



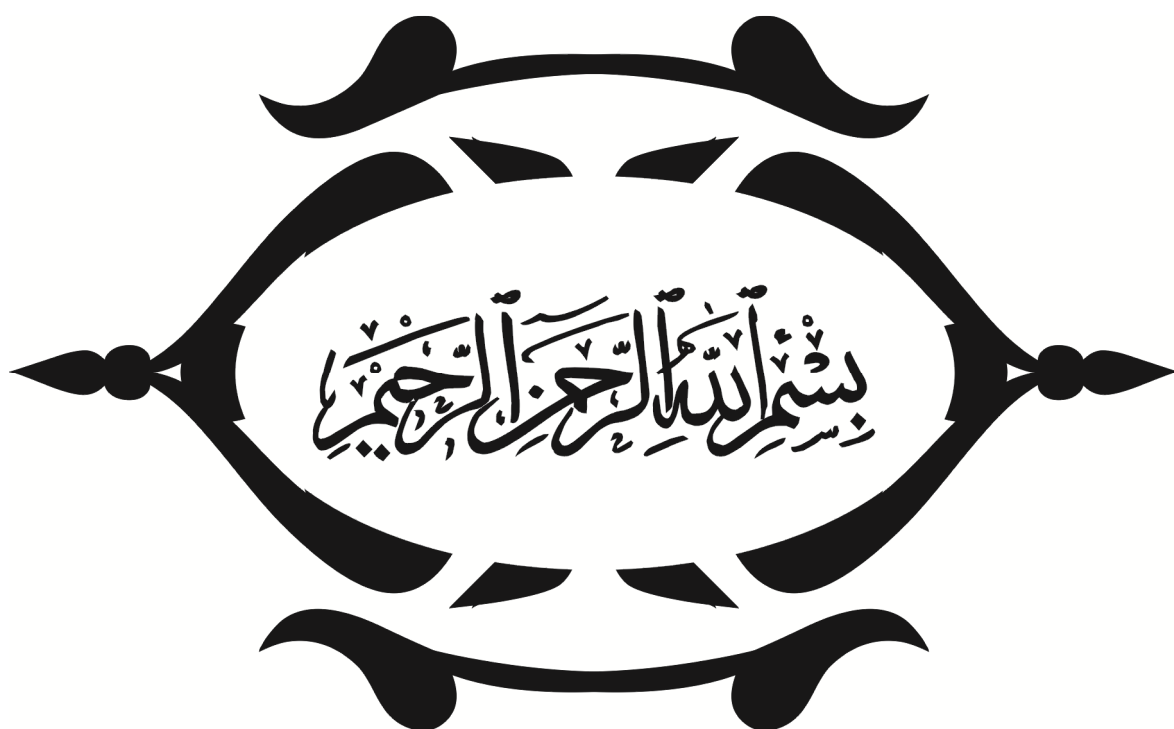
مجمع فقهاء الشريعة بأمريكا

# Managing Our Disagreements

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## Preface

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**In the Name of Allāh, Most Merciful, Most Beneficent**

Disagreement is a very common feature of human societies. It is a constant of the human experience, and there is no way that it could be entirely avoided. We know for certain that human beings will not cease to disagree, because that is what Allāh has decreed for them. He states,

﴿وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً ۗ وَلَا يَزَالُونَ مُخْتَلِفِينَ ﴿١١٨﴾ إِلَّا مَن رَّحِمَ رَبُّكَ ۗ وَلِذَلِكَ خَلَقَهُمْ﴾

**“And if your Lord had willed, He could have made mankind one community; but they will not cease to differ. Except whom your Lord has given mercy, and for that He created them.”<sup>(1)</sup>**

It remains to be said that disagreement is neither entirely good nor bad, and that there are proper etiquettes in handling the various types of disagreement, and hence, these etiquettes cannot be reduced into a generic advice of tolerance, acceptance, and gentleness. Though these qualities are indeed praiseworthy, some disagreements simply may not be accepted. After all, there is still truth and falsehood, and there is still good and evil.

In this exposition, I address the issue of disagreement, its roots, types, manifestations, and proper management.

(1) Qur'an 11:118-119.

## 1. Introduction

The word *khilāf* in Arabic means a simple difference, a disagreement, or a full-blown conflict leading to *shiqāq* (dissension).<sup>(1)</sup> But in origin, *khilāf* does not necessarily lead to dissension. When it does, that escalation may or may not be warranted, depending on the cause of disagreement, its type, and its extent.

As in all cases, there are extremes in handling the phenomenon of disagreement, and there is a middle. Many Muslims complain about the degree to which we became disunited, and some Muslims try to remedy that by even questioning the extent to which Islam is different from other religions. While we all complain of this division and disunity, some of us are only concerned about seeing it disappear, without showing much concern for preserving the religion itself.

The desire to see the differences between all people reconciled is a praiseworthy one. However, to avoid extremism even in that, and to avoid becoming overly distressed about those differences, we need to recognize that they are part of tests and trials which Allāh destined in this life. Allāh states,

﴿وَجَعَلْنَا بَعْضَكُمْ لِبَعْضٍ فِتْنَةً أَنْتُمْ وَرَبُّكُمْ بِصِيرَةٍ﴾

**“And We have made some of you [people] as trial for others - will you have patience? And ever is your Lord, Seeing.”<sup>(2)</sup>**

Conversely, we often times see those who fail to understand that two sincere and knowledgeable people may arrive at two variant or conflicting conclusions. To them, disagreement may only be tolerated concerning a few issues. It is interesting that they differ over the spectrum of those issues, and that is because the partition they attempted to install between the excusable and inexcusable disagreements was an artificial one, one that was erected far from the actual boundaries between them.

The student of knowledge - being groomed to become a preacher, a teacher, an imam, an activist, etc. - needs to develop the ability to properly identify these boundaries and their whereabouts.

I hope that this treatise will not only serve as an analysis of the phenomenon, its types, causes, and manifestations, but that it will also draw a roadmap to help us navigate our way in these times of confusion. Ultimately, the objective behind this discourse is for us to treat the various disagreements fairly, in a way that respects the sanctity of our religious teachings, recognizes the need for reconciliation and unity within the *Ummah*<sup>(3)</sup>, and for building bridges with the other nations.

(1) Wehr and Cowan, *A Dictionary of Modern Written Arabic*, 298

(2) Qur’ān 25:20

(3) The Ummah is “the body of Muslims as one distinct Community.” Bewley, *Glossary of Islamic Terms*, 24

## 2. Types of Disagreement

In terms of the relationship between the different positions, there are two types of disagreement:

- i. *Ikhtilāf Taḍād*: Differences of opposition or contradictory differences.
- ii. *Ikhtilāf Tanawwu'*: Differences of variety or variational differences.

### 2.1 Differences of Varsity

#### 2.1.1 Definition

These are differences where the variant views do not contradict one another and are not mutually exclusive.

#### 2.1.2 Examples

At times, the Legislator Himself gave us variant choices, such as in the following verse concerning the expiation for oaths. Allāh states,

﴿فَكَفَّرْتَهُ إِطْعَامَ عَشْرَةِ مَسْكِينٍ مِنْ أَوْسَطِ مَا تَطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ

ثَلَاثَةَ أَيَّامٍ ﴿

**“So its expiation is the feeding of ten needy people from the average of that which you feed your (own) families or clothing them or the freeing of a slave. But whoever cannot find (or afford) it, then fasting (for) 3 days is (required).”<sup>(1)</sup>**

There are also other such differences, such as the various forms of the *adhān* and *iqamah*, the various supplications at the beginning of prayer, and the likes.

This also applies to Islamic groups and organizations performing various duties and having different focuses, such as *da'wah*,<sup>(2)</sup> education, social reform, political activism, etc.

Those differences are not contradictory or conflicting at all. Whichever option one chooses, it shall be acceptable.

#### 2.1.3 Wisdom behind Differences of Varsity

- i. Displaying Allāh's mercy, for people's strengths and zeal vary.
- ii. Uniting us like the different pieces of a puzzle that complement one another, and cannot replace one another.

(1) Qur'an 5:89

(2) Da'wah is "inviting or calling people to worship Allāh by following the Messenger of Allāh." Bewley, *Glossary of Islamic Terms*, 6

### 2.1.4 Pitfalls Related to This

- i. Imbalance, namely being too occupied with your focus activity at the expense of others.
- ii. Arrogance, namely by belittling the efforts of others.
- iii. Prejudice, namely when allegiance for the group competes with the allegiance between all Muslims.

## 2.2 Differences of Opposition

### 2.2.1 Definition

These are differences where the variant views contradict one another.

Some of the scholars said that if the jurists reach the degree of *ijtihād*,<sup>(1)</sup> their positions will all be right. This is because they are qualified to make *ijtiha d* and they have done their best.

The correct position is that one of the positions has to be incorrect. Something cannot be simultaneously *halāl* and *harām* in the sight of Allāh.

The Prophet (salutations and peace be upon him) said,

إذا حكم الحاكم فاجتهد ثم أصاب فله أجران، وإذا حكم فاجتهد ثم أخطأ فله أجر

**“If a judge gives a verdict according to the best of his knowledge and his verdict is correct (i.e. agrees with Allāh and His Messenger’s verdict) he will receive a double reward, and if he gives a verdict according to the best of his knowledge and his verdict is wrong, (i.e. against that of Allāh and His Messenger), even then he will get a reward.”<sup>(2)</sup>**

This hadith exonerates the *mujtahid*<sup>(3)</sup> from sin and promises him a reward, but it also clearly states that he may make mistakes.

### 2.2.2 Examples

Most of the disagreements in the area of *fiqh* are of this kind. Many examples will be mentioned when the levels of these differences are addressed.

### 2.2.3 Wisdom behind Differences of Opposition

Allāh tests us through those differences. Allāh states,

(1) *Ijtihād* is “to struggle, to exercise personal judgment in legal matters.” Bewley, *Glossary of Islamic Terms*, 134

(2) al-Bukhārī, *as-Sahīh*, Hadith 7352

(3) A *mujtahid* is “someone qualified to carry out *ijtihād*.” Bewley, *Glossary of Islamic Terms*, 137



﴿وَجَعَلْنَا بَعْضَكُمْ لِبَعْضٍ فِتْنَةً أَتَصْبِرُونَ ۗ وَكَانَ رَبُّكَ بَصِيرًا﴾

“And We have made some of you [people] as trial for others - will you have patience? And ever is your Lord, Seeing.”<sup>(1)</sup>

What is being tested includes the following:

- i. Whether we will favor our allegiances in this life over the pleasure of Allāh. Some people may refrain from opposing what is wrong out of fear for their ties with others. Many hesitate to submit to Allāh and accept His religion because of that.
- ii. Whether we will manage the differences in a way that is most pleasing to Allāh. Such ways vary based on the type of disagreement, as we will discuss under the management of disagreement.
- iii. Whether we will choose the position that is most pleasing to Allāh or one most aligned with our desires.

#### 2.2.4 Pitfalls Related to This

Failing in any of the tests mentioned here above.

### 2.3 Levels of Contradictory Differences

#### 2.3.1 Between Religions

The disagreement between Islam and other religions refers to the disagreement over the oneness of Allāh and the prophethood of Muḥammad (blessings and peace be upon him). This also includes the disagreement with the sects that were deemed by the Muslim scholars to be outside of the Muslim *Ummah*. Examples on those include the Qadianis, Druze, Alawites, and Aghakhanis.

#### 2.3.2 Between the Different Muslim Sects

The problem here, particularly in the disagreement between the Sunnis and Shiites is that it is not over the interpretation of common sources, but rather over the sources themselves. Aside from agreeing on the Qur’ān, the traditions reported by the Sunnah are not accepted by the Shiites, and vice versa, unless they are used in debate to prove one’s narrative.

The discussion here must focus on the legitimacy of the opposing narratives by using the Qur’ān and logic.

(1) Qur’ān 25:20

### 2.3.3 Within *Ahl as-Sunnah*

Using *Ahl as-Sunnah* here in the general sense includes the various groups that accept the sources of *Ahl as-Sunnah*, which are the Qur'ān, Sunnah (as collected by *Ahl as-Sunnah*) and *ijmā'*<sup>(1)</sup> in its general sense.

The differences between *Ahl as-Sunnah* could be in matters of 'aqīdah (belief) or *fiqh* (practice). Those differences may be divided into two levels:

### 2.3.4 Sunnah vs. *Bid'ah* – or – Truth vs. Falsehood

This is when the methodology followed to make a conclusion is faulty because it disregarded the appropriate approach taken by the righteous predecessors (*as-Salaf as-Ṣāliḥ*) in interpreting the revelation and extrapolating from it.

This mistaken approach may lead to false concepts, deviations, and innovations. One example of that is the esoteric interpretation of the names and attributes of Allāh. To deny the attributes that Allāh and His Messenger described Him with is an innovation. The fact that some of our greater scholars committed this grievous error does not make it lighter. Those scholars shall be forgiven for it was their *ijtihād* and earnest pursuit of the truth that led them into this error. Other examples are the various innovations in belief, such as the claim that the Prophet is made from light, the deceased can help their invokers, that the *awliyā'* (Allāh's friends) are better than the prophets, etc.

In practice, there are also many innovations and deviations that have no legitimate foundation. Of these are the many innovations associated with funerals, such as erecting shrines above the graves, paying *qurra'*<sup>(2)</sup> to recite for the deceased, and burdening the family of the deceased with hosting and feeding large crowds of people, when the Sunnah was for their neighbors and acquaintances to make food for them.

It is noteworthy here to emphasize that mistakes in the detailed matters of 'aqīdah are like the mistakes in *fiqh*, when it comes to Allāh's treatment of the *mujtahid* who falls into them. Shaykh Ibn Taymiyyah clearly stated that there is no basis for the distinction between the two fields. However, keep in mind that the foundations of 'aqīdah are different from the detailed views in *'aqīdah*. That is because their distinct clarity rules out the excuse for error concerning them.

### 2.3.5 Correct vs. Incorrect

This is when qualified scholars take the suitable approach to interpreting the revelation, in general, yet arrive at different conclusions.

(1) *Ijmā'* is "the consensus of the people of knowledge among the Muslims." Bewley, *Glossary of Islamic Terms*, 10

(2) "*Qari'* (plural *qurra'*): one who recites the Qur'ān." Bewley, *Glossary of Islamic Terms*, 77

All of the above layers of differences are inexcusable (غير سائغ).

But at the level of correct vs. incorrect, then the differences are divided into excusable (سائغ) and inexcusable (غير سائغ) differences.

The differences must fulfill the following conditions to be excusable (سائغ):

- i. They are not in the principles and foundations of faith and practice.

Ash-Shāṭibī said,

وَقَدْ ثَبَتَ عِنْدَ النَّظَّارِ أَنَّ النَّظَرِيَّاتِ لَا يُمَكِّنُ الْإِتِّفَاقُ فِيهَا عَادَةً، فَالظَّنِّيَّاتُ عَرِيقَةٌ فِي إِمْكَانِ الْإِخْتِلَافِ، لَكِنْ فِي الْفُرُوعِ دُونَ الْأُصُولِ وَفِي الْجُزْئِيَّاتِ دُونَ الْكُلِّيَّاتِ، فَلِذَلِكَ لَا يَصْرُّ هَذَا الْإِخْتِلَافُ

**“In the assessment of the erudite scholars, it is confirmed that agreement over creeds is unattainable, for speculative matters have always been known to invite controversy; however, that is applicable in the detailed rulings, not the foundational ones.”<sup>(1)</sup>**

- ii. They must not contradict:

- a. An un-abrogated authentic revelation (نصٌّ محكمٌ صحيحٌ).
- b. A clear, confirmed consensus (إجماعٌ ثابتٌ صريحٌ).
- c. The mental axioms (بدائنه العقل).
- d. The things perceptible by the senses (أوائلُ الحسِّ).

(1) ash-Shāṭibī, *Kitāb al-I' tiṣām*, Vol.3, 93

Ibn Taymiyah said,

من خالف الكتاب المستبين والسنة المستفيضة أو ما أجمع عليه سلف الأمة خلافا لا يعذر فيه

فهذا يعامل بما يعامل به أهل البدع

**“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.”<sup>(1)</sup>**

iii. They must have some substantiation in the revelation.

iv. They must be upheld by great *mujtahids*, since the laypeople are not equipped to deduce rulings from the revelation.

v. They were not completely abandoned by the *Ummah*. The abandonment of the position ascribed to Ibn ‘Abbās (may Allāh be pleased with him) concerning temporary marriage adds to the many proofs against its validity. Rather, it adds an element of certainty to its invalidity.

Examples of inexcusable (غير سائغ) differences that aren’t based on an incorrect approach:<sup>(2)</sup>

Before we proceed, it is important to keep in mind that not all differences are acceptable; acceptable differences have to have a basis in Qur’ān and Sunnah or to have been reported by the *Salaf*. On this note, the Mālikī scholar Abul-Ḥassan ibn al-Hisar said:

فَلَيْسَ كُلُّ خِلَافٍ جَاءَ مُعْتَبَرًا إِلَّا خِلَافٌ لَهُ حَظٌّ مِنَ النَّظَرِ

**“Not every difference (khilāf) is valid. Valid difference is only the one that has some sound basis.”<sup>(3)</sup>**

- The permission of sodomy (between a man and his wife) attributed to Ibn ‘Umar.
- The permission of a small amount of intoxicant beverages made out of other than grapes and dates.
- The permission of *riba al-fadl* (the *riba* of increase).

(1) Ibn Taymiyyah, *Majmū‘at al-Fatāwā*, Vol. 24, 172.

(2) That is, the approach is correct, but the ruling is incorrect.

(3) as-Suyūṭī, *al-Ittiqān fī ‘Ulūm al-Qur’ān*, Vol.1, 45.

You will find that the scholars who upheld such positions had followed a valid approach to deduction but were unaware of all of the evidences. Sometimes, the error could also be the result of using a valid principle of deduction and misapplying it.

#### Examples of excusable (سائغ) differences:

In 'aqīdah (belief):

- The Prophet seeing his Lord.
- The degree of the infallibility of the messengers. Can they commit minor sins?
- The prophethood of al-Khiḍr.
- Leaving Islam via the abandonment of one of its pillars, particularly ṣalāt.
- Which was created first: the throne or the pen?

Some may be surprised that there are excusable differences in the matters of 'aqīdah. This should be no surprise, because though the foundations of our 'aqīdah are matters of consensus amongst Sunni Muslims, and only the detailed views are subject to different understandings, like in the case of *fiqh*. However, there are much less differences in 'aqīdah as oppose to *fiqh*. Moreover, the fact that the Companions differed over some matters of 'aqīdah is undeniable.

In *fiqh* (practice):

- The obligation of rinsing the mouth and nose in *wuḍū'*.
- The position of the hands after *rukū'*.
- The obligation of *niqāb* for women.
- The permissibility of offering Sunnah prayers during the times when supererogatory prayers are discouraged.
- The permissibility of meat slaughtered by the People of the Book without the mention of Allāh.

The last division of disagreements within the excusable differences category is that of strong and weak differences. In other words, the opposing position is strong in some instances and weak in others.

#### Examples of excusable differences where the opposing views are close in strength are:

- The inheritance of the brothers in the presence of the grandfather.
- Descending to prostration with the hands or knees first.
- Unity or multiplicity of moon-sightings.

- The obligation of *zakah* on jewelry.
- The obligation of the congregational prayers.
- Reciting *al-Fātiḥah* for the *ma'mūm*.

#### Excused differences during the time of the Prophet:

There are examples of differences arising from a difference of interpretation from the times of the Prophet as well. He excused such differences. The following is an example:

عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ النَّبِيُّ ﷺ لَنَا لَمَّا رَجَعَ مِنَ الْأَحْزَابِ: «لَا يُصَلِّيَنَّ أَحَدٌ الْعَصْرَ إِلَّا فِي بَنِي قُرَيْظَةَ» فَأَدْرَكَ بَعْضُهُمُ الْعَصْرَ فِي الطَّرِيقِ، فَقَالَ بَعْضُهُمْ: لَا نُصَلِّي حَتَّى نَأْتِيَهَا، وَقَالَ بَعْضُهُمْ: بَلْ نُصَلِّي، لَمْ يَرُدْ مِنَّا ذَلِكَ، فَذَكَرَ لِلنَّبِيِّ ﷺ، فَلَمْ يُعَنِّفْ وَاحِدًا مِنْهُمْ

**Narrated Ibn 'Umar: When the Prophet (may the peace and blessings of Allāh be upon him) returned from the battle of Ahzāb (the Confederates), he said to us, "None should offer the 'asr prayers but at Bani Quraizah." Then, the 'asr prayer became due for some of them on the way. Some of them decided not to offer the *ṣalāt* but at Bani Quraizah, while others decided to offer the *ṣalāt* on the spot and said that the intention of the Prophet was not what the former party had understood. When that was told to the Prophet he did not blame anyone of them.<sup>(1)</sup>**

#### Examples of weak differences:

- Giving *zakah* to any good cause.
- The permissibility of music.<sup>(2)</sup> Some may consider this difference to be inexcusable. However, despite the weakness of the permitting position, it is still within the scope of excusable differences. The discussion is still a scholarly one and the views of the permitters are not totally unfounded.
- The prohibition of ringed golden jewelry.
- The permission of two dimensional drawings.
- Allowing the sale of dogs.

(1) al-Bukhārī, aṣ-Ṣaḥīḥ, Hadith 946.

(2) This certainly does not include the rock and rap music of our day. Likewise, it is not related to lewd or indecent songs. The difference of opinion was only about the use of music alongside the recital of poetical verses that are also otherwise permissible.

vi. In *'aqīdah*, the vanishing of the hellfire is a position that is considered very weak.

Also under the correct vs. incorrect type of differences, there is another division of excusable disagreements which occurs in the arena of using discretion to judge on the ruling of a matter. Essentially, it is either related to interpreting a revealed text, or applying one of the various *Sharī'ah* principles, to different realities. In these cases, the understanding of the reality and the most suitable principle or ruling for it varies from one *mujtahid* to another.

Many of the differences between Muslim activists are a result of their different understandings of the realities being judged.

## 2.4 Some Benefits of Acceptable Differences

Ibn Taymiyah said,

إجماعهم حجة قاطعة واختلافهم رحمة واسعة

**“Their (the scholars) consensus is a definitive proof, and their divergence of opinion is a vast mercy.”<sup>(1)</sup>**

‘Umar ibn ‘Abdul-‘Azīz said,

ما أحب أن أصحاب رسول الله ﷺ لم يختلفوا؛ لأنه لو كان قولاً واحداً كان الناس في ضيق وإنهم أئمة يقتدى بهم ولو أخذ رجل بقول أحدهم كان في سعة

**“I do not like that the Companions of the Messenger of Allāh (peace and blessings of Allāh be upon him) do not differ (on an issue), for if they agree on one opinion, the people will be restricted. They (the Companions) are the leaders who are followed, and if a person were to adopt the opinion of one of them, it would be within his capacity.”<sup>(2)</sup>**

- i. As mentioned above, if differences are confined to their proper limits and people are trained to observe the proper ethics and norms of expressing and managing differences, there are several positive advantages that could result.
- ii. If intentions are sincere, differences of opinion could bring about a greater awareness of the various possible aspects and interpretations of evidence in a given case. Such differences could generate intellectual vitality and a cross-fertilization of ideas. The process is likely to bring into the open a variety of hypotheses in tackling specific issues.

(1) Ibn Taymiyah, *Majmū‘at al-Fatāwā*, Vol.30, 80

(2) Ibn ‘Abdul-Barr, *Jāmi‘ Bayān al-‘Ilm wa Faḍlih*, Vol.2, 901, No. 1689

- iii. Such a process is likely to present a variety of solutions for dealing with a particular situation so that the most suitable solution can be found. This is in harmony with the facilitating nature of the religion of Islam which takes into account the reality of people's lives.
- iv. These and other benefits can be realized if differences remain within the limits and the ethical norms which must regulate them. If these limits and norms are not observed, differences could easily degenerate into disputes and schisms and become a negative and evil force producing more rifts in the Muslim *Ummah*, which already has more than enough of such fragmentation. In this way, differences of opinion can change from being a constructive force to being elements of destruction.

### 3. Causes of Disagreement

#### 3.1 Divine Wisdom

At the root of any existing phenomenon is the will of Allāh. Nothing happens in His universe against His will or beyond it. Many of the matters He decreed are not loved by Him to be committed by His creations, but He still willed them for a reason. Although we can never encompass His wisdom, we should look for it in all of His decrees and commands.

Allāh states,

﴿وَجَعَلْنَا بَعْضَكُمْ لِبَعْضٍ فِتْنَةً أَتَصْبِرُونَ وَكَانَ رَبُّكَ بَصِيرًا﴾

**“And We have made some of you [people] as trial for others - will you have patience? And ever is your Lord, Seeing.”<sup>(1)</sup>**

If our entire life is a test, then our relationships are not an exception from that. We are being tested by Allāh by means of one another.

He also decreed that those disagreements will not all be concluded in this life, and many times the truth will become fully manifest in the hereafter, and will not fully prevail before then.

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(1) Qur'an 25:20



﴿وَمَا كَانَ النَّاسُ إِلَّا أُمَّةً وَاحِدَةً فَاخْتَلَفُوا وَلَوْلَا كَلِمَةٌ سَبَقَتْ مِنْ رَبِّكَ لَقُضِيَ بَيْنَهُمْ فِيمَا

فِيهِ يَخْتَلِفُونَ﴾

“And mankind was not but one community [united in religion], [but] then they differed. And if not for a word that preceded from your Lord, it would have been judged between them [immediately] concerning that over which they differ.”<sup>(1)</sup>

### 3.2 Human Nature

From the human perspective, contradictory disagreements happen because of:

- i. Failure of intent and conduct
- ii. Failure of understanding and judgment
- iii. A mixture of both

#### 3.2.1 Failure of Intent and Conduct

The failure of intent refers to situations when people know their position is false, but they continue to defend it. This could be due to various forms of vice, such as arrogance, vain desires (hawā), competition for the pleasures of this life, boastfulness, tyranny and sadism, etc. Allāh states,

﴿وَمَا اخْتَلَفَ فِيهِ إِلَّا الَّذِينَ أُوتُوهُ مِنْ بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ بَغْيًا بَيْنَهُمْ﴾

“And none differed over the Scripture except those who were given it - after the clear proofs came to them - out of jealous animosity among themselves.”<sup>(2)</sup>

Added to this category is the failure of conduct when ignorant people speak on that which they have no knowledge of, without regard to the grievousness of this. Today, ignorance of Islam is one of the most leading causes of differences between the Muslims. The Muslim mind has been under a persistent attack internally and externally, and the values and teachings of Islam have faded out in the Muslim minds and hearts. The Messenger of Allāh said,

«إن الله لا يقبض العلم انتزاعاً ينتزعه من العباد، ولكن يقبض العلم بقبض العلماء، حتى إذا لم يبق عالماً اتخذ

الناس رءوساً جهالاً، فسئلوا فأفتوا بغير علم، فضلوا وأضلوا»

(1) Qur'ān 10:19

(2) Qur'ān 2:213.

“Allāh does not take away the knowledge, by taking it away from (the hearts of) the people, but takes it away by the death of the religious learned men till when none of the (religious learned men) remains, people will take as their leaders ignorant persons who when consulted will give their verdict without knowledge. Thus, they will go astray and will lead the people astray.”<sup>(1)</sup>

### 3.2.2 Failure of Understanding and Judgment

The failure of judgment is where the seekers of the truth arrive at different conclusions due to their different perspectives or understandings, or the complexity of the matter at hand.

The very vast majority of the contradictory differences that took place between our grand scholars were a result of a failure of judgment, not intent.

The three most important reasons of their differences are:

- i. Disagreement over the establishment of proofs. (Did the revelation say that?)
- ii. Disagreement over the interpretation of proofs. (Did the revelation mean that?)
- iii. Disagreement over the reconciliation between different proofs. (But the revelation also said!)

#### 3.2.2-i The Establishment of Proofs

a- The availability of reports after the Prophet’s death

Even the Companions did not encompass all the knowledge conveyed by the Prophet (blessings and peace be upon him).

Abū Hurairah, the greatest narrator, held the view that whoever wakes up from sleep with *janabah*<sup>(2)</sup> cannot carry on with his fasting. However, both al-Bukhari and Muslim reported that ‘Ā’ishah and Umm Salamah (may Allāh be pleased with them both) said,

إن النبي ﷺ يصبح جنباً من غير حلم، ثم يصوم

“The Prophet would be *junub* in the morning, not as the result of a wet dream, then he would fast.”

When Abū Hurairah was told of what they said, he immediately conceded and said:

هما أعلم

(1) al-Bukhārī, *aṣ-Ṣaḥīḥ*, Hadith 100.

(2) *Janabah* is the “major ritual impurity requiring a *ghusl*.” Bewley, *Glossary of Islamic Terms*, 121.

**“They know better.”<sup>(1)</sup>**

b- The authenticity of reports:

Abū Dāwūd reported a weak hadith from ‘Ā’ishah (may Allāh be pleased with her) in which the Prophet (blessings and peace be upon him) said:

«يا أسماء، إن المرأة إذا بلغت المحيض لم تصلح أن يرى منها إلا هذا وهذا»

**“O Asmā’, when a woman reaches the age of menstruation, it is not proper for anything to be seen of her except this and this,” and he pointed to his face and hands.**

Abū Dāwūd said, “This is mursal. Khālid ibn Durayk did not meet ‘Ā’ishah. [In addition to Sa’id ibn Bashīr not being strong (in narrating)].”<sup>(2)</sup>

The authenticity of this report is controversial. Therefore, the scholars who uphold the obligation of niqāb are not bound by it, as long as they believe it is not authentic.

### 3.2.2-ii The Interpretation of Proofs

a- Linguistic Reasons

An example is that the word *qur’* mentioned in the Qur’an - in reference to the waiting period for women after divorce - could be linguistically interpreted as the period of menstruation or the period between two menstruations.

b- Personal Differences

This is not only seen in matters of religion, but in all matters, since people have different mental capacities, as well as personal and cultural diversity.

c- Differences in Uṣūl

This constitutes a major catalyst of *fiqhi* disagreements. For example, Imam Malik gives precedence to the actions of the people of Madinah over the singular (*aḥād*) reports.<sup>(3)</sup>

(1) Muslim bin Hajjāj, *as-Ṣaḥīḥ*, Hadīth 174

(2) as-Sajistāni, Abū Dāwūd, *as-Sunan*, Hadīth 4104

(3) “*aḥād*: an isolated hadith; a report which is transmitted through a single *isnād* or from a single source.” Bewley, *Glossary of Islamic Terms*, 97

### 3.2.2-iii The Reconciliation Between Different Proofs

The reconciliation between seemingly contradicting evidences, such as praying *tahiyat al-masjid* upon entering the *masjid* after *'asr* is a good example on this type of difference, for one report discourages praying after *'asr* and another commands praying two *rak'at* before sitting in the *masjid*.

### 3.2.3 A Combination of Both Failures; Intent and Judgment

Many times a dispute starts because of the second cause, but due to human inequity and ignorance, it gets bigger or continues because of the first. One could initially fail to see the fault in his reasoning, and subsequently develop zeal for his position and ignore the proofs and indications on his error. His initial error would be forgiven, but his zealotry and defiance of evidence thereafter is sinful.

## 4. The Ruling on Disagreement

The ruling on upholding a position other than what Allah truly intended varies based on the cause of such a stance.

Rejecting Allah and His Messenger, failing to believe in the entire revelation, and refusing to submit - even just by heart - to all of Allah's commands, is an act of disbelief.

Rejecting the sources of the religion as passed on to us by the first generation, and selecting from them only what agrees with our views, is a reprehensible innovation, and may reach the level of total disbelief, if it involves rejection of any verse of the Qur'an or *mutawātir* Sunnah.<sup>(1)</sup> Similarly, discrediting the Companions of the Prophet or some of them invariably leads into committing this grave deviation.

Innovating in the religion, and following an approach to the interpretation of the sources other than that sanctioned by the righteous predecessors (*as-Salaf as-Sāliḥ*), is also a deviation that is worthy of Allah's anger and displeasure.

Letting one's arrogance, vain desires (*hawā*), stubbornness, or blind allegiances, bar him or her from accepting the truth is an act of forbidden transgression. Such egotism which impedes being in accordance with the Book of Allah, the Sunnah of His Messenger, and pursuing the divine will, is a sin which is deserving of punishment.

Speaking of that which one has no knowledge about is prohibited.

(1) *Mutawātir*: Literally, it means 'continuously recurrent.' Technically, it means a report by a large number of people at all stages of the *isnād*, precluding the possibility of agreeing on a lie.

The erring of a qualified *mujtahid*, because of a failure of judgment, is forgiven by Allāh. Moreover, the *mujtahid* who is free from any transgression or *hawā* shall be rewarded for the effort invested into the study of the matter concerning which he erred.

The same applies to a follower, if they have done their best in pursuing the right *fatwa* by seeking it from a credible and knowledgeable *mujtahid*, and by examining his proofs to one's best capacity.

#### 4.1 The Ruling on Dealing with Variant Views

While disagreement may not cease to exist, discord is not favored, and at times, it is evil and it leads to many other evils. Should we then reconcile the various disagreements by compromises? What are the disagreements that should be maintained and those that may be reconciled, and how do we reconcile between them?

- i. There are some differences that must be maintained as a condition of faith.
- ii. There are those differences that must be maintained to protect the purity of the *dīn*.
- iii. There are differences that should be condemned because they are plain errors.
- iv. There are those differences that should be reconciled by gentle advice or tolerated.
- v. There are differences that do not warrant any reconciliation, but complementation.
- vi. The detailed rulings pertaining to the correct stance towards variant views shall be discussed in the next chapter.

### 5. Management of Disagreement

The disagreement whose management is discussed here is the oppositional disagreement, not the variational one. As for the variational disagreement, we mentioned - in our discussion of the types of disagreement - the pitfalls concerning them, and their management is by avoiding those pitfalls.

What is meant by management here is the prevention and treatment of the phenomenon of oppositional disagreement. This is not to say that our aim is the complete extinction of such disagreements, for that is unattainable. What is discussed here is how we can reach excellence in our attempt to narrow the scope of disagreement and handle the consequences of it.

Any talk about the right management of disagreement has to be cognizant of the types and causes of disagreement. Since the disagreements are not all equal, there are times when there is no

room for compromise, and at other times, there is much room for that. In the latter case, the purpose of maintaining the unity of the community should be transcendent to the importance of adhering to one's view. Also, the causes of disagreement, and whether they have to do with failure of intent or judgment, play a great role in determining how we manage them. In order to confine the scope of disagreement resultant from failure of judgment, work must be done towards promoting authentic knowledge and understanding. As for that which results from the failure of intent, much more important and extensive work is needed to purify the hearts from the originators of those failures.

## 5.1 General Recommendations

### 5.1.1 Accept that there will be disagreement but work for unity.

If Allāh destined that there will be disagreement, should we just surrender to that as an inevitable fate? No. We were commanded to strive towards unity.

Allāh states,

﴿وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ﴾

“And do not become like the ones who became divided and differed after the clear proofs came to them.”<sup>(1)</sup>

### 5.1.2 Hold on to the rope of Allāh; the Qur'ān and Sunnah.

Allāh states,

﴿وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا﴾

“And hold firmly to the rope of Allāh altogether and do not become divided.”<sup>(2)</sup>

### 5.1.3 Opposing the Sunnah using scholarly views isn't a part of legitimate differences of opinion.

The Messenger of Allāh instructed us to seek it by holding onto the Book of Allāh and his Sunnah. He (blessings and peace be upon him) said,

(1) Qur'ān 3:105

(2) Qur'ān 3:103.

من يعيش منكم يرى اختلافا كثيرا، وإياكم ومحدثات الأمور فإنها ضلالة فمن أدرك ذلك منكم فعليه بسنتي

وسنة الخلفاء الراشدين المهديين، عضوا عليها بالنواجذ

**“Indeed, whomever among you lives (after me) will see much differences. Beware of the newly invented matters, for indeed they are astray. Whoever among you sees that, then he must stick to my Sunnah and the Sunnah of the Rightly-Guided *Khulafā'* - cling to it with the molars.”<sup>(1)</sup>**

Imam ash-Shāfi‘ī said,

أجمع المسلمون على أن من استبانته له سنة رسول الله ﷺ - لم يكن له أن يدعها لقول أحد من الناس

**“The Muslims have unanimously agreed that whomever the Sunnah of the Messenger of Allāh becomes apparent to, it becomes impermissible for him to leave it for the saying of anyone, regardless of who they are.”<sup>(2)</sup>**

Imam ash-Shāfi‘ī (may Allāh bestow mercy on him) also said,

العلم ما كان فيه قال حدثنا... وما سوى ذلك وسواس الشياطين

**“Knowledge is that which is transmitted through chains of narrators... All other [so-called knowledge] is the whispering of the devils.”<sup>(3)</sup>**

#### **5.1.4 Take the righteous predecessors, particularly the first generation, as the standard and the benchmark against which all positions are evaluated.**

The beauty in Islam is that it was lived and practiced by a model generation, providing more guidance as to the way of adhering to the Qur’ān and Sunnah (theoretical foundation). The Prophet (blessings and peace be upon him) said,

«تفرقت اليهود على إحدى وسبعين أو اثنتين وسبعين فرقة، والنصارى مثل ذلك، وتفرقت أمتي على ثلاث وسبعين فرقة»

**“The Jews split into seventy-one sects, or seventy-two sects, and the Christians similarly, and my Ummah will split into seventy-three sects.”<sup>(4)</sup>**

(1) at-Tirmidhī, Abū ‘Ī sā, *al-Jāmi’* , Hadīth 2676.

(2) Ibn al-Qayyim, *I‘lām al-Muwaqqi‘in ‘an Rabb al-‘Ālamīn*, Vol.1, 6.

(3) ash-Shāfi‘ī and ‘ Abdul-Muṣaṭāwī, *Diwān al-Imām ash-Shāfi‘ī* , 118.

(4) at-Tirmidhī, Abū ‘Ī sā, *al-Jāmi’* , Hadīth 2640.

The Messenger of Allāh (blessings and peace be upon him) also said in the aforementioned hadith,

“...stick to my Sunnah and the Sunnah of the Rightly-Guided *Khulafā’*...”

Jabir (may Allāh be pleased with him) said,

ورسول الله ﷺ بين أظهرنا وعليه ينزل القرآن، وهو يعلم تأويله فما عمل به من شيء، عملنا به

“And the Messenger of Allāh was among us, and to him the Qur’ān was being revealed, and he knew its interpretation. So whatever he did, we also did.”<sup>(1)</sup>

### 5.1.5 Seek and propagate knowledge.

This helps protect us against much of the failure of judgment.

Knowing the points of consensus and difference is essential in the proper management of disagreement.

Individuals need to learn and promote learning. The Islamic organizations need to always keep a culture of seeking and honoring knowledge and its possessors. Scholarly discourse is to be encouraged for the continuity of intellectual viability and fertility. Inclusion of the experts in various fields of knowledge, such as medicine, management, chemistry, politics, economics, etc., is vital for the relevance of the Islamic discourse, and the applicability of the Islamic teachings.

### 5.1.6 Purify your heart from all evils.

- i. Frivolity.
- ii. Blind allegiances and cultish practices.

‘Umar ibn Abdul-‘Azīz (may Allāh be pleased with him) said,

العلم لا يهلك حتى يكون سرا

“Knowledge does not vanish except when it is kept secretly (to oneself).”<sup>(2)</sup>

He also said,

(1) as-Sajistāni, Abū Dāwūd, *as-Sunan*, Hadīth 1905.

(2) al-Bukhārī, *as-Ṣaḥīḥ*, Vol.1, 115.



إذا رأيت قوما يتناجون في دينهم بشيء دون العامة ، فاعلم أنهم على تأسيس ضلالة

**“When you see groups of people talking secretly about matters of the religion in isolation from the public, know that they are founding an innovation.”<sup>(1)</sup>**

iv. *Fatwah* shopping, or touring between the scholars for a convenient view, deems a person *fāsiq*.

Sulaymân at-Taymi said,

لو أخذت برخصة كل عالم اجتمع فيك الشر كله

**“If you adopt the lenient views of every scholar, you will have gathered total evil.”<sup>(2)</sup>**

Allāh states,

﴿أَفَكُلَّمَا جَاءَكُمْ رَسُولٌ بِمَا لَا تَهْوَىٰ أَنفُسُكُمْ أَسْتَكْبِرْتُمْ فَفِرَيقًا كَذَّبْتُمْ وَفَرِيقًا تَقْتُلُونَ﴾

**“Is it not so that whenever a Messenger from God came to you with something that was not to your personal liking, you gloried in your arrogance, and some of them you called impostors while others you would slay.”<sup>(3)</sup>**

﴿فَلَا تَتَّبِعُوا الْهَوَىَٰ أَن تَعْدِلُوا﴾

**“Do not then follow your own desires, lest you swerve from justice.”<sup>(4)</sup>**

### 5.1.7 Safeguard the ‘*aqīdah* and foundations of the *dīn*.

It is important that we preserve the purity of our ‘*aqīdah*. It is always advisable to take a harder line concerning differences that pertain to ‘*aqīdah* as opposed to those that pertain to practice. I must add here, however, that there could be excusable differences regarding matters of ‘*aqīdah*, like that what took place between ‘*Ā*’ishah and Ibn ‘*Abbās* concerning the issue of the Prophet seeing *Allāh*. Contrarily, many of the differences in *fiqh* may be inexcusable. *Abū* Bakr mainly fought against those who rejected the obligation of *zakāh*.

(1) al-Lalaka’i and al-Ghāmdī, *Sharḥ Uṣūl I’tiqād Ahl-us-Sunnah wal-Jam’ah min al-Kitāb wal-Sunnah wa Ijmā’ aṣ-Ṣaḥābah wat-Tābi’in wa man Ba’dahum*, 153.

(2) Ibn ‘Abdul-Barr, *Jāmi’ Bayān al-’Ilm wa Faḍliḥ*, Vol.2, 927, No. 1766.

(3) Qur’ān 2:87.

(4) Qur’ān 4:135.

### 5.1.8 Know your position and class amongst the people of knowledge, the public, and the position of others.

- i. It is impermissible for a *mujtahid* to imitate another *mujtahid* that views other than what his *ijtihad* lead him to.<sup>(1)</sup>
- ii. The people have agreed that a *muqallid* is not counted amongst the people of knowledge, for verily, knowledge is knowing the truth with its evidence.<sup>(2)</sup>
- iii. A *muqallid* may not condemn another *muqallid*, except in matters of consensus amongst the scholars. Otherwise, they may exchange advice concerning the superior position by encouraging an impartial quest for the superior position, and by referring to the expositions of various positions by *mujtahidūn*.
- iv. Concerning our scholars that held false views:
  - a- Mistakes resultant from *ijtihad* should never result in defamation when they come from those known for their virtue and knowledge.
  - b- Scholars of the Sunnah & defenders of deviance can never equate. For the scholars of the Sunnah, we should allow no one to violate their sanctity.
  - c- Concerning our great imams, Imam adh-Dhahabi said, "When water reaches two qullāt, it will not become impure."
  - d- This does not necessitate our approval or silence about their error.
  - e- 'Alī (may Allah be pleased with him) said, "Surely the truth is not known (recognized) by the people, rather know the truth and you will come to know (recognize) its people."<sup>(3)</sup> Therefore, it is unbecoming to say a certain position is correct because a certain imam upheld it.

### 5.1.9 Maintain the brotherhood amongst the Muslims, and when you see an otherwise sincere Muslim commit an injustice, condemn it, but do not forget all the good he does.

We should all remember how the Prophet (peace and blessings be upon him) said one day to Abū Dharr,

(1) al-Āmidī, Abū al-Hasan 'Alī, *al-Iḥkām fī Uṣūl al-Aḥkām*, Vol.4, 247.

(2) Ibn al-Qayyim and as-Salmān, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*, Vol.2, 11.

(3) Ibn al-Jawzī, *Talbīs Iblīs*, 483.

إنك امرؤ فيك جاهلية

“You still have some characteristics of ignorance.”<sup>(1)</sup>

But, who is Abū Dharr? The Prophet again tells us:

ما أقلت الغبراء، ولا أظلت الخضراء، من رجل أصدق لهجة من أبي ذر

“There is no man on earth, or under the sky, who speaks more truthfully than Abu Dharr.”<sup>(2)</sup>

#### 5.1.10 Be realistic.

Be mindful of the various differences amongst people.

Also, remember that people have differences in their potential for excellence.

Graduation in reform is part of the way Islam addressed human weakness and these differences in potential.

#### 5.1.11 Avoid *jadal* (dialectics).

There are two ways to define *jadal* (dialectics):

- i. Advancing evidence to show which juristic rulings are sounder.
- ii. Enabling a person to maintain a position, no matter how false it is.

The second type is evil and must be avoided. Abū Umāmah relates that the Messenger of Allāh (blessings and peace be upon him) said:

«أنا زعيم بيت في ربض الجنة لمن ترك المراء وإن كان محقا، وبيت في وسط الجنة لمن ترك الكذب وإن كان

مازحا وبيت في أعلى الجنة لمن حسن خلقه»

“I am the claimant of a house on the outskirts of Paradise for the one who refrains from opinion-based arguing, even if he is in the right, and a house in the middle of Paradise for the

(1) al-Bukhārī, *as-Ṣaḥīḥ*, Hadīth 30.

(2) Ibn Mājah, Muhammad bin Yazīd, *as-Sunan*, Hadīth 156.

**one who refrains from lying, even when he is joking, and a house in the highest part of Paradise for one who makes his character good.”<sup>(1)</sup>**

### 5.1.12 We are required to pursue the truth.

Difference of opinion is not a license for each person to select what suits their whims and desires. The scholars agree on this being *fisq*.<sup>(2)</sup> Each one must excel in pursuing the divine intent from the legislation, within their capacity. A *mujtahid* is obligated to deduce for himself and adopt that result, even if greater scholars have said otherwise. A *muqallid* is obligated to seek out the most knowledgeable and trustworthy of the scholars accessible to him, and abide by what they determine to be the strongest view. If two of them disagree, he should do his best in weighing their proofs. If he cannot understand the discourse, he may then choose one of the two positions without blame.

Ash-hab, a student of Imam Mālik, said, “Someone asked Mālik whether one is safe to follow any ruling related to him from one of the Companions. He replied, ‘No, by Allāh, unless it is correct, for the truth is only one.’”<sup>(3)</sup>

Avoid speaking with certainty when experts disagree.

The Companions always stressed that their deductions were not necessarily what Allāh intended. Ibn Mas‘ūd, for instance, would say,

فإن يك صواباً، فمن الله وإن يكن خطأ فمني ومن الشيطان، والله ورسوله بريئان

“...so if this (verdict) is correct, it is from Allāh, and if it is mistaken, it is from me and Shaytān, and Allāh and His Messenger are free of it.”<sup>(4)</sup>

## 5.2 Specific Recommendations

Each type of disagreement call for a different approach of management.

### 5.2.1 Differences Between Religions

The discussion here is to show them the truth, not to discover it together, and not to find a midpoint.

(1) as-Sajistāni, Abū Dāwūd, *as-Sunan*, Hadīth 4800.

(2) *Fisq* is “deviant behavior, leaving the correct way or abandoning the truth, disobeying Allāh, immoral behavior.” Bewley, *Glossary of Islamic Terms*, 68.

(3) al-Khaṭīb al-Baghḍādī and al-Izazī, *al-Faqīh wal-Mutafaqqih*, Vol.2, 11.

(4) as-Sajistāni, Abū Dāwūd, *as-Sunan*, Hadīth 2116.

Cooperation is regarding the common good of humanity; justice, peace, security, protection of the environment, etc.

### 5.2.2 Differences Between Muslim Sects

Cooperation here is like that with non-Muslims. In addition, they have the general rights of Muslims, if their innovation does not take them beyond the pale of Islam. Of those rights is to support them against their enemies if they become subjected to oppression by them.

### 5.2.3 Within Ahl as-Sunnah

#### 5.2.4 Sunnah vs. *Bid'ah* and Truth vs. Falsehood

Condemn the false position and do not propagate it in any way, directly or indirectly.

If the innovation is not simply an isolated incident(s) of deviation, and it is a pattern for which the person is known, you should warn against his deviations, if he was influential and the people are being led away from the Sunnah by him.

When the deviation affects the tenants of the *'aqidah* and the foundations of the religion, we should never be looking for unity of the *Ummah* at the expense of the *dīn*. This *Ummah* is worth nothing without Islam. Remember the position of *Abū Bakr* against those who rejected the obligation of *zakah* and those claimants of prophethood.

#### 5.2.5 Correct vs. Incorrect

##### Inexcusable (غير سائغ) differences

- Condemn the false position and do not propagate it in any way, directly or indirectly.
- If the person is otherwise generally abiding by the Sunnah, do not compromise their credibility.

##### Excusable (سائغ) differences

- Differentiate between weak differences and strong differences.
- Advise your brethren of the stronger views without condemning theirs.
- Be more assertive concerning the weaker differences, but still without frank condemnation.

### 5.2.6 Variational Differences

Those differences do not even warrant reconciliation. If there are different ways of performing a certain act, then everyone is free to choose their preferred way. When this has to do with different individuals and groups performing variant functions, such diversity should be encouraged because no single individual or group is capable of fulfilling all of the duties on this *Ummah*. Balance should be exercised. Belittling the work of others should be totally avoided.

Finally, there should be a difference in treating those who arrived at the wrong position out of failure of intent and those who did the same out of failure of judgment.

May *Allāh* unite our *Ummah* in goodness!

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