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PERMISSIBILITY OF JUMU'AH SALAAH AT HOME (During the current situation)

It is not permissible to perform *Jumu'ah Salaah* at home as there are some conditions for the establishment of *Jumu'ah*. Amongst these are *Izn-e-A'am* and selection of the *Imaam*, which are usually non-available or rather absent from a home scenario and therefore the prescribed *Jumu'ah Salaah* must be performed in the *Jam'e Masjid*.

During the current situation of the national lockdown, our *Masaajid* have been closed and entry is not permissible. Thus, making the condition of *Izn-e-A'am* (open, carte blanche permission to all and sundry) non-existent.

It is with great regret that this condition is prevalent in so many countries throughout the globe, thus making it impossible to perform *Jumu'ah Salaah* in most places with all the conditions of *fiqh*. Therefore it becomes very important to establish the reasoning of jurisprudence for the establishment of the said condition of *Izn-e-A'am* (open permission). In which era did the *Fuqahaa* (Jurists) apply this condition?

Whereas the condition for the selection of the *Imaam* was basically to avert and ward off contentiousness. This was the reason as to why the ruler/authority or his deputy will do such selection of the *Imaam*. As is recorded in *Hidaayah*:

ولايجوز اقامتها الا للسلطان أو لمن أمره السلطان لأنها تقام بجمع عظيم و قد تقع المنازعة في التقديم والتقديم
و قد يقع في غيره فلا بد منه تتيما لأمرها
(الهداية، باب الجمعة)

In today's time this process is non-existent. A few people, or in other instances one person, makes a decision and others just follow suit and in some mosques everyone is not happy with the *Imaam*. However, if the congregants are happy with the *Imaam* or unanimous in regards his selection or appointment, the *Jumu'ah* will be done, as was the case when the residence of *Hazrat Usman Radiyal Laahu Anhu* was surrounded and people were unanimous on the fact the *Hazrat Ali Karramal Laahu Wajjahul Kareem* be the *Imaam* of *Jumu'ah*, and so he led the congregation. Others deduce by Sultan (ruler/authority) or Ameer as Ameerul *Jumu'ah*.

حدثنا ابوخلدة صلى بنا أمير الجمعة
(البخارى، باب اذا اشدت الحر يوم الجمعة)

Thus, if the people of that house where *Jumu'ah* will be performed or of a few surrounding houses are unanimous on the selection of the *Imaam*, then this condition too will be met.

In the current lockdown situation, mosques are closed, barring a few selected people who are performing *Jumu'ah* in these mosques and the condition of *Izn-e-A'am* is not met.

Stated in *Alamgeerie*: -

Translation: *Izn-e-A'am* (open permission) means that whichever Muslim wants to enter the *Masjid* may be permitted to do so and that this should be without any kind of hinderance. Should the congregants already be assembled inside the Mosque and the door of the Mosque is closed and the *Jumu'ah Salaah* is performed with closed doors of the Mosque, then this *Jumu'ah* will not be valid.
(*Alamgeerie* – Chapter on *Jumu'ah*)

With the recent situation of somewhat anxiety, the Ulama have ruled that though the Mosques may remain closed, but some people (like the resident *Imaam/Muazzin/Khaadim*, a trustee or two) may perform their *Jumu'ah* in the *Masjid*. Thus the performance of *Jumu'ah* at home would only be due to such a state of concern and anguish.

At the start of the state of disaster in South Africa, some mosques had more than one *Jama'at* for *Jumu'ah*, which according to the *Hanafi* school of *Fiqh* is non-permissible. *A'ala Hazrat Rahmatul Laahi Alaiyh* has declared it as a *Bid'ah Sayyi'ah Shaniyyah* (an evil innovation), this without any doubt is innovation in religion (see *Fataawa Rizviyyah*, Vol 7 Page 322 Mas'ala 1302). But, in the South African context, during this current period of concern and anguish, the *Ulama* declared it as permissible. Otherwise the first 100 people should have been allowed to perform their *Jumu'ah Salaah* and all those that followed in the further multiple *Jama'at* should have only read their *Zohr Salaah*. Therefore the reasoning behind this was not to deprive anyone of their *Jumu'ah Salaah*. The situation now is that three to five people are performing *Jumu'ah* in the *Masjid* and the rest of the usual congregation are deprived. Therefore under the rule of “الضرورات تبيح المحظورات”, the people should be permitted to perform their *Jumu'ah* and not be deprived.

By *Izn-e-A'am* it is not meant that all and sundry need to be called upon or that a huge or milling crowd need to assemble, but it means that none should be prohibited. *Allama Shaami* writes: -

“If the King by virtue of his majesty and awe would want to perform *Jumu'ah Salah* at his abode and leaves the door to his abode/palace open, then this is indicative to the people of *Izn-e-A'am*, then his *Salaah* will be correct whether the masses join in or not. Should the King order for the closure of the doors of his house and put guards at these doors whose duty it would be to prohibit the people from entering, then it is not allowed.”

Allaamah Shaami concludes in this regard:

قلت: و ينبغي أن يكون محل النزاع ما إذا كانت لا تقام إلا في محل واحد، أما لو تعددت فلا، لأنه لا يتحقق التفويت كما أفاده التعليل. تأمل يحمل على ما إذا منع الناس فلا يضر اغلاقه لمنع عدو أو لعادة (ردالمحتار ، كتاب الصلوة ، باب الجمعة)

Translation: I say that a point of dispute would only arise if *Jumu'ah* is done at one place only, but if it is done at multiple venues, then not, because depriving people from *Jumu'ah* is not proven just as the causes are mentioned. *Jumu'ah* would not be allowed at home if he stops the people but if he closes the doors because of enemy (for security reasons), or habitually, *Jumu'ah* will be allowed. (*Fataawa Shaami – Book of Salaah, Chapter Al-Jumu'ah*)

In another juncture he writes:

وأعلم أن هذا الشرط لم يذكر في ظاهر الرواية ، ولذا لم يذكره في الهداية بل هو مذكور في النوادر (ردالمحتار ، كتاب الصلوة ، باب الجمعة)

Let it be known that this condition is not mentioned in the explicit narrations and that is the reason it is not mentioned in *Hidaayah*, instead it is mentioned in *An-Nawaadir*.

From the above mentioned quotations from *Allaamah Shaami* it becomes apparent that this condition was an addition from the later jurists and the reason was to move for non-deprivation. Therefore under the situation of the lockdown where there will be multiple forums of *Jumu'ah*, the cause will not remain.

Should any person intentionally not prohibit anyone from performing *Jumu'ah* at his home, but takes due security measures to account relevant to fear of being robbed or other factors in the South African context, then too would *Jumu'ah Salaah* be permissible at his house.

CONCLUSION:

1. Any such place where *Jumu'ah* with all its Shar'ee conditions fulfilled is not being performed in the *Masjid* then the residents of that area may perform their *Jumu'ah* in their homes and such a person must lead the congregation who is eligible to do so and understands the principles of *Jumu'ah*. This would be permissible only on a needs basis for the duration in which the need exists
(ما ثبت بالضرورة يتقدر بقدر الضرورة)
2. There must be a minimum of 3 people (eligible for *Jumu'ah*) other than the *Imaam*.
3. If at any such place *Jumu'ah Salaah* is being performed in a *Masjid* with *Izn-e-A'am* (open permission), then under such circumstances it will be absolutely impermissible to perform *Jumu'ah* at home.
4. After *Salaatul Jumu'ah*, the congregants must as a precautionary measure read 4 *Rakaats* of *Fard* of *Zohr* as all the conditions are not met with and this is done under circumstances of anguish.

Due to the differences of opinion, after the *Jumu'ah Salaah*, performance of four *Rakaats* of *Fard* of *Zohr* from a *Taqwa* (piety) point of view would be permissible. *Allaamah Shaami* states that any such place where there is doubt of it being a city/town then the people of that area should as a precautionary measure read the *Zohr*. This would be as such that if the validation of *Jumu'ah* was not fully compliant with *Shar'ee* regulation then the *Fard* of *Zohr* would at least be in place.

الله ورسوله أعلم بالصواب

And Allaah and His Rasool know best.

Darul Iftaa – Darul Uloom Pretoria

**Written by: Mufti Muhammad Usman Solehri Ziyaee
 Mufti Abdul Hafeez Ziyaee**

**Endorsed by:
Mufti Mohammad Akbar Hazarvi**