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Differences of Opinion: Their Causes & The Muslim's Stance Towards Them

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Verily all praise is for Allah, the only true God worthy of worship, and peace and blessings be upon Muhammad, the slave and final Messenger of Allah.

People were a single nation upon the religion of Adam (*'alaihissalaam*) for fourteen generations, then the devils dislodged and diverted them from their *deen* (religion) and forbade them from what Allah had made permissible. They disagreed and differed, so Allah sent His Messengers in succession so that they would worship Allah alone and so that His sayings would be the deciding factor in any disagreement. Muhammad [] came after a gap in the succession of Prophets, to explain the straight way to the people and to guide them by Allah's permission, in those matters of the truth about which they differed, to the way of the Mighty and the One worthy of all praise.

The reason this topic is being written about, when this page could have well been written about matters of more importance pertaining to this *deen*, is because it occupies the minds of many people, especially in this time of ours. Not only does it cause confusion in the minds of the common people, but also the students of knowledge. Additionally, this article aims at eliminating hatred, enmity, and disunity amongst Muslims as a result of differences in opinion. We ask Allah Most High, that upon taking a glimpse at this topic, that there will develop an increase in the respect of scholars and tolerance towards other Muslims who hold valid opinions that may be contrary to that of others.

During the lifetime of Prophet Muhammad [], people used to refer directly to him when in dispute, so he would judge between them, making the truth plain to them. How often do we read in the Qur'an: "They ask you regarding..." upon which Allah [] would then reply to His Prophet with a clear answer, ordering him to convey it to the people. Some examples include the following verses:

"They ask you as to what is lawful for them. Say, 'Lawful unto you are all things good and pure...'"¹

"And they ask you as to what they should spend. Say, 'What is beyond your needs...'"²

"They ask about the spoils of war. Say, 'The spoils of war are for Allah and the Messenger...'"³

"They ask you about the new moon. Say, 'They are signs to indicate fixed periods of time for mankind and for the pilgrimage...'"⁴

After the demise of the greatest man ever to have set foot on the face of the earth, Prophet Muhammad [], the Muslim Ummah (nation) differed on legal rulings of the Sharee'ah. However, these disagreements within subsidiary issues do not affect or harm the fundamentals of the *deen*, and hence, do not impose on the principles of the Sharee'ah nor its root sources – The Qur'an and the Sunnah. None of the scholars who are trusted, and relied upon with respect to their knowledge, trustworthiness and religion, intentionally oppose the book of Allah and the Sunnah of His Messenger []. Nevertheless, it is indeed possible for scholars to commit mistakes in the laws of Allah because the human, as Allah describes him, is weak: "...and man was created weak."⁵

Therefore, man is weak in his knowledge and perception, and he is weak in his understanding and comprehension. As a result, mistakes will emanate from him in some matters. Mistakes committed by the majority of the scholars are not in the fundamentals, except there are those who have fallen into error and stood in opposition to certain fundamentals of Ahlus-Sunnah as a result of their *ijtihaad*. Ibn Taymiyyah states: "...Many of the Mujtahidoon of the *Salaf* (pious predecessors) and those later on have said and performed deeds which are innovations. They however, did not know these deeds to be acts of innovation due to weak hadiths which they believed to be authentic, or incorrectly understanding verses of the Qur'an or due to an opinion they exerted in an issue which had textual evidences they were not aware of..."⁶

The Causes

The following causes are some of the frequently found reasons for differing between scholars:

1. The evidence was not known to the scholar, which ultimately led to error in his judgement.

Evidences pertaining to a particular issue or issues of the deen not reaching a scholar, whether he be one of the four schools of thought⁷ or any of the scholars that came after them, is not something unique to them only. This also happened to the companions themselves. This can be seen in the hadith collected in Saheeh Bukhari:

'Umar ibn Al-Khattaab (r.a) was travelling to Ash-Shaam. Along the way, someone mentioned to him that a plague had broken out there. So he stopped and started to seek counsel from the companions. He counseled both the Muhaajiroon and the Ansaar, and the companions differed on this issue which resulted in two opinions, the correct being that they should not travel to Sham but return to Madinah. During this deliberation and consultation, 'Abdur-Rahman ibn 'Awf, who had been preoccupied and therefore not initially present, turned up and remarked: "I have with me some knowledge on this matter. I heard the Messenger of Allah [] say: 'If you hear of it (i.e. a plague) being in a land, do not go there, and if it breaks out in a land which you are in, do not leave in flee of it.'"⁸

This example illustrates that people who lived during the time of revelation did not have knowledge and evidences regarding everything. The above ruling given by 'Abdur-Rahman ibn 'Awf was not only not known to the chief of the believers, 'Umar ibn al-Khattaab (r.a), but also to the major companions of the Muhaajiroon and Ansaar.

2. The hadith is known to the scholar, however he regards it as being in contradiction to a stronger hadith.

Once again, let us look at an example involving the companions themselves and not those after them.

Fatimah, the daughter of Qays (may Allah be pleased with her) was divorced by her husband for the third and final time. He arranged for wheat to be sent to her as a means of sustenance during her waiting period. She however, belittled it and refused to accept it. They then took their case up with the Prophet [], whereupon, he informed her that she in fact had no legal claim to any maintenance or accommodation.⁹ 'Umar ibn Al-Khattaab was unaware of this Sunnah and held the view that the woman in such a predicament was entitled to maintenance and housing. He rejected the above mentioned hadith on the basis that she may have forgotten and said: "Are we to leave the saying of our Lord for the saying of a woman, when we know not if she has remembered or forgotten?" The verse 'Umar (r.a) was referring to is: "...and do not turn them out of their (husbands') homes, nor shall they (themselves) leave unless they are guilty of open lewdness..."¹⁰

The chief of the believers did not have any confidence in the authenticity of this piece of evidence. There are numerous examples where we notice that some scholars regard a certain hadith as authentic, so they give judgement in accordance to it. Whilst others see it as being weak so do not consider it, due to a lack of trust as to whether it actually is reported from the Messenger of Allah [redacted].

3. The scholar knew the hadith but he did not recollect it.

Indeed just how many people find that a hadith or a verse from the Qur'an has slipped from their minds. Even the Prophet [redacted] can forget, the one to whom revelation is sent down. Allah [redacted] said: "We shall cause you to recite so that you do not forget, except what Allah wills..."¹¹ The Messenger of Allah [redacted] led his companions in prayer one day and he missed out a verse forgetfully. Ubayy ibn Ka'b was present with him, so when the Prophet [redacted] finished praying and was informed that he missed a verse, he said to Ubayy: "Why didn't you remind me of it?"¹²

An example for this cause is the incident involving 'Umar ibn al-Khataab and 'Ammar ibn Yaasir (may Allah be pleased with them both). The Messenger of Allah [redacted] had sent them on an errand. On their journey one morning, both of them awoke in a state of *Janaabah* (major impurity). 'Ammar exercised his judgement and saw that the purifying action of the earth was the same as that of water. So he rolled around on the earth just as the animal would, in order to completely cover himself with the earth just as it would have been compulsory for him to cover his entire body with water; he then prayed. As for 'Umar, he did not pray. When they approached the Prophet [redacted], he informed them of the action that should have been taken saying to 'Ammar: "It would have been enough for you to do this with your hands." The Prophet [redacted] struck the ground with his hands once, wiped his left hand on top of his right hand, then he wiped his palms and face.¹³

'Ammar used to relate this incident before and during the *khilaafah* of 'Umar. One day, 'Umar summoned for him and said: "What is this hadith which you keep relating?" After 'Ammar informed him of the incident, 'Umar did not recall it and said: "Fear Allah O 'Ammar!" So 'Ammar said to him: "If you so desire, as Allah has made binding my obedience to you, I will stop narrating this incident." 'Umar replied: "We leave you to that which you have adopted." i.e. relate it to the people. Therefore, we see that 'Umar had forgotten that the Prophet [redacted] allowed *tayammum* (dry ablution) for the one in the state of *janaabah*, just as it is allowed for the one who is in the state of minor defilement. The point to be made here is that a scholar can forget, becoming oblivious to the correct legal judgement and therefore giving an incorrect judgement, for which he is excused. However, the one who is aware of the evidences is not excused.

4. The scholar is aware of the evidence but understands it incorrectly.

An example from the Sunnah to support this cause is the incident where the companions differed with each other on their way to a battle. The Messenger of Allah [redacted] ordered his companions to set out for Bani Quraydhah and said: "None of you should pray 'Asr except at Bani Quraydhah."¹⁴ The companions understood this command differently: Some thought that the Messenger of Allah's intention was for them to make haste in setting off so that when the time for 'Asr prayer arrived, they would already be at Bani Quraydhah. Consequently, when the time for 'Asr prayer set in and they were in fact still on their way, they prayed and did not delay it out of its prescribed time. The other companions understood the Messenger of Allah's order to mean that they should not pray 'Asr until they reach Bani Quraydhah. Hence they delayed their prayer until they reached Bani Quraydhah and therefore prayed it outside its time.

This hadith is a fundamental evidence for not rebuking the Mujtahid who falls into error when exercising his judgement. This is only true when certain conditions are met. Some of them are the

following: Firstly, the person performing Ijtihad is qualified to do so. Secondly, the particular issue in which he errs in is open to Ijtihad. Thirdly, the person exerts his utmost in trying to arrive at the correct ruling. Also, the person must have some form of evidence, which he uses to justify his position. The Messenger of Allah [] said: "If a judge gives a ruling upon Ijtihad and is correct, he will attain two rewards, and if he performs Ijtihad and errs in his ruling, then he secures one reward."¹⁵ So, it is only when the previously mentioned conditions are met that this hadith can take effect. This is an extremely important matter related to "differing" mentioned by a number of scholars like Ash-Shaatibi, Al-Khataabi, Ibn Taymiyyah and their like. In the example of Bani Quraydhah, the correct position is with those who prayed on time. This is because the texts which make the prayers at their stated times obligatory, are clear and conclusive; and this hadith is a vague text. Therefore, the sound and correct methodology that should be adopted in such circumstances is to refer those texts that are vague and ambiguous back to those that are clear and conclusive – And Allah knows best.

5. The scholar is aware of the hadith, but it is in fact abrogated.

At the advent of Islam, the praying person, when in *rukoo'* used to put his hands together and place them between his knees. However, this was later abrogated, and the new ruling was for one to place his hands on his knees.¹⁶ Once, Alqamah and Al-Aswad, two famous *taabieen* scholars from amongst the students of Ibn Masoud prayed at his side; they placed their hands on their knees, whereupon, he prohibited them and ordered them to do as he did. This is because he did not know of the abrogation. Hence, a scholar may use as evidence for his ruling a hadith that is authentic, its meaning may also be understood correctly, however, little did he know of its abrogation.

6. The scholar is aware of the evidence, but he sees it to lie in conflict or contradiction to a stronger evidence.

We often hear one asserting that there is a consensus of the scholars on a particular issue, only to find out that no such consensus has in fact taken place. An example of this is that a group related that there was a consensus of the scholars on the acceptance of a slave's testimonial, whilst others reported that there was a consensus on the rejection of a slave's testimony. The reason this occurs is because a certain type of individual who is surrounded by people who agree with him on an issue, believes that not a single person disagrees with him due to his full conviction that this judgement is exactly what the texts imply. Hence, two evidences form in his mind: the text and a consensus of the scholars. In addition, he may even feel that this judgement is supported by correct analogical deduction known as *qiyaas*. Therefore he judges that no one differs on this text which to him is supported by correct *qiyaas*. The reality however, is the complete opposite. Ibn 'Abbaas [] is of the opinion that *riba* (usury) only occurred in *an-nasee'ah*¹⁷, whilst the scholars after him have all agreed that *riba* is of two types: *al-fadl*¹⁸ and *an-nasee'ah*.

7. The scholar gives a ruling based on a hadith he deems to be authentic, whilst others see it as weak (da'if).

A weak hadith is not a true saying or action of the Prophet [] and cannot be used to prove any point of Islamic Law. Thus any law which is based on such a hadith is considered incorrect. In the hadith collected by Abu Dawud, whereby Hafs ibn Ghayyaath reported from 'Abdur-Rahmaan ibn Is-haaq from...that 'Ali ibn Abi Taalib was supposed to have said: "The Sunnah position of the hands in *Salaah* is to place one hand on the other hand, below the navel." This hadith is classified as weak because 'Abdur-Rahmaan was a known liar.

In another hadith also collected by Abu Dawud, and which the scholars of hadith classified as authentic, Taawoos reported: "Allah's Messenger [] used to put his right hand on his left hand and place them on his chest whenever he was in *Salaah*." Another example is the differences

of opinion concerning the prayer of *Tasbeeh*. Whilst some scholars view it as legislated and justifiable, others deem the hadiths regarding it as not authentic. Shaykhul-Islam Ibn Taymiyyah said: "It's hadith is a lie on the Prophet [redacted]."

Whose opinion should we follow?

It is obligatory on the Muslim to search and investigate in order to find the one closest to the correct opinion. Just as a person who is sick, looks for the most competent person in the field of medicine, then the same applies here, as knowledge is a remedy for the hearts. It is not a condition that you take all your rulings from the most knowledgeable person of your time. This is because not every knowledgeable person always holds the correct opinion. This statement can be supported by the fact that at the time of the companions, people would ask one who was less knowledgeable than others who were also present. At the very least, a Muslim should refer back to those whom he believes to be the most competent in both his religion and knowledge, one who refers back to the Qur'an and authentic Sunnah. The notion that because there is a difference on a particular matter, e.g. with regard to the prohibition of something, it therefore becomes permissible is completely rejected by the Sunnah. If we were to accept this then we would declare lawful *riba*, illegal marriages like *mut 'ah* and certain intoxicating drinks because the ummah differed in these issues. Allah Most High says: "If you differ in anything amongst yourselves, refer it back to Allah and His Messenger, if you believe in Allah and in the Last Day."¹⁹ Let us conclude by citing some of the statements of the Imaams of the four schools of thought, may Allah have mercy on them all:

Abu Haneefah

"If a hadeeth is found to be saheeh, then it is my madhhab."²⁰

"It is not permitted for anyone to accept our views if they do not know from where we got them."²¹

2. Maalik ibn Anas

"Truly I am only a mortal: I make mistakes (sometimes) and I am correct (sometimes). Therefore, look into my opinion: all that agrees with the Book and the Sunnah, accept it; and all that does not agree with the Book and the Sunnah, ignore it."²²

"Everyone after the Prophet (peace and blessings of Allaah be upon him) will have his sayings accepted and rejected, except the Prophet (peace and blessings of Allaah be upon him)."²³

3. Shaafi'i

"If you find in my writings something different to the Sunnah of the Messenger of Allaah (peace and blessings of Allaah be upon him), then speak on the basis of the Sunnah of the Messenger of Allaah (peace and blessings of Allaah be upon him), and leave what I have said."²⁴

"When a hadeeth is found to be saheeh, then that is my madhhab."²⁵

4. Ahmad ibn Hanbal

"Do not follow my opinion; neither follow the opinion of Maalik, nor Shaafi'i, nor Awzaa'i, nor Thawri, but take from where they took."²⁶

Therefore reflect on these sayings, for they alone are enough to smash blind following of opinion.

And Allaah knows best.

Alhamdu Lillah and may the peace and blessings of Allaah be upon His Messenger Muhammad.

Footnotes:

1. Al-Maa'idah, 5: 4
2. Al-Baqarah, 2: 219
3. Al-Anfaal, 8: 1
4. Al-Baqarah, 2: 189
5. An-Nisaa, 4: 28
6. Majmoo' al-Fataawa (vol. 19, pg. 191)
7. Abu Hanifa, Maalik, Shafi, and Ahmad ibn Hanbal (May Allah have mercy on them all)
8. Saheeh al-Bukhari, English translation, 4/452/no. 679
9. Saheeh Muslim, English translation, 2/769-773
10. At-Talaaq, 65: 1
11. Al-A'laa, 87: 6-7
12. Sunan Abu Dawud and Musnad Imam Ahmad ibn Hanbal
13. Saheeh Bukhari, English translation, 1/208/no. 343
14. Saheeh Bukhari, English translation, 2/34
15. Saheeh Bukhari, Muslim, and others
16. Saheeh Bukhari
17. Illegal profit earned on a lent commodity
18. Illegal profit earned by exchanging the same commodity, different in quality
19. An-Nisaa, 4: 59
20. Ibn 'Aabideen in al-Haashiyah (1/63 and others)
21. Ibn al-Qayyim in I'laam al-Mooqi'een (2/309) and others
22. Ibn 'Abdul Barr in Jaami' Bayaan al-'Ilm (2/132) and others
23. Ibn Hazm in Usool al-Ahkaam (6/145,179) and others
24. Khateeb in Al-Ihtijaj bi ash-Saafi'i (8/2) and others
25. Nawawi in Al-Majmoo' (1/63) and others
26. Ibn al-Qayyim in I'laam (2/302) and others