier on three occasions has fulfilled his obligation."

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ عَبَّادِ بْنِ مَنْصُورٍ عَنْ أَبِي الْمِهْزَمِ عَنْ أَبِي هُرَيْرَةَ قَالَ: مَنْ حَمَلَ الْجِنَازَةَ ثَلَاثًا فَقَدْ قَضَى مَا عَلَيْهِ.

L9536–9538 Since there is no definitive text from the Messenger of Allah (may Allah bless him and grant him peace) regarding how it is carried, there is no choice in the matter, and in any case... The bearer carries it, and it suffices him.

فَإِذْ لَيْسَ فِي حَمْلِهَا نَصٌّ ثَابِتٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَا اخْتِيَارَ فِي ذَلِكَ. وَكَيْفَمَا حَمَلَهَا الْحَامِلُ أَجْزَأَهُ.

L9539 The Juridical Issue of the Funeral Prayer in Absentia

[مَسْأَلَةُ صَلَاةِ الْغَائِبِ]

L9540 610 – Issue: The funeral prayer is performed for an absent deceased person, led by an imam and attended by a congregation.

٦١٠ - مَسْأَلَةٌ وَيُصَلَّى عَلَى الْمَيِّتِ الْغَائِبِ بِإِمَامٍ وَجَمَاعَةٍ.

L9541 "The Messenger of Allah—may Allah bless him and grant him peace—indeed performed the funeral prayer for the Negus—may Allah be pleased with him—who died in the land of Abyssinia, and his Companions prayed with him over him in rows." Is this not their consensus, which cannot be transgressed?

قَدْ «صَلَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى النَّجَاشِيِّ - رَضِيَ اللَّهُ عَنْهُ - وَمَاتَ بِأَرْضِ الْحَبَشَةِ - وَصَلَّى مَعَهُ أَصْحَابُهُ عَلَيْهِ صُفُوفًا» ، وَهَذَا إجْمَاعٌ مِنْهُمْ لَا يَجُوزُ تَعَدِّيهِ؟

L9542 The ruling: The funeral prayer should be performed for every Muslim, whether righteous or sinful.

[مَسْأَلَةٌ يُصَلَّى عَلَى كُلِّ مُسْلِمٍ بَرٍّ أَوْ فَاجِرٍ]

L9543 611 - Issue: Funeral prayers should be offered for every Muslim—whether righteous or sinful, those killed in legal punishment, banditry, or rebellion. The Imam and others should pray over them, even if the deceased was the

worst person on earth, if he died as a Muslim. This is based on the general application of the Prophet's command—peace and blessings be upon him—"Pray over your companion," for a Muslim is our companion. Allah the Exalted says, *"Indeed, the believers are brothers"* (Al-Hujurat 49:10).[5]

٦١١ - مَسْأَلَةٌ وَيُصَلَّى عَلَى كُلِّ مُسْلِمٍ، بَرٍّ، أَوْ فَاجِرٍ، مَقْتُولٍ فِي حَدٍّ، أَوْ فِي حِرَابَةٍ، أَوْ فِي بَغْيٍ، وَيُصَلِّي عَلَيْهِمْ الْإِمَامُ، وَغَيْرُهُ - وَلَوْ أَنَّهُ شَرُّ مَنْ عَلَى ظَهْرِ الْأَرْضِ، إذَا مَاتَ مُسْلِمًا لِعُمُومِ أَمْرِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِقَوْلِهِ «صَلُّوا عَلَى صَاحِبِكُمْ» وَالْمُسْلِمُ صَاحِبٌ لَنَا. قَالَ تَعَالَى: {إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ} [الحجرات: ١٠] .

L9544 And He, the Exalted, has said: "Believing men and women are allies to one another [Surah At-Tawbah 9:71]."[6]

وَقَالَ تَعَالَى: {وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ} [التوبة: ٧١] .

L9545 Whoever forbids offering prayer over a Muslim has indeed uttered a grave statement - is the transgressor not in greater need of the supplication of his believing brothers than the virtuous one who has been granted mercy?

فَمَنْ مَنَعَ مِنْ الصَّلَاةِ عَلَى مُسْلِمٍ فَقَدْ قَالَ قَوْلًا عَظِيمًا، وَإِنَّ الْفَاسِقَ لَأَحْوَجُ إلَى دُعَاءِ إخْوَانِهِ الْمُؤْمِنِينَ مِنْ الْفَاضِلِ الْمَرْحُومِ؟

L9546–9548 Some opponents said: "Did the Messenger of Allah—peace and blessings be upon him—not pray over 'Ma'iz'?" We responded: "Yes, but we did not say it is obligatory upon the Imam to pray over one who has been stoned. Rather, we said: He may pray over him like the rest of the deceased, and he may leave him, as with the rest of the deceased, and there is no distinction. Indeed, he—peace be upon him—commanded them to pray over the deceased and did not distinguish between those he had stoned and those he had not stoned." It has been narrated to us via the chain of Ahmad ibn Shu'ayb: "'Ubaydullāh ibn Sa'īd narrated to us: Yahyā—that is, Ibn Sa'īd al-Qaṭṭān—from Yahyā ibn Sa'īd al-Anṣārī, from Muḥammad ibn Yaḥyā ibn Ḥibbān, from Abī 'Amrah, from Zayd ibn Khālid al-Juhanī, who said: 'A man died in Khaybar. The Messenger of Allah—peace and blessings be upon him—said: 'Pray'". Concerning your companion, he has indeed embezzled war spoils in the cause of Allah. He said, "We searched his belongings and found beads of the Jews, not equal to two silver dirhams."

وَقَالَ بَعْضُ الْمُخَالِفِينَ: إنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُصَلِّ عَلَى " مَاعِزٍ "؟ قُلْنَا: نَعَمْ، وَلَمْ نَقُلْ إنَّ فَرْضًا عَلَى الْإِمَامِ أَنْ يُصَلِّيَ عَلَى مَنْ رُجِمَ، إنَّمَا قُلْنَا: لَهُ أَنْ يُصَلِّيَ عَلَيْهِ كَسَائِرِ الْمَوْتَى، وَلَهُ أَنْ يَتْرُكَ كَسَائِرِ الْمَوْتَى، وَلَا فَرْقَ - وَقَدْ أَمَرَهُمْ - عَلَيْهِ السَّلَامُ - بِالصَّلَاةِ عَلَيْهِ، وَلَمْ يَخُصَّ بِذَلِكَ مَنْ لَمْ يَرْجُمْهُ مِمَّنْ رَجَمَهُ وَقَدْ رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا عُبَيْدُ اللَّهِ بْنُ سَعِيدٍ نا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حِبَّانَ عَنْ أَبِي عَمْرَةَ عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ، قَالَ «مَاتَ رَجُلٌ بِخَيْبَرَ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: صَلُّوا عَلَى صَاحِبِكُمْ، إنَّهُ قَدْ غَلَّ فِي سَبِيلِ اللَّهِ، قَالَ: فَفَتَّشْنَا مَتَاعَهُ، فَوَجَدْنَا خَرَزًا مِنْ خَرَزِ يَهُودَ، لَا يُسَاوِي دِرْهَمَيْنِ» .

L9549 Abū Muḥammad said: These Ḥanafī and Mālikī scholars—who oppose us in this matter—do not consider the Prophet's refusal (peace be upon him)

قَالَ أَبُو مُحَمَّدٍ: وَهَؤُلَاءِ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ - الْمُخَالِفُونَ لَنَا فِي هَذَا الْمَكَانِ - لَا يَرَوْنَ امْتِنَاعَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ الصَّلَاةِ عَلَى الْغَالِّ حُجَّةً فِي الْمَنْعِ مِنْ أَنْ يُصَلِّيَ

[5] **Qur'an references (L9543):** Qur'an 49:10 (Al-Hujurat).
[6] **Qur'an references (L9544):** Qur'an 9:71 (At-Tawbah).

to pray over the one who stole from war booty as evidence prohibiting an imam from praying over such a thief. How then does his refusal (peace be upon him) to pray over Māʿiz become binding evidence for them that an imam may not pray over the stoned offender? Both instances are mere refusals! This is truly perplexing, especially when authentic reports confirm that Allah's Messenger (peace be upon him) did pray over a stoned person—as conveyed through the chain of Aḥmad ibn Shuʿayb: Ismāʿīl ibn Masʿūd narrated to us from Khālid ibn al-Ḥārith, from Hishām al-Dastuwā'ī, from Yaḥyā ibn Abī Kathīr, from Abū Qilābah, from Abū al-Muhallab, from ʿImrān ibn al-Ḥuṣayn: "A woman from Juhaynah, who was pregnant, came to Allah's Messenger (peace be upon him) and confessed to adultery. He entrusted her to her guardian, instructing: 'Treat her kindly. Bring her to me after she delivers.' When she gave birth, he ordered her garments to be secured around her, then she was stoned. He prayed over her, prompting ʿUmar to ask: 'You pray for her though she committed adultery?' He replied: 'She repented with such sincerity that if divided among seventy inhabitants of Medina, it would suffice them all. What greater act could she have performed than to surrender her life?'"

L9550 He (peace be upon him) prayed over someone who had been stoned. If it is argued, "But she [the stoned woman] repented!" we respond, "Maʿiz ibn Mālik also repented, and there is no distinction [between their cases]."

L9551 It is utterly astonishing that they prevent the Imam from praying over the one he ordered to be stoned, yet do not prevent those who carried out the stoning from praying over him. Where then is analogy, if they understood what analogy is?

L9552–9553 It has been narrated to us from Ali ibn Abi Talib that when he stoned Shurahah al-Hamdaniyyah, he said to her guardians: "Treat her as you treat your deceased?" It is authentically established from Atā' that the funeral prayer is offered for the child of adultery, his mother, the two parties involved in mutual oath-swearing [liʿān], the one against whom qisas is enforced, the stoned person, and the one who flees battle and is killed. Atā' said: "I do not withhold prayer from anyone who says 'There is no deity but Allah.'" Allah the Exalted said: {After it became clear to them that they are companions of

الْإِمَامُ عَلَى الْغَالِّ، فَمِنْ أَيْنَ وَجَبَ عِنْدَهُمْ أَنْ يَكُونَ تَرْكُهُ - عَلَيْهِ السَّلَامُ - أَنْ يُصَلِّيَ عَلَى " مَاعِزٍ " حُجَّةً فِي الْمَنْعِ مِنْ أَنْ يُصَلِّيَ عَلَى الْمَرْجُومِ الْإِمَامُ؟ وَكِلَاهُمَا تَرْكٌ وَتَرْكٌ إِنَّ هَذَا لَعَجَبٌ فَكَيْفَ وَقَدْ صَحَّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَلَّى عَلَى مَنْ رُجِمَ؟ -: كَمَا رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ: أَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ نا خَالِدُ هُوَ ابْنُ الْحَارِثِ - نا هِشَامٌ هُوَ الدَّسْتُوَائِيُّ - عَنْ يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ - عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْمُهَلَّبِ عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ «أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ أَتَتْ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: إِنِّي زَنَيْتُ - وَهِيَ حُبْلَى - فَدَفَعَهَا إِلَى وَلِيِّهَا، وَقَالَ لَهُ: أَحْسِنْ إِلَيْهَا، فَإِذَا وَضَعَتْ فَأْتِنِي بِهَا، فَأَمَرَ بِهَا فَشُكَّتْ عَلَيْهَا ثِيَابُهَا، ثُمَّ رَجَمَهَا، ثُمَّ صَلَّى عَلَيْهَا، فَقَالَ لَهُ عُمَرُ: تُصَلِّي عَلَيْهَا وَقَدْ زَنَتْ؟ قَالَ: لَقَدْ تَابَتْ تَوْبَةً لَوْ قُسِّمَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوَسِعَتْهُمْ، وَهَلْ وَجَدَتْ أَفْضَلَ مِنْ أَنْ جَادَتْ بِنَفْسِهَا» .

فَقَدْ صَلَّى - عَلَيْهِ السَّلَامُ - عَلَى مَنْ رُجِمَ فَإِنْ قِيلَ: تَابَتْ؟ قُلْنَا: وَ " مَاعِزٌ " تَابَ أَيْضًا وَلَا فَرْقَ

وَالْعَجَبُ كُلُّهُ مِنْ مَنْعِهِمْ الْإِمَامَ مِنْ الصَّلَاةِ عَلَى مَنْ أَمَرَ بِرَجْمِهِ، وَلَا يَمْنَعُونَ الْمُتَوَلِّينَ لِلرَّجْمِ مِنْ الصَّلَاةِ عَلَيْهِ: فَأَيْنَ الْقِيَاسُ لَوْ دَرَوْا مَا الْقِيَاسُ؟

وَرُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّهُ إذْ رَجَمَ شُرَاحَةَ الْهَمْدَانِيَّةَ قَالَ لِأَوْلِيَائِهَا: اصْنَعُوا بِهَا كَمَا تَصْنَعُونَ بِمَوْتَاكُمْ؟ وَصَحَّ عَنْ عَطَاءٍ أَنَّهُ يُصَلَّى عَلَى وَلَدِ الزِّنَى، وَعَلَى أُمِّهِ، وَعَلَى الْمُتَلَاعِنَيْنِ، وَعَلَى الَّذِي يُقَادُ مِنْهُ، وَعَلَى الْمَرْجُومِ، وَالَّذِي يَفِرُّ مِنْ الزَّحْفِ فَيُقْتَلُ. قَالَ عَطَاءٌ: لَا أَدَعُ الصَّلَاةَ عَلَى مَنْ قَالَ لَا إلَهَ إلَّا اللَّهُ. قَالَ تَعَالَى: {مِنْ بَعْدِ مَا تَبَيَّنَ لَهُمْ

the Blazing Fire} [At-Tawbah 9:113]. Atā' said: "Who could know these are among the companions of the Blazing Fire?" Ibn Jurayj said: "I asked Amr ibn Dinar, and he responded with the same statement as Atā'."[7]

أَنَّهُمْ أَصْحَابُ الْجَحِيمِ} [التوبة: ١١٣] قَالَ عَطَاءٌ: فَمَنْ يَعْلَمُ أَنَّ هَؤُلَاءِ مِنْ أَصْحَابِ الْجَحِيمِ؟ قَالَ ابْنُ جُرَيْجٍ: فَسَأَلْت عَمْرَو بْنَ دِينَارٍ فَقَالَ: مِثْلَ قَوْلِ عَطَاءٍ

L9554 It has been authentically reported from Ibrāhīm al-Nakhaʿī that he said: They did not deny the funeral prayer to any of the people of the Qiblah, and the funeral prayer is performed for one who commits suicide. He also said: It is Sunnah to perform the funeral prayer for one who has been stoned.

وَصَحَّ عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ: لَمْ يَكُونُوا يَحْجُبُونَ الصَّلَاةَ عَنْ أَحَدٍ مِنْ أَهْلِ الْقِبْلَةِ، وَالَّذِي قَتَلَ نَفْسَهُ يُصَلَّى عَلَيْهِ. وَأَنَّهُ قَالَ: السُّنَّةُ أَنْ يُصَلَّى عَلَى الْمَرْجُومِ.

L9555 Then why single out an individual to the exclusion of others? It is authentically reported from Qatadah: "Pray for whoever says: There is no god but Allah, but if he is a deeply wicked man, then say: O Allah, forgive the Muslim men, Muslim women, believing men, and believing women." I do not know of any people of knowledge who abstained from praying for those who said: There is no god but Allah?

فَلِمَ يَخُصُّ إمَامًا مِنْ غَيْرِهِ؟ وَصَحَّ عَنْ قَتَادَةَ: صَلِّ عَلَى مَنْ قَالَ: لَا إلَهَ إلَّا اللَّهُ، فَإِنْ كَانَ رَجُلَ سَوْءٍ جِدًّا فَقُلْ: اللَّهُمَّ اغْفِرْ لِلْمُسْلِمِينَ، وَالْمُسْلِمَاتِ، وَالْمُؤْمِنِينَ، وَالْمُؤْمِنَاتِ - مَا أَعْلَمُ أَحَدًا مِنْ أَهْلِ الْعِلْمِ اجْتَنَبَ الصَّلَاةَ عَلَى مَنْ قَالَ: لَا إلَهَ إلَّا اللَّهُ؟

L9556 It has been authentically reported from Ibn Sīrīn: I never met anyone who deemed it sinful to refrain from praying for a member of the people of the Qiblah.

وَصَحَّ عَنْ ابْنِ سِيرِينَ: مَا أَدْرَكْت أَحَدًا يَتَأَثَّمُ مِنْ الصَّلَاةِ عَلَى أَحَدٍ مِنْ أَهْلِ الْقِبْلَةِ.

L9557 It has been authentically reported from Al-Ḥasan that he said: "The prayer should be offered for whoever says, 'There is no deity but Allah' and performs [daily] prayer facing the Qiblah. It is merely an intercession?"

وَصَحَّ عَنْ الْحَسَنِ أَنَّهُ قَالَ: يُصَلَّى عَلَى مَنْ قَالَ لَا إلَهَ إلَّا اللَّهُ وَصَلَّى إلَى الْقِبْلَةِ، إنَّمَا هِيَ شَفَاعَةٌ؟

L9558 From the chain of Wakīʿ via Abū Hilāl via Abū Ghālib: I asked Abū Umāmah al-Bāhilī: "Should the funeral prayer be offered for a man who drinks wine?" He replied: "Yes—perhaps he had once lain on his bed and declared 'There is no god but Allah,' so he was forgiven?"

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ أَبِي هِلَالٍ عَنْ أَبِي غَالِبٍ قُلْت لِأَبِي أُمَامَةَ الْبَاهِلِيِّ: الرَّجُلُ يَشْرَبُ الْخَمْرَ، أَيُصَلَّى عَلَيْهِ؟ قَالَ: نَعَمْ، لَعَلَّهُ اضْطَجَعَ مَرَّةً عَلَى فِرَاشِهِ فَقَالَ: لَا إلَهَ إلَّا اللَّهُ، فَغُفِرَ لَهُ؟

L9559 On the authority of Ibn Masʿūd: He was asked about a man who killed himself—should prayer be performed upon him?

وَعَنْ ابْنِ مَسْعُودٍ: أَنَّهُ سُئِلَ عَنْ رَجُلٍ قَتَلَ نَفْسَهُ: أَيُصَلَّى عَلَيْهِ؟

L9560–9561 He said: Had he used reason, he would not have killed himself.

فَقَالَ: لَوْ كَانَ يَعْقِلُ مَا قَتَلَ نَفْسَهُ

L9562 It has been authentically reported from al-Sha'bi that he said regarding a man who committed suicide: "Has there died among you since such-and-

وَصَحَّ عَنْ الشَّعْبِيِّ: أَنَّهُ قَالَ فِي رَجُلٍ قَتَلَ نَفْسَهُ: مَا مَاتَ فِيكُمْ مُذْ كَذَا وَكَذَا أَحْوَجُ إلَى اسْتِغْفَارِكُمْ مِنْهُ؟ وَقَدْ رُوِّينَا فِي هَذَا خِلَافًا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ أَبِي مَعْشَرٍ

[7] **Qur'an references (L9553):** Qur'an 9:113 (At-Tawbah).

such a time anyone more in need of your forgiveness than him?" A differing opinion has been narrated to us through the chain of Abd al-Razzaq from Abu Ma'shar from Muhammad ibn Ka'b from Maymun ibn Mihran, who witnessed Ibn Umar praying over an illegitimate child. It was said to him: "Abu Hurairah did not pray over him and said: 'He is the worst of the three.'" Ibn Umar responded: "He is the best of the three."

عَنْ مُحَمَّدِ بْنِ كَعْبٍ عَنْ مَيْمُونِ بْنِ مِهْرَانَ، أَنَّهُ شَهِدَ ابْنَ عُمَرَ صَلَّى عَلَى وَلَدِ زِنًى، فَقِيلَ لَهُ: إِنَّ أَبَا هُرَيْرَةَ لَمْ يُصَلِّ عَلَيْهِ، وَقَالَ: هُوَ شَرُّ الثَّلَاثَةِ؟ فَقَالَ ابْنُ عُمَرَ: هُوَ خَيْرُ الثَّلَاثَةِ

L9563 It has been narrated to us through the chain of Waki' from al-Fuḍayl ibn Ghazwān from Nāfi' from Ibn 'Umar that he would not perform the funeral prayer over a child born of illicit sexual intercourse, whether young or old.

وَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ الْفُضَيْلِ بْنِ غَزْوَانَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ لَا يُصَلِّي عَلَى وَلَدِ زِنًى، صَغِيرٍ وَلَا كَبِيرٍ

L9564 Via the chain of Abd al-Razzaq, from Ma'mar, from al-Zuhri, who said to him: "The funeral prayer is not performed for one executed by stoning (rajm), but it is performed for one subjected to retaliation (qisas), except for one from whom retaliation is exacted as part of stoning." Al-Zuhri did not differentiate between a ruling authority and others in this ruling.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ أَنَّهُ قَالَ لَهُ: لَا يُصَلَّى عَلَى الْمَرْجُومِ، وَيُصَلَّى عَلَى الَّذِي يُقَادُ مِنْهُ، إلَّا مَنْ أُقِيدَ مِنْهُ فِي رَجْمٍ - فَلَمْ يَخُصَّ الزُّهْرِيُّ إمَامًا مِنْ غَيْرِهِ

L9565 As for praying over those who commit sins, we do not know of any early predecessor—whether a Companion or a Follower—who prohibited this.

وَأَمَّا الصَّلَاةُ عَلَى أَهْلِ الْمَعَاصِي فَمَا نَعْلَمُ لِمَنْ مَنَعَ مِنْ ذَلِكَ سَلَفًا مِنْ صَاحِبٍ، أَوْ تَابِعٍ فِي هَذَا الْقَوْلِ؟

L9566 Our statement is the statement of Sufyan, Ibn Abi Layla, Abu Hanifa, Al-Shafi'i, and Abu Sulayman. Abu Muhammad said: Allah the Exalted has instilled in us such hope for pardon and Paradise that we say, "We have attained salvation!"

وَقَوْلُنَا هَذَا هُوَ قَوْلُ سُفْيَانَ، وَابْنِ أَبِي لَيْلَى، وَأَبِي حَنِيفَةَ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ؟ قَالَ أَبُو مُحَمَّدٍ: لَقَدْ رَجَّانَا اللَّهُ تَعَالَى فِي الْعَفْوِ وَالْجَنَّةِ حَتَّى نَقُولَ قَدْ فُزْنَا.

L9567 Certainly, He, the Almighty, has instilled such fear in us that we say, "We are surely ruined," except that we are certain no Muslim will remain eternally in the Fire—even if he has never done any good other than bearing witness to the Shahada with his heart and tongue, nor has he ever refrained from any evil except disbelief. It may be that one with this description repented before his death, thereby surpassing even the mujtahidun, or perhaps he has good deeds we are unaware of that overwhelm his sins.

وَلَقَدْ خَوَّفَنَا عَزَّ وَجَلَّ حَتَّى نَقُولَ: قَدْ هَلَكْنَا، إلَّا أَنَّنَا عَلَى يَقِينٍ مِنْ أَنْ لَا خُلُودَ عَلَى مُسْلِمٍ فِي النَّارِ - وَإِنْ لَمْ يَفْعَلْ خَيْرًا قَطُّ غَيْرَ شَهَادَةِ الْإِسْلَامِ بِقَلْبِهِ وَلِسَانِهِ، وَلَا امْتَنَعَ مِنْ شَرٍّ قَطُّ غَيْرَ الْكُفْرِ، وَلَعَلَّهُ قَدْ تَابَ مَنْ هَذِهِ صِفَتُهُ قَبْلَ مَوْتِهِ، فَسَبَقَ الْمُجْتَهِدِينَ، أَوْ لَعَلَّ لَهُ حَسَنَاتٍ لَا نَعْلَمُهَا تَغْمُرُ سَيِّئَاتِهِ

L9568 Whoever prays for someone of whom this is their attribute, or for an oppressor of the Muslims who is actively oppressing them, or for someone against whom he has unresolved rights that he does not wish to forgive - let

him supplicate for him as he supplicates for others, intending for him the forgiveness and mercy that follow after just retribution (qisas), and let him say: "O Allah, secure my right from him."

The Jurisprudential Matter of Visiting Muslim Patients

L9569

L9570–9572 Issue 612: Visiting sick Muslims is an obligation - even once - upon the neighbor who does not... Visiting him is a hardship upon him, and we do not exclude any illness—it has been narrated to us via the transmission path of al-Bukhārī: Muḥammad ibn Yaḥyā al-Dhuhlī narrated to us; ʿAmr ibn Abī Salamah narrated to us from al-Awzāʿī, who informed me through Ibn Shihāb, who informed me that Saʿīd ibn al-Musayyab reported: Abū Hurayrah said, "I heard the Messenger of Allah—peace and blessings be upon him—say: 'The Muslim has five rights over another Muslim: returning the greeting of peace, visiting the sick, accompanying funeral processions, accepting invitations, and responding to the sneezer with 'May Allah have mercy on you.'"'[8]

L9573 And from the chain of Abī Dāwūd: Narrated by ʿAbdullāh ibn Muḥammad al-Nufaylī, from Ḥajjāj ibn Muḥammad, from Yūnus ibn Abī Isḥāq, from his father, from Zayd ibn Arqam, who said: "The Messenger of Allāh—peace and blessings be upon him—visited me because of an eye pain I had."[9]

L9574 "And indeed, the Messenger of Allah—May Allah bless him and grant him peace—visited his uncle Abu Talib."

L9575 From the narration of Abū Dāwūd: Sulaymān ibn Ḥarb reported to us, Ḥammād—(i.e., Ibn Salamah)—reported to us from Thābit al-Bunānī from Anas: "A Jewish boy fell ill, so the Prophet—peace and blessings of Allah be upon him—came to visit him. He sat down near his head and said: 'Embrace

[8] **Hadith references (L9570):** Sahih al-Bukhari 1240; Mishkat al-Masabih 1524; Riyad as-Salihin 895.

[9] **Hadith references (L9573):** Sunan Abi Dawud 3102.

فَمَنْ صَلَّى عَلَى مَنْ هَذِهِ صِفَتُهُ، أَوْ عَلَى ظَالِمٍ لِلْمُسْلِمِينَ مُتَبَلِّغٍ فِيهِمْ، أَوْ عَلَى مَنْ لَهُ قِبَلَهُ مَظَالِمُ لَا يُرِيدُ أَنْ يَغْفِرَهَا لَهُ -: فَلْيَدْعُ لَهُ كَمَا يَدْعُو لِغَيْرِهِ، وَهُوَ يُرِيدُ بِالْمَغْفِرَةِ وَالرَّحْمَةِ مَا يَئُولُ إِلَيْهِ أَمْرُهُ بَعْدَ الْقِصَاصِ، وَلْيَقُلْ: اللَّهُمَّ خُذْ لِي بِحَقِّي مِنْهُ

[مَسْأَلَةُ عِيَادَةُ مَرْضَى الْمُسْلِمِينَ]

٦١٢ - مَسْأَلَةٌ وَعِيَادَةُ مَرْضَى الْمُسْلِمِينَ فَرْضٌ - وَلَوْ مَرَّةً - عَلَى الْجَارِ الَّذِي لَا يَشُقُّ عَلَيْهِ عِيَادَتُهُ، وَلَا نَخُصُّ مَرَضًا مِنْ مَرَضٍ -: رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: نا مُحَمَّدٌ هُوَ ابْنُ يَحْيَى الذُّهْلِيُّ - نا عَمْرُو بْنُ أَبِي سَلَمَةَ عَنْ الْأَوْزَاعِيِّ أَخْبَرَنِي ابْنُ شِهَابٍ أَخْبَرَنِي، سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «حَقُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ خَمْسٌ: رَدُّ السَّلَامِ، وَعِيَادَةُ الْمَرِيضِ، وَاتِّبَاعُ الْجَنَائِزِ، وَإِجَابَةُ الدَّعْوَةِ، وَتَشْمِيتُ الْعَاطِسِ» .

وَمِنْ طَرِيقِ أَبِي دَاوُد: نا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ نا حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ عَنْ أَبِيهِ عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: «عَادَنِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ وَجَعٍ كَانَ بِعَيْنِي»

وَقَدْ «عَادَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَمَّهُ أَبَا طَالِبٍ» .

وَمِنْ طَرِيقِ أَبِي دَاوُد: نا سُلَيْمَانُ بْنُ حَرْبٍ نا حَمَّادٌ هُوَ ابْنُ سَلَمَةَ - عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَنَسٍ «أَنَّ غُلَامًا مِنْ الْيَهُودِ مَرِضَ فَأَتَاهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَعُودُهُ، فَقَعَدَ عِنْدَ رَأْسِهِ، فَقَالَ لَهُ: أَسْلِمْ، فَنَظَرَ إلَى أَبِيهِ وَهُوَ عِنْدَ رَأْسِهِ فَقَالَ: أَطِعْ أَبَا الْقَاسِمِ؟

Islam.' The boy looked at his father, who was at his head, and he said: 'Obey Abū al-Qāsim [the Prophet].' So he embraced Islam. The Prophet—peace and blessings of Allah be upon him—stood up, saying: 'Praise be to Allah who saved him from the Fire.'" Is visiting a disbeliever a virtuous act?

The Jurisprudential Issue of the Plague When It Occurs in a Land

Issue 613: Is it impermissible for one to flee from plague when it occurs in a land where they reside? And it remains permissible for them to depart for a journey they would have undertaken if the plague had not existed.

It is impermissible for one who is outside an afflicted land to enter it while plague persists until it subsides. The plague refers to death that becomes widespread at certain times beyond customary levels—as narrated through Mālik from Ibn Shihāb, from ʿAbd al-Ḥamīd ibn ʿAbd al-Raḥmān ibn Zayd ibn al-Khaṭṭāb, from ʿAbd Allāh ibn ʿAbd Allāh ibn al-Ḥārith ibn Nawfal, from ʿAbd Allāh ibn ʿAbbās, who narrated that ʿAbd al-Raḥmān ibn ʿAwf said: I heard the Messenger of Allāh, peace and blessings be upon him, say: "When you hear of it in a land, do not..." "Do not advance toward it, and when it breaks out in a land while you are present there, do not flee from it."

Abu Muhammad said: Did he—peace be upon him—prohibit leaving unless solely intending to flee from him? It has been narrated to us from Aisha—may Allah be pleased with her—the permissibility of fleeing from him, and no one's argument holds weight alongside the Messenger of Allah—peace and blessings of Allah be upon him.

A Jurisprudential Question Regarding the Postponement of Burial.

Issue 614: We consider it preferable to delay burial—even up to a day and a night—provided there is no fear of the deceased's decomposition, particularly for one suspected to have lost consciousness.

فَأَسْلَمَ، فَقَامَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ يَقُولُ: الْحَمْدُ لِلَّهِ الَّذِي أَنْقَذَهُ مِنْ النَّارِ» . فَعِيَادَةُ الْكَافِرِ فِعْلٌ حَسَنٌ؟

[مَسْأَلَةُ الطَّاعُونِ إذَا وَقَعَ فِي بَلَدٍ]

٦١٣ - مَسْأَلَةٌ وَلَا يَحِلُّ أَنْ يَهْرُبَ أَحَدٌ عَنْ الطَّاعُونِ إذَا وَقَعَ فِي بَلَدٍ هُوَ فِيهِ؟ وَمُبَاحٌ لَهُ الْخُرُوجُ لِسَفَرِهِ الَّذِي كَانَ يَخْرُجُ فِيهِ لَوْ لَمْ يَكُنْ الطَّاعُونُ

وَلَا يَحِلُّ الدُّخُولُ إلَى بِلَادٍ فِيهِ الطَّاعُونُ لِمَنْ كَانَ خَارِجًا عَنْهُ حَتَّى يَزُولَ؟ وَالطَّاعُونُ هُوَ الْمَوْتُ الَّذِي كَثُرَ فِي بَعْضِ الْأَوْقَاتِ كَثْرَةً خَارِجَةً عَنْ الْمَعْهُودِ -: لِمَا رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْخَطَّابِ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ قَالَ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ «إذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلَا تَقْدَمُوا عَلَيْهِ، وَإِذَا وَقَعَ فِي أَرْضٍ وَأَنْتُمْ فِيهَا فَلَا تَخْرُجُوا فِرَارًا مِنْهُ» .

قَالَ أَبُو مُحَمَّدٍ: فَلَمْ يَنْهَ - عَلَيْهِ السَّلَامُ - عَنْ الْخُرُوجِ إلَّا بِنِيَّةِ الْفِرَارِ مِنْهُ فَقَطْ؟ وَقَدْ رُوِّينَا عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - إبَاحَةَ الْفِرَارِ عَنْهُ، وَلَا حُجَّةَ فِي أَحَدٍ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَةُ تَأْخِيرِ الدَّفْنِ]

٦١٤ - مَسْأَلَةٌ وَنَسْتَحِبُّ تَأْخِيرَ الدَّفْنِ وَلَوْ يَوْمًا وَلَيْلَةً، مَا لَمْ يُخَفْ عَلَى الْمَيِّتِ التَّغْيِيرُ، لَا سِيَّمَا مَنْ تَوَقَّعَ أَنْ يُغْمَى عَلَيْهِ.

L9584 The Messenger of Allah—may Allah's peace and blessings be upon him—died on Monday forenoon and was buried during the middle of the night of Wednesday. It has been narrated to us via Waki' from Sufyan from Salim al-Khayyat from al-Hasan, who said: "Three days should be awaited for the one struck by sudden calamity."

L9585 **An issue concerning positioning the deceased in his grave on his right side.**

L9586 615 - Issue: The deceased is placed in his grave on his right side, facing the Qiblah, with his head aligned toward the Qiblah and his feet positioned away from it. This has been the ongoing practice of Muslims from the time of the Messenger of Allah (peace and blessings be upon him) to this day, and such is every cemetery on the face of the earth.

L9587–9588 **A Jurisprudential Issue on Directing the Deceased Toward the Qiblah**

L9589 Issue: Directing the deceased toward the qiblah is meritorious. If he is not directed, there is no blame. Allah the Exalted said: {So wherever you turn, there is the Face of Allah} [Surah al-Baqarah 2:115].[10]

L9590 No text has been conveyed directing the deceased to face the qibla. It has been narrated to us via the chain of 'Abd al-Razzāq from Sufyān al-Thawrī from Jābir, who said: I asked al-Sha'bī about orienting the deceased toward the qibla. He responded: "If you wish, direct the deceased; if not, then do not. Instead, position the grave toward the qibla. Are not the graves of Allah's Messenger—peace be upon him—Abū Bakr, and 'Umar oriented toward the qibla?"

L9591 And from the chain of Abd al-Razzaq from Sufyan al-Thawri, and from Ibn Jurayj from Isma'il ibn Umayyah: A man entered upon Sa'id ibn al-Musayyib—Ibn Jurayj said, "when death was approaching the man as he lay on his back"—and said: "Direct the man toward the qibla." Sa'id became angry and said: "Am I not facing the qibla?"

[10] **Qur'an references (L9589):** Qur'an 2:115 (Al-Baqarah).

وَقَدْ مَاتَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الاِثْنَيْنِ ضَحْوَةً، وَدُفِنَ فِي جَوْفِ اللَّيْلِ مِنْ لَيْلَةِ الْأَرْبِعَاءِ؟ وَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ عَنْ سَالِمٍ الْخَيَّاطِ عَنْ الْحَسَنِ قَالَ: يُنْتَظَرُ بِالْمَصْعُوقِ ثَلَاثًا؟ .

[مَسْأَلَةٌ جَعَلُ الْمَيِّتِ فِي قَبْرِهِ عَلَى جَنْبِهِ الْيَمِينِ]

٦١٥ - مَسْأَلَةٌ وَيُجْعَلُ الْمَيِّتُ فِي قَبْرِهِ عَلَى جَنْبِهِ الْيَمِينِ، وَوَجْهُهُ قُبَالَةَ الْقِبْلَةِ، وَرَأْسُهُ وَرِجْلَاهُ إلَى يَمِينِ الْقِبْلَةِ، وَيَسَارِهَا، عَلَى هَذَا جَرَى عَمَلُ أَهْلِ الْإِسْلَامِ مِنْ عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى يَوْمِنَا هَذَا، وَهَكَذَا كُلُّ مَقْبَرَةٍ عَلَى ظَهْرِ الْأَرْضِ؟

[مَسْأَلَةٌ تَوْجِيهُ الْمَيِّتِ إلَى الْقِبْلَةِ]

مَسْأَلَةٌ وَتَوْجِيهُ الْمَيِّتِ إلَى الْقِبْلَةِ حَسَنٌ، فَإِنْ لَمْ يُوَجَّهْ فَلَا حَرَجَ. قَالَ اللَّهُ تَعَالَى: {فَأَيْنَمَا تُوَلُّوا فَثَمَّ وَجْهُ اللَّهِ} [البقرة: ١١٥] .

وَلَمْ يَأْتِ نَصٌّ بِتَوْجِيهِهِ إلَى الْقِبْلَةِ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ جَابِرٍ قَالَ: سَأَلْت الشَّعْبِيَّ، عَنْ الْمَيِّتِ يُوَجَّهُ إلَى الْقِبْلَةِ؟ فَقَالَ: إنْ شِئْت فَوَجِّهْهُ، وَإِنْ شِئْت فَلَا تُوَجِّهْهُ، وَلَكِنْ اجْعَلْ الْقَبْرَ إلَى الْقِبْلَةِ، قَبْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَبْرُ أَبِي بَكْرٍ، وَقَبْرُ عُمَرَ إلَى الْقِبْلَةِ؟

-: وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ، وَابْنِ جُرَيْجٍ عَنْ إسْمَاعِيلَ بْنِ أُمَيَّةَ: أَنَّ رَجُلًا دَخَلَ عَلَى سَعِيدِ بْنِ الْمُسَيِّبِ، قَالَ ابْنُ جُرَيْجٍ: حِينَ حَضَرَهُ الْمَوْتُ وَهُوَ مُسْتَلْقٍ - فَقَالَ: وَجِّهُوهُ إلَى الْقِبْلَةِ، فَغَضِبَ سَعِيدٌ وَقَالَ: أَلَسْت إلَى الْقِبْلَةِ؟

[مَسْأَلَةٌ تَغْسِيلُ الْمَرْأَةِ زَوْجَهَا]

٦١٧ - مَسْأَلَةٌ وَجَائِزٌ أَنْ تُغَسِّلَ الْمَرْأَةُ زَوْجَهَا، وَأُمُّ الْوَلَدِ سَيِّدَهَا، وَإِنْ انْقَضَتْ الْعِدَّةُ بِالْوِلَادَةِ، مَا لَمْ تُنْكَحَا، فَإِنْ نُكِحَتَا لَمْ يَحِلَّ لَهُمَا غُسْلُهُ إِلَّا كَالْأَجْنَبِيَّاتِ

A jurisprudential case concerning a woman's ritual washing of her husband.

Issue: It is permissible for a woman to wash her husband, and for an umm al-walad (a slave woman who bore her master a child) to wash her master, even if the waiting period (ʿiddah) has ended due to childbirth, provided they have not married another. If they do marry another, it is not lawful for them to wash him except as permissible for non-mahram women.

وَجَائِزٌ لِلرَّجُلِ أَنْ يُغَسِّلَ امْرَأَتَهُ، وَأُمَّ وَلَدِهِ، وَأَمَتَهُ، مَا لَمْ يَتَزَوَّجْ حَرِيمَتَهَا، أَوْ يَسْتَحِلَّ حَرِيمَتَهَا بِالْمِلْكِ، فَإِنْ فَعَلَ لَمْ يَحِلَّ لَهُ غَسْلُهَا؟ وَلَيْسَ لِلْأَمَةِ أَنْ تُغَسِّلَ سَيِّدَهَا أَصْلًا، لِأَنَّ مِلْكَهَا بِمَوْتِهِ انْتَقَلَ إلَى غَيْرِهِ. بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ} [النساء: ١٢] : فَسَمَّاهَا زَوْجَةً بَعْدَ مَوْتِهَا وَهِيَ - إنْ كَانَا مُسْلِمَيْنِ - امْرَأَتُهُ فِي الْجَنَّةِ، وَكَذَلِكَ أُمُّ وَلَدِهِ، وَأَمَتُهُ، وَكَانَ حَلَالًا لَهُ رُؤْيَةُ أَبْدَانِهِنَّ فِي الْحَيَاةِ وَتَقْبِيلُهُنَّ وَمَسُّهُنَّ، فَكُلُّ ذَلِكَ بَاقٍ عَلَى التَّحْلِيلِ فَمَنْ ادَّعَى تَحْرِيمَ ذَلِكَ بِالْمَوْتِ فَقَوْلٌ بَاطِلٌ إلَّا بِنَصٍّ، وَلَا سَبِيلَ لَهُ إلَيْهِ

It is permissible for a man to wash his wife, his umm walad, or his female slave, provided he has not married her mahram relative or lawfully permitted her mahram through ownership. If he does so, it becomes impermissible for him to wash her. A female slave may not wash her master under any circumstance, because her ownership transfers to others upon his death. The proof of this is Allah's statement: "You are entitled to half of what your wives leave behind" (4:12). Here, He refers to her as a wife even after her death, and if both were Muslims, she remains his wife in Paradise. The same applies to his umm walad and female slave, since it was permissible for him during their lifetimes to see their bodies, kiss them, and touch them. All these rulings remain permissible unless explicitly prohibited by textual evidence. Anyone who claims such acts are forbidden after death without specific textual proof asserts a falsehood, for there is no basis for it.[11]

وَأَمَّا إذَا تَزَوَّجَ حَرِيمَتَهَا، أَوْ تَمَلَّكَهَا، أَوْ تَزَوَّجَتْ هِيَ -: فَحَرَامٌ عَلَيْهِ الِاطِّلَاعُ عَلَى بَدَنَيْهِمَا مَعًا، لِأَنَّهُ جَمَعَ بَيْنَهُمَا.

If he marries her close female relative; acquires her as a slave; or she marries - it is forbidden for him to look at the private areas of both women together, because he has joined them in union.

وَكَذَلِكَ حَرَامٌ عَلَى الْمَرْأَةِ التَّلَذُّذُ بِرُؤْيَةِ بَدَنِ رَجُلَيْنِ مَعًا؟

Similarly, is it forbidden for a woman to derive pleasure from viewing the bodies of two men together?

وَقَوْلُنَا هُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ؟ وَقَالَ أَبُو حَنِيفَةَ: تُغَسِّلُ الْمَرْأَةُ زَوْجَهَا، لِأَنَّهَا فِي عِدَّةٍ مِنْهُ، وَلَا يُغَسِّلُهَا هُوَ

Our opinion is the same as that of Malik, al-Shafi'i, and Abu Sulayman. Abu Hanifah said: A woman may wash her husband because she is observing the waiting period (ʿiddah) due to him, but he may not wash her.

We have been narrated through the path of Ibn Abī Shaybah from Maʿmar

[11] **Qur'an references (L9594):** Qur'an 4:12 (An-Nisa).

ibn Sulaymān al-Raqqī, from Ḥajjāj, from Dāwūd. Ibn al-Husayn reported from ʻIkrimah, from Ibn ʻAbbās, who said: "A man has the most right to wash his wife." Through the chain of Ḥammād ibn Salamah, from al-Ḥajjāj ibn Arṭāh, from ʻAbd al-Raḥmān ibn al-Aswad, who said: "I myself wash my wives and interpose between them and their mothers, daughters, and sisters."

رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ مَعْمَرِ بْنِ سُلَيْمَانَ الرَّقِّيِّ عَنْ حَجَّاجٍ عَنْ دَاوُد بْنِ الْحُصَيْنِ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَ: الرَّجُلُ أَحَقُّ بِغُسْلِ امْرَأَتِهِ وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ قَالَ: إِنِّي لَأُغَسِّلُ نِسَائِي، وَأَحُولُ بَيْنَهُنَّ وَبَيْنَ أُمَّهَاتِهِنَّ وَبَنَاتِهِنَّ وَأَخَوَاتِهِنَّ

L9601 From the chain of Abd al-Razzaq via Sufyan al-Thawri, who heard Hammad ibn Abi Sulayman say: "If a woman dies among the group, then does the wife wash her husband, and the husband wash his wife?" From the chain of Abd al-Razzaq via Sufyan ibn Uyayna via Amr ibn Dinar via Abu al-Sha'tha - being Jabir ibn Zayd - who said: "Is the man more entitled to wash his wife than her brother?" From the chain of Waki' via Sufyan al-Thawri via Abd al-Karim via Ata ibn Abi Rabah, who said: "Her husband washes her if he cannot find someone to wash her."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ سَمِعْت حَمَّادَ بْنَ أَبِي سُلَيْمَانَ يَقُولُ: إذَا مَاتَتْ الْمَرْأَةُ مَعَ الْقَوْمِ فَالْمَرْأَةُ تُغَسِّلُ زَوْجَهَا، وَالرَّجُلُ امْرَأَتَهُ؟ وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ أَبِي الشَّعْثَاءِ هُوَ جَابِرُ بْنُ زَيْدٍ قَالَ: الرَّجُلُ أَحَقُّ أَنْ يُغَسِّلَ امْرَأَتَهُ مِنْ أَخِيهَا؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الْكَرِيمِ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ قَالَ: يُغَسِّلُهَا زَوْجُهَا إذَا لَمْ يَجِدْ مَنْ يُغَسِّلُهَا

L9602 And through the chain of Waki' from Sufyan al-Thawri from ʻAmr ibn ʻUbayd from al-Hasan al-Basri, who said: Each spouse performs the ritual washing (ghusl) for the other—meaning the husband and wife—after death.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَمْرِو بْنِ عُبَيْدٍ عَنْ الْحَسَنِ الْبَصْرِيِّ قَالَ: يُغَسِّلُ كُلُّ صَاحِبِهُ - يَعْنِي الزَّوْجَ، وَالزَّوْجَةَ - بَعْدَ الْمَوْتِ؟

L9603 From the chain of Waki' from al-Rabi' from al-Hasan, who said: "There is no harm if a man washes his *umm walad*." From the chain of Ibn Abi Shaybah: Abu Usamah narrated to us from Awf—Ibn Abi Jamilah—that he was present with Qasamah Ibn Zuhayr and elders who had lived during the time of Umar Ibn al-Khattab, when a man came to them and informed them that his wife had died and had instructed him that only he should wash her. So he washed her, and none of them disapproved of that.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ قَالَ: لَا بَأْسَ أَنْ يُغَسِّلَ الرَّجُلُ أُمَّ وَلَدِهِ؟ وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نا أَبُو أُسَامَةَ عَنْ عَوْفٍ هُوَ ابْنُ أَبِي جَمِيلَةَ -: أَنَّهُ شَهِدَ قَسَامَةَ بْنَ زُهَيْرٍ وَأَشْيَاخًا أَدْرَكُوا عُمَرَ بْنَ الْخَطَّابِ وَقَدْ أَتَاهُمْ رَجُلٌ فَأَخْبَرَهُمْ أَنَّ امْرَأَتَهُ مَاتَتْ فَأَمَرَتْهُ أَنْ لَا يُغَسِّلَهَا غَيْرُهُ؟ فَغَسَّلَهَا، فَمَا مِنْهُمْ أَحَدٌ أَنْكَرَ ذَلِكَ؟

L9604 It was also narrated to us through the chain of Sulaymān ibn Mūsā that he said: "A man may perform the funeral washing for his wife." From Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf: If a woman dies among men where no woman is present, should her husband perform the funeral washing for her?

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ سُلَيْمَانَ بْنِ مُوسَى أَنَّهُ قَالَ: يُغَسِّلُ الرَّجُلُ امْرَأَتَهُ وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: إذَا مَاتَتْ الْمَرْأَةُ مَعَ رِجَالٍ لَيْسَ فِيهِمْ امْرَأَةٌ فَإِنَّ زَوْجَهَا يُغَسِّلُهَا؟

L9605 The Hanafis highly regard the differing opinion of a Companion when no opposing opinion is known from them. This is a narration reported from Ibn Abbas, for whom no opposing opinion is known among the Companions, yet they [the Hanafis] have opposed his opinion.

وَالْحَنَفِيُّونَ يُعَظِّمُونَ خِلَافَ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مِنْهُمْ مُخَالِفٌ، وَهَذِهِ رِوَايَةٌ عَنْ ابْنِ عَبَّاسٍ لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ مُخَالِفٌ، وَقَدْ خَالَفُوهُ

L9606 It has also been reported from Ali that he washed Fatimah with Asma bint Umays. They objected to this with a weak narration: that she - may Allah be pleased with her - performed ghusl before her death and instructed that she not be moved, so she was buried with that ghusl.

وَقَدْ رُوِيَ أَيْضًا عَنْ عَلِيٍّ: أَنَّهُ غَسَّلَ فَاطِمَةَ مَعَ أَسْمَاءَ بِنْتِ عُمَيْسٍ؟ فَاعْتَرَضُوا عَلَى ذَلِكَ بِرِوَايَةٍ لَا تَصِحُّ: أَنَّهَا - رَضِيَ اللَّهُ عَنْهَا - اغْتَسَلَتْ قَبْلَ مَوْتِهَا وَأَوْصَتْ أَلَّا تُحَرَّكَ، فَدُفِنَتْ بِذَلِكَ الْغُسْلِ.

L9607–9608 And this is upon them, not for them; because they have also contradicted Ali and Fatimah in this, in the presence of the Companions?

وَهَذَا عَلَيْهِمْ لَا لَهُمْ؛ لِأَنَّهُمْ قَدْ خَالَفُوا فِي هَذَا أَيْضًا عَلِيًّا، وَفَاطِمَةَ، بِحَضْرَةِ الصَّحَابَةِ؟

L9609 If they cite the narration transmitted through Ibn Abī Shaybah's chain from Ḥafṣ ibn Ghiyāth, from Layth, from Yazīd ibn Abī Sulaymān, from Masrūq, who said: "A wife of Umar died, so he said: 'I had the greatest right to her when she was alive. But now, you are more entitled to her?'" - then this contains no proof for their position. For he only addressed her guardians with this statement regarding placing her in the grave and praying over her. There is no disagreement that guardians may not wash her. The evidence for this is his use of masculine address - had he addressed women, he would have said: "You [feminine] are more entitled to her." Would Umar err in speech?

فَإِنْ ذَكَرُوا مَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ حَفْصِ بْنِ غِيَاثٍ عَنْ لَيْثٍ عَنْ يَزِيدَ بْنِ أَبِي سُلَيْمَانَ عَنْ مَسْرُوقٍ قَالَ: مَاتَتْ امْرَأَةٌ لِعُمَرَ، فَقَالَ: أَنَا كُنْت أَوْلَى بِهَا إذْ كَانَتْ حَيَّةً، فَأَمَّا الْآنَ فَأَنْتُمْ أَوْلَى بِهَا؟ فَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّهُ إنَّمَا خَاطَبَ بِذَلِكَ، أَوْلِيَاءَهَا فِي إدْخَالِهَا الْقَبْرَ وَالصَّلَاةِ عَلَيْهَا، وَلَا خِلَافَ فِي أَنَّ الْأَوْلِيَاءَ لَا يَجُوزُ لَهُمْ غَسْلُهَا، وَدَلِيلُ ذَلِكَ أَنَّهُ بِلَفْظِ خِطَابِ الْمُذَكَّرِ، وَلَوْ خَاطَبَ النِّسَاءَ لَقَالَ: أَنْتُنَّ أَوْلَى بِهَا، وَعُمَرُ لَا يَلْحَنُ؟

[مَسْأَلَةٌ مَاتَ بَيْنَ نِسَاءٍ لَا رَجُلَ مَعَهُنَّ]

A juridical case: A man died while surrounded by women, with no man present among them.

L9610

L9611 618 - Issue: If a man dies among women with no man present, or a woman dies among men with no women present - the women should wash the man, and the men should wash the woman over a thick cloth, by pouring water over the entire body without direct hand contact. This is because the washing is an obligatory act as established earlier, and it is possible as noted without direct contact. Therefore, it is impermissible to neglect it, and there is absolutely no blame in pouring water itself - and success comes only from Allah, the Most High.

٦١٨ - مَسْأَلَةٌ فَلَوْ مَاتَ رَجُلٌ بَيْنَ نِسَاءٍ لَا رَجُلَ مَعَهُنَّ، أَوْ مَاتَتْ امْرَأَةٌ بَيْنَ رِجَالٍ لَا نِسَاءَ مَعَهُمْ -: غَسَّلَ النِّسَاءُ الرَّجُلَ وَغَسَّلَ الرِّجَالُ الْمَرْأَةَ عَلَى ثَوْبٍ كَثِيفٍ، يُصَبُّ الْمَاءُ عَلَى جَمِيعِ الْجَسَدِ دُونَ مُبَاشَرَةِ الْيَدِ، لِأَنَّ الْغُسْلَ فَرْضٌ كَمَا قَدَّمْنَا، وَهُوَ مُمْكِنٌ كَمَا ذَكَرْنَا بِلَا مُبَاشَرَةٍ، فَلَا يَحِلُّ تَرْكُهُ، وَلَا كَرَاهَةَ فِي صَبِّ الْمَاءِ أَصْلًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَلَا يَجُوزُ أَنْ يُعَوِّضَ التَّيَمُّمَ مِنْ الْغُسْلِ إلَّا عِنْدَ عَدَمِ الْمَاءِ فَقَطْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9612 It is not permissible to substitute dry ablution (tayammum) for the ritual bath (ghusl) except in the absence of water. And with Allah, the Most High, is success.

وَرُوِّينَا أَثَرًا فِيهِ أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ مَكْحُولٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: يُيَمَّمَانِ» وَهَذَا مُرْسَلٌ، وَأَبُو بَكْرِ بْنُ عَيَّاشٍ ضَعِيفٌ، فَهُوَ سَاقِطٌ

L9613 We have been transmitted a report in which Abu Bakr ibn ʿAyyash narrates on the authority of Makhul that the Messenger of Allah—peace and blessings be upon him—said: "The two of them are to perform tayammum (dry ablution)." This is a mursal narration, and Abu Bakr ibn ʿAyyash is a weak narrator; therefore, it is discarded.

وَمِمَّنْ قَالَ بِقَوْلِنَا هَذَا طَائِفَةٌ مِنْ الْعُلَمَاءِ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ، وَقَتَادَةَ قَالَا جَمِيعًا: تُغَسَّلُ وَعَلَيْهَا الثِّيَابُ، يَعْنِيَانِ فِي الْمَرْأَةِ تَمُوتُ بَيْنَ رِجَالٍ لَا امْرَأَةَ مَعَهُمْ

L9614 Among those who have adopted this opinion of ours is a group of scholars. It has been narrated to us through the chain of Abd al-Razzaq from Ma'mar from al-Zuhri and Qatadah—both of whom said together: "She is washed while wearing her clothes"—they [both] mean in the case of a woman who dies among men with no woman with them.

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ حُمَيْدٍ، وَزِيَادٍ الْأَعْلَمِ، وَالْحَجَّاجِ: قَالَ حُمَيْدٌ، وَزِيَادٌ: عَنْ الْحَسَنِ، وَقَالَ الْحَجَّاجُ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ، قَالَا جَمِيعًا - فِي الْمَرْأَةِ تَمُوتُ مَعَ رِجَالٍ لَيْسَ مَعَهُمْ امْرَأَةٌ -: أَنَّهَا يُصَبُّ عَلَيْهَا الْمَاءُ مِنْ وَرَاءِ الثِّيَابِ وَالْعَجَبُ أَنَّ الْقَائِلِينَ أَنَّهَا تُيَمَّمُ: فَرُّوا مِنْ الْمُبَاشَرَةِ خَلْفَ ثَوْبٍ وَأَبَاحُوهَا عَلَى الْبَشَرَةِ وَهَذَا جَهْلٌ شَدِيدٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9615–9617 From the narration of Ḥammād ibn Salamah through Ḥumayd, Ziyād al-Aʿlam, and al-Ḥajjāj: Ḥumayd and Ziyād reported from al-Ḥasan, while al-Ḥajjāj reported from al-Ḥakam ibn ʿUtaybah. Both unanimously stated regarding a woman who dies among men with no woman present: water is poured over her through her garments. It is perplexing that those who assert she should receive dry ablution (tayammum) avoid direct contact by using a garment as a barrier, yet they permit such contact directly on her skin. And this is severe ignorance—and with Allah, the Exalted, lies all divine success.

[مَسْأَلَةٌ رَفْعُ الْيَدَيْنِ فِي الصَّلَاةِ عَلَى الْجِنَازَةِ]

L9618 **A jurisprudential question regarding raising the hands during the funeral prayer.**

٦١٩ - مَسْأَلَةٌ وَلَا تُرْفَعُ الْيَدَانِ فِي الصَّلَاةِ عَلَى الْجِنَازَةِ إلَّا فِي أَوَّلِ تَكْبِيرَةٍ فَقَطْ؛ لِأَنَّهُ لَمْ يَأْتِ بِرَفْعِ الْأَيْدِي فِيمَا عَدَا ذَلِكَ نَصٌّ؟

L9619 Issue 619: One should not raise the hands during the funeral prayer except in the first Takbir (opening supplication), because no explicit textual evidence has been transmitted regarding raising the hands in other instances.

L9620 A similar opinion to this one of ours has been narrated from Ibn Masʿūd and Ibn ʿAbbās. This is the opinion of Abū Ḥanīfah and Sufyān. It has been authentically reported from Ibn ʿUmar that he raised his hands for every

takbir. Indeed, it is incumbent upon those who adhere to qiyas to raise them in every takbir by analogy to the first takbir.

وَرُوِيَ مِثْلُ قَوْلِنَا هَذَا عَنْ ابْنِ مَسْعُودٍ، وَابْنِ عَبَّاسٍ وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَسُفْيَانَ؟ وَصَحَّ عَنْ ابْنِ عُمَرَ رَفْعُ الْأَيْدِي لِكُلِّ تَكْبِيرَةٍ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ قَالَ بِالْقِيَاسِ أَنْ يَرْفَعَهَا فِي كُلِّ تَكْبِيرَةٍ قِيَاسًا عَلَى التَّكْبِيرَةِ الْأُولَى.

A case where the deceased had excessive nails, an overgrown mustache, or excessive pubic hair.

[مَسْأَلَةٌ كَانَتْ أَظْفَارُ الْمَيِّتِ وَافِرَةً أَوْ شَارِبُهُ وَافِيًا أَوْ عَانَتُهُ]

620 - Issue: If the deceased's nails are overgrown, or his mustache is overgrown, or his pubic hair is overgrown, all of that must be removed. This is because sound textual evidence exists stating that all such matters pertain to the fitrah. Thus, it is impermissible to prepare him to meet his Lord, Exalted is He, except in accordance with the natural state he was in at death.

٦٢٠ - مَسْأَلَةٌ وَإِنْ كَانَتْ أَظْفَارُ الْمَيِّتِ وَافِرَةً، أَوْ شَارِبُهُ وَافِيًا، أَوْ عَانَتُهُ: أَخَذَ كُلَّ ذَلِكَ، لِأَنَّ النَّصَّ قَدْ وَرَدَ وَصَحَّ بِأَنَّ كُلَّ ذَلِكَ مِنَ الْفِطْرَةِ، فَلَا يَجُوزُ أَنْ يُجَهَّزَ إِلَى رَبِّهِ تَعَالَى إِلَّا عَلَى الْفِطْرَةِ الَّتِي مَاتَ عَلَيْهَا

It was reported to us by Abd al-Razzaq, from Sufyan al-Thawri, from Khalid al-Ḥadhdhā', from Abu Qilabah: that Sa'd ibn Abi Waqqās shaved the pubic area of a deceased person.

وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ أَبِي قِلَابَةَ: أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ حَلَقَ عَانَةَ مَيِّتٍ

They magnify the contradiction of the Companion for whom no dissent is known among the Companions - may Allah be pleased with them - and is this a Companion with no dissenters among them? From 'Abd al-Razzāq, from Ma'mar, from al-Ḥasan: Regarding the hair of the deceased's pubic region, if it was abundant, he said: A portion is to be removed. Some scholars cited as evidence by asking: "If he was uncircumcised, would he be circumcised?" We replied: Yes. So what then? Circumcision is part of the fitrah.

وَهُمْ يُعَظِّمُونَ مُخَالَفَةَ الصَّاحِبِ الَّذِي لَا يُعْرَفُ لَهُ مُخَالِفٌ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَهَذَا صَاحِبٌ لَا يُعْرَفُ لَهُ مِنْهُمْ مُخَالِفٌ؟ وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنِ الْحَسَنِ: فِي شَعْرِ عَانَةِ الْمَيِّتِ إِنْ كَانَ وَافِرًا، قَالَ: يُؤْخَذُ مِنْهُ وَاحْتَجَّ بَعْضُهُمْ بِأَنْ قَالَ: فَإِنْ كَانَ أَقْلَفَ أَيُخْتَنُ؟ قُلْنَا: نَعَمْ، فَكَانَ مَاذَا؟ وَالْخِتَانُ مِنَ الْفِطْرَةِ

If it is asked: You do not maintain that purification should be performed for _janabah_ (major ritual impurity) if one dies in that state, nor for menstruation if a woman dies while menstruating, nor for Friday if one dies on Friday—what then is the distinction?

فَإِنْ قِيلَ: فَأَنْتُمْ لَا تَرَوْنَ أَنْ يُطَهَّرَ لِلْجَنَابَةِ إِنْ مَاتَ مُجْنِبًا، وَلَا لِلْحَيْضِ إِنْ مَاتَتْ حَائِضًا، وَلَا لِيَوْمِ الْجُمُعَةِ إِنْ مَاتَ يَوْمَ الْجُمُعَةِ، فَمَا الْفَرْقُ؟

We said: The distinction is that these ritual ablutions are commanded for every individual to perform upon themselves, and they are not binding on those not subject to legal accountability, such as the insane, the unconscious, and the minor.

قُلْنَا: الْفَرْقُ أَنَّ هَذِهِ الْأَغْسَالَ مَأْمُورٌ بِهَا كُلُّ أَحَدٍ فِي نَفْسِهِ، وَلَا تَلْزَمُ مَنْ لَا يُخَاطَبُ: كَالْمَجْنُونِ، وَالْمُغْمَى عَلَيْهِ، وَالصَّغِيرِ.

L9628 The legal directive has ceased to apply to the deceased. As for trimming the mustache, shaving pubic hair, armpit hair, and circumcision: the textual evidence has reached us indicating these are aspects of the innate disposition (fitrah). The individual is not commanded to perform them as a personal obligation; rather, all people are commanded regarding them. Should all these acts be carried out upon the insane, the unconscious, and the minor?

وَقَدْ سَقَطَ الْخِطَابُ عَنْ الْمَيِّتِ وَأَمَّا قَصُّ الشَّارِبِ، وَحَلْقُ الْعَانَةِ، وَالْإِبْطِ، وَالْخِتَانِ: فَالنَّصُّ جَاءَنَا بِأَنَّهَا مِنْ الْفِطْرَةِ، وَلَمْ يُؤْمَرْ بِهَا الْمَرْءُ فِي نَفْسِهِ، بَلْ الْكُلُّ مَأْمُورُونَ بِهَا، فَيَعْمَلُ ذَلِكَ كُلُّهُ بِالْمَجْنُونِ، وَالْمُغْمَى عَلَيْهِ، وَالصَّغِيرِ؟

An issue concerning placing the deceased into the grave.

[مَسْأَلَةُ إدْخَالُ الْمَيِّتِ الْقَبْرَ]

L9630 621 – Issue: The deceased is placed into the grave in whichever way possible, whether from the direction of the qibla, its opposite direction, the direction of the head, or the direction of the feet, as there exists no explicit scriptural text addressing any aspect of this matter.

٦٢١ - مَسْأَلَةٌ وَيُدْخَلُ الْمَيِّتُ الْقَبْرَ كَيْفَ أَمْكَنَ، إمَّا مِنْ الْقِبْلَةِ، أَوْ مِنْ دُبُرِ الْقِبْلَةِ، أَوْ مِنْ قِبَلِ رَأْسِهِ أَوْ مِنْ قِبَلِ رِجْلَيْهِ، إذْ لَا نَصَّ فِي شَيْءٍ مِنْ ذَلِكَ.

L9631 It has been authentically reported from Ali that he admitted Yazid ibn al-Mukaffaf from the direction of the qibla.

وَقَدْ صَحَّ عَنْ عَلِيٍّ أَنَّهُ أَدْخَلَ يَزِيدَ بْنَ الْمُكَفَّفِ مِنْ قِبَلِ الْقِبْلَةِ.

L9632 And from Ibn al-Ḥanafiyyah: that he brought Ibn ʿAbbās in from the direction of the Qiblah.

وَعَنْ ابْنِ الْحَنَفِيَّةِ: أَنَّهُ أَدْخَلَ ابْنَ عَبَّاسٍ مِنْ قِبَلِ الْقِبْلَةِ.

L9633 It has been authentically reported from Abdullah ibn Zayd al-Ansari, the Companion of the Messenger of Allah—peace and blessings be upon him—that he had al-Harith al-Kharifi enter from the feet side of the grave.

وَصَحَّ عَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ الْأَنْصَارِيِّ صَاحِبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ أَدْخَلَ الْحَارِثَ الْخَارِفِيَّ مِنْ قِبَلِ رِجْلَيْ الْقَبْرِ.

L9634 A group transmitted Mursal reports—deemed inauthentic—concerning how the Prophet (peace and blessings be upon him) was placed. It is narrated from Ibrāhīm al-Nakhaʿī: "He (peace be upon him) was brought in from the direction of the qiblah."

وَرَوَى قَوْمٌ مُرْسَلَاتٍ لَا تَصِحُّ فِي إدْخَالِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: فَعَنْ إبْرَاهِيمَ النَّخَعِيِّ: «أَنَّهُ - عَلَيْهِ السَّلَامُ - أُدْخِلَ مِنْ قِبَلِ الْقِبْلَةِ» .

L9635 It is narrated from Rabīʿah, Yaḥyā ibn Saʿīd, Abū al-Zinād, and Mūsā ibn ʿUqbah that he (peace be upon him) was placed through the two legs.

وَعَنْ رَبِيعَةَ، وَيَحْيَى بْنِ سَعِيدٍ، وَأَبِي الزِّنَادِ، وَمُوسَى بْنِ عُقْبَةَ: «أَنَّهُ - عَلَيْهِ السَّلَامُ - أُدْخِلَ مِنْ قِبَلِ الرِّجْلَيْنِ» .

L9636 All of this, even if it were valid, would not stand as proof for obligatoriness. How then, when it is not even valid? For it contains no prevention of other possibilities.

وَكُلُّ هَذَا لَوْ صَحَّ لَمْ تَقُمْ بِهِ حُجَّةٌ فِي الْوُجُوبِ، فَكَيْفَ وَهُوَ لَا يَصِحُّ؟ لِأَنَّهُ لَيْسَ فِيهِ مَنْعٌ مِمَّا سِوَاهُ.

The Juristic Ruling on Crowding Over the Funeral Bier

Issue 622: It is not permissible to jostle or crowd around the funeral bier, as this is an innovation that did not exist previously, and indeed, the Messenger of Allah, peace and blessings be upon him, commanded kindness.

It was narrated to us via the chain of Muslim: Muḥammad ibn al-Muthannā → Yaḥyā ibn Saʿīd al-Qaṭṭān → Sufyān al-Thawrī → Manṣūr ibn al-Muʿtamir → Tamīm ibn Salamah → ʿAbd al-Raḥmān ibn Hilāl → ... Jarir ibn Abdullah reported that the Prophet, peace and blessings be upon him, said: "Whoever is deprived of kindness will be deprived of all good."

From the chain of Waki' from Al-Rabi' from Al-Hasan: that he disliked crowding around the funeral bier, and when he saw them crowding, he would say, "Those are the devils."

From the narration of Waki' through Hammām through Qatādah: He said: I attended a funeral at which Abu al-Siwar—who was Ḥurayth ibn Hassān al-'Adawi—was present. They crowded around the bier, so Abu al-Siwar said: "Do you consider these people better or the companions of Muhammad (peace and blessings be upon him)? A man among them would carry a funeral bier if he saw it, and if not, he would withdraw and not harm anyone."

A legal issue pertaining to the omission of some takbīrs in the funeral prayer.

623 - Issue

Whoever misses some of the takbirs in the funeral prayer should perform them immediately upon arriving and must not wait for the Imam's takbir. When the Imam concludes the prayer, the individual should complete the remaining takbirs, supplicating between each takbir just as he did with the Imam. This is based on the statement of the Messenger of Allah—peace and blessings be upon him—regarding one who comes to prayer: that he should

[مَسْأَلَةُ التَّزَاحُمِ عَلَى النَّعْشِ]

٦٢٢ - مَسْأَلَةٌ وَلَا يَجُوزُ التَّزَاحُمُ عَلَى النَّعْشِ، لِأَنَّهُ بِدْعَةٌ لَمْ تَكُنْ قَبْلُ، وَقَدْ «أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالرِّفْقِ» .

رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ: نا مُحَمَّدُ بْنُ الْمُثَنَّى نا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ سُفْيَانَ الثَّوْرِيِّ نا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ تَمِيمِ بْنِ سَلَمَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ هِلَالٍ عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ يُحْرَمْ الرِّفْقَ يُحْرَمْ الْخَيْرَ» .

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ: أَنَّهُ كَرِهَ الزِّحَامَ عَلَى السَّرِيرِ، وَكَانَ إذَا رَآهُمْ يَزْدَحِمُونَ قَالَ: أُولَئِكَ الشَّيَاطِينُ.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ هَمَّامٍ عَنْ قَتَادَةَ: أَنَّهُ قَالَ: شَهِدْت جِنَازَةً فِيهَا أَبُو السِّوَارِ هُوَ حُرَيْثُ بْنُ حَسَّانَ الْعَدَوِيُّ فَازْدَحَمُوا عَلَى السَّرِيرِ، فَقَالَ أَبُو السِّوَارِ: أَتَرَوْنَ هَؤُلَاءِ أَفْضَلَ أَوْ أَصْحَابَ مُحَمَّدٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ كَانَ الرَّجُلُ مِنْهُمْ إذَا رَأَى مُحْمَلًا حَمَلَ، وَإِلَّا اعْتَزَلَ وَلَمْ يُؤْذِ أَحَدًا.

[مَسْأَلَةٌ فَوَاتُ بَعْضِ التَّكْبِيرَاتِ عَلَى الْجِنَازَةِ]

٦٢٣ - مَسْأَلَةٌ

وَمَنْ فَاتَهُ بَعْضُ التَّكْبِيرَاتِ عَلَى الْجِنَازَةِ كَبَّرَ سَاعَةَ يَأْتِي، وَلَا يَنْتَظِرُ تَكْبِيرَ الْإِمَامِ، فَإِذَا سَلَّمَ الْإِمَامُ أَتَمَّ هُوَ مَا بَقِيَ مِنْ التَّكْبِيرِ، يَدْعُو بَيْنَ تَكْبِيرَةٍ وَتَكْبِيرَةٍ كَمَا كَانَ يَفْعَلُ مَعَ الْإِمَامِ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيمَنْ أَتَى إلَى الصَّلَاةِ أَنْ يُصَلِّيَ مَا

pray what he caught and complete what he missed. And this is a prayer. Any opinion contrary to this is corrupt, with no evidence for its correctness—neither from a scriptural text, nor analogy, nor a Companion's statement. And with Allah Almighty is success.

أَدْرَكَ وَيُتِمَّ مَا فَاتَهُ، وَهَذِهِ صَلَاةٌ، وَمَا عَدَا هَذَا فَقَوْلٌ فَاسِدٌ لَا دَلِيلَ عَلَى صِحَّتِهِ، لَا مِنْ نَصٍّ وَلَا قِيَاسٍ وَلَا قَوْلِ صَاحِبٍ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

AL-MUHALLA

كِتَابُ الِاعْتِكَافِ

The Book of Devotional Retreat (Itikaf)

Abu Muhammed Ali Ibn Hazm Al-Andalusi · Arabic–English parallel edition

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[كِتَابُ الِاعْتِكَافِ] [مَسْأَلَةٌ اعْتِكَافُ يَوْمٍ دُونَ لَيْلَةٍ وَلَيْلَةٍ دُونَ يَوْمٍ]

الِاعْتِكَافُ: هُوَ الْإِقَامَةُ فِي الْمَسْجِدِ بِنِيَّةِ التَّقَرُّبِ إِلَى اللَّهِ عَزَّ وَجَلَّ سَاعَةً فَمَا فَوْقَهَا، لَيْلًا، أَوْ نَهَارًا؟ ٦٢٤ - مَسْأَلَةٌ وَيَجُوزُ اعْتِكَافُ يَوْمٍ دُونَ لَيْلَةٍ، وَلَيْلَةٍ دُونَ يَوْمٍ، وَمَا أَحَبَّ الرَّجُلُ، أَوْ الْمَرْأَةُ؟ بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَلا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] . وَرُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوْسَطَ مِنْ رَمَضَانَ، وَأَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ: مَنْ كَانَ اعْتَكَفَ مَعِي فَلْيَعْتَكِفْ الْعَشْرَ الْأَوَاخِرَ» . فَالْقُرْآنُ نَزَلَ بِلِسَانٍ عَرَبِيٍّ مُبِينٍ، وَبِالْعَرَبِيَّةِ خَاطَبَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَالِاعْتِكَافُ فِي لُغَةِ الْعَرَبِ: الْإِقَامَةُ، قَالَ تَعَالَى: {مَا هَذِهِ التَّمَاثِيلُ الَّتِي أَنْتُمْ لَهَا عَاكِفُونَ} [الأنبياء: ٥٢] بِمَعْنَى مُقِيمُونَ مُتَعَبِّدُونَ لَهَا. فَإِذْ لَا شَكَّ فِي هَذَا، فَكُلُّ إقَامَةٍ فِي مَسْجِدٍ لِلَّهِ تَعَالَى بِنِيَّةِ التَّقَرُّبِ إلَيْهِ: اعْتِكَافٌ، وَعُكُوفٌ؟ فَإِذْ لَا شَكَّ فِي هَذَا، فَالِاعْتِكَافُ يَقَعُ عَلَى مَا ذَكَرْنَا مِمَّا قَلَّ مِنْ الْأَزْمَانِ أَوْ كَثُرَ، إذْ لَمْ يَخُصَّ الْقُرْآنَ وَالسُّنَّةَ عَدَدًا مِنْ عَدَدٍ، وَلَا وَقْتًا مِنْ وَقْتٍ، وَمُدَّعِي ذَلِكَ مُخْطِئٌ؛ لِأَنَّهُ قَائِلٌ بِلَا بُرْهَانٍ

وَالِاعْتِكَافُ: فِعْلٌ حَسَنٌ، قَدْ اعْتَكَفَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَزْوَاجُهُ وَأَصْحَابُهُ - رَضِيَ اللَّهُ عَنْهُمْ - بَعْدَهُ وَالتَّابِعُونَ؟ وَمِمَّنْ قَالَ بِمِثْلِ هَذَا طَائِفَةٌ مِنْ السَّلَفِ -: كَمَا أَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ نا أَحْمَدُ بْنُ عَبْدٍ الْبُصَيْرِيُّ نا قَاسِمُ بْنُ أَصْبَغَ نا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ نا مُحَمَّدُ بْنُ الْمُثَنَّى نا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ زَائِدَةَ عَنْ عِمْرَانَ

L9647–9648 **The Book of I'tikaf: A Question of Observing I'tikaf for a Day Excluding Its Night or a Night Excluding Its Day.**

L9649–9651 I'tikaf is residing in the mosque with the intention of seeking nearness to Allah, the Almighty, for an hour or more, whether at night or during the day. 624 - Question: It is permissible to observe I'tikaf for a day without a night, or a night without a day, according to what a man or woman prefers. The proof for this is Allah's statement, the Exalted: {And do not have intercourse with them while you are observing I'tikaf in the mosques} [Al-Baqarah: 187]. It has been narrated to us through Malik's chain from Yazīd ibn ʿAbdillāh ibn al-Hādi, from Muḥammad ibn Ibrāhīm ibn al-Ḥārith al-Taymī, from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, from Abū Saʿīd al-Khudrī: "The Messenger of Allah—peace and blessings be upon him—used to observe I'tikaf during the middle ten days of Ramadan. He—peace and blessings be upon him—said: 'Whoever observed I'tikaf with me, let him observe the last ten days.'" The Quran was revealed in clear Arabic, and the Messenger of Allah—peace and blessings be upon him—spoke to us in the same language. In the Arabic language, "I'tikaf" means residing, as Allah, the Exalted, said: {What are these statues to which you are devoted?} [Al-Anbiyā': 52], meaning residing and worshipping them. Since there is no doubt in this, any residence in a mosque for the sake of Allah, the Exalted, with the intention of seeking nearness to Him constitutes I'tikaf and continuous devotion. Therefore, since there is no doubt in this, I'tikaf applies to what we have mentioned—whether the duration is short or long—since. The Qur'an and the Sunnah did not specify a number from among numbers, nor a time from among times. Whoever claims that is mistaken, for he is asserting without proof.[1]

L9652 I'tikaf is a virtuous act. The Messenger of Allah (peace be upon him), his wives, his companions (may Allah be pleased with them), and the Followers after him observed it. Among those who held this view is a group from the Salaf. Muhammad ibn Sa'īd ibn Nabāt reported via Ahmad ibn 'Abd al-Buṣayrī via Qāsim ibn Aṣbagh via Muhammad ibn 'Abd al-Salām al-Khushanī via Muhammad ibn al-Muthannā via 'Abd al-Raḥmān ibn Mahdī

[1] **Qur'an references (L9649):** Qur'an 2:187 (Al-Baqarah); Qur'an 21:52 (Al-Anbya).

from Zā'idah from 'Imrān ibn Abī Muslim from Suwayd ibn Ghaflah, who said: "Whoever sits in the mosque while in a state of purity is observing i'tikaf therein, as long as he does not invalidate his state of purity." Through another chain via 'Abd al-Razzāq from Ibn Jurayj, who said: I heard 'Aṭā ibn Abī Rabāḥ narrate from Ya'lā ibn Umayyah, who said: "I remain in the mosque for an hour, and I remain only to observe i'tikaf."

L9653 'Aṭā' said: "Did you suppose that Ṣafwān ibn Ya'lā informed me of it?" 'Aṭā' said: "It is I'tikāf for whatever time one remains in it. If he sits in the mosque seeking the reward of goodness, he is in I'tikāf; otherwise, is he not?"

L9654 Abu Muhammad said: Ya'lā is a Companion, while Suwayd is among the senior Followers. Ya'lā issued legal rulings during the era of 'Umar ibn al-Khaṭṭāb, and no disagreement with Ya'lā on this matter is known from any of the Companions. If it is objected: Reports exist from 'Ā'isha, Ibn 'Abbās, and Ibn 'Umar stating, "There is no i'tikāf except with fasting," and this contradicts Ya'lā's position—we respond: This is not as you assert, for there is no report whatsoever from those you mentioned stating that i'tikāf must be at least a full day. Rather, what is reported from them is that fasting is obligatory only during the state of i'tikāf. There is no prohibition against a person performing i'tikāf on this basis for an hour of a day in which they are fasting.

L9655 This is the opinion of Muhammad ibn al-Hasan, thereby invalidating what you have implied. And His statement, the Exalted: {And you are observing i'tikaf in the mosques} [Al-Baqarah: 187] - He, the Exalted, did not specify one period over another. {And your Lord is not forgetful} [Maryam: 64].[2]

L9656–9657 And through the chain of Muslim: Zuhayr ibn Harb narrated to us, who narrated from Yahya ibn Sa'id al-Qattan, from 'Ubayd Allah - he being the son of 'Umar - who said: "Nafi' informed me from Ibn 'Umar, who said: 'Umar said: 'O Messenger of Allah, I vowed during the pre-Islamic period of ignorance to observe i'tikaf for one night in the Sacred Mosque.' He said: 'Discharge your vow.'"

بْنِ أَبِي مُسْلِمٍ عَنْ سُوَيْدِ بْنِ غَفَلَةَ قَالَ: مَنْ جَلَسَ فِي الْمَسْجِدِ وَهُوَ طَاهِرٌ فَهُوَ عَاكِفٌ فِيهِ، مَا لَمْ يُحْدِثْ -: وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ قَالَ: سَمِعْت عَطَاءَ بْنَ أَبِي رَبَاحٍ يُخْبِرُ عَنْ يَعْلَى بْنِ أُمَيَّةَ قَالَ: إِنِّي لَأَمْكُثُ فِي الْمَسْجِدِ سَاعَةً وَمَا أَمْكُثُ إِلَّا لِأَعْتَكِفَ.

قَالَ عَطَاءٌ: حَسِبْت أَنَّ صَفْوَانَ بْنَ يَعْلَى أَخْبَرَنِيهِ؟ قَالَ عَطَاءٌ: هُوَ اعْتِكَافٌ مَا مَكَثَ فِيهِ، وَإِنْ جَلَسَ فِي الْمَسْجِدِ احْتِسَابَ الْخَيْرِ فَهُوَ مُعْتَكِفٌ، وَإِلَّا فَلَا؟

قَالَ أَبُو مُحَمَّدٍ: يَعْلَى صَاحِبٌ، وَسُوَيْدٌ مِنْ كِبَارِ التَّابِعِينَ، أَفْتَى أَيَّامَ عُمَرَ بْنِ الْخَطَّابِ، لَا يُعْرَفُ لِيَعْلَى فِي هَذَا مُخَالِفٌ مِنَ الصَّحَابَةِ فَإِنْ قِيلَ: قَدْ جَاءَ عَنْ عَائِشَةَ، وَابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ: لَا اعْتِكَافَ إِلَّا بِصَوْمٍ، وَهَذَا خِلَافٌ لِقَوْلِ يَعْلَى؟ قُلْنَا: لَيْسَ كَمَا تَقُولُ، لِأَنَّهُ لَمْ يَأْتِ قَطُّ عَمَّنْ ذَكَرْت: لَا اعْتِكَافَ أَقَلَّ مِنْ يَوْمٍ كَامِلٍ، إِنَّمَا جَاءَ عَنْهُمْ: أَنَّ الصَّوْمَ وَاجِبٌ فِي حَالِ الِاعْتِكَافِ فَقَطْ، وَلَا يَمْتَنِعُ أَنْ يَعْتَكِفَ الْمَرْءُ عَلَى هَذَا سَاعَةً فِي يَوْمٍ هُوَ فِيهِ صَائِمٌ.

وَهُوَ قَوْلُ مُحَمَّدِ بْنِ الْحَسَنِ، فَبَطَلَ مَا أَوْهَمْتُمْ بِهِ وَقَوْله تَعَالَى: {وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] فَلَمْ يَخُصَّ تَعَالَى مُدَّةً مِنْ مُدَّةٍ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] .

وَمِنْ طَرِيقِ مُسْلِمٍ: نا زُهَيْرُ بْنُ حَرْبٍ نا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ عُبَيْدِ اللَّهِ هُوَ ابْنُ عُمَرَ - قَالَ أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: «قَالَ عُمَرُ: يَا رَسُولَ اللَّهِ، إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ؟ قَالَ: فَأَوْفِ بِنَذْرِكَ» .

[2] **Qur'an references (L9655):** Qur'an 2:187 (Al-Baqarah); Qur'an 19:64 (Maryam).

فَهَذَا عُمُومٌ مِنْهُ - عَلَيْهِ السَّلَامُ - بِالْأَمْرِ بِالْوَفَاءِ بِالنَّذْرِ فِي الِاعْتِكَافِ، وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - مُدَّةً مِنْ مُدَّةٍ، فَبَطَلَ قَوْلُ خَالَفَ قَوْلَنَا - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ؟

L9658 This is a general ruling from him—peace be upon him—commanding the fulfillment of vows in iʿtikāf, and he did not specify a specific duration over another. Thus, any opinion contradicting our position is null and void—and all praise is due to Allah, Lord of the worlds.

وَقُلْنَا: هَذَا هُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ.

L9659 And we said: This is the opinion of al-Shāfiʿī and Abū Sulaymān.

وَقَالَ أَبُو حَنِيفَةَ: لَا يَجُوزُ الِاعْتِكَافُ أَقَلَّ مِنْ يَوْمٍ وَقَالَ مَالِكٌ: لَا اعْتِكَافَ أَقَلَّ مِنْ يَوْمٍ وَلَيْلَةٍ. ثُمَّ رَجَعَ وَقَالَ: لَا اعْتِكَافَ أَقَلَّ مِنْ عَشْرِ لَيَالٍ.

L9660 Abu Hanifah said: It is not permissible to observe i'tikaf for less than a day. Malik said: There is no i'tikaf for less than a daytime and a nighttime. Then he retracted and said: There is no i'tikaf for less than ten nights.

وَلَهُ قَوْلٌ: لَا اعْتِكَافَ أَقَلَّ مِنْ سَبْعِ لَيَالٍ، مِنْ الْجُمُعَةِ إلَى الْجُمُعَةِ.

L9661 He also holds the opinion: There is no i'tikaf shorter than seven nights, from one Friday to the next.

وَكُلُّ هَذَا قَوْلٌ بِلَا دَلِيلٍ. فَإِنْ قِيلَ: لَمْ يَعْتَكِفْ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَقَلَّ مِنْ عَشْرِ لَيَالٍ؟ قُلْنَا: نَعَمْ، وَلَمْ يَمْنَعْ مِنْ أَقَلَّ مِنْ ذَلِكَ، وَكَذَلِكَ أَيْضًا لَمْ يَعْتَكِفْ قَطُّ فِي غَيْرِ مَسْجِدِ الْمَدِينَةِ، فَلَا تُجِيزُوا الِاعْتِكَافَ فِي غَيْرِ مَسْجِدِهِ - عَلَيْهِ السَّلَامُ -، وَلَا اعْتَكَفَ قَطُّ إلَّا فِي رَمَضَانَ، وَشَوَّالٍ، فَلَا تُجِيزُوا الِاعْتِكَافَ فِي غَيْرِ هَذَيْنِ الشَّهْرَيْنِ؟

L9662 All of this is a statement without evidence. If it is said: Did the Messenger of Allah—peace and blessings be upon him—not perform iʿtikāf for less than ten nights? We respond: Yes, he did not prohibit less than that. Similarly, he never performed iʿtikāf in any mosque other than the Mosque of Medina—peace be upon him—so do not permit iʿtikāf in any mosque other than the Mosque of Medina. Nor did he ever perform iʿtikāf except in Ramadan and Shawwāl, so do not permit iʿtikāf outside of these two months.

وَالِاعْتِكَافُ فِي فِعْلِ خَيْرٍ، فَلَا يَجُوزُ الْمَنْعُ مِنْهُ إلَّا بِنَصٍّ وَارِدٍ بِالْمَنْعِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. فَإِنْ قَالُوا: قِسْنَا عَلَى مَسْجِدِهِ - عَلَيْهِ السَّلَامُ - سَائِرَ الْمَسَاجِدِ؟ قِيلَ لَهُمْ: فَقِيسُوا عَلَى اعْتِكَافِهِ عَشْرًا، أَوْ عِشْرِينَ: مَا دُونَ الْعَشْرِ. وَمَا فَوْقَ الْعِشْرِينَ، إذْ لَيْسَ مِنْهَا سَاعَةٌ وَلَا يَوْمٌ إلَّا وَهُوَ فِيهِ مُعْتَكِفٌ

L9663 I'tikaf is an act of righteousness, and it is impermissible to prohibit it except through a scriptural text explicitly prohibiting it - and with Allah, the Exalted, lies success. If they say: "Do we analogize other mosques to his mosque - peace be upon him?" respond to them: "Then analogize [all cases] to his I'tikaf: ten days, twenty days, durations shorter than ten days, and durations exceeding twenty days. For there was not a single hour or day within these spans except that he was observing I'tikaf."

[مَسْأَلَةٌ صَوْمُ الْمُعْتَكِفِ]

A ruling on fasting during iʿtikāf.

٦٢٥ - مَسْأَلَةٌ وَلَيْسَ الصَّوْمُ مِنْ شُرُوطِ الِاعْتِكَافِ، لَكِنْ إنْ شَاءَ الْمُعْتَكِفُ صَامَ وَإِنْ شَاءَ لَمْ يَصُمْ.

L9664

Issue 625: Fasting is not among the conditions for I'tikaf. However, the one observing I'tikaf may fast if he wishes, or not fast if he wishes.

L9665

L9666 Performing iʿtikāf on Eid al-Fitr, Eid al-Adḥā, and the Days of Tashrīq is good.

وَاعْتِكَافُ: يَوْمِ الْفِطْرِ وَيَوْمِ الْأَضْحَى، وَأَيَّامِ التَّشْرِيقِ: حَسَنٌ.

L9667 Similarly, the observance of iʿtikāf is: a night without a day, or a day without a night.

وَكَذَلِكَ اعْتِكَافُ: لَيْلَةٍ بِلَا يَوْمٍ، وَيَوْمٍ بِلَا لَيْلَةٍ.

L9668 This is the opinion of Al-Shafi'i, Ahmad ibn Hanbal, and Abu Sulayman.

وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَأَبِي سُلَيْمَانَ.

L9669–9670 This is the opinion of a group of the Salaf. We have been narrated through the chain of Saʿīd ibn Manṣūr: From ʿAbd al-ʿAzīz ibn Muḥammad, al-Darāwardī, from Abū Suhayl ibn Mālik, who said: "A woman from my family owed iʿtikāf. I asked ʿUmar ibn ʿAbd al-ʿAzīz?" He said: "She is not required to fast unless she imposes it upon herself." Al-Zuhrī then said: "There is no iʿtikāf without fasting." ʿUmar asked him: "Is this from the Prophet—peace and blessings be upon him?" He replied: "No." He asked: "From Abū Bakr?" He said: "No." He asked: "From ʿUmar?" He said: "No." I believe he then asked: "From ʿUthmān?" He said: "No." Abū Suhayl said: "I met Ṭāwūs and ʿAṭāʾ and asked them. Ṭāwūs said: 'Fulān held that she is not required to fast unless she imposes it upon herself,' and ʿAṭāʾ said: 'She is not required to fast unless she imposes it upon herself.'"

وَهُوَ قَوْلُ طَائِفَةٍ مِنْ السَّلَفِ -: رُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ هُوَ الدَّرَاوَرْدِيُّ - عَنْ أَبِي سُهَيْلِ بْنِ مَالِكٍ قَالَ: كَانَ عَلَى امْرَأَةٍ مِنْ أَهْلِي اعْتِكَافٌ، فَسَأَلْت عُمَرَ بْنَ عَبْدِ الْعَزِيزِ؟ فَقَالَ: لَيْسَ عَلَيْهَا صِيَامٌ إلَّا أَنْ تَجْعَلَهُ عَلَى نَفْسِهَا. فَقَالَ الزُّهْرِيُّ: لَا اعْتِكَافَ إلَّا بِصَوْمٍ. فَقَالَ لَهُ عُمَرُ: عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قَالَ: لَا، قَالَ: فَعَنْ أَبِي بَكْرٍ؟ قَالَ: لَا، قَالَ: فَعَنْ عُمَرَ؟ قَالَ: لَا، قَالَ: فَأَظُنُّهُ قَالَ: فَعَنْ عُثْمَانَ؟ قَالَ: لَا. قَالَ أَبُو سُهَيْلٍ: لَقِيت طَاوُسًا، وَعَطَاءً، فَسَأَلْتهمَا؟ فَقَالَ طَاوُسٍ: كَانَ فُلَانٌ لَا يَرَى عَلَيْهَا صِيَامًا إلَّا أَنْ تَجْعَلَهُ عَلَى نَفْسِهَا، وَقَالَ عَطَاءٌ: لَيْسَ عَلَيْهَا صِيَامٌ إلَّا أَنْ تَجْعَلَهُ عَلَى نَفْسِهَا

L9671 And through him to Saʿīd: Hibban ibn ʿAlī narrated to us, Layth narrated to us from al-Ḥakam from Miqsam: that ʿAlī and Ibn Masʿūd both said: "The *muʿtakif* is not obligated to fast unless he stipulates it upon himself."

وَبِهِ إلَى سَعِيدٍ: نا حِبَّانُ بْنُ عَلِيٍّ نا لَيْثٌ عَنْ الْحَكَمِ عَنْ مِقْسَمٍ: أَنَّ عَلِيًّا، وَابْنَ مَسْعُودٍ قَالَا جَمِيعًا: الْمُعْتَكِفُ لَيْسَ عَلَيْهِ صَوْمٌ إلَّا أَنْ يَشْتَرِطَ ذَلِكَ عَلَى نَفْسِهِ؟

L9672 Differences of opinion have been reported concerning that from Ibn Abbas, as narrated to us by Muhammad ibn Sa'id ibn Nabat, who narrated to us via Abdullah ibn Umar and Muhammad al-Qala'i, who narrated to us via Muhammad ibn Ahmad al-Sawwaf, who narrated to us via Bishr ibn Musa ibn Salih ibn Umayrah, who narrated to us via Abu Bakr al-Humaydi, who narrated to us via Abdul Aziz ibn Muhammad al-Darawardi, who narrated to us via Abu Suhayl ibn Malik, who said: "I and Ibn Shihab gathered at Umar ibn Abd al-Aziz's presence, while there was upon my wife a three-day i'tikaf in the Sacred Mosque. Ibn Shihab said: 'There is no i'tikaf except

وَاخْتُلِفَ فِي ذَلِكَ عَنْ ابْنِ عَبَّاسٍ، كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ نا عَبْدُ اللَّهِ بْنُ عُمَرَ مُحَمَّدٌ الْقَلَعِيُّ نا مُحَمَّدُ بْنُ أَحْمَدَ الصَّوَّافُ نا بِشْرُ بْنُ مُوسَى بْنِ صَالِحِ بْنِ عُمَيْرَةَ نا أَبُو بَكْرٍ الْحُمَيْدِيُّ نا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ نا أَبُو سُهَيْلِ بْنُ مَالِكٍ قَالَ: اجْتَمَعْت أَنَا وَابْنُ شِهَابٍ عِنْدَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَكَانَ عَلَى امْرَأَتِي اعْتِكَافُ ثَلَاثٍ فِي الْمَسْجِدِ الْحَرَامِ.

with fasting.’ Umar ibn Abd al-Aziz asked him: ’Is this from the Messenger of Allah—peace be upon him?’ He replied: ’No.’ He asked: ’From Abu Bakr?’ He said: ’No.’ He asked: ’From Umar?’ He said: ’No.’ He asked: ’From Uthman?’ He said: ’No.’ Abu Suhayl said: ’I left and met Tawus and Ata, so I asked them about this. Tawus said: ”Ibn Abbas did not consider fasting obligatory upon one observing i’tikaf unless they imposed it upon themselves.“ Ata said: ”Is that my opinion¿‘“

فَقَالَ ابْنُ شِهَابٍ: لَا يَكُونُ اعْتِكَافٌ إِلَّا بِصَوْمٍ. فَقَالَ لَهُ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: أَمِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ قَالَ: لَا. قَالَ: فَمِنْ أَبِي بَكْرٍ؟ قَالَ: لَا، قَالَ: فَمِنْ عُمَرَ؟ قَالَ: لَا، قَالَ: فَمِنْ عُثْمَانَ؟ قَالَ: لَا. قَالَ أَبُو سُهَيْلٍ: فَانْصَرَفْت فَلَقِيت طَاوُسًا، وَعَطَاءً، فَسَأَلْتهمَا عَنْ ذَلِكَ. فَقَالَ طَاوُسٍ: كَانَ ابْنُ عَبَّاسٍ لَا يَرَى عَلَى الْمُعْتَكِفِ صِيَامًا إلَّا أَنْ يَجْعَلَهُ عَلَى نَفْسِهِ. قَالَ عَطَاءٌ: ذَلِكَ رَأْيِي؟

L9673–9674 And through the chain of Waki‘ from Shu‘bah from al-Ḥakam ibn ‘Utaybah from Ibrāhīm al-Nakha‘i, who said: “If a person observing i‘tikāf wished, he did not have to fast.”

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: الْمُعْتَكِفُ إنْ شَاءَ لَمْ يَصُمْ

L9675 Via the chain of Ibn Abi Shaybah: He narrated to us from ‘Abdah from Sa‘id ibn Abi ‘Arubah from Qatadah from al-Hasan, who said: There is no fasting obligation upon the person observing i‘tikaf unless he imposes it upon himself.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نَا عَبْدَةُ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ الْحَسَنِ قَالَ: لَيْسَ عَلَى الْمُعْتَكِفِ صَوْمٌ لَا أَنْ يُوجِبَ ذَلِكَ عَلَى نَفْسِهِ؟

L9676 Abu Hanifa, Sufyan, Al-Ḥasan ibn Ṣāliḥ, Malik, and Al-Layth said: There is no valid *i‘tikāf* without fasting.

وَقَالَ أَبُو حَنِيفَةَ، وَسُفْيَانُ، وَالْحَسَنُ بْنُ حَيٍّ، وَمَالِكٌ، وَاللَّيْثُ: لَا اعْتِكَافَ إلَّا بِصَوْمٍ.

L9677 It has been authentically reported from Urwah ibn al-Zubayr and al-Zuhri, and there are differing reports from Tawus and Ibn Abbas regarding it; are both matters authentically reported from both of them?

وَصَحَّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، وَالزُّهْرِيِّ وَقَدْ اخْتَلَفَ فِيهِ عَنْ طَاوُسٍ وَعَنْ ابْنِ عَبَّاسٍ، وَصَحَّ عَنْهُمَا كِلَا الْأَمْرَيْنِ؟

L9678 He wrote to Dāwūd ibn Bābshādh ibn Dāwūd al-Miṣrī, stating: Narrated to us ʿAbd al-Ghanī ibn Saʿīd al-Ḥāfiẓ from Hishām ibn Muḥammad ibn Qurrah al-Ruʿaynī from Abū Jaʿfar al-Ṭaḥāwī from al-Rabīʿ ibn Sulaymān al-Muʾadhdhin from Ibn Wahb from Ibn Jurayj from ʿAṭāʾ from Ibn ʿAbbās and Ibn ʿUmar, who both said together: “There is no iʿtikāf except with fasting.”

كَتَبَ إلَى دَاوُد بْنِ بَابْشَاذَ بْنِ دَاوُد الْمَصْرِيِّ قَالَ: نا عَبْدُ الْغَنِيِّ بْنُ سَعِيدٍ الْحَافِظُ نا هِشَامُ بْنُ مُحَمَّدِ بْنِ قُرَّةَ الرُّعَيْنِيُّ نا أَبُو جَعْفَرٍ الطَّحَاوِيُّ نا الرَّبِيعُ بْنُ سُلَيْمَانَ الْمُؤَذِّنُ نا ابْنُ وَهْبٍ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ قَالَا جَمِيعًا: لَا اعْتِكَافَ إلَّا بِصَوْمٍ

L9679 It has been narrated from ʿĀ’ishah: “Is there no iʿtikāf except with fasting?”

وَرُوِيَ عَنْ عَائِشَةَ: لَا اعْتِكَافَ إلَّا بِصَوْمٍ؟

L9680 On the authority of ʿAbd al-Razzāq, from Sufyān al-Thawrī, from Ḥabīb ibn

Abī Thābit, from ʿAṭāʾ, from ʿĀʾisha, the Mother of the Believers, who said: "Whoever performs iʿtikāf must fast."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ عَطَاءٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: مَنْ اعْتَكَفَ فَعَلَيْهِ الصَّوْمُ.

L9681 Abū Muḥammad said: Those who uncritically adopted the opinion of those who asserted that there is no iʿtikāf except with fasting clamored by arguing: Allāh the Exalted said: "So now go in unto them and seek what Allāh has ordained for you, and eat and drink until the white thread of dawn becomes distinct to you from the black thread, then complete the fast until nightfall. And do not go in unto them while you are in iʿtikāf in the mosques" [al-Baqarah 2:187].[3]

قَالَ أَبُو مُحَمَّدٍ: شَغِبَ مَنْ قَلَّدَ الْقَائِلِينَ بِأَنَّهُ لَا اعْتِكَافَ إِلَّا بِصَوْمٍ بِأَنْ قَالُوا: قَالَ اللَّهُ تَعَالَى: {فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ وَلا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] .

L9682 They said: Since Allah, the Exalted, mentioned iʿtikāf after His mention of fasting, is it obligatory that iʿtikāf is only valid when accompanied by fasting?

قَالُوا: فَذَكَرَ اللَّهُ تَعَالَى الِاعْتِكَافَ إِثْرَ ذِكْرِهِ لِلصَّوْمِ، فَوَجَبَ أَنْ لَا يَكُونَ الِاعْتِكَافُ إِلَّا بِصَوْمٍ؟

L9683 Abu Muhammad said: Nothing more heinous than this distortion of the speech of Allah the Exalted has ever been heard, nor the insertion into it of what is not in it. No discerning person has ever known that Allah the Exalted's mention of one law immediately after another of His laws makes obligatory the binding of one of them to the other.

قَالَ أَبُو مُحَمَّدٍ: مَا سُمِعَ بِأَقْبَحَ مِنْ هَذَا التَّحْرِيفِ لِكَلَامِ اللَّهِ تَعَالَى، وَالْإِقْحَامِ فِيهِ مَا لَيْسَ فِيهِ وَمَا عَلِمَ قَطُّ ذُو تَمْيِيزٍ: أَنَّ ذِكْرَ اللَّهِ تَعَالَى شَرِيعَةً إِثْرَ ذِكْرِهِ أُخْرَى مُوجِبَةٌ عَقْدَ إِحْدَاهُمَا بِالْأُخْرَى.

L9684–9685 There is no difference between this opinion and the claim that since fasting was mentioned followed by iʿtikāf, it became obligatory that no fasting suffices except with iʿtikāf.

وَلَا فَرْقَ بَيْنَ هَذَا الْقَوْلِ وَبَيْنَ مَنْ قَالَ: بَلْ لَمَّا ذَكَرَ الصَّوْمَ ثُمَّ الِاعْتِكَافَ: وَجَبَ أَنْ لَا يُجْزِئَ صَوْمٌ إِلَّا بِاعْتِكَافٍ؟

L9686 If they say, "No one has ever said this," we respond: You have thereby acknowledged the validity of the consensus rejecting your argument, and that citing one divine law alongside another does not require the validity of one to depend on the other.

فَإِنْ قَالُوا: لَمْ يَقُلْ هَذَا أَحَدٌ قُلْنَا: فَقَدْ أَقْرَرْتُمْ بِصِحَّةِ الْإِجْمَاعِ عَلَى بُطْلَانِ حُجَّتِكُمْ، وَعَلَى أَنَّ ذِكْرَ شَرِيعَةٍ مَعَ ذِكْرِ أُخْرَى لَا يُوجِبُ أَنْ لَا تَصِحَّ إِحْدَاهُمَا إِلَّا بِالْأُخْرَى.

L9687 Moreover, those who disagree with us unanimously agree that the person observing i'tikaf remains in i'tikaf during the night just as during the day, and he is exempt from fasting at night.

وَأَيْضًا: فَإِنَّ خُصُومَنَا مُجْمِعُونَ عَلَى أَنَّ الْمُعْتَكِفَ: هُوَ بِاللَّيْلِ مُعْتَكِفٌ كَمَا هُوَ بِالنَّهَارِ، وَهُوَ بِاللَّيْلِ غَيْرُ صَائِمٍ.

[3] **Qur'an references (L9681):** Qur'an 2:187 (Al-Baqarah).

فَلَوْ صَحَّ لَهُمْ هَذَا الِاسْتِدْلَال لَوَجَبَ أَنْ لَا يُجْزِئَ الِاعْتِكَافُ إِلَّا بِالنَّهَارِ الَّذِي لَا يَكُونُ الصَّوْمُ إِلَّا فِيهِ - فَبَطَلَ تَمْوِيهُهُمْ بِإِيرَادِ هَذِهِ الْآيَةِ، حَيْثُ لَيْسَ فِيهَا شَيْءٌ مِمَّا مَوَّهُوا بِهِ، لَا بِنَصٍّ وَلَا بِدَلِيلٍ وَذَكَرُوا مَا رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد قَالَ: نا أَحْمَدُ بْنُ إِبْرَاهِيم نا أَبُو دَاوُد هُوَ الطَّيَالِسِيُّ - نا عَبْدُ اللَّهِ بْنُ بُدَيْلٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ ابْنِ عُمَرَ قَالَ: «إِنَّ عُمَرَ جَعَلَ عَلَيْهِ فِي الْجَاهِلِيَّةِ أَنْ يَعْتَكِفَ لَيْلَةً أَوْ يَوْمًا عِنْدَ الْكَعْبَةِ، فَسَأَلَ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: اعْتَكِفْ وَصُمْ» .

L9688 If their reasoning were valid, it would necessitate that devotional seclusion (iʿtikāf) would not be valid except during the daytime in which fasting is exclusively observed. Thus their deceptive use of this verse is refuted, for it contains none of what they misleadingly claimed - neither explicit textual proof nor inferential evidence. They cited the narration transmitted to us through Abū Dāwūd's chain: Aḥmad ibn Ibrāhīm narrated to us, from Abū Dāwūd al-Ṭayālisī, from ʿAbdullāh ibn Budayl, from ʿAmr ibn Dīnār, from Ibn ʿUmar, who said: "'Umar had pledged during the pre-Islamic era to observe seclusion a night or a day near the Kaʿbah. He consulted the Prophet - peace and blessings be upon him - who responded: 'Observe the seclusion and fast.'"

قَالَ أَبُو مُحَمَّد: هَذَا خَبَرٌ لَا يَصِحُّ، لِأَنَّ عَبْدَ اللَّهِ بْنَ بُدَيْلٍ مَجْهُولٌ وَلَا يُعْرَفُ هَذَا الْخَبَرُ مِنْ مُسْنَدِ عَمْرِو بْنِ دِينَارٍ أَصْلًا، وَمَا نَعْرِفُ لِعَمْرِو بْنِ دِينَارٍ عَنْ ابْنِ عُمَرَ حَدِيثًا مُسْنَدًا إِلَّا ثَلَاثَةً، لَيْسَ، هَذَا مِنْهَا -: أَحَدُهَا: فِي الْعُمْرَةِ {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ} [الأحزاب: ٢١] . وَالثَّانِي: فِي صِفَةِ الْحَجِّ. وَالثَّالِثُ: «لَا تَمْنَعُوا إِمَاءَ اللَّهِ مَسَاجِدَ اللَّهِ» .

L9689 Abū Muḥammad said: This narration is unsound, for ʿAbd Allāh ibn Budayl is unknown, and this report is not recognized at all within the Musnad of ʿAmr ibn Dīnār. We know of no musnad ḥadith from ʿAmr ibn Dīnār originating from Ibn ʿUmar except three—this not being among them: The first concerns ʿUmrah: *"There has certainly been for you in the Messenger of Allah an excellent example"* [al-Aḥzāb 33:21]. The second relates to the description of Ḥajj. The third: "Do not prevent Allah's female worshippers from Allah's mosques."[4]

فَسَقَطَ عَنَّا هَذَا الْخَبَرُ، لِبُطْلَانِ سَنَدِهِ؟

L9690–9691 Has this report, therefore, been dismissed by us due to the invalidity of its chain of transmission?

ثُمَّ الطَّامَّةُ الْكُبْرَى احْتِجَاجُهُمْ بِهِ فِي إِيجَابِ الصَّوْمِ فِي الِاعْتِكَافِ وَمُخَالَفَتُهُمْ إِيَّاهُ فِي إِيجَابِ الْوَفَاءِ بِمَا نَذَرَهُ الْمَرْءُ فِي الْجَاهِلِيَّةِ، فَهَذِهِ عَظِيمَةٌ لَا يَرْضَى بِهَا ذُو دِينٍ

L9692 Furthermore, the gravest calamity is their use of the Prophet's precedent as proof to obligate fasting during iʿtikāf (spiritual retreat) while opposing him in obligating the fulfillment of vows made during pre-Islamic ignorance. This is a grave transgression no person of faith would ever condone.

فَإِنْ قَالُوا: مَعْنَى قَوْلِهِ " فِي الْجَاهِلِيَّةِ " أَيْ أَيَّامِ ظُهُورِ الْجَاهِلِيَّةِ بَعْدَ إِسْلَامِهِ؟ قُلْنَا لِمَنْ قَالَ هَذَا: إِنْ كُنْت تَقُولُ هَذَا قَاطِعًا بِهِ فَأَنْتَ أَحَدُ الْكَذَّابِينَ، لِقَطْعِك بِمَا لَا دَلِيلَ لَك عَلَيْهِ، وَلَا وَجَدْت قَطُّ فِي شَيْءٍ مِنْ الْأَخْبَارِ، وَإِنْ كُنْت تَقُولُهُ ظَنًّا، فَإِنَّ الْحَقَائِقَ لَا تُتْرَكُ بِالظُّنُونِ.

L9693 If they say: "The meaning of his statement 'in the pre-Islamic ignorance' refers to the days when pre-Islamic ignorance manifested after embracing Islam?" We respond to whoever says this: If you assert this decisively, you are among the liars, for you conclusively state what you have no evidence for, nor have you ever found it in any of the narrations. If you say this

[4]**Qur'an references (L9689):** Qur'an 33:21 (Al-Ahzab).

as conjecture, then established truths cannot be discarded based on mere conjectures.

وَقَدْ قَالَ اللَّهُ تَعَالَى: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦] . وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» . فَكَيْفَ وَقَدْ صَحَّ كَذِبُ هَذَا الْقَوْلِ، كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نا حَفْصُ بْنُ غِيَاثٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ عَنْ عُمَرَ قَالَ «نَذَرْتُ نَذْرًا فِي الْجَاهِلِيَّةِ فَسَأَلْتُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعْدَمَا أَسْلَمْتُ، فَأَمَرَنِي أَنْ أُوفِيَ بِنَذْرِي» .

L9694 Allah the Exalted has said: {Indeed, suspicion avails nothing against the truth} [Yūnus 10:36]. The Messenger of Allah - peace and blessings be upon him - said: «Beware of suspicion, for suspicion is the most false of speech.» How then, when the falseness of this statement has been confirmed, as narrated by Ibn Abī Shaybah via Ḥafṣ ibn Ghiyāth, from ʻUbayd Allāh ibn ʻUmar, from Nāfiʻ, from Ibn ʻUmar, from ʻUmar, who said: «I vowed a vow during the Age of Ignorance, so I asked the Prophet - peace and blessings be upon him - after embracing Islam, and he commanded me to fulfill my vow.»[5]

وَهَذَا فِي غَايَةِ الصِّحَّةِ، لَا كَحَدِيثِ عَبْدِ اللَّهِ بْنِ بُدَيْلٍ الذَّاهِبِ فِي الرِّيَاحِ؟ فَهَلْ سَمِعَ بِأَعْجَبَ مِنْ هَؤُلَاءِ الْقَوْمِ لَا يَزَالُونَ يَأْتُونَ بِالْخَبَرِ يَحْتَجُّونَ بِهِ عَلَى مَنْ لَا يُصَحِّحُهُ فِيمَا وَافَقَ تَقْلِيدَهُمْ، وَهُمْ أَوَّلُ مُخَالِفِينَ لِذَلِكَ الْخَبَرِ نَفْسِهِ فِيمَا خَالَفَ تَقْلِيدَهُمْ -: فَكَيْفَ يَصْعَدُ مَعَ هَذَا عَمَلٌ؟ وَنَعُوذُ بِاللَّهِ مِنَ الضَّلَالِ، فَعَادَ خَبَرُهُمْ حُجَّةً عَلَيْهِمْ لَا عَلَيْنَا، وَلَوْ صَحَّ، وَرَأَيْنَاهُ حُجَّةً لَقُلْنَا: بِهِ

L9695 This is of the utmost authenticity, unlike the hadith of ʿAbdullāh ibn Budayl, scattered by the winds? Has anyone heard of anything more astonishing than these people? They persistently cite reports as evidence against those who do not validate them when they align with their *taqlīd*, yet they are the foremost to oppose that very report itself when it contradicts their *taqlīd* - so how can any deed ascend [to acceptance] under such circumstances? We seek refuge in Allah from misguidance. Thus, their report becomes evidence against them, not us. Even if it were authentic and we deemed it evidence, we would say: “By it.”

وَمَوَّهُوا بِأَنَّ هَذَا رُوِيَ عَنْ أُمِّ الْمُؤْمِنِينَ، وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ. قَالُوا: وَمِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ.

L9696 They obscured the matter by claiming this was narrated from the Mother of the Believers, Ibn Abbas, and Ibn Umar, and said: “Such a matter cannot be based on personal opinion.”

فَقُلْنَا: أَمَّا ابْنُ عَبَّاسٍ فَقَدْ اُخْتُلِفَ عَنْهُ فِي ذَلِكَ، فَصَحَّ عَنْهُ مِثْلُ قَوْلِنَا.

L9697 So we said: As for Ibn Abbas, there has been disagreement regarding what is narrated from him on that matter, and an authentic report transmitted from him matches our statement.

وَقَدْ رُوِّينَا عَنْهُ مِنْ طَرِيقِ: عَبْدِ الرَّزَّاقِ أَنَا ابْنُ عُيَيْنَةَ عَنْ عَبْدِ الْكَرِيمِ بْنِ أَبِي أُمَيَّةَ سَمِعْتُ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ يَقُولُ: إِنَّ أُمَّنَا مَاتَتْ وَعَلَيْهَا اعْتِكَافٌ، فَسَأَلْتُ ابْنَ عَبَّاسٍ؟ فَقَالَ: اعْتَكِفْ عَنْهَا وَصُمْ

L9698–9700 It was narrated to us from him via Abd al-Razzaq, from Ibn Uyaynah, from Abd al-Karim ibn Abi Umayyah, who said: I heard Ubayd Allah ibn Abdullah ibn Utbah say: “Our mother died while *iʿtikāf* was incumbent upon her, so I asked...” Ibn Abbas? He said: Observe *iʿtikāf* from her and fast.

[5] **Qur’an references (L9694):** Qur’an 10:36 (Yunus).

L9701 How did Ibn Abbas become a binding proof for obliging fasting upon the person observing iʿtikāf—when an authentic report from him contradicts this—yet not become a binding proof for obliging the guardian to fulfill the missed iʿtikāf on behalf of the deceased?

فَمِنْ أَيْنَ صَارَ ابْنُ عَبَّاسٍ حُجَّةً فِي إِيجَابِ الصَّوْمِ عَلَى الْمُعْتَكِفِ - وَقَدْ صَحَّ عَنْهُ خِلَافُ ذَلِكَ -. وَلَمْ يَصِرْ حُجَّةً فِي إِيجَابِهِ عَلَى الْوَلِيِّ قَضَاءُ الِاعْتِكَافِ عَنْ الْمَيِّتِ؟

L9702 Why did you not say here: “Such a thing is not said through independent personal opinion”? We have observed them stating: “Had this been soundly established with so-and-so, he would not have abandoned it,” or they would say: “He would not have left what he upheld regarding that matter except for what he deemed more authentic”?

وَهَلَّا قُلْتُمْ هَاهُنَا: مِثْلُ هَذَا لَا يُقَالُ: بِالرَّأْيِ وَعَهِدْنَاهُمْ يَقُولُونَ: لَوْ كَانَ هَذَا عِنْدَ فُلَانٍ صَحِيحًا مَا تَرَكَهُ. أَوْ يَقُولُونَ: لَمْ يَتْرُكْ مَا عِنْدَهُ مِنْ ذَلِكَ إلَّا لِمَا هُوَ أَصَحُّ عِنْدَهُ؟

L9703 We have previously mentioned from ʿAṭāʾ that he did not consider fasting necessary for the muʿtakif, and he heard Ṭāwus mentioning this as transmitted from Ibn ʿAbbās without objecting to him regarding it.

وَقَدْ ذَكَرْنَا عَنْ عَطَاءٍ آنِفًا أَنَّهُ لَمْ يَرَ الصَّوْمَ عَلَى الْمُعْتَكِفِ، وَسَمِعَ طَاوُسًا يَذْكُرُ ذَلِكَ عَنْ ابْنِ عَبَّاسٍ فَلَمْ يُنْكِرْ ذَلِكَ عَلَيْهِ.

L9704 Why did they not say: “Aṭā did not omit any narration reported from Ibn ʿAbbās and Ibn ʿUmar except for what he possessed that was stronger than it, but those people are frivolous’?

فَهَلَّا قَالُوا: لَمْ يَتْرُكْ عَطَاءٌ مَا رُوِيَ عَنْ ابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ إلَّا لِمَا هُوَ عِنْدَهُ أَقْوَى مِنْهُ، وَلَكِنَّ الْقَوْمَ مُتَلَاعِبُونَ

L9705 As for the Mother of the Believers, we have been narrated from her through Abū Dāwūd: Wahb ibn Baqiyyah narrated to us from Khālid, from ʿAbd al-Raḥmān—that is, ibn Isḥāq—from al-Zuhrī, from ʿUrwah, from ʿĀ’ishah, the Mother of the Believers, that she said: “The Sunnah for one observing *iʿtikāf* is that he must not visit a sick person, nor attend a funeral, nor touch a woman nor have intercourse with her, nor leave for any need except what is unavoidable. There is no *iʿtikāf* except with fasting, and no *iʿtikāf* except in a congregational mosque?”

وَأَمَّا أُمُّ الْمُؤْمِنِينَ فَقَدْ رُوِّينَا عَنْهَا مِنْ طَرِيقِ أَبِي دَاوُد -: نا وَهْبُ بْنُ بَقِيَّةَ أَنَا خَالِدٌ عَنْ عَبْدِ الرَّحْمَنِ يَعْنِي ابْنَ إِسْحَاقَ - عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا " قَالَتْ: السُّنَّةُ عَلَى الْمُعْتَكِفِ لَا يَعُودُ مَرِيضًا، وَلَا يَشْهَدُ جِنَازَةً، وَلَا يَمَسُّ امْرَأَةً وَلَا يُبَاشِرُهَا، وَلَا يَخْرُجُ لِحَاجَةٍ إلَّا لِمَا لَا بُدَّ مِنْهُ وَلَا اعْتِكَافَ إلَّا بِصَوْمٍ، وَلَا اعْتِكَافَ إلَّا فِي مَسْجِدِ جَامِعٍ؟

L9706 Why is her statement regarding the obligation of iʿtikāf considered proof, while her declaration “There is no iʿtikāf except in a congregational mosque” not considered proof? It has been narrated to us from her through ʿAbd al-Razzāq, who reported from Ibn Jurayj and Maʿmar. Ibn Jurayj said: Aṭāʾ informed me that ʿĀ’ishah vowed to observe consecration in the valley of Thabir adjacent to Mina.

فَمِنْ أَيْنَ صَارَ قَوْلُهَا فِي إِيجَابِ الِاعْتِكَافِ حُجَّةً، وَلَمْ يَصِرْ قَوْلُهَا " لَا اعْتِكَافَ إلَّا فِي مَسْجِدِ جَامِعٍ " حُجَّةً وَرُوِّينَا عَنْهَا عَنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ، وَمَعْمَرٍ -: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ: أَنَّ عَائِشَةَ نَذَرَتْ جِوَارًا فِي جُودِ ثَبِيرٍ مِمَّا يَلِي مِنًى.

L9707–9708 Ma’mar reported from Ayyub al-Sikhtiyani from Ibn Abi Mulaykah, who

said: Aisha, the Mother of the Believers, observed *iʿtikāf* between [Mount] Ḥirā’ and [Mount] Thabīr, and we would visit her there.

وَقَالَ مَعْمَرٌ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنِ ابْنِ أَبِي مُلَيْكَةَ قَالَ: اعْتَكَفَتْ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ بَيْنَ حِرَاءَ، وَثَبِيرٍ، فَكُنَّا نَأْتِيهَا هُنَالِكَ.

L9709 They opposed Aisha in this matter as well, and this is perplexing. As for Ibn Umar—Yunus ibn Abd Allah narrated to us, Ahmad ibn Abd Allah ibn Abd al-Rahim narrated to us, Ahmad ibn Khalid narrated to us, Muhammad ibn Khalid narrated to us, Muhammad ibn Abd al-Salam al-Khushani narrated to us, Muhammad ibn Bashshar narrated to us, Yahya ibn Saʿid al-Qattan narrated to us, from Abd al-Malik ibn Abi Sulayman, from Ata ibn Abi Rabah: When Ibn Umar performed iʿtikaf, he would pitch a tent or a shelter to relieve his bodily needs within it—would no roof of a house shade him?

فَخَالَفُوا عَائِشَةَ فِي هَذَا أَيْضًا، وَهَذَا عَجَبٌ وَأَمَّا ابْنُ عُمَرَ فَحَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ نا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحِيمِ نا أَحْمَدُ بْنُ خَالِدٍ نا مُحَمَّدُ بْنُ خَالِدٍ نا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ نا مُحَمَّدُ بْنُ بَشَّارٍ نا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ نا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ: أَنَّ ابْنَ عُمَرَ كَانَ إِذَا اعْتَكَفَ ضَرَبَ فُسْطَاطًا، أَوْ خِبَاءً يَقْضِي فِيهِ حَاجَتَهُ، وَلَا يُظِلُّهُ سَقْفُ بَيْتٍ؟

L9710 Ibn ʿUmar was deemed authoritative proof regarding the ruling narrated from him that “there is no valid iʿtikāf without fasting,” so why was he not considered proof for his practice of never sheltering under a man-made roof during iʿtikāf?

فَكَانَ ابْنُ عُمَرَ حُجَّةً فِيمَا رُوِيَ عَنْهُ: أَنَّهُ لَا اعْتِكَافَ إِلَّا بِصَوْمٍ، وَلَمْ يَكُنْ حُجَّةً فِي أَنَّهُ كَانَ إِذَا اعْتَكَفَ لَا يُظِلُّهُ سَقْفُ بَيْتٍ؟

L9711 It has thus become evident that this group creates a misleading impression by citing Companions whose authority they invoke, for they disregard any disagreement with those Companions whose statements contradict the opinions of Imām Abū Ḥanīfa and Imām Mālik. Indeed, they do not regard the Companions’ statements as valid evidence unless they conform strictly to the opinions of Imām Abū Ḥanīfa and Imām Mālik alone - and herein lies the inherent flaw.

فَصَحَّ أَنَّ الْقَوْمَ إِنَّمَا يُمَوِّهُونَ بِذِكْرِ مَنْ يَحْتَجُّ بِهِ مِنَ الصَّحَابَةِ إِيهَامًا، لِأَنَّهُمْ لَا مُؤْنَةَ عَلَيْهِمْ مِنْ خِلَافِهِمْ فِيمَا لَمْ يُوَافِقْ مِنْ أَقْوَالِهِمْ رَأْيَ أَبِي حَنِيفَةَ، وَمَالِكٍ وَأَنَّهُمْ لَا يَرَوْنَ أَقْوَالَ الصَّحَابَةِ حُجَّةً إِلَّا إِذَا وَافَقَتْ رَأْيَ أَبِي حَنِيفَةَ، وَمَالِكٍ فَقَطْ، وَفِي هَذَا مَا فِيهِ.

L9712 Their statement is invalidated due to its lack of proof, being counted among the mundane matters of the world, and the irrationality of their claim: Since iʿtikāf entails remaining in one place, it resembles standing at ʿArafah. Yet standing at ʿArafah is valid only in a state of ritual consecration (iḥrām). Therefore, iʿtikāf is valid only through another condition—namely, fasting.

فَبَطَلَ قَوْلُهُمْ، لِتَعَرِّيهِ مِنَ الْبُرْهَانِ وَمِنْ عَجَائِبِ الدُّنْيَا، وَمِنَ الْهَوَسِ قَوْلُهُمْ: لَمَّا كَانَ الِاعْتِكَافُ لُبْثًا فِي مَوْضِعٍ: أَشْبَهَ الْوُقُوفَ بِعَرَفَةَ، وَالْوُقُوفُ بِعَرَفَةَ لَا يَصِحُّ إِلَّا مُحْرِمًا، فَوَجَبَ أَنْ لَا يَصِحَّ الِاعْتِكَافُ إِلَّا بِمَعْنًى آخَرَ، وَهُوَ الصَّوْمُ.

L9713–9715 They were asked: Since remaining in Arafat does not necessitate fasting, should it not follow that i’tikaf likewise does not require fasting? Abū Muḥammad said: Among the proofs validating our position is the Prophet’s (peace be upon him) observance of i’tikaf during Ramadan. His fasting can-

فَقِيلَ لَهُمْ: لَمَّا كَانَ اللُّبْثُ بِعَرَفَةَ لَا يَقْتَضِي وُجُوبَ الصَّوْمِ وَجَبَ أَنْ يَكُونَ الِاعْتِكَافُ لَا يَقْتَضِي وُجُوبَ الصَّوْمِ؟ قَالَ أَبُو مُحَمَّدٍ: مِنَ الْبُرْهَانِ عَلَى صِحَّةِ قَوْلِنَا اعْتِكَافُ النَّبِيِّ -

not be anything other than exclusively for Ramadan - as is established - thus the i'tikaf was performed independently of any fast constituting its condition. If i'tikaf does not require a fast intended for it, then fasting is nullified as a condition of i'tikaf, and it is confirmed that i'tikaf is permissible without fasting. This is the proof of what they were able to establish. His objection consists of nothing but irrational insinuations.

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي رَمَضَانَ، فَلَا يَخْلُو صَوْمُهُ مِنْ أَنْ يَكُونَ لِرَمَضَانَ خَالِصًا - وَكَذَلِكَ هُوَ - فَصَلَ الِاعْتِكَافُ مُجَرَّدًا عَنْ صَوْمٍ يَكُونُ مِنْ شَرْطِهِ، وَإِذَا لَمْ يَحْتَجْ الِاعْتِكَافُ إلَى صَوْمٍ يَنْوِي بِهِ الِاعْتِكَافَ فَقَدْ بَطَلَ أَنْ يَكُونَ الصَّوْمُ مِنْ شُرُوطِ الِاعْتِكَافِ وَصَحَّ أَنَّهُ جَائِزٌ بِلَا صَوْمٍ، وَهَذَا بُرْهَانُ مَا قَدَرُوا عَلَى اعْتِرَاضِهِ إلَّا بِوَسَاوِسَ لَا تُعْقَلُ.

L9716 Had they said: "Indeed he—peace be upon him—fasted for iʿtikāf rather than Ramadan," or "for Ramadan and iʿtikāf"—they would not be far from shedding Islam entirely. Furthermore, iʿtikāf is observed during the night just as it is during the day, and there is no fasting at night. Thus, it stands confirmed that iʿtikāf requires no fasting.

وَلَوْ قَالُوا: إنَّهُ - عَلَيْهِ السَّلَامُ - صَامَ لِلِاعْتِكَافِ لَا لِرَمَضَانَ، أَوْ لِرَمَضَانَ، وَالِاعْتِكَافِ - لَمْ يَبْعُدُوا عَنْ الِانْسِلَاخِ مِنْ الْإِسْلَامِ وَأَيْضًا: فَإِنَّ الِاعْتِكَافَ هُوَ بِاللَّيْلِ كَهُوَ بِالنَّهَارِ، وَلَا صَوْمَ بِاللَّيْلِ، فَصَحَّ أَنَّ الِاعْتِكَافَ لَا يَحْتَاجُ إلَى صَوْمٍ.

L9717 Those who cause their destruction here argued: "Was devotional seclusion only observed at night as an extension of the day?" We replied: "You lie! There is no distinction between this statement and one who says: 'Rather, it was observed by day as an extension of the night.' Both assertions are invalid."

فَقَالَ مُهْلِكُوهُمْ هَهُنَا: إنَّمَا كَانَ الِاعْتِكَافُ بِاللَّيْلِ تَبَعًا لِلنَّهَارِ؟ فَقُلْنَا: كَذَبْتُمْ وَلَا فَرْقَ بَيْنَ هَذَا الْقَوْلِ وَبَيْنَ مَنْ قَالَ: بَلْ إنَّمَا كَانَ بِالنَّهَارِ تَبَعًا لِلَّيْلِ، وَكِلَا الْقَوْلَيْنِ فَاسِدٌ.

L9718 They said: "We only stated that i'tikāf necessitates being in a state of fasting." We replied: "You have lied, for the Messenger of Allah—peace and blessings of Allah be upon him—said: 'Actions are by intentions, and every person will have what they intended.' Since i'tikāf, according to both our positions, does not require fasting intended specifically for it, it is necessarily established that fasting is neither a condition, an inherent quality, nor a juristic requirement for i'tikāf. Has there not come an authentic text supporting our view?"

فَقَالُوا: إنَّمَا قُلْنَا: إنَّ الِاعْتِكَافَ يَقْتَضِي أَنْ يَكُونَ فِي حَالِ صَوْمٍ. فَقُلْنَا: كَذَبْتُمْ لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «إنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَلِكُلِّ امْرِئٍ مَا نَوَى» فَلَمَّا كَانَ الِاعْتِكَافُ عِنْدَنَا وَعِنْدَكُمْ لَا يَقْتَضِي أَنْ يَكُونَ مَعَهُ صَوْمٌ يَنْوِي بِهِ الِاعْتِكَافَ صَحَّ ضَرُورَةً أَنَّ الِاعْتِكَافَ لَيْسَ مِنْ شُرُوطِهِ، وَلَا مِنْ صِفَاتِهِ، وَلَا مِنْ حُكْمِهِ أَنْ يَكُونَ مَعَهُ صَوْمٌ، وَقَدْ جَاءَ نَصٌّ صَحِيحٌ بِقَوْلِنَا؟

L9719 It is as though we were narrated through the path of Abū Dāwūd: 'Uthmān ibn Abī Shaybah narrated to us, Abū Muʿāwiyah and Yaʿlā ibn 'Ubayd—both of them—from Yaḥyā ibn Saʿīd al-Anṣārī from 'Amrah bint 'Abd al-Raḥmān from 'Ā'ishah, the Mother of the Believers, who said: "Whenever the Messenger of Allah—peace and blessings be upon him—intended to observe iʿtikāf,

كَأَنْ رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد: نا عُثْمَانُ بْنُ أَبِي شَيْبَةَ نا أَبُو مُعَاوِيَةَ وَيَعْلَى بْنُ عُبَيْدٍ كِلَاهُمَا عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذَا أَرَادَ أَنْ يَعْتَكِفَ

he would pray Fajr and then enter his place of seclusion." She said: "Once he intended to observe iʿtikāf during the last ten nights of Ramadan. He ordered his structure to be set up, so it was erected. When I saw this, I ordered my structure to be set up, and it was erected. The other wives of the Prophet—peace and blessings be upon him—also ordered their structures erected. When he prayed Fajr, he looked at the structures and said: 'What is this? Is it righteousness you intend?' He then commanded his structure to be dismantled and ordered his wives to dismantle theirs. He thereafter postponed the iʿtikāf to the first ten, meaning those from Shawwāl."

L9720–9722 Abu Muhammad said: So here is the Messenger of Allah (peace be upon him) who observed iʿtikāf during the first ten days of Shawwal, and within them is the day. the breaking of the fast, and there is no fasting during it.

L9723 Malik said: The muʿtakif may not leave his iʿtikāf during the last ten days of Ramadan except to proceed to the musalla.

L9724 So we ask them: Is he in i'tikaf despite not having gone to the prayer area, or is he not in i'tikaf? If they say he is in i'tikaf, they contradict themselves and permit i'tikaf without fasting for a period from the day of Eid al-Fitr.

L9725 And if they said, "He is not observing *iʿtikāf*," we said, "Then why did you prevent him from leaving?"

L9726 **An issue concerning physical intimacy with one's wife during iʿtikāf.**

L9727 Issue 626: It is unlawful for a man to have physical contact with a woman, nor for a woman to have physical contact with a man during iʿtikāf with any part of the body, except exclusively when a woman combs the hair of the person observing iʿtikāf – this is permissible. He may extend his head out of the mosque for hair combing, based on Allah's statement: "And do not have

صَلَّى الْفَجْرَ ثُمَّ دَخَلَ مُعْتَكَفَهُ، قَالَتْ: وَإِنَّهُ أَرَادَ مَرَّةً أَنْ يَعْتَكِفَ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ، قَالَتْ: فَأَمَرَ بِبِنَائِهِ فَضُرِبَ فَلَمَّا رَأَيْتُ ذَلِكَ أَمَرْتُ بِبِنَائِي فَضُرِبَ، وَأَمَرَ غَيْرِي مِنْ أَزْوَاجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِبِنَائِهِنَّ فَضُرِبَ، فَلَمَّا صَلَّى الْفَجْرَ نَظَرَ إِلَى الْأَبْنِيَةِ، فَقَالَ: مَا هَذَا؟ آلْبِرَّ تُرِدْنَ؟ فَأَمَرَ بِبِنَائِهِ فَقُوِّضَ، وَأَمَرَ أَزْوَاجَهُ بِأَبْنِيَتِهِنَّ فَقُوِّضْنَ ثُمَّ أَخَّرَ الِاعْتِكَافَ إِلَى الْعَشْرِ الْأُوَلِ، يَعْنِي مِنْ شَوَّالٍ»

قَالَ أَبُو مُحَمَّد: فَهَذَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ اعْتَكَفَ الْعَشْرَ الْأُوَلَ مِنْ شَوَّالٍ وَفِيهَا يَوْمُ الْفِطْرِ، وَلَا صَوْمَ فِيهِ

وَمَالِكٌ يَقُولُ: لَا يَخْرُجُ الْمُعْتَكِفُ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ مِنْ اعْتِكَافِهِ إِلَّا حَتَّى يَنْهَضَ إِلَى الْمُصَلَّى.

فَنَسْأَلُهُمْ: أَمُعْتَكِفٌ هُوَ مَا لَمْ يَنْهَضْ إِلَى الْمُصَلَّى، أَمْ غَيْرُ مُعْتَكِفٍ؟ فَإِنْ قَالُوا: هُوَ مُعْتَكِفٌ، تَنَاقَضُوا، وَأَجَازُوا الِاعْتِكَافَ بِلَا صَوْمٍ بُرْهَةً مِنْ يَوْمِ الْفِطْرِ.

وَإِنْ قَالُوا: لَيْسَ مُعْتَكِفًا قُلْنَا: فَلِمَ مَنَعْتُمُوهُ الْخُرُوجَ إِذَنْ؟

[مَسْأَلَةٌ مُبَاشَرَةُ الْمَرْأَةِ حَال اعتكافه]

٦٢٦ - مَسْأَلَةٌ وَلَا يَحِلُّ لِلرَّجُلِ مُبَاشَرَةُ الْمَرْأَةِ، وَلَا لِلْمَرْأَةِ مُبَاشَرَةُ الرَّجُلِ فِي حَالِ الِاعْتِكَافِ بِشَيْءٍ مِنْ الْجِسْمِ، إِلَّا فِي تَرْجِيلِ الْمَرْأَةِ لِلْمُعْتَكِفِ خَاصَّةً، فَهُوَ مُبَاحٌ، وَلَهُ إِخْرَاجُ رَأْسِهِ مِنْ الْمَسْجِدِ لِلتَّرْجِيلِ؟ لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] .

physical contact with them while you are observing iʿtikāf in the mosques" [Al-Baqarah 2:187].[6]

L9728 Thus, it is established that whoever intentionally engages in prohibited acts from the general acts of physical contact—while being mindful of his *Itikaf*—and thus fails to observe *Itikaf* as commanded, his *Itikaf* is invalidated. If it was a vowed *Itikaf* (*nadhr*), he must make up for it; otherwise, he bears no responsibility.

L9729 And His statement, the Exalted: {While you are observing *iʿtikāf* in the mosques} [Al-Baqarah: 187] addresses everyone, men and women, and thus prohibits sexual intercourse between the two genders.[7]

L9730 From the transmission route of Al-Bukhārī: Muḥammad ibn Yūsuf narrated to us from Sufyān al-Thawrī from Manṣūr ibn al-Muʿtamir from Ibrāhīm al-Nakhaʿī from al-Aswad from ʿĀ'isha, the Mother of the Believers, who said: "Allah's Messenger (peace and blessings be upon him) would extend his head from the mosque while in *iʿtikāf*, and I would groom his hair while menstruating." This type of physical contact is thereby excluded from the general scope of Allah the Almighty's prohibition - and with Allah lies all success.

L9731 **The legal question regarding a person in *i'tikāf* who stipulates a permissible condition.**

L9732–9734 It is permissible for one observing spiritual retreat (i'tikāf) to stipulate any permissible actions he wishes and to exit for them, because he... By that, he only obligated himself to iʿtikāf during the period he specified, and this is permissible for him: to observe iʿtikāf when he wishes and abandon it when he wishes, because iʿtikāf is a devotional act, and abandoning it is permissible. If he obeys, he will be rewarded; if he abandons it, is he not required to make it up? Indeed, the astonishment greatly increases at those who do not permit this condition.

L9735 All texts from the Quran and Sunnah necessitate what we have mentioned.

[6] **Qur'an references (L9727):** Qur'an 2:187 (Al-Baqarah).
[7] **Qur'an references (L9729):** Qur'an 2:187 (Al-Baqarah).

فَصَحَّ أَنَّ مَنْ تَعَمَّدَ مَا نُهِيَ عَنْهُ مِنْ عُمُومِ الْمُبَاشَرَةِ - ذَاكِرًا لِاعْتِكَافِهِ - فَلَمْ يَعْتَكِفْ كَمَا أُمِرَ، فَلَا اعْتِكَافَ لَهُ، فَإِنْ كَانَ نَذْرًا قَضَاهُ، وَإِلَّا فَلَا شَيْءَ عَلَيْهِ.

وقَوْله تَعَالَى: {وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] خِطَابٌ لِلْجَمِيعِ مِنْ الرِّجَالِ وَالنِّسَاءِ، فَحُرِّمَتْ الْمُبَاشَرَةُ بَيْنَ الصِّنْفَيْنِ.

وَمِنْ طَرِيقِ الْبُخَارِيِّ: نا مُحَمَّدُ بْنُ يُوسُفَ نا سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ الْأَسْوَدِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُخْرِجُ رَأْسَهُ مِنْ الْمَسْجِدِ وَهُوَ مُعْتَكِفٌ، فَأُرَجِّلُهُ وَأَنَا حَائِضٌ» . فَخَرَجَ هَذَا النَّوْعُ مِنْ الْمُبَاشَرَةِ مِنْ عُمُومِ نَهْيِ اللَّهِ عَزَّ وَجَلَّ - وَبِاَللَّهِ التَّوْفِيقُ.

[مَسْأَلَةُ الْمُعْتَكِفِ إذَا اشْتَرَطَ مُبَاحًا]

٦٢٧ - مَسْأَلَةٌ وَجَائِزٌ لِلْمُعْتَكِفِ أَنْ يَشْتَرِطَ مَا شَاءَ مِنْ الْمُبَاحِ وَالْخُرُوجِ لَهُ، لِأَنَّهُ بِذَلِكَ إنَّمَا الْتَزَمَ الِاعْتِكَافَ فِي خِلَالِ مَا اسْتَثْنَاهُ، وَهَذَا مُبَاحٌ لَهُ، أَنْ يَعْتَكِفَ إذَا شَاءَ، وَيَتْرُكَ إذَا شَاءَ، لِأَنَّ الِاعْتِكَافَ طَاعَةٌ، وَتَرْكُهُ مُبَاحٌ، فَإِنْ أَطَاعَ أُجِرَ، وَإِنْ تَرَكَ لَمْ يَقْضِ؟ وَإِنَّ الْعَجَبَ لَيَكْثُرُ مِمَّنْ لَا يُجِيزُ هَذَا الشَّرْطَ

وَالنُّصُوصُ كُلُّهَا مِنْ الْقُرْآنِ وَالسُّنَّةِ مُوجِبَةٌ لِمَا ذَكَرْنَا، ثُمَّ يَقُولُ: بِلُزُومِ الشُّرُوطِ الَّتِي أَبْطَلَهَا الْقُرْآنُ وَالسُّنَنُ، مِنْ اشْتِرَاطِ الرَّجُلِ لِلْمَرْأَةِ إنْ تَزَوَّجَ عَلَيْهَا، أَوْ تَسَرَّى فَأَمْرُهَا

Then he states—by upholding conditions that the Quran and Sunnah have nullified, such as a man stipulating to a woman that if he marries another over her or takes a concubine, she retains autonomy; a woman entering marriage being divorced; or a concubine becoming free. These are stipulations of Satan—prohibiting what Allah the Mighty and Majestic has permitted. Allah the Most High has rejected this in the Quran.

L9736 **Issue: For every obligatory act required of a Muslim, itikāf does not preclude its fulfillment.**

L9737 628 - Issue: For any obligation incumbent upon a Muslim, seclusion does not prevent him from fulfilling it. He must go out to discharge such obligations, and this does not harm his seclusion. Similarly, he may leave for essential human needs: urination, defecation, washing off impurities, the ritual bath for seminal emission, the Friday bath, the bath for menstruation - if he wishes to perform it in a bathhouse or elsewhere. He must not repeatedly return beyond completing his bath or relieving himself. If he does so, his seclusion becomes invalid.

L9738 Similarly, he may leave to purchase necessities for himself and his family, such as food and clothing, and he must not linger upon anything beyond that. If he lingers without necessity, his iʿtikāf is invalidated. He may escort his family to their home.

L9739 Is iʿtikāf invalidated solely by leaving for what is not obligatory upon him?

L9740 Allah the Exalted has ordained upon Muslims—as transmitted through Al-Bukhārī's narration: Muḥammad narrated from ʿAmr ibn Abī Salamah, who reported from Al-Awzāʿī, who said: I am Ibn Shihāb; Saʿīd ibn Al-Musayyib informed me that Abū Hurayrah said: I heard Allah's Messenger (peace be upon him) say: "The right of a Muslim upon another Muslim is five: returning the greeting, caring for the sick, accompanying funeral processions, accepting invitations, and responding to the sneezer."[8]

[8] **Hadith references (L9740):** Sahih al-Bukhari 1240; Mishkat al-Masabih 1524; Riyad as-Salihin 895.

بِيَدِهَا، وَالدَّاخِلَةُ بِنِكَاحٍ طَالِقٌ، وَالسَّرِيَّةُ حُرَّةٌ، وَهَذِهِ شُرُوطُ الشَّيْطَانِ، وَتَحْرِيمُ مَا أَحَلَّ اللَّهُ عَزَّ وَجَلَّ، وَقَدْ أَنْكَرَ اللَّهُ تَعَالَى ذَلِكَ فِي الْقُرْآنِ

[مَسْأَلَةٌ كُلُّ فَرْضٍ عَلَى الْمُسْلِمِ فَإِنَّ الِاعْتِكَافَ لَا يَمْنَعُ مِنْهُ]

٦٢٨ - مَسْأَلَةٌ وَكُلُّ فَرْضٍ عَلَى الْمُسْلِمِ فَإِنَّ الِاعْتِكَافَ لَا يَمْنَعُ مِنْهُ، وَعَلَيْهِ أَنْ يَخْرُجَ إِلَيْهِ، وَلَا يَضُرُّ ذَلِكَ بِاعْتِكَافِهِ، وَكَذَلِكَ يَخْرُجُ لِحَاجَةِ الْإِنْسَانِ، مِنَ الْبَوْلِ وَالْغَائِطِ وَغَسْلِ النَّجَاسَةِ، وَغُسْلِ الِاحْتِلَامِ، وَغُسْلِ الْجُمُعَةِ، وَمِنَ الْحَيْضِ، إِنْ شَاءَ فِي حَمَّامٍ أَوْ فِي غَيْرِ حَمَّامٍ. وَلَا يَتَرَدَّدُ عَلَى أَكْثَرَ مِنْ تَمَامِ غُسْلِهِ، وَقَضَاءِ حَاجَتِهِ، فَإِنْ فَعَلَ بَطَلَ اعْتِكَافُهُ

وَكَذَلِكَ يَخْرُجُ لِابْتِيَاعِ مَا لَا بُدَّ لَهُ وَلِأَهْلِهِ مِنْهُ، مِنَ الْأَكْلِ وَاللِّبَاسِ، وَلَا يَتَرَدَّدُ عَلَى غَيْرِ ذَلِكَ، فَإِنْ تَرَدَّدَ بِلَا ضَرُورَةٍ: بَطَلَ اعْتِكَافُهُ، وَلَهُ أَنْ يُشَيِّعَ أَهْلَهُ إِلَى مَنْزِلِهَا.

وَإِنَّمَا يُبْطِلُ الِاعْتِكَافَ: خُرُوجُهُ لِمَا لَيْسَ فَرْضًا عَلَيْهِ؟

وَقَدْ افْتَرَضَ اللَّهُ تَعَالَى عَلَى الْمُسْلِمِ مَا رُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ: ثنا مُحَمَّدٌ ثنا عَمْرُو بْنُ أَبِي سَلَمَةَ عَنِ الْأَوْزَاعِيِّ أَنَا ابْنُ شِهَابٍ أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «حَقُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ خَمْسٌ: رَدُّ السَّلَامِ، وَعِيَادَةُ الْمَرِيضِ، وَاتِّبَاعُ الْجَنَائِزِ، وَإِجَابَةُ الدَّعْوَةِ، وَتَشْمِيتُ الْعَاطِسِ» .

L9741 And he—peace be upon him—commanded that whoever is invited, if not fasting, should eat, and if fasting, should pray—meaning that he should supplicate for them.

وَأَمَرَ - عَلَيْهِ السَّلَامُ - مَنْ دُعِيَ - إِنْ كَانَ مُفْطِرًا -: فَلْيَأْكُلْ وَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ، بِمَعْنَى أَنْ يَدْعُوَ لَهُمْ؟

L9742–9743 He, the Exalted, said: "When the call is made for the Prayer on Friday, hasten to the remembrance of Allah and abandon business" [Al-Jumu'ah: 9]. And He, the Exalted, said: "Do not let the witnesses refuse when they are called" [Al-Baqarah: 282].[9]

وَقَالَ تَعَالَى: {إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ} [الجمعة: ٩] وَقَالَ تَعَالَى: {وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا} [البقرة: ٢٨٢] .

L9744 *The Most High said: "Go forth, whether lightly or heavily equipped" [Quran 9:41].*[10]

وَقَالَ تَعَالَى: {انْفِرُوا خِفَافًا وَثِقَالًا} [التوبة: ٤١] .

L9745 Thus, these are obligations that it is not permissible to abandon for the sake of iʿtikāf, and without doubt, in the estimation of every Muslim, whoever fulfills what Allah, the Exalted, has made obligatory upon him is a doer of good.

فَهَذِهِ فَرَائِضُ لَا يَحِلُّ تَرْكُهَا لِلِاعْتِكَافِ، وَبِلَا شَكٍّ عِنْدَ كُلِّ مُسْلِمٍ أَنَّ كُلَّ مَنْ أَدَّى مَا افْتَرَضَ اللَّهُ تَعَالَى عَلَيْهِ فَهُوَ مُحْسِنٌ.

L9746 Allah the Exalted said: "There is no blame on the doers of good" [Surah At-Tawbah: 91].[11]

قَالَ اللَّهُ تَعَالَى: {مَا عَلَى الْمُحْسِنِينَ مِنْ سَبِيلٍ} [التوبة: ٩١] .

L9747 It is obligated upon the muʿtakif to exit once to visit a sick person, inquiring about their condition while standing and departing. For what exceeds this is not part of the obligatory act but constitutes prolongation—does that invalidate the iʿtikāf?

فَفَرَضَ عَلَى الْمُعْتَكِفِ أَنْ يَخْرُجَ لِعِيَادَةِ الْمَرِيضِ مَرَّةً وَاحِدَةً، يَسْأَلُ عَنْ حَالِهِ وَاقِفًا وَيَنْصَرِفُ لِأَنَّ مَا زَادَ عَنْ هَذَا فَلَيْسَ مِنَ الْفَرْضِ، وَإِنَّمَا هُوَ تَطْوِيلٌ، فَهُوَ يُبْطِلُ الِاعْتِكَافَ؟

L9748 Similarly, he must leave to attend a funeral. When he prays over it, he must depart, for he has fulfilled the obligation, and anything beyond this is not obligatory. Does this nullify his i'tikaf? It is obligatory for him to leave if summoned. If fasting, he must go to the summoner's home, supplicate, depart, and must he not exceed that?

وَكَذَلِكَ يَخْرُجُ لِشُهُودِ الْجِنَازَةِ، فَإِذَا صَلَّى عَلَيْهَا انْصَرَفَ، لِأَنَّهُ قَدْ أَدَّى الْفَرْضَ، وَمَا زَادَ فَلَيْسَ فَرْضًا، وَهُوَ بِهِ خَارِجٌ عَنِ الِاعْتِكَافِ؟ وَفَرْضٌ عَلَيْهِ: أَنْ يَخْرُجَ إِذَا دُعِيَ، فَإِنْ كَانَ صَائِمًا بَلَغَ إِلَى دَارِ الدَّاعِي وَدَعَا وَانْصَرَفَ، وَلَا يَزِدْ عَلَى ذَلِكَ؟

L9749 It is obligatory upon him to depart for the Friday congregational prayer early enough to attend the sermon's commencement. After offering the salutation, he must return immediately. If he prolongs beyond this, he exits the

وَفَرْضٌ عَلَيْهِ: أَنْ يَخْرُجَ إِلَى الْجُمُعَةِ بِمِقْدَارِ مَا يُدْرِكُ أَوَّلَ الْخُطْبَةِ، فَإِذَا سَلَّمَ رَجَعَ، فَإِنْ زَادَ عَلَى ذَلِكَ خَرَجَ مِنَ الِاعْتِكَافِ، فَإِنْ خَرَجَ كَمَا ذَكَرْنَا ثُمَّ رَأَى أَنَّ فِي الْوَقْتِ فُسْحَةً فَإِنْ عَلِمَ أَنَّهُ إِنْ رَجَعَ إِلَى مُعْتَكَفِهِ ثُمَّ خَرَجَ أَدْرَكَ الْخُطْبَةَ فَعَلَيْهِ أَنْ يَرْجِعَ، وَإِلَّا فَلْيَتَمَادَ،

[9] **Qur'an references (L9743):** Qur'an 62:9 (Al-Jumu'ah); Qur'an 2:282 (Al-Baqarah).
[10] **Qur'an references (L9744):** Qur'an 9:41 (At-Tawbah).
[11] **Qur'an references (L9746):** Qur'an 9:91 (At-Tawbah).

seclusion. If he departs as prescribed and perceives sufficient time remaining—knowing that if he returns to his seclusion and departs again he will catch the sermon—he must return; otherwise, he should proceed. Similarly, if returning would cause him hardship, in accordance with Allah's statement: "He has not placed upon you in the religion any hardship" [Al-Ḥajj: 78].[12]

وَكَذَلِكَ إِنْ كَانَ عَلَيْهِ فِي الرُّجُوعِ حَرَجٌ، لِقَوْلِ اللَّهِ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] .

L9750 Similarly, he must leave to testify when summoned, whether he accepts or not, because Allah the Exalted has commanded witnesses not to refuse when called, and He did not make a distinction between one who accepts and one who refuses. {And your Lord is not forgetful} [Quran 19:64]. Once he has testified, he must return to his iʿtikāf without delay. If he hesitates, his iʿtikāf is invalidated.[13]

وَكَذَلِكَ يَخْرُجُ لِلشَّهَادَةِ إِذَا دُعِيَ سَوَاءٌ قَبِلَ أَوْ لَمْ يَقْبَلْ، لِأَنَّ اللَّهَ تَعَالَى أَمَرَ الشُّهَدَاءَ بِأَنْ لَا يَأْبَوْا إِذَا دُعُوا، وَلَمْ يَشْتَرِطْ مَنْ يَقْبَلُ مِمَّا لَا يَقْبَلُ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] إِذَا أَدَّاهَا رَجَعَ إِلَى مُعْتَكَفِهِ وَلَا يَتَرَدَّدُ، فَإِنْ تَرَدَّدَ: بَطَلَ اعْتِكَافُهُ؟

L9751 "And is it entirely the opinion of Abū Sulaymān and our companions?"

وَهُوَ كُلُّهُ قَوْلُ أَبِي سُلَيْمَانَ، وَأَصْحَابِنَا؟

L9752–9754 And it has been narrated to us via the chain of Saʿīd ibn Manṣūr: from Abū al-Aḥwaṣ, from Abū Isḥāq—who is al-Sabīʿī—from ʿĀṣim ibn Ḍamurah, who reported that ʿAlī ibn Abī Ṭālib said: "When a man observes iʿtikāf, he must be present." He should attend the Friday prayer, attend the funeral, visit the sick, come to his family to command them concerning his needs while he is standing?

وَرُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: أَنَا أَبُو الْأَحْوَصِ أَنَا أَبُو إِسْحَاقَ هُوَ السَّبِيعِيّ - عَنْ عَاصِمِ بْنِ ضَمُرَةَ قَالَ: قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ: إِذَا اعْتَكَفَ الرَّجُلُ فَلْيَشْهَدْ الْجُمُعَةَ وَلْيَحْضُرْ الْجِنَازَةَ وَلْيَعُدْ الْمَرِيضَ وَلْيَأْتِ أَهْلَهُ يَأْمُرُهُمْ بِحَاجَتِهِ وَهُوَ قَائِمٌ؟

L9755 And through him to Sa'id: Narrated to us by Sufyan—he is the son of 'Uyaynah—from 'Ammar ibn 'Abdullah ibn Yasar, from his father: That 'Ali ibn Abi Talib assisted his sister's son Ja'dah ibn Hubayrah with seven hundred dirhams from his stipend to purchase a servant. Ja'dah said: "I was observing i'tikāf." 'Ali replied: "What harm is there if you were to go out to the market and buy?"

وَبِهِ إِلَى سَعِيدٍ: نا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - عَنْ عَمَّارِ بْنِ عَبْدِ اللَّهِ بْنِ يَسَارٍ عَنْ أَبِيهِ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ أَعَانَ ابْنَ أُخْتِهِ جَعْدَةَ بْنَ هُبَيْرَةَ بِسَبْعِمِائَةِ دِرْهَمٍ مِنْ عَطَائِهِ أَنْ يَشْتَرِيَ بِهَا خَادِمًا، فَقَالَ: إِنِّي كُنْت مُعْتَكِفًا، فَقَالَ لَهُ عَلِيٌّ: وَمَا عَلَيْك لَوْ خَرَجْتَ إِلَى السُّوقِ فَابْتَعْت؟

L9756 And via him to Sufyān: Hushaym narrated to us from al-Zuhrī from ʿAmrah bint ʿAbd al-Raḥmān from ʿĀ'ishah, the Mother of the Believers, that she would not visit an ailing member of her household while observing iʿtikāf except while she was passing by.

وَبِهِ إِلَى سُفْيَانَ: نا هُشَيْمٌ عَنْ الزُّهْرِيِّ عَنْ عَمْرَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّهَا كَانَتْ لَا تَعُودُ الْمَرِيضَ مِنْ أَهْلِهَا إِذَا كَانَتْ مُعْتَكِفَةً إِلَّا وَهِيَ مَارَّةٌ؟

[12] **Qur'an references (L9749):** Qur'an 22:78 (Al-Hajj).
[13] **Qur'an references (L9750):** Qur'an 19:64 (Maryam).

وَبِهِ إِلَى سَعِيدٍ: نا هُشَيْمٌ أَنَا مُغِيرَةُ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ: كَانُوا يَسْتَحِبُّونَ لِلْمُعْتَكِفِ أَنْ يَشْتَرِطَ هَذِهِ الْخِصَالَ - وَهُنَّ لَهُ وَإِنْ لَمْ يَشْتَرِطْ -: عِيَادَةَ الْمَرِيضِ، وَلَا يَدْخُلُ سَقْفًا، وَيَأْتِي الْجُمُعَةَ، وَيَشْهَدُ الْجِنَازَةَ، وَيَخْرُجُ إِلَى الْحَاجَةِ؟ قَالَ إِبْرَاهِيمُ: وَلَا يَدْخُلُ الْمُعْتَكِفُ سَقِيفَةً إِلَّا لِحَاجَةٍ؟

L9757 And through him to Sa’id: Hushaym narrated to us that Mughirah reported from Ibrāhīm al-Nakhaʿī, who said: They recommended that the person observing iʿtikāf stipulate these conditions—visiting the sick, not entering a covered structure, attending the Friday Prayer, attending the Funeral Prayer, and going out for a necessity—though these [actions] are permissible for him even if he does not stipulate them. Ibrāhīm said: Is the one in iʿtikāf not allowed to enter a small covered structure except for a necessity?

وَبِهِ إِلَى هُشَيْمٍ: أَنَا أَبُو إِسْحَاقَ الشَّيْبَانِيُّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: الْمُعْتَكِفُ يَعُودُ الْمَرِيضَ، وَيَشْهَدُ الْجِنَازَةَ، وَيُجِيبُ الْإِمَامَ؟

L9758 And through him to Hushaym: I am Abū Isḥāq al-Shaybānī, reporting from Saʿīd ibn Jubayr, who said: Does the one observing iʿtikāf visit the sick, attend funerals, and respond to the Imam?

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ قَتَادَةَ أَنَّهُ كَانَ يُرَخِّصُ لِلْمُعْتَكِفِ: أَنْ يَتْبَعَ الْجِنَازَةَ، وَيَعُودَ الْمَرِيضَ وَلَا يَجْلِسَ.

L9759 And via the chain of ʿAbd al-Razzāq from Maʿmar from Qatādah: He would permit the one observing iʿtikāf to attend funerals and visit the sick, provided they do not sit.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَّهُ قَالَ: الْمُعْتَكِفُ يَدْخُلُ الْبَابَ فَيُسَلِّمُ وَلَا يَقْعُدُ، يَعُودُ الْمَرِيضَ؟ وَكَانَ لَا يَرَى بَأْسًا إِذَا خَرَجَ الْمُعْتَكِفُ لِحَاجَتِهِ فَلَقِيَهُ رَجُلٌ فَسَأَلَهُ أَنْ يَقِفَ عَلَيْهِ فَيُسَائِلُهُ

L9760 From the chain of ʿAbd al-Razzāq, from Maʿmar, from Yaḥyā ibn Abī Kathīr, from Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf, who said: “The one in *iʿtikāf* enters [the mosque], greets with *salām*, and does not sit down. Should he visit the sick?” He saw no issue if a person in *iʿtikāf* left for his necessity, encountered a man who requested him to attend to his need, and then inquired of him.

قَالَ أَبُو مُحَمَّد: إِنْ اُضْطُرَّ إِلَى ذَلِكَ، أَوْ سَأَلَهُ عَنْ سُنَّةٍ مِنْ الدِّينِ، وَإِلَّا فَلَا؟ وَمِنْ طَرِيقِ شُعْبَةَ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: لِلْمُعْتَكِفِ أَنْ يَعُودَ الْمَرِيضَ، وَيَتْبَعَ الْجِنَازَةَ، وَيَأْتِيَ إِلَى الْجُمُعَةِ، وَيُجِيبَ الدَّاعِيَ؟

L9761–9763 Abū Muḥammad said: If one is compelled to do so, or asked about a Sunnah of the religion—otherwise, is it not [permitted]? Via the chain of Shuʿbah from Abū Isḥāq al-Shaybānī from Saʿīd ibn Jubayr, who said: The one observing Iʿtikāf may... Should one visit the sick, accompany a funeral procession, attend Friday Prayer, and accept the invitation?

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قُلْت لِعَطَاءٍ: إِنْ نَذَرَ جِوَارًا أَيَنْوِي فِي نَفْسِهِ أَنْ لَا يَصُومَ، وَأَنَّهُ يَبِيعُ وَيَبْتَاعُ، وَيَأْتِي الْأَسْوَاقَ، وَيَعُودُ الْمَرِيضَ، وَيَتْبَعُ الْجِنَازَةَ وَإِنْ كَانَ مَطَرٌ: فَإِنِّي أَسْتَكِنُ فِي الْبَيْتِ. وَإِنِّي أُجَاوِرُ جِوَارًا مُنْقَطِعًا، أَوْ أَنْ يَعْتَكِفَ النَّهَارَ وَيَأْتِيَ الْبَيْتَ بِاللَّيْلِ؟ قَالَ عَطَاءٌ: ذَلِكَ عَلَى نِيَّتِهِ مَا كَانَتْ، ذَلِكَ لَهُ؟

L9764 From the narration of Abd al-Razzaq via Ibn Jurayj: I asked Ata: If someone vows a residential retreat while intending not to fast—if he engages in trade, frequents markets, tends to the sick, attends funerals, or remains indoors when it rains—or if he vows a discontinuous retreat, or secludes by day but returns home at night—what applies? Ata replied: That depends on his intention, whatever it was. Is that permissible for him?

Is this also the opinion of Qatādah?

وَهُوَ قَوْلُ قَتَادَةَ أَيْضًا؟

It has been narrated to us from Sufyān al-Thawrī that he said: “The one in iʿtikāf may visit the sick, go out to attend the Friday prayer, and attend funerals”—is this the view of al-Ḥasan ibn Ḥayyin?

وَرُوِّينَا عَنْ سُفْيَانَ الثَّوْرِيِّ أَنَّهُ قَالَ: الْمُعْتَكِفُ يَعُودُ الْمَرْضَى وَيَخْرُجُ إِلَى الْجُمُعَةِ، وَيَشْهَدُ الْجَنَائِزَ - وَهُوَ قَوْلُ الْحَسَنِ بْنِ حَيٍّ؟

It has been transmitted to us from Mujāhid, ʿAṭāʾ, ʿUrwah, and al-Zuhrī that one observing iʿtikāf must not visit the sick or attend funerals. This is the view of Mālik and al-Layth.

وَرُوِّينَا عَنْ مُجَاهِدٍ، وَعَطَاءٍ، وَعُرْوَةَ، وَالزُّهْرِيِّ: لَا يَعُودُ الْمُعْتَكِفُ مَرِيضًا، وَلَا يَشْهَدُ الْجِنَازَةَ - وَهُوَ قَوْلُ مَالِكٍ، وَاللَّيْثِ.

Malik said: “Is he not to go out for the Friday prayer?”

قَالَ مَالِكٌ: لَا يَخْرُجُ إِلَى الْجُمُعَةِ؟

Abu Muhammad said: This is a case in which what we have reported has been authentically established from Ali and Aisha, and no opponent to them both is known among the Companions. They would regard such a matter gravely when it contradicted their adherence to precedent.

قَالَ أَبُو مُحَمَّدٍ: هَذَا مَكَانٌ صَحَّ فِيهِ عَنْ عَلِيٍّ وَعَائِشَةَ مَا أَوْرَدْنَا، وَلَا مُخَالِفَ لَهُمَا يُعْرَفُ مِنْ الصَّحَابَةِ، وَهُمْ يُعَظِّمُونَ مِثْلَ هَذَا إذَا خَالَفَ تَقْلِيدَهُمْ

It has been reported to us through the chain of ʿAbd al-Razzāq from Maʿmar from al-Zuhrī from ʿAlī ibn al-Ḥusayn from Ṣafiyyah, the Mother of the Believers, who said: “The Messenger of Allah—peace and blessings be upon him—was observing *iʿtikāf*, so I came to visit him at night. I conversed with him, then I rose to return. He stood to accompany me back, as she resided in Usāmah’s house.” And he mentioned the rest of the report.[14]

وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ صَفِيَّةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُعْتَكِفًا فَأَتَيْتُهُ أَزُورُهُ لَيْلًا، فَحَدَّثْتُهُ، ثُمَّ قُمْتُ فَانْقَلَبْتُ، فَقَامَ مَعِي لِيَقْلِبَنِي وَكَانَ مَسْكَنُهَا فِي دَارِ أُسَامَةَ» وَذَكَرَ بَاقِيَ الْخَبَرِ؟

Abu Muhammad said: This suffices. We know of no valid proof for those who prohibit [others] from all that we have mentioned—not from the Quran, nor the Sunnah, nor the statement of a Companion, nor analogical reasoning.

قَالَ أَبُو مُحَمَّدٍ: فِي هَذَا كِفَايَةٌ، وَمَا نَعْلَمُ لِمَنْ مَنَعَ مِنْ كُلِّ مَا ذَكَرْنَا حُجَّةً، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ وَلَا مِنْ قَوْلِ صَاحِبٍ، وَلَا قِيَاسٍ.

And we ask them: What is the difference between what they have permitted him of leaving to relieve himself and purchasing what is necessary? from him and between his departure for what Allah, the Exalted and Majestic, has ordained upon him?

وَنَسْأَلُهُمْ: مَا الْفَرْقُ بَيْنَ مَا أَبَاحُوا لَهُ مِنْ الْخُرُوجِ لِقَضَاءِ الْحَاجَةِ وَابْتِيَاعِ مَا لَا بُدَّ مِنْهُ، وَبَيْنَ خُرُوجِهِ لِمَا افْتَرَضَهُ اللَّهُ عَزَّ وَجَلَّ عَلَيْهِ؟

Abū Ḥanīfah said: He is not permitted to visit the sick nor attend a funeral.

[14] **Hadith references (L9770):** Sunan Abi Dawud 2470.

He may go out to attend Friday prayer for the duration required to pray six rakʿahs before the sermon, and he may remain in the mosque after Friday prayer for the duration required to pray six rakʿahs. If he stays longer or goes out for a longer period, it does not invalidate his iʿtikāf. But if he goes out to attend a funeral or visit a sick person, his iʿtikāf is invalidated. Abū Yūsuf and Muḥammad ibn al-Ḥasan said: He may go out for all such purposes. If his absence for such reasons lasts half a day or less, it does not invalidate his iʿtikāf. But if it exceeds half a day, his iʿtikāf is invalidated. Abū Muḥammad said: There is indeed wonder at these restrictions! We do not comprehend how any rational person could sanction prescribing these corrupt laws in Allah's religion, thereby becoming one who prohibits, permits, and obligates without Allah Almighty's authority.

وَقَالَ أَبُو حَنِيفَةَ: لَيْسَ لَهُ أَنْ يَعُودَ الْمَرِيضَ، وَلَا أَنْ يَشْهَدَ الْجَنَازَةَ، وَلَهُ أَنْ يَخْرُجَ إِلَى الْجُمُعَةِ بِمِقْدَارِ مَا يُصَلِّي سِتَّ رَكَعَاتٍ قَبْلَ الْخُطْبَةِ، وَلَهُ أَنْ يَبْقَى فِي الْجَامِعِ بَعْدَ صَلَاةِ الْجُمُعَةِ مِقْدَارَ مَا يُصَلِّي سِتَّ رَكَعَاتٍ، فَإِنْ بَقِيَ أَكْثَرَ، أَوْ خَرَجَ لِأَكْثَرَ لَمْ يَضُرَّهُ شَيْءٌ، فَإِنْ خَرَجَ لِجَنَازَةٍ، أَوْ لِعِيَادَةِ مَرِيضٍ: بَطَلَ اعْتِكَافُهُ؟ وَقَالَ أَبُو يُوسُفَ، وَمُحَمَّدُ بْنُ الْحَسَنِ: لَهُ أَنْ يَخْرُجَ لِكُلِّ ذَلِكَ، فَإِنْ كَانَ مِقْدَارُ لُبْثِهِ فِي خُرُوجِهِ لِذَلِكَ نِصْفَ يَوْمٍ فَأَقَلَّ لَمْ يَضُرَّ اعْتِكَافَهُ ذَلِكَ، فَإِنْ كَانَ أَكْثَرَ مِنْ نِصْفِ يَوْمٍ: بَطَلَ اعْتِكَافُهُ؟ قَالَ أَبُو مُحَمَّدٍ: إِنَّ فِي هَذِهِ التَّحْدِيدَاتِ لَعَجَبًا وَمَا نَدْرِي كَيْفَ يَسْمَحُ ذُو عَقْلٍ أَنْ يُشَرِّعَ فِي دِينِ اللَّهِ هَذِهِ الشَّرَائِعَ الْفَاسِدَةَ فَيَصِيرُ مُحَرِّمًا مُحَلِّلًا مُوجِبًا دُونَ اللَّهِ تَعَالَى؟

L9776 Only what the text specifies as permissible is permitted, whether its duration is brief or extensive.

وَمَا هُوَ إِلَّا مَا جَاءَ النَّصُّ بِإِبَاحَتِهِ فَهُوَ مُبَاحٌ، قَلَّ أَمَدُهُ أَوْ كَثُرَ

L9777 Or whatever the text explicitly prohibits is forbidden, whether its duration is short or long.

أَوْ مَا جَاءَ النَّصُّ بِتَحْرِيمِهِ فَهُوَ حَرَامٌ قَلَّ أَمَدُهُ أَوْ كَثُرَ

L9778 Or whatever the text establishes as obligatory remains obligatory, unless another text comes specifying something particular within that framework - then [it demands] attentive compliance and obedience.

أَوْ مَا جَاءَ النَّصُّ بِإِيجَابِهِ فَهُوَ وَاجِبٌ إِلَّا أَنْ يَأْتِيَ نَصٌّ بِتَحْدِيدٍ فِي شَيْءٍ مِنْ ذَلِكَ، فَسَمْعًا وَطَاعَةً؟

L9779 **Issue: A person in iʿtikāf (ritual seclusion) may perform any act permitted to him within the mosque.**

[مَسْأَلَةٌ يَعْمَلُ الْمُعْتَكِفُ فِي الْمَسْجِدِ كُلَّ مَا أُبِيحَ لَهُ]

L9780 629 - Issue: The person observing i'tikaf may perform all permissible acts within the mosque, such as conversing about lawful matters, seeking knowledge of any kind, sewing, disputing over a rightful matter, transcribing texts, buying and selling, marrying, and other such matters. He must not avoid anything, for i'tikaf is residing [in the mosque] as we have stated. Thus, if he performs these acts within the mosque, he has not abandoned his i'tikaf.

٦٢٩ - مَسْأَلَةٌ وَيَعْمَلُ الْمُعْتَكِفُ فِي الْمَسْجِدِ كُلَّ مَا أُبِيحَ لَهُ مِنْ مُحَادَثَةٍ فِيمَا لَا يَحْرُمُ، وَمِنْ طَلَبِ الْعِلْمِ أَيِّ عِلْمٍ كَانَ، وَمِنْ خِيَاطَةٍ، وَخِصَامٍ فِي حَقٍّ، وَنَسْخٍ، وَبَيْعٍ وَشِرَاءٍ، وَتَزَوُّجٍ وَغَيْرِ ذَلِكَ لَا يَتَحَاشَ شَيْئًا، لِأَنَّ الِاعْتِكَافَ: هُوَ الْإِقَامَةُ كَمَا ذَكَرْنَا، فَهُوَ إِذَا فَعَلَ ذَلِكَ فِي الْمَسْجِدِ فَلَمْ يَتْرُكْ الِاعْتِكَافَ

L9781 Is this the opinion of Abū Ḥanīfa, al-Shāfiʿī, and Abū Sulaymān? Mālik did

not hold that view, and we know of no valid proof for him in this matter—not from the Quran, nor from the Sunnah whether sound or weak, nor from a Companion's statement, nor from a predecessor among the Tābiʿīn, nor from analogical reasoning, nor any opinion with a discernible basis?

وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ؟ وَلَمْ يَرَ ذَلِكَ مَالِكٌ، وَمَا نَعْلَمُ لَهُ حُجَّةً فِي ذَلِكَ، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ لَا صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَلَا قَوْلِ صَاحِبٍ، وَلَا قَوْلِ مُتَقَدِّمٍ مِنْ التَّابِعِينَ، وَلَا قِيَاسٍ، وَلَا رَأْيٍ لَهُ وَجْهٌ؟

L9782–9783 More astonishing than that is his prohibition of seeking knowledge in the mosque, as we previously mentioned: "Aisha (may Allah be pleased with her) would comb the blessed hair of the Messenger of Allah (peace and blessings be upon him) while he was in the mosque." Is everything Allah the Exalted has permitted not a sin? Rather, is it either an act of obedience or [an act of] safety [from sin]?

وَأَعْجَبُ مِنْ ذَلِكَ مَنْعُهُ طَلَبَ الْعِلْمِ فِي الْمَسْجِدِ وَقَدْ ذَكَرْنَا قَبْلُ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَتْ عَائِشَةُ - رَضِيَ اللَّهُ عَنْهَا - تُرَجِّلُ شَعْرَهُ الْمُقَدَّسَ وَهُوَ فِي الْمَسْجِدِ» ، وَكُلُّ مَا أَبَاحَهُ اللَّهُ تَعَالَى فَلَيْسَ مَعْصِيَةً، لَكِنَّهُ إمَّا طَاعَةٌ وَإِمَّا سَلَامَةٌ؟

[مَسْأَلَةٌ خُرُوجُ الْمُعْتَكِفِ عَنْ الْمَسْجِدِ لِغَيْرِ حَاجَةٍ]

L9784 **Issue: A person performing *iʿtikāf* leaving the mosque without a valid reason.**

٦٣٠ - مَسْأَلَةٌ وَلَا يُبْطِلُ الِاعْتِكَافَ شَيْءٌ إلَّا خُرُوجُهُ عَنْ الْمَسْجِدِ لِغَيْرِ حَاجَةٍ عَامِدًا ذَاكِرًا، لِأَنَّهُ قَدْ فَارَقَ الْعُكُوفَ وَتَرَكَهُ، وَمُبَاشَرَةُ الْمَرْأَةِ فِي غَيْرِ التَّرْجِيلِ، لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] .

L9785 630 - Issue: Nothing invalidates iʿtikāf except leaving the mosque without a need intentionally and consciously, for this constitutes abandoning the act of devotion, or engaging in sexual relations with a woman beyond permissible spousal grooming, in accordance with Allah's statement: {And do not have sexual relations with them while you are observing iʿtikāf in the mosques} [Al-Baqarah: 187].[15]

وَتَعَمُّدُ مَعْصِيَةِ اللَّهِ تَعَالَى - أَيِّ مَعْصِيَةٍ كَانَتْ، لِأَنَّ الْعُكُوفَ الَّذِي نَدَبَ اللَّهُ تَعَالَى إلَيْهِ هُوَ الَّذِي لَا يَكُونُ عَلَى مَعْصِيَةٍ، وَلَا شَكَّ عِنْدَ أَحَدٍ مِنْ أَهْلِ الْإِسْلَامِ فِي أَنَّ اللَّهَ تَعَالَى حَرَّمَ الْعُكُوفَ عَلَى الْمَعْصِيَةِ فَمَنْ عَكَفَ فِي الْمَسْجِدِ عَلَى مَعْصِيَةٍ فَقَدْ تَرَكَ الْعُكُوفَ عَلَى الطَّاعَةِ فَبَطَلَ عُكُوفُهُ

L9786 Deliberate disobedience to Allah the Exalted—whatever disobedience it may be—is prohibited, because the devotional stay Allah the Exalted has exhorted toward is that which is not dedicated to disobedience. No Muslim disputes that Allah the Exalted has forbidden undertaking a devotional stay for the sake of disobedience. Thus, whoever undertakes a devotional stay in the mosque for the purpose of disobedience has abandoned the devotional stay dedicated to obedience, and their devotional stay is thereby nullified.

وَهَذَا كُلُّهُ قَوْلُ أَبِي سُلَيْمَانَ، وَأَحَدُ قَوْلَيْ الشَّافِعِيِّ؟ وَقَالَ مَالِكٌ: الْقُبْلَةُ تُبْطِلُ الِاعْتِكَافَ

L9787 All of this is the opinion of Abū Sulaymān and one of the two opinions of al-Shāfiʿī? Mālik said: A kiss invalidates the iʿtikāf (ritual seclusion).

وَقَالَ أَبُو حَنِيفَةَ: لَا يُبْطِلُ الِاعْتِكَافَ مُبَاشَرَةٌ وَلَا قُبْلَةٌ إلَّا أَنْ يُنْزِلَ، وَهَذَا تَحْدِيدٌ فَاسِدٌ، قِيَاسٌ لِلْبَاطِلِ عَلَى الْبَاطِلِ، وَقَوْلٌ بِلَا بُرْهَانٍ؟

L9788 Abu Hanifah said: Sexual contact or a kiss does not invalidate the *iʿtikaf*

[15] **Qur'an references (L9785):** Qur'an 2:187 (Al-Baqarah).

unless he ejaculates. This is an invalid restriction—a false analogy upon falsehood, an assertion without evidence?

[مَسْأَلَةٌ الْمُعْتَكِف إذَا عَصَى نَاسِيًا أَوْ خَرَجَ مِنْ الْمَسْجِد نَاسِيًا]

A legal question regarding a person observing iʿtikāf who violates forgetfully or exits the mosque forgetfully.

٦٣١ - مَسْأَلَةٌ وَمَنْ عَصَى نَاسِيًا، أَوْ خَرَجَ نَاسِيًا، أَوْ مُكْرَهًا، أَوْ بَاشَرَ، أَوْ جَامَعَ نَاسِيًا، أَوْ مُكْرَهًا -: فَالِاعْتِكَافُ تَامٌّ لَا يَكْدَحُ كُلُّ ذَلِكَ فِيهِ شَيْئًا، لِأَنَّهُ لَمْ يَعْمِدْ إبْطَالَ اعْتِكَافِهِ وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَصَحْبِهِ وَسَلَّمَ - «رُفِعَ عَنْ أُمَّتِي الْخَطَأُ وَالنِّسْيَانُ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» .

Issue 631: Whoever disobeys forgetfully, exits the mosque forgetfully, is compelled, engages in foreplay, or has sexual intercourse forgetfully or under compulsion—the i'tikaf remains complete. None of these impair it in the slightest, for he did not intend to invalidate his i'tikaf. This is confirmed by the authentic narration from the Prophet, peace be upon him, his family, and companions: "There has been lifted from my Ummah [the consequences of] errors, forgetfulness, and what they are compelled to do."

٦٣٢ - مَسْأَلَةٌ وَيُؤَذِّنُ فِي الْمِئْذَنَةِ إنْ كَانَ بَابُهَا فِي الْمَسْجِدِ أَوْ فِي صَحْنِهِ، وَيَصْعَدُ عَلَى ظَهْرِ الْمَسْجِدِ، لِأَنَّ كُلَّ ذَلِكَ مِنْ الْمَسْجِدِ، فَإِنْ كَانَ بَابُ الْمِئْذَنَةِ خَارِجَ الْمَسْجِدِ بَطَلَ اعْتِكَافُهُ إنْ تَعَمَّدَ ذَلِكَ؟

632 – Question: He should perform the adhan in the minaret if its door is within the mosque or its courtyard, and he may ascend to the roof of the mosque, since all of that is considered part of the mosque. If the minaret's door is outside the mosque, is his i'tikaf invalidated if he did that intentionally?

وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ.

This represents the opinion of Mālik, al-Shāfiʿī, and Abū Sulaymān.

وَقَالَ أَبُو حَنِيفَةَ: لَا يَبْطُلُ؟

Abu Hanifah said: It is not invalidated.

وَهَذَا خَطَأٌ، لِأَنَّ الْخُرُوجَ عَنْ الْمَسْجِدِ - قَلَّ أَوْ كَثُرَ - مُفَارَقَةٌ لِلْعُكُوفِ وَتَرْكٌ لَهُ، وَالتَّحْدِيدُ فِي ذَلِكَ بِغَيْرِ نَصٍّ بَاطِلٌ، وَلَا فَرْقَ بَيْنَ خُطْوَةٍ وَخُطْوَتَيْنِ إلَى مِائَةِ أَلْفِ خُطْوَةٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

This is erroneous, because exiting the mosque, whether minimally or extensively, constitutes separation from i'tikāf and abandoning it. Specifying a quantitative limit for this without textual evidence is invalid, and there is no distinction between one step, two steps, up to a hundred thousand steps—and with Allah, the Exalted, lies success.

[مَسْأَلَةٌ الِاعْتِكَافُ جَائِزٌ فِي كُلِّ مَسْجِدٍ]

Issue: Iʿtikāf (ritual seclusion) is permissible in every mosque.

٦٣٣ - مَسْأَلَةٌ وَالِاعْتِكَافُ جَائِزٌ فِي كُلِّ مَسْجِدٍ جُمِعَتْ فِيهِ الْجُمُعَةُ أَوْ لَمْ تُجْمَعْ، سَوَاءٌ كَانَ مُسْقَفًا أَوْ مَكْشُوفًا، فَإِنْ كَانَ لَا يُصَلَّى فِيهِ جَمَاعَةً وَلَا لَهُ إمَامٌ: لَزِمَهُ فَرْضًا الْخُرُوجُ

Issue 633: I'tikāf is permissible in any mosque—whether Friday prayer is held there or not, and whether it is roofed or open. If congregational prayer is not held in it nor does it have an imam, it becomes obligatory for him

to leave for every prayer to a mosque where congregational prayer is held—unless the mosque is at a distance that causes him hardship, in which case it is not obligatory.

L9798 As for the woman who is not obligated to attend congregational prayers—does she observe *iʿtikāf* in the mosque? It is not permissible to observe *iʿtikāf* in the mosque's courtyard unless it is part of it.

L9799 It is not permissible for a woman or a man—or one of them—to perform i'tikaf in the prayer area of their home.

L9800 The proof of this is the statement of Allah, the Exalted: {while you are observing iʿtikāf in the mosques} [Al-Baqarah: 187]. Thus, Allah, the Exalted, generalized the ruling and did not restrict it. If it is said: Has it not been authentically established from the Messenger of Allah—peace and blessings be upon him—that "The earth has been made for me a place of prostration and pure"?[16]

L9801 We said: Yes, in the sense that prayer is permissible in it, and otherwise, there is textual evidence and consensus that urination and defecation are permissible everywhere except in the mosque.

L9802 Thus, it is established that what is other than the mosque does not share the ruling pertaining to the mosque.

L9803 Therefore, it is correct that there is no obedience to [an authority] in establishing [something] outside the mosque.

L9804 Thus, it is valid that there is no iʿtikāf except in a mosque, and does this necessitate our position? Indeed, people have differed regarding this: A group has said, "There is no iʿtikāf except in the Mosque of the Prophet (peace be upon him)."

L9805 As reported to us through the chain of ʿAbd al-Razzāq from Maʿmar from Qatāda—I think—from Saʿīd ibn al-Musayyab, who said: There is no iʿtikāf except in the Mosque of the Prophet—may Allah's peace and blessings be upon him.

لِكُلِّ صَلَاةٍ إِلَى الْمَسْجِدِ تُصَلَّى فِيهِ جَمَاعَةً إِلَّا أَنْ يَبْعُدَ مِنْهُ بُعْدًا يَكُونُ عَلَيْهِ فِيهِ حَرَجٌ فَلَا يَلْزَمُهُ.

وَأَمَّا الْمَرْأَةُ الَّتِي لَا يَلْزَمُهَا فَرْضُ الْجَمَاعَةِ فَتَعْتَكِفُ فِيهِ؟ وَلَا يَجُوزُ الِاعْتِكَافُ فِي رَحْبَةِ الْمَسْجِدِ إِلَّا أَنْ تَكُونَ مِنْهُ.

وَلَا يَجُوزُ لِلْمَرْأَةِ، وَلَا لِلرَّجُلِ: أَنْ يَعْتَكِفَا - أَوْ أَحَدُهُمَا - فِي مَسْجِدِ دَارِهِ؟

بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] فَعَمَّ اللَّهُ تَعَالَى وَلَمْ يَخُصَّ -: فَإِنْ قِيلَ: قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «جُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا» ؟

قُلْنَا: نَعَمْ، بِمَعْنَى أَنَّهُ تَجُوزُ الصَّلَاةُ فِيهِ، وَإِلَّا فَقَدْ جَاءَ النَّصُّ وَالْإِجْمَاعُ بِأَنَّ الْبَوْلَ وَالْغَائِطَ جَائِزٌ فِيمَا عَدَا الْمَسْجِدَ.

فَصَحَّ أَنَّهُ لَيْسَ لِمَا عَدَا الْمَسْجِدِ حُكْمُ الْمَسْجِدِ.

فَصَحَّ أَنْ لَا طَاعَةَ فِي إِقَامَةٍ فِي غَيْرِ الْمَسْجِدِ.

فَصَحَّ أَنْ لَا اعْتِكَافَ إِلَّا فِي مَسْجِدٍ، وَهَذَا يُوجِبُ مَا قُلْنَا؟ وَقَدْ اخْتَلَفَ النَّاسُ فِي هَذَا -: فَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ قَتَادَةَ، أَحْسِبُهُ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[16] **Qur'an references (L9800):** Qur'an 2:187 (Al-Baqarah).

L9806–9807 Abū Muḥammad said: If it is not the statement of Saʿīd, then it is the statement of Qatādah; there is no doubt that it is one of the two.

قَالَ أَبُو مُحَمَّدٍ: إِنْ لَمْ يَكُنْ قَوْلَ سَعِيدٍ فَهُوَ قَوْلُ قَتَادَةَ، لَا شَكَّ فِي أَحَدِهِمَا.

L9808 A group said: There is no i'tikaf except in the mosque of Mecca and the mosque of Medina.

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ مَكَّةَ وَمَسْجِدِ الْمَدِينَةِ فَقَطْ.

L9809 As it has been narrated to us through the chain of ʿAbd al-Razzāq from Ibn Jurayj from ʿAṭāʾ, who said: "There is no seeking refuge (jiwār) except in the Mosque of Mecca and the Mosque of Medina." I said to him: "What about the Mosque of Iliyā?" He replied: "Do you not seek refuge except in the Mosque of Mecca and the Mosque of Medina?"

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ قَالَ: لَا جِوَارَ إِلَّا فِي مَسْجِدِ مَكَّةَ، وَمَسْجِدِ الْمَدِينَةِ، قُلْت لَهُ: فَمَسْجِدُ إِيلِيَا؟ قَالَ: لَا تُجَاوِرُ إِلَّا فِي مَسْجِدِ مَكَّةَ، وَمَسْجِدِ الْمَدِينَةِ؟

L9810 It has been authentically reported from ʿAṭāʾ that jiwār is iʿtikāf.

وَقَدْ صَحَّ عَنْ عَطَاءٍ: أَنَّ الْجِوَارَ هُوَ الِاعْتِكَافُ.

L9811 A group has said: There is no *i'tikaf* except in the mosque of Mecca, the mosque of Medina, or the mosque of Bayt al-Maqdis.

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ مَكَّةَ، أَوْ مَسْجِدِ الْمَدِينَةِ، أَوْ مَسْجِدِ بَيْتِ الْمَقْدِسِ.

L9812 As we have been narrated through the chain of ʿAbd al-Razzāq from Sufyān al-Thawrī from Wāṣil al-Aḥdab from Ibrāhīm al-Nakhaʿī, who said: Ḥudhayfah came to ʿAbd Allāh ibn Masʿūd and said to him: "Are you not astonished by people performing iʿtikāf between your residence and that of al-Ashʿarī?" ʿAbd Allāh replied: "Perhaps they were correct and you were mistaken." Ḥudhayfah said: "I care not. Should I perform iʿtikāf there or in this market of yours? Verily, iʿtikāf is only in these three mosques: the Sacred Mosque, the Prophet's Mosque, and al-Aqsa Mosque." Ibrāhīm said: "Those who performed iʿtikāf—and Ḥudhayfah criticized them—were in the Great Mosque of Kūfah?"

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ وَاصِلٍ الْأَحْدَبِ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ: جَاءَ حُذَيْفَةُ إِلَى عَبْدِ اللَّهِ بْنِ مَسْعُودٍ فَقَالَ لَهُ: أَلَا أَعْجَبُك مِنْ نَاسٍ عُكُوفٍ بَيْنَ دَارِك وَدَارِ الْأَشْعَرِيِّ؟ فَقَالَ لَهُ عَبْدُ اللَّهِ: فَلَعَلَّهُمْ أَصَابُوا وَأَخْطَأْت، فَقَالَ لَهُ حُذَيْفَةُ: مَا أُبَالِي، أَفِيهِ أَعْتَكِفُ، أَوْ فِي سُوقِكُمْ هَذِهِ، إنَّمَا الِاعْتِكَافُ فِي هَذِهِ الْمَسَاجِدِ الثَّلَاثَةِ: مَسْجِدِ الْحَرَامِ، وَمَسْجِدِ الْمَدِينَةِ، وَالْمَسْجِدِ الْأَقْصَى؟ قَالَ إبْرَاهِيمُ: وَكَانَ الَّذِينَ اعْتَكَفُوا فَعَابَ عَلَيْهِمْ حُذَيْفَةُ -: فِي مَسْجِدِ الْكُوفَةِ الْأَكْبَرِ؟

L9813 We have also narrated it through the chain of Abd al-Razzaq from Ibn Uyaynah from Jami' ibn Abi Rashid, who said: I heard Abu Wa'il say: Hudhayfah said to Abdullah ibn Mas'ud: "A group of people are secluding themselves between your house and the house of Abu Musa; will you not forbid them?" Abdullah replied to him: "Perhaps they are correct and you are mistaken, and they have retained [the correct practice] while you have forgotten." Hudhayfah then said: "Is there no i'tikaf except in these three mosques: the Mosque

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ عُيَيْنَةَ عَنْ جَامِعِ بْنِ أَبِي رَاشِدٍ قَالَ: سَمِعْت أَبَا وَائِلٍ يَقُولُ: قَالَ حُذَيْفَةُ لِعَبْدِ اللَّهِ بْنِ مَسْعُودٍ: قَوْمٌ عُكُوفٌ بَيْنَ دَارِك وَدَارِ أَبِي مُوسَى، أَلَّا تَنْهَاهُمْ؟ فَقَالَ لَهُ عَبْدُ اللَّهِ: فَلَعَلَّهُمْ أَصَابُوا وَأَخْطَأْت، وَحَفِظُوا وَنَسِيت،

of Medina (Masjid al-Nabawi), the Mosque of Mecca (Masjid al-Haram), and the Mosque of Jerusalem (Al-Aqsa)?"

فَقَالَ أَبُو حُذَيْفَةَ: لَا اعْتِكَافَ إِلَّا فِي هَذِهِ الْمَسَاجِدِ الثَّلَاثَةِ: مَسْجِدِ الْمَدِينَةِ، وَمَسْجِدِ مَكَّةَ، وَمَسْجِدِ إِيلْيَاءَ؟

L9814 A group of scholars maintained: "There is no iʿtikāf except in a congregational mosque?"

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدٍ جَامِعٍ؟

L9815 This was narrated to us through the chain of Abd al-Razzaq, from Ibn Jurayj, from Ata. Is this the first of Ata's two statements?

رُوِّينَا هَذَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ، وَهُوَ أَوَّلُ قَوْلَيْهِ؟

L9816 A group said: "There is no iʿtikāf except in a congregational city?"

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مِصْرٍ جَامِعٍ؟

L9817–9818 It has been narrated to us via Ibn Abi Shaybah, from Wakiʿ, from Sufyan al-Thawri, from Abu Ishaq, from al-Harith, from Ali, who said: "Itikaf is only valid in an urban center with a congregational mosque."

كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ الْحَارِثِ عَنْ عَلِيٍّ قَالَ: لَا اعْتِكَافَ إِلَّا فِي مِصْرٍ جَامِعٍ

L9819 A group said: "There is no *iʿtikāf* except in a prophet's mosque," as we have been narrated through the chain of Ibn al-Jahm: ʿAbdullāh ibn Aḥmad ibn Ḥanbal narrated to us, ʿUbaydullāh ibn ʿUmar (al-Qawārīrī) narrated to us, Muʿādh ibn Hishām al-Dastuwā'ī narrated to us, [saying]: My father narrated to us from Qatādah from Saʿīd ibn al-Musayyab, who said: "There is no *iʿtikāf* except in a prophet's mosque."

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ نَبِيٍّ؟ كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ الْجَهْمِ: ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا عُبَيْدُ اللَّهِ بْنُ عُمَرَ وَهُوَ الْقَوَارِيرِيُّ - ثنا مُعَاذُ بْنُ هِشَامٍ الدَّسْتُوَائِيُّ ثنا أَبِي عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ أَنَّهُ قَالَ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ نَبِيٍّ

L9820 A group posed the question: "Is there no i'tikaf except in a mosque designated for congregational prayers?"

وَقَالَتْ طَائِفَةٌ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ جَمَاعَةٍ؟

L9821 As we have been narrated through the chain of ʿAbd al-Razzāq from Sufyān al-Thawrī and Maʿmar: Sufyān said, from Jābir al-Juʿfī from Saʿd ibn ʿUbaydah from Abū ʿAbd al-Raḥmān al-Sulamī from ʿAlī ibn Abī Ṭālib. Maʿmar said: from Hishām ibn ʿUrwah, Yaḥyā ibn Abī Kathīr, and a man. Hishām said: from his father; Yaḥyā said: from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf; and the man said: from al-Ḥasan. They all said: "Is there no valid iʿtikāf except in a congregational mosque?" It is authentically reported from Ibrāhīm, Saʿīd ibn Jubayr, and Abū Qilābah regarding the permissibility of iʿtikāf in mosques where Friday prayer is not held, and this is our opin-

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ، وَمَعْمَرٍ، قَالَ سُفْيَانُ: عَنْ جَابِرٍ الْجُعْفِيِّ عَنْ سَعْدِ بْنِ عُبَيْدَةَ عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، وَقَالَ مَعْمَرٌ: عَنْ هِشَامِ بْنِ عُرْوَةَ وَيَحْيَى بْنِ أَبِي كَثِيرٍ، وَرَجُلٍ، قَالَ هِشَامٌ: عَنْ أَبِيهِ، وَقَالَ يَحْيَى: عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَقَالَ الرَّجُلُ: عَنْ الْحَسَنِ، قَالُوا كُلُّهُمْ: لَا اعْتِكَافَ إِلَّا فِي مَسْجِدِ جَمَاعَةٍ؟ وَصَحَّ عَنْ إِبْرَاهِيمَ وَسَعِيدِ بْنِ جُبَيْرٍ وَأَبِي قِلَابَةَ: إِبَاحَةُ

ion, because any mosque constructed for prayer - since the establishment of prayer therein is permissible - so is it a congregational mosque?

الِاعْتِكَافِ فِي الْمَسَاجِدِ الَّتِي لَا تُصَلَّى فِيهَا الْجُمُعَةُ، وَهُوَ قَوْلُنَا، لِأَنَّ كُلَّ مَسْجِدٍ بُنِيَ لِلصَّلَاةِ فَإِقَامَةُ الصَّلَاةِ فِيهِ جَائِزَةٌ فَهُوَ مَسْجِدُ جَمَاعَةٍ؟

L9822 A school of thought holds that *iʿtikāf* is permissible in every mosque, and a man may observe *iʿtikāf* in the mosque of his home.

وَقَالَتْ طَائِفَةٌ: الِاعْتِكَافُ جَائِزٌ فِي كُلِّ مَسْجِدٍ، وَيَعْتَكِفُ الرَّجُلُ فِي مَسْجِدِ بَيْتِهِ

L9823 It was narrated to us from ʿAbd al-Razzāq, from Isrāʾīl, from a man, from al-Shaʿbī, who said: "There is no harm in a man performing iʿtikāf in the mosque of his home."

رُوِّينَا ذَلِكَ عَنْ عَبْدِ الرَّزَّاقِ عَنْ إِسْرَائِيلَ عَنْ رَجُلٍ عَنْ الشَّعْبِيِّ قَالَ: لَا بَأْسَ أَنْ يَعْتَكِفَ الرَّجُلُ فِي مَسْجِدِ بَيْتِهِ

L9824 Ibrāhīm and Abū Ḥanīfa said, 'Can a woman perform iʿtikāf in the designated prayer space of her home?'

وَقَالَ إِبْرَاهِيمُ، وَأَبُو حَنِيفَةَ: تَعْتَكِفُ الْمَرْأَةُ فِي مَسْجِدِ بَيْتِهَا؟

L9825–9827 Abu Muhammad said: As for those who define the boundaries of the Mosque of Medina alone, or the Mosque of Mecca and the Mosque of Medina, or the Three Sacred Mosques, or the Congregational Mosque—these are statements lacking evidence to substantiate their validity; thus, they are not valid. Its meaning is the specification of Allah the Exalted's statement: "And you are performing iʿtikāf in the mosques" [Al-Baqarah 2:187].[17]

وَقَالَ أَبُو مُحَمَّدٍ: أَمَّا مَنْ حَدَّ مَسْجِدَ الْمَدِينَةِ وَحْدَهُ، أَوْ مَسْجِدَ مَكَّةَ وَمَسْجِدَ الْمَدِينَةِ، أَوْ الْمَسَاجِدَ الثَّلَاثَةَ، أَوْ الْمَسْجِدَ الْجَامِعَ فَأَقْوَالٌ لَا دَلِيلَ عَلَى صِحَّتِهَا فَلَا مَعْنَى لَهَا هُوَ تَخْصِيصٌ لِقَوْلِ اللَّهِ تَعَالَى: {وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ} [البقرة: ١٨٧] .

L9828 If it is said: How do you reconcile what you have narrated through the chain of Saʿīd ibn Manṣūr—Sufyān, that is Ibn ʿUyaynah, narrated to us from Jāmiʿ ibn Abī Rāshid from Shaqīq ibn Salamah, who said: Ḥudhayfah said to ʿAbdullāh ibn Masʿūd, "You surely know that the Messenger of Allah (peace be upon him) said, 'There is no iʿtikāf except in the three mosques'—or he said, 'a mosque where congregational prayers are held'?" We replied: This is a doubt originating from Ḥudhayfah or those below him in the chain, and one cannot decisively attribute a statement to the Messenger of Allah (peace be upon him) based on doubt. If he (peace be upon him) had indeed said, "There is no iʿtikāf except in the three mosques," Allah the Exalted would have preserved it for us and would not have allowed any doubt to enter into it.

فَإِنْ قِيلَ: فَأَيْنَ أَنْتُمْ عَمَّا رَوَيْتُمُوهُ مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - عَنْ جَامِعِ بْنِ أَبِي رَاشِدٍ عَنْ شَقِيقِ بْنِ سَلَمَةَ قَالَ: قَالَ حُذَيْفَةُ لِعَبْدِ اللَّهِ بْنِ مَسْعُودٍ: قَدْ عَلِمْت أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا اعْتِكَافَ إلَّا فِي الْمَسَاجِدِ الثَّلَاثَةِ أَوْ قَالَ مَسْجِدِ جَمَاعَةٍ» ؟ قُلْنَا: هَذَا شَكٌّ مِنْ حُذَيْفَةَ أَوْ مِمَّنْ دُونَهُ، وَلَا يُقْطَعُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِشَكٍّ، وَلَوْ أَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ: " لَا اعْتِكَافَ إلَّا فِي الْمَسَاجِدِ الثَّلَاثَةِ " لَحَفِظَهُ اللَّهُ تَعَالَى عَلَيْنَا، وَلَمْ يُدْخِلْ فِيهِ شَكًّا.

L9829 So it was confirmed with certainty that he (peace be upon him) never at all said it.

فَصَحَّ يَقِينًا أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَقُلْهُ قَطُّ

[17] **Qur'an references (L9825):** Qur'an 2:187 (Al-Baqarah).

فَإِنْ قِيلَ: فَقَدْ رَوَيْتُمْ مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نَا هُشَيْمٌ أَنَا جُوَيْبِرٌ عَنْ الضَّحَّاكِ عَنْ حُذَيْفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «كُلُّ مَسْجِدٍ فِيهِ إمَامٌ وَمُؤَذِّنٌ فَالِاعْتِكَافُ فِيهِ يَصْلُحُ» .

L9830 If it is said: Indeed, you have narrated through the chain of Saʿīd ibn Manṣūr—Hushaym reported to us from Juwaybir from al-Ḍaḥḥāk from Ḥudhayfah, who said: The Messenger of Allah (peace be upon him) said, "Every mosque in which there is an imam and a muezzin—then iʿtikāf therein is valid."

قُلْنَا: هَذِهِ سَوْأَةٌ لَا يَشْتَغِلُ بِهَا ذُو فَهْمٍ، جُوَيْبِرٌ هَالِكٌ، وَالضَّحَّاكُ ضَعِيفٌ وَلَمْ يُدْرِكْ حُذَيْفَةَ.

L9831 We said: This is a shameful matter that no person of understanding would occupy themselves with. Juwaybir is discredited, al-Dahhāk is weak, and al-Dahhāk did not meet Ḥudhayfah.

وَأَمَّا قَوْلُ إبْرَاهِيمَ، وَأَبِي حَنِيفَةَ، فَخَطَأٌ، لِأَنَّ مَسْجِدَ الْبَيْتِ لَا يُطْلَقُ عَلَيْهِ اسْمُ مَسْجِدٍ، وَلَا خِلَافَ فِي جَوَازِ بَيْعِهِ، وَفِي أَنْ يُجْعَلَ كَنِيفًا؟

L9832 As for the statement of Ibrāhīm and Abū Ḥanīfah, it is incorrect because the mosque of the House is not termed a mosque, and there is no disagreement regarding the permissibility of selling it - and what of it being made into a latrine?

وَقَدْ صَحَّ أَنَّ أَزْوَاجَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اعْتَكَفْنَ فِي الْمَسْجِدِ، وَهُمْ يُعَظِّمُونَ خِلَافَ الصَّاحِبِ، وَلَا مُخَالِفَ لَهُنَّ مِنْ الصَّحَابَةِ؟

L9833 It has been authentically established that the wives of the Prophet—peace and blessings of Allah be upon him—observed I'tikāf in the mosque while respecting the difference of opinion with a Companion. Was there none among the Companions who opposed them?

فَقَالَ بَعْضُهُمْ: إنَّمَا كَانَ ذَلِكَ لِأَنَّهُنَّ كُنَّ مَعَهُ - عَلَيْهِ السَّلَامُ -؟

L9834 Some of them said: "Was that solely because the women were with him, peace be upon him?"

فَقُلْنَا: كَذِبَ مَنْ قَالَ هَذَا وَافْتَرَى بِغَيْرِ عِلْمٍ، وَأَثِمَ؟

L9835 So we said: "Has the one who said this lied, fabricated without knowledge, and sinned?"

وَاحْتَجَّ أَيْضًا بِقَوْلِ عَائِشَةَ: لَوْ أَدْرَكَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا صَنَعَ النِّسَاءُ لَمَنَعَهُنَّ الْمَسَاجِدَ.

L9836–9837 He also cited the statement of ʿĀ'ishah: "Had the Messenger of Allah (peace and blessings be upon him) lived to see what the women have done, he would have prevented them from the mosques."

وَقَدْ ذَكَرْنَا فِي كِتَابِ الصَّلَاةِ بُطْلَانَ التَّعَلُّقِ بِهَذَا الْخَبَرِ، وَأُقَرِّبُ ذَلِكَ بِأَنَّهُ لَا يَحِلُّ تَرْكُ مَا لَمْ يَتْرُكْهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا الْمَنْعُ مِمَّا لَمْ يَمْنَعْ مِنْهُ - عَلَيْهِ السَّلَامُ -: لِظَنِّ أَنَّهُ لَوْ عَاشَ لَتَرَكَهُ وَمَنَعَ مِنْهُ، وَهَذَا إحْدَاثُ شَرِيعَةٍ فِي الدِّينِ، وَأُمُّ الْمُؤْمِنِينَ الْقَائِلَةُ هَذَا لَمْ تَرَ قَطُّ مَنْعَ النِّسَاءِ مِنْ الْمَسَاجِدِ فَظَهَرَ فَسَادُ قَوْلِهِمْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9838 We have mentioned in the Book of Prayer the invalidity of relying on this report. I clarify this by stating that it is not permissible to abandon what the Prophet (peace be upon him) did not abandon, nor to prohibit what he (peace be upon him) did not prohibit, based on the assumption that had he lived, he would have abandoned it or prohibited it. This constitutes introducing new legislation into the religion. The Mother of the Believers who made this statement never witnessed the prohibition of women from mosques, thus the

corruption of their claim becomes evident—and success is from Allah, the Most High.

The Issue of Menstruation of the Woman Observing *Iʿtikāf*

634 - Issue: If the woman in iʿtikāf menstruates, she remains in the mosque as she is, remembering Allah the Exalted. The same applies if she gives birth. If she is compelled to leave, may she do so and then return when she is able? Based on what we clarified earlier that a menstruating woman may enter the mosque, and it is impermissible to prevent her from it since neither textual evidence nor consensus exists to prohibit her – and this is the opinion of Abū Sulaymān?

It has been narrated to us through the chain of Al-Bukhari: Narrated by Qutaybah from Yazīd ibn Zuraiʿ, from Khālid al-Ḥadhdhāʾ, from ʿIkrimah, from ʿĀʾishah, the Mother of the Believers, who said: "A woman from the wives of the Messenger of Allah—peace and blessings of Allah be upon him—who was experiencing irregular bleeding observed *iʿtikāf* with him. She would see redness and yellowish discharge, and sometimes she would place a basin beneath her while she was praying."

Issue: If a person dies while owing a vow of iʿtikāf.

Issue 635: If someone dies while owing a vowed obligation of i'tikaf, must their legal guardian fulfill it on their behalf, or must someone be hired from their estate to discharge it? This necessity is established by Allah's decree: "from after any bequest he bequeaths or debt" [Qur'an 4:11].[18]

And due to the statement of the Messenger of Allah—peace and blessings be upon him—: "If your mother owed a debt, would you repay it for her? Then Allah's due is far more worthy of fulfillment."

[18] **Qur'an references (L9843):** Qur'an 4:11 (An-Nisa); Qur'an 4:12 (An-Nisa).

[مَسْأَلَةُ حَيْضِ الْمُعْتَكِفَةِ]

٦٣٤ - مَسْأَلَةٌ وَإِذَا حَاضَتْ الْمُعْتَكِفَةُ أَقَامَتْ فِي الْمَسْجِدِ كَمَا هِيَ تَذْكُرُ اللَّهَ تَعَالَى، وَكَذَلِكَ إذَا وَلَدَتْ، فَإِنَّهَا إنْ اُضْطُرَّتْ إلَى الْخُرُوجِ خَرَجَتْ ثُمَّ رَجَعَتْ إذَا قَدَرَتْ؟ لِمَا قَدْ بَيَّنَّا قَبْلُ مِنْ أَنَّ الْحَائِضَ تَدْخُلُ الْمَسْجِدَ، وَلَا يَجُوزُ مَنْعُهَا مِنْهُ إذْ لَمْ يَأْتِ بِالْمَنْعِ لَهَا مِنْهُ نَصٌّ وَلَا إجْمَاعٌ - وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ؟

رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: نا قُتَيْبَةُ نا يَزِيدُ بْنُ زُرَيْعٍ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ عِكْرِمَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «اعْتَكَفَتْ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - امْرَأَةٌ مِنْ أَزْوَاجِهِ مُسْتَحَاضَةٌ، فَكَانَتْ تَرَى الْحُمْرَةَ وَالصُّفْرَةَ، فَرُبَّمَا وَضَعَتْ الطَّسْتَ تَحْتَهَا وَهِيَ تُصَلِّي» .

[مَسْأَلَةُ مَاتَ وَعَلَيْهِ نَذْرُ اعْتِكَافٍ]

٦٣٥ - مَسْأَلَةٌ وَمَنْ مَاتَ وَعَلَيْهِ نَذْرُ اعْتِكَافٍ: قَضَاهُ عَنْهُ وَلِيُّهُ، أَوْ اُسْتُؤْجِرَ مِنْ رَأْسِ مَالِهِ مَنْ يَقْضِيهِ عَنْهُ، لَا بُدَّ مِنْ ذَلِكَ؟ لِقَوْلِ اللَّهِ تَعَالَى: {مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ} [النساء: ١١] .

وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَوْ كَانَ عَلَى أُمِّكَ دَيْنٌ أَكُنْتَ قَاضِيَهُ عَنْهَا؟ فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى» .

وَلِمَا رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ «أَنَّ سَعْدَ بْنَ عُبَادَةَ اسْتَفْتَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: إنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ لَمْ تَقْضِهِ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: اقْضِهِ عَنْهَا» وَهَذَا عُمُومٌ لِكُلِّ نَذْرِ طَاعَةٍ، فَلَا يَحِلُّ لِأَحَدٍ خِلَافُهُ.

L9845–9846 And according to what has been narrated to us through the chain of Mālik, from Ibn Shihāb, from ʿUbaydullāh ibn ʿAbdullāh ibn ʿUtbah ibn Masʿūd, from ʿAbdullāh ibn ʿAbbās: “Saʿd ibn ʿUbādah sought a legal verdict from the Messenger of Allah (peace and blessings of Allah be upon him), saying: ’My mother died with a vow upon her that she had not fulfilled.’ The Messenger of Allah (peace and blessings of Allah be upon him) replied: ’Discharge it on her behalf.’” This applies generally to all vows involving acts of devotion, and it is not permissible for anyone to contravene it.[19]

وَقَدْ ذَكَرْنَا فِي بَابِ هَلْ عَلَى الْمُعْتَكِفِ صِيَامٌ أَمْ لَا، قَبْلَ فُتْيَا ابْنِ عَبَّاسٍ بِقَضَاءِ نَذْرِ الِاعْتِكَافِ.

L9847 We have mentioned in the chapter on whether fasting is obligatory for one observing *iʿtikāf* or not. This was before Ibn Abbas’s fatwa regarding the fulfillment of the vow of *iʿtikāf*.

وَرُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ: نا أَبُو الْأَحْوَصِ نا إِبْرَاهِيمُ بْنُ مُهَاجِرٍ عَنْ عَامِرِ بْنِ مُصْعَبٍ قَالَ: " اعْتَكَفَتْ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ عَنْ أَخِيهَا بَعْدَ مَا مَاتَ "؟ وَقَالَ الْحَسَنُ بْنُ حَيٍّ: مَنْ مَاتَ وَعَلَيْهِ اعْتِكَافٌ: اعْتَكَفَ عَنْهُ وَلِيُّهُ

L9848 It was narrated to us through the chain of Saʿīd ibn Manṣūr: Abū al-Aḥwaṣ narrated to us, Ibrāhīm ibn Muhājir narrated to us from ʿĀmir ibn Muṣʿab, who said: “Did ʿĀ’ishah, the Mother of the Believers, observe iʿtikāf on behalf of her brother after his death?” Al-Ḥasan ibn Ḥayy said: “Whoever dies while owing iʿtikāf - his guardian must perform it on his behalf.”

وَقَالَ الْأَوْزَاعِيُّ: يَعْتَكِفُ عَنْهُ وَلِيُّهُ إذَا لَمْ يَجِدْ مَا يُطْعِمُ قَالَ: وَمَنْ نَذَرَ صَلَاةً فَمَاتَ: صَلَّاهَا عَنْهُ وَلِيُّهُ؟ قَالَ إِسْحَاقُ بْنُ رَاهْوَيْهِ: يَعْتَكِفُ عَنْهُ وَلِيُّهُ وَيُصَلِّي عَنْهُ وَلِيُّهُ إذَا نَذَرَ صَلَاةً أَوْ اعْتِكَافًا ثُمَّ مَاتَ قَبْلَ أَنْ يَقْضِيَ ذَلِكَ.

L9849 Al-Awzaʿī said: His guardian should perform iʿtikāf on his behalf if the deceased could not find food to provide. He said: If someone vows prayer and dies, should his guardian pray it on his behalf? Isḥāq ibn Rāhwayh said: His guardian should perform iʿtikāf on his behalf and pray on his behalf if he vowed [to perform] prayer or iʿtikāf then died before fulfilling that.

وَقَالَ سُفْيَانُ الثَّوْرِيُّ: الْإِطْعَامُ عَنْهُ أَحَبُّ إلَيَّ مِنْ أَنْ يَعْتَكِفَ عَنْهُ؟ قَالَ أَبُو حَنِيفَةَ: وَمَالِكٌ، وَالشَّافِعِيُّ: يُطْعَمُ عَنْهُ لِكُلِّ يَوْمٍ مِسْكِينٌ؟

L9850 Sufyan al-Thawri said: “Is feeding on his behalf more preferable to me than performing iʿtikāf on his behalf?” Abū Ḥanīfah said, and Mālik and al-Shāfiʿī said: “A poor person should be fed on his behalf for each day - one poor person per day.”

وَقَالَ أَبُو مُحَمَّدٍ: هَذَا قَوْلٌ ظَاهِرُ الْفَسَادِ، وَمَا لِلْإِطْعَامِ مَدْخَلٌ فِي الِاعْتِكَافِ

L9851 Abū Muḥammad said: This is a clearly flawed statement, for providing food has no relevance to iʿtikāf.

وَهُمْ يُعَظِّمُونَ خِلَافَ الصَّاحِبِ إذَا وَافَقَ تَقْلِيدَهُمْ، وَقَدْ خَالَفُوا هَهُنَا عَائِشَةَ، وَابْنَ عَبَّاسٍ، وَلَا يُعْرَفُ لَهُمَا فِي ذَلِكَ مُخَالِفٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ -

L9852 They magnify the significance of a Companion’s disagreement when it aligns with their taqlīd, yet here they have opposed ʿĀ’ishah and Ibn ʿAbbās, and

[19] **Hadith references (L9846):** Sunan Abi Dawud 3307.

no opposing opinion from the Companions is known regarding the stance of those two on that matter—may Allah be pleased with them.

وَقَوْلُهُمْ فِي هَذَا قَوْلٌ لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ، وَلَا قَوْلُ صَاحِبٍ وَلَا قِيَاسٌ، بَلْ هُوَ مُخَالِفٌ لِكُلِّ ذَلِكَ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L9853–9855 Their statement concerning this is a claim not brought by the Quran, nor by any Sunnah—whether authentic or weak—nor by any authoritative opinion. There is neither a Companion nor analogy; rather, it contradicts all of that—and success is by Allah, the Exalted.

وَمِنْ عَجَائِبِ الدُّنْيَا قَوْلُ أَبِي حَنِيفَةَ: مَنْ نَذَرَ اعْتِكَافَ شَهْرٍ وَهُوَ مَرِيضٌ فَلَمْ يَصِحَّ فَلَا شَيْءَ عَلَيْهِ. فَلَوْ نَذَرَ اعْتِكَافَ شَهْرٍ وَهُوَ صَحِيحٌ فَلَمْ يَعِشْ إِثْرَ نَذْرِهِ إِلَّا عَشَرَةَ أَيَّامٍ وَمَاتَ؟ فَإِنَّهُ يُطْعَمُ عَنْهُ ثَلَاثُونَ مِسْكِينًا، وَقَدْ لَزِمَهُ اعْتِكَافُ شَهْرٍ.

L9856 Among the wonders of the world is Abū Ḥanīfah's ruling: If one vows to observe seclusion for a month while ill and does not recover, nothing is required. But if one vows seclusion for a month while healthy, then lives only ten days after the vow and dies, thirty needy people must be fed on his behalf, and the obligation of a month's seclusion has become binding upon him.

قَالَ: فَإِنْ نَذَرَ اعْتِكَافًا؟ لَزِمَهُ يَوْمٌ بِلَا لَيْلَةٍ.

L9857 He said: What if one vows to observe iʿtikāf? Then it becomes incumbent upon him to observe a day without a night.

فَإِنْ قَالَ عَلِيٌّ اعْتِكَافُ يَوْمَيْنِ لَزِمَهُ يَوْمَانِ وَمَعَهُمَا لَيْلَتَانِ.

L9858 If ʿAlī says, "A two-day iʿtikāf," he must observe two days along with their two nights.

وَقَالَ أَبُو يُوسُفَ: إِنْ نَذَرَ اعْتِكَافَ لَيْلَتَيْنِ؟ فَلَيْسَ عَلَيْهِ إِلَّا يَوْمَانِ وَلَيْلَةٌ وَاحِدَةٌ، كَمَا لَوْ نَذَرَ اعْتِكَافَ يَوْمَيْنِ وَلَا فَرْقَ.

L9859 Abū Yūsuf said: If one vows to perform iʿtikāf for two nights, he is only required two days and one night, just as if he had vowed to perform iʿtikāf for two days, with no difference.

فَهَلْ فِي التَّخْلِيطِ أَكْثَرُ مِنْ هَذَا؟ وَنَسْأَلُ اللَّهَ الْعَافِيَةَ؟

L9860 Is there any greater mixing than this? And we ask Allah for well-being.

[مَسْأَلَةٌ نَذَرَ اعْتِكَافَ يَوْمٍ أَوْ أَيَّامٍ مُسَمَّاةٍ أَوْ أَرَادَ ذَلِكَ تَطَوُّعًا]

A case: If someone vowed to perform iʿtikāf for a day or specified days, or intended to do so voluntarily as a supererogatory act.

٦٣٦ - مَسْأَلَةٌ وَمَنْ نَذَرَ اعْتِكَافَ يَوْمٍ أَوْ أَيَّامٍ مُسَمَّاةٍ، أَوْ أَرَادَ ذَلِكَ تَطَوُّعًا -: فَإِنَّهُ يَدْخُلُ فِي اعْتِكَافِهِ قَبْلَ أَنْ يَتَبَيَّنَ لَهُ طُلُوعُ الْفَجْرِ، وَيَخْرُجُ إِذَا غَابَ جَمِيعُ قُرْصِ الشَّمْسِ، سَوَاءٌ كَانَ ذَلِكَ فِي رَمَضَانَ أَوْ غَيْرِهِ؟

L9862 Issue 636: If one vows to observe *iʿtikāf* for a specified day or days, or intends to do so voluntarily, they must enter their *iʿtikāf* before dawn becomes discernible and exit once the sun has completely set. Does this ruling apply equally during Ramadan and other times?

L9863 Whoever vows to observe iʿtikāf for a specified night or nights or intends to

do so as a supererogatory act must enter before the entire disc of the sun has fully set and exit when dawn becomes apparent to them. This is because the night begins immediately after sunset and ends at the appearance of dawn, while the day begins at the appearance of dawn and ends when the sun has fully set. Is anyone bound except by what they have pledged or intended?

وَمَنْ نَذَرَ اعْتِكَافَ لَيْلَةٍ أَوْ لَيَالٍ مُسَمَّاةٍ أَوْ أَرَادَ ذَلِكَ تَطَوُّعًا -: فَإِنَّهُ يَدْخُلُ قَبْلَ أَنْ يَتِمَّ غُرُوبُ جَمِيعِ قُرْصِ الشَّمْسِ، وَيَخْرُجُ إِذَا تَبَيَّنَ لَهُ طُلُوعُ الْفَجْرِ، لِأَنَّ مَبْدَأَ اللَّيْلِ إِثْرَ غُرُوبِ الشَّمْسِ، وَتَمَامُهُ بِطُلُوعِ الْفَجْرِ، وَمَبْدَأُ الْيَوْمِ بِطُلُوعِ الْفَجْرِ، وَتَمَامُهُ بِغُرُوبِ الشَّمْسِ كُلِّهَا، وَلَيْسَ عَلَى أَحَدٍ إِلَّا مَا الْتَزَمَ أَوْ مَا نَوَى؟

L9864 If one vows to observe iʿtikāf for a month or intends to do so voluntarily, the month begins from its first night. One must enter [the mosque] before the entire sun disk has fully set and depart after the sun has completely disappeared on the final day of the month - this ruling applies equally to Ramadan and other months.

فَإِنْ نَذَرَ اعْتِكَافَ شَهْرٍ أَوْ أَرَادَهُ تَطَوُّعًا -: فَمَبْدَأُ الشَّهْرِ مِنْ أَوَّلِ لَيْلَةٍ مِنْهُ فَيَدْخُلُ قَبْلَ أَنْ يَتِمَّ غُرُوبُ جَمِيعِ قُرْصِ الشَّمْسِ، وَيَخْرُجُ إِذَا غَابَتْ الشَّمْسُ كُلُّهَا مِنْ آخِرِ الشَّهْرِ، سَوَاءٌ رَمَضَانُ وَغَيْرُهُ.

L9865 Because the newly commenced night is not part of the month in which he vowed or intended his *iʿtikāf*.

لِأَنَّ اللَّيْلَةَ الْمُسْتَأْنَفَةَ لَيْسَتْ مِنْ ذَلِكَ الشَّهْرِ الَّذِي نَذَرَ اعْتِكَافَهُ أَوْ نَوَى اعْتِكَافَهُ.

L9866–9867 If one vows to observe iʿtikāf during the last ten days of Ramadan, one must enter before sunset on the nineteenth day.

فَإِنْ نَذَرَ اعْتِكَافَ الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ: دَخَلَ قَبْلَ غُرُوبِ الشَّمْسِ مِنْ الْيَوْمِ التَّاسِعِ عَشَرَ.

L9868 Because the month may consist of twenty-nine nights, his seclusion during the last ten nights is only valid as we stated. Otherwise, he has secluded for merely nine nights. If the month is thirty [nights], he knows he has secluded for an extra night and must complete seclusion on the final night to fulfill his vow—except for one who knows of the moon's phase change, in which case he enters seclusion according to what he knows will fulfill his vow.

لِأَنَّ الشَّهْرَ قَدْ يَكُونُ مِنْ تِسْعٍ وَعِشْرِينَ لَيْلَةً، فَلَا يَصِحُّ لَهُ اعْتِكَافُ الْعَشْرِ الْأَوَاخِرِ إِلَّا كَمَا قُلْنَا، وَإِلَّا فَإِنَّمَا اعْتَكَفَ تِسْعَ لَيَالٍ فَقَطْ، فَإِنْ كَانَ الشَّهْرُ ثَلَاثِينَ؟ عَلِمَ أَنَّهُ اعْتَكَفَ لَيْلَةً زَائِدَةً، وَعَلَيْهِ أَنْ يُتِمَّ اعْتِكَافَ اللَّيْلَةِ الْآخِرَةِ لِيَفِيَ بِنَذْرِهِ، إِلَّا مَنْ عَلِمَ بِانْتِقَالِ الْقَمَرِ، فَيَدْخُلُ بِقَدْرِ مَا يَدْرِي أَنَّهُ يَفِي بِنَذْرِهِ.

L9869 And what we said—from the time of entry and exit—is the statement of Al-Shafi'i and Abu Sulayman.

وَالَّذِي قُلْنَا - مِنْ وَقْتِ الدُّخُولِ وَالْخُرُوجِ - هُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ.

L9870 And it has been narrated to us through the chain of Al-Bukhārī: ʿAbdullāh ibn Munīr narrated to us, having heard directly from Hārūn ibn Ismāʿīl, who narrated from ʿAlī ibn al-Mubārak, who narrated from Yaḥyā ibn Abī Kathīr, who heard directly from Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf, that Abū Saʿīd al-Khudrī said to him: "We observed iʿtikāf with the Messenger of Allah

وَرُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: نا عَبْدُ اللَّهِ بْنُ مُنِيرٍ سَمِعَ هَارُونَ بْنَ إِسْمَاعِيلَ ثنا عَلِيُّ بْنُ الْمُبَارَكِ ثنا يَحْيَى بْنُ أَبِي كَثِيرٍ سَمِعَ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَّ أَبَا سَعِيدٍ

(peace be upon him) during the middle ten days of Ramadan, and we left on the morning of the twentieth."

الْخُدْرِيِّ قَالَ لَهُ «اعْتَكَفْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْعَشْرَ الْأَوْسَطَ مِنْ رَمَضَانَ، فَخَرَجْنَا صَبِيحَةَ عِشْرِينَ» .

L9871 This is the text of our statement: Through the chain of al-Bukhārī: Narrated **to us** by Ibrāhīm ibn Ḥamzah, who is al-Zubaydī — narrated by Ibn Abī Ḥāzim and al-Darāwardī, both of them from Yazīd, who is Ibn ʿAbd Allāh ibn al-Hād — from Muḥammad ibn Ibrāhīm from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf from Abū Saʿīd al-Khudrī, who said: "The Messenger of Allāh — peace and blessings be upon him — used to observe Iʿtikāf during Ramadan in the middle ten days. When the evening of the twentieth night arrived and the twenty-first night approached, he would return to his **residence**, and those who observed Iʿtikāf with him would also return."

وَهَذَا نَصُّ قَوْلِنَا -: وَمِنْ طَرِيقِ الْبُخَارِيِّ: نا إبْرَاهِيمُ بْنُ حَمْزَةَ هُوَ الزُّبَيْدِيُّ - حَدَّثَنِي ابْنُ أَبِي حَازِمٍ، والدَّراوَرْدِيُّ، كِلَاهُمَا عَنْ يَزِيدَ هُوَ ابْنُ عَبْدِ اللَّهِ بْنِ الْهَادِ - عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُجَاوِرُ فِي رَمَضَانَ الْعَشْرَ الَّتِي فِي وَسَطِ الشَّهْرِ، فَإِذَا كَانَ حِينَ يُمْسِي مِنْ عِشْرِينَ لَيْلَةً وَيَسْتَقْبِلُ إحْدَى وَعِشْرِينَ رَجَعَ إلَى مَسْكَنِهِ، وَرَجَعَ مَنْ كَانَ يُجَاوِرُ مَعَهُ» .

L9872–9874 And this is the text of our position, except that it contains that he - peace be upon him - would remain through his day until evening. This is derived according to one of two aspects: It is a voluntary act performed by him—peace be upon him.

وَهَذَا نَصُّ قَوْلِنَا، إلَّا أَنَّ فِيهِ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يَبْقَى يَوْمَهُ إلَى أَنْ يُمْسِيَ وَهَذَا يُخَرَّجُ عَلَى أَحَدِ وَجْهَيْنِ -: إمَّا أَنَّهُ تَنَفُّلٌ مِنْهُ - عَلَيْهِ السَّلَامُ -.

L9875 Or is it that he - peace be upon him - intended to observe I'tikaf for the ten nights along with their ten days?

وَإِمَّا أَنَّهُ - عَلَيْهِ السَّلَامُ - نَوَى أَنْ يَعْتَكِفَ الْعَشْرَ اللَّيَالِيَ بِعَشْرَةِ أَيَّامِهَا؟

L9876 This is a hadith narrated by Malik from Yazīd ibn ʿAbd Allāh ibn al-Hād from Muḥammad ibn Ibrāhīm, wherein some confusion and ambiguity occurred in its wording – neither of which occurred in the narrations of ʿAbd al-ʿAzīz ibn Abī Ḥāzim and ʿAbd al-ʿAzīz ibn Muḥammad al-Darāwardī – though it agrees with them in meaning. We have been narrated this same report from Malik from Yazīd ibn ʿAbd Allāh ibn al-Hād from Muḥammad ibn Ibrāhīm ibn al-Ḥārith at-Taymī from Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf from Abū Saʿīd al-Khudrī: "The Messenger of Allāh – peace and blessings be upon him – used to observe iʿtikāf during the middle ten days of Ramaḍān. That year, he continued his iʿtikāf until the night of the twenty-first – the night he would exit his seclusion at dawn. He said: 'Whoever observed iʿtikāf with me should observe it during the last ten days, for I was shown this night but then made to forget it. I saw myself prostrating in water and mud on

وَهَذَا حَدِيثٌ رَوَاهُ مَالِكٌ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ، فَوَقَعَ فِي لَفْظِهِ تَخْلِيطٌ وَإِشْكَالٌ لَمْ يَقَعَا فِي رِوَايَةِ عَبْدِ الْعَزِيزِ بْنِ أَبِي حَازِمٍ وَعَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ الدَّرَاوَرْدِيِّ إلَّا أَنَّهُ مُوَافِقٌ لَهُمَا فِي الْمَعْنَى؟ وَهُوَ أَنَّنَا رُوِّينَا هَذَا الْخَبَرَ نَفْسَهُ عَنْ مَالِكٍ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ بْنِ الْحَارِثِ التَّيْمِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوْسَطَ مِنْ رَمَضَانَ، فَاعْتَكَفَ عَامًا حَتَّى إذَا كَانَ لَيْلَةَ إحْدَى وَعِشْرِينَ - وَهِيَ اللَّيْلَةُ الَّتِي يَخْرُجُ مِنْ صَبِيحَتِهَا مِنْ اعْتِكَافِهِ - قَالَ: مَنْ كَانَ

its morning. So seek it in the last ten days! Seek it on every odd-numbered night!' It rained that night, and the mosque had a roof of palm fronds. My own eyes saw the Messenger of Allāh – peace and blessings be upon him – with traces of water and mud on his forehead from the morning of the twenty-first."

اعْتَكَفَ مَعِي فَلْيَعْتَكِفْ الْعَشْرَ الْأَوَاخِرَ، فَقَدْ رَأَيْتُ هَذِهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُهَا، وَقَدْ رَأَيْتُنِي أَسْجُدُ فِي مَاءٍ وَطِينٍ مِنْ صَبِيحَتِهَا، فَالْتَمِسُوهَا فِي الْعَشْرِ الْأَوَاخِرِ، وَالْتَمِسُوهَا فِي كُلِّ وِتْرٍ، فَمَطَرَتْ السَّمَاءُ تِلْكَ اللَّيْلَةَ، وَكَانَ الْمَسْجِدُ عَلَى عَرِيشٍ، فَبَصُرَتْ عَيْنَايَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى جَبْهَتِهِ أَثَرُ الْمَاءِ وَالطِّينِ مِنْ صُبْحِ إِحْدَى وَعِشْرِينَ» .

L9877–9879 Abū Muḥammad said: It is utterly impossible that he—peace be upon him—would utter this statement after the twenty-first night had passed, while declaring his prostration in water and mud regarding renewed actions, and yet have this refer to the night of the twenty-first that had already elapsed. Thus, it is established that the narrator's phrase "until it was the night of the twenty-first" refers to the anticipation of the night of the twenty-first's arrival. Thereby, the narration of Yaḥyā ibn Abī Kathīr harmonizes with the narration of Muḥammad ibn Ibrāhīm. Both of them narrate from Abū Salamah, along with the narrations of al-Dārawardī, Ibn Abī Ḥāzim, and Mālik—all of them transmitting from Yazīd ibn ʿAbd Allāh ibn al-Hād from Muḥammad ibn Ibrāhīm al-Taymī. It was narrated to us through the chain of al-Bukhārī: from Abū al-Nuʿmān—he is Muḥammad ibn al-Faḍl—from Ḥammād ibn Zayd, from Yaḥyā—i.e., Ibn Saʿīd al-Anṣārī—from ʿAmrah bint ʿAbd al-Raḥmān, from ʿĀ'ishah, the Mother of the Believers, who said: "The Prophet (peace be upon him) would observe iʿtikāf during the last ten nights of Ramadan. I would set up a tent for him; he would pray the dawn prayer and then enter it."

قَالَ أَبُو مُحَمَّدٍ: مِنْ الْمُحَالِ الْمُمْتَنِعِ أَنْ يَكُونَ - عَلَيْهِ السَّلَامُ - يَقُولُ هَذَا الْقَوْلَ بَعْدَ انْقِضَاءِ لَيْلَةِ إِحْدَى وَعِشْرِينَ، وَيُنْذِرُ بِسُجُودِهِ فِي مَاءٍ وَطِينٍ فِيمَا يَسْتَأْنِفُ، وَيَكُونَ ذَلِكَ لَيْلَةَ إِحْدَى وَعِشْرِينَ الَّتِي مَضَتْ، فَصَحَّ أَنَّ مَعْنَى قَوْلِ الرَّاوِي، " حَتَّى إِذَا كَانَ لَيْلَةَ إِحْدَى وَعِشْرِينَ " أَرَادَ اسْتِقْبَالَ لَيْلَةِ إِحْدَى وَعِشْرِينَ، وَبِهَذَا تَتَّفِقُ رِوَايَةُ يَحْيَى بْنِ أَبِي كَثِيرٍ مَعَ رِوَايَةِ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، كِلَاهُمَا عَنْ أَبِي سَلَمَةَ، وَرِوَايَةُ الدَّرَاوَرْدِيِّ، وَابْنِ أَبِي حَازِمٍ، وَمَالِكٍ، كُلُّهُمْ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ -: وَرُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: نا أَبُو النُّعْمَانِ هُوَ مُحَمَّدُ بْنُ الْفَضْلِ - نا حَمَّادُ بْنُ زَيْدٍ نا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْأَنْصَارِيُّ - عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَعْتَكِفُ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ، فَكُنْتُ أَضْرِبُ لَهُ خِبَاءً فَيُصَلِّي الصُّبْحَ ثُمَّ يَدْخُلُهُ» .

L9880 Abu Muhammad said: This is a voluntary act from him—peace be upon him—and not a command from him, and whoever increases in righteousness increases in goodness.

قَالَ أَبُو مُحَمَّدٍ: هَذَا تَطَوُّعٌ مِنْهُ - عَلَيْهِ السَّلَامُ -، وَلَيْسَ أَمْرًا مِنْهُ وَمَنْ زَادَ فِي الْبِرِّ زَادَ خَيْرًا.

L9881 It is recommended for men and women observing iʿtikaf that each have a tent in the courtyard of the mosque, following the example of the Prophet (peace be upon him), though this is not obligatory, and success comes only from Allah, the Exalted.

وَيُسْتَحَبُّ لِلْمُعْتَكِفِ وَالْمُعْتَكِفَةِ أَنْ يَكُونَ لِكُلِّ أَحَدٍ خِبَاءٌ فِي صَحْنِ الْمَسْجِدِ، اقْتِدَاءً بِالنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَيْسَ ذَلِكَ وَاجِبًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.