

Ruling on Permanently Residing in Makkah or Madinah

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: What is the shari'i ruling on permanently residing in Madinah? I heard a reliable scholar on some tv channel saying that it is prohibited whereas on the other hand there is a narration that 'for whomever it is possible, they should die in Madinah as I will intercede for the one who dies here.' (Al-Hadith) What is the reconciliation between these two?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

It is human nature that when permanently residing in a place, the honor of that place decreases in a person's heart as time passes. Due to this nature, the scholars have prohibited permanently residing in Makkah and Madinah because by residing there, regard for etiquettes, love, honor, and devotion for the blessed court will decrease. Furthermore, one sin committed in Makkah is equivalent to a hundred thousand sins. Considering all these reasons, the jurists have unrestrictedly given the verdict of prohibition.

As for the Hadith in which the command of dying in Madinah is given along with other additional commands such as residing in Madinah, this is permitted for those who can upkeep the respect of these revered places while residing there. They should live there and pass away there. But the reality is that very few people are capable of this. There is a juristic principle that rulings aren't based on 'Qaleel' i.e. a few. Therefore, scholars have unrestrictedly prohibited it.

As for the pious predecessors who resided in Madinah, we can only say that they didn't let the flame of love, respect, and reverence decrease while living there, as is clear from their life stories and biography. Therefore, they were not prohibited.

The Narration and its Explanation:

There are glad tidings of intercession of the Prophet ﷺ for the one who passes away in Madinah. Thus, Imam Tirmizi رحمه الله تعالى (d. 279 AH/892 CE) narrates that The Messenger of Allah ﷺ said:

من استطاع أن يموت بالمدينة فليمت بها، فإنني أشفع لمن يموت بها

Translation: Whoever is able to die in Madinah should die there, for I will intercede for the one who dies there. (Sunan Al-Tirmizi, Vol. 6, Chapter of what was narrated about the virtues of Madinah, p. 203, Publ. Dar Al-Gharb Al-Islami, Beirut)

Explaining this narration, Nur-Uddin Allamah Ali Qari رحمه الله تعالى (d. 1014 AH/1605 CE) wrote:

لذا قيل الأفضل لمن كبر عمره أو ظهر أمره بكشف ونحوه من قرب أجله، أن يسكن المدينة ليموت فيها

Translation: That is why it is said: The elderly and those about whom it is known—through kashf (spiritual insight), for example—that their time of death is near, it is better for them to reside in Madinah so that they may pass away there. (Mirqat Al-Mafateeh, Vol. 5, Book of Prescribed Punishments, p. 1884, Publ. Dar Al-Fikr, Beirut, Lebanon)

However, it is a condition that all aspects of respect be upheld, along with other conditions, in order to reside there. Thus, Allamah Abdul Ra'oof Munawi رحمه الله تعالى (d. 1031 AH/ 1621 CE) states:

أخذ منه حجة الإسلام ندب الإقامة بهامع رعاية حرمتها وحرمة ساكنيها وقال ابن الحاج: حثه على محاولة ذلك بالاستطاعة التي هي بذل المجهود في ذلك

Translation: Hujjat-Ul-Islam رحمه الله تعالى has derived from this narration that it is Mustahab (preferred) to reside in Madinah with the condition that the respect of Madinah and its residences is upheld. Allamah Ibn Al-Haaj (رحمة الله تعالى عليه) stated: The Prophet ﷺ has encouraged to try to pass away in Madinah but restricted it with such a condition that requires great effort. (Faid Al-Qadeer, Vol. 6, p. 53, Publ. Dar Al-Ma'rifah, Beirut)

Statements of the jurist about residing in Madinah:

Imam Ibn Hummam رحمه الله تعالى (d. 861 AH/ 1456 CE) writes:

اختلف العلماء في كراهة المجاورة بمكة وعدمها--ذهب أبو حنيفة ومالك رحمهما الله إلى كراهتها--هذا أحوط لما في خلافه من تعريض النفس على الخطر إذ طبع الإنسان التبرم والملل من تواردهما يخالف هواه في المعيشة وزيادة الانبساط المخل بما يجب من الاحترام لما يكثر تكرره عليه ومداومة نظره إليه--وعلى هذا

فيجب كون الجوار في المدينة المشرفة كذلك، فإن تضاعف السيئات أو تعاضمتها وإن فقد فيها مخافة السامة وقلة الأدب المفضي إلى الإخلال بواجب التوقير والإجلال قائم. وهو أيضا مانع إلا للأفراد ذوي الملكات فإن مقامهم وموتهم فيها هي السعادة الكاملة--- أخرج الترمذي وغيره عن ابن عمر عن النبي صلى الله عليه وسلم «من استطاع أن يموت بالمدينة فليمت فإنني أشفع لمن يموت بها

Translation: There is difference of opinion amongst the scholars whether residing in Makkah is Makruh. Imam Abu Hanifah and Imam Malik's رحمه الله opinion is that it is Makruh. This opinion is Ahwat (the most precautions) because the opposite i.e., not considering it Makruh is putting oneself in danger because constantly going against human desires causes emotional distress. Similarly, when continuously living there, more informality will occur which will affect his inner respect because he will repeatedly come to Haram and see the Ka'bah over and over. Based on all this discussion, the ruling of residing in Madinah is the same. Though one sin committed in Madinah isn't multiplied, when living there, there is a chance of tediousness and decrease in respect which will lead to a decrease in its honor and dignity. Therefore, when this reason is present, this is sufficient for prohibiting residence there. (Fath Al-Qadeer, Vol. 3, Second topic: Residence, p. 178, Publ. Egypt)

Then he mentions an exception to it being Makruh:

إلا للأفراد ذوي الملكات فإن مقامهم وموتهم فيها هي السعادة الكاملة--- أخرج الترمذي وغيره عن ابن عمر عن النبي صلى الله عليه وسلم «من استطاع أن يموت بالمدينة فليمت فإنني أشفع لمن يموت بها

Translation: Except for those angel-like humans (who can truly uphold the respect); them residing there and passing there is a great blessing. Imam Al-Tirmizi رحمه الله تعالى and others have narrated from Ibn Umar, from The Prophet ﷺ: Whoever is able to die in Madinah should die there, for I will intercede for the one who dies there. (Fath Al-Qadeer, Vol. 3, Second topic: Residence, p. 179, Publ. Egypt) Notice that Allamah Ibn Hummam رحمه الله تعالى narrated the Hadith of Tirmizi specifically regarding those who can reside there while upholding the respect. But after mentioning the exception, he states the undeniable reality:

لكن الفائز بهذا مع السلامة من إحباطه أقل القليل، فلا يبنى الفقه باعتبارهم ولا يذكروا حالهم قيداً في جواز الجوار

Translation: However, there are very few who succeed in this and are protected from falling into sin. Juristic rulings are not based on a few, nor is their case mentioned as a 'qayd ihtirazi' (restrictive clause) for the permissibility of residing there. (Fath Al-Qadeer, Vol. 3, Second topic: Residence, p. 179, Publ. Egypt)

Finally, drawing a conclusion for the shar'i ruling, he writes:

وكل من هذه الأمور سبب لمقت الله تعالى، وإذا كان هذا سجية الشرف السبيل النزوح عن ساحته، وقُلْ من يطمئن إلى نفسه في دعواها البراءة من هذه الأمور إلا وهو في ذلك مغرور

Translation: All these things (lack of respect, honor etc.) cause the wrath of Allah Almighty. Since these negative traits are part of human nature, the only way of salvation is to leave that place. There are very few who claim to be protected from these things, but they, in reality, are in the deceit of their nafs. (Fath Al-Qadeer, Vol. 3, Second topic: Residence, p. 178, Publ. Egypt)

Commenting about this entire discussion done by the author of Fath Al-Qadeer, The Imam of Ahl As-Sunnah, Imam Ahmad Raza Khan (d. 1340 AH/ 1921 CE) wrote:

وهو كما ترى من الحسن بمكان فقد افادوا جاداً، اثابه الجواد تبارك وتعالى، وابان ان الامرو ان كان في الواقع على جواز الجوار بشرط التوثيق وهو التوفيق عند التحقيق كما نص عليه وصححه في شرح اللباب وجزم به في الدر المختار الا ان اهل التوثيق لما كانوا اقل قليل واحكام الفقه انما تبنت على الغالب الكثير دون النادر اليسير فالوجه هو اطلاق المنع كما هو مذهب الامام رضى الله تعالى عنه ولذا اخذ الفاضلون المحشون العلامة الحلبي ثم الطحطاوى ثم الشامي كلهم في حواشي الدر، في اشتراطه التوثيق حيث نقلوا كلام الفتح، ثم قالوا وهو وجيه، فكان ينبغي للشارح ان ينص على الكراهة ويترك التقليد بالتوثيق

Translation: As you can see, what a great discussion The Muhaqqiq has done here, and he has mentioned great 'Ifadat' (beneficial points). May the bountiful (Allah Almighty) grant him immense reward. He made it clear that though residing there is permissible with the condition of 'tawseeq' — which can only be attained if granted by Allah Almighty, as he has mentioned, has been declared 'Sahih' (correct) in Sharh Al-Lubab, with 'Jazm' (asserted firmly) in Al-Durr Al-Mukhtar — but since the 'Ahl Al-Tawseeq' are very few,

and the rulings of jurisprudence aren't based on a few but rather on the majority, therefore, it is best to prohibit it without restriction; this is the Mazhab of Imam A'zam رحمه الله. It is for this reason that the excellent scholars who wrote their Hashiyah on Al-Durr Al-Mukhtar such as Allamah Halbi, Allamah Tahtawi, Allamah Shami رحمه الله تعالى عليهم all narrated the text of Fath Al-Qadeer and placed the restriction of 'Tawseeq' and then stated: "This is best. Therefore, the commentator i.e. Allamah Haskafi رحمه الله تعالى عليه should have mentioned Karahah (it being Makruh) explicitly and left the restriction of 'Tawseeq'. (He should have left the restriction of 'Tawseeq' and mentioned that it is Makruh without any restriction)"

(Fatawa Razawiyah, Vol. 10, p. 695, Publ. Raza Foundation, Lahore)

At the end of his own research, A'la Hazrat Imam Ahmad Raza Khan رحمه الله تعالى عليه stated in conclusion:

بالجملة فالحكم عدم جواز الجوار اصلا في زماننا

Translation: The conclusion is that permanently residing in Makkah and Madinah in our time isn't allowed. (Fatawa Razawiyah, Vol. 10, p. 698, Publ. Raza Foundation, Lahore)

To read more about this topic, refer to the booklet of A'la Hazrat رحمه الله تعالى عليه named "Sayqal Al-Rayn 'An Ahkami Mujawarah Al-Haramain". This booklet can be found in the 10th volume of Fatawa Razawiyah.

وَاللَّهُ أَعْلَمُ عَزَّ وَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ knows best.)

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