



A DOCUMENT OF *IBADI FIQH* GOVERNING THE ARCHITECTURE OF MOSQUES

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ABSTRACT

In spite of a long-standing interest in the Ibadi community and its historical, social, religious and architectural legacy, its Ibadi scholarly literature remains largely unknown. In spite of a long-standing interest in the Ibadi community and its historical, social, religious and architectural legacy, its Ibadi scholarly literature remains largely unknown. The present research continues in the footsteps of the pioneering works of Joseph Schacht and Pierre Cuperly on Ibadism [1], [2]. It aims to cast light on the Ibadi literature that represents an authentic source of information for the study of Ibadism past and present. This article analyzes an Ibadi manuscript from the twelfth century written by the scholar Abul'Abbas Ahmad. This document has been the primary reference for the most important sources of Ibadi 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 Ibadi scholarly literature on this topic, shows that this jurisprudence has regulated in detail the design construction and management of mosques, and that this level of careful attention was due to the importance of the mosque for the instruction and organization of the community.

KEYWORDS:

Ibadism; jurisprudence; Ibadi fiqh; 'urf; mosque architecture; M'zab; Djerba; Oman; mihrab; minaret; prayer niche

INTRODUCTION

A variety of interesting works have been written about the architecture produced by *Ibadi* groups, especially in the region of M'zab. Most of these studies were particularly interested in urban organization and development [3], vernacular housing [4],[5]. The *Ibadi* mosque was also addressed but the approach to this topic was mainly descriptive or historical. Research that attempted to analyze the built environment produced by *Ibadi* groups via the study of their legislative sources is quite rare. This is probably due to the fact that the introverted character of this community made it difficult for researchers to access the corpus of *Ibadi* scholarly literature in general, and specifically the legislative sources regulating the built environment.

IBADI SOURCES REGULATING PRODUCTION AND MANAGEMENT OF THE BUILT ENVIRONMENT

To express any legal opinion, the *Ibadi* scholars refer to the texts from the Quran, then the Hadith and the Sunnah. The third source is represented by the collection of precedent opinions expressed by previous scholars, whether accepted by consensus among scholars (*ijmâ'*) or approved by only a few among them as the result of *ijtihad*. The fourth reference or source of legislation is the tradition and social practice, '*urf*' [6]. While the two first sources are the same for any school of thought in Islam, *ijtihad* and '*urf*' vary from one school of thought to another.

In the *Ibadi* School and with regard to the production and management of the built environment, there are two major references which have retained their influence for centuries. The first text is *Kitâbal-qismahwa usûl al-aradîn*, by the scholar Abûl-'Abbâs Aḥmad, from the beginning of the twelfth century [7]. This book is essentially the compilation of the legal opinions of *Ibadi* scholars from the island of Djerba (now part of Tunisia). It addresses settlement development and management in North Africa and the distribution of land, and relates some precedents of property conflicts between neighbors and how they could be solved [8]. The French Orientalist Pierre Cuperly was the first researcher to reveal the content of *Kitâb al-qismah* in his article about the social life of the *Ibadis* in the region of M'zab in southern Algeria and the organization of their cities [9].

The second *Ibadi* reference dates back to the beginning of the twentieth century. Titled *Mukhtaṣar al-'imârah*, this book was written by the Algerian *Ibadi* scholar Mohammad Ben Youssef Atfiyech. The same themes addressed in *Kitâb al-qismah* would be treated in *Mukhtaṣar al-'imârah*, with the addition of details about some specific topics in the field of construction such as the positioning of doors and waterspouts, giving consideration to public spaces and their users. While the Sunni school of thought has produced some major references about the jurisprudence related to the construction and management of mosques [10], it was not known outside the *Ibadi* community that the *Ibadi* scholars had produced similar references. The

present research revealed that a comprehensive set of regulations governing the construction and management of religious buildings in the *Ibadi* school of thought is indeed contained in its *fiqh* (Islamic jurisprudence) references.

After consulting many *Ibadi* sources and according to the accounts collected from the *Ibadi* scholars interviewed in this study, it has been established that *Al-Muṣannaf* and *Al-nīl wa sharḥ kitāb al-nīl* [11], [8], represent the two major references used by *Ibadi* scholars to address and regulate the different aspects of the community's everyday life. *Al-Muṣannaf* is the reference for *Ibadis* in Oman and Zanzibar, and *Al-nīl wa sharḥ kitāb al-nīl* is the reference in the M'zab valley and the island of Djerba. As it is the case for most of the *Ibadi fiqh* sources, the subject matter of these books, along with a number of other questions related to the community life and recommended practices, is organized into several volume treating *mu'āmalāt*. Most of the texts related to the architecture of mosques, the process of their construction and the management of their property, are arranged under the chapter titled "The mosque's rights" (*huqûq al-masjid*).

AL-MUSANNAF BY ABU BAKR AHMED

Abu Bakr Aḥmad bin 'Abdullāh bin Mûsâal-Kindîal-Ṣamadîal-Nizwî, was an *Ibadi* theologian from the Omani city of Nizwa. He wrote *Al-Muṣannaf* around 557 AH/1162 CE. This book is the main reference of later *Ibadi* theologians, especially in Oman. This makes it an important and authentic source to explore for this current research. In two of the volumes dedicated to *mu'āmalāt*, *Al-Muṣannaf* addresses various questions regarding land use and management and how this is regulated by *Ibadi* laws. Issues related to the architecture of the mosques, their *awqâf* [12] (endowments) and management are presented in volumes five, twelve, and especially nineteen. Analysis of these volumes yields *Ibadi* scholarly verdicts regarding the architecture of mosques. In the following sections, we present the most dominant of these opinions.

MAIN THEMES RELATED TO RELIGIOUS ARCHITECTURE IN *IBADI* JURISPRUDENCE AS PRESENTED IN AL-MUSANNAF

1. Encouraging the construction of mosques as a pious act

In the religion of Islam, any place on earth could be a prayer space, as stated in several hadiths of the Prophet Muhammad (PBUH), such as:

"And the earth has been consecrated (to me) as a *masjid* (place of prostration) and its dust as purification." (a sound hadith related by Ibn Majah).

However, the ideal space to perform the *salât* (formal prayer), in the opinion of all Muslim scholars, is indeed what has been dedicated and prepared for this function: the *masjid* (lit. place of prostration), or the mosque. To illustrate this idea, the author of *Al-Muṣannaf*, like other *Ibadi* 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, Sûrat al-Nûr 24:36) 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, Sûrat al-Baqarah:2:114).

All the scholars insist on the importance of the mosque in any settlement and how sacred it is, and therefore, how generous must be the divine reward expected for those who build mosques by their efforts or through their funds [13].

"...And based on the saying of 'Amr bin Shu'aib, who reported it from his father: He who builds a *masjid* without arrogance, even if this *Masjid* is as small as a qatât's nest, Allah will build for him a house in paradise" [14].

Ibadi scholars believe that it is not recommended to accomplish such a pious action as building a mosque if one's intention is to show off to people [13]. This position, shared by all the Sunni schools of thought includes also the very architecture of the building [10]. Indeed, the scholars state that it is not praiseworthy to erect sanctuaries that are grandiose in their dimensions, forms, or decoration. The reason is that this kind of building diverts the attention of the worshiper away from the sacred action of prayer, and from the adoration of Allah the supreme Creator to the admiration of the artificial beauty of the space.

2. Funding the construction, maintenance, and restoration of the mosque

By reason of its sacred status in Islam, the construction, furnishing, and maintenance of the mosque must be funded from halal (permissible) sources [10]. The *Ibadi* laws mention three possible sources of funds for the mosque, whether it is a *jâma'* or a *masjid fard*. The first source of funding is the *waqf* designated for the construction and maintenance of the mosque [13]. The second is the community's treasury, known *asba'it al-mâl* [13]. The third source is the direct and voluntary participation of the community's members, even if they are not Muslims [15], [13], as long the money they offer is from permissible sources. This third source of funding is only for the *jâma'*. The dominant opinion among the scholars is that the community should not be asked to fund the construction of the *masjid fard*; instead, the funds should be taken from the *ba'it al-mâl* [13]. However, a certain number of scholars, among them Abu Bakr Ahmad, consider it necessary to encourage the community to participate in the construction of the mosque [13]. To support their position these scholars refer to this hadith:

"Ā'ishah narrated: 'The Prophet ordered his community to build mosques in the neighborhoods and to clean them and perfume them with incense' [13].

All the essential components of the mosque, such as the walls, roofs, pillars, floors, stairs, and even the waterspouts (*mizâb*), must be funded from the

money designated for its construction [13]. The *muṣallah* (open area for prayer), however, must not be built with the same money as the mosque. Some scholars consider that what has been designated for serving the mosque must not be used for the *muṣallah*. Similarly, money designated for the latter cannot be used in the service of the mosque [8]. Funds dedicated to the construction of a mosque can also be used for its reconstruction if it collapses partially or entirely. If the assets belonging to the mosque are not sufficient to fund its reconstruction, then the persons or institutions legally responsible for the mosque must complete its reconstruction [14].

3. *Tariq al-masjid*: the route to the mosque

All the *Ibadi* scholars consider it necessary to provide and build streets and walkways leading to the mosque [11], [13]. If the funds designated for the construction of the sanctuary or its *awqāf*, are insufficient, some must be used to acquire the right of transit and to build a path or street linking the mosque to the nearest main street or road [15]. If the mosque does not possess enough money or assets, then this path must be funded by the treasury (*bait al-māl*) [15]. If someone possesses land close to the mosque and wants to build on it, s/he must leave a passage to the mosque through his/her land. S/He could sell it to the sanctuary or, even better, offer it to the mosque as an endowment [13]. The path of the mosque (whether it is *ajāma'or* or a *masjidfard*) must have a buffer zone (*ḥarīm*) of two or three cubits (*dhirā'*, around one meter and a half to two meters) from each side [13], [15].

4. Consecration of the mosque and the status of its land

The *Ibadis*, like their counterparts in the other schools of thought in Islam, consider that for a building to acquire the sacredness of a mosque and be suitable to host prayers this structure must have been built with an expressed intention to make it a mosque [15]. It is this articulated intention to consecrate it for the worship of Allah that in *Ibadi* jurisprudence distinguishes the sacred status of a mosque from other structures [16]. The scholars specify that the intention must be expressed (out loud or in one's mind) while the first foundation stone or *aṣāṣ* of the mosque is being laid [15]. More recent theologians in the *Ibadi* school are of the view that in addition to the articulation of intention a general consensus among all the involved residents must be clearly expressed and the approval of the leading religious people (*ahl al-da'wah*) in the city are mandatory for a construction to acquire the status of a mosque. All the *Ibadi* scholars adhere to the principle that a structure built with the intention to make it a mosque will keep this status forever, even after it falls to ruins. Even if a collapsed mosque is completely effaced, the parcel on which it was built keeps the status of sacred space forever [13],[15]. This legal opinion could help explain the great number of mosques that are still more or less preserved although no longer used, found in Oman, Djerba Island and in the M'zab.

5. The issue of shared partitions with a mosque

The question of shared partitions with mosques has been addressed by *Ibadi* scholars to regulate the interactions between the mosque's users and the building's neighbors. The texts analyzed in this research deal with two major cases of shared partitions: the case of a mosque attached to a cave [8], and the situation of a mosque built on the roof of a house or over a shop. *Ibadi* jurisprudence allows such situations under the condition that the place, once occupied by the mosque, should never be allocated to another function, even if the mosque collapses or disappears. If the construction of the mosque causes damage to the neighboring buildings, the repairs should be paid for out of the budget dedicated to the construction of the mosque [13].

6. The architecture of the mosque and the spaces it contains

The documents of *Ibadi 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 varying degrees of interest. The following section presents the most important components addressed in the *Ibadi* scholarly references, particularly in *Al-Muṣannaḥ*.

a- The prayer hall: *al-masjid* or *bait al-ṣalât*

Ibadi jurisprudence does not define any specific form for the mosque, while other Sunni schools recommend a square shape [10]. This attitude towards the sanctuary form seems to be reflected in the wide array of forms observed in the *Ibadi* religious architecture. Whereas 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 (Figure 1). The majority of scholars affirm the necessity to build the prayer hall large enough to host the number of worshippers who might use it during the congregational prayers [13],[15]. Some scholars, however, gave no opinions about the recommended dimensions of the prayer hall, and others did not express any prohibition against small prayer halls. Regarding the height of the sanctuary in the settlement, certain scholars prohibited the construction of houses higher or in elevated terrains that make them appear higher than the prayer hall (*bait al-ṣalât*), except if those structures had been built before the construction of the mosque. This aspect is reflected essentially in the great mosques in the M'zab and most of the *Ibadi* sanctuaries in Oman.

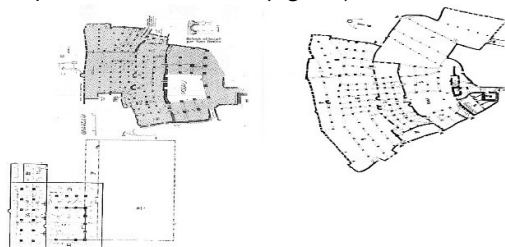
b- The roof of the mosque, its height and shape

The choice of construction technique and the form of the roof of the mosque has been left to the builders or whoever is responsible for the construction of the sanctuary. Thus, it is local practice, 'urf, that will be the reference in this aspect. However, the debate among the *Ibadi* scholars was about the height recommended for the roof of the mosque. Certain theologians argue that it is not recommended to elevate the roof of the mosque more than is necessary. They base their opinion on the fact that the Prophet Mohamad (PBUH) had expressed this same view [13],

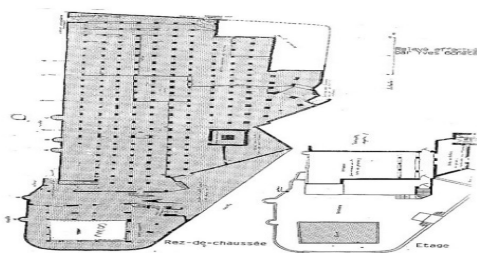
[15], even if there is no factual information about the height of the Prophet's mosque [17]. Other *Ibadi* scholars prohibit the construction of mosques with a very low roof, which following their argument, risks to diminish the status of the sanctuary. A third group allows the elevation of the mosque's roof above the regular or common height of buildings in the settlement [8]. These debates have generated some diversity in the choices adopted by the builders for mosque roofs. Their forms and heights vary from one region to another, and even in the same region from one period to the next [7].

c- The courtyard: *ṣaḥn*, *ṣarḥah/ṣarḥ* or *raḥbah*

The references of Islamic *fiqh* give different names to the mosque's courtyard, which is generally used as an open-air prayer space: *ṣaḥn*, *ṣarḥah/ṣarḥ* or *raḥbah*. As a result, in the intense exchanges between the oriental *Ibadis* and their coreligionists in the Maghreb, and in the transmission of expertise between them, all these terms are widely used through out the regions that are home to *Ibadism*. The status given to the courtyard by *Ibadi* jurisprudence is unanimous. The *ṣaḥn* of a mosque is part and parcel of it, and is considered as sacred as the sanctuary [13]. However, the sources examined do 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 [13]. It must be noted here that different and irregular shapes are observed in the courtyards of *Ibadi* mosques, even if the rectangular shape is the most common (Figure 1).



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



b. The great mosque of Beni Izguen (Bonèter1961)

Figure 1: Two mosques in the M'zab

7. The status of the minaret

The *ṣawma'ah* (lit. cell, hermitage) and the *manârah* (minaret; lit. place emitting light) are two components that may exist together or separately in the *Ibadi* mosque. They are different in their status,

function and even in the etymology of their names. The *Ibadi* scholars are very specific regarding the status of each element. Ath-Thamîni establishes the difference between *ṣawma'ah* (the space from where the call to prayer is given) and the *manârah*. This latter he considers as an annex to the mosque, serving as a watch tower or surveillance vantage point from where the guards could also communicate with other mosques far away for defensive purposes [15]. Abu Bakr Ahmad, on the other hand, does not consider the *manârah* to be part of the mosque [13].

There is no indication in the *fiqh* texts about the form, height or construction materials for the minaret. Ath-Thamîni (1967) specifies that if a *ṣawma'ah* is to be built, it must be installed in a way to face the qiblah wall or on one of its sides. The reason behind this is to avoid the muezzin having to turn his back to the qiblah while calling to the prayer, as the validity of the call to prayer depends on the position of the muezzin, among other conditions [16].

For the *Ibadi* scholars, the minaret, whether it is a *ṣawma'ah* or a *manârah*, is not an essential component 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 relative unimportance that the *Ibadi* scholars assign to the *manârah* or *ṣawma'ah* 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 traditional *Ibadi* mosques in M'zab and in a large number of those of Djerba and Oman.

8. The status of the *miḥrâb*

The *miḥrâb* is the niche that marks the center of the qiblah wall in every mosque. This element helps to orient worshipers towards the Kaaba for their prayers [18]. During the Prophet's life time, the *miḥrâb* in its concave shape that is known today did not exist. Therefore, Muslim scholars have different views about the form of this element. The consulted references in the corpus of *Ibadi* jurisprudence do not address the form, the dimensions or the construction materials of the *miḥrâb*. Abu Bakr Ahmad simply evokes the necessity to orient the mosque towards the Kaaba [13]. However, the issue of adornment of this element has been thoroughly debated. A synthesis of this debate is presented in the section of this paper dedicated to the question of ornamentation.

9. Architectural details and construction materials

Choosing the materials for the construction of the mosque was left to the common practice in any particular community ('urf) [11], with the condition that these materials must be halal, pure, and belonging to the mosque or whoever has donated them to this project [13]. *Ibadi* theologians agree that the sanctuary must be simply built with affordable local materials. Here again, the reference for such a 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 tree trunks planted in the ground. Its roof was out of interwoven palm leaves" [15].

10. Furnishings and lighting

According to *tolbadi* jurisprudence, carpets and other furnishings usually needed in the mosque or for the prayer (such as bookshelves and Quran stands) are not the property of the mosque: they belong to the worshippers. Therefore, they are not included in the budget dedicated to the mosque. They are usually included in another budget specifically assigned for this purpose [13].

All the *Ibadi* religious sources consulted recommend keeping the mosque always illuminated, clean, and with a pleasant fragrance, so that worshippers would feel comfortable being there even at night [15]. This recommendation is also for the mosques which might not be used at night. Lamps must be placed so that the qiblah wall or direction is easily visible. Lamps must also be located at suitable spots to allow the worshiper to perform the prayer and/or read the Quran, and to move with ease in the prayer hall without being forced to take the lamp along to light the way. Indeed, once illuminated, the lamps must not be moved; this is to avoid accidents and possibly fire in the mosque and also to avoid disturbing other worshippers who also need the light for their activities [15].

11. Decoration and ornamentation of the mosque

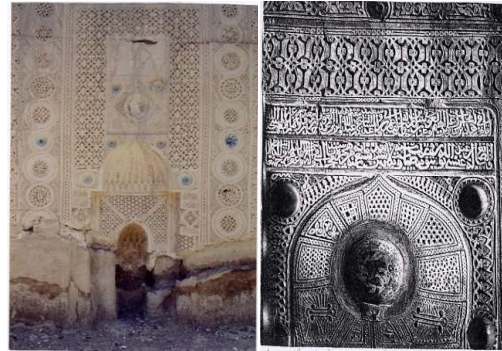
All *Ibadi* scholars insist on the principle of prohibiting excessive decoration or adornment in any type of construction in general, and especially in religious buildings [15]. They consider that cleaning and repairing the mosques are their ultimate decoration [13], and they encourage worshippers to respect these buildings by continuously evoking Allah's name and supplicating while they are in the mosque [13], [15]. The interdiction of ornamenting the mosques concerns both their exterior walls and their interior spaces. *Ibadi* rulings prohibit any ornamentation on the façade of the mosque, even if this decoration only consists of crenellations [13].

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 hanging up pictures or installing colorful pots; and writing, painting, or hanging up pictures on the qiblah wall.

Most *Ibadi* scholars make a distinction in their rulings between the decoration and ornamentation of the qiblah wall and that of other walls [7]. The majority agree that the mosque must not be ornamented or decorated with sculptures or carvings [8], with pictures [13] or with colorful carpets, tapestries, or curtains [15]. Some scholars however, do tolerate the decoration of the mosque even with images, as long as those latter do not contain human faces [15], [13]. These scholars refer to an older opinion about this issue expressed by Abû Muhammad who stated:

"It is not acceptable to write Qur'anic verses or any exhortation on the qiblah wall, and it is prohibited to put pictures in the mosque. However, if these images do not show human faces, then there is no harm in performing the prayer in mosques that contain such pictures," as cited in [13].

This clear and unanimous interdiction by the *Ibadi* scholars to write on or paint the qiblah wall does not seem to have been observed in certain mosques in Oman, where *mihrâbs* made of stucco were decorated in various degrees of intricacy [7]. In interviews with several contemporary *Ibadi* scholars, they confirmed the prohibition of ornamenting the qiblah wall, but they did not seem to have any explanation concerning those decorated prayer niches in Oman (Figure 2).



a. Ornamented *mihrâb* encrusted with porcelain bowls in The region of A'Sharqiyah (N. Benkari)
b. Detail in The *mihrâb* of A'Shawâdhana mosque in Nizwa (Baldissira 1994)

Figure 2: Ornamented *mihrâbs* in Oman

12. The *ḥarîm* of the mosque and conditions for construction of new prayer spaces

The mosque's *ḥarîm* is defined in the books of *Ibadi fiqh* as being the distance around the mosque where it is not allowed to build another construction, plant trees or place garbage. This distance could be even wider for the location of public toilets [13]. Furthermore, Ahmad also prohibits the construction of ovens because the smoke could affect the neighboring houses. For this interdiction, he refers to the hadith: "One should not harm (oneself or others), nor reciprocate harm" (a sound hadith related by Ibn Mâjah and others) [13]. It must be explained that this hadith has become a fundamental principle in the Muslim community and in the management of its everyday life. Muslim scholars in all the schools of thought, refer to this hadith in their jurisprudence regarding the development and management of the city and neighborhood problem-solving [19], [20].

Related to the concept of the *ḥarîm* is the issue of building other mosques in close proximity to an existing mosque. The majority of *Ibadi* scholars are against the construction of mosques too close to each other. This is to avoid a situation in which a new mosque jeopardizes the viability of the pre-existing one [10], [13], [15]. In the case where a new mosque is built close to a pre-existing one, it must be given the status of *masjid ḍirâr* (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 Messenger. They will swear: "Our intentions are nothing but good". But God bears witness that they are liars" (Quran, Sûrat al-Tawbah:107).

The *Ibadi fiqh* texts have defined what could be a harmful mosque: “Masjid ǧirār is the sanctuary that is built close to or facing an existing older mosque which risks being abandoned and might therefore fall into decay due to the construction of the new mosque” [13].

However, some 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 threatens the viability of a pre-existing mosque. These scholars support their opinion with the principle, common in Islamic jurisprudence, that the good intention supersedes the risk of nuisance [13]. In order to avoid the community’s dispersion due to the construction of many mosques that are close to each other, *Ibadi* 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, go to the mosque on foot and arrive on time for the communal prayer without having to choose between two mosques” [13].

Other scholars have used visibility (or rather, the lack of it) as a condition to allow a new mosque to be built near an existing one. None of the mosques should be seen from the other [13], [15]. If this condition is not observed, the new construction must be prohibited [13].

However, some scholars posited some exceptions to these rules. The first exception, which is accepted by most scholars, is the need to build a new mosque closer to some worshipers who are or have become disabled or too weak to reach the settlement’s main mosque [13]. The second exception is given to people whose homes are too 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, but rather to accommodate the people who cannot attend daily communal prayers due to the great distance of their houses from the mosque [13].

Despite all these rules and conditions, in our visits to a certain number of *Ibadi* 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 [7]. Abu Bakr Ahmad seemed to have referred to this particular case. We found reference to this particular statement of Abu Bakr Ahmad in most of the *Ibadi fiqh* books that came after *Al-Muṣannaf*. In this latter, Abu Bakr Ahmad states:

“Some cases of proximity between mosques exist and we have not heard about their condemnation by the believers. Yaḥyâ bin Qâsim bin Zakariyâ and his son built the mosque not far from the wâdi (valley, dry riverbed), then they built Al-Jannat mosque then Masjid Al-‘Ain, and the three of them are on the same street” [13], [15].

From what preceded, it can be deduced that these scholars, having observed such exceptions firsthand, could have understood that the scholars before them had accepted these situations as exceptional. They use this conclusion as an argument for tolerating similar cases during their own time. This

reflects an aspect of inter-influence mechanisms that might have taken place between the *Ibadi* jurisprudence and the practice of the community. Nevertheless, this remains a hypothesis that needs to be confirmed or rejected after further and more exhaustive research.

CONCLUSION

To conclude this analysis of the important texts of jurisprudence related to the construction and management of mosques in the *Ibadi* school of thought, we must stress the following aspects:

Even if the documents of the *Ibadi fiqh* have specific authors, the content they reveal seems to have been accumulated through generations of scholarly work (*ijtihâd*). The texts they contain are compilations of legal opinions about the various topics addressed. This research has shown that the document explored in this paper has been a major source for the *Ibadi* jurisprudence that developed after its publication, and it remains so even today. It has also been made evident that the opinions expressed by Abu Bakr Ahmad in this book were developed based on the opinions and observations expressed by scholars who preceded him. This aspect is not specific to the *Ibadi* school of thought: the same phenomenon is observed in the other Islamic schools of thought [20].

On the other hand, we have seen that, although shared and accumulated by generations of scholars, these opinions were not homogeneous; some conflicts in the scholars’ opinions were spotted (for example, the recommended height for the mosque’s roof, the issue of multiple sanctuaries close to each other, sources of funding, and the question of ornamenting the mosque). This variation in legal opinions indicates that in spite of its inherent conservatism, *Ibadi* jurisprudence gives its scholars the freedom and the tools to evolve and adapt the legislation to the transformations that the community goes through from time to time. Thus the community developed a balance between its religious convictions and rituals on one hand and its social and cultural conditions on the other, and these aspects have always influenced each other to reach this balance.

As mentioned above, this study was not exhaustive and its conclusions must be regarded as preliminary. It is necessary to develop the investigation further, to include all the references of the *Ibadi* school of thought. It would be useful to distinguish how each group has formulated its jurisprudence regarding the architecture of the mosque, and to be able to describe how the cultural and geographic characters have shaped this legal framework in each region to adapt it to its own local history, politics and social organization without negating the fundamental principles that still continue to unite the *Ibadi* communities throughout the Muslim world [21].

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