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Qadha Umri for all of the Intentionally Missed Salāhs

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Q: Some people are of the opinion that there is no Qadha Salāh for those Muslims that have not been praying for many years. I am a follower of the Hanafi Madhab and have always believed that a Muslim has to offer Qadha Salāh of the previous years. But I have no evidence to show the people who claim there is no Qadha Salāh. Please could you give me evidence from the Qur'ān and Hadith to prove the validity of the Qadha Salāh as well as the opinions of the four Madhabs with the references? There is also a Hadith which people quote which I don't remember that the exact Hadith, but the nearest meaning is that the Hadith says, 'there is no expiation for an intentionally missed Salāh (it might be part of a longer Hadith)'. Please could you explain the true meaning of the Hadith?

الجواب حامداً و مصلياً

In the name of Allāh, the Most Gracious, the Most Merciful

Answer

Salāh is regarded as one of the most important pillars of the Deen and a fundamental right of Allāh ﷻ. Just like any monetary debt that full payment is the only way to absolve oneself from financial debt, Salāh is a debt owed to Allāh ﷻ which is fulfilled only by performing it. Performing Qadha of the previously missed Salāhs is necessary whether they were missed intentionally or unintentionally, as long as one is able to do so during their lifetime, regardless of the number of Salāhs missed. Evidences from the Quran and Sunnah [which are explained below] substantiate this fact. All of the four Sunni Schools of thought unanimously agree that Qadha is the only way to expiate all of the intentionally omitted Salāhs. Mere repentance as an atonement is not sufficient albeit it is necessary due to negligence. Details and evidences are explained below.



Evidences from the Qur'an and Sunnah

1. Allāh ﷻ states in the Holy Qur'an;
"Verily I am Allāh, There is no God but Me so worship me and establish Salāh for my remembrance." (Surah at-Tāha 20:14)

The *Mufasssiroon* [Quranic exegetes] such as Imām Abū Bakar al-Jassās رحمته الله and others comment that the words "**establish Salāh**" refers to performing Qadha Salāh. Sayyidunā Anas ibn Mālik رضي الله عنه narrates from the Messenger of Allāh ﷺ, "**Whosoever forgets Salāh then he should perform it when he remembers it, verily Allāh states, and establish Salāh for my remembrance.**" This is the position of all the scholars in this respect with the exception of an isolated opinion [viewing the contrary] who have opposed the clear text which [the contrary opinion] is rejected.¹

Clearly the above verse unconditionally implies to the obligation of performing Qadha of all the Salāhs missed, whether intentionally or unintentionally as both serve the same purpose: remembrance of Allāh ﷻ. Therefore, Qadha for intentionally missed Salāhs is necessary like in the case of missing any Salāh forgetfully.

¹ Ahkamul Qur'an Jassas p.49-50 vol

رَوَى هَمَامُ بْنُ يَحْيَى عَنْ قَتَادَةَ عَنْ أَنَسٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ نَسِيَ صَلَاةً فَلْيُصَلِّهَا إِذَا ذَكَرَهَا لَا كَفَارَةَ لَهَا إِلَّا ذَلِكَ وَتِلَا أَمِ الصَّلَاةَ لِذِكْرِي وَهَذَا يَدُلُّ عَلَى أَنَّ قَوْلَهُ أَمِ الصَّلَاةَ لِذِكْرِي قَدْ أُرِيدَ بِهِ فِعْلُ الصَّلَاةِ الْمَثْرُوكَةِ وَكَوْنُ ذَلِكَ مَرَادًا بِالْأَيَةِ الْيَنْفِي أَنَّ تَكْوُنَ الْمَعَانِي الَّتِي تَأْوَلُهَا عَلَيْهَا الْأَخْرُوقُ مُرَادَةً أَيْضًا إِذْ هِيَ غَيْرُ مُتَنَائِفَةٍ فَكَأَنَّهُ قَالَ أَمِ الصَّلَاةَ إِذَا ذَكَرْتَ الصَّلَاةَ الْمُنْسِيَةَ لِتَذَكْرِي فِيهَا بِالتَّسْبِيحِ وَالتَّعْظِيمِ لِأَنَّ أَدْرَكَكَ بِالتَّنَاءِ وَالْمَدْحِ فَيَكُونُ جَمِيعُ هَذِهِ الْمَعَانِي مُرَادَةً بِالْأَيَةِ وَهَذَا الَّذِي وَرَدَ بِهِ الْأَكْثَرُ مِنْ إِيْجَابِ قَضَاءِ الصَّلَاةِ الْمُنْسِيَةِ عِنْدَ الذِّكْرِ لَا خِلَافَ بَيْنَ الْفُقَهَاءِ فِيهِ وَقَدْ رُوِيَ عَنْ بَعْضِ السَّلَفِ فِيهِ قَوْلٌ شَادَّ لَيْسَ الْعَمَلُ عَلَيْهِ فَرَوَى إِسْرَائِيلُ عَنْ جَابِرٍ عَنْ أَبِي بَكْرٍ بْنِ أَبِي مُوسَى عَنْ سَعْدِ قَالَ مَنْ نَسِيَ صَلَاةً فَلْيُصَلِّهَا إِذَا ذَكَرَهَا وَلْيُصَلِّ مِثْلَهَا مِنَ الْعَدِ.

Al-Qurtubi p. 177-178 vol 11

لَنْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الرَّجُلِ يَرْتَدُّ عَنِ الصَّلَاةِ وَيَعْتَلُّ عَنْهَا قَالَ: (كَفَّارَتُهَا أَنْ يُصَلِّيَهَا إِذَا ذَكَرَهَا) تَابِعَهُ إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ حَجَّاجٍ، وَكَذَا يَزِيدُ هَمَامُ بْنُ يَحْيَى عَنْ قَتَادَةَ. وَرَوَى الدَّارِقُطِيُّ عَنْ أَبِي هُرَيْرَةَ [رَضِيَ اللَّهُ عَنْهُ] عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: (مَنْ نَسِيَ صَلَاةً فَوَقَّفَهَا إِذَا ذَكَرَهَا) فَقَوْلُهُ: (فَلْيُصَلِّهَا إِذَا ذَكَرَهَا) دَلِيلٌ عَلَى وُجُوبِ الْقَضَاءِ عَلَى النَّائِمِ وَالْعَافِلِ، كَثُرَتْ الصَّلَاةُ أَوْ قَلَّتْ، وَهُوَ مَذْهَبُ عَامَّةِ الْعُلَمَاءِ وَقَدْ حَكِيَ خِلَافًا شَادَّ لَا يُعْتَدُّ بِهِ، لِأَنَّهُ مُخَالَفٌ لِبَصِيحِ الْحَدِيثِ عَنْ بَعْضِ النَّاسِ فِيمَا زَادَ عَلَى خَمْسِ صَلَوَاتٍ أَنَّهُ لَا يَلْزَمُهُ قَضَاءُ.

Also See Tafseer Ibn Katheer p. 277 vol 5



2. The Messenger of Allāh ﷺ said, “Whosoever forgets [to perform] Salāh then he should perform it when he remembers it and there is no other expiation for it except by performing it.”²

Other versions of this Hadeeth recorded in Abū Dāwūd and Nasai also include missing Salāh due to sleep along with forgetfulness. Nevertheless, the Hadeeth outlines an important principle that the only way to recompense an omitted Salāh is by making Qadha for it irrespective of the amount and the circumstances. Once the Messenger of

Allāh ﷻ and the Companions ﷺ during the battle of the trench made Qadha of 4-5 Salawāt [plural of Salāh] altogether which they could not perform due to the enemies engaging them in the battle. No sleep or forgetfulness occurred to the Muslims during this time yet they still performed Qadha of all of the Salāhs. As a point of principle, exemptions from the general principle cannot be made unless there is a clear evidence to suggest otherwise whether from the Qur’ān, Sunnah or through established legal maxims. So arguably, intentionally omitted Salāh necessitates Qadha under the general principle especially if it is a higher degree of order and since no clear evidence is found that mere repentance sufficient, one cannot follow this view. After explaining the necessity of performing Qadha, Imām Qurtubi ﷺ draws its analogy with fasting. Regarding the prescription of fasting during Ramadhān, Allāh ﷻ states, “**..and whosoever amongst you is ill or a traveller then to complete [the fasts] on other days**”. The scholars are unanimous that given the concession for a traveller and an ill person to postpone their fast, the one who deliberately omits his fast is obliged to make Qadha of them. Overlooking it is a sin. Likewise, Salāh is no exception to the general principle; in that Qadha is necessary even in the case of missing it deliberately.³

Some have insisted on the literal wordings of the Hadeeth that it only specifies forgetfulness and sleeping, which inversely negates the obligation of intentionally

² Bukhari Bab man Nasiya Salatan, No:597

³ Mufti Taqi Usmani, Fiqh Maqālāt, Qadha Umari, p. 17-18 vol 4

Tafseer al-Qurtbi, p. 177-180, vol 11

وَأَيْضًا فَإِنَّ الدُّيُونَ الَّتِي لِلادْمِينِ إِذَا كَانَتْ مُتَعَلِّقَةً بِوَقْتٍ، ثُمَّ جَاءَ الْوَقْتُ لَمْ يَسْتَقِطْ قَضَاؤُهَا بَعْدَ وُجُوبِهَا، وَهِيَ بِمَا يُسْقِطُهَا الْإِبْرَاءُ كَانَ فِي دِيُونَ اللَّهِ تَعَالَى أَلَا يَصِحُّ فِيهَا الْإِبْرَاءُ أَوْلَى أَلَّا يَسْتَقِطَ قَضَاؤُهَا إِلَّا بِإِذْنِ مَنْهُ. وَأَيْضًا فَقَدْ اتَّفَقْنَا أَنَّهُ لَوْ تَرَكَ يَوْمًا مِنْ رَمَضَانَ مُتَعَبِّدًا بِغَيْرِ عُدْرٍ لَوَجِبَ قَضَاؤُهُ فَكَذَلِكَ الصَّلَاةُ





missed Salāhs. Allāmah Aini رحمته الله [a renowned Hanafī Muhaddith] comments that applying the inverse meaning to this Hadeeth is not correct because the reason for stipulating ‘forgetfulness’ is to indicate avoiding missing Salāh most of the times since forgetfulness is seldom the case for a true believer. Another explanation given is that it could be a response to the questioner specifically enquiring about the ruling of missing Salāh forgetfully. It could also imply that when forgetfulness necessitates Qadha for Salāh then so will intentionally missing it.⁴ Thus to extend the purport of forgetfulness to include intentional as well is correct.

The Opinions of the Four Sunni Schools

After explaining the necessity in performing the previously missed Qadha Salāhs, we now discuss the standard position of the four Sunni Schools.

Hanafi Madhab

Ibn Nujaim رحمته الله states;

“The principle being that every Salāh missed in its [stipulated] time after its obligation is established necessitates Qadha whether omitted intentionally, forgetfully or sleeping irrespective there are in abundant or less.”⁵

Māliki Madhab

Imām Qurtubi رحمته الله [a renowned Mufassir and a Māliki jurist] in his commentary recalls the majority view of the jurists [including the Maliki Madhab] of the obligation of performing Qadha even if missed intentionally. It was Dāwood Zahiri [an extreme literalist] who viewed the contrary that it is not necessary.

“Thirdly: As for the one who omits Salāh intentionally then the Jamhoor [mainstream position of the scholars] view the obligation of Qadha even though he will be sinful except for Dāwood [az-Zāhiri].” He further adds; *“When Qadha has been established for the sleeper and forgetfulness [in*

⁴ Al-Aini, Umdatul Qāri Sharh Saheeh, al-Bukhāri p. 93 vol 5, Fathul Bahri Ibn Hajr, p.71 vol 2

وأجيب عنه: بأن القيد بالتسنيان فيه ليروجه على الغالب أو لأنه ما ورد على السبب الخاص مثل أن يكون ثمّة سائل عن حكم قضاء الصلاة المنسية، أو أنه إذا وجب القضاء على المعذور فعليه أولى بالوجوب، وهو من باب التنبية بالأدنى على الأعلى

⁵ Bahr ar-Raiq, Kitab as-Salah, Bab al-Fawaiit, p.141 vol 2



missing their Salāh] and both are not sinful for this then it would be worthier for the one intentionally omitting it.”⁶

Furthermore, Imām Qurtubi رحمه الله clarifies the purport of the Hadeeth mentioned in your question “whosoever omits Salāh intentionally can never make Qadha for it ever” stating that this implies that the reward attained by performing Salāh [on time] cannot be compensated due to the severity of the crime of intentionally missing Salāh. Just as it has been reported from Sayyidunā Ali رضي الله عنه and Sayyidunā Abdullah Ibn Mas’ood رضي الله عنه “whoever deliberately breaches a Ramadhān fast can never compensate for it by fasting for in entire year” suggests the reward cannot be compensated even though Qadha is necessary according to everyone, similarly this is the case with Salāh except that it must be accompanied with sincere repentance.⁷

Shāfi’ee Madhab

Imām Nawwawi رحمه الله [a renowned Shāfi’ee Jurist] recalls a consensus on the matter of the obligation of Qadha for intentionally omitting Salāhs. He also points out that it was Ibn Hazm az-Zāhiri [a prominent student of Dāwood az-Zāhiri both representing the literalist school] who viewed that Qadha can never make up for the missed Salāh except through repentance, Istighfār and optional good deeds. This goes against the consensus of the scholars.

“The scholars have established a consensus that intentionally omitted Salāh makes Qadha necessary. Abū Muhammad Ali Ibn Hazm opposed this who stated that its Qadha can never be performed nor doing it is possible. He said, rather he should perform good deeds and optional prayers excessively so that his scale [of the right side] becomes heavy on the Day of Judgement, he must seek Allāh’s forgiveness and repentance. What he [Ibn Hazm] has said goes against the Ijma [consensus] and false and when Qadha is necessary for a forgetful person then it is much necessary upon the one intentionally missing it.”⁸

⁶ Tafseer al-Qurtbi, p. 177-180, vol 11

الْبَالِغَةُ - فَأَمَّا مَنْ تَرَكَ الصَّلَاةَ مُتَعَمِّدًا، فَالْجُمُحُورُ أَيْضًا عَلَىٰ وَجُوبِ الْقَضَاءِ عَلَيْهِ، وَإِنْ كَانَ عَاصِبًا إِلَّا دَاوُدَ. وَوَأَقْبَهُ أَبُو عَبْدِ الرَّحْمَنِ الْأَشْعَرِيُّ الشَّافِعِيُّ، حَكَاهُ عَنْهُ ابْنُ الْقَطَّارِ. وَالْفَرْقُ بَيْنَ الْمُتَعَمِّدِ وَالنَّاسِي وَالنَّائِمِ، حِطُّ الْمَأْتَمِ، فَالْمُتَعَمِّدُ مَأْتَمٌ وَجَمِيعُهُمْ قَاضُونَ. وَالْحُجَّةُ لِلْجُمُحُورِ قَوْلُهُ تَعَالَى: «أَقِيمُوا الصَّلَاةَ» [1] «الانعام: 72] وَمَنْ يُفْرِقُ بَيْنَ أَنْ يَكُونَ فِي وَقْتِهَا أَوْ بَعْدَهَا. هُوَ أَثَرُ يَفْتَضِي الْوُجُوبِ. وَأَيْضًا فَقَدْ ثَبَتَ الْأَمْرُ بِقَضَاءِ النَّائِمِ وَالنَّاسِي، مَعَ أَهْمَا عَزْرٍ مَأْتَمِينَ، فَالْعَامِدُ أَوَّلَىٰ


⁷ Ibid

فَإِنْ قِيلَ فَقَدْ رُوِيَ عَنْ مَالِكٍ: مَنْ تَرَكَ الصَّلَاةَ مُتَعَمِّدًا لَا يَقْضِي أَبَدًا. فَأَلِإِشَارَةٌ إِلَىٰ أَنَّ مَا مَضَىٰ لَا يَعُودُ، أَوْ يَكُونُ كَلَامًا خَرَجَ عَلَىٰ التَّغْلِيظِ، كَمَا رُوِيَ عَنِ ابْنِ مَسْعُودٍ وَعَلِيٍّ: أَنَّ مَنْ أَفْطَرَ فِي رَمَضَانَ عَامِدًا لَمْ يُكْفِرْهُ صِيَامَ الدَّهْرِ وَإِنْ صَامَهُ. وَمَعَ هَذَا فَلَا بُدَّ مِنْ تَوْفِيقَةِ التَّكْلِيفِ حَقَّهُ بِإِقَامَةِ الْقَضَاءِ مَقَامَ الْأَدَاءِ، وَإِتْبَاعَهُ بِالتَّوْبَةِ، وَيَفْعَلُ اللَّهُ بَعْدَ ذَلِكَ مَا يَشَاءُ.

Majmu Sharhul Muhadhab, B a Mawaqeeat as-Salah, p. 71 vol 3⁸

The above passage clearly suggests that the concept of mere repentance and performing excessive good deeds to expiate for all intentionally missed Salāhs was rejected by the scholars of the past. All viewed that Qadha is the only solution for compensating for the missed Salāhs, followed with repentance. Thus ironically, the advocates of strict adherence of the Qur'an and Sunnah and followers the Salafs are themselves opposing the Qur'an and Sunna and the Salafs.

Hanbali Madhab

Ibn Qudamah  [a renowned Hanbali jurist] states when one has many Qadha Salāhs then he should exert considerable effort in performing them so long as it does not cause physical or financial harm to him. Obviously, this is only possible if one misses Salāh deliberately as opposed to forgetfulness and sleep which is scarce in comparison to it.

“When excessive amount of Fawāt [missed Salāhs] accumulate then he must engage in performing them as long the hardship [in doing so] does not affect him physically or financially. Physically, whereby it weakens him or fear of becoming ill. As for financially, it prevents him from monetary dealing hindering from his livelihood, or incurs harm upon himself. Ahmad [Ibn Hanbal] has mentioned this. If he is unsure of the quantity then he must continue until he is convinced that he has now absolved himself.”

أَجْمَعَ الْعُلَمَاءُ الَّذِينَ يُعْتَدُّ بِهِمْ عَلَى أَنْ مَنْ تَرَكَ صَلَاةً عَمْدًا لِرَمَةِ قِضَائِهَا وَخَالَفَهُمْ أَبُو مُحَمَّدٍ عَلِيٌّ ابْنُ حَزْمٍ فَقَالَ لَا يَفْدِرُ عَلَى قِضَائِهَا أَبَدًا وَلَا يَصِحُّ فِعْلُهَا أَبَدًا قَالَ بَانَ يُكْتَرُ مِنْ فِعْلِ الْحَيْرِ وَصَلَاةِ التَّطَوُّعِ لِيُتَمَّ بِمِزَانِهِ يَوْمَ الْقِيَامَةِ وَيَسْتَعْفِرُ اللَّهُ تَعَالَى وَيَثُوبُ وَهَذَا الَّذِي قَالَهُ مَعَ أَنَّهُ مُخَالَفٌ لِلْإِجْمَاعِ بَاطِلٌ مِنْ جِهَةِ الدَّلِيلِ وَبَسَطَ هُوَ الْكَلَامَ فِي الْإِسْتِدْلَالِ لَهُ وَلَيْسَ فِيهَا ذِكْرٌ دَلَالَةٌ أَصْلًا وَمِمَّا يَدُلُّ عَلَى وَجُوبِ الْقِضَاءِ حَدِيثُ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (أَمَرَ الْمُجَامِعَ فِي تَهَارِ رَمَضَانَ أَنْ يَصُومَ يَوْمًا مَعَ الْكُفَّارَةِ أَوْ يَدُلَّ الْيَوْمَ الَّذِي أَفْسَدَهُ بِالْمُجَامِعِ عَمْدًا) رَوَاهُ الْبَيْهَقِيُّ بِإِسْنَادٍ حَسَنٍ وَرَوَى أَبُو دَاوُدَ نُحْوَهُ وَلَائِنَّهُ إِذَا وَجِبَ الْقِضَاءُ عَلَى التَّارِكِ نَاسِيًا فَأَلْعَامِدُ أَوْلَى

Al Mughni, Fasl Idha Kathurat Fawait alayhi yatashagatu bil Qadha p.439 vol 1⁹

فَصَلَّى: إِذَا كَثُرَتْ الْفَوَائِثُ عَلَيْهِ يَتَشَاغَلُ بِالْقِضَاءِ، مَا لَمْ يَلْحَقْهُ مَشَقَّةٌ فِي بَدَنِهِ أَوْ مَالِهِ، أَمَا فِي بَدَنِهِ فَأَنْ يَضَعِفَ أَوْ يَخَافَ الْمَرَضَ، وَأَمَا فِي الْمَالِ فَأَنْ يَنْقُطِعَ عَنِ النَّصْرَةِ فِي مَالِهِ، بِحَيْثُ يَنْقُطِعُ عَنْ مَعَايِشِهِ، أَوْ يُسْتَنْصَرُ بِذَلِكَ. وَقَدْ نَصَّ أَحْمَدُ عَلَى مَعْنَى هَذَا. فَإِنْ لَمْ يَعْلَمْ قَدْرَ مَا عَلَيْهِ فَإِنَّهُ يُعِيدُ حَتَّى يَتَيَقَّنَ بَرَاءَةَ دَمِيهِ. قَالَ أَحْمَدُ فِي رِوَايَةِ صَالِحٍ، فِي الرَّجُلِ يُضَيِّعُ الصَّلَاةَ: يُعِيدُ حَتَّى لَا يَشْكُ أَنْهُ قَدْ جَاءَ بِمَا قَدْ صَبَّحَ



Conclusion

The above evidences as well as the opinions of the four Sunni Schools make it clear that Qadha Umri for all of the intentionally missed Salāhs is necessary irrespective of the amount. This has been the most reliable position of majority of the scholars of the past. Imām Nawawi رحمہ اللہ [as quoted above] recalls a consensus of the scholars on this issue. Historically, it was the Zahiri [literalist] School who opined that Qadha can never be performed due to the severity of the crime, so the only solution according to Zahiris is to repent and perform excessive good deeds. But logically, this is not possible nor warranted because optional deeds do not equate to obligatory acts. Otherwise the same principle should equally apply to intentionally missed Ramadhān fast, yet all agree that despite the sin mere repentance is insufficient and Qadha is necessary. Regarding the Prophetic report ‘there is no expiation for an intentionally missed Salāh’, Imām Qurtibi’s رحمہ اللہ above explanation of the Hadeeth clarifies its meaning, as in, it negates the reward but not the act itself. Conclusively, irrespective of the number of missed Salāhs even if it is intentional, the final ruling on this matter is that Qadha Umri is necessary with sincere repentance for deliberate negligence.

[Allāh Knows Best]

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