

### Repeating the Janaazah salaah

Q: Janaa'iz-85: (1) We have many Muslims living here for employment reasons. When someone passes away, the people of our locality bathe the body, shroud it and perform the Janaazah salaah. Thereafter, the family of the deceased come to take the body to their locality, where they repeat the Janaazah salaah behind their Imaam. The Janaazah salaah is therefore performed in two places. Is this permissible?

(2) Can people who have performed the first Jan aazah salaah join the second? Some people say that because the Sahabah RADI. performed Rasulullaah SAW.'s Janaazah salaah one after another, it is permissible for the Janaazah salaah to be repeated. Please clarify.

Answer: (1,2) The Fardh Kifaayah obligation is discharged when the Wali (next in kin/successor) performs the Janaazah salaah or when he permits another to do so. This permission may either be direct or indirect, such as him following the Janaazah salaah led by someone else. It is no longer biding on anyone to do perform the Janaazah salaah. According to the Hanafi Madh'hab, no one else may now perform the Janaazah salaah again because when the obligation has been discharged, others are absolved of performing it. However, the Wali reseves to right to repeat the Janaazah salaah when he did not perform it or if it was performed without his permission.

Allaama Kaasani RAH. states that our proof for this is a narration in which Hadhrat Umar RADI. and some others wanted to perform the Janaazah salaah after Rasulullaah SAW. had already done so. To this, Rasulullaah SAW. said. "The Janaazah salaah may not be repeated, you may however make du'aa for the deceased and seek forgiveness for him. See also Durrul Mukhtaar with Shaami (Vol.1 Pg.826) and Fataawaa Tartarkhaaniyyah (V ol.2 Pg. 178) .

It is incorrect to base one's argument on RasululJaah SAW.'s Janaazah salaah because the Fuqahaa RAH. have tendered the following explanations:

1. Because he was to be Rasulullaah SAW.'s successor as leader of the Muslims, Hadhrat Abu Bakr RADI. was Rasulullaah SAW.'s wali. However, because he was engaged in the affairs of the Muslims, others had performed the Janaazah salaah before him, but once he had performed the salaah, no one repeated it.
2. This privilege was exclusive to Rasulullaah SAW.
3. Because of the rights that the Sahabah RADI. owed to Rasulullaah SAW. it became Fardh Ayn on them to perform Rasulullaah SAW.'s Janaazah salaah. It was not an option for them.

When the Wali did not give permission for the first Janaazah salaah, nor did he follow the Imaam in the salaah, it will not be permissible for people who participated in the first Janaazah salaah to follow the Wali when he repeats the Janaazah salaah. People who have not participated in the first Janaazah salaah may however perform it behind the Wali.

The following appears in Fataawaa Daarul Uloom: "

Q: Janaa'iz-86: Is it permissible to perform the Janaazah salaah at the graveside after burial when the Janaazah salaah has already been performed? If permissible, then can those who performed the first Janaazah salaah perform the second one as well and can the Imaam of the first Janaazah salaah lead the second Janaazah salaah?

Answer: It is not permissible for anyone to repeat the Janaazah salaah when the Wali led the first Janaazah salaah or participated in it after permitting another person to lead it. However, the wali may repeat the Janaazah salaah if he did not participate in the first. Those who had already performed the Janaazah salaah the first time may however not participate in the second Janaazah salaah.

Imdaadul Ahkaam contains the following: "

Q: Janaa'iz-88: Has the Wali the right to repeat the Janaazah salaah when someone else led it? The first question is that when a Fardh has been discharged with the first Jamaa'ah, will the repeated Janaazah salaah of the Wali be regarded as Fardh or Nafil? Another question is whether people who participated in the first Janaazah salaah are allowed to participate in the second? It appears that none may follow him since only he has been allowed to repeat the Janaazah salaah because his right to do so still remains. This however does not apply to anyone else.

Supporting this view is the ruling in the chapter of Tayammum stating that when there is a fear of missing the Janaazah salaah by performing wudhu, people may perform Tayammum and join the Janaazah salaah. This however does not apply to the Wali because he has the right to repeat the Janaazah salaah. Had this been allowed for others, the instruction would have been given to the other people who are late to perform wudhu with the Wali and then join him in the Janaazah salaah.

Furthermore, the Janaazah salaah is Fardh Kifaayah, meaning that once some people have discharged the duty, others are absolved on it, just as if some people of the locality perform I'tikaaf, the others are absolved of the Sunnah. There is, nevertheless, much uncertainty about the issue and despite referring to Badaai'us Sanaa'i, Fat'hul Qadeer, Shaami and others, I have not been able to ascertain whether repetition of the Janaazah salaah in this manner is permissible or not.

Answer: Shaami (Vol.1 Pg.923) makes the following clear:

1. The repetition of the Wali is not regarded as Nafil
2. It is Makrooh for people who performed the first Janaazah salaah to join the Wali in the second Janaazah salaah
3. It is permissible for people who did not participate in the first Janaazah salaah to join the Wali when he repeats it.

It is incorrect to base one's argument on the Tayammum ruling because it is Makrooh for the people present for the first Janaazah salaah to wait for the second salaah.

The Wali may not perform Tayammum because he can repeat the Janaazah salaah even if he is alone.

And Allaah knows best what is most correct.

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