

An Objection Pertaining to this Fatwa

Q: Salaah-369: In a previous issue of Fataawaa Raheemiyyah, you wrote, "when the Masjid, the upstairs and courtyard of the Masjid is full, it will be permissible to form such a row. This will not even be Makrooh.

There has now arisen a conflict between the ulema in our area concerning the issue of giving permission out of necessity. Please explain with references.

Answer: The permission that is granted without the act being Makrooh does not conflict with any principles of Deen. Rather, it conforms perfectly with the principles of the Qur'aan and Islaamic jurisprudence. Allaah says: "Allaah desires ease for you (by allowing travellers and the ill to fast at a later time) and does not desire hardship for you." Allaah also says, "(Allaah) has not placed any hardship upon you in Deen.

A principle of Fiqh states: "Necessity permits otherwise forbidden acts." Another principle states: "Difficulty attracts ease.

Nissabul Ihtisaab (pg.32) states that it is Makrooh to perform salaah-on top of the Kabah or to climb on the roofs of Masaajid (because it is disrespectful) unless it be for repair work. similarly, it is also Makrooh to perform salaah on the roof when it is too hot inside the Masjid. This will be permissible only when there is no space in the Masjid, in which case it will not be Makrooh out of necessity. The same is stated In Fataawaa Aalamgeeri (Vol.5 Pg.332)

Based on the above, when there is not enough space for people to perform salaah, the first row may be moved forward as a necessity. This will not even be Makrooh." And Allaah knows best what is most correct.

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