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### *Jum'ah at Home and At work for Service Providers Covid-19*

In the Name of Allah The Entirely Merciful, The Especially Merciful.

*By Allah's Help, The Gifting Master. O Allah Guide To That Which Is True And Precise!*

31 March 2020

#### **Question: Jum'ah Limited Edition Covid-19**

In this time of lockdown set by the President of South Africa, people are still making Jummah. Is it permissible to prohibit Muslims from joining the Jummah for example those that are made by the imamat (resident imaam, muezzin in addition to caretakers) in their masjids, homes and service businesses? Secondly, doesn't preventing Muslims from joining the Jummah congregation, nullify the Jummah? (M.A Adnan, Gauteng)

#### **There are two important points raised here**

1. Jum'ah is being performed with minimum congregation at some Masājid (which has been stopped since the total lockdown), at homes (only with family members who are already living in the house together, which does not contravene the law of the land) and by essential service providers (with their workers) during this lockdown period.
2. Is such a Jum'ah invalid due to Muslims being prevented from joining?

**Note:** Firstly we have to understand that scholars differed as to **what are the conditions of Jum'ah**. And secondly, we will investigate, does preventing someone from joining the Jum'ah congregation due to the lockdown invalidate it.

## Background

This scenario stems out from the scholarly difference of opinion as to whether *al-Idhn al-'Ām* (unrestricted permission for eligible persons to join the Jum'ah prayer) which is authorised by the Sultān (head of state) is a condition of Jum'ah to be valid or not. The Jumhoor (vast majority of jurist) say it is not a condition. However, only the Hanafi jurist made it a condition for the Sultān to authorise *al-Idhn al-'Ām*.

## Text and context of the condition *al-Idhn al-'Ām* according to the Hanafi jurists

### Text:

- a) **According to Imaam as-Sarakhsi** "this condition (*al-Idhn al-'Ām*) was put in place because the Sultān had to lead his people into the prayer of Jum'ah at the Jāmi' (place of gathering / the town's biggest Masjid). He further states that the wisdom of making the *Idhn al-'Ām* a condition was in order that nobody miss out on the Jum'ah with the head of state." (Al Mabsūt, Chapter of Jum'ah V: 3 P: 103)
- b) **Imaam al-Murgināni states that:** "Jum'ah cannot be conducted except in a **town** (metropolitan) by the **head of state** or whoever he appoints, because the gathering is massive (from all over the city) and he has the authority to **handle any clashes**. (Al-Hidāyā, chapter of Jum'ah V: 1 P: 86)

**Early Islamicate Context:** It is of utmost importance to understand the context when this condition of *al-Idhn al-'Ām* was instituted. From the above two authoritative manuals we note the following:

1. According to the early Hanafi jurist Jum'ah had to be made in a **metropolitan** at **one** communal space (**Jāmi'**).
2. The **Sultān** had to lead the Prayer or authorise it.
3. If the Jum'ah was performed elsewhere or without the permission of the Sultān, it would be invalid.
4. Remember, the notion of **multiple Jum'ahs at multiple places** was a later development and a matter of major difference of opinion between the scholars, to the point of where the scholars said, if someone does a Jum'ah other than that of the Sultān their Jum'ah is invalid.
5. Due to Jum'ah being led by the Sultān, if he hypothetically made it in the citadel instead of the Jāmi', it will require him to announce an official decree of *al-Idhn al-'Ām* for Jum'ah in the citadel (irrespective if people come or not, the Jum'ah will be valid) or else (without *Idhn al-'Ām*) the Jum'ah will not be valid.

6. One of the wisdoms of this condition was the social welfare through the Sultān keeping law and order.

### South African Context

Thus, based on the social needs of law and order, Jum'ah was led in one place by the Sultān. However, this is not the case in our era. In South Africa, we are living in a secular state which is not ruled by a Muslim government, resulting in the absence of the Sultān system and its functions. Consequently *al-Idhn of the Sultān* which was a condition to conduct Jum'ahs has become redundant together with the condition of *al-Idhn al-'Ām* especially in the presence of multiple Jum'ahs which was not permitted by the earlier jurists. This can be understood from the following Hanafi texts:

- a) **Imām Shurumbulali** highlights that the condition of *al-Idhn al-'Ām* was not mentioned in *al-Hidāyā* as it wasn't mentioned in *Thaahirur Riwaayah*. **He concludes that the condition of *al-Idhn al-'Ām* is redundant in our time** as the function of this condition is no longer applicable due to multiple Jum'ahs which are conducted by multiple Imāms and not by the Sultān. (**Murāqi Al Falāh, Conditions of Jum'ah P: 210 paraphrased**)
- b) **Imām Ibn 'Ābidīn** clearly shows that the Jum'ah can be closed off to the public if the need be: "There is no problem if the doors of the citadel in which Jum'ah is prayed in by the Sultān are closed due to the enemy or established practice. He then clarifies this contention by saying: "It is only an issue on contention if Jum'ah is held in **one place** in the metropolitan (as Jum'ah with the Sultān could actually be missed). However, if there are multiple Jum'ahs then the condition of *al-Idhn al-'Ām* becomes redundant. (**Raddul-Muhtār: V:6 P89-90**)

**Conclusion: Once the context of these conditions are understood we understand that:**

1. We are not living under a Sultān system which was a means of social order. So the condition of seeking his permission to hold a Jum'ah in a certain venue is non- applicable. However, it is prudent to seek direction from our scholars in a non-Muslim country.
2. The condition of *al-Idhn al-'Ām* is a condition that is exclusive to the Hanafi school of Fiqh and according to this school it has become non-applicable in our era due to the matter of multiple Jum'ahs etc.
3. Jum'ah behind closed doors in certain Masājid/places before the total lockdown, or generally at universities, private work places and Masājid in estates etc, are all valid (especially if it is for security purposes).
4. Since the national lockdown, Masājid are temporarily closed and all daily Salaahs must be made at home. If you do meet the minimum quota of Jama'ah with the family members at home, then Jama'ah (congregation) should be made.

5. Due to Jum'ah not being Wājib (obligatory) during this international pandemic and national disaster and is limited to the need of the lockdown. In such a situation the Thuhr Salaah (instead of Jum'ah) should be performed on Fridays at home in Jama'ah (if possible).
6. If a family who lives together meets the basic requirements of Jum'ah and insist to perform Jum'ah at home (although it is not mandatory upon them), this will be valid only for the duration of such emergencies as the Covid-19 national lockdown. They are not allowed to invite others to join as this will be violating the law of the state and forfeiting the purpose of flattening the curve. This family should also perform Thuhr Salaah as a precautionary measure due to the difference of opinion regarding the minimum quota needed for Jum'ah etc.
7. Once the national lockdown is finished and government grants permission for normal Jum'ah to take place at the Masājid, we should return to our Masājid and gain the maximum benefits of Jum'ah in congregation as the maxim is: "Necessity should be limited only to its need".
8. We urge our Muslims to please adhere to the laws set out by the state during this trying times of Covid-19.

**We supplicate to Allah that He protect us from all harms and allow us to return to His houses soonest. Āmīn !**

مفتي  
سید ہارون الازہری

**ULAMA BOARD**

**Allah Knows Best !**

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