

Lesson 25

Point Number 27

And the Hajj and fighting *jihad* along with the ruler continue. And the *Jumu`ah* Prayer behind them is allowed; and after it six *rak`ahs* are prayed, separating each pair of *rak`ahs*. This was the saying of Aḥmad ibn Hanbal.

The Explanation:

The functions carried out by the ruler are many, and the place to find them enumerated and to find them mentioned together, and where you can acquaint yourself with them is the books on the rulings relating to rulership (*al-ahkaamus-sultaaniyyah*) such as *al-Aḥkaamus-Sultaaniyyah* of al-Maawardiyy and *al-Aḥkaamus-Sultaaniyyah* of Aboo Ya`laa al-Hanbaliyy and books which have been written on this topic which explain the functions of the ruler. And it is mentioned in the books of *fiqh* and in the books of *`aqaa'id* (creed and belief) also as occurs here.

Firstly (from these functions), is that he (the ruler) is in charge of carrying out the *Jumu`ah* Prayer and the two `Eed Prayers and the Muslims pray behind him unless he chooses to appoint someone from the Scholars or from the Students of Knowledge to lead the people in Prayer. However, the basic principle is that he (the ruler) has more right to leading the Prayer with regard to the *Jumu`ah* Prayer (Friday Prayer) and the two `Eed Prayers. So if he appoints someone to do this then he may do so, and this is what action is upon at present.

Secondly, is that he is the one who establishes the Hajj and he leads the people performing Hajj. And he is in charge of them and he looks into any problems they may have.

Thirdly, is establishment of *jihad* in Allaah's cause; this is from the functions carried out by the ruler. He is the one who gives command for it and he is the one who organises the flags and he is the one who chooses the armies and those who are going to fight. And he appoints the commanders and he appoints the squadrons (army units) and he appoints the armies and he provides the fighters with weaponry. And he gives them directions with regard to fighting the enemy and he specifies the direction in which they are to attack.

So *jihad* is from the roles of the ruler; and *jihad* is not *fowdaa* (chaos or anarchy) such that everyone who wants to take up arms and go and fight and attack does so and says, "I am fighting *jihad* in Allaah's cause!" This is not *jihad* in Allaah's cause. *Jihad* in Allaah's cause is properly arranged and it is regulated by legislated regulations (of the

Sharee`ah, the Islaamic Law). But as for when it is opened up to chaos then it becomes mere destruction, and its harm becomes more than its benefit, if there is actually any benefit in it at all. So the harm resulting from it is greater. So affairs have regulating principles and *jihad* is a tremendous affair. It requires that it is correctly regulated and it needs to be restricted by the rulings which are mentioned for *jihad* in the Book and the Sunnah and in the speech of the People of Knowledge. The matter is not of *fowdaa* (chaos or anarchy) such that a person comes from the callers to *fitnah* (discord) and sets himself up as the leader for those people who are extremists or radicals or ignorant people, those who do not know, he becomes their leader and he says, "We will fight *jihad* in Allaah's cause." This is counted as being one of the things that cause harm to Islaam and to the Muslims; and this is not *jihad* because it is not restricted by the regulating principles which govern *jihad*. And if it is not restricted by the regulating principles of *jihad* then it just becomes *fasaad* (corruption) and it is not *jihad*. And everything which exceeds its due limits then it turns over and it becomes its opposite. So they now say to those who criticise them, "You are preventing *jihad* in Allaah's cause."

So we say, "We are not preventing *jihad* in Allaah's cause. However, we say that it is essential that *jihad* is regulated by its legislated regulating principles, whereas what you people are doing is *fowdaa* (chaos) and it is not *jihad* and Allaah did not command with it."

So establishment of the *Hajj* and fighting *jihad* and the *Jumu`ah* and the `Eed Prayer, these are from the functions of the *waleeul-amr* (the person in authority).

His saying, "And praying the *Jumu`ah* Prayer behind them is permissible," meaning, even if they have *fisq* (they commit open sins), even if they have acts of disobedience, still the person prays behind them because Prayer behind them retains unity and also a *faasiq* (an open sinner), if he does something that is good then you do good along with him. And for this reason when they said to `Uthmaan *radiyAllaahu `anhu* whilst he was being besieged, "So and so leads the people in Prayer and he is not the *imaam* (the ruler), rather he is just an *imaam* of *fitnah* (he is just the leader of discord/tribulation)."

So `Uthmaan *radiyAllaahu `anhu* said, "O son of my brother, if the people do what is good then do that which is good along with them and if they do something evil then avoid their evil."¹

So if he prays then we pray along with him if he is the one in authority, even if he has open sins or acts of disobedience, because of the welfare which lies in doing that. Because the Prayer is worship and the sinful person, *faasiq*, if he prays then he should be encouraged upon that, supplication made for him. And the Companions they prayed behind rulers who had points against them such as al-*Hajjaaj* and others. The

¹ Reported by al-Bukhaariyy in his *Saḥeeḥ* (no. 695) from `Ubaydillaah ibn `Adiyy ibn Khiyaar with it (this narration)

Companions of Allaah's Messenger *sallAllahu `alayhi wa sallam* prayed behind them in compliance with command of the Messenger *sallAllahu `alayhi wa sallam* and in order to retain unity.

His saying, **"And he should pray after it six rak'ahs."** This is a matter of *fiqh*; it comes here in accordance with the mention of the *Jumu`ah* Prayer. So the *Jumu`ah* Prayer has no *raatibah* (regular *Sunnah* Prayer) before it. So whoever comes to the mosque then he should pray whatever is easy for him and then sit and wait (for the *imaam* to come out). And if he continues praying until the *imaam* attends then that is more excellent upon the basis that this is unrestricted optional Prayer; it has no connection to the *Jumu`ah* Prayer itself. As for the *raatibah* (regular *Sunnah* Prayer) of the *Jumu`ah* then it comes after it. Its least amount is two *rak'ahs* and its greatest amount, in what is famous, is four *rak'ahs* with two salutations (two *salaams*). And there comes in one saying (within the *Hanbaliyy math.hab*) that it is six *rak'ahs* with three salutations. Therefore, its least amount will be two *rak'ahs* and its greatest amount is six *rak'ahs*, or four *rak'ahs* as is what is famous.

His saying **"He separates between each pair of two rak'ahs. This was the saying of Ahmad ibn Hanbal."**² Meaning, that does not mean that he prays six *rak'ahs* altogether with one *salaam* (salutation at the end of it). Rather six *rak'ahs*; every two *rak'ahs* with one *salaam* (after it); or four *rak'ahs* with each pair of *rak'ahs* before the *salaam*, and this is better. And it's being ascribed to Imaam Ahmad is because the author (Imaam al-Barbahaaree) was a *Hanbaliyy* (meaning from the students of the students of Imaam Ahmad ibn Hanbal) and he was well acquainted with the position of Imaam Ahmad. This was a report from Ahmad that it is six *rak'ahs*. What is famous is that it is four *rak'ahs*.³

² There occurs in the Masaa-il of `Abdullaah, son of Imaam Ahmad, that `Abdullaah said, "I asked my father, 'How many *rak'ahs* should a man pray after *Jumu`ah*?' I said, 'What is more beloved to you (that he should pray)?"

So he said, 'If he wishes, he can pray four after the *Jumu`ah* and if he wishes he can pray six; except that he should give the salutation after each two *rak'ahs*. That is the saying with regard to all of the (optional) Prayers of the day; all of them are in pairs.'"

Translator's side point: There are a number of books of the students of Imaam Ahmad that report matters of *fiqh* from him and there are a number of separate books in that regard. There is the Masaa-il of his son `Abdullaah and Masaa-il of his student Aboo Daawood and Masaa-il of a number of other of his students. Each one is called the Masaa-il of Imaam Ahmad by such and such from his students. This one referred to here is the Masaa-il (The Questions of *Fiqh*) put to Imaam Ahmad, collected by his son `Abdullaah.

³ Translator's side point: In *Riyaadus-Saaliheen* we had the *hadeeth* of Ibn `Umar reported by al-Bukhaariyy and Muslim that the Prophet *sallAllahu `alayhi wa sallam* after the *Jumu`ah* entered his house and prayed two *rak'ahs*. Likewise in *Saheeh* Muslim there's a *hadeeth* that Allaah's Messenger *sallAllahu `alayhi wa sallam* said,

"When one of you has prayed the *Jumu`ah* let him pray four after it."

Point Number 28

Al-khilaafah (the Caliphate) remains within the Quraysh until `Eesaa ibn Maryam `alayhiṣ-salaatu was-salaam (may Allaah extol him and grant him peace and security) descends.

The Explanation:

If more than person contends about who is going to take over the rulership and each one of them is fitting for rulership then precedence is given to the Qurashiyy (the person who is from the tribe of Quraysh) because of his special quality over others; because of his *sallAllaahu `alayhi wa sallam* saying,

“The rulers are from the Quraysh.”⁴

And his saying,

“Give precedence to the Quraysh and do not give precedence to yourselves over them.”⁵

Shaykh Aḥmad an-Najmiyy *rahimahullaah* mentioned this issue in his explanation and mentioned there are evidences for two and there are evidences of four.

Then he said, “And the six (praying six) is one report from Imaam Aḥmad and it was the saying, from the Companions, of `Aliyy ibn Abee Taalib and Aboo Moosaa *radīyAllaahu `anhuma*; and from the *taabi`een* (it was the saying of) `Aṭaa and Mujaahid (the two great *imaams* of Makkah from the *taabi`een*; `Aṭaa bin Abee Rabaah and Mujaahid ibn Jabr) and of Humayd ibn `Abdir-Rahmaan and it was the saying of ath-Thowree (Sufyaan ath-Thowree, great *imaam*).

Shaykh Aḥmad preferred the saying, as is the view of Shaykhul-Islam ibn Taymiyyah, that what is preferred in his view is: if a person prays it in his house he prays two *rak`ahs* and if he prays it in the mosque he prays four. (He said,) “That is more established with regard to the evidence behind it.”

⁴ This *hadeeth* is reported by at-Tayaalisiyy in his Musnad and Imaam Aḥmad in his Musnad and an-Nasaa-ee in as-Sunanul-Kubraa and by Ibn Abee `Aasim in (his book) as-Sunnah and Aboo Ya`laa in his Musnad and al-Bayhaqiyy in as-Sunanul-Kubraa. It was declared authentic by ad-Diyaa· in his book al-Mukhtarah (which included just those *hadeeth* that according to him were authentic).

Translator’s side point: Shaykh al-Albaaniyy mentioned this *hadeeth* is a *hadeeth* of Anas ibn Maalik *radīyAllaahu `anhu* and the narration of Ibn Abee `Aasim mentions from Anas ibn Maalik, he said, “Allaah’s Messenger *sallAllaahu `alayhi wa sallam* came to us whilst we were in the house of a man from the Anṣaar so he took hold of the two doorposts and he said,

“The rulers are from Quraysh.”

Shaykh al-Albaaniyy said with regard to this narration, “It is a *hadeeth* that is *ṣaḥeeḥ* (authentic).”

⁵ This is also reported by Ibn Abee `Aasim in his book as-Sunnah and at-Tabaraaniyy in al-Mu`jamul-Kabeer as occurs in the book Majma` uz-Zawaa-id.

So if the man of Quraysh is righteous and contention occurs with regard to who will take charge, then the man of Quraysh is given precedence because of the fact that the Messenger *ṣallAllaahu `alayhi wa sallam* gave that instruction and because the Companions when Allaah's Messenger *ṣallAllaahu `alayhi wa sallam* passed away and when the Anṣaar (the Muslims of Madeenah) said, "There should be a leader from us and a leader from you."

Then Aboo Bakr *radīyAllaahu `anhu* responded "The Arabs (in general) they will not submit regarding this affair except to this group of Quraysh."⁶ So therefore they gave the *bay`ah* (pledge of allegiance) to Aboo Bakr *aṣ-Siddeeq radīyAllaahu `anhu* and then after him to `Umar and after him to `Uthmaan and after him to `Aliyy and after him to Mu`aawiyah and after him to Banoo Umayyah and after them to Banoo `Abbaas and all of them were from Quraysh. However, if the matter is completed and concluded, then obedience becomes binding even if he is not a man of Quraysh. Or if the man of Quraysh is not suitable for rulership, for the mere fact that he is from Quraysh does not automatically give him the right to rulership unless along with being from the Quraysh, he is a righteous man and there is not already an established ruler.

His saying, "...until `Eesaa ibn Maryam *'alayhis-salaatu was-salaam* descends." This is an indication of the fact that `Eesaa `alayhis-salaam when he descends, he will descend and the ruler of the Muslims will be Muḥammad ibn `Abdillaah al-Mahdee, who will be from the family of al-Ḥasan ibn `Aliyy ibn Abee Taalib. So this shows that the last of the rulers will indeed be from Quraysh and the first of them was from Quraysh, and he was Aboo Bakr *radīyAllaahu `anhu* and this is what is implemented as far as possible as we have mentioned. And if no-one is found from Quraysh, this does not mean that leadership passes away. Or if someone who is not from the Quraysh establishes the affair and he becomes the leader, and the person is suitable, it doesn't mean that we remove him and we say you are not suitable for it. So it is obligatory to have awareness of these matters.⁷

Translator's side point: *Majma` uz-Zawaa'id*: a book that includes the extra narrations outside the six books, extra narrations of the books of *aṭ-Ṭabaraaniyy*, Aboo Ya'laa and *Musnad* of Imaam Aḥmad and other books, *ḥadeeth* that are additional to the *ḥadeeth* in these six books; al-Ḥaythamee's *Majma` uz-Zawaa'id*. So this *ḥadeeth* is included there.

And this *ḥadeeth* is a *ḥadeeth* of `Abdullaah ibn as-Saa'ib *radīyAllaahu `anhumaa* and declared *ṣaḥeeḥ* (authentic) by Shaykh al-Albaaniyy in *Ṣaḥeeḥul-Jaami`*.

⁶ Translator's side point: This occurs in the *Ṣaḥeeḥ* of al-Bukhaariyy as part of a long *ḥadeeth* of Ibn `Abbaas *radīyAllaahu `anhumaa*, (no. 6830) with the wording,

"They won't accept and recognise this affair except for these people of Quraysh."

⁷ Translator's side point: Shaykh Aḥmad an-Najmiyy *rahimahullaah* said on this point, "*Al-khilaafah* is within the Quraysh until `Eesaa ibn Maryam *'alayhis-salaam* descends. And there occurs in that regard the *ḥadeeth* reported by Aḥmad,

“The khilaafah is to be in the Quraysh.”

“However, this is to be taken to refer to *khilaafah* where there is a choice. But as for where there is a man who fights the people with those who are along with him and he gains authority and the people submit to him after he has overcome them, then it is obligatory to obey him whether he is from Quraysh or whether he is other than from the Quraysh, whether he is righteous or whether he is sinful.

“This is the *`aqeedah* (creed and belief) of the *Ahlu-Sunnah wal-Jamaa`ah* who hold the obligation of that, and that it is not permissible for anyone to rebel against him after the affair is settled for him and it is settled and secured for him, even if he is sinful or wicked (then it is still obligatory to obey him).

“And the proofs for that have already preceded. From them is the ḥadeeth of Aboo Sa`eed al-Khudriyy and from them the ḥadeeth of `Urfuja (with the wording),

“Whoever comes to you when your affair is united intending to split your unity and to separate your united body then kill him whoever it may be.”

“So it is obligatory to hold this as creed and belief and to act upon it and Allaah is the one who grants success.”

It.haaful-Qaaree bit-Ta`leeqaat `alaa Sharḥis-Sunnah

by Shaykh Saalih ibn Fowzaan al-Fowzaan hafizahullaah

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Points discussed by Shaykh Saalih al-Fowzaan hafizahullaah and Shaykh Ahmad an-Najmiyy rahimahullaah in this excerpt include:

- the **functions of the ruler** include:
 - leading the Friday Prayer and the two `Eed Prayers
 - establishing and leading the Hajj
 - establishing and leading *jihaad* (fighting in Allaah's cause)
- *jihaad* is properly arranged and regulated by the Islaamic Law
- if everyone who wants to, takes up arms and fights it leads to chaos/anarchy
- if fighting is not restricted by the regulating principles of *jihaad* it becomes chaos/anarchy and corruption
- if fighting is not restricted by the Islaamic Law it causes harm to Islaam and the Muslims, and it is not *jihaad*
- *jihaad* should be restricted by the rulings mentioned for it in the Book, the Sunnah and the speech of the People of Knowledge
- even if the ruler is an open sinner the Muslims should pray behind him to maintain unity
- the Companions prayed behind rulers who had points against them in compliance with the command of Allaah's Messenger and to preserve unity
- `Uthmaan *raḍiyAllaahu `ahnu* advised someone who disliked praying behind one of those who had besieged him (`Uthmaan), saying, "*O son of my brother, if the people do what is good then do that which is good along with them and if they do something evil then avoid their evil.*"
- the Sunnah regarding the optional Prayers after the *Jumu`ah* Prayer is to pray two *rak`ahs* if they are prayed at home and to pray four *rak`ahs* if they are prayed in the masjid (proofs mentioned as a side point)
- when there is a choice over rulership and each contender is fitting, precedence is given to the one from the tribe of Quraysh (ḥadeeths mentioned)

- the mere fact that one is from Quraysh does not automatically give him the right to rulership since he may not be suitable for it
- if the matter is settled then obedience becomes binding to the ruler even if he is not from Quraysh and even if he is sinful; it is not permissible to rebel against him; this is the *'aqeedah* of *Ahlu-Sunnah wal-Jamaa'ah* (hadeeth quoted)