

AN ASSESSMENT OF MANAGING JURISTIC DIFFERENCES AMONG MUSLIM SCHOLARS IN THE CONTEMPORARY WORLD

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Abstract: *The various juristic schools of thought in Islam that exist today is an attestant to the skills enjoyed by the ancient Muslim jurists in managing religious differences. The gradual fading-out of such skills among Muslim scholars is responsible for the mutual hostility that has greeted virtually all juristic discourses in the contemporary world. Against this backdrop, this study assesses the interaction among contemporary Muslim scholars over controversial juristic matters. The study adopts the analytical method of research. It discovers that there is ample example of positive display of ethics of disagreement by some contemporary scholars. It also submits that the lack of such ethics is apparent mostly in the modern Salafi school of thought. The study recommends periodic organization of workshops for Muslim preachers and scholars on the ethics of juristic disagreement.*

Key Words: *Al-Khilāf*, Juristic, Management, Muslim scholars, Religious disagreement.

Introduction

Al-Khilāf is the technical word for the juristic difference in Islām. According to ‘Alawāni, it is an instance where one person disagrees with the views of another person.¹ Although *Al-Khilāf* is considered by the Qur’ān as an inevitable manifestation of Allāh’s divine sign as contained in (Q 30: 22), condemnation has been launched on any religious differences that trigger disintegration, disunity, and grudges. Q 3:105 provides thus: “And be not as those who divided and differed among themselves after the clear proofs had come to them. It is they for whom there is an awful torment.”² Other verses of the

¹ J.F. Alawani, *Adāb al-Ikhtilāf fī al-Islām* (Herndon, VA: International Islamic Institute of Thought, 1982), 12.

² T. Al-Hilali, and M.M. Khan, *Interpretation of the Meanings of the Noble Qur’ān* (Riyadh: Darus Salam, 1996), 86.

Qur'ān that berate the act of religious disagreement include Q 3:159, Q 2:176, and Q 3:105.

Despite the aforementioned provisions, religious disagreements have become a characteristic feature of the Muslim community from ancient to the present time. Having noticed the negative resultant effects of the menace, Muslim scholars developed theories capable of minimizing the threats emanating from the practice. Hence, early academic works on the discourse began in the medieval era of Islamic history. Some of the accessible works of that era were those of Ibn al-Jawzi (d. 597AH), Quzahli (d. 650AH), Ibn Taymiyyah (d. 750AH), and Dahlawi (d. 980AH).³

With the alarming rate of the threat posed by juristic disagreements in contemporary times, which are factored by modernism, technology, and Westernization, modern scholars are aroused by renewed vigour into the subject. Hence, the theories developed by the ancient scholars received a new intellectual garb, giving way to the introduction of the concept of *Fiqh al-Khilaf* (ethics of juristic disagreement). It is worthy of note that the works of Qaradawi⁴, Alawāni⁵, Sha'c̄bān,⁶ Al-Umar⁷ and Khazandar⁸ are taking the lead in the renewed contemporary campaign for using the mechanism of *Fiqh al-Khilāf* as a solution to contemporary juristic crises among Muslim scholars.

Against this background, this study attempts to assess and examine the utilization of ethics of juristic disagreements among Muslim scholars in the contemporary world. The sampled cases of the study were spread across various schools of thought namely, modern Salafism, Muslim Brotherhood, and others. The methodology of the article, being analytic, requires the researcher to select a particular religious discourse that has polarized the views of scholars, and then sample the reaction of selected scholars to their opponents.

³ L.F. Oladimeji and N.A. Arikewuyo, "Culture of Disagreement, Dialogue, and Peaceful Co-Existence," in *Essential Manual for Da'wah Practitioners*, ed. L.F. Oladimeji et. al. (Ilorin: Centre for Islamic Heritage, Al-Hikmah University, 2022), 92.

⁴ Yusuf Qaradawi, *Kayfa Nata'āmalu M'aath-Thurāth* (Cairo: Maktabat Wahbah, 2004).

⁵ Qaradawi, *Kayfa Nata'āmalu*.

⁶ A. Sha'c̄bān, *Dawābit al-Ikhtilāf* (Cairo: Darul Hadith, 1997).

⁷ N.S. Al-Umar, *Al-Ikhtilāf fi al-'Amal al-Islāmi* (Riyadh: Ministry for Islamic Affairs, 2008).

⁸ M.A. Khazandar, *Fiqh al-I'tilaf* (Cairo: Maktabat Furqan, 2008).

The study has been segmented into the following sub-topics: introduction, factors for juristic differences among Muslim scholars, ethics of juristic disagreement, assessment of the utilization of the ethics among contemporary Muslim scholars, conclusion, and recommendation.

Factors for Juristic Differences among Muslim Scholars

Muslim scholars have traced the factors responsible for juristic differences in Islām, and thus conclude that it is originally provoked by the nature of the religious texts which are open to individual interpretations, cultural variance, time peculiarity, and linguistic polemics.⁹ Al-°Umar submits that variance in natural disposition and intellectual capacity cannot be far-fetched to be considered among the basic causes of religious differences.¹⁰ This is apparent in the case that involved both Abūbakr and °Umar, the first two successors of Prophet Muḥammad. After the conclusion of the Battle of Badr, the Prophet sought the advice of his companions over the fate of the war captives. Abūbakr, with his reputable and lenient disposition, opined that they should be freed upon paying a ransom or at the clemency of the Muslims, while °Umar, the inborn ‘no non-sense man’, adopted the view of executing them.¹¹ The natural disposition of each of the two companions influenced their religious opinions. Such is what often manifests in most religious verdicts given by various jurists.

Another cause of juristic differences in Islām is given by Ibn °Uthaymīn as an instance where an opponent is not aware of the existing evidence on a controversial matter. Such an instance surfaced when the companions differed over making an adventure into a city wracked with contagious disease. Not until Ibn °Awf arrived and signified that there was an existing tradition of the Prophet forbidding the believers to travel to such a city, the opponents of that view strongly stuck to their opinion.¹² While lamenting over the menace constituted by ignorance of existing evidence, Ash-Shāṭibi has the following to say: “Muslim scholars have regarded it as a trial (for the *Ummah*) that an ignorant should be regarded as knowledgeable.

⁹ Qaradawi, *Kayfa Nata'ōmalu*, 33.

¹⁰ Al-°Umar, *Al-Ikhtilāf fi al-'Amal al-Islāmi*, 43.

¹¹ Al-°Umar, *Al-Ikhtilāf fi al-'Amal al-Islāmi*, 43.

¹² M.S. Ibn Uthaymin, *Al-Khilāf Bayna al-'Ulamāi* (Riyadh: Darul Watan, 1995), 45.

Thus, his disagreement will be given weight at the expense of existing evidence.”¹³

Variance in circumstance and community is another factor for the inter-religious difference. For instance, a dominating culture in a community may influence the verdict given to a matter and therefore make it contrary to the verdict given to the same matter in a different community. It is on record that Ash-Shāfi‘ī (d. 204 A.H.) changed most of his verdicts given while living in Iraq when he relocated to Egypt. Hence, the juristic views of this scholar are categorized as Iraqi and Egyptian views.¹⁴

The linguistic polemics over some Arabic words with which the Qur’ān and *Hadīth* were revealed are another major justification for the thriving intra-religious differences. For instance, some Arabic words used in the Qur’ān are the subject of polemics among the core Arabic specialists over their connotation and denotation. Hence, such polemics gave room for various theological and juristic interpretations.¹⁵ However, beyond the religious and natural factors mentioned above, some scholars have also focused on human factors. According to Al-Qarni, envy, arrogance, narrow-mindedness, and transgression have majorly contributed to fanning the ember of juristic discord among Muslim scholars.¹⁶

The combination of the above characters has turned pure juristic differences into personal and vendetta missions by the affected scholars. Partisanship and nepotism are other human factor juristic differences. According to Sha‘bān, it is unfortunate that no Muslim group in contemporary times is free from these accusations.¹⁷

From the foregoing, it is crystal clear that, although there are genuine reasons for juristic differences in Islām, which are unavoidable, management of the human factors thereof constitutes the bedrock upon which the campaigns for minimizing the negative effects of the

¹³ Abu Ishāq Ash-Shāfi‘ī, *Al-Muwāfaqāt fī Uṣūl ash-Sharī‘ah* (Cairo: Daru’sh Shatibiyyah, 2003), II: 172.

¹⁴ Qaradawī, *Kayfa Nata’āmalu*, 42.

¹⁵ Sha‘ban, *Dawābit al-Ikhtilāf*, 88.

¹⁶ A.H. Al-Qarni, *Al-Khilāf: Asbābuhu wa Ādābuhu* (Riyadh: Ministry of Islamic Affairs, 2006), 52.

¹⁷ Sha‘ban, *Dawābit al-Ikhtilāf*, 89.

difference are premised. Hence, any attempt at erasing the manifestation of juristic differences in Islām is fruitless, but managing the negative effects emanating from the act through evaluation of the human factors is the orbit around which the campaign for ethics of juristic disagreement revolves.

Ethics of Juristic Disagreement

Ethics of juristic disagreement technically means to apply the principles guiding and regulating differences of opinion in religious matters. According to Jawhari, a perusal of the works on the discourse shows that almost nineteen principles have been developed by scholars to tackle the menace emanating from juristic differences, but summarily those principles can be condensed into six guidelines.¹⁸ The principles are as follows:

The difference in Subsidiary Matters of Religion is Inevitable: This goes to show that even if the human factors for juristic differences are possibly eliminated, the linguistic and religious textual factors defied negotiation. Hence, each Muslim group should identify areas of juristic differences which are caused by the issues under discourse to comfortably adapt to them without sentiment or personal grudges. Among the religious differences that have torn the fabrics of the Muslim groups across the world are the ruling of bowing while greeting, the mode of calculating the day of *‘Aqīqah*, the female dress code, using the rosary for supplication, a celebration of *Mawlid* and *Hijra*, etc. It is indisputable that the technical word for the condemned bowing which is *Sujūd* is a subject of controversy that emanates from its linguistic meanings whether it is placing the head on the floor, or it also covers bowing the head. Hence, the controversy will continue as far as the linguistic problem is unsettled. The same argument goes for the second matter which controversy emanates from whether a day in the Arabic language means 24 hours or less than that. It is hoped that if every Muslim group appreciates this explanation, the sentiment over the aforementioned issues will drastically reduce.

¹⁸ N.A. Jawhari, *Fiqh al-Khilāf* (Ilorin: Bi-Iznillahi Computer Services, 2006), 8.

Intra-religious Difference in Subsidiary Matters is a Divine Blessing for the *Ummah*: One of the Muslim predecessors, ‘Umar bin ‘Abdul-Azīz (d. 720A.D.) said about the contention among the companions the following thus: “I have never been pleased the way I am over the fact that the companions of our Prophet also differed.”¹⁹ While asserting how differences and pluralism are a blessing in disguise, Qaradawi elucidates that the rich abundant references in Islamic Jurisprudence are attributed to the various well-articulated opinions of Muslim intellectuals. He moves on to say that pluralism in religious thoughts makes the *Sharī‘ah* suitable to all environments, cultures, climes, and generations.²⁰

Probability of the Correctness of all Opposing Views: The Apostle of Allāh frequently applied this principle to settle many controversial issues. When two companions were disputing over the manner of reciting the Qur’ān, the Prophet told them that they were both correct.²¹ In the case of Banū QurayZah, the companions differed on how to comply with the Prophetic directive of observing ‘Aṣr before entering the village, the Prophet did not condemn any of the opposing groups.²² Also, in the case of a man who re-observed his prayer after it had been done with sand ablution, the Prophet approved the views of the two differing companions.²³ These examples have shown that not in every matter of differences will an opponent be considered to be wrong, rather both sides may be right on the same issue.

An Error Committed by a Qualified Jurist Attracts a Divine Reward: This aligns with the Prophetic tradition that provides: “...if a Muslim judge gives an accurate verdict, he will be awarded two rewards; and if he commits an error after exerting his ability, he will be rewarded once.”²⁴ This tradition indicates the dignity that Islām attaches to intellectual strive. Hence, every Muslim group should appreciate the intellectual disposition of its opponents by expressing their religious opinions.

¹⁹ Qaradawi, *Kayfa Nata’āmalu*, 48.

²⁰ Qaradawi, *Kayfa Nata’āmalu*, 48.

²¹ Muhammad Isma’il Bukhāri, *Sahih al-Bukhāri* (Cairo: Dar Ibn Hazm, 2008), no. 2410.

²² Bukhāri, *Sahih al-Bukhāri*, no. 2410.

²³ Hajjaj Muslim, *Sahih Muslim* (Riyadh: DarulAfkar, 2008), no. 189.

²⁴ Bukhāri, *Sahih al-Bukhāri*, no. 7352.

Condemnation is not Allowed over Contentious Juristic Matter: This principle is well entrenched among the companions of the Prophet. Ibn Taymiyah asserts that ʿUmar despite being the leader of Muslims, was always being disputed over religious views by his subjects, neither would he command them to abide by his view, nor would they tell him to drop his opinion.²⁵ It is recorded that Imām Mālik (d. 795A.D.) after finishing the compilation of his popular *Muwaṭṭa* was requested by the then leader, Al-Maʾmūn (d. 833A.D.) to make his book the reference point that all Muslims would be bound with. The Imam rejected the offer, on the basis that Muslim jurists spread across every locality; and confining them to one book is tantamount to jeopardizing the intellectual virility of the *Ummah*.²⁶ The father of modern *Salafiyah* thought Ibn ʿAbdul Wahhāb (d. 1703) applies this principle when discussing the polemics over the ruling of intercession (*Tawassul*) as quoted below:

This matter is juristic and not theological, and the preferred view to us is that of the majority of scholars who posited that it is detested, but we will not condemn our opponent as condemnation is not allowed in juristic matters.²⁷

Based on the above quotation, it is worrying that the Muslim group which attributes its teaching to Ibn Abdul Wahhab is more guilty of breaking this principle. The issues which are controversial among the classical Muslim scholars due to the absence of unequivocal provisions in the Qurʾān and *Sunnah* but have been taken by some Muslim groups as a means of manifesting intolerance include the use of *Subḥah* (rosary), the number of *Tarāwīḥ* prayers, *Qunūt* in *Ṣubḥ* prayer, compulsoriness of *Niqāb* (face-veil), cutting the trousers, photographic picture, eating the food of non-Muslims during their festive period, the establishment of Muslim organizations, observing *Zakat al-Fiṭr* in cash, congregational supplication, *Walimat al-Qurʾān* and hosts of other issues premised on speculative pieces of evidence.²⁸

²⁵ Ahmad Ibn Taymiyyah, *Rafʿu al-Malām ʿAn al-Aimmat al-Aʿlām* (Cairo: Dar Ibn al-Jawzi, 2002), 14.

²⁶ Shaʿban, *Dawābit al-Ikhtilāf*, 97.

²⁷ Jawhari, *Fiqh al-Khilaf*, 28.

²⁸ N.A Arikewuyo, *A Comparative Study of Revivalist Daʿwah Approach of Salafiyah and Muslim Brotherhood-Oriented Groups in Yorubaland* (Manchester: ProQuest, 2019), 198-199.

Collaboration in the Area of Agreement and Tolerance in the Areas of Disagreement: The Muslims are faced with an almost universal challenge which includes combating the wave of evangelization and westernization, the use of *Hijāb* by female Muslims, creating more Muslim Universities, tackling the menace of poverty and employment by empowering the local Imams and scholars. The aforementioned have not witnessed coordinated and collaborative actions from various Muslim groups. The Qur’ān supports the principle of collaboration when it provides thus: “Help you one another in virtue and righteousness but do not help one another in sin and transgression.” (Q4: 2). The strength being fledged on trivial issues by many Muslim groups if diverted to more humanitarian missions would have turned the story of the *Ummah* into a blissful one.

The Utilization of the Ethics of Juristic Disagreement among Muslim Scholars in the Contemporary World

Because contemporary Muslim scholars belong to countless schools of thought, there is a need to limit the sampling of this study to a particular school. Hence, the study samples the manifestation of ethics of juristic disagreement in the schools of modern Salafism and Muslim Brotherhood. The specification of the two schools is prompted by the large influence they enjoyed in the Muslim world in contemporary time.

The Muslim Brotherhood's approach in this regard has been stated by its founder in the following texts:

And the jurisprudential difference in non-fundamental issues (of Islam) should (not be taken) as the cause of religious disunity and should (not be allowed) to lead to disputes and grudges. Every scholar has his reward and there is no barrier to making objective academic research on controversial issues with the spirit of mutual love in Allah and cooperation in reaching the fact without (allowing the exercise) to lead to unnecessary polemics and partisanship.²⁹

Another scholar of the *Ikhwān*, Yusuf Qaradāwi has set out nineteen fundamental principles that can be used to forestall the grudge that usually ensues from jurisprudential controversy

²⁹ Hassan al-Bannā, *Majmū'at Rasā'il al-Imām* (Alexandria: Darud Da'wah, 2002), 156.

among Muslim scholars. Prominent among the principles is that difference of opinion is inevitable; that it is an act of Allah's manifestation of His mercy; that it enriches human resources; that it is not allowed to attack fellow Muslims over such matters; that the difference should not be a barrier to collaborate in other noble uniform mission; respecting the take of opponents and that it is compulsory to distance from accusation and incrimination.³⁰

This approach has however helped the Muslim Brotherhood in keeping together various groups under its roof and has aided in sustaining peace and tranquillity in the Muslim community. It is believed that such an approach is borne out of deep-rooted thought over how the preceding scholars exhausted their time and resources over trivial issues in the face of common goals that were left unattended. Al-Bannā accounted for how he once visited a mosque in one village where the congregations had been divided into two hostile camps, not praying behind one another. He asked them about the cause of that polarity and was shocked to hear that the dispute was borne out of the controversy over the exact number of *Tarāwīḥ*. Al-Bannā candidly condemned them by saying that 'Allah will not query you over abandoning *Tarāwīḥ* which is not obligatory, but you shall stand before your lord to make an account for the reason why you did away with the Islamic brotherhood Allah has obliged you to hold on.³¹ One of the peculiarities of the call of the Muslim Brotherhood, as asserted by its founder, is to be an agent of strengthening the unity of Muslim *Ummah* and not be a weapon of disunity.³²

There is a disparity among the modern *Salafiyyah* groups in the approach to juristic differences. The major and dominant trend is the one adopted by Nāsirudeen al-Al-bāni (d.1999). He maintains that to spare the *Ummah* of the inherent grudge from the long-reigning jurisprudential controversy, there is a necessity to condemn affiliation to the four schools of thought (*Tamadhub*) and to encourage seeking evidence of each act by all Muslims.³³ This view which is considered anti-jurisprudential schools of thought

³⁰ Qaradawi, *Kayfa Nata'āmalu*, 98.

³¹ Al-Bannā, *Mudhakkirāt ad-Da'wah*, 112.

³² Al-Bannā, *Majmū'at Rasāil al-Imām*, 161.

³³ Nasirudeen al-Albāni, *Ṣifāt aṣ-Ṣalāt* (Damascus: Maktabat as-Sunnah, 2004), 85.

has caused a lot of intellectual and social disaster in the Muslim world. It fails to reduce the tension already existing in the matter, rather it fuels the ember of disintegration as adherents of that view who are mostly youths are absorbed in declaring as incorrect and unlawful what the respected scholars of the *Ummah* have approved. It also creates the impression of looking down upon the intellectual heritages handed down by the preceding scholars, as many youths have diverted the respect of the masses to their own opinion. Hence, this trend is considered by other scholars as the fifth jurisprudential school of thought. It is worth mentioning that the *Salafiyyah* school in contemporary times has been subjected to be the victim of that trend. The approach has been used against one another by its adherents, each camp claiming to hold to the Qur'ān and *Sunnah*.

A major defect in this trend is its failure to differentiate speculative (*Thanniyy*) from established (*Qat'iyy*) matters of jurisprudence. Hence, fellow Muslims are declared criminal for not agreeing with them on issues that have no certain evidence. Al-Albāni displayed this when he considered it an element of misguidance to put the hand on the chest after rising from the *Rukū'* (prostration) in prayer.³⁴ His submission has annoyed Senior *Salafis* such as Ibn Bāz, Ibn 'Uthaymīn, and Bakru Abū Zayd.³⁵

Another defect in the trend is its failure to admit the unanimity narrated by an-Nawāwī,³⁶ Ibn Taymiyah,³⁷ and other Muslim scholars over the non-condemnation of an opponent in jurisprudential controversial matters of Islam. The adherents of this trend among the modern *Salafiyyah* groups have focused their condemnation on controversial matters, thereby strengthening the rope of disunity in the Muslim community, the *Salafiyyah* inclusive. The issues that have been subjected to condemnation include among others, the use of the rosary, photographic pictures, doing *at-Tathwīb* (an act of saying *Aṣ-Ṣalāt Khayrun minan nawmi*) in the second *Adhān* (calling to prayer) in *Subḥ* prayer, congregational supplication, observing blessing on the Prophet during *Ṣalāt*, the

³⁴ al-Albāni, *Ṣifat aṣ-Ṣalāt*, 135.

³⁵ Abu Zayd Bakru, *Lā Jadīd fī Ahkām aṣ-Ṣalāt* (Riyadh: Dar al-Huda, 1992), 13.

³⁶ Muhyideen an-Nawawī, *Sharḥ Saḥīḥ Muslim* (Cairo: Darul Mīnhaj, 2004), II: 32.

³⁷ Ibn Taymiyyah, *Raf'u al-Malām 'An al-Aimmat al-'alām*, 19.

legality of non-traditional supplication, the legality of *I'tikāf* in all mosques, shortening the trouser below the ankle, the legality of taking from the beard, compulsoriness of *Niqāb* (veil) for Muslim woman, the exact number of *Tarāwīḥ*, the legality of observing *Qunūt* (special prayer) in *Subḥ* prayer, the legality of *Tablīgh* (to loudly say *Allāhu Akbar* behind the Imām), and hosts of other controversial issues which have constituted the central subject of polemics among contemporary Muslims.

The other trend is represented by those who belong to the Hanbali School of Jurisprudence, but often disagree with the school when they are convinced by views outside the school. This class is mostly occupied by the current Saudi scholars who are being referred to as *Hanābilah*. The only feature that differentiates them from the Albāni-led group is the attachment to a school of jurisprudence, other defects accounted for in the former are also apparent in the latter, though with variable disparity.

Notwithstanding the foregoing, some scholars in the contemporary world have displayed compliance with the ethics of juristic disagreement. Notable among them is Shaykh ‘Abdul-Azīz Bin Bāz (d. 2020). Bin Bāz commands much respect among the modern *Salafī* Muslims across the globe, not only because he was a Grand-Mufti of the Kingdom of Saudi Arabia, which is the mainstay of the group, but because he had been able to display a fatherly role in many controversial issues. The Shaykh had a peaceful disagreement with Professor Qaradāwi in two different encounters. The Shaykh wrote a letter to Qaradāwi advising him to change his view on seven matters in his book ‘*Al-Ḥalāl wal-Ḥarām*’ as a prerequisite for approving the importation of the book to the Kingdom.³⁸

Qaradāwi replied to the letter in a brotherly manner stressing that if it were lawful to denounce one's conviction because of pleasing the one whom one holds in high esteem, Ibn Bāz deserved to be considered.³⁹ The book was subsequently licensed for importation

³⁸ N.A Arikewuyo, *A Comparative Study of Revivalist Da'wah Approach of Salafiyah and Muslim Brotherhood-Oriented Groups in Yorubaland* (Ann Arbor, MI: ProQuest LLC, 2019), 179; <https://search.proquest.com/docview/2238762367>

³⁹ Arikewuyo, *A Comparative Study*, 180.

despite Qardāwi's insistence on his position. Shaykh Fawzān, another prominent jurist of *Salafīyyah* in the Kingdom, published a rejoinder on the aspects raised by Ibn Bāz against Qaradāwi. Although the rejoinder is replete with belittling words, the author refers to Qaradāwi as 'His eminence', an appellation for esteemed scholars of Islam.⁴⁰

Another encounter was over the case of the Muslims in Palestine. Bin Baz has given a verdict supporting the peaceful reconciliation of the Palestinians with Israel who had occupied their land. Qaradawi issued a rejoinder to the verdict claiming that the verdict is characterized by the misapplication of rule by the Shaykh. Bin Baz also responded to the claims of Qaradawi.⁴¹ In all the refutations, the two scholars were selective of courtesy words and abided by mutual respect.

Qaradāwi disagreed with Sayyid Quṭb and Al-Mawdūdī over the legality of aggressive *Jihād* and the pronouncement of *Jāhiliyyah* on contemporary Muslim communities. This does not deter the former from describing the latter as heroes who died in the course of Islam.⁴² The body language of the refutations made by some *Salafi* scholars against one another often contains belittling words and mutual recrimination. A good example of this is the rejoinder of al-Albāni against Tuwayjiri on the controversy over the *Niqāb*.⁴³ The former described the latter and his supporters with ignorance and extremism.⁴⁴

Conclusion

The study has the following results:

- a) The juristic difference is prompted by textual and human factors. While the textual factors could not be avoided the human factors have fanned the ember of grudges and hostility among Muslim scholars of various ages.

⁴⁰ Šālih Fawzān, *Al-ʿIḥām bi Naqdi Kitāb al-Ḥalāl wal-Ḥarām* (Cairo: Dar al-Wafāi, 2005).

⁴¹ See Qaradawi, *Ibn al-Qaryah Wal Kuttāb* (Cairo: Darush Shruq, 2009), II: 345.

⁴² Qardāwi, *Fiqh al-Jihād* (Cairo: Maktatabat Wahbah, 2009), I: 425.

⁴³ Nāsirudeen Al-albāni, *Jilbāb al-Mar'at al-Muslimah* (Damascus: Almaktab al-Islami, 1997).

⁴⁴ Al-Albāni, *Jilbāb al-Mar'at*.

- b) The ethics of juristic disagreement have been laid down to equip Muslim scholars with adequate skills in managing religious differences.
- c) Modern *Salafi* scholars have not been able to manage juristic differences due to ignoring the ethics of juristic disagreement. However, some of them are exempted from this generalization.
- d) The Muslim Brotherhood enjoys a clear-cut pronouncement by their leader regarding the management of juristic differences. Hence, rarely that their scholars display unethical attitudes in controversial matters.

Furthermore, the study recommends the organization of periodic workshops on ethics of disagreement for Muslim preachers and scholars across the board in the contemporary world.

Scholars of modern Salafism should prioritise ethics of disagreement as they have done for creed and theology. This is one way of reducing the alarming rate of disunity, factions, and radicalism among Moslem Groups in the contemporary world.

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