50 - What to Do If You Miss the First Tashahhud

the question

What should one do if one forgets the first tashahhud (sitting after the second rak'ah)?

Summary of answer

If you forget the first tashahhud, stand up for the third rak`ah and start the recitation of Al-Fatihah, then you should not return to the sitting position, but you have to offer Sujud As-Sahw before the salam.

Detailed answer

Praise be to Allah.

If one forgets the first tashahhud , stands up for the third rak`ah and starts the recitation of Al-Fatihah, then according to the majority of scholars, he should not return back to the sitting position. If he does return knowing that his return is unapproved of, his prayer will be nullified because he has already started another obligatory act. Due to his missing the wajib (i.e., tashahhud) he is forced to make the prostrations of forgetfulness .

The evidence is the hadith narrated by Al-Mughirah bin Shu'bah that the Prophet (peace and blessings be upon him) said: If the Imam stands up after the second rak`ah, and remembers that he has to sit, before he straightens himself (upright), then he should sit down, and if he straightened upright, he should not sit and make two prostrations of forgetfulness .

(Abu Dawud, No. 1036; Silsilah Al-Sahihah, 321)

In short, if someone stands up for the third rak`ah, forgetting the tashahhud , he is in one of the three situations:

1. He remembers it before standing up straight: then he should return to tashahhud.
2. He remembers after standing up straight, and before starting the recitation of Al-Fatihah: then it is better for him not to sit, but if he sits his prayer will be correct.
3. He remembers it after starting the recitation of Al-Fatihah: then he is not allowed to return to tashahhud. (al-Mughni 1/677)

These three cases have been deduced from the above Hadith.

And Allah knows best.