

following the Deobandi curriculum, were used to train tribal militias as *mujahidin*, or holy warriors, for intervention in the Soviet-Afghan War (1978–89). Simultaneously Pakistan directed the militias to the conflict in Kashmir, where they helped revive the civil war in the Indian-controlled territory. These militias drew much of their motivation from sectarian doctrines striving to defend “true” Islam and uprooting un-Islamic practices, which led to sectarian strife with Shi’i groups as well as attacks on Christian, Hindu, and Ahmadi targets. After the Afghan *mujahidin* groups failed to control the country, a new movement of religious students, the Taliban, emerged from some Deobandi madrasas near the Afghan borderland in 1994 with active support of the Pakistani government. The new international war in Afghanistan in 2001 toppled the Taliban, who withdrew into Pakistan. There, they regrouped and reemerged as a major force, later forming an alliance of tribal religious groups, the Taliban Movement of Pakistan.

While the politicization of Deobandi militias owed much to political and ethnic factors, the vast majority of Deobandi madrasas remained committed to religious learning, offering educational opportunities to aspiring rural and suburban families. As the share of madrasa education did not exceed three percent in Pakistan in the early 21st century, their influence remained limited. Their religious education became more formalized with the introduction of degree courses for religious scholars. The more advanced schools also offered secular subjects and the national curriculum. The Darul Uloom madrasa in Deoband split in 1982 in a factional dispute, creating a rival institution, the Darul Uloom Waqf, in the same city. The old school was dominated by the descendants of Husain Ahmad Madani’s family, while the new school was controlled by the offspring of Deoband founder Nanotawi. The regional and global expansion of Deobandi institutions relied on diaspora groups from the colonial era but also on traditional migrants from Muslim trading groups as well as other migrants. The global influence of Deobandi thought significantly expanded through the Deobandi-dominated missionary movement, the Tablighi Jama’at. Many observers believe it to be the largest transnational Islamic grassroots movement, operating in all countries where Muslims live.

**See also** [Barelwis, Tablighi Jama’at]

#### Further Reading

“Darul Uloom Deoband-India,” <http://www.darululoom-deoband.com>; “Jamiat-Ulama-i-Hind,” <http://www.jamiatulama.org>;

Muhammad Khalid Masud, *Travellers in Faith: Studies of the Tablighi Jama’at as a Transnational Islamic Movement for Faith Renewal*, 2000; Barbara Daly Metcalf, *Islamic Revival in British India: Deoband, 1860–1900*, 1982; Ahmed Rashid, *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia*, 2000; Dietrich Reetz, “The Deoband Universe: What Makes a Transcultural and Transnational Educational Movement of Islam?” *Contemporary Studies of South Asia, Africa and the Middle East* 27, no. 1 (2007); Idem, *Islam in the Public Sphere: Religious Groups in India, 1900–1947*, 2006; Sayyid Mahboob Rizvi, *History of the Daru’l-ulum*, 1980; Yoginder Sikand, *Bastions of the Believers: Madrasas and Islamic Education in India*, 2005.

#### DIETRICH REETZ

#### difference of opinion

A difference of opinion (*ikhtilāf*) is a ubiquitous feature of Islamic law. More often than not, on any given issue a number of equally legitimate legal rules exist. Classical legal theory (*uṣūl al-fiqh*) tended to explain the legitimacy of differences of opinion as a result of the many ways in which the divine textual sources of the law (Qur’an and Sunna) could be interpreted. Given that one of the main functions of a ruler or judge is to apply Islamic law, the legitimacy of a plurality of interpretations of the Divine Law (*ijtihād*) posed acute problems: Which law should the ruler implement? Which body of rules is the judge to apply? What makes the applied rule legitimate? In the classical period, Muslim legal theorists’ justifications for the legitimacy of the applied rule vacillated between emphasizing the legitimacy of the institutional role of the applier of the rule (i.e., did the applier legitimately occupy the role of the ruler or judge?) and the scholarly competence of the individual applier (i.e., was the individual applier himself a mujtahid?).

In the early classical period, the legitimacy of a judicial application of one opinion over another depended on whether the judge possessed the competence to derive the relevant legal rule from the textual sources of the Divine Law. In theory, this competence required the possession of knowledge of the divine textual sources, rules of textual construction and the accepted methods of legal reasoning, and moral probity. The scholar of the

## difference of opinion

Shafi'i school Abu al-Hasan 'Ali al-Mawardi (d. 1058) regarded the absence of these qualifications as ground for invalidating a judge's appointment and his judicial decisions. Two generations later, Abu Hamid al-Ghazali (d. 1111) upheld the necessity of these qualifications for judges but did not regard them as essential for the validity of the cases that the judge had decided. As long as the judge's appointment by the ruler was legitimate, he was willing to accept the validity of past decided cases even if the judge was not a *mujtahid* (expert jurist) in his own right. Similarly, the Maliki scholar Abu al-'Abbas Ahmad b. Idris al-Qarafi (d. 1285) identified the validity of the judicial decision as resting not on the individual judge's expert competence but on "receipt (from an authorized authority) of a specific jurisdiction (*wilāya khāṣṣah*)" (Jackson, 1996, 160). Jackson interprets Qarafi's justification as motivated by the desire to protect the legitimacy of disagreement among the major Sunni legal traditions of his time. Qarafi held that a judge's decision according to the rule of any one of the established legal traditions (*madhāhib*) could not be challenged on the ground that the rule rested on an incorrect understanding of the sources of the Divine Law. Qarafi argued that a firm consensus had validated the legitimacy of the differences of opinion as enshrined in the four Sunni legal traditions. Any judicial decision based on a legal rule upheld by any one of these traditions was valid because of this consensus. This meant, for example, that a Hanafi jurist who had the ear of the sultan could not seek to invalidate a judicial decision based on the application of a Maliki rule by arguing that the Maliki rule is an incorrect interpretation of the divine sources. Such an argument would be a violation of the consensus.

The Ottoman solution to the problem of which rules should be applied favored the Hanafi legal tradition over others. Hanafi doctrine, in contrast to the other Sunni legal traditions, permitted the ruler to restrict judges to the application of a specific legal tradition. Based on this legal doctrine, the Ottomans directed all judges, regardless of school affiliation, to apply only Hanafi legal rules in certain types of cases.

As a legacy of this older Ottoman prejudice and initial 19th-century Ottoman attempts at codifying Islamic law, much of the law constituting the legal codes to be applied by judges was heavily indebted to the Hanafi legal tradition, even in areas where the majority of a region's inhabitants belonged to another legal tradition. Between 1880 and 1955, for example, the Egyptian legislature directed judges of religious courts to construe

family law statutes according to the Hanafi legal tradition. This changed shortly after the Sharia became explicitly identified as a constitutional source for the legal rules of the country (article 2 of the 1971 Constitution). The Supreme Constitutional Court started hearing cases in which the application of Hanafi rules had undesirable consequences. In many of the decisions in these cases, the justices asserted, much like Qarafi, that only laws that were unanimously agreed upon were binding from a Sharia perspective. Thus, in the absence of consensus, the Supreme Constitutional Court of Egypt ruled that political authorities were free to pursue legal rules that more faithfully fulfilled the objectives of the Sharia. Here the difference of opinion on an issue of legal controversy opened the possibility of weakening a legislative statute that had previously directed judges to follow the rules of one tradition.

For the contemporary Egyptian scholar Yusuf al-Qaradawi, a difference of opinion broadly indicates an area that the Sharia left open to discretionary human judgment (*al-umūr al-ijtibādiyya*). He argues further that where difference of opinion exists, ordinary Muslims can legitimately engage in deciding issues of the common good, such as the proper constitutional framework for their politics, setting policy, making law, and electing their leaders. When several competing options exist on an issue, Qaradawi insists that ground must be found for preferring one opinion to another and denies that the preference can be arbitrary. In his view, there must be some nonarbitrary way to tip the favor of one legal rule over others. Reasoning that the "opinion of two is more likely to be correct than the view of a single person" (Qaradawi, 2009, 241), he attempts to justify the democratic practice of voting as one such way of deciding upon the constitutional framework and issues of policy that is, at the minimum, consistent with the Sharia.

### See also

### Further Reading

Hamid Enayat, *Modern Islamic Political Thought*, 1982; Sherman A. Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfī*, 1996; Baber Johansen, "The Constitution and the Principles of Islamic Normativity against the Rules of Fiqh: A Judgment of the Supreme Constitutional Court of Egypt," in *Dispensing Justice in Islam: Qadis and Their Judgments*, edited by Muhammad Khalid Masud, Rudolph Peters, and David Stephan Powers, 2006; Rudolph Peters, "What Does It

Mean to be an Official Madhhab?” in *The Islamic School of Law: Evolution, Devolution, and Progress*, edited by Peri Bearman, Rudolph Peters, and Frank E. Vogel, 2005; Yusuf al-Qaradawi, “Islam and Democracy,” in *Princeton Readings in Islamist Thought*, edited by Roxanne L. Euben and Muhammad Qasim Zaman, 2009.

MAIRAJ SYED

### Ethiopia and Eritrea

The early phase of Muhammad’s life was closely associated with the Axumite kingdom (first to tenth centuries) of Ethiopia. His own wet nurse, Umm Ayman, was Ethiopian, and one of his first followers, the Ethiopian Bilal b. Rabah, became the first *mu’adhdhin* (the person who calls the faithful to prayer in the mosque) of the emerging community. But the focal point of relations between Ethiopia and Muhammad came to be the tale of *al-Nājabī*, the Christian “king of kings” of Ethiopia based at Axum. According to the story (not mentioned in the Qur’an but well-known from the *sīra* [life of the Prophet]), it was the Axumite ruler Ashama who provided refuge to Muhammad’s followers when they were persecuted by the Quraysh of Mecca. As the Ethiopian king had been the only leader who responded to the Prophet’s request, Muhammad reputedly later instructed his followers to “leave the Abyssinians as long as they leave you,” meaning that they were not to initiate jihad against them even though they were Christians. This early seventh-century tale left a legacy of two contradictory interpretations: one that the existence of Christian Ethiopia could be tolerated because of its act of benevolence, the other that the Ethiopian ruler had actually converted to Islam even though the Ethiopians denied it, so that the existence of Christian Ethiopia was not legitimate after all.

In contrast to other Africans, the Ethiopians did not usually accept Islam as a divine revelation. The conversion of Ethiopia to Christianity had begun already in the fourth century, and by the seventh century Ethiopian Christianity had come to be identified as the official religion, with well-established institutions and networks of churches and monasteries. Nonetheless, thanks to long-distance trade, Islam was adopted by local groups such as the ‘Afar and the Somalis and in coastal towns such

as Zeil’ā and Massa’wa (in present-day Eritrea). The inland town of Harar was another important Muslim community, a center from the 13th century onward of the Qadiri Sufi order, which was active in the diffusion of Islam. Many Muslim communities also appeared in the Christian highlands, where they are known mainly as *Jabarti* and reputed to be descendants of the *ṣaḥāba* (Companions of the Prophet). In the 13th century, the Sidama Muslim principalities of ‘Adal and ‘Yifat in present-day Somalia gained power and threatened the southern boundaries of the Solomonic dynasty kingdom. Yet it was not until the 16th century that Islam in Ethiopia shed its image as peripheral and faction-ridden and started being perceived as a threat to Christian Ethiopia.

During the years 1529 to 1543, Imam Ahmad b. Ibrahim (known as Ahmad “Gran,” or Ahmad the Left-Handed) of ‘Adal led a holy war (jihad) during which he conquered most of Ethiopia, destroyed churches and monasteries, and converted many Ethiopians to Islam. Christian Ethiopia was saved by the arrival of the Portuguese and the Ethiopian perception of Islam as a unified political and military force, able to destroy Christianity dates from the Muslim occupation in the 16th century. During the 17th and 18th centuries, waves of Oromo migrations from the south, many of whom converted to Islam during this period, reinforced the Islamic hegemony over the southern boundaries of Ethiopia and shifted the demographic balance, only partly offset by the waves of Ethiopian expansion to the south toward the end of the 19th century.

Although Ethiopia proper was not occupied by a European power, the imperialist race for control of the Middle East and the Horn of Africa did affect its relations with the Muslims, both inside and outside Ethiopia. Islamic revival in neighboring countries occasionally aroused Ethiopian fear of Muslim invasions from countries such as Egypt, Sudan, and Somalia; Eritrea was occupied by Italy and thus separated from Ethiopia. The transfer of Eritrea to Ethiopia as part of the Ethiopian Federation in 1952 led to the emergence of the Eritrean Liberation Front (established in 1960). Islam was one of the main motivating forces of this movement, especially in the ideology and activities of the Eritrean Liberation Front. In the consolidation of 20th-century Ethiopia, on the other hand, Islam was usually marginalized by the increasing strength of Christianity, the state religion. After the revolution of 1991, a new dialogue emerged between the republican and secular Ethiopian state and its Muslim subjects, but although the Muslims gained