Answer to Question

The Return of the Prayer in Hagia Sophia and the Loud Voices Demanding the Return of the Khilafah (Caliphate)!

(Translated)

Question:

We know that Muhammad Al-Fatih - may Allah have mercy on him – when he opened Constantinople he made the Hagia Sophia into a mosque... We also know that Mustafa Kamal – may Allah curse him - removed the mosque's characteristic of the Hagia Sophia and made it into a museum... In 2013, Erdogan rejected a request from Muslims to re-convert Hagia Sophia as a mosque... This year, and on Erdogan's orders, the court issued a decision to restore the Hagia Sophia as a mosque... the prayer was held there on Friday 24/7/2020, and Christian paintings on the walls would be covered only during the prayer. Does this affect the validity of the prayer? And where did these drawings come from, when Hagia Sophia was a pure (*tahir*) and clean mosque for nearly 500 years?!

We face some confusion in the Shariah ruling with respect to Hagia Sophia when Muhammad al-Fateh conquered it, and what we hope for, from you, and we are thankful to you, is to clarify the Shariah ruling on the places of worship of the kuffar in the conquered countries, to assure our hearts by the answer.

Answer:

To get a clear answer to these questions, we must review the relevant matters and their related issues, and to show the Shariah ruling on them. So we say, and success is from Allah:

First: In our previous speech on 7 Jummada I 1441 AH - 2/1/2020 CE on the Anniversary of the Conquest of Constaniople in the year 857 AH - 1453 CE, it is stated:

[Al-Fatih began conquering and besieging Constantinople from the twenty-sixth of Rabii' al-Awwal until it was opened at dawn on the twentieth of this month, Jumada al-Awwal 857 AH, meaning that the siege lasted for about two months. When Muhammad Al-Fatih entered the city victoriously he got off his horse, and prostrated (sujood) to Allah, thanking Allah for this victory and success. Then he headed to the Church of the Hagia Sophia where the Byzantines and their monks had gathered, he gave them protection. He ordered the conversion of the Church of the Hagia Sophia to a mosque, and ordered the establishment of a mosque in the place of the grave of the great companion Abu Ayoub Al-Ansari, where he was among the ranks of the first campaign to open Constantinople, and where he died, may Allah have mercy on him and may He be pleased with him... Al-Fatih, who was named so after the conquest, decided to take Constantinople as the of after was Edirne previously. named capital his state it and he it Constantinople [Kostantiniyye] after its conquest "Islambol", meaning the city of Islam [Dar al-Islam], and became famously known as "Istanbul". AI-Fateh then entered the city and went to the Hagia Sophia where he prayed in it and it became a mosque with the grace, blessing and praise of Allah...

 to him so he invaded Constantinople, narrated by Ahmad. In Mujma' Az-Zawaa'id, in its comment it states: "Narrated by Ahmad, Al-Bazzar, Al-Tabarani and its men are trustworthy..."

This glad tiding was achieved at the hands of this young man, Muhammad Al-Fatih, who was not older than twenty-one, but he had been prepared uprightly since his childhood. His father Sultan Murad II tended to him, and he was mentored at the hands of the finest teachers of his time, including... Sheikh Akshamsaddin Sungkar who was the first to cultivate in his mind the hadith of the Messenger of Allah (saw) on the "conquest of Constantinople" since his childhood. So the boy grew up aiming to achieve that conquest by his hands... Allah (swt) honored and blessed him, deserving the praise from the Messenger of Allah (saw). Al-Fatih was the best leader...]

Second: Since that time, the Hagia Sophia has become a great Islamic mosque, a great symbol for Muslims, and Muhammad Al-Fatih and the specialists in his era removed the paintings that contradict Islam from the walls, and blurred the drawings that were difficult to remove with paint or so. It became a pure, clean, bright mosque where Muslims prayed, praising Allah for that victory and the clear conquest... This continued until the criminal of the era Mustafa Kamal prevented praying in this mosque and turned it into a museum by his disastrous decision on 24/11/1934 CE... And before that, he, may Allah curse him, closed down the mosque from 1930 for about four years: ["Hagia Sophia was closed to worshipers between 1930-1935 CE because of the restoration work, which was carried out by order of Mustafa Kamal, the founder of the Turkish Republic. During the restoration work, various restoration operations were carried out... followed by a decision of the Cabinet on 24/11/1934 to convert the Hagia Sophia into a museum." (aa.com.tr/ar/190 Anadolu Agency 11/7/2020 CE)]

That is, the mosque remained closed for this period of time, and in this period, it is not excluded that some people came from the Western countries to draw those drawings and then the Hagia Sophia Museum was opened in 1935 CE. After his decision, to show people that there are Christian antiquities and drawings! Before that, Mustafa Kamal had committed his greatest crime of dissolving the Islamic Khilafah (Caliphate) in 1342 AH-1924 CE. Just as Mustafa Kamal brutally fought every call to restore the Khilafah; likewise, he fought every call to restore the Hagia Sophia mosque... However, Muslims continued to yearn to restore the Hagia Sophia to a mosque as it was. Almodon website stated on 26/3/2019: [still many Turks are looking forward to the day when the Hagia Sophia Museum returns to a mosque for Muslims. (On 27/5/2012, thousands of Muslims prayed in front of its building in protest of the law banning religious rites in it, on the occasion of the 559th anniversary of the victory of Sultan Muhammad the Conqueror and his conquest of Constantinople. The protesters chanted: "Break the chains... and open the Hagia Sophia Mosque... The Captive Mosque") and their resolve was not weakened by demanding that it is opened as a mosque [but Erdogan responded to these demands when he was Prime Minister in 2013 CE, that he would not consider changing the status of the Hagia Sophia... (Almodon website)].

Third: But Erdogan's view changed during the propaganda campaign for the city's municipal elections that took place in Turkey on Sunday, 31/3/2019 where he noticed the plunge in his ratings; as if he saw that jumping on the bandwagon for the conversion of Hagia Sophia into a mosque would raise his parliamentary electoral shares, so he embraced that call at the top of the election campaign: (Turkish President Recep Tayyip Erdogan said on Friday that the Hagia Sophia in Istanbul should be renamed as a mosque instead of a museum after Sunday's elections. Tomorrow's municipal elections will be held in Turkey; the AK Party looks forward to winning, as is the case in 2014... (Al-Jazeera.net Saturday, 30/3/2019). But Muslims are aware that the return of the Hagia Sophia as a mosque is related to Islam, to the state of Islam, the Khilafah. Hagia Sophia was the magnificent mosque to the Khilafah state, the title of victory and clear Fath (opening) and the fulfillment of the glad-tidings of the truthful and trustworthy Messenger of Allah (saw)... This is how sincere believers want it: to return under the shade of the banner of the Khilafah, the banner of there is no god but Allah, Muhammad is the Messenger of Allah; not to be shaded by the banner of secularism and man-made systems! Therefore, Erdogan's parliamentary election campaign did not achieve the return of a Hagia Sophia as a mosque, it did not achieve its goal, and he lost Istanbul and Ankara; i.e. of the two largest cities in Turkey! He lost to whom?

In front of the People's Party, from the followers of Mustafa Kemal, who turned Hagia Sophia into a museum!! This is because people did not find a big difference between these parties as long as none of them wanted Hagia Sophia to be shaded by the banner of the Khilafah.

Fourth: Erdogan did not realize that the return of the Hagia Sophia as it was, a mosque, will not bear fruit and support his popularly only if it was accompanied by the return of the Khilafah. Even though he saw this first hand in the election results, yet he continued to follow the same path! Thus, according to his order and desire, the Turkish Supreme Court issued a ruling on 10/7/2020 to convert the Hagia Sophia Museum in Istanbul into a mosque without any mention of it being associated with the return of the Khilafah and then Friday prayers were held on 24/7/2020 with the survival of the secular system and man-made laws fluttering over the Hagia Sophia Mosque!!

The prayer revealed how Muslims longed for the return of the Khilafah and the return of the Hagia Sophia Mosque as it was for 500 years. This was evident in the rejoicing of most people with what was said in the Friday sermon by Ali Arbash, head of Turkish Religious Affairs, on the third of Dhul-Hijjah 1441 AH on 24/7/2020 CE in Hagia Sophia Mosque upon the return of the prayer in it after 90 years of its closure... especially when he said: (The great praise and thanks to our Lord Azza Wa Jal who made us meet and gather on such a noble and historic day. Prayers and blessings be upon our most noble Prophet (saw) who gave the glad-tiding of the conquest in his saying: «أَتَفْتَحَنَّ الفُسْطَنْطِينَيَّةُ؛ فَلَنْعُمَ الأَمِيرُ أَمِيرُهَا، وَلَنْعُمَ الْجَيْشُ ذَلِكَ الْجَيْشُ with state army is that army."

And peace be on the noble companions who came out on the path of Allah to fulfill this gladtiding, with Abu Ayub Al-Ansari (ra) at the forefront who is considered the moral founder of Istanbul, and upon those who follow their footsteps and upon all our martyrs and soldiers who made the Anadolu (Anatolia) a home for us, protected it, and entrusted us with it.

And peace be upon Akshamsaddin, who has knowledge and wisdom, who engraved in the heart of Sultan Muhammad Al-Fatih the love of conquest, who led the worshipers at the first Friday prayer at the Hagia Sophia Mosque on 1/6/1453 CE. And peace be upon that young and discerning Amir and conqueror Sultan Muhammad Khan... who, with the grace and care of Allah Azza Wa Jal, managed to conquer Istanbul... And also, peace be upon the great craftsman, Mi'mar Sinan, who adorned the Hagia Sophia with minarets.

The Hagia Sophia is a feature of the conquest, and the trust of Al-Fatih. Sultan Muhammad Khan Al-Fatih made that place a Waqf (endowment) because it is in its capacity of a mosque until the Day of Resurrection, and left it in the custody of the believers. In our belief, waqf property cannot be compromised; the condition put by the person who made the property a Waqf is indispensable. Its violator is subject to be cursed / damned. Therefore, the Hagia Sophia from that time to the present day is not only one of our country's sacred buildings; rather it is also one of the sanctities of the Ummah of Muhammad (saw)... (aa.com.tr/ar/192 24/7/2020 Istanbul / Anadolu).

Fifth: The concepts of Islam have stirred in the hearts of the Muslims, especially when they heard the glad-tiding of the Messenger of Allah (saw) of the conquest of Constantinople, and they realized that the rule of Islam was the one that opened Constantinople, and it was what resulted in Hagia Sophia becoming a mosque. Istanbul and its mosque, the Hagia Sophia, continued as the center of the Ottoman Caliphate for five hundred years. This is the concepts of the Khilafah moved in their hearts, and was even announced in some media outlets as stated in the magazine, Gerçek Hayat - Real Life. Ash-Sharq Al-Awsat mentioned: Tuesday - 7 Dhul-Hijjah 1441 AH - 28 July 2020 CE: ((In the meantime, a magazine directly called Gerçek Hayat - Real Life in its new edition, issued the day before yesterday, for the declaration of the Caliphate in Turkey. The magazine published on its cover a phrase in the Arabic language saying: "If not now, when?"]. Erdogan should have responded to that instead of his party's spokesman who spoke against it:

[Ankara (Turkish Zaman newspaper) - A spokesman for Turkey's ruling Justice and Development Party, Omer Celik, denounced the controversy that erupted after the opening of the Hagia Sophia Mosque, following calls for a Caliphate. Gerçek Hayat (Real Life) Magazine issued today on its cover phrases calling for reviving the Islamic Caliphate again. Celik explained that Turkey is a democratic, secular and social state of law, and that it is a mistake to fabricate political polarization regarding Turkey's political system... he continued saying: "I pray for mercy to the leader of the independence war and the founder of the republic and its first ruler, Mustafa Kemal (Ataturk), and all leaders of the War of Independence. We will arrive with sound and solid steps to the wishes of our people with the skilled leadership of our president. Our prayers are with our people and our goal is a unified country. Long live the Turkish Republic..." (Zaman Turkey 27/07/2020)]. Thus, the spokesperson for the ruling party reveals that the matter is not for Allah but rather for a passing worldly objective!

This is not how matters are conducted O president of the Republic! Although every Muslim who is sincere in his Islam, his heart was filled with joy for the return of the Hagia Sophia mosque, yet every Muslim who is sincere in his Islam also wants it as Muhammad al-Fateh started it, the title of victory and the clear conquest, a luminous flame in the history of the Ottoman Caliphate, the Islamic Khilafah (Caliphate), a fulfillment of the gladtiding of the Messenger of Allah (saw)... This is how every Muslim sincere in Islam wants it, a bright mosque on which the banner of Islam is raised, the banner of the rule of Islam, the banner of the Khilafah (Caliphate) that has been shaded it for nearly 500 years. And not for the return of the Hagia Sophia to be a mosque for an obsolete electoral purpose, municipal or parliamentary! That is shaded by the banner of secularism and man-made laws that serve the interests of the colonial kuffar, and not the interests of Islam and Muslims!

Sixth: As for what came at the end of the question (We have some confusion in the Shariah ruling with respect to Hagia Sophia when Muhammad al-Fateh conquered it, and what we hope for, from you, and we are thankful to you, is to clarify the Shariah ruling on the places of worship of the kuffar in the conquered countries, to assure our hearts by the answer.)

My brother, it is not correct for there to be a confusion in the Shariah ruling, and even if there are different opinions in some branches among the Muslim jurists, they will fall under what they think holds the least amount of doubt based on their correct understanding of the Shariah evidences that they hold as valid, hence there is no confusion.

As for this issue, it is not new, rather the scholars discussed it before, and after studying it, it is clear that;

The opened countries fall under one of these categories

1- Lands that Muslims have constructed and established, such as Kufa, Basra, Wasit and their likes, it is not permissible to build a church or a synagogue in them. If Dhimma enter these areas, they are not given the ability to sell or buy...etc to drink alcohol, or keep pigs, <u>because it is Dar ul</u> <u>Islam (Abode of Islam established) by Muslims</u> this is due to the saying of the Prophet (saw): <u>Islam (Abode of Islam established) by Muslims</u> this is due to the saying of the Prophet (saw): <u>(saw)</u> "Under Islam a church is not built and what is ruined of it is not restored." It was related by Alaa Din Al-Burhan Furi (died: 975 AH), in Kanz Al-U'mal fi Sunnan Al-Aqwal and Al-Af'al on the authority of Ibn Asakir from Umar, it is also extracted by As-Siyuti in Al-Jami' Al-Kabir. Ibn Abbas said in the version of Ikrimah from him: أَفَ يَبْنُوا فِيهِ بِنَاءَ، أَوْ قَالَ: بِيعَةً هُ الْعَرَبُ الْعَرَبُ الْعَرَبُ الْعَرَبُ اللهُ وَالَّهُ "Any country is established by the Arabs then the non-Arabs are not allowed to build in it a building or, he said a church" [extracted by Ibn Abi Shaybah in his Musanaf].

2- Lands that the Muslims have opened peacefully, the ruling on temples and churches is based on what the peace conditions are with them, and it is far better to establish peace with them on the terms that the Caliph Umar, may Allah be pleased with him, agreed with them in the year 15 AH-638 CE in the Umari Treaty with the people of Eliya (Al-Quds) when the Muslims opened it.

3- Lands that Muslims opened by force, it is not permissible to carry out anything of this in it (building churches etc.) because it became the property of Muslims. Regarding this before the conquest, there are two aspects:

One of them is that by conquest (by force) it became a country owned by Muslims, Dar ul Islam (the abode of Islam), so it is not permissible to have a temple or a church, like the countries that the Muslims constructed.

The second, is that it is permissible to keep their places of worship, because in the Hadith of «أَيُّمَا مِصْرٍ مَصَّرَتُهُ الْعَجَمُ يَفْتَحُهُ اللَّهُ عَلَى الْعَرَبِ وَنَزَلُوا : Ibn Abbas that Ibn Abi Shaybah extracted in his Musanaf:

يَغْنِي عَلَى حُكْمِهِمْ فَلِنْعَجَمِ مَا فِي عَهْدِهِمْ...» grants the Arabs its conquest, removing the non-Arabs from their rule, then for the non-Arabs what is in their trusteeship."

Thus, it is up to the conqueror who opened a country by force, according to what he sees in the interest of Islam and Muslims and looking after the affairs of the citizens, both Muslims and the people of Dhimma (non-Muslim).

And because the topic of Constantinople comes in the section (Conquest by force), I will convey the opinions of some jurists for more reassurance

A- It was stated in Mughni Al-Muhtaj Ila Ma'rifat Alfath Al-Minhaj by Muhammad Al-Sherbini, who died in 977 AH, in explaining the text of Minhaj At-Talibeen by An-Nawawi (died: 676 AH).

[(And we prevent them from building a church in a country we constructed or its people entered Islam, which was not opened by force, they cannot establish it (church) and are not given approval for a church that was in it, this is most correct. Or if (opened) by peace, provided the land belongs to us, the condition of their housing, and to keep their churches is permissible, if this was general, it is most correct to prevent them, or it is decided for them, and they may establish it (church), this is most accurate.)

The explanation: (and prevent them) this is an obligation (the building of a church) and the temple or for monks, and the temple of fire of the Zoroastrians (in a country we founded)... (or) country (its people entered Islam)... (and) any country that (is opened by force) such as Egypt and Isfahaan the country of Maghreb (North West Africa) (they cannot build it there); because Muslims possessed it by seizing it, then it cannot be made a church. And as it is forbidden to build it, it is not permitted to be restored if it was destroyed (they are not given approval for the Church it was in it, most accurately) as mentioned...and the second (opinion) is to give them approval; because the interest may require that, and the issue of disagreement is on the one (church) already established at the time of the conquest...].

B- It was stated in (Fath al-Qadeer) by Kamal al-Din Muhammad, known as Ibn al-Hammam (died: 861 AH) (Hanafi jurisprudence):

(The second is what is opened the Muslims by force; it is not permissible to build one there, this is by consensus, and if there was a building there, should it be destroyed? Malik and Shafi'i said in the words of Ahmad in the narration: that it is wajib (to be destroyed). And we say that we make them in charge of their affair in converting their churches to residential property and they are prevented from praying in them, but they are not destroyed. This is the saying of Shafi'i and the narration of Ahmad, because the companions opened many lands by force and they did not destroy a church, nor a monastery, and it was never narrated).

C- It is stated in Al-Mughni, by Ibn Qudamah, (died 620 AH)

(Section II, what Muslims opened by force, it is not permissible to make build any building of the sort, because it became the property of the Muslims, and as for the existing buildings, there are two opinions, one, that it is wajib to be demolished, and is prohibited to keep it because it is a land owned by the Muslims, it is not permissible to have a church in it, like the country that Muslims founded.

The second is that it is permissible; because in the Hadith of Ibn Abbas: «أَيُّمَا مِصْرٍ مَصَرَّتُهُ الْعَجَم، "Any country is established by the non-Arabs and "أَفَتَحَهُ اللَّهُ عَلَى الْعَرَبِ، فَنَزَلُوهُ، فَإِنَّ لِلْعَجَمِ مَا فِي عَهْدِهِم» then Allah grants the Arabs its conquest, removing the non- Arabs from their rule, then for the non -Arabs what is in their trusteeship").

Seventh: Accordingly, the answers to the questions mentioned in the question are briefly as follows:

1- If the country is opened by peace, it is treated according to the conditions of reconciliation, as what took place in the Ummari Treaty (Pact of Umar) during the opening Bait ul Maqdis (Jerusalem).

2- And if the country was conquered by force, then the matter is returned to the conquering Muslim ruler to keep it for their worship or not to keep it, according to what he adopts in the

interest of Islam and Muslims and as a matter of looking after for the affairs of the citizens, Muslim and the Dhimma.

3- Therefore, what Muhammad Al-Fateh, may Allah have mercy on him, and may Allah be pleased with him, did by converting the Hagia Sophia to a mosque, is part of his authority, because the country was opened by force.

4- There are accounts that Muhammad AI-Fatih paid the Pope of the Greek Orthodox the price for the purchase of the Hagia Sophia, in the context of good treatment with the dhimmis, meaning Christians in Istanbul, and some historical documents according to these accounts confirm that Sultan Muhammad II known as Muhammad AI-Fatih paid the aforementioned purchase price [from his money and not the state's money, and he registered it with a private title deed in his name. The matter was documented through a contract of sale and assignment of property, and proof of payment of the amount in bills of payment, after opening the city of Constantinople during his rule of the Ottoman State. Then he beatified the property for the benefit of an association like Waqf in the name of Abu AI-Fath Sultan Muhammad...] And whether these accounts are true or disputed, regarding the purchase, the ruler who rules by Islam, if he conquers the lands of the kuffar by force, he is permitted to keep their temples and is permitted not to keep them as we showed above.

5- As for the validity of the prayer, with the presence of those drawings on the walls, and to cover them only at the time of the prayer... as long they are covered, the prayer is valid... but it is not permissible to reveal them after the prayer, and the state falls in a grave sin for that. The Shariah ruling is the prohibition of images on the walls of the mosque or any place in it. If they are found they must be removed. If this is not possible for some reason, then they must be permanently blurred by an appropriate means, that will stop them from showing up again. Among the evidences are:

هَأَنَّ النَّبِيَّ اللَّبِيَ اللَّهَا رَأَى الصُّوَرَ فِي الْبَيْتِ "يعني الكعبة" لَمْ يَدْخُلْ (Bukhari related from Ikrimah from Ibn Abbas (ra) "هَنَّى أَمَرَ بِهَا قَمْحِيَتْ...» "that when the Prophet (saw) saw the images in the house (the Ka'bba) he did not enter it until after he ordered that they are wiped out." [Extracted by Ibn Habban in his Sahih].

النَّبِيَّ ﷺ نَهَي عَنِ الصَّوَرِ في الْبَيْتِ وَنَهَى : المَّوَرَةِ فِيهَا وَلَمْ يَدْخُلِ الْبَيْتَ الرَّجُلُ أَنْ يَصْنَعَ ذَلِكَ وَأَنَّ النَّبِيَّ ﷺ أَمَرَ عُمَرَ بْنَ الْخَطَّابِ زَمَنَ الْفَتْحِ وَهُوَ بِالْبَطْحَاءِ أَنْ يَأْتِي الْكَعْبَةَ فَيَمْحُوَ كُلَّ صُورَةٍ فِيهَا وَلَمْ يَدْخُلِ الْبَيْتَ The Messenger of Allah (ﷺ) prohibited having images in the house, and he prohibited making them...and the Prophet (ﷺ) ordered Umar ibn al-Khattab who was in al-Batha' at the time of the conquest (of Makkah) to visit the Ka'bah and obliterate all images in it. The Prophet (ﷺ) did not enter it until all the images were obliterated." This is also extracted by Bayhaqi in As-Sunnan Al-Kubra.

Accordingly, it is forbidden to place pictures in the mosque or the prayer area at all times, it is not sufficient that they are covered only on the prayer time and then revealed afterwards, otherwise the authority is guilty.

In conclusion, I ask Allah (swt) to expedite the establishment of the Khilafah (Caliphate) at the hands of its workers from the Muslims, so that everything from the glad-tidings of the Messenger (saw) will be fulfilled: the liberation of the Blessed Land from the abomination of the Jews, the conquest of Rome after its predecessor Constantinople was opened, and the earth will shine with the glory of Islam and the banner of Islam will raised above all other flags.

﴿وَاللَّهُ غَالِبٌ عَلَى أَمْرِهِ وَلَكِنَّ أَكْثَرَ النَّاسِ لا يَعْلَمُونَ ﴾

"And Allah is predominant over His affair, but most of the people do not know" [Yusuf: 21]

Day of Arafah 1441 AH 30/7/2020 CE