

The Ethics of Global Civil Society in Islamic Tradition

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Abstract:

The present move towards a global world demands sincere efforts for a better mutual understanding on ethical basis so that the visions, loyalties, ideals and values of individuals irrespective of their religious affiliations can be developed. This study aims to present the importance of Islamic ethics for the global society. It briefly examines the Islamic ethics and suggests that Quran, Sunnah, the literature of Adab and legal rulings are the main sources of ethics in the Islamic tradition. This is followed by a discussion on the Islamic injunctions on important ethics of multi-faith society such as righteousness and goodness. This is followed by the discussion on religious pluralism as the basic ethic of global society. The opinions of the Muslim jurists about the liberty of faith are also explored. The final part of the paper analyses in detail the legal rulings of Islam regarding interfaith marriages and social relations among the followers of different religious traditions.

In the present age, human beings are willingly moving toward a 'one world' in which aloofness, estrangement and alienation are not desirable. The shell of isolation, which had provided a large measure of insulation to different religious communities in the past, has been shattered. To be a Muslim in modern world, or a Jew or a Christian, is to be so in a society in which other men, intelligent, devout, and righteous, are Buddhist, Agnostic and Hindus. In such a global society, the need for interfaith understanding and harmony, based on certain ethical grounds, is obvious. The shrinkage of our world into a global village due to enlightenment and socio-economic development demands that the learned people of each faith should search ethical guidelines of their own faith for regulating relations among the members of global civil society. Mutual understanding, careful appreciation and respect can be developed on the bases of these ethics.

Muslims are aware of this need from the early days of Islam because the establishment of their first society was based on multi faith relations. Later on, during the period of development and compilation of their legal codes, they developed a legacy of ethical rules for interfaith relations. It is time that such rules and regulation, that not only provide ethical grounds for interfaith understanding and co operation but also match to the present needs of global society, should be identified so that an appropriate framework for the ethics of global civil society can be suggested. This is

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the main problem that is before us in this paper. On the bases of which sources, Islamic ethics developed? What are important ethics of global society in Islamic tradition? How these ethics regulate interfaith relations and religious diversity in Islam? To which extend Islam recognizes liberty of faith? How Islam looks interfaith marriages? In the following lines these and other questions related to these are delved into more deeply.

Islamic tradition is distinguished for diversity of opinions. Ethical issues have got much attention in the writings of Muslim theologians and jurists. The analysis of all these opinions in one article is not possible therefore it is out of the scope of this study. This study includes only those opinions, which seem appropriate for present need of multi faith global civil society.

I- Evolution of Ethics in Islam

The ethical norms and the legal rules that have characterized belief and actions in Islam have initial inspiration from Quran and Sunnah. Muslim jurists and theologians, on the bases of these sources, derived a set of practical rules and regulations regarding Islamic ethics, which have been embodied in literature of Tafsîr, Hadîth, Fiqh and Adâb. Islamic ethics, weather religious or philosophical are ultimately based on the Qur'an. Many Muslim philosophers have given Islamic orientation to Greek ethical concepts on the bases of teachings of Qur'an and Sunnah. Other has taken ethical verses of the Quran and given them a new meaning from the perspective of Greek ethics. Therefore, in order to appreciate the latter development of ethics, one should first understand the nature of ethics in Qur'an.¹ The semantic and theological foundations for detailed Qur'anic system of ethics have been laid down in the scholarly works of contemporary scholars such as Izutsu², Rahman and Hourani. Rehman in his *Major Themes of the Qur'an* reinterpreted the Quran according to the overarching virtue of social justice but without minimizing the principles of divine justice. Hourani, in his *Ethical Presuppositions of the Qur'an*, demonstrated that the Quran teaches ethical values with an objective reality, and that ethics can not simply be reduced to the commands and prohibitions of God.³

The ethical dimensions of the Quran are integrated to the social context in which it was revealed. That includes both the context of the pagan Arabs and the early companions of the Prophet Muhammad. The various religious, legal and moral obligations are interconnected as they are subsumed under God's will. However, there is also a teleological dimension where people obey God because he is good, and where they seek, by means of their innate character (fîtrâh), to progress toward happiness and to become the best community to be brought forth for humankind.⁴

1 Yasien Mohamed, 'The Evolution of Early Islamic Ethics', *The American journal of Islamic Social Sciences*, Vol.18,fall 2001,No.4,p.90-91.

2 See T.Izutsu, *The Structure of Ethical Terms in the Koran* (Tokyo, 1959); God and Man in Qur'an (Tokyo, 1959).

3 Denny M.F, *Ethics and the Qur'an: Community and World View*, (Malibu, 1985), p.104.

4 Ibid., p.108.

Many of the qualities that became part of Islamic ethics were virtues of pre-Islamic Arabs that transformed and took new meaning with the conversion of the pagan Arabs to Islam. In pre-Islamic Arab society two characteristics of Arabs *Jâhl*(ignorance) and *hîlm*(forbearance, patience)were very prominent. Through the impact of Quran the vengeful spirit of the Arabs was transferred into a positive quality of *hîlm*. The person called *halîm* is self controlled, moderate and generous.⁵ According to Izutsu, *hîlm* is a dominant virtue in the Quran that enables a person to control his fierce temper.⁶ In a certain sense the spirit of *hîlm* dominates the ethos of the Quran as a whole. The constant exhortation to kindness (*ihsân*) the emphasis laid down on justice (*adl*), the forbidding of wrongful violence (*zûlm*), the bidding of abstinence and the control of passions, the criticism of groundless pride and arrogance — all are concrete manifestations of the spirit of *hîlm*.⁷

Furthermore, the Quran also considers Prophet Muhammad to be the standard of moral conduct both in relation to God and in relation to other humans. He is from the perspective of the Quran, a messenger of ethical guidelines and a model of piety. More details information about his moral conduct can be found in the Hadîth literature. Like the Quran, the Hadîth deals with ceremonial, ritualistic and ethical requirements of the faith. It provides information on the action, utterance spoken and unspoken approval of the Prophet.⁸ The ethical traditions of Prophet Muhammad can also be found in the *Sîrah* (Biography of the Prophet) and in *Adâb* literature, which deals with good manners, education and cultures. A glance at the content lists of the major sources of Hadîth shows that it includes topics such as faith, prayer, religious duties, civil regulations, ceremonial law, moral admonition of virtues and the moral character of the Prophet. It also incorporates obligations to the sick, requirements of trade and borrowing, and the paying of debts. The *Sûnnah* is rich in admonition about personal habits regarding food, drink, and clothes, ornaments cordial greetings and the proper practice of nursing infants.⁹ Other ethical aspects of *Sûnnah* are respect for parents, moderation in spending, hospitality, forbearance, and faithfulness in keeping a trust. Thus, emulation of the moral conduct of the prophet has become a part of the Muslim way of life.¹⁰

Muslim Jurists derived from Qur'an and Sunnah detailed rules of Muslims conduct related to individual, collective, local as well as international social and moral matters. These detailed rules as injunctions of Shari'ya have been compiled in books of Fiqh (Islamic Law). These injunctions include forbidden actions (*haram*) such as premeditated

5 Yasien Mohamed, 'The Evolution of Early Islamic Ethics', op.cit.,p.89.

6 C.Pellat, *Encyclopedia of Islam*, 'Hilm' New ed., Vol. iv, p. 390-392.

7 T. Izutsu, *God and Man in the Koran*, p.216.

8 Wahwah al-Zuhâlî, *Usool al-Fiqh al-Islami*, (Tehran: Dar Ihsan,1998)p.1/449.

9 See Al Bukhari Abu Abdullah Muhammad bin Ismael d.870, *Al Jamiya Al Sahi*, (Dâr Ibn Kaseer,1987) Kitab isti'dhan 9;Bab Adab no.57.62; Muslim bin Hjaz, *Al Jamiya*, (Beirut: Dar al-fikar,1983),Kitab Birr,23,25,26;Adab,47.

10 Ibn Hisham, *al Sira al Nabawiyya*,(ed.) Mustafa al-Saqqâ, Ibrâhim al-Abyârî and Abdul Hafeez Shalabî, (Beirut: Dâr al-Khayr, 1990),p.4/205.

murder, adultery, sodomy, the drinking of wine, theft, slander, false witness, disobedience to parents, eating the flesh of swine, hoarding and usury.¹¹ Literature of *fiqh* also provides guidance for interfaith relations, liberty of faith, tolerance and interfaith marriages.

Adâb, which is defined as an ethical, high quality of soul, good upbringing, urbanity and courtesy,¹² is an important source of inspiration for later Islamic ethics as it was the kind of literature that could easily incorporate philosophical elements without affecting religious sensibilities. From the first century of Hijrah it came to imply the sum of the intellectual science, as distinct from the religious knowledge, which makes a man courteous. The third century writer al-Jihiz, was not only a perfect proponent of Arabic poetry and prose, but also of ethics. The ingredients of that are morel and social upbringing, intellectual education and entertainment.¹³ The social sense of adab was first implied in the middle ages and therefore refers to the etiquette of eating, drinking and dressing; the etiquette of the boon companion; the etiquette of disputation and the etiquette of study and teaching.¹⁴ Ethical sayings attributed to the prophet can also be found in Adâb literature that dealt with religious education and moral instruction.

The moral guidance of these sources of Islamic Ethics provides foundation for the Muslims' devotional and ethical practices. Some Muslims ethics are related to individuals while others other deal with collective social relations. Some of these ethics, which are related to global civil society, are explored in this paper.

II- Goodness (Khayr/salih) and righteousness (birr)

Goodness and righteousness are core of Islamic Ethics. These are not only ethics of good individuals but also ethics of civil society. The term *khayr*, which is used in the meanings of goodness, is a comprehensive one that connotes valuable, beneficial, useful, and desirable, covering both the material field and that of religious belief. This term is also used in the meanings of wealth in Qur'an.¹⁵ The opposite of *Khayr* is *sharr*. The term *salih* (righteous) is less general and more specific than *Khayr* and is specifically related to belief, as suggested by the following verse: those who believe and do good work are the people of paradise, when they will dwell forever."¹⁶ These good works are stated in the verse, 'When you made a covenant with the children of Israel: 'You shall worship none other than Allah; Show kindness to your parents, to the near kin, to the orphans and to the poor, speak to people, perform the prayer, give the alms-tax.'¹⁷ Good works, therefore, includes the belief in One God (*tawhid*), pious acts such as prayer,

11 Yasien Mohamed, op.cit.,p.90.

12 H.Kilpartrick , *Encyclopedia of Arabic Literature* 'Adab' (London,1998),p.56.

13 Ibid.,p.56.

14 Books on these matters refers as *Adab al-dars*, *Adab al-alim wa-l-muta'allim* ,and Tadrîs see for details: F.Gabrieli, Adab, Encyclopedia of Islam,p.1/175.

15 Al- Qur'an 2:104.

16 Al-Qur'an 2:82.

17 Al-Qur'an 2:240.

and moral action such as being kind to one's parents, the orphans and the poor. Here too we can see in this verse that belief is inseparable from righteousness.

The world *birr*(righteous) is similar to *salih*. It suggests that piety is inseparable from social justice and love for others, as can be observed from the Qur'anic verse: "Righteousness is not to turn your faces towards the East and the West; the Righteous is he who believe in Allah, the Last Day, the angels, the Book and the Prophets; who gives of his money, in spite of loving it, to the near of kin, the orphans, the needy, the warfare's and the beggars, and for the freeing of slaves; who performs the prayers and pays the alms-tax. Such are those who keep their pledges once they have made them, and endure patiently in privation, affliction and in time of fighting."¹⁸

These verses show that these ethics are more important than a certain religious expression and if a person is not possessing it, his faith is not completed. On the bases of these Qur'anic injunctions, during the early period of Islam, Muslims were use to extend social, finical and moral sport not only to the Muslims but also to the non-Muslim communities. Ethics of goodness and righteousness aimed at goodness with everyone irrespective of religious affiliation and this could play very important role in creation of sense of humanization in global civil society. The Qur'anic concepts of *Khayr* goodness and *birr*¹⁹ provides principles of interfaith corporation and harmony and It can create feelings of sympathy, love, respect and appreciation among the followers of different religious traditions.²⁰

III- Justice and Responsibility

Justice is a supreme virtue in Islam to the extend that it stands in order of priority to belief in Oneness of God and the truth of the Prophet Muhammad.²¹ There are many verses in the Qur'an that command believers to adopt this as a morel ideal; 'God commands you to deliver trust to their owners and if you judge between people, to judge, justly'.²² 'O believers be upholders of justice, witness for Allah, even if it be against yourselves, your parents or kinsman. Whether rich and poor, Allah takes better care of both. Do not follow your desire to restrain from justice'.²³ Justice demands that people should be true in words and deed.²⁴ Faithfully observed contracts.²⁵ Weigh

18 Al- Qur'an 2 :177.

19 See Al- Qur'an 2:148;5:48.

20 Issa J. Boullata, 'Fa-stbiqû 'l-khayrât: Qur'anic Principles of Interfaith Relations', *Christian-Muslim Encounters* edited by Yvonne Yazbeck Haddad, Wadi Zaidan Haddad, (U.S.A: University of Florida prees,1995),p.43-44.

21 T. Izutsu, *The Structure of the Ethical Terms in the Koran*,p.210-215;M.Fakhry,Ethical Theories in Islam(Leiden,1991),p.14-15; B.H. Dar, *Ethical Teachings of the Quran* ,A History of Muslim Philosophy (Wiesbaden,1963),vol.1,p.162; Muhammd Hashim Kamali, *Freedom, Equality and Justice in Islam*,(Petaling Jaya,1999),P.147.

22 Al- Qur'an 4:58.

23 Ibid., 4:135.

24 Ibid.,3:17.

25 Ibid.,2:177.

goods justly, and not be fraudulent in measure to cause loss to others.²⁶ Nor unjustly withhold from others what is due to them.²⁷ For it would lead to spread of mischief on earth.²⁸ The word *qist* is also use to connote justice and equality. The word *adl* is also the equivalent of *qist* in the sense of legal justice, that is the exercise of justice in the courts of law, and it is mentioned in many verses of the Quran.²⁹

If the Quran commands men to be just, then it logically presupposes human free will, which according to Fakhry is placed with in a particular context of legal duties and eschatological implications. Although free will is not discussed theologically, there are certain verses in the Quran, which refer to it. Man's responsibility, in the Quran, takes the form of accountability before God. Qur'an says: 'And you will be surely be questioned about what you do'.³⁰ Responsibility in turn presupposes freedom of will. The substantive noun *huriyyah* or freedom does not occur in Qur'an, but appears as an adjective or in a transitive form in an others place.³¹ The man's responsibility is also denoted by the term *isti,ah*(capacity). This capacity implies implication of more freedom and responsibility. It occurs in the Qur'an mostly in the verbal form, and as a precondition to moral or religious obligation, as for example in the case of the pilgrimage: 'It is the duty to Allah incumbent on those who can (*man istita'ah*), to make the pilgrimage to the House'.³²

Ethics of Justice and human responsibilities in Islam are not dependent on any particular religious affiliation but these are for all human beings across the religious affiliations. There is no hurdle to take these ethics as ethics of global civil society because it is not specific to any particular religious tradition but common for all human beings.

IV- Religious pluralism

Islam believes that the core of the messages of all the prophets and messengers was the same³³ and that is submission to God in the light of guidance communicated by the prophets. All prophets were Muslims (submitters to the God), and Islam is not merely the religion preached by Muhammad but was also the religion of all the true prophets of God such as Noah, Abraham, Jacob, Joseph, Moses, and Jesus and their

26 Ibid.,6:152.

27 Ibid.,26:181-183.

28 Ibid.,9:85.

29 Ibid.,4:128;4:61;6:153 and 5:105.

30 Ibid.,16:93.

31 Ibid.,2:178.

32 Ibid.,3:97.

33 According to Islamic beliefs, Prophet hood is a channel for communication between God and human beings, his creature. Since the need for divine guidance is an essential one, revelation and prophet hood go back to the very beginning of human life on earth. The human ancestor Adam was the first recipient of revealed guidance and Muhammad was the last. See for details, Nasr Seyyed Hossein, *Ideals and Realities of Islam* (Unwin paper backs, London, 1979) ,p.84-88.

followers.³⁴ Islam believes that there has been no nation, which had not been visited by a warner³⁵ so that, the different religious traditions of the world presumably had an authentic starting point.

Qur'an provides evidence that Judaism and Christianity represent authentic religious traditions, revealed from the God. No doubt, Qur'an criticise several Jewish and Christian doctrines but it confirms the message of God that is contained in their Scriptures.³⁶ Although from time to time God's revealed guidance was modified in respect of certain detailed legal perceptions such as forms of worship, dietary laws, etc., the fundamentals of true religion always remained the same. Muslim scholars generally recognize that where as Dîn or essential religion remained the same, the *shari'ah* or religious prescriptions of the people, which are named in Christianity as *Hodos*, in Judaism as *Halakah* and in Chinese religion as *Tao*,³⁷ are varied.³⁸ Zafar Ishaq Ansari observes that the evaluation of religious phenomena in an Islamic perspective shows that the religious life of humankind and encounter between humans and God is genuine and is not limited to any particular race or territory. It embraces all humankind. All those who responded sincerely to God's revelation and sought to obey God are respectable irrespective of when and where they lived or which religious leader they followed.³⁹ The religious experience of Muhammad is in certain way distinct in the opinions of the Muslims but it was not essentially different from that of other prophets of God, for each has received authentic revelation from God. It is for this reason that God has repeatedly prohibited distinction between the Messengers of God,⁴⁰ and Muhammad disliked that he should be considered above Moses and other prophets of God.⁴¹

The above discussion shows that Islam looks on religious diversity as natural phenomena, as a concomitant of God's bestowal of free will and choice on human being. God could have compelled all people to follow the truth, but did not do so.⁴² If God in infinite wisdom did not compel people to embrace the truth, how it can be permissible for human beings because there is no compulsion in religion.⁴³ In fact major justification for use of sword is to protect the religious freedom of all people. Qur'an says: [And were God not to repel some people by others, cloisters and churches and

34 See Al Qur'an 2:127-133 ; 3:51-52,84 ; 6:161-163 ; 10:83-84 and 90.

35 Al Qur'an 35:24.

36 Ibid., 2:49, 81,91,101; 3:50,81; 4:74; 5:46.

37 Leonard Swidler, 'Interriligios and Interideological Dialogue: the Matrix for all Systematic Reflection today', Leonard Swidler(edi.), *Towards a Universal Theology of Religions* (Maryknoll, New York 10545: Orbis Books, 2nd edi.,1988),p.12.

38 Zafar Ishaq Ansari, 'Some Reflections on Islamic Bases for Dialogue with Jews and Christian,' *Journal of Ecumenical Studies*, vol. 14,1997,p.436.

39 Ibid.

40 Al Qur'an 2:136,285; 3:84 and 4:15.

41 Al Bukhari, *Al Jamiya Al Sahi*, Kitab al-Khusûmât , and Kitab al –Tawhîd.

42 Al Qur'an 5:51 and 6:108.

43 Ibid., 2:256

synagogue and mosques in which God's name is much remembered would have been pulled down.]⁴⁴ The mentioning of churches and synagogue along with mosques is perhaps significant for analysing Islamic view regarding religious diversity and pluralism.

Richard K. Khuri acknowledges that the Prophet of Islam had a sustained encounter with the infinite, with divine presence. The embodiment of that encounter is testimony to the impossibility of interpretational permanence. He feels that Qur'an is a book forever capable of generating new interpretations that differ significantly from the old. It also refers explicitly to the other ways toward the infinite. If one seeks it, one may find implicit acceptance of every striving for divine, because there is a primordial Islam that refers to humanity's general and religious disposition. He concludes, that Islamic experience provides a solid foundation for true pluralism.⁴⁵ Which today hailed as the reality of a world composed of diverse cultures, belief systems, and standards of morality.⁴⁶ It is, therefore, no accident that (a) there are several schools of jurisprudence for the drafting of Laws,(b) Muslims were able to engage Qur'anic interpretation in a wide diversity of ways for many centuries, even occasionally departing from the notion that it was never created or that it is literally the word of God, and (c) they have managed to coexist with Christians ,Jews , Hindus, Buddhists, Confucians and pagans(specially in Africa) in many places and over several years. Above all, many Muslims have awakened to the spiritual reality of their experience and have sought to recapture it in their own lives. Many orders were built around that quest. It is because Sufis have had access to the inner aspect of religion and, hence, morality, which they have frequently been at peace with others in a manner untouched by the vicissitudes to which pragmatists, must submit.⁴⁷

Schachter notices that Islam has given us first thrust in the direction of scholasticism. It was Islamic thought and scholarship that made us enter into dialogue with philosophy. It was so fruitful in its own day, he observes, that I cannot believe that there is presently hardly any of this dialogue.⁴⁸ He further acknowledges that Muhammad himself declared that what he conceived as bringing the shari'ah of Judaism and Christianity into line with the conditions of this day and age. Even during lifetime of Muhammad Islamic law changed to fit the changing conditions. There must have been developments in the shari'ah to deal with the industrial revolution.⁴⁹

44 Ibid., 22:40

45 Richard K. Khuri, ' True and False Pluralism in Relation to Islam and West,' in Plamen Makariev (ed.) *Islamic and Christian Cultures: Conflict or Dialogue, Bulgarian Philosophical Studies* (U.S.A: The Council for research in Values and Philosophy, 3rd edition, 2001) ,p.235.

46 Mahmut Aydin, 'Religious Pluralism: A Challenge for Muslims-A Theological Evaluation,' *Journal of Ecumenical Studies*, vol. 38:2-3,(2001),p.331.

47 Ibid.,p.335.

48 Zalman M. Schachter , 'Bases and Boundaries of Jewish ,Christian, and Moslem Dialogue,' *Journal of Ecumenical Studies*, vol. 14, (1977),p.417.

49 Ibid.

The relationship of *Da'wah* with pluralism is another point that needs to be discussed. Contemporary *Muslim* scholars consider *Da'wah* as other evidence of favourable Islamic trend toward pluralism, which encourages dialogue. *Da'wah* is also a form of dialogue because it involves ingredients of dialogue such as knowing, learning, reaching, talking, discussing, persuading each other etc.⁵⁰

Islamic view of religious pluralism, which is one of the most important needs of global civil society, clarifies that religious pluralism can create atmosphere of interfaith harmony, which could strengthen different elements of world wide civil society. Islam confirms existence of truth in other religious traditions and is not against their survival along with it. It does not consider that salvation is not possible without embracing Islam. Islamic concepts such as prophet hood, start of religion, authenticity of other scriptures and recognition of diversity in religious ways together shaped picture of religious pluralism in Islam. Islamic religious pluralism could be used as a tool for creating better opportunities of interfaith understanding and harmony among the followers of different religious traditions.

V- Interfaith Harmonious Relations through Dialogue

The consequence of religious pluralism is interfaith relations based on dialogue and respect and not on clash and hatred. Dialogical methodology of interfaith relations is proposed by Qur'an, which says: 'O People of the scriptures come to a world which is common between you and us that we worship none but God (Alone), and that we had associate no partners with him, and that non of us shall take others as lords besides God.'⁵¹ Here we have found a literal translation of 'dialogue' i.e., a 'world between' (*dialogos*) conversation partners.⁵² In this verse all believers irrespective of their religious affiliations have been provided common platform for dialogue between them and they have been asked to start their dialogue on the bases of confession of one God.⁵³

Islam not only recognizes non-Muslims as citizen of the Islamic State but also provides legislation regarding their rights. Muslim law, as a principle protects life property honour and liberty of conscience (of religion) of all human beings without any kind of discrimination including faith. No doubt that Islamic law maintains a difference of treatment between Muslims and non-Muslims but in many respects latter are better off.⁵⁴ Qur'an has mentioned non-Muslim religious communities such as the

50 Siddiqui Attaullah, *Christian-Muslim Dialogue in the Twentieth Century*, (Macmillan Press Ltd, London, 1997), p.125.

51 Al-Qur'an 3:64.

52 Gottlob Schrenk, *Theological Dictionary of the New Testament* (Ed.) Gergard friedrich et al, (trans.) Geoffrey Bromiley, (Grand Rapids, MI, WM.B.Eermans Publishing Company, 1974), p. 2/93: Simon Harunblower and Antony Spawforth (edi.), *The Oxford Classical Dictionary* (New York, Oxford University Press, 3rd Edition, 1996), p.462

53 Ibn Khathîr, Imad al- Dîn Abû al-Fidâ Ismâ'îl, *Tafsîr al-Qur'an al-Azîm* (Beirut :Dar al-fikar, 1970), p.1/245.

54 Hamidullah Muhammad, *The Muslim Conduct of State* (Lahore: Sh. Muhammad Ashraf Publishers, 1996), p.111-112.

Banû Isrâ'îl and Jews (Yahûd), the Christians (Nasârâ), the Zoroastrians (majûs), the Sâbi'a, and the polytheists who associate others deities with Allah. As for as revealed books are concerned, Qur'an, in addition to Tawrât and Injîl, mentions 'scroll of Abraham and Moses (suhuf Ibrâhîm wa Mûsâ)', 'the first scroll (al-suhuf al-ûlâ)', 'the books of ancient people (zubur al-awwâlin)', the Zabûr of David, commonly identified with the Psalms, and the scroll of Shîth.⁵⁵

Islam has always displayed a keen interest in the comparative description, analysis and criticism of religions other than Islam. Judaism and Christianity have received the lion's share of Muslim attention. From the Muslim point of view, these two religions have much in common with it. Together with the *Jâhili* polytheism, they were the religions, which Islam faced at the early stage of its development. The Muslim perception of Judaism and Christianity was inspired by the interpretation of abundant Qur'anic material. The well-known Muslim view is that Jews and Christians are people of book (*ahl al-kitab*); those of them who are subject to Islamic Jurisdiction, pay the poll tax (*Jizya*), and agree to live in accordance with the Muslim laws concerning them are considered as "protected people" (*ahl al-dhimma*). The concept of *dhimma* which is misconceptionally assumed as inferior status of non-Muslims in Islamic society is described by Al-Zarqa 'as a Juristic description that is presumed by the legislator to exit in human being and according with which [the person] becomes able to obliged and be obliged.'⁵⁶ This terminology is used for the expression of aspects of legal personality, which is supposed to contain an account of all the person's rights and obligation whether they are religious or financial in nature. This status allows a person to enjoy his rights and perform his duties.⁵⁷ After attaining the legal capacity in form of *dhimma*, non-Muslims become citizen of Islamic states and Muslims may marry their women, may consume meat slaughtered by them and should allow them their respected faiths. Unlike the Muslims, they are exempted from the surplus property tax (*zakât*).⁵⁸ They are also exempt from conscription, where all Muslims are subject to compulsory military service. They enjoy a sort of autonomy; their cases are adjudicated by their co-religionists in accordance with their personal law and their life and property is protected

55 Qur'an:3:163,4:162,17:55,20:133,21:105,26:196:53:36,80:13,87:18-19; Mâwardî, Abû al-Hassan Al î b. Muhammad b. Habîb, *Al-Hâwî al-Kabîr fî fiqh madhhab al-imâm al-Shâfi*..... *wa huwa sharh mukhtasar al-Muzanî* (Ed) Alî Muhammad Mu 'awwad and I'dîl Ahmed Abd al-Mawjûd (Beirut :Dâr al-Kutab al-ilmiyya,1992),vol.9/226; Ibn Qudamah, *Almughani* (Ed.) Abdullah bin Abdul Muhssan al-Turki and Abdulfatah Muhammad Alhulaw(Kingdom of Saudi Arabia :Dar Alimal Kutab,1999)vol.8,p.501,590-591;Ibn Qayyim al-Jawziyya, *Ahkâm ahl al dhimma*,(Ed.)Subhi al Sâlih (Damascus, 1961).p 2/432-433.

56 Al-Zarqa, Ahmed M., *Al-Madkhal al-fiqhî al-am*(6th edn. ,1959),p.2/737.

57 Mahdi Zahraa-, 'Legal personality in Islamic Law' , *Arab Law Quarterly* p.203

58 According to Islamic Law, all the Muslims male or female, young or old, pay every year at the rate of 2.5% on their savings, above the minimum of 25£. See Hamidullah, op.cit.,p112.

by the Islamic state even as those of Muslim subjects.⁵⁹ In return for all this they are required to pay from 12 to 48 dirhams (1.5£ to 6£) per person with several exceptions. The rules regarding payment *Jizya* are too lenient in comparison to the *Zakat*, which is essential element of the Islamic faith and its payment is obligatory on the Muslims. This is reason that presently almost this tax is abolished in all Muslim countries. The Prophet Muhammad and his successor caliphs instructed for kind careful and gentle treatment of the non-Muslim subjects of Islamic State. The Prophet Muhammad said: 'Who ever oppress a non-Muslim subject or taxed him beyond his capacity, then I shall be the opposite party to him in the litigation on Doomsday'.⁶⁰ Umar b. al-Khattâb, the second caliph of Islam, advised at his deathbed: 'I exert my successor regarding the treatment to be meted out to the people protected (i.e. non-Muslim subject) by the Messenger of God. They should receive the fullest execution of their covenant and their life and property should be defended even by going to war, and they should not be taxed beyond their capacity.'⁶¹ Once Umar b. al-Khattâb passed along a street where an old and blind poor Jew was asking for charity. He asked him why you are asking charity? He replied I have to pay the captivation tax; I am poor and an old. At this 'Umer took him by the hand and led him to his own house and gave him something from his private coffers. Then he sent following directive to the head of the state treasury: 'Look at him and his like. By God ! we should never be doing justice if we eat his youth and leave him deserted in the old age. The government taxes are meant for the poor and the indigent. The poor are Muslims and this one is an indigent from among the scriptures'. Then Umar b. al-Khattâb remitted the *Jizya* from him and his like.⁶²

The status of *ahl al dhimma* was originally laid down by the Qur'an regarding the Scriptories or *ahl al Kitab* from Jews and Christians. The Qur'an is silent regarding the status of other non-Islamic creeds. The practices of the Prophet Muhammad and Orthodox Caliphs has, however decided that all non-Muslims may be allowed to stay in Islamic state and status of *dhimma* can be extended to them. Uthmân extended this status to the Berbers and Abdul Malik to the Lingayats and Brahmins of India.⁶³ Hnafi , Mâlikî, some Hanablîs, Imam al-Awzâ'î and according to some reports Ibn Hanbal himself recognize that all non-Muslims living in Islamic countries under Muslim rule are *ahl al-dhimma*.⁶⁴

The Islamic attitude to the followers of the other religious traditions can be seen in the treatment of Muslims with these. The Jews and Christians are at the top for accommodation with in Islamic Society. The Samaritans is treated as a Jewish group

59 Ibn Fadlallâh al-Umariy, *al-tarîf bil mustlah al-sharîf*, p.142-146.

60 2 Abû Yoûsaf has mentioned this hadîth in his Kitâb al-Kharâj at p.68.

61 Abû Yoûsaf, Kitâb al-Kharâj, p.70.

62 Ibid., p.71.

63 Al-Sarakhsî , Sharh Kîtâb al-siyar al-kabîr li-Muhammad b. al-Hassan al-Shabânî, Ed. Salâ al-Dîn al-Munajjid 9 ciaro, 1971), p.4/139 ; Hamidullah Muhammad, op.cit., p118.

64 Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*, vol. 1/188.

because they observe the law of Tawrât.⁶⁵ In the earliest books of law, the Christians are mentioned as one group, but Ibn Qudâma al-Maqdisî, who lived in Jerusalem and Damascus during the Crusades, enumerates various Christian denominations, such as the *jacobites*, the Nestorians, the *Melchites*, the franks (*faranjîyya*), the Byzantines and Armenians.⁶⁶ The treatment of Islamic law with the Zoroastrians as *ahl al dhimma* is particularly very interesting because many beliefs of Zoroastrians are against the clear Islamic traditions.

Richard K. Khuri reminds us that it took six centuries for the population in the near east to shift from its Christian majority to one that is Muslim. This shows that Muslims by and large eschewed forced conversions. They had enough confidence in themselves and their faith does not require that it should be universally followed by force. He expounds that for long period of time and in many places, their treatment of others communities was unprecedented in its openness and generosity. One need only contrast this with what happened to non-Christian, apart from small number of Jews and to dissenting Christians, throughout most of Europe after it became Christianised.⁶⁷

Above discussion treats theological and legal bases of Muslims relation with the followers of other religious tradition. Like the people of all other faiths, Muslims conceived their faith best, most comprehensive and suitable for them but at the same time they are not denying this right for followers of other religious traditions. This aspect of Islamic tradition could be useful for present situation and Muslims can shape their conduct in present multi faith global civil society on its bases. No doubt many norms of Islamic society are Islamic oriented but it can provide ethical teachings which can be followed irrespective of any particular religion. These are human values and can use for better, peaceful global civil society.

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65 San 'ânî, *Musannaf*, no.10043,p6/74;Abû Yoûsaf, Kitâb al-Kharâj, p.122;Shâfi 'î,*Kitâb al-Umm* ,p.4/259; Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*,vol. 1/90-92,245,431;Ibn Qudâma,Mughnî,p,432-433.

66 Ibn Qudâmah, *al-Mughnî*, vol.8,p.496.

67 Richard K. Khuri, ' True and False Pluralism in Relation to Islam and West,'in Plamen Makariev (ed.) *Islamic and Christian Cultures: Conflict or Dialogue, Bulgarian Philosophical Studies* (U.S.A: The Council for research in Values and Philosophy, 3rd edition, 2001) ,p.238.; See Lewis, Bernard, *The Jews of Islam* (London : Routledge & Kegan Paul, 1984). p.12; S.d. Goitein ,*Jews and Arabs* ,P.74-75; Minou Reeves, *Muhammad in Europe*, (Uk: Garnet Publishing Limited,2000),p.34.

use for better, peaceful global civil society.

VI-Tolerance, Respect and Liberty of a Faith

Extreme fundamentalism is not only a big hurdle in better relations among the followers of different religious traditions but it is also a challenge for global civil society. Originally, the term fundamentalism would refer to an evangelical, anti modernist movement from the beginning of the 20th century.⁶⁸ At that time the term was used only in Christian context but later on this was applied to other religious movements.⁶⁹ A number of scholars, Muslims as well as non-Muslims, are worried that the term 'fundamentalism' could become misleading when it drawn from the Christian context and applied carelessly onto Islam.⁷⁰ Milko Youroukov finds extreme religious fundamentalism as incompatible with civil societies- not only as notion, but also as phenomena. Inter religious dialogue, which is core of interfaith relations in civil societies, takes place among the persons who identify with particular religious communities and defend different positions with regard to matters of religion, theology and philosophy. But if they have fundamental trends than this exercise will be fruitless and wastage of time.⁷¹ He proposes tolerance as solution to the problem of extreme fundamentalism. For the adherence of harmonisation between civilisations, in his words, tolerance should become a basic criterion to judge attitudes toward one another and toward others respective religions.⁷²

Muhammad Talbi, Tunisian scholar involved in interfaith dialogue, opposes this opinion. He feels that this problem of fundamentalism could be overcome by willingness to listen to others and certain amount of openness, respect, and humility. He associates tolerance with the medieval mentality; at that time it represent a certain degree of progress. He drives that Roberts's dictionary defines it as the fact of not for bidding or requiring, although it would be possible to do so. Therefore, he thinks that tolerance is

68 See for details William M. Shea, 'Catholic Reaction to Fundamentalism', *Theological Studies*, No. 57(March, 1996) p.264-285; John F. Whealon, 'Challenging Fundamentalism', *Amreca*, No. 55(September 27, 1986) p.136-138.

69 Jaroslav Pelican, 'Fundamentalism and/or Orthodoxy?' 'Towards an Understanding of the fundamentalist Phenomenon' in *The Fundamentalist Phenomenon*. Ed., Norman j. Cohen (Michigan: Grand Rapids, 1990), p.2.

70 For more information on the Muslims' reaction on the use of this terminology see: Syeed Hussain Nsar, 'Present Tendencies, Future Trends,' in Marjorie Kelly (edi.) *Islam: The Religious and Political Life of a World Community*, (New York: Praeger, 1984), p.279; Fredric M. Denny, *Islam and Muslim Community* (New York: Harper & Row, 1987), p.117.

71 Milko Youroukov, 'Dialogue Between Religious Traditions as a Barrier against cases of Extreme Religious Fundamentalism,' (Ed.) Plamen Makariev *Islam and Christian Cultures: Conflict or Dialogue* (Washington, D.C.: Council for Research in Values and Philosophy, 2001), p.64.

72 Milko Youroukov, *Ibid.*, p.64.

not a right but it is an act of pure indulgence by some one in a dominating position. It implies inferiority and condemnation. We tolerate error, although errors are entitled to prohibit it on the name of truth. What is tolerated is perceived as evil that cannot be extirpated except at the price of greater evil. To tolerate this evil is to put up with it temporarily and unwillingly, as an act pass charity with certain condescension dictated by a benevolent superiority. Respect, instead, is a right and presupposes the complete and absolute equality of the partners. He concludes that only respect can guarantee the dignity of all. In respect there is neither inferior nor superior. In tolerance there is the one who tolerated, at a higher level, and the one who is tolerated, at a lower level, while this disparity is eliminated in respect.⁷³

Tolerance or respect, what ever we suggest as a treatment of clash and hatred, is available in Islamic Tradition. In the most period of Islamic History, Muslims wielded political power and were in the position to accord (or deny) tolerance to others. In an interesting episode, it is however significant to point out that the earliest manner in which religious intolerance manifested itself in Islamic history was the religious persecution endured by Muslims in Mecca before the *hijra*. In a certain sense, the twelve years between 610 and 622 in Islam can be compared to the first three centuries of the Christian history. Though the suffering of these early Muslims for their faith lasted only for a short period of time and gained only limited importance in the Islamic ethos, an analysis of the question of religious tolerance in Islam cannot be compare without some reference to this nascent period of Islamic history.⁷⁴

The idea of religious tolerance and non-coercion in the matters of beliefs in Islam is based on the verse of the Qur'an, which says: 'There is no compulsion in religion. Verily, the right path has become distinct from wrong path. Whoever disbelieves in idols and believes in Allah, and then he has grasped the trustworthiest handhold that will never break. Allah is All hearing, All knowing.'⁷⁵

The earlier commentators relate the revelation of this verse to a pre-Islamic custom in Medina. In this custom women whose children tended to die in infancy, or who bore only one child (*miqlât*)⁷⁶ used to vow that if a child is born to them and survives, they would make him a Jew and let him live among the Jews. When Islam came into being, consequently, some of these children were living with the Jews. During the expulsion of Jews from Medina, the Ansâr attempted to prevent the expulsion of their offspring. They argued that in the Jâhiliyya they had caused their children to adopt Judaism because they thought that this religion was better than their heirs. Now that Allah has honoured them with Islam, they wanted to force their sons to embrace the new faith, so

73 Mohammed Talbi, 'Possibilities and Conditions for a Better Understanding between Islam and the West', *Journal of Ecumenical Studies*, Vol. 25, 1988, p.180.

74 Friedmann Yohanan, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*(Cambridge: Cambridge University Press, 2003).p.87.

75 Qur'an:2:256.

76 For an explanation of this term, see Ibn Manzû, Ibn Manzoor, *Lisan Al Arab*,(ed.)Yousaf al khiyat (Beirut, Dar Al Jil wa dar Lisan al Arab,1988),.s.v. *miqlât*,p.2/72-73.

that they be permitted to stay in Medina with their biological parents. When they communicated their intentions to the Prophet Muhammad, he did not respond at first: then the verse in question was revealed, giving a clear, and negative, response to the request. Therefore, when the Banû Nadîr were expelled from Medina by the Prophet, these sons of the Ansâr were given the choice to embrace Islam and stay, or to retain their adopted Jewish faith and leave the city with other Jews. No compulsion was practised against those who chose the latter alternative. A similar tradition is related about Ansârî children who were suckled by the women of Banû Qurayza.⁷⁷

According to an other tradition, the verse was revealed in connection with a certain Ansârî called Hasayn (or Abû al- Hasayn) whose two sons were converted to Christianity by Byzantine merchants who came to sell their⁷⁸ goods in Medina. Their father asked the Prophet to pursue them and bring them back to Islam. On this occasion these verses revealed. It is reported elsewhere that the verses revealed when an Ansârî man became frustrated after the failure of his attempt to force his black slave to embrace Islam.⁷⁹ Umer b. Khattâb is reported to have interpreted and implemented in a similar manner. He offered to his mamlûk (or mawlâ) Wasaq al-Rûmî to become his assistant in the management of Muslims affairs after embracing Islam. He refused to embrace Islam and Umer left him alone, invoking these verses of Qur'an. Similar was his reaction when an old Christian woman refused to convert to Islam at his behest.⁸⁰

Tunisian scholar, Ibn ʿIshûr maintains that Jihâd with the purpose of conversion was enjoined only in the earliest period of Islam. This type of Jihâd is reflected in the tradition in which the Prophet said that he had been commanded to fight the people until they pronounce the Shahâda. In contradiction to the traditional commentaries, which consider this verse abrogated, he maintains that this Qur'anic verse revealed late. It was revealed, in his view, after the conquest of Mecca, after the subjugation of the Arabian Peninsula by the Muslims, after its purification from polytheism and after the massive conversion of its inhabitants to Islam. Consequently it is not abrogated. On the contrary it is itself abrogating Qur'anic verses and Prophetic traditions according

77 Tabarî, Muhammad b. Jarîr, *Jâmi ' al-bayân an ta 'wîl ây al Qur 'an* (Cairo, 1954)., p.3/14-16; Abu Ubaid, al-Qâsim sim b. Sallâm al-Harawî, *Kitâb al-nâsikh wa al-mansûkh* (Ed.) J. Burton .E.J.W. Gibb Memorial Trust (Cambridge : St. Edmundsbury Press, 1987), p. 96-99; Bayhaqî, Abû Bakr Ahmed b. al-Husayn b. Alî ,al-Sunan al-Kubrâ (Haydarâbâd (deccen):Dâr 'irat al-ma'ârif al-Uthmâniyya,1356A.H).P.9/186;Ibn al-Arabî, , *Ahkâm al-Qur'an* (Beirut: Dâr al- ma 'rifa,n.d.) p.1/233; Qurtabî, Abu Abd Allah Muhammad b. Ahmed al _ansârî, *al Jâmi li -ahkâm al-Qur 'an* (Beirut: Dâr al-fîkr,1993).,p.3/256.

78 Tibirî, Jâmi al -bayân,p.3/15.

79 Tabrisî,Ahmed b. Ali, *Majma al-bayân fî tafsîr al Quran* (Beirut: Dâr al-fîkr wa Dâr al-Kitâb al-Lubnânî,1954).,p.2/305.

80 Ibn Zanjawayhi,Humayd , *Kitâb al- amwâl*, Ed. Shâkir Dhîb Fayyâd, (Riyâd: Markez al-malik Fasal lil buhûth wa al-dirâsât al-Islâmiyya,1986)., p.1/145.

to which Jihad was designed to bring about conversion. Since this revelation has changed the purpose of Jihad, its aim is now to expend the rule of Islam and induce the infidels to accept its dominion by the contracts of *dhimma*. He feels that the new situation is reflected in verse no. 9:29, where the unbelievers are required to submit and pay Jizya, but not to embrace Islam. Ibn ʿIshūr also maintains, again in contradiction to the majority of the opinions, that Qur'an 9:29 abrogated Qur'an 9:73 which does not mention the payment of jizya and could be understood as enjoining jihad for the purpose of conversion.⁸¹ A similar view is expressed by al-Qâsmî who reaches the conclusion the “ sword of jihad” , which is legitimate in Islam,... is not used to force people to embrace the (Islam) religion, but to protect the Da ‘wah and to ensure obedience to the just rule and government of Islam.⁸²

In explanation of this verse, Hasan al-Basrî says, ‘The people of the Book are not to be coerced in to Islam.’⁸³ In the light of this verse it can be say that As for the dhimmîs , they are not to forced to embrace Islam. If they choose to ignore the truth of Islam after it made clear to them, God will take care of their punishment in the hereafter, but no religion coercion is practiced against them on earth.⁸⁴

Many Muslim jurists have rejected the validity of forcible conversion to Islam. According to Abû Hanîfa, al-Shâfi and Ibn Qudâmah, if some one acts in contravention of this principle and illegitimately forces a dhimmî or a musta’min to embrace Islam, the latter’s conversion is not valid unless he remained a Muslim voluntarily after the coercive force ceased. This opinion has practical significance: if a person was forcibly converted to Islam and later reverted to his former religion, he is not considered an apostate and may not be punished in the crime of apostate.⁸⁵

The second part of the verse in question speaks: “Rectitude has become clear from error.” This part shows that the truth of Islam is so self-evident that no one is in need of being coerced into it; and embracing Islam because of coercion would not benefit the convert in any case.⁸⁶ In an other explanation of this verse it is maintained that this verse is not a command at all. It is rather ought to be under stood as a peace of information (*khavar*), or to put it differently, a description of the human condition to convey the idea that embracing a religious faith can only be the result of empowerment and free choice (*tamkîn ikhtiyâr*).It can not be the outcome of constrain and

81 Ibn ʿIshūr, Muhammad al-Tahir ,*Tafsîr al-Tahrîr wa al-Tanwîr*, Tunis : Al-Dâr al-Tûnisiya li-nashr, 1973)., p.3/26.

82 al-Qâsmî, Jamâl al-Dîn , Mahsin al-ta’wil, (Cairo: Dâr Ihyâ al-Kutub al-arabiyya,1957)p.3/665.

83 Sa ‘id b.Mansûr, *Sunan* (ed.) Sa ‘d b. Abd Allah b. Abd al-Azîz ʿl Humayyid (Riyâd : Dâr al-Samî Li-l-nashr wa-tawzî,1993).,p.3/961.

84 Tibirî, Jâmi al –bayân,p.3/16; Ibn al-Arabî,Ahkâm al-Qur’an,p.1/233.

85 Ibn al-Arabî,Ahkâm alQur’an,p.1/233-134.

86 Ibn Khathîr , Imad al- Dîn Abû al-Fidâ Ismâ’îl, *Tafsîr al-Qur ’an al-Azîm*(Beirut :Dar al-fikar,1970),p.1/551.

coercion(*qasr ijbâr*).⁸⁷ It is said that belief is “an action of the heart “ in which no compulsion is likely to yield sound results. Religious coercion would also create a theologically unacceptable situation: if people were coerced into true belief, their positive response to prophetic teaching would become devoid of value, the world would cease to be “an abode of trial”(*Dâr al-ibtîlâ*),⁸⁸ and, consequently, the moral basis for the idea of reward for punishment would be destroyed.

The above discussion shows strong argumentation from mainstream Islam in favour of no coercion in the matters of faith. It also proves that intolerance and hatred that is being observed in some Muslim societies has no religious foundations. There may have some other reasons for this situation. Search of theological teachings of religions regarding liberty of faith could be a great contribution for global civil society because without attaining the ethics of liberty of faith no civil society can survive in contemporary world.

VII- Interfaith marriages in Islamic Law

As a citizen of global civil society, like the followers of other religious traditions, Muslims will also required guidance from their own religion for interfaith marriages because this will show nature of social relationship between Muslims and others. Islam is substantially different from Judaism and Christianity in its attitude to the question of interfaith marriages. In the religious laws of these two traditions, the attitude to all religiously mixed marriages is negative. Both the Old Testament and the Talmud contain injunctions, which prohibit marriage between Jews and non-Jews.⁸⁹ While Christian’s canon law allowed continuation of a religiously mixed marriages contract till the conversion of the spouses to Christianity. However numerous councils of the church urged Christians of both genders not to enter into wedlock with any non-Christian and some of them even imposed penalties for violation of this rule.⁹⁰

The situation is different in Islam. Since the very beginning of its development, Islam made distinctions between marriages with various types of non-Muslims. Muslim

87 Ibn al-Jawzî, Jâmal al-Dîn, *Zâd al-masîr fi ilm al-Tafsîr*(Beirut:1965),p.1/306; Tibrîsî,Majma al-Bayân,p.2/305.

88 Ibn al-Jawzî ,Zâd al-masîr,p.4/67.

89 Encyclopaedia Judaica,s.v. “Mixed marriage” Inter marriage ?;L.M.Epstein, Marriage Laws in the Bible and Talmud, (Cambridge, Mass: Harvard University press,1942),p.145-219.

90 Encyclopaedia of religion and Ethics ,s.v. marriage (Christian) ; James A Brundage, udica,s.v. “Mixed marriage” Intermarriage between Christians and Jews in Medieval canon law”, in Jewish history 3(1988),p.25-40;A Linder ,The Jewish in Roman imperial legislation, (Detroit: wayne State University Press and the Israel Academy of Science and Humanities ,(1987),p.178-182.; Linder ,The Jews in the legal sources of the early middle ages, index s.v.” marriage and Sexual relations” especially p.211;Nirenberg, Communities of violence , persecution of minorities in the middle ages (Princeton :Princeton University Press, 1996),p.127-165; Patrick Viscuso and Kristopher L. Willumsen, Marriage Between Christians and Non-Christians: Orthodox and Roman Catholic Perspectives, Journal of Ecumenical Studies, summer-Fall 1994,p269-278.

sources have abounded material for governing interfaith marriages. Law for interfaith marriages in Islam is based on the verses of the Qur'an.⁹¹ These verses prohibit marriage between Muslims and idolaters.⁹² However it allows marriage of Muslim male with scripture female.⁹³ The permission of Marriage is mentioned in the following verses of the Qur'an:

‘Today the good things are permitted to you, and the food of those were given the Book is permitted to you, and permitted to them is your food. Likewise believing women in wedlock, and in wedlock women of them who were given the Book before you if you give them their wages, in wedlock and not in license, or taking lovers.’⁹⁴

This verse allow Muslims to marry “virtuous” or free (*Muhsanât*) women from the People of the Book. The verse does not refer to the possibility of giving Muslim women in marriage to the scriptuary men; this is reason that this possibility is firmly and unanimously rejected in Islamic law. Interfaith marriage in the Islamic context is therefore a marriage between a Muslim man and a scriptuary woman.⁹⁵

Ibn Abd al-Barr have the opinion that permission to wed *Kitâbî* women was a gesture honouring the People of Book. He further maintains that those who have no Book cannot share in this honour.⁹⁶

Modern Muslim scholar considers permission to wed a *Kitâbî* women reflection of Islamic tolerance. They feel that a religion, which allows its men to wed women of other faith, does not harbour any enmity to these faiths. When asked why, on the other hand, Muslim women are forbidden to marry non-Muslim men, the answer is that this would create a wholly different situation. Muslims believe in the prophet hood of Moses and Jesus and are commanded not to impose their religion by force. They are therefore unlikely to create any inconvenience to their non-Muslim wives because of their religion. Conversely, a Muslim wife wedded to a *Kitâbî* husband, who does not believe in the prophet hood of Muhammad and is not prohibited from spreading his religion by force, would not be able to stand in his way. In such kind of marriage she and her children would be in danger of changing their religion.⁹⁷

91 Qur'an 2:221.

92 Qur'an 60:10.

93 Tibirî, *Jâmi al -bayân*,28/69-73; Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*,Ed. Subhî al-Sâlih (Damascus,1961)p. 2/422.

94 Qur'an 5:5.

95 Tibirî, *Jâmi al -bayân*,28/69-73

96 Ibn Abd al-Barr al-Namarî, *al-Tamhîd li-mâ fî al-Muwatta min al-ma 'ânîwa al- asânîd*, Ed. Mustafâ b.Ahmed al-Alawî and Muhammad Abd al-Kabîr al-bakrî(Rabât: al-Matba 'a al-malakiyya,1988),p.2/117.

97 Abd al-Rahman al-Jazîrî, *al-Fiqh alâ al-Madhâhib al-arba* (Cairo, n.d., fifth edition),vol. 4,p.76-77;Ahmed Shukri, *Muhammadden law of marriage and diverse*,(New York:Columbia university press,1917),p.30.;Al Hûfî, Ahmad Muhammad , *Samâhat al-Islâm*,(Cairo: Dâr nahdat Misr li l-tab ' wa al-nashr,1979) .p.78-79; Muhammad Asad, *The Road to Mecca* (New York,1954)p.200-201.

Important figures from early Islamic period married with non-Muslim females.⁹⁸ Once the interfaith marriage is concluded, the non-Muslim wife, in Islamic ethics, is to be treated equally with the other wives. In general, the obligation of the spouses toward each other is the same as in a marriage between Muslims. The husband is obliged to spend with his non-Muslim wife time equal to her Muslim counterparts. The living allowances (nafaqa) of Muslims and non-Muslims wives will also be equal. The rules pertaining to divorce and to the waiting period are the same for all wives irrespective of their religious affiliations. There are, however, certain differences, for example if the husband falsely accuses his scriptuary wife of adultery (qadaf), he is not punished by *hadd* but only by Ta'zîr.⁹⁹

There are diversity of opinions among Muslim Jurists regarding cultural social and religious liberties of the spouses. According to Ibn Qudamah, he (Muslim husband) may ask her (non-Muslim wife) to refrain from drinking wine, but he cannot force her to do so. Al-Shafi, maintains that the husband may prevent his wife from drinking the wine because it affects her mind adversely. However, according to the opinion of al-Mâwardî he cannot prevent her from drinking a small amount of wine in the framework of a religious ritual of hers.¹⁰⁰

Some rulings of Islamic law provide exceptional permissions to the scriptuary woman, but not to the Muslim woman. These rules, which seem specifically related to a non-Muslim wife, pertain to her freedom to practice her religion. Ahmed b. Hanbel states that the Muslim husband should forbid his wife to bring a cross into her home, but cannot prevent her from doing it.¹⁰¹ According to Ibn Qayyim al-Jawziyya, he cannot prevent her from observing a fast prescribed in her religion, even if as a result of her fasting he cannot enjoy her on that day. He cannot prevent her from praying towards the east, cannot force her to violate the Sabbath, and cannot force her to eat meat or use fat of a kind, which is forbidden in her religion. The non-Muslim wife can recite her holy book, provided that she does not raise her voice excessively. He should not buy a zunnâr for her, but he can not prevent her from buying herself.¹⁰² Malik b. Anas maintains that a Muslim husband may not prevent his Christian wife from eating pork, drinking wine or going to her church.¹⁰³ Al-Awazâ 'î is reported to have said that he sees

98 Shafi Muhammad b. Idrîs, *Kitâb al-umm*, (Beirut: Dâr al-kutub al-ilmîyya, 1993) p.4/389.

99 Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*, p. 436-438; Sahnûn b. Sa 'îd. , *al-Mdawwana al-kubrâ*, (Beirut and Baghdad: Matba 'at al-saâda, 1323 A.H) 'vol.2/32-33; Ibn Qudamah, *al-Mughnî* , p.8/538; Mâwardî , *al-Hâwî al-Kabîr* , p.9/227-228.

100 Shafi, *Kitab al-umm*, p.4/381,5/1; Mâwardî , *al-Hâwî al-Kabîr* , p.9/230.; Khallâl, *Ahl al-milal*, p.114-115; Ibn Qudamah, *al-Mughnî* , p.8/537-538.

101 Khallâl, Abû Bakar Muhammad b. Hârûn b. Yazîd al-Baghdâdî *Ahl al-milal wa al-ridda wa al-zanâdiqa wa târik al-salât wa al-farâ'id min Kitâb al-Jâmi*, Ed. Ibrâhim b. Hamad b. Sultân , (Riyâd: Maktabat al-ma 'ârif li-'l-nashr wa al-tawzî, 1996), p.430; Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*, p. 440.

102 Ibn Qayyim al-Jawziyya, *Ahkâm ahl al-dhimma*, p.2/ 440-441; Khallâl, *Ahl al-milal*, p.115-116.

103 Sahnûn , *al- Mdawwana al-kubrâ*, vol.p.2/307.

no harm in allowing a Christian girl from going to the church, but also sees no harm in preventing her.¹⁰⁴ Al-Mawardi explains that the husband 's right to prevent his wife from leaving home is designed to avert the possibility that he will not be able to enjoy her while she is away.¹⁰⁵

In short, Islam allows its male to get marry with non-Muslim Christian and Jews women. Islamic ethics govern such kind of interfaith marriage and Muslim jurists have provided rulings regarding the nature of this contract, rights and duties of the spouses and other relevant matters. They also took into their consideration the liberty of faith and cultural identity of non-Muslim wife. Her social matters, which are distinct from Muslims, also got attention of the Muslim jurists. Nevertheless, the research on the aspects of Islamic laws, which deal with interfaith marriages, is still infancy and deserves more attention of academic pursuits.

Conclusion

The material treated in this enquiry bears upon a number of issues relevant to ethics of global civil society as explored by Islamic tradition. The study reveals that Quran and Sunnah are sources of Islamic ethics and it have been embodied in literature of Tafsîr, Hadîth, Fiqh and Adâb. Islam condemned bad habits of Arabs such as Jâhl(ignorance) however it appreciated their good characteristics like hîlm expended them in shape of kindness (ihsân),justice (adl)and control of passions(sabâr).The moral conduct of the Prophet Muhammad is role model of Islamic ethics. His Sunnah not only provides guidance for religious matters but it also includes admonition of virtues and morals in its domain. The ethical teachings of Quran and Sunnah are also found in legal rulings which includes forbidden actions (*haram*) such as premeditated murder, adultery, sodomy, the drinking of wine, theft, slander, false witness, disobedience to parents, eating the flesh of swine, hoarding and usury. Etiquette of eating, drinking, dressing, companion ship, disputation and the etiquette of study and teaching are found in Adâb literature.

Khayr (goodness) and *birr* (righteousness) are basic principles of Islamic Ethics. It includes beliefs, pious acts, and moral action. Qur'an shows that belief is inseparable from righteousness however ethics of goodness and righteousness aimed at goodness with everyone irrespective of religious affiliation. This particular functions of righteousness which desires goodness with every human being irrespective of his faith is missing in the practices of the contemporary Muslim societies. Through the adaptation of these principles Muslims not only can cerate better understanding of their religion in global society but also can contribute in making it civilized society. Today's world, which composed of diverse cultures, belief systems, and standards of morality, is in dear need of religious pluralism. Islam, which considers itself as continuity of revealed guidance for human being and Prophet Muhammad as the last responsible of prophetic office, fully approved concept of religious pluralism. It believes that all

104 Khallâl, *Ahl al-milal*,p.431.

105 Mâwardî ,al-Hâwî al-Kabîr, p.9/229.

parts of this world and all nations received divine guidance with different intervals in shape of Books and Scriptures. Therefore the encounter between God and human being is genuine and the start of different religious traditions is authentic. It accepts religious diversity as natural phenomena of God's creation. The relation of Islam with previous religions is a unique characteristic, which could establish firm ground for future interfaith cooperation particularly between Ibrahmic religions i.e. Islam, Christianity and Judaism. There are many things common in these religions including their ultimate source and ends.

The discussion regarding the legal position of non-Muslims shows that the concept of *dhimma*, which is misconceptionally, assumed as inferior status of non-Muslims in Islamic society, is actually a legal requirement that has to be fulfilled by all the citizens of Islamic State irrespective of their religious affiliations.

This study also reveals liberty of faith in Islamic ethics. Qur'anic principle of 'no compulsion in religion' and the circumstances of its revelation provide sufficient grounds for the establishment of Islamic doctrine of liberty of faith. In the diversity of opinions regarding religious liberty in Islamic tradition, a strong trend is found towards non-coercive attitude to invite the people to embracing Islam. This trend shows that people cannot force to embrace Islam and Jihad cannot use as a tool for forcing the people to become Muslims. According to Muslims jurists, the validity of forceful convergence to Islam is questionable and it will not be valid until a person remains willingly Muslim.

The permission to wed non-Muslim scriptuary women is also reflection of tolerance and liberty of faith. The respect for the religion of the People of Books is behind this permission. Muslims believe in the prophet hood of Moses and Jesus and are commanded not to impose their religion by force. They are therefore unlikely to create any inconvenience to their non-Muslim wives because of their religion. This permission of marriage with scriptuary women is expression of Islamic honor and respect for other religions. The detail rulings of Islamic law provide comprehensive protection to the rights of non-Muslim wives.

The above mention observations indicate that righteousness, goodness, justice, tolerance, religious diversity, dialogue and liberty of faith are Islamic Ethics. These ethics are also adaptable for any non-religious global society. It is therefore need of the time that the reflection of these ethics must come out from the individual and collective attitude of the Muslims. The peace in the world cannot possible without peace between faiths. Therefore it is duty of the follower of each faith that they should strive on their theological grounds for further cooperation between faiths and followers of different religious tradition on the bases of these ethics.