



## CONTEMPORARY INTERPRETATION OF HADITHS CONCERNING MARRIAGES WITH NON-MUSLIMS

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**CONTEMPORARY INTERPRETATION OF HADITHS CONCERNING  
MARRIAGES WITH NON-MUSLIMS**

Umar Siddique, Shah Moeen ud Din Hashmi

**ABSTRACT:**

*In present times, four questions are of great importance about marriage between Muslims and non-Muslims. The first and basic question is why in Islam is it forbidden for Muslims to marry non-Muslims. When people of different religions are living together happily and even if they have established good relations and living with social harmony, then what is wrong with it? And if two people can live a happy life irrespective of their religion, then why is there a problem to Islam? What is the justification on banning them to marry inter-religiously when they do not care about religion? The second question is, Islam has allowed a Muslim to marry women from the people of Books (who follow Holy Scriptures i.e., Christians or Jews). Then, will the present western women fall in this category and are Muslim men allowed to marry them? Third question is, Islam has allowed men to marry women from people of Books, but why did it not allow a Muslim woman to marry a Christian or Jewish man? Fourth question is, when a woman embraces Islam ahead of her husband, and due to some inevitable situations, she cannot separate from her husband, then what are the rulings of marriage for such woman under these circumstances? Nowadays, in India and in the West, women who embrace Islam and having children, are worried that if they separate from their husbands, no one would be there to look after them. Then, may they stay in the same marriage with their husbands? In this article, the above*

*raised questions are discussed in the light of the hadiths (sayings of prophet ﷺ and his companions).*

**KEYWORDS:** Marriage, Muslims, Non-Muslims, Hadiths

### 1. THE IMPORTANCE OF MARRIAGE WITH A MUSLIM

Marriage is one of the main objectives of Islam. It has numerous advantages. It not only protects heredity, race and lineage, but also protects faith. Marriage guarantees the dignity of husband and wife, which entrusts faith and honor. There are some principles in Islam that guides a man to choose a woman who is pious, chaste, religious, believer and good at character. Prophet (ﷺ) has said:

"تُنْكَحُ الْمَرْأَةُ عَلَى مَا لَهَا وَعَلَى حَسَبِهَا وَعَلَى جَمَالِهَا وَعَلَى دِينِهَا فَعَلَيْكَ بِذَاتِ  
الدِّينِ، تَرَبُّتٌ يَمِينُكَ"<sup>1</sup>

*"A Woman is married for four things; for her wealth, for her lineage, for her beauty, and for her piety. Select the pious, may you be blessed."*

From this narration, the above said characteristic features not only applies to woman but also to man. This applies to both genders unless specified particularly.

The Quran mentions, husband and wife are clothing for one another.

As Allah Said:

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<sup>1</sup> Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, Al Maktabtul Islami Beirut, 2nd Ad, H-20605. Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, Darul taj Beirut 1<sup>st</sup> Ad, H-17436.

هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ<sup>2</sup>

*“You are their clothing and they are your clothing.”*

From this verse, clothing is veil for the skin as it hides the exposure, similarly, husband and wife are clothing to one another in protecting from external forces, and also to satisfy their sexual urge. They should support one another in both good and bad circumstances. And portray an example of good character and morals. As in every season, one wears comfortable clothing, similarly, a spouse should choose comfortable and pious features in his/her opposite partner. Thus, from the above reasons Islam advocates to marry inside a religion. Because, there is a vast difference between the thoughts, beliefs, traditions, customs and culture among different religions. Thus, women from other religions are not allowed to marry except women from the people of Books.

## 2. PROHIBITIONS IN MARRYING NON-MUSLIMS:

Quran mentions men should not marry a polytheistic or disbeliever woman, and women should not marry polytheistic or disbeliever men.

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمَنَّ وَلَأَمَةٌ مُؤْمِنَةٌ خَيْرٌ مِنْ مُشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ  
وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِنْ مُشْرِكٍ وَلَوْ أَعْجَبَكُمْ<sup>3</sup>

*“And do not marry polytheistic women until they believe.  
And a believing slave woman is better than a polytheist,  
even though she might please you. And do not marry a*

<sup>2</sup>Al-Qurān: (2)187.

<sup>3</sup>Al-Qurān: (2)221.

*polytheist man (to your woman) until they believe. And a believing slave is better than a polytheist, even though he might please you.”*

In this verse, Allah prohibits Muslim men not to marry polytheist women, and for Muslim women not to marry polytheist men. It is better to marry a Muslim slave woman than a polytheist woman despite of her wealth or beauty or superior class. It is better to marry a Muslim slave man than a polytheist or disbeliever man despite of his wealth or strength or superior class. Allah says in another verse,

فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ  
لَهُنَّ وَأَتَوْهُنَّ مَا أَنْفَقُوا وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ  
وَلَا تُمْسِكُوا بِعَصَمِ الْكُوفَرِ وَاسْأَلُوا مَا أَنْفَقْتُمْ وَلْيَسْأَلُوا مَا أَنْفَقُوا ذَلِكَمْ حُكْمُ  
اللَّهِ يَحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ<sup>4</sup>

*“If you know them to be believers, then do not return them to the disbelievers; they are not lawful wives for them, nor they are lawful husbands for them. But give them (disbelievers) what they have spent. And there is no blame upon you, if you marry them when you have given their dues compensation and hold not to marriage bonds with disbelieving women, but ask for what you have spent and let them ask for what they have spent. This is the judgement*

<sup>4</sup>Al-Qurān: (60)10.

*of Allah, He judges between you. Allah is knowing and wise.”*

In the above verse, it is elucidated that believing men can no longer stick (stay) to their disbelieving wives and believing women can no longer stay with their disbelieving husbands. Imam Qurtabi says:

"وأجمعت الامة على أن المشرك لا يوطأ المؤمنة بوجهه، لما في ذلك من الغضاضة

على الإسلام"<sup>5</sup>

*“Ummah (whole community of Muslims) agrees that no disbeliever can have sexual relationship with a Muslim woman, because it is against the basic tenets of Islam.”*

## **2.1 WISDOM BEHIND THE PROHIBITION OF MARRIAGE WITH NON-MUSLIMS:**

- In India, there is a problematic situation of Hindu boys marrying Muslim girls. Some extremist Hindu organizations are converting Muslim girls away from Islam and marrying them to Hindu boys. In this scenario, many Muslim scholars are condemning this practice and guiding the Muslims. On the other hand, some other voices are being heard to improve the relationship between Muslims and non-Muslims by narrowing the cultural and religious distances i.e., marrying muslims with non-muslims. But, Islam does not support this practice of believers marrying disbelievers.

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<sup>5</sup>Al-Qurtubi, Muhammad bin Ahmad, Al-Jami li-Ahkam-ul-Qurān, Dar-ul-Kutub Al-Misriyya Cairo, 2<sup>nd</sup> ed, 72/3.

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- There are some basic criteria to understand why Islam prohibits this custom.
- In married life, mutual love, affection and harmony between husband and wife must be found permanently in their relationship but not by force and fear. They should live happily in order to have a better family life and mutual relations.
- Unfortunately, some relationships are formed by a time-bound motivation or passion, but not by mutual respect and understanding, and soon they are terminated due to domestic insecurity and misunderstandings.
- A happy and successful marriage between the husband and wife is possible only when there is a strong bond of love between them and when there is no space for the factors that cause mutual disagreement. The differences between religion and ideology are one of the main factors that weaken the pillars of marriage and mutual trust that leads to break up and division between two families.
- Contrarily, there are some examples of people from different religions who lived a pleasant life without any conflict in their relationships. This is because they are secular and are not bound to their faiths and beliefs. Thus, when one has no importance of religion, there will be no clashes over their faith and actions. However, a person who believes in the integrity of his religion and strong faith, he/ she will naturally have desire for his/ her spouse to have similar conviction, so that his/ her life can be peaceful.
- Another reason for this ruling is that Islam appeals for a rightful society in which it has given detailed orders on the morals, purity, sustenance, clothing. It permits cleanliness, lawful actions and

orders to abstain from unclean and dirty acts. Islam has the rulings of the mahram and non-mahram in relations. It has decrees for veils and coverings. In short, it had given instructions from birth to death. At every step, it had already decreed verdicts for successful family life and its role in the society, without which living a practical life is dreadful. Thus, when there is a conflict about the religion and faith between the couple, then there will be a hindrance for the existence of marriage. Thus, Islam prohibits inter-religious marriages.

### 3. PERMISSIBILITY OF MARRYING WOMEN FROM PEOPLE OF BOOKS

Among non-Muslims, Islam has permitted Muslim men to marry women from people of Books only. As Allah mentioned in Quran:

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مَتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ<sup>6</sup>

*“And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.”*

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<sup>6</sup>Al-Qurān: (5)5.



From the above verse, it is very clear that a Muslim man can marry a pious Muslim woman, similarly, it also allows Muslim man to marry pious woman from people of Scriptures. Some of the following narrations that proclaims the companions of Prophet saws married woman from people of Scriptures. Hazrat Ali says:

"تَزَوَّجَ رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَهُودِيَّةً."<sup>7</sup>

*"Among the companions of Prophet saws, one companion has married a Jewish woman."*

Hazrat Abu Hubaira said:

"أَنَّ طَلْحَةَ تَزَوَّجَ نَصْرَانِيَّةً."<sup>8</sup>

*"Hazrat Talha Ibn Abdullah has married a Jewish woman."*

Zaid bin Wahab said:

"كتب عمر بن الخطاب أن المسلم ينكح النصرانية والنصراني لا ينكح

المسلمة"<sup>9</sup>

*"Hazrat Umar bin Khattab has written that a Muslim man can marry a Christian woman, but a Christian man cannot marry a Muslim woman."*

From the above references, it is only allowed for Muslim man to marry woman from people of Scriptures and not the Muslim woman to marry

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<sup>7</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, Darul taj Beirut 1<sup>st</sup> ed, H-16421.

<sup>8</sup>Al-Musannaf, H-16422.

<sup>9</sup>Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, Al Maktabtul Islami Beirut, 2nd Ad, H-12671.

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Contemporary interpretation of hadiths concerning marriages with non-Muslims man from people of Books. This is also supported by a following saying of Hazrat Anas when Hazrat Abu Talha sent a proposal of marriage to Hazrat Um-Salim, he said:

"وَاللَّهِ مَا مَثَلُكَ يَا أَبَا طَلْحَةَ يُرَدُّ، وَلَكِنَّكَ رَجُلٌ كَافِرٌ، وَأَنَا امْرَأَةٌ مُسْلِمَةٌ، وَلَا يَحِلُّ لِي أَنْ أَتَزَوَّجَكَ، فَإِنْ تَسَلَّمَ فَذَاكَ مَهْرِي، وَمَا أَسْأَلُكَ غَيْرَهُ، فَاسْلَمْ فَكَانَ ذَلِكَ مَهْرَهَا"<sup>10</sup>

*“Abu Talha, you are such a man whose proposal cannot be denied, but you are a disbeliever man and I’m a believer woman. For me to marry you is not lawful, instead if you become a Muslim, then it will be my dower right and apart from that I will not ask anything. Thus, (he became Muslim) it is her dower right.”*

### 3.1 Are the people of Books included in Polytheists?

In Surah al-Baqarah, it is mentioned that *"Do not marry the polytheist women"*, whereas in Surah al-Mayida, it is mentioned *"You can marry women from the people of Books"*. The question arises here that is there any polytheism in people of Books? Do they not come under the command of surah al-Baqarah?

The answer to the first question is that the people of Books do not come under polytheistic category, because these people of Books are from the followers of prophets who deny polytheism and guide towards monotheism. Thus, these people of Books are not polytheists, so they do

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<sup>10</sup> An-Nasa'I, Ahmad bin Shu'aib, Abu Abdur-Rahman, Sunan An-Nasa'I, H-3354.

Contemporary interpretation of hadiths concerning marriages with non-Muslims

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not come under the category of polytheists. Hazrat Abdullah bin Abbas said:

*“From Surah al-Baqarah it is derived that Muslim men should not marry polytheist women and from Surah al-Maidah, the women from people of Books were exempted from it.”<sup>11</sup>*

There is a similar opinion by Hazrat Ikrama and Hasan Basri, who say that the verse of Surah al-Baqarah was revealed first in which it forbids Muslim man to marry the polytheist woman. Surah al-Maidah was revealed later in which the limitations were extended by exempting women from the people of Books.<sup>12</sup>

Imam Mujaheda says that the verse of Surah al-Baqarah prohibited the marriages with the polytheists of Mecca and all other disbelievers. Later, the verse of Surah al-Mayida validates the marriages with women from people of Books.

Moreover, Hazrat Qatada said that here are those polytheist women who are not from the people of Books.<sup>13</sup>

From the sayings of followers and companions of Prophet (saws), it is concluded that women from people of Books are not from polytheists.

From the above arguments and reviews, Imam Ibne Jareer has favored the opinion of Hazrat Qatada. The rulings from Surah al-Baqarah are

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<sup>11</sup>Al-Tabari, Muhammad bin Jarir, Abu Jafar, Jami' al-Bayan an Tawil al-Quran, 362/4.

<sup>12</sup>Jami' al-Bayan an Tawil al-Quran, 363/4.

<sup>13</sup>Jami' al-Bayan an Tawil al-Quran, 364/4.

universal, but from Surah al-Maidah, the limitations are extended.<sup>14</sup> As said Imam ibne Kathir:

" هذا تحريم من الله عز وجل على المؤمنين أن يتزوجوا المشركات من عبدة

الأوثان. ثم إن كان عمومها مراداً، وأنه يدخل فيها كل مشركة من كتابية

ووثنية، فقد خص من ذلك نساء أهل الكتاب بقوله: وَالْمُحْصَنَاتُ مِنَ

الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ<sup>15</sup>

*"Allah has prohibited Muslim men from marrying polytheist women. Generally, this verse includes polytheists and people of Books, but the verse from Surah Maidah exempted the women from people of Books."*

Based on these arguments, the scholars of the Islam are convinced that marriage is permissible with women from the people of Books. All scholars have accepted the above rulings unanimously. Ibn Qudamah said:

"ليس بين أهل العلم بحمد الله اختلاف في حل حرائر نساء أهل الكتاب وممن

روي عنه ذلك عمر وعثمان وطلحة وحذيفة وسلمان وجابر وغيرهم<sup>16</sup>

*"All praises and thanks are to Allah, among the companions and scholars, there is no conflict regarding*

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<sup>14</sup>Jami' al-Bayan an Tawil al-Quran, 365/4.

<sup>15</sup>Ibn Kathir, Isma'il bin 'Umar, 'Imad Ad-Din, Tafsir Ibn Kathir, Darussalam, 1st ed, 582/1.

<sup>16</sup>Ibn Qudamah, Abdullah Ibn Ahmad, Abu Muhammad, Al Mughni, Dar ul Fikr Beirut, 500/7.

*marriage to women from people of Books. The companions from which it is justified are Hazrat Umar, Hazrat Uthman, Hazrat Talaha, Hazrat Hadifah, Hazrat Suleiman and Hazrat Jaber.”*

Imam Jasas said that to our knowledge, none of the companions of Prophet have ever considered marriage to women from the people of Books as unlawful. He says: Hazrat Usman married Naila bint al-Farafisa, she was a Christian woman. Hazrat Talha ibn Ubaidullah married a Jewish woman from Syria. Similarly, Hazrat Huzaifa also married a Jewish woman. He additionally says,

"ولو كان ذلك محرما عند الصحابة لظهر منهم نكير أو خلاف وفي ذلك دليل

على اتفاقهم على جوازه"<sup>17</sup>

*“If this was prohibited, then surely there would have been a reaction or disagreement from the companions of Prophet. Thus, their silence is an argument for their justification.”*

### **3.2 A sign and its answer**

A point rises here that the Quran at some places considered the people of Books among polytheists. It also has criticized their belief in trinity and admonished them. Thus, they should be counted among the polytheists.

Imam Ibne Taimiya has answered that it is not true to count the people of Books as polytheists, because in the basic belief of the people of Books

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<sup>17</sup>Al-Jassās, Aḥmad ibn ‘Alī al-Rāzī , Abū Bakr, Aḥkām al-Qur’ān, Dār al-Iḥyā’ al-Turāth, Beirut, 16/2.

there is not polytheism, they believed in prophets, day of Judgment and holy scriptures. They followed the teachings of Prophet and they led their lives as guided by Prophets. They included the trinity in their devious beliefs but not in the fundamental faith or original religion.<sup>18</sup>

In fact, the issue of the polytheism of people of Books is similar to some followers of the Prophet Muhammad. As some of the Muslims have included some wrong conducts in Islam and some of them have included the wickedness and misdeeds, and their actions do not match with the original religion, but still are considered to be Muslims. Similarly, the people of Books have also included similar errors. In Quran their beliefs are described and also the Quran has criticized their corrupted beliefs. Still their slaughter and women were declared lawful, which suggests that it is not right to consider marriage to women from people of Books as unlawful.

### **3.3 MARRIAGE WITH WOMEN FROM PEOPLE OF BOOK AND ITS CONTRARY OPINION BY HAZRAT ABDULLAH IBN UMAR**

Among the companions of Prophet, Hazrat Abdullah bin Umar had an opinion that marriage to women from people of Books is not right. According to his opinion they are from polytheist. When he was asked, if he could marry a Jewish and Christian woman, he replied:

"إِنَّ اللَّهَ حَرَّمَ الْمُشْرَكَاتِ عَلَى الْمُؤْمِنِينَ ، وَلَا أَعْلَمُ مِنَ الْإِشْرَاقِ شَيْئًا أَكْبَرَ مِنْ

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<sup>18</sup> Ibn Taymiyah, Taqī ud-Dīn Ahmad ibn Abdulhalim, Al-Fatawa al-Kubra, Dar-ul-Kutub al-Ilmiyah, Beirut, 117/3.

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أَنْ تَقُولَ الْمَرْأَةُ رَبُّهَا عِيسَى ، وَهُوَ عَبْدٌ مِنْ عِبَادِ اللَّهِ<sup>19</sup>

*“Allah has prohibited Muslim men from marrying polytheist women or disbelievers, and according to his knowledge there is no greater sin that a woman say that Jesus is her Lord, even though he is one of the servants of Allah.”*

Some scholars have attributed the opinion of Hazrat Ibn Umar to the fact that he considered marriage to the people of book as forbidden, so Imam Ibn Taimiya has categorized his opinion as secular and gave many answers to his opinion.<sup>20</sup>

But the scholarly conclusion states that Hazrat Ibn Umar never considered marrying women from people of book as forbidden but he dislikes it. Imam Nafey said:

“أَنَّهُ كَانَ يَكْرَهُ نِكَاحَ نِسَاءِ أَهْلِ الْكِتَابِ ، وَلَا يَرَى بَطْعَامَهُنَّ بَأْسًا”<sup>21</sup>

*“Hazrat Ibn Umar disliked a marriage to people of Books but never had any problem in eating with them.”*

Maimoon bin Mehran asked Hazrat Ibn Umar “when we live with the people of book, can we marry their women and eat their slaughter?” So, he recited both the verses (of The Surah al-Baqarah and al-Mayida), and I

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<sup>19</sup>Al-Bukhārī, Muḥammad ibn Ismā‘īl, Abū Abd Allāh, Sahīh al-Bukhārī, Darussalam Riyadh, H-5285.

<sup>20</sup>Ibn Taymiyah, Taqī ad-Dīn Ahmad ibn Abdulhalim, Majmoo Al fatawa, Dar al Wafa. Beirut, 178/32.

<sup>21</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16419.

said, "We read these verses, too." The question is, is it permissible to marry women of the people of Book and is it permissible to eat their slaughtered food? He recited both the verses and became silent.<sup>22</sup>

These arguments signify that Hazrat Abdullah bin Umar never considered it forbidden, but he disliked it.

Imam Abu Bakr Jassas considered the view of Hazrat Abdullah ibn Umar as disapproval but he never considered it to be forbidden.<sup>23</sup>

### **3.4 VISION OF HAZRAT UMAR ON MARRIAGE WITH PEOPLE OF BOOKS:**

Some narrations say that Hazrat Umar ibn al-Khattab also did not appreciate the marrying women from people of Books and some of the companions of the Prophet SAWS married women from people of Books, he expressed displeasure. Such as:

Hazrat Shaqiq claim that when Hazrat Huzaifa married a Jewish woman, then hazrat umar ibn khattab wrote to him to divorce her. Hazrat Huzaifa replied, "If it is forbidden, I will leave it."

"إِنِّي لَا أَزْعِمُ أَنَّهَا حَرَامٌ وَلَكِنِّي أَخَافُ أَنْ تَعَاظُوا الْمُؤْمِسَاتِ مِنْهُنَّ"<sup>24</sup>

*"Hazrat Umar wrote, "I do not say that is forbidden, but I fear that you will not marry their wicked women."*

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<sup>22</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16420.

<sup>23</sup>Al-Jassās, Aḥmad ibn ‘Alī al-Rāzī , Abū Bakr, Aḥkām al-Qur’ān, Dār al-Iḥyā’ al-Turāth, Beirut, 65/2.

<sup>24</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16417.



Similarly, when Umar found that Hazrat Talha ibn Ubaidullah married a Jewish woman, and he ordered him to divorce her.<sup>25</sup>

The narration suggests that the Hazrat Umar addressed both the companions to divorce their Jewish and Christian women do not illustrate marrying them is forbidden. The reason why he showed displeasure is he feared the Muslim ummah will continue marrying women from people of Books abandoning Muslim women.

There may be two reasons why Hazrat Umar was displeased; first, that the Jews and The Christians were in extreme moral degradation at the time, in these circumstances, establishing relations with them could cause a moral decline for Muslims. The second reason is that the Quran has allowed the marriage to pure women. If there is no reasonable way to know her purity, you may have forbidden your companion to do so. It is true, however, that Hazrat Umar was in principle justified in marrying women from the people of Books, but did not like these practices in Muslim society.

Hafiz Ibn Hajar also clarified the stance of Hazrat Umar, saying that he instead of declaring the marriages with them as forbidden, he told to avoid and stay away from them. This is because of the situation and betterment of the Ummah. Sometimes it will be justified without any reason, and sometimes it will be justified by reasons.<sup>26</sup>

Hazrat Ibn Masood was one of those companions who did not like marriages with women from people of Books. So, his stance was a Muslim

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<sup>25</sup>Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-10059.

<sup>26</sup>Ibn Hajar al-ʿAsqalānī, Shihāb al-Dīn Abu ʿl-Faḍl, Fath Al-Bari, Dar-ul-Maʿarifa, Beirut, 417/9.

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man is not supposed to marry a Jewish or Christian woman while there are many Muslim women.<sup>27</sup>

This disapproval for marriages with people of Books was because of few reasons:

First, it should not become a practice to marry only women from people of Books.

Second, there are some administrative positions in the state and unfortunately if a wicked woman is married to the administrator, his decisions will start biasing that leads to collapse of the society.

Thus, the companions considered this verse in Quran not as a compulsion but as an option, which is to be minimized to a maximum extent. Thus, Quranic verse was interpreted for the betterment of the society. This permission can be availed and also can be banned, depending on the situations.

### **3.5 THE TERMS FOR MARRYING WOMEN FROM PEOPLE OF BOOKS:**

The following are the three conditions for marrying the women from the people of Books:

#### **I. Should be pious and pure:**

The verse of Surah al-Mayida, which allows marriage to women from the people of Books, commands that those women should be pure and pious.

In terms of Arabic dictionary, the word "pure and pious" can have two meanings: one independent and not a slave. Imam Mujahid preferred this

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<sup>27</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16340.

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meaning and therefore his stance was to marry independent or free women from people of Books and not the maids or slaves.<sup>28</sup>

Hazrat Hassan Basri also had a similar opinion. Ish'at narrates Hasan Basri said:

*“The men from this ummah are allowed to marry independent women from people of Book, and they are not allowed to marry their maids.”*<sup>29</sup>

The second meaning of this word is Pure and Chaste. Imam Sha'bi says

*إذا أحصنت فرجها واغتسلت من الجنابة*<sup>30</sup>

*“The sanctity of a Jewish and Christian woman is to bathe after the intercourse and to protect her private parts.”*

Some scholars had an opinion of purity and chastity does not differentiate between independent or free women and maid or slave. If a woman is a pious and chaste, then marriage is permissible.<sup>31</sup> Imam Ibn Kathir also had a similar stance, who says

*والظاهر من الآية أن المراد بالحصنات: العفيفات عن الزنا*<sup>32</sup>

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<sup>28</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16438.

<sup>29</sup>Ibn Abi Shaybah, Abdullah bin Muhammad, Abu Bakr, Al-Musannaf, H-16436.

<sup>30</sup>Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-10066.

<sup>31</sup>Al-Tabari, Muhammad bin Jarir, Abu Jafar, Jami' al-Bayan an Tawil al-Quran, 587/9

<sup>32</sup>Ibn Kathir, Isma'il bin 'Umar, Abu al-Fida' 'Imad Ad-Din, Tafsir Ibn Kathir,

*“This verse refers to those women who abstain from prostitution and perversion.”*

In summary, Muslims are allowed to marry a woman who is pure, protecting her dignity and her chastity, because the Quran also describes the same in another place. Allah says:

مُحْصَنَاتٍ غَيْرِ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ<sup>33</sup>

*“Be pure, and do not transgress and do not show your beauty openly, and not be from those who mingles and befriends easily.”*

Hazrat Umar expressed his displeasure to some of his companions on their marriages with women from people of Books because he feared that the evil of impurity and promiscuity would enter in the houses of Muslims.

## **II. Should be a follower of previous Book (not atheist)**

This means that the woman should indeed be a follower of previous Holy Book and should not be atheist nor should have lost faith in Allah, nor be a namesake believer. But, she should have belief and faith in Allah, Holy Scriptures, on day of judgment, life in hereafter. It is easy to attract such women to Islam who believes in the above beliefs.

## **III. To be given dower rights**

The third condition of marriage with the people of book is that she should be given the dower rights as given to a Muslim woman, because Allah says: "So if you want to marry women of the Books, then you should marry them sincerely and respect them as wife and give their rights." If

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<sup>33</sup> Al-Qurān: (4)25.

someone does not pay their rights or get engaged without marriage through secret friendship, it is invalid.

### **3.6 MARRIAGE WITH WOMEN FROM THE PRESENT WESTERN CHRISTIAN AND JEWISH WORLD:**

An important question arises here: is it right to marry women from the Western world of Christianity and Judaism? It is better not to marry these women for the following reasons.

- The Quran allows to marry a woman from people of book on two conditions. First, they should believe in Allah, His Messengers, His holy scriptures, on the Day of Judgment, on life in the hereafter. The second condition is that they should be pure and chaste. The women of the present Western world do not fit in the context of people of Books, because they are not religious by identity but by registered name. Scholar Shafi says, these women do not have firm belief in Allah, nor they believe holy scriptures like Old Testament and Gospel as Books of God, nor do they believe in Moses and Jesus, thus they cannot enter in the boundaries of people of Books.<sup>34</sup>

Also, these women mostly do not fit under the second condition, because the common practice of women in the West is that mostly they have boyfriend and they do not cover their body as the religion prescribes. So, these women do not meet the terms of the Chaste.

- From the context of the verse of Surah al-Mayida which allows marriage to women from people of Books, it is understood that the

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<sup>34</sup>Muhammad Shafi, Ma'ariful Qurān, Maktaba Ma'ariful Qurān Karachi, 48/3.

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revelation was revealed when Muslims were not only in power but became an unbeatable force. At the same time the disbelievers were dejected and lost their hopes in retaining power. And it was no longer a threat to Muslims that they would be affected by the culture, society and morals when they were married to women from people of Books. Rather, the expectation was that when they came to Muslim families, their chances of converting to Islam and their families coming closer to Islam were high. In this aspect, it is not right to marry women from the present western world because there are less chances of reversion to Muslims. And also, the stance of Muslims is weak in financial, education and practical ways.

- In the Islamic household, male has the authority to run a home and therefore he dominates the worldly and homely affairs, whereas the women in the west fight for women empowerment and equality which nullifies the concept of male authority.
- In the present era, the domestic environment is not Islamic that predicts the future of children is not Islamic. And the maternal relations are not Islamic, chances of getting away from Islam is more than containing in Islam.
- The purpose of marriage with women from people of the book was to bring them closer to Islam. But in the present Western societies, the chances are more likely to turn away from Islam. In the end of the verse of Surah Maidah, it says “those whoever denies the faith, their works have been worthless”.
- From the above verse, it is clearly unveiled that there are high chances of losing faith upon marrying such a woman, it is indeed a disastrous deal. Preserving one’s faith is the most important fundamentals than marrying a woman from western world which is

an optional and not obligation. Thus, one should prefer in sticking to the fundamental pillar than in following an optional function.

#### **4. MUSLIM WOMAN'S MARRIAGE TO A MAN FROM PEOPLE OF BOOKS:**

Another important question arises that is, a Muslim man is allowed to marry a woman from people of Books, but why is it not allowed for a Muslim woman to marry a man from people of book? Apparently, it looks good when a Muslim woman is also allowed to marry a man from people of Books as Muslim men are allowed to marry women from people of Books, but if you look deeper, it is not rational and brings disharmony. Such as

**4.1** Muslim man believes in the all the prophets, all holy scriptures and on the Day of Judgment which is also believed by the woman. A Muslim's faith is not fulfilled until he believes in all the prophets, all holy scriptures and on the Day of Judgment with a true heart. On the other hand, if a Muslim woman marries a man from people of Books who does not believe in the last Prophet Muhammad (peace and blessings of Allah be upon him) and Quran, which opens up gates of disharmony and conflicts that weakens relationships and brings instability.

**4.2** Moreover, when a Muslim man marries a woman from people of Books, Islam permits her to worship according to her belief and doctrine, but in contrast, there are no instructions for Muslim women to freely follow her religion when she is married to a man from people of Books.

**4.3** Islam ordered men in detail to honor and treat women fairly irrespective of their origin and religion. But Christianity and Judaism do not have detail rules to honor woman.

**4.4** Naturally, man has superiority over woman and the woman lives under the shadow of the man and she follows the same instructions as her husband follows. The influence of man over woman is more than a woman over a man. Thus, the woman is more likely to adopt the religion of man. Islam does not tolerate and allow a Muslim to convert or adopt another religion.

**4.5** Most possibly, almost all the children will follow the religion of their fathers and not their mothers. Thus, there are more chances of turning away from the mother's religion.

**4.6** Another important point is that Islam has placed these concessions when the differences in religion are minimal. And if the differences are huge, then Islam applies more restrictions. For example, the Muslim man or woman is not allowed to marry a disbeliever woman or man as she or he does not believe in the prophets and the holy scriptures. Whereas, when a Muslim man marries a woman from people of book, the differences in faith is minimal as Muslim men believe in the Prophets, messengers and holy books as the women do, but the case of a men from people of books is not similar as he does not believe in Prophet Muhammad and Quran as Muslim women do.

## **5. WOMAN'S ACCEPTANCE OF ISLAM AHEAD OF HER HUSBAND**

In the present era, more women in non-Muslim countries are embracing Islam as compared to men. There are problems that woman is more likely to face when she reverts to Islam or wills to revert, when her husband does not embrace or wills to embrace Islam. The general law in Islam is that if one of the women becomes a Muslim, their marriage does not continue and she has to face separation from her husband. Her husband, her own



parents and siblings won't accept her reversion. She becomes a victim of new problems in terms of family, children and social life. Thus, many women do not accept Islam fearing these problems will escalate. In the light and vision of the Islamic rulings, there are three types of solutions for these Muslim women.

**5.1** After converting to Islam, the woman should separate from her non-Muslim husband and end that marriage. As Allah says in Surah Al-Mumtahina:

فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ<sup>35</sup>

*“So, if you find them as believers, do not return them to the disbelievers, nor they (women) are lawful for the disbelievers, nor they are lawful for these women.”*

This is the summary of the rulings on Muslim women who migrated from Mecca after the agreement of the Hudaibia Agreement, whose husbands were not yet Muslim.

(a) If a Muslim woman migrates from Mecca to Medina, she should be investigated for whether has she embraced Islam by virtuous heart and upright will or has she come due to worldly pleasures, domestic conflicts, or to get rid of her first husband and to get married for the second time.

(b) After investigation if it is disclosed that she embraced Islam seriously for the sake of Allah and His messenger, then she should not be returned to Mecca because her relation with her previous husband is now invalidated. Muslim women are not lawful for non-Muslim men and Muslim men are not lawful for Muslim women.

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<sup>35</sup> Al-Qurān: (60)10.

(c) When a Muslim woman who leaves her non-Muslim husband and expresses her desire to marry another man, then she is allowed to marry a Muslim man.

(d) When a Muslim woman leaves her non-Muslim husband, then she should return her dower right or money which was given at the time of marriage to her previous husband. Similarly, Muslim men who leave their non-Muslim wives, they can take their dower right or money from them. So, such a woman should endure the difficulties and be ready to offer more sacrifices for Islam. Islam orders religious institutions and the society of Muslims to be sympathetic to such Muslim women and provide them all the help they need.

**5.2** If it is not possible to get out of the marriage immediately, then the woman should not have intercourse with her non-Muslim husband and try to convince her husband to revert to Islam. Once the husband embraces Islam, the women are allowed to go back to their husbands based on their previous marriages. One of the most known examples is of the daughter of the Prophet (peace and blessings of Allaah be upon him) Hazrat Zainab. Hazrat zainab embraced Islam ahead of her husband Abul Aas bin Rabi'a, who did not embraced Islam when Zainab embraced. When he embraced Islam two years after the battle of Badr, Prophet saws sent her daughter back to him on the basis of their first marriage.<sup>36</sup>

Similarly, Hazrat Um Hakim bint al-Haris was married to Ikrama bin Abu Jahl. She embraced Islam on the day of the victory, while her husband, Ikrama fled to Yemen. She visited Yemen and preached him to Islam and

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<sup>36</sup> Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-12644.

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he embraced Islam and returned to prophet. Prophet allowed them to stay together based on their first marriage.<sup>37</sup>

Another incident is of Hazrat Atika bint Walid. Imam Zahra says that during the time of prophethood there were some women who converted to Islam on their motherland and did not migrate, their husbands were disbelievers, one of them was Atika bint Walid bin Mughairah who is the wife of the Safwan bin Umaiyah. She converted to Islam on the day of the victory of Mecca, while her husband fled. She asked the Messenger of Allah (peace and blessings of Allaah be upon him) for her husband's protection, then she sent her cousin, Zaad Wahab ibn Umair to bring back her husband. She gave him cloth of Prophet as a mark of sign and he returned. According to the saying of The Muata, and they were disbelievers till battle of Hunain and Taif and joined the wars on behalf of the disbelievers, while Hazrat Atika was a Muslim, and when he converted to Islam, she remained with him on the basis of her previous marriage.<sup>38</sup>

These passages show that if a woman embraces Islam, she can stay temporarily with her husband. Islam does not propose a time frame for how long she has to stay with him. We do not know how much time does one may take to embrace Islam. And if he embraces she can stay with him based on the previous marriage. Two cases where a person has to renew his marriage after Islam. After embracing Islam, she can marry some Muslim man or she can wait till her husband embraces Islam and stay according to their previous marriage.

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<sup>37</sup> Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-12647.

<sup>38</sup> Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-12646.

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**5.3** If social conditions of the woman after converting to Islam are so inevitable i.e there is no way to come out of the marriage with husband (from people of book) or from no societal suitability to live, then, according to the interpretation of Hazrat Umar it is allowed her to stay with her husband if he is from people of book. As Abdullah ibn Yazid explains

أسلمت امرأة من أهل الحيرة ولم يسلم زوجها فكتب فيها عمر بن الخطاب أن

خيروها فإن شاءت فارقته وإن شاءت قرت عنده.<sup>39</sup>

*“One of the women in the Family of Hirah became Muslim, while her husband did not convert to Islam, Hazrat Umar wrote about her, "Give authority to her either to stay with her husband or to part way from him.”*

Indeed, in this case, Hazrat Umar must have given the woman the authority based on the practical difficulties she had to face and decide, either to be separated or to stay together. The European Council of Fatawa also has favored and inclined towards the interpretation of Hazrat Umar giving the authority to woman as highlighted by Dr. Najatullah in his book.<sup>40</sup>

#### **SUMMARY OF DISCUSSION**

There are two types of non-Muslim categories pertaining to get married. The first is non-Muslims who are Jews and Christians, and the others are

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<sup>39</sup> Al-San'ani, Abd al-Razzaq, Musannaf Abd Al-Razzaq, H-10083.

<sup>40</sup> Siddique, Dr.Nijatullah, Maqasad e Shariat, Page-156,157.

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disbelievers. In this regard, there arises following four forms of marriage with non-Muslims.

1. The marriage of a Muslim woman with a disbeliever man.
2. The marriage of a Muslim man with a disbeliever woman.
3. The marriage of a Muslim woman with a man from people of book.
4. The marriage of a Muslim man with a woman from people of book.

The first three forms of the above are invalid, while the fourth is permissible. The reason for the prohibition of marriage with the disbelievers is because of their wrong faith and beliefs and the reason for the justification of marriage with women from people of book is because of similar beliefs as Muslims do like Monotheism, prophets, Day of Judgment and life in hereafter. When people of two opposite concepts are together, then the paths are different, so when there is such big difference in faith between man and woman, marriage cannot succeed. There is a point here: if it is permissible for a Muslim man to marry a woman from people of book because of the similarity of faith, why it is not permissible for a Muslim woman to marry a man from people of book? The answer is clear as following, that when a Muslim marries a woman from the people of book, she is free to come to practice her religious practices and perform religious ceremonies, but other religions do not permit freedom to a Muslim woman when she marries a man from people of book. It is because Islam not only allows people of other religions to live with religious freedom but also ensures their protection. Obviously, a Muslim man's heart has more religious respect for the people of books than a man from people of book for Islam.

The reason why companions of prophet disliked marriage with women from people of the Book because they never considered it forbidden, but because they realized the situation and circumstances.

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Conditions for a Muslim man to marry woman from people of Book are; should be pure and chaste; and should believe in Allah, His messengers and His books. If they are with bad characters or attachments, then marriage is not right with them because the Quran mentions the conditions for the women from the people of the book.

**The Christians and Jews of the present day claim to be from the people of the book, but in practice they do not follow the teachings of Holy Scriptures. They are the people of weak faith or Atheist, so one should avoid marrying them.**

Ruling on marriage if a woman accepts Islam before her husband, then she should end the marriage with non-Muslim husband. And if the situation does not support, then she should convince her husband to accept Islam and abstain intercourse with him till he accepts Islam. If the situation worsens more and her husband is from the people of the book, then there is an option to live him according to the interpretation by Hazrat Umar Farooq.



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