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LARGER THAN LIFE: PRAYER DURING WARTIME IN ISLAMIC LAW

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ABSTRACT

Prayer is the most frequently performed and arguably the most important Islamic ritual.¹ Abundant material on the subject in Islamic sources serves to emphasize this ritual's unparalleled religious significance. Evidence of the preeminence of prayer in Islam is found not only in theological texts, but in legal texts as well. In particular, prayer's precedence over even one of Islam's highest values – the sanctity of life (*iḥtirām al-ḥayāt*) – captures our attention. A Muslim believer is commanded to pray, even if doing so might involve serious and immediate risk to his life, as demonstrated here by an analysis of the issue of prayer during battle (*ṣalāt al-khawf*) in classical and modern *fiqh*.

INTRODUCTION

In a widely circulated YouTube video documenting the activities of opposition forces in the civil war that has raged throughout Syria during most of 2011–2012, a platoon of Free Syrian Army fighters is depicted praying with devotion in defiance of volleys of shells and bullets raining down upon them.² On the Egyptian political front we read of the resurfacing of controversy over the issue of “timely prayer” (*al-ṣalāt fī waqtiḥā*), with the Muslim Brotherhood and the Salafis being unable to reach consensus about whether parliament sessions should be interrupted in order to observe the commandment of praying on time.³

1 I would like to thank Prof. David Powers and Prof. Ze'ev Maghen for their important suggestions regarding stylistic revision. I am also indebted to Dr. Ḥaggai Mazuz for his comments on this essay. Translations of the Qur'ān taken from Arberry 1964.

2 www.youtube.com/watch?v=hZC1jRj3OZ8, accessed 30 July 2012.

3 www.alquds.co.uk/index.asp?fname=today\07z498.htm&arc=data\2012\02\02-07\07z498.htm, accessed 30 July 2012.

The centrality and importance of prayer in Islam is so well recognized and has been so well investigated that there is almost no need to elaborate the point.⁴ Prayer is the heart of Islam. There are over 100 Qur'ānic verses in praise of prayer and many *ḥadīth* sayings that extol prayer and its virtues and equate its abandonment with denial of Islam. As examples, we may adduce the following *ḥadīth* statements: “the central pillar of Islam is prayer” (Sābiq 1995 I: 70), or “the difference between the believer in Islam and the heretic is the abandonment of prayer” (al-Nawawī 1990 I: 69). Prayer purifies one's sins. A well-known tradition likens prayer to a stream of water passing in front of the house of a man, who washes himself in it five times a day (al-Bukhārī 1950 I: 133).⁵

The thesis of this essay is that the multitude of statements in the Qur'ān and the *ḥadīth* that note the importance of prayer are not mere words uttered solely for the sake of preaching or encouragement; rather, they are deeply rooted in Islamic law. The supreme value of prayer is not merely an abstract theological concept. It is well-supported by the rulings of Sharī'a, according to most of the schools of law (*madhāhib*).

Human life is accepted as the supreme value by Islamic law, and it takes precedence over the observance of ritual commandments. To save one's life, one is allowed and even commanded to disobey other religious duties. At the same time, every religion defines the boundaries that must not be exceeded even at the price of one's life. In Judaism, for example, one should choose death rather than commit the following three sins: illicit sexual intercourse, idolatry, and bloodshed. In Christianity, as in Islam, martyrdom (*shahāda*) is perceived as a supreme opportunity to reach a high degree of holiness (Almond, Appleby & Sivan 2003: 13).

4 Muslim prayer began to attract the attention of Western scholars in the 19th century, starting with Eugen Mittwoch in his *Zur Entstehungs-Geschichte des Islamischen Gebets und Kultus* (1913). Other scholars followed in his footsteps. Western academic studies of prayer can be divided into four basic categories: (1) general descriptions of prayer rites, (2) comparisons between Islamic prayer rites and those of other religions, (3) scientific-astronomic matters relating to the establishment of prayer times, and the location of the *qibla*, and (4) various legal matters pertaining to the practice of prayer. The least covered area is the fourth category. Although several studies have been made on diverse areas of Islamic law, including marriage, inheritance, slavery, purity, taxes, and commercial law, very little has been written on the legal framework that governs religious worship. Examples of the few studies in this category include: I.K.A. Howard, “The Development of the *Aḥbān* and *Iqāma* of the *Ṣalāt* in Early Islam” (1981); Bernard Weiss, “Ibn Taymiyya on Leadership in Ritual Prayer” (1996). David King (2004) discusses briefly the issue of prayer times in Islamic law in his monumental book, which deals with scientific-astronomic matters relating to the establishment of prayer times. Joseph E. Lowry (2007: 223–237) also deals succinctly with the subject of prayer times in his monograph on the *Risāla* of al-Shāfi'ī, where he demonstrates the use al-Shāfi'ī makes of the Qur'ān and the *sunna* as sources of law.

5 On the importance of prayer in Islam, see also *EI2*, s.v. *Ṣalāt* (G. Monnot).

In *sharʿa*, a situation of necessity (*ḍarūra*) allows one to transgress other religious duties, except murder or the severe injury of another person. The relevant clause or precept is *al-ḍarūrāt tubīḥ al-maḥṭūrāt*,⁶ meaning that necessity makes lawful that which is forbidden (*EL2*, s.v. *Ḍarūra* (Y. Linand de Bellefonds)).

To examine the importance of performing a specific Islamic ritual, one may consider whether or not it outweighs the value of sanctity of life. For example, the sick, the elderly, and travellers are exempted from the fast of Ramaḍān. This omission may be made up for at a later date and can be atoned for by a donation to charity (Q. 2:184–185). Similarly, Qurʾān 3:97 states that the Ḥajj is obligatory for “he who can find a way thither”. The physical or economic ability to make the journey (*istiṭāʿat al-sabīl*) is the criterion for exemption (Rispler-Chaim 2007: 34–37). The same applies to purity (*ṭahāra*): one must make every effort to find water. However, in certain situations one may be prevented from using water because of immediate physical danger from an enemy or a predator. In like fashion, a person sailing on a ship, with water on all sides, may still be afraid to climb down and collect some water. These and other examples fall under the rubric of *wājīd al-māʾ ghayr qādir ʿalā l-māʾ*, a person who has found water but cannot make use of it. This allows him to perform ablution using sand (*tayammum*) without requiring him to repeat his prayer later, when water is finally available (al-Shāfiʿī n.d. I: 63).⁷

The principle of sanctity of life takes precedence over dietary law as well. According to the Qurʾān (e.g. 2:173, 5:3, 6:145, and 16:115), a person facing death from starvation may consume prohibited foods, such as pork, blood, or carrion in minimum life-saving quantities. The importance of the duty to engage in *jihād* or holy war is emphasized in several verses in the Qurʾān, albeit with qualifications: one should prepare for war as much as one can (Q. 8:60), but the weak and the sick, blind, infirm, and those who cannot meet the expenses are exempt from *jihād* (Q. 9:91, 48:17, 24:61; Rispler-Chaim 2007: 41–46).

The ritual of prayer takes priority over all other rituals. The duty of prayer is obligatory under all circumstances, and it is never cancelled. For example, if a person is sick and cannot pray by standing, sitting, or reclining, he should pray by nodding (*īmāʾ*). If he cannot move his head, he should pray by blinking his eyes (Rispler-Chaim 2007: 23–27).

6 This doctrine was formulated by the Ḥanafī scholar Ibn Nujaym (d. 1563). See *EL2*, s.v. Ibn Nudjajm (J. Schacht).

7 Nawawī (1996: 259) augments these examples with instances of possible loss of property, stating that “if the devotee fears for his belongings [were he to proceed to the water source] – whether this concerns those belongings on his person or those in his temporary abode – from the ravages of bandits or thieves or others of this ilk, then *tayammum* is prescribed for him, and that water is [for him] as if it were non-existent (*hādihā al-māʾ kaʾl-māʾ dūm*)”.

Another example of the importance of prayer involves people buried under ruins following an earthquake: they are not exempt from the duty of prayer and upon being saved they should make up for any prayers that they missed (Saḥnūn 1994: 184).

This article seeks to prove the tacit rule that the value of prayer in Islam takes priority over the value of life and is obligatory even in situations of great danger, in which the observance of the duty of timely prayer might result in the death of the worshipper. The framework for the discussion is prayer during battle: *ṣalāt al-khawf*.

Jihād fī sabīl Allāh ('struggle for God') holds central importance in Islamic law. Although the literal meaning of the word *jihād* is 'an effort or a striving to achieve a certain thing', *jihād* often signifies war (*qitāl*) (EI2, s.v. War (P. Crone)) against infidels in the Qur'ān and *ḥadīth* (EI2, s.v. Jihād (E. Landau Tasseron)). The following *ḥadīth* demonstrates the importance of prayer and *jihād*. 'Abd Allāh b. Mas'ūd (d. 654 CE) (EI2, s.v. 'Abd Allāh b. Mas'ūd (J.G. Wadet)) wanted to know the one action that would be most preferred in the eyes of Allāh (*ayy al-a'māl aḥabbu ilā Allāh*) and the one action that would grant a believer direct entry into Paradise. He went to the Prophet and asked him this question. The Prophet responded: "The one action Allāh most desires is prayer at the appointed time." "And after that, which action?" asked 'Abd Allāh. The Prophet answered, "Respect your parents." 'Abd Allāh continued: "And after that?" The Prophet answered, "*Jihād* for Allāh's sake" (al-Baghawī 1983 II: 176; Ibn Rajab 1996 IV: 207–209).

According to this *ḥadīth*, these three duties are situated on a spectrum of importance. The most important duty is performance of prayer at appointed times, followed by respect for parents, followed by *jihād*. This article focuses on the tension between the obligation and desire to pray at the appointed time and the need to engage in warfare as a matter of life and death. First, however, we will examine the dilemma that arises from the conflict between timely prayer and *jihād*.

The five daily prayers are performed at appointed times, as specified in the Qur'ān, *ḥadīth* and *fiqh* ('Aẓīmabādī 1979 II: 55–57; al-Nawawī 1996 III: 18; al-Māwardī 1994 II: 10; al-Shāfi'ī n.d. II: 89; Ibn Farāḥ 1997 I: 441; Ibn Qudāma 1984 I: 371; al-Qushayrī 1990 V: 114–116). Although the Qur'ān contains several verses that provide rules concerning daily prayer times (such as Q. 17:78, 30:17, and 50:40), the number five is taken from the sunnaic tradition of the night journey of the Prophet (*isrā' wa-l-mi'rāj*) (EI2, s.v. Ascension of Muḥammad (M. Barrucand)).

The obligation to pray at designated times is taken from Q. 4:103: "Prayer is a duty incumbent on the faithful, to be conducted at the appointed hours" (*inna al-ṣalāt kānat 'alā al-mu'minīn kitāban mawqūtan*). The expression *kitāban mawqūtan* requires explanation. The word *kitāb* is generally interpreted either as

an obligation imposed by Allāh on Muslims or as predestination (*qadr*).⁸ Exegetes struggle with the meaning of *mawqūt*. Some interpret it as a duty imposed on the worshipper (*farḍ wājib*). The expression *kitāban mawqūtan* is glossed as a duty whose performance is dependent upon a set time. In one *ḥadīth*, ‘Abd Allāh b. Mas‘ūd is reported to have said: “Just as the *ḥajj* has an appointed time, so does prayer” (al-Ṭabarī 1995 I: 355–356). According to this *ḥadīth*, *mawqūt* means *munajjam*⁹ (i.e. cyclical, or “dependent on specific times that recur”; *munajjam*, *kullamā maḍā najm jā’a najm ākhar*).¹⁰ (al-Māwardī 1982 I: 421–422; al-Nīsābūrī 1996 II: 490; al-Bayḍāwī 1968 I: 228; al-Qurṭubī 1967 III: 374; al-Zamakhsharī 1948 I: 422; al-Sarakhsī 1980 I: 141; al-Ṭabarī 1995 I: 355–356)

Sometimes a person may find himself in a situation that does not permit him to pray at the appointed time. Consider, for instance, the traveller’s prayer (*ṣalāt al-musāfir*). Because a traveller may encounter robbers, predatory animals, or unexpected natural phenomena, he is granted a number of concessions in the undertaking of his prayers, one of which is to shorten the prayer. For example, prayers of four *raka’āt* (genuflection cycles, such as *ṣalāt al-zuhr*, *ṣalāt al-‘aṣr*, and *ṣalāt al-‘ishā*) are reduced to two *raka’āt* while travelling.¹¹ Other concessions allow travellers to advance or postpone the time of prayer or allow them to combine two prayers (i.e. to perform two prayers consecutively at one of the appointed times). According to this concession, called *al-jam’ bayna al-ṣalātayn*, one may perform the *ṣalāt al-zuhr* at the correct time and immediately afterwards continue with the *ṣalāt al-‘aṣr*. In this case, the joining of the two prayers is known as *jam’ taqḍīm*, as *ṣalāt al-‘aṣr* is performed in advance. Similarly, *jam’ ta’khīr* allows the postponing of *ṣalāt al-zuhr*, which is then performed together with *ṣalāt al-‘aṣr* at the latter’s appointed time (al-Nawawī 1992 I: 483, 498–499).

War is one of the best examples of a situation in which one may be unable to pray at the appointed time. Consider the following situation: a soldier finds himself under attack when the time for prayer has arrived. Is he supposed to sacrifice his life for the holy cause by praying on time? The Shi‘ī narrative of the battle of Karbalā’ relates that Ḥusayn’s supporters expressed their earnest desire to strictly observe timely prayer. They sent messengers to Yazīd’s commanders,

8 For other examples of *kitāb* and *kutiba*, see Q. 2:183, 2:216, and 4:24. On *kataba* in the sense of predestination, see Q. 58:21 and 59:3. For other uses of *kitāb* and the root *k-t-b* in the Qur’ān, see EQ, s.v. Book (D. Madigan).

9 The time is determined on the basis of astronomical observation, which accounts for the relationship between *mawqūt* and *munajjam*.

10 See Lane 1956 I, Part 8: 2958.

11 *Ṣalāt al-ṣubḥ* cannot be shortened, as it is only two *rak’as* long and two *rak’as* is the minimum length for prayer. Nor can *Ṣalāt al-maghrib* be made any shorter either, as it is always three *rak’as* long. (al-Ṭabarsī II: 444; al-Māwardī 1994 II: 9)

requesting that they refrain from attacking until they had completed their prayer. Yazīd's commanders not only turned down the request, but also insulted Ḥusayn's messengers. After the battle had commenced, Ḥusayn performed *ṣalāt al-khawf* with his soldiers, while the arrows of Yazīd's soldiers pierced their bodies in the midst of the noon prayer. (Abū Mikhnaḥ 2009: 116–119)

Both of the aforementioned exceptional prayers – that of the traveller and that of the soldier – fall under the category of *ṣalāt al-khawf*, prayer under the shadow of fear (i.e. fear of injury or death). We now discuss the relevant literature.

QUR'ĀN VERSES ON PRAYER DURING WAR

The Qur'ān instructs Muslims to pray during war as follows:

[4:101] And when you are journeying in the land there is no fault in you that you shorten the prayer, if you fear the unbelievers may afflict you; the unbelievers are for you a manifest foe.

[4:102] When thou art amongst them, and perform for them the prayer, let a party of them stand with thee, and let them take their weapons. When they bow themselves, let them be behind you; and let another party who have not prayed come and pray with thee, taking their precautions and their weapons. The unbelievers wish that you should be heedless of your weapons and your baggage; then they would wheel on you all at once. There is no fault in you if rain molests you, or you are sick, to lay aside your weapons; but take your precautions. God has prepared for the unbelievers a humbling chastisement.

[4:103] When you have performed the prayer, remember God, standing and sitting and on your sides. Then, when you are secure, perform the prayer; surely the prayer is a timed prescription for the believers.

According to these verses, when a regiment of Muslims finds itself facing enemies and wishes to pray, the soldiers should divide into two groups. The first group prays with the Imām, while the second group stands guard. When the first group has completed the prayer, the two groups change places. The soldiers may not set down their weapons during prayer, except under extraordinary circumstances such as sickness or rain. Verse 103 starts with the words *fa-'dhkurū Allāh*, where the worshippers “sit, stand, or lean”. What is meant by *fa-'dhkurū Allāh*? We find two explanations of this phrase in commentaries of the Qur'ān. One is that when soldiers complete the prayer, they must utter Allāh's name many times during the battle, in all circumstances, whether “standing, sitting, or leaning”, by saying the *takbīr* (*Allāh akbar*) and the *tablīl* (*lā ilāha illā Allāh*). The repetition of Allāh's name will help soldiers be victorious in their battles, as suggested by Qur'ān 8:45: “O believers, whensoever you encounter a host, then stand firm,

and remember God frequently; haply so you will prosper” (al-Qurṭubī 1967 III: 373–374; al-Zamakhsharī 1948 I: 422; al-Ṭabarī 1995 V: 352; al-Bayḍāwī 1968 I: 228; al-Nīsābūrī 1996 II: 489).

According to the second explanation, “remembrance of Allāh” refers to prayer itself. It is reported that Ibn Mas‘ūd heard a tumult from within the mosque. When he approached the mosque and inquired about the noise, the people asked him, “Does Allāh not say in the Qur’ān, ‘Remember Allāh, whether standing or sitting or leaning?’” In other words, the worshippers followed the first explanation of Q. 4:103 (i.e. that Allāh’s name must be mentioned when standing upright, sitting, or leaning). They understood this to mean that believers should recite Allāh’s name in whatever posture they find themselves, in other words at all times (hence the incessant noise). Ibn Mas‘ūd responded, “The meaning of ‘remembrance of Allāh’ is expressed in the obligation to pray. If one cannot pray upright, then one should pray while sitting and, if one cannot pray while sitting, then one should pray while leaning”. (al-Qurṭubī 1967 III: 373–374; al-Zamakhsharī 1948 I: 422; al-Ṭabarī 1995 V: 352; al-Bayḍāwī 1968 I: 228; al-Nīsābūrī 1996 II: 489)

According to Ibn Mas‘ūd’s interpretation, this portion of the verse concerns prayer under unusual conditions. Some exegetes say that Q. 4:103 refers to two instances of prayer during war:

1. Prayer in groups is done in “a situation of moderate fear” (*ḥāl ghayr shiddat al-khawf*) in which soldiers who are not involved in actual warfare have both the time and the opportunity to divide their army into two and pray with their Imām. Traditional Islamic texts (such as *ḥadīth*, *sīra*, and *fiqh*) call this “the prayer of fear” (*ṣalāt al-khawf*) (EI2, s.v. *Ṣalāt al-khawf* (G. Monnot)).
2. One finds “the prayer of great fear” (*ṣalāt shiddat al-khawf*) in the midst of warfare. This type of prayer is mentioned also in Q. 2:238–239:

Be you watchful over the prayers, and the middle prayer; and do you stand obedient to God. And if you are in fear, then afoot or mounted; but when you are secure, then remember God, as he taught you the things that you knew not.

Here soldiers are engaged in warfare and do not have the opportunity to pray in groups with their Imām. In this situation, the Qur’ān instructs soldiers to pray in whatever situation they find themselves at that moment (e.g. standing, sitting, or leaning). According to al-Zamakhsharī (1948 I: 238),¹² Q. 2:239 refers to a situation in which a soldier can pray while he is walking. About Q. 4:103 he writes, “Remember Allāh’, meaning pray; ‘standing’ – while you are smiting

¹² About al-Zamakhsharī, see EI2, s.v. al-Zamakhsharī, Abū al-Qāsim Maḥmūd b. ‘Umar (C.H.M. Versteegh).

each other with swords; ‘sitting’ – when you are sitting astride your mounts and firing arrows; and ‘leaning’ – when you are lying wounded” (al-Zamakhsharī 1948 I: 422; al-Ṭabarī 1995 V: 352; al-Bayḍawī 1968 I: 228; al-Nīsābūrī 1996 II: 489).

Q. 2:239 reinforces Q. 4:103.¹³ It, too, instructs Muslims, “And if you are in fear, then afoot or mounted.” Fakhr al-Dīn al-Rāzī (*EI2*, s.v. Fakhr al-Dīn al-Rāzī (G.C. Anawati)) best summarizes the differences between the two types of prayer of fear, “The prayer of fear is divided into two types: a prayer uttered during battle and referred to by the verse: ‘And if you are in fear, then afoot or mounted’, and the second type, which is uttered when fighting is not taking place, as mentioned in *sūrat al-nisā’* verse 102: ‘When thou art amongst them, and performest for them the prayer, let a party of them stand with thee’” (al-Rāzī n.d. V: 140; al-Shāfi‘ī n.d. I: 254).

At the beginning of Q. 2:238–239, the Qur’ān orders Muslims to “remember the prayers” (*ḥāfiẓū ‘alā al-ṣalawāt*). “Remember the prayers”, according to the exegetes, means to be consistent about the appointed times for prayer, because each prayer must be performed at its appointed time and the time must not be missed (al-Ṭabarī 1995 II: 750).¹⁴ As for the “middle prayer” (*al-ṣalāt al-wuṣṭā*), the exegetes advance five explanations, the preferred one being that the “middle prayer” is *ṣalāt al-‘aṣr*. This choice explains the special status of *ṣalāt al-‘aṣr* for Muslims (Rubenstein-Shemer 2006: 53–61). The continuation of the verse speaks of a situation of fear in which Muslims cannot pray in the usual way;¹⁵ in these cases, the Qur’ān permits them to pray in an irregular fashion, wherever they are, whether walking or astride a mount. As they cannot perform all of the bodily movements involved in praying, a concession (*rukhsa*) is made here: Muslims may pray by performing *īmā’* (small movements of the head) rather than moving the body. Thus, for example, someone who wants to perform bowing (*rukū’*) will bend his head a little and, if he wants to perform prostration (*sujūd*), he bends his

13 According to Shāfi‘ī’s description concerning the development of the rules relating to *ṣalāt al-khawf*, Q. 2:239 was revealed after Q. 4:103 (see Lowry 2007: 226).

14 Other exegetes add that in addition to maintaining prayer times, it is also necessary to adhere to the manner in which prayer is performed, in every detail. See Muqātil b. Sulaymān 2003 I: 126; al-Nasafī 2001 I: 134; Ibn Kathīr n.d. I: 514.

15 It is important to note that fear may be the result not only of combat, but also flood, fire, and predatory animals (al-Shāfi‘ī n.d. I: 257). Al-Ḥajjāj b. Yūsuf al-Thaqafī, the Iraqi governor known for his strict rule, ordered that prayer times be postponed. During his lifetime, believers would pray the *ṣalāt al-ḏuhr* and *al-‘aṣr* at sunset (when it is forbidden to pray), and they would pray the Friday prayer at sunset. For this reason, believers would miss the *ṣalāt al-‘aṣr*, the most important of the five prayers. Some of the Successors (*tābi‘ūn*) of the Companions of the Prophet would remain at the mosque to pray at the appointed times, and they would pray with *īmā’* (i.e. moving their heads instead of their bodies, due to fear of al-Ḥajjāj). See al-Nawawī 1990 V: 145; *kāna al-Ḥajjāj yu’akbkhīru al-ṣalawāt*; Ibn Rajab 1996 IV: 228–229.

head a little more, in order to distinguish between the two. Another concession is exemption from the necessity to pray facing the *qibla*. In one *ḥadīth*, Ibn ‘Umar says, “The meaning of ‘pray while walking or riding’ is: pray regardless of whether or not you are facing the *qibla*.” One may also shorten the prayer (*qaṣr al-ṣalāt*) to two *raka‘āt* (as in the traveller’s prayer), and some say even to one.¹⁶

These are the Qur’ān’s specifications concerning the performance of *ṣalāt al-khawf*.¹⁷ The Qur’ān refers only to the way in which *ṣalāt al-khawf* is to be performed, not to its time. In a period of great fear (*shiddat al-khawf*), as in war, are Muslims obligated to pray at the appointed times, in whatever way possible, or do the concessions made with regard to the performance of the prayer permit flexibility with regard to its time as well? This question does not apply to the first situation of moderate fear (*ḥāl ghayr shiddat al-khawf*), in which the soldiers can be divided into groups and pray with an Imām. There is unanimity among scholars that this is the way to pray in such a situation. The difference of opinion applies to the second situation, that of great fear (*ḥāl shiddat al-khawf*). Exegetes define this situation as one in which the enemy is in direct proximity to Muslims and they are smiting each other with their swords (*ṣalāt al-musāyafa: qāla Qatāda: hiya ‘inda al-ḍarb bi’l-sayfayyakūnu al-muslim wa’l-kāfir wajhan li-wajhin fa-ḥīna’idhin yuṣallī imā’*) (Ibn Farāḥ 1997 II: 361; al-Zamakhsharī 1948 I: 422; al-Ṭabarī 1995 V: 352; al-Bayḍawī 1968 I: 228; al-Nīsābūrī 1996 II: 489). Here, the soldier must not be distracted from his war strategies, lest he pay with his life (al-Rāzī n.d. V: 141). This raises the question of whether a soldier should, in the heat of battle, perform as much of the prayer as he is able to at the appointed time, or if he should postpone prayer until he reaches a safe place.

THE CONFLICT BETWEEN THE MADHĀHIB OVER THE ṢALĀT ḤĀL SHIDDAT AL-KHAWF

There is a difference of opinion between Ḥanafīs and other scholars in regard to the question whether a soldier should pray on time during battle. According to Shāfi‘ī, Mālikī, and Ḥanbalī jurists, a soldier should pray at the appointed time even in the heat of battle, since Q. 2:238–239 clearly states that one should maintain the manner of prayer as required, including time. However, if one cannot do

16 See al-Māwardī 1994 III: 90; al-Ṭabarī 1995 II: 775–780; Ibn Kathīr n.d. I: 523; al-Rāzī n.d. V: 140; al-Shāfi‘ī n.d. I: 255; Ismā‘īl b. Yaḥyā al-Muzanī, *Mukhtaṣar al-Muzanī*, in the encyclopedia for the sources of Islamic jurisprudence (Marāwarīd (ed.) 1996–2000 V: 1463); ‘Abd Allāh b. Aḥmad b. Qudāma, *al-Kāfi fī Fiqh Ibn Ḥanbal* (Marāwarīd (ed.) 1996–2000 VI: 1877).

17 It is important to note that all of the concessions mentioned are valid under conditions of travel (*safar*). See, for example, Mālik 1994: 116–117.

this due to fear, a concession is made regarding how the prayer is to be performed, but no concession is made for the time appointed for the prayer. The Shāfiʿī jurist al-Nawawī (1233–1277) (*El2*, s.v. al-Nawawī (W. Heffening)) writes:

Know that the expression *ṣalāt al-khawf* does not mean that fear will require independent prayer (*yaqtaḍī ṣalāt mustaqilla*),¹⁸ as with holiday prayers (*ṣalāt al-ʿiḍayn*) and it does not require one to change the length of prayer or the hour, as is the case with the traveler (*musāfir*). It means that fear affects only the manner in which prayers are performed, the performance of prayers in congregation, and the ability to do things in a way that one could not do at the regular time (*al-khawf yaʿthiru fī kayfiyyat iqāmat al-farāʾiḍ bal fī iqāmatihā biʾl-jamāʿa wa-iḥtimāl umūr fihā kānat lā tuḥtamal*) (al-Nawawī 1992 I: 555).¹⁹

In addition, when the soldier reaches a safe place, he must repeat the entire prayer that he made during battle. Al-Shāfiʿī said, “If he cannot pray except while he is fighting, he must pray and later repeat all prayers that he performed during battle” (al-Shāfiʿī n.d. I: 257).

Like the Shāfiʿīs, the Mālikīs hold that one must pray at the appointed times, even during battle. According to Mālik, “If fear increases and it is impossible to pray, except while walking or riding a mount with one’s face turned away from the *qibla*, then do so.” (Saḥnūn b. Saʿīd, *al-Mudawwana*, in Marāwarīd (ed.) 1996–2000 IV: 730)²⁰ Unlike the Shāfiʿīs, the Mālikīs concede that a soldier need not repeat the prayers he performed during battle. Saḥnūn (d. 854) asked Ibn al-Qāsim (d. 813), “If the soldier’s fear dissipates and prayer time has not yet passed, are the soldiers still required to repeat those prayers that they performed during battle?” Ibn al-Qāsim responded, “They need not repeat them” (Saḥnūn 1994 IV: 730). Similar views are expressed by the Ḥanbalī jurist Ibn Qudāma:

The second type of prayer of fear is during great fear, such as the hour of battle or while chasing the enemy. Muslims must pray as they can, either on

18 In al-Nawawī’s words, *ṣalāt mustaqilla*. This means that there is a special time for holiday prayers (*ṣalāt al-ʿiḍayn*) that does not apply to other prayers. This period extends from when the sun is high in the sky to when the sun begins to approach the center of the sky (*zawāl al-shams*). See al-Marghīnānī 2000 I: 366. Al-Nawawī explains that, despite the extraordinary situation of battle, a soldier should not pray at other times. The same applies to holiday prayers, whose hour is special, for which reason it is usually forbidden to pray at these hours.

19 On fear as a factor that changes the manner of performing prayer, see the opinions of other Shāfiʿī scholars, including al-Māwardī 1994 III: 90; al-Shāfiʿī n.d. I: 255; Ibn Farāḥ 1997 II: 359; al-Muzanī, *Mukhtaṣar al-Muzanī*, in Marāwarīd (ed.) 1996–2000 V: 1463.

20 See also ‘Abd Allāh b. Zayd al-Qayrawānī, *Matn al-Risāla*, in Marāwarīd (ed.) 1996–2000 IV: 775; Yūsuf b. ‘Abd Allāh al-Namarī al-Qurṭubī, *al-Kāfi fī Fiqh Ahl al-Madīna*, in Marāwarīd (ed.) 1996–2000 IV: 823; Muḥammad b. Aḥmad b. Rushd, *Bidāyāt al-Mujtahid*, in Marāwarīd (ed.) 1996–2000 IV: 930; Mālik 1994: 168.

foot or astride a mount, performing (*yūmi'ūn*), bowing (*rukū'*) or prostrating (*sujūd*) as well as they can. They will progress or retreat, fight and stab with their swords. They must not be late in their prayer and their prayer must be valid. (al-Qurṭubī, *al-Kāfī*, VI: 1960 in Marāwarīd (ed.) 1996–2000)

According to Ibn Qudāma, if the soldier performs the prayer of fear and later reaches a safe place, and the time for prayer has not yet expired, then he must complete what he did not manage to do beforehand (i.e. if he shortened a four *raka'āt* prayer to two *raka'āt*, then he must perform the remaining two *raka'āt*) (al-Qurṭubī, *al-Kāfī*, VI: 1960 in Marāwarīd (ed.) 1996–2000). The Mālikī scholar al-Qurṭubī offers a possible explanation for this strict ruling:

Our learned men, may peace be upon them, said that the essence of prayer is in calling to Allāh (*du'ā'*). What situation is more appropriate to calling to Allāh than a state of fear? Therefore the obligation of prayer is not waived even in a state of fear [...] and if this obligation is not reduced, all the more so should this obligation be honoured in other situations, such as sickness. Allāh decreed that one must pray in any situation, be it sickness or health, sitting at home or travelling, ability or inability, fear or safety. The obligation of prayer is never waived [...] and the meaning of these things is that prayer is to be undertaken where possible, and not cancelled in any case whatsoever, to the point that even if one can pray only by blinking an eye, it is an obligation to do so. This is why prayer is of greater importance than any other ritual, which can be cancelled due to various circumstances, and for which concessions exist (*wa-bi-hādihā tamayyazat 'an sār'ir al-'ibādāt kulluhā tasqutu bi'l-a'dhār wa-yatarakkhaṣu fihā bi'l-rukhaṣ*). Ibn al-'Arabī (d. 1148 CE) said: “And therefore our learned men said that prayer is an enormous matter, that he who abandons it will be killed, as he went back on his faith, the obligation to which is never suspended” (*inna tārik al-ṣalāt yuqṭal li-annahā ashbahat al-īmān 'lādhi lā yasqutu bi-ḥālin*). These wise men also said of prayer that it is one of the pillars of Islam that cannot be performed by someone else or for money. (al-Qurṭubī 1967 III: 198)

With these words, al-Qurṭubī determines that prayer is the most important of all the rituals of Islam. The intrinsic essence of prayer is belief in God, and the prayer ritual is the external expression of faith. The worshipper acknowledges the foundations of faith: believing that there is a Creator who watches over man, metes out rewards and punishment, and responds to those who call on Him. The Muslim is commanded to believe and express his belief in all circumstances, especially in times of fear, when he pins his hope for salvation on God.

The Ḥanafīs do not share this approach. It is Abū Ḥanīfa's opinion that a soldier must never pray while he is fighting (al-Shaybānī 1966 I: 398–399).

Ḥanafī jurists present two main reasons for their position. The first reason is that in order for the prayer to be ritually valid, several conditions must be

met, as defined by law (*shurūṭ al-ṣalāt*) (e.g. ritual purification before prayer, or maintaining the appointed time for prayer).²¹ If a believer fulfils these conditions, his prayer will be considered valid (*ṣaḥḥat ṣalātuhu*). However, if the believer does not fulfil these conditions, his prayer is invalid (*baṭalat ṣalātuhu*), and he must repeat the prayers. The law books, in general, contain a list of cases in which prayer is not valid. The list of the Shāfiʿī jurist Abū Shujāʿ is a good example:

And those things that invalidate a prayer are eleven in number: speaking deliberately, multiple simultaneous activities, a ritually polluting event (*ḥadath*), encounter with impure substances (*ḥudūth al-najāsa*), exposing one's nakedness, change of intention (*niyya*), turning one's face away from the *qibla*, eating and drinking, laughter, and retraction of Islam. (Abū Shujāʿ Aḥmad b. al-Ḥusayn al-Iṣfahānī, *Matn Abī Shujāʿ*, in Marāwarīd (ed.) 1996–2000 VI: 1661)

Referring to the second factor, multiple simultaneous activities, Abū Ḥanīfa explains that one cannot pray while fighting, as the soldier will be performing several involuntary actions (e.g. walking, riding a mount, or fighting an enemy face-to-face). Any one of these actions nullifies his prayer (*wa-yuḥṣiduhā al-qitāl wa'l-mashī wa'l-rukūb*) and, for this reason, there is no point in the soldier's praying ('Abd Allāh b. Mas'ūd al-Maḥbūbī, *Mukhtaṣar al-Wiqāya*, in Marāwarīd (ed.) 1996–2000 IV: 618; *al-Hidāya*, in Marāwarīd (ed.) 1996–2000 IV: 594; Ibn 'Ābidīn 1994 III: 75–76; Ibn Nujaym 2002 I: 379). For this same reason, a soldier must not pray during battle if his face is turned away from the *qibla*, as facing the *qibla* is also a precondition for prayer.²² In his *Kitāb al-Aṣl*, al-Shaybānī poses a series of questions on this matter to Abū Ḥanīfa:

I asked: What is your opinion regarding those who are fighting the enemy when the appointed time for prayer arrives? Should they pray while they are fighting? Abū Ḥanīfa responded: They should not pray in this situation, but should postpone the prayer until the enemy is gone. I asked: And if the enemy fights them until the time for this prayer passes or even the next two or three prayers? Should they not pray? He responded: Yes. I asked: If the enemy has turned from them, should they complete the prayers they omitted? He responded: Yes. I asked: What is your opinion regarding a situation in which the enemy is fighting Muslims when they are already in the midst of prayer? Does the launching of arrows upon the enemy nullify the prayer? He replied:

21 *Wa-sharā'it al-ṣalāt qabla al-dukhūl fihā khamsa ashyā': ṭahārat al-a'dā' min al-ḥadath wa'l-najas wa-satr al-awra bi-libās ṭāhir wa'l-wuqūf 'alā makān ṭāhir wa'l-ilm bi-dukhūl al-waqt wa-istiqbāl al-qibla. Wa-yajūz tark al-qibla fī ḥālatayn: fī shiddat al-khawf wa-fī al-nāfila fī al-safar 'alā al-rāḥila.* See Abū Shujāʿ Aḥmad b. al-Ḥusayn al-Iṣfahānī, *Matn Abī Shujāʿ*, in Marāwarīd (ed.) 1996–2000 VI: 1660.

22 See al-Māwardī 1994 III: 90.

Yes. I asked: Why? He replied: Because the performance of actions (*a'māl*) during the prayer will nullify it. (al-Shaybānī 1966 I: 398–399)

Another reason for the ruling regarding postponement of prayer, according to Abū Ḥanīfa, is prophetic tradition. During the Battle of the Trench, the Prophet postponed the performance of four prayers: *ṣalāt al-zuhr*, *ṣalāt al-ʿaṣr*, *ṣalāt al-maghrib*, and *ṣalāt al-ʿiṣhāʾ*. He prayed only when the battle was over, after the sun had set. Then he performed all four prayers, one after the other. Because he was forced to pray *al-ʿaṣr* – the most important prayer – after its appointed time, the Prophet cursed the infidels:²³

ʿAlī said: The Messenger of Allāh did not have time to pray *ṣalāt al-ʿaṣr* during the Battle of the Trench (*al-khandaq*), until after the sun had set. The Prophet said [about the infidels]: “May Allāh burn their graves and homes! Because of them, we could not pray the middle prayer (*al-ṣalāt al-wuṣṭā*, meaning *ṣalāt al-ʿaṣr*) on time (*shaghhalūnā ʿan al-wuṣṭā*), but only after sunset.” (al-Māwardī 1994 II: 9; al-Ṭabarī 1995 II: 754–756; al-Qushayrī 1990 V: 128; al-Bukhārī 1950 I: 146; ʿAḫīṣabādī 1979 II: 79; Sābiq 1995 I: 77; Ibn Abī Shayba 1989 II: 387; al-Nawawī 1996 III: 61; Ibn Saʿd 1994 II: 65; al-Baghawī 1996 II: 233; al-Bayhaqī 1991 II: 310)

The Ḥanafī jurist al-Marghīnānī asks a rhetorical question, “The Prophet postponed four prayers during the Battle of the Trench. If it is permissible to pray and fight at the same time, why did the Prophet not pray?” (al-Marghīnānī 2000 IV: 594). On the basis of the *ḥadīth* mentioned above, al-Sarakhsī writes, “Soldiers must not pray while in battle, even if the time for prayer passes, as the Prophet did not pray the four prayers during the Battle of the Trench at the appointed times, but only when night had fallen (and here he mentions the *al-khandaq ḥadīth*). If it is permissible to pray during battle, why did Allāh’s messenger postpone his prayers?” (al-Sarakhsī 1980 II: 48)

The Shāfiʿīs counter these Ḥanafī arguments with a series of their own arguments. The first one refers to the *qibla*. According to the Ḥanafīs, a soldier may not pray during battle unless he is facing the *qibla*. To neutralize this opinion, the Shāfiʿīs adduce the verse on *ṣalāt shiddat al-khawf* (Q. 2:239), which they interpret in accordance with the following “reliable” *ḥadīth*: “Ibn ʿUmar said: ‘The meaning of the verse is that you should pray whether or not you are facing the *qibla* (*mustaqbilī al-qibla wa-ghayr mustaqbilihā*).’” Mālik and al-Shāfiʿī quote this *ḥadīth* (Saḥnūn 1994 IV: 730; al-Māwardī 1994 III: 90).

23 On the special status of *ṣalāt al-ʿaṣr*, see Goldziher 1906.

The second Shāfiʿī counterargument refers to the change in the manner of prayer. According to the Ḥanafīs, one cannot change the way the prayer is performed, and a worshiper who is not facing the *qibla* or cannot perform the ritual body movements has therefore nullified his prayer. To this the Shāfiʿīs reply that, under constraint (*ʿudhr*), one may change the manner in which the prayer is performed, but not its timing. As an example, sickness is mentioned. A sick man who cannot pray with all of the requisite body positions should pray as he can. This ruling is based on Q. 3:188, which mentions people “who will remember Allāh standing, sitting, or leaning and will gaze upon the creation of the skies and the earth”. The exegetes interpret this verse as an instruction to worshippers to pray using these three possible ways as best they can (i.e. the best position for prayer is standing but, if this is impossible, then sitting and, if this is impossible, then leaning). This interpretation is based on a *ḥadīth* in which the Prophet instructs ʿImrān b. al-Ḥusayn, who was ill: “Pray while standing, and if you cannot, then pray while sitting, and if this is not possible, then pray while leaning, and bend your head instead of performing the body positions (*tūmiʿu īmāʿ*)” (al-Marghīnānī 2000 IV: 576; Saḥnūn 1994 IV: 640–643).

The Ḥanafīs hold that a prayer is invalid if the worshipper performs other actions (*aʿmāl*) at the same time. Accordingly, one may not pray during battle, since walking and riding nullify the prayer. According to the Shāfiʿīs, however, Q. 2:239 contains a concession for performing actions during prayer: “And you may fear and pray *on foot or astride a mount*.” These actions do not nullify the prayer. According to the Shāfiʿīs, one may perform actions resulting from the state of great fear and for the sake of self-defense only when the enemy is close, face-to-face, and there is the possibility of being wounded by his weapon. However, when performing other actions during prayer, one must be careful that there are not too many: whereas a limited number of movements (*ʿamal khafīf*) do not nullify prayer, multiplicity of movements (*ʿamal kathīr*) does. For example, if a man rides his horse and holds the reins, he may pull them once, twice, or even three times during his prayer, and the prayer will remain valid. If he pulls the reins more than three times, the prayer is nullified (al-Shāfiʿī n.d. I: 256–257).

If a soldier’s mount flees, he may chase after it for a short distance without invalidating his prayer, but if he must walk a great distance, then his prayer is nullified. If a soldier dismounts from his horse (for a reason unrelated to his safety) in order to pray on the ground, al-Shāfiʿī allows this, since dismounting from a horse is an insignificant movement. However, if a soldier is on the ground and then mounts his horse in the middle of the prayer, his prayer is invalid because alighting a horse is a noticeable movement. According to al-Shāfiʿī, prayer on the ground is preferable to prayer on a horse (al-Shāfiʿī n.d. I: 256–257). If, while

dismounting, the soldier turns his face away from the *qibla*, his prayer is nullified. However, if he has no choice but to turn his head (as, for example, if his mount tosses him or the wind pushes him away from the *qibla*), then his prayer is valid (al-Shāfi'ī n.d. I: 255). A man may pierce his enemy with his sword (and even kill him) while praying, so long as he does so only to remove the enemy's threat. If he stabs his enemy more than three times, his prayer is nullified and he must repeat it. If a soldier speaks during his prayer in order to warn another soldier, or to threaten the enemy so that he will keep his distance, then he must repeat his prayer because this speech was undertaken consciously while he was aware that he was in the midst of praying. The thread that joins all of these Shāfi'ī rulings is that a man must not knowingly nullify his prayer under any circumstances.

With regard to the Ḥanafī argument that one may not fight during prayer, the Shāfi'īs reply that Q. 4:102 instructs soldiers to take up arms, and it permits them to lay them aside only due to necessity, such as sickness or rain. It follows that it must be permissible to fight while praying, for why else would one carry arms during wartime (*wa'l-amr bi-akhdh al-silāh lā yakūn illā li'l-qitāl bihi*)?²⁴ To this the Ḥanafīs reply, in return, that praying while bearing arms serves as a warning to the enemy. If the enemy sees that a Muslim lays down his arms while praying, he will take advantage of these moments to attack. A second reason for arming oneself is in case an enemy actually attacks during prayer (al-Sarakhsī 1980 II: 48).

Another Shāfi'ī response to the Ḥanafī argument that a soldier must postpone the prayers during battle because the Prophet did so at the Battle of the Trench is that Q. 2:239 abrogates (*yansakbu*) the *al-khandaq ḥadīth* because it was revealed after the Battle of the Trench (al-Māwardī 1994 III: 90). According to J. Lowry (2007), al-Shāfi'ī struggles to harmonize Qur'ānic and sunnaic sources that relate to *ṣalāt al-khawf*. Al-Shāfi'ī presents the development of these rules in the following chronological order:

1. Q. 4:103 requires prayer at certain times.
2. The *sunna* of the Battle of the Trench allows postponement of prayer.
3. A new sunnaic rule that introduces *ṣalāt al-khawf* to Muslims. In 4 AH, during the battle known as *Dhāt al-Riqā'*,²⁵ the Prophet's army encountered a large

24 Al-Sarakhsī reproduces here the arguments of the Shāfi'ī school in general. See al-Sarakhsī 1980 II: 48; al-Qurṭubī 1967 V: 325: *Wa-huwa naṣṣ al-Qur'ān*.

25 There are several explanations of *Dhāt al-Riqā'*. *Ruq'a* (plural *Riqā'*) means 'a land'. According to Ibn Hishām, there are several options for the location of this land. One explanation is that this battle occurred in a place called Nakhl that was part of the lands of Banū Tha'laba from Medina; *Dhāt al-Riqā'* was the name of a tree in that land. Another suggestion is that it was a place in Najd that belonged to the Ghaṭafān tribe. *Riqā'* also means 'patches'. The battle was named after the patches that the Muslims stitched in their flag, which was torn. See Ibn Hishām n.d. III: 214.

army from the Ghaṭafān tribe. Muḥammad's men were very frightened, and he therefore prayed *ṣalāt al-khawf* with them. (Ibn Ishāq 2004 II: 387; Ibn Sa'd 1994 I: 388–389; Ibn al-Athīr 1995 II: 61; al-Mas'ūdī 2000 II: 291)²⁶ This new rule that instructs Muslims to take turns while praying constitutes an exception to Q. 4:103.

4. Q. 4:102 confirms this new exception.
5. Q. 2:239 is an exception to the exception: if Muslims are unable to pray in congregation, taking turns, they may pray individually while walking or riding.

In this way, al-Shāfi'ī arranged the diverse sources so that they would not contradict the existing law or each other. As Lowry (2007: 226–228) points out, there is one detail that does not suit al-Shāfi'ī's theory: the fact that Q. 4:102 and Q. 4:103 follow one another in the Qur'ānic text. In my view, there may be another impediment to this theory regarding the order of events. Many traditions report that the Battle of the Trench occurred in 5 AH, one year *after* the battle of *Dhāt al-Riqā'* (Ibn Hishām n.d. III: 214, 29; Ibn Sa'd 1994 I: 391; Ibn al-Athīr 1995 II: 65; al-Mas'ūdī 2000 II: 291).

According to the Ḥanafī understanding of the development of these rules, Q. 4:102–103 and Q. 2:239 are mutually complementary. Muslims implemented Q. 4:102 during the battle of *Dhāt al-Riqā'* in 4 AH, but in 5 AH during the Battle of the Trench the Prophet postponed four prayers, and this sunnaic rule abrogated Q. 2:239. Another possibility is that Q. 2:239 was revealed after the Battle of the Trench, but it had not yet become law during the lifetime of the Prophet. In other words, *ṣalāt shiddat al-khawf* became law only after the death of the Prophet. Al-Sarakhsī refers to this possibility:

Know that the learned men were divided over the matter of prayer in times of fear for several reasons. One question was whether prayer in times of fear was instituted after the Prophet[s] death] (*i'lam anna al-'ulamā' ikhtalafū fī ṣalāt al-khawf fī fuṣūl ahādubā annahu mashrū' ba'da rasūl Allāh*). These are the words of Abū Ḥanīfa and Muḥammad [al-Shaybānī]. Abū Yūsuf initially agreed with them, but afterwards retracted this position and stated that prayer in times of fear was already a custom while the Prophet was still alive, and was not instituted only after his death (*qāla Abū Yūsuf awwalan kadhālika thumma raja'a fa-qāla kānat fī ḥayātihī khāṣṣatan wa-lam tabqa mashrū'a ba'dihī*). (al-Sarakhsī 1980 II: 45)

26 Another report states that at the battle of 'Uṣfān, the Muslims confronted an enemy, who was located in the direction of the *qibla*. A third report states that the prayer of fear was also held at the battle of Dhū Qarad. See *Elz*, s.v. *Ṣalāt al-khawf* (G. Monnot).

Al-Sarakhsī states that the Ḥanafī school was divided about when the *ṣalāt al-khawf* was instituted. Abū Ḥanīfa and Muḥammad al-Shaybānī maintained that the *ṣalāt al-khawf* was introduced only after the Prophet's death (*inna al-ṣahāba aqāmūhā ba'da rasūl Allāh*). Abū Yūsuf initially agreed, but later changed his mind, stating that the *ṣalāt al-khawf* was practiced already during the lifetime of the Prophet. He based his view on Q. 4:102, which directly addresses Muḥammad. This proves that the practice of *ṣalāt al-khawf* is conditional upon Muḥammad's presence (*wa-in kunta fihim fa-aqamta lahum al-ṣalāt fa-qad sharaṭ kawnahu fihim li-iqāmat ṣalāt al-khawf*). (al-Sarakhsī 1980 II: 45–46)

MODERN FATWAS

So far we have discussed the classical *fiqh* position with regard to timely prayer during battle and have seen the difference between the Ḥanafī *madhhab*, which permits the postponing of prayer, and the rest of the *madhāhib*, which holds that prayer must be practiced even in life-threatening situations. It would be beyond the scope of this study to enumerate all the legal views on the issue throughout the mediaeval era. But it may be worthwhile to form an impression regarding the extent of continuity enjoyed by the majority position. With this in mind, I have chosen to discuss below two examples of modern *fatwas* relating to the *ṣalāt al-khawf*, in order to determine whether the exposure of Muslim scholars to Western modern values – which put man (as opposed to God) at the center of the universe – has influenced their understanding of the ritual value of prayer, when the latter seems to clash with the value of the sanctity of life.

The first *fatwā* is written by shaykh Dr. Yūsuf al-Qaraḍawī, arguably the most influential Muslim scholar today.²⁷ Yūsuf al-Qaraḍawī (b. 1926) graduated from al-Azhar University, earning a doctorate in Islamic law in 1973. He is the spiritual leader of the Muslim Brotherhood, a leading member of various world Islamic organizations, and chairman of the *shar'ī* inspectorate of several Islamic banks. Yūsuf al-Qaraḍawī has written over 100 books, which have been translated into many languages, and is considered a member of the central stream (*wasatīyya*) of Islamic thought. His sermons are broadcast live from the main mosque in Doha and he appears in a weekly program broadcast by al-Jazeera that deals with issues relating to *shar'ā*.

27 As Gudrun Krämer (on p. ix in her Preface for Gräf & Skovgaard-Petersen (eds) 2009) puts it, Yūsuf al-Qaraḍawī is “easily the best known if not the most popular Muslim preacher-scholar-activist of the 21st century”.

In his *Fatāwā Mu'āşira* (al-Qaraḍawī 1994–1996 I: 232–233), al-Qaraḍawī elucidates the manner of prayer during battle. He states that there are two ways to perform *ṣalāt al-khawf* (referring the reader to Q. 4:102). He begins by declaring that the ritual of prayer and all of its details are obligatory, except in a situation of fear. He then poses a rhetorical question: in a situation of great fear (*ṣalāt shiddat al-khawf*), such as war, when two armies are deployed opposite each other, brandishing their swords, and the heat of war mutes all speech, in such an hour, is a Muslim exempt from the duty of timely prayer? No, he answers. A Muslim is under no circumstances absolved from this obligation. He should pray in any possible manner: walking or riding (his horse or his tank), whether by nodding his head (*imā'*), uttering verses, or praying in one's heart. In support of his ruling, al-Qaraḍawī quotes Q. 2:239. A soldier may utter two prayers consecutively at the appointed time of either the early or the late prayer (*jam'*). Elsewhere al-Qaraḍawī mentions that the soldier is also obligated to perform *wuḍū* and *ṭahāra* or, if there is no water, *tayammum*. If *tayammum* is not possible, a Muslim should pray without performing ritual purification (*fāqid al-ṭahūrayn*). (al-Qaraḍawī 2004 III: 39; 2009 I: 661)

Al-Qaraḍawī also discusses prayer during moderate fear (*ḥāl ḡhayr shiddat al-khawf*), as mentioned in Q. 4:102. What is essential about this mode of prayer is that worshippers adhere to unity with the congregation and its leader, even in the face of a life-threatening situation (such as during a battle). Prayer, he argues, does not impede or hinder the soldier. Indeed, it imbues him with spiritual strength and equips him with a fighting spirit derived from his spiritual power and determination. This reinforced power enables him “to fight like a lion and to stand firm like an immovable mountain”. (al-Qaraḍawī 1994–1996 I: 233)

Al-Qaraḍawī's analysis of *ṣalāt al-khawf* leads him to two conclusions: 1) a Muslim must observe timely prayer in any situation and in whatever location, and 2) the leniency extended by the Qur'ān to prayer in a time of battle is based on the supreme importance that the Qur'ān attributes to the unity of fighters under the leadership of the Imām.

This opinion of al-Qaraḍawī is incompatible with his general approach to the issue of concessions in the sharī'a. In his *Taysīr al-Fiqh li'l-Muslim al-Mu'āşir* (al-Qaraḍawī 2000), he explains how Islamic law can and should be tempered and mitigated to make believers' lives easier. He emphasizes the role of the *taysīr* as a key principle in Islamic law since the days of the Prophet Muḥammad. He employs Qur'anic verses and *ḥadīths* in order to substantiate the principle of the *taysīr*, and he rejects the idea of overzealousness in religion (*ḡhulū*).

In *Fī Fiqh al-Aqalliyāt al-Muslima* (al-Qaraḍawī 2000), in a section entitled, “Release from commitment to schools of law” (*al-taḡarrur min al-iltizām*

al-madhhabī), al-Qaraḍawī claims that the *muftī* in *fiqh al-aqallīyyāt* in particular and in *fiqh* in general should not be committed to any specific school. In his view, the modern mufti should leave the “prison house” of the schools, which limits intellectual freedom in the realm of law:

We find that some of the *madhāhib* are rigid on certain issues, while another *madhhab* is more lenient. Some of them are extremely strict on a certain question whereas others are willing to bend. This offers us an opportunity for balancing and decision-making, and the choice of what is closest to the right way and the most decisive in its proof. These proofs must be as close as possible to the fulfillment of the aims of the law (*maqāṣid al-sharʿ*) and to the benefits of men (*maṣāliḥ*), for the *sharīʿa* was conceived only for the realization of the benefits of worshippers of God in this world and the world to come. (al-Qaraḍawī 2000: 57)

Here, al-Qaraḍawī justifies crossing *madhhab* boundaries as it fulfils the principle of *maṣlaḥa*. According to al-Qaraḍawī, the mufti must be well-versed in all the *fiqh* body of knowledge and not only in the common sources, since there are many justifiable views to be gleaned from the *fiqh* books, even if the public at large is not familiar with them. In light of this opinion, al-Qaraḍawī does not refrain from ruling according to minority opinion on basic issues, such as inheritance and marriage.

As we are dealing with a matter of risk to life, it would be only logical to expect al-Qaraḍawī to adopt the lenient approach of the Ḥanafī school. The same al-Qaraḍawī who advocates leniency on many other issues stands as firm as a rock on matters related to prayer.

The second *fatwā* was issued by the Saudi mufti Ibn Bāz, one of the most renowned Muslim scholars of the twentieth century. He was the Grand Mufti of Saudi Arabia from 1993 until his death in 1999.

Ibn Bāz was asked in the course of a radio program by a soldier during battle whether a fighter is always required to perform a shortened prayer or if he is obligated to perform the full prayer during a cease-fire, together with non-obligatory prayers, and if it is a question of desire, which is preferable?²⁸ Ibn Bāz distinguishes between two situations, a battle that takes place (1) within the boundaries of the fighter’s homeland, or (2) outside of them. In the former case, the soldier is obligated to perform a full prayer, since he is a city-dweller (*muqīm*). In the latter case, the soldier is a traveller (*musāfir*) and therefore permitted to shorten his prayer. Ibn Bāz explains the manner of prayer of fear in accordance with Q. 4:102.

28 www.binbaz.org.sa/mat/15090, accessed 30 July 2012.

He elaborates on the various statuses of congregational prayer, and he refers the listener to an assortment of *fiqh* treatises. Based on the sources, Ibn Bāz rules that soldiers may shorten the prayer even to one *rak'ā*. It is at the Imām's discretion to conduct the prayer in a manner as suitable as possible to the soldiers' capability. If the war intensifies and the armies engage each other, each fighter should pray alone, as prescribed in Q. 2:239, since it is a situation of necessity (*ḍarūra*). If the war takes place within the homeland or on its outskirts, a full-length prayer should be performed. "But if the fighter is mounted on a tank in the midst of battle", inquires the moderator of the program, "is he obligated to pray in any situation?" "Indeed he must", answers the shaykh. "He must pray wherever he is, with *rukū'* and *sujūd*, and in the absence of an alternative, he should pray by nodding (*imā*) in whatever direction, since this situation is categorized as necessity (*ḍarūra*)."

CONCLUSION

The centrality of prayer in Islam is clearly illustrated by the example of a potential conflict between the strict observance of prayer times, on one hand, and urgent combat duties on the other. Prayer is arguably the central pillar on which Islam rests, to the point that if a man is in the heat of battle, firing his weapon or using his sword, and the time for prayer arrives, he must – according to a majority of the scholars (*fuqahā*) – perform the prayer, even if all his instincts are turned towards battle and self-defense. He must turn his mind from these thoughts and concentrate on prayer.

It is noteworthy that Islamic legal sources do not refer to the soldier's difficulty of performing the obligatory ritual of prayer in a life-threatening situation. The lenient approach of the Ḥanafī school, which permits postponement of prayer, is based on two arguments: the *sunna* of the Prophet established at the Battle of the Trench and the fact that physical actions not related to prayer ritual nullify the validity of prayer. The importance of prayer seemingly outweighs the preservation of life. Moreover, Islamic law requires a man to pray under all circumstances, especially during battle, as his life is in the hands of God, and God will save a man who prays to Him.

There is a considerable gap between the detailed directions concerning warfare and how one should pray in military situations, on one hand, and the situation on the battlefield on the other. These directions do not appear to reflect reality. It is unlikely that a soldier in battle, in real time, would behave according to these detailed instructions. At the same time, we can see that modernity has not influenced the attitude of modern muftis on this subject, even when they may be

known for their lenient approaches to other fundamental issues in Islamic law. Prayer is the breath of life for the Muslim believer.

REFERENCES

- ABŪ MIKHNAF, Luṭ b. Yaḥyā 2009. *Maqṭal al-Imām al-Ḥusayn ibn ‘Alī*. Beirut: Manshūrāt al-Jamal.
- ALMOND, G.A., R. SCOTT APPLEBY & Emmanuel SIVAN 2003. *Strong Religion: The Rise of fundamentalism around the world*. Chicago: UCP.
- ANAWATI, G.C. s.v. Fakḥ r al-Dīn al-Rāzī. In: *EI2*.
- ARBERRY, Arthur J. 1964. *The Koran Interpreted*. London: OUP.
- ‘AZIMABĀDĪ, Shams al-Ḥaqq 1979. *‘Awn al-Ma‘būd: Sharḥ Sunan Abī Dā‘ūd*, 13 vols. Beirut: Dār al-Fikr.
- AL-BAGHAWĪ, Ḥusayn b. Mas‘ūd 1983. *Sharḥ al-Sunna li’l-Imām al-Baghawī*, 16 vols. Beirut: al-Maktab al-Islāmī.
- BARRUCAND, M. s.v. Ascension of Muḥammad. In: *EI2*.
- AL-BAYDĀWĪ, ‘Abd Allāh b. ‘Umar 1968. *Anwār al-Tanzīl wa-Asrār al-Ta’wīl*, 2 vols. Osnabrücken: Bibliu.
- AL-BAYHAQĪ, Aḥmad b. Ḥusayn 1991. *Ma‘rifat al-Sunan wa’l-āthār*, 15 vols. Cairo: Dār al-Kutub al-‘Ilmiyya.
- AL-BUKHĀRĪ, Muḥammad b. Ismā‘īl 1950. *Ṣaḥīḥ al-Bukhārī*, 3 vols. Cairo: Dār wa-Maṭābī‘ al-Sha‘b.
- CRONE, P. s.v. War. In: *EI2*.
- EI2: Encyclopaedia of Islam* 1960–2005, 2nd edn. Leiden: Brill.
- EQ*: J.D. McAULIFFE (ed.) 2001–2006. *Encyclopaedia of the Qurān*, 6 vols. Leiden: Brill.
- GOLDZIHNER, I. 1906. Die Bedeutung der Nachmittagszeit im Islam. *Archiv Für Religionswissenschaft* 9: 293–302.
- GRÄF B. & J. SKOVGAARD-PETERSEN (eds) 2009. *Global Mufti: The Phenomenon of Yusuf al-Qaradawi*. London: Hurst.
- HEFFENING, W. s.v. al-Nawawī. *EI2*.
- HOWARD, I.K.A. 1981. The Development of the *Adhān* and *Iqāma* of the *Ṣalāt* in Early Islam. *Journal of Semitic Studies* 26: 219–228.
- IBN ABĪ SHAYBA, ‘Abd Allāh b. Muḥammad 1989. *Muṣannaḥ Ibn Abī Shayba fī al-Aḥādīth wa’l-Āthār*, 9 vols. Beirut: Dār al-Fikr.
- IBN ‘ĀBĪDĪN, Aḥmad b. ‘Abd al-Ghānī 1994. *Radd al-Muḥtār ‘alā al-Durr al-mukhtār wa-Sharḥ Tanwīr al-Abṣār*, 12 vols. Beirut: Dār al-Kutub al-‘Ilmiyya.
- IBN AL-ATHĪR, Muḥammad b. ‘Abd al-Karīm 1995. *al-Kāmil fī al-Ta’rīkh*, 13 vols. Beirut: Dār Ṣādir.
- IBN FARĀḤ Aḥmad b. Muḥammad 1997. *Mukhtaṣar Khilāfiyāt al-Bayhaqī*, 5 vols. Riyāḍ: Maktabat al-Rushd.

- IBN HISHĀM, Muḥammad n.d. *Sīrat al-Nabī*, 3 vols. Beirut: al-Maktaba al-‘Ilmiyya.
- IBN ISHĀQ, Muḥammad 2004. *al-Sīra al-Nabawiyya*, 4 vols. Beirut: al-Maktaba al-‘Ilmiyya.
- IBN KATHĪR, Ismā‘īl n.d. *Tafsīr al-Qur’ān al-‘Aẓīm*, 4 vols. Beirut.
- IBN NUJAYM, Sīrāj al-Dīn ‘Umar b. Ibrāhīm 2002. *al-Nahr al-Fā’iq: Sharḥ Kanz al-Daqā’iq*, 3 vols. Beirut: Dār al-Kutub al-‘Ilmiyya.
- IBN QUDĀMA AL-MAQDISĪ, Muḥammad b. Muḥammad 1984. *al-Mughnī*, 9 vols. Beirut: ‘Alām al-Kutub.
- IBN RAJAB, ‘Abd al-Raḥmān b. Aḥmad 1996. *Fath al-Bārī: Sharḥ Ṣaḥīḥ al-Bukhārī*, 10 vols. Medina: Maktabat al-Ghurabā’ al-Athariyya.
- IBN SA’D, Muḥammad 1994. *Kitāb al-Ṭabaqāt al-Kubrā*, 11 vols. Beirut: Mu’sasat ‘āl al-Bayt li-‘Iḥyā’ al-Turat.
- KING, D.A. 2004. *In Synchrony with the Heavens: Studies in astronomical timekeeping and instrumentation in Medieval Islamic civilization*. Leiden: Brill.
- LANDAU TASSERON, E. s.v. Jihād. *EL2*.
- LANE, E.W. 1956. *Arabic–English Lexicon*, 2 vols. NY: F. Ungar.
- LINAND DE BELLEFONDS, Y. s.v. Ḍarūra. *EL2*.
- LOWRY, J.E. 2007. *Early Islamic Legal Theory: The Risāla of Muḥammad ibn Idrīs al-Shāfi‘ī*. Leiden: Brill.
- MADIGAN, D. s.v. Book 2001–2006. In: *EQ*.
- MĀLIK b. Anas, 1994. *al-Muwatta’*. Beirut.
- MARĀWARID, ‘Alī Aṣghar (ed.) 1996–2001. *Mawsū‘at Silsilat al-Maṣādir al-Fiqhiyya*, 40 vols. Beirut: Dār al-Turāt al-Islāmī.
- AL-MARGHĪNĀNĪ, Alī b. Abī Bakr 2000. *al-Hidāya: Sharḥ Bidāyat al-Mubtadī’*, 2 vols. Al-Qāhira: al-Maktaba al-Tawfiqiyya.
- AL-MAS‘UDĪ, ‘Alī b. Ḥusayn 2000. *Murūj al-Dhahab wa-Ma‘ādin al-Jawhar*, 7 vols. Beirut: Dār al-Fikr.
- AL-MĀWARDĪ, ‘Alī b. Ḥabīb 1982. *Tafsīr al-Māwardī*, 4 vols. Kuwait: Wizarāt al-Awqāf wa-’Ishu’ūn al-Islāmiyya al-turāt al-Islāmī.
- AL-MĀWARDĪ ‘Alī b. Ḥabīb 1994. *al-Ḥāwī al-Kabīr*, 22 vols. Beirut: Dār al-Fikr.
- MITTWOCH, E. 1913. *Zur Entstehungs-geschichte des Islamischen Gebets und Kultus*. Berlin: Verlag der Königl. Akademie der Wissenschaften.
- MONNOT, G. s.v. Ṣalāt. *EL2*.
- MONNOT, G. s.v. Ṣalāt al-kḥawf. *EL2*.
- MUQĀTIL B. SULAYMĀN, Abū al-Ḥasan 2003. *Tafsīr Muqātil b. Sulaymān*, 3 vols. Beirut: Dār al-Kutub al-‘Ilmiyya.
- AL-NASAFĪ, ‘Abd Allāh b. Aḥmad 2001. *Tafsīr al-Nasafi*, 2 vols. Beirut: Dār al-Kutub al-‘Ilmiyya.
- AL-NAWAWĪ, Yaḥyā b. Sharaf 1990. *Ṣaḥīḥ Muslim bi-Sharḥ al-Nawawī*, 10 vols. Beirut: Maktabat al-Imān.
- AL-NAWAWĪ, Yaḥyā b. Sharaf 1992. *Rawḍat al-Ṭālibīn*, 8 vols. Beirut: Dār al-Kutub al-‘Ilmiyya.

- AL-NAWAWĪ, Yahyā b. Sharaf 1996. *al-Majmūʿ: Sharḥ al-Muhadhdhab*, 12 vols. Cairo: Sharikat al-ʿUlamāʾ.
- AL-NISĀBŪRĪ, Qummī b. Muḥammad 1996. *Tafsīr Gharāʾib al-Qurʾān wa-Raghāʾib al-Furqān*, 6 vols. Beirut: Dār al-Kutub al-ʿIlmiyya.
- AL-QARADĀWĪ, Yūsuf 1994–1996. *Fatāwā Muʿāṣira*, 2 vols. Kuwait: Dār al-Qalam.
- AL-QARADĀWĪ, Yūsuf 2000. *Taysīr al-Fiqh liʾl-Muslim al-Muʿāṣir: Fī Ḍawʾ al-Qurʾān wa-l-Sunna*. Beirut: Muʿasasat al-Risāla nāshirūn.
- AL-QARADĀWĪ, Yūsuf 2004. *Khuṭab al-shaykh al-Qaradāwī*, 6 vols. Cairo: Maktabat Wahba.
- AL-QARADĀWĪ, Yūsuf 2009. *Fiqh al-jihād*, 2 vols. Cairo: Maktabat Wahba.
- AL-QURṬUBĪ, Muḥammad b. Aḥmad 1967. *al-Jāmiʿ li-Aḥkām al-Qurʾān*, 10 vols. Beirut: Dār al-Kitāb al-ʿArabī liṭibāʿa wa-l-nashr.
- AL-RĀZĪ, Fakhr al-Dīn n.d. *Mafātīḥ al-Ghayb*, 32 vols. Cairo: al-Maktaba al-Tawfiqiyya.
- RISPLER-CHAIM, V. 2007. *Disability in Islamic Law*. Dordrecht: Springer.
- RUBENSTEIN-SHEMER, N. 2006. Prayer in Its Time: The Emergence of the laws regarding prayer times in Muslim tradition. Unpublished PhD dissertation, Ramat Gan: Bar-Ilan University.
- SĀBIQ, al-Sayyid 1995. *Fiqh al-Sunna*, 2 vols. Beirut: Dār al-Kitāb al-ʿArabī.
- SAḤNŪN b. Saʿīd 1994. *Al-Mudawwana al-kubrā*. Beirut: Dār al-Kutub al-ʿilmiyya.
- AL-SARAKHSĪ, Muḥammad b. Aḥmad 1980. *Kitāb al-Mabsūṭ*, 30 vols. Beirut: Dār al-Kutub al-ʿIlmiyya.
- SCHACHT, J. s.v. Ibn Nudjajm. *El2*.
- AL-SHĀFĪʿĪ, Muḥammad b. Idrīs n.d. *Kitāb al-Umm*, 2 vols. Beirut.
- AL-SHAYBĀNĪ, Muḥammad b. Idrīs 1966. *Kitāb al-Aṣl*, 5 vols. Haydarabad.
- AL-ṬABARĪ, Muḥammad b. Jarīr 1995. *Jāmiʿ al-Bayān fī Tafsīr Āy al-Qurʾān*, 12 vols. Beirut: Dār al-Kutub al-ʿIlmiyya.
- AL-ṬABARSI, Abū ʿAlī b. al-Ḥasan 1992. *Majmaʿ al-Bayān li-ʿulūm al-Qurʾān*, 12 vols. Beirut: Dār al-Fikr.
- VERSTEEGH, C.H.M. s.v. al-Zamakhsharī, Abū al-Ḳāsim Maḥmūd b. ʿUmar. *El2*.
- WADET, J.G. s.v. ʿAbd Allāh b. Masʿūd. *El2*.
- WEISS, B. 1996. Ibn Taymiyya on Leadership in Ritual Prayer. In: Muhammad Khalid MASʿUD, Brinkley MESSICK & David S. POWERS (eds), *Islamic Legal Interpretation: Muftis and their fatwas*: 63–72. Cambridge: HUP.
- AL-ZAMAKHSHARĪ, Muḥammad b. ʿUmar 1948. *al-Kashshāf ʿan Ḥaqāʾiq al-Tanzīl wa-ʿUyūn al-Aqāwīl fī Wujūd al-Taʾwīl*, 3 vols. Cairo.

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