

# ISLAMIC HERITAGE

LEADS THE TRANSFORMATION OF THE UMMAH

**ISLAMIC HERITAGE**  
**LEADS THE TRANSFORMATION OF THE UMMAH**

*Editors*

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## *Prakata*

Sejarah warisan Islam telah memberikan impak yang cukup besar kepada perkembangan dunia hari ini. Ia bukan sahaja memberi sumbangan kepada aspek kerohanian malah turut menyumbang kepada aspek ekonomi, politik, pendidikan, sosial, kesenian, kebudayaan, sains dan teknologi. Perkembangan ini memperlihatkan bahawa pentingnya ketamadunan ilmu kepada ketamadunan dunia. Perkara ini selaras dengan tuntutan al-Quran yang menyatakan dengan jelas bahawa Allah SWT memuji sesiapa yang berusaha menuntut ilmu dan juga bertaqwa kepadaNya. Namun sejak akhir-akhir ini, sumbangan hasil pensejarahan Islam sering dipandang sepi oleh generasi muda. Sejarah warisan Islam tidak lagi dijadikan panduan dan iktibar dalam melebarkan ketamadunan ilmu Islam. Mereka lebih tertumpu kepada ketamadunan Barat yang dikatakan ‘kaya’ dengan khazanah ilmu. Sedangkan kemajuan hari ini seharusnya berlandaskan kepada ketamadunan Islam.

Penelitian atau pengkajian mengenai warisan Islam perlu direncanakan sebagai ketamadunan dunia. Idea-idea baru mengenai sejarah warisan Islam perlu diketengahkan, Oleh yang demikian, menerusi *1<sup>st</sup> International Islamic Heritage Conference* (IsHeC 2015) dilihat akan dapat membantu kepada perkembangan produksi seterusnya menjana idea-idea baru khususnya untuk memperkayakan kajian dalam bidang sejarah warisan Islam kepada masyarakat. Dengan penganjuran seminar ini secara tidak langsung membantu untuk menjalinkan hubungan antara para sarjana dalam bidang sejarah warisan Islam. Ini adalah satu cabaran dan membuka peluang baru untuk membina satu perpaduan intelektual merentas sempadan dunia.

Buku ini merupakan kompilasi diskusi ilmu antara para ilmuan yang terlibat secara langsung dalam pembentangan kertas kerja mereka dalam *1<sup>st</sup> International Islamic Heritage Conference* (IsHeC 2015) daripada pelbagai platform ilmu Islam antaranya Kesenian, Ketamadunan, Komunikasi, Pendidikan, Kewangan, Sains dan Teknologi dan lain-lain lagi. Semoga curahan ilmu melalui penulisan ini mampu memberi sumbangan dalam menambah khazanah ilmu Islam kepada masyarakat.

Editor,

*1<sup>st</sup> International Islamic Heritage Conference* (IsHeC 2015),

Akademi Pengajian Islam Kontemporari,

UiTM Melaka.

## *Kata Aluan Rektor UiTM Melaka*

Dengan Nama Allah Yang Maha Pemurah Lagi Maha Pengasih  
Assalamu'alaikum warahmatullahi wabarakatuh

Segala puji bagi Allah, Tuhan seru sekalian alam, dengan limpah kurniaNya serta keizinanNya, kejayaan penganjuran *1st International Islamic Heritage Conference 2015* yang berlangsung di Hotel Mahkota Melaka pada 11-12 November 2015, telah menghasilkan banyak kertas kerja yang amat bermutu. Justeru, buku ini mengumpulkan puluhan penulisan para ilmuan dan cendekiawan dari dalam dan luar negara untuk bacaan semua.

Pelbagai isu telah dikupas termasuklah perihal seni Islam, budaya, politik, gendar, pendidikan, sejarah, kemasyarakatan, sains dan teknologi, ekonomi, kewangan, falsafah, bahasa dan komunikasi, kedermawanan dan pengurusan. Pembaca juga akan mendapati buku ini memuatkan kajian-kajian yang komited melaksanakan usaha mengintegrasikan antara ilmu duniawi dan ukhrawi. Ini membuktikan kesegaran keilmuan tamadun Islam itu sendiri.

Semoga perkongsian ilmu ini dapat meningkatkan komitmen umat dalam memartabatkan perintah Ilahi dalam kehidupan duniawi sebagai jambatan ukhrawi. Sekaligus ia bakal memberi manfaat pada alam sejagat.

Pihak UiTM Melaka merakamkan setinggi-tinggi tahniah dan ucapan terima kasih atas segala sokongan dalam bentuk material, tenaga dan sebagainya dalam merialisasikan seminar ini. Buat semua penaja yang telah memberikan sumbangan kepada wacana ini, sekalung penghargaan diucapkan. Semoga seminar dwi tahunan ini akan terus diperkasakan demi mengangkat martabat umat melalui kecemerlangan tamadun Islam yang diakui telah terbukti diseluruh jagat.

Sekian, terima kasih. Wassalam

**PROF. MADYA DR MOHD ADNAN BIN HASHIM**

Rektor ,  
UiTM Melaka.

## A DOCUMENT OF IBADI JURISPRUDENCE RELATED TO THE ARCHITECTURE OF MOSQUES

Benkari Naima<sup>1</sup>

### ABSTRACT

*The Ibâdi knowledgeable literature is still unknown in spite the numerous researches interested in this community and its historical, social, religious and even architectural productions. The present research comes in the continuity of the pioneering works of Joseph Schacht (Schacht, 1954), and Pierre Cuperly (Cuperly, 1988) about Ibâdism. It aims at casting light on the Ibâdi literature that represents a real source of information for the study of Ibâdism in the past and the present alike. This article analyses an Ibâdi manuscript from the 12<sup>th</sup> century, written by the scholar Abul'Abbas Ahmad. This document was the primary reference for the most important sources of Ibâdi legislation still in use by the community in its three main centers: M'zab, Djerba and Oman. The study of this document, along with other Ibâdi scholar literature that addressed some essential questions about mosques' design and construction, showed that this jurisprudence regulated in details the construction and management of mosques due to their importance for the formation and organization of the community.*

**Keywords:** *Ibâdi jurisprudence, Ibâdi Fiqh, 'Urf, Mosque, M'zab, Djerba, Oman, Mihrâb, Al Manâra, A'çawma`a, çahn*

### INTRODUCTION

A lot has been written about the architecture produced by Ibâdi groups especially in the region of M'zab. Most of these researches were particularly interested in the city organization and development (Mercier, 1922), vernacular housing (Ravereau, 1981)(Donnadieu (C. et P) & Didillon (H. et J. M.), 1977). The Ibâdi mosque was also addressed but the approach to this topic was mainly descriptive or historical. The researches that attempted to analyze the built environment produced by Ibâdi groups under the light of the study of their legislative sources were quite rare. This is probably due to the fact that the introverted character of this community made it difficult for the researches the access to the written production and specifically the legislative sources regulating the built environment in the Ibâdi school of thought.

### THE IBADI RELIGIOUS SOURCES REGULATING THE PRODUCTION AND MANAGEMENT OF THE BUILT ENVIRONMENT

To express any juridical opinion, the Ibâdi scholars refer to the texts from Coran then the Hadith and « Sunna »<sup>1</sup>. These two major sources are the same for any school of thought in Islam. The third source is represented by the collection of precedent opinions expressed by previous scholars. The last reference or source of legislation is the tradition and social practice « 'Urf »<sup>2</sup>. And these are the source that change from a school of thought to the other.

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<sup>1</sup> Sunnah is the name given to the corpus of the Prophet's deeds and Hadith/s (apart from *fard* and *wajib*) that he told others "to do" like him.

<sup>2</sup> Al 'Urf is a collective habit or a way of doing things that has been continuously repeated and which is accepted and appreciated by the entire community (Haidar, 1991). Translated from Arabic by the author.

In the Ibâdi School and with regard to the production and management of the built environment, there are two major references which influence lasted for centuries. The first reference is titled: *Kitâb Al Qisma Wa Usûl Al Aradîne* (by the scholar Abu'l-Abbas Ahmad, from the beginning of the 12<sup>th</sup> century)<sup>3</sup>. This book could be described as being the compilation of the legal opinions of seven Ibâdi scholars from Djerba Island. It addresses the question of settlement development and management in North Africa, the distribution of land and relates some precedents of property conflicts between neighbors and how they can be solved<sup>4</sup>. The French Orientalist Pierre Cuperly was the first researcher to reveal the content of *Kitâb Al Qisma* in his article about the social life of the Ibâdi/s in The region of the M'zab (South Algeria) and the organization of their cites (Cuperly, 1987).

The second Ibâdi reference dates back to the beginning of the 20<sup>th</sup> century. Entitled *Mokhtaṣar Al 'Imâra*, this book was written by the Algerian Ibâdi scholar: Mohammad Ben Youssef Atfiyech. The same themes addressed in *Kitâb Al Qisma* would be treated in *Mokhtaṣar Al 'Imâra*, with the addition of some details about some specific topics in the field of construction such as the position of the houses' doors, and sprouts, with consideration to the public spaces and their users<sup>5</sup>. If the Sunni school of thought has produced some major references about the jurisprudence related to the construction and management of mosques (Al Hariri, 1990), the Ibâdi scholars did not produce similar references. The present research revealed that the jurisprudence regulating the construction and management of religious buildings in the Ibâdi school of thought is indeed contained in its Fiqh references. The subject is dealt with in these books along with a number of other questions related to the community life and recommended practices, commonly called: « Al Mu'âmalât »<sup>6</sup>. Most of these Ibâdi Fiqh books contain a whole chapter dedicated to the mosque architecture, the process of its construction and the management of its properties. After the consultation of many Ibâdi sources and according to the accounts collected from the Ibâdi scholars interviewed in this study<sup>7</sup>, it has been established that *Al Muṣannaf* (Abu Bakr Ahmad, 12<sup>th</sup> century) and *A'Nil Wa Sharh Kitâb A'Nil* (A-Thamini, 18<sup>th</sup> century), represent the two major references used by the Ibâdi scholars to address and regulate the different aspects of the Ibâdis everyday life in Oman, and Zanzibar (where *Al Muṣannaf* is the reference) and in the M'zab valley and Djerba island, where *A'Nil Wa Sharh Kitâb A'Nil* is used as reference. The matter of these books is organized in several volumes. Most of the text related to the architecture of religious spaces are classified in the volumes treating «Al-Mo'âmalât», under the chapter entitled: the mosque's rights: (*Huqûq Al Masjid*).

### 1- Al Muṣannaf by Abu Bakr Ahmed

Abu Bakr Ahmed Ben Abdallah Ben Moussa Al Kindi A'Samadi A'Nizwî, is an Ibâdi theologian from the Omani city of Nizwa. He wrote *Al Muṣannaf* around 557H-1162 AD. This book is the main reference of later Ibâdi theologians especially in Oman. This makes it

<sup>3</sup> Abû'L-'Abbâs Ahmad (died in 504H/1110) was an Ibâdi scholar from the region of the M'zab (in actual Algeria). He was the son of Cheikh Mohammad Ibn Bakr Ibn Abî Abdallah Al Furastâ'î A'Naffûsî, founder of the organization of Azzaba in M'Zab (Benkari-Boudidah Naima, 2014) (Page 10, note 5). Some references about the life of this author can be found in the book *Al Qisma Wa Usûl Al Aradîne* (Abu'l-Abbas Ahmed (12th C); documented and presented by Nacer Med Salah & al, 1997).

<sup>4</sup> A-Thamîni, Abdulaziz: *A'Takmil fî mâ akhalla bihi kitâb A'Nil*, (died in 1223H/1808) contains a concise presentation of kitâb al-Qisma (A-Thamini, 1944).

<sup>5</sup> These same aspects are addressed almost in the same way by the major references of Islamic jurisprudence. This is due to the fact the essential sources for such references are the Quran and the Sunna.

<sup>6</sup> «Fiqh Al 'Mu'âmalât » is the jurisprudence addressing the human relationships between Muslims and with other communities.

<sup>7</sup> Dr. Djaabiri, F. (Tunisia), Cheikh Zahir Al Hinâ'î (Oman), Mr. Bakir Ou'oucht (Ghardaïa).



an important and authentic source to explore in order to know the Ibâdi jurisprudence regulating the construction and management of mosques. In its chapter dedicated to "Al-Mu`âmalât", *Al Muçannaf*, addresses divers questions regarding the land use and management and how this is regulated by the Ibâdi laws<sup>8</sup>. As for the questions related to the architecture of the mosques, their awqâf<sup>9</sup> (endowments) and management, they are presented in the volumes: five<sup>10</sup>, twelve<sup>11</sup> and essentially nineteen<sup>12</sup>. The analysis of these volumes, allowed the extraction of the Ibâdi scholars' opinions regarding the architecture of mosques. In the following sections, we present the most dominant among them.

## THE MAIN THEMES RELATED TO THE RELIGIOUS ARCHITECTURE IN THE IBÂDI JURISPRUDENCE AS PRESENTED IN AL-MUCANNAF

### 1- Inciting for the construction of mosques as a pious act

In the Islamic religion, any place on earth could be a prayer space, as stated in several Hadith/s of the Prophet Mohamad (PBUH), such as:

*"And Earth has been consecrated (to me) as Masjid and its dust as purification"*<sup>13</sup>.

However, the ideal space to perform the Salat, in the opinion of all Muslim scholars, is indeed what has been dedicated and prepared for this function: Al Masjid, or the mosque. To illustrate this idea, the author of *Al Muçannaf*, like the rest of the Ibâdi scholars, refers to the following Quranic verses:

*"In houses (mosques), which Allah has ordered to be raised (to be cleaned, and to be honoured), in them His Name is glorified in the mornings and in the afternoons or the evenings"* (Quran, Sourat An-Nur, 36)

And,

*"Who is more unjust than him who forbids the remembrance of God's name in places of worship, and contributes to their ruin? These ought not to enter them except in fear. For them is disgrace in this world, and for them is a terrible punishment in the Hereafter"* (Quran, Sourat Al Baqara, 114).

All the scholars insist on the importance of the mosque (Ahmad, 1983) (Vol. XIX, Chap. 5 : pp. 5, 27.) in any settlement and how much it is sacred, and therefore, how generous is the reward expected for those who build mosques by their efforts or through their funds.

*"...And based on the saying of `Amr Ibn Sho`aib, who reported it from his father : He who builds a Masjid without arrogance, even if this Masjid is as small as a*

<sup>8</sup> These texts deal with the number and dimensions of gates in the city (Volume 26), construction and real-estate transactions (Volume 25), etc.

<sup>9</sup> Waqf: Pl. Awqâf (syn. Habous): endowments. When the endowment is for a mosque, then it will be used for its construction, maintenance, salaries of the workers in the mosque (Muezzin, Imam, teachers...). (Mercier, 1927).

<sup>10</sup> This volume addresses the city or settlement where the collective prayers of Friday and Eid are to be performed and therefore needing congregational mosques (Jâma'); funds for building such mosques, defining the Qibla, the architecture of its prayer halls, number and dimensions of arches...

<sup>11</sup> This volume deals with the lighting and cleaning the streets, the recommendation to separate the locations of the mosques and houses from the activities that could generate impure garbage, Etc.

<sup>12</sup> This volume addresses several topics that focus on the architecture and funding of the mosque, its components and its annexes, such as: the status of the streets that lead to the mosque or cemeteries, their dimensions and furniture; the modes of using the mosques money and goods (water, falaj, fruits, trees) located in its Harim (sacred perimeter); the advantage of building mosques; the destruction of the mosque or rebuilding it totally or partially; the distance to observe between mosques; funding the construction of the mosque; management of the Waqf dedicated to the mosque; renovation, extension or subdivision of the prayer halls; the Minarets and the domes or cupola.

<sup>13</sup> "وجعلت لي الأرض مسجداً وطهوراً"

*qatât's*<sup>14</sup> nest, Allah will build for him a large house in paradise”(Ahmad, 1983)Vol. 19, Chap. 5, 27<sup>15</sup>.

The Ibâdis scholar insist on the fact that it is not recommended to accomplish such a pious action as building a mosque, for the sake of pride among people (Ahmad, 1983) (Vol. 19, Chap. 5, p.29). This standing position, shared by all the Sunni schools of thought (Al Hariri, 1990) includes also the very architecture of the building. Indeed, the scholars state that it is not well seen to erect sanctuaries that are grandiose in their dimensions, forms, or decorations. The reason is that this kind of buildings divert the attention of the worshiper away from the sacred action of praying and the adoration of Allah, the supreme creator to the admiration of the artificial beauty of the space.

## 2- The Funds for the construction, maintenance and restoration of the mosque

In reason of its sacred status in the Islamic faith, the construction, furniture and maintenance of the mosque must be funded from Halal sources (Al Hariri, 1990). The Ibâdi laws mention three possible sources of funds for the mosque, whether it is *Jâma`*<sup>16</sup> or *masjid* « *Fard* »<sup>17</sup> :

The first source of funding is the waqf (endowment) destined to the construction and maintenance of the mosque (Ahmad, 1983)(Vol. 12, Chap. 8, p. 41). Then comes the community's common treasure (*Baït Al mâl*)<sup>18</sup>. The third source is the direct and voluntary participation of the community's members, even if they are not Muslims (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967); (Ahmad, 1983) Volume 7 chapter 17 pp. 395-396; Vol. 19, Chap. 5, pp. 27-28; Vol. 19, Chap. 8, p. 41.), as long the money they offer is Halal. This third source of funding is essentially for the Jama'. The dominant opinion among the scholars is that the community should not be asked to fund the construction of the *Masjid Fard*, the funds should be taken from the community's common treasury (*Baït Al mâl*) (Ahmad, 1983) Vol. 19, Chap. 5, p. 27. However, a certain number of scholars, among whom was Abu Bakr Ahmad, consider that it is necessary to encourage the community to participate in the construction of the mosque<sup>19</sup>. To argument their position these scholars refer to the Hadith:

*“The prophet has ordered his community to build mosques in the neighborhoods and clean and perfume them with incense.”*(Ahmad, 1983)Vol. 19, Chap. 5, p. 27.

<sup>14</sup> « Al Qutât » is a species of birds famous in the Arab region who gave it this name, « Mafhaç » is the nest of this bird. The Prophet mentioned thi bird in particular because it is known by its modest nest that it carves inside the ground and not on the trees or in the mountains. All Muslim scholars commented on the fact that this bird's nest was given as an example by the prophet (PBUH) to illustrate the great advantage of building mosques even if they were small and modest.

<sup>15</sup> This hadith was reported in the Sunnah books such as Sahîh Al Bukhârî, Vol : Book of prayer « Kitâb A'Salât », Chap. Who built a mosque « Man banâ Masjidan ».

من بنى مسجداً وإن كان مثلاً مَفْحَصَ قَطَاةٍ بنى الله له بيتاً في الجنة  
الراوي: أبو بكر الصديق المحدث: ابن عدي المصدر: الكامل في الضعفاء الجزء 4/7403  
من بنى مسجداً لا يُريد به رياء ولا شفعة بنى الله له بيتاً في الجنة  
الراوي: عائشة المحدث: الطبراني المصدر: المعجم الأوسط الجزء 4/7111

<sup>16</sup> *Jâma`* in the mosque that host congregational prayers on Fridays and for the two religious celebrations « Eid ».

<sup>17</sup> *Masjid* « *Fard* » is the mosque where Muslims perform collectively (or not) their daily five prayers.

<sup>18</sup> *Al* (Ahmad, 1983)Vol. 19, Chap. 8, p. 27 et 41. The author mentions here the distinction between the *Jâma`* where the collective Friday prayer performed in *Raka`ât* and not four (in the Ibâdi jurisprudence, this happens only when the community is led by a just proclaimed Imam. This corresponds to the state of *Zuhûr*); and the *Jâma`* where this prayer is performed in four *Raka`ât* (when the community does not have a proclaimed Imam: state of secret « *Kitmân* »).

<sup>19</sup> Following the opinions of certain Ibâdi scholars, this participation could be obligatory for the free male inhabitants who have the means to do it (Ahmad, 1983) Vol. 19, Chap. 5, p. 27.

All the essential components of the mosque, such as the walls, roofs, pillars, floors, stairs, and even the sprouts (Mizab), must be funded from the money destined to its construction (Ahmad, 1983) Vol. 19, Chap. 8, p. 41. The moçalla<sup>20</sup> however, must not be built with the same money of the mosque. Some scholars consider that what has been destined to serve the mosque must not be used for the moçalla. Similarly, the money of the later cannot serve the mosque (A-Thamini, b, 264). The funds dedicated to the construction of a mosque can also be used for its reconstruction if it collapses partially or entirely. If the goods belonging to the mosque are not enough for its reconstruction, then the persons or institutions legally responsible of the mosque must complete its reconstruction (Ahmad, 1983)(Vol. 19, Chap. 8, 42-3).

### 3- Tariq Al Masjid: the paths to the mosque

All the Ibâdi scholars consider necessary to provide and build streets and walkways leading to the mosque (Abu'l-Abbas Ahmed (12th C); documented and presented by Nacer Med Salah & al, 1997) pp. 91, 143.); (Atfiyech, n.d. p.49). (Ahmad, 1983) Vol. 19, Chap. 5, p. 28.). The money destined to the construction of the sanctuary or its awqaf, if the money is insufficient, must be used to pay the right and build a path or street linking the mosque to the nearest main street or road (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). If the mosque does not possess enough money or goods, then this path must be funded by the common treasury of the community (*Bait Al Mâl*) (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967) Vol. 19, Chap. 5, 28). If someone possesses a land close to the mosque and wants to build it, s/he must leave a passage to the mosque through his/her land. S/He could sell it to the sanctuary or, better, offer it to the mosque as waqf (Ahmad, 1983) Vol. 19, Chap. 5, 28; (Atfiyech, n.d. p. 57).

The path of the mosque (whether it is *Jâma`* or Masjid *Fard*) must have a buffer zone (*Harîm*<sup>21</sup>) of two or three cubits (*Dhirâ`*) from each side (around one meter and a half or two meters) (A-(A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967); (Ahmad, 1983) Vol. 19, Chap. 5, 28; (Atfiyech, n.d. p.49)

### 4- The ritual of foundation of the mosque and the status of its land

#### a- A-Niya: the expression of intention

The Ibâdi, like their other counterparts in the other schools of thoughts in Islam, consider that for a building to acquire the sacredness of a mosque and becomes adequate to host prayers; this structure must have been built with an expressed intention to make of it a mosque (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). In this regard, the Ibâdi jurisprudence distinguishes the sacred status of a mosque from other structures, by the intention that must have been expressed to consecrate it for the worship of Allah (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). About this consecration, the scholars precise that the intention must be simply expressed (out loud or in one's mind) when the first stone or foundation "Al Asâs" of the mosque is being deposited on site (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967)<sup>22</sup>. More recent theologians in the Ibâdi school, consider that besides the expression of intention, a general consensus among all the involved residents must be clearly expressed and the approbation of the leading religious people Ahl A'Da'wâ<sup>23</sup> in the city are mandatory for a construction to acquire the status of mosque (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). All the Ibâdi scholars adhere to the principle that a structure built with the intention to become a mosque will keep this status forever, even after it collapses. Even if this collapsed mosques

<sup>20</sup> Moçalla : prayer open area.

<sup>21</sup> Harîm: is the distance on both sides of the path, where any construction, planting, or even objects deposits should be prohibited.

<sup>22</sup> The author specifies that this same opinion was expressed in *Al Muçannaf*.

<sup>23</sup> « Ahl A'Da'wa » could be translated as (the people leading the cause), the Ibâdi scholars or leaders in the community whose opinions are respected.

6

comes to disappearance, the parcel on which it was built keeps the status of sacred space for ever (Ahmad, 1983) Vol. 19, Chap. 12, 69; (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). This legal opinion could help explain the great number of mosques that are still more or less preserved although not used anymore, whether they are in Oman, Djerba Island or in the M'zab.

### **5- The issue of shared partitions with a mosque**

The questions of shared partitions with mosques were addressed by the Ibâdi scholars to regulate the interactions between the mosque's users and the building's neighbors. The studied sources in this research, deal with two major cases of shared partitions: the case of a mosque attached to a cave (A-Thamini, b, 240), and the situation of a mosque built on the roof of a house or a shop. The Ibâdi jurisprudence allows such situations under the condition that the place once occupied by the mosque should never be affected to another function, even if the mosque collapses or disappears. If the construction of the mosque causes damages to the neighboring buildings, the repairs should be made from the budget dedicated to the construction of the mosque (Ahmad, 1983) Vol. 19, Chap. 8, 42).

### **6- The architecture of the mosque and the spaces it contains, their location, status and dimensions**

The documents of Ibâdi Fiqh consulted for this research do not speak about all the spaces that might compose a sanctuary dedicated to this ritual. Similarly, the components cited by these references are addressed with variable interest in each reference. The following section presents the most important components addressed in the Ibâdi scholar references, essentially in Al-Muçannaf.

#### **a- The prayer Hall: Al Masjid or Bait A-Salat**

The Ibâdi jurisprudence don't define any specific form to the mosque, while other Sunni schools recommend the square shape (Al Hariri, 1990). This attitude towards the sanctuary form seems to be reflected in the wide array of forms of mosques observed in the Ibâdi religious architecture. If the mosques in Djerba and especially in Oman adopt regular forms, generally square or rectangular, the sanctuaries of the M'zab present more irregular and even organic shapes of mosques (Fig.1). The majority of scholars affirm the necessity to build the prayer hall large enough to host the number of the worshipers who might use it during the congregational prayers (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967); (Ahmad, 1983) Vol. 19, Chap. 5, p. 27). Some scholars, however, did not mention any rules about the recommended dimensions of the prayer hall, and others did not express any prohibition against small sized prayer halls. Regarding the height of the sanctuary in the settlement, certain scholars prohibit the construction of houses higher or in elevated terrains that make them appear higher than the prayer hall (Bait A-Salat), except if those structures were built before the construction of the mosque. This aspect is reflected essentially in the great mosques in the Mzab and most of the Ibâdi sanctuaries in Oman.

#### **b- The roof of the mosque, its height and shape**

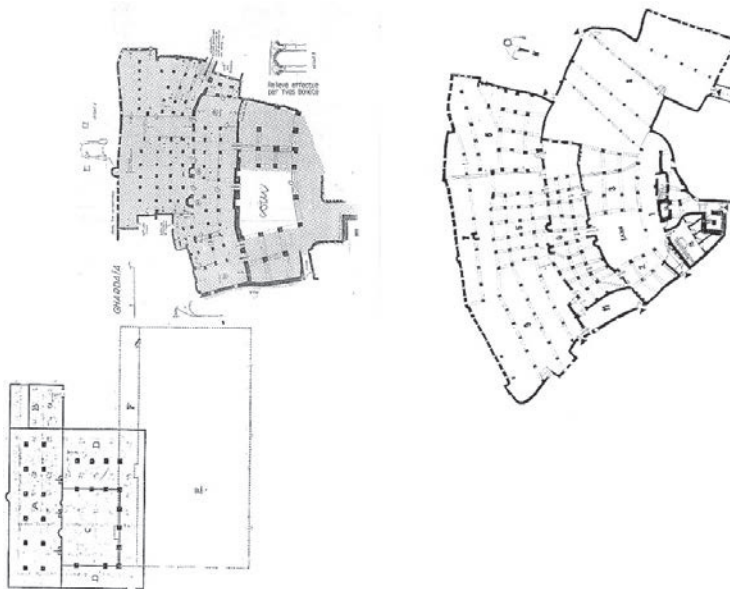
The choice of the construction technique and the form of the roof in the mosque has been left to the builders or whoever responsible for the construction of the sanctuary. It means that it is the local practice "Urf" that will be the reference in this aspect. However, the debate among the Ibâdi scholars was about the height recommended for the roof of the mosque. Certain theologians argue that it is not recommended to elevate too much the roof of the mosque. They root their opinion in the fact the prophet Mohamad (PBUH) had expressed this same opinion (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967); (Ahmad, 1983) Vol. 19, Chap. 5, p. 28, even if there is no factual information about the height of the prophet's mosque

(Hillenbrand, 1991, pp. 664-676). Other Ibâdi scholars prohibit the construction of mosques with a very low roof, which following their argument, risks to diminish the status of the sanctuary. A third group finally, allows the elevation of the mosque's roof above the regular or common height in the settlement (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). These debates generated a diversity in the choices adopted by the builders for the mosques roofs. Their forms and heights vary from a region to the other, and even in the same region form a period to the other (Benkari-Boudidah Naima, 2014, p.44).

**c- The courtyard: çahn, Sarha, Sarh or Rahba:**

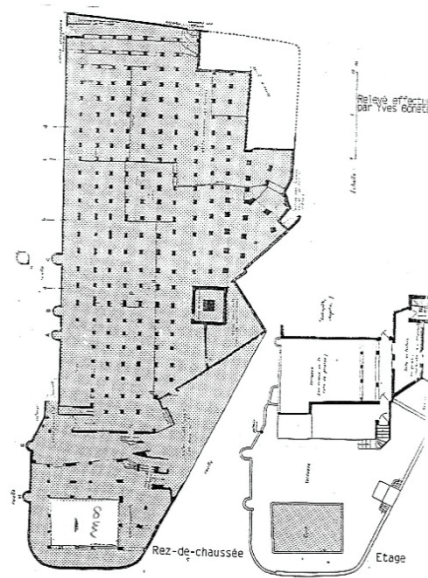
The references in the Islamic Fiqh give different names to the mosque's courtyard, which is generally used as an open-air prayer space: çahn, Sarha, Sarh or Rahba. As a result, to the intense exchanges between the oriental Ibâdi/s and their coreligionists in Al Maghrib, and the transmission of expertise between them, all these terms are widely used in the entire region occupied by the Ibâdis.

The status given to the courtyard by the Ibâdi jurisprudence is unanimous. The çahn of a mosque belongs to the later and will be considered as sacred as the sanctuary (Ahmad, 1983)Vol. 7, chap. 20, 251-2). However, the sources examined did not address the form, dimensions, or even the situation of the courtyard in the mosque. The only indication in this regard was expressed by Abu Bakr Ahmad who stated that it is acceptable to elevate the courtyard above the street leading to it(Ahmad, 1983)Vol. 19, Chap. 8, 47. It must be highlighted here that different and irregular shapes were observed in the courtyards of Ibâdi mosques, even if the rectangular shape was the most common (Fig. 1).



a- Spatial evolution of the great mosque of Ghardaia (Benkari N.)





b- The great mosque of Beni Izguen (BONETE 1961)

Figure 1: Two mosques in the M'zab

### 7- The question of the Minaret:

A-*ṣawma`a* and Al-Manâra are two components that may exist together or separately in the Ibâdi mosque. They are different in their status, function and even in the etymology of their names. The Ibâdi scholars are very precise regarding the status of each element. A-Thamini establishes the difference between A-*ṣawma`a* (the space from where the prayer call is given) and Al-Manâra which he considers as an annex to the mosque to serve as watch tower or surveillance place from where the guards could also communicate with other far away mosques for defensive purposes (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). Abu Bakr Ahmad, on the other hand, does not consider Al-Manâra as being part of the mosque (Ahmad, 1983), Vol. 19, Chap. 8, 41. There is no indication about the form, height or construction materials for the minaret. A-Thamini specifies that in the case where a *ṣawma`a* is to be built, it must be installed in a way to face the Qibla wall or on one of its sides. The aim behind this is to avoid that the Muezzin turns his back to the Qibla while calling to the prayer which validity depends on the position of the muezzin among other conditions (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967).

For the Ibâdi scholars, the minaret whether it is *ṣawma`a* or *Manâra* is not among the essential components of the mosque. They are very keen to follow the traditional construction methods and processes used by the Muslims of the time of the prophet (PBUH) or of his companions. It is probable that the status that the Ibâdis scholars give to the *Manâra* or A-*ṣawma`a* is related to the fact that this element did not exist in the prophet's mosque. This could explain the absence of this element in all the Ibâdi traditional mosques in M'zab and in a large number of those of Djerba and Oman.

### 8- The Question of the Al Mihrâb

Al Al Mihrâb is the niche that marks the center of the Qibla wall in every mosque. This element helps orienting the worshippers towards the Ka`ba for their prayers (Fehervari, 1993).

During the Prophet's life, the Al Mihrâb did not exist yet in its concave shape that is known today. Therefore, the Muslim scholars have different indications about the form of this element. The consulted references in the Ibâdi jurisprudence corpus do not address the form, the dimensions or the construction materials of the Al Mihrâb. Abu Bakr Ahmad simply evokes the necessity to orient al Masjid towards the Ka'aba (Ahmad, 1983) Vol. 7, Chap. 36, 317–9. However, the question of adornment of this element was largely debated. A synthesis of this debate is presented in the section dedicated to the question of ornamentation in this paper.

### 9- Architectural details and materials of construction

Choosing the construction materials for the edification of the mosque was left to the common practice in any particular community " *Urf*" (Abu'l-Abbas Ahmed (12th C); documented and presented by Nacer Med Salah & al, 1997), with the condition that these materials must be Halal, pure and belonging to the mosque or whoever has given them to this project (Ahmad, 1983) Vol. 19, Chap. 8, 34-42). The Ibâdi theologians insist on the fact that the sanctuary must be simply built with affordable local materials. Here again, the reference for such legal position must have been the construction process and methods of the prophet's mosque in Medina.

*"The mosque of the prophet (PBUH) was built with stones and palm trees. Its pillars were made of trunks planted in the ground. Its roof was out of interwoven palm trees' leaves"*(A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967)

### 10- The Furniture of the mosque and its lighting:

Following the Ibâdi jurisprudence, carpets, other furniture elements usually needed in the mosque or for the prayer (such as shelves and Quran holders) are not the property of the mosque, rather they belong to the worshipers. Therefore, they are not included in the budget dedicated to the mosque. They are usually added to another budget specifically assigned to them(Ahmad, 1983) Vol. 19, p. 41.

#### a- The lamps:

All the Ibâdi religious sources consulted do recommend keeping the mosque always illuminated, clean with pleasance smell so that the worshipers would feel comfortable being there even by night (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). This recommendation is also for the mosques which might not be used by night (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). Lamps must be placed so that the Qibla wall/direction is easily visible. They must also be located at adequate spots to allow the worshiper perform the prayer and/or read the Quran and move with ease in the prayer hall without being forced to take the lamp along to enlighten his way (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). Indeed, once illuminated, the lamps must not be moved to avoid accidents and possibly fire in the mosque and also to avoid the disturbance to other worshipers who also need the light for their activities (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967).

### 11- Decoration and ornamentation of the mosque:

All Ibâdi scholars insist on the principle of prohibiting any kind of decoration or extra adornment in any type of construction in general and especially in the religious buildings (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). They consider that cleaning and repairing the mosques are their ultimate decoration<sup>24</sup>. They encourage the worshipers to respect these

<sup>24</sup> Regarding the maintenance of the mosque and its regular cladding renewal, a certain number of scholars refer to the hadith of the prophet (PBUH) reported by his wife Aisha: "The prophet (PBUH)

buildings by continuously evoking Allah while they are in the mosque (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967); (Ahmad, 1983) Vol. 19, 19. The interdiction of ornamenting the mosques concerns both their exterior walls and their interior spaces. The scholars prohibit indeed any ornamentations in the facades of the mosques even if this decoration only consists in crenellations (Ahmad, 1983) Vol. 19, Chap. 7, 37. With regard to the interior spaces, the scholars have specified three aspects:

- Wall Painting or carving and decoration of the floors with colorful carpets
- Decoration of the space by posting pictures or installing colorful pots.
- Writing, painting or posting pictures in the Qibla wall.

Most of the Ibâdi scholars make a difference in their judgements about the decoration and ornamentation of the Qibla wall and the other walls<sup>25</sup>. The majority of the scholars agree on the principle that the mosque must not be ornamented or decorated with sculptures and carvings (A-Thamini, 1944, p. 233), with pictures (Ahmad, 1983) Vol. 19, Chap. 6, 66 or with colorful carpets, clothes or curtains<sup>26</sup>. Some scholars however, do tolerate the decoration of the mosque<sup>27</sup> even with images as long as those latter do not contain human faces (Ahmad, 1983) Vol. 19, Chap. 6, 66; (A-Thamini, 1944, p. 248). These scholars refer to an older opinion about this issue expressed by Abû Mohammad<sup>28</sup> who had said:

*“It is not acceptable (la yajouz) to write on the Qibla wall Qur’anic verses or exhortations, and it is prohibited to put pictures in the mosque. If these images do not show human faces, then there is no harm to perform the prayer in the mosques that contain such pictures”* as cited by Abu Bakr Ahmad (Ahmad, 1983) Vol. 19, Chap. 6, 66)

This clear and unanimous interdiction by the Ibâdi scholars to write or paint the Qibla wall, does not seem to have been observed in some mosques in Oman, where the Mihrâb/s were stucco decorated with more or less refinement (Benkari-Boudidah Naima, 2014, pp. 66-73).

The interviews undertaken with some of the contemporary Ibâdi scholars<sup>29</sup>, they confirmed the interdiction of ornamenting the Qibla wall, but they did not seem to have any explanation concerning those decorated Mihrâb in Oman (Fig 2).

has ordered us to clad the walls of the mosques with white lime and burn incense in it to refresh and perfume its air. (Ahmad, 1983) Vol 19, p. 19).

<sup>25</sup> Other Sunni theologians, tolerated the ornamental inscriptions in the mosque, but they declared that it is not recommended to write the names of the builder or the people who funded it (Al Hariri, 1990; pp. 82-83). We did not find any indication about this question in the Ibadi sources consulted. However, in some of the decorated Mihrâbs of Oman, the name of the builders and the patrons were inscribed (Baldiissera, 1994); (Benkari-Boudidah Naima, 2014; pp. 66-73).

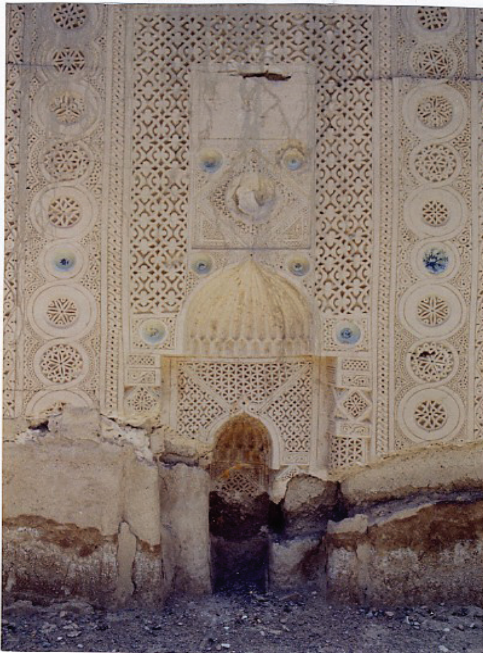
<sup>26</sup> A'THAMINI refers to the author of Al *Muṣannaf* to express this interdiction (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967) (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967).

<sup>27</sup> While prohibiting the decoration of mosques, especially their Mihrâb/s, A-thamini mentions that there were other Ibâdi scholars who did tolerate that. (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967).

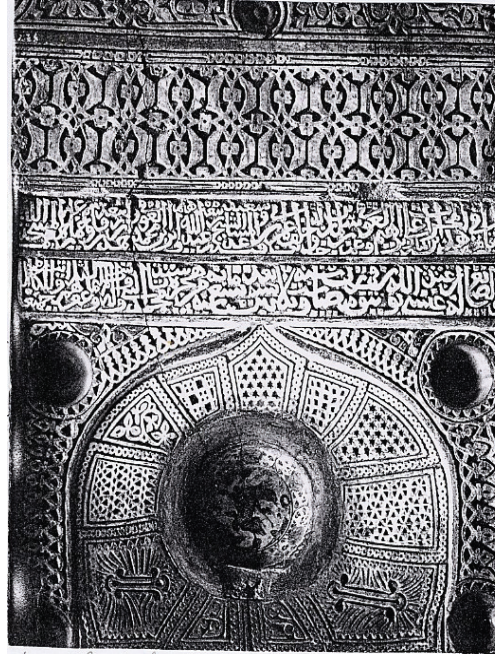
<sup>28</sup> Following M. EL MRABET, it is question here of Abû Mohamad Abderrahman Ben Salama : one of the Ibâdi scholars in the Maghreb who lived during the first half of the 3rd century of Hijra/ 9<sup>th</sup> Century AD (Mrabet, 2002)

<sup>29</sup> Such as Dr. Djaabiri, F. (Tunisia), Cheikh Zahir Al Hinâ'î (Oman), M. Bakir Ou'oucht (M'zab).





a- Ornamented Mihrâb incrustated with porcelain bowls in the region of Sharqiya (Benkari N.)



b- Detail in the Mihrâb of A'Shawâdhana mosque in. Nizwa (Baldissira, 1994)

Figure 2 : Ornamented Mihrâb/s in Oman

## 12- The « Harîm » of the mosque (sacred buffer surrounding the mosque) and the conditions for the construction of new prayer spaces

The mosque's Harîm is defined in the books of Ibâdî Fiqh as being the distance around the mosque where it is not allowed to build another construction, planting trees or depositing garbage. This distance could be wider for the construction of public toilets (Ahmad, 1983) Vol. 12, p. 182). Furthermore, Abu Bakr Ahmad prohibits also the construction of ovens because of its smoke that could affect the neighboring houses. For this interdiction, he refers to the Hadith: *"One should not harm others with or without interest for oneself"*.<sup>30</sup>

It must be stated that this Hadith has become a fundamental principle in the Muslim community and the management of its everyday life. All Muslim scholars, through all the schools of thoughts, refer to this Hadith in their jurisprudence regarding the development and management of the city and neighborhood problems solving. (Besim S. Hakim, 2008) (Ben-Hamouche, 2010).

The dominant majority of Ibâdî scholars are against the construction of mosques too close to each other. This is to avoid that the new mosque jeopardizes the pre-existing one (Ahmad, 1983) Vol. 19, Chap. 7, 37-8; (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967)<sup>31</sup>. In the case where a new mosque is built close to another pre-existing one, it must be given the status of "Masjid Dirâr" (Harmful mosque)

*"Then there are those who establish a mosque to cause harm, and disbelief, and disunity among the believers, and as an outpost for those who fight God and His*

<sup>30</sup> « *Lâ Darar wa lâ Dirâr* »

<sup>31</sup> This opinion is also shared with other schools of thoughts in the Sunni Islam (Al Hariri, 1990, p. 37).

*Messenger. They will swear: "Our intentions are nothing but good." But God bears witness that they are liars.*" (Qoran, Sourat At-Tawba, 107).

The Ibâdi scholars have defined what could be a Harmful mosque "*Masjid Dirâr*":

*"Masjid Dirâr is the sanctuary that is built close or facing an existing older mosque which risks to be abandoned and therefore collapse due to the construction of the new mosque"*(Ahmad, 1983) Vol. 19, Chap. 7, 37.

Other scholars consider that, if the new mosque was built with a good intention and not with the aim to negatively affect the existing one, then it could be acceptable even if it risks to affect the pre-existing mosque. These scholar argument their opinion with the principle, common in Islamic Fiqh, that the good intention supersedes the risk of nuisance (Ahmad, 1983) Vol. 19, Chap. 7, 37). In order to avoid the community's dispersion, due to the construction to many mosques that are close to each other, the Ibâdi scholars thought about defining a minimal distance from the existing mosque to be observed in case of new construction:

*"A sufficient distance (from the initial mosque) should be observed so that when the call for the prayer is heard by a resident, he would have the time to make the ablutions and go to the mosque on foot and arrive on time for the prayer with the group without having to chose between two mosques"* (Ahmad, 1983) Vol. 19, Chap. 7, 37.

Other scholars considered the visibility as a condition to allow a new mosque be built near an existing one. None of the mosques should be seen from the other (Ahmad, 1983) Vol. 19, Chap. 7, 37; (A-Thamini, Abdulaziz (18th. c.); Bakalli, 1967). In addition, if this condition is not observed, the new construction must be prohibited<sup>32</sup>.

However, some scholars expressed some exceptions to these rules. The first one and the most accepted by the scholars is the need to build a new mosque closer to some worshipers who are or became too weak to rich the settlement's main mosque (Ahmad, 1983) Vol. 19, Chap. 7, 37. The second exception is given to the people whose houses are excessively far from the settlement's mosque. The condition for this case is that the intention of the construction should not be to build a harmful mosque, rather, to accommodate the people who can not attend the collective prayers due to their distant houses. Ce cas a été soumis à la condition qu'il n'y ait pas eu d'intention de nuisance à la mosquée initiale(Ahmad, 1983) Vol. 19, Chap. 7, 38.

In spite all these rules and conditions, our visits to a certain number of Ibâdi mosques in Oman, we observed a certain number of cases where mosques are too close to each other, such as in the city of Manah (Benkari-Boudidah Naima, 2014, pp. 83-87). Abu Bakr Ahmad seemed to have referred to this particular case. We could find the reference to this particular reference of Abu Bakr Ahmad in most of the jurisprudence books that came after Al *Muḥannaḥ*. In this later, Abu Bakr Ahmad states:

*"Some cases of proximity between mosques exist and we haven't heard about their condemnation by the believers. Yahia Ibn Qasim Ibn Zakariya and his son built the mosque not far from the Wadi, and then they built Al Janat mosque then Masjid Al*

<sup>32</sup> Certain scholars consider that it would be the role of the community's Imam or leader to prohibit this construction (Ahmad, 1983) Vol. 19, Chap. 7, 37.

'*Ain and the three of them are in the same street*' (Ahmad, 1983) Vol. 19, Chap. 7, 37; (A-Thamini, 1944, p.317).

From what preceded, it can be deduced that the scholars, who observed, on site, such exceptions, could have understood that the scholars before them exceptionally accepted these situations. They take this conclusion as an argument to tolerate similar cases during their time. This reflects an aspect of "inter-influence" mechanisms that might have taken place between the Ibâdi jurisprudence and the constructive practice by the community. Nevertheless, this remains as a hypothesis that needs to be confirmed or not after further and more exhaustive research.

## CONCLUSION

To conclude the analyses of the important texts of jurisprudence related to the construction and management of mosques in the Ibâdi school of thought, we must highlight the following aspects:

Even if the documents of the Ibâdi Fiqh have specific authors, the content they reveal seems to have been accumulated through generations of scholarly work (Ijtihad). The texts they contain are compilations of legal opinions about the different addressed subjects. This research has showed that the document explored in this paper is a major source for the Ibâdi jurisprudence developed after its publication even until today. It has also been highlighted that the opinions expressed by Abu Bakr Ahmad in this book were developed based on the opinions and observations expressed by scholars who preceded the author. This aspect is not specific to the Ibâdi school of thought. The same phenomenon could be observed in the other Muslim schools (Ben-Hamouche, 2010).

On the other hand, we have seen that, although shared and accumulated through generations of scholars, these opinions were not all homogeneous all the time, some contradictions in the scholars' opinions were spotted (on the recommended height for the mosque's roof for example, the multiplicity of the sanctuaries close to each other, their funding sources, the question of ornamenting the mosque...). This allows to think that in spite its conservatism, the Ibâdi jurisprudence gives the freedom and the tools to the scholars to evolve and adapt it to the transformations that the community goes through from time to time. A community who developed a balance between its religious convictions and rituals on one hand and its social and cultural conditions on the other. And these aspects were always influencing each other to reach this balance.

As mentioned above, this research was not exhaustive and its conclusions must be regarded as such. It is necessary to develop it further to include all the references of the Ibâdi school of thought in order to distinguish how each group has formulated its jurisprudence regarding the architecture of the mosque. How the cultural and geographic characters have shaped this legal framework in each region to adjust it to its proper local history, politics and social organization without negating the fundamental principles that still continue to unite the Ibâdi communities through the Muslim world (Wilkinson, 1980).

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