

Clarifying the meaning of Dar al-Kufr & Dar al-Islam

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Today it is unfortunate that some of the Islamic concepts, definitions and terminologies which were well known by the Muslims in the past have become vague at the least and distorted or totally absent at the worst. One such issue is the subject of Dar al-Kufr (land of disbelief) and Dar al-Islam (land of Islam).

Understanding the distinction between the two is vital when it comes to judging the countries in the Muslim world. Sadly, some judge the Muslim countries from an emotional point of view rather than seeing whether they match the definition of Dar al-Islam contained in the Shariah. So a few years ago when Hassan al-Turabi came to power in Sudan, some exclaimed that it was an Islamic state even though Sudan was still a nation state or when the Iranian revolution took place and Ayatollah Khomeini became the leader of Iran, some jumped with joy believing that he has transferred it from Dar al-Kufr into Dar al-Islam even though the constitution completely contradicted Islam. Even many leading personalities amongst the Muslims and even Islamic movements have a vagueness in understanding the criteria of what determines an Islamic state (Dar al-Islam), a matter that testifies to the intellectual decline of the Ummah.

Unfortunately even some who claim to be working for the re-establishment of Khilafah, do not have a clear and crystallised idea of what the reality of Dar al-Islam and the Khilafah is. This demonstrates that the 'Khilafah' is used as a slogan by some rather than a serious objective which they are practically working to achieve. Claiming to be working for the re-establishment of Dar al-Islam without knowing its reality clearly is tantamount to claiming to be one who will pray Salah without knowing its pillars (arkan) and conditions (shuroot). Worse still are some who shy away from calling all the corrupt regimes of the Muslim world today as Dar al-Kufr (the definition here of 'kufr' applies to the land not the individual people who govern or live in this land).

Thus it is important for the definition, meaning and evidences for Dar al-Islam and its distinction from Dar al-Kufr to be clarified.

Definition

The "dar" (pl. diyaar) in the Arabic language has numerous meaning such as the halting place (mahallu), the house, abode, residence and the land (balad).

According to Shariah terminology, Dar al-Islam is defined as the land which is governed by the laws of Islam and whose security (Aman) is maintained by the security of Islam, i.e. by the authority and protection of Muslims inside and outside the land, even if the majority of its inhabitants are non-Muslims.

Dar al-Kufr is the land which is governed by the laws of Kufr, and whose security is not maintained by the security (Aman) of Islam, i.e. by other than the authority and security of Muslims, even if the majority of its inhabitants are Muslims.

So what matters in determining whether the land is Dar al-Islam or Dar al-Kufr is neither the land itself nor its inhabitants, rather it is the laws and the security. So if its laws are Islamic and its security is maintained by Muslims then it is Dar al-Islam. When its laws are the laws of Kufr (disbelief) and its security is not maintained by Muslims then it is Dar al-Kufr. The term Dar al-Harb (land of war) is synonymous with Dar al-Kufr as in origin the aim of Islam is to spread to all lands until the Islamic state

encompasses the whole globe. However there is a difference between those nations which are considered as Dar al-Harb Fi'lan (actual land of war) like the state of Israel which occupies Islamic land and Dar al-Harb Hukman (potential land of war) which include other states which are not occupying Islamic land or engaged with a direct war against our lands. These definitions have been derived from the Islamic evidences and discussed by the Ulema (scholars) in history.

Evidences

The word 'Dar' has been used in the sayings of the Prophet (saw) and by his (saw) Companions to mean the domain, or the Islamic State when used in relation to the Muslims and the domain where the Kuffar have the authority when used for the disbelievers.

It is reported on the authority of Sulayman bin Buraydah that his father said, "Yaazid Bin Hussaib Al-Aslami reported that whenever the Messenger Muhammad (saw) sent an expedition he would elect an Ameer (and then would advise them), 'If you appoint someone for an army or an expedition first fear Allah (swt) and treat all the Muslims who are with him well, raid and fight in the name of Allah (swt), those who disbelieve in Allah (swt). Do not take the booty and do not be traitors; do not mutilate nor torture. Do not kill children. If you see your enemy from the disbelievers, invite them to one of (the following) three and if they accept your offer do not fight them further: Invite them to Islam and if they accept ask them to relocate from Dar al-Kufr to Dar al-Islam, inform them that if they do so they will take similar to what the Muhajireen took. If they move to Dar ul-Muhajireen they will be eligible for this, otherwise they will be like the Muslim Bedouins living outside of Dar al-Islam and will get nothing from the Fai or the booty. (The final offer) if they reject to become Muslims is to ask them to pay Jizya. If they respond and pay, accept it from them and do not fight them. Otherwise have full reliance in Allah (swt) and fight them.'" [Sahih Muslim, Hadith no. 4294]

What does this Hadith indicate? It is that if they did not move from their land to the land of the Muhajireen they would not enjoy what the Muhajireen enjoy, i.e. the rights of those who are living in the land of Islam. So this Hadith clearly shows the difference between those who move to the land of the Muhajireen and those who do not move to the land of the Muhajireen. Dar al-Muhajireen was the land of Islam at the time of the Prophet (saw), and all other lands outside were Dar al-Kufr.

It is clear then that the identification of the 'Dar' (land) is determined through the identification of its Sultan (authority). This authority cannot be verified except on two issues:

Firstly: Looking after the interests of the people according to certain laws;

Secondly: the power which protects the citizens and implements the laws, i.e. the Aman (security).

This is why the two previous conditions were required. Furthermore the application of the law has other evidences. Allah (swt) says:

"Those who do not govern with what Allah has revealed, they are the disbelievers" [Al- Mai'dah: 44]

Al-Bukhari narrated on the authority of Junada b. abi Umayyah who said: "We went to 'Ubadah b. as-Samit when he was sick and we said: May Allah (swt) guide you. Inform us of a Hadith from the Messenger of Allah (swt) so Allah may benefit you from it. He said, the Messenger of Allah (saw) called upon us and we gave him the Bai'ah, and he said, of that which he had taken from us, that we should give him the pledge to listen and obey, in what we like and dislike, in our hardship and ease, and that we should not dispute the authority of its people unless we saw open Kufr upon which we had a proof from Allah". And it was also narrated by Tabarani. He said: "Unless you see open Kufr."

So these texts indicate that to rule with anything other than the laws of Allah (saw) is a matter that makes it obligatory upon Muslims to declare war against the Khalifah and it is an evidence which indicates that implementing Islam is a condition for having Dar al-Islam, otherwise the ruler must be fought against.

The security (Aman) has to be with the security of Islam, i.e. the authority of Muslims. The evidence for this comes from the saying of Allah (swt), "Allah will not allow the disbelievers to have an authority over the believers." [TMQ An-Nisa: 141] i.e. it is not allowed for the disbelievers to have authority (Sultan) over the believers, because giving them authority means that the security of Muslims is in the hands of Kufr and not in the hands of Islam.

Furthermore, the Prophet (saw) used to order the invasion of every land which did not submit to the Sultan of Muslims, and he used to engage in war against them whether the inhabitants were Muslim or non-Muslim. Anas narrated that: "Wherever the Prophet (saw) raided some people he would not raid except in the morning. If he heard the Adhan he would refrain, and if he did not he would invade after dawn".

And it was narrated by Essam Almusny, who said: "The Prophet (saw) used to tell to the expeditions that he sent: 'If you` have seen a mosque or heard a call for prayer, then do not kill anybody.'" The Adhan and the mosque are considered symbols of Islam, a matter which indicates that if the land is inhabited by Muslims this does not prevent it from being invaded and fought against as an act of war, but the important factor is that its people will not be killed, yet it will be invaded. This means that it is considered Dar al-Harb or Dar al-Kufr because, though the symbols or rituals of Islam are present, it is not protected by the authority of the Prophet (saw), i.e. the authority and security of Islam. So it would be considered Dar al-Harb (land of war), and like any land defined as Dar al-Harb it would be invaded.

It should be clear that whether the population of the land is majority Muslim or not irrelevant in terms of considering it Dar al-Islam as long as the authority lies with the Muslims.

It is mentioned in Sahih Bukhari regarding the city of Khaybar in the Arabian Peninsula. Khaybar at the time of the Islamic State in Medina was known as Dar al-Islam even though all of its inhabitants were Jews. When the Prophet (saw) conquered Khaybar in 7 AH (after Hijrah), and the Messenger consented for them to cultivate their own crops, all of them (i.e. the inhabitants) were Jews. The Prophet (saw) said to them that he had been sent to harvest (i.e. reap the rewards) and not to cultivate. He (saw) subsequently appointed for them governors from the Ansaar (i.e. Muslims), and they lived amongst them (i.e. the Jews).

Al-Bukhari relates on the authority of Ibn Omar (ra), "Omar bin Khattab (ra) expelled the Jews and the Christians from Hijaz. When Allah's Apostle had conquered Khaybar, he wanted to expel the Jews from it as its land became the property of Allah, His Apostle, and the Muslims. Allah's Apostle intended to expel the Jews but they requested him to let them stay there on the condition that they would do the labour and get half of the fruits. Allah's Apostle told them, 'We will let you stay on this condition, as long as we wish.' So, they (i.e. Jews) kept on living there until Omar forced them to go towards Taima' and Ariha'." [Sahih Bukhari, Hadith no. 2213]

And also on the authority of Abu Hurayra (ra) and Abu Sa'eed al-Khudri, "The Prophet (saw) appointed a man as the ruler of Khaybar who later brought some Janib (i.e. dates of good quality) to the Prophet. On that, the Prophet (saw) said (to him). 'Are all the dates of Khaybar like this?' He said, 'No, by Allah, O Allah's Apostle! But we take one Sa of these (dates of good quality) for two or three Sa's of other dates (of inferior quality).' On that, Allah's Apostle said, 'Do not do so, but first sell the inferior quality

dates for money and then with that money, buy Janib.' Abu Sa'id and Abu Hurayra said, 'The Prophet made the brother of Bani Adi from the Ansar as the ruler of Khaybar.'" [Sahih Bukhari, Hadith no. 4001]

Dar al-Kufr & Dar al-Islam according to the Sahaba (companions)

It is recorded in Sahih Bukhari on the authority of Ibn Abbas that once when Abdul Rahman bin 'Awf was speaking with Omar Bin Al-Khattab (ra) (who was the Khaleefah at the time) he said,

"Do not be harsh on them (speaking about some of the Hujraaj) until they return to Madinah, which is Dar al-Hijrah, Dar al-Sunnah and Dar ul-Salaama." [Sahih Bukhari Hadith no. 3713]

Jaabir bin Ziyaad reported that Ibn Abbas (ra) said, "The Prophet (saw), Abu Bakr and Omar (ra) were from the Muhajireen because they migrated from the Mushrikeen. Amongst the Ansaar were also people who migrated because at that time Madinah was Dar ul-Shirk and they came to the Prophet (saw) on the night of the Bay'ah al-Aqabah." [an-Nisa'i]

It is recorded in Abu Ubaid's Kitaab al-Amwaaal, and Abu Yusuf's Kitaab al-Kharaaj, that Khalid Bin Waleed (ra) wrote a letter to the people of Hirah (a place close to Bahrain) and he said, "I write this to you: if any of you become old, poor or ill or his people have to donate to maintain his livelihood I will never ask Jizya (tax) of him. He will also receive a grant from the Bait ul-Maal (Treasury of the Islamic state). He and his children will be entitled to this as long as he resides in Dar ul-Hijrah and Dar al-Islam. If they go out (from this jurisdiction) then the Muslims are no longer obliged to provide anything for them." [Abu Ubaid, Kitaab al-Amwaaal, pg. 98 & Abu Yusuf, Kitaab al-Kharaaj, pgs. 155-156]

Dar al-Islam and Dar al-Kufr According to the Ulema

It is reported that Imaam Al-Kasaani (died 587 AH) said, "There is no disagreement among the ahnaaf (scholars of the Hanafi Madhab), that Dar al-Kufr becomes Dar al-Islam, when the rules of Islam becomes dominant. Our brothers only dispute on how Dar al-Islam transfers to become Dar al-Kufr. Our Imam (Abu Haneefah) said, 'Dar al-Islam becomes Dar al-Kufr in three (situations); when the law and order becomes Kufr, when the state has a border with a Kufr (state) without treaty or when there is no longer any security for the Muslim or the Dhimmi (citizens).'" [Bada' us-Sanaai', Vol. 7 pg. 131]

It is reported that Imaam Al-Sarkhasi (died 483 AH) said, "A Dar (piece of land/nation) becomes Dar al-Muslimeen (Islamic nation) when the Islamic rules become dominant (and apparent)." [Sarkhasi, Sharh as-Seerah al-Kabeer, Vol. 5 pg. 2197]

Qadi Abu Ya'la (died 458 AH) said, "Any country where the law is Kufr (disbelief) instead of Islam is Dar al-Kufr." [al-Mu'atamad fil Usul ad-Deen pg. 276]

Ibn Qayyim's (died 751 AH) said, "The Jumhour (majority) of the 'Ulema say, 'Dar al-Islam is where the Muslims go and reside and the Islamic rules are dominant. If people (the Muslims) reside in one place and Islam becomes dominant, that is Dar al-Islam. If however, Islam does not become dominant it is not (considered) Dar al-Islam even if it is in close proximity to the state. Taa'if was so close to Makkah (at the time when Makkah was Dar al-Islam) but it did not become part of Dar al-Islam until it was conquered.'" [Ibn Qayyim, Kitaab Ahkaam ahl al-Dhimmah, Vol. 1 pg. 366]

It is reported that Ibn Muflih (died 884 AH) said, "There are only two, Dar al-Islam and Dar al-Kufr. Any Dar (domain) where Islamic law is dominant is Dar al-Islam, and any domain where Kufr law is dominant is Dar al-Kufr, there are only these two camps." [Al-Adaab al-Shari'ah, Vol. 1 pg. 190]

Imaam Mardawi (died 885 AH) said, “Dar al-Harb is Dar al-Kufr, where Kufr law is dominant.” [al-Insaaf, Vol. 4 pg. 122]

Mohammad bin Ali al-Shawkani (died.1255 AH) said, “When we speak about a Dar (dominion) by whoever’s word being dominant, we mean if the command and prohibition is for the Muslims, in a way that no one from the Kuffar becomes dominant with his Kufr except by what is granted him from Islam, then that is considered Dar ul- Islam.” [al-Sayl Jaraar, Vol. 1 pg. 576]

In his work, ‘In the Shade of the Qur’an’, the martyr (died 1966 CE) Sayyid Qutb said, “The whole world in the eyes of Islam is divided into two, the first is Dar al-Islam, and the second is Dar al-Harb. Dar al-Islam is where the Shari’ah of Islam alone is implemented, regardless of whether the inhabitants are all Muslims or Muslims mixed with Dhimmi (Jews and Christians) or if all of the citizens are Dhimmi with only some Muslims in power. Dar al-Harb is any land where the Kufr law is dominant even if everybody in the land is Muslim”. [Sayyid Qutb, In the Shade of the Qur’an, Vol. 2 pg. 874]

The honourable scholar Sheikh Taqi ud-deen an-Nabhani (died 1977 CE) said, “The truth is that in considering the land as Dar al-Islam or Dar al-Kufr, two matters must be looked into: firstly, the rule by Islam and secondly the security by the security of Muslims i.e. by their authority (sultan). If the land augments these two elements i.e. it rules by Islam and the security is by the security of Muslims i.e. by their authority, then it becomes a Dar al-Islam and changes from a Dar al-Kufr to a Dar al-Islam. Whereas if it loses one of the two, it does not become a Dar al-Islam. Similarly if Dar al-Islam does not rule by the rule of Islam then it is Dar al-Kufr. The same if it rules by Islam but its security is not by the security of Muslims i.e. their authority, then it also becomes Dar al-Kufr. Hence all the lands of Muslims today are Dar al-Kufr because they do not rule by Islam.” [Shaksiyyah Islamiyya, Volume 2, pg. 249]

Conclusion

Today it is clear that the whole world is Dar al-Kufr as no country including every single Muslim country implements Islam. We see the laws of Allah (swt) abandoned as if they were worth nothing, the Sunnah of the Prophet (saw) betrayed and the example of the Sahaba ignored by the rulers of our countries. It is as Imam Ahmed ibn Hanbal said, “The Fitna (mischief and tribulations) occurs when there is no Imaam established over the affairs of the people”.

The Ummah has no Imam (Khalifah) who rules by what is contained in the Quran and Sunnah, who acts as a shield to protect us and whose duty it would be to protect the Muslims of Iraq, Palestine, Afghanistan, Chechnya and countless other places where the Muslim blood flows.

Therefore it is paramount for us to work to re-establish Dar al-Islam, the Islamic Khilafah state through emulating the non-violent methodology of the Prophet (saw) in how he transferred Dar al-Kufr to Dar al-Islam and in the pursuit of this it is inevitable that we will be tried and tested.

At-Tabarani upon the authority of Mua’dh bin Jabal (ra) that the Prophet (saw) said, “‘Verily the Grinder of Islam will continue to grind, so continue with the Qur’an wherever it moves (i.e. stick to the Qur’an). Verily the Qur’an and the authority (of Islam) will be separated from each other, do not leave the Qur’an. There will be rulers amongst you, who will allow for themselves things which they will prevent for you. If you disobey them then they will kill you. If you obey them they will misguide you.’ They (as-Sahabah) asked, ‘What do we do in such a situation?’ He (saw) said, ‘Do as the apostles of Isa ibn Maryam (as) did; they were cut by saws and hung upon wood. Being killed in obedience to Allaah (swt) is better than a life of sin.’” [at-Tabarani, Mu’jam al-Kabeer]