

Dealings with Non-Muslims in the Islāmic Sharī‘ah Muftī Muḥammad Shafī‘

All praise belongs to Allāh and He suffices. Peace be upon His slaves that He has chosen.

To proceed:

Before getting to the point, it is first necessary to explain that amongst all the extant religions of the world it is only Islām that Allāh (Exalted is He) has given the distinctive feature of having a balanced path in everything. Neither is fanaticism taught in this religion like it is in most religions – where one supports his community whether in truth or falsehood as is the practice of many a community. Nor is the absurdity of “untouchability” taught where communities apart from one’s own are treated in such a manner that would not even be tolerated by a dignified person with animals – as with the religion of Hindus. Similarly, nor is there such freedom and lack of restrictions that religion does not remain religion, nor does it have any boundaries or restrictions, and nor is there any distinctions made between permissible and impermissible nor any distinctions between disbelief and Islām, Muslim and non-Muslim.

Rather, Allāh (Exalted is He) has made the Sharī‘ah of Islām a balanced system in which there is a complete systematisation of everything. Every issue of belief, ritual, interactions and dealings that manifest have established boundaries which may not be trespassed. The behaviour of compassion, mercy, good manners and ethics are so common in Islām that apart from our own community and fellow Muslims, this is the norm with disbelievers too, and in fact even beyond them, there is a strong emphasis on good dealings with all living things. It states in a ḥadīth:

في كل ذات كبد رطبة أجر

“There is reward in [dealing well] with every possessor of a moist liver.”

It states in a ḥadīth of *Bukhārī Sharīf* that Allāh (Exalted is He) forgave a person only on the basis that he gave water to a thirsty dog. The Sharī‘ah has not allowed addressing a disbeliever under contract by saying “O Kāfir!” when he is hurt by this:

لو قال ليهودي أو مجوسي: يا كافر، يأثم إن شق عليه، كذا في القنية (عالمگیری، ج ٥ ص ٣٥٩)

“If one were to say to a Jew or Zoroastrian, ‘O Kāfir’, he will be sinful if that hurts him, as stated in *al-Qunyah*.”

How the Noble Prophet (Allāh bless him and grant him peace) dealt with his opponents is a clear testament to this. At the very time that the disbelievers of Makkah, having created all kinds of trouble, forced the leader of the world (Allāh bless him and grant him peace) to leave and migrate from the Ḥaram of Makkah and his familiar hometown, and he arrived at Madīnah Ṭayyibah, the ill-fate of their evil deeds became manifest in the form of a severe drought in Makkah Mu‘azzamah. The Quraysh of Makkah and all the residents were almost dying of hunger. The Mercy to the Worlds (Allāh bless him and grant him peace) came to know of this, so he sent five hundred gold coins to the leaders of the disbelievers of Quraysh, Abū Sufyān and Ṣafwān ibn Umayyah, to be distributed amongst the poor of Makkah. Imām Muḥammad (Allāh have mercy on him) has kept a

separate chapter in *al-Siyar al-Kabīr* on this topic in which many such incidents are recorded. This incident is also mentioned in there. (*Sharḥ al-Siyar al-Kabīr*, 1:69)

This is not the place to exhaust all such incidents. Some matters have been presented by way of example, from which it is understood that the teachings Islām has given on compassion, mercy, kindness and selflessness towards non-Muslims are distinctive to it among all extant religions of the world.

However, at the same time, this balanced system and true Sharī‘ah has also considered it impermissible that Allāh’s (Exalted is He) friend and enemy, Muslim and disbeliever, are measured on the same scale, and no distinction remains of Islām and disbelief. Rather, it has determined the sign of a complete believer that his love and hostility be subservient to the love and hostility of the God of the Universe: one that is beloved to Allāh (Exalted is He) is also beloved to him and one that is hated by Allāh (Exalted is He) is also hated by him. This was stated in the following manner on the tongue of Ḥaḍrat Ibrāhīm (upon our prophet and him blessing and peace):

كفرنا بكم وبدا بيننا وبينكم العداوة والبغضاء أبدا حتى تؤمنوا بالله وحده

“We reject you and there will be enmity and hatred between us and you forever unless you adopt belief in Allāh alone.” (Qur’ān, 60:4)

It states in a ḥadīth:

من أحب لله وأبغض لله وأعطى الله ومنع الله فقد استكمل الإيمان

“Whoever loves for Allāh, hates for Allāh, gives for Allāh and withholds for Allāh, he has completed his īmān.” (Abū Dāwūd and al-Tirmidhī narrated it as mentioned in *al-Mishkāṭ*)

In expressing this hatred, the Sharī‘ah has regarded resembling the style and particular way of disbelievers as being impermissible. It states in ḥadīth:

من تشبه بقوم فهو منهم (أخرجه السخاوي في المقاصد الحسنة وحسنه)

“Whoever imitates a people is from them.”

Moreover, unnecessarily intermingling and participating in dealings with disbelievers is disallowed. Allāh (Exalted is He) said:

ولا تركزوا إلى الذين ظلموا فتمسكم النار

“Do not incline towards those who do wrong lest you be touched by the Fire.” (11:113)

It has also been regarded as desirable that displeasure and unhappiness is expressed to disbelievers and sinners. It states in *Fatāwā ‘Ālamgīrī*:

ويلقى الكافر والمبتدع بوجه مكفهر وتكره المصافحة مع الذمي إلخ (كتاب الكراهية، عالمگیری،

باب: ١٤، ج ٥ ص ٣٦٠)

“One is to meet a disbeliever and innovator with a cheerless face, and it is disliked to shake hands with a Dhimmī.”

In short, the balanced system of the Islāmīc Shārī‘ah has neither conducted itself with such “untouchability” as found amongst the Hindus which no reasonable and dignified human being can approve of for another human being and nor does it consider desirable such intermingling and unnecessary dealings with them – in which brotherly relations are expressed and no distinction remains between the disobedient enemies of the God of the Universe and His obedient friends. Based on this, the Sharī‘ah has maintained that buying, selling and financial dealings with non-Muslims are permissible by default. It has determined that their hands, utensils and clothes are pure unless there is certainty or overwhelming feeling of impurity. But, together with this, it regards these things to be undesirable without severe need.

1. It states in ‘*Ālamgīrī*:

لا بأس بأن يكون بين المسلم والذمي معاملة إذا كان مما لا بد منه، كذا في السراجية (عالمگیری،
كتاب الكراهية، باب: ١٤، ج ٥ ص ٣٥٩)

“There is no problem with there being a financial dealing between a Muslim and Dhimmī when there is no other option, as stated in *al-Sirājiyyah*.”

2. Furthermore, it states in the aforementioned chapter of ‘*Ālamgīrī*:

يكره الأكل والشرب في أواني المشركين قبل الغسل ومع هذا لو أكل أو شرب فيها قبل الغسل جاز
ولا يكون أكلا ولا شاربيا حراما وهذا إذا لم يعلم بنجاسة الأواني فأما إذا علم فإنه لا يجوز أن يشرب
ويأكل منها قبل الغسل (عالمگیری، ج ٥ ص ٣٥٨)

“It is disliked to eat and drink from the utensils of idolaters before washing [them]. Despite this, were one to eat or drink from them before washing, it is permissible, and he would not be eating or drinking the unlawful. This is when one does not know the utensils are impure; in the case that he does know, it is not permissible to drink and eat from them before washing.”

3. In *Kitāb al-Siyar* of *Badā‘i al-Ṣanā‘i*, it states:

ولا بأس بحمل الثياب والمتاع ونحو ذلك إليهم (اهل الحرب) لانعدام معنى الإمداد والإعانة، وعلى
ذلك جرت العادة من تجار الأمصار، أنهم يدخلون دار الحرب للتجارة من غير ظهور الرد والإنكار
عليهم، إلا أن الترك أفضل لأنهم يستخفون بالمسلمين، ويدعونهم إلى ما هم عليه، فكان الكف
والإمسك عن الدخول من باب صيانة النفس عن الهوان والدين عن الزوال (بدائع، كتاب السير، ج ٧
ص ١٠٢)

“There is no problem with transporting clothing, furniture and the likes to them (i.e. the residents of Dār al-Ḥarb) since the meaning of assisting and supporting [them against Muslims] is not found [in this]. The common practice of the traders of all towns has operated thus: they enter Dār al-Ḥarb to trade, without any rebuke

or condemnation of them. However, to not do so is better, because they look down on Muslims and call them to what they are upon. Thus, withholding and abstaining from entering [Dār al-Ḥarb] is from the matter of protecting oneself from disgrace and one's religion from loss.”

4. It states in *‘Ālamgīrī*:

الأكل مع المجوسي ومع غيره من المشركين هل يجزئ أم لا؟ وحكي عن الحاكم الإمام عبد الرحمن الكاتب أنه إن ابتلي به المسلم مرة أو مرتين فلا بأس به، وأما الدوام عليه فيكره، كذا في المحيط

“Is it permitted to eat with a Zoroastrian and other idolaters or not? It is related from Ḥākim Imām ‘Abd al-Raḥmān al-Kātib that if one is afflicted by this once or twice, there is no problem with it, but consistency in this is disliked.”

5. It is reported from Muḥammad in *Sharḥ al-Siyar al-Kabīr*:

لا بأس بأن يؤكل ويشرب في آنية المشركين ولكن لتغسل بالماء قبل أن يؤكل فيها. لأن الأواني لا يلحقها نجاسة الكفر (إلى قوله) إلا أن المشركين لا ينعمون غسل الأواني. فينبغي للمسلم أن يعيد الغسل، ولا يؤمن المشرك على ذلك (إلى قوله) لما روي عن أبي ثعلبة الخشني رضي الله عنه أنه قال: يا رسول الله إنا نأتي أرض المشركين، أفنأكل في آنيتهم؟ قال: فإن لم تجدوا منها بدا فاغسلوها ثم كلوا فيها (شرح السير الكبير، ج ١ ص ٩٩)

“There is no problem with eating and drinking from the utensils of idolaters but they should be washed before eating from them. [It is permissible] because the impurity of disbelief does not contaminate the utensils... However, the idolaters do not properly wash the utensils so Muslims should redo the washing and not trust the idolater to [do] so... As it is reported from Abū Tha‘labah al-Khushanī that he said: ‘O Messenger of Allāh, we come to the land of the idolaters, should we then eat from their utensils?’ He said: ‘If you find no alternative, then wash them and eat from them.’”

6. Moreover, in *al-Siyar al-Kabīr*, after reporting the different variants of a ḥadīth on accepting gifts from idolaters and disbelievers, it gives this verdict:

فهذا يتبين أن للأمير رأيا في قبول ذلك لأن في القبول معنى التأليف وفي الرد إظهار الغلظة والعداوة

“It is evident from this that the ruler exercises his discretion in accepting [the gift], since the meaning of drawing them in (*ta’līf*) is found in acceptance and [the meaning of] expressing harshness and enmity is found in rejection.”

It is realised from this that if in dealings with disbelievers the intention of drawing them in or its realisation is not possible then the normal course of action will be showing enmity and harshness except for a state of desperation.

It is established from the aforementioned passages that the basic position and teaching of Sharī‘ah with respect to dealings with disbelievers and idolaters is that at the time of

necessity it is fine to deal with them, buy, sell, enter into partnership, take employment and trade; and it is fine to eat from their hands¹ and utensils at the time of need also.

However, several conditions for this permissibility are derived from these very same passages. If these conditions are found, then such dealings are permissible without undesirability; otherwise they are undesirable and/or impermissible.

1. Dealings should not be made unnecessarily with disbelievers and idolaters while avoiding Muslims, as evident from passage no. 1 from *'Ālamgīrī*.
2. For as long as the hands and utensils of Muslims are available for eating and drinking from, the hands and utensils of non-Muslims should not be used, as established from passage no. 5 from *al-Siyar al-Kabīr* and passage no. 2 from *'Ālamgīrī*. It is further established from the ḥadīth of Abū Tha'labah al-Khushanī as transmitted in *al-Siyar al-Kabīr*.
3. There should not be such dealings with disbelievers and idolaters from which Muslims appear to be humiliated as established from passage no. 3 from *Badā'i'*.

Now, since the present conditions, circumstances and dealings in Hindustan are being examined, it is found that:

1. Overlooking all such conditions, Muslims have adopted such freedom in this that causes harm to them in dīn and dunyā. In fact, Muslim stores are unnecessarily abandoned while dealings are made with disbelievers and idolaters without this being seen as problematic at all.
2. There is no precaution in using the utensils and items made at the hands of the disbelievers in general and the Hindus in particular. They are used unnecessarily while it is known that in the Hindu religion some impurities are not only pure but are considered purifying! Like the urine and dung of cows. Moreover, it has always been established from experience and observation that they don't have the slightest care towards refraining from impurities. Likewise, other groups of disbelievers that do show some care towards cleanliness nonetheless have no concept of "impurity" (*najāsa*) and "purity" (*ṭaharah*).
3. When Hindus deal with Muslims, what happens as a result of their [poor] behaviour is a separate thing altogether. Even if dealing [with them] is permissible in Sharī'ah, no dignified human being can tolerate that they are treated as filthier and more filth-creating than dogs. Dogs continue to lick their utensils and they don't mind, but if even the shadow of a Muslim falls on their utensils they become horrified! Putting hands on their utensils is indeed something major. If a Hindu puts his hand on a utensil on which a Muslim's hand has been, he considers himself impure and regards it compulsory to wash. Such interactions Muslims see right before them, which is great humiliation. If only Muslims had some sense. Ignoring the permissibility or otherwise, dignity and indignance are also something. Earlier, with reference to *Bada'i' al-Ṣana'i'*, I have quoted that in Sharī'ah it is not permissible to adopt any such dealing with

¹ This is a literal translation – it means, the food served by them

disbelievers in which Muslims are humiliated. How can it be permissible for a Muslim to adopt humiliation in front of a disbeliever when the Shaṛī‘ah has regarded humiliating oneself impermissible even without this interaction?

It states in a ḥadīth:

لا ينبغي للمؤمن أن يذل نفسه

“It is not right for a believer to debase himself.”

Thus, the Fuqahā’ have regarded it to be reprehensible for a Muslim to be employed by a disbeliever to serve [him], which entails debasement, as mentioned in the section on Ijārah (employment) in *Khulāṣat al-Fatāwā*, 3:149:

المسلم إذا آجر نفسه من الكافر ليخدمه جاز وتكره، قال الفضلي: لا يجوز في الخدمة وما فيه إذلال بخلاف الزراعة والسقي، انتهى

“When a Muslim puts himself in employment of a disbeliever to serve him, it is valid but detested. Al-Fuḍalī said: It is not permissible for serving and whatever [else] entails debasement, as opposed to farming and watering.”

And there is a separate chapter on this topic in *Madkhal* of Ibn al-Ḥājj:

فصل: ويتعين أن لا يشتري المسلم الدقيق من طواحين أهل الكتاب ولا يطحن عندهم لوجوه: أحدها - ما تقدم من أنه يعين أهل الكفر بذلك. الثاني - أنه يترك إعانة إخوانه المسلمين. الثالث - أن أهل الكتاب يستعملون الصنائع عندهم من المسلمين وفي ذلك ذلة للمسلم وعزة للكافر فيؤمر المسلم أن لا يعمل عندهم ولا يعينهم. الرابع - أنهم لا يتحرزون من النجاسات وقد تقدم. الخامس - أنهم يتدينون بغش المسلمين وقد تقدم ذلك أيضا. السادس - أنهم إذا شكروا سلعتهم بالحسن والجودة لا يمكن الاطلاع على صدقهم بل الغالب عكسه بخلاف المسلمين فإن الإسلام وازع ولتحسين الظن بهم مجال. السابع - ما يفعله بعضهم من الصليب على باب الطاحون وفي أركانها. فينبغي للمؤمن أن ينزه حرمة الإسلام عن هذه الرذائل وأشكالها وقد استحكمت هذه الأشياء في هذا الزمان فصار عند أكثرهم لا فرق بين الشراء من المسلم والكافر بل بعضهم يفضل معاملة أهل الكتاب على معاملة إخوانه المسلمين ويذكرون لذلك على زعمهم وجوها من الحجج لا يقوم شيء منها على ساق، ولا تقبل منهم لقيام الحجج الشرعية يرد ذلك عليهم انتهى (مدخل، ج ٤ ص ١٧٤)

“It is stipulated (i.e. necessary) that Muslims do not buy flour from millers of the Ahl al-Kitāb nor [work] for them in milling it, for several reasons: firstly, because of what has preceded, that he assists the disbelievers thereby; secondly, because he abandons supporting his Muslim brothers; thirdly, because the Ahl al-Kitāb use workers that are Muslims which entails humiliation of Muslims and aggrandisement of disbelievers, so Muslims should be instructed not to work with them nor assist them; fourthly, because they don’t stay away from impurities as has preceded; fifthly, because they consider it moral to cheat Muslims as has also preceded; sixthly, because when they praise their products as being excellent and of good quality it is not possible to know their honesty, rather the opposite is normally the case, as distinguished from Muslims as Islām inhibits

[deception] and there is scope to entertain good opinion of them; seventh, because of what some of them do, of putting a cross on the door of the mill and its pillars. A believer should preserve the sanctity of Islām from these lowly qualities and their likes. Such things have taken root in this time, such that there is no distinction for most [Muslims] between buying from a Muslim and a disbeliever. In fact, some prefer dealing with the Ahl al-Kitāb over dealing with their Muslim brothers, citing proofs for this based on their beliefs, none of which have any standing, and nor are they acceptable because evidences of Sharī‘ah have been established refuting them.”

It states in *Iqtiḍā’ al-Ṣirāṭ al-Mustaqīm* by Ibn Taymiyyah:

والموالاتة والموادة: وإن كانت متعلقة بالقلب، لكن المخالفة في الظاهر أعون على مقاطعة الكافرين ومباينتهم ومشاركتهم في الظاهر: إن لم تكن ذريعة أو سببا قريبا أو بعيدا إلى نوع ما من الموالاتة والموادة، فليس فيها مصلحة المقاطعة والمباينة، مع أنها تدعو إلى نوع ما من المواصلة - كما توجهه الطبيعة وتدل عليه العادة - ولهذا كان السلف رضي الله عنهم يستدلون بهذه الآيات على ترك الاستعانة بهم في الولايات. فروى الإمام أحمد بإسناد صحيح، عن أبي موسى رضي الله عنه قال: " قلت لعمر رضي الله عنه: إن لي كاتباً نصرانياً قال: ما لك؟ قاتلك الله، أما سمعت الله يقول: { يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ } ألا اتخذت حنيفاً؟ قال: قلت: يا أمير المؤمنين، لي كتابته وله دينه. قال لا أكرمهم إذ أهانهم الله، ولا أعزهم إذ أذلهم الله، ولا أدنهم إذ أقصاهم الله (اقتضاء، ص ٣٤)

“Close friendship and mutual love, although connected to the heart, external opposition² is more effective in cutting away and being distant from disbelievers. Participating with them externally³, if not a means or a near or distant cause to a type of close friendship and mutual love, it does not have the benefit of cutting away and being distant, while it invites to a type of connection as dictated by [human] nature and indicated to by the norm. Thus, the Salaf would argue from these verses for avoiding taking help from them in administrative matters. Thus, Imām Aḥmad narrated with an authentic chain from Abū Mūsā, he said: I told ‘Umar (Allāh be pleased with him) that I have a Christian scribe. He said: ‘What is the matter with you? Allāh destroy you! Have you not heard Allāh say: *Do not take the Jews and Christians as allies; they are allies of one another. Why did you not take a Muslim?*’ He said: I said: ‘Commander of believers, I acquire his scribing [abilities] and he keeps his religion.’ He said: ‘I will not respect them when Allāh has humiliated them, nor will I honour them when Allāh has dishonoured them, nor will I bring them near when Allāh has made them distant.’”

It also states in *al-Iqtiḍā’*, p. 59:

قد روى أبو الشيخ الأصبهاني في شروط أهل الذمة بإسناده أن عمر كتب أن لا تكاتبوا أهل الذمة فيجري بينكم وبينهم المودة و لا تكنوهم إلخ...

“Abu l-Shaykh Aṣḥabānī narrated in *Shurūṭ Ahl al-Dhimmah* with his chain from ‘Umar that he wrote [to his governors]: ‘Do not take scribes from the Ahl al-Dhimmah as a result

² That is, acting and behaving differently to them

³ That is, acting and behaving similarly to them

of which love will arise between you and them, and do not give them nicknames [as this is for honouring them].”

In another place, he said under His (Exalted is He) saying: ‘you are not [associated] with them in anything’ (Qur’ān, 3:159):

وذلك يقتضي تبرؤه منهم في جميع الأشياء

“This demands becoming disassociated from them in all things.”

Moreover, another point is worthy of note. The widespread insolvency, poverty and unemployment of Muslims at this time is also such that together with their *dunyā* it destroys their *dīn*. Due to being compelled, they fall into such activities where let alone making distinction between *ḥalāl* and *ḥarām*, it becomes very difficult to even maintain *īmān*. Thus, the truthful and trusted Prophet (Allāh bless him and grant him peace) said:

كاد الفقر أن يكون كفرا

“Sometimes poverty is a cause of disbelief.”

By means of untouchability, Hindus have maintained trade within themselves. If there is any simple scenario currently to rectify the economic situation of Muslims, and to remove them from their severe difficulties, then it is only this: that Muslims themselves protect their own businesses. Rich people open businesses and employ the poor. If Muslims then take care in buying and selling to not deal with non-Muslims without severe need, these concerns of Muslims will be easily eliminated.

Note: Together with this, it is worthy of note, and it is established from numerous texts of Qur’ān and Sunnah, that companionship has a massive effect on all things. Thus, those items that remained in the possession of the pious, or that they used, are considered blessed, and those endowed with spiritual perceptiveness perceive radiances and blessings in them. It is evident that this is a result of the companionship that these items enjoyed with the pious. So, it should be understood well that just as blessings are evident in used items because of the companionship of the pious, in like manner, items that are kept in the possession of disbelievers and sinners, or that are used by them, will certainly have spiritual darkness in them, which those endowed with spiritual perceptiveness also often perceive.

In sum, having seen the transmissions of *ḥadīth* and *fiqh*, and keeping in mind the present circumstances, it is established that at this moment in time, despite the permissibility in itself, it is not at all permissible for Muslims to leave their own markets and purchase products from non-Muslims, while cases of intense need are an exception to this. And Allāh (Glorious and Exalted is He) knows best.

The lowliest, Muḥammad Shafī‘, Allāh forgive him, wrote this
Servant of Dār al-Iftā, Dār al-‘Ulūm Deoband
28 Dhu l-Ḥijjah, 1350 (1932 CE)

(*Jawāhir al-Fiqh*, 5:345-362)