بسم الله الرحمن الرحيم

UNITED ARAB EMIRATES
THE UAE COUNCIL FOR FATWA



الإمارات العربية المتحدة
مجلس الإمارات للإفتاء الشرعي

UAE Council for Fatwa, Fatwa No. 11, 2020, Pertaining to the Rulings of Performing Congregational Rites in Light of the Spread of COVID-19 (Coronavirus Disease)

Tuesday, 8 Rajab, 1441 AH/3 March, 2020 CE

All praise is due to God, sustainer of the worlds, and may the choicest blessings and most perfect salutations be upon our master Muḥammad, his kinfolk, and all of his companions.

To proceed:

On the basis of the statements of God, the exalted, "He has chosen you and placed no hardship in your religion" (Qur'an 22:78) as well as "You who believe, obey God and the Messenger, and those in authority among you" (Qur'an 4:59); the hadith of the Messenger of God ﷺ, "Whatever I command you, do to the extent of your ability" (Bukhārī and Muslim); the legal maxims (*qawāʿid sharʿiyyah*), "Aversion of harm takes priority over acquisition of benefit," and "Risk of individual harm is endured in order to repel public harm"; the consideration of public welfare in light of the spread of COVID-19 and the need for all segments of the country to cooperate to combat this disease and halt its dissemination; and in light of the obligation to obey governments

in their directives and instructions, the UAE Council for Fatwa issues the following fatwa:

1. It is a religious obligation for all segments of society to strictly adhere to all public health directives and regulations provided by the dedicated state agencies[1] as well as to take all necessary measures to prevent the transmission and spread of the illness. It is impermissible according to sacred law to disregard such directives and measures under any circumstances.

2. It is forbidden by shariah for anyone infected with this illness or even one thought to be at risk for infection to enter public places or go to the mosque for all congregational prayers, including Friday prayers and the Eid prayers. It is an obligation for such a person to take all necessary precautions as outlined by medical authorities, such as observing quarantine and adhering to any prescribed treatment. This is so that one does not transmit the illness to others.

3. There is a religious concession (*rukhṣah*) for the elderly, children, anyone suffering from respiratory conditions, and those with compromised immunity to not attend all congregational prayers, including Friday prayers, Eid prayers, and *tarawīḥ* prayers. Such people may pray in their homes or wherever they are and can pray *ẓuhr* in place of the Friday congregational prayer.

[1] Such directives include frequently washing hands with soap and water, for cleanliness is part of the teachings of Islam based on the agreed upon hadith narrated by Abū Hurayrah in which the Prophet ﷺ said, "When one of you wakes up from sleeping, he should wash his hands thrice before putting them into the water vessel"; limiting greeting others to verbal salutations and avoiding shaking hands and hugging; observing proper etiquette when sneezing, including covering the mouth and nose with the elbow or a tissue; and others.

4. Regarding the hajj, *ʿumrah*, and visiting the Messenger of God ﷺ, it is obligatory to adhere to all directives issued by the government of the Kingdom of Saudi Arabia, which are rooted in their governmental and religious responsibilities for the welfare of all pilgrims. Adhering to these directives helps them in ensuring the well-being and safety of all.

5. It is a religious obligation for all parties to cooperate with the appropriate agencies, each within their respective capacity, to limit the spread of disease and to work to eradicate it. They should also not circulate misinformation or rumors and should rely only on official statements from the appropriate agencies. Those committed to the safety and stability of society should ignore all unfounded rumors and prevent their spread.

6. All groups and individuals should extend help and support to one another in whatever capacity they are able to do so and not capitalize on such situations by raising prices, particularly as it pertains to pharmaceuticals and healthcare.

7. The basis for this fatwa is derived from several sources, including verses from the Holy Qur'an, the prophetic way (sunnah), scholarly consensus, and analogical reasoning. Here are a few:

   <u>Qur'anic Verses</u>

   - "Do not kill each other, for God is merciful to you" (Qur'an 4:29).

   - "Do not contribute to your destruction with your own hands" (Qur'an 2:195).

   - "And when some matter of security or alarm comes to them, they broadcast it; whereas had they only referred it to the Messenger,

and to those of them with authority, their investigators would have found out about it" (Qur'an 4:83).

Prophetic Sunnah

- On the authority of Abū Hurayrah ﷺ, the Messenger of God ﷺ said, "Flee from leprosy (*judhām*) as you flee from a lion!" (Bukhārī). Leprosy is a communicable disease, and the reason for the prophetic command to flee from it is so that its transmission can be stopped. This is a proof that we believe that diseases do transmit to others by God's leave and that one should distance oneself from their sources.

- On the authority of Usāmah b. Zayd ﷺ, the Messenger of God ﷺ said, "If you hear of an epidemic afflicting a land, do not enter it, and if it afflicts the land you are in, do not leave it" (Bukhārī). One of the reasons that an infected person is prohibited from leaving the area of the epidemic is so that such a person does not transmit the illness to others. Instead, he should quarantine himself from even the healthy people of that region. Ibn Athīr (d. 630/1233) mentions in his *Al-Kāmil fī al-tārīkh* (*The Complete History*), "ʿAmr b. al-ʿĀṣ ﷺ fled Emmaus with the people when they were afflicted with the plague and went up into the mountains until God removed it from them. News of this reached ʿUmar b. al-Khaṭṭāb, and he did not censure it [meaning, as caliph, he deemed ʿAmr's actions as appropriate and hence sanctioned by him]."

- On the authority of Abū Hurayrah ﷺ, the Messenger of God ﷺ said, "Do not introduce infectious livestock into a healthy herd" (Bukhārī).

- On the authority of ʿAmr b. Yaḥyā al-Māzinī, who related on the authority of his father, the Messenger of God ﷺ said, "Do not harm or reciprocate harm" (*Al-Muwaṭṭa'* of Imām Mālik).

- The numerous hadith in Ṣaḥīḥ Muslim and elsewhere regarding the obligation to obey government authority are evidence of the obligation to adhere to their directives and instructions. The leader has the prerogative to act in the interest of the nation as determined by the appropriate agencies of the state. Al-Sarkhasī says in his *Al-Siyar al-kabīr* (*The Major Compendium of Methods*), "If the leader commands the people to do something and they are uncertain as to whether or not it is beneficial, they must obey him. This is because the obligation to obey leaders is well established with unambiguous texts. As for their doubts as to whether or not it is beneficial, that is no justification to contradict unambiguous source texts." And so, that which is permissible in the sacred law becomes an obligation if ordered by the government. This position is noted by Ibn ʿĀbidīn in his commentary under the chapter of the Rain Prayer.

<u>Scholarly Consensus</u>

- The scholars unanimously agree that "harm is to be removed" and held this to be a universal legal maxim. It is under this maxim that we would include the avoidance of regions afflicted with epidemics in order to protect human life and the health of the body.

<u>Analogous Reasoning</u>

- It is a well-established dictate in sacred law that a person with an offensive odor is to avoid the mosques and that such a person should leave the mosque in order to prevent harming others. It is narrated in Ṣaḥīḥ Muslim that ʿUmar b. al-Khaṭṭāb delivered the sermon one Friday and said, "O people, you eat from two

> substances that I deem repugnant: onions and garlic. For I saw that if the Messenger of God ﷺ smelled their odor from someone, he ordered that he be removed from the mosque, and he was taken to al-Baqīʿ. So whoever eats them should neutralize their odor by cooking them." If a person was removed for merely an offensive odor, what about the harm of a contagious disease that could be fatal? In this vein, al-Ḥāfiẓ Ibn ʿAbd al-Barr said in his *Tamhīd*, "If the ratio legis (*ʿillah*) for his expulsion from the mosque was his harming others, then by extension it would be the same for all that harms the congregation in the mosque, whether a foul odor or a medical condition, such as leprosy or the like, and anything else that harms people if they are in proximity. If the people would want such a person removed from the mosque and kept away, that is their right for as long as the cause for harm is present. When it is no longer present, the ruling no longer applies, and the person may now return to the mosque."

In conclusion, the Council for Fatwa calls on all Muslims to turn to God through supplication (*duʿā'*) and plentiful petitions for forgiveness (*istighfār*). Seeking forgiveness relieves tribulations and leads to an increase in strength. We see this in the Qur'an, where God, the exalted, quotes the words of Prophet Hūd ﷺ: "My people, ask forgiveness from your Lord, and return to Him. He will send down for you rain in abundance from the sky and give you added strength" (Qur'an 11:52). So we ask God, the exalted, to perpetuate His gentle care, protection, and well-being on the nation of the United Arab Emirates; its people; and all its institutions, both leadership and citizenry, and that He remove this illness from the Muslims and the entire world.

And God, the exalted, knows better.

The UAE Council for Fatwa

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