

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

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ABSTRACT: Mawlana Amin Ahsan Islahi brings historically points of discussion. According to him, infact, juristic controversies started raising their heads soon after the demise of Prophet Muhammad ﷺ and raged in the caliphate of Hadrat Ali, the earliest examples having been furnished by the Khawarij. Righteous caliphs, Madinah and Kufa become the two famous seats of learning and the rallying centres of Muslim scholars. Then followed the Hanafi, maliki, Shafi'i, and Hanbali schools during Umayyad and Abbasid periods.

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I. Introduction

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

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

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.

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*:

Maliki fiqh:- founded by Hadrat Imam Malik who was the greatest authority on the knowledge and practice of the people of Madinah, 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

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

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 Mawlana Amin Ahsan Islahi, *Juristic Differences and How to Resolve them in an Islamic State*, Adam Publishers and Distributors, New Delhi, 2007, 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". Muslim 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.

Actually, the role of Imam Shafi'i 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

II. 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 followers of a particular sect- (*Muqallid*) or one of the independent views (*Ghair Muqallid*).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.

III. Points Of Differences According To The Amin Ahsan Mawlana Isla Hi

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

⁷ Ibid., pp. 57-61.

⁸ Ahl al-Hadith "The people of hadith" or "People of the traditions (of the Prophet)"; also *Aṣḥāb al-ḥadīth*; , 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.

differences were the trend towards preference for the local 'Ulama. The detailed account of this very first difference in his words is as:

"The principal thing which supported contrasts was the pattern towards inclination for the neighborhood 'Ulama'; Saeed bin Musayyib favored the general population of the Madinah, though Ibrahim Nakha'i favored the general population of the Kufa. This pattern picked up quality with the progression of time. In the underlying stages this pattern had restricted impact. Just in such cases in which individuals discovered contrasts in the perspectives of the associates of the Prophet they drew closer the 'Ulama' of their particular towns to look for their supposition which they favored and acknowledged. So far there was nothing amiss with it. Be that as it may, through out's the years this pattern transgressed sensible breaking points and expected disturbing extents of bias for one's own town or area. This demeanor altered the course of reasoning of the general population. While thinking over another issue as opposed to concentrating over the solid and frail parts of the contentions being progressed on the issue, and examining it on its merits, the general population were currently excited just to realize what feeling the senior citizens of their own town or territory held in that issue . This preference went so far that the general population of a specific town on events declined to acknowledge certain Ahaḍith in light of the fact that those Ahaḍith had not picked up prominence with the 'Ulama' of their own town.

In the long time past days even the separation amongst Kufa and Madinah was for sure thought about remark with-a genuine hard excursion. The general population of two neighboring towns could neither become more acquainted with each other all around, nor would they be able to completely profit by each other 's information of learning. Also, till then complete record of the Prophet's Ahaḍith had not yet been uncovered and gone along, nor again were the maxims and conventions of the allies and of the Tabi'in (successors to the associates), accessible in an agreed frame. It is thus straightforward and values the motivation behind why individuals of those days rested their trust in the neighborhood 'Ulama' of their separate towns. In any case, there is not really any avocation at all for us today they while dissecting the issues of the Dīn , we should separate amongst Madinah and Kufa we have before us, in a properly agreed frame, the learning coming down to us both from Abdullah bin Umar and Abdullah bin Masud. We have every one of the methods available to us to weigh and declare the contentions progressed both by Ibrahim Nakha'I and Saeed bin Musayyib. Furthermore, similar to shrewd we have close by an entire fortune of the colloquialisms of the Prophet Muhammad ﷺ in an agreed shape, grasping the Ahaḍith descending us to through the organization of the original , as likewise those which became known amid the time of the second and the third ages. It is in this way very religious community for us to investigate and decree the contentions set forward by every researcher with a receptive outlook free of every single neighborhood partiality and from that point embraces the view-purpose of any of them which we feel is nearest 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 contrasts is the cold war amongst induction and conventions. The Jurists bunch laid weight on the procedure of deduction, at last setting off to the degree that on occasion they overlooked even credible conventions. Then again whole worry of the traditionalist gathering was on customs, and in their excitement went so far that they prevented even the need from claiming inference, giving exceptionally overstated significance to conventions alone.

One may get some thought of the discussion over the subject through the measure of the distinction of approach between the Jurists and the traditionalist towards regarding the Khabar-e-Ahad as Hujjat (conclusive managing decision). The Shafi'i and the traditionalist gatherings entirely demand tolerating Khabar -e-Ahad as a Hujjat so that much of the time they would ignore every other part of the issue . In actuality the Maliki and Hanafi schools would on events thoroughly overlook the Ahad Ahaḍith . In issues identifying with the everyday existence of the regular man the Hanafis would now and again go to lean toward even an analogical derivation over a Khabar-e-Ahad, ignoring the later with the straightforward statement that it was farfetched whether the narrator had completely comprehended the issue under survey, or that it was suspicious whether the narrator had really possessed the capacity to recall the issue completely or replicate it steadfastly. As indicated by them if a specific issue touches the everyday existence of the general population as a rule, any idiom regarding that matter must be described in more than one way. On the off chance that that was not done, they would scarcely join much significance to the relationship of the truisms with the Prophet Muhammad ﷺ himself. In like manner, when the Maliki's felt that a specific Khabar-e-Ahad ran in opposition to the act of the general population of Madinah, they would fail to acknowledge it. They contended that the city of the Madinah was the central wellspring of the considerable number of adages and conventions, and the seat of every famous friend. it was not simply conceivable that they would ever figure out how to frame an accord on a training which was contrary to the Sunnah of the Prophet Muhammad ﷺ. Therefore if ever a tradition of the Prophet ﷺ was quoted by

¹⁴ Ibid, pp.92-93.

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 usually taken a strong exception to his mindset of the Malikis and the Hanafis accusing them of ignoring the Sunnah. This accusation is pretty unfair. For a reply to obtain the status of Sunnah, it isn't always sufficient that it must truly be said to undergo affiliation with the Holy Prophet Muhammad ﷺ. It's far similarly crucial that-relying on the character of the case- you can repose entire religion in that association. We might throughout case of habitual daily existence wherein the Hanafis do now not, at the face of it, appear to pay due regard to Akhbar-e-Ahad, or the Malikis do now not appear to offer much interest to it'd as a substitute decide on the practice of the people of Madinah. From this we need not, however, conclude that, Allah forbid, that is a planned disregard of Sunnah. What they wish to emphasize is that during such subjects, to reach at a solution of a particular problem which ought to be closest to the spirit of the Qur'an and Sunnah, merits a totally cautious approach, and it's miles their wondering- and not that of the traditionalists – that may attain that goal. Now, you would possibly take their point of view as a controversial trouble of instructional interest; you can even disagree with it. But, it is alternatively unfair to insinuate evasion of Sunnah of their part. They guard it by maintaining that they have got only tried to satisfy within the latter and spirit the needs of our Di n for gazing utmost warning before putting forward a remember as Sunnah. The arguments superior by way of them in aid of their claim absolutely deliver weight.

all of the equal it's miles hard to deny that the respected Jurists have on occasion so mercilessly rejected traditions protect their very own concepts that it's miles nearly impossible for an impartial observer to determine which of the two matters- their personal standards of the Ahadith of the Holy Prophet ﷺ –is extra sacrosanct of their eyes. Giving exaggerated importance to Akbhar Ahad is, absolute confidence, unfair. But then extra than unfair is to ignore traditions best to shield to in any respect charges one's own Ijtihad and analogical deductions, and treat the former like just common announcing. This has obviously contributed towards widening the gulf between the Fuqaha and the Ahl-e-Hadith, and shall hold to do so unless and until each the organizations bring about a alternate of their respective view-points- the Jurists come ahead and hold their very own Ijtihad and interpretation low inside the scales in instances wherein traditions appear to consider other situations and analogies, as also with the spirit of the Qur'an and the Sunnah in standard; and then again the traditionalists convey themselves spherical to acknowledge the susceptible hyperlinks that could exist in a Khabar-e-Ahad and refrain from laying undue stress on such points inside the face of more convincing proof. In this remember when both the agencies draw toward each other at a point of conciliation a primary motive of mutual infection will mechanically be removed".¹⁵

The third factor which endorsed differences is the fashion to observe simply one particular Imam, bowing best to this Ijtihad and his sayings. "naturally, due to that distinctive mindset the followers of different Imams are certain to stay away from every different. The space is likely to widen further whilst every organization firmly believes verity and righteousness' to be the only monopoly of its personal Imam and his school of thought. That sought of prejudice ought to inevitably stem from the blind following of a unmarried individual, and its miles almost not possible for one of these follower to escape its dangerous effects.

Assume for the Holy Prophet ﷺ Islam has now not conferred on anybody else that towering popularity in defense to which each word from his lips be quietly commonplace without any criticism. In reality our Shari'ah calls up on every educated person that in all affairs of the Di n he have to make complete use of his intellect and knowledge, and should no longer act up on element until he makes sure that what he is going to follow conforms to the tenets of the Shari'ah laid down by way of Allah. In case, however, a person so no longer knowledgeable sufficient in order to completely recognize the commandments of Shari'ah immediately he is responsibility bound to are seeking the steering of men and women in whose knowledge and piety he has complete religion, 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's miles the sacred duty of our 'Ulama' to make every Endeavour to obviate these prejudices in place of create or aggressive them. They must rid the Muslim Ummah of the evil of sectarianism simply as, consistent with Shah Waliullah, the Muslims of the pre-forth century have been innocent of it. They should develop within the Muslims a excessive sense of appreciate for authentic knowledge and righteousness rather than for sects and corporations, in order that for guidance in subjects concerning the Deen they look up to each such character in whom they have a look at these sterling traits. An effective manner to bring about a alternate in intellectual technique, and inculcate a spirit of large-mindedness is that, in preference to teaching the Fiqh of 1 specific Imam in our spiritual institutions, we teach the scholars in compressive Islamic Fiqh. We should hence be generating pupils who would be free from sectarian prejudice and could cherish entire Islamic Fiqh as their proud heritage. Such pupils might pick out of the Islamic Fiqh something lies closet to the Qur'an and the

¹⁵ Ibid., pp.94-97.

Sunnah and might now not handiest act upon it themselves with an impartial mind, but would guide others too to behave upon the identical".¹⁶

The fourth factor which has been a cause of such a lot of disputes of Fiqh is the display of unwarranted prejudice and intransigence by means of the human beings as opposed to as spirit of tolerance and vast-mindedness in critical subjects like Ijtihad. In its final verdict any Ijtihad can be proper and it could also be incorrect- even though it is able to be from the pen of a scholar of the best quality. It's far therefore that while a Mujtahid is himself sure through his personal Ijtihad, he's neither capable to impose it on others, nor does it furnish a proper to anyone to raise it to the status of Nasus (the immutable commandments of the Qur'an and the Sunnah), and assuming that proper, to take up fingers towards others. If, for example, someone considers it important to carry out Rafa'Yadain (lifting up hands as much as shoulders at some stage in prayers), he can also nicely act upon it. But then he has no right to head round quarrelling with others on this point. Nor do others have any proper to be after his blood simply because he believes in Rafa' Yadain.¹⁷

IV. Resolution Of Differences In An Islamic State

The characteristics of a actually Islamic nation that is truly involved with Islam- the fundamental notion inside the unity of Allah and Prophet hood, Zakah (obligatory charity), observance of permissive and prohibitive laws in matters in referring to food as well as marriage and divorce, regulating your social and economic device on the suggestions and bounds laid down by way of Islam. If an character observes those primary injunctions of Islam, the Islamic kingdom shall no longer question him as to why he follows specific college of thought or why not others. The responsibilities of the country are constrained to safeguard the freedom of expression and proper of choice of the person.¹⁸

Amin Ahsan Islahi estimates that the sincerely Islamic kingdom is established on the suggestions of Khilafat-e-Rashidah that does not pressure its citizens to undertake a particular creed or a specific faculty of Fiqh. The in reality Islamic kingdom is raised immediately at the difficult rock foundations of the Qur'an and Sunnah, Ijtihad, session and recommendation. He suggests that the distinctive colleges of Fiqh shall weigh equally reputable. He gives the example of disagreements inside the duration of Hadrat 'Uthman رضى الله عنه (that arised at the Qasr prayer) with a purpose to spotlight the significance of right of freedom of expressions. a number of humans strongly expressed their distinction on the location taken by way of him; but, whilst it changed into prayer time all people who had raised objections duly said their prayer in his management and in keeping with his creed. Whatever difference they'd with Hadrat 'Uthman Ghani رضى الله عنه in this difficulty stayed as such during his lifetime, and endures until nowadays.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 Islahi 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.

V. Position Of Muslim Sects In Islamic State

The issue of sects' arised 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 filmry grounds; unless and until there is conclusive evidence against it to prove quotes the example of the *Khawarji*

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.

sect which raised its head during the reign of Hadrat Ali رضى الله عنه. He entrusted concise explanation of it in procession to array the liberal attitude adopted by Hadrat Ali رضى الله عنه towards *khawarij*, despite the contorted beliefs of the later. Mawlana Islāhi here takes into account:

Hadrat Ali رضى 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 رضى 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.

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²² *Nail-ul-Autar*, Vol. 7, p. 133.

²³ *Ibid.*