

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Tafseer Al-Baqarah (2: 221)

From the book, Introduction to the Tafseer of the Quran,

by the Ameer of Hizb ut Tahrir, the eminent jurist and statesman, Ata Bin Khalil Abu Al-Rashtah:

﴿وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ وَلَا أُمَّةً مُّؤْمِنَةً حَيْرٍ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ وَلَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ أُولَئِكَ يَدْعُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ﴾

“And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she may please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember.” [TMQ Surah Al-Baqarah 2:221]

Allah (swt) mentions the following matters in this noble verse:

1. Prohibition of marrying a believing woman to a polytheist and the prohibition of marrying a polytheistic woman by a believer, irrespective of a variety of qualities of the polytheistic men and women such as wealth, prestige or others.

The statement of prohibition is due to the saying ﴿وَلَا تَنْكِحُوا الْمُشْرِكَاتِ﴾ “And do not marry polytheistic women” and ﴿وَلَا تُنْكِحُوا الْمُشْرِكِينَ﴾ “And do not marry polytheistic men [to your women]”. Here there is an Indication (Qareena) that gives a decisive prohibition which is: ﴿أُولَئِكَ﴾ “They are inviting (you) to the Hellfire”. Accordingly, the forbidding (nahee) is decisive i.e. it is Haram.

2. Polytheistic men and women here includes all the disbelievers due to the indication of the saying, ﴿أُولَئِكَ يَدْعُونَ إِلَى النَّارِ﴾ “They are inviting (you) to the Hellfire” i.e. they are inviting you to the disbelief that would lead to Hellfire. This is because the Hellfire mentioned here is opposite to Paradise, whilst the people of Hellfire who will never enter the Paradise are the disbelievers. This is because the saying, ﴿أُولَئِكَ يَدْعُونَ إِلَى النَّارِ﴾ “They are inviting (you) to the Hellfire” is a divine reason (illah) for the prohibition and due to the goodness of (choosing) a believing slave woman over polytheistic free woman and the goodness of (choosing) a believing slave man over polytheistic free man. And this is regarding the subject of marriage, i.e. ﴿أُولَئِكَ يَدْعُونَ إِلَى النَّارِ﴾ “They are inviting (you) to the Hellfire,” it is the divine reason (illah) for the goodness of believers, as well as for the prohibition of believing men marrying polytheistic women, or believing women marrying polytheistic men.

This divine reason (illah) with this meaning includes ‘those who invite to disbelief which would lead to Hellfire’. This refers to all the disbelievers, whatever may be their type.

It should not be said here that the word used is (مُشْرِك) ‘polytheist’ and it does not include (أهل) ‘People of the Book’ as the prohibition of marrying polytheistic men and women does not include People of the Book, since the verses came to differentiate polytheists from the People of the Book as Allah (swt) says: ﴿مَا يَوَدُّ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَلَا الْمُشْرِكِينَ أَنْ يُنَزَّلَ عَلَيْكُمْ مِنْ خَيْرٍ مِّنْ رَبِّكُمْ﴾ “Neither those who disbelieve from the People of the Scripture nor the polytheists wish that any good should be sent down to you from your Lord.” [TMQ Surah Baqarah: 105]. It should not be said that for two reasons:

A- The Jews and Christians are polytheists due to the divine texts of Quran as Allah (swt) says: ﴿وَقَالَتِ الْيَهُودُ عَزِيرُ ابْنُ اللَّهِ وَقَالَتِ النَّصْرَى الْمَسِيحُ ابْنُ اللَّهِ ذَلِكَ قَوْلُهُمْ بِأَفْوَاهِهِمْ يُضَاهَهُنَّ قَوْلَ الَّذِينَ كَفَرُوا مِنْ قَبْلُ قَاتَلَهُمْ اللَّهُ أَنَّى يُؤْفَكُونَ. اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ إِلَّا هُوَ سُبْحَانَهُ عَمَّا يُشْرِكُونَ﴾ **The Jews say, “Ezra is the son of Allah;” and the Christians say, “The Messiah is the son of Allah.” That is their statement from their mouths; they imitate the saying of those who disbelieved [before them]. May Allah destroy them; how are they deluded? They have taken their scholars and monks as lords besides Allah, and [also] the Messiah, the son of Mary. And they were not commanded except to worship one God; there is no deity except Him. Exalted is He above whatever they associate (يُشْرِكُونَ i.e. polytheists) with Him.** [TMQ Surah Tawba: 30-31]. Thus, Jews and Christians are polytheists.

B- The word (المشركين) ‘Polytheists’, if it is named plainly with indications, this will denote those who make associations equal to Allah i.e. indicating one of the types of disbelief. If the word comes with an indication, then it is according to the indication. And here the word comes with the divine reason ‘those who are inviting to the Hellfire, who will not enter paradise’. This divine reason includes all the disbelievers including the People of Book, for they are not the people of Paradise.

As for the verse: ﴿مَا يَوَدُّ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَلَا الْمُشْرِكِينَ أَنْ يُنَزَّلَ عَلَيْكُمْ مِنْ خَيْرٍ مِنْ رَبِّكُمْ﴾ **“Neither those who disbelieve from the People of the Book nor the polytheists wish that any good should be sent down to you from your Lord.”** [TMQ Surah Al-Baqarah: 105]. These are the names for the types of disbelief: the people of the Book and polytheists. Both of them indicate its names. Accordingly, the words ﴿الْمُشْرِكِينَ﴾ ‘polytheistic men’ and ﴿الْمُشْرِكَاتِ﴾ ‘polytheistic women’ of the verse include all the disbelievers, from amongst the People of the Book or others as we have clarified.

That is what this verse denotes:

The prohibition of marrying a disbelieving woman by a believer,

And the prohibition of marrying a disbelieving man by a believing woman.

3. The specification (تخصيص) (takhsees) of this general verse about all the disbelievers has come in Surah Maida: ﴿الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَّ لَكُمْ وَطَعَامُكُمْ حَلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ﴾ **“This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you,”** [TMQ Surah Maida: 5].

Here it is the takhsees for the types of disbelief. The verse refers to the chaste women from the People of the Book i.e. Jews and Christians. They, chaste women from the People of Book, are the ones called by this word in the Shariah. Accordingly, Muslims are permitted to marry chaste women from the People of the Book i.e. (العفيفات - modest women).

As for the Muslim woman marrying a disbeliever, the prohibition remains in general, due to the verse 221, and there is no takhsees of the verse that came to indicate any type of disbelievers, whether they are from amongst the People of the Book or others.

4. As for why we have said: ﴿الَّذِينَ أُوتُوا الْكِتَابَ﴾ ‘Those who were given scripture’ i.e. ‘the people of book’ denotes the Jews and Christians, it is due to many divine texts that came in the Quran and Sunnah. Some of them are: ﴿يَا أَهْلَ الْكِتَابِ لِمَ تَحْجُجُونَ فِي إِبْرَاهِيمَ وَمَا أُنزِلَتِ التَّوْرَةُ وَالْإِنْجِيلُ إِلَّا مِنْ بَعْدِهِ﴾ **“O People of the Scripture, why do you argue about Abraham while the Torah and the Gospel were not revealed until after him? Then will you not reason?”** [TMQ Surah Al-Imran: 65] i.e. the People of the Book are Jews (Torah) and Christians (Injeel). When the Messenger of Allah (saw) was asked about dealing with Zoroastrians, He (saw) said: ﴿سنوا بهم﴾ **“Treat them like the people of book in matters other than eating their slaughters and marrying their women”** [Al-Muwatta’: 544, Al-Tabarani’s Al-

Mujam Al-Kabir: 19/437, Al-Bayhaqi: 9/189, Ibn Abi Shabiya: 3/224, 12/243, Abd al-Razzaq: 10025] i.e. Jews and Christians, except in the matters of slaughtering and marrying their women. There are also other divine texts indicating that.

5. However, the only exception from the prohibition is marrying the chaste women from the People of the Book. As for some of the Muslims who move to the lands of disbelief in east and west, marrying disbelieving women without any consideration of the chastity of women, it is a violation of the Hukm Shariah. This is because the reality of those lands is that they are dominated by the so-called personal freedom that makes *zina* as their customary practice. Therefore, it is very important for a Muslim youth to pay attention to this matter. If they find chaste women from the People of the Book, then it is permissible for them to marry. If not, it is not allowed for them in order to preserve the Ahkam Shariah, not to mix paternities, and not to fall into many tragedies, as a result of these situations.

Ibn Atiya reported that Hudaifa Bin Yaman (ra) married a woman from the People of the Book. Umar bin Farooq (ra) wanted to separate them and so Hudaifa told him: 'O Ameerul Mumineen! Are you claiming that it is haram so that I will leave her?' Umar (ra) said: لا أزعم أنها حرام، ولكنني أخاف أن تعاطوا المومسات منهن 'I am not claiming that it is haram. However, I am afraid that they would come to mingle with the promiscuous from amongst them.'

Ibn Abbas (ra) reported the same i.e. Umar (ra) detested it due to the possibility of lacking chastity. So how can it be realized today in the lands of disbelief?

In another narration reported by Ibn Jarir who married a Jewish woman, Umar (ra) wrote a letter to him: 'leave her in her path'. He replied: 'Are you claiming that it is Haram so that I will leave on her path?' Umar (ra) replied: لا أزعم أنها حرام ولكنني أخاف أن تعافوا المؤمنات 'No, I do not claim that it is haram, however I am afraid that they would come to abstain from believing women.'

Umar (ra) detested this as the people may then abstain from Muslim women. Accordingly, it is clear that if a Muslim youth wants to marry a kitabi woman, he must affirm that she is a chaste woman, who does not participate in Zina. If that is the case, then it is permissible for him to marry such a woman. However, marrying the Muslim women is the most preferable as the Prophet (saw) said: «تتجج المرأة لأربع: لمالها ولحسبها ولجمالها ولدينها، فاظفر بذات الدين تربت يداك» **“A woman may be married for four reasons, for her property, her rank, her beauty and her religion; so get the one who is religious and prosper”** [Al-Bukhari: 4700, Muslim: 2661, Al-Tirmidhi: 1006]

6. Based on what we have mentioned, only the chaste women i.e. modest women from the People of the Book are excluded from the prohibition of marrying the disbelieving women. And the verse prohibits other than those as we have mentioned earlier.

The meaning of the verse is as follows: It is prohibited to you, O believers, to marry disbelieving women except the modest women from amongst the People of book. And indeed, the believing slave woman is better than the disbelieving woman, no matter how beautiful she is. Also it is prohibited for you to marry the believing women to disbelievers of all the types, whether polytheists, People of the Book, Zoroastrians and others. And indeed, the believing slave man is better than the disbelieving man, no matter how admirable he is. This is because the invitation of disbelievers and their paths are to the Hellfire, whilst the invitation of believers and their paths are to Paradise and forgiveness from Allah (swt).

Then Allah (swt) clarifies at the end of the verse that these verses revealed by Allah (swt) are clear and explicit as to the invitation of the disbelievers to the Hellfire and to the invitation of believers to the paradise and forgiveness from Allah (swt). These verses are intended as a subject of reminder for the believers about the Day of Reckoning, the Paradise or Hellfire, so that they would strive themselves to draw closer to the Paradise and distance themselves from the Hellfire.

﴿وَلَا تَنْكِحُوا﴾ **“And do not marry”** i.e. do not get married.

﴿وَلَأَمَةٌ مُؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ﴾ **“And a believing slave woman is better than a polytheist,”** the believing slave woman is opposite to the free woman, because the subject is about the

clarification of goodness and superiority between Iman and polytheism. Thus, it is appropriate to say that Iman elevates even the status of slave women, who fell into slavery, whilst its absence lowers the status of free polytheistic women i.e. Iman raises slave women to a higher degree and a better status than the polytheistic free women. In this verse, the believing slave woman is absolutely preferred over polytheistic woman. As for the preference of free believing women over free disbelieving women, it is according to the principle of “for greater reason” (من باب أولى) (مفهوم الموافقة).

﴿وَلَوْ أَعْجَبَتْكُمْ﴾ **“Even though she may please you”**: (جواب الشرط) ‘Consequence clause’ for this conditional clause is removed, as indicated by the previous sentence i.e. ‘Do not get married to her even if she delights you’. And thus a believing slave woman is better than her.

And pleasing includes everything that adorns her in the eyes of those who seek to marry her, such as her beauty, money and all other things that make to desire for her. The Prophet (saw) said: «لَا تَزَوَّجُوا النِّسَاءَ لِحَسَنِهِنَّ فَعَسَى حَسَنُهُنَّ أَنْ يُرِدِّيَهُنَّ، وَلَا تَزَوَّجُواهُنَّ لِأَمْوَالِهِنَّ فَعَسَى أَمْوَالُهُنَّ أَنْ تُطْغِيَهُنَّ، وَلَكِنْ تَزَوَّجُواهُنَّ عَلَى الدِّينِ وَلِأَمَّةٍ خَرَمَاءَ سُودَاءَ ذَاتِ دِينٍ أَفْضَلُ» **“Do not marry women for their beauty, for it may lead to their doom. Do not marry them for their wealth, for it may lead them to fall into sin. Rather, marry them for their Deen. A black slave woman with piercings whose Deen is better.”** [Ibn Majah: 1849, Al-Durr Al-Manthur: 2/616]

﴿وَأَمَّةٌ مُؤْمِنَةٌ﴾ **“And a believing slave woman,”** the sentence begins with (*Lam Ibtida*- starting *lam*) which is similar to (*Lam Al-Qasm*- Swearing *Lam*) that gives emphasis. It is the emphasis both for preferring believing women and for the prohibition of marrying disbelieving women. Also the saying ﴿وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ﴾ **“And a believing slave is better than a polytheistic man”** gives the same meaning: Preference to the believers and prohibition of marrying believing woman to the polytheistic man. The Prophet (saw) said: «إِذَا جَاءَكُمْ مِنْ تَرْضَوْنَ دِينَهُ وَخَلْقَهُ فَزَوِّجُوهُ إِنْ لَا تَفْعَلُوهُ تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ» **“If there comes to you one with whose character and commitment to Deen you are pleased with, then marry (your daughter or female relative under your care) to him, for if you do not do that there will be Fitnah in the land and widespread corruption”** [Al-Tirmidhi: 1084, Ibn Majah: 1967, Ibn Hibban in Al-Thiqat: 5/491]

﴿وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ﴾ **“And He makes clear His verses to the people that perhaps they may remember.”** Here Allah (swt) mentions ﴿يَتَذَكَّرُونَ﴾ **“They may remember”**, and Allah (swt) mentions in the previous verse ﴿تَتَفَكَّرُونَ﴾ **“You may reflect”** [TMQ 2: 219]. This is because the previous verse was a commentary to sensitive matters such as: wine, gambling, orphans and betterment for the orphans. Thus Allah (swt) said: ﴿كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَفَكَّرُونَ. فِي الدُّنْيَا وَالْآخِرَةِ﴾ **“Thus Allah makes clear to you the verses [of revelation] that you might give thought in this world and Hereafter”** [TMQ 2:219,220] i.e. it reflects on these sensitive matters to you so that you will adhere to what improves your Dunya and Hereafter with this reflection.

As for here in this verse, Allah (swt) said: ﴿أُولَئِكَ يَدْعُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ﴾ **“Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember.”** The subject of Hellfire and Paradise is not under the sensory perception of humans to reflect upon. Rather, it is based on the transmitted narrative (naql) and reminder (of Allah). So, Allah (swt) says: ﴿لَعَلَّهُمْ يَتَذَكَّرُونَ﴾ **“perhaps they may remember.”**