



MUSLIM NON-MUSLIM RELATIONS

A STUDY OF THE QUR'ĀN AND ḤADĪTH TEXTS (*NUṢŪṢ*) REGULATING THE RELEVANT JURISPRUDENTIAL DEBATES

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A B S T R A C T

Muslim non-Muslim relations are a major subject of Islamic law and Muslim minorities' jurisprudential debates. Many important issues like citizenship, tolerance, and participation in politics and social services etcetera are closely related to this very subject. Classical treaties of Islamic law deal with its concerned issues under relevant but different headings. Studying these issues in these treaties, under specific topics, though provide deeper insights of the focused area it does not provide a total view of the over all nature of the subject. Moreover one does not find enough guidance from study of these works merely—that were written during the dominance of Islamic world—to solve the problems that the Muslim minorities, especially those living in the West are confronted with today. There is a need to revisit the primary sources of these classical works of Islamic Law, viz. the underlying Texts (*Nuṣūṣ*) from the Qur'ān and *Sunnah* of Prophet Muḥammad (peace be on him) to build a paradigm to deal with these novel issues. This paper attempts to draw outlines of a comprehensive picture of Muslim non-Muslim relations with the help of most frequently applied Texts in the classical and modern juristic debates on Muslim non-Muslim relations. It attempts to identify these Texts bearing a variety of prescriptions, categorise them and resolving the conflict place them in a way to maintain their mutual harmony.

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Introduction

The issues linked to the relations with other human beings are vital and delicate. In multi cultural and multi religious societies that are composed of people having different philosophies of life and social norms, the delicacy of such issues is multiplied. In such scenarios, personal and social inclinations, bias, and several other factors obstruct the rule of justice and equity and, thus, the instances of misconduct, transgression, discrimination, persecution and injustice become more likely to happen. To overcome these negative trends is a basic requirement of any civilised and moderate society.

Human relations are closely linked with ethics and law. While the former works for strengthening human relations by creating and maintaining pleasant and favourable environment, the latter deters the transgression and deviation. If ethics and law play their respective roles effectively, the society enjoys peace, security, and stability otherwise it experiences atrocities of the stronger over the weak and become a place where being weak becomes a crime in itself.

Love of the Supreme Being and submission to Him in all affairs is the essence of religion in general. This phenomenon makes followers of a religion to observe its dictates in ethical as well as legal matters. Hence, the vital role of religion for the promotion of peace and security in a society can not be under estimated.¹ Unfortunately,

1. For Islamic view on this subject, see, for example, the Qur'ān 2: 165 and 208–209; 3: 31–32; Moreover, according to Islamic teachings all the true Prophets (*anbiyā'*) and Messengers (*rusul*) commissioned by the Almighty Creator Allah invited mankind towards one and the same *dīn* (way of life) namely Islam, i.e. Submission to none but the Creator in all affairs of individual as well as collective spheres of life. All the true Prophets and Messengers (peace be on them) and their followers called themselves Muslims. See, for example, the Qur'ān 2: 130–133; 3: 19, 52, 85; 5: 44; 10: 71–72, 83–86, 90; 12: 101; 27: 30–31; 42: 13; 51: 35–36. According to the Qur'ān, the basic tenets and principles being the same, the details of the practical injunctions (*Sharā'i'*) revealed to each Messenger (peace be on him) had some variations. See, for example, the Qur'ān 5: 44–48; 22: 26–3200



‘UMAR’S *AMĀN* TO THE PEOPLE OF AELIA ISLAMICJERUSALEM, A MODEL FOR RELATIONSHIP WITH *AHL AL-KITĀB*

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A B S T R A C T

In few academic studies the first Muslim *Fatḥ* of Aelia and *al-‘Uhdah al-‘Umariyyah* or ‘Umar’s *Amān* (Assurance of peaceful co-existence and mutual respect) to the people of Aelia is regarded as being a major turning point in both historic and juristic terms. Far from being a study of the first Muslim *Fatḥ* of Aelia, the objective of this paper is to examine and present ‘Umar’s *Amān* as a model for the relationship with *Ahl al-Kitāb*. The paper, in this quest, mainly focuses on one of its longest and the most famous version, given by al-Ṭabarī, hoping that it will encourage scholars to examine its other versions to explore the reasons behind their appearance. It concludes that al-Ṭabarī’s version is the original text of ‘Umar’s *Amān* that he had had written and duly witnessed for the people of Aelia but without an added restrictive sentence. It also reveals that ‘Umar’s *Amān* laid down the foundations for managing future relations between the people of diverse faiths who inhabited the region; and reshaped the relationships between them, transforming Aelia into IslamicJerusalem. It argues that the socio-political, legal and religious norms recurrent in IslamicJerusalem resulting from this *Amān* present the best practical model to regulate Muslim non-Muslim relations and peaceful coexistence of the three faiths in the sacred land (*al-Quds al-Sharīf*).

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Introduction

In the opening decade of 21st century, the world has witnessed a very intense debate on the notion of a ‘clash of civilisations’ which has become part of our everyday vocabulary.¹ However, the present researcher argues that the basis of any such clash is either sheer ignorance or an extreme interpretation of the religious scriptures or secular ideologies on which people found their beliefs and actions.² Whichever way one looks at it, the present researcher argues that a better understanding through education is the solution that will help humankind to break the chains of ignorance. Accordingly, education is the most essential way to help in achieving *Aman* (peaceful co-existence and mutual respect) within one society as well as between the states. This is a challenge to all communities and states that they should be able to respect one another’s differences and have a common ground and a shared purpose. Indeed, it is essential to contest the notion of ‘clash of civilisations’ and address the absence of understanding between religions and cultures—which often amounts to mutual incomprehension—and the associated climate of

1. Bernard Lewis (1916–) seems to be the first to coin this thesis in a number of his works, see for example, Bernard Lewis, *The Middle East and the West* (Bloomington: Indiana University Press, 1967); idem, “The Return of Islam,” *Commentary* (January 1976), 39-49; idem, “The Roots of Muslim Rage,” *The Atlantic Monthly*, vol. 266, no. 3 (September 1990), pp. 47–60; idem, *What Went Wrong? Western Impact and Middle Eastern Response* (New York: Oxford University Press, 2002); idem, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003); idem, “Muslims about to take over Europe,” *Jerusalem Post* (January 29, 2007). Samuel P. Huntington (1927-2008) spelled out this thesis in his article, “The Clash of Civilizations?,” *Foreign Affairs* (Summer 1993). Huntington later further developed the main ideas of this article into a book, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996). Huntington reiterated this thesis in his later works also, see, for example, Samuel P. Huntington, “The Age of Muslim Wars,” *Special Davos Edition Newsweek* (December 2001–February 2002), p. 9. For present author’s comments, see, Abd al-Fattah El-Awaisi, *Introducing Islamic Jerusalem*, 3rd edn. (Scotland: Al-Maktoum Institute Academic Press, 2007), p. 95.

2. See, *ibid.* For a thorough analysis of the clash of civilizations paradigm, see, Abdullah Al-Ahsan, “The Clash of Civilizations Thesis and Muslims: The Search for an Alternative Paradigm,” *Islamic Studies*, vol. 48, no. 2 (2009), pp. 189–216.



INTERFAITH DIALOGUE A MUSLIM LEGAL PERSPECTIVE ON ITS VALIDITY, CONCEPT AND PRACTICES

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A B S T R A C T

The purpose and definitions of interfaith dialogue vary from person to person depending upon the areas from where they come and the nature of the encounter they are facing. Many Muslims participate in multi and inter faith dialogues for propagating Islam, providing clear understanding about its tenets and at times for the sake of securing their interests in the country they live in as a minority. It necessarily involves exchange of visits, holding common prayers or participation in coalitions and joint demonstrations. Such practices for some Muslims conflict with the basic tenets of Islam while for others, these endeavours provide a sizable opportunity to present Islam as a religion of tolerance that supports coexistence. This paper delves into the well-established rules of Islamic Jurisprudence, *uṣūl al-fiqh*, the Prophetic *Sunnah* and the recognised exegeses (*tafāsīr*) of the Glorious Qur'ān to evaluate the concept and practices of multi or inter faith dialogue from an Islamic *sharʿī* perspective. The present paper, however, does not discuss the political motives and dimensions of interfaith dialogue.

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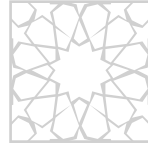
Introduction

Many Muslims participate in multi and inter faith dialogues for purposes of propagating Islam, providing clear understanding about its tenets and sometimes for the sake of securing their interests in countries where they live in as minorities. Such participations necessitate exchange of visits, holding common prayers or even joint participation in demonstrations and forming coalitions. For some Muslims such practices conflict with the basic tenets of Islam¹ while for others such activities provide a sizable opportunity to present Islam as a religion of tolerance that supports coexistence and spreading peace around the world. We need to admit that those who participate in such activities are not as many as those Muslims who do not participate. So, we are faced with the jurisprudential adaptation of the concept, practices and mechanisms of multi-faith dialogue as being currently practiced in the West and other parts of the world. Therefore, the main question raised by this research paper is to evaluate the concept and the recurrent practices of multi or inter faith dialogue from an Islamic *sharʿī* perspective with reference to the well-established rules of Islamic Jurisprudence, *uṣūl al-fiqh*, the Prophetic *Sunnah* and recognised exegeses (*tafāsīr*) of the Glorious Qurʾān. The present research, however, does not deal with nor discuss the political motives and dimensions of the interfaith dialogue pursued by the hegemonic powers.

Multi-faith Dialogue: Concepts and Muslim Legal Perspective

The focus of this section will be to elaborate the most common concepts of multi-faith dialogue and based on that perception an

1. See, ‘Abd al-Raḥīm al-Sulamī, “al-Ḥiwār bayn al-Adyān,” *Shabakat al-Qalam*, available online at: <<http://www.almoslim.net/documents/hewar.pdf>>; Bakr b. ‘Abd Allāh b. Abū Zayd, *al-Ibtāl li Nazariyyah al-Khalṭ Bayn Dīn al-Islām wa Ghayriḥ min al-Adyān* (Riyadh: Dār al-‘Āshimah, 1421 AH), p 11; Muḥammad b. Sa‘īd b. Sālim al-Qaḥṭānī, *al-Walā’ wa ‘l-Barā’ fī ‘l-Islām* (Riyadh: Dār Ṭaybah, 1402 AH), pp. 346–351.



FREDERICK QUINN

THE SUM OF ALL HERESIES

THE IMAGE OF ISLAM IN WESTERN THOUGHT

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Since the appearance of path-breaking and magisterial work *Islam and the West: The Making of An Image* (1962),¹ by Norman Daniel (d. 1992), of late several studies on the representation of Islam have come out. As a result, this subfield

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1. Norman Daniel, *Islam and the West: The Making of An Image* (Edinburgh: Edinburgh University Press, 1962).



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The work under review is very informative, scholarly and well-documented study about the anti-Muslim prejudice in both its historical and contemporary contexts. The authors examine in detail the forms that hatred towards Muslims has taken from the beginning of Crusades (5th/11th century) to the present time in the West. The papers included in this work analyse anti-Muslim feelings from a wide range of perspectives including politics, international relations, philosophy, history, law, sociology, cultural studies and literature. They provide a profound understanding of the present day political problems and controversies on the issues, such as: the status of women in Muslim communities, the 'headscarf' controversy, the so called honour killings and forced marriages; the role of media in the representation of Muslims and Islam; and other contemporary issues such as multiculturalism, integration and a systematic campaign against Islam by far-right political parties in the West.

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