

Fiqh al-Imam

*In the name of Allah,
Most Gracious Most Merciful.
All praise be to Allah, Lord of the
Worlds, and peace and blessings be upon
His Messenger Muhammad, the
Mercy of the Worlds.*

Fiqh al-Imam

Key Proofs in Hanafi Fiqh

On *Taqlid*
and the Hanafi Interpretation
of the Prophetic Statement
“Pray as you have observed me pray”
(*Sahih al-Bukhari*)

Foreword by
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White Thread
P R E S S

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it is impermissible to perform supererogatory prayer [*nawafil*] after ‘Asr, but permissible to make up missed prayers or other nonobligatory prayers which are performed for a particular reason, such as the funeral prayer, *tahiyat al-masjid*, or *tahiyat al-wudu’* [two *rak’ats* after ablution].

The above difference of opinion informs us that the time after the ‘Asr prayer is one in which each group agrees that some form of prayer or another is undesirable. The reason for this is that there are many hadiths which prohibit prayer after ‘Asr; and it is due to these prohibitive hadiths that the Hanafis have disallowed all forms of nonobligatory *salat* to be performed in this time. However, there are other hadiths that speak of the Messenger ﷺ performing two *rak’ats* after ‘Asr. These hadiths seem to be in conflict with those that prohibit it; therefore, we will first analyze these hadiths to gain a deeper understanding of this apparent conflict.

ANALYZING THE SEEMINGLY CONTRADICTIONARY HADITHS

The conflicting narrations are of two kinds—those that portray the Messenger ﷺ performing two *rak’ats* after ‘Asr only once (implying that he never did so again); and those which indicate that the Messenger ﷺ performed these two *rak’ats* on a regular basis. Both types of narrations are addressed in this section.

1. ‘A’isha ؓ narrates:

The Messenger of Allah ﷺ [once] missed the two *rak’ats* before the ‘Asr prayer; so after finishing ‘Asr, he made them up, then never performed them again [at that time] (*Mu’jam al-Tabarani, Majma’ al-zawa’id* 2:223).

2. A similar narration of Umm Salama ؓ has been transmitted by Imam Ahmad in his *Musnad* (*Ma’arif al-sunan* 2:135, *Musnad Ahmad* 229:2 U).

3. Ibn ‘Abbas ؓ relates:

The Messenger of Allah ﷺ performed two *rak'ats* after 'Asr, as some items [of charity] had arrived [to be distributed] and had occupied him from performing the two *rak'ats* [*sunna*] after Zuhr. So he made them up after 'Asr, then he did not do so again (*Sunan al-Tirmidhi* 1:45).

From the above three narrations, we learn that the two *rak'ats* after the 'Asr prayer were performed only once by Allah's Messenger ﷺ. All three narrations state clearly that the Messenger ﷺ was making up the two *rak'ats* of *sunna* prayer which he had missed after Zuhr. These hadiths also indicate that the prayer after 'Asr was in no way a special prayer that the Messenger of Allah ﷺ regularly performed at that time. This, however, is contradicted by the following hadiths, which mention that the Messenger ﷺ performed two *rak'ats* after 'Asr quite regularly.

4. 'A'isha ؓ narrates:

The Messenger ﷺ would never visit me during the day after the 'Asr prayer, except that he would perform two *rak'ats* (*Sahih al-Bukhari* 1:83).

5. It is related from Abu Salama that

he asked 'A'isha ؓ regarding the two *rak'ats* the Messenger ﷺ would perform after 'Asr. She told him that he would perform them before ['Asr], until he happened to once miss them or forgot to perform them due to being occupied with something; so he performed them after 'Asr. He then continued to perform them, [because] whenever he would perform any [new] prayer [once], he would continue to perform it regularly thereafter (*Sahih Muslim* 1:277).

6. 'A'isha ؓ narrates that

the Messenger ﷺ never neglected the two *rak'ats* after 'Asr while he was in her company (*Sahih Muslim* 1:277).

These hadiths demonstrate that the Messenger of Allah ﷺ performed the two *rak'ats* on a regular basis. They state that whenever he would perform any new prayer (once), he would take it upon himself to continue them regularly. In this case, it was the two *rak'ats* of Zuhr he was making up and not a new prayer; but since he was

performing them out of their usual time, he thereafter continued to perform them regularly after ‘Asr. In either case, these hadiths seem to be in conflict with the former set of hadiths, which state that he performed the two *rak‘a* prayer after ‘Asr only once. The following has been mentioned concerning this apparent conflict.

Hafiz ibn Hajar reports that the second set of three hadiths (4,5, and 6) are of a higher degree of authenticity than the first three. This means that, according to Ibn Hajar, the hadiths which state that the Messenger ﷺ performed the two *rak‘ats* regularly have a higher degree of authenticity than those which mention that he performed them only once.

To expound on this point, it is quite true that the narration of Ibn ‘Abbas (hadith 3) has only been designated as sound [*hasan*] by Imam Tirmidhi, whereas all the hadiths mentioned after it are either from *Sahih al-Bukhari* or *Muslim* and are rigorously authenticated [*sahih*]. Thus, Ibn ‘Abbas’s narration cannot stand in comparison. Secondly, hadith 1, which is transmitted from ‘A’isha ؓ, is said to have in its transmission the narrator Qattat, who has been called “a flagrant liar” [*kadhhab*]. Hence, it is too weak to stand up against the other rigorously authenticated [*sahih*] narrations of ‘A’isha ؓ.

The hadith of Umm Salama (no. 2), however, is not defective and, as such, cannot be overlooked. The narration states that the Messenger ﷺ performed two *rak‘ats* after ‘Asr only once, and it negates him performing them at any other time. This means that we have a single rigorously authenticated [*sahih*] hadith conflicting with three others of the same authenticity. We have ‘A’isha’s ؓ narrations, transmitted by Imam Bukhari and Muslim, which are affirmative [*muthbit*] in establishing that these two *rak‘ats* were regularly performed by the Messenger ﷺ; and we also have the rigorously authenticated hadith of Umm Salama ؓ that states to the contrary. Hence, we are still left with two conflicting texts, both of which are authentic: one a negative [*manfi*] text (i.e. in support of the prohibition) and the other an affirmative [*muthbit*] one (i.e. not in support of the prohibition).

Hafiz Ibn Hajar al-Asqalani attempts to correlate the two types of narrations by putting into effect a rule from the principles of hadith [*usul al-hadith*], which states that an affirmative [*muthbit*] text shall take precedence over a negative [*manfi*] one (i.e. an affirmative narration holds more strength than a negative one). He concludes that since 'A'isha's ﷺ narrations are the affirmative ones, they will take precedence over Umm Salama's ﷺ negative narration. He further states that 'A'isha's affirming that the Messenger ﷺ regularly performed two *rak'ats* after 'Asr was according to her personal knowledge of his actions, and Umm Salama's ﷺ negation of it was according to her own observation of the Messenger's ﷺ *salat*.

Hafiz Ibn Hajar's explanation could have been conclusive, as it appears to have resolved the conflict between the two types of narrations; however, the great jurist and hadith scholar, 'Allama Taqi 'Uthmani, states in his *Darse Tirmidhi* (1:427) that a hadith in *Sahih Muslim* contradicts the basis of Hafiz Ibn Hajar's explanation—that both 'A'isha ﷺ and Umm Salama ﷺ were narrating from their own personal observations. The hadith in *Sahih Muslim* reveals that 'A'isha's ﷺ knowledge regarding the Messenger's ﷺ performance of this prayer was in actuality acquired from Umm Salama ﷺ.

7. The following hadith explains this in further detail:

Kurayb narrates that he was sent by 'Abdullah ibn 'Abbas, 'Abd al-Rahman ibn Azhar, and Miswar ibn Makhrama ﷺ to 'A'isha ﷺ, the wife of the Messenger of Allah ﷺ. They instructed him to convey their *salams* [greeting of peace] to her and enquire from her about the [performance of] two *rak'ats* after 'Asr. They told him to say that they had been informed of her performing the prayer, whereas it had reached them that the Messenger ﷺ had prohibited it. Ibn 'Abbas ﷺ said, "Umar ﷺ and myself would deter people from performing them."

Kurayb says, "I visited her and conveyed their message. She told me to ask Umm Salama. I came out and informed them of what she had told me; so they sent me to Umm Salama with the same questions. Umm Salama ﷺ said, 'I heard the Messenger of Allah ﷺ prohibit them, and then I saw him perform them [himself]. The [first] time he performed

them, he had completed 'Asr then entered the house to find some Ansari women from the Banu Haram tribe with me. So, as he began to perform the prayer, I sent a young girl and instructed her to stand by his side and say, 'O Messenger of Allah, Umm Salama says that she has heard you prohibit the performance of these two *rak'ats*, and now she sees you performing them.' She also told her that if he gestures with his hand then move back. The girl went to him and he gestured with his hand so she moved back. When he completed the prayer he said, 'O daughter of Ibn Umayya [Umm Salama], you asked me regarding the two *rak'ats* after 'Asr. A group of people from the 'Abd al-Qays tribe had come to me... and occupied me from performing the two *rak'ats* after Zuhr, so these were the [two *rak'ats*]'” (*Sahih Muslim* 1:277).

This hadith without doubt implies that Umm Salama ﷺ was the source of 'A'isha's ﷺ knowledge regarding the Messenger ﷺ performing the two *rak'ats* after 'Asr. This is because the Messenger ﷺ performed them while he was in Umm Salama's company, and 'A'isha was aware of that. The following narration clarifies this even further:

8. It is narrated from 'Abd al-Rahman ibn Abi Sufyan that

Mu'awiya ﷺ sent a person to 'A'isha ﷺ, asking her about the two *rak'ats* after 'Asr. She replied that the Messenger ﷺ had not performed them in her company, but Umm Salama had told her that he had performed them while with her. Therefore, Mu'awiya ﷺ sent someone to [enquire from] Umm Salama. She said, "He [once] performed them by me, and as I had never seen him perform them before, I enquired from him, 'O Messenger of Allah, what were the two *rak'ats* I saw you perform after 'Asr? You have never performed them before.' He replied, 'They are the two *rak'ats* I [usually] perform after Zuhr, but some camels, collected as charity [*sadaqa*], had been brought to me [for distribution], so I forgot to perform them until I had completed 'Asr [i.e. after which time I completed them]. When I did remember, I did not think it was appropriate to make them up in the *masjid* with people looking, so I performed them while with you'" (*Sharh Ma'ani 'l-athar* 1:302).

This hadith, in conjunction with the previous one, clearly establishes that the Messenger of Allah ﷺ did not initially perform the prayer in 'A'isha's ﷺ company, but in the company of Umm Salama ﷺ.

'Allama 'Uthmani writes that even after extensive research, he could still not find a conclusive explanation to dispel the apparent conflict between these narrations. Nonetheless, he states that after giving some more thought to the issue, it appeared that the incident of the Messenger ﷺ performing the two *rak'ats* after 'Asr initially took place in the company of Umm Salama ؓ. This is confirmed by 'A'isha ؓ in the two narrations (hadith 7 and 8) mentioned above.

Thereafter, since the Messenger's ﷺ habit was of continuing any practice he had begun, he began to perform two *rak'ats* after the 'Asr prayer in 'A'isha's ؓ company on a daily basis, but Umm Salama ؓ remained unaware of this. This is probably why she insisted that he never performed them again after that one instance, and 'A'isha claimed that he always performed them in her company. 'Allama 'Uthmani concludes that this appears to be the best possible explanation to reconcile the hadiths and dispel the contradiction (*Darse Tirmidhi* 1:428).

Up to this point, the discussion has been regarding the differences found in the hadiths regarding how many times the Messenger of Allah ﷺ performed the two *rak'ats* after 'Asr. We now come to another important question: What is the ruling for the *Umma* concerning these two *rak'ats* after 'Asr. The scholars hold different views in this regard.

One group claims it is *sunna* to perform the two *rak'ats* after 'Asr, even though the Messenger ﷺ had forbidden all nonobligatory prayers at that time. They cite the narrations of 'A'isha ؓ, which have been mentioned above, as evidence to support their claim. This group asserts that since the Messenger ﷺ performed them, it is permissible for others to do so as well. However, the Hanafi scholars and many others, state that these two *rak'ats* cannot be considered a general *sunna* on the basis of these hadiths alone. In fact, it is prohibitively disliked [*makruh tabrimi*] to perform any nonobligatory prayer at that time. There are numerous other narrations and reasons that clearly prohibit prayer after 'Asr.