# A Reappraisal of Attitudes to the 'People of the Book' in the Qur'ān and *ḥadīth*, with Particular Reference to Muslim Fiscal policy and the Covenant of 'Umar

by: Mahmood Hassaan al-Denawy

**A thesis submitted in fulfilment of the requirements for the award of the Degree of Doctor of philosophy of Durham University**

The copyright of this thesis rests with the author or the university to which it was submitted. No quotation from it, or information derived from it may be published without the prior written consent of the author or university, and any information derived from it should be acknowledged.

October 2006

School of Government & International Affairs
**IMEIS**
University of Durham, Durham
United Kingdom

17 APR 2007



# Abstract

This thesis is partially a study of the references in the Qur'an to the People of the Book which, for Muslims, represent the theoretical groundwork of relations with them. It also considers the practical aspect of such relations as reflected in the Prophet's relationship with the People of the Book during his life. In this way, it combines both the theory represented by the Qur'an and the practical application of the same by the Prophet. By looking at these two aspects, the study aims to provide a more comprehensive perspective of the characteristics of the Qur'ānic attitude towards the People of the Book, and to counter and correct some of the numerous misrepresentations and misunderstandings that have existed throughout history regarding the image of the Qur'ān in the minds of Muslims and non-Muslims.

Besides, the thesis is concerned with the study of the Muslim attitude towards the People of the Book (*ahl al-Kitāb*) in general and Jews and Christians in particular. It conducts detailed research based on primary sources illustrating the Qur'ān and *ḥadīth*. This formed the conceptual framework of Muslim treatment of non-Muslims. Part of this thesis will be dedicated to study 'Umar Ibn al-Khaṭṭāb's treatment of non-Muslims. In order to provide more support for an accurate picture of 'Umar's treatment of Jews and Christians, the study further analyses some historical episodes of his treatment of Jews and Christians.

The study discusses and analyses the steps taken by Prophet Muḥammad and 'Umar Ibn al-Khaṭṭāb towards both Jews and Christians in early Islam. As 'Umar's assurance of safety defines the status of Christians communities under the new Muslims rule and established the foundations of the way Muslims should follow when treating People of the Book in Islam, the study examines and critically analyses the Islamic taxation system introduced by Prophet Muḥammad and 'Umar. The debatable covenant of 'Umar will also be discussed. Finally, the study concludes with a final discussion and summary of the findings, together with some critical remarks and recommendations.

## Declaration

The author of this thesis declares that none of the material of this thesis has been previously submitted to this or any other university and the works of others have been acknowledged.

# Acknowledgements

First, all praise and thanks are due to Allah. I owe many people great deal of gratitude for their support. First of all, I take this opportunity of expressing my deep sense of gratitude to my supervisor Dr. Colin P Turner under whom I worked and from whom I have profited in the preparation of this work without his help and supervision this work would not have come to fruition. I am grateful to him. My thanks is due also to other members of the School of Government & International Affairs, the staff at Durham University Library, and the University ITS staff for their help.

I should be grateful to my sponsor, the Egyptian Cultural and Educational Bureau in London for their support. Most of all, my heartfelt gratitude is due to my wife, and to my children: 'Umar, Maryam, and Ibrahīm. Without their continuous support and unceasing sacrifices, I would have never been able to write this thesis.

My thanks is due to my mother, brothers, and sisters for their prayers and support. Last, I should thank all my colleagues in Durham University. They are too many to mention here. Therefore, I apologize if they are not singled out here

# Dedication

I dedicate this work to my mother who has been patient during my long absence outside the country, to the memory of my father, to my wife for her support and patience, and finally to my beloved children ‘Umar, Maryam, and recently Ibrahīm.

# Table of contents


Introduction .....1

**Chapter One: The People of the Book in the Qur'ān**.....6

1.1Introduction .....6
1.2.1 Who are *ahl al-Kitāb?*.....8
1.2.2 *Ahl al-Kitāb* and *ahl al-Dhimmah* .....10
1.3 The Qur'ānic approach to the People of the Book.....11
1.4 What does the Qur'ān say about the People of the Book?.....12
1.5 The chronology of the Qur'ān.....13
1.6 The Meccan period.....19
1.6.1 The Qur'ānic verses that praise the People of the Book .....21
1.6.2 Biblical prophets in the Qur'ān .....21
1.6.3 Features of the People of the Book.....27
1.6.4 Arguing with the People of the Book .....31
1.6.5 Prophecies .....33
1.6.6 The Qur'ānic verses that criticise the People of the Book ...34
1.6.7 Beliefs .....34
1.6.8 Scriptures .....36
1.6.9 The Children of Israel (Banū Isrā'īl).....38
1.7 The Medinan period .....40
1.7.2 Verses in praise of the People of the Book .....41
1.7.3 Reward in the Hereafter .....41
1.7.4 Preaching of Islam.....43
1.7.5 Characteristics of the People of the Book .....46
1.7.6 Equality with other groups .....50
1.7.7 Domestic relations.....52
1.7.9 Affinity with Muslims .....55
1.7.8 Scriptures of the People of the Book.....56
1.8 Verses that criticise the People of the Book .....58
1.8.1 Perverting God's words and breaching His covenant.....59
1.8.2 Wishes of the People of the Book .....64
1.8.3 Allegations.....67
1.8.4 The attitude of the People of the Book towards prophet Muḥammad .....72
1.8.5 Attitude of the People of the Book towards Muslims .....75
1.8.6 Concealing the truth .....79
1.8.7 Contradictions and disagreements.....82
1.8.8 Dealing with scriptures .....85
1.8.9 Beliefs .....88
1.8.11 Befriending the People of the Book.....93
1.8.12 The Children of Israel (Banū Isrā'īl).....95
1.9 Meccan or Medinan?.....96

**Chapter Two: People of the Book in the *ḥadīth***.....99

2.1 Introduction .....99
2.2 The definition and meaning of *sunnah* .....99
2.3 The place of *sunnah* in Islamic law.....103
2.4 The definition of *ḥadīth*.....104
2.5 The relation between *ḥadīth* and *sunnah*.....107
2.6 The authenticity of *ḥadīth*.....108
2.7 The range of *ḥadīth* used in this chapter.....111
2.8 The prophetic attitude towards the People of the Book.....112
2.9 The frame of references.....113
2.10 The constitution of Madīnah.....113
2.10.1 Introduction: .....113
2.10.2 Background and importance .....115
2.10.3 Authenticity and date.....118
2.10.4 Articles of the constitution .....122
2.10.5 Effects of the constitution .....125
2.11.1 Introduction .....127
2.11.2 The right to life.....128
2.11.3 Rights of neighbourhood .....131
2.11.4 Commercial transactions with the People of the Book ....132
2.11.5 Greetings.....134
2.11.6 The Prophets of the People of the Book in the *ḥadīth* .....135
2.11.7 Reward in the Hereafter .....138
2.11.8 Similarities with the People of the Book .....139
2.11.9 Political contacts.....142
2.11.10 Armed encounters .....145
2.11.11 The penal code.....150

**Chapter Three: poll tax (*Jizya*)** .....155

3.1 Introduction .....155
3.2 Etymology of *jizya* .....155
3.3 The poll tax in pre-Islam.....158
3.4 The origins of *jizya* in the Qur'ān.....160
3.5 The concept of *jizya* in the *ḥadīth*.....166
3.6 *Jizya* at the time of the Prophet.....169
3.7 The Covenant of *dhimmah* (*'aqd al-Dhimmah*).....169
3.8 The basis of *jizya* in Muslim jurisprudence .....174
3.8.1 *Dār al-Islām, Dār al-Ṣulḥ,* and *Dār al- al-Ḥarb* .....177
*Dār al-Islām*.....177
*Dār al-Ṣulḥ*.....178
*Dār al-Ḥarb*.....178
3.8.2 Types of *jizya* .....179
3.8.3 The amount of *jizya*.....180
3.8.4 When is *jizya* due? .....184
3.8.5 When is *jizya* waived?.....184
3.8.5.1 Conversion and death .....184
3.8.5.2 Failure of protection.....185
3.8.5.3 Elapse of time.....186
4.8.5.4 Participation with Muslims in military activities .....186
3.8.7 *Jizya* today .....188

3.8.8 Is the *jizya* tax oppressive? .....188
3.8.9 The purpose of imposing this tax .....191

**Chapter Four: Land tax (*kharāj*) and tithe (*'Ushr*)** .....194

4.1 Introduction .....194
4.2 Etymology .....194
4.3 *Kharāj* in pre-Islamic times .....196
4.4 The basis of *kharāj* in the Qur'ān .....198
4.5 The concept of *kharāj* in *ḥadīth* .....199
4.6.1 The divisions of land according of *kharāj* .....201
4.7 Types of *Kharāj* .....203
4.7.1 (*kharāj al-Waẓīfah*) (*kharāj* on land and produce) .....203
4.8.2 (*Kharāj al-Muqāsamah*) the proportionate *kharāj* .....204
4.9 The amount of *kharāj* .....205
4.11 When is *kharāj* waived? .....207
4.10 Is *kharāj* the same as *jizya?* .....208
4.13 Tithe (*'ushr*) .....209
4.14 Etymology .....210
4.15 *'Ushr* before Islam .....210
4.16 The basis of *'ushr* in the Qur'ān and *ḥadīth* .....212
4.17 How is *'ushr* viewed in Muslim jurisprudence? .....215
4.18 The amount of *'ushr* .....216

**Chapter Five: The Covenant of 'Umar I** .....219

5.1 Introduction .....219
5.2 The Importance of Jerusalem in history .....219
5.4 Expulsion of Jews from Jerusalem .....223
5.5 The covenant of 'Umar I (Covenant I ) .....224
5.5 An introduction to covenant II .....226
5.6 Authenticity and date of the covenant .....228
5.8 Articles of covenant II .....230
5.9 The different *asānīd* of the covenant .....231
5.9.1 The *isnād* of Abū Yūsuf: (113-182 AH) .....231
5.9.2 The *isnād* of 'Abd al-Razzāq al-Ṣan'ānī (126-211 AH) .....232
5.9.3 The *isnād* of Abū 'Ubayd (157-224 AH) .....237
5.9.4 The *isnād* of Abū Bakr al-Khallāl (234-311 AH) .....238
5.9.5 The *isnād* of Ibn Zabr al-Qāḍī: (255-329 AH) .....239
5.9.6 The *isnād* of Ibn Ḥazm al-Andalusī (384-456 AH) .....241
5.9.7 The *isnād* of al-Bayhaqī (384-456 AH) .....241
5.9.8 The *isnād* of Abū Bakr al-Ṭurṭūshī(451-520 AH) .....242
5.9.9 The *isnād* of Ibn 'Asākir (499-571 AH) .....242
5.9.10 The *isnād* of Ibn Taymiyah: (542-622 AH) .....245
5.9.11 The *isnād* of Ibn Qayyim al-Jawziyyah (691-751 AH) .....245
5.9.12 The *isnād* of al-Qalqashandī, (756-820 AH) Vol: 13, p.357247
5.9.13 The *isnād* of al-Abshīhī (790-850 AH) .....248
5.10 'Umar's I tolerance towards the People of the Book .....248
5.11 Analysis of the covenant .....250
Conclusion .....255

An appendix of the Qur'ānic verses discussed through chapter one .....260
A comprehensive appendix of the Qur'ānic verse that refer to the Jews and Christians .....261
A comprehensive appendix of the traditions found in the Ḥarf Encyclopaedia CD-Rom and which refer to Jews and Christians.264
Bibliography .....271

# Introduction

## The purpose of the inquiry

The need to understand the real attitude of Islam towards the People of the Book is significant. Recently, this subject has received much attention from the Western and Muslim trends. It is one of the persistent issues that still needs more clarification. Ever since its advent 1400 years ago, Islam gave a peculiar attention to the People of the Book. It acknowledges that there is a relationship of mercy between them and Muslims since all having in common the bases of the true religion sent by God to be preached by His messengers. The study in question aims to present the Islamic perception of the People of the Book (*ahl al-Kitāb*), more precisely Jews and Christians. The study shall endeavour to investigate the coexistence between these two groups and Muslims within a specific era.

In general, the attitude toward these People of the Book in the Islamic territories was shaped in principle in accordance with the concept of *dhimma*, meaning protection granted to them by agreement or treaty. In return, their lives and property were protected and, in accordance with the general attitude of Islam to infidels, they were assured liberty of faith and worship. They were also permitted to organize themselves as they wished, and the Jews fully availed themselves of that permission.

Muslim attitude towards the People of the Book seems a wide subject that still occupies a broad-spectrum of opinions ranging from support to opposition. In order to achieve this objective, the researcher has therefore searched through scattered historical writings of different tendencies that are involved, either directly or indirectly on the study. This subject has not been tackled in full before in its present context because, most probably, it might have been not important enough in previous times

like nowadays. It is becoming of a vital importance in our times especially after there have been some misconceptions regarding the Muslim/ non-Muslim relations. This thesis is, however, not entirely dedicated to investigate the legal status of the People of the Book since this subject has already been tackled by some other authors. Nor the objective of which is to describe the long course of events and clashes that occurred throughout different historical epochs. The inquiry tries to analyze the Muslim non-Muslim relations within a specific era and to show to what extent these relations extended. Above all, the study probes to give a brief account of the encounters that had taken place among the followers of the three divine religions within that era. Furthermore, the study suggests that these spiritual kinship relations might be reconsidered on the basis of a religious prospective. The task of the researcher is primarily not to identify the relevant sources concerning the People of the Book, rather, is to gather these sources, analyze them, and bring them together into one separate work. Finally, the thesis aims to present the today's point of view of how Muslims should deal with the People of the Book in the light of the Qur'ān and *ḥadīth*.

## Scope and limitation of the study

The sphere of this study might cover a variety of opinions in Islamic studies. Due to the wideness of this subject, I have to confine myself to two significant periods: i.e. the mission of prophet Muḥammad (571-631 AD/0-11 AH) and the reign of the Caliph 'Umar Ibn al-Khaṭṭāb (13-23 A.H/633-643 A.D). In doing so, the Qur'ān, the traditions of the Prophet will be the main bases of the thesis. The views of the four Sunnī Muslim schools of law and their importance to the subject according to the exigency of their times will be taken into consideration as well. The constitution of Medina that the Prophet concluded with the Jews of Medina is another subsidiary document of the thesis. In addition the practices of the Caliph 'Umar will be reviewed.

The study considers the pact of 'Umar as a document to rely on in constructing the thesis.

## Research Hypotheses

This thesis examines the following three hypotheses related to the People of the Book:

(1) The sphere of the Muslim attitude towards the People of the Book has been so limited in previous writings and is in need for further illustration.

(2) The era of 'Umar Ibn al-Khaṭṭāb and especially his attitude towards the People of the Book has not been covered in full and still needs further discussions

## Research methods

The main aim of the inquiry is to show the Muslim perception of Christianity and Judaism and to confine this to a limited period of time. I have used different method for data collection to achieve the aim of doing this thesis. Methods that have been used are:

### (1) Primary sources

Numerous are those historical classic Arabic and Western works that touch upon this subject. I would begin with the Arabic sources since they form the majority of the different sources upon which the researcher will mainly depend on. I would review those sources according to the structure of my study. The researcher shall use diverse material for this work. That will involve electronic journals, manuscripts, periodicals, and CD-ROMs. The most used one of this kind, which will be the basic material of the second chapter, would be the Harf CD-ROM Encyclopaedia of *ḥadīth*. I have used primary sources in the form of Arabic books, English books, and doctoral theses. Nonetheless, these sources did not involve deeply on the Islamic attitude towards both Jews and Christians to the extent that they might be of a limited value to a researcher.

## (2) Manuscripts

Another method that will be used for this thesis is manuscripts. There is an important manuscript, which is relevant to my study. It is the one written by Ibn Zabr al-Qāḍī (Abū 'Abd Allāh Muḥammad Ibn Aḥmad*)* titled: (s*huurūṭ al-Naṣārā*) the regulations of Christians. It will be used as one of the old *asānīd* which refers to the covenant of 'Umar I. It is within reach at *Dār al-Kutub wa al-Wathāìq al-Qawmiyyah* (The National House of Books and Documents) in Cairo.

## (3) Electronic journals

The last source that will be used in building up this thesis is to choose some electronic journals. My thesis depends slightly on these journals. They present a modern conception of the scope of the Muslim/non-Muslim relations and link them to some contemporary issues. The researcher has made every possible attempt so the thesis could be presented in the present form. All sources of date have been utilized for this thesis.

## Structure of the thesis:

The structure of the thesis is to organize it into five chapters. Each chapter will cover a different angle of the study.

**Chapter one** which is the longest one in the thesis is devoted to the study of the People of the Book as they are presented in the Holy Qur'ān. An analytical study will also be given regarding the meanings of these Qur'ānic references in accordance with the opinions of the selected exegetes of the Qur'ān. The chapter will divide these verses into themes taking into consideration the different periods of the Qur'ān revelation. Mainly it will look at the verse that praise the People of the book on the one hand, and on the other hand will refer to the verse that criticise them

**Chapter two** will refer to the prophetic traditions pertaining to the people of the Book. The chapter will deal with other relevant issues that reveal how the People of the Book are presented in the *adīth* literature. This will include the covenant of protection (*'aqd al-Dhimmah*) and the constitution of Medina that the prophet concluded with the Jews of Medina. The chapter will deal with the People of the Book through different subjects that relate to them.

**Chapter three** focuses on Poll tax (*jizyah*) imposed on the People of the Book. This chapter will take into consideration the following points:

The amount of this tax, did this amount vary from the time of the prophet till the caliphate of 'Umar I, who was exempted and the basis behind this tax? Why should the people of the Book pay such tax? Was there any other kind of taxes imposed on the people of the Book? The opinions of Muslim schools of law regarding these taxes will also be assessed.

**Chapter four** will view the other two kinds of taxes i.e. Land Tax (*kharāj*) and tithe (*'ushr*). The chapter will show the basis of these two taxes, their application, and when they started. The opinions of the four Sunnī Muslim schools of law will be taken into consideration as well.

**Chapter five** is mainly concerned with the covenant of 'Umar. This will include:

a brief history of Jerusalem, its importance, and the reasons that caused the Caliph to conclude this covenant, the different *asānīd* (chain of narrators) of this covenant, and its authenticity. An analytical study on the covenant of 'Umar will be given at the end of this chapter.

# Chapter One: The People of the Book in the Qur'ān

## 1.1 Introduction

Islamic law confers special legal status on two major religious groups, Jews and Christians (*ahl al-Kitāb*) by designating them as protected communities. They enjoy this status which accord them several privileges. In the study of the Qur'ān, it can be said with full accuracy that it has various verses that refer to the followers of other religions. This could be found out through the entire verses that deal with different themes related to this issue. The People of the Book is among the important subjects to which the Qur'ān gives a special attention, and to which dedicated a large number of its verses.

This chapter is an attempt to describe and understand how the People of the book are viewed in Qur'ān. This will involve the two periods of revelation i.e. the Meccan and Medinan. The verses gathered here represent different themes and objective that have run through the Qur'ān. The aim of this chapter is not to add to the numerous works on the Muslim/ non-Muslim relations; rather, to study the Qur'ānic perceptions of both Jews and Christians. A large number of the Qur'ānic verses refer to Jews, particularly during the time of Prophet Moses. This is a wide subject to be tackled here and it has previously been done by other authors. Hence, the emphasis here will be mainly on the verses that refer to the Jewish and Christian communities during Prophet Muḥammad's time. Another objective is to give more clarification to some misconceptions that have arisen due to the lack of understanding the right contexts of the verses.

Although the phrase *ahl al-Kitāb* (People of the Book e.g. 2:105 and 3:65) occurs in various contexts and with different attributes and is most frequently used, another common phrase which has the same significance is *al-Ladhīna ātaynāhum al-Kitāba*

(those to whom we have sent the Book) and examples are found at: 2: 121; 13:36; 28:52. As Saritoprak argues, the term *ahl al-Kitāb* has a positive meaning. He explains:

> The Prophet's use of the term *ahl* for his family showing that the quranic approach to the Christians and Jews, using the same word, is tender and highly respectful. The Qur'ān, by calling the adherents of Judaism and Christianity *ahl al-Kitāb* pointing out that they have a scripture and that they read.[1]

Similarly, *al-Ladhīna 'ūtū al-Kitāb* (those who had received the Book to be found at: 3:131, 5:5, and 74:31) occurs throughout the Qur'ān and refers mainly to the People of the Book. There are two ascriptions to the People of the Book, both appearing only once in the Qur'ān; the first one is *al-Ladhīna 'ūtū al-'Ilm* (those who were given knowledge 17: 107) and the second one is *al-Ladhīna yaqr'ūna al-Kitāba min qablika* (those who have been reading the Book from before you 10:94).

Furthermore, People of the Book are referred to as *ahl al-Dhikr* (people of knowledge who possess the Message, 16: 43; 21:7). They are referred to as such due to the fact that they are the only group of people besides the Muslim to have a "book" revealed to them. The Christians had their "book" revealed to them through Jesus ('Īsa) and the Jews through Moses (Mūsa). In addition, both groups are called banū Isrā'īl (the Children of Israel). Although some verses use this expression to denote only Jews during Prophet Moses's mission (2:40-47, 5:70, 7:137), others use it to refer to Christians during Prophet Jesus's mission (3:49, 5:110, 61:6-14). While the Qur'ān, on the one hand, defines Jews as *al-Ladhīna hādū* ( those who followed the Jewish scriptures, 6:146; 16:118, 2:65; 5:41, 44, 69), *aṣḥāb al-Sabt* (people of the Sabbath 1:63; 16:124; 2:65 ), and *al-Yahūd* (e.g. 2:113, 5:82, and 9:30), Christians, on the other hand, are called *ahlu al-Injīl* (People of the Gospel, 5:47) and *al-Naṣārā* (e.g.

[1] Saritoprak, Zeki. Said Nursi's teachings on the People of the Book, *Islam and Christian-Muslim relations,* 11(3), 200, 321-332.

2:62, 5:18, and 9:30). Some Muslim and Western writings call them *ahl al-Dhimmah* (those who have a covenant of protection with Muslims). Although different authors frequently use this term, it never appears in the Qur'ān in any form. Different works of the Qur'ān exegesis have been chosen to show the Qur'ānic attitude towards the People of the Book. This will include classical and modern exegetes who represent different schools of thought.

In this connection, Gilliot assumes that some early works dealt with the exegesis of the Qur'ān. They are: *kitāb fī al-Āthār wa ṭurūf al-Tafsīr* of Ibn Jurayj (d.150), following Mujāhid, 'Aṭā b. Abī Rabāḥ, (d.114), and the disciples of (*aṣḥāb)* of Ibn 'Abbās, then the book of Mu'ammar b. Rāshid al-Ṣan'āni, (d.154) on the prophetic tradition and the *Muwaṭṭa'* of Mālik b. Anas (d.179).[2] Similarly, Gātje states that the first work of this kind was of Ibn 'Abbās. Gātje further adds that among his pupils who wrote independent works were: Sa'īd b. Jubair (d. 713), Mujāhid b. Jabr (d.721), 'Ikrimah (d.724), 'Aṭā b. Rabāḥ (d.732), and Abū Ṣāliḥ Bādhām (d.719). According to the same author, some other exegetes of the first *hijri* century who followed Ibn 'Abbās footsteps were: al-Ḥassan al-Baṣrī (d.728), Qatādah b. Di'āma (d.730), and Muḥammad b. Ka'b al-Qurẓī (d.735 or later).[3]

### 1.2.1 Who are *ahl al-Kitāb?*

The Qur'ān reconfirms the fact of earlier revelations from God and hence it gives to the adherents of "Torah" and "Injil," Jews and Christians, the appellation of "*ahl-al-Kitāb*," the people of the revealed scriptures. Though the Qur'ān explicitly identifies the Jews and Christians as "*ahl al-Kitāb*", the term in its general import and implicit Qur'ānic allusions extends to all religious traditions which might concur with

---

[2] Gilliot, Claude. The beginnings of Qur'ānic exegesis, in: Rippin, Andrew. *The Qur'an formative interpretation.* Aldershot: Ashgate, 1999, pp. 3-4.
[3] Gātje, H. *The Qur'ān and its exegesis: selected texts with classical and modern Muslim interpretation.* London: Routledge and Kegan Paul, 1976, p.33.

identifying their religious sources as derived from one and the same Divine source. While the concept of the People of the Book was originally coined to refer to the major monotheistic traditions in the Arabian milieu, some jurists attempted to expand the term theologically to include other groups such as the Zoroastrians in Iran and Hindus and Buddhists in India as the Islamic tradition spread outside the Middle East and Muslims encountered other religious traditions. With the spread of Muslim rule over Asia, India, and Africa, some Muslim jurists later included both Hindus and Buddhists in the category of "*ahl-al-Dhimma*" which, by extension, absorbed all non-Muslims who chose to be the subjects of the Muslim rule. When we try to define the term *ahl al-Kitāb*, it should be noticed that the meaning of this term varies through decades. Literally, People of the Book refers to the followers of divine revelation before the emergence of Islam. Thus, as Cohen states *ahl al-Kitāb* are those non-Muslims recognised by Prophet Muḥammad as recipients of a divinely revealed scripture.[4]

Waaredenburg explains that *ahl al-Kitāb* denotes: "Jews and Christians who, according to the Qur'an, received revealed scriptures just as Muslims received the Qur'an. Through Moses, the Jews received the *Tawrāt;* through Jesus, the Christians received the *Injil*."[5] Muhhibu-Din gives a more detailed definition: "it is the term used for the people who profess a religion recognized by Islam to have been of divine origin. Among these people are the Jews, Christians, Sabaeans, and Zoroastrians or Magians."[6] He demonstrates that they are entitled to protection of their religion, culture, social, economic, and political institutions and their property.[7]

---

[4] Cohen, Mark. R. *Under Crescent and Cross*. Princeton, N.J: Princeton University Press, 1994, p. 52.
[5] Waaredenburg, Jaques. *Muslim perceptions of other religions (a historical survey)*. London: Oxford University press, 1999, p. 6.
[6] Muhhibu-Din. M. A, Principles of Islamic polity towards *ahl al-Kitab* and religious minorities. . *Journal of Muslim minority affairs*, 2004, 24 (1), 163-174.
[7] Ibid, 165.

Khadduri argues that the term applies to all non-Muslims who possess a scripture whether or not they live in the abode of Islam (*dār al-Islām*).[8] Finally, Mcauliffe states that the term *ahl al-Kitāb* is:

> A quranic term used to designate both Jews and Christians. The term has also alternative forms that do not change its fundamental meaning, that is to say people who possess a "book" presumably of divine origin or to who such a book or part of it was given.[9]

The term *ahl al-kitāb* is mentioned in the Qur'an twenty-four times, referring to Christians and Jews in particular. The context of these Qur'ānic references varies. Some of these verses praise the People of the Book for their righteousness and good deeds and faith in the afterlife (3.113). Other verses rebuke them for not following the way of God (3.99). A group of these verses invite the People of the Book to a common ground between Muslims and themselves (3.64). Another group of these verses indicates an intimate relationship between Muslims and Christians (5.82). These references and others will be thoroughly discussed in the following sections.

Admittedly, not all Muslims were comfortable with the broadening of the term "People of the Book" to include religious scriptures and traditions not mentioned specifically by name in the Qur'ān, but the fact remains that these types of interpretations were made possible by the pluralistic nature of the Qur'ānic worldview.

### 1.2.2 *Ahl al-Kitāb* and *ahl al-Dhimmah*

Some authors use the two terms interchangeably, but in fact, they have different connotations. "*Ahl al-Kitāb*" is a Qur'ānic designation meaning "People of the Book" and refers to Jews, Christians and other faith communities whom Muslims believe received divinely-revealed scriptures in history. Furthermore, the term establishes a spiritual kinship among the monotheistic faith traditions that hold Abraham as a

---

[8] Khadduri, M. *War and peace in the law of Islam*. Baltimore: Johns Hopkins Press, 1955, p.176.
[9] Mcauliffe, Jane Dammen. *Encyclopaedia of the Qur'ān*. Leiden: Brill, 2001, 4:38.

patriarch. The term "*ahl al-Dhimma*" or "*dhimmīs*" as will be seen refers to communities of non-Muslims (Jewish, Christian or otherwise) who came under Muslim rule historically and accepted a "protected" status that allowed them to continue practicing their faith without hindrance.

### 1.3 The Qur'ānic approach to the People of the Book

Before embarking on a discussion of the process that the Qur'ān adopts to approach this theme, a number of preliminary observations should be made. Prophet Muḥammad had been preaching Islam for almost thirteen years before he came into extensive contact with Jews and Christians. The Qur'ānic perception of other religions in general and the People of the Book in particular has a theological significance for Muslims. It shows a sympathetic attitude towards Jews and Christians, who share the same monotheistic belief as Muslims. Waardenburg shows the Qur'ānic attitude towards some Christian aspects and maintains that: "the quranic attitude toward Christian piety and spirituality is essentially one of recognition and respect."[10]

Broadly speaking, Islam does not oppose any of the divine religions. It does not oppose Judaism; on the contrary, it acknowledges prophets such as Abraham, Isaac, and Jacob. It recognises Moses and the Book that was revealed to him.[11] People of the Book in the Qur'ān are so broad a subject that needs to be broken down into more manageable divisions. It should be noted that the revelation of the Qur'ān occurred piecemeal, over a period of twenty-three years, sometimes in brief verses and sometimes in longer chapters. In attempting to give an account of the overall structure of the *sūrahs*[12] of the Qur'ān which refer to the People of the Book, this section will be

---

[10] Waaredenburg, op. cit, p.123.
[11] Al-Faruqi, Ismail Raji. *Jerusalem the key to world peace*. London: Islamic Council of Europe, 1980, p.77.
[12] The word *sūrah* refers to one of the 114 chapters of the Qur'ān. Literally, it means "row" or "fence" and it appears nearly nine times in the Qur'ān.

divided into two parts. Firstly, it will look at verses that exalt the People of the Book, giving them some rights equal to those of Muslims. Secondly, verses that criticise them and do not put them on equal terms with their Muslim counterparts.

These Qur'ānic verses are further subdivided: **(1) the Qur'ānic verses** that were revealed at Makkah[13] (Meccan verses 609-22 A.D) where Prophet Muḥammad began his mission. **(2) The Qur'ānic verses** that were revealed at Madīnh (Medinan verses 622-632 A.D) after Prophet Muḥammad's emigration from Makkah to Madīnah 622 AD. The sole purpose of this classification is to give a sense of how the Qur'ān treats these verses which vary in the way of addressing the People of the Book. In modern prints of the Qur'ān the terms "Meccan" or "Medinan" are placed after the title of each chapter *"sūrah"* to indicate the phase of Prophet Muḥammad's life in which this *sūrah* was revealed.

### 1.4 What does the Qur'ān say about the People of the Book?

It should be noted that the Qur'ān, through the entire *sūrahs,* never addresses the People of the Book without saying "O People of the Book" or "O you have been given the Book", showing thereby that they are of a revealed religion. It has been previously mentioned that the Qur'ān has two ways of dealing with the People of the Book, that is praising or criticising them. To this issue Abdel Haleem states:

> Christians and the Jews who lived among an overwhelming Muslim majority are referred to in the Qur'an , by using the honorific term *ahl al-Kitāb* ( the 'People of the Book') not as 'minorities', in the way that other religious groups in the West, are described.[14]

In the Qur'ān, both Jews and Christians are often referred to as among the "People of the Book," that is people who have received and believed in previous revelation from

---

[13] The researcher will replace the words Mecca and Median with the original Arabic words as they are pronounced in Arabic i.e. Makkah and Madīnah.
[14] Abdel Haleem, M. *Understanding the Qur'ān*. London: Tauris, 1999, p.73

God's prophets. There are verses that highlight the commonalities between Jews, Christians, and Muslims. Other verses warn Jews and Christians against sliding towards polytheism in their worship. Thus, the Qur'ān's approach to this subject takes different approaches. It deals with many issues that relate to the People of the Book, the first and foremost being monotheism. It tackles other points such as Creation, the Holy books of the People of the Book and their prophets, the Day of Judgement and resurrection, and the history of their encounters with Muslims. These points will be illustrated in full in the following sections. Moreover, the Qur'ān shows the People of the Book's attitude towards Prophet Muḥammad and Muslims.[15] Remarkably, the Qur'ān uses two different terms when it refers to Jews. Firstly, banū Isrā'īl (Children of Israel) refers to the ancient Jewish communities during Prophet Moses's mission, and secondly *al-Yahūd* (the Jews) stands for the Jewish community during Prophet Muḥammad's mission. About 100 Qur'ānic verses mention the Jews by name, either as "Jews" or as the "Children of Israel", or yet as "those who followed the right path." Aside from these verses, there are many others that deal with the Jews without mentioning them by name, and only the commentators draw our attention to the fact that the people described in those verses are no other than the Jews.

### 1.5 The chronology of the Qur'ān

The chronology of the Qur'ān has historically been one of many Islamic subjects dealt with only by religious scholars. Since the 19th century, though, it has also been a subject of particular interest to Western Qur'ān scholars. These two groups have different methods and motivations for studying the Qur'ān, but, in both cases there are similarities between their techniques and goals.

---

[15] See the appendix for the Qur'ānic verses that refer to the People of the Book in the two different periods of Prophet Muḥammad's life.

The issue about which there has been much concern is how the Qur'ān was arranged. Was it a revelation to Prophet Muḥammad to arrange the *sūrahs* or was it done according to the individual reasoning (*ijtihād*) of his companions? The main version of the Qur'ān from which all other copies are originated is the one by the third Caliph 'Uthmān.

Other copies were in circulation: the copy of Ubay b. Ka'b (d.639), 'Abd Allāh b. Mas'ūd (d.653), Abū Mūsā al-Ash'arī (d.662), and finally the copy of al-Miqdād b. 'Amr (d.653).[16] The chronology followed in these copies is the same apart from the difference in words due to the dialects. Furthermore, Bell shares the same opinion and maintains that four copies of the Qur'ān that were in circulation between Muḥammad's death and the formation of a definitive text. These are: that of 'Ubay b. Ka'b whose reading was followed by the people of Syria, that of 'Abd Allāh b. Mas'ūd whose reading was followed by the people of Kūfah (Iraq), Abū Mūsā al-Ash'arī whose reading was followed by the people of Baṣrah, and that of al-Miqdād b. 'Amr whose reading was followed by the people of Homṣ.[17] The chronology of the Qur'ān, apart from the current one that most Muslims know, has witnessed change in the last few decades. Commenting on the issue of the current chronology of the Qur'ān, Abel Haleem states:

> The form of the Qur'an still, to this day, follows this original arrangement without any alteration or editing. It is not historical in its arrangement, nor bibliographical, nor in the form of lectures, nor a book cited and arranged by scholars.[18]

In contrast, Nöldeke and Blachère, whose works are frequently used in Qur'ānic studies, are among contemporary European authors who rearranged the *sūrahs* of the Qur'ān according to the time of revelation.

---

[16] Gātje, op. cit., pp.24-25.
[17] Bell, Richard. *Introduction to the Qur'an*. Edinburgh: Edinburgh University Press, 1953, p. 40
[18] Abdel Haleem, op. cit., p.4

Nöldeke observed a progressive change of style from exalted poetical passages in the early years to long prosaic deliverances later. He followed the Islamic tradition in recognizing a division into *sūrahs* which were revealed at Makkah and those which are revealed at Madīnah. The following is Nöldeke's chronological order of the *sūrahs*:[19]

Meccan *sūrahs*.

First period (from the first to the fifth year of Muhammad's mission):

96, 74, 111, 106, 108, 104, 107, 102, 105, 92, 90, 94, 93, 97, 86, 91, 80, 68, 87, 95,

103, 85, 73, 101, 99, 82, 81, 53, 84, 100, 79, 77, 88, 89, 75, 83, 69, 51, 52, 56, 70, 55,

112, 109, 113, 114, 1

Second period (the fifth and sixth year of his mission)

54, 37, 71, 86, 44, 50, 20, 26, 15, 19, 38, 36, 43, 7le of2, 67, 23, 21, 25, 17, 27, 18

Third period (from the seventh year to the flight)

32, 41, 45, 16, 30, 11, 14, 12, 40, 28, 39, 29, 31, 42, 10, 34, 35, 7, 46, 6, 13

Medinan *sūrahs*

2, 98, 64, 8, 47, 3, 61, 57, 4, 65, 59, 33, 63, 24, 58, 22, 48, 66, 60, 110, 49, 9, 5

Nöldeke and Blachère are not the only authors to adopt this method of rearranging the *sūrahs*. Al-Syūṭī states that 'Alī b. Abī Ṭālib the fourth Caliph arranged the *sūrahs* according to the time of revelation.[20] It is important to refer to the chronology of the Qur'ān, as this will lead us to understand how the Qur'ān approaches the People of the Book. In this connection, Marshall explains:

> While Nöldeke tends to treat *surhas* as unities, implying that they always existed as such, Blachère acknowledges Bell's basic points that the surahs should be seen as compilation of smaller literary units, and the later passages have sometimes clearly been inserted into earlier ones.[21]

---

[19] Müller, F. Max. *Sacred books of the East*, Oxford: Clarendon Press, 1880, VI: IXIV. Please note that the numbers written in Muller's work are in Roman figures.

[20] Al-Syūṭī, Jalāl al-Dīn 'Abd al-Raḥmān b. Abū Bakr. *Al-Itqān fī 'ulūm al-Qur'ān*. Beirut: Dār al-Kutub al-'Ilmiyyah, 2001, I:124.

[21] Marshall, David. *God, Muhammad, and the unbelievers*. Richmond: Curzon, 1999, p.21.

In his comment on this issue, Abdel Haleem comments: "If the Qur'an were arranged in chronological order it would have been a biography or historical recorded."[22] Stanton divides the revelation of the Qur'ān into three different periods. Firstly, when the companions migrated to Abyssinia; secondly when Prophet Muḥammad migrated from Makkah to Madīnah, and thirdly when Prophet Muḥammad's mission as a legislator.[23] Marshall summarizes the viewpoints of Blachère and Nöldeke with regard to the chronology of the Qur'ān, and states:

> While Nöldeke tends to treat *surhas* as unities, implying that they always existed as such, Blachère acknowledges Bell's basic points that the surahs should be seen as compilation of smaller literary units, and the later passages have sometimes clearly been inserted into earlier ones.[24]

In addition, Bell claims that Nöldeke distinguishes two periods in the composition of the Qur'ān that is Meccan and Medinan. Within the Meccan period Nöldeke distinguishes three sub-periods into which the *sūrahs* are grouped:

1- Those of the first are mostly short and full of imagery.

2- The transition from the sublime enthusiasm of the first to the greater calmness of the third.

3-The use of the word al-Raḥmān is dropped but other characteristics of the second are intensified.[25] In the same regard, Rodwell adopts Nöldeke's method to arrange the *sūrahs* according to the time of revelation. According to other classical exegetes, the Qur'ān did not witness any change in the matter of chronology. Rather, Prophet Muḥammad is reported to have ordered his companions to place the verses and *sūrahs* in the form we see now. Danner is credited with the following "while the arrangement of the verses and *sūrahs* of the Qur'ān seem be to be the work of Prophet Muḥammad

---

[22] Abdel Haleem, op.cit., p.10.
[23] Stanton, H U. *The teachings of the Qur'ān*. London: Central Board of Missions and Society for Promoting Christian Knowledge, 1919, p.16.
[24] Marshall, op. cit., p.21.
[25] Bell, op. cit., p.101

himself, it is in reality the work of the spirit acting through Muḥammad."[26] Al-Syūṭī explains that scholars differ whether *sūrahs* were arranged by the companions or by Prophet Muḥammad himself but they agreed that the compilation of verses to make one *sūrah* was done by him.[27] To the same issue Azami states:

> Only the Prophet, through divine privilege and revelation, was qualified to arrange verses into the unique fashion of the Qur'ān, being the only privy to the will of Allāh. Neither the Muslim community at large nor anyone else had any legitimate say in organising the Book of Allāh.[28]

Furthermore, Azami, while referring to some exegetes, summarises that the Qur'ān was arranged as follows:

1. The arrangement of all *sūrahs* goes back to the Prophet himself

2. The entire Qur'ān was arranged by the Prophet except *sūrah* 9 which was placed by 'Uthmān.

3. Arrangement of *sūrahs* was done by Zaid b. Thābit.

4. The Prophet arranged some of the *sūrahs* while the rest were done by some companions.[29]

As for the collection of the Qur'ān, al-Ushayqer states that it was collected in three stages. The first stage was during Prophet Muḥammad's lifetime. Extremely diverse materials were used for this first record: parchment, leather, wooden tablets, camels' scapula, and soft stone for inscriptions. The second stage was during the caliphate of Abū Bakr especially after the battle of Yamāmah (during the wars of apostasy *ridda* A.H 12) where a large number of those who knew the Qur'ān by heart died. The third stage was during the caliphate of 'Uthmān when a complete volume of the Qur'ān was

---

[26] Danner, Victor. *The Islamic tradition.* Amity, N.Y: Amity House, 1988, p.63.
[27] Al-Syūṭī, Jalāl al-Dīn 'Abd al-Raḥmān b. Abū Bakr. *Al-Durr al-Manthūr fī al-Tafsīr bi al-Ma'thūr*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2000, 1: 121-124.
[28] Azami, Mohammad Mustafa, *The history of the Qur'ānic text : from revelation to compilation ; a comparative study with the Old and New Testaments*, Leicester: UK Islamic Academy, 2003, p.70
[29] Azami, op.cit., 73

made for the first time.[30] In contrast, Burton argues that the Qur'ān was collected in three different periods. The first period was during the caliphate of Abū Bakr, the second was during 'Umar's time, and the third was during 'Uthmān's time.[31] Finally, Watt affirms that the Qur'ān was collected in two different periods, that is during the caliphates of Abū Bakr and 'Uthmān.[32] The authenticity of the Qur'ān is another important issue that needs brief analysis. Draz refers to Leblois who affirms: "the Qur'ān is today the only sacred book which does not represent notable variants."[33]

On a similar note, Gātje states: "in general, there is no doubt about the genuineness of the revelations that have been handed down, even if many details concerning the exact wording are problematic.[34] Burton asserts that nothing was accepted as a verse of the Qur'ān until two witnesses bore testimony or it had been heard directly from Prophet Muḥammad.[35] It should be noted that whenever a fragment of the Qur'an was revealed, Prophet Muḥammad called one of his literate companions and dictated it to him, indicating at the same time the exact position of the new fragment in the fabric of what had already been received.

Historians report that Prophet Muḥammad asked his scribes to reread to him what had been dictated so that he could correct any deficiencies. Draz mentions that the he recited the whole of the Qur'an (so far revealed) to Gabriel in the month of Ramaḍān.[36] Commenting on the issue of chronology, Abel Haleem states:

> The form of the Qur'an still, to this day, follows this original arrangement without any alteration or editing. It is not historical in its arrangement, nor bibliographical, nor in the form of lectures, nor a book cited and arranged by scholars.[37]

---

[30] Al-Ushayqer, M. *Lamaḥāt min tārīkh al-Qur'ān.* Beirut: al-Mu'ssasah al-'Ilmiyyyah li al-Maṭbū'āt, 1988, pp.109,149.
[31] Burton, John. *The collection of the Qur'an.* London: Cambridge University Press, 1977, pp.122-123.
[32] Watt, W Montgomery (2004) In Turner, Paul (E) *The Koran critical concepts in Islamic studies,* London; New York: Routledge Curzon I:95-96.
[33] Draz, M.A. *Introduction to the Qur'ān.* London: I. B. Tauris, 2000, p.17.
[34] Gātje, op. cit., p.23.
[35] Burton, op. cit., p.124.
[36] Draz, op.cit., p.15
[37] Abdel Haleem, op.cit., p.4

Before broadly dealing with the Qur'ānic verses that refer to the People of the Book, there is one other major traditional field I would like to examine. This field, which I will term "Meccan/Medinan categorization" for reasons that will become clear, assumed that the *sūrah* is the unit of revelation, at least in most cases. The most common version of this assumption admits that a *sūrah* might not have been revealed all at once, but claims that "most of the passages in a *sūrah* had been revealed about the same time. This theory allows scholars to treat each *sūrah* as a cohesive whole, and thus assign the entire *sūrah* a date or rough period of revelation.

### 1.6 The Meccan period

Muslim tradition holds that Prophet Muḥammad received his first revelation when he was about forty years of age (610 AD). He did not start to preach Islam openly until 613 AD. Ten years later in Makkah, he preached his message of the Oneness of God. This period constitutes an important phase in the Islamic calling where it faced considerable opposition from non-Muslim rivals. In this connection Gabrieli states: "In the Meccan *sūrahs* of the Koran it is possible to follow step by step the impassioned polemic of the prophet against this opposition-part mistrust, part mockery, part obstinate rejection".[38]

The Qur'ānic verses reflect the nature of this period and highlight the attitude towards other religions. Although this period does not detail many confrontations between the followers of the three religions that is Judaism, Christianity, and Islam. This period, according to historical sources, lasted for 13 from 610 AD to 622 AD.[39] It is manifestly clear that the main challenge which faced Prophet Muḥammad during

---

[38] Gabrieli, Francesco. *Muhammad and the conquest of Islam,* London: Weidenfield and Nicolson, 1968, p.51

[39] Gilman, A. *The* Saracen. London: T.Fisher Unwin, 1887, p.445.

this period was to convert the polytheists of Makkah to Islam. The essence of his message was that they should shun idolatry to worship the one true God. If they did not, they would suffer God's chastisement both in this life and in the Hereafter.[40] Thus, the Meccan verses give these issues a primary significance. The early Meccan *sūrahs* are all somewhat similar and concentrate on the issues which first impressed themselves upon Prophet Muḥammad, namely the waywardness of his people, the judgment to come, and the destiny of all men to Heaven or to Hell.

In order to gain a proper understanding of many verses in the Holy Qur'ān, it is important to understand and know the historic context of the revelations. So many revelations in the Qur'ān came down to provide guidance to Prophet Muhammad and the fellow Muslims based on what they were confronting at that time. It is relevant to mention the causes of revelation of these verses, giving their historical context. It should be noted that the division of *sūrahs* into "Meccan *sūrahs*" and "Medinan *sūrahs*" is primarily a consequence of stylistic and thematic considerations. Classification of the *sūrahs* into these periods is based upon factors such as the length of the verse and the presence or absence of certain key concepts or word (e.g. *al-Rahman* as name of God).

In brief, the Meccan phase of the revelation lasted about 13 years from the first revelation up to the *hijrah.* This phase is determined by the prime task of the prophet to call People to Islam. The main themes of this call based on the Qur'ānic revelation are:

-Monotheism.

-The coming resurrection and judgment.

-Righteous conduct.

The role of the Prophet in this phase is in particular that of an announcer and Warner.

---

[40] Al-Ushayqer, op. cit., p.204.

### 1.6.1 The Qur'ānic verses that praise the People of the Book

Remarkably, positive appreciations of both the Jewish and Christian communities and their scriptures are contained within different verses of the Qur'ān. The Qur'ānic verses that commend the People of the Book will be discussed in the following section. These verses will be broken down into the following sub-sections and themes.

### 1.6.2 Biblical prophets in the Qur'ān

Throughout the different *sūrahs*, the Qur'ān contains countless verses that pay great tribute and unmatched veneration to the most prominent figures, that is prophets among the People of the Book. As Tolan states:

> The Koran expresses reverence for the main figures of the Jewish and Christian tradition: Moses, David, the Virgin Mary, and others. It enjoins respect for some of the main elements of the old in the Old Testament law, to refrain from Pork, practice circumcision, and so on.[41]

Tottoli argues that the narratives of the biblical prophets are not arranged chronologically; rather they are spread throughout the various *sūrahs* of the Qur'ān.[42] It could be noticed that the Qur'ān deals with this issue from two different angles. Firstly it refers to Prophets of the Old Testament such as: Adam; Edris (Enoch); Ṣāliḥ; Noah; Hūd, Abraham, Lot; Ishmael; Isaac; Jacob; Joseph; Moses; Aaron; Shu'aib (Jethro); Ayūb (Job); David; Solomon; Ilyās (Elijah); Alyasa' (Elisha); Dhul Kifl; Jonah, Ezra. Secondly, it refers to prophets of the New Testament such as Zachariah, John the Baptist, and Jesus. In these verses, all prophets are mentioned without any discrimination between them. Nearly all the prophets from the Old and New Testament (Torah) are mentioned by name in the Qur'ān or are referred to in the traditions and commentaries.

---

[41] Tolan, John. V. *Saracens: Islam in the Medieval European imagination*, New York: Columbia University Press, 2002, p.33.
[42] Tottoli, Roberto. *Biblical prophets*, Richmond: Curzon ,2002, p.3.

Due to the wideness of this subject, this section will give a few examples, which will depict how the Prophets of the People of the Book are presented in the Qur'ān. Only two prophets Moses (Mūsa) and Jesus ('Īsa) will be discussed. From the chronological point of view, I will start with Prophet Moses. Three hundred and nine verses refer to Prophet Moses. This includes his mission, his story with the Children of Israel, his story with the pious worshipper, and the like. One hundred and thirty-six verses that explicitly refer to him by name.[43] These verses include: his preaching to the Children of Israel (7:128); his confrontations with the tyrant Egyptian Pharaoh (26:52); his bringing up (28:8); his relationship with his brother Aaron (20:30; his defeat of magicians (20:69); and his household (28: 27). Verses that commend him include: he is raised under God's eye and prepared for His service (20:39-41); the elite of his people ( 7:144); when God spoke to him (4:164); when he was given wisdom and knowledge (28:14); when he becomes strong and trustworthy (28:26); when he was made God's Prophet (3:84); and when he became honourable in God's sight (32:9). The Qur'ān is full of such accounts of Prophet Moses's life. From these episodes, two examples which show his position in the Qur'ān will be given.

The following Qur'ānic verses show that God honoured Moses more than any previous Prophet. The verses read:

> When Moses came to the place appointed by Us, and his Lord addressed him, He said: "O my Lord! Show (Thyself) to me, that I may look upon thee." God said: "By no means canst thou see Me (direct); But look upon the mount... God said: "O Moses! I have chosen thee above (other) men, by the mission I (have given thee) and the words I (have spoken to thee): take then the (revelation) which I give thee, and be of those who give thanks. **(7:143, 144)**[44]

Here it is maintained that he talked to God.[45] The verses substantiate that after he came

---

[43] 'Abd al-Bāqī, M. *Al-Mu'jam al-Mufahras li al-Fāẓ al-Qur'ān al-Karīm.* Cairo: Dār al-Ḥadīth, 1988, pp. 854,855.

[44] The system employed in this study gives the number of the *sūrah* first and then that of the verse. Translation of verses through the whole thesis will be quoted from A. Y.Ali.

[45] While the Qur'ān did not plainly mention how did this talk occur except that it could not be directly

to the place that God appointed, he heard God's voice, and asked to see God in public. In response to his request, God ordered him to look at the mountain to see whether or not it would be shaken. Accordingly, Moses fainted when he watched the mountain turn to dust. However, method by which Moses talked to God is debated by Qur'ānic exegetes. Al-Alūsī states that Moses talked directly to God without mediation but it was no unlike how human beings talk.[46] Al-Ṭabarī commentary on this verse follows the pattern set by al-Alūsī. He, too, adds that the People of the Book have similar description in their scripture about this talk, but that the Qur'ān does not give any further details. Al-Qāsimī says that the verse indicates that it is possible to see Allāh in this worldly life as Prophet Moses had requested. Al-Qāsimī adds that if it not possible, he would not have asked for it.[47] Riḍa argues that Prophet Moses talked to God. To support his opinion, Riḍa cites some verses of the Old and New Testament.[48] The Qur'ān implies that human beings cannot see God in this worldly life but this vision, in line with the Qur'ānic verse 75:23, can occur in the Hereafter.

The Qur'ān also shows esteem to Prophet Moses when God chose him among all his people and made him His elite. The reasons for this tribute are, according to the verse, due to the message that he would deliver to his people and because he talked to God. Commenting on this verse, Tottoli states: "it is the express desire of Moses to be able to see God, even though he is aware of the risks and the human impossibility of being able to cope with such a vision."[49] Having shown the status of Prophet Moses, the focus will be here on Prophet Jesus.

---

but through inspiration or from behind a veil 42:56, there are some other verses that prove that Prophet Moses talked to God e.g. 2: 253, 4:164. Another verse that refers to the dialogue between God and Moses is 20: 17. Again, Qur'ān exegetes did not give any further details about this issue. Riḍa, Muḥammad Rashīd. *Tafsīr al-Qur'ān al-Ḥakīm al-Mashhūr bi tafsīr al-Manār,* Beirut: Dār al-Kutub al-'Ilmiyyah, 1999, 4:105.

[46] Al-Alūsī, M b. 'Abd Allāh. *Rūḥ al-Ma'ānī fī tafsīr al-Qur'ān al-'Aẓīm*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1994, 5: 44.

[47] Al-Qāsimī, Jamāl al-Dīn. *Tafsīr al-Qāsimī,* Beirut: Dār al-Kutub al-'Ilmiyyah , 1997, 5:179.

[48] See al-Alūsī, 5:pp.105-137.

[49] Tottoli, op. cit., p.33.

There are sixty-three verses that similarly refer to Jesus. Of this number, exactly 25 verses explicitly mention his name. Eleven of the references give him the title of Messiah.[50] Although the Jewish and Christian views of Jesus are not identical, Islam considers Jesus as one of the great prophets of God and reveres him as much as Abraham, Moses, and Muḥammad.

In the Qur'ān, stories about the life and teachings of Jesus are abundant. The Qur'ān recalls his miraculous birth, his teachings, the miracles he performed by God's permission, and his life as a respected prophet of God. The Qur'ān also repeatedly reminds that Jesus was a human prophet sent by God, not part of God Himself. Furthermore, the Qur'ān gives a greater number of honourable descriptions to Jesus than any other figure. While referring to the sublime status of Jesus in the Qur'ān, Khalifa quotes:

> "Islamic sources picture Jesus as a highly exalted being, having entered this world in an exceptional and miraculous way, having been protected from the touch of the Satan and endowed with powers not granted to other human beings. When the time came he was permitted to leave this world in the similar miraculous manner".[51]

Examples include: a sign to the people and mercy (19:21); God's servant (42:59); a statement of truth (19:34); honour in this life and the hereafter (3:45); the word and spirit of God (4:171); affirming the messianic character by calling him the Messiah (4:172); the messenger of God (61:6); and, finally, the son of Mary (5:116). Moreover, the Qur'ān gives different accounts to the story of his birth (19:22-29); the chastity of his mother and gives Mary the highest status of all women (3:42); Jesus's rise to heavens (4:158); his preaching to the Children of Israel (61:6); his dialogues with his disciples (61:14); his nature as a human being (5:75); and his miracles and skills in medicine (5:110) are all repeated occurrences in the Qur'ān.

---

[50] 'Abd al-Bāqī, op. cit., p.840.
[51] Khalifa, Mohammad. *The sublime Qur'an and orientalism,* Longman Inc. London ; New York, 1983, p.144

Throughout the Qur'ānic verses, the most substantial verses that talk about Jesus are those related to the nativity and the family of the Virgin Mary. Generally, Islam accepts, and incorporates into itself, all antecedent prophets of Abrahamic lineage, up to and including Jesus and Mary. There are more references in the Qur'an to the Virgin Mary than in the New Testament. One of its chapters is even called after her.

It is relevant to use one example to show the status of Jesus in the Qur'ān. As the following reference shows, this demonstrates the different spheres of his life:

> Behold! The angels said: "O Mary! God giveth thee glad tidings of a Word from Him: his name will be Christ Jesus, the son of Mary, held in honour in this world and the Hereafter and of (the company of) those nearest to God; He shall speak to the people in childhood and in maturity. And he shall be (of the company) of the righteous. "And God will teach him the Book and Wisdom, the Law and the Gospel. **(3:45, 46, 48)**

The implied meaning of the initial verse is that God ordered the Angel Gabriel to inform Mary that a son would be borne to her without sexual contact, and it was thus that Jesus was born. The Qur'ān then shows the high esteem of Jesus before God and adds that he is honourable in this life and in the hereafter. According to some exegetes, this honour in this life implies his mission, his prophethood, and his ability to heal the blind and the lepers, and in the hereafter includes his intercession for his people. The same miracles are referred to in the Gospel (Mark 6:13) and (James 5:14).

Al-Alūsī affirms that the verse 3:45 of the Qur'ān means that God honoured Jesus in this life by clearing him of the imperfections that Jews attributed to him. He adds that scholars are not on agreement on the beginning of Jesus's mission. Some say that he started his mission when he was three years old. While others say that revelation came to him while he was 30 and his mission lasted for three years or three months and three days.[52] The verses which refer to the miracles that God gave to him to validate his ministry start from his early childhood wherein he spoke and preached to the people

---

[52] Al-Alūsī, op. cit., 2:pp.156, 161

(19:30-31). In the same passage, the Qur'ān reinforces his miraculous conception. The Qur'ān (3:59) resembles the creation of Jesus to that of Adam. The passage, therefore, refers to the prerequisites of his mission. The verses state that God taught him, through Gabriel, the book, which according to some exegetes means handwriting, wisdom, the Torah, or the Gospel. The last phase that the passage in question deals with is his mission to the Children of Israel as he is the seal of their Prophets. The miracles which the Qur'ān attributes to Jesus are: he, by God's leave, creates birds out of clay, heals the born blind and the lepers, brings the dead to life, and declares what his people eat and store in their houses. In brief, he is mentioned 25 times under the name of 'Īsā and as Jesus 35 times. Pipes shows the status of Jesus in the Qur'ān and states: "Islam in the Qur'an honours and respects Jesus as a Prophet, it accepts his virgin birth, his miracles and the Holy Spirit within him."[53]

Similarly, Nasr comments: " the Islamic view of Christianity possesses of course its own doctrine of Christ, his mission, his being taken to heaven in body without suffering death upon the cross and his eschatological role in bringing the present cycle of human history to a close".[54]

Having shown the status of the prominent prophets of the People of the Book and given a brief illustration of how they are viewed in the Qur'ān, the following sections will deal with the verses that praise Jews and Christians. Following the chronological order of the Qur'ān is the verse:

> And We have set none but angels as Guardians of the Fire; and We have fixed their number only as a trial for Unbelievers, - in order that the People of the Book may arrive at certainty, and the Believers may increase in Faith, - and that no doubts may be left for the People of the Book and the Believers **(74:31).**

According to al-Shawkānī, the verse acknowledges that the People of the Book had

---

[53] Pipes, Daniel. *In the path of God*, New York: Basic Books, Inc., Publishers, 1983, p.35.
[54] Nasr, Sayyed Husseyn. The Islamic view of Christianity, in: Paul J. Griffiths (Ed.), *Christianity through non-Christian eyes* (Maryknoll NY, Orbis Books, 1990), 127

certain knowledge about the Hereafter. In addition, the verse illustrates the nature of Hell's guardians and asserts that they are unlike human beings, thus they can feel neither fear nor mercy for anybody.[55] The Qur'ān states that this is mentioned in order to test pagan Arabs when they challenged Muḥmmad and said that they could face Hell's guardians. The verse describes that the People of the Book should have something written in their Scriptures, supporting this truth, and it should be in agreement with the Qur'ān. Accordingly, when they hear this truth from the Qur'ān, realise that what is mentioned in the Qur'ān resembles that which is in their scriptures, this might lead them to believe in Prophet Muḥammad.[56] The verse mentions that this would increase their faith (*imān*[57]).

When commenting on this verse, al-Ṭabarī claims that it excludes any doubt that the People of the Book might feel about the Qur'ān or Prophet Muḥammad; rather it will increase their certainty about Islam.[58] Al-Alūsī, in agreement with al-Qurṭubī, maintains that the number of Hell guardians mentioned in this verse should match the Jewish and Christian scriptures and that this should increase their faith and lead them to believe in Prophet Muḥammad.[59]

### 1.6.3 Features of the People of the Book

Some Qur'ānic verses recognise the existence of the good elements among the People of the book. This will include their good characteristics and their appreciation of the Muslims' divine book.

---

[55] Al-Shawkānī, Muḥammad b. 'Alī b. Muḥmmad. *fatḥ al-Qadīr al-Jāmi' bayna fannay al-Derāyah wa al-Rewāyah min 'ilm al-Tafsīr*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1996, 5:410.
[56] Al-Qurṭubī, Muḥammad b. Aḥmad. *Al-Jāmi' li aḥkām al-Qur'ān*. Cairo: Dār al-Kutub al-Miṣriyyah, 1933-1950, 9:80.
[57] *Imān* is the verbal noun of the root *āmana* which connotes trust, loyalty, and security. The fourth form has the double meaning of ' to believe' and 'to protect' or 'place in safety'. Turner, Colin (1996), *The ubiquitous faqīh, University of Durham, Centre for Middle Eastern and Islamic Studies,* p.7.
[58] Al-Ṭabarī, Muḥammad b. Jarīr. *Tafsīr al-Ṭabarī al-Musamā jāmi' al-Bayān fī ta'wīl al-Qur'ān.* Beirut: Dār al-Kutub al-'Ilmiyyah, 1999, 12:313.
[59] Al-Alūsī, op. cit., 15:140.

Thus, in the following verses the Qur'ān shows the attitude of the People of the Book towards the Qur'ān. The verses read:

> Say: "Whether ye believe in it or not, it is true that those who were given knowledge beforehand, when it is recited to them, fall down on their faces in humble prostration." In addition, they say: 'Glory to our Lord! Truly has the promise of our Lord been fulfilled!'." They fall down on their faces in tears, and it increases their (earnest) humility. **(17:107-109)**

The above-mentioned verses show great respect to a certain group of people among Jews and Christians, that is scholars who read the previous scriptures and were able to distinguish right from wrong.[60] We notice that the Qur'ān uses the term *'ūtū al-'Ilm*[61] (were given knowledge) to refer to the People of the Book. It acknowledges that they appreciate the Qur'ān and give it due veneration. The verse features them as they fall down on their faces when they listen to the Qur'ān, meaning that Jewish and Christian scholars utterly surrender to the Will of God.[62]

Another characteristic of this group is that they deny every imperfection that might be wrongly attributed to God. Interestingly, the Qur'ān repeats the same kind of respect when it metaphorically says that they fall on their faces. It is because they remembered God's greatness and obeyed the admonition that they found in the Qur'ān.[63] It maintains that this act will increase their faith. Al-Ṭūsī argues that the verse refers to the believers among the People of the Book who adhered to their own religion and converted to Islam or elsewhere they prostrated with humbleness when they listened to their own scriptures.[64]

---

[60] Ibn Kathīr, Isma'īl b. 'Umar. *Tafsīr al-Qur'ān al-'Aẓīm*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1988, :40.
[61] "The word *'Ilm* has been understood to mean various things: the received revelation or Quran, the revealed law (*Sharī'a*); the *sunna*; īmān; spiritual knowledge (*'Ilm al-ladunnī*); wisdom (*ḥikma* ); gnosis (*'irfān*) ; thought (*tafakkur*); science ( to which the plural *'ulūm* is applied); and education." Turner, Colin (1989), *The rise of Twelver Shi'ite externalism in Safavid Iran and its consolidation under Allama Muhammad Baqir Majlisi*, Durham: University of Durham, p.25
[62] Al-Ṭabarī, op. cit., 8:163.
[63] Al-Shawkānī, op. cit., 3:328.
[64] Al-Ṭūsī, Muḥammad b. al-Ḥassan. *Al-Tibyān fī tafsīir al-Qur'ān*. Najaf: al-Maṭba'ah al-'Ilmiyyah, 1957-1963, 6:532.

On another occasion, the Qur'ān extols the People of the Book and attributes a new title to them. The verse reads:

> And before thee also the apostles We sent were but men, to whom We granted inspiration: if ye realise this not, ask of those who possess the Message. **(16:43)**

Here, the Qur'ān refutes the allegation that pagan Arabs had arisen denying that God's messengers could not be human beings. Henceforth, the Qur'ān orders them to make sure of this fact by asking *ahl al-Dhikr*[65] (possessors of previous scriptures) since pagan Arabs acknowledged that both Jews and Christian had certain knowledge about prophets.[66] According to some exegetes, the verse addresses the believers among the People of the Book. Here they are praised to such an extent that pagan Arabs had to resort to acquiring a better knowledge of the reality of Prophet Muḥammad. Al-Ṭūsī argues that the phrase *ahl al-Dhikr* means Jews and Christians, non-Muslim Arabs, or those who know the history of previous nations.[67] Al-Shawkānī asserts that the verse addresses the polytheists of Makkah and asks them to consult with the believers among the People of the Book about the human nature of prophets.[68]

The Qur'ān depicts a new image for commending the People of the Book and confirms that they will be doubly rewarded:

> Now have We caused the Word to reach them themselves, in order that they may receive admonition. Those to whom We sent the Book before this,- they do believe in this (revelation): And when it is recited to them, they say: "We believe therein, for it is the Truth from our Lord: indeed we have been Muslims (bowing to God's Will) from before this. Twice will they be given their reward, for that, they have persevered, that they avert Evil with Good, and that they spend (in charity) out of what We have given them. **(28:51-54)**

The verses begin by stating that God has made the Qur'ān clear to pagan Arabs and to the People of the Book by revealing it in chapters, by sending consecutive messengers

---

[65] The literal meaning of the word is those who possess knowledge or those who posses the scriptures. There is an equivalent verse in the Qur'ān that has the same meaning (21:7).
[66] Al-Rāzī, Muḥammad b. 'Umar. *Al-Tafsīr al-Kabīr (mafātīḥ al-Ghayb)*, Beirut: Dār al-Kutub al-'Ilmiyyah, 5:312.
[67] Al-Ṭūsī, op. cit., 6:284.
[68] Al-Shawkānī, op. cit., 3:203.

to warn people, or through often stories and lessons. Hence, pagan Arabs and the People of the Book can take lessons from previous peoples and the punishments inflicted upon them.[69] It then hints to a certain group of the people of the book who had their reward from God: those who were given the Scripture and believed in the Qur'ān. On this issue Ayūb comments: "the Qur'ān not only affirms the validity of the faith of the People of the Book, and especially the Christians, but sets them up as an example of fervent worship, sincere faith and humility before God for Muslims to emulate."[70]

The verses confirm that the People of the Book were true monotheists before the revelation of the Qur'ān and the emergence of Muḥammad. In addition, they had their reward doubled from God because of their perseverance and patience they endured in their previous religion and in Islam. Their description in the Qur'ān is that when they had committed a bad deed, they replaced it with a good one and they gave in charity out of Allāh's bounty. Moreover, Prophet Muḥammad is reported to have said:

> Three people will have their reward multiplied (from Allah The Almighty), one of them is a man from the People of the Book who believed in his Prophet and lived until the time of Prophet Muḥammad. He believed in his message and followed him.[71]

An impressive number of Qur'ān exegetes agree that these verses were revealed when a delegation of Christian clerics came from (al-Ḥabashah) Abyssinia with Ja'far b. Abū lib to meet Prophet Muḥammad. The verses generally refer to all Jews and Christians who adhered to their religions, followed Prophet Muḥammad, and believed his message. The following reference is more complementing where the verse reads:

> Those to whom We have given the Book rejoice at what hath been revealed unto thee. **(13:36)**

This verse refers to a group of the People of the Book who rejoicing the Holy Qur'ān.

---

[69] Al-Ṭabarī, op. cit., 10:83.
[70] Maḥmūud Ayūb. Nearest in amity: Christians in the Qur'ān and contemporary exegetical tradition. *Islam and Christian Muslim relations,* 1997, 8 (2), PP.154-164.
[71] Al-Bukhārī, op. cit., *bāb al-Jihād wa al-Siyar,* No. 2789.

Commentators have differed with regard to which sub group the verse refers. Commenting on this verse, al-Qurṭubī asserts that it refers to those who were given the Book such as 'Abd Allāh b. Salām and Salmān al-Fārisī. He says that the verse could also mean a certain group of Jews and Christians who gives the Qur'ān its due respect as it affirms the Torah and the Gospel.[72] Al-Shawkānī maintains that the Qur'ānic exegetes differ as to the meaning of the word "Book" in the verse. It could mean both the Torah and the Gospel. The people mentioned in the verse are those new Muslim converts from among the People of the Book or they are both Jews and Christians in general and they exalt the Qur'ān as it affirms their scriptures.[73]

### 1.6.4 Arguing with the People of the Book

A number of Qur'ānic verses reflect the intense discussions and debates that Prophet Muḥammad had in Makkah. At this point, we have arrived at a new concept regarding the regulations that organise the nature of relations between Muslims and the People of the Book; more specifically, the way of debating peacefully with Jews and Christians. Many statements in the Qur'ān promote tolerance towards People of The Book. Among the Qur'ānic references that tackle this issue is the following:

> And dispute ye not with the People of the Book, except with means better (than mere disputation), unless it be with those of them who inflict wrong (and injury): but say, "We believe in the revelation which has come down to us and in that which came down to you; Our God and your God is one....And thus (it is) that We have sent down the Book to thee. So the People of the Book believe therein. **(29:46, 47)**

The Qur'ān continues by calling for dealing with the People of the Book fairly, particularly when communicating with them. The verses urge Muslims to follow a moderate policy towards Jews and Christians who do not declare hostility against Islam or Muslims.

---

[72] Al-Qurṭubī, op. cit., 9:325.
[73] Al-Shawkānī , op. cit ., 3:106.

Muslims have to replace harshness with kindness, anger with calmness, speed with patience, and repel evil with goodness. Moreover, the Qur'ān confines this treatment to a certain group of the People of the Book, mainly those who recognized Muḥammad as a messenger of God. Henceforth, it excludes those who deal wrongly with Muslims, invents falsehood against God, make another partner with Him and say "God hath begotten a son" (2:116), or "Truly, God is indigent and we are rich!" (3:181), or "God's Hand is tied up" (5:64).[74] Thus, the verses establish guidelines for Muslims to follow as a fair way of debating with Jews and Christians. Muslims have to show the People of the Book that they believe in both the Law (*tawrāh)* and Gospel *(injīl)*, and that they share the same monotheistic creed with the People of the Book. The following tradition of Prophet Muḥammad conveys the same meaning:

> On the authority of Abū Hurayrah who said that, the People of the Book used to read the Torah in Hebrew and translate it into Arabic for Muslims. Then, Prophet Muḥammad said " neither believe the People of the Book nor belie them but say: we believe in the revelation, which has come down to us and to you". (Narrated by al-Bukhārī and al-Nasā'ī).[75]

The verse declares that it is inappropriate to deal with the People of the Book in a way that might keep them from the truth. On the contrary, Muslims are admonished to use assuaging speech when arguing with the People of the Book. The last verses acknowledge that there is a group of the People of the Book who believes in the Qur'ān and Prophet Muḥammad and that they are entitled to this kind of respect. Although the verses under discussion are Meccan, it should be noted that there was no actual contact between Prophet Muḥammad and the People of the Book in Makkah. Thus, as Faḍl Allāh states:

> Prophet Muhammad (SAW) did not engage in any struggle with the people of the book in Makkah , as the Meccan society was predominantly polytheistic. This could explain the dearth of revelation in Makkah, which might have recorded any dialogue

---

[74] Al-Qurṭubī, op. cit., 13:350.

[75] Al-Bukhārī. *Kitāb tafsīr al-Qur'ān,* Harf encyclopaedia of ḥadīth, 2001, No.4125

or argument between the two parties.[76]

### 1.6.5 Prophecies

Another theme that the Qur'ān deals with is the prophecies that predict the emergence of prophet Muḥammad that previous books foretold. Thus, the following Qur'ānic passage pays homage to those who follow Prophet Muḥammad, who is described in the verse as *ummey* (the unlettered Prophet) and whose descriptions are written down in their scriptures :[77]

> Those who follow the apostle, the unlettered Prophet, whom they find mentioned in their own (scriptures), - in the law and the Gospel; - for he commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); He releases them from their heavy burdens and from the yokes that are upon them. **(7:157)**

Recently, much has been said about these descriptions. Both classical and modern exegetes have tackled this issue. Examples are the works of Riḍa[78] and al-Qāsimī.[79] The verse shows Prophet Muḥammad's descriptions as they appeared in the early scriptures. In this passage, he is characterised as justly commanding the People of the Book: that is to worship only God, to seek high morals, and to be obedient to one's parents. He would release them from their heavy pledge which they (the Jews) had made to God. According to some exegetes, this pledge stipulates severe burdens such as removing impurity by cutting off the cloth, or by rubbing the body, and the prohibition of eating sheep's flesh. According to al-Qurṭubī, Jews used to gather sheep for slaughtering, while they were doing so, God sent down fire from the heavens to

---

[76] Faḍl Allāh, Muḥammad Ḥusayn. *Islam the religion of dialogue*. Beirut: Dār al-Malāk , 2003, p. 117.

[77] A title that both the Qur'ān (62:2) and Jews (3:75) gave to Arabs. It was given to a group of the People of the Book too. (2:78).

[78] Some of these prophecies are mentioned in Riḍa's work especially volume 9:196-254.

[79] Al-Qāsimī, 5:193-207.

burn the sheep.[80] Again, Prophet Muḥammad will ease the onerous duties such as the prohibition of working on Saturdays, wearing coarse woollen fabrics *(musūḥ)*, tying one's hands into one's neck in performing prayers, and the cutting off an organ that committed wrong.[81] Al-Ṭabarī asserts that the verse refers to the difficult duties that were imposed on the People of the Book, especially on the Children of Israel.[82] The Qur'ān asserts that those among the People of the Book who believed Prophet Muḥammad and followed his guidance will have success in both this life and in the Hereafter. It is maintained that the prophecies that refer to him are found in the Prophets' books that came after Prophet Moses or in the Torah alone.[83]

### 1.6.6 The Qur'ānic verses that criticise the People of the Book

### 1.6.7 Beliefs

Among the themes that the Meccan period dealt with is the misconception that People of the Book have about their beliefs. The main issue that is repeatedly mentioned in this period is the claim that Jesus is the Son of God. Thus, in the following passage, the Qur'ān castigates those who adopt this claim:

> In blasphemy indeed are those that say that God is Christ the son of Mary. Say: "Who then hath the least power against God, if His will were to destroy Christ the son of Mary, his mother, and all every - one that is on the earth. Both) the Jews and the Christians say: "We are sons of God, and his beloved." Say: "Why then doth He punish you for your sins? Nay, ye are but men, - of the men he hath created: He forgiveth whom He pleaseth, and He punisheth whom He pleaseth O People of the Book! Now hath come unto you, making (things) clear unto you, Our Apostle, after the break in (the series of) our apostles, lest ye should say: "There came unto us no bringer of glad tidings and no Warner (from evil)"" **(5:17-19)**

The verse attributes disbelief to those who claim that Jesus is the son of God. Al-Ṭabarī comments that this verse criticises Christians because if Jesus was God, he

---

[80] Al-Qurṭubī, op. cit., 7:300.
[81] Al-Alūsī, op. cit., 5:77.
[82] Al-Ṭabarī , op. cit., 6:86.
[83] Al-Aṭyar, Ḥ Yūsuf. *'Alā hāmish al-Ḥewār bayna al-Qur'ān wa al-Yahūd.* Cairo: Dār al-Anṣār, 1984, p.78.

would have prevented his or his mother's death.[84] The verse addresses this claim and asserts that nobody can stop God if he wants to take the lives of Jesus and his mother. Al-Rāzī, proposes, that although Christians did not say this openly but some of them believe that God could incarnate into a human's body, which might lead them to say that God the Almighty is Jesus. Both al-Rāzī[85] and al-Alūsī[86] affirm that although Jews and Christians did not develop this claim, the verses could either mean that Jesus was close to God, or that both Ezra and Jesus are sons of God. With regard to the same issue, Riḍa comments that the phrase "son of God" which appeared in their scriptures actually means beloved to God, but Jews and Christians commit to the literal meaning.[87] Ibn 'Abbās narrates that these verses were revealed when Prophet Muḥammad came to a group of Jews and Christians. The two groups talked to him and he warned them of the wrath of God. They said: "What do you warn us of? We are the sons of God and His beloved."[88]

In response to their pretence, the verse spells out that if they were true in their pretension, why should God punish them? They are like all other human beings and either they would be rewarded or punished for their deeds. In verse 5:18 we can find the Qur'ān explains the allegation that some of the People of the Book made. They claimed a privileged position with God merely by calling themselves Jews or Christians. This claim, according to some commentators, was based on history, birth, and tribe rather than on conduct and morality. In the present verse (5:19), the Qur'ān addresses the People of the Book and shows them the mission of Muḥammad. The verse reveals that God sent him to unfold what was left unexplained to the People of the Book in the period between him and Jesus.

---

[84] Al-Ṭabarī, op. cit., 4:504.
[85] Al-Rāzī, op. cit., 9:151.
[86] Al-Alūsī, op. cit., 3:270.
[87] Riḍa, op. cit., 6: 261.
[88] Ibid, 4:260.

Accordingly, there would be no excuse for them when they say that they did not see a prophet.[89] Ibn 'Abbās narrates that Mu'ādh b. Jabal and some others said to the Jews: O Jews fear God and by Him, you know that Muḥammad is the messenger of God. You described him to us before his mission". The Jews said: "No book was revealed after Moses, neither a bearer of glad tidings nor a Warner was sent."[90]

### 1.6.8 Scriptures

This section will show how the People of the Book view their books. A few verses refer to this issue. Thus, the following verses read:

> (Of just such wrath) as We sent down on those who divided (Scripture into arbitrary parts),- (So also on such) as have made Qur'ān into shreds (as they please). Therefore, by the Lord, We will, of a surety, call them to account. **(15:91, 92).**

Qur'ānic exegetes state that the word *muqtasimīn* (those who divided Scriptures into arbitrary parts) that appears in this verse signifies the People of the Book. This verse criticises them because they believed in some parts of the Qur'ān and not in others. It therefore appears that they divided the Qur'ān into chapters. Al-Alūsī reports that the verse refers to Jews and Christians. He says that a group of them believed in some parts of their scriptures and changed the others.[91] Al-Ṭabarī breaks with other exegetes when arguing that the verse refers to the polytheists of Quraysh when they directed their accusations against Prophet Muḥammad.[92] On his comment on the verses, Ali demonstrates:

> The verses refer to the Jews and Christians, who took out of scripture what suited them and ignored or rejected the rest. The Meccan Pagans in order to dishonour and ridicule the Qur'ān, divided what was so far revealed, into bits, and apportioned them to people coming on pilgrimage to Mecca by different routes, slandering and abusing the apostle of God.[93]

---

[89] There is disagreement as to the length of this period. It varies between five hundred to six hundred years. Ibn Sa'd mentions that there was 569 years between the two Prophets. Al-Qurṭubī: op. cit., 6:122.
[90] Ibid.
[91] Al-Alūsī, op. cit., 7:323.
[92] Al-Ṭabarī, op. cit., 7:564.
[93] Ali, Abdullah Yusof. *The Holy Qur'ān, text translation and commentary*, Maryland: Amana Corp, 1983, p. 653.

Furthermore, the Qur'ān criticises some of the People of the Book for hiding the truth. It affirms the People of the Book's recognition of Prophet Muḥammad. The verse reads:

> Those to whom We have given the Book know this as they know their own sons. Those who have lost their own souls refuse therefore to believe. **(6:20)**

This verse states that those who were given the book, that is Jewish and Christian scholars knew Prophet Muḥammad for he is described in both the Torah and the Gospel.[94] Al-Ṭabarī states that the Jews of Madīnah, who later converted to Islam, said they new him better than their sons.[95] However, the verse shows that while some acknowledged this truth, others denied it. In the same *sūrah*, the Qur'ān (6:114) maintains that those who were given the Book knew that the Qur'ān was revealed by God although they denied this.

Their knowledge is attributed to two things. Firstly, since they are scholars, they are, presumably, able to discern whether or not it is divine revelation. Secondly, both the Torah and the Gospel contain prophecies about Muḥammad and such prophecies would have been known to their scholars during his time.[96] At the end, the verse commands Prophet Muḥammad and Muslims that they must not doubt that scholars of the People of the Book are aware of these facts.

The Qur'ān further criticises some of the People of the Book, the Jews in particular. The verse reads:

> For those who followed the Jewish Law, We forbade every (animal) with undivided hoof, and We forbade them that fat of the ox and the sheep, except what adheres to their backs or their entrails, or is mixed up with a bone: this in recompense for their wilful disobedience. **(6:146)**

---

[94] Al-Ṭabarī, op. cit., 5:164.
[95] Ibid.
[96] Riḍa, op. cit., 8:10.

Here, the Qur'ānic condemnation includes the prohibition of eating the flesh of certain animals and birds. God condemns the Jews by making this prohibition because the Jews said that God did not prohibit anything for us. They claim that they only prohibit what was previously prohibited to Jacob.[97] Here, they were not allowed to eat certain kinds of animals that have hoofs, all of which, as al-Shawkānī demonstrates, was written down in the Torah.[98] The Qur'ān reveals the reason for this prohibition; it is because of their opposition and disobedience to God. The Qur'ān asserts that God is true in His punishment and in telling these facts (6:118).

### 1.6.9 The Children of Israel (Banū Isrā'īl)

The Children of Israel (banū Isrā'īl) is one of the subjects that constitutes a significant portion of the Qur'ānic verses.[99] Yet, the Qur'ān narration of this subject is formed in different contexts. If we were to investigate the verses that tackle this topic in full, we would find that they are scattered throughout the Qur'ān. The Qur'an speaks extensively about the Children of Israel and recognizes that the Jews are, according to lineage, descendants of Prophet Abraham through his son Isaac and grandson Jacob. In this regard, the Qur'ān has various different references that deal with this topic: God's bounties that were bestowed upon them (7:160); the different kinds of punishment that afflicted them (7:133); that they are the leaders and heirs of the land (28:5); their misdemeanours in the land (17:4); the story on debates about the a cow with Prophet Moses concerning the cow (2:67); worship of the calf (2:92); selling God's words for a paltry price (2:41); and entering the Holy land (5:21). Although there is an entire

---

[97] Al-Qurṭubī, op. cit., 2:24.
[98] Al-Shawkānī, op. cit., 2:220.
[99] The word Israel means the collective name of the twelve tribes descended from Jacob whose name was also Israel (Ge.32:28; 35:10). In the Bible the people are called "the children of Israel" usually rendered "the people of Israel." As a political designation " Israel" refers either to the nation as a whole, or during the time of the David Monarchy (924-721 B.C), to the northern Kingdom in particular, as distinct from Judah, the southern Kingdom. (Harper's Bible dictionary, op. cit., 434). The term "Israel" or "Children of Israel" refers to the twelve sons of Jacob and their descendants.

*sūrah* that called after them, it does not necessarily mean that banū Isrā'īl is the main theme of the *sūrah* itself. It is merely an appellation like the rest of the other s*ūrahs* in the Qur'ān.

It is difficult to bring all these references and deal with them in depth in this section. In addition, most of the verses that refer to banū Isrā'īl cover Prophet Moses's mission which is not my area of investigation. Thus, the following lines will only give a brief overview of some Qur'ānic verses involved in this subject. The first Meccan verses to quote here are the following:

> The fair promise of thy Lord was fulfilled for the Children of Israel, because they had patience and constancy, of the people of Moses there is a section who guide and do justice in the light of truth." **(7:137,159).**

It should be noticed that the Qur'ān, for the first time, mentions banū Isrā'īl because they are the oldest people to have a scripture and to believe in prophets. The verses in question show the high esteem that God gave to banū Isrāīl and the bounties that He bestowed on them after their persecution during the time of the tyrant Pharaoh.[100] The first verse declares that God made them heirs of the lands of Syria and Egypt, which He blessed by causing fruits and crops to grow.[101] This was as reward for their perseverance and patience. The Qur'ān shows that God fulfilled His promise that he made through Prophet Moses which means that He would grant banū Isrā'īl victory over their enemy (7:129). The second verse raises them to an elevated rank and maintains that they guide others with truth and practice what is right. The verse refers either to Jews who followed Prophet Muḥammad or those who followed Prophet Moses during his lifetime and they held fast to his message; neither changed words

---

[100] A title which was given to anybody who rules Egypt before the Ptolmies epoch and it means the ancient Egyptians as well.( Riḍa, op.cit., 9:86 ) .
[101] Al-Alūsī, op. cit., 5:36.

from their context nor killed a prophet.[102] Following the praise of the Children of Israel, other Qur'ānic verses criticise them. An example is the verse that reads:

> And We gave (Clear) Warning to the Children of Israel in the Book, that twice would they do mischief on the earth and be elated with mighty arrogance (and twice would they be punished)!" **(17:3)**

The Qur'ān commentators hold that the reference here is to their disobedience and forgoing the judgments of the Torah. However, the Qur'ān does not mention which land witnessed their disobedience. Al-Razī[103] asserts that the land refers to Egypt while al-Shawkānī maintains that this land would imply Egypt, Syria, and Jerusalem. Al-Shawkānī, in line with the verse, argues that banū Isrā'īl's misbehaviour occurred twice.[104] Firstly, when they went beyond the judgments of the Torah and, secondly, when they killed John the Baptist and intended to kill Jesus.

### 1.7 The Medinan period

As a result of the persecution that Prophet Muḥammad suffered in Makkah, it was necessary to accept the offer of protection and support extended by the leaders of Madīnah. Accordingly, in 622 he migrated to Madīnah (250 miles north of Makkah) with his followers. This period marks the expansion of the call to Islam when Muslims began to make gains from their conflict with their opponents. Innumerable new supporters responded to the new faith. The Qur'ānic verses that were revealed to Prophet Muḥammad during this period reflected these developments. Following the chronology of the Qur'ān, these Medinan verses are slightly different from the earlier Meccan ones. Remarkable features that draw a tangible distinction between the Meccan and Medinan verses will be highlighted. Arguing with the People of the Book and asserting the trustfulness of Prophet Muḥammad's message were the major

---

[102] Al-Qurtubī, op. cit., 7:302.
[103] Al-Razī, op. cit., 5:372.
[104] Al-Shawkānī, op. cit., 3:259.

dominant motives of the Meccan verses. In contrast, Medinan verses, pay significant attention to relations with the large Jewish population of Madīnah, and discuss the change of *qiblah* (the direction for prayer) from Jerusalem to Makkah. In the Medinan period, the Qur'ān mentions the adherents of other faiths by their proper names. This feature is not very common in the Meccan verses. It is a key that clearly draws a vivid distinction between the two periods. This determined the Islamic attitude to other faith-communities in the Medinan period. In this connection, Robinson comments: "nevertheless, whereas the context of the Meccan *sūrah* was almost invariably polemical, this is not the case with the Medinan *sūrahs*. Many of the Medinan revelations were, on the contrary, intended for the edification and guidance of the community."[105] Commenting on the issue of Meccan and Medinan, Neal illustrates: "polemic against the Pagan Arabs and their materialism is, as one might expect, much rarer than it was during the Meccan period."[106]

### 1.7.2 Verses in praise of the People of the Book

### 1.7.3 Reward in the Hereafter

The first theme that the median verses deal with is the reward of the People of the Book in the Hereafter. In this regard, the following verse lays an important maxim that puts Muslims on equal terms with their non-Muslim fellows. The verse reads:

> Those who believe (in the Qur'ān), and those who follow the Jewish (scriptures), and the Christians and the Sabians,- any who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord; on them shall be no fear, nor shall they grieve. **(2:62).**

The verse under discussion refers to Muslim believers who followed Prophet

---

[105] Robinson, Neal. *Discovering the Qur'an: a contemporary approach to a veiled text*, London: SCM Press, 1966, p.196.
[106] Ibid, p.197.

Muḥammad and maintained their belief. In the same place, the Qur'ān recognizes the existence of a righteous group among the People of the Book. The Qur'ān places in Muslims' hearts respect for previous prophets and scriptures. The second group mentioned in the verse is *al-Ladhīna hādū* (those who followed the Jewish scripture) meaning Jews.[107] It then refers to the Sabaeans.[108] The last group prior to the advent of Islam that the verse mentions is *al-Naṣārā* (Christians).[109] Al-Rāzi asserts that the Christian group mentioned in this verse are those who came before Prophet Muḥammad's time. They believed in Jesus and maintained their faith.[110] Al-Ṭabarī argues that for any member of the group who believes in God and the Day of Judgment, Allāh will reward him for his belief.[111] Thereafter, the Qur'ān makes it clear that the true followers of these religions will be rewarded by God. Neither fear nor grief will inflict them in the hereafter. In addition, the verse stipulates that whosoever wants to receive this reward should fulfil three main prerequisites: to believe in God, the Judgement Day, and to do good deeds. Al-Ṭūsī follows the pattern set by al-Ṭabarī. He, too, adds that the verse was revealed regarding Salmān the Persian and those who taught his Christianity before he converts to Islam. They told him about the emergence

---

[107] They are called *yahūd* (Jews) because they said: for we have turned into Thee in repentance (*innā hudnā ilayk* 7:156), or they *(hādū)* repent from worshipping the calf (2:54) from the verb *(hada),* means to repent or because they belong to Yahodha the eldest son of Jacob . Al-Alūsī, op. cit, 1:279.

[108] The Sabaeans refer to two quite different sects, namely:
1. the Mandaeans or Sunbbas, a Judaea-Christian sect practising the rite of baptism in Mespotamia( i.e. Christians of John the Baptist); and
2. The pagan Sabaeans of Haran who did not know the rite of baptism. They, perhaps, adopted this name as a measure of precaution to secure the advantage of the tolerance accorded by Islam to the Jews and Christians. Hutman, M. Th. *The encyclopaedia of Islam,* Vol.1, new edition, Leiden: Brill, 1960, p.264

[109] They are called *nasara* (Christians) because the word itself *(nasara)* is either derived from the verb (*nasara*) means to help as they helped each other, or they lived in a land called *Nāṣerah* (Nathareth), the town of Jesus and he himself was called *nāṣirī.* It might be because when he said: " Who will be my helpers (*anṣarī*) to (the work) of God 61:14", they replied:" we are God's helpers *(anṣaru allāhi)* " 61:14). Ibid. "*al-Nasara*" had become the usual name for Christians in Arabic, and as such was in use amongst the Arabs before Muḥammad's time" Mcauliffe, Jane Dammen, Christians in the Qur'ān and *tafsīr,* Mcauliffe, Jane Dammen, Christians in the Qur'ān and *tafsīr* in Waardenburg, Jacques, *Muslim perceptions of other religions,* New York ; Oxford : Oxford University Press, p.108.

[110] Al-Rāzī, op. cit., 3:97.

[111] Al-Ṭabarī,, op. cit., 1:361.

of a prophet among the Arabs and they will follow him.[112] Thus, Jews and Christians are on equal terms with their Muslim fellows and will have the same reward. The above-mentioned verse enjoins Muslims to live in peace with non-Muslims. They should treat non-Muslims with kindness and fairness. A similar reference that bears the same significance is found in *sūrah* 5:69. Al-Shawkānī states that the implied meaning of the verse is that Allāh wants to show that those groups regardless of their religion have something in common, that is whoever believes in Allāh and in the Judgement Day will have his reward.[113]

### 1.7.4 Preaching of Islam

Hereto the Qur'ān shows the methods that should be adopted to call for Islam. In the following verse, the Qur'ān tackles another maxim, which advocates goodness towards non-Muslims and upon which the call to Islam mainly depends, that is there is no compulsion to accept religion. The verse reads:

"Let there be no compulsion in religion: Truth stands out clear from Error". **(2:256).**

The Qur'ān clearly establishes a clear-cut criterion in preaching Islam to other non-Muslim communities. It considers religious faith as a matter of conviction. People cannot be forced to these things.[114] Thus, Islam calls all humans to its message. Similarly, it does not resort to pressure or threats of any kind. On the contrary, it displays facts and reasoning until it reaches its purpose. People of the book are granted freedom of worship; thus, during the early Muslim conquests, Jews and Christians were not forced to convert to Islam. Thus, we find that the Qur'ān proclaims the end for any compulsion or coercion in religion and grants people their right to believe or choose their beliefs.

---

[112] Al-Ṭūsī, op. cit., 1:284
[113] Al-Shawkānī, op. cit, 1:117.
[114]Maudoodi, Sayyed Abul 'Alā. *Towards understanding the Qur'ān*. Leicester: Islamic Foundation, 1988, 1:199 .

Faith and belief should come out of the free will of people. Judgement day will, otherwise, carry no meaning. This is one of the purposes of Sharī'a Law, which means that the personal belief of a person or a people will be protected by Sharī'a Law, hence by a Muslim authority, as long as they do not contradict the other purposes of the Sharī'a.

The verse here ascertains that there should be no enforcement to accept a religion; rather, other means should be utilised in order to carry out this mission. Moreover, the Qur'ān has other references that have the same significance (28:56, 10:99, and 88:22). Ibn 'Abbās narrates that this verse was revealed when a Muslim from al-Anṣār (helpers) called Sālim b. 'Awf had two Christian sons. He said to Prophet Muḥammad should I enforce my sons to accept Islam as they accept nothing but Christianity.[115]

In the following verse, the Qur'ān informs Prophet Muḥammad to deal fairly when debating with the People of the Book whether or not they respond. The verse reads:

> So if they dispute with thee, say: "I have submitted My whole self to God and so have those who follow me." And say to the People of the Book and to those who are unlearned: "Do ye (also) submit yourselves?" If they do, they are in right guidance, but if they turn back, Thy duty is to convey the Message. **(3:20)**

This verse attracts Prophet Muḥammad's attention to how to dispute with the People of the Book. It shows that if the People of the Book were to argue with Prophet Muḥammad concerning Islam, he had to say that he and Muslims surrender to the Will of God. He followed the same path of Abraham since the People of the Book confessed that Abraham was right. Thus, the verse implies that if the People of the Book and pagan Arabs surrendered to the Will of God, they are on the right way. Otherwise, Prophet Muḥammad had to preach to them. Al-Ṭabarī, on the one hand, states that the verse is a response to the Christians of Najrān when they asked Prophet Muḥammad

---

[115] Al-Syūṭī, op.cit. 1:126.

about the nature of Jesus.[116] Al-Alūsī, on the other hand, argues that the verse refers to those who are well grounded in knowledge among Jews and Christians or the Christian delegation of Najrān.[117] Al-Qāsimī argues that the groups mentioned in the verse confessed that Ibraham was right in his call, thus they are required to follow his call.[118] On another occasion, the Qur'ān invites the People of the Book to achieve a common ground with Muslims. The verse reads:

> Say: "O People of the Book! Come to common terms as between us and you: That we worship none but God; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than God." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to God's Will). " **(3:64)**

This verse shows an unprejudiced method of debating with the People of the Book by referring to a highly important issue with which the three religions are most concerned: monotheism. The verse establishes the main basis for the Islamic calling that Muslims should follow to preach.[119] The passage begins by ordering Prophet Muḥammad and Muslims to tell Jews and Christians to come to an agreement with Muslims concerning worshipping one God. The Qur'ān does not suggest any other method to argue with non-Muslims. In addition, it does not privilege one religious group over another when they have the same monotheistic basis. It also mentions that none should have more than one God nor take priests or anchorites to be gods. Al-Qāsimī points out that the verse urges Prophet Muḥammad to adopt methods of debate with the People of the Book that previous Prophets used and which are found in the divine scripture.[120] Finally, the verse orders Muslims to abide by their religion and recess peacefully when they fail to come to a common ground with the People of the Book. This verse is said to have been revealed when Jews said to Prophet Muḥammad: 'Do you want us to take

---

[116] Al-Ṭabarī, op. cit., 3:214.
[117] Al-Alūsī, op. cit., 2:104.
[118] Al-Qāsimī, op.cit., 1:298
[119] Riḍa, op. cit., 3:268.
[120] Al-Qāsimī, op. cit., 2:332.

you as a god as the Christians took Jesus?' The Christians then said to him: 'Do you want us to say to you the same that Jews said to Ezra (Uzayr)?'[121] Al-Ṭabarī maintains that the verse addresses both Jews of Medina and the Christians of Najrān.[122] As the interaction between Prophet Muḥammad on one side and Jewish and Christian communities on the other side increased, prophet Muḥammad discovered that they were different in their perception of the covenant that they took from God.

### 1.7.5 Characteristics of the People of the Book

It has been stated that there are some Meccan verses that show the good features of the People of the Book, the Medinan period will also deal with this issue. In the following passage, the Qur'ān distinguishes among the People of the Book and indicates that, like other nations, there are good and bad elements. The relevant verses read:

> Not all of them are alike: Of the People of the Book are a portion that stand (For the right): They rehearse the Signs of God all night long, and they prostrate themselves in adoration. They believe in God and the Last Day; they enjoin what is right, and forbid what is wrong; and they hasten (in emulation) in (all) good works: They are in the ranks of the righteous. Of the good that they do, nothing will be rejected of them; for God knoweth well those that do right. **(3:113-115)**

Having shown that the reward that the People of the Book will receive in the Hereafter is equal to that of their fellow Muslims and the way of communicating with them, the Qur'ān then turns its attention to a common issue prevailing among followers of religions: who is most honoured in the sight of God and who is not? In this connection, the verses give the People of the Book the same as Muslims. It is maintained that not all of them have the same veneration from God. Henceforth, the Qur'ān reveals that a group of Jews and Christians is identified as a nation that stands for the following: justice, trustfulness, and faithfulness to religion. In this verse, the Qur'ān honours a group of the People of the Book.

---

[121] Al-Rāzī, op. cit., 2:467 .
[122] Al-Ṭabarī, op. cit., 3:300.

It clarifies the reasons for giving them this unparalleled respect. The first reason is that they frequently recite parts of their scriptures to seek God's forgiveness and mercy.[123] Secondly, they believe in God the Almighty and the Day of Judgment for which they have to be prepared.[124] Thirdly, they are just in their behaviour and shun evil, the same characteristic given to the Muslim nation (3:110). Fourthly, they undertake good deeds as they know they will be rewarded. In addition, the passage proves that God accepts such sincere behaviour that the group propitiates for His own sake and the return of these deeds would not be diminished. Ibn 'Abbās explains how these verses were revealed.

> He reports that these verses were revealed when 'Abd Allāh b. Salām and other Muslim converts supported Prophet Muḥammad's message. Some Jewish rabbis said that none followed Muḥammad but the wicked and if they were among our chosen people, they would not renounce their fathers' religion and chose another. (Narrated by Ibn Isḥāq, al-Ṭabarī, al-Bayhaqī and others).[125]

In the same *sūrah* we find another reference that gives more illustration to the characteristics of the People of the Book. The verse reads:

> And there are, certainly, among the People of the Book, those who believe in God, in the revelation to you, and in the revelation to them, bowing in humility to God: They will not sell the Signs of God for a miserable gain! For them is a reward with their Lord... **(3:199)**

Here the Qur'ān refers to a righteous group among the People of the Book. According to the verse, this group has a sound belief and they will get their due reward in the Hereafter. Furthermore, they believe in what was revealed to them and Muslims. They refuse to purchase the words of God for a paltry price and do not hide the descriptions and prophecies of Muḥammad. On the contrary, they are humble and obedient to God and they are the chosen people whether they are Jews or Christians.[126]

---

[123] Riḍa, op. cit., 5:60.
[124] Ibid.
[125] Al-Syūṭī, op. cit., 2:115.
[126] Ibn Kathīr, op. cit, 1:350.

The verse under discussion was revealed when Negus (al-Najāshī) King of Ethiopia died.[127] Upon hearing this news, Prophet Muḥammad led the funeral prayer for the soul of the departed. Hypocritical followers were displeased and asked how should the prophet pray for a Christian proselyte whom he had never seen. Ibn Juraij said that the verse was either revealed in support of Abd Allāh b. Salām and his fellows, or that it was revealed when 40 Christians of Najrān converted to Islam. On the other hand, Mujāhid said that it was revealed to refer to all believers among the People of the Book.[128] Al-Qāsimī states that the verse refers to those who do not pervert words form their right place and do not conceal the prophecies about Prophet Muḥammad. They are the elite of the community weather they are Jews or Christians.[129]

The Qur'ān praises those who are well acquainted with the true teachings of the scriptures:

> But those among them who are well grounded in knowledge, and the believers, believe in what hath been revealed to thee and what was revealed before thee: And (especially) those who establish regular prayer and practise regular charity and believe in God and in the Last Day: To them shall We soon give a great reward. **(4:162)**

The verse defines this group as those who believe in the Qur'ān, perform prayers, pay alms, and believe in God and the Day of Judgment. The verse explicitly acknowledges the vitreous people among Jews and asserts that a great reward awaits them. Unlike, other exegetes who state that the verse refers to every group of the People of the Book, al-Alūsī[130] and Ibn Kathīr[131] comment that the verse refers to 'Abd Allāh b. Salām, Usayd, Tha'labah, and other new Muslim converts. Al-Ṭabarī argues that the verse makes an exception to a group of the People of the Book. He adds that the verse was revealed when the Jews said to Prophet Muḥammad that these things were previously

---

[127] Al-Alūsī, op. cit, 2:383.
[128] Al-Syūṭī , op. cit, 2:200.
[129] Al-Qāsimī, 1:488.
[130] Ibid, 3:189.
[131] Ibn Kathīr, op. cit, 1:462.

permitted and are now prohibited. Riḍa shares the same opinion, saying that the verse also refers to the believing Muslim men who believe in Prophet Muḥammad and other prophets.[132] The following passage pays homage to a group of the People of the Book particularly those who followed Jesus. The verse reads:

> And We ordained in the hearts of those who followed him Compassion and Mercy. But the Monasticism which they invented for themselves, We did not prescribe for them: (We commanded) only the seeking for the Good Pleasure of God; but that they did not foster as they should have done. Yet We bestowed, on those among them who believed, their (due) reward, but many of them are rebellious transgressors. **(57:27)**

The Qur'ān's commentators, except Ibn Kathīr, al-Shawkānī, and al-Qurṭubī, agree that the verse refers to those who followed Jesus. The verse asserts that God placed compassion and mercy in their hearts. Al-Rāzī comments that such compassion and mercy resemble those bestowed upon Muslims elsewhere (48:29).[133] The verse under discussion refers to monasticism. It affirms that Christians invented this to seek God's pleasure but to which some did not fully adhere.

In agreement with the verse, some exegetes maintain that there will be a reward for those who believed in Jesus and maintained their faith until the time of Muḥammad when they started to follow his message. Although the first verse refers to the mercy of those who followed Jesus, the second verse (57:29) stresses that the People of the Book cannot stop God's mercy. Ibn al-Mundhir narrates through Qatādah that the Jews said that a prophet from among us will emerge and will cut off hands and legs as punishment. When this prophet came from among the Arabs, that is prophet Muḥammad they disbelieved him.[134]

The Qur'ān, portrays another image of the People of the Book: devout believer will receive blessings both in this life and in the Hereafter.

---

[132] Riḍa, op. cit., 6:49.
[133] Al-Rāzī, op. cit, 8:103.
[134] Al-Syūṭī, op. cit, 6:259.

> If only the People of the Book had believed and been righteous, We should indeed have blotted out their iniquities and admitted them to gardens of bliss. If only they had stood fast by the Law, the Gospel, and all the revelation that was sent to them from their Lord, they would have enjoyed happiness from every side. There is from among them a party on the right course: but many of them follow a course that is evil. **(5:65, 66)**

The verse under discussion assures that God will forgive evil deeds that committed in the worldly life no matter how grave they are.[135] In addition, the People of the Book will have, for their entertainment, gardens of Paradise if they believe in God, fear Him, and avoid God's prohibitions. Furthermore, they believe in Muḥammad and are convinced by what was revealed to him, just as they believed the psalms of David, the Wisdom of Solomon, and the books of Daniel. [136]

Riḍa states that the verse means that they believe that was revealed in their scriptures, especially, in the prophecies that refer to the emergence of Prophet Muḥammad.[137]

The Qur'ān says that those Jews and Christians were party to the right course because as we have seen; they believed and worshipped God; believed in the Judgment Day; enjoined the right and forbade the wrong; and did good deeds. Furthermore, they would have bountiful sustenance caused by crops growing abundantly and plentiful rains. They must not differentiate among God's Prophets, abide by the injunctions prescribed in their Books, observe their judgments, and act accordingly. In contrast, another group does not believe in the prophets, change words from their context, and deviate from the right path.

### 1.7.6 Equality with other groups

People of the Book, according to some verse, have the same rights and obligations as

---

[135] Al-Alūsī, op. cit., 3:319
[136] Al-Shawkānī, op. cit., 3:59
[137] Riḍa, op. cit., 4:380.

Muslims. In this regard, the following verses read:

> Not your desires, nor those of the People of the Book (can prevail): whoever works evil, will be requited accordingly. To God belong all things in the heavens and on earth. Verily we have directed the People of the Book before you, and you (o Muslims) to fear God. But if ye deny Him, lo! Unto God belong all things in the heavens and on earth. **(4:123, 131)**

The first verse makes all people equal before God. It states that all people, no matter what their religious belief is, will have the reward for their evil deeds. Al-Alūsī reports that the first verse (4:123) was revealed when Jews and Christians said to Muslims nobody would be admitted to Paradise except them and when the pagan Arabs of Quraysh said that there will be no resurrection. The second verse asserts that they have the same obligation as Muslims. It commands Jews, Christians, Muslims and other nations to fear God and shun disbelief.[138]

Another image which the Qur'ān portraits for the People of the Book is that God will judge all people regardless of their religion. The passage reads:

> Those who believe (in the Qur'ān), those who follow the Jewish (scriptures), and the Sabians, Christians, Magians, and Polytheists,- God will judge between them on the Day of Judgment:. **(22:17)**

The verse explains that those who believe in God, the Qur'ān, and followed Prophet Muḥammad, Jews, Sabaeans, Christians, and Magians, will stand before God for requital. He will admit to Paradise those who followed the right way and believed His prophets. As for those who disobeyed God and ascribed other partners to Him, He would admit them to Hell.[139] Remarkably, the verse does not make any distinction between Muslims and the People of the Book, especially regarding the responsibility for their deeds. On the contrary, God will summon all for questioning and privilege will be given to those who are righteous. In the following verse the Qur'ān deals with another issue:

---

[138] Al-Alūsī, op. cit, 3:146.
[139] Al-Shawkānī, op. cit, 5:549 .

> Did not Allāh check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allāh is commemorated in abundant measure. **(22:40)**

At this point, the verse refers neither to the People of the Book, nor their scriptures, but to their places of worship. It shows that God permitted His prophets and believes to fight those who disbelieve in order to establish His Oneness on earth.[140] There would be no basis for a religion without recognising God's monotheism. The verse illustrates that if this struggle was not allowed, these places, where prayers are performed and the name of God is continuously repeated, would not survive. In particular, the Qur'ān mentions the places of worship of the three revealed religions without giving advantage to one place over another.

### 1.7.7 Domestic relations

Co-existence among the followers of the three divine religions and the domestic relations among them are among the issues that the Qur'ān approached. Hence, according to an injunction in the Qur'ān, marrying a woman from the People of the Book is permitted in Islam. The verse reads:

> This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, - when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues if any one rejects faith. **(5:5)**

For now, the Qur'ān adopts a new approach concerning domestic relations between the three religions. It gives a clear instruction for the tolerance of Islam to the followers of other religions who live within or outside the Muslim community. From today's prospective, Islam did not give the People of the Book freedom to practice their rituals

---

[140] Al-Qurṭubī, op. cit, 12:70.

and exclude them from the Muslim community. Rather, the verse brought the People of the Book closer and urged Muslims to show kindness and show mutual sympathy. Accordingly, this would lead to increased interaction between Muslims and their non-Muslim counterparts who constitute an indispensable part of the community. The verse in question begins by elucidating that God made everything pure and good, whether it is food or slaughtered animals for Muslims to eat. It illuminates that whatever the People of the Book consume, except for certain kinds mentioned in verse 5:3, is also permitted.

In this connection, Shboul states that the Qur'ān acknowledges the religious and juridical diversity among the three communities. He adds that it also establishes the principles of social interaction, such as allowing the food of *ahl al-Kitāb* as *ḥalāl* (permitted) with certain exceptions, and permitting Muslims to marry women from *ahl al-Kitāb.*[141] Moreover, Muslims are allowed to consume the meat of animals (*dhabīḥah*) slaughtered by the People of the Book. Equally, both Jews and Christians can share the Muslims' food and that which Muslims slaughtered.[142]

The permissibility of the animals slaughtered by the People of the Book is a widely debated subject. Majlisī states that the schools of law agree that it is permitted for Muslims to consume the food of the People of the Book. He argues that the only disagreement is regarding the food of groups other than Jews and Christians.[143] While this position will not be debated in depth, a brief outline will be given. The Islamic rule "our food is lawful to them and theirs is lawful to us" signifies that there should be no barriers between Muslims and the People of the Book regarding food.[144]

---

[141] Shboul, Ahmad M. H. Arab Islamic perceptions of Byzantine religion and culture in Waardenburge, Jacques, *Muslim perceptions of other religions*, New York ; Oxford : Oxford University Press, p.108., p.123.
[142] Al-Ṭabarī, op. cit., 6:443.
[143] Majlisi, M, Baqir. *Biḥār al-Anwār al-Jāmi'ah li durar akhbār al-'A'immah al-Āthār*,Beirut: Mu'assasat al-Risālah, 1983, 63:2.
[144] Maudoodi, 2: 136.

The same verse shows another attitude towards other religions: it expresses that women from the People of the Book are equal to their Muslim counterparts. Accordingly, a Muslim is allowed to marry a chaste Jewish or Christian woman, just as he marries a Muslim woman. It could be argued that there is a consensus of opinion among Muslim scholars that marrying a Jewish or a Christian woman is permitted as it was the practise of some companions of Prophet Muḥammad. In spite of this, 'Abd Allāh b. 'Umar stated that a Muslim should not marry a Jewish or a Christian woman. He said that they believe in a Trinitarian God and should therefore be counted among polytheists. Jurists of the four Sunnī[145] Schools of Islamic jurisprudence discuss marriage with a Jewish or a Christian woman and give their views as detailed below.

Al-Imām Mālik considers such a marriage disapproved (*makrūh*). He states that since they consume pork and drink wine, a Muslim should not marry a woman from among the People of the Book.[146] However, al-Shāfi'ī argues that a Muslim, according to this verse, is allowed to marry a Jewish or a Christian woman.[147] The Ḥanfī jurist al-Kasānī reiterates the same opinion relying on the above-mentioned verse to support his opinion.[148] The Ḥanbalī jurist Ibn Qudāmah argues that a Muslim can marry a Jewish or a Christian woman or a woman from another religion if it agreed with Judaism or Christianity.[149] To conclude this issue, all four Sunnī Schools of law consider such a marriage as disapproved or reprehensible, especially when the non-Muslim woman lives in a non-Muslim country.

---

[145] Sunnī Muslims are the largest denomination of Islam. They are referred to as *ahl al-Sunnah* "people of the tradition"). The word Sunni comes from the word *sunnah* which means the tradition of the Prophet Muhammad. Sunnis are also referred to as *ahl al-Sunnah wa-l-Jamā'ah* (people of tradition and congregation) which implies that the Sunnis are united. They represent the branch of Islam that came through the caliphate.

[146] Mālik, b. Anas. *Al-Mudawwanah al-Kubrā*. Place, publisher, and date are not mentioned, 2: 215.

[147] Al-Shāfi'ī, Muḥammd b. Idrīs. *Kitāb al-'Umm*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1993, 5: 8.

[148] Al-Kasānī, 'Alā' al-Dīn Abū Bakr b. Mas'ūd al-Ḥanafī. *Badāi' al-Ṣanāi' fī tartīb al-Sharāi'*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1997, 3:459.

[149] Ibn Qudāmah, Abd Allāh b. Aḥamad al-Maqdisī. *Al-Mughnī*. Saudi Arabia: Riyadh, 1999, 9: 546.

### 1.7.9 Affinity with Muslims

In the following passage, the Qur'ān extols Christians:

> And nearest among them in love to the believers wilt thou find those who say, "We are Christians": because amongst these are men devoted to learning and men who have renounced the world, and they are not arrogant. **(5:82)**

The verses talks about three different groups, unbelievers, Jews, and Christians, and how they relate with Muslims. Meanwhile, it criticises Jews and unbelievers because of their enmity against Muslims. This will be discussed later. The verses places value to Christians because of their kindness towards Muslims. It goes without saying that those who believe in God, prophets, and scriptures, would be sympathetic to those who have the same monotheistic beliefs. In this regard, the verses entreats Prophet Muḥammad and Muslims en masse that they would find among all other different religious entities Christians, whether they live in the Muslim community or not, to be more compassionate and tolerant.[150]

This kindness was due to the friendly treatment that Prophet Muḥammad received during his journeys in his early years.[151] Watt maintains: "this commendation of the Christians reflects the kindness shown earlier to a group of Muslims in the Christian Empire of Abyssinia (or Ethiopia) when they went there to avoid persecution in Mecca."[152] Similarly, Rahman also states "this attitude towards Christianity has no parallel towards other communities mentioned in the Qur'an because is sometimes very mild, indeed highly tender toward Christians".[153] The Qur'ān touches upon another theme concerning priests and monks. The verses mainly refer to these two groups because they are the most prominent ideals among a religious gathering and upon whom the whole community can, spiritually, rely on.

---

[150] Al-Alūsī, op. cit., 4:4.
[151] Riḍa, op. cit., 7:3.
[152] Watt, W.M. *Muslim-Christian encounters*. London: Routledge, 1991, p.15.
[153] Rahman, Fazlur, The People of the Book and the diversity of "religions", in: Paul J. Griffiths (Ed.), *Christianity through non-Christian eyes* (Maryknoll NY, Orbis Books, 1990), 109

The verse begins by stating positive comments on priests who teach religion and monks who inspire asceticism and preach devoting oneself to the worship of God. The Qur'ān honours both and grants them a prestigious status equal to that of Muslim believers. They are characterized by certain peculiarities that give them eminence and privilege over other Christians. According to the verse, this unparalleled homage is attributed to: they are not arrogant, untruthful, and when they listen to the Qur'ān their eyes overflow with tears, are deeply affected and reaffirm their faith. They honour their pledge and wonder what prevents them from believing in God. Their petition is that God might bring them together with pious worshippers.

In response to their request, the Qur'ān, at the end, brings glad tidings about what is prepared for them in the Hereafter. God will admit them to His Gardens wherein rivers flow and, in addition, they will be given the reward of the righteous people. Ibn Abī Ḥātim narrates through Sa'īd b. Jubayr that al-Najāshī (Negus) king of al-Ḥabashah (Ethiopia), sent thirty of his chosen people to Prophet Muḥammad. He read before them chapter 36, when they listened to the Qur'ān their eyes were filled with tears.[154] To conclude, the foregoing section has given some aspects of the portrayal of the People of the Book. It dealt with the Qur'ānic verses that praise them and grant them some rights equal to those of Muslims.

### 1.7.8 Scriptures of the People of the Book

The Qur'ān has not only praised the People of the Book but also there is a large number of verses that praise their scriptures. We find that the *zabūr* which is the book of David, the Psalter is mentioned three times. Another verse refers to the scrolls of Abraham. There are references to the Wisdom, which is given to some prophets in the

[154] Al-Syūṭī, op. cit., 2:537.

sense of a revealed book, but not identified with particular writings. Due to the wideness of this subject, the researcher will only give examples to both the Torah and Gospel. The following verses give both the Torah and the Gospel an unmatched reverence:

> It was We who revealed the law (to Moses): therein was guidance and light. By its standard have been judged the Jews, by the Prophets who bowed (as in Islam) to God's will, by the rabbis and the doctors of law: for to them was entrusted the protection of God's book, and they were witnesses thereto. And in their footsteps We sent Jesus the son of Mary, confirming the Law that had come before him: We sent him the Gospel: therein was guidance and light, and confirmation of the Law that had come before him: a guidance. Let the people of the Gospel judge by what God hath revealed therein. **(5:44-47)**

The first verse explicates that God revealed the Torah to Prophet Moses and through which Jews were brought to believe in God. The passage spells out that God did not only reveal the Torah to be a source of guidance but also to be an applicable tool for disciplining life according to God's canonical law. The verse states that Prophet Muḥammad and other prophets who came after Moses judge Jews in the light of the injunctions prescribed in the Torah. Here, the Qur'ān confirms the authority of the Torah as a source of inspiration. Prophet Muḥammad issued a verdict that a Jewish man and woman who committed adultery should be stoned to death in the light of the Torah. This occurred when Jews went to ask Prophet Muḥammad's judgment in this matter in order to ease the punishment. He told them to bring forth the Torah and read it but they concealed the verses relating to the stoning to death until 'Abd Allāh b. Salām told them to reveal the real punishment.[155] Both rabbis and jurists judge among people with that which prophets asked them to keep against change.[156] They are guardians of the Torah and bear witness that it was revealed from God. The Qur'ān acknowledges another divine book, the Gospel.

---

[155] Ibn Kathīr, op. cit., 1:518.
[156] Al-Alūsī, op. cit, 3:312.

The second verse in the above-mentioned paragraph elucidates that God sent Jesus after a long chain of prophets with the Gospel to guide people to the right path.[157] In this reference, Gospel is described as a guide. It contains evidence that attests to the unity of God and it details the religious duties that people should observe.[158] As Gilliot comments: "nevertheless, the Gospel, like the Qur'an was a confirmation of previous scriptures. Its central thrust was identical to the central thrust of the Qur'an, the summons to serve and worship God."[159] The last verse conveys an order to *ahl al-Injīl*, that is Christians to judge their affairs according to the principles of the Gospel. The same verse warns them of changing words from their right places.[160]

Similarly, the Qur'ān mentions the three divine books together when it talks about one of the issues:

> God hath purchased of the believers their persons and their goods; for theirs (in return) is the Garden (of Paradise): they fight in His cause, and slay and are slain: a promise binding on Him in truth through the Law, the Gospel, and the Qur'ān. **(9:111)**

Al-Rāzī comments that the promise referred to in this verse is confirmed in the three books, just as the order to fight for the cause of God is to be found in all divine religions.[161] Al-Syūṭī states that this promise is also mentioned in both the Torah and Gospel.[162] Al-Qurṭubī adds that *jihād* in the cause of God and fighting the enemies of God were permitted during Moses's mission.[163]

### 1.8 Verses that criticise the People of the Book

Now we have come to the second section of the verses that criticise the People of the Book. Due to the nature of this period, there is a shift in the Qur'ānic attitude towards

---

[157] Maudoodi, op. cit., 2:165
[158] Al-Rāzī , op. cit., 3:411.
[159] Gilliot, op.cit., p. 25.
[160] Ibid.
[161] Al-Rāzī, op. cit., 16:159
[162] Al-Syūṭī, 3:502
[163] Al-Qurṭubī, op.cit, 8:268

Jews and Christians.

### 1.8.1 Perverting God's words and breaching His covenant

This is the first issue that the Medinan period when referring to the People of the Book deals with. Thus, we read:

**Can ye (o ye men of Faith) entertain the hope that they will believe in you?- Seeing that a party of them heard the Word of God, and perverted it knowingly after they understood it. (2:75)**

This verse refers to a group among the predecessors of the People of the Book. According to al-Alūsī, this group are the Rabbis who heard the Torah and interpreted it according to their own desires.[164] Al-Alūsī adds that the verse might refer to the seventy Jewish people who were with Moses at Mount Sinai. Riḍa shares the same opinion and adds that those seventy Jewish perverted the words of Moses when they went back to their people. He affirms that this distortion is written down in the Torah.[165] Al-Ṭabarī states that the verse refers to a group of banū Isrā'īl during Prophet Moses's time and it was the same group which asked him to see God in public. He adds that although the verse addresses those Jewish people during Prophet Muḥammad's time, it was their ancestors who perverted the Torah.[166] The following verse refer to a group of the People of the Book who pervert God words. Thus we read:

> And there are among them illiterates, who know not the book, but (see therein their own) desires, and they do nothing but conjecture. Then woe to those who write the book with their own hands, and then say: "This is from Allah, to traffic with it for miserable price!-Woe to them for what their hands do write, and for the gain they make thereby. **(2:77-78)**

In his comment on the verse, Riḍa argues that the first verse refers to Jewish scholars who pervert God's words and some of the public who know nothing about their religion.

---

[164] Al-Alūsī, op.cit., 1:pp.298,299.
[165] Riḍa, op.cit. 1:290,291.
[166] Al-Ṭabarī, op. cit., 1:411

Riḍa adds that the second verse maintains that those scholars changed the words of God to cope with their own interests.[167] Al-Ṭabarī states that the first verse refers to a group of Jews who knew nothing about their scriptures except fabricating some verses that were not revealed. This group use to tell lies about God. Al-Ṭabarī further adds that the second verse refers to another group who changed God's words for a worldly benefit.[168] Al-Syūṭī mentions that the first verse does not refer to the People of the Book but a group of people who did not believe a prophet but they wrote their own book and convinced the fool among them that this book was revealed form God. He, different form other exegetes, adds that the second verse refers to some Jewish Rabbis who concealed and changed the description of prophet Muḥammad the Torah foretold.[169] Al-Ṭūsī illustrate that the two verse refer to a group of Jews. He maintains that the book mentioned here is the Torah and the implied meaning of the verse is that this group wrote the book by themselves and then attributed it to God.[170]

The next example of the Qur'ān criticises a group of the People of the Book for breaching God's covenant. The verse states:

> Is it not (the case) that every time they make a covenant, some party among them throw it aside? - Nay, Most of them are faithless. And when there came to them an apostle from God, confirming what was with them, a party of the people of the Book threw away the Book of God behind their backs, as if (it had been something) they did not know! **(2:100,101)**

Here, the Qur'ān castigates some Jews for inconsistency and for not honouring their pledges. This verse makes a new allegation about the Jewish community and their hostility against Prophet Muḥammad. It shows the gravity of breaking covenants to such an extent that it becomes one of their characteristics.[171]

---

[167] Riḍa, op.cit., I:294
[168] Al-Ṭabarī, op.cit., 1:419,423
[169] Al-Syūṭī, op.cit., 1:158,159
[170] Al-Ṭūsī, op.cit., 1:322
[171] Al-Alūsī , op. cit., 1:334

Al-Rāzī argues that they made a promise, before the emergence of Muḥammad, that if this prophet was sent, they would help him against Quraysh.[172] They broke their covenant when they helped Quraysh against Prophet Muḥammad in the battle of the Trenches. The implied meaning of the verse is that the majority of those who violated their covenant did not believe in God and his messenger.[173] This verse was revealed when Prophet Muḥammad reminded Jews of their covenants. Mālik b. al-Ṣayf, a Jewish man, said that the Jews did not make such a covenant and God did not take their promise to Muḥammad. ʻAṭā says that the verses were revealed when the Jews of banū Qurayẓah and banū al-Naḍīr broke their covenant with Prophet Muḥammad.[174] The second verse spells out that when a prophet came to them to certify the truth of their scripture, the Jews cast the Torah away. When Prophet Muḥammad came to tell them about the trustfulness of Prophet Moses and the reality of the prophesies that the Torah had about his emergence, the Jews reneged on their promise. It does not mean that they relinquished the whole book but they left a fragment that foretold of Muḥammad and his descriptions.[175]

In this verse, al-Alūsī claims that Jews are divided into four groups. The first are those who believed the Torah and committed themselves to its instructions; thus, they are like Muslim believers. The second group are those who renounced their covenant publicly and transgressed its limits; thus, they are defined as "a party of the People of the Book who threw away the book." The third group are those who renounced the covenant privately. The last group are those who held fast to it publicly but rejected it secretly.[176]

---

[172] Al-Rāzī, op.cit., 1:350.
[173] Al-Ṭabarī, op. cit.,1:488.
[174] Al-Syūṭī, op. cit., 1:181.
[175] Riḍa, op. cit.,1:323.
[176] Al-Alūsī, op. cit., 1:336.

In the following verses, the Qur'ān deals with another issue:

> They have incurred divine displeasure: In that they broke their covenant; that they rejected the signs of God; that they slew the Messengers in defiance of right; that they said, "Our hearts are the wrappings (which preserve God's Word; We need no more)"; - Nay, God hath set the seal on their hearts for their blasphemy, and little is it they believe;-. That they said (in boast), "We killed Christ Jesus the son of Mary, the Apostle of God"; - but they killed him not, nor crucified him, but so it was made to appear to them, and those who differ therein are full of doubts, with no (certain) knowledge. **(4:155-157)**

Although the verses refer to incidents which occurred during the time of Prophet Moses and Jesus, the verse castigates some Jews. They were accused of breaching the covenant, which they took from God to follow the Torah. Another erroneous act maintained in the verses is their accusation against the Virgin Mary of immorality. Al-Rāzī comments that the verses accuse them of disbelief as they denied the miraculous birth of Jesus that would accordingly mean to deny God's ultimate ability.[177] The verses discusses a widely debated issue: was Jesus crucified or not? It is not, however, the aim of this chapter to go into further details about this issue. In brief, the Qur'ān ascertains that he was neither crucified nor killed but another person similar to him was crucified instead. As for Jesus, the verse affirms that God raised him to Himself. Ridgeon maintains that "the Muslim commentators understand this passage to mean that Jesus did not die on the cross; often they suggest that someone else (e.g. Judas) died in his place while God exalted Jesus alive to heaven."[178] Here, the Qur'ān refers to a group of Christians who forgot a part of the message. The verse reads:

> From those, too, who call themselves Christians, We did take a covenant, but they forgot a good part of the message that was sent them: so we estranged them, with enmity and hatred between the one and the other, to the Day of Judgment. **(5:14)**

On his comment on this verse, al-Rāzī explains that Christians forgot this pledge when they said to Jesus "we are God's helpers" but they did not commit themselves to that

---

[177] Al-Rāzī ,op. cit., 11:78.
[178] Ridgeon, Lloyd . *Islamic interpretation of Christianity.* Richmond: Curzon, 2000, p.15.

pledge.[179] Furthermore, they followed the same way of Jews when they broke their covenant with God (3:52, 6:14). Notwithstanding al-Ṭabarī argues that this covenant means that they promised to obey God, perform the religious duties, and follow His prophets. Ibn Kathīr maintains they made their pledge to God to follow Muḥammad and support him.[180]

In the following reference, the Qur'ān refers to the Jews of Madīnah:

> "Or it be among the Jews, men who will listen to any lie, - will listen even to others who have never so much às come to thee. They change the words from their (right) times and places: they say, "If ye are given this, take it, but if not, beware! But why do they come to thee for decision, when they have (their own) law before them? - Therein is the (plain) command of God; " **(5:41-43)**

These verses accuses some Jews of listening to falsehood, which means that they accepted the lies of their leaders about Prophet Muḥammad. In addition, they changed words from their proper place, an accusation that has already been explained. Some exegetes agreed that this accusation mainly refers to the punishment of stoning to death in the case of adultery. The Jews of Madīnah changed this punishment to flog with lashes. Accordingly, they consulted each other and decided if Prophet Muḥammad were to give his verdict to the same effect that they desired, they would accept it; otherwise, they would reject it. Again, the verse mentions that they devour anything that is forbidden.[181] The Qur'ān wonders at this behaviour: how could they seek judgement from another legislator while they have their own scripture that has the same judgement as the Qur'ān? It could be noticed that while the verse 5:42 criticises them, it acknowledges their right to judge their affairs as they see fit and ask them to apply the injunction of the Torah. The verses stress that if they were given a verdict, they would turn away and reject it.

---

[179] Al-Rāzī, op. cit., 3:384.
[180] Ibn Kathīr, op. cit., 1:498.
[181] This phrase means both in a literal and a in a figurative sense. In the figurative sense, it would be the taking of usury or bribes, or taking undue advantage of people's weak position to their own fiduciary powers to add to their own wealth. A.Y.Ali, op. cit., p.255

In his comment on these verses, al-Rāzī discusses that they claimed to read the Torah but they did not follow it and did not believe in Prophet Muḥammad in spite of claiming that he would judge them.[182]

### 1.8.2 Wishes of the People of the Book

Another theme that the Qur'ān deals with is wishes of the People of the Book and their intentions. Thus, the following verse reads:

> It is never the wish of those without Faith among the People of the Book, nor of the Pagans, that anything good should come down to you from your Lord. But God will choose for His special Mercy whom He will - for God is Lord of grace abounding. **(2:105)**

This verse refers to both the unbelievers among the People of the Book and the polytheists, and argues that neither wishes good will to Muslims. This implies the Qur'ān, mercy, and revelation. The verse shows grudges towards Muslims from both sides. This verse was revealed when Muslims said to their allies among the Jews: believe Muḥammad. They said: had he been better than that in which we believe, we would have followed him. It is also said that the verse was revealed to refer to some Jews who pretended to show kindness and goodness towards Muslims.[183] Thus, this verse falsifies their position and maintains that God gives His bounties to whom He pleases, and chooses His messengers to carry out His orders.

In the same *sūrah*, another verse reads:

> Quite a number of the People of the Book wish they could Turn you (people) back to infidelity after ye have believed, from selfish envy, after the Truth hath become Manifest unto them. **(2:109)**

The verse states that Jews and Christians wished Muslims would forsake their religion and become infidels. According to the verse, this feeling is because they harbour a grudge, although they know that the Qur'ān speaks the truth and Prophet Muḥammad

---

[182]Al-Rāzī, op. cit., 11:186.
[183] Ibid, 1: 349.

was right. The resulting attitude of hostility was born out of both theological controversy and of political and military conflict.[184] The verse commands Muslims to replace hostility with patience and forgiveness. Exegetes such as Ibn 'Abbās and al-Ṭabarī said that this verse, although this is not my area of investigation, was abrogated by the verse of the sword (9:29). Ibn Abī Ḥātim narrates through 'Ikrimah or Sa'īd through Ibn 'Abbās that the verse was revealed when Ḥuyay b. Akhṭab and Abū Yāser b. Akhṭab, two Jewish chieftains, were among the people envious of Muslims. They used all possible means to prevent people from converting to Islam.[185] Waardenburg maintains that the Qur'ān's approach to the people of the Book might not be the same:

> The tone of accusation in the Qur'an towards the Christians is much milder than that addressed to the Jews and the conflict between Muḥammad and the Christians was certainly not nearly as intense as his conflict with the Jews.[186]

In the following verse, the Qur'ān exposes the intention of Jews and Christians for their arguments:

> It is the wish of a section of the People of the Book to lead you astray. But they shall lead astray (Not you), but themselves, and they do not perceive! Ye People of the Book! Why reject ye the Signs of God, of which ye are (Yourselves) witnesses? **(3:69-72)**

According to al-Shawkānī, the verse refers to the Jews of banū al-Naḍīr, banū Qaynuqā' and banū Qurayẓah.[187] They wished they could ask Muslim to convert to Judaism. Other exegetes maintain that the verse refers to Jews and Christians who were knowledgeable about the Torah and the Gospel. The Qur'ān criticises them as they are trying to cast doubts in some Muslims' minds and hearts. The verse states that their scheming will be counter-productive when they face God's punishment and anger.[188]

---

[184] Ridgeon, op. cit., p.16.
[185] Al-Syūṭī , op. cit., 1:201.
[186] Wardenburg, op. cit., p.9.
[187] Ibid.
[188] Al-Ṭabarī, op. cit., 3:307.

This verse was revealed when some members of the above-mentioned Jewish tribes tried to urge Mu'ādh b. Jabal, Ḥudhayfah b. al-Yamān, and 'Ammār b. Yāser, (companions of Prophet Muḥammad to convert to Judaism).[189] In the next verse, the Qur'ān accuses the People of the Book of denying some references that foretold about Muḥammad.[190] It might also mean that they denied some of his miracles that bore witness to his truthfulness. Henceforth, to deny such miracles would be a contradictory attitude as these miracles supported prophets as already attested.[191] The last verse accuses Jews and Christians of confounding truth with falsehood. According to al-Alūsī, this accusation signifies the following: they altered both the Torah and the Gospel; they declared Islam publicly but believed in Jesus and Moses; or they knew the reality of Prophet Muḥammad's message but denied the truth.[192] Similar references that bear the same type of criticism are found elsewhere (2:139,140). Riḍa argues that Jews concealed judgments in their Law such as the prophecies, which predict the emergence of Prophet Muḥammad.[193]

Here the passage refers to the unbelievers among the People of the Book. The verses read:

> Those who reject (Truth), among the People of the Book and among the Polytheists, were not going to depart (from their ways) until there should come to them Clear Evidence, - Nor did the People of the Book make schisms, until after there came to them Clear Evidence. Those who reject (Truth), among the People of the Book and among the Polytheists, will be in Hell-Fire, to dwell therein (for aye). They are the worst of creatures. **(98:1, 4, 6)**

The first verse asserts that a group of the People of the Book would not relinquish their disbelief until they receive a clear proof. Ibn 'Abbās affirms that the verse refers to the

---

[189] Al-Syūṭī, op. cit., 2:71.
[190] Riḍā, op. cit., 3:273.
[191] Al-Rāzī, op. cit., 2:470.
[192] Al-Alūsī, op. cit., 2:191.
[193] Riḍa, op. cit., 3:274.

Jews of Median, more precisely banū Qurayẓa, banū al-Naḍīr, and banū Qaynuqā'.[194] The other verse deals with those who disagreed with Prophet Muḥammad. Al-Ṭabarī argues that they did so after they knew about his prophethood. They recognised Prophet Muḥammad before his mission but when he came to them, only some of them believed in him.[195] According to al-Qurṭubī, they disagreed when they discovered Prophet Muḥammad's description in their scriptures.[196] The last verse explains the fate of those who disbelieve in God and deny the prophethood of Muḥammad. It emphasises that they will dwell in Hell and will be considered the worst creatures.

### 1.8.3 Allegations

Throughout its verse, the Qur'ān reveals some allegations made by the People of the Book. In this regard, the following verse reads:

> And they say: "The Fire shall not touch us but for a few numbered days: Say: "Have ye taken a promise from Allah, for He never breaks His promise? Or is it that ye say of Allah what ye do not know?" **(2:80)**

The verse shows one of the allegations that Jews made. They claimed that they will only be punished for few days. Al-Ṭabarī argues that this verse refers to the period where they worshiped the calf.[197] Riḍa states that the verse criticises them and shows their arrogance. He adds that if they are true in their claim they must have a proof, otherwise they are lying to God.[198] Katch supports this allegation. He comments: "The Koranic reference to "a number of days" recalls the Talmudic statement that the trial of the transgressors in hell lasts twelve months".[199] Ibn Jarīr narrates that Jews said that the length of this worldly life is seven thousand years

---

[194] Al-Qurṭubī, op. cit., 20:140.
[195] Al-Ṭabarī, op. cit., 12:655.
[196] Al-Qurṭubī, op. cit., 20:143.
[197] Al-Ṭabarī, op. cit., 1:425.
[198] Riḍa, op.cit., 1:296
[199] Katch, Abraham I. *Judaism in Islam,* New York: A.S. Barnes, 1962. p.77

and for each thousand year we will be punished in Hell fire for one day. Then the verse was revealed to refute their claim.[200] In another occasion, we find the Qur'ān deals with another allegation. The verse reads:

> And they say: "None shall enter Paradise unless he be a Jew or a Christian." Those are their (vain) desires. Say: "Produce your proof if ye are truthful. **(2:111)**

This verse sheds light on these allegations and refutes them. It displays that Jews and Christians claimed that they alone should possess Paradise and only those who followed their religions should be admitted to it. The verse maintains that such allegations are only wishes and have no basis. God challenged them to bring proof to verify their argument if their claims are true. Al-Rāzī argues that this verse shows that Jews wanted to cast doubt into Muslims' hearts. He adds that neither Jews said this against Christians nor did Christians say it against Jews.[201] In another *sūrah*, the Qur'ān refers to a different confrontation among the People of the Book:

> The Jews say: "The Christians have naught (to stand) upon; and the Christians say: "The Jews have naught (To stand) upon." Yet they (Profess to) study the (same) Book. Like unto their word is what those say who know not; but God will judge between them in their quarrel on the Day of Judgment. **(2:113)**

The above-mentioned verse reveals that there is a scope for discrepancy among Jews and Christians. Both are reproached for the claim that they will only be admitted to paradise. While making this claim, they accused each other of having no basis for their religions. The core of this accusation is that every group tries to prove that they are true and their religion is the right one. While the Gospel bears witness to Prophet Moses and his message and the Torah confirmed the emergence of Prophet Jesus, they denied these parts.[202] The Qur'ān clarifies that, in spite of their accusations against each other, they read and understand the scriptures. The verse launches another attack because, if this was the behaviour of those who read the scripture, it is worse as they are supposed

---

[200] Al-Syūṭī, op.cit., 1:163
[201] Al-Rāzī, op. cit., 4: 5.
[202] Al-Ṭabarī, op. cit., 1:542.

to discern what is true. Other nations, such as pagan Arabs, had a similar attitude when they said that Muslims' faith is baseless.

God enunciates that He will judge these disputed groups. Ibn 'Abbās reports that this verse was revealed when the Christians of Najrān and Jewish rabbis brought their dispute to Prophet Muḥammad. Rāfi' b. Ḥarmalah, a Jewish rabbi, said to the Christians, "You have nothing to stand upon in your religion" and that he disbelieved Jesus and the Gospel. Similarly, a Christian man from Najrān said the same thing to Jews and he denied the prophethood of Moses and renounced the Torah.[203]

The Qur'ān touches upon another claim:

> They say: "Become Jews or Christians if ye would be guided (To salvation)." Say thou: "Nay! (I would rather) the Religion of Abraham the True and he joined not gods with God. **(2:135)**

The verse highlights that both Jews and Christians presumed that guidance and goodness are restricted to them. Each group wished that Prophet Muḥammad and his companions should give allegiance to either Judaism or Christianity. In reply to their claim, the Qur'ān instructed Prophet Muḥammad to tell them that he follows the true guidance through the religion of Abraham. Ibn Abī Ḥātim narrates through Sa'īd or 'Ikrimah through Ibn 'Abbās that Ibn Ṣūriyya, a Jewish man, said to Prophet Muḥammad, "Guidance is only that we follow. Thus, follow us and you will be guided". Christians said the same thing. Accordingly, this verse was revealed.[204] In the following verse, the Qur'ān probes People of the Book's disputes with Prophet Muḥammad:

> Ah! Ye are those who fell to disputing (Even) in matters of which ye had some knowledge! But why dispute ye in matters of which ye have no knowledge? It is God Who knows, and ye who know not! Abraham was not a Jew nor yet a Christian; but he was true in Faith, and bowed his will to God's (Which is Islam), and he joined not gods with God." **(3:64, 65)**

---

[203] Al-Syūṭī, op. cit., 1:203 .
[204] Ibid: 210.

It could be argued that the above-mentioned verses reflect an ongoing dialogue with Jews and Christians. The verses refute their pretences of having an affinity with Abraham, whose mission was prior to the revelation of both the Torah and Gospel. Abraham holds a prestigious position in their scriptures and Quraysh revered him and proclaimed that they should follow his religion.[205] There have been debates either with Prophet Muḥammad or among themselves as to whether or not Abraham was a Jew or a Christian. The Qur'ān disproves this pretext by showing that he lived long before the emergence of the two religions. Neal states:

> The People of the Book are criticised for disputing about Abraham when the Torah and Gospel were not revealed until after him. Thus attempting to depict him as a Torah-abiding Jew or a Gospel believing Christian are rejected as compatible with the biblical chronology.[206]

On the authority of Ibn Isḥāq, Ibn Jarīr, and al-Bayhaqī who said the verse (3:65) was revealed when a number of Christians from Najrān and some Jewish rabbis argued both with Prophet Muḥammad and among themselves. Jewish rabbis said that Abraham was a Jew whereas Christians said that he was a Christian.[207] Al-Ḥadād maintains that the former verse, indicates change in the prophetic attitude towards the People of the Book.[208] He adds that this change does not mean an entire religious separation from the People of the Book. Rather, the Qur'ān acknowledges the religion of the followers of Prophet Moses, Jesus, and finally of Prophet Muḥammad.[209]

The following verse shows another way of criticising both Jews and Christians:

> Abraham was not a Jew nor yet a Christian; but he was true in Faith, and bowed his

---

[205] Riḍa, op. cit., 3:268.
[206] Neal, Robinson. Sūrat *Āl 'Imrān* and those with the greatest claim to Abraham, *Journal of Quranic studies*, 2004, 6 (2), pp.1-21
[207] Al-Ṣyūṭī, op. cit., 2:71.
[208] Al-Ḥadād, al-Ustādh, full name of the author, year and place of publication are not mentioned, *Al-Qur'ān wa al-Kitāb*, p.171.
[209] Ibid.

will to God's (Which is Islam), and he joined not gods with God. **(3:67)**

It shows that the presumption of the People of the Book about Prophet Abraham's religion is erroneous because they argued about something over which they had no knowledge. They disputed what is in their scriptures; that is the prophethood of Jesus and his status. The Qur'ān denies their disputation over Abraham's faith since neither the Torah nor the Gospel state that he was a Christian or a Jew.[210]

The Qur'ān shows another example mentioned in previous scriptures:

> They (also) said: "God took our promise not to believe in an apostle unless He showed us a sacrifice consumed by Fire (From heaven)." Say: "There came to you apostles before me, with clear Signs and even with what ye ask for: why then did ye slay them, if ye speak the truth?"**(3:183).**

Commenting on this verse, Riḍa maintains that Jews said to Prophet Muḥammad: "We made a promise to God that we will not believe a prophet until he brings a tangible proof."[211] Al-Alusī said that the people who asked for that were a Jewish group: Ka'b b. al-Ashram, Mālik b. al-Ṣayf, Wahb b. Yahūzā, Zayd b. al-Tābūh, and Fanḥāṣ b. 'Āzurā. They came to Prophet Muḥammad and said: "We would not believe you until you bring us a proof like fire which comes from heavens". Riḍa illustrates that this practice was common in previous religions.[212] The verse ironically criticises this group because their ancestors killed some prophets such as Yaḥyā (John), son of Zachariah although he had brought these proofs to them. Al-Qurṭubī maintains that the verse refers to fire because before Prophet Muḥammad 's time if somebody was to make offering to God and it was accepted, God would send fire from heavens to burn that offering.[213]

---

[210] Al-Shawkānī, op. cit., 1:441.
[211] Riḍa, op. cit., 4: pp.216, 217.
[212] Al-Alūsī, op. cit., 2:352.
[213] Al-Qurṭubī, op. cit., 4:296.

Al-Shawkānī states that this custom was common among the Children of Israel during Prophet Moses's mission.[214]

### 1.8.4 The attitude of the People of the Book towards prophet Muḥammad

Among the themes that the Qur'ān deals with is the People's of the Book attitude towards prophet Muḥammad. In the following verse, the Qur'ān illustrates this:

> Never will the Jews or the Christians be satisfied with thee unless thou follow their form of religion. Say: "The Guidance of God,-that is the (only) Guidance." Wert thou to follow their desires after the knowledge which hath reached thee, then wouldst thou find neither Protector nor helper against God. **(2:120)**

The verse asserts that Jews and Christians would continue to oppose Prophet Muḥammad and would not be convinced by his call. Notwithstanding, they said to him that they seek peace and would accept Islam, but he was told that they would not be pleased with him until he abandoned Islam and took up their religion.[215] Again, he was told to inform them that guidance could only be sought through prophets and not through that which they added or altered in their original books.[216] Al-Tha'labī narrates through Ibn 'Abbās that this verse was revealed when the Jews of Madīnah and the Christians of Najrān were hoping that Prophet Muḥammad would direct himself and Muslims towards their *qiblah* (direction of prayer). When he was ordered to direct prayers towards the Ka'ba, they gave up persuading him to follow their *qiblah.*[217] The Qur'ān warns Prophet Muḥammad of following their desires particularly after he had received guidance and knowledge. Otherwise, God will not help whoever follows their claims. In the same connection, other verses deal with relevant issues:

> We see the turning of thy face (for guidance to the heavens: now shall We turn thee to a Qiblah that shall please thee. Turn then Thy face in the direction of the sacred Mosque: Wherever ye are, turn your faces in that direction. The people of t he Book

---

[214] Al-Shawkānī, op. cit., 1: 511.
[215] Al-Qurṭubī, op. cit., 2:94.
[216] Al-Shawkānī, op. cit., 1:169.
[217] Al-Syūṭī, op. cit., 1:209.

know well that that is the truth from their Lord. Nor is God unmindful of what they do. Even if thou wert to bring to the people of the Book all the Signs (together), they would not follow Thy Qibla; nor art thou going to follow their Qibla; nor indeed will they follow each other's Qibla. If thou after the knowledge hath reached thee, Wert to follow their (vain) desires,-then wert thou Indeed (clearly) in the wrong. The people of the Book know this as they know their own sons; but some of them conceal the truth which they themselves know. **(2:145-147)**

In this passage, the Qur'ān refers to the change of *qiblah* from Jerusalem to the Ka'bah and the reaction of both Jews and Christians against this change. The changing of the *qibla* aroused mischief in the community of Madīnah. Especially the Jews, which formed a great part of the population, seemed to be concerned. Facing the Ka'bah means facing a place where also pagan deities were worshipped. But for the Muslims it was the place, where Prophet Abraham had built the first temple of the One God. Historians consider this development as a decisive moment in Muḥammad's break with Jews. Therefore, it is a concrete mark of the religious distinctiveness of Muḥammad's community.[218] Peters comments: "this change may have been the result of a falling out with the Medinese Jews or it may have been done to placate or reconcile the Jews."[219] He adds that the Qur'ān commentators did not agree on how to construe this verse.[220] Arnold argues that this change has a greater significance than it might appear at first sight. He comments: "it was really the beginning of the national life of Islam: it established the Ka'bah at Mecca as a religious centre for all Muslim people."[221] Neal asserts that this change marked Muslims as a separate community distinct from Jews and Christians.[222] The verses start with a reference to the Jewish rabbis and Christian priests affirming that they are well aware of the sacred mosque in Makkah and they knew that Abraham built it. They accepted that prophets did not tell lies.

---

[218] Ridgeon, op. cit., p.11.
[219] Peters, F.E *Jerusalem: The Holy City in the eyes of chroniclers, visitors, pilgrims, and prophets.* Princeton: Princeton University Press, 1985, p.197.
[220] Ibid.
[221] Arnold, Thomas Walker. *The preaching of Islam; a history of the propagation of the Muslim faith.* London: Constable, 1913, p. 27.
[222] Neal, op. cit, p. 201.

They understood, relying on their scriptures and knowledge of abrogation (*naskh*[223]), that Qur'ānic verses might be abrogated and replaced by others.[224] The Qur'ān ascertains that if Prophet Muḥammad was to produce evidence to prove that he was right in this change, they would neither believe him nor follow this *qiblah.*[225] In addition, they would neither respond to his call nor follow each other's *qiblah* because, as al-Shawkānī states, Jews direct themselves towards Jerusalem whereas Christians direct themselves towards the sunrise.[226] The verses convey a clear caution to Prophet Muḥammad that if he took their part, he would be unjust to himself and disobedient to God. Ibn Jarīr reports that the last verse was revealed when Prophet Muḥammad was told to change the direction of prayer from Jerusalem to Makkah, Jews said: He longed for his father's home and birthplace. If he had maintained our *qiblah*, he would have been the prophet that we are waiting for."[227]

The following verse refers to a group of the People of the Book who asked Prophet Muḥammad for a miracle just as another group asked Prophet Moses before:

> The People of the Book ask thee to cause a book to descend to them from heaven: Indeed they asked Moses for an even greater (miracle), for they said: "Show us God in public," but they were dazed for their presumption, with thunder and lightning. **(4:153)**

The verse under discussion reveals that some Jews asked Prophet Muḥammad for a material proof in order to believe him. Al-Alūsī maintains that they asked him to bring laws just like those revealed to Moses (7:145). He adds that these laws should comply with their own requests. Riḍa comments that they asked for a divine book to be revealed to Prophet Muḥammad and the book should testify that it was sent from God

---

[223] The idea underlying the doctrine is that certain commands to the Muslims in the Qur'ān were only of temporary implication and that when circumstances changed they were abrogated or replaced by others. Watt, W. M. *Bells introduction to the Qur'ān*, pp.87, 88.
[224] Al-Qurṭubī, op. cit., 2:161.
[225] Al-Ṭabarī, op. cit., 1:27.
[226] Al-Shawkānī, op. cit., 1:195.
[227] Al-Ṭabarī, op. cit., 1:27.

or that a book should reveal in their rabbis' names.[228] Al-Alūsī illustrates that the Jews wanted to deceive Muslims because the Jews knew that what was revealed to Moses were only the Ten Commandments engraved on two stones.

The rest of the instructions were revealed at different intervals.[229] Furthermore, al-Alūsī argues that their demand indicates that either they were unable to understand the real meaning of prophethood even though they had a lot of prophets or they were attempting to weaken Prophet Muḥammad's call.[230] The verse portrays Prophet Muḥammad as having the same mission as Prophet Moses. Al-Alūsī defines the Jews' command when they said to Muḥammad: We would not believe you until you bring a book from God says to so-and-so that Muḥammad is the messenger of God."[231] The Qur'ān maintains that their ancestors were also intransigent when they asked Moses to see God in public.

### 1.8.5 Attitude of the People of the Book towards Muslims

Having shown the attitude of the People of the Book towards the prophet, this part will show their attitude towards Muslims in general. In the following verse, the Qur'ān labels them as being feeble-minded. The verse that bears this meaning reads:

> The fools among the people will say: "What hath turned them from the Qiblah to which they were used?" Say: To God belong both east and West: He guideth whom He will to a Way that is straight **(2:142)**

The verse attributes foolishness to those who argued about the change of the *qiblah*. Al-Ṭabarī states that they are called so because they ignored the truth and Muḥammad was not among the prophets of the Children of Israel.[232] Al-Qurṭubī argues that the verse refers to those who wish to change the *qiblah* including Jews of Madīnah and

---

[228] Riḍa, op.cit, 6:10.
[229] Al-Alūsī, op. cit., 3:189
[230] Ibid.
[231] Al-Alūsī, op. cit., 3:181.
[232] Al-Ṭabarī, op. cit., 2:5.

hypocrites. Al-Ṭūsī explains that the feeble-minded people that the verse refers to are: the Jews of Madīnah, the hypocrites, and the Arab polytheists. He further adds that they are called so because they mocked Muslims when the *qiblah* was changed.[233] The verse shows that this change returns to God who guides Muslims to the direction He likes. It is told that when Prophet Muḥammad migrated to Madīnah, he found the majority of the population to be Jews. He initially followed their *qiblah* towards *bayt al-Maqdis* (Jerusalem). Later, he was ordered to change the *qiblah* towards Makkah, causing Jews to ask and doubt what made Muslims to change their *qiblah?*[234]

In the following verses, the Qur'ān spells out the intention of some Jews against Muslims:

> A section of the People of the Book say: "Believe in the morning what is revealed to the believers, but reject it at the end of the day; perchance they may (themselves) Turn back; "And believe no one unless he follows your religion." Say: "True guidance is the Guidance of God: (Fear ye) Lest a revelation be sent to someone (else) Like unto that which was sent unto you? or that those (Receiving such revelation) should engage you in argument before your Lord? **(3:73)**

According to exegetes, the verses refer to a group of Jews who, after consulting each other, decided to believe in Prophet Muḥammad and Islam at the beginning of the day but renounce it at the end of the same day. The verses proclaim that they aimed to mislead illiterate Muslims who took for granted that the People of the Book had a better knowledge of the nature of religion and revelation. These illiterate Muslims might have been tempted to forsake Islam when they found such people accepting Islam and renouncing it in one day. The Jews' apparent aim was to pervert Muslims from following Prophet Muḥammad.[235] The second verse adds that they would not believe in anybody until he followed Judaism. In response, the Qur'ān states that guidance comes only from God who guides whom He likes. Ibn Isḥāq narrates that the

---

[233] Al-Ṭūsī, 1:3-4
[234] Al-Wāḥidī, op. cit., p.47.
[235] Ibid .

verses were revealed when a group of Jews said to each other: Come to believe in what was revealed to Muḥammad at the beginning of the day and disbelieve it at the end of the day, so his followers might follow us and forsake their religion."[236]

The Qur'ān shows another instance in which some Jews are cąstigated:

> God hath heard the taunt of those who say: "Truly, God is indigent and we are rich!"- We shall certainly record their word and (their act) of slaying the Prophets in defiance of right and We shall say: "Taste ye the penalty of the scorching Fire! **(3:181)**

The verse reflects that a group of Jews did not only try to turn Muslims from their religion but also directed grievous taunts against God. Another insult they directed against God is found elsewhere (5:64). As a result of taunts, God threatened them that He would write down what they said and that they would be punished.[237] The verse also accuses them with the killing of God's prophets. Remarkably, the verse accuses the Jews during Prophet Muḥammad's time, although the killing occurred previously. Al-Alūsī explains that the verse refers to them because of their approval of what their predecessors committed.[238] A similar blame and punishment can be found elsewhere (3:20). An example of the prophets they killed, as al-Aṭyar argues, is Isaiah son of Amoz (one of the prominent prophets of the Torah between 791-701 BC).[239] On the authority of Ibn Mardawaih and Ibn Abī Ḥātim said that this verse was revealed regarding God's saying (2:245) was revealed, some Jews ridiculed this and said: "God went bankrupt now and began to beg His creatures for loans."[240] In the following verse, the Qur'ān shows what Muslims would receive from the People of the Book:

> And ye shall certainly hear much that will grieve you, from those who received the Book before you and from those who worship many gods. And remember God took a

---

[236] Al-Syūṭī, op. cit., 2:75 .
[237] This was the taunt of the Jews of the tribe of banū Qaynuqā", when Prophet Muḥammad demanded tribute of them in the name of God. J.M.Rodwell . The Qur'ān tr. from the Arabic by J.M. Rodwell, London: Dent. 1909, p.403.
[238] Al-Alūsī, op. cit., 2:352.
[239] Al-Aṭyar, op. cit., 85.
[240] Maudoodi, op. cit., 1:303.

> covenant from the People of the Book, to make it known and clear to mankind, and not to hide it; but they threw it away behind their backs, and purchased with it some miserable gain!**(3:186, 187)**

Here the first verse tells Muslim believers that they would face trials and would hear from the People of the Book and Pagan Arabs what would make them grieve. Other references that outline the words that both Jews and Christians said to Prophet Muḥammad and Muslims are at: (2:181, 5:64, 9:35, and 5:19). Pagan Arabs opposed Prophet Muḥammad, mobilized soldiers to fight him, and prevented Muslims from helping him. Furthermore, the verse conveys an order to Muslims not to lose courage but to maintain patience in the face of these devious words as this might persuade Muslim opponents to believe in Islam.[241] Ibn Abī Ḥātim and Ibn al-Mundhir narrate, with a strong chain of narration, through Ibn 'Abbās that the verses were revealed to show a confrontation between Abū Bakr, the second Muslim Caliph, and Fanḥāṣ b. 'Āzūrā, a Jewish man, when the latter said that: "God is poor and we are rich.".[242]

The second verse follows the same course of criticising the People of the Book. According to Ibn Kathīr, the covenant to which this verse refers to is that which they took from God through their prophets to believe Prophet Muḥammad and make this covenant known to their people.[243] The Qur'ān declares that instead of following the instructions of their pledge, they turn their backs on it. The verse reveals that the impetus behind this act was nothing but a paltry price. The verse threatens those who concealed the truth in pursuit of a worldly pleasure. The following verse depicts another phase of the attitude of the People of the Book towards Muslims:

> "Strongest among men in enmity to the believers wilt thou find the Jews and pagans" **"5:82"**

---

[241] Al-Rāzī, op. cit., 3:115.
[242] Al-Syūṭī, op. cit., 2:192.
[243] Ibn Kathīr, op. cit.,1:354.

Although in the verse Jews and idolaters are made the most vehement in hostility, but according to exegetes, this does not include all Jews. The Qur'ān specifically notes that such criticism is not directed against all Jews. Even when the Qur'ān criticizes the Jews, it always notes that "among them there are some...". Muhibbu-Din states that the verse refers to the Jews of Madīnah when they entered into alliance with polytheists against Islam and Muslims. This explains the reason for this blame.[244] Al-Alūsī maintains that the verse refers to the Jews of Madīnah who lived during Prophet Muḥammad's time.[245] Al-Ṭabarī states that the verse shows the sufferings that Prophet Muḥammad went through because of the polytheists of Makkah and the Jews of Madīnah.[246]

### 1.8.6 Concealing the truth

Another theme that the Qur'ān dealt is the habit of concealing the truth. The following verses criticise Jewish rabbis and Christian priests because they concealed the truth after the inconsistency they had created over the change of the *qiblah*:

> Those who conceal the clear (Signs) We have sent down, and the Guidance, after We have made it clear for the people in the Book,-on them shall be Allah's curse, and the curse of those entitled to curse,- . Except those who repent and make amends and openly declare (the Truth): To them I turn; for I am Oft-returning, Most Merciful. **(2:159,160)**

An impressive number of exegetes with the exception of al-Rāzī and Ibn Kathīr, state that the above-mentioned verses speak of Jewish rabbis and Christian priests who did not reveal the truth about Prophet Muḥammad's descriptions. They did not allow this truth to filter through to the Jewish and Christian masses.

---

[244] Muhibbu-Din, M.A, Principles of Islamic polity towards ahl al-Kitāb, *Journal of Muslim minority affairs*, 2000, 20 (1), pp. 111-127.
[245] Al-Alūsī, op. cit., 4:5.
[246] Al-Ṭabarī, op. cit., 7:1.

Scholars of the People of the Book refused to show the original texts to the public.[247] God threatened them with His wrath, anger, and cursed those who kept these texts secret. Exception was made to those who avoided such practices, turned to God, and performed good deeds. Accordingly, God accepted their sincere repentance. Ibn ʻAbbās narrates that this verse was revealed when Muʻādh b. Jabal, Saʻd b. Muʻādh, and Khārijah b. Zaid asked some Jewish rabbis about rulings in the Torah but the rabbis refused to tell them.[248]

The following verse talks about the punishment of those who concealed the truth:

> Those who conceal God's revelations in the Book, and purchase for them a miserable profit, - they swallow into themselves naught but Fire; God will not address them on the Day of Resurrection. Nor purify them: Grievous will be their penalty. **(2:174)**

In this connection, al-Rāzī comments that either the People of the Book concealed descriptions of Prophet Muḥammad or the religious rulings.[249] The verse metaphorically says that they eat nothing but the fire in their bellies. According to some exegetes, this means that their misdemeanor would lead them to Hell's fire.[250] The verse asserts that God would not be pleased with them and a grievous punishment is awaiting them. Riḍa argues that this judgment is applicable to Muslims as well.[251] Ibn ʻAbbās narrates that the above-mentioned verse was revealed when some Jewish scholars and chiefs such as Kaʻb b. al-Ashraf, Kaʻb b. Asad, Mālik b. al-Ṣayf, and Ḥuyay b. Akhṭab used to take gifts from their followers. They hoped that the coming prophet would be Jewish. When Prophet Muḥammad was not, they were afraid that such gifts might be suspended, thus they deliberately concealed his prophecies and said

---

[247] Riḍa,op. cit., 2:39.
[248] Al-Syūṭī , op. cit., 1:295.
[249] Al-Rāzī, op.cit., 2:417.
[250] Al-Shawkānī, op. cit., 2:202.
[251] Riḍa,op. cit., 2:82.

that the prophecies we have do not apply to him.[252] The Qur'ān then shifts to demonstrate another case of blaming the People of the Book. The passage reads:

> O people of the Book! There hath come to you our Apostle, revealing to you much that ye used to hide in the Book, and passing over much (that is now unnecessary): There hath come to you from God a (new) light and a perspicuous Book,- **( 5:15)**

The verse states that a group of the People of the Book hid some parts of their scriptures. The Qur'ān explains that Prophet Muḥammad was sent to reveal that which they hid. Exegetes, with the exception of al-Qurṭubī and al-Shawkānī, maintain that Jews concealed the verse about the stoning in the Torah and the prophecies about the emergence of Prophet Muḥammad. The second part of the verse shows that Prophet Muḥammad left much of it unexplained. Riḍa comments that this verse is a proof against them because they knew that they hid many issues from Muslims and the public.[253] Ibn Jarīr narrates through 'Ikrimah that the verse was revealed when some Jews came to Prophet Muḥammad to ask him about the stoning to death. He said: "Which one of you knows best about that? They pointed out to Ibn Ṣūriyyah. Prophet Muḥammad asked him about this punishment in the Torah. Ibn Ṣūriyyah said, "When adultery became common; we shaved the hair of the head and pelted the culprit hundred lashes". Prophet Muḥammad gave an order that stoning to death should be carried out.[254]

Once more, the Qur'ān ironically refers to those who were given the Torah but did not follow its instructions:

> The similitude of those who were charged with the (obligations of the) Mosaic Law, but who subsequently failed in those (obligations), is that of a donkey which carries huge tomes (but understands them not). Say: "O ye that stand on Judaism! If ye think that ye are friends to God, to the exclusion of (other) men, then express your desire for Death, if ye are truthful! **(62:5, 6)**

---

[252] Al-Syūṭī, op. cit., 1:309.
[253] Riḍa, op. cit., 6:252.
[254] Al-Alūsī, op. cit., 3:286.

The verse uses a metaphorical expression when referring to the negligence of the Torah. The verse compares those who neglect the Torah with a donkey that carries huge books without knowing the contents. Al-Rāzī maintains that this example shows more disdain and humiliation to those who did not benefit from their scripture. Besides, the Qur'ān adds that this is the worst example of portraying those who deny God's proofs and signs.[255] The other verse responds to their claim when they said that they are God's beloved children. The verse shows that many among the Jews believed that they were not like any other people whom God had created, that their covenant with God had elevated their status with Him; and that they were the friends of God to the exclusion of other people.

### 1.8.7 Contradictions and disagreements

In the course of criticizing the People of the Book, the Qur'ān touches upon another theme:

> Nor did the People of the Book dissent there from except through envy of each other, after knowledge had come to them. But if any deny the Signs of God, God is swift in calling to account. **(3:19)**

The above-mentioned verse refers to disagreements among the People of the Book themselves. Al-Rāzī, on the one hand, attributes this disagreement to the following:

(1) Jews, when they disagreed with Moses, as they are trustees of the Torah. (2) Both Jews and Christians disagreed when the former held that *al-Masīḥ* (Jesus) is the son of God, while the later held '*Uzayr* (Ezra) is the son of God. (3) Christians, when they disagreed as to whether or not Jesus is the servant and messenger of God.[256] Al-Shawkānī, on the other hand, suggests that the People of the Book disagreed whether

---

[255] Al-Rāzī, op. cit., 8:144.
[256] Al-Rāzī, op. cit., 2:417.

or not Muḥammad and Jesus were prophets.[257] In addition, the verse shows that this dissention was not because of their ignorance of the fact; indeed they had been taught the scriptures. Unlike al-Shawkānī, al-Ṭabarī states that the verse refers to Christians and their disagreement over the nature of Jesus.[258]

The Qur'ān gives another image of castigating the People of the Book; although the verse refers only to one group, the Jews:

> Hast thou not turned thy vision to those who have been given a portion of the Book? They are invited to the Book of God, to settle their dispute, but a party of them Turn back and decline (The arbitration). **3:24** This because they say: "The Fire shall not touch us but for a few numbered days": For their forgeries deceive them as to their own religion. **(3:23, 24)**

Again, the Qur'ān, denies the contradictory attitude of Jews who were given the Torah. It is simply that they believe in God's scripture, they should apply the rulings of this book to their affairs. This Qur'ānic stance is because when they were called to believe Prophet Muḥammad they were reluctant to obey this call.[259] Furthermore, when the Qur'ān asked them to allow the Torah to judge their life, they refused to commit to its judgment. The verse, however, does not state directly that all Jews do not abide by the teachings of the Torah. On the contrary, it is mentioned elsewhere that there is a group that guides and maintains justice in the light of the truth (7:159). The second verse clarifies the grounds of this stance: it states that they said that they would only be punished in Hell for a few days.[260] The Qur'ān shows that they were deluded in their faith because of the false faith they forged (5:18). Ibn 'Abbās narrates that the verses were revealed when Prophet Muḥammad went to some Jews to convert them to Islam. Al-Nu'mān b. 'Amr and al-Ḥarth b. Zayd, two Jewish men, said to Prophet

---

[257] Al-Shawkānī, op. cit., 1:410.
[258] Al-Ṭabarī, op. cit., 3:212.
[259] Ibid, p.218.
[260] Qur'ān exegetes, with the exception of al-Alūsī and Ibn Kathīr agreed that those days are the period where Jews worshipped the calf and it lasted for forty days. Al-Shawkānī, op. cit., 1:413.

Muḥammad: What religion do you follow Muḥammad? He said, "I follow the religion of Abraham". They said, "Abraham was Jew". Prophet Muḥammad said, "Come to the Torah which will judge us" but they refused.

In the following verse, the Qur'ān compares contrasting patterns of Jews and their behaviour in commercial transactions. It does not brand them all as dishonest. The verse reads:

> Among the People of the Book are some who, if entrusted with a hoard of gold, will (readily) pay it back; others, who, if entrusted with a single silver coin, will not repay it unless thou constantly stoodest demanding, because, they say, "there is no call on us (to keep faith) with these ignorant (Pagans)." but they tell a lie against God, and (well) they know it. **(3:75)**

We note that the first pattern which the verse portraits is those who are trustworthy, honest, and do not exploit anybody. They would return deposits because they do not betray those who trusted them. In contrast, the second group is those who are rapacious and show no concern about the rights of others. Unlike the former group, they do not return deposits unless they were repeatedly asked.

The Qur'ān reveals the reason for this behaviour: they would pretend that they had no guardian and the fortune of the Gentiles *('ummeyīn)* was legal for them. They justified their behaviour by intentionally telling lies against God when they said that they found such instructions in their scripture.[261] This verse was revealed when some Muslim converts sold goods to Jews. When they demanded payment, the Jews said: "We do not owe you anything because you left Judaism" and they claimed that they found this in the Torah.[262]

In another verse, the Qur'ān refers to the divisions among the People of the Book:

> Be not like those who are divided amongst themselves and fall into disputations after receiving Clear Signs: For them is a dreadful penalty,- **(3:105)**

---

[261] Riḍa, op. cit., 3: 275.
[262] Al-Ṭabarī, op. cit., 3:317.

Although this verse does not explicitly refer to the number of these divisions (further clarification will be provided a point that will be discussed in the next chapter), it acknowledges the existence of these divisions. Ibn Kathīr comments that the verse refers to Jews and Christians or those innovators among the Muslim nation.[263] Al-Shawkānī shares the same opinion, adding that it means Kharijites. According to the exegete, the prohibition of divisions in the verse concerns the fundamental issues in every religion and not otherwise.[264] The verse warns all groups of this division as there will be a dreadful punishment for those who are divided.

### 1.8.8 Dealing with scriptures

Another theme that could be dealt with here is the way of dealing with scriptures. A number of verses refer to changing words from their right context, causing a part of the divine revelation to be lost, and failure to follow the instructions of such scriptures. In this connection, the following verse reads:

> And that they should not become like those to whom was given Revelation a foretime, but long ages passed over them and their hearts grew hard. That the People of the Book may know that they have no power whatsoever over the Grace of Allah, the (His) Grace is (entirely) in His Hand to bestow it on whosoever He wills **(57:16, 29)**

This verse talks about the harshness that inflicted the hearts of a group of the People of the Book. It warns Muslims against adopting the same course. Exegetes, however, have different opinions to which group this verse refers. Ibn Kathīr argues that the verse means those who changed words from their context, took their priests and rabbis as gods, and cast their scripture aside and thus, their hearts grew hard. The verse adds, because of this, a number became transgressors. Al-Shawkānī, when commenting on the above, states that the verse refers to those who did not act according to the

---

[263] Ibn Kathīr, op. cit., 1:583.
[264] Al-Shawkānī, op. cit., 1:465.

revelation in their books and did not believe in prophet Muḥammad. He further adds that the following groups of people are implicated: those who did not believe in Jesus; those who invented celibacy; and the dwellers of synagogues.[265] The second verse, however, explains that the People of the Book can never stop God's mercy. Al-Ṭabarī argues that this verse came in response to the People of the Book's envy of Muslims when the Qur'ān asserted that there would be a double reward for Muslim believers (57:29). Ibn al-Mundhir through Qatādah narrates that the last verse was revealed when some Jews said: "A prophet would emerge from among us and he would cut off hands and legs as punishment." When Prophet Muḥammad came from among the Arabs, they disbelieved him.[266]

In what follows we find a passage which asserts that some Jews and Christians strayed from the right path and wished they could take Muslims with them. The verses read:

> Hast thou not turned Thy vision to those who were given a portion of the Book? They traffic in error, and wish that ye should lose the right path. Of the Jews there are those who displace words from their (right) places, and say: "We hear and we disobey"; and "Hear what is not Heard"; and "Rā'ina"; with a twist of their tongues and a slander to Faith. If only they had said: "What hear and we obey"; and "Do hear"; and "Do look at us"; it would have been better for them, and more proper; **(4:44-45)**

The verses refer to the Jews of Madīnah.[267] Remarkably, the Qur'ān often uses the term "those who were given a portion of the scripture" when it refers to Jews. Two exegetes have different opinions regarding this expression. Maudoodi argues that the Qur'ān uses this term because they caused a part of the divine revelation to be lost and because they detached themselves from the purpose and spirit of the divine revelation which was available to them.[268] Riḍa suggests that the Qur'ān said they were given a

---

[265] Al-Shawkānī, op. cit., 5:215.
[266] Al-Ṭabarī op. cit., 6:255.
[267] Al-Alūsī, op. cit., 2:48.
[268] Maudoodi, op.cit., 2:43.

portion of the Book because they only followed part of the Book. They ignored many of its judgments and added some of their own.[269] Similarly, al-Rāzī mentions that the verse says they were given part of the book because they knew about the emergence of Prophet Moses but not about Prophet Muḥammad.[270] The second verse demonstrates that they changed words from their correct context, insulted Prophet Muḥammad, and slander faith. In addition, they said that if he was a prophet, he would know that they insulted him.[271] The same verse emphasises that it would have been better for them if they were obedient and listened to Prophet Muḥammad.

The Qur'ān maintains that there are some vitreous believers among them. Ibn 'Abbās narrates that Rifā'a b. Zayd al-Tābūh, a reputable man among Jews, used to twist his tongue when talking to Prophet Muḥammad and said to him: "Look at us until we hear you". He then mockingly insulted Islam.[272] Al-Ṭūsī states that the word "*rā'ina*" either means offence in the old Hebrew language so Prophet Muḥammad was ordered to abstain from using it, or some Jews used it to mock Islam and Muslims. On his comment on the last verse 4:47, al-Ṭūsī says that the verse refers to the Jewish and Christian communities. Allāh orders them to follow Prophet Muḥammad, the Qur'ān, and the rulings that are found in their scriptures.[273]

In the same *sūrah* the Qur'ān moves from referring to one group to the Jewish and Christian communities:

> O ye people of the book! Believe in what We have (now) revealed, confirming what was (already) with you, before We change the face and fame of some (of you) beyond all recognition, and turn them hind wards, or curse them as We cursed the

---

[269] Riḍa, op. cit., 5:112.
[270] Al-Rāzī, op. cit., 10:93.
[271] Al-Ṭabarī, op. cit., 4:122.
[272] Al-Syūṭī, op. cit., 2:300.
[273] Al-Ṭūsī , op. cit., 3:214.

Sabbath-breakers. **(4:46)**

The verse urges the two groups to believe in that which supports their scriptures. Jews and Christians are exhorted to believe the Qur'ān, which affirms the truth of both the Torah and Gospel. Al-Ṭabarī and other exegetes state that the verse refers to the Jewish community in Madīnah. Al-Alūsī, Riḍa, al-Rāzī, and others state that the meaning of the sentence "and turn them hindwards" could be real or metaphorical; that is, they will be turned back to misguidance and unbelief.[274] The verse implies that if they did not believe the Qur'ān, they would be cursed as Sabbath-breakers.

### 1.8.9 Beliefs

Among the numerous topics that the Qur'ān touched upon is the beliefs of the People of the Book. Thus, we find this involves the excessive way of venerating their prophets of the Old and New Testament. In this regards, the following passage reads:

> If only the People of the Book had faith, it were best for them: among them are some who have faith, but most of them are perverted transgressors. **(3:110)**

This verse affirms that it is been better for the People of the Book to believe. Even though the verse did not specify what kind of belief they should adopt, al-Rāzī argues that they should believe in Prophet Muḥammad and that which was revealed to him.[275] While the Qur'ān recognizes a good element among the People of the book, it criticises a number of them because of their transgression. It should be noted that the Qur'ān did not arbitrarily accuse a people of transgression in general but it sometimes accuses the minority and other times it accuses the majority.[276]

In the following passage, the Qur'ān talks about a creed that some of them adopted:

> Hast thou not turned Thy vision to those who were given a portion of the Book? They believe in sorcery and Evil, and say to the Unbelievers that they are better

---

[274] Al-Ṭabarī, op. cit., 4:124.
[275] Al-Rāzī, op. cit., 3:392.
[276] Riḍa, op. cit., 4:55.

guided in the (right) way than the believers! **(4:51)**

According to exegetes, the verse in question declares that some of the People of the Book believed in *jibt*[277] and *tāghūt*[278] which mean devil, magic, and two Jewish chieftains Ḥuyay b. Akhṭab and Ka'b. b. al-Ashraf whom people used to consult. The two Jewish chieftains tried to deviate people from Islam.[279] Al-Rāzī states that the verse shows another type of Jewish cunning because they preferred those who worship idols to Muslim believers.[280] Al-Qurṭubī states that such an incident took place after the battle of Uḥud when Ka'ab b. al-Ashraf went out with some other seventy Jews in pursuit of making a treaty with Quraysh to fight Muḥammad. They decided to kill Prophet Muḥammad. Abū Sufyān, a Qurayshī chieftain, said to Ka'ab, "You are a man of knowledge and we are illiterate. Which one is well guided, Muḥammad or us? Ka'b replied, "By God you are well guided and on the right way."[281]

Another verse that refers to the People of the Book is the following:

And there is none of the People of the Book but must believe in him before his death; and on the Day of Judgment he will be a witness against them. **( 4:159).**

Although this Qur'ānic reference neither praises the People of the Book nor criticises them, it should be mentioned since it refers to an important point. The Qur'ān avows that none of the People of the Book would die unless he believes Jesus. Commentators argue that the sentence "before his death" in the verse could refer to Jesus and his descent from heaven to earth to establish justice among people. The other interpretation of this verse is that the People of the Book should believe Jesus before

---

[277]The word signifies a thing devoid of any true basis and bereft of all usefulness. In Islamic terminology, all superstitions are called *jibt.* It may be roughly translated superstition. Al-Mawdūdī 2:47.
[278] The word literally means anyone who exceeds his legitimate limits. In the quranic terminology, however, it refers to the creatures who exceeds the limits of his creature lines and arrogates to himself godhead and lordship (Ibid).
[279] Al-Rāzī, op. cit., 3:235.
[280] Ibid.
[281] Al-Qurṭubī, op. cit., 6:249.

his death. The verse assures that Jesus will be a witness against them on the Day of Judgment.[282] Here, the Qur'ān presents an ambivalent image of the excessive adoration that some Christians gave to Jesus. The verse regards the Christian doctrine simply as extremism in faith:

> O People of the Book! Do not go extremes in your faith and say about God except truth. Christ Jesus the son of Mary was (no more than) an apostle of God, and His Word, which He bestowed on Mary, and a spirit proceeding from Him: so believe in God and His apostles. Say not "Trinity": desist: it will be better for you: for God is one God. **(4:171)**

The verse commands Christians to give God His due esteem. The verse shows the human nature of Jesus as a Prophet and a messenger of God. It is clear that all these dogmas are the result of exalting Jesus above what God wants him to be. Initially he is described as the Messiah,[283] the son of Mary, the messenger of God, and "His Word" which, according to commentators, signifies the prophecy that God gave to Mary, as is reflected in *sūrah* 3:45. Al-Qurṭubī comments that this "Word" could either mean the prophecy and message that God inspired to Mary through the Angel Gabriel or it means God's verses (31:27, 66:12).[284] Furthermore, Jesus is described as "a spirit proceeding from Him." According to some exegetes, this phrase means the breathing into Mary's womb by the Angel Gabriel and the Holy Spirit. The same verse conveys an order to Christians to believe in God and His Prophets and urges them to abandon the Trinity doctrine.[285]

In the following verse, the Qur'ān demonstrates the phrases that Jews and Christians used out of the extravagant love for their prominent religious figures:

---

[282] Al-Alūsī, op. cit., 3:188.

[283] The word is originated from the main root *Masaḥa* that means to delete. Jesus was called so because God purified him from his sins or because he was purified from sins and imperfections that are attributed to other human beings, Al-Ṭabarī, op. cit., 4:373.

[284] Al-Qurṭubī, op. cit, 6:22.

[285] A term denoting the specifically Christian doctrine that God is a unity of three persons: Father, Son, and the Holy Spirit. The word itself does not appear in the bible. It is generally acknowledged that the church father Tertullian (ca. A.D 145-220) either coined the term or was the first to use it. Paul J, Achtemeier. Harper's bible dictionary, New York: HarperCollins publisher, 1985, op.cit, pp.1098-1099.

> The Jews call 'Uzayr a son of God and the Christians call Christ the son of God. That is a saying from their mouth; (in this) they but imitate what the unbelievers of old used to say. **(9:30)**

The verse shows that some Jews said that Ezra[286] is the Son of God. Al-Jaṣāṣ, a classical exegete, states that it was only a small group who said that. He adds that Jews no longer say this.[287] Riḍa comments that the verse does not suggest that all Jews said this but only few among them, mainly the Jews of Madīnah (3:181, 5:64).[288] He argues that a whole nation would be punished because of the misdeeds of a few. Christians used an equivalent phrase to honour Jesus. They said that he is the Son of God. Once more, the verse does not state that all Christians were involved, but as al-Alūsī argues, it was the utterance of a few.[289] Furthermore, the verse compares the two groups to the infidels which said that *allāt wa al-'Uzzā* and *manāt* (names of idols that were worshipped before Islam) are girls of God (53:19-20), or they are like the unbelievers of Quraysh who said that God's angels are girls (43:19).[290] The following verses portray another kind of overstated veneration for some clerics:

> They take their priests and their anchorites to be their lords in derogation of God, and (they take as their Lord) Christ the son of Mary; yet they were commanded to worship but One God: there is no god but He. O ye who believe! There are indeed many among the priests and anchorites, who in Falsehood devour the substance of men and hinder (them) from the way of God. **(9:31, 34)**

The first verse demonstrates that the People of the Book took their priests, anchorites, and the Messiah, the son of Mary, to be lords in derogation of God. Exegetes agree that this verse does not literally suggest that they worshipped these figures but obeyed them.

---

[286] Ezra occupies a prominent place in the Jewish community, particularly in connection with the writing of the scriptures; the tradition is evident in 2 Esdras (4 Ezra) 14 where he became a Prophet(Esd.1:1) and is described as dictating of the whole of ninety-four books to replace what had been lost in Exile. Achtemeier, op.cit., pp.295-296.

[287] Al-Jaṣāṣ, Aḥmad b. 'Alī al-Razī al-Ḥanafī. *Aḥkām al-Qur'ān*. Cairo: al-Maṭba'ah al-Bahiyyah al-Miṣriyyyah, 1928-29, 3:128.

[288] Riḍa, op.cit., 10 295.

[289] Ibid, 5: 274.

[290] Al-Shawkānī, op. cit., 2:451.

Al-Rāzī explains that Jews and Christians did not think that rabbis and priests are lords but obeyed their orders and prohibitions. It is held that 'Uday b. Ḥātim was Christians and he went to Prophet Muḥammad while he was reading Chapter 9:31. He said: "We do not worship them." Prophet Muḥammad said: "Do not they prohibit what Allāh made lawful and legalise what Allāh made prohibited? He said: "Yes", Prophet Muḥammad said: "That is as if you worship them."[291]

The Qur'ān refutes the idea of deifying human beings and affirms that Jews and Christians were only ordered to worship God. The second verse briefly mentions the shortcomings of some Jewish and Christian rabbis and priests. The implied meaning of the verse is that they accepted bribes to change judgments, changed words from their correct places, and wrote scriptures claiming they are from God to sell it at a miserable price (2:79).[292] The verse adds that those rabbis and priests prevented people from the way of God because of what they took as bribes.[293]

### 1.8.10 Fighting against some Jewish tribes

Some references in the Qur'ān deal with the course of battles between Muslims and some Jewish tribes. The following verse mentions the battle of banū al-Naḍīr:

> It is He Who got out the Unbelievers among the People of the Book from their homes at the first gathering (of the forces). Little did ye think that they would get out: And they thought that their fortresses would defend them from God! But the (Wrath of) God came to them from quarters from which they little expected (it), and cast terror into their hearts. They will not fight you (even) together, except in fortified townships, or from behind walls. Strong is their fighting (spirit) amongst themselves: thou wouldst think they were united, but their hearts are divided. **(59:1, 14)**

Al-Wāqidī narrates that this battle occurred when a Muslim killed two Jewish people who had a covenant of protection with Muslims.[294]

---

[291] Ibid .
[292] Al-Ṭabarī, op. cit., 6:357.
[293] Ibid.
[294] Al-Wāqidī, Muaḥmmad b. 'Umar. *Maghāzī rasūl Allāh.* Cairo: Jamā'at Nashr al-Kutub al-Qadīmah, 1984, p.282.

Prophet Muḥammad strongly disapproved this misbehaviour and demanded their compensation (*diyyah*). While he was with the Jewish tribe of the two murdered people, they conspired to kill him. Accordingly, they were ordered to leave Madīnah but they refused. At last, they were expelled after Prophet Muḥammad guaranteed the safety of their lives and properties. The verses fully depict this event and restrict this criticism to those who denied Muḥammad's prophethood.[295]

Next the Qur'ān deals with another Jewish tribe, the Jews of banū Qurayẓah:

> And those of the People of the Book who aided them - God did take them down from their strongholds and cast terror into their hearts. **(33:26)**

The incident that this verse refers to took place in the fifth year of the Islamic calendar.[296] In brief, the battle of banū Qurayẓa occurred after they broke their covenant with Prophet Muḥammad and incited other tribes against him. Accordingly, they were besieged for about one month. They chose a judge from the tribe of Aus with which they had an alliance and banū Qurayẓa affirmed that they would obey his judgment. Sa'd b. Mu'ādh, the judge, gave an order that the battalion of men should be killed and the rest of the people should be taken as captives of war.[297]

### 1.8.11 Befriending the People of the Book

A debatable issue that the following verses touch upon is taking Jews and Christians as friends. The following verse will shed more lights on this issue:

> O ye who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. **(5:51)**

The verse conveys a decisive order to Muslims that they should not have Jews and Christians as *awleyā* (protectors) or take them for patrons.

---

[295] Al-Ṭabarī, op. cit., 12:27.
[296] Ibn Isḥāq, 'Abd al-Malik b. Hishām. *Sīrat al-Nabī*. Cairo: Maṭba'at Ḥijāzī, 1973, 3:246
[297] Al-Wāqidī,op. cit., p..299.

The cause of this prohibition is, in line with the verse, that every group is loyal to its own members. The same verse emphasises that if a Muslim was to take them as protectors, he would be like them in their enmity to Islam. This judgment, however, does not include all Jews and Christians but only applies to those who declare hostility against Islam. Prophet Muḥammad is reported to have concluded treaties with the Jews of Median.[298] Ibn Isḥāq narrates through 'Ubādah b. al-Ṣāmit that when banū Qaynuqā' fought Muslims, 'Abd Allāh b. Ubay, the head of the hypocrites, remained faithful to them. 'Ubādah b. al-Ṣāmit came to Prophet Muḥammad and renounced their ally. One of banū 'Awf tribe did the same as Ibn Ubay. The verse was revealed following this incident.[299]

Al-Rāzī states that the command in the verse means that Muslims should not seek Jews and Christians' assistance nor show affection for them. To illustrate his opinion he reports a conflict between 'Umar I the second Caliph and Abū Mūsā al-Ash'arī ('Umar's governor of Baṣra in Iraq) where the latter tried to explain the reason for employing a Christian as a secretary. 'Umar recited this verse before Abū Mūsā but he said to 'Umar, "To him is his religion and to me is my secretarial skill."[300] It must be mentioned however, this does not preclude assigning key positions to qualified individuals from the Jews and Christians when warranted. This is demonstrated at the time of the prophet Muhammad, and in the Islamic governments that followed after him. Similarly, the same judgment is sanctioned in another place:

> O ye who believe! take not for friends and protectors those who take your religion for a mockery or sport,- whether among those who received the Scripture before you, or among those who reject Faith. Say: "O people of the Book! Do ye disapprove of us for no other reason than that we believe in God, and the revelation that hath come to us and that which came before (us), and (perhaps) that most of you are rebellious and disobedient? **(5:57, 59)**.

---

[298] Riḍa, op. cit, 6:253.
[299] Al-Syūṭī, op. cit., 2:515 .
[300] Al-Rāzī, op. cit., 12:15.

Although the previous verse referred to Jews and Christians, the one under discussion here refers to unbelievers who mock Islam whether they were from the People of the Book or otherwise. In addition, the second verse shows what parts of Islam they derided. They ridiculed Muslims while they were praying. The verse asserts that they have no reasoning because such acts could only come from people who are weak-minded.[301] Ibn 'Abbās narrates that Rifā'ah b. Zayd al-Tābū and Sowayd b. al-Ḥārith, two Jewish men, supported Islam in public but hid hypocrisy and they had good relations with a Muslim man.[302] The last verse ironically addresses the People of the Book and wonders why should they hate Muslim believers? Is it because Muslims believe in God and what was revealed to Muḥammad and previous prophets?

Ibn 'Abbās narrates that some Jews came to Prophet Muḥammad and asked him what he believes in. He said: "I believe in God, what was revealed to me."[303] When he mentioned Jesus they renounced his prophethood and said: "We do not believe those who believe him."[304] When commenting on the cause of revelation, Riḍa, says that the verse particularly refers to both the above-mentioned people and every malcontent even among Muslims.[305] The Qur'ān, however, does not prohibit Muslims from making friends among Jews or Christians. On the contrary it encourages establishing good relations with them. The general application of this Qur'ānic verse involves all non-Muslims.

### 1.8.12 The Children of Israel (Banū Isrā'īl)

A brief introduction and analysis of this subject has been dealt with in the Meccan period. Now I will choose an example of the Medinan period:

---

[301] Al-Shawkānī, op. cit., 2:67.
[302] Al-Syūṭī, 2:521.
[303] (See 2:136)
[304] Ibid .
[305] Riḍa , op. cit., 6:369 .

> Those to whom We have sent the Book study it as it should be studied: They are the ones that believe therein: Those who reject faith therein, - the loss is their own. **(2:121)**

According to al-Ṭabarī, the verse refers to righteous scholars among banū Isrā'īl who read the Torah and did not change words from their right places.[306] This Qur'ānic reference, however, does not merely recommend any of the three divine scriptures to be read without contemplating their words or understanding their meaning; rather, it means to read them, understand their secrets, and act according to its injunctions. The verse threatens those who ignore the teachings of these books and change their meaning; they will be losers in the Hereafter.

### 1.9 Meccan or Medinan?

The questions which should be posed now are what is the difference between the Meccan and Medinan revelations with regard to the People of the Book? What does this difference show and indicate to us? It is important to show why should the Qur'ānic verses are divided into these two sections? In brief, the reasons for this division are:

1. To understand the abrogating and abrogated verses (*al-Nāsik wa-al-Mansūkh*).

2. To understand the different stages of the Islamic legislation evolution

3. To understand how the place of revelation would help to give the accurate exegesis of such verse.[307]

There is a slight change in the attitude towards the People of the Book. The Meccan verses in general talk about issues that set out the basic belief system of Islam. Parrinder suggests that verses in the Medinan period are directed towards Christians more than in the Meccan period.[308]

---

[306] Al-Ṭabarī, op. cit., 1: 566.
[307] Al-Ushayqer, op. cit., pp.206, 207.
[308] Parrinder, Geoffrey. *Jesus in the Qur'ān*. London: Faber and Faber, 1965, p.18.

Furthermore, Rahman states "In Medina, the terms "sectarians" and "partisans" are dropped, and Jews and Christians are recognized as "communities", although, of course, they continue to be invited to Islam".[309] Hartwig shares the same opinion, stating: "whilst the teachings promulgated in Mecca affected the church exclusively, many of the Medinan verses were devoted to the organisation of the state." [310]

Al-Ḥadād argues that there was no disagreement between Prophet Muḥammad and the People of the Book within the Meccan period; on the contrary, he asked them about things of which he had no previous knowledge.[311] Furthermore, Rahman states: "In Medina, the terms "sectarians" and "partisans" are dropped, and Jews and Christians are recognized as "communities" although, of course, they continue to be invited to Islam".[312] In his comment on the difference between the Meccan and Medinan *sūrahs*, Boullata says: "these suras present the analyst with a more expository and excursive discourse and feature a greater abundance of parenthetical passages and a looser and more ambiguous structure than their Meccan counterparts."[313] Zebiri refers to this issue and states:

> Taking into account the chronological order of the revelations, some have detected a progressive hardening of attitude towards non-Muslims, reflecting first the deteriorating relations between the Muslims and Jews in Medina and later the military conflict with the Byzantine Christians.[314]

One feature that distinguishes the Meccan from the Medinan verses, as Gātje maintains, is that no laws had been enacted during the Meccan period. The position of the Prophet, as Nöldeke states, in Madīnah was entirely different from that of Makkah.

---

[309] Rahman, op. cit., p.105.
[310] Hirschfeld, Hartwig. *New researches into the composition and exegesis of the Qoran*. London: Royal Asiatic Society, 1962, P.102.
[311] Al-Ḥadād, op. cit., p.165.
[312] Rahman, op. cit., 105
[313] Boullata, Issa J . *Literary structures of religious meaning in the Qur'ān*. Richmond: Curzon, 2000, p.26.
[314] Zebiri, Kate. Relations between Muslims and non-Muslims in the thought of Western-educated Muslim intellectuals. *Islam and Christian-Muslim relations* 1995, 6 (2), pp.255-278, p. 256

In the former, he was the leader of a powerful party and gradually became the ruler of Arabia, in the latter he was only a preacher of a small congregation. This difference, according to Nöldeke, appears in the Qur'ān.[315] Sells shows the difference between the two periods and states:

> "The suras from the Meccan period focus on existential and personal issues. The suras from the Medinan period reflects Muhammad's new position as a political, economic, social, and military leader and so address a wide range of social , historical, and legal issues".[316]

Commenting on the Meccan and Median *sūrahs* Dashti states:

> The beauty and melody of the Meccan *suras*, so reminiscent of the preaching of Isaiah and Jeremiah and evocative of the fervour of a visionary should, seldom reappear in the Medinan *suras*, where the poetic and musical tone trends to be licensed and placed by the peremptory note of rules and regulations.[317]

Meccan *sūrahs* address moral corruption, include stories about the prophets, and sometimes include words never seen in Medinan *sūrahs*. Medinan *sūrahs*, on the other hand, are often longer, address questions of the law, including those of marriage and inheritance, and sometimes deal with the subject of warfare. It could be argued that one of the ways to discover the true order of the chapters, and whether they are Meccan or Medinan, is to examine the content of the chapters and to compare them with the circumstances and social reality before and after the migration. Such a method is effective in certain cases.

---

[315] Ibn Warraq. *The origins of the Qur'an*. New York: Prometheus Books, 1998, p.49.
[316] Sells, Michael. *Approaching the Qur'ān,* Ashland, Oregon : White Cloud Press, 1999.p.14
[317] Dashti, 'Ali. *Twenty-three years, a study of the prophetic career of Muhamad.*Trans. F.R.C. Bagley, London: pp.81-82

# Chapter Two: People of the Book in the *ḥadīth*

## 2.1 Introduction

The previous chapter tackled the Qur'ānic verses that discuss the People of the Book and I mentioned the different references about this issue. The chapter demonstrated that on the one hand, the Qur'ān takes a tolerant attitude towards the People of the Book in some verses which complement them and make them eligible for the same rights as Muslims; on the other hand, it condemns them and makes distinction between the two parties. To give more illustration of how the People of the Book are presented in Islam, the focus will now be on *ḥadīth.*

Of the main sources of Islamic *Sharī'ah*, *ḥadīth* occupies a place second only to the Qur'ān. It is, therefore, not surprising to note that the *ḥadīth* debate is not new. Towards the end of the 20th century the study of *ḥadīth* has made considerable progress and received increasing attention in both Muslim and Western worlds. This is due to the discovery of new sources and developments in the field of methodology. Many early *ḥadīth* manuscripts have seen the light of day for the first time. Some of the published works have been edited by renowned *ḥadīth* scholars and published afresh. The chapter under discussion will tackle another Islamic source that deals with the People of the Book, the traditions of Prophet Muḥammad. The chapter will pay great attention to the miscellaneous traditions that outline the prophetic attitude towards the People of the Book. The aim of this chapter is to investigate these different prophetic traditions *(aḥādīth)* that touch upon this theme.

## 2.2 The definition and meaning of *sunnah*

Before explaining the implications of the word *ḥadīth,* it is necessary to define the meaning of the word *sunnah* as it appears in different Muslim and non-Muslim

writings. The aim of showing the meaning of this word is to compare it to the word *hadīth* and show the difference between them. The general meaning of this word in Arabic is road or way and it stands as an antonym to the word innovation (*bid'ah*).[1] Literally, it refers to the "custom" of Prophet Muḥammad, that is, his words, habits, acts and gestures as remembered by Muslims and preserved in the literary form of the *ḥadīth* reports.

In addition, it means the religious way that people should follow. From the juristic point of view, it refers to the practices of Prophet Muḥammad and the behaviour of his companions who followed his example.[2] According to some Arabic lexicographers, it means a way, a course, a rule, a mode, and a manner of acting or a conduct of life. It is used in the sense of an established course of rule, a mode of life, and a line of conduct.[3]

The word sunnah, according to Kamali, occurs in the Qur'ān 23 times and in all cases, it carries the meaning of narration or communication.[4] It literally means:

> A clear path or a beaten track but it has also been used to imply normative practice or an established course of conduct. It may be a good example or a bad, and it may be set by an individual, a sect or a community.[5]

The technical sense of the word also has other meanings. It denotes any saying, action, approval, or attribute of Prophet Muḥammad Besides, the definition does not only mean the sayings and practices of Prophet Muḥammad but extends to involve even the practices of the early pious Muslims. Juynboll states, "The term came to standard the generally approved standard or practice of the introduced by Prophet

---

[1] Al-Bustānī, Buṭrus, *Muḥīṭ al-Muḥīṭ*, Beirut: publisher and date are not mentioned, 2: 1013.
[2] Al-Sarkhasī, Abū Bakr Muḥammad b. Aḥmad. *'Uṣūl al-Sarakhsī*, Beirut: Dār al-Kutub al-'Ilmiyyah, 1993,1:113.
[3] Azami, Mohammad Mustafa, *The history of the Qur'ānic text : from revelation to compilation ; a comparative study with the Old and New Testaments*, Leicester: UK Islamic Academy, 2003, p.3.
[4] Kamali, Mohammad Hashim. *Principles of Islamic jurisprudence.* 1991, Cambridge : Islamic Texts Society, p. 46.
[5] Ibid, 44.

Muḥammad as well as the pious Muslims of old days."[6] In the same regard, Hassan affirms the same meaning of the word and adds that the *Sunnah* of the companions was based on their personal opinions.[7] Al-Ṣāliḥ argues that it is different from *ḥadīth* and states: "it is not equal to *ḥadīth.* It means the way that Prophet Muḥammad followed. If *ḥadīth* refers to his sayings, *sunnah* mainly deals with his practises and deeds and both *sunnah* and *ḥadīth* are to support each other."[8]

It may clarify the ambiguities of the Qur'ān, expand on what is given in brief, and specify what is unconditional therein. It is subservient to the Qur'ān and interprets its rulings.[9] Both sources are indispensable; a Muslim cannot practice Islam without consulting both of them. The details of the acts of formal worship such as prayer, alms giving, fasting, and pilgrimage were all expounded and explained by the *Sunnah.* The directions and the practices of Prophet Muḥammad constitute the guidelines for many Muslims. *Sunnah* has an interplay relation with the Qur'ān.

Kamali argues that it describes the functions of Prophet Muḥammad. He further comments:

> It is closely linked with the Qur'an and it is, therefore, rather difficult to maintain that these are two separate sources. The use of the term Sunni was not restricted to the Sunni of Prophet Muḥammad but was used to imply the practice of the community and precedent of the companions.[10]

Yet, Dutton mentions that it is the embodiment of the Qur'ān's message.[11] While referring to al-Imām Mālik he states: "it is the normative pattern of life established by the Prophet, put into practice by the companions and then inherited as *a'māl* (deeds) by

---

[6] Juynboll, G.H.A. *The encyclopaedia of Islam*, Vol.9, new edition, Leiden: E.J.Brill, 1997, p.878
[7] Hassan, Ahmad. *The early development of Islamic jurisprudence*. Islamabad : Islamic Research Institute, 1970, p. 86.
[8] Al-Ṣāliḥ, Ṣubḥī. *Ulūm al-Ḥadīth wa muṣṭalaḥih*. Beirut: Dār al-'Ilm li al-Malāyīn,1959, p.6.
[9] Alwaye, Mohaiaddin. Majalat al-Azhar, Majma' al-Buḥūth al-Islāmiyyah, Cairo, 1974: III,3.
[10].Kamali, op. cit., pp.45-48.
[11] Dutton, Yasin . *The origins of Islamic law*. Richmond : Curzon, 1999, p.163.

the successors and the successors of successors down to his own time."[12] Now I will explain Western attitudes on the meaning of *sunnah*. Joseph Schacht. Comments: "Al-Shafi'ī was the first lawyer to define *sunnah* as the model behaviour of the Prophet." [13] He adds that it represents the model behaviour of Prophet Muḥammad and it means nothing more than precedent.[14] The meaning could extend to denote the traditional usage of the community from their living tradition on an equal footing with customary or generally agreed practice.[15]

Brown gives a fuller illustration to the meaning and states "the term *sunnah* refers to the authoritative example set by Muhammad and recorded in traditions (*ḥadīth*; *akhbār*) about his words, his actions, his acquiescence to the words or actions of others, and his personal characteristics."[16] The definition of *sunnah*, however, differs depending on an area of *sharī'a*. For example, a scholar in the area of fundamental principles would define *sunnah* as according to what reported by Prophet Muḥammad. An example is the *ḥadīth*, which says, "The reward of deeds depends on intentions."[17] This *ḥadīth* seems to have dealt with different regulations in different contexts. Furthermore, in agreement with one of the prophetic traditions, this word can refer to something good or bad.[18] Finally, Bannerman shows the function of *sunnah* when he maintains:

> The function of the *sunna* appears to be based in the promise that the Qur'an concentrates on lying down broad principles and guidelines and the *sunna* represents an exampler of the manner in which the quranic principles should be put into practice.[19]

---

[12] Ibid, 168.
[13] Schacht, Joseph. *The origins of Muhammadan jurisprudence.* Oxford : Clarendon Press, 1950, p.2.
[14] Ibid, 58.
[15] Ibid.
[16] Brown, Daniel. *Rethinking tradition in modern Islamic though.* Cambridge: Cambridge University Press,1996, p.6.
[17] Al-Bukhārī , *bāb bad' al-Waḥy*, No.1, Harf Encyclopaedias of Hadith version. 1. Cairo, 2001.
[18] Muslim, *bāb al-'Ilm*, op. cit., No.4830.
[19] Bannerman, Patrick. *Islam in perspective: a guide to Islamic society, politics and law.* London: Routledge, 1988, p.34.

## 2.3 The place of *sunnah* in Islamic law

Undoubtedly, *sunnah* holds a supreme status among the Sunnī Muslim group where it represents the second source of Islamic law next to the Qur'ān. The attitudes of the Sunnī Muslim schools of law support this fact. Al-Imām al-Shāfi'ī is believed to be the first one to write about *sunnah* in his famous work *al-Risālah* (the message). He maintains that if *sunnah* is to be found in the Qur'ān, it is always in full agreement with the text; otherwise, the obligation to accept them is incumbent to obey Prophet Muḥammad.[20] The Imāmite Shī'ite Muslims consider *sunnah* holds the second position in legislation after the Qur'ān.[21] Furthermore, they refer their juristic injunction to Prophet Muḥammad. Anyone who traces the *fiqh*[22] of Imāmite Shī'ites, will find them referring all their juristic injunctions to Prophet Muḥammad through the avenue of the Twelve Imams.[23] There are several verses in the Qur'ān, which prove that *sunnah* provides the second source of the principles of the Islamic religion.[24] Examples of the verses:

> "If ye differ in anything among yourselves refer it to Allah and His messenger, if ye do believe in Allah and the last Day" **(4:59)**,

> "So take what the messenger assigns to you, and deny yourselves that which he withholds from you" **(59:7)**

It should be noted that *sunnah* on the one hand either complements the Qur'ān or interprets its verses and, on the other hand has a dependent nature when it enact its own laws.

---

[20] Khadduri, op. cit., p.196.
[21] Subḥānī, op. cit., p.177.
[22] "*Fiqh* was used originally to mean the independent use of the intellect as a means of acquire Knowledge. It had come to denote the accurate knowledge of definite things such as the Koran and *Tafsīr*, and had come to denote the accurate knowledge of legal decisions handed down by Prophet Muḥammad and his companions." Turner, Colin. *Islam without Allah? The rise of religious externalism in Safavid Iran*. Surrey: Curzon Press, 200, p.25.
[23] Al-Samāwī, M., *The Shi'a are (the real) ahl al-Sunnah*, (on line) Available from: http://Al-islam.org/real/, accessed : 29th June 2005.
[24] Alwaye, op.cit., p.1.

*Sunnah* occupies an important position in Islamic law and comes after the Qur'ān.

Kamali comments that:

> To the *'ulema*(scholars) of *uṣūl al-Fiqh* say that *sunnah* refer to a source of the Sharī'a and a legal proof next to the Qur'ān. The *sunnah* of Prophet Muḥammad is a proof (*hujjah*) for the Qur'ān, testifies to its authority and enjoins the Muslims to comply with it.[25]

The Qur'ān explicitly affirms that the authority of *sunnah* is incumbent on all Muslims, however the word *sunnah* is not mentioned.[26] Brown argues: "it certainly gives Prophet Muḥammad special status and authority among Muslims by the oft-repeated command to obey God and His Prophet."[27] Goldziher maintains that the embodiment of the views of the oldest Islamic community works as the most authoritative interpretation of the Qur'ān[28]. Finally, Aghnides affirms that it served as a standard as much as the Qur'ān itself.[29]

## 2.4 The definition of *ḥadīth*

It is important to show the significance and meaning of the word *ḥadīth*[30] (tradition) itself in Muslim terminology. Other words are also used in the same sense such as *khabar* (news) and *athar* (trace).[31] The *aḥādīth* are reports on the *sunnah*. The role of *ḥadīth* is to focus on what is mentioned in the Qur'ān, and to interpret and explain it. The term *ḥadīth* deserves our attention at this point in the discussion on the prophetic

---

[25] Kamali, op. cit., pp.46-48.
[26] Ramadan, Said . *Islamic law, its scope and equity*. London; Geneva: P. R. Macmillan: London, Geneva, 1961, p.,44.
[27] Brown, op. cit, p.8.
[28] Goldziher, Ignac. *Introduction to Islamic theology and law.* Princeton: Princeton University Press, 1981, p.38.
[29] Aghnides, Nicolas Prodromou *Mohammedan theories of finance: with an introduction to Mohammedan law, and a bibliography*. Lahore: Premier Book House, 1961, p.35.
[30] This word stands for what was transmitted on the authority of the Prophet, his deeds, sayings, tacit approval or description of his features meaning his physical appearance. However, the physical appearance of Prophet Muḥammad is not included in the definition used by the jurists. Azami, Mohammad Mustafa. *Studies in hadīth literature* Indianapolis: American Trust Publications, 1978, p. 3.
[31] Most scholars use these three terms: *ḥadīth, khabar,* and *athar* as synonyms. Some others used the *Khabar* in the sense of *ḥadīth* and the term *athar* restricted to sayings and decisions of the Prophet. Ibid .

attitude towards the People of the Book. According to different point of views, this term, has more than one meaning. The word *ḥadīth* means a speech, a saying, or a small talking. In Islamic law, it denotes a narrative concerning a deed or utterance of Prophet Muḥammad, which was reported by some of his companions. The word could be extended to include *ḥadīth qudsī* (holy *ḥadīth*), the meaning of which is from Allāh but the words are from Prophet Muḥammad, and the *ḥadīth nabawī* (prophetic *ḥadīth*) the words and meaning of which are from Prophet Muḥammad.

Literally, *ḥadīth* signifies something new or it means news. In the Muslim terminology, it means what was reported from Prophet Muḥammad whether it was a saying, action, report or characteristics.[32] Azami gives another explanation to the word *ḥadīth* and states:

> The word according to *muḥaddithīn* stands for what was transmitted on the authority of the Prophet, his deeds, sayings, tacit approval, or description of his *ṣifāt* meaning his physical appearance. However, physical appearance is not included in the definition used by jurists.[33]

Yet, Hāshim argues that *ḥadīth* could be something that Prophet Muḥammad said or relates to his physical characteristics. He further maintains that this definition would involve what he did before or after his mission.[34] It could also be used to denote the Prophet's approval of certain acts in his presence. Al-Ṣāliḥ argues: "the word refers to an account of what Prophet Muḥammad said or did or of his tacit approval of something said or done in his presence."[35] Tritton comments that while traditions are details in the shape of Muḥammad, *sunnah* is the habit of life, which pious Muslims try to make their own.[36]

---

[32] Amīn , Bakrī Sheikh. *Adab al-Ḥadīth al-Nabawī.* Beirut: Dār al-Shurūq, 1976, pp. 9-101.
[33] Azami, op. cit., p.3.
[34] Hāshim, al-Ḥusaynī. *Uṣūl al-Ḥhadīth al-Nabawī,* Cairo: Dār al-Shurūq, 1406 AH, p.5.
[35] Al-Ṣāliḥ, Ṣubḥī. *The encyclopaedia of Islam.* Vol.3, new edition, Leiden: E.J.Brill, 1997, p.23.
[36] Tritton, A. S. *Islam: belief and practices.* London; New York: Hutchinson's University Library, 1951,

Besides, *ḥadīth* means communication and it refers to the conduct of Prophet Muḥammad.[37] Furthermore, it involves the deeds, sayings, decisions of Prophet Muḥammad, and his silent approval of the behaviour of his companions.[38] In addition, *ḥadīth* could be defined as the following:

> A record of the traditions or sayings of Prophet Muḥammad revered and received as a major source of religious law and moral guidance, second only to the authority of the Qur'an, or scripture of Islam. It might be defined as the biography of Muḥammad perpetuated by the long memory of his community for their exemplification and obedience.[39]

The role of the *ḥadīth,* was to form the framework for the earliest development of religious thought in Islam.[40] In addition, *ḥadīth* illustrates the continuous development of the moral teachings, which derives its bases from the Holy Qur'ān. The Imāmī Shī'ites argue that only authentic traditions should be accepted for their trustworthiness. Thus, Subḥānī argues that: "the Imāmī Shī'ites make use of those *ḥadīhs* of Prophet Muḥammad that have been related by trustworthy and reliable sources whether these sources to be in the book of Shī'a or in those of the *Sunni.*" [41]

Finally, according to Burton:

> The word *ḥadīth* more usually refers to a special class of narrative of relevance to more particular religious concerns, although, even here, it will be still found that the *ḥadīth* fulfils many roles and has been employed for numerous purposes.[42]

Broadly speaking, the science of *ḥadīth* deals primarily with the life of Prophet Muḥammad concentrating on his sayings and actions. His sayings include the utterances of the Qur'ān the meaning and phrasing of which belong to God while

---

p.31.
[37] Hussain, Jamila. *Islamic law and society: an introduction.* Sydney : Federation Press, 1999, p.28.
[38] Juynboll, Gautier H. A .*The authenticity of the tradition literature: discussions in modern Egypt,* Leiden : E. J. Brill, 1969, p.5.
[39] J. Robson, "Hadith," in *The Encyclopaedia of Islam,* new ed., vol. 3, 1971, pp. 23-28.
[40] Goldziher, op.cit., p. 41.
[41] Subḥānī, Ja'far. *Doctrines of Shi'i Islam: a compendium of Imami beliefs and practices.* London: I.B. Tauris in association with the Institute of Ismaili Studies, 2001, P.176.
[42] Burton, John. *An introduction to Hadith,* Edinburgh: Edinburgh University Press, 1994, p.30

Prophet Muḥammad's actions involve rule and authority, some of which Muslims have to follow.

## 2.5 The relation between *ḥadīth* and *sunnah*

It should be remarked that while the two terms seem to have a close significance, they are in fact different. There might be some relationship between them in terms of transforming reports from Prophet Muḥammad but, in reality, they are distinct from one another. The reason for this is that it became common for some people to assume that *sunnah* and *ḥadīth* are considered to be synonymous. According to Dutton's point of view, this confusion " has been further exacerbated by translation of the word *ḥadīth* ('verbal report') as 'tradition', thus giving it a meaning very much closer to the idea of *sunnah* in the sense of 'general practice' or 'custom', which is clearly not the same as 'verbal report'.[43] It has been stated that *sunnah* refers to those established customs of Prophet Muḥammad that were passed on as religion to the Muslim community by companions through their consensus of these customs.

As already described, *ḥadīth*, on the other hand, refers to a short narrative, which describes a statement or an action or a tacit approval of Prophet Muḥammad. It could be argued that *sunnah* is the way or deeds of Prophet Muḥammad, while *ḥadīth* is a collection of the narrations and approvals. The two words are interchangeable when referring to the traditions, but actually, there is a difference between the two. *Ḥadīths* are classified according to their status, in relation to their texts (*matn*) and their chain of transmitters (*isnād*). Kamali states that the two words are different and carry different meanings. *Ḥadīth* is the narration of the conduct of Prophet Muḥammad whereas *sunna* is the law that is deduced from it.

---

[43] Ibid, pp. 226-227

In other words, "*ḥadīth*" is the carrier and vehicle of the "*sunna.*[44] Schacht argues that the traditions of Prophet Muḥammad are not identical with the *sunnah* but they only provide its documentation.[45] Brown maintains that they have to stand and fall together as each has no foundation without the other.[46] To Aghnides, *ḥadīth* is to be distinguishable from *sunnah* although some jurists said that they are identical.[47]

## 2.6 The authenticity of *ḥadīth*

The authenticity of *ḥadīth* is an important issue about which there is much discussion. This issue occupies the minds of Muslim and non-Muslim thinkers alike. It is worthwhile to look at the different views that criticize *ḥadīth* and argue its authenticity. Berg states that some western scholars, although with some reservation, use *aḥādīth* as a reliable historical source. For other scholars, the authenticity and the origin of the date of *ḥadīth* are contentious issues that have produced heated debates.[48]

Azami argues that the main criticism is that *ḥadīth* books were collected one hundred years after Prophet Muḥammad's death, especially at the time of 'Umar II.[49] Hamidullah, when referring to the compilation of *ḥadīth*, states: "the compilation of the traditions of Prophet Muḥammad began in his own lifetime by his companions, this besides many official documents such as treaties, letters...and the like."[50]

In a similar vein, al-Ṣāliḥ shows that the form of writing down *aḥādīth* started in Prophet Muḥammad's lifetime. He affirms that a number of Prophet Muḥammad's companions wrote some of the *aḥādīth* during his lifetime and others wrote it with

---

[44] Kamali, op. cit.,p.47.
[45] Schacht, op. cit., p.3 .
[46] Brown, op. cit., p.82.
[47] Aghnides, op. cit., p.36.
[48] Berg, Herbert. *The development of exegesis in early Islam : the authenticity of Muslim literature from the formative period.* Richmond : Curzon, 2000, p. 8
[49] Azami, op. cit., p.18.
[50] Hamidullah, Muhammad. *Muslim conduct of state: being a treatise on siyar.* Lahore: Ashraf, 1953, p.21.

Prophet Muḥammad's permission.[51] Ramaḍān gives examples of records and documents that had been recorded within this period.[52] However, criticism about the authenticity of *ḥadīth* is not mainly concerned with the meaning or the text of the *ḥadīth.* Rather, it deals with other aspects such as justice of the narrator (*'adālah*) and the continuity of the chain of transmission (*sanad*) of the *ḥadīth* itself. Schacht comments: "*isnād* must be uninterrupted and must lead to an original eye or ear witness and all transmitters must be absolutely trustworthy."[53] In a nutshell, as the transmission of *ḥadīth* went on, it became evident that the meaning of *ḥadīth* was being hijacked by many forgeries. Therefore, scholars of *ḥadīth* formulated numerous methods of evaluation or conditions by which genuine *aḥādīth* could be sifted from the mass of forgeries. Goldziher comments: "Muslim theologians created an extremely interesting scientific discipline - that of *ḥadīth* criticism- in order to sift authentic traditions from apocryphal ones."[54]

The chain of transmission of a *ḥadīth* (*isnād*) is believed to be the first method that scholars adopted to sift authentic *ḥadīth* from the forged one. It should be continuous; namely, there should be no time gap between the companion and the successor or, at least, both should have met one another.[55] The second aspect is the justice of the narrator. He should be adult, Muslim, and just.[56]

Remarkably, the Holy Qur'ān has a great number of verses that urge Muslims to follow Prophet Muḥammad and his *sunnah.* Accordingly, they should adhere to the injunctions of the authentic *aḥādīth.* Al-Imām al-Shāfi'ī asserts that evidence of the authentic *ḥadīth* could either be found in the Qur'ān or the *sunnah* so that the tradition

---

[51] Al-Ṣāliḥ, op. cit., p.23.
[52] Ramadan, op.cit., p.48.
[53] Schacht, op. cit., p.3.
[54] Goldziher, op. cit., p.39.
[55] The Harf CD-Rom encyclopaedia of *ḥadīth,* op.cit.
[56] Ibid.

which has the strongest evidence could only be accepted.[57] According to al-Ṣāliḥ, Muslim scholars have affirmed that the sound *ḥadīth* is a decisive judgment *(hujjah)* according to which Muslims have to abide by its rulings therein.[58] In addition, the Shī'ite Muslims have their own opinion about the authenticity of *ḥādīth* providing that such traditions should be narrated by the inerrant *imāms.* Subḥānī comments that: "the narrations of the inerrant Imams of the religion that have a sound chain of transmission are considered by the Shī'i as religious proof-text on the basis of which one must act."
59

In contrast, some writers refuse to accept the authenticity of *ḥadīth.* Firstly, as Schacht states: "we shall not meet any legal tradition from Prophet Muhammad which can be positively be considered authentic."[60] He further argues: "hardly any of these traditions, as matters of religious law are concerned, can be considered authentic."[61] Godziher directs another objection towards the authenticity of the *ḥadīth.* He comments: "it does not serve as a document for the history of the infancy of Islam but (served) rather as a reflection of the tendencies which appeared in the community during the maturer stages of its development."[62] Similarly, Juynboll denies the existence of *ḥadīth.* He maintains that the talks that took place among Prophet Muḥammad and his companions could not have resulted in what is called *ḥadīth* literature.[63] The information provided in this chapter will be selected from the most well known collections of the *ḥadīth.* Nine different books of the *ḥadīth* compilers will be presented and they will constitute the main basis of the data. They are:

---

[57] Khadduri, Majid. *Islamic Jurisprudence, Shāfi'ī resālah.* Trans. Majid Kahadduri, Baltimore, 1961, p.182 .
[58] Al-Ṣāliḥ, op. cit., p. 291.
[59] Subḥānī, op. cit., p.177.
[60] Schacht, op. cit., p.149.
[61] Ibid, op. cit., p.34.
[62] Berg, op. cit., p.9.
[63] .Juynboll, op. cit., p.10.

1. *Muwaṭṭa'* Mālik (93-179 A.H);

2. *Musnad* Aḥmad (164-241 A.H);

3. *Sunnan* (traditions) al-Dāramī (181-255 A.H);

4. *Ṣaḥīḥ* (the sound book of) *al*-Bukhārī (194-256 A.H);

5. *Ṣaḥīḥ* Muslim (206-261 A.H);

6. *Sunan* Ibn Mājah (209-273 A.H);

7. *Sunan* Abū Dāwūd (202-275 A.H);

8. *Jāmi'* (compiler) al-Termidhī ( 200-279 A.H);

9. *Sunan* al-Nasā'ī (215-303 A.H).

The reason for selecting these nine collections of the *ḥadīth* is that they hold a unique position among Muslim jurists for their authenticity and they are considered, by some Muslims, as canonical books. In addition, the *Ḥarf CD-ROM Encyclopaedia* of *ḥadīth,* is one of the most important sources available. This encyclopaedia is mainly based on the information given in these books and provides a wide search capacity. This chapter will explore such *aḥādīth* that touch upon the People of the Book and will divide them into more tangible segments. The study will reveal if there is any change in Islamic attitude towards both Jews and Christians in the two main Islamic sources of legislation, that is, Qur'ān and *ḥadīth.*

## 2.7 The range of *ḥadīth* used in this chapter

To analyze the traditions that refer to the People of the Book in the *ḥadīth* literature, we have to understand the area to which the *ḥadīth* is referred. The *aḥādīth* that refer to the People of the Book deal with miscellaneous topics such as ritual practices, daily activities, beliefs, commercial transactions and political relations with Muslims. Each of these sub-divisions will be discussed in full with commentaries on different trends.

## 2.8 The prophetic attitude towards the People of the Book

It is first necessary to explain Prophet Muḥammad's attitude towards the People of the Book in general and the Christians in particular. It is noted, as the *aḥādīth* shows, that Prophet Muḥammad agreed with some practices of the People of the Book especially some issues about which there was no decisive revelation. With regard to this point, Khalīl states: "he used to see the example of martyrdom in the Owners of the Ditch, he used to hail priests and was very pleased when the Romans defeated the Persian Empire where the Christian churches survives demolition." [64] It should be noted that the Muslim/non-Muslim relations, more precisely the Muslim–Christian one, started in the wake of Muslims' migration to Abyssinia.

This event is important because it took place after Prophet Muḥammad made his first call to Islam. To investigate the prophetic attitude thoroughly, it is essential to track the changes after Prophet Muḥammad's migration from Makkah to Madīnah. This migration constitutes a turning point in prophet Muḥammad's life and in Muslim identity as a whole. When he settled down at Medina, he found complete chaos as the region was not either a real state or a leader to unite the scattered tribes worn by tribal enmities. Robinson lucidly explains the situation when he describes: "there was as yet no question of a state with a supreme authority, able to enforce a degree of order by means of public force set a part from society." He adds that the idea of states itself was wholly unknown.[65]

To the same effect, Qāsim adds that Madīnah, due to the state of instability prevailing there at this time, was prepared for the emergence of a leader such as Prophet Muḥammad.[66]

---

[64] Khalīl, 'Emād al-Dīn. *Derāsah fī al-Sīrah*. Beirut: Dār al-Naqqāsh, 1978, pp.278-279.
[65] Rodinson, Maxime. *Mohammed*. New York: Pantheon Books, 1971, p.154.
[66] Qāsim,'Awn al-Sharīf. *Diblumāsiyyat Muḥammad*. Khartoum: Jāmi'at al-Kharṭūm, 1972, p.24,.

Arnold agues: "There was an entire absence of any organised administrative or judicial system. Each tribe or clan formed a separate and absolutely independent body."[67] Later on, Prophet Muḥammad succeeded in gathering the different inhabitants into a real community. He established a state where Muslims, Jews, pagan Arabs and a few Christians, formed this state by means of a social contract. He made a fraternity between the two main tribes in Madīnah, al-Aws and al-Khazraj. There were three Jewish tribes living near Muslims in Madīnah: banū Qaynuqā' banū al-Naḍīr, and banū Qurayẓah. There was an enmity between the Jewish tribes and al-Aws and al-Khazraj before the two latter tribes were converted to Islam.

## 2.9 The frame of references

When examining the *aḥādīth* that touch upon the People of the Book, it is imperative to look at the frame of references that will be used in this section. Traditions that use the terms *ahl al-Kitāb* (People of the Book), *ahl al-Dhimmah* (people of the Covenant), and *al-Yahūd wa al-Naṣārā* (Jews and Christians) will be discussed. Some of the Prophetic traditions could be found in all canonical collections of *aḥādīth*. Thus, such traditions will be avoided and the focus will be on the subjects rather than the texts.

## 2.10 The constitution of Madīnah

### 2.10.1 Introduction:

Before searching the traditions that deal with the People of the Book, it is essential to consider the constitution of Madīnah (*mithāq al-Madīnah* or *dustūr al-Madīnah*) that Prophet Muḥammad concluded with the main Jewish tribes of Madīnah.

---

[67]Arnold, Thomas Walker. *The preaching of Islam; a history of the propagation of the Muslim faith.* London: Constable, 1913, p.31.

It is the cornerstone upon which relations among Muslims and Jews were established at that time. Considering this constitution will bring to light some important points that have not been tackled before. Foremost among which there is the authenticity of this constitution. Is there only one original or there are more than one? How was this constitution formed and how long did it last? What effect does it have on both Muslims and Jews? Other questions can be asked such as where does this constitution come from? Does the *ḥadīth* literature have any reference to it? It might be appropriate to give a brief illustration of Prophet Muḥammad's relations with the Jews of Madīnah before commencing discussion of the constitution.

Waardenburg argues that Prophet Muḥammad interaction with the Jewish tribes of Madīnah had profound consequences for the future development of Islam. The same author adds that Prophet Muḥammad's experience with the Jews reinforced his Prophetic self-consciousness[68]. Waardenburg adds that Prophet Muḥammad had some relations with the Jews of Madīnah and points out "when he came to Medina all the Jews made an agreement with him of which one condition as that they were not to support any enemy against him, they were to be neither for him nor against him."[69] Judaism was already well established in Madīnah two centuries before the Prophet's time. Jews were clients of the Arab tribes there. Different books states that the first Islamic-Arabic source in which this constitution is believed to have been found is *sīrat Ibn Hishām* (Ibn Hishām's biography). Later on, other Muslim historians such as Ibn Kathīr and Ibn al-Athīr also referred to this subject in their writing on *Sīrat Ibn Hishām*. Besides, some Western writers devoted parts of their works to this issue. There are: W M Watt, Maxime Rodinson, William Muir, and Uri Rubin.

---

[68] Waardenburg, Jacques, *Muslim perceptions of other religions (A historical survey),* New York; Oxford: Oxford University press, 1999, pp.11-12.
[69] Ibid.

It is relevant to analyze the different approaches that touched upon this subject. Firstly, it is important to give a brief view of how the constitution was concluded. I will start by looking at the Jews of Madīnah before the time of *hijrah* and their reaction towards the arrival of Prophet Muḥammad. In pursuit of securing the newly born state, Prophet Muḥammad wrote a document between Immigrants and Helpers (known in Arabic as *al-Anṣār wa al-Muhājirīn*) in which he included a peaceful treaty with the Jews of Madīnah. He promised this group security with regard to their religion, wealth and property. It is worth repeating that, as Bulaç argues, Madīnah was made up of not only Muslims but also, the Jews and non-Muslim Arabs.[70] Thus, the constitution of Madīnah reflected the first prophetic attitude. That is, the constitutional law of the first Muslim state represented the confederacy of groups of population to organize the relations among Muslims and their Jewish equals. In the wake of his migration to Madīnah, Prophet Muḥammad laid out a basic constitution that consisted of fifty-two points. Twenty-five articles pertained to Muslims while the remaining twenty-seven were for the believers of other religions, especially Jews.

### 2.10.2 Background and importance

This part will deal with different views about the background and importance of the constitution. Haykal argues that it is the first document which acknowledges the freedom of worship and thought, the sacredness of Madīnah, property, prohibition of injustice and crime[71]. Romanides states that the constitution shows the beginnings of the Islamic state within the context of Arab and Jewish tribal structures, and is considered a crucial stage in the history of the evolution of the Muslim community.[72]

---

[70] Bulaç, Ali. *Liberal Islam: a source book.* ed. Charles Kurzman. New York : Oxford University Press, 1998, p.169.

[71] Haykal, Muḥammad Ḥusayn. *Ḥayāt Muḥammad.* Cairo: Maṭba'at Dār al-Kutub al-Miṣriyyah, 1939, p. 227.

[72] Fr. John S. Romanides, Islamic Universalism and the Constitution of Medina. (on line) available

It is truly a remarkable political-constitutional document. The constitution is considered modern in the sense that it was promulgated for a pluralistic society, giving equal rights to every citizen, as well as giving everybody the right to have their own opinion in governmental matters. It is particularly concerned with Jews as they formed the vast majority of the populations of Madīnah at the time of *hijrah*. Watt says that historical books did not give much record of the direct negotiations between Muḥammad and the Jews before the *hijrah*.[73] Goddard argues neither did Prophet Muḥammad have much communication with the Christians nor did the constitution itself mention anything in this regard at the time of the *hijra* because Christians had no role to play in the Madīnah's society. Goddard further states: "one obvious difference between the situation confronting Muslims during the lifetime of Muhammad and the new situation is that Muhammad himself did not have very much first-hand encounters with Christians."[74]

Prophet Muḥammad drew up this constitution to address the issue of communal relations, effectively forming a tribal confederacy. The relationship was between individual tribes and the Muslims, rather than the Jews *en masse*. Muslims at this time were allied with each individual Jewish tribe, although the terms were the same for all. Thus, when conflict arose between Muslims and individual tribes such as banū al-Naḍīr, there was no collective punishment of the Jews as a whole. Other writers consider it an historical document rather than a formal constitution. The constitution of Madīnah establishes the importance of consent and cooperation for governance. It is an important political document drawn up by Prophet Muḥammad. It shows his leadership and his modern concept of composite political community.

---

form : http://www.geocities.com/umaximov/romanidis.htm, accessed 26th April 2004.

[73] Watt, W.M. *Muhammad at Medina*. Oxford: Clarendon, 1956, p.195.

[74] Goddard, Hugh . *A history of Christian-Muslim relations*. Edinburgh: Edinburgh University Press, 2000, P.34.

According to this charter, Muslims and non-Muslims are equal citizens of the Islamic state, with identical rights and duties. Communities with different religious orientations enjoy religious autonomy. Moreover, it looks like tribal law more than developed Islamic discipline where the issues of defence, war, and *diyyah* have been distributed among the tribes with whom this constitution was concluded. This constitution may be important as it is supposed to have been concluded after negotiation with three different religious groups namely, Muslims, Jews and non-Muslim Arabs. Again, the constitution is very important for the understanding of the status of non-Muslims in a Muslim dominated society.[75]

Muhitin states: "it recognizes that an individual may have more than one identity. It declared the formation of the Muslim *ummah,* but allowed the tribal identities of those who accepted the religion of Islam."[76] As a result of this constitution, Muslims managed to develop a political culture coping with some other religious groups.[77] In agreement with this constitution, it is maintained that both Jews and Christians were to be judged according to their own laws.[78] In order to show the importance of this constitution, Sergent extravagantly compares it to the Holy Qur'ān. He comments: "yet from the historical standpoint this document is of as much interest and even importance for the early history of Islam as the Qur'ān itself."[79]

Bulaç refers to the principles of this constitution and maintains that: "the principles of this legal document establish the framework of political unity and the meanings they bestow upon the concepts of politics and power are still important today."[80] Furthermore, Khadduri shows the result of this constitution and states: "This treaty

---

[75] Barakāt Aḥmad Sayed, Non-Muslims and the Umma, Studies in Islam, 17, New Delhi, p.83.
[76] Muhitin, Atman. Islamic perspective of ethnicity and nationalism, *Journal of Muslim minority affairs*, 2003, 23.(1) pp. 89-101.
[77] Ibid.
[78] Ibid.
[79] Sergent. R.B. The Constitution of Medina. *The Islamic Quarterly*, 1964, Vol: 8, p.4.
[80] Bulac, op. cit, p.176.

composes no restriction on the Jews save their maintenance as a separate religious group within Muhammad's larger community. Indeed the Jews were almost treated on equal footing with the Muslims."[81] The Madīnah constitution also instituted peaceful methods of dispute resolution among diverse groups living as one people but without assimilating into one religion, language, or culture. One further point is that the constitution gave an example of Prophet Muḥammad's toleration towards the People of the Book. Thus, Cohen states: "Muhammad established another precedent for religious toleration in the constitution of Madīnah, his compact with the Arabs and some of the Jews of Medina, which granted religious autonomy to the latter."[82] In addition, Faḍl Allāh shows the importance of this constitution when he demonstrates:

> The treaty was indicative of a new reality, i.e. religious tolerance built on a solid base of both religious groups recognizing what unified them. Thus, both opted for the middle ground, where dialogue was the way forward to a mutual understanding away from bigotry and prejudice.[83]

Iqbal describes the document as one "which bestows oneness of community on those who do not belong to the same faith but are loyal to it in the political sense".[84] Finally, Gabrieli shows the importance of this constitution and states:

> In this document, legal and linguistic importance, the Prophet declared the population of Medina as an entirety-believers, pagans and Jews-to be one single community, and made an effort to regulate regulations between its various elements, advising the retention of certain traditional principles of the pagan era such as the collective responsibility of the tribal group in cases of ransom or bloodshed, along with the new reality which he had come to bring.[85]

### 2.10.3 Authenticity and date

The questions which will be posed now are: what kind of proofs support the authenticity of this constitution? When was it concluded? It is highly important to

---

[81] Khadduri, Majid. *War and peace in the law of Islam*. Baltimore: Johns Hopkins Press, 1955, p. 178.
[82] Cohen, Mark R. *Under crescent and cross: the Jews in the Middle Ages*. Princeton, N.J.: Princeton University Press, 1994, p.55.
[83] Faḍl Allāh, Muḥammad Ḥusayn. *Islam, the religion of dialogue*. Beirut: Dār al-Malāk, 2003, p.118.
[84] Iqbal, Afzal. *Diplomacy in Islam: an essay on the art of negotiations as conceived and developed by the Prophet of Islam*, Lahore: Institute of Islamic centre, 1977.
[85] Gabrieli, Francesco. *Muhammad and the conquest of Islam,* London: Weidenfield and Nicolson, 1968, p.65

investigate the authenticity and date of this charter. There is controversy among writers as to the date and authenticity of this constitution. Ibn Kathīr, a classical historian, quotes the same articles found in Ibn Hishām's *sīrah* and affirms that Prophet Muḥammad wrote a book for the immigrants and helpers which was similar to the constitution.[86] Rizqallāh states that there are different versions of this constitution: one copy is found in *musnad* al-Imām Aḥmad[87], another copy is in Abū 'Ubayd's book *al-Amwāl,* a copy in Ibn Ḥazm's well-reputed book *al-Muḥallā,* and finally another copy is found in al-Bayhaqī's book *al-Sunnan al-Kubrā.*[88] Rizq Allāh affirms research proves that proofs certify that this constitution is an authentic and that it was written during the lifetime of Prophet Muḥammad.[89] Among Western authors, we will find the same opinion. Rodinson argues that: "it is certainly authentic because it contains certain conditions which run contrary to later views of the original Muslim community."[90] Watt refers to the same issue and maintains: "this document has generally been regarded as authentic, though it has not been always given the prominence appropriate to an authentic document of this sort."[91]

There is controversy regarding the date of the conclusion of the constitution. As Watt states: "there has been some discussion, however, whether the document is to be dated before or after the battle of Badr. Wheelhouse placed it before that battle.[92] He adds that the articles of the constitution might have been written in different dates. Yet, Qāsim refutes the viewpoint of Watt. He asserts that what Wellhausen says has no

---

[86] The document was found in different classical historic books: *al-Sīrah al-Nabawiyyah* by Ibn Hishām, *'uyūn al-Athar* by Ibn Sayyed al-Nās, and *al-Bedāyah wa al-Nehāyah* by Ibn Kathīr. Ibn Kathīr, Isma'īl b. 'Umar al-Qurashī al-Dimashqī. *Al-Bedāyah wa al-Nehāyah.* Cairo: Maṭba'at Dār al-Sa'ādah, 1932, 3:224.

[87] The *ḥadīth* to which the author refers to is concerned with a book written among the Immigrants and Helpers. It does not refer to Jews at all. *Musnad al-Mukthirīn mina al-Ṣaḥābah.,* op. cit., No: 6610.

[88] Rizq Allāh, Aḥmad, Mahdī. *Al-Sīrah al-Nabawiyyah fī ḍaw' al-Maṣāḍir al-Aṣliyyah: dirāsah taḥlīliyyah,* Riyadh: Markaz al-Malik Faiṣal li al-Buḥūth wa al-Dirāsāt al-Islāmiyyah, 1992, p308.

[89] Ibid.

[90] Rodinson, op. cit, p.152.

[91] Watt, op. cit, p.225.

[92] Ibid, 226.

historical background whereas both al-Ṭabarī and Ibn al-Athīr assure that this treaty took place in the wake of the battle of Badr.[93] Muir argues that there is no mention of the date of this constitution and, most probably, it was concluded after Prophet Muḥammad's arrival in Madīnah.[94] Alavi explains that while some scholars agree the constitution was concluded not very long after the *hijrah* in 622 AD, [95] others say that it was enacted in the first year of *hijrah* 622 AD.

However, Peters argues that it was concluded on the occasion of *hajj* (pilgrimage) in 621 AD. He explains "it was the formal end of the original Medina *umma*, the one initiated by the agreement signed by Muḥammad and the people of Medina, Muslims, Pagans, and Jews shortly after his arrival to the oasis."[96] Accordingly, it may be suggested that the constitution was implemented in the early days of the new Islamic state in Madīnah, between the first and second year of Hijrah. It has a unity, though parts of it are believed to have originated at different times and put together. The whole text of the charter has been reproduced, word for word, by Ibn Hishām in his book *al-Sīrah al-Nabawiyyah.*[97] This charter was initially concluded with the helpers, the immigrants and the Jews of Madīnah where Prophet Muḥammad gave the latter group both rights and obligations.[98] Licker comments on this constitution and says:

> "Prophet Muhammad concluded a treaty *('āhada)"* with the Qaynuqā' which was identical to this treaty with the Quay in Medina, stipulating that they refrain from supporting the pagans and help Muslims. This was the first of his treaty" (i.e. with the Jews".[99]

It should be remarked that Jews did not join this constitution collectively but separate

---

[93] Qāsim, op. cit, p.24.
[94] Muir, William, Sir. *The life of Mahomet from original sources.* London: Smith, Elder, 1877, p.178.
[95] Alavi, Hamza, English, *he Constitution of Medina,* (on line) Available from: http://www.dawn.com/2001/07/20/op.htm, accessed 26th January 2006.
[96] Peters F E Francis E. *The monotheists: Jews, Christians, and Muslims in conflict and Competition.* Princeton, N.J.; Oxford: Princeton University Press, 2003, I:115
[97] Ibn Isḥāq, 'Abd al-Malik b. Hishām. *Sīrat al-Nabī.* Cairo: Maṭba'at Ḥijāzī, 1973, 2:147-150
[98] Ibid.
[99] Licker, Michael, Israel Oriental studies,1997, (17):31

different groups.[100] This is apparent when we notice that the constitution does mention big Jewish tribes such as banū al-Naḍhīr, banū Qaynuqā', and banū Qurayẓah.[101] It might be because, as Gil states, that the constitution is not one document but rather at least eight different agreements.[102] Another reason was that these big Jewish tribes were not partners of the covenant.[103] Furthermore, Muhibbu-Din states: "though the Jews of Banu Quraizah, Banu al-Nadir, and Banu Qaynuqa' did not sign this covenant (at its conclusion), they were yet to study the implications involved. However, they did enter into like pacts with the Prophet."[104] Clubb says that this compact is like a draft between the three groups than an agreement among them.[105] Barakāt comments: "it lays guiding principles for building a multi-cultural and multi-religious *umma* in which the dominant group will always be the Muslims."[106]

After a deep and thorough search, the researcher found only one copy of this constitution in the books of *hadīth.* The version runs as follows:

أخبرنا أبو عبد الله الحافظ ثنا أبو العباس محمد بن يعقوب ثنا أحمد بن عبد الجبار ثنا يونس بن بكير عن بن إسحاق حدثني عثمان بن محمد بن عثمان بن الأخنس بن شريق قال أخذت من آل عمر بن الخطاب رضى الله تعالى عنه هذا الكتاب كان مقرونا بكتاب الصدقة الذي كتب عمر للعمال بسم الله الرحمن الرحيم هذا كتاب من محمد النبي صلى الله عليه وسلم بين المسلمين والمؤمنين من قريش ويثرب ومن تبعهم فلحق بهم وجاهد معهم أنهم أمة واحدة دون الناس المهاجرين من قريش على ربعتهم يتعاقلون بينهم وهم يفدون عانيهم بالمعروف والقسط بين المؤمنين وبنو عوف على ربعتهم يتعاقلون معاقلهم الأولى وكل طائفة تفدي عانيها بالمعروف والقسط بين المؤمنين ثم ذكر على هذا النسق بني الحارث ثم بني ساعدة ثم بني جشم ثم بني النجار ثم بني عمرو بن عوف ثم بني النبيت ثم بني الأوس ثم قال وإن المؤمنين لا يتركون مفرحا منهم أن يعطوه بالمعروف في فداء أو عقل.[107]

---

[100] Qāsim, op. cit, p.24.
[101] Ibid.
[102] Moshe Gil, the constitution of Medina, 48.
[103] Barakat, op. cit., p.82 .
[104] Muhibbu-Din, M.A, Principles of Islamic polity towards ahl al-Kitāb, *Journal of Muslim minority affairs,* 2000, 20 (1), pp. 111-127.
[105] Clubb, John Bagot, Sir. *The life and times of Muhammad.* London: Hodder & Stoughton, 1970, p.162.
[106] Barakat, op. cit., p.86.
[107] Abū Bakr Aḥmad Ibn al-Ḥusayn Ibn 'Alī Ibn Mūsā al-Bayhaqī, *Sunnan, Kitāb al-Diyyāt,* , No. 16147. (On line) Available at:

### 2.10.4 Articles of the constitution

The full English translation of this constitution is found in Faḍl Allāh's work "*Islam the religion of dialogue*." The provisions of this constitution are as follows:

In the name of God, the compassionate, the Merciful: This is a letter from Prophet Muhammad for the believers and Muslims among Quraysh and Yathrib, and all those who would follow them and take part in the Jihad with them. They are one nation (*ummah*) (or community) to the exclusion of other people. The *Muhajereen* of Qurashite decent, in their stronghold, should co-operate and ransom the distressed among them with fairness and equity, as in the case among believers. (The wording of the previous sentence has been repeated for the following tribes: Banu Sa'idah, Banu Jusham, Banu an-Najar, Banu anNabeet, Banu Aus). The believers should not abandon any person, heavily in debt, without helping them out equitably in ransom or blood money. A believer should not make alliance with the servant of another believer without his knowledge. The devout believer should come together against him who transgress or seeks to oppress, do injustice to, sow corruption or be aggressive against any among them, they should join hands against the transgressor, even if it be one of their offspring. An unbeliever should not be supported against a believer. God's covenant of protection is one; the least significant of people should be given sanctuary. The believers should united more so than others.

[It has also been agreed] that who joins us from the servants of the Jews, they should qualify for our support and be treated as one of us; they should neither be oppressed, nor ganged up against. . In war in the cause of Allah, a believer should not, separately, seek peace with an unbeliever, except with justice and fairness. The believers can replace one another in the bloodletting that has befallen them in the cause of Allah. The devout among the believers are the best guided and are on the right path. A polytheist should not withhold money due to a Qurashite, nor a soul; he should not hold it from a believer. . Whoever caused the blood of a believer to be spilled with proof, he would be held responsible, until he comes to agreement with the next of kin of the slain person; all the believers should take a position against him.

[It has also been agreed]that it is not permissible for any believer who testified to this covenant and believed in Allah and the last Day of judgment to support any initiator of evil or mischief nor shelter him. He who supports him with shelter should be mindful that Allah's curse shall abide with him till the Day of Judgment; he would not be bartered or compassion accepted from him. Whatever you disagree on, you have to seek to settle it by having recourse to Allah, the Most High and Mohammad.

That Jews and Muslims are to finance the war, so long as they are being fought. That the Jews among Banu 'Awf are a community like the believers. The Jews have their religion and the Muslims theirs, masters and slaves alike. The expecting being those who transgressed or sinned. They have themselves to blame. The Jews of Bani an-Najjar have the same rights as the Jews of Banu Awf. [The last sentence had been repeated so as to mention the Jews from some other tribes i.e. Banu Sa'idah, Banu Josham, Banu Aws, Banu Tha'labah] Those who relate to Tha'labah should receive the same treatment as members of Tha'labah themselves. That which Banu Awf have right to, should be equally given to Banu Shutaibah. Doing good deeds is highly recommended to the exclusion of doing evil. The servants of Tha'labah should receive the same treatment as their masters. Those in the fold of the Jews are to receive the same treatment accorded to the Jews themselves. That no one of them should go out, except with the permission of Mohammad. That no a single should be inflicted in revenge. That whoever does harm himself, he should have himself to blame, except those who were done injustice. God is capable of mending this.

That the Muslims should provide sustenance for themselves, so would the Jews. They should stand united against him who wages war against the signatories of this treaty. They should give good counsel to one another and join what is good, to the exclusion of what is evil. No one

---

http://www.alwaraq.net/index4.htm?c=http://www.alwaraq.net/Core/Library.jsp&m=http://www.alwaraq.net/Core/waraq/subjecttoc , accessed 21-09-06

should be made to suffer for a crime his ally has committed. Help and support should be given to the one who is wronged.
That, the Jews should finance the war effort so long as they are being fought. Yathrib is a sanctuary for the signatories of this treaty. That, neighbours are on a par with oneself, without prejudice. That the privacy of the individual should be respected.
That, should there by any quarrel or discord, those potential danger could be great, should be referred to Allah, the most High and Mohammad, the messenger of Allah. Allah is with the most parties of this treaty and the good among them. That no haven should be given to Quraysh and their allies. [The signatories of this treaty] should help each other if Yathrib came under attack; should they be called to make peace. They should respond in kin. Should this happen, they should have the same responsibilities as the believers, except those who fought for the faith, for each party their own share with their counterparts. The Jews of Aws and their slaves shall have the same rights and responsibilities of the signatories of this treaty of that which is purely fair. Ibn Hisham then said:
Fairness is more praiseworthy compared to evil doing. Whichever bad deeds committed by any person they have themselves to blame. Allah with those signatories of this treaty who are most well intentioned and the most just.
This treaty should not be viewed as providing protection for those who transgress or do evil. Residents of Medina should feel secure, whether they remain within its boundaries or go out of it, except the transgressors and mischief doers.[108]

The full Arabic version of this constitution is found in *kitāb al-Amwāl* of Abū 'Ubayd al-Qāsim which runs as follows

حدثني يحيي بن عبد الله بن بكير و عبد الله بن صالح:قالا: حدثنا الليث بن سعد قال: حدثني عقيل بن خالد عن ابن شهاب أنه قال بلغنى أن رسول الله صلي الله عليه وسلم كتب بهذا الكتاب "هذا الكتاب من محمد النبي رسول الله بين المؤمنين والمسلمين من قريش وأهل يثرب ومن تبعهم, فلحق يهم , فحل معهم وجاهد معهم إنهم أمة واحدة دون الناس والمهاجرون من قريش – قال ابن بكير : على ربعاتهم – قال ايو عبيد و المحفوظ عندنا رباعتهم – بتعاقلون بينهم معاقلهم الأولي – وقال عبد الله بن صالح ربعا تهم – وهم يفدون عانيهم بالمعروف والقسط بين المؤمنين والمسلمين . وبنوا عوف علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين. وبنوا الحارث بن الخزرج علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين وبنو ساعدة علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين.وبنو جشم علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين. وبنو النجار علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين. وبنو عمرو بن عوف علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين وبنوا النبيت علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين. وبنوالأوس علي رباعتهم بتعاقلون معاقلهم الأولي وكل طائفة منهم تفدي عانيها بالمعروف والقسط بين المؤمنين. وأن المؤمنين لا يتركون مفرحا منهم أن يعينوه بالمعروف في فداء أو عقل. وأن المؤمنين المتقين أيديهم علي كل من بغي وابتغي منهم دسيعة ظلم أو إثم أوعدان أو فساد بين المؤمنين, وأن أيديهم عليه جميعه, ولو كان ولد أحدهم لا يقتل مؤمن مؤمنا في كافر, ولا ينصر كافرا علي مؤمن, والمؤمنين بعضهم موالي بعض دون الناس. وأنه من تبعنا من اليهود فإن له المعروف والأسوة غير مظلومين, ولا متنا صر عليهم. وأن سلم المؤمنين واحد, ولا بسالم مؤمن دون مؤمن في قتال في سبيل الله , إلا علي سواء وعدل يبنهم . وأن كل غازية غزت يعقب بعضها يعضا. وأن المؤمنين المتقين علي أحسن هذا وأقومه. وأنه لا بجير مشرك مالا لقريش ولا يعينها علي مؤمن وأنه من اعتبط مؤمن قتلا فإنه قود إلا أن يرضي ولي القتيل بالقتل . وأن المؤمنين عليها كافة وأنه لا يحل لمؤمن اقر بما في هده الصحيفة وامن بالله واليوم الآخر أن بنصر محدثا أو

[108] Faḍl Allāh, op. cit., pp.119-121

يؤويه . فمن نصره أواواه فإن عليه لعنة الله وغضبه إلي يوم القيامة لا يقبل منه صرف ولا عدل . وأنكم ما اختلفتم من شيئ فإن حكمه إلى الله تبارك وتعالي وإلي الرسول صلي الله عليه وسلم. وأن اليهود يتفقون مع المؤمنين مادامو محاربين . وأن يهود بني عوف ومواليهم وأنفسهم امة من دون المؤمنين . لليهود دينهم وللمؤمنين دينهم, إلا من ظلم وأثم فإنه لا يو ثغ إلا نفسه وأهل بيته وأن ليهود بني النجار مثل كاليهود بني عوف, وأن ليهود بني الحارث مثل ماليهود بني عوف, وأن ليهود بني جشم مثل ماليهود بني عوف, وأن ليهود بني ساعدة مثل ماليهود بني عوف, وأن ليهود الأوس مثل ماليهود بني عوف إلا من ظلم فإنه لا يو ثغ إلا نفسه وأهل بيته. وأنه لا يخرج منهم أحد إلا بإذن محمد صلي الله عليه وسلم وأن بينهم النصر علي من حارب أهل هذه الصحيفة وأن بينهم النصيحة والنصر للمظلوم و أن المدينة جوفها حرم لأهل هذه الصحيفة وأنه ماكان بين أهل هذه الصحيفة من حدث يخيف فساده فإن أمره إلي الله وإلي محمد النبي. وأن بينهم النصر علي من دهب يثرب. وأنهم إذا دعوا اليهود إلي صلح حليف لهم فإنهم يصالحونه, وإن دعونا إلي مثل ذلك فإنه لهم علي المؤمنين , إلا من حارب الدين , وعلي كل أناس حصتهم من النفقة . وأن يهود الأوس ومواليهم وأنفسهم مع البر المحسن من أهل هذه الصحيفة . وأن بني الشطبة بطن من جفنة . وأن البر دون الإثم فلا يكسب كاسب إلا علي نفسه وأن الله علي أصدق مافي هده الصحيفة و أبره . لا يحول الكتاب دون ظالم ولا اثم . وأن من خرج آمن ومن قعد آمن إلا من ظلم وأثم وأن أولاهم بهذه الصحيفة البر المحسن).[109]

In his comment on the constitution, Lecker mentions the main Jewish tribes concluded a treaty with Prophet Muḥammad himself and states:

> The Jews if Qurayza, Nadir, and Qaynoqa (i.e. their leaders) went to Muḥammad. Unwillingly to accept Islam, they proposed a truce that they would neither take Muhamad's side nor act against him, and they would not provide assistance to anyone against him.[110]

It should be noted that there is repetition of some of the articles of this covenant. According to Qāsim, this repetition must be significant. It shows that there was need for various clauses to be repeated or modified to cope with changing situations.[111] Another reason for this, Qāsim continues, is that some Jewish tribes joined this constitution later than their Jewish brothers. These repetitions or modifications do not cast doubt on the integrity or authenticity of the constitution. Bulaç argues that the repetition of the names of some Jewish tribes emphasises that these tribes had to pay for bloodshed and ransom of war prisoners, and that these tribes had to settle their financial liabilities among themselves.[112]

---

[109] Abū 'Ubayd, al-Qāsim b. Sallām. *Kitāb al-Amwāl.* Beirut: Mu'assasat Nāṣer li al-Thaqāfah, 1981, pp.91-92.
[110] Israel oriental studies, 30.
[111] Qāsim, op. cit., p.25.
[112] Bulaç, op. cit., p.175.

Bulaç explains that the significance of mentioning these tribes recognize the identity of the religious and ethnic groups found in the society.[113] Along the same lines, Rodinson comments: "each group formed a single unit for the purpose of paying the blood-price, should one of its members kills one from outside."[114] Rubin suggests that the constitution uses the term *yahūd* in some places which indicates a tribal name whereas the rest of the constitution uses the term *al-Yahūd* to indicate that Jews were subordinate to the Median tribes.[115]

Furthermore, the constitution uses the term *ummah* (nation) thereby making both Jews and Muslims one nation. This word, as Rodinson argues, means the people of Madīnah, Jews and Muslims as a whole, forming a coherent front to any external attack.[116] As Watt comments, the inclusion of Jews among the *ummah* dates the document to before the battle of Badr.[117] Bosworth states that this constitution recognizes the co-existence of the Muslim and the Jewish communities within one *ummah*. He added that each of the two groups retains its own law as well as religion.[118] According to Barakat, the *ummah* might have another meaning. He comments: "one in which there is real assurance that the members of that community will not fight each other physically but will settle their disputes in some other ways[119]".

### 2.10.5 Effects of the constitution

This constitution, of course, has some effects on both Muslims and Jews. For Muslims Andrae states: "the laws of the Medina congregation are the first draft of the theocratic constitution which gradually made Islam a world empire and a world

---

[113] Ibid, p.174.
[114] Rodinson, op. cit., p.153.
[115] Ibid.
[116] Ibid, 152.
[117] Watt, op. cit., p.227.
[118] Bosworth, Clifford Edmund .*The protected peoples (Christians and Jews) in the mediaeval Egypt and Syria.* Manchester: The John Rylands University Library, 1979, p.13.
[119] Brakat, op. cit., p. 82.

religion."[120] Iqbal states that its importance is not because it is an Islamic document but because it gives oneness of the community to those who do not belong to the same faith but are loyal to it in the political sense. Iqbal continues by saying that after concluding this constitution, Prophet Muḥammad is reported to have said: "Your flesh is our flesh and your blood is our blood."[121]

Yet, the Jewish community, after concluding this treaty, safeguarded themselves against any attacks from Muslims as the constitution states that whoever among the Jews follows us shall have Muslims' help. The Jewish community was pleased with this political organization.[122] Doi affirms that the constitution sets the ideas underlying the Muslim state in its early years. Moreover, Doi argues that freedom of religious worship for Jew was demonstrated in the treaty. He adds that Muslims entered into a treaty with the Christians of Najrān where the latter were granted the ultimate authority to appoint their own bishops and priests to the community.[123] Ṭanṭāwī highlights the effects and demonstrates that this treaty involved some supreme principles: "it guaranteed the religious freedom for Jews where they could observe their religious rituals freely. The Jews won the Muslims protection where it stipulates: whoever follows us among Jews is entitled to our protection."[124] The treaty acknowledges the right to help oppressed people, protect neighbours, safeguard private and public rights, and help to pay *diyyah* and the ransom for the captives[125]. Finally, Burton maintains that the newly established federation works with one voice against external threats and

---

[120] Andrae.T. *Mohammed the man and his faith.* New York: Harper&Brothers, 1955, p.136.
[121] Iqbal, Afzal. *The Prophet's diplomacy: the art of negotiation as conceived and developed by the Prophet of Islam.* Cape Cod, Mass. : C. Stark, 1975, p.10.
[122] Bulaç, op. cit., p.170.
[123] Doi, Abdur Rahman I. *Non-Muslims under shari'ah (Islamic law)*, London: Ta Ha publishers Ltd, 1983, p.77.
[124] Ṭanṭāwī, M.S. *Banū Isrāīl fī al-Qur'ān al-Karīm,* Cairo: Dar al-Shurūq, 1977, p.144
[125] Ibid.

united action against any internal violation of the federation.[126] It should be noted that there are some writers who refused to accept that the constitution exists. Bulaç affirms that Prophet Muḥammad could not impose this agreement to serve his own purpose as the Muslim community formed only 15% of the total population of Madīnah.[127] In this regard, he states:

> The difficulty that much attention is given to Jewish affairs at a time when there were few Jews in Medina could be explained by the hypothesis that the document in its final form was intended as a charter for the Jews living in Medina.[128]

Bulaç's opinion contradicts history books, which describe how that this constitution was concluded and came into existence. Hassan asserts that Prophet Muḥammad was endowed with an international personality and he enjoyed the right to conclude treaties and covenants in his name.[129] In chapter five, the constitution will be discussed fuller and will be compared to the pact of 'Umar I. The similarities and dissimilarities between the two documents will be examined.

## 2.11 The People of the Book in the *ḥadīth*

### 2.11.1 Introduction

Having explained the constitution of Madīnah and its relevant issues, the emphasis now switches to Prophet Muḥammad's interaction and relations with Jews and Christians. Gawhar suggests that Prophet Muḥammad first migrated to Ethiopia when he took shelter. He was confident that the followers of Jesus Christ were moral and preached the word of God.[130] Goldzieher refers to Prophet Muḥammad's relations with Christians when he maintains: "one model may have been the agreement concluded by

---

[126] Burton, John. *An introduction to the Ḥadīth,* Edinburgh: Edinburgh University Press, 1994, p.7.
[127] Bulaç, op. cit, p.173.
[128] Watt, op.cit., p.227.
[129] Moinuddin, Ḥassan. *The charter of the Islamic conference.* Oxford: Clarendon Press; New York: Oxford University Press, 1987, p.35.
[130] Gauhar, Altaf. *The challenge of Islam*. London: Islamic Council of Europe, 1978, p.102.

Prophet Muḥammad with the Christians of Najrān, guaranteeing the preservation of Christian institutions."[131] It is therefore necessary at this point to quote and analyze the Prophetic traditions that touch upon different topics relating to the People of the Book. Thus, however, not an easy task as these sayings will refer to Jews and Christians, involve diverse headings e.g. rights, daily life, and political issues. To make this study more explicit, the structure of this section is to divide the pertinent *aḥādīth,* which are cited in the nine collections into different subheadings. To give any account of all these traditions that refers to the People of the Book is beyond the scope of the present because several similar *aḥādīth* are mentioned differently in each collection.

As stated earlier that the *aḥādīth* with similar meanings are not going to be examined, rather the main emphasis will be on those ones that deal with different subjects. For each of these subjects only one *ḥadīth* will be chosen. When considering the whole *aḥadīth*, there are similarities between *ḥadīth* and the Holy Qur'ān where the latter uses different terms when it refers to People of the Book. The same might apply to the *ḥadīth* when it uses terms such as *ahl al-Kitāb*, *ahl al-Dhimmah* (People of the Covenant), banū Isrā'īl and finally *al-Yahūd wa al-Naṣārā* (Jews and Christians). It is important to mention the text of the *ḥadīth* itself since it is difficult to trace these if the researcher refers to the numbers and places of such *aḥādīth* alone. In this regard, the *aḥādīth* that deal with the People of the Book will be categorized as follows:

### 2.11.2 The right to life

The first *ḥadīth* to be dealt with here concerns the sacredness of human life and especially the retribution for killing a person of the People of the Book. The *ḥadīth* affirms whoever is involved in such crimes will never smell the fragrance of Paradise.

---

[131] Goldziher, Ignac. *Introduction to Islamic theology and law.* Princeton: Princeton University Press, 1981, p.34.

It makes this crime as a main reason for prohibiting a Muslim to enter Paradise:

> On the authority of 'Abd Allāh b. 'Umar who said that Prophet Muḥammad said: "Whoever kills a *mu'āhad* (a person who is granted the pledge of protection by Muslims) shall not smell the fragrance of Paradise although its fragrance can be smelt at a distance of forty years o travelling". [132]

The *ḥadīth* affirms that the fragrance of Paradise can still be smelt even after forty years of walking. Another *ḥadīth* mentions that this distance reaches seventy years. Other different versions of this *ḥadīth* are found in some other collections that refer to the same issue.[133] Despite the difference in the versions, they all indicate the gravity of such an act. They affirm the same maxim that the Qur'ān declares which makes killing a human being regardless of the religion belief equal to the crime of killing all human beings. The verse reads:

> On that account: We ordained for the Children of Israel that if any one slew a person- unless it be for murder of for spreading mischief in the land-it would be as if he slew the whole people; and if any one saved a life, it would be as if he saved the life of the whole people. **5:32**

Although the *ḥadīth* refers only to the killing of a *mu'āhad,*[134] other *aḥādīth* deal with causing any injustice to a person among the People of the book:

> On the authority of some sons of the companions of Prophet Muḥammad through their fathers who said that Prophet Muḥammad said: " Whoever do injustice to a *Mu'āhad* , decrease his right, burden him for that which he can not afford, or take something from him unwillingly, I will raise a complaint against him on the Day of Judgement." [135]

Prophet Muḥammad outlines some important facts that show the great concern of Islam for those who have a covenant of protection (*mu'āhadīn*) with Muslims. The *ḥadīth* shows some principles which assert that a Muslim should never be unjust to any Jew or Christian. Moreover, a Muslim cannot usurp a Jew's or a Christian's rights nor ask him to do any job beyond his capacity.

---

[132] Al-Bukhārī, op. cit., *Kitāb al-Diyyāt,* No: 6403. Translations of prophetic traditions are done by the researcher.
[133] Ibn Mājah, op.cit., *kitāb al-Diyyāt,* No: 2676.
[134] The one who has a covenant of protection with Muslims or any one of the People of the Book who lives under the protection of an Islamic state.
[135] Abū Dawūd, *bāb al-Kharāj wa al-Imārah wa-al-Fay',* op. cit., No 2654.

The *ḥadīth* illustrates the severe punishment in the Hereafter for anyone who violates these regulations. It can be deduced that Muslim jurists agreed that it is incumbent on all Muslims to protect *ahl al-Dhimmah* against any oppression because when they concluded the covenant of protection with them, they guaranteed the People of the Book their safety and justice.[136] Maudoodi comments that: "whosoever is our *dhimma*, his blood is as sacred as our own and his property is as inviolable as our own property."[137] Similarly, another *ḥadīth* shows that Prophet Muḥammad's cared for all the dead among the People of the Book:

> On the authority of Jāber b. 'Abd Allāh who said that a funeral procession passed in front of us and Prophet Muḥammad stood up and we did the same. We said: O Allāh's Apostle! That is a funeral of a Jew. He said "whenever you see a funeral procession, you have to stand for it."[138]

In the *ḥadīth* under discussion, Prophet Muḥammad is reported to have ordered his companions to stand up out of respect for a Jewish funeral procession passing before them. In another version of *al-Imām* Muslim, the *ḥadīth* elucidates that when he was asked about the reason for standing up, Prophet Muḥammad clearly explained, "It is a soul, is it not?."[139] Ridgeon states: "the few variant readings of this collection hint at the different degrees of acceptance of Christians and Jews by the Muslim community."[140] The Qur'ān clearly illustrates the same attitude when it declares that God honoured all human beings regardless of their religious affiliation.[141] It can be understood from this *ḥadīth* that Prophet Muḥammad's command extends to every

---

[136] Al-Qaraḍāwī, Yūsuf. G*hayr al-Muslimīn fī al Mojtnma' al-Islāmī.* Cairo : Maktabat Wahbah, 1992, p.11.
[137]Maudoodi, Sayed Abul 'Ala. *The Islamic law and constitution*, Lahore: Islamic Publications, 1960, p.273.
[138] Al-Bukhārī, *bāb al –Janā'z,* op. cit., No 1228.
[139] Muslim, op. cit, *Kitāb al-Janā'z,* No.1596.
[140] Ridgeon, Lloyd . *Islamic interpretation of Christianity.* Richmond: Curzon, 2000, p.34.
[141] 17:70.

funeral whether for a Muslim or a non-Muslim.[142]

### 2.11.3 Rights of neighbourhood

The *ḥadīth* being discussed pays attention to relations with non-Muslim neighbours. One tradition illustrates this fact. Upon hearing the sickness of his servant Jewish neighbour, Prophet Muḥammad paid him a visit showing an example of how a Muslim should care for his non-Muslim neighbours:

> On the authority of Anas b. Mālik who said that there was a Jewish servant who used to serve the prophet. The servant boy got sick and Prophet Muḥammad paid him a visit. He sat down by his head and asked him to accept Islam. The boy looked at his father (for permission) who said to him, 'Obey Abū al-Qāsim'. Prophet Muḥammad said, 'Thanks to Allāh who saved him from Hell fire.' [143]

Prophet Muḥammad was always at pains to accept the rights of a neighbour even if he was not a Muslim. The *ḥadīth* also demonstrates the Islamic principle that there is no compulsion to accept any religion. Prophet Muḥammad did not force the boy to accept Islam, it was the boy's father who commanded his son to accept the words of Prophet Muḥammad. The *ḥadīth* gives clear evidence that it is permissible to preach to Islam to young boys and even if it were not the case, Prophet Muḥammad would not ask the boy to accept Islam.[144] Furthermore, Prophet Muḥammad is said to have visited his uncle Abū Ṭālib on his deathbed though the latter was neither a Jew nor a Christian.[145] Another example is that he visited Ibn Salūl, the head of the hypocrites in Madīnah.[146] In the same regard there is another *ḥadīth* which shows another example of the reality of the relations between a Muslim and his Jewish neighbours:

---

[142] Ṣan'ānī, Muḥammad b. Ismā'īl. *Subul al-Salām: sharḥ bulūgh al-Marām min jāmi' adillat al-Aḥkām,* Beirut: Dār al-Kutub al-'Ilmiyyah, 2002, 2:144.
[143] Al-Bukhārī, op. cit., *bāb al-Janā'iz* ,No.1268.
[144] Al-Qasṭalāni, Abā al-'Abbās Aḥmad. *Irshād al-Sārī li sharḥ ṣaḥīḥ al-Bukhārī,* Cairo: al-Maṭba'ah al-Kubrā bi Bulāq, 1931, 2:449.
[145] Al-Bukhārī,, op. cit., *bāb al-Marḍā,* No: 5225,
[146] Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr. *Aḥkām ahl al-Dhimmah.* Beirut: Dār al-Kutub al-'Ilmiyyah, 1955, I:159.

> On the authority of 'Abd Allāh b. 'Amr b. al-'Āṣ who said that his family slaughtered a sheep and when he came home he asked them: Have you given a portion of it to our Jewish neighbour? For I heard Prophet Muḥammad saying : "Gabriel impressed upon me (kind treatment) towards the neighbour (so much) that I thought as if he would confer upon him the right of inheritance." [147]

Although only part of this *ḥadīth* directly relates to Prophet Muḥammad, it depicts another image of the rights of a Jew or a Christian neighbour. It affirms that these rights are not only confined to visiting visit if someone was ill but that a Muslim should also share with his neighbour his food.

### 2.11.4 Commercial transactions with the People of the Book

The following sayings show that there were commercial transactions among Muslims and Jewish groups. Prophet Muḥammad himself is reported to have made a deal with the Jews of Khaybar:

> On the authority of Ibn 'Umar who said that Prophet Muḥammad gave to the Jews of khaybar a land providing that they cultivate it and accordingly they would have the half of its crops.[148]

It is one issue that the Qur'ān did not explicitly deal with. The *ḥadīth* under discussion clarifies that Prophet Muḥammad made such a transaction. Ridgeon comments that after the conquest of Khayber, Prophet Muḥammad made a pact with the Jewish inhabitants that they would work the land in return for tribute.[149] The agreement was that they would be safe in their houses, their children would be safe from harm, and that they take half of what their land produces.[150] This kind of treatment continued until the beginning of the caliphate of 'Umar b. al-Khaṭṭāb.[151] In addition, the relations between Muslims and the People of the Book, the Jews especially, during Prophet

---

[147] Al-Termidhī, op. cit., *bāb al-Ber wa al-Ṣelah,* No 1866.
[148] Al-Bukhārī, op. cit ., *bāb al-Muzāra'ah,*, No 2163,
[149] Ridgeon, op. cit., p.47
[150] Balādhurī, Aḥmad b. Yaḥyā. *Futūḥ al-Buldān*. Cairo: al-Maṭba'ah al- Miṣriyyah bi al-Azhar, 1932, p. 36.
[151] Al-Qasṭalāni, Abū al-'Abbāss Aḥmad, *Irshād al-Sārī li sharḥ ṣaḥīḥ al-Bukhārī,* Cairo: al-Matba'ah al-Kubrā bi Būlāq, 4:180

Muḥammad's lifetime were not confined to one sphere only. The following *ḥadīth* shows evidence where Prophet Muḥammad made daily transaction with one of the Jews:

> On the authority of 'Āishah- May Allāh be pleased with her- who said that Prophet Muḥammad mortgaged his armour in return for some foodstuff he bought from a Jew for a limited period.[152]

Here we are told that he did not find it prohibitive to mortgage his own shield with the Jew as a deposit for some foodstuff he already bought. That is to say, there was no barrier against such a transaction. The *ḥadīth* in question made it clear that it is permitted to deal with the People of the Book in commercial transactions even though they were dealing with usury.[153] The above is a discussion of the domestic relations with the People of the Book. Some *aḥādīth* encourage Muslims to establish good relations and be good to those who have a covenant of *dhimmah*. The *ḥadīth* under discussion here reaffirms the prophetic commandments of the good treatment of the *dhimmī* people since they are entitled to the covenant of protection:

> On the authority of Juwariya b. Qudāmah al-Tamīmī who said: 'We said to 'Umar b. al-Khaṭṭāb OH Commander of the Believers! Advise us'. He said: 'I advise you to fulfil Allāh's covenant made with the People of *Dhimmah* as it is the covenant of your Prophet and the source of the livelihood of your dependents.'[154]

Another reason, as the text affirms, is that Muslims can benefit from this covenant because of the taxes they will take from *jizya,* which will either bring benefit to them, their children, or some other Muslim territories.[155] Correspondingly, another *ḥadīth* talks about the daily activities among Muslims and their Christian or Jewish counterparts. One example is where Prophet Muḥammad allows Muslims to use utensils that had been used by Jews and Christians for food and drink:

> On the authority of Abū Tha'labah al-Khushanī who said that he asked the messenger of Allāh saying, 'We live near the People of the Book and they cook in their articles pork and

---

[152] Al-Bukhārī, op. cit., *Kitāb al-Buyū'*, No. 2049
[153] Al-Qasṭalānī, op. cit., 4:299
[154] Al-Bukhārī, *bāb al-Jezyah wa al-Muwāda'ah,*op. cit., No. 2927
[155] Al- Qasṭalānī, op. cit., 5:233

> drink wine." The messenger of Allāh said: "If you find other articles than those eat and drink. If you did not find, wash them with water and eat and drink."[156]

Besides, as al-Khaṭṭābī argues, this permission is only given when it is known that the People of the Book do not use these utensils to cook pork or use it for drinking wine, otherwise it should be washed according to the *ḥadīth*.[157] The four Sunnī Schools of law have different opinions as to the use of these articles. One opinion is reported by some Ḥanafī and Mālikī and one of the Ḥanbalī Schools, argue that it is permissible to use the utensils unless they are unclean. Another Mālikī jurist says that these articles are generally pure unless it was proved otherwise. The second opinion is reported by the Shāfi'ī and Ḥanbalī Schools state that it is disliked to use such articles unless they were clean.[158]

### 2.11.5 Greetings

There is an entire chapter in *ṣaḥīḥ* Muslim called *al-Salām* or greetings. A few *aḥādīth* refer to the way of exchanging salutations with the People of the Book. Such greetings, as Ridgeon suggests, have a great effect on two aspects, that is worship and daily life. The *ḥadīth*, which bears this signification, spells out a trick used by some Jews when they greeted Muslims:

> On the authority of 'Āishah -May Allāh be pleased with her- who said that a group of Jews came to Allāh's Apostle and said *al-Sām alayka* (death be upon you) and I understood it and said to them *alaykom al-Sām wa al-La'nah* ( death and curse on you). Prophet Muḥammad said: "Be calm 'Āisha. Allāh loves that one should be kind in all matters." I said: "OH! Apostle of God, have you heard what they have said?" Prophet Muḥammad said : "I have said *wa'laykum*" (be upon you).[159]

One incident in the *ḥadīth* shows that Jews used the word *al-Sām* meaning death which

---

[156] Abū Dawūd, op. cit., *bāb al-Aṭ'imah,* No. 3342,
[157] Harf Encyclopaedia of *ḥadīth,* op.cit.
[158] Encyclopaedia of Jurisprudence, (on line) Available at: http://feqh.Al-islam.com/Display.asp?Mode=1&DocID=82&MaksamID=16&ParagraphID=14&Sharh=0&HitNo=3&Source=1&SearchString=G%241%23%C2%E4%ED%C9%20%C3%E5%E1%20%C7%E1%DF%CA%C7%C8%230%230%230%23%23%23%23%23, accessed 20-10-2005
[159] Al-Bukhārī, op. cit., *Kitāb al-Isti'dhān*, No.5786.

is close to the Arabic word *al-Salām* meaning peace. Muslims use this to greet each other in their daily life. As a result, Prophet Muḥammad directed Muslims to respond to the greetings of the Jews with the words *wa 'alaikum* (the same to you). While this *ḥadīth* refers to only Jews, another narration refers to the People of the Book in general.

> On the authority of Anas b. Mālik who said that Prophet Muḥammad said: "When the people of the book greet you say the same to them." [160]

Muslim scholars do not agree on the issue of greetings. Some believe that it is prohibited for a Muslim to initiate greeting the People of the Book, but a Muslim has to reply to theirs. Ibn 'Abbās and others explain that a Muslim can greet the People of the Book and reply to their greetings. Another opinion states that it is only disliked but not prohibited. Finally, Muslims can greet the People of the Book if necessary. In the case of greeting a Muslim, according to the opinion of scholars, Muslims must reply to the People of the Book's greeting.

### 2.11.6 The Prophets of the People of the Book in the *ḥadīth*

In chapter one, we saw how the Qur'ān treated the prophets of the People of the Book and how it gave each Prophet his due esteem. Now we will look at this subject from the *ḥadīth's* point of view. A good part of the *ḥadīth* is dedicated showing the position of the prophets of the People of the Book, in particular Moses and Jesus. A large chapter in al-Bukhārī's *ṣaḥīḥ* with the title of *aḥādīth al-Anbeyā'* (saying and tales of prophets) gives accounts of different prophets. This theme occurs in different versions of the *ḥadīth*, which reflects the fact that all prophets are equal in the sight of God as each carry out the same missions, that is the call for monotheism:

> On the authority of Abū Hurayrah who said that a Jew and a Muslim quarrelled. The Muslim said by Him who gave Muḥammad superiority over all the people. The Jew said

[160] Muslim, op. cit., *bāb al-Salām,* No.4025.

by Him who gave Moses superiority over all other people. Then the Muslim raised his hand and slapped the Jew. He i.e. the Jew, went to Prophet Muḥammad and told him about that. Prophet Muḥammad sent for the Muslim and asked him about it. The Muslim informed him about the event. The Prophet said 'Do not give me superiority over Moses, for on the day of Judgement all people will fall unconscious and I will be one of them. I will be the first to gain consciousness and will see Moses standing and holding the side of the Throne. I will not know whether (Moses) has also fallen unconscious and rose up before me or Allāh has exempted him from that stroke.' [161]

Various *aḥādīth* discuss Prophet Moses and refer to different topics. An example his story with the Children of Israel (banū Isrā'īl), his behaviour with them, and his meeting with the pious worshipper, that is al-Khadr. The *ḥadīth* under discussion reiterates the fact that that all Prophets are equal before God but some were given more privileges than others.[162] The verse reads: those apostles we endowed with gifts, some above others: To one of them God spoke; Others He raised to degree (of honour) (**2:153**).

From the above-mentioned verse, it is understood that all prophets possess the same spiritual identity as the Divine Oneness. They might differ from one another in their outward qualities and this explains why they might excel one another. In addition, the Qur'ānic verses only refer to the status of prophets in their worldly life and their mission but the *ḥadīth* explains such status in the hereafter. According to the *ḥadīth* and to al-Qasṭalānī the reason why the Jewish man was slapped is that when the Muslim heard his speaking, he thought that the Jew was undermining the status of Prophet Muḥammad.[163] The *ḥadīth* prevents discrimination among God's Prophets especially between Prophet Muḥammad and Prophet Moses since this might lead one to undermine the other. This would lead to disputes between them. Another explanation of the *ḥadīth* is that prophet Muḥammad said that as a way of humbleness.[164]

---

[161] Al-Bukhārī, op. cit, *Kitāb al-Khuṣūmāt*, No.2234.
[162] The Holy Qur'ān, 2:253.
[163] Al-Qasṭalānī, op. cit, 5:388.
[164] Ibid, 4:.232.

The sublime status of Prophet Moses in the hereafter is stressed here. He will be holding the side of the Throne and will be conscious since all other people will fall unconscious according to the Qur'ān.[165]

> And the Day that the Trumpet will be sounded-then will be smitten with terror those who are in the heavens, and those who are on earth, except such as God will please **27:87**

This status is because either he had already faced the fall on the Mount of Sinai or he will be among those whom God exempted from falling unconscious.[166] The same might be said with regard to Jesus and his status in the *ḥadīth*. Many sayings of Prophet Muḥammad refer to Jesus, including the position of his mother as she had reached perfection among all women, his miraculous birth, and his descent:

> On the authority of Abū Hurayrah who said that Prophet Muḥammad said 'By Him in Whose Hands is my soul, surely the son of Mary will soon descend among you and will judge fairly he will break the cross and kill the pig and there will be no *jizya*. Money will be in affluence so that nobody will accept it and one prostration before Allāh (in that time) will be better than the whole world and whatever is in it. Abū Hurayrah added "if you like: recite this verse "and there is none of the people of the book but must believe in him before his death. And on the Day of Judgement he will be a witness against them' (4:159). [167]

Although the Qur'ān has many references to Jesus, it does not refer to this event. However, the *ḥadīth* asserts that Jesus will descend and judge the people with justice, following the Law of Prophet Muḥammad. He will break the cross and kill the pig. He shall put an end to the payment of *jizya* as there will be no need for it since there will be affluence on earth.[168] This does not mean that he will nullify *jizya*, which has been prescribed by Islam; rather, he will do so in agreement with the Islamic Sharī'a.[169]

Another *ḥadīth* clarifies the status of Jesus in Islam and in every Muslim's heart:

On the authority of 'Ubādah who said that Prophet Muḥammad said 'If anyone bears

---

[165] 27:87.
[166] Harf Encyclopaedia of *ḥadīth*.
[167] Al-Bukhārī, op. cit., *aḥādīth al-'Anbiyā'*, No.3192.
[168] Al-Qasṭalānī, op. cit, 5:419.
[169] Ibid.

witness that none deserves worshipping except Allāh alone Who has no partner and that Muḥammad is His slave and Apostle and that Jesus is Allāh's Apostle and His Word which He bestows upon Mary and Spirit created by Him, and that Paradise is true and that Hell is true, Allāh will admit him to Paradise with the deeds he has done even if the deeds were few.' Junādah, another narrator, said: 'Ubādah added such a person (who does so) can enter Paradise through any of its eight gates he likes.[170]

### 2.11.7 Reward in the Hereafter

Among the topics that the prophetic traditions touched upon is the reward that is waiting for those who converted to Islam. The following *ḥadīth* depicts this fact among the People of the Book and shows that their reward will be multiplied:

On the authority of al-Shu'abī through his father narrates that Prophet Muḥammad said 'Three people will have their reward twice: a man who posses a female slave, brings her up well and educates her well. He then frees her and marries her will receive his reward twice. A believer from among the People of the Book who becomes a Muslim and believes in Prophet Muḥammad will have his reward twice. The servant who obeys his God and carries out his master's duties will have his reward twice.'[171]

The *ḥadīth* clarifies that those among the People of the Book who believe in Moses or Jesus and also believe in Prophet Muḥammad will be doubly rewarded.[172] The reason for the two rewards is likely because he believed in the two prophets or he was not intransigent like others and followed the right way.[173] In another version of *musnad* Aḥmad it is added that he has the same rights as Muslims and abides by the same obligations.[174] The same promise of a double reward in the Hereafter is clearly found in the Holy Qur'ān.[175] Prophet Muḥammad is reported to have led the funeral prayer for al-Najāshī, the king of Abyssinia:

On the authority of Jāber b. 'Abd Allāh who said that that when al-Najāshī (of Abyssinia) died, Prophet Muḥammad said that 'A pious man died today so stand up to do the funeral prayer. '[176]

This *ḥadīth* confirms the reward of any one of the People of the Book who coverts to

---

[170] Al-Bukhārī, op. cit., *Kitāb aḥādīth al-'Anbiyā,* No:3180.
[171] Al-Bukhārī, op. cit., *bāb al-Jihād wa al-Siyar* No.2789.
[172] Al-Qasṭalānī, op. cit., 5:145.
[173] Ibid.
[174] *Musnad* Aḥmad, op. cit., No. 21205.
[175] 28:54. These verses have been referred to in the previous chapter.
[176] Al-Bukhārī, op. cit., *bāb al-Manāqib,* No. 3588.

Islam and dies as a Muslim.

### 2.11.8 Similarities with the People of the Book

There are some similarities between Judaism, Christianity, and Islam. Some *aḥādīth* affirm that Prophet Muḥammad agreed with the People of the Book on some points and asked about specific things on which he had no certain knowledge. Gillman states:

> Prophet Muhammad had some peculiar relations with the Jews of Medina; for he had borrowed many things in his and practice from them and professed much sympathy with their religious views. Some of these were gained over and became faithful adherents of Islam but others cast ridicule upon the Prophet.[177]

The first instance to cite here is that Prophet Muḥammad and his companions adopted *al-Aqṣā* Mosque in Jerusalem for sixteen or seventeen months as their own direction for prayer. This was the direction that Jews followed. Later on, Prophet Muḥammad was told to change and adopt the ka'bah as the new *qiblah*:

> On the authority of al-Barā' b. 'Āzib who said that I prayed with Prophet Muḥammad turning towards *bait al-Maqdis* for sixteen months till this verse was revealed "And wherever you are turn your faces towards it" 2: 144). This verse was revealed when Prophet Muḥammad performed his prayer. A person among his people passed by *al-Anṣār* as they were engaged in prayer. He told them this command and they turned their faces towards the Ka'bah.[178]

It should be noticed that Prophet Muḥammad did not adopt the first *qiblah* himself but that was revealed to him.[179] This agreement did not only include ritual practices but also everyday habit such as the coming of one's hair. On another occasion, he is reported to have followed the custom of the People of the Book for a time. He used to leave his hair loose in the manner of the People of the Book's habit:

> On the authority of Ibn 'Abbās who said that Prophet Muḥammad used to leave his hair loose and the pagans used to part their hair. The People of the Book used to leave their hair loose. He agreed with some practises of the People of the Book in some matters about which there was no revelation. Later on, Prophet Muḥammad started parting his hair.[180]

---

[177] Gillman, Arthur, *The Saracens from the earliest times to the fall of Baghdad*, London: T.Fisher Unwin, 1887, pp. 127-128.
[178] Muslim, op. cit, *bāb al-Salām,* No: 818.
[179] *Sharḥ al-Imām al-Nawawī 'alā ṣaḥīḥ al-Imām Muslim*, op. cit., 3:173
[180] Al-Bukhārī, op. cit., *bāb al-Manāqib,* No. 3650.

Prophet Muḥammad did not receive any revelation not to do so. Stanton maintains that: "the friendly attitude of Muhammad towards the Jews at this time is further shown by his adoption from their language of the name *rahman* (The Merciful) for Allah."[181] Another *ḥadīth* reports that he gave an order to his companions to observe fasting on the day of '*āshūrā'* (the tenth day of the Muslim month *al-Muḥarram*) when he found the Jews fasting on this day:

> On the authority of Ibn 'Abbās who said that Prophet Muḥammad came to Medina, he found the Jews fasting on the day of *'āshūrā*. They used to say this is the great day on which Allāh saved banū Isrāīl form their enemy. So Moses observed fasting this day, Prophet Muḥammad said we are more close to Moses than you. Therefore, Prophet Muḥammad fasted on that day and ordered (Muslims) to fast.[182]

The implied meaning of the *ḥadīth* is that Prophet Muḥammad agreed with the people of the book to fast on that day and he recommended his companions to do the same. He affirmed that he had more claim on Moses than Jews because both are Prophets and share the same mission.[183] He knew that Jews used to fast on that day either by revelation or by asking Jewish people such as 'Abd Allāh b. Salām.

Another example that shows similarity among Jews, Christians, and Muslims:

> On the authority of Ibn 'Umar who said that Prophet Muḥammad said 'Your example and the example of the people of the two scriptures is like the example of a man who employed some men and asked them who will work for me from morning till midday for one *qirāṭ*? (A measure of a piece of land) The Jews accepted and carried out the work. He then asked who will work for me up to the afternoon prayer for one *qirāt*? The Christians accepted and fulfilled the work. He then asked who will work for me from the afternoon prayer until sunset for two *qirāts*. You Muslims have accepted the offer. The Jews and Christians got angry and said 'Why should we more and get lesser wages? (Allāh) said 'Have I withheld part of your right? They replied in the negative. He said 'It is my blessing I bestow upon whomever I wish. '[184]

This *ḥadīth* illuminates that the three groups take part in the same reward. Although the three groups have done the same job and received their reward in full, Muslims

---

[181] Stanton, H.U.Weitbrecht. *The teaching of the Qur'ān: with an account of its growth and a subject index*. London: Central Board of Missions and Society for Promoting Christian Knowledge, 1919, p.23.
[182] Al-Bukhārī, op. cit., *Kitāb al-Ṣiyām* No. 1865.
[183] Al-Qasṭalānī, op. cit., 3:422.
[184] Al-Bukhārī, op. cit., *bāb aḥādīth al-'Nbiyā'* No 2300.

were given additional reward for it is Allāh's Grace, which He can grant to whom He wishes. Another *ḥadīth* that shows other similarities between the three religions, especially with regard to divisions that will occur:

> On the authority of 'Awf b. Mālik who said that Prophet Muḥammad said that 'The Jews have divided into seventy-one sects. One of them will be in Paradise and seventy in Hell. Christians divided into seventy-two sects, seventy-one in Hell and one in Paradise. By Whose Hand is my soul my nation (Muslims) will be divided into seventy thee sects one in paradise and seventy-two in Hell. Upon being asked which sect is that which will enter paradise, he said the group.'[185]

It should be observed that the number of divisions between the three groups in the *ḥadīth* are not the same. There are 71 divisions of Jews, 72 of Christians, and finally 73 of Muslims. The *ḥadīth* states that all the misguided divisions will be punished in Hell with the exception of only one group. That is to say, the rightly guided group will escape punishment. Furthermore, other *aḥādīth* refer to some Jewish and Christian practices and commend Muslims not to do so. An example of this is the *ḥadīth* which shows that Jews and Christians exaggerated their Prophets out of love to the extent that they made their graves places of worship:

> On the authority of Ibn 'Abbās and 'Āisha-May Allāh be pleased with them- who said that Prophet Muḥammad on his death bed started putting his *khamisa* (a piece of cloth) on his face and when he felt hot and short of breath he took it off his face and said 'May Allāh curse the Jews and Christians as they made the graves of their prophets as places of worship." [186]

As a result, those who do so are cursed in the *ḥadīth.* It gives a clear order to Muslims that they should not follow the same footsteps of Jews and Christians. The reason for this, as the explanation of the *ḥadīth* shows, Prophet Muḥammad was afraid that Muslims, after his death, might dignify his grave and make it as a place of worship. Similarly, Prophet Muḥammad is reported to have forbidden hanging pictures at places

---

[185] Ibn Mājah, op. cit, *bāb al-Fitan,* No 3982.
[186] Al-Bukhārī, op. cit., *bāb aḥadīth al-'Anbeyā'*, No 3195.

of worship. An example of this is the *ḥadīth*[187], which 'Āisha narrates. It disapproves the excessive way in decorating a certain church by putting pictures inside it:

> On the authority of 'Āisha who mentioned that Um Salamah and Um Ḥabībah- May Allāh be pleased with them- saw a church in Abyssinia and in the church there were pictures. When they informed Prophet Muḥammad about that, he said 'Those people are such that if a pious man amongst them died, they build a place of worship over his grave and paint these pictures in it. Those people will be Allāh's worst creatures on the Day of Resurrection.'

Another example demonstrates the customs of dying one's hair:

> On the authority of Abū Hurayrah who said that Prophet Muḥammad said "that Jews and Christians do not dye (their hair) , so be different from them." [188]

In this *ḥadīth*, Prophet Muḥammad encourages Muslims to dye their hair in opposition to the practice of some Jews and Christians. This order means to dye means the white hair that appears in one's beard. The reason for not following the custom of the Jews is to be different from the People of the Book.[189] In his comment on this *ḥadīth*, al-Imām Mālik says that there is no tangible proof that shows Prophet Muḥammad, in contrast to Abū Bakr, died his hair. On another occasion, Prophet Muḥammad is reported to have warned Muslims of following the ways of Jews:

> On the authority of Abū Sa'īd who said that Prophet Muḥammad said 'You will follow the wrong ways of your predecessor so completely and literally that even if they entered a whole of a *ḍabb* (a kind of lizards), you will go there as well.' We said 'O Allāh's messenger! Do you mean Jews and Christians?' He replied 'Whom else'.[190]

The order here warns of following the people of the Book in their practices. This would suggest that Muslims have to have their own way of life.

### 2.11.9 Political contacts

The next theme to be discussed is Prophet Muḥammad's political contacts with foreign Jewish and Christian rulers. Both books of *ḥadīth* and history show that he sent

---

[187] Al-Nasā'ī, op. cit., *bāb al-Masājid,* No.697.
[188] Muslim, op. cit, *bāb al-Lebās wa al-Zīnah,* No.3926.
[189] Harf Encyclopaedia of *ḥadīth,* op.cit.
[190] Al-Bukhārī, op. cit, *bāb aḥādīth al-'Anbiyā',* No.3197.

messages and delegations to different territories inviting them to accept the religion of Islam. Some responded to the affirmative by sending gifts, thus keeping their option open, while others rejected this invitation. It is important to refer to this as it depicts the basis of peaceful encounters. Examples include: a message to: Caesar the Roman Emperor; Chosroes II, the Sasanian king; al-Muqawqis of Egypt; the Emir of Damascus.[191] The kings and rulers responded differently as I will now explore.

Three examples of the positive and negative sides will be given. The first positive Christian contact took place when Muslims sought refuge in Abyssinia which was a Christian kingdom adhering to the Monophysite understanding of Christianity.[192] In this regard, there are two important underlying facts in the Prophet Muḥammad's proposal showing grounds of Muslim's tolerance towards Christianity. The first underlying fact is that the Prophet proposed a new home for Muslims that was governed by a Christian king without any reservation about it in being a Christian one. This is an outstanding evidence of Islam's readiness to collaborate and work with Christians in promoting goodness and repelling oppression and evil. The second underlying fact in the Prophets plan showing Christian's giving acceptance of Prophet Muḥammad's proposal was that he had no reservation of the Christians not accepting to work with the Muslims. Another example occurred when Prophet Muḥammad received a delegation from Najrān:

> On the authority of Hudhaifah who said that the people of Najrān came to Prophet Muḥammad and said, "Send an honest man to us." Prophet Muḥammad said, "I will send you an honest man who is really trustworthy." Every one of the companions hoped to be that one. Prophet Muḥammad then sent Abū 'Ubaydah b. al-Jarrāḥ. [193]

The purpose of their visit was to negotiate some kind of treaty with Prophet

---

[191] Al-Ghazālī, Muḥammad . *Fiqh al-Sīrah.* Cairo: Manshūrāt 'ālm al-Ma'rifah, (Year of publication is Not mentioned) pp.384-389.
[192] Goddard, op. cit., p.20.
[193] Al-Bukhārī, op. cit., *bāb al-Maghāzī,* No.4030.

Muḥammad. They presented themselves freely and with no preceding hostility to pay homage to prophet Muḥammad. They arrived during the Muslims' afternoon prayer. When the time came for Christians to pray, Muslims tried to prevent them from praying. Prophet Muḥammad permitted the Christians of Najrān to perform their prayers in the mosque.[194] Prophet Muḥammad is reported to have concluded a treaty with them, the major clauses of which run as follows:

"In the name of Allah, the Most Compassionate, the Most Merciful.
This is the pact which has been issued by Muhammad, the Apostle of Allah to the people of Najrān, to whom his authority shall extend- their fruit, their (*ḥulal al-Awāqī)* of which 1,000 to be paid in the month of Rajab and 1,000 in the month of Safar together with an ounce of silver on each payment. If the produce exceeded, to become less than (the tribute) the latter will be estimated in proportion to the former. The people of Najrān are expected to lend (the Muslims) shields, horses, animals and other objects. They must also entertain and provide supplies for my messengers for a maximum period of twenty days, but these must not be kept with them more than a month. If there were war in al-Yamān or Ma'arra, they must supply clothes for thirty persons, thirty horses and thirty camels. If some of what was lent to my messengers had been destroyed or perished, (the people of Nairn) shall be compensated. They shall have the protection of Allah and the promise of Muhammad, the Apostle of Allah, that they shall be secured their lives, property, lands, creed, those absent and those present, their families, their churches, and all that they possess. No bishop or monk shall be displaced from his parish or monastery and no priest shall be forced to abandon his priestly life. No hardships or humiliation shall be imposed on them nor shall their lands be occupied by (our) army. Those who seek justice shall have it: there will be no oppressors nor oppresses. Those who practice usury. Shall seek no protection from me. No one shall be taken as responsible for the fault of another. For the continuation of this compact, the guarantee of Allah and the assurance of Muhammad, Apostle of Allah, sanction what has been written until Allah manifests His authority so long as (the people of Nairn) remain faithful and act in agreement with their obligations, giving no support to oppression. Done in the presence of the following witness: Abū Sufyān b. Ḥarb, Ghaylān b. 'Amr, Mālik b. 'Awf (of the tribe of) banū Naṣr, al-Aqra' b. Ḥābis al Ḥanẓalī, and al-Mughīrah b. Shu'bah. 'Abd Allāh b. Abū Bakr acted as secretary.[195]

The contents of this treaty are similar to the one concluded with the Jews of Madīnah that has already been discussed in this chapter. The Christians of Najrān were given the same rights and privileges such as the freedom to practice one's religion and help and protection. This treaty added additional rights such as the protection of clerics and bishops and the maintenance of the Cross and icons. Bosworth argues that this covenant was concluded in 631 AD.

---

[194] Ibn Qayyim (or Ibn al-Qayyim) al-Jawziyyah. *Zād al-Ma'ād*, (Year of publication is not mentioned), Cairo: al-Maṭba'at al-Miṣriyyah wa maktabatihā, 2:38.
[195] Al-Wāqidī, op. cit, p.76.

Bosworth adds that several versions of this covenant are preserved in the Muslim and Eastern Christians (particularly Syriac sources).[196] Similarly, Jaques argues: "Prophet Muhammad was the first to write to the Christians of Najran, inviting them to sign a pact with him in the tenth year of *hijra*."[197] Other contacts were not so positive, however. An example is when he sent a message to Chosroes II who tore up the message and sent orders that if Prophet Muḥammad refuses to submit, Chosroes II would use his force to destroy Madīnah.[198]

As for the contacts with the Jewish side, Prophet Muḥammad had to reconcile a variety of conflicting interests between al-Aws and al-Khazraj. Subsequently, he concluded the famous treaty with the Jews of Madīnah, commonly known as the constitution of Madīnah.[199] The *ḥadīth* which illustrates these contacts is a clear example of how to communicate with the People of the Book:

> On the authority of Abū Sufyān who said that Hercules asked for the letter of Allāh's Apostle to be read. When the letter was read, its contents were as follows: "In the name of Allāh, the Beneficent, and the Merciful. From Muḥammad, Allāh's slave and his Apostle to Hercules, the Chief Byzantines: peace be upon him who follows the right path, to proceed."[200]

The initial word of all messages is "peace" which rules out the possibility of resorting to harsh language with the People of the Book. The *ḥadīth* ends with another example of the rejection of violence and upholds the position of Prophet Muḥammad that he did not use his power to convert non-Muslims to Islam.

### 2.11.10 Armed encounters

In addition to the political contacts, military encounters also need to be discussed.

---

[196] Bosworth, op. cit, p.14.

[197] Jaques , Tagher. *Christians in Muslim Egypt : an historical study of the relations between Copts and Muslims from 640 to 1922.* Altenberge : Oros, 1978, p.17.

[198] Balyuzi, Hasan Muvaqqar. *Muhammad and the course of Islam*. Oxford: G. Ronald, 1976, p.116

[199] Muhibbu-Din, M.A, *ahl al-Kitab* and religious minorities in the Islamic state: Historical context and contemporary challenges. *Journal of Muslim minority affairs*, 2000, 20, (1), pp. 111-127.

[200] Al-Bukhārī, op. cit., *bāb al-Ist'dhān,* No.5790.

An entire section in al-Bukhārī's *ṣaḥīḥ* titled the book of expeditions *(kitāb al-Maghāzī)* deals with this issue. It refers to some battles such as Badr, Uḥud, Khaybar, banū al-Naḍīr, and banū Qurayẓah. The focus will be on specific battles between Muslims and Jews or Christians. Most of these battles deal with the Jewish tribes in Madīnah as they constituted the majority of the population. These military encounters were not only confined to the armies but also those which took place on an individual level. Although the first incident of this kind is not significant, it should be mentioned as it shows one aspect of the *ḥadīth* narration. The *ḥadīth* illustrates that the first Jewish chieftain to be killed was Ka'b. b. al-Ashraf (a Jewish chieftain). It runs as follows:

> On the authority of Jāber b. 'Abd Allāh who said that Prophet Muḥammad said 'Who is ready to kill Ibn al-Ashraf who hurt Allāh and His Messenger? Muḥammad b. Muslama said: 'O Allāh's messenger! Do you want me to kill him?' He replied in the affirmative. Muḥammad b. Muslama went to him and said 'This person (Prophet Muḥammad put us a task and asked for charity'. Ka'b replied 'By Allāh you will get tired of him'. Muḥammad b. Muslamah said to him 'We have followed him, so we dislike to leave him until we see the end of his affair'. He went talking to him until he got the chance to kill him[201].

In brief, the main reason for killing Ibn al-Ashraf is due to his behaviour against Muslims. After the battle of Badr, he incited Quraysh to act against Prophet Muḥammad and composed anti-Muslim poems which were widely circulated. These included love poems against Muslim women which consequently caused offence.[202] Prophet Muḥammad assigned to one of his companions the job of getting rid of Ibn al-Ashraf. Following this incident, Ka'b's tribe signed a peaceful treaty with Prophet Muḥammad that stipulates that none of the Medinan Jews should hurt Muslims.[203]

Another example the *ḥadīth* mentions occurred when a Jewish chieftain called Abū

---

[201] Al-Bukhārī, op. cit., *bāb al-Maghāzī,* No.3731
[202] Ibn Hishām, op. cit., 3:58.
[203] Al-Wāqidī, op.cit., 1:192.

Rāfi‘ b. Abī al-Ḥuqayq was killed:

> On the authority of al-Barā’ b. ‘Āzib who said that Prophet Muḥammad sent a group of people to Abī Rāfi‘. ‘Abd Allāh b. ‘Ātik entered Abī Rāfi‘’s house at night while he was asleep and killed him.[204]

In brief, it is related that Abū Rāfi‘ used to hurt Prophet Muḥammad and supported Ka‘b b. al-Ashraf. Prophet Muḥammad sent some of the Anṣār tribe to Abū Rāfi‘ until one of them killed him.[205]

Now let us turn to the armed encounters with the Jews of Madīnah as described by al-Bukhārī. The first encounter as the following *ḥadīth* depicts, was between Muslims and the Jews of banū al-Naḍīr.

> On the authority of Ibn ‘Umar who said that banū al-Naḍīr and banū Qurayẓah fought against Prophet Muḥammad breaking their peace treaty so Prophet Muḥammad exiled banū al-Naḍīr. He allowed banū Qurayẓah to stay in their places taking nothing from them until they fought against the Prophet. He issued a verdict that their warriors should be killed, women and children should be taken as captives. Some of them came to Prophet Muḥammad who granted them safety and they embraced Islam. He exiled the Jews of banū Qaynuqā‘, banū Ḥāritha, and all Jews from Medina[206].

This battle occurred when a Muslim unintentionally killed two Jews from the tribe of banū ‘Āmir who had a covenant of protection with the Prophet. Banū al-Naḍīr were asked for help to pay the *diyyah* (compensation) for the two killed people. They contrived to kill Prophet Muḥammad and, accordingly, they were besieged for six or fifteen days until they were expelled.[207]

Another *ḥadīth* refers to a different military encounter known as *al-Aḥzāb* or *al-Khandaq* (the parties or the trench):

> On the authority of Sulaymān b. Surd who said: on the day of *al-Aḥzāb* Prophet

---

[204] Al-Bukhārī, op. cit., *bāb al-Maghāzī,* No.2800
[205] Al-Ṭabarī, *Tārīkh al-Umam wa al-Mulūk* Year of publication is not mentioned, 3:6
[206] Al-Bukhārī, op. cit., *bāb al-Maghāzī,* No.3724.
[207] Ibn Kathīr, op. cit., 4:75.

Muḥammad said 'We will go to attack them and they will not come to attack us'.[208]

Historical sources explain that when the Jews of banū al-Naḍīr were expelled, they headed towards Khaybar (a Jewish province). Some Jews from banū Qurayẓah incited Quraysh and Ghaṭafān tribes against Prophet Muḥammad and Muslims. The battle of banū al-Naḍīr did not witness hand to hand fighting except the use of arrows and catapults among the battalions. Later, a wind destroyed the strongholds of banū al-Naḍīr.[209]

The following *ḥadīth* depicts a new encounter between Muslims and the Jews of Khaybar:

> On the authority of Anas b. Mālik who said that Prophet Muḥammad set out for Khaybar and reached it at night. He did not use to attack if he reached people at night, until a day broke. Therefore, when the day dawned, the Jews of Khaybar came out with their bags and spades. When they saw the Prophet, they said 'Muḥammad and his army". Prophet Muḥammad said: "*Allāh akbar* (Allāh is greater) and Khaybar is ruined, for whenever we approach a nation then it will be a miserable morning for those who have been warned".[210]

The course of this battle is similar to that of banū al-Naḍīr. At the end of this battle they signed an agreement with Prophet Muḥammad leaving half of their properties to Muslims.[211] In this connection, another *ḥādīth* shows Prophet Muḥammad's tolerance after the conquest of Khaybar:

> On the authority of Ibn 'Abbās who said that a Jewish woman gave a part of a poisonous she sheep to Prophet Muḥammad to eat. He brought her and asked her 'Why have you done that?' She replied 'I wanted to know if you are a real prophet, you would know that and if not people will feel relief to get rid of you'.[212]

It is related that a Jewish woman from the same tribe attempted to kill him by poisoning food that was served to him and his companions.

---

[208] Al-Bukhārī, op. cit., *bāb al-Maghāzī*, No.3801.
[209] Ibn Kathīr, op. cit., 4: pp. 92-115.
[210] Al-Bukhārī, op. cit., *bāb al-Maghāzī*, No.3876
[211] Ibn al-Athīr, Muḥammad b. Muḥammad b.'Abd al-Karīm, *al-Kāmil fī al-Tārīkh*, Cairo: Idārat al-Ṭibā'ah al-Munīriyyah, 1349 AH, 2:147-150.
[212] Musnad Aḥmad, op. cit., *musnad banū Hāshim*, No.2648.

As a result, one of the companions died. Neither Prophet Muḥammad nor his companions took any action against this woman and she was forgiven.[213] The last armed encounter was of banū Qurayẓah. The *ḥādīth* describes how the sentence of this tribe was carried out:

> On the authority of Abū Sa'īd al-Khudrī who said that the people of Qurayẓah agreed to accept the verdict of Sa'd b. Mu'ādh so Prophet Muḥammad sent for him. When he approached the mosque, Prophet Muḥammad said to al-Anṣār tribe: "Stand up for your chief or the best among you". Then he said to him: "Those (banū Qurayẓah) agreed to accept your sentence". Sa'd said: "Kill the warriors and keep their offspring as captives". Prophet Muḥammad said: "You have judged according to Allāh's judgement."[214]

For this battle Prophet Muḥammad received a divine order that he should prepare Muslims to fight banū Qurayẓah who reneged their agreement with Prophet Muḥammad and supported Quraysh against Muslims.[215] Banū Qurayẓah gave asylum to the leaders of banū al-Naḍīr, that is Ḥuyay b. Akhṭab, who was expelled from Madīnah and did not refrain from conspiracies against Muslims. It is reported that this tribe preferred resistance. Prophet Muḥammad besieged them for 25 days. Eventually, they surrendered and agreed to the judgment of Sa'd b. Mu'ādh who they nominated from among the tribe of al-Aws who were allied to banū Qurayẓah. The sentence stipulated that every young man should be killed and that children and women should be taken as captives.

Another *ḥadīth* deals with a similar issue, which is the expulsion of Jews and Christians from Arabian Peninsula:

> On the authority of 'Umar b. al-Khaṭṭāb who said that he heard Prophet Muḥammad saying: 'I will expel the Jews and Christians from the Arabian Peninsula and will not

---

[213] Ibid.
[214] Al-Bukhārī, op. cit., *bāb al-Maghāzī* ,No.3812
[215] Al-Wāqidī, op. cit., 2:497

leave anyone except Muslims.' [216]

Expulsion of Jews and Christians from Arabian is mentioned in the collections of *ḥadīth* and occupies a considerable section in historical books. This expulsion occurred during the caliphate of 'Umar b. al-Khaṭṭāb. This topic will be analyzed in the following chapters. There are some other *aḥādīth* which predict future armed clashes between Jews and Muslims. The following *ḥadīth* shows that a kind of fighting among Jews and Muslims will break up before the Day of Judgment:

> Abū Hurayrah reports that Prophet Muḥammad said "The Hour (Day of Judgement) will not come until you fight with the Jews and the stone behind which is hiding will say "O Muslim! There is a Jew hiding behind me, so kill him."[217]

The *ḥadīth* indicates that the Islamic religion will prevail before the descent of Jesus. [218] This prediction is in line with the Qur'ān where it affirms this fact about future fighting between Muslims and Jews.[219]

### 2.11.11 The penal code

The *ḥadīth* collections refer to the penal code. Some come under different titles such as *bāb al-Ḥudūd, al-Qasāmah,* (chapter of punishment) and *bāb al-Diyyāt* (chapter of compensations). These chapters deal with judicial matters that relate to members of the People of the Book who live in Muslim lands and are subject to Muslim legislation. This section is not entirely dedicated to showing the legal status of the People of the Book, their position in the Islamic *Sharī'a,* or the different judgements of the criminal acts. Rather, the focus will be on the *aḥādīth* that deal with the penal code. An example is the following *ḥadīth*:

---

[216] Abū Dāwūd, op. cit., *bāb al-Kharāj wa al-Imārah wa al-Fay'*, No.2635 .
[217] Al-Bukhārī, op. cit., *bāb al-Jihād wa al-Siyar*,No.2708
[218] Ibid.
[219] 17:5.

> On the authority of 'Abd Allāh b. 'Umar who said that Prophet Muḥammad said 'whoever kills a *Mu'āhad* will never smell the fragrance of Paradise although its fragrance could be smelt through a far distance reaches forty years'. [220]

The *ḥādīth* forbids the killing of a *mu'āhad* [221] and makes this crime a main reason for preventing a Muslim from entering Paradise. Similarly, it asserts the sacredness of all human lives irrespective of their religious beliefs. The *ḥādīth* in question shows the punishment resulting form killing a Jew or a Christian without a legal reason. This verdict includes every *dhimmī* who had a covenant such as a covenant of *jizya* or truce. This applies if this covenant was granted by an individual or by the Muslim community en masse.[222] It should be noted, as Maudoodi states, that penal laws are the same for *dhimmī* and Muslims and should apply to the People of the Book who live within the borders of an Islamic state."[223]

A Qur'ānic verse states that the People of the Book could set up their own judicial judgments according to their own scriptures. The verse reads:

> If they do come to thee. Either judge between or decline to interfere, if thou decline, they cannot hurt thee in the least, if thou judge, judge in equity between them. **(5:45).**

Sunnī Schools of law are not unanimous with regard to the punishment of a Muslim if he kills a *dhimmī* or a *musta'man.* The Shāfi'ī, Ḥanbalī, and Mālikī Schools state that a Muslim is not to be killed in that case. The Ḥanafī argue that a Muslim should be killed as a legal retaliation (*qiṣāṣ*) if he kills a non-Muslim for the purpose of stealing or similar.[224] *Diyyah* is another issue which emerges from the previous discussion:

> On the authority of 'Amr b. Shu'ayb who said through his father through his grandfather that Prophet Muḥammad said 'The (*diyyah*) of a *mu'ahad* is half of that of a Muslim'.[225]

---

[220]Al-Bukhārī, op. cit., *bāb al-Jezyah wa al-Mowāda'ah,*No. 2930.
[221] Anyone who belongs to a non-Muslim community with whom a treaty of peace was implemented or a member of protected communities) Doi, op. cit., p.26.
[222] Ibid.
[223]Maudoodi, op.cit., p.13.
[224].Zaidān, op. cit, p.254.
[225] Abū Dāwūd, op. cit, *bāb al-Diyyāt,* No.3969.

Again, the four Sunnī Schools have different opinions. The Mālikī and Ḥanbalī state that it is half the blood money paid for a Muslim man and half paid for a Muslim woman if the person killed was a woman.

Ibn Ḥanbal added that this would apply only if a non-Muslim was killed by mistake. Al-Shāfi'ī and other scholars argue that it is one third of the value of a Muslim.[226] The *aḥādīth* do not only apply to the crime of killing a *mu'āhad* but also concern other penalties that are applicable to the People of the Book when they are dealt with by Muslim courts. An example of that is the *ḥadīth* which deals with adultery:

> On the authority of Ibn 'Umar who said that the Jews came to the Allāh's messenger and mentioned that a man and a woman committed adultery. Prophet Muḥammad said to Jews: 'What do you find in the Torah regarding *al-Rajm* (stoning to death)?' They replied 'We only disgrace and flog them with stripes'. 'Abd Allāh b. Salām said to him (one of the Jews) 'lift up your hand'. When he lifted, it there appeared the verse of *rajm.* They said to Prophet Muḥammad that Salām told the truth, the verse of *Rajm* is in the Torah. Then Prophet Muḥammad ordered that the two persons should be stoned to death and they were stoned and I saw the man leaning against the woman as to protect her against the stones. [227]

It is reported that some Jews consulted each other and agreed to go to Prophet Muḥammad seeking relief for a sentence.[228] Such a case occurred when a Jewish man and woman committed adultery. Prophet Muḥammad asked some Jews about the sentence in the Torah to ensure that it is the same punishment as in Islam.[229] Again, the four Muslim schools of law have different opinions regarding this issue. While the Ḥanafī and Mālikī schools believe that the two accused should not be stoned to death, the Shāfi'ī and Ḥanbalī schools argue that they should be stoned to death if they agree to accept Muslim courts as arbiters. In addition, the sentence varies according to the marital status of the accused. The Shāfi'ī and Ḥanbalī schools state that the sentence for a married person is to be stoned to death while a single person should be given hundred

---

[226]Harf Encyclopaedia, op. cit.
[227] Al-Bukhārī, op. cit., *bāb al-Ḥudūd,* No.6326.
[228] http://hadīth.Al-islam.com/Display/Display.asp?Doc=0&Rec=10190, 25th June, 2005.
[229] Al-Qasṭalānī, op. cit., 10:30.

lashes and should be exiled for one year.[230] The books of *fiqh*, however, include other penalties, which are applicable to the People of the Book as long as they resort to Muslim courts.[231] It should be borne in mind that Islam considers People of the Book living under Islamic rule (while enjoying international autonomy in religious and most civil matters) to be subject to the jurisdiction of Islamic law. Broadly speaking, the *aḥādīth* did not mention all these judgements in detail. Muslim jurists deducted them and built their legal opinions accordingly. Another theme in this section is the case of when a person of the People of the Book kills a Muslim.

It is said that Prophet Muḥammad took legal retaliation *(qiṣāṣ)* against a Jew accused of killing a slave woman from al-Anṣār:

> On the authority of Anas b. Mālik who said that a girl was found with her head crashed between two stones. People asked her as to who has done that until she mentioned a Jew. The Jew was caught and he confessed of his crime. Allāh's messenger gave a command that his head should be crashed with two stones.[232]

It can be deduced from this *ḥadīth* that the retaliation from the *dhimmī* is the same as if he had he committed a felony namely, if he kills a Muslim using a sharp weapon, he should be killed by the same kind of weapon. The same kind of punishment is applied to Muslims if one of them kills a *dhimmī*.[233]

Ibn 'Abbās narrates that Prophet Muḥammad judged a certain case relating to two Jewish tribes:

> On the authority of Ibn 'Abbās who said that when the verse 5:42 was revealed banū al-Naḍīr used to give half of the blood money if they killed another Jew from banū Qurayẓah. If banū Qurayẓah killed one of banū al-Naḍīr they would pay the blood money in full. Then the messenger of Allāh made it equal between them.[234]

---

[230] Al-Juzairī, 'Abd al-Raḥmān. *Al-Fiqh 'alā al-Madhāhib al-Arba'ah.* Cairo: al-Maktab al-Thaqāfī, 2000, V,76.
[231] Johansen, Baber. *Contingency in a sacred law: legal and ethical norms in the Muslim fiqh.* Leiden: Brill, 1999, p.1.
[232] Muslim, op. cit., *Kitāb al-Qasāmah,* No.3167
[233] *Sharḥ al-Imām al-Nawawaī 'alā matn al-Imām Muslim,* 7:174.
[234] Abū Dawūd, op. cit, *Kitāb al-Aqḍiyah,* No.3118

Prophet Muḥammad gave his verdict regarding *diyyah.* This judgement leads to another issue namely the opinions of Muslim jurists when the People of the Book return to the Muslim courts in the application of *al-Ḥudūd* (punishments).

The Shāfi'ī School argues that they should be judged as Muslims and if they did not accept the judgment they should be forced to carry it out.[235] The Ḥanbalī School maintains that the *imām* (judge) has the choice either to bring them to judgement or to leave them if they were of the same religion or of different religions.[236]

Similarly, another issue needs illustration. Is it legal among Muslim judges and in Muslim courts to accept the testimony of the People of the Book in cases relating to Muslims? Although the text we have here is not directly attributed to Prophet Muḥammad but it introduces a relevant topic:

> On the authority of al-Shu'abī who said that a man was about to die in a place called Daqūqā' and he did not find anybody to take him as an eyewitness on his will except two *dhimmī* men. They arrived at al-Kūfā and they met Abū Mūsā al-Ash'arī (the judge) and they told him about the man's wealth and will. He said we did not see that before (accepting the testimony of *dhimmī)* during the time of Prophet Muḥammad. He let them swear that they did not change, betray, nor conceal anything regarding this will and it was the will of the deceased and his wealth. Then he accepted their testimony.[237]

---

[235] Al-Shāfi'ī, Muḥammd b. Idrīs. *Kitāb al-'Um.* Beirut: Dār al- Kutub al-'Ilmiyyah, 1963, 2:210
[236] Ibn Qudāmah, op. cit., 12:269.
[237] Abū Dawūd, op. cit.,*bāb al-Qaḍā,* No.3128.

# Chapter Three: poll tax (*Jizya*)

## 3.1 Introduction

In the wake of dealing with the prophetic traditions that refer to the People of the Book, other issue need to be analyzed in order to give deep perception of how the People of the Book are treated in Islam. One of theses issue is *jizya* and the different topics relate to it. The question of *jizya* (poll tax) imposed by Islam has historically been connected with the concept of *dhimmah*. In regions conquered by Muslims after the death of prophet Muḥammad, Christians and Jews were allowed to keep at least most of their church buildings and synagogues, conduct their worship and other religious activities, including burials, according to their own rites, and they enjoyed a certain autonomy concerning matters under canonical law. They would enjoy the protection of the Muslim government provided they paid *jizya*.

In addition, the concept of *jizya* has been often criticized by some Muslim and western writers, who characterize it as a form of humiliation and oppression of non-Muslim minorities. Others counter that these criticisms ignore the historical context and the fact that the poll tax was a common practice at the time in most societies. This chapter will illustrate the developments of *jizya* and the different issues that relate to it. This will include the origin of this tax in the Qur'ān and *ḥadīth*. The opinions of the four Sunnī and Shī'ite Muslim schools of law will be taken into consideration. The focus will be on the early stage of this tax more specifically during Prophet Muḥammad's lifetime.

## 3.2 Etymology of *jizya*

There are different perceptions among classical and modern writers about the meaning of *jizya*. Firstly, al-Jawharī states that it means the money that should be taken from the *ahl al-*

*Dhimmah* (people of *dhimmah*).[1] Ibn Manẓūr says that it is the money that *ahl al-Dhimmah* had to pay to conclude the covenant of *dhimmah.*[2] The amount of money that should be taken from *dhimmī* people and the word is derived from *jazaá* (reward).[3] Aghnides claims that *jizya* is derived from *jaza* means compensation, requital for good or evil.[4] It is argued that it is called so because it is a substitute for *jihād* and the People of the Book will not be treated as *ḥarbī* (a person who belongs to the land of war) people. Lane defines *jizya* as "the tax that is taken from free non-Muslim subjects of a Muslim government; whereby they ratify the compact that ensures them protection: as though it was a compensation for their not being slain".[5] Bowker illustrates: "the poll tax levied on non-Muslim in Muslim countries is based on the Qur'ān". It is, roughly, the equivalent of *zakāt* that Muslims have to pay."[6]

It is a tribute of any kind paid by non-Muslim subjects which came to be used as a poll tax.[7] Al-Nemr, a modern writer, argues that the *imām* imposes tax on non-Muslims because they reside within the abode of Islam providing that they resort to Muslim judgments in their affairs.[8] Generally speaking, *jizya* is an injunction that Muslims had to carry out and collect from non-Muslims as a submission on their part to Muslim rule. Ibn Qudāmah (541-620 AH) says that *jizya* is the tribute that should be taken annually from the unbelievers who reside in the land of Islam (*dār al-Islām*).[9] Ibn al-Qayyim (691-751 AH) mentions that it is a tax, which is imposed on unbelievers to humiliate them. He states that the word is an infinitive derived from the word *Jazza* (punishment) which means either unbelievers pay it as punishment for

---

[1] Al-Jawharī, Ismā'īl b. Ḥammād. *Al-Ṣiḥāḥ* Cairo: Dār al-Kitāb al-'Arabī, (Year of publication is not mentioned), 6:2303.

[2] Ibn Manẓūr, Jamāl al-Dīn Muḥammad b. Makram. *Lesān al-'Arab*. Beirut: Dār Ṣādir; Dār Bairūt, 1955, 14:147.

[3] Al-Fayrūzabādī, M b. Yaḥyā. *Al-Qāmūs al-Muḥīṭ*. Cairo: al-Maṭba'ah al-Ḥusayniyyah, 1911, 4:312.

[4] Aghnides, Nicolas Prodromou, *Mohammedan theories of finance: with an introduction to Mohammedan law, and a bibliography*, Lahore: Premier Book House, 1961. p 397

[5] Lane, Edward william. *Arabic-English lexicon.* New York: Frederick Ungar Publishing Co, 1:1: 422, 1863-1885

[6] Bowker, John. *Oxford dictionary of world religions,* Oxford : Oxford University Press, 1997, p.503

[7] Arnold, Thomas Walker, The preaching of Islam; a history of the propagation of the Muslim faith, London: Constable, 1913, p.59

[8] Al-Nemr, M al-Khalīl. *Ahl al-Dhimmah wa al-Welayāt al-'Āmah fī al-Fiqh al-Islāmī,* Amman: al-Maktabah al-Islāmiyyah, 1409 AH, p. 12.

[9] Ibn Qudāmah, Abū Muḥammad Abdu Allāh b. Aḥamad al-Maqdisī (541-620/1147-1223), *Al-Moghnī,* Saudi Arabia: 1419A.H-1999A.D, 13:202.

their disbelief or because of the covenant of protection that they concluded with Muslims.[10] Furthermore, the word means a kind of taxation that non-Muslims have to pay in return for services given to them by the Muslim state.[11] It should be borne in mind that Muslims, according to the same author, did not use the word *jizya* before the revelation of the verse (9: 29). Thereafter it appeared in the *ḥadīth* literature, different documents and agreements between Muslims and non-Muslims.[12]

The Western point of view gives a fuller illustration to the issue of the development of this tax. Thus, *jizya* is connected with an Aramaic origin and corresponds with the root of compensation and in any case as a collective tribute.[13] It is argued that the origin of this word is complex as both *jizya* and *kharāj* were used differently during the 'Abbasid period.[14] We notice that the same source states:

> In the early texts the words Djizya and Kharaj are constantly taken either in the wide sense of collective tribute or else in apparently a narrower but interchangeable senses (Kharaj on the head, Djizya *on* the land, as well as vice verse.[15]

Ye'Or states that *jizya* is a tax, which should be levied on the head of each subject and Allāh has imposed it on the polytheists for the benefit of the believers.[16] According to Arnold "the word *jizya* originally denoted tribute of any kind paid by non-Muslim subjects of the Arab empire but came later on to be used for the capitation-tax as the fiscal system of the new rulers became fixed."[17] The following gives further illustration to this term: "in Islamic territories, Jews, Christians, and Zoroastrians who did not convert to Islam were required to pay a tax called the Jizya."[18] The payment of this tax, as Esposito claims, would grant the People of the Book the freedom to practice their faith.

---

[10] Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr, (648-726/1250-1325) *Aḥkām ahl al-Dhimmah*. Edit. Ṭaha Abd al-Raūf Sa'd. Vol.1, 2. 2 vols. Beirut: Dār al-Kutub al-'Ilmiyyah, 1995, 1: 34.
[11] AbūSulaymān, 'Abdul Ḥamid, *Towards an Islamic theory of international relations: new directions for Islamic methodology and thought*, 2nd ed. Herndon, Va.: International Institute of Islamic Thought, 1993, p.29.
[12] Ibid
[13] See *the encyclopaedia of Islam* (Djizya). New Edition, Leiden: E.J.Brill, 1960, 2: 559-562.
[14] Ibid.
[15] Ibid.
[16] Ye'Or, Bat. *The dhimmi, Jews and Christians under Islam*, NJ: Associated University Press, 1985, p.175.
[17] Arnold, op. cit., p.159.
[18] Britannica CD software.

In addition, the People of the Book were permitted to have their own religious leaders and laws in matters of worship, private life, education, and family.[19] Finally, according to Brandon, *jizya* denotes: "poll tax levied on the non-Muslins. If they had come to an agreement with their conquerors, they could retain their lands, otherwise their land belonged to the Muslim community and the original owners were employed on it."[20]

### 3.3 The poll tax in pre-Islam

This part will give a brief explanation of the poll tax prior to the advent of Islam. It is worthwhile mentioning that Muslims did not introduce taxes like *jizya*. In fact, such a tax, as will be discussed, was imposed by different sovereigns before the emergence of Islam. Furthermore, it is maintained that the Arab tax system was the same as the Persians, and later on, males between the ages of 15 and 20 had to pay a yearly poll tax according to their income.[21] Goitein demonstrates this:

> Each adult non-Muslim had to pay a poll tax called Jizya , which was graded according to income, consisting of one, two, or four gold pieces in the western, formerly the Byzantine part of the Muslim Empire, and their equivalent silver in the eastern, formerly the Persian section.[22]

An equivalent system of taxations was found in some empires before Islam. For example:

> The Sasanid Empire had possessed a fiscal system which distinguished between a general tax on land and poll tax, at rates varying according to the degree of wealth, but from which the aristocracy were exempt.[23]

There was a personal tax from which colonists and non-Christians were exempted.[24] Sa'dī argues that this tax was also levied by the Greeks. He comments: "the poll-tax or tribute was known to the ancient Greeks, who imposed it on the natives of Western Asia Minor around the fifth century B.C. The Romans imposed tribute tax wherever they succeeded in extending their rule."[25]

---

[19] Esposito, John L. *Islam and politics*. New York: Syracuse University Press, 1984, p.230.
[20] S.G.F.Brandon, *A dictionary of comparative religions*, London: Weidenfeld & Necolson, 1970, p.376.
[21] Dennett, Daniel C, *Islamic taxation in the classic period*. Copenhagen: Branner & Korch, 1950, p.,15.
[22] Goitein, S. D, *Jews and Arabs: their contacts through the ages*, New York: Schocken Books, 1974, p. 97.
[23] *The encyclopaedia of Islam*, op.cit., 2: 559-562.
[24] Ibid.
[25] Sa'dī, 'Abd Allāh Jam'ān. *Fiscal policy in the Islamic state: its origins and contemporary relevance.* Newcastle under Lyme: Lyme Books, 1986, p.61.

Similarly, Greeks imposed *jizya* on the people of Asia Minor in the fifth century BC to protect them against attacks by Phoenicians. An equivalent system of taxation was imposed during the Byzantine Empire. As Runciman states: "there was a tax called the Kephaletion or head-tax, possibly restricted to non-Christian subjects."[26] Dennett maintains that Egyptians who followed the methods of the Byzantine system increased this tax.[27] Besides, this tax and *kharāj*, which will be tackled later, adopted their names from the Byzantine Empire where both of them existed under these two identical names.[28] Later on, a poll tax was imposed in the 14th and 17th centuries in England: "Poll taxes were originally levied on conquered people by the ancient Greeks and Romans. In England a poll tax was first imposed in 1377 and was reimposed at intervals until 1698."[29]

Al-Rayyis claims that there are documents which prove that there was a tax of twenty *dirhams* per head during the early centuries of the Byzantine Empire.[30] Bosworth argues that the Jewish communities of the Sassanid Persian and Byzantine Empires also paid this tax.[31] Armstrong states that Jews paid tax to Roman rulers before Islam: "the half-shekel Temple tax paid by all adult males of Jews was now donated to the temple of Jupiter on the Capitoline Hill in Rome."[32] Al-Ṣawwāf states that poll tax was imposed on nations before Islam such as the Persian and Roman empires and even Christianity imposed it on countries that were under their control.[33] Finally, both the Old and New Testament have verses which indicate that *jizya* had to be collected from the non-Jewish and non-Christian people. The following example shows this:

> And they drave not out the Canaanites that dwelt in Gezer: but the Canaanites dwell among the

---

[26] Runciman, Steven, Sir. *Byzantine civilisation*. London: E. Arnold & co. 1933, p. 97
[27] Dennett, op. cit., p.3.
[28] S. Khuda Bukhsh. *The orient under the caliphs*. Calcutta: University of Calcutta, 1920, p.67
[29] "Poll Tax," Microsoft® Encarta® Encyclopaedia, 99.
[30] Al-Rayyis, M. Ḍ. *Al-Kharāj wa al-Nuẓum al-Māliyyah fī al-Dawlah al-Islāmiyyah*. Cairo: Dār al-Ma'ārif, 1969, p.57.
[31] Bosworth, Clifford Edmund .*The protected peoples (Christians and Jews) in the mediaeval Egypt and Syria.* Manchester: The John Rylands University Library, 1979, p.17.
[32] Armstrong, Karen. *Jerusalem on city three faiths*. London: Harper Collins Publisher, 1996, p.154.
[33] Al-Ṣawwāf, 'Alī , *Al-Wajīz fī mu'āmalat ghayr al-Muslimīn fī al-Islām,* Amman: al-Mujamma' al-Malakī li buḥūth al-Ḥaḍārah al-Islāmiyyah, 1994, p. 42.

Ephraimites unto this day, and serve under tribute" **Joshua 16:10**

According to some interpretation of the Bible, the word "tribute" in this context means poll tax. [34] It is reported that Jesus told his followers to pay it to the Romans. The verse says:

He saith, yes. And when he was come into the house, Jesus prevented him, saying, what thinkest thou, Simon? Of whom do the kings of the earth take custom or tribute? Of their own children, or of strangers? **Mathew 17:25-26**

Another passage would prove that he agreed to the payment of this tax to Caesar:

Tell us therefore, what thinkest thou? Is it lawful to give tribute unto Caesar, or not? They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's". **Mathew 22:17, 21**

The poll tax was to be collected from non-Christians the same as it had to be collected from non-Muslims. In addition, it could be presumed that the payment of this tax was considered a religious duty. The following verse shows this claim:

For this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor. **Romans 13:6-7**

Accordingly, poll tax is not a product of Islam but existed previously. The two sources which gave rise to the Muslim concept of *jizya*, mainly the Qur'ān and *Sunnah* that constitute the basis from which all Muslim jurists developed their juristic reasoning.

### 3.4 The origins of *jizya* in the Qur'ān

This section will deal with the Qur'ānic verse that refers to *jizya* and discuss the opinions of a number of exegetes. Relevant traditions of Prophet Muḥammad will also be discussed. The practices and dealings of Prophet Muḥammad with the People of the Book regarding these matters need to be emphasized. Firstly, Islam made the payment of this tax obligatory on *dhimmīs* as *zakāh* was on Muslims, so that they are equal in terms of obligations. This imposition started in the ninth year of *hijra* after the revelation of the verse of *jizya*. Muslims and *dhimmīs* enjoyed the same benefits from the state's budget.

[34] The Holy Bible. ( on line) Available at: http://www.elkalima.com. Accessed 5th August 2005.

The books of jurisprudence normally discuss the issues of *dhimmīs, jizya*, and *kharāj* under the book of *al-Jihād* or the headings of *al-Siyar*. The Qur'ānic verse that deals with *jizya* runs as follows:

> Fight those who believe neither in God nor the Last Day, nor hold that forbidden which hath been forbidden by God and His Apostle, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the Jizya with willing submission, and feel themselves subdued. **(9:29)**

The verse of *jizya* is from the Medinan period and was revealed while Prophet Muḥammad was preparing for the battle of Tabūk.[35] The part of the verse on which there is much discussion is "and feel themselves subdued" (*wahum Ṣāghirūn).* Jurists and exegetes disagree on the exact meaning of the word "*Ṣāghirūn*". Abū 'Ubayd states that it either means in cash, or they should pay it while they are standing which would mean humiliation.[36] This word gave rise to both stringent and lenient interpretation in both *ḥadīth* and juristic books. Some have erroneously viewed this Qur'ānic commandment as a form of injustice, oppression and humiliation of nations and peoples who came under Islamic rule. Undoubtedly those to hold to this view have neglected the great privileges attributed to the rights of those who are imposed the jizya upon in Islam. Opinions of the Muslims schools of law and Qur'ān exegetes would refute this claim. Al-Shāfi'ī argues that the word *ṣaghār* (the infinitive of *ṣāghirūn)* means submission of the infidels to the Muslim rule. He adds that infidels might not be treated as *dhimmīs* unless they fall under the Islamic laws.[37] Agnides affirms that the Mālikī School state that humiliation of the *dhimmīs* is a matter of obligation and they may not settle their *jizya* by proxy.[38] The jurist Ibn Ḥazm asserts that the word Ṣ*aghār* means that they should abide by the Islamic law and that they should not perform their religious rituals in

---

[35] Muḥammad, Quṭb Ibrāhīm, *Al-Siyāsah al-Māliyyah li 'Umar Ibn al-Khaṭṭāb*, al-Hay'ah al-Miṣriyyah al-'Āmah li al-Kitāb, 1984, p.51.
[36] Abū 'Ubayd, al-Qāsim b. Sallām, *Kitāb al-Amwāl,* Beirut: Mu'assasat Nāṣer li al-Thaqāfah, 1981 p.15.
[37] Al-Shāf'ī, Muḥammd b. Idrīs (d.204 AH) *Kitāb al-Um*, Beirut: Dār al-Kutub al-'Ilmiyyah, 1993, 4:249.
[38] Aghnides, Nicolas Prodromou, *Mohammedan theories of finance: with an introduction to Mohammedan law, and a bibliography*, Lahore: Premier Book House, 1961, p.406.

public or permit what Islam prohibits.[39] The word *jizya* was not familiar among the Arabs before it was revealed in the Qur'ān. Later, it was widely circulated especially in Prophet's messages and letters to different kings. Al-Alūsī asserts that the phrase means the following: that they should be shaken or rebuked while paying it, or they should give it while they are not riding, or it means they should abide by Muslim judgments.[40]

Al-Ṭabarī explains that the verse means that Muslims have to fight Jews and Christians who do not believe in Allāh and His prophet until they pay *jizya*.[41] Al-Ṭabarī adds that the phrase means that they should give *jizya* while they are standing and the collector is sitting, thus the payment of *jizya* is a symbol of humiliation. Al-Māwardī maintains that the verse means that they should pay it by themselves and not through delegations.[42] On his comment on the part which says "those who do not believe in God", Al-Māwardī states that although the People of the Book believe in the oneness of God, this belief can be discarded for two reasons. Firstly, they do not believe in the Qur'ān and, secondly, they do not believe in Prophet Muḥammad.[43] Al-Māwardī asserts that the part which refers to humiliation means that *jizya* is to be levied as punishment for their unbelief. He adds that it could be the price that they had to pay for the protection they would get from a Muslim state.[44]

According to the al-Ṭūsī (385-460 AH.), the verse means that those who do not believe in the Oneness of God should be fought. Al-Ṭūsī believes that *jizya* is a kind of punishment because they do not believe in Prophet Muḥammad and do not follow the laws that Allāh imposed.[45]

---

[39] Ibn Ḥazm, Muḥammad 'Alī b. Aḥmad b. Sa'īd . *Al-Muḥallā.* Cairo: Idārat al-Maṭtba'ah al-Munīriyyah, 1351 AH, 7:347.

[40] Al-Alūsī, Shehāb al-Dīn al-Sayed Maḥmūd, ed. 'Alī 'Abd al-Bārī 'Aṭiyyah, *Rūḥ al-Ma'ānī fī tafsīr al-Qur'ān al-'Aẓīm*, 16 Vols, Beirut: Dār al-Kutub al-'Ilmiyyah , 1994, 5:271.

[41] Al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr, *Tafsīr al-Ṭabarī al-Musamā jāmi' al-Bayān fī ta'wīl al-Qur'ān*, 13 Vols, Beirut: Dār al-Kutub al-'Ilmiyyah, 1999, 6:349.

[42] Al-Māwardī, 'Alī b. Muḥammad. *Al-Nukat wa al-'Uyūn tafsīr al-Māwardī.* Beirut: Dār al-Kutub al-'Ilmiyyah, 1922, 2:114

[43] Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah wa al-Welāyāt al-Dīniyyah.* Beirut: Dār al-Kitāb al-'Arabī, 1990, p. 252.

[44] Ibid.

[45] Al-Tūsī, Muḥammad b. al-Ḥassan, *al-Tibyān fī tafsīir al-Qur'ān*, 6 Vols, Najaf : al-Matba'ah al-'Ilmiyyyah, 1957-1963, 5:236-237.

Ibn 'Aṭiyyah, shares the same opinion and adds that Muslims might use force to collect this tax since the word (*yad*) linguistically refers to power.[46] Ibn al-'Arabī (d.543 AH) argues that the People of the Book should pay *jizya,* if they could afford it they should commit themselves to paying it later.[47] Ibn al-Jawzī states that the People of the Book do not believe in resurrection and they took partners with God. As for the last part of the verse, Ibn al-Jawzī says that People of the Book should be forced to pay *jizya* and should abide by Muslim rule.[48]

Al-Rāzī argues that the People of the Book if they have the same characteristics that the verse talks about, should be fought until they accept Islam or pay *jizya*. He further adds that the last part of the verse means that People of the Book must be rebuked while paying *jizya* by hitting them on their napes or by pulling their beards strongly.[49] According to the same author, the verse excludes the monotheists among the Jews because Jews are either monotheistic or they attribute human characteristics to Allāh the Almighty. The former group should not be fought but should pay *jizya* instead.[50] When commenting on this verse, al-Nasafī states that the verse means that People of the Book had to accept the payment of *jizya* and it is called so because it is as a kind of debt that they had to pay. He maintains that the payment of this tax must not be delayed and People of the Book should be humiliated while paying it.[51] Ibn Kathīr states that after the spread of Islam in the Arabian Peninsula, Prophet Muḥammad was ordered to prepare to fight the People of the Book in the battle of Tabūk. He adds that they should not be superior to Muslims and should be humiliated. [52] Al-Shawkānī suggests that fighting in the verse is a kind of punishment and it will be evidence against the

---

[46] Ibn 'Aṭiyyah, 'Abd al-Ḥaqq b. Ghālib. *Al-Muḥarrar al-wajīz fī tafsīir al-Kitāb al-'Azīz.* Beirut: Dār al-Kutub al-'Ilmiyyah, 2001, 3:23.

[47] Ibn al-'ArAbū, Muḥammad b. 'Abd Allāh. *Aḥkāam al-Qur'ān,* Beirut: Dār al-Kutub al-'Ilmiyyah, 1984, p.479.

[48] Ibn al-Jawzī, Abū al-Faraj 'Abd al-Raḥmān b. 'Alī. *Zād al-Masīr fī 'ilm al-Tafsīr.* Beirut: Dār al-Kutub al-'Ilmiyyah, 2002, 3:318-319.

[49] Al-Razī, Muḥamad b. 'Umar b. al-Ḥussayn b. al-Ḥassan (544-604 AH), *Al-Tafsīr al-Kabīrr (Mafātīḥ al-Ghayb)* 20 Vo, Beirut: Dar al-Kutub al-'Ilmiyyah, 2000, 16:25.

[50] Ibid,16:23.

[51] Al-Nasafī, 'Abd Allāh b. Aḥmad. *Tafsīir al-Nasafī, al-Musammā b madārik al-Tanzīl wa ḥaqā'iq al-Ta'wīl,* Beirut: Dār al-Kutub al-'Ilmiyyah, 2001, I:493 .

[52] Ibn Kathīr, Ismā'īl b. 'Umar b. Kathīr al-Qurashī al-Demashqī, *Tafsīr al-Qur'ān al-'Aẓīm,* Beirut: Dār al-Kutub al-'Ilmiyyyah, 1988, 2:458.

People of the Book, because they said that Prophet Muḥammad was not written down in their scripture.[53] Furthermore, the same exegete adds that People of the Book should be humiliated while paying *jizya.* However, both Al-Māwardī and Ibn al-Qayyim affirm that the last part of the verse does not indicate humiliation. They argue that there is no tangible evidence to show that any of these practices took place during Prophet Muḥammad's lifetime or his companions.[54]

The point of views of the classical commentators seem different from what has been mentioned above. Al-Qāsimī maintains that the last part of the verse does not mean humiliation; rather it means submission to the will of Islam. He affirmed that neither the practices of Prophet Muḥammad nor the behaviour of his companions proved any kind of humiliation to the People of the Book.[55]

According to Riḍa, the verse means that the People of the Book should only be fought if they wage war against Muslims or helped the Muslims' enemy. They should pay *jizya* if they can afford it and should not be wronged or overburdened by the tax. The verse does not mean humiliation; rather, it means that they should abide by Muslim laws and maintain the Muslim state's sovereignty.[56] He refutes al-Rāzī's statement about the monotheistic group among the Jews by saying that such statements are only rhetoric that has no scientific base.[57] As for the part of the verse that refers to *jizya,* Riḍa added that it means that they have to pay *jizya* while they have the capability to do so and that they should surrender to the Muslim rule.[58] Once more, the phrase means either "resigned or humiliated" or "subject to the Islamic law."[59] According to Jawharī, the verse means that they should pay it in cash or they should pay it

---

[53] Al-Shawkānī, Muḥammad b. 'Alī b. Muḥmmad, *Fatḥ al-Qadīr al-Jāmi' bayna fannay al-Derāyah wa al-Rewāyah Min 'Ilm al-Tafsīr*, Beirut: Dār al-Kutub al-'Ilmiyyah, Year of publication is not mentioned, 2:448.
[54] Ibn Qayyim al-Jawziyyah, op. cit, p.253.
[55] Al-Qāsimī, Jamāl al-Dīn. Muḥammad, *Tafsīr al-Qāsimī al-Musammā maḥāsin al-Ta'wīl*, Beirut: Dār al-Kutub al-'Ilmiyyah, 1997, 5:379-380.
[56] Riḍa, Muḥammad Rashīd (1865-1935 AD), *Tafsīr al-Qur'ān al-Ḥakīm al-Mashhūr bi tafsīr al-Manār*, Beirut: Dār al-Kutub al-'Ilmiyyyah , 1999, 10:289.
[57] Ibid.
[58] Ibid.
[59] Wahbah, H.W. *The ordinances of government*, A translation of *al-Aḥkām al-Sulṭāniyyah wa al- Welāyāt al-Dīniyyah*. Trans. Beirut: Grant Publishing Ltd, 1996, p.159.

themselves. He argues that the reason they should pay such tax might be understood from the verse 9:30 which denotes that Jews said that Ezra is the Son of God and Christians said that Jesus is the son of God.[60] Quṭb illustrates that the People of the Book are not obliged to accept Islam but they have to pay *jizya* and should make a pledge to the Muslim community on this basis.[61] It might be argued that both Jews and Christians believe in God which the verse did not acknowledge. However, some Jews attribute human characters to God and Christians believe in the trinity, thus they do not believe in God as the only true God.[62]

The verse means that they should not be fought unless they intend to attack Muslims or violate their land. It is added that *jizya* must be taken if they can afford it and they should not be wronged or overburdened.[63] Al-Jaṣāṣ maintains that the part of the verse, which refers to the People of the Book not only includes Jews and Christians but also other sects. Al-Jaṣāṣ says the verse talks about two groups of the People of the Book, Jews and Christians.[64]

> Lest you should say: The book was sent down to two people before us, and for our part, we remained unacquainted with all that they learned by assiduous study. **6:156**

After viewing the opinions of the classical and modern exegetes concerning the verse of *jizya*, it is concluded that there are differences in the interpretation of the attitudes towards the People of the Book in the way they should be treated while collecting this tax. Classical group insist that they should be humiliated in agreement with their understanding of the verse, modern commentators adopt a different trend. The point upon which there has been disagreement is the word *Ṣāhgirūn,* which linguistically means either to abide by the Muslim rules or humiliation and injustice.[65] The majority of exegetes stated that the verse does not imply humiliation but that People of the Book should follow Islamic rule as long as they

---

[60] Jawharī, Ṭanṭāwī, *al-Jawāhir fī tafsīr al-Qur'ān al-Karīm,* Cairo: Maṭba'at Muṣṭafā al-Bābī al- Ḥalabī wa awlādih, 1350 A.H., 10:102-103.
[61] Quṭb, Sayyed. *Fī Ẓelāl al-Qur'ān.* Beirut: Dār iḥyā' al-Turāth, 1971, 3:1624,.
[62] Al-Jazā'rī, Abū Bakr Jābir. *Aysar al-Tafāsīr li kalām al-'Aley al-Kabīr.* Medina : Maktbat al-'Ulūm wa al-Ḥekam, 1994, 2:358.
[63] Al-Marāghī, Aḥmad Muṣṭafā. *Tafsīr al-Marāgh.* Cairo: Sharikat Maktabat wa maṭba'at Muṣṭafā al- Bābī al-Ḥalabī wa awlādih, 1946-1953. 4:95
[64] Al-Jaṣāṣ, Abū Bakr Aḥmad b. Alī al-Razī al-Ḥanafī, (d.370 AH), *Aḥkām al-Qur'ān,* Cairo: al-Maṭba'ah al-Bahiyyah al-Miṣriyyah, 1347 AH, 3:112.
[65] Ibn Manẓūr, op. cit., 4:459.

reside within an Islamic state.

## 3.5 The concept of *jizya* in the *ḥadīth*

Having given an explanation of the meaning and origin of the *jizya* in the Qur'ān, the focus will now be on the traditions of Prophet Muḥammad. If we were to study the *ḥadīth* in this regard, the word *jizya* is found in more than 100 *aḥādīth*. An entire chapter in al-Bukhārī's *ṣaḥīḥ* titled *bāb al-Jizya wa al-Muwāda'ah* (Chapter of *jizya* and reconciliation). In other chapters, *jizya* comes under sub-titles such as *al-Jihād wa al-Siyar, al-Ber wa al-Ṣelah, al-Zakāh* and so on. The traditions affirm that Prophet Muḥammad did not collect *jizya* before the revelation of verse 9:29. Later, he collected it from the Magians[66]and the People of the Book.[67] The following paragraph show the existence of *jizya* in the *ḥadīth* collections:

> On the authority of Abū Hurairah that Allāh's Apostle said 'By Him in Whose Hands my soul is, surely (Jesus,) the son of Mary will soon descend amongst you and will judge mankind justly (as a just ruler); he will break the cross and kill the pig and there will be no *jizya* . Money will be in abundance so that nobody will accept it, and a single prostration to Allāh (in prayer) will be better than the whole world and whatever is in it." Abu Hurairah added "If you wish, you can recite (this verse of the Holy Book): 'And there is none Of the people of the Scriptures (Jews and Christians) But must believe in him (i.e. Jesus as an Apostle of Allāh and a human being) Before his death. And on the Day of Judgment He will be a witness against them.'(4.159) [68]

The *ḥadīth* shows that, before the Day of Judgement, Jesus will descend, break the cross and kill the pig. According to the explanation of the *ḥadīth*, he will cancel *jizya* because either there would be no *dhimmī* people or there will be abundant money.[69] The second example concerning *jizya* bears an indication that Prophet Muḥammad accepted *jizya* from a group of the People of the Book, mainly the Magians of Hajar:

> 'Umar b. Dinār narrates that a letter came from 'Umar b. al-Khaṭṭāb one year before his death and it was read: cancel every marriage contracted among the Magians among relatives of close kinship (The ones that are regarded illegal in Islam). 'Umar did not take *jizya* from the Magian infidels till 'Abd al-Raḥmān b. 'Awf testified that Prophet Muḥammad took it from the Magians of Hajar.[70]

---

[66] Al-Jaṣāṣ states that Magians should not be included among the People of the Book and he refers to the ḥadīth in which Prophet Muḥammad said treat them as you treat the people of the book. Al-Jaṣāṣ, op. cit., 3:113.
[67] Ibn al-Qayyim, op. cit., 1:79.
[68] See *fatḥ al-Bārī*, 7: 302.
[69] Ibid.
[70] Al-Bukhārī, op. cit., *bāb al-Jizya wa al- Muwāda'ah*, No.2923.

In this *ḥadīth* Magians are treated as People of the Book either on the assumption that they had a revealed book or because of Prophet Muḥammad's *ḥadīth* commanding that they should be treated as People of the Book. The four Sunnī Schools, however, are in agreement with the *ḥadīth* cited above and the Qur'ānic verse 9:29, which state that Magians should be considered as a group of the People of the Book.[71] 'Umar I accepted *jizya* from the Magians of Persia as well.[72]

Al-Shāfi'ī reports that Prophet Muḥammad concluded an agreement with 300 people of Aylah that they should pay 300 *dināars* every year. Al-Shāfi'ī narrates that Prophet Muḥammad concluded another agreement with the Christians of Najrān that they could pay *jizya* in kind.[73] They had a special treatment regarding the payment of *jizya* as Prophet Muḥammad implemented a special treaty with them. The *ḥadīth* under discussion shows another example of collecting *jizya*:

> On the authority of Sulymān b. Aḥmad through 'Abd al-Raḥmān b. Ghonm said I heard Abū 'Ubaydah b. al-Jarrāḥ saying that Prophet Muḥammad took the *jizya* from the people of the book..[74]

Ibn Hishām narrates that Prophet Muḥammad received Yūḥannah b. Rubah, the Christian chief of Aylah (Aqabah), who agreed to pay *jizya* and in return, he was guaranteed protection and safety for himself, his people, and their property. Ibn Hishām's account and the terms of Prophet Muḥammad's guarantee (*amān*) to Yūḥannah contain the two important terms of *jizya* and *dhimmah*. Traditions command good treatment of people when collecting *jizya*. The *ḥadīth* under discussion affirms that they should never be maltreated:

> On the authority of Hishām through his father that Hishām b. Ḥakīm b. Ḥizām happened to pass by some people, the farmers of Syria, who had been made to stand in the sun. He said 'What is the matter with them?' They said 'They have been detained for *jizya*' . Thereupon Hishām said 'I bear testimony to the fact that I heard Allāh's Messenger as saying: Allāh

---

[71] Al-Jaṣāṣ, op. cit, 2:113.

[72] Al-Ṣallābī, 'Alī Muḥammad. *Faṣl a-Khiṭāb fī sīrat 'Umar Ibn al-Khaṭṭāb*, Alexandria: Dār al-Imān, 2002, p.338.

[73] Al-Shāfi'ī, op. cit., 4:398.

[74] Abū Nu'aim al-Iṣfahānī, *Ma'refat al-Ṣaḥābah*, ( On line) Available at: http://www.sonnh.com/Hadith.aspx?Type=S&HadithID=564873, accessed 9th April 2005.

would torment those who torment people in the world.'.[75]

They must be treated with leniency and must not be oppressed by a ruler or be taxed beyond their capacity. Similarly, other versions in *musnad* al-Imām Aḥmad state that it is forbidden to use ways of torturing against those who pay it. An example is to leave them under the heat of the sun. Al-Imām al-Shāfi'ī states that *jizya* should be taken with tolerance without hurting the People of the Book even with rude words.[76] Ibn Qudāmah shares the same opinion and says that they must not be oppressed when paying this tax. As Ben Shemesh states: "jizya payers should not be beaten, nor be exposed standing in the sun, nor burdened with heavy weights or mistreated by similar acts, but should be treated with leniency."[77] Therefore, Prophet Muḥammad, after concluding a covenant of protection is reported to have accepted *jizya* from that person:

> On the authority of al-'Abbās b 'Abd al-'Aẓīm, through Sahl b. Muḥammad through Yaḥyā b. Abū Zaidah through Muḥammad b. Isḥāq through 'Āsim b. 'Umar through Anas b. Mālik through 'Uthmān b. Abū Sulaymān said: that Prophet Muḥammad sent Khālid b. al-Walīd to Okayder Domah and he was brought to Prophet Muḥammad. Prophet Muḥammad made a covenant of protection with him and accepted *jizya* from him.[78]

The *ḥadīth* indicates that *jizya* could be taken from Arabs, which is contradictory to what Abū Yūsuf stated that it should only be accepted from non-Arabs.[79] Another *ḥadīth* reveals that *jizya* is incumbent on the People of the Book if they refuse to accept Islam:

> On the authority of al-Zubaidī Muḥammad b. 'Abd Allāh through Isrāīl through 'Aṭā b. al-Saib through Abū al-Bakhturī through Salmān (the Persian) that he, Salmān, went to a fortress or a town and said to his friends let me invite them to the same thing that Prophet Muḥammad invited before. He said: "I was a man like you and God guided me to Islam. If you accept Islam you will have the same rights and obligations like us. If you refused you have to pay *jizya* while you are humiliated. If you refuse to pay it, then we will throw back our covenant with you because Allāh does not like the treacherous".[80]

According to the explanation of this *ḥadīth*, the reason is if they participate in Muslim

---

[75] Muslim, op. cit., *Kitāb al-Ber wa al- Ṣelah wa al-Ādāb.* No. 4733.
[76] Ibn Ḥajar al-Haithamī, Abū al-'Abbās Aḥamd b. 'Alī. *Tuḥfat al-Muḥtāj bi sharḥ al-Minhāj,* Beirut: Dār al-Kutub al-'Ilmiyyah, 2001, 4:222.
[77] Ben Shemesh, A. *Taxation in Islam.* Leiden: E.J. Brill; London: Luzac & Co.Ltd., A, 1958-1969, p.85.
[78] Abū Dawūd, op. cit., *bāb al-Kharāj a al-Imārah wa al- Fay,* No.3641.
[79] *'Awn al-Ma'būd fī sharḥ Sunnan Abū Dawūd,* Ibid.
[80] *Musnad al-Imām* Aḥmad, op. cit., *Kitāb bāqī musnad al-Anṣār, bāb ḥadīth Salamān al-Fārisī,* No. 22610

military activities, according to the majority of jurists, they are exempted from paying *jizya*. Apart from the above-mentioned traditions that prove the application of *jizya* during Prophet Muḥammad's lifetime, another proof could be found in the letters that he sent to different kings, which include the order to pay *jizya*. Among the early classical books that referred to *jizya* is *kitāb al-Amwāl of* Abū 'Ubayd. The tradition on which he relies to support his opinion about *jizya* runs as follows:

> The messenger of Allāh wrote to the people of Yemen calling them to Islam: "He who embraces Islam whether he was a Christian or a Jew, he is to be considered as a Muslim believer and will have the same duties and rights as a Muslim. But he who sticks to his Judaism or Christianity he should not be compelled to forsake his religion and he should pay *jizya*." [81]

## 3.6 *Jizya* at the time of the Prophet

## 3.7 The Covenant of *dhimmah* (*'aqd al-Dhimmah*)

This part will deal with the covenant of *dhimmah* (*'aqd al-Dhimmah*) that was concluded with the People of the Book and will show how it relates to *jizya*. The covenant is in the form of a contract by which *dhimmī* people pay *jizya* providing that they abide by Muslim judgements.[82] It was originally modelled on the contracts between Prophet Muḥammad, Jewish, and Christian tribes of Arabia during the first decade after the *hijra*. The jurist Abū 'Ubayd reports that it was a written contract and Prophet Muḥammad was the first one to conclude it with the Christians of Najrān.[83] The Ḥanafī jurist Abū Yūsuf shares the same opinion, adding Prophet Muḥammad imposed regulations and granted the Christians of Najrān rights.[84] This covenant means the acquisition of the status of the *dhimmī* and it could be explicit or implicit.[85] Al-'Awwā maintains that the covenant was not an Islamic

---

[81] Abū 'Ubayd, op. cit., p.16 ,
[82] Al-Nemr, op. cit., 95.
[83] Abū 'Ubayd, op. cit., pp. 85-86.
[84] Abū Yūsuf, Ya'qūb b. Ibrahīm al-'Anṣārī. *Kitāb al-Kharāj*. Cairo: al-Maṭba'ah al-Salafiyyah wa maktabātihā, 1933, pp.72-73.
[85] Aghnides, op. cit., p.356.

innovation. Rather, it was common before Islam and was modified by Muslims.[86] In this connection, the phrase *ahl al-Dhimmah* needs to be discussed. The Arabic word "dhimmī" is an adjective derived from the noun "*dhimma*", which means "being in the care of". The term initially applied to "People of the Book" living in lands under Muslim rule, namely Jews and Christians. Aslan maintains that it is a notion that contributed a partial peaceful religious co-existence under the Muslim rule in history.[87] Furthermore, he adds that this title placed them in a remarkably respectable position.[88] Ḍumayriyyah explains that *ahl al-Dhimmah* are those who reside within a Muslim state according to the covenant of protection. They have the same rights and obligations as Muslims.[89] In addition, they follow recognized religions, Judaism and Christianity. They are called so because they fall under a Muslim state protection due to the payment of *jizya*.[90] A *dhimmī* is the one with whom the covenant of protection was concluded when his property, religion, and honour are guaranteed.[91] For a non-Muslim to be eligible to conclude this covenant, the following requirements should be met: he must be sane, mature, adult, and able to fight.[92]

Dennett states that the *dhimmī* is the one who is connected with the Muslim society enjoying its benefits of freedom. He adds that the *dhimmī*, with some exceptions, has the same rights and obligations as a Muslim citizen. They are non-Muslim residents and *ahl al-Dhimmah* generally means Jews and Christians. It would involve those who do not have a revealed book such as the Magians,[93] Sabaeans, and Samaritans.[94] The word *dhimmī* refers to idolaters and fire worshippers provided they accept residence in any Muslim territory except

---

[86] Al-'Awwā, M. Salīm, *Neẓām ahl al-Dhimmah*. (on line) Available form : http://www.islamonline.net/Arabic/contemporary/2005/07/article01a.shtml, accessed 22nd November 2005

[87] Aslan, Adnan. The concept of ahl al-Dhimmah and Islamic pluralism. *The Islamic quarterly*, 2003, XLVII (1) p.1.

[88] Ibid.

[89] Ḍumayriyyah, 'Uthmān Jum'ah. *Manhaj al-Islām fī al-Ḥarb wa al-Salām*. Kuwait: Maktabat Dār al-Arqam, 1982, p.59.

[90] Muḥammad, op. cit., p.53.

[91] Al-Nemr, op. cit., p.73.

[92] Ibid.

[93] They are the worshippers of hell and they claim that the world has two origins: light and darkness. They are the oldest sect, they come from Persia, and they were very clever in astrology. Al-Shaharastānī, Muḥammd b. 'Abd al-Karīm. *Al-Melal wa al-Neḥal*, Cairo: Maktabat al-Ḥusayn al-Tijāriyyah, 1949, 2, 55.

[94] 'Āmer, Muṣṭafā .F. *Tārīkh ahl al-Dhimmah fī Miṣr al-Islāmiyyah*, Cairo: al-Hay'ah al-'Āmah li al-Kitāb, 2000, p.297.

Arabian Peninsula.[95] According to Khadduri, the word *dhimmah* itself means: "compact which the believer agrees to respect, the violation of which makes him liable to (*dhamm*) blame".

Finally, the word *dhimmah* means: "the term used to designate the sort of indefinitely renewed contract through which the Muslim community accord hospitality and protection to members of other revealed religions, on condition of their acknowledging the domination of Islam."[96] The attitude towards *dhimmīs* varies from one Muslim to another; for most individual, it is a purely theoretical issue, as very few Islamic nations actually have any legally defined special status for *dhimmīs* at the present. For that reason, the term itself is rarely used in the present Muslim world, and is unfamiliar to many Muslims.

A Muslim state would grant communal and legal autonomy to *ahl al-Kitāb*. This includes the right to collect taxes for their own communal institutions, administer law in personal and family affairs, freedom of religious education and worship, and recognize the status of the head of the community. Muhitin argues that this privilege was only given to *ahl al-Kitāb*. He maintains that during Prophet Muḥammad's lifetime, the Islamic state in Madīnah accepted only Jews and Christians and other groups were added to this category, particularly after the expansion of Islam.[97] The covenant is the official status granted by the Muslim ruling power to the non-Muslims.[98]

The Ḥanafī jurist al-Kasānī says that it means the covenant by which non-Muslims pledge themselves to the continuous payment of *jizya* and follow the instructions of Islam.[99] He states that this covenant has its own basis in the Qur'ān and *ḥadīth* and, Muslim jurists unanimously agreed on its validity.[100]

---

[95] Ibid, 176-177.

[96] See *the encyclopaedia of Islam.* ( dhimmah) New Edition, Leiden: E.J.Brill, 1997, IV: 1032.

[97] Muhitin, Atman. Islamic perspective of ethnicity and nationalism, *Journal of Muslim minority affairs*, 2003, 23. (1) pp. 89-101.

[98] Oxford dictionary of world religions, op. cit., 227.

[99] Al-Kasānī, 'Alā' al-Dīn Abū Bakr b. Mas'ūd al-Ḥanafī. *Badāi' al-Ṣanāi' fī tartīb al-Sharāi'*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1997, 9:426.

[100] Ibid.

Al-Kasānī relies on the Qur'ānic verse 9:29 and the traditions that show Prophet Muḥammad's practice with the tribes with which he concluded this covenant. Siddiqi discusses this covenant and maintains that it signifies that *dhimmī* people submit themselves to the Islamic rule and agree to live within Muslim lands as subjects of the Islamic state.[101] AbūSulaymān argues that it is "a sort of agreement between Muslim political authorities and non-Muslim subjects which provides protection for Muslims and peaceful relations with the non-Muslim subjects."[102] Furthermore, it is worth discussing the date in when this covenant was legalized. The beginning of this covenant is uncertain. Al-Kasānī traces it back to either the eighth or the ninth year of *hijra*.[103] Zaidān argues that it was first issued after the conquest of Mecca and the verse of *jizya*, which was revealed in the ninth year of *hijrah*, supports this.[104] In conformity with the opinion of some Muslim scholars, some regulations should be taken into consideration when implementing this covenant: that it should be permanent; the acceptance of Muslim judgments when a verdict is issued by a Muslim judge; and that they commit themselves to pay *jizya*.[105]

Ibn Qudāmah added that it is only the *imām* or his deputy who could conclude this covenant, as it is eternal and cannot be amended.[106] Furthermore, Ibn Qudāmah, in agreement with other jurists, mentions that the *imām* can add some regulations to the covenant of *dhimmah* such as: hosting Muslim travellers, building and repairing bridges, and paying the blood money for a Muslim if he was killed in their lands.[107]

Al-Ṣawwāf maintains that because of this covenant *dhimmī* have two commitments. Firstly, they have to pay *jizya* and state costs in return for the protection they enjoy within the Muslim state.

---

[101] Siddiqi, S. A. *Public finance in Islam*. Lahore: M. Ashraf, 1948, p.3.
[102] AbūSulaymān, op. cit., p.28.
[103] Ibid.
[104] Zaidān, 'Abd al-Karīm. *Aḥkām al-Dhimmeyīn wa al-Musta'manīn fī dār al-Islām*, Baghdad: Baghdad University Press, 1963, p.22.
[105] Ibn Qudāmah, op. cit., 13: 207, Ḍumayriyah, op. cit. p. 61.
[106] Ibn Qudāmah, 'Abd Allāh b. Aḥamad al-Maqdisī. *Al-Mughnī*. Saudi Arabia: Riyadh, 1999, 13:213.
[107] Ibid, pp.213-214.

Secondly, they should abide by the Islamic *sharī'a* regarding their dealings, penalties, and courts.[108] He further states that as a result of this covenant, *dhimmīs* have their religious freedom and their own judicial affairs regarding marriage and divorce.[109] Muslim scholars differ as to who is eligible to be included in this covenant and who has the right to implement it. The Mālikī and Ḥanafī Schools assert that it would be concluded with all non-Muslims with the exception of Arabs.[110] The Mālikī School adds that it would be concluded with every non-Muslim adult male who is able to pay *jizya* but it cannot be concluded with either a monk or an insane person. The same school relies on the prophetic *ḥadīth*[111] to prove that it is prescribed to all non-Muslims. According to al-Kasānī, it is a contract which states that non-Muslims should abide by the Islamic law and pay *jizya*.[112] He added that it is possible to conclude it with the People of the Book whether they were Arabs or non-Arabs and Magians because they follow the People of the Book in paying *jizya*.[113] Furthermore, The Ḥanafī School clarified the purpose of this covenant by saying that it is basically concluded because of its numerous benefits for both sides, such as to strengthen relations between Muslims and non-Muslims. Only the leader or his agent an implement this covenant.[114] Besides, this covenant gives the People of the Book the chance to mix with Muslims so that they might convert to Islam but is not aimed and it does not aim at collecting taxes.[115]

The Shāf'ī and Ḥanbalī Schools state that it is to be concluded with all non-Muslims according to the Qur'ānic verse 9:29 which is of general significance while the verse of *jizya* applies only to the People of the Book. Another Shāfi'ī jurist demonstrates that it would be concluded with the People of the Book, other religious groups who follow the Torah and Gospel, and those who are believed to have a kind of divine book, namely Magians and

---

[108] Al-Ṣawwāf, op..cit., p.38.
[109] Ibid.
[110] Al-Jaṣāṣ, op. cit., 3:113.
[111] On the authority of Buraydah that Prophet Muḥammad said that : "If you see your enemy among the non-Muslims invite them to three things. The second one was *jizya* " (the *ḥadīth* is quite long to mention here. Muslim, op. cit, *Kitāb al-Jihād wa al-Siyar*, No. 3261.
[112] Al-Kasānī,, op. cit., 5:426.
[113] Ibid, 9:433.
[114] Ibid.
[115] Ibid.

Sabaeans.[116] Al-Sarkhasī illustrates that it is because of this covenant the People of the Book became neighbours with Muslims and accordingly they are committed to the judgments of Islam in issues relate to them.

Thus, they have the same rights as Muslims.[117] According to al-Kasānī, the covenant could be dissolved in the following cases: if a *dhimmī* becomes a Muslim, joins lands of war (*dār al-Ḥarb)* or if he fights Muslims.[118] Ibn Qudāmah states that this covenant could be dissolved if the People of the Book do not pay *jizya*, follow what Islam prohibits, or if they fight Muslims.[119] The covenant is commonly connected with *jizya* where non-Muslims who reside within a Muslim state commit themselves to pay this tax and abide by the covenant's rules. The Ḥanafī jurist al-Jaṣāṣ maintains that after concluding the covenant of *dhimmah* and after one year has lapsed. *jizya* becomes obligatory.[120]

### 3.8 The basis of *jizya* in Muslim jurisprudence

We will now discuss the basis of *jizya* as it appears in the books of Muslim jurisprudence. Firstly, Muslim jurists agree that person liable to pay should be male, adult, and free. Muslim schools of law, according to the Qur'ān and *sunnah,* unanimously agreed on the legality of the conclusion of *jizya* with *ḥarbī,* Jews, Christians, and Magians.[121] Ibn Qudāmah maintains that *jizya* is an amount of money that should be levied annually from unbelievers (*kuffār*) because they reside in *dār al-Islām* (land of Islam). He relies on the Qur'ānic verse, which has already been discussed, the prophetic traditions, and the unanimous agreement among Muslim jurists on the acceptance of *jizya*.[122] Ibn Qudāmah adds that those who pay *jizya* could be divided into two groups. Firstly, People of the Book mainly Jews and Christians and any group who follows them.

---

[116] Al-Mugadassī, Mūsā b. Aḥmad. *Al-Iqnā' li ṭālib al-Intifā'*. Ryadh: Dār 'ālam al-Kutub, 1999, 2:127.
[117] Al-Sarkhasī, *Al-Mabsūt,* (on line) Available form : http://www.alwaraq.com/, accessed 22nd November 2005.
[118] Al-Kasānī, op. cit., 9:446-447.
[119] Al-Mughnī, op. cit., 13:216.
[120] Al-Jaṣāṣ, op. cit., 3:124.
[121] Shūmān, 'Abbās 'Abdullah. *Al-'Ilāqāal-Dawliyyah fī al-Sharā'ah al-Islāmiyyah.* Cairo: al-Dār al-Thaqāfiyyah li al-Nashr, 1998, p.37.
[122] Ibn Qudāmah, op. cit., 13: 202.

Secondly, those who are believed to have a kind of a divine religion like Magians.[123] On his comment on the issue of Magians, al-Ṣallābī states that they were among the People of the Book but worshipped fire. 'Umar I only imposed it on them after he knew that they should be treated as the People of the Book.[124] Al-Imām Mālik argues that it is incumbent on every young male Jew or Christian and it even involves followers of other religions.[125] In order to prove his case, he relies on the same Qur'ānic verse which deals with the issue of *jizya*. As for those who do not have a divine book, he uses the *ḥadīth* in which Prophet Muḥammad showed the way of dealing with Magians. Ibn Rushd, a Mālikī jurist, affirms the same idea and states that the tax is to be taken form the non-Arab People of the Book and Magians.[126] He states that jurists unanimously agreed on that but disagreed on those who have no scripture or People of the Book but are Arabs.[127] Al-Imām al-Shāf'ī argues that the basis of *jizya* is the person's religion, not his race. He maintains that it is to be taken from Jews, Christians, and Magians. He reports that Prophet Muḥammad accepted the tax from the *dhimmī* of Yemen and the Arab Christians of Najrān.[128]

Ibn Ḥajar al-Haithamī, a Shāf'ī jurist, maintains that it means the contract or the money that the People of the Book had to pay and both Jews and Christians, according to the Qur'ānic verse of *jizya,* are required to pay it.[129] This will include Sabaeans, the Samaritans, those who pretend to follow the Book of Abraham, the psalms of David and the Book of Seth the son of Adam, and the Magians since they are believed to have a kind of a divine book and the *ḥadīth* affirms that Prophet Muḥammad accepted it form the Magians:

> On the authority of Buraidah, that Prophet Muḥammad said: if you see your enemy among the non-Muslims invite them to Islam..... until he (Prophet Muḥammad reached *jizya* (the ḥadīth is quite long to mention here..[130]

---

[123] Ibid, 204.
[124] Al-Ṣallābī, op.cit., p.338.
[125] Mālik, b. Anas, *Al-Modawwanah al-Kubrā.,* Place, publisher, and date are not mentioned, 1:241.
[126] Ibn Rushd, Muḥammad b. Aḥmad b. Muḥammad b. Aḥmad. *Bedāyat al-Mujtahid wa nehāyat al-Muqtaṣid.* Beirut: Garnet publishing, 2000, p.483.
[127] Ibid.
[128] Al-Shāfi'ī, op.cit., 4:244-245.
[129] Ibn Ḥajar al-Haithamī, op. cit., 4:216.
[130] Muslim, *Kitāb al-Jihād wa al-Siyar,* No. 3261 .

To support their opinion, the Shāfi'ī school refers to the verse of *jizya* and a prophetic *ḥadīth.*[131] In accordance with the school, those who pay *jizya* are required to abide by Muslim rulings except for issues that relate to ritual matters.[132] Aghnides, in agreement with the Shāfi'ī school, argues that the tax is called *jizya* because *dhimmīs* had to pay it as compensation for being spared from death.[133] Al-Kasānī states that non-Muslims should be classified into three categories. Firstly, Jews and Christians who accept the Torah and the Gospel and are eligible to pay *jizya.* Secondly, those who are believed to have a kind of a divine book such as Magians should be treated as the People of the Book. Thirdly, apostates Arab idolaters *jizya* is not taken from them. The following is taken from *kitāb al-Kharāj* drawn up by the judge Abū Yūsuf at the request of Hārūn al-Rashīd. Abū Yūsuf states that *jizya* is accepted from all *dhimmī* people, Magians, Samaritans,[134] unbelievers and Sabaeans but not Arab idolaters and apostates.[135]

Ibn Qudāmah argues that *jizya* is accepted from the People of the Book, namely Jews and Christians and other groups who are believed to have a kind of a divine book. They commit themselves to the teachings of their scriptures and act accordingly. Ibn Qudāmah further adds that *jizya is* accepted from Magians but not any other group.[136] A recent source states that jurists do not agree on the issue of who is liable to pay *jizya*. Thus, three categories of people should pay this tax: firstly, Jews, Christians, and those who follow them. Secondly, Magians (as proved by a *ḥadīth)*. Thirdly, apostates from whom jurists agreed that *jizya* should not be taken.[137] Abū 'Ubayd maintains that this tax is accepted from the Arabs as Prophet Muḥammad accepted it from the people of Yemen and from the Christians of Najrān. He adds that it should also be taken from Magians as 'Umar I the second Caliph took it from the

---

[131] Ibn Ḥajar al-Haithamī, op. cit., 4:216.
[132] Ibid 15.
[133] Aghnides, op. cit., p.396.
[134] A group of people belonged to the children of Israel and they came form a tribe called Sāmer.
[135] Abū Yūsuf, op. cit., p.128.
[136] Ibn Qudāmah, op. cit., 13:pp. 203-208.
[137] Al-Mūjaz, op. cit., p.40-41.

Persians.[138] From the above-mentioned opinions, we can conclude that Muslim schools of law agreed that this tax is incumbent on both Jews and Christians. This is a decisive judgment according to the Qur'ān and the authentic *ḥadīth* of Prophet Muḥammad.

### 3.8.1 *Dār al-Islām, Dār al-Ṣulḥ,* and *Dār al- al-Ḥarb*

Before searching the issue of *jizya* deeply, let us look at the following terms: *dār al-Islām, dār-al-Ḥarb*, and *dār-al-Ṣulḥ*. This division was neither the product of the Qur'ān nor *sunnah* but it was the *ijtihād* of later jurists. It could be argued that this division came as a result of the concept of *jihād* in Islam. These terms were coined by Muslim jurists after many years of the advent of Islam with respect to the situation which prevailed in their contemporary world. They symbolically divided the world into places where the Islamic religion is dominant, and places where it is not.

#### *Dār al-Islām*

*Dār al-Islām,* or the abode of Islam, generally signifies a geographic location, which enjoys Muslim control where the law of Islam prevails.[139] 'Abdu maintains that its inhabitants are Muslims and non-Muslims and they are guaranteed as to their faith, people, and possessions of the *dhimmis.*[140] In order to enjoy these rights, they should be subject to certain restriction that a Muslim state would impose. It appears that there is a misunderstanding among Muslims and orientalists due to the connection between *dār al-Islām* and *dār al-Ḥarb* and the assumption that the only relation between the two countries is war. In fact, this is not the real case. When we talk about *dār al-Ḥarb*, it does not necessarily mean that there should be war between the Muslim and non-Muslim country. Whereas *dār al-Ḥarb* refers to any non-Muslim country which does not conclude a peaceful treaty with Muslims, *dār al-Islām* means the area where Muslims live.

---

[138] Abū 'Ubayd, op.cit., p.22
[139] See *the encyclopaedia of Islam* (Djizya) Vol.2, new edition, Leiden: E.J.Brill, 1965, p.127
[140] Ibid.

***Dār al-Ṣulḥ***

*Dār al-Ṣulḥ* or the house of treaty is a place not under Muslim control but which has friendly relations with Muslim territories. In Muslim tradition, the precedent for *dār al-Ṣulḥ* is the treaty that Prophet Muḥammad concluded with the Christians of Najrān. *Dār al-Ṣulḥ* are territories which are not conquered by Muslim troops but where the residents pay a tribute, the payment of which guarantees a true or armistice.[141] The question that shall be posed now is what is the basis upon which the relations between Muslims and non-Muslims should be established outside the sphere of a Muslim state? According to al-Zuḥailī, jurists do not agree on this issue. He argues that there are three different opinions. One group of jurists argue that the two parties should be on the brink of declaring war against each other (*'lāqāt ḥarb*). Another group maintain that Islam supports peace not war and that a person could not be killed because he does not follow Islam. Finally, the last group states that the basis on which the relations between Muslims and non-Muslims is peace unless Muslims are attacked.[142] As it has been mentioned that these terms coined by Muslim jurists after many years of the advent of Islam, therefore, it could be argued that it is irrelevant to apply the old concept of *dār al-Islām* and dār *al-Ḥarb* on the contemporary world.

***Dār al-Ḥarb***

*Dār-al-Ḥarb* is the land of war or the abode of war and it includes those countries where the law of Islam is not in force, especially in the matter of worship and the protection of the faithful and *dhimmis.*[143] Some jurists specify conditions so as to define *dār al-Ḥarb.* It is stipulated that the majority of the population should be non-Muslims and the prevailing law should not be Islamic. *Dār al-Ḥarb* refers to the territory under the hegemony of unbelievers, which is on terms of active or potential belligerency with the Domain of Islam, and

---

[141] Ibid.
[142] Al-Zuḥailī, Wahbah. *Al-Wajīz fī mu'āmalat ghayr al-Muslimīn fī al-Islām.* Amman: al-Mujamma' al-Malakī li buḥūth al-Ḥaḍārah al-Islāmiyyah, 1994, pp.82-86.
[143] See *the encyclopaedia of Islam.* (*Dār al-Ḥarb*) Vol.2, new edition, Leiden: E.J.Brill, 1965, p.126

presumably hostile to the Muslims living in its domain.[144] The authority and the law of non-Muslims are enforced therein. Although neither the Qur'ān nor the *sunnah* mentioned these conditions but they were imposed later on.

### 3.8.2 Types of *jizya*

This section will show the different types of *jizya*. The Mālikī jurist Ibn Rushd mentions that there are three types of *jizya*. The first kind results from conquest by force and is imposed upon the enemy after they have been overpowered. The second type results from a negotiated settlement. The third type is related to *'ushr*. It is maintained that there is no liability for either *'ushr* or *zakāh* upon the People of the Book.[145] Al-Kasānī believes that there are only two types of *jizya*. Firstly, *jizya* that has a specific amount and should be taken according to an agreement between Muslims and the People of the Book. An example is the case when Prophet Muḥammad made an agreement with the Christians of Najrān. Secondly, *jizya* which the *imām* imposes on the People of the Book when Muslims occupy a land by force.[146] A recent source shows a different classification of *jizya*. First is *'unwiyyah* (that the *imām* imposes unilaterally according to his discretion when a land is occupied by force). The Qur'ān and *sunnah* do not specify this kind but it is left to the discretion of the *imām*. Second is *Ṣulḥiyyah* (accomplished through mutual agreement). This amount can only be specified through the covenant of *dhimmah* and the articles it involves.[147] Like the Shāf'ī School, Ibn Rushd counteracts this view and says that the *Ṣulḥiyyah* type is not fixed either in the obligation or in the person who should pay it but that these matters should be settled among Muslim jurists.[148] Finally, the *Encyclopaedia of Islam* states: "this tax could be of three sorts, according to whether it was levied on the individuals as such, or on the land, or was a

---

[144] Zahid, Muhammad Ishaq Zahid. Glossary of Islamic Terms. (on line) Available at: http://www.islam101.com/selections/glossaryCD.html, accessed 7th June, 2006
[145] Ibn Rushd, op. cit., p.485-486
[146] Al-Kasānī, op. cit., 9: 444
[147] Al-Ṣawwāf, op. cit., 43-44
[148] Ibn Rushd, op. cit, pp.485, 486

collective tribute unrelated to any kind of assessment."[149]

### 3.8.3 The amount of *jizya*

This section will discuss the amount of *jizya* to be paid and the variant opinions of the Muslim schools of law. It will be noted that while the Qur'ān does not refer either directly or indirectly to this topic, the *ḥadīth* has some examples. In addition, some Muslim jurists, in agreement with the *ḥadīth*, set a minimum and maximum amount of *jizya* while others only referred to a minimum amount and left the maximum to political authorities. It is worth noting that Muslims did not change the amount of *jizya* but followed the fiscal system which prevailed before Islam. Thomas explains: "there is evidence to show that the Arab conquerors left unchanged the fiscal system, that they found prevailing in the lands they conquered from the Byzantines."[150] It is maintained that, because of the expansion of Islamic states and the spread of Islam to remote parts of different countries, the system of *jizya* was modified to cope with current exigencies.[151] This modification was not confined to the basis of *jizya* alone but it involved its application and regulation. It is reported that 'Umar I introduced a new measure according to the capability of the tax-payer at the rate of forty-eight *dirham* on the rich, twenty *dirham* on the middle class, and twelve *dirham* on the poor.[152] Initially, this tax was estimated at one *dīnār*[153] or its equivalent and this rate was based on the traditions of Prophet Muḥammad who is reported to have told one of his companions to take one *dīnār* from the Christians of Yemen. It should be noted that the assessment of the *jizya* is disputed among the schools. Al-Imām al-Shāfi'ī states that Prophet Muḥammad accepted *jizya* from both the peoples of Aelia (Jerusalem) and Yemen and the amount was one *dinār*.[154] However, both Al-Jaṣāṣ and Ibn Ḥazm concluded that *jizya* could also be collected from women if they

---

[149] See *the encyclopaedia of Islam* (Djizya) Vol.2, new edition, Leiden: E.J.Brill, 1965, p.563.
[150] Arnold, op. cit., p.5.
[151] Muḥammad, op. cit., p.53.
[152] Ibid.
[153] The name of the gold unit of currency in Islam. It is approximately 4.55 grams. See *the Encyclopaedia of Islam*, (*dinār*) Leiden: E.J.Brill, 1960, 2:297.
[154] Al-Shāfi'ī, op. cit., 4:398.

agreed (*'alā wajh al-Ṣulḥ*). They added that Prophet Muḥammad ordered some of his commanders to take one *dīnār* or its equivalent from each adult male or female from Yemen territories.[155]

In agreement with other jurists, al-Qurashī shares the same opinion: "I did not know that *jizya* could be collected from women except through the *ḥadīth* in which Prophet Muḥammad accepted one *dīnār* from a Meccan Christian."[156] In contrast, al-Imām Mālik states that *jizya* should not be taken from women as it was not decreed by Prophet Muḥammad but should be collected from adult males above puberty.[157]

Like other jurists, Ben Shemesh states that the amount of *jizya* is the same as imposed by 'Umar I but he adds that it could be paid in kind. He argues that this amount should not be increased but it could be decreased if the person liable was unable to afford it.[158] It was assessed at three different rates in line with the economic condition of each individual male above puberty.

Al-Nawāwī, a Shāfi'ī jurist, says that if they were rich it should be four *dīnārs* otherwise, it should be two *dīnārs* or more.[159] Another jurist of the same school maintains that this amount could be raised if the People of the Book agreed to it, otherwise it should remain at one *dinār*.[160]

The Ḥanbalī jurist Ibn Qudāmah has two opinions about the amount of *jizya*. Firstly, it should be levied according to the practice of Prophet Muḥammad and 'Umar I who imposed it in the presence of some of the companions and it went unopposed. Secondly, the amount of *jizya* should be left to the discretion of the *imām* who has the right to increase or decrease

---

[155] Al-Jaṣāṣ, op. cit., 3:117.
[156] Al-Qurashī, Yaḥyā, b. Ādm. *Kitāb al-Kharāj.* Cairo: al-Maṭba'ah al-Salafeiyyah wa Maktabātihā, 1347 AH., p.73
[157] Al-Shāfi'ī, op. cit., 6:248.
[158] Al-Qurashī, op. cit., pp.23,70, 84.
[159] Al-Imām al-Nawawī, op. cit., 4:221.
[160] Al-Rāzī, Muḥammad b. 'Umar. *Al-Tafsīr al-Kabīr (mafātīḥ al-Ghayb)*, Beirut: Dār al-Kutub al-'Ilmiyyah, 16:26.

it.[161] Al-Kasānī explains that the amount of *jizya* should be levied according to its type. Thus, *jizya* levied through mutual agreement is set by the articles of this agreement. Secondly, *jizya* imposed by the *imām*'s force should be forty-eight *dirhams*[162] on the rich, twenty-four on the middle class, and twelve on the poor.[163] The Ḥanafī jurist Abū Yūsuf states that the lower and upper limits are set by `Umar in his letter to `Uthmān b. Ḥanīf in Kūfa. According to this, a rich man must pay forty-four *dirhams*, a man of average wealth must pay twenty-four dirhams, and a poor man twelve dirhams. He says that the *imām* is bound by this and cannot alter it and the amount should be collected annually.[164] This included three different classes of people: poor, middle-class and rich. Furthermore, Abū Yūsuf classifies the amount of this tax according to each person's profession. For merchants, physicians, tailors and artisans, *jizya* is measured according to the profit he makes. Thus, it should be forty-eight *dirhams* for the wealthy, twenty-four for the middle class, and twelve for the poor labourers.[165] Dennett claims that a similar classification could be found in the Sassanids Empire before Islam. He argues: "a sharp distinction was thus made between the privileged class consisting of the ruling, military, priestly, and educated aristocracy and those who were ruled."[166] It is related that Constantine, the Patriarch of Syria, asked 'Umar to impose a tax and the latter imposed forty-eight *dirhams* for the rich, twenty-four for the middle class and twenty for the poor. Ibn Rushd confirms that the amounts levied by 'Umar: four *dīnārs* for those who pay in gold and forty *dirhams* for those who pay in silver.[167] It should be noted that Sunnī jurists do not agree on the amount of *jizya*. According to Ibn Rushd, this disagreement is attributed to the variations of the traditions that refer to this issue.[168] Dennett maintains that each male between

---

[161] Al-Mughnī, 13:pp. 209-210.
[162] The silver unit of Arab monetary system from the rise of Islam down to the Mongol period. It falls between 4.11-4.15 grams. See *the Encyclopaedia of Islam.*(*dirham*) Leiden: E.J.Brill, 1965, II:319-320.
[163] Al-Kasānī, op. cit., 9: 444.
[164] Abū Yūsuf, op. cit., pp.,36, 122.
[165] Ibid, 124.
[166] Dennett, op. cit., p.15.
[167] Wahba, p. 484.
[168] Ibid.

the age of twenty and fifty was compelled to pay *jizya* of four and twelve *dirhams.*[169]Abū 'Ubayd refutes this claim and states that the amount was estimated according to the People of the Book's capability to pay. He affirms that this amount did not exceed one *dinār* unless the person was able to afford more. In his comment on the measures introduced by 'Umar, Abū 'Ubayd states: "Had 'Umar known that *jizya* was at the rate prescribed by the Prophet, he would not have changed it.[170]

Arnold argues that this amount should not constitute a burden and in return it released the People of the Book from compulsory military duty undertaken by Muslims: the collectors of the *jizya* were instructed to show leniency and refrain from all harsh treatment of the infliction of corporal punishment, in case of non-payment.".[171]. Historical sources show that the collectors of this tax showed sympathy and leniency towards those who paid such a tax.

Other authors such as 'Āmer[172] and al-Memmī[173] argue that there is no fixed amount of *jizya* and it should be left to the discretion of the *imām.* This amount varied from place to place according to the economic condition. Doi agrees and maintains that the amount of *jizya* is not fixed but it is set by ruling authorities of the time.[174] Al-Ṣallābī states that the amount of this tax was not levied due to the varying economic conditions. He added that it would be accepted if it was paid in kind such as crops and cattle.[175] Thus, collecting this tax took into consideration the capability of the People of the Book.

The last thing that should be considered is upon what kind of commodities should *jizya* be levied? The Ḥanbalī and Shāfi'ī schools say that *jizya* can be levied on all kinds of wealth. The proof on which they rely is the *ḥadīth*, which specify that the amount of *jizya* is one *dinār* or its equivalent. On this issue, Ben Shemesh comments: "it is collected once a year and it could be paid in kind, i.e. in beasts of burden, goods and similar property which is accepted

---

[169] Dennett, op. cit., p.15 .
[170] Abū 'Ubayd, op. cit., p.25.
[171]Arnold, op. cit., pp.59-60.
[172] 'Āmer,op. cit., p.300.
[173] Al-Memmī, Ḥassan . *Ahl al-Dhimmah fī al-Ḥaḍārah al-Islāmiyyah.* Beirut: Dār al-Gharb al- Islāmī, 1998,
[174]Doi, Abdur Rahman I. *Non-Muslims under shari'ah (Islamic law)*, London: Ta Ha publishers Ltd, 1983, p.59
[175] Al-Ṣallābī, op. cit., 340.

according to its value."[176] Abū Yūsuf also states that *jizya* could be paid in kind as it was the case of the Christians of Yemen and Najrān when both of them paid in cloth to Prophet Muḥammad.[177] Muslim jurists agreed that the amount of *jizya* should not be taken from some articles that Islam prohibits such as wine and pork. However, Abū Yūsuf says that these articles could be sold and the sum raised could be used for *jizya*, as was the case with the Caliph 'Umar.[178] One could argue that the amount of this tax does not differ from one school to another. The only difference is the method by which it can be collected. Abū 'Ubayd mentions that the value of one *dinār* equals ten or twelve *dirhams* during his time and he adds that the tax should be estimated according to the economic capability of the people.[179] It is argued that the first Islamic state showed leniency towards the payment of this tax as it was possible to pay it in instalments or the payment itself could be postponed until better conditions were met. [180]

### 3.8.4 When is *jizya* due?

This part will show when this tax is due in the opinion of Muslim jurists. The Mālikī jurist Ibn Rushd maintains that it is due after the completion of one full lunar year.[181] Al-Kasānī, a Ḥanafī jurist, agrees with the Mālikī School and adds that it was not collected after one full year.[182] The Ḥanablī jurist states that it should be collected at certain time and it should be treated as *zakāh* for Muslims.[183]

### 3.8.5 When is *jizya* waived?

#### 3.8.5.1 Conversion and death

There are instances in which *jizya* becomes invalid. Muslim Sunnī schools of law disagree

---

[176] Ben Shemesh, op. cit., p.84.
[177] Abū Yūsuf, op. cit., p.120.
[178] Ibid, op. cit., p.122.
[179] Abū 'Ubayd, op. cit., p.25.
[180] Lāshīn, Maḥmūd al-Mursī, *al-Tanẓīm Al-muhāsabī li al-Amwāl al-'Āmmah fī al- Dawlah al-Islāmiyyah,* Beirut: Dār al-Kitāb al-Lebnānī , 1977, p.129.
[181] Ibn Rushd, op. cit., p. 485
[182] Al-Kasānī , op.cit., 9:446.
[183] Ibn Qudāmah, op.cit., 13:212.

on the application of *jizya* in the case of conversion. The Ḥanafī jurist al-Kasānī argues that *jizya* is not to be taken in the cases of conversion to Islam or when the person liable for it dies. He quotes from the *ḥadīth* which says that Muslim must not pay *jizya*.[184] Abū Yūsuf, another Ḥanafī jurist, states that it should not be collected from a person who has converted to Islam until one full year has lapsed.[185] However, al-Shāfi'ī maintains that *jizya* is to be collected even if the non-Muslim converts to Islam.[186] Ibn Qudāmah, a Ḥanbalī jurist, and al-Imām Mālik argue that *jizya* is not collected if a *dhimmī* converts to Islam before one year lapses and it is invalid after that.[187] Ibn Qudāmah adds, in contradiction to the Ḥanafī School, that if a *dhimmī* dies, *jizya* is collected form his heirs. Abū 'Ubayd argues that if a *dhimmī* converts to Islam at the end of the year, *jizya* is not to be collected from him for that year.[188] The following illustrates this:

> Those individuals who preferred not to convert were required to pay a special tribute, usually in the form of a poll tax or head tax known as the *Jizya* . But those who chose to convert, in theory, would be placed on an equal fiscal footing with other Muslims.[189]

### 3.8.5.2 Failure of protection

The second case in which the payment of *jizya* becomes void is when a Muslim state fails to protect the People of the Book. This is shown by the example which occurred between Khālid b. al-Walīd and the people of Ḥīra during the Caliphate of 'Umar. Furthermore, the payment of this tax, according to Muslim jurists, must be returned to the People of the Book if a Muslim state proved to be unable to defend the People of the Book. Abū Yūsuf gives the following reports: "After getting on peaceful terms with the people of Syria and collecting the dues of the *jizya*, news reached Abū 'Ubaidah that the Byzantines had amassed their troops to attack him. He sent messages to the rulers of cities with whose citizens he had made peace, asking them to return to their subjects the paid dues of the *jizya*, with an instruction to tell

---

[184] Ibid, p.445.
[185] Ben Shemesh, op. cit., p.84.
[186] Ibid .
[187] Ibn Qudāmah , op.cit., 1:221..
[188] Abū 'Ubayd, op. cit., p.28.
[189] Encyclopaedia Britannica.

these: 'We hereby return to you the money you have paid us, because of the news of the enemy troops amassed to attack us, but, if God grants us victory against the enemy, we will keep up to the promise and covenant between us.'[190]

### 3.8.5.3 Elapse of time

The third case is the elapse of time. There is disagreement among Muslim jurists regarding this issue. Al-Kasānī the Ḥanafī jurist says that *jizya* is considered to be a type of *kharāj* which if it remains unpaid after one year, means that *jizya* is not levied that year but it will be taken the next year.[191]

### 4.8.5.4 Participation with Muslims in military activities

If *dhimmī* people fought alongside Muslims to defend Muslim lands, *dhimmī* are exempt from payment. On this issue Arnold comments: "it is very noticeable that when any Christian people served in the Muslim army, they were exempted from the payment of this tax.[192]

In addition to the four points listed above, there are other instances in which the payment of *jizya* becomes void. It should not be collected if a *dhimmī* becomes poor, unable to work or becomes old. An example of the last case is when 'Umar I found an old Jew asking for financial help. The Caliph gave an order that it should not be taken from the old people among Jews and Christians. Another example is what Khālid Ibn al-Walīd did with the people of Hira. He said, "When a person is too old to work or suffers a handicap, or when he falls into poverty, he is free from the dues of the pull tax; his sustenance is provided by the Moslem Exchequer." In his book "*al-Kharīj*," Abū Yusuf says, "No Jizya is due on females or young infants."

### 3.8.6 Who is exempted from paying *jizya*?

According to the Sunnī Muslim Schools of law, some categories of people are exempt from

---

[190] Abū Yūsuf, op. cit., p. 139.
[191] Al-Kasānī, op. cit.,9: 446.
[192] Arnold, op. cit., p. 61.

paying *jizya*. The Ḥanbalī School argues that the following types of people should not pay *jizya*. *Jizya* is not to be taken from young boys not yet at maturity, women, those who have chronic mental diseases, the blind, old people (as war is not waged against them), poor people, monks who dedicate their entire time to worship, and the Christians of banū Taghlib.[193] Al-Shāfi'ī agrees but argues that *jizya* should be taken from monks and old people.[194] Al-Māwardī., a Shāfi'ī jurist, maintains that all four Muslim schools of law agreed that those who have chronic mental diseases should not pay *jizya*. He further adds that *jizya* cannot be levied on boys, women, slaves, hermaphrodites, or lunatics.[195]

The Malikī School says that those listed by the Ḥanbalī are exempt from payment as well. As for monks, in agreement with the same school, if they communicate with people and do not dedicate their time for worship, they should pay it; otherwise, they are to be exempted.[196] The Malikī jurist Ibn Rushd states that there is disagreement about categories such as the insane, the crippled, and monks. These cases should be left to the discretion of the *imām* as they are a matter of *ijtihād.*[197] Al-Kasānī, a Ḥanafī jurist, asserts that *jizya* is not to be collected from women, young men who have not reached maturity, ill and old people, and the blind. He maintains that the tax should be taken from monks who are able to work, as they would also be able to fight.[198]

The Ḥanafī jurist Abū Yūsuf illustrates that it *jizya* should not be taken from the Christians of banū Taghlib, the Christians of Najrān, the poor, the blind, the crippled, and monks.[199] Agnides argues that anyone who does not have legal responsibility must pay *jizya* as he is not

---

[193] The reason for not taking *jizya* from banū Taghlib as the same author argues is that they were very powerful people and they told the Caliph 'Umar that they would not pay it as a tax but they can pay it as charity. The caliph made an agreement with them that they pay it as charity but he considers it Jizya . Ibn Qudāmah, op. cit., 13:224.

[194] Al-Shāfi'ī, op. cit., 4: 248-249.

[195] Al-Māwardī, op. cit., p.255.

[196] *Jizya* , *Jāmi' al-Fiqh al-Islāmi,* (on line) Availabel at: http://feqh.Al-islam.com/Display.asp?DocID=80&MaksamID=1&ParagraphID=401&Sharh=0, acessed 22nd Nov.2004

[197] Ibn Rushd, op. cit., p.484.

[198] Al-Kasānī,op. cit., 9:439-442.

[199] Abū Yūsuf, op. cit., p.122.

fit to defend the Muslim state.[200] Al-Shāfi'ī states that *jizya* is not collected from women, those who have not reached the age of maturity, and those who have mental illness.[201] Broadly speaking, *jizya* is imposed only upon men. Thus, it does not apply to women, children, and the insane. Muslim jurists say that if a woman happens to come to *dār al-Islām* and live there in exchange for the payment of *jizya*, she is allowed to reside in the land of Islam and *jizya* must not be collected from her.

### 3.8.7 *Jizya* today

Let us take a quantum leap forward to our own age and try to find an answer to this question: Are the People of the Book still obliged to pay *jizya* today in the same manner as before? It should be noted that there is a large number of the People of the Book who live within Muslim lands. Non-Muslim religions include Judaism, Christianity and even Buddhism. Nowadays, most of Muslim countries do not fully adhere to Muslim practices. The laws they use are derived from the colonial laws such as French civil law in Egypt. Such countries do not treat non-Muslims as the People of the Book, which may lead to the invalidity of imposing *jizya*. Broadly speaking, most Muslim countries today do not differentiate between Muslims and the People of the Book with regard to military service; this is main reasons for imposing *jizya*.

Zaidān argues that since *dhimmī* people undertake joint military activities with Muslims nowadays, they are no longer obliged to pay the tax. He maintains that the whole issue of *jizya* is irrelevant today.[202] Finally, *jizya* is mainly a balanced system constructed between Muslims and non-Muslims of Islamic states.

### 3.8.8 Is the *jizya* tax oppressive?

One question remains to be answered. Is the *jizya* oppressive or a punishment against the

---

[200] Aghnides op. cit., p.403.
[201] Al-Shāfi'ī, op. cit., 4:248.
[202] Muhitin, op.cit.

People of the Book, as some sources presume? This misconception might have come as a result of some meanings of this tax. If we consider one meaning that Ibn al-Qayyim reiterates, we find that *jizya* stands for punishment. Similarly, Lewis states: "the *dhimmī* must appear with bent back and bowed head, that the tax collector must treat him with disdain and even with violence, seizing his chin and slapping his cheeks, and the like."[203] Dennett illustrates "while in theory the poll tax was to compensate the royal and priestly duties they were unable to discharge, payment of the tax amounted to a badge of degradation and a mark of social inferiority."[204]

To the same effect, Goitein claims that this tax was the means to emphasise the second-class status of non-Muslims rather than an economic discrimination.[205] It would be illogical on the part of early Muslim leaders to harbour the intention of using *jizya* as a means to force the People of the Book to embrace Islam and, at the same time, to conclude with them a security pact which protected their possessions, crosses and churches, and to bind the covenant of protection to the Covenant of Allah, to the protection of His Messenger, and to that of the Orthodox Caliphs and the believers as will be seen in the next chapters.

If we take for granted that *jizya* is an oppressive tax, the following quotation shows the severe measures that were carried out by non-Muslim leaders when they entered Christian cities:

> "After six years of a war that was permeated by many setbacks, Hercules managed in 628 to recover Syria and the city of Raha, the homeland of his ancestors, which fell into the hands of the Persians after Khosrau II had overrun it (600-614), laying waste to it. He had invaded Damascus, terrorized its inhabitants, killing and imprisoning them, and destroyed the Church of Resurrection after looting its treasures and masterpieces among which was the real cross."[206]

To address the above-mentioned allegation about the imposition of *jizya* as an oppressive tax against the People of the Book, it should be noted that the choice was initially given to the People of the Book that either they pay *jizya* or fought.

---

[203] Lewis, Bernard. *The Jews of Islam.* Princeton, N.J: Princeton University Press, 1984, p.15.
[204] Dennett, op. cit., p.15.
[205] Goitein, op. cit., p.97.
[206] Hitti, Philip Khuri, *History of Syria: including Lebanon and Palestine*, London: Macmillan, 1951, p.3

This was based on the following: Firstly, it applies only to those who launch attacks against Muslims. Secondly, it is to fight rulers of conquered lands who prevent their subjects from adopting religions other than their own. Thus, the order that they would be fought or pay *jizya* is not a decisive judgment that should apply in all cases but it is a juristic decree that would result from the above-mentioned situations. In addition, Zaidān mentions that *jizya* is not punishment. Had it been so, it would have contradicted the Islamic principle that nobody should be obliged to accept Islam.[207] He adds that had it been punishment, it should have been imposed on all the People of the Book and nobody would have been exempt. No clear evidence shows that this tax was imposed to humiliate or punish the People of the Book since it was neither the practice of Prophet Muḥammad nor his companions.[208]

Similarly, Abū Yūsuf maintains that the People of the Book should not be beaten to collect money from them, nor made to stand under the heat of the sun, nor should any hateful thing inflict their bodies, but that they should be treated with leniency.[209] Commenting on this issue, Siddiqi states:

> Prophet Muhammad of Islam seems to have departed from the Persian and Byzantium systems of Poll tax but in this departure there seemed to be no desire to humiliate the non-Muslims or treat them as second class citizens.[210]

Doi states that this tax is not obligatory and it could be waived whenever it is necessary[211]. It could be argued that the problems raised by some writers is the imposition of tribute or *jizyah* on all non-Muslims. This institution has been so misinterpreted and misexplained that the non-Muslims feel that it is some kind of religious-based discrimination against them. This is not the case. All the *jizyah* amounts are to be a financial obligation placed upon those who do not have to pay *Zakāh*. In his comment on this issue, we find Arnold maintains:

> This tax was not imposed on the Christians, as some would have us think, as a penalty for their refusal to accept the Muslim faith. Rather, it was paid by them in common with the

---

[207] Zaidān, op. cit., p.147.
[208] Ibid, p.35.
[209] Abū Yūsuf, op. cit., p.123.
[210] Siddiqi, Mazheruddin. *Development of Islamic state and society,* Lahore: Institute of Islamic Culture, 1956, p. 35.
[211] Doi, op. cit., p.58.

> other dhimmis or non-Muslim subjects of the state whose religion precluded them from serving in the army, in return for the protection secured for them by the arms of the Muslims.[212]

Finally, this tax cannot be considered as punishment where we find that Islam does not compel the People of the Book to be Muslims nor does it compel them to forsake their own religion. It cannot be a punishment as this would contradict the practice of the Prophet and his companions with the People of the Book. It might be argued that Islam levied *jizya* on both Jews and Christians which would accordingly lead to discrimination against them. This tax, as it has been stated in the foregoing pages, is not an Islamic invention but it was levied on different nations before the emergence of Islam.

### 3.8.9 The purpose of imposing this tax

It is necessary to understand why this tax was imposed. In other words, why should the People of the Book pay it? The imposition of this tax is primarily based on the Qur'ānic verse (9:29). Al-Sarkhasī comments that the reason for imposing *jizya* is because non-Muslim adults are eligible for military service and *jizya* should be paid every year exactly as Muslims pay *zakāh.*[213] Al-Qaraḍāwī argues that it is a small amount of money imposed on adult men from the People of the Book according to their wealth. He maintains that it is generally a substitute for two Muslim duties namely *zakāh* and *jihād* and since these two duties are peculiar to Muslims, Non-Muslims are not required to carry them out.[214]

Furthermore, 'Abd Allāh states that it is a levy that non-Muslims had to pay to a Muslim state for ransoming their lives and thus it represents surrender.[215] Zaidān argues that *jizya* is paid in return for protection enjoyed by the People of the Book in a Muslim state. He adds that Islam did not order the People of the Book to defend its lands, and hence this tax

---

[212] Arnold, op.cit., pp.60-61

[213] Al-Sarkhasī, Muḥammad b. Aḥmad. *'Uṣūl al-Sarakhsī*, Abū Bakr Muḥammad b. Aḥmad b. Abū Sahl, Beirut: Dār al-Kutub al-'Ilmiyyah, 1993, p.108.

[214] Al-Qaraḍawī, op. cit., PP.34,61.

[215] 'Abd Allāh, M Yāsīn . *Ahl a-Islām wa ahl al-Dhimmah.* Cairo: publisher is not mentioned, 1998, p.48

becomes invalid if they fight alongside Muslims[216]. Thus, it is again in return for their protection and security.[217] Manaan comments: "it is a tax which was imposed on non-Muslims in return for the guarantee extended to them by an Islamic state for the protection of their lives, properties, religious rights and for their exemption from military service."[218] According to al-Qaraḍāwī, the significance of paying *jizya* is in return for public services that the People of the Book benefit from living in the Islamic state. They should contribute towards expenses as Muslims pay different kinds of taxes.[219]

Muḥammad demonstrates that since *dhimmī* became citizens of an Islamic state and it is only Muslims who should defend such a state, both Jews and Christians had to pay this tax.[220] In addition, Siddiqi shows the purpose of payment of this tax: "non-Muslims enjoyed double benefit i.e. exemption from military service and the guarantee given to them by the state for the protection of their person, property, religious rites, and honour."[221] Lūqā asserts that as it is paid instead of military service which neither Jews nor Christians can partake, it is a tax of defence and security for a Muslim state.[222] It is maintained that this tax was collected to guarantee the safety of the People of the Book in the conquered lands.[223] AbūSulaymān states that the purpose of imposing *jizya* is to guarantee the freedom of faith to the People of the Book.[224]

Let us now look at this issue from the Western point of view. Margoliouth states that there is no much difference between *jizya* and *kharāj*. Thus, he maintains: "for the difference between the tribute paid by the Christians and the alms paid by Moslems might seem to be purely a

---

[216] Zaidān, op.cit., p.144.
[217] Ibid.
[218] Mannan, Muhammad Abdul. *Islamic economics: theory and practice*. Boulder: Westview Press, 1987, p.246.
[219] Al-Qaraḍawī, Yūsuf. G*hayr al-Muslimīn fī al Mojtnma' al- Islāmī.* Cairo : Maktabat Wahbah, 1992, p.36.
[220] Muḥammad, op.cit., p.53.
[221] Siddiqi, Amir Hasan. Non-*Muslims under Muslim rule and Muslims under non-Muslim rule*. Karachi: Jamiyatul Falah Publications, 1969, p.11.
[222] Lūqa, Nẓamī. *Umar Ibn al-Khaṭṭāb al-Baṭal wa al-Mathal wa al-Rajul*, Cairo, Maktabat Gharīb, 1983, p.205.
[223] Aslan, op.cit., pp.1-2.
[224] AbūSulaymān, 'Abdul Ḥamid. *Towards an Islamic theory of international relations : new directions for Islamic methodology and thought*. Herndon, Va: International Institute of Islamic thought, 1993, p.27.

difference in name."[225] Furthermore, Dennett argues that *jizya* was to compensate for the royal and priestly duties that the People of the Book were unable to discharge.[226] Goitein explains: "it is repeatedly stated in Jewish and Muslim sources that payment of the poll tax was sometimes a benefit because it designated that a payer as a "protected" person whose life and property were safeguarded."[227] Sometimes the People of the Book had to pay it in order to enjoy protection and to remain unmolested. Margoliouth argues: "certain communities were to be allowed to remain outside the Muslim brotherhood, unmolested on condition of their paying tribute."[228] Arnold argues that it is to release the People of the Book from the military service that is incumbent on their Muslim fellows.[229]

---

[225] Margoliouth, D. S. *The early development of Mohammedanism: lectures delivered in the University of London in May and June 1913*, London : Williams and Norgate, 1914, p.100.
[226] Dennett, op.cit., p.15.
[227] Goitein, S. D. *Jews and Arabs: their contacts through the ages* New York: Schocken Books, 1974, p. 97.
[228] Margoliouth, op. cit., 99.
[229] Arnold, op. cit., p.59.

# Chapter Four: Land tax (*kharāj*) and tithe (*'Ushr*)

## 4.1 Introduction

*Kharāj* (land tax or tax on agricultural land) was among the issues that were important during the early and medieval centuries of Islam. This was due to the fact that as the territories of the Islamic empire expanded, the cost of managing and administering the state increased correspondingly. Hence, a number of works had been written on *kharāj* and taxation policies. The works differ in certain aspects; some are judiciary works (like that written by Abū Yūsuf), while others are simply collections of traditions on *kharāj* or works that described the ways through which this tax was collected and accounted for (like that written by al-Qurashī). This chapter will deal with another form of taxes, *kharāj*. The origin of this tax and when it started is an important issue.

## 4.2 Etymology

According to *lesān al-'Arab*, *kharāj* is derived from the infinitive *kharj* which means outcome or the tribute that people pay annually from their wealth.[1] The *Encyclopaedia of Islam* states that *kharāj* is derived via Syriac from the Greek.[2] Al-Zubaidī claims that *kharāj* means a certain amount of money that people pay according to their wealth.[3] Yet, it can also mean outcome and the origins of this word is found in the Holy Qur'ān at verse 22:73.[4] *Kharāj* means either outcome or hire and it stands for what should be given out of produce of the land.[5] Lane explains, "a tax or tribute which is taken from the property of people; which is given forth yearly, a tax upon land, or grain derived from land."[6] Some jurists used the word *kharāj* to refer to *jizya*, for example, Abū Ḥanīfah said that no *dhimmī* should be left in the

---

[1] Ibn Manẓūr, Jamāl al-Dīn Muḥammad b. Makram. *Lesān al-'Arab*. Beirut: Dār Ṣādir; Dār Bairūt, 1955, 4: 459.
[2] See the *encyclopaedia of Islam*, (Kharāj) Vol.4, new edition, Leiden: E.J.Brill, 1965, p.1030.
[3] Al-Zubaidī, Muḥammad Murtaḍā al-Ḥusaynī, *Tāj al-'Arūs*, Maṭba'at Ḥukūmat al-Kuwayt, 1965, 5:519.
[4] Yaqūt al-Ḥamawī, *Mu'jam al-Buldān*, (on line) Available form : http://www.alwaraq.com/, Accessed 25th December 2005.
[5] Al-Māwardī, Abū al-Ḥassan 'Alī b. Muḥammad b. Ḥabīb al-Baṣrī, *Al-Aḥkām al-Sulṭāniyyah wa al-Welāyāt al-Dīniyyah*. Beirut: Dār al-Kitāb al-'Arabī, 1990, p.262.
[6] Lane, Edward william. *Arabic-English lexicon.* New York: Frederick Ungar Publishing Co, I:1: 719

land of Islam without paying *kharāj* denoting *jizya.*[7] Some authors state that *Kharāj* is mentioned either directly or indirectly in some *'uhūd al-Amān* (covenants of peace), especially those in Iran.[8] Abū 'Ubayd claims that the nomad Arabs used *jizya* to denote rent and seed produce.[9] According to Ibn Rajab, *kharāj* means the money that should be collected and paid at specific times[10]. It is argued that the word denoted tax in general and was found with reference to various specific taxes.[11] Zaidān claims that it could have other meanings than tax such as outcome and spoils of war, and it only came to denote tribute during the Umayyad caliphate.[12]

When *kharāj* is used to mean tax, it specifically refers to land tax. Furthermore, Tabātabā'ī argues that the *imām* has the right to levy some taxes if it would be in the interest of Muslims. He illustrates: "Sunnī scholars hold that the *imām* has the authority to levy any new tax within the bounds of the interests of the Muslim community, and that *kharāj* is an instance of this general rule."[13]

*Kharāj* has both a general meaning and a specific one. As for the former, it means the money that a Muslim state takes from non-Muslims and gives it to those who need it, the latter one means that tax which a Muslim leader imposes on productive lands.

Yet, Al-Māwardī mentions that the word refers to an outcome or wage in Arabic and it is the tax that should be taken from lands as duties. He further adds that the payment of this tax depends on juristic reasoning.[14] In addition, the word stands for tribute and generally means an amount of money, which is imposed on lands.[15]

---

[7] Zaidān, 'Abd al-Karīm, *Aḥkām al-Dhimmiyyīn wa al-Musta'manīn fī dār al-Islām*, Baghdad: Baghdad University press, 1963, p.158.

[8] A.A, Narimān. *Mu'āmalat ghayr al-Muslimīn fī al-Dawlah al-Islāmiyyah.* Cairo: al-Hay'ah al- Miṣriyyah al-'Āmah li al-Kitāb, 1995, p.,53.

[9] Abū 'Ubayd, Al-Qāsim b. Sallām, *Kitāb al-Amwāl,* Beirut: Mu'assasat Nāṣer li al-Thaqāfah, 1981, p.39.

[10] Ibn Rajab, 'Abd al-Raḥman b. Aḥmad. *Al-Istikhrāj li aḥkām al-kharāj.* edt, 'Abd Allāh al-Ṣiddīq. Beirut: Dār al-Ḥadāthah, 1982, p.7.

[11] Ibid.

[12] Al-Rayyis, M. Ḍ, Al-Kharāj wa al-Nuẓum al-Māliyyah fī al-Dawlah al-Islāmiyyah, Cairo: Dār al-Ma'āref, 1969, p.9.

[13] Tabātabā'ī, H. Modaressi. *Kharāj in Islamic law.* London: Anchor Press Ltd, 1983, p. 83.

[14] Al-Māwardī, op. cit., p.262.

[15] Zaidān, op. cit., p.158.

A recent translation of one of the classical Arabic books shows that it is a divinely sanctioned payment that unbelievers should pay to Muslims.[16] Barakāt argues that *kharāj* means a tax levied on lands, the amount of which could increase as state expenses increase.[17] It is the tax that People of the Book had to pay for their fruits and lands and it has the same significance as *jizya*.[18] The same source adds that Arabic technical literature used it to specifically denote land tax, at least before the formation of the Ottoman Empire.[19] Once more, Ye'Or states that: "this tax represents the Islamic community's of ownership over the conquered lands of non-Muslim peoples."[20] It is worth noting to say that this tax was subject to different interpretations at different times.

The word *kharāj* is the *Ṣadaqah* (charity) of the land.[21] Johansen argues that *kharāj* is a tax that the private proprietors of landed property should pay.[22] According to Islamic law, payment of this tax acknowledges the state-held title to ownership of conquered lands.[23] Finally, it is:

> The origin of the concept of the *kharaj* is closely linked to changes in the status of non-Muslims and of recent converts to Islam in newly conquered Islamic territories. The indigenous Jewish, Christian, or Zoroastrian populations of these territories were permitted either to convert to Islam or to maintain their previous religious affiliations.[24]

## 4.3 *Kharāj* in pre-Islamic times

As stated in Chapter three *jizya* was implemented by other nations before Islam. The same can be said with regard to *kharāj*. Al-Qurashī maintains: "we heard that our land was in the hands of the Nabts who used to pay *kharāj* to the Persians when the latter conquered their lands. When Muslims defeated the Persians they surveyed the lands and imposed *kharāj*."[25]

---

[16] Wahbah, H.W. *The ordinances of government*, A translation of *al-Aḥkām al-Sulṭāniyyah wa al- Welāyāt al-Dīniyyah*. Trans. Beirut: Grant Publishing Ltd, 1996, p.158.
[17] Barakāt, 'Abd al-Karīm Sāḍīq. *Al-Iqtiṣād al-Mālī al-Islāmī : Dirāsah muqāranah bi al-Nuẓum al-Waḍ'iyyah.* Alexandria: Mo'assast Shabāb al-Jāmi'ah, 1984, p.565.
[18] Narimān, op. cit., p.53.
[19] 4:1031, op. cit..
[20] Ye'Or, Bat. *The dhimmi, Jews and Christians under Islam*, NJ: Associated University Press, 1985, p.52.
[21] LØkkegaard, Frede. *Islamic taxation in the classic period.* Copenhagen: Branner & Korch, 1950, p. 78.
[22] Yohansen, Baber. *The Islamic law on land tax and rent.* London: Croom Helm, 1998, p.7.
[23] Ibid, p. 8.
[24] Encyclopaedia Britannica, CD-Software.
[25] Al-Qurashī, Yaḥyā, b. Ādm. *Kitāb al-Kharāj.* Cairo: al-Maṭba'ah al-Salafiyyah wa Maktabātihā, 1347 AH, pp.

Ibn Rajab asserts that the origin of this tax goes back to the era of Persian Kings when they initially imposed it on the Sawād[26] of Iraq.[27] Tabātabā'ī states that *kharāj* comes from the Persian language and ultimately from Akkdian, through Persian from Aramaic, or via the Syriac language from Greek. He writes: "it was used in the same way in Persian, namely in general usage in the sense of tribute or taxes, and in the specific legal usage in its technical meaning of land tax."[28] Besides, Tabātabā'ī further comments: "the pattern of land tax followed by the caliphs in the Eastern provinces was generally that of the Sassanids. Kharāj as a land tax had a long development in that empire."[29] Baynes states that an equivalent system of land tax prevailed in the Byzantine Empire. He argues "thus the main structure which supported the whole structure of the Byzantine finance was the land tax: everywhere it was enforced with uncompromising severity."[30] In addition, Runciman deals with the same issue and states that there was a taxation during the Byzantine Empire similar to that of *kharāj*. He explains: "the fundamental land-tax, the *zeugaratikion,* was based according to the value of the land as it was assessed every fifteen years, the first year of each indication."[31]

Al-Rayyis reiterates the same opinion and adds that the Byzantine Empire imposed different kinds of taxes but the most important of which was the land tax. Initially *kharāj* had to be paid in cash but, later it was paid in kind.[32] Al-Rayyis further states that kings of Persia divided crops with the landholders by taking one-tenth or half of the harvest.[33] *Kharāj* was called *tributum* among the Romans and it was levied on the Persians at the time of Anūshirwān (531-579).[34] It can therefore be presumed that *kharāj* is not only confined to Islam but can also be found in other religion and states.

---

21-22.

[26] The territory included lengthwise between Hadithah and 'Abbadan both on the Euphrates, and in breadth between the streams 'Udhayb near Kufah, and Hulwan. Aghnides, op. cit., p. 363 .

[27] Ibn Rajab, op. cit., p.11.

[28] Tabātabā'ī , op.cit., p.1-3

[29] Ibid 28.

[30] Baynes, Norman Hepburn. *The Byzantine Empire*. New York : AMS Press, 1977, p. 99.

[31] Runciman, Steven, *Byzantine civilisation.* London: E. Arnold & co., 1933, pp. 96, 97.

[32] Al-Rayyis, op. cit., p.49.

[33] Ibid .

[34] Siddiqi, op. cit., p. 35.

The following verse shows that it was applicable among the Jews:

> Furthermore, the king should know that if this city is built and its walls are restored, no more taxes, tribute or duty will be paid, and the royal receive venues will suffer. **Ezra 4:13**

The word tribute in this context is translated as land tax, which shows that this tax was levied long before Islam.

## 4.4 The basis of *kharāj* in the Qur'ān

After searching the Qur'ān deeply, only two verses have been found to refer to the word *kharāj*:

> "Shall we then render thee tribute in order that thou mightest erect barrier between us and them." **18:94**
>
> "Or is that thou askest them for some recompense? But the recompense of they lord is best: He is the best of those who give sustenance." **23:72**

Exegetes do not have much to say about the meaning of *kharāj*. In agreement with the readings of the Qur'ān, the word in the first verse could be read as *kharj* or *kharāj* and means an amount of money that a person has to pay as revenue from his land, land tax, or everything that a person pays out of his wealth.[35] In agreement with some exegetes, the second verse means wage or price rather than land tax. Al-Qurṭubī says that the word in the first verse means tax, *fay'*, or *jizya* while the second verse refers to wage or sustenance.[36] He adds that scholars agree that it only applies to those who are able to fight. In his comment on the first verse, al-Ṭabarī expresses the opposing view and says that the word *kharāj* in the first verse means wage and in the second verse, it means the amount of money that should be paid from one's wealth.[37] Like other commentators, Ibn Kathīr affirms that both words mean great reward.[38]

---

[35] Al-Shawkānī, Muḥammad b. 'Alī b. Muḥmmad. *fatḥ al-Qadīr al-Jāmi' bayna fannay al-Derāyah wa al-Rewāyah min 'ilm al-Tafsīr*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1996, 3:612.

[36] Al-Qurṭubī, Muḥammad b. Aḥmad, d. 1273, *Al-Jāmi' li 'aḥkām al-Qur'ān*, Cairo: Dār al al-Kutub al-Miṣriyyah, 1933-1950, 11:141.

[37] Al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr, *Tafsīr al-Ṭabarī al-Musamā jāmi' al-Bayān fī ta'wīl al-Qur'ān*, Beirut: Dār al-Kutub al-'Ilmiyyah, 1999, 13:98.

[38] Ibn Kathīr, Ismā'īl b. 'Umar b. Kathīr al-Qurashī al-Demashqī, *Tafsīr al-Qur'ān al-'Aẓīm*, Beirut: Dār al-

Al-Qāsimī states that the word in the first verse means an amount of money that people should give out and the second verse means giving.[39] Al-Syūṭī shares the same opinion and says that the two words have similar meanings.[40]

## 4.5 The concept of *kharāj* in *ḥadīth*

This section will show the existence and meaning of *kharāj* in the traditions of Prophet Muḥammad. The word *kharāj* is not very common in the *ḥadīth* collections. It can be argued the *aḥādīth* which refer to *kharāj* focus on a few issues that might not necessarily deal with the tax itself. The first example shows that this tribute was levied in the early days of Prophet Muḥammad. The *ḥadīth* reads:

> On the authority of Mālik through Ḥumaid that Anas b. Mālik said: Allāh's Messenger got himself cupped. His cupper was Abū Ṭaibah and he (Prophet Muḥammad ) commanded to give him (Abū Ṭaibah) one *ṣā'* (an old Arabic measure) of dates. He (Prophet Muḥammad ) talked with the members of his family and they lightened the burden of *kharāj* (tax) from him.[41]

Although this *ḥadīth* refers to the existence of *kharāj*, it does not necessarily mean that the tax was applied during Prophet Muḥammad's time. It is merely an example to show the basis of the word in *ḥadīth* and it could have been developed during reigns of different Muslim caliphs. Tabātabā'ī affirms the same opinion and states: "to prove the validity of *kharāj* as a land tax, *Sunni* jurists usually resorted to the consensus of the Prophet's companions."[42]

Another example that refers to *kharāj* is the following *ḥadīth*:

> On the authority of 'Urwa through his father said that Prophet Muḥammad judged that kharāj is due because of the guarantee (That the seller gives to the buyer).[43]

According to the explanation of this *ḥadīth*, *kharāj* here deals with a different theme, namely

---

Kutub al-'Ilmiyyyah, 1988, 4:401.

[39] Al-Qāsimīi, Jamāl al-Dīn. Muḥammad, *Tafsīr al-Qāsimī al-musammā maḥāsin al-Ta'wīl*, Beirut: Dār al-Kutub al-'Ilmiyyah, 1997, 7: 67, 297.

[40] Al-Syūṭī, Jalāl al-Dīn 'Abd al-Raḥmān b. Abū Bakr, *Al-Durr al-Manthūr fī al-Tafsīr bi al-Ma'thūr*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2000, 4:25.

[41] Al-Bukhārī, op. cit., *Kitāb al-Buyū'*, No.1960, Harf Encyclopaedia CD-ROM of Hadith,, version 2. Cairo: 2001. Muslim, Ibid, *Kitāb al-Ber wa al-ṣelah wa al-'Adab* No.4733.

[42] Tabātabā'ī, op. cit., p.84 .

[43] Al-Termidhī, op. cit., *bāb al-Buyū'*, No. 1207.

if somebody bought something and found it to be defective, the buyer has the right to return it to the seller. The *ḥadīth* could also deal with the issue if somebody buys a slave, and imposes upon him the task of producing a revenue for a time, and then may discover in him a fault that the seller had concealed; wherefore he has a right to return him and to receive the price of the slave back. It has been stated in the previous chapter that there are some *aḥādīth* that forbid Muslims from making the People of the Book suffer because of not paying taxes. The same an be said with regard to *kharāj*. The passage runs as follows:

> On the authority of 'Urwa through his father that Hishām b. Ḥakīm b. Ḥizām happened to pass by some people in Syria who were standing under the heat of the sun and olive oil was being poured upon their heads. He said: What is this? It was said: They are being punished for (not paying) the *kharāj*... Thereupon he said: I heard the messenger of Allāh saying that: Allāh would punish those who torment people in this world (without any genuine reason).[44]

This *ḥadīth* affirms a decisive principle that none of the People of the Book should be harmed when paying *kharāj* but this tax should be collected with justice and clemency. None of the reports prove that Prophet Muḥammad or any of his companions used harsh methods for collecting taxes.

### 4.6 How is *kharāj* viewed by jurists?

*Kharāj* applies to lands that could be cultivated or reclaimed. Unlike *jizya, kharāj* is paid by both Muslims and non-Muslims alike. This tax was initially applied to non-Muslims, though it was later extended to include Muslims as well. It is based on three primary criteria: quality of the land, type of crops cultivated, and type of irrigation used. Thus, land irrigated by rains is distinguished from land irrigated by channels or by the aid of mechanical equipment. Jurists have different thoughts about this tax. It can refer to everything that the lands produce. It might also mean tribute, land tax, land wage, and tax that people have to

[44] Muslim, op. cit, *Kitāb al-Ber wa al-Ṣelah wa al-'Adab*, No.4733.

pay out of their own money.[45] The authenticity of this tax, as Tabātabā'ī argues, is rested with the *imām*. He further states: "many jurists held that authority is exclusively vested in the *imām* who is upright and a complete scholar in jurisprudence."[46]

### 4.6.1 The divisions of land according of *kharāj*

Abū 'Ubayd mentioned that he found reports from Prophet Muḥammad and the four Caliphs that the land of *kharāj* should be classified into three categories. Firstly, for those who have converted to Islam, *kharāj* is not collected but only *'ushr* applies. Secondly, for lands which were conquered, through a mutual agreement a specific amount of *kharāj* is collected. Holders of such lands should only pay this amount which should not be altered. The third category is lands that Muslims conquered by force. Jurists disagreed whether they should be considered as spoils of war or left to the discretion of the *imām.*[47] Like other jurists, al-Imām Mālik states that there are two kinds of the land of *kharāj* and adds that the *'unwah* (land which was taken by conquest) becomes *waqf* (endowment) for Muslims and it should not be distributed among warriors.[48]

Ibn al-Qayyim maintains that the land is divided into six types. These divisions are as follows:[49]

1. Barren lands cultivated by Muslims. Muslim schools of law agree that *kharāj* is not collected form this land but only *'ushr* applies.

2. Land whose owner willingly accepted Islam. This becomes the property of the assignee and only *'ushr* is collected from him. Examples are the lands of Madīnah, Yemen, and Tā'if.

3. Land which Muslims took by force (*'unwatan*). It could either be left to Muslims as spoils of war and no *kharāj* should be taken but only *'ushr*, or the *imām* has the choice to impose

---

[45] *Jāmi' al-Fiqh al-Islāmī*, (on lone) Available at: http://feqh.Al-islam.com/Display.asp?Mode=1&DocID=100&MaksamID=1406&ParagraphID=7617&Sharh=0&HitNo=12&Source=1&SearchString=G%241%23%C7%E1%CE%D1%C7%CC%230%230%230%23%23%23%23%23, accessed 17th May 2005.

[46] Tabātabā'ī, op. cit., pp. 158-159.

[47] Abū 'Ubayd, op. cit., p.31.

[48] Mālik, b. Anas b. Mālik, *Al-Mudawanah al-Kubrā*, place, publisher, date are not mentioned, 3:280.

[49] Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr, *Aḥkām ahl al-Dhimmah,* Beirut: Dār al-Kutub al-'Ilmiyyah, 1995, 1:90-94.

*'ushr* or *kharāj*.

4. Land which non-Muslims took through peaceful treaties with Muslims. In this case, *kharāj* resembles *jizya* where it becomes void if the holder of the land converts to Islam. The holder of the land can sell it or handle it in any way he likes.[50] In practice, this type does not existent but is a legal presumption.[51]

5. Land whose holder has left it without fighting. It is similar to that of '*unwah* where *kharāj* would apply. According to Ibn al-Qayyim and other jurists, the condition of this land cannot be changed whether the owner was a non-Muslim or converted to Islam.[52] 6. Land whose holder transferred its ownership to Muslims. It is like *'unwah* land where it becomes as *waqf* for Muslims and its holders should pay *kharāj*. He should pay this tax even if he converts to Islam. Al-Rayyis argued that jurists agreed on the *ṣulḥ* land but they disagreed on the *'unwah* land and its amount.[53] According to other jurists, the number of classifications may be different. Ibn Qudāmah mentions that there are only two kinds of land relevant to *kharāj*. Firstly, land taken by mutual agreement which should remain in the holder's possession. *Kharāj* taken from such lands is similar to *jizya*, namely it becomes void if the holder of this land converts to Islam.[54] Secondly, the *'unwah* land should remain the Muslims' own land. *Kharāj* is taken from this land whether the holders are Muslims or non-Muslims.[55] According to Ibn Zanjoyah, an example is the case when Prophet Muḥammad conquered Khaybar.[56] The Shāfi'ī jurist al-Maqdisī maintains that the land of *kharāj* is divided into three parts. The first kind is land has been conquered by force. The *imām* has the choice whether to distribute it and there will be no *kharāj* or to make it an endowment and then *kharāj* must be collected. The second kind is land which has been forfeited by its holders due to defeat or fear and it

---

[50] Ibid.
[51] Tabātabā'ī, op. cit., p.106.
[52] Ibn al-Qayyim, op. cit., 1:94.
[53] Al-Rayyis, op. cit., p. 128.
[54] Ibn Qudāmah, Abū Muḥammad 'Abd Allāh b. Aḥamad al-Maqdisī, *Al-Moghnī*, Saudi Arabia: 1419A.H-1999A.D, 4:186-187.
[55] Ibid.
[56] Ibn Zanjowayh, *Al-Amwāl, ,Kitāb futūḥ al-'Arāḍīn,* (on line), Available at: http://www.sonnh.com/Hadith.aspx?HadithID=163800, accessed 27th April 2005.

becomes *waqf* land. The last kind is land which Muslims took through mutual agreement. The i*mām* has the choice to accept *kharāj* and it becomes *waqf* or it becomes the holder's own possession and *Kharāj* is levied.[57] Finally, the Shī'ite scholar al-Karkī states that the divisions of the land in respect of *kharāj* are as follows: First is the land which has been taken by force and becomes the spoils of war. It belongs to the Muslim state and the *imām* can neither distribute it among warriors nor make it as endowment. Second are lands whose holders became Muslims without fighting. It becomes their own and once cultivated, they would pay *'ushr*. Third is the land which non-Muslims took through mutual agreement with the *imām*. It is like *jizya* and the landholders pays s specific amount that the *Imām* stipulated. Lastly, land left by landholders or barren land that was revived by the *imām* becomes his own.[58] In conclusion as Tabātabā'ī argues, those lands whose inhabitants do not voluntarily become Muslims are considered as *kharāj* regardless of whether these lands were conquered through fighting or by a treaty.[59]

## 4.7 Types of *Kharāj*

This section will now show the types of *kharāj* itself. Jurists are unanimous that there are two types of *kharāj*:

### 4.7.1 (*kharāj al-Waẓīfah*) (*kharāj* on land and produce)

According to the *Encyclopaedia of Jurisprudence*, *kharāj al-Waẓīfah* is called *kharāj* of space (*kharāj al-Mesāḥah*) as well because the *imām* considers the space and the harvest of a certain land upon which *kharāj* is imposed.[60] Johansen explains this: "it is a fixed sum money whose amount depends on the size and quality of the land. It is furthermore a personal

---

[57] Al-Maqdisī, Mūsā b. Aḥmad, *Al-Iqnā' li ṭālib al-Intifā'*, 4 vols, Ryadh: Dār 'ālam al-Kutub, 1999, 2:107-109.

[58] 'Alā.A.al-Karkī. *Qāṭi'at al-Lujāj fī taḥqīq ḥal al-Kharāj,*( on line) Available at: http://www.Al-shia.com/html/ara/books/alkharajeyat/fehrest.html, accessed 21st July 2005.

[59] Tabātabā'ī, op. cit., p.112.

[60] *Jāmi' al-Fiqh al-Islāmī,* (on line) Available at: http://feqh.Al-islam.com/Bookhier.asp?Mode=0&DocID=100&MaksamID=1, accessed 17th May 2005

obligation and must therefore be paid by the owners."[61] The origin of this tax goes back to the time of 'Umar I and his practices with the people of Iraq.[62] Similarly, Ḥājjī states that land taxes started with the caliphate of 'Umar I especially during the conquest of Iraq, Egypt, Morocco, and parts of Africa. He further maintains that this tax did not exist during Prophet Muḥammad's time or the caliphate of Abū Bakr.[63] According to some jurists, the amount of this tax should be collected with regard to the size and products of the land. The holder of such land is obliged to pay this tax since this piece of land became his own even if it remains uncultivated. It is maintained that 'Umar I imposed on each *jarīb*[64] of land that could be cultivated a cost of one *qafīz*[65] and one *dirham*. The companions of Prophet Muḥammad did not oppose the opinion of 'Umar I.[66] According to Tabātabā'ī, this tax should be collected after one full year has passed.[67]

### 4.8.2 (*Kharāj al-Muqāsamah*) the proportionate *kharāj*

*Kharāj al-Muqāsamah* is related to the productivity of the land. The collection of this tax depends on the productivity of the land itself. Specifically, the owner is not required to pay *kharāj* if his land was ruined by drought, flood, etc. The difference between this type of tax and the previous one is that the former is levied once but the latter is repeated according to the times of cultivation.[68] In contrast to *kharāj al-Waẓīfah,* this kind of tax is not collected if the land was left idle.

It is stated that the amount of this type should be left to the discretion of the *imām*, but should neither exceed half of what the land yields nor should it be less than one-fifth.[69]

---

[61] Johansen, Baber. *Contingency in a sacred law: legal and ethical norms in the Muslim fiqh*. Leiden : Brill, 1999, p.15.
[62] Zaidān, op. cit., p.161.
[63] Ḥājjī, Ja'far 'Abbās. *Al-Madhhab al-Iqtiṣādī fī al-Islām.* Kuwait; Beirut: Maktabat al-Alfayn, 1987, p.41.
[64] A certain amount of space and it is ten *Qafīz* and it generally varies according to countries. *Tāj al-'Arūs*, op. cit., 3:147-148.
[65] A space of land and it is about 144 span, al-Bustānī, 'Abd Allāh, *Fākihat al-Bustān,* 2.vols. Beirut: The American Press, 1930, 2:1182.
[66] Ibid.
[67] Tabātabā'ī, op. cit., p. 185.
[68] Zaidān, op. cit., p.162.
[69] Lāshīn, Maḥmūd al-Mursī, *al-Tanẓīm al-Muḥāsabī li al-Amwāl al-'Āmmah fī al-Dawlah al-Islāmiyyah,*

In the same connection, Aghnides argues that this type of *kharāj* is related to the productivity of the land. The amount paid is between one-half and one-third but the former tax is a fixed charge on the land which should be paid per unit area or per tree.[70] He further defines this tax as: "it is the *kharāj* paid as a lump sum by certain tributary provinces especially such as them as were on the border of the Moslem empire and had been able to preserve their autonomy."[71]

In his comment on the existence of this system before Islam, Dennett states: "this method of assessment had proved unjust, a peasant's harvest would rot while waiting for the arrival of the government inspector to measure it and take the proper tax."[72] Dennett classifies *kharāj* into three kinds: *kharāj al-Mesāḥah* (land tax based on the measured acreage), *kharāj al-Muqāsamah* (tax based on a percentage of the yearly harvest) and *kharāj al-Muqāta'ah* (the fixed amount of money that towns had agreed to pay).[73] Unlike other authors, Abū Yūsuf criticises this kind of tax and proposes another one that should be based on a percentage of the yearly harvest.[74] He argues that the reason is that peasants, because of this system, complained about the difficulty they had in cultivating idle lands.[75] In addition, Tabātabā'ī argues that it should be collected after a full year has passed and it should be counted from the start of harvest.[76]

### 4.9 The amount of *kharāj*

This section discusses the amount of *kharāj*. Al-Qurashī states that the initial amount of *kharāj* was stipulated by 'Umar. This amount cannot be increased even if people can afford it. However, if the payee cannot afford it, the amount should be decreased.[77]

---

Beirut: Dār al-Kitāb al-Lebnānī , 1977, p.143.

[70] Aghnides, Nicolas Prodromou, *Mohammedan theories of finance: with an introduction to Mohammedan law, and a bibliography*, Lahore: Premier Book House, 1961, p.377.

[71] Ibid

[72] Dennett, Daniel C, *Conversion and the poll tax in early Islam*, Cambridge: Harvard University Press 1950, pp.14-15.

[73] Ibid, 25.

[74] Abū Yūsuf, Ya'qūb b. Ibrahīm al-Anṣārī, *Kitāb al-Kharāj*, Cairo: al-Maṭba'h al-Salafiyyah wa maktabātihā, 1352 AH, p.50.

[75] Ibid .

[76] Tabātabā'ī, op. cit., p.185.

[77] Al-Qurashī, op. cit., p.22.

Ibn Rajab states that the amount of *kharāj* is one *dirham* and *qafīz*[78] for each *jarīb*. While the growers of wheat and barley, which were heavily consumed in Islamic society, were taxed at rates of four and two *dirham* for every *jarīb*, we find that beet sugar growers were taxed much more. Ibn Zanjowayh reiterates the same opinion and adds that the amount is six *dirhams* for beet sugar, eight *dirhams* for palm-trees, ten *dirhams* for vineyards, and twelve *dirhams* for olive.[79] Al-Māwardī states that he amount of *kharāj* is estimated according to the capacity of the crops that the lands could yield.[80] According to Zaidān, *kharāj* should only be collected when crops are harvested.[81] He adds that the amount of *kharāj* should primarily be based on the capacity of the land, as it was the case with 'Umar I when he imposed *kharāj* on the lands in Iraq.[82] The reason for this is to avoid any damage or plight that might affect the harvest. The amount might be changed according to the following juristic opinions.

These different rates reflected the land quality but also provided incentives for landowners to grow barley or wheat instead of beets. The Ḥanbalī School states that the amount of *kharāj* should be left to the discretion of the *imām* to decide, which means that it is not a definite tax and could be amended.[83] The Shāfi'ī jurists state that the amount should be estimated according to the produce of the land.[84] Al-Maqdisī, a Shāfi'ī jurist, says that it rests with the *imām* and his juristic reasoning alone to increase the amount or otherwise and it should be measured according to what the lands produce.[85] He adds that the amount of *kharāj* could be decided in agreement with what lands produce and he traces this tax back to the time of 'Umar I.[86] Similarly, it is stated that amount of the land tax was not specified but it had to be left to the emperor to decide.[87]

---

[78] Ibn Rajab, op. cit., p.65.
[79] Ibn Zanjoyah. *Al-Amwāl.* (on line) Available at: http://www.sonnh.com/Hadith.aspx?HadithID=163833, accessed: 27/04/2005.
[80] Al-Māwardī, op. cit., p.265.
[81] Zaidān, op. cit., p.172.
[82] Ibid 162.
[83] Ibid, 163.
[84] Al-Māwardī, op. cit., p.265.
[85] Al-Maqadisī, op. cit., 2:109.
[86] Al-Māwardī, op. cit., p. 265.
[87] Al-Rayyis, op. cit., p.51.

Al-Mirghanānī, a Ḥanafī jurist, states that the amount of *kharāj* is the same that had been imposed by 'Umar I. He adds that it could not be increased but it could be decreased. [88] Thus, it will be noted that jurists do not agree on the amount of *kharāj*.

The reason for this variation could be attributed to the capacity of lands upon which *kharāj* applies and the quantity of the crops. Initially the amount of *kharāj* that 'Umar I imposed on the people of Sawād in Iraq was one *qafīz* on the cultivated crops for every *jarīb* of fertile land, one *dirham* for every *jarīb* of vegetables, and ten *dirhams* for every *jarīb* of vineyards.[89] According to Aghnides, this amount constitutes the lawful rates and he adds that it may not be increased.[90] In this connection, Tabātabā'ī affirms that this rate was imposed in the previous periods. He says: "'Umar levied a specific rate of Kharāj on the land of the sawād which was the same as the rate of the fiscal levy on the region under the Sassānids."[91]

As for the collection of this tax, Al-Māwardī maintains that there are some prerequisites that should be taken into consideration when collecting *kharāj*. Firstly, the nature of the land upon which the tax is levied whether it is good or not. The amount of *kharāj* varies according to the value of different crops. Lastly, the method of irrigation is another case which would alter the amount of *kharāj*.[92] Abū Yūsuf states other conditions such as the condition of the crop, the expenses of cultivation, and the distance from the market.[93] To conclude, *kharāj* is imposed on the owner of the land whether he is a Muslim or not, man or woman, free or slave. This will be illustrated in the following section.

### 4.11 When is *kharāj* waived?

As in the case of *jizya*, there are some cases in which *kharāj* becomes null. Both al-Marghinānī[94] and al-Maqdisī[95] mention that it becomes null in the case of flood, drought or if

---

[88] Al-Marghinānī, 'Alī b. Abū Bakr b. 'Abd al-Jalīl . *Al-Hidāyah sharḥ bidāyat al-Mubtadī*. Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa awlādih, 1937, II:117.
[89] Ibid, 2:117.
[90] Aghnides, op. cit., p.378.
[91] Tabātabā'ī, op. cit., p.186.
[92] Al- Māwardī, op. cit., p.226.
[93] Ibid, pp..263,264.
[94] Al-Mirghinānī, op. cit., 2:116.

the crop was inflicted by a plight. Ibn Qudāmah, a Ḥanbalī jurist, asserts that *kharāj* becomes invalid in the case of the *ṣulḥ* land when the holders of such land convert to Islam.[96] While Tabātabā'ī argues that *kharāj* is a tax on land irrespective whether or not it was tilled, he states that it becomes null if the crop was ruined before harvest. He maintains that most Sunnī jurists support this opinion.[97] Jurists have also disagreed about the landowner's conversion to Islam. The Ḥanafī state that it is not like *jizya* and it applies even if the landholder becomes a Muslim but al-Imām Mālik argues that it becomes void in the case of conversion.[98]

In this connection, an issue might be raised here. Does the *imām* have the right to exempt a group of people from paying *kharāj*? In his discussion of this issue, Tabātabā'ī states that Shī'ite jurists are of the opinion that the *imām* has the right to exempt those he likes from paying this tax on a temporary basis. He added that some Sunnī Muslim schools held the opinion that the *imām* could exempt anyone from the payment of this tax if he regarded it advisable.[99] In conclusion, this tax would be forgiven in cases of hardship and full exemption could be given in the event of property damage such as damage caused by erosion or flood.

### 4.10 Is *kharāj* the same as *jizya?*

In this section, we will raise some points about the differences between *kharāj* and *jizya*. One of the differences between the two taxes is that in the case of *jizya* People of the Book have to pay it but this is not the case with *kharāj*. *Kharāj* applies to all, including Muslims, and there is evidence that it was paid in the days of Prophet Muḥammad. Johansen affirms: "Sarkhasī reported that the companions of Prophet Muḥammad paid *kharāj*. He concluded from this that the payment of *kharāj* can not be regarded as a humiliation for Muslims."[100] Ibn al-Qayyim adds that the two taxes are different in some respects. However they are similar in that both are paid by the unbelievers as a way of humiliation, they should be spent

---

[95] Al-Maqdisī, op. cit., 2:110.
[96] Ibn Qudāmah, op. cit., 4:198.
[97] Ibid, p.184.
[98] Zaidān, op. cit., p.169.
[99] Tabātabā'ī, op. cit., p.167.
[100] Johansen, op. cit., p.9.

as *fay'* and be paid annually. *Jizya* has a legal text in the Qur'ān and the traditions show its amount but *kharāj* depends mainly on juristic reasoning (*ijtihād*). The amount of *jizya* does not change if a person's wealth increased but *kharāj* should be measured according to the amount of land.[101] According to Wahba, the two terms are similar in three ways and different in three others. On the one hand, the two taxes should be collected from the People of the Book in return for protection and both should be paid at the end of every lunar year.[102] On the other hand, the two taxes differ where *jizya* has its main origin in the Qur'ān and *ḥadīth* but *kharāj* depends mainly on individual judgment or juristic reasoning (*ijtihād*). Secondly, the minimum amount of *jizya* is set by legal decree and the maximum amount is left to the discretion of the *imām* but the minimum and maximum amounts of the *kharāj* are totally left to the *imām*. Thirdly, *jizya* becomes void if the person converts to Islam but *kharāj* should be paid in all cases.[103] It is applicable even if the owner of the land of *kharāj* did not cultivate his land. The same is said if he converts to Islam or the land was sold to another Muslim. Aghnides shares the same opinion and argues that even in that case *kharāj* is still applicable. He adds that *kharāj,* apparently different form *jizya,* is levied on land irrespective of whether the owner is a child or adult, man or woman, Muslim or non-Muslim.[104] The two terms were sometimes used for a period to denote the same tax. Dennett maintains: "the terms *kharaj* and *jizya* taken to mean land tax and poll tax, were for more than a century synonymous and signify merely tribute. Until A.H 121 the Arabs did not themselves distinguish between land and poll tax."[105]

### 4.13 Tithe (*'ushr*)

We will now discuss *'ushr* which is a tax that owes its origin to the Caliph 'Umar I. As in the previous chapter, I will first start with its etymology before dealing with its relevant

---

[101] Ibn al-Qayyim, op. cit., p. 1:89.
[102] Wahba, op. cit., p.158 .
[103] Ibid.
[104] Aghnides, op. cit., p. 377.
[105] Dennett, op. cit., p.3.

issues.

## 4.14 Etymology

According to Ibn Manẓūr, '*ushr* means a part of ten and is derived from the root *'ashar* which means to divide things by ten.[106] The *Encyclopaedia of Islam*, states that it is a tax on lands owned by Muslims or a tax on commercial goods paid by Muslims, *dhimmī* or *ḥarbī* merchants from non-Muslim countries.[107] This tax is also levied on the *dhimmī* and *musta'man*[108] (a person who has a covenant of safety with Muslims). It is a financial obligation that is payable on the goods that the People of the Book use for commerce and which they transport from one country to another within Islamic states.[109]

It is a tax which is payable upon moveable goods and it should be collected from the merchants' wealth.[110] It has two meanings. It means the tax that should be taken from both Muslim and non-Muslim traders. It stands for the tenth that should be taken from what lands yield (*zakāt al-Zar'*). In the modern sense of the word, it is the tax which is imposed on Muslim and non-Muslim traders providing their goods should reach a specific amount of money. According to Johansen, it is also calculated on the landed property of Muslims.[111] Muḥammad argues that this tax considers the merchant's religion where its amount varies from one person to another. [112]

## 4.15 *'Ushr* before Islam

It has been stated in the previous section that *kharāj* was imposed before Islam. The same applies to *'ushr*. Some sources state that this tax had prevailed in Arabia and the surrounding

---

[106] Ibn Manẓūr, op. cit., 4:570.
[107] See *the encyclopaedia of Islam* (Ushr) New Edition, Leiden: E.J.Brill, 1997, 10:917.
[108] A term, which is given to a temporary non-Muslim resident. He is given a covenant of protection for only one year. Like other *dhimmī* the Islamic state affords him protection for his life, honour, and property. Zaidān, op. cit., p. 46.
[109] Ibn al-Qayyim, op. cit., p.176
[110] Al-Memmī, Ḥassan, *Ahl al-Dhimmah fī al-Ḥaḍārah al-Islāmiyyah,* Beirut: Dār al-Gharb al-Islāmī, 1998, p.69.
[111] Johansen, op. cit., p.7.
[112] Muḥammad, op. cit., p.91.

areas before the advance of Islam. The following gives a fuller illustration: "in the Near East the offering or payment of a tenth of one's goods or property to the deity and king was widely practiced from Mesopotamia, Syria-Palestine and Greece to lands as far west as Carthage."[113] Al-Imām Mālik mentions that the basis on which 'Umar I collected this tax from the Nabateans[114] was that it was collected before Islam.[115] Muḥammad maintains that the origin of this tax goes back to pre-Islam when it was imposed on the Greeks. He adds that the Persian and the Roman Empires imposed it on the Egyptians.[116] Thus, 'Umar I was not the first leader to introduce this kind of tax but it was raised by the Greeks, the Romans, the ancient Egyptians, and even the Arabs.[117] The tithe system during the Roman period could be traced back long before that. The Greeks had what is called the tax of goods and foreign crops and it was estimated at 2%. It was levied in ancient Egypt during the Roman Empire. The following paragraph shows that England adopted a similar system of taxation in the fifteenth century:

> Tithe (Old English *teotha*, meaning "a tenth"), generally defined as the tenth part of fruits and profits justly acquired, owed to God in recognition of his supreme dominion, and paid to the ministers of religion. It is an institution of undetermined antiquity, common to many religions.[118]

The person who collects this tax is called *'āsher*.[119] As I have mentioned earlier that *kharāj* was applicable to other religions, both the Old and the New Testament have verses that presumably refer to the application of *'ushr*. However, the way in which it was collected and its amount might not be the same as in Islam. The Jewish practice of raising tithes was mentioned in the Bible, beginning with the gift from Abraham to Melchizedek ( **Genesis, 14:20**). According to some translations, some examples of the Old and New Testament refer to tithe:

---

[113] *The Encyclopaedia of Islam* op.cit., 2000, 10:917.
[114] Peters, F. E. *Jerusalem: the Holy City in the eyes of chroniclers, visitors, pilgrims, and Prophets from the days of Abraham to the beginnings of modern times.* Princeton : Princeton University Press, 1985, p. 187.
[115] Mālik, op. cit., *al-Zakāh, 'Ushūr ahl al-Dhimmah,* No: 549.
[116] Muḥammad, op. cit., p. 89.
[117] Bultājī, Muḥammad. *Manhaj 'Umar Ibn al-Khaṭṭāb fī al-Tashrī'*, Cairo: Dār al-Fikr al-'Arabī, 1973, p.375.
[118] "Tithe," Microsoft® Encarta® Encyclopedia 99.
[119] The *'āshirs* are those stationed by the *Imam* on the public road in order to collect the *Zakāh* of Moslem traders, as well as the tolls imposed on the *dhimmī* and *ḥarbī* traders who pass him .

> Bring ye all the tithes into the storehouse, that there may be meat in mine house, and prove me now herewith, saith the LORD of hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it. **Malachi 3:10**

Another example shows that the Children of Israel used to pay it to the Levites:

> Thus speak unto the Levites, and say unto them, When ye take of the Children of Israel the tithes which I have given you from them for your inheritance, then ye shall offer up an heave offering of it for the LORD, even a tenth part of the tithe. **Numbers 18:26**

These references explain that *'ushr* was levied on the Children of Israel in the periods prior to the advent of Christianity. In the New Testament, we would find the following verse that bears the same significance:

> "Woe unto you, scribes and Pharisees, hypocrites! For ye pay tithe of mint and anise and cumin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done and not to leave the other undone" **Mathew 23:23**

The jurist Abū 'Ubayd reports a tradition when Anas b. Mālik asked why should 'Umar I collect this tax from the *dhimmī* people? He was told that it was to be collected from them before Islam.[120] Ibn al-Jawzī mentions that it was levied during the time of Prophet Noah .[121]

### 4.16 The basis of *'ushr* in the Qur'ān and *ḥadīth*

It is remarkable that the obligation of this tax is provided neither in the Qur'ān nor in *ḥadīth*. The Qur'ān does not have any reference to this tax. Most probably, it was the *ijtihād* of 'Umar I. The *ḥadīth* literature, however, has some references to the word. These references, however, do not necessarily mean that the tax was collected during Prophet Muḥammad's time. Thus, we could find the following *ḥadīth*: "on what is irrigated by rain and perennial stream lies *'ushr* and on what is irrigated artificially (lies) half the *'ushr.*"[122] Another example is the following *ḥadīth*: "on the authority of Wakī' that he said to Prophet Muḥammad that he, the narrator, had palm-trees then Prophet Muḥammad told him to pay

---

[120]Abū 'Ubayd, op. cit., p.214.
[121] Ibn al-Jawzī, *al-Montaẓem*, ( On line) Available at: http://www.Al-eman.com/Islamlib/default.asp?CategoryID=7, 20th March, 2005
[122] Al-Bukhārī,op. cit., *bāb al-Zakāh,* 1388.

*'ushr*."[123] The majority of these traditions are found in Mālik's *muwaṭṭa'*. They show the application of this tax during the time of 'Umar's I caliphate. Some traditions refer to this tax but, in fact, they deal with different issues. An example is the *ḥadīth*[124] that states: "Ibn 'Abbās narrates through Abū Ẓibyān through his father that Prophet Muḥammad said that Muslims should not pay *'ushr* but only Jews and Christians should pay it." Although this tradition clearly refers to *'ushr* the explanation shows that it deals with *jizya* and not *'ushr*.[125] Besides, it could be concluded from this *ḥadīth* that Jews and Christians should only pay the agreed amount.[126] Although most historical sources state that this tax did not exist during the time of Prophet Muḥammad, one source claims that it was initially imposed during his time. Thus, we find: "Muhammad probably laid down the *'ushr* as a kind of taxes for his newly-established community."[127]

*'Ushr*, however, only differs from *kharāj* in that the amount of *'ushr* is not the same as *kharāj*.[128] It is maintained that *'ushr* is mainly attributed to the Caliph 'Umar I.[129] Historians, according to al-Ṣallābī, agreed that 'Umar I was the first Muslim Caliph to impose such a tax. The reason for this could be attributed to the expansion of the Islamic state. Another reason would be the increase in trade among Muslim and non-Muslim merchants during the caliphate of 'Umar I and the need to regulate these issues.[130] It is argued that 'Umar I imposed this tax as was the custom of some non-Muslim neighbouring territories.[131] Abū 'Ubayd narrated a report through al-Shu'abī that 'Umar I was the first to impose this tax in Islam.[132] Muḥammad argues that this tax is based on the juristic reasoning (*ijtihād*) since both the Qur'ān and *sunnah* did not explicitly refer to it.

---

[123] Aḥmad, op. cit., *Musnad al-Shāmeyīn*, No. 17375.
[124] Al-Termidhī, op. cit., *Kitāb al-Zakāh*, No.475.
[125] *Tuḥfat al-Aḥūdhī bi sharḥ Jām' al-Termidhī*, op. cit., Harf CD-Rom.
[126] Ibid, *'Awn al-Ma'būd sharḥ sunan Abū Dawūd.*
[127] *The Encyclopaedia of Islam*, op.cit. 2000, X: 917.
[128] LØkkegaard, Frede, *Islamic taxation in the classic period*, Copenhagen: Branner & Korch, 1950, p.78.
[129] Al-Ṣallābī, 'Alī Muḥammad, *Faṣl al-Khiṭāb fī sīrat 'Umar b. al-Khaṭṭāb*, Alexandria: Dār al-'Imān, 2002, p. 357.
[130] Lāshīn, op. cit., p.152.
[131] Ibid.
[132] Abū 'Ubayd, op. cit., p.214.

Furthermore, when 'Umar I initially imposed it in the presence of some companions, nobody opposed it.[133] The Ḥanafī jurist al-Kāsānī mentions that 'Umar I appointed the tithe collectors and told them to collect this tax from the *dhimmī* and *ḥarbī* people.[134] Later jurists unanimously based their opinion upon this jurisdiction. Some sources, however, argue that the basis of this tax is the decree of 'Umar I when he was asked about the legality of collecting money from *ḥarbī* traders who transport their goods through a Muslim land. He enquired if Muslims pay any tax if they transport their goods through *ḥarbī* or *dhimmī* lands. Upon knowing that Muslims pay a one-tenth tax, he said that the *ḥarbī* or *dhimmī* people should pay one-tenth as well.[135]

Similarly, Abū 'Ubayd reports that Anas b. Mālik said to Ibn Sīrīn, "Shall I tell you about the practice of 'Umar I (concerning tithe). Out of forty *dirhams* a Muslim should pay one *dirham*, out of every twenty a *dhimmī* should pay one, and out of every ten other non-Muslims should pay one."[136] Abū Yūsuf narrates that Usayd b. Ḥuḍayr said: "I was the first one to be sent by 'Umar I to assess this tax and that I should not inspect anybody."[137] To the same affect, Muir states that 'Umar imposed this tax on the Christians of banū Taghlib. Muir states, "The liberality of 'Omar allowed the concession; and the banū Taghlib enjoyed the singular privilege of being accessed as Christians at a "double *tithe*" instead of paying the obnoxious badge of subjugation."[138]

It could be argued that the purpose of imposing this tax is to protect the merchant's own money as *'ushr* is not applicable if a non-Muslim transports his money in a Muslim state and he does not intend to use it for trade.

---

[133] Muḥammad, op. cit, p. 90.
[134] Al-Kasānī, op. cit., 2:455.
[135] Ibn Qudāmah, op. cit., 13:234.
[136] Abū 'Ubayd, op. cit., p.214.
[137] Abū Yūsuf, op. cit., p.135.
[138] Muir, William. Annals of the early Caliphate: from original sources, London: Smith, Elder, & co, 1883, p.142.

## 4.17 How is *'ushr* viewed in Muslim jurisprudence?

Historical sources state that the origin of this tax goes back to the caliphate of 'Umar I. He was informed by one of his agents that when Muslim merchants go to the land of war they pay one-tenth of their goods to non-Muslims. Accordingly, he gave an initial order to collect this tax from non-Muslim merchants if they come to the land of Islam. Generally speaking, jurists are of the opinion that there are two main bases for the imposition of this tax. The first basis is the practice of 'Umar and the second basis is the consensus of the companions (*ijmā'*). Al-Imam Mālik says that *'ushr* should be taken from *dhimmī* traders if their goods were transferred within a Muslim country or carried from one country to another on the understanding that merchants exchange goods, otherwise it can not be taken.[139] As for the *ḥarbī* people, they should pay the agreed amount and *'ushr* should not apply.[140] Ibn Rushd adds that Mālik asserts that it should apply in the case of the traders from amongst *ahl al-Dhimmah.*[141]

The Ḥanafī School agrees with the Mālikī on the imposition of *'ushr* but they disagree about the amount.[142] Abū Yūsuf maintains that any landowner who was an Arab or non-Arab but became a Muslim his land should be considered as *'ushr* land.[143] Another Ḥanafī jurist states that *'ushr* is not collected from insane people or those who have not reached the age of puberty. Secondly, as for things that Islam prohibits such as wine and pigs, al-Kasānī adds that only one-tenth of the price of these commodities is to be taxed.[144] Thirdly, al-Imām Aḥmad b. Ḥanbal states that everybody among the *dhimmī* who brings his goods to Muslim land should pay the tax. It is a duty that every *dhimmī*, male or female, should pay this tax.[145]

*'Ushr* is collected only once a year, regardless of the times during which the *dhimmī* or *ḥarbī*

---

[139] Mālik, op. cit., 1:241.
[140] Ibid
[141] Ibn Rushd, Muḥammad b. Aḥmad b. Muḥammad b. Aḥmad. *Bedāyat al-Mujtahid wa Nehāyat al-Muqtaṣid.* Beirut: Garnet publishing, 2000, p. 486.
[142] Ibid .
[143] Abū Yūsuf, , op. cit., p.135.
[144] Al-Kasānī, op. cit., 2:454.
[145] http://www.islamweb.net/php/php_arabic/ShowChapter.php?lang=A&BabId=257&ChapterId=257&BookId=506&CatId=214, 3rd August 2005.

will bring his trade to a Muslim land. The *'āsher* or tax assessor is to give a proof of payment for the *ḥarbī* or *dhimmī* so that the latter does not have to pay again. It is to be paid if a *dhimmī* or a *ḥarbī* carries his goods to another country but if he trades in the country where he lives, it will not be applicable. '*Ushr* is not levied on Jews and Christians only but also includes Muslims. They should pay half of one-tenth for their goods if they trade within the borders of a Muslim state as this tax would be considered as *zakāh*.[146] The same source adds that it is payable on all kinds of commodities such as animals, cloth, gold, and silver. [147] It can be concluded that *'ushr* according to the majority of jurists, cannot be taken if the non-Muslim person is not intending to carry his goods to the Muslim lands for the purpose of trade. If he trades outside of the land of Islam (*dār al-Islām*), then the tax should not be taken from him. It is once a year and the goods should reach a specific amount of money.

### 4.18 The amount of *'ushr*

Muslims scholars disagreed on the amount of '*ushr*. According to Abū 'Ubayd, it was first imposed by 'Umar I and it collected once a year. Abū 'Ubayd reports that 'Umar I asked how much Muslim merchants pay the *ḥarbī* (people who are at war with Muslims)? When he was informed that it was one tenth, he gave an order that the amount taken from the *ḥarbī* or *dhimmī* people who came to Muslim lands should be the same.[148] It is stated that 'Umar I justified the imposition of this tax on the *dhimmī* people as they had to pay it in pre-Islamic times.[149] According to Abū Yūsuf, there are three categories of people liable to pay and, of course, the amount varies from one group to another. *Dhimmī* people had to pay a half of a tenth, the *ḥarbī* one tenth and Muslims a quarter of a tenth providing that the total value of the commodities reaches 200 *dirhams* of silver or twenty *mithqāl*[150] of gold, otherwise *'ushr*

---

[146] Zaidān, op. cit., p.176.
[147] Ibid.
[148] Abū 'Ubayd, op. cit., p.36.
[149] Ibid, p.214.
[150] An old Arabic measure used for gold.

would not apply.[151] According to another source, there are four kinds of people who should pay this tax. Muslim cultivators who owned *'ushr* land, Muslim merchants and artisans who paid 2% of their annual earnings, *dhimmī* artisans and merchants who paid 5% of their annual earnings, and finally *ḥarbī* merchants from non-Muslim countries who paid one tenth of their annual earnings.[152] Al-Sarkhasī maintains that a Muslim has to pay quarter of a tenth and a *dhimmī* half of a tenth and a *ḥarbī* one tenth.[153] Al-Imām Mālik says that a *dhimmī* should pay one tenth when he trades outside Muslim lands, otherwise *'ushr* should not be collected.[154] Abū Yūsuf, a Ḥanafī jurist, asserts that only those who are just and well acquainted with religion should assess the amount of *'ushr* and they should not burden payers with what they cannot afford. The same author reports that 'Umar I used to ask his tax collectors to ensure that they did not impose any tax beyond the agreed upon amount. Abū Yūsuf states that the amount of this tax is quarter of a tenth for Muslims, half of a tenth of *dhimmī*, and one tenth for *ḥarbī* people, providing the amount of goods traded exceed two hundred *dirhams*, otherwise it would not apply.[155] If the goods of non-Muslim merchants do not reach the specified amount, then tax is not collected. He supports his opinion by reporting a tradition related to 'Umar I that the latter told one of his agents that Muslims have to pay quarter of a tenth, *dhimmī* half of a tenth and *ḥarbī* one tenth.[156] Muḥammad argues that the opinion of Abū Yūsuf does not carry much weight because it contradicts with a letter that 'Umar I sent to one of his agents.[157]

Al-Qurashī illustrated that, for the *ḥarbī* to pay *'ushr* he had to reside within a Muslim state for a full calendar year but if he stayed for less this tax is not to be collected.[158]

---

[151] Abū Yūsuf, op. cit., p.76.
[152] See *the encyclopaedia of Islam* (Ushr), 1997, op.cit., X:918.
[153] http://feqh.Al-islam.com/Display.asp?Mode=1&DocID=14&MaksamID=205&ParagraphID=1682&Sharh=0&HitNo=7&Source=1&SearchString=G%241%23%C7%E1%DA%D4%E6%D1%230%230%230%23%23%23%23%23, 01-07-2005.
[154] Mālik, op. cit., 1:240.
[155] Abū Yūsuf, op. cit., pp. 132,133.
[156] Ibid, p.135.
[157] Muḥammad, op. cit., p. 91.
[158] Al-Qurashī, op. cit., pp. 172,173.

As for the merchants among the People of the Book, they had to pay a half of a tenth.[159] Al-Qurashī relies on a tradition reported to 'Umar I when the latter said *ḥarbī* merchants should pay one tenth.[160] In order to collect *'ushr* a non-Muslim merchant should carry his goods out of his own land but if he remains within his territory, no tax is taken from him.[161] It is maintained that jurists do not agree on the amount of *'ushr* that a *dhimmī* had to pay. Some jurists argue that the goods upon which *'ushr* apply must reach a certain level (*niṣāb*) while others say that the whole wealth of a merchant should be calculated and then *'ushr* is levied.[162] Ibn Qudāmah, a Ḥanbalī jurist, states that a *dhimmī* should pay one tenth once a year because it is the amount imposed by 'Umar I.[163] Another jurist of the same school mentions that the *imām* could amend this amount or cancel it according to the exigency of the time.[164]

It would be remarked that sometimes *'ushr* is used to denote *zakāh*. Thus, we find Johansen differentiates it from *kharāj* when he means *zakāh*. He states that *'ushr* and *kharāj* are different. According to Johansen, whereas the former is in effect a rent on a landed property if this land belongs to the taxpayer, the latter is imposed on the harvest. Thus, he used the word *'ushr* to denote *zakāh*.[165] *Kharāj* is payable even if the land was left idle but *'ushr* applies only if the land was cultivated.[166] In a nutshell, it could be argued that the sources upon which 'Umar depended to levy such taxes are classified into two types: Islamic sources and other sources. The Islamic sources include the Holy Qur'ān and the traditions of the Prophet. The second source borrows from systems used by other civilizations.

---

[159] Ibid, p.173.
[160] Ibid.
[161] Bultājī, op. cit., p.375.
[162] Muḥammad, op. cit., p.91.
[163] Ibn Qudāmah, op. cit., 13:228.
[164] *Al-Kāfī fī fiqh al-'Imām* Aḥmad, (On line) available at: http://www.islamweb.net/php/php_arabic/ShowChapter.php?lang=A&BabId=257&ChapterId=257&BookId=506&CatId=214, accessed 16th July, 2004.
[165] Johansen, op. cit., p.135.
[166] Ibid .

# Chapter Five: The Covenant of 'Umar I

## 5.1 Introduction

The subject of the covenant of 'Umar I, commonly known in Arabic as *al-Shurūṭ al-'Umariyyah*, has marked much discussion and controversy in both classical and modern works. It occupied the minds of some historians for long decades. It is the body of limitations and privileges entered into by treaty between conquering Muslims and conquered non-Muslims. Importantly, it should be noticed that there are two covenants of 'Umar. The first one, which has received scant scholarly attention, addresses the people of Jerusalem. This covenant could be considered as the basis for defining the relationship between Islam and Christianity. It is the document that, in all clarity and respect, laid the foundations not only for the era of Islamic expansion, but also for the centuries after that and for the future.

The second covenant which occupies the minds of a large number of Muslim and non-Muslim authors, was purportedly written by conquered Christians themselves. This one will be the main theme of this chapter. The covenant is commonly attributed to 'Umar (reigned 634-644), but for a number of reasons that seems too early; it is, as some sources claim, more likely to be a product of the reign of Umar II (717-720). This issue will be discussed as well. The aim of this chapter is to show the reality of this covenant as an important event in the Muslim history. While some authors criticised this covenant without having an academic background, others just cast some doubts about its authenticity without giving proofs to support their opinions. This chapter will tackle these issues. The chapter will study the different factors that will determine whether to accept this covenant or reject it.

## 5.2 The Importance of Jerusalem in history

It is relevant to give a brief overview of the importance of Jerusalem as one of the covenants addresses the inhabitants of this city. Jerusalem, or *al-Quads* as it is called by

native writers, now occupies an important position among Muslims.[1] Jerusalem was the first *qiblah* (direction of prayer) before Muslims were ordered to change towards the Ka'bah. Muslims, as Basal maintains, venerated this city from the beginning of Islam and it was elevated when it became the first direction of prayer in Madīnah.[2] It became irrefutably holy to Muslims as the place from which Muḥammad rose to heaven and received instructions regarding the Muslim prayers. Furthermore, as Armstrong shows, the city is still the centre of the world and the place where each Prophet must meet his destiny.[3]

It is considered to be the place where prophets like Jesus, David, and Solomon (Peace be upon them) were born, grew up and carried out their missions. It is the place to which other prophets migrated, such as Abraham and Lot, or where others were buried, like Abraham, Isaac, Jacob, Joseph, and Moses (Peace be upon them). Muir illustrates:

> Jerusalem was to the Muslims an object of intense veneration, not only as the cradle of Judaism and Christianity, but as the first *Kiblah* of Islam itself and also as the place visited by Prophet Muḥammad himself in his mysterious journey by night to heaven.[4]

Gray shows the importance of the city to the followers of the three divine religions:

> Thus for the Jews Jerusalem had the mystical significance of a national capital, invested with association with David and his House and with more sanguine hopes in his Messianic successor. It was home and fortress of the faith of Judaism, Christianity, and Islam.[5]

Although the Qur'ān did not explicitly refer to the city but ensures its importance by referring to the al-Aqṣā mosque. The *ḥadīth* also has references which discuss this issue, foremost among which is the one that shows the status of al-Aqṣā Mosque side by side with the two Holy Shrines in Makkah and Madīnah:

> On the authority of Abū Hurayrah that Prophet Muḥammad is reported to have said "You shall only set out to three mosques the holy mosque in Mecca, my mosque in Medina, and the Aqṣa

---

[1] The name of the city came into currency in the tenth century and gradually replaced the long appellation., Akram, M. *Al-Quds a historical prospective*. p.1. The name came in the old Egyptian execration text which goes back to the 19th century in some forms that could be read as Rushalimum. The Roman and Greeks used to call it Hierusalim. In the Old Testament it was called Shalem. Sha'th, Shawqī,. *Al-Quds al-Sharīf*. pp 15-16

[2] Asali, K.J. *Jerusalem in history*. New York: Olive Branch, 1990, p.105

[3] Armstrong, Karen, *Jerusalem on city three faiths*, London: HarperCollins Publisher 1996, p.159

[4] Muir, William. *Annals of the early Caliphate: from original sources*. London: Smith, Elder, & co, 1883, p.209

[5] Gray, John. *A history of Jerusalem*, London: Hale, 1969, p.19

Mosque in Jerusalem.[6]

Historical books, whether classical or modern, deal with the same issue. Numerous works talk about the importance of Jerusalem. Most of these books state that the Islamic conquest of Jerusalem took place in the seventh year of the *hijrah*.[7] Yet, Besant states: "for Jerusalem has been the representative sacred place of the world; there has been none other like unto it, or equal to it, or shall be, while the world lasts."[8] Akram shows the importance of Jerusalem to the three religions and says, "the importance of *al-Quads* may be judged by the fact that it was the site of the temple of the Jews, the site of the crucification of Jesus and the place from where Muhammad ascended to heaven."[9]

## 5.3 A brief survey of the religious and political history of Jerusalem

Arabs conquered Aeilia[10] (Jerusalem) around 638 A.D.[11] The city retained its Roman name until the tenth century when it was changed to the Arabic *al-Quads* (sanctity). In this regard, Gray comments: "the status of the city in Islam is indicated by the Arabic names *bayt al-Maqdis* (the sanctuary) and *al-Quads* (sanctity). This status was maintained under the Turks."[12] The *Encyclopaedia of Islam* mentions that since the name Aeilia is non-Arabic so the city was given various names such as the sanctuary of Elijah and the house of God.[13] It is maintained that the names *bayt al-Maqdis* and *al-Quads* were not used in some classical Arabic works.[14]

---

[6] Al-Bukhārī, Harf Encyclopaedia CD-ROM of Hadith, *Kitāb al-Jum'ah*, No:1115
[7] Al-Ṣallābī, 'Alī Muḥammad, *Faṣl al-Khiṭāb fī sīrat 'Umar b. al-Khaṭṭāb*, Alexandria: Dār al-'Imān, 2002, p. 649
[8] Besant, Walter, Sir, and E. H. Palmer, *Jerusalem, the city of Herod and Saladin*, London: Chatto & Windus ; Philadelphia: J.B. Lippincott, 1899, p.2
[9] Akram, Muḥammad. Al-Quds a historical perspective. *Journal of the Pakistan historical society*, 1955, 43:(3), pp. 239-248.
[10] This is the name that was given to Jerusalem during the Roman reign. Peters, F.E, *Jerusalem: the Holy City in the eyes of chroniclers, visitors, pilgrims, and Prophets from the days of Abraham to the beginnings of modern times*, Princeton : Princeton University Press, 1985.
F.E.Peters, Jerusalem, op. cit. p.176. "The Roman Emperor Hadrian set out to Transfer Jerusalem into a pagan Roman city and renamed it as Aelia Capitoline but met with resistance by the Jews." Akram, op. cit., p.40
[11] The name either means the House of God or it was called so because of its founder Iliā b. Iram b. Sam b.Noah. Al-Ḥamawī, Yāqūt b. 'Abd Allāh, *Mu'jam al-Buldān*, Paris : Imprimerie Impériale, 1861, 3:293
[12] Gray, op.cit., p.19
[13] Extract from the encyclopaedia of Islam CD-Rom.
[14] Ibid

Historians do not agree on the date when Muslims conquered Jerusalem. Different accounts mention that 'Umar I visited Jerusalem in person. This section will explain in brief the religious and political history of Jerusalem before the Islamic conquest. In this connection, Akram argues that Jerusalem was a Jewish city before the reign of Constantine the Great when it was turned into Christianity.[15] Gray argues that in the year 313AD Christianity became a legitimate and eventually the established religion of Jerusalem until the Arab conquest.[16] Baramaki says: "in A.D. 328 official sanction of the Christian faith was given by the Emperors Constantine and Galerius."[17]

Turning to the political history, Asalai argues that Jerusalem remained under Roman and Byzantium rule from 63 BC-637 AD. The most remarkable feature of life of Arabia in general and Jerusalem in particular before Islam, was the total absence of political organization in any form. It can be argued that no part of the Arabian Peninsula had any government at any time, and the Arabs never acknowledged any authority other than the authority of the chiefs of their tribes. Siddiqui says there was a link between religion and politics. He illustrates: "religion in the Near East has always been associated with the state. Indeed, religion always provided the state's raison d'être."[18] In the same regard, Gray states: "thus the Christian period in the history of Jerusalem coincides with the Byzantine period, and most of the material traces of the early Christianity in the land are Byzantine."[19] Jerusalem fell into the hands of the Sassanid Empire during the sixth century. Baramaki comments: "Chosroes I the Sassanid king of Persia captured Jerusalem in A.D 614 captured Jerusalem and carried away the Patriarch of Jerusalem into captivity."[20]

As for the situation of Jews and Christians prior to this covenant, we find Numani states: "'Omar's neighbours were the Eastern Roman Empire and the Persian Empire and in both of

---

[15] Akram, op. cit., p.241
[16] Gray, op. cit., p.194
[17] Baramaki, Demetri. Jerusalem the key to world peace, London : Islamic Council of Europe, 1980, p.139
[18] Siddiqi, S. A, *Public finance in Islam*, Lahore: M. Ashraf, 1948, p.25.
[19] Gray, op. cit., p.194.
[20] Baramaki, op. cit., p.140.

them the situation of alien subjects was worse than that of slaves."[21] As for some groups of Jews, Hourani mentions: "Indeed for the Nestorians and Monophysites Muslim rule meant greater tolerance then they had received from Orthodox Byzantium."[22] Akram also illustrates the oppression faced by Jews and says: "suppression and persecution by the Romans led the Jews to develop greater veneration for Jerusalem."[23] Al-Khaṭīb states that the Christians of Jerusalem were severely prosecuted and maltreated during the Roman Empire on the basis that Eastern Christianity is different from that of the west.[24]

In addition, The Israeli historian Zev Vilnary expresses the sufferings of Jews prior to the covenant and maintains:

> "Whenever Jerusalem came under the rule of Christians, Jews were not allowed to stay or live in it. Those Jews who happened to come to the city during their (the Christian) rule were either killed or expelled. On the other hand, whenever the Muslims occupied the city they used to call the Jews in, allow them to live insider the city.. and they lived in peace". [25]

### 5.4 Expulsion of Jews from Jerusalem

Expulsion of the Jews from Jerusalem is one of the issues that has been raised while studying the attitude of 'Umar toward both Jews and Christians. One of the contemporary authors shows the reason behind this expulsion and illustrates that the two groups did not honour the treaties that they concluded with Prophet Muḥammad and Abū Bakr.[26] Besides, Howaydī explains that this expulsion was necessary to secure the external borders of the Muslim state and it should not be considered as a discriminatory decree against any group of the people of the book.[27] Al-Ṣallābī shows the reason for this expulsion and illustrates that the two groups did not honour the treaties that they concluded with Prophet Muḥammad and Abū Bakr.[28] In brief, it could be argued that there is no comparison between what 'Umar I did and the

---

[21] Shibli, Numani Muhammad. Omar the great, the second Caliph of Islam, Lahore: Sh. Muhammad Ashraf, 1962-1966, 1:164.
[22] Hourani, Albert Habib. Minorities in the Arab World, London; New York: Oxford University Press, 1946, p.18.
[23] Akram, op. cit., p.140
[24] Al-Khaṭīb, A. Jerusalem in the Qur'an, *British Journal of Middle Eastern Studies*, (28), 2001, pp. 25-53.
[25] Dan Almaghor. "Jerusalem: Daughter of All Generations" *Yediot Ahoronot*. January 29, 1993.
[26] Al-Ṣallābī, op. cit., p.140
[27] Howaydī, Fahmī, *Muwāṭinūn lā dhimmiyyūn,* Cairo: Dār al-Shurūq, 1999, p. 191
[28] Al-Ṣallābī, op. cit., p.140.

hardships that Jews went through before the emergence of Islam. It is maintained that Jews took part in the massacre of the Christians and destruction of their churches at the hands of the Persians. Thus, it was the patriarch Sophronius request that Jews should not reside with Christians in Jerusalem.[29] It could be argued, as the *Encyclopaedia of Islam* claims, that some Christian authors added the article that talks about the expulsion of the Jews. It should be noted, as Ibn al-Qayyim states, that 'Umar did not expel all Jews and Christians from the Arabian peninsula. The Jews of Khaybar were eventually exiled for falling short on their agreed upon commitments and for the consequent danger they posed to the nascent Muslim community. The Muslims of the lifetime of the Prophet had a closer contact with Jews than with Christians, especially at Madina. Jews were incorporated as a community of a recognized faith in Mdīnah at the side of the Muslims but there developed a severe confrontation between Jews and Muslims which in the end led to expulsion of the three Jewish tribes.

The Christians of Najrān were exiled because they broke their covenant with Prophet Muhammad when they agreed not to deal with usury.[30] It can be argued that there is no comparison between what 'Umar I did and the hardships that Jews went through before the emergence of Islam. Baramaki refers to the latter period and maintains: "in A.D. 66 the Gentile population of Caesarea fell upon the Jews and massacred them without any attempt on the part of the Roman Procurator Gessius Florus to stop them."[31] One could claim that 'Umar I carried out the instructions of Prophet Muḥammad to expel Jews and Christians form the Arabia peninsula. Traditions that underline this meaning have been referred to in the second chapter.

## 5.5 The covenant of 'Umar I (Covenant I )

Importantly, 'Umar I concluded covenants and treaties with the People of the Book. Some are preserved in historical books and are given in full detail while some others are in brief.

---

[29] Ibid, p.143

[30] Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr. *Aḥkām ahl al-Dhimmah*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1955, I:144-145

[31] Baramaki, op.cit., 1980, p.137.

It will be noticed that there are two covenants. Both are called the covenant of 'Umar I. We will call them covenant I and covenant II for the sake of clarity. Covenant I takes the form of a letter sent by the Caliph 'Umar I to the Patriarch of Jerusalem. According to some historians, this one was concluded during the Islamic conquest in 'Umar's reign.[32] Al-Ṭabarī is among the early historians who referred to this covenant. It is reported that Patriarch of Jerusalem demanded that the covenant should be signed by the Caliph himself rather than by one of his representative. Thus, the Caliph came and concluded the covenant. The covenant of 'Umar was not an opportunist measure to please the Christians of al-Quds and to win them over with a view to estranging them intellectually, socially, and religiously from Byzantium as claimed by a group - or rather a large number - of Western historians. The rights of non-Muslims under Islam were guaranteed by the covenant of 'Umar. Christians and Jews living in the city were granted various rights and protections in exchange for their acceptance of Muslim political and social domination. This covenant was not the only important historical event of its time, nor was it the first Islamic measure of tolerance in the wake of the Islamic conquests. Khālid Ibn al-Walīd, during the caliphate of Abū Bakr, concluded pacts with the people of Damascus, Homs and Hama that guaranteed them the same rights as those secured for the Christians of al-Quds by the Covenant of Omar. Khalid was the first to have done this.

The following is the text of the covenant concluded with the people of Jerusalem to which al-Ṭabarī and other historians refer:

In the name of God, the Merciful, the Compassionate.
This is the assurance of safety (*amān*) which the servant of God, 'Umar, the Commander of the Faithful , has granted to the people of Jerusalem. He has given them an assurance of safety of themselves, for their property, their churches, their crosses, the sick and the healthy of the city, and for all the rituals that belong to their religion. Their churches will not be inhabited (by Muslims) and will not be destroyed. Neither they, nor the land on which they stand, not their cross, nor their property will be damaged. They will not be forcibly converted. No Jew will live with them in Jerusalem. The people of Jerusalem must pay the poll tax like the people of the (other) cities, and they must expel the Byzantines and the robbers. As for those who will leave the city, their lives and property will be safe until they reach their places of safety; and so far those who remain, they will be safe. They will have to pay the poll tax like the people of Jerusalem. Those of the people of Jerusalem who want to leave with

[32] Historical sources mention that upon the demand of the Patriarch, Umar I came in person to Jerusalem to conclude this covenant instead of it being concluded by one of his commanders

the Byzantines, take their property and abandon their churches and their crosses will be safe until they reach their place of safety. Those villages (*ahl al-ard*) who were in Jerusalem before the killing of so and so may remain in the city if they wish , but they must pay the poll tax like the people of Jerusalem. Those who wish may go with the Byzantines, and those who wish may return to their families. Nothing will be taken from them before their harvest is reaped. If they pay the poll tax according to their obligations, then the contents of this letter are under the covenant of God, and the responsibility of his prophet, of the Caliphs, of the faithful. The persons who attest to it are: Khālid b al-Walīd. ʿAmr b al-ʿĀṣ, ʿAbd al-Raḥmān b ʿAwf, and Muʿāwiyah b Abū Sufyān. This letter was written and prepared in the year 15/636-37. .[33]

The Arabic version of this covenant, cited by some classical and modern historians, and which appears in its fullest form, is quoted from *tārīkh al-Ṭabarī*:

بسم الله الرحمن الرحيم

هذا ماأعطى عبد الله أمير المؤمنين أهل إيلياء من الأمان أعطاهم الأمان لأنفسهم وأموالهم ولكنائسهم وصلبانهم سقيمها وبريئها وسائر ملتها أنه لا تسكن كنائسهم ولا تهدم ولا ينتقص منها ولا من حيزها ولا من صلبهم ولا من شيئ من أموالهم ولا يكرهون على دينهم ولا يضار أحد منهم ولا يسكن بإيلياء معهم أحد من اليهود وعلى أهل إيلياء أن يعطواالجزية كما يعطى أهل المدائن وعليهم أن يخرجوامنها الروم واللصوت فمن خرج منهم فإنه آمن على نفسه وماله حتى يبلغوا مأمنهم ومن أقام منهم فهو آمن وعليه ماعلى أهل إيلياء من الجزية ومن أحب من أهل إيلياء أن يسير بنفسه وماله مع الروم ويخلى بيعهم وصلبهم فإنهم آمنون على أنفسهم وعلى بيعهم وصلبهم حتى يبلغوامأمنهم ومن كان بها من أهل الأرض قبل مقتل فلان فمن شاء منهم قعد وعليه مثل ماعلى أهل إيلياء من الجزية ومن شاء سار مع الروم ومن شاء رجع إلى أهله فإنه لا يأخذ منهم شيئ حتى يحصد حصادهم وعلى مافى هذاالكتاب عهد الله وذمة رسوله وذمة الخلفاء وذمة المؤمنين إذا أعطواالذى عليهم من الجزية وشهد على ذلك خالد بن الوليد وعمروبن العاص وعبد الرحمن بن عوف ومعاوية بن أبى سفيان

The covenant describes the nature of the pledge that Muslims made to the Christian community in Jerusalem. It is beyond the scope of the researcher to explore the authenticity of covenant I as it is not controversial. If it is authentic then we should accept it, if not there is no reason to reject it as it seems to be tolerant and does not oppose the instructions of the Qur'ān and the commandments of *ḥadīth*

### 5.5 An introduction to covenant II

This section will give an overview of covenant II and how it is viewed by different authors. According to Margoulith, the covenant is translated into "the ordinance of 'Umar".[34] The covenant of 'Umar I has attracted the attention of classical and modern authors and orientalists to the extent that many have dedicated significant parts of their works to this

[33] Friedman, Yohanan, *The history of al-Tabari,* XII: 191-92
[34] Margoliouth, D. S. The early development of Mohammedanism: lectures delivered in the University of London in May and June, 1913, London: Williams and Norgate,1914, p.181.

topic.[35] The ambiguous interpretation of some articles of this covenant brought about misconceptions in modern sources. It is argued that 'Umar I gave an order to expel Jews from Madīnah. An issue that has already been discussed. It is alleged that the covenant was unfair, especially with regard to the regulations that deal with the People of the Book. In this regard, Arnold argues: "a later generation attributed to 'Umar a number of restrictive regulations which hampered the Christians in the free exercise of their religion."[36] Besant maintains that: "these terms exacted from Jerusalem in common with other conquered cities, were, in spite of 'Omar's boasted generosity and equity, extremely hard and humiliating for the Christians."[37] Commenting on the issue of Muslim's conquest of Jerusalem, he claims:

> In spite of the great accession to our knowledge of the literature of this period that has been made during the last century, we doubt if the popular notion respecting the Saracen conquerors of Jerusalem have been much modified and many people still regard them as a fierce and inhumane horde of barbarous savage.[38]

In order to address these claims, consideration will be given to the articles that this covenant stipulates and they will be analyzed. A comparison between this covenant and the constitution of Madīnah as discussed in chapter two, will be made. This section will consider if this pact is on similar lines to the previous covenant or contradicts it. As a result of this covenant, some jurists base their own judgments on it and some others added their own articles to the original version. On this issue, Asali comments: "the text of the *'ahd* was developed to include conditions which have no relevance to the period of the conquest, and that is received judicial formulation capable of meeting new developments."[39]

This point will be discussed by focusing on the books of the four Sunnī Muslim Schools of law. This covenant served as a model for the treatment of non-Muslims, more specifically *dhimmīs* during a specific time period. It is considered to be one of the canons that Muslims

---

[35] Examples: Tritton, The caliphs and their non-Muslim subjects, a critical study of the covenant of 'Umar; Mark Cohen, Under cross and crescent; and finally Ibn Qayyim al-Jawziyyah, *aḥkām ahl al-Dhimmah.*
[36] Arnold, Thomas Walker, The preaching of Islam; a history of the propagation of the Muslim faith, London: Constable, 1913, p.57.
[37] Besant, op. cit., p.80.
[38] Ibid, p.82.
[39] Asali. K.j. *Jerusalem in history*, New York: Olive Branch P., 1990, p.107

use in issues and privileges that relate to the *dhimmī* people.[40] The covenant contained several clauses such as: (1) security of life and property; (2) security of the churches and ritual worship; (3) a ban on Jewish residence in the city; (4) obligation to pay tax (*jizya* ); and (5) freedom to choose whether to remain in the city and pay the tax as stipulated, or to leave in safety. All these clauses will be explained in full through the next sections. 'Umar's Covenant is the basis for defining the relationship between Islam and Christianity in Palestine. It is the document that, in all clarity and respect, laid the foundations not only for the era of Islamic expansion, but also for the centuries after that and for the future. This Covenant, which is a reference text when it comes to relations between Islam and Christianity, shows how positively the first Muslims saw the relationship between themselves and those of other religions.

'Umar's covenant with the Byzantines of Jerusalem followed the pattern set in Damascus. With the payment of the poll tax and the acceptance of the "Security of Islam," Christians were given self-government under their ecclesiastical leaders and Christian pilgrims from the West were permitted to perform their religious rituals. As for the importance of the covenant, Arnold comments: "Muslim theologians accepted these ordinances as genuine; they are of importance for forming a judgment as to the condition of the Christian Churches under Muslim rule."[41] Among the early classical works that referred to this covenant is the manuscript of Ibn Zabr al-Qāḍī (d.239 A.H) known as *shurūṭ al-Naṣārā* (the stipulations of Christians). This manuscript will be among the important sources that will be used in this chapter. Other works of relevance are: *kitāb al-Kharāj* of Abū Yūsuf, the Ḥanafī judge and the work of Ibn Qayyim al-Jawziyyah *aḥkām ahl al-Dhimmah* (regulations of the People of *dhimmah*).

## 5.6 Authenticity and date of the covenant

Questions such as the authenticity and date of this covenant still need to be

[40] 'Abd Allāh, M Yāsīn . *Ahl a-Islām wa ahl al-Dhimmah.* Cairo: publisher is not mentioned, 1998, p.36
[41] Arnold, op. cit., p.57

answered. Modern scholars have questioned the authenticity of this agreement which exists in several different textual forms. Although the texts reflected the policies and attitudes towards the conquered population from the beginning of Muslim reign, they were collected in the form, in which they exist today, at least 200 years after the Muslim victory. There were even Christian communities who preserved the pact as a proof for their rights, sometimes adding a ruling, in reality never accepted, that Jews should not be allowed in their city. Different authors cast doubt on the authenticity of this covenant and the visit of 'Umar I himself to Jerusalem. Peters argues: "some western scholars have wondered if he was ever in Jerusalem at all, just as they have wondered at the authenticity of the document incorporated in some of those same accounts."[42]

Arnold shares the same opinion and states that this visit was based on legends. Some historians agree that the date was in the year 15th of *hijrah* 638 AD. Some others say that the pact was probably originated about 637 by 'Umar I after the conquest of Christian Syria and Palestine. It is argued that the conditions of this covenant began to be drawn up when Jerusalem was submitted to the Caliph himself.[43] The importance of this covenant may be summarized in the following words by Margoulith: "the question to whom the ordinance goes back does not concern us; what is certain is that it was frequently enforced."[44] Arnold stresses that the importance of this covenant lies in the fact that it represents the historic tradition accepted by the Muslim historians of the second century of *hijirah.*[45] Although the comment regarding the Muslim policy towards conquered people could be baseless, Armstrong states: "it is almost certainly not authentic, but it does accurately express Muslim policy regarding a conquered people."[46] Tritton shares the same opinion stating: "suspicion arise that the covenant is not the work of 'Umar."[47]

---

[42] Peters, p.185
[43] Arnold, op. cit., p.56
[44] Margoliouth, D. S. The early development of Mohammedanism : lectures delivered in the University of London in May and June, 1913, London: Williams and Norgate,1974, p.121
[45] Arnold, op. cit., p.56
[46] Armstrong, Karen. A history of Jerusalem one city three faiths.
[47] Tritton, A. S .*The caliphs and their non-Muslim subjects: a critical study of the Covenant of 'Umar,* London :

In contrast, Bukhsi affirms the authenticity of this covenant and states: "the caliph simply approved the terms and by his approval conferred upon them the binding charter of a treaty."[48]

## 5.8 Articles of covenant II

This covenant raises points such as the issue of wearing a certain kind of cloth for both Jews and Christians and not to renew the places of worship. The articles of the covenant, Tritton argues, take the form of a letter sent to Abū 'Ubaydah, the Chief Commander in Syria, by the Christians of Damascus. The articles of this letter run as follows:

"That When thou comest into our land we asked of thee safety for our lives and the people of our religion, and we imposed these terms on ourselves; not to build in Damascus and its environs church, chapel, monk's hermitage, not to repair what is dilapidated of our churches nor any of them that are in Muslim quarters, not to withhold our churches for Muslim stopping there by night or day to open their doors to the travellers and wayfarer; not to shelter there nor in our houses a spy, not to hide on who is a traitor to the Muslims; to beat the bell gently in our churches, not to display a cross on them , not to raise our voices in prayer or chanting loudly in our churches, not to carry in procession a cross or our book, not to take our Easter or palm Sunday processions, not to raise our voices over our dead, nor to show fires with them in the markets of the Muslims, nor bring our funerals near them; not to sell wine nor parade idolatry in companies of Muslims, not to entice a Muslim to our religion nor invite him to it; not to keep slaves who have been the property of Muslims; not to prevent any relative from entering Islam if he wish it; to keep our religion wherever we are, no to resemble Muslims in wearing the *Kalanswa,* the turban, , shoes, nor in the parting of the hair, nor in their way of riding, not to use their language nor to be called by their names; to cut the hair in the front and divide our forelocks ; to tie the *Zunnār* round our waists ; not to engrave Arabic on our seals; not to ride on saddles; not to keep arms nor put them in our houses nor wear swords; to honour Muslims in their greetings, to guide them on the road, to stand up in public meetings when they wish it; not to make our houses higher to theirs; not to teach our children the Koran; not to be partners with Muslims except in business; to entertain every Muslim traveller in our customary style and feed him in it three days; we will not abuse a Muslim, and he who strikes a Muslim has forfeited his rights."[49]

According to historical sources, the above-mentioned text concerns the Christians of Syria in the seventh century. Gillman refers to this article and says that Christians were bound to build no new churches and that Muslims were always admitted to those.[50] Ayūb refers to this covenant and states that 'Umar I gave them a letter of protection in which he stated that no Muslim should harm them.[51]

---

Cass, 1970, p. 10
[48] Bukhsi, op. cit., p.121
[49] Triton op. cit., pp. 7-8
[50] Gillman, Arthur, *The Saracens from the earliest times to the fall of Baghdad*, London: T.Fisher Unwin, 1887, p.249
[51] Maḥmūud Ayūb, Nearest in amity: Christians in the Qur'ān and contemporary exegetical tradition, *Islam and*

## 5.9 The different *asānīd*[52] of the covenant

Now I have come to show the different *asānīd* that narrate this covenant. They will be arranged chronologically.

### 5.9.1 The *isnād* of Abū Yūsuf[53]: (113-182 AH)

قال أبو يوسف حدثنى بعض أهل العلم عن مكحول الشامى أن أبا عبيدة بن الجراح صالحهم بالشام واشترط عليهم حين دخلها على أن تترك كنائسهم و بيعهم على أن لا يحدثو ا بناء بيعة ولا كنيسة, وعلي أن عليهم إرشاد الضال و بناء القناطرعلى الأ نهار من أموالهم , وأن يضيفوا من مر بهم من المسلمين ثلاثة أيام , وعلي أن لا يشتموا مسلما ولا يضربو ه , ولا يرفعوا فى نادى أهل الإسلام صليبا ولا يخرجوا خنزيرا من منازلهم إلي أفنية المسلمين, وأ ن يوقدوا النيران للغزاة في سبيل الله , ولا يدلوا للمسلمين علي عورة , ولا يضربوا نواقيسهم قبل أذان المسلمين ولا في أوقات أذانهم ولا يخرجوا الرايات في أيام عيدهم , ولا يلبسوا السلاح يوم عيدهم ولا يتخذوه في بيو تهم فـــإن فعلوا من ذلك شيئا عوقبوا و أخذ منهم . فكان الصلح علي هذا الشرط

Abū Yūsuf said some knowledgeable people informed me through Makḥūl al-Shāmī that Abū 'Ubaydah b. al-Jarrāḥ, upon entering Damascus, made a peaceful treaty with the people of the city and imposed the following regulations:
that their churches and hermitages will be left untouched and that they should not build a new hermitage or a church, that they should guide those who are astray, that they should build bridges on the rivers out of their own money, that they should host any Muslims passes by them for three days, that they should neither insult a Muslim nor hit him, that they should not show their crosses in the presence of the Muslim community, nor take their pigs to the Muslims' houses, that they should carry torches to dwellings to show the way to the Muslim conquerors at night, that they should not violate the Muslims' privacy, that they should not ring the bells of the churches before or during Muslim prayers, that they should not display banners during their festivals, that they should neither carry weapons during their own festivals, nor keep it in their houses, if they violate any of these regulations they must be punished and the peaceful treaty is to be breached. Thus, according to the author, they agreed upon these regulations as basis of truce.

### Overview

Looking at the *isnād* of Abū Yūsuf, we find that he attributes the covenant to one of 'Umar's commanders and not the Caliph himself. This might lead to the assumption that the covenant is not the product of 'Umar. In addition, Abū Yūsuf reports his narration from Makḥūl who died in 113 AH. This means that Abū Yūsuf did not meet him at all, as he died in the same year when Abū Yūsuf was born. Furthermore, Abū Yūsuf reports through some knowledgeable people without mentioning their names. This would make us reject this narration in general because it seems that the *isnād* is

---

*Christian Muslim relations*, 1997, 8 (2), PP.154-164

[52] A plural of the word *isnād.* A chain of transmitters through which the report is traced back to an eyewitness or at least to an earlier authority. Motzki, Harald. *Ḥadīth: origins and developments,* Aldershot: Ashgate, 2004, p.XIII. Or the chain of oral authorities which connected each tradition with its source. Ibid, 5.

[53] Abū Yūsuf, Ya'qūb b. Ibrahīm al-'Anṣārī. *Kitāb al-Kharāj*. Cairo: al-Maṭba'ah al-Salafiyyah wa maktabātihā, 1933, p.138

interrupted and those knowledgeable people might not be trustworthy as we do not know them.

### 5.9.2 The *isnād* of 'Abd al-Razzāq al-Ṣan'ānī[54] (126-211 AH)

The following is the *isnād* of 'Abd al-Razzāq al-Ṣan'ānī. Interestingly he attributes the covenant to 'Umar b. 'Abd al-'Azīz ('Umar II):

أخبرنا عبد الرزاق قال : أخبرنا معمر ، عن عمرو بن ميمون بن مهران ، قال : كتب عمر بن عبد العزيز أن : " يمنع النصارى بالشام أن يضربوا ناقوسا " قال : " وينهوا أن يفرقوا رءوسهم ، ويجزوا نواصيهم ، ويشدوا مناطقهم ، ولا يركبوا على سرج ، ولا يلبسوا عصبا ، ولا يرفعوا صلبهم فوق كنائسهم

'Abd al-Razzāq told us: Mu'mmar told us through 'Amr b. Maymūn b. Mihrān said: 'Umar b. 'Abd al-'Azīz stipulated that: Christians of al-Shām[55] must not ring the church-bells, he said that they must not make fringe in their hair and that they should shear their foreheads, that they should tighten the belts around their waists, that they must not ride on saddles, that they must not wear sweatband, that they must not erect crosses on the top of their churches

**Overview**

The first thing to be noted here is that the narrator attributes the covenant to 'Umar II. This seems confusing. Although 'Abd al-Razzāq's *muṣannaf* has a big part called the Book of the People of the Book (*kitāb ahl al-Kitāb*). It deals with other issues such as clothing, churches, slaughtering and so on. The *muṣannaf* did not refer to the covenant of 'Umar I in anyway.

The following is a copy of the covenant and it is found in *kitāb al-Umm* of al-Shāf'ī. It is without *isnād* but it will be cited to show how this covenant was circulated among jurists. The text according to **al-Imām al-Shāfi'ī[56] (150-204 AH)** runs as follows:

إذا أراد الإمام أن يكتب كتاب صلح على الجزية كتب بسم الله الرحمن الرحيم
هذا كتاب كتبه عبد الله فلان أمير المؤمنين لليلتين خلتا من شهر ربيع الأول سنة كذا وكذا، لفلان بن فلان النصراني من بني فلان الساكن بلد كذا، وأهل النصرانية من أهل بلد كذا إنك سألتني أن أؤمنك وأهل النصرانية من أهل بلد كذا، وأعقد لك ولهم ما يعقد لأهل الذمة على ما أعطيتني، وشرطت لك ولهم، وعليك وعليهم، فأجبتك إلى أن عقدت لك ولهم علي، وعلى جميع المسلمين الأمان ما استقمت واستقاموا بجميع ما أخذنا عليكم، وذلك أن يجري عليكم حكم الإسلام لا حكم خلافه بحال يلزمكموه، ولا يكون لكم أن تمتنعوا منه في شيء رأيناه نلزمكم به، وعلى أن أحداً منكم إن ذكر محمداً صلى الله عليه وسلم أو كتاب الله عز وجل أو دينه بما لا ينبغي أن يذكره به فقد برئت منه ذمة الله ثم ذمة أمير المؤمنين وجميع المسلمين، ونقض ما أعطى عليه الأمان، وحل

---

[54] Al-Ṣan'ānī, 'Abd al-Razzāq, *Muannaf, Kitāb ahl al-Kitāb,* (On line) Available at: http://www.sonnhonline.com accessed 21-09-06

[55] The term "al-Shām" may be used to describe either the city of Damascus of the larger region of Syria, just as the term *Miṣr* may be used to describe either Cairo or the larger region of Egypt. "Al-Jazīra" refers to "upper Mesopotamia," or the northern half of the region between the Tigris and Euphrates Rivers. The region is highlands, while the southern lowlands with its interesting canals, in the same era were termed "Iraq".

[56] Al-Shāfi'ī, op.cit., 4:280-4.

لأمير المؤمنين ماله ودمه كما تحل أموال أهل الحرب ودماؤهم،

If the *imām* wants to conclude a treaty for the payment of *jizya* he should write: in the name of Allah the most Compassionate the most merciful. This is a document written by the worshipper of Allāh so and so (*fulān*) the commander of the faithful in the year so and so for a two nights passed of the month of Rabī' al-Awwal to so and so the Christian the resident of so and so (*kadha*) and the Christian people of the land of so and so that when you asked for safety for you and to the Christian people from the land of so (*kadha*) that I should conclude a treaty with them as I conclude it with the *dhimmī* people for the covenant you concluded with me. I made some regulations for you and for them and I replied to your request that I concluded a treaty with you and with them that we grant you and all fellow Christians safety as long as you and they maintain the regulations that we impose upon you that you shall fall under the Muslim rule and nothing else, and that you should not refuse to do anything we ask you, that if anyone of you mention the name of the Prophet, God's name or His religion with that which is not proper, he is to be debarred from the protection of God and the protection of the commander of the faithful and all Muslims and the covenant of protection which was given to him is to be considered void, his property, his life will be considered like the property and lives of the enemies.

وعلى أن أحداً من رجالهم إن أصاب مسلمة بزنا، أو اسم نكاح، أو قطع الطريق على مسلم، أو فتن مسلماً عن دينه، أو أعان المحاربين على المسلمين بقتال، أو دلالة على عورة المسلمين وإيواء لعيونهم فقد نقض عهده وأحل دمه وماله. وإن نال مسلماً بما دون هذا في ماله أو عرضه، أو نال به من على مسلم منعه من كافر له عهد أو أمان، لزمه فيه الحكم، وعلى أن نتتبع أفعالكم في كل ما جرى بينكم وبين مسلم، فما كان لا يحل لمسلم مما لكم فيه فعل رددناه وعاقبناكم عليه، وذلك أن تبيعوا مسلماً بيعاً حراً ما عندنا من خمر، أو خنزير، أو دم ميتة، أو غيره، ونبطل البيع بينكم فيه، ونأخذ ثمنه منكم إن أعطاكموه، ولا نرده عليكم إن كان قائماً، ونهريقه إن كان خمراً أو دماً، ونحرقه إن كان ميتة، وإن استهلكه لم نجعل عليه فيه شيئاً ونعاقبكم عليه، وعلى أن لا تسقوه أو تطعموه محرماً، أو تزوجوه بشهود منكم أو بنكاح فاسد عندنا. وما بايعتم به كافراً منكم، أو من غيركم، لم نتبعكم فيه ولم نسألكم عنه ما تراضيتم به. وإذا أراد البائع منكم أو المبتاع نقض البيع وأتانا طالباً له، فإن كان منتقضاً عندنا نقضناه، وإن كان جائزاً أجزناه، إلا أنه إذا قبض المبيع وفات لم يرده لأنه بيع بين مشركين مضى

If one of their men commits fornication with a Muslim woman or asks for pseudo-marriage or robs a Muslim, or causes a Muslim to renounce his religion, or helps the enemies to fight Muslims or violate the Muslims' privacy, or help the spies of the enemy, he has preached the covenant of protection and his life and property cannot be spared. If one of them makes a less harm to a Muslim concerning his property or honour, he i.e. the offender is to be punished, that we verify every contract you conclude with Muslims, if we find any regulations that are not permitted by Islam, we shall reject this contract and punish you accordingly, an example of that is to sell wine, pigs, blood, or an unclean Caracas, or anything else of that kind, we shall cancel this contract and take the price of the sale if it was paid to you, we shall keep it i.e. the price ( if it was not paid), that we will pour the wine, blood, and burn the carcase, if any of these things was consumed by a Muslim, there will be no blame upon him and we will punish you, that you should not give him anything which is forbidden to eat or drink, you should not give him a woman to marry in the presence of your witnesses or conclude a marriage contract which is null in our religion. We shall neither follow nor ask about a contract you concluded with a disbeliever among you or from outside as long as you agreed to the condition of this contract, If the seller or the buyer wants to annul the sale and comes to us asking for that, we would annul it as it is to be annulled in our religion and we would permit it if it was to be permitted in our religion as it is a concluded sale between two parties.

ومن جاءنا منكم أو من غيركم من أهل الكفر يحاكمكم أجريناكم على حكم الإسلام، ومن لم يأتنا لم نعرض لكم فيما بينكم وبينه وإذا قتلتم مسلماً أو معاهداً منكم، أو من غيركم، خطأ فالدية على عواقلكم كما تكون على عواقل المسلمين، وعواقلكم قراباتكم من قبل آبائكم. وإن قتله منكم رجل لا قرابة له فالدية عليه في ماله، وإذا قتله عمداً فعليه القصاص إلا أن تشاء ورثته دية فيأخذونها

حالة.

That if anyone from amongst you or outside ask other than you for judgement we will judge according to the Islamic law but if we were not asked to judge then, we will not interfere between you, if you (by mistake) killed a Muslim or a *mu'āhad* among you or from outside, then it is the relatives of the offender are to pay the compensation (*diyyah*) as in the case among Muslims or it is the relatives on the father's side who should pay the compensation, if the offender amongst you has no relatives, then the compensation is to be taken from his own wealth, if he intentionally commits this crime i.e. killing, then *qiṣāṣ* (retaliation) is to be carried out unless heirs of the killed person wish to take the compensation.

ومن سرق منكم فرفعه المسروق إلى الحاكم قطعه إذا سرق ما يجب فيه القطع وغرم، ومن قذف فكان للمقذوف حد حد له، وإن لم يكن حد عزر حتى تكون أحكام الإسلام جارية عليكم بهذه المعاني فيما سمينا ولم نسم، وعلى أن ليس لكم أن تظهروا في شيء من أمصار المسلمين الصليب، ولا تعلنوا بالشرك، ولا تبنوا كنيسة ولا موضع مجتمع لصلاتكم، ولا تضربوا بناقوس، ولا تظهروا قولكم بالشرك في عيسى ابن مريم ولا في غيره لأحد من المسلمين. وتلبسوا الزنانير من فوق جميع الثياب الأردية وغيرها حتى لا تخفى الزنانير، وتخالفوا بسروجكم وركوبكم، وتباينوا بين قلانسكم وقلانسهم بعلم تجعلونه بقلانسكم،

If one of you steals and the one whose property were stolen raises the issue to the judge, then the thief is to have his hand cut off ( if the amount reaches a *niṣāb* ) and the thief is to be fined, the slanderer is to be punished if the punishment was fixed, if not he is to be punished according to the Islamic law so that the Islamic laws will be incumbent upon you for everything we stated here or for what was not stated, that you should not show cross in the Muslim territories, nor preach trinity, nor build a church or a place of assembly for your prayers, nor ring the church-bells, nor use words of blasphemy to Jesus the son of Marry or to any other Muslim, that you should wear the waist belt above all your garments so that the waist belts are not hidden, that your saddles and mounts should be different from those of Muslims, and make your helmets different from those of Muslim by putting a mark on them.

وأن لا تأخذوا على المسلمين سروات الطرق ولا المجالس في الأسواق، وأن يؤدي كل بالغ من أحرار رجالكم غير مغلوب على عقله جزية رأسه ديناراً مثقالاً جيداً في رأس كل سنة، لا يكون له أن يغيب عن بلده حتى يؤديه أو يقيم به من يؤديه عنه لا شيء عليه من جزية رقبته إلى رأس السنة، ومن افتقر منكم فجزيته عليه حتى تؤدى عنه. وليس الفقر بدافع عنكم شيئاً ولا ناقض لذمتكم عن ما به، فمتى وجدنا عندكم شيئاً أخذتم به، ولا شيء عليكم في أموالكم سوى جزيتكم ما أقمتم في بلادكم واختلفتم ببلاد المسلمين غير تجار،

That you shall not take the crest of the roads or the important places of assemblies in the presence of Muslims, that every free adult male from among you should pay *jizya* one *dināŕ* at the beginning of a lunar year, he is not to leave the territory until he pays this amount and he cannot appoint somebody else to pay it, this payment will be enough until the new year, the poor is to pay his *jizya*, poverty cannot exempt you from paying *jizya* nor will dissolve the covenant of protection and if you have anything we will take it. Nothing is to be taken from your wealth more than *jizya* as long as you reside within the Muslim territories and travel unless you are traders.

وليس لكم دخول مكة بحال. وإن اختلفتم بتجارة على أن تؤدوا من جميع تجاراتكم العشر إلى المسلمين فلكم دخول جميع بلاد المسلمين إلا مكة، والمقام بجميع بلاد المسلمين كما شئتم إلا الحجاز، فليس لكم المقام ببلد منها إلا ثلاث ليال حتى تظعنوا منه. وعلى أن من أنبت الشعر تحت ثيابه أو احتلم أو استكمل خمس عشرة سنة قبل ذلك فهذه الشروط لازمة له إن رضيها، فإن لم يرضها فلا عقد له

That you cannot enter Makkah under any circumstances, and if you are to trade within the Muslim territories, *'ushr* is to apply and you can enter all Muslim lands except Mecca, that you can reside in any Muslim territory except al-Hijāz and you should not stay for more than three days in any Muslim

territory until you depart. That these regulations are to apply to every one among you who reaches the age of puberty or becomes fifteen years of age before this date if he accepts them, if not, then no contract will be concluded with him.

، ولا جزية على أبنائكم الصغار، ولا صبي غير بالغ، ولا مغلوب على عقله، ولا مملوك. فإذا أفاق المغلوب على عقله وبلغ الصبي وعتق المملوك منكم فدان دينكم فعليه جزيتكم، والشرط عليكم وعلى من رضيه، ومن سخطه منكم نبذنا إليه.

That *jizya* is not to be taken from your children, the insane, or the slaves. If the insane comes to consciousness, the child reaches the age of puberty, and the slave becomes free and they follow your religion, then *jizya* is to be taken from these categories, these regulations are binding on you and those who accept them, but those who reject them will have no contract with us.

ولكم أن نمنعكم وما يحل ملكه عندنا لكم ممن أرداكم من مسلم أو غيره بظلم بما نمنع به أنفسنا وأموالنا، ونحكم لكم فيه على من جرى حكمنا عليه بما نحكم به في أموالنا، وما يلزم المحكوم في أنفسكم فليس علينا أن نمنع لكم شيئاً ملكتموه محرماً من: دم، ولا ميتة، ولا خمر، ولا خنزير، كما نمنع ما يحل ملكه ولا نعرض لكم فيه إلا أنا لا ندعكم تظهرونه في أمصار المسلمين، فما ناله منه مسلم أو غيره لم نغرمه ثمنه لأنه محرم، ولا ثمن لمحرم، ونزجره عن العرض لكم فيه، فإن عاد أدب بغير غرامة في شيء منه. وعليكم الوفاء بجميع ما أخذنا عليكم، وأن لا تغشوا مسلماً، ولا تظاهروا عدوهم عليهم بقول ولا فعل عهد الله وميثاقه، وأعظم ما أخذ الله على أحد من خلقه من الوفاء بالميثاق، ولكم عهد الله وميثاقه وذمة فلان أمير المؤمنين وذمة المسلمين بالوفاء لكم، وعلى من بلغ من أبنائكم ما عليكم بما أعطيناكم ما وفيتم بجميع ما شرطنا عليكم، فإن غيرتم أو بدلتم فذمة الله ثم ذمة فلان أمير المؤمنين والمسلمين بريئة منكم ومن غاب عن كتابنا ممن أعطيناه ما فيه فرضيه إذا بلغه فهذه الشروط لازمة له ولنا فيه، ومن لم يرض نبذنا إليه شهد

We will protect you and your property if it is permitted in our religion against anyone Muslim or not if he tries to do injustice to you the same as we protect ourselves and our properties, we cannot protect things which are forbidden in our religion such as blood, carcass, wine, and pig and we will not interfere ( if it was among yourselves), we will not let you display these forbidden things in Muslim territories if it was bought by a Muslim or another, we cannot force the buyer to pay the value of it as it is forbidden and have no value, we will not let him (the buyer) disturb you about it, if he does we will punish him without asking him to pay fine, that you should fulfil all these regulations that we have imposed on you, that you should not cheat a Muslim, nor to help the enemy of Muslims ( to attack a Muslim) by words or actions, the covenant of God and His promise and the most honourable pledge that He imposed on any of His creatures, you have the covenant of God and the covenant of God, the covenant of so and so (*fulān*) the commander of the faithful, and the covenant of Muslims that we will fulfil our obligations to you, your sons will have the same obligations when they grow up, if you alter or change, then the covenant of God, the covenant of so and so the commander of the faithful, and the covenant of Muslims will have no weigh with you, whoever is not among us and he knows about these regulation and accepts them, then they are binding on him, if he does not accept them, then will not conclude a contract with him.

قال الشافعي رحمه الله تعالى: فإن شرط عليهم ضيافة، فإذا فرغ من ذكر الجزية كتب في أثر قوله: ولا شيء عليكم في أموالكم غير الدينار في السنة، والضيافة على ما سمينا. فكل من مر به مسلم أو جماعة من المسلمين فعليه أن ينزله في فضل منازله فيما يكنه من حر أو برد ليلة، ويوماً، أو ثلاثاً إن شرطوا ثلاثاً، ويطعمه من نفقة عامة أهله مثل: الخبز، والخل، والجبن، واللبن، والحيتان، واللحم، والبقول المطبوخة، ويعلف دابة واحدة تبناً أو ما يقوم مقامه في مكانه،

Then al-Shāfi'ī (may Allah the Almighty bless his soul ) said if he stipulates that they should host Muslims, then after stipulating *jizya* he has to follow that by saying: that you should pay nothing out of your money except one *dinār* per year and to host Muslims as we said, whoever sees a Muslim or a group of Muslims, he has to host them in his most favourable to protect him against heat or clod for one night or two nights or three days ( if they stipulate three days), that he should feed Muslims with

the food that he offers to his family such as bread, vinegar, cheese, milk, fish, meat and the cooked grains, that he should offer straw or anything that would substitute it to the Muslim animals (mounts)

فإن أقام أكثر من ذلك فليس عليه ضيافة ولا علف دابة. وعلى الوسط أن ينزل كل من مر به رجلين وثلاثة لا يزيد عليهم، ويصنع لهم ما وصفت. وعلى الموسع أن ينزل كل من مر به ما بين ثلاثة إلى ستة لا يزيدون على ذلك، ولا يصنعون بدوابهم إلا ما وصفت، إلا أن يتطوعوا لهم بأكثر من ذلك. فإن قلت المارة من المسلمين يفرقهم، وعدلوا في تفريقهم، فإن كثر الجيش حتى لا يحتملهم منازل أهل الغنى، ولا يجدون منزلاً، أنزلهم أهل الحاجة في فضل منازلهم، وليست عليهم ضيافة، فإن لم يجدوا فضلاً من منازل أهل الحاجة لم يكن لهم أن يخرجوهم وينزلوا منازلهم. وإذا كثروا وقل من يضيفهم فأيهم سبق إلى النزول فهو أحق به. وإن جاءوا معاً أقرعوا فإن لم يفعلوا وغلب بعضهم بعضاً ضيف الغالب ولا ضيافة على أحد أكثر مما وصفت فإذا نزلوا بقوم آخرين من أهل الذمة أحببت أن يدع الذين قروا القرى، ويقرى الذين لم يقروا، فإذا ضاق عليهم الأمر فإن لم يقرهم أهل الذمة لم يأخذ منهم ثمناً للقرى، فإذا مضى القرى لم يؤخذوا به إذا سبأ لهم المسلمون

If a Muslim is to stay for more than three days, then he ( the *muāhad*) is not obliged to offer food to the Muslim nor to his mount, that the middle class people would only host two or three people and they should not be more than that and they should not do more than what is stated above. That the rich people are to host between three and six ( Muslim wayfarer) and they ( guests) should not be more than that and they, i.e. the hosts, should not feed the Muslims mounts more than what is stated above unless they, i.e. the hosts, do that voluntarily, I tell travellers among Muslims to distribute themselves and they should be fair in their distribution, if the number of the army is big and the houses of the well off people cannot afford this number, then the army is to stay in the most favourable houses of the poor people and the hosts are not to provide food for the army, if they cannot find housing in the poor people dwellings, they ( the army) cannot expel the poor people to stay in their houses, if the number of the army is big and the number of houses are few, then the one who comes first will have the right to dwell in the poor dwellings, if they ( Muslim travellers) come together then cast lots and if they do not, some will prevail in getting most of the houses, they should not offer hospitality for more than what I have stated. If they come to another group from among *ahl al-dhimmah*, I recommend that they leave settled those who have lodging and to lodge those who are not settled. If it becomes difficult and there is no free place and if *ahl al-Dhimmah* do not lodge them, do not ask them for the price of hospitality, if that price was paid, then they are not responsible anymore if Muslims ask them for that.

ولا يأخذ المسلمون من ثمار أهل الذمة ولا أموالهم شيئاً بغير إذنهم، وإذا لم يشترطوا عليهم ضيافة فلا ضيافة عليهم، وأيهم قال أو فعل شيئاً مما وصفته نقضاً للعهد وأسلم، لم يقتل إذا كان ذلك قولاً، وكذلك إذا كان فعلاً لم يقتل إلا أن يكون في دين المسلمين إن فعله قتل حداً أو قصاصاً، فيقتل بحد أو قصاص لا نقض عهد. وإن فعل ما وصفنا، وشرط أنه نقض لعهد الذمة فلم يسلم، ولكنه قال: أتوب وأعطي الجزية كما كنت أعطيها، أو على صلح أجدده عوقب ولم يقتل، إلا أن يكون فعل فعلاً يوجب القصاص بقتل أو قود، فأما ما دون هذا من الفعل أو القول وكل قول فيعاقب عليه، ولا يقتل. قال الشافعي رحمه الله: فإن فعل، أو قال ما وصفنا، وشرط أنه يحل دمه فظفرنا به فامتنع من أن يقول أسلم، أو أعطي جزية، قتل وأخذ ماله فيئاً

That Muslims are not to take from the fruits of *ahl al-Dhimmah* nor to take of their possession without their consent, if hospitality was not included in the contract, they are not required to offer it, if anyone of them has said something I described as breaking the covenant and he becomes a Muslim, he is not to be killed, if he has done something like that ( I described as breaking the covenant) he is to be killed by the sword if this sentence was stipulated in Islam but not as dissolving the covenant. If he has done something that we described as breaking the covenant and he does not accept Islam but said I repent and pay *jizya* as I used to pay it before or I renew a covenant of peace, then he is not to be killed but punished, unless he has done something for which the *qaṣāṣ* or execution must be carried out. Apart from that if he has said or done something, he is to be punished and not killed. Al-Shāfi'ī (May Allah bless his soul) said if we arrest him and he refused to accept Islam or pay *jizya*, then he is to be killed and his money will be taken as *fay'* (reward).

## Overview

The Shāīfi'ī copy does not seem to be an actual *isnād* of the covenant. The researcher quoted it just to show the juristic view about this covenant. Al-Shāfi'ī just tells what conquering leaders should do and the canonical collections of *ḥadīth* did not refer to these regulations. This also constitutes another concern about the absence of an accurate narration of this covenant in the juristic books. Most probably, the regulations of this covenant were carried out at later ages.

### 5.9.3 The *isnād* of Abū 'Ubayd[57] (157-224 AH)

وعن عبدالرحمن بن عثمان قال كتب لعمررضى الله عنه حين صالح نصارى الشام مانسخته هذا كتاب لعبد الله عمر أمير المؤمنين من نصارى الشام إنكم لما قدمتم علينا سألناكم الأمان لأنفسنا وذرارينا وأموالنا على ألا نتخذ فى مدننا وما حولها ديرا ولا كنيسة ولا صومعة لراهب ولا نجدد ما خرب منها ولا نحيى منها ماكان حطط المسلمين ولا نمنع كنائسنا أن ينزلها أحد من المسلمين فى ليل أونهار وأن نوسع أبوابها للمارة وأبناء السبيل وأن ننزل مامر بنا من المسلمين ثلاثة أيام ولا نؤوى فى كنائسنا ولا منازلنا جاسوسا ولا نكتم غشا للمسلمين ولا نعلم أولادنا القرآن ولا نظهر شركا ولا ندعواإليه أحد ولا نمنع أحد من أقربائنا من الدخول فى الإسلام إذاارادوه وأن نوقر المسلمين وأن نقوم لهم من مجالسنا إذاأرادواالجلوس ولا نتشبه بهم فى شيئ من لباسهم ولا نتكنى بكناهم ولا نركب السروج ولا نتقلد السيوف ولا نتخذ شيئا من السلاح ولا نحمله ولا نضرب بنواقيسنا فى كنائسنا إلا ضربا خفيفا ولا نرفع أصواتنا مع موتانا ولا نتخذ من الرقيق ماجرت عليه سهام المسلمين ولا نطلع عليهم فى منازلهم وأن نرشدهم إلى الطريق فلماقراه أمير المؤمنين زاد فيه شرطنا ذلك على أنفسنا وأهلينا وقبلنا عليه الأمان وإن نحن خالفنا عن شيئ شرطناه لكم وضمناه على أنفسنا فلا ذمة لنا وقد حل لكم منا ماحل لأهل الشقاق والمعاندة فليعتبر المعتبر هذه الشروط وبعاين ملابسهم ومراكبهم و تعرضهم للمسلمين من الأغانى ومن يجرى مجراهم فلا حول ولا قوة إلا بالله العلى العظيم

On the authority 'Abd al-Raḥmān b. 'Uthmān said I wrote to 'Umar b. al-Khaṭṭāb when he made a peaceful treaty with the Christians of al-Shām the following: this is a message of 'Umar the servant of Allah and the commander of the believers from the Christians of al-Shām that when you come into our land we asked of you safety for our lives and the people of our religion, and we imposed these terms on ourselves; not to build in Damascus and its environs church, chapel, monk's hermitage, not to repair what is dilapidated of our churches nor any of them that are in Muslim quarters, not to withhold our churches for Muslim stopping there by night or day to open their doors to the travellers and wayfarer; not to shelter there nor in our houses a spy, not to hide one who is a traitor to the Muslims; to beat the bells gently in our churches, not to display a cross on them, not to raise our voices in prayer or chanting loudly in our churches, not to carry in procession a cross or our book, not to take our Easter or palm Sunday processions, not to raise our voices over our dead, nor to show fires with them in the markets of the Muslims, nor bring our funerals near them; not to sell wine nor parade idolatry in companies of Muslims, not to entice a Muslim to our religion nor invite him to it; not to keep slaves who have been the property of Muslims; not to prevent any relative from entering Islam if he wish it; to keep our religion wherever we are, not to resemble Muslims in wearing the *kalansowah,* (the turban), shoes, nor in the parting of the hair, nor in their way of riding, not to use their language nor to be called by their names; to cut the hair in the front and divide our forelocks ; to tie the *zunnār* round our waists ; not o engrave Arabic on our seals; not to ride on saddles; not to keep arms nor put them in our houses nor wear swords; to honour Muslims in their greetings, to guide them on the road, to stand up in public meetings when they wish it; not to make our houses higher to theirs; not to teach our children the Koran; not to be partners with Muslims except in business; to entertain every Muslim

[57]Abū 'Ubayd, al-Qāsim b. Sallām. *Kitāb al-Amwāl.* Beirut: Mu'assasat Nāṣer li al-Thaqāfah, 1981, p.120

traveller in our customary style and feed him in it three days; we will not abuse a Muslim, and he who strikes a Muslim has forfeited his rights".[58]

**Overview**

Turning to Abū 'Ubayd's narration, we find that he refers to a new narrator of this covenant. Until this moment, the original narrator is still unknown. The question that needs be answered is how many people wrote this covenant and who are they? Besides, why should we find this variation among the different versions? The text of the covenant seem slightly different from the previous ones especially the last clause.

## 5.9.4 The *isnād* of Abū Bakr al-Khallāl (234-311 AH)[59]

١٠٠٠\ أخبرنا عبد الله بن أحمد بن حنبل قال حدثنى أبو شرحبيل الحمصى عيسى بن خالد قال : حدثنى عمى أبو اليمان وأبو المغيرة جميعا قالا : أخبرنا إسماعيل بن عياش قال حدثنا غير واحد من أهل العلم قالوا: كتب أهل الجزيرة إلى عبد الرحمن بن غنم

1000-/'Abd Allāh b. Aḥmad b. Ḥanbal reported to us: Abū Sharḥabīl al-Ḥimsī 'Īsā b. Khālid said: both my uncle Abū al-Yamān and Abū al-Mughīrah informed us: Ismā'īl b. 'Ayyāsh reported to us ' I was told by a number of scholars( of *ḥadīth*) that the people of al-Jazīrah wrote to 'Abd al-Raḥmān b. Ghonm : [60]

**Overview**

The *isnād* of al-Khallāl seems to be interrupted. There is an interruption between Ismā'īl b. 'Ayyāsh who was born 108 AH and Ibn Ghonm who died 78 AH. Al-Khallāl did not cover this period between the two narrators which is nearly 30 years. He just referred to some knowledgeable scholars without telling their names. In addition, the covenant here is attributed to Ibn Ghonm and not the Caliph himself. This casts some doubts about who imposed these regulations. Al-Khallāl just represents the Ḥanbalī *isnād* of the covenant.

---

[58] Triton, Tritton, A. S, *The caliphs and their non-Muslim subjects: a critical study of the Covenant of 'Umar*, London : Cass, 1970, p. 7-8

[59] Al-Khallāl, Abū Bakr Aḥmad b. Muḥammad, *Akām ahl al-Melal,* Beirut: Dār al-Kutub al-'Ilmiyyah, 2003, p.357

[60] To avoid repetition of the clauses of the covenant, I will just mention the chain of narration. Clauses that start from " when you come into our land we asked of you safety for our lives etc" will only be mentioned once. Clauses may nor be repeated unless the copies of the covenant are different.

## 5.9.5 The *isnād* of Ibn Zabr al-Qāḍī[61]: (255-329 AH)

أخبرنا الشيخان الأجل الفقيه الأمين أبو محمد هبة الله بن أحمد بن محمد الأكفانى وأبو محمد طاهر بن سهل بن بشر الإسفرائينى قالا أخبرنا الشيخ أبو الحسن عبد الدائم بن الحسن بن عبيد الله الهلالى القطان قال أخبرنا أبو الحسين عبد الوهاب بن الحسن بن الوليد الكلابى قال أخبرنا أبو محمد عبد الله بن أحمد بن زبر

The two noble and just sheikhs the jurist Abū Muḥammad Hibat Allāh b. Aḥmad b. Muḥammad al-Akfānī and Abū Muḥammad Ṭāhir b. Sahl al-Isfrā'īnī told us: the sheikh Abu al-Ḥassan 'Abd al-Dāyem b. al-Ḥassan b. 'Ubayd Allāh al-Helālī al-Qaṭān told us: Abū al-Ḥussain 'Abd al-Wahāb b. al-Ḥassan b. al-Walīd al-Kallābī told us: Abū Muḥammad 'Abd Allāh b. Aḥmad b. Zabr told us

قالا أخبرنا عبدد الدايم, حدثنا عبد الوهاب,حدثنا عبد الله, حدثنا محمد بن إسحق بن راهوية الحنظلى حدثنا أبى حدثنا بقية بن الوليد عن عبد الحميد بن بهرام عن شهر بن حوشب عن عبد الرحمن بن غنم أن عمر بن الخطاب رضى الله عنه كتب على النصارى حين صولحوا

'Abd al-Dāyem told us that: 'Abd al-Wahhāb narrated to us: 'Abd Allāh narrated to us: Muḥammad b. Isḥāq b. Rahawayh al-Ḥanẓalī said my father narrated to us: Baqiyyah b. al-Walīd told us through Abd al-Ḥamīd b. Bahrām through Shahr b. Ḥawshab through Abd al-Raḥmān b. Ghonm said that 'Umar b. al-Khaṭṭāb wrote to the Christians when he made a peaceful treaty with them:...

بسم الله الرحمن الرحيم هذا كتاب لعبد الله عمر أمير المؤمنين من نصارى أرض الشام إنا سألناك الأمان لأنفسنا وأهلينا و أموالنا وأهل ملتنا على أن نؤدى الجزية عن يد ونحن صاغرون وعلى أن لا نمنع أحدا من المسلمين أن ينزلوا كنائسنا فى الليل والنهار ونضيفهم فيها ثلاثا ونطعمهم فيها الطعام ونوسع لهم ابوابها ولا يضرب فيها با لنواقيس إلا ضربا خفيفا ولانرفع فيها اصواتنا بالقراءة ولا نؤوى فيها ولا فى شيئ من منازلنا جاسوسا لعدوكم ولا نحدث كنيسة ولا ديرا ولا صومعة ولا قلاية ولا نجدد ماخرب منها ولا نقصد الإجتماع فيما كان منها من خطط المسلمين وبين ظهرانيهم ولا نظهر شركا ولا ندعوا إليه ولا نظهر صليبا على كنايسنا ولا فى شيئ من طرق المسلمين وأسواقهم ولا نتعلم القرآن ولا نعلمه أولادنا ولا نمنع أحدا من زوى قراباتنا الد خول فى الإسلام إن أرادوا ذلك وان نجز مقاديم رؤوسنا ونشد الزنانير فى أوساطنا ونلزم ديننا ولا نتشبه با لمسلمين فى لباسهم ولا فى هيئتهم ولا فى سروجهم ولا نقش خواتيمهم فننقشها عربياولا نكنى بكناهم وأن نعظمهم ونوقرهم ونقوم لهم من مجالسنا ونرشدهم فى سبلهم وطرقاتهم ولا نطلع فى منازلهم ولا نتخذ سلاحا ولا سيفا ولا نحمله فى حضر ولا سفر فى أرض المسلمين ولا نبيع خمرا ولا نظهرها ولا نظهر نارا مع موتانا فى طرقات المسلمين ولا نرفع أصواتنا مع جنائزهم ولا نجاور المسلمين بهم ولا نطوق أحدا من المسلمين ولا نتخذ من الرفيق شيئا جرت عليه سهام المسلمين شرطنا ذلك كله على انفسنا واهل ملتنا فإن خالفناه فلا ذمة لنا ولا عهد وقد حل لكم منا مايحل لكم من أهل الشقاق والمعاندة

In the name of God, the Compassionate, the Merciful, This is a covenant of the servant of Allāh on behalf of the commander of the faithful from the Christians of the land of al-Shām that we ask for protection to ourselves, our people, our wealth, and those who follow our religion that we should pay *jizya* with humiliation, that we will not prevent any Muslim from entering our churches in the day or night and that we offer hospitality to them for three days, that we should widen the gates of churches for them, that we should only ring the church-bells gently, that we should not raise our voices in our prayers, that we should not give shelter to any spy of your enemies whether in the churches or in our houses, that we should not rebuild a church, monastery, hermitage, or cell, that we should not renew what was destroyed( of these places of worship), that we should not hold our meetings in any place where Muslims could use it as a road, that we should not preach trinity nor incite others to accept it, that we should not erect crosses on our churches or on the roads or markets of Muslims,

---

[61] Ibn Zabr, al-Qāḍī Abū Muhammad 'Abd Allāh b. Aḥmad, *Shurūṭ al-Naṣārā,* Manuscript 3952 Tārīkh, Cairo: Dār al-Kutub wa al-Wathā'q al-Miṣriyyah.

That we should neither learn the Qur'ān nor teach it to our children, that we should not prevent any of our people to accept Islam if they wished that, that we should shear our forehead, that we should tighten "*zanānīr*" belts to our waists, that we should stick to our religion, that we should not resemble Muslims in their dress or their appearance or their saddles, that we should not engrave our seals with Arabic, that we should not have Muslim forenames, that we should revere Muslims and leave our meetings ( to revere them), that we should guide them to the roads, that we should not spy on their privacies, that we should not carry weapons or swords whether in the urban or rural districts of Muslims, that we should not sell wine or display it, that we should not carry torches when we burry our dead on the way to Muslims, that we should not raise our voices when a Muslim funeral passes, that we should not make our cemetery close to the Muslim houses, that we will not run to the aid of a slave when the weapons of Muslims is ready to fall upon him, We made this treaty for ourselves and all our people, should we fail to follow these regulations, we no longer are to enjoy protection and that you can deal with us as riotous and uproarious people.

أخبرنا عبد الدائم حدثنا عبد الوهاب حدثنا عبد الله حدثنا محمد بن هشام بن البحترى أبو جعفر المستملى حدثنا الربيع بن ثعلب الغنوى حدثنا يحيى بن عقبة أبى العيزار عن سفيان الثورى والوليد بن نوح والسرى بن مصرف يذكرون عن طلحة بن مصرف عن مسروق عن عبد الرحمن بن غنم قال كتبت لعمر بن الخطاب رضى الله عنه حين صالح نصارى اهل الشام .....

'Abd al-Dāyem told us, 'Abd Allāh narrated to us: Muḥammad b. Hishām b. al-Buḥturī Abū Ja'far al-Mustamlī narrated to us: al-Rabī' b. Tha'lab al-Ghanawī narrated to us: Yaḥyā : b. 'Uqbah Abū al-'Ayzār told us through Sufyān al-Thawrī: al-Walīd b. Nūḥ, and al-Suray b. Muṣraf mention through Ṭalḥah b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb when he made a peaceful treaty with the Christian of al-Shām……

قال عبد الله ووجدت هذاالحديث با لشام رواه عبد الوهاب بن نجدة الحوطى عن محمد بن حميد بن عبد الملك بن حميد بن أبى غنية عن السرى بن مصرف وسفيان الثورى والوليد بن نوح عن طلحة بن مصروف عن مسروق بن الأجدع عن عبد الرحمن بن غنم قال كتبت لعمر بن الخطاب رضى الله عنه حين صالح نصارى اهل الشام فذكر مثله

'Abd Allāh said: I found this *ḥadīth* in al-Shām narrated by 'Abd al-Wahāb b. Najdah al-Ḥūṭī through Muḥammad b. Ḥumayd b. 'Abd al-Malik b. Ḥumayd b. Abū Ghaniyyah through al-Suray b. Muṣraf , Sufyān al-Thawrī, and al-Walīd b. Nūḥ through Ṭalḥah b. Muṣraf through Masrūq b. al-Ajda' through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb when he made a peaceful treaty with the Christians of the people of al-Shām he (the narrator) mentioned a similar *isnād*

ورأيت هذاالحديث فى كتاب رجل من أصحابنا بدمشق ذكر انه سمعه من محمد بن ميمون بن معاوية الصوفى بطبرية بإسناد ليس مشهور ينتهى على إسماعيل بن مجالد بن سعيد قال حدثنى سفيان الثورى عن طلحة بن مصرف عن مسروق عن عبد الرحمن بن غنم

I found this ḥadīth in a book narrated by one of our colleagues in Damascus who mentioned that he heard it from Muḥammad b. Maymūn b. Mu'āwiyah al-Ṣūfī in Ṭabariyyah with a not famous *isnād* ended by Ismā'īl b. Mujālid b. Sa'īd said, Sufyān al-Thawrī told me through Ṭalḥah b. Maṣraf, through Masrūq through 'Abd al-Raḥmān b. Ghonm

**Overview**

Although Ibn Zabr narrates this covenant through different ways, but according to al-

Dhahabī[62] he is not trustworthy. If we apply the rules that should be followed to know the authentic *ḥadīth* from the fake one, we would find that Ibn Zabr lacks an important requirement i.e. justice. For this reason, his narration, although he is among the first narrators to report his covenant, is to be rejected.

### 5.9.6 The *isnād* of Ibn Ḥazm al-Andalusī[63] (384-456 AH)

نا محمد بن الحسن بن الوارث نا عبد الرحمن بن عمر بن محمد بن النحاس نا أبو العباس محمد بن إسحق بن أبى إسحق الصفار نا أبو الفضل الربيع بن تغلب نا يحيى بن عقبة بن أبى العيزارعن سفيان الثورى عن طلحة بن مصرف عن مسروق , عن عبد الرحمن بن غنم , قال: كتبت لعمر بن الخطاب رضى الله عنه حين صالح نصارى الشام

Muḥammad b. al-Ḥassan b. al-Wārith told us: 'Abd al-Raḥmān b. 'Umar b. Muḥammad b. al-Naḥḥās: Abū al-'Abbās Muḥammad b. Isḥāq b. Abū Isḥāq al-Ṣaffār told us: Abū al-Faḍl al-Rabī' b. Taghlib told us: Yaḥyā b. 'Uqbah b. Abū al-'Ayzār told us through Sufyān al-Thawrī through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭab may Allāh be pleased with him when he made a peace treaty with the Christians of al-Shām

**Overview**

The only thing that could be noticed here, according to al-Dhahabī, is that two narrators (Ṭalḥa b. Muṣraf and Masrūq) of this covenant did not meet each other. Al-Dhahabī[64] says that Ṭalḥa did not report from Masrūq at all. This means that the narration of this covenant is doubtful. The sentence "from the Christians of such-and-such a city" which runs through this narration is very vague and does not indicate anything.

### 5.9.7 The *isnād* of al-Bayhaqī[65] (384-456 AH)

أخبرنا أبو طاهر الفقيه أنبأ أبو الحسن علي بن محمد بن سحنويه ثنا أبو بكر بن يعقوب بن يوسف المطوعي ثنا الربيع بن ثعلب ثنا يحيى بن عقبة بن أبي العيزار عن سفيان الثوري والوليد بن نوح والسري بن مصرف يذكرون عن طلحة بن مصرف عن مسروق عن عبد الرحمن بن غنم قال كتبت لعمر بن الخطاب رضى الله تعالى عنه حين صالح أهل الشام بسم الله الرحمن الرحيم هذا كتاب لعبد الله عمر أمير المؤمنين من نصارى مدينة كذا وكذا إنكم لما قدمتم علينا سألناكم الأمان

Abū Ṭāhir the jurist told us, Abū al Ḥasan 'Alī b. Muḥammad b. Saḥnawayh told us, Abū Bakr Y'qūb b. Yūsuf al-Muṭawwa'ī told us, al-Rabī' b. Tha'lab al-Ghanawī told us, Yaḥyā b. 'Uqbah b. Abū al-

---

[62] Al-Dhahabī , Abul Ḥassan Muḥammd Ibn Aḥamd Ibn 'Uthmān, *Siyar a'lām al-Nubalā'*, Ḥarf Encyclopaedia CD Rom, Cairo: 2001.

[63] Ibn Ḥazm, Muḥammad 'Alī b. Aḥmad b. Sa'īd (d.456 A.H), *Al-Muḥallā,* ed. Muḥammad Munīr al-Dimashqī.11.Vols. Cairo: Idārat al- Maṭba'ah al-Munīriyyah, 1351 A.H.

[64] al-Dhahabī, op.cit.

[65] Al-Bayhaqī, op.cit., *Kitāb al-Jizyah,* No. 18497. (On line) Available at: http://www.alwaraq.net/index4.htm?c=http://www.alwaraq.net/Core/Library.jsp&m=http://www.alwaraq.net/Core/waraq/subjecttoc,, accessed 21-09-06

'Ayzār told us through Sufyān al-Thawrī through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb may Allāh be pleased with him when he made a peace treaty with the Christians of al-Shām : In the name of God, the compassionate, the Merciful. This is a book of 'Abd Allāh 'Umar the Commander of the faithful to the Christians of so and so.

**Overview**

The rules that have been followed in Ibn Ḥazm' narration will apply here as well. In addition, the sentence "from the Christians of such-and-such a city" which runs through this notation is very vague and does not indicate anything.

## 5.9.8 The *isnād* of Abū Bakr al-Ṭurṭūshī[66](451-520 AH)

روى عبد الرحمن بن غنم قال: كتبنا إلى عمر بن الخطاب رضي الله عنه حين صالح نصارى أهل الشام: بسم الله الرحمن الرحيم هذا كتاب لعبد الله عمر أمير المؤمنين من نصارى مدينة كذا، إنكم لما قدمتم علينا سألناكم الأمان لأنفسنا وذرارينا وأموالنا وأهل ملتنا، وشرطنا لكم على أنفسنا أن لا نحدث في مدائننا ولا فيما حولها ديراً ولا كنيسة ولا قلية ولا صومعة راهب،

We heard from 'Abd al-Raḥmān Ibn Ghonm [died 78/697] as follows: When Umar Ibn al-Khaṭṭāb, may God be pleased with him, accorded a peace to the Christians of Syria, we wrote to him as follows: In the name of God, the Merciful and Compassionate. This is a letter to the servant of God Umar [Ibn al-Khaṭṭāb], Commander of the Faithful, from the Christians of such-and-such a city. When you came against us, we asked you for safe-conduct (*amān*) for ourselves, our descendants, our property, and the people of our community, and we undertook the following obligations toward you: We shall not build, in our cities or in their neighbourhood, new monasteries, Churches, convents, or monks' cells,

**Overview**

The *isnād* of al-Ṭurṭūshī cannot be accepted. He just reports the covenant directly to Ibn Ghonm without making any reference to the chain of narration. Besides, the version he narrates does not specify which city it talks about. Besides, he is using the same sentence "from the Christians of such-and-such a city" which as discussed does not indicate anything. Most probably he reports this covenant in request to the exigency of his time or for some political purposes.

## 5.9.9 The *isnād* of Ibn 'Asākir [67](499-571 AH)

أخبرنا أبو محمد طاهر بن سهل بن بشر الإسفرائيني , أنبا أبو الحسن عبد الدائم بن الحسن بن عبد الله القطان أنبأ عبد الوهاب بن

---

[66]Al-Ṭurṭūshī, Abū Bakr Muḥammad Ibn al-Walīd Ibn Khalaf Ibn Sulymān, *Sirāj al-Mulūk, Kitāb aḥkām ahl al-Dhimmah,* (On line), Available at : http://www.alwaraq.net/index4.htm?c=http://www.alwaraq.net/Core/Library.jsp&m=http://www.alwaraq.net/Core/waraq/subjecttoc, accessed 18-09-2006

[67] Ibn 'Asākir, 'Alī b. al-Ḥassan b. Hebat Allāh al-Shāfi'ī, *Tārīkh Madīnaht dimashq*, Damascus: Maṭbū'āt al-Mujamma' al-'Arabī, 1951, pp. 563-574.

حسن الكلابى , نا أبو محمد عبد الله بن أحمد بن زبر , نا محمد بن إسحق بن راهويه الحنظلى , نا أبى, نا بشر بن الوليد , عن عبد الحميد بن بهرام , عن شهر بن حوشب عن عبد الرحمن بن غنم أن عمر بن الخطاب كتب على النصارى حين صولح:( راجع نص الوثيقة فى إسناد ابن زبر القاضى حيث أن النص واحد)

Abū Muḥammad Ṭāhir b. Sahl b. Bishr al-Isfrā'īnī told us, Abū al-Ḥassan 'Abd al-Dāyim b. al- Ḥasan b. Abd Allāh al-Qaṭṭān told us, 'Abd al-Wahhāb b. Ḥasan al-Kelābī told us, Abū Muḥammad 'Abd Allāh b. Zabr al-Qāḍī told us, Muḥammad b. Isḥāq b. Rahawayh al-ḤanẔalī told us, my father told us, Bishr B. al-Walīd told us through Abd al- Ḥamīd b. Bahrām through Shahr b. Ḥawshab through Abd al-Raḥmān b. Ghonm that 'Umar b. al-Khaṭṭāb wrote to the Christians of al-Shām when he made a peaceful treaty with them……

إسنادآخر:

وأخبرنا أبو طالب على بن عبد الرحمن بن محمد بن أبى عقيل , نا أبو الحسن على بن الحسن بن الحسين الخلعى الشافعى , نا أبو محمد عبد الرحمن بن عمر بن النحاس, قالا نا أبو سعيد أحمد بن محمد بن زياد بن الأعرابى , نا محمد بن اسحق بن ابى إسحق ابو العباس الصفار, نا الربيع بن ثعلب أبو الفضل , نا يحيى بن عقبة بن أبى العيزارعن سفيان الثورى والوليد بن نوح والسرى بن مصرف يذكرون عن طلحة بن مصرف عن مسروق عن عبد الرحمن بن غنم قال : كتبت لعمر بن الخطاب حين صالح نصارى الشام : بسم الله الرحمن الرحيم هذا كتاب لعبد الله عمر أمير المؤ منين من نصارى مدينة كذا وكذا

Abū Ṭālib 'Alī b. 'Abd al-Rḥmān b. Muḥammad b. Abū 'Aqīl told us, Abū al-Ḥasan b. al-Ḥasan b. al-Ḥusayn al-Khual'ī al-Shāfi'ī, Abū Muḥammad 'Abd al-Raḥmān b. 'Umar al-Naḥās said, Abū Sa'īd Aḥmad b. Muḥammad b. Zeyād al-A'rābī told us, Muḥammad b. Isḥāq b. Abū Isḥāq Abū al-'Abbās al-Ṣaffār told us, al-Rabī' b. Tha'lab Abū al-Faḍl told us, Yaḥyā b. 'Uqbah b. Abū al-'Ayzār through Sufyān al-Thawrī , al-Walīd b. Nūḥ, and al-Suray b. Moṣraf mention through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said I wrote to 'Umar b. al-Khaṭṭāb when he concluded a peaceful treaty with the Christians of al-Shām : in the name of Allāh , the most Compassionate, the most Merciful. This is a covenant from the Christians of such and such a city to the servant of Allāh 'Umar b. al-Khaṭṭāb the commander of the faithful.

, إنكم لما قدمتم علينا سألناكم الأمان لأنفسنا وذرارينا وأموالنا وأهل ملتنا وشرطنا لكم على أنفسنا أن لا نحدث في مداننا ولا فيما حولها ديرا ولا كنيسة ولا قلية ولا صومعة راهب ولا نجدد ما خرب منها ولا ما كان مختطا منها في خطط المسلمين في ليل ولا نهار. وأن نوسع أبوابها للمارة وابن السبيل وان ننزل من مر بنا من المسلمين ثلاث ليال نطعمهم. ولا نؤوي في كنائسنا ولا في منازلنا جاسوسا ولا نكتم غشا للمسلمين ولا نعلم أولادنا القرآن ولا نظهر شرعنا ولا ندعو أليه أحدا ولا نمنع أحدا من ذوي قرابتنا الدخول في الإسلام أن أراد. وان نوقر المسلمين ونقوم لهم من مجالسنا إذا أرادوا الجلوس. ولا نشتبه بهم في شئ من لباسهم من قلنسوة ولا عمامة ولا نعلين ولا فرق شعر ولا نتكلم بكلامهم ولا نكتني بكناهم ولا نركب بالسروج ولا نتقلد السيوف ولا نتخذ شيئا من السلاح ولا نحمله معنا ولا ننقش على خواتمنا بالعربية ولا نبيع الخمور

When you marched against us, we asked of you protection for ourselves, our posterity, our possessions, and our co-religionists and we made this stipulation with you, that we will not build in our city or the suburbs any new monastery, church, cell, or hermitage; that we will not repair any of such buildings that may fall into ruins, or new those that may be situated in the Muslim quarters of the town ; that we will not refuse the Muslim entry into our churches either by day or night; that we will open the gates wide to passengers and travellers, that we will receive any Muslim traveller into our houses and give him food and lodging for three nights; that we will not harbour any spy in our churches or houses, or conceal any enemy of the Muslims; that we will not teach our children the Qur'ān; that we will not make a show of the Christian religion nor invite any to embrace it; that we will not prevent any of our kinsmen of embracing Islam if they so desire. That we will honour Muslims and rise up into our assemblies when they wish to take their seats; that we will not imitate them in our dress; either in the cap, turban, sandals, or parting of the hair; that we will not make use of

their expressions of speech, nor adopt their fore-names that they use; that we will not ride on saddles, or grid on swords, or take to ourselves arms or wear them, or engrave our seals in Arabic; that we will not sell wine;

. وان نجز مقادم رؤوسنا ونلزم زينا حيثما كنا. وأن نشد الزنانير على أوساطنا ولا نظهر صلباننا ولا كتبنا في شئ من طرق المسلمين ولا أسواقهم. ولا نضرب نواقيسنا في كنائسنا إلا ضربا خفيفا. ولا نرفع أصواتنا بالقراءة في كنائسنا في شئ من حضرة المسلمين. ولا نظهر النيران في شئ من طرق المسلمين ولا أسواقهم. ولا نجاورهم بموتانا. ولا نتخذ من الرقيق ما جرى عليه سهام المسلمين ولا نطلع عليهم فى منازلهم". فلما أتيت عمر با لكتاب زاد فيه :( وأتى الأشعري خليفة الخليفة وأطلعه على هذا النص فزاد فيه :"ولا نضرب أحدا من المسلمين . شرطنا ذلك على أنفسنا وأهل ملتنا وقبلنا عليه الأمان . فان نحن خالفنا في شيء مما شرطناه لكم وضمنا على أنفسنا فلا ذمة لنا وقد حل منا من أهل المعاناة والشقاق.)

that we will shear our foreheads; that we will commit to our own style of dress, wherever you may be; that we will wear girdles round our waists; that we will not erect crosses on our churches or display our sacred books in the streets of the Muslims, or in their market places; that we will strike the bells in our churches lightly; that we will not recite our services in a loud voice when a Muslim is present, that we will not carry palm-branches or our images in procession in the streets, that at the burial of our dead we will not chant loudly or carry lighted candles in the streets of the Muslims or their market places; that we will not take any slaves that have already been in the possession of Muslims, nor spy into their houses, and that we will not strike any Muslim. All this we promise to observe, on behalf of ourselves and our co-religionists, and receive protection form you in exchange; that they will not run to the aid of a slave when the weapons of Muslims is ready to fall upon him, should we fail to follow these regulations, we no longer are to enjoy protection and that you can deal with us as riotous and uproarious people.

**إسناد آخر:**

وأخبرنا ابو القاسم الشحامى, نا أبو بكر البيهقى نا أبو طاهر الفقيه , نا أبو الحسن على بن محمد بن سحنويه , نا أبو بكر يعقوب بن يوسف المطوعى , نا الربيع بن ثعلب الغنوى ثنا يحيى بن عقبة بن أبى العيزار , عن سفيان الثورى , والوليد بن نوح والسرى بن مصرف يذكرون عن طلحة بن مصرف عن مسروق عن عبد الرحمن بن غنم قال : كتبت لعمر بن الخطاب حين صالح نصارى الشام : بسم الله الرحمن الرحيم هذا كتاب لعبد الله عمر أمير المؤ منين من نصارى مدينة كذا

Abū al-Qāsim al-Shaḥāmī told us, Abū Bakr al-Bayhaqī told us, Abū Ṭāhir the jurist told us, Abū al-Ḥasan 'Alī b. Muḥammad b. Saḥnawayh told us, Abū Bakr Y'qūb b. Yūsuf al-Muṭawwa'ī told us, al-Rabī' b. Tha'lab al-Ghanawī told us, Yaḥyā b. 'Uqbah b. 'Abū al-'Ayzār told us through Sufyān al-Thawrī through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb may Allāh be please with him when he made a peace treaty with the Christians of al-Shām : In the name of God, the compassionate, the Merciful. This is a covenant of 'Abd Allāh 'Umar the Commander of the faithful to the Christians of so and so.

**Overview**

After viewing the *isnād* of Ibn 'Asākr, we found that he represents three identical versions of the covenant, each with a different *isnād* and one of which cites Ibn Zabr as a transmitter. Like other narrations, Ibn 'Asākir does not start his narration with new subjects forswearing the construction of churches but rather with the pledge to pay *jizya*. It could be said this is a unique feature of Ibn 'Asākir's narration. Thus, since the narration of Ibn Zabr was rejected, the same applies to Ibn 'Asākir's narration.

## 5.9.10 The *isnād* of Ibn Taymiyah: (542-622 AH)[68]

رواه سفيان الثوري عن مسروق بن عبد الرحمن بن عتبة قال: كتب عمر حين صالح نصارى الشام كتاباً وشرط عليهم فيه

Sufyān al-Thawrī narrated through Masrūq through 'Abd al-Raḥmān b. 'Utbah said: When 'Umar concluded a treaty with the Christians of al-Shām and imposed the following:

**Overview**

From Ibn Taymiyah's *isnād* we note that he refers to another writer of the covenant and again there is a big interruption between him and the person he is reporting from. This will lead us to reject this *isnād* because the chain of narration is interrupted.

## 5.9.11 The *isnād* of Ibn Qayyim al-Jawziyyah[69] (691-751 AH)

قال عبد الله بن الإما م أحمد : حدثنى أبو شرحبيل الحمصى عيسى بن خالد قال: حدثنى عمر أبواليمان وابو المغيرة قالا : اخبرنا إسماعيل بن عياش قال : حدثنا غير واحد من أهل العلم قالوا كتب أهل الجزيرة إلى عبد الرحمن بن غنم :( أننا حين قدمت بلادنا طلبنا إليك الأمان لأنفسنا وأهل ملتنا على أنا شرطنا لك على أنفسنا ألا نحدث فى مدينتنا كنيسة ولا فيما حولها ديرا ولا قلاية ولا صومعة راهب ولا نجدد ماخرب من كنائسنا ولا ماكان منها فى خطط المسلمين وألا نمنع كنائسنا من االمسلمين أن ينزلوها فى الليل والنهار وأن نوسع أبوابها للمارة وابن السبيل , ولا نؤوى فيها ولا فى منازلنا جاسوسا , والا نكتم غشا للمسلمين , وألا نضرب بنواقيسنا إلا ضربا خفيفا فى جوف كنائسنا ولا نظهر عليها صليبا, ولا نرفع أصواتنا فى الصلاة ولا القراءة فى كنائسنافيما يحضره المسلمون , وألا نخرج صليبا ولا كتابا فى سوق المسلمين

'Abd Allāh the son of al-Imām Aḥmad said: Abū Sharḥabīl al-Ḥimṣī 'Īsā b. Khālid informed us and said: 'Umar the father of al-Yamān and Abū al-Mughīrah both of them said: Ismā'īl b. 'Ayyāsh said: more than one person of the knowledgeable people informed us that the people of al-Jazīrah wrote to 'Abd al-Raḥmān b. Ghonm that: " When you marched to us we asked of you protection for ourselves, our posterity, our possessions, and our co-religionists and we made this stipulation with you, that we will not build in our city or the suburbs any new monastery, church, cell, or hermitage; and that we will not rebuild what was destroyed of it or erect new churches on the way of Muslims, that we should not prevent Muslims from entering our churches during the day or night, that we should widen the gates of churches to Muslims and wayfarer, that we should not harbour spies in our houses nor should we deceive Muslims that we should only ring the church-bells gently, that we should not erect crosses on the churches nor should we raise our voices in our prayers in the presence of Muslims, that we should neither erect crosses nor take books (the Gospel) to the markets of Muslims,

, والا نخرج باعوثا- قال : والباعوث يجتمعون كما يخرج المسلمون يوم الأضحى والفطر- ولا شعانين, ولا نرفع أصواتنا مع موتانا, ولا نظهر النيران معهم فى أسواق المسلمين , وألا نجاوزهم بالخنازير ولانبيع الخمور, وألا نظهر شركا , ولا نرغب فى ديننا و ولا ندعوا إليه أحدا . ولا نتخذ شيئا من الرقيق الذى جرت عليه سام المسلمين . والا نمنع أحدا من أقربائنا أرادوا الدخول فى الإسلام . وأن نلزم زينا حيثما كنا وألا نتشبه بالمسلمين فى لبس قلنسوة ولا عمامة ولا نعلين ولا فرق شعر ولا فى مراكبهم , ولا نتكلم بكلامهم , ولا نكنى بكناهم , وأن نجز مقادم رؤو سنا , ونشد الزنانير على أوساطنا , ولا ننقش خواتمنا بالعربية , ولا نركب السروج , ولا نتخذ شيئا من السلاح ولا نحمله , ولا نتقلد السيو ف

That we should not publicly celebrate Palm Sunday and Easter as Muslims celebrate *'eid al-Aḍḥa* ( celebration of Sacrifice) and *'eid al-Fiṭr* ( celebration of braking the fast), that we should not raise our

[68] http://Al-eman.com/Islamlib/viewchp.asp?BID=242&CID=14, 8-04-2006
[69] Ibn al-Qayyim, op.cit., II:113

voices in the procession of our funerals, that we should not carry torches in the markets of Muslims, that we should not have pigs near Muslims nor should we sell wine, that we should neither preach the trinity nor invite anyone to accept the doctrine ,that we will not run to the aid of a slave when the weapons of Muslims is ready to fall upon him, that we should not prevent anybody from our co-religionists to accept Islam, that we should wear our own clothes, that we should not imitate Muslims in their clothes by wearing hermits, turbans, sandals, make fringes in the front part of our hair, or imitate them in the way of riding, that we should not speak their language, that we should not have Muslim surnames, that we should shear our foreheads, that we should tighten the belts(*zanānīr*) around our waists, that we should not engrave our seals in Arabic, that we should not ride in saddles, that we should not carry swords or any other type of arms

, وأن نوقر المسلمين فى مجالسهم , ونرشدهم الطريق ونقوم لهم عن المجالس إذا أرادواالجلوس , ولا نطلع عليهم فى منازلهم , ولا نعلم اولادنا القرآن. ولا يشارك منا أحدا مسلم فى تجارة إلا أن يكون إلى المسلم أمر التجارة وأن نضيف كل مسلم عابر سبيل ثلاثة ايام ونطعمه من أوسط مانجد. ضمنا لك ذلك على انفسنا وذرارينا وممساكيننا, وإن نحن غيرنا أوخالفنا ماشرطنا على أنفسنا وقبلنا الأمان عليه فلا ذمة لنا وقد حل لك منا مايحل لأهل المعاندة والشقاق ) فكتب بذلك عبد الرحمن بن غنم إلى عمر بن الخطاب رضى الله عنه فكتب إليه عمر ( أن امض لهم ماسألوا, والحق فيه حرفين اشترطهما عليهم ما شرطوا على انفسهم : الا يشتروا من سبايانا ومن ضرب مسلما فقد خلع عهده )

That we should revere Muslims in their meeting places, to guide them, to stand for them when we are sitting if they want to sit, that we should not violate their privacy, that we should not teach our children the Qur'ān, that none of us should share the Muslim in a trade unless it is the Muslim who has the control over this trade, that we should host every Muslim way farer for three days and offer him food of what we have, we have accepted these regulations and will apply them to ourselves, our children, our poor people, if we alter any of these regulations that we have accepted or do the opposite, we no longer are to enjoy protection and that you can deal with us as riotous and uproarious people. Abd al-Raḥmān b. Ghonm wrote to 'Umar b. al-Khaṭṭāb may Allah be pleased with him about these regulations. .'Umar wrote to him to accept what they have stipulated and to add to these regulations two stipulations that he imposed on them that they should not buy female prisoners of Muslims and that whoever hits a Muslim, his covenant is to be dissolved.

وذكر سفيان الثورى , عن مسروق ,عن عبد الرحمن بن غنم قال كتبت لعمر بن الخطاب رضى الله عنه حين صالح نصارى الشام وشرط عليهم فيه الا يحدثوا فى مدينتهم ولا مافى حولها ديرا ولا كنيسة ولا قلاية ولا صومعة راهب , ولا يجددوا ماخرب, ولا يمنعوا كنائسهم أن ينزلها أحد من المسلمين ثلاث ليال يطعمونهم , ولايؤووا جاسوسا ولا يكتموا غشا للمسلمين , ولا يعلموا أولادهم القرآن , لا يظهروا شركا , ولا يمنعوا ذوى قراباتهم من الإسلام إن أرادوه . وأ ن يوقروا المسلمين , وأن يقوموا لهم من مجالسهم إذا أرادوا الجلوس . ولا يتشبهوا بالمسلمين فى شيئ من لباسهم , ولا يتكنوا بكناهم , ولا يركبوا سرجا , ولا يتقلدوا سيفا , ولايبيعوا الخمور , وأن يجزوا مقادم رؤوسهم , وأن يلزموا زيهم حيثما كانوا , وأن يشدوا الزنانير على أ وساطهم ولا يظهروا صليبا ولا شيئ من كتبهم فى شيئ من طرق المسلمين , ولا يجاوروا المسلمين بموتاهم , ولا يضربو ا با لناقوس إلا ضربا خفيفا , ولا يرفعو ا أصواتهم با لقراءة فى كنائسهم فى شيئ من حضرة المسلمين ولا يخرجوا شعا نين , ولا يرفعوا أصواتهم مع موتاهم , ولا يظهرو النيران معهم , ولا يشتروا من الرقيق ماجرت فيه سهام المسلمين . فإن خالفوا شيئا مما شرطوه فلاذمة لهم , وقد حل للمسلمين منهم مايحل لأهل المعاندة و الشقاق).

Sufyān al-Thawrī mentioned through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb may Allah be pleased with him when he made a peaceful treaty with the Christians of al-Shām and he imposed on them that they should not rebuild a monastery, church, cell, or hermitage in their city or around it, that they should not rebuild what was destroyed, that they should not prevent Muslims from entering their churches and they should host them for three days therein, that they should not give shelter to a spy nor cheat Muslims, that they should not teach their children the Qur'ān, that they should not display blasphemy, that they should not prevent their fellow men from accepting Islam if they wanted that, that they should revere Muslims and leave their meetings for them, that they should not imitate Muslims in their dress, nor bare their names, that they

should not ride horses, that they should not carry swords, nor sell wine, that they should cut the front part of their hair, that they should commit to their dress wherever they are, that they should tighten belts around their waists, that they should not display crosses or anything of their books on the roads of Muslims, that their graves should not be close to Muslim residence , that they should only ring the church-bell gently, that they should not perform their prayers loudly in the presence of Muslims, that they should not go out with palms on Palm Sunday that they should not raise their voices when they bury their dead nor carry torches when doing so, that they will not run to the aid of a slave when the weapons of Muslims is ready to fall upon him, should they fail to follow these regulations, they no longer are to enjoy protection and that you can deal with us as riotous and uproarious people

وقال الربيع بن ثعلب , حدثنا يحيى بن عقبة بن ابى العيزار , عن سفيان الثورى , والوليد بن نوح, والسرى بن مصرف يذكرون عن طلحة بن مصروف, عن مسروق , عن عبد الرحمن بن غنم قال: كتبت لعمر بن الخطاب رضى الله عنه حين صالح نصارى أهل الشام :( بسم الله الرحمن الرحيم. هذا كتاب لعبد الله عمر أمير المؤمنين من نصارى مدينة كذا وكذا : إنكم لما قدمتم علينا سألناكم الأمان لأنفسنا وذرارينا وأموالنا وأهل ملتنا وشرطنا لكم على أنفسنا ألا نحدث فى مدائننا ولا فيما حولها ديرا ولا قلاية ولا كنيسة ولا صومعة راهب ) فذكر نحوه.

Al-Rabī' b. Tha'lab said: Yaḥyā b. Tha'lab b. al-'Ayzār told us through Sufyān al-Thawrī, al-Walīd b. Nūḥ, and al-Suray b. Muṣraf mention through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb may Allah be pleased with him when he made a peaceful treaty with the Christians of al-Shām: In the name of Allah, the Compassionate, the Merciful. This is a message of the servant of Allah 'Umar b. al-Khaṭṭāb to the Christians of so and so that when you marched to us we asked of you protection for ourselves, our posterity, our possessions, and our co-religionists and we made this stipulation with you, that we will not build any new monastery, church, cell, or hermitage; in our city or the suburbs around it and he i.e. the narrator, mentioned something similar to it.

**Overview**

The *isnād* of Ibn al-Qayyim seems to be very weak because of the following:

There is an interruption between him and Sufyān al-Thawrī who died 691 AH and from whom Ibn al-Qayyim is narrating this covenant. Another interruption is between Sufyān al-Thawrī and Msrūq who died 62 AH. There is a big gap between the two narrators nearly more than 600 years. Furthermore, Ibn al-Qayyim affirms that we must accept this covenant and he said that its authenticity cannot be doubted. He does not give any proof to support his claim. Accordingly, we cannot accept Ibn al-Qayyim's narration.

### 5.9.12 The *isnād* of al-Qalqashandī[70], (756-820 AH) Vol: 13, p.357

قال الإمام الحافظ جمال الدين أبو صادق محمد ابن الحافظ رشيد الدين ابى الحسين يحيى بن على بن عبد الله القرشى : اخبرنا الشيخ الفقيه أبو محمد بن عبد العزيز بن عبد الوهاب بن إسماعيل الزهرى المالكى وغير واحد من شيوخنا إجازة , قالوا أنبأنا أبو الطاهرإسماعيل بن مكى بن إسماعيل الزهرى , قال : أخبرنا أبو بكر محمد بن الوليد الفهرى الطرطوشى قراءة عليه , قال : أخبرنا قاضى القضاة الدامغانى , أخبرنا محمد , أخبرنا أبو محمد عبد الرحمن بن عمر بن محمد التجيبى فيما قرأت عليه ,

[70] Al-Qalqashandī, Aḥmad b. 'Alī, *Ṣubḥ al-A'shā fī Ṣenā'at al-Inshā,* 13:357, Cairo: al-Maṭb'ah al-Amīriyyah: 1916.

أخبرنا أبو سعيد أحمد بن عمر بن زياد الأعرابى بمكة سنة أربعين وثلثمائة , أخبرنا محمد بن إسحق أبو العباس الصفار , اخبرنا الربيع بن تغلب أبو الفضل , أخبرنا يحيى بن عقبة بن أبى العيزار عن سفيان الثورى , والوليد بن روح , والسرى بن مصرف , يذ كرون عن طلحة بن مصرف , عن مسروق , عن عبد الرحمن بن غنم , قال: كتبت لعمر بن الخطاب حين صالح نصارى الشام .

Al-Imām al-Ḥāfiẓ Jamāl al-Dīn Abū Ṣādiq Muḥammad b. al-Ḥāfiẓ Rashīd al-Dīn Abū al-Ḥussain Yaḥyā b. 'Alī b. 'Abd Allāh al-Qurashī said: the jurist sheikh Muḥammad 'Abd al-'Azīz b. 'Abd al-Wahhāb b. Ismā'īl al-Zuhrī al-Mālikī and some others of our authorised sheiks said: Abū al-Ṭāhir Ismā'īl b. Makkī b. Ismā'īl al-Zuhrī said: Abū Bakr Muḥammad b. al-Walīd al-Fihrī al-Ṭartūshī upon whom the *ḥadīth* was read said: al-Damghānī the chief judge said: Muḥammad informed us: Abū Muḥammad 'Abd al-Raḥmān b. 'Umar b. Muḥammad al-Tujībī in what was read to him said: Abū Sa'īd Ahmad b. 'Umar b. Ziyād al-A'rābī in Mecca 340 A.H said: Muḥammad b. Isḥāq al-Ṣaffār informed us: al-Rabī' b. Taghlib Abū al-Faḍl informed us: Yaḥyā b. 'Uqbah b 'Abū al-'Ayzār through Sufyān al-Thawrī, al-Walīd b. Rūḥ, and al-Sārī b. Muṣraf mention through Ṭalḥa b. Muṣraf through Masrūq through 'Abd al-Raḥmān b. Ghonm said: I wrote to 'Umar b. al-Khaṭṭāb when he made a treaty with the Christians of al-Shām

## 5.9.13 The *isnād* of al-Abshīhī [71](790-850 AH)

روى عن عبد الرحمن بن غنم قال كتبنا لعمر بن الخطاب رضى الله عنه حين صالح نصارى أهل الشام بسم الله الرحمن الرحيم هذا كتاب من نصارى مدينة كذا إلى أمير المؤمنين عمر بن الخطاب إنكم لما قدمتم علينا .....

It was narrated through 'Abd al-Raḥmān b. Ghonm who said we wrote to 'Umar b. al-Khaṭṭāb may Allah be pleased with him when he concluded a peaceful treaty with the Christians of al-Shām: this is a covenant of the Christians of so and so to 'Umar b. al-Khaṭṭāb the commander of the faithful that when you marched against us....

**Overview**

Al-Abshīhī's narration cannot be accepted. There is a sudden disconnection between him and 'Abd al-Raḥmān b. Ghonm. The chain of narrators is missing and there is a big gap between the two narrators. Generally, the work of al-Abshīhī is a literary and it cannot be categorised as a significant historical source. It was presented here just to show the chronology and evolution of this covenant.

## 5.10 'Umar's I tolerance towards the People of the Book

Apart from the covenant of 'Umar I, historical books refer to other instances of tolerance that the Caliph showed to the People of the Book. Thus, Ibn Sa'd mentions that 'Umar I wrote to the Christians of Najrān that they are safe under the protection of Allāh and that no Muslim

[71] Al-Abshīhī, Shihāb al-Dīn Muḥammad b. Aḥmad, *Al-Mustaṭraf fī Kul fann mustaẓhraf*, 1:110-111, Cairo: Aḥmad Ḥefnī, Year of publication is not mentioned.

should hurt them. That is because of what Prophet Muḥammad concluded with them.[72] Mālik narrates another incident. It is reported that a Jew and a Muslim asked for 'Umar's judgement. Having known that the Jewish was right, 'Umar gave his verdict for the interest of the Jew.

Arnold illustrates another example when he states "the Caliph 'Umar forbade any pressure to be put upon them (the Christians of banū Taghlib), when they showed themselves unwilling to abandon their old faith and ordered that they should be left undisturbed in the practice of it.[73] Abū 'Ubayd narrates that 'Umar was near Jerusalem with some of the companions. He found one of them carrying some grapes and when he enquired about that, he was told that it belongs to one of the *dhimmī* people and it was a time of famine. He gave an order that the value of this grape should be given to the *dhimmī* .[74] Besides, he, on his deathbed, is reported to have said: "I advise my successor to comply with the covenant made with those under the protection of the Prophet, protect them from those who prosecute them and do not impose burden more than they can bear."[75] Another example which shows 'Umar's tolerance is what happened when he went to Jerusalem. Haykal states that 'Umar set an example for his followers when he declined the Patriarch's invitation to pray with him in the church of the Holy Sepulchre in order not to encourage his followers to turn the church later into a mosque.[76] It is reported that 'Umar saw an elderly Christian man begging. He asked about his situation and when he was told that the man was a Christian, he ordered that he should be given help from the treasury of the Muslim state. His reasons were that the man paid the tax imposed on non-Muslims when he was able to earn. Therefore, he was entitled to help when he lost that source of his income

Once, seeing some non-Muslim lepers on his way back from a journey, 'Umar issued orders that all such people should be provided sustenance from the State funds.

---

[72] Ibn Sa'd, op.cit., 1:268
[73] Arnold, op. cit., p.49
[74] Abū 'Ubayd. op. cit., p.72
[75] Al-Qurashī, Yaḥyā, b. Ādm. *Kitāb al-Kharāj.* Cairo: al-Maṭba'ah al-Salafeiyyah wa Maktabātihā, 1347 AH., p. 74
[76] Haykal, M Ḥ usayn *Al-Fārūq 'Umar.* Cairo, Maṭba'at Miṣr, 1364 AH, p.260

Stipends were given to the poor from the treasury without any distinction of religion. Instructions were sent to the treasury officer that in the Qur'ānic injunctions *ṣadaqah* were for the poor and the needy, the "poor" should be understood to mean the Muslim poor, and the "needy" the poor among the Jews and the Christians".

Commenting on 'Umar's tolerance towards the People of the Book, Armstrong states,

> "The Muslim Caliph, 'Umar "had set one of the highest standards for rule in Jerusalem in that he respected the rights of Jews and Christians to live in the city and practice their faiths. Following his example, Muslim rule sustained the most notable period of co-existence among the three faiths in Jerusalem from 638 AD--1039 AD." [77]

Another instance of 'Umar's tolerance toward the People of the Book is the following incident that some historical books narrate. It so happened that the son of Arm Ibn al-'Āṣ hit a young Copt. The latter threatened to report him to 'Umar Ibn al-Khaṭṭāb. 'Amr's son said to the young Copt, "I have nothing to fear from your grievance, for I am the son of the noble people. Time passed and one day the young Copt ran into 'Umar. Then 'Umar gave the plaintiff his own whip and said to him: "Hit the son of the noble people with this as he hit you". It was also 'Umar who said his famous sentence that reverberated across the world : "Since when did you enslave people whilst their mothers brought them free into this world

### 5.11 Analysis of the covenant

Having viewed the covenant and its different versions, one can assume that this covenant cannot be authentic and cannot be attributed to 'Umar I. The following section will show the reasons for rejecting this covenant. There are some visible contradictions in this covenant:

There is a big gap between 'Umar I and 'Abd al- Raḥmān b. Ghonm the writer of the covenant. While on the one hand, the former died in the year 23 AH, the latter, on the other hand, died in 80 AH. This means that 'Umar I did not assign him with any position because Ibn Ghonm was too young. Historians cannot be certain whether or not Ibn Ghonm, met Prophet Muḥammad.

[77] Armstrong, op.cit., p.231

Another thing that supports this view is that Ibn Ghonm spent most of his life in Palestine. Therefore, the question which should be posed now why should we find Ibn Ghonm in the majority of the narrations that refer to the covenant? Most probably, historians were confused between 'Abd al-Raḥmān b. Ghonm and 'Ayyāḍ b. Ghonm. The latter died in the 20th year of *hijrah* and some historical sources said that he met Prophet Muḥammad and witnessed some treaties. 'Umar I appointed him as his agent in al-Shām. 'Ayyāḍ b. Ghonm made a peaceful treaty with the people of Palestine and participated in the conquest of Jerusalem.[78] Most if not all narrations which refer to this covenant did not specify which city exactly they refer to. The covenant is addressing different categories of Christians in different places. It addresses the Christians of al-Shām one time. Again, it addresses the people of al-Jazīrah. Once more, it refers to the Christians of such and such. Since the people addressed in this covenant are unknown, we cannot verify if the regulations of this covenant were carried out or not. Taking into consideration that most of the narrations talk about the Christians of al-Shām, this will remain a problematic matter. The word al-Shām itself would mean more than one country.

The regulations that this covenant include seem, as Tritton argues, strange. How could the conquered people impose these regulations upon themselves? It is commonly known that the conquerors should impose these regulations. Another thing which makes it difficult to be sure of the soundness of the covenant is that the regulations are too severe and would not be tolerated. So why should the people of such a city accept them and ask the Caliph or his agent to carry them out? The regulations are contradicting 'Umar's good commandments of the People of the Book. They opposes the covenant which was concluded with the people of Jerusalem although both of them go back to the same Caliph and were concluded at the same period. There are some good examples cited in this chapter which would be used as evidence against this covenant. I did not find any narration which confirms that 'Umar I used any harsh method against any one of the People of the Book nor did he do injustice to anyone.

---

[78] *Siyar a'lām al-Nubalā'*. Harf technology CD-Rom

Why should we find this big discrepancy between the Jerusalem version and the one under discussion? How could we be certain that 'Umar enacted these regulations which oppose the instructions of Prophet Muḥammad and Abū Bakr?

The covenant sometimes provides contradictory information, particularly when it comes to the late versions. Some of these versions attribute to the covenant conditions that would seem humiliating to Christians, while other versions grant them an excellent status under the protection of Islam. Meanwhile, other narrations describe the holy shrines in a fashion that is incompatible with the nature of these shrines at the age of the Islamic conquest. Another contradiction is the article which says that they will not sell wine. This seems strange if we compare it to the fact that 'Umar I accepted the price of sold wine from the People of the Book if they want to pay *jizya* or tithe.

If we examine the text of the covenant, we find that it sometimes refers to more than one person who imposed these regulations. It refers to 'Umar himself, Abū 'Ubaydah b. al-Jarrāḥ (governor of Homs), and finally it refers to Ibn Ghonm. There is no way to verify who imposed these regulations.

The covenant is full of words that were not in circulation at that time. Examples: *zanānīr* (waist belts), *bā'ūth* (Easter), and *sha'ānīn* (Palm Sunday). The researcher did not find any of these words in the six canonical collections of *ḥadīth*. Most probably, these words were added to the covenant at a later time.

The first work that referred to this covenant was *kitāb al-Kharāj*, written about one hundred years after 'Umar's death. Why do we find no trace of the covenant prior to the end of the third century of the Islamic calendar either in the primary historical and legal texts or any of the six canonical collections of authoritative collections? Historical sources did not refer to the application of this covenant during the period of the early Muslim caliphate before or after 'Umar's death. Thus, the question which should be asked now why should we trace this covenant back to 'Umar?

It can be argued that the expansion of the Islamic conquests during 'Umar's caliphate and his way of dealing with his subjects could be among the reasons that made historians attribute the covenant to 'Umar. Another reason is that some jurists consider 'Umar to be the main source of what is called now *fiqh al-Jihād* or jurisprudence of *jihād.* Jurists based their own judgments of dealing with *dhimmī* people on this covenant. The covenant cannot be attributed to 'Umar II either because the narrator i.e. A.b. Ghonm died before the caliphate of 'Umar II.

In an attempt to locate the covenant, the following collections of *ḥadīth* have been thoroughly and deeply searched:

*Ṣaḥīḥ* al-Bukhāri; *ṣaḥīḥ* Muslim; *sunnan* al-Termidhī; *sunnan* al-Nasā'ī; *Sunnan* Ibn Mājah; *sunnan* Abū Dāwūd; *musnad* Aḥmad; *muwaṭṭa'* Mālik; *sunnan* al-Dāramī; *Mustadrak* al-Ḥākim; *Sunnan* al-Bayhaqī; *Sunnan* al-Dārqiṭnī; *ṣaḥīḥ* Ibn Ḥibbān; *ṣaḥīḥ* Ibn Khuzaymah; *musnad* Isḥāq Ibn Rahawayh; *musnad* Abū Ya'lī; *musnad* 'Abd Allah Ibn al-Mubarak; *musnad* al-Shāfi'ī; *musnad* Ibn Ja'd al-Juharī; *muṣannaf* Ibn Abī Shaybah; and *muṣannaf* 'Abd al-Razzāq al-Ṣan'ānī. The researcher did not find any trace of the covenant in the above-mentioned books except the collection of al-Bayhaqī (has already been referred to). Although the *muṣannaf* of 'Abd al-Razzāq al-Ṣan'ānī that has been referred to has a large section about the People of the Book, it only deals with some regulations and issues that are irrelevant to the covenant. Classical Arabic historians such as al-Ṭabarī, Ibn Kathīr, al-Wāqidī., Ibn al-Jawzī, al-Balādhurī, and Ibn al-Athīr did not refer to this covenant. Western authors such as Muir "*the caliphate*" did not tackle this covenant in their works. Although *the caliphate* has a large section about the caliphate of 'Umar but it did not mention anything about this covenant.

The covenant, as Qāsim states, came to existence at the end of the second *hijri* century.[79] This makes us doubt about the authenticity of this covenant. If it was genuine it should appear during the caliphate of 'Umar I or even during the caliphate of the two succeeding caliphs. I could argue that most if not all of the regulations of this covenant are products of jurists and

[79] Qāsim, 'Abdu Qāsim . *Ahl al-Dhimmah fī miṣr.* Cairo, Maṭābi' Zamzam, 2003, p.25

those in authority according to the exigencies of the moment. We learn from the historian al-Maqrīzī that a version of the covenant had been proclaimed in the year 700/1300, and it was a version of that which was formally imposed on the leaders of the *dhimmī* communities in Cairo during summer of 755/1354 and disseminated for application throughout the Mamluk state.[80]

[80]Al-Maqrīzī, Taqiy al-Dīn Aḥmad Ibn 'Alī, *Kitāb al-Sulūk li ma'rifat duwal al-Mulūk,* Cairo: Matba't lajnat al-Tarjamah wa al-Ta'līf wa al-Nashr, 1939, 3:910

# Conclusion

The thesis consisted of five chapters; each chapter tries to discuss a certain topic to further my general argument and conclusion. The first chapter has, however attempted to look forwards, not in the sense of collecting the verses that refer to the People of the Book, but rather in attempting to formulate how future study of these references might fruitfully develop. The main suggestion has been that there is no big difference between the two periods of revelation. The Medinan period, however, might have a numerous umber of the verses that refer to the People of the Book. This might be attributed to the nature of this period which, as has already been discussed, witnessed actual interaction between the Prophet and the Jews of Medina. Taking a few passages from the Qur'ān out of proper historical and textual context show that Qur'ān is not the only the only scripture to criticize the People of the Book. Many passages from the Bible also criticize the People of the book as well. Examples to quote include: From the Hebrew Bible, (New International Version) we read:

> Hear this, you leaders of the house of Jacob, you rulers of the house of Israel, who despise justice and distort all that is right;. Who build Zion with bloodshed, and Jerusalem with wickedness. Her leaders judge for a bribe, her priests teach for a price, and her prophets tell fortunes for money. Yet they lean upon the LORD and say, "Is not the LORD among us? No disaster will come upon us." **(Micah 3:9-11)**

In another place we find:

> Wherefore, behold, I send unto you prophets, and wise men, and scribes: and some of them ye shall kill and crucify; and some of them shall ye scourge in your synagogues, and persecute them from city to city. O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen gathereth her chickens under her wings, and ye would not! **(Mathew 23:34,37)**

The second chapter showed the relationship between Qur'ān and *ḥadīth* concerning the People of the Book. There is interplay relation between the two sources of Muslim legislation. The chapter has demonstrated the prophetic attitude towards both Jews and Christians and analyzed the traditions that deal with the various topics related to them. The chapter, however, did not cite all prophetic traditions that touch upon the People of the Book due to the

repetition of traditions with defend *asānīd*. Although some authors claim that, the traditions of the prophet are fake. Even this, although as a Muslim researcher I strongly oppose this idea, was the case; we still have a good record of traditions that urge for good treatment of the People of the Book. The *ḥadīth* has represented one of the most important aspects that dealt with this issue and it gave full illustration of how the People of the Book are viewed in the *ḥadīth* collections. We have seen some traditions show some kind of harshness towards the People of the Book such as killing some chieftains. The same could be found in previous scriptures. An example:

"You must destroy all the peoples the LORD your God gives over to you. Do not look on them with pity and do not serve their gods, for that will be a snare to you." Deuteronomy 7:16 (New International Version)

The third chapter presented the *jizya* imposed on both Jews and Christians. The chapter concluded that *jizya* is a temporary tax, which becomes void in certain cases such as when a non-Muslim converts to Islam. It does not, as some historians claim, constitute an important source of revenue for the Muslim treasury (*bayt al-Māl*) as the amount of which is small in comparison to *zakāh* revenues. It has been stated that the two taxes were not imposed to humiliate the People of the Book. On the contrary, there are writings which prove that these two systems of taxes prevailed even before the emergence of Islam which would lead to the conclusion that they are not an Islamic innovation.

The pre-Islamic way of collecting *jizya* was not as tolerant as that during Islam, meaning that Islam gave attention to the rights of its non-Muslim subjects. It can also be concluded that Islam was not the only religion to impose such taxes on non-Muslims but some historians argue that similar taxes were imposed on other religions.

The fourth chapter partially demonstrated 'Umar's contribution to the Islamic financial system that could be summarized as follows. It can be concluded that 'Umar I did not veer from the instructions of the Qur'ān or the traditions of Prophet Muḥammad Rather, what he did can be regarded as being for the general welfare of the Muslim community.

The following passage is a translation of the Caliph's last commandment about *dhimmī*. He is reported to have said:

> I commend to his care the *dhimmī*s who enjoy the protection of God and of the Prophet; let him see it that the covenant with them is kept, and that no greater burdens than they can bear are laid upon them.

It might be argued that neither the Qur'ān nor *sunnah* made any reference to both *kharāj* and *'ushr*. This leads to the thought that 'Umar I contradicted the two sources. However, 'Umar I only followed the system that prevailed in some countries in which the two taxes were to be levied from Muslim merchants.

The fifth chapter discussed the covenant of 'Umar and its relevant issues. From this chapter the following will be deducted:

As for covenant I there is no reason to reject it. If it proved to be authentic then it will be in favour of the Muslin attitude towards the People of the Book which is our main concern in this thesis. It if was fabricated so this should not be problematic as all its clause agree with the Qur'ān and the traditions of the Prophet.

The second covenant, due to the different *asānīd* that have been cited, is to be rejected and it cannot be used as a historical document to regulate the relations between Muslims and non-Muslims. I would suggest that all juristic judgments that have been based upon this covenant are to be annulled. It is not authentic and none of the narrations that have been used could give a strong proof to support the validity and authenticity of this covenant. As a researcher, I would recommend that this covenant is to be removed from the historical books as it effaces the early Muslim image in dealing with non-Muslims. Among the strong reasons to reject this covenant is probably it existed as a local tradition as early as the beginning of the second Islamic century, it does not appear to have emerged in the major schools of law prior to its citation by the Ḥanbalī jurist Abū Bakr al-Khallāl. The traditions cited in early *ḥadīth* collections by 'Abd al-Razzāq al-Ṣaan'ānī do not support the idea that the covenant of 'Umar existed in the first century, nor that a collection of the terms similar to the covenant

represented a set of legal norms that was broadly applicable in the first century. Besides, the absence of this covenant in the early collection of *ḥadīth*, as already been stated, is very noticeable especially in the major works of the third Islamic and the six canonical legal collections of *ḥadīth*. This could be used as another strong reason to reject this covenant. I would say that the whole covenant was stipulated for particular reasons or for political purposes. It could be concluded that the derive behind this covenant stemmed form security concerns and corresponding desire to protect a Muslim administrative community from being overwhelmed by the multitude of their non-Muslim subjects.

Another reason that shows the weakness of this covenant is that historical books did not refer at all to the application of this covenant during to the two succeeding Caliphs who came after 'Umar. I guess that it emerged in some time without legal justification. Some clauses contradict the instructions of the prophet and even contradict the constitution that he concluded with the Jews of Medina.

A question might be posted here. What was the impetus behind the formation of the Covenant of 'Umar? It seems that the articles of this covenant were an effort to hierarchy of a differentiated world-view in the realm of social relationships and physical structures. The covenant reinforces the category of *ahl al-Dhimmah* as an immediate, tolerated position in the Islamic dichotomy between the Land of War and Land of Peace ( *dār al-Silm wa dār al-Ḥarb.* As a result of the previous reasons, this covenant cannot be accepted as an authentic document and, after discussing the different *asānīd,* I can conclude that this covenant is fabricated and it is erroneously attributed to 'Umar.

One of the areas that could be recommended for further discussions is the relationship between Qur'ān and *ḥadīth* with the regard to the People of the Book. This subject still occupies the minds of some Muslim thinkers and orientalists. With some more effort, I think this might be a very good topic that would involve further studies and of course new findings. Among the findings I came cross while discussing this thesis is some Islamic duties such as

poll tax, land tax, and tax are to be found in other previous religions. The need to compare such taxes in the three divine religions is urgently felt. This might reveal some of misconceptions that are attributed to the imposition of such taxes in Islam. This is an area I recommend to be investigated in further discussions. The covenant of 'Umar is still a fertile area of research and is need for more efforts of study. Another area that is recommended for further investigations. It is hoped that the thesis has come up with useful findings, and has suggested some possible further avenues of research.

# An appendix of the Qur'ānic verses discussed through chapter one

## (1) Verses that praise the People of the Book

| Chapter | Meccan verses | Chapter | Medinan verses |
|---|---|---|---|
| 74 | 23 | 2 | 62,256 |
| 7 | 143,144,157 | 3 | 20,45-50,64,113-115,199 |
| 28 | 51-54 | 4 | 123,131,162 |
| S7 | 107-109 | 57 | 27-29 |
| 29 | 46,47 | 22 | 17,40 |
| 16 | 43 | 5 | 5,44,46,47,65,66,82-85 |

## (2) Verses that criticise the People of the Book:

| Chapter | Meccan verses | Chapter | Medinan verses |
|---|---|---|---|
| 17 | 4 | 2 | 100,101,105,109,111,113,120,135 144,146, ,159,160,174 |
| 15 | 91,92 | 3 | 144,146, ,159,160,174 19,23,24,65,66,67,72,73,75, 111,181,186,187 |
| 6 | 114,146 | 33 | 26 |
| | | 4 | 44,46,47,51,153,155-158,171, 172 |
| | | 57 | 16, 29 |
| | | 98 | 1, 4, 6 |
| | | 59 | 2,11 |
| | | 62 | 5,6 |
| | | 9 | 30,31,34 |
| | | 5 | 14,15,17,18,19,41,43,51,57,59 |

**A comprehensive appendix of the Qur'ānic verse that refer to the Jews and Christians**

## (A) People of the Book[1] (أهل الكتاب)

| Meccan or Medinan | Verse number | Chapter | Serial |
|---|---|---|---|
| Medinan | 101 | 2 | 1 |
| --- | 105 | --- | 2 |
| --- | 109 | --- | 3 |
| --- | 121 | --- | 4 |
| --- | 144-46 | --- | 5 |
| ---- | 176 | --- | 6 |
| --- | 23 | 3 | 7 |
| --- | 64-65 | --- | 8 |
| --- | 69-72 | --- | 9 |
| --- | 75 | --- | 10 |
| --- | 98—100 | --- | 11 |
| --- | 110 | --- | 12 |
| --- | 113 | --- | 13 |
| --- | 186 | --- | 14 |
| --- | 47 | 4 | 15 |
| --- | 51 | --- | 16 |
| --- | 123 | --- | 17 |
| --- | 113 | --- | 18 |
| --- | 153 | --- | 19 |
| --- | 159 | --- | 20 |
| --- | 171 | --- | 21 |
| --- | 5 | 5 | 22 |
| --- | 15 | --- | 23 |
| --- | 19 | --- | 24 |
| --- | 47 | --- | 25 |
| --- | 59 | --- | 26 |
| --- | 65 | --- | 27 |
| --- | 68 | --- | 28 |
| --- | 77 | --- | 29 |
| Meccan | 20 | 6 | 30 |
| --- | 89 | --- | 31 |
| --- | 114 | --- | 32 |
| Medinan | 94 | 10 | 33 |
| Meccan | 36 | 17 | 34 |
| Meccan | 43 | 16 | 35 |
| --- | 7 | 21 | 36 |
| --- | 52 | 28 | 37 |
| --- | 46,47 | 29 | 38 |
| Medina | 16 | 57 | 39 |
| --- | 2 | 59 | 40 |
| --- | 11 | --- | 41 |
| Meccan | 31 | 74 | 42 |
| Medinan | 1,4,6 | 98 | 43 |

[1] This will include other phrases such as "Those who were given the book, people of the Gospel etc". Generally, it will mention all words that refer to the People of the Book.

### (B) Jews and Christian (اليهود والنصارى )

| Meccan or Medinan | Verse number | Chapter | Serial |
|---|---|---|---|
| Medinan | 62 | 2 | 1 |
| --- | 111 | --- | 2 |
| --- | 113 | --- | 3 |
| --- | 120 | --- | 4 |
| --- | 135 | --- | 5 |
| --- | 140 | --- | 6 |
| --- | 67 | 3 | 7 |
| --- | 46 | 4 | 8 |
| --- | 160 | --- | 9 |
| --- | 14 | 5 | 10 |
| --- | 18 | --- | 11 |
| --- | 41 | --- | 12 |
| --- | 51 | --- | 13 |
| --- | 64 | --- | 14 |
| --- | 69 | --- | 15 |
| --- | 82 | --- | 16 |
| Meccan | 146 | 6 | 17 |
| Medinan | 30 | 9 | 18 |
| Meccan | 118 | 16 | 19 |
| Medinan | 17 | 22 | 20 |

### (C) Children of Israel (بنى إسرائيل)

| Meccan or Medinan | Verse number | Chapter | Serial |
|---|---|---|---|
| Medinan | 40 | 2 | 1 |
| --- | 47 | --- | 2 |
| --- | 83 | --- | 3 |
| --- | 122 | --- | 4 |
| --- | 211 | --- | 5 |
| --- | 246 | --- | 6 |
| --- | 49 | 3 | 7 |
| --- | 93 | --- | 8 |
| --- | 12 | 5 | 9 |
| --- | 32 | --- | 10 |
| --- | 70 | --- | 11 |
| --- | 78 | --- | 12 |
| --- | 82 | --- | 13 |
| --- | 110 | --- | 14 |
| Meccan | 105 | 7 | 15 |
| --- | 134 | --- | 16 |
| --- | 137 | --- | 17 |
| --- | 138 | --- | 18 |

| --- | 90 | 10 | 19 |
|---|---|---|---|
| --- | 93 | --- | 20 |
| --- | 2 | 17 | 21 |
| --- | 4 | --- | 22 |
| --- | 101 | --- | 23 |
| --- | 104 | --- | 24 |
| Medinan | 47 | 20 | 25 |
| --- | 80 | --- | 26 |
| --- | 94 | --- | 27 |
| Meccan | 22 | 26 | 28 |
| --- | 59 | --- | 29 |
| --- | 197 | --- | 30 |
| --- | 76 | 27 | 31 |
| --- | 23 | 32 | 32 |
| --- | 53 | 40 | 33 |
| --- | 59 | 43 | 34 |
| --- | 30 | 44 | 35 |
| --- | 16 | 45 | 36 |
| --- | 10 | 46 | 37 |
| Medinan | 6 | 61 | 38 |
| --- | 14 | --- | 39 |

## A comprehensive appendix of the traditions found in the Ḥarf Encyclopaedia CD-Rom and which refer to Jews and Christians.

(A) People of the Book أهل الكتاب

| Ḥ.No | Book | Source | Serial |
|---|---|---|---|
| 39 | الإيمان (Faith) | صحيح البخاري | 1 |
| 95 | العلم (Knowledge) | --- | 2 |
| 524 | مواقيت الصلاة (Prayer times) | --- | 3 |
| 1318 | الزكا ة(Zakāh) | --- | 4 |
| 1365 | --- | --- | 5 |
| 1401 | --- | --- | 6 |
| 2107 | الإجارة (Rent) | --- | 7 |
| | الشهادات-لا يسأل اهل الشرك عن الشهادة وغيرها (Testimonies-Unbelievers should not ask to be witnesses | --- | 8 |
| 2488 | الشهادات (Testimonies) | --- | 9 |
| 2789 | الجهاد والسير(*Jihād* and biographies ) | --- | 10 |
| | الجزية- هل يعفى عن الذمى إذا سحر ( *Jizya*-Shall a *Dhimmī* be exempted if he practices magic) | --- | 11 |
| 3294 | المناقب(Virtues) | --- | 12 |
| 3650 | --- | --- | 13 |
| 3651 | --- | --- | 14 |
| 4000 | المغازى (Expeditions) | --- | 15 |
| 4125 | تفسير القرآن (Qur'ān exegesis) | --- | 16 |
| 4200 | --- | --- | 17 |
| 4215 | --- | --- | 18 |
| 4293 | --- | --- | 19 |
| 4336 | --- | --- | 20 |
| 4693 | النكاح(Marriage) | --- | 21 |
| 5056 | الذبائح والصيد(Slaughtering and hunting) | --- | 22 |
| 5065 | --- | --- | 23 |
| 5072 | --- | --- | 24 |
| 5462 | اللباس(Dress) | --- | 25 |
| 5739 | الأدب(Manners) | --- | 26 |
| 5788 | الإستئذان(Asking for permission) | --- | 27 |
| 6414 | استتابة المرتدين والمعاندين وقتالهم (Giving a chance to the apostates and insurgents to repent and fighting them ) | --- | 28 |
| 6814 | الإعتصام بالكتاب والسنة (Committing to the Qur'ān and *Sunnah*) | --- | 29 |
| 6815 | --- | --- | 30 |
| 6824 | التوحيد (Monotheism) | --- | 31 |
| 6865 | --- | --- | 32 |
| 6886 | --- | --- | 33 |
| 6968 | --- | --- | 34 |
| 6969 | --- | --- | 35 |
| 6979 | --- | --- | 36 |
| 6987 | | --- | 37 |

| | | | |
|---|---|---|---|
| 27 | الإيمان (Faith) | صحيح مسلم | 38 |
| 28 | --- | --- | 39 |
| 179 | --- | --- | 40 |
| 219 | --- | --- | 41 |
| 1836 | الصيام (Fasting) | --- | 42 |
| 3567 | الصيد والذبائح (Hunting and slaughtered animals) | --- | 43 |

| | | | |
|---|---|---|---|
| 4024 | (Greetings)السلام | --- | 44 |
| 4025 | --- | --- | 45 |
| 4030 | --- | --- | 46 |
| 4037 | (Virtues)الفضائل | --- | 47 |
| 4982 | (Characteristics of the hypocrites and their affairs)صفات المنافقين وأحكامهم | --- | 48 |
| 4987 | --- | --- | 49 |
| 4993 | (Features of resurrection, Paradise, and Hell صفة القيامة والجنة والنار | --- | 50 |

51

| | | | |
|---|---|---|---|
| 56527 | (Zakāh) الزكاة | سنن الترمذي | 51 |
| 643 | ( Fasting) الصوم | --- | 52 |
| 1357 | ( Punishments) الحدود | --- | 53 |
| 1483-84 | (Biographies) السير | --- | 54 |
| 1490 | (Biographies) السير | --- | 55 |
| 1719 | ( Foods) الأطعمة | --- | 56 |
| 2940 | ( Qur'ān exegesis) تفسير القرآن | --- | 57 |
| 3117-18 | --- | --- | 58 |
| 3223 | --- | --- | 59 |

| | | | |
|---|---|---|---|
| 2137 | ( Fasting) الصيام | سنن النسائي | 60 |
| 2293 | ( Zakāh) الزكاة | --- | 61 |
| 2475 | --- | --- | 62 |
| 3292 | ( Marriage) النكاح | --- | 63 |
| 5134 | (Ornaments) الزينة | --- | 64 |

65

| | | | |
|---|---|---|---|
| 85665 | (Prayers) الصلاة | سنن أبي داود | 65 |
| 135167 | (Zakāh) الزكاة | --- | 66 |
| 184968 | (Marriage) النكاح | --- | 67 |
| 19966 | (Fasting) الصوم | --- | 68 |
| 2129 | (Jihād) الجهاد | --- | 69 |
| 3128 | (Judgments) الأقضية | --- | 70 |
| 3159 | (Knowledge ) العلم | --- | 71 |
| 3261 | (Foods) الأطعمة | --- | 72 |
| 3342 | --- | --- | 73 |
| 3656 | (Disembarkation) الترجل | --- | 74 |
| 3981 | (*Sunnah*) السنة | --- | 75 |
| 4531 | (Manners) الأدب | --- | 76 |

| | | | |
|---|---|---|---|
| 1773 | (Zakāh) الزكاة | سنن ابن ماجه | 77 |
| 1946 | (Marriage) النكاح | --- | 78 |
| 2109 | (Expiation of sins) الكفارات | --- | 79 |
| 2365 | (Judgments) الأحكام | --- | 80 |
| 2634 | (Blood money) الديات | --- | 81 |
| 2742 | (Laws of Inheritance) الفرائض | --- | 82 |
| 3198 | (Hunting) الصيد | --- | 83 |
| 3622 | (Dress) اللباس | --- | 84 |
| 3687 | (Manners) الأدب | --- | 85 |

| | | | |
|---|---|---|---|
| 544 | (Zakāh) الزكاة | موطأ مالك | 86 |
| 477 | (Introduction) المقدمة | سنن الدارمي | 87 |
| 1563 | (Zakāh) الزكاة | --- | 88 |
| 1635 | (Fasting) الصوم | --- | 89 |
| 2146 | (Marriage) النكاح | --- | 90 |
| 2387 | (Biography) السير | --- | 91 |
| 2406 | --- | --- | 92 |
| 2771 | (Laws of inheritance) الفرائض | --- | 93 |

| | | | |
|---|---|---|---|
| 2866-67 | --- | --- | 94 |

| | | | |
|---|---|---|---|
| 1138 | مسند العشرة المبشرين بالجنة<br>*Musnad* of the ten people who are told that they will be admitted to paradise | مسند أحمد<br>Musnad[1031] Aḥmad | 95 |
| 1967 | و من مسند بنى هاشم<br>( Part of the *Musnad* of the family of Hāshim) | --- | 96 |
| 2099 | --- | --- | 97 |
| 2246 | --- | --- | 98 |
| 2365 | --- | --- | 99 |
| 2474 | --- | --- | 100 |
| 2575 | --- | --- | 101 |
| 2633 | --- | --- | 102 |
| 2790 | --- | --- | 103 |
| 3409 | --- | --- | 104 |
| 5859 | (مسند المكثرين من الصحابة) The *Musnad* of the companions who are known to narrate a big number of traditions | --- | 105 |
| 6429 | --- | --- | 106 |
| 6795 | --- | --- | 107 |
| 7990 | باقى مسند المكثرين<br>The rest of *Musnad al-Mukthrīn*(See above) | --- | 108 |
| 8976 | --- | --- | 109 |
| 9507 | --- | --- | 110 |
| 9539 | --- | --- | 111 |
| 10703 | --- | --- | 112 |
| 11510 | --- | --- | 113 |
| 11672 | --- | --- | 114 |
| 11698 | --- | --- | 115 |
| 11977 | --- | --- | 116 |
| 12011 | --- | --- | 117 |
| 12614 | --- | --- | 118 |
| 12716 | --- | --- | 119 |
| 12734 | --- | --- | 120 |
| 12763 | --- | --- | 121 |
| 12807 | --- | --- | 122 |
| 12846 | --- | --- | 123 |
| 12976 | --- | --- | 124 |
| 13267 | --- | --- | 125 |
| 13376 | --- | --- | 126 |
| 13424 | --- | --- | 127 |
| 13581 | --- | --- | 128 |
| 14104 | --- | --- | 129 |
| 14122 | --- | --- | 130 |
| 16329 | مسند الشاميين<br>The *Musnad* of the people of al-Shām | --- | 131 |
| 16338 | --- | --- | 132 |
| 16499 | --- | --- | 133 |
| 16512 | --- | --- | 134 |
| 16592 | --- | --- | 135 |

[1031] "A hadith which a traditionist reports from his sheikh from whom he is known to have heard (ahadith) at a time of life suitable for learning, and similarly in turn for each sheikh, until the isnad reaches a well-known Companion who turn reports from the Prophet."
http://www.islaam.net/main/display.php?part=3&category=6&id=191, 11-07-2005

| | | | |
|---|---|---|---|
| 16837 | --- | --- | 136 |
| 17065 | --- | --- | 137 |
| 17071 | --- | --- | 138 |
| 17083 | --- | --- | 139 |
| 17085 | --- | --- | 140 |
| 17095 | --- | --- | 141 |
| 17103 | --- | --- | 142 |
| 17133 | --- | --- | 143 |
| 17242 | --- | --- | 144 |
| 17765 | --- | --- | 145 |
| 18416 | أول مسند الكوفيين<br>The beginning of *Musnad al-Kūfiyyīn* (People of Kufah-Iraq) | --- | 146 |
| 18711 | --- | --- | 147 |
| 18873 | --- | --- | 148 |
| 18880 | --- | --- | 149 |
| 21205 | باقى مسند الأنصار<br>The rest of *Musnad* (al-Anṣār) the helpers | --- | 150 |
| 22041 | --- | --- | 151 |
| 22249 | --- | --- | 152 |
| 22865 | --- | --- | 153 |
| 22789 | الجهاد والسير (Jihad and biographies) | --- | 154 |

| | | | |
|---|---|---|---|
| 544 | الزكاة (Zakāh) | موطأ مالك | 155 |

| | | | |
|---|---|---|---|
| 477 | المقدمة (Introduction) | سنن الدارمى | 166 |
| 1563 | الزكاة (Zakāh) | --- | 167 |
| 1635 | الصوم (Fasting) | --- | 168 |
| 2146 | الزواج (Marriage) | --- | 169 |
| 2387 | السير (Biographies) | --- | 170 |
| 2406 | --- | --- | 171 |
| 2771 | الفرائض (Laws of inheritance) | --- | 172 |
| 2866 | --- | --- | 173 |
| 2867 | --- | --- | 174 |

اليهود والنصارى (Jews and Christians)

| | | | |
|---|---|---|---|
| 6 | بدأ الوحى (Beginning of revelation) | صحيح البخارى | 175 |
| 417 | الصلاة (Prayer) | --- | 176 |
| 525 | مواقيت الصلاة (Prayers' times) | --- | 177 |
| 568, 69 | الأذان (Call for prayer) | --- | 178 |
| 827 | الجمعة (Friday prayer) | --- | 179 |
| 847 | --- | --- | 180 |
| 1244 | الجنائز (Funerals) | --- | 181 |
| 1301 | | --- | 182 |
| 2107, 8, 10 | الإجارة (Rent) | --- | 183 |
| 2170 | المزارعة (Cultivation) | --- | 184 |
| 2919 | فرض الخمس (Imposition of one-fifth ) | --- | 185 |
| 3195, 97, 98 | أحاديث الأنبياء (Tales of prophets) | --- | 186 |
| 3200,3 | --- | --- | 187 |
| 3227 | --- | --- | 188 |
| 3541 | المناقب (Virtues) | --- | 189 |
| 4089 | المغازى (Expeditions) | --- | 190 |
| 4215 | تفسير القرآن (Qur'ān exegesis) | --- | 191 |
| 4327 | | --- | 192 |
| 4359 | | --- | 193 |
| 4604 | فضائل القرآن (Virtues of the Qur'ān) | --- | 194 |

| | | | |
|---|---|---|---|
| 195 | --- | | 4623 |
| 196 | --- | (Dress ) اللباس | 5368 |
| 197 | --- | | 5448 |
| 198 | --- | (Committing to the Qur'ān and *Sunnah* ) الإعتصام بالكتاب والسنة | 6775 |
| 199 | --- | (Monotheism) التوحيد | 6886 |

| | | | |
|---|---|---|---|
| 200 | صحيح مسلم | (Faith) الإيمان | 269 |
| 201 | --- | (Prayer) الصلاة | 568 |
| 202 | --- | (mosques and places for prayers) المساجد ومواضع الصلاة | 823, 25, 26 |
| 203 | --- | (Friday prayer) الجمعة | 1412-15 |
| 204 | --- | (Fasting) الصيام | 1916 |
| 205 | --- | (Irrigation) المساقاة | 2899 |
| 206 | --- | (Jihad and biographies) الجهاد والسير | 3313 |
| 207 | --- | (Dress and ornaments) اللباس والزينة | 3926 |
| 208 | --- | (Greetings) السلام | 4030 |
| 209 | --- | (Knowledge) العلم | 4822 |
| 210 | --- | (Repentance) التوبة | 4971 |

| | | | |
|---|---|---|---|
| 211 | سنن الترمذي | (Prayers) الصلاة | 175 |
| 212 | --- | (Zakāh) الزكاة | 574 |
| 213 | --- | (Hunting) الصيد | 1384 |
| 214 | --- | (*Jihad* and biographies) الجهاد والسير | 1528 |
| 215 | --- | (Biographies) السير | 1531, 32 |
| 216 | --- | (Faith) الإيمان | 2564 |
| 217 | --- | (Knowledge) العلم | 577 |
| 218 | --- | (Asking for permission and manners) الإستئذان والآداب | 2619 |
| 219 | --- | --- | 2624 |
| 220 | --- | (Proverbs) الأمثال | 2797 |
| 221 | --- | (Qur'ān exegesis) تفسير القرآن | 2878 |
| 222 | --- | --- | 3029 |

| | | | |
|---|---|---|---|
| 223 | سنن النسائي | (Call for prayers) الأذان | 622 |
| 224 | --- | (Mosques) المساجد | 696 |
| 225 | --- | (Friday prayer) الجمعة | 1350, 51 |
| 226 | --- | (Funerals) الجنائز | 2020 |
| 227 | --- | ( Book of Oaths) القسامة | 4724 |
| 228 | --- | (Ornaments) الزينة | 4983-85 |
| 229 | --- | --- | 5146 |

| | | | |
|---|---|---|---|
| 230 | سنن أبي داود | (Prayers) الصلاة | 378 |
| 231 | --- | | 420 |
| 232 | --- | (Fasting) الصوم | 2006 |
| 233 | --- | | 2089 |
| 234 | --- | (*Kharāj*, emirate, and spoils of war) الخراج والإمارة والفيئ | 2635 |
| 235 | | (Disembarkation) الترجل | 2649-51 |
| 236 | | (*Sunnah*) السنة | 3980 |

| | | | |
|---|---|---|---|
| 237 | سنن ابن ماجة | (Call for prayers and following the *Sunnah* to do it) الأذان والسنة فيه | 699 |
| 238 | --- | (Mosques and congregational prayers ) المساجد والجماعات | 732 |

| | | | |
|---|---|---|---|
| 1073 | (Performing prayer and following the *sunnah* to do that) إقامة الصلاة والسنة فيها | --- | 239 |
| 2634 | (Blood money ) الديات | --- | 240 |
| 3611 | (Dress) اللباس | --- | 241 |
| 3982, 84 | (Uprisings) الفتن | --- | 242 |
| 4038 | --- | --- | 243 |

| | | | |
|---|---|---|---|
| 196 | مسند العشرة المبشرين بالجنة<br>*Musnad* of the ten people who will be admitted to Paradise | مسند أحمد | 244 |
| 210, 214 | --- | --- | 245 |
| 1305, 6 | --- | --- | 264 |
| 1786 | ومن مسند بنى هاشم<br>Part of the *Musnad* of the family of Hāshim | --- | 247 |
| 4279 | مسند المكثرين من الصحابة<br>The *Musnad* of the companions who are known to narrate a large number of traditions | --- | 248 |
| 6072 | --- | --- | 249 |
| 6080 | --- | --- | 250 |
| 6429 | --- | --- | 251 |
| 6795 | --- | --- | 252 |
| 6916 | باقى مسند المكثرين<br>The rest of *Musnad al-Mukthrīn* | --- | 253 |
| 7009 | --- | --- | 254 |
| 7092, 94 | --- | --- | 255 |
| 7227, 30 | --- | --- | 256 |
| 7251 | --- | --- | 257 |
| 7299 | --- | --- | 258 |
| 7382 | --- | --- | 259 |
| 7497 | --- | --- | 260 |
| 7737 | --- | --- | 261 |
| 7767 | --- | --- | 262 |
| 8147 | --- | --- | 263 |
| 8318 | --- | --- | 264 |
| 8680 | --- | --- | 265 |
| 8842 | --- | --- | 266 |
| 9434 | --- | --- | 267 |
| 9443 | --- | --- | 268 |
| 9473 | --- | --- | 269 |
| 9967 | --- | --- | 270 |
| 10067 | --- | --- | 271 |
| 10126 | --- | --- | 272 |
| 10207 | --- | --- | 273 |
| 10232 | --- | --- | 274 |
| 10297 | --- | --- | 275 |
| 10298 | --- | --- | 276 |
| 10305 | --- | --- | 277 |
| 10407 | --- | --- | 278 |
| 11372 | --- | --- | 279 |
| 11415 | --- | --- | 280 |
| 14189 | --- | --- | 281 |
| 15331, 32 | مسند المكيين<br>The *Musnad* of the people of Mecca | --- | 282 |
| 17067 | مسند الشاميين<br>The *Musnad* of the people of al-Shām | --- | 283 |
| 17241, 42 | | --- | 284 |

| | | | |
|---|---|---|---|
| 18146 | أول مسند الكوفيين<br>The beginning of the *Musnad* of the people of Kūfah | --- | 285 |
| 18572 | | --- | 286 |
| 19460 | أول مسند البصريين<br>The beginning of the *Musnad* of the people of Basra-Iraq | --- | 287 |
| 19773 | | --- | 288 |
| 19810 | | --- | 289 |
| 20776 | مسند الأنصار<br>The *Musnad* of the Helpers | --- | 290 |
| 21259 | باقى مسند الأنصار<br>The rest of the *Musnad* of the Helpers | --- | 291 |
| 22385 | --- | --- | 292 |
| 22620 | --- | --- | 293 |
| 22931 | --- | --- | 294 |
| 23372 | --- | --- | 295 |
| 23748 | --- | --- | 296 |
| 24727 | --- | --- | 297 |
| 24982 | --- | --- | 298 |
| 25149 | --- | --- | 299 |

| | | | |
|---|---|---|---|
| 290 | المقدمة (Introduction) | سنن الدارمى | 300 |
| 1367 | الصلاة (Prayer) | | 301 |

# Bibliography


'Abd al-Bāqī, Muḥammad Fu'ād, *Al-Mu'jam al-Mufahras li al-fāẓ al-Qur'ān al-Karīm*, Cairo: Dār al-Ḥadīth, 1987.

'Abd Allāh, M Yāsīn, *Ahl a-Islām wa ahl al-Dhimmah,* Cairo: publisher is not mentioned, 1998.

'Abd al-Razzāq, b. Hammām al-Ṣan'ānī, (744-827/126-211), *Al-Muṣannaf.* http//:www.sonnh.com

Abdel Haleem, M.A, *Understanding the Qur'an: themes and style*, London: Tauris, 1999.

'Abdul Mannān, Muḥammad, *Islamic economics: theory and practice*, Boulder: Westview Press, 1987.

Abū al-Faraj, 'Abd al-Raḥmān b. Aḥmad b.Rajab, edit. 'Abd Allāh al-Ṣiddīq, *Al-Istikhrāj li aḥkām al-Kharāj*, Beirut: Dār al-Ḥadāthah li al- Ṭibā'ah, 1982.

Abū Nu'aim al-Iṣbfahānī 'Abd Allāh b. Aḥmad d.430 A.H, *Ḥilyat al-'Awliyā wa ṭabaqāt al-Aṣfiyyā* , 5 Vols, Cairo: Maktabat al-Khanjī wa maṭba'at al-Sa'ādah, 1937.

AbūSulaymān, 'Abd al-Ḥamīd, *Towards an Islamic theory of international relations: new directions for Islamic methodology and thought*, 2nd ed. Herndon, Va.: International Institute of Islamic Thought, 1993.

Abū 'Ubayd, al-Qāsim b. Sallām, *Kitāb al-Amwāl,* Beirut: Mu'assasat Nāṣer le al-Thaqāfah, 1981

— *Kitāb al-Nāsikh wa al-Mansūkh,* ed. John Burton, Cambridge: E.J.W. Gibb Memorial, 1987.

Abū Yūsuf, Ya'qūb b. Ibrāhīm al-Anṣārī, (113-182 A.H-731-798 A.D,) *Kitāb al-Kharāj*, Cairo: al-Maṭba'ah al-Salafiyyah wa maktabātihā, 1352 AH.

Achtemeier, Paul J, *Harper's Bible dictionary*, San Francesco: Harper &

Row, 1985.

Aghnides, Nicolas Prodromou, *Mohammedan theories of finance: with an introduction to Mohammedan law, and a bibliography*, Lahore: Premier Book House, 1961.

Aḥmad.Narimān A, *Mu'āmalat ghayr al-Muslimīn fī al-Dawlah al-Islāmiyyah*, Cairo: al-Hay'ah al-Miṣriyyah al-'Āmah li al-Kitāb, 1995.

Aḥmad, Mahdī Rizq Allāh, *Al-Sīrah al-Nabawiyyah fī ḍaw' al-Maṣādir al-Aṣliyyah: dirāsah taḥlīliyyah*, Riyadh: Markaz al-Malik Faiṣal li al-Buḥuth wa al-Dirāsāt al-Islāmiyyah, 1992.

Akram, Muḥammad , *Al-Quds a historical perspective,* Journal of the Pakistan historical society, 1995,43:III, pp. 239-248, Karachi: Bait al- Ḥikmah, Hamdard University.

Al-Abshīhī, Shehāb al-Dīn Muḥammad b. Aḥmad Abū al-Fatḥ, *Al-Mustaṭraf fī Kul fann mustaẓraf*, Cairo: A. Aḥmad Ḥifnī, Year of publication is not mentioned.

Al-Alūsī, Shehāb al-Dīn al-Sayed Maḥmūd, ed. 'Alī 'Abd al-Bārī 'Aṭiyyah, *Rūḥ al-Ma'ānī fī tafsīr al-Qur'ān al-'Aẓīm*, 16 Vols, Beirut: Dār al-Kutub al-'Ilmiyyah , 1994.

Al-Aṭyar, Ḥusnī Yūsuf, *'Ala ḥamish al-Ḥiwār bayna al-Qur'ān wa al-Yahūd*, Cairo: Dār al-Anṣār, 1984.

Al-Bayhaqī, Abū Bakr Aḥmad Ibn al-Ḥusayn Ibn 'Alī Ibn Mūsā, *Sunnan al-Bayhaqī*, http://www.alwaraq.net/index4.htm?c=.

Al-Bishrī, Ṭāriq, *Al-Muslimūn wa al-'Aqbāt fī ṭarīq al-Weḥdah al-Waṭaniyyah*, Beirut: Dār al-Wiḥdah, 1982.

Al-Bustānī, 'Abd Allāh, *Fākihat al-Bustān,* 2.vols. Beirut: The American Press, 1930.

Al-Bustānī, Buṭrus, *Muḥīt al-Muḥīt*, Beirut: publisher is not mentioned, 1870.

Al-Dūrī, 'Abd al-'Azīz, *Muqaddimah fī tārīkh Ṣadr al-Islām*, Beirut: al-Maṭba'ah al-Kāthūlīkiyyah, 1949.

Al-Faruqi, Ismail Raji, *Islam and other faiths*, ed. Ataullah Siddiqui, London: The Islamic foundation, 1998.

-- *Jerusalem the key to world peace*, London : Islamic Council of Europe, 1980.

Al-Firūzabādī, M b. Yaḥyā, *Al-Qāmūs al-Muḥīṭ*, 4 Vols, Cairo: al-Maṭba'ah al-Ḥusayniyyah, 1911.

— *Baṣā'ir dhawī al-Tamyīz fī laṭā'if al-Kitāb al-'Azīz,* 6 Vols, edit, 'A. al-Ṭaḥāwī, Beirut: al-Maktabah al-'Ilmiyyah, (Year of publication is not mentioned).

Al-Ghazālī, Muḥammad, *Fiqh al-Sīrah*, Cairo: Manshūrāt 'ālm al-Ma'rifah, (Year

of publication is not mentioned).

Al-Ḥadād, al-'Ustādh, *Al-Qur'ān wa al-Kitāb* full name of the author, year and place of publication are not mentioned.

Al-Ḥamawī, Yāqūt b. 'Abd Allāh,
*Mu'jam al-Buldān,* Paris : Imprimerie Impériale, 1861.

'Alī, Abd Allāh Yūsuf, *The Holy Qur'ān, text translation and commentary,* Maryland: Amana Corp, 1983.

Al-Jaṣāṣ, Abū Bakr Aḥmad b. Alī al-Razī al-Ḥanafī, (d.370 AH), *Aḥkām al-Qur'ān*, 3 vlos, Cairo: al-Maṭba'ah al-Bahiyyah al-Miṣriyyah, 1347 AH.

Al-Jawharī, Ismā'īl b Ḥamad, *Al-Ṣiḥāḥ : tāj al-Lughah wa ṣiḥāḥ al-'Arabiyyah* ,6 Vols, Cairo: Dār al-Kitāb al-'Arabī, (Year of publication is not mentioned).

Al-Jawzī, Abū Bakr Jābir, *Aysar al-Tafāsīr li kalīm al-'Aliy al-Kabīr,* 5 Vols, Medina: Maktbat al-'Ulūm wa al-Ḥekam, 1994.

Al-Jazīrī, 'Abd al-Raḥmān, *Al-Fiqh 'alā al-Madhāhib al-Arba'ah*, 4 Vols, Cairo: al-Maktab al-Thaqāfī, 2000.

Al-Kasānī, 'Alā' al-Dīn 'Abū Bakr b. Mas'ūd al-Ḥanafī, *Badāi' al-Ṣanāi' fī tartīb al-Sharāi'*, 10 Vols, edit Sheikh 'Alī M Mu'awaḍ& Sheikh 'Ādel A 'Abd al-Mawjūd, Beirut: Dār al-Kutub al-'Ilmiyyah, 1997.

Al-Khallāl, Abū Bakr Aḥmad b. Muḥammad, *Akām ahl al-Melal,* edt. Sayyed. H. Kesrawī, Beirut: Dār al-Kutub al-'Ilmiyyah, 203

Al-Khaṭīb, A, *Jerusalem in the Qur'an, British Journal of Middle Eastern Studies,* Volume 28, Number 1, 1 May 2001, pp. 25-53, Routledge, part of Taylor &Francis Group, 2001

'Allāwī, Muḥammad, *The authenticity of the Holy Qur'ān,* Majallat al-Azhar, Vol.3.PP.1-7, Cairo: Majma' al-Buḥūth al-Islāmiyyah, 1974.

Al-Maqdisī, Mūsā b. Aḥmad, *Al-Iqnā' li ṭālib al-Intifā'*, 4 vols, Ryadh: Dār 'ālam al-Kutub, 1999.

Al-Marāghī, Aḥmad Muṣṭafā, *Tafsīr al-Marāghī,* Cairo: Shirkat maktabat wa maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa awlādih, 1946-1953 .

Al-Marghinānī, 'Alī b. Abū Bakr b. 'Abd al-Jalīl (d.953 AH), *Al-Hidāyah sharḥ bidāyat al-Mubtadī.* 4 vols, Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa awlādih, 1937.

Al-Māwardī, Abū al-Ḥassan 'Alī b. Muḥammad b. Ḥabīb al-Baṣrī, (364-450AH-974-058 AD) ed. Khālid Abd al-Laṭīf al-Sab' al-'Alamī,

*Al-Aḥkām al-Sulṭāniyyah wa al-Welāyāt al-Dīniyyah*. Beirut: Dār al-Kitāb al-'Arabī, 1990.

— *Al-Nukat wa al-'Uyūn tafsīr al-Māwirdī,* ed. Al-Sayyed b. A.al-Maqsūd, Beirut: Dār al-Kutub al-'Ilmiyyah, 1992.

— *The ordinances of Government,* A translation of *al-Aḥkām al-Sulṭāniyyah wa- Al-Welāyāt al-Dīniyyah*. Trans. Wafā H Wahbah, Beirut: Grant Publishing Ltd, 1996.

Al-Memmī, Ḥassan, *Ahl al-Dhimmah fī al-Ḥaḍārah al-Islāmiyyah,* Beirut: Dār al-Gharb al-Islāmī, 1998.

*Al-Mūjaz fī mu'āmalat ghayr al-Muslimīn fī al-Islām,* Amman: al-Mujamma' al-Malakī li buḥūth al-Ḥadārah al-'Islāmiyah, 1994.

Al-Nasafī, 'Abd Allāh b. Aḥhmad, (d. 1310), *Tafsīir al-Nasafī, al-Musammā bi madārik al-Tanzīl wa haqāa'iq al-Ta'wīl*, 2 Vols, ed. Zakariyya 'Umayrāt. Beirut: Dār al-Kutub al-'Ilmiyah, 2001.

Al-Nemr, M. al-Khalīl Nemr, *Ahl al-Dhimmah wa al-Welayāt al-'Āmah fī al-Fiqh al-Islāmī,* Amman: al-Maktabah al-Islāmiyyah, 1409 A.H.

Al-Qalqashandī, Aḥmad b. 'Alī, *Ṣubḥ al-A'shā fī Ṣenā,'at al-Inshā,* 14 Vols. Cairo: al-Maṭb'h al-Amīriyah: 1916.

Al-Qaraḍawī, Yūsuf, *Ghayr al-Muslimīn fī al- Mojtnma' al-Islāmī*, Cairo: Maktabat Wahbah, 1992.

Al-Qāsimīi, Jamāl al-Dīn. Muḥammad, *Tafsīr al-Qāsimī al-musammā Maḥāsin al-ta'wīl*, 9 Vols, ed. Muḥammad Bāsil. Beirut: Dār al-Kutub al-'Ilmiyyah, 1997.

Al-Qasṭalāni, Abā Al-'Abbāss Aḥmad, *Irshād al-Sārī li sharḥ ṣaḥīḥ al-Bukhārī,* 10 Vols, Cairo: al-Matba'ah al-Kubrā bi Būlāq, 1350 A.H.

Al-Qurashī, Yaḥyā, b. Ādm (d.818), *Kitāb al-Kharāj*, Cairo: al-Maṭba'ah al-Salafiyyah wa maktabātihā, 1347 AH.

Al-Qurṭubī, Muḥammad b. Aḥmad, d. 1273, *Al-Jāmi' li 'aḥkām al-Qur'ān*, 20 Vols, Cairo: Dār al al-Kutub al-Miṣriyyah, 1933-1950.

Al-Rayyis, M. Ḍ, *Al-Kharāj wa al-Nuẓum al-Māliyyah fī al-Dawlah al-Islāmiyyah*, Cairo: Dār al-Ma'āref, 1969.

Al-Razī, Muḥamad b. 'Umar b. al-Ḥussayn b. al-Ḥassan (544-604 AH), *Al-Tafsīr al-Kabīr (Mafātīḥ al-Ghayb)* 20 Vo, Beirut: Dar al-Kutub al-'Ilmiyyah, 2000.

Al-ṣāliḥ, ṣubḥī, '*Ulūm al-Ḥadīth wa muṣaṭalaḥih*, Beirut: Dār al-'Ilm li al-Malāyīn, 1959.

Al-Ṣallābī, 'Alī Muḥammad, *Faṣl al-Khiṭāb fī sīrat 'Umar b. al-Khaṭṭāb*, Alexandria: Dār al-'Imān, 2002.

Al-Sarakhasī, Muḥammad b. Aḥmad, *Uṣūl al-Sarakhasī*, ed. Abū al-Wafā al-Afaghānī, Beirut: Dār al-Kutub al-'Ilmiyyah, 1414 [1993]
— *Al-Mabsūṭ*, http://www.alwaraq.com/

Al-Ṣawwāf, 'Alī , *Al-Wajīz fī mu'āmalat ghayr al-Muslimīn fī al-Islām,* Amman: al-Mujamma' al-Malakī li buḥūth al-Ḥaḍārah al-Islāmiyyah, 1994.

Al-Shawkānī, Muḥammad b. 'Alī b. Muḥmmad,
*Fatḥ al-Qadīr al-Jāmi' bayna fannay al-Derāyah wa al-Rewāyah Min 'Ilm al-Tafsīr*, ed. A. 'Abd al-Salām, 6 Vols. Beirut: Dār al-Kutub al-'Ilmiyyah, Year of publication is not mentioned.

Al-Shāf'ī, Muḥammd b. Idrīs (d.204 AH)
*Kitāb al-Um*, 9 Vols, ed. Maḥmūd Matrajī, Beirut: Dār al-Kutub al-'Ilmiyyah, 1993.

Al-Shaharastānī, 'Abū al-Fatḥ Muḥammd b. 'Abd al-Karīm, *Al-Melal wa al-Neḥal,* 3 Vols, ed. A. Fahmī Muḥammd, Cairo: Maktabat al-Ḥusayn al-Tejāriyyah, 1949.

Al-Syūti, Jalāl al-Dīn 'Abd Al-Raḥmān b. Abū Bakr d.911 AH, 6 Vols,
*Al-Durr al-Manthūr fī al-Tafsīr bi al-Ma'thūr*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2000.
—*Al-Itqān fī 'ulūm al-Qur'ā*. Beirut: Dār al-kutub al-'Ilmiyyah, 2001.

Al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr, *Tafsīr al-Ṭabarī al-Musamā jāmi' al-Bayān fī ta'wīl al-Qur'ān*, 13 Vols, Beirut: Dār al-Kutub al-'Ilmiyyah, 1999.
— *Tārīkh al-'Umam w al-Mulūk*, Vol:4, Cairo: al-Matba'ah al-Ḥusainiyyah al-Miṣriyyah, year of publication is not mentioned.

Al-Ṭurṭūshī, Abū Bakr Muḥammad Ibn al-Walīd Ibn Khalaf Ibn Sulymān, *Sirāj al-Mulūk,* http://www.alwaraq.net/index4.htm?

Al-Tūsī, Muḥammad b. al-Ḥassan, *al-Tibyān fī tafsīir al-Qur'ān*, 6 Vols, Najaf : al-Matba'ah al-'Ilmiyyyah, 1957-1963.

Al-'Ulaymī, Mujīr al-Dīn al-Ḥanbalī, *Al-Uns al-Jalīl bi tārīkh al-Quds wa al-Khalīl,* 2 vols, ed. M. 'Awadah al-Ka'ābnah, Palestine: Mu'assasat al-Kutub al-Thaqāfiyyah, 1999.

Al-Ushayqer, Muaḥammad 'Alī, *Lamaḥāt min tārīikh al-Qur'ān,* Beirut: al-Mu'assasah al-'lmiyyyah li al-Maṭbū'āt, 1408 AH.

Al-Wāḥidī, Abū al-Ḥassan 'Aī b. Aḥmad b. Muḥammad, *Asbāb Nuzūl al-Qur'ān*, Beirut: Dār al-Kutub al-'Ilmiyyyah, 1999.

A-Wāqidī, Abū 'Abd Allāh Muaḥmmad b. 'Umar, *Maghāzī rasūl Allāh*, Cairo: Jamā'at Nashr al-Kutub al-Qadīmah, 1948.

Al-Zubaidī, Muḥammad Murtaḍā al-Ḥusainī, *Tāj al-'Arūs*, 8 Vols, ed. A. Aḥmad

Farāj, Kuwait: Maṭba'at Ḥukūmat al-Kuwait, 1965.

'Āmer, Muṣṭafā F, *Tārīkh ahl al-Dhimmah fī miṣr al-Islāmiyyah,* Cairo: al-Hay'ah al-'Āmah li al-Kitāb, 2000.

Amīn, Bakrī Shaykh, *Adab al-Ḥadīth al-Nabawī*, Beirut: Dār al-Shurūq, 1976.

Armstrong, Karen, *Jerusalem on city three faiths*, London: HarperCollins Publisher 1996.

Andrae, T,
*Mohammed, the man and his faith*, New York: Harper&Brothers, 1955.

Arnold, Thomas Walker, *The preaching of Islam; a history of the propagation of the Muslim faith*, London: Constable, 1913.

Aslan, Adnan, *The concept of ahl al-Dhimmah and Islamic pluralism,* The Islamic quarterly, XLVII Number 1, 1424/2003, London, the Islamic Cultural Centre, 2003.

Atman, M, Islamic Perspective on Ethnicity and Nationalism: Diversity or Uniformity?, Journal of Muslim Minority Affairs, Volume 23, Number 1, April 2003, pp.89-102(14), London: Routledge, part of the Taylor& Francis Group.

Ayūb, Maḥmūd, Nearest in amity: Christians in the Qur'ān and contemporary Exegetical tradition, *Islam and Christian Muslim relations*, Vol.8, No.2, PP.154-164, centre for the study of Islam and Christianity: Routledge, part of the Taylor& Francis Group. 1997.

Azami, Muhammad Mustafa, *Studies in Ḥadīth literature and Methodology* Islamic teaching centre, Indianapolis, India 1977.
—*Studies in early Ḥadīth literature*, Indiana: American Trust Publications, 1978.
—*The history of the Qur'ānic text from revelation to compilation,* Leicester: UK Islamic Academy, 2003

Bokay, Moris, Trans, *Qur'ān, Torah, Gospel, and science*, Cairo: Maktabat Madbūlī, 1996.

Badrān, Abū al-'Aynayn, *Al-'Ilāqāt al-'Ijtimā'iyah bayna al-Muslimīn wa ghayr al-Muslimīn fī al-Sharī'ah al-Islāmiyyah wa al-Masīḥiyyah wa al-Yahūdiyyah wa al-Qānūn,* Beirut: Dār al-Nahḍah al-'Arabiyyah li al-Ṭibā'ah wa al-Nashr, 1984.

Barakāt, 'Abd al-Karīm Ṣiddīq, *Al-Iqtiṣād al-Mālī al-Islāmī : dirāsah muqāranah bi al-Nuẓum al-waḍ'iyyah*, Alexandria: Mu'assast Shabāb al-Jāmi'ah, 1984.

Barakāt Aḥmad Sayyed, *Non-Muslims and the Umma,* Studies in Islam, 17, 1980

pp. 80-118, New Delhi, 1980.

Balādhurī, Aḥmad b. Yaḥyā, *Futūḥ al-Buldān,* ed. Raḍwān Muḥammad Raḍwān, Cairo: al-Maṭba'ah al- Miṣriyyah bi al-Azhar, 1350-1932.

Balyuzi, Hasan Muvaqqar, *Muhammad and the course of Islam*, Oxford: G. Ronald, 1976.

Bannerman, Patrick, *Islam in perspective: a guide to Islamic society, politics and law / Patrick Bannerman, London*: Routledge, 1988.

Baramaki, Demetri, *Jerusalem the key to world peace*, London : Islamic Council of Europe, 1980.

Baynes, Norman Hepburn, *The Byzantine Empire*, New York: AMS Press, 1977.

Bell, Richard, *Introduction to the Qur'ān.* Edinburgh: Edinburgh University Press, 1953.

Ben Shemesh, A., *Taxation in Islam,* Leiden: E.J. Brill ; London : Luzac & Co. Ltd., 1958-1969.

Berg, Herbert, *The development of exegesis in early Islam*: the authenticity of Muslim literature from the formative period, Richmond: Curzon, 2000.

Berwen Mohamed, *Al-Wathīqa: The first Islamic state constitution*, Journal of Muslim minority Affairs, Vol.23 No. 1 April 2003, pp 103-120, London: Carfax publishing, 2003.

Besant, Walter, Sir, and E. H. Palmer.
*Jerusalem, the city of Herod and Saladin,* London: Chatto & Windus ; Philadelphia: J.B. Lippincott, 1899.

Blachère, R. In *the encyclopaedia of Islam*, I: 264-266, New Edition, Leiden: E.J.Brill, 1960.

Bosworth, Clifford Edmund, *The protected peoples (Christians and Jews) in the mediaeval Egypt and Syria*, Manchester: The John Rylands University Library, 1979.

Boullata, Issa J, *Literary structures of religious meaning in the Qur'ān,* Richmond : Curzon, 2000.

Brown, Daniel, *Rethinking tradition in modern Islamic thought*, Cambridge: Cambridge University Press, 1996.

Bulaç, Ali, *Liberal Islam : a source book*, ed. Charles Kurzman, New York : Oxford University Press, 1998.

Bultājī, Muḥammad., *Manhaj 'Umar Ibn al-Khaṭṭāb fī al-Tashrī' : dirāsah mustaw'abah li fiqh 'Umar wa tanzīimātih,* Cairo: Dār al-Fikr al-'Arabī, 1970.

Burton, John, *An introduction to the Ḥadīth,* Edinburgh: Edinburgh University Press, 1994.

Clubb, John Bagot, *The life and times of Muhammad*, London: Hodder & Stoughton, 1970.

—*The collection of the Qur'ān,* London: Cambridge University Press: 1977.

Cohen, Mark R, *Under crescent and cross* : the Jews in the Middle Ages, Princeton, N.J.: Princeton University Press, 1994.

Courbage Yossef and philippe Fargues, *Christians and Jews under Islam*, Translated by Judy Mabro, London; New York: I.B Tauris publishers. 1998.

Cragg, Kenneth, *Muhammad and the Christian*: a question of response, London: Darton, Longman, and Todd; Maryknoll, N.Y: Orbis Books, 1984.

Dashti, 'Ali, *Twenty three years: A study of the Prophetic career of Mohammad,* Trans. F.R.C.Bagley, London: George Allen& Unwin, 1985

Dennett, Daniel C, *Conversion and the poll tax in early Islam*, Cambridge: Harvard University Press 1950.

Doi 'Abdur Rahmān I, *Non-Muslims under shari'ah (Islamic law*), London: Ta Ha publishers Ltd, 1983.

Ḍumayriyyah, 'Uthmān Jum'ah, *Manhaj al-Islām fī al- Ḥarb wa al-Salām.* Kuwait: Maktabat Dār al-Arqam, 1982.

Dutton, Yasin, *The origins of Islamic law*, Richmond: Curzon, 1999.

Draz, M A, *Introduction to the Qur'ān*, London; New York: I.B.Tauris Publisher, 2000.

Encyclopaedia Britannica, Millennium edition, CD-Rom

Esposito, John L, *Islam and politics,* New York: Syracuse University Press, 1984.

Faḍl Allāh, Muḥammad Ḥusayn, *Islam, the religion of dialogue*; trans. Najm al-Khafajī, Beirut: Dār al-Malāk, 2003.

Gabriel, Francesco. *Muhammad and the conquest of Islam.* London: Weidenfeld & Nicolson, 1968

Gātje, Helmut, *The Qur'ān and its exegesis,* London: Routledge & Keganpaul, 1971

Gawhar, Altaf, *The challenge of Islam*, London: Islamic Council of Europe, 1978.

Ghāzī b. al-Wāsitī, *"An answer to the Dhimmis"*, tr. Richard Gotheil in Journal of the American Oriental society, 41 (1921), pp.383-457.

Gilman, Arthur, *The Saracens from the earliest times to the fall of Baghdad*, London: T.Fisher Unwin, 1887.

Goddard, Hugh, A *history of Christian-Muslim relations*, Edinburgh: Edinburgh University Press, 2000.

Goitein, S. D, *Jews and Arabs: their contacts through the ages*, New York: Schocken Books, 1974.

Goldziher, Ignac, *Introduction to Islamic theology and law*, trans. Andras and Ruth Hamori ; with an introduction and additional notes by Bernard Lewis, Princeton: Princeton University Press, 1981.

Gottheil, Richard, "*An answer to the Dhimmis*". Journal of the American Oriental Society (1921): 383-457.

Gray, John, A *history of Jerusalem*, London: Hale, 1969.

Griffiths, Paul. J. *Christianity through non-Christian eyes*, Maryknoll, New York: Orbis Books, 1990.

Guillaume, Alfred, *The traditions of Islam*: an introduction to the study of the hadith literature, Oxford: Clarendon Press, 1924.

Ḥājjī, Ja'far 'Abbās, *Al-Madhhab al-Iqtiṣādī fī al-Islām*, Kuwait; Beirut: Maktabat al-Alfayn, 1987.

Hamidullah, Muhammad, *Muslim conduct of state: being a treatise on siyar*, Lahore : Ashraf, 1953.

Hāshim, al-Ḥusaynī 'Abd al-Majīd, *Uṣūl al-Ḥadīth al-Nabawī*, Cairo: Dār al-Shurūq, 1406 A.H.

Hassan, Ahmad, *The early development of Islamic jurisprudence*, Islamabad: Islamic Research Institute, 1970.

Haykal, Muḥammad Ḥusayn, *Ḥayāt Muḥammad*, Cairo: Maṭba'at Dār al-Kutub al-Miṣriyyah, 1939.
—*Al-Fārūq 'Umar*, Cairo, Maṭba'at Miṣr, 1364 A.H.

Hirschfeld, Hartwig, *New researches into the composition and exegesis of the Qoran*, London: Royal Asiatic Society, 1902.

Hitti, Philip Khuri, *History of Syria : including Lebanon and Palestine*, London : Macmillan, 1951.

Hourani, Albert Habib, *Minorities in the Arab World*, London; New York: Oxford University Press, 1946.

Howaydī, Fahmī, *Muwāṭinūn lā dhimmiyyūn,* Cairo: Dār al-Shurūq, 1999.

Hussain, Jamila, *Islamic law and society: an introduction*, Sydney: Federation Press, 1999.

Ibn ‘Asākir, ‘Alī b. al-Ḥassan b. Hebat Allāh al-Shāfi‘ī, edit, Ṣalāḥ al-Dīn al-Munajid, *Tārīkh Madīnaht dimashq*, Damascus: Maṭbū‘āt al-Mujamma‘ al-‘Arabī, 1951.

Ibn al-‘Arabī, Muḥammad b. ‘Abd Allāh,
*Aḥkām al-Qur’ān,*4 Vols, Beirut: Dār al-Kutub al-‘Ilmiyyah, 1984.

Ibn al-Athīr, Muḥammad b. Muḥammad b.‘Abd al-Karīm, (1160-1233),
*Al-Kāmil fī al-Tārīkh,* 9 vols, Cairo: Idārat al-Ṭibā‘ah al-Munīriyyah, 1349 A.H.

Ibn al-Jawzīi, Abū al-Faraj ‘Abd al-Raḥmān b. ‘Alī,
*Zād al-Masīr fī ‘ilm al-Tafsīr*, 8 Vols, ed. Aḥmad Shams al-Dīn, Beirut: Dār al-Kutub al-'Ilmiyyah, 2002.

Ibn ‘Aṭiyyah, ‘Abd al-Ḥaqq b. Ghālib, *Al-Muḥarrar al-wajīz fī tafsīir al-Kitāb al-‘Azīz*. 6 Vols, ed. ‘Abd al-Salām ‘Abd al-Shāfī Muḥammad. Dār al-Kutub al-‘Ilmiyyyah, 2001.

Ibn Ḥazm, Muḥammad ‘Alī b. Aḥmad b. Sa‘īd (d.456 A.H),
*Al-Muḥallā,* ed. Muḥammad Munīr al-Dimashqī.11.Vols. Cairo: Idārat al-Maṭba‘ah al-Munīriyyah, 1351 A.H.

Ibn Ḥajar al-Haithamī, Abū Al-‘Abbāss Aḥamd b. ‘Alī (d.974 A.H),
*Tuḥfat al-Muḥtāj bisharḥ al-Minhāj,* 4 Vols, , ed. A. Maḥmūd M ‘Umar, Beirut: Dār al-Kutub al-‘Ilmiyyyah, 2001.

Ibn Isḥāq, Abū Muḥammad ‘Abd al-Malik b. Hishām,
*Sīrat rasūl Allāh,* 4 Vols ed. Muḥammad Muḥyī al-Dīn ‘Abd al-Ḥamīd, Cairo: Maṭba‘at Hijāzī, 1937.

Ibn Kathīr, Ismā‘īl b. ‘Umar b. Kathīr al-Qurashī al-Demashqī,
*Al-Bedāyah wa al-Nehāyah*, 13 Vols, Cairo: Maṭba‘at Dār al-Sa‘ādah, 1932
— *Tafsīr al-Qur’ān al-‘Aẓīm*, 4 Vols. edt. Ḥussain Zahrān, Beirut: Dār al-Kutub al-‘Ilmiyyyah, 1988.

Ibn Manẓūr, Abū al-Faḍl Jamāl al-Dīn Muḥammad b. Makram, *Lesān al-'Arab* 15 Vol, Beirut: Dār Ṣāder; Dār Beirūt, 1955.

Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr, (648-726/1250-1325)
*Aḥkām ahl al-Dhimmah*. Edit. Ṭaha 'Abd al-Ra'ūf Sa'd. Vol.1, 2. 2 vols.
Beirut: Dār al-Kutub al-'Ilmiyyah, 1995.
— *Zād al-Ma'ād,* 2 Vols, Cairo: Al-Maṭba'at al-Miṣriyyah wa maktabatohā, Year of publication is not mentioned.

Ibn Qudāmah, Abū Muḥammad 'Abd Allāh b. Aḥamad al-Maqdisī (541-620/1147-1223), *Al-Moghnī*, 15 Vols. Edited by Dr. 'Abd Allāh 'A. al-Turkī and Dr.'Abd al-Fattāḥ M al-Ḥulw Vol.9, XIII. Saudi Arabia: 1419A.H-1999A.D.

Ibn Rajab, 'Abd al-Raḥman b. Aḥmad, (1336-1393.)
*Al-Istikhrāj li aḥḥkām al-Kharāj,* edt, 'Abd Allāh al-Ṣiddīq.
Beirut: Dār al-Ḥadāthah, 1982.

Ibn Rushd, Muḥammad b. Aḥmad b. Muḥammad b. Aḥmad b. Rushd
Al- Qurṭubī, *Bedāyat al-Mujtahid wa Nehāyat al-Muqtaṣid*, Trans, Prof.
Imran Ahsan Khan, Ed.Prof.M.'Abd al-Ra'ūf, Beirut: Garnet publishing 2000.

Ibn Sa'd, Muḥammad b. Sa'd b. Manī' al-Hāshimī al-Baṣrī,
*Al-Ṭabaqāt al-Kubrā*, 9 Vols, ed. Muḥammad 'Abd al-Qādir 'Aṭā,
Beirut: Dār al-Kutub al-'Ilmiyyyah , 1997.

Ibn Zabr, al-Qāḍī Abū Muhammad 'Abd Allāh b. Aḥmad
*Shurūṭ al-Naṣārā,* Manuscript 3952 Tārīkh, Cairo: Dār al-Kutub al-Miṣriyyah.

Ibn Zanjowayh, Ḥumayd b. Zanjowayh Makhlad b. Qutaybah al-Azdī d. 251 or 248 A.H , *Al-Amwāl,*
http://www.sonnh.com/BookTabweeb.aspx?RootID=163603, 7/04/2004.

Ibn Warraq, *The origins of the Qur'an*, New York: Prometheus Books,1998.

Iqbal, Afzal, *The Prophet's diplomacy: the art of negotiation as conceived and developed by the Prophet of Islam*, Cape Cod, Mass : C. Stark, 1975.
— *Diplomacy in Islam: an essay on the art of negotiations as conceived and developed by the Prophet of Islam*, Lahore : Institute of Islamic centre, 1977.

Jawharī, Ṭanṭāwī, *al-Jawāhir fī tafsīr al-Qur'ān al-Karīm,* 25 Vols, Cairo: Maṭba'at Muṣṭafā al-Bābī al- Ḥalabī wa awlādih, 1350 A.H.

Johansen, Baber, *Contingency in a sacred law*: legal and ethical norms in the Muslim fiqh, Leiden: Brill, 1999.
-*The Islamic law on land tax and rent*, London: Croom Helm, 1998.

Juynboll, Gautier H. A,
*The authenticity of the tradition literature: discussions in modern Egypt,*
Leiden : E. J. Brill, 1969.
— *In the encyclopaedia of Islam*, 9:878, new edition, Leiden: E.J.Brill, 1997.

K.J.Asali, *Jerusalem in history*, New York: Olive Branch P., 1990.

Kamali, Mohammad Hashim, *Principles of Islamic jurisprudence*, Cambridge: Islamic Texts Society, 1991.

Katsh, Abraham Isaac, *Judaism and the Koran : Biblical and Talmudic backgrounds of the Koran and its commentaries*, New York : A.S. Barnes, 1962.

Khadduri, Majid, *Islamic Jurisprudence, Shāfi'ī resālah* / trans. Majid Kahadduri, Baltimore: Johns Hopkins Press, 1961.

--*War and peace in the law of Islam*, Baltimore: Johns Hopkins Press, 1955.

Khalīl, 'Emād al-Dīn, *Derāsah fī al-Sīrah*, Beirut: Dār al-Naqqāsh, 1978.

Lane, Edward William, Arabic-English lexicon. , *derived from the best and the most copious eastern sources: in two books: the first containing all the classical words and significances ... the second those that are of rare occurrence and not commonly known.* 8 vols. New York: Frederick Ungar Publishing Co, 1863-1885.

Lāshīn, Maḥmūd al-Mursī, *al-Tanẓīm al-muhāsabī li al-Amwāl al-'Āmmah fī al-Dawlah al-Islāmiyyah,* Beirut: Dār al-Kitāb al-Lebnānī, 1977.

Levy, Reuben, The social structure of Islam: being the second edition of the sociology of Islam, Cambridge : Cambridge University Press, 1957.

Lewis, Bernard, The *Jews of Islam*, Princeton, N.J: Princeton University Press, 1984.

LØkkegaard, Frede, *Islamic taxation in the classic period*, Copenhagen: Branner & Korch, 1950.

Lūqa, Naẓamī, '*Umar Ibn al-Khaṭṭāb al-Baṭal wa al-Mathal wa al-Rajul*, Cairo: Maktabat Gharīb , 1983.

Majdalāwī, S. Fārūq, *Islamic administration under 'Umar b. al-Khaṭṭāb*, Amman: Majddalawi Masterpieces publications, 2002.

Majlisi, M, Bāqir, *Biḥār al-Anwār al-Jāmi'ah li durar akhbār al-'A'immah al-Āthār,* Beirut: Mu'assasat al-Risālah, 1983.

Mālik, b. Anas b. Mālik, *Al-Mudawanah al-Kubrā*, 4 vols, place, publisher, date are not mentioned.

Mannan, Muhammad Abdul, *Islamic economics: theory and practice*, Boulder: Westview Press, 1987.

Margoliouth, D. S,
*The early development of Mohammedanism* : lectures delivered in the University of London in May and June, 1913, London: Williams and Norgate, 1914.

Marshal David, *Muhammad, God, and the disbelievers,* Richmond: Curzon, 1999.

Maudūdī, Sayyid Abū al-A'lā,
*Human rights in Islam*, Leicester : Islamic Foundation, 1976
—*Rights of non-Muslims in Islamic state*
—*Towards understanding the Qur'ān*, 3 Vols, Leicester: Islamic Foundation, 1976.
— *The Islamic law and constitution*, Lahore: Islamic Publications, 1960.

Mcauliffe, J Dammen, *Encyclopaedia of the Qur'ān*, 4 Vols, Leiden: Brill, 2004.

Microsoft® Encarta® Encyclopaedia 99. © 1993-1998 Microsoft Corporation

Moinuddin, Ḥassan, *The charter of the Islamic Conference and legal framework of economic co-operation among its member states: a study of the charter, the General agreement for economic, technical, and commercial co-operation and the Agreement for promotion, protection*, Oxford : Clarendon Press ; New York: Oxford University Press, 1987.

Motzki, Harald, *Ḥadīth: origins and developments,* Aldershot : Ashgate, 2004.

Muḥammad, Quṭb Ibrāhīm, *Al-Siyasah al-Māliyyah li 'Umar Ibn al-Khaṭṭāb*, al-Hay'ah al-Miṣriyyah al-'Āmah li al-Kitāb, 1984.

Muhibu-Din, A. M, *Principles of Islamic polity towards ahl al-Kitāb and religious minorities,* Journal of Muslim minority affairs, Vol.24, No.1.April 2004, Abingdon: Carfax, 2004

Muir, William, *The life of Mahomet from original sources,* London : Smith, Elder, 1877.
---Annals of the early Caliphate: from original sources, London: Smith, Elder, & co, 1883.

Mūller, F. Max, *Sacred books of the East*, Oxford: Clarendon Press, 1880.

Nöldeke, Theodor, *Sketches from Eastern history,* Trans. John Sutherland Black, London; Edinburgh, Adam and Charles Black, 1892.

*Oxford dictionary of world religions,*
Ed. John Bowker, Oxford : Oxford University Press, 1997.

Parrinder, Geoffrey, *Jesus in the Qur'ān*, London: Faber and Faber, 1965.

Peters, F.E, *Children of Abraham Judaism/ Christianity/Islam*, New Jersey: Princeton, Princeton University press, 1982.

—*Jerusalem: the Holy City in the eyes of chroniclers, visitors, pilgrims, and Prophets from the days of Abraham to the beginnings of modern times*, Princeton : Princeton University Press, 1985.
—*The monotheists: Jews, Christians, and Muslims in conflict and competition*, Princeton, N.J.; Oxford: Princeton University Press, 2003.
Pipes, Daniel, *In the path of God*, New York: Basic Books, Inc., Publishers, 1983.

Qāsim, 'Abdū Qāsim, *Ahl al-Dhimmah fī miṣr*, Cairo: Maṭābi' Zamzam, 2003.

Qāsim, 'Awn al-Sharīf, *Diblomāsiyyat Muḥammad, dirāsah fī nash'at al-Dawlah al-Islāmiyyah fī ḍaw' rasā'il al-Nabū wa mu'āhadātihi*, Khartoum: Jāmi'at al-Khartoum, 1972

Ramaḍān, H. 'Abd Al-'Azīm, *Al-Yahūd fī miṣr al-Islāmiyyah*, Cairo: Maṭābi' al-Hay'ah al-Miṣriyyah al-'Āmah li al-Kitāb, 2002.

Ramadan, Said, *Islamic law, its scope and equity*, London; Geneva: P. R. Macmillan: London, Geneva, 1961.

Riḍa, Muḥammad Rashīd (1865-1935 AD), *Tafsīr al-Qur'ān al-Ḥakīm al-Mashhūr bi tafsīr al-Manār*, 12 Vols, edt. Ibrahīm Shams al-Dīn, Beirut: Dār al-Kutub al-'Ilmiyyyah , 1999.

Ridgeon, Lloyd, *Islamic interpretations of Christianity*, Richmond: Curzon, 2000.

Rippin, Andrew, *The Qur'ān: formative interpretation*, Aldershot : Ashgate, 1999.

Robinson, Neal, *Discovering the Qur'an : a contemporary approach to a veiled Text*, London: SCM Press, 1996.
—*Sūrat āl 'Imrān and those with the greatest claim to Abraham*, Journal of Qur'anic studies,Vol.VI,Issue PP.1-21, Edinburgh: Edinburgh University Press, 2004.

Rodinson, Maxime, *Mohammed*, New York: Pantheon Books, 1971.

Rodwell, J. M, *The Qur'ān* tr. from the Arabic by J.M. Rodwell, London: Dent, 1909.

Runciman, Steven, *Byzantine civilisation*, London: E. Arnold & co., 1933.

S. Khuda Bukhsh, *The Orient under the caliphs*, Calcutta: University of Calcutta, 1920.

Samīn, Aḥmad b. Yūsuf al-Ḥalabī, *'Umdat al-Ḥuffāẓ fī tafsīr ashraf al-Alfāẓ: mu'jam lughawī li al-Fāẓ al-Qur'ān al-karīm*, 4 Vols, ed.Muḥammad Bāsil, Beirut: Dār al-Kutub al-'Ilmiyyyah, 1996.

Sa'dī, 'Abd Allāh Jam'ān Sa'īd, *Fiscal policy in the Islamic state: its origins and contemporary relevance*, Newcastle under Lyme: Lyme Books, 1986.

Ṣan'ānī, Muḥammad b. Ismā'īl, *Subul al-Salām: sharḥ bulūgh al-Marām min jāmi' adillat al-Aḥkām,* 4 Vols. edt. Muḥammad 'Abd al-Qādir Aḥmad 'Aṭā, Beirut: Dār al-Kutub al-'Ilmiyyyah , 2002.

Sarakhsī, Muḥammad b. Aḥmad, *Uṣūl Al-Sarakhsī*, 2 Vols, edt. Abū Al-Wafā al-Afghānī, Beirut: Dār al-Kutub al-'Ilmiyah, 1993.

Schacht, Joseph, *The origins of Muhammadan jurisprudence*, Oxford: Clarendon Press, 1950.

Shibli, Muhammad, Numani, *Omar the great*, 2 Vols, Trans. Maulānā Ẓafar 'Alī Khān, Lahore: Sh. Muhammad Ashraf, 1962-1966.

Shūmān, 'Abbāss 'Abd Allāh, *Al-'Ilāqā al-Dawliyyah fī al-Sharā'ah al-Islāmiyyah,* Cairo: al-Dār al-Thaqāfiyyah li al-Nashr, 1998.

Siddiqi, Mazheruddin, *Development of Islamic state and society*, Lahore: Institute of Islamic Culture, 1956.

Siddiqi, S. A, *Public finance in Islam*, Lahore: M. Ashraf, 1948.

Siddiqi, Amir Hasan, *Non-Muslims under Muslim rule and Muslims under non-Muslim rule*, Karachi: Jamiyatul Falah Publications, 1969.

Stanton, H. U. Weitbrecht 1851-1937.
*The teaching of the Qur'ān : with an account of its growth and a subject index*, London : Central Board of Missions and Society for Promoting Christian Knowledge, 1919.

Subhānī, Ja'far, *Doctrines of Shi'i Islam: a compendium of Imami beliefs and practices, London :* I.B. Tauris in association with the Institute of Ismaili Studies, 2001.

Tabātabā'ī, H. Modaressi, *Kharāj in Islamic law,* London: Anchor Press Ltd, 1983.

Tagher, Jaques, *Christians in Muslim Egypt: an historical study of the relations between Copts and Muslims from 640 to 1922,* Altenberge: Oros, 1998.

Ṭanṭāwī, M.Sayyed, *Banū Isrāīl fī al-Qur'ān al-Karīm,* Cairo: Dar al-Shurūq, 1997.

Ṭibawī, 'Abd al-Laṭīf, *Jerusalem its place in Islam and Arab history,* Beirut: Institute for Palestinian studies, 1969.

Tolan, John V, *Saracens: Islam in the Medieval European imagination*, New York: Columbia University Press, 2002.

Tottoli, Roberto, *Biblical prophets in the Qur'an and Muslim literature*, Richmond: Curzon, 2002.

Tritton, A. S, *Islam: belief and practices*, London; New York: Hutchinson's University Library, 1951.

— *The caliphs and their non-Muslim subjects: a critical study of the Covenant of 'Umar*, London: Cass, 1970.

Turner, Colin Paul, *Islam without Allah? The rise of religious externalism in Safavid Iran*, Surrey: Curzon Press, 2000.

—*The rise of Twelver Shi'ite externalism in Safavid Iran and its consolidation under Allama Muhammad Baqir Majlisi* (1037/1627-1110/1699), Durham: 1989.

—*The ubiquitous faqīh : a reconsideration of the terms Imān, Islām, and 'ilm and their role in the rise to predominance of the jurist in the Islamic world of learning*, Durham : University of Durham, Centre for Middle Eastern and Islamic Studies, 1996.

U. Rubin, *The life of Muhammad*, Aldershot: Ashgate/Variorum, 1998.

R.Vasmer, *In the Encyclopaedia of Islam*, II:319-320, Leiden: E.J.Brill, 1965.

Von Denffer, Ahmed, *Christians in the Qur'an and the Sunna*, Leicester: (London) Islamic Foundation, 1987

Waardenburg, Jacques, *Muslim perceptions of other religions (A historical survey)*, New York; Oxford: Oxford University press, 1999.

Watt, W. Montgomery, *Muslim-Christian encounters*, London: *Routledge*, 1991.

—*Muhammad at Mecca*, Oxford: Clarendon, 1953.

—*Muhammad at Medina*, Oxford: Clarendon, 1956.

—*Bell's introduction to the Qur'ān*, Edinburgh: T.&A.Constable Ltd, 1970.

Ye'Or, Bat, *The dhimmi, Jews and Christians under Islam*, NJ: Associated University Press, 1985.

Zaidān, 'Abd al-Karīm, *Aḥkām al-Dhimmiyyīn wa al-Musta'manīn fī dār al-Islām*, Baghdad: Baghdad University press, 1963.

Zebiri, Kate, Relations between Muslims and non-Muslims in the thought of Western-educated Muslim intellectuals, *Islam and Christian-Muslim relations*, Vol.6, No.2, pp.255-278, London: Centre for the study of Islam and Christianity, 1995.

CD-Roms:

Encyclopaedia Britannica, Millennium edition..

Encyclopaedia of Islam, University of Durham.

Harf Encyclopaedia of the holy Ḥadīth, Version 2.1, Cairo: Harf information Technology Company, 2001.

Digital libraries:

http://feqh.al-islam.com

http://www.alazhr.org

http://www.aleman.com

http://www.alwaraq.com

http://www.islamweb.net

Internet:

http://www.Al-shia.com

http://www.dawn.com

http://www.dawoodi-bohras.com/perspective/ego.