

بسم الله الرحمن الرحيم

CREATING DIVISIONS IN DEEN

Introduction

Allah Subhaanahu Wa Ta'aala says in the Qur'aan: "Certainly those who divide their religion and break up into sects, you have no concern with them." [Surah 6 Verse 159]

It is understood from this verse that creating divisions in the Deen of Allah is undoubtedly a most despicable act. The question however, is whether the four *madhaahib* (Hanafi, Maaliki, Shaafi'i and Hambali) are a result of such division that is despicable in the eyes of Allah?

A similar question was posed to Imaam Shaafi'i *rahimahullah* to which he replied that there is no harm in the differences that occur between the Fuqahaa (eg. Imaam Abu Hanifah, Imaam Maalik etc. *rahimahumullah*) because difference of opinion (commonly referred to as *ikhtilaaf*) is of two types viz.

1. That which is *haram*
2. That which is *mubaah* (permissible).

In substantiation of his claim, he says that Allah Ta'ala has

condemned the creating of divisions in Deen saying: "Nor did the people of the scripture divide until after the clear proof came unto them." [Surah 98 Verse 4] Similarly, Allah Ta'aala has commanded: "And do not become like those who divided and differed after the clear proof came unto them." [Surah 3 Verse 105]

Imaam Shaafi'i *rahimahullah* thereafter continues to explain that Allah Ta'aala has in these verses condemned such differences that occur among a people after they had received divine guidance from Allah. This verse (verse 4 above) and others of the same nature, therefore refer to those who deny any of the fundamentals of Deen regarding which there are clear injunctions in the Qur'aan or Hadith e.g. if somebody denies the oneness of Allah, the obligation of salaah, zakaat etc. There are however matters regarding which there is no injunction in the Qur'aan and Hadith, or the injunction is not very clear (eg. whether the *musallee* should say *aameen* aloud or softly. ¹ In such instances Muslims are commissioned to make *ijtihaad* (independent reasoning) provided they possess the necessary qualifications. Differences of opinion due to such *ijtihaad* is permissible. ²

¹ Reasons for such obscurity are many which will be explained at a later stage, *Insha-Allah*.

² See: *Ar-Risaalah* Pg. 560 (The above is a summary of Imaam Shaafi'i (*rahimahullah*)'s explanation.

We learn from the above that the four *madhaahib* are not a result of such division that has been condemned in the Qur'aan. The previous nations earned the wrath of Allah when they differed and divided because their differences were regarding the fundamentals of Deen. Thus Allah Ta'aala says, ". . . after the clear guidance came unto them." [Surah 98 Verse 4]

If we similarly dispute any matter of fundamental importance regarding which there is an explicit injunction either in the Qur'aan or Hadith, we will fall under the same category because such disputing and differing in opinion would be "after the clear guidance". The differences between the four *madhaahib* are however not of this nature. They differ with each other only in such matters regarding which there is no textual proof in the Qur'aan and Hadith, or the text is such that it has two or more possible meanings.

In fact, such differences of opinion are not the handicraft of the *madhaahib*. Differences of this nature existed during the time of the Sahabah *radiallahu anhum* also. Sometimes they differed with each other in such matters even during the time of Rasulullah *sallallahu alaihi wasallam*. However, in such cases they always turned to Rasulullah *sallallahu alaihi wasallam* for guidance.

An Example

Imaam Bukhaari *rahimahullah* has narrated on the authority of Hadrat Abdullah ibn Umar *radiallahu anhuma* that on the day

of the battle of Ahzaab, Rasulullah *sallallahu alaihi wasallam* commanded the Sahabah *radiallahu anhum* not to perform the Asr salaah while enroute to Khayber. These Sahabah *radiallahu anhum* were still enroute to Khayber when the time for Asr salaah was drawing to its end. Thus they differed in opinion. Some felt that they should not perform the Asr salaah until they reached Khayber. Others however felt that this was not actually what Rasulullah *sallallahu alaihi wasallam* meant. He only meant that they should not delay in reaching Khayber. This incident was later reported to Rasulullah *sallallahu alaihi wasallam* and he did not reprimand any of the two groups.³

Other Examples

There are many issues regarding which the Sahabah *radiallahu anhum* differed in their opinions. Some examples are:

1. Hadrat Ali and Hadrat Abdullah ibn Mas'ood *radiallahu anhum* were of the opinion that a man's wudhu is not nullified when he touches his private organ. Many other Sahabah *radiallahu anhum* agreed with them. Hadrat Ibn Umar *radiallahu anhum* was however of the opinion that a man's wudhu is nullified when he touches his private organ. Some of the Sahabah *radiallahu anhum* agreed with him also.⁴
2. The Khulafaa-e-Arba'ah *radiallahu anhum* (4 Caliphs) were

³ See: Sahihul-Bukhaari V.2 Pg. 591 Pakistani edition.

⁴ Jaami-ut-Tirmidhi V. Pg. Pakistani edition

of the opinion that the *musallee* (person performing salaah) must read *bismillah* softly. On the contrary Hadrat Ibn Umar and Hadrat Ibn Abbaas *radiallahu anhum* felt that it should be read loudly.⁵

3. Hadrat Jaabir, Hadrat Anas and Hadrat Abu Hurairah *radiallahu anhum* used to raise their hands before the ruku' (just as one would do at the time of *takbeer-e-tahreemah*). Hadrat Ibn Mas'ood *radiallahu anhu* was not of the same opinion.⁶

These are just some of the many issues regarding which the Sahabah *radiallahu anhum* differed among themselves. The books of Hadith and Fiqh are replete with such examples.

The Sahabah *radiallahu anhum* and the Pleasure of Allah

While condemning the previous nations for disputing the oneness of Allah and the message of the prophets, Allah Ta'aala says: "They will always dispute, except those upon whom Allah has shown mercy ..." [Surah Hud Aayah 119]

This verse of the Qur'aan teaches us that those who have earned the mercy of Allah will never engage themselves in the type of disputes and divisions that have been condemned in this verse and many others. The Sahabah *radiallahu anhum*

⁵ Jaami-ut-Tirmidhi V.1 Pg.57

⁶ Jaami-ut-Tirmidhi V.1 Pg.59

however have earned the mercy of Allah. Allah Ta'aala has Himself declared in the Qur'aan that He is pleased with them.

"Muhammed is the Rasool of Allah. And those with him are hard against the disbelievers and merciful among themselves. You see them making *ruku'* and *sajdah* seeking bounty from Allah and His pleasure . . ." [Surah Fath, Aayah 29]

"And the first to lead the way; the Muhaajireen and the Ansaar, and those who follow them in goodness - Allah is pleased with them and they are pleased with Him ..." [Surah Tawbah, Aayah 100]

If the Sahabah *radiallahu anhum* had earned the pleasure of Allah and they had differences of opinion among themselves, we deduce (from the afore-mentioned verses) that their differences are not dispicable in the eyes of Allah. Subsequently we may deduce that the differences that exist between the Madhaahib are not of the category that is referred to in Surah 98, Aayah 4 and Surah 6, Aayah 159. ⁷

Why Do They Differ?

The Sahabah *radiallahu anhum* had passed on their knowledge to the Taabi'een who in turn passed it on to the Tab'ut-Taabi'een. The Imaams of the four *madhaahib* were Taabi'een and Tab-'ut-Taabi'een. Their differences therefore

⁷ See: Al-I'tisaam (Abu Ishaq Shaatbi *rahimahullah*) V.2 Pg.394

have been, to a large extent, inherited from the Sahabah *radiallahu anhum*. Nevertheless there are many other reasons for their differences. Since the mention of all these reasons together with an example would make the discussion considerably technical and lengthy, I will therefore suffice with just one example:

Example

Sometimes a single word in the Qur'aan or Hadith may have more than one possible meaning. For example, Allah Ta'aala says regarding the *iddah* of divorced women: "Women who are divorced shall wait, keeping themselves apart, for three *quroos*." [Surah Baqarah, Aayah 228]

Quroo is an Arabic word which could be translated as either *haidh* (menstrual period) or *tuhr* (non-menstrual period). Imaam Abu Hanifah *rahimahullah* chose the former (menstrual period) and therefore says that the divorced woman's *iddah* terminates with the expiry of the third menstrual period after divorce. Imaam Shaafi'i *rahimahullah* opted for the latter and thus says that her *iddah* terminates after the third non-menstrual period after divorce.

There are like this many other reasons for the prevailing differences among the *madhaahib*. Allaamah Ibn Taymiyyah *rahimahullah* has written a book entitled "*Raf'ul Malaam 'anil Aimmatil A'laam*" (Lifting the Blame from the Distinguished Imaams). As the title suggests, he wrote this book in defence of

the Aimmah-e-Mujtahideen. Many times we find the *madhab* of an Imaam in apparant contradiction of a Hadith. Allaamah Ibn Taymiyyah lists ten reasons why we cannot rebuke any Imaam if this does happen. In the introduction, he summarizes these ten in the following three reasons:

1. The Imaam is not convinced that Rasulullah *sallallahu alaihi wasallam* made this statement - perhaps he is not satisfied with the chain of narrators.
2. He is of the opinion that the particular Hadith has no relation to the topic under discussion.
3. He is of the opinion that the ruling mentioned in that particular Hadith has been abrogated. ⁸

Besides, it should be remembered that it is impossible for a single person to encompass all the sayings, actions, rulings etc. of Rasulullah *sallallahu alaihi wasallam*. It was not possible that every Sahabi was present in every lecture or *majlis* (gathering) of Rasulullah *sallallahu alaihi wasallam*. Thus Allaamah Ibn Taymiyyah writes: "The claim that a single person has encompassed (gathered) all the Ahaadith of Rasulullah *sallallahu alaihi wasallam* is impossible." ⁹

An in-depth study of the above reveals that there are definite and logical reasons for the differences that exist between the

⁸ Raf'ul Malaam Pg.23

⁹ Raf'ul Malaam Pg.24

madhaahib. It is impossible that the entire ummah will unite on subsidiary issues. (They never differ in fundamental issues.)

The Seventy Two Sects

Rasulullah *sallallahu alaihi wasallam* said: "The Bani Isra'il were split into seventy two groups and most certainly my ummah will split into seventy three groups. All of them will be in the fire exept one!" The Sahabah *radiallahu anhum* asked: "Which is this group (that will be saved from the fire)?" He replied: "That upon which I and my Sahabah are."¹⁰ This Hadith implies that the Sahabah *radiallahu anhum* are not among the seventy two devious sects that will enter the fire. We may deduce from this that the four *madhaahib* are also not among these seventy two sects.

Which Madhab Did Rasulullah *sallallahu alaihi wasallam* Follow?

It is obvious from the preceeding discussion that the *madhaahib* did not exist during Rasulullah's *sallallahu alaihi wasallam* time. Rasulullah *sallallahu alaihi wasallam* therefore did not follow any *madhab*; he was thus niether Hanafi, Maaliki, Shaafi'i nor Hambali. Muslims however follow these *madhaahib* because differences in subsidiary matters (*furoo'aat*) was unavoidable. In such instances the common people who do not possess the qualifications for *ijtihad* (independent reasoning) turned to the Fuqahaa-e-Mujtahideen

¹⁰ Mishkaatul Masaabih V.1 Pg. (Pakistani edition)

because Allah Ta'aala has commanded in the Qur'aan: "Ask the people of knowledge if you do not know!" [Surah Ambiyaa, Aayah 7].

Initially there were more than four *madhaahib*. However, besides these four *madhaahib* (Hanafi, Maaliki, Shaafi'i and Hambali), all the others ceased to exist after the death of their founders or shortly thereafter. This may be attributed to a few reasons some of which are:

1. The Imaams of these four *madhaahib* were more famous and acceptable among the people than the other Imaams.
2. Their students numbered much more in comparison to the students of the other Imaams.
3. Many students of the other Imaams turned to these four *madhaahib* after their Imaams passed away.
4. These four *madhaahib* were more thorough and profound compared to the others. They had tackled a great number of issues that were not answered by the others.
5. A greater effort was made to record their *fataawa* (verdicts), *usool* (principles) etc. On the contrary, we do not know much of the other *madhaahib* in order to follow them e.g. Imaam Bukhaari *rahimahullah*—not much is known of his *madhab*. If he was an independent *mujtahid*, we do not have much of his *fataawa* and *usool* (principles observed when reaching a decision). Many of these have not been recorded in his famous collection of Hadith.

Similarly, Muslims adhere to any one of these four *madhaahib* i.e. they do not switch from *madhab* to *madhab* as they desire, because this would lead them to following their passions. They will always be on the lookout for the *madhab* with an easier solution to many of their problems. However, Allah Ta'aala has commanded us not to follow our passions.

Muslim or Hanafi?

Followers of all the *madhaahib* are unanimous in their beliefs and such matters regarding which there are explicit injunctions in the Qur'aan and sunnah. They therefore regard each other as Muslims. Just as no Hanafi calls a Shafi'i a kaafir and no Maaliki calls a Hambali a kaafir, they all take pride in calling themselves Muslim. Whenever any Hanafi, Shaafi'i etc. is required to answer any official document, he never hesitates in calling himself a Muslim. If a Hanafi or Hambali etc. is asked by a stranger regarding his religion, he will always answer that he is a Muslim and will never say that he is a Hanafi etc. The term "Muslim" represents their belief and all Muslims are unanimous in matters related to aqaa'id (belief). The terms "Hanafi", "Hambali" etc. only denote the different schools they belong to regarding subsidiary matters. There is thus no contradiction between the term Muslim and Hanafi, or Muslim and Maaliki etc.

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