

349766 - Ruling on a non-Muslim entering the mosque to pray with the Muslims without wudu, even though he clearly states that he is a disbeliever

the question

We are Muslims in Germany. We have a mosque where we offer the five daily prayers. For a year, a German man has been coming to us. He states that he is not Muslim and does not want to become Muslim, but he comes and joins us in prayer without doing wudu. We know that he has been going to other mosques for several years, then he was kicked out after that. The last mosque that he was kicked out of, he was going there for two years. Then I asked a shaykh via WhatsApp about that, and he told me: Do not prevent him (from coming to the mosque); perhaps Allah will guide him. Now it has been nearly six months, and he has not changed at all. Now the brothers who pray there are annoyed with him, and we disagreed among ourselves concerning him, because we feel that it is a kind of mockery of the prayer and disrespect of this great act of worship. We would like you to advise us as to the right thing to do, so that we can all agree and we can be clear on what we need to do. Should we let him enter the mosque and prevent him from praying? Or should we prevent him from entering the mosque at all? Or should we let him carry on praying, even though if he is asked, he says: I am not Muslim yet, and he is praying without wudu.

Detailed answer

Firstly:

There is nothing wrong with a non-Muslim entering the mosque, so long as he does not contaminate it with his shoes and the like, if he is entering for a legitimate purpose or because there is a need for that. And there is nothing wrong with him being present whilst the Muslims are praying, and watching them and reflecting on their prayer. Perhaps that may be a cause of him becoming Muslim.

See the answer to question no. [2192](#).

Secondly:

It is not permissible to allow anyone to pray in the mosque if he prays without wudu, because this is something sinful that should be denounced, whether the one who does that is a Muslim or non-Muslim. Non-Muslims are also required to adhere to the minor issues of sharia according to the more correct view, so it is prohibited for them to pray without wudu, just as that is prohibited for Muslims.

Wali ad-Din al-`Iraqi said: The correct view, which is that of the majority of scholars, is that the minor issues of sharia are addressed to the disbelievers, so it is prohibited for them to wear silk just as that is prohibited to the Muslims. (*Tarh at-Tathrib*, 3/227).

So if he does wudu and prays, no one should object to him, because perhaps he may be a Muslim inwardly, but if he clearly states that he is still a disbeliever, should he be stopped or left alone?

We have not come across anything in the words of the jurists regarding that, but they discussed two related issues:

1.

Is he to be deemed as a Muslim on the basis of his praying or not? Then different consequences will result from how this question is answered.

2.

If he leads people in prayer, then he should be subjected to a discretionary punishment (ta`zir), because he has spoiled their prayer, and because this is a kind of mockery.

Ash-Shafa`i (may Allah have mercy on him) said in *al-Umm* (1/195): If a disbelieving man leads some Muslim people in prayer, whether they did not realise that he was a disbeliever or they were aware, their prayer is not valid, and the fact that he prayed does not mean that he is a Muslim if he did not utter the words of Islam before the prayer. That disbeliever is to be subjected to a discretionary punishment, and those who prayed behind him knowing that he is a disbeliever did wrong. End quote.

An-Nawawi (may Allah have mercy on him) said in *al-Majmu`* (4/252): If a disbeliever leads Muslims in prayer, he should be subjected to a discretionary punishment for spoiling their prayer, pretending to be a Muslim and mocking Islam. End quote.

What appears to be the case is that if this man has clearly stated that he is a disbeliever, he should be prevented from praying, for several reasons:

1. This is an evil act and a kind of mockery, because the prayer is the greatest symbol of Islam, and being Muslim is a condition of it being valid.
2. Someone could join the prayer late, not knowing his situation, so he follows him in prayer; and someone could be deceived by him and interact with him as if he is Muslim.
3. According to the view that he is to be deemed a Muslim as he appears to be when he prays – which is the view of Abu Hanifah and Ahmad – if he states again that he is a disbeliever after that, he is an apostate, and the punishment for the apostate is execution.

So long as we know that he is a disbeliever, it is not permissible to allow him to do anything that could result in his apostasy, in which case we will find ourselves having to leave him as an apostate and not being able to carry out the punishment on him.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said: His words ‘then he is to be deemed a Muslim’ mean: if a disbeliever prays, then we deem him to be a Muslim, but he is a Muslim who is deemed as such even though he is not really Muslim, even if he did not intend by what he did to become Muslim.

The result of that is that if we deem him to be a Muslim, we can ask him to adhere to the rulings of Islam, and he may inherit from his Muslim relatives and they may inherit from him.

But if he says ‘I did that by way of mockery,’ then we will regard him as an apostate.

The difference between him being an apostate and him being a disbeliever who remained a disbeliever is that the disbelief of the apostate is not to be accepted, unlike the disbelief of one who was always a disbeliever, whose situation is to be accepted. So the apostate should be asked

to come back to Islam, then if he becomes Muslim again, all well and good, otherwise he is to be executed. (*Ash-Sharh al-Mumti`*, 2/19).

What appears to be the case is that this man should be called to Islam, and you should strive hard to achieve that and try dispel any doubts he may have, if he has any doubts that are preventing him from becoming Muslim.

If things are explained to him but he still persists in his disbelief, then he should be prevented from entering the mosque in that case, because there is no hope of him benefitting from entering the mosque after he has frequented many mosques for several years, but is still insisting on his disbelief.

For more information, please see the answer to question no. [27101](#).

And Allah knows best.