Lesson 25

Point Number 27

And the Ḥajj and fighting jihaad 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 Ṣa‘īd ibn Ḥanbal.

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-Aḥkāmus-Sultaaniyyah of al-Maawardiyy and al-Aḥkāmus-Sultaaniyyah of Abū Ya’lā 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 Ḥajj and he leads the people performing Ḥajj. And he is in charge of them and he looks into any problems they may have.

Thirdly, is establishment of jihaad 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 jihaad is from the roles of the ruler; and jihaad is not fowqāa (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 jihaad in Allaah’s cause!” This is not jihaad in Allaah’s cause. Jihaad in Allaah’s cause is properly arranged and it is regulated by legislated regulations (of the
Sharee`ah, the Islamic 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 jihaad is a tremendous affair. It requires that it is correctly regulated and it needs to be restricted by the rulings which are mentioned for jihaad 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 jihaad 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 jihaad because it is not restricted by the regulating principles which govern jihaad. And if it is not restricted by the regulating principles of jihaad then it just becomes fasaad (corruption) and it is not jihaad. 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 jihaad in Allaah’s cause.”

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

So establishment of the Hajj and fighting jihaad 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 ʿUthmaan 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 ʿUthmaan raddiyyAllaahu ‘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.”

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 Saheeh (no. 695) from ʿUbaydillaah ibn ʿAdiyy ibn Khiyaar with it (this narration)
Companions of Allaah’s Messenger ﷺ prayed behind them in compliance with command of the Messenger ﷺ 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 imam to come out). And if he continues praying until the imam 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.” 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.

---

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 ’Abduillaah 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 ’Abduillaah.

3 Translator’s side point: In Riyaadus-Saaliheen we had the hadeeth of Ibn `Umar reported by al-Bukhaariyy and Muslim that the Prophet ﷺ entered his house and prayed two rak’ahs. Likewise in Saheeh Muslim there’s a hadeeth that Allaah’s Messenger ﷺ entered 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 `alayhis-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 gsalAllaahu `alayhi wa sallam saying,

"The rulers are from the Quraysh."

And his saying,

"Give precedence to the Quraysh and do not give precedence to yourselves over them."

Shaykh Ahmad 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 Ahmad and it was the saying, from the Companions, of `Aliyy ibn Abee Taalib and Aboo Moosaa radiyAllaahu `anhumaa; and from the taabi`een (it was the saying of) `Ataa and Mujaahid (the two great imaams of Makkah from the taabi`een; `Ataa bin Abee Rabaal and Mujaahid ibn Jabr) and of Humayd ibn `Abdir-Rahmaan and it was the saying of ath-Thowree (Sufyaan ath-Thowree, great imaaam).

Shaykh Ahmad preferred the saying, as is the view of Shaykhul-Islaam 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."

This hadeeth is reported by at-Tayaalisiyy in his Musnad and Imaam Ahmad in his Musnad and an-Nasaa-ee in as-Sunanul-Kubraa and by Ibn Abee `Aaasim 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-Diya`a in his book al-Mukhtaarah (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 radiyAllaahu `anhu and the narration of Ibn Abee `Aaasim mentions from Anas ibn Maalik, he said, "Allaah’s Messenger gsalAllaahu `alayhi wa sallam came to us whilst we were in the house of a man from the Ansaar 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 goheeh (authentic)."

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

Translated by Aboo Talhah rahimahullaah ittibaa.com
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 ﷺ gave that instruction and because the Companions when Allaah's Messenger ﷺ passed away and when the Anṣāar (the Muslims of Madeenah) said, “There should be a leader from us and a leader from you.”

Then Aboo Bakr  responded “The Arabs (in general) they will not submit regarding this affair except to this group of Quraysh.” So therefore they gave the bay‘ah (pledge of allegiance) to Aboo Bakr as-Siddiq  and then after him to ‘Umar and after him to ‘Uthmaan and after him to ‘Aliyy and after him to Mu‘awiyyah 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 Muhammad ibn `Abdillaah al-Mahdee, who will be from the family of al-Hasan 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  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.

---

6 Translator's side point: This occurs in the Saheeh of al-Bukhariyy as part of a long hadeeth of Ibn `Abbaas radhiyAllaahu `anhu and the wording, “They won’t accept and recognise this affair except for these people of Quraysh.”

7 Translator's side point: Shaykh Ahmad an-Najmiyy rahimahullaah said on this point, “Al-khilafah is within the Quraysh until `Eesaa ibn Maryam ‘alayhis-salaam descends. And there occurs in that regard the hadeeth reported by Ahmad,
"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 Ahlus-Sunnah wal-Jama`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 hadeeth of Aboo Sa`eed al-Khudriyy and from them the hadeeth 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 Sharhis-Sunnah

by Shaykh Saalih ibn Fowzaan al-Fowzaan hafizahullaah

Volume 1, Pages 224-230

Translated by Aboo Talhah Daawood Burbank, rahimahullaah

Transcribed by Saima Zaher

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 radyAllaahu `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`ah* 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 (hadeeths 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 Ahlus-Sunnah wal-Jama`ah (hadeeth quoted)