

Answer to Question

Performing Friday Prayers in the Yards of a Mosque which is Closed by the Authority

To: Mohammed Amin Al-Jadidi

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

Some Shabab and people in Tunisia held Friday prayers in front of mosques after they were closed by the authority. Some imams denied them and considered their prayers invalid, considering that Friday prayers are only held inside the mosque.

We hope that you will guide us to the Sharia ruling in such a circumstance, and what the people of the country must do if their mosques continue to close.

May Allah bless you and reward you for your efforts.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Friday (Jumu'ah) prayer is permissible both in the mosque and in the public space, and if the two are available, i.e. if the mosque is open and it is not small for the worshipers, then the Friday prayer is to be held in it and if the mosque is not large enough to accommodate the worshipers, then the prayer can be held in the open space, but the important thing in all of that is that the place is not a private space; that is, Friday prayer is not permissible in houses; rather, it must be in the mosque or open space so that no one is prevented from entering it to pray. But if the mosques are closed, then praying in the open space is valid and nothing is in that, and whoever prevents it is committing a sin, and we have already issued about that, and from what we have issued:

1- On 18 Shaaban 1441 AH - 11/4/2020 CE: (... and the state bears the sin for preventing the Friday prayer in the mosques or in the public space, because the texts explain this matter, and this is understood from Allah's saying: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ﴾ **“O you who have believed, when [the adhan] is called for the prayer on the day of Jumu'a [Friday], then proceed to the remembrance of Allah and leave trade.”** [Al-Jumu'a: 9]. The Muslim seeks to pray without being stopped ﴿فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ﴾ **“then proceed to the remembrance of Allah and leave trade.”** [Al-Jumu'a: 9].

The pursuit of the prayer is obligatory because it is associated with leaving the permissible (Mubah) **and the state that closes the mosques would bear a great sin as we mentioned in the Question and Answer.**)

2- This has been detailed in the Book of the Rules of Prayer (Ahkam As-Salah) issued by the Hizb, and it says:

[The Friday prayer is valid in the city, the village, the mosque, and the buildings of the country and the space belonging to it:

- This is because the Messenger prayed Friday in Medina; it was narrated on the authority of Ibn Abbas (ra) that he said: “The first Jumu'ah prayer which was held after a Jumu'ah prayer held at the mosque of Allah's Apostle took place in the mosque of the tribe of 'Abdul Qais at Jawathi in Bahrain.” and Jawathi is a village of Bahrain. Abu Huraira narrated: “He wrote to Umar asking him about Friday prayer in Bahrain and he was his 'Amil (governor) over it, so Umar wrote to him that you perform Jumu'ah prayer where you were”. As for what was narrated on the authority of the Prophet (saw), that he said: “There shall be no Friday (Jumu'ah) prayer and no prayer for the Day of Tashreeq unless in a chief city (misr).” this hadith is not authenticated, Ahmad said this is not a Hadith.

- As for holding it in open space, there is no text to state that it is a condition, and Friday prayer is like any prayer that is required to be performed. if there is a condition in it for something other than the general provision that requires it to be performed, then there must be a text providing for it.

- It is permissible to hold several Jumu'ah prayers in one town. If the town is large, it is permissible to hold Friday prayers in it in several mosques, regardless of whether there is a need for it or not, because there is no text regarding the prohibiting several Friday prayers and no text regarding the need or not, so the unrestricted (Mutlaq) text remains unrestricted. As for the fact that the Prophet (saw) did not hold Friday prayer except in one mosque, this does not indicate that it is not permissible to hold Friday prayer in more than one mosque, because if the Prophet (saw) did not do something, this does not indicate that his action is prohibited. Rather, he had one mosque in which he prayed, and this does not indicate that he did not want to pray in more than one mosque.] End.

3- In the book: Al-Fiqh 'Ala al-Madhahib al-Arba (Islamic Jurisprudence According to the Four Sunni Schools) by Abdul Rahman al-Jaziri (deceased: 1360 AH) it says:

[... Is Friday prayer valid in the open space? Three of the imams agreed on the permissibility of performing Friday prayers in the open space; however, the Malikis hold that it is not valid:

- The Malikis said: the Friday congregational prayer is valid neither in people's homes nor out of doors; rather, it must be performed in a mosque:

-The Hanbalis said: the Friday congregational prayer is valid if performed out of doors provided that the site where it is performed is close to the (building) mosque, and nearness is considered according to the commonly accepted standards. If it is not near then the prayer is invalid. Moreover, if the imam leads the Friday prayer in the desert, he must appoint someone else to lead the prayer in the mosque for those who too weak to come out.

- The Shaafa'is said: Friday is valid out of doors if the site is near the mosque, where "near" is defined as no farther from the mosque than a point which, if a traveler reached it, he would not yet be permitted to shorten his ritual prayers.

- The Hanafis said: It is not necessary that the Friday prayer be performed in the mosque in order to be valid; rather, it may validly be performed out of doors provided that the site is no more than one Farsakh (a measure of distance) away from the city and that the imam grants permission for it to be performed there, as mentioned the conditions associated with the Friday prayer.)

4- The conclusion is:

a- As you can see, Imam Malik stipulates that it must be performed in the mosque, and accordingly, the closure of mosques by the ruler leads to the suspension of the Friday prayer, and the Ummah has to stand in the face of the ruler if he prevents it from praying in the mosque.

b- As for other Fuqaha' (jurists), especially those of the Madhahib, they permit it in the mosque and in the public space.

c- As for what we prefer, it is what we explained above: (Friday prayer is permissible both in the mosque and in the public space, and if the two are available, i.e. if the mosque is open and it is not small for the worshipers, then the Friday prayer is to be held in it and if the mosque is not large enough to accommodate the worshipers, then the prayer can be held in the open space, but the important thing in all of that is that the place is not a private space; that is, Friday prayer is not permissible in houses; rather, it must be in the mosque or open space so that no one is prevented from entering it to pray. But if the mosques are closed, then praying it in the open space is valid and nothing is in that, and whoever prevents it is sinning).

d- Based on that, your prayer in the mosque's yard is valid and the state has sinned twice: the first is that it closed the mosque, and the second is that it tried to prevent prayer in the mosque's yard ... and we ask Allah (swt) to hasten the establishment of the Khilafah (Caliphate), so that Muslims perform the prayer in its correct way. ﴿وَمَا أَمْرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ حُنَفَاءَ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ وَذَلِكَ دِينُ الْقِيَمَةِ﴾ **“And they have been commanded no more than worshiping Allah, being sincere and devoted to His Deen, to establish the Prayer; and to give the zakaat and that is the Religion right and Straight”** [Al-Bayyinah: 5].

Your brother,

Ata Bin Khalil Abu Al-Rashtah

22nd Jumada al-Awwal 1442 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/2838026463110026>