A reappraisal of attitudes to the 'People of the Book' in the Qur’an and hadith, with particular reference to Muslim fiscal policy and the covenant of 'Umar

al-Denawy, Mahmood Hassaan

How to cite:
al-Denawy, Mahmood Hassaan (2006) A reappraisal of attitudes to the 'People of the Book' in the Qur’an and hadith, with particular reference to Muslim fiscal policy and the covenant of 'Umar, Durham theses, Durham University. Available at Durham E-Theses Online: http://etheses.dur.ac.uk/1294/

Use policy

The full-text may be used and/or reproduced, and given to third parties in any format or medium, without prior permission or charge, for personal research or study, educational, or not-for-profit purposes provided that:

- a full bibliographic reference is made to the original source
- a link is made to the metadata record in Durham E-Theses
- the full-text is not changed in any way

The full-text must not be sold in any format or medium without the formal permission of the copyright holders.

Please consult the full Durham E-Theses policy for further details.
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

October 2006

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

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.
بسم الله الرحمن الرحيم

II
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’anic 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’an 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’an and hadīth. 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 Ibrahîm. 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 Ibrahim.
Table of contents

Introduction ............................................................................................................. 1

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

1.1 Introduction ........................................................................................................... 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
1.7.1 Verses in praise of the People of the Book ............................................. 41
1.7.2 Reward in the Hereafter .............................................................................. 41
1.7.3 Preaching of Islam ....................................................................................... 43
1.7.4 Characteristics of the People of the Book ................................................. 46
1.7.5 Equality with other groups ......................................................................... 50
1.7.6 Domestic relations ....................................................................................... 52
1.7.7 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 Muhammad .......... 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
1.8.10 Befriending the People of the Book .......................................................... 93
1.8.11 The Children of Israel (Banū Isrā’īl) .......................................................... 95
1.8.12 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 Qurʾān ........................................ 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 (ʿaqd al-Dhimmah) ................... 169
3.8 The basis of jizya in Muslim jurisprudence ......................... 174
3.8.1 Dār al-İslām, Dār al-Şulḥ, and Dār al-Ḥarb 177
Dār al-İslām ................................................................. 177
Dār al-Şulḥ ................................................................. 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 kharaj .......................... 201
4.7 Types of Kharāj .................................................................... 203
4.7.1 (kharāj al-Wa‘fah) (kharāj on land and produce) ............. 203
4.8.2 (Kharāj al-Mugāsamah) the proportionate kharaj .............. 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 asānd 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-Ṭūrṭūshī(451-520 AH) .......... 242
5.9.9 The isnād of Ibn ‘Asākir (499-571 AH) ............................ 242
5.9.10 The isnād of Ibn Taymiyāh: (542-622 AH) ................. 245
5.9.11 The isnād of Ibn Qayyim al-Jawziyyāh (691-751 AH) ....... 245
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-Kitab*), 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-Khattāb 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 methods 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-Qādi (Abū 'Abd Allāh Muḥammad Ibn Aḥmad) titled: (shuurūt 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-Wathāiq 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 (ʿushr). 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 yaqrūna 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 Isrá’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-Nāṣīrā (e.g.

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’an in any form. Different works of the Qur’anic exegesis have been chosen to show the Qur’anic attitude towards the People of the Book. This will include classical and modern exegeses who represent different schools of thought.

In this connection, Gilliot assumes that some early works dealt with the exegesis of the Qur’an. They are: kitāb fi al-Āthār wa ṣurūf 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‘ānī, (d.154) on the prophetic tradition and the Muwatta’ of Mālik b. Anas (d.179). Similarly, Gätje states that the first work of this kind was of Ibn ‘Abbās. Gätje 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 Śāliḥ Bādhām (d.719). According to the same author, some other exegeses of the first hijri century who followed Ibn ‘Abbās footsteps were: al-Ḥassan al-Βaṣrī (d.728), Qatādah b. Dī‘āma (d.730), and Muḥammad b. Ka‘b al-Qurzī (d.735 or later).

1.2.1 Who are ahl al-Kitāb?

The Qur’an 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’an explicitly identifies the Jews and Christians as "ahl al-Kitāb", the term in its general import and implicit Qur’anic allusions extends to all religious traditions which might concur with

---

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 theoretically 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 Muhammad 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 Tawrät; 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

---

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). 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.

The term ahl al-kitāb is mentioned in the Qurʾan twenty-four times, referring to Christians and Jews in particular. The context of these Qurʾānic 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 Qurʾān, but the fact remains that these types of interpretations were made possible by the pluralistic nature of the Qurʾānic 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 Qurʾānic 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

---

patriarch. The term "ahl al-Dhimma" or "dhimmis" 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 Muhammad 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."\(^\text{10}\)

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.\(^\text{11}\) 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 surahs\(^\text{12}\) of the Qur’ān which refer to the People of the Book, this section will be

---

\(^{10}\) Waardenburg, op. cit, p.123.


\(^{12}\) The word surah 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\(^\text{13}\) (Meccan verses 609-22 A.D) where Prophet Muḥammad began his mission. (2) The Qur'ānic verses that were revealed at Madīnah (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'ān, 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.\(^\text{14}\)

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. 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'an was arranged. Was it a revelation to Prophet Muḥammad to arrange the sūrahs or was it done according to the individual reasoning (ijtiḥād) of his companions? The main version of the Qur'an 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). 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'an 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 Küfah (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 Homs. The chronology of the Qur'an, 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'an, 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'an according to the time of revelation.

16 Gatje, op. cit., pp.24-25.
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 of 2, 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 *sūrahs* 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.


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'an into three different periods. Firstly, when the companions migrated to Abyssinia; secondly when Prophet Muhammad migrated from Makkah to Madinah, and thirdly when Prophet Muhammad's mission as a legislator.\(^{23}\) Marshall summarizes the viewpoints of Blachère and Nöldeke with regard to the chronology of the Qur'an, 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'an that is Meccan and Medinan. Within the Meccan period Nöldeke distinguishes three sub-periods into which the surahs 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-Rahmān is dropped but other characteristics of the second are intensified.\(^{25}\) In the same regard, Rodwell adopts Nöldeke's method to arrange the surahs according to the time of revelation. According to other classical exegetes, the Qur'an did not witness any change in the matter of chronology. Rather, Prophet Muhammad is reported to have ordered his companions to place the verses and surahs in the form we see now. Danner is credited with the following "while the arrangement of the verses and surahs of the Qur'an seem be to be the work of Prophet Muhammad

\(^{22}\) Abdel Haleem, op.cit., p.10.
\(^{23}\) Stanton, H U. The teachings of the Qur'an. 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 Muhammad.” 26 Al-Syūṭī explains that scholars differ whether sūrah(s) 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 sūrah(s) 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 sūrah(s) was done by Zaid b. Thābit.
4. The Prophet arranged some of the sūrah(s) 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

---

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.\textsuperscript{30} In contrast, Burton argues that the Qur'an 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.\textsuperscript{31} Finally, Watt affirms that the Qur'an was collected in two different periods, that is during the caliphates of Abū Bakr and 'Uthmān.\textsuperscript{32} The authenticity of the Qur'an is another important issue that needs brief analysis. Draz refers to Leblois who affirms: "the Qur'an is today the only sacred book which does not represent notable variants."\textsuperscript{33}

On a similar note, Gätje 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."\textsuperscript{34} Burton asserts that nothing was accepted as a verse of the Qur'an until two witnesses bore testimony or it had been heard directly from Prophet Muḥammad.\textsuperscript{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 Ramadān.\textsuperscript{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.\textsuperscript{37}

\textsuperscript{34} Gätje, op. cit., p.23.
\textsuperscript{35} Burton, op. cit., p.124.
\textsuperscript{36} Draz, op.cit., p.15
\textsuperscript{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

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. 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 Muhammad, 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); Sāliḥ; Noah; Hūd, Abraham, Lot; Ishmael; Isaac; Jacob; Joseph; Moses; Aaron; Shu'aib (Jethro); Ayūb (Job); David; Solomon; Ilyās (Elijah); Alyasa' (Elisha); Dḥul 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.


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 (‘Isa) 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. 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

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'anic exegetes. Al-Alusi states that Moses talked directly to God without mediation but it was no unlike how human beings talk. Al-Tabari commentary on this verse follows the pattern set by al-Alusi. He, too, adds that the People of the Book have similar description in their scripture about this talk, but that the Qur'an does not give any further details. Al-Qasimi says that the verse indicates that it is possible to see Allâh in this worldly life as Prophet Moses had requested. Al-Qasimi adds that if it not possible, he would not have asked for it. Riḍa argues that Prophet Moses talked to God. To support his opinion, Riḍa cites some verses of the Old and New Testament. The Qur'an implies that human beings cannot see God in this worldly life but this vision, in line with the Qur'anic verse 75:23, can occur in the Hereafter.

The Qur'an 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." 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'an exegetes did not give any further details about this issue. Riḍa, Muḥammad Rashīd. Tafsîr al-Qur'an al-Ḥakîm al-Mashhûr bi tafsîr al-Manâr, Beirut: Dâr al-Kutub al-`Ilmiyyah, 1999, 4:105.

48 See al-Alusi, 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. 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 Muhammad.

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

50 'Abd al-Baqī‘, op. cit., p.840.
51 Khalifa, Mohammad. The sublime Qurʾān 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’ān 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
In the same passage, the Qur'an reinforces his miraculous conception. The Qur'an (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'an 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 'Isā and as Jesus 35 times. Pipes shows the status of Jesus in the Qur'an 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'an, the following sections will deal with the verses that praise Jews and Christians. Following the chronological order of the Qur'an is the verse:

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

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

---

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.\textsuperscript{55} The Qur'\begin{pbx}$\tilde{\text{a}}$\end{pbx}n states that this is mentioned in order to test pagan Arabs when they challenged Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad 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'\begin{pbx}$\tilde{\text{a}}$\end{pbx}n. Accordingly, when they hear this truth from the Qur'\begin{pbx}$\tilde{\text{a}}$\end{pbx}n, realise that what is mentioned in the Qur'\begin{pbx}$\tilde{\text{a}}$\end{pbx}n resembles that which is in their scriptures, this might lead them to believe in Prophet Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad.\textsuperscript{56} The verse mentions that this would increase their faith ($\text{i}m\text{\textbar{a}}n$\textsuperscript{57}).

When commenting on this verse, al-\begin{pbx}$\tilde{\text{t}}$\end{pbx}abar\begin{pbx}$\tilde{\text{r}}$\end{pbx} claims that it excludes any doubt that the People of the Book might feel about the Qur'\begin{pbx}$\tilde{\text{a}}$\end{pbx}n or Prophet Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad; rather it will increase their certainty about Islam.\textsuperscript{58} Al-\begin{pbx}$\tilde{\text{A}}$\end{pbx}l\begin{pbx}$\tilde{\text{u}}$\end{pbx}, in agreement with al-\begin{pbx}$\tilde{\text{Q}}$\end{pbx}r\begin{pbx}$\tilde{\text{u}}$\end{pbx}b\begin{pbx}$\tilde{\text{r}}$\end{pbx}, 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 Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad.\textsuperscript{59}

### 1.6.3 Features of the People of the Book

Some Qur'\begin{pbx}$\tilde{\text{a}}$\end{pbx}nic 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.

\textsuperscript{55} Al-Shawk\begin{pbx}$\tilde{\text{a}}$\end{pbx}n\begin{pbx}$\tilde{\text{i}}$\end{pbx}, Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad b. `Al\begin{pbx}$\tilde{\text{r}}$\end{pbx} b. Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad. \textit{f\textbar{a}}\text{\textbar{t}}\text{\textbar{h}} al-Qad\text{\textbar{r}}\text{\textbar{r}} al-J\text{\textbar{a}}mi' bayna fannay al-Der\text{\textbar{a}}yah wa al-Rew\text{\textbar{a}}yah min ilm al-Tafs\text{\textbar{r}}. Beirut: D\text{\textbar{a}}r al-Kutub al-'Ilmiyyah, 1996, 5:410.

\textsuperscript{56} Al-\begin{pbx}$\tilde{\text{Q}}$\end{pbx}r\begin{pbx}$\tilde{\text{u}}$\end{pbx}b\begin{pbx}$\tilde{\text{r}}$\end{pbx}, Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad b. A\begin{pbx}$\tilde{\text{H}}$\end{pbx}mad. \textit{Al-J\text{\textbar{a}}mi' li \text{\textbar{a}}\text{\textbar{h}}k\text{\textbar{a}}m al-Qur'\text{\textbar{a}}n}. Cairo: D\text{\textbar{a}}r al-Kutub al-Misr\text{\textbar{i}}yyah, 1933-1950, 9:80.

\textsuperscript{57} \textit{I}m\text{\textbar{a}}n is the verbal noun of the root \textit{\textbar{a}mana} 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), \textit{The ubiquitous faqih}, University of Durham, Centre for Middle Eastern and Islamic Studies, p.7.

\textsuperscript{58} Al-\begin{pbx}$\tilde{\text{t}}$\end{pbx}abar\begin{pbx}$\tilde{\text{r}}$\end{pbx}, Mu\begin{pbx}$\tilde{\text{h}}$\end{pbx}ammad b. Jaf\begin{pbx}$\tilde{\text{i}}$\end{pbx}. \textit{Tafs\text{\textbar{r}} al-\text{\textbar{t}}abar\text{\textbar{r}} al-Musam\text{\textbar{a}} j\text{\textbar{a}}mi' al-Bay\text{\textbar{a}}n fi ta'wil al-Qur'\text{\textbar{a}}n. Beirut: D\text{\textbar{a}}r al-Kutub al-'Ilmiyyah, 1999, 12:313.

\textsuperscript{59} Al-\begin{pbx}$\tilde{\text{A}}$\end{pbx}l\begin{pbx}$\tilde{\text{u}}$\end{pbx}, 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-‘Ilm61 (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

---

61 "The word ‘Ilm has been understood to mean various things: the received revelation or Quran, the revealed law (Sharī‘a); the sunna; ‘ilm; spiritual knowledge (‘Ilm al-ladunni); wisdom (hikma ); 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-Ṭabarî, op. cit., 8:163.
63 Al-Shawkānî, op. cit., 3:328.
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-Dhikr65 (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-Tūsī 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).
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. 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’an. On this issue Ayūb comments: “the Qur’an 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.”

The verses confirm that the People of the Book were true monotheists before the revelation of the Qur’an 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’an 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.

An impressive number of Qur’an 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’an.

69 Al-Ṭabarī, op. cit., 10:83.
71 Al-Bukhārī, op. cit., bāb al-Jihād wa al-Siyar, No. 2789.
Commentators have differed with regard to which subgroup the verse refers. Commenting on this verse, al-Qurtubi asserts that it refers to those who were given the Book such as 'Abd Allah b. Salām and Salmān al-Fārisi. He says that the verse could also mean a certain group of Jews and Christians who give the Qurʾān its due respect as it affirms the Torah and the Gospel. Al-Shawkāni maintains that the Qurʾānic 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 Qurʾān as it affirms their scriptures.

1.6.4 Arguing with the People of the Book

A number of Qurʾānic 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 Qurʾān promote tolerance towards People of The Book.

Among the Qurʾānic 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 Qurʾān 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-Qurtubi, op. cit., 9:325.
73 Al-Shawkāni, 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). 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). 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

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:

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 Riḍā and al-Qāsimī. 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

---

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.\textsuperscript{80} Again, Prophet Muḥammad will ease the onerous duties such as the prohibition of working on Saturdays, wearing coarse woollen fabrics (\textit{musūḥ}), tying one's hands into one's neck in performing prayers, and the cutting off an organ that committed wrong.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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 0 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

\begin{footnotes}
\item Al-Qurtubī, op. cit., 7:300.
\item Al-Alūṣī, op. cit., 5:77.
\item Al-Ṭabarī, op. cit., 6:86.
\end{footnotes}
would have prevented his or his mother's death.\textsuperscript{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\textsuperscript{85} and al-Alūsī\textsuperscript{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, Rida 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.\textsuperscript{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."\textsuperscript{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.

\textsuperscript{84} Al-Ṭabarī, op. cit., 4:504.  
\textsuperscript{85} Al-Rāzī, op. cit., 9:151.  
\textsuperscript{86} Al-Alūsī, op. cit., 3:270.  
\textsuperscript{87} Rida, op. cit., 6: 261.  
\textsuperscript{88} Ibid, 4:260.
Accordingly, there would be no excuse for them when they say that they did not see a prophet. 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.”

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 muqtasimin (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. Al-Ṭabari breaks with other exegetes when arguing that the verse refers to the polytheists of Quraysh when they directed their accusations against Prophet Muḥammad. 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.

---

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-Qurtubi: op. cit., 6:122.
90 Ibid.
91 Al-Alūsī, op. cit., 7:323.
92 Al-Ṭabari, op. cit., 7:564.
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.\textsuperscript{94} Al-Ṭabarī states that the Jews of Madīnah, who later converted to Islam, said they knew him better than their sons.\textsuperscript{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.\textsuperscript{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)

\textsuperscript{94} Al-Ṭabarī, op. cit., 5:164.
\textsuperscript{95} Ibid.
\textsuperscript{96} Rida, 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. 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. 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. 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'ān 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-Qurtubi, 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 (Gen.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 sūrahs 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 Isrā‘īl and the bounties that He bestowed on them after their persecution during the time of the tyrant Pharaoh. 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. 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-Alāṣī, op. cit., 5:36.
from their context nor killed a prophet. 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-Razi asserts that the land refers to Egypt while al-Shawkāni maintains that this land would imply Egypt, Syria, and Jerusalem. Al-Shawkāni, in line with the verse, argues that banū Isrā'il's misbehaviour occurred twice. 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 Muhammad 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 Muhammad 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 Muhammad's message were the major

102 Al-Qurtubi, op. cit., 7:302.
103 Al-Razi, op. cit., 5:372.
104 Al-Shawkāni, 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

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 hāḍū (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 hудnā ilayk 7:156), or they (hāḍū) repent from worshipping the calf (2:54) from the verb (hada), means to repent or because they belong to Yahudha the eldest son of Jacob. Al-Alūṣi, op. cit, 1:279.
108 The Sabaeans refer to two quite different sects, namely:
1. the Mandaeans or Sunbbas, a Judea-Christian sect practising the rite of baptism in Mesopotamia (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 (anṣārī) to (the work) of God 61:14”, they replied: “we are God's helpers (anṣārī Allāhī)” 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 Damm, Christians in the Qur'ān and tafsīr, McAuliffe, Jane Damm, Christians in the Qur'ān and tafsīr in Waardenburg, Jacques, Muslim perceptions of other religions, New York; Oxford: Oxford University Press, p.108.
111 Al-Ṭabarī, op. cit., 1:361.
of a prophet among the Arabs and they will follow him.\textsuperscript{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 \textit{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.\textsuperscript{113}

\textbf{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". \textit{(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.\textsuperscript{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.

\textsuperscript{112} Al-Ṭūṣ, op. cit., 1:284
\textsuperscript{113} Al-Shawkānī, op. cit, 1:117.
\textsuperscript{114} Maudoodi, Sayyed Abul ‘Ala. \textit{Towards understanding the Qur’an}. 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 Shari’a Law, which means that the personal belief of a person or a people will be protected by Shari’a Law, hence by a Muslim authority, as long as they do not contradict the other purposes of the Shari’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 Muhammad 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. Al-Ṭabarî, 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 Najrân. Al-Qāsimī argues that the groups mentioned in the verse confessed that Ibrahim was right in his call, thus they are required to follow his call.

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. 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.

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

---

117 Al-Alūsî, op. cit., 2:104.
118 Al-Qāsimī, op.cit., 1:298
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)?'\textsuperscript{121} Al-Ṭabarī maintains that the verse addresses both Jews of Medina and the Christians of Najrān.\textsuperscript{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.

\textsuperscript{121} Al-Rāzī, op. cit., 2:467.
\textsuperscript{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.\textsuperscript{123} Secondly, they believe in God the Almighty and the Day of Judgment for which they have to be prepared.\textsuperscript{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).\textsuperscript{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:

\begin{quote}
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)
\end{quote}

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.\textsuperscript{126}

\begin{itemize}
\item\textsuperscript{123} Rīḍa, op. cit., 5:60.
\item\textsuperscript{124} Ibid.
\item\textsuperscript{125} Al-Syūṭī, op. cit., 2:115.
\item\textsuperscript{126} Ibn Kathīr, op. cit., 1:350.
\end{itemize}
The verse under discussion was revealed when Negus (al-Najäshi) King of Ethiopia died. 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. 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.

The Qurʾān 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 Qurʾān, 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-Alüsi and Ibn Kathîr comment that the verse refers to ‘Abd Allāh b. Salām, Usayd, Tha’labah, and other new Muslim converts. Al-Ṭabarî 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-Alüsi, op. cit, 2:383.
128 Al-Syüti, op. cit, 2:200.
129 Al-Qāsimī, 1:488.
130 Ibid, 3:189.
131 Ibn Kathîr, 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. 132

(57: 27)

The Qurʼān’s commentators, except Ibn Kathîr, al-Shawkânî, and al-Qurtubî, agree that the verse refers to those who followed Jesus. The verse asserts that God placed compassion and mercy in their hearts. Al-Râzî 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 Qurʼān, 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-Râzî, op. cit., 8: 103.
134 Al-Syütt, 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 Qurʾān 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-AlūsT, 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-Alûsî 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’ân 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’ân), 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’ân, and followed Prophet Muhammad, 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’ân deals with another issue:

138 Al-Alûsî, op. cit, 3:146.
139 Al-Shawkânî, op. cit, 5:549.
Did not Allah 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 Allah 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. 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'än 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'än approached. Hence, according to an injunction in the Qur'än, 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'än 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-Qurtubi, 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'an 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. 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.

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. 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.

---

142 Al-Ṭabarī, op. cit., 6:443.
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 Sunni 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 (makrūḥ). He states that since they consume pork and drink wine, a Muslim should not marry a woman from among the People of the Book. However, al-Shāfi‘ī argues that a Muslim, according to this verse, is allowed to marry a Jewish or a Christian woman. The Ḥanfī jurist al-Kasānī reiterates the same opinion relying on the above-mentioned verse to support his opinion. 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. To conclude this issue, all four Sunni Schools of law consider such a marriage as disapproved or reprehensible, especially when the non-Muslim woman lives in a non-Muslim country.

---

145 Sunni 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.


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’ān 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.

151 Rida, op. cit., 7:3.
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‘an 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‘an 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‘an, 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-Najāshi (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‘an 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‘anic 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‘an 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. Both rabbis and jurists judge among people with that which prophets asked them to keep against change. They are guardians of the Torah and bear witness that it was revealed from God. The Qur'ān acknowledges another divine book, the Gospel.

---

156 Al-Alāʻī, 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. 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. 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.” The last verse conveys an order to ahl al-Injil, 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.

Similarly, the Qur’an 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’an. (9:111)

Al-Räzî 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. Al-Syūṭī states that this promise is also mentioned in both the Torah and Gospel. Al-Qurtubî adds that jihād in the cause of God and fighting the enemies of God were permitted during Moses’s mission.

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
159 Gilliot, op. cit., p. 25.
160 Ibid.
161 Al-Rāzî, op. cit., 16:159
162 Al-Syūṭī, 3:502
163 Al-Qurtubî, 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-Alüsi, this group are the Rabbis who heard the Torah and interpreted it according to their own desires. Al-Alüsi adds that the verse might refer to the seventy Jewish people who were with Moses at Mount Sinai. Riđa 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. Al-Ţabarî states that the verse refers to a group of banū Isra‘îl 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. 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, Riđa 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.

165 Riđa, op.cit. 1:290,291.
166 Al-Ţabarî, op. cit., 1:411
Rida adds that the second verse maintains that those scholars changed the words of God to cope with their own interests.\(^{167}\) Al-Ṭabarî 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 used to tell lies about God. Al-Ṭabarî further adds that the second verse refers to another group who changed God’s words for a worldly benefit.\(^{168}\) Al-Syütti 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 from God. He, different from other exegetes, adds that the second verse refers to some Jewish Rabbis who concealed and changed the description of Prophet Muhammad the Torah foretold.\(^{169}\) Al-Ṭusi 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’ân 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’ân 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 Muhammad. It shows the gravity of breaking covenants to such an extent that it becomes one of their characteristics.\(^{171}\)

---

\(^{167}\) Rida, op.cit., 1:294

\(^{168}\) Al-Ṭabarî, op.cit., 1:419,423

\(^{169}\) Al-Syütti, op.cit., 1:158,159

\(^{170}\) Al-Ṭusi, op.cit., 1:322

\(^{171}\) Al-Alüsî, 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. 'Atā says that the verses were revealed when the Jews of banū Qurayzah and banū al-Naḍîr 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 Rīḍa, 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. 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.” 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.
pledge. 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.

In the following reference, the Qurʾān 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 as 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. The Qurʾān 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 Qurʾān? 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.

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.  

1.8.2 Wishes of the People of the Book

Another theme that the Qurʾān 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 Qurʾān, 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. 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 Qurʾān speaks the truth and Prophet Muḥammad
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. Akhtāb and Abū Yāser b. Akhtāb, 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’ān towards the Christians is much milder than that addressed to the Jews and the conflict between Muhammad 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 Qaynuqāʾ and banū Qurayzah.\(^{187}\) 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). Riḍā 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.
\(^{193}\) Riḍā, op. cit., 3:274.
Jews of Median, more precisely banū Qurayṣa, banū al-Naḍīr, and banū Qaynuqa'.

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. According to al-Qurtubi, they disagreed when they discovered Prophet Muḥammad’s description in their scriptures. 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. Riđa 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. 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”. Ibn Jarīr narrates that Jews said that the length of this worldly life is seven thousand years.

194 Al-Qurtubi, op. cit., 20:140.
196 Al-Qurtubi, op. cit., 20:143.
197 Al-Ṭabarī, op. cit., 1:425.
198 Riđa, op.cit., 1:296
and for each thousand year we will be punished in Hell fire for one day. Then the verse was revealed to refute their claim. 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. In another surah, 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. 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.
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. There have been debates either with Prophet Muhammad or among themselves as to whether or not Abraham was a Jew or a Christian. The Qur'an 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.

On the authority of Ibn Ḥishāq, 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. Al-Ḥadād maintains that the former verse, indicates change in the prophetic attitude towards the People of the Book. He adds that this change does not mean an entire religious separation from the People of the Book. Rather, the Qur'an acknowledges the religion of the followers of Prophet Moses, Jesus, and finally of Prophet Muḥammad.

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
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 Qurʾān denies their disputation over Abraham's faith since neither the Torah nor the Gospel state that he was a Christian or a Jew.  

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

---

210 Al-Shawkānī, op. cit., 1:441.
212 Al-Alusi, op. cit., 2:352.
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 the Book

214 Al-Shawkānī, op. cit., 1: 511.
215 Al-Qurtubi, 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.
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\textsuperscript{223}), that Qur'ānic verses might be abrogated and replaced by others.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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."\textsuperscript{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-Alüṣī 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. Riḍā 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

\textsuperscript{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.
\textsuperscript{224} Al-Qurtubī, op. cit., 2:161.
\textsuperscript{225} Al-Ṭabarī, op. cit., 1:27.
\textsuperscript{226} Al-Shawkānī, op. cit., 1:195.
\textsuperscript{227} Al-Ṭabarī, op. cit., 1:27.
or that a book should reveal in their rabbis' names. Al-Alusi 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. Furthermore, al-Alusi 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 Muhammad's call. The verse portrays Prophet Muhammad as having the same mission as Prophet Moses. Al-Alusi defines the Jews' command when they said to Muhammad: We would not believe you until you bring a book from God says to so-and-so that Muhammad is the messenger of God. The Qur'an 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'an 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-Tabari states that they are called so because they ignored the truth and Muhammad was not among the prophets of the Children of Israel. Al-Qurtubi argues that the verse refers to those who wish to change the qiblah including Jews of Madinah and

---

228 Rida, op. cit, 6:10.
229 Al-Alusi, op. cit., 3:189
230 Ibid.
232 Al-Tabari, op. cit., 2:5.
hypocrites. Al-Tusi explains that the feeble-minded people that the verse refers to are: the Jews of Madina, the hypocrites, and the Arab polytheists. He further adds that they are called so because they mocked Muslims when the qiblah was changed. The verse shows that this change returns to God who guides Muslims to the direction He likes. It is told that when Prophet Muhammad migrated to Madina, 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?

In the following verses, the Qur'an 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 Muhammad 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 Muhammad. The second verse adds that they would not believe in anybody until he followed Judaism. In response, the Qur'an states that guidance comes only from God who guides whom He likes. Ibn Ishaq narrates that the

233 Al-Tusi, 1:3-4
234 Al-Wahidi, 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 Qurʾān shows another instance in which some Jews are castigated:

> 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-Atyar 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 Qurʾān 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 Qurʾān tr. from the Arabic by J.M. Rodwell, London: Dent. 1909, p.403.

\(^{238}\) Al-Alūsī, op. cit., 2:352.

\(^{239}\) Al-Atyar, op. cit., 85.

\(^{240}\) Maudoodi, op. cit., 1:303.
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. 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.”

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. The Qurʾān 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”

---

242 Al-Syūṭī, op. cit., 2:192.
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 Madinah when they entered into alliance with polytheists against Islam and Muslims. This explains the reason for this blame. Al-Alūsī maintains that the verse refers to the Jews of Madīnah who lived during Prophet Muḥammad's time. Al-Ṭabarī states that the verse shows the sufferings that Prophet Muḥammad went through because of the polytheists of Makkah and the Jews of Madinah.

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.

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 'Abbās narrates that this verse was revealed when Mu‘ādh b. Jabal, Sa‘d b. Mu‘ādh, 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 'Abbās narrates that the above-mentioned verse was revealed when some Jewish scholars and chiefs such as Ka‘b b. al-Ashraf, Ka‘b 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. 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 Muhammad 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. Rida comments that this verse is a proof against them because they knew that they hid many issues from Muslims and the public. 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 Șūriyyah. Prophet Muḥammad asked him about this punishment in the Torah. Ibn Șūriyyah 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.

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 Rida, 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. 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. 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. In addition, the verse shows that this
dissent 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.

The Qurʾān 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 Qurʾān, 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 Qurʾānic stance is because when they were called to believe
Prophet Muḥammad they were reluctant to obey this call. Furthermore, when the
Qurʾān 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. The Qurʾān shows that they were deluded in their
faith because of the false faith they forged (5:18). Ibn ʿAbbās narrates that the verses
were revealed when Prophet Muḥammad went to some Jews to convert them to Islam.

Al-Nuʿmān b. ʿAmr 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.
260 Qurʾān 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 portrays 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 (ʿummeyin) 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)

---

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 Kathîr comments that the verse refers to Jews and Christians or those innovators among the Muslim nation.\textsuperscript{263} Al-Shawkânî 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.\textsuperscript{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:

\begin{quote}
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)
\end{quote}

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 Kathîr 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-Shawkânî, when commenting on the above, states that the verse refers to those who did not act according to the

\textsuperscript{263} Ibn Kathîr, op. cit., 1:583.
\textsuperscript{264} Al-Shawkânî, 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. 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 Qurʾān 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.

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 "Rāʾina"; 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. Remarkably, the Qurʾān 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 Qurʾān 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. Riḍa suggests that the Qurʾān said they were given a

---

266 Al-Ṭabarī op. cit., 6:255.
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. 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. 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. 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. 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.

In the same surah 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 Rida, 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.
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, Rīḍa, 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.
276 Rīḍa, op. cit., 4:55.
According to exegetes, the verse in question declares that some of the People of the Book believed in jiḇ277 and tāghū278 which mean devil, magic, and two Jewish chieftains Ḥuyay b. Akhtab and Ka'ab 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-Qurtubi 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 Muhammad. They decided to kill Prophet Muḥammad. Abū Sufyān, a Quraysh chieftain, said to Ka'ab, "You are a man of knowledge and we are illiterate. Which one is well guided, Muḥammad or us? Ka'ab 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 jiḇ. 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).
280 Ibid.
281 Al-Qurtubī, 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'an 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:

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

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 \textit{sûrah 3:45}. Al-Qurtubi 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'an demonstrates the phrases that Jews and Christians used out of the extravagant love for their prominent religious figures:

\(^{282}\) Al-Alûsî, op. cit., 3:188.

\(^{283}\) The word is originated from the main root \textit{Masâfla} 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-Tabarî, op. cit., 4:373.

\(^{284}\) Al-Qurtubi, 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\textsuperscript{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.\textsuperscript{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).\textsuperscript{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.\textsuperscript{289} Furthermore, the verse compares the two groups to the infidels which said that allūt wa al-‘Uzzā and manūt (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).\textsuperscript{290} The following verses portray another kind of overstated veneration for some clerics:

\begin{quote}
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. 0 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)
\end{quote}

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.

\textsuperscript{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.


\textsuperscript{288} Riḍa, op.cit., 10 295.

\textsuperscript{289} Ibid, 5: 274.

\textsuperscript{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 ʿUday 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.”

The Qurʾān 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). The verse adds that those rabbis and priests prevented people from the way of God because of what they took as bribes.

1.8.10 Fighting against some Jewish tribes

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

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.

---

291 Ibid.
292 Al-Ṭabarī, op. cit., 6:357.
293 Ibid.
Prophet Muhammad 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.

Next the Qurʾān deals with another Jewish tribe, the Jews of banū Qurayzah:

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. In brief, the battle of banū Qurayza 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 Qurayza affirmed that they would obey his judgment. Saʿd b. Muʿādh, 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.

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.
297 Al-Waqīfī, 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. Ibn Iṣḥāq 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.

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.” 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 Muḥammad, 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-Syüṭi, 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. Ibn `Abbās narrates that Rifa‘ah b. Zayd al-Tābū and Sawayd b. al-Ḥārith, two Jewish men, supported Islam in public but hid hypocrisy and they had good relations with a Muslim man. 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.” When he mentioned Jesus they renounced his prophethood and said: “We do not believe those who believe him.” When commenting on the cause of revelation, Rida, says that the verse particularly refers to both the above-mentioned people and every malcontent even among Muslims. 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 Rida , 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-Ṭabarî, the verse refers to righteous scholars among banû Isrā‘îl who read the Torah and did not change words from their right places.306 This Qurʾānic 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 Qurʾānic 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-Ṭabarî, op. cit., 1: 566.
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 sûrahs, 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 Gätje 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.  
\(^{311}\) Al-Ḥadād, op. cit., p.165.  
\(^{312}\) Rahman, op. cit., 105  
\(^{314}\) 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'an. 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".

Commenting on the Meccan and Median surahs 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.

Meccan surahs address moral corruption, include stories about the prophets, and sometimes include words never seen in Medinan surahs. Medinan surahs, 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.
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 Shari'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 *hadith* 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 *hadith* 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 Qurʾān 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.
3 Azami, Mohammad Mustafa, *The history of the Qurʾānic text : from revelation to compilation ; a comparative study with the Old and New Testaments*, Leicester: UK Islamic Academy, 2003, p.3.
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 Qurʾān, expand on what is given in brief, and specify what is unconditional therein. It is subservient to the Qurʾān 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 Qurʾān.

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

It is closely linked with the Qurʾān 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 Qurʾān’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 aʾmāl (deeds) by

---

Chapter Two

People of the Book in the Ḥadīth

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‘i 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 Muhammad 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; akhībār) 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 shari‘a. For example, a scholar in the area of fundamental principles would define sunnah as according to what reported by Prophet Muhammad. 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 exemplar of the manner in which the qur’anic principles should be put into practice. 19

12 Ibid, 168.
14 Ibid, 58.
15 Ibid.
18 Muslim, bāb al-‘Ilm, op. cit., No.4830.

102
2.3 The place of sunnah in Islamic law

Undoubtedly, sunnah holds a supreme status among the Sunni Muslim group where it represents the second source of Islamic law next to the Qur’ān. The attitudes of the Sunni 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 Shi‘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 fiqh22 of Imāmite Shi‘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 Subhānī, 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 Muhammad and his companions.” Turner, Colin. Islam without Allah? The rise of religious externalism in Safavid Iran. Surrey: Curzon Press, 200, p.25.
Sunnah occupies an important position in Islamic law and comes after the Qur'ān.

Kamali comments that:

To the 'ulema (scholars) of usūl al-Fiqh say that sunnah refer to a source of the Shari'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.  

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

2.4 The definition of ḥadīth

It is important to show the significance and meaning of the word ḥadīth (tradition) itself in Muslim terminology. Other words are also used in the same sense such as khabar (news) and athar (trace). The ḥadīth 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

27 Brown, op. cit, p.8.
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 Muhammad is not included in the definition used by the jurists. Azami, Mohammad Mustafa. Studies in hadith 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 *hadith* 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 *hadith qudsi* (holy *hadith*), the meaning of which is from Allāh but the words are from Prophet Muḥammad, and the *hadith nabawī* (prophetic *hadith*) the words and meaning of which are from Prophet Muḥammad.

Literally, *hadith* 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.  

Azami gives another explanation to the word *hadith* 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 sīfāt meaning his physical appearance. However, physical appearance is not included in the definition used by jurists.  

Yet, Häshim argues that *hadith* 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. 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." 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.

---

33 Azami, op. cit., p. 3.  
36 Tritton, A. S. *Islam: belief and practices*. London; New York: Hutchinson's University Library, 1951,
Besides, *hadīth* 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, *hadīth* 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'ān, 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 *hadīth*, was to form the framework for the earliest development of religious thought in Islam.\(^{40}\) In addition, *hadīth* illustrates the continuous development of the moral teachings, which derives its bases from the Holy Qur’ān. The Imāmi Shi‘ites argue that only authentic traditions should be accepted for their trustworthiness. Thus, Subḥānī argues that: “the Imāmi Shi‘ites make use of those *ḥadīths* of Prophet Muḥammad that have been related by trustworthy and reliable sources whether these sources to be in the book of Shi‘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

---


\(^{40}\) Goldziher, op. cit., p. 41.


Chapter Two

People of the Book in the Ḥadīth

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’. 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 sunnah 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." Schacht argues that the traditions of Prophet Muḥammad are not identical with the sunnah but they only provide its documentation. Brown maintains that they have to stand and fall together as each has no foundation without the other. To Aghnides, ḥadīth is to be distinguishable from sunnah although some jurists said that they are identical.

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.

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. 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."

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.
Prophet Muḥammad’s permission.\(^{51}\) Ramadān gives examples of records and documents that had been recorded within this period.\(^{52}\) However, criticism about the authenticity of hadith is not mainly concerned with the meaning or the text of the hadith. Rather, it deals with other aspects such as justice of the narrator (‘adālah) and the continuity of the chain of transmission (sanad) of the hadith 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 hadith went on, it became evident that the meaning of hadith was being hijacked by many forgeries. Therefore, scholars of hadith formulated numerous methods of evaluation or conditions by which genuine hadith could be sifted from the mass of forgeries. Goldziher comments: “Muslim theologians created an extremely interesting scientific discipline - that of hadith criticism- in order to sift authentic traditions from apocryphal ones.”\(^{54}\)

The chain of transmission of a hadith (isnād) is believed to be the first method that scholars adopted to sift authentic hadith 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 Qurʾān 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 hadith. Al-Imām al-Shāfiʿī asserts that evidence of the authentic hadith could either be found in the Qurʾān 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 hadith, op.cit.

\(^{56}\) Ibid.
which has the strongest evidence could only be accepted. According to al-Šāliḥ, Muslim scholars have affirmed that the sound ḥadīth is a decisive judgment (ḥujjah) according to which Muslims have to abide by its rulings therein. In addition, the Shi’ite Muslims have their own opinion about the authenticity of ḥadīth 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 Shi‘i as religious proof-text on the basis of which one must act.”

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.” He further argues: “hardly any of these traditions, as matters of religious law are concerned, can be considered authentic.” 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.” Similarly, Juynboll denies the existence of ḥadīth. He maintains that the talks that took place among Prophet Muhammad and his companions could not have resulted in what is called ḥadīth literature. 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:

58 Al-Šāliḥ, op. cit., p. 291.
59 Subḥānī, op. cit., p.177.
60 Schacht, op. cit., p.149.
61 Ibid, op. cit., p.34.
63 Juynboll, op. cit., p.10.
1. Muwatta’ Mālik (93-179 A.H);
2. Musnad Aḥmad (164-241 A.H);
3. Sunan (traditions) al-Dāramī (181-255 A.H);
4. Ṣaḥḥ (the sound book of) al-Bukhārī (194-256 A.H);
5. Ṣaḥḥ 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);

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 Harf 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 alḥadīth 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 alḥadīth 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 ḥadīth 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

Arnold argues: "There was an entire absence of any organised administrative or judicial system. Each tribe or clan formed a separate and absolutely independent body." 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 ḥadīth 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 ḥadīth. 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-Madinah or dustūr al-Madinah) that Prophet Muḥammad concluded with the main Jewish tribes of Madīnah.

---

Chapter Two People of the Book in the *hadīth*

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 *hadīth* 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. 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.” 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 *ṣīrat 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 *Ṣīrat 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.

---


69 Ibid.
Chapter Two

People of the Book in the *hadith*

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-ʿAnṣār wa al-Muḥājirīn*) 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 Bulac argues, Madīnah was made up of not only Muslims but also, the Jews and non-Muslim Arabs. 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. 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 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.

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.\(^79\)

Bulac 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 Āhmad Sayed, Non-Muslims and the Umma, Studies in Islam, 17, New Delhi, p.83.


\(^{77}\) Ibid.

\(^{78}\) Ibid.


\(^{80}\) 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

investigate the authenticity and date of this charter. There is controversy among writers as to the date and authenticity of this constitution. Ibn Kathîr, a classical historian, quotes the same articles found in Ibn Hishâm's *sîrah* and affirms that Prophet Muḥammad wrote a book for the immigrants and helpers which was similar to the constitution.86 Rizqallâh states that there are different versions of this constitution: one copy is found in *musnad* al-Imâm Aḥmad87, another copy is in Abû ‘Ubayd’s book *al-Amwâl*, a copy in Ibn Ḥazm’s well-reputed book *al-Muṭallâ*, and finally another copy is found in al-Bayhaqî’s book *al-Sunnan al-Kubrâ*.88 Rizq Allâh 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, Qâsim refutes the viewpoint of Watt. He asserts that what Wellhausen says has no

87 The hadîth 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-Mukhîrin mina al-Ṣaḥâbah*, op. cit., No: 6610.
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. 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. Alavi explains that while some scholars agree the constitution was concluded not very long after the *ḥijrah* in 622 AD, others say that it was enacted in the first year of *ḥijrah* 622 AD.

However, Peters argues that it was concluded on the occasion of *ḥajj* (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.” 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-Šīraḥ al-Nabawīyyah*. 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. 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”).

It should be remarked that Jews did not join this constitution collectively but separate
different groups. It is apparent when we notice that the constitution does mention big Jewish tribes such as banū al-Naḍhir, banū Qaynuqā‘, and banū Qurayzah. It might be because, as Gil states, that the constitution is not one document but rather at least eight different agreements. Another reason was that these big Jewish tribes were not partners of the covenant. 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.” Clubb says that this compact is like a draft between the three groups than an agreement among them. 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.”

After a deep and thorough search, the researcher found only one copy of this constitution in the books of hadith. 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 الأخدس بن شرقي قال أخذت من آل عمر بن الخطاب رضي الله تعالى عنه هذا الكتاب كان مقتراً بكتاب السدقة الذي كتب عمر بن الخطاب للحكماء بسم الله الرحمن الرحيم هذا كتاب من محمد النبي صلى الله عليه وسلم بين المسلمين والمؤمنين من قريش ويترقب ومن تبهث فلديهم فيه وراه معبدهم أنهم أمة واحدة دون الناس المهاجرين من قريش على ربيتعهم يتعاقبون بينهم وهم يعدون عاناتهم بالمعروف والقوض بين المؤمنين يلزمهم عفو على ربيتعهم يتعاقبون معاهم الأولى وكل طائفة تفدي عاناتهم بالمعروف والقوض بين المؤمنين ثم ذكر علي هذا النسق بني الحارث ثم بني ساعدنة ثم بني جشم ثم بني النجار ثم بني عمر بن عوف ثم بني النبيت ثم بني الأوس ثم قال وإن المؤمنين لا يتركون منفحا منهم أن يعطوهم بالمعروف في فداء أو عقل.

100 Qāsim, op. cit, p.24.
101 Ibid.
102 Moshe Gil, the constitution of Medina, 48.
103 Barakat, op. cit., p.82 .
106 Barakat, op. cit., p.86.
107 Abū Bakr Ahmad Ibn al-Ḥusayn Ibn ‘All Ibn Mūsā al-Bayhaqi, Sunnan, Kitāb al-Diyāt., 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 cooperate 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 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

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-Amwäl of Abū Ubayd al-Qāsim which runs as follows

 diễn ra bánh hành, mỗi người có trách nhiệm và quyền lợi theo điều khoản

108 Faḍl Allah, op. cit., pp.119-121
In his comment on the constitution, Lecker mentions the main Jewish tribes concluded a treaty with Prophet Muhammad himself and states:

The Jews if Qurayza, Nadir, and Qaynoqa (i.e. their leaders) went to Muhammad. Unwillingly to accept Islam, they proposed a truce that they would neither take Muhammad's side nor act against him, and they would not provide assistance to anyone against him.\(^\text{109}\)

It should be noted that there is repetition of some of the articles of this covenant. According to Qäsim, this repetition must be significant. It shows that it was needed for various clauses to be repeated or modified to cope with changing situations.\(^\text{111}\)

Another reason for this, Qäsim 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.\(^\text{112}\)


\(^{110}\) 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.\textsuperscript{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.”\textsuperscript{114} Rubin suggests that the constitution uses the term \textit{yahūd} in some places which indicates a tribal name whereas the rest of the constitution uses the term \textit{al-Yahūd} to indicate that Jews were subordinate to the Median tribes.\textsuperscript{115}

Furthermore, the constitution uses the term \textit{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.\textsuperscript{116} As Watt comments, the inclusion of Jews among the \textit{ummah} dates the document to before the battle of Badr.\textsuperscript{117} Bosworth states that this constitution recognizes the co-existence of the Muslim and the Jewish communities within one \textit{ummah}. He added that each of the two groups retains its own law as well as religion.\textsuperscript{118} According to Barakat, the \textit{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\textsuperscript{119a}.

### 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

\begin{itemize}
\item \textsuperscript{113} Ibid, p.174.
\item \textsuperscript{114} Rodinson, op. cit., p.153.
\item \textsuperscript{115} Ibid.
\item \textsuperscript{116} Ibid, 152.
\item \textsuperscript{117} Ibid, 152.
\item \textsuperscript{118} Ibid, p.227.
\item \textsuperscript{119} Bosworth, Clifford Edmund. \textit{The protected peoples (Christians and Jews) in the mediaeval Egypt and Syria}. Manchester: The John Rylands University Library, 1979, p.13.
\item \textsuperscript{119a} Brakat, op. cit., p. 82.
\end{itemize}
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 Muhammad is reported to have said: “Your flesh is our flesh and your blood is our blood.”

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. 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. Tantawi 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.” 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. Finally, Burton maintains that the newly established federation works with one voice against external threats and

122 Bulaş, op. cit., p.170.
124 Tantawi, M.S. Banū Isrāʿîl fi al-Qurʾān al-Karīm, Cairo: Dar al-Shurūq, 1977, p.144
125 Ibid.
Chapter Two

People of the Book in the hadith

united action against any internal violation of the federation. It should be noted that there are some writers who refused to accept that the constitution exists. Bulac affirms that Prophet Muhammad could not impose this agreement to serve his own purpose as the Muslim community formed only 15% of the total population of MadinAH. 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.

Bulac’s opinion contradicts history books, which describe how that this constitution was concluded and came into existence. Hassan asserts that Prophet Muhammad was endowed with an international personality and he enjoyed the right to conclude treaties and covenants in his name. 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 hadith

2.11.1 Introduction

Having explained the constitution of MadinAH and its relevant issues, the emphasis now switches to Prophet Muhammad’s interaction and relations with Jews and Christians. Gawhar suggests that Prophet Muhammad 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. Goldzieher refers to Prophet Muhammad’s relations with Christians when he maintains: “one model may have been the agreement concluded by

127 Bulac, op. cit, p.173.
Chapter Two

People of the Book in the hadith

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 hadith, 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 hadith are mentioned differently in each collection.

As stated earlier that the hadith 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 hadith will be chosen. When considering the whole hadith, there are similarities between hadith and the Holy Qurʾān where the latter uses different terms when it refers to People of the Book. The same might apply to the hadith when it uses terms such as ahl al-Kitāb, ahl al-Dhimmah (People of the Covenant), banū Isrāʾīl and finally al-Yahūd wa al-Nāṣārā (Jews and Christians). It is important to mention the text of the hadith itself since it is difficult to trace these if the researcher refers to the numbers and places of such hadith alone. In this regard, the hadith that deal with the People of the Book will be categorized as follows:

2.11.2 The right to life

The first hadith 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 hadith affirms whoever is involved in such crimes will never smell the fragrance of Paradise.

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

On the authority of `Abd Alläh b. `Umar who said that Prophet Muḥammad said: "Whoever kills a muʿāḥad (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 of travelling".¹³²

The hadith affirms that the fragrance of Paradise can still be smelt even after forty years of walking. Another hadith mentions that this distance reaches seventy years. Other different versions of this hadith 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 Qurʾān 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 hadith refers only to the killing of a muʿāḥad,¹³⁴ other ahādīth 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 Muʿāḥad, 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 (muʿāḥadin) with Muslims. The hadith 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-Bukhäri, op. cit., Kitāb al-Dīyāt, No: 6403. Translations of prophetic traditions are done by the researcher.
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 *hadith* 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-Dhimma* against any oppression because when they concluded the covenant of protection with them, they guaranteed the People of the Book their safety and justice. 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.” Similarly, another *hadith* 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.”

In the *hadith* 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 *hadith* elucidates that when he was asked about the reason for standing up, Prophet Muḥammad clearly explained, “It is a soul, is it not?” Ridgeon states: “the few variant readings of this collection hint at the different degrees of acceptance of Christians and Jews by the Muslim community.” The Qurʾān clearly illustrates the same attitude when it declares that God honoured all human beings regardless of their religious affiliation.

139 Muslim, op. cit, *Kitāb al-Janā‘ī*, 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 hadith 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 hadith 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 hadith 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 Ṭalib 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 hadith which shows another example of the reality of the relations between a Muslim and his Jewish neighbours:

---

143 Al-Bukhārī, op. cit., bāb al-Jandʿiz, No. 1268.
Chapter Two

People of the Book in the hadith

On the authority of 'Abd Allah b. 'Amr b. al-'Ash 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 hadith 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 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 hadith 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
Muḥammad's lifetime were not confined to one sphere only. The following hadīth shows evidence where Prophet Muḥammad made daily transaction with one of the Jews:

On the authority of `Aisha—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 hadīth 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 hadīth encourage Muslims to establish good relations and be good to those who have a covenant of dhimmah. The hadīth under discussion here reaffirms the prophetic commandments of the good treatment of the dhimmi 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-Khattāb 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 hadīth 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-Khushānī 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-Bayā', No. 2049
¹⁵³ Al-Qaṣṭalānī, op. cit., 4:299
¹⁵⁴ Al-Bukhārī, bāb al-Jezyah wa al-Muwāda'ah, op. cit., No. 2927
¹⁵⁵ Al-Qaṣṭalānī, 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.”

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. The four Sunni Schools of law have different opinions as to the use of these articles. One opinion is reported by some Ḥanafī and Māliki and one of the Ḥanbalī Schools, argue that it is permissible to use the utensils unless they are unclean. Another Māliki jurist says that these articles are generally pure unless it was proved otherwise. The second opinion is reported by the Shāfiʿī and Ḥanbalī Schools state that it is disliked to use such articles unless they were clean.

2.11.5 Greetings

There is an entire chapter in Sahih Muslim called al-Salām or greetings. A few ḥadīths 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 Allah be pleased with her- who said that a group of Jews came to Allah’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 Muhammad said: “Be calm ‘Āisha. Allah loves that one should be kind in all matters.” I said: "OH! Apostle of God, have you heard what they have said?” Prophet Muhammad said : “I have said wa’laykum” (be upon you).”

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

156 Abū Dawūd, op. cit., bāb al-ʿAḍāmah, No. 3342,
157 Harf Encyclopaedia of ḥadīth, op.cit.
158 Encyclopaedia of Jurisprudence, (on line) Available at: http://feqh.Ali- Islam.com/Display.asp?Mode=1&DocID=82&MaksamID=16&ParagraphID=14&Sharh=0&HitNo=2&Source=1&SearchString=G%241%23C%23E4%ED%C9%20%C3%E5%E1%20%C7%E1%DF%CA%C7%C8%230%230%230%23%230%239%23%23%23, accessed 20-10-2005
159 Al-Bukhārī, op. cit., Kitāb al-Isṭī‘āḥān, 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 ʿAbbās 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 Qurʾān 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 *al-ḥadīth al-Anbeyāʾ* (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 Muhammad and told him about that. Prophet Muhammad 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 Allah has exempted him from that stroke.'

Various *ahadith* discuss Prophet Moses and refer to different topics. An example his story with the Children of Israel (banū Isrä’īl), his behaviour with them, and his meeting with the pious worshipper, that is al-Khadr. The *hadith* under discussion reiterates the fact that that all Prophets are equal before God but some were given more privileges than others. 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 *hadith* explains such status in the hereafter. According to the *hadith* and to al-Qaṣṭalānī 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 Muhammad. The *hadith* prevents discrimination among God’s Prophets especially between Prophet Muhammad and Prophet Moses since this might lead one to undermine the other. This would lead to disputes between them. Another explanation of the *hadith* is that prophet Muhammad said that as a way of humbleness.

---

163 Al-Qaṣṭalānī, op. cit, 5:388.
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’an.\(^{165}\)

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 \textit{hadith}. Many sayings of Prophet Mu\textsuperscript{a}ammad 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 Ab\textsuperscript{u} Hurayrah who said that Prophet Mu\textsuperscript{a}ammad 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 \textit{jizya}. Money will be in affluence so that nobody will accept it and one prostration before Allah (in that time) will be better than the whole world and whatever is in it. Ab\textsuperscript{u} 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’an has many references to Jesus, it does not refer to this event. However, the \textit{hadith} asserts that Jesus will descend and judge the people with justice, following the Law of Prophet Mu\textsuperscript{a}ammad. He will break the cross and kill the pig. He shall put an end to the payment of \textit{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 \textit{jizya}, which has been prescribed by Islam; rather, he will do so in agreement with the Islamic Shari’a.\(^ {169}\)

Another \textit{hadith} clarifies the status of Jesus in Islam and in every Muslim’s heart:

On the authority of ‘Ub\textsuperscript{u}dah who said that Prophet Mu\textsuperscript{a}ammad said ‘If anyone bears

\(^{165}\) 27:87.
\(^{166}\) Harf Encyclopaedia of \textit{Hadith}.
\(^{167}\) Al-Bukh\textsuperscript{a}ri, op. cit., \textit{ah\textit{dith al-}Anb\textit{ya};} No.3192.
\(^{168}\) Al-Qa\textsuperscript{u}tal\textsuperscript{a}ni, op. cit, 5:419.
\(^{169}\) Ibid.
witness that none deserves worshipping except Allâh alone Who has no partner and that Muhammad is His slave and Apostle and that Jesus is Allâh'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, Allâh will admit him to Paradise with the deeds he has done even if the deeds were few." Junâdhah, another narrator, said: 'Ubâdah 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 hadith depicts this fact among the People of the Book and shows that their reward will be multiplied:

On the authority of al-Shu'abî 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 hadith 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-Najâshi, the king of Abyssinia:

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

This hadith confirms the reward of any one of the People of the Book who converts to

170 Al-Bukhārī, op. cit., Kitāb afk dith al-'Anbıyā, No:3180.
171 Al-Bukhārī, op. cit., bāb al-Jihād wa al-Siyar No.2789.
172 Al-Qastalānī, op. cit., 5:145.
173 Ibid.
175 28:54. These verses have been referred to in the previous chapter.
Chapter Two

People of the Book in the *hadith*

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 *ahādīth* 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-Barāʾ 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

178 Muslim, op. cit, bāb al-Salām, No: 818.
179 *Sharḥ al-Imām al-Nawawi ṭalā’at ṣaḥīḥ al-Imām Muslim*, op. cit., 3:173
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-Muharram) when he found the Jews fasting on this day:

On the authority of Ibn ‘Abbas 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 Allah saved banū Isrā'il 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 qirāt? (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

---


\(^{182}\) Al-Bukhārī, op. cit., *Kitāb al-Ṣiyām* No. 1865.

\(^{183}\) Al-Qaṣṭalānī, op. cit., 3:422.

\(^{184}\) Al-Bukhārī, op. cit., *bāb ḥadīth al-‘Nbiyā’* No 2300.
were given additional reward for it is Allāh’s Grace, which He can grant to whom He wishes. Another hadith 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 three sects one in paradise and seventy-two in Hell. Upon being asked which sect is that which will enter paradise, he said the group.’

It should be observed that the number of divisions between the three groups in the hadith are not the same. There are 71 divisions of Jews, 72 of Christians, and finally 73 of Muslims. The hadith 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 ahādīth refer to some Jewish and Christian practices and commend Muslims not to do so. An example of this is the hadith 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.”

As a result, those who do so are cursed in the hadith. 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 hadith 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 Majah, op. cit, bāb al-Fitan, No 3982.
186 Al-Bukhārī, op. cit., bāb aḥādīth al-'Anbeyā’, No 3195.
of worship. An example of this is the *hadith*\(^{187}\), 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 Allah be pleased with them- saw a church in Abyssinia and in the church there were pictures. When they informed Prophet Muhammad 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 Allah'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 *hadith*, 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 *hadith*, 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 Allah'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 *hadith* and history show that he sent

---


\(^{188}\) Muslim, op. cit, bāb al-Lebās wa al-Zinah, No.3926.

\(^{189}\) Harf Encyclopaedia of *hadith*, op.cit.

\(^{190}\) Al-Bukhārī, op. cit, bāb al-ʻAqīḍah al-ʻAnbiyāʼ, 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. 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. 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.

The purpose of their visit was to negotiate some kind of treaty with Prophet

192 Goddard, op. cit., p.20.
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. 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 (hūd al-Awāqi) 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 Maʿarra, 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, Apostles 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) bani Māṣr, al-Agra` b. Ḥābis al-Ḥaṣāli, and al-Mughirah b. Shu`bah. ‘Abd Allah b. Abū Bakr acted as secretary. 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.

195 Al-Waqif, op. cit, p.76.
Bosworth adds that several versions of this covenant are preserved in the Muslim and Eastern Christians (particularly Syriac sources). 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.” 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 Muhammad refuses to submit, Chosroes II would use his force to destroy Madīnah.

As for the contacts with the Jewish side, Prophet Muhammad 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. 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 Muhammad, Allah’s slave and his Apostle to Hercules, the Chief Byzantines: peace be upon him who follows the right path, to proceed.”

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 Muhammad 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.

199 Al-Bukhārī, op. cit., bäb al-Ist’dhān, No.5790.
An entire section in al-Bukhārī’s Sāhih titled the book of expeditions (kitāb al-Maghāzī) deals with this issue. It refers to some battles such as Badr, Uḥud, Khaybar, banū al-Nadīr, and banū Qurayzah. 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 hadith narration. The hadith 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 Muhammad 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. Muslama 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.

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. 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.

Another example the hadith mentions occurred when a Jewish chieftain called Abū
Rāfiʿ b. Abī al-Ḥuqayq was killed:

On the authority of al-Barāʿ b. ʿĀzib who said that Prophet Muḥammad sent a group of people to Abī Rāfiʿ. ʿAbd Allāh b. ʿĀtik entered Abī Rāfiʿ's house at night while he was asleep and killed him. 204

In brief, it is related that Abū Rāfiʿ used to hurt Prophet Muḥammad and supported Kaʿb b. al-Ashraf. Prophet Muḥammad sent some of the Anṣār tribe to Abū Rāfiʿ 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 ʿUmar who said that banū al-Naḍīr and banū Qurayzah fought against Prophet Muḥammad breaking their peace treaty so Prophet Muḥammad exiled banū al-Naḍīr. He allowed banū Qurayzah 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 Qaynuqaʿ, banū Ḥāritha, and all Jews from Medina. 206

This battle occurred when a Muslim unintentionally killed two Jews from the tribe of banū ʿĀmir 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-ʿAṭzāb or al-Khandaq (the parties or the trench):

On the authority of Sulaymān b. Surd who said: on the day of al-ʿAṭzāb Prophet

204 Al-Bukhārī, op. cit., bāb al-Maghāzī, No.2800
205 Al-Ṭabarī, Tārikh al-Umam wa al-Mulūk Year of publication is not mentioned, 3:6
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 ḥadīth 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-Maghāzi, No.3801.
210 Al-Bukhārī, op. cit., bāb al-Maghāzi, No.3876
212 Musnad Aḥmad, op. cit., musnad banū Ḥāshim, No.2648.
As a result, one of the companions died. Neither Prophet Muhammad nor his companions took any action against this woman and she was forgiven. The last armed encounter was of banū Qurayzah. The hadīth 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 Qurayzah agreed to accept the verdict of Sa‘d b. Mu‘ādh so Prophet Muhammad sent for him. When he approached the mosque, Prophet Muhammad said to al-Anṣār tribe: “Stand up for your chief or the best among you”. Then he said to him: “Those (banū Qurayzah) agreed to accept your sentence”. Sa‘d said: “Kill the warriors and keep their offspring as captives”. Prophet Muhammad said: “You have judged according to Allāh’s judgement.”

For this battle Prophet Muhammad received a divine order that he should prepare Muslims to fight banū Qurayzah who reneged their agreement with Prophet Muhammad and supported Quraysh against Muslims. Banū Qurayzah 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 Muhammad 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 Qurayzah. The sentence stipulated that every young man should be killed and that children and women should be taken as captives.

Another hadīth 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 Muhammad saying: ‘I will expel the Jews and Christians from the Arabian Peninsula and will not...
Chapter Two

People of the Book in the hadith

leave anyone except Muslims.\textsuperscript{216}

Expulsion of Jews and Christians from Arabian is mentioned in the collections of hadith and occupies a considerable section in historical books. This expulsion occurred during the caliphate of 'Umar b. al-Khattāb. This topic will be analyzed in the following chapters. There are some other ahādīth which predict future armed clashes between Jews and Muslims. The following hadīth 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."\textsuperscript{217}

The hadīth indicates that the Islamic religion will prevail before the descent of Jesus.\textsuperscript{218} This prediction is in line with the Qurʾān where it affirms this fact about future fighting between Muslims and Jews.\textsuperscript{219}

2.11.11 The penal code

The hadīth collections refer to the penal code. Some come under different titles such as bāb al-Ḥudūd, al-Qasāmah, (chapter of punishment) and bāb al-Dīyyāt (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 Shari'ah, or the different judgements of the criminal acts. Rather, the focus will be on the ahādīths that deal with the penal code. An example is the following hadīth:

\textsuperscript{216} Abū Dāwūd, op. cit., bāb al-Kharāj wa al-Imārah wa al-Fay', No.2635.
\textsuperscript{217} Al-Bukhārī, op. cit., bāb al-Jihād wa al-Siyar, No.2708
\textsuperscript{218} Ibid.
\textsuperscript{219} 17:5.
On the authority of ‘Abd Allāh b. ‘Umar who said that Prophet Muḥammad said ‘whoever kills a Muʿāhad will never smell the fragrance of Paradise although its fragrance could be smelt through a far distance reaches forty years’.  

The ḥadīth forbids the killing of a muʿāhad 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 ḥadīth in question shows the punishment resulting from killing a Jew or a Christian without a legal reason. This verdict includes every dhimmi 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. It should be noted, as Maudoodi states, that penal laws are the same for dhimmi and Muslims and should apply to the People of the Book who live within the borders of an Islamic state.

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 dhimmi or a mustaʿman. The Shāfiʿī, 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 (qiṣṣā) if he kills a non-Muslim for the purpose of stealing or similar. Diyyah is another issue which emerges from the previous discussion:

On the authority of ‘Amr b. Shuʿayb who said through his father through his grandfather that Prophet Muḥammad said ‘The (diyyah) of a muʿāhad is half of that of a Muslim’.

---

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.
222Zaidān, op. cit., p.254.
223Abū Dawūd, op. cit, bāb al-Diyāḍ, No.3969.
Again, the four Sunni 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-Shāfiʿī and other scholars argue that it is one third of the value of a Muslim.226 The hadīth do not only apply to the crime of killing a muʿāḥad 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 hadīth which deals with adultery:

On the authority of Ibn ʿUmar who said that the Jews came to the Allah’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 Shāfiʿī 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 Shāfiʿī 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
lashes and should be exiled for one year. 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. 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 *hadîth* 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 (*qiṣâṣ*) 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. Allah’s messenger gave a command that his head should be crashed with two stones. 232

It can be deduced from this *hadîth* that the retaliation from the dhimmi 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 ʿAbbās narrates that Prophet Muḥammad judged a certain case relating to two Jewish tribes:

> On the authority of Ibn ʿAbbās who said that when the verse 5:42 was revealed banū al-Naḍîr used to give half of the blood money if they killed another Jew from banū Qurayḥah. If banū Qurayḥah killed one of banū al-Naḍîr they would pay the blood money in full. Then the messenger of Allah made it equal between them. 234

---

232 Muslim, op. cit., *Kitāb al-Qasāmah*, No.3167
234 Abū Dawūd, op. cit., *Kitāb al-Aqḍīyah*, 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 Shāfiʿī 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. 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.

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-Shuʿābī who said that a man was about to die in a place called Daqüqa' and he did not find anybody to take him as an eyewitness on his will except two *dhimmī* men. They arrived at al-Kūfah and they met Abū Mūsā al-Ashʿarī (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 Muhammad. 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.

---

236 Ibn Qudāmah, op. cit., 12:269.
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 these 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 Shi’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-Jawhari states that it means the money that should be taken from the ahl al-
Chapter Three

Poll tax (jizya)

Dhimmah (people of dhimmah). Ibn Manṣūr says that it is the money that ahl al-Dhimmah had to pay to conclude the covenant of dhimmah. The amount of money that should be taken from dhimmī people and the word is derived from jazaā (reward). Aghnides claims that jizya is derived from jaza means compensation, requital for good or evil. 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 ṣarbī (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”. 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.

It is a tribute of any kind paid by non-Muslim subjects which came to be used as a poll tax. 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. 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). 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-Jawhari, Ismā‘il b. Ḥammād. *Al-Ṣāḥib*. Cairo: Dār al-Kitāb al-‘Arabī, (Year of publication is not mentioned), 6:2303.
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 \textit{jizya} before the revelation of the verse (9: 29). Thereafter it appeared in the \textit{\text使之th} 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, \textit{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 \textit{jizya} and \textit{kharāj} were used differently during the ‘Abbasid period.\(^{14}\) We notice that the same source states:

\begin{quote}
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 versa.\(^{15}\)
\end{quote}

Ye’Or states that \textit{jizya} is a tax, which should be levied on the head of each subject and Allah has imposed it on the polytheists for the benefit of the believers.\(^{16}\) According to Arnold “the word \textit{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.


\(^{12}\) Ibid


\(^{14}\) Ibid.

\(^{15}\) Ibid.


\(^{17}\) 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. Finally, according to Brandon, *jizya* denotes: “poll tax levied on the non-Muslims. 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.”

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. 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.

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.

There was a personal tax from which colonists and non-Christians were exempted. Sa’dî 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.”

---

23 *The encyclopaedia of Islam*, op.cit., 2: 559-562.
24 Ibid.
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 drive 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.  
Chapter Three

Poll tax (jizya)

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. 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? Matthew 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” Matthew 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'an and Sunnah that constitute the basis from which all Muslim jurists developed their juristic reasoning.

3.4 The origins of jizya in the Qur'an

This section will deal with the Qur'anic verse that refers to jizya and discuss the opinions of a number of exegetes. Relevant traditions of Prophet Muhammad will also be discussed. The practices and dealings of Prophet Muhammad with the People of the Book regarding these matters need to be emphasized. Firstly, Islam made the payment of this tax obligatory on dhimmis 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 dhimmis enjoyed the same benefits from the state's budget.

Chapter Three

Poll tax (izya)

The books of jurisprudence normally discuss the issues of dhimmis, jizya, and kharâj under the book of al-Jihâd or the headings of al-Siyar. The Qur'ânic 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 Tabûk. The part of the verse on which there is much discussion is “and feel themselves subdued” (wahum ʂâghirûn). Jurists and exegetes disagree on the exact meaning of the word “ʂâghirûn”. Abû ‘Ubayd states that it either means in cash, or they should pay it while they are standing which would mean humiliation. This word gave rise to both stringent and lenient interpretation in both Ḥadîth and juristic books. Some have erroneously viewed this Qur'ânic 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'ân exegetes would refute this claim. Al-Shâfi‘î argues that the word xghär (the infinitive of ʂâghirûn) means submission of the infidels to the Muslim rule. He adds that infidels might not be treated as dhimmis unless they fall under the Islamic laws. Agnides affirms that the Mālikî School state that humiliation of the dhimmis is a matter of obligation and they may not settle their jizya by proxy. The jurist Ibn Ḥazm asserts that the word ʂâghår means that they should abide by the Islamic law and that they should not perform their religious rituals in

---

The word *jizya* was not familiar among the Arabs before it was revealed in the Qurʾān. 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.

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*. 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. 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 Qurʾān and, secondly, they do not believe in Prophet Muḥammad. 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.

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.
Chapter Three

Poll tax (jizya)

Ibn ‘Atiyyah, 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


\(^{50}\) Ibid,16:23.


Chapter Three

Poll tax (jizya)

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 Rīḍa, 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-Rāzi’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, Rīḍa 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 Jawhari, the verse means that they should pay it in cash or they should pay it


\(^{54}\) Ibn Qayyim al-Jawziyyah, op. cit, p. 253.


\(^{57}\) Ibid.

\(^{58}\) Ibid.

Chapter Three

Poll tax (jizya)

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.\(^{60}\) Qutb 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 Sāḥgirūn, 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

\(^{60}\) Jawhari, Ṭanṭawi, al-Jawāhir fi tafsīr al-Qur'ān al-Karim, Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa awlādīh, 1350 A.H., 10:102-103.


\(^{65}\) 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 alḥādīth. An entire chapter in al-Bukhārī’s sefiḥ 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 and the People of the Book. The following paragraph show the existence of jizya in the ḥadīth collections:

On the authority of Abū Hurairah that Allah’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 Allah (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 Allah and a human being) Before his death. And on the Day of Judgment He will be a witness against them.' (4.159) The hadith 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. 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-Rahmān b. ‘Awf testified that Prophet Muḥammad took it from the Magians of Hajar.

---

66 Al-Jaṣṣṣ 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-Jaṣṣṣ, op. cit., 3:113.
67 Ibn al-Qayyim, op. cit., 1:79.
68 See fath al-Bāri, 7: 302.
69 Ibid.
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 *dinārs* 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. Ṭhāmād through 'Abd al-Rahmān b. Ghonm said I heard Abū 'Ubaydah b. al-Jarrāh 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 Allah’s Messenger as saying: Allah

---

would torment those who torment people in the world.'

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. 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." 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-'Azīm, through Sahl b. Muḥammad through Yahyā b. Abū Zaidah through Muḥammad through Isḥāq through 'Āsim b. 'Umar through Anas b. Mālik through 'Uthmān b. Abū Sulaymān said: that Prophet Muḥammad sent Khālid b. al-Walid to Okayder Domah and he was brought to Prophet Muḥammad. Prophet Muḥammad made a covenant of protection with him and accepted jizya from him.

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. 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 Ḥijrīl through 'Aṣā b. al-Saib through Abū al-Bakhtūrī 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 Muhammad 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 Allah does not like the treacherous."

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.
78 Abū Dawūd, op. cit., bāb al-Kharrāj a al-Imārah wa al-Fay, No.3641.
79 ‘Awn al-Ma‘bud fi 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 Muhammad'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 Yusuf 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 mainta ins that the covenant was not an Islamic

---

81 Abū ‘Ubayd, op. cit., p.16
82 Al-Nemr, op. cit., 95.
85 Aghnides, op. cit., p.356.
innovation. Rather, it was common before Islam and was modified by Muslims.\textsuperscript{86} In this connection, the phrase \textit{ahl al-Dhimmah} needs to be discussed. The Arabic word "dhimmi" 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.\textsuperscript{87} Furthermore, he adds that this title placed them in a remarkably respectable position.\textsuperscript{88} Dumayriyyah explains that \textit{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.\textsuperscript{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 \textit{jizya}.\textsuperscript{90} A \textit{dhimmi} is the one with whom the covenant of protection was concluded when his property, religion, and honour are guaranteed.\textsuperscript{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.\textsuperscript{92}

Dennett states that the \textit{dhimmi} is the one who is connected with the Muslim society enjoying its benefits of freedom. He adds that the \textit{dhimmi}, with some exceptions, has the same rights and obligations as a Muslim citizen. They are non-Muslim residents and \textit{ahl al-Dhimmah} generally means Jews and Christians. It would involve those who do not have a revealed book such as the Magians,\textsuperscript{93} Sabaeans, and Samaritans.\textsuperscript{94} The word \textit{dhimmi} refers to idolaters and fire worshippers provided they accept residence in any Muslim territory except

\textsuperscript{87}Aslan, Adnan. The concept of ahl al-Dhimmah and Islamic pluralism. \textit{The Islamic quarterly}, 2003, XLVII (1) p.1.
\textsuperscript{88}Ibid.
\textsuperscript{90}Muḥammad, op. cit., p.53.
\textsuperscript{91}Al-Nemr, op. cit., p.73.
\textsuperscript{92}Ibid.
\textsuperscript{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-Shaharastäni, Muḥammad b. `Abd al-Karīm. \textit{Al-Mela! wa al-Nehal}, Cairo: Maktabat al-Ḥusayn al-Tijäriyyah, 1949, 2, 55.

170
According to Khadduri, the word *dhimmah* itself means: “compact which the believer agrees to respect, the violation of which makes him liable to (*dhammi*) 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.” The attitude towards *dhimmis* 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 *dhimmis* 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. The covenant is the official status granted by the Muslim ruling power to the non-Muslims.

The Ḥanafi 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. He states that this covenant has its own basis in the Qur’ān and *ḥadīth* and, Muslim jurists unanimously agreed on its validity.

---

95 Ibid, 176-177.
100 Ibid.
Al-Kasānī relies on the Qur'ānic verse 9:29 and the traditions that show Prophet Muhammad's practice with the tribes with which he concluded this covenant. Siddiqī 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.\textsuperscript{101} Abū Sulaymān 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."\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.

\textsuperscript{101} Siddiqi, S. A. Public finance in Islam. Lahore: M. Ashraf, 1948, p.3.
\textsuperscript{102} Abū Sulaymān, op. cit., p.28.
\textsuperscript{103} Ibid.
\textsuperscript{105} Ibn Qudāmah, op. cit., 13: 207, Dumayriyah, op. cit. p. 61.
\textsuperscript{107} Ibid, pp.213-214.
Secondly, they should abide by the Islamic shari‘a regarding their dealings, penalties, and courts.\textsuperscript{108} He further states that as a result of this covenant, dhimmis have their religious freedom and their own judicial affairs regarding marriage and divorce.\textsuperscript{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.\textsuperscript{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 ṭadīth\textsuperscript{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.\textsuperscript{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.\textsuperscript{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 can implement this covenant.\textsuperscript{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.\textsuperscript{115}

The Shāfi‘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

\textsuperscript{108}Al-Ṣawwāf, op..cit., p.38.  
\textsuperscript{109} Ibid.  
\textsuperscript{110} Al-Jaṣṣās, op. cit., 3:113.  
\textsuperscript{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 ṭadīth is quite long to mention here. Muslim, op. cit, Kitāb al-Jihād wa al-Siyar, No. 3261.  
\textsuperscript{112} Al-Kasānī, op. cit., 5:426.  
\textsuperscript{113} Ibid, 9:433.  
\textsuperscript{114} Ibid.  
\textsuperscript{115} Ibid.
Chapter Three

Poll tax (jizya)

Sabaean. Al-Sarkhaṣ 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. According to al-Kasānī, the covenant could be dissolved in the following cases: if a dhimmi becomes a Muslim, joins lands of war (dār al-ḥarb) or if he fight Muslims. 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. The Ḥanafi jurist al-Jaṣāṣ maintains that after concluding the covenant of dhimmah and after one year has lapsed, jizya becomes obligatory.

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. Ibn Qudāmah maintains that jizya is an amount of money that should be levied annually from unbelievers (kuffār) because they reside in dār al-Īslām (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. 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.

118 Al-Kasānī, op. cit., 9:446-447.
120 Al-Jaṣāṣ, op. cit., 3:124.
Chapter Three

Poll tax (jizya)

Secondly, those who are believed to have a kind of a divine religion like Magians. 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. Al-Imām Mālik argues that it is incumbent on every young male Jew or Christian and it even involves followers of other religions. 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 hadith in which Prophet Muhammad 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 from the non-Arab People of the Book and Magians. He states that jurists unanimously agreed on that but disagreed on those who have no scripture or People of the Book but are Arabs. Al-Imām al-Shāfī‘ 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 Muhammad accepted the tax from the dhimmi of Yemen and the Arab Christians of Najrān.

Ibn Ḥajar al-Ḥaithami, a Shāfī‘ 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. 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 hadith affirms that Prophet Muhammad accepted it form the Magians:

On the authority of Buraidah, that Prophet Muhammad said: if you see your enemy among the non-Muslims invite them to Islam.... until he (Prophet Muhammad reached jizya (the hadith is quite long to mention here.  

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.
127 Ibid.
128 Al-Shāfī‘, op.cit., 4:244-245.
130 Muslim, Kitāb al-Jihād wa al-Šiyar, No. 3261.
Chapter Three

Poll tax (jizya)

To support their opinion, the Shafi‘î school refers to the verse of jizya and a prophetic hadith. In accordance with the school, those who pay jizya are required to abide by Muslim rulings except for issues that relate to ritual matters. Aghnides, in agreement with the Shafi‘î school, argues that the tax is called jizya because dhimmis had to pay it as compensation for being spared from death. Al-Kasînî 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 kitab al-Kharaj drawn up by the judge Abû Yusuf at the request of Hârûn al-Rashîd. Abû Yusuf states that jizya is accepted from all dhimmî people, Magians, Samaritans, unbelievers and Sabaeans but not Arab idolaters and apostates.

Ibn Qudâmah 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 Qudâmah further adds that jizya is accepted from Magians but not any other group. 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 hadith). Thirdly, apostates from whom jurists agreed that jizya should not be taken. Abû ‘Ubayd maintains that this tax is accepted from the Arabs as Prophet Muhammad accepted it from the people of Yemen and from the Christians of Najrân. He adds that it should also be taken from Magians as ‘Umar I the second Caliph took it from the

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 Sämîr.
135 Abû Yusuf, op. cit., p.128.
137 Al-Mujaz, op. cit., p.40-41.
Chapter Three

Poll tax (jizya)

Persians. 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 Dar al-Islām, Dar al-Ṣulḥ, and Dar 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. ‘Abdu maintains that its inhabitants are Muslims and non-Muslims and they are guaranteed as to their faith, people, and possessions of the dhimmis. 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
140 Ibid.
Chapter Three

Poll tax (jizya)

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. 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. 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. 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.
presumably hostile to the Muslims living in its domain. The authority and the law of non-Muslims are enforced therein. Although neither the Qurʾān 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 Maliki 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. 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. 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 Qurʾān and sunnah do not specify this kind but it is left to the discretion of the imām. Second is Sulhiyyah (accomplished through mutual agreement). This amount can only be specified through the covenant of dhimmah and the articles it involves. Like the Shāfʿī School, Ibn Rushd counteracts this view and says that the Sulhiyyah 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. 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

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
Chapter Three

Poll tax (jizya)

collective tribute unrelated to any kind of assessment.”

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 hadīth has some examples. In addition, some Muslim jurists, in agreement with the hadīth, 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.”

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. 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. Initially, this tax was estimated at one dinār 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 dinār 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. However, both Al-Jaṣāṣ and Ibn Ḥazm concluded that jizya could also be collected from women if they

150 Arnold, op. cit., p.5.
151 Muḥammad, op. cit., p.53.
152 Ibid.
agreed (‘alā wajh al-Šalīḥ). They added that Prophet Muḥammad ordered some of his commanders to take one dinār 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 dinār 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 dinārs otherwise, it should be two dinārs 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 Ḥanbālī 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-Jašṣ, op. cit., 3:117.
158 Al-Qurashi, op. cit., pp.23,70, 84.
159 Al-Imām al-Nawawī, op. cit., 4:221.
Chapter Three

Poll tax (jizya)

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 dirhams162 on the rich, twenty-four on the middle class, and twelve on the poor.163 The Ḥanāfī jurist Abū Yūsuf states that the lower and upper limits are set by 'Umar in his letter to 'Uthmān b. ʿAhnīf in Khūfa. 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 dinārs for those who pay in gold and forty dirhams for those who pay in silver.167 It should be noted that Sunni 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

---

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.
Chapter Three

Poll tax (jizya)

the age of twenty and fifty was compelled to pay jizya of four and twelve dirhams.\textsuperscript{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."\textsuperscript{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.".\textsuperscript{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\textsuperscript{172} and al-Memmī\textsuperscript{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.\textsuperscript{174} Al-Šallābī 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.\textsuperscript{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 Ḥanbali and Shāfi‘ī schools say that jizya can be levied on all kinds of wealth.

The proof on which they rely is the hadīth, 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

\textsuperscript{169} Dennett, op. cit., p.15.
\textsuperscript{170} Abū 'Ubayd, op. cit., p.25.
\textsuperscript{171} Arnold, op. cit., pp.59-60.
\textsuperscript{172} 'Āmer, op. cit., p.300.
\textsuperscript{174} Doi, Abdur Rahman I. Non-Muslims under shari'ah (Islamic law), London: Ta Ha publishers Ltd, 1983, p.59
\textsuperscript{175} Al-Šallābī, op. cit., 340.
Chapter Three

Poll tax (jizya)

according to its value." 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. 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. 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. 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.

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. Al-Kasāni, a Ḥanafī jurist, agrees with the Mālikī School and adds that it was not collected after one full year. The Ḥanabī jurist states that it should be collected at certain time and it should be treated as zakāh for Muslims.

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.
179 Abū 'Ubayd, op. cit., p.25.
181 Ibn Rushd, op. cit., p. 485
182 Al-Kasānī, op. cit., 9:446.
183 Ibn Qudāmah, op.cit., 13:212.
Chapter Three

Poll tax (jizya)

on the application of jizya in the case of conversion. The Ḥanafi jurist al-Kasāni 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.\footnote{Ibid, p.445.} Abū Yusuf, another Ḥanafi jurist, states that it should not be collected from a person who has converted to Islam until one full year has lapsed.\footnote{Ben Shemesh, op. cit., p.84.} However, al-Shāfi‘ī maintains that jizya is to be collected even if the non-Muslim converts to Islam.\footnote{Ibid.} 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.\footnote{Ibn Qudamah , op. cit., 1: 221.} Ibn Qudāmah adds, in contradiction to the Ḥanafi School, that if a dhimmī dies, jizya is collected from 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.\footnote{Abū ‘Ubayd, op. cit., p.28.} 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.\footnote{Encyclopaedia Britannica.}

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 Ḥira 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 Yusuf 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..."
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.'

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.

4.8.5.4 Participation with Muslims in military activities

If dhimmi people fought alongside Muslims to defend Muslim lands, dhimmi 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.”

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 dhimmi 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 poll tax; his sustenance is provided by the Moslem Exchequer." In his book "al-Kharāj," 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 Yusuf, op. cit., p. 139.
191 Al-Kasānī, op. cit., 9: 446.
192 Arnold, op. cit., p. 61.
Chapter Three

Poll tax (jizya)

paying jizya. The Hanbali 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 banu Taghlib.\(^{193}\) Al-Shafi'i agrees but argues that jizya should be taken from monks and old people.\(^{194}\) Al-Mawardi, a Shafi'i 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 Malikî School says that those listed by the Hanbali 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 Malikî 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 imam as they are a matter of ijtihād.\(^{197}\) Al-Kasāni, a Hanafi 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 Hanafi jurist Abū Yusuf illustrates that it jizya should not be taken from the Christians of banu 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 banu 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 Quddamah, op. cit., 13:224.

\(^{194}\) Al-Shafi'i, op. cit., 4: 248-249.

\(^{195}\) Al-Mawardi, op. cit., p.255.


\(^{197}\) Ibn Rushd, op. cit., p.484.

\(^{198}\) Al-Kasāni, op. cit., 9:439-442.

\(^{199}\) Abū Yusuf, op. cit., p.122.
Poll tax (jizya)

fit to defend the Muslim state. 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. 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 dhimmi 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. 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.
202 Muhitin, op.cit.
Chapter Three

Poll tax (jizya)

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 dhimmi 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.

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
Chapter Three

Poll tax (jizya)

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, Zaidän 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.\(^\text{207}\) 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.\(^\text{208}\)

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.\(^\text{209}\) 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.\(^\text{210}\)

Doi states that this tax is not obligatory and it could be waived whenever it is necessary\(^\text{211}\). 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

\(^{207}\) Zaidän, 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.
Chapter Three

Poll tax (jizya)

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.  

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'anic verse (9:29). Al-Sarkhasi 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.  

Al-Qaradawi 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.

Furthermore, ‘Abd Allah 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. Zaidan 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
214 Al-Qaradawi, op. cit., PP.34,61.
becomes invalid if they fight alongside Muslims\textsuperscript{216}. Thus, it is again in return for their protection and security.\textsuperscript{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."\textsuperscript{218}

According to al-Qaradāwī, the significance of paying \textit{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.\textsuperscript{219}

Muḥammad demonstrates that since \textit{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.\textsuperscript{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."\textsuperscript{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.\textsuperscript{222} It is maintained that this tax was collected to guarantee the safety of the People of the Book in the conquered lands.\textsuperscript{223} AbūSulaymān states that the purpose of imposing \textit{jizya} is to guarantee the freedom of faith to the People of the Book.\textsuperscript{224}

Let us now look at this issue from the Western point of view. Margoliouth states that there is no much difference between \textit{jizya} and \textit{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

\textsuperscript{216} Zaidān, op.cit., p.144.
\textsuperscript{217} Ibid.
\textsuperscript{220} Muhammad, op.cit., p.53.
\textsuperscript{223} Aslān, op.cit., pp.1-2.
\textsuperscript{224} AbūSulaymān, `Abdūl Hamīd. \textit{Towards an Islamic theory of international relations: new directions for Islamic methodology and thought}. Herndon, Va: International Institute of Islamic thought, 1993, p.27.
Furthermore, Dennett argues that *jizya* was to compensate for the royal and priestly duties that the People of the Book were unable to discharge. 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. 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." Arnold argues that it is to release the People of the Book from the military service that is incumbent on their Muslim fellows.

---


226 Dennett, op. cit., p. 15.


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-Qurashi). 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

---

Chapter Four

Land tax (Kharāj)

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: “Sunni 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.\(^15\)

---

11 Ibid.
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.\footnote{Wahbah, H.W. *The ordinances of government*, A translation of *al-Āhkām al-Sulṭāniyyah wa al-Welāyāt al-Diniyyah*. Trans. Beirut: Grant Publishing Ltd, 1996, p.158.} Barakāt argues that *kharāj* means a tax levied on lands, the amount of which could increase as state expenses increase.\footnote{Barakāt, 'Abd al-Karim Sādiq. *Al-Igtisād al-Malī al-Islāmī*: Dirāṣah muqāranah bi al-Nuṣūm al-Wad'iyyah. Alexandria: Mo'assass Shabāb al-Jāmi`ah, 1984, p.565.} 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*.\footnote{Narīmān, op. cit., p.53.} The same source adds that Arabic technical literature used it to specifically denote land tax, at least before the formation of the Ottoman Empire.\footnote{4: 1031, op. cit..} Once more, Ye'Or states that: "this tax represents the Islamic community’s of ownership over the conquered lands of non-Muslim peoples."\footnote{Ye'Or, Bat. *The dhimmi, Jews and Christians under Islam*, NJ: Associated University Press, 1985, p.52.} 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.\footnote{LOkkegaard, Frede. *Islamic taxation in the classic period*. Copenhagen: Branner & Korch, 1950, p. 78.} Johansen argues that *kharāj* is a tax that the private proprietors of landed property should pay.\footnote{Yohansen, Baber. *The Islamic law on land tax and rent*. London: Croom Helm, 1998, p.7.} According to Islamic law, payment of this tax acknowledges the state-held title to ownership of conquered lands.\footnote{Ibid, p. 8.}

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.\footnote{Encyclopaedia Britannica, CD-Software.}

\subsection*{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-Qurashi 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*."\footnote{Lajīb al-Mālik al-Ṭabarī: al-Tabarī, Yahyā b. Adm. *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\textsuperscript{26} of Iraq.\textsuperscript{27} Tabātabā'ī states that kharāj comes from the Persian language and ultimately from Akkadian, 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."\textsuperscript{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."\textsuperscript{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."\textsuperscript{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."\textsuperscript{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.\textsuperscript{32} Al-Rayyis further states that kings of Persia divided crops with the landholders by taking one-tenth or half of the harvest.\textsuperscript{33} Kharāj was called tributum among the Romans and it was levied on the Persians at the time of Anūshirwān (531-579).\textsuperscript{34} It can therefore be presumed that kharāj is not only confined to Islam but can also be found in other religion and states.

\textsuperscript{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.
\textsuperscript{27} Ibn Rajab, op. cit., p.11.
\textsuperscript{28} Tabātabā'ī, op. cit., p.1-3
\textsuperscript{29} Ibid 28.
\textsuperscript{31} Runciman, Steven, Byzantine civilisation. London: E. Arnold & co., 1933, pp. 96, 97.
\textsuperscript{32} Al-Rayyis, op. cit., p.49.
\textsuperscript{33} Ibid.
\textsuperscript{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.  

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. He adds that scholars agree that it only applies to those who are able to fight. In his comment on the first verse, al-Ṭabarî 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. Like other commentators, Ibn Kathīr affirms that both words mean great reward.

---

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. Al-Syūṭī shares the same opinion and says that the two words have similar meanings.

4.5 The concept of kharāj in ḥadīth

This section will show the existence and meaning of kharāj in the traditions of Prophet Muhammad. The word kharāj is not very common in the ḥadīth collections. It can be argued the ahādīth 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 Muhammad. The ḥadīth reads:

On the authority of Mālik through Ḥumaid that Anas b. Malik said: Allah’s Messenger got himself cupped. His cupper was Abū Ṭaibah and he (Prophet Muhammad) commanded to give him (Abū Ṭaibah) one ṣā‘ (an old Arabic measure) of dates. He (Prophet Muhammad) talked with the members of his family and they lightened the burden of kharāj (tax) from him.

Although this ḥadīth refers to the existence of kharāj, it does not necessarily mean that the tax was applied during Prophet Muhammad’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 kharaj as a land tax, Sunni jurists usually resorted to the consensus of the Prophet’s companions.”

Another example that refers to kharāj is the following ḥadīth:

On the authority of ‘Urwa through his father said that Prophet Muhammad judged that kharaj is due because of the guarantee (That the seller gives to the buyer).

According to the explanation of this ḥadīth, kharāj here deals with a different theme, namely

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 hadith 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 alfdith that forbid Muslims from making the People of the Book suffer because of not paying taxes. The same can be said with regard to kharaj. The passage runs as follows:

On the authority of 'Urwa through his father that Hisham b. Hakim b. Hasan 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 kharaj... Thereupon he said: I heard the messenger of Allâh saying that: Allâh would punish those who torment people in this world (without any genuine reason). 44

This hadith affirms a decisive principle that none of the People of the Book should be harmed when paying kharaj but this tax should be collected with justice and clemency. None of the reports prove that Prophet Muhammed or any of his companions used harsh methods for collecting taxes.

4.6 How is kharaj viewed by jurists?

Kharaj applies to lands that could be cultivated or reclaimed. Unlike jizya, kharaj 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, Kitab al-Ber wa al-Seleh wa al-'Adab, No.4733.
pay out of their own money. The authenticity of this tax, as Tabātabā'i 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.”

4.6.1 The divisions of land according of kharāj

Abū 'Ubayd mentioned that he found reports from Prophet Muhammad 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. 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.

Ibn al-Qayyim maintains that the land is divided into six types. These divisions are as follows:

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...
Chapter Four

Land tax (Kharāj)

‘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. In practice, this type does not existent but is a legal presumption.

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. 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 Sulh land but they disagreed on the ‘unwah land and its amount. 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. Secondly, the ‘unwah land should remain the Muslims’ own land. Kharāj is taken from this land whether the holders are Muslims or non-Muslims. According to Ibn Zanjayah, an example is the case when Prophet Muḥammad conquered Khaybar. The Shāfi‘i jurist al-Maqdisi 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‘I, op. cit., p.106.
52 Ibn al-Qayyim, op. cit., 1:94.
53 Al-Rayyis, op. cit., p. 128.
55 Ibid.
becomes \textit{wagf} land. The last kind is land which Muslims took through mutual agreement. The \textit{imām} has the choice to accept \textit{kharāj} and it becomes \textit{wagf} or it becomes the holder's own possession and \textit{Kharāj} is levied.\textsuperscript{57} Finally, the Shi’ite scholar al-Karkī states that the divisions of the land in respect of \textit{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 \textit{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 \textit{‘ushr}. Third is the land which non-Muslims took through mutual agreement with the \textit{imām}. It is like \textit{jizya} and the landholders pays a specific amount that the \textit{Imām} stipulated. Lastly, land left by landholders or barren land that was revived by the \textit{imām} becomes his own.\textsuperscript{58} In conclusion as Tabātabā‘ī argues, those lands whose inhabitants do not voluntarily become Muslims are considered as \textit{kharāj} regardless of whether these lands were conquered through fighting or by a treaty.\textsuperscript{59}

4.7 Types of \textit{Kharāj}

This section will now show the types of \textit{kharāj} itself. Jurists are unanimous that there are two types of \textit{kharāj}:

4.7.1 \textit{(kharāj al-Wazifah)} (\textit{kharāj on land and produce})

According to the 	extit{Encyclopaedia of Jurisprudence}, \textit{kharāj al-Wazifah} is called \textit{kharāj of space (kharāj al-Mesāḥah)} as well because the \textit{imām} considers the space and the harvest of a certain land upon which \textit{kharāj} is imposed.\textsuperscript{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

\textsuperscript{59} Tabātabā‘ī, op. cit., p.112.
\textsuperscript{60} Jāmī’ \textit{al-Fiqh al-Islāmi}, (on line) Available at: \url{http://feqh.Al-islam.com/Bookhier.asp?Mode=0&DocID=100&MaksamID=1}, accessed 17\textsuperscript{th} May 2005
obligation and must therefore be paid by the owners." The origin of this tax goes back to the time of 'Umar I and his practices with the people of Iraq. 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. 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 of land that could be cultivated a cost of one qafz and one dirham. The companions of Prophet Muḥammad did not oppose the opinion of 'Umar I. According to Tabātabā’ī, this tax should be collected after one full year has passed.

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. In contrast to kharāj al-Ważīfah, 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.

---

64 A certain amount of space and it is ten Qafz and it generally varies according to countries. Tāj al-‘Arūs, op. cit., 3:147-148.
66 Ibid.
67 Tabātabā’ī, op. cit., p. 185.
68 Zaidän, op. cit., p.162.
69 Lāshīn, Maḥmūd al-Mursī, al-Tanzim al-Muḥāsabī li al-Amwāl al-‘Āmmah fī al-Dawlah al-Islāmiyyah, 204
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-Muqāṭa’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-Qurashi 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
Ibn Rajab states that the amount of kharāj is one dirham and qafiz 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 dirhams 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. Al-Māwardī states that the amount of kharāj is estimated according to the capacity of the crops that the lands could yield. According to Zaidān, kharāj should only be collected when crops are harvested. 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. 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. The Shāfi‘ī jurists state that the amount should be estimated according to the produce of the land. 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. 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. Similarly, it is stated that amount of the land tax was not specified but it had to be left to the emperor to decide.
Al-Mirghànî, a Ḥanafî jurist, states that the amount of ḵarāj is the same that had been imposed by 'Umar I. He adds that it could not be increased but it could be decreased. Thus, it will be noted that jurists do not agree on the amount of ḵarāj.

The reason for this variation could be attributed to the capacity of lands upon which ḵarāj applies and the quantity of the crops. Initially the amount of ḵarāj that 'Umar I imposed on the people of Sawâd in Iraq was one qafiz on the cultivated crops for every jarîb of fertile land, one dirham for every jarîb of vegetables, and ten dirhams for every jarîb of vineyards.

According to Aghnîdes, this amount constitutes the lawful rates and he adds that it may not be increased. In this connection, Tabâtabâʽi affirms that this rate was imposed in the previous periods. He says: "'Umar levied a specific rate of ḵarāj on the land of the sawâd which was the same as the rate of the fiscal levy on the region under the Sassânîds."

As for the collection of this tax, Al-Mâwardî maintains that there are some prerequisites that should be taken into consideration when collecting ḵarāj. Firstly, the nature of the land upon which the tax is levied whether it is good or not. The amount of ḵarāj varies according to the value of different crops. Lastly, the method of irrigation is another case which would alter the amount of ḵarāj. Abû Yûsuf states other conditions such as the condition of the crop, the expenses of cultivation, and the distance from the market. To conclude, ḵarāj 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 ḵarāj waived?

As in the case of jîzya, there are some cases in which ḵarāj becomes null. Both al-Marghinânî and al-Maḏdisî mention that it becomes null in the case of flood, drought or if

89 Ibid, 2:117.
90 Aghnîdes, op. cit., p.378.
91 Tabâtabâ'î, op. cit., p.186.
93 Ibid, pp..263,264.
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 Tabātabāʾī 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 Sunni 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, Tabātabāʾī states that Shiʿite 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 Sunni 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:

"Sarkhāsī 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-Qayyīm 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.
⁹⁸ Zaidān, op. cit., p.169.
⁹⁹ Tabātabāʾī, 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 (*ijtiḥād*). 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 (*ijtiḥād*). 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.
4.14 Etymology

According to Ibn Manzūr, ‘ushr means a part of ten and is derived from the root ‘ašhar which means to divide things by ten. 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 ḥarbi merchants from non-Muslim countries. This tax is also levied on the dhimmī and musta’man (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.

It is a tax which is payable upon moveable goods and it should be collected from the merchants’ wealth. 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. Muhammad argues that this tax considers the merchant’s religion where its amount varies from one person to another.

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

---

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
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.” Al-Imâm Mālik mentions that the basis on which ‘Umar I collected this tax from the Nabateans was that it was collected before Islam. Muhammad 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. 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. 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.

The person who collects this tax is called āsher. 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.
116 Muhammad, op. cit., p. 89.
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. Ibn al-Jawzī mentions that it was levied during the time of Prophet Noah.

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.”

Another example is the following ḥadīth: “on the authority of Wāʾik that he said to Prophet Muḥammad that he, the narrator, had palm-trees then Prophet Muḥammad told him to pay

120Abū ‘Ubayd, op. cit., p.214.
122Al-Bukhārī, op. cit., būb al-Zakāh, 1388.
'ushr.' The majority of these traditions are found in Mālik's *muwaffā*. 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 that states: "Ibn 'Abbās narrates through Abū Zībyān 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. Besides, it could be concluded from this ḥadīth that Jews and Christians should only pay the agreed amount. 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: "Muḥammad probably laid down the 'ushr as a kind of taxes for his newly-established community." ‘Ushr, however, only differs from kharāj in that the amount of ‘ushr is not the same as kharāj. It is maintained that ‘ushr is mainly attributed to the Caliph 'Umar I. 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. It is argued that ‘Umar I imposed this tax as was the custom of some non-Muslim neighbouring territories. Abū 'Ubayd narrated a report through al-Shu‘abī that 'Umar I was the first to impose this tax in Islam. 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 Ṣāḥib, op. cit., Musnad al-Shāmīyin, No. 17375.
124 Al-Ṭārimidhī, op. cit., Kitāb al-Zakāh, No.475.
127 The Encyclopaedia of Islam, op.cit. 2000, X: 917.
130 Lāshīn, op. cit., p.152.
131 Ibid.
Furthermore, when 'Umar I initially imposed it in the presence of some companions, nobody opposed it.\textsuperscript{133} The Hanafi jurist al-Käsäni mentions that 'Umar I appointed the tithe collectors and told them to collect this tax from the dhimmī and ḥarbī people.\textsuperscript{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.\textsuperscript{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."\textsuperscript{136} Abū Yūṣuf 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."\textsuperscript{137} To the same effect, 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."\textsuperscript{138}

It could be argued that the purpose of imposing this tax is to protect the merchant's own money as 'usaha is not applicable if a non-Muslim transports his money in a Muslim state and he does not intend to use it for trade.

\textsuperscript{133} Muhammad, op. cit, p. 90.
\textsuperscript{134} Al-Käsāni, op. cit., 2:455.
\textsuperscript{135} Ibn Qudāmah, op. cit., 13:234.
\textsuperscript{136} Abū 'Ubayd, op. cit., p.214.
\textsuperscript{137} Abū Yūṣuf, op. cit., p.135.
Chapter Four

Land tax (Kharāf)

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 dhimmi 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 Ḥanāfī 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 Ḥanāfī 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
142 Ibid.
143 Abū Yūsuf, , op. cit., p.135.
144 Al-Kasānī, op. cit., 2:454.
will bring his trade to a Muslim land. The ‘āsher or tax assessor is to give a proof of payment for the ḥarbī or dhimmi so that the latter does not have to pay again. It is to be paid if a dhimmi 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. The same source adds that it is payable on all kinds of commodities such as animals, cloth, gold, and silver. 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 dhimmi people who came to Muslim lands should be the same. It is stated that ‘Umar I justified the imposition of this tax on the dhimmi people as they had to pay it in pre-Islamic times. 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 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.
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. 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. Al-Imām Mālik says that a dhimmī should pay one tenth when he trades outside Muslim lands, otherwise ‘ushr should not be collected. Abū Yūsuf, a Ḥanāfī 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. 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. 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.

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.
As for the merchants among the People of the Book, they had to pay a half of a tenth.\footnote{159} Al-Qurashi relies on a tradition reported to ‘Umar I when the latter said ḥarbī merchants should pay one tenth.\footnote{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.\footnote{161} It is maintained that jurists do not agree on the amount of ‘ushr that a dhimmi 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.\footnote{162} Ibn Qudāmah, a Ḥanbalī jurist, states that a dhimmi should pay one tenth once a year because it is the amount imposed by ‘Umar I.\footnote{163} Another jurist of the same school mentions that the \textit{imām} could amend this amount or cancel it according to the exigency of the time.\footnote{164}

It would be remarked that sometimes ‘ushr is used to denote zakāh. Thus, we find Johansen differentiates it from \textit{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.\footnote{165} Kharāj is payable even if the land was left idle but ‘ushr applies only if the land was cultivated.\footnote{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.

\footnotetext[159]{Ibid, p.173.} \footnotetext[160]{Ibid.} \footnotetext[161]{Bultājī, op. cit., p.375.} \footnotetext[162]{Muhammad, op. cit., p.91.} \footnotetext[163]{Ibn Qudāmah, op. cit., 13:228.} \footnotetext[164]{\textit{Al-Kāṣī\textquotesingle fi ḥīf al-Imām Ahmad,} (On line) available at: \url{http://www.islamweb.net/php/php_arabic/ShowChapter.php?lang=A&BabId=257&ChapterId=257&BookId=50} \&CatId=214, accessed 16th July, 2004.} \footnotetext[165]{Johansen, op. cit., p.135.} \footnotetext[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. 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. 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.

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. 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. Although the Qur’ān did not explicitly refer to the city but ensures its importance by referring to the al-Aqṣā mosque. The hadith 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 Aqṣā

---

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, Shawqt. Al-Quds al-Sharif: pp 15-16
Chapter Five

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 Aeilia¹⁰ (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
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.
¹¹ Peters, F.E., 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
¹² 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-Hamawi, Yāqūt b. `Abd Allāh, Mu‘jam al-Buldān, Paris : Imprimerie Impériale, 1861, 3:293
¹³ Gray, op.cit., p.19
¹⁴ Extract from the encyclopaedia of Islam CD-Rom.
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. Gray argues that in the year 313AD Christianity became a legitimate and eventually the established religion of Jerusalem until the Arab conquest. Baramaki says: “in A.D. 328 official sanction of the Christian faith was given by the Emperors Constantine and Galerius.”

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.” 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.” 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.”

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
19 Gray, op. cit., p.194.
20 Baramaki, op. cit., p.140.
them the situation of alien subjects was worse than that of slaves.\textsuperscript{21} As for some groups of Jews, Hourani mentions: “Indeed for the Nestorians and Monophysites Muslim rule meant greater tolerance than they had received from Orthodox Byzantium.”\textsuperscript{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.”\textsuperscript{23} Al-Khatîb 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.\textsuperscript{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 inside the city.. and they lived in peace”.\textsuperscript{25}

\section*{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.\textsuperscript{26} Besides, Howaydi 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.\textsuperscript{27} Al-Ṣallābî 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.\textsuperscript{28} In brief, it could be argued that there is no comparison between what `Umar I did and the

\begin{thebibliography}{99}
\bibitem{Akram} Akram, op. cit., p.140
\bibitem{Al-Khatîb} Al-Khatîb, A. Jerusalem in the Qur’an, British Journal of Middle Eastern Studies, (28), 2001, pp. 25-53.
\bibitem{Al-Ṣallābî} Al-Ṣallābî, op. cit., p.140
\bibitem{Howaydi} Howaydi, Fahmi, Muvâṭṭihīn lâ dhimmīyyūn, Cairo: Dār al-Shuruq, 1999, p. 191
\bibitem{Al-Ṣallābî} Al-Ṣallābî, op. cit., p.140.
\end{thebibliography}
The covenant of ‘Umar I

Chapter Five

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 Mdinah 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
Chapter Five

The covenant of `Umar I

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. Al-Ṭabarî 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.

Khalid Ibn al-Walîd, during the caliphate of Abû 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-Ṭabarî and other historians refer:

In the name of God, the Merciful, the Compassionate.

This is the assurance of safety (amân) 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, nor 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 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 hadith.

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 Margoliouth, the covenant is translated into “the ordinance of ‘Umar’.

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 topic. Their views are diverse, and this section will provide an overview of some of the main perspectives. The covenant of ‘Umar I is a significant event in the history of Islam, and it has been the subject of much scholarly debate and discussion. 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 hadith.

Friedman, Yohanan, The history of al-Tabari, XII: 191-92

226
The covenant of `Umar I

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.
37 Besant, op. cit., p.80.
38 Ibid, p.82.
use in issues and privileges that relate to the dhimmī people. 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." Among the early classical works that referred to this covenant is the manuscript of Ibn Zabr al-Qādi (d.239 A.H) known as shurūt 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
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.”

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. The importance of this covenant may be summarized in the following words by Margoliouth: “the question to whom the ordinance goes back does not concern us; what is certain is that it was frequently enforced.” 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 hijrah. 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.” Tritton shares the same opinion stating: “suspicion arise that the covenant is not the work of ‘Umar.”

---

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, Bukhari 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."\textsuperscript{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 Zunnär 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."\textsuperscript{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.\textsuperscript{50} Ayüb 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.\textsuperscript{51}

\textsuperscript{48} Bukhsi, op. cit., p.121  
\textsuperscript{49} Triton op. cit., pp. 7-8  
\textsuperscript{50} Gillman, Arthur, The Saracens from the earliest times to the fall of Baghdad, London: T. Fisher Unwin, 1887, p.249  
\textsuperscript{51} Mahmûd Ayüb, Nearest in amity: Christians in the Qur'ân and contemporary exegetical tradition, Islam and
Chapter Five

The covenant of `Umar I

5.9 The different asānid of the covenant

Now I have come to show the different asānid that narrate this covenant. They will be arranged chronologically.

5.9.1 The isnād of Abū Yūsuf53: (113-182 AH)

Abū Yūsuf said some knowledgeable people informed me through Makhūl 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 Makhūl 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

---

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. Ḥadith: origins and developments, Aldershot: Ashgate, 2004, p.XIII. Or the chain of oral authorities which connected each tradition with its source. Ibid, 5.


Christian Muslim relations, 1997, 8 (2), PP.154-164
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-Ṣanʿānī (126-211 AH)

The following is the isnād of ‘Abd al-Razzāq al-Ṣanʿānī. Interestingly he attributes the covenant to ‘Umar b. ‘Abd al-‘Azīz (‘Umar II):

‘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 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 musannaf 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 musannaf did not refer to the covenant of ‘Umar I in any way.

The following is a copy of the covenant and it is found in kitāb al-Umm of al-Shāfi‘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 (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 للبلدان خلقها من شرح ربيع الأول سنة كذا وكذا، فالذان بن فلان النصراني من بني فلان، والذان بن كذا، وأهل النصرانية من أهل بلد كذا كذا إنك سأنتني أن ترككم وأهل النصرانية من أهل بلد كذا، وقد كله ولهم ما يشرط كله ولهم، وعلى التعليم، فاجبتي إلى أن تعتمد كله ولهم، وعلى جميع المسلمين:

الأمان ما استمتعوا واستمتعوا بجميع ما أخذنا عليهم، وذلك أن يجري عليكم حكم الإسلام، لا حكم خلاقيه بالزامهم، ولا يكون لكم أن تنتوا منه في شيء رأيناه نزلكم به، وعلى أن أبداً منكم إن ذكر حكمين صل الله عليه وسلم، أو كتب الله عز وجل أن يديله بما لا ينبغي أن يذكره به فقد برئت منه ذمة الله ثم ذمة أمير المؤمنين وجميع المسلمين، ونقص ما أعلى عليه الأمان، وحل

54 Al-Ṣanʿānī, ‘Abd al-Razzāq, Muannaf, Kitāb ahl al-Kitāb, (On line) Available at: http://www.sonnholine.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”.
Chapter Five

The covenant of Umar I

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 Allah so and so (julān) 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 (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 dhimmi 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.

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 carcass, 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.

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 carcass, 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.

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 carcass, 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.

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 carcass, 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.
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‘ahad 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 qisṭas (retaliation) is to be carried out unless heirs of the killed person wish to take the compensation.

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 nisāb) 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 Mary 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.

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 dinār 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.

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.
Chapter Five  The covenant of `Umar I

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 so and so (fulän) 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 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.

Then al-Shaфи`i (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)
The Shafi'i copy does not seem to be an actual isnad of the covenant. The researcher quoted it just to show the juristic view about this covenant. Al-Shafi'i just tells what conquering leaders should do and the canonical collections of hadith 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 isnad of Abū `Ubayd 57 (157-224 AH)

On the authority `Abd al-Rahmān b. `Uthmān said I wrote to `Umar b. al-Khattāb 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 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 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”.

Overview

Turning to Abü ‘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 Abü Bakr al-Khallāl (234-311 AH)

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.

---

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.
Chapter Five The covenant of `Umar I

5.9.5 The isnād of Ibn Zabr al-Qādî61: (255-329 AH)


قَالَ أَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِيّينَ الْمَهْدِيّينَ أَلْعَبَاءُ: فَأَخِيْرُنا أَرْبَعَةَ الْمَهْدِي**

That we should neither learn the Qur’an 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 “zanänir” 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 bury 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.


Overview

Although Ibn Zabr narrates this covenant through different ways, but according to al-
Dhahabī\textsuperscript{62} he is not trustworthy. If we apply the rules that should be followed to know the authentic \textit{nadīth} 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-Andalusi\textsuperscript{63} (384-456 AH)

Na Muhammad ben al-hassan ben al-warrith na abd al-rahman ben umar ben muhammad ben the hussain ben hussain ben madjid ben ishaq ben emad ben emad ben ammar. 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.


Overview

The only thing that could be noticed here, according to al-Dhahabī, is that two narrators (Ṭalḥa b. Muṣrāf and Masrūq) of this covenant did not meet each other. Al-Dhahabī\textsuperscript{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\textsuperscript{65} (384-456 AH)


\textsuperscript{64} Al-Dhahabī, op.cit.

Chapter Five

The covenant of Umar I

‘Ayzār told us through Sufyān al-Thawrī through Taḥtā b. Muṣrāf 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’s 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-Ṭūrṭūshī ⁶⁶ (451-520 AH)

We heard from ‘Abd al-Rahmān 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-Ṭūrṭūshī 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)


Chapter Five

The covenant of `Umar I


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 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 refuse the Muslim entry into our churches either by day or night; 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

243
Chapter Five

The covenant of `Umar I

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 from 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.

Overview

After viewing the isnād of Ibn `Asākir, 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 jīzāya. 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) 

Rwa'as Sufyan al-Thawri un Messenger Ibn Abi Rumayn Ibn 'Ubayd Allah ibn 'Abd Allāh ibn al-Imām Ahmad bin Ahmad: 'Abd Allāh bin Ahmad bin al-Imām Ahmad bin Ahmad bin Ahmad bin Ahmad bin Ahmad bin Ahmad bin Muhammad bin al-Maghribī. 

Sufyān al-Thawrī narrated through Masrūq through 'Abd al-Rahmān 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 (691-751 AH)

Qal Abū Sharḥabil al-Ḥimṣī ʻIsā b. Khālid informed us and said: 'Umar the father of al-Yaman and Abū al-Mughirah both of them said: Iṣma‘īl b. 'Ayyāsh said: more than one person of the knowledgeable people informed us that the people of al-Jazīrah wrote to 'Abd al-Rahmān 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 take books (the Gospel) to the markets of Muslims, that we should not publicly celebrate Palm Sunday and Easter as Muslims celebrate 'eid al-Adha (celebration of Sacrifice) and 'eid al-Fiṭr (celebration of braking the fast), that we should not raise our
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 (zanānir) 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

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'an, 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 wayfarer 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-Rahmān b. Ghonm wrote to 'Umar b. al-Khattāb 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.

Sufyān al-Thawrī mentioned through Masrūq through 'Abd al-Rahmān 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 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.

Al-Rabî' b. Tha'lab said: Yahyâ b. Tha'lab b. al-'Ayyâr told us through Sufyân al-Thawrî, al-Walîd b. Nûh, and al-Suray b. Muṣrâf mention through Ṭalḥa b. Muṣrâf through Msrûq through 'Abd al-Râhîm b. Ghanî said: I wrote to 'Umar b. al-Khaṭṭâb may Allah be pleased with him when he made a peaceful treaty with the Christians of al-Shâm: In the name of Allah, the Compassionate, the Merciful. This is a message of the servant of Allah 'Umar b. al-Khaṭṭâb 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 isnâd of Ibn al-Qayyîm seems to be very weak because of the following:

There is an interruption between him and Sufyân al-Thawrî who died 691 AH and from whom Ibn al-Qayyîm is narrating this covenant. Another interruption is between Sufyân al-Thawrî and Msrûq who died 62 AH. There is a big gap between the two narrators nearly more than 600 years. Furthermore, Ibn al-Qayyîm 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-Qayyîm's narration.

5.9.12 The isnâd of al-Qalqashandî70, (756-820 AH) Vol: 13, p.357

قال الإمام الحافظ جمال الدين أبو صادق محمد ابن الحافظ رضي الله عن ابن الحسن حيي بن علي بن عبد الله القرشي: أخبرنا الشيخ الغفوري أبو محمد بن عبد الزهر بن إسماعيل الزهرى المالكي وغير واحد من شيوخنا تجربة، قلنا أخبرنا أبو الطاهر إسماعيل بن مكي بن إسماعيل الزهري، قال: أخبرنا أبو بكر محمد بن الوالي الظهري الطروضي فراءة عليه قال: أخبرنا فاضل القضاء الدامغاني، أخبرنا محمد، أخبرنا أبو محمد عبد الرحمن بن عمر بن محمد التجيبى فيما قرأنا عليه.

Chapter Five

The covenant of 'Umar I


5.9.13 The isnād of al-Abshīḥī

It was narrated through Ṣād ibn Bishār 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-Abshīḥī’s narration cannot be accepted. There is a sudden disconnection between him and 'Abd al-Rahmān b. Ghonm. The chain of narrators is missing and there is a big gap between the two narrators. Generally, the work of al-Abshīḥī 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-Abshīḥī, Shihāb al-Dīn Muḥammad b. Ḥusn, Al-Mustārṣaf fi Kul fann mustaṣḥraf, 1:110-111, Cairo: Ḥusn Hefn, Year of publication is not mentioned.
should hurt them. That is because of what Prophet Muḥammad concluded with them. 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. 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 dhimmi people and it was a time of famine. He gave an order that the value of this grape should be given to the dhimmi. 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.” 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. 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-Qurashi, Yahyā, b. Ādm. Kitāb al-Kharāj. Cairo: al-Maṭba’a’ah al-Salafeyyah wa Maktabātihā, 1347 AH., p. 74
76 Haykal, M Ḥusayn. 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-Áṣ 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-Rahmān b. Ghonm and ‘Ayyād 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. ‘Ayyād b. Ghonm made a peaceful treaty with the people of Palestine and participated in the conquest of Jerusalem. 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 hadīth. 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?
Chapter Five

The covenant of `Umar I

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 fikh 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 hadīth have been thoroughly and deeply searched:

Ṣahīḥ al-Bukhārī; Sahīḥ Muslim; Sunnan al-Termidhī; Sunnan al-Nasā‘ī; Sunnan Ibn Mājah; Sunnan Abū Dāwūd; Musnad Aḥmad; Muwaffa’ Mālik; Sunnan al-Dārāmī; Mustadrak al-Ḥākim; Sunnan al-Bayhaqī; Sunnan al-Dārqūṭnī; Sahīḥ Ibn Ḥibbān; Sahīḥ Ibn Khuzaymah; Musnad Ishāq Ibn Rahawayh; Musnad Abū Ya‘lī; Musnad ‘Abd Allah Ibn al-Mubarak; Musnad al-Shāfi‘ī; Musnad Ibn Ja‘d al-Juhārī; Musannaf Ibn Abī Shaybah; and Musannaf ‘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 Musannaf 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-Wāqīdī, 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 hijrī 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

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 dhimmi communities in
Cairo during summer of 755/1354 and disseminated for application throughout the Mamluk
state. 80

80 Al-Maqrīzī, Taqiyy al-Dīn Aḥmad ibn ʿAll, Kitāb al-Sulūk li maʿrifat duwal al-Mulūk, Cairo: Matbaʿat lajnat al-
Tarjamah wa al-Taʿīf 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 numerousumber 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'an out of proper historical and textual context show that Qur'an 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'an and hadith 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 hadīth 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 hadīth 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 dhimmīs 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 Muslim 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-Ṣaānī 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 *hadīth*, as already been stated, is very noticeable especially in the major works of the third Islamic and the six canonical legal collections of *hadīth*. 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 Qurʾān and *hadīth* 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'anic verses discussed through chapter one

(1) Verses that praise the People of the Book:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Meccan verses</th>
<th>Chapter</th>
<th>Medinan verses</th>
</tr>
</thead>
<tbody>
<tr>
<td>74</td>
<td>23</td>
<td>2</td>
<td>62,256</td>
</tr>
<tr>
<td>7</td>
<td>143,144,157</td>
<td>3</td>
<td>20,45-50,64,113-115,199</td>
</tr>
<tr>
<td>28</td>
<td>51-54</td>
<td>4</td>
<td>123,131,162</td>
</tr>
<tr>
<td>S7</td>
<td>107-109</td>
<td>57</td>
<td>27-29</td>
</tr>
<tr>
<td>29</td>
<td>46,47</td>
<td>22</td>
<td>17,40</td>
</tr>
<tr>
<td>16</td>
<td>43</td>
<td>5</td>
<td>5,44,46,47,65,66,82-85</td>
</tr>
</tbody>
</table>

(2) Verses that criticise the People of the Book:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Meccan verses</th>
<th>Chapter</th>
<th>Medinan verses</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>4</td>
<td>2</td>
<td>100,101,105,109,111,113,120,135,144,146,159,160,174</td>
</tr>
<tr>
<td>15</td>
<td>91,92</td>
<td>3</td>
<td>144,146,159,160,174</td>
</tr>
<tr>
<td>6</td>
<td>114,146</td>
<td>33</td>
<td>26</td>
</tr>
<tr>
<td>4</td>
<td>44,46,47,51,153,155-158,171,172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>16,29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>1,4,6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>2,11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>5,6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>30,31,34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>14,15,17,18,19,41,43,51,57,59</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A comprehensive appendix of the Qur'anic verse that refer to the Jews and Christians

(A) People of the Book

<table>
<thead>
<tr>
<th>Meccan or Medinan</th>
<th>Verse number</th>
<th>Chapter</th>
<th>Serial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medinan</td>
<td>101</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>105</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>109</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>121</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>144-46</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>176</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>64-65</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>69-72</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>75</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>98-100</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>110</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>113</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>186</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>47</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>51</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>123</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>113</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>153</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>159</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>171</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>5</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>5</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>47</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>59</td>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>65</td>
<td>5</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>68</td>
<td>5</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>77</td>
<td>5</td>
<td>29</td>
</tr>
<tr>
<td>Meccan</td>
<td>20</td>
<td>6</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>89</td>
<td>6</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>114</td>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Medinan</td>
<td>94</td>
<td>10</td>
<td>33</td>
</tr>
<tr>
<td>Meccan</td>
<td>36</td>
<td>17</td>
<td>34</td>
</tr>
<tr>
<td>Meccan</td>
<td>43</td>
<td>16</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>21</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>52</td>
<td>28</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>46,47</td>
<td>29</td>
<td>38</td>
</tr>
<tr>
<td>Medina</td>
<td>16</td>
<td>57</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>59</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>6</td>
<td>41</td>
</tr>
<tr>
<td>Meccan</td>
<td>31</td>
<td>74</td>
<td>42</td>
</tr>
<tr>
<td>Medinan</td>
<td>1,4,6</td>
<td>98</td>
<td>43</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Meccan or Medinan</th>
<th>Verse number</th>
<th>Chapter</th>
<th>Serial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medinan</td>
<td>62</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>---</td>
<td>111</td>
<td>---</td>
<td>2</td>
</tr>
<tr>
<td>---</td>
<td>113</td>
<td>---</td>
<td>3</td>
</tr>
<tr>
<td>---</td>
<td>120</td>
<td>---</td>
<td>4</td>
</tr>
<tr>
<td>---</td>
<td>135</td>
<td>---</td>
<td>5</td>
</tr>
<tr>
<td>---</td>
<td>140</td>
<td>---</td>
<td>6</td>
</tr>
<tr>
<td>---</td>
<td>67</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>---</td>
<td>46</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>---</td>
<td>160</td>
<td>---</td>
<td>9</td>
</tr>
<tr>
<td>---</td>
<td>14</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>---</td>
<td>18</td>
<td>---</td>
<td>11</td>
</tr>
<tr>
<td>---</td>
<td>41</td>
<td>---</td>
<td>12</td>
</tr>
<tr>
<td>---</td>
<td>51</td>
<td>---</td>
<td>13</td>
</tr>
<tr>
<td>---</td>
<td>64</td>
<td>---</td>
<td>14</td>
</tr>
<tr>
<td>---</td>
<td>69</td>
<td>---</td>
<td>15</td>
</tr>
<tr>
<td>---</td>
<td>82</td>
<td>---</td>
<td>16</td>
</tr>
<tr>
<td>Medinan</td>
<td>146</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Medinan</td>
<td>30</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>Meccan</td>
<td>118</td>
<td>16</td>
<td>19</td>
</tr>
<tr>
<td>Medinan</td>
<td>17</td>
<td>22</td>
<td>20</td>
</tr>
</tbody>
</table>

(C) Children of Israel

<table>
<thead>
<tr>
<th>Meccan or Medinan</th>
<th>Verse number</th>
<th>Chapter</th>
<th>Serial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medinan</td>
<td>40</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>---</td>
<td>47</td>
<td>---</td>
<td>2</td>
</tr>
<tr>
<td>---</td>
<td>83</td>
<td>---</td>
<td>3</td>
</tr>
<tr>
<td>---</td>
<td>122</td>
<td>---</td>
<td>4</td>
</tr>
<tr>
<td>---</td>
<td>211</td>
<td>---</td>
<td>5</td>
</tr>
<tr>
<td>---</td>
<td>246</td>
<td>---</td>
<td>6</td>
</tr>
<tr>
<td>---</td>
<td>49</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>---</td>
<td>93</td>
<td>---</td>
<td>8</td>
</tr>
<tr>
<td>---</td>
<td>12</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>---</td>
<td>32</td>
<td>---</td>
<td>10</td>
</tr>
<tr>
<td>---</td>
<td>70</td>
<td>---</td>
<td>11</td>
</tr>
<tr>
<td>---</td>
<td>78</td>
<td>---</td>
<td>12</td>
</tr>
<tr>
<td>---</td>
<td>82</td>
<td>---</td>
<td>13</td>
</tr>
<tr>
<td>---</td>
<td>110</td>
<td>---</td>
<td>14</td>
</tr>
<tr>
<td>Meccan</td>
<td>105</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>---</td>
<td>134</td>
<td>---</td>
<td>16</td>
</tr>
<tr>
<td>---</td>
<td>137</td>
<td>---</td>
<td>17</td>
</tr>
<tr>
<td>---</td>
<td>138</td>
<td>---</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td></td>
<td>90</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>93</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>101</td>
<td></td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>104</td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Medinan</td>
<td>47</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>80</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>94</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Meccan</td>
<td>22</td>
<td>26</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>59</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>197</td>
<td></td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>76</td>
<td>27</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>53</td>
<td>40</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>59</td>
<td>43</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>44</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>45</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>46</td>
<td>37</td>
</tr>
<tr>
<td>Medinan</td>
<td>6</td>
<td>61</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
<td>39</td>
</tr>
</tbody>
</table>
A comprehensive appendix of the traditions found in the Ħarf Encyclopaedia CD-Rom and which refer to Jews and Christians.

<table>
<thead>
<tr>
<th>№</th>
<th>Book</th>
<th>Source</th>
<th>Serial</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>الإيمان (Faith)</td>
<td>صحيح البخاري</td>
<td>1</td>
</tr>
<tr>
<td>95</td>
<td>العلم (Knowledge)</td>
<td>---</td>
<td>2</td>
</tr>
<tr>
<td>524</td>
<td>موافقت الصلاة (Prayer times)</td>
<td>---</td>
<td>3</td>
</tr>
<tr>
<td>1318</td>
<td>الزكاة (Zakāh)</td>
<td>---</td>
<td>4</td>
</tr>
<tr>
<td>1365</td>
<td>---</td>
<td>---</td>
<td>5</td>
</tr>
<tr>
<td>1401</td>
<td>---</td>
<td>---</td>
<td>6</td>
</tr>
<tr>
<td>2107</td>
<td>الإيجارة (Rent)</td>
<td>---</td>
<td>7</td>
</tr>
<tr>
<td>2488</td>
<td>الشهادات (Testimonies)</td>
<td>---</td>
<td>8</td>
</tr>
<tr>
<td>2789</td>
<td>الجهاد والسير (Jiḥād and biographies)</td>
<td>---</td>
<td>9</td>
</tr>
<tr>
<td>4125</td>
<td>تفسير القرآن (Qur’an exegesis)</td>
<td>---</td>
<td>10</td>
</tr>
<tr>
<td>4200</td>
<td>---</td>
<td>---</td>
<td>11</td>
</tr>
<tr>
<td>4215</td>
<td>---</td>
<td>---</td>
<td>12</td>
</tr>
<tr>
<td>4293</td>
<td>---</td>
<td>---</td>
<td>13</td>
</tr>
<tr>
<td>4336</td>
<td>النكاح (Marriage)</td>
<td>---</td>
<td>14</td>
</tr>
<tr>
<td>5056</td>
<td>الدنブラح والصيد (Slaughtering and hunting)</td>
<td>---</td>
<td>15</td>
</tr>
<tr>
<td>5065</td>
<td>---</td>
<td>---</td>
<td>16</td>
</tr>
<tr>
<td>5072</td>
<td>---</td>
<td>---</td>
<td>17</td>
</tr>
<tr>
<td>5462</td>
<td>اللباس (Dress)</td>
<td>---</td>
<td>18</td>
</tr>
<tr>
<td>5739</td>
<td>الأدب (Manners)</td>
<td>---</td>
<td>19</td>
</tr>
<tr>
<td>5788</td>
<td>استئناف (Asking for permission)</td>
<td>---</td>
<td>20</td>
</tr>
<tr>
<td>6414</td>
<td>استماع الذوؤود والمعادين وكتالهم (Giving a chance to the apostates and insurgents to repent and fighting them)</td>
<td>---</td>
<td>21</td>
</tr>
<tr>
<td>6814</td>
<td>الإعتصام بالكتاب والسنة (Committing to the Qur’an and Sunnah)</td>
<td>---</td>
<td>22</td>
</tr>
<tr>
<td>6815</td>
<td>---</td>
<td>---</td>
<td>23</td>
</tr>
<tr>
<td>6824</td>
<td>التوحيد (Monotheism)</td>
<td>---</td>
<td>24</td>
</tr>
<tr>
<td>6865</td>
<td>---</td>
<td>---</td>
<td>25</td>
</tr>
<tr>
<td>6886</td>
<td>---</td>
<td>---</td>
<td>26</td>
</tr>
<tr>
<td>6968</td>
<td>---</td>
<td>---</td>
<td>27</td>
</tr>
<tr>
<td>6969</td>
<td>---</td>
<td>---</td>
<td>28</td>
</tr>
<tr>
<td>6979</td>
<td>---</td>
<td>---</td>
<td>29</td>
</tr>
<tr>
<td>6987</td>
<td>---</td>
<td>---</td>
<td>30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>№</th>
<th>Book</th>
<th>Source</th>
<th>Serial</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>الإيمان (Faith)</td>
<td>صحيح مسلم</td>
<td>38</td>
</tr>
<tr>
<td>28</td>
<td>---</td>
<td>---</td>
<td>39</td>
</tr>
<tr>
<td>179</td>
<td>---</td>
<td>---</td>
<td>40</td>
</tr>
<tr>
<td>219</td>
<td>---</td>
<td>---</td>
<td>41</td>
</tr>
<tr>
<td>1836</td>
<td>الصيام (Fasting)</td>
<td>---</td>
<td>42</td>
</tr>
<tr>
<td>3567</td>
<td>الصيد والذبائح (Hunting and slaughtered animals)</td>
<td>---</td>
<td>43</td>
</tr>
<tr>
<td>Page</td>
<td>Content</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4024</td>
<td>السلام (Greetings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4025</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4030</td>
<td>الفضائل (Virtues)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4037</td>
<td>صفات المنافيين وأحكامهم (Characteristics of the hypocrites and their affairs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4987</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4993</td>
<td>صفة القيامة والجنة والنار (Features of resurrection, Paradise, and Hell)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>سنن الترمذي (Zakah)</td>
</tr>
<tr>
<td>643</td>
<td>الصوم (Fasting)</td>
</tr>
<tr>
<td>1357</td>
<td>الحدود (Punishments)</td>
</tr>
<tr>
<td>1483-84</td>
<td>السير (Biographies)</td>
</tr>
<tr>
<td>1490</td>
<td>السير (Biographies)</td>
</tr>
<tr>
<td>1719</td>
<td>الأقطمة (Foods)</td>
</tr>
<tr>
<td>2940</td>
<td>تفسير القرآن (Quran exegesis)</td>
</tr>
<tr>
<td>3117-18</td>
<td>---</td>
</tr>
<tr>
<td>3223</td>
<td>---</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>2137</td>
<td>الصلاة (Prayers)</td>
</tr>
<tr>
<td>2293</td>
<td>الزكاة (Zakah)</td>
</tr>
<tr>
<td>2475</td>
<td>---</td>
</tr>
<tr>
<td>3292</td>
<td>النكاح (Marriage)</td>
</tr>
<tr>
<td>5134</td>
<td>الزينة (Ornaments)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>85665</td>
<td>سنن أبي داود (Zakah)</td>
</tr>
<tr>
<td>135167</td>
<td>---</td>
</tr>
<tr>
<td>184968</td>
<td>النكاح (Marriage)</td>
</tr>
<tr>
<td>19966</td>
<td>الصوم (Fasting)</td>
</tr>
<tr>
<td>2129</td>
<td>الجهاد (Jihad)</td>
</tr>
<tr>
<td>3128</td>
<td>الأقضية (Judgments)</td>
</tr>
<tr>
<td>3159</td>
<td>العلم (Knowledge)</td>
</tr>
<tr>
<td>3261</td>
<td>الأقطمة (Foods)</td>
</tr>
<tr>
<td>3342</td>
<td>---</td>
</tr>
<tr>
<td>3656</td>
<td>الترجل (Disembarkation)</td>
</tr>
<tr>
<td>3981</td>
<td>السنة (Sunnah)</td>
</tr>
<tr>
<td>4531</td>
<td>الأدب (Manners)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1773</td>
<td>سنن ابن ماجه (Zakah)</td>
</tr>
<tr>
<td>1946</td>
<td>النكاح (Marriage)</td>
</tr>
<tr>
<td>2109</td>
<td>التفاوتات (Expiation of sins)</td>
</tr>
<tr>
<td>2365</td>
<td>الأحكام (Judgments)</td>
</tr>
<tr>
<td>2634</td>
<td>الديات (Blood money)</td>
</tr>
<tr>
<td>2742</td>
<td>القوانين (Laws of Inheritance)</td>
</tr>
<tr>
<td>3198</td>
<td>الصيد (Hunting)</td>
</tr>
<tr>
<td>3622</td>
<td>الثراء (Dress)</td>
</tr>
<tr>
<td>3687</td>
<td>الأدب (Manners)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>544</td>
<td>موظف الالتزام (Zakah)</td>
</tr>
<tr>
<td>477</td>
<td>المقدمة (Introduction)</td>
</tr>
<tr>
<td>1563</td>
<td>السنة (Zakah)</td>
</tr>
<tr>
<td>1635</td>
<td>الصوم (Fasting)</td>
</tr>
<tr>
<td>2146</td>
<td>النكاح (Marriage)</td>
</tr>
<tr>
<td>2387</td>
<td>السير (Biography)</td>
</tr>
<tr>
<td>2406</td>
<td>---</td>
</tr>
<tr>
<td>2771</td>
<td>القوانين (Laws of inheritance)</td>
</tr>
<tr>
<td>Page</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>2866-67</td>
<td>Musnad of the ten people who are told that they will be admitted to paradise (Part of the Musnad of the family of Hashim)</td>
</tr>
<tr>
<td>1138</td>
<td>Musnad of Ahmad</td>
</tr>
<tr>
<td>1967</td>
<td>---</td>
</tr>
<tr>
<td>2099</td>
<td>---</td>
</tr>
<tr>
<td>2246</td>
<td>---</td>
</tr>
<tr>
<td>2365</td>
<td>---</td>
</tr>
<tr>
<td>2474</td>
<td>---</td>
</tr>
<tr>
<td>2575</td>
<td>---</td>
</tr>
<tr>
<td>2633</td>
<td>---</td>
</tr>
<tr>
<td>2790</td>
<td>---</td>
</tr>
<tr>
<td>3409</td>
<td>---</td>
</tr>
<tr>
<td>5859</td>
<td>The Musnad of the companions who are known to narrate a big number of traditions</td>
</tr>
<tr>
<td>6429</td>
<td>---</td>
</tr>
<tr>
<td>6795</td>
<td>---</td>
</tr>
<tr>
<td>7990</td>
<td>The rest of Musnad al-Mukhtārīn (See above)</td>
</tr>
<tr>
<td>8976</td>
<td>---</td>
</tr>
<tr>
<td>9507</td>
<td>---</td>
</tr>
<tr>
<td>9539</td>
<td>---</td>
</tr>
<tr>
<td>10703</td>
<td>---</td>
</tr>
<tr>
<td>11510</td>
<td>---</td>
</tr>
<tr>
<td>11672</td>
<td>---</td>
</tr>
<tr>
<td>11698</td>
<td>---</td>
</tr>
<tr>
<td>11977</td>
<td>---</td>
</tr>
<tr>
<td>12011</td>
<td>---</td>
</tr>
<tr>
<td>12614</td>
<td>---</td>
</tr>
<tr>
<td>12716</td>
<td>---</td>
</tr>
<tr>
<td>12734</td>
<td>---</td>
</tr>
<tr>
<td>12763</td>
<td>---</td>
</tr>
<tr>
<td>12807</td>
<td>---</td>
</tr>
<tr>
<td>12846</td>
<td>---</td>
</tr>
<tr>
<td>12976</td>
<td>---</td>
</tr>
<tr>
<td>13267</td>
<td>---</td>
</tr>
<tr>
<td>13376</td>
<td>---</td>
</tr>
<tr>
<td>13424</td>
<td>---</td>
</tr>
<tr>
<td>13581</td>
<td>---</td>
</tr>
<tr>
<td>14104</td>
<td>---</td>
</tr>
<tr>
<td>14122</td>
<td>---</td>
</tr>
<tr>
<td>16329</td>
<td>The Musnad of the people of al-Shām</td>
</tr>
<tr>
<td>16338</td>
<td>---</td>
</tr>
<tr>
<td>16499</td>
<td>---</td>
</tr>
<tr>
<td>16512</td>
<td>---</td>
</tr>
<tr>
<td>16592</td>
<td>---</td>
</tr>
</tbody>
</table>

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."  
| 16837 | --- | --- | 136 |
| 17065 | --- | --- | 137 |
| 17071 | --- | --- | 138 |
| 17083 | --- | --- | 139 |
| 17085 | --- | --- | 140 |
| 17095 | --- | --- | 141 |
| 17103 | --- | --- | 142 |
| 17133 | --- | --- | 143 |
| 17242 | --- | --- | 144 |
| 17765 | --- | --- | 145 |
| 18416 | The beginning of Musnad al-Kufiyin (People of Kufah-Iraq) | --- | 146 |
| 18711 | --- | --- | 147 |
| 18873 | --- | --- | 148 |
| 18880 | --- | --- | 149 |
| 21205 | The rest of Musnad (al-Anṣār) the helpers | --- | 150 |
| 22041 | --- | --- | 151 |
| 22249 | --- | --- | 152 |
| 22865 | --- | --- | 153 |
| 22789 | (Jihad and biographies) | --- | 154 |

| 544 | موطأ مالك | 155 |
| 477 | المقدمة (Introduction) | 166 |
| 1563 | الزكاة (Zakah) | 167 |
| 1635 | الصوم (Fasting) | 168 |
| 2146 | الزواج (Marriage) | 169 |
| 2387 | السير (Biographies) | 170 |
| 2406 | --- | 171 |
| 2771 | الخلافات (Laws of inheritance) | 172 |
| 2866 | --- | 173 |
| 2867 | --- | 174 |

<p>| 6 |布尔ده النبوي (Beginning of revelation) | 175 |
| 417 | الصلاة (Prayer) | 176 |
| 525 | مواعيد الصلاة (Prayers' times) | 177 |
| 568, 69 | الالزمان (Call for prayer) | 178 |
| 827 | الجمعة (Friday prayer) | 179 |
| 847 | --- | 180 |
| 1244 | الجنائز (Funerals) | 181 |
| 1301 | --- | 182 |
| 2107, 8, 10 | الإيجار (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 | خلق按规定 (Expositions) | 189 |
| 4089 | تفسير القرآن (Qur'an exegesis) | 190 |
| 4215 | --- | 191 |
| 4327 | --- | 192 |
| 4359 | --- | 193 |
| 4604 | فعلائت القرآن (Virtues of the Qur'an) | 194 |</p>
<table>
<thead>
<tr>
<th>Page</th>
<th>Arabic Text</th>
<th>English Translation</th>
<th>Adjusted Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4623</td>
<td>للباس (Dress)</td>
<td>---</td>
<td>195</td>
</tr>
<tr>
<td>5368</td>
<td>الاعتقام بالكتاب والسنة</td>
<td>---</td>
<td>196</td>
</tr>
<tr>
<td>5448</td>
<td>التوحيد (Monotheism)</td>
<td>---</td>
<td>197</td>
</tr>
<tr>
<td>6775</td>
<td>تعهد بالقرآن والسنن (Committing to the Qur'an and Sunnah)</td>
<td>---</td>
<td>198</td>
</tr>
<tr>
<td>6886</td>
<td>---</td>
<td>---</td>
<td>199</td>
</tr>
<tr>
<td>269</td>
<td>الإيمان (Faith)</td>
<td>صحيح مسلم (Correct Muslim)</td>
<td>200</td>
</tr>
<tr>
<td>568</td>
<td>الصلاة (Prayer)</td>
<td>---</td>
<td>201</td>
</tr>
<tr>
<td>823, 25, 26</td>
<td>المساجد ومواضع الصلاة (mosques and places for prayers)</td>
<td>---</td>
<td>202</td>
</tr>
<tr>
<td>1412-15</td>
<td>الجمعه (Friday prayer)</td>
<td>---</td>
<td>203</td>
</tr>
<tr>
<td>1916</td>
<td>الصيام (Fasting)</td>
<td>---</td>
<td>204</td>
</tr>
<tr>
<td>2899</td>
<td>السماح (Irrigation)</td>
<td>---</td>
<td>205</td>
</tr>
<tr>
<td>3313</td>
<td>الجهاد والسير (Jihad and biographies)</td>
<td>---</td>
<td>206</td>
</tr>
<tr>
<td>3926</td>
<td>اللباس والزينة (Dress and ornaments)</td>
<td>---</td>
<td>207</td>
</tr>
<tr>
<td>4030</td>
<td>السلام (Greetings)</td>
<td>---</td>
<td>208</td>
</tr>
<tr>
<td>4822</td>
<td>العلم (Knowledge)</td>
<td>---</td>
<td>209</td>
</tr>
<tr>
<td>4971</td>
<td>التوبة (Repentance)</td>
<td>---</td>
<td>210</td>
</tr>
<tr>
<td>175</td>
<td>سنن الترمذي (Prayers)</td>
<td>---</td>
<td>211</td>
</tr>
<tr>
<td>574</td>
<td>الزكاة (Zakah)</td>
<td>---</td>
<td>212</td>
</tr>
<tr>
<td>1384</td>
<td>الصيد (Hunting)</td>
<td>---</td>
<td>213</td>
</tr>
<tr>
<td>1528</td>
<td>الجهاد والسير (Jihad and biographies)</td>
<td>---</td>
<td>214</td>
</tr>
<tr>
<td>1531, 32</td>
<td>السير (Biographies)</td>
<td>---</td>
<td>215</td>
</tr>
<tr>
<td>2564</td>
<td>الإيمان (Faith)</td>
<td>---</td>
<td>216</td>
</tr>
<tr>
<td>577</td>
<td>العلم (Knowledge)</td>
<td>---</td>
<td>217</td>
</tr>
<tr>
<td>2619</td>
<td>الاستئذان والأداب (Asking for permission and manners)</td>
<td>---</td>
<td>218</td>
</tr>
<tr>
<td>2624</td>
<td>---</td>
<td>---</td>
<td>219</td>
</tr>
<tr>
<td>2797</td>
<td>الأمثال (Proverbs)</td>
<td>---</td>
<td>220</td>
</tr>
<tr>
<td>2878</td>
<td>تفسير القرآن (Qur'an exegesis)</td>
<td>---</td>
<td>221</td>
</tr>
<tr>
<td>3029</td>
<td>---</td>
<td>---</td>
<td>222</td>
</tr>
<tr>
<td>622</td>
<td>سنن أبي داود (Call for prayers)</td>
<td>---</td>
<td>223</td>
</tr>
<tr>
<td>696</td>
<td>المساجد (Mosques)</td>
<td>---</td>
<td>224</td>
</tr>
<tr>
<td>1350, 51</td>
<td>الجمعه (Friday prayer)</td>
<td>---</td>
<td>225</td>
</tr>
<tr>
<td>2020</td>
<td>الجنازة (Funerals)</td>
<td>---</td>
<td>226</td>
</tr>
<tr>
<td>4724</td>
<td>المساهمة (Book of Oaths)</td>
<td>---</td>
<td>227</td>
</tr>
<tr>
<td>4983-85</td>
<td>الزينة (Ornaments)</td>
<td>---</td>
<td>228</td>
</tr>
<tr>
<td>5146</td>
<td>---</td>
<td>---</td>
<td>229</td>
</tr>
<tr>
<td>378</td>
<td>سنن أبي حنيفه (Prayers)</td>
<td>---</td>
<td>230</td>
</tr>
<tr>
<td>420</td>
<td>الصوم (Fasting)</td>
<td>---</td>
<td>231</td>
</tr>
<tr>
<td>2006</td>
<td>---</td>
<td>---</td>
<td>232</td>
</tr>
<tr>
<td>2089</td>
<td>---</td>
<td>---</td>
<td>233</td>
</tr>
<tr>
<td>2635</td>
<td>الخراج والإمارة واللفين (Kharaj, emirate, and spoils of war)</td>
<td>---</td>
<td>234</td>
</tr>
<tr>
<td>2649-51</td>
<td>الترجل (Disembarkation)</td>
<td>---</td>
<td>235</td>
</tr>
<tr>
<td>3980</td>
<td>السنة (Sunnah)</td>
<td>---</td>
<td>236</td>
</tr>
<tr>
<td>699</td>
<td>سنن ابن ماجه (Call for prayers and following the Sunnah to do it)</td>
<td>---</td>
<td>237</td>
</tr>
<tr>
<td>732</td>
<td>المساجد والجماعات (Mosques and congregational prayers)</td>
<td>---</td>
<td>238</td>
</tr>
<tr>
<td>Page</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1073</td>
<td>Performing prayer and following the sunnah to do that</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2634</td>
<td>Alms (Blood money)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3611</td>
<td>Dress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3982, 84</td>
<td>Uprisings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4038</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>196</td>
<td>Musnad of the ten people who will be admitted to Paradise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>210, 214</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1305, 6</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1786</td>
<td>Part of the Musnad of the family of Hashim</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4279</td>
<td>The Musnad of the companions who are known to narrate a large number of traditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6072</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6080</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6429</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6795</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6916</td>
<td>The rest of Musnad al-Mukthirin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7009</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7092, 94</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7227, 30</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7251</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7299</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7382</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7497</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7737</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7767</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8147</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8318</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8680</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8842</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9434</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9443</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9473</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9967</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10067</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10126</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10207</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10232</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10297</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10298</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10305</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10407</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11372</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11415</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14189</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15331, 32</td>
<td>The Musnad of the people of Mecca</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17067</td>
<td>The Musnad of the people of al-Sham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17241, 42</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Page</td>
<td>Description</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>18146</td>
<td>The beginning of the Musnad of the people of Kufah</td>
<td>285</td>
<td></td>
</tr>
<tr>
<td>18572</td>
<td></td>
<td>286</td>
<td></td>
</tr>
<tr>
<td>19460</td>
<td>The beginning of the Musnad of the people of Basra-Iraq</td>
<td>287</td>
<td></td>
</tr>
<tr>
<td>19773</td>
<td></td>
<td>288</td>
<td></td>
</tr>
<tr>
<td>19810</td>
<td></td>
<td>289</td>
<td></td>
</tr>
<tr>
<td>20776</td>
<td>The Musnad of the Helpers</td>
<td>290</td>
<td></td>
</tr>
<tr>
<td>21259</td>
<td>The rest of the Musnad of the Helpers</td>
<td>291</td>
<td></td>
</tr>
<tr>
<td>22385</td>
<td></td>
<td>292</td>
<td></td>
</tr>
<tr>
<td>22620</td>
<td></td>
<td>293</td>
<td></td>
</tr>
<tr>
<td>22931</td>
<td></td>
<td>294</td>
<td></td>
</tr>
<tr>
<td>23372</td>
<td></td>
<td>295</td>
<td></td>
</tr>
<tr>
<td>23748</td>
<td></td>
<td>296</td>
<td></td>
</tr>
<tr>
<td>24727</td>
<td></td>
<td>297</td>
<td></td>
</tr>
<tr>
<td>24982</td>
<td></td>
<td>298</td>
<td></td>
</tr>
<tr>
<td>25149</td>
<td></td>
<td>299</td>
<td></td>
</tr>
<tr>
<td>290</td>
<td>(Introduction)</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>1367</td>
<td>(Prayer)</td>
<td>301</td>
<td></td>
</tr>
</tbody>
</table>
Bibliography


‘Abd Allāh, M Yāsin, Ahl a-İslām wa ahl al-Dhimmah, Cairo: publisher is not mentioned, 1998.


Achtemeier, Paul J, Harper's Bible dictionary, San Francesco: Harper &


Al-Ghazālī, Muḥammad, *Fiqh al-Sirāh*, Cairo: Manshūrāt ṣalm al-Maʿrifah, (Year...
of publication is not mentioned).

Al-Ḥadād, al-‘U斯塔dh, Al-Quर’ān wa al-Kitāb full name of the author, year and place of publication are not mentioned.


— *Al-Mabsūṭ*, http://www.alwaraq.com/


Al-Shāfīʿī, Muḥammad b. Idrīs (d.204 AH)


Al-Syūṭī, Jalāl al-Dīn Abū al-Raḥmān b. Abū Bakr d.911 AH, 6 Vols,


Faraj, Kuwait: Matba`at Ḥukūmat al-Kuwait, 1965.


Andrae, T, Mohammed, the man and his faith, New York: Harper&Brothers, 1955.


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.


Azami, Muhammad Mustafa, Studies in Ḥadīth literature and Methodology Islamic teaching centre, Indianapolis, India 1977.


—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 Mabdūlī, 1996.


Barakāt Aḥmad Sayyed, Non-Muslims and the Umma, Studies in Islam, 17, 1980
pp. 80-118, New Delhi, 1980.


Baramaki, Demetri, Jerusalem the key to world peace, London: Islamic Council of Europe, 1980.


Encyclopaedia Britannica, Millennium edition, CD-Rom


---

278


— *Al-Fārūq ‘Umar*, Cairo, Matba‘at Miṣr, 1364 A.H.


Ibn Qayyim al-Jawziyyah, Muḥammad b. Abū Bakr, (648-726/1250-1325)
— *Zād al-Ma‘ād*, 2 Vols, Cairo: Al-Maṭba‘at al-Miṣriyyah wa maktabatohā, Year of publication is not mentioned.


Ibn Rushd, Muḥammad b. Muḥammad b. Aḥmad b. Rushd

Ibn Sa‘d, Muḥammad b. Sa‘d b. Manī‘ al-Ḥāshimi al-Basri,

Ibn Zabr, al-Qāḍī Abū Muhammad ‘Abd Allāh b. Aḥmad


Juynboll, Gautier H. A,


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, 1863-1883.


— *Rights of non-Muslims in Islamic state*


— *The ubiquitous faqih : a reconsideration of the terms Îmân, İslâm, and 'îlm 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.


CD-Roms:

Encyclopaedia Britannica, Millennium edition.
Encyclopaedia of Islam, University of Durham.


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