

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page "Fiqhi"

Answer to Question:

The Ruling on Praying in a Masjid which Kuffar Contributed in Building it

To: Nadiah Shohwah

(Translated)

Question:

Assalamu Alaikum wa Rahmatullah,

Let me introduce myself, my name is Nadia, one of the Darisat in Indonesia. I want to ask you Sheikh, what is the ruling on praying in a Masjid (mosque) built by Christians?

May Allah reward you with good O Sheikh.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

We have already been asked such a question and our answer to the question then, 23/4/2018, was as described below, and I will place for you the complete question and our answer to it, and hopefully our answer is adequate with Allah's permission:

(**Question:** Is it permissible to accept the Kuffar's donation to build a Masjid? Is it permissible to pray in a Masjid that the Kuffar contributed in the donation to build it?)

Answer: This question is twofold:

The first part: Is it permissible to accept money donated by a Kafir to the Masjid?

Secondly, is it permissible to pray in a Masjid in which money from Kuffar was used?

As for the first part, which is the acceptance of Kuffar's donations to the Masjid, this issue has opinions. There are some Fuqaha ((Jurisprudents) who approve this, in analogous to accepting the gift from the Kuffar, and that the Prophet (saw) accepted the gift of al-Muqawqis, the ruler of Egypt on behalf of the Rum.

What I see is that the gift to a person differs from the donation to a Masjid, for the reality is different:

1- Masjid is a place of worship to Allah Almighty; thus, the donation to the Masjid is believed to be for the sake of Allah Almighty. In the Hadith narrated by Abu Hurayrah, he said: The Messenger of Allah (saw) said: «أَيُّهَا النَّاسُ، إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا...» "O people, Allah is good and does not accept anything but good ..." (Muslim).

Therefore, it is not permissible to accept the donation from a Kafir for the Masjid because money of the Kafir is not good.

2 - Similarly, the Prophet (saw) in his noble hadiths made the reward for the one who builds a mosque that Allah will build for him a house in the Paradise:

- Ahmad narrated in his Musnad from Said bin Jubayr, from Ibn Abbas, from the Prophet (saw), that he said: «مَنْ بَنَى لِلَّهِ مَسْجِدًا وَلَوْ كَمَفْحَصِ قَطَاةٍ لَبْنِيَتْهُمَا، بَنَى اللَّهُ لَهُ بَيْتًا فِي الْجَنَّةِ» "Whoever builds a Masjid for Allah even if as little as the nest of a sand grouse which it built for its eggs, Allah will build a house for him in Jannah."

- Tirmidhi reported in his Sunan from Uthman ibn Affan, said: I heard the Prophet (saw) says: «مَنْ بَنَى لِلَّهِ مَسْجِدًا بَنَى اللَّهُ لَهُ مِثْلَهُ فِي الْجَنَّةِ» **“Whoever builds a Masjid for the sake of Allah, Allah will build something similar for him in Jannah.”** Al-Tirmidhi said: “The hadeeth of 'Uthman is a Sahih Hasan hadith.” It was also narrated by Ibn Khuzaimah in his Sahih on the authority of Uthman ibn Affan, and Al-Darmi narrated it in the same way.

- Also, Ibn Hibban narrated in his Sahih from Abu Dharr who said: The Messenger of Allah (saw) said: «مَنْ بَنَى لِلَّهِ مَسْجِدًا وَلَوْ كَمَفْحَصِ قَطَاةٍ بَنَى اللَّهُ لَهُ بَيْتًا فِي الْجَنَّةِ» **“Whoever builds a Masjid for the sake of Allah, even if as little as the nest of a sand grouse, Allah will build for him a house in Jannah.”** His Isnad (chain of narration) is Sahih.

Since the hadith indicates that the one who builds a Masjid for Allah, Allah will build for him a house in Jannah, and this cannot be done except for the Muslim. So, **“Whoever builds a house for the sake of Allah..”** means a Muslim, because if the Kafir would build a house he will not be among the people of Jannah.

3- Similarly, the Mushrikeen (polytheists) in the Jahiliyyah boasted that they are the maintainers of Al-Masjid-al-Haram, so, Allah (swt) revealed the verse: «أَجَعَلْتُمْ سِقَايَةَ الْحَاجِّ وَعِمَارَةَ الْمَسْجِدِ الْحَرَامِ كَمَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَجَاهَدَ فِي سَبِيلِ اللَّهِ لَا يَسْتَوُونَ عِنْدَ اللَّهِ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ» **“Do you consider the providing of drinking water to the pilgrims and the maintenance of Al-Masjid-al-Haram (at Makkah) as equal to the worth of those who believe in Allah and the Last Day, and strive hard and fight in the Cause of Allah? They are not equal before Allah. And Allah guides not those people who are the Zalimun (polytheists and wrong-doers).”** [At-Tawba: 19].

It is stated in Tafsir al-Qurtubi:

(The verse: «أَجَعَلْتُمْ سِقَايَةَ الْحَاجِّ...» **“Do you consider the providing of drinking water to the pilgrims...”** implicit (taqdeer) in Arabic: do you make the owners of Siqaya or the people of Siqaya (providing of drinking water to the pilgrims) like those who believe in Allah and strive hard and fight in His Cause. It is also correct to estimate omission (Alhadhf) in «مَنْ آمَنَ» **“who believe”** that is, do you consider the work of watering the pilgrim like the work of those who believe).

And it came in Tafsir al-Nasafi: «أَجَعَلْتُمْ سِقَايَةَ الْحَاجِّ وَعِمَارَةَ الْمَسْجِدِ الْحَرَامِ كَمَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَجَاهَدَ فِي سَبِيلِ اللَّهِ لَا يَسْتَوُونَ عِنْدَ اللَّهِ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ» **“Do you consider the providing of drinking water to the pilgrims and the maintenance of Al-Masjid-al-Haram (at Makkah) as equal to the worth of those who believe in Allah and the Last Day, and strive hard and fight in the Cause of Allah? They are not equal before Allah. And Allah guides not those people who are the Zalimun (polytheists and wrong-doers).”** [At-Tawba: 19] Siqayah and Imara are the root words of Saqa (provided water) and Amara (maintained), such as Siyanah (maintenance) and Wiqayah (prevention). There must be a hidden annexed noun (mudhaaf) estimated as, do you consider the people of providing of drinking water to the pilgrims and the maintenance of Al-Masjid-al-Haram like those who believe in Allah. The meaning is to deny making the polytheists resemble the believers and their worthless deeds resemble their proven deeds, and deny equating them, and consider equating the two to be unjust after their injustice in disbelief because they put praise and pride in the wrong place...)

All this shows that the one whose guardianship of Al-Masjid-al-Haram "and any Masjid" is accepted is the one who believes in Allah and the Last Day; that is, the Muslim, and its implied meaning indicates not to accept the donation of the Kafir to build a Masjid.

Therefore, what I outweigh as likely is not to accept the Kafir's donation to the Masjid. I say what I outweigh as likely because some scholars accept the donation from the Kafir as I mentioned at the beginning of the answer.

This is what I see as the strongest in this matter, and Allah is the Most Wise and Most Knowledgeable.) End.

This is about the first part.

As for the second part, which is the permissibility of praying in it, it is permissible. Al-Bukhari narrated that Jabir ibn Abdullah said: The Messenger of Allah (saw) said: «أُعْطِيَتْ خَمْسًا لَمْ يُعْطَهُنَّ أَحَدٌ مِنَ الْأَنْبِيَاءِ قَبْلِي: نُصِرْتُ بِالرُّعْبِ مَسِيرَةَ شَهْرٍ، وَجُعِلَتْ لِيَ الْأَرْضُ مَسْجِدًا وَطَهُورًا، وَأَيُّمَا رَجُلٍ مِنْ أُمَّتِي أَدْرَكَتُهُ الصَّلَاةُ فَلْيُصَلِّ، وَأُجِّلَتْ لِيَ الْغَنَائِمُ، وَكَانَ النَّبِيُّ يُبْعَثُ إِلَى قَوْمِهِ خَاصَّةً، وَبُعِثْتُ إِلَى النَّاسِ كَافَّةً، وَأُعْطِيَتْ الشَّفَاعَةُ» “The Prophet (ﷺ) said, "I have been given five things which were not given to any one else before me. -1. Allah made me victorious by awe, (by His frightening my enemies) for a distance of one month's journey. -2. The earth has been made a mosque and pure for me, therefore anyone of my followers can pray wherever the time of a prayer is due. -3. The booty has been made Halal (lawful) for me yet it was not lawful for anyone else before me. -4. Every Prophet used to be sent to his nation only but I have been sent to all mankind. -5. I have been given the right of intercession (on the Day of Resurrection).”

Muslim narrated this Hadith with the following wordings, Jabir ibn Abdullah Al-Ansari said: The Messenger of Allah (saw) said: «أُعْطِيَتْ خَمْسًا لَمْ يُعْطَهُنَّ أَحَدٌ قَبْلِي، كَانَ كُلُّ نَبِيٍّ يُبْعَثُ إِلَى قَوْمِهِ خَاصَّةً، وَبُعِثْتُ إِلَى كُلِّ أَحْمَرَ وَأَسْوَدَ، وَأُجِّلَتْ لِيَ الْغَنَائِمُ، وَلَمْ تَحَلَّ لِأَحَدٍ قَبْلِي، وَجُعِلَتْ لِيَ الْأَرْضُ طَيِّبَةً وَطَهُورًا وَمَسْجِدًا، فَأَيُّمَا رَجُلٍ أَدْرَكَتُهُ الصَّلَاةُ صَلَّى حَيْثُ كَانَ، وَنُصِرْتُ بِالرُّعْبِ بَيْنَ يَدَيَّ مَسِيرَةَ شَهْرٍ، وَأُعْطِيَتْ الشَّفَاعَةُ» “The Prophet (saw) said: I have been conferred upon five (things) which were not granted to anyone before me (and these are): Every apostle was sent particularly to his own people, whereas I have been sent to all the red and the black the spoils of war have been made lawful for me, and these were never made lawful to anyone before me, and the earth has been made sacred and pure and mosque for me, so whenever the time of prayer comes for any one of you he should pray whenever he is, and I have been supported by awe (by which the enemy is overwhelmed) from the distance (which one takes) one month to cover and I have been granted intercession.”

Thus, any place on earth is permissible to pray in, as long as it is pure. Therefore, Salat is valid in any Masjid even if the money from Kuffar was used on it. The fact that it is not acceptable to accept money from a Kafir to build a Masjid does not mean not to accept praying in it, for what we have described above.

This is what I see as the strongest in this matter, and Allah is the Most Wise and Most Knowledgeable.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

27th Muharram 1440 AH

07/10/2018 CE

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

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/926154000915005/?type=3&theater>

The link to the answer from the Ameer's Google Plus page:

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