

Questions and Answers:

Can a Muslim live outside *Dâr al-Islam* and take up citizenship of a European state?

Yes. The concept of *dâr al-Islam* and the other related descriptions of space such as *dâr al-harb* or *dâr al-kufr* were deduced through scholarly opinion and not directly from the Islamic texts. As all such human endeavours they are subject to change and replacement as the circumstances change. Many of today's scholars have challenged these notions and have argued that they are no longer relevant. Close examination of the older scholarly views show that factors such as security, protection of one's faith & intellect and protection of one's property & family were seen as the paramount reasons for the prohibition of living outside *dâr al-Islam*. In the modern age when there is no single area that can be called *dâr al-Islam* and you can find that some Muslims have to seek asylum in western nations for their safety and religious freedom - it seems irrelevant to even debate the issue. Furthermore scholars have talked of citizenship being a contract between an individual and the State and have emphasised its legality.



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What would happen if there is conflict between a national law and Islamic law?

Firstly, it should be emphasised that such cases do not occur as often as people may think. No one would force a Muslim to individually do something that runs against their faith, e.g. drink alcohol or eat pork.

Within the personal and private domain people are generally left free to their own lives. The very nature of Human Rights within the European tradition is designed to protect the individual from the state, and historically even cases such as the conflict regarding the headscarf and its usage in schools have on the whole, turned out favourably for Muslims due to the legislative process. The recent law in France banning religious symbols in schools as well as other laws adopted by various European states that have been criticised for infringing civil liberties are therefore very worrying and represent a departure from traditional freedoms that Europe has been renowned for.

Having said that, European Muslims have to acknowledge that they live in non-Muslim societies and given the fact that as free individuals they have entered into a social contract with the State, they should live up to that contract and obey the laws of the land. Of course in very serious cases there is also room for conscientious



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objection where people of any faith or belief feel that their values are under threat.

It is also important to note that laws can differ fundamentally across European nations and some are more plural and accommodating to diversity than others. Muslims could work together with other citizens who share their concerns for civil liberties to challenge, question and change laws that may be discriminatory.

What happens when the country of your residence attacks a Muslim nation? Who should you support?

The primal loyalty of all human beings should be to truth and justice.

“O believers, stand up for justice, as witnesses unto God, even if it be against yourselves, your parents or closest of kin. And whether it is against rich or poor, for God’s claim takes precedence over either of them. And follow not your desires lest you swerve from justice...” (Qur'an, 4: 135)

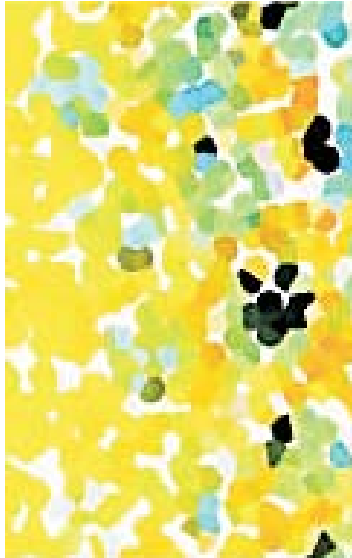
Thus, if a Muslim nation is acting unjustly then a Muslim cannot support its aggression simply because that nation is Muslim in its religious makeup. Likewise Muslims have every right as citizens to criticise the policies of their European states where they feel such policies undermine justice and peace



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in the world. Thus, to quote one concrete example:

1. “As far as the Shari'ah is concerned, the situation of Muslims living in the UK is that they are under contractual obligations to the state in which they live. This is a natural consequence of the citizenship that we all bear. By accepting to live here, we have taken up a social contract to live within the framework of the English Legal system whilst practicing and perfecting our Islamic faith. We have to realise that these agreements are ratified between two parties, i.e. the state and the individual. Therefore, even if the state breaches its contract with any other party with whom the individual has a connection of some sort, be it Muslim or otherwise, the individual remains bound by the contract between him and the state. It is totally and completely unlawful from the Islamic point of view for a Muslim individual to actively seek to breach or contravene this agreement.



2. There is nothing in the Islamic sources that compels a Muslim living in Britain to go to Afghanistan to fight. In addition to what was aforementioned in the first point, there is no obligation upon Muslims to respond to the call to fight with Muslims elsewhere because the source of such an obligation, such as an oath of allegiance or a Muslim

Ruler, to whom obedience is obligatory, is absent. It is important to note that even if such a source was available, such as a Muslim ruler; responding to his call to take up arms falls only unto those who have pledged their allegiance, as such an oath cannot run concurrently with a ratified agreement or contract with the opposite party.

3. The ruling of the Shari'ah in such a case is clearly expressed in the Qur'an in Surah al-Anfal:

“...and should they seek your help in the religion, then it is incumbent on you to help them, except against a people with whom you have a treaty” (Qur'an, 8: 72).

The verse is categorical, that Muslims are not allowed to take up arms against a party that they are in a treaty with, even when this is to go to the defence of other Muslims, as abiding by agreements and treaties is one of the most crucial aspects and features of Islam. Following this, it is not allowed for British Muslims to go to another country to fight in such a way that British forces would be attacked by Muslims” (Fatwa of Shaykh Abdullah Judai, November 2001).