

## DISSENSIONS OF THE FOUR IMAMS

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### ABSTRACT

*A large number of prophets have been sent for the guidance of humanity. Books were revealed to some of them. Muhammad (SWA) was sent as the last prophet. The Holy Quran was revealed to him. The ordinances of the Holy Quran were through the sayings and life example of the Holy prophet (SWA). Some of these have taken the form of laws and principals and some of them are explanatory. Shariah is everlasting and issues and problems erupt with the passage of time. The solutions to these issues and problems have articulated by different Imams, in the light of Hadith and the Holy Quran. Among these Imams the most important are the four Imams. They formally organized Fiqah and presented it to the public. There are numerous issues on which they have agreements and numerous others which are controversial among them. Sometimes each of the Four presented solutions to some problems in the light of argumentations which are contrary to the rest three and have no precedents. This is called "Tafarud". In this research proper some of their Tafarudatsare presented.*

**Keywords:** *Dissensions & Four Imams*

### INTRODUCTION

Holy Quran gave principles of comprehensive systematic life for guidance of the whole humanity. The Holy Prophet developed practical system of life on the basis of these principles. The principles of Quran are applicable for every age. Therefore, in every period, experts explained and interpreted those principles pertaining to that period. Four renowned scholars (immas) have offered a highly comprehensive interpretation of those principles of Quran and Sunnah. The law experts have no choice to take guidance from it.

### Literary and Implied Meanings of "Tafarud"

The building block of the word "Tafarud" are "Fa", "Ra" and "Dal". This word is used in the following senses. "Farada" is used both as a noun and as a verb. It is used as a verb. It is used as the verb and as a gerund from the same chapter of grammar. Sometimes it is used from SulasiMujarad and sometimes form SularyMazidfi. (Usmani 2009).

### Examples

- Farada as a verb comes from "Faala", "Yafoula" chapter of Sulacimujarad.
- Sometimes it becomes transitive verb in combination with "ba".

- Sometimes with the word "ghun" it become transitive verb.
- In other places in combination with "fi" it becomes transitive verb.
- "Farada" is combination with "baa" as a transitive verb is said to be "Prominent and form in actions".
- "Farada" in combination with "fi" as a transitive verb means "distinctive in its actions".
- "Farada" in combination with "aan" comes to mean "Unique from its class or team". (Feroozabadi, 1400 A.H).
- "Tafarud" is gerund of "tafaaul" chapter of Sulasi-mazid-field. It has the following meanings.
  - a. In Interrogation he has made Himself singular.
  - b. He is unparalleled in his creation, there is no equal of Him.
  - c. He is unparallel in His command. (Feroozabadi, 1400 A.H)

### **Tafarud as a Noun**

Sometimes the word "Tafarud" used as a noun. In this case it comes from chapter "Tafaaul" as its gerund.

- Singular in asking, distinctive and has no one in share.
- Distinction someone in an attribute to the extent to have no precedent. (Feroozabadi, 1400 A.H)
- "Afrada" this comes from "Ifaal" a chapter of mazid-fi .
- Separated a thing from another.
- Separated a fruit.
- He is unparalleled in some deed. There is no parallel of him. (Ahmad Ziat, 1400 A.H).
- Sent His messenger to them.
- Some animal gave birth to a single offspring. This cannot be said of she-camel because it always give birth to a single off-spring.
- He did not submit Ihram of hajj and umra, in contrast to "muqren" and "mutamatea" (Types of hajj) (MurtazaZubaidi 1381 A.H).
- Soemtimes the word "Farda" comes from chapter "tafaail".
- The student achieved high degree of understanding. (Zubaidi, 1381 A.H).
- He become free for worship after keep away from people. The Holy Prophet (SAW) has said "There are good tidings for mufaredin (those who achieve distinction in Din). So it implies those who have made themselves devoted to worship. (Al-baihq 1376 A.H).
- He separated a thing from another.
- "Fa,ra,da" comes from sulasi-mujarad chapter "fala, yafoula".
- To spread something along as one moves. (Johri, 1407 A.H)

"Ma Tafarradabehi" means he did not agree. When the Imam Bukhari (RA) or Imam Muslim (RA) copied some hadith and the other did not agree, then it was said "Both Imam Bukhari and Imam Muslim did not agree and one of them discarded the hadith as a correct one and the other did not record it. (Asqalani, 1329 A.H)

### **Implied Meanings of Tafarud**

- Tafarud is scholastic terminology. It implies a person gifted with intensive knowledge and using his capabilities, skills, knowledge and updated awareness established a separate conclusion through extreme crudity in contrast with the views of majority religious scholars. This view point of the above scholar is called tafarud. (Mahmood-ul-Hassan, 2013 A.D).
- The establishing of separate opinion in opposition with the majority decision keeping in view the teaching of the Holy Quran and Hadiths. (Muhammad-ul-Hassan 2013).
- Dictionary meanings of Tafarud includes "Singularness in some work or action separated from friends or colleagues, etc. (Ibn-e-Manzoor, 1414 A.H).
- Tafarud has been derived from "Fard" which mean alone and singular. This word is applied to Allah Almighty attributes.

Farada is said of Allah Almighty who has the highest dignity and sacredness. He is alone in his attributes. He is not dependent on anyone in the commission His orders. Fard is said about that singular and alone entity who has no precedent, and there is no one equal to him. Fard is odd and the word Faridah with "ha" comes from it, which mean gentle and precious pearl. It is called "farid" in view of its unparallel beauty. (Ibn-e-Manzoor, 1414 A.H)

### **LITERATURE REVIEW**

The Islamic law is referred to in other words as shariah, Sharah, Fiqah. In principles this law is attributed to Allah Almighty, because the real law-maker is Allah Himself. The Holy Prophet (SAW), as a direct messenger of Allah — so sometimes by extension he (SAW) is called law-maker. As Quran is the last revealed book and Muhammad (SAW) is the last messenger of Allah so all the principles of law-making have been enunciated by the Holy Quran and Sunnah. The Holy Prophet (SAW) has said "I am the last Prophet and you are the last ummah". (Ibn-e-Maja, 1401 A.H). Besides this saying of the Holy Prophet (SAW) there are numerous other principles and rules of the Holy Quran and Sunnah which testify the above mentioned fact. Different issues and problems that erupt at different times are dealt with the rules and regulation as set by the Holy Quran and Sunnah. Thus in every age and country solutions to the new issues is sought in the light of Quran and Sunnah. There

is a saying of the Holy Prophet (SAW) Allah will never assemble my ummah on misguidance. (Al-baihqi, 1413 A.H)

To keep the spirit of Islam fresh and updated Islamic scholars come from time to time and interpret Islamic law for the umma. The Holy Prophet (SAW) has said "Allah Almighty will create such person in every century who will keep Din-Islam fresh for this ummah". (Abu Daud 1325 A.H). From these the concept of Ijma (consensus) developed and it became the third source of Islamic law and Shariah. Words of Fiqah and Ijtehad (consensus) have been mentioned in many Hadiths and rules for Ijtehad have been enunciated. Thus Islamic scholars have authority of Ijethad (consensus) under specified conditions. Thus after the Holy Quran and Sunnah Ijtehad (consensus) and Qiyas (Analogy) have been ascertained as the sources of Islamic-law.

Thus there are four sources of Islamic-law viz:

- Holy Quran
- Hadiths
- Ijma (Consensus)
- Qiyas (Analogy) and Ijtehad.
- These forces of Shariah have been proved through numerous.
- The following are some of the arguments in this connection:

### **Rational Argumentation**

Islam is not merely a collection of some moral and spiritual instructions but it is code of life providing guidance for individual and collective life of Muslims. Thus even law and principle in this Din is a part of Din-e-Islam. A collection of ordants has been revealed from Allah for the guidance and instructions of human being. Its name is Quran. Therefore, the first source of Islamic law is Quran. The Holy Prophet (SAW) was the first addressee and messenger. Therefore, after Quran his sayings and actions is the second source of Islamic law. The comparisons (Sahabas) of the Holy Prophet (SAW) were his disciples of first order, after them comes the number of Tabieen. These people taught Islam from the first addressees of Islams and from them the acquired training of knowledge and action. Alongwith these as the issues and problems in life are numerous and varied. Life is making progress materially and there is no continuous changes instead of stagnancy.

Therefore, in order to meet the challenges and solve the issues of the changing situations Islam has evolved a reasonable natural system. The ulema has not only been given the authority they have been ordained of Ijtehad and Qiyas. The most positive thing about this is that any law which is stagnant and rigid cannot cater to the needs of time and it becomes invalid and impractical. Islamic law despite of its deviation from Quran and Sunnah and

its immortality is not stagnant instead it is flexible and elastic. Therefore, in accordance with the needs of times Ijtihad and Qiyas been ordained.

### **Cited Argumentation**

The holy Quran says in this context "Those who do not make their decisions according to the revealed book are Kafir". (Al-Maidah: 44) On another place the holy Quran says: "Verity we revealed this book (Quran) unto you so that you may decide matters among people in its light" (Al-Nisa: 105). The Holy Prophet (SAW) has said "Follow my ways of life and the ways of Khulfai-Rashedin and keep it strongly" (Aldarmi: 1408 A.H). The most convincing arguments in favour of Ijtihad is the Hadith which has been narrated by Maaz Bin Jabal (R.A). When the Holy Prophet (SAW) selected him as the Qazi of Yeman, he was asked about how to decide matters. He replied that I will decide matters in the light of the Holy Quran. He was asked again if there was no precedent in Quran, then how he would decide matter to which he replied that then he would decide matters in the light of the Holy Prophet (SAW). He was further asked that if there was no precedence in the life examples of the Holy Prophet (SAW) to which he replied that in such a situation I would make use of my opinion and would do Ijtihad. The Holy Prophet (SAW) patted him on his chest and said it is a blessing of Allah to have gifted the messenger of His rasul (Abu Daud: 1365 A.H).

There are numerous other arguments as well in favour of Ijtihad. The Holy Prophet (SAW) said "Do Ijtihad, because Allah make easy the work for which any man has been created" (Abu Dawood 1365 AH). At another place the Holy Prophet (S.A.W) says: (If any commander give correct Ijtihad in some matter then there are two rewards for him and if he makes mistake in it then there is one reward for him". (Abu Dawood 1365 A.H). Similarly, Hazrat Umar (R.A) has said: "As Umar do not know whether he has found the truth however, he never showed slackness in his efforts". (Abu Dawood: 1365 A.H). At another place Umar (R.A) has said. "The opinion of the woman are true and of Umar are wrong" (Abu Dawood: 1365 A.H). In all these hadiths there has been emphasis on Ijtihad. Now sometimes the viewpoints of a "Mujtahid" are in compliance with the viewpoints of majority of Ulema and sometimes these are against the generally accepted views. The latter view point is called Tafarud of the scholar. There is regular and continuous history of Tafarud at with its origin from the early period of Islam.

A careful study of history shows that Umar (RA) for the first time resorted to tafarudaton the basis of hadiths for the structuring of society and the process is continued till today. With the spreading of Islam numerous tribes and countries entered into its fold, so the Muslims were faced with issues which they had not encountered earlier. Then it was the call of the time to solve different issues in the light of the Holy Quran and hadiths so as to

make precedents for the coming generations, issues. In this way a precedent was set for the solutions of new problems and issues in an Islamic spirit. Thus the foundation of Ijtehad was by Hazrat Umar (R.A).

## **DISSENSIONS OF FOUR IMAMS**

### **Imam Abu Hanifa**

Imam Abu Hanifa Noman Bin Sabit Bin Noman Bin Mazaban like other religious scholars was involved matters related to Quran along with issues and problems of Fiqa and Fatawas. He got help from numerous religious scholars. Imam related that I chanced to live out the centre of knowledge and Fiqa and remained compatriot and comparison of Kofians. Among the Kofians I also become a disciple of scholar of Fiqa Hamad (Sakarodhovi: 2006 A.D), Imam Shafi Says "People remained the recipients of benefaction from Abu Hanifa" (Asqa'ani: 2003 A.D).

### ***Hurmat-e-Musahirat. (Marriage-forbistance)***

According to Abu Hanifa Fornication creates maternal and paternal relation with the victim". "A man who commits fornication with a woman then her mother and daughter become Haram for him" (Al-Murghainai, 1990 A.D).

### ***Appearance of Witnesses in Court***

According to Abu Hanifa when a complainant produce witnesses in the Court and the accused or defendant express no taunt, then the Qazi can consider to be sufficient the appearance of the witnesses. He says: "nfavour of a Muslim a Hakim should consider the appearance of witnesses as sufficicent and do not ask about the situation of the witnesses even if they are taunted by the defendant. (Al-Murghainai, 1990 A.D). As a proof Abu Hanifa quotes the hadith of the Holy Prophet (SAW) "All the Muslims are Aadels (Just) and are proof against each other with the exception of one who has been punished for hisacts of slandering (Abn-e-AbiSheeba, 1394 A.H). According to Abu Hanifa in the presence of paternal-grandfather step and real brothers and sisters are deprived of heirship. In his argument is wit of Hazrat Abu Bakar (R.A) "Real and step brothers and sisters are deprived of their heirship (Al-Sajawandi, 1991 A.D).

### ***Likeness at Time of Agreement***

Imam Abu Hanifa says: "Selling of fresh fruit in return of its likeness is valid instead of superiority (difference). The argument in favour of this verdict is the Hadith of the Holy Prophet (SAW). "Consider dates in relation with dates and increase in it is Ribah (usury) (Al-Tarimzi, 1991 A.D). The second argument in this context is the last part of the hadith.

"When species is different then sell it according to our wish hand to hand" (Al-Tarimzi, 1991 A.D).

### **Imam Shafi**

Muhammad Bin Idrees Bin Abbas Bin Usman Bin Shafi Bin Saaib Bin Obaid Bin Abd Zaid Ibne Hashim Bin Abdul Mutalib Bin UbdManaf al-Qureshi (Ibn-e-Kathir, 1390, A.H). IbneFeraawon says about Shafi (R.A) "Imam Shafi was Hafiz. He had memorized Motha in nine days and according to one tradition in three days" (Al-Mazi, 1401 A.H). Imam Abdu Dawoo Narrates. "There is no Hadith attributed to Imam Shafi in which in any mistake" (Almazi 1401 A.H). Imam Nisai says; "Imam Shafi is a great scholar and man to rely on and a man to find peace with (Al-Mazi, 1401 A.H).

### ***Giving Judgment on Basis of One Witness and Taking Oath***

Imam Shafi (R.A) says that if a person lodges claim against another man and he has only one witness. In such circumstances he has to take oath on Quran to autheritise his claim. Imam Shafi(R.A) presents the following Hadith in his argument favour. "The Holy prophet gave judgment in favour of a witness and an oath (Al-Bihaqi 1400 A.H).

### ***Hadith Mursal is not Reasonable***

Hadith Mursal is that hadith in which after the Tabai in the sanad a Ravi has disconnected at the end (Asqa'lani, 1990 A.D). "Any Hadith about which the narratev is missing after tabigi". (Asqa'lani, 1990 A.D). Imam Shafi says; "Hadith Mursal is not reasonable (Al-Tahan, 1999 A.D).

### **Imam Malik**

Tafarudath of Imam Malik Malik bin Anas Bin Malik Bin AaimirulAsbahi Bin Amar Bin Harice Bin Ghaiman Bin Kharil. Al Asbahi Al Hameri (Abn-e-Kaseer, 1390 A.H). Muhammad Bin Shafi relates that he asked Muhammad Bin Ismail Bukhari about authentic sanad then he said; "It Imam Nafeh narrates and he narrates from Umar then it is the authentic sanad (Al-Tahan, 1999 A.D).

### ***A Missing Person Whose Life and Death is Unknown***

When a person is lost and no one knows about his whereabouts and further search about him is impossible and it is not clear whether he is died or alive. In this condition Imam Malik (R.A) says that if four years laps after the missing of the lost person then Qazicem declare separation between the missing person and his wife. After separation and spending the time of death edat she can marry anywhere according to her will. Then argument of Imam Malik is based on judgment of Umar (R.A). "Umar (R.A) gave a similar judgment about the man who was taken away by jinnat from Madina" (Al-Mazi, 1401 A.H). This

tradition has been mentioned in Moatha". The wife of missing person came to Umar (R.A) who (Umar (R.A) told her to wait for four months then the guardian of her husband was asked for divorce. The woman was then commanded to spend the time of edatand then after if her husband comes back then he has option between the wife and mahar (Alasbahi 1992). According to Imam Malik (R.A) aftertakbirTahrimaarsal (hanging of hands) is superior. Imam Malik considers the hanging of hands free after takbirTehrime as superior. "The Holy Prophet (S.A.W) would let his hands hang free after taking them up for takbiretahrime (Al-Asbahi, 1992 A.D).

### **Imam Ahmad Bin Hanbil**

Ahmad Bin Muhammad Bin HambilHilal Bin Asad Bin Idrees Bin Abdullah Bin Hayan Bin Abdullah Alsaecari (AbneKaseer, 1390 A.H). (AbneKaseer 1390), Imam Shafi tells about him as. "I came out from Baghdad where there was no moreover pious and scholar than Ahmad Bin Hanbil" (Abu Zehra, 1992 A.D).

### ***Debter can Transfer the Debt to a Third Person***

For example if the debter says to receive the amount from the named person instead of me. According to Imam (R.A) the consensus of lender is not compulsory. If the debter tells his lender that I hand over my loan to the named person and if the named person accepts the amount then in this condition it is incumbent upon lender to accept this handover and if the lender is not agree then the decision is valid. His argument is the Hadith of the Holy prophet "whenever you are instructed to take the amount from some well-to-do person then you should follow him (Al-Tarimzai, 1991 A.D). Imam Ahmad BinHambel (R.A) says that in the cited Hadith "Falyattabea" is in imperative sense which implies on compulsory. Therefore it is evident that the following is compulsory weather he is agree or not.

### **CONCLUSION**

The four Imams were the vanguard for the solutions of different issues faced by the Ummah. These formulated solutions of problems and issues took the name of Islamic Jurisprudence (Fiqah). These Imams followed in the footsteps of solafsalihene (the pious man in the past). Some times they also presented solutions which were somewhat different from their predecessors. This deed of them assumed the scholastics name of "Tafarud" (individual opinion). Tafarrudat show that there is no stagnancy in Islamic Jurisprudence instead there is flexibility and extension.

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