A Traveler Joining a Traveler Imām in Salāh, Assuming Him to Be a Resident

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: Zaid, who was a sharʿī traveler, did not know whether the imām was a shariʿī traveler or a resident. So, assuming the imām to be a resident, he joined the congregation with the intention of offering the four rakʿāt fard of ʿIshāʾ. The imām concluded the salāh by performing salām after two rakʿāt, which made it clear that he was a sharʿī traveler. Zaid then assumed that, since he had intended to offer four rakʿāt, it was necessary for him to complete all four. Accordingly, he stood up for the third rakʿah, completed four rakʿāt, and concluded his salāh.

Please provide sharʿī guidance regarding this salāh. Is the salāh valid, or is it necessary to offer qaḍāʾ? Furthermore, what should Zaid have done in this situation so that his salāh would have been offered properly?

Answer

بِسْمِ اللّٰہِ الرَّحْمٰنِ الرَّحِیْمِ

اَلْجَوَابُ بِعَوْنِ الْمَلِکِ الْوَھَّابِ اَللّٰھُمَّ ھِدَایَۃَ الْحَقِّ وَالصَّوَابِ

In the described scenario, it is wājib upon Zaid to repeat the two rakʿāt of ʿIshāʾ salāh, which he must offer with the intention of two rakʿāt wājib al-ʾiʿādah to make up for the shortcoming that was left in the salāh. In this situation it was wājib upon Zaid to perform salām with the imām at the end of the two rakʿāt when he found out that the imām was a traveler. In this case, the salāh would have been completed without any karahah.

Further detail about this issue is that knowing whether the imām is a resident or a traveler is one of the conditions for the validity of iqtidāʾ (following the imām). However, this knowledge is not required at the beginning of the salāh. Rather, if one comes to know of it during the salāh, the iqtidāʾ is valid. Therefore, in the scenario described above, once Zaid found out during the salāh that the imām was a traveler, this was sufficient and he should have performed salām with the imām. Instead, he deliberately completed four rakʿāt and performed qaʿdah after the second rakʿāt. As a result, his fard has been fulfilled, while the final two rakʿāt were counted as nafl. However, because he deliberately omitted a wājib, he committed a makrūh taḥrīmī and became sinful. He must therefore repent, and it is wājib for him to repeat the two rakʿāt.

As for the doubt of Zaid having made the intention of four rakʿāt, the clarification about this is that specifying the number of rakʿāt in salāh is not necessary. Instead, even if one mistakenly makes the intention of additional rakʿāt, they do not become obligatory. For example, if a traveler had to offer two rakʿāt but he made the intention of four rakʿāt, this mistake does not obligate him to offer four rakʿāt. The reason is that when a traveler intends to offer four rakʿāt instead of two, he is essentially intending to alter what sharīʿah has prescribed (made mashrūʿ), and the intention of

altering something which has been prescribed by sharīʿah is ineffective and disregarded.

If a traveler offers four rakʿāt instead of two, his fard is valid. Mentioning the details regarding this, it is stated in *Tanwīr al-Absār Wa al-Durr al-Mukhtār*:

(فلواتمّ مسافر، ان قعد فی) القعدة (الاولی تمّ فرضه و) لکنّه (أساء) لو عامداً لتاخیر السلام وترک واجب القصر

Translation: If a traveler offered the complete salāh and he sat in the first qaʿdah, his fard is valid. However, if he did so deliberately, he has done wrong because he delayed the salām and omitted the wājib of qasr. (Tanwīr al-Absār Wa al-Durr al-Mukhtār, Vol. 02, p. 733-734, Publ. Quetta)

Under the above-cited text, ʿAllāmah Ibn ʿĀbidīn Shāmī Dimishqī رحمۃ اللہ تعالی علیہ (d. 1252 AH/1836 CE) writes:

فعلم انّ الاساءة هنا کراهة التحریم

Translation: From this, it is known that isāʾah here refers to makrūh taḥrīmī. (Radd al-Muḥtār Maʿa al-Durr al-Mukhtār, Book of salāh, Vol. 02, p. 734, Publ. Quetta)

If a traveler deliberately offered four rakʿāt instead of two, then it is necessary to repeat the salāh. Regarding this, ʿAllāmah Badr-Uddīn Maḥmūd Bin Aḥmad ʿAynī رحمۃ اللہ تعالی علیہ (d. 855 AH/1451 CE) writes:

اذا صلی اربعاً متعمّداً اعادها

Translation: When a traveler deliberately offered four rakʿāt, he must repeat the salāh. (Al-Bināyah, Book of salāh, Vol. 03, p. 10, Publ. Quetta)

My master, ʿAlā Ḥazrat, the Imām of Ahl as-Sunnah, Imām Aḥmad Razā Khān رحمۃ اللہ تعالی علیہ (d. 1340 AH/1921 CE) writes:

جس پر شرعاً قصر ہے اور اس نے جہلاً (پوری) پڑھی اس پر مواخذہ ہے اور اس نماز کا پھیرنا واجب۔

Translation: If someone who was obligated to offer qasr offered the complete salāh out of ignorance of the ruling, he is blameworthy and it is wājib upon him to repeat the salāh. (Fatāwā Razawiyah, Vol. 08, p. 270, Publ. Razā Foundation, Lahore)

Specifying the number of rakʿāt while making the intention is not a condition, as stated in *Tanwīr al-Absār Maʿa al-Durr al-Mukhtār* as well as other books of fiqh:

(دون) تعیین (عدد رکعاته) لحصولها ضمناً، فلا یضر الخطاء فی عددها

Translation: Specifying the number of rakʿāt is not a condition for the intention as this is implicitly established. Hence, making a mistake in the number of rakʿāt will not affect the salāh. (Tanwīr al-Absār Wa al-Durr al-Mukhtār, Vol. 02, p. 120-121, Publ. Quetta)

Sadr al-Sharīʿah, Muftī Muḥammad Amjad ʿAlī Aʿzamī رحمۃ اللہ تعالی علیہ (d. 1367 AH/1948 CE) writes:

نیت میں تعداد رکعات کی ضرورت نہیں البتہ افضل ہے، تو اگر تعداد رکعات میں خطا واقع ہوئی مثلاً تین رکعتیں ظہر یا چار رکعتیں مغرب کی نیت کی، تو نماز ہو جائے گی۔

Translation: Mentioning the number of rakʿāt in the intention of salāh is not necessary, but it is preferred. Hence, if one made a mistake in specifying the number of rakʿāt, such as one intending three rakʿāt for Zuhr or four rakʿāt for Maghrib, the salāh will be valid. (Bahār-E-Sharīʿat, Vol. 01, p. 494, Publ. Maktaba-Tul-Madīnah, Karachi)

If one makes a mistake in specifying the number of rakʿāt, offering those rakʿāt will not become necessary as the intention of altering something that has been prescribed by sharīʿah is disregarded. Thus, it is stated in *Tabyīn al-Ḥaqāʾiq ʿAlāʾ Kanz al-Daqāʾiq*, *al-Bināyah ʿAlā al-Hidāyah*, and *Radd al-Muḥtār ʿAlā al-Durr al-Mukhtār* (this is cited from the former):

(ويسجد للسهو وإن سلم للقطع) معناه أنه يجب عليه أن يسجد للسهو وإن أراد بالتسليم قطع الصلاة؛ لأن **نيته تغير المشروع فتلغو** كما لو نوى الظهر ستا **أو نوى المسافر الظهر أربعاً**

Translation: He should perform sajdah al-sahw even if he has performed salām with the intention of concluding the salāh. This means that it is wājib on that person to perform sajdah al-sahw even if he has performed salām with the intention of concluding the salāh because **his intention is to alter what has been prescribed by sharīʿah and such an intention is disregarded**. Such as if one intended six rakʿāt for Zuhr or **a traveler intended four rakʿāt for Zuhr**. (Tabyīn al-Ḥaqāʾiq ʿAlāʾ Kanz al-Daqāʾiq, Book of Salāh, Vol. 01, p. 199, Publ. Dār al-Kitāb al-Islāmī)

وَاللہُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُہ اَعْلَم صَلَّی اللہُ تَعَالٰی عَلَیْہِ وَاٰلِہٖ وَسَلَّم

(Allah Almighty knows best and His Messenger صَلَّی اللہُ عَلَیْہِ وَاٰلِہٖ وَسَلَّم knows best.)

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