

Ruling concerning closing the mosque

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: There has been a debate between us about the issue of closing the mosque. Some of us saw that it is permissible, while others said that it is prohibited. Some students justified the permissibility of closing the mosque by the fact that it is for the benefit of preserving the mosque from any physical or moral misdeed; whether to be exposed to thefts -if it remains open- or a hangout for beggars. It can even be a site where ambulant sellers display their merchandise, or a place for misleading meetings as well as for people of contemptible purposes and suchlike. He said: even though the mosque used to be kept open before; but nowadays circumstances have changed and so has the time, and he used as an argument the following jurisprudential rule: "***The change of rulings shall not be denied by the change of times***".

Would you please -our eminent Shaykh- reveal us the ruling concerning this issue. And is it right to use the foregoing jurisprudential rule as an argument [in such issue]? May Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

Closing the mosque and preventing people who come to worship Allaah to get into it, hindering it from filling it with faith -namely performing the prayer and seclusion in the mentioning of Allaah, reciting the Qur'aan as well as teaching people their religious issues- is a repulse that leads to hindering the acts of worship which are commanded by Sharee'ah (Islaamic law). Additionally, closing the mosque is relevant to injustice and ruining, according to the verse in which Allaah عزَّ وجلَّ said:

وَمَنْ أَظْلَمُ مِمَّنْ مَنَعَ مَسَاجِدَ اللَّهِ أَنْ يُذَكَّرَ فِيهَا اسْمُهُ وَسَعَى فِي خَرَابِهَا أُولَئِكَ مَا كَانَ لَهُمْ أَنْ يَدْخُلُوهَا إِلَّا خَائِفِينَ لَهُمْ فِي الدُّنْيَا خِزْيٌ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

[And who is more unjust than those who forbid that Allaah's Name be glorified and mentioned (i.e., prayers and invocations) in Allaah's mosques and strive for their ruin? It was not fitting that such should themselves enter them (Allaah's mosques) except in fear. For them there is disgrace in this world, and they will have a great torment in the Hereafter]¹

¹ Soorah al-Baqaraah [2:114]

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And the ruining is not restricted only to what is physical and material by damaging and spoiling, but it exceeds to the moral ruining too, that is why Allaah عزّ وجلّ has censured the unbelievers' deeds in their rebuff of Islaam and its laws and rituals. Allaah عزّ وجلّ said:

إِنَّ الَّذِينَ كَفَرُوا وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ وَالْمَسْجِدِ الْحَرَامِ الَّذِي جَعَلْنَاهُ لِلنَّاسِ سَوَاءً الْعَاكِفُ فِيهِ وَالْبَادِ وَمَن يُرِدْ فِيهِ بِإِلْحَادٍ بِظُلْمٍ نُذِقْهُ مِن عَذَابِ أَلِيمٍ

[Verily, those who disbelieved and hinder (men) from the Path of Allaah and from the Sacred Mosque (at Makkah) which We have made (open) to (all) men, the dweller in it and the visitor are equal there, whoever inclines to evil actions therein or to do wrong, We will make him taste a painful torment]²

That is why we should neither obstruct nor stop the worship in the mosque. Further, we should not ban people –from the mosque- who come to glorify Allaah during the day or the night according to His saying عزّ وجلّ said:

فِي بُيُوتِ أَذِنَ اللَّهُ أَنْ تُرْفَعَ وَيُذْكَرَ فِيهَا اسْمُهُ يُسَبِّحُ لَهُ فِيهَا بِالْغُدُوِّ وَالْآصَالِ

[In houses (mosques) which Allaah has ordered to be raised, in them His name is remembered. Therein glorify Him (Allaah) in the mornings and in the evenings]³

Moreover, closing the mosque is like preventing people from prayer. Allaah عزّ وجلّ said:

أَرَأَيْتَ الَّذِي يَنْهَى عَبْدًا إِذَا صَلَّى

[Have you (O Muhammad) seen him who prevents a slave when he prays?]⁴

The meaning of injustice and ruining includes also cancelling the filling of the mosque with faith by transforming it to a historical museum or a monument that attracts visitors. Given these points, we can make an exception for closing the mosque temporarily if it is decayed and risks to fall down on the worshipers whose protection is of prior importance until Allaah facilitates the repair and restoration of the mosque, and strengthens its construction and walls.

As for closing the mosque during non prayer times for an emergency or a valid purpose or for a temporary need which does not prevent the objective of its construction; like preserving the mosque from humiliation by banning the non-qualified such as the polytheists, unbelievers and dogs from entering the mosque. Likewise, preserving the mosque's equipments from loss and theft and suchlike. All these objectives –although they are for the benefit of the mosque- can be attained by another way without resort to closing the mosque. So, if it is possible, we can preserve the mosque from damaging and spoiling by designating a person who guards the houses of Allaah (mosques), even by using modern equipments and devices in order to protect them (mosques) from misdeeds, preserve their inviolability and equipments. Hence, it is not accepted to close the mosques after taking all

² Soorah al-Hajj [22:25]

³ Soorah an-Noor [24:36]

⁴ Soorah al-'Alaq [96:9-10]

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the necessary measures of surveillance and control. Therefore, they remain -according to the Sunnah- open as they have been decided to be in principle.

If it is not possible –as in the case of the restoration of Allaah’s houses- it (the mosque) may be closed temporarily in non prayer times for the purpose of repair and restoration; there is nothing wrong in this case. This ruling is based on a reason which is subject to change: it is the Maslaha (i.e., interest). Scholars of jurisprudence together with the fundamentalists have unanimously agreed on the fact that the rulings that are subject to change according to time and custom variations are rulings of Ijtihad (discretion) based on custom and interest. In this perspective of Ijtihad, An-Nawawee رحمه الله has reported from some Shaafi’ee scholars -concerning the issue of closing the mosque- who said: "There is no problem to close the mosque during non prayer times for the purpose of its maintenance and preserving its equipments; so they (Shaafi’ee scholars) said, and if it is feared that the mosque will be humiliated and its equipments will be lost and there is no need to open it. However, if there is no fear of misdeeds or violation in case the mosque remains open and if its opening represents an indulgence with people. The Sunnah is to keep it open as the mosque of the Messenger of Allaah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ had never been closed neither in his time nor after him"⁵

As for using as an argument the following rule: "**Change of rulings shall not be denied by the change of times**" its answer is twofold:

First: The jurisprudential rule is not fit to be an evidence unless it is an independent and authentic proof, or it expresses a fundamental proof or it is associated with the fundamental rule. Hence, the jurisprudential rule which is devoid of all that is fit to be a secondary evidence that accompanies the proofs and may be taken as a further reference to establish the rulings concerning new events and issues joined analogically to the recorded jurisprudential issues.

Second: The aforementioned rule -albeit related to the changeable reason such as custom and interest- yet its formulas have a general meaning because it includes rulings that are justified and based on evidences. Such a generality is not intentionally set to establish its formula; that’s why the rule needs clarification and explanation as follows:

– The rulings are either: worship devoted with an unreasonable sense: these rulings never accept change as they are based on religious and authentic texts that are by no means subject to change.

– Or justified with a reasonable sense which are of two types:

– Either they have a fixed and unchangeable reason: which is the same as the authentic text; it is neither subject to change nor does it accept alteration such as: prohibiting wine

⁵ See: "Al-Majmoo' " of An-Nawawee (2/178).

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because of intoxication, the obligation of cutting hands because of theft, the obligation of keeping away from women because of menses and the prohibition of gambling because of the risk (Gharar) and suchlike. The ruling concerning these issues is related to its reason whether existing or non-existing.

– Or either their reason is not fixed, we are referring here to Ahkaam Ijtihadiya (discretionary rulings) based on a changeable reason such as custom and interest: these rulings are subject to change according to custom and time variations which is unanimously agreed upon by the scholars as we mentioned before. That is why it is stipulated to restrict the aforementioned jurisprudential rule by adding some illustrative words to avoid the generalisation. Therefore, the adjusted formula should be as follows: "**Change of discretionary rulings that are based on custom and interest shall not be denied by change of times**".

It must not be overlooked that this issue makes a part of the category that is not subject to change, and a part of the category based on interest which among its criteria: preserving and maintaining the objectives of Sharee'ah, not standing in opposition with the texts of Sharee'ah and the unanimous agreement of the scholars, putting it into practice should not lead to a corruption greater than it or equal to it; finally, it does not get in opposition with an interest that is equal or greater than it; because the rulings which are based on the interest are included in the aforementioned rule without the other rulings.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

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