



## Research Article

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Received: 6 October 2022 / Accepted: 29 December 2022 / Published: 5 January 2023

# Purposive Understanding of the Texts on Dealing with Non-Muslims: A Critical, Analytical Study

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DOI: <https://doi.org/10.36941/ajis-2023-0017>

## Abstract

*This article analyzes the literature related to the treatment of non-Muslims in Islam. It discusses Islamic jurisprudential provisions and judgements, as well as their causes and purposes, using the descriptive, analytical, and critical methods. The article concludes that Islam ensures freedom of belief, respects individual choice and invites Muslims to accept the other within the framework of citizenship. Many of the jurisprudential rulings rejecting the other have sprung from tough realities, rather than the accurate Islamic view. The Sharia calls for the good treatment of non-Muslims and improving the principle of good citizenship. This should be done to ensure the religious and non-religious privacy of Muslims.*

**Keywords:** tolerance, non-Muslims, citizenship, purposive understanding, social interaction

## 1. Introduction

Numerous relationships exist between Muslims and non-Muslims based on solidarity and social participation. Therefore, scholars must understand the Sharia dimension of these relationships and their relevant regulations to prevent invading infidels (*kuffar*) from achieving their desires and to protect the rights of Muslims. This article will seek to answer the following questions:

- What is the level of social interaction with non-Muslims?

- Is there a difference between loyalty and goodness, and compromise and intimacy?
- How do jurists and exegetes explain the relationship with non-Muslims, particularly when it comes to verses that are often understood as harsh?
- What is the relationship between the evidence of juristic endeavors and the content of the Sharia which shows the roots of the former?
- What is the impact of the misunderstood and incorrect analysis of the Sharia evidence regarding social interactions with non-Muslims?

On this basis, this article has been divided into two issues, (1) The roots of relationships with non-Muslims, and (2) the jurisprudential rulings related to social interaction with non-Muslims. The article will elaborate on these sections by explaining the foundations of these rulings, reached by assimilation and reasoning through evidence, and by adopting the analytical and descriptive method when presenting this reasoning.

## 2. The Roots of Relationships with Non-Muslims

There are misunderstandings, imported ideas and contradictions of legal purposes in relation to the interactions between Muslims and non-Muslims. This may be the result of exaggerated negativity or, on the contrary, exaggerated positivity. The obligation and adherence to the rulings of the Sharia may help address these contradictions and highlight the limits and regulations of this relationship as desired by God. This section will highlight the nature of relationships with non-Muslims and present some misunderstandings and comment on them.

### 2.1 *The Law of Relationships with non-Muslims*

The Noble Quran explains the relationship between Muslims and non-Muslims as follows: “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 (Quran, 60:8-9).

The law that regulates relationships between Muslims and non-Muslims assumes that Muslims are to treat those who have a different religion with justice and kindness so long as they have not waged war against them or cruelly and hastily taken them away from their lands. Thus, non-Muslims are two groups: (1) peaceful non-Muslims who show no hostility towards Muslims, do not contribute to their misfortune, and do not invade their lands. Such non-Muslims deserve respect and kindness, and deserve good and just treatment, even if they do not reside in Muslim countries; (2) hostile and invading non-Muslims who show hostility, contribute to hampering the spread of Islam, wage war against Muslims, and occupy their lands. Such persons are treated as enemies and cannot be trusted or relied upon.

There is a statement from Asma', the daughter of Abi Bakr which goes, “In the time of Quraysh, my mother, who is polytheist, came with her son beside those who were faithful to the Prophet (may Allah's prayer and peace be upon him). Then I called the Prophet, arguing: ‘My mother came; should I accept her?’ He replied: ‘Yes, do so’” (al-Bukhari, 1981, no. 2620; al-Nisaburi, ND, no. 1003). Two points can be deduced from this statement. First, Asma's mother came to visit her daughter in a time of peace between Muslims and the non-Muslim Quraysh. Therefore, the mother belongs to the first category of non-Muslims who adhere to the law of kindness and justice. Second, the visitor is a mother, for whom the Quran and Sunnah have stipulated kindness and adherence in good things, even if she professes a different religion. God says in the Quran, “And We have commanded people to honor their parents. Their mothers bore them through hardship upon hardship, and their weaning takes two years. So be grateful to Me and your parents. To Me is the final return. But if they pressure you to associate with Me what you have no knowledge of, do not obey them. Still keep their company

in this world courteously and follow the way of those who turn to Me in devotion. Then to Me you will all return, and then I will inform you of what you used to do" (Quran, 31:14-15).

Non-Muslim People of the Book (i.e., Jews and Christians) have a special position in social interactions because they adhere to what Islam considers a divine religion. Islam has permitted marriage to chaste women of People of the Book, as well as the eating their food. God says in the Quran, "Similarly, the food of the People of the Book is permissible for you and yours is permissible for them. And permissible for you in marriage are chaste believing women as well as chaste women of those given the Scripture before you" (Quran, 5:5). Because these people are close to Muslims, the Quran allowed good communication with them so that their hearts may not be filled with anger and resentment, opening the door to sedition and anger. The Quran says, "Do not argue with the People of the Book unless gracefully, except with those of them who act wrongfully" (Quran, 49:46).

Jurists welcomed the famous statement "For them is what is for us, and against them is what is against us" in relation to citizenship rights in Islamic countries (Ibn Abidin, 1992, pp. 4:211; al-Kasani, 1986, pp. 7:111). This statement adheres to the principles of treating non-Muslims stipulated by the Sharia. There is no ambiguity in the collections of jurists regarding the rights of non-Muslims in a Muslim country. Texts in this regard have been clearly mentioned, and the behaviors of the Prophet and his Companions have been mentioned as proof (Ibn Hisham, 1955, pp. 1:501).

Non-Muslims in an Islamic country enjoy several rights, including protection against any abuse, freedom of belief and to practice their religion, and well-being. The government also ensures the right to ownership, free movement, education, and health care.

## 2.2 *Suspicious and Problems*

Periodically, suspicions and accusations arise against Muslims in their relations with others. The most significant of these arise from two types of people: (1) those who are hostile towards Islam and Muslims and exploit Orientalism and evangelism to cast doubt about Islam's justice and describe Islam's treatment of others as premised on inferiority, humiliation, and devaluation; (2) those who are ignorant of the reality of the religion and interpret religious evidence inaccurately. Each of these types are zealots who read texts in a way that conforms their prejudgments. The next section of this article will discuss the most important of these accusations, showing how they are an incorrect interpretation of Islam.

### 2.2.1 *Non-Muslim Taxes (Jizya)*

The purpose of jizya, according to those suspicious of Islam, is to humiliate and devalue non-Muslims as a buffer against killing them. Therefore, jizya is exploited to make Islam hated and to turn people against it. This is especially true when some refer to the statements of scholars regarding the verse that regulates jizya: "Fight those who do not believe in Allah and the Last Day, nor comply with what Allah and His Messenger have forbidden, nor embrace the religion of truth from among those who were given the Scripture, until they pay the tax by their hand, willingly submitting, fully humbled" (Quran, 9:29).

The term "jizya" and its history requires clarification. Moreover, the rationale behind its legitimacy and some relevant judgements should be discussed. This explanation can be briefly summarized through the following points. First, jurists have given similar definitions of jizya, all pointing to a tax demanded by the government from non-Muslim citizens in return for protection and benefitting from public services. This concept was defined as Money paid by the infidel in return for his security and protection in an Islamic polity. Second, an Islamic country is based on belief adopted and protected by citizens. It is natural for non-Muslims not to defend such a country. Otherwise, they will expose himself to danger for beliefs they are not faithful to. Thus, the jizya serves to exempt these persons from fighting and grants them security. This may be best justified by the fact that jizya is only collected from men who are able to fight and earn money. Those who have nothing

to do with fighting will not have the jizya imposed upon them. Third, some jurists argue that jizya is not a punishment, nor is it imposed to leave non-Muslim citizens in their state of non-belief or to spare their lives. Rather, jizya is a financial responsibility given in return for protection and benefit from public services. This claim is supported by the fact that an inability to pay exempts the person from the jizya. Moreover, any individual who participates in war with Muslims is exempted from the jizya. The best evidence for this point is provided by Maliki scholars regarding the problems of jizya in works on alms-giving (Zakat) (al-Abi, 1916, pp. 1:321).

Dr. Muhammad Salim Al-Awwa has pointed out that the jizya faced its end with the rise of Western colonization, arguing "Jizya was a condition for this social contract, whereby non-Muslims would not partake in defending the Islamic country. Religion was the core element of this defense. Thus, this responsibility was exempted in return for a tax, according to the social contract. Furthermore, the People of the Book, as ordered by the Companions and Followers, were exempted from this tax should they accept to defend the Islamic country" (al-Awwa, 1998, pp. 75-76).

### 2.2.2 Loyalty or Kindness; Compromise or Intimacy?

Some observers confuse the prohibition of showing loyalty to infidels and being kind to them or treating them justly and equally. God says in 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" (Quran, 60:8).

In fact, it is the state of non-belief, and not the individual, that is hated by Islam. In other words, non-belief and its related behaviors are hated. However, the person characterized with non-belief is to be treated with justice, equality, and fairness. The Prophet argued, "Omar! This man and I are more in need of this. You should talk to us both equally" (al-Bukhari, 1981, no. 2237).

If this principle had not been presented, there would be no benefit in calling infidels to Islam and no benefit from correcting their beliefs. How does Islam order Muslims to compromise with non-Muslims and to be kind to them without being loyal to them and their beliefs? Considering only the evidence that disregards infidels and neglecting the evidence that emphasizes a good and humanitarian treatment of them would be unjust and violates the following Quranic order, "Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness" (Quran, 5:8).

This issue can be summarized by clearly defining the following terms: loyalty is the opposite of hostility. This concept has a similar meaning to victory, loving, closeness, approaching, and giving. Ignorance is derived from resentment, distance, freedom, and hostility after warning. Goodness means virtue and kindness. Loyalty and goodness come from the heart. Both are directed at the infidel and his belief and religion (Ibn Fares, 1978, pp. 6:141; al-Razi, 1999, pp. 1:345; al-Qahtani, ND, pp. 1:40).

In addition, the Prophet Muhammad rejected the recommendations of early infidels to worship Allah and idols simultaneously. The Quran states, "Say, O Prophet, 'O you disbelievers! I do not worship what you worship'" (Quran, 109:1-2). It is best to visit a sick infidel, satisfy the needs of a needy infidel, and treat a non-Muslim neighbor well. The Prophet said to those who hurt him in Mecca, "Go so you are free" (al-Bayhaqi, 1994, no. 18231; al-Albani, 1992, pp. 3:303).

Islam has also allowed the marriage of a Muslim man and a woman from the People of the Book, despite the violations of her religious beliefs. Such a marriage is based on intimacy and mercy. That is, Islam has accepted the compromise between couples despite the disagreement of their religion. Couples were ordered by Islam to treat each other with kindness, and the husband was ordered to respect his wife and her family, even if she remains loyal to her religion. There is no doubt that the marital relationship is stronger and deeper than any other relationship in terms of comfort and intimacy.

Several Prophetic statements mandate justice with and protection for non-Muslims and warn against killing and being cruel to them. For example, the Prophet said, "He who kills a buddy will not smell the heaven until after 40 years" (al-Bukhari, 1981, no. 3166). However, kindness does not cover

all infidels, but only peaceful persons and non-combatants. Fighters and invaders should not be approached, since their relationship with Muslims is in essence based on hostility and unfaithfulness. God states in the Quran, "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..." (Quran, 60:9). Still, Islam is in compliance with humanitarian morals in relation to its enemies, prohibiting the murder of women and children, attacking monks, the mutilation of the dead, and domestic abuse, such that Muslim conquests have been regarded by Western observers as some of the most merciful.

### 2.2.3 Problematic Explanations

When reading the verse of *jizya*, some face strange explanations by scholars that are destructive to the fundamentals of dealing with non-Muslims. Such statements concern the explanation of the following verse, "Until they pay the tax, willingly submitting, fully humbled" (Quran, 9:29). Some of these explanations are provided and commented upon below.

Ibn Jarir al-Tabari interpreted the phrase "willingly submitting, fully humbled" as "inferior losers," meaning that Muslims are to receive the *jizya* while they are comfortably seated and they are standing (al-Tabari, 2000, pp. 14:200; al-Baghawi, 1999, pp. 2:235). al-Suyuti argued that the *jizya* is paid with a sense of superiority, where the person receiving the money is seated and the non-Muslim stands up, shakes his head, bends his back, and puts the *jizya* in a box while another person holds his beard (al-Suyuti, 1981, pp. 1:140).

These claims can be replied to as follows. First, these claims are not in compliance with the justice, mercy, and forgiveness of Islam. God says in the Quran, "We have sent you, O Prophet, only as a mercy for the whole world" (Quran, 21:107) and "Let there be no compulsion in religion" (Quran, 2:256). There are also Prophetic statements such as, "Everything comfortable should strike a balance, and be appropriate" (al-Nisaburi, ND, no. 2594) and "You were sent to prove the appropriateness of morality" (Malik, 1991, no. 1885). Ibn Qayyim stated, "No evidence has proved all this, nor is it based on a verse, a prophetic saying, nor done by the companions" (Ibn Qayyim, 1997, pp. 1:120). al-Qasimi, supporting al-Nawawi, argued, "al-Nawawi was true that it is an ugly vicissitude, unaccepted by religion, and its evident compassion" (al-Qasimi, 2000, pp. 5:380). It is important to note that many modern scholars have commented on what was purported by those in the past regarding assaulting the rights of non-Muslim citizens for many reasons, such as (Ibn Qayyim, 1997, pp. 71):

1. A mistrustful environment predominated the relationship between Muslim and non-Muslim citizens. This was caused by the Crusades and the bloody Tartar attacks,
2. Jurisprudence was isolated from society and there was a gap between theory and practice, manifested in the difference between religion and the practical reality of the time, and
3. No evidence exists for these texts, and their authors were influenced by a bitter reality, especially considering the catastrophes dealt by the West upon Muslims.

Secondly, the phrase "by hand" may have several common meanings: Compliance and restriction, payment in cash, gift and kind, and power and strength, with each determined by context. The verse conveys power and capacity, as *jizya* is mandatory only for capable males and exempts the poor, women, and children. It must be so, as Rashid Reda stated, because "by hand" means resulting from power and strength (Reda, 1990, pp. 10:255).

Thirdly, the term "humbled" has been interpreted by many exegetes as humiliation and insignificance. Others regarded it as compliance in, restriction by, and adherence to Muslim rule (Reda, 1990, pp. 10:255; al-Sharawi, ND, pp. 8:5031; Ibn Qayyim, 1997, pp. 1:120). Interestingly, the presence of non-Muslims is an opportunity to call them to Islam, demonstrate the argument to them, achieve the purpose of Islam by compromising with them, and to go beyond the development of marital relationships with them. Although "humbled" at first glance implies restriction and compliance to the Sharia judgment, we hope that non-Muslims do not accept this meaning.

Fourthly, in response to historical works in which it was mentioned that certain clothes were

dedicated for non-Muslims and that they were prohibited from repairing Churches or constructing others, scholars argue that this was an exceptional issue caused by spies working with Romans against Muslims in the time of the Caliph Umar b. Abd al-Aziz. Other scholars argued it was a means whereby to distinguish between the identity of Muslims and non-Muslims of the time (al-Huwaydi, 1990, pp. 136).

### 2.3 Judgements Related to Social Interaction with Non-Muslims

In this section, the article presents the relationship between the rulings related to the treatment of others and rulings in other areas. To this end, the article considers the statements and evidence of scholars and briefly speaks to those preferred by this article.

### 2.4 Monetary allocations to non-Muslims

This topic illustrates the role of money in serving social goals and presents three areas in which monetary allocations are dedicated to Muslims from non-Muslim finances. In each area, evidence of Islam's acceptance of the other is presented. Moreover, this evidence highlights the humanitarian, merciful, and tolerant treatment of the other, even if they have different beliefs.

#### 2.4.1 Giving inheritance to non-Muslims

Muslim and non-Muslim relatives are frequently loyal to each other. Wills are a practical form of loyalty in relation to a close or distant non-Muslims and a form of kindness which allows the other to receive property, as donations, after an individual's death (al-Zuhayli, ND, pp. 4:923). Therefore, jurists agree with the permissibility of giving inheritance, within legitimate limits, to non-Muslims (al-Kasani, 1986, pp. 7:343; al-Qarafi, 1994, pp. 7:14; al-Nawawi, ND, 15:416; al-Mardawi, ND, 7:184). Some base their ruling on the following Quranic verse, "As ordained by Allah, blood relatives are more entitled to inheritance than other believers and immigrants, unless you want to show kindness to your close associates through bequest" (Quran, 33:6). Muhammad b. Hanifah argued, "This verse was sent down to permit the inheritance of a Muslim to a Jew and Christian" (al-Suyuti, 1981, pp. 6:568). Qutada argued, "Closeness to the polytheist is something good" and pointed out "It is a gift and not a legacy for them" (al-Suyuti, 1981, pp. 6:658). Furthermore, in *al-Athar*, Safih expressed her testament for a Jew relative (said to be her nephew).

Some scholars argue that the verse "[...] a will should be made in favor of parents and immediate family with fairness. This is an obligation on those who are mindful of Allah" (Quran, 2:180) concerns inheritance in relation to the right of those who receive the property of their father and relatives, and serves parents and relatives who receive it and who have a similar religion (al-Nasafi, 1998, pp. 1:157).

#### 2.4.2 Allocation of Charity and Zakat to non-Muslims

Charity may be mandatory, voluntary, as part of atonement for sin, fulfillment of vows, and others. Jurists differ whether charity may be given to non-Muslims, with some permitting and others prohibiting it. These variations are as below:

- Jurists agree with payment of charity to non-Muslims. Much evidence confirms this. For example, God says in the Quran, "And give food—despite their desire for it—to the poor, the orphan, and the captive" (Quran, 76:8). Another example concerns Asma' and her mother, which has to do with the following verse, "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes" (Quran, 60:8). In addition, the Companion Ibn Abbas argued, "Some Companions had relatives in, and closeness to, the Qurayzah and Nadir tribes, and these Companions did good by giving them charity and wanting their well-being" (al-Tabari, 2000, pp. 1:541). For

this reason, the following verse was revealed, "Not upon you, [O Muhammad], is [responsibility for] their guidance, but Allah guides whom He wills. And whatever good you [believers] spend is for yourselves, and you do not spend except seeking the face [i.e., approval] of Allah. And whatever you spend of good - it will be fully repaid to you, and you will not be wronged" (Quran, 2:272). The Prophet also was reported to have said, "Everything contains some form of incentive" (al-Bukhari, 1981, pp. 3:111; al-Nisaburi, ND, pp. 4:1671). Islam considers incentive to one who gives water to a dog, for he is more merciful than others regardless of his religion.

- Jurists are divided regarding other types of charity, such as charity given for Eid al-Fitr, as part of atonement for sin, and to fulfill vows. Some, considering the majority evidence, do not differentiate one poor person from another, or a Muslim from a non-Muslim. Others, however, limit charity only to Muslims and refer to specific evidence.

For example, Abu Hanifah and his student, Muhammad, permitted giving these items to non-Muslims, referring to the following verses, "To give charity publicly is good, but to give to the poor..." (Quran, 2:271) and "The penalty for a broken oath is to feed ten poor people..." (Quran, 5:89). The verses do not distinguish between the identity of the poor (al-Kasani, 1986, pp. 2:49). The term "public" in the first verse refers to the following statement by the Companion Mu'adh, "Beware that Allah imposed a handout on them, which is received from the rich and given to the poor" (al-Bukhari, 1981, no. 1359). They are thus prohibited from giving it to non-Muslims (Ibn Rushd, 2004, pp. 2:44; al-Ansari, ND, pp. 1:395; Ibn Qudama, 1968, pp. 2:487).

The needs of poor Muslims should first be met by charity and then the remainder should be given to satisfy the needs of non-Muslims, since a Muslim cannot notice others without food and clothes while he has these needs himself. Islamic societies are cooperative despite their variation of religions. Non-Muslims enjoy security and safety while still following their religion.

- Regarding Zakat (i.e. mandatory charity), the following verse considered non-Muslims as a part of the accepted recipients: "Zakat expenditures are only for the poor and for the needy and for those employed for it 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" (Quran, 9:60). The bringing hearts are categories: Some are non-Muslims who are called to Islam. They are said to receive Zakat to gain their love and faithfulness to Islam (al-Qalachi & al-Qanibi, 1988, pp. 1:397).
- Some works of jurists reached a consensus on prohibiting Zakat for non-Muslims. It is not permissible to give non-Muslims from the parts of the poor, needy persons, people in debt, or others, except the part of the bringing hearts. They cite the aforementioned statement of Mu'adh, "It is received from their rich and given to their poor" (al-Nawawi, ND, pp. 15:415; Ibn Qudama, 1968, pp. 2:487).

This claim can be dismissed according to the following:

1. Zafar, as opposed to most Hanafi jurists, permitted giving Zakat to non-Muslims. He referred to this verse, "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes..." (Quran, 60:8). They are also permitted to receive Zakat (al-Zayla'i, 1895, pp. 1:300; al-Sarkhasi, 1993, pp. 2:203).
2. Dr. Yusuf al-Qaradawi believed the statement of Mu'adh cannot resist other texts and the verse on charity for Muslims and non-Muslims (al-Qaradawi, 2000, pp. 2:707). There are several instances in the texts that seemingly imply giving charity to non-Muslims from the public treasury and Zakat. Take the Bedouin and the poor who, as ordered by the Prophet, were to receive Zakat. Moreover, the Caliph Umar ordered that a poor Jewish man receive his needed amount of money from the public treasury.
3. In essence, Zakat should be given to Muslims first, for this would allow them to worship. They are also closer to other Muslims, for they have a similar religion, and Zakat is a tax

imposed on the rich to be given to the poor, as mentioned in the saying. The surplus of Zakat can be given to the non-Muslim poor also, provided this giving does not inflict harm on Muslims. This notion has been emphasized by all the evidence that calls for mercy and solidarity in one society.

4. There is a contradiction between the permission to give non-Muslims Zakat from the category of "bringing of hearts," and the prohibition from giving them from the part of the poor. That is, on the one side Muslims give to encourage them to follow the religion and, on the other side, if they were poor but with a different religion, Muslims would not give anything to them. This indeed goes against the Quranic principle "Let there be no compulsion in religion" and the principle of testament to the non-Muslim citizens (Quran, 2:256).

### 2.5 Social participation with non-Muslims

God says in the Quran, "O humanity! Indeed, We created you from a male and a female, and made you into peoples and tribes so that you may get to know one another" (Quran, 49:49). Therefore, communication and getting to know others are not only necessities, but also part of human nature. Man, in other words, is naturally a social creature.

Based on this social fact, man is to develop relationships and communication with other people. Any relationship should be characterized by obligations, habits, and customs. To exemplify, one communicates with his brothers and partakes in their joys and sorrows in their time of health and sickness. Therefore, what are the limits for relationships between a Muslim and non-Muslim in public and private events?

#### 2.5.1 Participation in the Joys of non-Muslims

The participation of a Muslim in the social events of peaceful non-Muslims, who are neighbors, relatives, or have a legitimate relationship, is permitted, as described by the Prophet. For example, if a Jew recovers from a sickness and calls the Muslim, it would be considered a social relationship. Such relationships also include congratulations for a marriage, success, birth, recovering from a sickness, a new house or car, returning from a trip, and a new job position.

All of the above is confirmed by the Quranic verse, "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" (Quran, 60:8). The phrase "dealing kindly" has deep significance. This phrase has been used for the highest right on a human after the right of Allah: the right of parents. Another piece of evidence concerns the Quran's order regarding kindness to a neighbor, even if he is a non-Muslim. God says in the Quran, "Worship Allah alone and associate none with Him... near and distant neighbors" (Quran, 4:36). There are also other statements that are in favor of neighbors, taking into consideration the role of a Muslim in calling his neighbor to Islam through respect and good treatment.

#### 2.5.2 Congratulating non-Muslims on their Holidays

Jurists have contradictory judgements regarding congratulating non-Muslims, with some permitting and others prohibiting it. Meanwhile, birthdays of Christians, Yom Kippur [Day of Atonement] of Jews, Eid Noruz [New Year Holiday] of Persians, among other holidays, contain clear polytheistic beliefs and violations, adding strength to the viewpoint of those prohibiting congratulations. On the other hand, compromise but not agreement, and kindness and goodness in relationships, especially with non-Muslim relatives, without supporting their polytheism and infidelity, are some supportive points mentioned by those permitting congratulations.

Before presenting the evidence of each group, it should be emphasized that this article will not



elaborate on the judgement of congratulation to those who are the enemies of Islam. Moreover, this article concerns the judgement of congratulating non-Muslims who are our relatives, neighbors, etc. Muslims must understand the judgement of giving them congratulations regarding their holidays. This problem is so important that the article will summarize the viewpoint and evidence of each group, commenting on each view. Then, the preferred viewpoint shall be mentioned.

#### 2.5.2.1 Evidence of Those who Prohibit

Ibn Qayyim mentioned the consensus over congratulating non-Muslims for their holidays. Many modern scholars also took a supportive position. Take the following provision, "Congratulations for whatever concerns infidelity are consensually taboo. Congratulations for holidays and fasting of infidels are an example, where one may say to them, 'Happy holidays!' He who says this, even if not considered an infidel, shall have done something taboo..." (Ibn Qayyim, 1997, pp. 1:441). Some Shafi'i jurists went on to issue punishment for those who congratulate non-Muslims on such occasions (al-Sherbini, 1994, pp. 4:191).

Some pieces of evidence of those who have prohibited include:

1. Verses and Prophetic statements that prohibit intimacy with and love of infidels. For example, "You will never find a people who truly believe in Allah and the Last Day loyal to those who defy Allah and His Messenger, even if they were their parents..." (Quran, 58:22), "O believers! Take neither Jews nor Christians as guardians—they are guardians of each other. Whoever does so will be counted as one of them" (Quran, 5:51). Also, the Prophet Muhammad is reported to have said, "He who assimilates himself to a group of people, shall be one of them" (Abu Dawud, ND, no. 4031). Furthermore, the Companion Abdullah b. Aas stated, "He who lives in Persia, who partakes in the New Year Holiday, who assimilates himself with people, will join the holders of this Holiday in the Doomsday" (al-Bayhaqi, 1994, no. 18863).
2. The consensus of jurists on the prohibition of congratulating non-Muslims, as mentioned by Ibn Qayyim (Ibn Qayyim, 1997, pp. 1:441).
3. Congratulating non-Muslims for their holidays, even if it does not *directly* magnify the signs of their religion, is still prohibited because *indirectly* magnifies elements of their religion and confirms it. Therefore, this trend also contributes to guilt and hostility.

#### 2.5.2.2 Evidence of Those who Permit

Many modern jurists permit congratulating to non-Muslims on their holidays. This is a form of respect and conforms to the principle of kindness and goodness to which Muslims are obliged. They claim that the basis all things in Islam is permissibility unless the reverse is proven.

Some pieces of evidence of those who have prohibited:

1. All the evidence which calls for the good treatment of non-Muslims, "Dealing kindly and fairly." Kindness may imply goodness whereas fairness implies justice. It would therefore be just and fair to congratulate non-Muslims on their holidays.
2. Goodness and kindness are required for a marriage from the People of the Book. Thus, a Muslim husband would be good and loving to his Christian wife. God says in the Quran, "He established between you intimacy and mercy" (Quran, 30:21). Still it is not permitted for him to accept and adopt her invalid beliefs. Moreover, giving congratulation once a year is less important than doing so daily.
3. To spread the religion and invite people to it, wisdom and good treatment are necessary. Therefore, non-Muslims should be communicative in their joys and holidays.
4. Congratulating non-Muslims would help overcome the accusations by the West against Muslims, especially Muslims of Europe.
5. This tendency would call to Allah with wisdom and good treatment, and would be in

compliance with what Allah ordered Muslims, namely to show reactions that are as good as actions of others or even better than those actions (al-Qaradawi, 1995, pp. 148).

Before presenting the preferred opinion and its regulations, the following comments should be made:

1. No clear evidence has been provided by the groups regarding the permission or prohibition of congratulating, and the evidence of each group is an interpretation, not something direct. Therefore, no one can clearly permit or prohibit something, or to accuse someone of infidelity, of damaging the religion, or of being faithful to the enemies of Allah and his Messenger.
2. A mixture of terms can be noticed in the provided evidence: faithfulness and compromise, intimacy and kindness, habits and duties. These terms can cause many disturbances and intensities in some fatwas.
3. All the evidence that prohibits intimacy does not clearly imply the prohibition of congratulating. This article agrees that, while being good to non-Muslims is something appropriate, being intimate with them is wrong. Being good to a person does not mandate being intimate and loving of his or her beliefs. Still, Allah permitted such relationships with non-Muslims as marriage that is premised upon love and intimacy (He considered between you intimacy and mercy). However, a Muslim is not permitted to welcome her religion at the expense of his own religion.
4. Muslims should distinguish between congratulating non-Muslims and participating in their holidays. This is because congratulations are a verbal expression and do not require a true acceptance and confession, for we give them to our neighbors and relatives as a kind of respect.
5. The consensus is not necessarily accurate. Hanbali scholars have written, "There are two stances in relation to expressing congratulations and condolences to them, and the visiting of them: Some works have banned this trend, since it would be faithfulness and intimacy, which is forbidden in the holy text. Second, Anas was a Jew and when was presented with Islam by the Prophet, became a Muslim. Then, he said, "Thanks Allah who saved me from the hell" (al-Qaradawi, 1995, pp. 148). Third, this trend can take place should there be some benefit, such as becoming a Muslim (Ibn Mufleh, 1997, pp. 3:376).
6. While some prohibit discretion, others come to view it beneficial to compromise, to prevent hostility, and to protect Muslims from their enemies. Therefore, neither group can be relied on.

After this brief presentation of the evidence of both groups, this article prefers the viewpoint of those who permit this discretion, since it goes along with the purposes of the Sharia, which makes the Muslim lofty by his demeanor and good treatment. To support this preference, we would refer to one of the principles of religion, "Indeed, intention is what is important for behavior" (al-Bukhari, 1981, no. 1). Therefore, anyone whose intention was to submit to and love the beliefs of another person, would indeed have done infidelity, even if they claim to have done this as a fine social interaction. And he who wanted to develop a social communication within the framework of "kindness and goodness" without being deviated in his faithfulness, would be recompensed.

### 2.5.3 Giving Condolences to non-Muslims

Islam is considerate of human dignity whether a person is alive or dead. On one occasion, the Prophet Muhammad was beside the dead body of a Jew. The Prophet argued this body must be respected, no matter whether it belongs to a Muslim or a non-Muslim (al-Bukhari, 1981, no. 1312). This shows the respect of Islam towards non-Muslims in such difficult circumstances as death, which gives an end to the life of a close person.

Jurists have two points in this respect. First, offering condolences to a non-Muslim for his dead is permitted, as argued by the majority (al-Kasani, 1986, pp. 1:302; al-Nawawi, 1991, pp. 2:144; Ibn

Qudama, 1968, pp. 1:347; al-Mardawi, ND, pp. 2:565). To prove this notion, they resort to every available piece of evidence that shows the appropriateness of conveying condolences. They also exemplify the Prophet when visited the Jew while dying (al-Shafi'i, 1990, pp. 3:65; al-Ansari, ND, pp. 1:335).

Furthermore, conveying condolences would relieve the mourner's pain. If the dead person was a Muslim, the mourner would be called to tolerance and submission to the order of Allah, and if the dead was non-Muslim, the mourner would be reminded by death and would be invited to save himself by Islam.

Alternatively, others suggest that conveying condolences to a non-Muslim is prohibited, as purported by the Maliki jurists (Ibn Rushd, 1988, pp. 2:211; al-Alish, 1989, pp. 1:500) and narrated by Hanbali jurists (al-Buhuti, ND, pp. 2:161). Their evidence is the following Quranic verse, "As for those who believed but did not emigrate, you have no obligations to them until they emigrate" (Quran, 8:72). It has been argued, "God banned them from the legacy, and they submitted until they emigrate. On this premise, if a Muslim does not convey condolences to a mourning Muslim, then why to expect something from a distant infidel?" (al-Hattab, 1992, pp. 2:231). Scholars also refer to the Prophetic statement prohibiting calling the People of Books to peace, "Do not start greeting the Jews and Christians, so if you found one of them in your trip, force them to a worse condition" (al-Nisaburi, ND, no. 1707).

The majority argument is preferred in this regard, for the purpose of condolences is to mitigate the pain of the deceased's family. Muslims and non-Muslims are equal on this note. If this principle was accompanied by a call to the kindness of Islam, and the kindness of living with non-Muslims, this call would be of a higher significance. Allah called death a catastrophe; therefore, empathy with mourners in such circumstances would make their hearts more inclined towards Islam. This is because hearts are influenced in time of death, would be closer to the truth, and would be more inclined to the religion (al-Jinahi, 2003, pp. 18).

The evidence of those who prohibit can be responded to as follows: The reasoning of the aforementioned verse is not accurate, since this order has been compromised by another verse in the same chapter, "But only blood relatives are now entitled to inherit from one another, as ordained by Allah" (al-Tabari, 2000, pp. 8:274). Moreover, prohibition of condolences has nothing to do with the initiation of greeting Jews and Christians. No consensus has been reached upon this order, where some argue once a Jew tried to harm the Prophet and Muslims, so the Prophet ordered not to initiate the greeting (Mansur, 2006, pp. 374). Ibn Masud, Abi Darda', and Fezalah b. Ubaid have been said to initiate greetings when they reach a non-Muslim. Ibn Masud has been said to have written to a man from the People of Book, "Peace be upon you." He was also said to have argued that if Pharaoh had said hello to me, I would reply the same thing (Ibn Abd al-Barr, 1967, pp. 17:91).

### 3. Conclusions and Recommendations

This study reached the following conclusions:

- The principle that controls the relationship between Muslims and non-Muslims is premised upon kindness and goodness with peaceful non-Muslims, but not with hostile ones. God argues in 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..."
- The Sharia were influenced by reasoning regarding the relationship between Muslims and non-Muslims, where many jurists permitted many of the judgements that concern social interaction with non-Muslims.
- Jizya is imposed upon non-Muslims in return for security and public services, and Zakat is mandatory for Muslims.
- Customs and the predominating situations of Muslims played a role in the stances of some scholars and their fatwas towards non-Muslims; which became more intense and cruel.

- There is a scholarly consensus on the payment of charity to non-Muslims and some scholars have permitted the payment of money as part of atonement for sins.
- Some forms of the parts of “bringing hearts,” and some part of the poor, as purported by some jurists, can be shared with non-Muslims.
- It is permitted to congratulate non-Muslims in their public and private events, provided they be obliged to the regulations of congratulations as per Islam.
- Non-Muslims, according to the opinions of jurists, can be offered condolences for their dead.

This article also offers the following recommendations:

- Working on the dissemination of a societal culture based upon accepting the other and not evicting them
- Distinguishing between the enemies among non-Muslims and the citizens who are obliged to the public system.
- Working on programs on the wise and good treatment with non-Muslims as a form of obligation and mercy.

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