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Points of Difference and Resolution in an Islamic State: A Study of Amin Ahsan Islahi

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Abstract:

Mawlana Islāhi brings about histrionically point of discussion “how did differences Emerged”? In harmony via elucidating it, he gives two factors responsible for fermenting differences in Islamic fiqh.

1. Firstly, the assassination of *Khulafa-e-Rashidin* Hadrat Uthman رضى الله عنه and Hadrat Ali رضى الله عنه resulted in the coming of regime which no doubt managed a strongly grip over the masses through their political might but could never win full confidence of the Muslims in general in regard to their ability to guide the later in matters of *Shar'iah* people depended on ‘*Ulama* and there was no longer any institution available to them for converting their differences into harmony.¹
2. Secondly, there appeared different centers of fiqh with the expansion of Islamic state, as Madinah, Makkah, Kufa, Basra, Yaman, Sham, during the period of *Taba'in*. Then he gives the characteristic differences between these schools of *fiqh*.² After *Taba'in*, he takes up the *Fuqaha* of the later periods that at the one hand they started freely accepting all sorts of *Mauguf* and *Mussul Ahadith* and on the second side they used to scrutinize different *Ahadith* on the particular issue.
3. Thirdly, they would also prefer the local school of thought if incase they found any differences in the observations of the companions, and thus there were three schools of *Fiqh*:
 - i. *Maliki fiqh*: - founded by Hadrat Imam Malik who was the greatest authority on the knowledge and practice of the people of Madinahhh, on the judgments delivered by Hadrat Umar رضى الله عنه, and on the sayings of and judgments of Hadrat Abdullah b. Umar رضى الله عنه, Hadrat A'isha رضى الله عنه and other eminent companions.³
 - ii. *Hanafi fiqh*: - founded by Hadrat Abu Hanifah who was a great scholar of the school of Ibrahim Nakhi and his comrades. His famous disciples Hadrat Qadi Abu Yousuf and Imam Muhammad are themselves the scholars of *Ijtihad*. However, they too did not make a departure from the creed and methodology of Imam Nakhi, and his comrades.⁴
 - iii. *Shafi'i fiqh*: - founded by Imam Shafi, he improved the first two schools and laid down fresh rules and regulations for the sciences of *Ijtihad* and derivation. He raised his voice against the *Istihsan*⁵, arrested the freedom of acceptance of *Mursal* and *Munqata* traditions, prescribed rules and regulations for collection and reconciliation of traditions etc.⁶

1. Introduction

Actually, the role of Imam Shafi'ih has been that of a comprehensive coordinator when he observed that these schools of Fiqh had clipped the wings of their own thought and functioned within narrow alleys confining themselves to ‘*Ulama* and Jurists of their own towns he tried hard to guide them, so that with the spread of traditions and sayings, these schools should make full use of collective treasure of tradition and sayings rather than be tied down to the *Ulama* of their respective regions and following the example of the revered predecessors, give up their own *Ijtihad* and opinions as soon as tradition came to light. Mawlana Islāhi wants to highlighted the efforts of Imam Shafi'i to; unite the Muslim *Ummah*, and also to harmonize and reconcile the knowledge of the *Din*.⁷

¹ Ibid., p.47.

² Ibid.

³ Ibid., p.54.

⁴ Ibid., p.55.

⁵ *Istihsan* (استحسان) is an Arabic term for juristic "preference". In its literal sense it means "to consider something good". *Muslims* scholars may use it to express their preference for particular judgments in Islamic law over other possibilities. It is one of the principles of legal thought underlying personal interpretation or *Ijtihad*.

⁶ Amin Ahsan Mawlana Islahi, *Islami Riyasat Main Fiqhi Ikhtilafat*, op.cit., p.56.

⁷ Ibid., pp. 57-61.

2. Ahl-i-Hadith and their differences with Jurists of Fiqh

Mawlana Islāhi puts heads together and discourses about the establishment of Ahl-i-Hadith⁸. This group continued the movement of Imam Shafi'i to search for *Hadith*. Ahl-i-hadith developed the science of narration and classification of *hadith*. Thereafter they turned their attention to *Fiqh*.⁹ In regard to *Fiqh*, they laid down conclusively that out of the different schools of *Fiqh*, so far, there was hardly any which did not reveal contradictions when compared with traditions and sayings of the prophet ﷺ on one problem or the other. It was therefore not proper to constantly follow on particular person. According, in all matters this group used to look for guidance to the *Ahadith* of the Holy Prophet ﷺ and to the sayings of the companions and their successors. For this purpose, they had laid down some principles which are almost same as those of others schools of *Fiqh* the author then by himself questions about the differences of the three schools of thought.¹⁰ Now-a- days, it has been widened. He himself answers the reason. That the differences did not spring from any disagreement on the fundamental principles of each on the contrary, they thrived because the followers of each sect deviated from their own basic principles and indulged in frivolous polemics, gradually widening the unfortunate gap.¹¹

Mawlana Islāhi scrutinizes the blind following i.e.; Taqlid of the fourth century earlier and fourth century after by saying sectarianism had not so far wrought mischief to the extent which was experienced subsequently. The religious scholars and layman of the days earlier to the fourth century were completely different in their approach to the problems as compared with the religious scholars and the layman of today. Every Muslim child of today opens his eyes in the world either as a born Hanafi, or an Ahl-e-Hadith an Orthodox follower of a particular sect-(*Muqallid*) or one of the independent views (*GhairMuqullid*).¹²

He stanches to individualize the attitude of the 'Ulama of the earlier and later periods. In the earlier periods, two types of 'Ulama were seen. One who carried *Ijtihad Mutlaq* and the other were *Mujtahid fil madhhab*. In earlier periods, there did not exist the types of *muqallid* that we find today. After the fourth century, conditions gradually changed. In place of the 'Ulama of a high order appeared those who competed for religious leadership and worldly status, and for this end in the luxury of polemics in the matters of religion as an art.¹³

Mawlana Islāhi turnover effective verdict of the Imams against the blind following by quoting Hadrat Imam Malki's views who deeply appreciated that people who act upon the *Sunnah* of the Prophet ﷺ in the light of their own understanding and insight. Here further mentions other Imams and compares them with the Ulama of today who regard the sayings of their respective Imams as absolutely infallible and beyond criticism. However, the Imams beared the broad minded attitude towards each other, they did not believe the truth lay in their own conviction.

3. Points of Differences According to the Amin Ahsan Mawlana Islāhi

Mawlana Islāhi accords the peculiarity of the causes of differences among the schools after discussing the true character of these differences, in the sense that whatever tenets of the *Din* stand out as fundamentals for one school, are reckoned as fundamentals for other school. He checks out the first thing which encouraged differences were the trend towards preference for the local 'Ulama. The detailed account of this very first difference in his words is as:

"The very first thing which encouraged differences was the trend towards preference for the local 'Ulama', Saeed bin Musayyib preferred the people of the Madinah, whereas Ibrahim Nakha'i preferred the people of the Kufa. This trend gained strength with the passage of time. In the initial stages this trend had limited effect. Only in such cases in which people found differences in the views of the companions of the Prophet they approached the 'Ulama' of their respective towns to seek their opinion which they preferred and accepted. So far there was nothing wrong with it. However, over's the years this trend transgressed reasonable limits and assumed alarming proportions of prejudice in favour of one's own town or province. This attitude changed the direction of thinking of the people. While deliberating over a new problem instead of concentrating over the strong and weak aspects of the arguments being advanced on the issue, and scrutinizing it on its merits, the people were now eager simply to know what opinion the elders of their own town or province held in that matter. This prejudice went so far that the people of a particular town on occasions refused to accept certain *Ahādith* just because those *Ahādith* had not gained popularity with the 'Ulama' of their own town.

In the olden days even the distance between Kufa and Madinahhh was indeed considered something to reckon with- a real hard journey. The people of two adjacent towns could neither get to know each other well enough, nor could they fully benefit from each other's knowledge of learning. Moreover, till then complete record of the Prophet's *Ahādith* had not yet been brought to light and compiled, nor again were the sayings and traditions of the companions and of the *Tabi'in* (successors to the companions), available in a compiled form. It is therefore easy to understand and appreciate the reason why people of those days reposed their confidence in the local 'Ulama' of their respective towns. However, there is hardly any justification whatsoever for us today they while analyzing the problems of the *Dīn*, we should discriminate between Madinahhh and Kufa we have in front of us, in a duly compiled form, the knowledge coming down to us both from Abdullah bin Umar and Abdullah bin Masud. We have all the means at our disposal to

⁸ Ahl al-Hadith "The people of hadith" or "People of the traditions (of the Prophet)"; also *Aṣḥāb al-ḥadīṯ*; , is a branch of Islam and a name given to various Islamic conservative traditionalists, and refers to the adherent's belief that they are not bound by *taqlid* but consider themselves free to seek guidance in matters of religious faith and practices from the authentic hadith which, together with the Qur'an, are in their view the principal worthy guide for Muslim.

⁹ Amin Ahsan Mawlana Islāhi, *Islami Riyasat Main Fiqhi Ikhtilafat*, op.cit., p.66.

¹⁰ Ibid.

¹¹ Ibid., p.68.

¹² Ibid., p.75.

¹³ Ibid., p.79.

weigh and adjudge the arguments advanced both by Ibrahim Nakha'I and Saeed bin Musayyib. And like wise we have on hand a whole treasure of the sayings of the Prophet Muhammad ﷺ in a compiled form, embracing the *Ahādith* coming down us to through the agency of the first generation, as also those which came to light during the period of the second and the third generations. It is therefore quite convent for us to scrutinize and adjudge the arguments put forward by each scholar with an open mind free of all local prejudices and thereafter adopt the view-point of any one of them which we feel is closest to the *Qur'an* and *Sunnah*".¹⁴

Secondly the cold war between derivation and traditions. Mawlana Islahi also has given a detailed account of this point differences: "Second factor which contributed towards differences is the cold war between derivation and traditions. The Jurists group laid stress on the process of derivation, ultimately going to the extent that at times they ignored even authentic traditions. On the other hand, entire stress of the traditionalist group was on traditions, and in their enthusiasm went so far that they denied even the necessity of derivation, giving highly exaggerated importance to traditions alone.

One might get some idea of the controversy over the subject through the measure of the difference of approach between the Jurists and the traditionalist towards treating the *Khabar-e-Ahad* as *Hujjat* (decisive guiding verdict). The Shafi'i and the traditionalist groups strictly insist on accepting *Khabar-e-Ahad* as a *Hujjat* so that in most cases they would close their eyes to all other aspects of the problem. On the contrary the Maliki and Hanafi schools would on occasions totally ignore the *AhadAhādith*. In matters relating to the day to day life of the common man the Hanafis would sometimes go to prefer even an analogical deduction over a *Khabar-e-Ahad*, brushing aside the later with the simple assertion that it was doubtful whether the narrator had fully understood the matter under review, or that it was doubtful whether the narrator had actually been able to remember the matter fully or reproduce it faithfully. According to them if a certain problem touches the day to day life of the people in general, any saying on that subject must be narrated in more than one way. If that was not done, they would hardly attach much importance to the association of the sayings with the Prophet Muhammad ﷺ himself. Likewise, when the Maliki's felt that a certain *Khabar-e-Ahad* ran contrary to the practice of the people of Madinah, they would take no notice of it. They argued that the city of the Madinah was the chief source of all the sayings and traditions, and the seat of all eminent companions. it was not just possible that they could ever manage to form a consensus on a practice which was contrary to the *Sunnah* of the Prophet Muhammad ﷺ. Therefore, if ever a tradition of the Prophet ﷺ was quoted by someone, they argued, and were found contrary to their practice, that tradition in itself- and not the practice of the people of Madinah- should be taken as questionable. The traditionalists have always taken a strong exception to his attitude of the Malikis and the Hanafis accusing them of ignoring the *Sunnah*. This accusation is quite unfair. For a matter to attain the status of *Sunnah*, it is not enough that it should simply be said to bear association with the Holy Prophet Muhammad ﷺ. It is equally important that- depending on the nature of the case- you can repose complete faith in that association. We might across case of routine daily life in which the Hanafis do not, on the face of it, appear to pay due regard to *Akhbar-e-Ahad*, or the Malikis do not appear to give much attention to it would rather prefer the practice of the people of Madinah. From this we need not, however, conclude that, Allah forbid, this is a deliberate disregard of *Sunnah*. What they wish to emphasize is that in such matters, to arrive at a solution of a particular problem which should be closest to the spirit of the *Qur'an* and *Sunnah*, deserves a very cautious approach, and it is their thinking- and not that of the traditionalists – which can achieve that objective. Now, you might take their point of view as a debatable issue of academic interest; you may even disagree with it. However, it is rather unfair to insinuate evasion of *Sunnah* of their part. They defend it by asserting that they have only tried to meet in the latter and spirit the demands of our Dīn for observing utmost caution before declaring a matter as *Sunnah*. The arguments advanced by them in support of their claim undoubtedly carry weight.

All the same it is hard to deny that the revered Jurists have on occasion so mercilessly rejected traditions defend their own principles that it is almost impossible for an impartial observer to decide which of the two things- their own principles of the *Ahadith* of the Holy Prophet ﷺ – is more sacrosanct in their eyes. Giving exaggerated importance to *Akhbar Ahad* is, no doubt, unfair. But then more than unfair is to ignore traditions only to defend to at all costs one's own *Ijtihad* and analogical deductions, and treat the former like just commonplace saying. This has naturally contributed towards widening the gulf between the *Fuqaha* and the *Ahl-e-Hadith*, and shall continue to do so unless and until both the groups bring about a change in their respective view-points- the Jurists come forward and keep their own *Ijtihad* and interpretation low in the scales in cases where traditions appear to agree with other conditions and analogies, as also with the spirit of the *Qur'an* and the *Sunnah* in general; and on the other hand the traditionalists bring themselves round to acknowledge the weak links that may exist in a *Khabar-e-Ahad* and refrain from laying undue stress on such points in the face of more convincing evidence. In this matter when both the groups draw closer to each other at a point of conciliation a major cause of mutual irritation will automatically be eliminated".¹⁵

The **third** factor which encouraged differences is the trend to follow just one particular Imam, bowing only to this *Ijtihad* and his sayings. "Naturally, as a result of that exclusive attitude the followers of different Imams are bound to stay away from each other. The gap is likely to widen further when each group firmly believes verity and righteousness' to be the sole monopoly of its own Imam and his school of thought. That sought of prejudice must inevitably stem from the blind following of a single person, and it is almost impossible for such a follower to escape its harmful effects.

Expect for the Holy Prophet ﷺ Islam has not conferred on any one else that towering status in defense to which every word from his lips be quietly accepted without any criticism. In fact, our *Shari'ah* calls up on every educated person that in all affairs of the *Dīn* he must make full use of his intellect and understanding, and should not act up on thing until he makes sure that what he is going to follow conforms to the tenets of the *Shari'ah* laid down by Allah. In case, however, a person not educated enough to be able to fully

¹⁴ Ibid, pp.92-93.

¹⁵ Ibid., pp.94-97.

understand the commandments of Shari'ah directly he is duty bound to seek the guidance of persons in whose knowledge and piety he has full faith, irrespective of their affiliations to any Imam or sect. There is no room in Islam for a born Hanafi or a born Ahl-e-Hadith. It is the sacred duty of our 'Ulama' to make every Endeavour to obviate these prejudices rather than create or aggravate them. They must rid the Muslim *Ummah* of the evil of sectarianism just as, according to Shah Waliullah, the Muslims of the pre-fourth century were innocent of it. They must develop in the Muslims a high sense of respect for genuine knowledge and righteousness rather than for sects and groups, so that for guidance in matters concerning the Deen they look up to every such person in whom they observe these sterling qualities. An effective way to bring about a change in mental approach, and inculcate a spirit of broad-mindedness is that, instead of teaching the Fiqh of one particular Imam in our religious institutions, we educate the students in compressive Islamic Fiqh. We should thus be producing scholars who would be free from sectarian prejudice and would cherish complete Islamic Fiqh as their proud heritage. Such scholars would select out of the Islamic Fiqh whatever lies closet to the Qur'an and the Sunnah and would not only act upon it themselves with an unbiased mind, but would guide others too to act upon the same".¹⁶

The **fourth** point which has been a cause of so many disputes of *Fiqh* is the display of unwarranted prejudice and intransigence by the people instead of as spirit of tolerance and broad-mindedness in important matters like *Ijtihad*. In its final verdict any *Ijtihad* can be right and it can even be wrong- even though it may be from the pen of a scholar of the highest caliber. It is therefore that while a *Mujtahid* is himself bound by his own *Ijtihad*, he is neither competent to impose it on others, nor does it grant a right to anyone to elevate it to the status of *Nasus* (the immutable commandments of the *Qur'an* and the *Sunnah*), and assuming that right, to take up arms against others. If, for instance, a person considers it necessary to perform *Rafa'Yadain* (lifting up hands up to shoulders during prayers), he may well act upon it. But then he has no right to go around quarrelling with others on this point. Nor do others have any right to be after his blood just because he believes in *Rafa'Yadain*.¹⁷

4. Resolution of Differences in an Islamic State

The characteristics of a truly Islamic state that is simply concerned with Islam- the fundamental belief in the unity of Allah and Prophet hood, *Zakah* (Obligatory charity), observance of permissive and prohibitive laws in matters in relating to food as well as marriage and divorce, regulating your social and economic system on the guidelines and limits laid down by Islam. If an individual observes these basic injunctions of Islam, the Islamic state shall not question him as to why he follows particular school of thought or why not others. The obligations of the state are confined to safeguard the liberty of expression and right of option of the individual.¹⁸

Amin Ahsan Islāhi estimates that the truly Islamic state is established on the guidelines of *Khilafat-e-Rashidah* that does not force its citizens to adopt a particular creed or a particular school of *Fiqh*. The truly Islamic state is raised directly on the hard rock foundations of the *Qur'an* and *Sunnah*, *Ijtihad*, consultation and advice. He suggests that the different schools of *Fiqh* shall weigh equally respected. He gives the example of disagreements in the period of Hadrat 'Uthman رضى الله عنه (that arose on the *Qasr* prayer) in order to highlight the importance of right of freedom of expressions. A number of people strongly expressed their difference on the position taken by him; however, when it was prayer time all those who had raised objections duly said their prayer in his leadership and according to his creed. Whatever difference they had with Hadrat 'Uthman Ghani رضى الله عنه on this issue stayed as such during his lifetime, and endures till today.¹⁹

Thus Islamic state would, in its character, radiate an environment in which people would rid themselves of the trammels of blind following and choose the path of free thinking and *Ijtihad*. It will not take notice of such minor details as form a part of an individual's personal life. It will confine directly only to such matters as have their impact on the collective social and political life of the people, and even in these matters, the state will not approach them from a particular angle, but will look at them directly in the guiding light of the principles of the *Quran* and the *Sunnah* on which there is consensus of all Muslims.²⁰

In the vicinity of next to nothing, Mawlana Islāhi pivots to one more important matter, that if the Government decides to adopt of particular viewpoint, as for as collective matters of the people are concerned, then it becomes necessary for everyone to show one's obedience to it. In this manner, despite liberty of expression, chances of discord and mischief are eliminated.

5. Position of Muslim Sects in Islamic State

The issue of sects' raised due to the differences in Islamic laws and also due to the heavy or major differences in Islamic beliefs and convictions. He situates in the open some perquisites which if accepted by the sect shall be entitled to fulfill the citizenship of the state and shall enjoy all the civic rights, granted to its citizens. And if these perquisites are not accepted by the sect, it will be given the status of minorities and its rights safeguarded as such. These prerequisites include; *Tawhid*, *Risalah*, *Salah*, *Zakat*, *Azmit qiblah* appointed by Islam as one's *Qiblah*, Observe *Shar'iah* laws in the matters of marriage and divorce and matters relating to *Halal* and *Haram*, be loyal and be a well-wisher of the state.²¹

There is no justification for the state to encroach upon the civil liberties of a particular sect, merely on flimsy grounds; unless and until there is conclusive evidence against it to prove quotes the example of the *Khawarji* sect which raised its head during the reign of

¹⁶ Ibid., pp.97-98.

¹⁷ Ibid., pp.98-100.

¹⁸ Ibid., p.101.

¹⁹ Ibid., pp.103-105.

²⁰ Ibid., pp. 106-107.

²¹ Ibid., pp.109-110.

Hadrat Ali رضي الله عنه . He entrusts concise explanation of it in procession to array the liberal attitude adopted by Hadrat Ali رضي الله عنه towards *khawarji*, despite the contorted beliefs of the later. Mawlana Islāhi here takes into account:

Hadrat Ali رضي الله عنه sent then a message – ‘you are at liberty to reside wherever you like. However, it is resolved between both of us that you will not shed blood in the land, nor create disorder, and will not tyrannize any one. In case, however, you indulge in any of the said crimes, I shall then declare war against you.’²²

At another place the under noted words have been quoted from Hadrat Ali رضي الله عنه :

‘If you do not create disorder in any manner, we shall not be the first to declare war against you.’²³

He has outcome from it as that the *Khawarij* sect can serve as a criterion for us if we wish to examine the question as to which are the Muslim sects today for whom there is room for an equal status in an Islamic state and which others could be accepted in the state only as minorities and could not be granted full civic rights along with other Muslims.

6. References

- i. Ibid., p.47.
- ii. Ibid.
- iii. Ibid., p.54.
- iv. Ibid., p.55.
- v. Istihsan (استحسان) is an Arabic term for juristic "preference". In its literal sense it means "to consider something good". Muslimscholars may use it to express their preference for particular judgments in Islamic law over other possibilities. It is one of the principles of legal thought underlying personal interpretation or Ijtihad.
- vi. Amin Ahsan Mawlana Islāhi, Islami Riyasat Main Fiqhi Ikhtilafat, op.cit., p.56.
- vii. Ibid., pp. 57-61.
- viii. Ahl al-Hadith "The people of hadith" or "People of the traditions (of the Prophet)"; also Aṣḥāb al-ḥadīṭ; , is a branch of Islam and a name given to various Islamic conservative traditionalists, and refers to the adherent's belief that they are not bound by taqlid but consider themselves free to seek guidance in matters of religious faith and practices from the authentic hadith which, together with the Qur'an, are in their view the principal worthy guide for Muslim.
- ix. Amin Ahsan Mawlana Islāhi, Islami Riyasat Main Fiqhi Ikhtilafat, op.cit., p.66.
- x. Ibid.
- xi. Ibid., p.68.
- xii. Ibid., p.75.
- xiii. Ibid., p.79.
- xiv. Ibid, pp.92-93.
- xv. Ibid., pp.94-97.
- xvi. Ibid., pp.97-98.
- xvii. Ibid., pp.98-100.
- xviii. Ibid., p.101.
- xix. Ibid., pp.103-105.
- xx. Ibid., pp. 106-107.
- xxi. Ibid., pp.109-110.
- xxii. Nail-ul-Autar, Vol. 7, p. 133.
- xxiii. Ibid.

²²Nail-ul-Autar, Vol. 7, p. 133.

²³Ibid.