

THE NEED FOR COMMUNICATING TOLERANCE AS STRESSED BY ISLAM

By
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ABSTRACT

Mankind faces unprecedented threats to its well-being and perhaps even to its survival. There are more than 1.2 billion Muslim people in the world and there is an urgent need to produce for the burgeoning global population. Poor land use practices, soil erosion and deforestation are degrading the natural resources on which production depends. Social systems are also in disarray almost everywhere. The western countries are getting richer and Muslim are becoming poorer. Extreme ideologies, suicide-terrorism, human rights violations, diseases, Mental illness and other pervasive phenomenon are tearing Muslim social family fabric apart. Massive changes are needed if we are to avert the threats to the future Umma or the community sustainable development is a major challenge of present century. Central tolerance and informed communities. The only way we can work for this divine-piety is through wisdom, good reasoning tolerance communication. Communication provide the means for creating awareness, consensus building, generating the processes of change and development for making informed decisions and for resolving conflicts in line with the Quranic wisdom.

The root cause is the materialist worldview, which severely limits once religious influence in contemporary social life. The result is the disturbed balance between humanity, nature and within individual men

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Imam Ahmad bin Hanbal was more inclined in the preservation of ahadith.

Therefore it can be seen in the light of these ten reasons that the Four Imams did not differ because of the general methodology – since each of them believed in following the Qur'an and Sunnah. Rather it was in their way of interpretation. However with all these differences; they did not react angrily towards each other. Rather they were like believers with mercy towards each other, and today it is imperative on us to follow their ways. For indeed! One should not think that his school of thought is always correct and the other schools of thoughts are wrong. Rather the balance approach should be that his school of thought ruling is presumed to be correct with the possibility of being incorrect and the other schools of thoughts ruling can have the possibility of being correct. For verily on the Day of Judgment the secret of whose school of thought was correct will not be disclosed!

More ever on the Day of Judgment, Allah will not disgrace any of the four Imams to whom he favored with the knowledge of the religion. Therefore to delve into such a thing as to whose school of thought is correct is to waste one's life. Rather as believers of the Qur'an and Sunnah and followers of the footsteps of the pious predecessors we should unite and spread the tenets of Islam which the Messengers (peace be upon them) had propagated.

And, indeed, all Praises belong to Allah, Lord of the Worlds

"If you collect the sayings of Ibrahim an-Nakh'i, his comrades and contemporaries out of Imam Muhammad Kitabul-Athar, Jamie by Abdur-Razzak and Musannaf by Abu Bakr bin Shaybah, and make a comparison thereof with the sayings of Imam Abu Hanifah, you will arrive at the result that in his ijtihad, he rarely departs from the line of Ibrahim an-Nakhi'i school; and ever if he does depart, he confines himself strictly to the intellectual field of the jurists of Kufah."

8- Classification of rulings

The Ahnaaf have created difference between wajib and fard. Wajib is that act which is reported from khabaree-wahid hadith and whose evidence is assumption. Where else, Fard is that act whose ruling is derived from such evidence which is definite and cannot be doubted i.e., mutawatir متواتر. Other madhabs do not have such ruling

9 - Understanding hadith differently

In the narration of Muwatta by Imam Muhammad it is narrated that Umar (may Allah be pleased with him رضي الله عنه) said: "It is not right for a woman to be married unless with the permission of her guardian, or a member of her family of sound judgment, or the ruler." Though this hadith shows that marriage without a guardian is invalid, however Imam Abu Hanifah took the meaning of this hadith differently. Imam Muhammad narrates that Abu Hanifah said: "if she places herself in a position of equality and does not neglect her dowry, then the marriage is permissible." Further Imam Muhammad writes: "A part of his argument was the saying of Umar in this hadith. '...or a member of her family of sound judgment' in that this is not a guardian and yet the marriage is permissible..."

10- Capacity in Ijtihad

Since all these Imams had different intellectual level and way of thinking it was natural for them to derive different rulings. For example, Imam Abu Hanifah was more concerned in Fiqh, where else

After narrating from Imam Malik, Imam Muhammad writes: "It has been narrated to us that wiping over the turban was practiced, and then abandoned. This is the verdict of Abu Hanifah and our fuqaha in general."

5- Hadith did not reach

When this was possible (and did happen) with eminent companions such as Abu Bakr and Umar (may Allah be pleased with both of them رضي الله عنهما) then is it not possible that some ahadith did not reach the four Imams? It narrated by Abu Dawud that once a grandmother of a deceased person came to Abu Bakr (may Allah be pleased with him رضي الله عنه) and claimed a right in inheritance. Abu Bakr (may Allah be pleased with him رضي الله عنه) said that he could not find either in the Book of God or the Sunnah of the Prophet (peace be upon him) that she was entitled to any share, but that he would make enquiries about it. In this search, Mughirah (may Allah be pleased with him رضي الله عنه) gave evidence that the Prophet (peace be upon him) gave a grandmother of deceased one-sixth out of the property and Muhammad bin Maslamah (may Allah be pleased with him رضي الله عنه) came before Abu Bakr (may Allah be pleased with him رضي الله عنه) to corroborate the narration by Mughirah (may Allah be pleased with him رضي الله عنه). Therefore judgment was accordingly given in favor of the grandmother of the deceased.

6- Differences in understanding the Arabic language

According to scholars of Shafi'i school of thought touching a non-mahram nullifies wudu. They present the following verse as their evidence: "Or if you have touched women." However, the Ahnaaf consider the word 'touched' as a relationship between man and woman as touch can also imply intimate relation.

7-following the scholars of their own land and their line of thinking

Shah Wali Ullah writes¹:

¹ حجة الله البالغة - 1

2 - Mursal ahadith accepted by some Imams while rejected by other Imams.

To illustrate an example, we can see that in Muwatta of Imam Malik many narrations from Imam Malik are mursal. Since he accepted such narrations he would see no harm in accepting them. Imam Abu Hanifah also held the same opinion as Imam Malik. He accepted the mursal hadith whether or not it was supported by another hadith. However Imam Shafi'i would not accept mursal ahadith. Imam Ahmad b. Hanbal (d. 241) accepted mursal and (other) da'if ¹ (weak) ahadith if nothing opposing them was found regarding a particular issue, preferring them to qiyas (analogical deduction).

3 - Concerning the status of Companion

Among the Ahnàf scholars a principle of Usool al-Fiqh (which is not excepted universally) is that those narrations of Abu Hurayrah (may Allah be pleased with him) which are in agreement with analogy are adopted and what are in disagreement with analogy, one will see if the ahadith have been accepted by the community, only then would it be adopted². The source was Ibrahim an-Nakhi, who would not adopt all the ahadith of Hazrat Abu Hurayrah (may Allah be pleased with him). Hafiz Dhahabi reports in his "Mizan al-Itidaal" ميزان الاعتدال that Ibrahim explained his motivations by arguing that Abu Hurayrah was not a scholar of fiqh.³

4- Hadith abrogated

An example can be seen concerning the issue of raising hands during prayers. According to the Ahnaaf احناف this was done initially, however later it was abrogated. Another example can be seen under the section of "Wiping over the Turban and the Headscarf" in Muwatta.

¹-Da'if means those ahadith which are not severely weak, since Imam Ahmad classified ahadith into sahih and da'if rather than sahih, hasan and da'if.

²-.See Usool al-Sarkhasee اصول السرخسي

³-However this point is rejected by majority of the Ahnaf scholars and scholars of different madhabs

Furthermore, it is narrated that once Imam Shafi'i asked Imam Malik about Imam Abu Hanifah. He replied:

"Glory belongs to Allah! I have not come across anyone like him. His knowledge was of such a caliber that if he claimed that this pillar is made of gold, he will logically prove it to you.

Imam Shafi'i would say: "I have not seen a greater faqih than Imam Abu Hanifah."

"ما رأيت أفقه من الإمام أبي حنيفة رحمه الله"

About Imam Shafi'i, Imam Muhammad had said:

"Scholars will discuss and state hadith in the language of Shafi'i. Also, Imam Shafi'i would say: "Whatever I gained from Muhammad is equal to the load of a camel."

Likewise, Imam Shafi'i would respect Imam Ahmad bin Hanbal and would command him to tell any hadith which was authentic.

However with all their respect towards each other, they were a man of different intellectual standings. Hence it was natural for them to disagree with each other – while fully respecting each other viewpoints

Reasons for Differences

- 1- A particular narrator of hadith was considered weak by an Imam while other Imams thought him Reliable to illustrate an example, we can mention Jabir al-Jufi. Though many scholars of hadith considered him reliable – including Shubah¹ and Sufyan Thawri and they narrated from him. However Imam Abu Hanifah criticized him strongly and abandoned him². Therefore any hadith narrated through him would be criticized by Imam Abu Hanifah and hence would not be accepted.

¹-Ibn Ulayyah said (narrating) from Shu'bah: "Jabir was utterly truthful in hadith."

²-Hafiz Tirmizi in his Sunan narrates on the authority of Ham'ani that he heard Imam Abu Hanifah saying: "I have not witnessed a more deceitful person than Jabir J'ufi..."

"I swear I seek the blessing of Abu Hanifah and come to his grave everyday." (Meaning as a visitor).

Another example can be seen in the light of the reaction of Imam Malik. Once, Caliph Haroon al-Rashid **هارون الرشيد** sought permission from Imam Malik to issue Muwatta **موطأ** as the only book that would constitute the basis for all the judicial decisions. However, Imam Malik replied:

"Leader of the Believers, please do not do that. So far as the details of Shariah are concerned, the Companions of the Holy Prophet (peace be upon him) held different opinions. They had traveled far and wide in the land, and through them, people have adopted different practices."

Then another example which shows their respect towards each other is with reference to Imam Abu Yusuf. On one occasion he took his bath in a public bath before leading Friday prayers. When the congregation had dispersed, it was discovered that there was a dead mouse in the well attached to the bath. When this was brought to his notice he was undisturbed and simply remarked:

"No harm. Today we are supposed to have acted after the creed of the people of Madinah."

Likewise, though Imam Ahmad bin Hanbal believed in performing a fresh wudu **وضوء** after epistaxis and venesection, he was once asked as to whether he would pray behind an Imam who had suffered bleeding of a certain part of the body, but had not performed fresh ablution? He replied:

"How can I refuse?" – Since this was the opinion of Imam Malik and Saeed bin Musayyib **سعيد بن المسيب**.

Also, they would praise each other knowledge. Imam Malik when asked about Imam Abu Hanifah would reply:

"Yes, I saw him and I found him to be a man of such caliber that if he claims that this pillar is made of gold, he will prove it to you."

But why did differences crop up in rulings among the Four Sunni Sects? After all were they not teachers and students of each other? Imam Malik ¹ greatly benefited from Imam Abu Hanifah books. Imam Shafi'i was the student of Imam Malik ² and Imam Muhammad ³. Imam Ahmad bin Hanbal was the student of Imam Abu Yusuf⁴ and Imam Shafi'I ⁵.

However, on the onset it should be understood and kept in mind that the founders of the four schools of thoughts were far removed from prejudice and narrow-mindedness towards each other or other scholars. We have on record that once Imam Shafi'i offered his morning prayers near the graveyard of Imam Abu Hanifah and did not recite the Qanoot prayers that day – with respect to Abu Hanifah view that Qanoot قنوت need not be said on Fajr. Also, Khatib Baghdadi narrates Ali ibn Maymun as saying: 'I heard As-Shafi'i say:

However Nawawi in the commentary of Sahih Muslim writes: 'If something (i.e. agreement) is a mercy it is not necessary for it's opposite to be the opposite of mercy. No-one makes this binding, and no-one even says... Allah the Exalted said: "And of His mercy He has made night for you so that you would rest in it," and He has named night a mercy: it does not necessarily ensue from this that the day is a punishment.'"

¹- Qadi Abul Abbas Ahmad bin Muhammad bin Abdullah bin Abi Al-Awaam with a continuous narration from Abdul Aziz bin Muhammad Daraawardi narrates that Imam Malik would consult the books of Imam Abu Hanifah and would greatly benefit from them. (Tarikh Tadween Hadith, pg. 91)

²-Imam Shafi'i at the age of 13 went to Imam Malik who told him: "Your heart is pure and shining. Do not waste it through sins. Make piety your mark and a day will come when you will become a most learn man." He recited Muwatta before Imam Malik.

³-Kati Baghdadi narrates from Imam Shari's that: "I have never seen a stout person more intelligent than Muhammad bin al-Has an."

⁴-When Imam Ahmad bin handball started his studies in ahadith, he first of all went to Imam Abu Yusuf then to other scholars of Islam

⁵-Ahmad is related by his students Abu Taib and Humayd ibn Zanjuyah to have said: "I never saw anyone adhere more to hadith than ash-Shafi'i.

DIFFERENCES OF THE FOUR SUNNI SCHOOLS OF THOUGHTS AND THEIR REASONS

By
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All praises belong to Allah, Lord of the worlds and peace and blessings be upon His Last Messenger. To Proceed:

It is natural that differences should crop up in certain issues on which the Qur'an and Sunnah have remained silent¹. How ever, differences in opinions are mercy for the followers of Islam².

¹-Tirmidhi and Abu Dawud have narrated that the Prophet (peace be upon him) sent Mu'adh ibn Jabal (may Allah be pleased with him) to Yemen and appointed him to give fatwa by ijtehad if the Qur'an and Sunnah was silent.

²-According to some Muhadditheen the hadith which mentions: "Differences of opinions..." is weak or fabricated i.e., al-Silsilah al-Da'eefah, 11. However, Al-Bayhaqi in "Al-Madkhal" and Az-Zarkashi in "Tadhkirah fi al-ahadith al-mushtaharah" relate al-Qasim ibn Muhammad ibn Abi Bakr as saying: "The differences among the Companions of Muhammad (peace be upon him) are a mercy for Allah's servants. Ibn Qudamah al-Hanbali said in "Al-Aqa'id": "The difference in opinion in the Community is a mercy, and their agreement is a proof. Ibn Hazm Az-Zahari says: "Difference of opinion in my Community is a mercy' is the most perverse saying because if difference were mercy, agreement would be anger, and it is impossible for a Muslim to say this, because there can only be either agreement, or difference, and there can only be either mercy, or anger possible (al-Ihkam fi usul al-ahkam).

Ashariyyah" الشيعة الإمامية الاثنا عشرية school of thought, for example? His Excellency replied:

- 1) Islam does not require a Muslim to follow a particular Madh'hab (school of thought). Rather, we say: every Muslim has the right to follow one of the schools of thought which has been correctly narrated and its verdicts have been compiled in its books. And, everyone who is following such Madhahib مذاهب [schools of thought] can transfer to another school, and there shall be no crime on him for doing so.
- 2) The Ja'fari school of thought, which is also known as "al-Shia al-Imamiyyah al-Ithna Ashariyyah الشيعة الإمامية الاثنا عشرية" (i.e., The Twelver Imami Shi'ites) is a school of thought that is religiously correct to follow in worship as are other Sunni schools of thought. Muslims must know this, and ought to refrain from unjust prejudice to any particular school of thought, since the religion Allah and His Divine Law (Shari'ah) was never restricted to a particular school of thought. Their jurists (Mujtahidoon مجتهدون) are accepted by Almighty Allah, and it is permissible to the "non-Mujtahid" to follow them and to accord with their teaching whether in worship (Ibadaat عبادات) or transactions (Mu'amilaat معاملات). Signed, Mahmood Shaltoot.

The above Fatwa was announced on July 6, 1959 from the Head of al-Azhar University, and was subsequently published in many publications in the Middle East which include, but are not limited to:

al-Sha'ab الشعب newspaper (Egypt), issue of July 7, 1959. al-Kifah الكفاح newspaper (Lebanon), issue of July 8, 1959.¹

¹- <http://almahdi.4t.com>

Prophet) and *Ilm-ud-Diraya* علم الدراية (contextual study of hadith). *Shia* jurists have also written on both sciences.¹

In the light of above facts we conclude that the differences between shia and *sunni* jurists in the principles of Islamic jurisprudence is not more than the differences among different sunni schools of thought like Hanafi, Maliki Shafi and Hanbali. This is why one of the Sunni world's most revered scholars, Sheikh Mahmood Shaloot محمد شلوت head of Al-Azhar theological school in Egypt, in his historic *fatwa* (religious verdict/ruling) recognizes Jafri school of thought as the fifth officially schools of jurisprudence of Islam. It should be of interest to know that a few decades ago, a group of Sunni and Shia scholars formed a center at al-Azhar by the name of "Dar al-Taqreeb al-Madhahib al-Islamiyyah" دار تقريب المذاهب الإسلامية which translates into "Center for bringing together the various Islamic schools of thought". The aim of the effort, as the name of the center indicates, was to bridge the gap between the various schools of thought, and bring about a mutual respect, understanding and appreciation of each school's contributions to the development of Islamic Jurisprudence, among the scholars of the different schools, so that they may in turn guide their followers toward the ultimate goal of unity, and of clinging to one rope.

Text of the Verdict (Fatwa) Issued by His Excellency Shaikh al-Akbar Mahmood Shaloot, Head of the al-Azhar University, on permissibility of following "al-Shia al-Imamiyyah" الشيعة الإمامية School of thought His Excellency was asked:

Some believe that, for a Muslim to have religiously correct worship and dealing, it is necessary to follow one of the four known schools of thought, whereas, "al-Shia al-Imamiyyah" school of thought is not one of them nor "al-Shia al-Zaidiyyah" الشيعة الزيدية. Does your Excellency agree with this opinion, and prohibit following "al-Shia al-Imamiyyah al-Ithna

¹-Books like *Rijal-e-Kashi*, *Najashi*, *Sheikh Tusi* and the remarkable work of *Syed Khoi* in last century are the examples of it.

No doubt Quran and Sunnah have been the primary sources for jurists of all schools of thought. Quran is considered as the first source because according to Islam it is the words of God and it is free from any abrogation and change.¹ Basically, Quran is not a book of Islamic jurisprudence nor does it provide details for all type of issues. Only ten percent of Quranic verses are about Halal and Haram (what to do and what not to do) but if any verdict is given by Quran, it becomes a part of devine law (*shariah*). According to *shia* perspective a jurist can take decision from the meanings of Quranic verses but no one has the right of *tawil* (esoteric interpretation) of Quran except the holy Prophet or the infallible imams.²

Sunnah is the second source of Islamic jurisprudence after Quran. Sunnah generally means the sayings, acts and silence of the holy Prophet. *Shias* include the sayings, acts and silence of the holy Prophet as well as their infallible imams in sunnah and hadith.³ Some of the *sunni* scholars include the sayings of the companions of the prophet in sunnah and hadith while some of them do not accept sunnah as a source.⁴ Muslim scholars have developed other Islamic sciences like *Ilm-ur-Rijal* علم الرجال (biography and criticism of the transmitters of the traditions of the holy

¹-Khoi, Ayatullah Abul Qasim, Al-Bayan fi Tafsseril Quran, tr. Muhammad Shifa Najafi, pp.197-231, Jamiatu Ahlil Bait, Islamabad, 1989 (the author discussed in detail about the types and possibilities of abrogation in Quran and concludes that it is free from all types of abrogation and change, he also discussed different traditions in the books of hadith about abrogation in shia and sunni sources and comments on their authenticity.

²-Muhammad Hadi Marifat, Uloom-e-Qurani, p.251, Tamheed Cultural Institute, Qom, 1380 hijra shamsi.

³-Qurbani, Zainul Abideen, Naqsh-e-Hadith, p.19, Imam Asr Publication, Tehran, 1380 hijra shamsi

⁴- Muhammad Abu Zohra Misri, Tarikh-e-Hadith wa Muhaddiseen, tr. Ghulam Ahmed Hariri, Maktaba-e-Rahmania Lahore:

As far as Qiyas القياس was concerned the harsh attitude of shia imams and jurists was to counter the then sunni jurists who wanted to solve their most of the problems with the help of qiyas and istihsan otherwise it could be considered as a supporting tool. A shia jurist of short occultation (ghybat al-sughra الغيبة الصغرى 169-240hijra) period of twelfth Imam Ibn Junaid Iskafi recognized qiyas as a tool and used in his ijtehad اجتهاد,¹ although he was widely criticized by other shia jurists like Sheikh Mufid and Sheikh Tusi. Later on qiyas was divided into two types: al-qiyas mansus ul-'illah (a logical analogy extracted by textual principle) and al-qiyas mustanbitul 'illah (a logical analogy extracted by the principle derived by the jurist himself). Contemporary shia jurists accept the first type of qiyas and use it in their jurisprudence.²

Another source of jurisprudence among jurists is Ijma اجماع (consensus) but the scope of consensus has always been different among Muslim jurists. Imam Malik considers the consensus of jurists of Madina as a valid ijma while Imam Abu Hanifa thinks that the consensus of jurists of Kufa and Basra is a valid Ijma اجماع. Imam Shafi believes in the consensus of entire ummah for the validity of an ijma اجماع, while near Imam Ghazzali the consensus of Ahl Hall-o-aqd أهل العقد (experts) is the only valid ijma اجماع.³ In shia principles of jurisprudence ijma اجماع has been recognized only if an infallible imam is included in consensus otherwise there is no validity of ijma اجماع.⁴ Whereas if jurists of a particular time agree on a same verdict then this consensus can be considered as a supporting evidence only. It does not mean that any jurist cannot give his verdict against it.

¹-Syed Ali Naqi Haideri, Usul-ul-Istanbat fi Usool-ul-Fiqh wa tarikhehi bi Usloob-e-Hadith, p.259, Intisharat-e-Mahallati, Qom, 1412 hijra.

²-Mubadi Fiqh-o-Usool, Tehran University, p.231

³-Siddiqi, Dr Sajidur Rehman, Islami Fiqh kay Usool-o-Mabadi, conclusion of pp.136-145.

⁴-Mubadi Fiqh-o-Usool, Tehran University, p.38 (this sort of Ijma is called Ijma-e-Taqriri i.e. a consensus in which Imam shows his acceptance by silence)