

Jurisprudential Interpretations of Social Relations with Non-Muslims (Analytical Study by the Life of Muhammad (PBUH))

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Abstract

Due to the lack of complete familiarity with Islamic teachings in the present era and the un-Islamic movements of some biased and untrained Islamic scholars, our non-Islamic community is accused of having an Islamic vision. A narrow, dark, and violent attitude by the non-Islamic community not only distorts the truth of Islam but also violates the kind laws of Islam, which are based on peace and harmony. Islam teaches us to walk step by step with the non-Muslim

community in every era. The real origin in which the jurisprudences were practically implemented was the time of Muhammad (PBUH), where the nature of relations between Islamic communities and non-Muslims could be gauged. After that, there was a 30-year period of caliphate during which the nature of social relations with non-Muslims could be estimated. We will prove on the basis of research that relations between Muslims and non-Muslims are very important at the social level. This will not only benefit nations but also determine the bright future of our new generation. Relations among Muslims and non-Muslims It's a wide subject, but we have selected a particular part of this topic, so we shall make only the social relations part of our subject so that we may confine our inquiry to a certain circle. The aim of our research is to build religious harmony between Muslims and non-Muslims. We conduct unbiased research on a pure research basis. In this research, references should be made to the original source books, and books by some non-Muslim authors will also be studied. Analytical research method will be used in this research paper.

Keywords: Jurisprudential, social, non-Muslims, Muslims, Interpretations, Religions, Muhammad (PBUH).Analytical

Introduction

A non-Muslim is defined as: any person who rejects the totality of the beliefs of Islam, or partially rejects any of the beliefs considered to be the foundation of Islam.¹ Then, according to his disbelief, they are given different names:

People of the Book :

According to Imam Shafi'i (A well-known Muslim Jurist) People of the Book (Ahl-i-Kitab) refers only to the Jews and the Christian and those who are especially the children of Israel.³ According to Imam Abu Hanifah, (Muslim jurist and founder of Hanfi school of thought) the definition of People of the Book has been moderated. According to him:

The People of the Book will be those who follow the divine books, in addition to them, there are also those people of the book who follow the divine scriptures (suhufa) such as the children of Abraham, etc.⁴

In Malaysia, the Fatwa Committee National Council of Islamic Religious Affairs has decided during the 14th Muzakarah (conference) in 1977 that the definition of people of the scripture are the *Jews or Christians*. According to Quran:

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ⁵

((Say, People of the Book, come to a word that is equal between us and you. Anything, and do not take each other for lords besides Allah))

Doubts of the People of the Book:

Those people who do not believe neither in Qur'an, nor in Torah, Bible, Psalms, but these people believe in a book of their own creation, Just like Sabi, Fire worshipers (Majusi), Star worshipers (Parsi)⁶

Infidels and polytheists:

They refer to those non-Muslims who do not believe in any holy book but associate many things with God, and these people do not include themselves in any of the aforementioned groups, but they are a different type of non-Muslims.⁷

Apostates:

They refer to such non-Muslims who are following Islam at first and then they left Islam and converted to another religion.⁸ Apart from them, there are also non-Muslim citizens of some Islamic states, such as Muhad (contractor), Dhimmi, Mustaman, etc.⁹

Islam founded a state on its ideology and freed, this state is free from the concept of language, race, color and nation. All human beings have full of rights to live in an Islamic state. Non-Muslim citizens will also have the same rights that a Muslim has in Islamic jurisprudence.¹⁰ Non-Muslim citizens who live in an Islamic state are called Ahl al-dhimmah (*People of the pledge, or covenanted people*). According to Ibn e Manzoor (Responsible linguist) literal meanings of Ahl-al Dhimma is (*pledge*), sanctity or honor, guarantee, and

safety (aman) and plural of “dhimmi” is “dhimmah” which means right, sanctities, or honors.¹¹ Non-Muslims are called Ahl al-Dhimma because they have taken a pledge to live with Muslims, and the Islamic government is responsible for the personal, financial, social, economic and commercial rights of Ahl al-Dhimma non-Muslims in Islamic state.¹²

History of Sharia jurisprudence:

In the constitution of Islamic state, the rules for social relations with non-Muslims are derived from Islamic jurisprudence, and Islamic jurisprudences are set up on the Holy Quran and Hadith of (PBUH). There are two major sources of Islamic jurisprudence. First one is Qur'an which is sum of all major jurisprudence and it's totally given by Allah Almighty not even a single word edited in this holy book from any human being. Second one is Hadith of Prophet Muhammad (PBUH) which is infect a sub part of Quran.¹³ However, due to the changes in eras and becoming the world a global village, the jurists have defined the rules of social relations with non-Muslims which are based on their personal point of views that can be called **Conjecture (Ijtihad)** it's also a main pillar of Islamic jurisprudence. So these rules (Quran, Hadith, Conjecture) should be main part of our research.

The jurisprudential rulings on relations with non-Muslims were not compiled in a single epoch, it cannot be said that the sharia jurisprudences on relations with non-Muslims were totally written in the era of Muhammad (PBUH), rather these jurisprudential laws were written step by step in different periods

in view of the large-scale conquests by Muslims conquests. The jurists have compiled these jurisprudential rules keeping in mind the changes of their era¹⁴ Part of the jurisprudence regarding non-Muslims was also written during the reign of the Muslim Caliph Umar Farooq, because during his reign most of the Islamic land was conquered and Islamic armies were deployed in Iran, Iraq, Syria, Jordan, Homs, Turkey, and some parts of Europe. ¹⁵ During the periods of Banu Umayyad and Banu Abbas, regular jurisprudential books were written on the nature of relations with non-Muslims. In the same period, Imam Muhammad bin Hassan Shibani(Famous Muslim jurist) wrote al-Kitab al-Siyar, (International law) which describes international laws, and jurisprudential injunctions on relations with non-Muslims.¹⁶ Islamic jurisprudence is based on four basic principles. The 1-Qur'an, 2-Hadith, 3-The consensus of the Ummah, 4-Conjecture (Ijtihad)¹⁷ Our research will be based on these four principles.

Quran Teachings about social Relation with Non-Muslims:

The holy Quran explains about the building of social relations with non-Muslims as under:

لَا يَنْهَىكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ
وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves

those who are fair. Allah only forbids you from befriending those who have fought you for your faith, driven you out of your homes, or supported others in doing so. And whoever takes them as friends, then it is they who are the true wrongdoers.¹⁸

In addition to:

وَلَتَجِدَنَّ أَقْرَبَهُمْ مَوَدَّةً لِلَّذِينَ ءَامَنُوا الَّذِينَ قَالُوا إِنَّا نَصْرِيّ ذٰلِكَ بِأَنَّ مِنْهُمْ قِسِيّسِينَ وَرُهْبَانًا وَأَنَّهُمْ لَا يَسْتَكْبِرُونَ

((And you must also realize that) (among the non-Muslims) the closest in friendship to the Muslims are those who call themselves Christians. This is because many of them are learned scholars and many of them are Tariq al-Dunya dervishes¹⁹ -))

Hadith teachings on social and commercial relations with non-Muslims:

Asma Abu Bakr Siddique's daughter narrates that my mother was a polytheist and she came to meet me in Medina. I asked the Prophet's permission that I can meet my mother who is a polytheist? He said yes you should meet even though she is a non-Muslim.(keep in mind it's a special case in this Hadith, it will be discuss later)²⁰ In the case of interfaith marriage, especially marriage with Christian and Jewish women, Muslim jurists cite examples from the life of Muhammad (PBUH) He married Maria Qibtiyah who was a Christian woman.²¹ Muhammad (PBUH) was first married to a non-Muslim woman, Khadija Bint-Khuwayld, who had not yet converted to Islam.²² On the other

hand, social relations with non-Muslim community also seen in Prophet Muhammad's life. When the Muslims conquered Khyber, they wanted to expel the Jews from Khyber, while Muhammad (PBUH) kept the Jews of Khyber on their lands and in return made an annual trade agreement with them. The Jews will pay half of the revenue of their land annually to the Muslims.²³ The first migration of Muslims was to Abyssinia, and Abyssinia was a Christian country. In order to restore trade relations with the Najashi(**Asham bin Abjar**) country in the future, Muhammad (PBUH) ordered his followers to migrate there.²⁴

Important orders by Prophet Muhammad PBUH:

This is a very sensitive topic and our jurists have extracted a large number of jurisprudential rulings in this regard. The source of our discussion comes from the orders of the Prophet of Islam, which are directed from the Prophet of Islam (PBUH) had explained to the Christians of Najran. Some Muslim rulers have also presented practical examples of religious, commercial and social relations with non-Muslims during their rulings. Which is the essence of the teachings of Islam itself. The Prophet of Islam issued the following instructions to his followers.

ألا من ظلم معامداً أو انتقصه أو كلفه فوق طاقته أو أخذ منه شيئاً بغير طيب نفس فانا

حجيجه يوم القيامة²⁵

Beware! Whoever wrongs a contractor, or imposes a burden on him beyond his power, or obtains something from him without his consent, I will be the judge against him on the Day of Resurrection.

The Prophet of Islam (PBUH) made a treaty with the Christians of Najran in 8 Hijri, imposed Jizya on them, and also concluded agreements with them with the tribes of Eliah, Azrah, Azraat, about which the Prophet of Islam (PBUH) gave a written order. The words of Treaty were as under:

ولنجران وحاشيتها جوار الله وذمة محمد ﷺ على انفسهم وملتهم وارضهم واموالهم وغائبهم
وشامدمم، وعشيرتهم وبيعهم، وامثلتهم، لا يغير حق من حقوقهم وامثلتهم، ولا يغير ما كانوا
عليهم ولا يفتن اسقف من اسقفهم ولا راهب من رهبانية الخ 26

1. If an enemy attacks them, they will be defended (يحفظوا ويمنعوا)
2. They will not be turned away from their religion.
3. Their places of worship will remain safe.
4. Their property will be safe.
5. Religious and national security will be provided to them.
6. Their lands will be protected.
7. Priests, monks, and church officials will not be removed from their positions.
8. Crosses (Saleeb) and idols will not be damaged.
9. Usher must not be taken from their lands.
10. They must have complete freedom of thought and belief.

Islam teaches immense love and devotion to the non-Muslim community.

Hazrat Khalid bin Waleed (RA) wrote this agreement when he conquered Hira during the Caliphate of Abu Bakr (RA).

لا يهدم لهم بيعة ولا كنيسة ولا يمنعون من ضرب النواقيس ولا من اخراج الصليبان في يوم

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Christian churches will not be destroyed, nor will they be prohibited from playing the trumpets, nor will they be prohibited from displaying crosses on their religious festivals.

Hazrat Umar (RA) offered prayer in the corner of a church in Bait-ul-Maqdis, but his ijthad sense realized that in future the Muslims should not expel the Christians from the church using my presence as an argument. His Majesty said that this land will remain dedicated to the Christian community, and that more than one Muslim can never enter in this church at the same time.²⁸ During the reign of Hazrat Ameer Muawiya, a Christian Ibn-i-Athal was appointed Finance Commissioner of Homs and rule there for the long time.²⁹

The famous Orientalist Montgomery Watt writes:

Islamic states have an excellent record of relations with non-Muslim minorities. Treating them well was a matter of honor for Muslims. During the era of the Caliphs, the rights of the dhimmis had basic protections. According to every non-Muslim agreement, they had been submitted annually wealth or cash jizya to the Baitul-Mal, in exchange for which they had been provided protection from Islamic state. Every non-Muslim community could promote its religion with religious freedom during the time of the Prophet of Islam and this freedom continued in later periods as well.³⁰

Abu Bakr al-Jassas narrates:

ان تبروهم وتقسطوا اليهم عموم في جواز دفع الصدقات الى اهل الذمة اذ ليس هم من اهل
قتالنا فيه النهى عن الصدقة على اهل الحرب³¹

There was a famine in Mecca. Muhammad ﷺ sent Abu Sufyan bin Harb and Safwan bin Umayyah five hundred dirhams to be distributed among the needed in Mecca. The point I want to argue is that there were also Christian communities who were helped during the famine.³²

The fear of narrow-mindedness and bigotry in Islam is also a sin. When the Islamic states were expanded, and the migration of refugees on large scale have prompted Muslim jurists to address new jurisprudential laws for meet up of different nations with interfaith religions. The displacement has bound the Muslim and non-Muslim refugees into new problems. Even today, in this modern era, some narrow-minded people believe that the language, customs, culture and traditions of non-Muslims should be completely boycotted. It should be abolished because we cannot afford the thoughts of non-Muslims people in Muslim countries. Such type of viewpoints will be un-Islamic and contrary to the wisdom of Islam.

Hijrat-i Abyssinia, first and second, which has a great importance in the chapters of the history of Islam. Ethiopia was a new country for the Muslims immigrants, and the language, customs, culture, civilization, laws of this country were also different for migrated Muslims. By turning the pages of history, we know that Muslims settled in Ethiopia for a long time and during this time they had learn language, and followed the customs of Ethiopia for the

survival of life there. Muslims had adopted positively all the customs of their society even they also introduced their children to their culture and some people even learned the Abyssinian language to understand the angles of the environment and situations of Ethiopia. Hazrat Ummah bint Khalid, the daughter of Hazrat Khalid bin Saeed Umayyad, had learned the Abyssinian language (وكانت تعلمت لسان الحبشية).³³ Not only this woman learn the Abyssinian language, but the Messenger of Allah, peace and blessings be upon him, also communicate with her in Abyssinian language.³⁴ Imam Bukhari also created a chapter in his Sahi Al Bukhari:

" كتاب الجهاد، باب من تكلم بالفارسيه-." Although she was not a Persian, but when we have to live with the non-Muslim community, we should have no problem in using them as much as necessary.

A jurisprudential Review on donating charity to non-Muslims:

Islam has always encouraged non-Muslims in its society whether they are non-Muslim citizens of a Muslim state or in general non-Muslim residents of any country. Societies are the saddle of individuals and it can be better to live with individuals. Societies in which individuals are treated inhumanely on the basis of religion do not last long but tend to collapse. Heavenly calamities befall on every nation, no matter how prosperous the nations are, every nation becomes helpless in the face of calamities. In this case, in view of human rights, Islam recommends cooperation with all those nations who are forced by the circumstances to live below the poverty level and Islam is freed from the prejudices of color, race, religion and nationality. Islam teaches us to give

services for needy people it does not matter what religion they have. There are basically two types of charities.

1. Obligatory charity.
2. Non Obligatory Charity.

Jurisprudential rules have been formulated for the payment of these charities. We examine the laws that Islam prescribes for non-Muslims to pay Obligatory and non- Obligatory alms.

Allah says In Quran:

لَيْسَ عَلَيْكَ هُدْيُهُمْ وَ لَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ وَ مَا تُنْفِقُوا مِنْ خَيْرٍ فَلَا تُنْفِسِكُمْ وَ مَا تُنْفِقُونَ إِلَّا
ابْتِغَاءَ وَجْهِ اللَّهِ وَ مَا تُنْفِقُوا مِنْ خَيْرٍ يُؤَفَّ إِلَيْكُمْ وَ أَنْتُمْ لَا تُظْلَمُونَ³⁵

It is not obligatory upon you to guide people, but Allah guides whoever He wills, and whatever good you spend, it is beneficial for you, and you spend only to seek the pleasure of Allah, and whatever wealth you spend, He will bring it to you. It will be given in full and no abuse will be done to you.”

To understand the revelation of this verse, we have to resort different interpretations. Hazrat Abdullah bin Abbas (RA) says that in the beginning of Islam, the Messenger of Allah Almighty forbade to giving charity for non-Muslims, in which category the Ansar had family relations with Banu Nazir and Banu Qurayzah, but the Ansar did not spend on them due to forbidden by Messenger PBUH. So this verse was revealed at that time.³⁶ But the reason for this prohibition has also been explained. Saeed bin Jubayr (may Allah be pleased with him) narrates that:

Muslims who were in need among the dhimmis used to spend on them, but when the number of needy among the Muslims increased, Messenger PBUH said:

لا تصدقوا الا على اهل دينكم³⁷

Do not give charity except Muslims.

On this order, this verse was revealed that non-Muslims should also be given financial assistance.³⁸ From the above mentioned verse, this allegation is also removed, which is allocated by the narrow minded Islamic scholars that relations only with such a person can be restored in Islamic perspective if he accepts Islam. The restoration of relations with non-Muslims on moral grounds is derived from the teachings of Islam itself. After the revelation of this verse, the Prophet ﷺ made non-Muslims also share in the payment of charity.

فامر بالصدقة بعدما على كل من سا لك من كل دين³⁹

Then he ﷺ declared non-Muslims also deserving of charity- Holy prophet (PBUH) said on another place:

تصدقوا على اهل الاديان⁴⁰

You can give charity to all persons rather they are belonging with any religion. Discussing the context of this verse, Allama Qurtubi says:

هذا الكلام متصل بذكر الصدقات فكانه بين جواز الصدقات على غير المسلمين⁴¹

The above verse was revealed on the justification of giving charity to non-Muslims.

If the jurisprudential aspects of this verse are investigated, it is known that charity is of two types. One kind is related to obligatory (*wajib*) i.e. zakat, and the second kind is not obligatory or *wajib*, but it is paid for the pleasure of Allah Almighty. Zakat is the first thing mentioned in obligatory charity. It is collected from Muslim wealthy people and be paid to deserving and poor Muslims in a certain period. The opinion of Ibn Qudama Al-Hanbali is that:

“There is a consensus among Muslims that the wealth of Zakat cannot be spent on non-Muslims”.

That is, obligatory charity cannot be paid to non-Muslims.⁴²

About the second type of charity, there are some different viewpoints of jurists whether it can be paid to non-Muslims in addition to obligatory charity or not? Al-Fitr charity is given to poor and deserving Muslims by mature Muslims at the end of Ramadan. One of the main purposes of this charity is to fulfill the elements of reduction in the reward of fasting. According to Imam Shafi, Ahmad bin Hanbal, and Imam Malik (RA) Al-Fitar is same as Zakat, which cannot be donate to non-Muslims.

On the other hand Jurist Abu Hanifa allow to donate Al Fitar charity to dhimmis as well. Abu Hanifa's argument is that Amar bin Maimun, Amar bin Sharhbeel, Murah Hamdani were great jurists of their time, and they used to give their fitrah money to monks and priests.⁴³ The belief of the Hanafi School is this:

ولا يجوز ان يدفع الزكوة الى ذمی ويدفع ما سوا ذلك من الصدقة اليه⁴⁴

Zakat cannot be given to dhimmis, but non-Muslim dhimmis can be paid in the rest of all other kind of charities. Among the Ahnaf, this theory is also prevalent:

ويودى المسلم فطرة عن عبده الكافر⁴⁵

A Muslim should also give Fitrah on behalf of his non-Muslim slave.

Abu Bakr al-Jassas is a famous jurist, According to him it is not permissible to give zakat charity for non-Muslims, but it is permissible to give all types of charities to non-Muslims except zakat. Same stance is adopted by Imam Abu Yousef (AR). The final statement of Abu Hanifah can prove the answer of this debate. According to him, such kind of charities whose collection responsibility is on the king of the state, it is not permissible to spend this type of charity to non-Muslims e.g. Zakat, but other than Zakat all kind of charities Atonement oath كفاره قسم , Atonement offering كفاره نذر , Al-Fitr charity صدقه فطر , etc. is permissible to donate for non-Muslims, but also a source of reward by Allah Almighty ⁴⁶

My personal opinion is that Zakat is a small amount that is obligatory annually only on those Muslim persons whose wealth reaches the specific limits (*Nisab*), but in comparison to that, there are hundreds types of non-obligatory donations, charity, which are always donated in one way or another. Non-Muslims should also be donated non-obligatory donations every time anywhere, here is no limit for *Nisab* or specific time period, because by paying this non obligatory charity to non-Muslims at the time of famine, at the time of need, at the time of social activities we can built up a goodwill in the sites of other nations.

Marriage with Non-Muslims:

Allah Almighty Said:

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ
مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مَتَّخِذِي أَخْدَانٍ 47

Muslims can also marry with non-Muslim Jewish or Christian girls and make them the heirs of their society after paying their dowry.

From this verse it is known that Islam does not prohibit having strong social relations with non-Muslims. The marriage of a Muslim with a Jewish or Christian girl is permissible, which means that the parents of that Jewish or Christian girl are called the mother-in-law and father-in-law of the Muslim groom, and the Jewish or Christian girl is called the mother of the Muslim's children. Now this is a strong social relationship that Islam has established.⁴⁸

Social relations consist on marriage, trade (debt, mortgage, trust and deposits). It is permissible for a Muslims that to share in the happiness with peaceful non-Muslim Jewish and Christians relatives, such as when a non-Muslim is covered from an illness, returning from a trip, buying a new house, buying a new car, congratulating on a wedding, , getting a new job, getting some success etc. All these permissions are related to this verse of the Quran:

“Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair”⁴⁹

We have explained the basic difference between polytheists and people of the book, now we will discuss the legitimacy and illegitimacy of marriage with these two nations. It can be concluded from our previous discussion that Islam teaches us about tolerance and mutual sympathy with every non-Muslim as a nation. But in case of interfaith marriage, there are many strict rules of Islamic jurisprudence. The family system of Islam consists on sanctity and integrity of relationships. Family life has great importance in Islam. As you know that, the family system is unstable in the West, while the foundations of Islam are firmly established on this system. The family system of Islam provides for men and women in their society, a complete living plan by which the marriage life can be made more beautiful. Religion plays a central role in Islamic marriage system. Islamic family laws promote to interfaith marriages. In the orders of inter-faith marriages, Muslim jurists have compiled thousands of jurisprudential orders. The foundations of the Islamic family system are firm under their orders. Here we explain that it is not permissible to marry with polytheists according to Islamic laws. Polytheists means all those nations which worship to stars, sun, moon, idols and fire. The verses of the Qur'an make it clear about Polytheists:

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنَ ۖ وَلَأَمَةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ ۚ وَ لَوْ أَعْجَبَتْكُمْ وَلَا تُنْكِحُوا
الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَ لَوْ أَعْجَبَكُمْ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ وَ
اللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَ الْمَغْفِرَةِ بِإِذْنِهِ وَ يُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ-50

And do not marry polytheist women until they believe - and a believing slave woman is better than a polytheist woman, even if she pleases you - and do not marry a female slave polytheists until they believe - and a believing servant is better than a polytheist, even if you like them - those will be called to the Fire - by God He invites us to Paradise and forgiveness, by His permission. And He makes His signs clear to the people that they may remember

.

In above mentioned verse, we can see that a Muslim man is prohibited from marrying with polytheist woman, no matter how beautiful the polytheist woman may be. And a Muslim slave is declared better than a polytheist woman. Similarly, a Muslim slave is better than a polytheist man, even though the Muslim slave is materially weaker than the polytheist. This division is ideological, based on monotheism. In Islam, the theory of monotheism is so strong, that the theory of monotheism is considered to be effective in the matter of prohibition. According to Islamic theories, if there is a difference of beliefs between husband and wife, then confusion will arise in the life of both partners, so Islam declares such type of relationships completely illegitimate. Surah Al-Mumutahinh was revealed in 8 AH before the conquest of Makah, in which it is said in verse 10, those women who were married to infidels, if they get migration and come to Medina, do not send them back to Makah, because their marriages with polytheists have ended.

لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ⁵¹

Muslim women will not be married with infidels, and infidels are not eligible for Muslim women.

Ibn e Kathir narrated that:

هذه الايت هي التي حرمت المسلمات على المشركين وقد كان جائزاً في ابتداء الإسلام ان يتزوج المشرك المؤمنة⁵²

The mentioned verse was revealed to prohibit marriage with polytheists. In the beginning of Islam, the marriage of Muslim women with polytheistic men was permissible.

Ibn Jarir al-Tabari says:

هذا نهى من الله تعالى للمؤمنين عن الاقدام على نكاح النساء المشركات من اهل الاوثان وامر لهن بفراقهن⁵³

This verse has been revealed by Allah Ta'ala regarding the prohibition of marriage with polytheists and it has also been ordered to stay away from idolaters.

Imam Zahri says: When the above mentioned verse was revealed, all the non-Muslim women who were married with Muslim men, were divorced.⁵⁴ After the revelation of this verse, Hazrat Umar (RA) divorced his two polytheist wives who lived in Makkah.⁵⁵ Ayyad bin Ghannam divorced his wife Umm al-Hikam bint Abi Sufyan, with her Abdullah bin Uthman al-Thaqafi later married.⁵⁶ Subiyah bint al-Harith al-Islamiyyah was writing the Peace Book of Hodaybiyah when she reached the service of the Messenger of Allah ﷺ. The verses were revealed, he did not let them go back, and later Hazrat Umar married her.⁵⁷

The second type of those non-Muslims with whom marriage has been declared permissible in Islam, and they are termed as "Ahlul Kitab". Two methods have been adopted marrying with the Ahl ul Kitab, i.e. the chaste

women of the Ahl ul Kitab can be taken in marriage, while a Muslim woman cannot be married with an Ahl ul Kitab man. These laws are explained in Surah Al-Maidah:

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْنَهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ⁵⁸

And the chaste woman from the believing woman and the chaste woman from among those who were given the Book before you, if you give them their reward, they are chaste. They are not forgiven, nor do they take religion - and whoever disbelieves in faith, then his deeds have been rendered in vain.

Here the mystery has also be solved that, why marriage with Ahlul Kitab has been allowed? While the laws of Islam regarding polytheists are very strict. There may be different answers for the solution of this puzzle, but a notable point among them is that the People of the Book are almost close to the teachings of Islam in their beliefs, worship, rituals, and following the Prophethood teachings. People of the Book also believe in the Revelation and Prophethood and are also convinced of the reward and punishment of the Hereafter. Along with having the aforementioned beliefs, the People of the Book are also related to the sacred ideas of Islam.

It is also proven from the date of revelation that, in Surah Al-Baqarah, the prohibition of marriage with polytheists is explained, but in Surah Al-Maidah, the justification of marriage with Ahl al-Kitab is explained, and Surah Al-Maidah was revealed after Surah Al-Baqarah. This point indicates that the order of marriage with Ahl al Kitab has been specifically explained in surah Al-

Maidah. It was narrated from Jabir bin Abdullah that: the Messenger of Allah Almighty, May God bless him and grant him peace, said:

ن تزوج نساء اهل الكتاب ولا يتزوجون نساءنا⁵⁹

We marry women from the People of the Book, but no Muslim woman should marry a man from the People of the Book.

It is permissible for them, to marry “people of the Book” according to the public jurists based on arguments. However, followers of Prophet PBUH (Sahaba) has declared marriage with Ahl ul Kitab invalid. Among them, the names of Hazrat Umar Farooq and Abdullah bin Umar (RA) are on the list.

Caliph Umar Farooq's opinion is that, if the practice of marriage with the women of Ahlul Kitab become customary, then Muslim women keep bound in their homes without marriage. The second point of view is that, the Qur'an has imposed the imprisonment of the Muhsana (محصنه), but if the practice of marriage with the people of the Book becomes customary, then people will not take distinguish between the Muhsana and the non-Muhsana, thus the Islamic society will fall victim to moral decline.

Ibn Jarir al-Tabari narrates from the famous Tabi al-Shaqiq (RA) that, Huzaifah (RA) married a Jewess, and Hazrat Umar wrote to him saying that he should divorce her. Huzaifa asked in reply that if you declare marriage to the people of the book as haram, then I will give divorce. In response, Hazrat Umar said:

لا ازمع انها حرام ولكن اخاف ان تعاطوا المومسات منهن⁶⁰

I do not prohibit marriage among the People of the Book, but I am afraid that you may start marrying wicked women.

From the above-mentioned, it is known that marriage with people of the book is permissible, but some conditions have also been kept in mind.

1. The People of the Book should be pure, which is the basic requirement of Islam.
2. Ahl ul Kitab should not be in a state of war with the Muslims because there would be a fear of fighting among two nations.
3. The women of Ahl ul Kitab should be married and the dowry should also be paid.

Results of discussion:

We can derive some important results from our discussion that:

1. There is no intensity in the teaching of Islam regarding meet-up with Non-Muslims especially with Ahl ul Kitab.
2. When Muslims conquer, a non-Muslim population through Jihad, the places of worship, houses and people of the non-Muslim population cannot be harmed.
3. Charity can also be given to non-Muslims, especially the People of the Book, in times of need, but Zakat, which is the obligatory charity of Islam, cannot be given.
4. The social laws of Islam are divided into two parts. One is the laws that are related to social interaction. In these laws, a Muslim is advised to maintain cooperation and relationship with non-Muslims in every way. While the second law is related to maintaining marriage in social relations, which is strict because the process of generation starts from here.

5. The laws of Islam have been relaxed in maintaining marriage relations with the People of the Book, but marriage with non-Muslim idolaters, star worshipers and magi, etc. cannot be done.
6. If Muslim jurists issue rulings prohibiting relations with non-Muslims without understanding the requirements of present era, such rulings will be counter-strategic and Muslims will suffer major losses in international trade markets.

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