

# The Ethics Of Disagreement And Its Place In The Islamization Of Knowledge

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## Abstract:

Disagreements about revealed knowledge were rare during the life of Prophet Muhammad since the companions could confer with him for clarifications. The article argues that disagreement is inevitable given human diversity in language, multiplicity of *hadiths*, and differences of juristic traditions. The successors to the companions developed thirteen schools of Islamic jurisprudence and disagreements in interpretations became more entrenched. Criteria for contemporary ethical disagreement are set out, and Islamization of knowledge proposed for unifying and strengthening the ummah.

## Keywords:

Islamic jurisprudence, *hadith* interpretation, ethical disagreement, Islamic textual analysis, and Islamic knowledge.

## Introduction

The Qur'an contains the revelation of Allah, the Creator and Sustainer of the Universe, to mankind. This book of revelation was actually sent down upon the last prophet and messenger from Allah to mankind, the Prophet Muhammad, (PBUH)\* then he brought the Qur'an which provides guidance and ways of life that sustain mankind's development on Earth and safeguard our purposeful existence.

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\* Peace Be Upon Him (PBUH)

After the Qur'an was revealed to the Prophet by the Angel Gabriel, the Prophet grasped fully and memorised completely what was revealed and understood properly the meaning of the verses. Then he declared the revelation and instructed his Companions to memorise it, with some explanation of the verses. In the very early phase of the Islamic community, there was no problem in understanding the meaning of the revelation because the Prophet was among the people, as Allah says in the Qur'an:

"And We have also sent down unto you (O Muhammad) the reminder and the advice ( the Qur'an), that you may explain clearly to men what is sent down to them and that they may give thought".(16:44)

The Qur'an and the Sunnah became the main sources of reference in Islamic Law during the lifetime of the Prophet Muhammad (PBUH). This situation continued for several years until the death of Prophet Muhammad (PBUH).

After the death of Prophet Muhammad (PBUH) the situation changed and disagreements started to arise among the Companions when they confronted a difficult problem or critical case, especially when they didn't find the solution from the Qur'an and the Sunnah. From this point, whenever the Companions faced a difficult situation, they always first searched for an injunction of the Qur'an to solve it, failing which they relied upon an example or a precept of the Prophet applicable to the situation. If neither of the two sources helped them, they used their own judgment, *ijtihad*, which in most cases was quite in keeping with the spirit of the *Shari'ah*.

On some occasions, disagreement occurred among the Companions when they were confronted with difficult cases, especially after the death of the Prophet; but this type of situation happened only temporarily because it could be settled right away through the concept of *shura*.

We see currently the Muslim Ummah on the lowest rung of the ladder of nations because Muslims are beset by innumerable diseases. The most dangerous disease which now afflicts the Muslim Ummah is the disease of disagreement and discord. This disease has become all-pervasive and affects every area, town and society. Thus, this article intends to analyze instances of judicial disagreement between the early scholars, differences that were not allowed to go beyond the academic domain or to cause hard feelings among the debaters and dissenters alike. Certainly, the differences between those early scholars never led

them to lose sight of the higher purposes of the Shari'ah, nor of their responsibilities to the Ummah at large. The article will give some ideas for delivering the Ummah from this critical crisis; it will also offer a sound solution for the Ummah's pain for several centuries.

### **The Definition of Disagreement**

Disagreement in the Arabic term is *ikhtilaf*, which denotes taking a different position or course from that of another person either in opinion, utterance or action. The related word *khilaf* is from the same root as *ikhtilaf* and is sometimes used synonymously with it. *Khilaf*, which basically means difference, disagreement or even conflict is broader in meaning and implication than the concept of direct opposition. This is so because two opposites are necessarily different from each other whereas two things, ideas or persons that differ are not necessarily opposed to or in conflict with each other.<sup>1</sup>

Differences between people may begin with a difference of opinion over an issue. This may lead to argumentation and mutual wrangling and recrimination. The term *ikhtilaf* may therefore represent a mere difference of opinion, or it might imply active controversy, discord and schism. The Qur'an speaks of Christian sects that differed or were at variance with one another (19:37), of people who held divergent views and positions (11:118), of others whose beliefs and utterances were discordant (*mukhtalif*) in relation to the truth (51:8), and of God's eventual judgment of people who differed among themselves and on the issues on which they differed (10:93). *Ikhtilaf* may therefore refer to absolute difference in belief and principles, opinions or attitudes. It could also refer to situations or positions which people may adopt.<sup>2</sup>

From these definitions we have examined above, we can conclude that any kind of differences, namely opinion, attitude, belief, action, consideration, estimation and others which hail from someone and differ from one to another, are all included in the term of disagreement. Thus, the word disagreement actually has a broad sense of meaning, which we cannot confine to a limited definition.

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<sup>1</sup> Dr. Taha Jabir al 'Alwani: *The Ethics of Disagreement in Islam*. Prepared from the original Arabic by Abdul Wahid Hamid. Edited by A.S. al Shaikh Ali. (Herndon: The International Institute of Islamic Thought, 1996); second edition, p. 11.

<sup>2</sup> Ibid, p. 11.

### **The Nature of Disagreement**

God Almighty has ordained differences between human beings in their mental capabilities, their languages, the color of their skin, and their perceptions and thoughts. All this naturally gives rise to a multiplicity and variety of opinions and judgments. If our languages, the color of our skins and our outer appearances are signs of God's creative power and wisdom; and if our minds, our mental capabilities and the products of these minds are also signs of God 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 God's power, then we can justifiably say that none of this 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 You're Lord and Sustainer has bestowed His mercy, and for this did He create them ( 11: 118-119 ).

The differences which occurred among our forebearers in early Muslim history and which continue to be with us are part of this natural manifestation of variety. Provided that differences do not exceed their limits, and provided 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>3</sup>

As far as we have conceived up to now, we have to realize that the difference and the variety which appears inevitably in our life is a natural thing. Thus, this is not the main problem or negative norm which can cause the malaise of the Ummah; instead, the core or root problem generally comes from ourselves we who do not understand Islam as a way of life, as the Companions understood Islam in their period. As a result, what we need to do now is to change ourselves first. We have to change our minds, our understandings, our attitudes, and our actions so they are in keeping with the spirit of Islam.

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<sup>3</sup> Ibid, p. 13.

### **Historical Development of Disagreement: The Prophetic Period**

Such disagreement could not have taken place during the time of the Prophet (PBUH). He was universally acknowledged by all his Companions as the one to be referred to whenever they confronted a difficult situation. He was their source of refuge and their guide whenever they were perplexed because he then clarified issues for them and provided guidance.

On some occasions, those who lived far away from Madinah and could not refer matters directly to the Prophet, for the correct interpretation of the Qur'an and the Sunnah, would exercise their own judgment, and sometimes they came to differing conclusions. When they returned to Madinah, however, they would meet the Prophet and review with him their different interpretations of the texts available to them. The Prophet 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 wholeheartedly. Any disagreement or friction automatically disappeared.<sup>4</sup>

One example of such an incident has been recorded by Abu Dawud and al Hakim. It is reported that 'Amr ibn al 'As, may God be pleased with him, said: "One cold night during the Dhat al Salasil campaign, I had a wet dream. I feared that if I performed *ghusl*, (the necessary bath after ritual impurity), I would die from the cold. So I performed *tayammum* (dry ablution) instead, then performing the dawn *salah* with my companions. This was mentioned to the Prophet who asked: "Amr ! Did you perform the prayer with your companions while you were in a state of impurity (*junub*)? Whereupon I recalled to him the verse of the Qur'an: And kill not yourselves. Indeed God has been most Merciful to you. The Prophet laughed and said nothing."<sup>5</sup>

It is clear from the incident above that the Companions of the Prophet brought the matter before the Prophet after they had been confronted with the difficult situation and making their independent judgements. Moreover, the Prophet after knowing the matter, approved the matter showing that the position was legal and valid. On the other side, the Prophet repeatedly warned his Companions about the dangers of

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<sup>4</sup> Ibid , p. 21

<sup>5</sup> Abu Dawud , Sunan , hadith 334 ; Fath al Bari commentary of Sahih al Bukhari , 1/ 385 .

disagreement, since the survival of the Ummah depended on the harmony and mutual affection of the believers and thus he stressed the importance of mutual understanding and harmony.

#### **The criteria of the ethics of disagreement during the Prophet's time**

1. The Companions tried not to disagree and they solved the controversial issues through the Prophet's guidance.
2. If the differences still occurred, they would quickly refer to the Qur'an and the Sunnah.
3. The Companions gave a full obedience and total submission to the judgment of Allah and his Rasul.
4. The Muslims had mutual respect and appreciation of each others' judgments; they also avoided fanaticism.

#### **The Period of Khulafa al Rashidun**

The Companions of the Prophet indeed differed on many issues. If these differences occurred during the lifetime of the Prophet, why should they not have differed after him? In fact, they did differ. But there were reasons for their disagreements and there were ethics for dealing with these differences in a proper way concerning issues of grave importance. There were some instances of their differences:

1. The death of the Prophet.
2. The differences over the Prophet's burial.
3. Who should succeed the Prophet?
4. The payment of Zakah controversy.

In spite of the differences which occurred among the Companions, they dealt with events and people in ethical ways and discussed matters politely in order to achieve the best solutions; consequently, they lived in harmony, avoiding selfishness and egoism in seeking the truth. Ethics in the Pursuit of Truth in the Period of Khulafa al Rashidun was an important part of the companions' practice because:

1. They admitted their errors without bitterness or embarrassment.
2. No one would overestimate himself or underestimate others.
3. Islamic brotherhood was the main principle.
4. There was no disputing in I'tiqadiyyah.

### **The Period of the Successors of the Companions (al-Tabi'un)**

The knowledge of the jurists and reciters of the Qur'an among the Companions was transmitted by them directly to the next generations- the Tabi'un or Successors. Among these were Sa'id ibn al Musayyib - who was considered as the transmitter of the legacy of 'Umar ibn al Khattab and the upholder of his jurisprudence in Madinah, 'Ata' ibn Abu Rabah in Makkah, Tawus in Yemen, Yahya ibn Abi Kathir in Yamamah, al Hasan in Basrah, Mahkhal in Syria, 'Ata' in Khurasan, 'Alqamah in Kufah and others. These Tabi'un used to make juristic decisions and exercise ijtihad in the presence of the Companions of the Prophet from whom they had received knowledge and training.

Moreover, they were conditioned by the ethics and the high standards of the Companions' behavior; they were also influenced by their methods of juristic inference and deduction. On occasions when the Tabi'un differed, they did not deviate from or transgress the ethical standards of behaviour set by the Companions. Jurists from this generation were to have a great influence on the masses of the Ummah, and it was through them that the knowledge and discipline of jurisprudence were transmitted.<sup>6</sup>

### **Schools of Jurisprudence**

After the period of the Companions of the Prophet and their eminent successors, there appeared some thirteen schools of thought (*madhahib*) in Islamic jurisprudence. They all identified with *Ahl al Sunnah* (Upholder of the Sunnah) school, which was and still is the prominent school in the Muslim world. However, there are only four prominent schools surviving until the present day, which have followers throughout the Muslim world. They are the *Madhhab* Abu Hanifah, Malik, al Shafi'i and Ahmad ibn Muhammad ibn Hanbal schools. They differ in their methodologies and judgments. The three leading scholars- Malik, al Shafi'i and ibn Hanbal- are considered hadith jurists and experts of the established precedents of the Companions of the Prophet. Imam Abu Hanifah, however, was the inheritor of the jurisprudence of upholders of independent reasoning (*ahl al ra'y*).<sup>7</sup>

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<sup>6</sup> al 'Ulwani, Taha Jabir, *The Ethics of Disagreement in Islam*, p. 57-58.

<sup>7</sup> Ibid, p. 69-70.

## The Main Reasons for Disagreement and their Examples

As has been established thus far, the differences of opinion on intellectual issues and on juristic ones, are natural on account of the inherent disparities in intelligence, understanding and analytical capacity with which people are created. Thus, since we are created in diversity, it is natural for humanity to differ in opinions as long as those differences do not exceed certain limits. Generally these are the three major reasons for disagreement:

**I. Linguistic Causes:** A single word in Qur'anic text or hadith may have several different meanings. The word *'ayn* for example can mean an organ of sight, running water, pure gold, or a spy. If such a word is used in a context where it is difficult to say precisely what it means, even scholars (*mujtahidun*) who try hard may give variant meanings to a word or expression which can be sustained by the text. Meanings may also be suggested which are totally at odds with the intended meaning of the word.<sup>8</sup>

**a. Shared Literal Meaning**

A case in point is the disagreement among jurists as to the true meaning of the word *qar'* in the verse: "And divorced women shall undergo without remarrying, a period of three *quru'*" (2:228). The word *qar'* (plural *quru'*) can either mean menstruation or purity following menstruation. The actual length of the waiting period can thus vary depending on which meaning is adopted. Some jurists from the Hijaz concluded that the waiting period should be three intervals of purity while jurists from Iraq concluded that it should be calculated on three occurrences of menstruation, which could mean a shorter waiting period.<sup>9</sup>

**b. Literal and Figurative Meanings**

There are also some words in the Qur'an and the Sunnah which have both literal and figurative meanings. For example, the word *lams* (touch) is literally used to indicate touching by the hand or the coming in contact of two objects and figuratively to indicate sexual intercourse. Thus, the jurists were of three different opinions

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<sup>8</sup> al 'Ulwani, *The Ethics of Disagreement in Islam*, p. 82.

<sup>9</sup> *Ibid.*, p. 82.

concerning the meaning of the Qur'anic verse: "... or you touched women and cannot find water, then make *tayammum* from clean earth" (4:43).

The verse occurs in the context of the factors which break the state of *wudhu*:

- i. Ash-Shaafi'ee and most of his students ruled that *lams* meant the touch of the hand or body contact intentionally or accidentally.
- ii. Imam Malik and most of his students also ruled that *lams* meant touching by the hand with pleasurable feeling.
- iii. Imam Abu Hanifah ruled that *lams* in the verse under consideration meant sexual intercourse.

### c. Grammatical Meanings

There were also certain grammatical constructions in Arabic which were ambiguous. For example, the word *ila* (to) could simply mean up to but not including, as in the case of the Qur'anic verse: "... then wash your faces and your hands up to your elbows" (5:6).

- i. Abu Hanifah's student Zufar, Ibn Dawud al Dhaziri and some of Malik's students interpreted this verse to mean up to but not including the elbows.
- ii. The four Imams all ruled that the verse meant up to and including the elbows.<sup>10</sup>

2. **Differences over Hadith Interpretation:** Most of the juristic differences among the early scholars can be traced back to the narration of sayings attributed to the Prophet (PBUH). Sometimes a hadith never reached a certain scholar, so he might formulate his judgment according to the explicit meaning of the Qur'anic text or another hadith available to him. Alternatively, he might resort to *qiyas* from the relevant judgment made by the Prophet, or he would have recourse to the presumed continuation (*istishab*) of a law not known to have been revoked where the circumstances were analogous. He might base his judgment on the

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<sup>10</sup> Abu Ameenah Bilal Philips .The Evolution of Fiqh .p.91-95.

principle of not burdening people with obligations when there is no textual evidence to warrant it, or on some other accepted principle of reaching a judgment through *ijtihad*.

**a. Availability of Hadiths**

Sometimes in actual fact, a different hadith from that available to one scholar would reach another scholar, and this would result in different judgments on the same issue.

- i. Abu Hanifah ruled that *Istisqa'* (Prayer for rain) did not include formal congregational prayer (*salat*). His position was based on the narration of Anas ibn Malik in which the Prophet on an occasion, made a spontaneous *du'a* (supplication) for rain without making *Salat*.<sup>11</sup>
- ii. However, his students Abu Yusuf and Muhammad and the other Imams all agreed that *Salat* for *Istisqa'* is correct. Their position was based on the narration of 'Abbad ibn Tamim and others in which the Prophet was reported to have gone out to the prayer area, made *du'a* for rain facing the *Qiblah* (direction of Makkah), reversed his cloak and led the people in two units of *Salat*.<sup>12</sup>

**b. Weak Narrations of Hadith**

At other times, a jurist may receive a hadith which he considers to be defective, thus preventing him from using it for making a legal ruling. The following are some possibilities in this regard:

- i. The chain of narration (*isnad*) going back to the Prophet may not be sound and may include a narrator who is obscure or untrustworthy, or whose memory is weak or defective.
- ii. The *isnad* may be "interrupted;" that is to say the narrator did not cite the first authority who had heard the hadith from the Prophet.
- ii. The Jurist, especially in the case of a hadith reported by a single narrator, may impose certain conditions for the probity of a narrator which others do not impose. His conclusions and his judgments on these particular issues may therefore differ from those of others.

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<sup>11</sup> Muslim . Sahih Muslim .vol. 1, p. 423-424 .

<sup>12</sup> Ibid. vol. 1, p. 422 .

**c. Differences in Individual Conceptions of the Text**

The conclusions and judgments of scholars also differed according to their individual conceptions and definitions of the actual text and implications of certain hadith. For example, they differed on the meaning of certain technical hadith-terms, such as *al muzabanah*, *al mukhabarah*, *al muhaqalah*, *al mulamasah*, *al munabadhah* and *al gharar*.

**d. Resolution of Textual Conflict in Hadiths**

Occasionally, there might be textual variations in versions of the same hadith to the extent that a key word might be missing from one text, or the entire meaning of the hadith might change because of this missing word. Furthermore, some scholars might receive a hadith which had a consistent internal meaning whereby it was possible to get a good understanding of its intended sense. Others were not so fortunate and their understanding of the hadith would be at variance with the intended sense.

Differences of opinion would also occur when one narrator heard only part of a hadith while another heard it in its entirety. The original text of a hadith might also be changed through misspelling, misrepresentation or interpolation during the course of transcription, thus resulting in divergent conclusions and judgments. A jurist might also consider a hadith to be sound, but at variance with another which he regards as more reliable. He would naturally go by the latter. In other situations, it might not be clear to him which of the two pieces of evidence was more reliable and he would refrain from using either until such time as he attained independent confirmation.

A certain jurist might come across information which abrogates a hadith or makes it more specific or limited in scope. Another would not have the benefit of such information and this would, of course, result in differences in their schools of thought.<sup>13</sup>

**3. Differences over Juristic Methods:** This is the third major factor in explaining the emergence of differences of opinion. There were also Imams who developed a number of controversial principles on which they based some of their rulings. As a result, both the rulings and the

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<sup>13</sup> al 'Ulwani. *The Ethics of Disagreement in Islam*, p.87.

principles became sources of differences among jurists. For example, the majority of jurists recognized the validity of *Ijma'* among the generations after the *Sahabah*, but Imam Shafe'i questioned its occurrence while Imam Ahmad rejected it outright. Similarly, Imam Malik's reliance on the custom of the Madinites as a source of legislation was rejected by the majority of jurists. And, Imam Abu Hanifah's principle of *Istihsan* and Malik's *Istislah* were both disallowed by Imam Shafe'i as being too independent of the Qur'an, the Sunnah and *Ijma'*. That is to say, they relied too much, in his opinion, on human reasoning. On the other hand, Imam Shafe'i felt that the opinion of the *Sahabah* had to be accepted on legal matters, while others felt that it was only reasoning on their part which was not binding on later generations.<sup>14</sup>

### **The Disagreement and Its Place in Islamization of Knowledge**

Thus far I have argued that, since we are created in diversity, it is natural for humanity to differ in opinion as long as those differences do not exceed proper limits. We have also recognized that there are natural differences in the way different people view things and conduct their affairs. There is an inherent uniqueness in each individual which contributes in large measure to the diversity which is essential for the building of human society. It would be impossible to establish social relations between people who are all alike and who have the same capacities. There would then be no scope for interaction, for giving, and for improvement. Diversity in talents and skills stem from diversity in individual mental and functional skills. When these inherent and acquired differences combine they make for human betterment. In all this we see the manifestation of God's power and wisdom.

However, when we make an observation on the Ummah's condition in the contemporary world, we can say that the Muslim Ummah today is afflicted by the most dangerous of diseases, that is the disease of disagreement and discord. This disease has become more all-pervasive and it affects every area, town and society. Consequently, its influence has penetrated into ideas and beliefs, morality and behaviour, and the ways of speaking and interacting. Finally, multitudes of people are left contending with one another. The Muslim Ummah has lost virtually everything of its real vitality. The faith is becoming dormant and the Muslims themselves bewildered. Behaviour has become deviant.

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<sup>14</sup> Al Turki, Abdullah Abdul Muhsin. *Asbab Ikhtilaf al Fuqaha'*. p. 126-138.

Steadfastness is lacking. Intellectual thought turns rigid. Ijtihad is suspended.

This is a trend which is in total contrast to the teachings of the Qur'an and the Sunnah. After stressing the paramount duty of affirming the oneness of God, both the Qur'an and the Sunnah stress one thing above all: the unity of the Muslim Ummah. Their object is to treat and rid the Ummah of any disagreements which disturb the peace and harmony in relationships between Muslims and ruin the brotherhood of believers.

### **Causes of Differences Today**

1. Ignorance of Islam or a deficient knowledge of Islam.
2. The educational system is modeled on the Western style after colonialism. This eventually colonizes the Muslim mind and changes people's ideas in conformity with Western interests and worldview.
3. Imperialism has placed obstacles and sanctions against Islamic education and the Arabic language, which is the medium of Islamic education.
4. Job separation. Those students who have sought an Islamic education have been neglected and devalued. They have also been denied the professional education; meanwhile, students enrolled in the modern schools on the colonialist patterns have been given special care and attention.
5. Muslims have had no opportunity to deepen Islamic knowledge.<sup>15</sup>

In a word, all of the causes cited above lead to disputes and disunity among Muslims nowadays.

### **A Remedy for the Problem**

Now that the disease which has plagued the Ummah for so long has been identified, we need to produce a remedy towards recovery. There lie some solutions which are suggested by Dr. Taha Jabir al 'Ulwani in his book "The Ethics of Disagreement in Islam." Among those solutions are:

1. Muslim youth should study both Islamic and secular knowledge.

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<sup>15</sup> al 'Ulwani. *The Ethics of Disagreement in Islam*, p. 121-123

2. Muslims should cure their intellectual crisis.
3. The Muslim intellectuals should prepare themselves with various types of knowledge and islamize the knowledge in order to overcome the current issues.
4. Universities and institutions of higher education must provide integrated sciences.
5. Last but not least, Muslims must refer to the Qur'an and the Sunnah as their guidelines and regard Islam as a way of life.

### Conclusion

We hope that we can obtain lessons from the early Muslims and Jurists in solving any and all issues, whether they are religious or contemporary social challenges. Hence, we should avoid disputes and practice ethics and manners in dealing with them in order to seek the truth and the pleasure of Allah. In addition, brotherhood and solidarity are the most important things in order to protect our Ummah from the enemies. In short, we can say that the classical Muslim historical experience has a close relationship to the contemporary Muslims in dealing with the social malaise in the Muslim world.

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