

## Ethics of Disagreement in Islam: A Historical Perspective (Part – I)

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### ABSTRACT

The existence of differences is but natural because nature has put them in all the manifestations of life. In fact, none of the exquisite beauty and variety among human beings would have been possible if there were no differences in the languages, colours of skin, mental and physical capabilities and capacities, perceptions and thoughts, etc. It is based on these differences that we are able to differentiate one from the other, and can say that so and so created being possesses such and such characteristics. Thus, every created being possesses its own characteristics distinct from another.

Based on this natural phenomenon, there existed some differences in our ancestors (*aslāf*) in the early Muslim history which continue to be there even today. These differences were mainly related to subsidiary matters and not to the basic tenets and fundamental beliefs of Islam. Our ancestors maintained standard norms of ethics and behavior during their differences.

In this backdrop, the present paper aims at highlighting the nature of the differences that evolved during the periods of the *Ṣaḥābah* (Companions) and *Tābi‘ūn*, up to the present times. And more importantly the paper will be focusing on the methodology of the Prophet (ﷺ) in training his companions to uphold manners and ethics in the face of differences so as to avoid any discord, schism or nasty accusations amongst one another. The development of the ethics of disagreement will be discussed throughout the paper. The paper will also explore how and under which conditions, and which type of differences prove to be positive and beneficial for the development.

**Keywords:** Disagreement, agreement, differences, ethics, manners, etiquette, companions, juristic, *ikhtilāf*.

### 1. Introduction

Allah has ordained difference between human beings in their mental capabilities, their languages, the colour of their skin, and their perceptions and thoughts. All

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this naturally gives rise to multiplicity and variety of options and judgments. If our languages, the colour of our skins and our outer appearance are signs of Allah's creative power and wisdom, and if our minds, our mental capabilities and the products of these minds are also signs of Allah and an indication of his consummate power; and if the populating of the universe, the beauty of being alive, and being able to live are also indications of Allah power, then we can justifiably say that none of the exquisite beauty and variety among human beings would have been possible if they had been created equal in every respect. Every created being indeed has its own unique characteristics.

If your lord had so willed, he would have made mankind one people, but they will not cease to differ, except those on whom your lord and sustainer has bestowed his mercy, and for this did He create them.<sup>1</sup>

The differences which occurred among our forebears in early Muslim history and which continue to be with us, are part of this natural manifestation of variety – provided that differences don't exceed their limits, and provided that they remain within the standard norms of ethics and proper behavior. This is a phenomenon that could prove to be positive and extremely beneficial.<sup>2</sup>

The blessing of Allah, the Most High, upon this *Ummah* is that the differing in this *Ummah* did not occur in the fundamentals of the religion and its primary sources.<sup>3</sup> Differences only occurred in issues which do not touch upon the real unity of the Muslims. Every Muslim knows, as a result of comprehending the Book of Allah and the *Sunnah* of His Messenger (ﷺ), that Allah sent Prophet Muhammad (ﷺ) with the Guidance and Religion of Truth. Allah says in the holy Quran:

It is He Who has sent His Messenger with the Guidance and the Religion of Truth, to make it prevail over all religions even though the polytheists hate it.<sup>4</sup>

This truth embodies the fact that the Messenger of Allah has explained this religion in a clear and sufficient manner, which is in no need of any further clarification. Because the very meaning of the word '*guidance*' negates deviation and all its connotations. Likewise, the phrase '*religion of truth*' negates every false religion which Allah, the Most High, is not pleased with; the Messenger of Allah was sent with this Guidance and Religion of Truth.

## 2. Brief Historical Background of the Ethics of Disagreement

Ethics of disagreement showed many developments from one generation to other. Its historical development can be seen from the period of the Prophet Muhammad (ﷺ) to the current time.

Muslim scholars believe that when Prophet Muhammad (ﷺ) was still alive, any disagreement among the companions always went back to him. He was ultimate authority whose decisions were always accepted by Muslims and all disputes were referred to him. The situation was not found after the demise of the Prophet (ﷺ), so that there occurred *ikhtilāf* in which the companions kept their own varying opinions. The companions had some *ikhtilāf* among themselves, not only because ultimate decision could be made by the Prophet

Muhammad (ﷺ) but also because many situations arose (such as the emergence of new legal problems), which had not obtained at the time of the Prophet Muhammad (ﷺ). The companions also spread into many regions in which they faced new legal problems resulting from the impact of local customs or from the development of society, and they had to find Islamic solutions for them. Of course, they couldn't always find the answers to those problems in the Quran and in the *Sunnah* of the Prophet (ﷺ). Exercising *ijtihād*<sup>5</sup> thus was wide open to the companions and to the next generations as well.

The new legal problems and new customs that the companions faced became more complex at the time of the successors (*tābi'ūn*) and even more so at the time of the late successors (*taba' tābi'in*). The more distant in time from the demise of the Prophet Muhammad (ﷺ), the more complex were the legal problems which confronted the scholars. According to Muslim scholars, since the text of the Quran, at their time was exactly the same as it was at the time of the Prophet (ﷺ), interpretations of it had to be developed and likewise for the *Sunnah* of the Prophet Muhammad (ﷺ). Therefore, the way to understand and interpret the Quran and the *Sunnah* was discussed and eventually founded. New sources were discussed and even debated and other influences for making legal decisions were also argued. Therefore, *Ikhtilāf* among jurists occurred, not only among those who lived in different regions and localities, but also among those who lived in the same locality. *Ikhtilāf* among the Jurists, in the phase of its further developed, also happened among the different schools and also within single school. When the jurists exercised *ijtihād*, most of their results would be products reflective of *ikhtilāf* among themselves.<sup>6</sup>

### 3. Ethics of Disagreement in The Prophet's (ﷺ) Lifetime

The disagreement in the Prophet Muhammad's (ﷺ) period was totally different from the present day's disagreements. During his life-time, the people used to refer directly to him when in dispute, so he would judge between them and make plain the truth, regardless of whether the dispute occurred in connection with the *Qur'an*, or in matters of which their judgments had not yet been revealed; thereupon, verses would be revealed clarifying the issue. How often do we read in the *Qur'an*, "They ask you regarding ..." this and that. Allah, the Most High, would then reply to His Prophet (ﷺ) with a clear answer and order him to convey it to the people. Allah, the Most High, says:

They ask you as to what is lawful (food) for them. Say, 'Lawful unto you are all things good and pure (*Halaal*); and what you have taught your trained hunting animals (to catch) in the proper manner directed to you by Allah, eat what they catch for you but pronounce the name of Allah over it; and fear Allah, for Allah is indeed swift in taking account.'<sup>7</sup>

The Prophet Muhammad (ﷺ) was universally acknowledged by all his companions

as the one to whom only controversial matter had to be referred. He was their source of refuge and solace and their guide. Whenever they were perplexed, he would clarify issues for them and show the way to truth and offer right guidance.<sup>8</sup> The companions reacted with a ready obedience and commitment to the judgment of the *Qur'an* and the Prophet Muhammad (ﷺ) and their complete and total submission to it. The Prophet Muhammad (ﷺ) used to point out companions what was right and what was wrong with regards to controversial questions open to various interpretations. On their part, the companions had mutual trust in the genuineness of each other's judgment. Those who lived far away from Madīnah and couldn't refer matters directly to the Prophet Muhammad (ﷺ) – matters such as the correct interpretation of the *Qur'an* and the *Sunnah*, in the light of the knowledge they had, would exercise their own judgment and sometimes come to differing conclusions. When they returned Madīnah, however, they would meet the Prophet Muhammad (ﷺ) and review with him their different interpretations of the texts available to them. The Prophet (ﷺ) would either approve of a particular judgment which then became part of his *Sunnah*, or he would point out the correct alternative which they would adopt whole-heartedly. Any disagreement or friction automatically disappeared.<sup>9</sup>

One example of such an incident has been recorded both by Imām al-Bukhārī<sup>10</sup> and Imām Muslim<sup>11</sup>. During the battle of confederates<sup>12</sup>, the Prophet Muhammad (ﷺ) is reported to have said to his companions: “Do not perform the mid-afternoon (*‘Asr*) prayer until you get to the place of Banu Qurayzah”.

While still on their way, the time of the *Salah* came. Some of the companions said, “We will not perform *Salah* until we get to the Banu Qurayzah”. While some others said, “we shall pray. That [saying of the Prophet (ﷺ)] will not prevent us (from praying now)”.<sup>13</sup> The matter was later brought before the Prophet (ﷺ) and he didn't disapprove of either groups.

It is clear from this incident that the companions of the Prophet Muhammad (ﷺ) split into two groups over the interpretation of the Prophet's instructions – One group adopting the literal or explicit meaning of the injunction. While the other group derived a meaning from the injunction which they considered suitable for that situation. The Prophet Muhammad (ﷺ) approved of both groups and thus resolved the issue, leaving no room for any further preference.<sup>14</sup>

Another incident in the same vein has been recorded by Imam Abu Dawud.

It is reported that ‘Amr ibn al-‘Ās (R.A) said: “One cold night during *Dhat al-salasil*<sup>15</sup> campaign I had a wet dream. I feared that if I performed *ghusl*. I would die (from the cold). So I performed *Tayammum* (Dry Ablution) instead, and then performed the Dawn *salah* with my companions”. This was mentioned to the Prophet (ﷺ) who asked: ‘Amr! You performed the prayer with your companions

while you were in a state of impurity?<sup>16</sup> Whereupon I recalled to him the verse of the *Qur'an*: ‘O you who have believed, do not consume one another’s wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.’<sup>17</sup> The Prophet (ﷺ) laughed and said nothing.

This shows that the companions themselves appreciated in all the circumstances that the religion of Islam was easy and that law was wide enough to accommodate both approaches and methods the Prophet Muhammad (ﷺ) himself in some cases, legitimated *Ikhtilāf* or provided opportunity for differences in judgment, since he gave instructions which could be interpreted in more than one way or he validated two different actions with regard to the same situation.

During the time of the Prophet Muhammad (ﷺ), the present-day system of imparting Islamic law was not in operation. The only method of imparting Islamic rulings was that whenever a command was revealed, the Messenger of Allah used to inform the people verbally and demonstrate it practically, and the Messenger’s demonstration left no complexities or uncertainties.<sup>18</sup>

Only the qualified and capable companions of the Prophet Muhammad (ﷺ) practiced *Ijtihād*, and if any error was done in it, the Prophet (ﷺ) at once rejected and did not encourage such risks. The following account narrated by Jabir (R.A), a companion of the Prophet (ﷺ), demonstrates this. He says:

“We went out on a journey and one of our men was hit on the head by a stone. He then had a wet dream and so asked his companions, ‘can you find a ruling which would give me a dispensation to make dry ablution (instead of having to take a bath)?’ They replied, ‘We don’t find any dispensation for you while you can obtain water’ so he had a bath and subsequently died. When we got back to the Messenger of Allah and told him what had happened, he, said, ‘they killed him. May Allah kill them? Why did they not ask if they didn’t know? The curve for the incapable one is merely to ask. It would have been sufficient for the deceased simply to make dry ablution, or he could have bandaged his wound and passed his wet hand tightly over the bandaged area and then washed the rest of his body’.<sup>19</sup>

It is clear from this Hadith that the Prophet Muhammad (ﷺ) didn’t absolve his companions who made a legal ruling without having the knowledge and the competence to do so, instead, he reprimanded them sharply blamed them for making legal decision without knowledge. He considered them as murderers of their brother in faith. Furthermore, he made it clear that it was incumbent on those like them who were incapable – that is who were ignorant and confused in such matters – to ask, and not to rush to give a verdict (*fatwa*). The Prophet’s insistence on the necessity of asking in such circumstances is supported by the divine injunction:

And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message if you do not know.<sup>20</sup>

People would come to the Prophet Muhammad (ﷺ) to seek his ruling on actual incidents and he would answer their questions. Various issues and problems were presented to him to settle and he would do so.<sup>21</sup> He would see a good deed and commend it and praise its doer. He would see a reprehensible act and disapprove of it. Those of his Companions who were present would learn directly from the Prophet Muhammad (ﷺ) in turn would pass on what they had learnt to others. In the process they might differ among themselves, but they would continue to discuss any controversial issue in an objective manner and in such a way that did not lead to discord and schism or nasty accusations. This was because they would always go back to the Book of Allah and His Messenger. They would put a decisive end to any disagreement such that no trace of ill-feeling was left to weaken the bond of brotherhood among them. The Prophet Muhammad (ﷺ) warned his companions about the dangers of disagreement. He realized that the survival of *Ummah* depended on the harmony and mutual affection on the basis of love for Allah. The companions of the Prophet Muhammad (ﷺ) themselves saw that discord produced nothing good. Ibn Mas`ud (R.A) once said: “Disagreement is evil.”

Furthermore, the Prophet Muhammad (ﷺ) would always nip any disagreement in the bud, as the following incident narrated by Abdullah ibn `Umar (R.A) shows. He said: “One day I called upon the Messenger of Allah during the midday rest. [While I was there], the Prophet heard two men arguing loudly in disagreement over [the meaning of a Qur’anic verse]. The Messenger of Allah went out with anger showing on his face and said: ‘People before you perished only because of their disagreement about the Scripture.’<sup>22</sup>

In the event of disagreement arising over different modes of reciting the *Qur’an* over the intended meaning of its verses, the Prophet Muhammad (ﷺ) charged his companions to stand away from the glorious *Qur’an* until they were completely calm and all the stimuli of acrimonious argument which lead to discord and schism had been quelled. On the other hand, when their hearts were united, a sincere desire to understand prevailed and they could continue with their reading, reflection and pondering over the verses of *Qur’an*.

The Quran itself sometimes issued a caution regarding the ethics of disagreement when it occurred among the companions. In this context, Abdullah Ibn al Zubayr (R.A) is reported to have said: “The two chosen companions of the Prophet Muhammad (R.A), Abu Bakr (R.A) and Umar (R.A) almost ruined themselves. They both raised their voices in the presence of the Prophet, when a delegation of *Banu Tamim* came to him. One of the two men recommended al Aqra Ibn Habis (to be appointed the chief of the delegation, while the other pointed to Al-Qa’qa’ Ibn Mabad Ibn Zararah. Abu Bakr (R.A) thereupon said to Umar (R.A): you only

wanted to oppose me'. Umar (R.A) replied; 'I didn't want to oppose you'. Their voices grew louder and louder over the issue. And the Divine words were revealed.

O you who have believed, do not raise your voices above the voice of the Prophet or be loud to him in speech like the loudness of some of you to others, lest your deeds become worthless while you perceive not. Indeed, those who lower their voices before the Messenger of Allah - they are the ones whose hearts Allah has tested for righteousness. For them is forgiveness and great reward.<sup>23</sup>

Ibn al Zubayr (R.A) added, 'after the revelation of this verse, 'Umar (R.A) would scarcely make himself heard by the Prophet (ﷺ); so much so that the Prophet would have to ask him to repeat his words.'<sup>24</sup>

Companions were the devotees and ardent followers of Allah's Messenger (ﷺ). They were prepared to lay down a hundred lives for every action of his. They were wholly befitting of the poem.

*If Almighty Allah had to bestow men with unlimited hearts.  
I would have sacrificed a hundred for every action.<sup>25</sup>*

The relationship the companions enjoyed with Allah's Messenger (ﷺ) cannot be expressed in words. Every one of the most seemingly trivial incidents that transpired while they were in the company of the Messenger (ﷺ) a testament to their devotion to him.

Anas (R.A) narrates, "The Messenger of Allah passed by the house of companion who have added an additional room to it. Allah's Messenger (ﷺ) asked who the house belonged to. On being informed, the Messenger (ﷺ) did not utter a word. When the companions in question appeared before Allah's Messenger, he declined to reply to his *salam*. The companion made *salam* many times, but to no avail. When informed by the others what had transpired earlier, he immediately went home and demolished the extended room. Above that, he did not even inform Allah's Messenger (ﷺ) of his action out of shame and remorse, he refrained from informing him. The Messenger of Allah only learnt of it when he happened to pass the same house on another occasion."<sup>26</sup>

The companions used to accept even the outward meaning of the words of Allah's Messenger (ﷺ). They at times were quite aware that this was not what he meant, but taking the literal words into account, they used to adhere to it.<sup>27</sup>

Once, Allah's Messenger (ﷺ) pointed to one of the doors of *Masjid al-Nabawi* and remarked, "It would have been a good idea to resume this door for the exclusive use of the women." From then on, 'Abdullah bin 'Umar never entered the Masjid by that door.<sup>28</sup>

From the above mentioned *Ahādīth*, it is clearly evident that the companions refrained from digressing into possibilities and rationalities. They tried as far as possible not to disagree. They did not make much about marginal issues but treated the matters that posed controversy in the light of Prophet's guidance. This manner of dealing with actual situations normally does not leave much room for argumentations, let alone dispute and discord. If the difference occurred despite attempts to avoid them, the companions would quickly refer the disputed issue to the *Qur'an* and to the Prophet (ﷺ), and any controversy would quickly be dispelled. They adhered steadfastly to the Islamic norm of behavior during argumentation. They discuss matters politely and amicably, avoiding the use of vile and insulting language. Each was prepared to listen attentively to the other. They eschewed hypocrisy and flattery as far as possible and exerted every effort to investigate an issue objectively.

This practice, characterized by seriousness of the argument and respect for the other person, would force the disputant into either accepting the other point of view or advancing a better opinion.<sup>29</sup>

#### **4. Ethics of Disagreement in the First Generation, i.e., the Period of the Companions of the Prophet (ﷺ)**

The companions were a community molded by the book of Allah and the *Sunnah* of the prophet Muhammad (ﷺ). They differed on many issues both during the life time of the Prophet (ﷺ) as well as after his demise. Though they strenuously strove to avoid difference as far as possible yet if difference occurred, the selfish desires did not motivate any of the companions. They would admit their errors without any bitterness or embarrassment while always having a tremendous respect for people of virtue, knowledge and understanding. No one would overestimate himself or disparage the ability or the rights of his brother Muslim. The search for truth and for the correct judgment was their mutual endeavor, and they willingly accepted the truth from whichever quarter it came. They regarded corrections of one another's judgments as a form of assistance which a person extends to his brother in faith. Such correction was not seen as exposing a fault or as a form of censure.

The companions did not dispute on the matters of the tents of Islamic belief. Their differences of opinions were confined to subsidiary matters.

The first disagreement among the companions after the demise of the Prophet (ﷺ) concerned the reality of his demise itself. 'Umar ibn al-Khattab (R.A) insisted that the Messenger (ﷺ) didn't die, considered any such talk a false rumor spread by the hypocrites and threatened to punish them for it. This went on until Abu Bakr (R.A) appeared on the scene and recited the verse of the Quran;



Muhammad is no more than a messenger. Many were the messengers who passed away before him. If he died or were slain, will you then turn back on your heels? Who ever turns back on his heels, not the least harm will he do to God; but God (on the other hand) will swiftly reward those who (serve him) with gratitude.<sup>30</sup>

And another verse of the Quran: “Truly you will die (one day), and truly they (too) will die (one day).”<sup>31</sup>

Ibn Al-Musaiyab (R.A) said that, ‘Umar (R.A) had said “By Allah as soon as I heard Abu Bakr (R.A) say it, I fell down on the Ground, I felt as if my legs had been unable to carry me so I collapsed when I heard him say it. Only then did I realize that Muhammad (ﷺ) had really died.”<sup>32</sup>

When ‘Umar (R.A) heard these verses his sword fell from his hand and he himself fell to the ground, realized that the Prophet Muhammad (ﷺ), had passed away and that the divine revelation had come to an end. About the verses which Abu Bakr (R.A) had recited, he said: “By Allah, it seems to me as if I had never read these verses before.”<sup>33</sup>

Ibn ‘Abbas (R.A), reported that ‘Umar Ibn al-Khattab (R.A) during his caliphate told him: “O Ibn ‘Abbas’, do you know what made me say what I said when the Messenger of Allah passed away?” I replied, ‘I do not know, O! *Amir al-Muminin*. You know better. ‘Umar (R.A) then said, ‘By Allah, the only thing which made me say that, was this verse of the *Qur’an*, I used to read:

And thus we have made you a just community that you will be witnesses over the people and the Messenger will be a witness over you. And We did not make the *qiblah* which you used to face except that We might make evident who would follow the Messenger from who would turn back on his heels. And indeed, it is difficult except for those whom Allah has guided. And never would Allah have caused you to lose your faith. Indeed Allah is, to the people, Kind and Merciful.<sup>34</sup>

By Allah, I used to think that the Prophet (ﷺ) would remain among his *Ummah* so that he could be a witness over it till the last of its deeds. That is what made me say what I said.”<sup>35</sup>

It seems that Umar (R.A) had made an independent interpretation of the verse. A sort of disagreement arose with regard to the burial place for the Prophet. One person said: “we should bury him in his Masjid”. Another said, “We should bury him next to his companions.” Abu Bakr (R.A) said, “I heard the Messenger of Allah say,” A Prophet is buried where he dies.’ So Abu Talha (R.A) lifted the bed on which he died, dug underneath and cut the ground to make the tomb.<sup>36</sup>

Another controversy arose about who was to succeed the Prophet Muhammad (ﷺ). Should the successor be from among the *Muhajirun* (emigrants from Makkah) or from the *Ansar* (helpers from Madinah)? Should the office be entrusted to one person or more? Should the successor be vested with the same prerogatives exercised by the Prophet Muhammad (ﷺ) in his capacity as judge and leader

(*Imam*) of the Muslims, or should these prerogatives be less or different? A great civil strife was about to occur but they directed their efforts towards resolving the problem at hand, preserving the external message and preventing the cause of dissension.<sup>37</sup>

Ibn Ishaq reports in this respect: “When the Prophet Muhammad (ﷺ) passed away, a group of Ansar assembled at the meeting place of Banu Sa’idah and sided with Sa’d ibn `Ubadah. `Ali ibn Abi Talib, al-Zubayr ibn al `Awwam, and Talhah ibn `Ubaydullah gathered together in Fatimah’s (*R.A*) house. The rest of the Muhajirun sided with Abu Bakr and so did Usayd ibn Hudayr among the Banu `Abd al-Ashhal.<sup>38</sup>

Another critical dispute was about the payment of *Zak h* (obligatory tax) after the demise of the Prophet Muhammad (ﷺ). In this context, Abu Bakr (*R.A*) decided to fight those who chose to withhold *Zakah* to make them repent and return to the fold of Islam. However, Umar (*R.A*) was against the permissibility of fighting those who withheld *Zakah* and confronted Abu Bakr (*R.A*) on the issue. But later on, Abu Bakr (*R.A*) was able to convince the companions about the dispute. There were some other differences in various matters like about the prisoners of war, the distribution of liberated lands and the equality of provision for Muslims, which took place between the men of great wisdom and dignity [Abu Bakr (*R.A*) and Umar (*R.A*)]. Their opinions differed but not their hearts, because they looked up to heaven and Allah’s pleasure and not down to earthly power.<sup>39</sup>

Differences occurred between Umar (*R.A*) and Ali (*R.A*) on the pregnant women. Differences occurred but these were kept within the bounds of refined manners. The following story demonstrates this:

“There was a woman whose husband was away. `Umar (*R.A*) who was then the *Khalifah*, was told that she admitted men into her house in the absence of her husband. As `Umar (*R.A*) disapproved of this, he sent someone to summon her to him. ‘Go to `Umar (*R.A*),’ she was told. She said: ‘Oh, woe unto me! Why should `Umar (*R.A*) want to see me?’ The woman was pregnant, and on her way to him, she was so scared that she went into labor. She, therefore, entered a house where she gave birth to a child who died shortly afterwards. `Umar (*R.A*) consulted the Companions of the Prophet (ﷺ), some of whom advised that he was not to be blamed for anything; he was only doing what his office required of him. `Ali (*R.A*), on the other hand, kept silent. Noticing that, `Umar came up to `Ali and asked him: ‘What do you say?’ `Ali (*R.A*) replied: ‘If what these Companions said, is what they really think, then their opinion is wrong. But if they said that in order to please you, they have not given you proper advice. I believe that you have to pay compensation (*diyah*) for the child. It is you who scared the woman, and she miscarried because of you.’<sup>40</sup>

`Umar (*R.A*) yielded to the opinion of `Ali (*R.A*) without feeling any resentment in acting on his verdict, even though he was the head of the Muslim state (*amir al-mu'minin*). He felt a certain relief in following the opinion of another.

Differences occurred between ‘Umar (R.A) and ‘Abdullah bin Mas’ud (R.A) over the issues of placement of hands over knees in *salah*, divorce, validity of marriage in the state of adultery, etc. But in spite of these differences, their feelings towards each other only increased in mutual respect and love.<sup>41</sup> For example, Ibn Mas’ud (R.A) used to place his right hand over the left in *salah* but would not place them on his knees. ‘Umar (R.A) did the latter but did not approve of the former.<sup>42</sup>

Ibn Mas’ud was of the opinion that if a husband says to his wife: “You are unlawful to me”, the utterance is equal to an oath implying irrevocable divorce. ‘Umar (R.A), however, considered this as only one, not the final, pronouncement of divorce.<sup>43</sup>

If a man committed sexual intercourse with a woman and then married her, Ibn Mas’ud (R.A) regarded the marriage as invalid and the man and woman as living in a state of lewdness and adultery. ‘Umar (R.A), on the other hand, regarded the initial relationship as adulterous but the marriage as valid.<sup>44</sup>

There are grave incidents of civil strife in which the companions physically fought against each other. For instance Battle of Camel<sup>45</sup>, Battle of Siffin.<sup>46</sup> Yet even in these dire and momentous circumstances, the companions never lost sight of each other’s virtues and merits. They adopted lofty standards of ethics and behavior in their disagreements.<sup>47</sup>

So, it can be noted that selfish desires did not motivate any of the Companions; the pursuit of truth was the distinguishing factor in the differences which arose. In the period after the Prophet’s demise and the end of revelation, the Companions followed some norms for unity like; they strenuously strove to avoid differences as far as possible. When differences of opinion were inevitable owing, for example, to evidence being available to some and not to others or to differences in the understanding of a text or an expression, they would remain firmly within the bounds of what is allowed in striving to reach the truth. They would admit their errors without any bitterness or embarrassment while always having a tremendous respect for people of virtue, knowledge, and understanding. No one would overestimate himself or disparage the ability or the rights of his brother Muslim. The search for truth and for the correct judgment was their mutual endeavor, and they willingly accepted the truth from whichever quarter it came. They regarded the brotherhood of Islam as one of the most important principles of the religion, and without which it would be impossible to establish Islam. This brotherhood transcended differences of opinion or compromise on questions which were open to varying interpretations. Matters relating to the tenets of Islamic belief were not the subject of disputation. Differences of opinion were therefore confined to subsidiary matters. They regarded corrections of one another’s judgments as a form of assistance which a person extended to his brother in faith. Such correction was not seen as exposing a fault or as a form of censure.

### 5. Ethics of Disagreement in *Tābi'ūn* [Students of the Companions of Prophet (ﷺ)]

Prior to the *Khilafah* of 'Uthman Ibn Affan (R.A), most of the companions resided in Madīnah and a few in Makkah. They rarely left their homes except for *jihād* and such purposes. In this way, they were able to meet frequently, consult one another and reach consensus on many matters.<sup>48</sup>

When 'Uthman (R.A) succeeded 'Umar (R.A), he did not see any problem in allowing the companions to leave Madīnah and reside permanently wherever they liked in the Muslim lands. As a result jurists and reciters of the *Qur'an* among them spread out into the towns of the newly liberated lands. It is estimated that more than three hundred companions settled in the garrison towns of Basrah<sup>49</sup> and Kufah<sup>50</sup>, and that a large number of them moved to Egypt and greater Syria. All the Companions, *Taba'un* and their successors (*Taba Tabain*) were followers and upholders of the *Sunnah*. When the *Sunnah* was authenticated, no one deviated from it, if differences occurred it was only because of varying understanding or interpretation. And also the differences were in the main, limited to Juristic issues, and existed due to the availability of a text to one party and the ignorance of other party about it.<sup>51</sup>

Eventually, however, new situations arose, political schisms emerged in the wake of the assassination of the third *Khalifah*, 'Uthman Ibn Affan (R.A), the transference of the seat of Government to *Kufah* then to Damascus<sup>52</sup>, and the occurrence of many other upheavals. Many alien notions and developments filtered into the accepted framework for dealing with differences. Iraq, with its two great garrison towns of Kufah and Basra, became fertile ground for the interplay of political ideas and beliefs which were disseminated to various other regions. From Iraq, emerged the *Shi'ah*<sup>53</sup>, the *Jahmiyyah*<sup>54</sup>, the *Mutazilah*<sup>55</sup>, the *Khawarij*<sup>56</sup> and number of innovators and idiosyncratic groups. So began the fabrication stories, and the surfacing of mutual animosity and discord among people. With the passage of time, there emerged two groups of scholars i.e., *Hijazi* and *Iraqi* scholars.<sup>57</sup>

People of Hijaz believed that they observed the *Sunnah* strictly and did not deviate from it at all. Iraqi scholars on the other hand believed that their share of the *Sunnah* was not negligible; they would rely on reason in the absence of the Prophet

Muhammad (ﷺ). The controversy between the schools of thought was intense and criticism vigorously exchanged, neither side forsook the either and proper standards of behavior in their disagreement. None of them crossed the limits of proper behavior by making pronouncements of unbelief and immorality or accusations of sinful innovation or downright exclusion from the fold of Islam.<sup>58</sup>

A sort of debate took place between Abu Hanifah (from Iraq) and Imam Jafar. Abu Hanifah was asked some questions by the Imam, which treated him as the man who uses analogy and independent reasoning in religious matters. The questions raised by Imam Jafar were not too different for someone like Abu Hanifah to answer. But

he chose to remain silent and not to argue out of respect for and in consideration of the proper manner in treating a descendent of the Prophet's (ﷺ) household, Imam Jafar was.<sup>59</sup>

These exchanges and debates show that the sublime ethics and norms of behavior set by the noble Prophet (ﷺ) greatly influenced those who were involved. They also show that differences in methodology and opinion did not result in estrangement and the setting up of barriers between brothers in faith.

The coarse harshness which historians associate with this period was in the main connected with groups of scholastic theologians who extended their differences to matters of belief.

## References and End Notes

<sup>1</sup> *Al-Qur'an*; 11: 118-119.

<sup>2</sup> Taha Jabir al-Alwani, *Adab al- ikhtilaf fil -Islam*, p.31.

<sup>3</sup> It is well known that many of the sects of innovation like the *Mu'tazilah* and the *Ashaai'rah* contested some of the sources of the *Shari'ah*. This however does not expel them from being sects within this *Ummah* as they believe in these sources in a general way and do not categorically deny them. Likewise, their agreement on the fundamentals such as the pillars of the religion being five and so on.

<sup>4</sup> *Al-Qur'an*; 9: 33.

<sup>5</sup> Ijtihād is an Islamic legal term that means "independent reasoning" or "the utmost effort an individual can put forth in an activity."

<sup>6</sup> A.Qodri Azizy, *Juristic Differences (Ikhtilāf) in Islam: Its Meaning, Early Discussions and Reasons (A Lesson for Contemporary Characteristics)*, Al-Jami'ah, Vol.39, No. 2, July December 2001, p. 279.

<sup>7</sup> *Al-Qur'an*; 5: 4.

<sup>8</sup> Shaykh Muhammad Ibn Saalih al-'Uthaymeen, *Differences of Opinion Amongst the Scholars*, Al-Hidaayah Publishing and Distribution, 2007, p.15.

<sup>9</sup> Taha Jabir al-'Alwani, *Adab al- ikhtilaf fil -Islam*, op.cit., p.21.

<sup>10</sup> Abū 'Abd Allāh Muḥammad ibn Ismā'īl ibn Ibrāhīm ibn al-Mughīrah ibn Bardizbah al-Ju'fī al-Bukhārī (810 –870), commonly referred to as Imam al-Bukhari or Imam Bukhari, was a Persian Islamic scholar who was born in Bukhara. He authored the hadith collection known as *Sahih al-Bukhari*, regarded by Muslims as the most *sahih* (authentic) of all hadith compilations. He also wrote the books *Al-Adab al-Mufrad*.

<sup>11</sup> Abū al-Ḥusayn 'Asākir ad-Dīn Muslim ibn al-Ḥajjāj ibn Muslim ibn Ward ibn Kawshādh al-Qushayrī an-Naysābūrī (815 –875 C.E) or Muslim Nīshāpūrī commonly known as Imam Muslim, was a Persian Islamic scholar, particularly known as a *muhaddith* (scholar of hadith). His hadith collection, known as *Sahih Muslim*, is one of the six major hadith collections in Islam and is regarded as one of the two most authentic (*sahih*) collections, alongside *Sahih al-Bukhari*.

<sup>12</sup> The Battle of the Trench also known as the Battle of the Confederates as confederate mean joined by an agreement or treaty. The Jews of Banu Nadir met with the Arab Quraysh of Makkah. Huyayy ibn Akhtab, along with other leaders from Khaybar, traveled to swear allegiance with Safwan at Makkah. (Lings, *Muhammad: his life based on the earliest sources*, pp. 215).

<sup>13</sup> *Sahih al Bukhari*, Trans.(English) Dr. Muhammad muhsin Khan, Dar-us-Salaam Publications, 1997, Book 59, H.No.445.

<sup>14</sup> Taha Jabir al-Alwani, *Adab al- ikhtilaf fil -Islam*, op.cit., p.21.

<sup>15</sup> A place on the Syrian borders.

<sup>16</sup> Abu Daawood, *Sunan*, Trans. (urdu) hazrat Alama wahiduzaman, A'timad Publication House, Civil Line, Delhi, Book.1, H. No. 334.

<sup>17</sup> *Al-Qur'an*; 4 : 29.

<sup>18</sup> Shaykh al-Hadith Muhammad Zakariyya Kandhlawi; Mawlana Muhammad Kadwa (translator), *The Differences of the Imams*, White Thread Press (November 2008), p.6.

<sup>19</sup> Aboo Daawood, *Sunan*, (urdu) hazrat Alama wahiduzaman, A'timad Publication House, Civil Line, Delhi, Book No.1, H.No. 336.

<sup>20</sup> *Al-Qur'an*; 16: 43.

<sup>21</sup> Shah Waliullah Dehalavi *Hujjatul Allahul Baligha*, Darul Ma'rifah, Damascus, 1425 AH (2004 CE), Vol.1, p.298.

<sup>22</sup> Ibn Hazm Al Andulusi, *Al-Ihkam fi Usul al-Ahkam*, Darul Kutubal Ilmiyyah, Beirut, 1424 AH/2004CE, Vol. 5, p.66.

- <sup>23</sup> Al-Qur'an; Chapter 49: verse 2-3.
- <sup>24</sup> Sahih al-Bukhari, Trans.(English) Dr. Muhammad Muhsin Khan, Kitab Bhavan, New Delhi, 1984, Book 5; H.No.653.
- <sup>25</sup> Shaykh al-Hadith Muhammad Zakariyya Kandhlawi, *Ikhtilaf al- 'aimmah*; Mawlana Muhammad Kadwa (translator), *The Differences of the Imams*, White Thread Press (November 2008), p.28.
- <sup>26</sup> Abu Dawud, *Sunan*, Trans.(Urdu) by Allama Wahiduzaman, A'timad Publication House, Civil Line, Delhi, Book No. 41, H. No. 5218.
- <sup>27</sup> Shaykh al-Hadith Muhammad Zakariyya Kandhlawi, *Ikhtilaf al- 'aimmah* op.cit., p.28.
- <sup>28</sup> Ibid.
- <sup>29</sup> Taha Jabir al-Alwani, *Adab al Ikhtilāf fi al-Islam*, op.cit., p. 33-34.
- <sup>30</sup> *Al-Qur'an*; 3: 144.
- <sup>31</sup> Ibid; 39: 30.
- <sup>32</sup> *Sahih al Bukhari*, Trans.(English) Dr. Muhammad Muhsin Khan, Kitab Bhavan, New Delhi, 1984, Volume 2, H. No. 641.
- <sup>33</sup> Ibn Hisham, *Sirat al-Nabi*, Trans.(Urdu) Maulana Abdul Jalil Siddiqi, A'timad Publishing House, 1984, vol.2, p. 705.
- <sup>34</sup> *Al-Qur'an* ; 2 : 143.
- <sup>35</sup> Ibn Hisham, *Sirat al-Nabi*, op.cit., pp. 715-716.
- <sup>36</sup> Tirmidhi, *Jami' At-Tirmidhi*, Abu Khaliyl (translator); Hafiz Abu Tahir Zubair 'Ali Za'I (editor) , Dar-us-Salam Publishers & Distributors, 2007 , H. No. 1018.
- <sup>37</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p. 37.
- <sup>38</sup> Ibn Hisham, *Sirat al-Nabi*, op.cit., p. 706.
- <sup>39</sup> Ibid., pp. 42-44.
- <sup>40</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p. 46.
- <sup>41</sup> Ibid., pp.45-48.
- <sup>42</sup> Ibn Hazm, *al-Ihk m fi 'Us l al-Akh m*, op. cit., Vol. 1, p. 61.
- <sup>43</sup> Ibid.
- <sup>44</sup> Ibid.
- <sup>45</sup> The Battle of the Camel, sometimes called the Battle of Jamal or the Battle of Bassorah, took place at Basra, Iraq on 7 November 656.
- <sup>46</sup> The Battle of Siffin (May–July 657 CE) occurred during the First Fitna, or first Muslim civil war, with the main engagement taking place from July 26 to July 28. It was fought between Imam Ali ibn Abi Talib and Muawiyah I, on the banks of the Euphrates River, in what is now Ar-Raqqa, Syria.
- <sup>47</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p. 53.
- <sup>48</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p. 56.
- <sup>49</sup> Basra, also written Basrah, is the capital of Basra Governorate, located on the Shatt al-Arab river in southern Iraq between Kuwait and Iran.
- <sup>50</sup> Kufa is a city in Iraq, about 170 kilometers south of Baghdad, and 10 kilometers northeast of Najaf. It is located on the banks of the Euphrates River.
- <sup>51</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p. 58.
- <sup>52</sup> Damascus is the capital and the second-largest city of Syria after Aleppo. It is commonly known in Syria as ash-Sham and nicknamed as the City of Jasmine.
- <sup>53</sup> The Shia represent the second largest denomination of Islam.
- <sup>54</sup> The Jahmiyyah were the followers of al-Ja'd ibn Dirham and Jahm ibn Safwaan in the second century, and the followers of Bishr al-Maresee in the third century, who, through excessive philosophical thinking about Allah and matters of the Unseen, developed and propagated a new belief, that the Quran was a set of meanings that Allah had created and sent down to the Prophet (may Allah raise his rank and grant him peace). This was based on their assumption that the attribute of speech was not something befitting to Allah, which they arrived at after debating philosophers.

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<sup>55</sup> Mu'tazilah, Those Who Withdraw, or Stand Apart, political or religious neutralists; by the 10<sup>th</sup> century the term came to refer specifically to an Islāmic school of speculative theology that flourished in Basra and Baghdad (8th–10th centuries AD).

<sup>56</sup> Khāwarijī (literally "those who went out") were a sect in early Islam that broke into revolt against the authority of Caliph Ali ibn Abu Talib after he agreed to arbitration with his rival Mu'awiyah to decide the succession to the Caliphate following the Battle of Siffin (657).

<sup>57</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., pp. 60-62.

<sup>58</sup> Taha jabir al-Alwani, *Adab al Ikhtilaf fi al-Islam*, op.cit., p.63.

<sup>59</sup> *Ibid.*, p. 67.