

Book Review

Synopsis of 'The Ethics of Disagreement in Islam'

Md. Mokhter Ahmad*

'I disapprove of what you say, but I will defend to the death your right to say it', said Voltaire in a statement largely attributed to him.¹ A somewhat similar attitude was exhibited by Imām al-Shāfi' while dealing with his opponents. Yunus al Ṣadafī said, 'Wiser than al Shāfi' I have never seen anyone. I debated with on a juristic issue, and then we parted. He met me on the same day, took my hands and said: O Abū Mūsā! Is not it right to remain as brothers while disagreeing on an issue?' This is how the Muslims scholars exercised their intellectual freedom while holding their opponents in high esteem.

Intellectual disagreement is very much inherent in Islamic intellectual discourse. Right from the era of the Prophet (saas), the Muslims enjoyed, exercised and exhibited this disagreement in an unhindered environment. Despite being directly guided by Allah, the Prophet (saas) asked His Companions for their opinions while making any decisive conclusion. Quite interestingly we see that upon 'Umar's (r.) desire, a few Qur'anic injunctions were revealed upon the Prophet (saas) reflecting the space of creative thinking among the early Muslims. This space created the much needed dynamism in the Islamic scholarly arena propelling the Muslim academicians to go for profound and further intellectual penetration.

The scholars engaged in scholarly debate in early Islamic periods were cognizant of the boundaries between fundamental and non-fundamental issues, of what to fight for and what to fight not, were able to adduce authentic and genuine proofs in favour of their opinions, and would produce their positions in front of the Muslim masses for an informed judgment on their parts, without making any manoeuvre to influence and manipulate public support. This intellectual debate was honest in nature, candid in endeavour and sincere in exercise which

* Associate Professor, International Islamic University Chittagong, Dhaka Campus, mokhterahmad@gmail.com

¹. Voltaire probably never said these exact words. They were written in 1906 by Evelyn Beatrice Hall (pseud. S. G. Tallentyre) in the biography "The Friends of Voltaire". The author did not attribute the words to Voltaire, but used them to sum up Voltaire's attitude: See: <http://www.quotationspage.com/quote/331.html>

continued during the best generations of Islam (i.e., the era of the Prophetic Companions, their Successors, and the Successors of the Successors). But after a mere 400 hundred years of the demise of the Prophet (pbuh) the political fragmentation of the Islamic world begun, and continued in the subsequent centuries. An *Ummah*, once united along faith-lines, disintegrated into more than seventy small states with innumerable mutual disagreements and conflicts. Indeed, writes Ṭāha Jābir al ‘Alwānī in his ‘The Ethics of Disagreement in Islam’, these differences are at the root of the crisis, by all means an intellectual one, which has afflicted the Islamic world bringing its onetime glory to deplorable levels. Dr. al ‘Alwānī, a founder of IIIT, its onetime President and a member of its Board of Trustees, regards his this work as an essential element in the treatment of this grievous and widespread malady presently besetting the Muslim world.

‘The Ethics of Disagreement in Islam’ is the English rendering of Dr. al ‘Alwānī’s ‘*Adab al Ikhtilāf fī al Islām*’ based on its third edition. It was fifth publication on issues in Islamic thought of International Institute of Islamic Thought (IIIT) as a part of its Islamization of Culture Series. Rendered by AbdulWahid Hamid, this English version of ‘*Adab al Ikhtilāf fī al Islām*’ saw the reorganization of its chapters. The number of chapters has been increased from six to ten by turning the author’s original preface into the first chapter, dividing the original second chapter into three subsequent chapters, and making the conclusion into a final chapter. Some chapters have been edited to a certain extent, but the attempt has been made by and large to remain close to the original.

In the preface of the English rendering, Dr. al ‘Alwānī pointed to the recent unfortunate emergence of a number of Islamic groups in the Muslim world claiming to solely represent ‘true’ Islam while labeling other Islamic parties as disbelievers, apostates and heretics. Thereafter, said al ‘Alwānī, they began to take opposing positions and soon fragmented themselves into numerous Islamic parties, associations, factions and coalitions, each with its own agenda. To make matters worse, for al ‘Alwānī, each opposing groups focused their concentrations on outdoing the opposition in the hope of capturing the support of the Muslim masses, which caused the masses to feel totally confused as most sincere and simple of them had always hoped for solution of their problems with these ‘Islamic’ parties coming to power.

To al ‘Alwānī, this malady is the outgrowth of a faulty understanding of the meaning of the ethical guidelines prescribed by Islam, on one hand, and the hair-splitting dispute among the opposing factions over abstruse points of *fiqh* and theology, while entirely forgetting the higher aims, principles and purposes of the *Sharīah*, on the other. This, argues al ‘Alwānī, does not do any good to the *Ummah*, rather, experience shows, long immersion in such futile debate often renders the mind incapable of comprehending real situations and making value judgments on changing circumstances.

Despite being originally intended to address these opposing Islamic political parties in a given Muslim country, the author went to great lengths to give examples from classical Muslim historical experience. In particular, he analyzes instances of judicial disagreement between the early *fuqahā*, differences that were not allowed to go beyond the academic domain or to cause hard feelings among the debaters and dissenters alike. Certainly, while having these differences they never lost sight of the higher purposes of the *Sharīah* or their responsibilities to the *Ummah* at large.

In Chapter One of his book, Dr. al 'Alwānī focused primarily on the malaise of Discord the *Ummah* has been suffering since long. He narrated here, at a stretch, the discord and its devastating consequences while citing the examples of the earlier nations who were ruined because of this unhealthy discord. Disagreement, mutual jealousy, and religious schism were the factors contributing directly to the undoing of the Jews and the Christians in pre-Qur'anic times and the superseding of their religions. To al 'Alwānī, contemporary Muslim world is afflicted by numerous diseases engulfing almost every aspect of its being, and arguably, the most dangerous disease afflicting now the *Ummah* is the disease of disagreement and discord. Having violent disagreement goes against the spirit of the Qur'an and Sunnah which in numerous occasions enjoined for unity and forbids disunity. Terming disagreements and varying interpretations in minor matters very natural due to the differences in intellect, perspective and perceptions of human beings, Al 'Alwānī argues that early Muslim scholars disagreed in a balanced and holistic way keeping their unswerving attachment to the Qur'an and the Sunnah while the latter engaged themselves in violent disagreements over, in most of the cases, trivial issues of jurisprudence which led them occasionally to cause total physical annihilation of their opponents. We are reminded here of the physical annihilation of the Mu'tazilites at the hands of the Khawārizites who were of the opinion that Muslims who did not share their views should be killed. Terming this crisis as intellectual paralysis, al 'Alwānī suggests a renewed stress on returning to the early Muslims legacy of unswerving attachment to the Qur'an and the Sunnah; an unremitting search for true knowledge and the application of this knowledge; restoration of linkage between knowledge and ethics; adherence to the principles and rules for inference and deduction; and demarcating clearly the areas of mutual agreement and cooperation with the object of achieving Muslim solidarity.

In Chapter Two of Ethics of Disagreement, Dr. al 'Alwānī discusses the spectrum of disagreement; analyzes the meaning and nature of *Ikhtilāf*², and clarifies with jurisprudential connotations three somewhat close terminologies, i.e., *Ikhtilāf*, *Jadal* (dialectics), and *Shiqāq* (dissension). The author, then, defines 'Acceptable Differences' and 'Unacceptable Differences' and, declaring unacceptable differences as impulsive and abhorrent he claims

² The Arabic term *ikhtilāf* denotes taking a different position or course from that of another person either in opinion, utterance, or action.

that acceptable differences are natural, and mentions some benefits of acceptable differences like stimulating intellectual vitality, cross-fertilization of ideas, and offering solution alternatives for the masses to choose the soundest and most suitable solution for them. Some examples of such disagreements, cites al 'Alwānī, concern the differences among the '*ulāmā*' with regard to the nullification of wudū by blood from a wound or by induced vomiting; about reciting the Qur'an aloud in *ṣalāh* after the imam; reciting *bismillāh* at the beginning of Sūrah al Fātihah; and saying *āmīn* aloud after the recitation of Sūrah al Fātihah. He then labels impulsive disagreements as evil, diagnoses the reasons causing impulsive disagreements and offered some potential remedies for overcoming this.

From Chapter Three to Chapter Five, Dr. al 'Alwānī underwent a historical scanning of the disagreements took place during the first generations of Islam. A historical glimpse at the disagreements between believers reveals a multifaceted picture. Disagreements that happened among the companions during the time of the Prophet (saas) were referred to the Prophet (saas) himself and dealt with by him. The author mentioned two examples of such disagreements among the Companions regarding the interpretation of Prophetic instructions and discussed the possible analytical approach the concerned Companions adopted for their interpretation. There are three 'Interpretive Process', al 'Alwānī remembers, which are: (1) Close/Plausible Interpretation: A close or plausible interpretation is one which can easily be sustained from the import of a text; (2) Remote Interpretation: A remote interpretation is one which requires a far greater degree of pondering and probing into the substance of a text; and (3) Far-Fetched Interpretation: Such an interpretation cannot be construed from the text itself and the interpreter does not possess any shred of evidence to support his interpretation. The author also discussed the rules of interpretation, the conditions of interpretation and the conditions when an interpretation is regarded as false and invalid, examples of some interpretive differences among the Companions themselves. Lastly, al 'Alwānī summed up the salient features of the ethics of disagreement during the time of the Prophet.

In Chapter Four, the author gave examples of disagreements among the Companions immediately after Prophet's death (like disagreements about Prophet's death, over his burial, succession to the Prophet; and payment of Zakat); of Companions' juristic disagreements, i.e., between Abū Bakr and 'Umar (on the question of prisoners of war, the distribution of liberated lands, and the equality of financial provision for Muslims), between 'Umar and 'Ali regarding compensation for a child died as it's mother miscarried out of fear as 'Umar summoned her; between 'Umar and 'Abd Allah ibn Mas'ūd over placing right hand over the left in *ṣalāh* but not on knees, over occurrence of divorce if a husband says to his wife: 'You are unlawful to me', over validity of marriage between two who committed illegal sexual intercourse; between Ibn 'Abbās and Zayd ibn Thābit over the inheritance of the grandfather of a deceased person; Ibn 'Abbās's debates with the Khawārizites; and between 'Ali and

Mu'āwiyah. At the end of this chapter, the author summarized the ethical points the Companions applied in the pursuit of truth.

In the Fifth Chapter, Dr. al 'Alwānī painted to the emerging landscape of disagreements following the Prophet's (saas) demise and the reign of the Rightly-Guided-Caliphs. Though the initial period of this era did not witness any paradigm shift, the latter portion of this era saw a number of factions appearing in the region of Iraq; among them the Khawārizites, Shī'ītes, Jamiyah and Mu'tazilites. These years were rife, remarked al 'Alwānī, with false and fabricated Ḥadīth, and with opportunistic and politically motivated interpretations of the *Sharī'ah*. It was during these years that scholars came together in a valiant effort to put right the declining standards of Islamic Law. And thus were born the four *madhabs* (schools of Islamic Jurisprudence); Mālikī, Ḥanafī, Shāfiī' and Hanbalī.

In Chapter Six, the author discussed the Juristic Perspectives of the disagreements; analyzed varying methodologies adopted by the four *madhabs*, and summarized their main characteristics, scientific reasoning and logic. Of the four *madhabs* of the imāms Mālik, al Shafīī', ibn Hanbal and Abū Hanīfah the latter inclined more strongly towards techniques of independent reasoning while the first three stuck more closely to the literal interpretations of the Prophetic traditions and the activities of the Rightly-Guided-Caliphs. He also, by the way, analyzed the so-called Zāhirite school of thought and explored the methodologies, salient features and case studies of this school which was founded by Imām Dāwūd al Zāhirī.

By discussing first the history of disagreements in religious matters among the Companions, then of the Successors, and then of the four imāms, al 'Alwānī drives home the main point of his book; Disagreements and differences in views occurred even among these righteous individuals but, rather than creating strife and bad blood, the way they handled their differences and responded to each other enriched discourse and religious thought, in turn increasing overall benefit to society. In later centuries however, these same inevitable differences contributed untold strife, misery and mayhem within the *Ummah*.

So why it is that differences that occurred among these early proponents of Islam created a unifying effect while creating such carnage and strife in later times? Al 'Alwānī tried to find answers to these intrigues throughout Chapter Seven and Chapter Eight under the headline of 'Reasons for Differences' and 'Knowledge and Refinement' respectively. Initially, to al 'Alwānī, the disagreements were due to inherent disparities in intelligence, understanding, and analytic capacity with which people are created. And with the assassination of the third Caliph Uthmān (r.) the disagreements started to take place over linguistic causes, differences over Ḥadīth, differences over juristic methods etc. Following this, the disagreements were largely within holistic and healthy framework. The Imāms of the four schools of thoughts exercised manners of respectable disagreements among themselves. They understood that

varying interpretations were inevitable, and respected the differing interpretations of their counterparts unhesitant, mutually holding each other in honored positions. By way of examples, al ‘Alwānī mentions many occasions and instances when and where the leading scholars expressed their unreserved homage and preference to their counterparts. Sooner these mutually respectful attitudes change and the arena of religious discourse gradually turned into a battlefield of burning arguments and crashing egos.

This transition happened, argues al ‘Alwānī in Chapter Nine, as the *Ummah*’s administration split along lines of political and intellectual leadership. That is to say, religion and politics began to be practiced separately whereas politics and doctrine, government and faith were one during Prophetic period and that of his Companions. With the increase of power-usurping by political leadership, the more orthodox ‘ulema distanced themselves from them, on other hand, and to give religious legitimacy to their power-usurpation the political leadership hired some unorthodox ‘ulema to support their positions, on the other. Thus, jurisprudence tended to become a means for justifying the existing status quo rather than a means for innovatively regulating people's lives and circumstances according to the requirements of the Sharī’ah. Here al ‘Alwānī cites some interesting examples of the stagnation of intellectual leadership at this point of time:

- A jurist, asked about the validity of the wudū of someone who touched a woman or who touched his genitals, would say: ‘According to Abū Ḥanīfah, the wudū is not nullified.’
- If asked about playing chess or eating horsemeat, he would say: ‘According to al Shāfiī’, these things are lawful.’
- If asked about the punishment of a person who made a false allegation or about exceeding the limits in the case of discretionary punishments set by a judiciary, he would say: ‘Mālik sanctioned that practice.’

Besides, sternness and sterility were also followed by a group who advocated for the imposition of the strictest and severest Sharī’ah rulings among many easy alternatives. Andalusian monarch asked the Mālikī jurist Yaḥyā ibn Yaḥyā al Laythī (d.234AH) as how should he atone for having intercourse with his wife during the daytime in Ramadan. Yaḥyā asked him to fast for two consecutive months. When he was asked why he had not given the monarch the first option of setting free someone in bondage, he replied: ‘He is capable of setting hundreds of slaves free. Therefore, he must have the harder punishment, which is fasting.’

Then came the final blow, said al ‘Alwānī, the blow of *taqlīd*, total blind imitation. Based upon genuine fear of many righteous and concerned people that incompetent and unreliable

people might further corrupt the process of *ijtihād*/innovative reasoning, Ibn al Ṣalāh issued his claim to following the four schools of thought (*madhab*) as absolutely obligatory, closing virtually the door to *ijtihād*. But this approach too had its unforeseen negative consequences; causing the spirit of dissension growing stronger, blind imitation becoming norms, intellectual thought stagnating, tree of independent reasoning withering, ignorance becoming commonplace, and civil strife rearing its ugly head afflicting the *Ummah* with total intellectual sterility. *Taqlīd*, coupled with the re-emergence of clan loyalties/ 'aṣabiyyah, provoked discord and distrust among various factions of the *ummah*, triggering unprecedented conflicts between followers of the various *madhabs*, turning the positive disagreements and friendly discourses into negative arguing, wrangling and hatred, and making the minor matters to obsess the *Ummah*.

Centuries passed, the Islamic Civilization continues to remain same and stagnant. It eroded through the flowering of the Renaissance, the Industrial Revolution and increasing European interests overseas abounded. Because it was divided and intellectually confused, the colonists found it easy to infiltrate and finally topple the Ottoman Empire, the last bastion of Islamic rule in the Middle East. The colonialists followed an active strategy to gradually erode the faith even further. Religious education was discouraged, strong social and material incentives were provided to block the pathways leading to religious education all over the colonial world including Asia and Africa. And today, decades after our colonial rulers have taken flight; much of the *ummah* is still fumbling through the darkness of *taqlīd*, seemingly with no intention of finding its way back to the light.

We need to produce a remedy and chart a course towards recovery out of this great malaise, outlined al 'Alwānī in the concluding chapter. Initially he offered two tasks to be done immediately; (1) Sincere Muslims engaged in the field of promoting Islam and who are deeply conscious of the painful reality of the Muslim situation should identify groups of talented Muslim youths and make available to them the best means to study the sciences of the Sharī'ah, (2) Secondly, to tackle the intellectual crisis the *Ummah* is facing now, Muslims must rectify their manner of thinking through reconstituting their institutions.

The Muslims, suggests al 'Alwānī, should restore their unswerving adherence to the Qur'an and Sunnah, should study the divine sources in totality and with more care keeping the higher purposes of the *Sharīah* into perspective, and should protect Islamic brotherhood-sisterhood above all considerations. It is unbecoming of anyone to accuse someone who differs with him on jurisprudential matters of unbelief (*kufir*), corruption (*fisq*), or innovation (*bid'ah*). On the contrary, he should try to seek justification for the one who differs with him so as to strengthen the bond of affection between them and secure mutual respect, love, and brotherhood.

Ethics of Disagreement in Islam is basically a call to action. The message here is not that disagreement is bad in itself, but disagreement must be based on sincere intellectual conviction, humility, and deep study. In *The Ethics of Disagreement in Islam* Dr. al 'Alwānī sheds light on the positive aspects of disagreement. Here al 'Alwānī lays down for contemporary Muslims many commendable examples of forbearance and understanding on the part of some of the greatest personalities and scholars in Muslim history as to how they put it to use as a fecund and vitalizing facet of their society. In order to fashion a viable Muslim civilization, argues Dr. al 'Alwānī, Muslims must relearn the art and etiquette of agreeing to disagree and thus become more capable of dealing with potentially divisive situations and issues. More importantly, however, they must master the methods of making disagreement work for them, rather than against them.

Although this book may more appropriately be titled *The Ethics of Disagreement between the Classical Jurists*, says 'Alwānī himself, it nonetheless serves as a useful introduction to the subject of disagreement in general. The book comes at a time of acute and painful divisions and conflicts in the Muslim world. It is hoped that it will contribute in some measure to the raising of consciousness of the paramount need for Muslim unity and solidarity. In this lies the utility of this book. And it is the revival of this spirit that allows contemporary Muslims to look forward to the future with hope. It is also hoped that the book would be a good read and would claim its position and popularity among the Muslim academicians, political parties, civil society members, callers to Islam and different social organizations working for the overall Islamic awareness of the mass people of their given settings.