Human Relations in A Multi-Religious Society from an Islamic Juristic Perspective

Reda Ibrahim Abdelgalil
Fundamentals of Religion College - Al-Azhar University
Al-Ain - United Arab Emirates

Received on: 07-02-2020 Accepted on: 08-09-2020

Abstract:

Today, many Muslims travel to non-Muslim countries as immigrants or for business, study, or work. Many non-Muslims travel to Muslim countries for many purposes as well. Therefore, building a peaceful and stable multi-religious society has become a necessity to bring forth communal harmony. The books of Fiqh are full of many juristic rulings related to the relationships between Muslim and non-Muslim in terms of selling and buying, renting and leasing, representation and partnership, marriage and divorce, and other fields that can be found in different chapters of Fiqh sources. This research is dedicated to focus on the juristic rulings of Muslims and non-Muslims’ relationships that are distributed in different chapters of Islamic Fiqh by collecting and unifying them under one theme; putting into a high consideration the diversity of people beliefs and religions and the different juristic rulings that result from this vast diversity. In Islam, as discussed in the research, the principle that governs human relations is to establish peace, not conflict. The flexibility of Islamic Shari’ah and its rulings, prove the possibility of building multi-religious society in which tolerance, freedom of belief, protection of human dignity, justice, peaceful coexistence and human cooperation can prevail.

Keywords: Relations, Human, Islamic Fiqh, Juristic, Society, Diversity, Religions
Acknowledgement:

All praises are due to Almighty Allah who has guided me through the whole period of writing this research and helped me achieving it. Upon completion of this research, two figures who were so influential and instrumental in its creation must be acknowledged and given the credit due to them for their contributions. My deep thanks and appreciation for Prof. Dr. Muhammad Abu Layla, who has been tirelessly and untiringly supportive throughout the different stages of my study and research. I do also sincerely acknowledge and thank one of my very bright students Mr. Keith Vanden Heuvel. He read through the scripts and did the required editing.

Introduction

Each person is born with the ability to respond to others and socialize with them. As he grows up, he starts to express himself in words and communicate to those around him. Therefore, Dialogue, conversation, communication, coexistence, and cooperation are characteristics of human life. Allah (Subhānahu wa ta'alā) says: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted." (Qur’an 49:13) The verse connotes a rising major concern for convergence not divergence. It calls for activating all means of communications to know one another.

Muslims are also obligated to present Islam to people, no matter their religions. Therefore, Muslims are required to mingle out with non-Muslims and it would rather be a legal necessity to do this so that they might be guided to the right path. Today, it has even become more necessary to coexist and cooperate with non-Muslims to achieve man’s role as Allah’s vicegerent and to settle on earth; As Ibn Khaldūn stated: “Social cohesion has become a necessity.”(1)

The United Arab Emirates (UAE), as a Muslim country, stands as a bright example for establishing peaceful human relations and creating an atmosphere of tolerance, interconnection, respect and acceptance of the other. In UAE, the historic Document on Human Fraternity for world peace and living together was

---

signed by the Grand Imam of Al-Azhar Sheikh Ahmad Al-Tayeb, the Head of Sunni Islam’s most prestigious seat of learning and the Pope Francis, the leader of world’s Catholics. The declaration calls for peace between religions, nations and races and pledges to work together fight extremism, hateful attitudes and hostility.

Throughout ages, Muslim society has encompassed non-Muslims and there has been no a single case recorded in which a non-Muslim was forced to convert to Islam or even isolated from the Muslim community because of his/her religion. They rather have been guaranteed security, peace and protection regarding their lives and properties so long as they live kindly, justly and peacefully with Muslims. Almighty Allah says: “Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.” (Qur’an 60:8)

The Significance of the Research and its Objectives

The abovementioned denotes that Muslims have coexisted and dealt with non-Muslims in different fields at the time of the Prophet (ﷺ) and after him. The books of Fiqh are full of many juristic rulings related to the relationships between Muslim and non-Muslim countries and Muslims and non-Muslims’ relations in terms of selling and buying, renting and leasing, attorney or representation, partnership, marriage and divorce, and other fields that can be found in different chapters of Fiqh sources. This research is dedicated to focus on the juristic rulings of Muslims and non-Muslims’ relationships that are distributed in different chapters of Islamic Fiqh. It is significant to gather these random rulings and unify them under one theme.

Problem Statement

As the early Muslims traveled throughout the world and guided people to know about Islam through their humanitarian and fair business dealings that were based on trust, truthfulness and honesty, the contemporary Muslims should learn more about the legal rulings of dealing with non-Muslims in order to contribute sharing the true essence of Islamic message with others. The Prophet (ﷺ) said to ‘Ali (May Allah be pleased with him), "Indeed, if a single
person is guided by Allah through you, it will be better for you than a whole lot of red camels."(1) Therefore, there are many questions that can be raised in connection with this subject as follows:

- What are the juristic rulings that govern the relationships between Muslims and non-Muslims concerning ‘Ibdādāt (acts of worship) and places of worship?
- Are Muslims permitted to marry non-Muslims and in case of divorce what Muslims are required to observe in terms of Nafaqah (financial support), and nursering of children?
- How does the Shari’ah organize the relationships between Muslims and non-Muslims in terms of business, social and religious celebrations, response to non-Muslims’ invitations and eating from their food?
- The problem statement is examined in the light of the chapters that will flow in the study, putting into a high consideration the diversity of people beliefs and religions and the different juristic rulings that result from this vast diversity.

**Methodology and Research Scope**

The juristic rulings concerning non-Muslims occupy a vast area of Fiqh sources. Adding to this, the Fiqhi books that are directly devoted to the rights and status of non-Muslims. Therefore, the analytical and descriptive approach has been adopted in this research as to achieve its objectives and discuss the elements of problem statement of the research. The opinions and views of jurists are mentioned attached with their evidences. The study is restricted to the opinions of the four Imāms from their original sources, without indulging in controversial differences between the jurists. Across the study, an objective view of Tarjih (the most correct opinion based on stronger evidences adduced) is presented where there is no majority opinions among the four Imams.

---

(1) Narrated by Al-Bukhari, Kitāb Al-Jihād, Bābū Du’ā Al-Nabi ‘Ilā Al-Islām Wa Al-Nubuah, 3 /1077
For pursuing this research, several useful English and Arabic publications on the topic were consulted. Some of the articles were retrieved either from hard copies or from paperless sources such as websites. Other Fiqhi sources were consulted for the preparation of this work consisted of local and nationwide scholarly works and encyclopedias. The research consists of an introduction, five chapters, and a conclusion.

Hopefully, I have succeeded in presenting the information included in this work in an easily digestible format so that it would be of interest to all who are concerned with studying the Fiqhi rulings on Muslims and non-Muslims relations as a means for building a peaceful multi-religious society and for the promotion of tolerance through the diffusion and exchange of ideas.
Chapter one

Muslims and Non-Muslims’ Relations: Acts of Worship

Introduction:

Prophet Muhammad was sent to all Mankind as a bringer of good tidings and a warner, to bring humanity out from darkness into the light and to guide them to success in this worldly life and the Hereafter. Some believed in his message while some others denied and disbelieved in it. Thus, the words “Muslim” and “non-Muslims” exist.

Almighty Allah says: “And of them are those who believe in it, and of them are those who do not believe in it. And your Lord is most knowing of the corrupters.” (Qur’an 10:40) He (Glory be to Him) also says: “It is He who created you, and among you are those who don’t believe, and among you are those who believe.” (Qur’an 64:2)

According to these verses, people are of two types; namely Muslims and non-Muslims. Among non-Muslims are the People of Scriptures (Jews & Christians), the Sabeans, the Magians, the Pagans, etc.. This chapter is to present and discuss the relationships between Muslims and non-Muslims in terms of acts of worship, as follows:

1.1 Prayers in Non-Muslims Places of Worship

Places of worship, such as churches, synagogues and temples, are dedicated for prayers and other acts of worship. The Jurists are of different opinion regarding Muslim’s prayers in such places, as follows:

According to Imām Abu Hanifa and Shāfi‘ī: it is disliked or reprehensible to pray in non-Muslims places of worship.(1)

Imām Mālik: it is reprehensible for a Muslim to pray in non-Muslims’ places of worship because of the images and icons which are therein. But in

case of snow or intimidation, Muslim can pray there. (1) Ibn Abbas (t) disliked Muslim’s prayers in churches where are statues. (2) Therefore, Muslim can pray in churches so long as they are pure and they are not attached with images.

Imām Ahmad Ibn Hanbal: it is permissible to pray in non-Muslims’ places of worship even they are attached with images. (3)

The majority opinion of jurists: it is disliked to pray in non-Muslims’ places of worship. However, it is permissible in case of necessity.

1.2 The Visit of Non-Muslims to Mosques

Some jurists including those of Madinah are of opinion that non-Muslim is not allowed to enter the masjid for the Almighty Allah says: “O you who have believed, indeed the polytheists are unclean, so let them not approach al-Masjid al-haram after this, their [final] year.” (Qur’an 9:28) Imām Al-Qurtubī says: “The Jurists of Madinah state that the verse is inclusive of all non-Muslims and all mosques.” (4)

Imām Abu Hanifa: it is permissible for non-Muslims to enter mosques.

It is mentioned in Al-Dūr Al-Muntaqah that the polytheists of Arabs visited the Prophet’s mosque during his lifetime. It is also reported that Abu Sufyān entered the Prophet’s mosque on the year of Hudaibiyah. The delegation of

---


Thaqīf entered the Prophet’s mosque as well.\(^{(1)}\)

Anas Ibn Mālik also reported that a man (who is not a Muslim) came to him and made his camel kneel down near the gate of the mosque. He then tied its leg and entered the mosque. He then said: Who among you is Muhammad?\(^{(2)}\)

Al-Khattābī said: “The juristic ruling that can be derived from these Hadiths is that it is permitted for non-Muslim to enter mosques if he has the need to enter; as the need to enter the mosque to meet the Muslim judge to defend himself and prove his legal right.”\(^{(3)}\)

It is also reported that Jubair Ibn Mut‘im came to Madinah while he was a polytheist and entered the Prophet’s mosque at the time of Maghrib prayer. He kept listening to the Prophet’s recitation from the chapter of Al-Tur in the Qur’an.\(^{(4)}\) All these reports denotes that non-Muslims are permitted to enter mosques because the Prophet (ﷺ) did not forbid non-Muslims from entering his mosque.

Imām Shāfi‘ī and Imām Ahmad: It is permitted for non-Muslims to enter mosques after being granted a permission to enter by a Muslim.\(^{(5)}\)

Imām Al-Shāfi‘ī and Imām Ahmad’s opinions are more likely to be proper. Non-Muslims are required to take permission from Muslims before they enter to ascertain their commitment to the Islamic fitting cloth and observance of the etiquettes of entering the mosque. Ibn Al-‘Arabī, in his book Aḥkām Al-Qur‘an, mentioned a very interesting story in this regard: “The mosque of Damascus had two doors; one on the east and the other on the west. People used to cross through these doors to shorten their way and reach their destination.

\(^{(1)}\) Al-Haskafī, M., Al-Dūr Al-Muntaqah Fi Sharh Al-Multaqah. (Makhtutat Al-Fiqh Bi Masjid Abi Al-Abās, H. 1770), 2 /554.

\(^{(2)}\) Narrated by Al-Bukhari, Kitāb Al-‘Ilm, Bābū Ma Jā’ Fi Al-‘Ilm 1/ 326.

\(^{(3)}\) Al-Khattābī, A., M’aālim Al-Sunan. (Syria: Al-Matb’ah A’Ilmiyah, 1932), 1/ 265.


When a non-Muslim wanted to cross through these doors, he would wait to accompany a Muslim crossing through the doors and would ask him: Do you allow me to cross with you? The Muslim would reply: yes and they would cross together. When the guard of the mosque saw the non-Muslim, he would stop him saying: “go back, go back!” But the Muslim who granted him the permission would inform the guard that he did grant him the permission. Then, the guard would welcome him.”

1.3 Giving Zakat (Obligatory Charity), Ṣadaqah (Voluntarily Charity) and Kaffarāt (expiations) to non-Muslims

The Four Imāms: They are of the opinions that Zakat is one of the pillars of Islam and it is only paid to poor Muslims. In case if a Muslim has given his Zakat to a non-Muslim thinking that he is a Muslim, he is required to give it again to a Muslim since he has not fulfilled his obligation by giving it to the eligible ones. Some other jurists are of the opinion that the Zakat, in such a case, is accepted and fulfills one’s religious obligation since the mistake was unintentional.

---


(2) Ibn Al-Hamām, M., Sharḥ Fatḥ-Ul-Qadīr. (Cairo: Matab’at Mustafa Al-Babī Al-Halabī, H. 1389), 2/ 266, Ibn Abd Al-Bar, A., Al-Kafī Fi Fiqh Ahl Al-Madinah. (Riyad: Maktabat Al-Riyad Al-Hadithah, 1978), 1/ 284. Al-Qurtubī, M., Bedait-ul-Mujithid Wa Nihaiyat Al-Muqtasid. (Maktabat Al-Kuliyāt Al-Azhariyah, H. 1425), 1/ 290 & Al-Gharnāti, M., Al-Qwānīn Al-Fiqhiyah. (Beirut: Dār Al-‘Ilm Li Al-Malāeen, 1974), p.127. Al-Mu’allafati Qulubuhum (non-Muslims whose hearts incline to Islam or those whose evil the Muslim nation needs to ward off) are entitled to receive Zakat. As stated in the Qur’an: “Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise.” (Qur’an 9:60) Based on the verse, Al-Mu’allafati Qulubuhum are among the eight categories mentioned in the verse for receiving the Zakat. Deciding this category of Al-Mu’allafati Qulubuhum is referred to the Imam or ruler of the Muslims. Ibn Hazm, A., Al-Muḥallah. Beirut: Al-Maktabah Al-Tujāriyah, n.d., 6/ 145.

(3) Ibn Qūdamah, M., Al-Mughnī Wa Al-Sharḥ Al-Kabīr, 8/ 26.
Imām Mālik, Al-Shāfi‘ī, And Ahmad Ibn Hanbal: It is not permissible to pay Zakāt-Ul-Fitr and Kaffarāt (expiations) to non-Muslims.\(^{(1)}\)

Imām Abu Hanifa: It is permissible to give Zakāt-Ul-Fitr and Kaffarāt to Dhimmī (A non-Muslim living under the protection of a Muslim country. They are exempted from the duties of Islām like military service and Zakāt but instead pay an alternative tax to the Muslim country). Almighty Allah says: “If you disclose your charitable expenditures, they are good; but if you conceal them and give them to the poor, it is better for you.” (Qur’ān 2: 271)

According to the verse, the word “poor” is general and refers to both poor Muslims and poor non-Muslims. However, it is not permissible to give it to Al-Harbi (a non-Muslim who is fighting Muslims or whose country is waging a war against Muslims).\(^{(2)}\)

As for Ṣadaqāt, the four Imāms are of the opinion that it is permissible to give them to non-Muslims; for the Almighty Allah says: “And they give food in spite of love for it to the needy, the orphan, and the captive.” (Qur’ān 76: 8) The captive, as mentioned in the verse cannot be except a non-Muslim.\(^{(3)}\) This reflects the fair system of Islam and its legislation to consider generous assistance to all human beings regardless of their religions.

\(^{(1)}\) Al-Ṣāwi, A., Ḥashiyat Al-Ṣāwi ‘Ala Al-Sharḥ Al-Saghīr. (Cairo: Dār Al-M’aārif, H. 1341), 1/ 678 & 2/ 211.

\(^{(2)}\) Ibn Al-Hamām, M., Sharḥ Fatḥ-Ul-Qadīr, 2/ 266-267.

Chapter Two

Muslims and non-Muslims’ Relations: Marriage and Divorce

Introduction

Based on the religion of the woman, the jurists have built up their views regarding the marriage of a Muslim to non-Muslim woman. If she is a polytheist or among the worshipers of the sun or the stars, the jurists unanimously forbid the Muslim to marry from among them. Allah (Glory be to Him) says: “And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you.” (Qur’an 2:221) However, the jurists are of different opinions regarding the marriage of a Muslim to a woman who belongs to the People of the Book (Jews and Christians) as follows:

2.1 The Marriage of a Muslim to a Jewish or a Christian Woman

The four Imāms are of opinion that a Muslim man is permitted to marry a Jewish or a Christian woman.\(^{(1)}\) The Almighty Allah says: “This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you,” (Qur’an 5:5)

Ibn Abbas reported that when the Almighty Allah revealed: “And do not marry polytheistic women until they believe,” Muslims stopped marrying any non-Muslims. But when the verse: “And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you” was sent down, Muslims started to marry the Jewish and the Christians.\(^{(2)}\)

---


The Muslim history recorded the marriage of some of the Prophet’s companions to the women who belong to the People of Scripture. Othmān Ibn Affan (t) married to Nā’ila Bint Al-Furafisa Al-Kalbiyah. She was a Christian and she converted to Islam after her marriage to Othmān.(1) Jabir Ibn Abdullah (t) reported that we got married to Christians at Kūfa.(2)

Abu Wā’il also reported that Hudhifah (t) married a Jewish. Umar (t) wrote to Hudhifah asking him to divorce her. Hudhifah wrote to him inquiring: “Is it unlawful to marry a Jewish woman?” Umar replied: “No. but I’m worried that you might not be successful to marry the good ones and to abandon marrying the Muslim women.”(3) In this regard, Imām Al-Shāfi’ī said: “It is much better that a Muslim man marry a Muslim woman”(4) Ibn Al-Hamām said: “A Muslim man can marry a Christian or a Jewish woman in case of necessity.”(5)

Based on the aforementioned, a Muslim is permitted to marry a Christian or a Jewish woman and there is no decisive evidence that forbids a Muslim to marry from the People of Scripture.

2.2 The Jewish and the Christian Wife’s Right of Marriage Expenditure

The jurists unanimously agree that a Muslim husband is obliged to spend on his wife no matter she is a Muslim, Jewish or Christian. Almighty Allah says: “Lodge them [in a section] of where you dwell out of your means..” (Qur’an 65:6) “Let a man of wealth spend from his wealth…” (Qur’an 65:7) “Upon the father is the mothers' provision and their clothing according to what is acceptable…” (Qur’an 2:233)

(1) Al-Baihaqī, A., Al-Sunan Al-Kūbrā, 7/ 172.
(2) Abdur-Razzāq, A., MuṣṢanaf Abdur-Razzāq, 7/ 178.
(3) Al-Baihaqī, A., Al-Sunan Al-Kūbrā, 7/ 172.
(4) Ibid. 7/ 172.
In his farewell speech, the Prophet (ﷺ) stated: “Fear Allah in dealing with women for you have taken them in your trust by Allah’s permission and enjoying marital relationships with them has been made lawful to you by your mention of Allah’s name. Their rights upon you are that you should provide them with food and clothing in a fitting manner.”

The aforementioned Qur’anic verses and Hadith have not differentiated between a Muslim wife and a Jewish or Christian wife and they are all equal in the right of marriage expenditure. Therefore, the juristic rulings are fair and just towards Christian and Jewish wife with regard to the right of marriage expenditure.

2.3 The Jewish and the Christian wife’s Rights in Case of Divorce

The jurists unanimously agree that a Jewish and a Christian wife is treated like the Muslim wife in case of divorce and she enjoys the same rights given to a Muslim wife with regard to divorce. A Muslim, Jewish or Christian woman against whom divorce has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children. The amount of the allowance is decided by the judge. They are also entitled to seek custody of their minor children. The determination of custody is issued by a judge.
Chapter Three
The Future of Spouses in Case of Conversion to Islam

Introduction
Islam views marriage as a sacred religious bond and a solemn covenant and introduces special principles and rules for attaining a successful marriage. The future of spouses in case of conversion to Islam and the rules of their marriage, the dissolution of their marriage and its consequences are all governed by a set of rules in Islam. The current chapter discusses the juristic rules related to marriage in case of conversion of either spouses or one of them to Islam, as follows:

3.1 The Rule of Marriage in Case of Conversion of Spouses
The jurists unanimously agreed that if the spouses convert to Islam together, their marriage will continue after Islam so long as they are not connected by blood relations, or relations through nursing. At the time of the Prophet (ﷺ), many non-Muslims converted to Islam and no report recorded that the prophet nullified the marriage and separated the spouses after their conversion to Islam.(1)

In case if the husband converted to Islam and the wife remained a Christian or a Jew, the marriage will continue to be valid after the husband’s conversion since a Muslim man is permitted in Islam to marry a Christian or a Jew. However, if the wife converted to Islam and the husband remained non-Muslim or the husband converted to Islam and his wife is not from among the People of the Scripture and chooses not to be a Muslim, they must be separated.

The jurists differed about the time of considering the separation, as follows:
Imām Mālik, Imām Al-Shāfi‘ī & Imām Ahmad: the separation shall be postponed till the ‘Iddah (divorce waiting period) is over. The ‘Iddah is counted

---

from the day of the wife’s conversion to Islam.\(^{(1)}\) The daughter of Al-Waleed Ibn Al-Mughira who was married to Safwān Ibn Ummaya converted to Islam and after almost a month her Husband converted to Islam and the Prophet (ﷺ) didn’t separate them and Safwān was given a time to think about Islam.\(^{(2)}\)

Imām Abu Hanifa: the separation happened once Islam is presented without compulsion to the non-Muslim spouse and he/she persisted not to become a Muslim.\(^{(3)}\) The Almighty Allah says: “O you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them.” (Qur’an 60:10)

### 3.2 Determining Wife’s Dowry after Separation Because of Conversion to Islam

In case if the separation happened after consummating the marriage, she is entitled to a full dowry. However, if the separation occurred before consummating the marriage, jurists are of different opinions regarding the Muslim husband’s commitment to give dowry to his wife, as follows:

Hanafi & Māliki Schools: If Islam is presented to the wife and she refused to become a Muslim, no dowry shall be given to her.\(^{(4)}\)

Shāfi‘ī & Hanbalil Schools: Wife shall receive half of her dowry as happened in case of divorce of a Muslim woman since the husband is the one from the day of the wife’s conversion to Islam.\(^{(1)}\)

---


who chose to become a Muslim.(1)

In case if the wife converts to Islam and the husband choose not to become a Muslim, jurists are of different opinions regarding the dowry that should be given to the wife, as follows:

- Hanafi & Mālikī School: Wife is entitled to half of the dowry.
- Shāfī’ī & Hanbali School: No dowry shall be given to her.(2)

I see that the wife is entitled to half of the dowry in case of the conversion of either of them before consummating the marriage. The Almighty Allah says: “And if you divorce them before you have touched them and you have already specified for them an obligation, then [give] half of what you specified - unless they forego the right or the one in whose hand is the marriage contract foregoes it.” (Qur’an 2:237)

3.3 Wife’s Entitlement to Expenditure & Kids’ Nursery after Separation because of Conversion to Islam

The Four Imāms: If the husband converted to Islam and the wife remained a non-Muslim, she is not entitled to expenditure. But in case if the wife converted to Islam and the husband refused to become a Muslim, jurists are of two opinions:

Imām Abu Hanifa, Al-Shāfī’ī and Ibn Hanbal: The non-Muslim husband is obliged to spend on her.

Imām Mālik: The non-Muslim husband is not obliged to spend on his Muslim wife after separation due to her conversion to Islam.(3)

(2) Al-Marghinānī, A., Al-Hidaiyah Sharḥ Bedaiyāt Al-Mubtad’ī, 1/ 220.
As for kids’ nursery, the jurists are of different opinions as follows:

Imām Abu Hanifa, Mālik and Al-Shāfi‘ī: She is entitled to the right of kids’ nursery no matter she is a Muslim or non-Muslim so long as she does not remarry. This is because the mother would be more caring to her kids than anyone else. (1)

Ibn Hanbal: Non-Muslim wife cannot nurse her kids since there is no authority for a non-Muslim over a Muslim. (2) Nursery of the kids is entrusted to the Muslim husband or to any one of his Muslim relatives. (3)


(2) Ibn Qūdamah, M., Al-Mughnī Wa Al-Sharḥ Al-Kabīr, 8/ 238 & Ibn Taimiyah, A., Al-Muḥrar Fi Al-Fiḥ. (Cairo: Matb’at As-Sunah Al-Muhamadiyah, H. 1369), 2/ 120.

Chapter Four

Muslims & Non-Muslims’ Business Relations

Introduction

No one can deny that trade and business transactions between Muslims and non-Muslims were active from the time of the Prophet (ﷺ) until now. Nevertheless, there are some transactions that Islam has stopped so that no harm shall afflict the Muslims and to avoid cooperation in sin and aggression. Ibn Battāl said: “It is legal to sell to and buy from non-Muslims except whatsoever will be used to fight Muslims.” (1) This chapter discusses the Islamic juristic view towards business contracts between Muslims and non-Muslims and the rules of commodities that can be dealt upon.

4.1 The Validity of Muslims and Non-Muslims’ Business Contracts

All the Imāms of the Muslim schools of thought unanimously agree on the validity of business contracts between Muslims and non-Muslims so long as the required conditions of valid contracts are fulfilled. It is not conditional that the contracting parties must be all Muslims. Therefore, non-Muslims can buy and sell to Muslims. However, it is not permitted to sell weapons to non-Muslims who fight Muslims and hence any contract in this regard would be null and void. (2) It is also forbidden to sell the Muṣḥaf to non-Muslims (3) since Muṣḥaf is one of the greatest of Allah’s symbols. Almighty Allah says: “And whoever honors the symbols of Allah - indeed, it is from the piety of hearts.” (Qur’an 22:32) And says: “None touch it except the purified.” (Qur’an 56:79). It is permitted to lease to non-Muslims and to rent from them for it is not


conditional that the tenant and the lessor must be Muslims. Hence the leasing contracts would be valid between Muslims and non-Muslims. (1)

4.2 Hiring Muslims to work for Non-Muslims

There is no differences among the jurists that Muslims can be hired to do legal jobs for non-Muslims like tailoring, building, farming, etc. (2) Ibn Abbas (t) narrated that Ali (t) came to know that the Prophet (ﷺ) did not have anything to eat. Upon hearing this, he left off to find some work so that he could buy some food for the Prophet (ﷺ). He found a garden owned by a Jew and Ali concluded a deal with him that the Jew will offer him one date for pulling a bucket of water. Ali pulled for him seventeen buckets of water in return for seventeen ‘Ajwa dates. (3)

Based on the aforementioned narration, it is permitted that a Muslim can work for non-Muslims since the Prophet (ﷺ) did not deny Ali’s working for a Jew. (4) However, Imām Mālik, Abu Hanifa and Al-Shāfi’i see that it is reprehensible that a Muslim works as a servant for non-Muslim at his home or office to protect the dignity of the Muslim. (5)

As for hiring Muslims to do works that Islam considers as illegal like manufacturing wine and providing pork, Imām Mālik, Abu Yūsuf, Al-Shāfi’i and Ahmad are of the opinion that it is not permitted for a Muslim to do any of such works which facilitate disobedience to Allah and any contract reached in this regard is considered null and void. (6)


(3) Narrated by Ibn Mājah, Kitāb Al-Rūhūn, Bābū Al-Rajul Yastaqi Kul Dalu Bi Tamrah, 2/ 818.


It is also permitted that a Muslim can hire a non-Muslim to work for him. The Prophet (ﷺ) hired a non-Muslim to guide them in their way of migration from Makkah to Madinah.\(^1\)

### 4.3 Dealing with Interest (Ribā) between Muslims and non-Muslims

There are many verses in the Qur’an and Prophetic Hadiths that prohibit Ribā. The Almighty Allah says: “O you who have believed, do not consume usury, doubled and multiplied, but fear Allah that you may be successful.” (Qur’an 3:130) And says: “Those who consume interest cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity.” (Qur’an 2: 275)

Samura Ibn Jundub (t) narrated the Prophet (ﷺ) said: “This night I dreamt that two men came and took me to a Holy land whence we proceeded on till we reached a river of blood, where a man was standing, and on its bank was standing another man with stones in his hands. The man in the middle of the river tried to come out, but the other threw a stone in his mouth and forced him to go back to his original place. So, whenever he tried to come out, the other man would throw a stone in his mouth and force him to go back to his former place. I asked, 'Who is this?' I was told, 'The person in the river was a Ribā-consumer.'\(^2\) Abduallah Ibn Masoūd (t) reported that the Prophet (ﷺ) cursed the one who accepts Ar-Ribā (the usury) and the one who pays it.\(^3\)

---

\(^1\) Narrated by Al-Bukhari, Kitāb Al-Ijāra, Bābū Ist’ijār Al-Mushrīkin ‘Ind Al-Durarah 2/ 790.


\(^3\) Narrated by Muslim, Kitāb Al-Musaqāt, Bābū L’an ‘Akelu Al-Riba Wa Mukilahu, 3/ 1218.
Based on the aforementioned verses and Hadiths, the jurists unanimously agree on the prohibition of all types of usury among Muslims.\(^{(1)}\) It is not also permitted to engage any types of usury in dealing with Al-Dhimmī (Non-Muslim under protection of Muslim law) and Al-Must’āmin (non-Muslims who are granted security from Muslims based on his request to stay in Muslim land temporarily).\(^{(2)}\) Regarding the People of the Book, Allah the Almighty says: “And [for] their taking of usury while they had been forbidden from it.” (Qur’an 4: 161) Dhimmī and Must’āmin are forbidden to deal with each other on basis of usury in Muslim countries and they are more likely forbidden to use usury in dealing with Muslims as well.


Chapter Five

Muslims & non-Muslims Social Relations

Introduction

The almighty Allah says: “Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.” (Qur’an 60:8) This verse confirms the principle of peaceful coexistence between Muslims and non-Muslims. Furthermore, Muslims are invited to maintain good relations with non-Muslims and to be generous with them so long as they do not fight us or expel us from our homes. It is the time now to shed light on Muslims and non-Muslims social relations by discussing the juristic rulings on attending the religious celebrations of non-Muslims, congratulating them, responding to their invitations, accepting their gifts and eating from their food.

5.1 Non-Muslims Celebrations & the Juristic Ruling on Congratulating & Exchanging Gifts with Them

Muslims and non-Muslims have their own different religious celebrations that are based on their beliefs or traditions. Anas bin Mālik (t) said: "The people of the Jahiliyyah (time before Islam) had two days each year when they would play. When the Messenger of Allah (ﷺ) came to Al-Madinah he said: 'You had two days when you would play, but the Almighty Allah has given Muslims something instead that is better than them: the day of Al-Fiṭr\(^{(1)}\) and the day of Al-Adha\(^{(2)}\)."\(^{(3)}\)

---

(1) Religious festival celebrating end of fasting month on 1st of Shawwal, the 10th month of Islamic Calendar.

(2) Religious festival commemorating the great sacrifice offered by Prophet Abraham. Celebrated on 10 Zul-Hijjah, 12th month of Islamic Calendar.

Based on the aforementioned, Muslims and non-Muslims have different religious occasions for celebrations. In Islam, it is permitted to congratulate non-Muslims in their celebrations on condition that the words which are used don’t show acknowledgement of their beliefs or religious practices whether explicitly or implicitly.\(^{(1)}\)

It is also permissible to accept their gifts and exchange gifts with them on condition that these gifts are not unlawful in themselves, such as being pork or alcohol. The Prophet (ﷺ) accepted the gift of the king of Egypt and several others despite the fact that they were non-Muslims. It is also reported that Ali (t) got a gift from a magian on a Persian day and he accepted it.\(^{(2)}\) It is also reported from Abi Barza that he had a magi resident and they used to present gifts to him on the Persian day and he used to instruct his family to take the fruits and return the other gifts. Therefore, accepting non-Muslim gifts does not mean acknowledging their beliefs or practices. It would rather be a mean of living peacefully with them and enjoining good relationships with them in the light of Allah’s saying: “Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them.” (Qur’an 60:8)

5.2 Responding & Accepting Non-Muslim Invitations

The majority of jurists are of opinion that Muslim is obligated to respond and accept his fellow Muslim’s invitation for wedding-feasts. Ibn Umar narrated that the Prophet (ﷺ) said: “When any one of you is invited to a feast, he should attend it.”\(^{(4)}\) The jurists add that it is recommended for a Muslim to accept his fellow Muslim’s invitations for any other occasions.\(^{(5)}\)

---


\(^{(2)}\) Al-Baihaqi, A., Al-Sunan Al-Kūbrā, 9/ 234.


\(^{(5)}\) Ibn Abd Al-Bar, A., Al-Kaﬁ Fi Fiqh Ahl Al-Madinah, 3/ 120.
As for responding to non-Muslims’ invitations, Imām Abu Hanifa, Ibn Hanbal, and Mālik are of opinion that it is permissible for Muslims to accept non-Muslims’ invitations.\(^{(1)}\) Anas (t) reported that the Prophet (ﷺ) accepted invitations of a Jew where bread made of barley, and stale lard a few days old was served (Without hesitation he accepted these invitations).\(^{(2)}\) Imām Mālik was asked about the case where a Muslim is invited by a Christian for a banquet prepared for celebrating his son’s circumcision and he said: “Muslim is free to accept or reject the invitation.”\(^{(3)}\) However, Imām Al-Shāfi‘ī sees it is reprehensible to accept non-Muslims’ invitations.

To conclude, there is nothing wrong to accept non-Muslims’ invitations on condition that there is nothing prohibited in Islam is attached there (like serving wine, pork or casual mixing between men and women).\(^{(4)}\)

5.3 Eating Non-Muslims’ Food and Using Their Utensils

It is not permissible for Muslims to eat or drink any types of non-Muslims’ food and drinks which are prohibited in Islam such as pork and wine. However, it is permissible for Muslims to eat from non-Muslims’ food which is lawful in Islam with the exception of meat of animals slaughtered by non-Muslims other than the People of the Book.\(^{(5)}\) The Almighty Allah says: “And the food of those who were given the Scripture is lawful for you and your food is lawful for them.” (Qur’an 5:5) Anas (t) also reported that the Prophet (ﷺ) accepted invitations of a Jew where bread made of barley, and stale fat a few days old was served.\(^{(6)}\)

\(^{(1)}\) Al-Barnahābourī, N., Al-Fatawah Al-Hindiyah, 5/ 347.

\(^{(2)}\) Narrated by Al-Bukharī, Kitāb Al-Beiyū’, Bābū Shirʿā Al-Nabi Bi Al-Nasiʿah, 2/ 729.

\(^{(3)}\) Al-Bajī, A., Al-Muntaqah Sharḥ Muwaṭʿa, 3/ 349.

\(^{(4)}\) Al-Nafrāwi, A., Al-Fawākih Al-Dawāni, 2/ 318.


\(^{(6)}\) Narrated by Al-Bukharī, Kitāb Al-Beiyū’, Bābū Shirʿā Al-Nabi Bi Al-Nasiʿah, 2/ 729.
As for using non-Muslims utensils that are used for cooking pork or drinking wine, it is impermissible for Muslims to use them except if they are washed and cleaned. Abu Tha’labah Al-khushani said that he asked the Messenger of Allah (ﷺ): We live in the neighborhood of the People of the Book and they cook in their pots (the flesh of) swine and drink wine in their vessels. The Messenger of Allah (ﷺ) said: “If you find any other pots, then eat in them and drink. But if you do not find any others, then wash them with water and eat and drink (In them).”

With regard to non-Muslims’ dishes which are not used for cooking pork or drinking alcohol, the Hanafi school sees it is much better that they are washed before they are used by Muslims.(2) The Hanafi opinion sounds good to avoid suspicions.

**Conclusion**

This research affirms that Islam has stipulated fair principles that govern human relations. The Islamic juristic rulings are based on tolerance, freedom of belief, protection of human dignity, justice, peaceful coexistence and human cooperation.

The Prophet Muhammad (ﷺ) verbally and practically presented the highest level of human cooperation upon his arrival to Medina. The Prophet (ﷺ) has commanded fair dealing with and kindness to non-Muslims. Prophet Muhammad also took the responsibility of administering socio-economic and security relations with non-Muslims and framed the first written constitution of the world, the Medina Charter (Ṣahifat Al-Madinah), in the year 622 CE.(3)

---

(1) Narrated by Abu Dawūd, Kitāb Al-At’imah, Bābū Al-Akl Fi ‘Aniyat Ahl Al-Kitāb, 4/ 178.

(2) Al-Sarkhasi, M., Sharḥ Al-Siar Al-Kabīr. (Sharikat Al-‘Ilanāt Al-Sharqiyyah, 1971), 1/ 145.

During Abu Bakr's Caliphate, Khalid Ibn Al-Waleed wrote in his treaty of peace with the Christian people of Hirah: "Any old person who is unable to work or disabled, or who was previously rich, but then lost his money and is now receiving charity from his co-religionists, we will give him and his family financial support from the treasury of the Muslims."¹

Muslims, confirming the protection of their beliefs and Islamic values, are invited to establish good relations with non-Muslims within the framework of whatever is permitted in Islam.

The study also shows the importance of establishing good relations with non-Muslims in terms of acts and places of worship, marriage, business, leasing, partnership, celebrations, response to their invitations, etc. The jurists unanimously agree that the principle that governs human relations is to establish peace, not conflict. Therefore, the main goal of Islamic Shari’ah is to establish a universal peace and to help humans exchange benefits and achieve their personal and communal interests, putting into a high consideration the diversity of people beliefs and religions and the different juristic rulings that spring out from this vast diversity.

The juristic rulings on relations between Muslims and non-Muslims extend our hope to look for our common ideals and work together for the common goodness of the humanity and to build a tolerant and peaceful world for all humanity. Therefore, researchers and writers should consolidate their efforts to give more focus on the flexibility of Islamic Fiqh that can build up, if well presented and discussed, a collective atmosphere of tolerance that every human has right to enjoy.

Bibliography:
Translation of the Holy Qur’an:

Tafsīr Sources:

Hadith Sources
Human Relations in A Multi-Religious Society from an Islamic Juristic Perspective (595-624)
Al-Ṭaḥāwī, A., Mukhtasar Al-Taḥāwī. Matb’at Dār Al-Kitāb Al-‘Arabī, H. 1370.

Mālikī Sources
Al-Qurtubī, M., Bedait-ul-Mujithid Wa Niḥaiyat Al-Muqtasid. Maktabat Al-Kuliyyat Al-Azhariyyah, H. 1425.

Shāfiʿī Sources
Hanbalī Sources

Other References
Abu Zahrah, M., Mawso’at Al-Fiqh Al-Islāmī. Cairo: Jam’ait Ad-Dirasāt Al-Islāmiyah, H. 1378.