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# MUSLIM RELATIONS WITH CHRISTIANS, JEWS AND OTHERS

**Association, Dissociation, Kindness, Justice, and Compassion**



*Al-Wala' wa al-Bara'...wa al-Birr...  
wa al-Qist...wa al-Rahmah*

*Responses to 50 Faith-based Arguments against Peaceful Co-existence,  
and An Introductory Examination of the Islamic Textual Evidence  
for Peaceful Interfaith Relations.*

**DA'WAH INSTITUTE OF NIGERIA**

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## ENDORSEMENTS

“This is an excellent academic work on the very important topic of Muslim-non-Muslim relations, yet while being academic it is also interesting and entertaining. And it is, at the same time, a production that is good for a wide scope of the public, yet it scores quite high on academic rigour, extensive referencing and detailed analysis.”

**Prof. Jasser Auda,**

*President, Maqasid Institute ([www.maqasid.org](http://www.maqasid.org))*

.....

“The approach adopted by Da'wah Institute of Nigeria (DIN) in dealing with the issues treated in the book has been a carefully balanced one having taken into consideration all the diverse and conflicting opinions of scholars of Islamic Jurisprudence before arriving at what it believes to be the most credible and appropriate scholarly opinion on contemporary realities without compromising the Islamic values.”

**Kamaldeen A. Balogun PhD,**

*Prof. of Islamic Studies, Olabisi Onabanjo University, Ago – Iwoye,  
Ogun State, Nigeria.*

.....

“I endorse and recommend this book for wider circulation and translation to promote better interfaith relations and peaceful co-existence.”

**Muhammad Lawal Maidoki, Engr. Tech.,**

*President, Da'wah Co-ordination Council of Nigeria (DCCN).*

.....

“DIN's book as a compendium will leave a sterling impression in the heart of every reader due to its clarity and the extent of research carried out.”

**Dr. Khalid Aliyu Abubakar,**

*Secretary General, Jama'atu Nasril Islam (JNI), Nigeria.*

## ENDORSEMENTS

"I wholeheartedly support and recommend the production of the book for circulation for the education of Muslims who have wrong impressions about the Islamic injunctions on relations with non-Muslims."

**Dr. Abdul-Fatah K. Makinde,**  
*Obafemi Awolowo University, Nigeria.*

.....

"I have gone through the draft of this work and would like to register here my words of approval, commendation and appreciation."

**Dr. AbdulRazzaq A. Alaro,**  
*Barrister & Solicitor of the Supreme Court of Nigeria; Associate Professor of Islamic Law, University of Ilorin, Nigeria.*

.....

"The book is a monumental contribution to the understanding of Muslim/non-Muslim relations. It has no doubt addressed the recurrent misconception of the relationship between Muslims and non-Muslims. It is a recommended reading for all."

**Justice Abdullahi Maikano Usman,**  
*Hon. Grand Kadi, Gombe State.*

.....

"Never have I come across a piece so on-point in respect of tackling the issues of peaceful co-existence between Muslims and people of other faiths."

**Amina B. Omoti (Mrs.),**  
*National Amirah, Federation of Muslim Women's Association in Nigeria (FOMWAN).*

.....

"The book will facilitate attainment of the long yearning for peaceful inter and intra-faith relationships."

**Dr. Shehu Abdur-Rahman Aboki,**  
*Senior Lecturer, Department of Islamic Studies, Usman Danfodio University, Sokoto, Nigeria.*

ENDORSEMENTS

“... There is no better time to bring this research to bear than now in order to foster a culture among Muslims where they get it right by regarding and treating non-Muslims as members of one human family.”

**Isa Christian Okonkwo,**  
*Director of Administration, Nigerian Supreme Council for Islamic Affairs (NSCIA).*

.....

“This book is a 'Masterpiece of interfaith compendium' that carefully maintains juristic bounds and avoids religious sentiment.”

**Ameer Mayaleeke Shereef Afolalola,**  
*Director of Studies, Ad-Dawah Islamic Education Centre, Nigeria.*

.....

“I was opportune to have read this very rich and timely research, whose importance cannot be overemphasized, JazakumulLahu khayran.”

**Shaykh Ibrahim Ahmad Maqary,**  
*Deputy Imam, National Mosque, Abuja, Nigeria.*

.....

“The book is a must-read for anyone living in a multi-religious society who wants to enjoy peaceful co-existence and still propagate Islam without ruffling any feathers.”

**Imam Maruf Abdul-Azeez Onike,**  
*Chief Missioner, Nasrullahi-l-Fathi Islamic Society (NASFAT), Nigeria.*

.....

“This book is probably the most important book in English language, written primarily for the Nigerian public in recent times, to clarify the crucial concepts of *Al-Wala'* (Loyalty) and *Al-Bara'* (Dissociation) which are often stood on their heads when discussing relationship with non-Muslims and explained in a very narrow sense with devastating consequences.”

**Disu Kamor,**  
*Executive Chairman, Muslim Public Affairs Centre, MPAC, Nigeria.*



## ENDORSEMENTS

“This is a great work of our time that is bound to restore our common humanity and promote healthy interfaith relations that can heal the mistrust and pre-empt the raging conflict in our society today. This is one critical step to peace.”

**Dr. Usman Bugaje,**  
*Muslim Intellectual and Social Thinker.*

.....

“This is a good effort and this book will go a long way in clarifying the misconceptions about our relationship with the non-Muslims.”

**Hajiya Rahmatu Musa Sani,**  
*Na'ibatul Amirah (Deputy President), Women in Da'awah, Nigeria.*

.....

“The book is timely because it deals with arguments used by extremists to justify radical thoughts, hostility, aggression and injustice towards non-Muslims.”

**Imam Muhammad Nuru Khalid,**  
*Imam, Apo Legislative Quarters Mosque, Abuja, Nigeria.*

.....

“There is no doubt that justice has been done to all the issues raised in this write-up in terms of authoritative interpretations, numerous citations and lucid exposition of facts.”

**Prof. Yahya Ibrahim Yero, MCFE, GMA,**  
*Executive Chairman, Bauchi State Universal Basic Education Board (BASUEB), Nigeria.*

.....

This book will serve as a "manual" to both Muslims and non-Muslims the world-over... this book will serve as an advocacy tool that will bridge the gap between Islam and other religions, while providing a space for peaceful coexistence and conflict mitigation...It is with great pride and honour that I am able to commend this masterpiece...

**Imam Muhammad Nurayn Ashafa,**  
*Co-Executive Director, Interfaith Mediation Centre (IMC), Kaduna, Nigeria.*

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*Wassalam alaykum wa rahmatullah wa barakatuhu.*

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Da'wah Institute of Nigeria (DIN),  
Islamic Education Trust (IET), Minna.  
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## INTRODUCTION

The issues treated in this book are the outcome of a number of surveys conducted by the Da'wah Institute of Nigeria (DIN) in different parts of the world including Australia, South-East Asia, the Middle East, Europe, America and of course, Africa. These surveys were meant to identify some of the most common arguments that are raised by Muslims against having friendly relations with people of other faiths. The surveys also tried to find out some of the common faith-based "bridge-burning" narratives used by some Muslims (including violent extremists) to justify hostility and prejudice against non-Muslims. This book, therefore, analyzes the teachings of Islam regarding relations with the peaceful and friendly non-Muslim majority. The expected response with justice and compassion by Muslims to hostile, belligerent or aggressive non-Muslims has been treated in more detail in the book "*Jihad and the Spread of Islam*" which is also published by the Da'wah Institute of Nigeria.

In the contemporary world, living in any isolation is impossible; and while some Muslims in Muslim majority societies have had very little interaction with people of other faiths, interactions between people of all faiths and nationalities are increasingly commonplace, whether through work, travel, the internet, or otherwise. Trade and services now transcend national boundaries while societies are becoming progressively multicultural and multi-religious. This makes many, Muslims and non-Muslims alike, question the expectations of Islam regarding the relationship of Muslims with their non-Muslim relatives, neighbours and colleagues. Unfortunately, some Muslims who currently live in societies far more isolated from positive interfaith relations than those at the time of the Prophet (p)<sup>1</sup> have reached conclusions about Islamic teachings regarding the relationship with non-Muslims that are far removed from the actual practice of the earliest Muslims and from the Islamic ideals of fairness, justice and compassion. The past experience of many Muslim societies in the hands of the Crusaders who ravaged Muslim lands killing thousands of innocent men, women and children, and who destroyed

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<sup>1</sup>Stands for "Peace be upon him". It is used anytime the Prophet Muhammad is referred to.

properties, libraries and mosques has made many apprehensive of relations with the West and Christians. The more recent history of colonialism, economic exploitation, cultural imperialism, political subjugation and interference, and the support of dictators across the Muslim world has also not helped trust and peacebuilding with the Christian world.

The supposition of some people is that Islam is inherently against any form of friendliness with those who do not ascribe to the faith. In fact, many assume that Islam prescribes the normative relationship between Muslims and non-Muslims to be one of hostility and intolerance. This position is commonly pedalled by Islamophobes and antagonists of Islam for the purposes of ridiculing the faith, eroding Muslim pride in their religion and undermining positive interfaith relations.

Unfortunately, there are also some Muslims who hold onto opinions and scholarly positions often borne out of hostile and mistrustful interfaith experiences and contexts. Some other opinions have been areas of debate and controversy among classical Muslim scholars from the earliest times. Some of these positions, as argued by some classical and contemporary scholars are easily and justifiably seen today as unfair, prejudiced, or oppressive; and contrary to the spirit and practice of Islam as taught in the Qur'an and modelled by the Prophet (p) and his rightly guided Companions.

According to the great medieval jurist Ibn Qayyim al-Jawziyyah,

*“The foundation of the Shari'ah is wisdom and the safeguarding of people's welfare in this life and the next. In its entirety, it is about justice, mercy, wisdom, and good. Every rule which replaces justice with injustice, mercy with its opposite, the common good with mischief, and wisdom with folly, is a ruling that does not belong to the shari'ah, even though it might have been claimed to be according to some interpretation...”<sup>2</sup>*

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<sup>2</sup> Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, Maktabah al-Kulliyat al-Azhariyyah, Cairo, Egypt, 1968, vol.3, p.2



## INTRODUCTION

The methodology and approach of the DIN to issues when dealing with diverse and sometimes conflicting opinions held by scholars of Islamic jurisprudence has tried to be influenced by these principles of Shari'ah elucidated by Ibn Qayyim above.

We try to ensure that all texts relevant to this subject of interfaith relations, war and peace, are interpreted in their own specific historical contexts (respecting the *sabab al-nuzul/wurud* of the texts) and that of the whole Qur'an and Sunnah. Such interpretations must also take cognisance of how the texts were understood and actually implemented in the lifetime (*seerah*) of the Prophet (p) and his rightly guided Companions. We would only consider the opinion that a text is “abrogated” (*mansukh*) if there was absolutely no way of reconciling its interpretation with other equally authentic texts; and with categorical and authoritative support for such abrogation based on clear texts from the Qur'an and Sunnah.

We notice that not respecting these basic rules and principles of interpretation of texts has resulted in conclusions that contradict both the letter and the spirit of other clear and categorical texts prescribing peaceful co-existence with friendly or non-hostile people of other faiths as exemplified in the life of the Prophet (p) and his Companions.

The approach has also tried as much as possible to fully respect the Principles of Islamic Jurisprudence (*Usul al-Fiqh*) and the Higher Intent of Islamic Law (*Maqasid al-Shari'ah*) in its methodology of selecting what it believes to be the most credible and appropriate scholarly opinion to contemporary realities. And in this, we pray that Allah guides us aright and forgives us for our shortcomings.

Peace is indispensable to sustainable societal development, and the two primary objectives of Islamic teachings are the accruing of benefit (*jalb al-masalih*) and the prevention or removal of harm (*dar' al-mafasid*) from the society. In this context, peaceful and amicable relations between Muslims and other religious groups are essential not just for the advancement of Muslim societies and humanity in general, but for

## INTRODUCTION

facilitating better interfaith communication and understanding. For Muslims, this enlightenment-conducive relationship should however not compromise Islamic values and security.

It is our hope and prayer that this book would help contemporary Muslims realize a more appropriate, realistic and balanced perspective of Islam to interfaith relations. It is also our prayer that this material would equip Muslim activists and those interested in interfaith bridge-building and engagement with better arguments for confronting those Muslims who would otherwise want to undermine interfaith relations.

## SECTION 1:

# CONCEPT OF *AL-WALA'* AND *AL-BARA'*

This section gives the definitions of the terms *al-wala'* and *al-bara'*, as well as the various forms of both.

## 1. Introduction to *Al-Wala'* (loyalty) and *Al-Bara'* (dissociation)

Some Muslims understand interfaith relations as summarized and restricted by the notions of either one of “loyalty and allegiance” (*al-wala'*) or of “dissociation and disavowal” (*al-bara'*), with little or no regard to other Islamic concepts such as kindness, compassion, fairness and justice. What actually is the correct meaning of *Al-Wala'* (loyalty) and *Al-Bara'* (dissociation)?

*Al-Wala'* literarily means loyalty, love, support, help and follow; while *al-Bara'* means to despise, desert and keep innocent of.

The terms “*al-Hub fi Allah* (loving for Allah sake) and *al-Bughd fi Allah* (hating for Allah sake)” and “*al-Muwalat* (loyalty) *wa al-Mu'adat* (enmity)” are sometimes used instead of *al-Wala' wa al-Bara'*.

Ibn Abbas was reported to have said: “Whoever loves for the sake of Allah and hates for the sake of Allah and gives for His sake and holds for His sake has completed his faith.”<sup>1</sup>

Basically, the concept refers to liking and desiring what Allah likes and disliking or forsaking what Allah dislikes.

### The concept of *Al-Wala'*:

The technical meaning of *al-Wala'* is to totally agree with the sayings, deeds and beliefs which please Allah and the persons whom He likes.<sup>2</sup> It is to love what Allah loves and to be loyal to what Allah approves of. The concept of *al-Wala'* therefore does not

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<sup>1</sup> Sulaiman bin Ahmad al-Tabarani, *al-Mu'jam al-Awsat*, Dar al-Haramayn, Cairo, 1415AH, hadith no. 9083

<sup>2</sup> [http://www.muslimtents.com/aminahsworld/Al\\_wala.html](http://www.muslimtents.com/aminahsworld/Al_wala.html) (accessed on 05/06/2017)

contradict or go against justice (*qist*), kindness (*birr*), mercy (*rahmah*) and excellence (*ihsan*) towards others irrespective of religious affiliation.

### **The concept of *Al-Bara'*:**

*Al-Bara'* is to disavow, dislike and disagree with everything that Allah hates and condemns.<sup>3</sup> The concept of *al-Bara'* however does not imply injustice, cruelty or any other unethical or inhumane behaviours which are not acceptable even towards an enemy of Allah or something that Allah hates. It also does not imply that Muslims cannot forgive their enemies and those who do wrong to them from among non-Muslims, as can be seen from the Sunnah of the Prophet (p) towards his enemies and the enemies of Allah.

Interfaith relations are not defined by only *Wala'* (loyalty) and *Bara'* (disassociation), but also by *Birr* (kindness), *Qist* (justice) and *Ihsan* (goodness). Allah says:

*“As for such (of the unbelievers) who do not fight against you on account of (your) faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness (birr) and to behave towards them with full equity (qist): for verily, God loves those who act equitably. God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth: and as for those (from among you) who turn toward them in friendship (wala'), it is they, they who are truly wrongdoers!”* (Qur'an 60: 8-9)

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<sup>3</sup> For further reading see: Muhammad Sa'id al-Qahtani, *al-Wala' wa al-Bara' fi al-Islam*, Al-Maktabah al-Shamilah 3.13; See also [www.kalamullah.com](http://www.kalamullah.com)



Ibn Qayyim al-Jawziyyah says, “This verse permits association with those who have not declared war against the Muslims and allows kindness towards them, even though they may not be allies.”<sup>4</sup>

In his *Tafsir* (commentary) on Qur’an 60:8, Imam Al-Qurtubi said:

“The majority of commentators have agreed that this verse has not been abrogated. They cited the story reported by Al-Bukhari and Muslim about Asmā’ bint Abubakr when she asked the Prophet (p) if she could receive and be kind to her non-Muslim mother who visited her in Madina and the Prophet (p) said ‘Yes’. It was said that this verse was revealed in this specific incident. Al-Mawardi and Abu Dawood reported that Amir ibn Abdullah ibn Al-Zubair narrated that his father told him that, before accepting Islam, Abubakr divorced his wife Qatila, the mother of Asmā’. When the truce was held between the Prophet (p) and the polytheists of the Quraish, the mother visited her daughter in Madina and brought her a pair of earrings and other gifts. Asmā’ was reluctant to accept the gifts before asking the Prophet (p). In answer to her question, Allah revealed this verse [i.e. Qur’an 60:8].”<sup>5</sup>

Similarly, Allah encourages justice (*‘adl* and *qist*) – even to an enemy. He says: “*Do not let hatred of any people cause you to swerve from justice. Be just: this is nearest to being God-conscious*” (Qur’an 5:8). Also, “*O you who have attained to faith! Be ever steadfast in upholding equity, bearing witness to the truth for the sake of God, even though it be against your own selves, or your parents and kinsfolk. Whether the person concerned be rich or poor, God’s claim takes precedence over (the claims of) either of them. Do not, then, follow your own desires, lest you swerve from*

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<sup>4</sup>*Zad al-Masir*, vol.8, p.39, cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, International Institute of Islamic Thought, London, 2003, p.26

<sup>5</sup> Al-Qurtubi, quoted by Shaykh Abdul Fattah Abu Ghudda, *Islamic Manners*. Trans. by Muhammad Zahid Abu Ghudda, Edited by S.M. Hassan Al-Banna, Awakening Publications, 2001, pp.76-77; See Al-Bukhari, *Sahih al-Bukhari*, vol.3, hadith no. 789 for the hadith.

*justice; for if you distort (the truth), behold, God is indeed aware of all that you do!” (Qur’an 4:135).*

Also, Allah encourages forgiveness and returning evil with good. He says: “*Repel by (means of) what is best, (their) evils. We are most knowing of what you describe.*” (Qur’an 23:96) Following this Qur’anic injunction, forgiveness was exemplified by Prophet Muhammad (p) in many difficult situations such as forgiveness of war crimes by the *Quraish* after the conquest of Mecca;<sup>6</sup> and the forgiveness of the people of *Ta’if* when he went there to preach the message of Islam but instead of appreciating him, they stoned him.<sup>7</sup> He also overlooked the ill behaviour of Jews (i.e. Banu Qaynuqa and Banu Nadir) in Medina, before he expelled them after their betrayal.<sup>8</sup>

### **More textual evidences showing what the concept of ‘*al-Bara’* is not:**

- A young Jewish boy used to serve the Prophet (p) and he became sick. So the Prophet (p) went to visit him. He sat near his head and asked him to embrace Islam. The boy looked at his father, who was sitting there; the latter told him to obey Abu al-Qasim and the boy embraced Islam. The Prophet (p) came out saying: "Praises be to Allah Who saved the boy from the Hell-fire."<sup>9</sup> Similarly, Sa’id bin Al-Musayyib said: When Abu Talib was on his deathbed, the

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<sup>6</sup> Al-Baihaqi, *Ma’rifah al-Sunan wa al-Athar*, vol.14, p.417; Ahmad bin Hanbal, *Musnad Imam Ahmad bin Hanbal*, Muassasah al-Qurtubah, Cairo, vol.2, p.538; Ibn Kathir, *al-Bidayah wa al-Nihayah*, vol.4, p.307

<sup>7</sup> Safy al-Rahman Mubarakfuri, *Al-Rahiq Al-Makhtum (The Sealed Nectar: Biography of the Noble Prophet)*, Dar al-Salam Publishers, Riyadh, 1996, p.137

<sup>8</sup> Safy al-Rahman Mubarakfuri, *Al-Rahiq Al-Makhtum (The Sealed Nectar: Biography of the Noble Prophet)*, Dar al-Salam Publishers, Riyadh, 1996, p.239; Muhammad al-Ghazali, *Fiqh al-Sirah*, International Islamic Federation of Student Organisations, Riyadh, 1997, p.292, Ahmad ‘Ali al-Majdub, *al-Mustawtanat al-Yahudiyyah ‘Ala ‘Ahd al-Rasul*, al-Dar al-Misriyyah al-Lubnaniyyah, Cairo, 1992, p.77-89

<sup>9</sup> Al-Bukhari, *al-Adab al-Mufrad*, edited, Muhammad Fu’ad Abd al-Baqi, Dar al-Bashair al-Islamiyyah, Beirut, 1989, p. 185, hadith no. 524; Al-Baihaqi, *Sunan al-Kubrah*, Maktabah Dar al-Baz, Mecca, hadith no. 6389; Abu Dawud, *Sunan Abu Dawud*, hadith nos. 3097 and 3095; Ibn Hibban, *Sahih bn Hibban*, edited, Shu’aib al-Arna, 2<sup>nd</sup> edition, Mu’assasah al-Risalah, Beirut, 1993, hadith no. 4884; Al-Bukhari, *Sahih al-Bukhari*, hadith no. 1356; Ahmad bin Hanbal, *Musnad al-Imam Ahmad bin Hanbal*, hadith no. 13375

Prophet (p) visited him.<sup>10</sup> This shows the permissibility and encouragement of visiting sick non-Muslims.

- During the peace treaty period of Hudaibiyyah<sup>11</sup>, the Prophet Muhammad (p) gave Abu Sufyan (the leader of the polytheists of Mecca then) the very generous sum of 500 dinars (gold coins)<sup>12</sup> with which to assist the poor of Mecca during their brief period of severe food shortage.<sup>13</sup> This financial aid to the Meccans was made despite their belief in idols, their past persecution and murder of Muslims, warfare and other inhuman atrocities and crimes against the Muslims of Mecca and Medina, and the fact that these same Meccans were responsible for the murder of a number of close companions and even relatives of the Prophet (p) himself.
- It was narrated by Asma bint Abu Bakr that, "My mother came to me during the lifetime of Allah's Messenger (p) and she was a polytheist. I said to Allah's Apostle (seeking his verdict), "My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?" The Prophet (p) said, "Yes, keep good relations with her."<sup>14</sup>

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<sup>10</sup> Al-Bukhari, *Sahih al-Bukhari*, Vol. 7, Book 70, hadith no. 561

<sup>11</sup> Many lessons have been derived by Muslim Scholars from the treaty of Hudaibiyyah between the Muslims of Medina and the Polytheists of Mecca. These lessons are relevant to Muslim minorities living under non-Muslim rule, treaties and constitutional concessions, the priority of peaceful co-existence etc. For further reading, see: Ibn Hisham, *al-Sirah al-Nabawiyyah*, Dar al-Qalam, Beirut, vol.1, pp. 321-336; Ibn Kathir, *al-Bidayah wa al-Nihayah*, Maktabat al-Ma'arif, Beirut, vol. 1, pp. 164 – 177; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp. 495-530; Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, pp. 149 – 163.

<sup>12</sup> 500 Dinars of gold, which was half the "blood money" (diyyah) for manslaughter, is approximately USD \$100,000.

<sup>13</sup> Abu Bakr Muhammad bin Ahmad bin Sahl Shams al-Din Sarakhsi, *Al-Mabsut*, Dar al-Ma'rifa, Beirut, 1986, vol.10, p.92; Sheikh Yusuf al-Qaradawi, *Fatawa Mu'asirah*, al-Mansurah, Egypt: Dar al-Wafa', 1996, vol.1, p.295 ; Imtiaz Ahmad, "Friendship with Non-Muslims" in *Speeches for an Inquiring Mind*, Al-Rasheed Printers, Medina, 2001, p.56.

<sup>14</sup> Al-Tabarani, *al-Mu'jam al-Kabir*, vol.24, p.78; Al-Bukhari, *Sahih al-Bukhari*, hadith nos. 2620, 5979 & 2477; Muslim, *Sahih Muslim*, hadith no. 2372; Ahmad bin Hanbal, *Musnad al-Imam Ahmad*, edited, Shu'aib al-Arnaut and others, 2<sup>nd</sup> Ed. Mu'assasat al-Risalah, Beirut, 1999, hadith no. 26915; Abu Bakr Abd al-Razzaq bin Hammam al-San'ani, *Musannaf Abd al-*

- Allah says in Qur'an 28:56, "*Verily, you cannot guide aright everyone **whom you love** (man ahbabta), but it is Allah who guides whom He wills, and He is fully aware of all those who receive guidance.*"
- Major Qur'anic commentators cite the context of the revelation of this verse as being related to the Prophet's polytheist uncle Abu Talib<sup>15</sup> who supported him and whom he loved dearly but could not convince to become a Muslim, as evident in the narration below:

Sa'id bin Al-Musayyib<sup>16</sup> narrated from his father, "When the time of the death of Abu Talib approached, Allah's Apostle (p) went to him and found Abu Jahl bin Hisham and 'Abdullah bin Abi Umayyah bin Al-Mughira by his side. Allah's Apostle (p) said to Abu Talib, "O uncle! Say: None has the right to be worshipped but Allah, a sentence with which I shall be a witness (i.e. argue) for you before Allah. Abu Jahl and 'Abdullah bin Abi Umayyah said, "O Abu Talib! Are you going to denounce the religion of Abdul Muttalib?" Allah's Apostle (p) kept on inviting Abu Talib to say it (i.e. 'None has the right to be worshipped but Allah') while they (Abu Jahl and Abdullah) kept on repeating their statement till Abu Talib said as his last statement that he was on the religion of Abdul Muttalib and refused to say, 'None has the right to be worshipped but Allah.' Then Allah's Apostle (p) said, "I will keep on asking Allah's forgiveness for you unless I am forbidden (by Allah) to do so." So Allah revealed (the verse) concerning him: "*It is not fitting for the Prophet and those who believe that they should invoke (Allah) for forgiveness for polytheists even though they be of kin, after it*

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Razzaq, edited, Habib al-Rahman al-A'zami, 2<sup>nd</sup> Ed., Al-Maktab al-Islami, Beirut, 1403 AH, hadith no 9932

<sup>15</sup> Muhammad bin Jarir al-Tabari, *Jamiu al-Bayan fi Ta'wil al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol. 19, p. 598; Abul Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al-Nashr wa Tawzi', Medina, 1999, vol. 6, p.246; Abd al-Rahman bin Nasir al-Sa'di, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.620.

<sup>16</sup> Also referred to by some as Sa'id bin Al-Musayyab.

*has become clear to them that they are companions of the fire* (Qur'an 9:113).<sup>17</sup>

The verse (28:56) is therefore a clear indication of the fact that the Prophet Muhammad (p) loved a polytheist who refused to accept Islam. This is a proof that non-Muslims are among those whom Muslims may love and hold close relationships with.<sup>18</sup>

- Allah says: “*And the food of those who were given the scripture is permissible for you, and your food is permissible for them*” (Quran 5:5)

In a hadith narrated by Anas bin Malik, “A Jewish lady brought a poisoned (cooked) sheep for the Prophet (p) who ate from it. She was brought to the Prophet (p) and he was asked, “Shall we kill her?” He said, “No.” I continued to see the effect of the poison on the palate of the mouth of Allah's Apostle (p).”<sup>19</sup>

- Abdullah bin Uraiqit, a Meccan non-Muslim was trusted by the Prophet (p) and Abubakar – to lead them to Medina during their *hijra* (migration), even though there was a price of 100 camels on the Prophet (p) dead or alive.<sup>20</sup>
- Muqawqis, the ruler of Egypt sent a rich present of a thousand measures of gold, twenty robes of fine cloth, a mule, and two Coptic Christian ladies who were held in great respect in Egypt to the Prophet (p). And the Prophet (p) accepted the presents.<sup>21</sup>
- It was narrated by Abdullah bin Umar that Umar bin Al-Khattab saw a silken dress (cloak from Utarid bin Hajib)

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<sup>17</sup> Al-Bukhari, *Sahih al-Bukhari*, Vol. 2, Book 23, hadith no. 442

<sup>18</sup> Yusuf Ali, *The Holy Qur'an: English Translation of the Meanings and Commentary*. Revised by The Presidency of Islamic Researches, IFTA, Call and Guidance, King Fahd Holy Qur'an Printing Complex, Medina, 1411 AH, p.1136, footnote no. 3388.

<sup>19</sup> Al-Bukhari, *Sahih al-Bukhari*, Volume 3, Book 47, hadith no. 786

<sup>20</sup> Safy al-Rahman Mubarakfuri, *al-Rahiq al-Makhtum*, al-Maktabah al-Shamilah 3.13, vol.1, p.131

<sup>21</sup> Al-Tabarani, *Al-Mu'jam al-Kabir*, hadith no. 3497



being sold at the gate of the Mosque and said, "O Allah's Messenger (p)! Would that you buy it and wear it on Fridays and when the delegates come to you!" Allah's Messenger (p) said, "This is worn by the one who will have no share in the Hereafter." Later on, some silk dresses were brought and Allah's Messenger (p) sent one of them to Umar. Umar said, "How do you give me this to wear while you said what you said about the dress of Utarid?" Allah's Messenger (p) said, "I have not given it to you to wear." So, Umar gave it to a polytheist brother of his in Mecca."<sup>22</sup>

- Aisha reported that the Prophet (p) bought some foodstuff from a Jew on credit for a limited period and mortgaged his armour for it.<sup>23</sup>
- It was narrated by Aisha that she asked the Prophet (p), "Have you encountered a day harder than the battle of Uhud?" The Prophet (p) said, *"Your tribes have troubled me very much, and the worst was the day of Aqaba when I presented myself to Ibn Abd Yalail ibn Abd Kulal and he did not respond to what I intended. I departed, overwhelmed with excessive sorrow, and I could not relax until I found myself at a tree where I lifted my head towards the sky to see a cloud shading me. I looked up and saw Gabriel in it. He called me saying: Allah has heard your people's saying to you and how they have replied, and Allah has sent the Angel of the Mountains to you that you may order him to do whatever you wish to these people. The Angel of the Mountains greeted me and he said: O Muhammad, order what you wish, and if you like, I will let the mountains fall on them."* The Prophet (p) said, "No, rather I hope that Allah

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<sup>22</sup> Muslim, *Sahih Muslim*, hadith no. 5522; Al-Bukhari, *Sahih al-Bukhari*, hadith no. 2612

<sup>23</sup> Al-Bukhari, *Sahih al-Bukhari*, 3<sup>rd</sup> Ed., edited by Mustafa Dib al-Bagha, Dar Ibn Kathir, al-Yamamah, Beirut, 1987, hadith no. 2374; Al-Baihaqi, *al-Sunan al-Kubrah*, Majlis Da'irah al-Ma'arif al-Nizamiyyah al-Ka'inah fi al-Hind bi Balad Haidar Abad, 1344 AH, hadith no. 11414; Muhammad bin Yazid Abu Abdullah al-Qazwini, *Sunan bin Majah*, edited, Muhammad Fu'ad Abd al-Baqi, Dar al-Fikr, Beirut, hadith no. 2436; Ahmad bin Shu'aib Abu Abd al-Rahman al-Nasa'i, *Sunan al-Nasa'i*, 2<sup>nd</sup> Ed., edited by Abd al-Fatah Abu Guddah, Maktab al-Matbu'at al-Islamiyyah, Halab, hadith no. 4609

*will bring from their descendants people who will worship Allah alone without associating partners with him.”*<sup>24</sup>

- The constitution (*Sahifah*) of Medina was charted by the Prophet (p) for peaceful coexistence and mutual respect of rights between Muslims and Jews as citizens.<sup>25</sup>

### **Prohibited and Permissible forms of *Al-Wala'***

Some forms of *Al-wala'* could be prohibited, for example, helping non-Muslims in any way that could be unjustly harmful to Muslims or others. It could also be permissible such as when it comes in the form of kindness to those who are not hostile among them; for example, marrying *kitabiyah* wives (from the “People of the Book”), eating their foods, greeting them, giving them gift, etc.<sup>26</sup> The case of Asma' bint Abu Bakr and her mother as cited earlier on is a good example of acceptable *al-wala'*, so also is the Prophet's relationship with his uncle and that of the Muslim emigrants with the Christian Negus of Habashah (Abyssinia).

Also, marrying a *kitabiyah* and the ensuing love between the Muslim husband and the non-Muslim wife naturally leads to *mawaddah* (love), *rahmah* (mercy), *sakinah* (tranquillity), *hubb* (love), trust, etc. and does not contradict the concept of *al-wala'*.

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<sup>24</sup> Ibn Hisham, *al-Sirah al-Nabawiyyah*, Vol.2, p.15; Safiy al-Rahman al-Mubarakfuri, *Al-Rahiq al-Makhtum*, vol.1, p.100, in Maktabah al-Shamilah 3.13; Al-Bukhari, *Sahih al-Bukhari*, hadith no. 3231; Muslim, *Sahih Muslim*, Dar al-Jil, Beirut, hadith no. 4754.

<sup>25</sup> Safiy al-Rahman al-Mubarakfuri, *al-Rahiq al-Makhtum*, vol.1, p.148, in Maktabah al-Shamilah 3.13; Ibn Qayyim al-Jawziyyah, *Zad al-Mi'ad fi Hady khair al-'Ibad*, vol.3, p.58; Ibn Hisham, *al-Sirah al-Nabawiyyah*, vol.3, p.34.

<sup>26</sup> See Abd al-Aziz bin Ris al-Ris, *al-Burhan al-Munir*, p.52, al-Maktabah al-Shamilah 3.13.



## SECTION 2:

# IDENTITY AND NAMES

This section focuses on the identity of the People of Earlier Revelation and their continued existence.

## 2. Identity of *Ahl al-Kitab* (People of Earlier Revelation)

**Some Muslims view only Jews and Christians as *Ahl al-Kitab* and therefore closer to Muslims than people of other faiths. Who are the *Ahl al-Kitab* referred to in the Qur'an and Hadith? How are they recognized, and do they include communities other than Jews and Christians?**

According to the Qur'an (13:7), God has sent prophets and messengers to all communities of mankind before sending the last of his prophets – Muhammad (p).<sup>27</sup> These prophets were “submitters to the will and guidance of God” (referred to as “Muslims” in the Qur'an (22:78) and in Arabic).<sup>28</sup> Those who follow previous prophets instead of the prophet of the time are referred to as “*Ahl al-Kitab*” - meaning a “People of Scripture (or Book)” or “People of an Earlier Revelation”. This was the honorary name given to followers of previous prophets in the Qur'an and Sunnah, instead of referring to them as *Mushrikun*, meaning pagans or polytheists. In the Qur'an, they are either

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<sup>27</sup> Muhammad bin Tahir Ibn Ashur, *Al-Tahrir wa al-Tanwir*, vol.7, p.417; Abul Fidai Ismail bin Umar Ibn Kathir, *Tafsir al-Quran al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.4. p.434; Abu Muhammad Alhusain bn Masud Al Bagawy, *Ma'alim al-Tanzil*, Dar Tayba li al- Nashr wa Tawzi', Medina, vol.4. p.296; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.414

<sup>28</sup> Muhammad bin Tahir Ibn Ashur, *Al-Tahrir wa al-Tanwir*, vol. 9, p.402; Abul Fidai Ismail bin Umar Ibn Kathir, *Tafsir al-Quran al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.5, p.455; Abu Muhammad Alhusain bn Masud Al Bagawy, *Ma'alim al-Tanzil*, Dar Tayba li al- Nashr wa Tawzi', Medina, vol.5, p.402; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.546

referred to as Jews (*Yehud*)<sup>29</sup>, Christians (*Nasara*)<sup>30</sup> or People of an Earlier Scripture (*Ahl al-Kitab*)<sup>31</sup>.

Because the Qur'an clearly identifies Jews and Christians as *Ahl al-Kitab* who were followers of Prophet Moses and Jesus respectively (peace be upon them both), the majority of Muslim scholars have identified these 2 communities as being the only groups that are certainly *Ahl al-Kitab*.<sup>32</sup>

Other scholars, however (such as Abu Hanifa,<sup>33</sup> Imam Shafi'i<sup>34</sup> and Ibn Hazm<sup>35</sup>) understood the term *Ahl al-Kitab* more literally as any people (*ahl*) with a scripture (*kitab*) before Muhammad (p). They regarded any religious group (*ahl*) that claims to be in possession of a divinely inspired scripture (*kitab*) and whose prophet existed before the last Prophet, Muhammad as also being among the *Ahl al-Kitab*. They, therefore, regarded Zoroastrians (*Majus*),<sup>36</sup> Sabians<sup>37</sup> (*Sabi'un*) and others as being among them.<sup>38</sup>

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<sup>29</sup> Quran 2:113,120. 5:18, 51, 64, 82. 9:30.

<sup>30</sup> Quran 2:113,120. 9:30

<sup>31</sup> Quran: 2:105,109. 3:64,65,69,71,72,75.

<sup>32</sup> *Al-Mawsu'at al-Fiqhiya*, Ministry of *Awqaf* and Religious Affairs, Kuwait, vol.7, p.140

<sup>33</sup> *Al-Mawsu'at al-Fiqhiya*, Ministry of *Awqaf* and Religious Affairs, Kuwait, vol.7, p.140

<sup>34</sup> Muhammad bn Idris al-Shafi'i, *al-Umm*, vol.4, p. 173 (cited in *Fiqh al-Aqaliyat al-Muslima*, p.29)

<sup>35</sup> Ali bn Ahmad bn Said Ibn Hazm, *Al-Muhalla bi al-Aataar*, Dar al-Fikr, vol.9, pp.12,17,18, and 144

<sup>36</sup> *Al-Mawsu'at al-Fiqhiya*, Ministry of *Awqaf* and Religious Affairs, Kuwait, vol.7, p.140

<sup>37</sup> *Al-Mawsu'at al-Fiqhiya*, Ministry of *Awqaf* and Religious Affairs, Kuwait, vol.7, p.140

<sup>38</sup> Respected scholars such as Sheikh Rashid Rida regarded some among the Hindus and Buddhists as also belonging to the *Ahl al-Kitab*. Others remain uncertain about the status of these religious communities and therefore regard it as safer to "leave doubt for certainty" and thus consider only Jews and Christians as *Ahl al-Kitab* since these are explicitly identified as such in the Qur'an and Hadith. For further reading, see: Muhammad Rashid Rida, *Tafsir al-Hakim: Tafsir al-Manar*, 9 vol., Beirut, Dar al-Ma'rifah, n.d., 6:187-190, Cited in Muhammad Azizan Sabjan, *The People of the Book and The People of a Dubious Book in Islamic Tradition*, Penerbit Universiti Sains Malaysia Pulau Pinang, Malaysia, 2010, p.55.



### 3. Existence of *Ahl al-Kitab* (People of Earlier Revelation) Today

Some Muslims believe that modern-day Jews and Christians should not be regarded as "*Ahl al-Kitab* (People of Earlier Revelation)" because of the corruption of their scriptures and their belief in the Trinity, the sonship, divinity and crucifixion of Jesus, etc. If they are not the same communities referred to as *Ahl al-Kitab* in the Qur'an and Hadith, then it implies that the Jews and Christians of today are to be regarded as polytheists (*mushrikun*) and Muslims are not allowed to eat the animals they slaughter nor are they allowed to marry their women. As such, any such marriages are to be regarded as Islamically unacceptable!

Do the "People of the Earlier Revelation" (*Ahl al-Kitab*) still exist today? And should contemporary Jews and Christians be regarded as belonging to the *Ahl al-Kitab* referred to in the Qur'an and Hadith?

According to the majority of Muslim scholars and the major Schools of Islamic Jurisprudence, the Jews and Christians that existed after the time of the Prophet (p) and his Companions until the present day are still members of the religious community described or referred to in the Qur'an and Hadith as *Ahl al-Kitab*<sup>39</sup>, and should be honoured as such.

Some Muslim scholars, however, have tried to argue that the *Ahl al-Kitab* ("People of the Book", or "People of Earlier Revelation") referred to in the Qur'an and Hadith are no longer in existence. They also claim that present-day Christians and Jews - unlike

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<sup>39</sup> Quran 2:105,109;3:64,65,69,70,71,72,75,98,99,113,199;4:123,153,159,171; 5:15,19,59,65,68,77; 29:46; 33:26; 59:2; 59:11; 6:98.

those of the time of the Prophet Muhammad (p) - are not the same as those described in the Qur'an and Hadith as *Ahl al-Kitab*, because (among other reasons), they follow corrupted teachings of their scriptures and that their scriptures are no longer authentic.

However, other scholars argue that the Qur'an speaks of the Christians at the time of the Prophet (p) as having already believed in the Trinity (Qur'an 4:171, 5:73), the divine Sonship of Jesus (Qur'an 9:30)<sup>40</sup>, the crucifixion of Jesus (Qur'an 4:157)<sup>41</sup>, the belief that he and his mother (Mary) were divine or to be worshipped (Qur'an 5:116)<sup>42</sup>, etc. The Qur'an also states that some of the Arab Jews believed that *Uzair* (Ezra) was a son of God (Qur'an 9:30)<sup>43</sup>, and that some of the *Ahl al-Kitab* had corrupted their scriptures (Qur'an 2:79)<sup>44</sup>. These beliefs, though amounting to *shirk* (associating partners with Allah) and *kufr* (disbelief), are therefore not new or recent teachings of Judaism or Christianity, but existed before and during the period of Muhammad's prophethood (p). In spite of all these, the Qur'an and the Prophet (p) still considered those Christians and Jews as *Ahl al-Kitab* (People of Earlier Revelations) and permitted conditional intermarriage and eating of what they slaughter, etc. (Qur'an 22:17; 5:5).

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<sup>40</sup> Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Ta'wil al-Qur'an*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.481; Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.157; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.239.

<sup>41</sup> Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.367; Ibn Kathir, Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.447; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.213

<sup>42</sup> Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.233; Ibn Kathir, Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.232; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.243.

<sup>43</sup> Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.201; Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.134; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.334

<sup>44</sup> Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.267; Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.310; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.56

To believe that there are no more *Ahl al-Kitab* existing today would also indirectly imply an abrogation or even irrelevance for all present and practical purposes, of all references in the Qur'an and Hadith to *Ahl al-Kitab* (Qur'an 3:64; 5:82; 22:17 etc.)! In fact, among the hadith literature on the Signs of the Last Day are some that indicate the continued presence of Jews and Christians.<sup>45</sup>

Similarly, all the major classical literature of Islamic jurisprudence (*fiqh*) that discuss issues related to the *Ahl al-Kitab* – such as eating their food<sup>46</sup>, marriage to them<sup>47</sup>, etc. - have assumed their continued existence throughout Islamic history to this day.

The Jews and Christians of today therefore, are still members of the religious community described in the Qur'an and Hadith as *Ahl al-Kitab*, and should be honoured as such, in recognition of their association with earlier divine revealed scriptures (or Books) and genuine prophets of Allah such as Musa and Isa (peace be upon them).

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<sup>45</sup> Muslim, *Sahih Muslim*, Darul Jeel, Beirut, vol.8, p.188, hadith no. 7523; *Musnad Ahmad*, vol. 15, p.233, hadith no. 9398.

<sup>46</sup> Quran 5:5; Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.581; Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.39; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.221; Ibn Qayyim, Muhammad bin Abi Bakr, *Ahkam ahl al-Dhimma*, vol.1 p.528.

<sup>47</sup> Quran 5:5; Muhammad bin Jarir Al-Tabari, *Jami'u al-Bayan fi Tawili al-Quran*, Mu'assasat al-Risalah, Beirut, 2000, vol.10. p.581; Abu al-Fida' Ismail bin Umar Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, 1999, vol.3, p.39; Abdrahman bin Nasir al-Sa'dy, *Taysir Karim al-Rahman*, Mu'assasat al-Risalah, Beirut, 2000, p.221; Muhammad bin Abi Bakr Ibn Qayyim, *Ahkam ahl al-Dhimma*, vol.1 p.528.

#### 4. Addressing Non-Muslims with Insulting Terms – *Kafir*!

Some Muslims call Christians and other non-Muslims by names such as *Kafir* (in Arabic), *Arne* (in Hausa), *Kirdi* (in Kanuri), etc., which these people regard as insulting. Since Islam is interested in peaceful coexistence, should Muslims call people of other faiths by these terms and names which they hate and find derogatory?

There are several words used in the Qur'an and Hadith to describe actions and beliefs that Allah regards as wrong, misguided, blameworthy and unbecoming of anyone. These terms and those actions and attitudes associated with them, help guide us in knowing what to avoid in life and why. These terms are taught to us as descriptive of certain behaviours we should avoid, and not as names we should use when addressing people who may, in reality, be misguided wrongdoers. These words and phrases include *munafiq* (hypocrite), *fasiq* (wrong-doer), *mushrik* (polytheist), *dhalim* (unjust), *jahiliy* (ignoramus), *najas* (impure, dirty or immoral), *kafir* (ingrate, disbeliever), *As-hab al-Nar* ("People of the Fire"), etc.

In a particular context or usage, a word or term (such as *kafir*) may take on a purely descriptive meaning, referring to anyone who rejects or does not accept Islam. In this sense, every non-Muslim is a *Kafir*. In another sense, however, the same word may be viewed or perceived as derogatory, insulting, or condemnatory and also as being regarded or categorized together with Atheists or Polytheists.

While it may be true that a person (whether Muslim or non-Muslim) is actually guilty of *fisq*, *nifaq*, *shirk*, *kufr*, etc., it is not proper to call people by names such as *Fasiq*, *Munafiq*, *Mushrik*, *Kafir*, etc., respectively, especially if these names are offensive or insulting to them. Similarly, just because it is true that a person is actually an illegitimate child, does not make it proper to

address such a person as a bastard or any other similarly offensive name.

Allah makes it categorically clear in the Qur'an that the Pharaoh - of the time of Prophet Musa (p) - was a *dhalim* and *kafir*,<sup>48</sup> and that prophet Musa (p) was one of the greatest and most respected messengers of Allah (among the *Uwl al-'Azm*<sup>49</sup>). Yet, Musa (p) was instructed when addressing Pharaoh to speak nicely, politely and softly to him, with the optimism that he may listen and take guidance, in spite of all his atrocities, arrogance and disbelief.

Allah says, *"And speak to him (Pharaoh) with gentle speech that perhaps he may be reminded or fear [Allah]."* (Qur'an 20:44)

Therefore, even if a person is as confirmed in his *kufr* by Allah Himself as Pharaoh was, he still deserves courtesy from a person of faith. How then can anyone who does not have the standing of Prophet Musa (p), justify their qualification to speak rudely or insultingly at anyone who is not even as bad as Pharaoh in their *Kufr*?

Allah says in the Qur'an, *"Invite to the way of your Lord with wisdom and beautiful exhortation."* (Qur'an 16:125)

Also, *"Do not argue with the People of the Book, except in a most kindly manner"* (Qur'an 29:46)

Someone once said to the Prophet (p), "Pray to Allah against the polytheists and curse them!" The Prophet (p) replied, *"I have not been sent as the invoker of curses; I have only been sent as a mercy."*<sup>50</sup> He also said, *"Do you know what is better than charity and fasting and prayer? It is keeping peace and good relations between people, as quarrels and bad feelings destroy mankind"*.<sup>51</sup>

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<sup>48</sup> Qur'an 7:103, 8:54, 85:18, 8:52

<sup>49</sup> Qur'an 46:35, 42:13. See Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar Tayba li al- Nashr wa Tawzi', Medina, vol.7, p.305

<sup>50</sup> Muslim, *Sahih Muslim*, hadith no. 1192 in Alim 6.0

<sup>51</sup> Al-Tirmidhi, *Sunan al-Tirmidhi*, hadith no. 2509



The Prophet (p) similarly said, “A *believer should not taunt, curse, abuse or talk indecently*”.<sup>52</sup>

While the term *kufr* may be used to describe any wrong or unacceptable belief or ideology - such as the Trinity (Q5:17) or Sonship of Jesus (Q5:73) etc. - the Qur'an and Sunnah do not use the term '*kafir*' to refer to, call or address Christians or Jews (*Ahl al-Kitab*) or even Zoroastrians. These religious communities were addressed by the Qur'an and the Prophet (p) by the names they called themselves – “Jews” (*Yahud*), “Christians” (*Nasara*), “Zoroastrian” (*Majus*), etc. More frequently, however, they were referred to and addressed in the Qur'an and Hadith by the honourable term "*Ahl al-Kitab*" (People of the Book) in recognition of their association with earlier divine revealed scriptures (or Books) and genuine prophets of Allah such as Musa and Isa (peace be upon them).

In more than 12 places, the Qur'an instructs the Prophet (p) and Muslims when addressing Jews and/or Christians, by the words: “*Say! O People of the Book (Ahl al-Kitab)...*” Allah Himself addresses them with the phrase “*O People of the Book!...*” In many other verses, they are referred to as “*Those who have been given Scriptures (before you)...*” These are beside the numerous instances where they are referred to as *Yahud* (Jews) or *Nasara* (Christians). In fact in the Qur'an, Allah describes the term “*Nasara*” (Christians) as a term that they use to describe themselves – “*Those who call themselves Christians*” (Qur'an 5:82) and “*And from among those who said, 'we are Nasara' (Christians)...*” (Qur'an 5:14).

Another concern is the fact that in many modern contexts and cultures, the terms *kafir* (in Arabic), *kirdi* (in Kanuri), or *Arne* (in Hausa), etc. are viewed as derogatory and insulting terms for addressing others, including non-Muslims. Unfortunately, some Muslims also deliberately use these terms with the intent to insult. Within such a context, it would be wrong and improper for a Muslim to use such terms to offend or insult others, especially

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<sup>52</sup> *Tirmidhi*, hadith no. 544, in *Alim 6.0*

when there are alternative, completely valid and even more appropriate names for describing the religious identities of non-Muslims.

The Prophet (p) said, “*Actions are judged by their intentions*”.<sup>53</sup> Based on this and other similar statements in the Qur’an and hadith, Muslim jurists have derived a legal maxim (*Qa’idah al-Fiqhiyyah*) which states that “Matters will be judged by the purposes they fulfil” (*Al-umuru bi-maqasidiha*). They also conclude that “liability is decided on the basis of intention and meaning and not on the basis of words and forms” or that “greater consideration is paid to the intent and not to the words”.<sup>54</sup> Thus, what is meant by a statement or term matters more than the words used. If a word like *kafir* (or any other) is therefore used in a particular context with the intent to insult, abuse or denigrate another person, then it is wrong Islamically.

Besides the immorality of insults and abuse, there is also the concern for consequences and for reciprocation with insults and inappropriate language in response. The Qur’an and Hadith have in fact consistently prohibited Muslims from hurting or insulting others through harsh words and derogatory nicknames that would make others insult Muslims in return.

Allah instructs in the Qur’an, “*Do not call each other by offensive nicknames*” (Qur’an 49:11). Even though idols represent some of the greatest forms of sin against Allah - *shirk* (polytheism) – the Qur’an categorically prohibits Muslims from insulting those other than Allah who polytheists worship, as they may also respond with insults against Allah. Allah instructs, “*And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge...*” (Qur’an 6:108)

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<sup>53</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith no. 1; *Sunan Abu Dawud*, hadith no. 2203; *Al-Mu’jam al-Awsat*, hadith no. 40; *Al-Sunan al-Sughra*, hadith no. 2

<sup>54</sup> Ibn al-Qayyim al-Jawziyyah, *I’lam al-Muwaqqi’in*, vol.1, p.219; Muhammad Bakr Isma’il, *Al-Qawa’id al-Fiqhiyyah Bayn al-Asalah wa al-Tawjih*, Dar al-Manar, Cairo, 1997, p.35 – cited in Sharul Hussain, *A Treasury of Sacred Maxims: A Commentary on Islamic Legal Principles*, Kube Publishing, Markfield, UK, 2016, p.35.

the concern for reciprocation, the Prophet (p) gave an example of how a person would indirectly be abusing his or her own parents. He said, *"Among the major sins, is for a person to abuse his parents".* A companion said, 'How would a man abuse (his parents)? The Prophet (p) said, *"(It would be) by him abusing someone, who will then (in return) abuse his parents."*<sup>55</sup>

Abu Hurayra reported that the Messenger of God (p) said, *"He who believes in God and the Last Day, let him abstain from harming his neighbour; he who believes in God and the Last Day, let him honour his guest; and he who believes in God and the Last Day, let him say that which is good, or remain silent."*<sup>56</sup>

Abu Hurayra reported that the Messenger of God (p) said, *"The Muslim is he from whose tongue and hand all people are safe..."*<sup>57</sup>

Imam Ahmad bin Hanbal narrated in his *Musnad* from 'Abd Allah bin 'Amr bin al-'As who reported that a man said, 'O Messenger of God (p)! What [person's] Islam is best?' The Prophet (p) replied, *"The one from whose tongue and hand all people are safe."*<sup>58</sup>

Imam al-Tabarani has also narrated from 'Abd Allāh bin 'Amr who said that "A man asked the Prophet (p), 'O Messenger of God! Whose Islam is best?' The Prophet (p) replied, 'The one from whose tongue and hand all people are safe'."<sup>59</sup>

Abdullah bin Umar narrated that a man asked the Prophet Muhammad (p), "What kind (or part) of Islam is best?" The Prophet (p) replied, "That you serve food and give the salutations of peace to the one whom you know, and the one whom you don't know."<sup>60</sup>

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<sup>55</sup> Imam al-Bukhari, *Adab al-Mufrad*, hadith no. 27

<sup>56</sup> *Al-Bukhari*, hadith no. 5672; *Muslim*, hadith no. 74

<sup>57</sup> *Al-Nasa'i*, hadith no. 4996; *Musnad Ahmad*, hadith no.7086

<sup>58</sup> Ahmad bin Hanbal, *Musnad Ahmad*, hadith no.7086

<sup>59</sup> Al-Tabarani, *al-Mu'jam al-Kabir*, hadith no. 1451

<sup>60</sup> Al-Bukhari, *Sahih Bukhari*, hadith no. 12; *Muslim, Sahih Muslim*, hadith no. 63

The Prophet (p) said, “Make things easy (for people) and do not make things difficult (for them). Cheer people up and do not drive them away.”<sup>61</sup> In another version, the Prophet (p) said, “Make things easy (for people) and do not make things difficult (for them). Make people comfortable (or relaxed) and do not drive them away.”<sup>62</sup>

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<sup>61</sup> Al-Bukhari, *Sahih Bukhari*, hadith no. 69.

<sup>62</sup> Al-Bukhari, *Sahih Bukhari*, hadith no. 6125; Muslim, *Sahih Muslim*, hadith no. 4626; Ahmad, *Musnad Ahmad*, hadith no. 12333.



### SECTION 3:

## **INTERPERSONAL RELATIONS BETWEEN MUSLIMS AND NON- MUSLIMS**

This section expounds the expected and normative interpersonal relationship between Muslims and people of other faiths.



## 5. Ideals in Interfaith Relations: Hostility or Harmony?

**Some believe that Islam prescribes that Muslims should be in a permanent state of enmity with people of other faiths, irrespective of their disposition towards Islam and Muslims.**

**What is the ideal and normative relationship that Islam prescribes between Muslims and non-Muslims? Is it one of hostility or peace-building and friendliness?**

Historically, from its inception in Medina, the Islamic state was, and continued thereafter, to be a plural society inhabited by Muslims and various non-Muslim citizens. Its defining feature was justice and equity.

The ideal and normative relationship that Islam prescribes between Muslims and non-Muslims is made explicitly clear in the Qur'an and exemplified in the life of the Prophet Muhammad (p). It is not that of war and hostility as opined by some, rather it is peace, justice, security and promotion of goodness (*maslaha*) and the higher intents (*maqasid*) of *Shariah* – and whatever would contribute to or lead to these.

Allah says in the Holy Qur'an: *"As for such (of the unbelievers) who do not fight against you on account of (your) faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness and to behave towards them with full equity: for verily, God loves those who act equitably. God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth: and as for those (from among you) who turn toward them in friendship, it is they, they who are truly wrongdoers."* (Qur'an 60: 8-9)

A number of verses and prophetic traditions make us realize that the normative relationship that Islam prescribes between Muslims and non-Muslims is peaceful coexistence and not enmity or hostility. In other words, conflict or fighting is the exception and not the rule. Below are some of those texts:

- *"And if they (your enemy) incline to peace, incline you also to it, and trust in Allah" (Q8:61)*
- *"But if they cease (fighting), Allah is Oft-Forgiving, Most Merciful" (Q2:192)*
- *"...but if they cease, let there be no hostility except to those who practice oppression" (Q2:193)*
- *"Fight in the cause of God those who fight you, but do not commit aggression, for God loves not the aggressor" (Q2:190)*
- The Prophet says: *"Do not wish to meet the enemy, and ask Allah for safety; but when you face the enemy, be patient, and remember that Paradise is under the shade of swords."*<sup>63</sup> This hadith shows that peace and safety is what Islam desires as a norm and not tribulation and enmity.

All the teachings of Islam related to seeking peace, arbitration, forgiveness, charity, social justice, and the objectives of Shari'ah (*Maqasid al-Shari'ah*) etc. are all directed towards greater peace in the society.

Even where fighting is permissible, it is only against aggression that for some reason cannot be forgiven. And in this case, fighting is permissible only as a lesser evil where there is no alternative route to peace with justice.

The fact that Islam would permit a Muslim man initiating and having a relationship as close and intimate as that of marriage with a Christian or Jewish woman, in spite of the difference in faith, points to the extent of expression of love and kindness that a Muslim is allowed to offer a non-Muslim.<sup>64</sup> It is also proof that

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<sup>63</sup>Al-Bukhari, *Sahih al-Bukhari*, hadith no. 6810

<sup>64</sup> This level of respect and, indeed, love is not morally permissible to initiate in some other religions. (See legal studies on Christianity and Judaism, for example, where any form of interfaith marriage is prohibited, whether male or female. This prohibition is derived by some Christian and Jewish scholars in view of II Corinthians 6:14-15, I Corinthians 7:39, Exodus 34:12-16, Deuteronomy 7:1-4, Ezra 10:2-3, Nehemiah 13:25-27, etc. in the Bible. In Christianity, however, an already existing interfaith marriage is tolerated if one of the

Islam does allow genuine friendship with people of other faiths, for marriage is a relationship that the Qur'an characterizes as one of "*tranquility*" and "*mutual love and mercy*" (Qur'an 30:21) – qualities that also characterize the closest of friends. As with all relationships, and irrespective of the person's faith, such a marriage should not be allowed to undermine Islamic ideals.

The Qur'an explains the difference between polytheists (*mushrikun*) and People of the Scripture (*Ahl al-Kitab*) and makes the relationship between the latter and Muslims more intimate by permitting the eating of their slaughtered animal and marriage to their women. The relationship between the early Muslims and all non-Muslim communities – polytheists, Zoroastrians, Jews and Christians etc. - was always peaceful until and unless they broke their peace treaties with the Muslims. Islam emphasizes the rights of non-Muslims living in an Islamic state as citizens or protected people (*ahl al-Dhimmah*) which guarantees their rights to life, work, the practice of their religion, etc.

A study of the day-to-day relationship of the Prophet (p) and his Companions with their non-Muslim relatives and neighbours reveals that Islam encourages normative peaceful relations between Muslims and people of other faiths (People of the Book in particular). Such activities include greeting and eating the food of and with one another, exchanging gifts and visits, charity, encouraging forgiveness and patience, goodness to neighbours, trade, establishing peace treaties for mutual safety and security, etc. In fact, the Prophet (p) said: "*Whoever truly believe in Allah and in the Day of Judgment should honour his neighbour.*"<sup>65</sup>

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partners accepts Christianity and the other does not (I Corinthians 7:12-14)). Contemporary canons of Catholicism and guidelines for pastoral practice in Protestant churches, however, accommodate the fact that interfaith marriages are legitimate in common law. See: [http://www.religioustolerance.org/ifm\\_bibl.htm](http://www.religioustolerance.org/ifm_bibl.htm), 2005, for more information about Biblical teachings on interfaith marriages.

<sup>65</sup>Al-Bukhari, *Sahih al-Bukhari*, hadith no. 5673

## 6. Friendliness with People of Other Faiths

**Some Muslims think that they are not expected to be friendly or jovial with people of other faiths. As such, they stay distant from non-Muslim colleagues, neighbours and others.**

**Is a Muslim permitted to be friendly with people of other religions? How close or friendly can a Muslim get with non-Muslims? Won't a Muslim be negatively influenced by non-Muslim friends?**

The Qur'an 60:8-9 summarizes Islam's position on relations with people of other faiths: *"As for such (of the unbelievers) as do not fight against you on account of (your) faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness (birr) and to behave towards them with full equity (qist): for verily, God loves those who act equitably. God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth: and as for those (from among you) who turn toward them in friendship, it is they, they who are truly wrongdoers!"*

There are other verses of the Qur'an that forbid Muslims from befriending the type of hostile non-Muslims that are discussed in the second part of the verse above (Qur'an 60:9). This, of course, does not exclude the possibility of forgiveness (Qur'an 16:126) and returning harm done with goodness (Qur'an 41:34, 23:96, 28:54) which as a rule is better for a Muslim to do.

The Prophet Muhammad (p) is the best role model for Muslims (Qur'an 33:21)! The Qur'an (28:56) refers to his having "loved" his kind uncle Abu Talib even though he was a polytheist (*mushrik*). The Prophet (p) trusted the Christian King (the Negus) of Abyssinia with the lives of the first group of migrating Muslims

(*Muhajirun*).<sup>66</sup> He also trusted Abdullah bin Uraiqit (who was a polytheist) to guide him and Abubakr through the desert to Medina when the other Meccans wanted to kill him.<sup>67</sup>

Marriage is a very intimate and loving relationship (Qur'an 30:21). The fact that the Qur'an (5:5) permits a Muslim to marry a Jewish or Christian lady, suggests the level of friendship and companionship that Islam permits a Muslim to have with a non-Muslim in spite of the difference in their faiths. The Prophet (p) gave and received gifts from non-Muslims; he visited them and vice-versa. From these and other pieces of evidence in the Qur'an and Sunnah makes it clear that only such relationships that compromise Islamic values are prohibited for Muslims.

The kindness (*birr*)<sup>68</sup> and fairness (*qist*) mentioned in Qur'an 60:8-9 (cited earlier) applies to all peace-loving non-Muslims, whether they are of monotheistic, polytheistic, or of non-religious persuasions.<sup>69</sup>

Though marriage to polytheists and eating of their slaughtered meat is not permissible to Muslims<sup>70</sup>; kindness and justice are to be extended to them. Insulting or reviling others' beliefs and deities is forbidden in Islam, as Allah says in the Qur'an, "*Do not revile those whom others invoke instead of God, lest they in retaliation revile Allah out of ignorance*" (Qur'an 6:108). The Prophet (p) exemplified this in his response when it was said to

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<sup>66</sup> Safy al-Rahman Mubarakfuri, *al-Rahiq al-Makhtum*, Maktabah Dar al-Salam, Riyadh, 1996, p.74.

<sup>67</sup> Muhammad al-Ameen bin Muhammad al-Mukhtar al-Shinqity, *Adwa al-Bayan fi Idahi al-Qur'an bi al-Qur'an*, Dar al-Fikr, 1995, vol.3, p.506

<sup>68</sup> The Qur'anic term *birr*, translated here as "kindness", encompasses all forms of sincere goodness, equity, charity, integrity, compassion, love, devotion, and righteousness. See Q:2:177, and Hammudah Abdalati, *Islam in Focus*, World Assembly of Muslim Youths, Riyadh, 1994, p.25

<sup>69</sup> Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.35-336; See also Abu Yusuf, *Kitab al-Kharaj*, pp.130-131; cited in Sa'id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.108; Sheikh Khalid Abdul-Qadir, *Fiqh al-Aqalliyat al-Muslimah*, Darul-Iman, Lebanon, 1998, p.26-27; Abd al-Karim Zaidan, *Al Mufassal fi Ahkam al Mar'ah*, Mu'assasat al-Risalah, Beirut, 1993, Vol. 6, p.307; Muhammad Rashid Rida, *Tafsir al Manar*, Vol. 6, p.190; Ibn al-Qayyim al-Jawziyyah, *Ahkam Ahl al-Dhimmah* in CD Rom "Maktabah Ibn Taymiyyah, Ibn al-Qayyim and Ibn Jawzy, [www.el-ariss.com](http://www.el-ariss.com) 2002; Al-Qurtubi, *Al-Jami' Ahkam al-Qur'an*, Dar al-Kutub, Beirut, 2001, Vol. 6, p.11.

<sup>70</sup> See Qur'an 60:10 and 2:221



him, “Pray to Allah against the polytheists and curse them!” The Messenger (p) replied, “*I have not been sent as an invoker of curses; I have only been sent as a mercy.*”<sup>71</sup> In another hadith, he is also reported to have said, “*I have been sent to join ties of relationship*”<sup>72</sup>; and when Aisha wanted to retort to some Jews who had insulted the Prophet (p), he said to her, “*O Aisha, be gentle and beware of being harsh and of saying evil things.*”<sup>73</sup>

Interaction implies the possibility of influence. This influence could be positive or negative, as influence is rarely neutral. It is important for Muslims to recognize the influence that others around them have. Abu Musa al-Ash'ari narrated that the Prophet (p) said:

*“The example of a good (pious) companion and an evil one is that of a person carrying musk and another blowing a pair of bellows. The one who is carrying musk will either give you some perfume as a present, or you will buy some from him, or you will get a good smell from him; but the one who is blowing a pair of bellows will either burn your clothes or you will get a bad smell from him.”*<sup>74</sup>

There are different types of Muslims and non-Muslims. Some are trustworthy and upright, while others are corrupt and hypocritical. The Qur'an acknowledges that non-Muslims are not all alike (Qur'an 3:113, 3:75), some are reliable while others are not. The same is true about all religious and irreligious communities.

If a Muslim realizes that his or her interaction with a particular person, whether Muslim or non-Muslim, is having a negative influence on them, then the following advice of the Prophet (p) becomes applicable:

*“It is better to be alone than in bad company, and it is better still to be in good company than to be alone. It is*

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<sup>71</sup> Muslim, *Sahih Muslim*, hadith no. 1192 in *Alim 6.0*

<sup>72</sup> Muslim, *Sahih Muslim*, hadith no. 410 in *Alim 6.0*

<sup>73</sup> Al-Bukhari, *Sahih al-Bukhari*, vol.8, hadith no. 410 in *Alim 6.0*

<sup>74</sup> *Sahih al-Bukhari*, hadith no. 2101; *Sahih Muslim*, hadith no. 6860

*better to speak to a seeker of knowledge than to remain silent, but silence is better than idle words.”<sup>75</sup>*

A Muslim should always remember that every non-Muslim is a potential Muslim, just as every weak Muslim is potentially a good one (*mu'min*), by Allah's Grace. A Muslim should, therefore, ensure, as much as he can, that his life and relationships serve as a testament to his faith. Moreover, he should take the initiative to have a positive influence on those around him. The following passages from the Qur'an and Hadith illustrate the manner and disposition enjoined on Muslims to have such positive influence:

*"Invite to the way of your Lord with wisdom and beautiful exhortation... And if you have to respond to an attack, respond only to the extent of the attack levelled against you; but to bear yourselves with patience is indeed far better for (you, since God is with) those who are patient in adversity." (Qur'an 16:125-126)*

*"Do not speak to the people with your face turned away, nor walk proudly on earth; for Allah does not love any arrogant boaster." (Qur'an 31:18)*

*"Do you know what is better than charity and fasting and prayer? It is keeping peace and good relations between people, as quarrels and bad feelings destroy mankind.”<sup>76</sup>*

*"Do not be people without minds of your own, saying that if others treat you well you will treat them well and that if they do wrong you will do wrong; but accustom yourselves to do good if people do good and not to do wrong if they do evil.”<sup>77</sup>*

*"A believer should not taunt, curse, abuse or talk indecently.”<sup>78</sup>*

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<sup>75</sup> *Sahih Muslim*, hadith no. 97

<sup>76</sup> *Tirmidhi, Sunan al-Tirmidhi*, hadith no. 2509

<sup>77</sup> *Sunan al-Tirmidhi*, hadith no. 1325 in *Alim 6.0*

<sup>78</sup> *Sunan al-Tirmidhi*, hadith no. 544 in *Alim 6.0*

*“If someone abuses you, and reproaches you for what he knows about you, then do not reproach him for what you know about him, so that you may have the reward thereof and the sin thereof is against him.”<sup>79</sup>*

*“Allah will not give mercy to anyone, except those who give mercy to others.”<sup>80</sup>*

These passages and many others assume that Muslims would sometimes have to interact with those who are unpleasant towards them or who oppose their beliefs. Therefore, the passages above provide guidance from Allah’s wisdom for such interaction.

Though Muslims should be cautious of negative influences within the society, fear of this should not prevent them from relating with others in a productive manner in order to exert a positive and beneficial influence, inspired by their faith, in whatever way possible.

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<sup>79</sup> *Abu Dawood*, hadith no. 1889 in *Alim 6.0*

<sup>80</sup> Narrated by Abdullah bin. Amr; *Abu Dawood*, *Tirmidhi*

## 7. Trusting People of Other Faiths

Some Muslims believe that Islam teaches that Muslims should not trust non-Muslims simply on account of the difference in faith. As a result, they avoid and discourage others from having business and other dealings with people of other faiths. This undermines communal relations and healthy interdependence, and gives the impression that a Muslim society is arrogant and unwelcoming to people of other faiths.

**Does Islam recognize honesty, integrity and sincerity in people of other faiths? Can a Muslim trust non-Muslims?**

The Qur'an and Sunnah make it clear that not all non-Muslims are corrupt, immoral or bad people, just as not all Muslims are virtuous, decent or good people. There are honest and trustworthy people, along with hypocrites (*munaḥiqun*), and wrongdoers (*ḥasiqun*), etc. among all religious and irreligious communities. A few verses will suffice to demonstrate this point:

*“(But) they are not all alike: among the followers of earlier revelation, there are upright people...”* (Qur'an 3:113)

*“Among the followers of earlier revelation are some who, if entrusted with a hoard of gold, will (readily) pay it back; others, who, if entrusted with a single silver coin, will not repay it unless you constantly stand over them demanding it.”* (Qur'an 3:75)

*“And there are people who say, ‘We do believe in God and the Last Day,’ while they do not (really) believe. They would deceive God and those who have attained to faith – they deceive none but themselves, and perceive it not.”* (Qur'an 2:8-9)

In other words, a person is not judged as corrupt and untrustworthy simply because he is a non-Muslim, nor is he automatically good, honest and trustworthy just because he is a Muslim. A person may also be trustworthy in one thing or one aspect of life, but not in another. There should be reasonable trust and good expectations of everyone, as Allah reminds us, “*If you judge between mankind, judge with justice*” (Qur’an 4:58) and “*Do not let hatred of any people cause you to swerve from justice. Be just: this is nearest to being God-conscious.*” (Qur’an 5:8)

Trusting and seeking help from non-Muslims was done at the time of the Prophet (p) and is thus not just permissible but is a part of his tradition (*sunnah*). This is of course provided that such relationship, like every other relationships, do not endanger or compromise Islamic values and principles. For example, the Prophet (p) employed Abdullah bin Uraiqit, a polytheist, to be his guide on his “*Hijra*” (i.e. “flight; migration”) from Mecca to Medina. Aisha narrated that:

“The Prophet (p) and Abubakr employed a man from the Bani Al-Dil and the tribe of Bani ‘Abd bin ‘Adi as a guide. He was an expert guide and he broke the oath of contract which he had to abide by with the tribe of Al-‘Asi bin Wail, and he was on the religion of Quraysh polytheists. The Prophet (p) and Abubakr had confidence in him and gave him their riding camels and told him to bring them to the Cave of Thaur after three days. So, he brought them their two riding camels after three days and both of them (the Prophet (p) and Abubakr) set out accompanied by ‘Amir bin Fuhaira and the Dili guide who guided them below Mecca along the road leading to the sea-shore.”<sup>81</sup>

A person’s state of unbelief, therefore, does not necessarily mean that he is untrustworthy. The Prophet’s life was at stake, yet this particular polytheist was trustworthy, and the Prophet (p) trusted him. Other trusted non-Muslims included Abu Talib, the Prophet’s beloved uncle, who gave the Prophet (p) protection and security in Mecca, and Mut’im bin ‘Adi, who was one of the

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<sup>81</sup> Al-Bukhari, *Sahih al-Bukhari*, vol.3, hadith no. 464, in *Alim* 6.0



leaders of Mecca that sympathized and helped the Prophet (p) and other Muslims especially during the years of the Boycott by the Meccans.<sup>82</sup>

It is also a well-known historical fact that the Prophet (p) trusted the Christian Ethiopian King (the Negus), Ashamah bin Abjar al-Najashi, with the lives of the first group of Muslim refugees escaping persecution from the polytheists of Mecca.<sup>83</sup>

Similarly, it was reported that Mukhayriq, a Jewish rabbi from the Jewish clan of Tha'labah fought alongside the Prophet (p) and the companions in the Battle of Uhud, where he died.<sup>84</sup>

The author of the renowned work, *Fiqh us-Sunnah*, Sayyid Sabiq, states:

“In his book, *Al-Adab ash-Shari'ah*, Ibn Muflih writes that Sheikh Taqiuddin Ibn Taymiyyah said: ‘A credible Jew or Christian who has medical expertise may treat a sick Muslim. Such a person may, likewise, be entrusted with funds or other financial transactions, for Allah, the Exalted, says: “*Among the People of the Book are some who, if entrusted with a hoard of gold, will (readily) pay it back; others, who, if entrusted with a single silver coin, will not repay it unless you constantly stand over them demanding it.*” (Qur'an 3:75) We find in a sound hadith that the Prophet, peace be upon him, hired a polytheist as a guide at the time of his migration to Medina, so he entrusted him with his life and money. The people of the tribe of Khuza'ah, who were both Muslims and polytheists, acted as scouts for the

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<sup>82</sup> Ibn Abidin, *Hashiyah*, vol.5, p.265; cited by Salim Al-Bahnasawy, *Non-Muslims in the Shari'ah of Islam*, Dar an-Nashr lil-Jami'at, Egypt, 2004, p.67; Meraj Mohiudeen, *Revelation: The Story of Muhammad*, Whiteboard Press, USA, 2016, p.149 & 179; Safy al-Rahman Mubarakfuri, *al-Rahiq al-Makhtum*, Maktabah Dar al-Salam, Riyadh, 1996, p.158-161.

<sup>83</sup> Safy al-Rahman Mubarakfuri, *Al-Raheeq Al-Makhtum* (The Sealed Nectar: Biography of the Noble Prophet), Revised Edition, Maktabah Dar al-Salam, Riyadh, 2002, pp.118-123; [www.readthespirit.com/interfaith-peacemakers/king-negus-ashama-ibn-abjar-of-abyssinia](http://www.readthespirit.com/interfaith-peacemakers/king-negus-ashama-ibn-abjar-of-abyssinia)

<sup>84</sup> Meraj Mohiudeen, *Revelation: The Story of Muhammad*, Whiteboard Press, USA, 2016, p.232; Ibn Ishaq, cited on [www.islamcity.org/11251/why-would-a-rabbi-ally-with-prophet-muhammad](http://www.islamcity.org/11251/why-would-a-rabbi-ally-with-prophet-muhammad); See also: [en.wikipedia.org/wiki/Mukhayriq](http://en.wikipedia.org/wiki/Mukhayriq)

Messenger of Allah (p). It is also reported that the Prophet (p), ordered Muslims to seek treatment from Al-Harith ibn Kildah, who was a disbeliever.... The same applies when one has to entrust a person with funds or deal with him in business. If a Muslim has to confide in or turn to someone from the People of the Book for medical treatment, he may do so. It is not prohibited to befriend Jews and Christians. And when the Muslim has an opportunity to talk to them, he should address them in ways that are polite and sincere. Indeed, Allah, the Exalted, says: “*And do not argue with the people of the Book, except in ways that are best.*” (Qur’an 29:46) In a hadith on the Treaty of Hudaibiyyah, Abu Al-Khattab tells us that, ‘the Prophet (p) sent a man of the Khuza‘ah tribe to gather intelligence, and the Prophet (p) accepted his report despite the fact that he was a disbeliever.’ This proves, according to Abu Al-Khattab, that it is quite permissible to take the advice of a non-believing physician for diagnosis and treatment, provided he is not suspected and his fidelity is not doubtful.”<sup>85</sup>

Even as late in the sequence of revelation as the Farewell Hajj, the Prophet (p) asked Al-Harith bin Kaladah, a non-Muslim physician, to treat the illness of his close companion Sa’d bin Abi Waqqas.<sup>86</sup>

These examples show that the Prophet (p) and the early Muslims (*salaf*) worked and cooperated with people of other faiths in various capacities. They also trusted and consulted with them and assigned to them positions of responsibility at the private and governmental level and in fields such as medicine, administration and political treaties, transport, agriculture, trade and industry, security and military, etc. In such areas, however, it is also encouraged that Muslims should collectively strive to avoid complete reliance on others and gain independent strength vis-à-

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<sup>85</sup> Sayyid Sabiq, *Fiqh al-Sunnah*, vol.4, hadith no. 6A in *Alim 6.0*

<sup>86</sup> Al-Qurtubi, *Tafsir al-Qurtubi*, vol.11, p.112, cited in Salim Al-Bahnasawy, *Non-Muslims in the Shari’ah of Islam*, Dar an-Nashr lil-Jami’at, Egypt, 2004, p.67

vis their status in comparison to non-Muslims, as this is in the interest of greater social equity, self-determination and effective political and economic interdependence.

## 8. Visitation and Hospitality towards People of Other Faiths

**Some Muslims are of the opinion that visitation to and hosting of people of other faiths is not acceptable in Islam. As a result, they are unwelcoming and inhospitable to non-Muslim strangers, friends and relatives and even refrain from visiting people of other faiths. This undermines peace-building and strengthening of social ties, and could actually contribute to greater stereotyping and prejudice.**

**Can we visit and host Christians, Jews and others?**

Visiting people of other faiths is not only permissible but an encouraged act of *da'wah* and relationship-building that was part of the Prophet's tradition (*sunnah*). The Messenger of Allah (p) accepted the invitation of non-Muslims and ate at their houses.<sup>87</sup> Similarly, the Messenger of Allah (p) invited non-Muslims to his house where he also would be hospitable towards them.

Abu Huraira narrates that, the Messenger of Allah (p) invited a non-Muslim to his house for a meal. The Messenger of Allah (p) asked that a goat be milked for him. It was milked and he drank its milk. Then the second one was milked and he drank its milk, and then another goat was milked and he drank its milk until he drank the milk of seven goats. On the next morning, he embraced Islam..."<sup>88</sup>

Muslims are therefore encouraged to host people of other faiths in their homes. Another frequently cited example is the report of Asmā', the daughter of Abubakr, whose mother was a polytheist

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<sup>87</sup> See: Ibn Qudama, *al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.1, p.97-244.

<sup>88</sup> *Sahih Muslim*, hadith no. 2063; *Musnad Ahmad*, hadith no. 9874; *Ibn Majah*, hadith no. 3256

came to visit and stay with her. The Prophet (p) encouraged her to be hospitable and establish good relations with her. She said, "My mother has come to me and she desires to receive something from me, shall I keep good relations with her?" The Prophet (p) said, "Yes, keep good relations with her."<sup>89</sup>

Sa'id bin al-Musayyib narrated that the Prophet (p) also visited his Polytheist uncle Abu Talib when he was ill.<sup>90</sup> This narration was recorded by Imam Bukhari under a chapter entitled, "*Iyadatul-Mushrik*" (i.e. "Visiting polytheists who are unwell").

Also, Anas narrated that, "A Jewish boy who used to serve the Prophet (p) fell ill and the Prophet (p) visited him..."<sup>91</sup>

Muslims are also permitted to accept invitations from people of other faiths just as the Prophet demonstrated (p), if it does not involve doing anything unacceptable in Islam, or cause any harm to anyone. For instance, Anas ibn Malik narrated that:

"Allah's Messenger (p) had a neighbour who was Persian [a Zoroastrian], and he was an expert in the preparation of soup. He prepared (soup) for Allah's Messenger (p) and then came to him to invite him (to a meal). He, the Prophet (p) said, "Here is Aisha (i.e. and you should also invite her to the meal)." He (the Persian) said, "No!" then Allah's Messenger also said, "No!" (i.e. then I cannot join the feast)." He (the Persian) later returned to invite him, and Allah's Messenger again said, "She (Aisha) is also here." He (the Persian) said, "No" whereupon Allah's Messenger also said, "No" (and declined his offer). He (the

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<sup>89</sup> Al-Tabarani, *al-Mu'jam al-Kabir*, vol.24, p.78; Al-Bukhari, *Sahih al-Bukhari*, hadith nos.2620, 5979 & 2477; Muslim, *Sahih Muslim*, hadith no. 2372; Ahmad bn Hanbal, *Musnad al-Imam Ahmad*, edited, Shu'aib al-Arnaut and others, 2<sup>nd</sup> Ed. Mu'assasah al-Risalah, 1999, hadith no.26915; Abu Bakr Abd al-Razzaq bn Hammam al-San'ani, *Musannaf Abd al-Razzaq*, edited, Habib al-Rahman al-A'zami, 2<sup>nd</sup> Ed., Al-Maktab al-Islami, Beirut, 1403 AH, hadith no.9932; Sayyid Sabiq, *Fiqh al-Sunnah*, vol.3, no.103a, in *Alim 6.0*

<sup>90</sup> *Sahih al-Bukhari*, vol.7, hadith no. 561; Sayyid Sabiq, *Fiqh-us-Sunnah*, vol.4, no.5 in *Alim 6.0*

<sup>91</sup> *Sahih al-Bukhari*, vol.2, hadith no. 438, and vol.7, hadith no. 5610 in *Alim 6.0*; Ibn Hajr, *Fath al-Bari*, vol.10, p.119, cited in Salim Al-Bahnasawy, *Non-Muslims in the Shari'ah of Islam*, Dar al-Nashr lil-Jami'at, Egypt, 2004, p.57



Persian) returned another time to invite him and Allah's Messenger (p) again said, "She is also here." He (the Persian) then said, "Yes!" on the third occasion. Then he accepted his invitation, and both of them (the Prophet (p) and Aisha) set out and went to his house."<sup>92</sup>

In *Al-Fatawa Al-Hindiyya*, it is mentioned that Muhammad Ibn Al-Hassan said, "There is no harm in visiting and hosting non-Muslims citizens (*Ahl Al-Dhimma*) even if they are merely acquaintances. Likewise, there is no harm in a Muslim visiting a non-Muslim whether or not they are close or coexist in peace."<sup>93</sup>

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<sup>92</sup> *Sahih Muslim*, hadith no. 958 in *Alim 6.0*

<sup>93</sup> Al-Shaikh Nisam and a group of Indian Scholars, *Al-Fatawa Al-Hindiyya*, vol. 5, p. 347

## 9. Giving and Receiving Gifts

**Some Muslims are of the opinion that it is not acceptable to give or receive presents from people of other faiths. As a result, they neither offer nor accept gifts from Jews, Christians and others, including during their religious festivities.**

**Can we exchange gifts with non-Muslims?**

Islam encourages giving and receiving gifts and presents from one another. The Prophet (p) said, “*Exchange gifts, for it increases love.*”<sup>94</sup> Thus, it is a time-honoured tradition of Muslims to give and receive gifts, irrespective of the religion of the recipient; and numerous hadith narrations abound to this effect.

For example, Mujahid narrated that Abdullah ibn Amr ibn al-‘As slaughtered a sheep and said, “Have you presented a gift from it to my neighbour, the Jew, for I heard the Apostle of Allah (p) say, ‘*Jibril kept on commending the neighbour to me such that I thought he would make him an heir?*’”<sup>95</sup> Umm Salamah also narrated that the Prophet told her, “*I have sent al-Najashi [the Abyssinian king] a robe and some milk (by-product).*”<sup>96</sup> In another version of this hadith, the Prophet (p) added that he had also sent a container of musk (perfume).<sup>97</sup>

It is also reported that the Prophet (p) gave and accepted gifts from numerous other non-Muslim leaders and kings.<sup>98</sup>

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<sup>94</sup> Bukhari, *Adab al-Mufrad*, hadith no. 594

<sup>95</sup> *Abu Dawood*, hadith no. 2446 in *Alim 6.0*

<sup>96</sup> *Ahmad, al-Tabarani*; cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.343

<sup>97</sup> *Al-Tabarani, al-Mu‘jam al-Kabir*, hadith no.20716, al-Maktabah al-Shamilah 3.13

<sup>98</sup> *Ahmad, Tirmidhi*; cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.115

Commenting on the gifts the Prophet (p) presented to people of other faiths, Al-Sarakhsi said, "Offering gifts to others is from among good morals as per the words of the Prophet (p), 'I was sent to establish good manners.' Therefore, scholars understood that exchanging gifts is recommended among Muslims and non-Muslims alike."<sup>99</sup>

True friendly relations entail reciprocal exchanges of gifts. Accordingly, receiving gifts from people of other faiths is also permissible to a Muslim. Salim Al-Bahnasawy notes a well-known case from the lifetime of the Prophet (p):

"When Salman Al-Farisy first came to Al-Medina, he was not yet a Muslim. He knew that the Prophet (peace be upon him) was dignified and would not accept charity (*sadaqah*). He entered upon the Prophet (p) and said, 'I respect your dignity and I present a gift to you, not a *Sadaqah* (charity).'

The Prophet (peace be upon him) extended his hand and ate, and so did the Companions. Al-Hafiz Al-Iraqi commented on this saying, "This hadith shows the lawfulness of accepting gifts from a polytheist as Salman had not embraced Islam at that time."<sup>100</sup>

While charity (*sadaqa*) is often given as an assistance to those in need, gifts and presents are usually associated with friendliness and strengthening interpersonal relations.

**Gifts during religious festivals:** Regarding receiving of food and gifts from Christians, Jews, Zoroastrians and others during their religious festivals such as Christmas, Easter, Hanukkah, Passover, Nayrouz, Diwali, etc., there appears to be no categorical evidence from the Qur'an, Sunnah of the prophet (p) or statement of the Companions prohibiting it.

On the contrary, available evidence indicates that a number of his companions actually accepted food and gifts from non-Muslims during their religious festivals. This include companions such as Ali, Aisha, Abu al-Darda and Abu Barzah who approved of such

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<sup>99</sup> Al-Sarakhsi, *Sharh Al-Siyar Al-Kabir*, vol. 1, p. 96.

<sup>100</sup> Salim Al-Bahnasawy, *Non-Muslims in the Shari'ah of Islam*, Dar an-Nashr lil-Jami'at, Egypt, 2004, p.68, quoting *Tafsir al-Qurtubi*, vol.11, p.112.

gifts.<sup>101</sup> They did not appear to perceive such gestures as being in any way consenting to unbelief or aiding the cause of disbelief (*shirk* or *kufr*), but simply a show of appreciation towards another person's generosity and kindness.

Commenting on the instances where the Companions of the Prophet (p) permitted the acceptance of gifts from people of other faiths during their religious festivities, Ibn Taimiyyah concluded that "all of these indicate that celebrations or festivals play no part in prohibiting the acceptance of gifts. In fact, the ruling for gifts pertaining to religious festivals remains the same as the ruling pertaining to accepting gifts on any other occasion, since the acceptance of gifts cannot be considered as aiding the promotion of their religious rites (*sha'air*)."<sup>102</sup>

According to Imam Ashraf Ali al-Tahanawi, "as far as giving and accepting gifts during the period of non-Muslim religious festivals is concerned, such as at the time of Christmas, Diwali, etc., it would be permitted, as it is not per se a religious act, but a social custom. The intention of giving gifts is not to respect the religious festival, but rather to respect and show courtesy to the one whom the gift is given."<sup>103</sup>

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<sup>101</sup> Ibn Abu Shaybah, *Al-Musannaf*, al-Maktabah al-Shamilah 3.13, vol.5, p.548; Ibn al-Arabi, *Ahkam al-Qur'an*, Dar al-Kutub al-Ilmiyyah, Beirut, vol.3, p.56; Also, al-Tabari, cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.60, and authenticated by Muhammad Nasir al-Din al-Albani, *Gayah al-Maram fi Takhrij Ahadith al-Halal wa al-Haram*, al-Maktab al-Islami, Beirut, 3rd edition, 1405, vol.1, p.44.

<sup>102</sup> See Ibn Taymiyyah, *Iqtida' al-Sirat al-Mustaqim*, Edited by Nasir Abdu al-Karim al-'Aql, Dar 'Alam al-Kutub, Beirut, 1419AH, 7th Edition, p.45

<sup>103</sup> Ashraf Ali al-Tahanawi in his renowned *Imdad al-Fatawa*, 3/482.

## 10. Giving Charity (*sadaqah*)

**Some Muslims are of the opinion that it is not acceptable to give charity to non-Muslims. As a result, they refrain from giving charity to people of other faiths, even if they are in need.**

**Can we give charity (*sadaqah*) and assistance to deserving non-Muslims?**

A Muslim is free and even encouraged to give of his/her wealth to anyone they so wish, particularly the needy members of their community and relatives, without regard to faith. The Messenger of Allah (p) said, “*Whoever believes in Allah and in the Hereafter should take care of his neighbour,*”<sup>104</sup> and “*Jibril continued to remind me of the neighbour’s rights till I thought he would tell me that the neighbour inherits from his neighbour.*”<sup>105</sup>

When the Prophet (p) first migrated to Medina and was concerned about the meagre resources available to assist those in poverty, he instructed his Companions to give charity only to those who accepted Islam.<sup>106</sup> In correction of this prophetic instruction, Allah revealed the verse:

*“It is not for you (O Prophet) to make people follow the right path since it is God alone who guides whom He wills; and whatever good you may spend on others is for your own good, provided you spend only out of a longing for God’s guidance. For whatever good you may spend will be repaid to you in full and you will not be wronged.”*  
(Qur’an 2:272)

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<sup>104</sup> *Sahih al-Bukhari*, vol.8, hadith no. 29 in *Alim 6.0*

<sup>105</sup> *Sahih al-Bukhari*, vol.8, hadith no. 27; See also hadith no. 28 in *Alim 6.0*

<sup>106</sup> This event is reported in a number of traditions quoted by al-Tabari in his *Tafsir al-Qurtubi*, Dar al-Kutub al-Ilmiyyah, Beirut, 1992, vol.3 pp.94-96, 337-339; and *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.2, p.63, citing An-Nasa’i in *Al-Kubra* 6:305.



According to several traditions reported by al-Nasa'i, Abu Dawood and others, the Prophet (p) then explicitly enjoined Muslims to give charity to all who needed it, irrespective of faith.<sup>107</sup> Muhammad Asad notes that "there is full agreement among all commentators that the above verse... lays down an injunction binding upon all Muslims."<sup>108</sup> In fact, Imam al-Razi derives from this verse the conclusion that withholding charity must never become a means of attracting unbelievers to Islam; for faith, in order to be valid, must be based on conviction and free choice.<sup>109</sup>

On the issue of one's charity possibly being used for un-Islamic purposes if given to a non-Muslim, Ibn Kathir states:

'Ata Al-Khurasani said that the *āyah* ["verse"] means, "You give away charity for the sake of Allah. Therefore, you will not be asked about the deeds [or wickedness] of those who receive it (from you)." (Ibn Abi Hatim, 3:115). This is a sound meaning... [The giver] will not be asked if the charity unintentionally reached righteous, evil, deserving or undeserving persons, for he will be rewarded for his good intention. The proof of this statement is the *āyah*, "And whatever you spend in good, it will be repaid to you in full, and you shall not be wronged."<sup>110</sup>

Sayyid Sabiq writes:

"One can give *sadaqa* to the *dhimmi*<sup>111</sup> and the (non-Muslim) soldier, and one is rewarded for that. Allah praised a group of people (for this) when He said, "*And they feed, for His love, the indigent, the orphan, and the captive*" [Qur'an 76:8]. The captive is a [non-Muslim] soldier ..."<sup>112</sup>

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<sup>107</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.73, n.260; *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.2, p.63.

<sup>108</sup> See Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.73, n.260; *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.2, p.63.

<sup>109</sup> See Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.73, n.260; *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.2, p.63.

<sup>110</sup> *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.2, p.63-64

<sup>111</sup> A non-Muslim citizen of an Islamic state who is protected by a covenant

<sup>112</sup> Sayyid Sabiq, *Fiqh al-Sunnah*, vol.3, no.103a in *Alim 6.0*

The Prophet's example was one of regular charity towards Muslims and non-Muslims. The works of *Seerah* (History of the Prophet) record that during the period of the peace Treaty of Hudaibiyyah, the Prophet (p) gave 500 Dinars as financial assistance to Abu Sufyan (the leader of Mecca) for the poor of the predominantly idol-worshipping Meccans during their period of severe food shortage.<sup>113</sup> This gesture demonstrates the fact that Islam encourages assisting those in need, while consolidating peaceful relationships with non-Muslims.

In addition to Qur'an 2:272, Allah praises those who, "...give food, despite their love for it, to the poor and orphans and captives" (Qur'an 76:8). Ibn Abi Shaybah observes that "Captives in Muslim society were obviously unbelievers, as reported by al-Hasan and others."<sup>114</sup>

Asad elaborates:

"The term *asār* denotes anyone who is a "captive" either literally (e.g. a prisoner) or figuratively, (i.e., a captive of circumstances which render him helpless); thus, the Prophet said, "*Thy debtor is thy captive; be, therefore, truly kind to thy captive*" (Zamakhshari, Razi, *et.al.*). The injunction of kindness towards all who are in need of help – and therefore "captive" in one sense or another – applies to believers and non-believers alike (Tabari, Zamakhshari)."<sup>115</sup>

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<sup>113</sup> Abu Bakr Muhammad bin Ahmad bin Sahl Shams al-Din Sarakhsi, *Al-Mabsut*, Dar al-Ma'rifa, Beirut, 1986, vol.10, p.92; Sheikh Yusuf al-Qaradawi, *Fatawa al-Ma'asira*, Dar al-Wafa', Al-Mansura, Egypt, 1996; Imtiaz Ahmad, "Friendship with Non-Muslims" in *Speeches for an Inquiring Mind*, Al-Rasheed Printers, Medina, 2001, p.56.

<sup>114</sup> Ibn Abu Shayba, *Musannaf*, vol.4, pp.39-40, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449

<sup>115</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.1046, n.11 to Qur'an 76:8;

## 11. Charity with *Zakat al-Fitr*

***Zakat al-Fitr* is given to the poor and needy at the end of the annual Ramadan fast. Some Muslims are of the opinion that it is not acceptable to give *zakat al-fitr* to people of other faiths. As a result, they refrain from giving *zakat al-fitr* to people of other faiths, even if they are in need.**

**Is it permissible to give *zakat al-fitr* to non-Muslims?**

Sayyid Sabiq, in his *Fiqh-us-Sunnah*, describes *Zakat al-Fitr* in the following words:

“*Zakat al-Fitr* was made obligatory in the month of Shaʿbān in the second year of the *Hijra*. Its purpose is to purify one who fasts from any indecent act or speech and to help the poor and needy. This view is based upon the hadith reported by Abu Dawood, Ibn Majah, and al-Daraqutni from Ibn Abbas. The Messenger of Allah, upon whom be peace, enjoined *Zakat al-Fitr* on the one who fasts, to shield one’s self from any indecent act or speech and for the purpose of providing food for the needy. It is accepted as *Zakah* for the person who pays it before the *ʿEid Salah*, and it is *sadaqa* for the one who pays it after the *Salah*.”<sup>116</sup>

Shaykh Yusuf al-Qaradawi explains:

“*Zakat al-Fitr*, expiation (*kaffara*) and vows are like voluntary charity as far as giving to (non-Muslim) People of the Pledge is concerned. Abu Hanifa, Muhammad, and some other jurists permit paying these charities to People of the Pledge on the grounds that texts about these

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<sup>116</sup> Sayyid Sabiq, *Fiqh al-Sunnah*, vol.3, no.87a, under the title “The Purpose of *Zakat al-Fitr*”, in *Alim* 6,0

charities are general, such as the *āyāt* [verses], “If you make your *sadaqa* public, that is good for you. But if you conceal it and give it to the poor, that is better for you, and We will erase some of your bad actions from you” (2:271), and “The expiation in that case is to feed ten poor people with the average amount you feed your family” (5:92), and “And anyone who is unable to do that must feed sixty poor people” (58:4).

“These *āyāt* make no distinction between poor believers and unbelievers, which is an expression of the generally required good treatment of the People of the Pledge. Obviously, these scholars believe it is undoubtedly better to give to the Muslim poor since it helps a person who obeys Allah. Abu Hanifa established the condition that an unbeliever must not be fighting against Muslims in order to be given *Zakat al-Fitr*.<sup>117</sup> Lastly, Abu Ubayd and Ibn Abi Shayba report that some followers [of the Companions of the Prophet] gave monks *Zakat al-Fitr*.”<sup>118</sup>

Some scholars, therefore, are of the opinion that it is not prohibited to give *zakat al-fitr* to people of other faiths who are deserving.

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<sup>117</sup> *Al-Bada'i*, vol.2, p.49, Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449

<sup>118</sup> *Al-Amwal*, pp.613-614 and Ibn Abi Shayba, *Musannaf*, vol.4, p. 39, Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449

## 12. On Giving Obligatory Alms (*Zakat*)

Many Muslims believe that it is unacceptable to give obligatory alms (*zakat*) to people of other faiths. They regard it as a religious tax that should benefit only Muslims.

Is it permissible to give *zakat* to non-Muslims?

The Qur'an states, "*Alms are for the poor and needy, and those who are in charge thereof (to administer it), and those whose hearts are being reconciled, and for those who are in bondage, and those who are in debt, and in the cause of Allah, (and for) the wayfarer. This is an ordinance from Allah, and Allah is All-Knowing, Wise*" (Qur'an 9:60). This verse is the basis for the establishment of *Zakat* in Islam.

Muslim scholars unanimously agree that *Zakat* cannot be paid to non-Muslims that fight Muslims.<sup>119</sup> This is because financial help to enemies could be used against Islam or Muslims in one way or another. This *ijmā'* (consensus) is based on the verse:

*"God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth..."* (Qur'an 60:9)

However, non-hostile and peaceful people of other faiths are included in at least one of the categories of the recipients of *zakat* mentioned in Qur'an 9:60 quoted above. While prescribing laws for the distribution of *zakat*, the Qur'an includes among the recipients those "*whose hearts are being reconciled*" (in Arabic, "*mu'allafat qulubuhum*"). The following hadith indicates how this category was treated by the Prophet (p).

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<sup>119</sup> *Al-Bahr az-Zakhkhar*, vol.2, p.195, Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.447



Sa'id ibn al-Musayyib narrated that Safwan ibn Umayyah said, "By Allah, when the Prophet (p) gave to me, he was the person I hated most. He continued to give to me until he became the person I loved the most."<sup>120</sup>

Qatadah said, "Those whose hearts are being reconciled were often polytheist bedouins whom the Prophet (p) used to reconcile through giving *zakat* in order to bring them to faith."<sup>121</sup>

"From these and other accounts, '*those whose hearts are being reconciled*' include 'persons who have recently become Muslims or who need to strengthen their commitment to this faith, and individuals whose evil can be forestalled or who can benefit and defend Muslims'."<sup>122</sup>

Some jurists are of the view that this clause is inoperative after the time of the Prophet (p).<sup>123</sup> Their views are based on a precedent of 'Umar ibn al-Khattab who cancelled the payment of *zakat* towards some recipients of this category.<sup>124</sup> Some other prominent scholars of the past and present, however, are of the view that this injunction is operative even today.<sup>125</sup> Shaykh Yusuf al-Qaradawi mentions that scholars that view the applicability of the verse as permanent include al-Zuhri, Abu Ja'far al-Baqir, Qadi Ibn al-'Arabi, al-Khattabi, Ibn Qudama, one group of Malikis, and the followers of the Hanbali, Zaydi and Ja'fari Schools of Thought.<sup>126</sup>

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<sup>120</sup> *Tafsir Ibn Kathir*, vol.2, p.325, Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.377; *Sahih Muslim*, vol.4, hadith no. 1806 and *Ahmad*, vol.6, hadith no. 465 transmitted it, cited in *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.4, p.455

<sup>121</sup> Al-Tabari, *Tafsir*, vol.14, p.314, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.380

<sup>122</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.377

<sup>123</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.381

<sup>124</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.382

<sup>125</sup> Abu 'Ala Mawdudi, *Tafhim al-Qur'an*, Delhi, 1983, vol.2, p.9; Rashid Rida, *Tafsir al-Qur'an al-Hakim*, 1354 A.H., vol.2, p.574

<sup>126</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.380-386

Ibn Qudama expounds:

"Allah mentions reconciliation of hearts among the categories of zakat-spending and the Prophet (p) used to give generously for reconciliation, as stated in famous reports. He continued to do this until he died. It is unacceptable to abandon the Book of Allah and the tradition of the Messenger (p) except by authentic annulment from Allah or His Messenger, and annulment is not confirmed by mere possibility. Moreover, such annulment could only take place during the life of the Prophet (p), because the texts required for annulment ceased to be revealed upon his death. A text in the Qur'an can only be annulled by another text in the Qur'an itself, and there is no such text. By what virtue is one asked to abandon Qur'an and Sunnah and revert to mere human opinion or the statements of a Companion? Scholars do not consider a statement of a Companion strong enough to stand in opposition to analogy, so how could such an opinion stand against the Qur'an and Sunnah? Al-Zuhri also says, "I know of nothing that annuls the category of those whose hearts are being reconciled." Lastly, Umar's action does not contradict the Qur'an or Sunnah since, when Muslims do not need those individuals who were paid in the past, they may choose to cease such payment, and if the need arises in the future to pay the same individuals or others, that can be done. In reality, this principle applies to all categories. A category may not exist at a certain time, but that does not mean it is eliminated because it may exist at some later time."<sup>127</sup>

In other words, according to al-Qaradawi, "Umar did not annul payment to *'individuals whose hearts are being reconciled'* nor was there a consensus (*ijma*) on such annulment. He simply judged that there were none entitled in that category at that point in time. The statement of al-Hasan and al-Sha'bi that

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<sup>127</sup> Ibn Qudama, *Al-Mughni*, vol.2, p.666, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqla, London, 1999, p.385-386.

'today there are no individuals who are being reconciled' is understood similarly as a fact of the age in which they lived. Abrogation of a ruling enacted by Allah can only be made by Allah through Revelation to His Messenger and can, therefore, only take place during the time of the Message. Abrogation is dictated only when two authentic texts of Qur'an or Sunna contradict one another and we know that one of them came after the other chronologically. In the case in hand, there is only one text which determines this category as a recipient of Zakat. There is no text contradicting the Qur'anic verse."<sup>128</sup>

It must be noted here that the share of those belonging to this category is not on account of their inability to meet their material needs but for "reconciliation" of their hearts.<sup>129</sup>

The majority of Muslim scholars believe that with the exception of "*those whose hearts are being reconciled*", *zakat* should not be given to any non-Muslim.<sup>130</sup> This majority view is founded on the hadith narrated by Mu'adh, that the Prophet (p) instructed him, "Allah prescribed *zakat* on their wealth to be taken from the rich among them and rendered to the poor among them," in which the word "them" is interpreted to refer to Muslims. This hadith is agreed upon as authentic.<sup>131</sup>

However, in the view of other scholars,

“...this hadith does not clearly exclude the non-Muslim poor since it may simply mean that *Zakat* should be collected and distributed in the same area. This hadith is

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<sup>128</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.383, emphasis added.

<sup>129</sup> An example of this occurring after the time of Caliph Umar was recorded by *Ibn Sa'd*, (vol.8, p.260, 272) who wrote that "Umar ibn Abdul Aziz ordered during his caliphate that non-Muslim subjects, taken prisoner by an enemy, should as much be ransomed and liberated on government expenses as any Muslim subjects." (Cited in Sa'id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.133.)

<sup>130</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

<sup>131</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.451.

often quoted to support the policy of non-transportation of Zakat from one land to another.”<sup>132</sup>

Indeed, the manner in which the narrator, Mu’adh, implemented the Prophet’s instruction indicates that he interpreted the word “them” to mean everyone in the region, and not just the Muslims. Sheikh Yusuf al-Qaradawi notes, “Mu’adh implemented this instruction by dividing Yemen into regions in such a way that *zakat* was collected and distributed within each region autonomously. He wrote letters to the effect that *zakat* be distributed within the same clan from which it was collected.”<sup>133</sup>

In addition to this, it is reported that Umar bin al-Khattab interpreted the word “*masakin*” in the verse (Qur’an 9:60) - “*Alms are for the poor (fuqarah) and the needy (masakin)...*” – as the needy among non-Muslims.<sup>134</sup> Ibn Abi Shayba also cites Umar’s comment that the verse includes People of the Pledge (“*Ahl al-‘Ahd*”)<sup>135</sup> who are chronically ill.<sup>136</sup> Al-Tabari reports that Ikrimah understood the word “needy” to refer to the poor among the People of the Book.<sup>137</sup> Other scholars who allowed the paying of *zakat* to non-Muslims include Ibn Sirin and Al-Zuhri.<sup>138</sup> Zafar, a student of Abu Hanifa, also sanctioned it for People of the Pledge.<sup>139</sup>

There are some reports which suggest that the needy among non-Muslims were helped from the collective Zakat funds during the

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<sup>132</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

<sup>133</sup> Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.511, citing Imam al-Shawkani (n.d.), *Nayl al-Awtar*, Al-Halabi Publishers, vol.2, p.161.

<sup>134</sup> Abu Yusuf, *Kitab al-Kharaj*, 1382 AH, p.144

<sup>135</sup> The “People of the Pledge” are “the People of the Book, and all who like them live within Muslim society, pledging their sincerity to the state and obeying its laws” (Yusuf al-Qaradawi, *Fiqh al-Zakat*., Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.448)

<sup>136</sup> Ibn Abi Shayba, *Musannaf*, vol.4, p.40, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*., Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.450

<sup>137</sup> *Tafsir al-Tabari*, vol.14, p.308, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*., Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.451

<sup>138</sup> *Al-Majmu’*, vol.6, p.228, cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*., Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.450

<sup>139</sup> Al-Sarakhsi, *Al-Mabsut* (n.d.), cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

early days of Islam.<sup>140</sup> It is recorded that 'Umar even ordered the payment of a monthly allowance from the treasury to a Jew when he saw him begging from door to door, on the grounds that he was covered by the categories of Qur'an 9:60.<sup>141</sup>

In addition, some past and present-day scholars still also hold the view that the poor and destitute (and not just "those whose hearts are to be reconciled") among non-Muslims may be helped out of the Zakat funds.<sup>142</sup>

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<sup>140</sup> Abu 'Ubaydah al-Qasim bin Salam, *Kitab al-'Amwal*, Dar al-Hady al-Nabawy, Cairo, 1353 A.H., pp.611-612

<sup>141</sup> Abu Yusuf, *Al-Kharaj* (n.d.), p.126

<sup>142</sup> See a more detailed discussion on this by Yusuf al-Qaradawi, *Fiqh al-Zakat*, Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, pp.447-452



### 13. Relating to Non-Muslim Parents and Relatives

Many families are multi-religious, thus, some Muslims have parents and relatives who are not Muslims. Many are unsure about the Islamic injunctions about relating with their non-Muslim parents and family members.

How should Muslims relate to their parents and relatives who belong to other faiths?

Both the Qur'an and hadith mention the obligations of being considerate and loyal to the ties of kinship, irrespective of the religious background of one's family members. Allah states in the Qur'an: "*Be mindful of your duty to Allah in whose name you appeal to one another, and of your obligations in respect of ties of kinship*" (Qur'an 4:2). This message is emphasized by the Prophet (p) in the following narration: "Anas related that the Prophet (p) said, '*He who desires that his provision be expanded and that his days be lengthened should join ties of kinship*'."<sup>143</sup>

This duty is sustained despite prevailing tensions between family members. Abdullah ibn Amr, for instance, relates that the Prophet (p) said, "*One who reciprocates in doing good is not the one who upholds the ties of kinship. It is the one who upholds them when the other party severs them.*"<sup>144</sup>

It was narrated by Asma bint Abu Bakr that, "My mother came to me during the lifetime of Allah's Messenger (p) and she was a polytheist. I said to Allah's Apostle (seeking his verdict), "My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?" The Prophet (p) said,

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<sup>143</sup> *Bukhari and Muslim*, cited in Imam an-Nawawi, *Riyadh us-Saliheen*, no.321, under the section "On Benevolence towards Parents and Strengthening the Ties of Kinship." Transl. from Arabic by Muhammad Zafrulla Khan, Curzon Press, London, 1974, p.74

<sup>144</sup> Al-Bukhari, *Sahih Bukhari*, hadith no. 5991; Abu Dawud, *Sunan Abi Dawud*, hadith no. 1699.

"Yes, keep good relations with her." Another version of this tradition states that Asmā' said, "my mother has come to see me and she is hoping for something from me. Should I gratify her?" He said, 'Yes, be benevolent towards your mother.'<sup>145</sup>

Similarly, Abu Dharr relates that the Prophet (p) said, "*You will soon conquer the land of Egypt. Then treat its people kindly, for there are ties of treaty and kinship with them.*"<sup>146</sup>

When Qur'an 26:214 ("*And admonish your nearest kinsmen*") was revealed, Abu Hurairah relates that the Prophet (p) summoned the Quraysh and said to them, "*O Bani Abd Shams, O Bani Ka'ab ibn Lu'ayy, safeguard yourselves against the Fire; O Bani Murrah ibn Ka'ab, safeguard yourselves against the Fire; O Bani Abd Manaf, safeguard yourselves against the Fire, O Bani Hashim, safeguard yourselves against the Fire; O Bani Abdul Muttalib, safeguard yourselves against the Fire; O Fatimah, safeguard thyself against the Fire, for I can avail you nothing against Allah. I have ties of kinship with you, and these I shall continue to honour.*"<sup>147</sup>

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<sup>145</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith nos. 2620, 5979 & 2477; Muslim, *Sahih Muslim*, hadith no. 2372; Al-Tabarani, *al-Mu'jam al-Kabir*, vol.24, p.78; Ahmad bin Hanbal, *Musnad al-Imam Ahmad*, edited, Shu'aib al-Arnaut and others, 2<sup>nd</sup> Ed. Mu'ssasih al-Risalah, 1999, hadith no 26915; Abu Bakr Abd al-Razzaq bn Hammam al-San'ani, *Musannaf Abd al-Razzaq*, edited, Habib al-Rahman al-A'zami, 2<sup>nd</sup> Ed., Al-Maktab al-Islami, Beirut, 1403 AH, hadith no. 9932

<sup>146</sup> Muslim, *Sahih Muslim*, hadith no. 6658

<sup>147</sup> *Sahih Muslim*, hadith no.522; *Musnad Imam Ahmad*, hadith no.8402; *Al-Adab al-Mufrad*, hadith no.48; *Sunan al-Tirmidhi*, hadith no.3185; *Sunan al-Nasai*, hadith no.3684.

## 14. Interfaith Inheritance

Some Muslims regard interfaith inheritance as completely prohibited in Islam, and therefore sometimes deny themselves and others the benefits of inheritance. This has sometimes contributed to frustrations and tensions when non-Muslim family members are denied inheritance they believe is their right. Some Muslims also feel deprived and disadvantaged when they are made to understand that they cannot inherit from family members belonging to other faiths.

**Can a non-Muslim inherit from a Muslim relative, spouse, or friend, and vice-versa?**

There are two major means through which a person can inherit from another in Islamic law. The first is through a will or bequest (referred to as *wasiyyah*) left by the deceased that states those who will inherit. The second (which is referred to as *mirath*) refers to the inheritance by the beneficiaries mentioned in the Qur'an and Sunnah, who usually would not also benefit from the will (*wasiyyah*).<sup>148</sup>

The general consensus (*ijma'*) among Muslim scholars is that if there is a will (*wasiyyah*) left behind by the deceased, then a non-Muslim can inherit from a Muslim, and vice-versa, as this is not prohibited by any clear text of the Qur'an or Sunnah.<sup>149</sup> In fact, the Prophet's wife, Safiyyah bequeathed a third of her property to

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<sup>148</sup> Azman Ismail, *Islamic Inheritance Planning 101*, IBFIM, Kuala Lumpur, Malaysia, 2013, p.15-18, 88, 98-101; Da'wah Institute of Nigeria, *Principles of Justice and Equity in the Islamic law of Inheritance*, Islamic Education Trust, Minna, 2013, p.1, (Unpublished); Nasr Farid Muhammad Wasil, *Fiqh al-Mawarith wa al-Wasiyyah fi al-Shari'ah al-Islamiyyah Dirasah Muqaranah*, al-Maktabah al-Tawfiqiyyah.

<sup>149</sup> Wizarah al-Awqaf wa al-Shuhun al-Islamiyyah, *Al-Mawsu'ah al-Fiqhiyyah al-Kuwaitiyyah*, 1404-1427, 1<sup>st</sup> and 2<sup>nd</sup> Edition, vol.43, p.249.

her Jewish brother through a will (*wasiyyah*) she had left behind in his favour.<sup>150</sup>

Where there is no will left behind, the majority of scholars hold that there cannot be any interfaith inheritance in favour of the non-Muslim. This is based on their interpretation of some hadiths where the Prophet (p) is reported to have said that there is no interfaith inheritance between Muslims and non-Muslims.<sup>151</sup> There is, however, a difference of opinion among the scholars based on differences that existed on this topic among the Companions and those who followed them, and based on the different interpretations of the hadith in question. Some view the hadith as being in the context of prohibiting interfaith inheritance with specifically hostile or warring (*haribi*) non-Muslims as opposed to peaceful citizens (*dhimmi*).<sup>152</sup>

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<sup>150</sup> Al-Baihaqi, *al-Sunan al-Kubrah*, vol.6, p.281; Abu Bakr Abd al-Razaq, *Musannaf Abd al-Razaq*, vol.6, p.33, cited in Khalid abd al-Qadir, *Fiqh al-Aqalliyat al-Muslimah*, Dar al-Iman, Lebanon, 1997, p.489-491.

<sup>151</sup> Al-Bukhari, *Sahih al-Bukhari*, vol.17, p.94, hadith no. 6764; Muslim, *Sahih Muslim*, vol.5, p.59, hadith no. 4225; al-Nawawi, *Sharh Muslim*, Dar Ihya al-Turath al-'Arabi, Beirut, 1392, Vol.11, p.52.

<sup>152</sup> Ibn Hajar, *Fath al-Bari*, al-Maktabah al-Shamilah 3.13, vol.19, p.165; Azman Ismail, *Islamic Inheritance Planning 101*, IBFIM, Kuala Lumpur, Malaysia, 2013, p.98-101. For more detailed discussion on this subject, see: Yusuf al-Qaradawi, *Fiqh of Muslim Minorities: Contentious Issues and Recommended Solutions*, Al-Falah foundation, Cairo, Egypt, 2003, p. 117-124.

## 15. Interfaith Marriages in Islamic Law

Islam permits some forms of interfaith marriage while prohibiting others. What are the reasons for such differences? What happens to the marriage of converts to Islam? Should difference in faith be a basis for preventing or breaking interfaith bonds of love and family union?

What are the provisions and guidelines laid down by Islam on Muslim men and women marrying people of other faiths?

The Qur'anic verse permitting interfaith marriage states,

*"This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers **but also chaste women among the People of the Book** revealed before your time when you give them their due dowries and desire chastity, not lewdness nor secret intrigues. If anyone rejects faith, fruitless is his work, and in the Hereafter, he will be in the ranks of those who have lost (all spiritual good)."* (Qur'an 5:5)

This verse explicitly establishes the permissibility of a Muslim man initiating and having a relationship as close and intimate as that of marriage with a Christian or Jewish woman in spite of the difference in faith. This is understood to point to the extent of expression of love and kindness that a Muslim can offer someone of a different faith.

It is also proof that Islam does allow genuine friendship with non-Muslims, for marriage is a close relationship that the Qur'an characterizes as one of "*tranquility*" and "*mutual love and mercy*" (Qur'an 30:21) – qualities that also characterize the closest of friends. From all this, many scholars of Islam recognized that difference in faith was not a justifiable bases for withholding love, affection, respect, compassion, intimacy, friendship and

cooperation. As with all relationships, and irrespective of the person's faith, Muslim scholars also maintain that such a marriage should not be allowed to undermine Islamic ideals.

While certain interfaith marriages are regarded as permissible in Islamic law, others are for various reasons considered as either discouraged (*makruh*) or prohibited (*haram*). Also, Muslim jurists have sometimes differed in their interpretations of and conclusions on the position of Islamic law regarding some of these marriages and for the wisdom behind these.

### Restrictions on Interfaith Marriages in Islamic Law

As explained above, and from the various pieces of evidence scattered throughout the Qur'an and hadith, Islam is definitely interested in promoting better interfaith relations, and therefore goes as far as permitting some forms of interfaith marriage – especially that between a Muslim man and a chaste woman from the *Ahl al-Kitab* ("People of Earlier Revelations" - i.e. primarily Jews and Christians).<sup>153</sup>

The general consensus (*ijma'*) of Muslim scholars based on their interpretation of the relevant verses of the Qur'an, the Sunnah and practice of the Companions of Prophet Muhammad (p), is that Islamic law prohibits (as *haram*) a Muslim man or woman from initiating a marriage with a polytheist or atheist (*mushrikun/kuffar*).<sup>154</sup>

They also regard as prohibited (*haram*) the initiation of a marriage between a Muslim woman and any non-Muslim man

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<sup>153</sup> For a more detailed discussion on the differing views among Muslim scholars on the identity of *Ahl al-Kitab* ("People of the Book"), see Sheikh Khalid Abdul-Qadir, *Fiqh al-Aqaliyyat al-Muslimah*, Dar al-Iman, Lebanon, 1998, p.26-27; Zaidan, *Al Mufasssal fi Ahkam al Mar'ah*, Mu'assasat al-Risalah, Beirut, 1993, vol. 6, p.307; Rashid Rida, *Tafsir al Manar*, vol. 6, p.190; Qurtubi, *Al-Jami' li Ahkam al-Qur'an*, Dar al-Kutub, Beirut 2001, vol. 6, p.11; See also, [http://en.wikipedia.org/wiki/Ahl\\_al-Kitab](http://en.wikipedia.org/wiki/Ahl_al-Kitab) (retrieved on 23/06/2017).

<sup>154</sup> See Qur'an 60:10, 2:221. Also, Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, pp.184-186; Yusuf Al-Qaradawi, *Fiqh of Muslim Minorities*, Al-Falah Foundation, Cairo, Egypt, 2003; Hammudah 'Abdalati, *The Family Structure in Islam*, American Trust Publications, Plainfield, Indiana, USA, 1977; Mahmud al-Misri Abu 'Ammar, *Al-Zawaj al-Islami al-Sa'id*, 1<sup>st</sup> Edition, Maktabah al-Safa, Cairo, 2006, p.130.



including Jews and Christians (Qur'an 60:10, 2:221). However, a few contemporary scholars have regarded the marriage of a Muslim woman with Christian and Jewish men as tolerable or only discouraged (*makruh*), but not explicitly prohibited (*haram*) by the categorical or definitive texts of the Qur'an and Hadith.<sup>155</sup> This, however, is contrary to the conclusions of all known scholars of the past on this issue.

The general consensus (*ijma'*) of Muslim scholars regard as permissible (*halal*), the initiation of the marriage of a Muslim man to a Jewish or Christian woman based on the clear text of Qur'an 5:5 cited earlier (and also Qur'an 33:55, 2:221). Other scholars, however, differ regarding such marriages based on the social context of the intending couple, and the possible consequences of such marriages.

Muslim jurists also differ on the fate of the marriage of a woman who is already married to a non-Muslim (of any faith) and who subsequently embraces Islam. While some regard her embracing Islam as a basis for divorce, other notable scholars do not. The latter point out that such marriages where one spouse (such as the wife) embraces Islam while the husband remains a non-Muslim were common in the early days of Islam and were as a rule not treated as broken by the Prophet Muhammad (p) or his Companions. These scholars, therefore, regard such marriages as intact and not affected by one spouse embracing Islam without the other, even if the non-Muslim spouse is a Jew, Christian or Polytheist, etc.<sup>156</sup>

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<sup>155</sup> See Shaykh Khaled Abou El Fadl, *FATWA: On Christian Men Marrying Muslim Women (Updated)*, <https://www.searchforbeauty.org/2016/05/01/on-christian-men-marrying-muslim-women-updated/>; See also, Imam Mohammed Imam, *Asharq Al-Awsat Interviews Sudanese Islamist leader Dr Hassan Turabi*, ASHARQ AL-AWSAT, Apr. 24, 2006, available at <http://www.aawsat.com/english/news.asp?section=3&id=4678>;

<sup>156</sup> These include jurists such as Ibn Taymiyyah and Ibn Qayyim al-Jawziyyah. See Ibn al-Jawziyyah's *Ahkam ahl al-Dhimmah*, al-Maktabah al-Shamilah, vol.3, pp. 339-372. See also Yusuf al-Qaradawi, *Fiqh of Muslim Minorities*, Al-Falah foundation, Cairo, 2003, p.79-116; and <http://www.usislam.org/pdf/fiqh-of-muslim-minorities.pdf>. For the arguments of those scholars who consider such marriages as broken after her waiting (*Iddah*) period, see: Muhammad bin 'Ali al-Shawkani, *Nayl al-Awtar*, Idarah al-Tiba'ah al-Muniriyyah, vol.6, p.215, al-Maktabah al-Shamilah, 3.13.

## Reasons for Restrictions

The Qur'an does not give clear reasons for some of these prohibitions. Various reasons, however, have been given by Muslim scholars to explain the wisdom behind the prohibition of especially a Muslim woman marrying a non-Muslim. A non-Muslim husband, for example, may not be legally obliged to provide for and take care of his wife as Islamic law would require from a Muslim husband (Qur'an 4:4, 4:24, 4:25, 2:229, 4:20). In case of a dispute, it would be viewed as unfair that such a non-Muslim husband be held accountable to an Islamic court if he defaults or does not give her the rights Islam gives her. Such an interfaith marriage may, therefore, leave the Muslim woman unprotected in respect of those rights which Islamic law has specified for her. And since Muslim Courts do not have jurisdiction over non-Muslims (except in special circumstances) it will leave her bare and unprotected.

Islamic teachings place great emphasis on the importance of enhancing and preserving family ties, especially as the family is the first environment for the nurturing of children. In fact, one of the major objectives of Islamic law (*maqasid al-Shari'ah*) is the preservation and enhancement of the family. Experience and research have suggested that interfaith marriages generally have a much higher rate of marital breakdown and divorce compared to marriages between couples of the same faith.<sup>157</sup> It is estimated that inter-faith marriages have about 50% higher divorce rates than intra-faith marriages. In many societies today, divorce rates are already nearing 50%. Inter-faith marriages would, therefore, have nearly 75% divorce rates. They also argue that women are often the more vulnerable to abuse in broken marriages.

Scholars also point out that most other faiths either prohibit or discourage interfaith marriages, and that it would be unacceptably risky for a Muslim woman to be married to a man whose community rejects or in some degree objects to their son being married to a Muslim woman. Many religions including

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<sup>157</sup> Shaykh Khaled Abou El Fadl, *FATWA: On Christian Men Marrying Muslim Women (Updated)*, <https://www.searchforbeauty.org/2016/05/01/on-christian-men-marrying-muslim-women-updated/>

Christianity do not allow their followers to be “*yoked in marriage with an unbeliever*” (I Corinthians 7:10-16). Any Christian man who fully believes in his scripture, and decides to get married to a Muslim woman is regarded as not sufficiently respecting his own religious tradition. Why then should a Muslim woman agree to get married to him?

Other sociological reasons are also given depending on the context of the particular jurist. A Muslim woman may face difficulties if her non-Muslim husband brings alcohol or pork into the house, or does not allow her to enjoy her freedom to practice Islam to her satisfaction.

Also, while it is an article of faith for a Muslim to respect the great prophets such as Moses and Jesus (peace be upon them), many Jews and Christians have no such respect for prophet Muhammad (p) who some of them criticize as being an imposter and false prophet.

There is also the fear that especially in more patriarchal societies, the husband may have a greater negative influence on the Islamic upbringing of his children, and that the children of a Muslim woman may be brought up belonging to another faith or no faith at all, which is probably why most religions either prohibit or at least discourage interfaith marriages.<sup>158</sup>

Most of these reasons would, of course, apply to any interfaith marriage – even that between a Muslim man and say a Christian lady. Consequently, some jurists, especially from the Maliki School of Law (*madhab*) are of the opinion that all interfaith marriages should be prohibited due to the potential harm to the Islamic family institution, especially in Muslim minority contexts. Ultimately, however, the strongest basis for any authoritative prohibition in Islamic law for any form of marriage would be the clear text of the Qur'an and narrated traditions of the Prophet Muhammad (p).

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<sup>158</sup> Mahmud al-Misri Abu 'Ammar, *Al-Zawaj al-Islami al-Sa'id*, 1<sup>st</sup> Edition, Maktabah al-Safa, Cairo, 2006, p.130; see also, [https://en.wikipedia.org/wiki/Interfaith\\_marriage](https://en.wikipedia.org/wiki/Interfaith_marriage)

## 16. Handling the Qur'an by non-Muslims

**Some Muslims believe that Islam forbids people of other faiths from touching the Qur'an, especially the Arabic version. As a result, some non-Muslims who genuinely want to read the message of the Qur'an for themselves are denied access.**

**Can non-Muslims be allowed to study, touch or handle the Qur'an?**

Most people of other faiths who want to read or study the Qur'an are more interested in getting a copy of a translation of the Qur'an since most of them do not understand Arabic. Because the translation of the Qur'an is actually a human interpretation of the Qur'an in another language, scholars generally distinguish the Qur'an in its original language from a translation. While they debate over giving the original Arabic Qur'an to non-Muslims, they are generally agreed on the permissibility of giving them a translation, even if there is some Arabic text beside it.<sup>159</sup>

Some non-Muslims however, understand Arabic and would want to read the Word of God for themselves. The Qur'an is the pure Word of God, His last and final revelation to mankind. It is, therefore, a scripture containing a sacred and divine message that must be respected and kept pure. Muslims are even encouraged to perform ablution before they hold a copy of the Qur'an.<sup>160</sup> Consequently, (and among other reasons), some Muslim scholars are of the opinion that if a Muslim has to purify himself, then it follows that non-Muslims who do not purify themselves through ablution (*wudu*) or ritual bath (*ghusl*) should not touch a copy of the noble Qur'an.

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<sup>159</sup> Ahmad bin Abdul Razzak al-Darwaish, *Fatawa al-lajnah al-Da'imah li al-Buhuth al-'ilmiyyah wa al-Iftah*, al-Ri'asah al-'Amah li al-Buhuth al-'ilmiyyah wa al-Ifta, vol.29, p.45, Verdict no. 20095.

<sup>160</sup> Ibn Abd al-Barr, *al-Tamhid lima fi al-Muwatta' mina la-Ma'ani wa al-Asanid*, Wizarah 'Umum al-Awqaf wa al-Shu'un al-Islamiyyah, al-Maghrib, 1387, vol.17, p.398.

Other scholars, however, emphasize the fact that the Prophet's divine message - the Qur'an - was meant as a source of guidance for all mankind, and not only Muslims (See Qur'an 34:28, 25:1). The hadith and verses of the Qur'an on this subject have various interpretations given to them by scholars, and can be understood to support differing conclusions. However, the fact that the Prophet (p) sent letters to non-Muslim leaders containing portions of the Qur'an has led scholars such as Ibn Hazm to conclude that whatever interpretation is given to the different verses of the Qur'an and hadith on this matter, it should not prohibit giving copies of the Qur'an to non-Muslims since the Prophet (p) had himself done so.<sup>161</sup> These scholars are also of the opinion that the word "Qur'an" is used (both in the Qur'an and Hadith) to refer to either the whole book or any portion of it.<sup>162</sup>

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<sup>161</sup> Abu Muhammad Aliyu Bin Ahmad Bin Said Ibn Hazm, *al-Muhalla*, vol.1, p.83, issue no:117, Al-Maktabah al-Shamilah, 3.13 Edition, 2009; [www.khalidzaheer.com/qa/366](http://www.khalidzaheer.com/qa/366)

<sup>162</sup> Ibn Hazm, *al-Muhalla*, vol.1, p.38, issue no: 117, al-Maktabah al-Shamilah, version 3.13, 2009.

## 17. Imitating People of Other Faiths

Societies and civilizations have grown as result of sharing and copying from the good ideas and aspects of others. In an increasingly interdependent world, humility, curiosity and learning from others is essential to survival and progress. However, some Muslims prohibit 'imitating' or 'copying' people of other faiths and cultures in nearly every aspect of their lives – dressing, language, administration, social activities, laws, technology, culture, medicine, etc.

Why do Muslim scholars prohibit the “imitation” of non-Muslims? What kind of imitation does Islam prohibit? What is the criteria and wisdom behind such rulings?

Islam is not against curiosity, imitation and acquisition of useful knowledge and wisdom from people of other faiths. It only prohibits blind and uncritical imitation of others that stem from a sense of inferiority or a desire to copy or resemble them in those things that identify them with their distinct religious ideology or community.

The Prophet (p) is reported to have said, “*He is not one of us who imitates a people other than us. Do not imitate the Jews and Christians.*”<sup>163</sup> According to another version, “*Whoever imitates a people is one of them.*”<sup>164</sup> Some Muslims have unfortunately interpreted these hadiths as prohibiting every form of imitation, without adequate regard for how these hadiths were understood

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<sup>163</sup> Al-Tirmidhi, *Sunan al-Tirmidhi*, Dar Ihya al-Turath al-'Arabi, Beirut, Edited by Ahmad Muhammad Shakir *et al.*, vol.5, p.56, hadith no. 269

<sup>164</sup> Abu Dawud, *Sunan Abu Dawud*, Dar al-Kitab al-'Arabi, Beirut, vol.4, p.78, hadith no. 4033; Ibn Abu Shaybah, *Al-Musannaf fi al-Ahadith wa al-Athar*, Maktabah al-Rushd, Riyadh, 1409, vol. 6, p.471, edited by Kamal Yusuf al-Hut.



in the context of other sayings and practices (*sunnah*) of the Prophet (p) and his Companions.

It is well-known that the Prophet (p) and his Companions imitated and adopted various ideas, strategies and aspects of non-Muslim cultures (*urf*) that did not contradict Islamic principles, and which were therefore acceptable to Islam.<sup>165</sup>

For example, the Prophet (p) on some occasions would wear clothing of Persian or Yemeni origin. He adopted the Persian war strategy of digging a trench around the city of Medina during the Battle of the Trench. He also refused to prohibit sexual relations during nursing because he noticed that it didn't cause any harm to the Persians and Romans who engaged in it.<sup>166</sup>

Moreover, many financial instruments and forms of business dealings such as *Al-araya*, *Salam*, *Isitisna*, *Musharaka*, *Mudharaba*, *Ijara* and *Murabaha*, etc., were part of pre-Islamic customs (*urf*) that were acceptable to Islam. The concepts of *Jizyah* (poll tax or military “exemption tax” on non-Muslims)<sup>167</sup> and *dhimma* (non-Muslim protected status) were also originally pre-Islamic and yet accepted though modified by Islam. The names of most of the days of the week, and those of the months of the *Hijri* lunar calendar were also part of pre-Islamic *urf*. These examples lend strong support that customs that have no contradiction with *Shari’ah* ethics are acceptable bases to derive rulings from.

Additional examples of accepted *urf* that were previously of non-Muslim origin include various monetary exchanges or currencies; language and idiomatic expressions; the law of *qisas* (equitable retribution); public holidays; traditional names; customary rules regarding payment of the dower (*mahr*) in marriage; traditional titles and administrative systems; etc.<sup>168</sup>

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<sup>165</sup> *Sahih al-Bukhari*, vol.8, hadith no.156; *Al-Muwatta*, vol.49, hadith no.22, in *Alim* 6.0.

<sup>166</sup> Muslim, *Sahih Muslim*, hadith no. 3637, al-Maktabah al-Shamilah 3.13

<sup>167</sup> Dr Monqiz As-Saqqar, *Jizya in Islam*, Translated by Hayam Elisawy, Source: [http://www.irfi.org/articles/articles\\_1051\\_1100/Jizya\\_in\\_islam.htm](http://www.irfi.org/articles/articles_1051_1100/Jizya_in_islam.htm) (visited on 4/12/2013).

<sup>168</sup> Mohammad Akram Laldin, *Introduction to Shari’ah and Islamic Jurisprudence*, 2<sup>nd</sup> ed. CERT, Kuala Lumpur, 2008, p.116-123; Mohammad Hashim Kamali, *Principles of Islamic*

In fact, the prominence given to various regional or local customs (*‘Urf* and *‘Adat*) as even one of the sources of Islamic law (*al-Adillah al-Shar’iyyah*) accepted by all the major Schools of Islamic Jurisprudence (*madhahib*) reflect the attentions to the general good (*maslahah*), since sound customs, as a rule, have strong links with the aspirations, identity, needs, and necessities of people in the regions where they live.<sup>169</sup>

The Prophet (p) was reported to have said, “*Wisdom is the lost property of the believer, he takes it from wherever he finds it.*”<sup>170</sup> In many supplications, the Prophet (p) taught Muslims to pray for useful knowledge (*‘ilman nafi’an*).<sup>171</sup> This is in line with several verses of the Qur’an encouraging Muslims to seek useful knowledge.

Allah created humans into male and female, and into nations and tribes “*li ta’arafu*” so that “*you may know one another*” (Qur’an 49:13); Muslims are commanded to “*ask those who know, if you do not know*” (Qur’an 16:43); They are asked to “*travel the earth to learn*” the history of earlier civilizations (Qur’an 3:137; 6:11) and to also see how Allah brought His creation into existence (Qur’an 29:20); Allah praises those who listen critically and pick what is best from what they learn: “*those who listen to what is said, and go by the best in it.*” (Qur’an 39:18).

A general and fundamental rule in the Principles of Islamic Jurisprudence (*usul al-fiqh*) is that anything that belongs to the category of worldly and mundane social transactions (*mu’amalat*) as opposed to prescribed religious or devotional worship (*ibadah*) or creed (*aqidah*), is governed by the general rule that “***everything is permissible except what is prohibited***”<sup>172</sup> by

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*Jurisprudence*, The Islamic Text Society, Cambridge, 2003, p.369-383; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.130-131.

<sup>169</sup> Abu Zahra, *Malik*, p.420-421 – cited in Umar F. Abd-Allah Waymann-Langraf, *Malik and Medina: Islamic Legal Reasoning in the Formative Period*, Brill, Leiden, The Netherlands, 2013, p.137.

<sup>170</sup> *Sunan al-Tirmidhi*, hadith no. 2687; *Ibn Majah*, hadith no. 4169

<sup>171</sup> *Sahih Muslim*. See also Qur’an 20:114

<sup>172</sup> This well-known principle of *Usul ul-Fiqh* in Arabic is called “*Al-‘asl fil ashya’i al-ibahah*” (“the legal premise of everything is permissibility”). See Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.14-18. See also: Mohammad Akram Laldin,

clear and explicit textual evidence from the Qur'an or authentic Sunnah, or if it contradicts definite objectives (*maqasid*) of Shari'ah. In other words, whatever is not prohibited by clear evidence is in fact permissible. What is prohibited for a Muslim to imitate in others, is whatever contradicts the teachings of Islam, or what is regarded as a distinctive religious practice or worship (*ibadah*), creed (*aqidah*) or symbol of religious identity.<sup>173</sup> A Muslim is therefore prohibited from using religious dressing, or grooming, or anything else that identifies him or her as belonging to another faith.<sup>174</sup> If however such imitation is purely in areas of worldly and mundane social transactions (*mu'amalat*) such as science and technology, commerce, language, culture, education, agriculture, security, medicine, etc., then there is no prohibition in this.<sup>175</sup> If it is beneficial and promotes the objectives (*maqasid*) of Islam and the betterment of the society, then such imitation is actually respected and encouraged irrespective of which culture

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*Introduction to Shari'ah and Islamic Jurisprudence*, 2nd ed. CERT, Kuala Lumpur, 2008; Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, 1999; Mohammad Hashim Kamali, *Qawa'id Fiqh: The Legal Maxims of Islamic Jurisprudence*, p.2; Abu Sulayman, 'Abd al-Wahhab, "An-Nazariyyah wal-Qawa'id fi al-Fiqh al-Islami" in *Majallah Jamai'ah al-Malik 'Abdal-'Aziz*, No.2, May 1978, p.53; Shihab ad-Din al-Qarafi, *Kitab al-Furuq*, Matha'ah Dar Ihya al-Kutub al-'Arabiyyah, Cairo, vol.4, p.40; Jamal al Din Atiyyah, *Al-Tanzir al-Fiqhi*, p. 208; Abdurahman bin Abu Bakr al-Suyuti, *Al-Ashbah wa al-Nazair*, vol.1, p.107; Badruddeen Muhammad bin Abdullahi Al-Zarkashi, *Al-Bahr Al-Muheet Fi Usul Al-Fiqh*, Dar al-Kutub al-'Ilmiyyah, Beirut, 1421 AH, vol.1, p.126; Muhammad Amir, *Taysir al-Tahrir*, Dar Nashr, vol.2, p.247; Abdullah bin Yusuf al-Juda'i, *Taysir 'Ilm Usul al Fiqh*, pp.34, 69, 71 and 72; Abdullah al-Fauzan, *Khulasah al-Usul*, p.7; al-Zarqa, *Sharh al-Qawa'id al-Fiqhiyyah*, p.299; Muhammad bin Hassan al-Dadaw, *Sharh al-Waraqat*, p.76; Abdulkareem al-Khudair, *Sharh Matn al-Waraqat*, p.410; Abdulwahab Khallaf, *Ilm Usul al-Fiqh*, Maktabah al-Da'wah, p.91; Muhammad Amin Ihsan Almujaiddi Albarkati, *Qawa'id al-Fiqh*, Dar al-Nashr, p.14; Zakariyya bin Gulam Qadir Albakistani, *Usul al-Fiqh 'Ala Manhaj Ahl al-Hadith*, Dar al-Kharraz, 1423 AH., p.116; Mashur bin Hasan Al-Salman, *Al-Tahqiqat wa al-Tanqihat al-Salafiyyah 'ala Matn al-Waraqat*, Dar Imam al-Malik, U.A.E, 1426AH, p.584-589.

<sup>173</sup> Da'wah Institute of Nigeria, *What is Islamic Culture?: An Introduction to the relationship between Islam and Cultural Diversity*, Islamic Education Trust, Minna, Nigeria, 2009, p.3; For a discussion on the differences between similarity or resemblance (*mushaabaha/ tashaabaha*) and imitation (*tashbih/ tashabbaha*), see Umar Faruq Abd-Allah, *Living Islam with Purpose*, Nawawi Foundation, 2007, p.24; Shaikh Abdullah bin Bayyah, *Sacred Law in Secular Lands* (Vol.1 and 2, 18 audio CDs), trans. from Arabic by Hamza Yusuf (California, USA: Alhambra Productions, 2000).

<sup>174</sup> Ibn Taymiyyah, *Qawa'id al-Nuraniyyah al-Fiqhiyyah*, p.112-113, Cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, pp.16-18; Al-Albani, *Jilbab al-Mar'ah al-Muslimah*, p.161.

<sup>175</sup> Ibn Taymiyyah, *Iqtida' al-Sirat al-Mustaqim li-Mukhalafah As-hab al-Jahim*, edited by Nasir bin Abd alkarim al-'Aql, Maktabah al-Rushd, Riyadh, vol.1, p.42.

(*urf*) it emanates from, whether native or foreign, Muslim or non-Muslim.<sup>176</sup>

According to Imam Al-Shatibi, this approach to local or regional custom is based on Prophetic precedent, because much of the Prophet's legislation was an affirmation of the sound or good customary practices of pre-Islamic Arabia. The Arabs, like human societies in general, developed many good customs before the advent of Prophetic guidance. Such customs were especially well-suited to their environment and circumstances. The Prophet (p) affirmed and perfected them, only abolishing those pre-Islamic customs that were unsound or detrimental. For this reason, according to Al-Shatibi, the Prophet (p) is reported in numerous hadith to have said that the purpose of his mission was to perfect the good moral qualities (*makarim al-akhlaq*) of the people, and not to obliterate them. Once the Prophet (p) endorsed pre-Islamic customary conventions, they became technically part of his Sunnah.<sup>177</sup>

In relation to taking ideas, strategies, wisdom, or knowledge from people of other faiths, such as from the secular or Western educational system, Imam al-Amin Al-Shinqiti gave four scenarios for Muslims: 1) Accept it completely and uncritically (which he says would be wrong); 2) Reject it completely in spite of its beneficial knowledge (which he also says would be wrong); 3) Accept what is wrong and reject what is beneficial (which he says would obviously be wrong); or 4) Accept critically, taking what is good and useful and discarding what is unacceptable from an Islamic perspective (which he recommends).<sup>178</sup>

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<sup>176</sup> Al-'Izz bin Abdulssalam, *Qawa'id al-Ahkam fi Masalih al-Anam*, vol.2, p.221; Al-Shinqiti, *Adwa' al-Bayan*, vol.3, p.504 under commentary on Surah Maryam; Mohamad Akram Laldin, *Introduction to Shari'ah and Islamic Jurisprudence*, CERT, Malaysia, 2006, p. 115-123; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, The Islamic Text Society, 2003, p.369-383; Umar Faruq Abd-Allah, *Islam and the Cultural Imperative*, Nawawi Foundation, 2004.

<sup>177</sup> Al-Shatibi, *Al-Muwafaqat*, 2:213; Abu Zahra, *Malik*, p.374-375 – cited in Umar F. Abd-Allah Waymann-Langraf, *Malik and Medina: Islamic Legal Reasoning in the Formative Period*, Brill, Leiden, The Netherlands, 2013, p.137-138.

<sup>178</sup> Muhammad al-Amin al-Shinqity, *Adwa' al-Bayan*, Dar al-Fikr, Lebanon, 1995, vol.3, p.505

## 18. Saying *Salams* (Greetings of Peace) to People of Other Faiths

Most greetings and pleasantries are customary forms of expressing goodwill and facilitating introductions and conversations. They often set the tone for the quality of interpersonal relations and dialogue. The traditional Islamic greeting which Muslims are taught is to wish peace (*salam*) on others – “*Assalamu alaykum*” (meaning “peace be with you”). Some Muslim scholars regard it as prohibited for Muslims to use such greetings (of peace) with people of other faiths.

Can a Muslim greet non-Muslims with “*Assalamu alaykum*” (meaning “peace be with you”) or reply with the similar greeting of peace (“*wa ‘alaykum salam*”)?

**Regarding initiating *salam* to *Ahl al-Kitab*** (and other people of other faiths), Muslim scholars have differed based on their understanding of the various texts related to greetings.<sup>179</sup> While most scholars have concluded that responding to the greetings of peace is compulsory, they differed on the initiating of such greetings and on their wordings.<sup>180</sup>

The Qur’an (24:27) says: “*O you who believe, do not enter houses other than yours without first announcing your presence and invoking peace (saying salaam) upon the folk thereof. That is better for you, that you may be heedful*”. See also Qur’an 25:63, 43:88-89, 28:55, etc. Likewise, in an authentic hadith, the Prophet (p) was once asked: “*What aspect of Islam is among the best?*” He

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<sup>179</sup> Sulaiman bin Khalid bin Nasir al-Harbi, *Sharh Kitab al-Siyam wa al-Hajj wa al-Jihad*, al-Maktabah al-Shamilah 3.13, vol.1, p.14; ‘Ali bin Nayif al-Shuhud, *Khulasah fi fiqh al-Aqalliyyah*, al-Maktabah al-Shamilah 3.13, vol.1, p.254.

<sup>180</sup> Ibn Qayyim Al-Jawziyyah, *Zadul Ma’ad*, 1<sup>st</sup> Edition, 2006, vol.2, p.388, in al-Maktabah al-Shamila 3.13; Ibn Kathir, *Tafsir al-Qur’an al-Azeem*, 2<sup>nd</sup> Edition, Dar Taibah li al-Nashr wa al-Tawzi’, 1420AH, vol.2, p.370.



replied, “Giving food (to the needy) and saying salam to those you know and those you don’t know.”<sup>181</sup> In another hadith, the Prophet (p) also said: “Spread the greeting of peace!”<sup>182</sup> These texts appear to be general in their meaning and not restricted to greetings with Muslims only.

Conversely, some scholars have quoted certain hadiths – such as “Do not initiate the greeting of ‘Peace’ (salam) with the *Ahl al-Kitab* (People of the Book)”<sup>183</sup> - to say that Muslims may not initiate the greetings of peace (salam) to people of other faiths. This hadith however was narrated on a specific occasion where the Prophet (p) was ordering the Muslims to attack the *Ahl al-Kitab* (Jews) of Banu Qurayzah who had treacherously broken their treaty with the Muslims and tried to collaborate with the polytheist of Mecca to wipe out the Muslims in Medina during the Battle of the Trench (Khandaq).<sup>184</sup> The Prophet (p) is reported to have said in a fuller version of the hadith: “We are going forth in the morning against a group of Jews, so do not initiate the greeting of ‘Peace’ with them”.<sup>185</sup> The context of the hadith was apparently specific to a hostile group of Jews (“*Ahl al-Kitab*” of Banu Qurayzah) and not to all non-Muslims.

It was reported that Abu Umamah Al-Bahily used to say “salam” (greetings) to whoever he passed by, Muslim or non-Muslim, and used to say, “It is a greeting for the people of our religion, and an assurance of security to our non-Muslim citizens, and a Name among the Names of Allah (Al-Salam) we spread among ourselves”.<sup>186</sup> The notable companion of the Prophet (p), Abdullah bin Mas’ud once said the greetings of salam to a non-Muslim. When asked: “Are we not warned against initiating salam with

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<sup>181</sup> Al-Bukhari, *Sahih al-Bukhari*, Dar Tawq al-Najat, 1<sup>st</sup> Edition, 1422, vol.1, p.16; Muslim, *Sahih Muslim*, Beirut, Dar al-Jil, vol.1, p.47.

<sup>182</sup> Muslim, *Sahih Muslim*, Dar al-Jil, Beirut, vol.1, p.53; al-Bukhari, *Al-Adab al-Mufrad*, Dar al-Basha’ir al-Islamiyyah, Beirut, 3<sup>rd</sup> Edition, 1989, p.340; Al-Hakim, *Al-Mustadrak ‘ala al-Sahihain*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 1990; vol. 4, p.185.

<sup>183</sup> Muslim, *Sahih Muslim*, Dar al-Jail, Beirut, vol.7, p.5.

<sup>184</sup> Ibn Qayyim al-Jawziyyah, *Zad al-Mi’ad fi Hady Khair al-‘Ibad*, vol.2, p.388, al-Maktabah al-Shamilah.

<sup>185</sup> Ibn Abdul-Barr, *al-Tamhid*, vol.17, p.91 – 92; *Musnad Ahmad*, hadith no. 26695; *Mu’jam Tabarani al-Kabir*, vol.22, p. 291, in *al-Maktabah al-Shamilah*, 1<sup>st</sup> Edition, 2006.

<sup>186</sup> Ibn Abdul-Barr, *al-Tamhid*, vol. 17, p.92, al-Maktabah al-Shamilah, version 3.13



them?” He replied: “It is a right of companionship.”<sup>187</sup> According to Imam Awza'i: “If you say salam (to the non-Muslims), then surely (some) pious people did the same, and if you don't, indeed, (some) pious people did not either.”<sup>188</sup>

**Regarding responding to greetings**, the general teaching of the Qur'an (4:86) is that “...when you are greeted with a greeting (of peace), greet (in return) with one which is better than it or (at least) return it (in like manner). Indeed, Allah is ever taking account of all things”. In other words, Muslims must always try and respond to the greetings of others with something better. Commenting on this verse, Ibn Kathir reported Al-Hasan Al-Basri as saying: “Initiating the salam is voluntary, but replying to the greeting of salam is compulsory”.<sup>189</sup>

There are however some hadiths in Bukhari and Muslim that show that some of the Jews of Medina would insult Muslims by saying “*As-Saamu alaikum*” which actually means “death be upon you”. In a hadith narrated by Abdullahi bin ‘Umar, Allah’s Messenger (p) said: “When the Jews greet you, they usually say, ‘*As-Saamu alaikum*’ (Death be on you), so you should say (in reply to them), ‘*wa ‘alaikum*’ (And on you too).”<sup>190</sup> This is the context of why the Prophet (p) said Muslims should reply what may sound like the greetings of peace, with “and on you too (*wa alaikum*)” as a way of ending the habitual insult which had the potential of worsening relations.

Ibn Mas’ud said: “Even if Pharaoh (Fir’aun) said good words to me, I would respond to him with similar (good words).”<sup>191</sup> The late scholar and Mufti of Saudi Arabia, Sheikh Abdul-Aziz bin Baaz is also reported to have said: “If a non-Muslim greets us, we respond

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<sup>187</sup> Ibn Abdul-Barr, *al-Tamhid*, vol. 18, p.91; *Tafsir al-Qurtubi*, vol.11, p.103, under Qur'an 19:47 in *al-Maktabah al-Shamilah*, 1<sup>st</sup> Edition, 2006

<sup>188</sup> Ibn Hajar al-Asqalani, *Fath al-Bari*, al-Maktabah al-Shamilah 3.13, vol.17, p.490; Al-Nawawi, *Sharh Sahih Muslim*, al-Maktabah al-Shamilah 3.13, vol. 14, p.145.

<sup>189</sup> Ibn Kathir, *Tafsir al-Qur'an al-'Azim*, Dar Tayba li al-Nashr wa al-Tawzi', 2<sup>nd</sup> Edition. 1420AH, vol.2, p.370.

<sup>190</sup> Al-Bukhari, *Sahih al-Bukhari*, Dar al-Tawq al-Najat, 1<sup>st</sup> Edition, 1422, vol.15, p.559.

<sup>191</sup> Ibn Abdul-Barr, *al-Tamhid*, vol.17, p.91, al-Maktabah al-Shamila, 1<sup>st</sup> Edition; see also *Tafsir Ibn Kathir* under Qur'an 4:86

*in the same manner that he/she greets us with. So if one (of the non-Muslims) says: 'As-salamu 'alaikum' clearly when greeting us, we respond by saying 'wa alaikum salam'...*<sup>192</sup>

As greetings belong to the category of mundane social transactions (*mu'amalat*) and not prescribed worship (*ibadah*), the general rule is that “everything in greeting is permissible except what is prohibited” by clear and explicit textual evidence of the Qur'an or Sunnah, or if it contradicts definite objectives of Shari'ah.<sup>193</sup>

In Qur'an 60:8 we are reminded: “Allah does not forbid you in respect of those who do not fight you because of your religion and do not expel you from your homes – from being righteous and dealing justly towards them. Indeed, Allah loves those who act justly”.

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<sup>192</sup> [www.madeenah.com](http://www.madeenah.com) - Fatawa nur 'ala al-Darb on 16/10/07.

<sup>193</sup> Da'wah Institute of Nigeria, *Salam to Non-Muslims*, Islamic Education Trust, Minna, Nigeria, 2011, p.17.

## 19. Greetings for Religious Festivities – Merry Christmas, Happy Easter!

Many Muslims get goodwill gestures and greetings from various non-Muslims during Ramadan, Eid and other Islamic occasions. Some feel obliged to equally reciprocate such gestures by also greeting people of other faiths during their religious festivities and celebrations with greetings such as “Merry Christmas”, etc. Some Muslim scholars regard such greetings as permissible and even encouraged, while others regard these as discouraged or prohibited.

**What is the Islamic perspective on greeting people of other faiths during their religious festivals and celebrations?**

Islamic teachings emphasize the importance of courtesy, good neighbourliness, reciprocity in kindness and magnanimity. While Muslims and non-Muslims may exchange gifts, greetings and pleasantries, Muslim scholars, however, have an issue with greetings that are specific to religious festivities, especially if these may be understood to mean an acceptance and validation of an ideology that contradicts Islamic teachings.

Muslim scholars have therefore differed on the Islamic rulings regarding greeting people of other faiths on the occasions of their religious festivities. While some of them permit it, others prohibit it.

A general and fundamental rule in the Principles of Islamic Jurisprudence (*usul al-fiqh*) is that anything that belongs to the category of worldly and mundane social transactions (*mu'amalat*) as opposed to prescribed religious or devotional worship (*ibadah*) or creed (*aqidah*), is governed by the general rule that “everything

is permissible except what is prohibited”<sup>194</sup> by clear and explicit textual evidence from the Qur’an or authentic sunnah, or if it contradicts definite objectives (*maqasid*) of Shari’ah. In other words, whatever is not prohibited by clear evidence is in fact permissible.

According to Hatim bin ‘Arif al-‘Awni therefore, “The premise with regards to congratulating the unbelievers for their festivities is that of permissibility, except if such is done to show pleasure with their religion or where there is harm in it (i.e. where it could indicate an agreement with their disbelief).”<sup>195</sup>

Very often, the different cultural contexts and meanings assigned within that social environment to specific greetings have affected the way each greeting and its implications are understood or interpreted by a scholar or people.

The major point of difference among scholars therefore appears to be on whether or not such greetings and well-wishes, when used in a particular cultural context, are understood to be simply statements of courtesy and kindness (belonging to the category of greetings and social transactions – *mu‘amalat*), or whether these statements are understood to automatically imply an acceptance and endorsement of the particular festivity and the religious

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<sup>194</sup> This well-known principle of *Usul al-Fiqh* in Arabic is called “*Al-‘asl fil ashya’i al-ibahah*” (“the legal premise of everything is permissibility”). See Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.14-18. See also: Mohammad Akram Laldin, *Introduction to Shari’ah and Islamic Jurisprudence*, 2nd ed. CERT, Kuala Lumpur, 2008; Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, 1999; Mohammad Hashim Kamali, *Qawa’id Fiqh: The Legal Maxims of Islamic Jurisprudence*, p.2; Abu Sulayman, ‘Abd al-Wahhab, “*An-Nazariyyah wal-Qawa’id fi al-Fiqh al-Islami*” in *Majallah Jamai’ah al-Malik ‘Abdal-‘Aziz*, No.2, May 1978, p.53; Shihab ad-Din al-Qarafi, *Kitab al-Furuq*, Matha’ah Dar Ihya al-Kutub al-‘Arabiyyah, Cairo, vol.4, p.40; Jamal al Din Atiyyah, *Al-Tanzir al-Fiqhi*, p. 208; Abdurahman bin Abu Bakr al-Suyuti, *Al-ashbah wa al-Nazair*, vol.1, p.107; Badruddeen Muhammad bin Abdullahi Al-Zarkashi, *Al-Bahr Al-Muheet Fi Usul Al-Fiqh*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 1421 AH, vol.1, p.126; Muhammad Amir, *Taysir al-Tahrir*, Dar Nashr, vol.2, p.247; Abdullah bin Yusuf al-Juda’i, *Taysir ‘Ilm Usul al Fiqh*, p.34, 69, 71 and 72; Abdullah al-Fauzan, *Khulasah al-Usul*, p.7; al-Zarqa, *Sharh al-Qawa’id al-Fiqhiyyah*, p.299; Muhammad bin Hassan al-Dadaw, *Sharh al-Waraqat*, p.76; Abdulkareem al-Khudair, *Sharh Matn al-Waraqat*, p.410; Abdulwahab Khallaf, *Ilm Usul al-Fiqh*, Maktabah al-Da’wah, p.91; Muhammad Amin Ihsan Almujaiddi Albarkati, *Qawa’id al-Fiqh*, Dar al-Nashr, p.14; Zakariyya bin Gulam Qadir Albakistani, *Usul al-Fiqh ‘Ala Manhaj Ahl al-Hadith*, Dar al-Kharraz, 1423 AH., p.116; Mashur bin Hasan Al-Salman, *Al-Tahqiqat wa al-Tanqihat al-Salafiyyah ‘ala Matn al-Waraqat*, Dar Imam al-Malik, U.A.E, 1426AH, p.584-589.

<sup>195</sup> <http://www.dralawni.com/articles.php?show=187> (retrieved date: 4/2/2018)

ideology behind it (which is related to creed and worship – *aqeedahlibadah*). The latter is the view held by Ibn Qayyim, Ibn Taymiyyah and a number of contemporary scholars such as Bin Baz, Ibn Uthaimin, Safar al-Hawali amongst others, who regard such greetings as prohibited.<sup>196</sup>

As for those who permit such greetings, they regard it as part of courtesy and kindness (*ihsan* and *birr*) – as taught by Islam – to people of other faiths, especially to those who are relatives, neighbours, friends, colleagues, school mates and those who are peaceful in general. This is the view of a number of scholars such as Abdullah bin Bayyah, Yusuf al-Qaradawi, Mustafa Zarqa, Rashid Rida, Hatim bin ‘Arif al-‘Awni, Gibril Fouad Haddad, Ali Gomaa, amongst others. Some scholars in this category also assert that this greeting may even become encouraged for Muslim minorities living among people of other faiths.<sup>197</sup>

However, virtually all Muslim scholars agree on the prohibition of such greeting if the words used to express it are understood to contradict Islamic beliefs. They also agree that such greetings will be prohibited if the Muslim validates the religious festivities in his/her heart by believing that it pleases God.

As respected scholars have differed on this issue, as they have on many others, it is not proper to regard those who hold a different view as ignorant or misguided. Even those scholars who regard such greetings on religious festivities as prohibited (*haram*) do

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<sup>196</sup> Ibn Qayyim al-Jawziyyah, *Ahkam ahl al-Dhimmah*, Dar bin Hazm, Saudi Arabia, 1418AH, vol.1, p.144; Ahmad bin Abd al-Razzaq al-Duwaish, *Fatawa al-Lajnah al-Da'imah*, al-Ri'asah al-'Amah li al-Buhuth al-'Ilmiyyah wa al-Ifta', vol.3, p.436, al-Maktabah al-Shamilah 3.13; Qita' al-Ifta' wa al-Buhuth al-Shar'iyyah, *Fatawa Qita' al-Ifta bi al-Kuwait*, vol.3, p.25, al-Maktabah al-Shamilah, 3.13; Safar al-Hawali, *Hukm al-Ihtifal Bi A'yad al-Kuffar*, p.35, al-Maktabah al-Shamilah; Muhammad bin Salih bin Uthaimin, *Majmu' Fatawa wa Maqalat al-Allamah bin Uthaimin*, vol.3, p.28-29; Khalid Abdulqadir, *Fiqh al-Aqalliyyat al-Muslimah*, Dar al-Iman, Lebanon, 1419AH, p.577-578

<sup>197</sup> Mustafa al-Zarqa, *Fatawa al-Zarqa*, vol.13, p.1-2; Abdullah bin al-Shaikh al-Mahfudh bin Bayyah, *Sina'ah al-Fatwa wa fiqh al-Aqalliyyah*, p.430-437; *Fatwas of European Council for Fatwa and Research*, translated by Anas Osama Altikriri and Shaikh Nasif Al-Ubaydi, Al-Falah Foundation, Egypt, p.177-182; [www.dar-alifta.org](http://www.dar-alifta.org), verdict no. 3670, issued on: 08/10/1998, (date: 9/2/2018); <http://www.dralawni.com/articles.php?show=187> (retrieved date: 4/2/2018)

not go as far as regarding the opinion of those other scholars who consider it permissible (*halal*) as an act of disbelief (*kufr*).

In spite of their differences of opinion on this issue, all Muslim scholars agree that Muslims should relate with people of other faiths in a respectful, good and kindly manner, as the Qur'an prescribes:

*“As for such (of the unbelievers) as do not fight against you on account of (your) faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness (birr) and to behave towards them with full equity (qist): for verily, God loves those who act equitably.”*  
(Qur'an 60:8)



## 20. Food of the *Ahl al-Kitab* (People of Earlier Revelations)

Some Muslims refuse to eat food prepared by people of other faiths, regarding it as not “*halal*”. Some of these Muslims accept such food, out of courtesy, but dispose of it, rather than eat it. This is due to their belief that Islamic teachings prohibit eating food, including meat from animals slaughtered by people of other faiths.

**Does Islam prohibit Muslims from eating the food and meat of others, including the “People of the Book” such as Jews and Christians?**

**Regarding eating the food of *Ahl al-Kitab* generally,** Muslims have not been prohibited from eating non-meat foods that are prepared by people of other faiths (including polytheists, atheists, etc.) such as fruits, vegetables, and other plant products.<sup>198</sup> Islam has also not prohibited the consumption of fish, milk, eggs and other similar dairy products that might have been prepared by such people of other faiths.<sup>199</sup>

Anas ibn Malik narrated that: “Allah’s Messenger (p) had a neighbour who was Persian [a Zoroastrian], and he was an expert in the preparation of soup. He prepared (soup) for Allah’s Messenger (p) and then came to him to invite him (to a meal)... Then he accepted his invitation, and both of them (the Prophet (p) and Aisha) set out and went to his house.”<sup>200</sup>

**Regarding eating the meat slaughtered by *Ahl al-Kitab*,** Allah says, “*This day (all) the good things are allowed to you, and*

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<sup>198</sup> Muhammad At-Tahir Ibn ‘Ashur, *At-Tahrir wa al-Tanwir*, Mu’assasa al-Tarikh al-Arabi, Beirut, 2000, vol. 5, p.44.

<sup>199</sup> Muhammad At-Tahir Ibn ‘Ashur, *At-Tahrir wa al-Tanwir*, Mu’assasa al-Tarikh al-Arabi, Beirut, 2000, vol. 5, p.44.

<sup>200</sup> *Sahih Muslim*, hadith no.958, in *Alim* 6.0

*the food of those who have been given the Book is lawful for you and your food is lawful for them..." (Qur'an 5:5)*

Scholars have agreed that the word 'food' in this verse refers to slaughtered animals. In his commentary of the verse - "*And the food of those who were given the Scripture is lawful for you*" - Ibn Kathir says, "Ibn Abbas, Abu Umamah, Mujahid, Sa'id bin Jubayr, Ikrimah, A'ta, Al-Hasan, Makhul, Ibrahim An-Nakhai', Al-Suddy, and Muqatil Ibn Hayyan all say that this verse refers to slaughtered animals".<sup>201</sup> Bukhari also mentioned that Ibn Abbas said, "...the food' is their slaughtered animals".<sup>202</sup> Commenting on this issue, Ibn Qayyim said: "The earliest generation of Muslims (*salaf*) were in unanimous agreement that the verse (i.e. Qur'an 5:5) refers to the slaughtered animals of the People of the Book – Christians and Jews."<sup>203</sup>

The point here is that this verse (Qur'an 5:5) comes to settle the issue of the slaughtered animals of the People of the Book, in view of the fact that it has already been mentioned in Qur'an 5:3, that: *'Forbidden to you are the flesh of dead animals and blood and the flesh of swine, and that which has been dedicated to any other than Allah.'* Hence, other foods of the *Ahl al-Kitab*, besides slaughtered animals remain lawful (*halal*) in the absence of any evidence justifying their prohibition. This is in accordance with the general principle that "the original premise of all things is permissibility."<sup>204</sup>

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<sup>201</sup> Ibn Kathir, *Tafsir*, vol. 2, p.19. See also Muhammad Taqi Usmani, *Islamic Rulings for Slaughtering Animals*, p.33. See also Ibn Qayyim al-Jawziyyah, *Ahkam ahl al-Dhimma*, p. 181.

<sup>202</sup> Muhammad bin Abi Bakr bin Qayyim al-Jawziyyah, *Ahkam ahl al-Dhimma*, Dar Ibn Hazm, Beirut, 1418AH, vol.1, p.181.

<sup>203</sup> Muhammad bin Abi Bakr bin Qayyim al-Jawziyyah, *Ahkam ahl al-Dhimma*, Dar Ibn Hazm, Beirut, 1418AH, vol. 1, p.502.

<sup>204</sup> This well-known principle of *Usul ul-Fiqh* in Arabic is called "*Al-'asl fil ashya'i al-ibahah*" ("the legal premise of everything is permissibility"). See Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, pp.14-18. See also: Mohammad Akram Laldin, *Introduction to Shari'ah and Islamic Jurisprudence*, 2nd ed. CERT, Kuala Lumpur, 2008; Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, 1999; Mohammad Hashim Kamali, *Qawa'id Fiqh: The Legal Maxims of Islamic Jurisprudence*, p.2; Abu Sulayman, 'Abd al-Wahhab, "*An-Nazariyyah wal-Qawa'id fi al-Fiqh al-Islami*" in *Majallah Jama'ah al-Malik 'Abdal-'Aziz*, No.2, May 1978, p.53; Shihab ad-Din al-Qarafi, *Kitab al-Furuq*, Matha'ah Dar Ihya al-Kutub al-'Arabiyyah, Cairo, vol.4, p.40; Jamal al Din Atiyyah, *Al-Tanzir al-Fiqhi*, p. 208; Abdurahman bin Abu Bakr al-Suyuti, *Al-ashbah wa al-*

It has been reliably reported that the Prophet Muhammad (p) and his Companions ate food, including meat, slaughtered and prepared by Jews and Christians.<sup>205</sup>

For example, Anas bin Malik reported that, while the Prophet (p) was in Khaybar, a Jewish lady by the name Zaynab bint al-Harith brought a roasted sheep for him and his Companions. He ate it, and then realized that it was poisoned...<sup>206</sup> This hadith clearly exemplifies the permissibility of eating the food or slaughtered animals of the People of the Scriptures (Christians and Jews).

Ibn ‘Aa’idh in *Futooh al-Shaam* narrates that, “When Umar came to Syria, the Christians made food for him and called him, and he said: “*Where is it?*” They said: “In the church”, and he refused to go. He said to Ali: “*Take the people to eat lunch.*” So Ali took the people and entered the church, and he and the people ate lunch, and Ali looked at the images and said: “*What would be wrong if the Amir al-Mu’minin (Umar bin al-Khattab) entered this place?*”<sup>207</sup>

**What has been prohibited (*haram*)** is the consumption of animals that are sacrificed as offerings to idols, or “*dedicated to any other than Allah*” (Qur’an 6:121). The Qur’an (2:173, 16:115)<sup>208</sup> also prohibit Muslims from consuming unclean things such as the flesh of carrion, blood, the flesh of swine (i.e. pig meat).<sup>209</sup> Muslims are also forbidden from eating animals that have been killed in cruel ways, such as by being clubbed or beaten to death, by being strangled, or by being made to fall from a

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*Nazair*, vol.1, p.107; Badruddeen Muhammad bin Abdullahi Al-Zarkashi, *Al-Bahr Al-Muheet Fi Usul Al-Fiqh*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 1421 AH, vol.1, p.126; Muhammad Amir, *Taysir al-Tahrir*, Dar Nashr, vol.2, p.247

<sup>205</sup> Al-Bukhari, *Sahih al-Bukhari*, Dar Tawq al-Najat, 1422 A.H, vol.6, p.509, hadith no. 2617; Muslim, *Sahih Muslim*, Dar al-Jeel, Beirut, vol.7, p.14., hadith no. 5834; *Musnad Ahmad*, vol.3, p.211, al-Maktabah al-Shamilah; Hakim, *Al-Mustadrak*, vol. 3, p.242; *Sahih Muslim*, hadith no. 958, in Alim 6.0.

<sup>206</sup> *Sahih al-Bukhari*, Vol.3, Book 47, hadith no.786; Al-Bayhaqi, *Al-Sunan al-Kubra*, hadith no.15784; *Sunan Abu Dawud*, hadith no.4510; *Sahih Muslim*, hadith no.5834

<sup>207</sup> Cited in Ibn Qudamah, *Al-Mughni*, vol.8, p.113, al-Maktabah al-Shamilah 3.13

<sup>208</sup> Ahmad Ibn Ali Ar-Razi Al-Jassas, *Ahkam al-Qur’an*, Dar Ihya At-Turath Al-Arabi, Beirut, 1405, vol.1, p.155; Imam Ash-Shafi’i, *Al-Umm.*, vol.2, p.231.

<sup>209</sup> Qur’an 5:3.

height, etc. (Qur'an 5:3). Most contemporary scholars in this field have also approved of more humane and less painful methods of slaughtering animals that involve stunning or electrocution before slaughtering.<sup>210</sup>

In addition, Allah says, *"This day (all) the good things are allowed to you; and the food of those who have been given the Book is lawful for you and your food is lawful for them; and the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you); when you have given them their dowries, taking (them) in marriage, not fornicating nor taking them for paramours in secret; and whoever denies faith, his work is indeed of no account, and in the hereafter he shall be one of the losers."* (Qur'an 5:5) The fact that the verse above permits a Muslim to marry a chaste woman from among the People of the Book, such as Jews and Christians, implies that Muslim and non-Muslim families are going to live and dine with each other.

Based on a number of hadiths and opinions of the Companions of the Prophet (p), Muslim scholars have however disagreed on a number of details regarding eating an animal killed by non-Muslims.<sup>211</sup> They disagreed for example on whether non-Muslims should comply with the Islamic rules of slaughtering animals in a more merciful way – such as with a sharp knife to the neck, etc. – instead of other more painful methods, and on whether Allah's name must be mentioned (as recommended by Qur'an 6:121) when they slaughter their animals, and on whether it is permissible to eat an animal slaughtered for their festivals such as Christmas.<sup>212</sup> Some regarded these as all permissible<sup>213</sup> while others did not.<sup>214</sup>

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<sup>210</sup> See: [www.organic-halal-meat.com/article-fatwa-stunning.php](http://www.organic-halal-meat.com/article-fatwa-stunning.php) (article: Methods of killing animals).

<sup>211</sup> Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, Al-Maktabah Al-'Asriyyah, Beirut, vol.1, p.461-464; Ash-Shafi'i, *Al-Umm*, Dar al-Ma'rifah, Beirut, 1393, vol. 2; Munazzamah al-Mu'tamar al-Islami, *Majallah Majma' Al-Fiqh al-Islami*, vol. 10; Muhammad bin Abdullah bin al-'Arabi, *Ahkam Al-Qur'an*, vol. 4; Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.59-60

<sup>212</sup> Ibn Rushd, *Bidayah al-Mujtahid wa Nihayah al-Muqtasid*, Al-Maktabah Al-'Asriyyah, Beirut, vol.1 p.461-464; Muhammad bn Abdullah Ibn al-'Arabi, *Ahkam Al-Qur'an*, vol. 4; Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.60-61

The companion, Ali bin Abu Talib said: *"If you hear a Jew or Christian mentioning other than Allah (on their animal) do not eat it. If you did not hear them mentioning other than Allah on it, eat it because Allah has permitted their animal for us and He knows what they utter"*.<sup>215</sup> Based on this and other pieces of evidence, many respected Muslim scholars are of the opinion that a Muslim is also not required to inquire into how an animal was slaughtered nor what was mentioned or not mentioned when it was being slaughtered.<sup>216</sup>

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<sup>213</sup> Ibn Al-Arabi, *Ahkam al-Qur'an*, Dar al-Kutub Al-'ilmiyyah, vol.3. p. 55; Abu Hayyan al-Andalusi, *Tafsir Al-Bahr al-Muhit*, Dar al-Fikr, Beirut, vol. 1, p. 427.

<sup>214</sup> See Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.60-61; Ahmad Amharzi 'Alawi, *Majallah al-Bayan*, vol. 131, p. 8.

<sup>215</sup> Ahmad Ibn Ali Ar-Razi Al-Jassas, *Ahkam al-Qur'an*, Dar Ihya' Al-Turath Al-Arabi, Beirut, 1405, vol.1, p.155; See also, Ibn Qayyim al-Jawziyyah, *Ahkam Ahl al-Dhimmah*, p.185-186; Al-Nawawi, *al-Majmu*, vol.9, p.78.

<sup>216</sup> Ibn Hazm, *Al-Muhallah*, vol.7, p.457; Kasani, *al-Badai' Al-Sanai'*, vol.5, p.46; See also Muhammad Taqi Usmani, *The Islamic Laws of Animal Slaughter: A Discussion on the Islamic Laws for Slaughtering Animals & a Survey of Modern-Day Slaughtering Methods*, White Thread Press, California, USA, 2006, p.33

## 21. Food for Religious Festivities such as Christmas or Easter

Some Muslims refuse food or meat from animals slaughtered for or during the religious festivities of Jews and Christians such as Christmas or Easter. Other Muslims accept such food, but dispose of it, rather than eat it. This is due to their belief that it is prohibited for Muslims to eat such food given by people of other faiths. This often worsens existing interfaith relations, and contributes to undermining peaceful co-existence in multireligious communities, and especially in interfaith family relations.

Are Muslims allowed (*halal*) to eat the food that the “People of the Book” prepare for occasions such as Christmas or Easter?

Regarding accepting food and gifts from Christians, Jews, Zoroastrians and others during their religious festivals such as Christmas, Easter, Hanukkah, Passover, Nayrouz, Diwali, etc., there appears to be no authentic evidence from the Qur’an, Sunnah of the Prophet (p) or statement of the Companions prohibiting it. On the contrary, available evidence indicates that a number of the Companions actually accepted food and gifts from non-Muslims during their religious festivals. These include companions such as Ali, Aisha, Abu al-Darda and Abu Barzah who approved of such gifts.<sup>217</sup>

When Aisha was asked about eating food that was given by Zoroastrians (*Majus*) during their religious festivals, she

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<sup>217</sup> Ibn Abu Shaybah, *Al-Musannaf*, al-Maktabah al-Shamilah 3.13, vol.5, p.548; Ibn al-Arabi, *Ahkam al-Qur'an*, Dar al-Kutub al-'Ilmiyyah, Beirut, vol.3, p.56; al-Tabari; Cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.60, and authenticated by Muhammad Nasir al-Din al-Albani, *Gayah al-Maram fi Takhrij Ahadith al-Halal wa al-Haram*, al-Maktab al-Islami, Beirut, 3rd edition, 1405, vol.1, p.44.



responded, “do not eat what they slaughter for that day. But eat from their plant products.”<sup>218</sup> A similar statement was made by the companion of the Prophet (p), Abi Barzah.<sup>219</sup>

Thus, companions accepted food of even those that were not *Ahl al-Kitab* (Jews and Christians), but did not eat only the slaughtered meat. They did not perceive such gestures as being in any way consenting to unbelief or aiding the cause of disbelief (*shirk* or *kufir*), but simply a show of appreciation towards another person’s generosity and kindness.<sup>220</sup>

**Regarding meat of animals slaughtered for the religious festivities of *Ahl al-Kitab*,** scholars have differed. While some regard this as prohibited (*haram*), others as discouraged (*makruh*), and yet others consider it completely permissible (*halal*).

According to the distinguished jurist Ibn Rushd, “some jurists considered it detestable (*makruh*) to eat the animals that they slaughter for their festivals and places of worship, and this is Malik’s opinion. Some of them, however, declared it permissible, which is the opinion of (the Maliki scholar) Ashhab. Some prohibited it due to the conflict of two general implications in the Book (i.e the Qur’anic text) on this subject. The words of the Exalted, “*The food of those who have received the Scripture is lawful for you*”<sup>221</sup>, may be interpreted to have restricted His words, “*And (forbidden is) that which hath been dedicated unto any other than Allah*”<sup>222</sup>, as each of these can validly make an exemption from the other. Those who considered the words “*dedicated unto any other than Allah*” to have restricted the words “*The food of those who have received the Scripture is lawful for*

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<sup>218</sup> Ibn Abu Shaybah, *Al-Musannaf*, al-Maktabah al-Shamilah 3.13, vol.5, p.548

<sup>219</sup> Ibn Abu Shaybah, *Al-Musannaf*, al-Maktabah al-Shamilah 3.13, vol.5, p.548

<sup>220</sup> Commenting on this, Ibn Taymiyyah concluded that “all of these indicate that celebrations or festivals play no part in prohibiting the acceptance of gifts. In fact, the ruling for gifts pertaining to religious festivals remains the same as the ruling pertaining to accepting gifts on any other occasion, since the acceptance of gifts cannot be considered as aiding the promotion of their religious rites (*sha’air*).” See Ibn Taymiyyah, *Iqtida’ al-Sirat al-Mustaqim*, Edited by Nasir Abdu al-Karim al-’Aql, Dar ‘Alam al-Kutub, Beirut, 7th Edition, 1419, p.45

<sup>221</sup> Qur’an 5:5

<sup>222</sup> Qur’an 2:173

you” said that what has been dedicated to their houses of worship and feasts is not permitted.”<sup>223</sup>

Someone asked the Companion, Abu al-Darda whether he could eat the meat of a lamb, slaughtered for the Church of St. George, which had been given to him. Abu al-Darda answered, “*O Allah, may You pardon us! Are they not the People of the Book, whose food is halal for us and ours for them? He then told the person to eat it.*”<sup>224</sup>

Imam Malik was once asked about eating the meat of animals slaughtered for Christian festivals and churches. He replied, “I classify it as *makruh* (discouraged) but not *haram* (prohibited). Discouraged (*makruh*) because I am afraid it may have been dedicated to someone other than Allah, but not prohibited (*haram*) because perhaps, with respect to the People of the Book, the meaning of the phrase, ‘*that which has been dedicated to any other than Allah*’ (in Qur’an 5:3), applies only to those animals which they slaughter for the purpose of seeking the pleasure of their deities and not for their own consumption. As for what they slaughter to eat, it is their food, and Allah says, “*The food of those who were given the Scripture is permitted to you.*”<sup>225</sup>

The great scholar Sufyan Al-Thawri was reported to have said, “If you see a man doing something over which there is a difference of opinion among scholars, and which you believe to be forbidden, you should not forbid him from doing it.”<sup>226</sup> Therefore, even if a

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<sup>223</sup> Ibn Rushd, *Bidayatul Mujtahid*, vol. 1, p.535

<sup>224</sup> Reported by al-Tabari; Cited in Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.60. Authenticated by Muhammad Nasir al-Din al-Albani, *Gayah al-Maram fi Takhrij Ahadith al-Halal wa al-Haram*, al-Maktab al-Islami, Beirut, 3rd edition, 1405, vol.1, p.44. See also, Ibn al-Arabi, *Ahkam al-Qur'an*, Dar al-Kutub al-Ilmiyyah, Beirut, vol.3, p.56.

<sup>225</sup> Commenting on this ruling of Imam Malik, Sheikh Yusuf al-Qaradawi stated: “This ruling by Imam Malik demonstrates his humility, piety, and caution in religion. He did not rush to the conclusion that it was haram, as some jurists do today, but confined himself to stating that it was makruh (discouraged). As we can see, faced with the problem of reconciling two conflicting general categories, that which is dedicated to anyone other than Allah and the permissibility of the food of the People of the Book, he exercised caution and deliberation.” See, Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.61, footnote 2.

<sup>226</sup> Quoted in AbdulHakim Murad, *Understanding the Four Madhhabs*, Muslim Academic Trust, Cambridge, 1999, p.13.

Muslim is personally not comfortable with the opinion of a certain scholar or School of Thought (*madhhab*), and does not want to eat the food of a particular non-Muslim for one reason or another, this should not be done in such a disrespectful way as to hurt the good positive relations between Muslims and peaceful non-Muslims.<sup>227</sup>

Allah says in Qur'an 60:8, "*Allah does not forbid you in respect of those who do not fight you because of your religion and do not expel you from your homes – from being good and dealing justly towards them. Indeed, Allah loves those who act justly.*"

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<sup>227</sup> Qur'an 29:46 and 41:34; For further reading see, Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, pp.58-64; Ibn Rushd, *Bidayat al-Mujtahid – The Distinguished Jurist's Primer*, vol.1, (translated by Imran Ahsan Khan Nyazee), Garnet Publishing Limited, Reading, U.K., 1994; Al-Hafiz Basheer Ahmad Masri, *Animal Welfare in Islam*, The Islamic Foundation, Markfield, U.K., 2007.

## 22. Using Utensils of People of Other Faiths

Some Muslims have claimed that it is prohibited to the use of eating utensils, kitchenware and cutlery that have been used by non-Muslims. So while eating their food may be regarded as permissible, the prohibition of using their utensils has sometimes created serious awkwardness, uneasy embarrassment, humiliation or inconvenience for both the hosts and guests. This could happen when Muslims accept invitations for meals from friends and family members of other faiths, or when they go to eat in public restaurants.

**Is it really prohibited for Muslims to use the cutlery of others?**

All Muslim scholars agree based on the Qur'an and Sunnah on the permissibility of eating the food of *Ahl al-Kitab* provided the food in itself is not impure or unlawful in Islam, such as carrion, blood, pork, wine, etc.<sup>228</sup>

However, in a hadith, Abu Tha'labah al-Khushani narrated that he said to Allah's Messenger (p), "We come from a locality populated by the People of the Scripture (who were Christians); can we eat from their dishes? The Prophet (p) replied, 'do not eat from them, unless you do not find anything else to eat with. In that case, wash these (utensils) and eat from them'.<sup>229</sup> In another version of the above hadith, the reason is given why the Prophet (p) forbade some of the Companions from using the (unwashed or inadequately washed) utensils of the *Ahl al-Kitab* of that

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<sup>228</sup> Muhammad At-Tahir Ibn 'Ashur, *At-Tahrir wa al-Tanwir*, vol.4, p.220; Muhammad bin Isa Al-Tirmidhi, *Al Jami' As-Sahih* (Sunan At-Tirmidhi), Jami' At-Turath Al-'Araby, Beirut, vol.4. p.133; Ibn 'Atiyyah, *Sharh Bulughul Al-Maram*, The Standing committee of Academic Research and Issuing Fatwah (Saudi) compiled by: Ahmad bn Abdur-Razzaq Ad-Dawaish. Verdict no. (3262)

<sup>229</sup> *Bukhari*, hadith no.5488; *Muslim*, hadith no. 1930

particular locality. The version reads: "...and they (the Christians of that area) used to cook pork and drink wine".<sup>230</sup>

This means that the *Ahl al-Kitab* referred to in the hadith concerned were Christians who used to cook pork and drink wine using their utensils.<sup>231</sup> This is the reason for the prohibition of using such utensils. If Muslims did not find other cleaner utensils to use, then they would wash and use these as taught by the Prophet (p).

The fact that the Prophet (p) and his Companions ate on numerous occasion from plates and utensils used by various non-Muslims which were clean, implies that the concern with the utensils is primarily that of cleanliness. In fact, when the Prophet (p) and his Companions ate from such plates, there is no record of him asking for a different plate or requiring that the plate be washed again by Muslims before use.

While this hadith has been understood by some to either discourage or prohibit the use of the utensils of non-Muslims, Ahmad bin Hanbal holds that such dishes are lawful to use even if it is known that they were formerly tainted by impurity.<sup>232</sup>

This conclusion is also arrived at from an authentic hadith where Allah's Messenger (p) had a neighbour who was Persian (a Zoroastrian/Magian), and he was an expert in the preparation of soup (*maraq*). He prepared the soup for Allah's Messenger (p) and then came to him to invite him (to that feast). The Prophet (p) said, "Here is Aisha (and you should also invite her to the meal)." The Persian said, "No!" (implying that she was not invited), then Allah's Messenger also said, "No! (then I cannot join the feast)." He (the Persian) returned another time to invite him, and Allah's Messenger said, "She (Aisha) is also here." He said, "No!" whereupon Allah's Messenger also said, "No" (and declined his offer). He (the Persian) returned once more to invite him, and Allah's Messenger (p) again said, "She is also here." He (the

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<sup>230</sup> Ibn Atiyyah, *Shar Bulugul Maram*, Al-Maktabah Ash-Shamilah 3.13.

<sup>231</sup> Ibn Atiyyah, *Shar Bulugul Maram*, Al-Maktabah Ash-Shamilah 3.13.

<sup>232</sup> See Ibn Qudama, *Al-Mughni fi Fiqh al-Imam Ahmad*, Dar al-Fikr, Beirut, 1405, vol.1, p.97; Mansur bin Yunus bin Idris al-Bahuti, *Al-Rawdh al-Murbi' Sharh Zaad al-Mustaqni'*, Riyadh, 1390, vol.1, p.31; <http://en.islamtoday.net/artshow-381-3281.htm> (accessed 09/06/1017)

Persian) said, "Yes" on the third occasion. Then he accepted his invitation, and both of them set out and went to his house.<sup>233</sup>

It is also narrated from Jabir who said, "We used to go on military expeditions with Allah's Messenger (p), and acquire the dishes and drinking vessels of the polytheists. We would use these and did not consider doing so to be objectionable."<sup>234</sup>

In addition, a verdict (fatwa) by the Standing Committee of Academic Research and Issuing of *Fatwah* (of Saudi Arabia) says: "...You are allowed to eat from what your Christian friend gives you, either in his house or anywhere else if you know that the food itself is not prohibited (*haram*) or if you are ignorant of its lawfulness. This is because the norm is that it is permissible until proven otherwise. The fact that the giver (of the food) is a Christian does not make it *haram* because Allah permits food of *Ahl al-Kitab* for us."<sup>235</sup>

The hadith about the Persian host of the Prophet (p) and Aisha, the numerous other instances of the Prophet (p) and his companions eating from the plates and utensils of non-Muslims, and this fatwa, assume that eating the food of people of other faiths in their own houses would naturally imply the permissibility and use of their own utensils too.

Muslims in the past did not, and those today are not expected to be moving around carrying their own utensils when visiting people of other faiths!

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<sup>233</sup> *Sahih Muslim*, hadith no.958 in Alim 6.0

<sup>234</sup> *Musnad Ahmad*, hadith no.15053; *Sunan Abu Dawud*, hadith no. 3838; *Al-Baihaqi*, hadith no.129

<sup>235</sup> Standing committee of Academic Research and Issuing Fatwah, by Ahmad bn Abdur-Razzaq Ad-Darwaish. Verdict no.3262.



## 23. Non-Muslims Entering Mosques

**Some Muslims believe that non-Muslims are prohibited in Islam from entering any mosque. In some Muslim communities, however, mosques are open for educational, interfaith and tourism purposes; and some even have Open Day for people to come into the mosque and learn more about Islam.**

**Should non-Muslims be allowed into a mosque?**

People of various faiths, including Jews, Christians and Polytheists, entered into the great mosque of the Prophet Muhammad (p) in Medina during his lifetime and after that.<sup>236</sup> This is the second most sacred mosque for Muslims.<sup>237</sup> Most of the Prophet's meetings with numerous delegations of non-Muslims were held during the last years of his life in Medina.<sup>238</sup> It is also reliably reported that he received some visitors who polytheists of the tribe of Banu Thaqif from Ta'if in his Mosque in the year 9 AH.<sup>239</sup> Al-Mubarakfuri, author of the acclaimed biography of the Prophet (p), *The Sealed Nectar*, writes that their "tent was

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<sup>236</sup> Ibn al-Qayyim, *Ahkam Ahl al-Dhimmah*, Dar al-Ilm Lilmaalayin, Beirut, 1964, p.691, cited by Salim Al-Bahnasawy in *Non-Muslims in the Shariah of Islam*, Dar an-Nashr lil-Jami'at, Egypt, 2004, p.77

<sup>237</sup> Al-Qushairi, Muslim bin Hajaj Abul Husain, *Sahih Muslim*, Darul Jeel, Beirut, vol.4, p.125, hadith no. 3445; Ibn Hibban, Muhammad bin Hibban bin Ahmad, *Sahih Ibn Hibban*, Edited Shuaib al-Arnaut, Mu'assasat al-Risalah, Beirut, 1993, hadith no. 1625

<sup>238</sup> *Sahih Bukhari*, hadith no. 1116; *Sahih Muslim*, hadith no. 2469; *Abu Dawud*, hadith no. 880; *Tirmidhi*, hadith no. 3851; *An-Nasa'i*, hadith no. 2849; *Ibn Majah*, hadith no. 1394; *Musnad Ahmad*, hadith no. 4606; *Musannaf ibn Abu Shaibah*, hadith no. 207; Source: Al-Maktabah al-Shamilah 3.13

<sup>239</sup> Imtiaz Ahmad, "Friendship with Non-Muslims" in *Speeches for an Inquiring Mind*, Al-Rasheed Printers, Medina, 2001, p.57; Mubarakfuri Safy al-Rahman, *Al-Raheeq Al-Makhtum* (The Sealed Nectar: Biography of the Noble Prophet), Revised Edition, Maktabah Dar al-Salam, Riyadh, 2002, p. 522

erected in the corner of the mosque so that they could listen to the Qur'an and see the people in prayer."<sup>240</sup>

Another well-known case was where up to 60 Christians from Najran met with the Prophet (p) in his mosque in Medina in the year 10 AH.<sup>241</sup> They were there for 3 days. During their stay in the mosque, they discussed various issues with him. They ate, relaxed, and even slept in the Mosque.<sup>242</sup>

The same authorities also narrated that they were even allowed by the Prophet (p) to say their own Christian prayer service in his Mosque. Based on this, Ibn Qayyim al-Jawziyyah said, "in this (incident of the Christians of Najran) is a (precedence of) permission for them to enter the mosques of Muslims; it makes it possible for them to offer their prayers in the presence of Muslims and in their mosques too, if the situation incidentally demands that."<sup>243</sup> This shows the extent of respect the Prophet (p) had for the right of these Christians to practice their faith.<sup>244</sup>

Furthermore, the hadith collection of Imam Bukhari has records of non-Muslim prisoners of war, such as Thumama bin Uthal who were held captive in the mosque.<sup>245</sup> Imam al-Shafi'i writes in *al-Umm*, "If a polytheist could sleep in a mosque, then definitely a Muslim can," and in *al-Mukhtasar* states that, "There is no harm

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<sup>240</sup> Safy al-Rahman Mubarakfuri, *Al-Raheeq Al-Makhtum* (The Sealed Nectar: Biography of the Noble Prophet), Revised Edition, Maktabah Dar al-Salam, Riyadh, 2002, p. 523

<sup>241</sup> Ibn Qayyim, *Ahkam Ahl al-Dhimmah*, Dar al-Ilm Lilmalayin, Beirut, 1964, p.691, cited by Salim Al-Bahnasawy in *Non-Muslims in the Sharia of Islam*, Dar an- Nashr lil- Jami'at, Egypt, 2004 p.77

<sup>242</sup> Ibn Qayyim, *Zad al- Ma'ad*, vol.3, p.629; cited in Saeed Ismaeel, *The Relationship between Muslims and Non-Muslims*, Originally published in Toronto, Canada: Al-Attique International Islamic Publishing, 2000, republished in Lagos: Sawtul Haqq, p.59.

<sup>243</sup> Ibn Qayyim, *Zad al-Ma'ad*, Mu'assasah al-Risalah, Beirut, 1994, vol. 3, p.638. Also cited in Ali Mohiuddin Al-Qaradaghi, *We and the Other: Substantiating the basis of the Ideal Relation between Muslims and Non-Muslims in Light of the Islamic Jurisprudence*, (Transl. Syed Bashir Ahmad Kashmiri), A.S. Noordeen, Kuala Lumpur, 2015, p.196-197.

<sup>244</sup> Scholars differ on the credibility of the aspect of prayer in the narration. While some consider it strong, others regard it as weak. For instance, al-Albani considers it weak (in his footnotes to Muhammad Al-Ghazali's *Fiqh-U-Seerah: Understanding the Life of Prophet Muhammad*, International Islamic Federation of Student Organisations, Riyadh, 1995, p.430-431).

<sup>245</sup> E.g. *Sahih al-Bukhari*, vol.5, hadith no. 658 in *Alim 6.0* on "Thumama ibn Uthal".

in a polytheist staying in any mosque except in the Inviolable Mosque (Masjid al-Haram of Mecca).”<sup>246</sup>

Some Muslims quote Qur’an 9:17-18 as evidence for the prohibition of non-Muslims entering mosques. The verses read:

*“It does not befit those who ascribe divinity to any other than Allah, to maintain the mosques of Allah... The mosques of Allah shall be visited and maintained by only he who believes in Allah and the Last Day, and who is steadfast in his prayers...”*

Muhammad Asad notes that prohibiting non-Muslims from entering all mosques based on this verse is not tenable:

*“... In view of the fact that in 9 A.H. – that is, after the revelation of this Surah – the Prophet himself lodged a deputation of the polytheist Banu Thaḳif in the mosque of Medina (Rāzi). Thus, the above verse expresses no more than the moral incongruity of the unbelievers ‘visiting or tending God’s houses of worship’.”*<sup>247</sup>

Ibn Kathir notes that what is prohibited for non-Muslims to enter is [only] the *Masjid al-Haram* (the Inviolable Mosque in Mecca).<sup>248</sup> Thus, the majority of Muslim scholars are of the opinion that non-Muslims are not allowed to visit the Sacred Mosque in Mecca based on their interpretation of Qur’an 9:28.<sup>249</sup>

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<sup>246</sup> Quoted in Sayyid Sabiq, *Fiqh-us-Sunnah*, vol.2, no.73a in *Alim* 6.0

<sup>247</sup> Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, p.292, n.27. This incongruity of one who does not believe in worshipping Allah maintaining the place where Allah is worshipped is also mentioned by Abu Ja’far. (See *Tafsir al-Qurtubi*, Dar Ihya at-Turath al-Arab, Beirut, 1985, vol. 8, p.89).

<sup>248</sup> *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.4, p.388

<sup>249</sup> Ibn Ashur, *Al-Tahrir wal-Tanwir*; Alusi, *Ruh al-Ma’ani*; Nasafi, *Madarik al-Tanzil*; Abu Su’ud, *Irshad al-Aql al-Salim*; Abu Hayyan, *Bahr al-Muhit*; Suyuti, *Tafsir Jalalayn* under commentary of Qur’an 9:28 in Al-Maktabah al-Shamilah, 2<sup>nd</sup> Edition, 2007. According to scholars from the Hanafi School of Law (madhhab) however, “There is nothing wrong with non-Muslims (*dhimmi*s) entering the Haram of Makkah (al-Masjid al-Haram) and all other Mosques. This is the sound opinion in the Madhhab, as mentioned in *al-Muhit* of Sarakhsi.” (Al-Shaikh Nisam and a group of Indian Scholars *al-Fatawa al-Hindiyya*, vol. 5, p.346). See also Ibn Kathir, *Tafsir al-Qur’an al-Azim*, (ed. Mahmud Hassan), Dar Fikr, Beirut, 1994, vol. 2, p.422.

However, many visitors and tourists of various faiths visit the numerous grand mosques across the world in Egypt, Turkey, Oman, Bahrain, and Malaysia, etc.<sup>250</sup> Some Muslims (and Mosque Tour Guides) utilize this rare opportunity to educate the visitors about Islam and clarify common misconceptions they might have about the religion.

Therefore, non-Muslims can, and should be allowed to visit and enter mosques, as long as this does not undermine any Islamic ideal.

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<sup>250</sup> See “AWARENESS THROUGH MOSQUE TOURS” (ATMT) from [www.discoverislam.net](http://www.discoverislam.net)

## 24. Muslims Entering Churches, Synagogues and Temples, etc.

People of other faiths are sometimes invited into mosques for various social, political and educational functions. These invitations are sometimes reciprocated and Muslims are invited and welcomed into churches, synagogues and temples for various purposes including weddings, funerals, interfaith peace-building and other social or educational reasons. While some Muslims will gladly attend such events, others object to entering the places of worship of others.

Are Muslims allowed into such places of worship to attend weddings, funerals or for simple curiosity and education? Can a Muslim also perform prayers (*salat*) in such places?

There is no explicit evidence from the Qur'an or the authentic hadith of the Prophet (p) prohibiting Muslims from entering any place of worship such as churches, synagogues and temples for benign and legitimate reasons. On the contrary, some of the Companions of the Prophet (p) such as Ali bin Abi Talib, Mu'awiya bin Abu Sufyan, and others entered churches when they were invited to visit and also for meals.<sup>251</sup> Some of them even prayed (*salat*) in such places.<sup>252</sup>

In one instance, "When Umar came to Syria, the Christians made food for him and called him, and he said: "Where is it?" They said: "In the church", and he refused to go. He said to Ali: "Take the people to eat lunch." So Ali took the people and entered the

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<sup>251</sup> Ibn Qudamah, *Al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.8, p.113; Ibn Abi 'Asim, *Al-Sunnah*, Maktaba al-Islam, Beirut, 1400AH, vol.2 p.468, hadith no. 968

<sup>252</sup> Ibn Hajar al-Asqalani, *Fath al-Bari*, Dar al-Fikr, Beirut, vol.1, p.531; Al-Mirdawi, *al-Insaf*, Dar Ihya al-Arabi, Beirut, vol.1, p.496. See also Ibn Qudamah, *al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.1, p.759.

church, and he and the people ate lunch, and Ali looked at the images and said: *"What would be wrong if the Amir al-Mu'minin (Umar bin al-Khattab) entered this place?"*<sup>253</sup>

It is also reported that on some occasions, Umar bin Khattab agreed to the expansion of the churches and monasteries of the People of Covenant (*Ahl al-Dhimma*) on the conditions that they would allow Muslims to spend nights therein (if need be).<sup>254</sup>

The great Hanbali scholar Ibn Qudamah, in his book *Al-Mughni*, discusses in detail the various positions of scholars on this topic, and concludes that it is permissible to enter churches even if there are statues in it as did some of the Companions of the Prophet (p).<sup>255</sup>

Thus, Islam does not prohibit a Muslim from entering such places of worship for any positive or beneficial reason. There is no prohibition in Muslims attending weddings, or witnessing funerals, or any other permissible social function in Churches, etc. Naturally, this should be with the permission of the relevant authorities.

In addition, Muslims who visit such places are reminded to not insult or say anything offensive regarding what those who own the place revere or regard as sacred.

Allah says in the Qur'an, *"Do not revile those whom they call upon besides Allah, lest they revile Allah out of spite in their ignorance. Thus, We have made alluring to each people its own doings. In the end, will they return to their Lord and He shall then tell them the truth of what they did."* (Qur'an 6:108); and, *"Invite (all) to the Way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best, who have strayed from His Path, and who receive guidance."* (Qur'an 16:125)

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<sup>253</sup> Ibn 'Aa'idh in *Futooh al-Shaam*; cited in Ibn Qudamah, *Al-Mughni*, vol.8, p.113, al-Maktabah al-Shamilah 3.13

<sup>254</sup> Ibn Qudamah, *Al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.8, p.113

<sup>255</sup> Ibn Qudamah, *Al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.8, p.113.



Muslims are however not allowed to pray or perform acts of worship that clearly contradict those prescribed by the Qur'an and Sunnah of the Prophet Muhammad (p).

**Regarding Muslims performing their own prayers (salat) or supplications in churches, etc.,** scholars usually quote the very general statement of the Prophet (p) that, ***“The (whole) earth has been made good for me, a means of purification and a mosque (or place of prayer); so wherever a man may be when the time for prayer comes, let him pray wherever he is.”***<sup>256</sup> In another hadith, the Prophet (p) said: ***“All the earth is a place of prostration (or mosque) apart from the graveyards and bathrooms.”***<sup>257</sup>

Al-Sindi said, “what we learn from the hadith is that the earth itself in its entirety is a place for prayer, unless there is any impediment in the presence of which prayer is makrooh or invalid, in which case the ruling is connected to that impediment.”<sup>258</sup>

Imam Al-Bukhari has a chapter in his *Sahih* titled "Chapter on Prayer in Churches", in which he narrated that Ibn Abbas used to pray in churches except for a church in which there were statues. Ibn Hajar said, commenting on the fact that he (Bukhari) said in the "Chapter on Praying in Churches", that the author of *al-Muhkam* said, “The ruling on churches applies to churches, synagogues, monks’ cells, temples in which there are idols, fire temples and so on.”<sup>259</sup>

However, Ibn Qudamah said, “There is nothing wrong with praying in a church that is clean. That was allowed by al-Hasan, ‘Umar ibn ‘Abd al-‘Aziz, al-Sha’bi, al-Awza’i, and Sa’id ibn ‘Abd al-‘Aziz. It was also narrated from ‘Umar and Abu Musa. Ibn ‘Abbas

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<sup>256</sup> *Sahih Muslim*, hadith no. 521; See also *Sahih Bukhari*, hadith no. 438; *Ibn Majah*, hadith no.567

<sup>257</sup> Narrated by *al-Tirmidhi*, hadith no. 317; *Ibn Majah*, hadith no. 745; classed as *sahih* (reliable) by al-Albani in *Sahih Sunan Ibn Majah*, no. 606. See also, *al-Mughni*, vol.1, p.403; *al-Sharh al-Mumti*’ by Ibn Uthaymin, 2/232.

<sup>258</sup> Concluding quote from *Hashiyat as-Sindi*, commentary on *Sahih al-Bukhari*, 1/140.

<sup>259</sup> Ibn Hajar al-Asqalani, *Fath al-Bari*, Dar al-Fikr, Beirut, vol.1, p.531; Al-Mirdawi, *al-Insaf*, Dar Ihya al-Arabi, Beirut, vol.1, p.496. See also Ibn Qudamah, *al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.1, p.759.

and Malik regarded churches as makruh (disliked but not prohibited) because of the images (or statues). But we know that the Prophet (p) prayed at the Ka'bah when there were images (statues/idols) in it. It (the permissibility of praying) is also included (or implied) in the words of the Prophet (p): "Wherever you are when the time for prayer comes, pray, for it [the earth] is a place of prayer."<sup>260</sup>

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<sup>260</sup> Ibn Qudamah, *al-Mughni*, Dar al-Fikr, Beirut, 1405AH, vol.1, p.759.



## SECTION 4:

# **SOCIAL RELATIONSHIP WITH NON-MUSLIMS**

This section focuses on the relationship of Muslims with non-Muslim governments, institutions and alliances.

## 25. Rights of non-Muslim Citizens

**In many contemporary societies, people of various faiths and ethnicities are expected to live together as equal citizens, with the same dignity, rights, opportunities and privileges. No group should be regarded as second-class citizens, purely on account of their faiths.**

**Do non-Muslim citizens have a guarantee of their rights and protection in an Islamic society?**

The Prophet (p) commanded that non-Muslim citizens of an “Islamic State” or State governed by Islamic principles are to be protected against internal oppression and external aggression. A non-Muslim citizen of an Islamic state is called a “*Dhimmi*” (i.e., protected person).<sup>261</sup> Historian Jane Smith writes, “Christians and Jews, along with Magians, Samaritans, Sabians, and later Zoroastrians and others, were treated as minorities under the protection of Islam (*dhimmis*).”<sup>262</sup>

Numerous hadiths enunciate the importance of upholding the rights of a *dhimmi*. On separate occasions, the Prophet (p) is reported to have said, “*On the Day of Resurrection, I shall dispute with anyone who oppresses a person from among the People of the Covenant, or infringes on his right, or burdens him beyond his strength, or takes something from him against his will*”<sup>263</sup>; and

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<sup>261</sup> Jews and Christians were the earliest *dhimmis*, though the status was one that the Prophet (p) also later afforded to Zoroastrians and then Sabians. (Murad Wilfried Hofmann, *Protection of Religious Minorities in Islam*, Leicester, The Islamic Foundation, UK, 1998.) As the Muslim sultanates and empires grew to lands of other faiths, a *dhimmi* evolved to being virtually any non-Muslim who agreed to live under a Muslim government. This is all too evident in the fact that the Caliph Umar’s assassination was perpetrated by Abu Lulu’ah, the Zoroastrian, who was a *dhimmi*! (Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.121).

<sup>262</sup> Jane I. Smith, “Islam and Christendom: Historical, Cultural and Religious Interaction from the Seventh to the Fifteenth Centuries” in *The Oxford History of Islam*. Ed. John L. Esposito, Oxford University Press, Oxford, 1999, p.307

<sup>263</sup> Abu Dawood, *Sunan Abi Dawud*, hadith no. 3054

*"Anyone who kills a person from among the people with whom there is a treaty (mu'ahid)<sup>264</sup> will not smell the fragrance of Paradise, even though its fragrance extends to a walking distance of forty years."<sup>265</sup>*

According to Abu al-Janub al-Asadi, "A Muslim who had killed a non-Muslim under treaty (*dhimmi/mu'ahid*) was presented in the court of Ali. After the proof of his crime was furnished and found valid, Ali ordered him to be killed (in retribution for killing the non-Muslim). The brother of the victim came to him (Ali) and said, 'I have pardoned him.' Ali asked, 'Did they (the heirs of the killer) scare you or threaten you in any way?' the man replied, 'No. Killing him will not bring my brother back. They offered blood money in return and I agreed to it.' Ali said, 'You know best; whoever is under our guarantee of protection, then his blood is like our blood, and the blood money due to him is like the blood money due to us.'"<sup>266</sup>

Similarly, according to Jubayr bin Nufayr, "A large amount of wealth was brought to Umar bin al-Khattab, and Abu Ubayd said, 'I believe it was money collected from the tax levied on non-Muslim citizens.' Umar said, 'For certain, I fear you have destroyed many people!' They (the tax collectors) said, 'No, by Allah! We have taken only the surplus to their needs with tenderness and ease.' Umar inquires, 'Was it acquired without recourse to a whip or coercion?' They replied, 'Yes'. He said, 'All praise is due to Allah, Who did not put that (oppression) on my hands or during my rule.'"<sup>267</sup>

In the same vein, Ibn Taymiyah holds that the 'achievement of justice' in a state as most fundamental and deserving of God's

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<sup>264</sup> The term *mu'ahid* is used for an approved non-Muslim visitor from another state, as distinct from a *dhimmi* who is a citizen of the Islamic territory (Al-Shawkani, *Nayl al-Awtar*, vol.7, p.14; cited in Sa'id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, pp.109-110).

<sup>265</sup> *Sahih al-Bukhari*, vol.9, hadith no.49, in *Alim 6.0*

<sup>266</sup> Al-Shafi'i, *al-Musnad*, hadith no.344; Abu Yusuf, *Kitab al-Kharaj*, p.187; Al-Bayhaqi, *Sunan al-Kubra*, vol.8, p.34, hadith no.15712 (All cited in Muhammad Tahir-ul-Qadri, *Muhammad the Merciful*, Minhaj-ul-Quran Publications, London, 2013, p.324)

<sup>267</sup> Al-Qosim bin Sallam al-Harawi, *al-Amwal*, p.110, hadith no.99, al-Maktabah al-Shamilah, 3.13

support, even for a 'nation of disbelievers'. According to the renowned scholar:

“In this life, people’s situations uphold when justice prevails in their society even if they fall into various kinds of sins. However, people’s situations do not uphold when injustice and lack of rights prevail in their society. That is why the saying goes: **‘God upholds a state established on justice, even if it were a nation of disbelievers, and would not uphold a state established on injustice, even if it were a nation of Muslims.’** The other saying goes: ‘This world lives with justice and disbelief, and does not live with injustice and Islam.’ The Prophet, peace be upon him, had said: ‘No sin has a faster Divine punishment than the sin of injustice...’ Thus, people of injustice fail in this life, even if they were to be forgiven in the hereafter. This is because justice is the universal law of things.”<sup>268</sup>

From the hadith cited earlier, closely related to the concern for justice is also that of security for all citizens. For example, Imam Abu Hanifa states: “The purpose (*maqsud*) of calling a certain land a ‘Land of Islam’ or a ‘land of disbelief (*kufur*)’ is not Islam versus *kufur*. It is security versus insecurity.”<sup>269</sup>

It is therefore required for the State to ensure the highest standards of justice and security for all, and that it upholds the principle that “*they enjoy the same rights we enjoy*.”<sup>270</sup> For example, Khalid ibn al-Walid, in his famous “Covenant of Peace” with the people of Hirah, wrote:

“I have stipulated that if any one of them becomes unfit to work on account of old age or for some other reason, or if anyone who was formerly rich becomes so poor that his co-religionists have to support him, then all such persons

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<sup>268</sup> Ibn Taymiyyah, *Kutub wa Rasa'il wa Fatawa*, Maktabat Ibn Taymiyyah, nd., vol.28, p.146

<sup>269</sup> Al-Kasani, *Bada'i al-Sana'i*, vol.7, p.131

<sup>270</sup> Al-Kasani, *Bada'i al-Sana'i*, vol.7, p.100; Ibn al-Qayyim, *Ahkam Ahl al-Dhimmah*, Dar al-Ilm Lilmalayin, Beirut, 1964, p.48; both cited in Salim Al-Bahnasawy, *Non-Muslims in the Shari'ah of Islam*, Dar an-Nashr lil-Jami'at, Egypt, 2004, p.3



will be exempted from paying the *jizya*<sup>271</sup> and they, together with their dependents, will get a pension from the Islamic Treasury as long as they choose to reside in the Islamic state.”<sup>272</sup>

Historian Jane Smith describes the early Islamic state’s practice of *dhimmi* rights as follows:

“The specifics of the requirements for Christians who enjoyed *dhimmi* status were spelt out in what has come to be referred to as ‘the covenant of Umar,’ which exists in several versions and most likely was attributed to rather than designed by the second caliph, Umar ibn al-Khattab (r. 634-44). The covenant stipulated prohibition of the building of new churches or repair of those in towns inhabited by Muslims, although in some cases when financing was available Christians did construct new places of worship... *Dhimmi*s were allowed to keep their own communal laws, although they could apply to a Muslim judge if they wished.... Christians occupied high positions in the caliphal courts as physicians, engineers, architects, and translators, and sometimes they were treated as having virtually equal rights with Muslims. Muslim writers and poets sometimes gave great tributes to Christians in their literature.”<sup>273</sup>

It is true that Muslim administrations, however, have at times imposed some inequitable conditions and restrictions upon *dhimmi* communities. Smith states that this may be explained by the fact that after the lifetime of the early caliphs, the:

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<sup>271</sup> A tribute and military exemption tax paid by able-bodied, male, non-clergy, non-Muslim subjects of an Islamic state, in lieu of having to join the army. Exemptions to women, children, elderly, monks, and those who join the Muslim army are evidence that the tax is not a fine for disbelief as some have postulated (Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.123.)

<sup>272</sup> Abu Yusuf, *Kitab al-Kharaj*, p.144; cited in Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.123.

<sup>273</sup> Jane I. Smith, “Islam and Christendom: Historical, Cultural and Religious Interaction from the Seventh to the Fifteenth Centuries,” *The Oxford History of Islam*. Ed. John L. Esposito, Oxford University Press, Oxford, 1999, p.308

“...*dhimmi* status seems to have been a changing one, in that laws were made and either broken or forgotten... never free from the whims of individual rulers who might choose to enforce strict regulations, or from the caprice of mobs expressing their passions in prejudicial and harmful ways [as may be observed even today in the policies of non-Muslim dominated nations towards their minorities]. In general, the first Arab Muslim dynasty, that of the Umayyads, was fairly flexible in terms of its Christian citizens, but in Islam’s second century the laws became more stringent. Under the reign of the caliph al-Mutawakkil (r. 847-61), laws against *dhimmis* were most severe, sometimes resulting in persecution of Christians as well as of Mu’tazilis, Shiites, and others [Muslim sects] considered opponents of the state. Through the Middle Ages there was a hardening of attitudes against *dhimmis*, due more to political than to religious reasons, especially after the period of the Crusades.”<sup>274</sup>

Despite these changing attitudes of rulers and the Muslim masses, knowledge of the implicit rights of *dhimmis* in an Islamic state compelled other Muslims to campaign for justice. Examples of this include the fervent protest of the public, led by Muslim jurists, against the Caliph Walid ibn Yazid when he exiled non-Muslim citizens of Cyprus to Syria<sup>275</sup>; and the reprimand sent by Imam al-Awza’i to the Governor of Lebanon who exiled some non-Muslim civilians that lived in the same areas as some armed rebels.

The following extract from the letter that he (Imam al-Awza’i) wrote to him (the Governor of Lebanon) speaks for itself:

“*Dhimmis* of the hill-tracts of Lebanon have been exiled and you know the fact. Amongst them are men who had not taken part in the revolt. I fail to understand why common people

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<sup>274</sup> Jane I. Smith, “Islam and Christendom: Historical, Cultural and Religious Interaction from the Seventh to the Fifteenth Centuries,” *The Oxford History of Islam*. Ed. John L. Esposito, Oxford University Press, Oxford, 1999, pp.308-309

<sup>275</sup> Abul’Ala Mawdudi, *Islamic Law and Constitution*, Jamaat-e-Islamic Publications, Karachi, Pakistan, 1955, p.188; cited in Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London 1961, p.99

should be punished for the sins of particular individuals and be deprived of their homes and properties. The Qur'anic injunction is quite clear that ultimately everybody will have to account for his own actions and nobody shall be held responsible for anybody else's actions. This is an eternal and universal injunction, and the best advice, therefore, that I can give to you is to remind you of one of the directives of God's Prophet that he himself will stand up as plaintiff against all such Muslims who are unkind to those non-Muslims who have entered into an agreement with them, and tax them beyond endurance.”<sup>276</sup>

The Maliki jurist, Shihab al-Din al-Qarafi said:

“The covenant of protection imposes upon us certain obligations toward *ahl al-dhimmah*. They are our neighbours, under our shelter and protection upon the guarantee of Allah, His Messenger (p), and the religion of Islam. Whoever violates these obligations against any of them by so much as an abusive word, by slandering his reputation, or by doing him some injury or assisting in it, has breached the guarantee of Allah, His Messenger (p), and the religion of Islam.”<sup>277</sup>

And Ibn Hazm said:

“If the enemy of a *dhimmi* comes with his forces to take him, it is our obligation to fight this enemy with soldiers and weapons and to give our lives for him, thus honouring the guarantee of Allah and His Messenger (p). To hand him over to the enemy would mean to dishonour this guarantee.”<sup>278</sup>

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<sup>276</sup> Abul-'Ala Maududi, *Islamic Law and Constitution*, Jamaat-e-Islamic Publications, Karachi, Pakistan, 1955, p.188; cited in Sa'id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London 1961, p.99

<sup>277</sup> Al-Qarafi, *Al-Furuq*, vol.3, p.14, cited in Yusuf al-Qaradawi, *Non-Muslims in Islamic Society*, p.12

<sup>278</sup> Al-Qarafi, *Al-Furuq*, vol.3, p.14-15, cited in Yusuf al-Qaradawi, *Non-Muslims in Islamic Society*, p.7

## 26. The Marrakesh Declaration

**Muslims jurists and scholars have in different periods of Islamic history and in various parts of the world held some diverse rulings related to Non-Muslims (*Ahkam Ahl al-Dhimma*). What guidelines and principles do Muslims today have for their more different, contemporary and rapidly changing and challenging contexts?**

**What is the “Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities”?**

Jurists throughout Islamic history have recognized the need for certain Islamic legal rulings to continue to evolve and adapt to changing contexts in order to remain relevant and more effectively protect and promote the objectives (*maqasid*) of Shari'ah – accruing benefits and the common good (*maslahah*) and preventing harm (*mafsadah*). A legal maxim to this effect states that - “With change in circumstances, comes change in *fatwa*.”<sup>279</sup>

The concept of *dhimma* (protection) was a pre-Islamic one in which a larger and more powerful tribe or clan gave protection to a weaker one under certain terms and conditions. This was modified by the Prophet (p) to be based on a religious and not ethnic identity, and in line with the values of justice, respect and compassion as applicable to a particular context. In contemporary society, the concept of “citizenship” has become increasingly more popular.

In line with this, hundreds of some of the most respected Muslim scholars and intellectuals from over 120 countries gathered from the 25<sup>th</sup> – 27<sup>th</sup> of January, 2016 in Marrakesh, Morocco, to

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<sup>279</sup>Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in*, Maktabat Kulliyyah al-Azhariyyah, Cairo, 1968, vol. 3, p.47

prepare – as the name itself clarifies - the “Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities”.<sup>280</sup>

Below is the Executive Summary of what is now commonly referred to as the “Marrakesh Declaration”. It articulates some of the new changes and challenges faced by Muslim communities that call for such a new “Declaration”, and the recommended principles that should guide relations with fellow citizens belonging to other faiths, based on the same principles as that of the Medinan Charter at the time of the Prophet (p). In other words, this declaration represents the foundation and framework for the articulation of any contemporary version of the “Rulings related to Non-Muslim Citizens” (*Ahkam Ahl al-Dhimmah*) for Muslim communities today.

**Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities (25th-27th January, 2016)**

*“WHEREAS, conditions in various parts of the Muslim World have deteriorated dangerously due to the use of violence and armed struggle as a tool for settling conflicts and imposing one's point of view;*

*WHEREAS, this situation has also weakened the authority of legitimate governments and enabled criminal groups to issue edicts attributed to Islam, but which, in fact, alarmingly distort its fundamental principles and goals in ways that have seriously harmed the population as a whole;*

*WHEREAS, this year marks the 1,400th anniversary of the Charter of Medina, a constitutional contract between the Prophet Muhammad, God's peace and blessings be upon him, and the people of Medina, which guaranteed the religious liberty of all, regardless of faith;*

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<sup>280</sup> See, <http://www.marrakeshdeclaration.org/marrakesh-declaration.html>

*WHEREAS, hundreds of Muslim scholars and intellectuals from over 120 countries, along with representatives of Islamic and international organizations, as well as leaders from diverse religious groups and nationalities, gathered in Marrakesh on this date to reaffirm the principles of the Charter of Medina at a major conference;*

*WHEREAS, this conference was held under the auspices of His Majesty, King Mohammed VI of Morocco, and organized jointly by the Ministry of Endowment and Islamic Affairs in the Kingdom of Morocco and the Forum for Promoting Peace in Muslim Societies based in the United Arab Emirates;*

*AND NOTING the gravity of this situation afflicting Muslims as well as peoples of other faiths throughout the world, and after thorough deliberation and discussion, the convened Muslim scholars and intellectuals:*

*DECLARE HEREBY our firm commitment to the principles articulated in the Charter of Medina, whose provisions contained a number of the principles of constitutional contractual citizenship, such as freedom of movement, property ownership, mutual solidarity and defense, as well as principles of justice and equality before the law; and that,*

*The objectives of the Charter of Medina provide a suitable framework for national constitutions in countries with Muslim majorities, and the United Nations Charter and related documents, such as the Universal Declaration of Human Rights, are in harmony with the Charter of Medina, including consideration for public order.*

*NOTING FURTHER that deep reflection upon the various crises afflicting humanity underscores the inevitable and urgent need for cooperation among all religious groups, we*

*AFFIRM HEREBY that such cooperation must be based on a "Common Word," requiring that such cooperation must go beyond mutual tolerance and respect, to providing*



*full protection for the rights and liberties to all religious groups in a civilized manner that eschews coercion, bias, and arrogance.*

*BASED ON ALL OF THE ABOVE, we hereby:*

*Call upon Muslim scholars and intellectuals around the world to develop a jurisprudence of the concept of "citizenship" which is inclusive of diverse groups. Such jurisprudence shall be rooted in Islamic tradition and principles and mindful of global changes.*

*Urge Muslim educational institutions and authorities to conduct a courageous review of educational curricula that addresses honestly and effectively any material that instigates aggression and extremism, leads to war and chaos, and results in the destruction of our shared societies;*

*Call upon politicians and decision makers to take the political and legal steps necessary to establish a constitutional contractual relationship among its citizens, and to support all formulations and initiatives that aim to fortify relations and understanding among the various religious groups in the Muslim World;*

*Call upon the educated, artistic, and creative members of our societies, as well as organizations of civil society, to establish a broad movement for the just treatment of religious minorities in Muslim countries and to raise awareness as to their rights, and to work together to ensure the success of these efforts.*

*Call upon the various religious groups bound by the same national fabric to address their mutual state of selective amnesia that blocks memories of centuries of joint and shared living on the same land; we call upon them to rebuild the past by reviving this tradition of conviviality, and restoring our shared trust that has been eroded by extremists using acts of terror and aggression;*

*Call upon representatives of the various religions, sects and denominations to confront all forms of religious bigotry, vilification, and denigration of what people hold sacred, as well as all speech that promote hatred and bigotry; AND FINALLY,*

*AFFIRM that it is unconscionable to employ religion for the purpose of aggressing upon the rights of religious minorities in Muslim countries.”*

Marrakesh, January 2016, 27<sup>th</sup>.

## 27. Muslims as Minorities

**The Prophet (p) and early Muslims lived as a minority in Mecca before and after the Prophet's migration (Hijrah) to Medina when the Prophet (p) was about 53 years old. Some lived in Mecca under non-Muslim rule during the period of the Treaty of Hudaibiyah. Others lived as minorities in Abyssinia and elsewhere from the time of the Prophet (p) and his Companions right until today.**

**What are the responsibilities of Muslim minorities? Do Muslim minorities living within non-Muslim states need to honour any terms of residence?**

While the Prophet (p) and his early Companions lived in Mecca, they respected its polytheist leadership and laws, so long as these did not require them to disobey any categorical injunctions of Islam. The main reason why the Prophet (p) and his Companions fled and migrated to other places was primarily to escape persecution and the threat to their lives<sup>281</sup>; and not because they were living as Muslim minorities in a society ruled by non-Muslims. Even after fleeing from Meccan persecution, the first immigrants (*muhajirun*) were ordered by the Prophet (p) to seek refuge under Christian rule in the kingdom of Abyssinia (Habasha).<sup>282</sup> Again during the period of the Treaty of Hudaibiyah, some Muslims lived in Mecca, and under its

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<sup>281</sup> In a statement made by the Prophet (p) when fleeing Mecca for Medina, he said, "(O Mecca!) You are the most beloved place to me. If not because your people chased me out, I would not live in a place apart from you" – *Sunan al-Tirmidhi*, hadith no.3926; *Musnad Ahmad*, hadith no.18717.

<sup>282</sup> For more, see: Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, p.59-62; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp. 123-144.

leadership as dictated by the Treaty agreement endorsed by the Prophet (p).<sup>283</sup>

A Muslim living anywhere in the world belongs to the *Ummah* (community of believers), and provided he or she is granted the right to his/her identity and the freedom to practice Islam, it is in the view of most scholars and as seen in the lives of the Prophet (p), his Companions and the earliest Muslims, permissible for a Muslim to reside, study or work in non-Muslim lands.

Based on the geo-political realities of the times, Muslim jurists developed various ways, concepts and terms for classifying the world and where Muslims could or could not reside and the sort of international relations more appropriate for each community. These included but were not limited to “*Dar al-Harb*” (Territory/Abode/Land of War), “*Dar al-Kufr*” (Abode of Disbelief/Rejection of Islam), “*Dar al-Sulh*” or “*Dar al-‘Ahd*” (Abode of Treaty), “*Dar al-‘Amn*” (Abode of Security), “*Dar al-‘Adl*” (Abode of Justice), “*Dar al-Shahadah/Da’wah*” (Abode of Witnessing Islam) and “*Dar al-Islam*” (Abode of Islam/Peace), etc.

These divisions, terms and political concepts are not found by name either in the Qur’an or the Hadith, but are the product of the diverse juristic reasoning (*ijtihad*) of scholars in various contexts of Islamic history. Furthermore, there is no categorical statement by Allah or the Prophet (p) demarcating the world into two bipolar domains of only “*Dar al-Harb*” (Abode of War) and “*Dar al-Islam*” (Abode of Islam) as presented by some scholars. Instead, the concepts arose from classical jurists who sought to classify the known world in which they lived, in order to deduce appropriate juridical rulings for political and strategic relations with others outside the Caliphate. Through examining the geographical divisions and power alliances that existed in their times, they were able to theoretically carve out an Islamic space within which their rulings applied. These divisions also allowed them to distinguish between Muslims who were living within and

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<sup>283</sup> For more, see: Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, p.149-163; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp. 495-530.

under Islamic rule, and those who were travellers or residing abroad who required specific rulings.<sup>284</sup>

Generally, Muslims were advised by scholars to avoid living in environments that were hostile to, or at war with Muslims (Land of War or *Dar al-Harb*). They were however permitted and even encouraged to travel to and live - as did the Prophet and his Companions – as law-abiding citizens in lands that were tolerant of Islam, had a significant respect for the Rule of Law, justice, and security, and where Muslims had the freedom to practice their faith without fear of persecution.

Ibn Hajar cites the view of al-Mawardi that if a Muslim is able to practice Islam openly in a non-Muslim land, then that land becomes *Dar al-Islam* (the Abode of Islam) by virtue of his settling there, and living there is preferable to moving away from it as other people may be attracted to Islam merely by their interaction with him.<sup>285</sup> According to al-Mawardi, “The public acts of worship (*sha`a’ir*) of Islam such as group prayers in mosques and call for prayers are the criteria by which the Prophet, peace be upon him, differentiated between the Land of Islam and the Land of Disbelief.”<sup>286</sup>

The criterion of “the achievement of justice”, is so central in the Islamic concept of ‘Land or Abode of Islam’ to the extent that the term ‘land of justice’ (*Dar al-‘Adl*) is very often used interchangeably with the term ‘Land of Islam’ (*Dar al-Islam*) in numerous sources.<sup>287</sup>

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<sup>284</sup> Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, UK, 1999, pp.123-124

<sup>285</sup> Ibn Hajar al-Asqalani, *Fath al-Bari*, Dar al-Fikr, Beirut, vol.7, p.230.

<sup>286</sup> Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.275.

<sup>287</sup> For example: Ibn Taymiyah, *Kutub wa Rasa’il*, vol.28, p.146; Rashid Rida, *Al-Khilafah*, p.50 & 62; Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.22; Al-Sarakhsi, *al-Usul*, vol.9, p.182; Al-Kasani, *Bada’i’ al-Sana’i’*, vol.7, p.80; Ibn Qudamah, *Al-Mughni*, vol.9, p.14; Al-Nawawi, *Rawdat al-Talibin*, vol.10, p.49; Al-Zar’i, *Al-Jawab al-Kafi*, vol.1, p.101; Ibn Abidin, *Hashiyat Raddul-Mukhtar*, vol.4, p.45; Al-Alusi, *Ruh al-Ma’ani*, vol.18, p.91; Nizam, *Al-Fatawa al-Hindiyah*, vol.2, p.179.

In fact, Imam Abu Hanifa states: “The purpose (*maqsud*) of calling a certain land a ‘Land of Islam’ or a ‘land of disbelief (*kufir*)’ is not Islam versus *kufir*. It is security versus insecurity.”<sup>288</sup>

Mecca itself – according to Imam al-Bayhaqi for example – became a ‘Land of Islam’ after its ‘conquest’ only because of its newly found sense of security. He writes: “Mecca became a ‘Land of Islam’ and ‘land of security’ after its conquest because no one there was forced against his/her religion. Any other land is likewise if it acquires the same kind of security.”<sup>289</sup>

It is clear from the classic definitions too that security itself is a means to the end of freedom to practice the Islamic ‘public acts of worship’ (Arabic: *sha`a`ir al-Islam*). In fact, several scholars have mentioned that Muslims who have enough security and freedom to practice *sha`a`ir al-Islam* actually live in a ‘Land of Islam’, even if they were the minority.

Al-Razi writes that "If the Islamic acts of worship are evident in streets and public places, this certainly entails that Islam is dominant."<sup>290</sup> Ibn Taymiyyah equally wrote that, “The public acts of worship (*sh`a`ir*) of Islam are the true signs that a certain land is a Land of Islam.”<sup>291</sup>

For Muslims visiting or planning to reside in non-Muslim countries, it is usually a prerequisite that in order to be granted entry, he/she must agree to abide by certain terms and conditions, whether for visa or migration purposes. A Muslim who is born in a non-Muslim land is usually given automatic citizenship and is naturally bound by the terms and conditions of citizenship.

Often, these terms and conditions are already part of international or inter-governmental treaties and agreements between Muslim countries and others. Muslim citizens are bound to respect these agreements, as did the Companions when the Prophet endorsed the Treaty of Hudaibiyyah, even though some

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<sup>288</sup> Al-Kasani, *Bada'i` al-Sana'i`*, vol.7, p.131

<sup>289</sup> Al-Bayhaqi, *Sunan al-Bayhaqi*, vol.9, p.16.

<sup>290</sup> Al-Razi, *Al-Mahsul*, vol.4, p.43.

<sup>291</sup> Ibn Taymiyyah, *Al-Nubuwwat*, vol.1, p.197.



of the conditions of that Treaty were unfavourable to the short-term interests of Muslims.

All believers are characterized as those “*who are faithful to their trusts and to their pledges*” (Qur’an 23:8). Once a Muslim chooses to remain a citizen or resident (rather than migrate to another land), he is required to acknowledge the nation’s legislation and conduct himself within the scope of the law. Upon acceptance of these conditions of residence, a Muslim is bound by them, as stipulated in the hadith and adopted as an Islamic legal maxim, “*al-muslimun ‘inda shurutihim*”<sup>292</sup> (i.e. “Muslims are bound by their conditions”).<sup>293</sup> This obligation on Muslim minorities in non-Muslim lands illustrates Islam’s endorsement of peaceful interfaith co-existence. It, however, does not prevent Muslims from seeking legal reform towards achieving justice and a better society.

Moreover, a Muslim should not just be dutiful to his host country but actively contribute towards improving it. This is because Muslims are enjoined to be “*the best nation ever raised for mankind, enjoining right and forbidding wrong...*” (Qur’an 3:110) ‘Ikrimah explained this verse, saying, “In the past, people were not secure in other people’s lands, but as Muslims, people of any colour feel secure among you...”<sup>294</sup>, while Abu al-Su’ud elaborates that, “You are the best community for people, which clearly means helpful to other people.”<sup>295</sup> Al-Khatib also says, “A feature of the Muslim nation is that it should not keep any beneficial advantage to itself but should share its benefit with other human societies.”<sup>296</sup> These explanations accord with the Prophet’s

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<sup>292</sup> Bukhari, *Sahih Bukhari*, hadith no.2273

<sup>293</sup> Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, UK, 1999, p.173

<sup>294</sup> *Tafsir Ibn Abi Hatim*, vol.1, no.472, cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, International Institute of Islamic Thought, London, 2003, p.27

<sup>295</sup> *Irshad al-‘Aql al-Salim ila Mazaya al-Qur’an al-‘Azim*, vol.2, p.70; cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities*, International Institute of Islamic Thought, London, 2003, p.28

<sup>296</sup> Abd al-Karim al-Khatib, *Al-Tafsir al-Qur’an*, vol.4, p.548; cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities*, International Institute of Islamic Thought, London, 2003, p.28

statement, “*The best among you is the best towards people*,”<sup>297</sup> and the example of Prophet Yusuf (peace be upon him), who was a foreigner residing in Egypt, and even offered his services at the level of government (Qur’an 12:54-55).

Shaykh Abdullah bin Bayyah, a highly distinguished scholar serving on many international *fiqh* councils and one of the contemporary world’s leading authorities in *Usul al-Fiqh* (Principles of Islamic Jurisprudence), explains the obligations of Muslims in non-Muslim lands in the following remarks:

“...the relationship between Muslims living in this land and the dominant authorities in this land is a relationship of peace and contractual agreement – of a treaty. This is a relationship of dialogue and a relationship of giving and taking... It is absolutely essential that you respect the laws of the land that you are living in... We have to maintain those things that are particular to us as a community, but we also have to recognize that there are other things that are not particular to us but rather general to the human condition that we can partake in.”<sup>298</sup>

Examples of this friendly yet faith-retaining integration may be found throughout the history of Muslim minority groups in non-Muslim lands. Muslims in China, for instance, are celebrated for successfully constructing an indigenous Muslim identity within the country and making significant contributions to their homeland.<sup>299</sup>

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<sup>297</sup> Muhammad bin Salamah, *Musnad al-Shihab*, Mu’assasah al-Risalah, Beirut, 1407AH, hadith no.1234

<sup>298</sup> Shaykh Abdullah bin Bayyah, "Muslims Living in Non-Muslim Lands", [http://sunnah.org/articles/muslims\\_in\\_nonmuslim\\_lands.htm](http://sunnah.org/articles/muslims_in_nonmuslim_lands.htm), 2005

<sup>299</sup> See Ibrahim Ma Zhao-Chun, "Islam in China: The Internal Dimension" in *Journal of the Institute of Muslim Minority Affairs*, UK, July 1986, vol.7, no.2, pp.373-383.

## 28. Protection of Churches, Synagogues, etc.

**In recent times, places of worship, holy sites, and sacred spaces have been desecrated, bombed or destroyed, in the name of religion, in various conflicts. Sometimes, Muslims have been involved in destroying, but also in protecting churches, synagogues, etc.**

**Are Muslims allowed to destroy churches and other non-Muslim places of worship?**

The Qur'an says, *"Let there be no compulsion in religion. Truth stands clear from error"* (Qur'an 2:256). Also, *"Say: 'The truth has now come from your Sustainer. Let then he who wills, believe in it, and let he who wills, reject it'"* (Qur'an 18:29).

Islam respects the rights of people of other faiths to practice their own religious beliefs (Qur'an 5:48-49). Jews and Christians, for example, are respected as People of Scripture (*Ahl al-Kitab*), and their right to their places of worship must be respected.

The Qur'an prohibits anyone from destroying monasteries, churches, synagogues or mosques. Qur'an 22:39-40 says, *"Permission is given to those who fight because they have been oppressed...For had it not been for God's repelling some men by means of others, (all) monasteries, churches, synagogues, and mosques, wherein the name of God is often mentioned, would certainly have been destroyed..."*

Based on this verse of the Qur'an, great scholars such as Ibn Hazm hold that Muslims are even required to fight if necessary, to defend these non-Muslim places of worship from being destroyed.<sup>300</sup>

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<sup>300</sup> Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.339; Da'wah Institute of Nigeria, *Protection of Churches, Mosques, and Synagogues in Islam*, Islamic Education Trust, Minna, Nigeria, 2012, p. 6.

The continued existence of numerous monasteries, sacred grounds and places of worship belonging to Christians, Jews, Zoroastrians, Hindus, Buddhists, etc., in places that have once been or still are completely under Muslim rule shows the respect that Islam has for the rights of others to their respective faiths and places of worship.<sup>301</sup>

This spirit can be seen in display in the letter of the first Caliph of Islam Abu Bakr Siddiq to the non-Muslims of Najran. In the letter, the Caliph wrote:

“In the name of God, the Beneficent, the Merciful. This is the written statement of God's slave Abu Bakr, the successor of Muhammad, the Prophet and Messenger of God. He affirms for you the rights of a protected neighbour, in yourselves, your lands, your religious community, your wealth, retainers, and servants, those of you who are present or abroad, **your bishops and monks, and monasteries**, and all that you own, be it great or small. You shall not be deprived of any of it, and shall have full control over it...”<sup>302</sup>

In a similar vein, the treaty of the second Caliph of Islam, Umar ibn al-Khattab, with the people of Iliya of Jerusalem reinforces this fact. In it, he states that:

“This is the security given by the slave of God, Umar, the Commander of the Faithful, to the people of Iliya: they are guaranteed the security in their persons, possessions, **churches, crucifixes, and everyone within**, whether sick or in good health, as well as everyone in their community. **Their churches will not be occupied or demolished, nor will anything be taken from them: neither furnishings nor**

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<sup>301</sup> For further reading: Da'wah Institute of Nigeria, *Protection of Churches, Mosques, and Synagogues in Islam*, Islamic Education Trust, Minna, Nigeria, 2012; Fathi Osman, *The Other: A Restructuring of the Islamic Concept*, Pharos Foundation, U.S.A., 2008; Hoffman Murad, *Protection of Religious Minorities in Islam*, The Islamic Foundation, Leicester, U.K., 1998.

<sup>302</sup> Abu Yusuf, *Kitab al-Kharaj*, p. 79

**crucifixes or money.** They will not be forced away from their religion, or harmed because of it....”<sup>303</sup>

As a result, since the era of the “Rightly-guided Caliphs”, Jews and Christians have held their services in freedom and security.<sup>304</sup>

The above ideals of Islam held by Muslims did not always end up in speeches or on paper. They were actually displayed by the rightly guided Muslim leaders when they conquered non-Muslim lands. For example, one of the Muslim caliphs, Abdul-Malik, took the Church of Saint John from the Christians and made it part of a mosque. When Umar bin Abdul-Aziz succeeded him as the new Caliph, the Christians complained to him about what his predecessor had done to their church. Umar wrote to the governor that the portion of the mosque that was rightfully theirs be returned to them if they were unable to agree with the governor on a monetary settlement that would satisfy them.<sup>305</sup>

The Wailing Wall in Jerusalem is known to historians to be one of the holiest places of worship in Judaism. It was completely buried under rubble and heaps of debris during the era of the Ottoman caliph, Sultan Sulayman I (1494-1566). When the caliph came to know of this, he ordered his governor in Jerusalem to remove all the rubble and debris, clean the area, restore the Wailing Wall, and make it accessible for Jews to visit.<sup>306</sup>

### **Non-Muslims’ Testimonies to Muslims’ Protection of Churches**

The respect Islam enjoins on Muslims towards non-Muslims with regard to protecting their various places of worship can be testified to by non-Muslims, some of whom though are ardent critics of Islam and Muslims are objective enough to tell the truth as it is.

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<sup>303</sup> Tabari, *Tarikh al-Tabari*, vol 3, p. 159

<sup>304</sup> Qaradawi, Yusuf, ‘*al-Aqaliyyat ad-Diniyya wa-Hal al-Islami*,’ p. 13

<sup>305</sup> Qaradawi, Yusuf, ‘*Ghayr al-Muslimeen fil-Mujtama’ al-Islami*,’ p. 32

<sup>306</sup> Hussayn, Abdul-Latif, ‘*Tasamuh al-Gharb Ma’l-Muslimeen*,’ p. 67

The Christian Patriarch Ghaytho wrote about the Arab of his time:

“The Arabs, to whom the Lord has given control over the world, treat us as you know; they are not the enemies of Christians. Indeed, they praise our community, and treat our priests and saints with dignity, and offer aid to churches and monasteries.”<sup>307</sup>

Also the Historian, Will Durant wrote:

“At the time of the Umayyad caliphate, the People of the Covenant, Christians, Zoroastrians, Jews, and Sabians, all enjoyed a degree of tolerance that we do not find even today in Christian countries. They were free to practice the rituals of their religion and their churches and temples were preserved. They enjoyed autonomy in that they were subject to the religious laws of their scholars and judges.”<sup>308</sup>

Western historians and orientalist acknowledge these facts. Le Bon writes:

“The tolerance of Muhammad towards the Jews and Christians was truly grand; the founders of other religions that appeared before him, Judaism and Christianity in particular, did not prescribe such goodwill. His caliphs followed the same policy, and his tolerance has been acknowledged by skeptics and believers alike when they study the history of the Arabs in depth.”<sup>309</sup>

The American author, Lothrop Stoddard wrote,

“The caliph Umar took the utmost care to tend to the sanctity of the Christian holy places, and those who became caliph after him followed his footsteps. They did not harass the many denominations of pilgrims who

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<sup>307</sup> Tritton Arthur Stanley, *The People Of The Covenant In Islam*. p. 158.

<sup>308</sup> Durant Will, *The Story Of Civilization* vol. 13. p. 131-132.

<sup>309</sup> Le Bon Gustav, *Arab Civilization*, p. 128



came annually from every corner of the Christian world to visit Jerusalem.”<sup>310</sup>

Thus, the bombing and burning of non-Muslim places of worship that we witness today are misguided and criminal acts which are blameworthy and condemned by Islam. This is because Allah prohibits (forbids) not only the destruction of the churches, monasteries and synagogues of non-Muslims, but He also prohibits reviling the gods and deities of even idol worshippers. This prohibition from Allah goes beyond prohibition of destruction to full protection by Muslims and government forces. Whenever people of other faiths living peacefully and in harmony with the Muslims are being oppressed even by Muslims, it is the duty of all God-fearing Muslims and their government to protect them.

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<sup>310</sup> Stoddard, L.W., *The Islamic World At Present*, vol 1, p. 13-14

## 29. Sanctity of Every Human Life

Some think that the life of a Muslim is more sacred than that of a non-Muslim, and that Islamic law does not offer the same level of protection to people of other faiths as it does to Muslims. They believe or suspect that Islam has little respect for the lives of people of other faiths and discriminates against them, regarding Muslims as being inherently superior people and whose lives are more valuable than others.

What do Islamic texts have to say on the sanctity of human life, irrespective of faith?

The Qur'an teaches that every human being has a special place in Allah's creation irrespective of what faith or belief an individual chooses to profess. Allah says: *"And we have certainly **honoured the sons of Adam**; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation."* (Qur'an 17:70)

Not only are all humans children of Adam to whom Allah commanded the Angels to bow (Qur'an 2:34), but each human has a spirit Allah breathed into him or her. Allah says *"...and then He forms him in accordance with what he is meant to be, and breathes into him of His spirit."* (Qur'an 32:7-9). Thus, every human is a spiritual being living in a physical or earthly body.

While repeating in the Qur'an what was revealed in earlier revelations, Allah clearly describes the importance and sacredness of the life of every human being, and says,

*"...if anyone slays a human being – unless it be (in punishment) for murder or for spreading corruption on earth – it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind. ..."* (Qur'an 5:32)

Every human irrespective of their faith, social standing or gender is a spiritual being whose life is sacred; thus, harming or taking it unjustly is a great sin and crime that is punishable by death, irrespective of the murdered person's religious identity.

The equality of human life irrespective of faith, ethnicity, race or gender, etc. is clear from the equal regard the Qur'an and authentic Sunnah give to the punishment or "equitable retribution" (*qisas*) and recompense (*diyyah*) for taking of innocent life, whether murder or manslaughter, etc.

Allah says in Qur'an 5:45,

*"We have prescribed therein for them (the Children of Israel); a **life for a life**, an eye for an eye, nose for nose, ear for ear, tooth for tooth ..."* To prevent any confusion about the implication to Muslims of this Qur'anic verse, the respected Companion of the Prophet (p) Ibn Al-Musayyab is reported as having said regarding this particular verse, that *"this verse is for us (Muslims) and for them (Jews)."*<sup>311</sup> In other words, this verse applies to Muslims, and it does not make any distinction regarding the value of one life over another based on religion.

In another verse, Qur'an 2:178 we read,

*"O you who have attained to faith! **Just retribution (qisas) is ordained for you in cases of killing: the free for the free, and the slave for the slave, and the woman for the woman.** And if something [of his guilt] is remitted to a guilty person by his brother, this [remission] shall be adhered to with fairness, and restitution to his fellow-man shall be made in a goodly manner."* (Qur'an 2:178)

In his commentary on this verse, Muhammad Asad says,

*"As for the term *qisas* occurring at the beginning of the above passage, it must be pointed out that - according to all the classical commentators - it is almost synonymous with*

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<sup>311</sup> Badr al-Din al-Ayni, *Umdat al-Qari*, vol.2, p.161; Abu Bakr Abd al-Razzak bn Hummam al-San'ani, *Musnaf Abd al-Razak*, al-Maktab al-Islami, Beirut, 1403AH, hadith no.18134.

*musawah*, i.e., "making a thing equal [to another thing]": in this instance, making the punishment equal (or appropriate) to the crime - a meaning which is best rendered as "just retribution" and not (as has been often, and erroneously, done) as "retaliation". Seeing that the Qur'an speaks here of "cases of killing" (*fi'l-qatla*, lit., "in the matter of the killed") in general, and taking into account that this expression covers all possible cases of homicide - premeditated murder, murder under extreme provocation, culpable homicide, accidental manslaughter, and so forth - it is obvious that the taking of a life for a life (implied in the term "retaliation") would not in every case correspond to the demands of equity. (This has been made clear, for instance, in Qur'an 4:92, where legal restitution for unintentional homicide is dealt with.) Read in conjunction with the term "just retribution" which introduces this passage, it is clear that the stipulation "the free for the free, the slave for the slave, the woman for the woman" cannot - and has not been intended to - be taken in its literal, restrictive sense: for this would preclude its application to many cases of homicide, e.g., the killing of a free man by a slave, or of a woman by a man, or vice-versa. Thus, the above stipulation must be regarded as an example of the elliptical mode of expression (*ijaz*) so frequently employed in the Qur'an, and can have but one meaning, namely: "if a free man has committed the crime, the free man must be punished; if a slave has committed the crime...", etc. - in other words, whatever the status of the guilty person, he or she (and he or she alone) is to be punished in a manner appropriate to the crime."<sup>312</sup>

This verse is therefore general in its import and makes no distinction regarding the value of the lives of people based on religion.

In the Qur'an 17:33, Allah says,

*"And take not the life which Allah has made sacred, unless it be in the cause of justice. **Whoever is killed unjustly,***

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<sup>312</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.47, n.147 to Qur'an 2:178.

*We have appointed to his next-of-kin authority; but let him not exceed in slaying. He (the near kin) will certainly be helped (to seek redress)."* This verse again makes no distinction regarding the value of one person's life over another based on religion, class or gender, etc.

In Qur'an 4:92 it says,

*"And it is not conceivable that a believer should slay another believer, unless it be by mistake. And **upon him who has slain a believer by mistake** there is the duty of freeing a believing soul from bondage and paying an indemnity (diyya) to the victim's relations, unless they forgo it by way of charity. Now if the slain, while himself a believer, belonged to a people who are at war with you, [the penance shall be confined to] the freeing of a believing soul from bondage; whereas, **if he (the victim) belonged to a people to whom you are bound by a covenant**, [it shall consist of] **an indemnity (diyya) to be paid to his relations in addition to the freeing of a believing soul from bondage**. And he who does not have the wherewithal shall fast [instead] for two consecutive months. (This is) the atonement ordained by God: and God is indeed all-knowing, wise."*

This verse treats 3 distinct cases. The first and earlier part of the verse that reads, "...upon him who has slain a believer by mistake..." refers to the case of a Muslim victim and what the prescribed punishment or atonement is for such manslaughter.

The second case mentioned in the middle of the verse – "*the slain, while himself a believer, belonged to a people who are at war with you*" - deals with a Muslim victim who was living among those non-Muslims who are hostile or at war with the Muslim community.

The third case in the latter part of the verse reads, "...*if he (the victim) belonged to a people to whom you are bound by a covenant*...", and refers to a non-Muslim victim who is a member of a community that has a peace treaty or covenant with Muslims. According to Asad, "*This relates to cases where the victim is a non-*

*Muslim belonging to a people with whom the Muslims have normal, peaceful relations; in such cases, the penalty is the same as that imposed for the killing, under similar circumstances, of a fellow-believer.”*<sup>313</sup>

In other words, in both the first case of the accidental killing of Muslim, and the third case of the accidental killing of a non-Muslim citizen, the same amount of “blood money” (*diyyah*) as indemnity is to be paid to the family or next-of-kin of the victim, irrespective of the faith of the victim or that of the killer.

All these verses are very clear and general in their import, making no distinction between human beings based on gender, religion, age, ethnicity, class or social status. No verse in the Qur’an regards the life of any innocent citizen more sacred or valuable in the consideration of Islamic law than another based on religious difference.

In the hadith of the Prophet (p), he is reliably reported to have made some general statements regarding the sin and punishment for murder without discrimination based on the religion of the victim.

The Messenger of Allah was asked about the gravest of all sins (*al-kaba’ir*), and he said, “*To join partners in worship with Allah, to slay a soul (which Allah has forbidden), and to be unkind to one’s parents...*”<sup>314</sup>

In another hadith, Aisha, the wife of the Prophet (p) is reported to have said that the Prophet (p) said, “The blood of a Muslim who confesses that there is no god but Allah and that I am the messenger of Allah, cannot be shed except in three cases: a married person who commits illegal sexual intercourse, for he shall be stoned to death, and a man who leaves Islam and engages in fighting against Allah and His Prophet, for he shall be

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<sup>313</sup> Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, p.141, n. 117 to Qur’an 4:92

<sup>314</sup> Bukhari, *Sahih al-Bukhari*, Dar bin Kathir, Beirut, 1407AH, hadith no. 5632



executed, crucified or exiled, or **one who kills, for which he shall be killed (too).**"<sup>315</sup>

In another version of the same hadith, Abdullah bin Mas'ud said: "The Prophet (p) said, "The blood of a Muslim who confesses that there is no god but Allah and that I am the Messenger of Allah, cannot be shed except in three cases: **a life for life**, a married person who commits illegal sexual intercourse, and the one who turns renegade from Islam (i.e. one who apostatises) and leaves the community of Muslims."<sup>316</sup>

In both these hadiths, scholars have concluded that a Muslim may be killed if he commits murder (or adultery), and these hadiths make no distinction regarding the religion of the victim (or partner in the case of adultery). They make it explicitly clear as do all the related verses of the Qur'an on this issue, that the Muslim killer is also liable to be killed in just retribution (*qisas*).<sup>317</sup>

Similarly, the criteria for a decision on the punishment in Islamic law in the case of theft, robbery, injury, etc., does not regard as relevant the religion, class or gender of the victim of the crime in deciding the punishment to the guilty Muslim.<sup>318</sup> A Muslim, therefore, does not get a lesser punishment because he/she stole or injured a fellow non-Muslim citizen. It, therefore, stands to reason that taking the life of a non-Muslim would not incur a

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<sup>315</sup> Abu Dawud, *Sunan Abu Dawud*, hadith no. 4355, vol. 4, p. 223, Dar al-Kitab al-Arabi, Beirut, n.d. the hadith was authenticated by al-Albani; Al-Shawkani, Muhammad bin 'Ali bin Muhammad, *Nayl al-Awtar*, vol.7, p.5-6, Dar al-Kutub al-'Ilmiyyah, Beirut n.d. - All cited in Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam*, Ashgate Publishing Ltd., England, 2004, p. 59. See also al-Suyuti, *al-Durr*, vol II, p. 306 and al-al-Jassas, *Ahkam al-Qur'an*, vol. II, p. 409 cited in Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, UK, 2001, (See footnote 83), p. 51.

<sup>316</sup> Bukhari, *Sahih al-Bukhari*, Dar bn Kathir, Beirut, 1407AH, hadith no. 6484; For a slightly different version, see: al-Bayhaqi, *Kitab al-Sunnah al-Kubra*, hadith no. 16700

<sup>317</sup> Ahmad bin Ali al-Razi al-al-Jassas, *Ahkam al-Qur'an*, edited by Muhammad al-Sadiq Qamhawi, Dar Ihya' al-Turath al-'Arabi, Beirut, 1405AH, vol.1, p.173

<sup>318</sup> Ibn Taymiyyah, *Al-Siyasah al-Shar'iyyah*, p.143; Zuhayli, *Al-Fiqh al-Islami*, vol.6, p.218; Musaylihi, *Huquq al-Insan*, p.327; Wafi, *Himayat al-Islam*, p.26. Cited in Mohammad Hashim Kamali, *The Right to Life, Security, Privacy and Ownership in Islam*, Ilmiah Publishers, IIAIS Malaysia, 2013, p.15.

lesser punishment when compared to taking the life of a fellow Muslim citizen.

From the clear and explicit texts of the Qur'an and Sunnah, the life of every human being is sacred and should be equal in the eyes of the law, irrespective of a difference in religion and gender, etc.<sup>319</sup>

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<sup>319</sup> Some hadiths that have generated controversy and divergent opinions among scholars include one where the Prophet (p) is reported to have said, "... *that no Muslim should be killed (in retaliation - qisas) for killing a disbeliever (kafir).*" (*Sahih al-Bukhari*, vol.9, hadith no. 50 in Alim 6.0 and vol.4, p.326-327). Another hadith states, "The blood money of an unbeliever (*kafir*) is half that of a Muslim" (Ahmad bin Hanbal, *Musnad*, vol.2, p.180). Scholars have differed on whether the term "*kafir*" (disbeliever) in the context of both hadiths refers to all non-Muslims including citizens under covenant and state protection (*Ahl al-Dhimma*), or only to hostile and warring (*kafir haribi*) people of other faiths. This controversy is discussed later in this material along with some other commonly misinterpreted hadiths and verses of the Qur'an associated with interfaith relations and *jihad*.

## 30. Business Relations with People of Other Faiths

**A number of Qur'anic verses prohibit supporting and strengthening non-Muslims against the interest of Muslims. Commerce and buying goods from non-Muslims is regarded by some as a part of allegiance (*wala'*) towards them and a means of strengthening them.**

**Is it permissible to have business transactions with people of other faiths?**

The Qur'an and Sunnah do not prohibit a Muslim from giving even charity and financial support to peaceful and non-hostile non-Muslims.

Consequently, a Muslim man married to a Christian or Jewish wife is expected to support her and his family; is allowed to write a will (*wasiyyah*) in favour of any non-Muslim;<sup>320</sup> give and receive gifts; be charitable; develop political and military alliances of mutual support and security; etc. The Prophet (p) is reported to have also given 500 dinars (pieces of gold) to Abu Sufyan the polytheist leader of Mecca to assist the poor of Mecca during their period of famine. The Muslim state is also expected to defend and protect its non-Muslims (*dhimmi*) citizens and assist them where and when necessary.

The Qur'an 60:8-9 makes it clear that it is only hostile non-Muslims that Muslims should not turn to in support and

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<sup>320</sup> Azman Ismail, *Islamic Inheritance Planning 101*, IBFIM, Kuala Lumpur, Malaysia, 2013, p.15-18, 88, 98-101; Da'wah Institute of Nigeria, *Principles of Justice and Equity in the Islamic law of Inheritance*, Islamic Education Trust, Minna, 2013, p.1, (Unpublished); Nasr Farid Muhammad Wasil, *Fiqh al-Mawarith wa al-Wasiyyah fi al-Shari'ah al-Islamiyyah Dirasah Muqaranah*, al-Maktabah al-Tawfiqiyyah; Wizarah al-Awqaf wa al-Shuhun al-Islamiyyah, *Al-Mawsu'ah al-Fiqhiyyah al-Kuwaitiyyah*, 1404-1427, 1<sup>st</sup> and 2<sup>nd</sup> Edition, vol.43, p.249.

friendship – *“those who have fought you or driven you from your homes, or supported others in doing so.”* (Qur’an 60:9)

There is also no explicit or implicit prohibition of doing business or trade with people of other faiths based on the teachings of the Qur’an or Sunnah. Nor was there such a policy put in place by the Rightly Guided companions of the Prophet (p) after his demise.

On the contrary, the Prophet (p) is reliably reported to have bought food from a Jew in Medina. Most farmers in Medina were Jews with whom Muslims and others did business. Clothes imported into Medina at the time of the Prophet (p) were mainly from Yemen, the people of which were predominantly Christians at the time. Muslims also had trade caravans to and from Syria, Abyssinia and many other places that were predominantly non-Muslim.

There is, therefore, no justifiable basis from Islamic teachings to conclude that trade and mutually beneficial transactions with people of other faiths is prohibited or discouraged for Muslims.

The principles regulating trade and commerce are governed by “public benefit” (*maslahah*), and it is up to the leadership of any society to decide upon whether or not a particular transaction should be permitted or prohibited, even with a hostile enemy – which could be a lesser evil!

## 31. Interfaith Engagement in Social Work

Some regard it as discouraged or unacceptable for Muslims to collaborate or work together with people of other faiths even in areas of common interest.

Can Muslims cooperate with people of other faiths in governments, civil society organizations and other organized work towards social progress and justice? Is it permissible for Muslims to work in or with non-Muslim organisations which are involved in any positive work for the common good?

During the Pre-Islamic (*Jahiliyyah*) Period in Mecca, and within the legal and administrative system of the “*Jahiliyyah* society” of Mecca, the Prophet (p) joined a group known as the *Hilf al-Fudul* (“League of the Virtuous”). This was a group of upright individuals from various clans who took it upon themselves to protect the rights of any victim of oppression in Mecca.<sup>321</sup>

Even after Islam was well-established, the Prophet (p) recounted his involvement with the *Hilf al-Fudul*, and according to Talha ibn Abdullah, he said that “if he was to be invited again to join such a group now in the time of Islam, he would respond and join them.”<sup>322</sup> According to Ibn Hisham, “They (members of *Hilf al-Fudul*) promised and pledged that they would not find any oppressed person among their people or among anyone else who entered Mecca without supporting him. They would stand against whoever oppressed him until the rights of the oppressed were returned.”<sup>323</sup>

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<sup>321</sup> Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp.40-41, pp. 495-530; Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, pp. 20-22

<sup>322</sup> *Sunan Al-Kubra*, hadith no. 12114; *Al-Dala'il fi Gharib al-Hadith*, 243

<sup>323</sup> Ibn Hisham, *Sirat an-Nabawiyyah*, vol.1, p.123; *Al-Dala'il fi Gharib al-Hadith*, 243

The Prophet (p) was reported by Ibn Abbas to have said, “*Every pact (or treaty) from the Time of Ignorance (Jahiliyyah) is definitely only further strengthened and affirmed by Islam.*”<sup>324</sup>

Scholars have concluded from this that Muslims, even where they do not control the government or laws of the land, are expected to enjoin right and forbid wrong (as instructed by the Qur’an 3:104) to the best of their abilities (Qur’an 64:16) within the existing societal restrictions. In the Qur’an, Allah instructs Muslims to “*Cooperate in righteousness and piety, and do not cooperate in sin and aggression*” (Qur’an 5:2).

Muslims must always have those amongst them who defend the legal rights of others irrespective of their faith. This is a “collective social obligation” (*fard kifayah*) required of Muslims. They should protect and assist victims of abuse and injustice even in societies where Islamic law has no jurisdiction or legal recognition. This has been done successfully through advocacy and activism, using existing legal systems to make or support reforms, in many countries such as South Africa, UK, Germany, and the USA, etc.

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<sup>324</sup>*Musnad Ahmad*, hadith no. 2904. Literally, the hadith reads, “Every pact from the Time of Ignorance (*Jahiliyyah*) is not increased by Islam except in strength and affirmation”



## 32. Registration with non-Muslim Institutions

Some Muslims regard the registration of teachers, professionals, schools and organisations with the government as a sign of allegiance (*wala*) to an unislamic institution (or a “*kufu* system”) and regard it as prohibited. They also regard as prohibited, the registration for and owning of a National ID card, International Passport, voter’s registration card, etc. As such, they refrain from these registrations which are sometimes made compulsory by the governments. Hence, they are unable to access some benefits that should ordinarily accrue to them, or partake in some beneficial activities.

**Is it permissible for Muslims to register anything with the government and possess such documentation?**

The purpose, nature, content and conditions of a registration will determine its permissibility. If it is oppressive and harmful (*mafsadah*), and in opposition to the principles of Islamic teachings, then it is prohibited. If however its benefits are greater than any harm and it is in the “public interest” (*maslahah*) then it would be permissible, irrespective of the faith of those concerned.

Documents such as passports, certificates, Identity Cards, birth, marriage and death certificates, Certificates of Occupancy, Certificates of Incorporation, driving licenses, etc. all try to prevent fraud and ensure greater security and transparency.

The benefits of registration of organisations or individual professionals such as teachers, doctors, engineers, lawyers, pharmacists, etc. are to guarantee that minimum professional standards are ensured and that unqualified individuals do not put members of the public at risk. It also allows oversight by the

relevant authorities to ensure that quality control and the ethics of the professions are maintained, and that there is periodic upgrading of standards of goods or services. Registered individuals or organisations also benefit from recognition, availability of relevant information, networking opportunities, training, appointments, grants, scholarships, etc.

In the traditional Islamic system of education, there was/is an *ijazah*, which is a certification of proficiency that a teacher gives to competent students upon completion of a particular level or field of study.<sup>325</sup> This is similar to certification given by educational institutions such as universities, secondary schools, etc. Issues related to registration, certification or *ijazah*, and the titles for various standards of competence belong to the general category of “worldly” or “transactional affairs” (*mu’amalat*) which Islamic Law regards as permissible in the absence of any evidence justifying a prohibition.<sup>326</sup>

Even if registration of individuals, professionals or organisations was understood to be a form of alliance or allegiance (*wala*) with an non-Islamic (or “*kufir*”) government, such an act cannot be regarded as prohibited since there is ample evidence in the Qur’an and Sunnah that the Prophet and his Companions formed

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<sup>325</sup> Ministry of Awqaf and Islamic Affairs, *Al-Mausu’at al-Fiqhiyyah*, Dar al-Salasil, Kuwait, 2004, vol.1, p.310.

<sup>326</sup> Abu Sulayman, ‘Abd al-Wahhab, “An-Nazariyyah wal-Qawa’id fi al-Fiqh al-Islami” in *Majallah Jamai’ah al-Malik ‘Abdal-‘Aziz*, No.2, May 1978, p.53; Shihab ad-Din al-Qarafi, *Kitab al-Furuq*, Matha’ah Dar Ihya al-Kutub al-‘Arabiyyah, Cairo, vol. IV, p.40;

See also ‘Jamal al Din Atiyyah, *Al-Tanzir al-Fiqhi*, p. 208; Abdurahman bin Abu Bakr al-Suyuti, *Al-ashbah wa al-Nazair*, vol.1, p.107; Badruddeen Muhammad bin Abdullahi Al-Zarkashi, *Al-Bahr Al-Muheet fi Usul Al-Fiqh*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 1421 AH, vol.1, p.126; Muhammad Amir, *Taysir al-Tahrir*, Dar al-Nashr, vol.2, p.247; Abdullah bin Yusuf al-Juda’i, *Taysir ‘Ilm Usul al Fiqh*, p.34, 69, 71 and 72; Abdullah al-Fauzan, *Khulasah al-Usul*, p.7; al-Zarqa, *Sharh al-Qawa’id al-Fiqhiyyah*, p.299; Muhammad bin Hassan al-Dadaw, *Sharh al-Waraqat*, p.76; Abdulkarim al-Khudair, *Sharh Matn al-Waraqat*, p.410; Abdulwahab Khallaf, *Ilm Usul al-Fiqh*, Maktabah al-Da’wah, p.91; Muhammad Amin Ihsan Al-Mujaddidi Albarkati, *Qawa’id al-Fiqh*, Dar al-Nashr, p.14; Zakariyya bin Gulam Qadir Albakistani, *Usul al-Fiqh ‘Ala Manhaj Ahl al-Hadith*, Dar al-Kharraz, 1423 AH., p.116; Mashur bin Hasan Al-Salman, *Al-Tahqiqat wa al-Tanqihat al-Salafiyyah ‘ala Matn al-Waraqat*, Dar Imam al-Malik, U.A.E, 1426AH, p.584-589; Kamali, Mohammad Akram Laldin, *Introduction to Shari’ah and Islamic Jurisprudence*, 2<sup>nd</sup> ed. CERT, Kuala Lumpur, 2008; Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, 1999; Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.14-18; Mohammad Hashim Kamali, *Qawa’id Fiqh, The Legal Maxims of Islamic Jurisprudence*, p.2

numerous alliances with various polytheist, Jewish and Christian communities or governments.

For example, the Qur'an refers to treaties that the Prophet (p) had with various polytheist tribes in Q9:6-7 and 4:90. Other well-known treaties with polytheists included the Treaty of Hudaibiyyah with the Meccans, the treaty with the Jews of Medina documented in the *Sahifah* (Constitution) of Medina, and that with the Christians of Najran, etc.

As such, all registrations are acceptable irrespective of the authorizing body. What could make it prohibited is if it contradicts clear Islamic texts or the Higher Objectives (*maqasid*) of the Shari'ah.

### 33. Muslim Countries and the United Nations (UN)

The United Nations (UN) is regarded by some Muslims as an evil (*Taghut*) “alliance of disbelieving nations”. They conclude that any nation that chooses to be a member of the UN is also to be regarded as *Taghut* (evil) and a *Kufr* (disbelieving) state. This conclusion is claimed to be supported by Quran 5:51 which reads:

*“O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you – then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.”*

**In light of the above, are Muslim countries allowed to be members of the UN?**

There are numerous pieces of evidence in the Qur'an and Sunnah that the Prophet (p) and his Companions formed many treaties and alliances with various “disbelieving nations” that included polytheist, Zoroastrians, Jewish and Christian communities or nations. Therefore, even if the United Nations (and ECOWAS, AU, EU, NATO, ASEAN, etc.) was understood to be an “alliance of disbelieving nations”, this alone would not be a sufficient basis in Islamic Law for prohibiting having treaties with them.

The Qur'an, for example, refers to treaties that the Prophet (p) had with various polytheist tribes in Qur'an 9:6-7 and 4:90. The Islamic jurisprudential fields related to *Ahkam Ahl Al-dhimmah* (Regulations concerning non-Muslim citizens or Protected People) and the rules governing relations with *Dar al-Sulh* or *Dar al-'Ahd* (“Abode of Treaty”), *Dar al-Harb* (“Abode of War”), etc. are all testimony to the existence and permissibility of local and international treaties and alliances with people of other faiths for greater political, social, economic peace and security. Some well-

known treaties with polytheists include the Treaty of Hudaibiyyah with the Meccans, the treaty with the Jews of Medina documented in the *Sahifah* of Medina, and that with the Christians of Najran from Southern Arabia, etc.<sup>327</sup>

Sheikh Ibn Uthaimeen was informed that some people are saying that to be a member of the United Nations (UN) implies “judging with other than Allah’s revelation” (which is forbidden). He was asked whether this was correct. He responded by saying, “This is not correct. Each country rules or judges by their own system. Muslims judge with the Qur’an and Sunnah, while others judge with their own laws. The UN does not compel anyone to judge with laws other than their own. Membership in the UN is nothing but treaties that occur between Muslims and non-Muslims.”<sup>328</sup>

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<sup>327</sup> Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.23-31

<sup>328</sup> *Majallah al-Da’wah*, hadith no. 1608, 1997, Cited in Abdul-Aziz bin Rayyis al-Rayyis, *Burhan al-Munir*, p.141.

### 34. Interfaith Cooperation in Defence and Security Services

Some Muslims regard it as prohibited for Muslims to collaborate with people of other faiths in fighting against Muslim terrorists or other criminals. They also regard it as forbidden for Muslims to join the military, law enforcement and security services of non-Muslim governments, especially if such engagement could result into fighting against Muslims.

Can Muslims cooperate with people of other faith in defence and security services against criminals, terrorists, insurgents and violent or belligerent Muslims and non-Muslims?

It is permissible to fight non-Muslims if they are violent aggressors. Allah says in the Qur'an:

*“Fight (qātilū, in Arabic) in the cause of God those who fight (yuqātilū) you, but do not commit aggression, for God loves not the aggressors”. (Qur'an 2:190);*

*“And kill them wherever you find them, and turn them out from where they have turned you out. For persecution is worse than killing. And fight not with them at al-Masjid al-Haram (the sanctuary at Mecca), unless they (first) fight you there. But if they attack you, then kill them. Such is the recompense of the disbelievers, **but if they cease, then Allah is Oft-Forgiving, Most Merciful.** And fight them until there is no fitnah (oppression) and religion is for Allah, **but if they cease, let there be no hostility except to those who practice oppression**”. (Q2:191-193);*



*“But if they violate their pledges after having concluded a treaty, and revile your religion, then fight against the leaders of disbelief who, behold, mean nothing by their pledges, so that they might desist. Will you not fight against people who have violated their pledges, conspired to expel the Prophet, and were the first to attack you? Do you hold them in awe? Nay, it is Allah who you ought to stand in awe of, if you truly are believers. (Qur’an 9:12-13)*

From the verses of the Qur'an cited above, the relevant hadiths on this topic, and the actual historical happenings (*seerah*) of the times, it can confidently be concluded that all the battles against communities belonging to other faiths by the Prophet (p) and his Companions were against their oppression, aggression and hostility.<sup>329</sup>

However, it is not permissible to fight non-Muslims if they are not aggressors and non-combatants. Allah says in the Qur'an, *“Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allah loves those who deal with equity.”* (Qur'an 60:8);

*“And fight them until there is no fitnah (oppression) and religion is for Allah, but if they cease, let there be no hostility except to those who practice oppression”.* (Qur'an 2:193);

*“...and if anyone of the Mushrikun (polytheist) seeks your protection then grant him protection, so that he may hear the Word of Allah, and then escort him to where he can be secure, that is because they are men who know not”.* (Qur'an 9:6)

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<sup>329</sup> Sir Thomas Arnold, *The Spread of Islam in the World: A History of Peaceful Preaching*, Goodword Books, New Delhi, India, 2002; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011; Yusuf Al-Qaradawi, *Fiqh al-Jihad*, 2 Vols., Maktabah Wahbah, Cairo, 2009.

The Prophet (p) is reported to have instructed his Companions to, “*Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you.*”<sup>330</sup>

There is in addition, the prohibition by the Prophet (p) and his Companions of killing even during warfare, those non-Muslims who were non-combatants, such as women, children, etc.<sup>331</sup> For example, he said, “*Never kill women and children*”<sup>332</sup>, “*Do not kill hermits*”<sup>333</sup>, “*Do not slay the old and frail...*”<sup>334</sup>, and “*Leave them (monks) and that to which they devote themselves.*”<sup>335</sup> To this list, scholars add other non-combatants such as the blind, chronically ill, clergy, traders, craftsmen, farmers, the insane, peasants, serfs, etc.<sup>336</sup> Others who can be safely included are those with amnesty or peace treaties (*mu’ahid* and *dhimmi*), Emissaries and Diplomats, etc.<sup>337</sup>

All these prove that it is not permissible for Muslims to fight non-Muslims unless they are violent aggressors and combatants.

Regarding fighting fellow Muslims (as seen during the period of the Companions against the Khawarij and in some of the other civil wars) it is permissible for Muslims to fight other belligerent Muslims if these are also violent aggressors.<sup>338</sup>

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<sup>330</sup> Abu Dawood, hadith no.3748; *An-Nasa’i*, hadith no.3125; authenticated by Al-Albani in *Sahih Jaami’ al-Sagheer*, no.3384. The hadith is also cited in Ibn Rushd’s *Bidayat al-Mujtahid*, vol.1, p. 456

<sup>331</sup> Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118

<sup>332</sup> Imam At-Tahawy, Shahr Ma’ani al-Athar, Dar al-Kutub al-Ilmiyyah, Beirut, 1399AH, hadith no.4770 (ed. Muhammad Zuhri al-Najjar); al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894

<sup>333</sup> Ahmad bin Hanbal, *Musnad Ahmad*, Muassasah al-Risalah, Beirut, 1420 A.H, vol.4, p.461

<sup>334</sup> Al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 17932

<sup>335</sup> Abu Bakr Abd al-Razzaq, *Musannaf abd al-Razzaq*, hadith no. 9377; al-Bayhaqi, *al-Sunan al-Kubra*, hadith no. 18614; *Musnad Ahmad*, hadith no. 2728; al-Tabarani, *al-Mu’jam al-Kabir*, hadith no.11396; al-Bayhaqi, *al-Sunan al-Sugra*, hadith no.3893.

<sup>336</sup> For more references and discussion, see Ibn Rushd’s *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (The Distinguished Jurist’s Primer), vol.1, 1994, pp.458-460; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118

<sup>337</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith no. 3166

<sup>338</sup> Abubakar Jabir al-Jazahiri, *Aysar al-Tafasir*, Maktabah al-’Ulum wa al-Hikam, Medina, 5<sup>th</sup> Edition, 1424 A.H, vol.5, p.127; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.147-196; Khaled Abou

Allah says in (Qur'an 49:9) *"And if two parties or groups among the believers fall to fighting, then make peace between them both, but if one of them rebels against the other, then fight you (all) against the one which rebels till it complies with the Command of Allah; then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allah loves those who are equitable"*.

In addition, all criminal punishments on Muslim individuals or groups – such as murder,<sup>339</sup> theft,<sup>340</sup> armed robbery (*hirabah*),<sup>341</sup> adultery,<sup>342</sup> etc. - are punished in Islamic law because of the wrongs they commit even though they are Muslims.

However, it is not permissible to fight Muslims if they are not violent aggressors. Allah says in the Qur'an, *"And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the Wrath and the Curse of Allah are upon him, and a great punishment is prepared for him."* (Qur'an 4:93).<sup>343</sup>

From all the above points, therefore, it is permissible to fight against an aggressor irrespective of his or her religious affiliation. It is also not permissible to fight a non-aggressor irrespective of his or her religion.

Muslims must stand for justice against anyone and everyone irrespective of their relationship with them – whether Muslims or otherwise. Allah says:

*"O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice. Be just; this is closest to being God-conscious. And remain conscious of God; verily, God is aware of all that you do."* (Qur'an 5:8)

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El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006.

<sup>339</sup> Qur'an 4:93-94; 5:45.

<sup>340</sup> Qur'an 5:38

<sup>341</sup> Qur'an 5:33

<sup>342</sup> Qur'an 24:2

<sup>343</sup> See also, Qur'an 49:9-10

*“O you who have attained to faith! Be ever steadfast in upholding equity, bearing witness to the truth for the sake of God, even though it be against your own selves, or your parents and kinsfolk. Whether the person concerned be rich or poor, God’s claim takes precedence over (the claims of) either of them. Do not, then, follow your own desires, lest you swerve from justice; for if you distort (the truth), behold, God is indeed aware of all that you do!” (Qur’an 4:135)<sup>344</sup>*

The means and ends of fighting should always respect Allah’s guidance – *fi sabilillah*- and be in His Cause of justice. There should also be no justification for abandoning proportionality and justice during a conflict, as the Qur’an forbids that a person should hurt others more than they were hurt.<sup>345</sup>

Allah says in the Qur’an, “*And if you have to respond to an attack, respond only to the extent of the attack levelled against you; but to bear with patience is indeed far better for you, (since God is with) those who are patient in adversity.*” (Qur’an 16:126)

Muslims are also permitted to form alliances with people of other faiths for their mutual safety and security. Many such treaties were entered into during the life of the Prophet (p) and his Companions with Polytheists, Jews, Christians, Zoroastrians (*Majus*), etc.<sup>346</sup>

It is permissible for a Muslim to fight to defend a community of non-Muslims with whom they have a treaty of mutual safety and security. This security was part of the contract for *Ahl al-Dhimmah* (Protected non-Muslim citizens) and was observed by the Prophet (p).

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<sup>344</sup> See also, Qur’an 28:15-19

<sup>345</sup> Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.122-129

<sup>346</sup> See for example, Qur’an 4:90; 9:6-7; 9:4, etc.; See also: Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.23-31

During the early period of the Prophet's (p) stay in Medina, there was a document or agreement that was signed between the various Muslim and Jewish clans and communities there. This document was referred to as the *Sahifah* (document) and it was the "constitution" of Medina. The 24<sup>th</sup> Clause of the document states that "The Jews will contribute to the cost of war as long as they are fighting alongside the believers". The 37<sup>th</sup> Clause of the *Sahifah* states that, "The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the People of this Document. They must seek mutual advice and consultation, and righteousness is a protection against sinfulness."<sup>347</sup>

According to Ibn Hazm (995-1063 CE), a classical jurist of Islam, "If we are attacked by an enemy nation who is targeting the People of the Covenant (non-Muslim citizens) living among us, it is our duty to come fully armed and ready to die in battle for them, to protect those people who are protected by the covenant of God and His Messenger. Doing any less and surrendering them (to an enemy) will be blameworthy neglect of a sacred promise."<sup>348</sup>

Non-Muslims who have treaties with Muslims are allowed to cooperate and if necessary to fight alongside Muslims for their mutual safety and security. Jubair bin Nufair reported that the Messenger of Allah said: "*You will make a peace-treaty with the Romans and together you will invade an enemy beyond Rome. You will be victorious and take much booty.*"<sup>349</sup> Some members of the polytheist tribe of Banu Khuza' acted as spies or military scouts

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<sup>347</sup> Muhammad Hamidullah, *Majmu'at al-Watha'iq al-Siyasiyyah*, 2<sup>nd</sup> ed., Dar al-Irshad, Beirut, 1969, p.41-47, cited in Akram Diya' al-'Umari, *Madinan Society at the Time of the Prophet (Vol.1): Its Characteristics and Organisation*, International Institute of Islamic Thought, Virginia, 1991, p.109-110. For further readings on the *Sahifah* of Medina, see also, Ahmad Ibn Yahya Ibn Jabir al-Baladhuri, *Ansab al-Ashraf*, (with commentary by Muhammad Hamidullah), Dar al-Ma'arif, Egypt, 1959, vol.1, p.286, 308; Abu Muhammad Ali Ibn Sa'id Ibn Hazm, *Jawami' al-Sirah*, (with commentary by Dr. Ihsan Abbas and Dr. Nasir al-Din al-Asad), Dar al-Ma'arif al-Misriyyah, Egypt, n.d., p.95; Muhammad Ibn Jarir al-Tabari, *Tarih al-Rusul*, (with commentary by Muhammad Abu El-Fadl Ibrahim, Egypt, vol.2, p.479; 'Imad al-Din Abu al-Fida' Isma'il Ibn Umar Ibn Kathir, *Al-Bidayah wa al-Nihayah*, Al-Sa'adah Press, Cairo, 1932, vol.4, p.103-104.

<sup>348</sup>Cited in al-Qarafi, '*al-Furuq*,' vol. 3, p. 14

<sup>349</sup> Abu Dawud Sulaiman bin Ashath, *Sunan Abu Dawud*, Dar al-Kitab al-Arabi, Beirut, hadith no.2769; Muhammad bin Hibban bin Ahmad Abu Hatim, al-Busti, *Sahih Ibn Hibban*, Mu'assasah al-Risalah, Beirut, 1993, vol.15, p.108, hadith no.6709.



for the Prophet (p).<sup>350</sup> Also, military service with Muslims was a reason for exemption of non-Muslim citizens from paying the *Jizya* (poll tax or tribute) to the Islamic government.<sup>351</sup>

Moreover, the cases of the Jews of Banu Qaynuqa who fought alongside the Prophet (p) after Badr,<sup>352</sup> the Jewish Rabbi, Mukhayriq, who fought and called upon his fellow Jews to fight alongside the Prophet (p) against the attack by the Quraysh at the battle of Uhud,<sup>353</sup> the group of Jews who fought with the Prophet (p) and received a share of the war spoils,<sup>354</sup> and the many idolaters who fought with the Prophet at Hunayn and al-Ta'if are all examples that mitigate against the idea that these were wars fought for the spread of a certain religion. On the basis of these incidents, most of the classical Muslim jurists advocated that it was permissible for polytheists to fight alongside the Muslims against the *dar al-harb*.<sup>355</sup>

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<sup>350</sup> Sayyid Sabiq, *Fiqh us-Sunnah*, vol.4, hadith no. 6A in *Alim* 6.0

<sup>351</sup> Yusuf al-Qaradawi, *Rights of Non-Muslims under Islamic Rule*, p.26; See also, Yusuf al-Qaradawi, *Fiqh al-Jihad*, vol.2, p.851, citing AbdulKarim Zaidan, *Ahkam al-Dhimmiyyin wa al-Musta'minin*, p.155; Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.295, n.43 to Qur'an 9:29;

<sup>352</sup> See al-Shafi'i, *Al-Umm*, vol. 4, p. 261; al-Nawawi, *Al-Majmu'*, vol. 21, p. 37; al-Mawardi, *Al-Hawi*, vol. 14, p. 130; al-Hifni, *Mawsu'ah al-Qur'an*, Vol. 2, p. 1905 (all cited in Ahmed Al-Dawoodi, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.39.)

<sup>353</sup> Meraj Mohiudeen, *Revelation: The Story of Muhammad*, Whiteboard Press, USA, 2015, p.232.

<sup>354</sup> See Ibn Ahmad, *Al-Ahadith al-Mukhtarah*, vol. 7, p. 189; al-Salihi, *Subul al-Huda*, vol. 9, p. 121; Ibn Mansur, *Sunan Sa'id Ibn Mansur*, vol. 2, p. 331; Ibn Muflih, *Al-Mubdi'*, vol. 3, p. 336; al-Shawkani, *Nayl al-Awtar*, vol. 8, pp. 43 f. See also, for Jews and idolaters fighting alongside the Prophet against the Muslims' enemies, Ibn Qudamah, *Al-Mughni*, vol. 9, p. 207; al-Ghazali, *Al-Wajiz*, vol. 2, p. 190; al-Ghazali, *Al-Wasit*, vol. 7, p. 16; 'Uthman, *I'tida' Saddam*, p. 183; al-Qattan, "Al-Isti'anah bi-ghayr al-Muslimin," p. 201. (all cited in Ahmed Al-Dawoodi, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.39.)

<sup>355</sup> See al-Shaybani, *Al-siyar*, p. 249; al-Nawawi, *Al-Majmu'*, vol. 21, pp. 37 f.; al-Nawawi, *Rawdah al-Talibin*, vol. 10, p. 239; Ibn Qudamah, *Al-Mughni*, vol. 9, p. 207; al-Shawkani, *Nayl al-Awtar*, vol. 8, pp. 42 – 45; Ibn 'Abidin, *Hashiyah Radd al-Muhtar*, vol. 4, p. 148; al-'Abdari, *Al-Taj wa al-Iklil*, vol. 3, p. 353; 'Amir, *Ahkam al-Asra*, pp. 57 – 59; al-Qaradawi, *Al-Halal wa al-Haram*, pp. 295 f.; Shuman, *Al-'Alaqat al-Dawliyyah fi al-Shari'ah*, pp. 57 f.; al-Qaradawi, *Fiqh al-Jihad*, Vol. 1, pp. 703 – 711. (all cited in Ahmed Al-Dawoodi, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.39.)



It is therefore up to the State to decide which Muslims or non-Muslims can be trusted with such sensitive tasks. Allah says in the Qur'an, *"Among the People of the Book are some who, if entrusted with a hoard of gold, will (readily) pay it back; others, who, if entrusted with a single silver coin, will not repay it unless you constantly stand over them demanding it."* (Qur'an 3:75)

Muslims are thus not prohibited from cooperating with non-Muslims in fighting injustice and aggression. Muslims are also not prohibited from collaborating with or joining non-Muslim security personnel or armed forces (and vice-versa) if the target of fighting is just and against aggression, and if its means and the conduct of warfare do not contradict Shari'ah teachings.

If however, the purpose of fighting others is against justice and contrary to the objectives (*maqasid*) of Shari'ah and *maslahah* (public interest), then it is prohibited for a Muslim to cooperate with any such security services or armed forces whether these are led by Muslims or non-Muslims.

Allah reminds us, *"O you who have attained to faith! Be ever steadfast in upholding equity, bearing witness to the truth for the sake of God, even though it be against your own selves, or your parents and kinsfolk. Whether the person concerned be rich or poor, God's claim takes precedence over (the claims of) either of them. Do not, then, follow your own desires, lest you swerve from justice; for if you distort (the truth), behold, God is indeed aware of all that you do!"* (Qur'an 4:135)

## SECTION 5:

# **EXPOSITORY ANALYSIS ON *AL-BARA' (Disavowal/Dissociation)***

This section gives a detailed analysis of various verses of the Qur'an and hadiths of the Prophet (p) regarding interfaith relations and *jihad* which have commonly been misunderstood or taken out of context.

## 35. Brotherhood and Love with People of Other Faiths

Some Muslims object to using terms that denote affection for people of other faiths, and regard this as a form of unacceptable friendliness or association (*wala'*).

Do the Qur'anic terms for close relationships exclude people of other faiths in their scope? And is it acceptable for a Muslim to describe a non-Muslim with affectionate terms such as "dear", "brother" or "beloved"?

The Qur'an uses different terms to express various degrees of close or positive association between people. These include terms such as *hubb* ("love"), *mawaddah* ("love") and *akh* ("brother"), as in the following verses:

- a. **Hubb** – "love" (as in Qur'an 28:56) – "*Verily, you cannot guide aright everyone whom you love (man ahabta), but it is Allah who guides whom He wills, and He is fully aware of all those who receive guidance.*" This verse was revealed in relation to the Prophet's uncle, Abu Talib, who was a polytheist, but still supported and protected him, and whom he loved dearly but could not convince to become a Muslim. The verse is a clear indication of the fact that people of other faiths may be among those whom we love and hold even our closest relationships with.<sup>356</sup>
- b. **Mawaddah** – "love, friendly relations" (as in Qur'an 60:7) – "*Perhaps Allah will place love between you and those whom you hold as enemies. And Allah has power over all things, and Allah is Oft-Forgiving, Most Merciful.*" This

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<sup>356</sup> Yusuf Ali, *The Holy Qur'an: English Translation of the Meanings and Commentary*. Revised by The Presidency of Islamic Researches, IFTA, Call and Guidance, King Fahd Holy Qur'an Printing Complex, Medina, 1411AH, p.1136, footnote no.3388.

verse refers to Allah's ability to place love (or at least affection and warm sentiments) between oneself and one's enemies, which may include people of other faiths, as understood from the context of verses 8 and 9 of the same chapter, which refer to kindness to non-Muslims who do not fight against Muslims.

Qur'an 5:5 discusses the permissibility of Muslim men marrying chaste Christian and Jewish (*Ahl al-Kitab*) ladies, and Qur'an 30:21 speaks of the expected love between husbands and wives; while Qur'an 5:82 mentions Christians as being "*nearest in love to the believers*".

- c. **Akh** – "brother" (as in Qur'an 50:12-14, etc.) - The Qur'an refers to Prophets and the people they deliver their messages to as "*brethren*". For example, "...*the brethren of Lut...*" (Qur'an 50:12-14). The term "*their brother*" is also mentioned with respect to Prophet Nuh (Qur'an 26:106), Hud (Qur'an 26:124, 7:65, 11:50, 46:21), Salih (Qur'an 26:142, 27:46, 7:73, 11:61), and Shu'aib (Qur'an 26:176, 7:85, 11:84, 29:36).

Yusuf Ali makes the following comment on the use of the word "*brethren*":

"Note that Lot's people are the people to whom he is sent on a mission. He was not one of their own brethren, as was Salih or Shu'aib. But he looked upon his people as his brethren, as a man of God always does."<sup>357</sup>

In other words, non-Muslims also belong to the brotherhood of humanity. The affectionate term "*brother*" may thus be addressed to them, and not just to fellow Muslims.

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<sup>357</sup> Yusuf Ali, *The Holy Qur'an: English Translation of the Meanings and Commentary*. Revised by The Presidency of Islamic Researches, IFTA, Call and Guidance, King Fahd Holy Qur'an Printing Complex, Medina, 1411AH, p.422, n.1049 to Qur'an 7:80

## 36. Building Alliances with People of Other Faiths

**The Quran verse 5:51 is understood by some Muslims to imply that it is not permissible for Muslims to become friends, companions or have alliances with Jews, Christians and other non-Muslims. As a result, they do not support, and may even be against interfaith relationships and cooperation.**

**What is the correct interpretation of this verse?**

The verse in question reads: *“O you who have believed, do not take the Jews and the Christians as allies (awliya). They are [in fact] allies of one another. And whoever is an ally to them among you - then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.”* (Qur'an 5:51)

All verses of the Qur'an and hadiths must be interpreted within their specific contexts, and in the context of the whole Qur'an, as well as the practice (*sunnah*) of the Prophet Muhammad (p) and his rightly guided Companions, if the meaning is to be true to the intents of the text concerned. Neglecting other explicit statements of the Qur'an and hadiths related to this issue, while disregarding the principles and rules of interpretation of religious texts, only creates misinterpretations, misconceptions, unnecessary contradictions, and sometimes, dangerous conclusions which actually contradict clear and explicit texts.

The term "*awliya*" in this verse (Qur'an 5:51) is related to that of Qur'an 4:139 which states that, *“As for those who take the deniers of truth for their allies (awliya) in preference to the believers – do they hope to be honoured by them, when behold, all honour belongs to God (alone).”*

Ibn Kathir states that the verse rebukes believers who seek eminence in the eyes of disbelievers, while all power and

authority belong to Allah.<sup>358</sup> Al-Qurtubi states that those referred to in the verse are hypocrites (*munafiqun*) who were apparently among the Medinan believers, but who were associating with disbelieving opponents and revealing the Muslims' secrets to them. Thus, they connive with others against Islam in order to win recognition and favour. This, he says, is evidence that rebelling against the people of *Tawheed* (pure Islamic monotheism) is a sign of hypocrisy.<sup>359</sup> He also states that it is said that the verse was revealed concerning a hypocrite called Abu Lubabah. However, Sa'di said it was revealed concerning the event of Uhud, when the Muslims were afraid to the extent that some of them decided to take the Christians and Jews as confidants. Another narration said it was revealed in the case of Abdullah bin Ubayy bin Salul, who was afraid of being involved in a calamity and thus took protection among the Jews. Al-Qurtubi states that in doing so, Abdullah bin Ubayy was considered by Allah to be among them, since they had wilfully disobeyed Allah and His Prophet (p) and yet he inclined towards them.<sup>360</sup>

Believers (in Qur'an 5:51 above) are warned that Jews and Christians, as communities, should not be sought after as guardians wielding authority over them, as they have their own interests to protect and would not be committed to protecting the interests of Islam.

This verse was not understood by the Prophet (p), his Companions or the early scholars, to nullify or abrogate the permissibility of harmonious interfaith relations with peaceful people of other faiths as established by explicit texts such as Qur'an 60:8-9, etc. The verse (Qur'an 5:51) also did not abrogate the permissibility of interfaith marriage and intimacy of a Muslim man to a Jewish or Christian woman (Qur'an 5:5), eating of their food, good neighbourliness, and exchanging gifts, etc.

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<sup>358</sup> *Tafsir Ibn Kathir*, in *Maktab Taalib al-Ilm CD-ROM*, Ariss Computers Inc., Lebanon, Beirut, 2002.

<sup>359</sup> *Tafsir al-Qurtubi*, in *Maktab Taalib al-Ilm, CD-ROM*, Ariss Computers Inc., Lebanon, Beirut, 2002.

<sup>360</sup> *Tafsir al-Qurtubi*, in *Maktab Taalib al-Ilm, CD-ROM*, Ariss Computers Inc., Lebanon, Beirut, 2002.



It was also not understood to abrogate the permissibility of treaties, the establishment of *Darul Sulh/Ahd* ("Abode of Treaties"), of sending and receiving foreign missions and ambassadors; of having dialogue; of collaborating in the protection of the weak, as the Prophet (p) had done (in the "*Hilf al-Fudul*"); of the protection due to non-Muslim citizens (*Ahl al-dhimmah*); of forging security alliances; of establishing business relations, trade and partnerships; and of exchanging knowledge and learning opportunities.

When the Gazan leader of Tatar captured some Muslims and Christians as slaves from Damascus, the great medieval scholar Ibn Taymiyyah convinced the Tatar to release all Muslim and Christian prisoners, justifying that those Christians were living under the protection of Muslims.<sup>361</sup>

Conclusively, the term "*awliya*" in the verse means helpers or protectors of Jew and Christians in preference to and against the believers. It, therefore, does not prohibit friendliness, cooperation and peace-building with them.

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<sup>361</sup> Ibn Taymiyyah, *al-Risalat al-Qubrusiyah*, p.46, al-Maktabah al-Shamilah 3.13

### 37. Working with Non-Muslim Governments

**The Qur'an (11:113) says, “*And do not incline toward those who do wrong, lest the Fire should touch you, and you would have no protectors other than Allah, nor would you then be helped.*”**

**This verse is used by some Muslims to prohibit working with and in non-Islamic governments, as this is seen as “*inclining towards those who do wrong*”. Those who do so are viewed as disbelievers. The verse is therefore also used to justify not praying or relating with Muslims involved with such governments.**

**What is the correct interpretation of this verse?**

All verses of the Qur'an and hadiths must be interpreted within their specific contexts, and in the context of the whole Qur'an, as well as the practice (*sunnah*) of the Prophet Muhammad (p) and his rightly guided Companions, if the meaning is to be true to the intents of the text concerned. Neglecting other explicit statements of the Qur'an and hadiths related to this issue, while disregarding the principles and rules of interpretation of religious texts, only creates misinterpretations, misconceptions, unnecessary contradictions, and sometimes, dangerous conclusions which actually contradict clear and explicit texts.

The context of this verse makes its meaning clearer. The immediate verse before it reads, “*So remain on a right course as you have been commanded, [you] and those who have turned back with you [to Allah], and do not transgress. Indeed, He is Seeing of what you do.*” Then the next verse reads, “*And do not incline toward those who do wrong, lest you be touched by the Fire, and you would not have other than Allah any protectors; then you would not be helped.*”

According to Ibn Kathir, in the first verse (Qur'an 11:112), Allah is commanding His Messenger and the believers to stand firm,

because that will help them become victorious over their enemies. And Allah prohibits going to extremes even if it is against polytheists (*mushrikun*).”<sup>362</sup>

The verses, therefore, are of general import and implication. They are prohibiting Muslims from collaborating with or inclining towards oppressors, or being pleased with “*those who do wrong*” irrespective of whether these are individuals or groups. The verses concerned are not directed to any particular Muslim or non-Muslim government, but would apply to any group or government that is oppressive and doing wrong.

The verse does not imply a prohibition of collaboration or alliance with non-Muslims in enjoining right and forbidding wrong, or in any other area of mutual benefit. Hence, the Prophet (p) and the Companions enacted treaties and alliances with various people of other faiths as seen in the Treaty of Hudaibiyah, the Hilf al-Fudul, etc.<sup>363</sup> These alliances and collaboration were in spite of the fact that there were other things that the non-Muslims involved were doing that Islam would object to, such as their idol worship, burying of their young daughters alive (female infanticide), dealing in usury (*riba*), cruelty to animals, consuming alcohol, gambling, etc.

Some of the Companions and their successors worked under or related with some tyrants, oppressive governors and rulers in early Islamic history – such as Hajjaj Bin Yusuf, and some oppressors among the rulers of the Banu Umayyad and Abbasid dynasties. They, however, did not support these rulers in any of their wrongdoing and oppression.<sup>364</sup>

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<sup>362</sup> Ibn Kathir, *Tafsir al-Qur'an al-'Azim*, Dar al-Tayba, Riyadh, 2<sup>nd</sup> Edition, vol.4, p.354

<sup>363</sup> Many lessons have been derived by Muslim Scholars from the treaty of Hudaibiyah between the Muslims of Medina and the Polytheists of Mecca. These lessons are relevant to Muslim minorities living under non-Muslim rule, treaties and constitutional concessions, the priority of peaceful co-existence etc. For further reading, see: Ibn Hisham, *al-Sirah al-Nabawiyah*, Dar al-Qalam, Beirut, vol.1, pp. 321-336; Ibn Kathir, *al-Bidayah wa al-Nihayah*, Maktabat al-Ma'arif, Beirut, vol. 1, pp. 164 – 177; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp.40-41, pp. 495-530; Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, pp. 20-22, pp. 149 – 163.

<sup>364</sup> Syed Iqbal Zaheer, *An Educational Encyclopedia of Islam*, East West Educational tools, Bangalore, India, vol.1, pp.50-52 & 199-220

On the authority of Hudhayfah bin Yaman, the Prophet (p) said, *"...There will be leaders who will not be led by my guidance, and who will not adopt my ways. There will also be among them (future leaders of Muslims), men who will have the hearts of devils and the bodies of humans."* I asked (the Prophet), what should I do, O Messenger of Allah, if I happen to live in those times? He replied, *"You should listen to the leader (Amir), and carry out his orders, even if your back is flogged and your wealth is snatched, you should listen and obey."*<sup>365</sup>

In this context, the Prophet (p) advised Muslims under such oppressive rulers to obey them when and where they are right even if they are tyrants, but not to support them in wrong-doing and injustice. The Prophet (p) said, *"There is no submission in matters involving God's disobedience or displeasure. Submission is obligatory only in what is good (and reasonable)."*<sup>366</sup>

Therefore, the verse in question cannot be interpreted to prohibit working with or under an individual, organization or government that is not Islamic, so long as a Muslim is not forced to be involved in wrongdoing or oppression.

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<sup>365</sup> *Sahih Muslim*, Darul Jeel, Beirut, vol.6, p.20, hadith no. 4890

<sup>366</sup> *Musnad Ahmad*, hadith no. 724; *Sahih Muslim*, hadith no. 4871, *Sunan al-Nasa'i*, hadith no. 4205; *Sahih Ibn Hibban*, hadith no. 4564.

### 38. Obedience to Non-Muslim Leadership

**In Qur'an 6:121, Allah says, "...if you obey them, you would indeed be polytheists (*mushrikun*)". Some Muslims interpret this verse to mean that any Muslim who follows or obeys any non-Muslim is no longer a Muslim, and is to be regarded as a polytheist (*mushrik*) or disbeliever (*kafir*).**

**What is the correct interpretation of this verse?**

All verses of the Qur'an and hadiths must be interpreted within their specific contexts, and in the context of the whole Qur'an, as well as the practice (*sunnah*) of the Prophet Muhammad (p) and his rightly guided Companions, if the meaning is to be true to the intents of the text concerned. Neglecting other explicit statements of the Qur'an and hadiths related to this issue, while disregarding the principles and rules of interpretation of religious texts, only creates misinterpretations, misconceptions, unnecessary contradictions, and sometimes, dangerous conclusions which actually contradict clear and explicit texts.

Firstly, the verse in question has been quoted without regard to its own context. This is because the verse is actually in reference to one who abandons Allah's ruling regarding the animal which is to be consumed, and then accept instead that which the polytheists legalize.

Below is the complete verse with a short commentary by Ibn Kathir:

Allah says: "*And do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience. And indeed do the devils inspire their allies (among men) to dispute with you. And if you were to obey them, indeed, you would be polytheists*" (Q6:121)

Ibn Kathir comments on the phrase, “*and if you were to obey them....*” saying “and you consume carrion, leaving Allah’s command to other person’s statement as a matter of preference, then you have become polytheists (*mushrikun*). This is similar to Allah’s saying: ‘*They have taken their scholars and monks as lords besides Allah...*’ (Q9:31).”<sup>367</sup>

There is nothing wrong in obeying or following the instructions of a polytheist or any other non-Muslim in itself. It only becomes prohibited if what he or she calls you to is *shirk* (polytheism) or goes contrary to the *Shari’ah* of Islam. It was reported that the Prophet Muhammad (p) hired a polytheist, Abdullah bin Uraiqit al-Laithi, and followed his instruction during his migration to Medina.<sup>368</sup> This is a form of obedience, but which did not imply disobedience to Allah.

Thus, obeying the expert advice of a non-Muslim in the field of medicine, pharmacy, engineering, agriculture, management, nursing, etc. is highly encouraged in Islam. Allah says: “...*Ask those who know if you know not*” (Q16:43)

Muslims in Abyssinia sought the protection and accepted the leadership of the Christian king (Najashi) there. Also, during the period of the Treaty of Hudaibiyah, the Muslims who remained in Mecca under its polytheist leadership were expected by the Prophet (p) to respect its leadership in ways that did not contradict Shari’ah or the Treaty.<sup>369</sup>

The same principle of obedience to constituted authority applied and applies to other similar treaties, constitutions and pacts between Muslims and the leadership of various other non-Muslim communities.

It has been narrated on the authority of Ali who said:

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<sup>367</sup> Ibn Kathir, *Tafsir Ibn Kathir*, vol.3, p.329

<sup>368</sup> Safy al-Rahman Mubarakfuri, *Al-Rahiq Al-Makhtum (The Sealed Nectar: Biography of the Noble Prophet)*, Dar al-Salam Publishers, Riyadh, 1996, p.171

<sup>369</sup> Munir Muhammad Gadban, *Fiqh al-Sirah al-Nabawiyyah*, Wizarah al-Ta’lim al-‘Ali: Jami’ah Umm al-Qura, Mecca, 1419AH, p.507.



“The Messenger of Allah (p) sent an expedition and appointed over the Mujahids a man from the Ansar. (While making the appointment), he ordered that his work should be listened to and obeyed. They made him angry in a matter. He said: ‘Collect for me dry wood’. They collected it for him. Then he said: ‘Kindle a fire’. They kindled (the fire). Then he said: ‘Didn't the Messenger of Allah (p) order you to listen to me and obey (my orders)?’ They said: ‘Yes’. He said: ‘Enter the fire’. The narrator says: (At this), they began to look at one another and said: ‘We fled from the fire to (find refuge with) the Messenger of Allah (p) (and now you order us to enter it)?!’ They stood quietly until his anger cooled down and the fire went out. When they returned, they related the incident to the Messenger of Allah (p). He said: *‘If they had entered it, they would not have come out. Obedience (to the commander) is obligatory only in what is good.’*”<sup>370</sup>

Thus, the permission or prohibition of obeying a leader depends on the instructions given, and not on the religion of the leader. Therefore, obedience to a leader belonging to another faith is not prohibited as long as the leader's instruction is not tantamount to going against Allah's injunctions.

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<sup>370</sup> *Sahih Muslim*, hadith no. 4872

## 39. Purity of People of Other Faiths

The Qur'an (9:28) describes polytheists (*Mushrikun*) as "impure" (*najas*). Some have interpreted this to mean that people of other faiths are physically and morally impure. Such Muslims have also concluded that it is prohibited or at least discouraged to shake hands with non-Muslims, or to use their clothing, etc.

What is the correct interpretation of this verse?

All verses of the Qur'an and hadiths must be interpreted within their specific contexts, and in the context of the whole Qur'an, as well as the practice (*sunnah*) of the Prophet Muhammad (p) and his rightly guided Companions, if the meaning is to be true to the intents of the text concerned. Neglecting other explicit statements of the Qur'an and hadiths related to this issue, while disregarding the principles and rules of interpretation of religious texts, only creates misinterpretations, misconceptions, unnecessary contradictions, and sometimes, dangerous conclusions which actually contradict clear and explicit texts.

The verse in question reads, "*O you who have attained to faith! Indeed, the polytheist (mushrikun) are impure (najas), and so they shall not approach the Sacred House of Worship (Masjid al-Haram) from this year onwards...*" (Qur'an 9:28)

Some conclude from this verse that since non-Muslims (and not just polytheists) are "impure", Muslims cannot touch or hug people of other faiths, let alone show them affection or allow them into mosques, etc. However, "The term '*najas*' occurs in the Qur'an only in this one instance, and carries an exclusively spiritual meaning (see Manar X, 322 ff.)..."<sup>371</sup>

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<sup>371</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.294, n.37 to Qur'an 9:28

Al-Qurtubi cites views of scholars such as the Companion, Ibn Abbas, who consider the *mushrik* (one who ascribes divinity to others besides Allah) as being *najas* (impure) because of their *shirk* (ascribing divinity to others besides Allah) – the *shirk* being what is actually *najas*, and not necessarily the individual's physical entity.<sup>372</sup> Al-Tabari cites a narration where the Prophet (p) took the companion Hudhayfah by the hand whereupon he (Hudhayfah) said he was in a state of *junub* (impurity).<sup>373</sup> The Prophet (p) replied that a believer is never impure. This narration implies that an individual's real purity or impurity rests in the spiritual purity of his faith.<sup>374</sup>

The fact that the Prophet (p) allowed various polytheists, Jews and Christians into his Mosque in Medina even after this verse was revealed is evidence that non-Muslims are not physically impure.<sup>375</sup> In addition, there are numerous instances in authentic hadith where the Prophet and the Companions accepted and used gifts, clothing, bedding, food, utensils, etc. from various people of other faiths.<sup>376</sup>

The fact that the Qur'an also permits marriage to a Jewish or Christian woman further proves that this verse does not ascribe physical impurity to non-Muslims; rather, an impurity of creed, conception of God, and understanding of His will as clarified by the Qur'an and teaching of Prophet Muhammad (p).<sup>377</sup>

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<sup>372</sup> *Tafsir al-Qurtubi*, Dar Ihya at-Turath al-Arab, Beirut, 1985, vol.8, p.103

<sup>373</sup> Not having taken the "ritual bath" (*ghusl*) after sexual relations.

<sup>374</sup> *Tafsir al-Tabari*, Dar al-Kutub al-Ilmiyyah, Beirut, 1992, vol.6, p.345

<sup>375</sup> Ibn al-Qayyim, *Ahkam Ahl al-Dhimma*, Ed. As-Salih, Dar al-Ilm Lilmalayin, Beirut, 1964, p.691; cited by Salim Al-Bahnasawy in *Non-Muslims in the Shari'ah of Islam*, 2004. Dar an-Nashr lil-Jami'at, Egypt, p.77; Ibn al-Qayyim, *Zad al-Ma'ad*, vol.3, p.629; cited in Saeed Ismaeel, *The Relationship between Muslims and Non-Muslims* (Originally published in Toronto, Canada: Al-Attique International Islamic Publishing, 2000; p.59, Republished in Lagos: Sawtul Haqq); Imtiaz Ahmad, "Friendship with Non-Muslims" in *Speeches for an Inquiring Mind*, Al-Rasheed Printers, Medina, 2001, p.57; Mubarakfuri Safy al-Rahman, *Al-Raheeq Al-Makhtum* (The Sealed Nectar: Biography of the Noble Prophet), Revised Edition, Maktabah Dar al-Salam, Riyadh, 2002, p. 522-523

<sup>376</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith no.1482; Muslim, *Sahih Muslim*, hadith no.6087; Ahmad bin Hanbal, *Musnad Imam Ahmad bin Hanbal*, hadith no.23604; Al-Baihaqi, *al-Sunan al-Kubrah*, hadith no.18570; Al-Tabarani, *Al-Mu'jam al-Kabir*, hadith no.3497;

<sup>377</sup> See *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.4, p.402

Therefore, Muslims are clearly not prohibited from shaking hands, hugging and showing affection and intimacy to people of other faiths purely on account of the difference in faith.

## 40. Associating with People of Other Faiths

**The Qur'an (3:100–101) says, “O you who have believed, if you obey a party of those who were given the Scripture, they would turn you back, after your belief, [to being] unbelievers. And how could you disbelieve while to you are being recited the verses of Allah and among you is His Messenger? And whoever holds firmly to Allah has [indeed] been guided to a straight path.”**

**These verses have been interpreted by some to mean that Muslims should dissociate themselves from especially Jews and Christians (“those who were given scriptures”) for fear that these would turn Muslims away from Islam.**

**What is the correct interpretation of this verse?**

The verse under consideration should not be interpreted outside its own context or the context of the whole Qur'an and Sunnah, while disregarding the rules and principles of interpretation of religious texts that help prevent error or clarify any confusions. This is especially when some Companions of the Prophet (p) have actually commented on this particular verse, and its context.

According to Qur'anic commentators (*Mufasssirun*) such as Al-Baghawi<sup>378</sup>, Al-Tabari<sup>379</sup> and Ibn Ashur<sup>380</sup>, the circumstance during which the verse was revealed (*sabab al-nuzul*) was a case in Medina where a particular Jewish resident by the name Shas bin Qays, was envious of the growing authority and respect that the Prophet Muhammad (p) was receiving in Medina. He earlier

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<sup>378</sup> Abu Muhammad al-Hussain bin Musa Al-Baghawi, *Ma'alim al-Tanzil*, Dar al-Taybat al-Nashr, Medina, 1417AH, vol.2, p.75

<sup>379</sup> Muhammad bin Jarir al-Tabari, *Jami' al-Bayan*, Mu'assasat al-Risalah, Beirut, 1420AH, vol.6, p.59

<sup>380</sup> Muhammad bin Tahir Ibn Ashur, *Al-Tahrir wa al-Tanwir*, Maktabat al-Shamilah 3.13, vol.3, p. 248

on played a more prominent role in the leadership of Medina. As Islam united the major Arab tribes of 'Aws and Khazraj and brought an end to their mutual rivalry and infighting, the Jewish community became less significant as the Muslims became a larger united block. In an attempt to sow discord between the old rivals, Shas bin Qays and his followers tried to incite hatred among the Muslims by reminding the 'Aws and Khazraj of their respective past losses and why they should actually see each other as enemies and not brothers in faith.

The verse in question was revealed in this context, and the Prophet (p) intervened while asking the 'Aws and Khazraj Muslims, "O Muslims! Will you be responding to the call to the Pre-Islamic Days of Ignorance (*jahiliyyah*), while I am amongst you, and after Allah has honoured you with Islam and united you?" After that, they dropped their weapons and hugged one other in brotherhood.

This verse, therefore, teaches that Muslims should not obey or follow people who will cause or contribute to disunity and conflict among them. And that they should not obey or answer any call to tribalism, racism, or other forms of unacceptable Pre-Islamic (*Jahiliyyah*) ethics. According to Abubakr Jabir Al-Jaza'iri, an important lesson to be derived from this verse is that "Muslims should be cautious of taking advice from Jewish or Christian leaders in what may lead them into disbelief".<sup>381</sup>

It is clear from the actual context of the verse and the understanding of scholars, that these verses (along with other similar ones) were not understood to imply that Muslims should dissociate themselves from all people of other faiths.

As is clear from numerous other references in the Qur'an, the Sunnah and the actions of the Companions of the Prophet (p) cited in this work, this verse, as with many others, was not understood to teach hostility towards, or dissociation from peaceful people of other faiths, or from engaging with them for the common good as fellow human beings. It did not prohibit

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<sup>381</sup> Abubakr Jabir al-Jaza'iri, *Aysar al-Tafasir*, Maktabat al-Ulum wa al-Hikam, Medina, 1424, vol.1, p.355



political ties and treaties, commerce, marriage, visiting, exchanging gifts, cooperating in doing good, mutual assistance, religious dialogue and enlightenment (*da'wah*), etc.

## 41. Other Commonly Misinterpreted Verses of the Qur'an on Interfaith Relations

Many commonly misinterpreted verses linked to interfaith relations in the Qur'an make use of the term "*wali*" which means protector, guardian, willing subordinate, responsible manager, master, superior, or favoured servant or companion; confidante. The term often implies one party being superior in rank and authority to another.<sup>382</sup>

Muhammad Asad in his commentary on the Qur'an notes:

"It should also be borne in mind that the term *wali* has several shades of meaning: "ally", "friend", "helper", "protector", "guardian", etc. The choice of the particular term – and sometimes a combination of two terms is always dependent on the context."<sup>383</sup>

As has been reiterated on earlier occasions, verses of the Qur'an should not be interpreted without reference to their own textual and historical context, or the context of the whole Qur'an and Sunnah. For interpretations to be valid, they should also respect the rules and principles of interpretation of religious texts that help prevent or clarify any confusions or seeming contradictions.

Let us examine some examples of these commonly misinterpreted verses one by one:

1. **Qur'an 3:28:** *"Let not the believers take those who deny the truth for their allies (awliyā') in preference to the believers – since he who does this cuts himself from God in everything – unless you fear from them something that is to be feared (to protect yourselves against them in this way)..."*

This verse is understood by some to simply mean that Muslims are not supposed to make friends with all people of other faiths. What is the correct interpretation of this verse?

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<sup>382</sup> Ruhi al-Ba'labaki, *Al-Mawrid*, Dar El-Ilm Lilmalayin, Beirut, Lebanon, 1996, p.1248

<sup>383</sup> Muhammad Asad, *The Message of the Qur'an*, Dar al-Andalus, Gibraltar, 1980, p.155

The injunction in the verse – “*Let not the believers take those who deny the truth for their allies (awliyā’)* in preference to the believers” - is logical from any religion’s point of view. In cases where the interests of the “*deniers of truth*” clash with the interests of the faithful, it would be hypocritical for any believer to ally himself with a denier of truth in preference to fellow believers.

Verses such as this one imply that a hierarchical relationship in which deniers of truth have authority over believers should not be sought after. This understanding is consistent with a number of other verses which encourage guardianship and protection between believers, and discourage Muslims from taking protection from non-Muslims who subordinate them, in preference to other Muslims who have their interests at heart.

Imam al-Tabari explains that:

“Whoever is loyal to Jews and Christians against believers is one of them... No one can be loyal to others unless he is part of them and is content with that. If he is content with their beliefs and their religion, he becomes an enemy and hates whatever disagrees with the [beliefs of those he has supported], and will be judged according to the same judgments that are applied to these people.”<sup>384</sup>

Ibn Kathir comments that what is meant in Qur’an 3:28 is that Allah forbids his servants from taking a party of disbelievers as “*awliyā’*” and extending love to them at the expense of believers. He goes on to say that this corroborates Allah’s words in Qur’an 60:1:

“...*take not my enemies and yours as awliyā’, offering them your love even though they have rejected the truth that has come to you and driven out the Messenger and*

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<sup>384</sup> *Tafsir al-Tabari*, vol.6, p.179, quoted in Salim Al-Bahnasawy, *Non-Muslims in the Shari’ah of Islam*, Dar an-Nashr lil-Jami’at, Egypt, 2004, p.50, emphasis added.

*yourselves simply because you believe in Allah, your Sustainer...*<sup>385</sup>

It also relates to Qur'an 8:73 which states that, "*Those who deny the truth are awliyā' of one another. Unless you do likewise, there will be tumult and oppression on earth.*" Yusuf Ali, in his commentary of the Qur'an, elaborates that the message of this verse is that the good should consort with the good, just as the evil consort with each other; otherwise the world will give way to aggression and chaos.<sup>386</sup>

Hence, these verses are not condemning general friendliness towards people of other faiths, which was the norm for the Prophet (p) and his Companions and is encouraged by numerous texts. Rather, it condemns association (*wala'*) that imply favouritism and preference for disbelievers and their interests over those of believers, particularly those disbelievers who have recently persecuted or are presently persecuting Muslims.

2. **Qur'an 4:139, reads, "*As for those who take the deniers of truth for their allies (awliyā') in preference to the believers – do they hope to be honoured by them, when behold, all honour belongs to God (alone).*"**

**This verse is also interpreted by some to discourage or prohibit building better relations with people of other faiths.**

This verse is very similar in meaning to the preceding one, and also does not in any way negate general friendly relations with people of other faiths. Here, believers are discouraged from seeking an alliance which may make them subordinate to disbelievers in order to be accepted or honoured by the latter. Muhammad Asad in his commentary of the Qur'an writes:

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<sup>385</sup> Ibn Kathir, *Tafsir al-Qur'an al-Azim*, Dar al-Tayba, Riyadh, 1430AH. Edited by Sami bin Muhammad Salamah, 2<sup>nd</sup> edition, vol.2, p.30.

<sup>386</sup> Yusuf Ali, *The Holy Qur'an: English Translation of the Meanings and Commentary*. Revised by The Presidency of Islamic Researches, IFTA, Call and Guidance, King Fahd Holy Qur'an Printing Complex, Medina, 1411H, footnote no.1242, cited in *Alim 6.0*

“The term ‘allies’ (*awliyā*’, sing. *wali*) does not indicate in this context, merely political alliances, but more than anything else a ‘moral alliance’ with the deniers of truth in preference to the way of life of the believers, in the hope of being ‘honored’ or accepted as equal, by the former. Since an imitation of the way of life of confirmed unbelievers must obviously conflict with the moral principles demanded by true faith, it unavoidably leads to a gradual abandonment of those principles.”<sup>387</sup>

Ibn Kathir states that the verse rebukes believers who seek eminence in the eyes of disbelievers, while all power and authority belong to Allah.<sup>388</sup> Al-Qurtubi also asserts that those referred to in the verse are hypocrites (*munafiqun*) who connive with others against Islam in order to win recognition and favour. This, he says, is evidence that rebelling against the people of *Tawheed* (Islamic monotheism) is a sign of hypocrisy.<sup>389</sup>

This verse, therefore, does not in any way discourage or hinder interfaith bridge-building, but only prohibits Muslims from compromising Islamic values or seeking acceptance when relating with people of other faiths.

3. **Another commonly misinterpreted verse (Qur'an 2:120)** reads, “*Never will the Jews or the Christians be satisfied with you unless you follow their form of religion. Say: ‘The Guidance of Allah – that is the only Guidance!’ Were you to follow their desires after the knowledge which has reached you, then you would find neither protector nor helper against Allah.*”

**This verse is interpreted by some to mean that people of other faiths – and more specifically, Jews and Christians - will never really respect or accept**

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<sup>387</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.150, n.154 to Qur'an 4:139

<sup>388</sup> *Tafsir Ibn Kathir*, in *Maktab Taalib al-Ilm CD-ROM*, Ariss Computers Inc., Beirut, Lebanon, 2002.

<sup>389</sup> *Tafsir al-Qurtubi*, in *Maktab Taalib al-Ilm, CD-ROM*, Ariss Computers Inc., Beirut, Lebanon, 2002.

**Muslims as they are, unless they convert to Judaism or Christianity. This is understood to imply that Jews and Christians cannot be trusted or relied upon as individuals or as a community.**

**However, it is a well-known fact that many non-Muslim countries in the West for example, which are predominantly Christian (and with strong Jewish influence) have accepted as full and equal citizens many Muslims migrants, refugees and asylum seekers fleeing persecution and conflict from Muslim countries. Some of these Muslims have even been elected by these same non-Muslims into important senior positions of their national leadership. Some of these Western countries where Islam is now the fastest growing religion, have even given refuge, protection and freedom of religion and expression to important Muslim scholars and reformists who were persecuted in Muslim lands.**

**So what exactly does the verse teach when it says *“the Jews and Christians will never accept or be pleased with Muslims”*? Does it really refer to all Jews and Christians?**

This verse, like most other verses in the Qur'an, has both a specific contextual meaning, and also universal ethical principles of general relevance.

As has been reiterated on earlier occasions, the verse under consideration (Qur'an 2:120) should not be interpreted without reference to its own textual and historical context, or the context of the whole Qur'an and Sunnah.

Regarding this verse, Ibn Kathir comments that the Prophet's companion, Qatadah narrated that Qur'an 2:120 - *“Never will the Jews or the Christians be satisfied (lan tarda) with you unless you follow their form of religion (millah)...”* - was revealed in the specific context of the Prophet's dialogue and discussions with some People of the Book – Jews and Christians. Allah was assuring the Prophet (p) that he should not be stirred by their



disputation, for their hearts having already been satisfied with disbelief, would never find any explanation by the Prophet (p) satisfactory, while he should know that he is upon true guidance.<sup>390</sup> Ibn Kathir also said that the verse contains a strong warning for Muslims to avoid following the (religious) paths of Jews and Christians after what they (i.e. Muslims) have learned of the truth from the Qur'an and example of the Prophet (p).<sup>391</sup>

The Qur'an declares itself as the final and most preserved revelation, and a correction of the errors of belief and practice of those claiming allegiance to earlier revelations – hence, the warning in the verse to desist from reverting to error.

This verse is closely related to some of the verses mentioned earlier which make the realistic observation (that would apply to any other faith community or religion), which is that disbelievers, as a rule, are not suited to safeguard Muslims' interests because they have their own interests to protect, and Muslims should not hope to attain their favour as opposed to the favour of Allah.

This point is expressed in another verse, particularly regarding antagonist non-Muslims who had shown clear hostility against the Prophet (p) and early Muslims:

*“They will spare nothing to ruin you; they yearn for what makes you suffer. Hatred has been expressed by their mouths, but what their hearts conceal is still greater. Thus have We made clear to you the signs, if you possess understanding. Lo! You love them, but they do not love you...”* (Qur'an 3:118-119)

A common misinterpretation of these verses (and similar ones) also comes from inferring that the words, *“Never will the Jews or the Christians be satisfied with you unless you follow their form of religion”* (in Qur'an 2:120) can also be generalised to mean that ALL and EVERY Jew and Christian will never be satisfied with Islam and Muslims.

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<sup>390</sup> *Tafsir of Ibn Kathir*, in *Maktab Taalib al-Ilm CD-ROM*, Ariss Computers Inc., Beirut, Lebanon, 2002.

<sup>391</sup> *Tafsir Ibn Kathir*, in *Maktab Taalib al-Ilm CD-ROM*, Ariss Computers Inc., Beirut, Lebanon, 2002.

The fact however that many Jews and Christians at the time of the Prophet (p), throughout Islamic history and until this day have been so satisfied and pleased with Islam and Muslims as to even convert to Islam, embrace it as their religion and join the Muslim Ummah, clearly suggests that this verse is restricted in its meaning and can only be context-specific and not generalized to apply to all Jews and Christians.

There are different types of Muslims and non-Muslims mentioned in the Qur'an and Sunnah. Some are trustworthy and upright, while others are corrupt and hypocritical. The Qur'an, therefore, acknowledges that people of other faiths are not all alike (Qur'an 3:113, 3:75), some are reliable while others are not:

*“(But) they are not all alike: among the followers of earlier revelation, there are upright people...” (Qur'an 3:113)*

*“Behold, as for those who are bent on denying the truth (alladhina kafaru), it is the same to them, whether you warn them or do not warn them; they will not believe.” (Qur'an 2:7)*

*“Among the followers of earlier revelation are some who, if entrusted with a hoard of gold, will (readily) pay it back; others, who, if entrusted with a single silver coin, will not repay it unless you constantly stand over them demanding it.” (Qur'an 3:75)*

*“And, behold, among the followers of earlier revelation there are indeed such as [truly] believe in God, and in that which has been bestowed from on high upon you as well as in that which has been bestowed upon them. Standing in awe of God, they do not barter away God's messages for a trifling gain. They shall have their reward with their Sustainer - for, behold, God is swift in reckoning!” (Qur'an 3:200)*

So while Jews, Christians and others both in the past and present, may remain non-Muslims, some bear no ill will or hatred towards Islam or Muslims, and may even, as did the Christian King of Abyssinia or the Prophet's uncle Abu Talib, come to the

defence of Muslims for the sake of their faith, justice or filial duty.

We may therefore safely conclude that though Qur'an 2:120 and Qur'an 3:118-119 applied in the past to specific contexts, they will continue to apply to particular individuals and communities. They, however, do not necessarily apply to all communities or to every one of its members, and it is contrary to the spirit and clear teachings of Islam to generalise its message to all people of other faiths.

4. **The Qur'an 5:57 says, “O you who have attained to faith! Do not take for yourselves allies/protectors (awliyā’) such as mock at your faith and make a jest of it – be they from among those who have been given revelation before your time, or (from among) those who deny the truth...”**

Some have concluded from this verse, as with some of the earlier verses discussed, that Muslims should not take as friends or allies all people of other faiths.

**What is the actual meaning of this verse to interfaith relations?**

As has been mentioned earlier, the verses of the Qur'an should not be interpreted without reference to its own context, or that of the whole Qur'an and Sunnah, and should not disregard the rules of interpretation (*tafsir*) of religious texts that help prevent seeming contradictions or clarify any confusions.

The type of “disbelievers” referred to in the verse above is made clearer through an examination of the context and verses that follow Qur'an 5:57. The next verse reads;

*“And when you proclaim the call to prayer, they take it (but) as a mockery and fun, that is because they are a people who understand not. Say, ‘O people of the Scripture, do you criticize us for no other reason than that we believe in Allah, and in that which has been sent down to us and in that which has been sent down before...”*  
(Qur'an 5:58-59)

As it has been made abundantly clear in Qur'an 60:7-9 cited below (and implied in Q5:57 above), as well as the numerous sayings and actions of the Prophet Muhammad (p), this prohibition of a 'moral alliance' with non-Muslims who mock Islam does not constitute an injunction against normal friendly relations with those of them that interact with Muslims respectfully or peacefully; nor is it an injunction against accepting assistance from non-Muslims whose sincerity is not in doubt.<sup>392</sup>

*"As for those (unbelievers) who do not fight against you on account of (your) faith, nor drive you out of your homelands, **God does not forbid you to show them kindness and to deal with them with fairness and equity....** God only forbids you to turn in friendship towards (an tawallawhum) such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth: and as for those (from among you) who turn toward them in friendship, it is they, they who are truly wrongdoers!" (Qur'an 60:9)*

It may, therefore, be inferred from this that Muslims may "tawalla" (i.e. "turn to") those non-Muslims that do not fight against or support those who fight against Muslims on account of their faith.

5. Allah says in Qur'an 58:22, ***"You shall not find a people who believe in Allah and the Last Day befriending those who oppose Allah and His Messenger even though they be their fathers or their sons or their brothers or their relatives. He has***

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<sup>392</sup> Such as some of the Prophet's uncles and non-Muslim political allies – see the relevant section on "Trusting People of other Faiths" above. Sheikh Muhammad Rashid Rida also writes, "Forbidden in the issue of showing loyalty is when Muslims show loyalty to Jews and Christians and make alliances with them to support them against other Muslims or to connive with them against other Muslims. But making alliances with non-Muslims in ways that will benefit the believers or preventing harm from them is a matter of discretion which the majority of scholars have permitted." (*Tafsir al-Manar*, vol.16, pp.81-82; quoted in Salim Al-Bahnasawy, *Non-Muslims in the Shari'ah of Islam*, Dar an-Nashr lil-Jami'at, Egypt, 2004, p.52

*inscribed faith in their hearts and has strengthened them with a spirit from Him, and He shall make them enter Gardens beneath which rivers flow. Therein they shall abide. Allah is well-pleased with them, and they are well-pleased with Him. They belong to Allah's party. Verily Allah's party shall prosper."*

**This verse is understood by some to imply that true believers are not expected to befriend people of other faiths who have refused to accept Islam, irrespective of their relationship and disposition towards them. These people believe that Allah praises and rewards such unfriendly attitudes with Paradise. What is the correct interpretation of this verse?**

As previously reiterated, any interpretation or conclusion from any verse of the Qur'an should not be done without proper reference to the context of that verse, or that of the whole Qur'an and Sunnah; and should not disregard the rules and principles of interpretation of religious texts that help prevent seeming contradictions or clarify any confusions.

According to Muhammad Asad, "the key to the understanding of this verse is to appreciate that the operative phrase of this passage is contained in the words, "*anyone who contends against (man hadda) God and His Apostle*": i.e., anyone who is engaged in active hostility against God's message and the person or the teachings of His Apostle. As regards relations with non-believers who are not actively hostile to Islam, the Qur'an explicitly permits and implicitly ordains in many places (e.g., in 60:8-9) kindness and friendliness towards them."<sup>393</sup>

The verse was revealed in the early Medinan years (between the 4th and 5th year of *Hijrah*)<sup>394</sup> when the Muslim community was

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<sup>393</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.964, n.29 to Qur'an 58:22.

<sup>394</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.958

faced with continuous opposition and the threat of extermination by the Quraysh polytheists. In such a context of hostility and the state of war between the two parties, it is only natural and logical that there cannot be friendly relations with such hostile tribes, even if they were relatives, as this would weaken the cohesiveness and unity of the Muslim community in their response to the offensive opposition of the polytheists.

Thus, while this phrase could, in theory, be interpreted to refer to all non-Muslims, it could also be interpreted to refer specifically to those non-Muslims who oppose, contend against or blaspheme Allah and his Messenger (p), or are hostile, aggressive or warring with Muslims; such as those referred to in Qur'an 5:57:

*“O you who have attained to faith! Do not take for yourselves allies/protectors (awliyā') such as mock at your faith and make a jest of it – be they from among those who have been given revelation before your time, or (from among) those who deny the truth...”*

However, interpreting it to refer to all non-Muslims, including peaceful people of other faiths, contradicts other numerous texts from the Qur'an and Sunnah, and the actual lived history (*seerah*) of the Prophet (p) and his Companions; and can therefore not be justified, as this has no authoritative evidence supporting it.

On the other hand, interpreting it to refer to only hostile non-Muslims is in line with other texts that ask Muslims not to befriend or incline towards (*wala'*) those people of other faiths who fight against them on account of their faith, such as Qur'an 60:9:

*“God only forbids you to turn in friendship towards those who fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth...”* (Qur'an 60:9)

While Muslims are allowed to shun or dissociate themselves from such hostile people of other faiths, other texts nonetheless show the Prophet (p) forgiving some of such people. The Qur'an also encourages thus:



*“The good deed and the evil deed cannot be equal. Repel (the evil) with one which is better (i.e. Allah orders the faithful believers to be patient at the time of anger, and to excuse those who treat them badly) then verily he, between whom and you there was enmity, (will become) as though he was a close friend.” (Qur’an 41:34)*

Neglecting other explicit statements of the Qur’an and hadiths related to this issue, while disregarding the principles and rules of interpretation of religious texts, only creates misinterpretations, misconceptions, unnecessary contradictions, and sometimes, dangerous conclusions which actually contradict clear and explicit texts.

A legal maxim to this effect states that, “An interpretation that reconciles all relevant and authentic texts is always superior to an interpretation that gives preference to one text while setting aside other relevant and authentic texts (*Al-Jam’ Awla min al-Tarjih*).”<sup>395</sup> Another maxim related to this states that, “Using a relevant text or statement is preferred (and superior) to abandoning it (*I’mal al-Kalam Awla min I’malih*).”<sup>396</sup>

Thus, nothing in the verse under consideration (Qur’an 58:22) teaches or supports violence or aggression towards peaceful others; or prevents Muslims from befriending people of other faiths who are not hostile or aggressive towards Islam and Muslims.

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<sup>395</sup> Ibn Rushd, *Bidayah al-Mujtahid wa Nihayah al-Muqtasid*, vol.1, p.62, al -Maktabah al-Shamilah; Ibn Hajar al-Asqalani, *Fath al-Bari Sharh Sahih al-Bukhari*, Dar al-Ma’rifah, Beirut, 1379, vol. vol.9, p.474; Abu Ishaq al-Huwaini, *Durus li al-Shaikh Abu Ishaq al-Huwaini*, part.146, p.7; Al-Shatibi, *al-Itisam*, al-Maktabah al-Tijariyyah al-Kubra, Misr, vol.1, p.247; Muhammad al-Amin bin Muhammad al-Mukhtar al-Shinqiti, *Adwa’ al-bayan*, Dar al-Fikr, Beirut, 1415, vol.2, p.97

<sup>396</sup> Taj al-Din Abd al-Wahhab al-Subuki, *al-Ashbah wa al-Nazahir*, Dar al-Kutub al-Ilmiyyah, Beirut, 1411AH, vol.1, p.477; Al-Shatibi, *al-Itisam*, al-Maktabah al-Tijariyyah al-Kubra, Egypt, vol.1, p.247; Abd al-Karim Zaydan, *Synopsis on the Elucidation of Legal Maxims in Islamic Law*, translated with Intro and notes by MD. Habibur Rahman Azman Ismail, Malaysia, p.15

6. ***Qur'an 60:4 reads, "You have a good example in Ibrahim and his companions: They said to their people: 'We totally dissociate ourselves from you, and from the deities that you worship instead of Allah. We renounce you and there has come to be enmity and hatred between us and you until you believe in Allah, the One True God.' (But you may not emulate) Ibrahim's saying to his father: 'Certainly I will ask pardon for you, although I have no power over Allah to obtain anything on your behalf.' (And Ibrahim and his companions prayed): 'Our Lord, in You have we put our trust, and to You have we turned, and to You is our ultimate return.'"***

**Some Muslims have interpreted this verse to imply that Muslims must harbour hatred and enmity towards, and dissociate themselves from all people of other faiths, irrespective of their relationship or peaceful disposition towards them. What is the correct interpretation of this verse?**

A basic knowledge of the history of the conflict between Prophet Ibrahim (p), his companions and their people, as well as the context of this verse should make it clear that there is no way Qur'an 60:4 could be interpreted to justify unprovoked enmity, hatred or aggression against non-hostile people of other faiths.

Prophet Ibrahim (p) was born into a family of idolaters in the kingdom of Babylon, and his father, Aazar, was not just an idolator, but was, in fact, an idol maker. After Ibrahim (p) was guided by God to Islamic Monotheism (*Tawheed*), and granted prophethood, he refused to worship the idols, and called upon his people to abandon idol worshipping. His father and the people of his town rejected his call, and on the approval of their king Nimrod (Namruz), they decided to punish Ibrahim by burning

him alive, for disrespecting and breaking their idols. However, Allah saved Ibrahim from the fire.<sup>397</sup>

As it has been reiterated earlier, the verse under consideration should not be interpreted with disregard to other verses of the same chapter, its own textual and historical context, or the context of the whole Qur'an and Sunnah, while disregarding the rules and principles of interpretation of religious texts that help prevent seeming contradictions or clarify any confusions. This is especially when the Prophet (p) and his Companions actually lived to apply this particular verse. Hence, the importance of thoroughly understanding the prophetic history (*Seerah*) and what actually took place, when interpreting such a text of the Qur'an that have clear practical and social implications.

Therefore, considering the persecution and violent aggression faced by Prophet Ibrahim (p), including being thrown into the fire, it is rational that enmity and hatred grow between the two parties. Thus, it is reasonable that he and his companions should dissociate and distance themselves from such aggressors and oppressors.

It is therefore logical and justifiable that Muslims should dissociate and distance themselves from people of other faiths who persecute or are hostile towards them. However, such dissociation or enmity should not lead Muslims to become unjust or disregard Islamic values and principles. Allah says:

*“O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice. Be just; this is closest to being God-conscious. And remain conscious of God; verily, God is aware of all that you do.” (Qur'an 5:8)*

The second part of the verse teaches that Muslims should not allow filial love for relatives to blind them from their cruelty or hostility. According to Muhammad Asad, "his filial love prevented

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<sup>397</sup> For more on the story of Prophet Ibrahim, see Qur'an 19:42-48, 21:68-71, 9:114, 21:51, 6:74-81, 2:258, 60:4, 26:86-87, and 14:37; and the various commentaries of scholars.

Ibrahim from including his father in his declaration of “enmity and hatred”, although later - after his father had died as an idolater - Ibrahim could not but disavow him.”<sup>398</sup>

However, this part of the verse does not prohibit praying for guidance and forgiveness for people of other faiths, as long as they are still alive. Rather, “this prohibition relates to the dead among such sinners - i.e., those who have died without repentance (Zamakhshari, Razi) - and not to those who are still living: for “a prayer for forgiveness in respect of a living [sinner]... amounts to asking God that He grace him with His guidance... and this is permissible” (Manar XI, 60).”<sup>399</sup>

Generally, the whole of this chapter (Qur’an 60 – *Surah al-Mumtahinah*) deals with the relations between the Muslims and the people of other faiths, and in particular with the undesirability of relations with those enemies who were bent upon attacking and exterminating Islam, and who, not being satisfied with expelling the Muslims from their homes in Mecca, still wage war on them in their refuge in Medina.

Ibrahim’s example is quoted in the verse under consideration (Qur’an 60:4) to show that despite being loving and tender towards his people, yet, when it became clear to him that they were bent upon uprooting the Truth, even Ibrahim could not maintain relations of friendship with them. The Prophet (p) and his Companions were in like manner now obliged to renounce all relationships of friendship with a people who were not only the avowed enemies of the Muslims, but were also in a state of continual war with them.

Therefore, once the context of the verse is considered, this verse can in no way be used to justify enmity, hatred, dissociation, aggression, or violence against peaceful people of other faiths.

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<sup>398</sup> Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, p.976, n.5 to Qur’an 60:4

<sup>399</sup> Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, p.317, n.148 to Qur’an 9:113

## 42. Living Among People of Other Faiths

The Prophet (p) is reported to have said, “*I have dissociated myself from any Muslim who stays in the mix of polytheists.*”<sup>400</sup> This has been interpreted by some to mean that it is prohibited for a Muslim to associate himself with any Muslim who is living in a non-Muslim country or community, or working as civil servants in a non-Islamic government. Some Muslims even avoid going to *Jum’ah* (Friday) prayers with such civil servants, and commencing the fast of Ramadan with them. Such associations and interactions by Muslims are seen by some as even amounting to acts of disbelief (*kufr*), since the Prophet (p) said, “*I have dissociated myself*” from such Muslims.

However, throughout the time of the Prophet (p) and his Companions, there have always been Muslim citizens living as minorities in non-Muslim societies with their religious freedoms protected. It is also well-known that historically Muslims have always lived in the midst of various people of other faiths – polytheists, Jews, Christians, Zoroastrians, Hindus, Buddhists, etc. - from as early as the Meccan Period of Islamic history to this day. What then could be the meaning of this hadith, and why would the Prophet (p) say such?

The hadith under consideration should not be interpreted outside its own historical context (*sabab al-wurud*) or the context of the whole Qur’an and Sunnah, while disregarding the rules and principles of interpretation of religious texts that help prevent

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<sup>400</sup> *Sunan Abu Dawud*, hadith no.2647; *Jami’u al-Tirmidhi*, hadith no.1604; *Sunan al-Nasa’i*, hadith no.6982

errors or clarify any confusions. This is especially when scholars of Hadith have actually commented on the specific context of this particular hadith.

The circumstances around which this hadith was narrated (*sabab al-wurud*) make it clear that it was referring specifically to some Muslims who were living among a particular polytheist community (of Khath'am) who were at war with the Prophet (p). The Prophet (p) was making it clear that as the Head of State, he was not going to be responsible for the fate of Muslims who decided to remain among them. In the actual context of the hadith, some Muslims living among the warring polytheists actually got killed during the fighting and the Prophet (p) decided at the end of it, to pay only half the value of the "blood wit" (*diyyah*) to their families, instead of the usual full amount, because it was partly their fault for remaining within that community. It is in this context that the Prophet (p) is quoted to have said that he disassociates himself from the responsibility of paying the blood money (*diyyah*) of any Muslim who decides to live among such polytheists.<sup>401</sup>

It is clear from the actual practice and life history (*seerah*) of the Prophet (p), his Companions and the earliest generation of Muslims, that this hadith was not understood to mean that Muslims could not live among peaceful people of other faiths or vice-versa. There were many Muslims who lived as minorities at the time of the Prophet (p) and thereafter in Mecca, Abyssinia and elsewhere. Many of those who embraced Islam but who came from outside Medina were actually asked by the Prophet (p) to return to their polytheist communities to share the message of Islam with their people.<sup>402</sup> Many of the companions of the Prophet (p) left Medina and went to places where Muslims were minorities or even absent in order to spread the message of Islam. Others throughout Islamic history went far and wide for business, political alliances, and exploration, which even facilitated the spread of Islam across the world.

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<sup>401</sup> Muhammad Shams al-Haq al-Azim al-Abadiy, *'Awn al-Ma'bud: Sharh Sunan Abu Dawud*, Dar al-Kutub al-Ilmiyyah, Beirut, 1415, vol.7, p.218, no.2645

<sup>402</sup> *Sahih al-Bukhari*, hadith no. 6008; *Sahih Muslim*, hadiths no. 674 and 1,865.



This hadith, therefore, does not in any way undermine improving interfaith relations or working with non-hostile people of other faiths as was in fact done in many contexts by the Prophet (p) and the earliest Muslims.

### 43. Discrimination in the Punishment for Killing a Non-Muslim?!

The Prophet (p) is reported to have said, “... *that no Muslim should be killed (in retaliation – qisas) for killing a disbeliever (kafir)*;<sup>403</sup> and that “*The blood money (diyyah) of an unbeliever (kafir) is half that of a Muslim.*”<sup>404</sup>

These have been interpreted by some to mean that the punishment of “equitable retribution” (*qisas*) which could carry the death sentence is due on a non-Muslim who kills a Muslim, but not vice-versa; and that the financial compensation/fine/penalty/blood-money (*diyya*) for killing a non-Muslim is less than that of a Muslim. This is understandably considered as unfair, prejudiced and discriminatory against people of other faiths.

All of the verses of the Qur'an and the authentic (*sahih*) hadith on the issue of “just retribution” (*qisas*) and “blood money” compensation (*diyyah*) are general in their wordings and make no discrimination between people based on religion, gender or social class.<sup>405</sup> From all the relevant texts however, two hadiths in particular have been interpreted by some in such a way as to imply that the punishment (*qisas*) of death penalty does not apply to a Muslim who murders someone from another faith, and that the compensation (*diyyah*) for killing a non-Muslim is half or less than that of a Muslim.

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<sup>403</sup> *Sahih al-Bukhari*, vol.9, hadith no. 50 in Alim 6.0 and vol.4, p.326-327

<sup>404</sup> Ahmad bin Hanbal, *Musnad*, vol.2, p.180

<sup>405</sup> Qur'an 2:178; 4:92; 5:32; 5:45; 17:33 – cited earlier in this material. Also, for a discussion on the weakness of the unwarranted claims by some that the “blood money” (*diyya*) of a woman is half or less than that of man, see Yusuf al-Qaradawi, *Approaching the Sunnah: Comprehension and Controversy*, IIIT London, UK, 2006, p.53-54; Mohammad Hashim Kamali, *The Right to Life, Security, Privacy and Ownership in Islam*, Ilmiah Publishers, IIAIS Malaysia, 2013, p.20-21.

This particular discriminating interpretation of these hadiths has naturally been challenged by other scholars who regard such a prejudiced conclusion as unwarranted from the text itself. They also regard it as unjustifiable, as it is not supported by the clear and explicit general implications of all the other relevant verses of the Qur'an and hadith on the subject, the implications of citizenship and state protection (*dhimma*) of non-Muslims, the clear objectives of *qisas* mentioned in the Qur'an, and the practice of the Prophet (p) and some of the Companions.

The hadith which is interpreted to imply the prohibition of punishing a Muslim with the death penalty if he/she murders a non-Muslim could be understood in two significantly different ways:

The hadith narrated by Ali bin Abi Talib can be understood to read as, *"The blood of the believers are equal, the lowest of them can promise protection on their behalf, and they are all united against the others. Verily, a believer (mu'min) is not to be killed for (killing) an unbeliever (kafir) and he who has an agreement (with the Muslims – dhu 'ahdin) shall not be killed while the agreement is in force."*<sup>406</sup>

Another version of the same hadith reads, *"...A Muslim should not be killed for (murdering) an infidel (kafir). Nor should a holder of a covenant (dhu 'ahdin) be killed so long as he holds his covenant."*<sup>407</sup>

Jurists accept the authenticity of these hadith, but they opine differently over its implication. Some of them, like Malik (in some instances), Ahmad bin Hanbal and Al-Shafi'i (in most instances), take it as implying a restriction of the general principle of "just retaliation" (*qisas*) and compensation (*diyya*) presented in all the relevant verses of the Qur'an and other hadith.<sup>408</sup>

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<sup>406</sup> *Sahih al-Bukhari*, vol.9, hadith no. 50 in Alim 6.0 and vol.4, p.326-327; Ahmad bin Hanbal, *Musnad*, vol.1, p.119. It is important to see later on how Ali himself understood and implemented this hadith when he was caliph and was faced with a case of the murder of a *dhimmi* by a Muslim.

<sup>407</sup> Al-Maraghi, *Al-Tashri' al-Islami li-Ghayri'l-Muslimin*, p.82

<sup>408</sup> Al-Shafi'i, *Kitab al-Umm*, vol.4, p.419; Mawardi, *al-Hawi al-Kabir*, vol.12, p.16; See also, Yusuf al-Qaradawi, *Approaching the Sunnah: Comprehension and Controversy*, IIIT London,

The phrases in both of the hadiths which state that, “...*he who has an agreement (with the Muslims – **dhu ‘ahdin**) shall not be killed while the agreement is in force,*”<sup>409</sup> or “...*Nor should a holder of a covenant (**dhu ‘ahdin**) be killed so long as he holds his covenant,*”<sup>410</sup> cannot be taken literally to mean that such a person cannot be executed (or killed) if he/she commits murder, treason, highway robbery, or any other crime that calls for the death sentence, as that would contradict numerous explicitly clear texts the Qur’an on this.

It also cannot be understood to mean that it is permissible to kill any peaceful non-Muslim simply because he/she does not have a contract with the state.<sup>411</sup> The meaning and implications of these hadith therefore necessarily have to be qualified and restricted in their implications by their context and other texts of the Qur’an and authentic hadith. Also, according to the Malikis (who generally hold the opposing view), a Muslim may actually be killed for killing an unbeliever if the non-Muslim citizen (*dhimmi*) was murdered treacherously (*gheelah*).<sup>412</sup> Imam Malik is also reported to have said, “What is done in our community is that a Muslim is not killed for (killing) a *kafir* unless the Muslim kills him wrongfully. Then he is killed for it... The *diyya* (blood money/compensation) of the Jew, Christians and Zoroastrians in their injuries is (also) according to the *diyya* of the Muslims in their injuries...”<sup>413</sup> In other words, they too do not take literally and in an unrestricted or unconditional manner the phrase in the hadith – “...*a believer (mu’min) is not to be killed for (killing) an unbeliever (kafir)*”.

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UK, 2006, p.51-53; Mohammad Hashim Kamali, *The Right to Life, Security, Privacy and Ownership in Islam*, Ilmiah Publishers, IIAIS Malaysia, 2013, p.12-17;

<sup>409</sup> *Sahih al-Bukhari*, vol.9, hadith no. 50 in *Alim* 6.0 and vol.4, p.326-327; Ahmad Bin Hanbal, *Musnad*, vol.1, p.119.

<sup>410</sup> Al-Maraghi, *Al-Tashri’ al-Islami li-Ghayri’l-Muslimin*, p.82

<sup>411</sup> Even in a state of actual warfare, it is not permissible to kill non-combatants – women, children, the elderly, etc. The Qur’an and Sunnah are categorical on this point as discussed elsewhere in this material on the topics related to warfare and *jihad*.

<sup>412</sup> Malik bin Anas, *Al-Muwatta’*, p.864; Sahnun, *Al-Mudawwana al-Kubra*, vol.6, p.427; Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur’an*, vol.1, p.163; Badr al-Din ‘Ayni, *Umdat al-Qari*, vol.2, p.161.

<sup>413</sup> *Al-Muwatta*, vol.43, hadith no. 8b in *Alim* 6.0, emphasis added.

Also, the famous hadith which mentions three reasons why the life of a Muslim may be taken cites one of the reasons as being due to intentional killing and is to be punished by retaliation (*qisas*).<sup>414</sup> As noted by Jassas, the hadith does not specify that the victim must be a Muslim.<sup>415</sup>

According to Abu al-Janub al-Asadi, “A Muslim who had killed a non-Muslim under treaty (*dhimmi/mu’ahid*) was presented in the court of Ali. After the proof of his crime was furnished and found valid, **Ali ordered him to be killed (in retribution for killing the non-Muslim)**. The brother of the victim came to him (Ali) and said, ‘I have pardoned him.’ Ali asked, ‘Did they (the heirs of the killer) scare you or threaten you in any way?’ the man replied, ‘No. Killing him will not bring my brother back. They offered blood money in return and I agreed to it.’ Ali said, ‘You know best; whoever is under our guarantee of protection, **then his blood is like our blood, and the blood money due to him is like the blood money due to us.**’”<sup>416</sup> From this episode of a great Companion, it is obvious that Ali bin Abi Talib (who narrated the version of the hadith under consideration that was recorded in *Sahih al-Bukhari*), also did not regard the hadith as applying to a non-Muslim citizen (*dhimmi/dhu ‘ahdin*) who is under the protection of a covenant with the Muslim state.<sup>417</sup>

Consequently, others such as Abu Hanifah, and Al-Zuhri, interpret these hadith within the general implication of Qur’anic and other Prophetic texts and restrict the meaning and implications of these hadith to hostile non-Muslims (*kafir haribi*) who are citizens or a warring state (*Darul Harb/Kufr*).<sup>418</sup> Abu

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<sup>414</sup> Nasa’i, *Sunan An-Nasa’i*, vol.7, p.103; Abu Dawud, *Sunan Abu Dawud*, vol. 4, p. 223, hadith no. 4355,

<sup>415</sup> Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur’an*, vol.1, p.164.

<sup>416</sup> Al-Bayhaqi, *Sunan al-Kubra*, vol.8, p.34, hadith no.15712; Muhammad bin Idris Al-Shafi’i, *Musnad al-Shafi’i*, hadith no.344; Abu Yusuf, *Kitab al-Kharaj*, p.187; (All cited in Muhammad Tahir-ul-Qadri, *Muhammad the Merciful*, Minhaj-ul-Quran Publications, London, 2013, p.324); See also, Sarakhsi, *Al-Mabsut*, vol.26, p.133.

<sup>417</sup> Sarakhsi, *Al-Mabsut*, vol.26, p.133.

<sup>418</sup> Other scholars who also hold this view include Ibrahim al-Nakha’i, Abu Yusuf, Muhammad bin al-Hassan Al-Shaybani, Ibn Abi Layla, Uthman al-Batti, and most of the most of the Hanafi scholars - See Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur’an*, vol.1, p.163; Ibn Qudama, *Al-Mughni*, vol.7, p.652; Abubakr Abd al-Razaq bin Hummam al-San’ani, *Musannaf Abd al-Razaq*, vol.9, p.473.

Hanifah states that from the actual wording of the hadith itself, **three categories of people** are mentioned: a Muslim/*mu'min* (or a believer); a *dhu 'ahdin* (or *mu'ahid* or *dhimmi*) – who is a peaceful non-Muslim citizen under the covenant of protection of a Muslim state; and a *kafir*. The two categories of non-Muslims (*dhu 'ahdin* and *kafir*) are different and should not be interpreted or regarded to mean they are one and the same. The main difference between the two is not their religious identity but their citizenship or status vis-à-vis the state. While the *dhu 'ahdin* (or *mu'ahid* or *dhimmi*) is a fellow citizen under state protection (of the Islamic territory – *Darul Islam* or *Darul Sulh*), the *kafir* in this context is a citizen of a belligerent, hostile or warring state (*Darul Harb/Kufr*) and does not have automatic protection of the Muslim state.

Thus, the term “*kafir*” (‘infidel’), according to Abu Hanifah and many others, should in the context of these hadith be understood to mean specifically the belligerent or hostile non-Muslim (*kafir haribi*) as opposed to the law-abiding non-Muslim citizen under Muslim state protection (*mu'ahid* or *dhimmi*). The hadith should thus be understood to imply that neither a Muslim nor a *dhu 'ahdin/dhimmi* is to be executed for killing a belligerent or warring non-Muslim (*haribi*).<sup>419</sup>

Consequently, according to Imam al-Tahawi, the hadith means “...A believer (*mu'min*) and a person having a contract (of protection – *mu'ahid*) with the Muslims are not to be killed for (the killing of) an unbeliever (*kafir*),” and the *kafir* here being a *haribi* and not a “*dhu 'ahdin*” (or *mu'ahid*).<sup>420</sup>

According to Sa'id Ramadan, the reasonableness of such an interpretation can well be appreciated if we recall that in the very early days of Islam there were only two active camps: the subjects of the Islamic State (Muslims and non-Muslims) and their hostile

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<sup>419</sup> Sarakhsi, *Al-Mabsut*, vol.26, p.134; Marghinani, *Hidaya*, vo.4, p160; Quduri, *Mukhtasar*, p.184; Mawardi, *Al-Hawi*, vol.12, p.11; See also Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur'an*, vol.1, p.166; Badr al-Din, 'Ayni, *Umdat al-Qari*, vol.2, p.162.

<sup>420</sup> Abu Jafar al-Tahawi, *Mushkil al-Athar*, vol.2, p.92-95



(*haribi*) neighbors belonging to the general territory referred to as *Darul Harb/Kufr*.<sup>421</sup>

This explanation is corroborated in *Tafsir al-Qurtubi*, which states, “Thawri and the scholars of Kufa said that a master may be killed for a slave, and a Muslim may be killed for a *dhimmi*. They derived their evidence from the words of Allah ‘*O you who believe, just retribution is ordained for you in cases of murder...*’ (Qur’an 2:178) which they said has general applicability, and also the words of Allah, ‘*We ordained for them a soul for a soul...*’ (Qur’an 5:45).” Al-Qurtubi agrees with this conclusion, stating that the hadith has specific (rather than general) application. He explains that a *dhimmi* is equal to a Muslim in sacredness, which is evident in the laws of just retribution, particularly since both of them (Muslim and *dhimmi*) belong to *Dar al-Islam*. Furthermore, in practice, a Muslim’s hand may be cut for stealing the property of a *dhimmi*. This also indicates that the wealth of a *dhimmi* is equal to the wealth of a Muslim. Likewise, his blood, which is even more sacred than his wealth, should be protected.<sup>422</sup> Qurtubi continues to state that the majority of *ulama* believe that a Muslim cannot be killed for a *kafir* out of *Dar al-Islam* (i.e. belligerent to Muslims).<sup>423</sup> This is consistent with Ramadan’s explanation above.

According to Al-Jassas, the phrase in the hadith, “*The blood of the believers are equal...*”, does not mean that they are not equal to the lives of *dhimmi*.<sup>424</sup> The inequality between law-abiding Muslims and law-abiding citizens of other faiths mentioned in the Qur’an<sup>425</sup> refers according to Sarakhsi only to their inequality in the hereafter and not before the law. In this world, all are liable to *qisas* “because their lives are equally protected.”<sup>426</sup>

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<sup>421</sup> Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.146

<sup>422</sup> Al-Qurtubi, *Tafsir al-Qurtubi*, Dar Ihya at-Turath al-Arab, Beirut, 1985, vol.2, Issue 6, p.246

<sup>423</sup> See Al-Qurtubi, *Tafsir al-Qurtubi*, Dar Ihya at-Turath al-Arab, Beirut, 1985, vol.2, Issue 7

<sup>424</sup> Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur’an*, vol.1, p.167-168.

<sup>425</sup> Qur’an 32:18, 59:20

<sup>426</sup> Sarakhsi, *Al-Mabsut*, vol.26, p.131

### Regarding discrimination over the *diyyah* of a non-Muslim citizen:

Another hadith states, “*The Muslims are united against others, their lives are equal. ...a believer is not to be killed for (the killing) of an unbeliever (kafir), and the blood money of an unbeliever is half that of a Muslim.*”<sup>427</sup>

The same arguments presented by the predominantly Hanafi scholars for restricting the meaning of the term “*kafir*” to “*haribi*” in the earlier cited hadith also apply to this one.

Once it is agreed that the reference to “unbeliever” (*kafir*) in all these hadiths implies specifically, and is restricted only to a belligerent and hostile or warring (*haribi*) non-Muslim, and not to a law-abiding non-Muslim citizen (*dhimmi* or *mu’ahid*), then it is not a case of discrimination between people or citizens based on faith or gender. It is a difference of rights between those who are hostile or not, or those living in hostile territory or under a peace treaty/covenant with each other.

As stated earlier, all the verses of the Qur’an on this subject do not discriminate between Muslim and non-Muslims on the issue of compensation or blood money (*diyya*).

Abu Hanifa, along with some of the earliest jurists and scholars such as al-Zuhri, ‘Ata bin Rabah and Mujahid maintained that the blood-money payable for killing a *dhimmi* and a Muslim is the same.<sup>428</sup> Al-Jassas substantiates this view with an analysis of Qur’an 4:92 which treats three cases of accidental killing of a Muslim and a non-Muslim and the compensation due to each (discussed earlier in this material). He cogently argues that the phrase in the verse – “a person belonging to a people with whom you have a treaty” – must be a non-Muslim who has a contractual relationship with the Muslims. As with other verses of the Qur’an, this verse does not discriminate between the *diyya* or

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<sup>427</sup> Ahmad Bin Hanbal, *Musnad*, vol.2, p.180.

<sup>428</sup> Al-Tabari, *Jami’ al-Bayan*, vol.5, p.208-214; Khallal, *Ahl al-Milal*, p.383, nos.853-854

compensation due to a non-Muslim citizen and that due to a Muslim.<sup>429</sup>

Abdul-Razaq San'ani, on the authority of Al-Zuhri and Ma'mar makes a critical point which helps us to understand and interpret the reasons for the existence of diverse and sometimes contradictory reports held by scholars concerning the amount of blood-money payable for killing a *dhimmi*. They make the point that these diverse positions were as a result of historical developments and changes during early Islamic history. According to them, the *diyya* for killing a Jew, Christian or Zoroastrian was equal to that of a Muslim from the time of the Prophet (p) until the days of Caliph Uthman. Mu'awiya did not change the law, but left only half the *diyya* in the hands of the killed *dhimmi*'s relatives, and appropriated the other half for the public treasury (*Bayt al-Mal*). It was the Umayyah caliph Umar bin Abdul-Aziz who reduced the *diyya* to one half, and he annulled the appropriation for the treasury, regarding it as unfair.<sup>430</sup>

Classical jurists such as Sarakhsi also argues that the *diyya* of the *dhimmi*, whether they are People of the Book (*Ahl al-Kitab*) or not, is the same as the *diyya* of the Muslim.<sup>431</sup> Ibrahim al-Nakha'i, Amir al-Sha'bi and others regard Zoroastrians as having the same *diyya* as Muslims "because (the Zoroastrian) is a free and inviolable human being, just like a Muslim."<sup>432</sup> According to San'ani, "...The blood money of every unbeliever having a contract is equal to the blood money of the Muslims, males and females. This was the *sunnah* at the time of the Prophet (p)..."<sup>433</sup>

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<sup>429</sup> Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur'an*, vol.2, p.290-291, 298

<sup>430</sup> Abubakr Abd al-Razaq bin Hummam al-San'ani, *Musannaf Abd al-Razaq*, vol.10, p.95-96, hadith no.18491

<sup>431</sup> Sarakhsi, *Al-Mabsut*, vol.26, p.84; Ahmad bin Ali al-Razi al-Jassas, *Ahkam al-Qur'an*, vol.2, p.291-293; Quduri, *Mukhtasar*, p.187; Ibn Qudama, *Al-Mughni*, vol.7, p.793-794; Ibn Abdul Barr al-Namari, *al-Tamhid*, vol.17, p.359-360

<sup>432</sup> Ibn Qudama, *Al-Mughni*, vol.7, p.786. This egalitarian, humanistic and Islamic approach would naturally apply to any human being of any or no religious affiliation.

<sup>433</sup> Abubakr Abd al-Razaq bin Hummam al-San'ani, *Musannaf Abd al-Razaq*, vol.10, p.97-98, hadith no.18498

The Prophet (p) warned against the notion of inequality before the law and social discrimination among citizens, when he rejected an appeal for clemency on behalf of an apparently well-connected woman who was guilty of theft. He is reported in a famous hadith to have said;

“...The destruction of those who had been before you was brought about by the fact that when a nobleman among them committed theft they let him go, but when a humble man did the same, they punished him. By Him in Whose hands the soul of Muhammad is (entrusted), if Fatima the daughter of Muhammad committed theft, I would cut off her hand”.<sup>434</sup>

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<sup>434</sup> Bukhari, *Sahih al-Bukhari*, no. 6787.

## 44. Jihad and Warfare

Some people regard the involvement of Muslims in various forms of warfare, conquests, violence, aggression, and terrorism as demonstrating that the concept of *Jihad* in Islam, by its very nature, undermines peaceful co-existence between Muslims and people of other faiths, especially in multi-religious societies.

**Is the Islamic concept of *jihad* to blame for acts of terrorism by some Muslims? Does the concept of *jihad* accommodate intolerance or persecution of people of other religions? How exactly should *jihad* be understood, from Islamic source? And what is the best *jihad*?**

Historically, all religious and non-religious communities – Muslim, Christian, Jewish, Buddhist, Hindu, Atheist, Nationalist, Liberalist, Socialist, Communist, as well as others – have had lapses in following the valued ideals of their religions, ideologies or philosophies.

As with any other religion, ideology or way of life, however, Islam should not be judged by those of its followers who disobey or are ignorant of some of its most fundamental teachings. Rather, it should be judged by the actual teachings of its scriptures as presented by its respected scholars and long-standing authorities, and not just any so-called "expert" or extremist that has never represented the mainstream of the Muslim community of scholars. It is, therefore, more reasonable to assess Islam by the teachings of the Qur'an and the authenticated sayings and deeds (*Sunnah*) of the Prophet Muhammad (p).

The Qur'an clearly teaches respect for religious diversity, and peaceful means of spreading the faith and enlightening others about Islam.

Allah says in Qur'an 5:48-49, that:

*"...Unto every one of you have We appointed a (different) law (Shari'ah) and way of life (Minhaj). And if God had so willed, He could surely have made you all one single community, but (He willed it otherwise) in order to test you by means of what he has revealed unto you. Compete, then, with one another in doing good works! Unto God you all must return, and then he will make you truly understand all that on which you were wont to differ..."*<sup>435</sup> Again it says, *"Let there be no compulsion in religion"* (Qur'an 2:256), and *"Invite (all) to the way of your Lord with wisdom and beautiful preaching"* (Qur'an 16:125), and *"Do not dispute with the People of the Book, except in the best manner"* (Qur'an 29:46). Islam, therefore, does not teach aggression against others, *"for God does not love the aggressors"* (Qur'an 2:190).

### **What *Jihad* in Islam Does Not Mean**

Just as the word "crusade" may mean many things depending on the context in which it is used, so also does the Arabic word "*Jihad*" have many meanings depending on the context in which it is used. However, unlike "crusade", the term or concept of "*jihad*" has never been understood by classical Muslim scholars to include or justify "Holy War" - fighting others purely due to religious differences, or forcing others at the point of the sword to accept Islam. So while Muslims definitely conquered various lands for varying justifiable and unjustifiable reasons in history,<sup>436</sup> there was never any organised attempt to force conquered people to convert to Islam, as evidenced by their current demographics and enduring places of worship in Muslim lands, and as recorded by even non-Muslim historians.<sup>437</sup>

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<sup>435</sup> See also Qur'an 2:148.

<sup>436</sup> Most nations at some time in their histories, have conquered, occupied or colonized others for various reasons.

<sup>437</sup> Hugh Goddard, *Christians and Muslims: From Double Standards to Mutual Understanding*, RoutledgeCurzon, London, 1995, pp.126-142; See also, K.S. Ramakrishna Rao, *Islam and Modern Age*, Hyderabad, 1978; James A. Michener, *Islam: The Misunderstood Religion*, Reader's Digest (American edition), May 1955; Edward Gibbon, *History of the Saracen Empire*, London, 1870.



Suffice it here to quote Professor Emeritus Sir Thomas Arnold who writes:

“...of any organised attempt to force the acceptance of Islam on the non-Muslim population, or of any systematic persecution intended to stamp out the Christian religion, we hear nothing. Had the Caliphs chosen to adopt either course of action, they might have swept away Christianity as easily as Ferdinand and Isabelle drove Islam out of Spain; by the same method which Louis XIV followed to make Protestantism a creed whose followers were to be sentenced to death in France; or with the same ease of keeping the Jews away from England for a period of three hundred [and] fifty years. The Eastern Churches in Asia were entirely cut off from communion with the rest of Christendom throughout which no one would have been found to lift a finger on their behalf, as heretical communions. So that the very survival of these Churches to the present day is a strong proof of the generally tolerant attitude of the Mohammedan [sic] governments towards them.”<sup>438</sup>

A simple study of the areas of consensus of classical Muslims scholars regarding when warfare or fighting others is permissible, who and what is a legitimate target, and the conduct of warfare in Islamic law, is sufficient to make clear the “Just War” concept behind the military form of *jihad* in Islam. It is also why unprovoked aggression, terrorism, and insurgency are actually regarded as punishable offences in Islamic Law.<sup>439</sup>

Some Muslims have definitely tried to instrumentalise, misuse and abuse the concept of *jihad* for unislamic purposes. However, as is clear from a study of Islamic history, from the time of the

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<sup>438</sup> Sir Thomas Arnold, *The Preaching of Islam: A History of the Propagation of the Muslim Faith*, Westminster A. Constable & Co., London, 1896, p.80

<sup>439</sup> See Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-146, 147-196; Muhammad Naqib, Ishan Jan and Abdurashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219; See also: Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006.

Prophet (p) and his Companions, the concept of *jihad* has never been a reason for undermining peaceful co-existence between Muslims and people of other faiths in multi-religious societies. On the contrary, the concept of *jihad* is at the core of a Muslim's struggle for justice and against oppression of even non-Muslims and for the protection of their places of worship. It is at the heart of a Muslim's commitment in the struggle against terrorism and in preventing all forms of extremism both in the past and into the future.

### **What *Jihad* Actually Means**

*Jihad* simply means to strive hard or struggle in pursuit of a just and goodly cause in a manner that in line with guidance of Allah (*fi sabilillah*). "*Jihad*" (from the verb "*jahada*") on its own simply means "to struggle", "to exert effort", "to exert oneself", "to toil" or "to strive".

*Jihad* in Islamic teachings refers to the unceasing effort that an individual must make towards self-improvement and self-purification in God's cause. It also refers to the duty of Muslims, both at the individual and collective level, to struggle against all forms of evil, corruption, injustice, tyranny and oppression – whether this injustice is committed against Muslims or Non-Muslims, and whether by Muslims or Non-Muslims. In this context, *jihad* may include peaceful struggle or, if absolutely necessary, armed struggle. What should be very clear is that *jihad* cannot be reduced or restricted to simply warfare or fighting, and that the very important phrase that qualifies and determines the permissibility and acceptance of any form of *jihad* is "*fi sabilillah*" – in way or cause of Allah, or to achieve the higher intents of Islamic teachings (*Maqasid al-Shari'ah*) – i.e. accruing benefit for all and prevention of harm from society.

#### **I. Use of the term "*Jihad*" in the Qur'an**

The Qur'an generally uses the term "*jihad*" in the broader sense of struggle in God's cause (which could include fighting). It is noteworthy that the term was first used in verses revealed at Mecca, long before the early Muslims were permitted to fight such as Qur'an 29:6, 69 and 25:52.

*“And those who engage in striving (jihad) in Our (cause), We will certainly guide them to Our paths.” (Qur’an 29:69)*

*“And whoever engages in striving (jihad) he does so for his own soul...” (Qur’an 29:6)*

*“Therefore, listen not to the unbelievers, but engage in striving (jihad) against them (with the utmost endeavour)<sup>440</sup>, with it (the Qur’an).” (Qur’an 25:52)*

*“Go forth light and heavy, and strive (jihad) hard in Allah’s way with your property and your persons; this is better for you, if you know.” (Qur’an 9:41)*

*“The believers are only those who believe in Allah and His Apostle then they doubt not and struggle hard (jihad) with their wealth and their lives in the way of Allah; they are the truthful ones.” (Qur’an 49:15)*

*“Not equal are those of the believers who sit (at home), except those who are disabled (by injury or are blind or lame), and those who strive hard (jihad) and fight (qital) in the Cause of Allah with their wealth and their lives. Allah has preferred in grades those who strive hard (jihad) and fight (qital) with their wealth and their lives above those who sit (at home). Unto each, Allah has promised good (Paradise), but Allah has preferred those who strive hard and fight, above those who sit (at home) by a huge reward.” (Qur’an 4:95)*

## **II. The many meanings of “Jihad” in the Hadith**

Abu Dharr said that the Messenger (p) said, *“The best jihad is for one to perform jihad against his own self and against his desires.”*<sup>441</sup>

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<sup>440</sup> Ibn Kathir states that this was also the interpretation of Ibn Abbas. See, *Tafsir al-Qur’an al-Azim*, (ed. Sami bin Muhammad Salamah), Dar al-Tayba, 2<sup>nd</sup> ed., 1420AH, vol.6, p.116.

<sup>441</sup> Collected by ad-Daylami, Abu Nu’aim and Ibn an-Najjar, authenticated by Al-Albani, *Saheeh Jaami’ as-Sagheer*, 3<sup>rd</sup> edition, al-Maktub al-Islami, Beirut, 1990, hadith no.1099

Another man asked, “What kind of *jihad* is best?” The Prophet (p) replied, “*A word of truth before an oppressive ruler.*”<sup>442</sup>

Aisha asked, “O Messenger of Allah, we see *jihad* as the best of deeds, so shouldn’t we join it?” He replied, “*Hajj is the most excellent of all jihad (for women).*”<sup>443</sup>

The Messenger (p) also said, “...*the one who engages in jihad (mujāhid) is he who strives against himself for the sake of God, and the one who emigrates (muhājir) is he who abandons evil deeds and sinfulness.*”<sup>444</sup>

Ibn Umar reported that the Prophet (p) said, “*The best jihad is that of one who strives against his own self in the Cause of Allah, Most Great and Glorious.*”<sup>445</sup>

Ibn Umar reported, “A man came to the Prophet of Allah (p) and said, ‘Allow me to fight.’ The Prophet (p) asked him, ‘Are your parents alive?’ ‘Yes,’ replied the man. ‘Then go back and exert your utmost (*jihad*) in their service,’ said the Prophet (p).”<sup>446</sup>

On another occasion, the Prophet (p) said, “*The one who strives for a widow and the poor is like the one who performs jihad in the way of Allah, and like the one who spends his night praying, and his day fasting.*”<sup>447</sup>

The Messenger (p) said (during his farewell Hajj), “*Should I inform you of who the Mu’min (true believer) is? It is he from whom people are secure with regard to their wealth and their own selves. The (true) Muslim is he from whom people are safe from (being harmed by) his tongue and hand. The (true) Mujāhid is he who performs Jihad bi al-Nafs (struggle with the self) in the*

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<sup>442</sup> *An-Nasa’i*, hadith no.4209

<sup>443</sup> *Sahih al-Bukhari*, Book of Hajj, hadith no.2784

<sup>444</sup> *Sahih Ibn Hibban*, no.4862, Tirmidhi, Ahmad, cited in Jalal Abualrub, *Holy Wars, Crusades and Jihad*, Madinah Publishers and Distributors, 2002, p.80

<sup>445</sup> Collected by al-Tabarani in *Al-Mu’jam al-Kabir*, authenticated by Al-Albani, *Saheeh Jaami’ as-Sagheer*, no.1129, and cited in *Mishkat al-Masābīh*, vol.1, pp.15-16

<sup>446</sup> Reported by *Al-Bukhari*, hadith no.3004; *Abu Dawood*, hadith no.2529; *An-Nasa’i*, hadith no.3103; and *Al-Tirmidhi*, hadith no.1671

<sup>447</sup> *Sahih Muslim*, hadith no.7659; Muhammad Naqib, Ishan Jan and Abdurashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.

*obedience of Allah. And the (true) Muhājir (migrant in the Cause of Allah) is he who abandons error and sin.”*<sup>448</sup>

The usage of the term “*jihad*” and “*mujahid*” (a person involved in *jihad*) in the various hadiths above is evidence that the Prophet (p) did not restrict its meaning to warfare.

### III. Use of the term “*Jihad*” by Jurists

Even though the Qur’an and hadith give a variety of meanings to the term “*jihad*” as illustrated above, scholars of Islamic jurisprudence and law have usually been more concerned with the military form of *jihad* as this requires more jurisprudential elaboration and legal regulation (*fiqh*). Hence, the sections that deal with warfare in traditional Islamic law literature are usually under sections or books titled “*Jihad*”. And while such jurists acknowledge the various meanings of the term “*jihad*” as used by the Qur’an and Hadith literature, this “technical” or juristic meaning of “*jihad*” as used in books of law, has unfortunately led many uninformed students of Islam to conclude that “*jihad*” has the exclusive meaning of fighting or warfare (*qital/harb*).

However, not once in the Qur’an is the word “*jihad*” used with the sole meaning of fighting. The most commonly used words for fighting or warfare, in the literal sense, in both the Qur’an and hadith literature are “*qitāl*” and “*harb*”.

### The “Best Jihad” and its prerequisites

The methodology of *jihad* according to all Islamic sources, therefore, does not exclude non-violent resistance against oppression and tyranny, if the general conditions of the moment indicate that this approach is the most effective way to achieve the objective of lasting peace and security.

Depending on the circumstances and those involved, the best form of *jihad* may take several different forms, as cited earlier in the texts above. Thus it may include, but not limited to any of the following - Being frank in advice to a tyrannical ruler; Exercising discipline or

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<sup>448</sup> *Musnad Ahmad*, hadith no.23958; Al-Hakim, *Al-Mustadrak*, hadith no.24; Al-Tabarani, *Al-Mu’jam al-Kabir*, hadith no.796



self-restraint; *Hajj* (pilgrimage to the Sanctuary of Mecca); Taking care of one's parents; Studying and self-improvement; Teaching and sharing beneficial knowledge;<sup>449</sup> and sometimes, it may be taking up arms to defend oneself and others, including non-Muslim citizens (*Ahl al-Dhimma*) in a "Just War".

This implies that Muslims would have to undertake *jihad* in many diverse forms in the course of their lives. The very important phrase or condition that determines the value and acceptance of any form of *jihad* is that it is done "*fi sabilillah*" – (literally) "in the way or path of Allah". This means that one's intentions are sincere, the means or methods are permissible, and the *jihad* aims to achieve the higher intents of Islamic teachings (*Maqasid al-Shari'ah*) – accruing benefit for all and/or prevention of harm. *Jihad bi al-Nafs* – the struggle (*jihad*) to purify one's intention, heart, strengthen one's willpower, and ensure that all deeds are in accordance with Allah's guidance – is, therefore, the prerequisite of all other forms of *jihad*.

Ibn al-Qayyim summarizes this point very clearly:

"The *jihad* against the enemies of God with one's life is only a part of the struggle (*jihad*) which a true servant of God carries on with against his own self for the sake of the Lord ... This striving (*jihad*) against the evil tendencies which have dominated his mind and heart is more important than fighting against the enemies in the outside world ... As long as (the servant of God) does not first strive (*jihad*) against his own evil tendencies in obedience to God's commands, it is not possible for him to succeed in striving against the enemies in the outside world."<sup>450</sup>

### ***Jihad* as Fighting (*qitāl*) or Warfare (*harb*) in Islam**

All the verses of the Qur'an and hadith related to *jihad* as warfare can be generally classified into three main groups: (1) verses which deal with the conditions and justification for military engagement, or

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<sup>449</sup> Qur'an 9:122 which reads "And it is not (proper) for the believers to go out (to fight) altogether. Of every troop of them, a party only should go forth, that they (who are left behind) may get instructions in religion, and that they may warn their people when they return to them, so that they may beware (of evil)."

<sup>450</sup> Ibn al-Qayyim al-Jawziyyah, *Zaad al-Ma'ad*, vol 3, p.5



commencement of warfare, (2) verses to do with the conduct and ethics of war after it has commenced, and (3) verses to do with the conditions of military disengagement and termination of warfare.

The inability or unwillingness of some Muslims and non-Muslims to appreciate which of these three main classifications a given text of the Qur'an or hadith belongs to has resulted in serious misinterpretations regarding *jihad* and *qital*.

As with all scriptures, the verses of the Qur'an must be interpreted within the context of the verse and that of the whole Qur'an and the practice of the Prophet Muhammad (p) if the meaning is to be true to the intents of the scripture concerned.

To illustrate this with the Bible, consider the following verses from the Old and New Testament, which if interpreted with disregard to their contexts, and other verses of the Bible, may lead to some very erroneous and dangerous conclusions that go contrary to the "Just War" concept of contemporary Christianity.

Jesus is reported to have said in the New Testament, in the Gospel according to Luke 19:27: *"But as for these enemies of mine, who did not want me to reign over them, bring them here and slaughter them before me."* And in Luke 22:36, Jesus instructed his disciples: *"...and he that has no sword, let him sell his garment, and buy one."*<sup>451</sup>

It is unfortunately very common to find people quoting verses of the Qur'an (or the Bible) out of their proper context. For the Qur'an, a simple "Rule of Thumb" on verses related to fighting, is to read 5 verses before and 5 verses after the particular verse in

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<sup>451</sup> In the Old Testament, we have: *"Devour the nations the Lord your God delivers over to you. Show them no pity."* (Deuteronomy 7:16); *"You must completely destroy them: you shall make no peace treaties with them, and show no mercy to them."* (Deuteronomy 2:1); *"Utterly destroy all that they have; do not spare them, but kill both man and woman, infant and suckling baby."* (1<sup>st</sup> Samuel 15:3); *"When you march up to attack a city, make its people an offer of peace. If they accept and open their gates, all the people in it shall be subject to forced labour and shall work for you. If they refuse to make peace and they engage you in battle, lay siege to that city. When the Lord your God delivers it into your hand, put to the sword all the men in it. As for the women, and children, the livestock and everything else in the city you may take these as plunder for yourselves. And you may use the plunder the Lord your God gives you from your enemies. This is how you are to treat all the cities that are at a distance from you and do not belong to the nations nearby."* (Deuteronomy 20:10-15)

question. This is often sufficient to clarify the context of the verse itself, and whether it relates to the initiating or commencement of conflict, the conduct of warfare, or its termination.

## 45. Fighting: Against Aggression, not Religious Diversity

Some Muslims and non-Muslims have concluded that the concept of *jihad* in Islamic teachings is identical with the originally Christian concept of "Holy War" – unprovoked and violent aggression against people of other faiths simply because of intolerance to religious diversity, and for the purpose of spreading the faith. This understanding among some Muslims naturally contributes to making people of other faiths more fearful, suspicious and apprehensive of Muslims having access to greater political and military power. They consequently do all they can – for "security reasons" and "national interests" – to restrict the growth and influence of Muslims or Islam. This, in turn, contributes to mutual mistrust, prejudice, bridge-burning, interfaith tension and hostility.

Is fighting, warfare (*qital/harb*) or combative *jihad* targeted against other religions and their followers, or is it against hostility and violent aggression, irrespective of faith? Is *jihad* an Islamic version of "Holy War"?

*Jihad* simply means to strive hard or struggle in pursuit of a just and goodly cause in a manner that is in line with guidance of Allah (*fi sabilillah*). In Islamic teachings, it refers to the unceasing effort that an individual must make towards self-improvement and self-purification in God's cause.

It also refers to the duty of Muslims, both at the individual and collective level, to struggle against all forms of evil, corruption, injustice, tyranny and oppression – whether this injustice is committed against Muslims or Non-Muslims, and whether by

Muslims or Non-Muslims. In this context, *jihad* may include peaceful struggle or, if absolutely necessary, armed struggle.

What should be very clear is that *jihad* cannot be reduced or restricted to simply warfare or fighting, and that the very important phrase that qualifies and determines the permissibility and acceptance of any form of *jihad* is “*fi sabilillah*” – in way or cause of Allah, or to achieve the higher intents of Islamic teachings (*Maqasid al-Shari’ah*) – i.e. accruing benefit for all and prevention of harm from society.

### ***Jihad* is neither “Holy War” nor only about War**

“*Jihad*” is sometimes translated as “Holy War”, but this is a misnomer and an incorrect translation that has been very misleading. Though there were “many varying theories and forms of holy war, a defining feature of its dominant expression was that it legitimized war as a means of coercing conversion to Christianity.”<sup>452</sup> In contrast, “Holy War” does not exist in the Islamic tradition, nor can the term *jihad* “be reduced to a military matter.”<sup>453</sup>

“Holy war” (*al-harb al-muqaddasah*, in Arabic) is not an expression used by the Qur’anic text, the Sunnah, or Muslim theologians. Indeed, close scrutiny of all relevant texts and the reasons for each of the actual battles fought during the lifetime of the Prophet Muhammad and his Companions reveal that in Islamic theology, “war is never holy, it is either justified or not,” and if it is a “just war”, then those killed in battle are considered martyrs.<sup>454</sup>

As stated earlier, a simple study of the areas of consensus of classical Muslim scholars regarding when warfare or fighting others is permissible, who and what is a legitimate target (i.e. when it is just to resort to war - *jus ad bellum*, in Latin), and the conduct of warfare in Islamic law (i.e. how to fight justly - *jus ad*

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<sup>452</sup> Waleed Aly, *People Like Us: How arrogance is dividing Islam and the West*, Picador Pan Macmillan, Australia, 2007, p.158

<sup>453</sup> Waleed Aly, *People Like Us: How arrogance is dividing Islam and the West*, Picador Pan Macmillan, Australia, 2007, p.154

<sup>454</sup> Khaled Abou El Fadl, *The Place of Tolerance in Islam*, Beacon Press, Boston, 2002, p.19

*bello*), is sufficient to make clear the “Just War” concept of the military form of jihad,<sup>455</sup> and why unprovoked aggression, terrorism, and insurgency are actually regarded as punishable offences in Islamic Law.<sup>456</sup>

### ***Jihad is against Aggression, not Religious Diversity***

The proof that military *jihad* or armed conflict is only directed against aggression and oppression, and not against religious diversity is the fact that the Qur’an in numerous places very categorically states that when the enemy stops fighting, or inclines to peace, Muslims are required to cease fighting and also incline to peace, and place their trust in Allah (Qur’an 2:192 and 8:61), and that “*Allah does not love aggressors*” (Qur’an 2:190).<sup>457</sup>

*Fight (qātilū) in the cause of God those who fight (yuqātilū) you, but do not commit aggression, for God loves not the aggressor.* (Q.2:190)

*But if they cease, Allah is Oft-Forgiving, Most Merciful.* (Q.2:192)

*And fight them back (qātilū hum) until there is no oppression (fitnah) and religion is (done) for God, but if they cease, let there be no hostility except to those who practice oppression.* (Qur’an 2:193)

*And if they (your enemy) incline to peace, incline you also to it, and trust in Allah.* (Qur’an 8:61)

*(Fight them) except those who join a people between whom and you there is a treaty, or those who come to you because their hearts restrain them from fighting you or their own*

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<sup>455</sup> See Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.8, 11-41.; Muhammad Naqib, Ishan Jan and Abdurashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.

<sup>456</sup> See Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011; Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006; Mohamed Salim El-Awa, *Punishment in Islamic Law*, American Trust Publications, USA, 1981.

<sup>457</sup> See also, Qur’an 4:75; 4:89-91; 2:190-193; 22:39-40; 49:9; 9:4-6; 9:12-13; and 9:123, etc.

*people. If Allah had willed, He would have given the unbelievers power over you, and they would have fought you. Therefore, if they withdraw from you and fight you not, and instead send you guarantees of peace, know that Allah has not given you a license (to fight them). (Qur'an 4:90)*

*If one amongst the (combatant) polytheists asks you for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge. ...As long as they stand true to you, stand you true to them: For Allah does love the righteous. (Qur'an 9:6-7)*

If fighting in Islamic law were directed against a people just because they are not Muslims, then Muslims would not be instructed to stop fighting them even if the non-Muslims concerned stopped, since their stopping does not mean they have become Muslims.

Muhammad Asad notes that "all Islamic jurists, without any exception, hold that forcible conversion is under all circumstances null and void, and that any attempt at coercing a non-believer to accept the faith of Islam is a grievous sin."<sup>458</sup>

## **Non-Combatants are not legitimate Military Targets**

Additional evidence that fighting in Islamic law is only against injustice and not due to religious difference is the clear prohibition in Islamic Law, based on the Qur'an, Sunnah and practise of the Companions, of killing non-Muslims who were non-combatants - such as women, children, etc. – which is recognised and respected by all Schools of Islamic Jurisprudence.<sup>459</sup>

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<sup>458</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.70, n.249 to Qur'an 2:256

<sup>459</sup> Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118; Muhammad Naqib, Ishan Jan and Abdulrashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.



For example, the Prophet (p) said, “Never kill women and children”<sup>460</sup>, “Do not kill hermits”<sup>461</sup>, “Do not slay the old and frail...”<sup>462</sup>, and “Leave them (monks) and that to which they devote themselves.”<sup>463</sup> To this list, scholars add other non-combatants such as the blind, chronically ill, clergy, traders, craftsmen, farmers, the insane, peasants, serfs, etc.<sup>464</sup> Others who can be safely included are those with amnesty or peace treaties (*mu’ahid* and *dhimmi*), Emissaries and Diplomats, etc.<sup>465</sup>

If all these categories of non-Muslims are not to be killed, then fighting any non-Muslim is not because they belong to other faiths, but because they have committed acts of aggression against Muslims. In other words, if the fighting (*qital*) form of *jihad* was a form of “holy war” and against non-Muslims simply because they had not accepted Islam, then the fact that they were women, elderly, or non-combatants, etc. would have made no difference to their being legitimate military targets.

### ***Jihad can also be against Muslims***

Moreover, the Companions demonstrated after the death of the Prophet (p), and the Jurists stipulated in their works, that fighting (*qital*) is also permitted against Muslims should they perpetrate aggression, insurgency or injustice against fellow believers.

*“If two parties among the believers fall into a quarrel, make peace between them; but if one of them transgresses beyond*

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<sup>460</sup> Imam At-Tahawy, *Shahr Ma’ani al-Athar*, Dar al-Kutub al-Ilmiyyah, Beirut, 1399AH, hadith no.4770 (ed. Muhammad Zuhri al-Najjar); al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894

<sup>461</sup> Ahmad bin Hanbal, *Musnad Ahmad*, Mu’assasah al-Risalah, Beirut, 1420 A.H, vol.4, p.461

<sup>462</sup> Al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 17932

<sup>463</sup> Abu Bakr Abd al-Razzaq, *Musannaf abd al-Razzaq*, hadith no. 9377; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 18614; *Musnad Ahmad*, hadith no. 2728; al-Tabarani, *al-Mu’jam al-Kabir*, hadith no.11396; al-Bayhaqi, *al-Sunan al-Sugra*, hadith no.3893.

<sup>464</sup> For more references and discussion, see Ibn Rushd’s *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (The Distinguished Jurist’s Primer), vol.1, 1994, pp.458-460; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118

<sup>465</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith no. 3166

*bounds against the other, then fight (qātilū) against the one that transgresses until it (the transgressing party) complies with the command of Allah...” (Qur’an 49:9)*

This is most evident in the early battles against the Khawarij and other militant Muslim factions in the past and present.<sup>466</sup>

As has been noted earlier, the pact of protection (*dhimma*) with citizens of a Muslim society but who belong to other faiths, guarantees their safety. In fact, Muslims are obliged, if necessary, to take arms and fight against whoever aggresses against them: “If the enemy of a *dhimmi* (Muslim citizen) comes with his forces to take him, it is our obligation (as Muslims) to fight this enemy with soldiers and weapons and to give our lives for him, thus honouring the guarantee of Allah and His Messenger (p). To hand him over to the enemy would mean to dishonour this guarantee.”<sup>467</sup>

In conclusion, *jihad* in Islam has nothing to do with “Holy War” and prohibits fighting others simply due to their difference in faith. Fighting, if absolutely necessary is only permissible against those who are hostile and violently aggressive against others irrespective of their faith and religious affiliation.

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<sup>466</sup> Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006.

<sup>467</sup> Imam Al-Qarafi, *Anwar al-Buruq fi anwa’ al-Furuq*, vol.4, p.398, Maktabah al-Shamilah 3.13. As discussed earlier, Muslims are even required (based on Qur’an 22:39-40), to fight if necessary, to defend non-Muslim places of worship from being destroyed. See: Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p. 339; Da’wah Institute of Nigeria, *Protection of Churches, Mosques, and Synagogues in Islam*, Islamic Education Trust, Minna, Nigeria, 2012, p. 6.

## 46. Abrogation of Verses Prescribing Friendliness

Some Muslims claim that the verses of the Qur'an prescribing fighting were revealed later in Medina, and that these verses "cancel", "abrogate" (*naskh*) or "nullify" the relevance of all the other and often earlier verses recommending peaceful relations. The implication of this theory of "abrogation" when applied to verses related to war and peace, and relations with people of other faiths, is that there is no more a relevant basis in the Qur'an for peace-building, promoting positive interfaith relations, and limiting war. It is also why some have even claimed that Muslims can be aggressive and in a constant state of hostility with peaceful others.

Have the verses of the Qur'an prescribing friendliness with people of other faiths been "abrogated" by other verses in the Qur'an such as the so-called "verse of the sword" (i.e. Qur'an 9:5)? Is there any support for this understanding or its conclusions from the Qur'an, the tradition (*sunnah*) of Prophet (p) or his Companions?

The claim that any one of the numerous verses of the Qur'an and hadith of the Prophet (p) recommending peaceful coexistence with people of other faiths have been "abrogated", "nullified" or made irrelevant by other texts has no support from Allah in the Qur'an itself, the authentic narrations (hadith) of the Prophet Muhammad (p), his biography and life history (*seerah*), the actions of his rightly guided Companions, or the consensus (*ijma'*) of Muslims scholars.

Such a claim also clearly contradicts what has authentically been narrated of the actual real, lived and recorded histories of the early Muslim community and how they related with the various

people of other faiths both during and after the time of the Prophet (p).

A careful analysis of the claim that verses promoting peaceful coexistence have been abrogated by others, makes it clear that such claims originate from the inability of certain scholars to reconcile what seems to them as irreconcilable conflict or contradiction (*ta'arud*) between the implications of two sets of verses – those verses related to fighting and those related to peace. To resolve the seeming contradictions between the relevant sets of verses, they have come to the conclusion that some of the verses (those prescribing peaceful coexistence as a norm) have been abrogated (*mansukh*) by those prescribing fighting or war (*qital/harb*). This claim is in spite of the absence of any categorical evidence for it in the primary sources of law – the Qur'an or Sunnah.

The claim that the Words of Allah in the Qur'an or that an undisputedly authentic statement (*hadith*) of the Prophet (p) on any particular issue is “nullified”, “abrogated”, “neglected” or “made (legally) irrelevant” cannot be accepted without explicitly clear, categorical and definitive evidence from the Qur'an itself or from absolutely authentic (*qat'i al-thubut*) hadith supporting such a claim. The evidence cannot simply be the intellectual interpretive limits or inabilities of a particular scholar in reconciling seemingly conflicting text (*ta'arud*).

The majority of scholars who see no conflict or contradictions between the two sets of texts maintain that each verse has a context in which it is applicable and eternally relevant to the human condition – whether in times of peace or a situation of hostility and war – as demonstrated throughout the life of the Prophet (p), his Companions and Islamic history.

### **Examples of claimed abrogation of verses related to war and peace:**

Some scholars, for example, have claimed that the verse, “*fight in the cause of God, those who fight you, but do not go beyond the limits (to instigate aggression)...*” (Qur'an 2:190) and other similar

verses have been abrogated (*mansūkh*) by verses such as those in *Surah Al-Tawbah* (Qur'an 9:5). The so-called "verse of the sword" which has created a challenge for some of these scholars says:

*"Once the Sacred Months are past, (and they refuse to make peace) you may kill the polytheists (mushrikun) when you encounter them, punish them, and resist every move they make. If they repent and observe the formal Prayers (Salat) and give the obligatory charity (Zakat), you shall let them go. Allah is The Forgiver, Most Merciful."* (Qur'an 9:5)

In other words, it is claimed that after the revelation of Chapter 9, and verse 5 in particular, Muslims can never have peaceful relations with any people of other faiths. They claim that Muslims are now required to engage in a permanent state of warfare or hostility against unbelievers until they embrace Islam or agree to pay the *jizya*<sup>468</sup> poll tax. This is in spite of the fact that this interpretation has no historic precedence in the life of the Prophet (p) or his Companions to support it.

As it has been reiterated earlier, the verse under consideration (Qur'an 9:5) or any other text should not be interpreted without reference to its own textual and historical context, or the context of the whole Qur'an and Sunnah, while disregarding the rules and principles of interpretation of religious texts that help prevent seeming contradictions or clarify any confusions. This is especially when the Prophet (p) and his Companions actually lived to apply this particular verse. Hence, the importance of thoroughly understanding the prophetic history (*Seerah*) and what actually took place, when interpreting such text of the Qur'an that have clear practical and social implications.<sup>469</sup>

The following analysis of some of the "abrogating" (*nasikh*) and "abrogated" (*mansukh*) texts is intended to demonstrate the

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<sup>468</sup> For some discussion of this, see Dr. Monqiz As-Saqqar, *Jizya in Islam*, Translated by Hayam Elisawy, Source: [http://www.irfi.org/articles/articles\\_1051\\_1100/Jizya\\_in\\_islam.htm](http://www.irfi.org/articles/articles_1051_1100/Jizya_in_islam.htm) (visited on 4/12/2013);

Sheikh Khalid Abdul-Qadir, *Fiqh al-Aqalliyat al-Muslimah*, Darul-Iman, Lebanon, 1998, p.39.

<sup>469</sup> Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.8, 11-41.

problem with the claim of abrogation as it applies to texts associated with interfaith relations, war and peace.

### **Criteria for a verse to abrogate another verse**

According to scholars, the criteria for such abrogation include that the abrogating verse must be revealed after the abrogated verse; the two verses must have legal applications; they should be mutually irreconcilable; and there is absolute abandonment of the previous ruling (derived from the earlier revealed verse) irrespective of the case. In other words, the abrogated verse is no longer applicable for a ruling on the subject matter. It is distinguished from a case of specification or qualification (*takhsis*) in that after a *takhsis*, a prior ruling is not totally invalid, but rather valid for more specific or narrowly defined cases.<sup>470</sup>

Sheikh Abu Ammaar Yasir Qadhi elucidates that claims of abrogation are only a last resort once all attempts to reconcile two opposing texts have been made. The two verses must oppose each other with no possibility of being valid at the same time.<sup>471</sup> “Therefore, if one of the rulings can apply to a specific case, and the other ruling to a different case, this cannot be considered an example of *naskh* (abrogation).”<sup>472</sup>

### **No consensus on abrogated verses**

There is no consensus among scholars as to how many verses have been abrogated by others in the Qur’an. Yasir Qadhi for instance, tables the number of abrogated verses mentioned by different scholars, ranging from as many as 214 cases mentioned by Ibn Hazm to as few as 5 cases mentioned by Shah Wali Allah al-Dehlawi.<sup>473</sup> Other scholars insist that there are no cases of abrogation in the Qur’an and all such examples are actually

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<sup>470</sup> Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur’aan*, Al-Hidaayah Publishing and Distribution, UK, 1999, p.250

<sup>471</sup> Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur’aan*, Al-Hidaayah Publishing and Distribution, UK, 1999, p.237; Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, IIIT, USA, 2008, p. 221-224.

<sup>472</sup> Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur’aan*, Al-Hidaayah Publishing and Distribution, UK, 1999, p.250

<sup>473</sup> Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur’aan*, Al-Hidaayah Publishing and Distribution, UK, 1999, p.251



reconcilable cases of qualification or specification (*takhsis*), and that the claim of abrogation is simply a result of the inability of a particular scholar to reconcile two or more seemingly contradictory verses or texts.<sup>474</sup> Scholars who list high numbers of abrogated verses attribute this to what they refer to as the “Verse of the Sword” (Qur’an 9:5) having abrogated the majority of the verses.

### **Qur’an 2:190 is not abrogated by any subsequent verse**

The verse in question reads, “*And fight in the way of Allah those who fight against you, but do not transgress the limits, surely Allah does not love those who transgress the limits*” (Qur’an 2:190).

The claim of abrogation of Qur’an 2:190, in particular, has been rejected by Ibn ‘Abbas, ‘Umar ibn Abdul-Aziz, Mujahid, and others who assert that it is a firm rule (*muhkam*)<sup>475</sup>, meaning those who Muslims should fight against are those who are in a state of fighting the community.<sup>476</sup>

Imam al-Tabari also considers the claim of abrogation of Qur’an 2:190<sup>477</sup> as not supported by any evidence from the Sunnah at the time Qur’an 9:5 was revealed, and that Qur’an 9:5 is, in fact, complementing or qualifying (*takhsis*) and not abrogating (*nasikh*) Qur’an 2:190. Tabari cites the opinion of a group of scholars that says that the forbiddance of killing those that have not waged war against Muslims is still a rule that is permanently valid – and that “*fa la shay’in...*” (there is nothing that abrogates) the ruling of Qur’an 2:190. He mentions that Umar ibn Abdul-Aziz said those upon whom Muslims should not transgress the limits refer to women, children, and those who have not waged war on the Muslim community. This is furthermore the opinion Imam Tabari himself holds to be the best of all opinions. He cites

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<sup>474</sup> Israr Ahmad Khan, *The Theory of Abrogation: A Critical Evaluation*, Research Centre, International Islamic University Malaysia (IIUM), Malaysia, 2006

<sup>475</sup> A legal ruling that is firmly established and that cannot be abrogated.

<sup>476</sup> See Muhammad ibn Ahmad Al-Qurtubi, *Jami’ Ahkam Al-Qur’an*, Matba’ah Dar al Kutub al Masriyyah, Cairo, 1354/1935, vol.2, p.348

<sup>477</sup> “*And fight in the way of Allah those who fight against you, but do not transgress the limits...*” (Qur’an 2:190).

Ibn Abbas' explanation of the verse as follows: "*it means do not kill women, nor children, nor old people, nor those that meet you with peace and abstain from fighting you; for if you do so, know that you have transgressed beyond the limits.*"<sup>478</sup>

If there is no valid basis for the claim that Qur'an 9:5 abrogates any of the other verses related to peaceful coexistence, how then can what some view as an irreconcilable conflict in the meaning of the texts be resolved or reconciled (*jam'*)? We will proceed to analyse the verse and its own context.

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<sup>478</sup> Al-Tabari, Tafsir of Qur'an 2:190 from *Maktab al-Ta'alib al-Ilm*, Ariss Computers Inc., Beirut, 2002

## 47. Understanding the so-called “verse of the sword”

The Qur'an chapter 9, verse 5 is claimed by some scholars to have abrogated or nullified the teachings of other verses that preach peaceful co-existence with non-hostile people of other faiths. Does this verse teach or prescribe unprovoked aggression against non-Muslims?

Verses 1-7 of Surah 9 read:

***“Freedom from obligation is herein issued from Allah and His Messenger to the polytheists with whom you have entered into a treaty. (Verse 1)***

***Therefore, roam the earth freely for four months, and know that you cannot escape from Allah, and that Allah will disgrace the disbelievers. (Verse 2)***

***A proclamation is herein issued from Allah and His Messenger to all the people on the great day of pilgrimage, that Allah is free from obligations to the polytheists, and so is His Messenger. Thus, if you repent, it would be better for you. But if you turn away, then know that you can never escape from Allah. And give tidings of a painful torment to those who disbelieve. (Verse 3)***

***Except those of the polytheists with whom you have a peace treaty and who have not violated it, nor banded together with others against you, you shall fulfil your treaty with them until the end of its term. Surely, Allah loves the righteous. (Verse 4)***

***Once the Sacred Months are past, (and they refuse to make peace) you may kill the polytheists when you encounter them, punish them, and resist every move they make. If they repent and observe the formal Prayers (Salat) and***

*give the obligatory charity (Zakat), you shall let them go. Allah is The Forgiver, Most Merciful. (Verse 5)*

***And if any one of the polytheists seeks your protection, then grant him protection, so that he may hear the Word of Allah, and then escort him to where he can be secure. (Verse 6)***

*Exempted are those who have signed a peace treaty with you at the Sacred Masjid. If they honour and uphold such a treaty, you shall uphold it as well. Allah loves the righteous. (Verse 7)*

Verse 8 specifies that the polytheists who Muslims are no longer to trust with peace accords are those who show no respect for treaties or peace agreements, while verse 13 elaborates, “*Will you not fight people who violated their oaths (repeatedly), plotted to expel the Messenger, and were the first to attack you?*”

The context of the verses makes it clear that verse 5 is referring specifically to those polytheist Arabs that violated the terms of their peace treaties and who were bent on exterminating the Muslim community (i.e. those other than the ones who are referred to in verse 4). The ending of Verse 5 and the whole of verse 6, also make it very clear that some of those who fought against the Muslims, may repent and themselves become Muslims (“observing the formal prayers and giving the compulsory zakat”, etc.), while some may still remain polytheists but seek protection or asylum from Muslims (Verse 6), which must be granted. This is partly what justifies the interpolation – “*(and they refuse to make peace)*”- in the translation (or interpretation) of the earlier part of Verse 5 above.<sup>479</sup>

With specific reference to verses 9:12-13, Sheikh Abdul Rahman as-Sa’di explains that the context was when the Quraysh breached their peace treaty by collaborating with Banu Bakr to attack the polytheist tribe of Banu Khuza’ah, who had

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<sup>479</sup> See Shaykh Muhammad al-Ghazali, *A Thematic Commentary of the Qur’an*, Islamic Book Trust, Kuala Lumpur, Malaysia, 2001, p.117-183; and Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, pp.288-291, n.1-22 to Qur’an 9:1-15.

alliance/treaty with the Prophet (p) and were thus the Prophet's allies.<sup>480</sup>

Therefore, Qur'an 9:5, when read and understood in its own context makes it clear that it does not, and should not be used to prescribe unfriendliness, hostility or unprovoked aggression with people of other faiths. It therefore also does not abrogate peace-building and peaceful coexistence between Muslims and others.

All texts relevant to interfaith relations, war and peace, must be interpreted in their own specific contexts and that of the whole Qur'an and Sunnah. Such interpretations must also take cognisance of how these specific verses were understood and implemented in the lifetime of the Prophet (seerah) and his rightly guided Companions. Not respecting these rules and principles of interpretation of text has resulted in conclusions that contradict both the letter and the spirit of other clear and categorical texts prescribing peaceful co-existence with friendly or non-hostile people of other faiths.

The general principle with regards to relating with others is laid down in Qur'an 60:8-9 as follows:

*"As for such (of the unbelievers) as do not fight against you on account of (your) faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness (birr) and to behave towards them with full equity (qist): for verily, God loves those who act equitably. God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth: and as for those (from among you) who turn toward them in friendship, it is they, they who are truly wrongdoers!"*

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<sup>480</sup> *Taysir al-Karim al-Rahman fi Tafsir Kalam al-Mannan*, p.291; cited by Jalal Abualrub in *Holy Wars, Crusades, Jihad*, Medina Publishers, Florida, USA, 2002, p.161

## 48. Other Commonly Misinterpreted Verses of the Qur'an on Jihad

**What are some other commonly misinterpreted verses of the Qur'an relating to Jihad?**

The following verses of the Qur'an are used by some Muslims and non-Muslims to justify that Islam prescribes inciting violence against people of other faiths who do not convert to Islam:<sup>481</sup>

1) ***“And fight them until there is no fitnah and religion is for Allah.” (Qur'an 2:193)***

This quote does not report the verse in full, which reads, “*And fight them (qātilū hum) until there is no fitnah (oppression) and religion is for Allah, but if they cease, let there be no hostility except to those who practice oppression.*” (Qur'an 2:193)

The explanation of Ibn Umar and Ibn Zubair on the meaning of this verse is that aggressors are to be fought until a Muslim is no longer threatened with killing and arrest on account of his faith.<sup>482</sup>

The context of Qur'an 2:190-193 makes it clear that those being fought against are those who are aggressive to Muslims. The phrase “*until... religion is for Allah*” means until Allah is worshipped without fear of persecution and none is compelled to bow down before another being. It has never been understood to contradict “*No compulsion in religion*” (Qur'an 2:256), nor has it abrogated any of the numerous texts in the Qur'an and hadith prescribing peace-building and peaceful co-existence.

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<sup>481</sup> These quotes are written here as they appear in the works of Muslim extremists and non-Muslim critics of Islam. Note that in some cases, the quote is actually a misquotation of the Qur'an or misrepresents the message in its context. These will be noted as we proceed.

<sup>482</sup> Sheikh Khalid Abdul-Qadir, *Fiqh al-Aqaliyyat al-Muslimah*, Darul-Iman, Lebanon 1998. See also *al-Isabah*, vol.2, p.347



Asad also notes that "all Islamic jurists, without any exception, hold that forcible conversion is under all circumstances null and void, and that any attempt at coercing a non-believer to accept the faith of Islam is a grievous sin."<sup>483</sup>

2) ***“Strike terror (into the hearts of) the enemies of Allah and your enemies.” (Qur’an 8:60)***

This quote is an example of selective quoting out of context. The entire passage reads, *“Let not the disbelievers think that they can get the better (of the believers); they will never frustrate (them, with aggression). Against them, make ready your strength to your utmost power, including steeds of war (horses), to strike terror (into the hearts of) the enemies of Allah and your enemies (too), and others besides whom you may not know but whom Allah does know...But if the enemy incline towards peace, you must (also) incline towards peace, and trust in Allah”* (Qur’an 8:59-61).

Hence, the context of the verse explains that the “enemies” being referred to, and whom believers are to strengthen themselves against - until they “*incline towards peace*” - are those already aggressive to them in one way or another, and who are attempting to frustrate the community.

The verse enjoins sufficient preparation of resources so that enemies, both known and unknown, will be deterred from attacking Muslims, through fear of the consequences.<sup>484</sup> This is not just a logical and reasonable recommendation, but is also the actual practice of nations that want to deter hostile or potentially hostile others, from attacking them.

It has never been understood to contradict “*No compulsion in religion*” (Qur’an 2:256), nor has it abrogated any of the

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<sup>483</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.70, n.249 to Qur'an 2:256

<sup>484</sup> The “terror” towards actual or potential threat being referred to in the verse could, for instance, and where necessary, be through a “show of strength” such as by letting others know what weapons are being accumulated to strengthen one’s military capacity. It has never been understood as a justification for terrorism or aggression against innocent civilians. Such “military exercises” are common even today.

numerous texts in the Qur'an and hadith prescribing peace-building and peaceful co-existence.

3) ***“I will cast terror into the hearts of those who disbelieved, so strike [them] upon the necks and strike from them every fingertip... It is not you who slew them, it was Allah.” (Qur'an 8:12-17)***

First, all scholars and commentators of the Qur'an maintain that this set of verses were specifically related to the Battle of Badr between an army of about 1,000 Meccan polytheists and the Muslim army of about 300, in the 2<sup>nd</sup> year after Hijrah.<sup>485</sup> A basic knowledge of the history and context of this battle should make it clear that there is no way this verse could be interpreted to justify aggression against non-hostile people of other faiths.

The immigrant Muslims (*Muhajirun*) who had escaped persecution and violent aggression in Mecca were the ones who were aggressed upon. Some of them were tortured, hunted down, killed, expelled from Mecca, and had their property confiscated and used for trade by the Meccan leadership. The *Muhajirun* who were now safe in Medina tried to recover some of their own property when a major Meccan trade caravan was passing close to Medina. The caravan diverted away and escaped, but the Meccan leadership decided that they still needed to put together an army of about 1,000 to crush the group of about 300 Meccan *Muhajirun* who had come out to intercept the caravan. By God's grace and through the inspiration of the angels (mentioned in the verses), the Battle of Badr ended in a decisive victory for the Muslims, after which the *Muhajirun*

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<sup>485</sup>Ibn Ashur, *al-Tahrir wa al-Tanwir*, Maktabah al-Shamilah, vol.6, p.169; Muhammad Sayyid Tantawi, *Al-Tafsir al-Wasit*, Maktabah al-Shamilah, vol.1, p.1780; See Meraj Mohiudeen, *Revelation: The Story of Muhammad*, Whiteboard Press, USA, 2016, pp.198-211; Safy al-Rahman Mubarakfuri, *Al-Rahiq Al-Makhtum (The Sealed Nectar: Biography of the Noble Prophet)*, Dar al-Salam Publishers, Riyadh, 1996, pp.210-228; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp.253-273; Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, pp. 100-107.

then returned to Medina. It was just before fighting began in this battle that the verse in question was revealed.

Moreover, “text without context is pretext” or prejudiced. The verses from their own historic and textual context make it clear that it is not in the context of peaceful relations with others that Muslims are asked to suddenly attack people of other faiths. The verses were discussing a situation where hostilities and aggression have already begun - “*when you meet those who disbelieve advancing on a battlefield*”! Verses 15-17 also make it abundantly clear that the instructions in the verses took place in the context of the battlefield with disbelievers of the Meccan Qurayshi tribe who were present for combat. Trying to interpret the verses without due respect for the context and proper consideration of the occasion of their revelation (*sabab al-nuzul*) easily leads to misinterpretations of these verses or any other texts.

The full text reads, “(Remember) *when your Lord inspired the angels (to inform the believers), ‘Verily, I am with you, so keep firm those who have believed. I shall cast terror into the hearts of those who have disbelieved; so strike them over their necks and smite over all their finger-tips.’ This is because they defied and disbelieved Allah and His Messenger. And whoever defies and disobeys Allah and His Messenger, then verily, Allah is severe in punishment. This is the torment, so taste it, and surely for disbelievers is the torment of the Fire (in the Hereafter). O you who believe, when you meet those who disbelieve advancing on a battlefield, do not turn your backs to them. And whoever turns his back to them on such a day – unless it be a stratagem of war or to retreat to a troop (of believers) – he has indeed drawn upon himself wrath from Allah... You killed them not, but Allah caused them to be killed. And it was not you who cast when you did cast but it was Allah who cast, that He might test the believers by a fair trial from Him... This (is the truth), and surely, Allah weakens the deceitful plots of the disbelievers*” (Qur’an 8:12-18).

Even if it is interpreted (as some have done) to mean that the angels physically engaged in combat in the Battle of Badr,

verses 15-17 make it very clear that the instructions to kill took place in the context of the battlefield with disbelievers who were already present for combat.

According to Muhammad Asad in his commentary on this verse,

“The implication being that in view of God's promise of victory, no retreat is permissible. Since this verse (like the whole of this surah) relates predominantly to the battle of Badr, it may well be presumed that the above admonition forms part of the message of encouragement beginning with the words, "I am with you" (verse 12), which God commanded the angels to convey to the believers before the battle. In accordance with the didactic method of the Qur'an, however, the moral lesson contained in this verse is not confined to the historical occasion to which it refers, but has the validity of a permanent law.”<sup>486</sup>

Therefore, the selected texts from the verses of Qur'an 8:12-17 cannot justifiably be used as evidence to support unprovoked aggression or hostility against people of other faiths. To interpret these as such would go against the context of the verses themselves, that of the whole Qur'an and Sunnah, and the actual lived history (*seerah*) of the Prophet (p) and his Companions.

**4) “Fight them and Allah will punish them by your hands, cover them with shame, help you (to victory) over them, (and) heal the hearts of believers.” (Qur'an 9:14)**

The misinterpretation of this verse (as with the case of the so-called “verse of the sword” – Qur'an 9:5) is a result of the same disregard and neglect of the full context of the verse itself. The defensive nature and non-hostile implications of the instruction in the verse to fight, becomes very clear if we start reading from the verse just before – Qur'an 9:13.

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<sup>486</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.273, n.17 to Qur'an 8:15.

*“Will you not fight people who violated their oaths, plotted to expel the Messenger, and were the first to attack you? Do you fear them? No, it is Allah who you should more justly fear if you believe. Fight them, and Allah will punish them by your hands, cover them with shame, help you (to victory) over them, (and) heal the hearts of believers.” (Qur’an 9:13-14).*

Here, Allah is allaying the fear of the believers who have been persecuted and oppressed on account of their faith for a long time, and encouraging them to fight back, knowing that He will aid them to victory and security. The clear text of the preceding verse also makes it obvious that those to be fought *“were the first to attack”*, and that the Muslims were, therefore, responding to violent aggression against them.

Hence, relying only on Qur'an 9:14 cannot, therefore, be justifiably used as evidence to support unprovoked aggression or hostility against people of other faiths, as that would also go against the context of the verse itself, that of the whole Qur'an and Sunnah, and the actual lived history (*seerah*) of the Prophet (p) and his Companions.

***5) “O you who believe, fight the disbelievers who are nearest to you; let them find harshness (or firmness<sup>487</sup>) in you, and know that Allah is with those who are God-conscious (have taqwa).” (Qur’an 9:123)***

This verse, similar to the previous ones from the same chapter 9 (*Surah al-Tawbah*), is meant to give courage to the believers against those who were already preparing to attack them, with the reassurance that Allah is with those who are pious. It was never understood to mean that Muslims are expected to fight all peaceful people of other faiths that they live with or are surrounded by, such as neighbours.

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<sup>487</sup> “...and let them find you adamant ...” i.e. “Uncompromising with regard to ethical principles” - See Muhammad Asad, *The Message of the Qur’an*, The Book Foundation, England, 2003, p.320, n.163 to Q9:123)



Fighting, in all such cases, was not on account of non-Islamic faith *per se*, but on account of the aggression and treachery initiated by certain groups against the Muslims. According to Muhammad Asad, "The reference to 'those deniers of the truth who are near you' may arise from the fact that only 'those who are near' can be dangerous in a physical sense or, alternatively, that - having come from afar - they have already approached the Muslim country with an aggressive intent."<sup>488</sup>

With regard to the expected relationship between Muslims and those near to them such as neighbours, Allah says,

*"Worship Allah and associate nothing with Him, and do good to your parents, and to relatives, orphans, the needy, the near neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful."* (Qur'an 4:36)

We also have numerous examples from the life of the Prophet (p) and his Companions about how they related with their non-hostile neighbours who belonged to other faiths.

The Messenger of Allah (p) is reported to have said, "*Whoever believes in Allah and in the Hereafter should take care of his neighbour,*"<sup>489</sup> and "*Jibril continued to remind me of the neighbour's rights till I thought he would tell me that the neighbour inherits from his neighbour.*"<sup>490</sup>

It is reported on the authority of Abu Hurayrah that the Messenger of Allah (p) said, "*He who believes in Allah and the Last Day should either utter good words or better keep silent; and he who believes in Allah and the Last Day should treat his neighbour with kindness and he who believes in Allah and the Last Day should show hospitality to his guest.*"<sup>491</sup>

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<sup>488</sup> See Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.320, n.163 to Q9:123)

<sup>489</sup> *Sahih al-Bukhari*, vol.8, hadith no. 29 in *Alim 6.0*

<sup>490</sup> *Sahih al-Bukhari*, vol.8, hadith no. 27; See also hadith no. 28 in *Alim 6.0*

<sup>491</sup> *Sahih al-Bukhari*, hadith no.6018; *Sahih Muslim*, hadith no.182; *Musnad Imam Ahmad*, hadith no.9967; *Sunan Abu Dawud*, hadith no.5156.



Anas ibn Malik narrated that, “Allah’s Messenger (p) had a neighbour who was Persian [a Zoroastrian], and he was an expert in the preparation of soup. He prepared (soup) for Allah’s Messenger (p) and then came to him to invite him (to a meal)... Then he accepted his invitation, and both of them (the Prophet (p) and Aisha) set out and went to his house.”<sup>492</sup>

Similarly, Mujahid narrated that Abdullah ibn Amr ibn al-‘As slaughtered a sheep and said, “Have you presented a gift from it to my neighbour, the Jew, for I heard the Apostle of Allah (p) say, *‘Jibril kept on commending the neighbour to me such that I thought he would make him an heir’?*”<sup>493</sup>

In a similar vein, the Maliki jurist, Shihab al-Din al-Qarafi said:

“The covenant of protection imposes upon us certain obligations toward *ahl al-dhimmah*. They are our neighbours, under our shelter and protection upon the guarantee of Allah, His Messenger (p), and the religion of Islam. Whoever violates these obligations against any of them by so much as an abusive word, by slandering his reputation, or by doing him some injury or assisting in it, has breached the guarantee of Allah, His Messenger (p), and the religion of Islam.”<sup>494</sup>

Therefore, the verse in question (Qur’an 9:123) cannot justifiably be used as evidence to support unprovoked aggression or hostility against people of other faiths. To attempt such would go against the context of the verse itself, that of the whole Qur’an and Sunnah, and the actual lived history (*seerah*) of the Prophet (p) and his Companions.

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<sup>492</sup> *Sahih Muslim*, hadith no.958, in *Alim 6.0*

<sup>493</sup> *Abu Dawud*, hadith no. 2446 in *Alim 6.0*

<sup>494</sup> Al-Qarafi, *Al-Furuq*, vol.3, p.14, cited in Yusuf al-Qaradawi, *Non-Muslims in Islamic Society*, p.12

## 49. Islam: Spread by the Sword?

**The Prophet (p) is reported to have said, “I have been ordered to fight (*qaatal*) the people until they say, ‘There is none worthy of worship but God.’”<sup>495</sup> Some interpret this hadith to mean that Muslims are enjoined to continue to wage war against people of other faiths until they accept Islam, whether by choice or force. Thus, it is sometimes concluded that Islam was spread by the sword.**

**What is the correct interpretation of this hadith?**

The misinterpretation of this hadith comes from not appreciating or sufficiently respecting some of the most basic rules of verb conjugation in Arabic grammar and morphology (*sarf*).

The Arabic word in this hadith is not “*qatl*” (“fight” or “kill”) but “*qaatal*,” which means “to fight back” – a meaning more ambiguous than “*qatl*” which implies proactivity and taking the first initiative. The word “*qaatal*” implies reciprocity, and thus may not be used for a scenario where one initiates attack without provocation. The hadith literally, therefore, is saying “I have been ordered to fight back ...” and not “I have been ordered to initiate fighting...!” This point of grammar is sufficient to refute the interpretation that tries to use the hadith to support unprovoked and proactive hostility against others.

The misinterpretation of this hadith also comes from interpreting it without due respect to other relevant texts in the Qur’an and hadith, and what the recorded history (*Seerah*) of the Prophet (p) and his earliest companions shows

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<sup>495</sup> *Sahih al-Bukhari (Abridged)*, vol.4, no.196; Zaki al-Din al-Mundhiri, *Mukhtasar Sahih Muslim*, ed. Nasiruddin al-Albani, Al-Maktab al-Islami wa Dar al-Arabiyyah, 1972, p.8

regarding how they actually understood and implemented this hadith.

The interpretation of this hadith (or any other) cannot be valid if the conclusion clearly contradicts the explicitly categorical injunctions of Allah in the Qur'an or other numerous authentic hadiths. This hadith cannot thus be interpreted in such a way as to contradict the many clear injunctions of the Qur'an and *Sunnah* that categorically prohibit fighting non-combatant people of other faiths. Such injunctions include:

*Fight (qatilu, in Arabic) in the cause of God those who fight (yuqatilu) you, but do not commit aggression, for God loves not the aggressor.* (Q.2:190)

*“And fight them (qatilu hum) until there is no fitnah (oppression) and religion is for Allah, but if they cease, let there be no hostility except to those who practice oppression.”* (Qur'an 2:193)

*“And if any one of the polytheists seeks your protection, then grant him protection, so that he may hear the Word of Allah, and then escort him to where he can be secure.”* (Qur'an 9:6)

*(Fight them) except those who join a people between whom and you there is a treaty, or those who come to you because their hearts restrain them from fighting you or their own people. If Allah had willed, He would have given the unbelievers power over you, and they would have fought you. Therefore, if they withdraw from you and fight you not, and instead send you guarantees of peace, know that Allah has not given you a license (to fight them).* (Qur'an 4:90)

The Prophet Muhammed (p) is also reliably cited as saying, “Never kill women, children, and the old weakened with age”, “Do not kill hermits”, “Do not slay the old and decrepit...”, and “Leave them (monks) and that to which they devote themselves.” To this list, scholars add other non-combatants

such as the blind, chronically ill, the insane, servants, slaves, peasants, serfs, etc.<sup>496</sup>

Some scholars have interpreted the hadith under discussion as permitting aggression towards the same polytheists referred to in Qur'an 9:5 (discussed earlier), but they also restrict it to only the polytheist Arabs (*mushrikun*) of that context who, at the time of the Prophet (p), were notorious for breaking their treaties and continuously fighting and conspiring against the Muslim community. This is based on the understanding that the fighting enjoined in Qur'an 9:5 was only in respect of aggressive polytheist Arabs, and thus not applicable to non-Arab polytheists, "People of the Book", Sabians, etc.<sup>497</sup> Even then, the interpretation of the hadith cannot be extended to also imply a permission to kill polytheist women, elderly, children, those who uphold their treaties and other non-combatants as is clear from the context of Qur'an 9:5-6 as discussed earlier. The fact that there is no supporting historical record (*seerah*) that the Prophet (p) ordered Muslims to fight non-combatant polytheists unless they embraced Islam, makes it abundantly clear that the hadith in question was not understood in any way that contradicted the usual ethics of a just war (*qital/harb*) in Islamic law.

The second part of the hadith under consideration conveys the sacredness of the declaration of faith in One God (*shahadah*) - '*There is none worthy of worship but God*' - since it is just one of the reasons, and by no way the only reason, to cease fighting as is clear from other numerous texts from the Qur'an and hadith. Other means or reasons to end fighting listed in the Qur'an include: surrendering or seeking peace (Qur'an 8:61, 2:193), seeking Muslim protection (Qur'an 5:6), becoming a citizen and paying the *jizyah* or 'military exemption tax' (Qur'an 9:29), etc. This understanding has also been demonstrated by the Prophet

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<sup>496</sup> For further references and discussion, see Ibn Rushd's *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (The Distinguished Jurist's Primer), vol.1, 1994, pp.458-460; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.8, 11-41; Muhammad Naqib, Ishan Jan and Abdulrashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.

<sup>497</sup> See Louay Safi, *Peace and the Limits of War: Transcending Classical Conception of Jihad*, IIIT, Herndon, USA, 2001, pp.12-15, citing authorities such as Abu Hanifa, al-Shafi'i, Malik, and Abu Yusuf.

(p) in another hadith where he chastised a believer for killing an enemy in battle after the enemy uttered the declaration of faith on the brink of being defeated.<sup>498</sup>

Muhammad Asad notes that "all Islamic jurists, without any exception, hold that forcible conversion is under all circumstances null and void, and that any attempt at coercing a non-believer to accept the faith of Islam is a grievous sin."<sup>499</sup>

Like any other hadith or verse of the Qur'an, the hadith under consideration cannot be interpreted outside the context of the whole Qur'an and Sunnah, neglecting other explicit statements in the Qur'an and hadith on this issue, and disregarding the rules and principles of interpretation of religious texts.

Furthermore, and in the absence of any categorical authority from Allah or His Messenger (p), it would be wrong to try and conclude that this hadith (or any other hadith) in any way abrogates or supersede any of the very explicit Qur'anic verses on this topic – such as "*There is no compulsion in religion*" (Q2:256).

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<sup>498</sup> *Sahih Bukhari*, Dar Ibn Kathir, Al-Yamamah/Beirut, 3<sup>rd</sup> ed., 1407A, hadith no.2651; *Sahih Bukhari*, Dar Ibn Kathir, Al-Yamamah/Beirut, 3<sup>rd</sup> ed., 1407A, hadith no.4021

<sup>499</sup> Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.70 n.249 to Qur'an 2:256

## 50. Other Commonly Misinterpreted Hadiths on *Jihad*

**What are the commonly misinterpreted hadiths on the topic of *jihad*?**

In addition to the commonly misinterpreted verses of the Qur'an cited earlier, the following hadiths have been identified as being among some of the most commonly misinterpreted by Muslim extremists and non-Muslim critics of Islam as evidence that primary Islamic sources support unprovoked hostility towards people of other faiths, and that Islam could be spread or supported by forced conversion of others.

**1) “A party of my community shall not cease fighting for truth and it shall be triumphant over its opponents.”<sup>500</sup>**

This hadith is used by some to justify continuous unending state of conflict between Muslims and people of other faiths. The phrase in the hadith, “*fighting for truth*” is taken literally, and understood to validate violence, even against peaceful others.

Referring to “*the party*” mentioned in the hadith, Imam al-Bukhari said that it refers to scholars or people of knowledge (*ahl al-ilm*).<sup>501</sup> Imam Ahmad bin Hanbal rhetorically asks, “If it doesn’t refer to the people/scholars of hadith (*ahl al-hadith*), then who would it refer to?”<sup>502</sup> However, An-Nawawi comments that, “*This party could consist of different classes of the faithful, of them being the brave fighters, and the jurists, and the collectors of hadith, and the zuhhad (those who abstain from worldly lusts and devote themselves to the service*

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<sup>500</sup> Abu Dawud, Dar al-Kitab al-Arabi, Beirut, hadith no.2486; al-Hakim, *Al-Mustadrak ala al-Sahihayn*, hadith no.8391 and 2392

<sup>501</sup> Al- Nawawi, *al-Minhaj Sharh Sahih Muslim bin al-Hajaj*, Dar Ihya al-Turath al-Arabi, Beirut, 2<sup>nd</sup>. Ed., 1392AH, vol.13, p.66

<sup>502</sup> Commenting on this statement, Qadi Iyad says it also includes those who believe in the “path of *Ahl al-Hadith*.”



*of Allah), and those who command the doing of good and prohibit evil, and a variety of other people who do other good deeds.”*<sup>503</sup>

This commentary thus elaborates that the “*fighting for truth*” mentioned in the hadith is not restricted to the battlefield but indeed refers to any form of “fighting” for the benefit of Islam, society and humanity. Even in English, as in many other languages, the phrases “fighting for truth”, “fighting for your rights” or “fighting for justice”, etc. do not necessarily imply any physical violence; and they are usually understood to mean “striving” or “struggling” in the broadest sense of the terms.

Therefore, this hadith cannot be used as a justification for unprovoked aggression against any people of other faiths.

## 2) ***“Paradise is under the shades of swords.”***

This commonly quoted portion of a longer hadith, is a classic example of the dangers of not understanding a text within its own context, and how such partial quotes can easily result in conclusions that are the actual opposite of what the whole text implies.

The hadith in full assists in clarifying its meaning: “*Do not wish to meet the enemy, and ask Allah for safety; but when you face the enemy, be patient (or steadfast), and remember that Paradise is under the shades of swords.*”<sup>504</sup>

This hadith, rather than encouraging warfare, actually discourages believers from seeking it – “*Do not wish to meet the enemy, and pray Allah for safety...*” However, it reassures believers that if it becomes unavoidable, then they should be steadfast and if one gets killed by the sword, then Paradise is the reward of a martyr.

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<sup>503</sup> Al- Nawawi, *al-Minhaj Sharh Sahih Muslim bin al-Hajaj*, Dar Ihya al-Turath al-Arabi, Beirut, 2<sup>nd</sup>. Ed., 1392AH, vol.13, p.67

<sup>504</sup> *Sahih al-Bukhari (Abridged)*, vol.4, hadith no.73

This hadith in no way glorifies unprovoked warfare nor does it encourage any hostility towards people of other faiths. On the contrary, it demonstrates that as much as is realistically possible, Muslims should avoid fighting and actually ask and work for safety and security through other means.

The battles fought during the lifetime of the Prophet (p) were all in defensive of the innocent people and of the young Islamic State against the polytheist forces of Arabia and the surrounding imperial powers who tried to destroy it. For over twelve years, the fledgling Muslim community had patiently undergone more and more torturous persecution in Mecca.

When the strategy of non-violence became unbearable and the threat of physical extermination imminent, the early Muslim community, now based in Medina, was granted the permission to fight back. This became necessary in order to protect themselves, their freedom to maintain an independent state governed by Islamic principles and their treaties and alliances with various communities and nations that belong to various other faiths.

## CONCLUSION

Islam has established that the relations between Muslims and people of other faiths be one of respect, friendliness and kindness, as exemplified by the Prophet (p) throughout his mission. Allah has given Muslims a responsibility to be witnesses unto mankind (*"shuhada 'ala al-nas"* - Qur'an 2:143), and *"the best nation raised for mankind"* (Qur'an 3:110), through their example of goodness (*birr*) and God-consciousness (*taqwa*), enjoining what is right and forbidding what is wrong (Qur'an 2:177, 189, 44; 3:92; 58:9).

In this manner, a Muslim should make his relationship with non-Muslims conducive for better mutual understanding, enlightenment and cooperation, just as he would with a Muslim. However, a Muslim should not allow the desire for building better relations with people of other faiths to undermine his/her relationship with God and the Islamic ideals of justice, compassion and commitment to the true teachings of the Qur'an and Sunnah. Muslims should thus endeavour to build and safeguard their faith and pursue their own moral and spiritual development.

While respecting the religious choices of others and their right to self-preservation, Allah has warned Muslims in Qur'an 5:48-49, that:

*"...Unto every one of you have We appointed a (different) law (Shari'ah) and way of life (minhaj). And if God had so willed, He could surely have made you all one single community, but (He willed it otherwise) in order to test you by means of what he has bestowed unto you. Compete, then, with one another in doing good works! Unto God you all must return; and then he will make you truly understand all that on which you differed. Hence, judge between the followers of earlier revelation in accordance with what God has bestowed from on high, and do not follow their errant views; and beware of them lest they*

*tempt you away from any other than that which God has bestowed from on high upon you...”*<sup>505</sup>

Hence, while Islam respects other people's right to follow their own faiths, and “*there is no compulsion in religion*”, Muslims are cautioned to hold strongly to their faith, and not turn away from submission to Allah's Will and final guidance to mankind as contained in the message of the last Prophet, Muhammad (p).

Thus, for relating with the vast majority of peaceful and non-hostile people of other faiths, Muslims would do well to remember Allah's explicit words:

*“As for those (unbelievers) who do not fight against you on account of (your) faith, nor drive you out of your homelands, **God does not forbid you to show them kindness and to deal with them with fairness and equity...**”* (Qur'an 60:8-9).

There is no denial however that there are some non-Muslims who are hostile or aggressive towards Muslims. In dealing with this set of non-Muslims, Allah says:

*“O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; **and never let hatred of anyone lead you into the sin of deviating from justice. Be just; this is closest to being God-conscious.** And remain conscious of God; verily, God is aware of all that you do.”* (Qur'an 5:8)

Scholars have explained this verse in different ways, all showing that while Muslims are not prevented from defending themselves, if and only where necessary, and in line with the laid down

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<sup>505</sup> Similar warnings are also given in the Qur'an regarding others (including hypocrite Muslims), besides Jews and Christians, who would like Muslims to follow their form of religion or moral law. The Qur'an warns faithful Muslims about Muslim hypocrites (*Munafiqun*) in Qur'an 4:89: “*They (Muslim hypocrites) would love to see you deny the Truth even as they have denied it, so that you should be like them.*” In Qur'an 109:1-6, Muslims are told regarding those bent on denying His truth (*kafirun*) to: “*Say: ‘O you who deny the truth! I do not worship that which you worship, and neither do you worship that which I worship. And I will not worship that which you have (ever) worshipped, and neither will you (ever) worship that which I worship. Unto you, your religion, and unto me mine!’*”

guidelines by Islam; Muslims must not refrain from upholding justice, even to warring enemies.

Al-Tabari maintains that Muslims should not cross the boundaries set by Allah on account of their hatred with their enemies and they should refrain from crossing the boundaries set for them in respect of His commandments.<sup>506</sup> Al-Mawardi believes that Allah's enjoinder is clear: 'Believers! Deal justly with mankind whether the person be your enemy or friend.'<sup>507</sup> Ibn Kathir instructs: 'Administer justice with all, friends or foe'.<sup>508</sup> Al-Baydawi feels that a Muslims' staunch hatred of polytheists should not prompt him/her to abandon any application of justice with them. For if this happened it would equate with assaulting them. The commitment of such a wrong is not permissible.<sup>509</sup>

The verse, al-Qurtubi maintains, indicates that the disbelief of the disbeliever should not prevent you from ensuring justice in dealings with them.

According to al-Razi, the verse provides two shades of meaning. First, it is general, which means it is likely that your hatred of a particular set of people leads you towards exercising oppression on them and prompts you to cross boundaries. But it also means: be just with them even if they deal badly with you and be kind to them even if they do their best to harm you. This is the general address and its meaning is that Allah enjoins that each and every person should be treated with justice and equity avoiding prejudice and oppression.

From the foregoing, it is evident that the presence of hostilities and aggression from people of other faiths is not a justifiable excuse to be unjust in dealing with them. If this is what Islam expects of Muslims towards hostile and aggressive non-Muslims, what then should be the expected relationship with friendly and responsive people of other faiths?

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<sup>506</sup> Al-Tabari, Muhammad bin Jarir, *Jami' al-Bayan 'an Ta'wil al-Qur'an*, vol. 6, p.141.

<sup>507</sup> Ali bin Muhammad bin Habib, Al-Mawardi, *al-Nukat wa al-Uyun*, vol. 2, p.19.

<sup>508</sup> Ibn Kathir, Abu al-Fida' Isma'il bin 'Umar, *Tafsir al-Qur'an al-'Azim*, vol. 3, p.62.

<sup>509</sup> Al-Baydawi, 'Umar bin Muhammad al-Shirazi, *Tafsir al-Baydawi, Anwar al-Tanzil wa Asraf al-Ta'wil*, vol. 1, p.258.

## MORE PRAISES FOR THE BOOK

“All praise is due to Allah and peace be upon His Prophet, and the Prophet's family, companions and those who follow him.

“I am always amazed at how DIN produces these manuals in such unique style. In the field of Islamic Studies, we are familiar with the style of academic works as well as the style of media production for public consumption. These manuals that DIN produces are neither and, in my opinion, are more useful to the Ummah of Islam than both. Academic writings are comprehensive and extensive; they discuss the issues deeply and they do not take any opinion for granted with due analysis and critique. Yet, academic writings are often dry, complicated and disconnected from people's realities. On the other hand, media production for public consumption is interesting and entertaining, yet lack intellectual depth and accurate terminology and definitions.

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“It is my hope and duaa’ (prayer) that this important guide makes a real change on the ground. May Allah grant everybody who worked on this book or contributed to it in any way the highest of rewards and the best of blessings in their lives and the next. All praise to Allah.”

**Prof. Jasser Auda,**

*President, Maqasid Institute ([www.maqasid.org](http://www.maqasid.org))*

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“There are very few books in English which treat the issues treated in this book from the broadest Islamic point of view. One may be permitted to think that the book is written for the non-



Muslim readers who erroneously believe that Islam is against any form of friendliness with those who do not subscribe to the Islamic faith, or those who assume that Islam prescribes the normative relationship between Muslims and non-Muslims to be one of hostility and intolerance.

“The approach adopted by Da’wah Institute of Nigeria (DIN) in dealing with the issues treated in the book has been a carefully balanced one having taken into consideration all the diverse and conflicting opinions of scholars of Islamic Jurisprudence before arriving at what it believes to be the most credible and appropriate scholarly opinion on contemporary realities without compromising the Islamic values.

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**Kamaldeen A. Balogun PhD,**

Prof. of Islamic Studies, Olabisi Onabanjo University, Ago –  
Iwoye, Ogun State, Nigeria.

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"This important work by the Da'wah Institute has provided the much-needed clarity on the various misconceptions that Muslims and non-Muslims have on this very important subject. It is a well-researched book that sheds light on the true position of Islam regarding the expected relationship between Muslims and non-Muslims. I, therefore, endorse and recommend this book for wider circulation and translation to promote better interfaith relations and peaceful co-existence."

**Muhammad Lawal Maidoki, Engr. Tech.,**

*President, Da’wah Co-ordination Council of Nigeria (DCCN)*

“The Da’wah Institute of Nigeria has raised burning issues that have been of concern for long to most Da’wah workers. The question of relationship with non-Muslims is so critical that it forms a substantive part of the teachings of Islam as can be seen in this book. How can the Muslims relate with non-Muslims, what are the parameters, the criteria and the ruling? How do Muslims act in a given circumstance based on the teaching of Islam and what is the benefit of the Muslim's interaction with non-Muslims? DIN's book as a compendium will leave a sterling impression in the heart of every reader due to its clarity and the extent of research carried out. The book is for everyone; Muslims, non-Muslims, Students, teachers, young and old and it is a guide to every Da’wah worker.”

**Dr. Khalid Aliyu Abubakar,**  
*Secretary General, Jama'atu Nasril Islam (JNI), Nigeria.*

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“I want to use this medium to commend the efforts of DIN for producing this book and I wish to state at this juncture that I have gone through the draft and I have found it to be a very useful book. I therefore wholeheartedly support and recommend the production of the book for circulation for the education of Muslims who have wrong impressions about the Islamic injunctions on relations with non-Muslims.”

**Dr. Abdul-Fatah K. Makinde,**  
*Obafemi Awolowo University, Nigeria.*

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“I have gone through the draft of this work “Relations with Non-Muslims ...”, and would like to register here my words of approval, commendation and appreciation. It is a well-conceived and excellently executed project. I pray that Allah makes it a potent instrument for guiding its many readers on the issues raised therein.”

**Dr. AbdulRazzaq A. Alaro,**  
*Barrister & Solicitor of the Supreme Court of Nigeria; Associate Professor of Islamic Law, University of Ilorin, Nigeria.*

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**Amina B. Omoti (Mrs.),**

*National Amirah, Federation of Muslim Women’s Association in  
Nigeria (FOMWAN)*

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**Dr. Shehu Abdur-Rahman Aboki,**

*Senior Lecturer, Department of Islamic Studies, Usman Danfodio  
University, Sokoto, Nigeria.*

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“This work is an in-depth research into some positions of Islam in a situation of peaceful and cordial relations with non-Muslims. In Islam, cordial relations is the norm while war and hostility situation is an aberration which can only be invoked when all

other options are exhausted, and when the process is fully followed.

“There is an uneasy gap among various religious divides in our society which is being widened regularly by many factors. While other groups in the society find it easy to co-exist cordially, it is becoming difficult for the religious folks, despite the claims for peace, righteousness, morality and God-consciousness by all the religious institutions. This underscores why there is no better time to bring this research to bare than now in order to foster a culture among Muslims where they get it right by regarding and treating non-Muslims as members of one human family.”

**Isa Christian Okonkwo,**

*Director of Administration, Nigerian Supreme Council for Islamic Affairs (NSCIA)*

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“The book is a ‘Masterpiece of interfaith compendium’ that carefully maintains juristic bounds and avoids religious sentiment. It respects spiritual sanctities and establishes the humanistic interpersonal relationships amongst interfaith citizens of any community.

“Reading this book will afford Muslims and their interfaith neighbours the understanding of the difference between Religious Tolerance (among intrafaith people) and Religious Peaceful Coexistence (among interfaith citizens) of our country.

Once again, *jazakumul-llahu khayran* for this opportunity to serve the Ummah in this little way.”

**Ameer Mayaleeke Shereef Afolalola,**

*Director of Studies, Ad-Dawah Islamic Education Centre, Nigeria.*

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“I was opportune to have read this very rich and timely research, whose importance cannot be overemphasized, *JazakumulLahu khayran.*”

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*Deputy Imam, National Mosque, Abuja, Nigeria.*

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**Imam Maruf Abdul-Azeez Onike,**  
*Chief Missioner, Nasrullahi-l-Fathi Islamic Society (NASFAT),  
Nigeria.*

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"This book is probably the most important book in English language, written primarily for the Nigerian public in recent times, to clarify the crucial concepts of *Al-Wala'* (Loyalty) and *Al-Bara'* (Dissociation) which are often stood on their heads when discussing relationship with non-Muslims and explained in a very narrow sense with devastating consequences. In such narrow explanations, the associated concepts of *Birr* (kindness), *Qist* (justice) and *Ihsan* (goodness) are not only relegated, they are so often completely abandoned so that flouting of the rules of relating with others, which are codified in the Quran, is simplified.

"The book shows clearly: the more we dig into the Quran and teachings of Islam, the more understanding we have of the rich culture and legacies of Islam on tolerance, kindness and peaceful coexistence with non-Muslims, the more the absurdity of the limited interpretations of those who seek a world governed by their own rules and visions become apparent. I have had the good fortune to thoroughly review this important book which I find to be an essential resource to both Muslims and non-Muslims, a clear demonstration of Quran's clear stand against any notion of perpetual hostility to others, and a unique asset to the all-important work of respectful interfaith relations."

**Disu Kamor,**  
*Executive Chairman, Muslim Public Affairs Centre, MPAC,  
Nigeria.*

“This book has done a good work of clarifying the confusion that is often deliberately or inadvertently created. It has painstakingly referenced all the arguments and positions of jurists meticulously indicating the context and priorities and taking informed and unassailable positions. This is a great work of our time that is bound to restore our common humanity and promote healthy interfaith relations that can heal the mistrust and pre-empt the raging conflict in our society today. This is one critical step to peace.”

**Dr. Usman Bugaje,**  
*Muslim Intellectual and Social Thinker*

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“This is a good effort and this book will go a long way in clarifying the misconceptions about our relationship with the non-Muslims. May Allah bless and accept the noble efforts and reward you with the best in both worlds (Amin).”

**Hajiya Rahmatu Musa Sani,**  
*Na'ibatul Amirah (Deputy President), Women in Da'awah,  
Nigeria.*

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“I would like to humbly acknowledge that I have immensely benefitted from this piece of write-up. May Allah (SWT) reward you and whosoever that has contributed in one way or the other in bringing this piece to the limelight.”

“There is no doubt that justice has been done to all the issues raised in this write-up in terms of authoritative interpretations, numerous citations and lucid exposition of facts. I thank you most sincerely for this opportunity.”

**Prof. Yahya Ibrahim Yero, MCFE, GMA**  
*Executive Chairman, Bauchi State Universal Basic Education  
Board (BASUEB), Nigeria.*

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“I have had the opportunity of reading this book which I have found very educative in various aspects of interfaith relations. For



mutual understanding and peaceful co-existence, Muslims and non-Muslims need to read the book for it responds positively to issues of importance to every peace-loving Imam, Islamic activist, researcher and interfaith dialogue practitioner.

“The book is also timely because it deals with arguments used by extremists to justify radical thoughts, hostility, aggression and injustice towards non-Muslims. It also serves as a way to understanding the right interpretation of various Islamic texts and injunctions.”

**Imam Muhammad Nuru Khalid,**  
*Imam, Apo Legislative Quarters Mosque, Abuja, Nigeria.*

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“A very well written book detailing the importance of how Muslims interact with non- Muslims in different situations and in different contexts. This book will serve as a “manual” to both Muslims and non-Muslims the world-over. In particular, this book will serve as an advocacy tool that will bridge the gap between Islam and other religions, while providing a space for peaceful coexistence and conflict mitigation.

“This book chronicles every aspect of life so that the reader feels a sense of guidance and understanding while exploring the chapters of this magnificently written book. It is with great pride and honour that I am able to commend this masterpiece, may Allah *Subhanawata’ala* make this book a source of light to all that read it.”

**Imam Muhammad**  
**Nurayn Ashafa,**  
*Co-Executive Director, Interfaith Mediation Centre (IMC),  
Kaduna, Nigeria.*

