

Strategy of Managing Disagreements and Resolving the Issue of Takfeer-e-Muslim

Maryam Rathor

MPhil Research Scholar Fatima Jinnah Women University, Rawalpindi

maryamgs6692qadri@gmail.com

Dr. Shahzadi Pakeeza

Chairperson, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi.

dr.pakeeza@fjwu.edu.pk

Fariha Fatima

Lecturer Department of Islamic Studies Riphah International University, Islamabad

fariha.fatima@riphah.edu.pk

ABSTRACT

In Islam, religious or cultural diversity is considered as a sign of Allāh (عزوجل) and it contains several injunctions with the aim to establish peace for social behavior, managing disputes and resolving the disagreements. It is the religion of unity and pacific which addresses the mankind to live together and collaborate with each other even during disagreements on religious matters and on differences of culture and civilization. The article examines the rules of making takfeer on the person to highlight the sensitivity of the concept of takfeer and later outlines the Islamic ethical values with the aim to make various sects of Muslims in Pakistan live peacefully not only with themselves but with the people having disagreement and difference of opinions as well.

Keywords: Peace and harmony, Ethics, Consultation, Justice, Apostacy, Disbeliever, Disagreements, Charter of peace, Etiquettes, Behavioural factors.

Introduction

Islam has witnessed several problems which lead to the division among the Muslims. These crises occurred due to different problems likewise, takfeer is one of the sensitive matters which has the serious effects on the accuser as well as the accused. Contemporary times in Pakistan Takfeer e Muslim is the grave issue and calling others disbeliever unlawfully is injustice to whole Islamic society. Islam as a religion of peace attaches great importance to peace, tolerance, prosperity and well-being and encourages to adopt ethics in each sphere of life. Islam has encouraged non-violent teachings and practices through juristic interpretation of the Qur'an on the Islamic ethics of violence though this phenomenon is ignoring among the religious scholars of Pakistan who are hurrying to call other Muslims with disbelief and promoting violence. During disagreement between individuals or group two approaches could be adopted that is violent or none-violent methods whereas, the former leads towards aggressiveness, enmity, anger and disunity and the later provides peaceful coexistence to avoid the conflicts and disputes. As- Salam (السَّلَامُ) is among the ninety-nine names of Allāh (عزوجل) means 'the Author of peace safety and severity' and the Qur'an explains that Allāh (عزوجل) does not favor mischief.

1. The Rules Examine for Making Takfeer

Takfeer is among the sensitive matters which results to refute person's Islam and declared a Muslim as an apostate. Based on the evidences of matter, the rulings of Sharī'ah have different kinds and each kind have different commandments, the claim of disbelieve and apostasy can only be made on denying the commandments of Qat'i al-tsubut (قطعی الثبوت) and Qat'i al Dilalah (قطعی الدالالتہ). The rules and principles of charging Takfeer discussed in detail below.

1.1 Denying Qat'i al tsubut (قطعی الثبوت) and Qat'i al Dilalah (قطعی الدالالتہ)

Muhammad Amin Ameer Badshah said "The matter which has the proof with the evidence that has no any doubt and does not require further evidence is Qat'i al-tsubut and Qat'i al Dilalah."¹ So Qat'i al-tsubut means that its proof should be in Qur'an or on those narrations of Prophet Muhammad (صلى الله عليه وآله وسلم) whose narrators are trustworthy from the time of Prophet (صلى الله عليه وآله وسلم) till their death (means that Hadīth is among متواتر Hadīth according to Hadīth sciences). Imam Wulwalji said "The person who denies any one obligation of the book of Allāh (عزوجل) will become kāfir."² Obaidullah Bin Masood said "Qat'i is that which does not have any doubt."³ Therefore, Qat'i al Dilalah means that the statement of the commandment in Qur'an or in mutawatir Hadīth should be clear in its meaning and should not be speculative so that no Taweel could be made on its meaning. So according to the above explanation the Muslim will be charge with Takfeer if he denies any of the vital point of Islam (ضروریات دین) and Qat'i matters which does not contain any doubt.⁴

1.2 Refusing the Vital Points of Religion

No Takfeer could be made on the Muslim until he deny any Qat'i of religion and refuse the vital points of religion which are known by every Muslim and are part of religion.⁵ Anwar Shah

¹ Muhamad 'Amin bin Mahmud al Bukhari Amir Badshah, Tiyasayr AL tahrir: Sharah e Kitab Al tahrir fi'usul alfaqi, ed. 1, (Dalail Al Kutub al alamia), 10, c.f Muhammad Ishaq and Owais Anwar, "Religious needs and the basic principles of takfeer in the light of scholar's view," Habibia Islamicus the International Journal of Arabic and Islamic Research, 5, No.2 (June 2021): 110

² Zaheer-ud-Din Abdul Rashid bin Abi Hanifah ibn Abdul Razzaq Al-Wulwalji, Fatawa al Wulwalji, ed. 5 (Beirut: Dalail Al Kutub al alamia 2002), 420

³ Obaidullah Bin Masood Saddar al Sharī'ah, Al tauzeeh with Hashita Al-Talwih, ed, 11, (Karachi: Noor Muhammad kotob Khanna), 68

⁴ Muhammad Ishaq and Owais Anwar, "Religious needs and the basic principles of takfeer in the light of scholar's view," Habibia Islamicus the International Journal of Arabic and Islamic Research, 5, No.2 (June 2021): 110

⁵ Ishaq and Anwar, "Religious Needs and the Basic Principles of Takfeer, 111

Kashmiri said that “The vital points of religion mean all the Qat’i and pillars of Islam which are approved by Prophet (صلى الله عليه وآله وسلم) as part of religion and are famous in mutawatir although also known by people as part of religion, for example Oneness of Allāh (عزوجل), Prophet (صلى الله عليه وآله وسلم) as the last messenger of Allāh (عزوجل).”⁶

Taghi Al din Sabki wrote that ‘the one who has heart faith will consider difficult to make Takfeer as it is a major issue and it is difficult to excommunicate others as they testify that Allāh (عزوجل) is one and He has no partner’.⁷ According to Saad Al-din Taftazani ‘The Muslim cannot be considered as apostate unless he denied the religious necessities as Prophet (صلى الله عليه وآله وسلم) and his companions did not use of inquire the opinion of other and accepted which was apparently right from the people’.⁸

1.3 Rejecting Ijtihād Matters

There is diversity in interpreting certain rules from Qur’an and Sunnah among the Muslim scholars. In the differences of sectarian and ijtiḥād matters the scholars are on the opinion that no one will be declared false in sub issues when their opinion is according to Shari‘ah, that is why there is diversity in schools of thought due to their different understandings as these differences are for the ease of Ummah. The example of difference in interpreting the text could be the verse of Qur’an in which the word (قرو) is used about the waiting period of women who divorced.⁹ The scholars have differences over it and word is interpreted with two different meanings as the period of menstruation or the period among two menstruation. These differences are natural due to different intellect and it was also at time of companions. The comments of Hazrat Umar bin Abdul Aziz (رضى الله تعالى عنه) in this matter are very significant as disagreements in matter of ijtiḥād is a natural phenomenon, he said

⁶ Anwar Shah Kashmiri, Akfar Al-Malhedeem Fi Zaruyat-ud-Din, (Al-Majlis Al- Alami, 1996),2

⁷Hussein Rahmani Tirkalai and Sayed Mohsen Sadat Kiaei, “Review phenomenon Excommunication from the perspective of Sunni scholars,” International journal of humanities and cultural studies ,1228, c.f Muhammad Ishaq and Owais Anwar, “Religious needs and the basic principles of takfeer in the light of scholar’s view,” Habibia Islamicus the International Journal of Arabic and Islamic Research, 5, No.2 (June 2021): 111

⁸ Saad al-Din Masud al Taftazani, Sharah Almaqsad fi Ilm al-kalam, Encyclopaedia Alnoamaneh, (Pakistan: 1980) c.f Ishaq and Owais, “Religious needs and the basic principles of takfeer, 111

⁹ Al Qurān: Surah Al Bakara. 2:228

مايسرنى لو ان اصحاب محمد لم يختلفو لانهم لو لم يختلفو لم تكن رخصة¹⁰

I would not have been happy if the companions of the Prophet had not differed;
Hazrat Imam Malik was requested by the caliph of that time to make some copies of his book Muta so, he could send it to every city and made everyone to agree on it but Imam Malik did not accept it and said that people received different traditions and following them and this could make the ummah in trouble.¹¹ The differences on sub-issues are from the time of companions and this is among praiseworthy disagreements. The scholars of Fiqh refers it as differences of time and place. In ijtiḥād matters variant views contradict with each other and there is no difference between right and wrong as the opinion relying on the text of Qur'an and Hadīth is considered right in ijtiḥād. If the opponents differed while both are qualified and reach the decree of ijtiḥād having valid evidences and done their best than both are deserving of reward and such differences are not disgraceful instead called as Mahmood or praiseworthy.¹² as mentioned in Hadīth, narrated by Hazrat `Amr bin Al-`As (رضى الله تعالى عنه) that Prophet (صلى الله عليه و آله و سلم) said,

إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ فَلَهُ أَجْرَانِ، وَإِذَا حَكَمَ فَاجْتَهَدَ ثُمَّ أَخْطَأَ فَلَهُ أَجْرٌ¹³

"If a judge gives a verdict according to the best of his knowledge and his verdict is correct, he will receive a double reward, and if he gives a verdict according to the best of his knowledge and his verdict is wrong, even then he will get a reward."

The hadith exempts the mujtahid from sin and promises a reward for him when he judges according to the best of his understandings and states that he can also make mistakes. In Fiqh this is the main cause of the disagreements among scholars. Ijtiḥād is independent reasoning of the Muslim scholars conducted with deductive method to enforce and elaborate Islamic laws

¹⁰Ala ud deen Sayoti, Hafiz Abdul Rehman, Vol- III, hadith 5736, 110 c.f Muhammad Sajjad Malīk, The Scope of Consultation and Diversity in the Unity of the Ummah, Seerat Conference, the Islamia University Bahawalpur (Lahore, Pakistan: Research ate.net publications, 2022), 6

¹¹ Mehmood Ahmed Ghazi, Mahazrat e Fiqh, (Lahore, Pakistan: Al-Faisal Nasheran wa Tajran e Kutab, 2010),120

¹² Ibn Ibrahim al-Lawlawi Al-Zarkashi, Tarikh al-Dawlatayn al-Muwahhidiyyah wa al-Hafsiyyah. (Tunis: Matbacat al-Dawlah al-Tunisia al-Mahrusah, 1872) c.f Sajjad, The scope of diversity, 7

¹³ Dr Muhammad Muhsin Khan, Translation of the Meanings of Sahih Al Bukhari, Volume 9, , Holding Fast to the Qurān and Sunnah, Hadith 7352, (Darussalam Publishers, Saudi Arabia, 1997), 271

under the guidance of Qur'an, Sunnah and ijma.¹⁴ The third principle of Takfeer according to the Muslim scholars is, that person will not be charged with Takfeer who refuse the rulings of ijtihād as in claiming Takfeer it is compulsory that the person has refused any Qat'i, explained and undoubted principle of Shari'ah.¹⁵ Qazi Badrul din Aini said ' No Takfeer will be made on the person with consensus who denies the rulings of ijtihād'.¹⁶

1.4 Use of Reasoning in Takfeer

According to Imam Ghazali the prepositions that a certain man is a disbeliever basically means three things firstly that the man will be in hellfire in Hereafter forever, secondly, that in this world his life and possessions are not lawfully protected and safeguarded, not even he is permitted to marry a Muslim woman, and thirdly his faith is nothing but ignorance and whatever he will say is a lie. In another words Takfeer of the Muslim means that the killing of the person by the institutions is lawful, his wealth can be spoiled and it is allowed to announce openly that the person will be in hellfire due to his wrong belief. So, Takfeer is the legal matter that is not based on reasoning but on Revelation. The judgement on killing the certain person lawfully and spoiling his wealth and declaring him the dweller of Hell can only base on the nature of the Divine law. There is no place to use reasoning in these matters, whether a man is a Muslim or a disbeliever is only judged by the evidence of the Divine law and ijtihād which means that this is the matter of jurisprudence in which reasoning is powerless.¹⁷

1.5 Takfeer on Difference of Opinion

Difference of opinion is one of the laws of nature, Allāh (عزوجل) created the people having different minds and thoughts so differences among the people is not man made as the Holy Qur'an states that diversity is created by Allāh (عزوجل) so that we could benefit from it.

وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ¹⁸ ...

¹⁴ Muhammad Tahir-ul-Qadri, Ijtihad: Meanings, Application and scope, (Lahore, Pakistan: Minhaj ul Qur'an, 2007), 33

¹⁵ Abdullah Tamim, Maqalat e Takfeer, 175

¹⁶ Al-Badrul Aini, ed. II, Umdatul Qari Sharah Sahih Al-Bukhari, (Dalail, Al Kutub al alamia, 2001),173

¹⁷ Izutsu Toshihiko, "The Concept of Belief in Islamic Theology-A Semantic Analysis of Iman and Isla," (Malaysia: Islamic book trust Malaysia, 2006), 14

¹⁸ Al Quran, Surah Al Maidah, 5:48

“...Had Allāh willed He could have made you one community. But that He may try you by that which He hath given you (He hath made you as ye are) ...”¹⁹

Thus, diversity is Allāh’s (عزوجل) Will and it is a test for us to live in peace with each other despite of our differences. The differences of opinion are like a garden where different types of flowers grow on the same soil. So, difference of opinion among different sects does not mean to degrade each other and consider themselves more righteous and others as disbeliever.

Mulla Al Qari stated that Ibn Hajar al Asqalani said ‘The opinion of majority of classical and contemporary scholars is that they do not make Takfeer of innovators and sectarians until they did disbelieve openly not only based on words of disbelief as the necessary implications of certain positions could not be taken as position itself. That is why Muslim scholars deal with such people as believers because their intention while uttering certain statement is not to adopt disbelieve’.²⁰ The Hanfi scholar Haskafi said “The statement of the Muslim which could be interpret in a positive way and there is difference of opinion among the scholars regarding the disbelieve of a person on the certain statement, even when it is based on weak narration then no legal opinion of disbelieve will be issued on that person.”²¹ Ibn Nujaym said: “I bind myself to not issue legal opinion of unbelief regarding the matter on which scholars differed with each other.”²²

Imam Shāfi‘ī said that I do not make Takfeer of anyone among Muslims. In another narration he said that I never make Takfeer to those who did opposite interpretation. According to Ghazi Ezzad al din Iji, it is consensus among the Muslim scholars that no Takfeer can be made on the followers of Qibla.²³ According to Abu Hamid Muhammad Ghazali ‘do not make Takfeer of Muslims as long as they testify and not violated that there is no God but Allāh (عزوجل) and Prophet Muhammad (صلى الله عليه وآله وسلم) is the messenger of Allāh (عزوجل). The violation

¹⁹ Pickthall, 128

²⁰ Abdul Rahman ibn Yusuf, “Imam Abu Hanifa’s Al Fiqh al Akbar,” ed. Abu’l -Muntaha al Maghnisawi (white thread press, Landon, 2014)

²¹ Muhammad Ameen Al Shaheer, “Rad al Mukhtar al dur al mukhtar Sharah Tanveer al Absaar,” (Dar ul Kutub al Ilmiyah, Riyadh)

²² Abi Barkaat Abdullah bin Ahmad bin Mehmood, “Al Bahr al Ra’iq,” Dar al Kutub al Ilmiyah, Beirut Lebanon

²³ Hussein Rahmani Tirkalai and Sayed Mohsen Sadat Kiaei, “Review phenomenon Excommunication from the perspective of Sunni scholars,” *International journal of humanities and cultural studies*

in this means denying the last messenger as in Takfeer there is great danger and keeping silent in this matter is not dangerous.²⁴

The faith of the person is based on the standard of Islam and denial of Islam. It is the crucial issue because all the commandments of Islamic law are related to Islam and rejection of Islam. The punishment of denial of Islam is very severe that is why it is a Sharī'ah law which can only be proved by Islamic sources. Layman is not allowed to address this matter as per Sharī'ah law and requirements should be fulfilled to pass judgement of Takfeer as it is among the sensitive matters. In this sense it has serious effects on the accuser as well as on accused. For the latter, it has adverse impact on person's marital relation with Muslim spouse, inheritance rights and other aspects as well as for the accuser it is obligatory to provide clear and authentic evidence which proved the sin of the person as grave as committing apostasy. There is a general consensus among the Muslim scholars that the Qur'an, Sunnah and rightly guided caliphs prohibit Muslims from claiming each other with disbelief unless he commits any nullifiers of Islam, using every possible excuse in favor of Muslim especially on the matters of disagreements or difference of opinions and on matters of ijtihād. The issue of Takfeer could be dealt by providing justice, tolerance and through promoting the teachings of Islam on this matter. The teachings of Islam necessitate to avoid charging Takfeer on that Muslim whose statement or act is doubtful and contains only the probability of disbelief or is forced, ignorant and done unintentionally.

1.6 Probability of Disbelief

The fourth principle of Takfeer includes that on the grounds of probability of disbelief even if it looks disbelief apparently and contains doubts of belief than the person will be judge according to that probability of belief and will not be declare as disbeliever as Imam Abu Hanifah said 'If there are ninety-nine percent chances of disbelief in utterance of question and only one percent of belief still, it would not consider kufr.'²⁵ So it means that it will not be judge as disbeliever and should be given the expression of doubt in these matters. Ibn Najam wrote 'if in matters there are some evidences which prove the disbelief of the person and only one evidence is in

²⁴ Abu Hamid Muhammad bin Mohammad al Ghazali, "Faisal Al tafreqha between Islam and Al Zandaqhe," (Damascus: Alhakame publication,1996)

²⁵ Muhammad Hashim Kamali, Freedom of Expression in Islam, ed. 3, (Islamic text society, 1997), 186

favour of belief even if it is weak then it is the responsibility of the judge to not make Takfeer of that person on the bases of that one evidence of belief.²⁶

Allama Shami said 'Kufr is a great matter therefore, the believer should not be claimed as disbeliever until there is no any narration of his disbelief'.²⁷ It is mentioned in Fatawa Tatar Khaniya that 'The rule is that there will be no Takfeer on any person relying on the word which contain doubt because the punishment of kufr is severe which demands that this punishment should only be on severe crimes and until the doubt is there the crime is not severe'.²⁸ The legal opinion on Takfeer according to Taqiuddin Subki was: "A word or opinion should not be declared disbelief until Muslims develop a consensus that such a word or opinion could be committed only by a disbeliever and until there is a valid and established argument to justify Takfeer."²⁹

1.7 Takfeer on Major Sinners

The emergence of Takfeer among Muslims resulted to make Takfeer on those who commit major sins. The major sins include to associate partners with Allāh (عزوجل), to abandon prayers, suicide, adultery, rebellion, drinking alcohol and magic. Prophet (صلى الله عليه وآله و سلم), narrated in this regard,

اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ " . قَالُوا يَا رَسُولَ اللَّهِ، وَمَا هُنَّ قَالَ " الشِّرْكَ بِاللَّهِ، وَالسِّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالنَّوْءِي يَوْمَ الرَّحْفِ، وَقَذْفُ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ³⁰

"Avoid the seven deadly sins." He was asked, "O Messenger of Allāh! What are they?" He said, "Ascribing partners to Allāh, sorcery, taking the life which Allāh has forbidden except through justice, devouring usury, devouring an orphan's wealth, defecting from the battlefield, and accusing and libeling chaste and pious believing women".³¹

This narration includes seven major sins and there are many other deadly sins mentioned in various Hadīth as well as in Qur'an. It is clear from the practice of the Prophet (صلى الله عليه وآله و سلم) and his companions that instead of major sin associating partners with Allāh (عزوجل),

²⁶ Ibn-e-Najam, Al-Bahr Al-Raiq, 134-135 c.f Abdullah Tamim, Maqalat e Takfeer, 175

²⁷ Muhammad Amen bin Umar Abidin, Rad ul Mukhtar ala Durr al Mukhtar, ed. 6, (Dar ul Alī m al Kutub, 2003), 357

²⁸ Alam bin Aladdin Al-Ansari Al-Indrani Al-Hindi, Fatawa Tatar Khaniya, ed. 7, (Markaz al nashar waltauzee, 2014), 282

²⁹ Taqiuddin Subki, Fatawa Al-Subki, 578.

³⁰ Sahih al-Bukhari, book of Wills and Testaments, hadith 2766, Book 55, Hadith 29

³¹ Muhyiddin Al-Nawawi, Rawdhaa al- Taalibeen, (Dar in_Hazm,_Beirut, 2002), 273

the other sins do not take the sinner outside the folds of Islam. Today Muslims started making Takfeer on the sinners, the Khawārij sect also did the same and killed those whom they felt sinners as did with Hazrat Uthman (رضى الله تعالى عنه) because they considered him an unjust ruler. Moreover, they killed Hazrat Ali (رضى الله تعالى عنه) because of his opposition to them as they accused that he committed major sin by becoming an arbitrator during his dispute with Hazrat Muawiya (رضى الله تعالى عنه) and he was not complying with Qur'an.³² The evidence they used to prove the major sinners as disbelievers is the verse of the Qur'an which addressed major sinners,

بَلَىٰ مَنْ كَسَبَ سَيِّئَةً وَأَحَاطَتْ بِهِ خَطِيئَتُهُ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ³³

Nay, but whosoever hath done evil and his sin surround him; such are rightful owners of the Fire; they will abide therein.³⁴

They argue that the above-mentioned verse addressed major sinners, whose good deeds are unacceptable and that is why they will be in hellfire eternally. Al Sa' wee commented that apostacy and shirk are the only sins that resulted to negate the good deeds of the person and causes to be the member of hellfire eternally.³⁵ Al Baghawee said, the view of the majority of Muslim scholars is that the above torment will be applied if he dies in a state of shirk.³⁶ So it is cleared from the views of the early scholars that this verse refers to only those who commit the sin of shirk and does not repent before reaching death and contradict the views of those who believed that the major sinner will be in hell-fire forever instead, they commit shirk or not. Another verse used by them to prove major sinners outside the folds of Islam is,

قَالَ إِنَّمَا يَتَقَبَّلُ اللَّهُ مِنَ الْمُتَّقِينَ³⁷ ...

...Allāh accept only from those who ward off (evil).³⁸

³² 'Awaajee, Gaalib Bin, 129

³³ Al Qurān, Surah Al Baqarah, 2:81

³⁴ Pickthall, Glorious Qurān, 81

³⁵ Al-Sa' wee, Nasir Bin 'Abdullah, Al-Khawarij Darasa wa Naqidli Mathabihim, (Daar al-Ma'raaj al-Dawleeya, Riyadh, 1996), 94

³⁶ Al- Baghawee Abee Muhammad Al Hussain bin Masood, Tafseer al Baghawee, (Dar ibn Hazm, Beirut, 2002), 46

³⁷ Al Qurān, Al Maidah, 5:27

³⁸ Pickthall, Glorious Qurān, 124

Al-Sa' wee said that through this verse it is claimed that the major sinner is not among the pious one therefore, his good deeds are not acceptable insight of Allāh (عزوجل), that is why he is a disbeliever.³⁹ Instead of consulting classical interpretation of the verse the inductive reasoning was used to relate this verse to the major sinner and concluded that all piousness lost from major sinner therefore, he become a disbeliever as all his good deeds will unacceptable. Unlike the orthodox creed which believes that still some faith may be present in major sinner even when he is in sin and it may increase with obedience to the commandments of Allāh (عزوجل) and decreases with disobeying the commands. Ibn Abbas explained that the verse refers to two brothers, Cane and Abel, when one of them killed the other and he was insincere in repentance that is why he was not forgiven for his sin.⁴⁰ Many classical scholars including Ibn Katheer as well as companions like Abu Darda explained that this verse indicates the significance of sincerity in worships and furthermore, that the worships and repentance will only be acceptable of the one who is sincere.⁴¹ Another proof used to declare major sinner as disbeliever is the narration where Prophet (صلى الله عليه وآله وسلم) said,

لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ وَلَا يَشْرِبُ الْخَمْرَ حِينَ يَشْرِبُهَا وَهُوَ مُؤْمِنٌ وَلَا يَسْرِقُ السَّارِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ وَلَا يَنْتَهَبُ نُهْبَةً يَرْفَعُ النَّاسُ إِلَيْهِ أَبْصَارَهُمْ حِينَ يَنْتَهَبُهَا وَهُوَ مُؤْمِنٌ

"A fornicator at the time he is committing adultery, is not a believer; and a thief, at the time of stealing, is not a believer; and a drunkard, at the time of drinking alcohol is not a believer"⁴²

Al Nawawi explained, that Allāh (عزوجل) does not forgive only those who associate partners with Him but instead of that he forgives whom he pleases. It is consensus among the Muslim scholars that the adulterer, the thief, the killer as well as any major sinner, accept of shirk, are not nullified from the folds of Islam because of committing sin, rather they are the believers having less faith. If they sincerely repent their penalty will be remitted and if they keep up in their sin till death reached to them than it is on Allāh 's mercy whether forgive them and enter them in Paradise or if he wishes, He will punish them.⁴³ Hazrat Abdullah ibn Umar (رضى الله

³⁹ Al-Sa' wee, Al-Khawarij, 97

⁴⁰ 'Abd Allāh Ibn 'Abbaas, Tanweer al-Maqbaass min Tafseer Ibn 'Abbaas. Daar al-Kitab al-'Ilmiyah, Beirut, 1992) 121

⁴¹ Ismaeel Ibn Katheer, Tafseer al-Qur'an al-Kareem, Vol#2, (Daar al-Kitaab al-'Ilmiyah, Beirut, 1997), 43

⁴² Muhyiddin Al-Nawawi, Al-Minhaj Sharah Sahih Muslim, 230

⁴³ Al-Nawawi, 1997, Al-Minhaj Sharah Sahih Muslim, 230

(تعالى عنه) said "indeed they hurry to apply the verses revealed about the non-believers to the believers."⁴⁴ According to Imam Abu Hanifah 'We do not declare any believer with disbelief because of a sin he commits even if it is grave unless he did not consider that sin lawful nor even, we remove the title of faith from him and we continue to call him a real believer. There is possibility that the person remained unrighteous believer without being disbeliever or kāfir'.⁴⁵ Syed Sharif Jorjani wrote, Imam Abu Hanifah said that he did not make Takfeer of anyone.⁴⁶ Ahmad Ibn Hanbal states 'we will not declare the person who commit a major sin as being follower of hell unless the narration of Prophet (صلى الله عليه وآله وسلم) implying that. While addressing the scholars of Jahmye sect he said, if I accept the believes which you have, I will become apostate however, I will not make your Takfeer as according to my view you are ignorant.'⁴⁷

So, the principles of Takfeer proves that Takfeer has specific rulings which needs to be fulfilled before claiming Takfeer on the person and this concept is too deep therefore, scholars advised to keep away from this matter as it could result to denounce the Islam of person who is charging Takfeer on the person whose statement does not contain disbelief and declared disbeliever without investigation.

2. Carelessness in Making Takfeer Results to Lose Faith of Accuser

Takfeer is among the grave matters which contain cautions to exercise its implications because the person claiming Takfeer may not be hundred percent sure of the accused disbelief as he could not open the heart of the person to know whether he is believer or disbeliever. If the person is charged as disbeliever although he is Muslim and professes faith than it is negation of what Allāh (عزوجل) has approved so, due to the sensitivity of the matter it contains cautions to exercise its implication.⁴⁸ If the accuser claims Takfeer on accused and he is not worthy of it than it is possible that the accuser will lose his faith as Narrated by Hazrat Abu Huraira (رضي الله تعالى عنه) that Prophet (صلى الله عليه وآله وسلم) said,

⁴⁴ Ibn Hajar, Fath al-Baaree, V#9, 20

⁴⁵ Imam Abu Hanifah, Al Fiqh Al Akbar, trans. Muhammad bin Yahya Ninowy, 11

⁴⁶ Ibn Abdul Bir, "Al Estezkar, (Beirut: Daral kotob Al Ilmiyah, 2002), c.f. Hussein Rahmani Tirkalai and Sayed Mohsen Sadat Kiaei, Review phenomenon Excommunication from the perspective of Sunni scholars, international journal of humanities and cultural studies

⁴⁷ Imam Ahmad ibn Hanbal, Musnad, (Beirut: Al-Risala institution, 2008)

⁴⁸ Bako and Dogondaji, Effects of Takfir on the Religious Life, 144

إِذَا قَالَ الرَّجُلُ لِأَخِيهِ يَا كَافِرٌ فَقَدْ بَاءَ بِهِ أَحَدُهُمَا".

"If a man says to his brother, O Kāfir (disbeliever)!' Then surely one of them is such (a Kāfir)."⁴⁹ It means that the sin of this speech will return towards the person who said so and the kufr will not be for the person who is not deserving of it although it will return to the accuser who judge unlawfully. In another words calling other disbeliever when they are not deserving of it means committing crime against yourself.⁵⁰ According to Al Nawawee in this Hadīth the returning of kufr to one of them means if the accuser is not doing lawful than the kufr will return to accuser and this Hadīth refers to Khawārij since they claim believers to be disbelievers. Hafiz ibn Hajar said that the Hadīth was said by Prophet (صلى الله عليه وآله وسلم) as a warning for Muslims who said their brother apostate or disbeliever. It is also said that unlawful declaration of kufr on Muslim will lead the accuser into kufr as sins leads towards disbelief and if he continues this act then surely, he will have bad end. It refers to the person who blamed that person in whose heart there is nothing except Islam and there is no any reason to claim him a disbeliever so in this case the accuser will become disbeliever himself. It is like he passes judgement of disbelieve upon himself due to the fact, he did so with the one who is like him.⁵¹

According to Imam Tahawi the above mentioned narration means that when Muslim said his fellow Muslim 'o kāfir ' then the person who said so will become disbeliever because he is the one whom the kufr returns as when someone call other Muslim as disbeliever and he is not disbeliever then asserter will become disbeliever due to fact that he called faith as kufr, it means he refuses Allāh (عزوجل) and whoever said faith as kufr then he is not believer of Allāh (عزوجل) and his deeds will be lost and he will be among those people who will suffer loss in Hereafter.⁵² In Hadīth narrated by Hazrat Abdullah (رضي الله تعالى عنه) The Prophet (صلى الله عليه وآله وسلم) said,

سَبَابُ الْمُسْلِمِ فُسُوقٌ، وَقِتَالُهُ كُفْرٌ

⁴⁹ Muhsin, Translation of Sahih Bukhari, Volume 8, The Book of Good Manners, Hadith 6103, 77

⁵⁰ Saleh and Abdul-Azim, Declaring a Muslim to be an Apostate, 16

⁵¹ Ahmad Fareed, On the Issue of Takfeer, trans. Abu Muntasir ibn Mohar 'Alī, 5

⁵² Umair Mehmood Siddique, Hurmat e Takfeer e Muslim, (Lahore: world view publishers, 2019), 609

“Abusing a Muslim is an evil doing and killing him is disbelief.”⁵³

Narrated Thabit bin Ad-Dahhak (رضى الله تعالى عنه) The Prophet (صلى الله عليه وآله وسلم) said,

الْمُسْلِمُ أَخُو الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ،

...cursing a believer is like murdering him, and whoever accuses a believer of disbelief, then it is as if he had killed him.”⁵⁴

Commenting on above narrations, Abu Zahra concluded that ‘no one should accuse others of blasphemy, apostasy, kufr and transgression without authentic evidences and whoever does so himself take part in these accusations.’ It means that if the accuser is lying, he will himself becomes disbeliever.⁵⁵

The message in above narrations is not confined to making Takfeer unlawfully but extends to transgression or fisq and unlawfully attribution of sins to others. So according to the above-mentioned narrations calling Muslim disbeliever and abusing him in not only the violation of his rights but also the sin as Muslims are brothers to each other and their honour and respect is necessary upon one another. Therefore, calling others disbeliever unlawfully is injustice to whole Islamic society, that is why Islam being the religion of justice set the great punishment for the perpetrator of injustice. So, the one who call the Muslim disbeliever while he was not deserving of it then this kufr will return to one who claim unjustly.

2.1 Authority of Enjoining Good and Forbidding Evil (امر بالمعروف ونهي عن المنكر)

It is the duty of every Muslim to enjoin good and forbid evil as mentioned in Quran,

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ ۗ ⁵⁶

And there may spring from you a nation who invite to goodness, and enjoin right conduct and forbid indecency.⁵⁷

⁵³ Muhsin Khan, Translation of the Meanings of Sahih Al Bukhari, Volume 1, Book 2, Hadith 48, 80

⁵⁴ Muhsin, Translation of Sahih al-Bukhari, Volume 8, The Book of Good Manners, Hadith 6105, 78

⁵⁵ Kamalī, Freedom of expression in Islam, 186

⁵⁶ Al Qurān, Surah Al Imran, 3:104

⁵⁷ Pickthall, Glorious Qurān, 70

This concept is distorted and practiced with strictness and harshness to pursue their own agenda according to their beliefs.⁵⁸ The Khawārij took this principle to accommodate their concept of justice and rebellion and they considered rebellion as reform of the Muslim society. Same was the case with Hazrat Ali (رضى الله تعالى عنه) as the Khawārij felt that he (رضى الله تعالى عنه) had sinned and his reconciliation with Hazrat Muawiya (رضى الله تعالى عنه) was apostasy.⁵⁹ They wanted that Hazrat Ali (رضى الله تعالى عنه) should fight with Hazrat Muawiya (رضى الله تعالى عنه) and if he did not do so than they had to fight with him under the guise to enjoin good. It is analysed that Khawārij were concerned to establish justice and moral reform but their limited understanding of the religion prevents them to achieve their goal of attaining religious purification, that was what resulted to political instability and contributed to lost the lives by rebelling and contradicting the religious teachings.⁶⁰ To enjoin good and forbid evil includes rules to apply this principle as Prophet (صلى الله عليه وآله وسلم) explained in hadith,

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ

“Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue; and if he is not able to do so, then with his heart — and that is the weakest of faith.”⁶¹

The Hadīth shows that it is part of faith to enjoin good and forbid evil but it contains certain levels according to the variation of faith among people. However, the Muslims who claim Takfeer on another Muslim just because of their agenda and their beliefs without understanding the concept properly, tended to use force to change the act or action of other which they consider as evil. Only the legal authority can forbid certain thing and no layman can use force to declare certain acts of person as forbidden. Similarly, they refuse the crucial principle of Islam which suggest that if there is a possibility of greater harm in attempt to

⁵⁸ Ghalīb Bin Alee Awaajee, Al-Khawarij, (Maktaba al-Asreeyah al-Thabeeyah, Jeddah, 2002), C.f Anthony green, 36

⁵⁹ Muhammad Bin ‘Abd al-Kareem Al-Shahrastanee, Muslim Sects and Divisions, (International, Melbourne, 1984), 110

⁶⁰ Awaajee, Al-Khawarij, 109

⁶¹ Muhyiddin Al-Nawawi, Al-Minhaj Sharah Sahih Muslim, An-Nawawi’s Forty Hadith, Hadith 34, (Dar al-Ma’rafa, Beirut, 1997), 212

change an evil than it is more appropriate to not enforce change to avoid from occurring greater evil or harm.⁶²

3. Islamic Ethic of Disagreements, a Tool to Create Peace and Harmony among Religious Sects

Some people acknowledge the teachings of Islam in a narrow sense and consider that Islam just belongs to them and they individually are the perfect believers of Islam. Though Islam as a religion of peace has universal applicability as Islam is a complete way of life for the entire mankind. Islam enlightens every aspect of life whether, social, political sphere, cultural, financial, educational and communal and gives the great importance to build a peaceful society by following the divine principles. The principles of Shari'ah explicitly speak about the rights of neighbors, women, children, poor as well as society and even on the rights of animals. Moreover, Shari'ah mandated peaceful coexistence to the people having various backgrounds. Regarding peace during disagreements Allāh (عزوجل) says in the Holy Qur'an,

...وَقُولُوا لِلنَّاسِ حُسْنًا...⁶³

"...And speak kindly to mankind..."⁶⁴

In another verse Allāh (عزوجل) commanded,

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْبِحُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ⁶⁵

"O ye who believe! If an evil-liver bring you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did."⁶⁶

It is deduced by examining the verses in such a perspective that the Islamic Shari'ah is not just the law of Islam instead it is the code of life whose principles are entrenched on the root of mercy and compassion with the objective to achieve welfare and fairness both individually as well as collectively.⁶⁷ The ethical framework of Islam provides the common protected platforms for peaceful coexistence among diverse religious and pluralistic societies for social, political

⁶² Salīh Bin Gaanim Sidlaan, Al-Qawaa'id Fiqeeya al-Kubra wa ma Tafara'a 'Anha, (Dar Balnaseeya, Riyadh, 1999), 527

⁶³ Al Qurān, Surah Al Baqarah, 02:83

⁶⁴ Pickthall, Surah Al Baqarah, 02:83, 14

⁶⁵ Al Qurān, Surah Al Hujurat, 49:06

⁶⁶ Pickthall, 585

⁶⁷ Flamur Vehapi, "Conflict Resolution in Islam: Document Review of the Early Sources". Dissertations and Theses submitted to Portland State University, Paper 1446, (2013), 24

and cultural collaborations.⁶⁸ In Islam, religious or cultural diversity is considered as a sign of Allāh (عزوجل) and it contains several injunctions with the aim to establish peace for social behavior, managing disputes and resolving the disagreements.

3.1 Prophet (صلى الله عليه وآله وسلم), a Natural Peacemaker

The way of Prophet (صلى الله عليه وآله وسلم) in resolving disagreements has special significance as in Islam, the importance of the way of Prophet (صلى الله عليه وآله وسلم) comes after the Qur'an since he himself is the embodiment of the Qur'an and Allāh (عزوجل) says in the Qur'an,

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَذُودُوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ؕ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا⁶⁹

“O ye who believe! Obey Allāh, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allāh and the messenger if ye are (in truth) believers in Allāh and the Last Day. That is better and seemlier in the end.”⁷⁰

Prophet (صلى الله عليه وآله وسلم) asked from companions, whether he would inform them about the act that is better than fasting, charity and prayer later he answered make peace among one another, discord and hatred ruin heavenly rewards from roots. The life of Prophet (صلى الله عليه وآله وسلم) includes many exemplary conducts in resolving disagreements and conflicts.⁷¹ The role of Prophet (صلى الله عليه وآله وسلم) in managing disagreements according to Qur'an is,

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا⁷²

“But nay, by thy Lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decide, and submit with full submission.”⁷³

So, Qur'an reminds the Muslims that they will not be believers until they make Prophet (صلى الله عليه وآله وسلم) a judge between them and did not go against his decisions and accept whole heartedly his judgements.

⁶⁸ Naseem Gul Dar, DIALOGUE: A Muslim Perspective. (Adam publishers & distributors. 1542, Pataudi House, Darya Ganj, New Delhi, 110002, India, 2013)

⁶⁹ Al Qurān, Surah A Nisa, 4:59

⁷⁰ Pickthall, 96-97

⁷¹ Vehapi, "Conflict Resolution in Islam, 43

⁷² Al Qurān, Surah Nisa, 4:65

⁷³ Pickthall, 98

3.2 The Charter of Peace

The charter of Madina was the first ever constitution in written form not only in the history of Islam but also in the history of world, which was establish for peaceful coexistence between various religious groups of Madina under the direction of Prophet Muhammad (صلى الله عليه و آله و سلم). The charter aimed to govern diverse religious and pluralistic society in a peaceful way. The religious communities that were enemies towards each other from several centuries started living peacefully being members of the pact. The peace was attained according to the Islamic principles of coexistence containing love, tolerance, reasoning and the belief on God whether of Qur'an, Bible or Torah.⁷⁴

4. Differences are Feature of Human Nature

Differences and disagreements are features of human nature and this diversity is the beauty of Universe. The diversity is not man-made instead it is one of the laws of Nature as mentioned by Allāh (عزوجل) in Qur'an.⁷⁵ Differences are found in everything of the Universe, instead of the diversity and differences there is no contradiction in the Universe and each and every aspect of Universe is in proper routine without causing any disruption according to the Will of Allāh (عزوجل) and all are His signs for the people of knowledge stated in Qur'an as well.

وَمِنْ آيَاتِهِ خَلْقَ السَّمَوَاتِ وَالْأَرْضِ وَأَخْتَلَفَ الْأَلْسِنَتِكُمْ وَاللُّغَمَاتِكُمْ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّلْعَالَمِينَ⁷⁶

And of His signs is the creation of the heavens and the earth, and the difference of your languages and colors. Lo! herein indeed are portents for men of knowledge.⁷⁷

Instead of differences, Allāh (عزوجل) commanded the Muslims to keep united and do not separate from one another as mentioned in Qur'an,

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا⁷⁸ وَذُكِّرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ كُنْتُمْ أَعْدَاءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ فَأَصْبَحْتُمْ بِنِعْمَتِهِ إِخْوَانًا وَكُنْتُمْ عَلَى شَفَا حُفْرَةٍ مِّنَ النَّارِ فَأَنْقَذَكُمْ مِنْهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَهْتَدُونَ⁷⁸

And hold fast, all of you together, to the cable of Allāh, and do not separate. And remember Allāh 's favor unto you: How ye were enemies and He made friendship between your hearts so

⁷⁴ Md. Thowhidul Islam, Peaceful coexistence of various religious groups in Islam; Some Examples from the History of Muslim Societies. Journal of Islamic Thought and Civilization, 8(2), (2018), 187

⁷⁵ Al Qurān: Surah Al Maidah, 5:48

⁷⁶ Al Qurān: Surah Al Rum, 30:22

⁷⁷ Pickthall, Glorious Qurān, 457

⁷⁸ Al Qurān: Surah Al Imran, 3:103

that ye became as brothers by His grace; and (how) ye were upon the brink of an abyss of fire, and He did save you from it. Thus, Allāh maketh clear His revelations unto you, that haply ye may be guided,⁷⁹

So, diversity is the Will of Allāh (عزوجل) and to live in this Universe having differences and disagreement is a test for us as it is Divinely created,

وَجَعَلْنَا بَعْضَكُمْ لِبَعْضٍ فِتْنَةً أَتَصْبِرُونَ ۗ وَكَانَ رَبُّكَ بَصِيرًا⁸⁰

And We have appointed some of you a test for others: Will ye be steadfast? And thy Lord is ever Seer.⁸¹

The tests include whether our priorities are based on our own allegiance or depended over the pleasure of Allāh (عزوجل) and weather the management of our conflicts and differences based on the way that is most pleasing to Allāh or that which is most aligned with our own desires. Therefore, Muslims have to respect each other differences so that these differences or disagreements should not exceed the limit and turns towards blameworthy disagreements. Prophet (صلى الله عليه وآله وسلم) always supported peace, even towards his enemies he was very kind. On the conquest of Makkah Prophet (صلى الله عليه وآله وسلم) forgave his enemies and said they are free. He did not punish them although they tortured a lot of Muslims. This example gives us lesson that even in differences and disagreements we should respect each other's opinion and could not harm others on the bases of differences as these differences are part of nature. It is not permitted to exceed the limits in disagreement, even when it is vile or praiseworthy, and to interact the opponents to a certain extent goes beyond moderation. It is clearly mentioned in Holy Qur'an,

وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا⁸²

...And let not your hatred of a folk who (once) stopped you going to the inviolable place of worship seduce you to transgress...⁸³

It is the matter of disbelievers in mentioned verse and exceeding the limits even in the opposition of disbelievers is being prevented, so when it is not allowed between Muslims and

⁷⁹ Pickthall, Glorious Qurān, 67

⁸⁰ Al Qurān: Surah Al Furqan, 25:20

⁸¹ Pickthall, Glorious Qurān, 404

⁸² Al Qur'an: Surah Al Maida, 5:2

⁸³ Pickthall, Glorious Qurān, Surah Maida, 117-118

disbelievers than how it could be significant to exceed the limits in disagreements among the Muslims. The behavior of companions is the best example to make it clearer as they respect the limits while disagreeing with each other. One of the best examples of companion who responded to the complaint of person offering prayer behind the leader of affliction, is significant to create peace among the people as Narrated by Hazrat 'Ubaid-Ullah bin Adi bin Khiyar,

أَنَّهُ دَخَلَ عَلَى عُثْمَانَ بْنِ عَفَّانَ - رَضِيَ اللَّهُ عَنْهُ - وَهُوَ مَحْصُورٌ فَقَالَ إِنَّكَ إِمَامٌ عَامَّةٌ، وَنَزَلَ بِكَ مَا تَرَى وَيُصَلِّي لَنَا إِمَامٌ
فَتَنِيَّةٌ وَتَنْحَرَجُ. فَقَالَ الصَّلَاةُ أَحْسَنُ مَا يَعْمَلُ النَّاسُ، فَإِذَا أَحْسَنَ النَّاسُ فَأَحْسِنَ مَعَهُمْ، وَإِذَا أَسَاءُوا فَاجْتَنِبْ إِسَاءَتَهُمْ.⁸⁴

"I went to 'Uthman bin Affan while he was besieged, and said to him, "You are the chief of all Muslims in general and you see what has befallen you. We are led in the Salat (prayer) by a leader of Al-Fitan (trials and afflictions etc.) and we are afraid of being sinful in following him." 'Uthman said. "As-Salat (the prayers) is the best of all deeds so when the people do good deeds do the same with them and when they do bad deeds, avoid those bad deeds."⁸⁵

Similarly, the books of Fiqh are full of differences among the scholars, but the dignity of the jurist has not insulted by other. However, moderation is necessary in each matter and also required in differences as well. The differences could result positive advantages if they are confined to their limits or proper ethics and people are observing the proper norms in expressing and managing differences. If there is sincere intention than differences create different ideas that generate intellectual vitality and greater awareness among the people having differences of opinion about the possible interpretations of evidences on specific issue. It will present a variety of solutions to get the suitable solutions for dealing with a specific situation. If limits and norms are not observed than it could easily degenerate into disagreements and disputes that is the issue in contemporary times and Muslims in Pakistan are facing this grave issue of takfeer among different sects and intra sect violence.

5. Islamic Etiquettes of Dealing with Disagreements

The differences and disagreements in Pakistan resulted the emergence of takfeer among various sects that could be resolved through following the principles of Islam and to make it effective,

⁸⁴ Muhsin Khan, Translation of Sahih al-Bukhari, Volume 1, The Book of Adhan, Hadith 695, 396-397

⁸⁵ Muhsin Khan, Translation of Sahih al-Bukhari, Volume 1, The Book of Adhan, Hadith 695, 396-397

a compatible environment should be assured to treat the opponents with respect and gracious manner. Certain Islamic etiquettes of dealing with disagreements could be helpful in order to investigate the truth. These are,

5.1 Refer Disagreements to Qur'an and Sunnah

The two fundamental sources of Islamic Sharī'ah are Qur'an and Hadīth.⁸⁶ To develop the strategy for managing the disagreements it is obligatory to refer towards Qur'an and Sunnah as these two are the primary sources in Islamic theology. Disagreements in Islamic theology is viewed by Muslim scholars as inevitable and conscious state that can generate positive as well as negative results. The Qur'an guides to manage the disagreements and reformation by directing the disciples to refer to Qur'an and Sunnah of Prophet (صلى الله عليه وآله وسلم) to settle the disagreements as said,

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَذُودُوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا⁸⁷

“O ye who believe! Obey Allāh, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allāh and the messenger if ye are (in truth) believers in Allāh and the Last Day. That is better and seemlier in the end”.⁸⁸

Islam generalize the principle of conflict management entrenched on Islamic textual guidance.⁸⁹ Prophet (صلى الله عليه وآله وسلم) holds superior status and is regarded an example to follow for Muslims in all walks of life.⁹⁰ He has given special priority in Islam to resolute the dispute and made him as judge between the Muslims by Allāh (عزوجل) therefore, Muslims are encouraged to refer their matters of disagreement to Prophet (صلى الله عليه وآله وسلم) and made him as judge between them and are not allowed to disagree with his decisions according to the commandments of Qur'an.⁹¹

⁸⁶ Aba Al-Khail SA, The Sources of the Islamic Religion and its Most Outstanding Merits and Virtues, (Riyadh, Saudi Arabia: King Fahad National Library, 2004) c.f Cader, 9

⁸⁷ Al Qurān, Surah An-Nisa, 4:59

⁸⁸ Pickthall, 96-97

⁸⁹ Vehapi Flamur (2013) Conflict Resolution in Islam: Document Review of the Early Sources. Doctoral Dissertation, Portland State University, Dissertations and Theses. Paper 1446. c.f Cader, 9

⁹⁰ Al Qurān, 33:40, 3:31

⁹¹ Al-Qurān, 4:65

5.2 Encourage Reformation and Reconciliation

On many places, the Qur'an commends reconciliation as the higher moral action that should be adopted by parties involved in disputes or disagreements. Reconciliation in Islamic terms is known as Sulh (صلح) which means settlement. The word sulh (صلح) is derived from the word islah (اصلاح) means, to make good, correct or proper and to reconcile or resolve. Generally, the Qur'an associate the word sulh and its variant types with the impression of an innate good that is usually juxtaposed in apposition with corruption and misconduct.⁹² The Qur'an draw up its general normative principle by saying,

وَإِن مَّرَأَةٌ خَافَتْ مِن بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَن يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِن تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا⁹³

“If a woman fears ill treatment from her husband, or desertion, it is no sin for them twain if they make terms of peace between themselves. Peace is better. But greed hath been made present in the minds (of men). If ye do good and keep from evil, lo! Allāh is ever Informed of what ye do.”⁹⁴

So, according to the commandments of Allāh (عزوجل) reconciliation is best, although people are often influenced by greed instead reaching a cooperative resolution. Therefore, purification of thoughts is significant as a goal in itself and as a precautionary measure regarding disagreements. Moreover, the Qur'an encourages to reach cooperative resolutions in disagreements regarding inheritance, material disputes and the cases which result injury as well as the cases which could result in fight between Muslims.⁹⁵

5.3 Appointing Arbitrator (التحكيم Al-Tahkim)

The arbitrator is appointed to decide the case and linguistically ‘Tahkim’ means, nominating someone as a judge and assign him to decide the matter.⁹⁶ It was cheap mechanism to end the conflicts among the tribes as well. The qualifying merit of arbitrator was justice, moral qualities

⁹² Amr Abdalla, Lilya Hazal Akay, Arezou Hassanzadeh and Marjan Tabari, Islamic Perspectives on Peace and Conflict Resolution Teaching and Training Manual, (Curricula Publications, 2016), 48

⁹³ Al Qurān, Surah Al Araf, 4:128

⁹⁴ Pickthall, 109

⁹⁵ Al Qurān, 2:182; 2:228; 2:178; 4:128; 4:35; 5:95

⁹⁶Shahadat Hossain, Arbitration in Islamic Law for the Treatment of Civil and Criminal Cases: An Analytical Overview, Journal of Philosophy, Culture and Religion, Vol.1 2013, 4

and deep knowledge of tribal customs.⁹⁷ Reconciliation according to Qur'an not only refers to compromise and amicable settlement but also to reformation in disagreements through arbitration by using the involvement of arbitrator. Such arbitrators are supposed to accommodate the parties indulged in disputes to get an amicable resolution.⁹⁸ The arbitrator must have the characteristics of justice, equality, knowledge and wisdom.⁹⁹ The textual foundation of arbitration comes from Qur'an and Qur'an itself commands to involve arbitrator in disputes.

... فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا...¹⁰⁰

"...appoint an arbiter from his folk and an arbiter from her folk. If they desire amendment Allāh will make them of one mind..."¹⁰¹

The main function of arbitrator or Muslih is to verify the situation and to make settle among them through reconciliation as it is commanded by Allāh to verify the information when it came before making any judgment on it during disputes and the arbitrator should make peace between them as commanded in Qur'an,

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ فَاصْلِحُوا بَيْنَهُمَا...¹⁰²

And if two parties of believers fall to fighting, then make peace between them...¹⁰³

So, it is clear from the verse that arbitration is the principle of religion that results to resolve the disagreements by appointing arbitrator for reformation in disputes or disagreement as Allāh (عزوجل) commanded to appoint in marital disputes.

5.4 Mutual Consultation (Shura شورى)

Islamic law emphasis on mutual consultation (in Arabic شورى) and encourage managing disagreements and resolving the disputes in all aspects of life. The term is also known as the council of experts which is acknowledged in Islamic political affairs at government level. It is

⁹⁷ Nafiu Ahmed, The Islamic Model for Conflict Management: A panacea to Religious Crises in Nigeria, Al-Hikmah University, Ilorin, Nigeria, (2019), 13-14

⁹⁸ Amr Abdalla et all, Islamic Perspectives on Peace, 49

⁹⁹ Ahmad Moussalli, An Islamic model for political conflict resolution: tahkim (arbitration). Conflict Resolution in the Arab World: Selected Essays 44–71, (American University of Beirut, Beirut, Lebanon, 1997)

¹⁰⁰ Al Qurān, Surah An-Nisa, 4:35

¹⁰¹ Pickthall, 93

¹⁰² Al-Qurān, 49:9

¹⁰³ Pickthall, 585

among one of the attributes of a believer.¹⁰⁴ Shura aims the inclusive and positive peace. The Qur'an and Sunnah of Prophet (صلى الله عليه وآله وسلم) mandated the consultation in public as well as private spheres. Essentiality of consultation in public affairs of Muslims is highlighted in Qur'an,

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ¹⁰⁵

“And those who answer the call of their Lord and establish worship, and whose affairs are a matter of counsel, and who spend of what We have bestowed on them.”¹⁰⁶

The other verses of Qur'an extend the obligation of consultation to all members of community as said in Qur'an,

فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ¹⁰⁷...

...So, pardon them and ask forgiveness for them and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allāh. Lo! Allāh loveth those who put their trust (in Him).¹⁰⁸

There are many prophetic traditions which highlight the practice of consultation by Prophet (صلى الله عليه وآله وسلم) and shows how he cope up the situations by consulting most of the issues with the Companions. Prophet commanded to give good advice if someone consult his matter with him and whoever given the wrong advice has betrayed.

...وَمَنْ اسْتَشَارَهُ أَخُوهُ الْمُسْلِمِ، فَأَشَارَ عَلَيْهِ بِغَيْرِ رُشْدٍ فَقَدْ خَانَهُ...¹⁰⁹

...Anyone who gives his Muslim brother misguided advice when they consult him has betrayed them...¹¹⁰

Prophet (صلى الله عليه وآله وسلم) practiced consultation in deciding most matters of the Muslims as Hazrat Abu Huraira (رضي الله تعالى عنه) said that he did not saw anyone more often except the Prophet consulting with companions. Hazrat Hassan Al-Basri (رضي الله تعالى عنه) also said that, the Prophet practiced consultation with the companions till the woman gave her opinion

¹⁰⁴ Abdul Cader Akram, Islamic Principles of Conflict Management: A model for Human Resource management, (International Journal of Cross-Cultural Management, 2017), 17(3), DOI: 10.1177/1470595817740912,6

¹⁰⁵ Al Qurān, Surah Ash-Shuraa, 42:38

¹⁰⁶ Pickthall,551

¹⁰⁷ Al Qurān, Surah Al Imran, 3:159

¹⁰⁸ Pickthall, 78

¹⁰⁹ Al-Adab Al-Mufrad 259, Book 13, Hadith 4

¹¹⁰ Al-Adab Al-Mufrad 259, English translation: Book 13, Hadith 259

and he takes it.¹¹¹ Hazrat Hassan Al-Basri (رضى الله تعالى عنه) stated, By Allāh, no group gathers to consult (Shura), except they are guided to the best outcome because of their consultation.¹¹² The importance of consultation can be understood from the way of Hazrat Umar bin Al-Khattāb (رضى الله تعالى عنه), who selected five companions at the end of his life, to succeed him and did not make his son to succeed. He selected them based on their captaincy among people and their nearness to Prophet (صلى الله عليه وآله وسلم) in his life. He gave them four days to consult and appointed Hazrat Talha (رضى الله تعالى عنه) and Hazrat Abdullah bin Umar (رضى الله تعالى عنه) to negotiate the discussion base on their expertise, knowledge and righteousness.¹¹³ The aim of consultation in Islam is to present the opinions for elaboration among the experts in order to get the most efficient and positive outcomes based on skills and knowledge and to facilitate an objective approach relying on their understanding of Qur'an and Sunnah for managing the conflicts.¹¹⁴ Consultation lessen disagreements due to acceptability of Islamic concepts of belief and its judicial authority.¹¹⁵ Knowledge, experience and intellect are the key elements of Shura. Members of consultation committee should have knowledge of the matters, organization, and collaborate environment for the better understanding of the issues that resulted to disagreements. Giving the statement on the action or deciding on it without having proper understanding and knowledge of the subject is reprehensible in Islam.¹¹⁶ and he will bear sin as said by Prophet (صلى الله عليه وآله وسلم),
Whoever is issued a ruling that is not based upon knowledge, the person who issued that ruling bears his sin.¹¹⁷

¹¹¹ Hartinie Abd Aziz, The Application of Shura in Sharī'ah Compliant Companies; A Case Study of Awqaf Holdings Bhd, World Applied Sciences Journal 35 (8), 2017, 1599

¹¹² Muhammad Ismail Al-Bukharī, Adab Al-Mufrad, (Dar Al-Bashair Al-Islamiya. Beirut: Lebanon, 1989)

¹¹³ Ibn Al-Athir A, Al-Kāmil Fi Al-Tarīkh. Beirut, Lebanon: Dar Al-Kitab Al-Arabi, 1997), c.f Cader, 10

¹¹⁴ Al-Humaid SA, Al-Shura Fil Islam: Tajriba Al-Mamlaka Al-Arabia Al-Saudia, (Idarah Al-Malumat bi Majlis Al-Shura, Saudi Arabia, 2003), c.f Cader, 10

¹¹⁵ Al-Qurān, 3:159

¹¹⁶ Al-Qurān, 17:36

¹¹⁷ Abu Bakr Ahmad ibn Husayn Al-Bayhaqi, Al-Sunan Al-Kubra, (Dar Al-Khulafa lil Kitab Al-Islami. Kuwait, 2003).

The main feature of consultation are knowledge, intellect and experience.¹¹⁸ Islamic scholars are on the view that consultation is not just an Islamic principle but also a basic principle in governing, supervision, management of public matters as well as an appropriate method for resolving the conflicts.¹¹⁹ The purpose of consultation is to create positive environment and to lessen the tension generating from conflicts.¹²⁰ So, the above discussion show that consultation is a tool used by Muslim scholars to reach a decision or ruling on certain matters associating to the affairs of Muslims and it is effective in managing the disagreements among the Muslims.

6. Qualifications of Potential Shura Members or Arbitrator

In Islam it is consider sinful to speak and act on certain matter having no understanding of the subject and ignorance about the matter that is why Muslims are ordered to refer to people of knowledge in the situations when they require guidance in matters.¹²¹ Qur'an also specify the qualities from whom one can consult the matter.

6.1 Experience

Experience is the enhanced characteristic and outcome of knowledge and actions. The elders are more experienced based on their understandings and knowledge as blessings are with elders and they are considered knowledgeable due to their expertise. One of the companions of Prophet emphasize on this notion by saying that the society ruin itself when it learns from the younger who are not experienced instead of those who are learned and experienced.¹²² Hence for experience should be one of the attributes of shura so that no doubt could remain in making judgement on disagreements.

6.2 Wisdom

Knowledge and experience commence wisdom. Islamic Sharī'ah commends to use wisdom in reformation to a high degree. Wisdom is presented as one of the attributes of the believer which

¹¹⁸ Cader, *Islamic principles of Conflict Management*, 345–363.

¹¹⁹ Ahmad Al-Raysuni, Translator: Nancy Roberts, *Al-Shura: The Qur'anic Principle of Consultation*, 1st ed, (International Institute of Islamic Thought, London, Washington, 2011), 22-23

¹²⁰ Ahmad K (2007) *Management from Islamic Perspective: Principles and Practices*. Research Centre, International Islamic University. Kuala Lumpur, Malaysia: Pearson. c.f Cader, 8

¹²¹ Al Qurān, 21:7

¹²² Saleh Ibn Fawzan Ibn Abdullah, *Al-Ajwiba Al-Mufida Al Asilah Al-Minhaj Al-Jadidah.*: (Dar Al-Minhaj, Taif, Saudi Arabia, 2003)

shed light on knowledge and enlighten the society by using intellect as it is the mercy of Allāh (عزوجل) on human beings. As said in the Qur'an,

يُؤْتِي الْحِكْمَةَ مَنْ يَشَاءُ ۚ وَمَنْ يُؤْتَ الْحِكْمَةَ فَقَدْ أُوتِيَ خَيْرًا كَثِيرًا ۗ وَمَا يَذَّكَّرُ إِلَّا أُولُو الْأَلْبَابِ¹²³

He giveth wisdom unto whom He will, and he unto whom wisdom is given, he truly hath received abundant good. But none remember except men of understanding.¹²⁴

6.3 Seek Justice for Disagreeing Parties

Justice in decision making and equality between the parties involved in disagreements are the fundamental principles of Islam for managing and resolving the disagreements and disputes. Therefore, Muslims are ordered to be just and equitable in matters when reconciling the opposed groups as said in Qur'an,

فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ¹²⁵...

...if it returns, make peace between them justly, and act equitably. Lo! Allāh loveth the equitable.¹²⁶

Consequently, being just in resolving the disagreements or disputes is the significant Islamic behavior of piety. As stated in Qur'an

... ۖ أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَى...¹²⁷

...Deal justly, that is nearer to your duty...¹²⁸

Islamic principle characterizes that justice in resolution is an Islamic right of people irrespective of religion, identity and socioeconomic background. Muslim scholars consider this quality as the fundamental feature of character in individuals.¹²⁹ To manage disagreement through consultation, it is crucial to establish shura based on the characteristics of justice so there is no possibility of biasness or bigotry that would discourage from managing the opposing parties.

¹²³ Al-Qurān, 2:269

¹²⁴ Pickthall, 50

¹²⁵ Al-Qurān, Surah Al-Hujurat, 49:9)

¹²⁶ Pickthall, 585

¹²⁷ Al-Qurān, 5:8

¹²⁸ Pickthall, 120

¹²⁹ Abu 'Amr 'Uthman bin 'Abd al-Rahman al-Shahrozi Ibn Al-Salah, Muqaddima Ibn Al-Salah, Beirut, Lebanon, (Dar Al-Fikr Al-Muasir, 1986)

6.4 Reliability and Accuracy

These are the necessary attributes for the consultation committee, appointed as an arbitrator between the accuser and accused of Takfeer so that disagreeing individuals or groups can trust their involvement for the sake of reconciliation. The accuracy of the person is judged according to their capability of narrating the events and incidents accurately.¹³⁰ The Qur'an clearly criticize to accept any narrative from unreliable person.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ¹³¹

O ye who believe! If an evil-liver bring you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did.¹³²

According to Islamic exegetists this verse could be taken for the principle of understandings grasped from the opposite case. On that account if the reliable person reports information regarding conflicts or disagreement, then his narrative could be adopted to achieve a positive consequence and not harm any person.¹³³

6.5 Truthfulness

Truthfulness is a key to goodness and plays a significant role in shura. It requires honesty and sincerity in utterance, deeds and actions and lying is against the moral values of Islam as Prophet (صلى الله عليه و آله و سلم) said,

إِنَّ الصِّدْقَ يَهْدِي إِلَى الْبِرِّ، وَإِنَّ الْبِرَّ يَهْدِي إِلَى الْجَنَّةِ، وَإِنَّ الرَّجُلَ لَيَصْنُقُ حَتَّىٰ يَكُونَ صِدْقًا، وَإِنَّ الْكُذِبَ يَهْدِي إِلَى الْفُجُورِ، وَإِنَّ الْفُجُورَ يَهْدِي إِلَى النَّارِ، وَإِنَّ الرَّجُلَ لَيَكْذِبُ، حَتَّىٰ يُكْتَبَ عِنْدَ اللَّهِ كَذَّابًا

"Truthfulness leads to righteousness, and righteousness leads to Paradise. And a man keeps on telling the truth until he becomes a truthful person. Falsehood leads to Al-Fajur (wickedness, evil-doing), and Al-Fajur (wickedness) leads to the (Hell) Fire, and a man may keep on telling lies till he is written before Allāh, a liar."¹³⁴

It must be ensured before establishing shura for resolving the issue of Takfeer that the members of shura must not be known for lying and inaccuracy as this will decrease the validity of shura

¹³⁰ Ibn Al-Salah UU, Muqaddima Ibn Al-Salah. (Beirut, Lebanon: Dar Al-Fikr Al-Muasir, 1986)

¹³¹ Al-Qurān, 49:6

¹³² Pickthall, 585

¹³³ Abd al-Rahmān ibn Nāṣir Al Sadi, Taysir Al-Karim Al-Rahman fi Tafsir Kalām Al-Mannān, 1st ed, Vol. 1. Riyadh, Saudi Arabia: (Princess Al-Anoud Foundation, 2011)

¹³⁴ Muhsin Khan, Translation of Sahih al-Bukhari, Volume 8, The Book of Good Manners (Al-Adab), Hadith 6094, 74

in managing and judging about the Takfeer of Muslim and could not result to achieve positive outcomes. It is essential that they do not act without sincerity and intention of reformation.¹³⁵

7. Behavioural Factors, for the Accuser, Misusing Takfeer

The religion of Islam provides the guidance for managing the disagreements through behavioral practices. Islam urges specific behavioral factors as an ethics among the Muslims to minimize the disagreements and need of arbitration. According to the guidelines of Qur'an and Sunnah Muslims are encouraged to bring perfection in mannerism to prevent disagreements that could result to conflicts and disputes through shared goals. The behavioral factors require for managing disagreements are,

7.1 Give Sincere Advice (نصيحة)

If the Muslim disagree with the opinion of another Muslim or felt that his certain act or words are wrong or have some flaws than the other Muslim is required to give him sincere advice on his mistake according to proper understanding of that subject along with references to the textual sources of Islam primarily Qur'an and Sunnah, instead of making his Takfeer without having the complete understanding of the subject of Takfeer which contain so many principles and conditions. As the Muslim is highly encourage to give sincere advice to his fellow Muslim in mistakes and disputes.¹³⁶ Prophet (صلى الله عليه و آله و سلم) said,

"الدِّينُ النَّصِيحَةُ." قُلْنَا: لِمَنْ؟ قَالَ: "لِلَّهِ، وَلِكِتَابِهِ، وَلِرَسُولِهِ، وَلِأَيِّمَّةِ الْمُسْلِمِينَ وَعَامَّتِهِمْ"

"The deen (religion) is naseehah (advice, sincerity)" We said, "To whom?" He said, "To Allāh, His Book, His Messenger, and to the leaders of the Muslims and their common folk."¹³⁷

It is argued by Muslim scholars that this Hadīth demonstrates sufficient evidence of the requirement of sincere advice in all sphere of life for every Muslim, regardless of their career or position and described this trait as the proactive behavior to manage the disagreements.¹³⁸

¹³⁵ Al-Qurān, 4:35; 11:88

¹³⁶ Ahmad ibn Alī ibn Hajar al-Asqalani, Fath al-Bari Fi Sharah Sahih al-Bukhari, Kitab al-Iman, Beirut, Dar al-Kitab al-Ilmiyyah, 1997, 182

¹³⁷ Ahmad ibn Alī ibn Hajar al-Asqalani, Fath al-Bari Fi Sharah Sahih al-Bukhari, Kitab al-Iman, Beirut, Dar al-Kitab al-Ilmiyyah, 1997, 182

¹³⁸ Suhaili Sarif, Kamaruzaman Noordin, and Ahmad Sufian Che Abdullah, Managing organizational Conflict from Islamic perspective, Jurnal Syariah 12(2), (2004), 116

7.2 Work for Mutual Cooperation (تَعَاوُن)

Another mandated behavior by Islam is mutual cooperation among the Muslims in each sphere of life. It is required to promote a positive environment that ward off negative disagreements.¹³⁹ Cooperation reduces aggression and it is a behavioral norm of righteousness and piety in Islamic theology. Islam encourages cooperation that directs piety and goodness and prohibit cooperation that directs evil and negative outcomes.

...وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ...¹⁴⁰

...but help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression...¹⁴¹

So, the Muslims have to cooperate each other in differences and disputes to achieve positive outcomes instead of leading towards evil for the sake of personal desires and worldly benefits.

7.3 Emphasize and Encourage Patience

Muslims are encouraged to have patience in disputes and conflicts and manage them by remaining patient in hardships as to be patient is success for the Muslim according to the commandments of Allāh (عزوجل),

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَصْبِرُوا وَصَابِرُوا وَرَابِطُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ¹⁴²

“O ye who believe! Endure, outdo all others in endurance, be ready, and observe your duty to Allāh, in order that ye may succeed.”¹⁴³

Prophet (صلى الله عليه وآله وسلم) also encouraged to remain loyal and steady in conflicts even when felt oppression.¹⁴⁴ The Muslims who do not have patience and hurry to accuse anyone with apostasy without authentic knowledge in fact, done grave sin as patience is necessary in each sphere of life, the one who claim apostacy need to be patient before pronouncing anyone with Takfeer and to whom it made should also remain patient while handling dispute or giving statement in defense as those who do not have patience will have great loss. As Allāh (عزوجل) said,

¹³⁹ Sarif et all, Managing organizational Conflict, 116

¹⁴⁰ Al-Qurān, 5:2

¹⁴¹ Pickthall, 117-118

¹⁴² Al-Qurān, 3:200

¹⁴³ Pickthall, 85

¹⁴⁴ Abdus-Salām Al-Barjis, Muamalāt Al-Hukkām fī Dhaw Al-Kitāb wa Al-Sunnah. (Riyadh, Saudi Arabia: Maktabah Al-Rushd, 2006)

وَالْعَصْرَ إِنَّ الْإِنْسَانَ لَفِي خُسْرٍ إِلَّا الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ وَتَوَاصَوْا بِالْحَقِّ وَتَوَاصَوْا بِالصَّبْرِ¹⁴⁵

By the declining day. Lo! man is a state of loss. Save those who believe and do good works, and exhort one another to truth and exhort one another to endurance.¹⁴⁶

7.4 Avoid Negative Assumptions (حسن الظن)

The disagreeing parties or individuals should have good opinion of one another and avoid negative thoughts. Having good opinions about each other will prevent the disagreements to turn towards disputes and reduce its negative effects. Allāh (عزوجل) said,

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ¹⁴⁷ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا¹⁴⁸ أَيُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ¹⁴⁷ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ¹⁴⁷

O ye who believe! Shun much suspicion; for lo! some suspicion is a crime. And spy not, neither backbite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allāh). Lo! Allāh is Relenting, Merciful.¹⁴⁸

Prophet (صلى الله عليه و آله و سلم) also prohibit suspicion as negative assumption are degraded in Islam. He (صلى الله عليه و آله و سلم) said,

"إِيَّاكُمْ وَالظَّنَّ، فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ، وَلَا تَحَسَّسُوا، وَلَا تَجَسَّسُوا، وَلَا تَحَاسَدُوا، وَلَا تَدَابَرُوا، وَلَا تَبَاغَضُوا، وَكُونُوا عِبَادَ اللَّهِ إِخْوَانًا"

"Beware of suspicion, for suspicion is the worst of false tales; and do not look for the others' faults and do not spy, and do not be jealous of one another, and do not desert (cut your relation with) one another, and do not hate one another; and O Allāh 's worshipers! Be brothers (as Allāh has ordered you!)"¹⁴⁹

So, the above discussion shows that disagreements should be minimize by encouraging positive assumptions between the opponents.

¹⁴⁵ Al-Qurān, 103:1-3

¹⁴⁶ Pickthall, 693

¹⁴⁷ Al-Qurān, 49:12

¹⁴⁸ Pickthall, 586

¹⁴⁹ Muhsin Khan, Translation of Sahih al-Bukhari, The Book of Good Manners (Al-Adab), Hadith 6064, 60

7.5 Attribute of Brotherhood

Brotherhood is also one of the fundamental attributes to manage the disagreements and conflicts.¹⁵⁰ This framework symbolized by Prophet (صلى الله عليه وآله وسلم) for brotherhood is,

" الْمُسْلِمُونَ كَرَجُلٍ وَاحِدٍ إِنْ اشْتَكَى عَيْنُهُ اشْتَكَى كُلُّهُ وَإِنْ اشْتَكَى رَأْسُهُ اشْتَكَى كُلُّهُ "

"Muslims are like one body of a person; if the eye is sore, the whole-body aches, and if the head aches, the whole-body aches." ¹⁵¹

Allāh (عزوجل) said,

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ ۗ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ¹⁵²

The believers are naught else than brothers. Therefore, make peace between your brethren and observe your duty to Allāh that haply ye may obtain mercy.¹⁵³

Muslims are brothers of each other therefore, Islam strongly encourage brotherhood between them, many examples could be found in Sunnah which direct brotherhood among the Muslims. Prophet gave directive to like for his brother whatever he likes for himself and even he connected this trait as the soundness of one's belief. So, when Muslims are brothers to each other according to Islamic texts than every Muslim has the right on other to be sincere with his fellow Muslim and could not harm him relying on personal motives and jealousy.

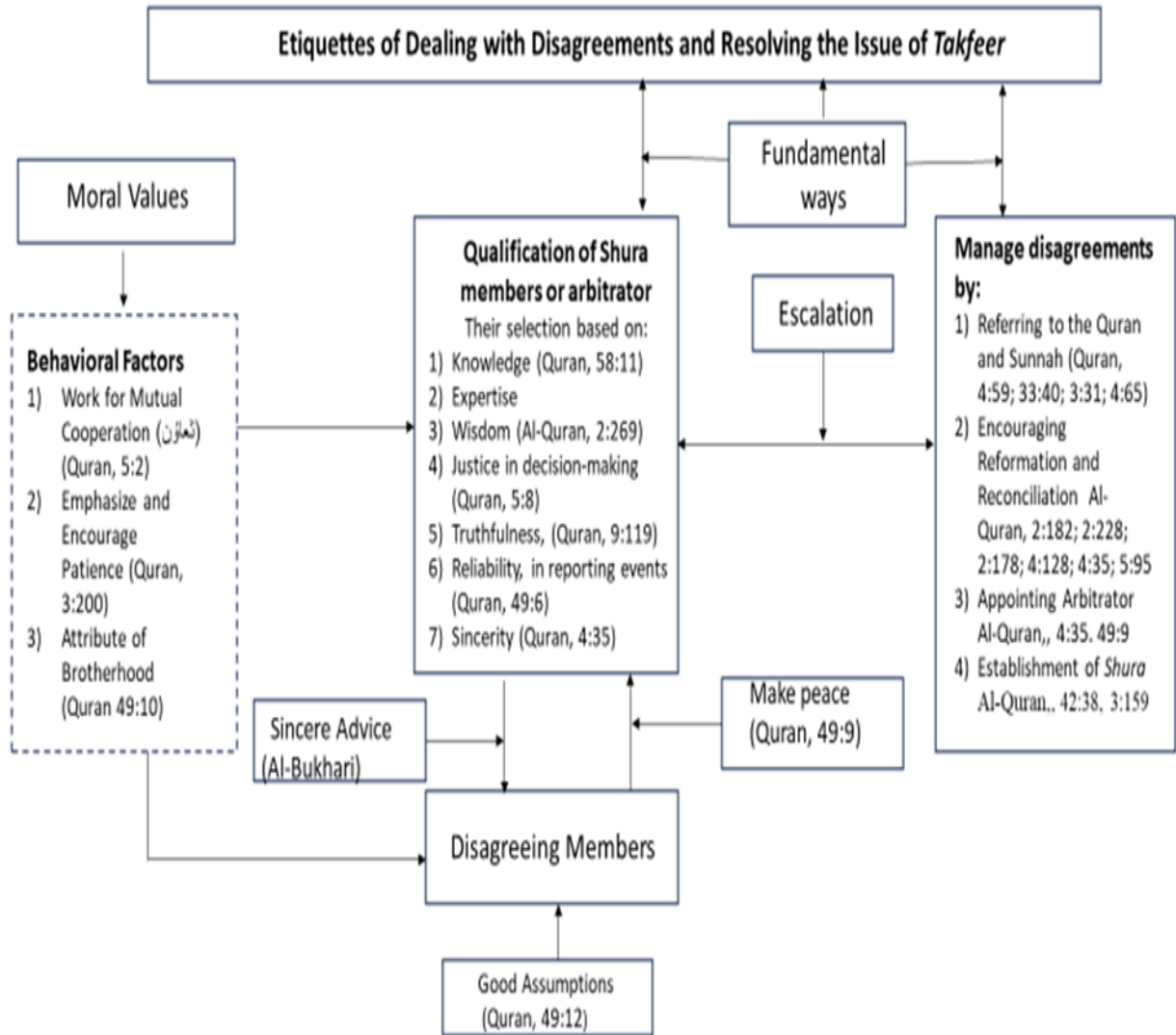
Islamic Framework for Managing Disagreement

¹⁵⁰ Amal Hayati Ishak and Muhamad Rahimi Osman, A systematic literature review on Islamic values applied in quality management, context. *Journal of Business Ethics* 138(1), (2015), 110

¹⁵¹ Imam Muslim ibn al-Hajjaj al-Naysaburi, *Sahīh Muslim, The Book of Virtue, Enjoining Good Manners, and Joining of the Ties of Kinship, Chapter: The Mutual Mercy, Compassion and Support of The Believers, Hadith 2586d*, (Beirut, Lebanon: Dar Ihya Al-Turath., 1956)

¹⁵²Al-Qurān 49:10

¹⁵³ Pickthall, 585



The use of sincere advice is essential for managing the disagreement in the Islamic framework. This function could reflect the best outcomes for the disagreeing members in adherence to Islamic ethical perspective. This is fundamentally a means to strengthen collaboration through giving sincere advice with good intent. The other elements of reconciliation and Shura have prominent role in managing the disagreements. The appointment of arbitrator and Shura on the bases of knowledge, accuracy, justice, experience, truthfulness and wisdom is the crucial aspect of managing disagreement in Islam.

Qur'an and Sunnah are the primary source in managing matter in all spheres of life therefore, the arbitrator and shura should make judgements by referring to them. Their function is to facilitate the disputants and to verify their point of views during resolution. The disagreeing

members must always maintain good assumptions for each other for the sake of minimizing the disagreement. The Islamic framework for minimizing the disagreement could reduce the rise of conflicts and disputes among the Muslims and it will lessen the chances of disagreements to turn towards negative disagreements.

Conclusion

Contemporary times in Pakistan Takfeer e Muslim is the grave issue and it is the general consensus among the Muslim scholars that the Qur'an, Sunnah and rightly guided caliphs prohibit Muslims from claiming each other with disbelief unless he commits any nullifiers of Islam, using every possible excuse in favour of Muslim especially on the matters of disagreements or difference of opinions and on matters of ijtihād. The issue of Takfeer should be dealt by providing justice, tolerance and through promoting the teachings of Islam on this matter that necessitate to avoid charging Takfeer on that Muslim whose statement or act is doubtful and contains only the probability of disbelief or is forced, ignorant and done unintentionally. Islam as a religion of peace attaches great importance to peace, tolerance, prosperity and well-being and encourages to adopt ethics in each sphere of life. Diversity and difference of opinion is a natural phenomenon but the requirement in differences and disagreements is to stay within the limits to disagree just for the pursuit of Allāh not for the personal desires, egoism and schism etc. Although Disagreements among Muslims these days resulted in the disunity of the umma therefore, it is necessary to give respect to opinion of others that are based on authentic knowledge instead of criticism and condemnation to them, that is what Islamic ethics of disagreement demands. The historical background of disagreement shows that it must be taken as a positive process for the legal development as the scholars of various schools of thought did and provide with equally authentic interpretations of the legal matters and accepted one another and through this they gave evidence to the reality of diversity in Islamic law, that is why they were accepted by Muslim scholars of all ages.

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