

The ruling of praying *jumu'ah* in the buildings (houses, work etc) in the situations where it is not possible to perform it in the Masjid.

Question: As regular attendees of the masjid, we were very surprised with the issuance of a ministerial decision to close all the masaajid as a precautionary measure to prevent the spread of the coronavirus. What is the ruling of *jumu'ah* in this case? Should we pray it as *dhuhur* in our houses, or is it permissible for us to establish *jumu'ah* in our houses and workplaces even with a small number of people that does not exceed five and without the permission of the relevant authorities? Or should *jumu'ah* only be performed in the masjid, with a specific number of people and with the permission of the relevant authorities?

Answer: There is a consensus amongst the scholars (*ijmaa'*) that *jumu'ah* is obligatory. Allah says:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ۗ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ ﴾

O you who have believed, when [the adhan] is called for the prayer on the day of *Jumu'ah* [Friday], then proceed to the remembrance of Allah and leave trade. That is better for you, if you only knew. [al-Jumuah: 9]

Those excluded from this obligation as per the authentic evidences are children, women, slaves, the sick, travellers and anyone else with a legitimate excuse. Whoever establishes *jumu'ah* from amongst these categories of people or attends it, the obligation of *dhuhur* is no longer applicable to them.

The *sunnah* is that *jumu'ah* should be performed in the main *masjid* as it was performed in the times of the Prophet ﷺ and the four rightly guided *khulafaa* after him, where it would be prayed in the Prophet's Mosque while *salaat* would be stopped in the other *masaajid*.

It is not however conditional to the correctness of *jumu'ah* that it be prayed in a *masjid*, as is the opinion of the majority of the scholars (except the *Maalikiyya*), because *jumu'ah* prayer is no different to the obligatory prayers except in the *khutba* performed before it. Therefore, it is valid (just as the other prayers are valid), in any place where it is possible for the people to gather, regardless if it was in the cities, rural areas or any appropriate building.

In particular, those buildings in which the five daily prayers are established for those people whom attendance at the main *masjid* is difficult or not possible. It is permissible for them to pray in these buildings as per the saying of Umar ibn al-Khataab:

« جَمَعُوا حَيْثُ كُنْتُمْ »

Gather (for *jumu'ah*) wherever you may be. [Ibn Abi Shaybah - Sahih]

Imam al-Shawkaani refutes those who place the condition that *jumu'ah* should only be established in the mosques, saying: "There is no authentic evidence which can be used to prove the desirability of this condition let alone its obligation as a condition. This act of worship has been taken as a mockery by many, while its reality is that *jumu'ah* is an obligation which Allah has obligated, a symbol from the symbols of Islam and a prayer from amongst the prayers. Therefore, whoever claims that additional things should be taken into consideration for *jumu'ah* which are not taken into consideration in the other prayers, then they should not be listened to unless they come forth with evidence. The only

matter which jumu'ah has been specified with is the khutba, which is no more than an admonition which the Muslims admonish and remind one another with. So, if only two men were present, one can stand up and give the khutba while the other listens, then both can stand and pray the prayer of jumu'ah together".

It is also not conditional to the correctness of *jumu'ah* the attendance of a specific number of people, except the amount required to establish the prayer in congregation which is a minimum of two people. Therefore, if only two men were present and one stood up and gave the khutba while the other listened, then both prayed the prayer of *jumu'ah* together (as mentioned previously) – then this is a valid *jumu'ah* for them and the obligation of *dhuhur* is no longer applicable to them.

Imam al-Shawkaani says: “Congregational prayer (*jamaa'ah*) is correct with one person plus the imam. *Jumu'ah* prayer is a prayer from amongst the prayers, therefore whoever stipulates that the minimum number of people should be more than that of the congregational prayer, then they must come forth with evidence, and there is no evidence for such a thing. The conditions for worship are only established with specific evidences which show that the act of worship is nullified with the absence of its condition (and vice-versa). Therefore, stipulating such conditions without evidence is extreme recklessness and misplaced boldness in saying what is not true about Allah, His Messenger and His sharee'ah. What is peculiar regarding this matter is the number of opinions as to what the minimum number of people for *jumu'ah* should be. There are fifteen opinions none of them with authentic evidences, except those who say that *jumu'ah* is established with the same number of people required to establish the congregational prayer”.

It is also not conditional to the correctness of *jumu'ah* the permission of the relevant authorities. The Hanafiyya stipulated this condition, although there is no evidence to support it. As mentioned previously, the conditions for worship are not considered unless there is evidence for them in the Quran, Sunnah or consensus of the scholars.

As for the Maaalikiya, it is desirable in their opinion to seek permission from the authorities to establish *jumu'ah*. If permission is denied and no greater sedition is expected, then no consideration is given to the denial and *jumu'ah* is established out of obligation. The orders of the *sharee'ah* are placed before the orders of the authorities as per Allah's saying:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْدِمُوا بَيْنَ يَدَيِ اللَّهِ وَرَسُولِهِ ۗ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ ﴾

O believers! Do not proceed 'in any matter' before 'a decree from' Allah and His Messenger. And fear Allah. Surely Allah is All-Hearing, All-Knowing. [al-Hujuraat: 1]

And the Prophet ﷺ said:

« لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ إِلَّا طَاعَةٌ فِي الْمَعْرُوفِ »

There is no obedience in matters involving the disobedience of Allah. Obedience is obligatory only in what is good and reasonable. [Muslim]

al-Qaadi Abdul Wahab al-Maaliki said: “The establishment of *jumu'ah* does need the permission of the authorities (despite the conflicting opinion of the Hanafiyya stipulating it) because Allah says:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ ﴾

O you who have believed, when [the adhan] is called for the prayer on the day of Jumu'ah [Friday], then proceed to the remembrance of Allah. [al-Jumu'ah: 9]

The permission of the authorities was not stipulated in the ayah. Also, because the Prophet ﷺ said:

« الْجُمُعَةُ وَاجِبَةٌ عَلَى كُلِّ مُسْلِمٍ »

Jumu'ah is obligatory upon every Muslim. [al-Tabarani & al-Bayhaqi – Sahih]

Also, because that is the consensus of the sahabah, because during their time, Ali ibn Abi-Taalib led the jumu'ah when Uthmaan ibn Afaan was besieged. Uthmaan was the khalifah at the time, and it was not recorded that Ali sought permission from him, although it was possible for him to do so".

Translated from the fatwa of Sheikh Mohammad Ali Ferkous (Fatwa Id: 1231):

<http://ferkous.com/home/?q=fatwa-1231>