



## Matters of *Hijrah* (Emigration) and *Harb* (Warfare)

Installment #1

### Is Hijrah From Non-Muslim Lands Compulsory?

Excerpts from

#### The Ruling of Residing in the Lands of the Unbelievers and Proclaiming its Compulsoriness in Some Situations<sup>i</sup>

By Sheikh ‘Abdul-‘Azeez ibn Muhammad ibn As-Siddeeq Al-Hasani Al-Ghimaari – may Allah be pleased with him

One of the last Great Hadeeth Masters of Morocco

Sheikh ‘Abdul-‘Azeez says:

Imam Ahmad relates with a sound chain on the authority of Mushaaji’ ibn Mas’ood that he brought the Prophet – may Allah bless and grant him peace – one of his nephews to make the pledge to him for the emigration (hijrah). So the Messenger of Allah – may Allah bless and grant him peace – said:

*“No. Rather (make the pledge) on Islam. For verily there is no hijrah after the Conquest. But he will be among those who follow (the emigrants) in good.”*

‘Aisha – may Allah be pleased with her – clarified this that we have stated by her statement:

*“There is no hijrah today. The believers – each of them used to flee with his deen to Allah – High is He – and to His messenger out of fear of being persecuted for it. As for today, Allah – High is He – has made Islam manifest. And the believer worships his Lord wherever he pleases.”<sup>ii</sup>*

The scholars have said:

“She alluded to that the reason for hijrah is “fear of persecution (khauf al-fitnah) because of religion (deen). As for if one is capable of worshipping Allah – High is He – in any place, it (i.e. hijrah) is not required of him.”

Rather, some of the Imams have said:

“When one is capable of openly practicing the religion in any one of the lands of the unbelievers, the land has become by it the Abode of Islam. So residing in them is better than leaving them because of what is hoped of (in) others entering into Islam. Rather, for him to remain at that point would be given more weight than to emigrate because of the benefit found in that to Islam and the Muslims.”

And that is from two regards:

*The first:* is the hope that occurs - due to openly practicing the rites of Islam – of the unbelievers entering into Islam. And that is one of the greatest of objectives (maqasid) in the Shariah, and the most important of what the sincere workers can do who are true to their religion.

*The second:* is that he – by being able to openly practice the rites of Islam and declare the oneness of God without fear of harassment, the land becomes an Abode of Islam in his regard and in regard to other Muslims.<sup>iii</sup>

So if he was to emigrate from it, it would become an Abode of Warfare (Daar al-Harb). For this reason, the jurists (fuqahaa) have said:

“It is incumbent upon the Muslim in this situation to remain and not emigrate.”

The most erudite Sheikh of the Shaafi’ees in his time, Ibn Hajar Al-Haithami said in *Al-Fataawaa al-Hadeethiyah*: 204 in answer to a question raised to him about the hadeeth (that says):

“I (the Prophet) am innocent of any Muslim residing in the midst of the Pagans (mushrikeen).”

(He says) after comments whose verbatim is:

“So if you say: the statement of the jurists – “It is permissible to reside between them for whoever has safety in his person” – might conflict with it, I’d say: “It doesn’t conflict with it, because they stipulated that he be safe in openly displaying his religion. And when one is safe in that, there is in his residing between them a benefit to the Muslims outweighing his departure from their midst. So they permitted that for such a one so that his place from which he emigrates doesn’t become an Abode of Warfare. Rather, him residing there in that instance is compulsory.” [End quote]

So he expressly proclaimed that whoever is secure from persecution (fitnah) for his religion and is able – along with that – to openly declare the word of *tauheed* (God’s oneness), and proclaim the rites of Islam, it is compulsory for him to remain so that his location from which he emigrated doesn’t become an Abode of Warfare.

And this is clearly apparent to those who ponder on the proof texts (nusoos), and is acquainted with the comments of the Imams in the subject we are speaking on.

(This is) Because the hadeeths found with respect to the prohibition against residing in the lands of the unbelievers are construed (to refer) to when one isn’t able of carrying out the rites of the religion, fears persecution for that, and isn’t secure in his person and his wealth because of his religion.

As for when the Muslim is able to establish the rites, publicly state the word of God’s oneness (tauheed), the public summons (adhaan) to the prayers when it is called for, fasting, and other rulings, then there is nothing against him in residing in the lands of the unbelievers at all (mutlaqan).<sup>iv</sup> And there is no objection (haraj) in remaining in them for any aim, like commerce, studying (qiraa’ah), and work. And no one has spoken of the prohibition of that based on the proof that Allah’s messenger – may Allah bless and grant him peace - when the Muslims became settled, their affair became strong, their strength (saa’id) increased, (when) they became manifest, and were safe from persecution for their religion and their persons, he (the Prophet) didn’t order those who came to him as believers to emigrate to the lands of Islam and to part with the Abode of Unbelief (Daar al-Kufr).

Tabaraani relates with a fair chain (hasan) on the authority of Hasan ibn Saalih ibn Basheer ibn Fudaik (that) he said:

“Fudaik went out to Allah’s messenger – may Allah bless and grant him peace, and then said: “O Allah’s Messenger! Verily they claim that whoever doesn’t emigrate is destroyed.” So Allah’s Messenger – may Allah bless and grant him peace – said: “Establish prayer, pay Zakat, abandon iniquity, and live in the land of your people wherever you please.”

And Ahmad, Bazaar, and Tabaraani relate – and the chain of Ahmad is fair (hasan) – on the authority of ‘Abdullah ibn ‘Amr (that) he said:

“An austere and bold nomad came, and then said: “O Allah’s Messenger! Where (to) is the hijrah? To *you* wherever you may be? To a designated land? To a specific people? Or (is it that) when you die, it ends?” He (Abdullah) said: “So the Messenger of Allah – may Allah bless and grant him peace – got silent, and then said: “Where is the one asking about the hijrah?” He said: “Here I am, O Allah’s Messenger!” He (the Prophet) said: “When you establish prayer, and pay the Zakat, then you are an emigrant even if you die in Al-Hadrami.” He (Abdullah) said: “He means a land in Yamaamah.”<sup>v</sup>

And in one narration (he says):

“Hijrah is for you to abandon the indecencies (fawaahish), those that are apparent and those that are hidden, to establish the prayer, and to pay the Zakat. Then you are an emigrant (muhaajir).”

This is explicit (nass) regarding what I have adopted and determined. Likewise, is the hadeeth before it.

And it is known that Yamaamah was during the period of Allah’s Messenger – may Allah bless and grant him peace – an Abode of Unbelief (Daar al-Kufr), since it wasn’t opened up until the Caliphate of Abu Bakr – may Allah be pleased with him.

So it isn’t proper after this to dispute, to indulge ignorantly, to speak futilely, and to launch forth with speculation in this topic.

Similarly, Allah’s Messenger – may Allah bless and grant him peace – allowed for a people to reside in Mecca after their (acceptance of) Islam and before the conquest of it. Among them are Al-‘Abbaas, his uncle – may Allah be pleased with him, because they didn’t fear persecution (fitnah) and they were safe from harm happening to their persons in (doing) that.

And in that is the clear evidence of the non-compulsoriness of emigration from the Abode of Unbelief and the non-prohibition of residing in it when the Muslim is safe from persecution because of his religion.

Imam Naasir As-Sunnah Muhammad ibn Idrees Ash-Shaafi’ee – may Allah be pleased with him – said in Al-Umm (4/84) in his comments on the obligation of hijrah being on those who can withstand it:

“It is only on he who is persecuted for his religion in the land that he accepts Islam in, because Allah’s Messenger – may Allah bless and grant him peace – permitted for a people in Mecca to reside in it after their (acceptance of) Islam: Al-‘Abbaas ibn ‘Abdil-Muttalib and others – (that was) when they didn’t fear persecution. And he used to order his soldiers to say to those who accepted Islam: “If you emigrate, you have what the emigrants have. And if you remain, you are like nomads.” And he (the Prophet) only grants them a choice in what is permitted for them.”

He said also during comments about the authorization of hijrah (4/84) after comments:

“So Allah’s Messenger – may Allah bless and grant him peace – ordered a faction. Then it emigrated while not forbidding those who remained. He left the (choice) of hijrah to them.”

And Shaukaani conveyed in (Nail al-Autaar) 8/29 on the authority of Abu Bakr ibn Al-‘Arabi Al-Maaliki (that) he said:

“Hijrah: it is the departure from the Abode of Warfare (Daar al-Harb) to the Abode of Islam (Daar al-Islam). And it happened during the time of the Prophet – may Allah bless and grant him peace, and continued after him for whoever feared persecution. And the one that has ended altogether is betaking one’s self to wherever he (the Prophet) might have been.”

And Baihaqi put together in his Sunan a special chapter for this reason. He said:

“Chapter of the License given to Reside in the Abode of Paganism (Daar ash-Shirk) for whoever does not fear Persecution.”

He mentioned in it hadeeths that indicate what he entitled the chapter for.

Similarly, Haafiz Al-Haithami made a chapter in Majma’ Az-Zawaaid for the hadeeths that we have mentioned along with his statement: (Regarding he who Establishes the Religion Wherever He Is). He also made a chapter for it in another topic with his statement: (Regarding He who Hasn’t Emigrated and Established the Religion and the Shariah).

As for Haafiz Abu Bakr Al-Haazimi, he has expressly stated that the compulsoriness of hijrah from the Abode of Unbelief is abrogated, and that hijrah was compulsory at the beginning of Islam according to what the hadeeth indicates. Then it became recommended, not compulsory.

[End of Part 1: Taken from pp. 11-15]

Abdullah bin Hamid Ali

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<sup>i</sup> Hukm al-iqaamati fee bilaad al-kuffaar wa bayaan wujoobihaa fee ba’d al-ahwaal, Mataabi’ al-Booghaaz (‘Imaarah Venezuela – Avenue Holland, Tangiers, Morocco). Second Publication: 1416/1996.

<sup>ii</sup> Bukhaari, Kitaab Manaaqib al-Ansaar.

<sup>iii</sup> This statement is quoted from the great Shaafi’ee scholar of the 5<sup>th</sup> Islamic century, Imam Abu al-Hasan Al-Maawardi (450 a.h.). Cross reference with Fath al-Baari and Imam Nawwawi’s commentary on his 40 hadeeth collection.

<sup>iv</sup> Notice here how Sheikh ‘Abdul-‘Azeez in mentioning what it means to be able to openly practice one’s religion, how he makes no mention of being able to implement the Islamic legal punishments (hudood). This is because the implementation of the hudood is one of the rules specifically left on the shoulders of the Islamic state (al-ahkaam as-sultaaniyyah), not the common folk. This will be dealt with in a later installment, in sha Allah.

<sup>v</sup> This hadeeth further clarifies that the meaning of being able to establish or openly practice your religion in a non-Muslim land has nothing to do with being able to punish people with the Islamic punishments for fornication, adultery, theft, etc.