

Divorce *a mensa et toro*
and
Christian Minorities in Pakistan

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ABSTRACT

In Christian Divorce Act 1869 there are limited and stringent grounds available for dissolution of marriage, due to which Christians living in Pakistan are facing problems in settlement of their divorce issues. From theological and legal stand point divorce is difficult to obtain in Christianity, however their laws and religion allow for judicial separation more easily. Living in a Muslim majority country like Pakistan where Sharia and Muslim Family Laws Ordinance-1961 give more rights to women to dissolve their marriages or apply for Khula, Christian community is facing striking contrast in civil courts. Reasons behind this crucial issue are twofold, one theological and the other legal. Trends of ecclesiastical courts differ from the trends observed in civil courts where obtaining divorce or dissolving Christian marriage is comparatively easy. This article takes into account cases decided in Pakistani courts in last 10 years pertaining to Christian Dissolution of Marriage. It is concluded that the issue has become so strained due to differing opinions of Christian community and interpretation of Biblical texts by their religious scholars. Second reason appears to be lack of legislative developments in Christian Personal Laws' in Pakistan. Amendment in Christian Divorce Law was made difficult due to 'lack of consensus in Christian community leadership. This article is aimed to assess the importance and value of recent developments and efforts taken by Pakistan's Judiciary and Legislation to promulgate laws in order to ease this tension among Christian community and to provide them with a workable solution in Divorce cases.

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Conclusion

This research paper reveals that interfaith dialogue, in the broadly acknowledged meaning of conversation between the followers of different Religions for the purpose of understanding, is indispensable for the contemporary world. It has been felt that there is the need to set up rules and regulations for mutual understanding between the people of different religions. However, dialogue may not be initiated in the established matters of Deen (Islam) and due respect to the founding fathers of different religions may also be observed.

In pursuance of above, this can certainly be said that if these points may be observed during dialogue it may lead towards global peace, harmony and co-existence among the people of the world religions. Furthermore, scholars of Islam are supposed to be ready all the time for Dialogue and representation of Islam.

Dr Saleh bin Abdullah bin hameed has very finely concluded the discussion of dialogue in the following words:

إذا كان القصد النظر في حكمها وأسرارها وبيان ذلك للناس وليس في صلاحيتها وملاءمتها

"

فهذا لا حرج فيها"

(53)

(however there is no harm to discuss the injunctions of shari'ah before a non-Muslim to limelight the secrets and of its wisdom).

7. Philosophical and supernatural discussions must be avoided in dialogue as these issues are of no practical significance⁽⁵⁴⁾.
8. Making comparisons of the companions of prophet and to identify their status should be avoided in dialogue as these were the most blessed souls on earth⁽⁵⁵⁾.
9. Founding fathers and sacred personalities of all the religion must be respected and revered; any kind of insolence about them must be prohibited for interfaith harmony the holy Quran has categorically prohibited insolent attitude about the religious leadership and God's the holy Quran says:

﴿ وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا

لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ ﴾⁽⁵⁶⁾

(And do not abuse those whom they call upon besides Allah, lest exceeding the limits they should abuse Allah out of ignorance. Thus have We made fair seeming to every people their deeds; then to their Lord shall be their return, so He will inform them of what they did).

يُحرم الحديث فيه شيئاً لا يجوز الحوار والجدال مع الآخر غير المسلم في شأنه، ومن عنا جميع الأحكام ولثواب الدينية تخرج عن دائرة الحوار لأجل إعادة النظر فيها أو تقويمها أو تغييرها" (48).

(Islamic shariah prohibits dialogue about the clear injunctions of Quran and Sunnah the established teachings of Quran and Sunnah cannot be the subject of review or amendments).

4. It is impossible for a Muslim to indulge in dialogue with a non-Muslim about the attributes and faith in God⁽⁴⁹⁾.
5. The finality of prophet hood of Muhammad (peace be upon him) is out of the subject of dialogue as it is an established matter of Islam⁽⁵⁰⁾.
6. Authenticity of the Quran is undoubted and it is revealed by Allah Almighty. It is not permitted for a common Muslim to indulge in dialogue about the particular issue of interest, drinking wine, adultery, and hijab (veil) of a woman are established matters of Islam therefore these subjects may be excluded from dialogue. Allah Almighty says in the Holy Quran:

﴿ الْحَقُّ مِنْ رَبِّكَ فَلَا تَكُونَنَّ مِنَ الْمُمْتَرِينَ ﴾⁽⁵¹⁾

(This is) the truth from your Lord, so be not of the disputers).

At another place the Holy Quran has clearly said:

﴿ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ

حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴾⁽⁵²⁾

(But no! by your Lord! they do not believe (in reality) until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what you have decided and submit with entire submission).

confirmation may raise the question of someone's credibility⁽⁴⁴⁾.

18. During the dialogue process appropriate time may be given to both parties⁽⁴⁵⁾.

Provisions of Interfaith Dialogue in Sha'riah

Keeping in the view, the stand point of Muslim scholarship, few points may always be kept in mind during the process of dialogue:

1. Dialogue may not be initiated in the established matters of Deen(Islam) the foundation of this principal is found in holy Quran:

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ

أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا﴾⁽⁴⁶⁾

(And it behoves not a believing man and a believing woman that they should have any choice in their matter when Allah and His Messenger have decided a matter; and whoever disobeys Allah and His Messenger, he surely strays off a manifest straying).

2. The existence of God may not be the subject of dialogue as Allah almighty says in the Holy Quran:

﴿وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ ۚ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ

مَسْئُولًا﴾⁽⁴⁷⁾

(And follow not that of which you have not the knowledge; surely the hearing and the sight and the heart, all of these, shall be questioned about that).

3. Dr Ahmad Saiffudin has very finely described the code of conduct of dialogue in the following words:"

"ومن الأمور التي لا تدخل في دائرة الحوار مع الآخر غير المسلم المسائل التي حكم الله

تعالى ورسوله فيها بنص محكم جلي أو أجمع عليها علماء الإسلام، وبالجملة كل ما

12. It is compulsory to ensure a decent subject and location to practice a dialogue due to the fact that the teachings of Islam restrict us from some gatherings. Islam forbids us to take part in any discussion that is aimed for mockery and ridicule, or to humiliate the principles of Islam or where truth and honest people are degraded.
13. The ability to express ideas clearly and precisely with a pristine speech and command over language is the basic requirement for a successful debate. It is observed that at times a truthful and righteous statement fails to be delivered properly due to the lack of ability to express whereas a lot of dishonest things overcome due to the influential expression used by the narrator.
14. A dialogue should be fair and just. A Muslim is instructed to be honest and just at every moment. Islam encourages Muslims to eliminate fights between people in order to promote amiable relations. Besides a Muslim is obligated to utter truth and practice justice
15. We should not overlook the attitude of corrupt and immoral people towards the religion. In fact it is entirely baseless to debate with them due to the reason that such discussions do not lead to a proper conclusion and are a waste of time and effort.
16. Most of the time debates are about worldly subjects Sometime the matter is of worldly affairs it may be the matter of rights and duties in these matters receiving less and giving more may solve the dispute to a great extent⁽⁴³⁾.
17. It is prohibited in dialogue to say something without research. Saying something without

8. A good speaker is a good listener too; thus one should strive to be a good listener. The conversations should not be interrupted and should be heard with genuine concentration and behave in a similar manner that is expected from the listener at the time we are speaking⁽⁴⁰⁾.
9. The language should be clean and within the limits of morality. Imam Ibn Qayim states the danger of foul talk as follows:

"ومن العجب أن الإنسان يهون عليه التحفظ والاحتراز من أكل الحرام والظلم والزنا والسرقه وشرب الخمر ومن النظر المحرم وغير ذلك ويصعب عليه التحفضك من حركة لسانه".

(It is astounding that it is easier for a man to keep himself safe from dreadful sins such as forbidden food (Haram), brutality, immorality, theft, drinking wine and desires however it is difficult to keep a control over language).

Therefore a man should select his speech appropriately within the boundaries of respect and vital rules of a dialogue. His conduct should depict etiquette during and after the end of a discussion.

10. The individual should not comprehend a dialogue unless he is sure about his sincerity towards religion and God. Due to the fact that signifying superiority of education and knowledge is prohibited during a dialogue. He should also refrain from an egotistical and self-admiring behavior⁽⁴¹⁾.
11. One ought to always support truth in a dialogue. Being a Muslim it is mandatory to utter truth and testify nothing but precision⁽⁴²⁾.

5. A dialogue should not consist of arrogance or any sort of supremacy. No one should be allowed to disrespect or think low of the other. Such moments are considered to be one of the favorite of the devil where he can easily practice his conspiracies which are too complex for a man to unravel. Mufti Mohammad Shafi states:

“Drinking wine is a major sin and the root cause of all immoralities. Similarly a dialogue also becomes a sin when the only aim of it is to degrade or to pose knowledge on other. Such attitude can provoke several other spiritual crimes such as jealousy, resentment, arrogance, viciousness, inquisitiveness, being happy over someone’s failure and remorse over success. It also aggravates rigidity where people are more concerned in proving themselves right instead of listening to others with a fair mind for this purpose they can even utilize the sayings of Qur’an and Prophet⁽³⁷⁾.”

6. Honesty is one of the core principles of a dialogue which is associated to courageousness and bravery. Being honest signifies the courage and nerve to support morality through practical means. The worth of honesty is determined at the crucial moment when the speaker is less significant compared to his opponent. Islam encourages and teaches such honesty⁽³⁸⁾.
7. Misinterpretation during a dialogue is one of the harmful and apprehensive factors that may cause trouble for both the speaker and listener. Therefore the constitution of Islam and human rights has declared a few methods in order to minimize misunderstandings⁽³⁹⁾.

subject under discussion. Ego and rigidity also increase the chances of an argument. Thus these factors push the conversation further away from the topic rather may result in a clash, conflict or difference. In order to avoid such drastic outcome the rules and principles of dialogue should be followed that are concluded by the dialogues conducted by Prophet (peace be upon him) and his companions.

We briefly describe some of the rules as follows:

1. Truth is the basic requirement of a dialogue. It combines several other qualities, virtue and righteousness through which a lot of misconduct can be avoided. Thus placing an individual at best of conduct in terms of language and character.

The fundamental of improving a human behavior is to synchronize his emotions with his speech. This is referred as honesty or truthfulness. A dishonest man generates evil while on the other hand a truthful person would earn virtue at every step⁽³⁴⁾.

2. Both individuals practicing a dialogue must defy from any inappropriate speech.

Holy Prophet (peace and blessing of Allah be upon Him) says:

"من كان يؤمن بالله واليوم الآخر فليقل خيرا أو ليصمت"⁽³⁵⁾.

3. Before starting a discussion the scenario and surrounding should be analyzed that is whether it is appropriate for a dialogue. Adequate place, time and surrounding is essential for any dialogue.³⁶
4. a discussion or dialogue should not be practiced without a complete knowledge and command over the subject. Neither should one defend a topic without sufficient information else he may find himself in a total loss.

The second most important factor to consider is Orientalism. The misinterpretations related to Islam cannot be analyzed unless the aim and effects of Orientalism is studied. Unfortunately the history of Orientals is alive and vibrant in current time so much so that they are considered too divine to be questioned. In addition to that the false image of Islam portrayed through the print and electronic media is another scam of Orientals⁽³²⁾.

Although guidance from the Holy Qur'an and Hadith is essential for the dialogue however considering the psyche of the west the focus and emphasis should be the intellectual and rational aspect of Islam. Besides negating the social perceptions of the west the Islamic teachings of communal living and socialism would have to be proved through substantial facts. It is regrettable that the book named "Hujatullah Al-baligha" written by Shah Wali Allah was the last to narrate Islamic Teachings and Instructions⁽³³⁾.

There are two types of apprehension about Islam in the west. The major concern of the west is related to the Islamic history and Communal system. These aspects of Islam directly contradict the current socialism of the west. The second apprehension is the fundamentals of Islam. The dialogue with the west can at no account be productive unless we are open-minded and fully prepared to discuss the apprehensions. The first point to highlight the west is to consider Islam as a complete system of life and socialism.

Rules and Principles of Dialogues

Dialogue is an essential component in the life of a human being. However as much as a dialogue is important it can prove itself to be hazardous and dangerous in nature. It is very difficult to keep calm during a debate. In fact the severity of language and attitude during dialogue at times overpower the meaning of the

life of the people of the west. Therefore the need of a debate with Christianity seems inadequate⁽²⁹⁾.

Although we do not hesitate to have a debate with Christian scholars however they should be questioned about their efforts in order to revive true Christian laws and Holy Books in their society. The fact that they consider religion as a personal matter and believe it has no importance in daily life of an individual. Thus Muslim is the only entity making effort to revive religion though the question from the western scholars is that how can they assist the Muslims in this noble cause?

Muslims should highlight the fact to the opposing Christians that they both are striving to achieve the same goal that is to eradicate the darkness of pessimism and no belief. The Muslims, Christians and other respective scholars are members of the same team. It is to convince the Christian Scholars that they should discourage secularism and rather support the believers of revelation and Holy Books if and only if they desire to dominate the Holy Books and divinity over mankind⁽³⁰⁾.

The foremost question is how and when did west adopt secularism and abandoned their religion of Christianity? In the light of the history the ancient Christianity was powerfully ruling the west till 16th century. The complete authority and control belonged to the Pope. Martin Luther, was the first ever individual who challenged the power of the Pope in the year 1546. He was the first to claim knowledge and intellect as the only divinity. The Christianity gradually started to fall in a deprivation after this era. However the concept that entirely overpowered Christianity was the 18th century revolution named as “Enlightenment Movement” and the movement of romance called as “Romanticism”. These are the summary of the factors behind the enlightened modern concepts of the west today which should be examined thoroughly⁽³¹⁾.

The efforts regarding these inter religion conference for the peace is continued till present. Although these efforts are appreciated and acknowledged around the world but there are some elements and factors that should be clearly laid out in order to receive a positive outcome. These factors includes specifying the basic members plus the fundamental agenda of the inter religions conferences. Thus it would assist us to communicate with the educational sectors with a much improved approach⁽²⁷⁾.

Besides Islam, Christianity, Judaism, Hinduism, Buddhism and Jainism are considered the most vibrant, wide spread and practiced religions in the current era. People believing in God, revelation and divinity belong to one of the mentioned religions. Due to the lack of depth in knowledge, proper education and intellectual capacity in the yester years the religion was abandoned from the social and personal lives. However in today's contemporary world of rationalism the religion is gradually losing importance in everyday life so much so that secular have increased in number around the world. Thus we can say that western secularism is the most popular belief in the world after Islam. On the other hand religions are turning in to nothing but legends. In short we can conclude that secularism based upon western thoughts and philosophy is the only competitor of Islam in today's time⁽²⁸⁾.

Analyzing the current situation we can clearly deduce that the rift between Muslims and west in the field of education, intellect and culture is basically the disagreement of people belonging to non-believing secular class and the Muslims that are the hard core believer of religion. Christianity on the other hand is not in debate with Islam. Due to the reason that the religion represented by the leaders and scholars of Christianity do not have any inspiration by far over the social and practical

and figures. Thus such a conversation can take place between two or more people, traditions or religion.

With the rapid increase in technology the world has become a global village where cultures and traditions have merged to an enormous extent so much so that a rich culture can easily dominate the weak culture. The use of technology such as internet, telephones, mobiles and fax etc. has eradicated any physical barriers or limitations for exchanging views. Discussions can now easily take place without any geographical limitations. The use of technology has opened a new dimension to socialization where it is impossible to outlaw political or social dialogues. Thus this globalization has not only increased socialization but a gateway to spread their culture and inspire people with their beliefs. Therefore the developed nations in terms of technology and trade will not only improve their economy but would easily dominate the rest of the cultures⁽²⁶⁾.

PRESENT STATUS OF INTERFAITH DIALOGUE

The entire world today is emphasizing on the necessity of inter religious dialogues. The efforts regarding these dialogues are mentioned below:

1. The first ever inter religious Conference was held at Norway. The conference was attended by renowned Muslim Scholars namely Molana Mohammad Hafeez Jalandhari, Mufti Muneeb-ur-Rehman, Riaz Hussain Najfi who were invited by the government of Norway and Norwegian Church. The main focus of this International Conference of inter religious dialogues was to promote peace and harmony among different believers.
2. On 16th September 2004, Pakistan organized a conference related to the announcement of Owsley called as “World Council of Religions for International Peace and Harmony” .The conference was arranged at National Library Hall Islamabad.

stubborn to understand. Thus the main focus of the dialogue is to minimize harshness and eliminate all the factors that can cause unrest. In short the purpose of a dialogue is to reduce any kind of rift, hatred or competition among the individuals and to promote a serene and peaceful surrounding for a mutual healthy discussion⁽²⁴⁾.

A dialogue can also be practiced for the intention of counseling immoral behavior in order to discourage impiety in the society. It can be achieved through series of question answers or simply pointing out the wrong deeds that may affect the people. Therefore the dialogues over serious issues that may represent certain privileges can take the shape of an argument. For example the conversation of Hazrat Ibrahim with Namrood, Hazrat Nooh with his nation and Allah Al-Mighty referring to the hell Spawn signify arguments. Similarly the history of Islam is full of discussions with non-Muslim and various non-believers that are analyzed by scholars from which we can take guidance. One of these books include the famous book “Al Milal wa al-Nhal” by Allama Shahrastani. Besides that Ibn Rushd, Ibn Taymyyah and Ibn Qayyim are considered as pioneer writers. Recently, Syed Maududi emphasized on the issue of the sect Qadyani through his book “Masla-e- Qadyaniat”⁽²⁵⁾.

Inter Religious Dialogue: A Necessity

According to the experts and scholars of the modern world today, the need of interfaith dialogue has increased enormously due to globalization and rapid increase in technology.. Mutual dialogue and conversation is the only option to inspire an individual towards adopting religion. Through mutual consultation a person can be motivated to consider the facts through direct one to one discussion. The involved parties can either accept the proposed concept or decline it through fact

(And among men there is he who disputes about Allah without knowledge and without guidance and without an illuminating book).

According to the view of Dr Abdul Hakeem regarding *Jidal* (conflict) is:

“The word (*Jidal*) conflict is mentioned 29 times in the Holy Qur’an revealing utmost loathe towards immature debates. On the other hand the word dialouge is mentioned only three times which clearly defines an exchange of views in an amiable atmosphere”⁽²²⁾.

The Subject of Dialogue

There are three types of subjects that are mainly considered for conversing and these are:

1. Majority of the mankind debate over personalities.
2. Some discuss events.
3. Whereas small number of people are inclined towards discussing ideas.

The Vision of a Dialogue

The vision of a mutual dialogue is not only to enhance knowledge but to enlighten one another with diverse view and perception. A dialogue intends to discourage any sort of disregard or disrespect shown towards beliefs. It neither grants preference to any party nor is it practiced to prove someone wrong⁽²³⁾.

The vital factor of a dialogue is to discuss all the relevant aspects of the subject in order to increase each other’s knowledge. Moreover it is considered necessary for the people involved in a dialogue to have detailed information regarding religion, culture, tradition and class of one another. Besides that it should also be judged weather the person has the patient to listen to the various views related to the subject or is he too

positive outcome and maintain a healthy discussion during a debate.

However in the light of the above argument we can conclude the meaning of dialogue as:

A dialogue is a conversation held between two individuals or mass of people in a healthy peaceful environment. Both the groups are provided with equal opportunity to explain their belief without any preference or favoritism. Any kind of egotism, quarrel and conflict is highly discouraged during the discussion. Moreover such healthy and positive discussion are encouraged between friends and colleagues⁽¹⁸⁾.

Difference between Dialogue and Argument

An argument signifies a certain pitch of voice that determines a state of aggression and disagreement. The word such as (*Jidal*) rift, fight and conflict are used to represent the various type of stress in Arabic language that authentically defines enmity and persistence⁽¹⁹⁾.

On the contrary "*Hiwar*" (dialogue) defines a conversation among two individuals. That is the speech moves to and fro from one person to another in a peaceful manner without instigating any kind of offense.

The Holy Qur'an sets a clear distinguish between argument and a dialogue. Whereas Allah Almighty expresses utmost detest towards argument through the usage of word "*Jidal*".

﴿وَخَادَلُوا بِالْبَاطِلِ لِيُدْحِضُوا بِهِ الْحَقَّ فَأَخَذْتُهُمْ فَكَيْفَ كَانَ عِقَابِ﴾⁽²⁰⁾

(The people of Nuh and the parties after them rejected (prophets) before them, and every nation purposed against their messenger to destroy him, and they disputed by means of the falsehood that they might thereby render null the truth, therefore I destroyed them: how was then My retribution!)

﴿وَمِنَ النَّاسِ مَن يُجَادِلُ فِي اللَّهِ بِغَيْرِ عِلْمٍ وَلَا هُدًى وَلَا كِتَابٍ مُّنِيرٍ﴾⁽²¹⁾

"مناقشة بين طرفين أو أطراف، يقصد بها تصحيح كلام، أو إظهار حجة، وإثبات حق، ودفع شبهة

ورد الفاسد من القول والرأي" (16).

(The exchange of facts or speech between two or more individuals in order to highlight the truth and justify the information whilst discarding the fabrication is the exact representation of "Hiwar").

Explaining the term Dialogue Basam Dawood Ajack states:

ومما قيل في الحوار: "أنه محادثة بين شخصين أو فريقين، حول موضوع محدد، لكل منهما وجهة نظر خاصة به هدفها الوصول إلى الحقيقة، أو إلى أكبر قدر ممكن من تطابق وجهات النظر، بعيدًا عن الخصومة أو التعصب، بطريقة تعتمد على العلم والعقل، مع استعداد كلا الطرفين لقبول الحقيقة، ولو ظهرت على يد الطرف الآخر" (17)

(To be precise "Hiwar" is the discussion between two individual or groups held on a particular topic where each party has their own set of beliefs to express in order to reach to a mutual agreement based entirely upon facts. However both views are said to be based upon their own perception and concepts. Therefore it is necessary that the debate remains free of any racial discrimination where the verdict should base only upon knowledge and enlightened methodologies. The debating parties should acknowledge the favored concept and respect the jury by accepting the verdict).

It is therefore, concluded that a dialogue or debate is basically the exchange of thoughts and phrases between two set of people having different prospects and beliefs. Thus the experts laid out certain rules and ethics in order to extract a

conversation concentrating on theological truth that is the highest reality, the truth itself or God”⁽¹²⁾.

At this Juncture, it seems quite pertinent to mention Ismail Raji Al-Faruqi who expresses his viewpoint in the following words:

“Dialogue is remover of all barriers between men a free intercourse of ideas, where the categorical is to let the sounder claim to the truth win. The final effect of dialogue should be the establishment of truth and its serious free candid and conscious acceptance by all men”⁽¹³⁾.

Furthermore, we would like to quote here Mr. Talibi who explains it as:

“The Dialogue is necessary and vital for Islam so that it can re-establish its contact with the World. This is all over the more urgent salutary for Islam than for other religions since many of them never really have this contact. Islam moreover, calls to dialogue with other people, and especially with the people of the Book, by its scripture no less”⁽¹⁴⁾.

In the light of all above discussion, we come to know that dialogue means a conversation between two or more persons or groups with exchange of views to understand other point of view and convey our message in a good way in the hope of reaching ultimate result

The Significance of “Hiwar”

The experts define the importance of “Hiwar” in the following words:

“مراجعة الكلام بين طرفين أو أكثر دون وجود خصومة بينهم بالضرورة”⁽¹⁵⁾

(The conversation taking place between individuals or a mass of people without a significant panel of adjudicators is the true depiction of the word “Hiwar”).

Furthermore Dr. Saleh bin Abdullah bin Hameed explains to widen the meaning as:

The above mentioned verse was revealed when Hazrat Aus bin Samt and his wife took their marital issues to Prophet (peace be upon him). The Prophet's decision forbade them for staying together as husband and wife any more. Similarly the debate of Syeda Khaula bint Salabah and her explanation regarding her implication with Prophet (peace be upon him), is referred as "Tahawur" (mutual contradiction) in Holy Qur'an⁽⁸⁾. Thus Moujam al Waseet quotes the meaning of "Hiwar" as:

"حديث يجرى بين شخصين أو أكثر في العمل القصصي أو بين ممثلين أو أكثر على المسرح"⁽⁹⁾.

(Discussion takes place between two or more people or is executed by the actors on the stage).

The English literature uses the word "dialogue" for the exchange of words between two or more people. K Zebiri explains as under:

"Dialogue is the combination of two Greek words "Dia" and "Logos". Dia means through and Logos means word having a variety of meaning. So dialog is a process of conversation between the individuals or groups where the views are argued through and then reaching significant and potentially transformative conclusion. There may or may not be a resulting agreement"⁽¹⁰⁾.

Correspondingly the "Chamber Twentieth Century Dictionary" defines the meaning of dialogue as:

"Conversation between two or more persons especially of a formal or imaginary nature, an exchange of views in the hope of ultimately reaching agreement"⁽¹¹⁾.

The renowned book Islam and Christian-Muslim based upon the relatedness of Islam and Christianity defines the importance of dialogue as follows:

"A conversation between two person who recognize each other as equal partners and engaged in

method without stipulating any prior condition for reaching immediate conclusions”⁽⁵⁾.

The word is used in similar way in the Holy Qur’an. Allah Almighty in Surah Al-Kahaf says during an argument between two brothers:

﴿وَكَانَ لَهُ ثَمَرٌ فَقَالَ لِصَاحِبِهِ وَهُوَ يُحَاوِرُهُ أَنَا أَكْثَرُ مِنْكَ مَالًا وَأَعَزُّ نَفَرًا ۖ وَدَخَلَ جَنَّتَهُ وَهُوَ ظَالِمٌ لِّنَفْسِهِ قَالَ مَا أَظُنُّ أَن تَبِيدَ هَذِهِ أَبَدًا ۖ وَمَا أَظُنُّ السَّاعَةَ قَائِمَةً وَلَئِن رُّدِدْتُ إِلَىٰ رَبِّي لَأَجِدَنَّ خَيْرًا مِنْهَا مُنْقَلَبًا ۚ قَالَ لَهُ صَاحِبُهُ وَهُوَ يُحَاوِرُهُ أَكَفَرْتَ بِالَّذِي خَلَقَكَ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْفَةٍ ثُمَّ سَوَّاكَ رَجُلًا ۗ﴾⁽⁶⁾

(And he possessed much wealth; so he said to his companion, while he disputed with him: I have greater wealth than you, and am mightier in followers. And he entered his garden while he was unjust to himself. He said: I do not think that this will ever perish. And I do not think the hour will come, and even if I am returned to my Lord I will most certainly find a returning place better than this. His companion said to him while disputing with him: Do you disbelieve in Him Who created you from dust, then from a small seed, then He made you a perfect man?)

Once the property of a father was divided between his two sons where one gave his rightful inheritance in the name of Allah as Charity on the contrary the second brother bought assets such as gardens and land for him. Such contradicting actions are referred as “Yahwur” (mutual conflict) in the Holy Qur’an.

Allah Almighty says:

﴿قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ تَحَاوُرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ ۗ﴾⁽⁷⁾

(Allah indeed knows the plea of her who pleads with you about her husband and complains to Allah, and Allah knows the contentions of both of you; surely Allah is Hearing, Seeing).

Introduction

Dialogue signifies conversation, discussion over a particular topic or question answer related to any subject. It is referred as “Hiwar” in Arabic which means moving back and forth at a same point. According to Allama Zubaidi :

أصل الحوار من الحوار، وهو الرجوع عن الشيء إلى الشيء معنى الحوار في اللغة: تراجع الكلام⁽¹⁾.

Thus the meaning of “hiwar” according to Zubaidi is the return or exchange of words. Similarly, Ibn Manzoor explains it as follows:

﴿وهم يتحاورون﴾ أي: يتراجعون الكلام، والمحاورة: "مراجعة المنطق والكلام في المخاطبة"⁽²⁾.

(They practice hiwar that is exchange words with each other and use proverb and idioms as a vital part of their debate).

Imam Raghīb Asfahani defines Hiwar as follows:

المحاورة والحوار: المرادة في الكلام ومنه التحاور⁽³⁾.

(Hiwar basically is the presentation of words before each other).that is idiom and phrase is a part of an argument through which one can express their views in an improved way.

The Terminology of Dialogue as presented by the scholars are not far from its lexical meaning, except that these meanings stress or add something more such as ethical meanings and values which are present in the very concept of Dialogue.

Dialogue is also defined as “a debate or discussion between two or more sides, with the intention of correcting a false perception, or proving the truth, or merely removing a doubt, or showing the fallacy of a statement or an opinion”⁽⁴⁾.

Another definition is very significant in which it is said that:

“Dialogue is a conversation between two or more groups on a specific issue, the objective of which is to arrive at the truth in an atmosphere free from animosity, prejudice and intolerance; following scientific and persuasive

Provisions of Interfaith Dialogue in Islamic Shari'ah

(An Analysis of Its Scope, Methodology and Principles)

Hafiz Aftab Ahmad*

ABSTRACT

Interfaith Dialogue is an indispensable reality of the contemporary world. Global peace, security, religious tolerance, justice, human dignity and prosperity cannot be maintained without interreligious harmony. In this research paper, Dialogue has been defined effectively in the light of Muslim & Western scholarship.

The matters like Significance of "Hiwar, Difference between dialogue and argument, subject of dialogue, vision of a dialogue, :necessity of Inter Religious Dialogue, contemporary Religious Scholars involved in the Dialogue and the religion is in debate with Islam in the contemporary world today and rules and principles of dialogues in Qura'n and Sunnah perspective, are profoundly discussed.

A code of conduct, its provisions has been suggested for the Provisions of Interfaith dialogue in Islamic Sha'riah. An attempt has also been made to clarify its scope, methodology and Principles keeping in view the Discourse of Islam. We have applied comparative method, in a descriptive and analytic way.

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