

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



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

Installment #2

Is Hijrah From the Lands of the Unbelievers Compulsory?

Part 2

Scholarly Quotes

Ibn Hazm says in *Al-Muhallaa* 12/124,

“And the statement of Allah’s Messenger – may Allah bless and grant him peace – “I am innocent of any Muslim residing in the midst of the unbelievers” – clarifies what we have said, and that he – upon him be peace – merely meant by that the Abode of Warfare. Otherwise, (we find that) he appointed his governors over Khaibar while all of them (residing there) were Jews.

And when those under (Islam’s) protection (ahl adh-dhimmah) in their cities while having no other (faith group) mixing with them, the one (Muslim) residing among them to govern them (imaaratin ‘alaihim) or to do business with them is not called an unbeliever and not a sinner. Rather, he is a good Muslim. And their abode is an Abode of Islam, not an Abode of Polytheism (Daar Shirk), because the Abode is attributed to the one who has mastery over it, who rules it, and controls it.”

And he says on page 125,

“And as for he who flees to the land of warfare due to oppression that he fears, and he does not wage war against the Muslims, didn’t help them (i.e. the unbelievers) against them (i.e. the believers), and doesn’t find any one who will grant him refuge among the Muslims, then (for) this individual – there is nothing against him, because he is under duress and compelled.”

Ibn Taimiyah says in his *Fataawi* 28/204 after comments about the compulsory migration,

“And from this chapter is the emigration from the Abode of Unbelief and Sinfulness to the Abode of Islam and Faith. For verily it is a migration from the place of residence between the unbelievers and hypocrites who don’t grant him the capability to do as Allah – High is He – has ordered him.”

Haafiz As-Suhaili – may Allah be pleased with him – says in *Raud Al-Anf* while speaking about the emigration to Abyssinia and the conversation between the Najaashi, Ja’far ibn Abi Taalib, and his companions,

“And among the legal rulings (fiqh) that it contains are: To depart from the homeland even - if the homeland happens to be Mecca in spite of its virtue – when the departure happens to be out of flight with the religion – even if (that flight) isn’t to (one of the lands of) Islam.

For surely the Abyssinians were Christians worshipping the Messiah. And they didn’t say that he was “The Slave of Allah.” That has become plain in this hadeeth...

And they departed from Allah’s sacred house to an Abode of Unbelief. But their doing that was out of caution for their religion and out of hope to be left alone with the worship of their Lord while making mention of Him in security and serenity.

And this is a ruling that continues whenever evil gets the upper-hand in a land and a believer is harassed because of the truth, and he sees falsehood overtaking the truth, and hopes to be in another land – i.e. a land wherein he will be left alone with his religion and openly display the worship of his Lord, then departing in this manner is incumbent upon the believers. And this is the hijrah that doesn’t end until the Day of Resurrection. And to Allah belongs the East and the West. So everywhere you turn, then there is Allah’s face.”

And *Ibn Hajar Al-‘Asqalaani* says in *Fath Al-Baari* (6/115) while commenting on the Prophet’s statement: “There is no hijrah after the Conquest.” He says,

“That is, the Conquest of Mecca. Or the intent is what is more general than that alluding to that the ruling of other than Mecca in that regard is (the same as) its ruling. So hijrah is not compulsory from a land that the Muslims have opened up. As for prior to the Conquest of the land, then those of the Muslims in it are (in) one of three (classes):

The first: is one who is capable of hijrah from it who isn't able to openly display his religion in it and not fulfill his obligations. Then hijrah from it is compulsory.

The second: is one who is capable, but *is* able to openly display his religion and fulfill his obligations. Then it is recommended in order to increase the number of the Muslims, to give them aid, to wage jihad against the unbelievers, having security from their treachery (*ghadr*), and achieving comfort from seeing indecency among them.

The third: is one who is unable (to make hijrah) because of an excuse such as being in captivity, sickness, etc. Such is permitted to remain. But if he burdens his self and bears the burden of departure, he is rewarded.”

And a similar break down can be found in the statements of *Ibn Qudaamah* in *Al-Mughni* (10/514).

[End of Installment #2]