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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

In the name of Allah, the Beneficent, the Merciful, may Allah bless our master Muhammad, his family and Companions and give them peace. Says the poorest slave in need of the mercy of his Lord, the sinful, recalcitrant and ignorant, Abu Alfa Umar *Muhammad Shareef* bin Farid: All praises are due to Allah the Lord of the worlds. May Allah send his abundant blessings and most perfect peace upon the master of the Messengers and the seal of the Prophets, our master and chief Muhammad, his family and Companions. May Allah be pleased with the masters among the *Tabi`een*, the right-acting scholars, the four *Imams* who exercised independent judgment, and those who follow them until the Day of Judgment: to continue, I was asked by the *mujaadhid* in the Way of Allah, and one of the leaders in the city of Las Vegas Nevada, *Imam* Fateen Seifullah, may Allah strengthen him and make his feet firm on the *Sirat'l-Mustaqeem* about the permissibility of Muslims marrying the People of the Book. After seeking *istikhaara* of Allah, I complied with his request out of fear and hope (*khawf wa raja*); fear of the judgment of what the Messenger of Allah, may Allah bless him and grant him peace said:

مَنْ سُئِلَ عَنْ عِلْمٍ فَكَتَمَهُ اللَّهُ بَلِجَامٍ مِنْ مَارٍ

“Whoever is asked about knowledge and is silent, Allah will bridle him with a bridle from the Hell-fire.” And hope of being entered among those about whom the Messenger of Allah, may Allah bless him and grant him peace spoke when he said:

مَنْ أَقْرَأَ عَيْنَ مُؤْمِنٍ أَقْرَأَ اللَّهُ عَيْنَهُ يَوْمَ الْقِيَامَةِ

“Whoever brings joy to the eyes of a believer Allah will bring joy to his eyes on the Day of Judgment.” I have arranged it into seven sections and have named it:

Raf'u ad-Darajaat Fi Ma`ana Laa Tankihuu 'l-Mushrikaat wa Hillu Lakum l'-Muhssinaat

The Increase of Rank Regarding the Meaning of ‘Do Not Marry the Women Idolaters’ and ‘Lawful to You are Chaste Women’

I ask Allah to guide me and him and make this purely for the sake of Allah ta`ala, and that He join us together underneath the Banner of Praise (*liwaa'l-hamd*) of the Prophet, may Allah bless him and grant him peace on the Day of Judgment, Amen.

On the Prohibition of Marrying Idolaters

Allah ta`ala says in His Infallible *Qur'an*:

وَلَا تَتَّكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنُ وَلَا تَتَّكِحُوا
الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ
وَلَوْ أَعْجَبَكُمْ أُولَئِكَ يَدْعُونَ إِلَى النَّارِ
وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ

“Do not marry women idolaters until they believe. For a believing slave girl is better than an idolater, even if she amazes you. And do not marry men idolaters until they believe, for a believing male slave is better than an idolater even if he amazes you. The idolaters invite to the Fire and Allah invites to Paradise and forgiveness by His permission and He explains His signs to mankind so that they can be reminded.”

Imam an-Naysaburi said in his Asbaab'n-Nuzuul: Abu Uthman ibn Umar al-Haafidh informed saying, my grandfather Abu Umar Ahmad ibn Muhammad al-Harshi informed us, saying, Isma`il ibn Qutayba informed us, saying, Abu Bakeer informed us, saying, Khalid ibn Ma`ruuf informed us, on the authority of Muqaatil ibn Hayyan who said this verse was revealed concerning Abu Murthad al-Ghunawi who asked permission of the Prophet, may Allah bless him and grant him peace about marrying `Inaaq. She was a destitute woman from the *Quraysh*, who was very beautiful, however she was an idolater, while Abu Murthad was Muslim. He said: “O Prophet of Allah! Verily she amazes me.” Then Allah `azza wa jalla revealed: “Do not marry women idolaters until they believe.”

Imam at-Tabari said in his Jaami` al-Bayaan regarding the interpolation of the above verse: “Do not marry women idolaters until they believe.” The scholars disagree about the interpolation of the ‘people’ referred to in this verse. Was this verse revealed intending all idolaters, or was the intention of the judgment of this verse excluding some idolaters over others? Was part of it abrogated after the obligation of some of the judgment in it or no? Some of the scholars said: The objective of this verse was revealed prohibiting marrying every idolater by any Muslim, regardless of the type of idolatry involved, whether it was the worship of an idol, or whether they were Jews, Christians, Magians or others from the different types of idolaters.”

The Lawfulness of Marrying Women from the People of the Book

Then the judgment of the prohibition of marrying the People of the Book was abrogated by Allah ta`ala's words:

يَسْأَلُونَكَ مَاذَا أُحِلَّ لَهُمْ قُلْ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلِّبِينَ تُعَلِّمُونَهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَادْكُرُوا اسْمَ اللَّهِ عَلَيْهِ وَانْقُوا اللَّهَ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ
* الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ
مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أَجْرَهُنَّ مُحْصِنِينَ
غَيْرَ مُسَافِحِينَ وَلَا مَتَّحِدِي أَخْدَانٍ

“They ask you about what is lawful to them. Say: Lawful to you are all good and pure things, and what you have taught your hunting animals to catch in the manner that Allah has taught you. Consume what they catch for you, but mention the name of Allah over it, and fear Allah for Allah is swift in taking to account. This day are all good and pure things made lawful to you. The food of the People of the Book is lawful to you and your food is lawful to them. And lawful to you are the chaste women who are believers, and the chaste women from among those who have been given the Book before you, when you give them their dowries and seek chastity not lewdness, nor secret intrigue.”

Imam at-Tabari also said: We were informed on the authority of `Amaar, who said Ibn Abi Ja`afar informed us on the authority of his father, ar-Rabi` regarding His words: *“Do not marry women idolaters until they believe. For a believing slave girl is better than an idolater, even if she amazes you. And do not marry men idolaters until they believe, for a believing male slave is better than an idolater even if he amazes you. The idolaters invite to the Fire and Allah invites to Paradise and forgiveness by His permission and He explains His signs to mankind so that they can be reminded.”* In this verse Allah ta`ala prohibited marrying women idolaters, then He revealed in *Surat'l-Ma`ida* a verse which made an exception of the women of the People of the Book by His words: *“...and the chaste women from among those who have been given the Book before you, when you give them their dowries.”*

It has been narrated by al-Bayhaqi in his Sunnan on the authority of Ibn Abaas regarding His words: *“Do not marry women idolaters until they believe.”* He said this verse was abrogated and the women idolaters from among the women of the People of the Book has been made lawful.”

It has been narrated by Ibn Abi Haatim, and at-Tabarani on the authority of Ibn Abaas who said: *“When this verse: ‘Do not marry women idolaters until they believe’, was revealed, the people were restrained from marrying them until the verse: ‘...and the chaste women from among those who have been given the Book before you’, was revealed after it. Then the people began to marry the women from the People of the Book.”*

Some of the scholars, however say that this verse was not revealed regarding all idolaters, but was specific (*muqayyid*) to those women who worshipped idols. It has been related by Wakee`, Ibn Jareer, Ibn Abi Haatim, an-Nuhaas in his Naasikh and al-Bayhaqi in his Sunnan on the authority of Sa`id ibn Jubayr regarding His words: *‘Do not marry women idolaters until they believe’*. This verse refers to the people of pure idolatry.”

It has been related by Adam, Abdu ibn Humayd and al-Bayhaqi on the authority of Mujaahid regarding His words: *‘Do not marry women idolaters until they believe’*, these are the women from the people of Mecca from among the

idolaters, then after that the women from among them from the People of the Book were made lawful.”

It has been related by Abd'r-Razaaq and Abdu ibn Humayd on the authority of Qatada regarding His words: '*Do not marry women idolaters until they believe*', these are the idolaters from among the Arabs, who did not have a Book revealed to them.”

It has been related by Abdu ibn Humayd on the authority of Hamaad who said: “Once Ibrahim was asked about the legal judgment of marrying Jewish and Christian women, he said: ‘There is no harm in that.’ I then said to him: ‘Did not Allah say: '*Do not marry women idolaters until they believe*'? He said: ‘Verily this verse was revealed regarding the Magians and the people of idol pagan gods’.”

As for the interpolation of words of Allah ta`ala:

وَلَأَمَّةٌ مُؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ

“*For a believing slave girl is better than an idolater, even if she amazes you.*” It has been related by al-Waahidi and Ibn Abaas by way of as-Sadi on Abu Malik on the authority of Ibn Abaas regarding the above verse: “This verse was revealed regarding Abdullah ibn Ruwaaha, who had a Black slaver girl, who he had become angry with so he struck her with his hand, and then he became frightened for what he did and came to the Prophet, may Allah bless him and grant him peace and informed him about her. The Prophet, may Allah bless him and grant him peace said to him: ‘What is her spiritual situation oh Abdullah?’ He said: ‘She fasts, prays, makes excellent ablution and has bear witnessed that there is no deity except Allah and that you are His Messenger.’ He then said: O Abdullah this girl is a believer.’ Then Abdullah said: ‘I swear by the One who sent you with the Truth, that I will free her and then marry her.’ He did this, but the people among the Muslims began to defame him, saying: ‘You marry a slave girl?’ It was their custom then to marry a woman idolater out of desire for their noble lineage. Then Allah revealed: '*For a believing slave girl is better than an idolater, even if she amazes you*’.”

The Scholars Who Dissent and Hold that Marrying Them is Unlawful

Although some of the scholars recognize the lawfulness of marrying the women of the People of the Book, yet they have said that marrying them is reprehensible (*makruuh*) because of the possible physical and cultural harm that they can bring. It has been related by Abd'r-Razaaq, Ibn Jareer and al-Bayhaqi on the authority of Shaqeeq who said: "Hudhayfa married a Jewish woman, then Umar wrote to him that he should let her go. Hudhayfa wrote back saying: 'Do you claim that she is prohibited, so that I must let her go?' He, Umar said: 'I do not claim that she is prohibited, however I fear that they will start giving you all poisons.'" Thus, the reprehensibility in marrying them comes from the fear of the physical or political harm they can bring to the *Umma*.

It has been related by Ibn Abi Shayba and Ibn Abi Haatim on the authority of Ibn Umar that he considered it reprehensible to marry the women of the People of the Book, using as his interpolation for that His words: '*Do not marry women idolaters until they believe.*' In this opinion Ibn Umar includes the women of the People of the Book among the idolaters without restriction, making marriage to them prohibited. He explains his reasons for this judgment in the following prophetic tradition. It has been related by al-Bukhari and an-Nuhaas in his Naasikh on the authority of Naafi` on Abdallah ibn Umar that he was asked about a man marrying a Christian or Jewish woman and he said: "Allah has forbidden the women idolaters for the Muslims. And I do not know anything of idolatry worse than a woman who says that her Lord is Jesus or some servant from among the servants of Allah."

On the Tafseer of the Verse Making Them Lawful

Imam al-Qurtubi said in his al-Jaami`Li Ahkaam`l-Qur`an regarding the words of Allah:

وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ

“...and the chaste women from among those who have been given the Book before you.” There is no contradiction between those who hold marrying the women among the Jews and Christians is lawful and those who do not. Because if it is said: ‘What is intended by the words of Allah ta`ala: ‘and the chaste women from among those who have been given the Book before you’, means those who were given the Book before you and then accepted Islam. This is like His words:

وَإِنْ مِنْ أَهْلِ الْكِتَابِ لَمَنْ يُؤْمِنُ بِاللَّهِ

“And verily some of the People of the Book are those who believe in Allah.” And like His words:

مِنْ أَهْلِ الْكِتَابِ أُمَّةٌ قَائِمَةٌ

“From the People of the Book are an upright community.” It could be said that this is a contradiction of the wording of the verse: ‘and the chaste women from among those who have been given the Book before you’, and it is in disagreement with the ideas of the majority of the scholars. However, there is no problematic issue upon any of the scholars regarding the permissibility of marrying those who accept Islam and become among the notables of the Muslims. Some scholars say, however Allah ta`ala says:

أُولَئِكَ يَدْعُونَ إِلَى النَّارِ

“The idolaters invite to the Fire.” Thus, some scholars place the legal cause for the prohibition of marrying them in their ability to invite to the Fire. However, the response to that is that the real legal cause of prohibition of marrying them is because of the words of Allah ta`ala:

وَلَأَمَّةٌ مُؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ

“For a believing slave girl is better than an idolater.” This is because the idolater invites to the Fire. Thus, this legal cause of inviting to the Fire is a general rule for all disbelievers. The verse is a clarification that the Muslim is absolutely better than a disbeliever, without restriction. As for marrying the People of the Book, when they are among those who are at war with the Muslims (*harban*), then that is not lawful. Ibn Abaas was once asked about that and he said: “It is not lawful” He then recited the verse:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ

“Fight those who do not believe in Allah and the Last Day, and who do not forbid what Allah and His Messenger have forbidden, nor act in accordance with the religion of Truth, from among those who were given the Book until they give the jizya out of hand and they are utterly subdued.” However, al-Muhdath said that this judgment was mentioned to Ibrahim an-Nakh`ai and he was astonished at it. While, Imam Malik considered it reprehensible the marrying of a disbelieving woman with which the Muslims are a war with (*al-harbiyaat*), based upon the legal cause from the harm of leaving a child in the lands of war, because of the distribution of wine and pork in their lands.

Imam al-Qurtubi said: “It has been related on the authority of *Ibn Abaas* regarding the words of Allah: ‘...and the chaste women from among those who have been given the Book before you.’ These are the people who are under a contractual agreement (*al-`ahd*), not those in the lands of war. Thus, the people referred to in the verse have a specific ruling.” However other scholars have said: “The marrying of the women from the people of protection (*ad-dhimmiya*) and war (*al-harbiyya*) is permissible because of the all-embracing address of the above verse.”

It has been related on the authority of *Ibn Abaas* that the meaning of ‘...and the chaste women from among those who have been given the Book before you’, means the upright (*al-`afefaat*) and sane (*al-`aqeelaat*) from among them. *As-Sha`bi* said: “It means that she is modest in protecting her private parts by not ever committing fornication or adultery, and that she makes the ritual bath when in a state of ritual impurity (*al-janaaba*).” *Imam al-Mujahid* said: “It means the free women from among them.” *Abu `Ubayd* said: “This establishes the opinion that it is not lawful to marry a slave girl from the People of the Book, confirmed by His words:

فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فِتْيَانِكُمُ الْمُؤْمِنَاتِ

“Then from what your right hands possess from among your girls from the believers.” And this doctrine is what the majority of the notable scholars adhere to.

Imam al-Qurtubi said regarding the meaning of His words: “And lawful to you are the chaste women who are believers, and the chaste women from among those who have been given the Book before you.” Lawful for you O believers are the chaste women from among the believers, these are free women that you can marry, as well as the free women that were given the Book before you, these are the Jewish and Christian women who act in accordance with the *Torah* and the *Injeel*, O you who believe in Muhammad, may Allah bless him and grant him peace from among the Arabs and the remainder of people, that you can marry them as well.”

However, the scholars of *Qur`anic* exegesis disagree about the meaning of the term ‘chaste women’ (*al-muhssinaat*) referred to in the above verse. Some of the scholars say: “It means free women specifically, whether they are sinful or virtuous.” Thus, those who hold this view permit the marrying of a free woman, whether she is a believer or a woman of the Book (*kitaabiyya*) from among the Jews and Christians, whatever her mannerisms are, whether she is a woman of the Book who is sinful or virtuous. However, they uphold the opinion that a slave girl from the People of the Book is prohibited regardless of her mannerisms, whether sinful or virtuous. This is because Allah made a prerequisite for marrying a slave girl that she be a person of faith, by His words:

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فِتْيَانِكُمُ الْمُؤْمِنَاتِ

“And whoever among you does not have the means to marry a free chaste believing woman, then he may marry what your rights hands possess from among your girls of the believers.” Further proof for this is what was related by *Wakee`* from *Abu Dawud* on the authority of *Sufyan*, on *Ibn Abi Nujayh* on *Mujaahid* who said: “The meaning of ‘and the chaste women from among those who have been given the Book before you’, are those who are free.”

Others scholars differ from this view and make it lawful to marry a slave girl from the People of the Book as long as she is virtuous, while they prohibit lewd women from the Muslims as well as the People of the Book. This is proven by *Imam al-Qurtubi* who said: “Other scholars hold the view that the meaning of ‘and

the chaste women from among those who have been given the Book before you, means the virtuous women from among the two groups, whether they be slave or free. Those who hold to this view make lawful utilizing the above verse, the marrying of a slave girl from the People of the Book who acts in accordance with her religion, and they prohibit sexually promiscuous women from among Muslims and the People of the Book.”

Both Ibn Humayd and Ibn Wakee` narrated from Jareer on the authority of Mutraf on the authority of `Aamir regarding His words: *‘and the chaste women from among those who have been given the Book before you’*, the chaste or virtuous from Jewish and Christian women are those who do not commit fornication or adultery and who make the ritual bath after being in a state of ritual impurity (*al-janaaba*.)” In another narration Ibn Fudayl added: “That they keep their private parts chaste.”

The scholars differ regarding the interpolation of the judgment in the verse: *‘and the chaste women from among those who have been given the Book before you’*, whether its judgment is general or specific. Some of them say its judgment is general meaning the virtuous women from among them, this is because the word ‘chaste’ (*muhssinaat*) means ‘virtuous’ (*`afaa`if*). Thus, the Muslim has the right to marry every free woman from the Book (*kitaabiya*), whether she be among those with whom the Muslims are at war (*harbiyya*) or those under protection (*dhimmiyya*). Other scholars say that those referred to in the verse: *‘and the chaste women from among those who have been given the Book before you’*, means the free women among them (*haraa`ir*). Thus, it is lawful to marry every free woman, Jewish or Christian, those at war with Muslims or those under protection, from whatever type of Jew or Christian she may be. This is the opinion of scholars from the early Community and those who came after them.

On the Legal Reasons for Getting Married

Some scholars determine that a woman can be married for worldly reasons and they deduce the following prophetic tradition as their evidence. It has been related by al-Bukhari, Muslim, Abu Dawud, an-Nisai', Ibn Maja and al-Bayhaqi on the authority of Abu Hurayra on the Prophet, may Allah bless him and grant him peace who said:

تَنْكَحُ الْمَرْأَةَ لِأَرْبَعٍ: لِمَالِهَا، وَلِحَسْبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا، فَاطْفَرُ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ

“Marry a woman for four reasons: for her wealth, for her lineage, for her beauty and for her religion. But gain possession of the one who possess religion, then your hand will prosper.” In the above tradition the verbal command ‘marry’ (*tankih*) is for permissibility, thus making it lawful to marry a woman for worldly reasons.

While some scholars assert that the above prophetic tradition is specific (*muqayyid*). They assert that the mentioning of beauty, lineage and wealth by the Prophet, may Allah bless him and grant him peace was in order to give the reasons or causative factors for which men usually marry women, and not that these traits should be prerequisites for choosing a wife. Their proof is in the two following prophetic traditions. It has been related by Muslim, at-Tirmidhi, an-Nisai' and al-Bayhaqi on the authority of Jaabir that the Messenger of Allah, may Allah bless him and grant him peace said:

إِنَّ الْمَرْأَةَ تَنْكَحُ عَلَى دِينِهَا، وَمَالِهَا، وَجَمَالِهَا، فَعَلَيْكَ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ

“Verily a woman you should marry for her religion, her wealth, and her beauty, but obligatory upon you is the woman who possesses religion, then your hand will prosper.” It has been related Ahmad, al-Baraz, Abu Ya`ala, Ibn Habban, and al-Hakim in his Saheeh on the authority of Abu Sa`id al-Khudri who said that the Messenger of Allah, may Allah bless him and grant him peace said:

تَنْكَحُ الْمَرْأَةَ عَلَى إِحْدَى خِصَالٍ: لِحَسْبِهَا، وَمَالِهَا، وَدِينِهَا، فَعَلَيْكَ بِذَاتِ الدِّينِ وَالْخَلْقِ تَرِبَتْ

يَمِينِكَ

“A woman should be married for one of the following traits: for her beauty, for her wealth and for her religion. But obligatory upon you is the woman who possesses religion and character, then your right hand will prosper.”

While, yet other scholars believe that worldly prerequisites for marrying a woman has been abrogated and is reprehensible based upon the following three prophetic traditions. It has been related by Sa`id ibn Mansuur, Abdu ibn Humayd in his Musnad, Ibn Maja and al-Bayhaqi in his Sunnan on the authority of Abdullah ibn `Amr on the Prophet, may Allah bless him and grant him peace who said:

لَا تَنْكَحُوا النِّسَاءَ لِحُسْنِهِنَّ، فَعَسَى حُسْنُهُنَّ أَنْ يَرُدِّيَهُنَّ، وَلَا تَنْكَحُوهُنَّ عَلَى أَمْوَالِهِنَّ فَعَسَى

أَمْوَالِهِنَّ أَنْ تُطْغِيَهُنَّ، وَأَنْكَحُوهُنَّ عَلَى الدِّينِ، فَلَأُمَّةٌ سَوْدَاءٌ خَرَمَاءُ ذَاتُ دِينٍ أَفْضَلُ

“Do not marry women for their beauty, for perhaps their beauty will cause them to deteriorate. Do not marry women for their wealth, for perhaps their wealth will cause them to be cruel. Rather marry them for their religion, for a Black mutilated slave girl who possess religion is superior.” It has been related by at-Tabarani in his al-Awsat on the authority of Anas that the Prophet, may Allah bless him and grant him peace said:

مَنْ تَزَوَّجَ امْرَأَةً لِعِزِّهَا لَمْ يَزِدْهُ اللهُ إِلَّا ذُلًّا، وَمَنْ تَزَوَّجَهَا لِمَالِهَا لَمْ يَزِدْهُ اللهُ إِلَّا فَقْرًا، وَمَنْ
تَزَوَّجَهَا لِحُسْبِهَا لَمْ يَزِدْهُ اللهُ إِلَّا دِنَاءَةً، وَمَنْ تَزَوَّجَ امْرَأَةً لَمْ يَرِدْ بِهَا إِلَّا أَنْ يَغْضَبَ بَصْرَهُ
وَيَحْصِنَ فَرْجَهُ أَوْ يَصِلَ رَحْمَةً بَارَكَ اللهُ لَهُ فِيهَا وَبَارَكَ لَهَا فِيهِ

“Whoever marries a woman because of her high honor, Allah will only increase him in humility. Whoever marries a woman because of her wealth, Allah will only increase him in poverty. Whoever marries a woman because of lineage, Allah will only increase him in lowliness. However, whoever marries a woman and desires only by that the lowering of his gaze, the protection of his private parts and keeping the ties of kinship, then Allah will place *baraka* for him in her and *baraka* for her in him.” It has been related by al-Baraaz on the authority of `Awf ibn Malik al-Ashjai` who said that the Messenger of Allah, may Allah bless him and grant him peace said:

عُودُوا الْمَرِيضَ، وَاتَّبِعُوا الْجَنَازَةَ، وَلَا عَلَيْكُمْ أَنْ تَأْتُوا الْعُرْسَ، وَلَا عَلَيْكُمْ أَنْ لَا تَتَكْحُوا الْمَرْأَةَ
مِنْ أَجْلِ حُسْنِهَا فَعَلَّ أَنْ لَا يَأْتِيَ بِخَيْرٍ، وَلَا عَلَيْكُمْ أَنْ لَا تَتَكْحُوا الْمَرْأَةَ لِكَثْرَةِ مَالِهَا فَعَلَّ مَالُهَا أَنْ
لَا يَأْتِيَ بِخَيْرٍ، وَلَكِنْ ذَوَاتَ الدِّينِ وَالْأَمَانَةِ

“Visit the sick and follow the train of the burial processions. It is not obligatory upon you to go to weddings. Nor is it obligatory upon you to marry a woman for her beauty. Doing so may not bring any good. Nor is it obligatory for you to marry a woman for the abundance of her wealth. Doing so for her wealth may not bring any good. However marry women who possess religion and trustworthiness.”

On the Prohibition of Our Women Marrying Men from The People of the Book

It has been narrated by Abu Dawud in his Naasikh on the authority of Ibn Abaas regarding His saying: “*Do not marry women idolaters until they believe.*” It has been related by Abu Dawud in his Naasikh on the authority of Ibn Abaas regarding His words: “*Do not marry women idolaters until they believe.*” What has been abrogated from this verse is the prohibition of marrying the women of the People of the Book. For they are lawful to the Muslim, however, Muslim women are forbidden to their men.” It has been related by Abdu ibn Humayd on the authority of Qatada regarding His words: “*Do not marry women idolaters until they believe.*” “Allah has made lawful for us the two chaste women, that is the chaste among the believing women and the chaste among the women of the People of the Book, however our women are forbidden for them, while their women are lawful to us.”

It has been related by Ibn Jareer on the authority of Jaabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace said:

نَتَزَوَّجُ نِسَاءَ أَهْلِ الْكِتَابِ وَلَا يَتَزَوَّجُونَ نِسَاءَنَا

“We can marry the women of the People of the Book, but they cannot marry our women.” It has been related by Abd’r-Razaaq and Ibn Jareer on the authority of Umar ibn al-Khattab that he said: “The Muslim male can marry the Christian woman, but the Christian male cannot marry the Muslim female.”

It has been related by Ibn Jareer on the authority of al-Hassan al-Basri, that he was asked: “Can a Muslim man marry a woman from the people of the Book?” He said: “What concern should he have with the people of the Book, when Allah has made Muslim women abundant! But if he has to do so, then he should make a contract of marriage with a woman that is virtuous and not with one who is shameless.” The man said: “And what is a woman that is shameless?” He said: “She is the women who when a man cast a furtive glance with his eyes at her, she immediately follows him.”

Conclusion: On the Treatment of Differences Among the Scholars

If you have understood all that has been delineated above, then you have realized that the majority of the scholars say that it is lawful for a Muslim man to marry a free woman from the People of the Book who is virtuous and acting in accordance with values of her religion. They are unanimous about the prohibition of Muslim women marrying the men from the People of the Book until they accept Islam. The minority view is that it is unlawful or reprehensible to marry the women from the People of the Book, especially when Muslim women are abundant. This is due to the danger that they can bring upon the Muslims, either physically or culturally. All of these differences have their legal ruling based upon the verses of the *Qur'an* and the sound traditions of the *Sunna*.

Shehu Uthman Dan Fuduye', may Allah be merciful to him, in his *Ihya's-Sunna wa Ikhmad'l-Bid'a* (the Revival of the *Sunna* and Destruction of Heretical Innovation), where he said:

"*Shaykh Izza 'd-Deen* ibn Abd as-Salaam said, "Objection (*inkaar*) can only pertain to that about which there is agreement concerning its obligation (*i'jaab*) or its prohibition (*tahreem*). Whoever avoids doing that which there is a difference of opinion concerning its obligation; or performs an act in which there is a difference of opinion concerning its prohibition (while following the scholars in that) - then there is no objection against him. There can only be objection to him if he is following the scholar in an issue whose legal judgment has been repealed (*yunqudu*). If he is ignorant of that, there is no objection against him. However, there is no harm in guiding him to what is more correct. There is no objection to him because he is not committing something clearly forbidden. This is because it is not incumbent upon him to follow the one who says it is forbidden (*at-tahreem*) nor is it incumbent upon him to follow the one who says it is an obligation (*al-ijaab*)."

This is with regard to the differences among the *mujtahid imams* and does not include differences that may occur between students of knowledge and those who have not attained the status of being *aalim*. The *Shehu*, may Allah be merciful to him, went on to say:

"Ibn al-Hindi said, "Do not oppose everyone who passes judgment concerning a problem from the issues of the branches of the *deen*, except when you are certain that his judgment contradicts the *Qur'an* or the *Sunna*. If you are not certain of that, then do not raise objection to his judgment. Even when you realize that his judgment contradicts the *Mudawwana* or other books of jurisprudence."

The above is explicit in establishing that the *Quran* and the *Sunna* are the grid by which all differences are measured and assessed. *Shaykh* Ibn at-Taymiyya said in his *as-Siyaasat 's-Shari'a*:

" وَإِنْ كَانَ أَمْرًا قَدْ تَنَازَعَ فِيهِ الْمُسْلِمُونَ، فَيَنْبَغِي أَنْ يَسْتَخْرَجَ مِنْ كُلِّ مِنْهُمْ رَأْيَهُ، وَوَجْهَ رَأْيِهِ، فَأَيُّ الْأَرْأَاءِ كَانَ أَشْبَهَ بِكِتَابِ اللَّهِ وَسُنَّةِ رَسُولِهِ عَمَلٍ بِهِ، كَمَا قَالَ اللَّهُ تَعَالَى: [فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا]"

“If there is a matter in which the Muslims dispute it is incumbent for each of them to present their opinion and the opposing opinion. Then whichever opinion bears the most resemblance to the Book of Allah and the *Sunna* of His messenger should be acted upon. Just as Allah ta`ala says: ‘*When you dispute about a matter then refer it back to Allah and His messenger if indeed you believe in Allah and the Hereafter. This is best and the most excellent refuge.*’”

Shaykh Abdullahi dan Fuduye’, may Allah be merciful to him, explained in his Diya ‘t-Ta’weel Fi Ma`ana ‘t-Tanzeel about the meaning of the above mentioned verse:

" (فإن تنازعتم) اختلفتم (في شيء فردوه إلى الله) أي إلى كتابه (والرسول) مدة حياته وبعده إلى سنته أي اكتشفوا عليه منهما (إن كنتم تؤمنون بالله واليوم الآخر ذلك) أي الرد إليهما (خير) لكم من التنازع والقول بالرأي (وأحسن تأويلاً) مآلاً "

“[When you dispute] that is disagree [about a matter then refer it to Allah] that is to His Book [and His messenger] during his lifetime and after him to his *Sunna*; that is examine the differences in the light of these two. [If indeed you believe in Allah and the Hereafter. [This] that is referring it to Allah and His messenger [is best] for you than disputation and speaking from one’s own opinion. [and the most excellent refuge] that is place of retreat.”

Based upon the above it is incumbent upon us to step back from our own opinions and examine them in the light of the *Qur’an* the *Sunna* and the opinions of the early community. If we are to be successful we have to follow in the footsteps of those who were successful. Allah ta`ala has says in His Infallible *Qur’an*:

" ومن يشاقق الرسول من بعد ما تبين له الهدى ويتبع غير سبيل المؤمنين
نولّه ما تولّى ونصله جهنّم وساءت مصيراً "

“Those who oppose the Messenger after the guidance has been made clear unto him and then follows other than the way of the believers; We shall appoint him to that unto which he himself has turned, and expose him to Hell - an evil destiny.” Shehu Uthman Dan Fuduye’, may Allah be merciful to him, said about this in his Ihya’s-Sunna:

“Realize, that it is incumbent upon you to adhere to the Book, the *sunna* of the Messenger of Allah - may Allah bless him and grant him peace, what the Companions, the *Taabi`uun* and the *Taabu`at-Taabi`een* used to do in their lofty condition and their praiseworthy lives. They were the ones whose virtue the Prophet, may Allah bless him and grant him peace, testified to. Therefore, whatever they did, we will do; and whatever they avoided, we will avoid. It is obligatory (*yajibu*) upon everyone who desires to pursue the way of salvation (*tariq an-najaat*) to search into their lives and conditions, examine their sayings and deeds, focus his attention on them, urge his *nafs* to earnestly behave in accordance with what they were upon, keeping away from what others have invented after them without turning aside towards it; but saying if he sees anything invented after them - ***If it were good, they would have done it before us.***” Whoever follows their path will certainly reach where they reached, and whoever deviates from it, it will be said to him - “Away, away with you!” Al-Faakihaani, may Allah be merciful to him, said, “In these words is sufficient eloquence for he

whom Allah has illuminated his inner vision. We have understood from this that the Prophet, may Allah bless him and grant him peace, did not depart except after preparing the way for the *deen* and clarifying it; after laying the foundation of its principles and fundamentals; and after making plain what was needed from the five legal judgments (*al-ahkaam 'l-khamsa*). Therefore, strive after the Book of Allah ta`ala, then after the *sunna* of the Prophet, may Allah bless him and grant him peace, then after the *sunna* of his Companions, may Allah be pleased with all of them. Everything that is in the Book of Allah ta`ala and the *sunna* of His Prophet, may Allah bless him and grant him peace; everything that his Companions did (may Allah be pleased with all of them), and those who follow them in excellent deeds until the Day of Judgment - that is the *deen* of Allah which we are required to adhere to. And whatever contradicts that is heretical innovation (*bid'a*) and error (*dalaala*) that will be cast back at its perpetrator without being accepted. For if there had been good in that, then the Prophet, may Allah bless him and grant him peace, would have called our attention to it. This is so because he was extremely eager and desirous of guiding his *Umma* and desiring the good for them. May Allah reward him with the best of what He has rewarded a Prophet on behalf of his *Umma*.”

Therefore the *ahl al-hall wa al-`aqd* (those loose and bind) of the Muslim in Amerikkka should be extremely careful in not neglecting something that was known to be the practice of the early community and abandon it for something else. For all good is in adherence to the *Sunna* and all evil is in heretical innovations. The success or failure of Islam in Amerikkka depends upon us establishing a confederation whose opinions are as close as possible to that of the *Qur'an* the *Sunna* and the views of the early community. Success is with Allah.

أبو الفا عمر محمد شريف بن فريد

Abu Alfa Umar Muhammad Shareef bin Farid

The Amir of the Jama`at of Shehu Uthman Dan Fuduye' in Amerikkka
Wednesday, July 21, 2004 (*Jamada 't-Thani* 4, 1425)

