

Appendix V: Jasser Testimony June 20, 2012

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 Category Varieties

Question Is acquiring an American citizenship lawful or prohibited?

Fatwa In the name of Allaah, the Benevolent, the Merciful. All praise is due to Allaah, and peace and blessings be upon the Messenger of Allaah, his family, companions, and those loyal to him. Citizenship is actually a contract between a country and an individual who would like to obtain its nationality. This contract entails the acceptance of the legislation and law of this country, therefore he, who obtain its nationality, becomes loyal to the country's allies and an enemy to the enemies of the country, though in some cases one can keep his original nationality and is in other cases required to abandon it. Obtaining citizenship can be due to personal preference, obtained willingly by seeking and working hard and even spending a lot of money and time in order to obtain citizenship. It can also be due to a necessity or due to uncontrolled factors upon which one receives citizenship, for instance, one can obtain citizenship of a country because of birth, or obtain citizenship after his country became occupied such as what happened to the Islamic states which were forced to join the Soviet Union and be under its unjust law, or such as Muslims who remained in Andalusia and could not leave after the Muslims fled the country and etc. That said, the ruling on obtaining citizenship with a free will differs to whoever seeks citizenship due to a necessity. Seeking citizenship of a non-Muslim country due to a necessity is listed under the section of forced to do acts, therefore its ruling is derived in the light of established rulings concerning who commits an act unwillingly, which are originally stated in the Quran; Allah says: {Whoever disbelieved in Allaah after his belief, except him who is forced thereto and whose heart is at rest with Faith; but such as open their breasts to disbelief, on them is wrath from Allaah, and theirs will be a great torment} This Ayah was revealed to include two types of people: a type of people who became apostates after embracing Islam such as: Abdullaah bin Sa'd bin Abi Sarh, Maqees bin Sababah, and Abdullaah bin Khatl. The second type of people are ones who were forced to announce disbelief on their tongues while their hearts rested with Imaan such as Ammar bin Yasir and his parents, who were excused by Allaah, therefore, when Ammar was forced to insult Allaah's Messenger ﷺ, the Prophet ﷺ said to him: "If they forced you again, do what you did again". So, Allaah , Exalted is He, excused those who pronounce disbelief in Him under force – though it is the base of Religion – as long as their hearts rest with Imaan, therefore people of knowledge used this principle to develop analogy by applying it to all branches of Islamic law. Hence, whenever an act is done unwillingly, then whoever does it is excused and no consequences of punishment are generated except in cases of forcing one to murder another because whoever is forced to murder a Muslim unjustly is never excused because the soul of his Muslim fellow is equally guarded like his, so he must not kill even if that caused his own death. Based on this, some scholars considered the same ruling for cases when one is forced to commit adultery and fornication though some other scholars disputed over this ruling. Nevertheless, whoever applies for citizenship out of necessity is still required to preserve their Islamic identity as much as possible by establishing the acts of worship such as: Salaah, Fasting, Zakah, Hajj and establishing Islamic organizations that aim to preserve the youth from dissolving into non-Muslim societies. Also, they are required to protect themselves from being tested in their religion, which can be achieved by living close to other Muslims and around Masjids and Islamic organizations, bring from the land of Islam those who can teach, maintain and run these organizations and Islamic centers, and send their children to the lands of Islam in order to learn and seek knowledge so they return to call to Allaah and teach others, and such similar means that allow Muslims to protect their identity and establish their religion and add to the firmness and stability of their Islamic existence. As for obtaining citizen optionally without being forced according to what we explained obtaining a citizenship implies, it is problematic in our era because it is engulfed with vagueness and contradictions; apparently obtaining citizenship implies the acceptance of ruling of manmade law and rejecting referring to the law of Islam. Also, it means to prefer showing loyalty to non-Muslims over believers, which is unlawful by consensus and known by necessity in Islam. Moreover, to say it would be a form of apostasy or one of main means leading to it can be understood as valid. On the other hand, there are plenty of those who obtained citizenship of America yet still loyal to the religion of Islam and Muslims and bring out the best of this act by employing all their privileges for obtaining this citizenship to call to Allaah, establishing