



‘Eid Salāh for Hanafis @ Home: A Seemingly Problematic View

In this paper I intend to briefly introduce the concept of Madhab in the Islamic tradition¹ in a question and answer fashion, subsequently highlighting its flexibility and fluidity through books of Islamic legal theory. Thereafter, through investigation we will identify why the debate over Hanafi ‘Eid is important to modern academic debate and we will outline the issues of contentions amongst the Hanafi Jurists with an effort to present responses from the primary Hanafi manuals and canonical collections². This paper intends to educate the general public that, the Eid Salāh is not only allowed at home for Shafi’ees and Hanafis in South Africa but also to allow them to understand that there is evidence from a Hanafi perspective. In conclusion we will see that it is not worth one’s energy to argue about it further, drawing on this paper and previous legal edicts.

BREAKDOWN OF THIS PAPER

- **SECTION ONE: THE CONCEPT OF MADHAB**
- **SECTION TWO: THE BACKDROP OF THIS PAPER**
- **SECTION THREE: PERMISSIBILITY OF ‘EID AT HOME AND THE PREREQUISITES**
- **SECTION FOUR: DISCUSSION REGARDING THE CONDITIONS WHICH ARE EXCLUDED AND SHOULD IT AFFECT THE ‘EID PRAYER FROM BEING OBSERVED?**
- **SECTION FIVE: USING OPINIONS FROM THE MADHAB AND FROM OTHER MADHABS**
- **CONCLUSION**

SECTION ONE: THE CONCEPT OF MADHAB

- 1.1. What is a Madhab of Fiqh?** A Madhab is an approach of juristic thinking based on certain principles. Keeping in line with such principles numerous differing views are deduced creating a whole new body of knowledge to follow.
- 1.2. How come there are so many different opinions in each school?** In every generation there are a number of new issues emerging which need scholarly investigation and resulting in continuation of this sacred tradition of applying jurisprudence.
- 1.3. With so many differing opinions, who do we follow?** Each School has their experts who classify which view is more compelling in their assessment. They also take into consideration the context (geo-political, socio-economical aspects) of a certain time and place. These views change from time to time and from place to place. Unfortunately, many of our contemporary scholars did not keep up with this tradition and are using some obsolete views.
- 1.4. What is the Fiqh Madhab based on?** It is based on principles derived from divine law, alongside natural and positive law.
- 1.5. Where can the rulings of a Madhab be found?** Basically it can be found in the manuals of jurisprudence and canonical collections.
- 1.6. Who made the rules?** This body of laws are deduced from the primary source materials, specifically the Book of God, the Prophetic traditions, by respected legal scholars for the use of both the government and for the general Muslim populace.
- 1.7. What does it focus on?** It regulates how the basic actions of individuals ought to be carried out.
- 1.8. Are these findings set in stone?** Generally no, as this body of laws are not static and are open for inquiry.

SECTION TWO: THE BACKDROP OF THIS PAPER

With this worldwide Covid-19 pandemic together with the government lockdown in South Africa, Muslims are faced with the dilemma of how to celebrate the festival of 'Eid. In particular, most Muslims are anxious "of not having the 'Eid prayer in congregation publically" and are seeking scholarly guidance on the matter. Due to this being a unique situation in history, scholars differed on how they looked at the early sources when substantiating their varying stances. Since holding mass gatherings of 'Eid Salāh is not allowed in Masājid or Musallahs (open fields), the question is can we make 'Eid Salāh at home? We've given guidance on this matter but some people still seem to be unsettled on this matter.

After examining the matter in detail, we can safely say that *according to all four madhabs 'Eid Salāh can be performed at home* with certain schools being more lenient than others regarding their prerequisites of validity. It's understood that 'Eid Salāh at home is allowed according the Māliki, Shafi'ee and Hanbali Schools of thought, but due to the Hanafi School being the most stringent, we will focus on it and discuss the permissibility below.

SECTION THREE: PERMISSIBILITY OF 'EID AT HOME AND THE PREREQUISITES

3.1. Is it allowed for a Hanafi to make Eid Salāh at home During Covid -19 lockdown?

As previously mentioned, this matter is unprecedented in the canonical collections, thus there's a difference of opinion amongst the scholars based on how they look at the juristic opinions. Nonetheless, according to us, YES one is allowed to make Eid Salāh at home under such circumstances as long as they meet the minimum prerequisites. Performing Salāh at home does not automatically render it Makrooh, the most we can say is, that it is not done the Sunnah way³ and the same will apply in the case of 'Eid under these circumstances.

3.2. Is it true that the Madhab has only one opinion on the Ruling of performing 'Eid?

We note in the manuals of Fiqh, the word Asah (most correct)⁴ is used which immediately denotes that there are multiple views which should not be automatically understood as entirely incorrect. As Sarakhsi said: The Hanafi jurists were split on this matter⁵ based on 2 different opinions of Imām Abu Hanifa⁶ as to whether it was Wājib or Sunnah? Imām Abu Yusuf said it is Fardh 'alalKifāyah⁷ and Imām Kāsāni also mentions another view that says it is FardhKifāyah,⁸ while Imām Muhammad said it is Sunnah⁹. As for the majority of the Hanafi scholars, they say it is Wājib¹⁰. The great authenticators and legal experts, Imām Sarakhsi¹¹ and An Nasafi¹² preferred the view that it is Sunnah as this was clearer to them.

Later legal experts reconciled between these two stances by saying that there is no contradiction as Sunnah here means Sunnah Muakkadah (Habitual practice)¹³ or Sunnanul Huda which is closer to Wājib¹⁴ according to the Hanafis in regards to implementing in this dunya but not requiting. ¹⁵This concept is similar to the difference between Imām Abu Hanifa and Imām Abu Yusuf in regard to Witr Salāh, where Imām Abu Yusuf holds the view that a person who denies it will not be considered a Kāfir¹⁶. Nonetheless, this kind of Wājib means that an individual must try their utmost best to perform the 'Eid Salāh because the Prophet (PBUH) did it consistently without leaving it, but if one rarely¹⁷ could not perform it, they will not be held accountable¹⁸ for either one of the following reasons:

- a) It is not the same as leaving out an actual Wājib and it seldom happened¹⁹.
- b) It will be fulfilled by others (Wājib AlalKifāyah).
- c) There is no Qadhā.

3.3. What are the prerequisites of 'Eid to be valid?

According to most of the Hanafi scholars, most prerequisites are the same as that of Jumu'ah, with the exception of some noteworthy exclusions or changes which we will highlight below, based on the views of reputable scholars within the Hanafi School.

3.4. What are some of the prerequisites that are changed?

- a) **The Khutbah:** its sequence is changed from before the Salāh to after the Salāh and the ruling is also changed from being a prerequisite to being a Sunnah²⁰. This change in sequence and ruling is accepted by all.
- b) **The Time:** Jumu'ah is after the sun has passed its zenith while 'Eid is after the sun has effectively risen until Zawāl. This is also accepted by all.

3.5. What are some of the prerequisites that are excluded?

- a) **Sultān, IdhnusSultān and Idhnul'Ām** are prerequisites which are inapplicable due to redundancy in our contemporary South African context.
- b) **The place and quota of congregation** are partially inapplicable due to the current governmental lockdown which banned religious and other gatherings, in efforts of limiting the spread of this life-threatening virus.

3.6. What conditions of 'Eid can be fulfilled?

The time, the Sunnah Khutbah after Salāh and the minimum quota for Jamā'ah.

SECTION FOUR: DISCUSSION REGARDING THE CONDITIONS WHICH ARE EXCLUDED AND SHOULD IT AFFECT THE 'EID PRAYER FROM BEING OBSERVED?

4.1. Sultān, IdhnusSultān and Idhnul'Ām

When looking at why these conditions were instituted, we note that the Hanafi scholars clearly state it was based on a governmental system used for administrative purposes in the Early Islamicate Context. Shamsul A-immah said that this matter was based on the administrative norms of their time but in our time it is redundant.²¹

The condition of IqāmatusSultān (salāh being performed by the head of state or whomever he deputizes) and the condition of IdhnusSultān (permission from the head of state to observe any other Jumu'ah, besides that one which he authorized) were instituted more on the basis of functionality to keep law and order and for the social wellbeing via the Sultān than an actual prerequisite²². A term which Ibn 'Abidin would call ShartZaidah (supplementary condition). Hence the Jumu'ah was led only in one place by the Sultān or by the Sultānate.

Point to be noted: This condition *al-Idhn of the Sultān* to conduct Jumu'ahs is inapplicable and redundant in South Africa as we are living in a secular state which is not ruled by a Muslim government (absence of the Sultān system and its administrative functions).

As for the condition of *Al-Idhn al-'Ām* (unrestricted permission for eligible persons to join the Jumu'ah/'Eid prayer with the Sultān, which must be authorized by him) is NOT

an agreed upon condition in the Hanafi Madhab that's why it is not mentioned in Al Hidāyah. Even if it was a condition, it becomes redundant for one of two reasons. Either due to us not living under a Sultān system in South Africa or due to the Hanafi school making it redundant based on multiple Jumu'ahs/Eids being held at multiple venues, as the purpose of this condition was to secure the Jumu'ah in a situation where the Sultān hypothetically tries to restrict it. In those days any other Jumu'ah was regarded invalid but nowadays, there is no fear of missing the Salāh with the Sultān as he is nonexistent and multiple valid Jumu'ahs can be secured at alternative venues, thus making this condition redundant.

The administrative reasoning of this condition and its later-day inapplicability can be found in the authentic primary and secondary manuals in the Hanafi corpus. For some detail on this inapplicable conditions, refer to our Fatwa on permissibility of Jumu'ah at Home during lockdown.²³

4.2. What would you say to those who force their opinion as the ONLY opinion in Fiqh?

Kindly refer to our guidance on this matter when we discussed "Eid @ Home Covid-19"²⁴ explaining that there are multiple ways of looking at a matter and we should not discriminate those who follow a differing view than ours.

In reciprocation for those who insist on the relevance of these conditions (IqāmatusSultān, IdhnusSultān and Idhn al-'Ām) in a South African context, we simply say to them that they need to accept the following:

- a) Their Jumu'ahSalāh in normal circumstances will NOT be valid due to the absence of these conditions, (As they are not performing it under the Sultān as it was supposed to be led by him or his deputies and they do not have IdhnusSultān to lead the Salāh anywhere else).
- b) Jumu'ah will never be Wājib upon them as Jumu'ah in those South African Masājid do NOT meet the conditions of validity of Jumu'ah.
- c) Performing 2 Raka'āt ofJumu'ah behind one whose Jumu'ah is invalid is absurd.
- d) Consequently, it will be Fardh for them to perform 4 Raka'āt of ThuhrSalāh individually at HOME.
- e) As a result of not meeting the conditions of validity they are also not allowed to make Jamā'ah (congregation) as long as they are in South Africa according to the Hanafi School.

Their response: If they say their Jumu'ah in South African Masājid are valid based on the fact that circumstances and context exempt these conditions.

We respond by saying, that's what we've been saying all along. Now that we are on the same page, we reaffirm that those conditions are redundant and the Jumu'ah/Eid Salāh are valid in South Africa. They are also valid on the same basis at home if the other conditions can be fulfilled.

Alternatively, they might say: Hanafi scholars allowed the altering of this condition of IdhnusSultān, by adding "anyone who the people appoint to lead them" ²⁵ in a non-Muslim country based on the necessity of their times so that they could still uphold the Wājib of Jumu'ah instead of making the Fardh of Thuhr at home.

We respond to this by saying this is exactly what we are calling for. The developing and tweaking of certain rulings based on the necessity of the time, in order to still perform the Wājib 'Eid Salāh instead of the Nafil (optional) Chasht (Dhuha) prayer. Especially when there is room for it in the Hanafi School. It is a known fact that if certain prerequisites cannot be met due to circumstances, it is waived according to the need but still applicable where possible,²⁶ like in the case of facing Qiblah. If one cannot determine it, he makes an effort according to his ability then performs his Salāh but he will not desert his Salāh. Another example would be in the case of wudhu, if a person is wounded on his hand, he will wipe that part but won't resort to Tayamum. Keeping to plan A if possible (even if it is altered slightly within the framework of the Shari'ah) is better than switching to Plan B.

Thus, under our current circumstances there is no reason to say that the Hanafi Madhab does not permit performing 'Eid Salāh at home except if there is no way to meet the conditions.

4.3. What should we pay attention to when it comes to the place and quota of the congregation?

Here there are two points to be noted:

- a) **Place:** As a result of the lockdown, we are not allowed to go to the Masājid. However we are allowed to hold congregational prayers at home with our own family members who reside with us. This very concept can be understood by the Hanafi Scholars who say that if you missed 'Eid Salāh with the Sutān/Imām then you may join another congregation elsewhere because according to this group of scholars there is no Qadhā for 'Eid prayers. This proves it is normal to hold the 'Eid prayers at multiple venues and by extension the house can be used as an alternative venue.
- b) **Minimum Quota for 'Eid Salāh to be valid:** The Imāms had a difference of opinion (Ikhtilāf) as to how many congregants make a valid congregation (Jamā'ah). Most hold the view it is same like Jumu'ah 4 or 3 as 'Eid is a WajibSalāh in their view²⁷. As for those Hanafi scholars who hold it to be Sunnah, they say that Jamā'ah is not a prerequisite regarding 'Eid but rather optional.

In Al Bahr it is mentioned that the condition of Jamā'ah for 'Eid is not the same as Jumu'ah from every angle as 1 person with the Imām is also considered a Jamā'ah²⁸.

Nonetheless, scholars reconciled between this by saying that this is a condition put in place in order to perform this Jumu'ah/'Eid Salāh in the Sunnah way (as a Public Collective) or else it is like a general optional prayer.²⁹

4.4. How did the Scholars set the minimum Quota and how can we apply it in our current situation?

- a) **4 congregants:** Imaam Abu Hanifa deduced that 3 congregants and the Imām forms a congregation for Jumu'ah. His argument is based on the verse in Surah Jumu'ah: *“(You all) hasten to the Thikr of Allah (Khutbah)”*, that the plural form “you all” refers to a minimum of 3 and the one giving the Khutbah is the Imām.
- b) **3 congregants:** Whereas Imām Abu Yusuf said that the minimum plural which is considered a congregation is 3 eligible individuals (2 congregants and the Imām).

Since, Imām Abu Hanifa's opinion was based on Jumu'ah, in which the Khutbah is Wājib, scholars said this is not the same for 'Eid as the Khutbahs is Sunnah, therefore we may take the opinion of Imām Abu Yusuf of 3 congregants.

Note that all scholars had different ways of trying to prove this minimum number which shows that there is an absence of textual evidence from the Prophet (PBUH) demanding more than two congregants to make Jamā'ah as well as no Prophetic directive specifying the number of congregants in the matter of Jumu'ah and by extension the matter of 'Eid.

- c) **2 congregants:** Based on the above understanding that Jumu'ah and 'Eid are NOT THE SAME from every angle, including the quota, we can further reduce this number due to necessity. Especially, due to the absence of “the 'Eid prayer in congregation publically” as a result of the lockdown on one hand and the absence of specific Prophetic directive on the other, by applying an agreed upon directive of the Prophet (PBUH) regarding the minimum quota for a Jamā'ah, “Two or more people are Jamā'ah”³⁰.

This is also the view of Imām Ibrahim AnNakha'i regarding Jumu'ah and a statement attributed to Abu Yusuf that says 2 eligible individuals constitute a congregation. In Al Muhit it is mentioned that Jamā'ah can be made with 2 people because in this regard of minimum quota, the conditions of Eid are not the same as Jumu'ah³¹. We add, that Jamā'ah can be made with one Imām and one congregant especially when this Salāh is Wājib in application and not in principle.

- d) **'Eid Alone:** Even if a person is living alone, and due to our circumstances in which *“the 'Eid prayer in congregation publically”* cannot be observed, he may perform 'Eid Salāh individually based on the school of ImāmShafi'ee and it can be argued to be allowed according to the Hanafi school in situations of necessity, especially when a person has the flexibility of following another opinion in order to complete this WājibSalāh instead of missing it totally.

A plausible suggestion regarding the matter of quota is that the Hanafis can follow the opinion of ash Sahfi'ee in Eid and they can follow the Hanafis in Jumu'ah.

SECTION FIVE: USING OPINIONS FROM THE MADHAB AND FROM OTHER MADHABS

5.1. Is it disliked to take the opinion of another Madhab?

ImāmIbn 'Abidin mentioned that great Hanafi scholars permitted acting upon another Madhab based on necessity and based on the need of the time and place.³² Ash-Shawkāni mentioned that Quduri also permitted this if one is sure that the alternative opinion in that specific matter is plausible.³³ You can find details in many authentic Hanafi books.

5.2. Is it allowed to leave the stronger opinion for a weaker opinion?

The great Hanafi scholars acted upon the non-preponderant views and even left the view of Imām Abu Hanifa in times of need. In fact, it is permitted if necessity demands it.³⁴ Sometimes the change of time and place as well as norms can render the weaker view as the stronger view for a limited time or for a specific matter and the stronger becomes the weaker view. Hence the need of expert scholars in every era to choose the preponderant views. ImāmIbn 'Abidin even permitted the leaving of the opinion of Imām Abu Hanifa or the mainstream preferred opinion and acting upon the other opinion and backed up his stance by way of citing various cases from the corpus³⁵ when it came to necessity. It's commended to use a weak opinion in times of necessity with the aim of facilitating ease.³⁶

Here are a few examples relating to the chapter of 'Eid. Due to a need scholars preferred ImāmAbu Yusuf's opinion on reciting Takbirs of Tashriq loud which leaves the opinion of ImāmAbu Hanifa. Another example is that of aLāhiq (person who commenced with the Imām then broke his wudhu) making Tayamum for 'Eid Salāh, Abu Hanifa absolutely permitted it and his students said it's not allowed as his Salāh is secured.

5.3. Should we stop people from making 'Eid at home with the pretext of following the Madhab?

We will mention a few statements regarding scholars permitting deeds even if it was not their way. Various scholars prohibited NawaafilSalāh before the 'Eid Salāh, not because it was Makrooh but because it was at most, out of line with the Sunnah, thus various other scholars in the Madhab permitted it.³⁷ Another example is the Takbirs in

'Eid Salāh are based on the Hadith of Sayyidina Ibn Mas'ud but Imām Abu Yusuf had to lead the Salāh with more additional Takbirs based on the Hadith of Sayyidina Ibn Abbās. Although this was not the Madhab of Imām Abu Yusuf and he believed that the opinion of Ibn Mas'ud was stronger. In Al Bahr it is said that Imām Muhammad mentioned that they both used to perform Salāh according to the Hadith of Ibn Abbas due to government policy and it was not based on the Madhab nor was it their belief. It is also stated in his Muatta it is acceptable for one to act upon any of these opinions.³⁸

Likewise, the Hanafi Jurist Abu Ja'far said: Do not stop people from doing Takbir on Eid day (and even if performing Nawafil at home or at the 'Eid place is prohibited according to most of our scholars³⁹) as the general Muslim populace find it challenging to do virtuous deeds these days.

Shamsul A-immah when asked about reprimanding those lazy people for doing 'Ibad'ah in the wrong time, he responded: It is better for them to do something in a prohibited time than not doing the deed altogether.⁴⁰ We even find that Imām Muhammad said when talking about Takbirs it is allowed for a Hanafi to perform Salāh behind another Imaam as long as they are following a Faqih (who is following an opinion of a Sahabi/Hadith) but if they stop following a Faqih and do their own thing, then stop.⁴¹

We say, based on the Usul of the Hanafi Madhab choosing the legal opinion from the school of Imām Shafi'ee is allowed under such tried circumstances. This is not going against the Madhab in any way because there is no direct or indirect evidence in the Qur-ān and Sunnah stating a specific quota for the minimum number of people to make 'Eid. It is better that people do this Wājib than to totally miss it.

5.4. Is there a Qadhā for 'Eid Salāh?

Regarding the discussion of there being no Qadhā most scholars believe it is absolutely not allowed but we point out that this Qadhā for 'Eid is undergirded by some contentious political notions. This was noted above when it came to some of the prerequisites as well as the Takbirs in the 'Eid Salāh. When examining this concept we note that in the early Islamicate the 'Eid Salāh could be missed due to not making it behind the Sultān and its time was entwined to his Salāh. If you missed it behind him you cannot make up for it, unless the Sultān also missed with you, then you can make it behind him the next day in its time. Nonetheless, once the Sultān system deteriorated and became redundant, scholars permitted to do 'Eid Salāh the next day Adā or Qadhā according to the Ikhtilaaf (known to the scholars). Imām Nawawi says that Imām Abu Yusuf and Imām Muhammad say you can make Qadhā of 2 Raka'āt like the Imām.

This proves how much influence the Sultānate had on shaping the legal discourse. To the point that if a person misses the Salāh behind them, they were not allowed to make another Jamā'ah (in its time) or Qadhā (afterwards). Imām Al 'Ayni, when discussing the opinions of the scholars who permitted one to make Qadhā of 'Eid noted that Abu Hanifa made it optional if you want you may make 2 Raka'at or 4 Raka'at and if you don't want you may leave it out altogether.⁴² Another difference of 'Eid and Jumu'ah that is worthy of mentioning is that, once someone misses Jumu'ah on Friday they cannot make it on Saturday but if someone missed the time of 'Eid on Friday he can still make it on the Saturday.⁴³

5.5.Does 'Eid Salāh stand in the place of Chasht prayer (Dhuha)?

Like most matters in the Madhab there's a difference of opinion. It is mentioned in Majma' al-Anhur and Al Muhit that 'Eid is in place of Dhuha and if one misses the 'Eid they should make the optional Dhuha prayer 2 or 4 Raka'āt. Other scholars like al Tahtawi, mentioned the opinion of scholars who concur with such a view when he says: "It is as if Eid Salāt stands in the place of Salāt ad-Duha. That is why it is Makruh (disliked) to perform Salāt ad-Dhuha before Eid Salāt. So, if someone is unable to perform it, it goes back to its origin as Jumu'a, if it is missed, it is moved to Thuhr."⁴⁴, he and others also mention the statement of Al Inaya that even if we accept it is a substitute, it won't be Wājib and the person can choose. So if someone does not perform the Eid Salāh, they may perform Dhuha in its place if they wish.

5.6.Is it Wājib to perform Eid under the lockdown?

Based on the Hanafi Madhab, if certain conditions to perform it (in the Sunnah way) are not met, then Eid is not Wājib to be performed but rather it will be optional. But if an Imām leads the prayer, it will be valid similar to the case of the sick person based on the Hadith of Sayyidina Ali who appointed someone to lead the weak people in 2 Raka'āt of Eid Prayer⁴⁵, taking into consideration that the weak should not miss the 'Eid Salāhand if the Imām did not leave anyone behind to lead them, it's not a problem as this was not the practice of the Prophet.⁴⁶ From this the Hanafis also prove that multiple 'Eids are allowed.⁴⁷Imām Muhammad said in Jami' as-Sagheer that the reason for the alternative venue was due to removing any difficulty.

Based on the above narrations the Hanafis prove that it was the 'Eid Salāh which was allowed to be performed at an alternative venue. In Al Jowhara it is mentioned that such an 'Eid Salāh is considered valid,⁴⁸even though it was not Wājib on them. This is similar to a sick person making Jumu'ah, it will be valid. The Fuqahāalso mentioned that Imām Ali allowed it although it was not the Sunnah way.

CONCLUSION

In conclusion, we would like to highlight an important fact. We come to opposing conclusions because of the choice of our research material. The more thorough the research is, the vaster the conclusions will be. We should understand that Fiqh is not static and must be understood contextually with all its dynamics. We should not be reading science fiction works to learn physics and chemistry as such knowledge will inevitably be incomplete. It is vital that before even attempting to disregard permissibility, critiques should first seek the various traditional Hanafi positions on the matter. The epistemological yardstick that was used for the veracity of this literature was not pursued. Basically, let the authentic Hanafi positions speak for themselves in proving that its scholars already solved these problems. If the Hanafi scholars, have acknowledged the precious epistemological status of the juristic literature, the bulk of which is non-apodictic in nature, then we need not to squander our energies in arguing about the matter of who's wrong. We know that according to Muslim tradition that Fiqh rests on investigation and

allows for error. What more do we want? I close this paper with these words. Due to this being a matter of jurisprudence with various view points, pursuing one absolute stance regarding the debate surrounding 'EidSalāhat Home for Hanafis' will render it a Pseudo problem and we should not lose sleep over it.

IMPORTANT: Under normal circumstances the Sunnah method of performing 'Eid Salāh is in a public gathering and not inside the home, as this is a communal festival which requires mass participation. **Based on the Hanafi School making 'Eid Salāh @ Home (preferably in Jamā'ah) will be allowed on the basis of the multiple evidences given above as well as juristic discretion (Istihsān) during Covid-19. And Allah Knows Best !**



(Mufti Sayed Haroon Al Azhari)
Head of Cape Town Ulama Board

Published: 17 May 2020

Re Published: 18 July 2021

Basic References

¹This whole section is based on various books on Islamic legal theory, see At-Talweeh, KanzulWusool, SharhulMukhtasar etc.

²Publishers and editions may differ

³Majam' Al-Anhur 82/3

⁴RaddulMuhtār 175/6

⁵ Al Binayah 223/4

⁶Al Bahr 217/3

⁷Majma' Al Anhur 77/3

⁸Al Bada' 183/2

⁹Most books, See Al Hidayah 365/2

¹⁰RaddulMuhtār 169/7

¹¹Al Muhit 146/3

¹²RaddulMuhtār 201/3

¹³At Talweeh 123/1

¹⁴RaddulMuhtār 315/2

¹⁵RaddulMuhtār 321/2

¹⁶Al Hidāyah 231/2

¹⁷Al Bahr 221/4

¹⁸MinhatulKhaliq 98/1

¹⁹RaddulMuhtār 237/6

²⁰Al Hidāyah 368/2

²¹Ad Dhakhira 172/3

²²Refer to our Fatwa on permissibility of Jum'ah at Home during lockdown.

It has Hanafi evidences that this condition is redundant.

²³Visit our website

²⁴Visit our website

²⁵Fatawaal-Hindiyah 125/2

²⁶RaddulMuhtār 138/3

²⁷ Al Hidayah 359/2

²⁸Al Bahr 215/6

²⁹Al Bahr 215/6

³⁰Al-Bukhari

³¹Al Muhit 198/3

³²Al-Uqud ad-Durriya 171/1

³³IrshādulFuhood 257/2

³⁴Sharh al-Uqood 1-100

³⁵Sharh al-Uqood 1-100

³⁶QurratUyoon al-Akhbār 147/7

³⁷Al Jowhara 168/2

³⁸Al Bahr 251/3

³⁹ Al Muhit 126/3

⁴⁰Al Bahr 232/3

⁴¹FatawaHindiyyah 146/5

⁴²UmdatulQāri 443/9

⁴³ See FatawaRizviyyah for concept of making 'Eid on different days 580-9/8

⁴⁴Hāshiya 'alaMarāqi 258/1

⁴⁵Al Bayhaqi

⁴⁶Al Muhit 142/3

⁴⁷Al Fath 159/4

⁴⁸ Al Jowhara 261/4