

ADMISSIBLE AND INADMISSIBLE IKHTILAF: A STUDY IN SIRAH(ﷺ) PERSPECTIVE

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This article discusses the scope of Ikhtilāf according to Sīrah (ﷺ). People are different in their appearance and exterior features, as well as in their intelligence, understanding and method of deduction. Therefore, they disagree with one another in many matters while leading a societal life. These disagreements usually are variant kinds. Some are inadmissible (harmful) and others are admissible (beneficial). It, latter, makes a society vibrant and provides an opportunity for a scholar to use his juristic insight. With accordance of Sīrah (ﷺ) both disagreements require separate treatments.

Keywords: Ikhtilāf, Furū', Sīrah, Companion.

Introduction

It is imperative to keep the boundary and scale of Ikhtilāf in mind because each disagreement can't be handled with same treatment. It requires variant behaviors according to its suitability so that tolerance and respect can be sustained because some types of Ikhtilāf have many benefits in their laps. Meanwhile some differences are illegitimate and carry terrible repercussions. Like, on some occasions, it arises among different religions which are, in fact, Ikhtilāf between faith and infidelity. Whereas, a few disagreements appear among the followers of the same religion, holders of same Qiblah as well, like Khawārij, Mu'tazila and Rawāfiḍ etc. They actually disagree with the established beliefs. Another aspect of Ikhtilāf is scholarly differences which appear in jurisprudential matters. It settles in the religious environment among Ahl al-Sunnah. They differ from one another in many fold juristic matters. It consists to closer and less close differences among same and different followers of the school of thought. All these should be taken separately fairly.

Literal Meaning of Ikhtilāf

The word (اختلاف) comes from Bāb ifti'āl and has its formation as (اختلف يختلف اختلافًا). In this way meaning of (اختلفا) is "both did not agree". Whenever nothing is equal then it is said that they mutually disagreed (فقد تخالف). Another meaning of a sentence (واختلف) is "he disagreed"¹ so meanings of ikhtilāf are "disunity" and "inequality".

Idiomatic meaning of ikhtilāf

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It is called ikhtilāf when people do not agree in the matters, points, thoughts, methods, ways, conditions and stances.

"يراد به مطلق المغايرة في القول او الراي او الحالة او الهية او الموقف".²

When changeability occurs in the say, opinion, case, form and stance it refers ikhtilāf. Someone, when, adopts a different approach from other about a particular issue means he is exercising ikhtilāf.

"أن يأخذ كل واحد طريقا غير طريق الآخر في حاله أو قوله".³

Ikhtilāf is based on some reason whereas khilāf does not have any reason.

"الأصل أن القضاء يصح في موضع الاختلاف لا الخلاف، والفرق أن للأول دليلا لا الثاني".⁴

When intention remains same although its methods are different it is ikhtilāf but wherever intentions and its methods are different to approach a problem, it becomes khilāf. It is ikhtilāf to keep different point of view with reason and evidence bearing the same intentions.

Kinds of ikhtilāf

It happens in two ways one in principle and second in furu'. Ikhtilāf in furu' is the result of Ijtihād whereas ikhtilāf in principle is because of belief and ideology. In this way it has two kinds.

- I. Ikhtilāf in Principle
- II. Ikhtilāf in Furū'

Ikhtilāf in Principle

It is called Ikhtilāf in principle when a person negates the core injunctions of Sharī'ah. When he opposes the righteous people in principles of unity of Allah, Fate either good or bad, provisions of Prophet Hood and loyalties of Companions of the Prophet (ﷺ) he will be differing from Islamic Articles because these are the foundations of Islām which need to be followed as they have been ordered.

“Whoever disagrees with the clear and decisive verses of the Qur’ān and the established well-known Sunnah or that which the *Salaf* of the *Ummah* agreed on with an inexcusable position, concerning which there is no excuse for him, then he will be treated like the people of innovations are.”⁵

The Prophet (ﷺ) emphasized to keep his Sunnah and Sunnah of the rightly guided caliphs that were the established teachings of Islām. Those people who don’t act upon it, He (ﷺ) declared them as people of Fire.

“Indeed the children of Isra’īl split into seventy-two sects, and my Ummah will split into seventy-three sects. All of them are in the Fire Except one sect.”
He said: "And which is it O Messenger of Allah?"
He said: "What I am upon and my Companions." ⁶

In this Ḥadīth the Prophet (ﷺ) prophesied such Ikhtilāf about his Ummah in the beginning of the Islām that a time would come upon her and she would do the same deeds as the children of Isra’īl did like a shoe is being cut according the size of second shoe. They differed in their principles, my Ummah would also do.⁷

Ikhtilāf in Furū‘

The second kind of Ikhtilāf only deals with Furū‘ which is termed as Ikhtilāf in Furū‘. It is consequence of Ijtihād and always remains desirable.⁸ On many occasions, this Ikhtilāf appeared among Ṣaḥābah ~~in the life of the Prophet (ﷺ)~~ in the life of the Prophet (ﷺ). This type of example is found after the campaign of Trench when He (ﷺ) ordered his Companions ~~heading to the locality of Banū Qurayzah~~ heading to the locality of Banū Qurayzah in the following way.

“None should offer the ‘asr prayers but at Bani Quraizah.”⁹

They consulted mutually when they were getting late to reach the required locality. The time of ‘asr prayer was about to finish. They were confused whether it should have been offered on the spot or postponed. They bifurcated in two groups. One group did not deviate from the appearing words of the prophet (ﷺ) and postponed it. They offered it after reaching the locality of Banū Qurayzah. The other group offered it in the way heading to the locality according to the will of the Prophet (ﷺ) that you should

have reached Banū Qurayẓ ah before ‘asr prayer. This particular order was not related to the provisions of Dīn.¹⁰

Inadmissible Ikhtilāf

A salient feature of a vibrant society is Ikhtilāf however such disagreement should entirely be avoided which bifurcate the Muslim community. Ikhtilāf to the established beliefs, Ikhtilāf because of biasness and severity over Furū‘ī affairs are inadmissible. They play the role of division which is unacceptable and contemptible.

Ikhtilāf to the Established Beliefs

Ikhtilāf to the Established beliefs represent some categories to deal with them. It needs different course of attitude.

- I. Ikhtilāf in the specified principles of Islām is unacceptable wholly so any doer of it be excluded from Ummah whether this disagreement is in the guise of freedom of expression, freedom of idea and liberty of knowledge.
- II. That ikhtilāf which appeared because of Qadarīyyah, Khawārij and Rawāfiḍ, then separated from the way of Ahl al-Sunnah. It is completely a misleading and innovation which must be intolerable.¹¹

Ikhtilāf on the base of Biasness

Biasness dismantles the strength of unity among the people. Such Ikhtilāf, due to biasness, has been forbidden sternly by the Prophet (ﷺ). After the campaign of Banū Muṣ ṭ aliq a Muhājir quarreled with an Anṣ ārī. Both of them tried to seek logistic support from their respective clan. When the Prophet (ﷺ) heard that sound He (ﷺ) labeled it a sound of ignorance.

“The Prophet (ﷺ) said, "Stop this (i.e. appeal for help) for it is an evil call.”¹²

Biasness leads to separation (تفرق) whereas Islām teaches a lesson of religious brotherhood and wants to eradicate the foundations of racial biasness. It does not support jealousy amongst Muslims. So any disagreement based upon bigotry or racism is forbidden in the context of division.

Severe Ikhtilāf over Furū‘ī affairs

Islām likes subtlety and discourages the severity. The Prophet (ﷺ) chose an easy way in which matters he had been given choice. He (ﷺ) also taught his Companions ~~to make easiness~~ to make easiness in the people’s lives. He (ﷺ) did not like the severity of Ikhtilāf over

Furū'ī matters. Once, a Companion  had not been permitted by their fellow beings to purify himself with clean dust whereas he was afflicted with head injuries. He wanted to perform Tayammum but they insisted him to take a bath. In the consequence of taking bath he had died. When the Prophet (ﷺ) got known to the incident He (ﷺ) angered them and did not like that severity.¹³

Prohibition over non acceptance of Appearance

Accepting the apparent condition is one of the principles of Islām. Judgment will be according to the exterior state of a person in spite of suspicion. A Companion  killed a man even he professed the unity of Allah Almighty. The Prophet (ﷺ) criticized the act and instructed him that you should have accepted his apparent words because nobody has any apparatus to know the hearts' secrets.¹⁴

These are some inadmissible disagreements which can't be accepted because of its various demerits. They disrupt the unity of Ummah and weaken their strength.

Admissible Ikhtilāf

Such matters of Qur'ān and Sunnah which can be interpreted and compared, if two jurists have different viewpoints upon them it will be correct for them. This category is related to an Ikhtilāf in the Furū' which is not contemptible due to its necessity for opening the gate of Ijtihād. Jurists will face hurdles in the absence of permission for Ikhtilāf in the Furū' because it is the direct outcome of Ijtihād. Allah Almighty granted the permission of Ijtihād then he had also given the expansion of ikhtilāf.

“So, learn a lesson, O you who have eyes to see.”¹⁵

A law derives from the verse that the one who is capable of undertaking Ijtihād disagree with another on a same issue, so as one of them holds something as permissible, while the other takes it as impermissible, neither of them would be counted as sinners.¹⁶

Ijtihād from the competent authority produced different school of thoughts in this Ummah which is a huge blessing, a great virtue for them. The Prophet (ﷺ) legalized this form of disagreement. When the incident related to the locality of Banū Qurayzah was mentioned to the Prophet Muḥammad (ﷺ) he did not blame any one of two groups. Difference in the subsidiary matters is desirable because it is the result of Ijtihād which prevents the society from being stagnant and helps people to utilize their scholarly abilities.

Commendable Forms of Ikhtilāf: its Evidences and Manifestation in Sīrah (ﷺ)

Ikhtilāf due to Ijtihād

The Prophet (ﷺ) granted his Companions permission of performing Ijtihād. Sometimes they were far away from the Prophet (ﷺ) and had to execute Ijtihād to know the Islāmic ruling on a particular issue. As a consequence of Ijtihād sometimes they disagreed such as when two persons were in a journey. They found no water at the time of prayer and conducted Tayammum, prayer as well. After the prayer they found water. One of them made ablution and repeat his prayer whereas the other didn't repeat anything. They reported the incident when they reached in the service of the Prophet (ﷺ). He (ﷺ) did not reject their Ikhtilāf and ensured reward to them on the base of their Ijtihād.¹⁷

Ikhtilāf of Temperaments

Different exterior featured People form a society. When they are different in the appearance, their temperaments and moods will not be same. They will have different preferences and tendencies. There will be clearly difference among their likes and dislikes. Companions of the Prophet (ﷺ) were not same in their temperaments. Some of them were strict and others were soft in the temperaments. The Prophet (ﷺ) accepted their disagreements because of the different temperaments. Abū Baḳr رضي الله عنه and 'Umar رضي الله عنه had different temperaments, soft and strict respectively. Just because of this sometimes they disagreed on a particular issue. Like, when the Prophet Muḥammad (ﷺ) sought counsel from his Companions رضي الله عنهم pertaining to the prisoners of Badr, 'Umar رضي الله عنه opined that they should be killed whereas Abū Baḳr رضي الله عنه suggested that they should be freed through taking them some kind of indemnity.¹⁸ Although, the Prophet (ﷺ) graced Abū Baḳr's رضي الله عنه suggestion his approval but He (ﷺ) didn't criticized 'Umar's رضي الله عنه strict point of view.

Usage: according to the ability

The Prophet (ﷺ) utilized his Companions رضي الله عنهم according to their abilities. He (ﷺ) didn't let them in vain but made functional and serviceable citizens of the society. Safwān Bin Mu'atṭ رضي الله عنه was very fond of sleeping. He got up when the sun raised even his morning prayer was passed away. His wife lodged a complaint to the Holy Prophet against this habit. The

Companion  said to the Messenger of Allah (ﷺ) that my sleep was very firm and I awake when the sun had raised. The Holy Prophet (ﷺ) said that when you got up could say prayer at that time.

“We do not awake until the sun rises. He said:
When you awake, offer your prayer.”¹⁹

Allah's Apostle (ﷺ) used Safwān Bin Mu'at̄ ṭ al  with accordance of his disposition and affixed a responsibility upon him that he would move rear of the caravan. He would pick and deliver the belongings of the Mujāhidīn which had been left behind the caravan.²⁰ The Prophet (ﷺ) changed his personality's trait into good usage and him an active member of the society.

Ikhtilāf about worldly and cultural article

Opinions of experts in worldly and cultural articles will be entertained. Their viewpoints should be respected. On some occasions, the Prophet (ﷺ) weighed their opinions about worldly and cultural articles.

When the Prophet (ﷺ) came into Madīnah the people of that time had been cobbling the dates. The Prophet (ﷺ) asked them what you were doing that. They said that they always done the same. The Prophet said (ﷺ) that if you did not do that it would have better. So the local people left that practice as a result the production of dates had come lesser on that year. When the Companions  expressed it with the Prophet (ﷺ), He (ﷺ) replied that He (ﷺ) was a human being. When I gave an order regarding religious affairs you should have been obeyed and if I said with his personal opinions in other things, so I was also a human being.²¹

أَنْتُمْ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ.²²

The Prophet (ﷺ) counted their expert opinion to a worldly and cultural thing which was one of material sources and not contrary to Islām. It expresses that there is no complication to have disagreement in worldly affairs. There can be disagreements with elders regarding worldly affairs but their dignity must be ensured. One who is expert in his department in worldly affairs his opinion must be respected.

Ikhtilāf with Elder due to Reverence

Ikhtilāf may arise with elder due to his glory. It is tolerable if a disagreement emerges with elder only for enhancing his honor. Such a disagreement appeared from Abū Baḳr رضي الله عنه when he had to disagree with the Prophet ﷺ because of his reverence. Once Abū Baḳr رضي الله عنه was leading a prayer and the Prophet ﷺ came to join him. The people clapped to signal him. He wanted to retreat when he noticed the Prophet's ﷺ arrival. Allah's Apostle ﷺ gestured him to stay at his place but Abū Baḳr رضي الله عنه thanked Allah Almighty and retreated till he reached the first row, then Allah's Prophet ﷺ moved forward and led the prayer.²³ Abū Baḳr's رضي الله عنه disagreement was upon the basis of jurisprudential wisdom which gives knowledge that it is correct to have difference with the words of elders to enhance their respect and honor.

Jurisprudential insight of the Companion رضي الله عنه about fulfilling the conditions

One of the provisions of agreement of Ḥudaybiyah was that Muḥammad ﷺ would send back those people who came into Madīnah from Maḳḳah. Abū Baṣīr رضي الله عنه when escaped towards Madīnah, the Prophet ﷺ sent him back according to the agreement but Abū Baṣīr رضي الله عنه run away from their seizure. He used the jurisprudential insight and made Sīf al-Baḥr his place of refuge.

Abū Baṣīr رضي الله عنه ran away from the polytheists. Quraysh sent two ministers to the Holy Prophet ﷺ. They demanded of his return as it was imperative according to the condition of treaty. He ﷺ returned him. Abū Baṣīr رضي الله عنه killed one of them when they came out the city and the other man once again reached to the Prophet ﷺ made aware of the Companion's رضي الله عنه action. Now Abū Baṣīr رضي الله عنه stayed at Sīf al-Baḥr and many other Companions رضي الله عنهم from Maḳḳah also joined him and they attacked on belongings of atheists. The Holy Prophet ﷺ did not negate Abū Baṣīr's رضي الله عنه jurisprudential action.²⁴ Abū Baṣīr رضي الله عنه worked according to his wisdom whereas the Prophet ﷺ never seized and nor negated him because he was out of the Prophet's ﷺ conditions and limitations.

Intellectual disagreement

Intellectual disagreement is also bearable. If a scholar intellectually disagrees to a learned person it should be tolerated. This very example can be seen in the Prophet's ﷺ life when once He ﷺ recited a line of a lyric in the following words.

"كفى بالاسلام و الثيب للمرء ناهيا."²⁵

Abū Baḳ r expressed his confusion and told O Messenger (ﷺ) of Allah Almighty the poet had said in this way.
"كفى الثيب و الاسلام للمرء ناهيا."²⁶

The Prophet (ﷺ) repeated the line of a verse and recited once again as previous one. Now Abū Baḳ r sworn took an oath that Muḥ ammad (ﷺ) was a Messenger of Allah and whom did not teach him poetry. As well as it was not up to the mark of your dignity.²⁷ At this occasion Abū Baḳ r had intellectual disagreement with the Holy Prophet (ﷺ) however, He (ﷺ) did not negate his literary disagreement. When Abū Baḳ r was disagreeing he took care of status of the Prophet (ﷺ). He did not repeat the line and gave testimony of His Prophet hood when he knew the Apostle's wisdom. It is necessary to know other's wisdom for intellectual disagreement so that enmity cannot be developed.

Conclusion

It shows that each Ikhtilāf is not inadmissible. Disagreements with distinctive texts and those which damage the integration of Ummah are contemptible. The Prophet (ﷺ) permitted such Ikhtilāf which was due to Ijtihād and arose from jurists as well. It opens new ways in freshly developed things and prevents the society to be stagnant.

REFERENCES & NOTES

- ¹Ibn Manz ūr Afrīqī, Muḥ ammad B. Muḳ arram. (1414H) Lisān al 'Arab, Edition 3rd, Dār Ṣ ādir, Beirut,09:91.
- ²Al-'Alawānī, Ṭ āhā Jābir Fayyād . (1987) 'Adab al-Ikhtilāf Fī al-Islām, The International Institute of Islamic Thought, Herndon, USA, p22.
- ³Aṣ fahānī Rāghib, Ḥusayn B. Muḥ ammad. (1412H) Al-Mufradāt Fī Gharīb al-Qurān, Edition 1st, Dār al-Qalam, Dār al-Shāmiyah, Damascus, Beirut,01:294.
- ⁴Ibn 'Ābidīn, Muḥ ammad 'Amīn B. 'Umar B. 'Abd al-'Azīz. (1992) Radd al-Mukhtār 'Alā Al-Durr al-Mukhtār Wa Ḥ āshiyah Ibn 'Ābidīn, Edition 2nd, Dār al-Fīḳ r, Beirut, 05:403.
- ⁵Ibn Taymiyyah, Aḥ mad B. 'Abd-al-Ḥ alīm. (1995) Majmū' al-Fatāwā, Majma' al-Maliḳ Fahad Liṭ abāh al-Muṣ ḥ af al-Sharīf, Al-Madīnah al-Nabawīyyah, Al-Mamlaka al-'Arabiyyah Al-Saūdiyah.24:172.
- ⁶Tirmidhi, Muḥ ammad B. 'Isā (1975) Sunan Tirmidhi, Edition 2nd, Muṣ tafa al-Bābī al-Ḥ albī, Egypt. Kitāb al 'Aymān, Bāb mājjā'a fī Iftirāq, 05:26, (2641).
- ⁷Suyūṭ ī, 'Abd al-Raḥ mān B. Abī Baḳ r. (1424H) Qūt al-Mughtadhī 'Alā Jāmi' Tirmidhi, Jāmi'ah Umm al-Qurā, Maḳ ḳ ah al-Muḳ arramah,02:656.
- ⁸'Awwāmah, Muḥ ammad. (1991) 'Adab al-Ikhtilāf Fī Masā'il al-'Ilm Wa al-Dīn, Edition 2nd, Dār al-Bashā'ir al-Islāmiyyah, Beirut, p14.

- ⁹ Bukhārī, Muḥammad B. 'Ismā'īl. (1422H) Şahih al-Bukhārī, Kitāb al-Maghāzi, Bāb Marja' al-Nabi Min al-Aḥzāb, Edition 1st, Dār 'Āwq al-Najāh. 5:112, (4119).
- ¹⁰ Majmū' al-Fatāwā, 24:173-174.
- ¹¹ Adab al-Ikhtilāf Fī Masa'il al-'ilm Wa al-Dīn, p14.
- ¹² Şahih al-Bukhārī, Kitāb al-Manāqib, Bāb Mā Yunhā Min Da'wah al-Jāhiliyyah, 04:183.
- ¹³ Abū Dāwūd, Sulaymān B. al-'Ash'ath B. 'Ishāq. *Sunan 'Abī Dāwūd*, al-Maḥtabah al-'Aşriyyah Şayḍā, Beirut, 01:93, (336).
- ¹⁴ Al-'Aynī, Badr al-Dīn Muḥammad Maḥmūd B. Aḥmad. *'Amdah al-Qāri' Sharḥ Şahih al-Bukhārī*, Dār 'Aḥyā' al-Turāth al-'Arabī, Beirut, 02:104.
- ¹⁵ Al-ḥaṣr 59:02.
- ¹⁶ Muftī, Muḥammad Shafī'. (2008) Ma'ārif Al-Qurān, Edition New, 'Idārah al-Ma'ārif, Karachi, 08:362.
- ¹⁷ Sunan 'Abī Dāwūd, Kitāb al-Ṭaharah, Bāb fī al-Mutayammim, 01:93, (338).
- ¹⁸ Al-Qushayrī al-Naysābūrī, Muslim B. al-Ḥajjāj. Şahih Muslim, Kitāb al-Jihād, Bāb 'Imdād Bilmalā'ikah, Dār 'Aḥyā' al-Turāth al-'Arabī, Beirut, 03:1383, (1763).
- ¹⁹ Sunan 'Abī Dāwūd, Kitāb al-Şawm, Bāb al-Mar'ah Taş'ūm, 02:330, (2459).
- ²⁰ Al-Suhaylī, 'Abd al-Raḥmān B. 'Abd-Allah. (2000) Al-Rawḍ al-'Unuf Fī Sharḥ Al-Sīrah Al-Nabawīyyah, Li Ibn Hishām, Edition 1st, Dār 'Aḥyā' al-Turāth al-'Arabī, Beirut, 07:32.
- ²¹ Qāḍī 'Ayād, 'Ayād B. Mūsā. (1407H) Al-Shifā Bita'rīf Ḥuqūq al-Muṣṭafā, Edition 2nd, Dār al-Fayḥā, Amman, 02:417.
- ²² Şahih Muslim, Kitāb al-Faḍā'il, Bāb Wujūbbimithāl, 04:1836, (2363).
- ²³ Şahih al-Bukhārī, Kitāb al-Şalah, Bāb Man Dakhala Liya'umm al-Nās, 01:137, (684).
- ²⁴ Al-Jaşşāş, Aḥmad B. 'Alī. (1994) Al-Fuṣūl Fī al-'Uşūl, Edition 2nd, Wizārah al-'Awqāf, Kuwait, 04:35-36.
- ²⁵ Shah Walī al-Allah, Aḥmad B. 'Abd al-Raḥīm. Izalah al-Khafā 'An Khilāfah al-Khulafā', 02:169.
- ²⁶ Izalah al-Khafā 'An Khilāfah al-Khulafā', 02:170.
- ²⁷ Izalah al-Khafā 'An Khilāfah al-Khulafā', 02:170.