Definitions of *ikhtilaf* and *khilaf*

According to al Raghib al Isfahani’s *Mufradat al Qur’an* (*Qur’anic Terms*): “*Ikhtilaf* (difference) and *mukhalafah* (inconsistency/disagreement) are [terms which apply] when everyone follows a path that is different from the paths followed by everybody else in his situation or speech.” That is to say, they are applicable when there is no clash or discord, though when “*ikhtilaf* in speech” does occur between people it may entail a conflict, so the word can be applied if there is a dispute or a heated argument.

Semantically, *ikhtilaf* does not convey the meaning of discord and strife. Rather, it describes the situations and mental attitudes of people who are not necessarily in conflict with each other; however, when a person is displeased as a result of a disagreement with another person for some reason or another, this *ikhtilaf* can become a cause of conflict.
Al Isfahani adds that “khilaf (also commonly translated in to English as “difference”) is a broader term than dhidd (opposite), because although when two opposites occur there is a ‘difference’, not every ‘difference’ is an ‘opposite’. Black and white are opposites and different, but red and green are different without being opposites.”

Al Kafawi lists four differences between ikhtilaf and khilaf as follows:

“1 – Ikhtilaf applies [in a situation] in which the paths are different, while the intention is that they should be one [and the same]. [There is a] khilaf when both of them – i.e. the path and the intention – are different.

“2 – Ikhtilaf is based on evidence, while khilaf is not based on evidence.

“3 – The consequence of ikhtilaf is rahmah (mercy, Divinely granted indulgence), while the consequence of khilaf is bid‘ah (heretical innovation).

“4 – If a judge rules that there is a khilaf, it is permissible to appeal against the judgement on the grounds of khilaf al ikhtilaf (recognition of disagreement between jurists).”

Sheikh Mohammed ‘Awwamah distinguishes between them with the observation that with ikhtilaf the means are different but the end is the same, while with khilaf both the means and the ends are different.

Types of ikhtilaf and the spheres in which they occur
Ikhtilaf (difference) occurs in several different contexts:

1 – Ikhtilaf in religious affiliation, like the differences between Islam and other faiths such as Judaism and Christianity.

2 – Ikhtilaf in creed, like the differences between Muslims such as the Qadariyyah, Jabariyyah and Jahmiyyah.
3 – Ikhtilaf in fiqh (jurisprudence) between the different schools of fiqh such as the Ibadis, Hanafis, Malikis, Shafi’is, Hanbalis, Zaidis and Dhahiris. This type of ikhtilaf, which is referred to as ikhtilaf fi’il furu’ (“difference in the branches”), is the subject of our investigation.

The legitimacy of ikhtilaf

Anyone who examines the situations in which the Prophet’s Companions recorded the texts revealed and events that took place while they were in the company of the Prophet (PBUH) will conclude beyond any shadow of doubt that ikhtilaf is legitimate. This is because differences occurred even at the time of the Blessed Prophet and the Prophet himself (PBUH) endorsed them. So – as the ‘ulama al usul (scholars specialised in the “fundamentals” or “roots”) say – “Al wuqu’ dalil al jawaz (the fact of its occurrence is evidence of its permissibility).”

Ikhtilaf fi’il furu’ (“difference in the branches”) is an established fact. This is just as true of “branches” when they apply to fiqh rulings as it is when they apply to matters of creed. The Pious Predecessors differed with each other over numerous issues, including the question of whether the Prophet (PBUH) saw his Lord and Cherisher on the Night of the Mi’raj (Ascension through the Heavens). A’isha (may Allah be pleased with her) rejected the idea that a dead person should suffer torment if his family wept over him, while some Companions denied that Allah the Most High could be seen with the eyes, since the Qur’an says: “No vision can grasp Him, but His grasp is over all vision.” Ibn Taymiyyah stated that a person who makes an error in this kind of ikhtilaf is excused and indeed rewarded for his efforts.

There was ikhtilaf between the Noble Companions over who should succeed the Prophet (PBUH) as the defender of the Faith and the Muslim state’s “worldly policies”. They also differed with each other over the death of the Prophet (PBUH) and where he should be buried. Even during the time he was alive the Companions had differences over the ruling on the Bani Qurayza and the Prophet (PBUH) came down in favour of Sa’d’s view.

The Companions whom the Prophet (PBUH) sent to the Bani Qurayza
resorted to *ijtihad* over the question of the *salat* (congregational prayer). Some of them prayed on the road, while the others did not pray until they reached the Bani Qurayza’s habitations; in this instance the Prophet (PBUH) approved both groups’ decisions. The Companions also held different opinions on the question of captives and the Prophet supported Abu Bakr’s position, until a verse was revealed supporting ‘Umar’s view. They also differed over the distribution of *anfal* (spoils of war) until the Qur’an revealed that the question of *anfal* was one that should be referred to Allah and His Messenger... There were also other well-known instances and we shall look at several of them when we discuss the causes of *ikhtilaf*.

**How *ikhtilaf* arose**

*Ikhtilaf* (in the sense of a serious difference of opinion) only arose after the death of the Prophet (PBUH). During the Prophet’s lifetime (PBUH) the Prophet set the course and guided the *Ummah* (Islamic Nation), and if the Muslims found themselves in conflict over anything they referred it to the Prophet (PBUH), who would then show them the correct path to follow. However, almost as soon as the Companions had finished burying him (PBUH), they were at odds with each other over numerous matters, including:

1 – *Ikhtilaf* over his death. ‘Umar threatened anyone who said “Muhammad is dead” until Abu Bakr recited the following verse from the Qur’an: “Muhammad is no more than an Apostle: many were the Apostles that passed away before him. If he died or were slain, would you then turn back on your heels?”

2 – They differed over the question of the Caliphate until they agreed on Abu Bakr (may Allah be pleased with him). They came to the view that as the Prophet (PBUH) had chosen him to take his place in leading the congregational prayer, which is the cornerstone of the Faith, it was clear that he should also be his successor in worldly affairs.

*Ikhtilaf* – in the sense that we shall consider it – arose after the death of the Prophet (PBUH).
Causes of *ikhtilaf* over matters of *fiqh*

Certain causes have been identified by the *fuqaha'* (scholars of jurisprudence), who attribute all disagreements over Islamic *fiqh* to them. I shall list them briefly before moving on to the conventions and ethics of *ikhtilaf*.

These causes include:

**One:** *Ikhtilaf* in *qira’at* (“readings”, or “recitations”). Differences in the recitation of the Qur’an have led to differences between *fuqaha*. One example of this would be verse 6 of *Surat al Ma’idah*: “*Idha qumtum ila’l salati faghsilu wujuhakum wa aydiyakum ila’l marafiq wamsahu biru’usikum wa arjulakum* (or *arjulikum*) *ila’l ka’bain.*” (“O ye who believe! When ye prepare for prayer, wash your faces and your hands to the elbows, and rub your heads, and your feet to the ankles.”) Nafi’, Ibn ‘Umar and al Kisa’i read the reference to feet as “*wa arjulakum*” – meaning “wash your feet” – while Ibn Kathir, Aabu ‘Amr and Hamzah read it as “*wa arjulikum*”, which would mean “rub your feet”. Consequently, the differences in the recitations led to differences of opinion among the *fuqaha* over whether the feet should be washed or rubbed. The majority of schools understand that washing is required, while the “Imamites” (Shia) maintain that the feet should be rubbed. The Dhahiris say that the feet should be subjected to a combination of washing and rubbing, while Ibn Jarir thinks it is a matter of choice.

**Two:** Lack of information about a Hadith. As we know, the Sunnah was not written down until the reign of ‘Umar bin ‘Abdul ‘Aziz. (Though there may have been some privately kept records.) Consequently, input from many Hadiths may have been missing from certain “*far’iy*” (“branch-related”) Shariah rulings, and this was a major contributing factor in the differences that arose between the Companions.

It was for this reason that ‘Umar was unaware of the fact that a woman inherits from her husband’s *diyah* (compensation for the shedding of blood), until Al Dhahk bin Sufiyan wrote to him that the Prophet (PBUH) made the

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1 Al Shawkani: *Nail al Awtar*, 1/169. See also al Tabari, 10/58.
wife of Ashyam al Dhababi the heir of her husband’s *diyah*. When he learnt this, ’Umar abandoned his previous position and followed the Sunnah.

There are also numerous other examples in this category.

**Three:** Doubt about the reliability of a Hadith. One example of this is a report that a grandmother came to Abu Bakr al Siddiq to ask him about her [share of an] inheritance. He replied: “In the Book of Allah there is nothing [of that kind] for you. Nor do I know of anything [of that kind] for you in the Sunnah of the Messenger of Allah (PBUH). So go away until I have asked the people.” Then al Mughirah bin Shu’bah said: “I was in the presence of the Messenger of Allah (PBUH) and he gave her a sixth.” He replied: “Was anyone [else] with you?. Then Mohammed bin Maslamah of the Ansar stood up and confirmed what al Mughirah had said. So Abu Bakr put it into effect.

Another example is the living expenses of a woman who has been finally divorced. ‘Umar’s view was that she should have maintenance and lodging, on the basis of the Qur’anic injunction: “Let them live in the same style as you live.” Then he learnt of the Hadith on Fatimah bint Qays, when she said that her husband had divorced her three times and the Prophet (PBUH) had not approved either maintenance or lodging for her. However, ‘Umar was unconvinced by her words and said: “I will not abandon the Book of our Lord and Cherisher and the Sunnah of our Prophet for the words of a woman about whom I do not know whether she is telling the truth or lying, or whether she has remembered correctly or forgotten. Allah the Most High has said: ‘Do not expel them from their houses; nor shall they leave unless they are guilty of open lewdness.’”

So ‘Umar doubted the reliability of the Hadith and consequently a *khilaf* arose, with some people saying that she should have her expenses and others maintaining otherwise.

**Four:** *Ikhtilaf* over the understanding and interpretation of a text. One example of this would be the difference of opinion between the Companions over the division of land between the Muslim fighters when

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1 Narrated by Muslim (No. 1480).
it has been conquered by force. ‘Umar’s view was that land conquered by force (such as the arable lands of Iraq and Egypt) should remain in the hands of its people, who should pay kharaj (land tax) on it as a contribution to support the armies, thughur (Marches, or the outer boundaries of the lands of Islam), jihad etc. While most of the Companions believed it should be divided among the fighters – that is, to say, they saw it as being in the same class as spoils of war. They supported their view on the basis of verse 41 of the Qur’an’s Surat al Anfal: “And know that out of all the booty that ye may acquire in war, a fifth share is assigned to Allah – and to the Apostle, and to near relatives, orphans, the needy and the wayfarer.”

‘Umar believed that the verse on the spoils of war applied specifically to those referred to in Surat al Hashr” (“The Mustering”) and that the verse beginning “And those who came after them…” is linked to the Qur’anic verse that begins: “What Allah has bestowed on His Messenger from the people of the townships belongs to Allah, to His Messenger and to kindred and orphans…” Thus he saw those Muslims who came after the Companions as being partners in that bounty, and interpreted the actual meaning of the verse as being: “What Allah has bestowed upon His Messenger and the bounty taken by the Muslims is for all poor Muslims and not just for the conquerors.” This was an instance of ijtihad by ‘Umar and those who agreed with him in their understanding of the text, though it was opposed by the majority of the Companions. There are numerous other examples in this category.

Five: Homographs – that is, words which are the same but share different meanings. One example of this is the word qar’, which is used in connection with both menstruation and purity. Where it occurs in the texts of Qur’an and the Sunnah it has given rise to a khilaf over whether a woman should start her ‘iddah (period of counting) from iqra’ – or purification from menses – or from three monthly periods. According to Ibn ‘Umar, ‘Ai’ishah and Zaid bin Thabit what is intended here is purification; however, Abu Bakr, ‘Umar, ‘Uthman and the majority of the Companions maintained that the word iqra’ means menstruation.

The first of these positions is endorsed by al Shafi’i, Malik and Ahmed bin Hanbal (in one of his two pronouncements on the matter), while Abu Hanifa states that the second is correct. Each party supports its own
school’s position with evidence that, for reasons of space, we cannot list here. However, what is significant in our view is that a single word with different meanings has given rise to a difference in fiqh interpretation. There are numerous examples in this category.

Six: Conflicting evidence. There may be inconsistencies in cases of supposed, or hypothetical, Shariah evidence, and there are numerous instances of a khilaf arising as a result of conflicting evidence and the preponderance given to one view or another when there are two pieces of incompatible evidence.

One example of this is a Hadith in which the Prophet (PBUH) stated: “No-one shall marry or be married [in the month of] Muharram.” This is contradicted by the Hadith: “The Prophet married Maimunah and [it] was [the month of] Muharram.” The majority of scholars endorse the first Hadith, while Abu Hanifa regards marriage as being permissible on the basis of Ibn ‘Abbas’s report that the Prophet married her in Muharram. The majority give preponderance to the first Hadith because Abu Rafi’ (who was one of those who reported that marriage was prohibited in Muharram) reported that at the time when the Prophet (PBUH) married her it was still permissible. In his statement on the subject he said: “And I was the envoy between them.”

The fuqaha’ differ over this question on the basis of which of the two reports should be accorded preponderance.

Seven: Ikhtilaf over some principles related to the usul (“roots” or “fundamentals”). One of these differences is over whether ‘aam (general) evidence is categorical or hypothetical. An example of this is the difference over addition to the text – i.e. whether it should be seen as abrogation or an indication that it applies to a limited or “restricted” case. The classification of the degree of validity of certain types of Hadiths is also a case in point. There are numerous examples in this category.

The ethics of dealing with khilaf

The most important elements in this respect are:

1 – The two differing parties should be sincere in their intentions towards Allah the Most High. Al Shafi’i observed: “Every time I have debated with
someone, I have hoped that Allah will reveal the truth from his tongue, since it would be his intention that Allah should be pleased with him.”

2 – One’s opponent should be treated with respect and accorded the status he deserves. Ibn ‘Abbas differed with Zaid bin Thabit over a hypothetical question. Ibn ‘Abbas said: “By Allah, I and those who oppose me on this question would like to come to the Ka‘bah and earnestly pray and invoke the curse of Allah upon those who lie.” However, this did not prevent him from taking hold of the halter of Zaid’s horse, upon which the people said: “What led you to do this?” He replied: “This was how we were ordered to treat our scholars and elders.” Then Zaid said: “Hold out your hand.” Zaid then kissed it and said: “This is how we were ordered to treat the people of our Prophet’s Household.”

3 – A properly reasoned approach. Yunus bin ‘Abdul A’la - one of al Shafi‘i’s pupils who frequently disagreed with him, said: “I have never come across anyone more rational than al Shafi‘i. One day he saw me and said to me: ‘O Yunus, if we are unable to agree on [a matter of] scholarship, can we not [still] be brothers?’”

4 – Fairness (insaf)¹ is one of the most important ethical qualities when responding to khilaf. Commenting on it, the late Hanbali Ibn ‘Abdul Hadi observed: “A person who seeks knowledge cannot be endowed with anything better than fairness and a rejection of bigotry.” According to Ibn al A’rabi: “Being fair means taking one’s due and duly recognizing the rights of others. A man [may be described as] fair if he is impartial.”

Our imams were noted for their fairness when dealing with those who held opinions contrary to their own. For example, Mohammed bin al Hasan, a friend and companion of Abu Hanifa was fair in his dealings with al Shafi‘i when he disagreed with him and the two men frequently held debates with each other. When Harun al Rashid arrested al Shafi‘i, Mohammed bin al Hasan pleaded on his behalf with al Rashid and said: “O Prince of the Faithful, al Shafi‘i is a man fully endowed with knowledge and perspicacity and he has an eloquent tongue.” Then he requested

that al Rashid should hear the words of al Shafi‘i. When al Shafi‘i spoke, al Rashid marvelled at his elocution and his brilliant mind and perspicacity, and he pardoned him.1

According to the Hadith scholar Yahya bin Ma‘in: “Our companions make too much of Abu Hanifa and his companions.” He was then asked: “Did he lie?” He replied: “He was too honourable [to be guilty] of that.”2

Another example of fairness was narrated by al Dhahabi in a biography of ‘Affan bin Muslim al Saffar: “Al Falas said: ‘One day I saw Yahya al Qattan narrating a Hadith. ‘Affan said to him: “[No.] It was not like that.” The next day I came to Yahya and he said: “It is as ‘Affan said. I asked Allah the Most High that my [recolletion of ] it should not be inconsistent with what ‘Affan said.”’” Al Dhahabi commented: “That is how the scholars were. So see, o you poor fellow, how far removed you are from them.”3

Another example of fairness can be seen in the fact that the imams were even prepared to criticise those people who were closest to them. When ‘Ali bin al Madini was asked about his father, he said: “Ask someone else.” Then when they repeated the question he said: “It is about the religion [i.e. Hadith]. He is weak [in this field].”4

Abu Daud, the Sunnah narrator, said: “My son is a liar.” And al Dhahabi said of his son Abu Hurairah: “He memorised the Qur’an. Then he was distracted from it so that he forgot it.” Zaid bin Abi Anisah states in the Introduction to Muslim’s Sahih: “Don’t take [anything] from my brother Yahya, who is said to lie.”5

Hence fairness demands that one’s opponent should be accorded the status he deserves, given his just due and treated impartially, even if he is one of those closest to you. This was how Abu Daud regarded his son

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3 Al Siyar, 10/249.
4 Al Sakhawi: Al ‘I‘lan bi‘l Tawbikh, p. 120.
5 Introduction to Muslim’s Sahih, Nawawi’s Commentary 1/120. And see Mohammed ‘Awamah: Adab al Khilaf, p. 104.
and Ibn Abi Anisah his brother. The ethics of dealing with *khilaf* is a broad subject and I have only touched on its main elements.

**Mutual understanding on questions over which there is *khilaf***

By “mutual understanding” on questions over which there is *khilaf* I mean that there must be mutual recognition over aspects of the *furu’* of *fiqh* and creedal matters in which Muslims are prepared to “excuse” each other and come to an agreement. In other words, the *khilaf* will be a kind of “permissible *ikhtilaf*” applied to both the *usul* (roots/fundamentals) and the *furu’* (specifics), in which everyone is prepared to recognize different pieces of evidence.

As far as the *usul* are concerned, it must be understood by all parties that there can be no *ikhtilaf* over indisputable matters upon which there is *ijma’* (consensus) and which have been established on definitive evidence. In such cases there can be only one version of the truth. Examples include those issues on which there is consensus among Muslims such as Allah’s Attributes of Perfection and His freedom from imperfect or anthropomorphic elements, the assertion that the Qur’an is the Word of Allah and that nothing in it has been corrupted or changed, that the Noble Companions were proper representatives of the Best of Times, the assertion that a person who says “There is no god but Allah” should not be harmed or accused of unbelief, whether in word or through expulsion from the community, a belief in Divine Destiny, a belief in the Unseen, and a belief in the message the Prophet (PBUH) conveyed to mankind. These matters are unanimously accepted by Muslims and here there is no room for *khilaf*.

However, there are also more contentious matters on which there are no categorical rulings, interpretations or explanations from the Divine Lawgiver. In such issues *khilaf* is excusable, because people adopt different approaches to them with the common aim of establishing *tawhid* (belief in the One God) and *tanzih* (Allah’s freedom from imperfect or anthropomorphic elements). The Islamic scholar al ‘Izz bin ‘Abdul Salam refers to this in *Al Qawa’id al Kubra*, where he states that Allah has made it incumbent upon the ‘ulama’ (Islamic scholars) – in particular – to know
Him as the One, Eternal and Sole Divine Being, and that He is Living, All-Knowing, All-Powerful, All-Hearing, All-Seeing, and the Conveyor of the Truth. At the same time, He has made it incumbent upon the common people to believe this – belief being a lower degree than knowledge – because it is difficult for them to properly understand the evidence leading to knowledge of Him, and it is in this area that ambiguity or “obscurity” arises, with the result that there are differences between people. For the same reason there are also differences over Allah’s Word having no beginning and no end, and over whether His description of Himself as having a face, two eyes, and two hands is literal or metaphorical (in the sense that the “face” symbolises the Divine Essence, the “hands” His unlimited power and the eyes His limitless vision and knowledge). People also differ over whether or not He is located in a particular place.

These are all questions over which there have been endless disputes that cannot be resolved on the basis of definitive evidence. Al Ash’ari wrote extensively about them and his writings were compiled in two volumes by Ibn Furak. While the issues cannot be conclusively resolved through *ijtihad*, only one view can be correct, while all the others have to be wrong, though they are excusable. Every one of these issues is highly complex, the most difficult one being about Allah with respect to His location – as a Being that is neither static nor dynamic, neither separate from the cosmos nor connected to it, neither within it nor outside it.

Nobody would normally be capable of comprehending such concepts without a proper examination of evidence that is extremely difficult to understand, and that is why Allah has excused the common people from seeking to do so. It is also why the Prophet (PBUH) did not compel anyone who embraced Islam to enquire into such matters.

After citing several examples of these questions, al ‘Izz wrote: “Muslims agree that Allah is described as having all the attributes of perfection and as not being imperfect in any way. However, they differ over some of the attributes. Some of them believe that they are positive attributes of perfection, while others believe that they represent an absence of negative attributes. Examples include the Mu’tazilite view that Man is the creator
of his actions, because if Allah had created them in him and then blamed him for them, he would be acting unjustly towards him. And since injustice is a negative attribute, Allah is free from it. On the other hand, the Ahl al Sunnah (Sunnis) and those who agree with them say that Allah created them [i.e. Man’s actions], because if Man created them, this would indicate a ‘power deficit’ [on Allah’s part], which is a negative attribute. Moreover, Allah’s punishment of something He has created is not injustice because He acts towards His mulk (dominion/possessions) as He wishes.”

Another example in this category is the ikhtilaf between the mushabbiha (anthropomorphists) and the munazziha (those who maintain that Allah is free from anthropomorphic attributes). The mushabbiha maintain that if He was not a “body”, He would be non-existent, and nothing is more negative than non-existence. On the other hand, the munazziha say that if He was a “body” He would be a created being and thus mortal.

Al ‘Izz also cites numerous other examples of this kind.¹

Our intention here (and this was also al ‘Izz’s intention) is to demonstrate that there is a whole area of complex issues in which it is impossible to obtain definitive evidence about where the truth lies, since these are matters in which the truth is known only to Allah. Muslims should therefore excuse all mujtahids (people who practise ijtihad) who come to conclusions that differ from their own. Most of these topics fall into the mutashabih (not clearly intelligible) category in which Allah alone knows the truth.

Here it is sufficient for all to accept that every group should see the Creator, Glory be to Him, the Most High, as being free from anthropomorphic attributes. They will thus be rewarded if they are right and excused if they are wrong.

This is true of numerous creedal questions such as the ikhtilaf over the Beatific Vision. Some assert that it is true on the basis of the Qur’anic verse: “Some faces, that Day, will beam in brightness, looking towards

¹ See Al Qawa’id al Kubra, 1/307 and 308.
their Lord” (Al Qiyamah, 22), while those who deny it cite the verse: “No vision can grasp Him, but His grasp is over all vision” (Al An’am, 103). The Pious Predecessors differed over these issues, though they were all committed to a belief in Allah’s Perfection.

Other points of khilaf in this category include whether the Words of Allah are eternal – without beginning or end – or created. Those who believe they are eternal assert that the adjectival attribute applies to the thing described and that the adjective of eternity is eternal. On the other hand, those who say Allah’s Words are created base their view firstly on the idea that something which is eternal cannot be counted or pluralized and, secondly, on the Qur’anic verse: “Never comes aught to them of a renewed message from their Lord, but they listen to it as in jest” (Al Anbiya’ 2). Differences over complex issues of this kind can never justify accusations of heresy, unbelief, corruption-spreading and deception, and such accusations are prohibited in the Qur’an and the Sunnah. There is no ikhtilaf over their being forbidden, though at the same time, the practise of delving deeply into these complex issues is also forbidden.

These complex issues are not definitively explained by either Allah or His Messenger, but there are differences over them among Muslims of all sects and schools. Since neither Allah nor His Messenger has shown us which interpretation is the correct one, Muslims can agree that every position is compatible with a recognition of Allah’s perfection depending on the evidence that has led them to their conclusion. The fact that opinions differ on these matters should not prove to be a problem for the Brotherhood of Islam, particularly when we bear in mind that the first generation of Believers never spoke of them. Instead, they came to us from the ahl al kalam (theologians) and Greek philosophers. Al Shawkani commented that, even if there were those who believe this topic is “min usul al din” (“fundamental to the Faith”), debate over whether the Words of Allah are eternal or created is in fact “min fudhuli’l ‘ilm” (“an intrusion or a form of ‘prying’ into the field of knowledge”). He added that this is why Allah protected the Pious Predecessors of the Muslim community from delving into them.¹

¹ Irshad al Fuhul, p. 12.
An unbiased person who takes a close look at this *ikhilaf* and sees the damage it caused to relations between Islamic scholars – even those who belonged to the same sect – will appreciate the truth of al Shawkani’s comments. Imam Ahmed vilified ‘Ali bin al Madini, while al ‘Aqili attacked al Bukhari for saying that the Qur’an was created and had him expelled from Nishapur, despite the fact that he was the “Inviolable Prince of Hadith Scholars”. Initially, Imam Ahmed refused to discuss the question.\(^1\)

**The rules for mutual understanding**

These rules must be followed when there is a scholarly *ikhtilaf* on *usul* ("roots") or *furu‘* ("branches") – i.e. on general principles or specific rulings.

**Rule One:** An opponent must be dealt with in accordance with the ethics and manners of Islam and without deceit or subterfuge. The clearest example of those ethics was demonstrated by the Prophet (PBUH) with a Jew who was wrongly accused by the Hypocrite Ibn Abairiq of stealing a shield when Ibn Abairiq himself had stolen it and then asked the Prophet (PBUH) to support him. Subsequently the following Qur’anic verses were revealed: “We have sent down to thee the Book in truth, that thou mightest judge between men as guided by Allah: so be not used as an advocate by those who betray their trust…For Allah loveth not one given to perfidy and crime.” (*Al Nisa’* 105-107)

The Prophet (PBUH) could have hushed up the case – particularly since it concerned a Jew (and the Jews were filled with malice towards Islam) – were it not for the high ethical standards of behaviour that Allah had instilled in him. As the Prophet – PBUH – himself said: “My Lord trained me in ethics and manners, and He gave me the best of training.”

Another example is the case of the Mu’tazilite Ibrahim al Nadhdham (b. 185 AH) and a man called Ibrahim bin ‘Abdul ‘Aziz. When al Nadhdham was on his way to al Ahwaz several things happened which gave him a feeling of impending doom. These began when he saw that the hull of the ship he was travelling on was damaged and asked the captain his name. The captain replied “Dawadaz”, which means “the Devil” in Persian.

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1. See *Sirat Ahmed bin Hanbal*, p. 130.
“I felt this was an evil portent,” al Nadhdham commented. “However, I sailed with him and when [we] were near the jetty I called for a porter and a one-eyed porter answered. I felt this was a bad omen too…Then after I arrived at the inn, not knowing what I ought to do, someone knocked on the door of the apartment I was in, so I said: ‘Who’s there?’ A voice replied: ‘A man who wants you.’ I asked: ‘Who am I?’ He replied: ‘Ibrahim bin Sayyar al Nadhdham.’ So I said to myself: ‘[He must be] … an enemy or an emissary of the Devil.’ However, I braced myself and opened the door to him and he said: ‘Ibrahim bin ‘Abdul ‘Aziz sent me to you and [told me to] tell you: “Even if there is an ikhtilaf between us on a matter of opinion and between [our] schools of thought, [the proper way to deal with it is] by behaving decently [to each other] and [respecting each other’s right to] freedom. I saw you in a bad state and [realised that] something must have happened to cause your forced departure from your country. [Anyway,] if you wish, stay where you are now for a month or two and we will send you what you need for a time. And if you wish to return, then here are thirty dinars so take them…””

Al Nadhdham said: “This amazed me. Firstly, I had never in my life possessed thirty dinars; secondly, I had not been away from my family for long; thirdly, I realised that my sense of impending doom was unjustified.” Recounting this story, Sheikh ‘Abdul Fattah Abu Ghaddah added: “And fourthly (which is worth the other three points put together), [it demonstrated a] noble [character] and a true understanding of ethics, manners and [the right to] human freedom, so that [consequently] a difference of opinion had not prevented Ibrahim bin ‘Abdul ‘Aziz from giving al Nadhdham help and support in his hour of need.”

A difference of opinion or a disagreement between schools of thought does not mean that there is no longer an obligation to behave ethically and politely and respect the freedom of others in a brotherly Islamic spirit. This is an important lesson that needs to be taken to heart by those who speak and write unrestrainedly against people with other views, tearing asunder the ties of Islamic brotherhood and sowing discord among Muslims under a variety of supposedly virtuous pretexts.

**Rule Two:** A person who exercises *ijtihad* on a question which is not covered by a scriptural text will be rewarded for his efforts if they are
sincere. If his conclusion is correct he will receive two rewards and if he is wrong he will receive one reward. This principle is accepted by the imams of the different schools of thought. Consequently, when a major khilaf arises between imams who are followers of the same school, it ends either in agreement between them or in an ikhtilaf which becomes established, accepted and recognized over the centuries. One example of this is Abu Hanifa’s ikhtilaf with his fellow scholars including, among others, Abu Yousuf, Mohammed bin al Hasan and Zafar bin al Hudhayl. The fuqaha’ accept this principle and agree that it should be applied to every khilaf that arises between Muslims in every time and place.

**Rule Three:** Ijtihad does not abrogate ijtihad. This rule is agreed by the imams of all the schools. Abu Bakr exercised ijtihad over certain issues and, although ‘Umar differed with him over them, he did not abrogate his ijtihad.

This principle has enabled numerous intellectual and fiqh disputes to be resolved. There are many who have sought to demolish other people’s ijtihad efforts by exercising their own ijtihad initiatives. This is wrong. All Muslims should accept this principle so that when there is a khilaf it can be dealt with in the proper manner.

**Rule Four:** Opinions on which there are differences should not be rejected, while opinions on which there is agreement that they are wrong should be rejected. This important principle was established by the imams of fiqh in their pronouncements on hisbah (the divinely ordained right to enforce virtue and prevent wrongdoing) and the conditions that should be observed when a person engaged in hisbah wishes to change something for the better. According to the fuqaha’, there must be agreement that the thing which is to be rejected is indeed prohibited in Islam. On the other hand, it would be wrong to do so – i.e. reject contrary opinions – on questions on which there are differences over the usul and furu’, since this would involve wasting much time and effort, while igniting conflict on matters that cannot be resolved. Examples in this category would include the ikhtilaf over the number of rak‘ahs (prayer cycles) to be performed for the qiyam or tarawih prayers, the differences over whether the words
“bismi’llahi’r rahmani’r rahim” (“In the Name of Allah the Compassionate, the Merciful”) should be spoken aloud, the status of the qunut during the dawn prayer, visiting the tomb of the Prophet (PBUH), seeking the Prophet (PBUH)’s intercession and similar issues. These questions have caused serious difficulties and the best response to them is just to accept that there are differences and leave it at that.

**Rule Five:** If a person who exercises *ijtihad* in a matter of *fiqh* is correct in his conclusions, he will receive two rewards, while if he is wrong he will receive one reward.

This principle must provide the basis for mutual understanding and untangling the knot of *ikhtilaf*.

**Rule Six:** Any *mujtahid* who cites evidence or applies constructive interpretation will be considered free from guilt, even though his opponent may describe his opinion as “dubious”.

If Muslims accept this rule, they will desist from describing opinions based on evidence or constructive interpretation as being “heresy” or “unbelief”, even if the evidence or interpretation is seen as weak from the opponent’s point of view. Otherwise, every *mujtahid* expressing an opinion on a subject with conflicting evidence will be accused of heresy by anyone holding a contrary view, with the result that every Muslim community will find itself accused of heresy and straying from the truth.

According to al Qasimi: “Therefore it is not acceptable for *ijtihad* and constructive interpretation to lead to accusations of mischief-making and leading others astray, even though not all *ijtihad* is correct and not all interpretations are acceptable. What we are concerned with here is the [attitude to the] *mujtahid* and the interpreter [rather than the subjects of their *ijtihad* and interpretation].”

**Rule Seven:** Debatable evidence does not become unacceptable as a basis for discussion unless the opposing party produces solid evidence to the contrary, such as proof that it has been abrogated, or that a certain

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1 Al Qasimi: *Mas’alat al Jarh wa’l Ta’dil*, p. 23.
matter is not in dispute, or that a general principle is being cited when what is intended is a specific case in which a different ruling will apply.\(^1\)

The above rules are accepted by general consensus; consequently, when they have been applied with Allah’s assistance, most of the issues which have given rise to conflict, schism and mutual recrimination in the Ummah (Muslim Community) have been resolved amicably. Even so, many writers, scholars and opinion formers have found themselves in conflict with each other because the “rules of mutual understanding” have been unclear. They have consequently attacked each other’s ijtihad, or made accusations against those who hold different views and condemned them to perdition, or labelled opinions with which they disagree as heresy and unbelief.

This is why space for mutual understanding is a must when discussing issues of furu‘ and usul. It is particularly vital for promoting harmony within the community. However, the problem lies in applying the above rules when there are differences over questions of fiqh or fundamental issues that form a bone of contention between Muslims.

One of the most important areas in which mutual understanding can be reached is ijma‘ (consensus) within the Ummah. Ijma‘, the “protective shield” which prevents the Ummah from sliding into the pitfalls of ikhtilaf, is a light which guides Believers through the darkness of the night. It is thanks to ijma‘ that the texts of the Qur’an and Sunnah are correctly understood, and it was ijma‘ that shattered the interpretations placed on those texts by the Batinis (i.e. Ismailis), as well as the fabrications and falsehoods of the heretics.

The Ummah’s leading thinkers, scholars and opinion-formers have an obligation to comply with the ethics of ikhtilaf and define those creedal areas which should be governed by the principle of mutual understanding. This will enable them to avoid hostile confrontation – not only over matters where there are no differences of opinion (such as belief in Divine Destiny, Allah’s freedom from anthropomorphic attributes, belief in the prophetic missions, belief in the Unseen, and those things revealed in the Holy

\(^1\) See these rules in this author’s book: Al Bid‘ah wa Atharuha fi Ikhtilafi’l Ummah.
Qur’an which cannot be subjected to speculative interpretation), but also those areas where *ikhtilaf* is permissible – areas in which Muslims have exercised *ijtihad* and agreed on a common denominator, the Oneness of Allah and the fact that He is devoid of anthropomorphic attributes.

Hostility between Muslims over questions of this sort is unacceptable and it is the duty of honourable scholars and preachers to prevent it, particularly since differences of opinion on them date from the time of the Pious Predecessors, though without having led to clashes or schisms in the past. Those who deliberately fan the flames of conflict over complex and problematic issues are the very people Allah warns against in the Qur’an: “But those in whose hearts is perversity follow the part thereof that is allegorical, seeking discord and searching for its hidden meanings. But no-one knows its hidden meanings except Allah. And those who are firmly grounded in knowledge say: “We believe in the [Book]; the whole of it is from our Lord”; and none will grasp the Message except men of understanding.” (Aal ‘Imran 7).

This principle also applies to *furu’*, though when a *khilaf* or *ikhtilaf* occurs over *furu’* it is more “wide-ranging” and, because there are so many differences of opinion, the space for potential agreement is narrower. At the same time, however, although the differences in this area of *fiqh* are wide-ranging, they are less serious.

**Ikhtilaf and the media**

In the days of the imams *ikhtilaf* was something which occurred during debates among aspiring ‘ulama’, in lessons or seminars on specialist topics, and in books, epistles etc. and it was limited to specific groups of people who understood and accepted the notion of criticism and response. This continued to be the case until the era of satellite TV and the mass media produced a mishmash of ideas, dogmas, opinions and notions presented to the public by a variety of speakers ranging from distinguished ‘ulama’ and sober preachers whose styles and rational opinions strike a chord with the general viewer, to the nihilistic *agent provocateur* who accuses all and sundry of unbelief – a practice which leads to counter-accusations of unbelief.