

The Qur'anic Foundation for Human Rights

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1-Qur'anic Exegeses from Manipulation to Hermeneutics:

As a Muslim Egyptian citizen, I witnessed with great concern and anxiety how the meaning of Islam in contemporary religious discourse was subject to manipulation. My experience of life encompasses divergent interpretations of Islam from the 1960s and 70s. In the 60s the dominant religious discourse was that Islam is the religion of social justice, and of '*jihād*' that argues us to fight imperialism and Zionism. In the 70s, with the adoption of the 'open door economic policy' and the initiation of the peace process with Israel, Islam became the religion that guarded private property, and a religion of 'peace'. The question that started to worry me from the very beginning of my academic career was, is it possible to escape the impact constituted by the pragmatic exegesis of the Qur'ân, and how?

In my first book (1982), for example, I started to examine the different methods of interpretation applied to the text of Qur'ân in traditional Islamic theology. I tried to investigate the concept of 'metaphor' which was introduced at the beginning of the 9th century to Arabic rhetoric by the rationalist school of theology, known as the Mutazilites, through their effort to explain the anthropomorphic images of God in the Qur'an. The Mutazilites employed the concept of 'metaphor' as a linguistic tool to interpret those verses of the Qur'ân that they considered 'ambiguous'. This forged a powerful instrument to interpret the Qur'anic text according to the Mutazilite's transcendentalist standards: where it suited their ideas, the Qur'anic text was labeled as 'clear' and, therefore, does not need metaphorical interpretation; where it did not, it was considered to be 'ambiguous' and interpreted metaphorically. The main conclusion reached at the end of this study after comparing both the Mutazilites and the anti-Mutazilites discourses was that the Qur'ân was the site of a fierce intellectual and political battle. That battle was sited at one of the most important junctures of the structure of the Qur'anic text. Both the Mu'tazilites and their opponents agree on the principle, but they disagree when it comes to practical implementation. The controversy does not only revolve around the meaning of the Qur'ân but it also involves its structure. What was considered 'clear' by the Mu'tazilites was considered 'ambiguous' by their opponents and vice versa.

Such intellectual disputes about the structure and the meaning of the Qur'ân was the super expression of a socio-political struggle involving different world-outlooks. The question of the hermeneutics of the Qur'ân

was to be investigated in my second book (1983) within the context of Sufism (mysticism), which is supposedly void of political interests. It deals with “The Hermeneutics of the Qur’ân by Muhyî Al-Dîn Ibn `Arabî”, a great Andalusian Sufi who was born in Spain, wrote his greatest treatise in Mecca (The Meccan revelation- Al-Futûhât Al-Makkiyya) and died in Syria (638 /1279). My conclusion was nearly the same, i.e., socio-political and cultural factors inform always any process of interpretation. Ibn `Arabî's project constituted an attempt to integrate all knowledge occurred up to his time (from Plato to Averroes) into the Qur’ân, he wanted to turn Islam into an open-ended project, one that could reconcile itself with, and indeed included, Christianity, Judaism and all other religions. Islam has to be a religion of comprehensive love, as Ibn `Arabî terms it in his poetry. The project was very much a product of Andalusian society based on linguistic, cultural and ethnic pluralism -Provincial spoken in the streets, Latin in the Church, classical Arabic in the divans, and a multitude of local dialects elsewhere. It was a project of reconciliation between all these elements and groups. Needless to say that the project, ultimately, failed, since what Ibn `Arabî attempted was in the end to formulate a utopia of his own, a formula that gained impetus from the increasing tension and conflict within his own society.

I became so aware of the fact that the interpretation of the Qur’ân was not, and has never been, an innocent maneuver void of socio-political and cultural impact. It, more than that, sometimes exceeds that impact to become a deliberate political manipulation of the meaning of the religious text. I, therefore, felt it was necessary to investigate the very concept of the 'text'. The result of such investigation was my third book (1990). The premise was that before dealing with the questions of interpretation, one must first define the nature of the text, examine the laws that govern the study of that text, because the door could not be left open for any and every interpretation. The study of modern hermeneutics reveals the dangers involved in leaving a religious text prey to interpretation by anybody. Religious texts profoundly influence social and cultural life. If they are placed under the mercy of the ideology of the interpreter without defining the extent to which the text lends itself to exegesis and the limits of meaning it offers, the text could be forced to speak any ideology whatsoever. This will lead to direct the meaning of religion into the opposite direction of man’s welfare in life and the life to come.

2- What is the Divine Text: Qur’ân?

The Qur’ân is the word of God revealed to Prophet Mohammed during more than 20 years. There are so many vocabularies that refer to the Qur’ân and signify it, the most popular one is the word 'Qur’ân'. *Wahy*

(revelation or inspiration) is another vocabulary, but I would rather explain it as denoting the 'channel' through which not only the Qur'ân was revealed but previous scriptures were revealed as such.

Etymologically, it means 'mysterious communication' and its usage in pre-Islamic literature, as well as its usage in the Qur'ân, demonstrates a mysterious communicative pattern in which two deferent grades of being are involved.¹ In the case of revealing the Qur'an three grades of being are involved, i.e., God the sender, the Archangel as mediator, and the Prophet as recipient, but the mysterious connotation of the process of communication is still obvious and emphasised. According to the Qur'ân, God has chosen Prophet Mohammed to be His messenger in order to convey His message to the people, which indicates the double position, first recipient and then messenger to the people. Here comes the third vocabulary *risâla*, but it is very obvious that *risâla* conveys the 'content' of the Qur'an as *wahy* conveys the channel of transmission. There are other numerous vocabularies, such as *dhikr* (reminder,) *Bayân* (explanation or eloquence,) and *Huda* (guidance) etc. But they are adjectives rather than proper names, simply because they are all applicable to the previous scriptures. The Qur'ân attests to this fact. Returning back to the proper name Qur'ân, philologists suggest that it is derived either from *qarana* (to bring together or to collect) or from *qar'a* (to recite). Here I favour the second lexical meaning for several reasons. First is the very obvious fact that the Qur'ân was originally transmitted to Prophet Mohammed in oral form. It is explained everywhere in Islamic literature that the Holy Spirit first used to convey/recite some verses to the prophet during each session of revelation, and the prophet used to recite them afterwards to his companions. These verses, or passages, were integrated into chapters and were partially committed to some sort of written form. It was after the Prophet's death that these chapters were collected and arranged and then written down in a book, *al-Mushaf*. The second reason is the fact that the Qur'an, in spite of being committed to written form, had never been dealt with as a written text in the daily life of the early Muslim community. It had to wait till the print age in order to be considered as such. Even now with the Qur'ân being a printed text, what is important for every Muslim is the memorisation of the Qur'ân by heart and the capability of reciting it according to the classical principles of recitation *tajwîd*. Lastly, the artistic characteristics of the Qur'anic language that affect the daily life of Muslims is mainly related to its verbal recitation and enchanting. One of its major artistic effects is that generated by its poetic language when recited privately or collectively. That is why the recitation of the Qur'ân is very important practice in the

¹ Cf. Izutsu, Toshihiko, Revelation as a Linguistic Concept in Islam, in "Studies in Medieval Thought", The Japanese Society of Medieval philosophy, vol. V 1962, pp. 122-167.

community as well as in the individual life. In almost every occasion passages of the Qur'an are recited: in marriage, funeral and at the inauguration of festivals or celebrations not to mention rituals, regular prayers or other religious occasions.²

Islamic thought has developed various disciplines to study the Qur'ân, which present all together a multidisciplinary approach. Known as 'the sciences of the Qur'an' (*'ulûm al-Qur'ân*), some of them concentrate on the historical formation of the Qur'anic text, others are devoted to its structure, while the rest try to investigate its peculiarities. As for analyzing its meaning and content commentators, theologians as well as jurists have to efficiently master these sciences of the Qur'ân in order to be able to employ them as apparatus, without which studying the Qur'ân is not possible.

In the modern context, however, a critical employment of these classical disciplines is essential. Such a critical employment is based on looking at what they signify rather than being satisfied with what they only convey. By reading the Qur'anic Sciences in light of modern theories concerning textual analysis, I concluded that the Qur'ân should be situated as a historical, culturally determined text. This historical text is the subject of understanding and interpretation, whereas God's words exist in a sphere beyond any human knowledge. Therefore, a socio-historical analysis is needed for understanding and a very modern linguistic methodology should be applied for interpretation. So far, only the philological approach is accepted and the socio-historical analysis is absolutely rejected. The notion that religious texts though divine and revealed by God are historically determined and culturally constructed is not only rejected but also condemned as "atheism". This is due to the fact that the notion of the Qur'ân as the "eternal" exact utterance of God, which is part of a specific theological classical school of thought, has become the accepted dogma in Sunni Islam. Scholars only know that there was another school of theology that claimed that the Qur'an is "created", but quite very few of Muslim scholars accept the notion of non-eternity. As often in the history of Islam, these theological positions were narrowly associated with socio-political positions. Nevertheless, these positions are taken in modern Islamic discourse, analyzed and evaluated in terms of "Right and Wrong" or "True and False".

If the Qur'an is not eternal, it is then created in a certain context and the message it contains has to be understood in that context. This view leaves room for reinterpretation of religious texts, because God's word has to be understood according to the spirit not according to the letter. The final consequence is that public authority and/or societies are entitled to

²cf. William A. Graham, *Beyond the written words: oral aspects of scripture in the history of religion*, Cambridge University Press, 1993, especially part three.

primacy in the interpretation and application of the law. If God's word, on the other hand, is eternal, not-created and immutable, then the idea of reinterpretation within a new situation becomes anathema; there is no difference between letter and spirit of the divine law and only theologians are entitled to primacy in its maintenance and guardianship. In other words, an Islamic authority like the Christian Church is needed. This is almost what has happened in the socio-political and cultural history of Islam since the 9th century AD when the notion of the "eternity" of the Qur'ân with all its implications was declared by the political authorities as the "true" faith.

Islam is a "message" revealed from God to man through Prophet Mohammed, who is the Messenger of God and who is human himself. The Qur'ân is very clear about that. A message represents a communicative link between a sender and a receiver through a code or a linguistic system. Because the sender in the case of the Qur'ân can not be the object of scientific inquiry, the analysis of the Qur'anic text through its contextual reality and culture is the only avenue to detect the message. Reality is the socio-political conditions, which embraced the actions of those who were addressed by the text and which embraced the first receiver of the text, the Prophet and Messenger of God. Culture, on the other hand, is the world of conceptions which are embodied in the language, the same language in which the Qur'ân is embodied too. In this sense, to begin with the contextual cultural reality in analyzing the Qur'anic text is in fact to start with empirical facts. Through the analysis of such facts, a scientific understanding of the Qur'ân could be accomplished. It should be very obvious and clearly understood and needs no further proof to say that the Qur'ân is a cultural product. However, the matter is more complicated, because being a cultural product is only one side of the text, the side of its emergence as a text. The other side of it is that the Qur'ân has become a producer of a new culture. In other words, the Qur'ân first emerged as a text from within specific socio-cultural reality embodied in a specific linguistic system, Arabic, and, second, a new culture gradually emerged out of it. The fact that the Qur'anic text was understood and taken to heart has had irreversible consequences for its culture. Speaking about the Qur'an as a message brings about the fact that although embodied in the Arabic linguistic system, the Qur'anic text has his own peculiarities. As a unique text, it employed some special linguistic encoding dynamics in order to convey its specific message. These peculiarities were acknowledged by the Arabs and were admired even by some of those who fought against its message. From these recognized peculiarities, in addition to the challenge imposed against the Arabs by the Qur'an itself to try to bring a text like

its shortest chapter, emerged the notion of the absolute 'inimitability' (*I'jâz*) of the Qur'ân.

It will always be necessary, however, to analyze and interpret the Qur'an within the contextual background in which it was originated. In different words, the message of Islam could not have had any effect if the people who firstly received it could not have understood it; they must have understood it within their socio-cultural context and by their understanding and application of it, their society changed. The understanding of the first Muslim generation and the generations to follow should not be considered by any means final or absolute. The specific linguistic encoding dynamics of the Qur'anic text allows always an endless process of decoding. In this process the contextual socio-cultural meaning should not be ignored or simplified, because this "meaning" is so vital to indicate the direction of the "new" message of the text. Having the direction would facilitate moving from the "meaning" to its "significance" in the present socio-cultural context. It will also enable the interpreter to correctly and efficiently extract the "historical" and "temporal" which carry no significance in the present context. As interpretation is the other inseparable side of the text, the Qur'an, being decoded in the light of its historical, cultural, and linguistic context, has to be re-coded into the code of the cultural and linguistic context of the interpreter. In other words, the deep structure of the Qur'ân must be reconstructed from the surface structure. Subsequently, the deep structure must be rewritten in another surface structure, which is that of today.

This entails an interpretive diversity, because the endless process of interpretation and re-interpretation cannot but differ in time. This is necessary, because otherwise the message degenerates and the Qur'an will be always subject to be politically and pragmatically manipulated. Since the message of Islam is believed to be valid to all human kind regardless of time and space, diversity of interpretation is inevitable. The validity or the invalidity of a specific interpretation is to be judged according to certain norms. The first is the awareness of the difference between the original contextual "meaning", which is almost fixed because of its historicity and the "significance", which is changeable. Secondly, the awareness of the necessity that the significance is to be strongly related and rationally connected to the meaning. An interpretation is only valid as long as it does not violate these two methodological norms in order to jump to some "desired" ideological conclusions. If the text is historical though originally divine, its interpretation is absolutely human.

3-The Spiritual and Ethical Dimension of Islam versus Its Politicization:

The discussion about whether or not the Caliphate system is the only Islamic obligatory political structure that should be followed by Muslims has become part of the modern dispute between Muslim scholars, a discussion which has not yet reached any end. In this context of the abolishment of Caliphate in Turkey in 1924 there was an intellectual dispute about whether or not the Caliphate is a genuine Islamic political system. `Alî °Abd al-Râziq, the prominent Azhari cleric defended the abolition of the Caliphate and argued for the separation of Mosque and state on grounds internal to the traditional Qur'anic, prophetic and legal Islamic discourses and narratives. His book, 'Islam and the Principles of Political Authority' (*Al-Islâm wa Usûl al-Hukm*, (Cairo 1925), turned, at the time, into a major literary-religious scandal in both the Arab and Muslim Worlds leading to the author's expulsion from al-Azhar. His central argument was that "the Caliphate had no basis either in the Qur'an, nor the Tradition of Prophet Mohammed, or the consensus of Muslim Jurists. To prove each part of this argument, he dealt in some details with the major pieces of evidence, which are normally drawn from these three sources in establishing the 'obligation' to install the Caliphate. He rightly said that the Qur'an nowhere makes any mention of the Caliphate in the specific sense of the political institution we know in history. Nor can any convincing proof be extracted from the sayings attributed to the prophet. To dispose of consensus of the Muslim jurists, as the last conceivable sanction, °Abd al-Râziq argued that it has never played any role in installing the Caliphs. His conclusion was based on concrete historical instants, whether consensus refers to the agreement of the Prophet's Companions and their followers, or that of the *'ulama'* of the entire Muslim community."

In defence of the Islamic orthodox view Muhammed Rashîd Rid, an early islamist thinker considered the re-establishment of Caliphate a religious duty, without its achievement the whole Muslim World would be labelled as returning back to the age of paganism, *jâhiliyyah*, i.e., pre-Islamic era. The basic argumentation brought to justify the religious 'obligation' of establishing caliphate is that the implementation of Islamic law, *sharî`a*, which is no doubt a religious communal duty, is not possible with out caliphate. The issue shifted recently, after the establishment of the national-state system in every Muslim country in the post-colonial era, to become the establishment of an Islamic state. The obligation to establish an Islamic state ruled entirely by *sharî`a* is now the disputable issue between the two basic trends of modern Islamic discourse. That 'Islam is the official religion of the State and the principles of *sharî`a* are the source of legislation' is an article in almost all the Constitutions of every Muslim state. The conflict which takes sometimes the form of a severe

and violent struggle between the state and the radical groups is not very much about whether or not *shari`a* is to be implemented in social as well as in the individualistic life. It is rather about how far it is implemented, and, accordingly, whether or not the political system is a westernized and, therefore, anti-Islamic system. If it is enough for the individual to confess Islam and to perform the other four pillars, praying five times a day, fasting the month of *Ramadân*, paying the annual prescribed alms, and performing *hajj* if it can possibly be financially afforded, it is not enough for the community. If an Islamic state is not established, every individual Muslim is responsible in front of God for such religious failure. So preaches the representatives not only of the radical Islamic groups, but also of the representatives of the so-called ‘moderate’ Islamic discourse. Muslim intellectuals, who hold different view about the relationship between Islam and politics, are condemned as ‘westernized’ not real Muslim thinkers. The views of the non-traditional, nor radical, Muslim thinkers are not well known beyond the boundaries of the Muslim World, especially of those who prefer to address their readers in their own regional language. As for the very radical provocative preachers the Western media finds great interest in presenting their ideas, thus, creating the public Western impression that Islam has only one face, that is the face of Taliban.

Let me present now briefly my scholarly view concerning the concept of *shari`a*. The Qur’anic verses which seem to contain legal connotation and which are considered the basis of *shari`a* are about 500 verses according to the traditional sources. On these verses, which amount to one out of six, or 16% of the whole Qur’an, the jurists built a system of induction and deduction called ‘the principles of legislation’, *ilm usûl al-fiqh*. According to these principles, they added a second source to the Qur’an, i.e., the Prophetic tradition, *al-sunna al-nabawiyya*. They categorized the *sunna* the second source of legislation and considered it as divine as the Qur’an. As two divine sources were not enough to regulate the increasing political, social, economic as well as criminal problems, the jurists had to adopt a third principle based on the already agreed upon practiced legal rules called ‘consensus’, *ijmâ’*, of the earliest Muslim generation, the companions of the Prophet (*al-sahâbah*.) A fourth principle of ‘rational inquiry’, *ijtihad*, was urgently needed in order to be able to solve the problems that were not solved in the other three sources. But this principle of *ijtihad* was practically restricted to apply the technique of ‘analogy’, *qiyâs*, which is to reach a solution to a certain problem by only comparing its position to a similar problem previously solved by any of the three sources.

The whole body of *shari`a* literature, as expressed in the major four sunni schools, *madhhabs*, at least, is built on the aforementioned principles,

which means that *shari`a* is man made production; nothing is divine about it. It is neither possible to claim its validity regardless of time and space. If we contextually examine some of the Qur'anic legal stipulations, such as the penalty of fornication, *zinâ*, robbery, *sariqah*, or causing social disorder, *hirâbah*, as well as slaying, *qatl*, which are called *hudûd*, pl. of *hadd*, the question is: are these penalties basically initiated by Islam, and, therefore, Islamic? The answer is definitely 'no'; all these penalties were generally pre-Islamic, some of them belong to the Roman law and adopted in the Jewish tradition, while others were even older tradition. It is not likely in our modern age of Human Rights and respect of the integrity of the human being to consider amputation of the members of the human body, or execution, as obligatory religious punishments binding by divinity.

Other aspects of *shari`a*, such as those dealing with the rights of religious minorities, women's rights, and Human Rights in general, have to be revised and reconsidered as well. Contextualization of the Qur'anic stipulation, and examining its linguistic and stylistic structure, would reveal that the jurists' work was basically to unfold the meaning of such stipulation and to re-encode such meaning in their different social contexts. The Qur'an is not in itself a book of law; legal stipulations are expressed as guiding general principles in a literary style, which leaves wide space for human interpretation and reinterpretation. The conclusion is that to claim that the body of *shari`a* literature is binding for all Muslim communities regardless of time and space is simply ascribing divinity to human historical production of thought. If this is the case, there is no obligation to establish a theocratic state claimed Islamic. Such a demand is nothing but ideological call to establish a theo-political unquestionable authority; it is the recreation of most devilish dictatorship political regime on the expense of the spiritual and ethical dimension of Islam.

3-Contextual Religion and Its Historical Transformation:

The necessity to re-contextualize the message of religion as expressed in its basic original sources is not only an Islamic demand; it is the only possible way for every religion to realize historically its basic mission. The question should be whether religions always determine and shape social life, or they are also shaped by and interpreted in a certain socio-historical context? In order to approach answering such a question a clear distinction has to be made between the original socio-historical context of a given religion and its development(s) through its socio-historical journey up till present.

Judaism, for example, was to set free the people of Israel and to unify the tribes under one religious and political leadership. It was so necessary to advocate the notion of 'the chosen people' alongside so many symbols of exclusive identity, such as circumcision.

Christianity, on the other hand, was to reform Judaism from its materialistic orientation by emphasizing spirituality. 'I did not come to change the law' Jesus says, 'but to bring the people of Israel back to the right path'. The claim that the temple was turned to a market place gave justification to the new message.

As for Islam, according to the Qur'ân, it was not a new religion; it is the same religion of Abraham, Isaac, Ishmael, Jacob, and Moses. It is repeatedly mentioned that God "sent Noah and Abraham and established in their line Prophet-hood and Revelation'. Because "some of their followers were on right guidance while many of them became rebellious and transgressors", God decided to send more messengers. The Qur'an, says, "in their wake We followed them up with (others of) Our apostles: We sent after them Jesus the son of Mary and bestowed on him the Gospel; and We ordained in the hearts of those who followed him Compassion and Mercy". (sura 57, v. 26-27.)

It is likely that every religion accommodated tolerance in its historical context as long as its followers presented minority, but when the community of the believers grows and spreads to present majority it seeks power and control over, and tolerance disappear. This process of transformation from tolerance into intolerance is usually sustained by presenting new interpretation to the basic teaching of the faith.

It was during the rule of Tiberius (14-37) that Jesus Christ was crucified, and Christians were persecuted through out the Roman Empire. When the Roman Emperors allowed Christians to worship the Gods of their choice, it was under the condition that they were demanded to worship also the Emperor. When the Christians declined the Romans were afforded the excuse of persecuting them for refusing to acknowledge the deity of Caesar. Thereafter, Christians were tolerated at best -but often tortured or killed- until the reign of Constantine I (312-337). In 313 an edict of toleration for all religions was issued, and from about 320 Christianity was favored by the Roman State rather than persecuted by it. It was during the time when the Christians were prosecuted that tolerance was their call. In this context 'love for others' even for enemies was highlighted beside giving to Caesar what is his and to God what is His, thus recognizing two authorities. After Christianity became the official religion of the Roman State it turned toward the intolerance that was rooted in its religious self-consciousness.

Christianity, just like all monotheistic religions, understands itself as revelation of the divine truth that became human in Jesus Christ himself.

"I am the way, and the truth, and the life; no one comes to the Father, but by me" (John 14:6). To be a Christian is to "follow the truth" (3 John); the Christian proclamation is "the way of truth" (2 Peter 2:2). Those who do not acknowledge the truth are enemies "of the cross of Christ" (Philippians 3:18) who have "exchanged the truth about God for a lie" (Romans 1:25) and made themselves the advocates and confederates of the "adversary, the devil," who "prowls around like a roaring lion" (1 Peter 5:8). Thus, one cannot make a deal with the devil and his party -and in this lies the basis for intolerance in Christianity and both Judaism and Islam.

The attitude of intolerance was further reinforced when Islam confronted Christianity from the 7th century on. Islam understood itself as the conclusion and fulfillment of the Old and New Testament revelation; from the Christian view, however, Islam was understood as the religion of the "false prophets," or as the religion of the Antichrist. The aggression of Christianity against Islam -on the Iberian Peninsula, in Palestine, and in the entire eastern Mediterranean area during the Crusades -was carried out under this fundamental attitude of intolerance. Intolerance of indigenous religions was also manifested in Roman Catholic missions in the New World; these missions transferred the methods of the struggle against Islam. Protestantism displayed the same kind of intolerance against Islam, which was largely equated with the struggle against the Turks.

4-The Contextual Islam:

The same development is applicable to the history of Islam. Tolerance was emphasized and maintained through the first phase of Islamic revelation, i.e., the revelation at Mecca when Muslims were minority. In this context the notion that Islam was a continuation of the Abrahamic religion was introduced. In the same time Muslims used to direct their prayers toward Jerusalem; it was one year after moving to Yathrib, or Medina, that the direction of prayers was turned toward Mecca. Although the primary adversary to Islam during its early period was polytheism, the Qur'an expresses its tolerance towards them. The Prophet is advised 'if one amongst the pagans asks you (Muhammad) for asylum, grant it to him, so he may hear the word of God; and then escort him to where he can be secure. (Q: sura 19, v. 6.) It was in Mecca that Islam and Christianity worked in full cooperation. Classical Muslim authorities teach us that prophet Muhammad and his wife, Khadîjah, consulted for advice a Christian Arab priest, Waraqah ibn Nawfal, who happened to be a cousin of Khadijah. The matter of consultation was Muhammad's first

encounter with the Holy Spirit during the vision he had when on mountain *Hirâ*'.

It is also important to mention that the first Muslim migration *hijrah* was to Abyssinia (Ethiopia.) In order to escape the harsh persecution exerted on the Muslims by the people of Mecca, the Prophet ordered the Muslims to go Abyssinia where, according to a statement related to the Prophet, "there is a Christian king who never do unjust to anyone." Muslims enjoyed his protection and hospitality till they returned back after the migration to Medina. During the period of their stay in Abyssinia, a delegation from Mecca visited the emperor asking to have Muslims returned back to Mecca. They told him that those who were living under his protection were only some rebellions, who protested against their own people's religion and converted not to Christianity but to unknown religion. In order to turn the Negus against Muslims they told him that they commit blasphemy against Jesus Christ. When the Emperor asked Muslim refugees about their belief concerning Jesus they read to him this passage of the Qur'an from the chapter called 'Mary' or Maryam in Arabic (sura 19, v., 16-40).

The report goes on to tell that hearing the verses from the above-mentioned chapter, the Negus was moved as though Jesus is presented as the servant of God, 'and his apostle, he is also described as God's spirit and his word cast into Mary, the blessed virgin.

It was only after migration to Medina that Muslims started their actual contact with the Jewish Arab tribes that came long before from Yemen and settled in Medina. The very well known 'Medina Covenant' between the Prophet and both the Jewish and pagan tribes indicates clearly an essential equality between all the peoples who lived in Medina. Liberty of religious practice was guaranteed on equal foot as long as all the parties defended the security of the city against any outside attack or intrusion. Concerning different types of religious faith, equality was essentially guaranteed unless a war is initiated against Muslim, then the war conditions as historically practiced are the rules. These war conditions are mostly situated in the chapter of the Qur'an called "Immunity", and these conditions should be understood as only exceptional historical practical teachings.

Let me again quote the Qur'anic text itself in its essential guarantee of freedom of faith not only for the three religions of the book but for all non-monotheistic religion.

1-Those who believe in Islam, and those who believe in Judaism, and the Christians and the Sabian, any who believe in God and the last day, and do righteousness, shall have their reward from their Lord (sura 11, v., 62 and 5:69.)

2-Those who believe in Islam, and those who believe in Judaism, and the Sabians, Christians, Magian, and polytheists, God will judge between them on the day of judgment (sura 22, v., 17.)

Even the freedom to turn back to polytheism or atheism after accepting Islam or to convert to another faith is left to man's essential free choice. It is natural in a religious text like the Qur'an to introduce for such an act an after world punishment, but there is no immediate penalty mentioned. Such a penal code was later introduced by jurisprudence and institutionalized as part of the faith. Again quoting the Qur'an will clear the situation.

1-Say (Mohammed), the truth comes down from God: Let him who will, believe, and let him who will, reject: for the wrong doers We have prepared a fire (sura 18, v., 29.)

2-He who will turn back from his faith, soon will God bring about (other) people whom He will love and they will love him (sura 5, v., 4.)

3- Those who reject faith after they accepted it, and then go in adding to their defiance of faith, never will their repentance be accepted; for they are those who have gone astray (sura 3, v., 90 and 4:137.)

Islam in addition to all respect makes no differentiation, nor discrimination, between Muslims and both Christians and Jews in their daily social interaction. "The food of the people of the Book is lawful to Muslims and intermarriage is allowed. 'This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers but chaste women among the People of the Book revealed before your time when you give them their due dowry and desire chastity not lewdness nor secret intrigues. If anyone rejects faith fruitless is his work and in the Hereafter he will be in the ranks of those who have lost (all spiritual good.) Truly it has been emphasized that intermarriage is only one way. Only Muslim males are allowed to marry non-Muslim females. The reason introduced to explain such a restriction is the fact that Muslims recognize and respect Jesus as a prophet like Muhammad, but Christians do not recognize Muhammad prophet-hood. It is, therefore, expected that if the family master is Muslim, the religion of the wife will be secured.

Muhammed 'Abdu, an Egyptian reformist pioneer (d.1905), explains how wonderful and joyful social life interaction between Muslims and

Christians is under the lawful intermarriage Islam permits. Imagine the equality and the respect between religions are maintained in children having one of their parents going to the Church every Sunday, and the other going to the mosque every Friday. `Abdu continues showing the blessings those children will enjoy having both Muslim and Christian grand parents and uncles. If intermarriage was permitted for Muslim males only in classical jurisprudence, it is now allowed in some Muslim countries that Muslim females marry non-Muslim males.

All the above mentioned aspects of Islamic tolerance are based on the basic teaching of Islamic equality between all humans regardless of race, color, religion, culture or even gender. It is clearly stated in the Qur'an that God created all man-kind "from a single soul and created its mate from the same soul and spread from both of them too many men and women" (sura 4, v., 1.) Differences in race, color and language are intended by the divine creed. Its aim is for different tribes and nations to come to know each other (sura 49, v., 13.) If all humans were all similar, how could they be attracted to approach each other. Here we can say that Islam holds that both difference and equality should lead to the establishment of strong ties between nations, ties that are determined by free choice rather than natural kinship. That is why God bestowed special honor on man; God has honored mankind and preferred them over most of His creation (sura 17, v., 70.)

The whole notion of *Jihâd* as to mean 'sacred war' is an absolute misunderstanding of the term in the Qur'an, not to mention that such an understanding violates the historical context of its revelation. Chapter nine of the Qur'an, called "Immunity", from which the whole notion of *Jihâd*, including the conception of *Jizyah*, was deducted, starts as follows:

1. A (declaration) of immunity from Allah and His apostle to those of the pagans with whom you have contracted mutual alliances.
2. Go you then for four months as you will throughout the land and know that you cannot frustrate Allah (by your falsehood) but that Allah will cover with shame those who reject him.
3. And an announcement from Allah and His apostle to the people (assembled) on the day of the Great Pilgrimage that Allah and His apostle dissolve (treaty) obligations with the pagans. If then you repent it were best for you; but if you turn away know that you cannot frustrate Allah. And proclaim a grievous penalty to those who reject faith.
4. (But the treaties are) not dissolved with those pagans with whom You have entered into alliance and who have not subsequently failed you in ought nor aided anyone against you. So fulfil your engagements with them to the end of their term: for Allah loves the righteous.

5. But when the forbidden months are past then fight and slay the pagans wherever you find them. And seize them beleaguer them and lie in wait for them in every stratagem (of war); but if they repent and establish regular prayers and practice regular charity then open the way for them: for Allah is Oft-Forgiving Most Merciful.
6. If one amongst the pagans ask thee for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge.

The context reveals the existence of an agreement between Muslims and the people of Mecca that was violated by the later. Muslims were, therefore, obliged not to adhere to the alliance but only with those who kept respecting its condition. Truly it is mentioned that pagans should be killed whenever they are found. But if even only one contextual level, namely the internal narrative and linguistic context of the chapter is considered, it will be very clear that it represents only a “threat”. The behavior of the Prophet when Mecca was conquered ten years after being forced to leave is a substantial proof against the literal understanding; he simply gave the people of Mecca his forgiveness and prayed for them to be forgiven by God. During the great venture of Islam, no single report of committing any collective killing by Muslim conquerors was recorded, which means that the early generations of Muslims did not consider that specific verse as conveying an obligatory religious duty.

According to the same chapter of the Qur'an, the obligation to pay *Jizyah* was not limited to “the people of the book” alone, as it is commonly understood. It was to be paid by all non-Muslims “who believe not in God nor the last day, nor hold that has forbidden by God and his Apostle, nor acknowledge the religion of the truth” (v., 9.) *Jizya* was the only added obligation put on non-Muslims in the new territories opened by Muslims. This practice was not, however, initiated by Islam; it was rather a common practice in ancient great empires. The Romans and the Persians forced the non-Romans and the non-Persians to pay extra tax as protected peoples. The concept of *Jizyah* has been, in fact, understood and explained in jurisprudence as an extra tax to be paid by those who could not be allowed to military service. If it were a religious discrimination, women, children, aged people and priests would have not exempted from paying it. This means that *Jizya* was a historical tradition that is not applicable to modern societies where identity is based on “citizenship” not on “religion.” Since all the citizens of a multi-religious country are equally involved in the military service, there is no room to claim that the non-Muslims should pay *Jizya*. It was completely abolished in the 19th century in Egypt.

Islam is not a religion of captivity and harassment, nor a religion of discrimination and patronization, so emphasizes all modern Muslim reformists. *Jihād* also is explained as a self-defense concept that does not mean any aggressive action against non-Muslim nations. But we have to be alert, because the present socio-political cultural condition of stagnation in Muslim societies would generate more than misunderstanding of Islam and might lead to a total damage of its values. But we must not forget that even within the enlightenment and the modernity of the West discrimination and intolerance are not totally abolished.

Through the long journey of every religion in history, layers of interpretation and re-interpretation, or rather interpretation and counter-interpretation are accumulated around the original texts to the extent that the original socio-historical context is veiled. But fortunately this creates multiplicity of trends of thought within every religion, multiplicity that constitute plurality emphasizing different aspects of it. Our target as scholars of religion and believers also is to emphasize by all possible means this empirical fact, religion is what the believers make out of its original sources. Scriptures do not speak by themselves; they speak out through the voice of the believers. I might even go further to claim that even God speaks through man; His divine discourse is, therefore, man made after all. The religious meaning is either apt to be stagnated or allowed to be progressed and transformed in time and place. It all depends on the socio-political and historical conditions of any given community.