
**PERMANENT SETTLEMENT OF MUSLIMS IN NON- ISLAMIC COUNTRIES : A
CRITICAL ANALYSIS OPINIONS EXIST IN MODERN DAY SCHOOL OF
ISLAMIC JURISPRUDENCE AND CIRCLES OF SCHOLARS**

Munam Awais Soleri

M Phil Scholar

Sheikh Zayed Islamic Center Punjab University Lahore

Email: munamawais523@hotmail.com

Hafiz Abdul Basit Khan

Professor SZIC, Punjab University Lahore

Email: basit.szic@pu.edu.pk

ABSTRACT

Subject Study covers the most crucial problem of third world Muslim countries which is moving of Muslim individuals to non-Muslim countries, Islam is a religion which is not only practiced on individual level but also on collective level, there are certain compulsions and obligations which can only be fulfilled in Muslim state and society but our Muslim brothers do not understand this open truth, mostly believe that religion is a personal matter and it has nothing to do with society and culture. I have tried to figure out this critical matter by considering Islamic legal aspects and high ethical standards along with modern day problems which every Muslim citizen of third world is facing. Classical scholars were very strict about this narrative of residing with Kufoor, but keeping the present economic, social and political situation of third world under developing Muslim countries, contemporary Islamic Scholars are comparatively flexible and adaptable over this discourse but with certain conditions and limitations. Rulings will differ from person to person and case to case, depending upon the circumstances which someone encounter in his life. Muslim minorities are playing vital role in the progress of developed non-Muslim countries and they are trying to generate a very strong impact on those modern civilizations.

Key words:

Permanent settlement of Muslim in non-Muslim countries, a contemporary point of view, modern day scholarly opinions.

Introduction

With the passage of every day, large no of Muslim families are migrating from third world under developing Muslim countries to western non-Muslim developed first world countries for different reasons like Economic infirmity of vast Muslim countries, high inflation, race to get luxurious life style, to live with family members who moved earlier outside, to secure safe and prosperous future for kids, better law and order situation, Islamic dawah activities, Medical treatment and to pursue higher studies. This exercise is badly destroying the Muslim societies equilibrium, individuals who were supposed to remain in Muslim states and build the societies, they are quitting rapidly. Particularly working professionals like Doctors, Engineers, IT Professionals, Scientists, Economy experts, Entrepreneurs, Civil and Military bureaucracy etc take a lot from their nation while building up their careers but when it is the time to return back and serve the state and nation, they move ahead. Likewise, Businessmen are also moving their business empires outside and looking for investment options like buying properties etc. This brain drain is becoming a very big hurdle in growth of Muslim countries. Unemployment and low GDP are the reflections of such actions; Indeed, this is a burning issue of our Muslim society and hot debate of every family.

Various experiences have showed that after settling in western countries such people are extensively influenced by western civilization, culture and they are absorbed in that non-

Muslim society values, in order to cope up the challenges of new environment they tend to compromise numerous Islamic principles which very slowly effect their belief, in some cases they are apparently practicing Muslims but ideologically they are shifted from their faith. Those people cannot realize this deliberate drift from their Deen and tend to indulge in non-Islamic ethics of western tradition. After some years, they never get in a position to push back these deviations. In some cases, their families are broken up, kids leave them and become independent citizens of that country, sometimes their lives become very miserable and gloomy. Disobedience of kids and lack of attention from their close family members also make this situation worst. Ultimately, a sizeable no of them become depression and anxiety patients. Furthermore, they are so much hooked up and connected to that heritage that they have no courage to return back to their motherlands. In short, the land of non-believers does not shower the blessings, its colours are very temporary, its joy is fake and many homes can catch fire due to its materialistic smoke.

On the other hand, people back in Muslim countries always fantasize their modern lifestyle and wealthy status. They are very overwhelmed by hearing the stories and watching all that on social and main stream media round the clock. They try their level best to find a way out for leaving their homelands and settling down in western lands for the rest of their lives. Some of them are so desperate that they use every illegal and unlawful means to fulfill their dreams.

Keeping this scenario in mind, I have tried to gather some scholarly opinions to understand this topic in contemporary point of view. I hope this small research work may open new horizons of wisdom and knowledge for myself and others, I will be more than happy if someone could benefit from this minor human effort and it could help anyone while taking such a courageous decision.

1.1 Khalid Saifullah Rahmani (1956)

Khalid Saifullah is an Indian Muslim scholar, author and jurist who serves as the president of the All India Muslim Personal Law Board. He is also the general secretary of Islamic Fiqh Academy of India. He clearly wrote his opinion about this issue, according to him mostly western non-Muslims countries are under the category of Dar al Aman,ⁱ in these countries Muslims have complete rights as citizens and they can even propagate Islam, therefore it is not obligatory for a Muslim to migrate from that country.

1.2 Dr Wahbah al-Zuhayli (1932-2015)

Dr Wahbah al-Zuhayli was a Syrian Islamic Scholar, Jurist, Professor and Expert of Islamic International Law. Unlike conventional jurists, he argued that the modern world functions as a single arena where peace is the general principle, not war. War is a temporary state which is carried out for certain reasons and it does not last permanently. Islam does allow existence of independent non-Muslim states having their own terrestrial boundariesⁱⁱ along with governing systems. Al-Zuhayli often challenged the classical division of the world into Dar al-Islam (Abode of Islam) and Dar al-Harb (Abode of War). As altogether, countries are members of United Nations Origination (UN). Therefore, all non-Muslim countries will be considered in the category of Dar ul-Ahd (abode of treaty). He concurs with al-Qaradawi's opinionⁱⁱⁱ up to some extent that Muslims can reside anywhere until their faith and identity is protected. If a believer cannot live up to his faith, he must seek a path out, unless he is excused. However, he strongly suggests Muslims to distance themselves from the beliefs and customs of disbelievers, considering it to be from the fundamentals of religion. His work on this subject is part of a larger, moderate, and academic approach to modern Islamic jurisprudence, aimed at reconciling traditional Islamic principles with the realities of a globalized world, like al-

Qaradawi he does not allow Muslims to join Army of Non-Muslim countries because disbelieving military officers exhibit hatred against Islam and they are ready to fight Muslims if ordered.

1.3 Dr Yusuf al-Qaradawi (1926-2022)

Dr Yousuf Al-Qaradawi was an Egypt Islamic Scholar who lived most of his in life in Doha, Qatar, he was founder of European Council for Fatwa and Research. Al-Qaradawi claimed that the concept of *dār al-ḥarb* was introduced primarily by the Hanafi school, specifically by Imam Abū Ḥanīfah, who divided the world into two domains: *dār al-Islām* (the abode of Islam) and *dār al-ḥarb* (the abode of war). Al-Qaradawi critically emphasized that these terms do not appear in the Quran or Sunnah, they were scholarly constructs developed to address specific jurisprudential questions of their era. He argued that mechanically applying them to the twenty-first century, in which the overwhelming majority of non-Muslim countries are not at war with Muslim communities and in fact guarantee Muslims extensive religious freedoms, is both intellectually incoherent and practically harmful. According to him, for Muslims living away from Dar Islam and Muslim society, need a separate Fiqh which is called Fiqh al-Aqalliyyat. He was one of the pioneers of this Fiqh. He introduced a discourse, integration without assimilation and Naturalization. The middle path of integration without assimilation requires Muslims to participate fully in the economic, social, political, and cultural life of their host societies while maintaining the core of Islamic identity: faith, prayer, ethical conduct, family values, and community.

The Fiqh for minorities is a part of the general Fiqh and both have same sources, Quran, Sunnah, Ijma and Qiyas. However, the Fiqh for minorities is flexible,iv adaptable and due regard is given in it to the background and situations while enlisting a ruling of fatwa. He very openly promoted that Muslims should reside in non-Muslim countries, because West is the leader of this modern world in terms of knowledge, politics, culturev and economy. Therefore, Muslims must stay in west and do dawah work over there, they should build the Islamic narrative and influence western society in a constructive way. There is no point to leave the space open for Jews, they can certainly influence and exploit the western resources for obtaining their objectives. If scholars will not allow Muslims to settle in non-Muslim lands, then the door of dawah will be shut down. If we see Islamic history, a no of Muslims migrated to non-Muslims lands of that time and spread out the global message of Islam. It certainly led Islamic dominance in later years. According to Al-Qardawai, the fatwas issued by Muslim jurists lining in Muslim societies cannot be implemented directly with the circumstance of Muslim minorities due to their lack of awareness regarding certain problem

1.4 Jamia Uloom-ul-Islamia Banuri Town Fatwa

As per fatwa issued by Jamia Uloom-ul-Islamia Banuri Town, it is not legitimate for a Muslim to migrate to a non-Muslim country just for the sake of better life stylevi, social status and achieving wealth. It is very hazardous for a Muslim and his family to undergo in that spiritually polluted society where there is majority of immoralities and evils. However, fatwa gave margins to those Muslims who are going for medical treatment or leaving their homelands due to massive financial crunch. Similarly, if someone is having a life threat, he can also move to a safe place in this world. Moreover, if a Muslim is going to the land of Kufr for Islamic Dawah and preaching, it is highly obliged and encouraged.

1.5 Syed Abu-al-Ala Maududi (1903-1979)

Syed Abul Ala Maududi was a prominent 20th-century Islamic scholar, theologian, jurist, journalist, and politician who played a decisive role in shaping modern political Islam. He founded the political party Jamaat-e-Islami. He very strongly advocated that Muslims

should reside in Islamic state. Maududi believed that Islam is not just a religion of personal worship but a complete way of life that ideally should be practiced and implemented within an Islamic system. Because of this, he believed that Muslims settling permanently in Dar al Kufr are in a continuous state of sin.vii He argued that there is no justification for this settlement, why Muslims cannot migrate to a Muslim state where they can live pious lives away from the obedience of this Kufr.

If not so, they can even live in a forest or a mountainviii and try to be away from the shades of this kufr. Every second in the land of disbelievers is an immorality which can cause gradual loss of their Islamic identity. If a Muslim cannot leave that Dar al Kufr having crucial circumstances, he must try to put efforts for Islamic supremacy in that areaix and try to change that system of Kufr to a structure of Islam, like all the messengers of Allah struggled to achieve this goal, if he is compelled not to take part in such attempts, then he must reside there with utmost feelings of resentment and repulsion.

1.6 Mufti Muhammad Taqi Usmani (1943)

Mufti Muhammad Taqi Usmani is a prominent Pakistani Deobandi Islamic scholar, jurist, and leading expert in Islamic finance, Hadith, and Fiqh. He is considered one of the most influential Islamic scholars of present time. In his book *Fiqhi Maqalat*, he clearly illustrated this phenomenon.x According to him permeant settlement of Muslims in non-Muslim countries is subject to time, space and individual circumstances of a person, he divided this phenomenon in following cases

Case # 1: -

If someone is badly tortured and punished in his own country without any guilt or he is kept in prison, his property is withheld, Apparently, he has no choice except to step out to of his own country and settle in a non-Muslim country if he can keep his faith firm and prevent himself from wrongdoing and sins.

Case # 2: -

Similarly, if someone is hand to mouth and cannot even produce his bread and butter in his homeland, he can move anywhere to earn and fulfill his basic belongings and necessities of life.

Case # 3: -

Furthermore, if a Muslim resides in a land of Kufr for the purpose of Islamic Dawah and propagation for the global message of Islam, he goes with the intension that he will help non-Muslims and reverts to understand Islam. It is certainly permissible and highly recommended; this conduct is according to the way of companions of prophet (PBUH)

Case # 4: -

If a person is having enough earning in his Islamic homeland but he is traveling to a non-Muslim country only to get better lifestyle and enjoy luxuries of life, it is very risky, he can easily fell down in any of the evils and adopt western secular values. As per Fuqaha, s opinion in that case that person's Adalat (piety) will be damaged.

Case # 5: -

If a Muslim is willing to demonstrate himself superior in society and prefers Dar ul Kufr over Dal al Islam for residence, he considers non-Muslims as greater nations and he tries to follow their way of living and culture instead of Muslim norms. It is completely forbidden and considered a Haram act.

1.7 Dr Israr (1932-2010)

Dr Israr was a renowned Islamic scholar from Pakistan. He was against this phenomenon. He strongly expressed his views in a speech delivered at Islamic Center, Chicago

USA. That lecture got very popular even it did not contain much academic material, but he very strongly argued overseas Pakistanis to reconsider their decision for residing in a country of kufaar. He encouraged^{xi} them for ultimate return to their Muslim land and join the struggle to bring Islamic system over there. According to Dr Israr it was mandatory for a Muslim that he should join a movement for establishing a Caliphate (Khilafah) through a peaceful, revolutionary drive.

1.8 Dr Tahir-ul-Qadri (1951)

Dr. Tahir-ul-Qadri, a well-known Pakistani scholar and founder of Minhaj-ul-Quran International, has spoken the issue of Muslims living permanently in non-Muslim countries in several lectures and writings. His views are generally considered very moderate. He clearly wrote in his book “Relations of Muslims and Non-Muslims” that in present age Muslims have complete liberty to build mosques, Islamic centers^{xii} and practice Islamic rituals in west under the shadow of their Islamic civilization and culture. They can go on Hajj journey, can perform Adhan, can do fasting, can broadcast Islamic channels. Their faith and identity are protected over there and they are very safe due to the law of the land. Muslims enjoy the status of a native citizen like availing medical facilities, attractive salaries and other social benefits. They are given freedom of speech and expression even better than few Islamic Arab countries. In such circumstances that land becomes Dar al-Islam for them, they must follow and obey rules and regulations of that particular country and behave as loyal citizens. He further added that as per opinion of Fuqaha, any Muslim individual have no right to behave as rebel for that state and take part in any state activity. Muslims should become ambassadors of peace and humanity for mankind and promote harmony in that society.

1.9 Nauman Ali Khan (1978)

Nouman Ali Khan is an American Islamic preacher and the founder of the Bayyinah Institute for Arabic and Quranic Studies. Being grew up in west and residing there since early days of his life, his views are prominently different from conventional Islamic scholars. According to him, Muslims can live in western non-Muslims lands, there is no geographical restriction^{xiii} in Islam. Muslims should grab this opportunity to become ambassadors of Islam by practicing Islamic virtues. Their honesty, good character, kind behaviour can certainly remove misconceptions about Islam. He stresses that Muslims in non-Muslim countries should stop viewing themselves as temporary outsiders and instead focus on building a proactive, purposeful and powerful community which can lead their footsteps for next generations. Muslim should exercise^{xiv} their democratic human rights within framework of state law and flourish Islamic values with the help of freedom of speech. It can create a possibility that Islam might become the largest religion of that country. He argues that Practicing Muslims are always in minority even in Muslim majority countries

1.10 Opinion of Urdufatwa.com

Urdu fatwa is a famous website run by management of Mohaddis research journal, according to their fatwa, it is not obligatory^{xv} for a Muslim to migrate form the land of Kufr if he can practice Islamic rituals and his faith is not at risk. Furthermore, they argued that there is no state in contemporary world where Muslims cannot practice their religion full freedom and liberty.

1.11 European Council for Fatwa and Research

European council for fatwa and research is a key organization build to sort out the problems of Muslim minorities in west. According to Council fatwa,^{xvi} the partition of the world into Dar al-Islam, Dar al-Harb, and Dar al-'Ahd in Islamic jurisprudence dates back to the early period of Islam and occurred within the context of war, an exceptional circumstance.

All the consequences of this division and the resulting legal rulings in Islamic jurisprudence were based on the prevailing conditions at the time between the Islamic state and the rest of the world. In Present world, Muslims in Europe reside in different countries characterized by religious, cultural, and ethnic diversity, founded on peace. That ensures security and their rights are guaranteed by law, including freedom of religion and expression. Therefore, they can residexvii in the non-Muslims lands until they can exercise their rights.

1.12 Dr Shabir Ally (1953)

Dr Shabir Ally is a Guyanese-Canadian Islamic scholar. He is the president of the Islamic Information & Dawah Centre International in Toronto where he functions as Imam, he is also the founder of famous website named www.quranspeaks.com. He expressed his views about permanent settlement of Muslims in a non-Muslim County during one of his Q&A session. According to him, it is permissible to reside in a non-Muslim country if Muslims are allowed to practice Islamic rituals, he put an argument that there is no heaven on this earthxviii where everything is perfect, where someone can get sanitized environment for living life. Sin is everywhere. In certain western countries, there is freedom of expression and Muslims can use it for the propagation of Islam, indeed west is world's global centre .

1.13 Dr Zakir Naik (1965)

Dr Zakir Naik is an Indian Islamic Scholar who focuses on comparative religion. He is founder and president of Islamic Research foundation and Peace TV. He is very strongly believes that it is not permitted for a Muslim to migrate from a Muslim country to a non-Muslim country except study purpose and health treatment. Similarly in some cases it is allowed to spread Islamic dawah. However, he stated that in most cases people go to non-Muslim lands for the sake of wealth and luxurious lifestyle, they very easily get involved in immoralities like adultery, drinking alcohol, taking drugs, Ribaxix etc. he argued that although, some Muslims become more practicing Muslims by going to non-Muslim lands but this percentage is very small, huge no of Muslims are attracted by western civilization and culture, they get massive impact from that society which certainly weakens their faith and believe. Non-Muslim country environment is not comfortable for Islamic lifestyle

1.14 Dr Yasir Qadi (1975)

Dr Yasir Qadi is an American Muslim scholar and theologian. He is dean of The Islamic Seminary of America and resident scholar of the East Plano Islamic Center in Plano, Texas, he is also the president of Figh council of North America. He expressed his views about this topic during a Q&A session. He built an argument that it is fully permissible to live in non-Muslim country until a Muslim can practice his faith, as long as a Muslim is not enforced to compromise on Islamic values and he is not forced to commit shirk or Kufr, it is completely allowed to reside in a land of Kufr. Temptations are everywhere in this world even in Muslim majority lands. There is no Dar ul-Islamxx any more in this world, we live in a post Caliphate world. Islamic countries are principally Muslim majority lands, according to his prospective the classical discussion in Fiqh regarding Dur ul-Islam and Dur-ul-Kufr is not valid any longer.

1.15 Shaykh Muhammad Nasir al-Din Albani (1914-1999)

Shaykh Albani was an Albanian Islamic hadith scholar, regarded as one of the prominent figures of modern Salafism. As perxxi fatwas issued by Shaykh Albani, Hijrah from the land of Kufr is mandatory for every Muslim. However, it could be justified only if someone is going there to spread Islam which is a meritorious activity. But in that case, one must be strong enough morally to resist the temptations of evils and illicit acts. People who are sick, or imprisoned in that country or at risk in Muslim countries are exempted from the obligation of

Hijrah. Women and children are also excused if they do not have any support to take this Hijrah initiative.

Shaykh Albani pointed out that new reverts stay in the lands of Kufr because they do not want to give up the comfortable lifestyle provided by their countries of origin even at the cost of not having a complete spiritual experience. Hijrah to a Muslim country is always a better opportunity than staying in the territory of unbelievers, even if the government in a Muslim country has clear limitations in the implementation of Islamic rulings and does not catch up to the standards of Islam. A person's Hijrah from a place of disbelief and sin to a place of Eman and obedience to Allah is like a person's repentance and his shift from disbelief and sin to Eman and obedience. This is a continuous affair till the day of judgement.

1.16 Permanent Committee for Scholarly Research and Ifta (KSA)

According to the Committee a Muslim is obliged to reside exclusively in an Islamic territory^{xxxiii} and forbidden to migrate to a non-Muslim country, due to the fact that it is considered land of disbelievers. As per committee rulings, Dar al-Kufr is made up of those territories in which^{xxxiv} the rules applied are that of the disbelievers. Governments and authorities govern by violating limits imposed by Allah and refuse to follow the guidelines of Islam. Committee stated that those lands should be considered Dar al-Kufr even having majority of population professing Islam but administrated by people who do not follow divine revelation. Based on this reasonings, Europe and America fall in that category of Dar al-Kufr. It is therefore an illicit act to live there either temporarily^{xxxv} or permanently. Muslims residing in such countries will be subject to punishment and the wrath of Allah. However, the committee has accepted some exceptions to this rule like to go for spreading Islam, to study or work.

1.17 Abdulaziz ibn Abdullah Al Baz (1912-1999)

Abdulaziz ibn Abdullah Al Baz was a famous Salafi jurist, he served as the second Grand Mufti of Saudi Arabia from 1993 until his death in 1999. Ibn Baz was very strict about this idea of living in the land of non-believers,^{xxvi} in this fatwa he clearly wrote about the risks involved in such activity, such trips can have adverse effect on believer's faith, therefore it is essential that Muslim traveller have solid knowledge of Islam. He further illustrated in his fatwa that travelling to Dar al-Kufr is also forbidden even for truism purpose^{xxvii} like honeymoon or personal visits. There are numerous reasons for this prohibition, many Muslims come back with decay in their faith levels as they see all forbidden acts in those non-Islamic lands like alcohol, adultery etc. Doubts are instilled^{xxviii} in the minds of Believers.

Similarly, a sense of admiration prevails about the customs, traditions and culture of that non-Islamic society, this situation is very perilous for young teens and children. Ibn Baz only allows travelling to non-Muslim lands for the sake of dawah to non-believers but that Muslim individual should be strong enough to keep his self away from all the evils taking place around him in that society or a student can go, in order to acquire certain specialization which is unavailable in Islamic countries, however student should be sufficiently mature having good knowledge of Islam. These students should be accompanied by chaperons who supervise their behaviour and keep them out of mischief.

1.18 Fatwa of Darul Uloom Deoband

I made direct contact with Darul Uloom Deoband to get their updated opinion or fatwa on this topic but they apologized me and suggested to contact local institutions for gathering opinion, however I found one article on their website which is very relevant. It is written by Maulana Akthar Imam Adil; he has divided the present world in 3 major categories.^{xxix}

Category # 1

In this category there are countries in which Muslims face large number of difficulties to practice Islamic rituals, they cannot subsist on their faith and identity, like the situation of Mecca before Hijrah, as per Fuqaha consensus, it is not lawful for a Muslim to stay in such territory. Even if Muslims are residing previously, they must migrate from that place depending on their capability.

Category # 2

In this cluster, there are countries where it is not easy to practice Islam. Muslims are living as a deprived minority in a risky environment. However, they are not capable enough to move out of that land and they are bound to reside at that place, in these circumstances Fuqaha have consensus that it is not illicit to reside in that territory and migration is not essential.

Category # 3

In this group, there are countries where complete religious freedom is provided to Muslims as a minority, they are fully safe to practice their faith. There is two opinions about this class, as per some Fuqaha' Muslims must leave these countries and go in Islamic countries, while other Fuqaha say that it is not sinful to stay or go in such lands. Second opinion is also indorsed by Darul Uloom Deoband

1.19 Tariq Ramadan (1962)

Tariq Ramadan is a Swiss-born Egyptian Muslim academic, philosopher and writer, former Professor of Contemporary Islamic Studies at the University of Oxford, He is the grandson of the founder of the Muslim Brotherhood, Hassan al-Banna. Unlike others,xxx he is not a Fiqh scholar. That is why he does not explore into the theory of Fiqh of minorities. Rather his arguments focus on Muslim identity in the West and how Islamic Fiqh can serve it. Ramadan has authored a number of books. Among them are "To be a European Muslim" and "Western Muslims and Future of Islam". Ramadan does not believe that Muslims are minorities in west, he challenges the term "Fiqh al-aqalliyyat", he claims that this term contains negative meanings.

He promotes a new Muslim identity arguing that they are citizens, part of the European society and genuine contributors to Western civilization, and witnesses to Islamic values in the midst of the most diverse and pluralistic societies in human history. He supports a fresh reading of Islamic sources, interpreting them for a Western context and demonstrating how a new understanding of universal Islamic principles can open the door to integration into Western societies. He believes that Islamic law is not a static law, rather it is a dynamic set of rules. Ramadan rejectsxxx the division of the world into two abodes Dar al-Islam and Dar al-harb, but were developed by classical scholars as human jurisprudential constructs (*ijtihad*) in response to specific historical geopolitical conditions. He builds a narrative that this theoretical partitionxxxii of the world is no longer applicable. This concept transforms the understanding of Muslim minority presence from a position of vulnerability and accommodation to one of active mission and purposeful presence. Western Muslims are not merely coping with the challenges of life in a non-Muslim environment; they are fulfilling a divine calling to embody Islamic values in the most pluralistic, diverse, and globally influential societies on earth. Their permanent settlement in the West is not a compromise or a concession, it is a manifestation of the universal reach of the Islamic message and an opportunity for the enrichment of both Islam and Western civilization.

Ramadan argues that the apparent tension between Islamic identity and Western citizenship reflects a false and impoverished understanding of both. Human identity is, in his analysis,

always multiple and layered: a person can simultaneously be a committed Muslim, a proud French citizen, a speaker of Arabic and French, a professional in a specific field, a member of a local community, and a citizen of the world without any of these identities requiring the elimination or subordination of the others.

1.20 Dr Taha Jabir al-Alwani (1935-2016)

Dr Taha Jabir was an Iraqi Islamic scholar. He was the founder^{xxxiii} and chairman of the Fiqh Council of North America, Al Wani is widely recognized as the founder of Fiqh of minorities (fiqh al-aqalliyyat). He advocated that Muslims needed to develop a new methodology^{xxxiv} for reading the Book of Allah. He argued that earlier interpreters understood the Quran within their cultural and intellectual domains, which were drastically different in nature from the contemporary civilisational paradigms. Due to a number of reasons, Al Wani promoted his theory of Fiqh of minorities. First, the presence of Muslims in non-Muslim lands in modern times is significantly different from the one existed in old times. Now they are not the “others” rather they are part of the non-Muslim lands where they need to integrate and develop an identity of their own. This state calls for the need of Fiqh for minorities considering their non-transient presence in non-Muslim lands unlike the old times.

Moreover, he argued that the legislation is influenced by the culture and geography in which it is developed. Therefore, the jurisprudence and laws created for the Muslims by the jurists living under majority-Muslim rule are inadequate to meet the needs of Muslim minorities living under non-Muslim rule. Unlike other Jurists, he considered Sunnah a source of illustration of the shariah rather than a source of legislation, his approach was immensely criticized by various Islamic scholars, some rejected the entire concept, while others disapproved specific and selective rulings adopted in Fiqh of minorities.

1.21 Darul Ifta Birmingham

As per Fatwa issued by Darul Ifta Birmingham, it is permissible for a Muslim to move to a non-Muslim country like US or other countries for education, safety, and economic stability, provided that a Muslim can maintain his Islamic obligations and safeguard his religious identity.^{xxxv} If someone believes that his skills would be better utilised in a developed country and that country would provide a safer and more dignified life, this would be a valid reason in Hanafi Fiqh. But that Muslim should be connected to his religion, seek beneficial knowledge, and ensure that his intentions remain for the sake of improving his situation without compromising his faith.

Conclusion

Permanent settlement of Muslims in non-Muslim countries is a very complex phenomenon in contemporary paradigm, Islamic scholars and jurists across the globe have come up with different opinions and rulings. Scholars who reside themselves in non-Muslim lands or visit non-Muslim countries are lenient, flexible and moderate about this discourse, perhaps they are wholly aware of ground realities and hurdles which Muslims face in every day affairs. They believe that there is no heaven on this earth, in present scenario world acts as global village having similar problems across the board. Moreover, West of today is the Epic Center of civilization, therefore global presence of Muslims is mandatory to cope up the ideological challenges. Some academic interpretations on this topic are controversial and not indorsed by majority of Jurists. Fiqh of minorities is an ongoing development project which can forge a path by considering specific circumstances and reconciling shariah boundaries, nevertheless, advancement in Fiqh of minorities should only be led by authentic mainstream experienced Islamic scholars. On the other hand, conventional scholars who reside years and

years in Islamic countries, teach in old seminaries and spend most of their life in a stable cluster of pity are comparatively strict about this idea of living among non-believers and consider it an act of disobedience until there is a specific need which is catered in classical Shariah rulings

REFERENCES

1. Rahmani, K. S. (2010). *Jadīd fiqhī masā'il*, Karachi: Zamzam Publishers. Vol 4, pp 51
2. Al-Zuhaylī, Wahbah. (2010). *Bayn al Aqwani Taluqat : Islām aur bayn al-Aqwami Taluqat kā taqābulī muṭāla'a* (M. Ḥakīmullāh, Trans.). Islāmābād: Sharī'ah Academy, International Islamic University, Page 125-126, 148-149,143
3. Yazici, A. (2020). *Wahba al-Zuhayli on Muslim minorities: Doctrinal novelties outside the abode of Islam.*
4. Akram, M. (2019). **Issues of Muslim minorities in non-Muslim societies: An appraisal of classical and modern Islamic legal discourses with reference to fiqh al-aqalliyyāt.** *Islamic Studies*, 58(1), pp 118
5. Al-Qaraḍāwī, Yūsuf. (2011). *Fiqh al-aqalliyyāt: Muslim aqalliyyōn ko darpēsh makhṣūṣ masā'il kī bābat shar'ī rāhnumā'ī*, Pg 46-48
6. Jamia Uloom-ul-Islamia Binori Town Karachi Pakistan. (2018, December 26). *Musلمانon ka ghair Muslim mumalik mein rihāish ikhtiyar karne ka hukm* (Fatwa No. 144004200282).
7. Mawdudi, Sayyid Abul A'la. (n.d.). *Tafhim al-Quran*, Idara Tarjuman al-Qur'an, Lahore, Vol. 1, pp. 368–388.
8. Shafi, M., & Ahmed, M. (2024). **Shariah rulings of residence in non-Muslim societies: An exploratory review.** *Al Khadim Research Journal of Islamic Culture and Civilization*, Vol. V, No. 2 (April – June 2024) ,pages 142-143
9. Mawdudi, Sayyid Abul A'la. (1997). *Sood*. Islamic Publications Private Limited. p. 350.
10. Usmani, Mufti Taqi. (2011). *Fiqhi-maqalat*. Memon Islamic Publishers Vol. 1, pp. 233–238 pg
11. Israr Ahmed Dr., “**Nijat ki Rah**” [1 of 2], Quran Academy Anjuman Khudam ul Quran, March 1, 2009, <https://quranacademy.edu.pk/VIDEOS/ViewBy/Category/MediaID/1023/Category/Miscellaneous> Retrieved on 1 May 2026
12. Qadri, Dr. Muhammad Tahir-ul. (2020, June). *Muslimanon aur ghair Muslimon ke bahmi ta'alluqaat* pp. 264–266
13. Nouman Ali Khan Official Bayyinah, **Avoiding The Path To Sin, Nouman Ali Khan** (Urdu Q&A 6 - Pakistan), 30 Jul 2023 <https://youtu.be/3NpPKZJqbR4?si=4YXShEPWKmmsvV7Q> , Retrieved on 1 May 2026
14. Nouman Ali Khan Official Bayyinah, **Being a Muslim in a Secular Society** (Q&A with Nouman Ali Khan, 5 May 2025 https://youtu.be/HpEUkqMvl6w?si=HrluQp5rwnYDv_4k, Retrieved on 1 May 2026

15. Majlis al-Tahqiq al-Islami. (n.d.). *Musalman ka ghair Muslim mumalik mein mustaqil tor par rihaish pazeer hona*, Mohaddis Fatwa, Fatawa Ashab al-Hadith, Majlis al-Tahqiq al-Islami, Vol. 2, pp 441.
16. European Council for Fatwa and Research. (2018, November 7). *Al-Muslimun muwāṭinūn wa muqīmūn fī Urubbā* (Fatwa No. 4073). European Council for Fatwa and Research.
17. Ayub, Dr. Shahzada Imran and Dr. Zahoor Ullah Al-Residence in Non-Muslim Azhari. "Permanent Countries: A Critical Review of Selected Fatwas from the 21st Century." Al-Marjan Research Journal 3,no.4, Oct-Dec (2025):49-50
18. Let The Quran Speak, **Should I Migrate to A Muslim Country** Dr. Shabir Ally & Dr. Safiyyah Ally, 7 Jul 2023, <https://youtu.be/ix2gmII5Vss?si=FV5FTleNHcWZpCXF> Retrieved 1 May 2026
19. Dr. Zakir Naik, **Do I have to make Hijrah to A Muslim Country**, Huda TV, 8 Jul 2020 YouTube Link: <https://youtu.be/Tr5YHBN1JrQ?si=fCErKy8yqneSMYfl>, Retrieved 1 May 2026
20. Yasir Qadhi , **Living in Non-Muslim Countries**, Ask Shykh YQ, 29 Nov 2020, YouTube Link https://youtu.be/9NAk3woiazU?si=xMPmv-jYg_ujHZeX, Retrieved 1 May 2026
21. Klik, Jan. (2022). **Hijrah of Our Time: Islamic Concept of Religious Emigration in Contemporary Salafism**. Acta Fakulty filozofické. 14. 1-20. 10.24132/actaff.2022.14.1.1. Pg 5 – 8
22. Shykh Muhammad Nasiruddeen al- Albannee, **The Obligation of Hijrah from the Lands of Shirk and Kufr**, (n,d) Salafi Manhaj 2004, Pg 23
23. De Angelo, C. (2017). **Muslim emigration to the West: The jurisprudence of the Saudi Permanent Committee for Scholarly Research and Fatwas**. *Journal of Arabic and Islamic Studies*, 17, Pg 204
24. De Angelo, C. (2017). Pg 207-208
25. General Presidency of Scholarly Research and Ifta'. (n.d.). *English translations of Majmū' al-fatāwā of the Permanent Committee for Scholarly Research and Ifta' (Vol. 12)*. Retrieved from <http://www.alifta.com> Pg 51-54, Pg 52
26. De Angelo, C. **From dār al-islām to dār al-kufr. Muslim emigration to the West according to Salafi jurisprudence**.Pg 100-102
27. xxvii Ibn Bāz, 'Abd al-'Azīz ibn 'Abd Allāh ibn 'Abd al-Raḥmān. (n.d.). *English translations of Majmū' al-fatāwā* (2nd ed., Vol. 4). General Presidency of Scholarly Research and Ifta'. Retrieved from <http://www.alifta.com>, pg 195-196
28. xxviii Ibn Bāz, 'Abd al-'Azīz ibn 'Abd Allāh ibn 'Abd al-Raḥmān. (n.d.). *English translations of Majmū' al-fatāwā* (2nd ed., Vol. 24 Pg 44-47
29. Qasmi, Mufti Akhtar Imam Adil. (2006, January). *Ghair Muslim mamlakaton mein qiyam o sukoonat ki shar'i haisiyat*. *Mahnama Darul Uloom*, 90(1).
30. Taha, D. (2012). **Muslim minorities in the west: between fiqh of minorities and integration** [Master's Thesis, the American University in Cairo]. AUC Knowledge

- Fountain Taha, D. (2012). Muslim minorities in the west: between fiqh of minorities and integration [Master's Thesis, the American University in Cairo]. AUC Knowledge Fountain. <https://fount.aucegypt.edu/etds/961> Pg 36-38
31. Akram, M. (2019). Issues of Muslim minorities in non-Muslim societies: An appraisal of classical and modern Islamic legal discourses with reference to fiqh al-aqalliyyāt. *Islamic Studies*, 58(1), Pg 115-117
32. Tariq Ramadan (2004), *Western Muslims and the Future of Islam*, Oxford University Press, New York, pp 63.
33. Taha, D. (2012), **Muslim minorities in the west: between fiqh of minorities and integration**, pp 28-31.
34. Akram, M. (2019). **Issues of Muslim minorities in non-Muslim societies**, pp 121-125.
35. Darul Ifta Birmingham. (2024) *Moving to a non-Muslim country for safety*. Answered by Alimah Shireen Mangera-Badat, Fatwa ID: 07473 <https://daruliftabirmingham.co.uk/moving-to-a-non-muslim-country-for-safety/>