

Residing in country of disbelievers for a necessity

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

The ruling of residing in a country of disbelievers for a necessity

Question: A sister concluded the legal and civil act with a Muslim brother who is born in France and has French citizenship. Among the reasons why he stays in France is to take care of his ill mother, he also promised her to change his residence to a Muslim country. So, is it permissible for him to reside in a country of disbelievers in such conditions and is it permissible for her to go with him with the intention of going away when the conditions fit? May Allaah reward you with good.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

We have no doubt that living in a country of disbelievers poses a danger to the faith, behaviours and manners of the Muslim. Saying that travelling and living in a country of disbelievers is not permissible for a person who is not secure from temptation, or who lacks knowledge of his religion, or who is not able to show the ritual practices of his religion in a complete way, is the saying which is safer for his faith and for his protection from melting in the disbelieving society and in order to not fall in its pitfall of corruption and destruction.

However, it will be permissible if the Muslim is able to manifest his faith and the ritual practices of his religion openly, like performing prayers, fasting, performing Hajj, the Friday prayer, the congregational prayers and other Islaamic rites, and in case he can maintain the creed of Al-Walaa' and Al-Baraa' (alliance and disavowal), by avoiding loving the disbelievers or feeling loyalty to them. He should rather hate them and disapprove of their deeds, since loving the enemies of Allaah requires agreeing with them, following and approving of their deeds; and this, of course, goes against the creed of Al-Walaa' and Al-Baraa' which is the most trustworthy handhold of Islaam that will never break.

Allaah عزَّ وجلَّ said:

لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءَهُمْ أَوْ أَبْنَاءَهُمْ أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ

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[You (O Muhammad ﷺ) will not find any people who believe in Allaah and the Last Day, making friendship with those who oppose Allaah and His Messenger (Muhammad ﷺ), even though they were their fathers, or their sons, or their brothers, or their kindred (people).]¹

Allaah عزَّ وجلَّ also said:

وَمَنْ يَتَّوَلَّهُمْ مِنْكُمْ فَأِنَّهُ مِنْهُمْ

[And if any amongst you takes them as Auleeyaa' (friends, protectors, helpers), then surely he is one of them]²

The Prophet ﷺ said: "Whoever imitates any nation then he is from amongst them"³. The Prophet ﷺ also said: "Everyone will be with whomever he loves (on the Day of Judgment)"⁴. The Muslim who lives in a country of disbelievers should also know the rulings of his religion so as to allow him to preserve it and be secure from temptation, deviation from the right way.

Hereupon, if these norms are established, it will be permissible for him to reside there according to the need of his mother of medical care, as the person who takes care of a sick person is concerned by the same rulings, especially if he is weak and cannot leave this country because of medical, geographical or political reasons.

Moreover, the wife has the same rulings as her husband since she is under his authority, as the jurisprudential rule stipulates: "**That which is subordinate follows under the ruling of the original**". The wife has the right to make as a condition during the marriage contract the fact of not travelling with her to such countries (of disbelievers), and "**Muslims are to abide by the conditions upon which they agreed (with one another)**"⁵.

It should be also known that the residence (in a country of disbelievers) which is not linked with a legal necessity or need is among the greatest harms and dangers upon the faith of the Muslim, as residing with disbelievers may lead to imitate them, and imitating them in their customs, attitudes, behaviours and characters, in addition to what they declare of rulings which go against what Allaah عزَّ وجلَّ has revealed and other polytheist practices; all

¹ Soorah al-Mujadilah [58:22]

² Soorah al-Maa'idah [5:51]

³ Reported by Aboo Dawood, chapter of "Clothes", concerning the garment of celebrity (hadeeth 4033), Ahmad (hadeeth 5232) from the hadeeth of Ibn `Umar رضي الله عنهما. Al-`Iraqi judged this hadeeth authentic in "Takhreej Al-Ihya" (1/359), Ibn Hajar judged this hadeeth as "Hassan" (good) in "Fath Al-Baaree" (10/288) as well as Al-Albaanee in "Al-Irwaa'" (hadeeth 1269).

⁴ Reported by Al-Bukhaaree, chapter of "Good manners", concerning the sign of one's love to Allaah (hadeeth 6169), Muslim, chapter of "Virtue, keeping good relations with one's kith and kin and good manners" concerning the person would be in the company of whomever he loves (hadeeth 6888), Ahmad (hadeeth 3790), from the hadeeth of `Abdullaah Ibn Mas'ood رضي الله عنه. This hadeeth is reported by At-Tirmidhee, chapter of "Asceticism" (hadeeth 2358), Ahmad (hadeeth 12339), from the hadeeth of Anas رضي الله عنه, it is also reported by At-Tirmidhee, chapter of "Asceticism" (hadeeth 2387) and Ahmad (hadeeth 18579), from the hadeeth of Safwaan Ibn `Assaal رضي الله عنه.

⁵ Reported by Aboo Dawood, chapter of "Judgments", concerning reconciliation (hadeeth 3594), Al-Haakim in "Al-Mustadrak" (hadeeth 2309), from the hadeeth of Aboo Hurayrah رضي الله عنه, At-Tirmidhee, chapter of "Judgments" (hadeeth 1352) from the hadeeth of `Amr Ibn `Auf رضي الله عنه. This hadeeth is judged authentic by Al-Albaanee in "Al-Irwaa'" (5/142) number (1303) and in "As-Silsilah As-Saheehah" (hadeeth 2915).

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this may lead the Muslim to be like them, as the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ declared: "**Anyone who associates with a polytheist and lives with him is like him**"⁶. This hadeeth, though judged by some scholars as being weak, its meaning is correct, as its meaning is close to that of the hadeeth "**He who copies any people is one of them**" as well as the one who loves them and approves of them.

Ibn Taymeeyah رَحِمَهُ اللهُ said: "The narrowest meaning we can understand from this hadeeth is that it is forbidden to imitate the disbelievers, although this hadeeth indicates that the person who imitates disbelievers is considered a disbeliever, in accordance with Allaah's عَزَّ وَجَلَّ saying:

وَمَنْ يَتَّوَلَّهُمْ مِنْكُمْ فَأِنَّهُ مِنْهُمْ

[And if any amongst you takes them as Auleeyaa' (friends, protectors, helpers), then surely he is one of them]⁷

The perfect knowledge belongs to Allaah. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, his Family, his Companions and Brothers till the Day of Resurrection.

Algiers, Safar 26th, 1422H. Corresponding to: May 20th, 2001.

⁶ Reported by Aboo Dawood, chapter of "Jihaad", concerning living in a land of disbelievers (hadeeth 2787), from the hadeeth of Samura Ibn Jundub رَضِيَ اللهُ عَنْهُ. This hadeeth is judged authentic by Al-Albaanee in "As-Silsilah As-Saheehah" (5/434) number (2330).

⁷ Soorah al-Maa'idah [5:51]