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Authors

Humaira Jahangir ¹
Dr. Shahzadi Pakeeza ¹

Affiliations

¹ Fatima Jinnah Women University,
Rawalpindi, Pakistan.

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The Historical Context of Disagreements among Different Schools of Thought and Proofs of Taqlid in the Light of Islamic Etiquettes of Disagreement

* Humaira Jahangir

** Dr. Shahzadi Pakeeza

ABSTRACT

The difference of opinion is a natural process. Having different intellectual approaches, some variances occur naturally. The article focuses on reasons for the differences of view and judgment among the jurists. The description of Arabic linguistics, the articulation of texts, diacritical marks, the technique of transmitting any narration, the principles for agreeing any text are among the many reasons which indicate alterations of opinion. The study also portrays that the differences of opinion were considered harmful then there would not have been any differences among the Companions of the Holy Prophet. This article discusses that Islam is like a fortress that is safeguarded continuously and cannot be overlapped nor overcome. The study is qualitative in nature, with a descriptive and analytical approach. Both primary and secondary sources have been employed for data analysis using the content analysis technique. The study delineates that the ethics of disagreements demands a Muslim to tolerate divergent opinions. The study also focuses on the taqlid and its importance in the light of the Quran and the Sunnah. The study concludes that the natural type of differences in ideas are unavoidable phenomena so it must be on the foundations of authentic pieces of evidence and positivity. The finding of the study is that taqlid is not an unfamiliar concept at all in the foundations of the Shari'ah.

KEYWORDS:

Ikhtilaf, Ethics of Disagreement, Peace, Harmony, Taqlid

1. Introduction

An individual can think about everything, there is no restriction for him as different theories emerge in his mind regarding any matter.¹ A very mutual feature of human societies is *ikhtilaf* as a constant factor of the human experience.² The word *khilaf* in Arabic connotes 'a simple

* Research Scholar, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi.

** Assistant Professor / Head of Department, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi

difference', 'a disagreement' or a full-blown encounter leading to shiqaq.³ *Khilaf* not necessarily always advances to dissension. However, when it does, that escalation might or might not be warranted, hanging on the reason of disagreement, its category and extent. The aspiration to see the *ikhtilaf* between all individuals reconciled is a commendable and praiseworthy one. However, to avoid fanaticism even in that, and to circumvent becoming overly distressed about those dissimilarities, they should be considered as part of Almighty's test and trial of this worldly life.⁴ In fact, while reading the Quran, one can discover that Allah Almighty left many places open for different interpretations.⁵

The Holy Prophet Muhammad while preaching in early days, not adopted the strategies of ethics, manners and moralities but he instructed his companions to exercise it in their concerns. This strategy was also practically practiced in the era of pious caliphs, Islamic jurists and renowned scholars.⁶

2. Nature of Differences and Ethics of Disagreement in the Holy Prophet Muhammad's (PBUH) Period

When the Holy Prophet Muhammad (PBUH) was alive, besides having problems and ambiguities, they were simplified by the Holy Prophet Muhammad (PBUH) and no confusion was left for ordinary people. The Holy Prophet Muhammad (PBUH) was the first who introduced positive and authentic inconsistency and differences of opinion in the Islamic history. He was also advised by Allah Almighty, ethics for preaching of Islam as the madina pact was announced for the peace and success of region. The strategy to deal with people is also defined in the Holy Quran as:

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ

*"Say: O People of the Scripture. Come to an agreement between us and you: that we shall worship none but Allah, and that we shall ascribe no partners unto Him, and that none of us shall take others for lords beside Allah"*⁷

Naturally, differences of opinion occur but they should be handled with proper opinions and valid reasons. Similarly, in the time of the Holy Prophet Muhammad (PBUH), it was controlled with polite manner, no verdicts were delivered, no one was criticized and no clash was introduced.⁸

3. Nature of Differences and Ethics of Disagreement in the Caliphate's Periods

It is the golden period of Islamic history even though many conflicts and differences were raised however they were handled appropriately and with wisdom. In the authority of Hazrat Ali (R.A), some serious issues were raised owing to martyr of Hazrat Uthman (R.A) and even some battles were fought between Muslim groups but there were no abusive speeches, no negative criticism, no killing of humanity, and no issue of harming the crops and there were only moralities and ethics in their conflicts. An incident about Hazrat Muawiyah's opinion about Hazrat Ali (R.A.) showed the love and sincerity for each other. It is stated that Hazrat Muawiyah asked Dirar to define for him the personality of Hazrat Ali (R.A.). When Hazrat Muawiyah insisted, he told all characteristics of Hazrat Ali (R.A.) that he became regretful and commenced weeping. He remarked: "*Such was Abu al Hasan, may God have mercy on him. Tell us of your grief for him, O Dirar.*" "*My grief (for Ali) is like the grief of a mother whose only child is slain on her lap. Her tears will never dry up and her grief will never subside.*" Saying this, Dirar stood up and departed".⁹ This is an illustrious example for those who consider that there were personally alterations and conflicts between the companions of the Holy Prophet Muhammad (PBUH). They always praised one another and had encouraging remarks about others.¹⁰

3.1. Salient Features from the Prophetic and Caliphate Period regarding Ikhtilaf

The prominent features of *Adab al-Ikhtilaf* are as follows: ¹¹

- a. The *Sahabah* always endeavored always not to differ. They ensured not to make much about negligible matters but discussed the problems that modeled disagreement. This mode of apportioning with real situations usually does not authorize ample room for discussion, let alone argument and conflict.
- b. If differences arose in spite of efforts to evade them, they would quickly mention the dubious matter to the authentic sources and in consequence any argument would be rapidly dissipated.
- c. They always reacted with thorough submission and assurance to the ruling of the authentic source and their comprehensive compliance to it.
- d. The Holy Prophet Muhammad (PBUH) exercised his valuable points to his worthy Companions what was correct and what was incorrect with respect to contentious queries open to explanation. Therefore, they must have mutual belief in other's judgments. This methodology assured the safeguarding other's mutual respect

between corresponding Muslims who diverged and also reserved fanaticism and prejudice.

- e. They strictly adhered to Islamic models of behavior in consultation. They deliberated matters graciously and cordially by evading insulting language.
- f. The Companions eschewed insincerity and flattery and always exercised every struggle to explore issues accurately. This exercise categorized by the significance of the reason and admiration in either accommodating other opinion or evolving a healthier view.

4. Differences Amid School of Thoughts

The differences among Imams are divided into three phases:¹²

- a. The first contains contradictory narrations and in other words, the apparent inconsistencies between the words and deeds of the Holy Prophet (PBUH)
- b. The second stage contracts with the contradictions originate in the *Athar*, apparent contradictions amongst the words and actions of the *Sahabah* and *Taabi'een*.
- c. The third stage incorporates the differences found between the Islamic *madhahib* in the apparent contradictions among the recognized opinions of the numerous *Imams*, which later developed into the established views of their admirers.

5. Differences of Opinion in Understanding Quran

- a. **Difference in Interpretation of *Tafseer*** There is variation in the *tafseer* of the term *quru* and therefore alteration in the ruling. *Iddah* (waiting period) of a divorcee as the Allah Almighty mentions in the Holy Quran as:

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ^ط

(A divorcee should keep herself for three quru).¹³

Ibn Masood and others discourse that it is *haydh* whereas Aisha opine that it denotes clean period. There is an alteration in different *tafseer* of this term *quru* and therefore modification in ruling.

- b. **Methods of Recitation Employed in forming a Judgment** There are numerous approaches in which Holy Book could be narrated. Some means are well recognized while some are not. Such methods that are not established are *shaadh* or unique styles of recitation. It is accepted by some scholars as adequate proof for establishing any ruling whereas others differ from this verdict. *Ulema* who agree on the practice of *shaadh* ways of narration as an authentic means of creating any presiding

would conclude contrariwise from others who do not admit. As it is stated in the Holy Quran:

فَمَنْ لَّمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ۖ ذَٰلِكَ كَفَّارَةٌ لِّأَيِّمَائِكُمْ¹⁴

- c. However, the *Qiraa'ah* of Ubayy and Ibn Masood recite as “*He has to fast for three consecutive days.*” The scholars who admit this oration will determine that fast desires to be successive while others not accomplished this.¹⁵

6. Differences of Opinion in Noble Ahadith

- a. Bukhari says in inaugurating that chain is uninterrupted it must be demonstrated that every reporter encountered with the individual he is reporting from. Whereas, Imam says that likelihood of any narrator meeting is adequate in establishing the stability of the sequence. On the basis of this alteration, if any narration cannot be verified that narrators gathered and agreeing to those Ulema of similar opinion like of Bukhari then such narration cannot be consumed for any ruling. Others who grasp the same view as Imam then such narration are standard.
- b. Sometimes contradictory narrations but theme wise both are reliable.
- c. Majority scholars accept weak descriptions in the lack of any solid account and give preference to weak commentary over analogy as an accepted basis in Islamic jurisprudence. Those Ulema whose admit weak narrations for ruling will vary with who do not receive weak narrations as resilient adequate evidence.
- d. The phrasings of diverse text differ causing change in the juristic verdict resulting there from. Abu Hurayrah narrates that the Holy Prophet Muhammad (ﷺ) said, “*Whoever prays over a deceased in the masjid, and then there is nothing against him*”. Other narrations have the wordings, “*Then there is nothing for him*”
- e. Those scholars who take the wordings of “*then there is nothing against him*” allow salaah on the deceased in the masjid and to the contrary those who yield the wording “*then there is nothing for him*” refuse of salaah on the deceased in the masjid.¹⁶

7. Causes of Disagreement¹⁷

a. Divine Wisdom

وَمَا كَانَ النَّاسُ إِلَّا أُمَّةً وَاحِدَةً فَاخْتَلَفُوا ۗ وَلَوْلَا كَلِمَةٌ سَبَقَتْ مِنْ رَبِّكَ لَفُضِيَ بَيْنَهُمْ فِيمَا فِيهِ يَخْتَلِفُونَ¹⁸

All the people were no more than a single community; later, they differed. But for a word from your Lord that had already

come to pass, a decisive judgment would have been made about their mutual differences

b. Human Nature:

- a. From the human perspective, contradictory discrepancies happen because of
- b. Failure of intention and conduct
- c. Failure of consideration and judgment
- d. A combination of both

c. The Establishment of Proofs

- a. The availability of descriptions after the Holy Prophet Muhammad’s (ﷺ) death
- b. The legitimacy of reports

d. The Interpretation of Proofs

- a. Linguistic Reasons
- e. Personal Differences
- f. Differences in usul

e. The Reconciliation between Different Proofs

The reconciliation among seemingly contradicting evidences.

f. A Mixture of the Failures of Intent and Judgment

One could initially neglect to see the mistake in his reasoning and subsequently grow zeal for his position and overlook the proofs and suggestions on his error. His initial mistake would be forgiven but his zealotry and defiance of fact thereafter is sinful.

8. Reasons of Differences between Different Ages of Islamic History¹⁹

	The Era of the Messenger	The Era of the Companions and the Followers	The Era of the Mujtahid, Imams and Principles
Primary Reason	Varying Commands for Diverse People and Circumstances		
1.	A Special Case is considered as a General Case	Narration by Meaning	Types of <i>ahādīth</i>
2.	A General Order is considered as a Special Case	Abrogation	The Basis of Denunciation and Preference

3.	A Difference in Perception	Human Error	Assessment of a Narrator
4.	Intentional Action vs Coincidence	Love for Allah's Messenger	The indispensability of the Principles of <i>Hadith</i>
5.	Underlying Causes	Excessive Links among Narrators	Principles of the Islamic Jurists for <i>Hadith</i> validity
6.	Words having Multiple Meanings	Weak Narrators	
7.	Different Types of Commands	Fabrication of <i>Hadith</i>	
8.	An Injunction to Sharpen the Mind	Tampering with Sound Narrations	
9.	Affectionate Injunctions vs Cautionary Injunction		

8.1 Examples of Ikhtilaf among Different Schools of Thought

Issue 1: Obligation through Ability by Delegation²⁰

Disagreement

If a person dies without the pilgrimage, it is mandatory upon his heirs to set roughly from his domain with which some individual can perform the *hajj* on his behalf.

Juristic Opinions

Imam Malik and Imam Abu Hanifa uphold that delegation is not binding, even when that ability is there, if the incapability for direct performance occurs.

Imam Shafi maintains that it is binding, thus, for a person who possesses the sufficient capital with which someone other than he can complete the pilgrimage, if he himself cannot perform it physically, then that individual must perform it on his behalf.

Reason of Disagreement

If someone is found who can perform *hajj* on his behalf with his own wealth and physical capacity like a brother or next of kin then his liability is dropped

Acts of worship cannot be accomplished by one person on behalf of another by delegation,

therefore, no one pleads on behalf of another nor does one pay *zakat* in another's place.

Resolving the Conflict

In case of a Living Person, tradition of **Ibn Abbas** states, “*that woman from Khath'am said to the Holy Prophet Muhammad (ﷺ), O Messenger of Allah, hajj is an obligation prescribed for His servants, but I find my father an old man who cannot sit firmly on a riding animal. Should I then perform the Hajj for him?*” He said ‘Yes’”.

In case of a Dead Person, tradition from **Ibn Abbas** states that, “*A woman from Juhayna came up to the Holy Prophet Muhammad (ﷺ) and said, 'O Messenger of Allah, my mother made a vow to perform Hajj but she died so should I perform it on her behalf?' He said, 'Perform the Pilgrimage for her. Do you think that if she had a debt would you not pay it off? The debt of Allah has a prior claim for satisfaction'*”.

8.2 Issue 2: For Women, Mahram is Compulsory or not²¹

Juristic Opinion

Imam Malik and Imam Shafi said it is not an obligation.

Abu Hanifa and Imam Ahmed said it is obligatory.

Reason of Disagreement

It is established from the Holy Prophet Muhammad (ﷺ) through **Abu Said al-Khudri, Abu Hurayra, Ibn Abbas and Umar** that, “*It is not permitted for a woman, who believes in Allah and the last day to travel without a dhu mahram.*”

Reconciliation

Those who gave predominance to the tradition alleged that she may travel for *hajj* without *dhu mahram*.

Those who constrained the general implication with this practice, says it is obligatory.

9. Recommendations regarding Differences of Opinion between Islamic Madhahib

The following propositions can be recommended: ²²

- a. Accept that there will be discrepancy but effort for unity.
- b. Hold on to the rope of Almighty i.e. the Quran and Sunnah.
- c. Take the virtuous predecessors, mainly the first generation, as the standard benchmark against which all positions are evaluated.

- d. Seek and spread knowledge.
- e. Purify heart from all evils.
- f. Protect *the aqidah and grounds of din*.
- g. Maintain the brotherhood amid the Muslims.
- h. Be realistic.
- i. Avoid *jadal*.
- j. Pursue the truth.

10. Meaning, History and Proofs of Taqlid from the Holy Quran and Sunnah

To practice upon an opinion of a Mujtahid without demanding any proof, nor having any prior knowledge of a proof (of the law that the mujtahid presents).

It is the Muslim who entails to seek protection for himself, the Muslim who dwells within a fortress, or castle that keeps him safe from the attacks of the enemies.²³ As long as the Muslims are humble and revering to their leaders and their righteous intellectuals, they shall remain unified, steadfast and victorious.

11. Literal and Technical Meaning and History of Taqlid

Taqlid is originated from the root word *qald* which entails twisting or wreathing a thing upon the former.²⁴ As the necklaces are twined so the expression came to refer to necklace, to ropes of camel designed to be sacrificed during hajj, in its practice, it attained the meaning of 'following', 'imposing upon', 'obliging', 'constraining', 'investing' which portray that the person has or is placed with some charge or constraint.²⁵

The classical scholars of Islam have defined taqlid in their writings differently like Kufal says that taqlid is, "To accept the saying of the speaker without knowing the source of speech." Whereas Khuzarmi describes taqlid as, "Accepting any saying without looking into the argument."²⁶

Amidi is of the view that it is receiving the opinion that does not monitor any justified argument. Ibn Hamim writes, "To follow the saying of a person whose saying is not a justified thing."²⁷

Ghazali, Qazi Abd al Nabi Ahmad Nagri and Sheikh Jurjani claim that taqlid proposes to accept the revealing the opinion of the other person not on the basis of justification or research but on having a respectable assumption that his saying would be accurate. Hence taqlid, as a technical word of Islamic sciences, connotes accepting or adhering of an individual - capable or incapable for *ijtihad* - to the judgment of the mujtahid whom he beliefs with this consideration that his verdict would be valid and true.

12. The Necessity of *Taqlid*

There are two possible options when abiding by a law wherein taqlid is implemented. The first is to interpret the law according to intellect and knowledge. The second option is to trust on the knowledge and intellect of virtuous predecessors who were very close to the period of Prophethood. They were part and parcel of the time of Khayr ul Qurun. By being a portion of it, they became an indicator of taqwa and piety. They spent their complete lives in acquiring the divine knowledge and delving into its investigation. The contemporaries of these periods assert preference to one circumstance over another through understanding of the Quran and Hadith than their judgment become more accurate. This is an indisputable fact.²⁸

The necessity of accommodating taqlid is similar across the board, whether amongst the laymen or amongst the learned researchers of today because neither possess the aptitude of ijihad. For a scholar to deduce a proof which coincides with the view of the school of thought is not in annulment of taqlid. This is because the intellectuals first accepted a judgment of a mujtahid imam then through his view deduced a proof. Therefore, this acknowledgment will also be extracted as incomplete.²⁹

13. The Domain of Taqlid

Taqlid is only permissible in those issues which do not constitute the fundamentals of Islam like issues that are widely-known and whose evidences are qati; certain, clear-cut and univocal. It is in the furu, the facts of the Sacred Law, wherein the evidences are zanni; open to more than one authentic reading, that taqlid is permitted. Al-Khatib al-Baghdadi sketches these contours, "As far as the Islamic injunctions are concerned, they are of two categories. The first are those known by necessity to be part of the Prophet's religion, such as the five daily prayers, the wealth-tax (zakat), pilgrimage; and also (knowing) the prohibition of adultery and intoxicants, etc. In such matters taqlid is not lawful, since these are the issues, every person is required to know about. The second are those rulings arrived at via juristic inference, like the details of the devotional acts (*ibadat*) or social transactions (*mu'amalat*). It is in these matters that taqlid is permitted."³⁰

Ibn Badran portrays the issue in these words,

"Taqlid is forbidden in (matters like) knowing Allah, Exalted is He; Divine Unity (tawhid); and Prophethood, according to Imam Ahmad and his colleagues - which are the truth. It is also forbidden in (knowing the obligatory nature of) the Five Pillars of Islam and those other issues that are decisive and well known. In fact, a consensus is recorded to this effect. As for taqlid in the details of the Sacred Law (furu) it is allowed

for other than the mujtahid by consensus."³¹

14. Malik and Types of Taqlid

Taqlid is of two types, first, which is injurious and is condemned and springs from the proscription of taqlid as a general decree, secondly, the practices of taqlid which are permissible and are permitted as exceptions to the general law above. Four such forms are allowed by the Shari'ah. However, some fuqaha allow other assured forms of taqlid on the base of darurah. Thus, Malik permitted fourteen circumstances of taqlid, some of which are as follows:

1. It is legalized to admit the judgment of others.
2. It is allowed to agree on the judgment of a buyer in the valuation of destroyed assets.
3. The acceptance of the opinion of the slaughterer that the meat is of appropriately slaughtered animal.
4. The acceptance of the term of a child bringing permission to the visitor for entry into the house, or that the gift which he has brought has been directed by his parents.³²

15. Evidence of Taqlid from the Quran

First Proof

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

*"O Believers! Obey Allah and obey the Messenger (blessings and peace be upon him) and those (men of Truth) who hold command among you."*³³

It means the Imams and the Fuqaha as has been alleged by Abdullah bin Abbas, Jabir bin Abdullah, Hasan Basri, Ata bin Abi Rabah, Ata bin Saib and Abul Aaliyah. This verse allows founds the obligatory nature of taqlid.

Second Proof

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

*"So if you yourselves do not know (anything), then ask the People of Remembrance".*³⁴

Third Proof

وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ

"Had they referred it to the Messenger (blessing and peace be upon him) or those of them who are in command (instead of making it public), then those among them who can draw conclusion from some matter would have found it (i.e. the

truth of the news)."³⁵

In Ahkaam al-Quran, Jassas has assumed the command of taqlid from this verse. Imam Razi writes in Tafseer Kabir, "It is Wajib on laypeople to follow the scholars in the issues that they face."

Fourth Proof

لِيَنْفِرُوا كَأَفْطٍ فَلَوْلَا تَفَرُّمٍ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ

"Party from within every group (or tribe) not goes forth in order that they may acquire deeper knowledge (i.e., thorough understanding and insight) of Din (Religion)."³⁶

Fifth Proof

وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ تُؤْتِي مَرْجِعَكُمْ

"Follow someone who adopts the path of turning to Me in repentance and submitting to My injunctions."³⁷

Sixth Proof

وَالَّذِينَ اتَّبَعُوهُمْ بِإِحْسَانٍ رَّضِيَ اللَّهُ عَنْهُمْ وَرَضُوا عَنْهُ

"And those who follow them in the grade of spiritual excellence — Allah is well pleased with them (all) and they (all) are well pleased with Him."³⁸

16. Proof of Taqlid from the Hadith

It is said, "You follow me and the later ones will follow you." (Sahih Bukhari, Vol. 1, Pg. No. 99) Ibn Hajar Asqalani inscribes in the interpretation of this hadith, "You learn the rules of the Shariah from me, so that those who come after you can learn from you and in the same way those who come after them and so on until the end of the world."³⁹ It has been described regarding the virtue of Abu Bakr (R.A) and Umar (R.A) that the Holy Prophet Muhammad (ﷺ) mentioned, "Follow these two after me: Abu Bakr and Umar." (Tirmidhi v.2 p. 206)

It has been reported in Bukhari that the Holy Prophet Muhammad (ﷺ) mentioned, "Follow me (by observing what I do) and those after you will follow you (by observing what you do)." (Bukhari v.1 p.99) Two connotations can be deduced from this description. One is regarding *salah* and other is *salaf*. For example, the *Tabi'een* should follow the *Sahabah* and *Tabi' Tabi'een* should follow the *Tabi'een* and so on and so forth, thus proving *taqlid*.

It comes in a narration that the Holy Prophet Muhammad (ﷺ) mentioned, "Hold steadfast to my practice and to the practice of the rightly guided caliphs. Hold fast to it and cling on to it with your molars." (Abu

Dawud v.2 p.635, Tirmidhi v.2 p.96, Ibn Majah p.5) The *taqlid* of each of the *Khulafa Rashidun* is confirmed from this narration. To hold fast to their *Sunnah* (practice) is to hold fast to the *Sunnah* (practice) of the Holy Prophet Muhammad (ﷺ).⁴⁰

Aswad bin Yazid narrates, “*Mu’aath came to us in Yemen as a teacher and commander. We questioned him regarding a man who had died leaving (as his heirs) a brother and sister. He decreed half the estate for the daughter and half for the sister. This was while the Prophet Muhammad (ﷺ) was alive.*” (*Kitaab ul Faraid: Bukhari and Muslim*)

17. Etiquettes of Disagreement in Islam

The most important etiquettes are following:

1. **Must not condemn or Rebuke those with whom one Disagree:**
Yahya b. Sa’id once said: “*As long as it is the case that when people ask different scholars about something some of them are told that it is forbidden and others are told that it is permitted, then the one who considers it permitted should not believe that the one who prohibits it is in perdition and the one who considers it forbidden should not believe that the one who permits it is in perdition.*” Whenever the Prophet nominated a leader to the military, he always instructed of fear of Almighty and encouraged with goodness. Then he would say: “*If you lay siege to a fortress and its inhabitants entreat you to grant them a covenant of peace from Allah and His Messenger, do not do so, but grant them a covenant from yourself and those who are with you, for indeed it is easier for you to fulfill your own covenant than to fulfill the covenant of Allah and His Messenger. Also, if you lay siege to a fortress and its inhabitants implore you to submit them to the judgment of Allah and His Messenger, do not do so, but submit them to your judgment, for indeed you do not know if you will correctly arrive at the judgment of Allah and His Messenger.*” (*Sahih Muslim*)
2. **Uphold Justice at all Times:** Justice is a valuable quality to have. Justice is imperative and necessary as it spring various guidelines that are appropriate to the *adab* of disagreement.
 - a. Pointing any mistake in a devotee is far fewer severe than misidentifying somebody for a nonbeliever. The Holy Prophet Muhammad (ﷺ) has warned, “*Whoever calls someone else an unbeliever or declares him an enemy of Allah when it is not the case, then his statement will return back to him.*”
 - b. In themes that are exposed to juristic decision and multiple views, there is no reasoning to call someone a criminal or to ostracize anyone for understandings.

- c. People would neither be affirmed as unbelievers nor irritate by appellation, nonetheless of their ideas or sectarian inclinations.
 - d. It is necessary to consider people in every discussion and depart their inner aims to Almighty.
 - e. *Ulema* should never be named as unbelievers on version of their inaccuracies.
- 3. Must be Patient and Forbearing:** Allah Almighty says, “*Good and evil are not equal. Repel evil with what is better. Then he with whom there was so much hatred between you will become as a dear friend.*” (Surah Fussilat: 34) This is how the Holy Prophet Muhammad (ﷺ) won the hearts of enemies. A true expression, when accompanied with a sincere smile and respectable conduct can placed expiration to animosity. Allah Almighty says, “*And no one will be granted such goodness except those who exercise patience and self-restraint, none but persons of the greatest good fortune.*” (Surah Fussilat: 35)
- 4. Must not become Bigoted towards a certain Approach:** Chauvinism and bigotry brands a person unable to differentiate veracity from falsehood. The identical fervor with which a person adores something can be curved to hate.⁴¹
5. Muslims should elude discrepancy in every matter. However, everyone has the privilege to disagree in case of any lawful reason under normal circumstances as one would find settlement.
6. Believers should have the pure intention of pleasing Almighty in differences and not dispute for filling one’s requirements or for overconfidence.
7. Everyone in *ikhtilaf* must consider that there is an option that others opinion could be right.

18. Conclusion

Islam in every walk of existence has given the rudimentary information. Islam has given the integrities and moralities for an individual and for a society in the state of differences and encounters not only theoretically but also virtually.⁴² Differences should not be personal but it must be with one’s thoughts. Language should be respectful in conversations or discourses. The opinion of every kind of person must be entertained and admiration of every person should be deliberated as basic element. Scholarly differences should be taken as different possibilities. It should be for positive, informative and harmonious purposes.⁴³ It is obligatory for all Muslims to render entire obedience to the Law of Almighty, the Shari’ah. A detailed acquaintance of the Shari’ah which comprises of thousands of *usul* and *furu* is not within the hold of a

common individual engaged in his usual mundane pursuits as it requires a lifetime of deep revision and erudition and total dedication to this precise field to acquire proficiency.⁴⁴ Verily Allah Almighty sent Messengers and Prophets to their nations earlier the Holy Prophet Muhammad (ﷺ) and made it mandatory upon the nations to follow their messengers. It is obligatory upon the Muslims that they do not give the status and rank of complete submission to someone other than the Holy Prophet Muhammad (ﷺ).⁴⁵

REFERENCES & NOTES

1. Ahmed, M. & Rehman, A., *Difference in Opinion in Prophetic and Caliphate Periods; Causation and Ethical Consideration*, Abhath, Lahore, Vol 4(13), 2019, p. 1-2.
2. Hatem, H., *A Concise Study of Differences of Opinions in Islam*. Journal of Islamic Studies, Mishkah, Vol. 1, p. 4-29.
3. Wehr, Hans, & Cowan, J., *A Dictionary of Modern Written Arabic*, Spoken Language Services, Ithaca, N.Y., 1976,
4. Hatem, H., *A Concise Study of Differences of Opinions in Islam*, Journal of Islamic Studies, Mishkah, Vol. 1, p. 4-29.
5. Ishaq, M. E., *Why are there differences of Opinions among Scholars*. Retrieved from: <http://www.askimam.org/fatwa/fatwa.phpaskid=7a34967589f2174de46acfb7cb951217>.
6. Ahmed, M. & Rehman, A., *Difference in Opinion in Prophetic and Caliphate Periods; Causation and Ethical Consideration*. Abhath, Lahore, Vol 4(13). 2019, p. 1-12.
7. Al-Aal-e-Imran: 3/64
8. Ahmed, M. & Rehman, A., *Difference in Opinion in Prophetic and Caliphate Periods; Causation and Ethical Consideration*, Abhath, Lahore, Vol 4(13), 2019, p. 8-12.
9. Alwani, T. J., *The Ethics of Disagreement in Islam*, International Institute of Islamic Thought, Virginia, 1993, p. 31.
10. Ahmed, M. & Rehman, A., *Difference in Opinion in Prophetic and Caliphate Periods; Causation and Ethical Consideration*, Abhath, Lahore, Vol 4(13), 2019, P. 8-12.
11. Alwani, T. J., *The Ethics of Disagreement in Islam*, p. 31-40.
12. Kandhlawi, Z., *The Differences of Imams*, White Thread Press, India, 2008, p. 5.
13. Al-Baqarah: 2/228
14. Al-Maidah, 5/89
15. Ishaq, M. E., *Why are there differences of Opinions among Scholars*, 2010, Retrieved: <http://www.askimam.org/fatwa/fatwa.phpaskid=7a34967589f2174de46acfb7cb951217>
16. Ibid.
17. Hatem, H., *A Concise Study of Differences of Opinions in Islam*. Journal of Islamic Studies., Mishkah, Vol. 1. p. 4-29.
18. Younas: 10/19
19. Kandhlawi, Z. *The Differences of Imams*, p. 2-50.
20. Ibn Rushd, *The Distinguished Jurist's Primer*, Trans: Prof. Imran Ahsan Khan Nyazee, Garnet Publishing, n.d., 1/283-453.
21. Ibid.
22. Hatem, H., *A Concise Study of Differences of Opinions in Islam*. Journal of Islamic Studies, Mishkah, Vol. 1. p. 4-29.

23. Kiani, T. M., *Taqlid: Trusting Mujtahid*. 2007, p. 1-12, Retrieved:
<https://archive.org/details/TaqlidTrustingAMujtahidByShaykhTahirMahmoodKiani/mode/2up>
24. Edward, W. L., *Arabic English Lexicon*, 1985, Delhi. p.322.
25. Imam Raghīb Asfahani, *Mufardat al-Qur'an*, Al-Maktaba al-Qasmiya: Lahore, 1963, p. 764.
26. Ibid.
27. Ibid.
28. Fazlur Rahman, Maulana, *The Obligation of Taqlid*, Trans: Hafiz Saad Khan, Madrasah Dawa tul Haqq, South Africa, 2012, p. 24-26.
29. Ibid.
30. Abu Aaliyah, *The Truth about Taqlid*, The Jawziyyah Institute, 2007, p. 2-13.
31. Abu Aaliyah, *The Truth about Taqlid*, p. 2-13.
32. Nyazee, I., *The Scope of Taqlid in Islamic Law*, Islamic Studies, Pakistan, 1983, p. 6-8.
33. Al-Nisa, 4/59
34. Al-Nahal: 16/43
35. Al-Nisa: 4/83
36. Al-Touba: 9/122
37. Luqman: 31/15
38. Al-Touba: 9/100
39. Mufti M. Sajjad, *Understanding Taqlid*, 2011, 2nd Ed., p. 3-68.
40. Ibid.
41. Al-Oadah, S., *Etiquettes of Disagreement in Islam*. Published on 2. Feb.2017, Retrieved from <http://en.mugtama.com/news1/arab-news/item/13590-etiquettes-of-disagreement-in-islam.html>.
42. Ahmed, M. & Rehman, A., *Difference in Opinion in Prophetic and Caliphate Periods; Causation and Ethical Consideration*, Abhath, Lahore, Vol 4(13), 2019, p. 8-12.
43. Ibid.
44. Bayat, Z. I., *The Concept of Taqlid, or Ittiba in Islamic Law*, 1995, p. 141-150, Retrieved: <http://ujdigispace.uj.ac.za>
45. Abbas, W. M., *Al-Ittiba and the Principles of Fiqh of the Righteous Predecessors*, Dar ul Ittiba Publishing, Makkah, 2013, p. 222